

A close-up photograph of a white, arched sign with the words "LIBERTY VILLAGE" in a serif font. Above the text is a small circular logo featuring a building icon. The sign is set against a background of residential buildings and foliage.

LIBERTY
VILLAGE

LIBERTY VILLAGE

BLOCK 35; LOTS 22, 23, 24, 25, 31, 53, 54, 69, 70, & 71

FLEMINGTON BOROUGH NJ
AUGUST 25, 2021



AREA IN NEED OF REDEVELOPMENT PRELIMINARY INVESTIGATION



PRELIMINARY INVESTIGATION FOR LIBERTY VILLAGE
BOROUGH OF FLEMINGTON, HUNTERDON COUNTY

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INTRODUCTION

The Borough of Flemington seeks to determine whether the 10 parcels that collectively are Liberty Village, an ailing retail outlet shopping center, (hereinafter the “Study Area”) meet the statutory requirements for designation as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (“LRHL”) (*N.J.S.A. 40A:12A*).

The Mayor and the Borough Council authorized, via Resolution 2020-155 and supplemented by Resolution 2020-155, attached hereto as Appendix A, the Borough Planning Board to undertake an investigation to determine whether the identified parcels may be designated as a “Non-Condensation” Area in Need of Redevelopment. In the case of this investigation, the governing body has already determined condemnation powers will not be used, branding this a “non-condemnation redevelopment area”. The Borough of Flemington will not seek to condemn any privately owned properties within the area studied for the purposes of redevelopment and will instead rely on market forces to drive the assemblage of land for new development.

The Study Area is generally located at the intersection of NJ Route 12, Stangl Road, and Church Street The parcels identified in Resolution 2020-155 are as follows:

- Block 35; Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 & 71¹

This report was provided to the Planning Board for review at a public hearing and may be revised, pursuant to the Planning Board’s recommendations subsequent to the public hearing.

STATUTORY AUTHORITY AND PROCESS

Under New Jersey’s LRHL, municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan, and to implement redevelopment projects. The statute requires a multi-step process that must be adhered to in order for the municipal governing body and planning board to exercise these powers lawfully. This process is summarized below:

1. The governing body must authorize the planning board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in section 5 of the LRHL.
2. The planning board must then prepare a map showing the boundaries of the Study Area and the location of the various parcels therein.

¹ Although not referenced in the Resolution, Lot 70 is included in the Study Area, as it is an additional lot associated with Lot 69. Note that a building spans the shared property line between the two lots.

3. The planning board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the governing body in the form of a planning board resolution.
4. Upon receipt of the recommendation from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
5. Upon designation, the planning board or governing body then authorizes preparation of a redevelopment plan, which establishes the land development goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
6. The redevelopment plan is adopted by the Governing Body by ordinance after introduction, referral to the Planning Board, and a public hearing. The adopted redevelopment plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

This report meets the requirement listed under step 3, above, for a preliminary investigation and provides the Planning Board and Borough Council with the necessary information to determine the appropriateness of a redevelopment designation for the Study Area.

Only after completion of this public process is a municipality able to exercise the powers granted under the LRHL for areas in need of redevelopment. These powers include but are not limited to:

- Acquire land or building identified for redevelopment acquisition in the redevelopment plan through lease or purchase. Eminent domain is only permitted in “condemnation” redevelopment areas. This Study Area is being considered as a “non-condemnation” redevelopment area.
- Offer long-term tax abatements and exemptions for a period of up to 30 years from the completion of the project, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity.
- Clearing an area, install, construct, or reconstruct streets, facilities, utilities, and site improvements.
- Negotiating and executing contracts with private redevelopers or public agencies for the undertaking of any project or redevelopment work.
- Making loans to redevelopers to finance any project or redevelopment work.

- Entering buildings or property to conduct investigations or make surveys;
- Contracting with public agencies for relocation of residents, industry, or commerce.
- Enforcing laws, codes and regulations relating to use and occupancy; repairing, rehabilitating, demolishing, or removing buildings.
- Exercising other powers, including the power to do all things necessary or convenient to carry out its plans.

DESCRIPTION OF STUDY AREA

The Study Area consists of 10 lots, approximately 23-acres, located generally at the intersection of NJ Route 12, Stangl Road, and Church Street. The Study Area is bisected by the Black River & Western Railroad.

The Study Area is developed with the Liberty Village retail shopping center. The shopping center, whose retail stores are located on Lots 31 and 71, opened in 1981 as the Country's first outlet shopping center. The shopping center enjoyed enormous success and expanded in the late 1990's. However, in the years since, the shopping center has struggled to maintain tenants and vibrancy. These changes can be contributed toward significant new construction of retail space in Raritan Township in particular, but also the larger region. Additionally, the center suffered from changing national retail trends away from "brick and mortar" shopping, and away from middle-ground retailers, such as outlets. In contrast, current retail trends best support online shopping and the "barbell" retailers of luxury and discount shopping.

The 10 lots in the Study Area consist of the retail stores, associated parking, and supporting lots. Historically, the 10 lots have functioned as a single use, with the exception that Lot 22, the westernmost parking area, also provides commuter parking.

Block 35 Lot 22 contains large surface parking lots used as a commuter parking lot for Trans-Bridge Lines, which provides bus service to/from New York City, as well as overflow parking for the Liberty Village retail use. This bus service was temporarily discontinued during the COVID-19 Pandemic but is planned to continue in August 2021.

Block 35 Lots 23, 24, and 25 are vacant undeveloped land, except for a dilapidated garage on Lot 24. According to tax record data (MOD IV), Lot 23 is classified as commercial property, while Lots 24 and 25 are classified as vacant lots.

Block 35, Lots 69, 70, and 71 are home to most of the retail stores. Block 35, Lot 31 provides parking for the retail stores and hosts two retail buildings. Block 35 Lot 53, adjacent to the retail stores and also fronts on Brown Street, contains a parking lot and caretaker/property manager office associated with Liberty Village. Block 35, Lot 54, also

adjacent to the retail stores and fronts on Brown Street, is vacant undeveloped land. The gross leasable commercial space is 161,694 square feet.

The Study Area serves as an important transition area between a wide variety of adjacent uses. Residential uses, including single and multi-family units are located to the northwest of the Study Area. To the north and northeast are Turn Table Junction, Stangl Road and the downtown, which include a mix of commercial uses including restaurants, retail stores, and offices. To the east are predominantly single-family homes. Adjacent to the Study Area, to the south and along Route 12, is a mix of commercial uses including an office building, restaurants, light industrial, an auto repair shop, and a few single-family homes are also located in this area. West of the Study Area are single-family homes and a driving range along and proximate to Route 12.

Based on information provided by the Developer, it appears there may be minor environmental issues associated with the Study Area. The site was historically used for industrial purposes, with a metal foundry use dating back the 1800s. A Transaction Screen Report, prepared by Salem Environmental LLC in 2019, states “there is a high risk for groundwater to be impacted the Site”. Additionally, the report recommends the collection of analysis of soil and groundwater samples occur.

LIBERTY VILLAGE PARCEL SUMMARY TABLE						
<i>MOD IV PARCEL DATA AS OF 02/24/21; ACREAGE CALCULATED IN GIS</i>						
Block	Lot	Property Address	Owner	Acreage	Zone	Land Use
35	22	81 Highway 12	Liberty Realty Outlet LLC & etal	7.4	VAS	Commercial
35	23	67 Highway 12	Liberty Realty Outlet LLC & etal	.48	VAS	Commercial
35	24	26 Highway 12	Liberty Realty Outlet LLC & etal	0.58	VAS	Vacant
35	25	24 Highway12	Liberty Realty Outlet LLC & etal	.46	VAS	Vacant
35	31	23 Stangl Rd.	Liberty Realty Outlet LLC & etal	3.09	VAS	Commercial
35	53	29-31 Brown St.	Liberty Realty Outlet LLC & etal	.49	TR	Commercial
35	54	27 Brown St.	Liberty Realty Outlet LLC & etal	.36	TR	Vacant
35	69	7 Church St.	Liberty Realty Outlet LLC & etal	0.3	DBII	Commercial
35	70					
35	71	3 Church St.	Liberty Realty Outlet LLC & etal	9.68	VAS	Commercial



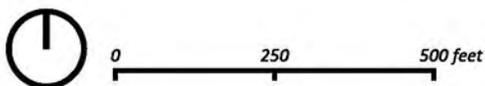


Aerial Photograph of Study Area
Liberty Village, Study of Area in Need of Redevelopment

Borough of Flemington, Hunterdon County, NJ

MAP LEGEND:

- BOROUGH PARCELS
- STUDY AREA BOUNDARY



POLICY
 PLANNING
 DESIGN

PLANNING AND ZONING CONTEXT

The 2010 Master Plan, as supplemented by the 2015 Master Plan Reexamination Report, outlines the vision for the future of Flemington Borough. The Master Plan outlines several goals & objectives related to commercial development within the Borough. The goals and objectives that are relevant to the Study Area are as follows:

“Employ strategies to encourage community and economic development within the Borough.”

“Integrate residential and commercial segments of Flemington Borough to benefit the entire community.”

“Strengthen and enhance the commercial sector of the Borough, with an emphasis on attracting specialty retail and restaurants, and encouraging the redevelopment of underutilized properties particularly those within the Downtown Business District.”

“Concentrate retail, service, and entertainment uses which best contribute to creating a vibrant downtown and that will draw residents and visitors alike to the retail portion of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.”

“Provide opportunities for appropriately scaled and located residential development to encourage redevelopment/revitalization of underutilized properties and to provide opportunity for additional market support for the retail, service, and entertainment portions of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction Area.”

The Master Plan highlights the importance of strengthening, integrating, and encouraging commercial development within the Borough. Although the Master Plan goals emphasize commercial redevelopment in the Downton Business District, it also recognizes the importance of providing varying scales of commercial development.

Most of the parcels within the Study Area are located within the Village Artisan Shopping (VAS) Zoning District. Lots 53 and 54 are in the Transition Residential (TR) Zoning District. Lots 69 and 70 are in the Downtown Business (DBII) Zoning District.

The purpose of the VAS district is to attract destination oriented commercial uses such as retail outlet shopping or artisan produced arts and crafts. The full list of permitted principal and conditional uses can be found in section §2623 of the Borough’s Land Development Ordinance, but example uses include retail sales, restaurants, art galleries and studios, and jewelry manufacturing.

The purpose of the TR district is to provide for medium density residential development between commercial areas and lower density residential areas. The full list of permitted principal and conditional uses can be found in section §2614 of the Borough's Land Development Ordinance, but example uses include single-family home, two-family homes, and houses of worship.

The purpose of the DBII district is to provide a mix of commercial and governmental uses while acting as a transition area between the Downtown Business Zone and Village Artisan Shopping Zone. The full list of permitted principal and conditional uses can be found in section §2621 of the Borough's Land Development Ordinance, but example uses include retail sales, upper-story apartments, restaurants, and offices.

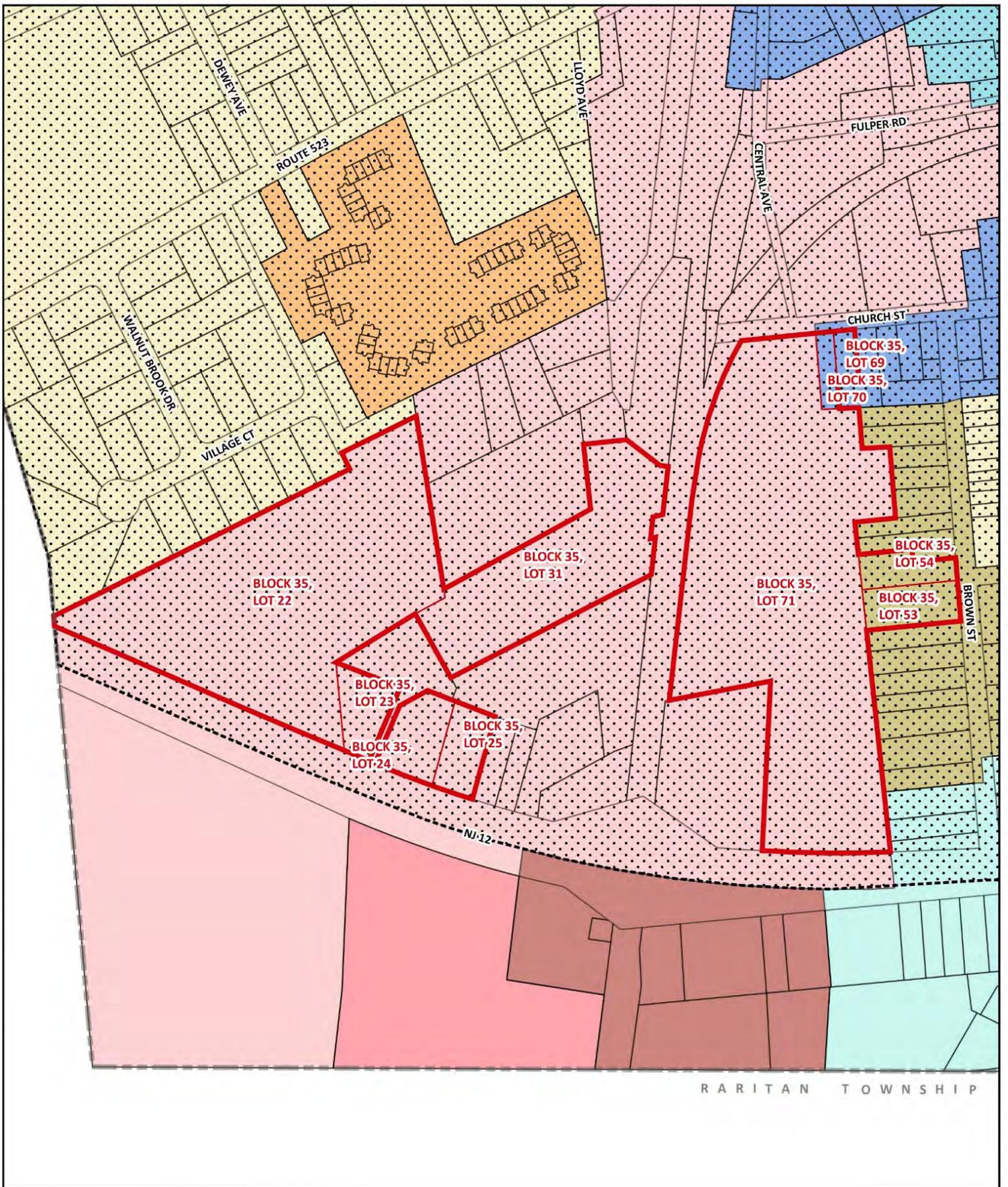
The New Jersey State Development and Redevelopment Plan (SDRP) is a statewide policy document that is meant to act as a guide for public and private sector investments throughout the state. The Plan outlines and designates areas as various Planning Areas. The Study Area is within the Fringe Planning Area (PA-3). The Fringe Planning Area is meant to:

“Accommodate growth in Centers; protect the Environs primarily as open lands; revitalize cities and towns; protect the character of existing stable communities; protect natural resources; provide a buffer between more developed Metropolitan and Suburban Planning Areas and less developed Rural and Environmentally Sensitive Planning Areas; and confine programmed sewers and public water services to Centers.”

Additionally, the Borough of Flemington, including the Study Area, is a State Plan Designated Center. Designated Centers are areas that contain compact forms of development. In the Fringe Planning Area, it is the intent of the State Plan, that centers accommodate future growth since they are already served by municipal infrastructure.

The majority of the Study Area is not within the Borough's Historic District. Lots 53 and 54, both of which have frontage on Brown Street, are within the Historic District; however, there are no historic structures identified on the sites. Along Church Street there are three lots in the Historic District – a building at the northeast corner of Lot 71 is classified as Contributing and the building that spans Lots 69 and 70 is classified as Non-contributing.

As shown on the Environmental Constraints map that follows, nearly the entire study area west of the rail line are within the Special Flood Hazard Area. Additionally, Lots 22, 23, 24, 25 host a stream that is classified as FW2-TM (fresh water, trout maintenance).



Current Zoning in the Study Area

Liberty Village, Study of Area in Need of Redevelopment

Borough of Flemington, Hunterdon County, NJ

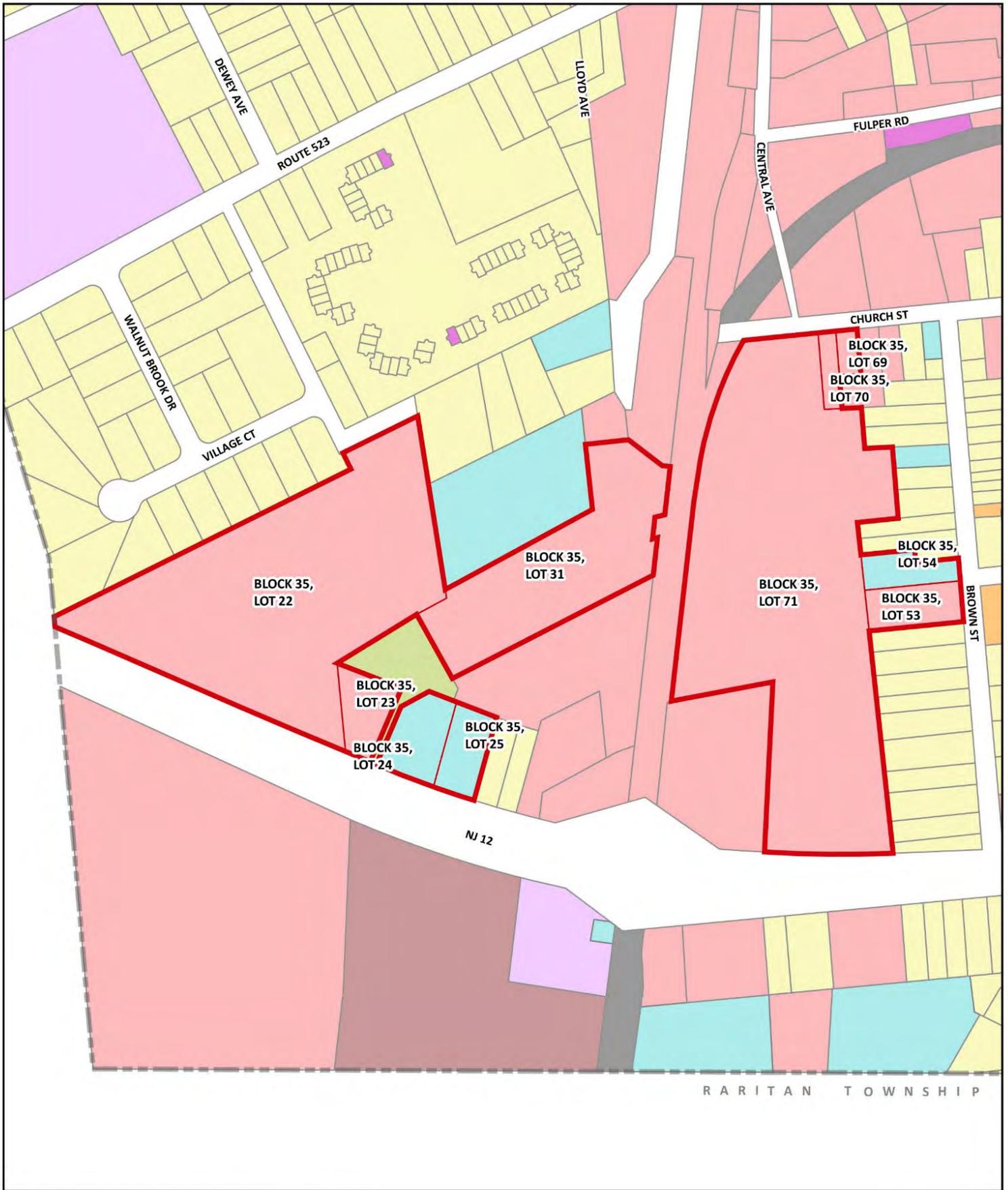
MAP LEGEND:

- SF - SINGLE FAMILY
- TH - TOWNHOUSE
- TR - TRANSITION RESIDENTIAL
- VAS - VILLAGE ARTISAN SHOPPING
- TC - TRANSITION COMMERCIAL

- CB - COMMUNITY BUSINESS
- DB - DOWNTOWN BUSINESS
- DB II - DOWNTOWN BUSINESS II
- HR - HIGHWAY RETAIL
- INCLUSIONARY HOUSING OVERLAY ZONE



POLICY
PLANNING
DESIGN



Existing Land Uses in the Study Area

Liberty Village, Study of Area in Need of Redevelopment

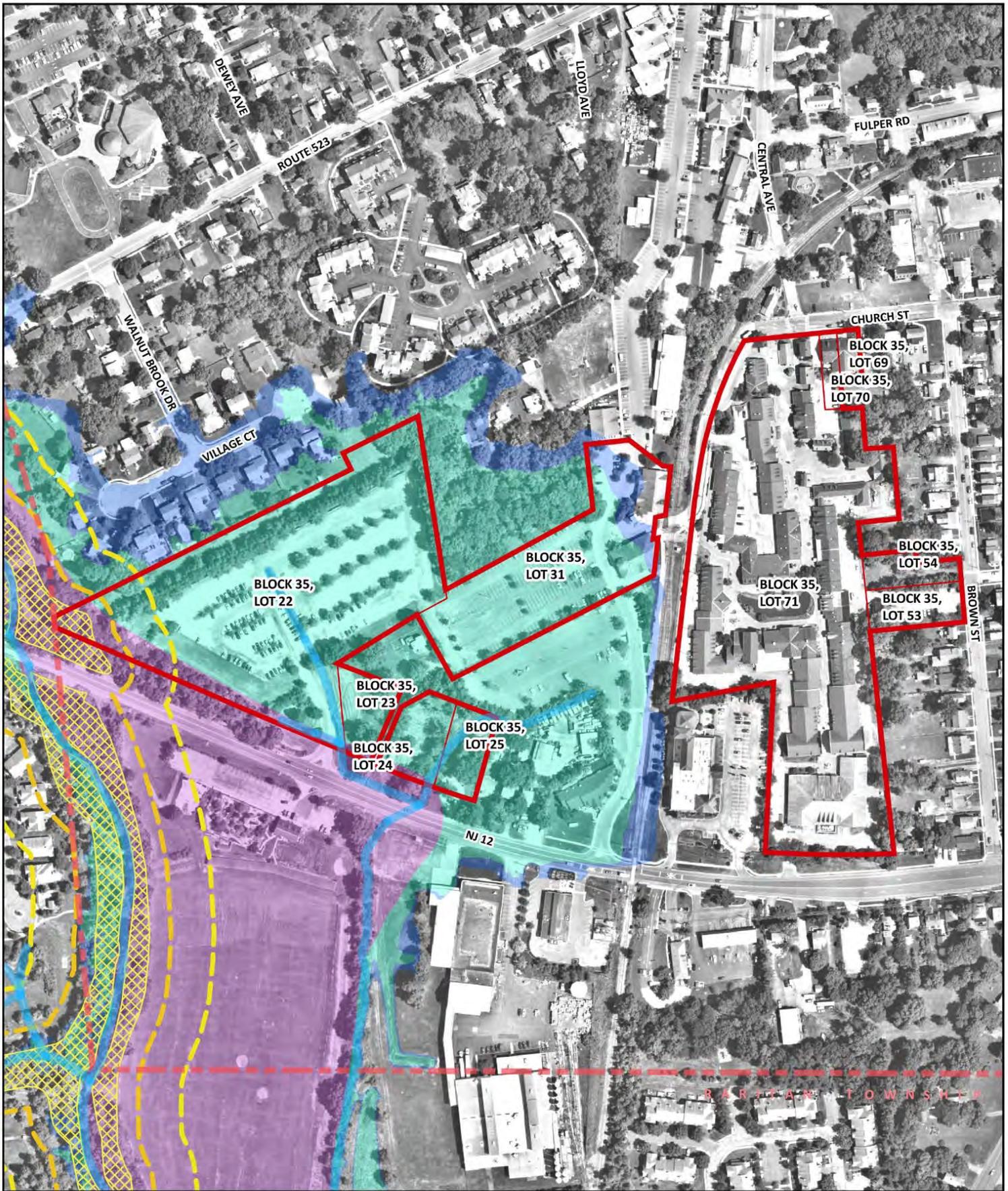
Borough of Flemington, Hunterdon County, NJ

MAP LEGEND:

- | | | |
|---|---|--|
|  Vacant Land |  Industrial |  Public Owned Property |
|  Residential |  Railroad Land |  Church & Charitable Property |
|  Apartment |  Public School |  Cemetery / Graveyard |
|  Commercial |  Other School |  Other Exempt Land |



Data Sources: Open Street Map; Contributors Base Mapping; NJ Roadway Network; FEMA National Flood Hazard Layer; 2005; MDCP Land Use Land Cover, 2015



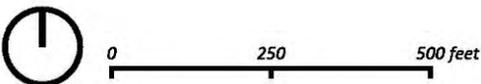
Environmental Constraints in the Study Area

Liberty Village, Study of Area in Need of Redevelopment

Borough of Flemington, Hunterdon County, NJ

MAP LEGEND:

- NJDEP STREAMS
- NJDEP WETLAND AREAS
- WETLANDS, 150 FEET BUFFER AREA
- WETLANDS, 50 FEET BUFFER AREA
- FEMA FLOODWAY
- 100-YEAR FLOODPLAIN (1.0% ANNUAL CHANCE FLOOD HAZARD)
- 500-YEAR FLOODPLAIN (0.2% ANNUAL CHANCE FLOOD HAZARD)
- STUDY AREA BOUNDARY



POLICY
PLANNING
DESIGN

CRITERIA FOR DESIGNATION OF AN AREA IN NEED OF REDEVELOPMENT

For the Study Area to be designated in need of redevelopment, the Planning Board must recommend, and the Borough Council must find, that the conditions of the Study Area meet one or more of the eight criteria that are specified under the Local Redevelopment and Housing Law *N.J.S.A* 40A:12A-5 (LRHL). The criteria outlined in the LRHL are as follows:

- 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.

In addition to the above criteria, the LRHL states:

A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12-3).

The following sections of this report present an evaluation of the conditions of the Study Area with respect to the preceding criteria.

BENEFITS OF REDEVELOPMENT PLANNING

Aside from the obvious benefits of ameliorating deteriorating or unsavory conditions, redevelopment planning has tremendous benefits to the community from a land use planning perspective. First and foremost, it enables the municipality to establish new zoning parameters for redevelopment, parameters that can in some cases represent a significant departure from status quo zoning with respect to physical form, building materials and design and density. Whether treated as superseding existing zoning or as an overlay, a redevelopment plan offers the opportunity to be creative and meet emerging needs of the community through a small scale, self-contained planning process. Further, it can set forth a vision of how to best integrate redevelopment with existing structures and Borough infrastructure.

Second, and almost equally as important, designation of a redevelopment area and preparation of a redevelopment plan offers the governing body, where they deem appropriate, the ability to offer tax incentives to redevelopers that can quickly spur new development. This can come in the form of both short- and long-term tax abatements designed to help offset development costs, something that can assist in the creation of new businesses and facilities.

REVIEW OF STUDY AREA AND REDEVELOPMENT CRITERIA

The Study Area has an industrial past, centered around the existing railroad bisecting the site, and commercial uses starting about 50 years ago. Today's site conditions include a high level of building vacancy, dilapidation, unsafe conditions, a faulty arrangement and design, and an inability to attract private capital. The site is a prime area for redevelopment.

CRITERION B

Criterion b is defined in the LRHL as follows:

“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.”

As noted in the Study Area description, the Study Area as a whole functions as the Liberty Village Shopping Center. The exception is that Lot 22 also provides commuter parking. The pattern of significant vacancies that exist in the Study Area is evident based on the conditions of the buildings and site history. For several years, the condition of the retail buildings on Lots 71 and 31 have been deteriorating and vacancy has been increasing.

Since November 2020, as reported by Mason Assessment Management, not less than 80,420 square feet of retail space has been vacant for at least two consecutive years. Measured in square footage, this is a 50% vacancy rate; measured in spaces available, this is a 57% vacancy rate. Not only are these vacancy rates substantial, but it is also worth noting that the vacancies are spread throughout the site, rather than concentrated. This means there is no part of the retail use that has a concentration of operating retail stores; as such, there is no location at the site where visitors would be able to avoid dilapidation from the vacant and unmaintained retail uses. See the plan on the following page which indicates vacancy as of November 2020.

This vacancy rate of 57% of the stores for at least two consecutive years has increased significantly since November 2020. Based on July 22, 2021, site visit, only Suites 31, 44b, 66, 67, 68, 71, 75b and 923 are occupied. Measured in square footage, this is a 71% vacancy rate - an increase of 21% in nine months; measured in spaces available, this is an 81% vacancy rate - an increase of 24% in nine months.

Several suites totaling approximately 15,000 square feet areas were not reflected in the vacancy data provided by Mason Asset Management, including Suites 26, 35, and the two “L” shaped buildings on the northeastern portion of the site. It is unclear at this time if those spaces were occupied in November 2020, but they were vacant on July 22, 2021. Inclusion of this 15,000 square feet increases the July 2020 vacancy to 83% measured in square footage and 57% measured in spaces.



Suite	Tenant	Square Feet
29	Available	1,248
31	Available	5,113
32	Available	2,435
33	Available	4,462
37	Sunglass Hut	1,426
38	Available	1,653
39	Available	3,390
41A	Available	5,302
43	Available	2,516
44B	Ann Taylor Factory Store	5,557
51	Available	3,785
54	Luxury Beauty Store	1,174
55	Available	1,174
56	Available	1,102
57	Available	2,515
59	Van Heusen Factory Outlet	4,160
60	Available	2,753
61	Michae Khors	2,698
62	Available	5,100
65	J. Crew Factory Store	3,990
66	Polo Ralph Lauren	9,025
67	Timberland	5,055
68	Maidenform	3,034
69	Available	3,194
71	L'eggs Hanes Ball Paytex	4,657
72	Available	3,918
74	Nautica Factory Store	4,193
75A	Available	5,260
75B	Brooks Brothers	5,194
76A	Tommy Hilfger	3,069
76B	Perfuma	1,000
77	Available	3,072
78	Available	2,025
79	Le Creuset Outlet	2,000
80	Available	2,645
83	Bass	7,610
85	Ca vin Kle'n	7,432
86	Available	2,234
87	Available	1,899
88	Available	1,045
92	American Eagle Outfitters	10,000
93	Available	12,580

Leased
 Available

LEASING BY:

LIBERTY VILLAGE
FLEMINGTON, NJ
 1 CHURCH ST.
 SITE PLAN
SP
 PLAN AS OF
 NOV. 2020

Not only is the retail use substantially vacant, and trending toward increasing vacancy, but the building and site is in a state of disrepair. The disrepair is so significant that it is a barrier to re-occupancy that results in the site being untenable. This is evidenced, in part, by the approximately 23% increase in vacancy (excluding those buildings with missing data in November 2020) as measured in square footage and spaces in just nine months. The evidence for disrepair can also be seen in several aspects of the building and site conditions.

The westernmost string of suites on Lot 71 were determined to be unsafe for occupancy by the Borough, on May 20, 2021. Borough Building Inspector, Jeff Klein, on July 27, 2021, stated five (5) suites (Suites 59, 60, 61, 62, and 65) were determined to be unsafe for human occupancy because of electrical service concerns. Electricity is unable to be provided to the suites, creating a substandard and unsafe condition from the buildings unable to provide conditioning (which may result in extreme temperatures) or ventilation. These conditions lead to the 5 Suites being untenable and contribute toward the shopping center, as a whole, being untenable. Note that these 5 Suites are at one of the most prominent locations – the pedestrian entrance connecting the site’s parking to the retail stores – thus giving visitors the impression the shopping center may be closed. The following image depicts the placards that were placed on the several buildings that were determined to be unsafe for occupancy.



Also shown in the following images, the shopping center is in a state of dilapidation and disrepair. There are cracks in exterior facades, disconnected façade or building

elements, and water damage to various parts of building envelopes. In addition to the buildings, other site improvements are also in a state of disrepair, such as but not limited to significant overgrown vegetation, lack of drainage and maintenance in parking areas, and substandard walkway conditions. The disrepair is not limited to Lot 71, but also includes Lot 31, which includes two suites and parking. These conditions contribute to an appearance of abandonment, disrepair, serve as a significant barrier to any re-occupancy efforts, and, ultimately, the site being untenable.













Missing flashing and water damage

Vacant Suite 93; Photographer: Brett Harris; July 22, 2021



Missing flashing and deteriorated siding

Overgrown vegetation

Vacant Suite 35 and maintenance building; Photographer: Brett Harris; July 22, 2021



Deteriorated siding, including holes

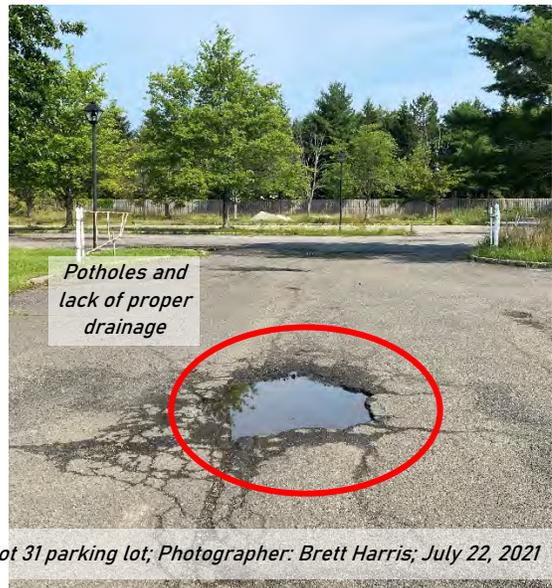
Rotted material and water damage

Overgrown vegetation

Rear of vacant Suites 33 and 35; Photographer: Brett Harris; July 22, 2021



Potholes and lack of proper drainage



Potholes and lack of proper drainage

Lot 31 parking lot; Photographer: Brett Harris; July 22, 2021



Parking areas behind vacant Suites 38 & 39 (left) and 44 & 59 (right); Photographer: Brett Harris; July 22, 2021





Deteriorated and unstable walkway and basin surround



Water damaged ADA ramp

Pedestrian facilities proximate to Suite 59 (left) and at the entrance to 26 (right) Photographer: Brett Harris; July 22, 2021



Debris

Lot 71 Debris; Photographer: Brett Harris; July 22, 2021



Debris

*Lot 71 eastern property line
Photographer: Brett Harris; July 22, 2021*



With the exception of Lot 22, the Study area meets criterion b for the reasons and conditions site above, and summarized below:

- There has been not less than two consecutive years of vacancy of 50% of the retail floor area and 57% of the retail spaces.
- This vacancy is spread throughout the site, resulting in no portion of the shopping center being unimpacted by the vacancy and associated disrepair.
- The shopping center is in a state of dilapidation and disrepair with examples including but not limited to lack of electrical service, water damaged building materials, missing gutters and flashing, façade cracking, and holes in the buildings.
- Site conditions are in are in a state of dilapidation and disrepair with examples including but not limited to overgrown vegetation, damaged ADA ramp, deteriorated pedestrian walkway, debris, unconsolidated debris, disconnected handrails, and lack of drainage resulting in standing water.
- The dilapidation and disrepair in the Study Area is unsightly, contributes to continuing vacancy, and presents safety hazards, in terms of lack of electrical service and damage to walkways and ADA ramps.
- The state of dilapidation and disrepair of both the buildings and the site improvements result in the site being untenable. This is in part evidenced by the approximate 23% increase in vacancy from November 2020 through July 2021.

CRITERION C

Criterion c is defined in the LRHL as follows:

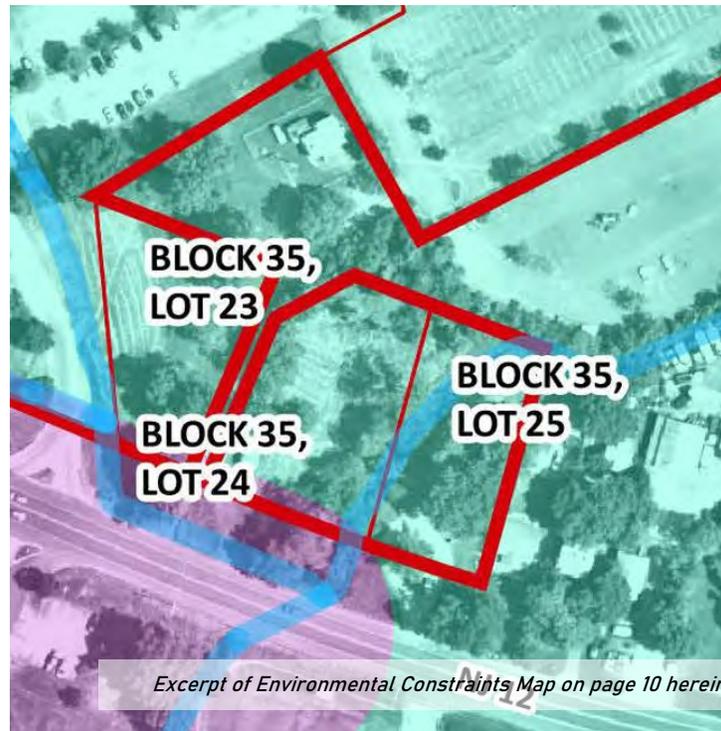
“Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of 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.”

Criterion c applies to Lots 23, 24, and 25. While Lot 23 is classified in the tax records as commercial, it is an unimproved vacant lot. All three lots have been vacant and unimproved since at least 2007. The only exception is a dilapidated garage on Lot 24 that appears to serve no purpose. See below for an aerial photograph from 2007 and compare to current aerial photograph depicted on page 5.



These lots, which total approximately 1.5 acres, are unlikely to be developed through the instrumentality of private capital due to the environmental constraints that exist. As shown on the Environmental Constraints map on page 10 herein, and excerpted below, all three lots are entirely within the Special Flood Hazard Area and all three are impacted by streams in this area that are classified by NJDEP as FW2-TM. As a result, development must adhere to flood hazard regulations and a riparian zone buffer of 150 feet. Only these three lots meet criterion c, despite Lots 22 and 31 also being within the

Special Flood Hazard Area. These lots have particular development challenges given that they do not have alternative access that through streets that are not impacted by the Special Flood Hazard Area, such as Mine Street or Brown Street. Instead, all access to/from these lots must occur within the Special Flood Hazard Area, which limits a sites developability as well as marketability. Additionally, due to the location of the FW2-TM streams, all or nearly all of the lands on these three lots are within the 150-foot riparian zone (*N.J.A.C. 7:13-4.1*) where development is prohibited (*N.J.A.C. 7:9B-1.12*).



Lots 23, 24, and 25 meet criterion c for the reasons and conditions cited above, and summarized below:

- The lots have been vacant since at least 2007.
- The lots, which total approximately 1.5 acres, are not likely to be developed through the instrumentality of private capital due to the significant environmental constraints of being located entirely within the Special Flood Hazard area and subject to 150-foot riparian buffers from two streams.

CRITERION D

Criterion d is defined in the LRHL as follows:

“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.”

Block 35, Lot 22 qualifies for criterion d based on its faulty arrangement and dilapidation. This lot, which is occupied by a commuter parking lot, contains impervious paving for approximately half of the lot and is located within the Special Flood Hazard Area. This parking lot cannot properly address stormwater management, much less flood mitigation. As a result, substantial standing water occurs on the site from rain events, including not only, the parking area but also its primary access to Route 12. Standing water is deleterious to the community as it can serve as a breeding ground for mosquitos, bacteria, and other pests. Additionally, the parking area is dilapidated with overgrown vegetation, potholes, and debris. These site conditions create a deleterious land use that is detrimental to the safety, health, and welfare of the community.

The following photographs of Lot 22 depict standing water from the lack of proper stormwater or flood facilities, as well as significant potholes, debris, broken fences, and dead/fallen trees. The debris on the site, particularly that which is unconsolidated or loose, has the potential to create water pollution by being captured in untreated runoff.





Lot 22 Parking Lot; Photographer: Brett Harris; July 22, 2021



Lot 22 Parking Lot; Photographer: Brett Harris; July 22, 2021



The westernmost string of suites on Lot 71 were determined to be unsafe for occupancy by the Borough, on May 20, 2021. Borough Building Inspector, Jeff Klein, on July 27, 2021, stated five (5) suites (Suites 59, 60, 61, 62, and 65) were determined to be unsafe for human occupancy because of electrical service concerns. Electricity is unable to be provided to the suites, creating a substandard and unsafe condition from the buildings unable to provide conditioning (which may result in extreme temperatures) or ventilation. The result is a deleterious land use that is detrimental to the safety and welfare of the community. The following image depicts the placards that were placed on the several buildings that were determined to be unsafe for occupancy.



Vacant Suite 59; Photographer: Brett Harris; July 22, 2021

Also shown in the following images, the shopping center is in a state of dilapidation and disrepair. There are cracks in exterior facades, disconnected façade or building elements, and water damage to various parts of building envelopes. In addition to the buildings, other site improvements are also in a state of disrepair, such as but not limited to significant overgrown vegetation, lack of drainage and maintenance in parking areas, and substandard walkway conditions. The dilapidation is not limited to Lot 71, but also includes Lot 31, which includes two suites and parking. These dilapidated conditions contribute to an unsightly appearance a feeling of abandonment, and safety concerns.



Vacant Suite 61; Photographer: Brett Harris; July 22, 2021







Lots 53 & 54; Photographer: Brett Harris; July 22, 2021



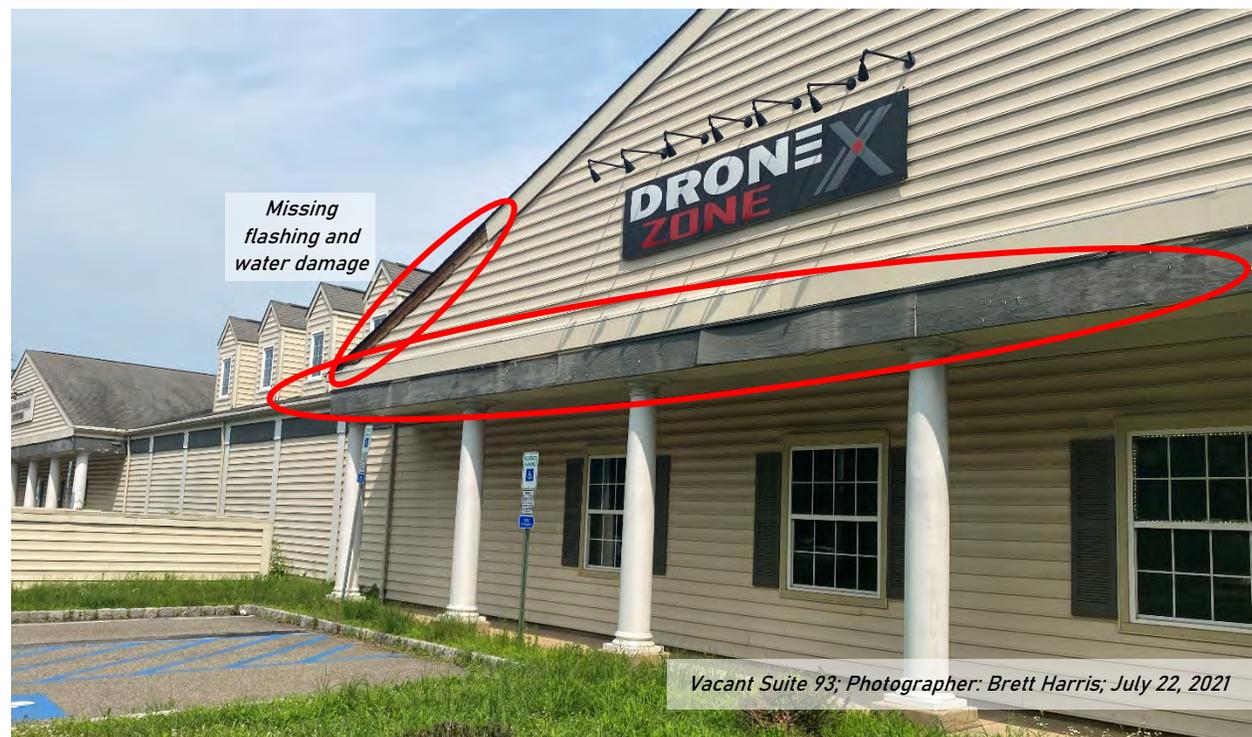
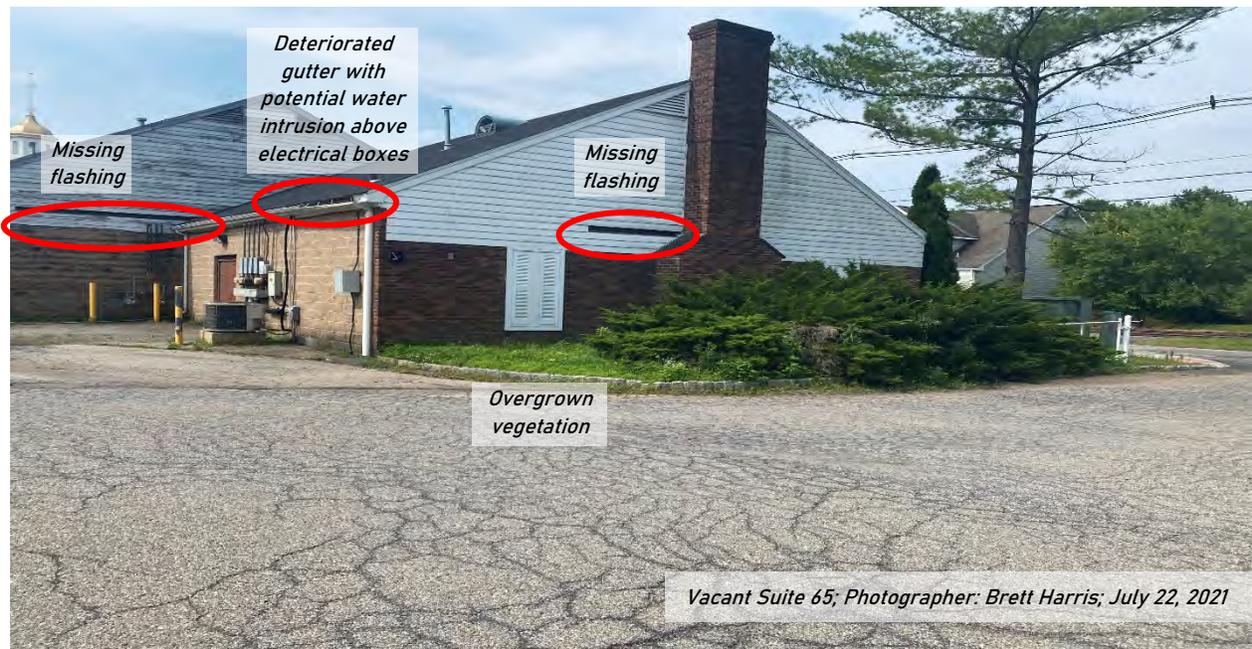
Lack of maintenance and proper drainage

Overgrown vegetation

Lack of maintenance and proper drainage

Occupied Suite 31; Photographer: Brett Harris; July 22, 2021







Missing flashing and deteriorated siding

Overgrown vegetation

Vacant Suite 35 and maintenance building; Photographer: Brett Harris; July 22, 2021



Deteriorated siding, including holes

Overgrown vegetation

Rotted material and water damage

Rear of vacant Suites 33 and 35; Photographer: Brett Harris; July 22, 2021



Lot 31 parking lot; Photographer: Brett Harris; July 22, 2021



Parking areas behind vacant Suites 38 & 39 (left) and 44 & 59 (right); Photographer: Brett Harris; July 22, 2021





Pedestrian facilities proximate to Suite 59 (left) and at the entrance to 26 (right) Photographer: Brett Harris; July 22, 2021



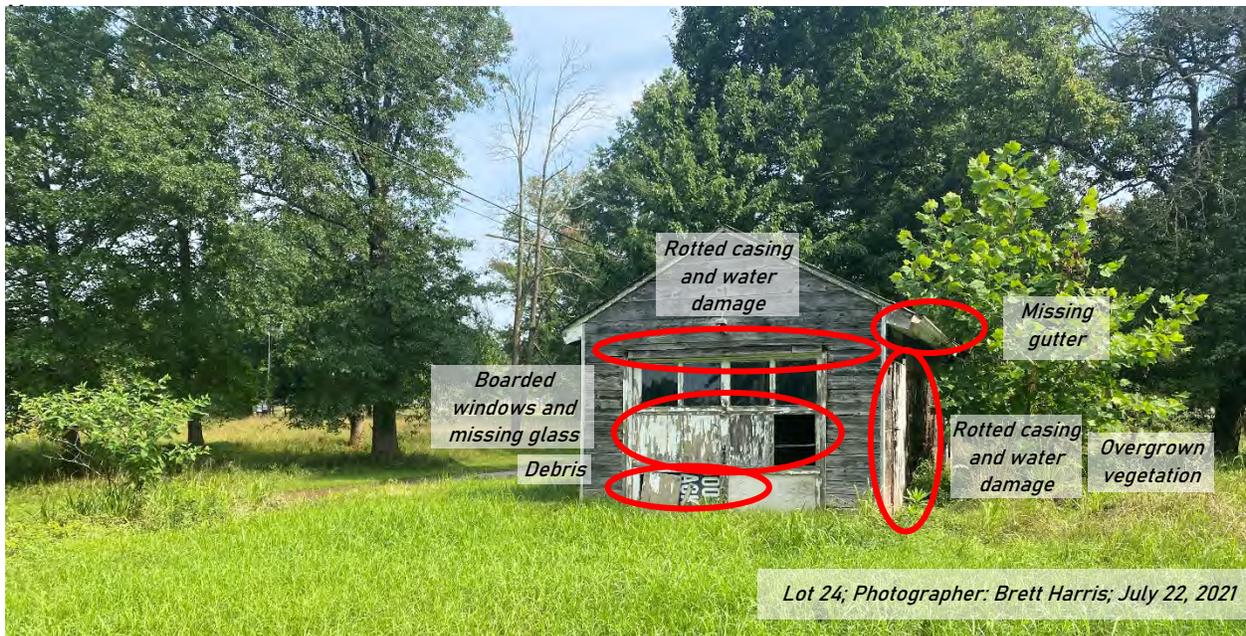
Overgrown site improvements proximate to Suite 37 (left) and at the entrance to 36 (right) Photographer: Brett Harris;

There is a significant amount trash, trailers and debris located on Lot 71 behind the easternmost buildings near the property line. The outdoor debris on Lot 71 depicted in the following photos, as well as the prior photos, is unsightly, contributes to dilapidation of the site, the site being a deleterious land use, and can be detrimental to safety, health, morals, and welfare of the community.





Lot 24, located along Route 12, is overgrown with vegetation and contains one accessory structure that is in a dilapidated condition.



The Study Area meets criterion d for the reasons and conditions site above, and summarized below:

- Lot 22 has a faulty arrangement due to the lack of stormwater management and flood control that, coupled with its substantial area of impervious surface and its location in a flood hazard area, creates a deleterious land use that is subject to standing water and flooding.
- Lot 22 contains substantial vegetative and manmade debris that is unsightly, may lead to stormwater runoff pollution from unconsolidated / loose materials, and impedes the lot's ability to serve its intended purpose – parking.
- The accessory building on Lot 24 is dilapidated and the site is overgrown with vegetation. This severe dilapidation results in this lot being detrimental to the safety, health, and welfare of the community.
- The majority of buildings associated with the retail use are in a state of dilapidation and disrepair with examples including but not limited to, lack of electrical service, water damaged building materials, missing gutters and flashing, façade cracking, and holes in the buildings.
- Site conditions associated with the retail use are in are in a state of dilapidation and disrepair with examples including but not limited to overgrown vegetation, damaged ADA ramp, deteriorated pedestrian walkway, debris, unconsolidated debris, disconnected handrails, and lack of drainage resulting in standing water.
- The state of dilapidation and disrepair of both the buildings and the site improvements, as well as the faulty arrangement of Lot 22, result in the site being a deleterious land use that is detrimental to the health, safety, and welfare of the community.

CRITERION H

Criterion h is defined in the LRHL as follows:

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

There are various smart growth principles that align with potential redevelopment of the Study Area. The characteristics of the Study Area that align with smart growth principles are physical, being its proximity to Downtown Flemington, the existing rail infrastructure, and the sense of place created by the site's history. Smart growth planning principles highlight the importance of strengthening and encouraging growth in existing communities. Downtown Flemington, including the Study Area, is a designated Center, where future growth and development should be concentrated. Additionally, the Study Area is serviced by municipal infrastructure, potentially making

the cost barriers associated with new development less. By targeting redevelopment efforts in areas with existing public infrastructure, smart growth principles are met.

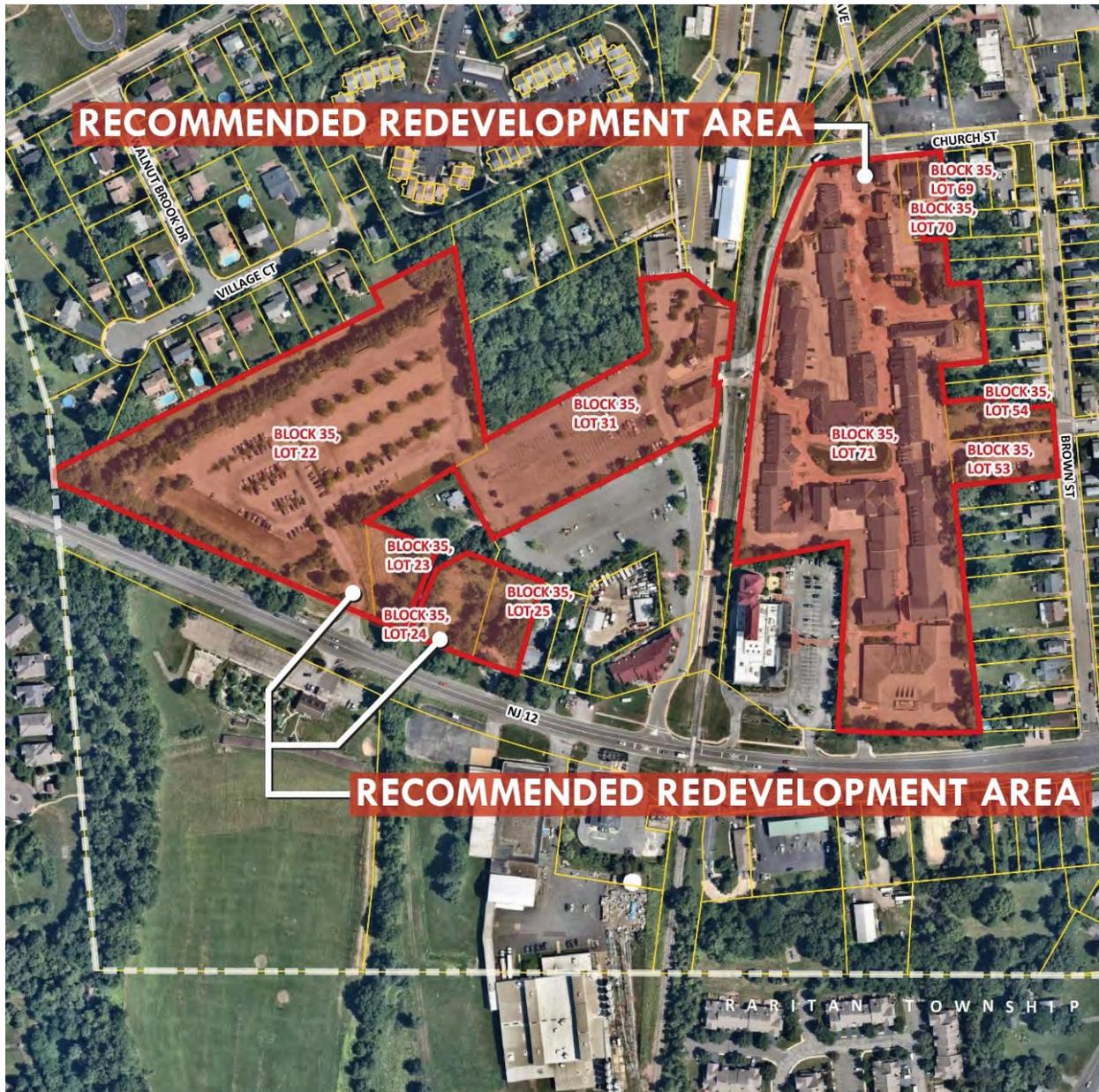
The Study Area is served by typical municipal infrastructure, such as sewer service, however it is also served by rail infrastructure, with the Black River & Western railroad bisecting the site. Although the railroad does not offer commuter passenger service, and there is no current plan to do so, the existing rail infrastructure is a significant asset that may be considered in the redevelopment discussion of the Study Area. Providing a variety of transportation choices is a smart growth principle, and the Study Area's potential to do so through the existing rail infrastructure, is another reason why the Study Area is an ideal location for redevelopment.

Since the Study Area is within a designated center and is served by municipal and rail infrastructure, redevelopment of the area is consistent with smart growth principles, meeting criterion h.

RECOMMENDATIONS

Based on the analysis contained in this Preliminary Investigation, the Study Area meets Criteria b, c, d, and h for designation as an Area in Need of Redevelopment, as per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-5). The following map depicts the recommended Redevelopment Area.

RECOMMENDED REDEVELOPMENT AREA MAP



APPENDIX A – AUTHORIZING RESOLUTIONS

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/24/20 07:00 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman

Initiator: Rebecca Newman

Sponsors:

ADOPTED

RESOLUTION 2020-155

DOC ID: 3288

Resolution Authorizing and Directing the Land Use Board of the Borough of Flemington to Undertake a Preliminary Investigation to Determine Whether a Certain Area Within the Borough is a Redevelopment Area

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough of Flemington (the "Borough") is authorized to direct the Land Use Board of the Borough of Flemington ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that 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 powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation 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 powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Borough may desire to make use of all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Borough may (but is not required not authorizing at this time to) choose to utilize the power of eminent domain; and

WHEREAS, the Borough's Planner has provided a proposal for the necessary report needed to declare an area in need of redevelopment, which is attached hereto; and

WHEREAS, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, and 71 as shown on the Official Tax Map of the Borough of Flemington; which is more commonly known as Liberty Village (the "Property").

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, they being the Governing Body thereof, as follows:

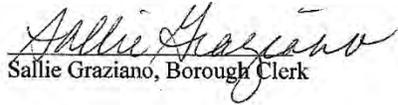
1. The Land Use Board of the Borough of Flemington is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Borough of Flemington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A:12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and

3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

Adopted: August 24, 2020

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Salle Graziano
Initiator: Salle Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-165

DOC ID: 3552

**Authorizing and Directing the Land Use Board of the
Borough of Flemington to Undertake a Preliminary
Investigation to Determine Whether a Certain Area Within the
Borough is a Redevelopment Area and to Supplement and
Clarify Resolution 2020-155**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough of Flemington (the "Borough") is authorized to direct the Land Use Board of the Borough of Flemington ("Land Use Board" to undertake a preliminary investigation in order to determine whether a certain area within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of the same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40a:12-6, the Legislature has directed that 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 powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation 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 powers of eminent domain (Condensation Redevelopment Area"); and

WHEREAS, the Borough may desire to make use of all the powers provided the Legislature for use in a redevelopment area, and specifically, the Borough may (but is not required nor authorizing this at this time to) choose to utilize the power of eminent domain; and

WHEREAS, by Resolution 2020-155, the Borough directed the Planning Board to undertake a preliminary investigation to determine whether certain properties in the Borough satisfied the criteria to be designated as an area in need of redevelopment, including Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69 and 71; and

WHEREAS, subsequent to the adoption of Resolution 2020-155, it was determined that Block 35, Lot 69 is also known as Block 35, Lots 69 and 70, as Lot 70 is listed on the official records of the Borough as an additional Lot to Lot 69; and

WHEREAS, it was the intention of the Borough in Resolution 2020-155 to direct the Planning Board to undertake a preliminary investigation which included the property known and designated as Block 35, Lots 69 and 70; and

WHEREAS, it is the desire of the Borough to clarify and supplement Resolution 2020-155 such that the reference to Block 35, Lot 69 was intended to include the property known and designated as Block 35, Lots 69 and 70; and

WHEREAS, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 and 71 as shown on the Official Tax Map of the Borough of Flemington, which is more commonly known as Liberty Village (the "Property").

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, they being the Governing Body thereof, as follows:

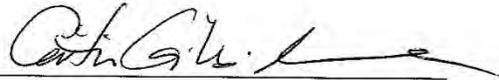
1. The Land Use Board of the Borough of Flemington is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute a Non-Condensation area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A-12A-5;

2. The Land Use Board of the Borough of Flemington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A:12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is a Non-Condensation Redevelopment Area; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be a Non-Condensation Redevelopment Area.

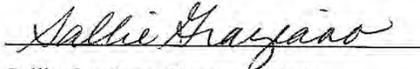
BE FURTHER IT RESOLVED that this resolution shall take effect immediately.

Adopted: August 9, 2021

Attest:



Caitlin Giles-McCormick, Council President



Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jessica Hand, Council Member
SECONDER:	Kimberly Tilly, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly