

RICHWOOD OUTPARCELS - PRELIMINARY INVESTIGATION (AMENDED)

HARRISON TOWNSHIP, NJ

December 29, 2021

Block: 2 - Lot: 2

Block: 3 - Lot: 32

Block: 5 - Lots: 7 & 8

Block: 17 - Lots: 3,4,6, & 7.01

Block: 19 - Lot: 3

report prepared by,



Acknowledgments

Mayor

Louis Manzo

Township Committee

Louis Manzo, Mayor

Donald Heim, Deputy Mayor

Julie Delaurentis

John Williams

Adam Wingate

Joint Land Use Board

Walter Bright, Chair

Anthony DiFabio, Vice Chair

Dennis Chambers

Steve Dickson

Joseph Schwab

Constantine Benas

Marissa Straccialini

Bill Madara, Alternate No. 1

Dennis Bonanni, Alternate No. 2

Mathew Cardile, Alternate No. 3

Robert Schumann, Alternate No. 4

Joint Land Use Board Secretary

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Kevin Van Hise

Land Use Board Engineer

Hugh Dougherty, PE

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PREPARED BY:



ROBERT F. MELVIN, PP/AICP
NJ PLANNER LICENSE NO. 04018

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1.0 INTRODUCTION

1.1 Introduction

Harrison Township, through Resolution No. 182 - 2019 (**Appendix A - Resolution #182-2019 on page 1**), adopted October 21, 2019, requested that Pennoni perform a Preliminary Investigation into the following parcels to ascertain whether the specified area qualifies under N.J.S.A. 40A:12A-5 as a non-condemnation “Area in Need of Redevelopment:”

- Block 20.01, Lots 7 & 8
- Block 21, Lots 1, 2, & 9
- Block 22, Lots 1 & 2
- Block 25, Lots 1, 2, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19.01, 19.02, 19.03, 20, 21, 23, 23.01, & 23.02
- Block 26, Lots 1, 2, & 3
- Block 29.07, Lot 4

This study was adopted November 22, 2019. To amend that report, Resolution No. 198-2021 (**Appendix A - Resolution #198-2021**), was adopted December 6, 2021, and requested that Pennoni perform a Preliminary Investigation into the following additional parcels:

- Block 2, Lot 2
- Block 3, Lot 32
- Block 5, Lots 7 & 8
- Block 17, Lots 3, 4, 6 & 7.01
- Block 19, Lot 3

Figure 1 on page 2 identifies the location and surrounding environs of the Investigation Parcels.

Table 1 on page 3 identifies the addresses and owners of the Investigation Parcels.

1.2 Summary of Findings

This investigation finds that the Study Area meets the statutory criterion for designation as an Area in Need of Redevelopment. The Study Area meets the following statutory criteria:

- Most of the area qualifies under Criterion “C” because of clear evidence that several lots within the Study Area were used as orchards and farmland during a time when heavy use of pesticides (particularly lead arsenate) was a common agricultural practice, and that such pesticides are known to remain in the soil for long periods of time and to have deleterious impacts on human health.

- One lot within the Study Area qualify under the Section 3 Criteria. These lots themselves may not meet any of the criteria needed to be designated as in need of redevelopment, but their inclusion in the Study Area is crucial nonetheless, as they will provide residential context, boost the area's economy, and ensure there is a critical mass of people in the area to help ensure the success of the redevelopment.

1.3 Non-Condemnation

Pursuant to the 2013 amendments to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., the Legislature requires that Preliminary Investigations state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including or excluding the power of eminent domain.

Resolution No. 198-2021 has authorized a preliminary investigation to determine whether the study area qualifies as a **“Non-condemnation Redevelopment Area,”** such that the municipality may use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain.

Figure 1. Location of Additional Sites



Source: NJ Division of Taxation - MOD-IV

Table 1. Ownership Information

Block	Lot	Owner Name	Address	City, State, Zip
2	2	Hanson Realty LLC Truist	638 Mullica Hill Rd	Mullica Hill, NJ 08062
3	32	Carroll, Kevin & Lauren	223 Williamson Ln	Mullica Hill, NJ 08062
5	7	Reuter Enterprises, Inc	Richwood Rd	Mullica Hill, NJ 08062
5	8	Reuter Enterprises, Inc	Williamson Lane	Mullica Hill, NJ 08062
17	3	Township Of Harrison	Nutt Ln	Mullica Hill, NJ 08062
17	4	Reuter Enterprises, Inc	252 Richwood Rd	Mullica Hill, NJ 08062
17	6	Reuter Enterprises, Inc	Richwood Rd	Mullica Hill, NJ 08062

Source: NJ Division of Taxation - MOD-IV

2.0 REDEVELOPMENT PLANNING IN NEW JERSEY

2.1. Purpose of the Act

New Jersey's Local Redevelopment and Housing Law (LRHL or Redevelopment Law), empowers municipalities and local governments with the ability to initiate a process that transforms qualified underutilized or poorly designed properties into healthier, more vibrant, and/or economically productive land areas. This process has been used successfully across New Jersey to creatively improve properties meeting statutory redevelopment criteria. In addition to providing greater flexibility in the development process, projects approved for redevelopment are often also eligible for certain types of technical and financial assistance from the State.

2.2. Redevelopment Procedure

The LRHL requires municipalities to perform a number of steps before it may exercise its Redevelopment powers. This process is meant, in part, to ensure that the Governing Body acts in concert with the goals and objectives of the Township's Master Plan. Recognizing the Planning Board's role as the steward of the Master Plan, these steps require the Planning Board to make certain findings and recommendations to the governing body of the municipality. The required steps are as follows:

1. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area, in whole or part, meets the requirements for designation as an area in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5). Here, the Township authorized such an investigation pursuant to the adoption of Resolution Nos. 190-2017 and 102-2018
2. The Planning Board must prepare and make available to the public a map showing the boundaries of the proposed redevelopment area, and the location of the various parcels of property included therein. The map shall be accompanied by a statement setting forth the basis of the investigation.
3. The Planning Board must then conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to hear persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. After completing its hearing on the matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. The Board may adopt a resolution setting forth its findings and recommendations to the Governing Body.
4. The Governing Body may act on this recommendation by adopting a resolution designating the area, or any part thereof, an "Area in Need of Redevelopment." The Governing Body must make the final determination as to the Redevelopment Area boundaries. The designation shall be subject to the review/approval of the Commissioner of the Department of Community Affairs.
5. A Redevelopment Plan must be prepared establishing the goals, objectives, and specific actions

to be taken with regard to the “Area in Need of Redevelopment.”

6. The Governing Body may then enact the Plan by passing an ordinance adopting the Plan as an amendment to the Township’s Zoning Ordinance.

Only after completion of this process is the Township able to exercise the powers granted to it under the Redevelopment Law.

2.3. Statutory Criteria

A study area qualifies as being an “Area in Need of Redevelopment” if it meets at least one of the eight statutory criteria listed in Section 40A:12A-5 of the Redevelopment Law:

- 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 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. 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.

N.J.S.A. 40A:12A-3 further states that “A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective development of the area of which they are a part.” This is commonly referred to as the “Section 3 Criteria.”

According to the Redevelopment Handbook, this section allows for the inclusion of properties that do not meet the statutory criteria but are, “essential to be included in the designation to effectively redevelop the area.” Examples of such properties include properties located within and surrounded by otherwise blighted areas, properties that are needed to provide access to an area to be redeveloped, areas needed for infrastructure or utilities, or properties that otherwise could be determined to be critical to the area’s successful redevelopment.

3.0 CRITERION "C"

3.1 Statutory Language

“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.”

3.2 Findings

In addition to being vacant for ten or more years, lots that are “not likely to be developed through the instrumentality of private capital” due to a variety of features, including the “nature of the soil,” may qualify for Criterion C. Several lots throughout the Study Area that were once used as farmland—or that are proximate to currently active farmland—meet this aspect of Criterion C due to the presence of chemical toxins and heavy metals in their soils.

3.2.a. Evaluation

Blocks and Lots using Criteria "C" are unlikely to be developed through the instrumentality of private capital for the following reasons:

- The contaminated nature of the soil necessitates costly remediation before any development can occur.
- The remote locations make it difficult to access and unattractive to developers without being assembled with other neighboring lots.

A review of historic aerial imagery reveals that many subject properties were used as orchards and rotating crop fields for much of the 20th century. As illustrated in **Figures 2-9**, multiple lots are vacant, have portions that are hard to access, and are geographically distant from commercial centers.

In addition, most have been in continuous use as an orchard since at least 1991, and likely much longer. As a result, it is probably that pesticides, herbicides, fungicides, spray oil, and assorted other chemical applicants have been used in support of the agricultural activities on these parcels. The soil contamination on the sites make these lots unlikely to be developed through the instrumentality of private capital.

According to the US Department of Agriculture Natural Resources Conservation Service, old orchards that used insecticides containing arsenic as an active ingredient are likely to lead to excessive heavy metal accumulation in soils that are toxic to humans and other animals. Chronic problems associated with long-term Arsenic exposure include skin poisoning and damage to the kidneys and central nervous system.¹

The same report notes that once metals are introduced and contaminate the environment, they will remain for long periods of time. Metals do not degrade like carbon-based (organic) molecules. As a result, contamination that was introduced many years ago is likely to remain on site and continue to pose a threat to the health, safety, and welfare of the community unless remediated.

One contaminant of particular concern is dieldrin. Dieldrin has been found at high levels in the soil of other Harrison Township parcels which were used as orchards during the same timeframe as the study parcels.² The risk to health and safety caused by the possible presence of dieldrin in the soil within these lots has resulted in an additional burden on redevelopment of the area, and a further cost for redevelopment, as a soil remediation plan must be prepared and executed before redevelopment of the site can occur.

3.2.b. Blocks and Lots meeting Criterion

- BLOCK 3, LOT 32 (FIGURE 2)
- BLOCK 5, LOTS 7 & 8 (FIGURES 3&4)
- BLOCK 17, LOTS 3, 4, 6 & 7.01 (FIGURES 5-8)
- BLOCK 19, LOT 3 (FIGURE 9)

¹ "Heavy Metal Soil Contamination," Department of Agriculture Natural Resources Conservation Service < http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053279.pdf >

² A 2003 Phase I Environmental Site Assessment (ESA) discovered dieldrin within the Tomlin Station Redevelopment Area (Block 46, Lots 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10 and 4.11; Block 46.01, Lots 1, 2 and 3; and Block 46.02, Lots 1, 2, 3, 4, 5, 6 and 7.)

Figure 2. Block 3, Lot 32

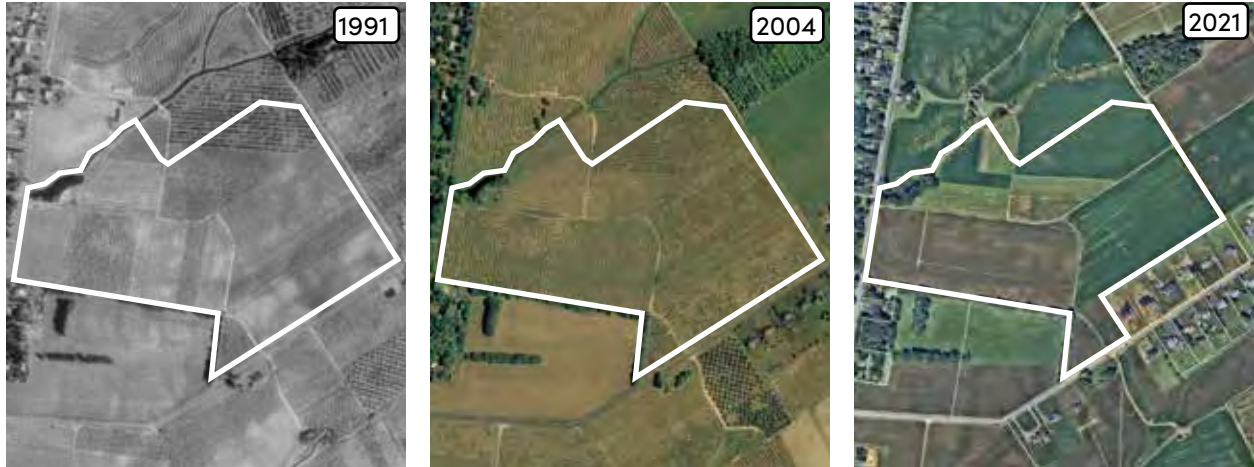


Figure 3. Block 5, Lot 7

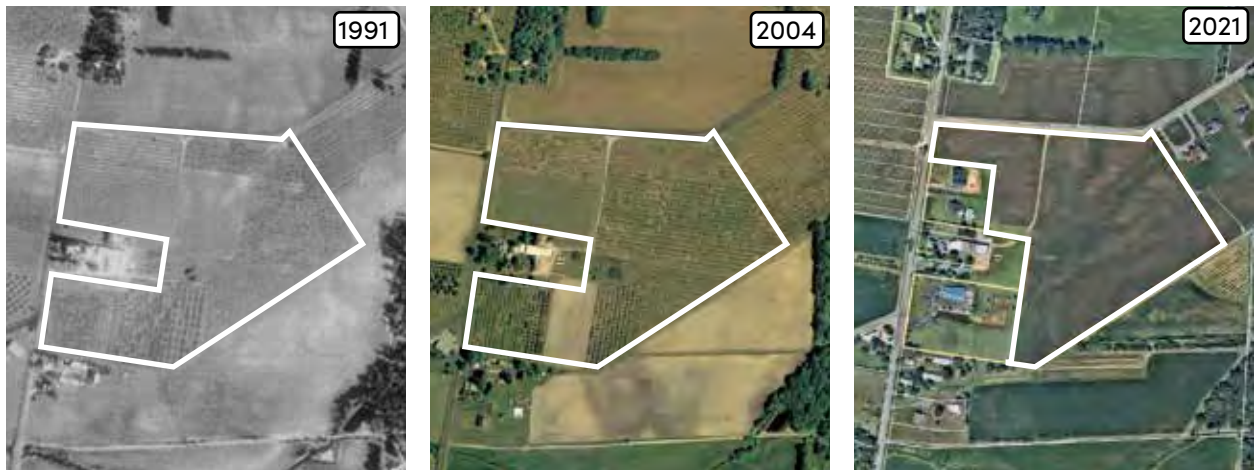


Figure 4. Block 5, Lot 8



Figure 5. Block 17, Lot 3



Figure 6. Block 17, Lot 4



Figure 7. Block 17, Lot 6

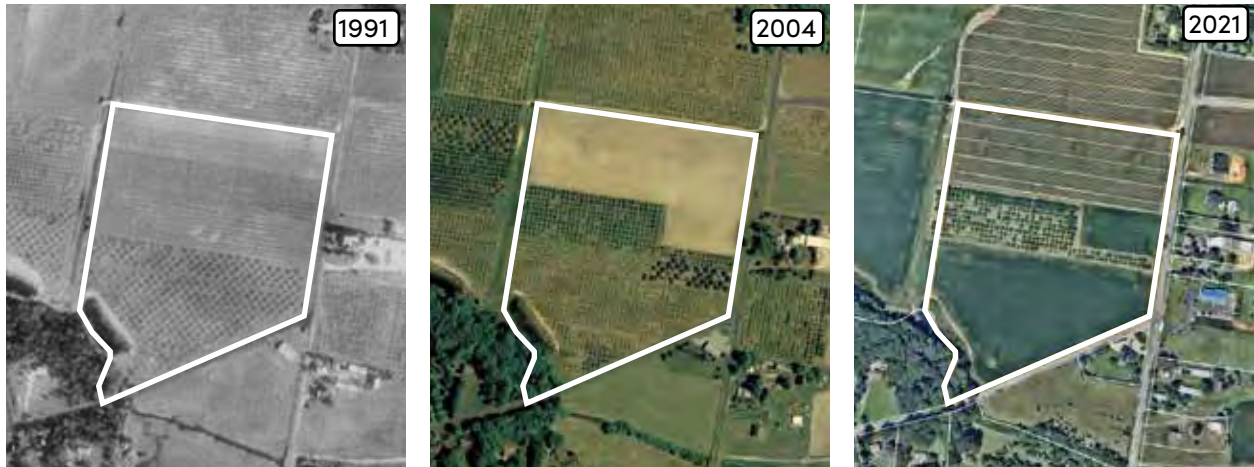


Figure 8. Block 17, Lot 7.01



Figure 9. Block 19, Lot 3



3.3 Conclusion

The lots listed in Section 3.2.b. meet the "unimproved vacant land" requirement of Criterion C as well as the requirement that they are "not likely to be developed through the instrumentality of private capital" due to:

- the possible presence of dieldrin and other chemical toxins and heavy metals in their soil left behind by years of agricultural use and pesticide application; and
- location, remoteness, and lack of means of access to significantly developed portions of Harrison Township.

Further, some of the lots discussed have been vacant for much more than the ten years required by Criterion C, and the cost of remediating the soil on these lots likely makes their further development, or future redevelopment, prohibitively expensive.

4.0 SECTION 3 CRITERIA

4.1 Statutory Language

A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective development of the area of which they are a part.

4.2 Findings

According to the New Jersey Redevelopment Handbook, "Section 3" allows for the inclusion of properties that do not meet the statutory criteria but are, "essential to be included in the designation to effectively redevelop the area."

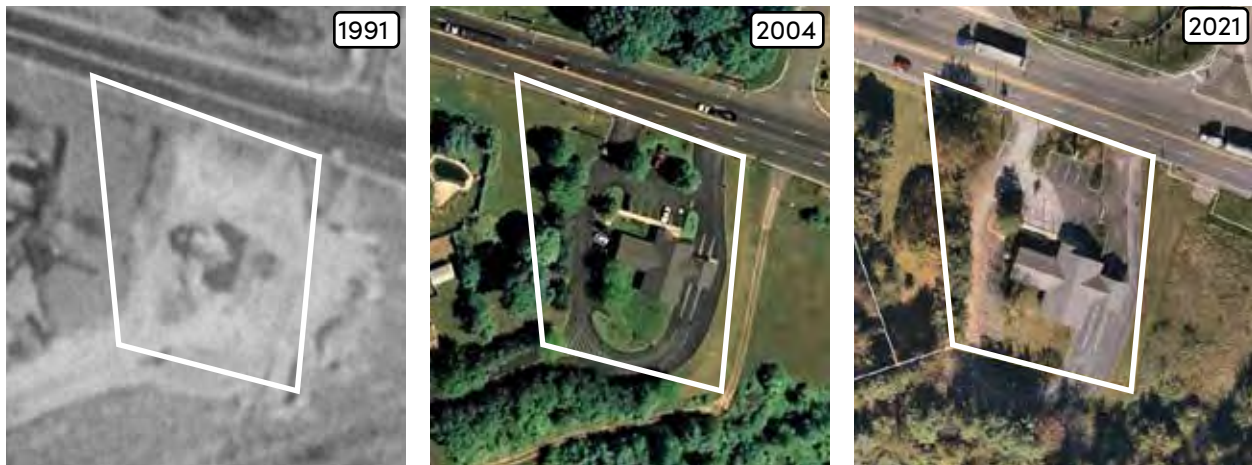
4.2.a. Blocks and Lots - Include But Do Not Designate

Block 2, Lot 2 is currently an operational, well-functioning BB&T Bank, and as such should not be designated. However, it is necessary to include this lot in the Study Area for the effective development of the area overall. This bank already represents the type of commercial use that the forthcoming Richwood Redevelopment is seeking to attract to the area, and would be greatly beneficial to Richwood and its future residents. Additionally, the existing parking lot on the site would reduce the need for other on-site parking, and could help structure internal circulation routes.

4.3 Conclusion

The lot described in this section does not need to be designated as in need of redevelopment, but would be beneficial to include in the Study Area nonetheless due to the commercial activity it will bring to the area, and to the future Richwood Redevelopment. Additionally, this lot is economically-productive and contributing to Harrison Township's tax base.

Figure 10. Block 2, Lot 2



APPENDIX A - RESOLUTION #198-2021

RESOLUTION NO. _____-2021

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON
AUTHORIZING THE JOINT LAND USE BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO
DETERMINE WHETHER BLOCK 2, LOT 2, BLOCK 3, LOT 32, BLOCK 5, LOTS 7 AND 8, BLOCK 17,
LOTS 3, 4, 6 AND 7.01 AND BLOCK 19, LOT 3 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF
HARRISON QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of the municipality by Resolution, to cause its Planning Board to conduct a preliminary investigation to determine whether the proposed area is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the proposed Redevelopment Area (Block 2, Lot 2, Block 3, Lot 32, Block 5, Lots 7 And 8, Block 17, Lots 3, 4, 6 and 7.01 and Block 19, Lot 3) determination shall authorize the municipality to use all those powers provided by the Legislature for use in a Redevelopment Area, other than the use of eminent domain; and, as such, the Redevelopment Area shall be established and be referred to as a "Non-Condemnation Redevelopment Area"; and

WHEREAS, the Township Committee of the Township of Harrison, Gloucester County, has determined that an investigation and inquiry should be made to see if said area is in need of redevelopment pursuant to the aforementioned State Statute; and

WHEREAS, the Township of Harrison governing body wishes to direct the Joint Land Use Board to undertake a preliminary investigation to determine whether the following properties identified as and consisting of Block 2, Lot 2, Block 3, Lot 32, Block 5, Lots 7 And 8, Block 17, Lots 3, 4, 6 and 7.01 and Block 19, Lot 3 qualify as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Committee considers it to be in the best interest of the Township to directs its Joint Land Use Board to conduct such an investigation regarding said area/property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Harrison, County of Gloucester and State of New Jersey as follows:

1. The Joint Land Use Board of the Township of Harrison is hereby directed to undertake a preliminary investigation to determine whether Block 2, Lot 2, Block 3, Lot 32, Block 5, Lots 7 And 8, Block 17, Lots 3, 4, 6 and 7.01 and Block 19, Lot 3 are a "Non-Condemnation Redevelopment Area such that the municipality may use all those powers provided by the Legislature for use in a Redevelopment Area", other than the use of eminent domain, according to the criteria set forth in N.J.S.A. 40A:12A-1, et seq.; and

2. The staff of the Joint Land Use Board and its consultants are hereby directed to assist the Joint Land Use Board in conducting the area in need of redevelopment investigation; and

3. The Township Clerk shall forward a copy of this Resolution to the Chairman and Secretary of the Joint Land Use Board for immediate action; and

APPENDIX B - PRELIMINARY INVESTIGATION FROM NOVEMBER 2019

RICHWOOD OUTPARCELS - PRELIMINARY INVESTIGATION

HARRISON TOWNSHIP, NJ

November 22, 2019

Block: 20.01 - Lots: 7 & 8

Block: 21 - Lots: 1, 2, & 9

Block: 22 - Lots: 1 & 2

**Block: 25 - Lots: 1, 2, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19,
19.01, 19.02, 19.03, 20, 21, 23, 23.01, & 23.02**

Block: 26 - Lots: 1, 2, & 3

Block: 29.07 - Lot: 4

report prepared by,



Acknowledgments

Mayor

Louis Manzo

Township Committee

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Donald Heim, Deputy Mayor

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5.0 INTRODUCTION

5.1 Introduction

Harrison Township, through Resolution No. 182 - 2019 (**Appendix A - Resolution #182-2019 on page 12**), adopted October 21, 2019, requested that Pennoni perform a Preliminary Investigation into the following parcels to ascertain whether the specified area qualifies under N.J.S.A. 40A:12A-5 as a non-condemnation “Area in Need of Redevelopment:”

- Block 20.01, Lots 7 & 8
- Block 21, Lots 1, 2, & 9
- Block 22, Lots 1 & 2
- Block 25, Lots 1, 2, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19.01, 19.02, 19.03, 20, 21, 23, 23.01, & 23.02
- Block 26, Lots 1, 2, & 3
- Block 29.07, Lot 4

Figure 1 on page 2 identifies the location and surrounding environs of the Investigation Parcels.

Table 1 on page 3 identifies the addresses and owners of the Investigation Parcels.

5.2 Summary of Findings

This investigation finds that the Study Area meets the statutory criterion for designation as an Area in Need of Redevelopment. The Study Area meets the following statutory criteria:

- The Study Area qualifies under Criterion "A" due to the presence of substandard, unsafe, dilapidated buildings that are deteriorating, and that are posing an immediate threat to the health, safety, and welfare of Harrison Township residents.
- It qualifies under Criterion "C" because many of the lots throughout the Study Area have been vacant for more than ten years, and because the nature of their soil, as reported by the United States Department of Agriculture - Natural Resources Conservation Service, will limit the potential for development of residential or commercial uses on the site. As a result, it is unlikely that the site will redevelop solely through the instrumentality of private capital.
- It qualifies under Criterion "D" because of clear evidence that several lots within the Study Area were used as orchards and farmland during a time when heavy use of pesticides (particularly lead arsenate) was a common agricultural practice, and that such pesticides are known to remain in the soil for long periods of time and to have deleterious impacts on human health.
- The Study Area also qualifies under Criterion "E" because of the presence of vacant, abandoned, and underutilized lots that currently represent a stagnant, unproductive condition of land that could be put to better economic use, especially taking into account their proximity to existing residential and economic centers within the Township, as well as the forthcoming Richwood Redevelopment Area.
- Finally, several lots within the Study Area qualify under the Section 3 Criteria. These

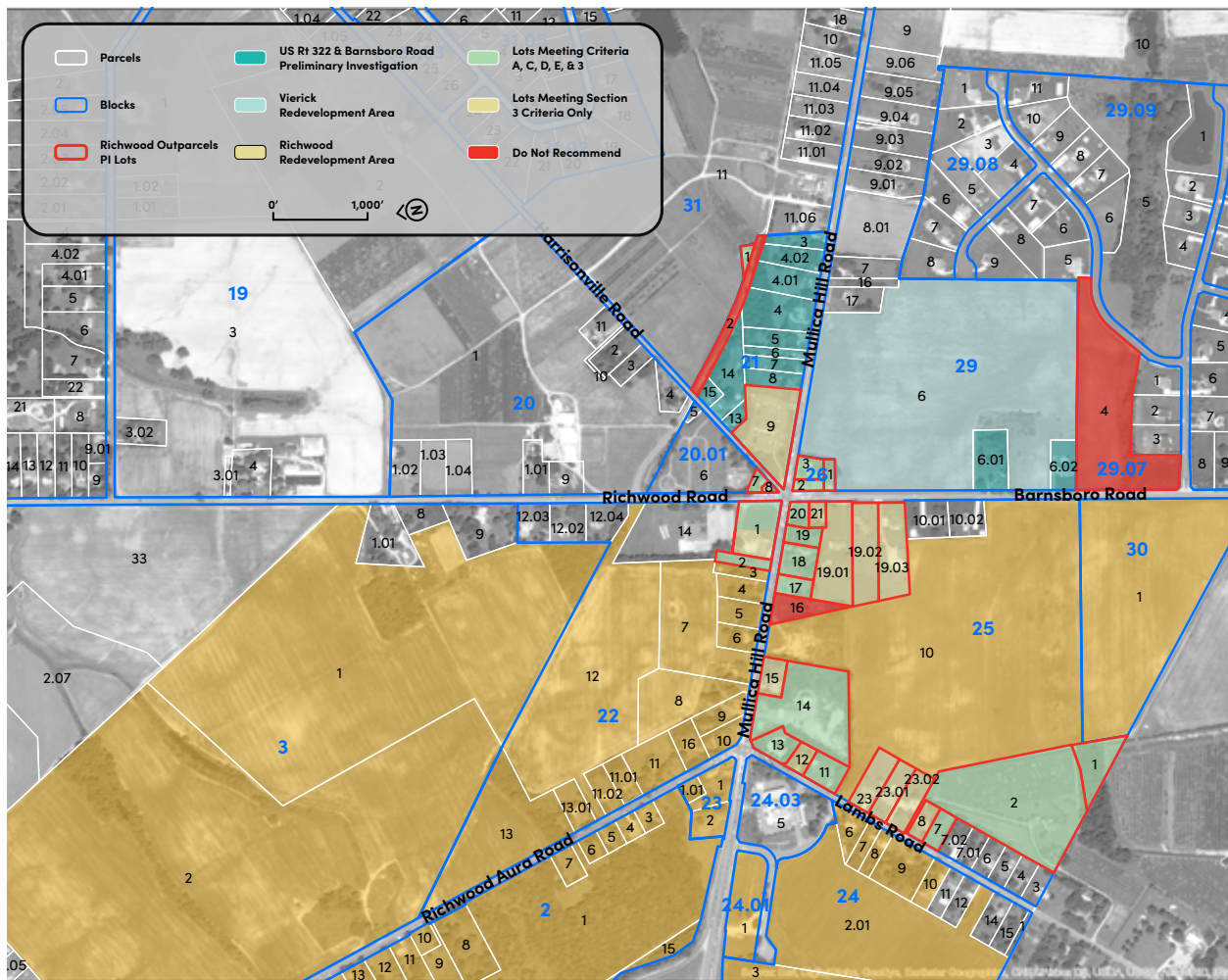
lots themselves may not meet any of the criteria needed to be designated as in need of redevelopment, but their inclusion in the Study Area is crucial nonetheless, as they will provide residential context, boost the area's economy, and ensure there is a critical mass of people in the area to help ensure the success of the redevelopment.

5.3 Non-Condemnation

Pursuant to the 2013 amendments to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., the Legislature requires that Preliminary Investigations state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including or excluding the power of eminent domain.

Resolution No. 182 - 2019 have authorized a preliminary investigation to determine whether the study area qualifies as a **“Non-condemnation Redevelopment Area,”** such that the municipality may use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain.

Figure 11. Location of Redevelopment Site



Source: NJ Division of Taxation - MOD-IV

Table 2. Ownership Information

Block	Lot	Owner Name	Address	City & State
20.01	7	DD Dowd, LLC	102 Richwood Road	Mullica Hill, NJ
20.01	8	David Krauss	98-100 Richwood Road	Mullica Hill, NJ
21	1	Church of the Acts of the Apostles	116 Harrisonville Road	Mullica Hill, NJ
21	2	Heritage, W Wade & Sons, Inc.	116 Harrisonville Road	Mullica Hill, NJ
21	9	Harrisonville Road C/O CVS #07961L01	524 Mullica Hill Road	Mullica Hill, NJ
22	1	606 Krishna Realty, LLC	101 Richwood Road	Mullica Hill, NJ
22	2	608-610 Mullica Hill Road, LLC	608 Mullica Hill Road	Mullica Hill, NJ
25	1	Fred Smith Orchards	Lambs Road (Back)	Mullica Hill, NJ
25	2	Madara, William H Jr. & Cynthia A	816 Lambs Road	Mullica Hill, NJ
25	7	Falzarano, Michael Jr. & Roberta L	812 Lambs Road	Mullica Hill, NJ
25	8	Madara, William H Jr. & Cynthia A	814 Lambs Road	Mullica Hill, NJ
25	11	Richwood Plaza, LLC	830 Lamb Road	Mullica Hill, NJ
25	12	Vanjomi, LLC	834 Lambs Road	Mullica Hill, NJ
25	13	Richwood Academy Association	836 Lambs Road	Mullica Hill, NJ
25	14	Van Schenk Brill, Michael & Suzanne	625 Mullica Hill Road	Mullica Hill, NJ
25	15	Levco Enterprises, LLC	621 Mullica Hill Road	Mullica Hill, NJ
25	16	County of Gloucester	613 Mullica Hill Road	Mullica Hill, NJ
25	17	Fox, Lee M	611 Mullica Hill Road	Mullica Hill, NJ
25	18	Clement, Robert Neil & Diane	607 Mullica Hill Road	Mullica Hill, NJ
25	19	Clement, Robert Neil & Diane	607 Mullica Hill Road	Mullica Hill, NJ
25	19.01	Kouyoumdji, Paul & Amal El Khoury	745 Barnsboro Road	Mullica Hill, NJ
25	19.02	Franks, Brett P & Judith A	743 Barnsboro Road	Mullica Hill, NJ
25	19.03	Scordio, Pasquale & Lucrezia	741 Barnsboro Road	Mullica Hill, NJ
25	20	Gibbons, Jeanne	751 Barnsboro Road	Mullica Hill, NJ
25	21	Atkins, Curtis J & Ruth W	749 Barnsboro Road	Mullica Hill, NJ
25	23	Rossi, WM & Evelyn Trustees & Yacovone	824 Lambs Road	Mullica Hill, NJ
25	23.01	Sidwa, Robert M & Kathleen	820 Lambs Road	Mullica Hill, NJ
25	23.02	Fryer, Cindy	818 Lambs Road	Mullica Hill, NJ
26	1	Hoagland, Richard & Wanda	748 Barnsboro Road	Mullica Hill, NJ
26	2	Weston, William A	533 Mullica Hill Road	Mullica Hill, NJ
26	3	Labrosse Holdings, LLC	531 Mullica Hill Road	Mullica Hill, NJ
29.07	4	Brookside Farms HOE C/O Mamco	503 Leonard Lane	Mullica Hill, NJ

Source: NJ Division of Taxation - MOD-IV

6.0 REDEVELOPMENT PLANNING IN NEW JERSEY

6.1. Purpose of the Act

New Jersey’s Local Redevelopment and Housing Law (LRHL or Redevelopment Law), empowers municipalities and local governments with the ability to initiate a process that transforms qualified underutilized or poorly designed properties into healthier, more vibrant, and/or economically productive land areas. This process has been used successfully across New Jersey to creatively improve properties meeting statutory redevelopment criteria. In addition to providing greater flexibility in the development process, projects approved for redevelopment are often also eligible for certain types of technical and financial assistance from the State.

6.2. Redevelopment Procedure

The LRHL requires municipalities to perform a number of steps before it may exercise its Redevelopment powers. This process is meant, in part, to ensure that the Governing Body acts in concert with the goals and objectives of the Township’s Master Plan. Recognizing the Planning Board’s role as the steward of the Master Plan, these steps require the Planning Board to make certain findings and recommendations to the governing body of the municipality. The required steps are as follows:

1. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area, in whole or part, meets the requirements for designation as an area in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5). Here, the Township authorized such an investigation pursuant to the adoption of Resolution Nos. 190-2017 and 102-2018
2. The Planning Board must prepare and make available to the public a map showing the boundaries of the proposed redevelopment area, and the location of the various parcels of property included therein. The map shall be accompanied by a statement setting forth the basis of the investigation.
3. The Planning Board must then conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to hear persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. After completing its hearing on the matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. The Board may adopt a resolution setting forth its findings and recommendations to the Governing Body.
4. The Governing Body may act on this recommendation by adopting a resolution designating the area, or any part thereof, an “Area in Need of Redevelopment. ” The Governing Body must make the final determination as to the Redevelopment Area boundaries. The designation shall be subject to the review/approval of the Commissioner of the Department of Community Affairs.
5. A Redevelopment Plan must be prepared establishing the goals, objectives, and specific actions

to be taken with regard to the “Area in Need of Redevelopment.”

6. The Governing Body may then enact the Plan by passing an ordinance adopting the Plan as an amendment to the Township’s Zoning Ordinance.

Only after completion of this process is the Township able to exercise the powers granted to it under the Redevelopment Law.

6.3. Statutory Criteria

A study area qualifies as being an “Area in Need of Redevelopment” if it meets at least one of the eight statutory criteria listed in Section 40A:12A-5 of the Redevelopment Law:

- 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 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. 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.

N.J.S.A. 40A:12A-3 further states that “A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective development of the area of which they are a part.” This is commonly referred to as the “Section 3 Criteria.”

According to the Redevelopment Handbook, this section allows for the inclusion of properties that do not meet the statutory criteria but are, “essential to be included in the designation to effectively redevelop the area.” Examples of such properties include properties located within and surrounded by otherwise blighted areas, properties that are needed to provide access to an area to be redeveloped, areas needed for infrastructure or utilities, or properties that otherwise could be determined to be critical to the area’s successful redevelopment.

7.0 CRITERION "A"

7.1 Statutory Language

"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."

7.2 Findings

To fulfill the requirements of Criterion A, a lot must include a building—or multiple buildings—that are so substandard, unsafe, unsanitary, dilapidated, or obsolescent that they pose a threat to the welfare of those living, working in, or visiting those buildings. As discussed below, the abandoned buildings on the lots below meet these requirements.

7.2.a. Block 20.01, Lots 7 & 8; Block 25, Lots 11 & 20 – Substandard, Unsafe, Unsanitary, Dilapidated, or Obsolescent Buildings

7.2.A.1. BLOCK 20.01, LOTS 7 & 8

Block 20.01, Lots 7 and 8 meet Criterion A because of the presence of substandard, unsafe, dilapidated, and obsolescent buildings. Both Block 20.01, Lot 7 and Lot 8 show clear signs of dilapidation, including:

- Wear and tear on the facades' exteriors, including mold build-up and peeling paint
- Cracked concrete entry pads and stairs, and patchy/unpaved asphalt parking areas
- Cracked foundations
- Deteriorating and sloping rooflines, indicating that support beams are giving way
- Lack of yard maintenance, including dirt and gravel areas, cars parked on the grass, and trash in the yard (on Lot 7, Lot 8 does not have a yard as discussed in **Section 5.2.b on page 20**)

Figure 12. Block 20.01, Lots 7 & 8 – Unsanitary, Dilapidated, & Obsolescent



Worn-down and unpaved parking areas (left); cracked entry pads and wear and tear on buildings' facades (right).

Figure 2 (Cont). Block 20.01, Lots 7 & 8 - Unsanitary, Dilapidated, & Obsolescent



Cracked foundation (left); lack of yard maintenance, car parked on grass, facade wear and tear, and trash in the yard (right).

7.2.A.2. BLOCK 25, LOT 11

Block 25, Lot 11 meets Criterion A because of the presence of a substandard, unsafe, dilapidated, and obsolescent building. The building on Lot 11 has boarded-up windows, is missing its front porch (which Google Street View images indicate existed as recently as 2009), and needs major repairs/renovations to its roof and siding. This building is clearly dilapidated and is likely unsafe. This property is also in violation of Harrison Township Zoning Code § 159-7(A) “**Exterior maintenance standards, Prohibited uses and activities,**” which states that “Structurally unsafe or unsound buildings or structurally unsound parts thereof, structurally unsound walls or foundations, and fences” are prohibited on both residential and nonresidential buildings and premises.

Figure 13. Dilapidated House on Block 25, Lot 11



Dilapidated house missing front porch (left); house with front porch in 2009 (right)

7.2.A.3. BLOCK 25, LOT 20

Block 25, Lot 20 meets the requirements of Criterion A for several reasons. A site visit conducted on November 13, 2019 revealed that the building upon this lot is in a significant state of disrepair. Half of the first floor roof on the western side of the building was damaged and it does not have shingles like the rest of the roof on this building does. This part of the roof has been painted over with white paint, and is

clearly in need of further maintenance, and potentially replacement. The chain link fence along the lot line of this lot is also bent and torn in several locations, which detracts from the fence's utility as well as the neighborhood's aesthetics. There is a Berkshire Hathaway "For Sale" sign that has fallen out of the ground where it was staked that is now resting on the fence along the edge of the lot. Finally, the building's wooden front porch/entryway is old, rotting, and strewn with trash and other debris. Next to this rotting entryway are the cinderblock remnants of what was likely a larger front porch area. These cinderblocks now serve no use, are a tripping hazard, and detract from the property's value, and degrade the area's aesthetics.

Like the property on Block 25, Lot 11, this property is in violation of Harrison Township Zoning Code § 159-7(A) "Exterior maintenance standards, Prohibited uses and activities."

Figure 14. Dilapidated House on Block 25, Lot 20



Roof painted white/missing shingles in need of repair (top left); bent fence (top right); "For Sale" sign leaning against fence (bottom left); porch in need of renovation (bottom right).

7.3 Conclusion

Block 20.01, Lots 7 and 8 and Block 25, Lots 11 and 20 include abandoned buildings that are in such great states of disrepair as to be unsafe to both the inhabitants of these buildings as well as to the larger community. Without significant investment, these buildings are likely to continue to deteriorate and pose even greater threats to the surrounding community.

8.0 CRITERION "C"

8.1 Statutory Language

“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.”

8.2 Findings

Criterion C states that, to qualify, privately owned land must remain unimproved and vacant for at least ten years prior to the adoption of the investigation resolution, which in this case is 2019. The lots discussed in **Section 4.2.a** below have all been vacant for ten or more years, and as such qualify for Criterion C.

Many of these lots have irregular shapes and are close to currently- and historically-active orchards and farmland, which increases their likelihood of soil contamination—as illustrated in **Section 4.2.b on page 13**—and makes them less likely to be developed solely through the instrumentality of private capital.

In addition to being vacant for ten or more years, lots that are “not likely to be developed through the instrumentality of private capital” due to a variety of features, including the “nature of the soil,” may qualify for Criterion C. Several lots throughout the Study Area that were once used as farmland—or that are proximate to currently active farmland—meet this aspect of Criterion C due to the presence of chemical toxins and heavy metals in their soils.

8.2.a. Block 21, Lot 1; Block 22, Lot 1; Block 25, Lots 1, 2, 7, 14, & 19 – Unimproved Vacant Land

8.2.A.1. BLOCK 21, LOT 1

Block 21, Lot 1 is a small, triangular, landlocked lot that—from at least the 1940s until 2005—housed a small church. The lot is still owned by the Church of the Acts of the Apostles. By 2005, this church had been torn down, and nothing has replaced it since.

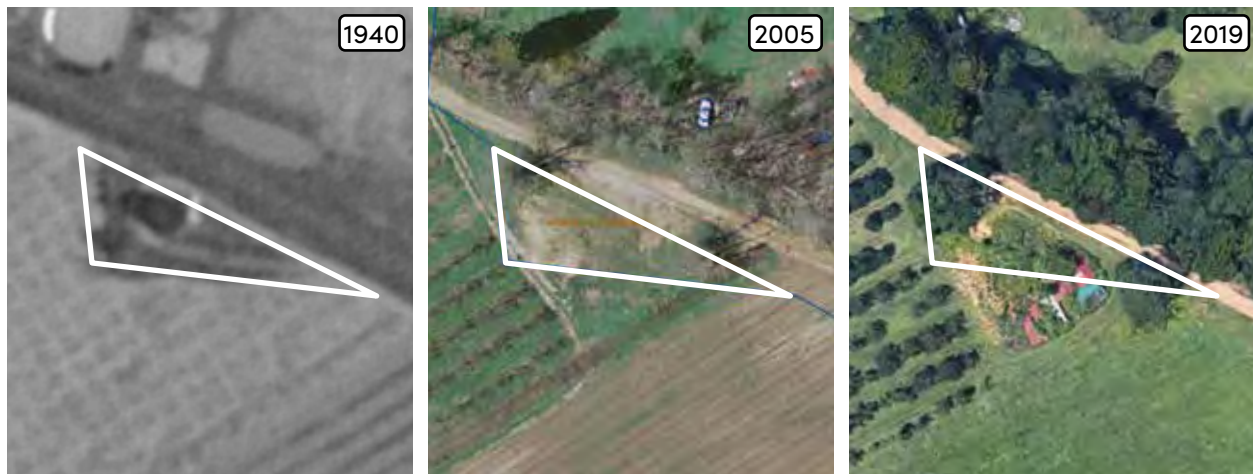
Block 21, Lot 1 is unlikely to be developed through the instrumentality of private capital for several reasons:

- The lot's remote location and the fact that it is landlocked make it difficult to access and unattractive to developers without being assembled with other neighboring lots.
- The contaminated nature of the soil, as discussed in **Section 4.2.b on page 13**, necessitates costly remediation before any development can occur.

Figure 5 on page <?> show the former church on Block 21, Lot 1 in 1940, and that is has been vacant since at least 2005.

8.2.A.2. BLOCK 22, LOT 1

Figure 15. Block 21, Lot 1 - Vacancy



The eastern half of Block 22, Lot 1 currently houses a Dunkin Donuts, but the western half is currently vacant, and has been since at least 2009. In 2012, Block 22, Lots 1, 1.01, 1.02, and 14 were combined to create what is currently Block 22, Lot 1 (see **Appendix C - Resolution #31-2012 on page <?>**). The intent was to create a larger lot that could house both the Dunkin Donuts that is currently sitting on the lot and a second use on the other half of the lot. This second use has not yet been built due to the difficulty of attracting customers to the site, resulting in the currently vacant western half of Lot 1.

Aerial imagery and municipal resolutions indicate that prior to 2012, the western half of this lot—which included Block 22, Lots 1.01, 1.02, and 14—was comprised of a residential building fronting Mullica Hill Road, two outbuildings, a commercial building fronting both Mullica Hill Road and Richwood Road, and an unpaved parking area shared by these uses. Harrison Township Resolution #10-1998 states that, in 1998, "the site [e.g., the western half of current block 22, Lot 1] was previously used as a garage and parts shop. However, said use has been abandoned and no activity currently takes place upon the site" (see **Appendix D - Resolution #10-1998 on page <?>**). To the best of our knowledge and the information we were able to obtain from Harrison Township, this site was vacant from at least 1998 (as noted in Resolution #10-1998) until 2012, when it was combined with the other lots listed above to create current Block 22, Lot 1. Vacancy for more than 10 years qualifies the western half of Block 22, Lot 1 as an area in need of redevelopment under Criterion C.

8.2.A.3. BLOCK 25, LOT 1

Figure 16. Block 22, Lot 1 - Changing Uses 2007-2019

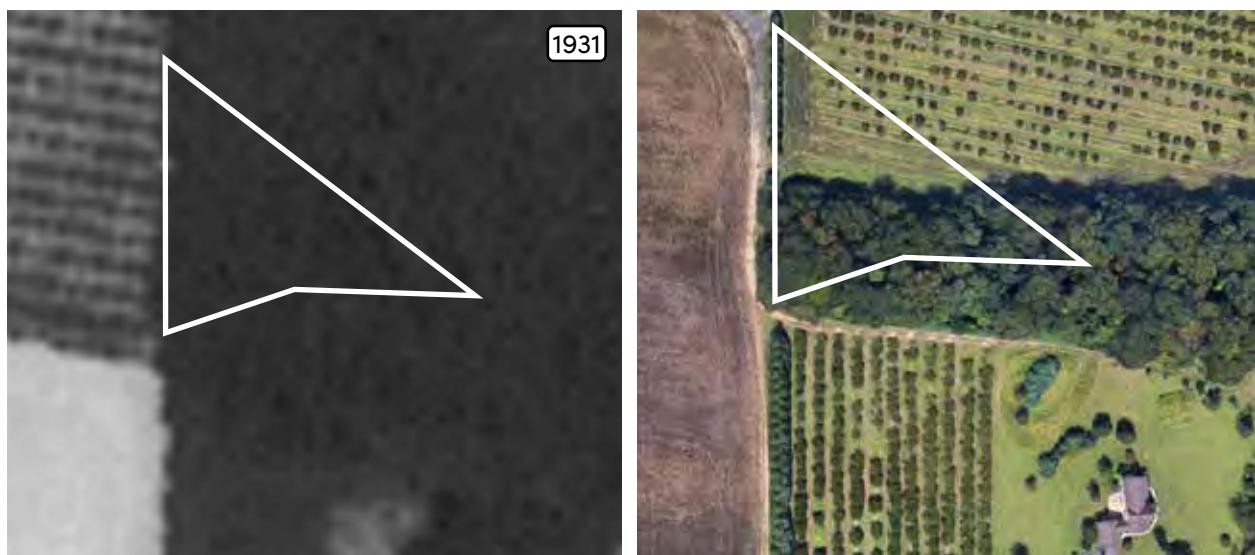


Block 25, Lot 1 is a small, triangular, landlocked lot, half of which has been used by Fred Smith Orchards—the majority of which is in Mantua Township on Block 250, Lot 15—and half of which has sat vacant as a riparian buffer since at least the 1960s. Prior to these uses, this lot comprised a forested area. This qualifies the lot as vacant. **Figure 7** shows that Block 25, Lot 1 has been vacant since at least 1931.

In addition to having been vacant for more than 10 years, Block 25, Lot 1 is geographically distant from developed sections of Harrison Township, and due to its landlocked nature, is remote, difficult to access, and therefore unattractive to developers and unlikely to be developed through the instrumentality of private capital. Block 25, Lot 1 would need to be assembled with neighboring lots to properly redevelop.

8.2.A.4. BLOCK 25, LOT 2

Figure 17. Block 25, Lot 1 - Vacancy



As illustrated in **Figure 10 on page <?>**, Block 25, Lot 2 is a large, vacant lot that has been used as farmland since at least 1940. In addition to having been vacant for more than 10 years, Block 25, Lot 2 meets Criterion C because of its remote location and lack of means of access to developed portions of Harrison Township. Currently, this lot's only connection to an official road (Lambs Road) is a small farm road that would be difficult to get cars, trucks, or construction machinery down without access being provided from another lot. This endangers any inhabitants of the existing farm house on the lot, as it would also be difficult to get firetrucks down this small road. Block 25, Lot 2 is also geographically distant from residential and commercial centers within Harrison Township.

Additionally, as explained in **Section 4.2.b on page 13**, the contaminated nature of the soil necessitates costly remediation before any development can occur.

8.2.A.5. BLOCK 25, LOT 7

Block 25, Lot 7 is a narrow, deep lot that is owned by Michael and Roberta Falzarano. This lot has been vacant since at least 2002. A review of recent aerial imagery indicates that this lot is currently being used as a junk yard/dumping ground for abandoned/unused cars. While this lot is regularly-shaped and not particularly remote, the fact that it has remained vacant—and that it is now being used as a junk yard—for 17+ years indicates that it is unlikely to be developed solely through the instrumentality of private capital. **Figure 8** shows that Block 25, Lot 7 has been vacant since at least 2002.

8.2.A.6. BLOCK 25, LOT 19

Figure 18. Block 25, Lot 7 - Vacancy



Block 25, Lot 19 is owned by Robert Neil & Dianne Clement, and has been primarily vacant—except for two small outbuildings that were probably used by neighboring properties, which were demolished between 2012 and 2015—since at least 1931. Otherwise, historic aerials of this lot show only trees and grass on this lot. **Figure 9** shows that Block 25, Lot 19 has been vacant since at least 1931.

8.2.b. Block 25, Lots 2 & 14 - Deleterious Land Use (Agriculture)

Figure 19. Block 25, Lot 19 - Vacancy



A review of historic aerial imagery reveals that Block 25, Lots 2 and 14, among other neighboring properties, were used as orchards and rotating crop fields for much of the 20th century. As illustrated in **Figure 10**, Block 25, Lot 2—in addition to being vacant, remote, and hard to access as described in **Section 4.2.a.4 on page 12**—and the northern half of Block 25, Lot 14 have been in continuous use as an orchard since at least 1940. As a result, it is likely that pesticides, herbicides, fungicides, spray oil, and assorted other chemical applicants have been used in support of the agricultural activities on both of these parcels.

Lot 2 is in Harrison Township's R2 Residence District, and is listed by the County of Gloucester as a "Qualified Farm" lot with an existing residence for the farmer on the lot. As such, the use of this lot as farmland since the 1960s qualifies it as vacant. This vacancy for more than ten years, in addition to the soil contamination on the site, makes this lot unlikely to be developed through the instrumentality of private capital. Additionally, as seen in **Figure 10 on page <?>**, the northern half of Block 25, Lot 14 was historically used as farmland, which indicates that there are likely to be similar issues with soil contamination upon this lot.

The risk to health and safety caused by the possible presence of dieldrin in the soil within both of these lots has resulted in an additional burden on redevelopment of the area, and a further cost for redevelopment, as a soil remediation plan must be prepared and executed before redevelopment of the site can occur.

8.3 Conclusion

The lots discussed in this section meet the "unimproved vacant land" requirement of Criterion C as well as the requirement that they are "not likely to be developed through the instrumentality of private capital" due to:

- the possible presence of dieldrin and other chemical toxins and heavy metals in their soil left behind by years of agricultural use and pesticide application; and
- location, remoteness, and lack of means of access to developed portions of Harrison Township.

Further, many of the lots discussed have been vacant for much more than the ten years required by Criterion C, and the cost of remediating the soil on these lots likely makes their further development, or future redevelopment, prohibitively expensive.

Figure 20. Block 25, Lots 2 & 14 - Historic & Current Orchard Use



Block 25, Lot 2 used as farmland in 1940 (left); Block 25, Lot 2 used as farmland with a farm house on it in 2019 (right).



Block 25, Lot 14 used as farmland in 1940 (left); Block 25, Lot 14 in commercial use as "Van Schenk Pools & Spas" in 2019 (right).

9.0 CRITERION "D"

9.1 Statutory Language

“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.”

9.2 Findings

One of the requirements to qualify for Criterion D is that lots must, by reason of “excessive land coverage, deleterious land use, or obsolete layout,” be “detrimental to the safety, health, morals, or welfare of the community.” The following lots have been found to have detrimental lot arrangements that cause them to exhibit obsolete layouts and pose both near- and long-term threats to Harrison Township's communities.

The biggest issue posed by the detrimental lot arrangements found throughout the study area are small lots with narrow frontages along busy roads, such as Mullica Hill Road (U.S. Route 322), Barnsboro Road (County Road 609), Richwood Road, and Harrisonville Road. Narrow street frontages restrict internal automobile circulation, require an excessive number of individual driveways and curb cuts, and hinder the private development of each parcel. Excessive driveways create unnecessary points of potential conflict along the roadway and may cause traffic accidents or congestion. Additionally, reduced private development potential reduces land values in the area and may encourage detrimental land uses.

Additionally, several of the lots throughout the Study Area are detrimental to the safety, health, and welfare of Harrison Township due to chemical toxins—such as dieldrin—and heavy metals in their soil. These elements take years to dissipate, and long-term exposure to them poses a serious health threat to those in the area.

Harrison Township tax maps have been provided in **Appendix B - Tax Maps on page 13** to support the lot measurements in the following section.

9.2.a. **Block 20.01, Lots 7 & 8; Block 21, Lot 1; Block 25, Lots 1, 7, 13, 17, 19, 20, & 21; Block 26, Lots 1, 2, & 3 - Detrimental Lot Arrangements**

9.2.A.1. C1 - VILLAGE CENTER COMMERCIAL DISTRICT: BLOCK 20.01, LOT 7; BLOCK 21, LOTS 1 & 2; BLOCK 22, LOT 2; BLOCK 26, LOTS 1, 2, & 3

The following lots do not meet the minimum area and bulk regulations of the C1 Village Center Commercial District as laid out in Harrison Township Zoning Code **§ 225-16(C) "C1 Village Center District, Area and bulk regulations: uses by right."** The area and bulk regulations for the C1 Village Center Commercial District are laid out in **Table 2 on page 17**:

Table 3. Bulk Requirements for the C1 Village Center Commercial District

BULK REQUIREMENTS: C1 VILLAGE CENTER COMMERCIAL DISTRICT	
Lot Size	22,000 Square Feet
Lot Width @ Building Setback Line	100 Feet Minimum
Lot Coverage	35% Maximum
Front Setback	35 Feet Minimum
Side Yards	20-Foot Aggregate Total w/ 8-Foot Minimum Each
Rear Yards	20 Feet Minimum
Height	35 Feet Maximum -OR- 3 Stories

- Block 20.01, Lot 7 does not meet the minimum lot area, minimum lot width at building setback line, or minimum front yard setback for the C1 Village Center Commercial District. **Block 20.01, Lot 7 has a lot area of 10,019 square feet, a minimum lot frontage of 85.91 feet, and a 0-foot front yard setback.**
- Block 21, Lot 1 does not meet the minimum frontage width or minimum lot area for the C1 Village Center Commercial District, and Block 21, Lot 2 does not meet the minimum lot frontage width. Block 21, Lot 1 has a lot area of just under 6,700 square feet, and technically does not have a lot frontage as the lot does not front onto an official, recognized road. **Block 21, Lot 2 has a lot frontage of just 50.30 feet.**
- Block 26, Lot 1 does not meet the minimum frontage width or minimum lot area for the C1 Village Center Commercial District. Block 26, Lot 1 has a lot area of just +/- 12,088 square feet, and a minimum lot width of +/- 66 feet.
- Block 26, Lot 2 does not meet the minimum frontage width or minimum lot area for the C1 Village Center Commercial District. **Block 26, Lot 2 has a lot area of just +/- 12,749 square feet, and a minimum lot width of +/- 69 feet.**
- Block 26, Lot 3 does not meet the minimum lot area. **Block 26, Lot 3 has a lot area of +/- 20,473 square feet.**

9.2.A.2. R2 - RESIDENCE DISTRICT: BLOCK 20.01, LOT 8; BLOCK 25, LOTS 1, 7, 17, 19, 20, & 21

The following lots do not meet the minimum area, density, and bulk regulations of the R2 Residence-Agriculture District as laid out in Harrison Township Zoning Code § 225-12(B) "R2 Residence District, Area, density, and bulk regulations." The area, density, and bulk regulations for the R2 Residence-Agriculture District are laid out in **Table 3 on page 18:**

Table 4. Bulk Requirements for the R2 Residence District

BULK REQUIREMENTS: R2 RESIDENCE-AGRICULTURE DISTRICT	
Maximum Units Permitted	1 Unit/Acre
Minimum Lot Size:	
Without Sewers	1 Acre
With Sewers	18,750 Square Feet
Minimum Lot Width @ Building Setback Line:	
Without Sewers	150 Feet
With Sewers	125 Feet
Lot Coverage	15%
Setbacks	
Interior Local Road Not a Private Driveway Serving a Max. of 2 Units	35 Feet
Property Line	20 Feet
Arterial Road	75 Feet
Height	35 Feet

- Block 20.01, Lot 8 does not meet the minimum lot size, minimum lot frontage, or minimum building setback standards of the R2 Residence District. Block 20.01, Lot 8 is not in a sewer service area, so it is subject to the 1 acre minimum lot size and 150 frontage width minimum standards. Additionally, this lot is along an arterial road (Richwood Road) as defined by Harrison Township, and as such should have a minimum 75 foot setback. **Block 20.01, Lot 8 has a lot area of .09 acres, a minimum lot frontage of 91.64 feet, and a 0-foot setback from an arterial road.**
- Block 25, Lot 1—which falls in the R1 Residence-Agriculture District with the same frontage standards as the R2 residence District—does not front onto any roads, so it technically does not have a frontage.
- Block 25, Lot 7 does not meet the minimum frontage width for the R2 Residence-Agriculture District. Block 25, Lot 7 is in the Richwood Sewer Service Area, so it is subject to the 125 frontage width minimum standards. **Block 25, Lot 7 has a lot frontage of just 110 feet.**
- Block 25, Lot 17 does not meet the minimum frontage width or minimum building setback standards for the R2 Residence District. Block 25, Lot 17 is in the Richwood Sewer Service Area, so it is subject to the 18,750 square foot minimum lot size and 125 feet minimum frontage width standards. Additionally, this lot is along an arterial road (Mullica Hill Road aka U.S. Route 322), as defined by Harrison Township, and as such should have a minimum 75 foot setback. **Block 25, Lot 17 has a minimum lot width of just 112 feet, and a setback from an arterial road of just over 50 feet.**
- Block 25, Lot 19 does not meet the minimum frontage width for the R2 Residence District. Block 25, Lot 19 is in the Richwood Sewer Service Area, so it is subject to the 125-foot frontage width minimum standards. However, Block 25, Lot 19 has a minimum lot width of just +/- 111 feet.

- Block 25, Lot 20 does not meet the minimum frontage width, minimum lot area, or minimum building setback standards for the R2 Residence District. Block 25, Lot 20 is in the Richwood Sewer Service Area, so it is subject to the 18,750 square foot minimum lot size and 125 feet minimum frontage width standards. Additionally, this lot is along an arterial road (Barnsboro Road), as defined by Harrison Township, and as such should have a minimum 75 foot setback. **Block 25, Lot 20 has a lot area of just +/- 0.41 acres, a minimum lot width of 106.27 feet, and a setback from an arterial road of just over 20 feet.**
- Block 25, Lot 21 does not meet the minimum frontage width, minimum lot area, or minimum building setback standards for the R2 Residence District. Block 25, Lot 21 is in the Richwood Sewer Service Area, so it is subject to the 18,750 square foot minimum lot size and 125 feet minimum frontage width standards. Additionally, this lot is along an arterial road (Barnsboro Road), as defined by Harrison Township, and as such should have a minimum 75 foot setback. **Block 25, Lot 21 has a minimum lot area of just +/- 0.35 acres, a minimum lot width of just 98.67 feet, and a setback from an arterial road of just over 20 feet.**

9.2.A.3. INS - INSTITUTIONAL DISTRICT: BLOCK 25, LOT 13

The following lot does not meet the minimum area, density, and bulk regulations of the INS Institutional District as laid out in Harrison Township Zoning Code § 225-62 "INS Institutional District, Bulk Standards." The bulk standards for the INS Institutional District are laid out in **Table 4** below:

Table 5. Bulk Requirements for the INS Institutional District

BULK REQUIREMENTS: INS INSTITUTIONAL DISTRICT	
Minimum Lot Area	5 Acres
Minimum Lot Width	300 Feet
Minimum Street Frontage	300 Feet
Minimum Lot Depth	N/A
Minimum Front Yard	10 Feet
Minimum Side Yard (each)	50 Feet
Minimum Rear Yard	50 Feet
Minimum Building Setback Requirements	
From a Public Street	100 Feet
From a Non-Residentially-Zoned Lot	50 Feet
From a Residentially-Zoned Lot	75 Feet
From Another Freestanding Building on the Same Lot/Institutional Development	50 Feet
Maximum Permitted Building Coverage	20 %, including all principal & accessory buildings
Maximum Permitted Impervious Coverage	70 %
Maximum Building Height	35 Feet -OR- 3 Stories
Accessory Buildings	Shall be subject to all the same locational requirements as principal buildings and shall not have a ground floor area > 5% of the area of the site

- Block 25, Lot 13 does not meet the minimum frontage width, minimum lot area, or minimum building setback requirements for the INS Institutional District. **Block 25, Lot 13 has a lot area of just +/- 0.79 acres, a minimum lot width of roughly 160 feet, a setback from a public street of +/- 54 feet, and a setback from a residentially-zoned lot of just over 60 feet.**

9.2.b. Block 20.01, Lots 7 & 8; Block 21, Lot 1; Block 22, Lots 1 & 2; Block 25, Lots 17 & 20; Block 26, Lots 1 & 2 – Obsolete/Irregular Lot Layouts

In addition to not meeting the minimum code dimensions of the above zoning districts within Harrison Township, the following lots have obsolete or irregular lot layouts that make further development–or future redevelopment–on these lots difficult in their current form.

9.2.B.1. BLOCK 20.01, LOTS 7 & 8

Block 20.01, Lots 7 and 8 are small, triangular lots that have encouraged a faulty, dangerous arrangement of parking, buildings, and setbacks/yard space within them (see **Figure 11 on page 19**). The irregular shape of these lots, and the disorganized internal formation these shapes cause, makes parking difficult and creates an unsafe environment for both vehicles and pedestrians. Block 20.01, Lot 8 has a small driveway and unpaved parking area directly off of Richwood Road, and Block 20.01, Lot 7 has a larger driveway/parking area that extends across the width of the lot from Richwood Road to Harrisonville Road. The larger parking area is associated with the "Daybreak Dreams" artist studio and residential unit in the principal structure on Lot 7. The major concerns with the parking and circulation arrangement on Block 20.01, Lots 7 and 8 include:

- Too many curb-curbs (three), including two directly bordering each other in a small area along the highly-trafficked, high-speed Richwood Road, which creates dangerous situations both for drivers turning out of these driveways and those traveling along this road.
- The two curb cuts that directly border each other have no fence, grade-change, or other buffering or separating element between them, which increases the likelihood of collisions with pedestrians or other motor vehicles.
- The parking area extending across Lot 7 from Richwood Road to Harrisonville Road is unmarked, and can be entered and exited from either of these roads, creating unpredictable conditions for pedestrians and motorists within this parking area.
- A review of aerial imagery indicates that there are cars parked off of the paved parking area on Lot 8, which means they are likely leaking motor oil, gasoline, and other automobile fluids directly into–and contaminating–the soil.

Figure 21. Block 20.01, Lots 7 & 8 Obsolete/Irregular Layouts



Figure 22. Block 20.01, Lots 7 & 8 Driveways & Parking Area



9.2.B.2. BLOCK 21, LOT 1

The small, triangular, landlocked shape of Block 21, Lot 1 makes it virtually impossible to develop in its current form.

9.2.B.3. BLOCK 22, LOT 1

As discussed in **Section 4.2.a.2 on page 10**, the western half of Block 22, Lot 1—the eastern half of this lot houses a Dunkin Donuts—is currently vacant. While it is regularly-shaped, this half of Block 22, Lot 1 would necessitate indirect access were it to be developed as a commercial use as intended. It is understood that this necessity for indirect access makes this half of the lot less attractive for commercial development as it would require customers to either turn off of the more highly-trafficked Mullica Hill Road (U.S. Route 322) onto Richwood Road, or turn into the existing Dunkin Donuts and drive through its parking lot, to access a use on this half of the lot. It would not be possible to site a curb cut at the intersection of

Mullica Hill Road and Richwood Road—which would be the only way to provide direct access to the site—as Mullica Hill Road is a high-speed corridor, and because this curb cut would be at what is already a 5-way intersection, making turning into and out of this half of the lot too dangerous.

9.2.B.4. BLOCK 22, LOT 2

In addition to not meeting the minimum frontage and acreage requirements for a C1-zoned parcel, Block 22, Lot 2 comprises a deep, narrow lot, on which automobile circulation, or additional development, would be detrimental to the safety and welfare of the community.

9.2.B.5. BLOCK 25, LOT 1

The small, triangular, landlocked shape of Block 25, Lot 1 makes it virtually impossible to develop in its current form.

9.2.B.6. BLOCK 25, LOT 17

In addition to not meeting the minimum frontage and acreage requirements for an R-2 zoned parcel, Block 25, Lot 17 comprises a deep, narrow lot, on which automobile circulation, or additional development, would be detrimental to the safety and welfare of the community.

9.2.B.7. BLOCK 26, LOTS 1 & 2

In addition to not meeting the minimum frontage and acreage requirements for C-1 zoned parcels, Block 26, Lots 1 and 2 each comprise deep, narrow lots, on which automobile circulation, or additional development, would be detrimental to the safety and welfare of the community.

Figure 23. Study Area Lots with Obsolete/Irregular Layouts



9.2.c. Block 25, Lots 2 & 14 – Detrimental to the Safety, Health, Morals, or Welfare of the Community

As noted in **Figure 10 on page <?>**, and as discussed in **Section 4.2.b on page 13**, Block 25, Lots 2 and 14 were once used as orchards, which indicates the presence of harmful chemical toxins and heavy metals in their soil. These chemical toxins and heavy metals pose both a near- and long-term threat to Harrison Township residents.

According to the US Department of Agriculture Natural Resources Conservation Service, old orchards that used insecticides containing arsenic as an active ingredient are likely to lead to excessive heavy metal accumulation in soils that are toxic to humans and other animals. Chronic problems associated with long-term Arsenic exposure include skin poisoning and damage to the kidneys and central nervous system.¹

The same report notes that once metals are introduced and contaminate the environment, they will remain for long periods of time. Metals do not degrade like carbon-based (organic) molecules. As a result, contamination that was introduced many years ago is likely to remain on site and continue to pose a threat to the health, safety, and welfare of the community unless remediated.

One contaminant of particular concern is dieldrin. Dieldrin has been found at high levels in the soil of other Harrison Township parcels which were used as orchards during the same timeframe as the study parcels.²

A report published in *Environmental Health Perspectives*³ noted that orchards were:

“...routinely treated with pesticides and other chemicals during their agricultural lifetimes... These toxic by-products are left from the days before DDT and before organophosphates, when arsenical pesticides, particularly lead arsenate (LA), were the treatment of choice to prevent the ravages of insect damage.... LA and the other arsenical pesticides were designed to be persistent, and it is that persistence that is causing environmental contamination problems decades after their use ended.”

Originally, dieldrin was used as a broad-spectrum soil insecticide for the protection of various food crops, as seed dressings, to control infestations of pests like ants and termites, and to control several insect vectors of disease. The US Department of Agriculture banned all uses of aldrin and dieldrin in 1970⁴. Acting upon further concerns about damage to the environment and potentially to human health, the EPA banned all uses of aldrin and dieldrin in 1974. When humans have been exposed for longer periods to lower doses of these compounds, neurotoxic symptoms have included headache, dizziness, general malaise, nausea, vomiting, and muscle twitching or myoclonic jerking.⁵

1 “Heavy Metal Soil Contamination,” Department of Agriculture Natural Resources Conservation Service < http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053279.pdf>

2 A 2003 Phase I Environmental Site Assessment (ESA) discovered dieldrin within the Tomlin Station Redevelopment Area (Block 46, Lots 4.03, 4.04, 4.05, 4.06, 4.07, 4.08, 4.09, 4.10 and 4.11; Block 46.01, Lots 1, 2 and 3; and Block 46.02, Lots 1, 2, 3, 4, 5, 6 and 7.)

3 Ernie Hood, “The Apple Bites Back: Claiming Old Orchards for Residential Development”; *Environmental Health Perspectives*, 114.08 (2006) A470-A476.

4 “Health Effects Support Document for Aldrin/Dieldrin,” United States Environmental Protection Agency. < https://www.epa.gov/sites/production/files/2014-09/documents/support_cc1_aldrin-dieldrin_healtheffects.pdf>.

5 Ibid.

Furthermore, it is highly likely that other pesticides, herbicides, fungicides, spray oil and assorted other chemical applicants were used on site, as commonly used in fruit orchards throughout the United States in the 1950s through the 1970s, and as found elsewhere in orchards within Harrison Township, New Jersey. According to the US Department of Agriculture Natural Resources Conservation Service, old orchards that used insecticides containing arsenic as an active ingredient are likely to lead to excessive heavy metal accumulation in soils that are toxic to humans and other animals. Chronic problems associated with long-term Arsenic exposure include skin poisoning and such exposure has adverse affects on the kidneys and central nervous systems.⁶

9.2.d. Block 25, Lot 20 - Improper Storage of Materials

Harrison Township Code § 159-7(A) “Exterior maintenance standards, Prohibited uses and activities” prohibits the following:

Animal excrement piles or vegetable waste, paper, rags, cartons, boxes, fallen tree branches, yard trimmings, objects in a state of general disrepair that are not being used for their original intended purpose, garbage, waste materials, scrap building materials, used tires, scrap metal, glass or wood, **appliances in disuse**, plumbing fixtures, furniture in disrepair.

Township Code § 159-7(A) also prohibits:

The outdoor placement of vehicles, **machinery, equipment or parts thereof**, including, but not limited to, boats and trailers, regardless of whether they are licensed or registered, which have been dismantled or have been in a state of visible disrepair for more than 30 days.

Upon a site visit to the investigation area, Block 25, Lot 20 was found to contain an old/unused refrigerator, table, scrap wood, and other detritus in the rear yard (Figure X).

The improper storage of such materials is in direct violation of Township Code and poses safety, health, and economic detriments to the larger community. Piles of refuse and furniture attract vermin and rodents. Large appliances like refrigerators damage turf, and could potentially leak coolants and other chemicals into the soil. Additionally, improperly stored materials and piles of refuse degrade the aesthetic quality of a neighborhood, potentially depressing property values in the neighborhood.

Figure 24. Block 25, Lot 20 - Improper Storage of Materials



⁶ “Heavy Metal Soil Contamination,” Department of Agriculture Natural Resources Conservation Service < http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053279.pdf>

9.3 Conclusion

The presence of detrimental lot arrangements, obsolete/irregular lot layouts, and chemical toxins and heavy metals in the soil of many of the lots throughout the Study Area qualify these lots for Criterion D as they both endanger the health, safety, and welfare of the residents of Harrison Township, and make further development and future redevelopment difficult.

10.0 CRITERION "E"

10.1 Statutory Language

"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."

10.2 Findings

Criterion E states that lots whose lack of proper utilization leads to a stagnant, unproductive condition that impedes land assemblage may qualify if they are 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." The following lots within the Redevelopment Area were found to be having such a negative social/economic impact on the surrounding community—and impeding the assemblage of land for a more productive use—due to their stagnant, unproductive condition.

Considering these parcels' proximity to the future Richwood Redevelopment Area, their stagnant, unproductive condition and the obstacles they present to development are even more troubling, as they could hinder Richwood's success. In any case, in their current states, they are having a negative impact on the immediate community.

10.2.a. Block 21, Lot 1; Block 22, Lots 1 & 2; Block 25, Lots 1, 11, 17, 18, 19, & 20 - Stagnant, Unproductive Condition of Land

10.2.A.1. BLOCK 21, LOT 1

Until the early 2000s, Block 21, Lot 1 housed a small church, but since then it has sat vacant (see **Figure 5 on page <?>** and **Section 4.2.a on page 10**). Lot 1 has an odd, irregular shape that complicates further development, or future redevelopment. Lot 1 would be particularly difficult to redevelop, as it is small, triangular, and landlocked.

These issues have resulted in a stagnant, unproductive condition that makes assembling the land for future development difficult and discourages the undertaking of improvements. Block 21, Lot 1 has been vacant since at least 2005, and a review of recent aerial imagery shows piles of garbage and other debris on the lot, indicating that it is being used as a dumping site.

10.2.A.2. BLOCK 22, LOT 1

While the eastern half of Block 22, Lot 1 currently houses a well-functioning Dunkin Donuts location, the western half of this lot has sat vacant since at least 1998 as discussed in **Section 4.2.a.2 on page 10**. Block 22, Lots 1, 1.01, 1.02, and 14 were combined to create what is currently Block 22, Lot 1 (see **Appendix C - Resolution #31-2012 on page <?>**) in 2012 with the intent of creating a larger lot that could house both the existing Dunkin Donuts and a second commercial use. However, this second use has not yet been

built due to the difficulty of attracting customers to the site, resulting in the currently vacant western half of Lot 1.

Given the site's proximity to existing commercial uses and residential neighborhoods, and location in what will be the heart of the forthcoming Richwood Redevelopment Area, the western half of Block 22, Lot 1 represents a stagnant, unproductive, underutilized piece of land that is otherwise well-situated to bolster the neighborhood's—and municipality's—tax base and economy.

10.2.A.3. BLOCK 22, LOT 2

Until around 2010, Block 22, Lot 2 housed a small, single-family house, but since then it has sat vacant. Lot 2's deep, narrow shape makes it particularly difficult to develop in its current form.

These issues have resulted in a stagnant, unproductive condition of land that makes assembling the land for future development difficult and discourages the undertaking of improvements. Block 22, Lot 2 is a vacant parcel along a U.S Route 322, in a part of Harrison Township surrounded by other commercial uses, such as the Dunkin Donuts on neighboring Block 22, Lot 1, the CVS Pharmacy on Block 21, Lot 9, and the nearby Wawa on Block 24.03, Lot 5. The vacancy of this lot and others in the area reduces property values and has a blighting effect on the community.

10.2.A.4. BLOCK 25, LOT 1

Block 25, Lot 1 has sat vacant since at least 1931 (see **Figure 7 on page <?>**), at least in part due to its being split between the Fred Smith Orchards property and the riparian strip that is all that is left of the forested area that was cut down to make room for Fred Smith Orchards in the late 1950s. Its vacant state reduces property values in the area and makes development—in an area targeted for major redevelopment—difficult.

Figure 25. Block 22, Lot 2 & Block 25, Lots 1 & 11



Block 22, Lot 2 (left); Block 25, Lot 1 (top right); Block 25, Lot 11 maintained lawn (bottom right).

10.2.A.5. BLOCK 25, LOT 11

Block 25, Lot 11 has sat vacant since at least 2014. While the lot itself shows signs of maintenance—Google Street View imagery shows that someone is cutting the grass (see **Figure 15 on page <?>**)—the building on Lot 11 is slowly deteriorating, and currently presents a stagnant, unproductive condition of land. The vacant building on this lot reduces property values in the area and makes development—in an area targeted for major redevelopment—difficult. Additionally, the vacant building on this lot could potentially act as a haven for crime, nesting ground for vermin, or harbor for illicit activities.

10.2.A.6. BLOCK 25, LOT 17

Block 25, Lot 17 is currently sitting vacant. According to Zillow.com, this property was first listed for sale in July of 2017, but the listing was removed a year later, in July of 2018. In August of 2018, this property was again listed for sale, this time for roughly 20% less than it had been listed for in 2017. The difficulty the owner of this property has been experiencing in their efforts to sell it indicates that there is not a strong market for it, and that the condition and location of the property make it unattractive to prospective buyers. As a result, the building on this lot has sat vacant for the last few years in an area that is poised for major redevelopment, and that is already home to thriving businesses and residences. The stagnant condition of this potentially useful and economically-valuable lot is therefore detracting from the neighborhood's economy and Harrison's tax base.

10.2.A.7. BLOCK 25, LOT 18

Block 25, Lot 18 is also currently sitting vacant. A sign on this property's front lawn states that it is for sale through Drexel Realty Group. However, there is no information regarding this property on DrexelRealty.com. There is also no information regarding this property on either Zillow.com or Trulia.com, but Google Street View imagery shows that this property has been for sale since at least 2014. Similar to Block 25, Lot 17, the difficulty that this property's owners have been experiencing in selling this property—and the fact that it has sat vacant for the last five years—indicates that the condition and location of the property make it unattractive to prospective buyers. As a result, this otherwise useful and economically-valuable lot has been sitting in a stagnant condition that is detracting from the neighborhood's economy and Harrison's tax base.

10.2.A.8. BLOCK 25, LOT 19

Block 25, Lot 19 has been completely vacant since at least 2015, and only housed two small outbuildings between 1940 and 2015. Considering Lot 19's proximity to the future Richwood Redevelopment Area and neighboring residential and commercial uses, this lot currently represents a stagnant, unproductive condition of land. The lot's vacancy reduces property values in the area and makes development—in an area targeted for major redevelopment—difficult.

Figure 26. Block 25, Lot 19



10.2.A.9. BLOCK 25, LOT 20

Block 25, Lot 20 is currently occupied, but as discussed in **Section 3.2.a.3 on page 8** and **Section 5.2.d on page 24**, it is in a dilapidated state and is rapidly deteriorating. This property qualifies for Criterion E because this lot also exhibits ownership issues that is resulting in this potentially economically-valuable lot's underutilization. During our site visit on November 13, 2019, we noticed a Berkshire Hathaway "For Sale" sign that had been dislodged from the ground and was leaning against the property's fence (see **Figure 4 on page 10**). Google Street View imagery indicates that this sign has been present on the property since at least 2016. As with Block 25, Lots 17 and 18, the difficulty this property's owner has been experiencing in selling the property indicates that the condition and location of the property make it unattractive to prospective buyers. As a result, this otherwise useful lot has been sitting in a stagnant condition that is detracting from the neighborhood's economy and Harrison's tax base.

10.3 Conclusion

The lots described in this section exhibit a stagnant, unproductive condition of land that is currently impeding their assemblage and making them difficult to further develop and/or redevelop. Additionally, many of these lots are harboring vacant, abandoned, or dilapidated structures that are detrimental to the safety, health, morals, and welfare of the residents of Harrison Township.

11.0 SECTION 3 CRITERIA

11.1 Statutory Language

A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective development of the area of which they are a part.

11.2 Findings

According to the New Jersey Redevelopment Handbook, "Section 3" allows for the inclusion of properties that do not meet the statutory criteria but are, "essential to be included in the designation to effectively redevelop the area."

11.2.a. Block 21, Lot 9; Block 22, Lot 1; Block 25, Lots 8, 12, 14, 19.01, 19.02, 19.03, 21, 23, 23.01, & 23.02 - Include But Do Not Designate

11.2.A.1. BLOCK 21, LOT 9

Block 21, Lot 9 is currently an operational, well-functioning CVS Pharmacy and as such should not be designated. However, it is necessary to include this lot in the Study Area for the effective development of the area overall. This CVS represents the type of commercial use that the forthcoming Richwood Redevelopment is seeking to attract to the area, and would be greatly beneficial to Richwood and its future residents. Additionally, the inclusion of this lot in the Redevelopment Area would improve internal circulation within Block 21, as the existing parking lot on the site would reduce the need for other on-site parking, and could help structure internal circulation routes.

11.2.A.2. BLOCK 22, LOT 1

Block 22, Lot 1 is currently an operational, well-functioning Dunkin Donuts and as such should not be designated. However, it is necessary to include this lot in the Study Area for the effective development of the area overall. This Dunkin Donuts represents the type of commercial use that the forthcoming Richwood Redevelopment is seeking to attract to the area, and would be greatly beneficial to Richwood and its future residents.

It is worth noting that the western half of this lot is currently sitting vacant. In 2012, Block 22, Lots 1, 1.01, 1.02, and 14 were combined to create what is currently Block 22, Lot 1 (see **Appendix C - Resolution #31-2012 on page <?>**). The intent was to create a larger lot that could house both the Dunkin Donuts that is currently sitting on the lot and a second use on the other half of the lot. This second use has not yet been built due to the difficulty of attracting customers to the site, resulting in the currently vacant western half of Lot 1.

As discussed in **Section 5.2.b.3 on page 21**, the layout of the lot requires motorists to turn off of the higher-speed and higher-volume Mullica Hill Road (U.S. Route 322) onto Richwood Road to access the site, or alternatively, to turn into the Dunkin Donuts from either Mullica Hill Road or Richwood Road. The indirect access this would create would deter potential customers from accessing the site, making it less attractive for commercial development and qualifying it for Criterion D.

Further, in **Section 6.2.a.2 on page 26**, the growing lack of utilization this lot exhibits is resulting in a stagnant, unproductive condition of land that would otherwise be useful and valuable for contributing to the economy of the area. Considering the forthcoming Richwood Redevelopment, and the existing CVS and other commercial uses and residences in the area, this lot currently represents a prime example of underutilized space in an area that is ripe for development and economic productivity, and qualifies it for Criterion E.

Finally, in **Section 4.2.a.2 on page 10**, it is noted that the western half of this lot has been vacant for more than 10 years, which qualifies it under Criterion C.

11.2.A.3. BLOCK 25, LOTS 8, 12, 19.01, 19.02, 19.03, 21, 23, 23.01, & 23.02

Block 25, Lots 8, 12, 19.01, 19.02, 19.03, 21, 23, 23.01, and 23.02 are all decently-sized lots housing recently constructed single-family homes that are in good condition. These lots should not be designated, but should be included in the Study Area, as they will:

- Help promote density in the area and attract new tenants to Richwood by providing a sense of context and ensuring future residents that they are not moving to an isolated area
- Continue to bolster the area's tax base
- Provide a mix of residential development types that complement Richwood's planned housing stock

11.2.A.4. BLOCK 25, LOT 14

Despite the soil contamination on the northern half of Block 25, Lot 14 described in **Section 4.2.b on page 13** and **Section 5.2.c on page 23**, this lot may not qualify under the criteria for designating an area as in need of redevelopment, as the commercial use upon the front half of the lot, "Van Brill Pools & Spa," is a successful business, and represents the type of commercial use that the forthcoming Richwood Redevelopment is seeking to attract to the area. As such, the business on the southern half of this lot would be greatly beneficial to Richwood and its future residents.

11.2.A.5. BLOCK 25, LOT 15

Block 25, Lot 15 currently houses a dental office in a renovated two-story residential building that was constructed in 1924. A site visit on November 13, 2019 confirmed that this structure is well-maintained and fully operational. Block 25, Lot 15 should be included in the Redevelopment Area because it represents the type of commercial use that the forthcoming Richwood Redevelopment is seeking to attract to the area, and would be greatly beneficial to Richwood and its future residents.

11.3 Conclusion

The lots in described in this section do not need to be designated as in need of redevelopment, but would be beneficial to include in the Study Area nonetheless due to the commercial and residential fabric they will bring to the area, and to the future Richwood Redevelopment. Additionally, these lots are economically-productive and—beyond contributing to the character of the area and ensuring there is already a critical mass of people living there—a boon to Harrison Township's tax base.

12.0 DO NOT QUALIFY

12.1 Findings

The following properties do not meet any of the criteria for designation as areas in need of redevelopment, and as such should not be included in the Redevelopment Area.

12.1.a. Block 21, Lot 2; Block 26, Lot 16; Block 29.07, Loy 4 - Do Not Recommend for Designation

12.1.A.1. BLOCK 21, LOT 2

Block 21, Lot 2 contains a farm road that provides access to the Heritage Winery on Block 31, Lot 11 from Harrisonville Road. This lot has been in continuous use as a farm road since at least 1940, and as such can be recognized as a productive piece of land that aids the success of the neighboring Heritage Winery, which is itself a highly economically-productive piece of land and a Harrison landmark.

Figure 27. Block 21, Lot 2 - Farm Road to Heritage Winery



Block 21, Lot 2 vacant in 1940 (left); Block 21, Lot 2 vacant in 2019 (right).

12.1.A.2. BLOCK 25, LOT 16

Block 25, Lot 16 is an irregular, triangular lot that is owned by the County of Gloucester that has been used as a stormwater management basin since at least 2010 (see **Figure 18**).

This stormwater management basin was built by the County of Gloucester in 2010 to accommodate increased stormwater caused by the widening of Mullica Hill Road (U.S. Route 322).

Figure 28. Block 25, Lot 16 - Vacancy



12.1.A.3. BLOCK 29.07, LOT 4

Block 29.07, Lot 4 is defined by the County of Gloucester in its tax records as "Preserved Open Space." It is owned by the neighboring "Brookside Farms Homeowners Association" as that subdivision's mandated open space dedication. Though the lot has been vacant open space since the 1980s—and before that was vacant farmland since at least the 1930s—as "Preserved Open Space" associated with the neighboring Brookside Farms Subdivision, it cannot be designated as in need of redevelopment.

Figure 29. Block 29.07, Lot 4 - Vacancy



12.2 Conclusion

Neither Block 21, Lot 2 nor Block 29.07 should be designated as in need of redevelopment. Block 21, Lot 2 is currently in productive use as a farm road, and aids the success of the Heritage Winery on neighboring Block 31, Lot 11 by providing the only access to the site from Harrisonville Road. Block 29.07, Lot 4 is and has been historically vacant land, but is currently classified as "Preserved Open Space" by the County of Gloucester as it is the open space dedication of the Brookside Farms subdivision.

**APPENDIX A -
RESOLUTION #182-2019**

2019

RESOLUTION NO. 182-2019

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON
AUTHORIZING THE JOINT LAND USE BOARD TO CONDUCT A PRELIMINARY
INVESTIGATION TO DETERMINE WHETHER THE IDENTIFIED SCATTER SITE
PROPERTIES ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HARRISON
QUALIFY AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of the municipality by Resolution, to cause its Planning Board to conduct a preliminary investigation to determine whether the proposed area is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Harrison Township Committee has determined to conduct a preliminary investigation of the following scattered site properties throughout the Township of Harrison:

Address	Block	Lot	Address	Block	Lot
141 North Main Street	38.01	20 ✓	625 Mullica Hill Road	25 ✓	14
137 North Main Street	38.01	21 ✓	621 Mullica Hill Road	25 ✓	15
135 North Main Street	38.01	22 ✓	613 Mullica Hill Road	25 ✓	16
114 North Main Street	45	14.01 ✓	611 Mullica Hill Road	25 ✓	17
104 North Main Street	63	8 ✓	607 Mullica Hill Road	25 ✓	18
102 Richwood Road	20.01	7 ✓	607 Mullica Hill Road	25 ✓	19
98-100 Richwood Road	20.01	8 ✓	745 Barnsboro Road	25 ✓	19.01
116 Harrisonville Road	21	1 ✓	743 Barnsboro Road	25 ✓	19.02
116 Harrisonville Road	21	2 ✓	741 Barnsboro Road	25 ✓	19.03
524 Mullica Hill Road	21	9 ✓	751 Barnsboro Road	25 ✓	20
101 Richwood Road	22	1 ✓	749 Barnsboro Road	25 ✓	21
608 Mullica Hill Road	22	2 ✓	824 Lambs Road	25 ✓	23
Lambs Road (Back)	25 ✓	1	820 Lambs Road	25 ✓	23.01
816 Lambs Road	25 ✓	2	818 Lambs Road	25 ✓	23.02
812 Lambs Road	25 ✓	7	748 Barnsboro Road	29 (26)	1 ✓
814 Lambs Road	25 ✓	8	533 Mullica Hill Road	29 (26)	2 ✓
830 Lambs Road	25 ✓	11	531 Mullica Hill Road	29 ✓	3
834 Lambs Road	25 ✓	12	728 Barnsboro Road	29 ✓	6.01
836 Lambs Road	25 ✓	13	503 Leonard Lane	29.07 ✓	4

WHEREAS, the proposed Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a Redevelopment Area, other than the use of eminent domain; and, as such, the Redevelopment Area shall be established and be referred to as a "Non-Condemnation Redevelopment Area"; and

WHEREAS, the Township Committee of the Township of Harrison, Gloucester County, has determined that an investigation and inquiry should be made to see if said area is in need of redevelopment pursuant to the aforementioned State Statute; and

WHEREAS, the Township Committee considers it to be in the best interest of the Township to direct its Joint Land Use Board to conduct such an investigation regarding said area/property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Harrison, County of Gloucester and State of New Jersey as follows:

1. The Joint Land Use Board of the Township of Harrison is hereby directed to undertake a preliminary investigation to determine whether the scattered site properties identified below are in a "Non-Condemnation Redevelopment Area" such that the municipality may use all those powers provided by the Legislature for use in a Redevelopment Area", other than the use of eminent domain, according to the criteria set forth in N.J.S.A. 40A:12A-1, et seq.

2. The following properties shall be investigated as scattered site properties throughout the Township of Harrison:

Address	Block	Lot	Address	Block	Lot
141 North Main Street	38.01	20	625 Mullica Hill Road	25	14
137 North Main Street	38.01	21	621 Mullica Hill Road	25	15
135 North Main Street	38.01	22	613 Mullica Hill Road	25	16
114 North Main Street	45	14.01	611 Mullica Hill Road	25	17
104 North Main Street	63	8	607 Mullica Hill Road	25	18
102 Richwood Road	20.01	7	607 Mullica Hill Road	25	19
98-100 Richwood Road	20.01	8	745 Barnsboro Road	25	19.01
116 Harrisonville Road	21	1	743 Barnsboro Road	25	19.02
116 Harrisonville Road	21	2	741 Barnsboro Road	25	19.03
524 Mullica Hill Road	21	9	751 Barnsboro Road	25	20
101 Richwood Road	22	1	749 Barnsboro Road	25	21
608 Mullica Hill Road	22	2	824 Lambs Road	25	23
Lambs Road (Back)	25	1	820 Lambs Road	25	23.01
816 Lambs Road	25	2	818 Lambs Road	25	23.02
812 Lambs Road	25	7	748 Barnsboro Road	29	26 1
814 Lambs Road	25	8	533 Mullica Hill Road	29	16 2
830 Lambs Road	25	11	531 Mullica Hill Road	29	3
834 Lambs Road	25	12	728 Barnsboro Road	29	6.01
836 Lambs Road	25	13	503 Leonard Lane	29.07	4

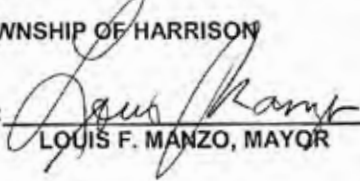
3. The staff of the Joint Land Use Board and its consultants are hereby directed to assist the Joint Land Use Board in conducting the area in need of redevelopment investigation; and

4. The Township Clerk shall forward a copy of this Resolution to the Chairman and Secretary of the Joint Land Use Board for immediate action; and


5. The preliminary investigation, once completed, shall be submitted to the Township Committee for review and approval in accordance with the provisions of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

ADOPTED at a regular meeting of the Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey held on October 21, 2019.

TOWNSHIP OF HARRISON

BY: 
LOUIS F. MANZO, MAYOR

ATTEST:



DIANE L. MALLOY
Municipal Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Manzo	✓			
DeLaurentis	✓			
Heim				✓
Williams	✓			
Jacques				✓

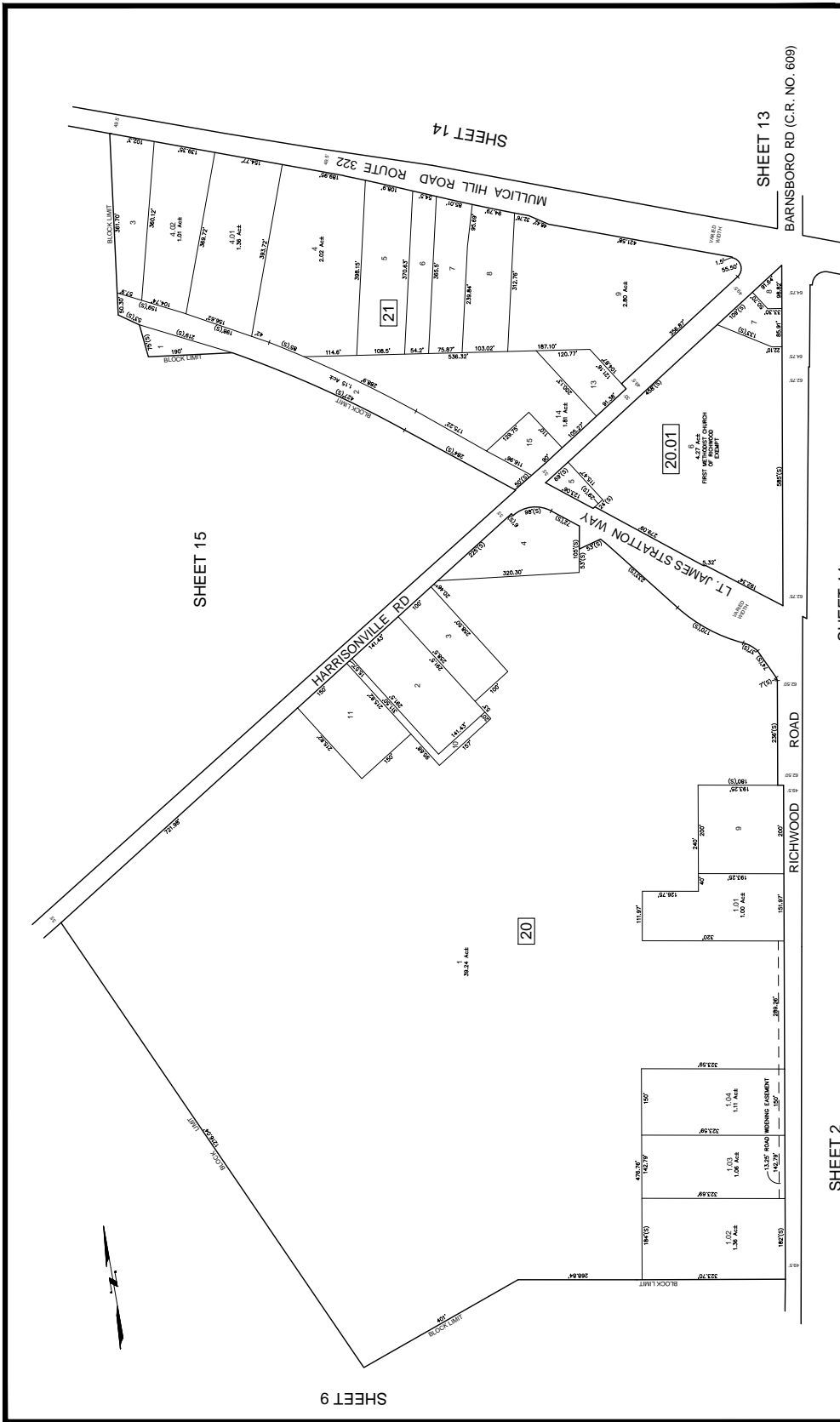
CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, at a meeting held by the same on October 21, 2019 in the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062.



DIANE L. MALLOY
Municipal Clerk

APPENDIX B - TAX MAPS



TAX MAP
TOWNSHIP OF HARRISON
 NEW JERSEY
 QUAD/BLK/COUNTY
 SCALE: 1" = 100'
 DATE: JANUARY 2008

WILLIAM E. ALBURGER
 LAND SURVEYOR
 1000 WASHINGTON BLVD
 JARVISVILLE, PA 17033
 (717) 765-1111
 (717) 765-1112
 (717) 765-1113
 (717) 765-1114
 (717) 765-1115
 (717) 765-1116
 (717) 765-1117
 (717) 765-1118
 (717) 765-1119
 (717) 765-1120
 (717) 765-1121
 (717) 765-1122
 (717) 765-1123
 (717) 765-1124
 (717) 765-1125
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 (717) 765-1141
 (717) 765-1142
 (717) 765-1143
 (717) 765-1144
 (717) 765-1145
 (717) 765-1146
 (717) 765-1147
 (717) 765-1148
 (717) 765-1149
 (717) 765-1150

THIS MAP HAS BEEN GIVEN A
 FORMAL CERTIFICATION BY THE
 DIVISION OF TAXATION ON
 FEBRUARY 2, 1989 SIGNED
 BY WILLIAM H. BLACK, CTA AND
 ASSIGNED SERIAL NUMBER 783

SHEET 9

SHEET 13

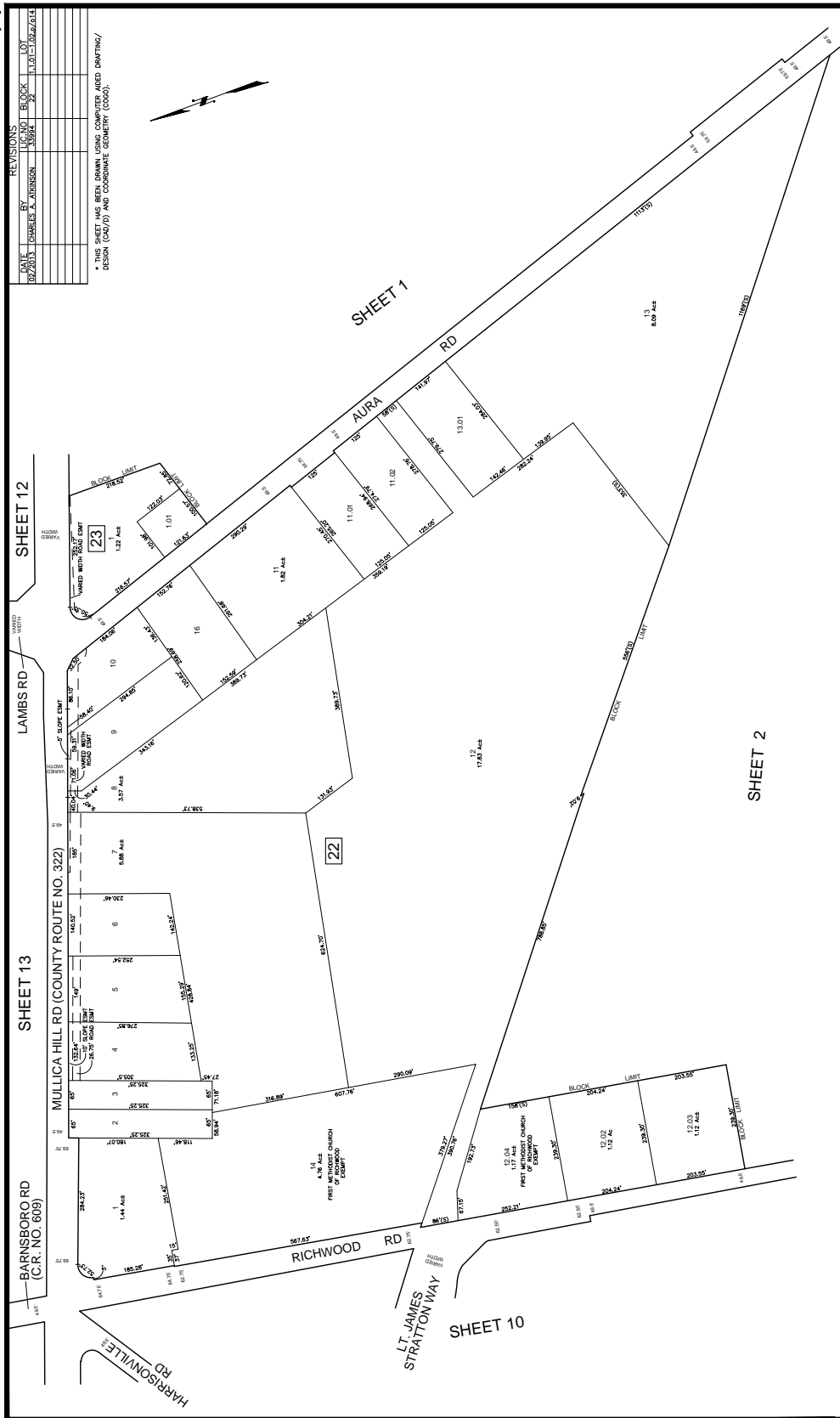
SHEET 14

SHEET 15

SHEET 11

• THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/
 DESIGN (CAD/D) AND COORDINATE GEOMETRY (COORD).

DATE	BY	REVISIONS
12/20/07	CHARLES A. JOHNSON	1.00
09/20/07	CHARLES A. JOHNSON	0.99
06/20/07	CHARLES A. JOHNSON	0.98
03/20/07	CHARLES A. JOHNSON	0.97
01/20/07	CHARLES A. JOHNSON	0.96
11/20/06	CHARLES A. JOHNSON	0.95
09/20/06	CHARLES A. JOHNSON	0.94
07/20/06	CHARLES A. JOHNSON	0.93
05/20/06	CHARLES A. JOHNSON	0.92
03/20/06	CHARLES A. JOHNSON	0.91
01/20/06	CHARLES A. JOHNSON	0.90
11/20/05	CHARLES A. JOHNSON	0.89
09/20/05	CHARLES A. JOHNSON	0.88
07/20/05	CHARLES A. JOHNSON	0.87
05/20/05	CHARLES A. JOHNSON	0.86
03/20/05	CHARLES A. JOHNSON	0.85
01/20/05	CHARLES A. JOHNSON	0.84
11/20/04	CHARLES A. JOHNSON	0.83
09/20/04	CHARLES A. JOHNSON	0.82
07/20/04	CHARLES A. JOHNSON	0.81
05/20/04	CHARLES A. JOHNSON	0.80
03/20/04	CHARLES A. JOHNSON	0.79
01/20/04	CHARLES A. JOHNSON	0.78
11/20/03	CHARLES A. JOHNSON	0.77
09/20/03	CHARLES A. JOHNSON	0.76
07/20/03	CHARLES A. JOHNSON	0.75
05/20/03	CHARLES A. JOHNSON	0.74
03/20/03	CHARLES A. JOHNSON	0.73
01/20/03	CHARLES A. JOHNSON	0.72
11/20/02	CHARLES A. JOHNSON	0.71
09/20/02	CHARLES A. JOHNSON	0.70
07/20/02	CHARLES A. JOHNSON	0.69
05/20/02	CHARLES A. JOHNSON	0.68
03/20/02	CHARLES A. JOHNSON	0.67
01/20/02	CHARLES A. JOHNSON	0.66
11/20/01	CHARLES A. JOHNSON	0.65
09/20/01	CHARLES A. JOHNSON	0.64
07/20/01	CHARLES A. JOHNSON	0.63
05/20/01	CHARLES A. JOHNSON	0.62
03/20/01	CHARLES A. JOHNSON	0.61
01/20/01	CHARLES A. JOHNSON	0.60
11/20/00	CHARLES A. JOHNSON	0.59
09/20/00	CHARLES A. JOHNSON	0.58
07/20/00	CHARLES A. JOHNSON	0.57
05/20/00	CHARLES A. JOHNSON	0.56
03/20/00	CHARLES A. JOHNSON	0.55
01/20/00	CHARLES A. JOHNSON	0.54
11/20/99	CHARLES A. JOHNSON	0.53
09/20/99	CHARLES A. JOHNSON	0.52
07/20/99	CHARLES A. JOHNSON	0.51
05/20/99	CHARLES A. JOHNSON	0.50
03/20/99	CHARLES A. JOHNSON	0.49
01/20/99	CHARLES A. JOHNSON	0.48
11/20/98	CHARLES A. JOHNSON	0.47
09/20/98	CHARLES A. JOHNSON	0.46
07/20/98	CHARLES A. JOHNSON	0.45
05/20/98	CHARLES A. JOHNSON	0.44
03/20/98	CHARLES A. JOHNSON	0.43
01/20/98	CHARLES A. JOHNSON	0.42
11/20/97	CHARLES A. JOHNSON	0.41
09/20/97	CHARLES A. JOHNSON	0.40
07/20/97	CHARLES A. JOHNSON	0.39
05/20/97	CHARLES A. JOHNSON	0.38
03/20/97	CHARLES A. JOHNSON	0.37
01/20/97	CHARLES A. JOHNSON	0.36
11/20/96	CHARLES A. JOHNSON	0.35
09/20/96	CHARLES A. JOHNSON	0.34
07/20/96	CHARLES A. JOHNSON	0.33
05/20/96	CHARLES A. JOHNSON	0.32
03/20/96	CHARLES A. JOHNSON	0.31
01/20/96	CHARLES A. JOHNSON	0.30
11/20/95	CHARLES A. JOHNSON	0.29
09/20/95	CHARLES A. JOHNSON	0.28
07/20/95	CHARLES A. JOHNSON	0.27
05/20/95	CHARLES A. JOHNSON	0.26
03/20/95	CHARLES A. JOHNSON	0.25
01/20/95	CHARLES A. JOHNSON	0.24
11/20/94	CHARLES A. JOHNSON	0.23
09/20/94	CHARLES A. JOHNSON	0.22
07/20/94	CHARLES A. JOHNSON	0.21
05/20/94	CHARLES A. JOHNSON	0.20
03/20/94	CHARLES A. JOHNSON	0.19
01/20/94	CHARLES A. JOHNSON	0.18
11/20/93	CHARLES A. JOHNSON	0.17
09/20/93	CHARLES A. JOHNSON	0.16
07/20/93	CHARLES A. JOHNSON	0.15
05/20/93	CHARLES A. JOHNSON	0.14
03/20/93	CHARLES A. JOHNSON	0.13
01/20/93	CHARLES A. JOHNSON	0.12
11/20/92	CHARLES A. JOHNSON	0.11
09/20/92	CHARLES A. JOHNSON	0.10
07/20/92	CHARLES A. JOHNSON	0.09
05/20/92	CHARLES A. JOHNSON	0.08
03/20/92	CHARLES A. JOHNSON	0.07
01/20/92	CHARLES A. JOHNSON	0.06
11/20/91	CHARLES A. JOHNSON	0.05
09/20/91	CHARLES A. JOHNSON	0.04
07/20/91	CHARLES A. JOHNSON	0.03
05/20/91	CHARLES A. JOHNSON	0.02
03/20/91	CHARLES A. JOHNSON	0.01
01/20/91	CHARLES A. JOHNSON	0.00



REVISIONS			
DATE	BY	BLOCK	LOT
02/28/2013	THOMAS P. HARRISON	3094	22

• THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY (COORD).

TAX MAP
TOWNSHIP OF HARRISON
 HARRISON COUNTY
 NEW JERSEY
 DATE: JANUARY 1999
WILLIAM E. ALBURGER
 JACOBI AND ASSOCIATES, INC.
 1000 WESTERN AVENUE, SUITE 100
 MORRISTOWN, NEW JERSEY 07960
 908-526-7770
 908-526-7771

THIS MAP HAS BEEN GIVEN A
 FORMAL CERTIFICATION BY THE
 DIVISION OF TAXATION ON
 FEBRUARY 2, 1999 SIGNED
 BY WILLIAM H. BLACK, CTA AND
 ASSIGNED SERIAL NUMBER 783

**APPENDIX C -
RESOLUTION #31-2012**

Resolution No.: 31- 2012

RESOLUTION OF THE JOINT LAND USE BOARD OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL, MINOR SUBDIVISION, USE VARIANCE, BULK VARIANCES, AND DESIGN WAIVERS, TO KAUSHIK PATEL, A/K/A DUNKIN DONUTS, REGARDING PROPERTY LOCATED AT MULLICA HILL ROAD (COUNTY ROUTE 536) AND RICHWOOD ROAD (COUNTY ROUTE 609), AND BEING FURTHER SHOWN AS BLOCK 22, LOTS 1, 1.01, 1.02, AND 14 ON THE TAX MAPS OF THE TOWNSHIP OF HARRISON, APPLICATION NO. 2012-3

WHEREAS, Application No. 2012-3, (the "Application"), was submitted before the Joint Land Use Board of the Township of Harrison, County of Gloucester, State of New Jersey (the "Board") by Kaushik Patel, 120 Willow Oak Drive, Mullica Hill, New Jersey 08062 (the "Applicant") for Amended Preliminary and Final Major Site Plan approval, Minor Subdivision, Use Variance, Bulk Variances and Design Waivers regarding property located at Mullica Hill Road (County Route 536) and Richwood Road (County Route 609) (the "Subject Property") for the purpose of the construction of a Dunkin Donuts business, as well as providing room for future development of adjacent sites, said Subject Property also being shown on the Tax Maps of the Township of Harrison (the "Township") as Block 22, Lots 1, 1.01, 1.02, and 14; and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on September 6, 2012 at 7:30 P.M., time prevailing, at which time were the following present on behalf of the Applicant: Michael Albano, Esquire, Ragonese, Albano, Viola & Almeida, LLC, 735 North Black Horse Pike, Runnemede, New Jersey 08078 (the Applicant's attorney); Kaushik Patel, 120 Willow Oak Drive, Mullica Hill, New Jersey 08062 (the Applicant and contract purchaser of the Subject Property); John Pettit, P.E., P.P., Pettit Associates, LLC, 497 Center Street, Sewell, New Jersey 08080 (the Applicant's professional engineer and professional planner); and the Rev. Dr. Steven C. Herman, Richwood United Methodist Church, Richwood-Elmer Road, Richwood, New Jersey 08074 (representing the Owner of Lot 14); and

WHEREAS, Mr. Pettit provided his professional expertise, background, licensing, and experience, after which it was stipulated on the record that Mr. Pettit was

entitled to testify as an expert in the field of engineering and planning on behalf of the Applicant for the purposes of the Application, and thereafter were Messrs. Patel, Pettit, and Herman, sworn and provided testimony on the Application;

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Township of Harrison, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete, subject to the Board acting on certain requests for waivers from submission requirements. As such, the Board had jurisdiction to act on the Application.

2. Since the Application involved a Use Variance, pursuant to NJSA 40:55D-70.d., the Board had to reconstitute itself into a Zoning Board of Adjustment. Accordingly, the Class I member, Mayor Manzo, and the Class III member, Township Committeeman Diggons, recused themselves and took their place in the audience. In addition, the Chairman of the Board, Mr. Pacera, had a conflict of interest since he was the developer of property in the general area of the Subject Property, and he therefore also recused himself and took his seat in the audience. Accordingly, the Board was reconstituted as a seven (7) member Zoning Board of Adjustment.

3. The Applicant submitted and the Board entered into the record the following:

A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Certification of Taxes paid on the Subject Properties, Notice of Public Hearing, Affidavit of Service, Affidavit of Publication, and Certified List of Property Owners within 200 ft. of the Subject Property.

B. The "Minor Subdivision Plan", prepared by John Pettit, PLS, dated 07/23/12, LR 08/22/12.

C. "Richwood Dunkin Donuts Major Site Plan, Mullica Hill Road and Richwood Road", prepared by John Pettit, PE, PP, CME, Pettit Associates, LLC:

Dwg. No.	Title	Date	Revised
1 of 12	Cover Sheet and Index of Drawings	03/01/12	08/22/12

Dwg. No.	Title	Dates	Revised
2 of 12	Demolition Plan	03/01/12	08/22/12
3 of 12	Site Plan	03/01/12	08/22/12
4 of 12	Grading and Utility Plan	03/01/12	08/22/12
5 of 12	Lighting and Landscaping Plan	03/01/12	08/22/12
6 of 12	Soil Erosion and Sediment Control Plan	03/01/12	08/22/12
7 of 12	Soil Erosion and Sediment Control Notes and Details	03/01/12	08/22/12
8 of 12	Construction Details	03/01/12	08/22/12
9 of 12	Construction Details	03/01/12	08/22/12
10 of 12	Construction Details	03/01/12	08/22/12
11 of 12	Construction Details	03/01/12	08/22/12
12 of 12	Construction Details	03/01/12	08/22/12

D. Copy of e-mail dated Sept. 5, 2012 to the Board's engineer, Hugh J. Dougherty, P.E., from the Applicant's Engineer, John Pettit, P.E., P.P., setting forth stacking information as to the queuing of vehicles in a drive through lane at a typical Dunkin Donuts (the location cited being Rt. 47 in Deptford N.J. on Aug. 28, 2012, between the hours of 7:00 AM and 8:00 AM).

E. Letter from the Applicant's engineer, John Pettit, P.E., P.P., to the Board dated August 24, 2012, responding to the Board engineer's review letter of July 31, 2012, and the Board Planner's review letter of August 1, 2012.

F. The Board's Professional Engineer and Professional Planner submitted their final review letters on August 31, 2012.

4. The Applicant received Preliminary Major Site Plan Approval as memorialized in Resolution No. 22-2012, adopted by the Board on May 17, 2012, to construct a one-story 2,798 sq. ft. Dunkin Donuts store with a drive-thru window on a portion of Block 22, Lots 1, 1.01 and 1.02 containing 1.32 Ac. Subsequent to said approval the Applicant entered into a contract to obtain additional land from an adjacent landowner (Richwood United Methodist Church). The existing site consists of vacant commercial land and also contains two residential buildings with accessory structures. A portion of the proposed lot is designated as "Area Reserved for Future Development". The site is located at the intersection of Richwood Road (County 609) and Mullica Hill Road (County Route 536 and NJSH Route 322), and is zoned as a C-1 – Village Center District. Access to the site will be provided from both Richwood Road and Mullica Hill Road. The site will be serviced by an on lot septic system and public water. Stormwater management will be provided using "Storm Tank", an underground detention and infiltration system.

The proposed site plan includes a two-way paved driveway access point onto Richwood Road and a two-way paved driveway access point onto Mullica Hill Road, off-street parking spaces, 8 ft. wide paved walkways to be constructed along both roadway frontages, a 5 ft. wide concrete sidewalk that connects one of the proposed paved walkways with the building entrance, a trash enclosure, a bicycle rack, signage, a drive-thru with canopy, and a proposed stormwater management area.

5. The Owners of the Subject Property are as follows:

- (a) Howard and Alice Clement (Lot 1 and 1.02)
101 Richwood Road
Mullica Hill, New Jersey 08062

- (b) Marlene Gray (Lot 1.01)
606 Mullica Hill Road
Mullica Hill, New Jersey 08062

- (c) Richwood United Methodist Church (Lot 14)
111 Richwood Road
P.O. Box 7
Richwood, New Jersey 08074

The Applicant is a contract purchaser of these properties.

6. Lots 1, 1.01, and 1.02 are located in the C-1-Village Center Zone District. Lot 14 is located in the INS - Institutional Zone District. Since commercial development such as that proposed by the Applicant is not permitted in the INS District, a use variance is required. This was necessary because the Applicant had previously (at the time of Preliminary Major Site Plan approval) requested a variance from Ordinance Section 225-138.C. for a 10 ft. wide buffer along Route 322 where a minimum landscaped buffer along the street line which is required is 25 ft. The Board found that a grant of this variance would be a substantial deviation from the plan for this area and the variance was denied. As a result, the Applicant entered into a contract to purchase a portion of Lot 14 in order to accommodate the landscape buffer along the street line, while also addressing all of the other site improvements that were necessary.

7. Mr. Albano, on behalf of the Applicant, provided an overview of the

Application as to the individual forms of relief that were being requested, and also background as to the prior Preliminary Major Site Plan Approval. The Applicant was requesting the following submission waivers:

8.

Item	Submission Requirement
32	Copy of text of any existing or proposed deed restriction, protective covenant, easements and right-of-way
36	Property owners and lot lines within 200 ft. in correct location to the Subject parcel.

9. The Applicant, as represented by their attorney, stated that they knew of no deed restrictions, protective covenants, easements, or right-of-ways regarding the Subject Property. Mr. Albano stated that title reports would be produced prior to closing on the Subject Property and that should any of these matters show up in the title report, and as a condition of approval being granted by the Board as to the Application, the Applicant would forward all such information to the Board's secretary, with copies to the Board's attorney. Regarding a showing on the plans of property owners of lot lines within 200 ft., in correct locations, Mr. Pettit testified that he requested a waiver from this requirement since the Applicant had previously provided an aerial photograph to show the nearby properties, as well as adding a 200 ft. property list to the plans themselves. The Board's engineer and the Board's planner had no objection to a waiver being granted by the Board for these two submission requirements, subject to the representations made by the Applicant, the Applicant's professionals and the Applicant's attorney.

10. **WHEREUPON**, a motion was made by Board member Bonanni, which was seconded by Board member Williams, to grant the above cited submission waivers, subject to the representations made by the Applicant and its professionals as set forth above, with the following Board members voting in favor of the motion to grant the submission waivers: Kowalik, Chambers, Dickson, Plitt, Williams, Bonanni, and Mattessich, (Alternate Member # 2). There were no votes in the "negative" and no abstentions. Board Chairman Pacera had recused himself as did Board members Manzo and Diggons. Board member, Madara (Alternate Member # 1) was absent. Board Members Donahue (Alternate Member # 3), and Ross (Alternate Member # 4) took part in the discussion on the motion but did not vote. The Application having been deemed complete, the hearing on the Application proceeded.

11. The Applicant's professional planner and professional engineer (Mr. Pettit)

testified as to the reasons why the Applicant felt that the use variance that was being requested should be granted by the Board. Mr. Pettit, in particular, reviewed the site plan and indicated why it was necessary to acquire a piece of the adjacent Lot 14 from the Richwood United Methodist Church since the variance had been previously denied for relief from the buffer along the street on the opposite side of the Subject Property at the time that Preliminary Major Site Plan Approval was granted. In order to accommodate the buffer, as well as all of the other site improvements, it was necessary to acquire a piece of the adjacent Lot 14 from the subject church. Mr. Pettit reviewed the "Conditions" that were set forth in the previous Resolution granting Preliminary Major Site Plan Approval as supporting the need for a use variance. As to the "positive" criteria, also known as special reasons, Mr. Pettit pointed to NJSA 40:55D-2, which sets forth the purposes of zoning. In particular, Mr. Pettit pointed to subsection (a) "to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare". Mr. Pettit testified that in his expert opinion, the use variance would accomplish this purpose of zoning since the Subject Property would be developed in a manner that supports the Zone Code of the Township of Harrison, by way of the action of the Board at the time that Preliminary Major Site Plan Approval was granted. In addition, the Board's professional planner, Mr. Melvin, pointed out that the use variance which would permit a portion of Lot 14 to be merged with the Subject Property would also pull the bike path off of the road and that this was part of the public safety issue raised by Mr. Pettit. In addition, Mr. Pettit pointed to subsection (h) of the statute which sets forth that one of the purposes of zoning is "to encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight". Mr. Pettit testified that it was his professional opinion that the site as proposed would accomplish this goal of zoning, and therefore the site could only be developed as proposed were a use variance to be granted to permit the portion of Lot 14 to be joined to the site.

12. As to the "negative" criteria, the Applicant must show that there will not be a substantial detriment to the Subject Property, the adjacent area, the Zone Plan or the Master Plan, were the relief requested to be granted by the Board. In Mr. Pettit's professional opinion, he testified that the only impact as a result of the use variance requested would be to the adjacent property (Lot 14), owned by the Richwood United Methodist Church since a portion of their existing property would now be merged into the remainder of the Subject Property to support the development as proposed, thus rendering a commercial use adjacent to the remainder of Lot 14. Mr. Pettit pointed out that, since the Richwood United Methodist Church was supportive of the granting of this portion of their own property, the property owner (the church) did not perceive that there would be a substantial detriment as the result of this conveyance. Accordingly, Mr.

Pettit concluded that there would not be a substantial detriment were the Board to grant the relief requested as to the use variance.

13. The Board's professional planner, Mr. Melvin, and the Board's professional engineer, Mr. Dougherty, supported a grant of the use variance upon the representations and testimony given by the Applicant's professional engineer and professional planner.

14. The hearing on the Application for the use variance was opened to the public at which time no member of the public present testified either in support of or opposed to the Application for the use variance. The public portion was closed.

15. **WHEREUPON**, a motion was made by Board member Bonanni, and was seconded by Board member Williams, to grant the use variance to the Applicant as set forth above, with the following Board members voting in favor of the motion to grant the use variance: Kowalik, Chambers, Dickson, Plitt, Williams, Bonanni, and Mattessich, (Alternate Member # 2). There were no votes in the "negative" and no abstentions. Board Chairman Pacera had recused himself as did Board members Manzo and Diggons. Board Member Madara (Alternate Member # 1) was absent. Board Members Donahue (Alternate Member # 3), and Ross (Alternate Member # 4) took part in discussion on the motion but did not vote. The use variance was therefore approved, and the hearing on the Application continued.

16. Mr. Pettit, on behalf of the Applicant, provided an overview of the proposed subdivision and bulk variances that were being requested by the Applicant. In particular, Mr. Pettit reviewed the portion of the adjacent Lot 14 that was to be subdivided off and merged with the remainder of the Subject Property and the purposes for said subdivision as related to the proposed site improvements to the entire Subject Property. The following variances were requested by the Applicant:

A. Section 225-62.A. requires a minimum lot area of 5 acres in the INS District. A lot size of 4.70 acres is being proposed.

B. Section 225-64.C. requires a minimum side yard buffer of 20 ft. The proposed buffer for proposed Lot 14 is 17.8 ft.

C. Section 225-64.C. requires a minimum side yard buffer of 20 ft. The proposed buffer for proposed Lot 14 is 17.8 ft.

D. Section 225-86E. requires individual nonresidential uses to be designed to be interconnected with the adjacent lot to the East. The cross-easement to implement this design shall be approved by the Board. The Applicant agreed to submit cross access easement language for review and approval, by the Board's attorney as to the form of the easements, and the Board's engineer as to the legal descriptions, as a condition of approval of the Application.

17. Mr. Pettit testified that a grant of the variance being requested would be appropriate, given that the site would be more effectively developed for the proposed use, and the benefits of the variances would outweigh any detriments given that the size of the Subject Property and it's preexisting conditions, as well as the variances also being necessary in order to accommodate the proposed use while recognizing the unique characteristics and configuration of the Subject Property. The Board's professional planner, Mr. Melvin, and the Board's professional engineer, Mr. Dougherty, supported a grant of the variances requested as set forth above.

18. The hearing on the Application for the Minor Subdivision and Variance Approval was opened to the public at which time no member of the public present spoke either in favor of or opposed to the requested relief.

19. **WHEREUPON**, a motion was made by Board member Williams, and was seconded by Board member Dickson, to grant the Minor Subdivision and Bulk Variances as set forth above, upon the representations made by the Applicant and the Applicant's professionals, with the following Board members voting in favor of the motion to approve: Kowalik, Chambers, Dickson, Plitt, Williams, Bonanni, and Mattessich, (Alternate Member # 2). There were no votes in the "negative" and no abstentions. Board Chairman Pacera had recused himself as did Board members Manzo and Diggons. Board Member Madara (Alternate Member # 1) was absent. Alternate Members Donahue (Alternate Member # 3) and Ross (Alternate Member # 4) took place in the discussion on the motion but did not vote. The Application having been granted minor subdivision approval and approval of bulk variances, the hearing on the Application continued.

20. Mr. Pettit testified as to the Applicant's request for Amended Preliminary, and Final Major Site Plan Approval, as well as the Design Waivers.

21. The Board's professional engineer, Hugh J. Dougherty, P.E., C.M.E. Pennoni Associates, Inc., 515 Grove Street, Suite 1B, Haddon Heights, New Jersey 08035, reviewed with the Board and the Applicant his letter of August 31, 2012 as follows:

A. Landscaping.

Mr. Dougherty deferred to the Board Planner regarding all landscaping issues.

B. Stormwater Management.

The stormwater management system is located completely underground. The design engineer shall conduct a mounding analysis as defined in Section 188-32 of all stormwater BMP's. The Applicant has submitted sufficient information in lieu of a mounding analysis to address this issue. A design waiver is required.

C. Stormwater Management Report.

Where no soil replacement is proposed, permeability tests shall be conducted on the most hydraulically restrictive horizon or substratum within four (4) ft. of the lower elevation of the bottom of the basin or to a depth equal to two times the maximum potential water depth within the basin, whichever is greater (Reference: Section 188-36.C(3)(i)). A permeability test was provided at a depth of 2 ft. to 6 ft.; however, the most hydraulically restrictive horizon appears to be between 10 ft. 3 in. and 11 ft. In addition, the original sample appears to have been taken at an elevation above the bottom of the basin. The Applicant's engineer has provided additional permeability test data. The Stormwater Management Report indicates a "Future Development" area with a maximum 21,160 sq. ft. of impervious area. Upon submission of the Site Plan for the "Future Development", area and cover calculations shall be provided to ensure the impervious area of 21,160 sq. ft. is not exceeded. The Applicant agreed to comply.

D. Traffic.

Mr. Dougherty recommended that the proposed left turn out of the site onto Mullica hill Road (County Route 536 / NJSH Route 322) be restricted with a channelized island and signage due to the close proximity to the signalized intersection and the fact that the driver would have to cross four (4) lanes of traffic. The Applicant's traffic engineer indicates that queues go past the entrance but that for internal circulation, the driveway will accommodate both right and left turn maneuvers to that right-turn motorist will not be delayed. Mr. Dougherty deferred to the County for jurisdiction over the left turn out issue onto Mullica Hill Road. The Applicant has demonstrated compliance with the ordinance for stacking at the drive-thru (8 spaces per window) (Sec. 225-86G(2)). The Applicant's engineer has provided counts of the drive-

thru stacking at an existing stand-alone Dunkin Donuts during peak service times to verify adequate stacking will be provided; (Sec. 225-86G(2)).

22. The Board's professional planner, Robert F. Melvin, AICP/PP, Group Melvin Design, 3 South Broad Street, Suite 3C, Woodbury, New Jersey 08096, reviewed with the Applicant and the Board his letter of August 31, 2012 as follows:

General Comments.

(a) Plan Sheet 8 of 12 has been revised to provide a construction detail for metal edging for the proposed paved walkway and a detail is shown on the paved walkway detail. See Resolution 22-2012, Condition # 14. Mr. Melvin was satisfied with this plan change.

(b) Plan Sheet 11 of 12 has been revised to note that the color of the bike rack will be black. Mr. Melvin was satisfied with this plan change.

(c) Per Condition # 39 of Resolution 22-2012, the Applicant has provided for a wooden fence (6 ft. tall/board-on-board) between Lot 14 and the commercial lot. The location of the fence is shown on the site plan and a detail is provided on Plan Sheet 9 of 12. Mr. Melvin was satisfied with this plan change.

(d) Applicant to address Condition # 38 in Resolution 22-2012 which requires a "channelized island and signage" for the Route 322 driveway curb cut. The Applicant had stated that: "The County has approved the full movement onto County Route 536. A copy of the County approval will be provided upon receipt".

Landscaping Comments.

(a) Landscape Plan Sheet 5 of 12 has been revised to address condition # 20 of Resolution # 22-2012. Mr. Melvin was satisfied with this plan change.

Lighting Comments.

(a) The proposed Front Elevation drawing has been revised to identify the proposed light fixture to be used for the proposed façade sign. A façade sign light fixture detail is shown on Plan Sheet 12 of 12. The fixture is to be colored black. Mr. Melvin was satisfied with this plan change.

(b) Plan Sheet 5 of 12 has been revised to show the location of proposed

external light fixtures(s) for the Monument Signs. See Landscape Area-1 and Landscape Area-2 details. A construction detail has been provided on Plan Sheet 12 of 12. Fixture to be black in color. Mr. Melvin was satisfied with this plan change.

Architectural Comments.

(a) Applicant shall verify that the proposed 23 ft. parapet wall will be sufficient to screen the roof mounted mechanical equipment. Mr. Pettit testified that the height of the parapet is sufficient to hide the roof mounted mechanical equipment.

(b) The Building Floor Plan and Elevations sheet has been revised to identify (verify) colors of building elevations in the architecture. Mr. Melvin was satisfied with this plan change.

(c) Resolution # 22-2012, Condition # 27 states, in part: The Applicant will explore the use of brick in the exterior façade and will work with the Board planner to achieve an exterior façade that is in keeping with the area". Mr. Pettit testified that he has reviewed the building design and determined that ledgestone is proposed in lieu of brick and this will still be in keeping with the character of the neighborhood. Mr. Melvin stated that he supports this change.

(d) Resolution # 22-2012, Condition # 24, states: "The freezer unit which is shown outside the building must be enclosed or encased in materials that match the exterior architecture of the building". The Applicant has revised the site plan and the architectural plan sheet to "incorporate" the freezer unit into a larger building footprint (3,055 square feet). Mr. Melvin was satisfied with this plan change.

Signage Comments.

(a) Per the preliminary Resolution, the façade sign details on Plan Sheet 12 of 12 was to be revised to state that they would be externally illuminated and that they would be constructed of 3 in. thick urethane carved design to match the freestanding sign detail. Plan Sheet 12 of 12 has been revised to so indicate. Mr. Melvin was satisfied with this plan change.

(b) Revise the directional sign details to remove advertising as per Resolution 22-2012, Condition # 12. The detail on Plan Sheet 12 of 12 has been revised to remove this advertising. Mr. Melvin was satisfied with this plan change.

(c) Mr. Melvin recommended that the Applicant revise the Monument Sign

Detail on Plan Sheet 12 of 12 to indicate that the sign base would match the material of the building. The detail on Plan Sheet 12 of 12 has been revised to replace "brick" with "ledgestone". Mr. Melvin was satisfied with this plan change.

23. The hearing on the Application for Amended Preliminary and Final Major Site Plan Approval, and Design Waivers, was opened to the public, at which time no member of the public present spoke either in favor of or opposed to the Application.

24. **WHEREUPON**, a motion was made by Board member Dickson, which was seconded by Board member Chambers to grant Amended Preliminary and Final Major Site Plan Approval, and Design Waivers, to the Applicant with the following Board members voting in favor of the motion to approve: Kowalik, Chambers, Dickson, Plitt, Williams, Bonanni, and Mattessich, (Alternate Member # 2). There were no votes in the "negative" and no abstentions. Board Chairman Pacera had recused himself as did Board members Manzo and Diggons. Board member, Madara (Alternate Member # 1) was absent. Alternate Members Donahue (Alternate Member # 3), and Ross (Alternate Member # 4) took place in discussion on the motion but did not vote. Preliminary and Final Major Site Plan approval, and design waivers, having been granted by the Board, the hearing on the Application was concluded .

CONCLUSIONS

1. The Board concluded as fact the above representations made by the Applicant, the documents submitted, the testimony given, and the response of the Board's professionals, with respect to the Application herein.

2. The Board had concluded that Use Variance Approval should be granted on the basis that the burden upon the Applicant was met in showing that both the "positive" criteria (special reasons) and the "negative" criteria was met in that the purposes of zoning would be met by a grant of the Use Variance and that there were not a substantial detriment to the Zone Plan, the Master Plan, and the Subject Property and surrounding properties, as a result of the relief being granted as set forth herein.

3. The Board also concluded that Minor Subdivision and Bulk Variance approvals were appropriate to grant on the basis that the subdivision would add additional area to the Subject Property to be developed, and would accommodate all of

the on-site improvements as well as providing for an effective and efficient buffer, and the bike path would be not adjacent to the street. The Board concluded that the Bulk Variances should be granted given the development of the property as proposed, the area and configuration of the Subject Property, and the fact that a grant of the Bulk Variances would be in keeping with proper design and development criteria while not having any significant detrimental effect on the Subject Property, or the surrounding properties.

4. The Board further concluded that Amended Preliminary and Final Major Site Plan Approval, and Design Waivers, should be granted based on the representations made by the Applicant, and the acknowledgments, agreements, and conditions set forth above under "Findings of Fact" which were reached by and between the Board and the Applicant as being in the best interests of the development of the Subject Property and the Zone Code of the Township of Harrison.

CONDITIONS

1. The Board presumes that the Applicant's Application, all exhibits, maps and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the Application, exhibits, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

2. At any time after the adoption of this resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, including but not

limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with the law.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

7. The Applicant must obtain any other construction or other municipal permits required with respect to the relief as granted herein.

8. Metes and bounds descriptions for all easements shall be submitted, if applicable.

9. The Applicant shall make appropriate revisions to the site plan pursuant to the

Joint Land Use Board action.

10. Three (3) copies of the revised site plan shall be submitted to the Township for review it's professionals for compliance.

11. Ten (10) copies of the approved site plan shall be submitted to the Township for signature following a compliance review.

12. An Engineer's Estimate of Probable Construction Costs for on and off-site improvements shall be provided for review and approval by the Joint Land Use Board engineer.

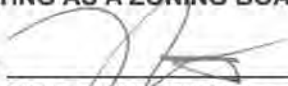
13. The Applicant is notified that an inspection escrow and performance bond is required. The inspection escrow must be posted prior to the issuance of any building permits.

14. The Applicant shall contact the Joint Land Use Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

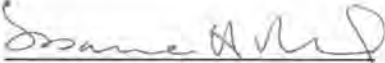
15. The Applicant shall remain obligated as to all other conditions, representations and agreements as set forth in the memorializing resolutions as to all prior approvals granted by the Board that are not otherwise inconsistent with the findings and approvals granted herein. This includes but is not limited to all requirements as to performance and maintenance guarantees as set forth in Paragraph 53 of Resolution No. 22-2011, which granted Preliminary Major Site Plan approval, bulk variances and design waivers to the Applicant in this same matter.

THIS RESOLUTION WAS ADOPTED by the Joint Land Use Board of the Township of Harrison, County of Gloucester, State of New Jersey, sitting as a Zoning Board of Adjustment, on the 20th day of September, 2012, as a memorialization of the approvals granted herein at a meeting and public hearing held by the Board on the Application cited herein on September 6, 2012 at 7:30 P.M. time prevailing, with the following Board members voting as follows: Those in favor: Chambers, Dickson, Plitt, Williams, Bonanni; those opposed: none; those abstaining or recusing themselves: none; those absent: Kowalik, Mattessich; those not voting: none.

**HARRISON TOWNSHIP JOINT LAND USE BOARD
SITTING AS A ZONING BOARD OF ADJUSTMENT**


By: 
NANCY KOWALIK, Vice Chairperson

ATTEST


SUSANNE H. RHUDY, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted by the Joint Land Use Board of the Township of Harrison, County of Gloucester, State of New Jersey, at a regularly scheduled meeting of the same held on the 20th day of September, 2012, at 7:30 PM, time prevailing, at the Township of Harrison Municipal Building, 114 Bridgeton Pike, Mullica Hill, N.J. 08062 as a memorialization of the decision reached by the Board on the Application cited hereinabove at the Board's September 6, 2012 meeting and public hearing.


SUSANNE H. RHUDY, Secretary

**APPENDIX D -
RESOLUTION #10-1998**

B 22, L 2

#10 - 1998

**RESOLUTION OF HARRISON TOWNSHIP BOARD OF ADJUSTMENT
DENYING A USE VARIANCE FOR AN APPLICATION FROM
JOSEPH AND JOANN McILVAINE**

WHEREAS, an Application was made by Joseph McIlvaine and Joann McIlvaine whose mailing address is 2 Sawyer Court, Sewell, N.J. 08080 for a use variance so as to conduct a retail business and manufacturing activity upon property known as Block 22 Lot 1 on the Harrison Township Tax Map and which is more particularly depicted on Plan with the latest revision date of 10/31/97 prepared by Herbert J. Neilio, N.J. Land Surveyor, N.J. License No. 9360 of the firm of Engineering Surveys, Inc., whose mailing address is 247 Main Street, Mantua, N.J. 08051. The aforementioned plan was filed with the application and is incorporated herein. Applicants also seek a waiver from any detail and/or design standard not drawn on the plan which may be required pursuant to the Harrison Township Land Use Ordinance (Ordinance); and

WHEREAS, it appears that the public was noticed in accordance with the Ordinance and the Municipal Land Use Law; and

WHEREAS, it appears that the Board has jurisdiction to hear the application and that same is complete and in conformity with the Ordinance and the Municipal Land Use Law; and

WHEREAS, the applicants acknowledged that in the event a use variance is granted for the proposed activity upon the lot that same would be subject to the Board's review and approval of a formal site plan application as it cannot determine, based upon the filed plans, whether or not any detriment would occur to the zoning scheme and/or surrounding property owners in the event the variance was granted; and

WHEREAS, applicants acknowledged that any approval would be conditioned upon them obtaining site plan approval as set forth above and that the board would only be acting upon one prong of the use variance, (i.e. whether or not special reasons exist so as to allow the proposed activity upon the site); and

WHEREAS, the Board heard testimony from Joseph McIlvaine and Joann McIlvaine , and representations made by interested members of the public and the Board; and

WHEREAS, after hearing the above testimony, representations and reviewing the evidence submitted, the Board made the following findings:

1. The property is a non-conforming lot located in the C-1 Commercial Zone. Although retail uses are permitted within said zone, the woodworking/light manufacturing activity proposed to take place thereon is not permitted.

2. The property is currently owned by Harold Clement whose mailing address is R.D. #1, Box 414, Monroeville, N.J. 08343 who has authorized the following of the within application.

3. Applicants represented the following:

A. They intend to initially lease the property with an option to purchase.

B. The business (currently being operated in an Industrial Zone outside of the Township) consists of manufacturing fireplace mantles, moldings and other wood products.

C. They currently don't have a retail outlet and felt it would be desirable to utilize the within structure, not only for their manufacturing facility, but also to sell, at the retail level, the products they produce.

D. Hours of operation are proposed to be between 7:00 AM and 6:00 PM seven days a week.

E. No plastic and/or flammables are proposed to be utilized in the operation.

F. A substantial amount of sawdust is collected as a result of the manufacturing activity. Said sawdust will be bagged and stored in a trailer located upon the site.

G. Signs are proposed to be installed, however, a variance therefor must be requested.

H. The facility will generate noise, however, applicants do not feel it would interfere with the businesses as well as residents located and/or living within the immediate vicinity.

I. Two Dumpsters would be required to be located on the property in order to dispose of the generated trash.

4. A residential dwelling is located immediately adjacent to the structure as well as on properties across the street and in the near vicinity.

5. The structure currently located upon the property encroaches within the right-of-way of the Barnsboro-Elmer Rd.

6. Applicants are not sure if the lot could be adequately buffered so as to eliminate the manufacturing aspects taking place upon the site.

7. The Board questioned whether or not applicants investigated if property located within the Industrial District was available. They advised they hadn't.

8. The Board acknowledged that the site was previously used as a garage and parts shop. However, said use has been abandoned and no activity currently takes place upon the site.

9. Tractor and trailers would pick up and deliver merchandise at the site, although it was unclear whether or not adequate turning radii would be available.

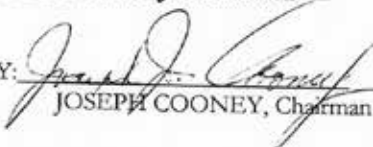
10. The Board questioned whether or not the applicants could store the sawdust within the structure and were advised that they could not as same could be a potential fire hazard.

11. The Board moved to grant the request, however, same was not carried by five affirmative votes for the following but not limited to reasons:

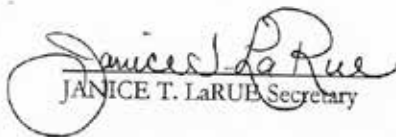
- A. The site was not particularly suited for the manufacturing activity.
- B. The lot was non-conforming and would not have sufficient area to locate waste disposal receptacle upon the property (i.e. trailer body, dumpster, etc.).
- C. The site could not be adequately buffered from the adjoining residential properties.
- D. The activity would interfere with the zoning scheme.
- E. The manufacturing activity would be inconsistent with the land uses within the immediate vicinity.

BE IT THEREFORE RESOLVED on this 28 day of January, 1998, by the Board of Adjustment of the Township of Harrison that the application is denied..

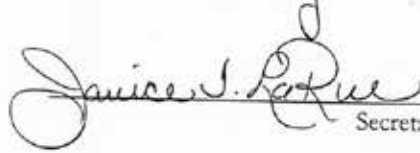
**HARRISON TOWNSHIP
BOARD OF ADJUSTMENT**

BY: 
JOSEPH COONEY, Chairman

ATTEST:


JANICE T. LARUE, Secretary

I hereby certify the foregoing to be a true copy of a Resolution duly adopted by the Board of Adjustment of Harrison Township on the 25 day of February 1998.


Secretary