

Global Agway

Preliminary Investigation For An Area In Need of Redevelopment



Flemington Borough, Hunterdon County, New Jersey
March 20, 2014



Clarke Caton Hintz

Architecture

Planning

Landscape Architecture

Preliminary Investigation
for an
Area In Need of Redevelopment

Borough of Flemington, Hunterdon County, New Jersey

Prepared for the Borough of Flemington by:

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Clarke Caton Hintz

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Rebecca Newman, RMC – Borough Clerk

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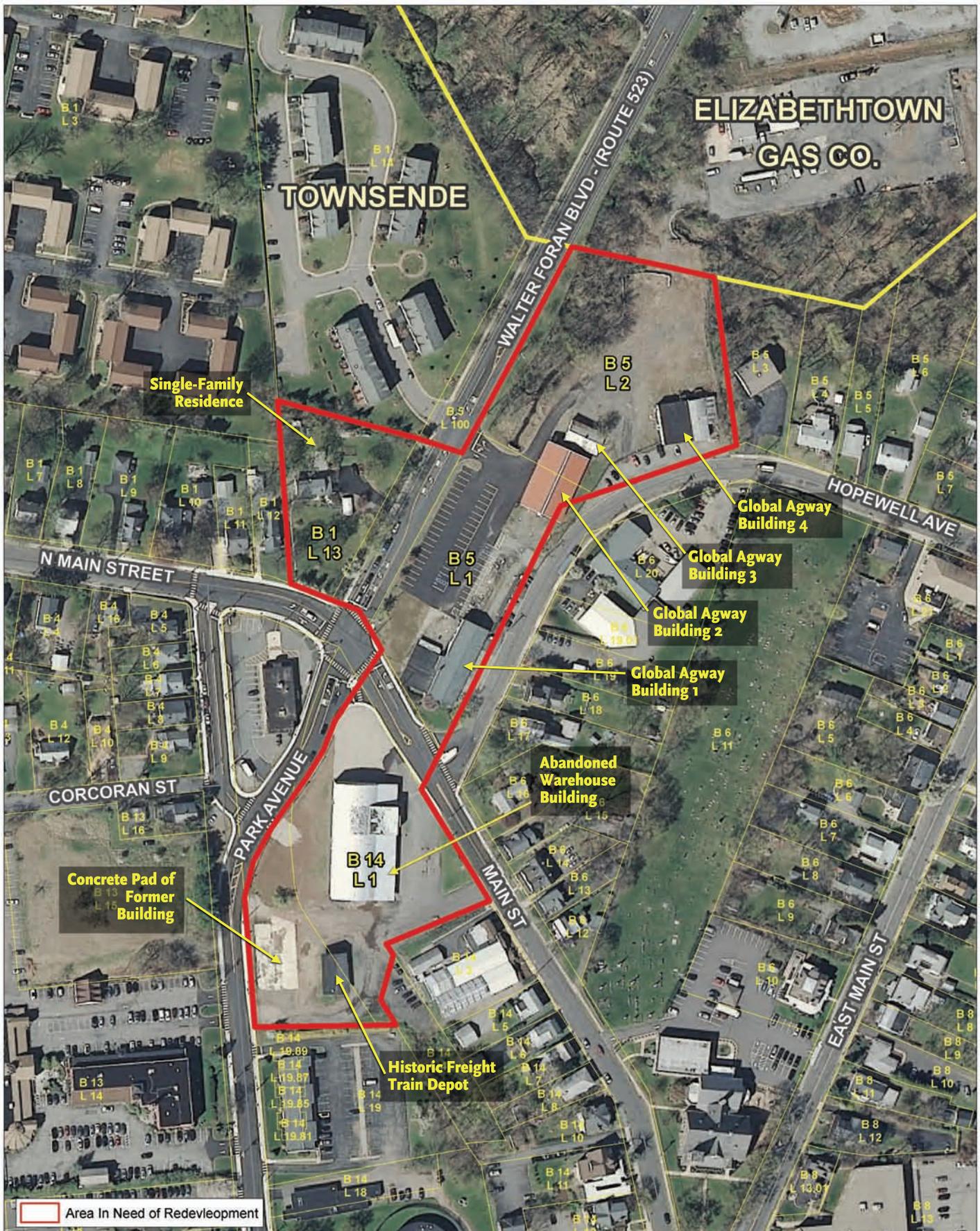


Introduction

On December 28, 2012 the Borough Council authorized the Planning Board to undertake a preliminary investigation to determine whether the Global Agway property (Block 5, Lots 1 & 2; 35 North Main Street) located at the confluence of Walter Foran Boulevard (County Route 523), Main Street and Hopewell Avenue meets the criteria for designation as an “area in need of redevelopment”, pursuant to *N.J.S.A. 40A:12A-1* et seq. (the “Local Redevelopment and Housing Law”). On September 24, 2013 the Planning Board authorized Clarke Caton Hintz to perform the Study.

On December 9, 2013 Borough Council authorized the Planning Board to prepare a preliminary investigation for an expanded study area that consists of lots south and west of the Global Agway site – Block 14, Lot 1 (40-42 North Main Street) and Block 1, Lot 13 (39 North Main Street) – respectively. On December 16, 2013 the Planning Board authorized Clarke Caton Hintz to perform the Study for the expanded area.

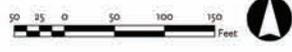
A site visit, including a full walk through the Global Agway buildings on Block 5, Lots 1 and 2, was conducted on June 26, 2013. This site visit included Jeff Klein, Construction Code Official; Elizabeth McManus, PP, AICP, LEED AP and Carl E. Hintz, PP, AICP, LLA, ASLA. A field visit to the expanded study area, Block 14, Lot 1 and Block 1, Lot 13, was conducted by Carl E. Hintz on March 19, 2014. In addition to the site visits, other actions were taken during the analysis, including review of tax records, review of potential tax liens, interviews with Borough Council members, review of partial title history and discussions with the Borough Construction Code Official, Jeff Klein and input from Van Cleef Engineering Associates.



Area In Need of Redevelopment

Aerial Orthophotography Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP and the GIS User Community. Current tiles shown: NJDEP 3/2012

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP, and is not state authorized.



GLOBAL AGWAY
Area in Need of Redevelopment

Flemington Borough, Hunterdon County, NJ March 2014

Clarke Caton Hintz
 Architecture
 Planning
 Landscape Architecture



Statutory Authority and Process

Under New Jersey's Local Redevelopment and Housing Law (LRHL)¹, municipalities are empowered to determine whether an area is in need of rehabilitation or redevelopment, to adopt a redevelopment plan, and to implement and carry out redevelopment projects. Redevelopment is defined as:

Clearance, replanning [sic], development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

[N.J.S. 40A:12A-3]

To determine whether an area is in need of rehabilitation or redevelopment, the governing body of the municipality adopts a resolution and map providing for an investigation by the Planning Board within the targeted area of the municipality. In this study, only the determination of whether the area is in need of redevelopment is being reviewed.

Pursuant to 2013 amendments to the Local Redevelopment and Housing Law, the Governing Body, in its authorization to perform the study, must state whether the redevelopment area determination would be a "non-condemnation redevelopment area", which precludes the use of eminent domain proceedings, or whether the redevelopment area determination would be a "condemnation redevelopment area", which permits the use of eminent domain proceedings. The Borough Council's December 9, 2013 authorization for a preliminary investigation of an expanded study area states any redevelopment determination would be a "non-condemnation redevelopment area"².

¹ Local Redevelopment and Housing Law, N.J.S. 40A:12A-1 et seq.

² The original Borough Council authorization for the Global Agway site (Block 5, Lots 1 and 2) was done prior to the 2013 Amendment to the Local Redevelopment and Housing Law and thus does not state whether the redevelopment area determination is a "non-condemnation redevelopment area" or whether the redevelopment area determination is a "condemnation redevelopment area".



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This response to the Borough Council's request for a preliminary investigation occurs within a framework established by the LRHL. Additional steps in the process established by the Act include the following:

1. The Planning Board conducts a public hearing on whether the area meets one or more of the statutory criteria to become a redevelopment area. Public notice is given to property owners and any other known claimants to the land. The Board is required to hear all interested persons and make a record of their statements (whether written or oral). At the close of the hearing the Board makes a recommendation to the Borough Council. The recommendation can take three forms: That the entirety of the investigation area is in need of redevelopment, part(s) of the area is in need of redevelopment or that no part is in need of redevelopment.
2. The Borough Council receives the Planning Board's recommendations. The Council, assuming that it wishes to create a redevelopment area(s), adopts a resolution declaring the entire study area or a portion(s) an area in need of redevelopment, unless no part of the study area has been found to meet any criteria of the LRHL.
3. The Council's resolution is sent by the Borough Clerk to the Commissioner of the Department of Community Affairs. Since the study area is situated in an area in which development or redevelopment is to be encouraged pursuant the State Development and Redevelopment Plan, the determination shall take effect after the clerk has transmitted a copy of the resolution to the Commissioner.

Once the determination takes effect and the redevelopment area is established, the municipality can start the second part of the redevelopment process – the creation of the Redevelopment Plan. Later steps will include the creation and issuance of a request for proposal, selection of a redeveloper(s) and execution of a Redevelopment Agreement.

Pursuant to *N.J.S.A. 40A:12A-5*, a study area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section 6 of P.L.1992, c.79 (*C.40A:12A-6*), the Borough Council by resolution concludes that within the delineated area any of the following conditions is found:

- 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.



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- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; 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. Location within an Urban Enterprise Zone.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.



Site & Surrounding Area Characteristics

As previously noted, the study area of this preliminary investigation encompasses the following lots:

- Global Agway: Block 5, Lots 1 and 2, Walter Foran Boulevard/Main Street/Hopewell Avenue (Parcel 1);
- Single family home: Block 1, Lot 13, 39 North Main Street (Parcel 2).
- Block 14, Lot 1, 40-42 North Main Street (Parcel 3);

The study area (excluding road right-of-ways) is a total of 7.42 acres consisting of several parcels in the area where Main Street, Walter Foran Boulevard, Hopewell Avenue and Park Avenue meet. The property known as Global Agway (Block 5, Lots 1 and 2), at 3.34 acres, has an odd shape with 215 feet of frontage on Main Street, 625 feet of frontage of Walter Foran Boulevard and 666 feet on Hopewell Avenue. There are four buildings on the property. A parking lot consisting of 50 marked spaces, including handicap spaces, is located at the lower elevation of the property. The second parcel (Block 1, Lot 13) is a single family home on a 1.81 acre lot at the intersection of Walter Foran Boulevard and North Main Street. The third parcel, Block 1, Lots 13 and 39, comprises 2.27 acres and sits at the intersection of North Main Street and Park Avenue. This lot includes two buildings – a warehouse building and a late 19th century freight train depot – both of which are currently vacant.

Global Agway Site (Block 5, Lots 1 and 2)

The site was vacated in 2009.

The topography of the Global Agway site varies. It has a lower elevation along Walter Foran Boulevard at elevation 142 feet, and an upper area along Hopewell Avenue at elevation 150 feet. The residence at the corner of Walter Foran Boulevard and North Main Street is at elevation 170 feet, and the properties bounded by Park Avenue and North Main Street are at elevation 160 feet.

The Global Agway parcels contain four buildings which range in size and use. Building #1 is an older building with 2,500 sf of retail space attached to a 5,250 sf 2-story structure. The building faces Main Street and backs up to Hopewell Avenue. Building #2, the largest structure, is a metal, “butler-type” building. This is the newest structure and it sits at the



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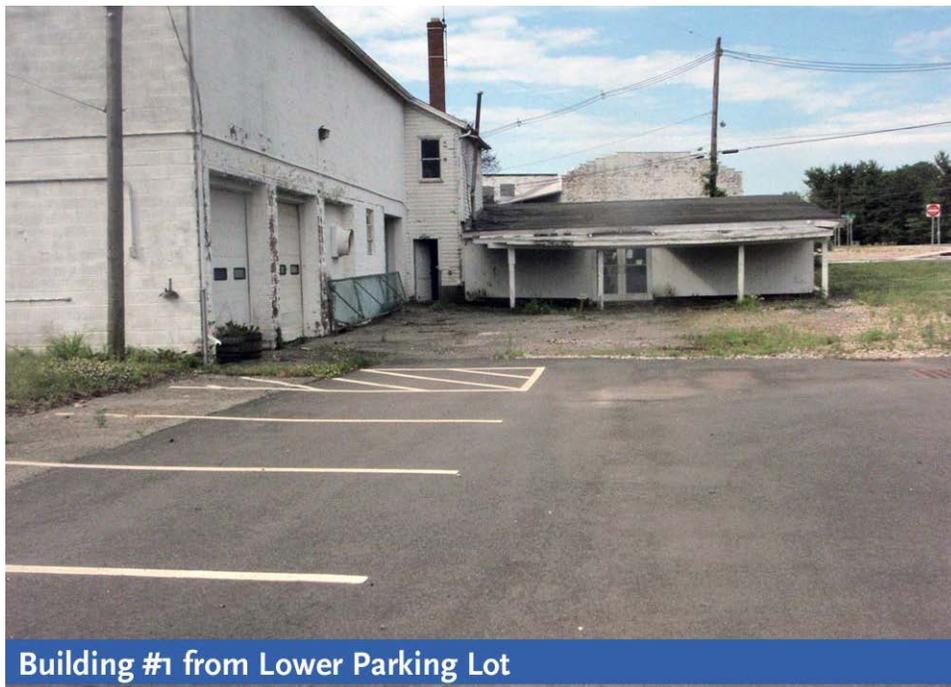
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center of the property. Building #3, a small 2,000 sf barn lies to the north of Building #2. Finally, Building #4 is a 4,200 sf concrete block building facing Hopewell Avenue at the northern end of the property.

There are several parking lots on the property. The largest, with approximately 50 spaces, faces and has access to Walter Foran Boulevard. It has a driveway connection to serve the northern end of the property, including a loading area for the butler building. Another parking area is located on and accessed from Hopewell Avenue. Those spaces, which number 18, lie at elevation 170 feet. Finally, a small parking lot with 19 spaces faces Hopewell Avenue at the northern end of the site. The impervious surface of the site is 180,600 sf or 70% of the site.

A “blue-line” stream flows through the property from Walter Foran Boulevard towards the Elizabethtown Gas Company site. There have been some erosion problems with the stream bank, and the culvert crossing needs replacement. A small wetland exists at the northern portion of the Global Agway property as identified on the New Jersey Department of Environmental Protection (NJDEP) mapping dated 7/12/2010.



Building #1 from Lower Parking Lot



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Upper Attached Building Facing Hopewell Ave



Culvert at Walter Foran Blvd



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Wetlands and Stream at NW Corner of Property

Single family home (Block 1, Lot 13)

This single-family lot has some outbuildings in addition to the home (garage, etc.) and a parking forecourt. The home sits back from the intersection with a front lawn area facing adjacent streets. Access is from Walter Foran Boulevard. The lot is not in the Historic District and is not a contributing building.



Single Family Residence - Block 1, Lot 13



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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 16-20 years. One small building previously on the property was demolished to construct the realignment of Park Avenue with Walter Foran Boulevard. There was a fourth structure on the property which was demolished in 2008/2009; all that remains is a cement slab where the building once sat.

The site is not located in the Borough's Historic District. Notwithstanding, the freight train depot is identified as a historically significant structure in the adopted Historic District map of Flemington Borough's 2010 Master Plan.





Surrounding Area Characteristics

Surrounding land uses include the Townsends housing development and single family residences to the northwest. Immediately to the west is Steve's convenience store, a vacant parcel and further to the southwest are a series of office buildings. To the east are single family homes, a duplex, and the primary building for Mechanical Precision, a light manufacturing business. Further to the northeast are more single family homes, and finally to the immediate north is a maintenance yard for the Elizabethtown Gas Company.

Consequently, the area is a mixture of different types of land uses. See the aerial photograph contained herein for additional detail.

Zoning



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The study area consists of two zones, the Transitional Commercial and the Professional Office zone.

Transition Commercial Zone

The Transitional Commercial zone encompasses the Global Agway site (Block 5, Lots 1 and 2) and Block 14, Lot 1. The zone allows the following permitted principal uses:

1. Plumbing, heating and air-conditioning contracting (1711), however, no outside storage is permitted.
2. Painting and paperhanging contracting (172).
3. Electrical contracting (173).
4. Paint, glass and wallpaper sales and service (523).
5. Hardware store (525).
6. Lawn and garden center (5261).
7. Variety store (533).
8. General merchandise store (539).
9. Grocery store (541).
10. Meat and fish markets, including frozen food purveyors (542).
11. Fruit and vegetable market (543).
12. Candy, nut and confectionery store (544).
13. Dairy products sales (545).
14. Retail bakery (546).
15. Other food stores (549).
16. Apparel and accessories store (56).
17. Furniture and accessories store (57).
18. Restaurants, excluding fast food restaurants (581).
19. Drug and proprietary stores (591).
20. Second hand shops (593).
21. Jewelry, hobby, camera, gift, luggage, leather, dry goods, sewing, and similar shops (594).
22. Opticians and optical goods (5995).
23. Art and drafting supply, gallery, auction room, antique store, cosmetics, pets and pet supply store, picture framing, philatelist shop, awning shop, and other miscellaneous retail uses (5999).
24. Offices for finance, insurance, and real estate services (60-65, 67).
25. Dry cleaners (7212), dry cleaning plant excepting rug cleaning (7216), laundry services excluding coin-operated services (7219).
26. Photographic and portrait studio (7221).
27. Beauty (7231) and barber (7241) shops.



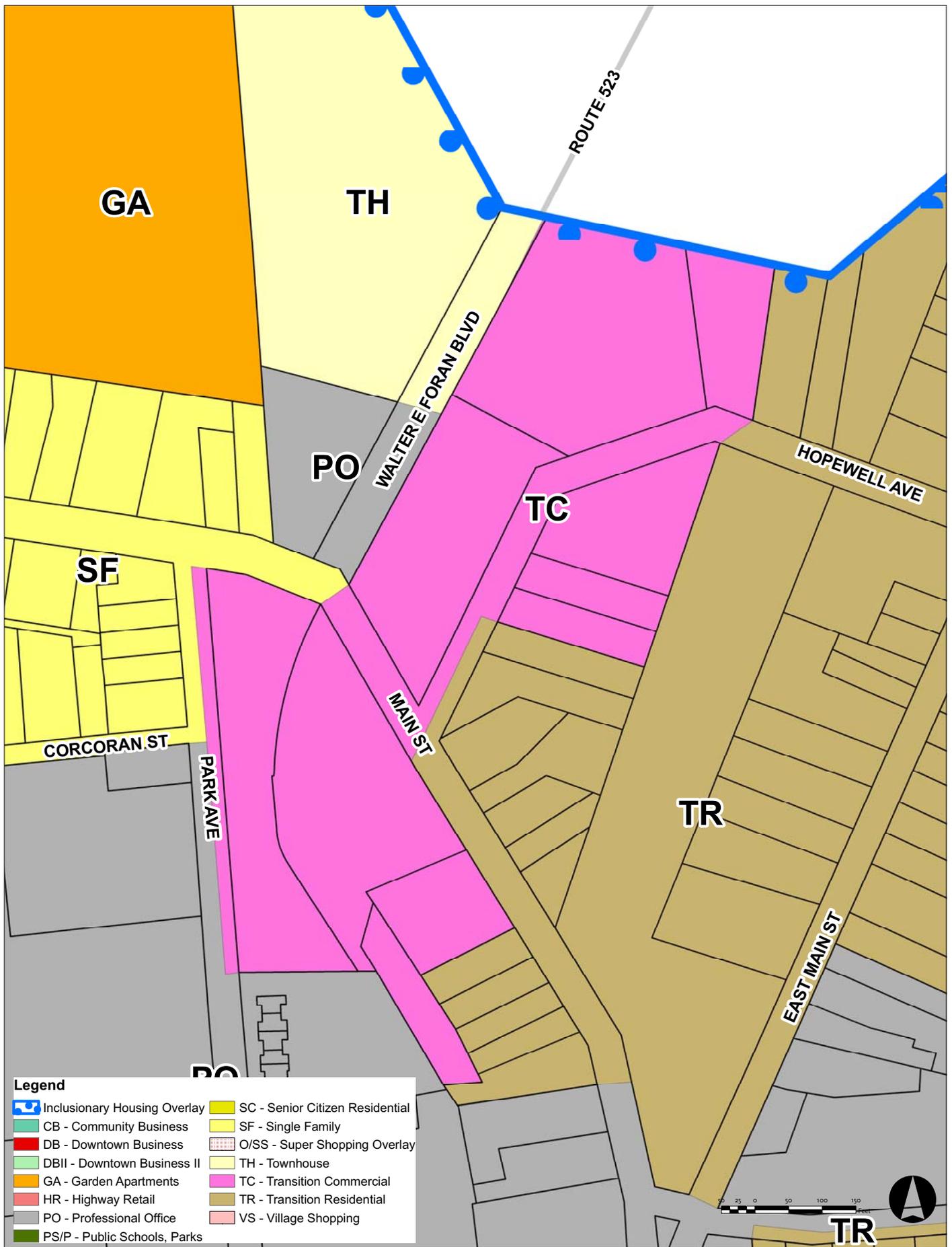
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| <p>28. Shoe repair and shoeshine services (7251).</p> <p>29. Tax return preparation (7291), babysitting bureaus, bartering services, buyer's clubs, clothing and costume rental excluding industrial laundering and linen supply, vending machine operators, dating service, debt and diet counseling, hair replacement or removal, tanning salon, shopping services for individuals, locksmith, and other similar personal services (7299).</p> <p>30. Advertising, credit reporting, reproduction, computer programming, data processing, building services, and similar business services (73).</p> <p>31. Repair of appliances, electronic equipment, watches and jewelry, furniture and upholstery, antiques excluding automobiles, optical goods, cameras, precision instruments, leather goods including luggage and tack, musical instruments including tuning, office equipment and similar repair services but not to include automobile (motor vehicle) repair (7699).</p> <p>32. Physical fitness facility (7991).</p> | <p>33. Legal services (8111).</p> <p>34. Child day care services (8351)</p> <p>35. Medical and dental offices (801, 802, 803, 804).</p> <p>36. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87).</p> <p>37. Municipal use.</p> <p>38. Paperbound containers and boxes (265).</p> <p>39. Miscellaneous Repair (762-764).</p> <p>40. Dance studios (791).</p> <p>41. Metalworking machinery (354).</p> <p>42. Electrical apparatus and equipment (5063).</p> <p>43. Florists (5992).</p> <p>44. Optical goods stores (5995).</p> <p>45. Individual and family services (8322).</p> <p>46. Labor organizations (8631).</p> <p>47. Sales offices only for wholesale machinery.</p> <p>48. Community gardening.</p> |
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Professional Office

The Professional Office zone encompasses the single family home on Block I, Lot 13 and allows the below listed permitted principal uses. The existing residential use is nonconforming.

1. Offices for finance, insurance, and real estate services (60-65, 67)
2. Engineering, surveying, architectural, accounting, auditing, bookkeeping, research and development, management, public relations and similar services (87), excepting research and development uses (873).
3. Legal services (8111).
4. Government use.
5. Child care center (8351).
6. Beauty shops (7231).
7. Barber shops (7241).
8. Individual and family services (8322).
9. Photographic studios, portrait (7221).
10. Shoe repair shops and shoeshine parlors (7251).
11. Miscellaneous personal services (7299).
12. Medical and dental offices.
13. Farmer's market.
14. Commercial agriculture.



Adopted: September 2009

2010 FLEMINGTON MASTER PLAN UPDATE

Existing Zoning

Flemington Borough, Hunterdon County, NJ May 2010

Clarke Caton Hintz
 Architects
 Planners
 Landscape Architects



Analysis of Conditions

Have the buildings fallen into such a state of disrepair as to be untenable?

Global Agway (Block 5, Lots 1 and 2) Building #1

Building #1, which is closest to the intersection of Main Street and Hopewell Avenue appears to be structurally sound, although there are some indications of leaks in the roof. It consists of two separate but physically connected structures of approximately 7,650 sf. There are various types of seeds and pet food littering the floor of the building. The building is not secured properly and, as a result, is accessible by the public.





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Interior Facing Walter Foran Blvd



Interior Facing Walter Foran Blvd



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Global Agway (Block 5, Lots 1 and 2) Building #2

Building #2 is the newest structure and is approximately 6,400 sf. It is a metal butler-type building and probably “pre-fabricated”. It has a concrete foundation and an extensive loading dock facing west. It is in generally good condition.

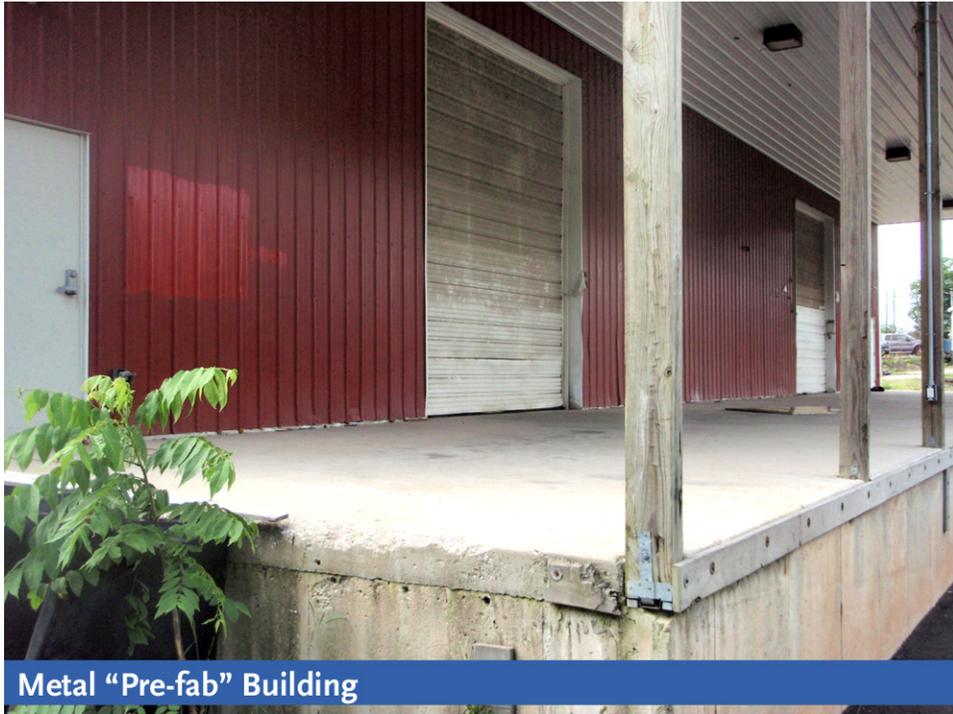




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Metal "Pre-fab" Building



Building # 2 Loading Dock



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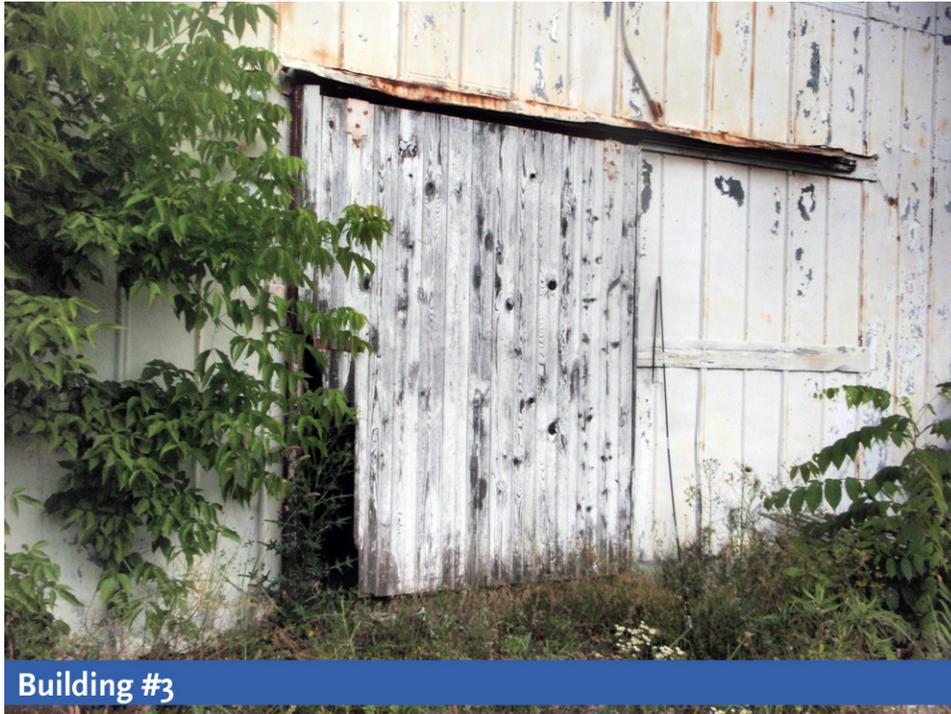
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Global Agway (Block 5, Lots 1 and 2) Building #3

Building #3 is separated by about 10 feet from Building #2 and lies just to its north. The structure appears to be oldest one on the site and is a wood frame structure of approximately 2,000 sf. It is in poor condition with some of the wood framing in need of repair or replacement and the entire building needs to be painted. Due to unsecured windows and doors, the building is completely accessible from different points of access.





Global Agway (Block 5, Lots 1 and 2) Building #4

Building #4 is located in the northeast corner of the property. Consisting of 4,200 sf, it is a concrete block structure. It has been discovered that the neighboring Mechanical Precision manufacturing company has been using the building for repair operations. The building has an operational heating system and power; however, there is no record of a change of use permit having been issued to Mechanical Precision for this establishment to occupy the building.

Block 14, Lot 1

The parcel containing the vacant warehouse building and historic freight train depot, Block 14, Lot 1, has been vacant for approximately 16-20 years. The buildings appear to be in a state of deterioration. The property received preliminary site plan approval in 2012 but the owner or another applicant has not filed for or received final site plan approval.





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Abandoned Warehouse - Block 14, Lot 1

Have
manufacturing or industrial purposes? cial,



Global Agway (Block 5, Lots 1 and 2)

Buildings 1 through 4 on the Global Agway property have been discontinued for commercial (retail and service) purposes for 5 years, since 2009. In September 2011 the Borough created a new paved parking lot of 50 spaces. Portions of the site were cleared and the borough maintains the site by mowing the grass as do some volunteers.

Single family home (Block 1, Lot 13)

The single family residence on Block 1, Lot 13, is not abandoned and has been in continual use as a home since at least the 1950's.

Block 14, Lot 1

The parcel containing the vacant warehouse building and historic freight train depot, Block 14, Lot 1, has been vacant for approximately 16-20 years.

Is designation of the study area consistent with smart growth planning principles adopted pursuant to law or regulation?

Yes, all of the Borough of Flemington is located in a designated Center, pursuant to the State Development and Redevelopment Plan.

Findings

This preliminary investigation finds the following:



- Buildings 1 and 3 on the Global Agway and the two buildings on Block 14, Lot 1 have fallen into such a state of disrepair as to be untenable.
- There are no viable Certificates of Occupancy for the buildings on Block 14, Lot 1 and Global Agway Buildings 1, 2 or 3 as they lack electrical service. Building 4 does not have a certificate of occupancy and is believed to be illegally occupied.
- There are numerous code violations within generally all four Global Agway Buildings which will need to be addressed in order to obtain a new Certificate of Occupancy.
- Prior to occupancy, the buildings on the Global Agway site and Block 14, Lot 1 will need to meet the requirements of the Uniform Construction Code, including its sub-codes such as the Electric, Plumbing, Barrier Free, Rehabilitation and Commercial Energy. This is required with all construction activities requiring a building permit. The Commercial Energy Sub-code will verify the minimum energy efficiencies within the building, unless superseded by the Rehabilitation Subcode. As such, to meet these requirements, the building may need additional insulation at the building envelope, rehabilitation of the existing fenestration and improvements to building systems.
- Based solely upon visual inspection and the age of the buildings, it is likely Global Agway Buildings 1, 3 and possibly 4 contain asbestos and lead paint. Prior to beginning any construction work to remediate existing code violations, an environmental engineer should inspect the building and offer recommendations for the treatment of any environmental concerns prior to the spaces being safely occupied.
- The continued vacancy of the buildings impacts the entire community because they are situated at the north entrance to the Borough and are highly visible. As deterioration continues, their blighting effect increases.
- The continued vacancy of the buildings on the Global Agway site and Block 14, Lot 1 will have an increasingly negative effect on the economic wellbeing of the community. Unoccupied buildings have lower assessments and create a disincentive for other property owners to invest in maintenance and improvements.
- Designation of the site is consistent with smart growth planning principles since all of Flemington Borough is located in a designated center pursuant to the State Development and Redevelopment Plan.



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- Based solely upon visual observation, some of the buildings are in sound structural condition. A structural engineer should inspect the buildings.
 - There have been various police reports over the years but no serious violations or no arrests. However, a continuing problem for the police is the number of entries into the Global Agway buildings since they are not secured. This requires municipal resources, such as police time, to investigate the building entries.

Conclusion

Based on the above analysis, the majority of the Study Area – the Global Agway Site, Block 5, Lots 1 and 2, and the lot to the south, Block 14, Lot 1 – meet criterion b. in the Local Redevelopment and Housing Law. The single family home on Block 1, Lot 13 does not meet this criterion. Criterion b. reads as follows:



The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.

Additionally, all three parcels meet criterion h. in the Local Redevelopment and Housing Law. Criterion h. reads as follows:

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

While all three lots meet criterion h., this Preliminary Investigation recommends that the Global Agway Site, Block 5, Lots 1 and 2, and the lot to the south, Block 14, Lot 1 be designated as a redevelopment area since they also met criterion b. Reliance on criterion h. only is not adequate for an area in need of redevelopment designation. This Preliminary Investigation does not recommend that the single family home on Block 1, Lot 13 be designated as an area in need of redevelopment.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/16/14 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

ADOPTED

RESOLUTION 2014-73

DOC ID: 1533

Designating an Area of the Borough Inclusive of the Global Agway Site and Certain Adjacent and Proximate Properties, as More Particularly Described Herein, as an Area in Need of Redevelopment, Pursuant to the Local Redevelopment and Housing Law

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, on December 9, 2013, the Borough Council adopted a resolution directing the Planning Board to undertake a preliminary investigation to determine whether a portion of what is commonly known as the Global Agway property, located at on Walter Foran Boulevard/Main Street/ Hopewell Avenue, Flemington, as well as certain other properties in that vicinity located at 40-42 North Main Street and 39 North Main Street, as further identified by Lot and Block number below, qualify as an 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");

<u>Address</u>	<u>Block</u>	<u>Lot(s)</u>
Walter Foran Boulevard/ Main Street/ Hopewell Avenue	5	1 & 2
40-42 North Main Street	14	1
39 North Main Street	1	13

(the above properties collectively referred to as the "Study Area"); and

WHEREAS, the Planning Board retained the services of Clark Caton Hintz, a professional planning and architectural firm ("CCH") to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, CCH conducted such investigations and prepared a report of its investigations entitled "*Global Agway: Preliminary Investigation For An Area In Need of Redevelopment*," dated March 20, 2014 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that Block 5, Lots 1 and 2 and Block 14, Lot 1 of the Study Area exhibit conditions which conform with criterion "b" and "h" under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, by demonstrating "the discontinuance of use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a

state of disrepair as to be untenable” (criteria b), and that a redevelopment designation would be consistent with smart growth planning principles (criteria h); and

WHEREAS, the Redevelopment Investigation Report concluded that the property identified as Block 1, Lot 13, located at 39 North Main Street, did not demonstrate sufficient conditions under any of the redevelopment criteria to support a redevelopment designation for that property and recommended that such property not be included in the area designated for redevelopment; and

WHEREAS, on April 7, 2014, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Carl E. Hintz, ASLA, CLA, PP, AICP, and Elizabeth K. McManus, LEED AP, PP, AICP, of CCH, as well as comments from members of the public in attendance; and

WHEREAS, the planners were questioned by an attorney for Nilkanth LLC, the owner of one of the parcels in the Study Area, and an engineer offered testimony on behalf of Nilkanth, LLC, concerning the structures on that property and the redevelopment criterion; and

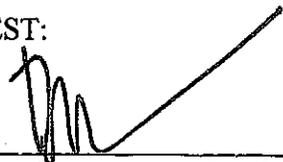
WHEREAS, based upon the Redevelopment Investigation Report, the testimony of the planners concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area, with the exception of Block 1, Lot 13, meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Borough Council designate the Study Area, with the exception of Block 1, Lot 13, as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Council accepts the conclusions of the Redevelopment Investigation Report and the Planning Board’s recommendation and wishes to designate the Study Area, with the exception of Block 1, Lot 13, as an area in need of redevelopment.

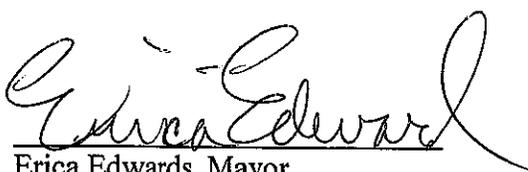
NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Flemington that the Study Area described herein, inclusive of Block 5, Lots 1 and 2 and Block 14, Lot 1 and excluding Block 1, Lot 13, be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to *N.J.S.A.* 40A:12A-5 and *N.J.S.A.* 40A:12A-6.

Adopted: April 16, 2014

ATTEST:



Rebecca F. Newman, RMC



Erica Edwards, Mayor

Borough Clerk

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on April 16, 2014.

Rebecca P. Newman, RMC

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Phil Velella, Council Vice President
SECONDER:	Phil Greiner, Councilman
AYES:	Dorothy Fine, Phil Greiner, Phil Velella, Brian Swingle
ABSENT:	John Gorman, Joey Novick