

2022

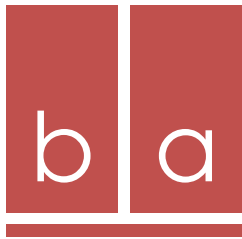
25 Claremont Road; Block 71, Lot 3

Area in Need of Redevelopment Investigation

Dated November 21, 2022

Borough of Bernardsville | Somerset County, New Jersey





Community Planning
Land Development and Design
Landscape Architecture

B U R G I S
A S S O C I A T E S , I N C .

Principals:

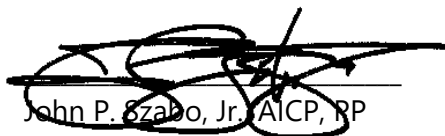
*Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP*

25 Claremont Road; Block 71, Lot 3
Area in Need of Redevelopment Study

Borough of Bernardsville
Somerset County, New Jersey

Prepared for the Borough of Bernardsville
Planning Board
BA# 3872.15

The original document was appropriately signed and sealed on November 21, 2022 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners



John P. Szabo, Jr. AICP, RP
Professional Planner #3445

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Borough Planning Consultant

John P. Szabo, Jr., PP, AICP
Burgis Associates, Inc.

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Introduction

By resolution #22-154 adopted on June 27, 2022, the Governing authorized the Planning Board to conduct a preliminary investigation to determine if property located at 25 Claremont Road (hereinafter referred to as the "Study Area") further identified as Block 71, Lot 3 by Borough tax assessment records qualified as an "Area in Need of Redevelopment" pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL) pursuant to the criteria contained in N.J.S.A. 40A:12A-5. The resolution further stipulated that the investigation of the Study Area be undertaken as a "non-condemnation" study. Consequently, should the Study Area be determined to qualify as an Area in Need of Redevelopment pursuant to the LRHL, it shall be designated a "Non-Condemnation Redevelopment Area." Such a designation would authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, excluding eminent domain.

The resolution also authorized the Planning Board to offer any recommended changes to the Quimby Lane Redevelopment Plan that are warranted in conjunction with this investigation.

With regards to the Quimby Lane Redevelopment Plan and by way of background, the Borough Mayor and Council ("Governing Body") adopted Resolution #19-203 on October 15, 2019 authorizing the Borough Planning Board to conduct an investigation to determine if certain property identified as Block 70, Lots 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08; Block 71, Lots 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12 and 13; Block 98, Lot 1; Block 124, Lot 1; and Block 144, Lot 1, as shown on the official Tax Map of the Borough (the "Study Area"), constituted a non-condemnation "area in need of redevelopment," pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq (the "Redevelopment Law").

On December 12, 2019 the Planning Board held a public hearing and reviewed the investigation report titled "Preliminary Investigation–Quimby Lane, Bernardsville, NJ" and dated November 25, 2019 prepared by Topology LLC, (the "Study") and after public hearing, determined that the subject area qualified as an area in need of redevelopment and recommended same to the Borough Governing Body.

On January 13, 2020 the Governing Body adopted a Resolution accepting the Planning Board's recommendation that the area was found to meet the necessary statutory criteria, and designated the entire Study Area as a Non-Condemnation Area in Need of Redevelopment and subsequently authorized the preparation of a redevelopment plan pursuant to the provisions of N.J.S.A. 40A:12A-7(e and f) and

N.J.S.A. 40A:12A-15 of the Redevelopment Law. A redevelopment plan for the Quimby Lane area as defined by the above properties was subsequently adopted by the Borough on October 13, 2020.

As authorized by Resolution 22-154 the Planning Board subsequently directed Burgis Associates, Inc. to prepare the planning analysis contained herein for its review and subsequent recommendation to the Mayor and Council.

Accordingly, the following study examines whether the Study Area qualifies as an Area in Need of Redevelopment pursuant to the requirements and criteria set forth by the LRHL. It is based upon an examination of the Study Area's existing development; site inspections; an assessment of the surrounding development pattern; a review of the Borough's applicable zoning requirements; and an evaluation of the statutory "Area in Need of Redevelopment" criteria.

Ultimately, this study finds that 25 Claremont Road, Block 71 Lot 3 displays characteristics that satisfy the statutory criteria and consequently justify its designation as a Non-Condensation Redevelopment Area. It is further the recommendation of this study that the Quimby Land Redevelopment Plan (QLRP) be amended to incorporate the Study Area into Area 6 of the QLRP.

The remainder of this Area in Need of Redevelopment Study is divided into the following sections:

❖ Section 1: LRHL Background

The first section discusses the background of the LRHL as well as the redevelopment process and the statutory criteria for determining whether a site qualifies as an Area in Need of Redevelopment.

❖ Section 2: Study Area Characteristics

The next section provides an overview of the Study Area. It includes an analysis of the Study Area's physical characteristics and its relationship to existing land uses.

❖ Section 3: Existing Zoning

Section 3 discusses the existing zoning of the Study Area and how it relates to the Borough's current zoning requirements.

❖ Section 4: Compliance with the Statutory Criteria

The penultimate section analyzes the Study Area's compliance with the LRHL statutory criteria.

❖ Section 5: Planning Conclusions and Recommendations

Finally, Section 6 offers the study's planning conclusions and recommendations.

Section 1: LRHL Background

In 1992, the New Jersey Legislature enacted a new statute which revised and consolidated the State's various redevelopment statutes. Known as the Local Redevelopment and Housing Law (LRHL), this new statute rescinded a number of prior redevelopment statutes and replaced them with a single comprehensive statute governing local redevelopment activities throughout the State. Ultimately, the LRHL was designed by the State Legislature to assist municipalities in the process of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

"There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort."

The LRHL provides the statutory authority for municipalities to engage in a number of redevelopment activities, including designating an "Area in Need of Redevelopment"; preparing and adopting redevelopment plans; and implementing redevelopment projects. Essentially, the LRHL is a planning and financing tool that allows an area to be overlain with specific zoning and other incentives to stimulate its redevelopment or rehabilitation. More specifically, a redevelopment designation allows a municipality at its discretion to:

1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use;
2. Issue bonds for the purpose of redevelopment;
3. Acquire property through eminent domain;
4. Lease or convey property without having to go through the public bidding process;
5. Collect revenue from a selected developer; and/or
6. Grant tax exemptions and abatements.

1.1: Redevelopment Process

As outlined by the LRHL, the first step of the redevelopment process is for the governing body to direct the planning board to undertake a preliminary investigation to determine whether or not an area is in need of redevelopment

As required by recent amendments to the LRHL, the governing body must also indicate whether it is seeking to designate the area as a “Non-Condensation Redevelopment Area” or a “Condensation Redevelopment Area.” Pursuant to the resolution adopted on June 27, 2022 the Governing Body has initiated this process as a “Non-Condensation” Study Area (see Appendix A).

An area qualifies as being in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 5 of the LRHL. These criteria, which are described in detail later in this section, are the same regardless of whether a governing body seeks to designate a study area as a “Non-Condensation Redevelopment Area” or a “Condensation Redevelopment Area.”

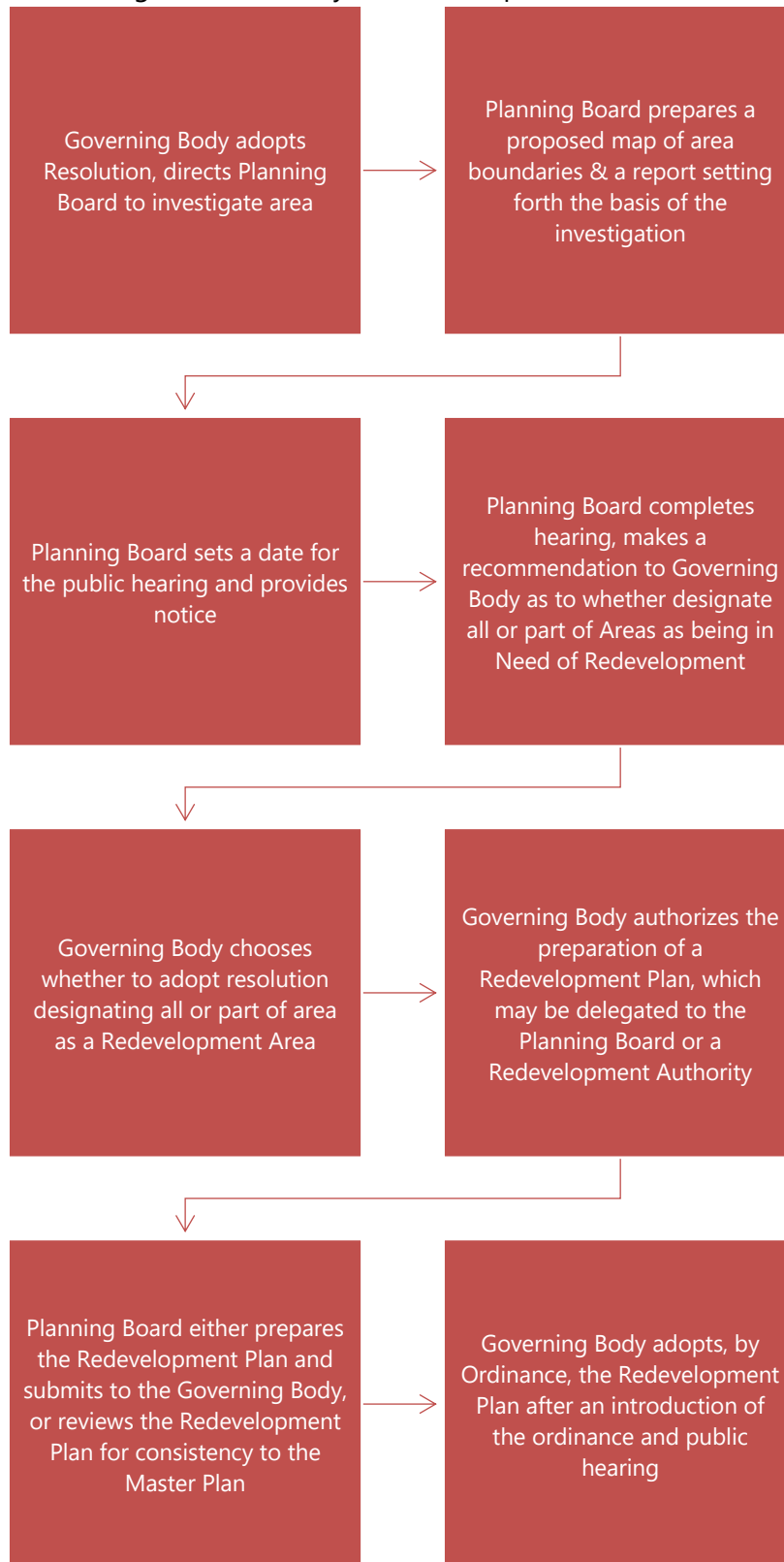
The statute also specifically establishes that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety, or welfare, provided that the inclusion of those lands is necessary for the effective redevelopment of the area.

After it conducts its investigation, the planning board must hold a public hearing on the proposed redevelopment area designation. Based on the planning board’s recommendation, the governing body may designate all or a portion of the area as an “Area in Need of Redevelopment.” The governing body will then prepare a redevelopment plan for the area, or alternatively will direct the planning board to prepare such a plan.

Following the adoption of the redevelopment plan, the governing body or another public agency/authority designated by the governing body as the “redevelopment entity” will oversee the implementation of the redevelopment plan. This redevelopment entity is responsible for selecting a redeveloper to undertake the redevelopment project which implements the plan.

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment (Step 1), and a plan is prepared based on that designation (Step 2). The accompanying figure provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.

Figure 1: Summary of Redevelopment Process



1.2: Statutory Criteria

The LRHL establishes eight (8) statutory criteria to determine if an area qualifies as being in need of redevelopment. The statute provides that a delineated area may be determined to be in need of redevelopment if “after investigation, notice and hearing...the governing body of the municipality by resolution concludes that within the delineated area” any one of the eight (8) criteria are present.

The criteria area as follows:

- | | |
|--|--|
| <p>1. The “a” Criterion:
Deterioration</p> | <p>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.</p> |
| <p>2. The “b” Criterion:
Abandoned Commercial and Industrial Buildings</p> | <p>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.</p> |
| <p>3. The “c” Criterion:
Public and Vacant Land</p> | <p>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.</p> |
| <p>4. The “d” Criterion: Obsolete Layout and Design</p> | <p>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.</p> |

5. The "e" Criterion: Property Ownership and Title Issues 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.
-
6. The "f" Criterion: Fire and Natural Disasters 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.
-
7. The "g" Criterion: Urban Enterprise Zones In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," 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
-
8. The "h" Criterion: Smart Growth Consistency The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In regard to the “h” criterion, there are ten (10) principles of smart growth. These principles are established as follows:

1. Mix of land uses
2. Take advantage of compact design
3. Create a range of housing opportunities and choice
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty, and critical environmental areas
7. Direct development toward existing communities
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair, and cost effective
10. Encourage community and stakeholder collaboration in development decisions

In addition to the above criteria, the LRHL permits the inclusion of land which may not meet the above criteria, but which otherwise is necessary for redevelopment. Section 3 of the LRHL, “redevelopment area” provides for the following:

“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” (N.J.S.A. 40A:12-3).”

Section 2: Study Area

The following section provides a general overview of the Study Area, including an analysis of existing site conditions, ownership and property tax records, and surrounding development pattern.

2.1: Study Area Overview

The Study Area is an irregularly shaped lot located in the southeastern portion of the Borough, with frontage on Claremont Avenue just north of the intersection of Mine Brook Claremont Roads. The total tract area encompasses approximately 8,712 square feet (0.2 acres) and consists of a single lot identified as Block 71, Lot 3.

The Study Area is developed with a single-story, L-shaped, 2,408 square foot commercial building that is presently vacant. It was formerly occupied as a wine store (56° Wine) which has since relocated to another location. An unstriped asphalt parking area is provided within the front of the building with access provided by an approximate 50' wide curb opening directly from Claremont Road. An asphalt driveway provides access to the rear of the building beyond which is Mine Brook to the east.

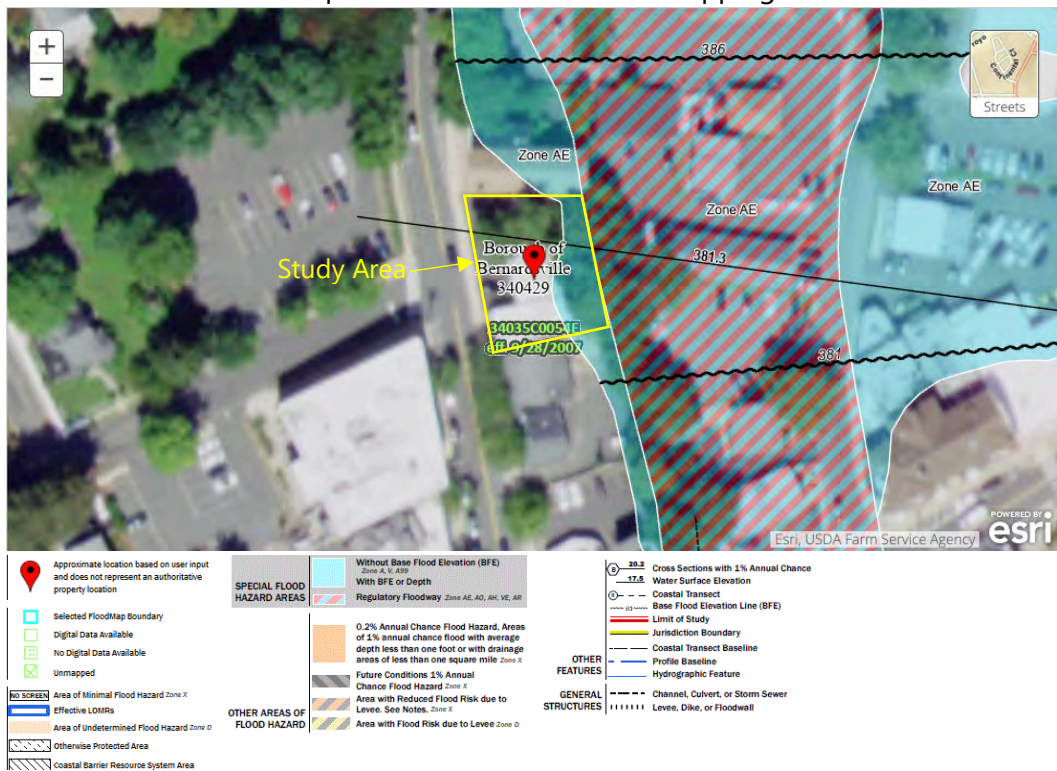
While the frontage of the property along Claremont Road is level, the most significant site feature relates to the steep grade of the property beyond the front parking area which slopes downward as one travels the existing driveway easterly to the Mine Brook. FEMA mapping indicates that the rear of the building down to the Mine Brook is within the 100-year Flood Plain associated with the Mine Brook.

Map 2 – Study Area Aerial



Source: Google Earth accessed November 21, 2022. Note: Lot Lines are approximate.

Map 3 – FEMA Flood Hazard Mapping



Source: FEMA Flood Map Service accessed November 21, 2022; Note: Lot Lines are approximate.

<https://msc.fema.gov/portal/search?AddressQuery=25%20Claremont%20Road%2C%20Bernardsville%2C%20NJ#searchresultsanchor>

The following table is derived from Mod IV property tax data that provides land, improvement, and total property values for the Study Area. This information is publicly available from the Department of the Treasury's Division of Taxation. Tax information indicates that the property owner is owned by 33 Claremont Road, LLC with address of 5 Jennie Court, Cedar Grove, New Jersey.

As shown, the land values reflect that the Study Area is assessed as a commercial property with a total assessed land value of \$865,000.00.

Table 1: Property Tax Records-2022

Block	Lot	Land Value	Improvement Value	Total Value	Use Classification	Improvement to Land Value Ratio
71	3	\$309,000	\$556,000	\$865,000	4A-Commercial	1.8

2.2: Surrounding Land Uses

Surrounding land uses are varied and characterized by commercial buildings, eateries and restaurants, residential areas and medical offices. Located in close proximity are the Bernardsville Library, Bernards High School, Borough Hall, Police and Fire stations and the Bernardsville Rail Station.

Map 4 - Study Area Neighborhood Context



Source: NJDEP GeoWeb accessed November 21, 2022 (Note lot lines are approximate): <https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=02251e521d97454aabadfd8cf168e44d>

2.3: Site Specific Information

The following subsection provides site specific information related to the Study Area. This information will serve as the basis for the analysis and opinions offered in Sections 4 and 5 of this Study. A series of photographs taken by this office serve to illustrate the condition of the property as each photograph is described.

Site Photo 1



Pictured above is the Subject Area's appearance along the property frontage on Claremont Road. The building is a one-story brick building. Evident in the photo is the slope north to south along Claremont road. There is also a cross slope west to east downward. Also visible is the asphalt parking area within the front yard and the extended curb cut designed to provide access to the entire width of the parking area.

Site Photo 2



Close up view of front building elevation at the front entrance. Evidence of cracking in concrete areas were noted.

Site Photo 3



Extended view of front yard parking area with extended curb opening along Claremont Road. Cracking within the sidewalk is noted where the sidewalk meets the roadway. Cracks within the asphalt parking area are beginning to appear and spread.

Site Photo 4



Photo of north building façade indicating peeling paint and cracking.

Site Photo 5



Driveway leading east from Claremont Road to the rear of the property. The decorative brick landscape wall is in disrepair. The slope downward from Claremont Road is evident as one looks up from the driveway toward the roadway.

Site Photo 6



Photo of driveway beginning to decay showing loose aggregate material

Site Photo 7



Site photo of rear of building and northerly façade with evidence of debris below the main floor.

Site Photo 8



Photo of debris observed at rear of building. Possible presence of mold also indicated on building walls.

Site Photo 9



Photo of debris observed at rear of building. Possible presence of mold also indicated on building walls.

Site Photo 10



Photo of debris observed at rear of building.

Photo of deteriorating ceiling at the rear of the building.



Site Photo 11

Site Photo 12

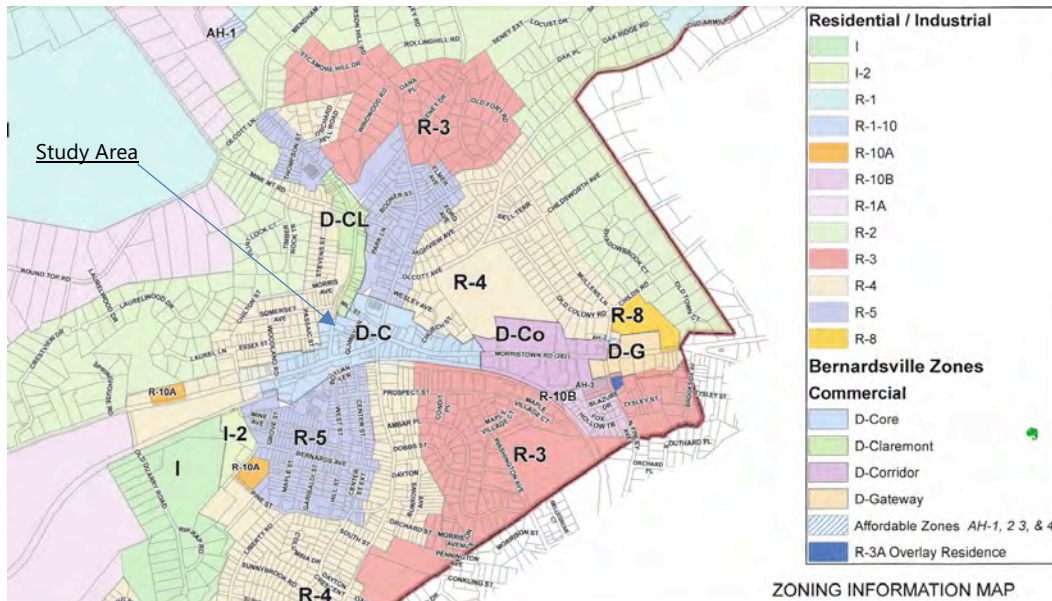


Photo of Mine Brook along rear property line.

Section 3: Existing Zoning

As shown on the accompanying zoning map, the Study Area is located in the Downtown Core or DC, Zone. The Study Area is immediately adjacent to the Quimby Lane Redevelopment Area to the east, the R-4 Residential Single-Family Zone to the northwest and Downtown Claremont, D-CL Zone further to the north.

Map 5 – Zoning Map



3.1: Downtown Core Zoning

The Study Area is located in the D-C, Downtown Core Zone the purpose and intent of which is:

...to preserve the historic character of the area and to ensure new development is compatible. The district also includes the area around Quimby Lane, an area the Borough envisions to be redeveloped with a mixture of uses and the character of a European village.

Pursuant to § LD-12-12.6 of the Borough Land Development Regulations, permitted uses within the D-C Zone include a variety of retail and commercial services as well as artisan manufacturing, educational institutions, financial institutions, restaurants including outdoor dining, theatres including community

centers and museums. Residential townhouse and multifamily development including within a mixed use building is also permitted.

Area and bulk regulations are highlighted in the following table:

Table 2: D-C District Bulk Standards

Area & Bulk Regulations

Minimum/Maximum Front Yard: Non-residential (ft)	2/5
Minimum/Maximum Front Yard: Residential (ft)	5/10
Minimum Rear yard (ft)	5/20*
Minimum Side Yard (ft)	0/5*
Minimum Frontage Buildout (%)	80
Maximum Lot Coverage (%)	90
Maximum Building Height Stories	3
Maximum Building Height to Eave (ft)	40
Maximum Building Height to Parapet (ft)	45

*When adjoining a residentially zoned property.

In addition to the zone standards highlighted above, the Downtown Zone is a performance-based approach to land use regulation that incorporates numerous design standards to encourage downtown development in a comprehensive manner in order to create an attractive downtown area that is walkable, vibrant, active and safe.

3.2: Quimby Lane Redevelopment Area

As previously noted in this study, the Borough adopted the Quimby Lane Redevelopment Plan on October 13, 2020, the purpose of which was to redevelop the Quimby Lane area modeled after a pedestrian friendly “European Village.” The QLRP supersedes all other zoning within the designated area. The QLRP promotes the following goals and objectives (QLRP pages 15-16):

- Eliminate Blight
- Introduce active uses that reinforce downtown as the commercial and civic center of Bernardsville
- Create public spaces that provide a central gathering location for all of the Bernardsville’s residents, new and old, as well as visitors

- Promote a development patter that supports multiple modes of transportation
- Create a pedestrian-friendly atmosphere
- Extend high-quality architecture and design in downtown Bernardsville to new construction to maintain the historical character of Bernardsville
- Incorporate green infrastructure and sustainable design
- Create new and equitable housing options

The QLRP further divides the redevelopment area into 6-Sub Areas. As illustrated in the mapping below, the subject of this study directly abuts Sub Area 6 of the QLRP.

Map 6 – Quimby Lane Redevelopment Area



QLRP Figure 16: Sub Area boundaries page 28.

The Downtown zoning and QLRP share common goals and zoning design guidelines as the QLRP was intended to be consistent with the Borough's new downtown zoning ordinance which was adopted by the Governing Body on the same date.

Section 4: Compliance with the Statutory Criteria

The following section offers an analysis regarding how the Study Area relates to the statutory criteria established by the LRHL, which are identified in Section 1.2 of this study.

Application of Criteria

As previously detailed in this study, the site contains a vacant commercial building adjacent to the Quimby Lane Redevelopment Area.

While not entirely dilapidated to the point of collapse, the commercial building and property is beginning to display characteristics of abandonment as indicated by:

- the condition of the paved areas which are cracking and in disrepair
- debris that has been dumped and collected to the rear of the property underneath the building within the open area below the first floor.
- there appears to be signs of mold visible on portions of the exterior of the rear of the building
- portions of the building are beginning to peel and crack.
- the parking area is unstriped and does not meet standard engineering design requirements particularly with respect to circulation wherein vehicles cannot freely circulate as within a conventional parking lot, but rather, must back out onto Claremont Road which is a busy County Road.
- the curb opening along the Claremont Road is excessive but necessary to accommodate the parking area a further indication of the site's poor and inefficient design.
- the presence of the 100-year flood plain associated with Mine Brook and the steep grade of the property as well as the property's small acreage create conditions that severely limit the property's development potential and are factors that discourage redevelopment of the site.

In consideration of the above, this site meets the "a" Criterion where:

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.

The site also meets the "d" Criterion, as the existing dilapidated building in its present state represents a detriment to the safety, health, morals, and welfare of the community by reason of:

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.

Specifically, the site is almost completely paved with the exception of the rear yard area associated with the Mine Brook and displays design characteristics that are obsolete particularly with respect to the parking area.

Recommendation

In consideration of the above, it is recommended that this site **should** be designated as an area in need of redevelopment.

Additional Consideration

Because of the Study Area's proximity to the Quimby Lane Redevelopment Area, the Study Area could also be incorporated into the QLRP as a necessary component of the plan per N.J.S.A. 40A:12-3:

"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" (N.J.S.A. 40A:12-3)."

This site provides an essential physical linkage between those properties within the QLRP and Claremont Road which immediately abuts Quimby Lane for the following reasons:

- One of the primary goals of Sub Area 6 as detailed in the QLRP is the creation of Mine Brook park. Inclusion of the Study Area provides a necessary link to create a contiguous park along the length of the brook as envisioned by the plan.
- Properties within the QLRP are impacted by the flood plain and flood way associated with the Mine Brook. Adding the Study Area to the QLRP offers more land area with which to consolidate properties into larger tracts that may be more conducive to promoting redevelopment as

envisioned by the QLRP. Adding acreage to the QLRP can assist redevelopers in meeting flood plain regulations by providing non flood areas for development consideration. The Study area is largely outside of the flood plain with the exception of the rear portion of the property and none of the property is situated within the floodway of the Mine Brook where development is largely prohibited.

- It is further noted that the Study Area exhibits many of the same characteristics that qualified the adjoining parcels that were ultimately designated for redevelopment within the QLRP. Specifically, the investigation of the Quimby Lane area included parcels that front on Claremont Road and identified conditions under criteria "d." As noted previously, the Study Area is surrounded on the east and north by properties identified as satisfying the LRHL statutory criteria or were determined to be needed for the effective development of the QLRP.

The inclusion of the Study Area within the QLRP redevelopment area can therefore, qualified for the effective redevelopment of the QLRP.

Section 5: Planning Conclusions and Recommendation

The planning analysis contained herein concludes that Block 71 Lot 3 (25 Claremont Road) displays characteristics which satisfy the statutory criteria under criteria "a" and "d" and consequently justifies its designation as a Non-Condemnation Redevelopment Area.

Furthermore, the study additionally finds that, notwithstanding the statutory criteria discussed herein, the Study Area also qualifies as a redevelopment area as its inclusion within the QLRP is necessary for the effective redevelopment of the area.

It should be noted that a determination to designate a redevelopment area simply defines and delineates the area in which the municipality intends to pursue an active role in furthering redevelopment. This redevelopment identification can include alternative approaches to upgrade and revitalize the area.

The following recommendations are offered for the Borough's consideration:

1. The statute provides that "no area of a municipality shall be determined 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 the proposed area is a redevelopment area according to the criteria set forth in the applicable Laws of the State of New Jersey". Such determination shall be made after public notice and public hearing.

The Governing Body authorized the Planning Board to conduct this redevelopment investigation. This report concludes that a portion of the Study Area satisfied the "a," and "d" Criteria, which serves as the basis for the Planning Board's recommendation to the Governing Body.

2. Based on our analysis, we recommend that the entirety of the Study Area be considered for designation as a non-condemnation Area in Need of Redevelopment.
3. Upon completion of a hearing on this matter, the Planning Board is required to forward its recommendation regarding whether the

delineated area, or any part thereof, should be designated, or not designated, by the Governing Body as a redevelopment area.

4. After receiving the recommendation of the Planning Board, the Governing Body may adopt a resolution designating the delineated site for redevelopment.
5. Finally, it is recommended that the Quimby Lane Redevelopment Plan be amended to incorporate the Study Area into Sub Area 6 of the QLRP.

Appendix A

**BOROUGH OF BERNARDSVILLE
RESOLUTION #22-154**

AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY IDENTIFIED AS BLOCK 71, LOT 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE WITHIN THE BOROUGH CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* AND AUTHORIZING THE PLANNING BOARD TO PREPARE AN AMENDMENT THE QUIMBY LANE REDEVELOPMENT PLAN (25 Claremont Rd.)

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act; and

WHEREAS, *N.J.S.A. 40A:12A-6* authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Mayor and Borough Council consider it to be in the best interest of the Borough to have the Planning Board of the Borough (the "**Planning Board**") conduct such an investigation to determine if certain property identified as Block 71 Lot 3 as shown on the official Tax Map of the Borough (the "**Study Area**"), constitute a non-condemnation "area in need of redevelopment," in accordance with the Redevelopment Law; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Study Area as a non-condemnation "area in need of redevelopment" is appropriate and in conformance with the statutory criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Study Area is adjacent to the Quimby Lane Redevelopment area; and

WHEREAS, the Borough Council is desirous of continuing revitalization and redevelopment efforts in the Borough and believe that the addition of Block 71, Lot 3 in the redevelopment area is beneficial to the goals of the Borough; and

WHEREAS, the Planning Board is authorized to reopen the Quimby Lane Redevelopment Plan to make recommendations on the inclusion of Block 71 Lot 3 in the Redevelopment Plan; and

WHEREAS, the Planning Board is further authorized to make recommendations on any amendments to the "Quimby Lane Redevelopment Plan" dated September 14, 2020 related to the Block **71** designated as Sub Area 6 in the Plan.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Bernardsville as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether all or a portion of Block 71 Lot 3 satisfies the criteria set forth in the Act, including *N.J.S.A. 40A:12A-5*, to be designated as a **!!!!!!** condemnation area in need of redevelopment.

III. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

IV. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area. All objections to a determination that all or a portion of the Study Area is a non-condemnation area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

V. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed non-condemnation redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Borough as

to whether the Borough should designate all or part of the Study Area as a non-condemnation area in need of redevelopment.

The Planning Board shall also be authorized to make a recommendation to include Block 71, Lot in the Quimby Lane Redevelopment Plan and to propose any amendments to the Redevelopment for the development of Block 71, designated as Sub Area 6 within the Plan

VI. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

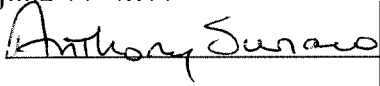
VII. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

VIII. EFFECTIVE DATE

This Resolution shall take effect immediately.

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held June 27, 2022

A handwritten signature in black ink that reads "Anthony Suriano". The signature is written over a horizontal line that extends to the right, ending in a vertical bar.