

**TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

ORDINANCE # 10-15-18

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY IN MIDDLESEX
COUNTY, NEW JERSEY NAMING THE REDEVELOPMENT AREA
COMPRISING THE “CHENEY/KUSHNER/HAGERTY” TRACT AS THE
“HIGH POINT REDEVELOPMENT AREA,” ADOPTING A
REDEVELOPMENT PLAN THEREFOR, AND AMENDING THE
ZONING MAP OF THE TOWNSHIP OF CRANBURY**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (“LRHL”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, the Township Committee of the Township of Cranbury (“Township Committee”), pursuant to Resolution #R 12-14-148 adopted December 22, 2014, authorized and directed the Cranbury Township Planning Board (“Board”) to conduct a preliminary investigation to determine whether the area consisting of Block 19, Lots 2, 3 and 4, and Block 20.16, Lots 7, 8, 9, 10 and 20 and commonly referred to as the “Cheney/Hagerty/Kushner” site (the “Study Area”) meets the criteria set forth in *N.J.S.A. 40A:12A-5* and should be designated as an area in need of redevelopment; and

WHEREAS, the Planning Board authorized and directed its planning consultants Phillips Preiss Grygiel LLC (“PPG”) to conduct a preliminary investigation to determine whether the Study Area should be designated an area in need of redevelopment and to prepare a report on the Board’s behalf regarding the results of that investigation; and

WHEREAS, in conjunction with Board engineering consultants Hoder Associates, PPG prepared a map depicting the Study Area as well as a report entitled “Area in Need of Redevelopment Investigation for the Cheney/Hagerty/Kushner Site | Cranbury, NJ,” dated February 20, 2015, regarding the determination of the Study Area as an area in need of redevelopment; and

WHEREAS, following a public hearing held on March 12, 2015, the Planning Board adopted a resolution determining that the Study Area met the criteria for designation as an area in need of redevelopment, and recommended that the Township Committee designate it as such pursuant to the Redevelopment Law; and

WHEREAS, on March 23, 2015, the Township Committee agreed with the conclusion of the Planning Board and adopted Resolution # 03-15-047 designating the Study Area as an area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*. The same resolution also authorized and directed the Planning Board to cause a redevelopment plan to be prepared for the Study Area and present same to the Township Committee, pursuant to *N.J.S.A. 40A:12A-7f*; and

WHEREAS, at the direction of the Planning Board, the Board’s Planning Consultant, Richard Preiss (Phillips Preiss Grygiel LLC), working with a subcommittee of the Planning Board as well as with the Board’s engineering and traffic consultants, developed and prepared a proposed Redevelopment Plan entitled “Proposed Redevelopment Plan for the Cheney/Hagerty/Kushner Tract in the Township of Cranbury, New Jersey,” originally dated September 25, 2015, revised and given a new date of October 6, 2015 (“proposed Plan” or “proposed Redevelopment Plan”); and

WHEREAS, the Planning Consultant also prepared a fiscal impact analysis entitled “Fiscal Impact Analysis for the Redevelopment Plan for the Cheney/Hagerty/Kushner Tract, Township of Cranbury, Middlesex County, New Jersey,” dated September 30, 2015 (the “Fiscal Impact Analysis”); and

WHEREAS, the Planning Consultant and other Board professionals presented the proposed Redevelopment Plan and the Fiscal Impact Analysis to the Planning Board and the public at a regular meeting held on October 1, 2015; and

WHEREAS, the proposed Plan and related documentation were further reviewed by the at a special meeting of the Planning Board held on October 8, 2015; and

WHEREAS, at both the October 1 and October 8, 2015 meetings, the public was given full opportunity to ask questions and comment on the proposed Plan; and

WHEREAS, on October 8, 2015, after reviewing the proposed Plan and the Fiscal Impact Analysis, and considering the comments of the Board’s professionals and of the public, the Planning Board voted to recommend that the Township Committee adopt the proposed Plan as presented; and

WHEREAS, the LRHL at *N.J.S.A. 40A:12A-7* provides that a redevelopment plan must be adopted by ordinance; and

WHEREAS, the Township Committee hereby finds that the proposed Plan prepared and recommended by the Planning Board will advance the public health, safety, and welfare and is in the best interests of the Township and the public, and therefore wishes to adopt same;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

1. The findings set forth in the preamble to this ordinance are hereby incorporated as if fully restated herein.
2. The redevelopment plan entitled “Proposed Redevelopment Plan for the Cheney/Hagerty/Kushner Tract in the Township of Cranbury, New Jersey,” dated October 6, 2015, which was prepared by Phillips Preiss Grygiel LLC (“Plan” or “Redevelopment Plan”), a

copy of which is on file with the Township Clerk and incorporated herein by reference, is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7.

3. In accordance with section VI.A of the Plan, the Redevelopment Plan shall supersede all provisions of the Township's Land Development Ordinance ("LDO") except where specific provisions of the LDO are expressly indicated as being applicable, provided, however, that in all situations where zoning issues are not specifically addressed in the Plan, the LDO shall remain in effect. In the event of a conflict between a provision of the LDO and a provision of the Redevelopment Plan, the Redevelopment Plan shall control.

4. The zone or area to which the Redevelopment Plan applies shall be shown on the Cranbury Township Zoning Map as the "High Point Redevelopment Area," and the Cranbury Township Zoning Map shall be amended accordingly, as depicted on Exhibit A attached hereto.

5. In order for the Redevelopment Area to be developed as envisioned in the Redevelopment Plan, it will be necessary to vacate Old Hightstown Road, which currently bisects the Redevelopment Area. If and when the Township Committee by ordinance vacates Old Hightstown Road, as required by law, the costs of relocating any utilities necessitated by said vacation shall be borne entirely by the developer and/or applicable utility company, and not by the Township.

6. If any part of this ordinance is deemed invalid by a court of competent jurisdiction, such part shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

7. A copy of this ordinance shall be available for public inspection in the Township Clerk's office.

8. This ordinance will take effect upon its passage and publication, as required by law.

The ordinance will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the main meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on October 26, 2015 at 7 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available free of charge at the Clerk's Office to the members of the general public who shall request the same

Kathleen R. Cunningham, RMC, Clerk