

Request for Development Concept Proposals Global Agway Redevelopment Borough of Flemington, New Jersey

August 30, 2018



1. INTRODUCTION

The Borough of Flemington, located in the County of Hunterdon, New Jersey, has been declared an Opportunity Zone by the Governor of the State of New Jersey, an action designed to encourage investment. The Borough is requesting redevelopment concept proposals from qualified real estate developers (as more specifically defined herein) for the redevelopment of the Global Agway area, a 5.6-acre area located in the northern portion of the Borough of Flemington, NJ (referred to herein as the “Global Agway” or the “Property”).

Hard copies of this Request for Development Concept Proposals (“RFDC”) and the Global Agway Redevelopment Plan (the “Redevelopment Plan”), which details the zoning and development standards governing the Property, may be obtained from, or examined at the office of the

Borough of Flemington Clerk
38 Park Avenue
Flemington, NJ 08822
Tel: (908) 782-8840

after August 30, 2018, or reviewed at the above address during regular business hours (8:30 a.m. to 4:00 p.m.), Monday through Friday. You will be responsible for any copying fees for any documents provided by the Borough.

A copy of the RFDCP and Redevelopment Plan and updates to the plan recommended by the Borough of Flemington Planning Board and adopted by Council, will also be posted on the Borough’s website at www.historicflemington.com under the “Global Agway” Menu Item.

It shall be the responsibility of those wishing to respond to this RFDC to monitor the Borough’s website. Should it become necessary for the Borough to revise or clarify any portion of this RFDC, such revisions or clarifications will be posted on the website under the Global Agway Menu Item. The Borough assumes no responsibility for transmission of information beyond posting on the website.

Each proposal must be submitted in a clearly marked, sealed envelope. Each proposing company shall submit seven (7) copies of the development concept proposals to the Office of the Borough Clerk as well as including an electronic copy on a flash-drive or CD. In order to ensure delivery and acceptance of eligible proposal submissions, each proposal package shall be labeled with the submitting company’s name, the project name (Global Agway Redevelopment RFDC), and the submission due date.

Questions concerning this request for proposals shall be submitted by 4:00 p.m., September 13, 2018. Questions about the proposal submission process and requirements should be directed via email to Councilwoman Brooke Warden at bwarden@historicflemington.com, or Councilperson Betsy Driver at bdriver@historicflemington.com. Copies of all questions and answers shall be posted on the Borough’s website under the Global Agway Menu Item (without identification of the author of the questions) by September 20, 2018.

Members of all proposing firms or teams shall refrain from contacting or discussing this project or their concept proposals with any other Flemington public official, professional staff person, or elected official. Proposing firms that do not adhere to this requirement may be disqualified from further consideration.

Proposal Submission Deadline: Thursday, October 4, 2018, 4:00 p.m. (prevailing time)

All proposals will be received and opened by a representative of the Borough Redevelopment Committee in the office of the Clerk, Borough Hall, 38 Park Avenue, Flemington, NJ 08822.

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2. BACKGROUND

2.1. BUILDING AND SITE DESCRIPTION

In December 2013 the Borough Council authorized the Planning Board to conduct a preliminary investigation to determine whether or not the study area fulfilled the criteria for declaration as an area in need of redevelopment pursuant to the statutory requirements found in the New Jersey Local Redevelopment and Housing Law (“LRHL” codified at N.J.S.A. 40A:12A-1 et seq.). The Redevelopment Area is composed of the following blocks and lots:

- Block 5, Lots 1 and 2
- Block 14, Lot 1

The Preliminary Investigation Report was completed in March 2014. The Council declared the study area to be a Non-Condemnation Area in Need of Redevelopment on April 16, 2014 (Resolution 2014-73).

The Global Agway Redevelopment Area is a 5.6-acre area located in the northern portion of the Borough. Flemington is known for its historic charm and quaint country atmosphere. The Borough also holds a role of regional importance by being the county seat of Hunterdon County, and has recently been designated as an Opportunity Zone by the Governor of the State of New Jersey.

The property known as Global Agway, Block 5, Lots 1 and 2 at 3.34 acres is the largest portion of the Redevelopment Area. The site is odd-shaped with 215 feet of frontage on Main Street, 625 feet of frontage of Walter E. Foran Boulevard and 666 feet on Hopewell Avenue. The site was vacated in 2009. There are four buildings on the property. A parking lot consisting of 50 marked spaces is located along Walter E. Foran Boulevard and additional parking is located along Hopewell Avenue. The Bushkill Brook, as well as associated wetlands, runs along the northern portion of the property.

The remaining portion of the Redevelopment Area, Block 14, Lot 1, is 2.27 acres. The lot hosts two buildings, a warehouse building of approximately 16,400 sf and a late 19th century freight train depot of approximately 2,300 sf. These buildings have been unoccupied for approximately 20 years. A cement slab also remains where a building once sat. The majority of the site is located outside the Borough’s Historic District. Notwithstanding, the freight train depot is identified as a historically significant structure in the Borough’s Historic District map.

2.2. THE GLOBAL AGWAY REDEVELOPMENT PLAN

The Global Agway Redevelopment Plan sets forth the key planning objectives, design and program elements, and the zoning, design and land use standards applicable to the Global Agway. Proposers should refer to the Redevelopment Plan for guidance and concept proposals should comply with the requirements set forth in the Redevelopment Plan.

2.3. CONDITIONS & CONSTRAINTS

The Global Agway Redevelopment area is comprised of two individually and privately-owned properties. It is anticipated that the chosen redeveloper of the property will negotiate with the owners to acquire title to the Property. The Borough reserves the right to assist in such acquisition if it determines such assistance to be in the best interest of the community.

EXISTING ZONING: The Redevelopment Area is located in the TC Transition Commercial zone district as well as the ROSH Redevelopment Office / Senior Housing Overlay.

As stated in §2618 of the Borough's Land Use Code, the purpose of the TC district is "to provide areas for more intensive commercial uses commonly with a wholesale component or outdoor storage which were developed in proximity to rail lines or highways." It permits a wide variety of retail, restaurants, professional office, service, and contractor uses; residential uses are prohibited. This zoning requires a suburban style commercial development with buildings setback from the street and a maximum building height of 2 stories.

Pursuant to §2640, the ROSH overlay provides a zoning alternative with a purpose to "(1) Promote development of compact, pedestrian-oriented mixed uses including assisted living senior citizen residential with retail, office and open space; (2) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage, and town center businesses; (3) Promote the health and well-being of residents by encouraging physical activities and greater social interaction." It permits limited retail uses, medical offices, restaurants, assisted living, and senior housing. This zoning requires development that is generally consistent with Flemington's building pattern with buildings located closer to the street, a 4-story maximum building height, and architectural standards.

ENVIRONMENTAL CONDITIONS: Approximately 0.8 acres of the Study Area is environmentally constrained. The Bushkill Brook, as well as associated wetlands, runs along the northern portion of Block 5, Lot 2. It is anticipated that NJDEP will permit existing disturbed areas to be redeveloped, but will restrict development of undisturbed areas.

There are two Known Contaminated Sites located within Block 5 of the study area.

- Park Avenue Realignment Right of Way (Block 5, Lot 1)
- Flemington NJ Bulk Plant (Block 5, Lot 1)

Both sites were cited for groundwater contamination and are addressing remediation using a Licensed Site Remediation Professional (LSRP) and the associated process, consistent with the State's 2009 Site Remediation Reform Act (SRRRA).

3. SUBMISSION INSTRUCTIONS & REQUIREMENTS

The development concepts components should be in narrative single-space format, shall not exceed ten (10) pages and shall adhere to the following outline as closely as possible.

3.1. Identification and Qualifications of Developer and Key Individuals

Identify and describe the developer, including the form of business (corporation, partnership, sole proprietorship, etc.), the size of the entity (in terms of staff) and the length of operation as a developer, the principals holding an interest in such development entity, and the key individuals likely to be involved in the development project and their respective backgrounds and qualifications.

3.2. Previous Development Experience

Provide names, locations, dates of completion, and descriptions of relevant, similar or other projects completed by the developer, including contact information for any persons and web site (if appropriate) for further information concerning such projects. For projects currently in the planning or construction phase, provide the status and anticipated completion dates. In addition to project narratives, proposers should provide actual, color visuals of such other projects, which may be provided via CD, still photos, or other appropriate media. Such additional graphic materials shall not count toward the ten (10) page narrative limit.

3.3. Project Concept

Provide a brief narrative of the proposed Project, along with a conceptual site plan or such other graphic materials as may be necessary to adequately describe the Project. Such additional graphic materials shall not count toward the ten (10) page narrative limit.

3.4. Financial Capability & Project Funding Strategy

Provide evidence of the developer's financial capability to finance a proposed project, including access to equity, capital, estimated cash flow, and ability to obtain the development financing for the proposed project. Such evidence may include financial statements, prior letters of commitment, names and addresses of financial references who have provided developer with debt and/or equity financing, and examples and descriptions of how the developer has financed other projects, including the debt/equity ratio for such projects. With respect to the specific project proposed, identify all potential anticipated funding sources (public and private), the anticipated debt/equity ratio, and any other financing tools that developer might anticipate using for the proposed project. Proposers who cannot provide sufficient evidence of capability to finance a proposed project to satisfy the Borough that the project would likely be completed will be disqualified and will be given no further consideration.

3.5. References

Other than financial and project-specific references, proposers shall provide at least three (3) references from individuals or firms (other than those anticipated to be on proposer's development team) with whom the proposer has worked. Include names, addresses, telephone and fax numbers, and emails for contact persons and description of the relationship.

4. EVALUATION OF PROPOSALS

4.1. Selection Process

The Redevelopment Committee will evaluate and rank each proposal received based upon Selection Criteria contained in the Redevelopment Plan and this RFDC. From such ranking, a limited number of entities representing one or more of the best qualified proposers ("Short-List"), will be generated.

Short-Listed proposers shall be those whose proposal, in the sole opinion of the Borough, best reflect a project which is designed to achieve the goals and objectives of the Redevelopment Plan, provides the Borough with demonstrated evidence of the proposer's superior ability, experience and qualifications in developing and, as appropriate, operating the type, size and scope of the project proposed, and the proposer's demonstrated ability to finance such a proposed project.

Short-Listed proposers may be asked to submit additional information and make a presentation to the Redevelopment Committee.

Upon completion of the ranking and Short-List process, the Redevelopment Committee will recommend to the Borough Council the one or more proposers who, in the sole opinion of the Committee, are the most qualified, whose proposals most advance the goals and objectives of the Redevelopment Plan, and who have demonstrated the financial capability to develop the Property as per the proposal. Upon such recommendation, the selected proposers may be asked to make a formal presentation to the Borough Council, after which, the Council will be asked to conditionally-designate such proposer as the redeveloper for the Property. The Council will further be asked to authorize a specific period of time for the Borough to negotiate a Redevelopment Agreement with such conditionally-designated redeveloper, defining the rights and responsibilities of each party relating to the Project proposed.

The Redevelopment Committee and the Borough Council reserve the right to interpret the components of a proposal and the selection criteria herein at their discretion.

Should negotiations fail to result in a Redevelopment Agreement with a particular Redeveloper Candidate within the prescribed time period, the Borough reserves the right to end such negotiations, rescind Redeveloper Candidate status from the subject entity and commence negotiations with the next-ranked Respondent in the selection process.

4.2. Selection Criteria

The evaluation and ranking of each proposal will be based upon the following criteria. The Borough reserves the right to interpret said criteria as it deems appropriate.

- (i) The financial capability of the proposer as represented by the strength of its current financial position and its ability to obtain the financing required for the Project(s) proposed.
- (ii) The strength of the proposer’s organizational and management structure as demonstrated by its business reputation, professional capability and past performance on similar or other notable development projects.
- (iii) The professional and technical competence and related experience of the proposer in developing and operating similar projects.
- (iv) The proposed project concept and the extent to which it achieves the goals and objectives of the Redevelopment Plan.
- (v) Strength of proposer’s references.
- (vi) Demonstration of the financial viability and feasibility of the proposal project.
- (vii) Experience and success in developing similar projects,
- (viii) and such other factors as the Borough deems relevant.

4.3. Public Records

The Borough shall consider each proposal to be potential redevelopers and shall therefore consider all response materials as integral components of the negotiations process. As such, the Borough shall be under no obligation to release any component of any response until the conclusion of all negotiations, at which time the Borough will be bound by the New Jersey Open Public Records Act as it may be constituted at such time. Within this context, proposers may request that certain components of their responses be redacted or withheld from public dissemination. Such requests will be reviewed within the context of the Borough’s legal obligations under OPRA. The Borough assumes no liability for any costs incurred by those responding to this RFDC or in responding to any requests for additional information, interviews or other “OPRA” items prior to the execution of a redevelopment agreement. Cost and other responsibilities arising *after* execution of a redevelopment agreement shall be specified within such agreement.

5. RESERVATION OF RIGHTS BY THE BOROUGH

The Borough reserves the right to make any and all decisions regarding the selection of a redeveloper and to waive any formality and to take any action that the Borough determines, in its sole discretion, to be in the best interest of the Borough. The Borough reserves the right to reject any and all proposals in its sole discretion. The provisions of the RFDC are made for the benefit of the Borough and no right shall be deemed to accrue to any person submitting a proposal by reason of the submission of such proposal, or by the waiver or non-enforcement of any provisions or requirements of the RFDC or by reason of any term or terms thereof.

The Borough of Flemington shall be the sole judge of each proposer's conformity with the requirements of this RFDC and the merits of the concept proposal. The Borough of Flemington reserves the right to amend, modify, or withdraw this RFDC, to reject any proposal from further consideration based upon non-compliance with the requirements of this RFDC, to negotiate or hold discussions with one or more of the proposers, which may result in a redevelopment agreement, to issue a subsequent request for a shortlist of proposers or a list based upon a new competitive basis, to correct deficient responses that do not completely conform with RFDC, to accept or reject any or all proposals and to cancel this RFDC, in whole or in part, for any reason or no reason, in the City's sole discretion. The Borough of Flemington may exercise any such rights at any time, without notice or liability to any proposer(s).

The Borough of Flemington is issuing this RFDC pursuant to its powers under the Local Redevelopment and Housing Law, N.J.S.A., 40A:12A-1, et seq., which gives the Borough the power to use any reasonable means to identify potential redevelopers and to negotiate with a developer of its choosing without any formal open public process. Accordingly, this RFDC is not subject to public bidding requirements under the Local Public Contracts Laws, N.J.S.A. 40A:11-1, et seq., or any other laws. By issuing the RFDC, the Borough of Flemington specifically does not waive its right to select a redeveloper of its choosing that it determines in its sole discretion is in the best interest of the Borough, notwithstanding the evaluation criteria set forth herein, which serve as a guideline for such decision, but not binding rules or restrictions upon the Borough's selection.

CERTIFICATION

I, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY: The information contained in the response and in all attachments submitted herewith is to the best of my knowledge and belief true, accurate and complete. I have the authority to submit this response to the Borough on behalf of the below. I understand that if such information is willfully false, I am subject to criminal prosecution under N.J.S.A. 2C: 28-2 and that the Borough, at its sole discretion, may reject or make any decision within its power with respect to the selection of proposer under this procedure.

NAME OF REDEVELOPER: _____

SIGNATURE: _____

NAME (PRINT OR TYPE): _____

TITLE: _____

DATE: _____

Subscribed and sworn
before me this ___ day of
_____, 2018.

Notary Public
My Commission expires:

A copy of this certification MUST be submitted with the proposal.