

**RESOLUTION 2019 - 14P  
LONG HILL TOWNSHIP PLANNING BOARD  
MORRIS COUNTY, NEW JERSEY**

**RESOLUTION DECLINING TO RECOMMEND THAT  
BLOCK 11107, LOTS 12, 16, AND 17 AND BLOCK 11001, LOT 22 BE DESIGNATED  
AN AREA IN NEED OF REDEVELOPMENT  
PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT  
AND HOUSING LAW (*N.J.S.A. 40A:12A-1 et seq.*)**

**Recommendation: September 10, 2019**

**Memorialization: October 22, 2019**

**IN THE MATTER OF THE NON-CONDEMNATION  
AREA IN NEED OF REDEVELOPMENT STUDY  
REGARDING BLOCK 11107, LOTS 12, 16, AND 17 AND  
BLOCK 11001, LOT 22**

**WHEREAS**, on March 13, 2019, the Township Committee of the Township of Long Hill (the “Township Committee”) authorized the Planning Board of the Township of Long Hill (“Board”) to conduct an investigation into whether property designated as Block 11107, Lots 12, 16, and 17 and Block 11001, Lot 22 (collectively, the “Study Area”) may be designated an area in need of non-condemnation redevelopment pursuant to *N.J.S.A. 40A:12A-1*, et seq.;

**WHEREAS**, with the Township Committee’s consent, the Board directed its Planner, J. Caldwell & Associates, LLC to investigate and prepare a report for the Study Area pursuant to *N.J.S.A. 40A:12A-6* of the Redevelopment and Housing Law; and

**WHEREAS**, J. Caldwell & Associates, LLC prepared a report entitled, “Township of Long Hill, Morris County, New Jersey, Area in Need of Redevelopment Study – Valley Road, Block 11107, Lots 12, 16 & 17; Block 11001, Lot22”, dated June 6, 2019, with a revision date of June 28, 2019 (the “Report”); and

**WHEREAS**, all jurisdictional requirements of the Township Land Use Ordinance and Municipal Land Use Law as well as the Local Redevelopment and Housing Law pursuant to *N.J.S.A. 40A:12A* were met and public hearings were held before the Board on June 25, 2019,

July 9, 2019, August 6, 2019, August 27, 2019, and September 10, 2019 for review of the Report and an investigation into whether the Study Area or any part thereof could be considered a non-condemnation area in need of redevelopment; and

WHEREAS, the Board considered the following exhibits that were entered into the record on the foregoing hearing dates:

Exhibit MO-1: Letter from Robert Simon, Esq. dated August 6, 2019;  
Exhibit GO-1: Letter and land value chart submitted by Randal Gaulke;  
Exhibit SO-1: Land value analysis and map submitted by Karen Skerlanitz;  
Exhibit BO-1: Copy of social media, Facebook, post submitted by Nitin Bhat;  
Exhibit CA-1: Copy of a zoning complaint submitted by Charles Arentowicz;  
Exhibit CA-2: Copy of a zoning summons submitted by Charles Arentowicz;  
Exhibit CA-3: Copy of a zoning investigation submitted by Charles Arentowicz;  
Exhibit CA-4: Copy of part of the Township's Master Plan, B-D District, submitted by Charles Arentowicz; and

WHEREAS, the Board's professional planning expert, Jessica Caldwell of J. Caldwell & Associates, LLC, testified before the Board with regard to the Report and the Study Area, as fully set forth on the record. Ms. Caldwell indicated that an analysis was performed of the Study Area's existing land uses, site layout, and physical characteristics. Ms. Caldwell reviewed the tax records, aerial photographs, Master Plan studies and maps, and other municipal records and conducted a physical inspection of the Study Area. Ms. Caldwell indicated that Block 11101, Lot 22 and Block 11107, Lot 16 satisfied criterion "a" of N.J.S.A. 40A:12A-5a. Ms. Caldwell stated that the buildings on Lot 22 have deleterious issues that point to substandard and dilapidated conditions. Two of the four structures also have boarded up windows and outdoor storage of debris and trash. The vacant residence and barn to the rear of the property are vacant and uninhabitable. Of the four structures, only one apartment over the vacant commercial space is occupied. Ms. Caldwell indicated that Block 11107, Lot 16, the site containing the Valero gas station, also contains structures in various states of dilapidation and disrepair and multiple unrelated uses on the lot.

Ms. Caldwell also testified with criterion “b” of N.J.S.A. 40A:12A-5b stating that all four structures on Block 11001, Lot 22 display vacancy and abandonment. Ms. Caldwell observed that the lot is largely unoccupied and has fallen into so great a state of disrepair as to be untenable. With regard to N.J.S.A. 40A:12A-5.d, Ms. Caldwell stated that Block 11001, Lot 22 and Block 11107, Lot 16 meet the criterion because of the dilapidation, obsolescence, faulty arrangement and obsolete layout of the structures on the lots. Ms. Caldwell noted that Lot 16 contains groundwater contamination that requires monitoring and found that the cumulative effects of the deleterious conditions on the two lots are detrimental to the health, safety and welfare of the community. Ms. Caldwell found that all of the lots meet the criteria in N.J.S.A. 40A:12A-5e due to the economic underutilization of the lots and in N.J.S.A. 40A:12A-5h in that the designation of the delineated area is consistent with smart growth planning principles.

Ms. Caldwell also noted that the Study Area meets the criteria in N.J.S.A. 40A:12A-3 which 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 redevelopment of the area of which they are a part.” Ms. Caldwell testified that the entire Study Area is needed for effective redevelopment because the Study Area represents two key underutilized areas along Valley Road; and

**WHEREAS**, objectors, Robert and Karen Meleta, represented by counsel, Robert Simon, Esq., were afforded the opportunity and presented evidence, testimony and expert witness testimony from a planning expert, Peter G. Steck, as fully set forth on the record.

Mr. Steck offered his qualifications as a professional planner and indicated that he had reviewed the Report, all documentation relative to the Study Area, the previous hearings and Ms. Caldwell’s testimony. Based upon Mr. Steck’s investigation, he opined that the Study Area

cannot be considered a single area since the lots that make up the Study Area cannot be combined. Mr. Steck also disagreed with the characterization that the Study Area was adjacent to the train station. Mr. Steck indicated that lot 22 had been conveyed from one owner to another earlier in the year. Mr. Steck reviewed the criteria that had been cited in the Report and its applicability to the Study Area and found that the conditions found at the Study Area do not meet the criteria. Mr. Steck denied that cumulative deleterious conditions on property may satisfy any of the redevelopment criteria and questioned the use of N.J.S.A. 40A:12A-5h as a criterion for redevelopment since, in Mr. Steck's opinion, the criterion is invalid; and

**WHEREAS**, numerous other interested parties and members of the public appeared, some multiple times, to speak with regard to and offer testimony regarding the Study Area and to critique the Report, as more fully set forth on the record; and

**WHEREAS**, after reviewing the Report and hearing all of the evidence, testimony, and expert testimony regarding the Study Area, the Board proceeded to deliberate in order to determine whether the Board would recommend that the Study Area, or any part thereof, be designated a non-condemnation area in need of redevelopment.

**NOW, THEREFORE, BE IT RESOLVED** that the Long Hill Township Planning Board makes the following findings of fact, conclusions of law and recommendations to the Township Committee regarding its review of the Study Area and Report.

1. The Board finds that the testimony and evidence placed on the record cannot support a finding that the Study Area meets the statutory criteria to support its designation as a non-condemnation area in need of redevelopment, as referenced herein and in the Report, specifically with regard to criteria "a", "b", "d", and "e". The Board makes no finding with regard to criterion "h".

2. The Board finds that the properties in the Study Area are either currently owned and maintained or have been recently acquired by a willing buyer and therefore could be developed through private capital. The Board rejects that any of the properties in the Study Area are blighted. The Board notes that the residential properties included in the Study Area, specifically Lots 12 and 17, are occupied for residential purposes and are relatively well maintained.

3. With regard to criterion “a”, the Board rejects that the properties in the Study Area are dilapidated to the point that they are not conducive to wholesome living or working conditions as they are being utilized for either residential or commercial purposes. The Board noted that the properties, specifically Lot 16 containing the Valero gas station, function well and are considered a benefit to the surrounding community.

4. With regard to criterion “b”, the Board rejects that any of the properties in the Study Area have been abandoned or have fallen into such a state of disrepair as to be untenable. All of the properties are being fully utilized with the exception of Lot 22. The Board finds that testimony adduced during the hearing provided that the commercial space on Lot 22 was only recently vacated and does not believe that the vacancy constitutes abandonment or discontinuance pursuant to the redevelopment law, cited herein.

5. With regard to criterion “d”, the Board rejects that the properties in the Study Area are detrimental to the safety, welfare and morals of the surrounding community as the properties have been functioning in the manner in which they are currently used for some time without any cognizable deleterious effect. The Board does not find that the recitation of zoning and other violations in the Report nor the testimony adduced to that end supports a finding that the properties in the Study Area either together or individually, detrimentally affect the surrounding neighborhood.

6. With regard to criterion “e”, the Board rejects that the properties in the Study Area are underutilized due to the conditions of title or similar conditions that prevent assemblage or discourage the undertaking of improvements. The Board notes that three of the properties, lots 12, 16 and 17, at the time of the hearings are in common ownership and the fourth, Lot 22, was purchased by a willing buyer.

7. The Board acknowledges that satisfaction of criterion “h” relating to “Smart Growth Consistency”, by itself, will not support a finding that an area is in need of redevelopment. Therefore the Board makes no finding with regard to that criterion.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Long Hill Township Planning Board DOES NOT recommend that the Study Area be designated as a non-condemnation area in need of redevelopment for the reasons stated herein.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Long Hill Township Planning Board on this 22<sup>nd</sup> day of October, 2019, that the action of the Board taken at its September 10, 2019 hearing is hereby memorialized as is stated herein and shall be forwarded to the Long Hill Township Committee for review.

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J. Alan Pfeil, Chairman  
Long Hill Township Planning Board

I hereby certify this to be a true and accurate copy of the Resolution adopted by Long Hill Township Planning Board, Morris County, New Jersey at a public meeting held on October 22, 2019.

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Debra Coonce, Board Secretary  
Long Hill Township Planning Board