

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

R E S O L U T I O N #09-295

RESOLUTION OF THE TOWNSHIP OF HOPEWELL, IN THE COUNTY OF MERCER, CONCERNING THE DESIGNATION OF CERTAIN PROPERTIES IN THE TOWNSHIP AS AN AREA IN NEED OF REDEVELOPMENT UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 *et seq.*)

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

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, the Township Committee (the “Township Committee”) of the Township of Hopewell (the “Township”), by way of a resolution adopted June 22, 2009, authorized and directed the Planning Board of the Township (the “Planning Board”) to conduct a preliminary investigation to determine whether the area consisting of Block 33, Lot 1.02 (the “Pennytown Site”), Block 37, Lots 17.01, 17.02, 17.03 and 17.04 (collectively, the “Kooltronic Site”), Block 37, Lot 31 (the “PSE&G Site”) and Block 37, Lot 21 (the “84 Lumber Site” and, together with the Pennytown Site, the Kooltronic Site and the PSE&G Site, the “Study Area”), meets the criteria set forth in the Redevelopment Law and should be designated as an area in need of redevelopment; and

WHEREAS, the Planning Board caused Clarke Caton Hintz (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment; and

WHEREAS, on August 17, 2009, the Planning Board received a report and map depicting the Study Area prepared by the Planning Consultant, entitled “Preliminary Investigation of the Pennytown, Kooltronic, PSE&G and 84 Lumber Sites for a Determination of their Suitability to be Designated an Area in Need of Redevelopment in Accordance with N.J.S.A. 40A:12A-1 *et seq.*” and dated August 17, 2009 (the “Report”), concerning the determination of the Study Area as an area in need of redevelopment; and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the Redevelopment Law further requires the Planning Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made not less than ten days prior to such public hearing; and

WHEREAS, the Redevelopment Law further requires such notice to be mailed at least ten days prior to such public hearing to the last owner(s) of the relevant property(ies) according to the Township’s assessment records; and

WHEREAS, the Planning Board caused the aforementioned notices to be: (i) published on August 20 and August 27, 2009 in each of the Trenton Times and the Hopewell Valley News; (ii) served on the last owner(s) of the relevant properties according to the Township's assessment records on August 25, 2009; and (iii) served on all property owners within 200 feet of the Study Area on August 25, 2009; and

WHEREAS, on September 10, 2009, the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, accepted the Report into evidence, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, to cross-examine the Planning Consultant and/or to address questions to the Planning Board and its representatives concerning the potential designation of the Study Area as an area in need of redevelopment; and

WHEREAS, members of the public did in fact present their own testimony, and address questions and comments to members of the Planning Board and to the Planning Board's representatives, concerning the designation of the Study Area as an area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on September 10, 2009 that there is evidence to support the following findings: (i) the Pennytown Site satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A:12A-5a, 5b and 5d; (ii) the PSE&G Site satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5c; (iii) the 84 Lumber Site satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5b; and (iv) the Pennytown, Kooltronic and PSE&G Sites collectively satisfy the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5h and, pursuant to N.J.S.A. 40A:12A-3, the collective designation of such sites as an area in need of redevelopment is necessary for the effective redevelopment of the area comprising such sites; and

WHEREAS, after the conclusion of the public hearing described above, the Planning Board adopted Resolution No. 09-029 (the "Board Resolution") finding and concluding that: (i) the Pennytown Site satisfies the criteria for redevelopment area designation set forth in N.J.S.A. 40A:12A-5a, 5b and 5d; (ii) the PSE&G Site satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5c; (iii) the 84 Lumber Site satisfies the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5b; and (iv) the Pennytown, Kooltronic and PSE&G Sites collectively satisfy the criterion for redevelopment area designation set forth in N.J.S.A. 40A:12A-5h and, pursuant to N.J.S.A. 40A:12A-3, the collective designation of such sites as an area in need of redevelopment is necessary for the effective redevelopment of the area comprising such sites; and

WHEREAS, as set forth in the Board Resolution, the Planning Board recommended that the Township Committee designate the Pennytown Site, the Kooltronic Site and the PSE&G Site, collectively, as an area in need of redevelopment pursuant to the Redevelopment Law, and that the Township Committee not so designate the 84 Lumber Site because it is too remote from the other aforementioned sites, it is separated from the "Else tract" by railroad sidings and a change in land use is not deemed necessary; and

WHEREAS, the Township Committee agrees with the conclusion of the Planning Board that the Pennytown Site, the PSE&G Site, the 84 Lumber Site and the Kooltronic Site meet the aforementioned criteria for redevelopment area designation, and the Township Committee finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Township Committee further agrees with the recommendation of the Planning Board that the Pennytown Site, the Kooltronic Site and the PSE&G Site, collectively, be designated as an area in need of redevelopment pursuant to the Redevelopment Law, and that the 84 Lumber Site not be so designated for the reasons set forth above; and

WHEREAS, the Township Committee now desires to designate the Pennytown Site, the Kooltronic Site and the PSE&G Site, collectively, as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Committee further desires to authorize and direct the Planning Board to cause a redevelopment plan to be prepared for the Pennytown Site, the Kooltronic Site and the PSE&G Site and present same to the Township Committee pursuant to N.J.S.A. 40A:12A-7f.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Hopewell, in the County of Mercer, New Jersey as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Committee hereby designates the Pennytown Site, the Kooltronic Site and the PSE&G Site, collectively, as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-6.
3. The Planning Board is hereby authorized and directed to cause a redevelopment plan to be prepared for the Redevelopment Area and present same to the Township Committee pursuant to N.J.S.A. 40A:12A-7f
4. This resolution shall take effect immediately.

Date Adopted: September 14, 2009