

**40A:12A-7. Adoption of redevelopment plan**

a. No redevelopment project shall be undertaken or carried out except in accordance with a development plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79(C.40A:12A-5 or 40A:12A-14), as appropriate.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the "Municipal Land Use Law," P.L. 1975, c.291 (C.40:55D-1 et seq.).

Figure 1 Buena Vista Township had no legal authority to begin “development” until an approved plan was in place.

**40A:12A-8. Effectuation of redevelopment plan**

a., b., c., d., e., g., & j. below

Upon the adoption of a redevelopment plan pursuant to section 7 of P.L. 1992, c.79 (C.40A:12A-7), the municipality or redevelopment entity designated by the governing body may proceed with the clearance, replanning, development and redevelopment of the area designated in that plan. In order to carry out and effectuate the purposes of this act

and the terms of the redevelopment plan, the municipality or designated redevelopment entity may:

- a. Undertake redevelopment projects, and for this purpose issue bonds in accordance with the provisions of section 29 of P.L. 1992, c.79 (C.40A:12A-29).
- b. Acquire property pursuant to subsection i. of section 22 of P.L.1992, c.79 (C.40A:12A-22).
- c. Acquire, by condemnation, any land or building which is necessary for the redevelopment project, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L. 1971, c.361 (C.20:3-1 et seq.).
- d. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities, and site improvements essential to the preparation of sites for use in accordance with the redevelopment plan.
- e. Prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects, licensed professional engineers or planners, or other consultants for the carrying out of redevelopment projects.

g. Lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.

Figure 2 By statute, Buena Vista Township had no legal authority to commence with the following until an approved plan was in place: a) issue bonds for redevelopment projects; b) acquire redevelopment property; c) selectively withhold from tax sales tax-lien properties for Richland's redevelopment; d) construct and repair redevelopment properties; e) hire tens-of-thousands of dollars of redevelopment project services from Schaeffer/Nassar/Scheideigg; g) lease various rental properties.

### **40A:12A-3. Definitions**

As used in this act:

"Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by a municipality, county, redevelopment entity, or housing authority pursuant to this act.

"Redevelopment" means clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with are development plan.

"Redevelopment project" means any work or undertaking pursuant to a redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities.

Figure 3 Select redevelopment definitions are included above. Before final plan approval on January 2008 the Township in the name of redevelopment took on multiple financial obligations, cleared land, began various construction projects, developed a "Village Square" Sawmill Park, and constructed the Richland Village municipal parking lot.

**Buena Vista Township – Richland Village  
Redevelopment Plan  
January 2006**

- Coordinate conversions of existing dwellings into retail / professional office / service shops to create new commercial opportunities consistent with adjacent land uses and consistent with the overall land use plan for the Redevelopment Area.
- Use traditional streetscape patterns, pedestrian patterns, and landscaping in order to avoid the big-box or strip center phenomenon.
- Provide for the opportunity to develop age-restricted housing; where feasible, within the Redevelopment Area in an amount mutually agreed upon by a potential developer, the Township and the Pinelands Commission.
- Provide / maintain a place of worship for the residents of Richland Village.
- Preserve existing open space and create opportunities for new additional open spaces to be incorporated into new development as located within the Redevelopment Area for use by the existing and future residents.

1. Acquisition

There are 111 parcels reported on the tax roles for this Redevelopment Area that occupy 162.581 acres (see Exhibit C-1, Tax Block / Lot Ownership and Development Status Table), with approximately 59% being privately owned and the remaining 41% being publicly owned lands. Acquisition of real property is an option that the Township has pursued in the recent past and may continue to exercise in accordance with the Local Redevelopment and Housing Law. The Township's priority will be to collaborate with developers to initiate public / private partnerships which will allow the maximum potential of new development within the Redevelopment Area, specifically the area adjacent to the Rail Line and U.S. Route 40.

As required pursuant to N.J.S.A. 40A:12A-8b & c, upon adoption of this Redevelopment Plan, the Township shall be statutorily permitted to acquire real property either through good-faith negotiations with the private property owner or, upon failure of said good-faith negotiations, through the condemnation (eminent domain) process pursuant to N.J.S.A. 20:3-a et seq. to effectuate the Plan, if it so chooses.

Figure 4 Excerpt from page 12 of BVT – Richland Village Redevelopment Plan demonstrating that many of the Township-owned parcels were purchased before adoption of a redevelopment plan, which is a statutory violation of redevelopment law.

Oddly, the Township plan recognized that they had purchased parcels before meeting redevelopment legal requirements. Purchasing and renting of property without satisfying N.J.S.A. 40A:12A-8b&c is not permitted.