

February 7, 2024

William Duffy
Land Use Board Chairman
Town of Phillipsburg Land Use Board
120 Filmore Street
Phillipsburg, NJ 08865

RE: Consistency Review
540 Marshall Street

VCEA Project No. 9102.090

Dear Chairman Duffy:

Van Cleef Engineering has completed a consistency study of the Town of Phillipsburg Governing Body Ordinance 2024-3 Redevelopment Plan for 540 Marshall Street. For this consistency study, we reviewed proposed redevelopment plan with the permitted uses, bulk standards and general intent of redevelopment with the Town's Master Plan. This study was prepared in accordance with the Local Redevelopment and Housing Law (LRHL) Section 40A:12A-7e. which states that:

Prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

I. Referenced

1. Town of Phillipsburg Ordinance 2024-3 – Redevelopment Plan
2. Town of Phillipsburg Ordinance 2023-99 - Designation in Need of Redevelopment
3. Van Cleef Engineering Area in Need of Redevelopment study dated August 1, 2023

II. Overview of Existing conditions and proposed Redevelopment Plan

The existing site was subject to determination/designation for redevelopment, which provided a thorough overview of the existing property/site conditions and need to redevelop the site (see attached AINR for additional existing conditions details). Under the proposed redevelopment plan that is would permit both residential and commercial uses on the same property and provides for range of permitted residential uses (see attached Development plan and standards).

OFFICE LOCATIONS

www.vancleefengineering.com

Lebanon, NJ
908-735-9500

Hamilton, NJ
609-689-1100

Toms River, NJ
732-573-0490

Freehold, NJ
732-303-8700

Bethlehem, PA
610-332-1772

Hillsborough, NJ
908-359-8291

Mt. Arlington, NJ
862-284-1100

Phillipsburg, NJ
908-454-3080

Doylestown, PA
215-345-1876

Leesport, PA
610-670-6630

III. Consistency with Master Plan

The Town's Master Plan reexamination in 2004 and 2013 both identify goals/objectives that center around providing for adaptive reuse of residential and commercial uses to ensure economic health of the town is improved and provides for additional housing opportunities in the community. In the 2013, reexam, it provided a recommendation to provide for multi-family housing development in the area of this site due to surrounding multi-family housing.

IV. Conclusion

VCEA finds the proposed redevelopment plan is consistent with the goals and objectives of Town of Phillipsburg Master Plan. This conclusion based on the Master Plan goals to improve the economic health of community and revitalization of underutilized lands within the Town to support both non-residential and residential development.

Very truly yours,
Van Cleef Engineering Associates

Timothy M. O'Brien

Timothy M. O'Brien, PE, PP, CME
Town Engineer/ Land Use Board Engineer

cc: All Board Members via Planning Board Technical Assistant
Board Attorney via email

Attachments:

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O2024-03

A REDEVELOPMENT PLAN ORDINANCE OF TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, PERTAINING TO BLOCK 1005, LOT 13, COMMONLY KNOWN AS 540 MARSHALL STREET, AND DESIGNATED AN AREA IN NEED OF REHABILITATION BY THE TOWN OF PHILLIPSBURG, IN ACCORDANCE WITH N.J.S.A. 40A:12A-7 ENTITLED "40A:12A-7. ADOPTION OF REDEVELOPMENT PLAN"

WHEREAS, the Town of Phillipsburg Council adopted Resolution No. 2023-159 on August 15, 2023 designating Block 1005, Lot 13, commonly known as 540 Marshall Street, "An Area in Need of Rehabilitation" in accordance with the provisions set forth at N.J.S.A. 40A:12A-14; and

WHEREAS, the State of New Jersey accepted/approved the Town findings and designation of the subject property in need redevelopment on September 12, 2023.

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:12A-7.f., the Town of Phillipsburg Council authorized the Town of Phillipsburg Planning Board to prepare a Redevelopment Plan consistent with the provisions of Town Master Plan and previously complete in need of redevelopment study for the subject property including design and development standards for development, and addressing site plan requirements and details, for referral to the Town Council; and

WHEREAS, N.J.S.A. 40A:12A-7.a., provides that "[N]o redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, ..."; and sets forth statutory requirements for the contents of a Redevelopment Plan; and

WHEREAS, the Town of Phillipsburg Council is desirous of enacting a redevelopment plan to guide the future use, development and redevelopment of Block 1005, Lot 13 heretofore designated an area in need of rehabilitation with provisions to enable redevelopment of the property; and

WHEREAS, N.J.S.A. 40A:12A-15 provides that "In accordance with the provisions of a redevelopment plan adopted pursuant to section 7 of P.L. 1992, c.79 (C.40A:12A-7), a municipality or redevelopment entity may proceed with ... development, redevelopment and rehabilitation of an area in need of rehabilitation. ...";

NOW, THEREFORE, BE IT ORDAINED,

Section 1. This Ordinance shall be known as the "540 Marshall Street Redevelopment Plan".

Section 2. The Code of the Town of Phillipsburg is hereby amended and supplemented, as follows:

1. Chapter 625, Zoning, Article III, Zoning Districts, subsection 625-5, Zoning Map, is hereby amended and supplemented by designating Town of Phillipsburg Block 1005, Lot 13 the "540 Marshall Street Redevelopment Zone" and adding the following designation to the legend on the Zoning Map: "540 Marshall Street Redevelopment Zone" and
2. Chapter 625, Zoning, Article III, Zoning Districts, subsection 625-4, is hereby amended and supplemented by adding the zone Town of Phillipsburg Block 1005, Lot 13 the "540 Marshall Street Redevelopment Zone".

3. Chapter 625, Zoning is amended to add Article XXIII “540 Marshall Street Redevelopment Zone” which will include the follow chapters:

a. Chapter 625-112 – Purpose

It is the purpose of this zone to provide for the redevelopment of the property known as Block 1005, Lot 13 as zone. This zone is classified as a redevelopment zone subject to review by the Redevelopment Authority and Land Use Board of the Town of Phillipsburg.

b. Chapter 625-113 Permitted Uses –

No lot shall be used, and no structure shall be erected, altered or occupied for any purpose except the following:

- i. Retail shops and service businesses.
- ii. Restaurants and taverns.
- iii. Parking garages and lots.
- iv. Theaters, bowling alleys, skating rinks or other similar family entertainment facilities.
- v. Office buildings intended for business, executive, professional and administrative purposes, including financial institutions.
- vi. Churches and similar places of worship.
- vii. Public buildings, including schools and excluding correctional institutions.
- viii. Medical and dental clinics and laboratories.
- ix. Small business.
- x. Apartments
- xi. Condos
- xii. Duplexes
- xiii. Townhouses
- xiv. Grocery Stores
- xv. Supermarkets
- xvi. Childcare centers

c. Chapter 625-114 Accessory uses

Permitted accessory uses shall be as follows:

- i. Off-street parking in accordance with Article VII (§625-25, §625-26, §625-27, §625-28, §625-29, §625-30, §625-31, §625-32, §625-33).
- ii. Signs in accordance with Article VIII (§625-34-§625-45).
- iii. Off-street parking in accordance with Article VII.
- iv. Signs in accordance with Article VIII.
- v. Other accessory uses customarily incident to the uses listed in §625-54 above.
- vi. Outdoor recreational spaces
- vii. Outdoor dining/seating facilities
- viii. Ground mounted mechanical equipment for commercial/ residential use
- ix. Shared use parking lots/garages
- x. Generators rooftop or ground mounted
- xi. Shopping cart storage

d. Chapter 625-115 Zone Standards

This zone shall include the following standards that supersede other standards listed in zoning, site plan and subdivision standards and codes of the Town. If this section does

not include a specific amendment this zone is subject to established zoning, site plan, subdivision and other Town codes.

i. EV Parking Standards

1. The Zone shall adhere to N.J.S.A 40:55D EV parking schedule.
2. The zone shall permit reductions in required parking based on number of EV spaces provided for per N.J.S.A 40:55D 40:55.
3. Accessible EV spaces shall be provided per N.J.S.A 40:55D

ii. Parking Standards

1. Accessible spaces shall be provided per federal regulation and state regulations.
2. The minimum number of spaces to be provided shall conform to §625-32, except where the NJ Residential Site Improvement Standards permits a lower minimum number of spaces to be provided.
3. Parking spaces sizes for non-ada spaces would be 9' x 18'
4. On-street parking would be permitted to address residential parking requirements, if on street is permitted within 500' of the site.

iii. Banked/Future Parking spaces.

1. Developers may at approval of Redevelopment Authority and Land Use Board, construct less parking spaces than required when the developer is able to submit a parking plan that depicts how the developer would be able to provide additional parking onsite in the future if demand warrants.

iv. Loading Zones

1. Shall adhere to Town Code §625-31.

v. Variances for Parking

1. Variances for parking up to 10% required may be considered and granted by the Land Use Board without review of redevelopment Authority.
2. Variance for loading zones may be considered and granted by the Land Use Board without review of the Redevelopment Authority.

4. Article XVII Minium and Maximum Requirements Chapter 625-80 Schedule of Area, lot and Bulk requirements and associated schedule attachment is amended to include the following standards for 540 Marshall Street Redevelopment Zone.

Requirements	Required
Minimum Lot Area (Square Feet)	10,000
Minimum Lot Frontage (Feet) – Marshall	100
Minimum Lot Frontage (Feet) – Anderson	100
Minimum Lot Frontage (Feet) – Heckman	100
Minimum Front, Side, Rear Yard Setback for Principal Use (Feet)	5
Minimum Front, Side, Rear Yard for Parking Spaces (Feet)	0
Minimum Front, Side, Rear Yard for Signs (Feet)	0
Minimum Front, Side, Rear Yard Setback for Accessory Uses (Feet)	5
Maximum Lot Coverage (Percentage)	75
Maximum Height (Feet)	55
Maximum Height (Stories)	4 stories
Maximum Lot Coverage (Percentage)	80
Minimum Floor Area Studio (Square Feet)	300
Minimum Floor Area 1 bedroom (Square Feet)	450
Minimum Floor Area 2 bedroom (Square Feet)	600
Minimum Floor Area 3 bedroom (Square Feet)	900

Section 3. This section of the 540 Marshall Street Redevelopment Plan addresses the statutory requirements of N.J.S.A. 40A:12A-7. Adoption of redevelopment plan. Responses to N.J.S.A. 40A:12A7.a are provided below

NJSA 40A:12A-7.a(1) - Its 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.

As identified in the previously completed area of need of redevelopment study for this property, the master plan promotes the development both new residential and non-residential development and redevelopment of underutilized properties within the town. Further as prior in need study for the site noted the site is in close proximity to public transportation and community facilities.

NJSA 40A:12A-7.a(2) - Proposed land uses and building requirements in the project area.

Within this plan, land uses and building requirements have been identified as required by Statute.

NJSA 40A:12A-7.a(3) – 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.

The property is currently vacant for commercial use and not occupied for residential uses and as such there will be no displacement of residents.

NJSA 40A:12A-7.a(4) – An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.

This redevelopment plan does not propose to acquire land by redevelopment authority of the Town of Phillipsburg and is limited to Block 1005 Lot 3 – 540 Marshall Street.

NJSA 40A:12A-7.a(5) – Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

As identified in the area of need of redevelopment study for this property this property is located in state approved Urban Enterprise Zone and State of New Jersey Smart Growth Metropolitan Planning Area as such redevelopment of this previously developed will promote revitalization and urban infill development.

NJSA 40A:12A-7.a(6) – As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

No residential units are proposed to be removed, but new residential units will become a permitted use under this redevelopment plan which may reduce the housing shortage burden for either rental and/or purchase market.

NJSA 40A:12A-7.a(7) – A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

This project does not include removal of residential properties and as such this requirement is not applicable to this redevelopment plan.

NJSA 40A:12A-7.a(8) – Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

This redevelopment plan will incorporate the current electric vehicle parking standards/guidelines of state and will permit reduction in required parking onsite should electric vehicle parking be provided.

NJSA 40A:12A-7b – A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

This redevelopment plan does not include provisions to alter or change any state required affordable housing obligations for development at this site.

NJSA 40A:12A-7c - The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

This redevelopment plan includes provisions for zoning and design standards that will amend existing zoning standards and design standards under section 2.

Section 4.

RENUMBERING. This ordinance may be renumbered for codification purposes.

Section 5.

SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6.

REPEALER. Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

Section 7.

EFFECTIVE DATE. This Ordinance shall not take effect until any statutory requirements are addressed.

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Town of Phillipsburg Council held on January 16, 2024, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Town of Phillipsburg Council to be held on February 14, 2024 at 7:00 p.m. or as soon thereafter as the Town Council may hear this Ordinance at 310 Firth Street, Phillipsburg, NJ 08865, at which time all persons interested may appear for or against the passage of said Ordinance.

ATTEST:

TOWN OF PHILLIPSBURG

MATTHEW C. HALL

Acting Municipal Clerk

RANDY PIAZZA, JR.

Mayor

Attest: I herein certify that the foregoing ordinance was duly adopted by the Town of Phillipsburg Council at a regular meeting held by the Town Council on February 14, 2024.

Matthew C. Hall, Acting Municipal Clerk

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, DIRECTING THE TOWN OF PHILLIPSBURG COMBINED PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 1005 LOT 3 QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Town to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area")"; and

WHEREAS, the Town Council desires to commission a study to determine if the Block 1005, Lot 3 on the Town of Phillipsburg Tax Map satisfies the criteria of an Area in Need of Redevelopment (Non-Condemnation); and

WHEREAS, the Town Council finds it to be in the best interest of the Town and its residents to authorize the Town's Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties Block 1005, Lot 3 (the "Study Area");

WHEREAS, the Town Council desires that the Planning Board undertake a preliminary investigation and to prepare the preliminary investigation to determine whether the proposed Study Areas qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Phillipsburg, in the County of Warren, and State of New Jersey, that the Planning Board is hereby authorized and directed to undertake a preliminary investigation and to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Town Council whether the area comprising the study area is an area in need of **Non-Condensation Redevelopment** according to the criteria set forth in N.J.S.A. 4A:12A-5.

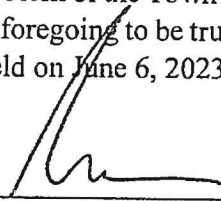
BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Town Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution is to be forwarded to the Planning Board of the Town of Phillipsburg.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

CERTIFICATION

I, Matthew C. Hall, Acting Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by the Town Council at a meeting held on June 6, 2023.



Matthew C. Hall, Acting Municipal Clerk

PRELIMINARY INVESTIGATION FOR AREA IN NEED OF REDEVELOPMENT: 540 MARSHAL STREET BLOCK 1005 LOT 3

Prepared by:

Van Cleef Engineering Associates

Prepared for:

Town of Phillipsburg, Warren County

Original Issue Date: July 13, 2023

Phillipsburg Land Use Board Hearing: July 27, 2023

Revised Per Land Use Board Testimony: August 1, 2023

Timothy M. O'Brien, PE, PP, CME

NJPP # PP650900/NJPE#54425

OFFICE LOCATIONS

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Appendices

Appendix A: Resolution 2023-099

Appendix B: Location Map for subject property

Appendix C: Draft Copy of LUB Public Hearing Notice

I. INTRODUCTION

The following study has been prepared to determine whether an area located within of the Town of Phillipsburg qualifies as an “area in need of redevelopment” in accordance with the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12-A. The study was undertaken at direction of the Phillipsburg Land Use Board based on the request of Town Council for Town of Phillipsburg on June 6, 2023 via Resolution 2023-099. The study area is comprised of one tax lot known as Block 1005 Lot 3 with a street address as 540 Marshall Street (see attached tax map indicating the location of subject property).

II. SUMMARY OF FINDINGS

This report concludes that the lot qualifies for redevelopment under criteria “a”, “b”, “d” and “h” of the LRHL. The analysis contained within this report will serve as the basis for the recommendation that Block 1005, Lot 3 qualifies as a Non-condemnation Area in Need of Redevelopment.

III. BACKGROUND

A. Legal Authority

New Jersey’s Local Redevelopment and Housing Law (the “LRHL”) empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated “in need of redevelopment” in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

B. Redevelopment Procedure

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board to interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

1. Governing Body of the municipality must adopt a resolution directing the Planning Board to undertake a preliminary investigation to determine whether a specified area is in need of redevelopment according to the criteria set forth in Section 5 of P.L. 1992/c.79 (C.40A:12A-5).
 - a. The Town of Phillipsburg – Town Council on June 6, 2023 adopted/passed resolution no. 2023-099 at their council meeting that was open to the public (a copy is enclosed within Appendix B).
2. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those power for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).

- a. Town of Phillipsburg – Town Council - Resolution No. 2023-099 indicated a preliminary investigation based on non-condemnation redevelopment.
3. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included to be investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
 - a. The Joint Land Use Board of Phillipsburg have provided a map/figure depicting the boundaries of the redevelopment area and statement (the map is enclosed with Appendix B).
4. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
 - a. The Joint Land Use Board at their public meeting held on June 26th, 2023 acknowledged the request of Town of Phillipsburg Council and authorized the Board Planner (VCEA) to undertake an “In need or redevelopment preliminary study”. The Board further scheduled a public hearing to present the report at their July 27th, 2023 meeting and further published public notice in the local newspaper of record for the board and post same notice on the bulletin board at the Town Municipal building located at 120 Filmore Street and made available for public review a copy of this report.
 - b. At the time of issuance of this study/report, the Land Use Board has not held a hearing on the findings and as such have not made a recommendations of their findings nor have they completed their investigation.
5. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “Area in Need of Redevelopment”. The Governing Body must make the final determination as to the Condemnation Redevelopment Area boundaries.
6. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that: (i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and (ii) legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
7. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “Area in Need of Redevelopment.”
8. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance.

Only after completion of this process is a municipality able to exercise the powers under the LRHL.

C. Progress

In satisfaction of #1 above, the Phillipsburg Town Council on June 6, 2023 adopted Resolution 2023-099, which requested the Land Use Board to undertake this study. The resolution (Appendix A) and blight investigation maps (Appendix B) which satisfy #2 above are included herein.

D. Purpose & Scope

In accordance with the process outlined above, this Preliminary Investigation will determine whether the property (hereinafter referred to as the "Study Area") within the Town of Phillipsburg meets the statutory requirements under N.J.S.A. 40A:12A-5 for designation as a non-condemnation "area in need of redevelopment". This study was prepared at the request of the Phillipsburg Land Use Board and was duly authorized by the Mayor and Council. The scope of work for the investigation encompassed the following: land use review; assessment of property conditions; occupancy and ownership status within the study area; review of tax maps and aerial photos; review of building records; review tax assessment data; review of environmental assessments and any subsequent documentation of remediation; review of the existing zoning ordinance and zoning map for the Town of Phillipsburg; and review of the Master Plan for the Town.

IV. Consideration of the Statutory Conditions for Establishment of an Area in Need of Redevelopment as Specifically Applied to the Study Area

A. Introduction

The Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5 sets forth the regulations for which an area may be designated an "area in need of redevelopment" if after investigation, notice, and public hearing, the governing body determines by resolution that the area meets any one of the following criteria:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

It is noted that §40A:12-A3 ("Section 3") cites that a "redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part." The redevelopment area must also include lands that are "reasonable and rational" given their location, size, shape and access to produce a redevelopment project that will achieve the goals of the community.

B. Zoning Description

Block 1005, Lot 3 is located within the B-2 – Highway Zone.

Principal permitted uses in the B-2 Zone include the following:

- Uses and activities permitted in the B-1 Zone, which include
 - Office buildings intended for business, executive, professional and administrative purposes, including financial institutions.
 - Churches and similar places of worship.
 - Public buildings, including schools and excluding correctional institutions.
 - Medical and dental clinics and laboratories.
 - Small business.
- Retail shops and service businesses.
- Restaurants and taverns.
- Parking garages and lots.
- Theaters, bowling alleys, skating rinks or other similar family entertainment facilities.
- Service stations.

Permitted accessory uses:

- Off-street parking in accordance with Article VII of Town Zoning Code.
- Signs in accordance with Article VIII of Town Zoning Code.
- Used clothing bins.
- Other accessory uses customarily incident to the uses listed in §625-54 (Permitted Uses B-2 Zone)

Permitted Conditional Uses in this zone:

- Adult bookstores, adult motion-picture theaters, massage parlors and cabarets
- Light manufacturing

C. Existing Conditions

The subject parcel is located at Block 1005 Lot 3 which has frontage along Heckman Street, Marshall Street and Anderson Street. The subject property currently has 3 buildings – 2 story and surface parking lots that are vacant that previously utilized for professional offices known as the Norton Business Campus and has been reported being vacant since 2011. Adjacent to the site is the Phillipsburg Housing Authority – Heckman House (525 Fischer Avenue that also fronts Heckman Street), Village Arms Apartment complex and a number of quick service restaurants, pharmacies/medical offices. In addition the nearest major intersection is located 387 feet in a north-easterly direction which is US Route 22 and Roseberry Street. The lot has driveway access points to Marshall Street, Heckman Street and Anderson Street that connect to existing parking lots. Further, the existing improvements to the site include sidewalks along the roadway and sidewalks that connect the buildings to the parking lots. Over the years the site being vacant has resulted in over grown vegetation and vandalism that required a number of doors and windows to be boarded up to secure the buildings.

For these reasons, allowing the underutilized property to remain in a vacant, dilapidated state is detrimental to the overall welfare of the community.



Photo 1: View of one of the buildings from Marshall Street & easterly parking lot



Photo 2: Photo of Marshall side of building looks towards Anderson Street from Easterly parking lot



Photo 3: View of building Marshall Street



Photo 4: View of Building no. 2 from Marshall Street



Photo 5: Building No. 1 and 2 from Marshall Street



Photo 6: Building No. 2 entrance from Marshall Street



Photo 7: Westerly parking lot looking towards Heckman with Anderson on the right side of photo



Photo 8: Building No. 2 and No. 3 from Westerly lot



Photo 9: Pavement damage of westerly parking lot



Photo 10: Building No. 3 from Westerly parking lot.



Photo 11: Apartment complex across from property from westerly parking lot



Photo 12: Apartment complex across from property from westerly parking lot



Photo 13: Housing Authority property from westerly parking lot



Photo 14: Housing Authority property from westerly parking lot



Photo 15: Building no. 3 from westerly parking lot looking towards southerly parking lot with Housing Authority property in background



Photo 16: Building no. 3 from westerly parking lot



Photo 17: building no. 3 from southerly parking lot



Photo 18: corner of building no. 3 from southerly parking lot



Photo 19: Grassy area and Court yard looking towards easterly parking from Southerly parking lot



Photo 20: Building no. 3 and partial views of no. 1 and 2 from Southerly parking lot



Photo 21: Courtyard area from southerly parking lot along Heckman Street



Photo 22: Grassy area located near easterly parking lot between Heckman and Marshall



Photo 23: Grassy area located near easterly parking lot between Heckman and Marshall



Photo 24: Building No. 3 taken from Heckman exposure from grass area near easterly lot



Photo 25: Overgrown court yard area between buildings



Photo 26: Building no. 1 view from Heckman Street side of building taken from grassy area, with broken and boarded up windows.

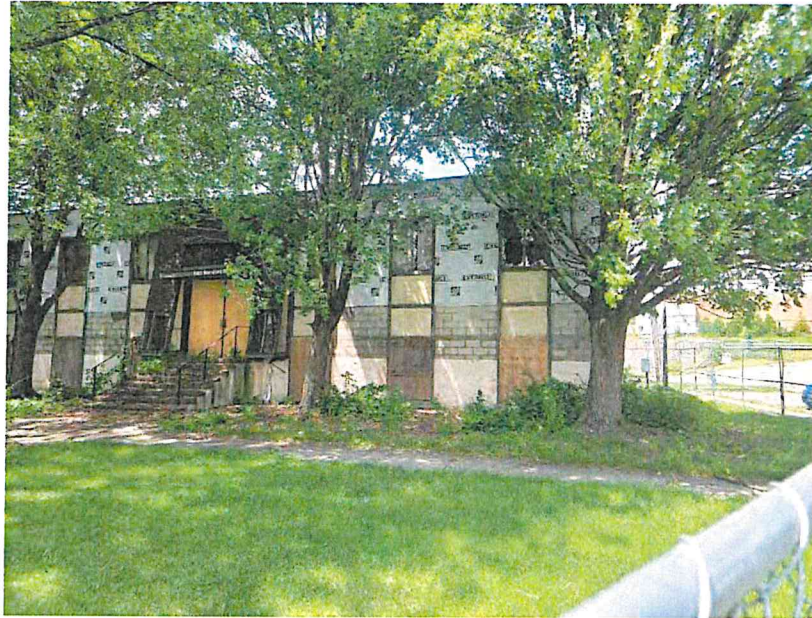


Photo 27: Building no. 1 view from Heckman Street side of building taken from grassy area, with broken and boarded up windows.



Photo 28: Building no. 1 broken exterior window on 2nd floor and signs of water staining from possible roof damage/leak



Photo 29: Photo of Building No. 1 – showing broken windows and vandalism on inside walls visible from exterior of building



Photo 30: Photo of Building No. 1 – showing broken windows and boarded up windows.

V. Application of the Statutory Criteria to the Study Area Properties

We provide the following analysis for each criteria and the reasoning for our conclusion that the subject property meets the “a”, “b”, “d” and “h” criteria for an area in need of redevelopment.

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.

- The Building has been vacant since 2011 and based on field visit conducted on July 13, 2023 for the purpose of this report and the following was observed:
 - Unsafe conditions – boarded up windows and doors due to issues of unlawful trespassing and vandalism of a vacant building
 - Unsafe conditions – broken and missing windows on the 2nd floor of all three buildings.
 - Unsanitary – evidence of water damage to portion of ceilings that result in mold
 - Unsanitary – missing windows could result in wildlife inhabiting portions of building and making interior unsanitary.
 - Dilapidated – exterior of building was missing waterproofing and exterior finish from 2nd floor and first floor cinder blocks were exposed in areas that original exterior finished were missing.
 - Dilapidated – areas of graffiti and vandalism were observed and some areas appeared to be cover ups of prior graffiti. Online community forums reported graffiti including possible gang tags.
 - Obsolete – The building has been vacant since 2011 when last utilized as professional office space.
 - Dilapidated – The electrical service appeared to be disconnected from a number of buildings as the meters were missing and a blank plates were installed.

B. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

- The buildings at the site have been vacant since 2011 which greater than the statutes 2 consecutive years.
- The building is missing large portions of the exterior finishes and the 2nd floors of the building appear to be exposed plywood.
- Numerous doors and windows on the 1st floor of each building are boarded up
- Numerous windows on the 2nd floor are broken or glass missing from the frames.
- The electrical service appeared to be disconnected from a number of buildings as the meters were missing and a blank plates were installed.

- 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.
- o Subject site does not meet this requirement as the site is not owned by the Town, latest property record available to VCEA indicate the land is owned by a private owner/business/developer.

Assessment Sales History MLS Data Full Detail

Selected Location

540 MARSHALL STREET
Phillipsburg Town, NJ 08865
Warren County
Current Owner: LEHIGH LAND DEVELOPERS, LLC

Block: 1006
Lot: 3
Old Block: 307
Old Lot: 48

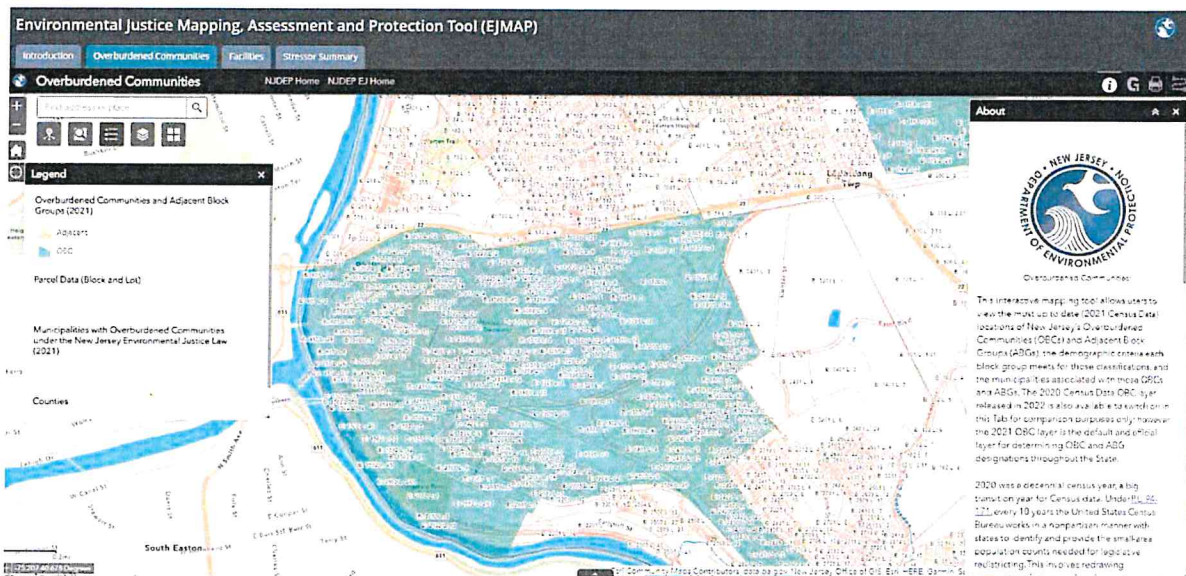


Assessment History Report

Property Information		Assessment Data				
Tax Year:	2022	Total Value:				\$1,197,300.00
Class:	Class: 4A - Commercial	Land Value:				\$330,400.00
Qualifier:		Improve Value:				\$866,900.00
Additional Lots:		% Improvement:				72.4
Zoning:	B-2	Special Tax Codes:				
Bld Description:		Deductions:	Senior	Veteran	Widow	Surviving Spouse
Land Description:	1.96 AC	Count:				Disabled
Acreage:	1.96	Exemption:				
Square Footage:	N/A	Exemption statute				
Usage:		Tax Rates:	Division of Taxation Equalized Values			
Year Constructed:	0	2020Rate:	4.042	2020Ratio:	96.62%	2020Taxes:
Use Code:	100	2021Rate:	4.073	2021Ratio:	95.21%	\$48,394.87
# Dwellings:	1	2022Rate:	4.148	2022Ratio:	86.0%	2021Taxes:
Census Tract:	306					\$48,766.03
						2022Taxes:
						\$49,664.00
Tax Map No: 010.00 Flood Panel: 34041C0283E Tideland Panel: N/A						
Current Owner			Sale Data			
LEHIGH LAND DEVELOPERS, LLC			Date:	02/04/2022		
520 W HAMILTON ST			Price:	\$340,000.00		
Allentown, PA 18101			Ratio:	352.15%		
Lookup Phone #			Deed Book:	03270		
			Deed Page:	00274		
Latest Sales Details						
Recorded:	06/16/2022	Sales Price:	\$340,000.00	Recorded:	Sales Price	
Sales Date:	02/04/2022	Sales Ratio:	254.97%	Sales Date:	Sales Ratio:	
Deed Book:	03270	Use Code:	100	Deed Book:	Use Code:	
Deed Page:	00274	Not Usable:	12	Deed Page:	Not Usable	
Buyer			Buyer			
LEHIGH LAND DEVELOPERS, LLC						
520 W HAMILTON ST						
Allentown, PA 18101						
Seller			Seller			
MCDONALD, SR, JAMES J. SHERIFF						
%WCCH-413 SECOND ST						
BELVIDERE, NJ						

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.

- Safety – the buildings are vacant and required boarding up to prevent trespass and vandalism
- Health – the property has been noted by the Town has being subject to action by the town to remove debris, trash and overgrown weeds. In addition, the condition of buildings that are open to elements can attract animals or wildlife in populated area of community.
- Morals/Welfare – the property is located in area of town that is considered Environmental Justice/ overburden and is considered soci-economically challenged by the State of New Jersey State under the State's overburden community program (map highlighting Phillipsburg – designated area below). The vacant building has been reported to attract homeless persons, drug and gang activity to area.



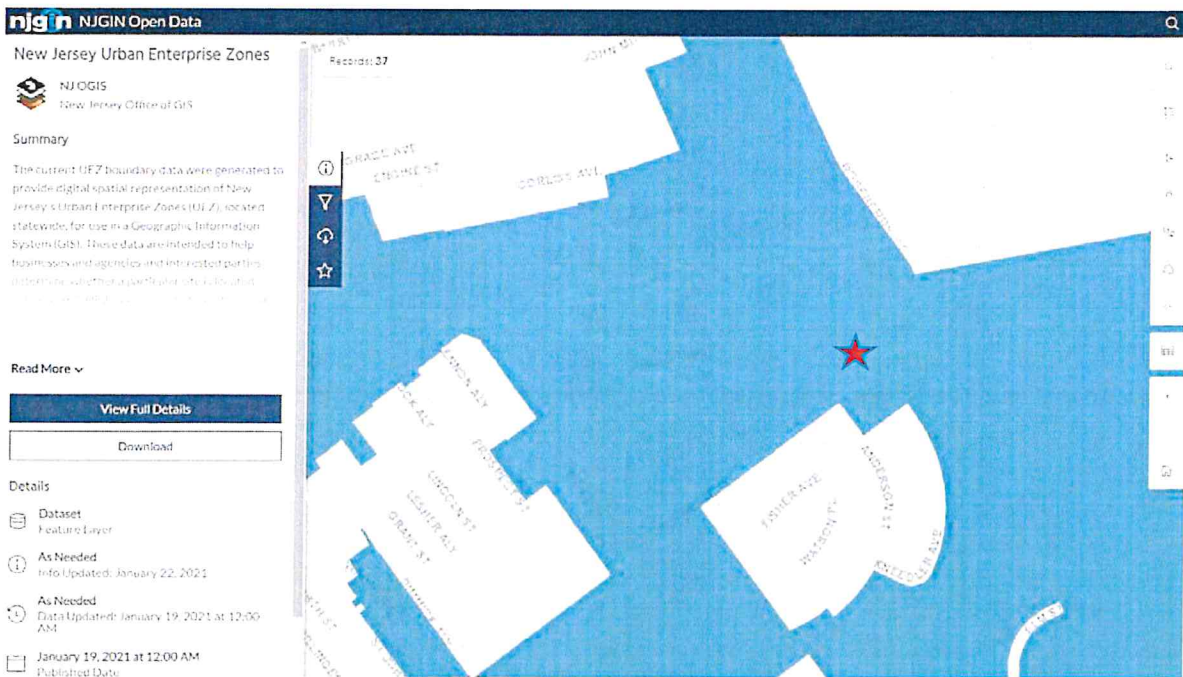
E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition 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.

- The subject property appears to be under the control of single developer, but prior to that the ownership may have owned by a joint venture of multiple entities that were subject to foreclosure. However the land was not subject to subdivision or lot consolidation during this time, as such does not appear that this subject property may meet the criteria for E. Below is outline of ownership information that was publically available at the time of this report/study.
- The property was subject to sheriff auction that resulted in a deed being filed dated February 4, 2022 that placed ownership to Lehigh Land Developers, LLC which is one file in the Warren Clerks land records within Book 3270 page 274 instrument number 2022-577530
- The property was subject to foreclosure request dated January 29, 2020 which is on file in the Warren County Clerk's land records within Book 129 page 74 instrument number 2020-523602 that notes Lehigh Land Developers, LLC was seeking foreclosure of the property known as 540 Marshall from a number of various parties with interest in the property.
- The property was subject to reassignment of mortgage with an origination value of \$1,000,000.00 from First Star Bank to Lehigh Land Developers LLC dated 1/11/2012 which is on file in the Warren County Clerk's land records within Book 746 page 96 instrument number 2012-381192. This notes that owners to of 540 Marshall to be Norton Partnership and possible the estate of William Norton.
- The property was subject to reassignment of additional mortgage with a origination value of \$1,300,000.00 which assigned this mortgage from First Star Bank to Lehigh Land Developers LLC dated 1/11/2012 which is on file in the Warren County Clerk's land records within Book 746 page 10 instrument number 2012-381193. This notes that owners to of 540 Marshall to be Norton Partnership and possible the estate of William Norton.

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.

- The subject land is not in excess of five acres as such this criteria is not met.

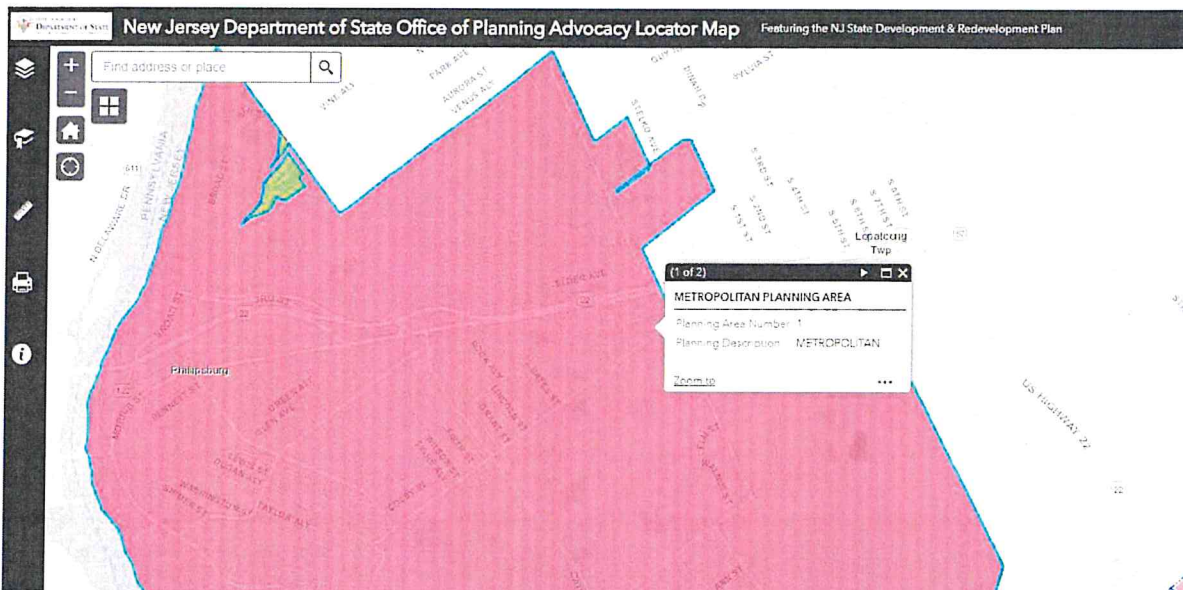
- G. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- o The subject property is located within an urban enterprise zone as noted on the most current State UEZ map (see below). The Town of Phillipsburg UEZ coordinator has indicated that Phillipsburg may not have an approved Zone Development Plan at the time of report, as such action would be to be taken by both the Town Council and LUB following C.40A:12A-1, which this study/report is for that process.



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

- This tract is located in the portions of Phillipsburg that are designated Metropolitan Planning Area No. 1 (PA1) (see graphic below). In addition below are analysis of core smart planning principles that demonstrate the redevelopment of the site could be consistent with this criteria
 - Principle: Mixed land uses – the redevelopment of this tract can support mixed land uses and is close proximity to multiple land uses such a residential, commercial and medical. It is unlikely that this site would support office space as the existing office space has remained vacant since 2011 and the market demands for such space are historically low, that demand for housing and other uses could be support development at this site.
 - Principle: Compact, clustered community design – due to the site configuration and limited land surrounding the site, would result in cluster development and not result in sprawl at this location.
 - Principle: range of housing choice and opportunity: This site has the potential to support residential units that may reduce the housing demand in the community, based on the size of the land it would likely not support single family detached homes but likely higher density developments such as apartments, condos or similar multi-family dwellings.
 - Principle: walkable community: this site connects to existing sidewalks along all the roads that connect throughout the community including to hospitals, parks, schools and places of employment.
 - Principle: distinctive, attractive communities offering a sense of place – development of this site could provide an attractive element to this region of the town has a had limited modern residential or highway commercial spaces. This site being vacant and unkempt brings down the surrounding properties ability to be attractive elements and takes away from the sense of place this area of Town connection to the value and history of the overall community.
 - Principle: Open space, farmland, and scenic resource preservation – by redeveloping this tract it would less the need in the region for use of farmland or scenic resources that make up Warren County region.
 - Principle: Future development strengthened and directed to existing communities using existing infrastructure – this site would support urban infill and repurposing which is in line with a core smart growth principle.
 - Principle: Transportation options – the site is in close proximity to existing NJ Transit bus stop that connects to interstate bus center in Easton PA and local community resources and businesses. The site located in an existing developed area that has sidewalks to promote non-motorized circulation.

- Principle: predictable, fair and cost-effective development decisions – due to site prior history of being developed the site has existing public utilities and number site elements that would make the site more feasible that developing a barren farmland, however due to prior use of commercial office space that has fallen out of demand the existing buildings may require repurposing.
- • Principle: community and stakeholder collaboration in development decision-making – due to state regulations, by designating a property as in need of redevelopment provides for additional public input on the property vs relying on existing zoning/masterplan that may see limited updates over 10 year period. The process requires Town Council to announce the concept to the public that brings about the chance for public input, then the land use needs to undertake an investigation that opens door for additional public input and then if process progress there would additional public hearings that would enable the public to shape the redevelopment plan and how/what happens with this vacant property.



VI. Conclusion

This study was prepared on behalf of the Phillipsburg Land Use Board to determine whether an area located within the Phillipsburg (Block 1005, Lot 3) qualifies as “an area in need of redevelopment” in accordance with N.J.S.A. 40:12-A. It is the finding of this investigation that the subject parcel meets the redevelopment criteria “a”, “b”, “d” and “h” of the LRHL and in its current state fails to promote the neighborhood character of the community, as identified in the Town Master Plan. The designation of the study area as an area in need of redevelopment is the first step to achieving the community character the Town desires.

APPENDIX A

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, DIRECTING THE TOWN OF PHILLIPSBURG COMBINED PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 1005 LOT 3 QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Town to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”)”; and

WHEREAS, the Town Council desires to commission a study to determine if the Block 1005, Lot 3 on the Town of Phillipsburg Tax Map satisfies the criteria of an Area in Need of Redevelopment (Non-Condemnation); and

WHEREAS, the Town Council finds it to be in the best interest of the Town and its residents to authorize the Town’s Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties Block 1005, Lot 3 (the “Study Area”);

WHEREAS, the Town Council desires that the Planning Board undertake a preliminary investigation and to prepare the preliminary investigation to determine whether the proposed Study Areas qualifies as an area in need of Non-Condernnation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Phillipsburg, in the County of Warren, and State of New Jersey, that the Planning Board is hereby authorized and directed to undertake a preliminary investigation and to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Town Council whether the area comprising the study area is an area in need of **Non-Condernnation Redevelopment** according to the criteria set forth in N.J.S.A. 4A:12A-5.

BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Town Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution is to be forwarded to the Planning Board of the Town of Phillipsburg.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

APPENDIX B

APPENDIX C

**LEGAL NOTICE
TOWN OF PHILLIPSBURG
LAND USE BOARD
THURSDAY, JULY 27, 2023**

**PRELIMINARY INVESTIGATION WHETHER A PROPOSED STUDY AREA QUALIFIES AS
AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT**

PLEASE TAKE NOTICE THAT, in accordance with New Jersey's "Local Redevelopment and Housing Law," N.J.S. 40A:12A-1, *et. seq.*, on Thursday, July 27, 2022 at 7:00 p.m., the Town of Phillipsburg Land Use Board will hold a **PUBLIC HEARING** on the referral from the Phillipsburg Town Council of its Resolution No. R-2023-99, wherein the Town Council has requested the Land Use Board undertake a preliminary investigation to determine whether a proposed study area, Tax Map Block 1005, Lot 3, commonly known as 540 Marshall Street, qualifies as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-1, *et. seq.*

PLEASE TAKE FURTHER NOTICE THAT any person or party who wishes to comment, or otherwise be heard, on the preliminary investigation may do so at the public hearing or may submit written comments to the Town of Phillipsburg Land Use Board prior to the public hearing date noted above. All documents relating to the preliminary investigation, including the following a proposed study of area, block 1005 Lot 3 qualifies as an area in need of non-condemnation redevelopment pursuant a map which sets forth the general boundaries of the study area, shall be on file and available for public inspection at least ten (10) days before the public hearing date noted above and may be inspected at the office of the Town of Phillipsburg Planning Board Clerk during normal business hours by calling Kelly Lefler, Clerk of the Land Use Board, at 908-454-5500, ext. 370, to schedule an appointment to review such documents. All written comments must be sent to the Clerk of the Land Use Board, 120 Filmore Street, Phillipsburg, New Jersey, 08865.

PLEASE TAKE FURTHER NOTICE THAT if the Land Use Board determines that the subject area qualifies as an area in need of non-condemnation redevelopment, that determination shall not authorize the Town of Phillipsburg to exercise the power of eminent domain to acquire the property in the study area.

PLEASE TAKE FURTHER NOTICE THAT, at the public hearing, the Land Use Board will consider all documents relating to the preliminary investigation and all public comments and may take action including formally recommending that the Phillipsburg Town Council declare the study area to be an area which qualifies as an area in need of non-condemnation redevelopment.

PLEASE TAKE FURTHER NOTICE THAT a copy of the Phillipsburg Town Council's Ordinance No. 2023-99 is attached hereto and incorporated by reference herein this Notice.