

Redevelopment Study and Preliminary Investigation Report

Block 85, Lots 12, 13 and 14

City of Linden

Union County, New Jersey

May 14, 2020

Prepared by:

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*The original of this document was signed
and sealed in accordance with New Jersey Law*

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Introduction

On March 17, 2020, the Linden City Council passed Resolution No. 2020-115, which authorized the Linden Planning Board to undertake a preliminary investigation to determine whether or not Block 85, lots 12, 13 and 14 in the City of Linden may be designated as an area in need of redevelopment in accordance with applicable New Jersey Law. A copy of Resolution No. 2020-115 is provided in Appendix A.

This report documents and analyzes the existing conditions of the aforementioned tax parcels and makes a determination as to whether or not they may be designated as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.). The information contained in this report will assist the Linden Planning Board in making a recommendation to the Linden City Council as to whether or not it should adopt a resolution determining that the aforementioned tax parcels are in need of redevelopment.

Study Area Description

The area in question is known as Block 85, lots 12, 13 and 14. The parcels are located in the northern part of the city and have frontage on John Street and Union Street. The parcels are contiguous and have a combined area of approximately 0.40 acres and are hereinafter collectively referred to as the Study Area.

Appendix B provides a copy of Sheet 81 of the official tax map of the City of Linden. Appendix C provides aerial imagery dating from 2015.

Existing Land Use

New Jersey's MOD-IV property tax assessment database indicates that the entire Study Area is assessed as Class 15C (Public Property).

The observed land uses indicate that Block 85, Lot 14 contains a surface parking lot and undeveloped lawn area, whereas Block 85, lots 12 and 13 are entirely undeveloped and covered with lawn and wooded areas.

The general vicinity of the Study Area contains a mix of: single-family dwellings; multi-family dwellings; and, mixed-use development with multi-family dwellings, retail space, and restaurant space (n.b., mixed-use development sites were under construction upon visiting the Study Area on March 20, 2020). In addition, the Linden Multi-Purpose Center is located directly across John Street from the Study Area.

Ownership

A review of New Jersey's MOD-IV property tax assessment database indicates that the entire Study Area is owned by the City of Linden.

Environmental Constraints

A review of the latest digital geographic data of the New Jersey Department of Environmental Protection and the Federal Emergency Management Agency indicates that neither the Study Area nor the immediate vicinity thereof contain mapped environmental constraints (viz., flood hazard areas, wetlands, lakes, and streams).

It is further noted that none of the properties of the Study Area are listed on the current Known Contaminated Sites List of the New Jersey Department of Environmental Protection's Site Remediation Program.

Zoning

The Study Area is located in the R-2b (Two-Family — 40 Feet) zone district. According to Schedule of Limitations that is provided in Chapter 31 of the Linden City Code, the following uses are principal permitted uses in the R-2b (Two-Family — 40 Feet) zone district:

- Single-family dwellings;
- Two-family dwellings;
- Private non-profit and public schools;
- Hospitals;

- Churches and other similar places of worship;
- Funeral homes, provided said use is not less than a 500-foot radius distance from a church or other place of worship; and,
- Cemeteries.

Further details on the R-2b (Two-Family — 40 Feet) zone district, including information on bulk regulations and required design standards, are provided in Chapter 31 of the Linden City Code.

Local Planning Context

Master Plan

The last comprehensive reexamination of the City of Linden's Master Plan was prepared in 2008. The 2008 reexamination identifies the following objectives, which are applicable to the redevelopment of the Study Area:

- Improve the City's visual environment and image by restricting or eliminating eyesores such as, but not limited to, storage containers or trailers in retail commercial areas;
- Promote a desirable visual environment;
- Provide sufficient space, in appropriate locations, for commercial, residential, industrial, recreation and open space uses;
- Encourage municipal actions that will guide the long-range appropriate use and management of lands within Linden in a manner that will promote the public health, safety, morals, and general welfare of present and future residents;
- Prevent the degradation of the environment through the improper use of land; and,
- Encourage development which contributes to the enhancement and improvement of the community.

Designating the Study Area as an area in need of redevelopment, and the subsequent preparation and implementation of a redevelopment plan, will advance the fulfillment of the foregoing objectives of the City of Linden's Master Plan.

In addition to the above, it is noted that the City adopted a new, updated land use element in 2019. As provided in the 2019 Land Use Element, Block 85, lots 12, 13 and 14 are located in the R-2b (Two-Family — 40 Feet) Land Use District. This represents no change over the City's previous land use element.

Redevelopment Area Criteria

An area may be determined to be in need of redevelopment if it meets one or more of the redevelopment area criteria that are provided in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-5. These criteria are listed below:

- 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. (N.J.S.A. 40A:12A-5[a]).*
- b) The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such buildings or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable. (N.J.S.A. 40A:12A-5[b]).*
- 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. (N.J.S.A. 40A:12A-5[c]).*

- 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. (N.J.S.A. 40A:12A-5[d]).*
- 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 other 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. (N.J.S.A. 40A:12A-5[e]).*
- 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 area has been materially depreciated. (N.J.S.A. 40A:12A-5[f]).*
- 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. (N.J.S.A. 40A:12A-5[g]).

h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. (N.J.S.A. 40A:12A-5[h]).

In addition to the conditions that have been listed above, the Local Redevelopment and Housing Law notes that:

A redevelopment area may include land, buildings or improvements[,] which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part. (N.J.S.A. 40A:12A-3).

Redevelopment Analysis

A careful analysis has revealed that the entire Study Area meets the “h” Criterion of the Local Redevelopment and Housing Law. In addition, the Study Area would be needed for the effective redevelopment of the Saint Georges Avenue Phase II Redevelopment Area, which exists across Union Street on blocks 84 and 91.

The following subsections detail the findings of this redevelopment analysis. In addition, Appendix D contains imagery of the Study Area, which was created during a visit to the Study Area on March 20, 2020.

“h” Criterion

The Local Redevelopment and Housing Law was amended in 2003 to add the “h” Criterion to the list of statutory criteria. The “h” Criterion permits a municipality to designate an area in need of redevelopment if “[t]he designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation” (N.J.S.A. 40A:12A-5[h]).

As is demonstrated below, designation of the entire Study Area as an area in need of redevelopment under the “h” Criterion of the Local Redevelopment and Housing Law would be consistent with the smart growth planning principles and policies that are advanced by the State Planning Act (N.J.S.A. 52:18A-196 et seq.), the *New Jersey State Development and Redevelopment Plan*¹, the Office of Planning Advocacy of the New Jersey Department of State, and the Municipal Land Use Law (N.J.S.A. 40:55D-1. et seq.).

State Planning Act

The State Planning Act (N.J.S.A. 52:18A-196 et seq.), which was adopted in 1985, establishes the framework for State policies and regulations related to smart growth principles. Among the findings and declarations of the State Legislature in the State Planning Act that serve as this framework are the following:

- *New Jersey, the nation's most densely populated State, requires sound and integrated Statewide planning and the coordination of Statewide planning with local and regional planning in order to conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal. (N.J.S.A. 52:18A-196.a)*
- *Significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector*

¹ *New Jersey State Development and Redevelopment Plan*, The New Jersey State Planning Commission, March 1, 2001.

- development agencies if the several levels of government would cooperate in the preparation of and adherence to sound and integrated plans. (N.J.S.A. 52:18A-196.b)*
- *It is of urgent importance that the State Development Guide Plan be replaced by a State Development and Redevelopment Plan designed for use as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation. (N.J.S.A. 52:18A-196.c)*
 - *It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this State. (N.J.S.A. 52:18A-196.d)*
 - *Since the overwhelming majority of New Jersey land use planning and development review occurs at the local level, it is important to provide local governments in this State with the technical resources and guidance necessary to assist them in developing land use plans and procedures which are based on sound planning information and practice, and to facilitate the development of local plans which are consistent with State and regional plans and programs. (N.J.S.A. 52:18A-196.f)*
 - *An adequate response to judicial mandates respecting housing for low- and moderate-income persons requires sound planning to prevent sprawl and to promote suitable use of land. (N.J.S.A. 52:18A-196.h)*

Designation of the Study Area as an area in need of redevelopment would provide the City of Linden with an important opportunity to: conserve New Jersey's natural resources; protect the quality of New Jersey's environment; and, promote economic growth, development and renewal by recycling or reusing land and avoiding development where it may impair or destroy natural resources or environmental

qualities that are vital to the health and well-being of the present and future residents of New Jersey.

New Jersey State Development and Redevelopment Plan²

The *New Jersey State Development and Redevelopment Plan*, which was adopted pursuant to the State Planning Act, contains a series of smart growth goals and policies, and mapping that reflects desired growth patterns within a series of state planning areas.

The Study Area is located in State Planning Area 1, which is defined in the *New Jersey State Development and Redevelopment Plan* and also known as the Metropolitan Planning Area. As provided in the *New Jersey State Development and Redevelopment Plan*, the Metropolitan Planning Area is intended to:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and,
- Protect the character of existing stable communities.

As is demonstrated above, designation of the Study Area as an area in need of redevelopment would be consistent with the intended purpose of the Metropolitan Planning Area.

Smart Growth Areas

The Study Area is located within an area that has been designated as a smart growth area by the New Jersey Office of Planning Advocacy. This is illustrated by the fact that the Office of Planning Advocacy of the New Jersey Department of State³, which

² *New Jersey State Development and Redevelopment Plan*, The New Jersey State Planning Commission, March 1, 2001.

³ See, for example: <http://nj.gov/state/planning/spc-research-resources-sga.html>

administers the *New Jersey State Development and Redevelopment Plan*, classifies smart growth areas as one of the following:

- Metropolitan Planning Area (State Planning Area 1);
- Suburban Planning Area (State Planning Area 2);
- A designated center;
- An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
- A smart growth area designated by the New Jersey Meadowlands Commission; or,
- A Pinelands Regional Growth Area, Pinelands Village or Pinelands Town, as designated by the New Jersey Pinelands Commission.

The Study Area is located within the Metropolitan Planning Area (State Planning Area 1). Thus, the Study Area is located within a designated smart growth area.

Municipal Land Use Law

The Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) delegates planning and regulatory authority to municipalities and establishes the procedural framework for how local governments plan for the future. The Municipal Land Use Law has a number of purposes, all of which are based upon ensuring the public health, safety, welfare and morals for communities.

Designation of the Study Area as an area in need of redevelopment, and, thereby, facilitating the preparation of a redevelopment plan and subsequent redevelopment of the area, would not only be consistent with the general smart growth approach of recycling or reusing land, but also promote several purposes of the Municipal Land Use Law. Specifically, redevelopment of the subject parcels would promote the following purposes of the Municipal Land Use Law:

- *To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare. (N.J.S.A. 40:55D-2[a])*
- *To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land. (N.J.S.A. 40:55D-2[j])*
- *To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land. (N.J.S.A. 40:55D-2[m])*

Needed for Effective Redevelopment

As provided by the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-3:

A redevelopment area may include land, buildings or improvements[,] which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

The Study Area is needed for the effective redevelopment of the Saint Georges Avenue Phase II Redevelopment Area, which exists across Union Street on blocks 84 and 91. Designation of the Study Area as an area in need of redevelopment will enable it to be redeveloped with the Saint Georges Avenue Phase II Redevelopment Area. This will provide additional space, which can be used to make the redevelopment of the Saint Georges Avenue Phase II Redevelopment Area more viable and increase the efficiency of operations within a redeveloped Saint Georges Avenue Phase II Redevelopment Area. As an example, the Study Area can be used to provide an increased supply of off-street parking for planned retail and restaurant space within the Saint Georges Avenue Phase II Redevelopment Area. By doing so, circulation and convenience of parking would be improved and, as a result, visits to the Saint Georges Avenue Phase II Redevelopment Area would be increased. This, in turn, would create increased potential for success of the non-residential spaces in

the Saint Georges Avenue Phase II Redevelopment Area and, thereby, promote the economic development of the City of Linden overall.

Summary

The entire Study Area meets the “h” Criterion of the Local Redevelopment and Housing Law for being designated as an area in need of redevelopment. In addition, the entire Study Area would be needed for the effective redevelopment of Saint Georges Avenue Phase II Redevelopment Area, which exists across Union Street on blocks 84 and 91.

Conclusion

As indicated by the foregoing analysis, the entire Study Area has been found to meet requirements of the Local Redevelopment and Housing Law for being designated in need of redevelopment. The Linden Planning Board may, therefore, recommend that the Linden City Council adopt a resolution declaring that the Study Area, or any portion thereof, is in need of redevelopment.

Once the Linden City Council has declared an area to be in need of redevelopment, the Linden Planning Board may prepare a redevelopment plan for the area. Any redevelopment plan, after review by the Linden Planning Board, would then be referred to the Linden City Council. Upon receipt of the redevelopment plan, the Linden City Council may act to adopt the plan by ordinance. The adopted redevelopment plan may then become an amendment to the city’s zoning map and ordinance or may be treated as an overlay to existing zoning. Only after adoption by ordinance may the city exercise the redevelopment powers granted by the Local Redevelopment and Housing Law. We note, however, that although eminent domain is one of the redevelopment powers granted by the Local Redevelopment and Housing Law, same would not be able to be used in this case because Resolution No. 2020-115 specifically precludes its use.

Appendix A: Resolution No. 2020-115

RESOLUTION: 2020-115

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN ON THE CITY'S TAX MAPS AS BLOCK 85, LOTS 12, 13 AND 14 (A/K/A 1020 AND 1022 JOHN STREET AND 1132 UNION STREET) SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1, et seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council ("**City Council**") of the City of Linden (the "**City**") must authorize the planning board of the City (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City that an investigation occur with respect to certain parcels within the City and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the City tax maps as Block 85, Lots 12, 13 and 14 (a/k/a 1020 and 1022 John Street and 1132 Union Street) (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except for the power of eminent domain (hereinafter referred to as a "**Non-Condemnation Redevelopment Area**").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment (non-condemnation).

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall authorize the City or City Council to exercise the power of eminent domain to acquire property in the delineated area, for the Study Area is being investigated as a possible Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment

and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

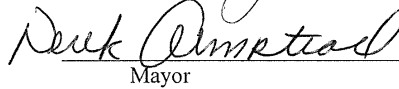
Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. This Resolution shall take effect immediately.

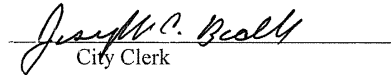
PASSED: March 17, 2020

APPROVED: March 18, 2020


President of Council


Mayor

ATTEST:


City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the City Council of the City of Linden at a meeting held on March 17, 2020 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 18th day of MARCH, 2020.





JOSEPH C. BODEK, City Clerk

Appendix B: Tax Map

Appendix C: Aerial Imagery

Aerial Imagery
City of Linden, Union County, New Jersey



-  Study Area
-  Study Area Parcel
-  Tax Parcel (Block/Lot)

Date of Aerials: 2015



0 25 50
Feet

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Appendix D: Study Area Imagery

Redevelopment Study and Preliminary Investigation Report
Block 85, Lots 12, 13 and 14

Study Area Photographs



Redevelopment Study and Preliminary Investigation Report
Block 85, Lots 12, 13 and 14

Study Area Photographs

