

**RESOLUTION NO. 2017-74**  
**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE REFERRING A PROPOSED REDEVELOPMENT PLAN FOR PARCELS WITHIN THE HIGHWAY 130 REDEVELOPMENT AREA (2013) TO THE TOWNSHIP OF FLORENCE PLANNING BOARD, AND DIRECTING THE PLANNING BOARD TO TAKE CERTAIN ACTIONS PURSUANT TO N.J.S.A. 40A:12A-7(e)**

**WHEREAS**, on May 15, 2013, Florence Township Council adopted Resolution NO. 2013-112 authorizing the Planning Board to conduct a Preliminary Investigation for the Determination of An Area in Need of Redevelopment for the U. S. Route 130 Corridor and Vicinity in compliance with the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1).

**WHEREAS**, on June 24, 2013 the Planning Board held a Public Hearing on the Preliminary Investigation and adopted Resolution NO. P.B 2013-12 designating certain lands described by blocks and lots in the Resolution, as "An Area in Need of Redevelopment;" and

**WHEREAS**, Florence Township Council subsequently adopted Resolution NO. 2013-147 on July 10, 2013, accepting the Planning Board's recommendation and designating certain parcels along and adjacent areas including the Properties as an "Area in Need of Redevelopment;" and

**WHEREAS**, on July 11, 2013, the Township sent the Preliminary Investigation and Resolution NO. 2013-147 to the New Jersey Department of Community Affairs (NJ DCA) for their approval of the Area in Need of Redevelopment Designation and on August 23, 2013 the Township received a letter indicating that, "In accordance with NJSA 40A:12A-6, the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate your designation;" and

**WHEREAS**, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 *et seq.*, the "Act") provides a procedure for the adoption of a redevelopment plan for all or a portion of a duly designated redevelopment area; and

**WHEREAS**, each of Block 147.01, Lots 3.03, 3.04, 4.02, 5.01, 5.02, 6.01, 6.02, part of Lot 3.01 and Fifth Street right-of-way located on Railroad Avenue (the "Properties") were included in the designated "Area in Need of Redevelopment;" and

**WHEREAS**, the Properties contain approximately 26.3 acres in total, upon subdivision of Lot 3.01, as further described in Table 1 and are situated in the SM-Special Manufacturing Zoning Districts;

**TABLE 1  
REDEVELOPMENT OF RAILROAD AVENUE  
BETWEEN DELAWARE AVENUE TO CEDAR LANE**

<b>Property Address</b>	<b>Block/Lot</b>	<b>Property Size</b>	<b>Current Use</b>	<b>Notes</b>
Railroad Avenue	147.01 / Part of 3.01	Total Lot 3.01 is 28.34 Acres	Vacant	Block 147.01, Part of Lot 3.01 will be approximately 21.0 acres upon subdivision for this Redevelopment Plan
837 Railroad Avenue	147.01 / 3.03	2.65 AC	Vacant Land	House Demolished 2016
851 Railroad Avenue	147.01 / 3.04	100 X 182.9	Vacant Land	Demolished All 2016 (Demo Cost \$15,900; Twp. Paid \$100,000) - Total \$115,900
791 Railroad Avenue	147.01 / 4.02	90 X 258	Vacant Land	Demolished All 2015 (Demo Cost \$7,000; Twp. Paid \$45,153) - Total \$52,153
805 Railroad Avenue	147.01 / 5.01	75 X 167	Single Family Dwelling	
801 Railroad Avenue	147.01 / 5.02	75 X 167	Single Family Dwelling	
809 Railroad Avenue	147.01 / 6.01	68.33 X 167	Single Family Attached Dwelling	Common Owner
815 Railroad Avenue	147.01 / 6.02	54 X 167	Single Family Attached Dwelling	Common Owner

**WHEREAS**, the Township envisions the development of approximately 330 one, two or three bedroom apartments on the Properties scattered among eighteen buildings along with a Clubhouse, outdoor pool and related parking, neighborhood amenities and storm water management facilities and with three access points along Railroad Avenue; and

**WHEREAS**, in accordance with Township regulations and policies, fifteen percent of the apartment units will be available and affordable to low and moderate income households; and

**WHEREAS**, the envisioned development will also mitigate previous land use approvals which would have permitted an approximately 550,000 square foot expansion of commercial uses in the neighboring parcel; and

**WHEREAS**, Environmental Resolutions, Inc., licensed professional planners employed by the Township, has developed a draft redevelopment plan for the Properties (the “Proposed Redevelopment Plan”), a copy of which is attached hereto as Exhibit A, which would permit development of the Property in a manner that is beneficial to the Township and consistent with the vision for the Highway 130 Redevelopment Area (2013); and

**WHEREAS**, the Township Council has reviewed the Proposed Redevelopment Plan and desires to forward the Proposed Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7e; and

**WHEREAS**, the ownership of the Properties is divided among public and private ownership and the Proposed Redevelopment Plan does contemplate the use of eminent domain for the acquisition of Block 147.01, Lots 3.03, 5.01, 5.02, 6.01 and 6.02; and

**WHEREAS**, the contemplated use of eminent domain does require enhanced notice provisions to the effected property owners;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Florence as follows:

1. The Township Council hereby refers the Proposed Redevelopment Plan to the Planning Board for review and recommendation in accordance with the requirements of N.J.S.A. 40A:12A-7(e).

2. The Planning Board is authorized and directed to prepare a report of its recommendations (the "Planning Board Report") to the Proposed Redevelopment Plan within forty-five (45) days of the date hereof.

3. The Planning Board Report shall identify any provisions within the Proposed Redevelopment Plan that are inconsistent with the Township's Master Plan, the recommendations concerning those inconsistencies and any other matters the Planning Board deems appropriate.

4. If the Planning Board Report has not transmitted to the Township Council within forty-five (45) days of the date hereof, the Township Council shall be relieved of the requirement to obtain a Planning Board Report for the Proposed Redevelopment Plan to the Plan in accordance with N.J.S.A. 40A:12A-7(e).

5. The Clerk of the Township shall forward a copy of this Resolution and the Proposed Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7(e).

6. In addition to the regular notices attached to Planning Board and Council actions, the Planning Board and Clerk, in providing notice of the consideration of the Proposed Redevelopment Plan, shall provide notice substantially in the form set forth in Exhibit B hereto to the owners of the identified parcels set forth therein.

7. This resolution shall take effect immediately.

I certify the above to be a true copy of the Resolution adopted at a public meeting held on the \_\_\_ day of March, 2017.

\_\_\_\_\_  
Nancy L. Erlston  
Acting Township Clerk, Township of Florence

**EXHIBIT A**

Proposed Redevelopment Plan

**EXHIBIT B**

**HEARING NOTICE**

**NOTICE OF PENDING REDEVELOPMENT PLAN AND POTENTIAL ACQUISITION  
OF YOUR PROPERTY BY EMINENT DOMAIN**

**PROPERTY: BLOCK 147.01 LOTS 3.03, 5.01, 5.02, 6.01 AND 6.02**

You are receiving this notice because our records indicate that you are the owner of one of the above referenced properties (collectively the "Properties" and each a "Property"). In 2013, the Township Council of the Township of Florence (the "Township") included these Properties in the Highway 130 Redevelopment Area (2013) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"). That designation as a Redevelopment Area acted as a finding of both public purpose and public use as required by the New Jersey Constitution in connection with any involuntary acquisition by the Township for any property, including your Property, which may be acquired under the Redevelopment Plan as defined below.

On March 1, 2017, the Township Council of the Township of Florence referred a proposed Redevelopment Plan (the "Redevelopment Plan") to the Township Planning Board. If adopted, the Proposed Redevelopment Plan would impact your Property. A copy of the Proposed Redevelopment Plan is available for inspection at the Township's Municipal Building, 511 Board Street, Florence, New Jersey from 9 a.m. to 5 p.m. In accordance with the provisions of the Redevelopment Law (specifically N.J.S.A. 40A:12A-7(4)), the Redevelopment Plan provides that your Property may be acquired by the Township, through negotiations or through condemnation if you do not agree to sell the Property through negotiations, to effectuate the purposes of the Redevelopment Plan.

The Proposed Redevelopment Plan will be considered by the Planning Board at a meeting to be held on April 25, 2017 at the Municipal Building, 711 Broad Street, at 7:30 pm. If the Planning Board recommends that the Proposed Redevelopment Plan be adopted, additional action by the Township Council will be required, including the adoption of an ordinance to approve the Redevelopment Plan (the "Approving Ordinance"). Prior to adopting the Approving Ordinance, the Township Council would need to conduct a public hearing and you will be noticed on the time and place for that public hearing. If you attend that meeting, you will have an opportunity to speak in opposition to or in favor of the Approving Ordinance and the Redevelopment Plan. If the Township Council takes action to approve the Redevelopment Plan, a notice of adoption of the Approving Ordinance will be published in the official newspaper of the Township and you will receive an individual notice following such action.

If you wish to challenge the adoption of the Redevelopment Plan which would authorize the taking of your Property, by condemnation if necessary, you would need to file an action in lieu of prerogative writs (a lawsuit challenging the Township's actions) in the Superior Court of New Jersey, Burlington County, New Jersey within 45 days of the publication of the notice of adoption of the Approving Ordinance.

This is NOT a notice that your Property is being condemned. If the Township chooses to exercise its condemnation power to acquire your Property, you will receive an additional notice as required by New Jersey law. **THIS IS A NOTICE THAT YOUR PROPERTY**

**COULD BE CONDEMNED AS A RESULT OF THE TOWNSHIP'S CURRENT ACTIONS AND TO ENSURE THAT YOU HAVE AN OPPORTUNITY TO CHALLENGE THE LEGALITY OF THESE ACTIONS AT THIS TIME.**

**WHY ARE YOU RECEIVING THIS NOTICE?**

On June 23, 2013, the Planning Board of the Township of Florence held a hearing to consider whether certain properties identified in a report entitled "Preliminary Investigation for Determination of Area in Need of Redevelopment, Route 130 Corridor" dated May 31, 2013 qualified as a redevelopment area under the Redevelopment Law. Your property was included in that report, and prior to that hearing you received notice of that hearing in accordance with the Redevelopment Law (the "Hearing Notice").

On July 10, 2013, the Township Council of the Township of Florence adopted NO. 2013-147 designating the subject properties, including your Property, as the Township's Route 130 Corridor Redevelopment Area pursuant to the Redevelopment Law.

The original Hearing Notice was drafted and delivered to you in compliance with the provisions of the Redevelopment Law. This Notice also complies with case law addressing more particular requirements governing such notices. This Notice alerts you, as the owner that (1) your property has been designated for redevelopment, (2) this designation operates as a finding of public purpose and authorizes the municipality to acquire the property against the your will and (3) informs you of the time limits within which you may take legal action to challenge that designation.

Accordingly, if you wish to contest either the inclusion of the Property within the Highway 130 Redevelopment Area (2013) or the adoption of the Redevelopment Plan authorizing acquisition of your Property, you will have 45 days from the date on which a notice of adoption of the Approving Ordinance is published to bring such action in the Superior Court of New Jersey, Burlington County, New Jersey. If you fail to bring an action within the 45-day period, the Township would oppose any attempt by you to challenge the inclusion of the Property within the Highway 130 Redevelopment Area (2013) and any attempt by you to challenge the adoption or provisions of the Redevelopment Plan at a future time as a defense to a potential condemnation action.

**WHAT SHOULD YOU DO WITH THIS NOTICE?**

This Notice is being delivered to you by the Township to insure that you receive your right to due process. Your ability to challenge the inclusion of the Property within the Highway 130 Redevelopment Area (2013) or the adoption or provisions of the Proposed Redevelopment Plan may be lost if you fail to act by bringing an action to challenge the adoption of the Approving Ordinance within 45 days after a notice of adoption is published by the Township.

**Notice given by \_\_\_\_\_  
Florence Township [Title]  
At the direction of the Mayor and Township  
Council of the Township of Florence**