



# **PRELIMINARY INVESTIGATION**

## **BROAD STREET WEST, SUMMIT, NJ**

### **DATE: September 15, 2017**

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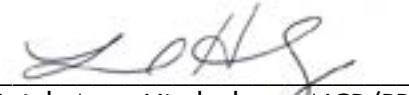
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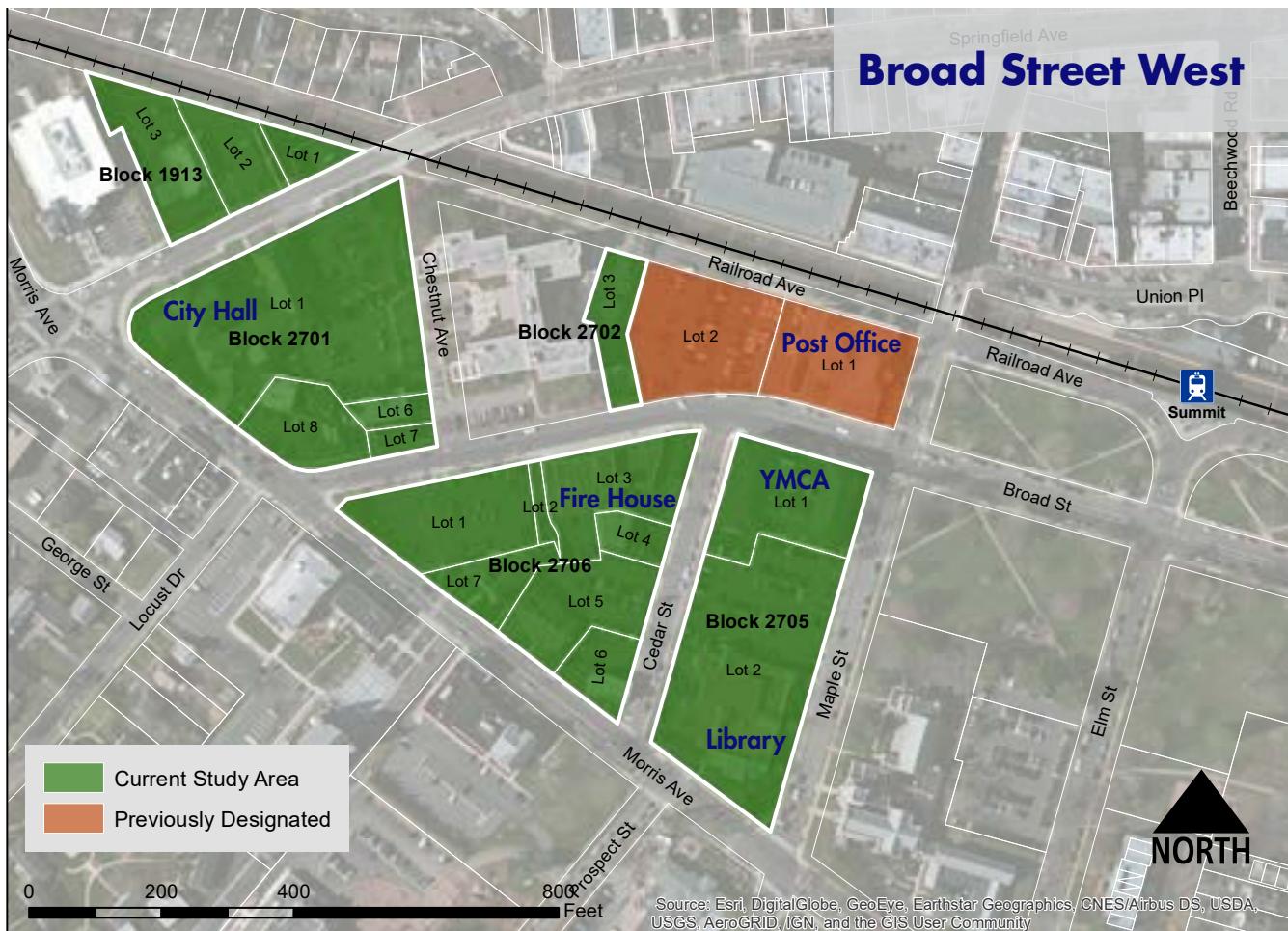
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# Introduction

## Study Authorization

The following preliminary investigation has been prepared for the City of Summit Planning Board to determine whether certain properties qualify as a non-condemnation "area in need of redevelopment" under N.J.S.A. 40A:12A-5. The Mayor and Common Council of Summit authorized the Planning Board, through resolution No. 37882, annexed hereto as Appendix A, to conduct this preliminary investigation to determine whether designation of Block 1913, Lots 1, 2 and 3; Block 2701, Lots 1, 6, 7, 8; Block 2702, Lot 3 (partial); Block 2705, Lots 1 and 2; Block 2706, Lots 1, 2, 3, 4, 5, 6, and 7 as shown on the official tax map of the City of Summit (collectively, the "Property") as "in need of redevelopment" is appropriate and in conformance with the statutory criteria in N.J.S.A. 40A:12A-5.



## Summary of Findings

The analysis contained within this report will serve as the basis for the recommendation that Block 2701, Lots 1(partial), 6, 7, 8; Block 2702, Lot 3 (partial); Block 2705, Lots 1 and 2(partial); Block 2706, Lots 1, 2, 3, 4, 5, 6, and 7 qualify as a non-condemnation area in need of redevelopment.

# Background

## Legal Authority

New Jersey's Local Redevelopment and Housing Law (the "LRHL") empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated "in need of redevelopment" in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

## Redevelopment Procedure

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- A. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- B. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).
- C. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- D. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
- E. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an "Area in Need of Redevelopment." The Governing Body must make the final determination as to the Non-Condemnation Redevelopment Area boundaries.
- F. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that: (i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and (ii) legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall

preclude an owner from later raising such challenge.

- G. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "Area in Need of Redevelopment."
- H. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance.
- I. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

## Progress

In satisfaction of Part A above, the City of Summit Common Council adopted Resolution No. 37882 on May 2, 2017. A preliminary investigation map, also dated May 2, 2017, is attached to the amended resolution and are on file with the Municipal Clerk. On May 22nd, the City of Summit Planning Board passed a resolution directing Topology NJ, LLC to prepare this preliminary investigation report. The resolutions and preliminary investigation map, which satisfy Part B above, are included as Appendix A and Appendix B, respectively.

## Purpose + Scope

In accordance with the process outlined above, this Preliminary Investigation will determine whether the Property (hereinafter referred to as the "Study Area") within the City of Summit meets the statutory requirements under N.J.S.A. 40A:12A-5 for designation as an "area in need of redevelopment." This study was duly authorized by the Mayor and Common Council and prepared at the request of the City of Summit Planning Board.

In addition to on-site inspection of property conditions and current land uses, the scope of work for this investigation also included a review of the following:

- Occupancy and ownership status;
- Municipal tax maps/aerial photos;
- Development approvals/permits;
- Property maintenance records;
- Fire and police records;
- Tax assessment data;
- Existing zoning ordinance/map.

To supplement the evaluation of physical and documentary evidence, property owners in the Study Area were interviewed regarding their property, to communicate the nature of the redevelopment process and to address preliminary concerns.

# Existing Conditions Analysis

## Study Area Description + Context

The Study Area is located in the geographic center of Summit, at the confluence of three major thoroughfares in the City: Morris Avenue., Broad Street and Springfield Avenue. A portion of the Study Area is situated along a below grade segment of the NJ Transit Morris & Essex Line. In fact, three of the seventeen lots in the Study Area (Lots 1, 2 and 3 in Block 1913) directly abut the NJ Transit right-of-way. It should be noted that in 2014 the Summit City Council and Planning Board determined that Lots 1 (the Post Office) and 2 (public parking lot) in Block 2702, contiguous with the Study Area, satisfied the criteria and were declared a Non-Condemnation Area in Need of Redevelopment.

Less than 600 feet from New Jersey Transit's Summit Station which offers a direct one-seat ride to New York City's Penn Station, the Study Area enjoys a location with many strategic planning benefits. At 3,638 average weekday boardings Summit Station is one of the busiest along the Morris & Essex Line. In addition to the proximate commuter rail station, three NJ Transit bus lines--the 70, 78 and 986, run through the Study Area and provide additional public transit options. These bus lines provide service to Newark, Livingston, and Plainfield. For these reasons, Summit was the 27th municipality to be designated a "Transit Village" by the New Jersey Department of Transportation. The "Transit Village" designation confers certain benefits that will facilitate redevelopment of the Study Area. These include direct grants from NJDOT for infrastructure improvements as well as additional incentives for redevelopers and/or commercial tenants to implement transit-oriented development projects that will concentrate population densities around commuter nodes and create attractive, vibrant, and pedestrian-friendly neighborhoods.

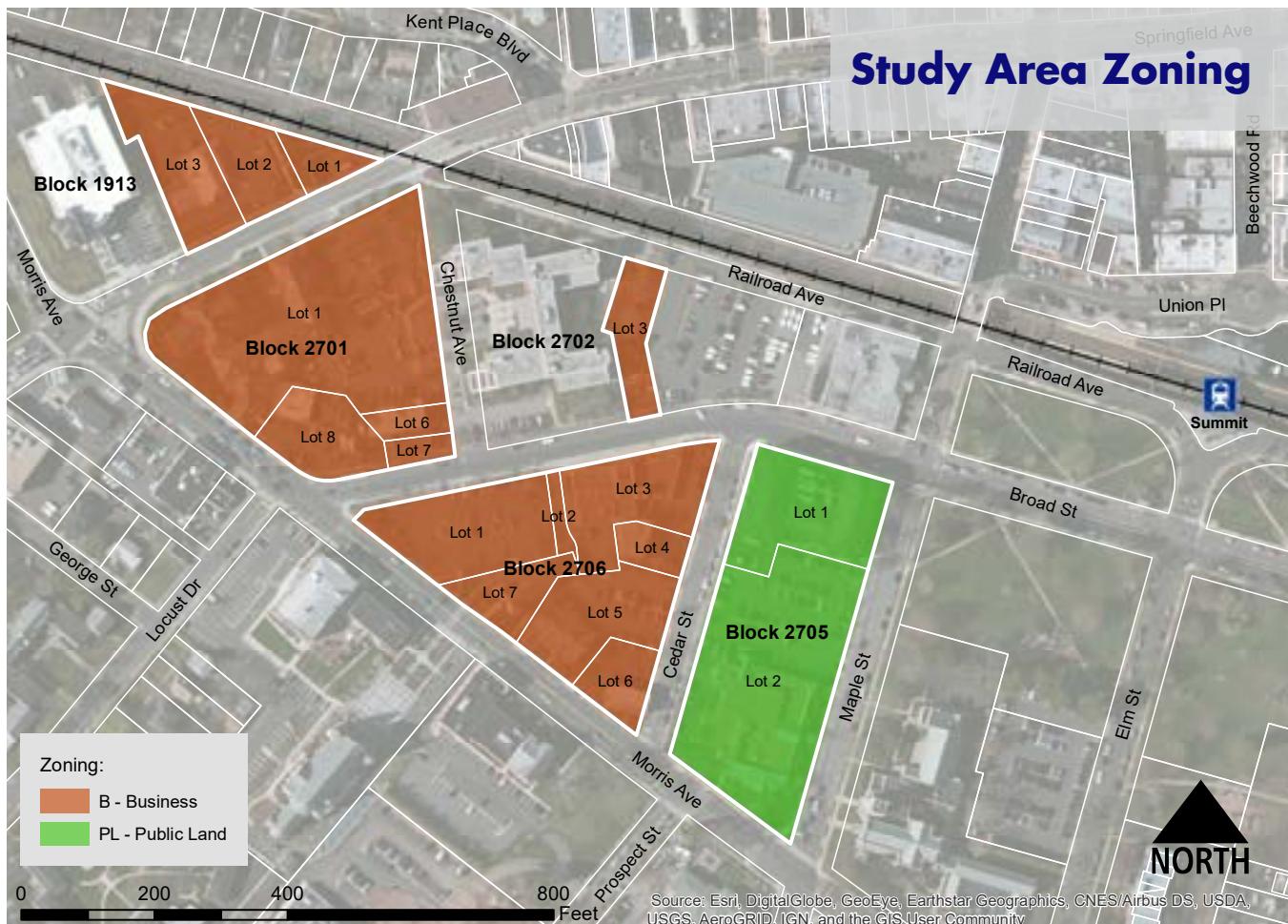
The Study Area, represents a major hub of civic life in Summit. The area contains the City's municipal complex, the Summit Free Public Library, the Fire Department, a 125-unit senior housing complex managed by the Summit Housing Authority, the local YMCA and is adjacent to the Post Office. In addition, located just across Maple Street from the Study Area is the City's historic Village Green, containing almost 6 acres of public open space that is used for passive recreation and community events. Saint Theresa's Church and the Central Presbyterian Church directly abut the Study Area and the City's Middle School sits caddy corner to its southeastern edge. Finally, the Central Retail Business District (CRBD) and the heart of Downtown Summit is located north and east of the study area, across the NJ Transit right-of-way.

The fact that the Study Area is located at the confluence of major transportation networks and within the City's most significant concentration of civic and institutional assets underscores the importance of redevelopment, particularly given the current layout and development patterns. In addition to the aforementioned civic uses and a few relatively isolated commercial uses, the study area is otherwise dominated by surface parking lots. The area lacks the qualities and amenities that make for a comfortable pedestrian environment and is divided by regional arterial routes, some of which carry almost 15,000 vehicles per day<sup>1</sup>. The lack of a rational street grid--created by irregularly shaped blocks and the rail right-of-way and the prevalence of major thoroughfares, inhibits mobility to, through and within the Study Area.

<sup>1</sup> In January 2013, NJDOT conducted counts in vicinity of the Study Area, which found an average daily traffic volume of 13,600 vehicles was recorded for Morris Avenue; 14,859 along Broad Street, and 9,655 along Springfield Avenue.

## Existing Zoning

All parcels in Blocks 1913, 2701, 2702 and 2706 of the Study Area lie in the B (Business Zone) district, which permits a range of retail and commercial uses and is intended for the conduct of general business to which the public requires direct and frequent access as prime customers, clients, or patients. The B district currently allows for the construction of buildings up to three stories with a floor-to-area ratio (FAR) up to seventy-five percent. Block 2705 lies in the City's PL (Public Lands Zone) district, which is intended to provide a separate and distinct zoning category for lands in public use and for limited quasi-public uses, such as houses of worship and for nonprofit use. Buildings in the PL district may be up to forty-eight (48) feet tall.



## Study Area Zoning Districts

### B: Business Zone

#### Principal Permitted Uses

**USE:** Retail sales, except drive-thru facilities are prohibited; Offices; Restaurants and other eating establishments, except drive-thru or drive-through facilities shall not be permitted; Financial institutions, except drive-thru facilities are prohibited; Residential uses above the first floor; Theaters; Personal service facilities; Retail service facilities; Dance schools and studios; Health clubs; Lodges and social clubs; Funeral parlors; Institutional uses; Automobile sales.

#### Conditional Uses

**USE:** Adult day care; Gasoline service stations; Automobile service stations; Automotive repair; House of worship

Yard Requirements (Minimum)		Height & Development (Maximum)	
Lot Area Min Sq. Ft.	NONE	Lot Coverage	90%
Lot Width Min. Ft.	NONE	Floor Area Ratio	75%
Front Yard Min. Ft.	NONE	Building Coverage	30%
Rear Yard Min. Ft.	NONE	Maximum Height	3 Stories / 42 FT
Side Yard Min. Ft Ea. Side	NONE	Density—Units per Acre	NONE
Min. Total Side Yard	NONE		

### PL : Public Lands Zone

#### Principal Permitted Uses

**USE:** Institutional uses; detached single-family dwellings subject to requirements and standards as provided in the R-10 Zone; public parks and playgrounds subject to requirements and standards as provided in the R-10 Zone.

#### Conditional Uses

**USE:** House of worship; educational institutions

Yard Requirements (Minimum)		Height & Development (Maximum)	
Lot Area Min Sq. Ft.	15,000	Lot Coverage	90%
Lot Width Min. Ft.	100	Floor Area Ratio	NONE
Front Yard Min. Ft.	25	Building Coverage	50%
Rear Yard Min. Ft.	25	Maximum Height	3 Stories / 48ft
Side Yard Min. Ft Ea. Side	12	Density—Units per Acre	NONE
Min. Total Side Yard	25%		

## Ownership

A review of the City's property tax records was conducted for properties in the Study Area to determine current ownership information. The table below shows the most current ownership records based on 2017 records from the New Jersey Division of Taxation. It is important to note that a third of the study area is owned by the City of Summit.



## Table of Ownership by Block + Lot

	Block	Lot	Zoning*	Property Class**	Area (Acres)	Address	Owner
Bedrosinan Rugs	1913	1	B	4A	0.16	503 Springfield Avenue	503 Springfield Ave. Assocs, LLC
Bedrosinan Rugs	1913	2	B	4A	0.36	503 Springfield Avenue	503 Springfield Ave. Assocs, LLC
PNC Bank	1913	3	B	4A	0.55	509-517 Springfield Avenue	Warner Fam LLC PNC Bank Natl Tax
City Hall	2701	1	B	15C	2.27	512 Springfield Avenue	City of Summit
Belle Faire Cleaners	2701	6	B	4A	0.12	7 Chestnut Avenue	Elizabeth Catherine, Inc.
Reincarnation Salon	2701	7	B	4A	0.09	417-419 Broad Street	Trugman, R.A/K/A Salon Reincarnation
7-Eleven	2701	8	B	4A	0.43	317 Morris Avenue	Southland Corporation - Corp Tax
Senior Building Parking Lot	2702	3 (partial)	B	15C	0.33	12 Chestnut Avenue	The Housing Authority of Summit
YMCA	2705	1	PL	15D	0.74	35 Maple Street	The Summit Area YMCA
Free Public Library	2705	2	PL	15C	1.80	75 Maple Street	The City of Summit
Municipal Lot 7	2706	1	B	15C	0.74	406 Broad Street	City of Summit
Funeral Home Driveway	2706	2	B	4A	0.07	402 Broad Street	299 Morris Avenue Associates LLC
Fire House	2706	3	B	15C	0.64	384-92 Broad Street	City of Summit
Medical Offices	2706	4	B	4A	0.16	7 Cedar Street	Albar Realty LLC
Funeral Home	2706	5	B	4A	0.6	299 Morris Avenue	299 Morris Avenue Associates LLC
Otterstedt Insurance	2706	6	B	4A	0.25	293 Morris Avenue	291 Morris Avenue, LLC
Memorial Hall	2706	7	B	15D	0.29	303 Morris Avenue	St. Teresa's Roman Catholic Church
				<b>TOTAL:</b>	<b>9.60</b>		

\*B = Business District

\*PL = Public Lands District

\*\*Class 4A = Commercial

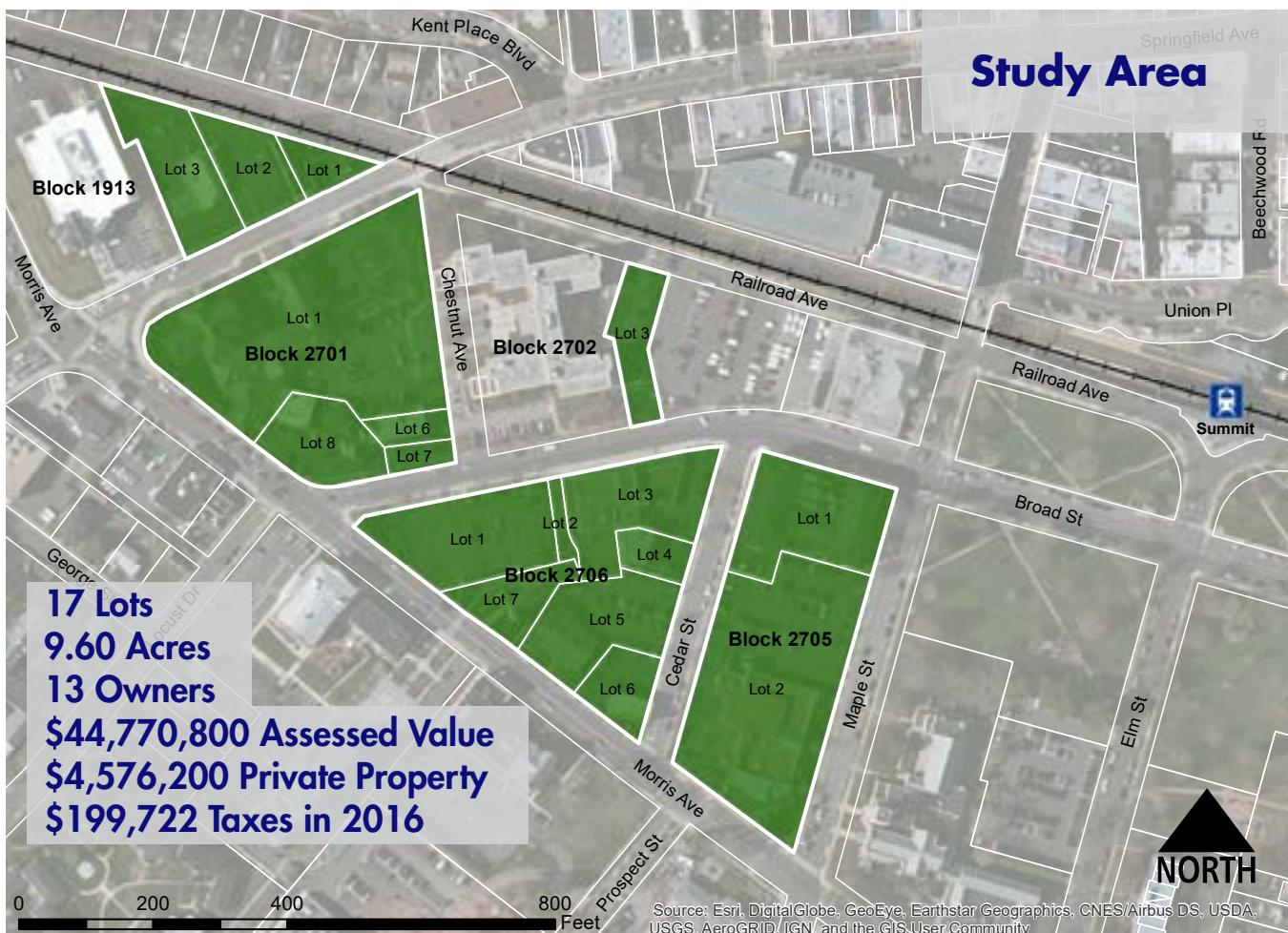
\*\*Class 15C = Exempt Public Property

\*\*Class 15D = Exempt Church & Charitable Property

## Property Taxes

Property tax records from the State of New Jersey Division of Taxation's 2017 database were analyzed to determine the assessed value of each property in the Study Area and current property taxes. The value of the land, improvements thereon and the net taxable value for all seventeen parcels is displayed in the table below. It should be noted that over half (8.3 acres) of the study area is exempt from taxation and therefore provide no rateables for the City. Additionally, parcels with surface parking within the study area creates significantly lower overall assessed values when compared with nearby improved sites.

			2016 Taxes				
	Acres	Tax/Acre	Total Tax	County & Open Space	Local School District	Municipal	Public Library
CRBD-District	14.9	\$246,032	\$3,674,245	\$1,065,283	\$1,829,007	\$714,176	\$65,779
Business(B)-District	59.9	\$66,968	\$4,008,413	\$1,162,169	\$1,995,353	\$779,129	\$71,762
Manufacturing (MFT)-District	15.6	\$123,342	\$1,925,155	\$558,165	\$958,325	\$374,199	\$34,466
Study Area	11.5	\$17,411	\$199,722	\$57,906	\$99,420	\$38,821	\$3,576
Study Area (less tax exempt)	3.1	\$63,606	\$199,722	\$57,906	\$99,420	\$38,821	\$3,576



	Block	Lot	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Prior Year Taxes (2016)
Bedrosinan Rugs	1913	1 + 2	\$268,800	\$140,700	\$409,500	\$18,439.79
PNC Bank	1913	3	\$554,400	\$471,600	\$1,026,000	\$46,200.78
City Hall	2701	1	\$1,500,000	\$10,000,000	\$1,1500,000	0
Belle Faire Cleaners	2701	6	\$187,200	\$257,000	\$444,200	\$19,105.04
Reincarnation Salon	2701	7	\$140,000	\$119,500	\$259,500	\$11,161.1
7-Eleven	2701	8	\$333,600	\$147,100	\$480,700	\$20,674.91
Senior Building Parking Lot	2702	3	\$1,395,000	\$5,938,200	\$7,333,200	Exempt
YMCA	2705	1	\$1,010,800	\$11,331,300	\$12,342,100	Exempt
Free Public Library	2705	2	\$1,780,000	\$3,978,100	\$5,758,100	Exempt
Municipal Lot 7	2706	1	\$384,000	\$15,000	\$399,000	Exempt
Funeral Home Driveway	2706	2	\$15,000	\$2,000	\$17,000	731.17
Fire House	2706	3	\$490,500	\$1,552,900	\$2,043,400	Exempt
Medical Offices	2706	4	\$250,900	\$426,900	\$677,800	\$29,152.18
Funeral Home	2706	5	\$500,000	\$100,000	\$600,000	\$2,5806
Otterstedt Insurance	2706	6	\$371,500	\$290,000	\$661,500	\$2,8451.12
Memorial Hall	2706	7	\$222,800	\$596,000	\$818,800	Exempt
	<b>TOTAL</b>		<b>\$ 9,404,500</b>	<b>\$35,366,300</b>	<b>\$44,770,800</b>	<b>\$199,722.09</b>

## Application of Statutory Criteria

### Introduction

The “Blighted Areas Clause” of the New Jersey Constitution empowers municipalities to undertake a wide range of activities to effectuate redevelopment of blighted areas:

“The clearance, replanning, development or redevelopment of blight areas shall be a public purpose and public use, for which private property may be taken or acquired. Municipal, public or private corporations may be authorized by law to undertake such clearance, replanning, development or redevelopment; and improvements made for these purposes and uses, or for any of them, may be exempted from taxation, in whole or in part, for a limited period of time... The conditions of use, ownership, management and control of such improvements shall be regulated by law,” NJ Const. Art. VIII, Section 3, Paragraph 1.

The New Jersey Local Redevelopment and Housing Law implements this provision of the New Jersey Constitution, by authorizing municipalities to, among other things, designate certain parcels as “in need of redevelopment,” adopt redevelopment plans to effectuate the revitalization of those areas and enter agreements with private parties seeking to redevelop blighted areas. Under the relevant sections of the LRHL (N.J.S.A. 40A:12A-1 et. seq.), a delineated area may be determined to be “in need of redevelopment” if the governing body concludes there is substantial evidence that the parcels exhibit any one of the following characteristics:

- The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenantable.

- C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).
- F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the areas has been materially depreciated.
- G. In any municipality in which an enterprise zone has been designated pursuant to the New Jersey Urban Enterprise Zones Act, P.L. 1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

It should be noted that, under the definition of "redevelopment area" and "area in need of redevelopment" in the LRHL, individual properties, blocks or lots that do not meet any of the statutory conditions may still be included within an area in need of redevelopment provided that within the area as a whole, one or more of the expressed conditions are prevalent. This provision is referred to as "Section 3" and is set forth under 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 public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part."

## Redevelopment Case Law Principles

The New Jersey Local Redevelopment and Housing Law has been interpreted extensively by the New Jersey State courts with regard to the specific application of the redevelopment criteria established under N.J.S.A. 40A:12A-5. The bulk of the case law relevant to this analysis has addressed: 1) the minimum evidentiary standard required to support a governing body's finding of blight; and 2) the definition of blight that would satisfy both the State Constitution and the LRHL.

**Standard of Proof:** According to the New Jersey Supreme Court's decision, Gallenthin Realty v. Borough of Paulsboro (2007), a "municipality must establish a record that contains more than a bland recitation of the application of the statutory criteria and declaration that those criteria are met." In Gallenthin, the Court emphasized that municipal redevelopment designations are only entitled to deference if they are supported by substantial evidence on the record. It is for this reason that the analysis herein is based on a specific and thoughtful application of the plain meaning of the statutory criteria to the condition of the parcels within the Study Area as they currently exist. The standard of proof established by the Court in Gallenthin was later upheld in Cottage Emporium v. Broadway Arts Ctr. LLC (N.J. App. Div. 2010).

**The Meaning of Blight:** The Supreme Court in Gallenthin emphasized that only parcels that are truly "blighted" should be designated as "in need of redevelopment" and clarified that parcels designated under criterion "e" should be underutilized due to the "condition of the title, diverse ownership of the real properties." Prior to this decision, municipalities had regularly interpreted criterion "e" to have a broader meaning that would encompass all properties that were not put to optimum use and may have been more financially beneficial if redeveloped. Gallenthin ultimately served to constrict the scope of properties that were once believed to qualify as an "area in need of redevelopment" under subsection (e). On the other hand, in 62-64 Main Street LLC v. Mayor & Council of the City of Hackensack (2015), the Court offered a clarification that resisted an overly narrow interpretation, "[this Court has] never stated that an area is not blighted unless it 'negatively affects surrounding properties' because, to do so, would undo all of the legislative classifications of blight established before and after the ratification of the Blighted Areas Clause." The Hackensack case is largely perceived as having restored a generally expansive view of the Housing and Redevelopment Law, except as restricted by the Gallenthin interpretation of subsection (e).

### Surface Parking & "Obsolescence"

In Concerned Citizens, Inc. v. Mayor and Council of the Borough of Princeton (2004), the New Jersey Appellate Division affirmed that a downtown surface parking lot met the requirements for an area in need of redevelopment under "Criterion D" based on substantial evidence that a surface parking lot, in itself, was evidence of "obsolescence." Generally speaking, the court defined obsolescence, in the context of Criteria D, as "the process of falling into disuse and relates to the usefulness and public acceptance of a facility." Concerned Citizens v. Princeton, citing Spruce Manor Enter. V. Bor. Of Bellmawr (Law Div. 1998). More specifically, the Court concurred with municipal experts on certain key conclusions that are analogous to the conditions present within the Study Area:

- Surface parking represented "yesterday's solution" in downtowns where "structured parking is now the standard." This aspect of the court's reasoning directly implies that obsolescence is relative to the location of the parcel and accepted industry practices for the use, design and development thereof.
- The parking lot, which was assembled over time, had an irregular shape that lead to an inefficient configuration and inhibited the types of "urban center" uses that would fulfill Princeton's redevelopment objectives.
- Redevelopment was projected to support economic development and create a more orderly and usable layout. The court found these benefits to "serve the public health, safety, and welfare of the entire community."

Many of these factors are present throughout the Study Area and, similar to the area of downtown Princeton considered by the court, the negative impacts of obsolete surface parking facilities contribute to a process of stagnation within the Study Area.

## Study Area Evaluation

The following is an evaluation of the study area properties against the statutory criteria described above for designation as an "area in need of redevelopment." The evaluations were based on a review of property conditions, occupancy, ownership status, and a review of other relevant data.

### Summary of Findings

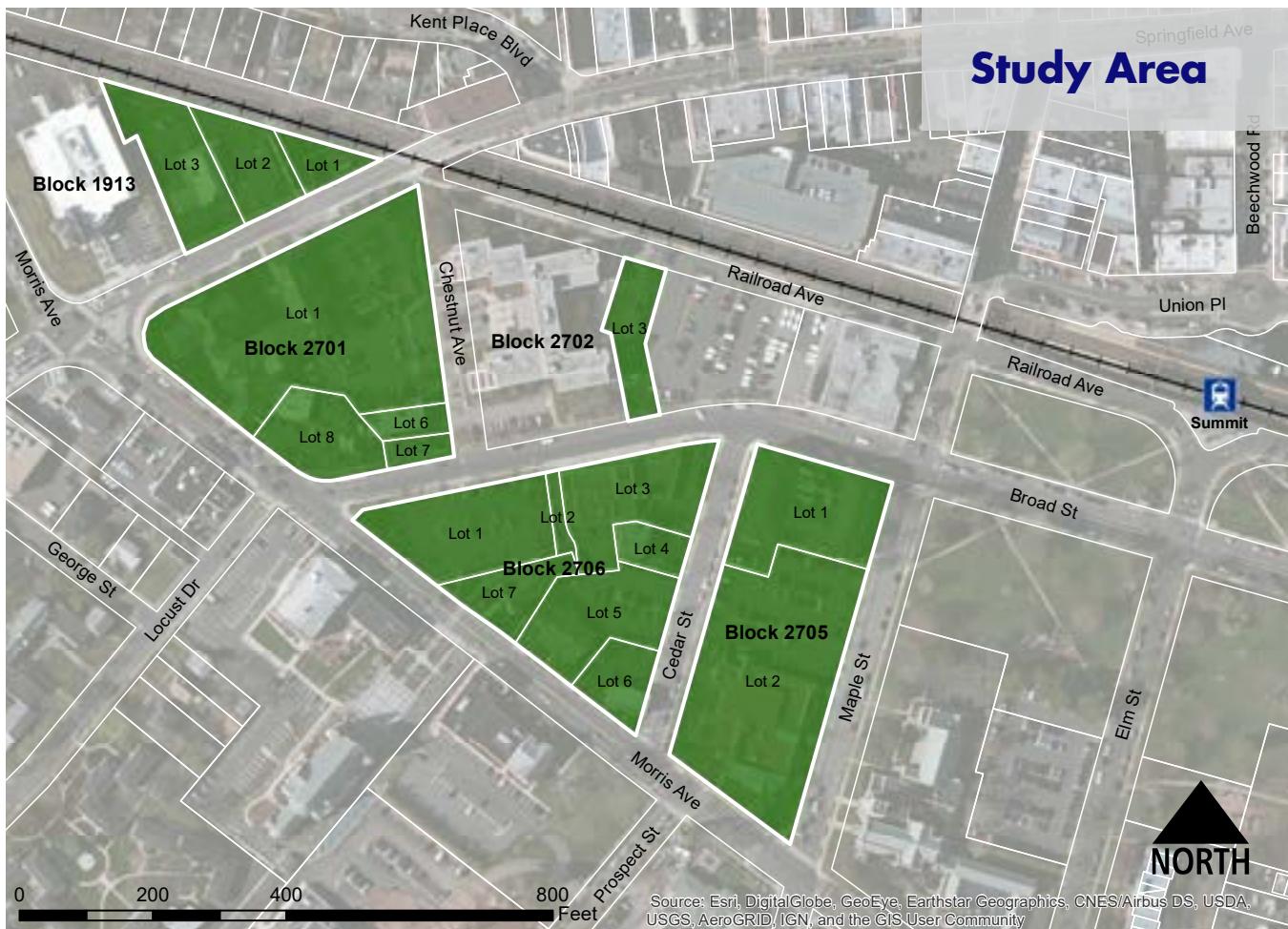
The table below summarizes this report's findings with regard to the statutory criteria's applicability to each parcel within the Study Area:

#### Study Area - All Lots

Criterion H applies to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under Section 3. Criterion H states: "the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation." The Smart Growth principles crafted by the Smart Growth Network and cited by the United States Environmental Protection Agency include:

- Mix land uses.
- Take advantage of compact building design.
- Create a range of housing opportunities and choices.
- Create walkable neighborhoods.
- Foster distinctive, attractive communities with a strong sense of place.
- Preserve open space, farmland, natural beauty, and critical environmental areas.
- Strengthen and direct development towards existing communities.
- Provide a variety of transportation choices.
- Make development decisions predictable, fair, and cost effective.

The Study Area's proximity to public transit, both bus and commuter rail lines, provides for a variety of transportation options. This transit rich location is ideal for the promotion of smart growth principles that encourage compact building design, creating a range of housing options, and supporting a walkable area.



	<b>Block</b>	<b>Lot</b>	<b>Acreage</b>	<b>Criteria</b>								<b>Section 3</b>
				<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	
Bedrosinan Rugs	1913	1	0.33									X
Bedrosinan Rugs	1913	2	2.27									X
PNC Bank	1913	3	0.12									X
City Hall	2701	1 (partial)	0.09					X				X
Belle Faire Cleaners	2701	6	0.43				X	X				X
Reincarnation Salon	2701	7	0.16									X X
7-Eleven	2701	8	0.36				X					X
Senior Building Parking Lot	2702	3 (partial)	0.55					X				X
YMCA	2705	1	0.74				X					X
Free Public Library	2705	2 (partial)	0.07				X					X
Municipal Lot 7	2706	1	0.64				X					X X
Funeral Home Driveway	2706	2	0.16				X					X
Fire House	2706	3	0.60				X	X				X
Medical Offices	2706	4	0.25				X					X
Funeral Home	2706	5	0.29				X					X
Otterstedt Insurance	2706	6	0.74									X X
Memorial Hall	2706	7	1.80									X X

## Block 1913, Lots 1 & 2 - (Bedrosian Rug & Carpet)



Block 1913, Lots 1 & 2 contain a single-story commercial retail structure and seven-spot parking lot. The back of the lot is directly adjacent to the commuter rail right-of-way. The retail location that fronts on Springfield Avenue is owner-occupied and houses a carpet and rug store. The building and façade are in good condition. New retail windows were installed in 2008 and the stucco facade was updated as recently as 2015.

Based upon an inspection of the property and an examination of construction and inspection records, Block 1913, Lots 1 & 2 do not meet any of the criteria under the LRHL. While access was not gained into the building, the exterior of the structure and improvements to the site appear to be in good condition.

## Block 1913, Lot 3 - (PNC Bank)

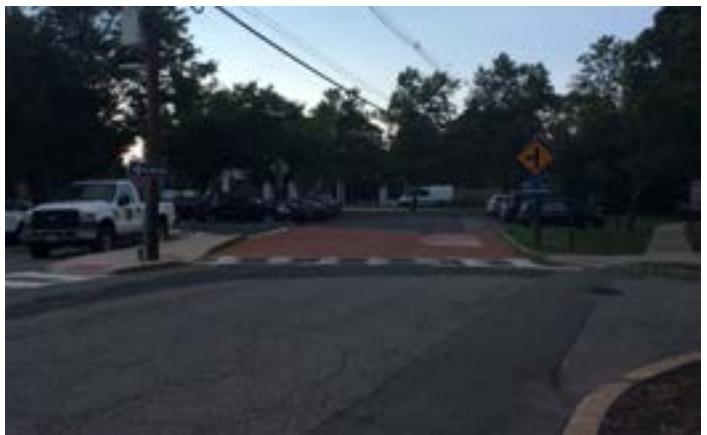


Block 1913, Lot 3 contains a commercial bank location on a 0.55 acre site. A twenty-spot parking lot on the site serves bank employees and customers. The building also includes a drive-thru banking use. The commercial bank on the site was built in 2009 and is in good condition. The site is well-maintained and the

site design provides for landscaping and clear circulation markings. The façade is free of any visible signs of deterioration.

Based upon an inspection of the property and an examination of construction and inspection records, Block 1913, Lot 3 does not meet any of the criteria under the LRHL. While access was not gained into the building, the exterior of the structure and improvements to the site appear to be in good condition.

## Block 2701, Lot 1 - Partial (Summit City Hall Parking)



Based upon an inspection of the property and an examination of construction and inspection records, Block 2701, Lot 1 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The City of Summit City Hall has two parking lots that serve employees and visitors. The lot just east of the City Hall building is a surface parking lot that has access both from Chestnut Avenue and Springfield Avenue. Historically, Chestnut Avenue connected Broad Street with Springfield Avenue. Over time, the Chestnut Avenue right-of-way was incorporated into the City Hall parcel, appropriating the former public street into a drive lane that terminates without warning in the City's parking lot. A driver can still use Chestnut Avenue and the parking lot to provide access between Springfield Avenue and Broad Street, but it requires a much more dangerous and hazardous route. This resulting circulation pattern requires ninety degree turns through the parking lot. The street is neither marked nor delineated in a way that makes it clear to parking lot users or pedestrians walking to and from their cars that there is in fact a through street (or not) that passes through the lot.

The second parking lot to the south and east of City Hall has direct access to Chestnut Avenue and is adjacent to Block 2701, Lot 6. Vehicles leaving the lot have the option of turning right to access Broad Street or turning left in order to cut through the other City Hall parking lot to access Springfield Avenue. Before

the construction of City Hall, Chestnut Avenue connected Broad Street and Springfield Avenue, acting as a through-street. While the parking lot was built over a portion of the right of way, the street was never formally vacated and is still mapped as a through-street on official City maps and still functions as a means of getting from Broad Street to Springfield Avenue. This lot exacerbates the circulation issues created by the pseudo through-street nature of Chestnut Avenue. Improvements on both lots consist almost entirely of surface parking, with limited pedestrian and landscaped area. Impervious coverage, primarily blacktop, occupies nearly the entire area of the parking lots. The configuration of the parking areas, and internal circulation exhibit a faulty arrangement and design, which in turn contributes to conflicts between motorists and pedestrians. This is detrimental to the health, safety and general welfare of the public at large. Furthermore, the use of this lot as a surface parking lot adjacent to a thriving downtown district is, in itself, significant to this analysis. As articulated in Concerned Citizens (above), the use of this lot as a surface parking lot within what should part of a thriving downtown district is, in itself, significant to this analysis.

While the City Hall Building was not found to meet any criteria under the LRHL, based on the foregoing, sufficient evidence exists to conclude that the current use and conditions of the parking lot in Block 2702, Lot 3 support designation under "Criterion D." The lot is an outdated and unplanned land use that evolved over time in a way that resulted in an inefficient, unsafe, and obsolete surface parking facility.

## Block 2701, Lot 6 - (Belle-Faire Cleaners & Sandra Elizabeth Diaz Bridal Design)



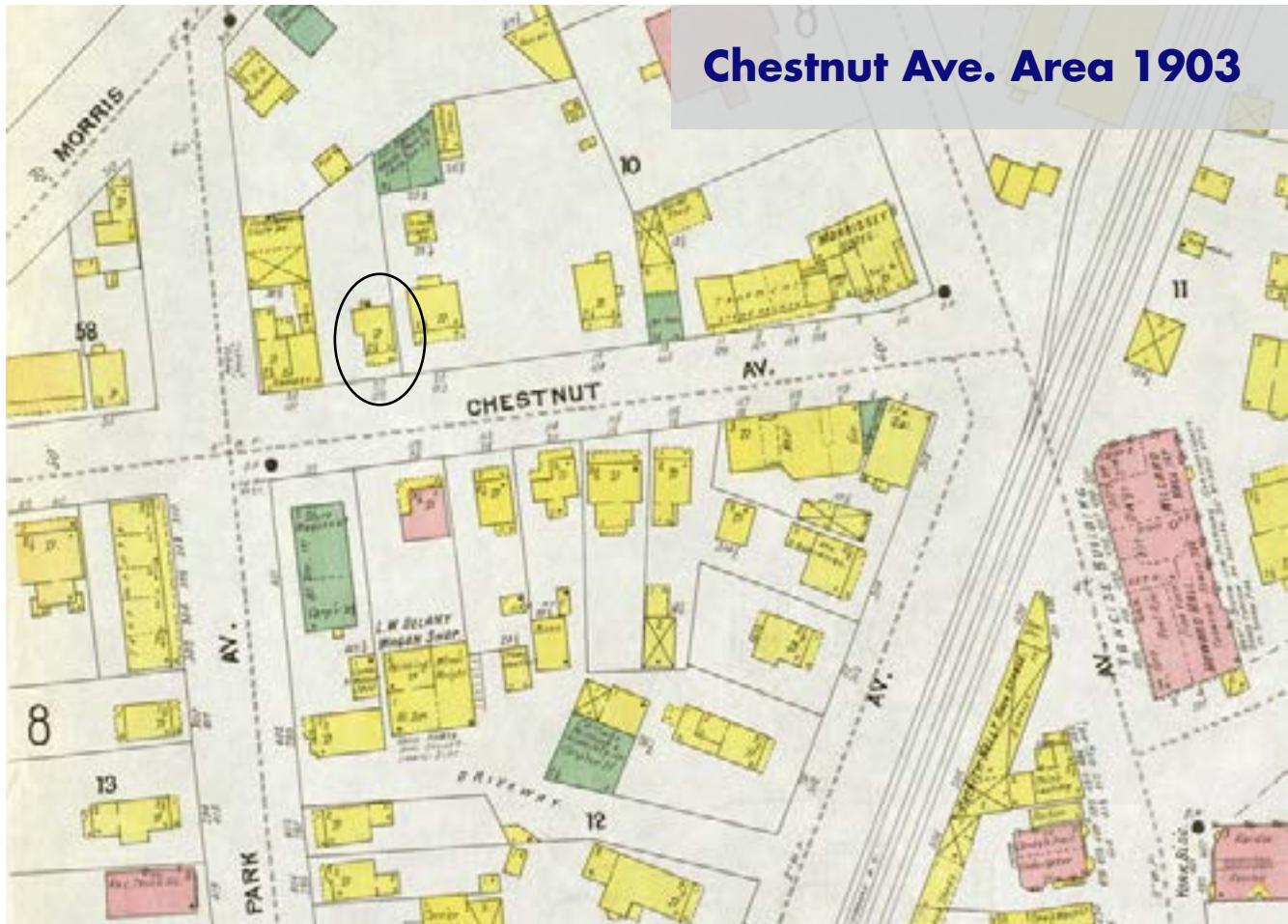
Block 2701, Lot 6 contains a two-story mixed-use structure on a 0.12 acre parcel. The ground floor of the building houses two retail storefronts that front Chestnut Avenue. A dry cleaner and a bridal design shop occupy the ground floor. The second story has residential units that are accessed through the back of the property. The service parking and loading areas are in the back of the property and can only be accessed via the adjacent City Hall parking lot.

Based upon an inspection of the property, an examination of construction and inspection records as well as an interview with the property owner Block 2701, Lot 6 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land cov-*

erage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

While access to the interior of the building was not gained, an external inspection of the property supports the finding that the existing structure shows signs of obsolescence and the site design exhibits a faulty arrangement. Based on a review of historic Sanborn maps and current aerial photographs, it appears the current mixed-use structure is largely an addition to an existing frame dwelling that was observed in maps as early as 1903. This unique aspect of the existing building's history would explain the multitude of physical adaptations – the structure is in itself an adaption, not initially constructed for the purpose it ultimately came to serve.



One significant observation is the lack of parking for the second-story residential units, which would support a conclusion of obsolescence. Parking is generally demanded by the marketplace and is required by the City's zoning code for all new residential dwellings. Upon inspection of the building, several signs of deterioration were observed both on the façade of the building and building improvements. The stucco façade of the building shows signs of water infiltration and is spalled, which could have been caused over time by improper drainage of window air conditioning units. On the retail storefront of the building, the painted finish on metal panels of the storefront facades shows significant signs of wear and are in need of maintenance. Roof gutters and drainpipes were found to be detached from the building façade and in need of repair.

Inspection of the side and rear facades of the building revealed multiple furnace exhaust pipes projecting through the one-story roof. One of the pipes leading into the one-story roof shows significant corrosion. Furthermore, the parking area located at the rear of the building is not striped and the commercial refuse was not stored in an appropriate enclosure. The rear staircase, presumably second means of egress for the second-floor residential units, shows signs of multiple repair attempts and is likely in need of replacement. Taken together, the configuration of the existing improvements and faulty parking arrangement as well as its

dilapidated and obsolete nature of the structure provide sufficient evidence to designate Block 2701, Lot 6 under "Criterion D."

**Criterion E:** *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).*

The back of the building on Block 2701, Lot 6 has a parking area and rear entrance for deliveries, trash and service functions. Access to the rear of the lot is only provided through the adjacent municipally-owned City Hall parking lot. The property owner enjoys an easement right to access the back of the property via the municipal parking lot. Over time, the use of this building and the back area evolved to be interdependent on the basis of access arrangements that allowed for the continued use of this and adjacent property. Diverse ownership across these interdependent properties impedes the viable redevelopment of both Lot 3 and discourages the further improvement of the adjacent City owned surface parking lot. Based on the foregoing, the conditions of title surrounding this parcel and the adjacent City lot results in a stagnant or unproductive condition upon land potentially valuable for contributing to the public welfare, as contemplated in "Criterion E."

## Block 2701, Lot 7 - (Reincarnation Salon)



Block 2701, Lot 7 contains a one-story structure with a retail storefront on a 0.09 acre parcel. Rob Trugman's Reincarnation Salon occupies the retail location. The building is owner-occupied and located on the corner of Chestnut Avenue and Broad Street. There is a small four-space parking lot on the west side of the building that is used by the salon.

Access was gained into the building and both the exterior and interior of the structure appear to be in good condition. Based upon an inspection of the property and an examination of construction and inspection records Block 2701, Lot 7 does not meet any of the criteria under the LRHL, per se.

However, Block 2701, Lot 7 should be designated as an area in need of redevelopment because it fits within the intent and purpose of Section 3 (N.J.S.A. 40A:12A-3): "buildings...which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary...for the effective redevelopment of the area of which they are a part." Due to the size, shape and configuration of adjacent parcels within Block 2701, it is reasonable to find the parcel necessary for the effective development of the study area.

## Block 2701, Lot 8 - (7-Eleven)



Block 2701, Lot 8 is a 0.43 acre corner lot that is located at the intersection of Broad Street and Morris Avenue. The lot is currently occupied by a 7-Eleven convenience market that is open twenty-four hours a day. The single-story commercial building is situated at the back of the lot, making way for an eighteen-space parking lot at the front of the site that is used by customers and store employees. The parking lot provides for two points of access: directly onto Broad Street and Morris Avenue. The lot is adjacent to two commercial structures to the east and surrounded by City Hall and one of City Hall's parking lots to the northeast, north and northwest. The convenience store itself is less than seven feet from the City Hall building, which is directly behind the structure.

Based upon an inspection of the property and an examination of construction and inspection records Block 2701, Lot 8 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The arrangement and design of the site is faulty and found to be detrimental to the safety, health, morals and welfare of the community. The irregularly shaped lot contains a front-yard parking lot consisting of eighteen spaces without a marked loading area for deliveries. There is a long drive to access a side yard dumpster enclosure. The parking lot has two access points, one along Broad Street that egresses into a dedicated right-turn queue lane that is separated from oncoming traffic by a double-yellow line (i.e. no legal left turns). The other access point is along Morris Avenue, which contains a driveway that is not aligned with the signalized 4-way intersection, resulting in driver confusion where left egress turns would also require crossing of a double-yellow line. The high-volume parking lot has limited lines of sight, a particularly dangerous condition where vehicles are backing out of spaces on both sides of a two-way drive aisle. There were eight (8) vehicular accidents in this parking lot in 2016 alone and forty (40) such accidents between the years 2012 and 2017. This corner parking lot, necessitated by the faulty arrangement of improvements on the site, con-

tributes to a circulation pattern that is dangerous and therefore detrimental to the health and welfare of the community.

Furthermore, a review of police records suggests that this twenty-four hour convenience store operation along a heavily traveled regional thoroughfare has proven to encourage vagrancy and an unusually high rate of crimes reported at the site. Since 1992, 1,330 police calls were made regarding activity on the site according to the City of Summit Police Department records. Of the calls made, 260 were crime related. For comparison purposes, the adjacent site (Lot 7), which has a salon use, recorded just 42 police calls in that same time period, only four (4) of which were crime related. The higher crime rate reported in the area supports the finding that the current use invites criminal conduct therefore constitutes a deleterious land use.

Taken together, the faulty arrangement of the site design and the deleterious nature of the use itself, provides sufficient evidence to conclude Lot 3 meets the specifications of "Criterion D."

## Block 2702, Lot 3 - Partial (Vito A. Gallo Senior Building Parking Lot)



Lot 3 is a 1.84 acre parcel owned by the City of Summit Housing Authority. The structure on the parcel is the Vito A. Gallo Senior Building which contains 125 units of senior housing. This Study does not include the senior housing building, only the parking lot located on the western portion of Lot 3 which is .33 acres and has 39 parking spaces.

Based upon an inspection of the property and an examination of construction and inspection records Block 2702, Lot 3 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The Vito A. Gallo Senior Building parking lot is owned by the City of Summit Housing Authority and serves the building's residents. The entire eastern edge of the parcel, as well as significant portions of its southern and western boundaries, are occupied by the surface parking area with very limited landscaping and pedestrian circulation areas. Access to the eastern lot is provided by a bi-directional driveway on Broad Street which is approximately 75 feet from another two-way drive used to access the adjacent public parking lot. This creates an unpredictable and potentially dangerous environment for both drivers and pedestrians. This is exacerbated by a third curb cut within less than 200 feet, which provides access to the Post Office rear loading area. The disconnected nature of the parking areas suggest an ad-hoc approach to circulation planning for this area, which in turn creates unsafe and uncomfortable conditions for motorists and pedestrians. These conditions amount to the type of "faulty arrangement and design...[that is] detrimental to the safety, health, morals or welfare of the community" contemplated under Criterion D.

As articulated in Concerned Citizens (above), the use of this lot as a surface parking lot within what should

be part of a thriving downtown district is, in itself, significant to this analysis. Sufficient evidence exists to conclude that the current use and conditions of the parking lot in Block 2702, Lot 3 support designation under "Criterion D." The lot is an outdated and unplanned land use that evolved imperfectly over time, resulting in an inefficient, unsafe, and obsolete surface parking facility.



### Block 2705, Lot 1 - (YMCA)



Block 2705, Lot 1 is home to the Summit Area YMCA. The main structure of the facility was built in 1912 and underwent a major renovation, that included the addition of a new wing to the building, in 1998. The facility covers that majority of the 0.74 acre parcel and has only four parking spots on-site. The adjacent municipally owned parking lot offers additional parking to patrons of the YMCA.

Based upon an inspection of the property and an examination of construction and inspection records Block 2706, Lot 4 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The subject property provides only four on-site parking spaces, including one handicapped accessible parking space, which is not van accessible. While additional parking is provided on an adjacent municipal lot, the lack of parking given the intensive use of the property as an active community recreation facility and lack of handicapped accessibility, renders the site obsolete and detrimental to the welfare of the community. Furthermore, the site has no open space available for patron or public use (e.g., outdoor exercise area/field), an amenity that cannot be incorporated since the current structure covers almost all of the existing lot area. Such an amenity is customarily part of community recreation facilities and lack thereof is evidence of obsolescence. One block away, a significantly smaller community recreational facility, "The Connection", offers 71 public parking spaces, two bus parking spaces, and an outdoor area for children.

The obsolete nature of the structure provides sufficient evidence to designate Lot 3 under "Criterion D."

## Block 2705, Lot 2 - Partial (Summit Free Library)



Block 2705, Lot 2 is home to the Summit Free Public Library. The one-story brick building covers approximately half of the 1.8 acre parcel. The other half of the parcel is covered by a publicly accessible surface parking lot. The lot serves both the library's patrons as well as the adjacent YMCA recreation facility.

The building is in generally good condition and was not found to meet criteria under the LRHL. The parking lot, however, does meet the criteria and based upon an inspection of the property, a portion of Block 2705, Lot 2 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The Summit Free Public Library has one parking lot that serves employees, library visitors and visitors to the adjacent YMCA. The lot, just north of the library building, is a surface parking lot that has 109 parking spots and access from both Maple Street and Cedar Street. The lot is entirely paved with no landscaped or

permeable elements.

The use of this lot as a surface parking lot adjacent to a thriving downtown district is, in itself, significant to this analysis, based on the theory advanced under Concerned Citizens, (described above). Sufficient evidence exists to conclude that the current use and conditions upon the parking lot in Block 2705, Lot 2 support designation under 'Criterion D.'

## Block 2706, Lot 1 - (Municipal Parking Lot 7)



Block 2706, Lot 1 contains Municipal Lot 7, also known as the Chestnut Avenue Lot, which has 62 parking spaces designated for residents and employees. It is located at the corner of Broad Street and Morris Avenue. The lot has a single egress point off Broad Street. The lot is paved but provides limited landscaping that includes shrubbery and trees. The municipal lot is marked with pedestrian crossings and has circulation markings throughout the lot.

Based upon an inspection of the property and an examination of construction and inspection records Block 2706, Lot 1 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

Improvements on the lot consist almost entirely of surface parking, with limited pedestrian and landscaped area. Impervious coverage, primarily blacktop, occupies nearly the entire area of the parking lot. The condition of the lot is fair, the lot is properly stripped and appears to afford an efficient and safe circulation pattern.

Despite the fair condition, design and circulation, the use of this lot as a surface parking lot adjacent to a thriving downtown district is, in itself, significant to this analysis based on the theory described above relating to Concerned Citizens. As such, sufficient evidence exists to conclude that the current use and conditions of the parking lot in Lot 1 supports designation under 'Criterion D.'

Block 2706, Lot 1 should also be designated as an area in need of redevelopment because it fits within the intent and purpose of Section 3 (N.J.S.A. 40A:12A-3): "buildings...which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary...for the effective redevelopment of the area of which they are a part." The surrounding parcels adjacent to this lot meet the criteria for an "area in need of redevelopment." This corner lot is found to be necessary in order to realistically effectuate redevelopment on the block of which this parcel is a part of.

## Block 2706, Lots 2 & 5 - (Bradley, Brough & Dangler Funeral Home)



Block 2706, Lots 2 & 5 contain a single-story, brick, commercial building and accessory parking lots. Lot 5, which fronts on Morris Avenue, houses the principle commercial structure on the site: a funeral home. Lot 5 also has direct frontage onto Cedar Street, where a thirty-one spot parking lot is located. The parking lot is used by funeral home employees and visitors. Lot 2, which contains another twelve-spot parking lot, primarily serves as an additional point of egress onto Broad Street. Lot 2 is also used — via an easement, as the vehicular access point to the Summit Fire Department Headquarters building. The irregular three-pronged shape of these two lots give the property direct access to three streets: Broad Street, Cedar Street, and Morris Avenue.

Based upon an inspection of the property and an examination of construction and inspection records Block 2706, Lots 2 & 5 meet the following criteria under the LRHL:

**Criterion E:** *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).*

Lot 2 is a narrow lot that allows for access to the funeral home parking lot from Broad Street. This narrow access point is also required by the Summit Fire Department in order to allow for access to the back of the Fire Station. The City of Summit enjoys an access easement on Lot 2 so that emergency vehicles are able to enter the Summit Fire Department Headquarters which is located just north of the funeral home property. Varied ownership across these properties impedes the viable redevelopment of the property and adjacent parking lot. Additionally this discourages the further improvement of the City owned site for productive uses apart from parking and circulation. This parcel exhibits the type of title issue contemplated in "Criterion E."

Lot 5, on which the principal structure and accessory parking lot are located, divides the block into several, irregularly shaped parcels. Lots 2 and 5 combined, create a three-pronged, irregularly shaped property that provides access to all of the streets on the block although the principle use on the site only fronts on Morris Avenue. Due to the location of the property in the middle of the block and the aforementioned irregular shape of the parcel, possible property assemblage is impeded on the block and thus is having a negative economic impact on the block that it is a part of.

Sufficient evidence exists to conclude that the current use and conditions upon Lots 2 & 5 support designation under "Criterion E."

## Block 2706, Lot 3 - (Summit Fire Department Headquarters)



Block 2706, Lot 3 houses the Summit Fire Department Headquarters. The 16,298 s.f. two-story structure is located at 396 Broad Street. The center, two-story portion of the existing building was built in 1901. In 1948 four back-in bays were added in a saw-tooth arrangement to the structure. The two-story addition on the west side of the building was constructed in 1968, when three more back-in bays were added. In 1996, an exterior courtyard area was enclosed and interior office spaces were renovated.

Based upon an inspection of the property and an examination of construction and inspection records, Block 2706, Lot 3 meets the following criteria under the LRHL:

**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

In 2014, the City of Summit Fire Department commissioned a facility assessment of Fire Department Headquarters' building. The assessment report, completed by LeMay Erickson Willcox Architects and Brinjac Engineering, found that the building does not meet current station design standards. The Headquarters building was given a score of 12% based on criteria that included life safety code, accessibility, station alerting, emergency response paths, gender equality, and bunk facilities, among other criteria. Similarly, the site design was evaluated and found to not meet design standards. The site design was given a score of 22% based on criteria that included vehicle circulation, paving conditions, training features, outdoor amenities, trash/dumpster location, among other criteria.

As evidenced by the aforementioned assessment reports commissioned by the City of Summit, the Fire Department Headquarters building is functionally obsolete due to faulty design and obsolete layout. Efficient and modern operation improvements are necessary to maintain and preserve the health and safety of the community, therefore the obsolescence of the facility is inherently detrimental to the safety and health of the community.

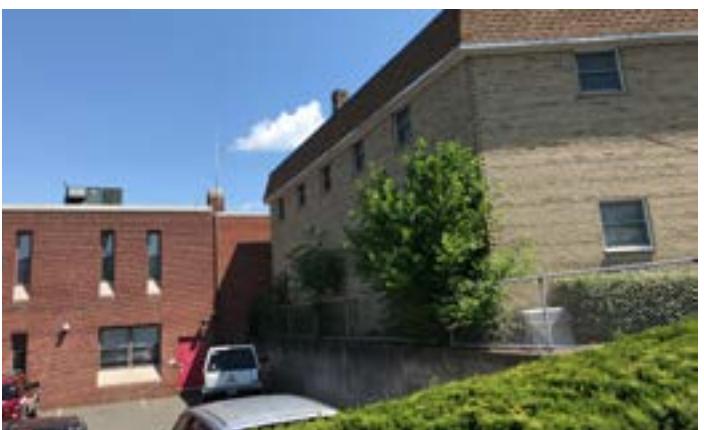
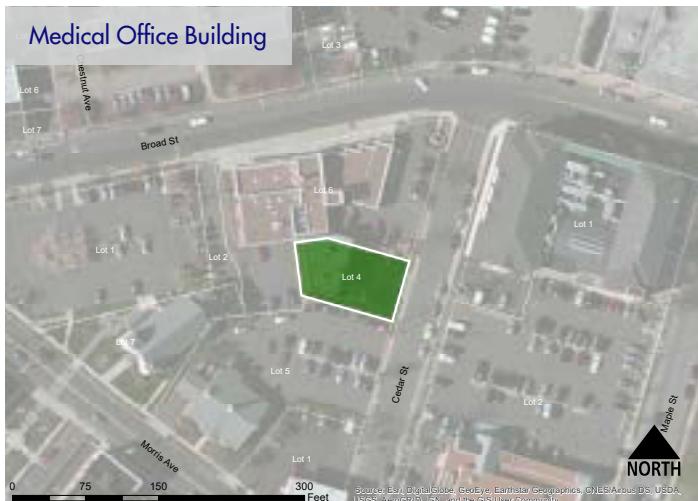
The obsolete nature of the structure provides sufficient evidence to designate Block 2706, Lot 3 under "Criterion D."

**Criterion E:** *A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or similar conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals or welfare of the surrounding area or the community in general. (As amended by P.L. 2013, Chapter 159, approved September 6, 2013).*

The adjacent Lot 2 of the same Block provides the only point of entry to the back of the Firehouse building. The back of the building has one bay for emergency vehicles and several parking spots used by the Fire Department. Access to the back of the building is crucial to the function of this site and emergency response dispatch station. The City of Summit enjoys an easement on Lot 2, without which no access to the back of the building would exist. This condition of title impedes land assemblage and discourages the undertaking of improvements and results in a stagnant condition of the land.

Sufficient evidence exists to conclude that the current use and conditions upon Lots 3 support designation under "Criterion E."

## Block 2706, Lot 4 - (Medical Office Building)



Block 2706, Lot 4 contains a two-story office building located on Cedar Street that abuts both the Summit Fire Department Headquarters building and the Bradley, Brough & Dangler Funeral Home parking lot. The 6,000 s.f. office building is a fully leased Class-B office building that houses multiple medical-office tenants. The office building is set back from Cedar Street and has a 12-car parking lot in front of the building.

Based upon an inspection of the property and an examination of construction and inspection records Block 2706, Lot 4 meets the following criteria under the LRHL:

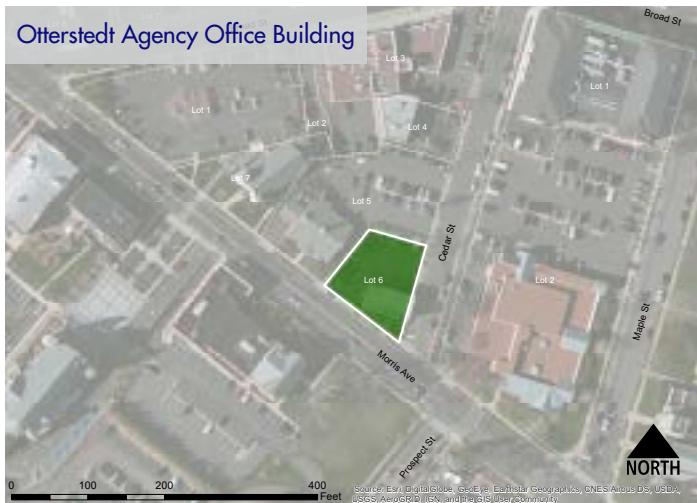
**Criterion D:** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*

The 6,000 s.f. office building is currently in fair condition and is fully leased. The arrangement and design of the site, however, is faulty due to the placement and amount of parking available to the facility which is entirely leased by dental and medical offices. Per the City of Summit's Development Regulation Ordinance, medical and dental offices shall have one parking space per 150 gross square feet of building area. This provision is in place in order to ensure that patients visiting medical or dental offices, who may have limited mobility due to disability, injury, or age, are able to safely access the offices. This site offers only twelve parking spaces for visitors to the office building. Per the aforementioned code, a 6,000 s.f. building that houses dental and medical uses should have forty spaces. The number of spaces provided (12) is twenty-eight spaces short of what would typically be deemed appropriate for such a use.

Furthermore, the twelve-space parking lot is placed in front of the building, an arrangement that is not customary or typical of a central, downtown location. This parking lot placement breaks up the pedestrian experience throughout the site and creates a circulation pattern that is not conducive to the safe and efficient movement of vehicles and pedestrians. The location of the building on the site makes it impossible for the parking lot to be located anywhere else on the site.

The faulty arrangement on the site and obsolete design are sufficient evidence to designate Lot 4 under "Criterion D."

## Block 2706, Lot 6 - (Otterstedt Agency Office Building)



This owner-occupied office building is found to be in good condition and does not meet the criteria established in the LRHL (N.J.S.A. 40A:12A-5 et seq.).

Block 2706, Lot 6 does fit within the intent and purpose of Section 3 (N.J.S.A. 40A:12A-3): "buildings... which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary...for the effective redevelopment of the area of which they are a part." Due to the relatively small size of the lot and the fact that it is flanked on two sides by the irregularly shaped surface parking lot that houses the Bradley, Brough & Dangler Funeral Home, it could be reasonably concluded that Lot 6 may necessary for the effective redevelopment of the area.

## Block 2706, Lot 7 - (St. Teresa's Church – Memorial Hall)



Memorial Hall is owned by the St. Teresa's Roman Catholic Church which also owns a much larger church across the street from this location on Morris Avenue. This smaller structure was moved here from its original location across the street around 1905, when the new place of worship was constructed. The church is in generally good condition and the site is well-maintained, with few signs of deterioration to its facade and windows. The facility does not have any dedicated parking adjacent to the premises.

Based upon an inspection of the property and an examination of construction and inspection Block 2706, Lot 7 does not meet any of the criteria under the LRHL. While access was not gained into the building, the exterior of the structure and improvements to the site appear to be in good condition. The church itself does not have any direct parking on-site as it shares parking with the much larger St. Teresa's Church across the street. The only adjacent ADA accessible parking spots are available at Municipal Lot 7 northwest of the building.

Block 2706, Lot 7 does, however fit squarely within the intent and purpose of Section 3 (N.J.S.A. 40A:12A-3): "buildings...which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary...for the effective redevelopment of the area of which they are a part." Due to the relatively small size of the lot and the fact that it is flanked by the surface parking lot that houses the Bradley, Brough & Dangler Funeral Home, the City's parking lot and the Fire Department building, it could be reasonably concluded that Lot 7 may be necessary for the effective redevelopment of the area.

## Conclusion

The foregoing study was prepared on behalf of the City of Summit Planning Board to determine whether properties identified as of Block 1913, Lots 1, 2 and 3; Block 2701, Lots 1, 6, 7, 8; Block 2702, Lot 3 (partial); Block 2706, Lots 1, 2, 3, 4, 5, 6, and 7; Block 2705, Lots 1 and 2 qualify as a non-condemnation "an area in need of redevelopment" in accordance with N.J.S.A. 40A:12A-1 et seq. Based on the foregoing analysis and further investigation of the Study Area, we conclude that Block 2701, Lots 1(partial), 6, 7, 8; Block 2702, Lot 3 (partial); Block 2705, Lots 1 and 2(partial); Block 2706, Lots 1, 2, 3, 4, 5, 6, and 7 meet the criteria for a redevelopment area designation, while Block 1913, Lots 1,2 and 3; Block 2706, Lot 7 do not.

**RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTIES QUALIFY FOR DESIGNATION AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

May 2, 2017

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment, and

WHEREAS, the Common Council desires to explore whether the real property located at the Broad Street Corridor, generally bounded by Broad Street, Morris Avenue, Walnut Street, Cedar Street, Maple Street and the Railroad Right-of-Way, and including the following Blocks and Lots: Block 2702, Lot 3; Block 2701, Lots 1, 6, 7 and 8; Block 1913, Lots 1, 2 and 3; Block 2706, Lot 1, 2, 3, 4, 5, 6 and 7; Block 2705, Lots 1 and 2 on the City of Summit Tax Map, inclusive of any and all streets, "paper" streets, private drives and right of ways (the "Study Area") may be an appropriate area for consideration for the program of redevelopment, and

WHEREAS, the Common Council desires to explore whether the Study Area may be an appropriate area for consideration for the program of redevelopment, and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment, and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, prior to the Common Council making a determination as to whether the Study Area qualifies as an area in need of redevelopment, the Common Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the Study Area meets the criteria of a non-condemnation area in need of redevelopment set forth in N.J.S.A. 40A:12A-5, and

WHEREAS, the Common Council wishes to direct the City Planning Board to undertake such preliminary investigation utilizing to determine whether the Study Area meets the criteria for designation as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and in accordance with the investigation and hearing process set forth at N.J.S.A. 40A:12A-6

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT, COUNTY OF UNION, IN THE STATE OF NEW JERSEY:

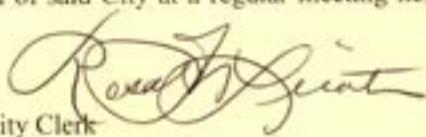
1. That it does hereby direct the Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area defined hereinabove qualifies for designation as a non-condemnation area in need of redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.

**37882**

2. That the redevelopment area determination shall further authorize the City to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, excluding the power of eminent domain.
3. That the Planning Board shall submit its findings and recommendations to the Common Council in the form of a Resolution with supportive documentation.
4. That a certified copy of this Resolution be forwarded to the Chief Financial Officer and Planning Board and Planning Board Secretary.

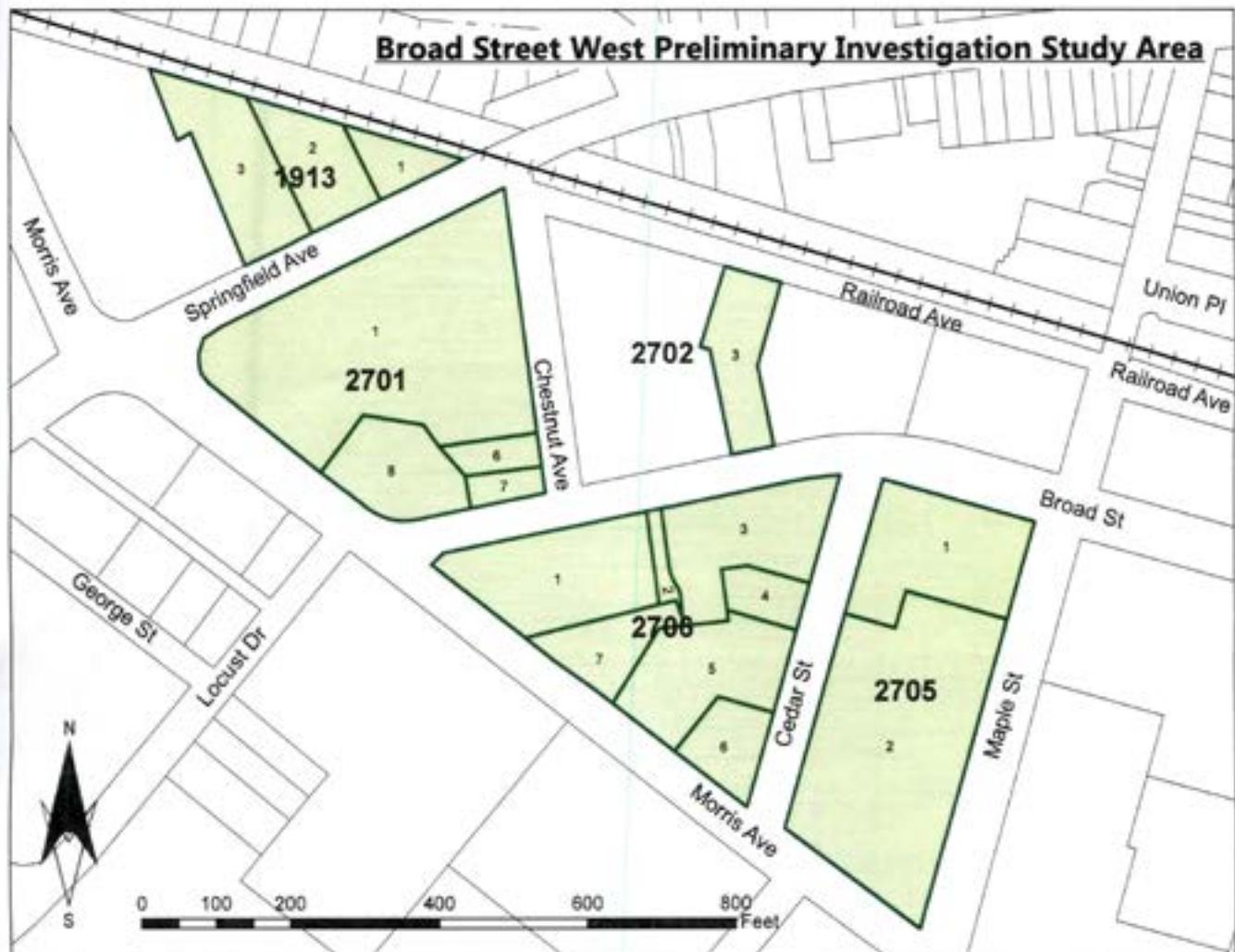
Dated: May 2, 2017

I, Rosalia M. Licatese, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at a regular meeting held on Tuesday evening, May 2, 2017.

  
City Clerk

## Appendix B Map of Study Area

37862



G-I 7/14/17

**RECEIVED**

JUN 14 2017

CITY CLERK'S OFFICE  
SUMMIT, N.J.

**CITY OF SUMMIT PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION  
UNION COUNTY, NEW JERSEY**

**ACKNOWLEDGING AUTHORIZATION BY THE  
COMMON COUNCIL OF THE CITY OF SUMMIT  
TO UNDERTAKE PRELIMINARY INVESTIGATION  
TO DETERMINE WHETHER PROPERTIES AT BLOCK  
1913, LOTS 1, 2 AND 3; BLOCK 2701, LOTS 1, 6, 7 AND 8;  
BLOCK 2702, LOT 3; BLOCK 2706 LOTS 1, 2, 3, 4, 5, 6  
AND 7 AND BLOCK 2705, LOTS 1 AND 2 QUALIFY AS NON-  
CONDENMATION AREAS IN NEED OF REDEVELOPMENT  
UNDER THE LOCAL HOUSING AND REDEVELOPMENT  
LAW, N.J.S.A. 40A:12A-1 et seq.**

**APPROVED: May 22, 2017**

**WHEREAS**, the City of Summit Common Council, in its Resolution #27882, adopted on May 2, 2017, identified certain properties to be considered for designation as "Non-Condemnation Areas In Need of Redevelopment" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") and directed the City of Summit Planning Board ("Planning Board") to conduct the necessary preliminary investigation pursuant to the LRHL, N.J.S.A. 40A:12A-6; and

**WHEREAS**, the blocks and lots of the properties to be subject to a preliminary investigation are known and designated as Block 1913 Lot 1, 2 and 3; Block 2701 Lot 1, 6, 7 and 8; Block 2702 Lot 3; Block 2706 Lot 1, 2, 3, 4, 5, 6 and 7; and Block 2705 Lot 1 and 2; and

**WHEREAS**, in conducting its preliminary investigation, the Planning Board and its professionals shall examine and study the aforesaid properties and determine if they meet the criteria set forth in the LRHL, N.J.S.A. 40A:12A-5, to be designated "Non-Condemnation Areas In Need of Redevelopment"

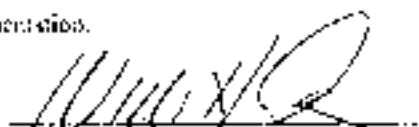
**NOW, THEREFORE, BE IT RESOLVED** that the City of Summit Planning Board,

## Appendix C

### Planning Board Resolution

pursuant to the power conferred upon the Board pursuant to the LRIBI, shall undertake the following actions:

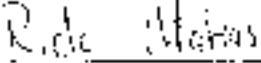
1. Examine and investigate properties known and designated as Block 1913, Lot 1, 2 and 3, Block 2701, Lot 1, 6, 7 and 8, Block 2702 Lot 3; Block 2706 Lot 1, 2, 3, 4, 5, 6 and 7 and Block 2725, Lot 1 and 2 to determine if some or all of these properties shall be designated as "Non-Condemnation Areas in Need of Redevelopment" as defined in the LRIBI; and
2. Convene a hearing or hearings, on notice to the public in compliance with the LRIBI, to receive questions, comments and evidence from the public in connection with the Board's investigation and determination as to whether the aforesaid properties shall be designated as "Non-Condemnation Areas in Need of Redevelopment" as defined in the LRIBI; and
3. Prepare and submit findings and recommendations to the Common Council in the form of a Resolution with supporting documentation.



William Anderson, Chairman  
City of Summit Planning Board

I hereby certify this to be a true and accurate copy of a Resolution adopted by the City of Summit Planning Board, Union County, New Jersey, at a public meeting held on May 22,

2017



Rick Matias, Acting Secretary  
City of Summit Planning Board

The Vote on the Resolution to  
Approve this Memorialization  
was as follows:

Yes: Briskerhoff, Nardu, Balsan Alvarez, Drummond, Kaiser, Matias, Wagenbuchi, Zucker,  
Anderson

No:

Abstain:

## Appendix D

### Existing Facility Assessment City of Summit Fire Headquarters



#### EXISTING FACILITY ASSESSMENT

#### City of Summit Fire Headquarters



Prepared by:

**LeMay Erickson Willcox Architects**  
11250 Roger Bacon Drive, Unit No. 16  
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September 30, 2014

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TOPO  
LOGY