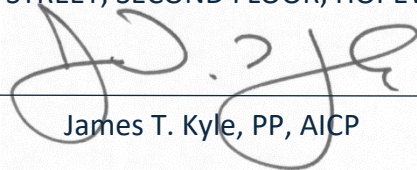


Draft Redevelopment Plan for Block 201, Lots 6 and 7

PREPARED FOR THE MAYOR AND COUNCIL OF THE
BOROUGH OF PENNINGTON

KYLE MCMANUS ASSOCIATES

2 EAST BROAD STREET, SECOND FLOOR, HOPEWELL, NJ 08525



James T. Kyle, PP, AICP

Licensed NJ Professional Planner Number 05667

The original of this document was signed and sealed

in accordance with N.J.S.A. 45:14A-12



8/25/2025

Borough of Pennington

30 North Main Street, Pennington, NJ 08534

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Edwin Schmierer, Esq., Board Attorney

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Betty Sterling, Borough Clerk
Walter Bliss, Esq., Borough Attorney
Tyler Gronau, Zoning Officer

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INTRODUCTION

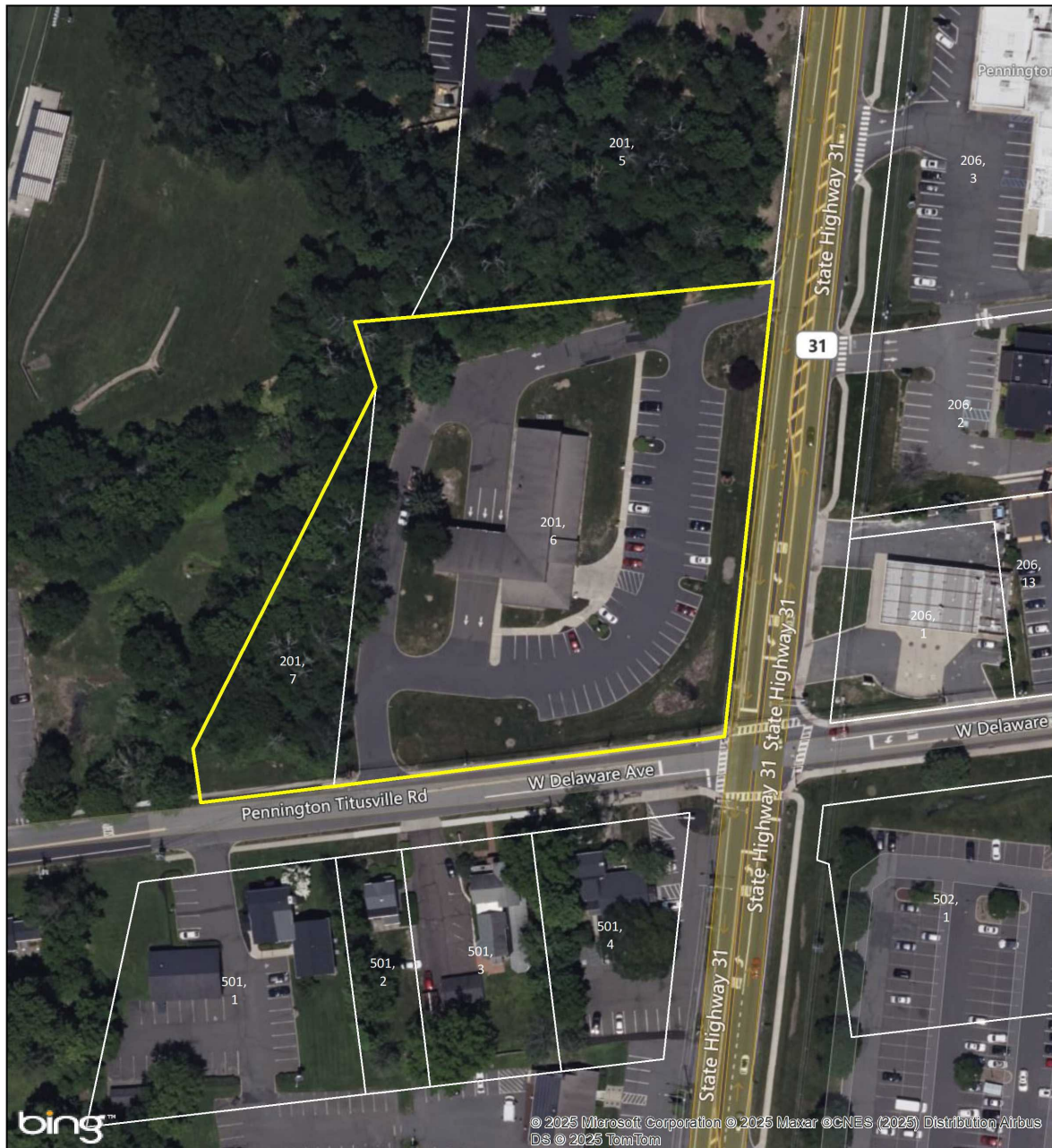
On March 5, 2025, the Borough Council, with the adoption of a resolution 2025-5.7 declared Block 201, Lots 6 and 7 as an area in need of redevelopment (see Appendix 1). This designation followed detailed investigation by the Planning Board and a public hearing on January 21, 2025 where the Board recommended such designation by resolution (see Appendix 2). As the property is located in the Fringe Planning Area (PA-3), explicit approval by the New Jersey Department of Community Affairs is required (see Appendix 3).

The redevelopment plan area consists of approximately 2.8 acres of land at the northwest corner of the intersection of West Delaware Avenue and Route 31. At present Lot 6 contains two-story brick building formerly utilized by Wells Fargo as a bank along with drive through lanes, parking and pedestrian improvements while Lot 7 is wooded and contains drainage features.

In reviewing data published by the New Jersey Department of Environmental Protection (NJDEP) through NJ GEOWEB, the study area does not contain any wetlands. A tributary of the Lewis Brook flows roughly west to east through Lot 6 in its northwest corner, eventually flowing onto Lot 5 immediately to the north then under Route 31. Although FEMA has not studied the Lewis Brook and established a floodway and 100-year flood elevation, more detailed engineering study of the Brook will be needed to establish the potential flood hazard area and any regulatory issues under NJDEP rules. There are no known contaminated sites documented by NJDEP that lie within the study area.

The redevelopment plan area is bound to the west by Hopewell Valley Central High School and the library, to the north by the Global Neurosciences Institute and medical office uses, a gas station and other commercial uses to the east and commercial uses to the south across West Delaware Avenue.

Figure 1 – Route 31 and Delaware Redevelopment Plan Area



Route 31 and Delaware Redevelopment Area

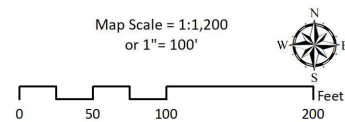
A Portion of Pennington Borough
Mercer County, New Jersey
April 2025

Legend

Route 31 and Delaware Redevelopment Area

Data Sources:
NJ Office of Information Technology, Office of
Geographic Information Systems

Map Scale = 1:1,200
or 1" = 100'



Map Prepared by:
James T. Kyle, PP/AICP
PO Box 236
Hopewell, NJ 08525
(609) 257-6706
jkyle@kylemcmanus.com



REDEVELOPER SELECTION AND DESIGNATION

The Pennington Borough Mayor and Council will act as the Redevelopment Entity for this redevelopment plan area. Upon adoption of this redevelopment plan, the Redevelopment Entity, through counsel, shall begin negotiations of a redevelopment agreement with the designated redeveloper which shall be forwarded to Mayor and Council for consideration and adoption. Any Payment in Lieu of Taxes (PILOT) proposal and financial agreement shall be similarly negotiated and subject to consideration, introduction, and adoption of an ordinance by Mayor and Council.

PUBLIC PURPOSE

Aside from the reasons outlined in the Planning Board's redevelopment investigation, redevelopment planning has tremendous benefits to the community from a land use planning perspective. First and foremost, it enables a municipality to establish new parameters for redevelopment, which can in some cases represent a significant departure from status quo zoning with respect to physical form, building materials, design and density. Whether treated as an overlay to existing zoning or superseding underlying zoning requirements (as will be the case here), a redevelopment plan offers the opportunity to meet emerging needs of the community through a small-scale, self-contained planning process. In this case, that planning process will greatly aid the Borough in addressing its constitutional obligation to provide its fair share of the region's required affordable housing while also providing the opportunity for market-rate, handicap-accessible rental apartments. This aids in diversifying the Borough's housing stock, which is predominately comprised of single-family detached dwellings with limited townhome and apartment options.

LEGAL BASIS FOR REDEVELOPMENT IN NEW JERSEY

The New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 et. seq., enables municipalities to take advantage of a broad range of tools that assist in remedying deteriorated conditions and blight or lack of proper utilization of land that can ultimately impact the public welfare. Areas that exhibit a preponderance of vacant or underutilized properties or structures, or lands that have remained underutilized for a significant length of time can ultimately impact the viability of surrounding uses to the detriment of the public interest. In the case of this redevelopment plan area, the site exhibits such characteristics, as the office/bank building located on the property has been more than half vacant for over two years. Given the office vacancy rate in Mercer County was at 23.4% in the first quarter of 2025, there is little hope of maintaining office space at this location

Redevelopment starts with the governing body authorizing the Planning Board to undertake a "Preliminary Investigation" of whether a certain area or group of parcels meet the criteria outlined in N.J.S.A. 40A:12A-5. Changes to the LRHL resulting from court decisions require the governing body, in its resolution authorizing the preliminary investigation, to specify whether condemnation powers will be utilized in redevelopment efforts. In the case of this investigation, the governing body has already determined condemnation powers will not be used, branding this a "non-condemnation redevelopment area." This means the Borough will not seek to condemn any privately owned properties within the redevelopment area for the purposes of redevelopment and will instead rely on

normal market forces to drive the assemblage of land for new development. In this case, the Borough Council authorized the redevelopment investigation with adoption of resolution 2024-8.6 on August 5, 2024.

While the LRHL does not prescribe an exact form for the preliminary investigation, it must contain, at a minimum, a map of the area studied and the location of parcels included along with a statement as to the basis for the investigation. The Planning Board is required to hold a public hearing on the preliminary investigation, with notice given to affected property owners and general notice given by publication of the hearing in a newspaper of general circulation. Notice must be published once each week for two consecutive weeks, the second publication occurring at least 10 days prior to the date of the hearing on the preliminary investigation. The hearing is held much like a hearing for land development applications, where interested parties and those immediately affected are afforded the opportunity to speak and enter evidence for the Board's consideration. At the conclusion of the public hearing, the Board is required to recommend to the governing body that all or any part of the area studied be determined, or not be determined, to be an area in need of redevelopment. The Pennington Borough Planning Board conducted a public hearing on October 9th, 2024 in accordance with the above requirements, and recommended by resolution that Borough Council designate the area studied as an area in need of redevelopment.

Considering the recommendation of the Planning Board, the governing body may adopt a resolution determining that the area studied, or any part thereof, is an area in need of redevelopment. Once adopted, the resolution must be forwarded to the Commissioner of Community Affairs for review. The governing body must issue a notice of determination within 10 days to all property owners within the delineated area and any person who filed a written objection and specified an address where a notice of determination must be sent. The Borough Council designated Block 201, Lots 6 and 7 as an area in need of redevelopment by resolution on March 5, 2025 (see Appendix 1). As the redevelopment plan area is located in PA-3 (Fringe Planning Area), approval from the Department of Community Affairs is required and was received on _____ (see Appendix 3).

Once an area is determined to be an area in need of redevelopment, the governing body must prepare or, authorize the Planning Board to prepare, a redevelopment plan. The LRHL specifies that "the redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:"

- (1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- (2) Proposed land uses and building requirements in the project area.
- (3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- (4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.

- (5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).
- (6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- (7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.
- (8) Proposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

Any redevelopment plan may include requirements for the provision of affordable housing, but it must contain discussion on the relationship of the plan to development regulations of the municipality and must be "substantially consistent with" or "designed to effectuate" the municipal master plan. Redevelopment plans are required to be adopted by ordinance and go through the normal procedure undertaken by the governing body for such an action. If the governing body prepares the redevelopment plan, it must be referred to the Planning Board for review as set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-26 to determine if any provisions of the redevelopment plan are inconsistent with the master plan. In accordance with the LRHL, if the Planning Board prepares the redevelopment plan, the governing body need not refer the plan and ordinance back to the Board for review.

EXISTING ZONING

The redevelopment plan area is situated within the O-B Office Business Zone. Permitted primary uses include executive or administrative, general business and professional offices, technical training centers, childcare centers and educational uses. Permitted secondary uses include municipal parks, playgrounds and buildings deemed appropriate and necessary by the Borough Council, garage and storage buildings which are necessary to store vehicles, equipment or materials on the premises in conjunction with a permitted use, off-street parking for the use of employees and visitors, cafeterias located within a permitted primary use and operated for the exclusive use of employees and their guests and satellite and other receiving antennas. Permitted conditional uses include public utility uses, scientific and research laboratories, banks, including drive-in facilities, limited retail uses, cannabis retailers, cannabis delivery services and medical cannabis dispensaries.

REDEVELOPMENT PLAN OBJECTIVES

The following objectives are intended to guide redevelopment within the redevelopment plan area:

1. To promote and advance the purposes of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-2, including:
 - o 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;
 - o g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
 - o i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
2. To provide equitable access to housing by diversifying the Borough's housing stock.
3. To provide a realistic opportunity for the construction of affordable housing within the Borough.
4. To locate affordable housing opportunities in areas of the Borough where everyday needs and services are within walking distance and have access to public transit.
5. To redevelop properties and achieve better compliance with current stormwater management regulations and explore opportunity for enhanced .
6. Enhance walkability in the redevelopment area and ensure pedestrian safety.

With adoption of the following development regulations and through the redevelopment process in general, the Borough seeks to promote the above objectives. The development regulations supersede underlying zoning and will provide credits towards the Borough's affordable housing obligation.

GENERAL PROVISIONS

Redevelopment Authority

The Borough Council shall act as the “Redevelopment Entity” pursuant to N.J.S.A. 40A-12A-4.c for the purposes of implementing this redevelopment plan and carrying out redevelopment projects. In doing so, the Council shall have the powers set forth in N.J.S.A. 40A-12A-15 to effectuate all of its duties and responsibilities in the execution and implementation of this redevelopment plan.

Site Plan Review

Review of applications for development shall be conducted by the Borough of Pennington Planning Board pursuant to N.J.S.A. 40:55D-1, et seq. Any departure from the permitted principal or accessory uses, residential density or building height exceeding that permitted by 10’ or 10% must be addressed through amendment of the plan by the Borough Council. Any departure from the bulk regulations contained in this must be approved by the Borough of Pennington Planning Board in accordance with criteria similar to those typically considered for bulk variances under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70c(1) or 70c(2). The redeveloper must demonstrate that the departure(s) proposed promote the purposes of the New Jersey Municipal Land Use Law and the objectives of this redevelopment plan, and that they can be granted without substantial detriment to the public good and that they will not impair the intent and purpose (objectives) of this redevelopment plan. Similarly, any departure(s) from the design regulations contained in section G of this redevelopment plan must be supported by demonstration that compliance is impracticable, or would exact undue hardship on the redeveloper and must present this testimony before the Borough of Pennington Planning Board to seek relief afforded under the Municipal Land Use Law

Effect of Approval

The effect of Planning Board approval shall be consistent with the rights granted by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) except to the extent they may be modified by any redevelopment agreement between the Borough and the designated redeveloper.

Acquisition of Property (N.J.S.A. 40A:12A7a(4))

Pursuant to Section 15 of the LRHL (N.J.S.A. 40A:12A-15), no property is proposed to be acquired by public entities in the redevelopment plan area as part of this redevelopment plan.

Affordable Housing Units and Replacement Units (N.J.S.A. 40A:12A 7a(6 and 7))

At present there are no residential dwelling units located within the redevelopment plan area. As such, replacement units are not required under the Local Redevelopment and Housing Law. The proposed redevelopment will be adding credits to be applied toward the Borough’s Fourth Round Affordable

Housing Obligations.

Relocation Provisions (N.J.S.A. 40A:12A-7a(3))

No property acquisition will be undertaken by a public entity or utilizing government funds pursuant to this redevelopment plan. Consequently, there will be no displacement of either residents or businesses that requires a Workable Relocation Assistance Program under N.J.A.C. 5:11-1 et seq.

Zero-Emission Vehicle Fueling and Charging Infrastructure (N.J.S.A. 40A:12A-7a(8))

Through the redevelopment process and implementation of the requirements of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-66.20b(1), electric vehicle charging infrastructure shall be provided by the redeveloper.

DEVELOPMENT REGULATIONS

Pursuant to Section 7 of the LRHL (N.J.S.A. 40A:12A-7), the following sections set forth development regulations applicable to the redevelopment plan area. These regulations shall supersede the O-B Office Business zone requirements. Any departure from the permitted principal or accessory uses, residential density or building height exceeding that permitted by more than 10% or 10' must be addressed through amendment of the plan by the Borough Council. Any use not permitted, whether principal or accessory, is prohibited.

Any departure from the bulk regulations contained in this plan must be approved by the Borough of Pennington Land Use Board in accordance with criteria similar to those typically considered for bulk variances under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70c(1) or 70c(2). The redeveloper must demonstrate to the Land Use Board that the departure(s) proposed promote the objectives of this redevelopment plan, and that they can be granted without substantial detriment to the public good and that they will not impair the intent and purpose (objectives) of this redevelopment plan. Similarly, any departure(s) from the design regulations contained in section E of this redevelopment plan shall be treated as design exceptions and must be shown to be reasonable and within the general intent of the provisions and must be supported by demonstration that compliance is impracticable or will exact undue hardship on the redeveloper because of peculiar conditions relative to the redevelopment parcel.

A. Applicability of other requirements

1. Unless specific requirements set forth in this redevelopment plan provide standards to the contrary, the redeveloper shall be subject to and comply with the provisions of Chapter 215 of the Borough of Pennington Code, entitled "Zoning", Chapter 163, entitled "Site Plan Review" and Chapter 58, entitled "Affordable Housing".

B. Permitted Principal Uses

1. Residential multifamily apartments not to exceed a total of 80 units.
2. One or more principal structures containing permitted principal uses.

C. Permitted Accessory Uses

1. Off-street parking.
2. Solar panels mounted on a roof.
3. Signs.
4. Fences and walls.
5. Light fixtures.
6. Street furniture including planters, tables, chairs, umbrellas, benches and trash receptacles.
7. Masonry and fenced trash enclosures.
8. Electrical transformers and other utility equipment.
9. Electric vehicle charging stations and required infrastructure.
10. Swales/rain gardens and stormwater management facilities.
11. Temporary construction trailers while site construction is occurring.
12. Emergency backup generators.
13. Uses customarily incidental to a permitted principal use.

D. Area, Yard and Bulk Requirements

1. Minimum lot area: 2 acres
2. Minimum lot width: 250 feet
3. Minimum lot frontage: 250 feet
4. Minimum front yard setback, Route 31: 35 feet
5. Minimum front yard setback, West Delaware Avenue: 25 feet
6. Minimum side yard setback: 25 feet
7. Maximum building coverage: 30%
8. Maximum overall impervious coverage: 75%
9. Maximum building height: 48 feet, 4 stories.
10. Minimum parking stall setback from western property line: 5 feet, all other property lines: 25 feet
11. Minimum drive aisle setback from property line: 10 feet

E. Off-street parking

- i. Parking stalls shall be provided at a rate of one and one half spaces per unit, regardless of the number of bedrooms within the unit.
- ii. With the exception of required handicapped-accessible stalls, all parking stalls shall measure a minimum of 9 feet in width and 18 feet in length.
- iii. Drive aisles shall measure a minimum of 24 feet in width.

F. Affordable Housing Requirements

- i. Where rental units are proposed, a minimum of 15% of the total new units to be constructed shall be set aside and made available to low and moderate income households. Where for-sale units are proposed, the minimum set aside shall be 20%. Affordable housing units shall be developed in compliance with the Borough's affordable housing ordinance and the Uniform Housing Affordability Controls.
- ii. Affordable housing units shall be managed by the redeveloper or his or her designated administrative agent, including but not limited to affirmative marketing, income

qualification and records management. The redeveloper or his or her administrative agent shall work with the Borough's Municipal Housing Liaison to comply with reporting requirements of the State.

iii. Affordable housing units shall be integrated amongst market-rate units and have access to the same amenities as market-rate units.

iv. Deed restrictions for affordable housing units shall comply with New Jersey Fair Housing Act and the Uniform Housing Affordability Controls as to minimum length of affordability controls.

G. Design Standards

1. Lighting.

i. Adequate illumination of parking areas, pedestrian pathways and other portions of the site requiring area lighting shall be provided and meet the following criteria.

- a) all lights shall be focused downward so that the direct source of light is not visible from adjoining streets or properties.
- b) No light source, including illuminated signs, shall exceed a height of 18 feet.
- c) All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees.
- d) Light intensity provided at ground level shall be a minimum of 0.5 footcandles and shall average a minimum of 1.0 footcandle over the entire area improved with buildings and parking areas.
- e) Light intensity at the property line shall not exceed 1.0 footcandle, which may be exceeded at driveways but in no case be greater than 3.0 footcandles.
- f) Provision shall be made for reduction in the intensity of illumination from 10:00 pm to 5:00 am to only that needed for adequate security.
- g) The style of any light or light standard shall be consistent with the architectural style of the building.
- h) Freestanding lights shall be located behind the curb or in curbed islands.
- i) Whenever possible, walkways shall be illuminated with bollard style fixtures.
- j) LED fixtures shall have a color temperature of 3000 kelvin.

2. Fences and walls.

i. All fences and walls shall comply with the requirements of §215-24.

3. Awnings and canopies.

- i. Canopies and awnings should match the architectural style of the building.
- ii. No canopy or awning shall extend more than 5 feet into a required yard area.

4. Landscaping

- i. The redeveloper shall provide a comprehensive landscape plan in conjunction with an application for site plan approval. Native species shall be utilized.
- ii. Street trees shall be provided along all public roadways and shall be located on the property to be developed. Larger street trees shall be provided every 50 feet, medium street trees every 40 feet and smaller street trees every 30 feet.
- iii. Landscape buffering shall be provided between the buildings and all public roadways.

- a) A mix of evergreen and deciduous trees and shrubs shall be provided.
 - b) Evergreen trees and shrubs shall constitute a minimum of 60% of those proposed.
 - c) Larger trees and shrubs shall constitute a minimum of 85% of those proposed.
 - d) Stormwater management features within the required buffer area may be removed when considering the minimum percentages specified above.
- iv. All buildings shall include foundation plantings.
- v. An irrigation system should be installed.
- 5. Refuse and recycling
 - i. A centrally-located enclosure for disposal of refuse and recycling shall be provided on-site. Separate dumpsters shall be provided.
 - ii. Refuse enclosures shall be constructed of material consistent with that of the principal structure but shall at a minimum be of masonry construction. Gates shall be provided on the front of the enclosure to permit access for collection.
 - iii. If required by stormwater management regulations, the enclosure shall be covered.
 - iv. Refuse enclosures shall be screened with evergreen trees or shrubs.
- 6. Signs
 - i. Each redevelopment project shall be permitted one main identification sign, which shall be a monument sign not exceeding 40 square feet in area, not including any decorative base. Such sign shall not be higher than 5 feet from finished grade and shall not exceed a width of 8 feet. A monument sign may be located within a front yard but not where it would impair sight distance at driveways or intersections.
 - ii. One façade sign shall be permitted for each façade facing a public street. Such signs shall not exceed 12 square feet in area and not be higher than 2 feet nor wider than 6 feet.
 - iii. Each building shall be identified with the number or letter portion of the street address. Such identification shall not exceed 6 square feet in area and shall not count towards the allowed area of façade signs.
 - iv. Directional signage not exceeding 2 square feet in area shall be permitted at the discretion of the redeveloper with approval by the Planning Board.
 - v. All signage required for EV charging stations is considered permitted provided it complies with all State regulations and those of the electric code.
- 7. Architecture
 - i. Buildings should be designed with flat roofs or treatments that otherwise downplay the mass and height of the structure. If a flat roof or low pitch roof cannot be reasonably accommodated, then a mansard roof should be utilized.
 - ii. All building-mounted HVAC equipment and plumbing venting on the roof shall be screened from view to the greatest extent practical.
 - iii. Building facades should be articulated to break up stretches of building such that no individual section is longer than 50 feet.
 - iv. Building entrances should be enhanced by projection or other unique features such as

awnings or overhangs.

v. While there is no discernable vernacular for the Route 31 corridor, building materials should be compatible with nonresidential buildings in the area yet should distinguish the project in some measure.

RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

This redevelopment plan is consistent with the general planning policies of the Borough of Pennington and those of surrounding municipalities, the County and the State Development and Redevelopment Plan. While some of the provisions contained in this plan are intended to supersede requirements of the Zoning regulations, those departures are consistent with the intent and purpose of the ordinance and the Borough of Pennington Master Plan. In accordance with the requirements of the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7a(1), these standards will result in appropriate land uses that will not negatively impact traffic and public transportation, public utilities and recreational and community facilities.

Considering the goals and objectives of the master plan, the standards set forth in this redevelopment plan are designed to be consistent with and effectuate the Borough's planning policy. More specifically, the 2020 Master Plan encourages the construction of senior citizen housing, continuing to meet the Borough's obligation to provide its fair share of the region's affordable housing and to enhance gateways to the Borough. The permitted use of senior living community will create a spectrum of housing accommodation that addresses the needs of senior citizens while creating affordable housing credits. Redevelopment of the site will create high quality development at one of the northern gateways of the Borough.

SIGNIFICANT RELATIONSHIP OF THE REDEVELOPMENT PLAN TO OTHER MUNICIPAL, COUNTY AND STATE PLANS

Other Municipal Plans

The redevelopment area subject to this redevelopment plan is located immediately along the border with Hopewell Township. On the north side of West Delaware Avenue are the County Library and Hopewell Valley Central High School while the south side contains single-family detached dwellings. All property to the west in Hopewell Township lies within the R-100 residential district. Based on the nature of existing uses in the area, multifamily residential development along a State highway is not inconsistent with this zoning designation.

Mercer County

Mercer County adopted its most recent Master Plan in September of 2010, with amendments adopted in 2016. The plan follows a three-system approach providing policies related to the economy,

transportation and the environment as noted below.

ECONOMY

- Promote the appropriate location and design of new development with opportunities for transit, regional equity, and preservation
- Provide infrastructure and other incentives that promote growth
- Promote housing choice to meet the region's needs

TRANSPORTATION

- Direct growth to transit corridors and centers
- Promote access management to enhance safety and capacity
- Promote compact design, walkable, mixed use centers
- Match jobs to housing to reduce long auto commutes to work

ENVIRONMENT

- Promote land use patterns that limit stormwater runoff and increase green infrastructure
- Promote redevelopment of brownfields and grayfields
- Prioritize open space acquisition to complete greenway networks, support compact development, and provide recreation opportunities to underserved populations

The proposed development of multifamily apartments in the redevelopment plan area promotes many of the policies of the County Master Plan, including promoting new development with access to transit, promoting compact design, walkable, mixed-use center and matching jobs to housing.

State of New Jersey

The 2001 State Development and Redevelopment Plan classifies the redevelopment plan area as PA-3, Fringe Planning Area. In PA-3, the State Plan's intention is to:

- Accommodate growth in centers
- Protect the environs primarily as open lands
- Revitalize cities and towns
- Protect the character of existing stable communities
- Protect natural resources
- Provide a buffer between more developed Metropolitan and Suburban planning areas and less developed Rural and Environmentally Sensitive planning areas
- Confine programmed sewer and public water services to centers

Of particular relevance to the redevelopment plan area, the State Plan in the policy objectives related to housing desires to provide a full range of housing choices, but also to ensure that affordable and senior citizen housing is developed with maximum access to a full range of commercial, educational, recreational, health and transportation services and facilities. The location of the redevelopment plan area meets this objective, as the area functions as a center with a host of commercial and personal service businesses with access to public transit on Route 31. This redevelopment plan is consistent with

the State's policy for PA-3 noted above and promotes these intentions.

DRAFT

APPENDIX 1

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**BOROUGH OF PENNINGTON
RESOLUTION 2025-5.7**

**RESOLUTION ACCEPTING PLANNING BOARD RECOMMENDATION TO
DESIGNATE THE AREA IN THE BOROUGH KNOWN AS BLOCK 201, LOTS 6 AND 7
ON THE BOROUGH TAX MAP AN AREA IN NEED OF REDEVELOPMENT, IN
ACCORDANCE WITH THE NEW JERSEY LOCAL REDEVELOPMENT AND
HOUSING LAW, *N.J.S.A. 40A:12A-1, ET SEQ.***

WHEREAS, by Resolution 2024-8.6, pursuant to the provisions of the New Jersey Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, Borough Council of the Borough of Pennington directed the Planning Board to conduct a preliminary investigation to determine whether the area of the Borough known as Block 201, Lots 6 and 7 on the Borough Tax Map (hereafter “Study Area”) constituted a non-condemnation area in need of redevelopment, in accordance with the criteria set forth in *N.J.S.A. 40A:12A-5* and further in compliance with the procedural requirements contained in *N.J.S.A. 40A:12A-6*;

WHEREAS, the Planning Board has conducted such investigation in compliance with *N.J.S.A. 40A:12A-6*, in that:

1. It commissioned a study and report by the Borough’s Planning Consultants Kyle McManus Associates entitled “Preliminary Investigation Block 201, Lots 6 and 7,” dated September 20, 2024 (hereafter “Kyle McManus Report”) to assist the Board in assessing whether the Study Area or any part of it meets one or more of the criteria for designation as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5*.
2. The Kyle McManus Report presented a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement appended to the map setting forth the basis for the investigation.
3. The Board conducted a public hearing on October 9, 2024 for the purpose of hearing persons who are interested in or would be affected by the determination that the delineated Study Area or part thereof is an area in need of redevelopment, gave notice of the hearing in accordance with *N.J.S.A. 40A:12A-6(b)(3)*, and conducted a hearing on the specified date at which James T. Kyle, PP, AICP (Licensed NJ Professional Planner Number 05667) presented the Kyle McManus Report in detail. There were no objections from the public to designation of the Study Area as a non-condemnation area in need of redevelopment and the Board approved a recommendation of that designation to Borough Council
4. On November 13, 2024, the Board adopted a resolution of memorialization recommending designation of the Property as a redevelopment area (“Resolution of Memorialization – Borough of Pennington Planning Board – Resolution Following a Preliminary Investigation Recommending that Block 201, Lots 6 and 7 on the Pennington Borough Tax Map be Declared an Area in Need of Redevelopment”).

WHEREAS, copies of the Kyle McManus Report and the Planning Board’s Resolution of Memorialization are attached to this Resolution and incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that in accordance with the analysis contained in the Kyle McManus Report and its approval by the Planning Board as set forth in its Resolution of Memorialization, Borough Council makes the following findings drawn from the Report (with references to relevant pages):

F1. The Property, designated Block 201, Lots 6 and 7 on the Borough Tax map, consists of approximately 2.8 acres located on the northwest corner of the intersection of Route 31 and West Delaware Avenue, as depicted in the aerial photograph at Figure 1 (p6) of the Kyle McManus Report. The photograph details the location of the parcels studied, with the block and lot designations of those parcels and the lots surrounding them labeled for reference. (p5)

F.2 Lot 6 presently contains a two-story brick office building with bank drive through, parking areas and a detention basin while Lot 7 is vacant and wooded and contains drainage features. (p7)

F.3. Data available from the NJDEP shows there are no wetlands on the property, however a tributary to the Lewis Brook flows roughly east to west through Lot 6. Since FEMA has not studied the Lewis Brook and established a floodway and 100 year flood elevation, more detailed engineering study will be required to establish the regulated areas. There are no known contaminated sites documented by NJDEP in the study area. (p7)

F.4. The area surrounding the Study Area contains Hopewell Valley Central High School and the library to the west, the Global Neurosciences Institute and medical office to the north, a gas station and other commercial uses to the east and commercial uses to the south across West Delaware Avenue. (p7)

F.5. The Property under study is located in the O-B Office Business District. Permitted primary uses include executive or administrative, general business and professional offices, technical training centers, childcare centers and educational uses. (p7)

F-6. The Borough will not seek to condemn any privately-owned properties in connection with any development of the Study Area. (p8)

F-7. A delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in *N.J.S.A. 40A:12A-6*, conditions specified in *N.J.S.A. 40A:12A-5.b* are found:

“The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

The Kyle McManus Report has determined, through conversations with the owner, that the majority of the building currently on Lot 6 has been vacant for two years, despite extensive efforts by the owner to market the property. The Report further details that at the time of the report, Mercer County had an office vacancy rate of 24.7% in the second quarter of 2024, up from 19.6% for the third quarter of 2023, a trend that does not bode well for successfully leasing the building for office use. As extended vacancy of the building for a period of two years has been demonstrated, Criterion B is met. (p9)

F-8. *N.J.S.A. 40A:12A-3*, defines a “redevelopment area” or “area in need of redevelopment” as follows: “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 redevelopment of the area of which they are a part.” While Lot 7 on its own has little utility for development of any use, its inclusion can facilitate the most effective redevelopment of Lot 6, as it can contribute valuable land area for parking or stormwater management facilities and should therefore be included in the designated redevelopment area. (p10)

F-9. The recommended boundaries for this proposed “Route 31 and Delaware Redevelopment Area” are shown in Figure 2 at page 11 of the Kyle McManus Report.

F-10. Based on the above findings, and the site inspection, data review, analysis and conclusions described in the Kyle McManus Report, Borough Council accepts the recommendation of the Planning Board to designate Block 201, Lots 6 and 7, in their entirety, a Non-Condemnation Area in Need of Redevelopment under the New Jersey Local Redevelopment and Housing Law.

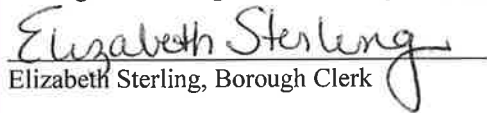
BE IT FURTHER RESOLVED that the Borough Administrator and Borough Clerk are hereby directed as follows:

1. the Borough Clerk shall forward for review and approval, no later than 10 days after adoption, a certified copy of this Resolution to the Commissioner of Community Affairs, which must be approved or disapproved by the Commissioner within 30 days or same shall be deemed approved;
2. the Borough Clerk shall issue within 10 days, on behalf of Borough Council, a notice of determination to any property owners within the delineated area and any person who filed a written objection and specified an address to which a notice of determination must be sent,
3. the Borough Administrator, in consultation with the Borough Planning Consultant, shall prepare and advertise a request for proposals seeking responses from qualified developers that shall include conceptual plans for redevelopment of the redevelopment area.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone	X				Rubenstein	X			
Chandler	S				Stern	X			
Marciante	M				Valenza	X			

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on March 5, 2025.


Elizabeth Sterling, Borough Clerk

APPENDIX 2

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**RESOLUTION OF MEMORIALIZATION
BOROUGH OF PENNINGTON PLANNING BOARD
RESOLUTION FOLLOWING A PRELIMINARY INVESTIGATION RECOMMENDING
THAT BLOCK 201, LOTS 6 AND 7 ON THE PENNINGTON BOROUGH TAX MAP BE
DECLARED AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-6, the governing body of the Borough of Pennington, the Pennington Borough Council (“Borough Council”), adopted Resolution 2024-8.6 on August 5, 2024, directing the Pennington Borough Planning Board (“Planning Board”) to undertake a preliminary investigation in order to determine whether a certain area within the Borough designated as Block 201, Lots 6 and 7 on the Pennington Borough Tax Map (“Property”) would qualify as an area in need of redevelopment pursuant to the criteria set forth in *N.J.S.A.* 40A:12A-5; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-6, the Borough Council further determined that, should the Property qualify as an area in need of redevelopment, said area would be designated as a “Non-Condemnation Redevelopment Area”; and

WHEREAS, the Planning Board authorized its Planning Consultant, Kyle McManus Associates to prepare the aforementioned preliminary investigation report for the Property; and

WHEREAS, Kyle McManus Associates prepared the report entitled, “Preliminary Investigation, Block 201, Lots 6 and 7 Prepared for the Pennington Borough Planning Board by: Kyle McManus Associates,” dated September 20, 2024; and

WHEREAS, said report includes a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein; and

WHEREAS, the Planning Board scheduled and conducted a public hearing on the preliminary investigation report at its meeting on October 9, 2024, after providing notice in

accordance with the requirements of *N.J.S.A. 40A:12A-6b(3)(d)* and making available to the public a copy of said preliminary investigation report; and

WHEREAS, at the hearing on October 9, 2024, the preliminary investigation report was considered by the Planning Board and an opportunity was provided for all persons who were interested in or would be affected by a determination that the Property is a redevelopment area were given an opportunity to testify.

NOW, THEREFORE, BE IT RESOLVED, by the Pennington Borough Planning Board as follows:

1. The foregoing preamble is incorporated herein as if fully restated.
2. The Property which is the subject matter of the preliminary investigation report satisfied the criteria for designation as an area in need of redevelopment under *N.J.S.A. 40A:12A-5* and in particular subsection b. thereof, on the basis that a significant portion of the building, which was previously used for commercial purposes, has been vacant for the last two consecutive years, despite efforts to attract new tenants.
3. The Planning Board, therefore, recommends to the Borough Council that the Property should be determined by the Council to be a Redevelopment Area.
4. A certified true copy of this Resolution shall be furnished to the Clerk of the Borough of Pennington on behalf of the Pennington Borough Council.

James Reilly, Chairman
Pennington Borough Planning Board

This Resolution of Memorialization adopted November 13, 2024

APPENDIX 3

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APPENDIX 4

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