

**PRELIMINARY
INVESTIGATION** RIVER ROAD NORTH
Chatham Borough, NJ

Prepared For: **Chatham Borough Planning Board**
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Introduction

Study Authorization

The following preliminary investigation has been prepared for the Borough of Chatham Planning Board to determine whether certain properties qualify as non-condemnation “areas 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 18-265, annexed hereto as **Appendix A**, to conduct this preliminary investigation to determine whether designation of Block 135, Lots 9, 10, 11, and 12 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. It should be noted that as of 2018, Lot 12 on Block 135 was combined with Lot 11. Where this report refers to Lot 11 it is inclusive of the land that was formerly identified as Lot 12.



Summary of Findings

The analysis contained within this report will serve as the basis for the recommendation that Block 135, Lots 9, 10, and 11 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 to be 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

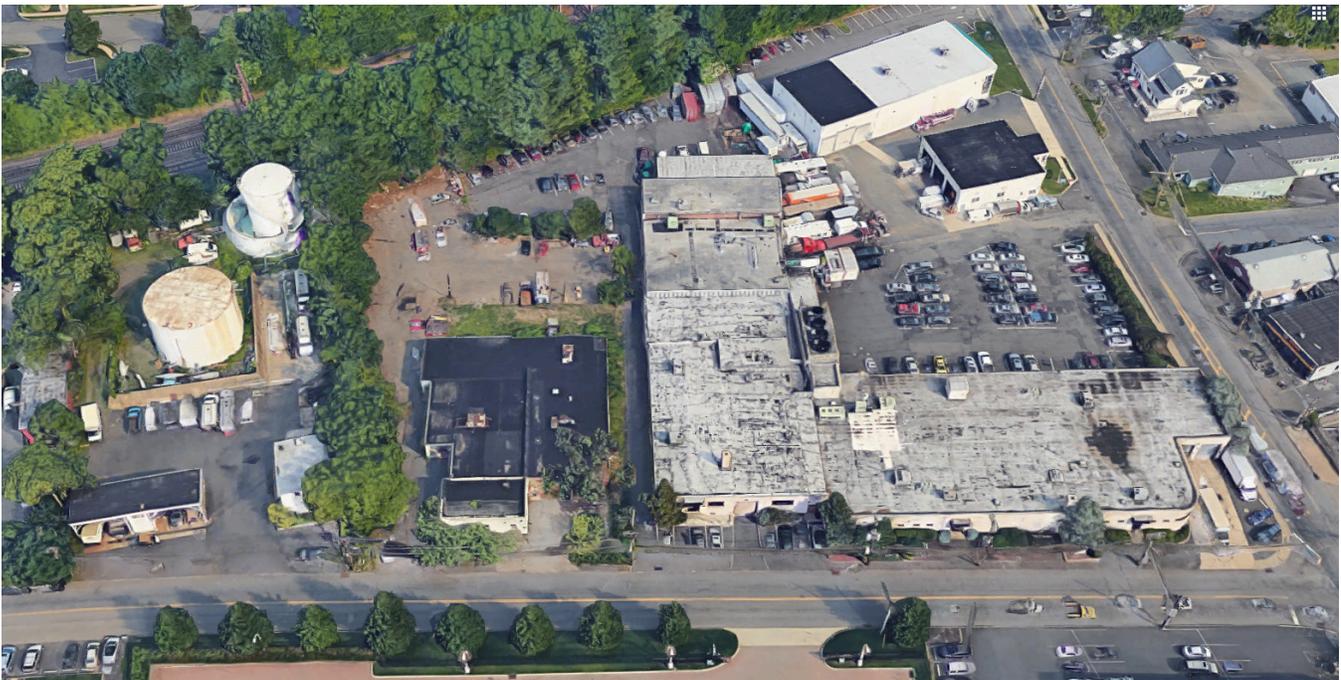
In satisfaction of Part A above, the Chatham Borough Council adopted Resolution 18-265 on August 13, 2018. A blight investigation map, also dated August 13, 2018, as attached to the resolution, is also on file with the Municipal Clerk. The resolution and blight investigation map, which satisfy Part B 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 Properties (hereinafter referred to as the “Study Area”) within the Borough of Chatham meet 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, 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 + Context



The 3.45 acre Study Area is located at the intersection of Watchung Avenue and River Road in the southeastern part of Chatham Borough. The Study Area is comprised of three contiguous parcels northwest of River Road, southwest of Watchung Avenue, and east of the New Jersey Transit rail embankment. All three of the lots have frontage along River Road, with lot 11 also having frontage along Watchung Avenue. The three lots also abut the railroad property along their northwestern borders. The general area the properties exist within is separated from the rest of the Borough by the aforementioned rail line to the northwest. The rest of the neighborhood is bordered on three sides by the Passaic River, which also forms the border between the neighboring City of Summit as well as the County of Union.

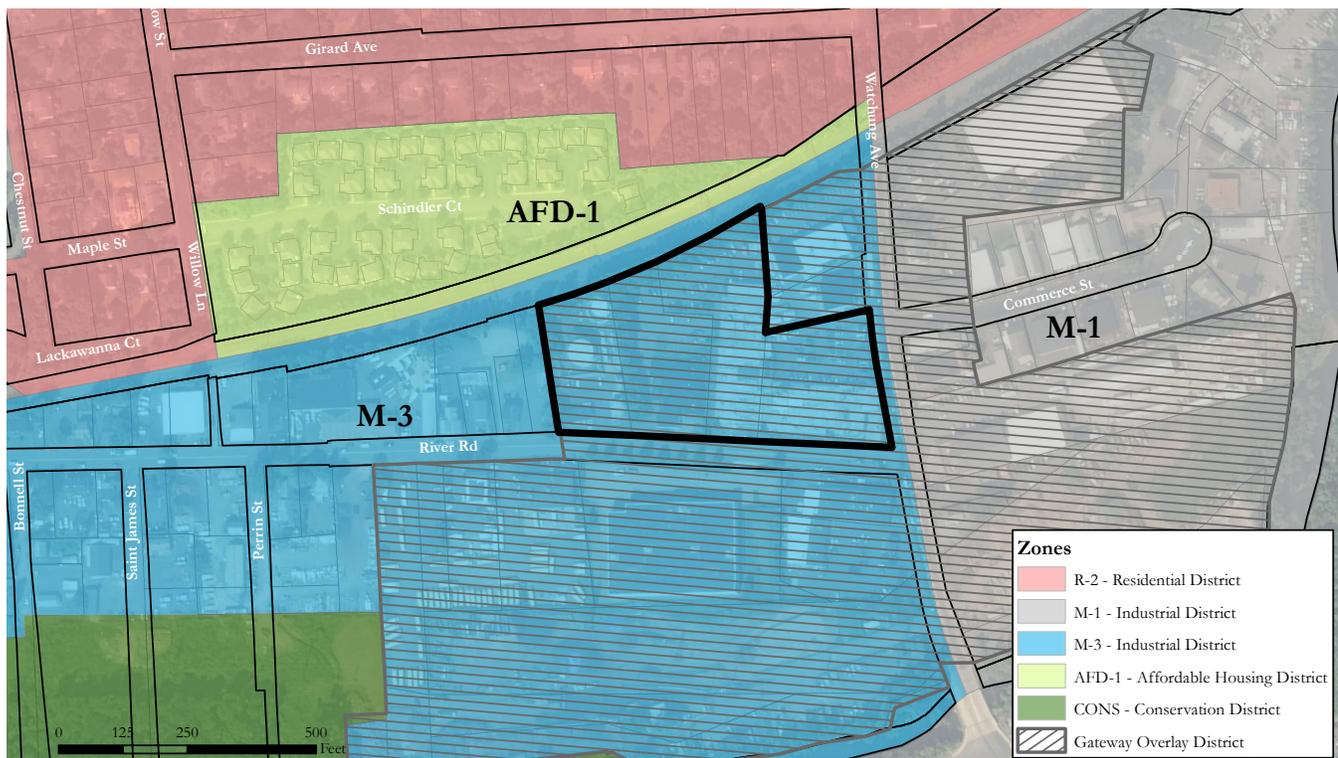
The majority of the surrounding properties house a variety of manufacturing and industrial users, as well as commercial uses. As such, most buildings are industrial in nature and are made up of warehouses, storage spaces, and related offices. There are some retail uses located mostly along Watchung Avenue. However, several retail users, like River Grille, are mixed in amongst the more industrial uses that characterize the area.

River Road ends in Chatham at the intersection with Watchung Avenue. Watchung Avenue becomes River Road in Summit after it crosses the municipal border. This road turns north to connect with State Route 24 and the John F. Kennedy Parkway.

Existing Zoning

All parcels within the Study Area lie in the M-3 Industrial District, which permits a range of commercial uses from light manufacturing and laboratories, to retail uses and art galleries. In addition, the district allows residential uses but limits them to either duplex units or to the upper stories of buildings. The minimum lot size allowable within the district is 5,000 square feet or just over one-tenth (1/10) of an acre. The zoning within this district does not allow for more than 75% lot coverage. Buildings are restricted to 2.5 stories or 35 feet in height. After the required front, side and rear yard setbacks (10 feet, 10 feet, and 15 feet respectively) this would allow for an approximately 4,500 square foot building on the minimum 5,000 square foot lot.

The entire Study Area also falls within the Gateway Overlay District which serves to expand the list of allowable uses and adjust required bulk standards. This overlay district specifically adds the allowed commercial uses of boutique hotel, performing arts center, and theaters throughout the district, as well as live/work units or education and institutional uses limited to upper floors. The Gateway Overlay District also expands the allowed residential uses by allowing multi-family as well as townhomes so long as the townhomes are behind a permitted use along River Road or Watchung Avenue. The overlay district zoning increases the minimum lot size within the study area from the 5,000 square feet allowed under the M-3 zoning, to 30,000 square feet and increases the allowable lot coverage from a maximum of 75% to 85%. Finally, maximum building height under the Gateway Overlay District is 3 stories or 35 feet.



Study Area Zoning Districts

M-3: Industrial District

Permitted Uses

- Public purpose uses;
- Laboratories of an experimental, research or testing nature;
- Light manufacturing and assembly;
- Retail trade and retail services;
- Offices;
- Two-family residences;
- Restaurants and eating and drinking establishments, non-drive-through;
- Apartments on upper floors of buildings;
- Art galleries;
- Personal services;
- Recreational instruction;
- Indoor commercial recreation/fitness club;
- Business services;
- Financial institutions, including banks, non-drive-through;
- Mixed-use buildings comprised of any of the above permitted uses;

Yard Requirements (Minimum)		Height & Development (Maximum)	
Lot Area	5,000 Sq. Ft.	Lot Coverage	75%
Side Yard (Each)	10 Ft	Maximum Height	2.5 Stories / 35 Ft
Front Yard	10 Ft	Rear Yard	15 Ft

Gateway Overlay District

Permitted Uses

Permitted ground floor uses:

- Retail sales and service (non-drive-through);
- Restaurants and eating and drinking establishments (non-drive-through);
- Boutique hotel;
- Performing arts venue;
- Theater;
- Art galleries;
- Personal services;
- Offices (general and professional office) with less than 3,000 square feet of floor area, and recreational instruction.

Permitted upper floor uses:

- Commercial;
- Office;
- Apartments;
- Live/work artist lofts;
- Institutional/educational use not to exceed 15% of gross floor area;
- Performing arts venue;
- Boutique hotel;
- Theater;
- Art galleries;
- Townhouse development behind permitted uses fronting River Road or Watchung Avenue;
- Multifamily development (on all floors), whether attached to one another horizontally, vertically, or by some combination of the two, shall be permitted, including age-restricted multifamily development.

Yard Requirements (Minimum)		Height & Development (Maximum)	
Lot Area	30,000 Sq. Ft.	Impervious Coverage	85%
Front Yard	10 Feet	Maximum Height	3 Stories / 35 Ft. (without incentives)

Ownership + 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 2018 records from the New Jersey Division of Taxation. All properties within the Study Area are privately held. Almost 73% of the area is owned by the Chatham River Road Partners, LLC.



Block	Lot	Zoning	Property Class	Area (acres)	Address	Owner
135	9	M-3	4A	0.947	22 River Rd	Crown Oil Corp
135	10	M-3	4A	1.103	16 River Rd	Chatham River Road Partners LLC
135	11	M-3	4B	1.405	12 River Rd	Chatham River Road Partners LLC

M-3 = Industrial District

Class 4A = Commercial

Class 4B = Industrial

Property Taxes

Property tax records from the State of New Jersey Division of Taxation's 2018 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 three parcels is displayed in the table below. Block 135, lots 9 and 10 show very low improvement to assessed land value, 1:2.5 and 1:3 respectively, indicating potential underutilization.



Block	Lot	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Taxes 2018
135	9	\$623,500	\$276,300	\$899,800	\$18,400.91
135	10	\$561,200	\$175,900	\$737,100	\$15,073.70
135	11	\$852,500	\$1,648,700	\$2,501,200	\$51,149.54
Total		\$2,037,200	\$2,100,900	\$4,138,100	\$84,624.15

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 definitions 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 evaluation of the Study Area is based on the statutory criteria described above for designation as an “area in need of redevelopment.” This evaluation was 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 (described above beginning on page 13) applicability to each parcel within the Study Area:

Block	Lot	Acreage	Criteria								Section 3
			A	B	C	D	E	F	G	H	
135	9	0.947	X			X				X	
135	10	1.103				X				X	
135	11	1.405				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 135, Lot 9



Located approximately 500 feet southeast on River Road from the Watchung Avenue and River Road intersection, the Crown Oil site stretches from its frontage along River Road back to the railroad embankment serving the Morris and Essex Line. The site is approximately 140 feet wide and on average 260 feet deep. The front of the site contains a small two-story office building containing about 1,800 square feet of space as well as a covered fueling facility which appears to no longer be in use. The rear of the site contains two liquid storage tanks of approximately 50 feet in height. By appearances, it seems that only one of the storage tanks is actively used and maintained. Throughout the site, there is storage of a variety of vehicles including trucks as well as a number of boats, many of which are of questionable functionality. While several of the vehicles do appear to be related to the service of the fuel oil business, most vehicles do not appear to have been moved in a considerable amount of time. Some of the vehicles not appearing to be related to the fuel oil business are stored around the unmaintained storage tank at the rear of the site as well as under the covered fueling facility at the front of the site, making the use and service of both facilities unlikely and impractical.

Based upon an inspection of the property and examination of records maintained by the Borough of Chatham, Lot 9 in Block 135 meets 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.

The loading and filling facility at the front of the property shows no signs of current use and is dilapidated to the point where refurbishment is unlikely, if attainable at all. The structure currently appears to be used for little more than slight protection from the elements for informal outdoor storage. In addition, the use of the space around the unmaintained storage tank indicates that access for use or even maintenance has become a lesser priority to the holding of vehicles and boats.

The dilapidation due to lack of maintenance is further indicated by the several violations the property was sited for a range of issues, from lack of records indicating proper testing of the fire protection systems to incomplete or substandard electrical wiring configurations. While such violations do appear to have been remedied, the numerous occurrence and regularity of such violations contribute to the substandard, generally unsafe, and dilapidated state of the property and facility contained therein.

Sufficient evidence exists to conclude that the current use and conditions upon Lot 9 support designation under “criterion A.”

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 property was developed as a facility that was purpose-built as a liquid fuel oil storage and distribution facility which is showing signs of deterioration due to an obsolete service related to a waning industry. Several storage tanks were removed from the site in the 1990s and the site has not been maintained to function for the originally intended capacity.

According to US Census data, fuel oil as a source of source of home heating has declined precipitously since the 1940s. For example, 22% of housing units built in the United States before 1940 were equipped with fuel oil heating. By contrast, only 2% of comparable dwelling units built between 1985 and 1990 use fuel oil for heating purposes. In Chatham Borough specifically, which has a older housing stock than the country as a whole, the American Community Survey found that the rate of homes that used fuel oil for heating fell from almost 13%, to approximately 6.5% between 2010 and 2016. The significant reduction over such a short period of time indicates not just a current trend or preference for one heating fuel over another, but a wave of active conversions. Such a decline reflects the dramatic shift in the market which a facility such as this one services.

Sufficient evidence exists to conclude that the current use and conditions upon Lot 9 support designation under “criterion D.”

Block 135, Lots 10



The Burling Instrument site is located approximately 400 feet southeast on River Road from the Watchung Avenue and River Road intersection. The site stretches from its approximately 140-foot-wide frontage along River Road, back about 250 feet before the western boundary jogs in and the site narrows to approximately 80 feet wide. The rear of the site abuts the railroad alignment serving the Morris + Essex Line and is almost 300 feet at its deepest point. The front of the site currently contains a one-story concrete block and brick building of approximately 10,000 square feet which looks to be the result of various additions over the years. The majority of the front yard of the property is paved and appears to have been used for parking or as driveway access to the rear of the building or the single loading bay on the west side of the building. The portions of the front yard that are not paved do not appear to be maintained and have become overgrown. The paving in front, along the side and behind the building is significantly deteriorated showing major cracks and warping. The rear of the building is largely paved, though this is unmaintained and is transitioning to gravel patches and dirt. The unpaved portions of the rear of the lot also appear not to be maintained and overgrown. Several areas of the rear yard are used as informal storage for vehicles as well as a variety of other items. Finally, the

mechanical equipment on the roof of the building is clearly deteriorating and poorly maintained. Rust covers the majority of the exterior of many pieces of mechanical equipment and the unmaintained vegetation has grown up the side of the building and is encroaching on the roof mounted equipment.

Based upon an inspection of the property and examination of records maintained by the Borough of Chatham, Lot 10 in Block 135 meets the following criterion 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.

At first appearance the property does not seem to be occupied, mainly due to the overgrown landscape, unmaintained accessways, failing and rusting equipment on the roof, as well as outdoor storage of potentially abandoned vehicles and other items in the rear of the property. In addition to the vehicles in the rear of the lot, there were several trailers holding tires that did not seem capable of mobility, especially due to the vegetation that was growing around and through the trailers. One particularly concerning item being stored in the rear of the site were several 55-gallon drums outside of any enclosure or other feature that would indicate intentional or organized storage. The excessive vegetation and poor access management along the frontage creates limited sight distances and makes circulation more dangerous for the neighboring properties. Contributing to the dangerous and faulty arrangement of the property is the fact that no sidewalks exist along the front of the lot and the lack of readily observable ADA parking or accessibility features.

Sufficient evidence exists to conclude that the current use and conditions upon Lot 10 support designation under “criterion D.”

While not contributing to the designation under one of the criteria listed above, it should be noted that Lot 10 is identified as NJDEP Site 26864 which has a cleanup plan in place under NJDEP PI #G000001643. This may indicate that the condition of soil on site may be problematic and a hindrance to development under traditional means and typical market forces.

Block 135, Lots 11



The National Manufacturing site occupies what had previously been Lot 11 and Lot 12 on Block 135. However, the two lots have since merged and now appear on tax records and official Borough maps as Lot 11. The current Lot 11 forms something of a 'Z' shape with the bottom leg of the 'Z' extending from the intersection of River Road and Watchung Avenue along the northern side River Road. The 'Z' shaped lot is occupied by an 'L' shaped building which extends from Watchung Avenue, along River Road for the entirety of the lot and then extends along the western property boundary to the rear of the site. The building covers almost 50,000 square feet of the 61,200 square foot lot, with the remainder of the site being almost entirely paved with the exception of a steep embankment of about 2,000 square feet along Watchung Avenue. North of the section of the building which fronts on to River Road is a large paved area striped for parking and accessible from a driveway off Watchung Avenue which seems to be shared with the adjoining lot to the north. At the northwestern extent of the site, which abuts the Morris and Essex rail line, the portion of the site not covered by the building is also fully paved and appears to be accessible only by a narrow, overgrown driveway which at one point connected to River Road. While the

yard in front of the building along River Road does have some maintained landscaping, significant portions of the front yard are paved over and used for parking or loading even while sufficient circulation or back out space is not present. Of particular note are the two loading bays located directly adjacent to the intersection of River Road with Watchung Avenue.

Based upon an inspection of the property and examination of records maintained by the Borough of Chatham, Lot 11 in Block 135 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.

Much of the features that contribute to the overall faulty layout of Lot 11 stem from the arrangement and design along the front of the lot. Excessive sections of the frontage are curb-cuts functioning with the heavily paved front yard to serve as perpendicular parking. This configuration forces automobiles to back out into River Road, which is very dangerous and inconsistent with modern standards for parking, site layout, traffic circulation and safety. In addition to the parking in the southwestern portion of the front yard, there are two loading docks immediately adjacent to the intersection of River Road with Watchung Avenue, which requires trucks to back in or out of the loading area from the roadway. This is not only an additional complication the intersection is not designed to accommodate, but especially dangerous due to requiring trucks to execute turning movements better done out of the public right of way and away from a busy intersection.

The remaining portion of the corner at River Road and Watchung Avenue has been paved over and is currently used for parking. This layout is not ideal for similar reasons to the poorly located loading docks and is a condition that is currently prohibited in many municipal codes. In addition to being an undesirable and unsafe configuration, much of the front yard, including the concrete loading area and paved parking area, is notably dilapidated. The paving is severely cracked, which appears to be based on poor grading, shifting sub-soils, or excessive weight of vehicles using loading dock. Similar to the other two lots studied, ADA parking or accessibility features are not readily observable either along the River Road frontage of Lot 11 or at the parking area off of Watchung Avenue.

Sufficient evidence exists to conclude that the current use and conditions upon Lot 11 support designation under "criterion D."

Conclusion

Consideration of Redevelopment Designation

The results of the preliminary investigation indicate that the portions of the study area, encompassing Block 135, Lots 9, 10, and 11 can be appropriately designated as an “area in need of redevelopment” in accordance with N.J.S.A. 40:12A, subsections B and D as described above.

This Preliminary Investigation was prepared on behalf of the Borough of Chatham Planning Board to determine whether properties identified as Block 135, Lots 9, 10, and 11 qualify as a non-condemnation “area in need of redevelopment” in accordance with N.J.S.A. 40A:12A-1 et seq. Based on the above analysis and investigation of the Study Area, we conclude that Block 135, Lots 9, 10, and 11 meet the criteria for a redevelopment area designation.

Appendix A

Resolution 18-265

(Directing the Planning Board to perform a preliminary investigation)



Incorporated 1897

Borough of Chatham

BOROUGH HALL

54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

RESOLUTION #18-265

**RESOLUTION OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS,
NEW JERSEY, 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 (NON-CONDEMNATION)**

WHEREAS, the Borough Council desires to direct the Planning Board to undertake a preliminary investigation to determine if all or a portion of certain real property within the Borough of Chatham, specifically, Block 135, Lots 9, 10, 11 & 12 on River Road, 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.*; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Chatham, County of Morris, and State of New Jersey, as follows:

1. The Planning Board is hereby authorized to undertake a preliminary investigation to determine if all or a portion of 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 Housing Law.
2. 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 (non-condemnation).
3. The Planning Board shall be permitted to retain the services of a professional planning firm with New Jersey licensed professionals to assist in conducting its investigation and issuing a report.
4. The Planning Board shall hold a public hearing on notice to the public pursuant to the Local Redevelopment Housing Law prior to conducting its public hearing and issuing its recommendation to the Borough Council.
5. All Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

And,

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Adopted: August 13, 2018

Attest:

Robin R. Kline, Borough Clerk

BOROUGH OF CHATHAM

Bruce A. Harris, Mayor

CERTIFICATION

I, Robin R. Kline, Borough Clerk for 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 August 13, 2018.

Robin R. Kline, MAS, RMC, CMR



Borough of Chatham

**BOROUGH HALL
54 FAIRMOUNT AVENUE
CHATHAM, NEW JERSEY 07928**

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Fax: 973-635-2417

BOROUGH OF CHATHAM PLANNING BOARD

RESOLUTION AUTHORIZING PRELIMINARY INVESTIGATION TO DETERMINE WHETHER CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF CHATHAM ARE AREAS IN NEED OF REDEVELOPMENT AND AUTHORIZING PROFESSIONAL PLANNING SERVICES FOR SUCH INVESTIGATION AND REPORT

**HEARING: SEPTEMBER 5, 2018
RESOLUTION: SEPTEMBER 5, 2018**

WHEREAS, at a regularly scheduled meeting of the Planning Board for the Borough of Chatham, which took place on September 5, 2018, the Board considered Resolution No. 18-265 from the Borough Council for the Borough of Chatham directing the Planning Board to undertake preliminary investigation to determine if certain real property within the Borough of Chatham, specifically:

River Road
Block 135, Lots 9, 10, 11

are areas in need of redevelopment (“Non-Condemnation Redevelopment Area”) pursuant to and in accordance with the local Redevelopment and Housing Law N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, this referral to the Planning Board now requiring the conduct of the investigation through a further Planning Study, Map, and Report with the services of a Special Planning Consultant to now be retained by this Board, and such Redevelopment Study, Map, and Report to be then be followed with a further hearing and action by this Planning Board pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Planning Board having reviewed this request and considered an appropriate Special Planning Consultant to be retained for this Study, Map, and Report to be made to this Board for the Board’s further consideration and appropriate action regarding same as the Board may determine.

NOW, THEREFORE, be it resolved that the Planning Board for the Borough of Chatham that they hereby authorize the retaining of Topology NJ, LLC of 60 Union Street, #1-N,

Newark, New Jersey 07105 as Special Planning Consultant to provide planning services to the Planning Board for the Preliminary Investigation Study, Map, and Report to be provided to this Board for the further action of the Planning Board regarding same, said services and work to be either part of any professional services contract for Special Planning Services to the Borough of Chatham as now exists, or as may be appropriate to be entered into for the services required by this resolution on behalf of the Planning Board for the Borough of Chatham.

BOROUGH OF CHATHAM PLANNING BOARD

By: 
Matthew Wagner, Vice Chair

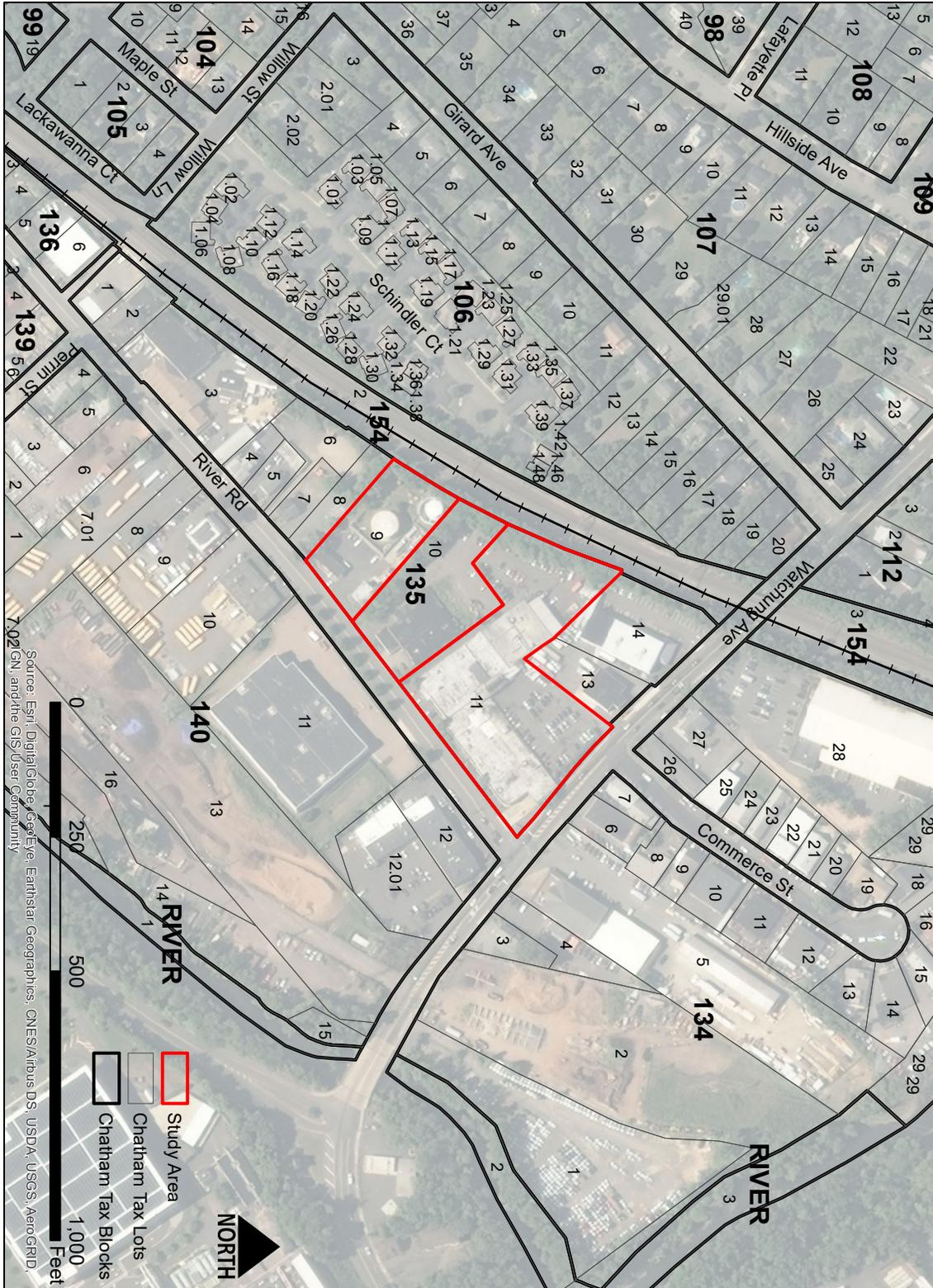
Date signed: 9/5/18

Witnesses by:


Catherine Baldwin, Administrative Secretary
Borough of Chatham Planning Board

Appendix B

Map of the Study Area



Chatham Borough River Road Study Area





60 Union St #1N, Newark, NJ 07105

**TOPO
LOGY**