

**RESOLUTION OF
THE PLANNING BOARD OF THE TOWNSHIP OF
MONTGOMERY, SOMERSET COUNTY, NEW JERSEY,
RECOMMENDING THAT THE REAL PROPERTY DESIGNATED AS BLOCK
29002 LOTS 49 AND 50 ON THE TAX MAP OF MONTGOMERY, AND
GENERALLY LOCATED WITHIN THE VICINITY OF THE INTERSECTION
OF STATE HIGHWAY ROUTE 206 AND COUNTY ROUTE 518 SHOULD BE
DECLARED A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO
N.J.S.A. 40A:12A-1, ET SEQ.**

WHEREAS, the Township Committee of the Township of Montgomery, in Resolution #21-6-151 adopted on June 17, 2021, directed the Planning Board to undertake a preliminary investigation to determine whether the property designated as Block 28010 (Formerly 28005) Lots 57, 58, 59, 60.01, 61, 62 and 64; Block 29002 Lots 46, 46.01, 47, 48, 49 and 50; Block 34001 Lots 46.01, 56, 77, 78, 79 and 80 and Block 35005 Lots 1, 2, 3, 4, 5 and 9 (the “Study Area”) constitutes and shall be established as a “Condemnation Redevelopment Area” pursuant to the criteria set forth in in N.J.S.A. 40A:12A- 1 et. seq.; and

WHEREAS, the Montgomery Township Planning Board on July 19, 2021 authorized and directed its planning consultant, Clarke Caton Hintz, to undertake a preliminary investigation to determine whether the property designated as Block 28010 (Formerly 28005) Lots 57, 58, 59, 60.01, 61, 62 and 64; Block 29002 Lots 46, 46.01, 47, 48, 49 and 50; Block 34001 Lots 46.01, 56, 77, 78, 79 and 80 and Block 35005 Lots 1, 2, 3, 4, 5 and 9 generally located within the vicinity of the intersection of State Highway Route 206 and County Route 518 should be declared a condemnation redevelopment area pursuant to N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, because the preparation of the preliminary investigation report is a resource intensive process that requires extensive data gathering and comprehensive analysis and in light of the number of properties in the Study Area, the Planning Board by Resolution dated January 24, 2022, adopted the recommendation of its Planning Director and Board Planner that the preliminary investigation of the Study Area be prepared in phases, with Phase I to consist of the properties known as Block 29002 Lots 49 and 50 on the tax map of the Montgomery Township (the Phase 1 Properties);

WHEREAS, Clarke Caton Hintz prepared a report entitled “Preliminary Investigation of an Area in Need of Redevelopment (Condemnation) for Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc.” dated February 2, 2022 (the “Investigative Study Report for Phase I”); and

WHEREAS, the Planning Board has prepared a map showing the boundaries of the proposed Condemnation Redevelopment Area for the Phase 1 properties and the location of the various parcels contained therein; and

WHEREAS, on February 28, 2022, the Planning Board in accordance with notice and jurisdictional requirements conducted a public hearing at which the Board considered the Investigative Study Report for Phase I which was presented by Emily Goldman, PP, AICP, Clarke Caton Hintz to determine whether to recommend that the Phase 1 properties should be established as a “Condemnation Redevelopment Area” pursuant to N.J.S.A. 40A: 12A- 1 et. seq; and

WHEREAS, the Investigative Study Report for Phase 1 concluded that the Phase 1 properties satisfied the criterion “b” and “d” of N.J.S.A. 40A: 12A- 5(b) and (d) due to conditions of deterioration, obsolescence, and disrepair of the structures on the site such that the building has been abandoned and the structures have been allowed to fall into such a state of disrepair as to be untenable, referencing a series of notices of violation issued by the Township Construction Office and Health Department regarding the Phase 1 Properties, a court order declaring the subject properties as abandoned pursuant to N.J.S.A. 55:19-81 and N.J.S.A. 54:5-86(h) and the Properties’ location within a remediated EPA Superfund site; and

WHEREAS, the Board considered public comment provided by Christopher Otteau on behalf of the current owner of the Phase 1 properties as well as comment by Joseph Grather, Esq., counsel for NM Properties LLC, owner of the adjacent site, Block 29002, Lot 48 as well as members of the public, as set forth in the record; and

WHEREAS, based on the foregoing, the Board finds, as set forth in the Investigative Study for Phase 1, that the Phase 1 properties satisfy criterion “b” of N.J.S.A. 40A:12A- 5(b) due to conditions of deterioration, obsolescence, and disrepair of the structure and the parking areas on the site such that the building has been abandoned and the structure has been allowed to fall into such a state of disrepair as to be untenable, noting the numerous Township-issued notices of violation regarding unsafe structure, imminent hazard and public health issues regarding the existing structure and the lack of remediation in response to these violation notices and the 2020 New Jersey Superior Court order finding that the properties were abandoned pursuant to N.J.S.A. 55:19-81 and N.J.S.A. 54:5-86(h).

The Board further finds, based on the Investigative Study for Phase 1, that the Phase 1 properties were included in the EPA groundwater site remediation for the U.S. Environmental Protection (EPA) Montgomery Township Housing Development Superfund Site and that subsequent EPA periodic reviews have indicated that the remediation is effective.

The Board further finds that the Investigative Study for Phase 1 concludes that the Phase 1 properties satisfy the “d” criterion of N.J.S.A. 40A:12A- 5(d) because the existing building and parking areas are in a state of significant state of dilapidation and because of the inclusion of the Phase 1 properties in the EPA Superfund Site. However, the Board does not recommend that one of the factors referenced in the Investigative Study for Phase 1, specifically the inclusion of the Phase 1 properties in the Superfund

site, be considered as satisfying the criterion “d” of N.J.S.A. 40A:12A-5 (d) in light of the EPA remediation. Rather, the Board recommends that the significant dilapidation of the existing building and parking areas be considered as the basis for satisfaction of the “d” criterion.

NOW THEREFORE BE IT RESOLVED that the Montgomery Township Planning Board recommends to the Township Committee that the Phase 1 properties be determined to have met the criteria for designation as Condemnation Area in Need of Redevelopment and adopts the recommendations set forth in the “Preliminary Investigation of an Area in Need of Redevelopment (Condemnation) for Phase 1 Gateway Redevelopment: Princeton Gamma-Tech Instruments, Inc.” dated February 2, 2022, except as modified herein.

ROLL CALL VOTE ON MOTION TO RECOMMEND THAT BLOCK 29002 LOTS 49 AND 50 ON THE TAX MAP OF MONTGOMERY SHOULD BE DECLARED A CONDEMNATION REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1, ET SEQ.

(February 28, 2022)

Moved by: Mr. Mani

Seconded by: Mr. Blodgett

Those in Favor: Mr. Battle, Mr. Blodgett, Mr. Glockler, Ms. Keenan, Mr. Mani, Ms. Roberts, Ms. Todd and Mr. Campeas

Those Opposed: None

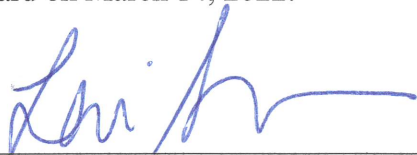
ROLL CALL VOTE ON MOTION TO APPROVE
RESOLUTION OF MEMORIALIZATION (March 14, 2022)

Moved by: Ms. Roberts

Seconded by: Mr. Mani

Those in Favor: Mr. Battle, Mr. Glockler, Ms. Keenan, Mr. Mani, Mr. Matthews, Ms. Roberts, Ms. Todd and Mr. Campeas

The foregoing Resolution was adopted at a regular meeting of the Montgomery Township Planning Board on March 14, 2022.



Lori Savron, Secretary