

PRELIMINARY INVESTIGATION



**Post Office Plaza
Chatham, NJ**

April 5, 2017

Topology | 60 Union St #1N Newark, NJ 07105

Acknowledgements

Mayor

Bruce A. Harris

Council

James J. Collander
Victoria Fife
James Lonergan
Gerald Helfrich
Leonard Resto
Peter Hoffman

Planning Board

Bruce A. Harris
Robert Falzarano
Victoria Fife
H.H. Montague
Joseph Mikulewicz
Matthew Wagner, Vice-Chair
William Heap
Susan W. Favate, Chair
John Bitar, Alternate Member
Liz Holler, Minutes Secretary
Cathy Baldwin, Administrative Secretary

Planning Board Planner

Susan Blickstein, AICP/PP, PhD

Planning Board Attorney

Vincent Loughlin, Esq.

Planning Board Engineer

Vincent DeNave, Board Engineer
Robert C. Brightly, PE, Consulting Engineer

Administrator

Robert Falzarano

Prepared by:



Philip A. Abramson, AICP/PP
NJ Planner License No. 609600

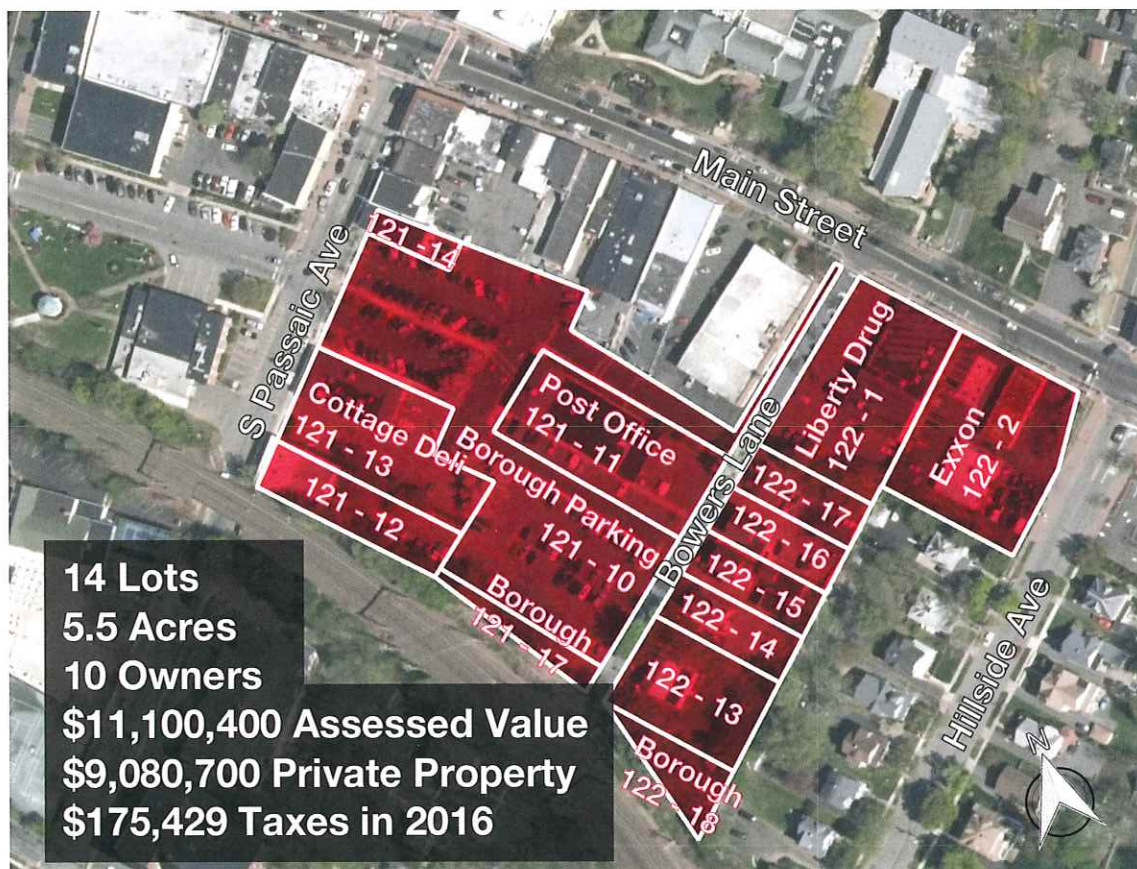


Leigh Anne Hindenlang
NJ Planner License No. 628600

Introduction

Study Authorization

The following preliminary investigation has been prepared for the Borough of Chatham 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 Borough Council of Chatham authorized the Planning Board, through resolution 17-140, annexed hereto as **Appendix A**, to conduct this preliminary investigation to determine whether designation of Block 121, Lots 10-14 and 17, and Block 122, Lots 1-2 and 13-18, as shown on the official tax map of the Borough of Chatham (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 121, Lots 10, 11, 12, 13 and 17; and Block 122, Lots 1, 2 and 13-18 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-Condensation 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 Chatham Borough Council adopted Resolution 17-140 on March 15, 2017. A blight investigation map, also dated March 15, 2017, as attached to the amended resolution and are on file with the Municipal Clerk. The resolution and blight 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 Borough of Chatham meets the statutory requirements under N.J.S.A. 40A:12A-5 for designation as an “area in need of redevelopment.” This study was prepared at the request of the Chatham Planning Board and was duly authorized by the Mayor and Council.

The scope of work for the investigation encompassed the following: land use review, assessment of property conditions, occupancy and ownership status within the study area; review of municipal tax maps and aerial photos; review of building, property management, fire and police records; review of development approvals and permits; review of tax assessment data; review of the existing zoning ordinance and zoning map for the Borough of Chatham; and review of the Master Plan for the Borough. In addition, property owners in the Study Area were interviewed regarding the use of their property, to communicate the nature of the redevelopment process and to address preliminary concerns.

Existing Conditions

Study Area Description and Context

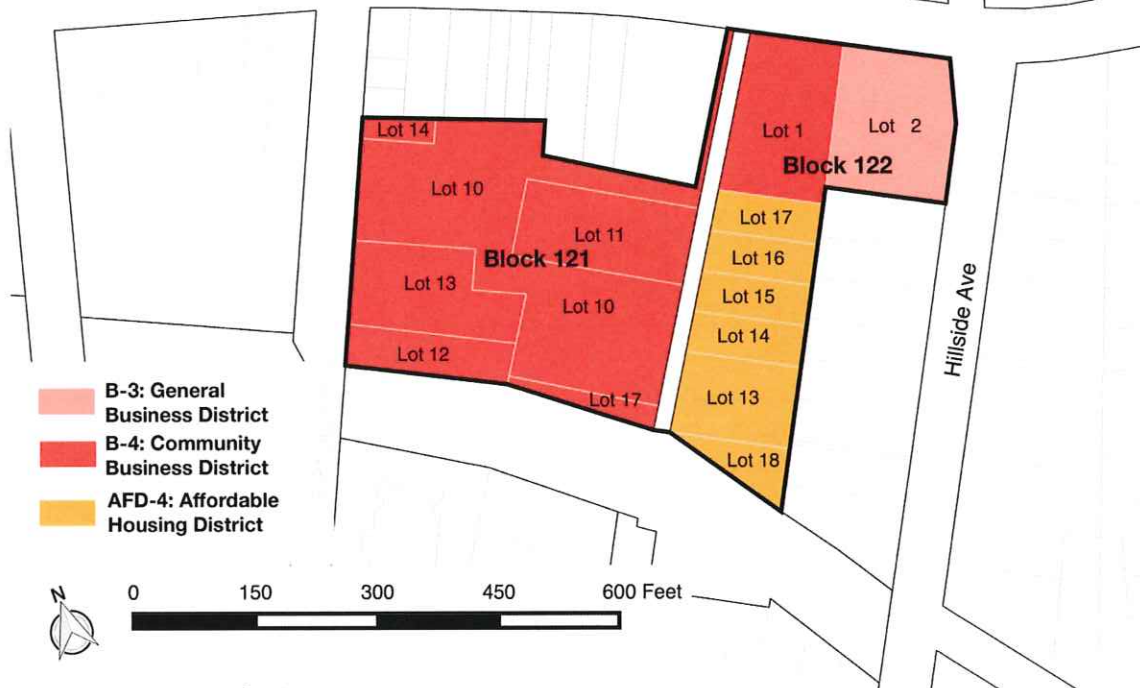
The Study Area is in the center of Chatham, situated along the NJ Transit Morris & Essex Line. Three of the fourteen lots in the Study Area, Lots 12 and 17 in Block 121 and Lot 18 in Block 122, abut the NJ Transit right-of-way directly. The Study Area is less than 700 feet from the New Jersey Transit's Chatham Station, well within the established half-mile catchment area for a commuter rail station.

Surrounding properties to the north that front on Main Street are a mix of commercial and public uses. To the west, fronting along S. Passaic Avenue, buildings contain a mix of commercial uses, mostly with ground floor retail. Bowers Lane, which is a "dead end" road running north-south bisects the Study Area and includes a mix of single-use commercial and residential structures. Hillside Avenue, which forms the far eastern boundary of the Study Area, consists of a corner service station, but otherwise includes none of the parcels to the south of the Study Area consists predominantly of single- and two-family homes. New Jersey Route 24 is just over one half-mile east of the Study Area with entrance and exit ramps connecting to Main Street.

Existing Zoning

All parcels in Block 121 of the Study Area and Lot 1 in Block 122 lie in the B-4 (Community Business) district, which permits a range of retail and commercial uses and is intended to serve as a pedestrian-oriented shopping area. Lots 13-18 in Block 122 lie in the Borough's AFD-4 (Affordable Housing) district, where high intensity inclusionary residential development is permitted to a height of 3 stories and a Floor Area Ratio of 85%. Lot 2 in Block 122 lies in the B-3 (General Business) district, which allows for office and restaurant uses along with limited retail to the east of the pedestrian-oriented center of Chatham's Main Street.

Study Area Zoning **Post Office Plaza Planning Study** **Chatham, NJ**



Study Area Zoning Districts			
B-3: General Business District			
Permitted Uses			
USE: Professional Offices; Offices; Restaurants; Retail Trade and/or Services (under 2,500SF on 1.5 Acres); Child-Care Centers; Museums; Art galleries; Apartments (above 1 st Floor); Medical/Dental Offices; Educational Instruction.			
Yard Requirements (Minimum)		Height & Development (Maximum)	
Lot Area	NONE	Lot Coverage	75%
Side Yard (One)	10 FT	Floor Area Ratio	NONE
Side Yard (Both)	24 FT	Building Coverage	15%
Front Yard	35 FT	Maximum SF	2,500SF
Yard Buffer	15 FT	Maximum Height	2.5 Stories / 35 FT
B-4: Community Business District			
Permitted Uses			
USE: Retail Trade; Personal Service; Retail Services; Restaurants; Eating and Drinking Establishments; Child Care Centers; Education Instruction (above 1 st Floor); Apartments (above 1 st Floor); Museums; Art Galleries			
Yard Requirements (Minimum)		Height & Development (Maximum)	
Lot Area	NONE	Lot Coverage	90%

Side Yard (One)	NONE	Floor Area Ratio	NONE
Side Yard (Both)	NONE	Building Coverage	NONE
Front Yard	NONE	Maximum SF	NONE
Yard Buffer	15 FT	Maximum Height	3 Stories / 40 FT
AFD-4: Affordable Housing District			
Permitted Uses			
USE: Single-Family Dwellings; Apartment Houses			
Maximum Yield		Maximum Coverage	
Dwelling Units/Acre	36	Building Coverage	50%
Gross FAR	85%	Impervious Coverage	75%
Spacing Requirements			
Front Façade to Rear or Side Façade of other Buildings			40 FT
Rear Façade to Side Façade of other Buildings			20 FT
Side Façade to Side Façade of other Buildings			20 FT
Building Façade to Common Parking			10 FT
Setbacks			
Any Building Face to Property Line			25 FT
Any Building Face to Curb Line			30 FT
Any Building Face to Side Property Boundary			10 FT
Any Building Face to Rear Property Boundary			25 FT
Parking Area/Internal Roadway to Building Face/Side Boundary			10 FT
Height Restrictions			
Maximum Height			3 Stories / 42 FT

Ownership and Tenancy

A review of the Borough'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 2016 records from the New Jersey Division of Taxation.



Block	Lot	Zoning*	Property Class**	Area (Acres)	Address	Owner
121	10	B-4	15C	1.9841	17 S PASSAIC AVE	BOROUGH OF CHATHAM
121	11	B-4	4A	0.4738	22 BOWERS LN	CHATHAM ROBBINS PROPERTY LLC
121	12	B-4	4A	0.24	33 S PASSAIC AVE	SOUTH PASSAIC AVENUE ASSOCIATES LLC
121	13	B-4	4A	0.4098	23 S PASSAIC AVE	BAWEJA FAMILY LLC
121	14	B-4	4A	0.0558	11 S PASSAIC AVE	11 SOUTH PASSAIC AVE LLC % MAHER
121	17	B-4	15C	0.09	BOWERS LANE	BOROUGH OF CHATHAM
122	1	B-4	4A	0.5399	195 MAIN ST	ALAMAN ASSOCIATES, % LIBERTY DRUG
122	2	B-3	4A	0.59	185 MAIN ST	CAMPUS SERVICENTER INC
122	13	AFD-4	2	0.3329	37 BOWERS LN	SULLIVAN, NEIL M
122	14	AFD-4	2	0.1618	29 BOWERS LN	DRISCOLL PROPERTIES, L.P.
122	15	AFD-4	4A	0.1584	27 BOWERS LN	DRISCOLL PROPERTIES L.P.
122	16	AFD-4	2	0.155	23 BOWERS LN	DRISCOLL PROPERTIES, L.P.
122	17	AFD-4	4A	0.1504	17 BOWERS LN	DRISCOLL PROPERTIES, L.P.
122	18	AFD-4	15-C	0.13	BOWERS LANE	BOROUGH OF CHATHAM

*B-3 = General Business District

*B-4 = Community Business District

*AFD-4 = Affordable Housing District

- **Class 2 = Residential
- **Class 4A = Commercial
- **Class 15C = Exempt Public Property

Property Taxes

Property tax records from the State of New Jersey Division of Taxation's 2016 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 sixteen parcels is displayed in the table below.



Block	Lot	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Prior Year Taxes (2016)
121	10	\$1,985,600	\$0	\$1,985,600	\$0
121	11	\$626,600	\$509,900	\$1,136,500	\$21,979.91
121	12	\$416,000	\$201,600	\$617,600	\$11,944.38
121	13	\$569,000	\$436,400	\$1,005,400	\$19,444.44
121	14	\$250,400	\$266,300	\$516,700	\$9,992.98
121	17	\$18,000	\$0	\$18,000	\$0
122	1	\$686,000	\$1,518,500	\$2,204,500	\$42,635.03
122	2	\$731,000	\$197,100	\$928,100	\$17,949.45
122	13	\$356,600	\$210,400	\$567,000	\$10,965.78

122	14	\$274,000	\$146,000	\$420,000	\$8,122.80
122	15	\$308,000	\$242,000	\$550,000	\$10,637.00
122	16	\$288,900	\$186,100	\$475,000	\$9,186.50
122	17	\$288,000	\$362,000	\$650,000	\$12,571.00
122	18	\$26,000	\$0	\$26,000	\$0.00
TOTAL		\$ 6,824,100	\$ 4,276,300	\$11,100,400	\$175,429.00

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:

- a) 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.
- b) 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 untenable.
- 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, overcrowding, 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).

Study Area Evaluation

The following is an evaluation of the study area properties is based on the statutory criteria described above for designation as an “area in need of redevelopment.” The evaluations were based on surveys of land use, 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 (described above on page 10) applicability to each parcel within the Study Area:

Block	Lot	Acreage	Criteria								Section 3
			A	B	C	D	E	F	G	H	
121	10	1.9841				X	X			X	
121	11	.4738				X				X	X
121	12	.24					X				
121	13	.4098				X				X	
121	14	.0558									
121	17	0.09				X	X			X	
122	1	.5399									X
122	2	.59				X					
122	13	.3329								X	X

122	14	.1618	X			X				X	
122	15	.1584	X			X				X	
122	16	.155	X			X				X	
122	17	.1504				X				X	
122	18	0.13			X					X	

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.

Block 121, Lots 10 & 17 (Post Office Plaza Parking Lot)



Lot 10 is an irregular lot with frontages on both Bowers Lane and S Passaic Avenue. Lot 17 is contiguous with Lot 10 and lies directly to the South along the rail right-of-way. Both parcels currently operate as public parking lots, with Lot 17 containing an additional landscaped buffer between the rail embankment and the Borough's Bowers Lane Parking Lot. A narrow leg of the property extends roughly from the center of Block 121 to Bowers Lane alongside the U.S. Postal Service facility on Lot 11. A second narrow segment follows the southwestern corner of Lot 11 and connects the two public parking areas on Bowers Lane and S Passaic Avenue. Based on historic Sanborn Fire Insurance maps of the Post Office Plaza Parking Lot from 1909, the property was developed initially with a mixture of uses including a freight station house along the Morris and Essex Line, residential dwellings and retail storefronts on S. Passaic Avenue.

In Concerned Citizens of Princeton v. Mayor and Council of Borough of Princeton (2004), the New Jersey Appellate Division determined that municipal governments were not limited to applying Criterion C in the consideration of a redevelopment designation of publicly owned parcels. The Court ruled that any of the criteria set forth in N.J.S.A. 40A:12A-5 may be considered by the governing body, provided that it is supported by substantial credible evidence. In Princeton, for example, the Borough of Princeton applied the same criteria as recommended directly below (subsections d and e), as municipal ownership in and of itself is insufficient to satisfy the requirements of subsection c.

As indicated in the list of criteria contained above (see page 10), public ownership is a key component of "Criterion C," however municipalities are not limited to applying Criterion C in the consideration of a redevelopment designation of publicly owned parcels. In Concerned Citizens of Princeton v. Mayor and Council of Borough of Princeton (N.J. App. Div. 2004), it was held that any of the criteria set forth in N.J.S.A. 40A:12A-5 may be considered when designating municipal property, provided that it is supported by substantial credible evidence. In Concerned Citizens, for example, the Borough of Princeton applied the same criteria as recommended directly below (subsections d and e), as municipal ownership in and of itself is insufficient to satisfy the requirements of Criterion C.

Based upon an inspection of the property and examination of construction inspection and permit records, Lots 10 and 17 in Block 121 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 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.

Lots 10 and 17 are owned by the Borough of Chatham and operate as two separate public parking lots. The Post Office Plaza Parking Lot is accessible from S. Passaic Avenue and Bowers Lane while the Bowers Lane Parking Lot can only be accessed by Bowers Lane. Improvements on the parcels consist almost entirely of surface parking, with limited pedestrian and landscaped area. Impervious coverage, primarily blacktop, occupies nearly the entire parcel. In the Bowers Lane parking area, there are no pedestrian facilities other than an isolated strip of sidewalk paving along the northern edge of the lot, without any pedestrian crossings to connect it to the sidewalk network of the Central Business District. Access into and out of the S. Passaic Avenue Lot also serves the post office and Cottage Deli, for which almost all public access must come through Lot 10, due to the orientation of buildings, arrangement of parking stalls, and interconnected patterns of internal circulation between Lots 10, 11, 13 and 17. The configuration of the buildings, parking areas, and internal circulation exhibit a faulty arrangement and design, which in turn contributes to conflicts between motorists and pedestrians, which is detrimental to the health, safety and general welfare of the public at large.

Furthermore, the use of Lots 10 and 17 as surface parking lots in a thriving downtown district is, in itself, significant to this analysis. In Concerned Citizens, the New Jersey Appellate Division found the following with regard to a municipally owned surface parking lot:

"that the surface parking lot met the requirements set forth in subsection (d) was supported by substantial evidence of "obsolescence" detrimental to the safety, health, morals or welfare of the community. The Atlantic Group concluded that the present surface parking lot represented an "obsolete" land use that was exacerbated by a "faulty design," essentially proving to be "detrimental . to the welfare of the community." As Houstoun testified, a surface lot represents "yesterday's solution" in a town such as Princeton, where "structured parking is now the standard."

Sufficient evidence exists to conclude that the current use and conditions upon Lots 10 & 17 support designation under “criterion d.” The lot is an irrational, unplanned, land use that evolved imperfectly over time, resulting in an inefficient, unsafe, and obsolete surface parking facility.

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).

Lots 10 and 17 not only provide public parking for nearby retailers, but many adjacent parcels have come to rely upon these parcels for a variety of access needs. Cross-access was observed between the Borough parking lots and at least four adjacent parcels (Block 121, Lots 10, 11, 13, and 17). Over time, the use of these parcels evolved interdependently, on the basis of non-formalized access arrangements, as a relatively disorganized collection of retail shops, parking spaces and internal circulation lanes.

While the Borough owns and maintains the parking areas and access lanes that essentially connect the adjacent parcels, neither formal agreements nor easements exist for the vast majority of adjacent properties. Furthermore, two privately-owned properties (Lots 11 and 13) extend into Lot 10, leaving the public parking lot with an irregular shape. Varied ownership across these properties impedes the viable redevelopment of the Borough’s property, and discourages the further improvement of the site for productive uses apart from parking and circulation. This parcel subsumes the type of title issue contemplated in “criterion e”, with intermingled uses, parking and access across multiple parcels under several individual private owners.

Sufficient evidence exists to conclude that the current use and conditions upon Lots 10 & 17 support designation under “criterion e.”

Block 121, Lot 11 (USPS Sorting Facility)



Located on the western side of Bowers Lane, Lot 11 (the USPS sorting facility) is bound by Lot 10 along its northern, southern and western parcel boundaries. The existing structure is oriented toward Bowers Lane, and is occupied by a U.S. Postal Service sorting facility. This privately owned postal facility has been leased by the U.S. Postal Service since its original construction in the 1960s. The primary post office facility used by the community is not included in this study, and is located to the north at 219 Main Street (Block 121, Lot 7). The 1909 Sanborn Fire Insurance map of the Borough shows the current location of this property as a portion of the adjacent Lot 10 containing a dwelling and blacksmith along the lot's Bowers Lane frontage.

The pedestrian entrance to the USPS sorting facility fronts along a bi-directional access way contained entirely within Lot 10, which is otherwise used for internal circulation between various public parking areas, adjacent private properties, and public roadways. As indicated, publicly accessible sections of the building dedicated to customer service are located along this "frontage" at the "rear" of the lot. The structure housing USPS operations such as mail sorting, distribution and loading occupies a majority of the lot, with loading docks and

parking occupying a majority the Lot's only public street frontage on Bowers Lane. Narrow sidewalks run along the north and south facades of the structure from the roadway on Bowers Lane, with a somewhat wider sidewalk along the building's primary frontage and a single-lane of parking (accessible only from the Borough's parking lot) along the southern edge of the parcel.

Based upon an inspection of the property and an examination of construction and inspection records from the Borough, Lot 11 in Block 121 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 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.

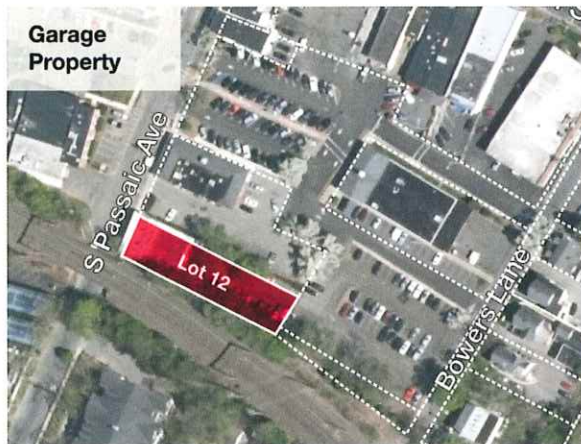
While the USPS building itself is in fair condition, the design of improvements on the property is obsolete, and the arrangement of structures, parking and pedestrian access is faulty. The primary entrance to the USPS sorting location that serves the public is twelve (12) feet from the boundary of Lot 10 along an internal roadway that accommodates circulation between the Borough's surface parking on Bowers Lane and S. Passaic Avenue. The building is oriented away from the public street, with the sole street frontage occupied by an industrial loading dock along Bowers Lane, serviced by a curb cut that runs the length of the lot. This loading area, located directly across from several residential properties, accommodates approximately 14 postal trucks with a variety of handcarts and similar implements observed.

There are no dedicated pedestrian facilities (i.e. sidewalks) along either side of Bowers Lane. Two narrow concrete sidewalks extend along the north and south facades of the USPS sorting facility, providing pedestrian access from Bowers Lane to the main entryway at the rear of Lot 11. A walkway between the angled parking stalls on S. Passaic Avenue serves as the primary pedestrian access from a public right-of-way to the USPS sorting facility. A pedestrian crossing at the end of this walkway runs to the entrance of the facility across the roadway at the edge of Lot 10, through which all vehicular traffic to and from the facility and surface parking areas on S. Passaic Avenue travels. All vehicles that enter the public lot on S. Passaic Avenue or access the USPS sorting facility must turn onto this roadway within twenty (20) feet of the crossing from the west and forty-five (45) feet of the crossing from the east. These existing conditions create an unsafe pedestrian environment, which places all vehicles and pedestrians that access either facility in conflict with one another. Taken together, the configuration of the existing improvements as well as its deleterious relationship to adjacent properties and rights-of-way provide sufficient evidence to designate Lot 11 under "Criterion d."

Further, Lot 11 in Block 121 should be designated as an area in need of development not only because it meets the criteria established in the LRHL (N.J.S.A. 40A:12A-5 et seq.), but also because it fits within the intent and purpose of Section 3 (N.J.S.A. 40A:12A-3). Due to the limitations on Lot 11, namely that the property is surrounded by parking facilities and internal roadways owned by the Borough, Lot 11 is necessary for the effective development

of the surface parking facilities on the larger Lot 10. The property would make redevelopment on the Borough lots more viable by creating a wider and regularly shaped assemblage of properties between Bowers Lane and S. Passaic Avenue.

Block 121, Lot 12 (Glenn's Automotive)



The Garage property on Lot 12 in Block 121 lies immediately to the north of the Morris and Essex Line Trestle over S. Passaic Avenue and contains a two-story commercial garage constructed in the 1910s. The commercial structure is currently occupied by Glenn's Automotive, a towing, auto service and repair business. The commercial garage fronts on S Passaic Avenue, with a single vehicle entrance that may be accessed from the public right of way. Off-street parking and vehicle storage is located to the rear of the parcel along the eastern property boundary and can be accessed through the building itself or through the rear of the Borough parking facility on Bowers Lane, which comprises a portion of Lot 10. While the garage building is well maintained, a majority of the rear property is used to support towing and repair operations, which can only be accessed via the Borough property on Lot 10.

Based upon an inspection of the property and an examination of construction, inspection, permitting, police and fire records from the Borough, Lot 12 in Block 121 meets 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).

The Glenn's Automotive property is surrounded by publicly and privately owned parcels, with the Post Office Plaza Parking area along its eastern boundary, Cottage Deli to the north

and the NJ Transit rail embankment to the south. The rear of the property supports towing and repair operations, and can only be accessed by car or on foot through the Borough's parking area on Lots 10 and 17. Resolution #10-215, adopted by the Borough in 2010, currently provides access to the rear lot through the Borough property for parking loading and waste collection. Per that resolution, access to the rear of the property must be preserved so long as the Borough continues to use Lot 10 as a parking area.

If the Post Office Plaza Parking area is to be put toward another use, the Borough agreed to renegotiate access with the owner of Lot 12. The 2010 resolution necessitated to effectuate the sale of Lot 12 that would have otherwise been frustrated by lack of vehicular access to rear of the property. This lack of access, in itself, constitutes an issue of title that reasonably impedes improvement of the property, resulting in a parcel essentially used for outdoor storage of incapacitated automobiles in a prime transit-oriented location. As such, sufficient evidence exists to designate Lot 12 based on "Criterion E."

Block 121, Lot 13 (Cottage Deli)





Lot 13 in Block 121 contains a single story commercial structure that fronts on S. Passaic Avenue, occupied by Cottage Deli, with off-street customer parking located in the parcel's side and rear yards along its southern and eastern property boundaries. The property's parking areas are contiguous with Borough-owned surface parking on Lot 10, with only curbing and landscaping to separate customer parking on site from the larger public lot to the east. Initially the property was developed as a set of three storefronts with parking and loading areas.

Based upon an inspection of the property and an examination of construction, inspection, permitting, police and fire records from the Borough, Lot 13 in Block 121 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 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.

Built in the late 1960's, the structure has not undergone substantial alterations to the exterior, though the owner, Baweja Family, LLC, has undertaken interior renovations to the restrooms and electrical systems. The building is in need of repair, with water damage on the interior as a result of a leaking flat roof. Further the orientation of the building and configuration of internal circulation and parking on the site are obsolete. Initially designed as three discrete retail storefronts, but the structure was later modified for use as a single-tenant facility. Given that the structure has departed from its originally intended use in a way that is otherwise unsupported by the internal layout of the building and the external site design provides evidence of obsolescence pursuant to Criterion D.

The parking area and drive aisle are contiguous with the Post Office Plaza parking lot, and interconnected with the public lot, with no separation in parking facilities or internal roadways. The parking area is accessed through the Borough parking area although the property owner has no formal agreement with the Borough, with an exit only lane from the parking lot on S. Passaic Avenue.

Lot 13 both meets the criteria for an area in need of redevelopment according to the LRHL (N.J.S.A. 40A:12A-5 et seq.) and under Section 3 (N.J.S.A. 40A:12A-3). The irregular parcel

adjoins Lot 10 on four of its six sides, with an internal roadway on Lot 10 running between Lot 13 and Lot 11 around the corner of the USPS sorting facility. Furthermore, an access lane on Lot 13 provides a key means of vehicular access to Lot 10 and would likely be necessary as part of any redevelopment of the Borough's surface parking lot. Conversely, essentially all pedestrian access to the business at 23 S. Passaic Avenue are not oriented toward the access lane on the parcel, but rather toward the Borough's parking facility to the north.

Block 121, Lot 14 (S. Passaic Storefront)



Lot 14 contains a two-story structure with a retail storefront on the ground floor and office space on the second story. The existing building appears on the historic 1921 Sanborn map of Chatham and was built in the 1910's. The S. Passaic storefront is an extension of the form and character of Chatham's historic main street and are occupied by stable retail, office and residential tenants. A small parking area to the rear of the building provides limited parking and space for loading and garbage storage. The building is well maintained and representative of the architectural character of Chatham's historic retail center.

Lot 14 does not meet the statutory criteria for redevelopment under the LRHL based on an inspection of the property as well as construction, inspection and permitting records from the Borough.

Block 122, Lot 1 (Liberty Drug)



The Liberty Drug property at Lot 1 in Block 122 lies at the southeast corner of Main Street and Bowers Lane. It contains a single-story retail structure with a second story set back from Main Street along the southern façade of the building. Initially constructed in the 1960s, the building is occupied by Liberty Drug, an owner-operated independent pharmacy, with an office space for the pharmacy located on the second story. This property has been under its current ownership since 1992 and the owner has made significant investments to expand pharmacy operations with the addition of the second story office space in 2004.

While the Liberty Drug property is in fair condition, it falls within the intent and purpose of Section 3, as it is “necessary for the effective development of the area,” which meet the statutory criteria for an area “in need of redevelopment.” This property is necessary to accommodate contemporary building dimensions on the neighboring Exxon property, and would also be necessary for a shared parking arrangement with the multi-family properties owned along Bowers Lane to the south.

In Berman v. Parker, U.S. Supreme Court upheld the taking of various properties for redevelopment under the District of Columbia’s 1945 Redevelopment Act. While the property itself is unoffending, “the area must be planned as a whole...under a balanced integrated plan,” in accordance with the Court’s ruling.

Block 122, Lot 2 (Chatham Exxon)



The Chatham Exxon property at Lot 2 in Block 122 is located on the southeast corner of Hillside Avenue and Main Street immediately to the east of Liberty Drug. The property is occupied by an Exxon service station that was constructed in 1970. The use does not conform with the existing Borough’s Land Development Regulations §165-146 Service Stations, which regulates service stations as a conditional use zone B-3. According to the Borough’s use standards for service stations, such uses must be located at least 300 feet from nearby residences and 1,000 feet from public buildings.

Based upon an inspection of the property and an examination of construction, inspection and permitting records from the Borough, Lot 2 in Block 122 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 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.

A gas station in downtown Chatham, roughly four blocks or 1,200 feet from the train station, is analogous to the downtown parking lot in Concerned Citizens of Princeton, and is a less appropriate or desirable use in a downtown, particularly given the property's proximity to transit. Similar to the parking area designated by the Princeton Borough in Concerned Citizens of Princeton, which the Appellate Division upheld based on substantial evidence of obsolescence under subsection (d). In this case, the Exxon Station is immediately adjacent to private residences to the south and within 300 feet of the Library of the Chathams and 200 feet of St Paul's Episcopal Church. This obsolete layout and deleterious land use creates a real and/or perceived risk of environmental contamination on a property that would otherwise be an optimal site for transit-oriented development.

Block 122, Lot 13 (37 Bowers Lane)



37 Bowers Lane is the southernmost occupied parcel on the east side of Bowers lane, immediately to the north of Lot 18 and the railroad embankment. A single two-family home built in 1900 sits on the property with a landscaped rear yard and an accessory shed to the rear of the home. The house is rented to two residential tenants and is in good condition, with a recent renovation to the building's porch in 2009.

While 37 Bowers Lane does not meet the statutory criteria for redevelopment under the LRHL, the property falls within the intent and purpose of Section 3. The property lies between two parcels that meet the statutory criteria for redevelopment under subsections a, d and c. The adjacent parcel to the south, Lot 18, has no street frontage or other public means of access, and 37 Bowers Lane sits between the lot and the only feasible street frontage on Bowers Lane. Lot 13 is necessary for the effective redevelopment of parcels on the east side of Bowers lane, with the only alternative access point running across a portion of the NJ Transit right-of-way (an unlikely long or short term solution).

Block 122, Lots 14-17 (Driscoll Assemblage)



The Driscoll Assemblage at Lots 14, 15, 16 and 17 in Block 122 are contiguous parcels under common ownership that together comprise .625 acres in land area. This assemblage of parcels contains a set of four multi-family residential structures each built between 1900 and 1920. The property owner's real estate office is located in an accessory structure at the rear of Lot 15. The rear yards on all four properties are paved to accommodate tenant parking, with accessory storage sheds at the rear of Lots 16 and 17. Lots 16 and 17 each have their individual driveways that access the same shared lot at the rear of the two properties, and Lots 14 and 15 include a similar parking configuration with a small shared parking area near the rear property boundary accessed by individual driveways for each of the two properties.

Based upon an inspection of the property and an examination of construction, inspection and permitting records from the Borough, Lots 14, 15, 16, and 17 in Block 122 meet the following criteria under the LRHL:

Criterion A: 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.

Lot 14



Erected in 1900, the two and half story multi-family home on Lot 14 is the oldest building on any of the four lots and was initially constructed as a single-family home. The home has been modified substantially to provide separate entryways for each residential unit in the structure, and accommodate emergency access and wall mounted air conditioning in each unit.

Landings and stairways used to access upper story units on Lot 14 from the rear parking area are built of wood that is mounted into the second story wall of the building for support. The external wooden stairway that runs from the second floor to the ground level is supported by wooden posts with no cross supports, only one of which is mounted into a concrete footing, other supports sit on the bare earth adjacent to the building's eastern façade. The Borough has no records of decking additions or replacements over the past ten years, and the wood appears to have weathered and become less secure at joints in the railing. The railing along the second story rooftop is not securely mounted along the edge of the building's southern façade and was observed leaning over the roofline.

The foundation of the multi-family building on Lot 14 is composed of stone and concrete, which has been painted white to match the siding on the house. There is water damage and significant cracking between the stones along the exterior of the foundation, which indicates water intrusion into the cellar and potential structural issues along the base of the home. The basement has been vented and can be accessed by a cellar door along the driveway on the southern edge of the property. The siding around the cellar shows some damage, and the wood framing at the top of the cellar entryway has become exposed to the elements. Wooden supports beneath the bay window of the ground floor unit, adjacent to the cellar show signs of water damage and wet rot.

Along Bowers Lane, several bags of garbage were observed collected on the building's front porch occupying much of the space adjacent to the main entryway at ground level. At the time of the site inspection, a rusted oven was being stored in the property's driveway, adjacent to the cellar door. The landing and supports at building's rear entrance show signs of severe decay and have begun to sink away from the façade, while the stairs to access the landing have remained in place.

Lot 15





Lot 15 contains a two story multi-family residential building, initially constructed in 1920 as a single-family home. At the rear of the lot is an original accessory structure that dates to 1920 and houses the Driscoll Real Estate office and a second accessory structure that houses an additional accessory dwelling unit that fronts onto the rear parking area of Lot 16. An addition to the ground floor of the principal structure was built to serve as direct entryway for an additional unit on the first floor. The stairs leading up to the primary entryway are composed of concrete that has begun to crack and crumble along the bottom two steps, revealing the metal frame that reinforces the concrete steps, and the stairway itself has sunken to the south and begun to pull away from the door frame.

Generally, the exterior of the building shows signs of weathering and some disrepair, with water damage and decay on lower portions of the door and frame of the front entryway and paint along the exterior that has begun to crack and pull away from the wooden-shingle. The roof has sustained damage on one segment of the main pitch, where the underlying structure and potentially the interior of the top story have suffered from prolonged exposure to moisture. On the foundation along the southern façade of the building, concrete is crumbling from between the stones that comprise the building's original foundation and there are clear signs of water infiltration through the exterior foundation.

Lot 16



The multi-family residential building on Lot 16 was originally constructed in 1907. The structure has been modified substantially in the past century with the extension of the building's two full stories into the rear of the parcel. On the rear of the building, residential windows have been replaced with shorter, ill-fitted two-pane windows roughly half the size of the older full-length frames. The excess length along these frames has been filled and sealed to fit the new windows. Further, the rear window in the crest of the building's pitched roof was similarly replaced with a somewhat smaller inoperable window. Four separate doors on the rear of the building open onto a shared resident parking area, though it is not clear whether each of them is operable.

Eaves and gutters along the building's rooflines show significant wear from the elements. Spaces for wall-mounted air conditioning units have been punched through the exterior façade of the structure, to accommodate modern residential amenities. A set of two short concrete steps up to the building's front porch on Bowers Lane have developed a seam along the concrete of the primary foundation and is beginning to separate from the structure of the house. The aluminum siding along the building's front porch is bowed, dented, and pulling away from the walls of the porch, particularly where corner segments holding the siding in place are no longer secure.

Lot 17



The principal structure on Lot 17 was built in 1914, and both the building and accessory parking have fallen into disrepair. The structure itself has suffered water damage in the basement and along the building's foundation, which may have compromised the building's structure. The driveway that runs along the property's northern edge is used for parking and storage for a small backhoe, which impedes access to the shared lot at the rear of Lots 16 and 17 from the northern access point. Behind the shed at the rear of Lot 17 is a fenced landscaped area roughly 10 feet in width that is currently being used to store construction material and other debris.



The generality of buildings on all Lots 14, 15, 16 and 17 are dilapidated and substandard and exhibit significant decay and disrepair. Although they remain habitable, these multi-family structures demonstrate ongoing deterioration and a prolonged lack of maintenance to the structure and exterior of each building.

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 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 largest parking area on the assemblage is a shared lot that lies between Lots 16 and 17 that accommodate roughly 12 vehicles, with another 2 parking spaces located in the driveway of Lot 17. Together, these 14 parking spaces are the primary parking area for all 5 major structures on the 4 parcels, including the accessory office and dwelling to the rear of Lot 15, which fronts directly on the parking area and, as a result, the majority of the rear yard on lot 16 and 17 is paved in blacktop to accommodate parking, with a narrow planting strip along the eastern boundary of all four properties, a portion of which is used for storage on lot 17.

This arrangement of parking on a separate lot between Lots 16 and 17 consumes a great deal of land that could otherwise be used for green space or other residential development. The rear yards of these lots were initially designed to accommodate open space and incidental uses for one two-family dwelling on Lot 17 and a single-family dwelling on Lot 16. That same area now serves as parking for six units on Lot 17, as well as residential units on 15 and 16, with an accessory structure on Lot 15 that has its primary frontage on the southern edge of the lot. Parking stalls in the lot are not well defined with striping, paving or landscaping islands, with no pedestrian facilities for the residents in the 3 buildings it serves other than curbed landscaping and paved segment along the Southern edge of the parking area. The parking area on adjoining Lots 14 and 15 can accommodate roughly 5 vehicles for between an estimated six units and one office use, and the owner may allow for parking on the rear lot of 16 and 17 to serve these uses as well.

The configuration of uses in the rear of Lots 14 – 17, with an accessory dwelling that fronts directly onto a parking area that serves several single and multi-family structures is faulty. Interwoven access and uses with co-mingled parking across all four contiguous parcels frustrates alienation of the properties and creates an obstacle for future sale or conveyance.

Block 122, Lot 18



Lot 18 in Block 122 is a triangular parcel located at the terminus of Bowers Lane on the eastern side of the street, and is bound to the south by the NJ Transit Morris and Essex

Line. The lot contains no structures and based on historic Sanborn maps of the study area from 1909 and 1921 was never developed as other uses on Bowers Lane were built up.

Based upon an inspection of the property and an examination of construction, inspection and permitting records from the Borough, Lot 18 Block 122 meet the following criteria under the LRHL:

Criterion 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.

This borough-owned parcel along the NJ Transit rail embankment has remained undeveloped due to its location directly adjacent to the rail embankment, irregular shape and lack of street frontage along Bowers Lane. The triangular property meets the southern terminus of Bowers lane at a single point with no street frontage, and thus cannot be accessed directly from the roadway. As existing land development regulations for the Borough and infrastructure are not tailored to this unique set of conditions, development opportunities on the parcel are severely constrained, and the parcel is not likely to be developed by the private market.

Consideration of Redevelopment Designation

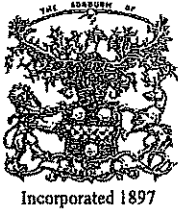
The results of the preliminary investigation indicate that the portions of the study area, encompassing Block 121, Lots 10, 11, 12 13 and 17; and Block 122 Lots 1, 2, 13, 15, 16, 17, and 18 can be appropriately designated as an "area in need of redevelopment" in accordance with N.J.S.A. 40:12A, subsections A, C, D and E and Section 3 as described above.

Conclusion

The foregoing study was prepared on behalf of the Borough of Chatham Planning Board to determine whether properties identified as Block 121, Lots 10, 11, 12, 13, 14 and 17; and Block 122, Lots 1, 2, 13, 14, 15, 16, 17, and 18 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 121, Lots 10, 11, 12 13 and 17; and Block 122 Lots 1, 2, 13, 14, 15, 16, 17, and 18 meet the criteria for a redevelopment area designation, while Lot 14 in Block 121 does not.

Appendix A

Resolution 17-140
(directing the Planning Board to perform a preliminary investigation)



Borough of Chatham

BOROUGH HALL

54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

RESOLUTION #17-140

RESOLUTION AUTHORIZING THE PLANNING BOARD OF THE BOROUGH OF CHATHAM TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE IF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CHATHAM ARE AREAS IN NEED OF REDEVELOPMENT

[Replaces Resolution #17-093 adopted January 23, 2017]

WHEREAS, the Borough Council desires to direct the Planning Board to undertake preliminary investigation to determine if certain real property within the Borough of Chatham, specifically:

Bowers Lane

Block 121, Lot 11

Block 121, Lot 17

Block 122, Lots 13, 14, 15, 16, 17 18

South Passaic Avenue

Block 121, Lot 10

Block 121, Lot 12

Block 121, Lot 13

Block 121, Lot 14

Main Street

Block 122, Lot 1

Block 122, Lot 2

are areas in need of redevelopment pursuant to and in accordance with the local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.

BE IT RESOLVED, by the Borough Council of the Borough of Chatham that they hereby authorize and direct the Planning Board to undertake a preliminary investigation to determine if certain real property within the Borough of Chatham as set forth herein are areas in need of redevelopment pursuant to and in accordance with the Local Redevelopment and Housing law; and

BE IT RESOLVED, that the redevelopment area determination shall authorize the Borough to use all powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain; and

BE IT RESOLVED, that the within resolution is in substitution for and replacement of Resolution #17-093 adopted January 23, 2017; and

BE IT FURTHER RESOLVED, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Adopted: March 13, 2017

Attest:

Robin R. Kline, Borough Clerk

BOROUGH OF CHATHAM

Bruce A. Harris, Mayor

CERTIFICATION

I, Robin R. Kline, Municipal Clerk of the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of the resolution adopted by the Borough Council at its Regular Meeting held on March 13, 2017.

Robin R. Kline, MAS, RMC, CMR

Appendix B

Map of the Study Area

Post Office Plaza Planning Study Chatham, NJ

