

**MONTGOMERY TOWNSHIP PLANNING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
AUGUST 7, 2017**

MINUTES

Chairman Cheskis called the meeting to order at 7:35 p.m. and read the opening statement that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman Cheskis; Vice Chairman Matthews; Mr. Conforti; Mr. DeRochi; Mr. Mani; Mr. Sarle

ALSO PRESENT: Francis P. Linnus, Board Attorney; Emily Goldman, Board Planner, Cheryl Chrusz, Board Secretary

I. SALUTE TO THE FLAG

II. PUBLIC PARTICIPATION - None

III. RESOLUTION

Case PB-01-14 Applicant: Princeton Aero Corporation
Block 34001 Lot 57
Amended Preliminary and Final Site Plan

A motion to memorialize was made by Mr. Conforti and seconded by Mr. Sarle. The motion carried on the following roll call vote:

Ayes: Cheskis, Conforti, DeRochi, Mani, Matthews and Sarle

Nays: None

IV. REDEVELOPMENT DESIGNATION HEARING

**Preliminary Investigation of an Area in Need of Redevelopment (Non-Condemnation):
Montgomery Five Tract – July 20, 2017**

Emily Goldman presented the preliminary investigation. Under the Local Redevelopment and Housing Law municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan and to implement a redevelopment project. It is a process to rebuild or restore an area in a measurable state of decline, disinvestment or abandonment. The study area is located in the southeasterly quadrant of the Township. It is bound by Route 206 to the east, the master plan loop road and commercial pieces to the south, the PSE&G substation and vacant land to the west and a single family home and office and medical park to the north. The site is approximately 1.63 acres of improved and unimproved lands known as Block 34001 Lots 60, 61 and 62. It is currently zoned Site Specific Inclusionary Zone for COAH qualified housing which permits retail sales of goods and services, offices, restaurants and residential flats above those nonresidential uses. Each of the lots previously contained abandoned improvements including two residential buildings and one commercial building most recently used as a car rental office. The buildings have been removed and the site currently contains some gravel driveways and parking areas and unmaintained vegetation. The site has been the subject of seven Planning Board and Zoning Board approvals since the 1980's but development has failed to proceed that would ameliorate the stagnant conditions on site.

Ms. Goldman explained the redevelopment process.

An area qualifies as an area in need of redevelopment if it meets at least one of the eight statutory criteria commonly identified by letters "a" through "h". The criteria generally relate to the impact on the particular area on the public, health, safety and welfare primarily through conditions of deterioration, obsolescence, disrepair and faulty design. Statutory criterion "D" was focused on for this tract. There has been a pattern of continuous dilapidation and historic improvements of the study area documented in photos and code violations. The lack of maintenance has manifested in dilapidation and demolition of the buildings, asphalt pavement and signs, the subsistence of gravel pavement and overgrowth of lawns and others plant materials. Public health violation notices have been issued by the Board of Health for ongoing conditions of growth. Such dilapidation contributes to vacant and unmaintained character of the study area and with no active use and no effective maintenance the groundwork is laid for activity that violate the Township's regulations that is detrimental to the public health safety and welfare. A pattern of illegal use has been documented. There has been parking of

vehicles on the site without a principal use or building which violates the ordinance. Additional gravel has been installed or redistributed on Lot 60 to facilitate parking of vehicles. The condition of the gravel on Lot 62 which has not been covered with overgrowth indicates the parking of vehicles on site is a regular occurrence. Unapproved and illegal use is facilitated by the dilapidation and obsolescent conditions which resulted in abandoned vacant place that appear to be without maintenance and oversight. Parking of vehicles without an approved site plan represents a threat to the public health and safety. Without the review and approval of necessary site improvements there is continuing risk of injury of persons entering or using the site. An area of litter approximately 1200 square feet of woodchips was observed along the southern property line of Lot 62. Dumping of litter is prohibited. The woodchips appear to be mounded approximately 18" in height creating a small berm. The topography in the vicinity gently slopes from southwest to northeast so the woodchips are impacting the existing drainage patterns on site. The Township regulates land disturbance and the land disturbance without an approval represents a threat to the public health and safety.

The study area represents a component of the Township's Housing Element and Fair Share plan which was adopted November 25, 2008. The Housing Element and Fair Share Plan includes the construction of 6 affordable apartment flats which were to be family rental units within the context of a mixed use building. The Zoning Board approved the site plan and use variance but the project was never constructed. This is evidence that the study area and the current zoning are not sufficient to facilitate development and the implementation of the adopted Housing and Fair Share Plan. A redevelopment plan may be articulated to eliminate adverse conditions while integrating a mechanism to ensure the affordable housing that was planned for the study area is not lost. The designation as an area in need of redevelopment will facilitate the implementation of the housing element and fair share plan and remove the detriment or lack of affordable housing to the public welfare.

It is the conclusion of the preliminary investigation that the study area qualifies under the criteria set forth in the Local Redevelopment Housing Law to be designated as an area in need of redevelopment. The study area satisfies Criterion D due to the persistent site conditions which are caused from dilapidation and obsolescence and lead to unlawful activities such as parking, site improvements and dumping of waste.

The Board questioned Ms. Goldman.

The property is currently zoned Site Specific Inclusionary zone that allows the sales of goods and services, offices and restaurants with residential flats on the second story. The redevelopment plan would include a required affordable housing component. The Redevelopment Plan will enable the site to have zoning standards for a specific project in mind that may be more compatible with the surrounding uses. The uses can change with the redevelopment plan so there is more flexibility for the development of the site.

Chairman Cheskis opened the meeting to the public. There being no public comment a motion to close the public hearing was made by Mr. Conforti and seconded by Mr. Sarle. The motion carried unanimously.

Chairman Cheskis agreed that the property is obsolete and in disrepair and defines the need for redevelopment.

Mr. Linnus prepared a resolution in anticipation of the discussion. Not knowing if there would be public input or not, there is a deletion to be made taking out the reference to public comment since there was no one in opposition.

A motion to recommend that the study area constitute an area in need of redevelopment and to adopt the resolution was made by Mr. DeRochi and seconded by Mr. Mani. The motion carried on the following roll call vote:

Ayes: Cheskis, Conforti, DeRochi, Mani, Matthews and Sarle

Nays: None

There being no further business to come before the Board, the meeting was adjourned at 8:00 p.m.