

CITY OF VINELAND

RESOLUTION NO. 2023-406

RESOLUTION AMENDING RESOLUTION 2016-23, A RESOLUTION DETERMINING THAT THE ENERGY AND MINERALS STUDY AREA IS AN AREA IN NEED OF REDEVELOPMENT, SO AS TO INCLUDE THEREIN BLOCK 7503 LOT 1.01, LOT 3.01, LOT 35.01 AND PART OF LOT 33.01 AS MEETING THE CRITERIA AS AN AREA IN NEED OF REDEVELOPMENT IN ACCORDANCE WITH N.J.S.A. 40A:12A-1 ET SEQ. AND RESOLUTION 6590 OF THE PLANNING BOARD OF THE CITY OF VINELAND.

WHEREAS, the City Council of the City of Vineland adopted Resolution 2016-23 directing the Planning Board of the City of Vineland to undertake a preliminary investigation to determine whether Block 7502 Lots 1, 2, 3 and 33, 35, 48, 49 and 50 should be designated as a Condemnation Redevelopment Area in accordance with NJSA 40A:12A-1 et seq. ; and

WHEREAS, after conducting a preliminary investigation and public hearing on December 9, 2015 in accordance with the said statute, the City of Vineland Planning Board thereafter adopted Resolution 6138 finding Block 7503 Lots 33, 35, 49, and 50 (Property) meet the standards to be considered a redevelopment area, but at that time, Lots 1, 2, 3 and 48 did not; and

WHEREAS, City Council of the City of Vineland adopted Resolution 2016-23 determining the Property to be a Condemnation Redevelopment Area; and

WHEREAS, on August 8, 2017 City Council directed the Planning Board to develop a plan for the Redevelopment Area; and

WHEREAS, after taking testimony of Kathleen Hicks, City Planner who submitted a proposed Redevelopment Plan and recommending the Energy and Minerals Condemnation Redevelopment Area be an overlay on the City Zoning Map replacing existing zoning designations as specified in the proposed Plan, the Planning Board adopted Resolution 6234 recommending City Council adopt the Energy and Minerals Condemnation Redevelopment Area Plan dated August 2017; and

WHEREAS, on October 2017 City Council adopted Ordinance 2017-73 adopting the Energy and Minerals Condemnation Redevelopment Plan as prepared by Kathleen Hicks, P.P., AICP dated August 2017 consistent with Resolution 6234 of the Planning Board and amending the Zone Map and Zoning Section of the Land Use Code of the City of Vineland consistent with the Plan; and

WHEREAS, since the adoption of Ordinance 2017-73, the Energy and Minerals Condemnation Redevelopment Area has undergone new subdivisions resulting in new lot configuration, new lot numbers and new proposed uses consistent with the New Jersey Local Redevelopment and Housing Laws N.J.S.A. 40A:12A-1 et seq. (LRHL); and

WHEREAS, on June 27, 2023, the City Council of the City of Vineland, moved to request the Planning Board consider whether Block 7503 Lots 1.01, 3.01 (formerly Lots 1, 2, 3 and part of 48) and portions of Lot 33.01 (adding the area that was part of Lots 22, 23 and 25 as well as adding the area that was originally Lot 32) and Lot 35.01 (adding the area that was part of Lots 4 and 45, all of Lots 46 and 47 and part of Lot 48) (Study Area) should be included as part of the Energy and Minerals Redevelopment Area and request findings of fact and recommendations thereto; and

WHEREAS, on August 9, 2023 the Planning Board took testimony from Tiffany A. CuvIELLO, PP regarding the Study Area so as to evaluate existing conditions therein in order to determine if the Study Area warranted a finding that it is in need of redevelopment; and

WHEREAS, after hearing testimony and reviewing the report of Tiffany A. CuvIELLO dated June 22, 2023, the Planning Board found that the Study Area meets the criteria for designation as an area in need of redevelopment and that adding the Study Area as part of the Energy and Minerals Condemnation Redevelopment Area would meet criteria g and h of N.J.S.A. 40A:12A-5 and their inclusion allows for a comprehensive development plan and promotes smart growth planning principles and further that in accordance with Section 3 of the Local Redevelopment and Housing Law the properties, while not detrimental to the health, safety or welfare, their “inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.”; and

CITY OF VINELAND

WHEREAS, on August 9, 2023, the Planning Board adopted Resolution 6590 finding the Study Area should be designated as part of the Energy and Minerals Condemnation Redevelopment Area and recommended City Council adopt their findings and conclusions; and

WHEREAS, City Council adopts the findings and conclusions of the Planning board and the report of Tiffany CuvIELLO, attached hereto, as if set forth herein at length and finds it to be in the best interest of the City to amend the Energy and Minerals Condemnation Area to include Block 7503, Lots 1.01, 3.01, part of Lot 33.01 and Lot 35.01.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vineland as follows:

1. City Council hereby adopts the findings and conclusions of the Planning Board pursuant to Resolution 6590 and report of Tiffany A. CuvIELLO, PP dated June 22, 2023 as if set forth herein at length.
2. Block 7503 Lots 1.01, 3.01 (formerly Lots 1, 2, 3 and part of 48) and portions of Lot 33.01 (adding the area that was part of Lots 22, 23 and 25 as well as adding the area that was originally Lot 32) and Lot 35.01 (adding the area that was part of Lots 4 and 45, all of Lots 46 and 47 and part of Lot 48) (Study Area) meet criteria g and h of N.J.S.A. 40A:12A-5 and their inclusion in the Energy and Minerals Condemnation Redevelopment Area allows for a comprehensive development plan and promotes smart growth planning principles and further that in accordance with Section 3 of the Local Redevelopment and Housing Law the properties, while not detrimental to the health, safety or welfare, their “inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.”

BE IT FURTHER RESOLVED that the balance of Resolution 2016-23, not amended hereby shall remain in full force and effect.

Adopted:

President of Council

ATTEST:

City Clerk

**AMENDED
ENERGY & MINERALS
CONDEMNATION
REDEVELOPMENT AREA
PRELIMINARY INVESTIGATION
BLOCK 7503/LOTS 1.01, 3.01, Part of 33.01 & Part of 35.01**

**CITY OF VINELAND
CUMBERLAND COUNTY, NEW JERSEY**

June 22, 2023

As recommended by the Planning Board
on August 9, 2023 by Resolution # 6590;

Adopted by the Governing Body on _____ by Resolution # _____

PREPARED BY:

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**AMENDED
ENERGY & MINERALS
CONDEMNATION
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BLOCK 7503/LOTS 1.01, 3.01, Part of 33.01 & Part of 35.01**

**CITY OF VINELAND
CUMBERLAND COUNTY, NEW JERSEY**

MAYOR

Anthony R. Fanucci


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PREPARED BY:



Tiffany A. Morrissey, AICP, PP#5533

The original of this document was signed and
sealed in accordance with N.J.A.C. 13:41-1.3.b

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INTRODUCTION

The City of Vineland had previously determined that the Energy and Minerals Study Area met the criteria as an “Area in Need of Redevelopment” by Resolution 2016-23. The findings of the City were that only a portion of the area qualified as an area in Need of Redevelopment (Condemnation) in accordance with the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. (LRHL). Initially the City directed the Planning Board to determine if a larger area which included Block 7503, Lots 1, 2, 3, 33, 35, 48, 49 & 50 all met the criteria as an area in Need of Redevelopment (Condemnation) in accordance with the LRHL. The City’s resolution agreed with the Planning Board’s findings that Block 7503, Lots 33, 35, 49 & 50 met the criteria and that Block 7503, Lots 1, 2, 3 & 48 did not meet the criteria.

Over past eight (8) years the area has been subject to new subdivision approvals by the Planning Board which have resulted in a new lot configuration, new lot numbers and a new ownership pattern. These changed conditions warrant a reconsideration of whether original Lots 1, 2, 3 and 48 in Block 7503 would meet the criteria as an area in need of redevelopment. Additionally, consideration should also be given to part of original Lots 4 and 45 in Block 7503, original Lots 46 and 47 in Block 7503, original Lot 32 in Block 7503, and part of Lots 22, 23 and 25 in Block 7503. Due to the various subdivision approvals and lot configuration changes, the area for consideration would include part of Lot 33.01(adding the area that was part of Lots 22, 23 and 25 and also adding the area that was originally Lot 32); the entirety of Lot 35.01 (adding the area that was part of original Lots 4 and 45, all of original Lots 46 and 47, and part of original Lot 48); Lots 1.01 and 3.01 (formerly Lots 1, 2, 3 and part of 48).

As provided for in the Local Redevelopment and Housing Law the Planning Board must gather and evaluate existing conditions within the Study Area in order to conclude if the Study Area warrant a finding that the Study Area is in need of

redevelopment. Such a finding and subsequent designation as a Redevelopment Area by the Governing Body permits the Governing Body to undertake a number of activities to help revitalize and redevelop the Study Area, activities that would not be possible otherwise. These include the preparation of a Redevelopment Plan which enables the issuance of bonds for redevelopment projects, acquisition of buildings and land through condemnation, leasing or selling property without public bidding, contracts with private entities, the use of various tax abatement programs and other actions in conjunction with the adopted redevelopment plan pursuant to the LRHL.

STUDY AREA

The purpose of this report is to determine if the Energy and Minerals Redevelopment Area (EMRA) should be expanded to include a larger area in order to create a more effective Redevelopment Area. The expanded area would include Block 7503, Lot 1.01 (includes original Lots 1 and 2 and part of original Lot 48), Lot 3.01, Part of Lot 33.01 (the expanded area includes part of Lots 22, 23 and 25 and all of original Lot 32) and Lot 35.01 (the expanded area includes original Lots 46, 47, part of original Lot 4, part of Lot 45.01 (originally part of Lot 45), and all of Lot 48.01 (originally part of Lot 48)). The existing and expanded EMRA Study Area is shown on the map attached as Exhibit 1.

Over the past eight (8) years there have been changes to the lot lines through subdivision approvals and lot consolidations. As such the original EMRA has new lot numbers. These are shown in the table below:

2016 EMRA Redevelopment Area	2023 Existing and Proposed EMRA Area
Block 7503	Block 7503
Lot 33	Lot 1.01
Lot 35	Lot 3.01
Lot 49	Part of Lot 33.01
Lot 50	Lot 35.01
	Part of Lot 35.02

The Study Area is bounded by Lincoln Avenue and Block 7503, Lot 45.01 to the west. It is bounded to the north by Sheridan Avenue and Block 7503 Lots 4.01 and 5.01. It is bounded on the east by Block 7503 Lots 19.01, 20.01, 23.01 and 25.01. It is bounded on the south by Block 7503, Lot 34 and the Vineland-Millville municipal

boundary line. The majority of the EMRA Study Area is located within the Industrial Business I-B, Industrial I-3 and Woodlands W-5 zoning districts. Lot 3.01 lies within the Residential R-6 zoning district, and portions of Lot 22, 23 and 25 lie within the Agricultural A-5 zoning district.

STATUTORY REQUIREMENTS

The first part of this document consists of the "Determination of Need" report, a gathering and evaluation of existing conditions in the Study Area in order to conclude if they warrant a finding by the Planning Board that the area is in need of redevelopment under the statutory requirements (N.J.S.A. 40A:12A-5.a-h). These standards have been clarified by the courts and changed in part through legislative action over the years.

Changes to the statute occurred in 2013 when the Legislature amended the Local Redevelopment and Housing Law to allow for either a “condemnation” or a “non-condemnation” Redevelopment designation. These amendments also changed the statutory criteria under item N.J.S.A. 40A:12A-5.e further clarifying the intent and findings necessary for this specific criterion. More recently in 2019 the legislature amended the statutory criteria under item N.J.S.A. 40A:12A-5.b to address vacancies and abandonment of buildings.

In order to meet the criteria for an area in need of redevelopment, one or more of the following conditions listed in the Statute must be found to exist:

- 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, Section 3 of the Local Redevelopment and Housing Law allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the 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 in which they are a part.”

Over the years, the Courts have ruled that a Determination of Need finding an Area in Need of Redevelopment shall be supported by substantial credible evidence and supported by credible expert testimony. The findings for the determination cannot include “net opinions” or a mere recitation of the statute. The findings and conclusions set forth in this Determination of Need Report satisfy this requirement.

FINDINGS

Where there exist conditions of deterioration of land uses and services and an improper, or lack of proper development, the legislature has adopted the LRHL to aide local governments to help reverse these conditions. This statute was adopted by the legislature to aide local governments in “promoting the physical development that will be most conducive to the social and economic improvement of the State and its several municipalities.” (N.J.S.A. 40A:12A-2(a) and (c))

An investigation of the Study Area was completed which included a review of the existing land uses, the physical condition of the area, the relationships among uses, the relationship to the community and region and other similar items. As part of a study to determine if an area is in need of redevelopment, the conditions of the area should be looked at both alone and in relation to the rest of the community. The investigation concluded that the Study Area meets the required criteria to be declared an area in need of redevelopment as defined by the LRHL.

Background/History

The Energy and Minerals Redevelopment Area was initially created in 2015, eight (8) years ago. Since that time there have been numerous actions taken by the City which impact the EMRA and the surrounding area. These actions have created changed conditions which warrant a reconsideration of the initial study which found only a part of the Study Area met the Redevelopment Criteria. The following is a timeline and review of the actions which have occurred over the last eight years.

- October 27, 2015 - The City Council of Vineland directed the Planning Board to conduct an investigation as to whether or not Block 7503, Lots 1, 2, 3, 33, 35, 48, 49 & 50 met the criteria as an area in Need of Redevelopment (Condemnation) in accordance with the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. (LRHL).

- December 9, 2015 - The City Planning Board via Resolution 6138 found that Block 7503, Lots 33, 35, 49 & 50 met the criteria as an area in Need of Redevelopment (Condemnation) in accordance with the New Jersey LRHL N.J.S.A. 40A:12A-5 ‘c’, ‘e’, ‘g’ & ‘h’. The Planning Board also found that Block 7503, Lots 1, 2, 3 & 48 did not qualify with the criteria. On January 26, 2016 the Vineland City Council adopted Resolution 2016-23 accepting the findings of the Planning Board.
- August 2017 – The City adopted the Energy and Minerals Condemnation Redevelopment Area Plan through Ordinance 2017-73, which addressed Block 7503, Lots 33, 35, 49 & 50. The Redevelopment Plan created an overlay zone which includes the I-3 Industrial, I-B Industrial Business and W-5 Woodlands zoning districts.
- December 13, 2017 – The Planning Board approved a minor subdivision approval through Resolution No. 6253 which reconfigured the lot lines within and around the EMRA. The subdivision approval created 10 lots from 11 existing lots. Specifically new lots 1.01, 3.01, 4.01, 5.01, 33.01, 33.02, 35.01, 35.02, 45.01 & 48.01 were created. This subdivision impacted lots 33 and 35 which are part of the ERMA. This subdivision was not perfected and was essentially amended by Planning Board Resolution Number 6289 discussed below.
- May 23, 2018 - The Planning Board in Resolution Number 6289 approved a new subdivision application made by the Cumberland County Improvement Authority (CCIA) which reconfigured 12 lots to create a total of 10 lots. The re-subdivision of the properties included the parcels in the Energy and Minerals Redevelopment Area and abutting parcels, specifically adding lot 50 in the 2018 application and creating new proposed Lots 1.01, 3.01, 4.01, 5.01, 33.01, 35.01, 35.02, 35.03, 45.01, and 48.01.

- March 13, 2019 - The Planning Board by Resolution Number 6333 approved a site plan on Block 7503, Lots 33.01 for an industrial fabrication facility consisting of 268,962 square foot building.
- April 10, 2019 – The Planning Board by Resolution Number 6337 recommended that City Council amend the Redevelopment Plan so as to permit a height of 70 feet in the I-3 zoned portions of the EMRA.
- May 28, 2019 – The City Council adopted Ordinance 2019-38 amending the Redevelopment Plan to permit a height of 70 feet in the I-3 zoned portion of the EMRA.
- March 26, 2020 – The Planning Board by Resolution Number 6391 approved an amended site plan approval on Block 7503, Lot 33.01 for Phase 2 of the site development plans to construct a 240,000 square foot production building with attached 24,140 square foot corporate office and guard house and a future production building of 154,600 square feet.
- July 8, 2020 – The Planning Board by Resolution Number 6399 approved a minor subdivision approval for lot 33.01 to create Lot 33.02. The subdivision was not perfected and therefore Lot 33.02 does not exist.
- October 13, 2020 - The City Council adopted Ordinance 2020-49 amending the 2017 Redevelopment Plan to permit a nine-hole golf course, clubhouse with restaurant, driving range and shooting range, soccer field and a yard with rail access on lot 33.01.
- February 10, 2021 – The Planning Board by Resolution Number 6435 approved a minor subdivision for Block 7503, Lots 19 and 35.02 to reconfigure the internal lot lines between the two parcels.

- March 25, 2021 – The Planning Board by Resolution Number 6440 approved an amended preliminary and final site plan on Block 7503, Lot 33.01 for Phases 1 & 2 of the site development to construct a 124,000 square foot steel fabrication building with associated concrete batch plant and site improvements in Phase 1; and two (2) main production buildings with 248,411 square feet each (191,000 square feet – first floor; 19,825 square feet – mezzanine; and 37,586 square feet roofed with side wall area), a 40,000 square foot 4-story corporate office facility, a 34,500 square foot batch plant, a 15,000 square foot maintenance building, a 10,000 square foot storage building, and a 760 square foot guard house along with associated site plan improvements in Phase 2.

- June 8, 2022 – The Planning Board by Resolution Number 6513 approved a subdivision application which conveyed a portion of Block 7503, Lot 7 to Block 7503, Lot 35.02.

- November 9, 2022 - The Planning Board by Resolution Number 6535 approved a subdivision application for property both within and surrounding the Energy and Minerals Redevelopment Area, specifically Block 7503, Lots 13, 15, 22, 23, 25, 33.01, 35.01, 35.02, 35.03, 45.01, 46, 47 and 48.01 which were reconfigured from 13 lots into 8 lots. The subdivision approval resulted in the following changes:
 - New block 7503, lot 33.01 which includes part of Lots 33.01, 22, 23, 25 and 45.01. The majority of expanded Lot 33.01 is within the EMRA. The portions of Lots 22, 23 and 25 conveyed to Lot 33.01 are not within the EMRA.
 - New block 7503, lot 35.01 which includes part of Lot 35.01, part of Lot 45.01, part of original Lot 4, and all of Lots 46, 47 and 48.01. Lots 46, 47, 48.01, and the parts of original Lot 4 and 45.01 added to Lot 35.01 are not within the ERMA.
 - New block 7503, lot 35.02 which incorporates part of former lot 35 (EMRA) and part of lots 7 (from prior 2022 subdivision), 13 and 19 (from 2021

subdivision), as well as part of Lot 22, and part of Lot 33.01. The portions incorporated from Lots 7, 13, 19 and 22 are not in the EMRA.

- New block 7503, lot 45.01 which is the remainder parcel after conveying portions to Lot 33.01 and 35.01. The portion conveyed to Lot 35.01 is not in the EMRA.
- June 13, 2023 - The City Council adopted Ordinance 2023-38 amending the 2017 Redevelopment Plan and Ordinance 2020-49 to permit a precast wall 16 feet in height within the EMRA.

Redevelopment Findings

The properties within the existing EMRA include two large scale industrial buildings, with ancillary buildings and attendant site improvements, and the remainder of a resource extraction site. The Redevelopment Area has been in place for the past eight (8) years and since that time the surrounding area has been resubdivided more than once, resulting in a new pattern of ownership and lot configuration.

This plan proposes to incorporate several outparcels to create a larger unified property for future development, consistent with the new ownership and lot lines that have been created. The properties include part of the Clayville Substation which has been added to reconfigured Lot 35.01. Other properties include a recreation field, office building/yard area and agricultural fields. These additional parcels do not, in and of themselves, meet the statutory criteria to be declared an area in need of redevelopment, but are included within the Study Area because they are necessary for the effective redevelopment of the Study Area. These parcels are located along Lincoln Avenue, Sheridan Avenue, east of the current easterly boundary of the existing EMRA, and south of the existing southerly boundary of the existing EMRA, and are either adjacent to, or part of, lands that are within the existing EMRA. Adding these parcels provides the opportunity for a contiguous development plan. The inclusion of part of original lot 4 (now incorporated with lot 35.01 fills in an area that is surrounded by the existing Redevelopment Area. The inclusion of lots 1.01 and 3.01 and a portion of larger lot

35.01 (encompassing part of lot 45.01 (formerly lot 45) and lots 46, 47 & 48.01 (formerly part of lot 48)) allow for the Redevelopment Area to reach out to the improved street frontages along Lincoln Avenue and Sheridan Avenue. The inclusion of original Lot 32 and parts of Lots 22, 23 and 25, which are now all part of Lot 33.01 on which industrial redevelopment activity in accordance with the EMRA Redevelopment Plan has occurred, allows for a consistent pattern of development for Lot 33.01.

In 2015/2016 it was determined that Block 7503, Lots 35, 49 & 50 met criteria ‘c’ and that Lots 33, 35, 49 & 50 met criteria ‘e’ and the entire area also qualified under criteria ‘g’ and ‘h’. As the lot areas, numbers and shapes have changed over the last eight years it has resulted in a larger contiguous property. This larger area would not satisfy criteria ‘c’ and ‘e’ however the larger contiguous property would satisfy criteria ‘g’ and ‘h’.

Specifically, criteria ‘g’ relates to the designation of the Vineland/Millville Urban Enterprise Zone. Portions of the properties as identified for inclusion into the EMRA are within the Enterprise Zone, specifically part of former lot 4 and former lot 46, both of which are now part of new lot 35.01. As this designation remains effective, this criteria remains applicable.

With respect to criteria ‘h’ the inclusion of the additional parcels into the EMRA designation would advance and promote and be consistent with smart growth planning principles adopted pursuant to New Jersey’s State Plan. The properties and the area are all targeted for growth under the State Development and Redevelopment Plan as a Suburban Planning Area (PA-2). There exists public infrastructure, including water and sewer, which serves the EMRA. The existing zoning, with the exception of Lot 3.01 and the portions of Lots 22, 23 and 25 to be added, is also designated as industrial and commercial. The proximity of the EMRA to Route 55 and access to the Route 55 interchange advance the zoning designations promoting growth. The inclusion of the additional properties into the EMRA allows for a comprehensive development plan and promotes smart growth planning principles.

Based upon the above findings, the Study Area meets the criteria of the Local Redevelopment and Housing Law to be declared an area in need of redevelopment.

The inclusion of the additional land which is now part of reconfigured lots 33.01 and 35.01, and the parcels along Lincoln and Sheridan Avenues into the original EMRA is necessary for the effective redevelopment of the area. These included parcels are central to the Study Area and integral to the overall improvement of the area. Because of their location and relationship to the larger EMRA properties, the inclusion of these parcels becomes necessary in order to effectuate the overall redevelopment of the Study Area.

CONCLUSION

The expanded Study Area satisfies the following criteria under the Local Redevelopment and Housing Law as an area in need of redevelopment:

- **N.J.S.A. 40A:12A-5.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.

- *N.J.S.A. 40A:12A-5.h*. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

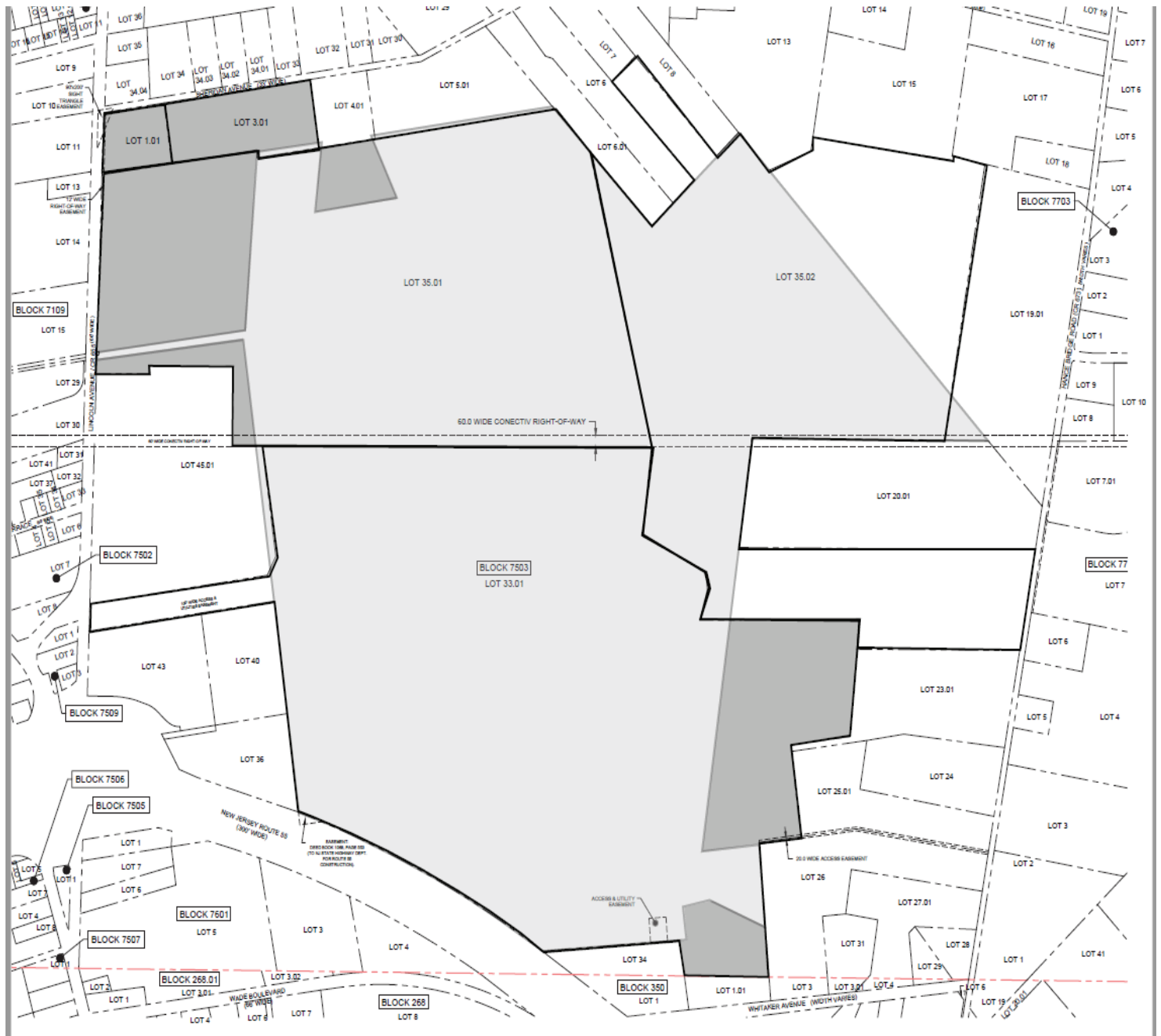
In addition to the above criteria, Section 3 of the Local Redevelopment and Housing Law allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the 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 in which they are a part.”

The patterns of land use, condition of properties and other factors as described herein, all lead to the conclusion that the Study Area is in need of redevelopment under the criteria noted.

It is submitted, therefore, that the Study Area meets the statutory definition for an "area in need of redevelopment" and that the Governing Body and Planning Board take the action necessary, after public notice and hearing as required by the LRHL, to make that determination according to law.

EXHIBIT 1

Existing and Expanded EMRA



KEY:



Existing Energy & Minerals Condemnation Redevelopment Area



Proposed Additions to Energy & Minerals Condemnation Redevelopment Area