

Redevelopment Study and Preliminary Investigation Report

Block 309, Lots 1, 2, 3, 21 and 22

City of Linden

Union County, New Jersey

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*The original of this document was signed
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Introduction

On January 22, 2020, the Linden City Council passed Resolution No. 2020-47, which authorized the Linden Planning Board to undertake a preliminary investigation to determine whether or not Block 309, lots 1, 2, 3, 21 and 22 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. 2020-47 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 309, lots 1, 2, 3, 21 and 22. The parcels are located in the northwestern part of the city and have frontage on Dewitt Street and Saint Georges Avenue (New Jersey Route No. 27). The parcels are contiguous and have a combined area of approximately 1.51 acres and are hereinafter collectively referred to as the Study Area.

Appendix B provides a copy of Sheet 40 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 Study Area is assessed as commercial and residential, as follows:

- **Block 309, Lot 1:** Assessed as Commercial;
- **Block 309, Lot 2:** Assessed as Commercial;
- **Block 309, Lot 3:** Assessed as Commercial;

- **Block 309, Lot 21:** Assessed as Residential; and,
- **Block 309, Lot 22:** Assessed as Residential.

The observed land uses indicate that: Block 309, lots 1 through 3 are developed with one- and two-story downtown commercial buildings with office/storage space located on the second floor of the building on Block 309, Lot 1 (n.b., we note that while the building contains signage indicating the presence of executive offices, the tax assessor has provided information to RicciPlanning, LLC that indicates that the second story space of this building is used as storage space) and six residential apartments located on the second floor of the building located on Block 309, Lot 3; and, Block 309, lots 21 and 22 are developed with single-family dwellings.

Downtown commercial uses predominate the areas along the Saint Georges Avenue (New Jersey Route No. 27) corridor that are located to the north, south and west of the Study Area. Single-family dwellings predominate areas located proximate to the Study Area that do not front on Saint Georges Avenue (New Jersey Route No. 27).

Ownership

A review of New Jersey's MOD-IV property tax assessment database indicates that the Study Area's ownership is as follows:

- **Block 309, Lot 1:** Owned by 277 West Saint Georges Avenue, LLC with offices in Rehoboth Beach, Delaware;
- **Block 309, Lot 2:** Owned by 241 West Saint Georges Avenue, LLC with offices in Rehoboth Beach, Delaware;
- **Block 309, Lot 3:** Owned by Sandy Realty Corporation with offices in Long Beach, New York;
- **Block 309, Lot 21:** Owned by Debra Iammatteo of Rehoboth Beach, Delaware; and,
- **Block 309, Lot 22:** Owned by Juan Espinoza-Munoz of Linden, New Jersey (n.b., the owner's address of record is 920 Dewitt Street, which is the location of Block 309, Lot 22).

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 C-2 (Retail Commercial) and R-1B (Single-Family 40-Foot) zone districts. Specifically: Block 309, lots 1, 2 and 3 are located in the C-2 (Retail Commercial) Zone District, with Block 309, lots 1 and 2 located in the C-2 (60) Zone Sub-district and Block 309, Lot 3 located in the C-2 (100) Zone Sub-district (n.b., subdistrict designation is a function of lot frontage); and, Block 309, lots 21 and 22 are located in the R-1B (Single-Family 40-Foot) Zone District.

According to the Schedule of Limitations in Chapter 31 of the Linden City Code, the following uses are principal permitted uses in the C-2 (Retail Commercial) Zone District:

- Animal hospitals (n.b., permitted in the C-2 [100] Zone Sub-District only);
- Banks;
- Bowling alleys;
- Childcare centers;
- Churches and places of worship;
- Clinics, assisted living facilities and nursing homes;
- Convenience stores;
- Data processing and communications studies establishments;
- Finance and real estate offices;

- Fine art schools;
- Food stores;
- Galleries (art);
- Martial arts instructions;
- Medical campuses (n.b., permitted in the C-2 [100] Zone Sub-District only);
- Non-profit clubs and lodges;
- Offices, professional and business;
- Parks and playgrounds;
- Physical fitness studios/gyms (n.b., permitted in the C-2 [100] Zone Sub-District only);
- Pool parlors and arcades;
- Printing and publishing establishments;
- Recreation, commercial (n.b., permitted in the C-2 [100] Zone Sub-District only);
- Restaurants, not including drive-ins and fast food (n.b., permitted in the C-2 [60] Zone Sub-District only);
- Retail sales; and,
- Retail service.

With regard to the R-1B (Single-Family 40-Foot) Zone District, the Schedule of Limitations in Chapter 31 of the Linden City Code identifies the following uses as principal permitted uses:

- Churches and places of worship;
- Family day care facilities;
- Home occupations;
- Parks and playgrounds;
- Private, non-profit and public schools; and,
- Single-family dwellings.

Further details on the C-2 (Retail Commercial) and R-1B (Single-Family 40-Foot) zone districts, 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:

- Preserve and enhance the City's industrial and commercial economic base;
- 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;
- Encourage the diversification of industry;
- Promote a desirable visual environment;
- Provide sufficient space, in appropriate locations, for commercial, residential, industrial, recreation and open space uses;
- Maintain and attract beneficial commercial and industrial 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 309, lots 1, 2 and 3 are located in the C-2 (Retail Commercial) Land Use District and Block 309, lots 21 and 22 are located in the R-1B (Single-Family 40-Foot) 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, portions of the Study Area meet the “a”, “b”, and “d” criteria and would be needed for the effective redevelopment of other parts of the Study Area under the term of N.J.S.A. 40A:12A-3.

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 February 24, 2020.

“a” Criterion

The “a” Criterion focuses on the generality of the buildings and whether or not they are conducive to wholesome living or working conditions. As set forth in the “a” Criterion of the Local Redevelopment and Housing Law, an area with buildings may be designated in need of redevelopment when:

- 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]).

Block 309, lots 1 and 2 meet the “a” Criterion of the Local Redevelopment and Housing Law on account of the fact that significant portions of building exteriors and interiors¹ are in a state of severe dilapidation and disrepair with: large chips in façade stucco treatments that expose unfinished, underlying building materials; cracks in walls; exposed external wiring that is improperly secured and partially hanging; areas covered with an excessive amount of bird droppings; brick-covered window openings that restrict the provision of adequate natural light; missing interior ceilings; exposed interior duct work; loose, hanging wiring on building interiors; and, unfinished interior walls. We note that conditions result in the buildings or portions thereof being potentially unsafe (e.g., loose, hanging wiring may create a safety concern if live) and, in any case, conducive to unwholesome living or working conditions.

“b” Criterion

As set forth in the “b” Criterion of the Local Redevelopment and Housing Law, an area with buildings that were previously used for commercial or industrial purposes may be designated in need of redevelopment when:

¹ Though we were unable to enter buildings, we were able to view inside Block 309, Lots 1 and 2 by means of large, plate-glass windows at storefronts. Photographs of observed conditions are provided in Appendix D.

- 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]).*

Block 309, lots 1, 2 and 3 meet the “b” Criterion of the Local Redevelopment and Housing Law on account of significant vacancies for at least two consecutive years. This is demonstrated by historic Google Street View imagery (n.b., said imagery is included in Appendix D), which shows the following vacancies over at least two consecutive years:

- **Block 309, Lot 1:** The corner unit of the building that is located on Block 309, Lot 1 (viz., 305 Saint Georges Avenue [New Jersey Route No. 27]) has been vacant since at least November 2017. Signage still exists for the former business (viz., Simone’s Closet), but historic Google Street View imagery indicates that the unit was vacated at some point between November 2017 and August 2016. In addition, we note that second story office/storage units may also contain significant vacancies. Although we were unable to obtain access and are unable to physically confirm vacancy, we note that the building contains signage for the company known as “Benny Ball Builders”, which, according to information from the New Jersey Division of Revenue and Enterprise Services, was formed in New Jersey in 1974 but currently has a registered office address in Staten Island, New York. In addition, we note that the building also contains signage for Dante Tuxedo, which is associated with the former use of the building on adjacent Block 309, Lot 2; said use is discussed below.
- **Block 309, Lot 2:** The building that is located on Block 309, Lot 2 has been vacant since at least August 2017. This is confirmed by historic Google Street

View imagery, which indicates that the building was vacated at some point between September 2015 and August 2017.

- **Block 309, Lot 3:** The building that is located on Block 309, Lot 3 contains a ground floor retail unit that was formerly used as a religious articles shop (viz., Mother Sheila General Religious and Botanica Store; 241 Saint Georges Avenue [New Jersey Route No. 27]). Historic Google Street View imagery indicates that said unit has been vacant since at least November 2017 with same having been vacated at some point between November 2017 and December 2016. In addition, and although a vacancy of at least two years is unable to be confirmed at this time, we note that historic Google Street View imagery also indicates that the unit located at 237 Saint Georges Avenue (New Jersey Route No. 27) has been vacant since at least June 2019 with same having been vacated at some point between June 2019 and August 2018. We further note that one or more of the six apartments that are located on the second story of the building that is located on Block 309, Lot 3 may be vacant; our office, however, was unable to enter the building to confirm same.

Based on the above, it is clear that Block 309, lots 1 through 3 each have significant vacancies of individual units for at least two consecutive years. Thus, the “b” Criterion of the Local Redevelopment and Housing Law is satisfied on account of significant vacancies for at least two consecutive years. Further evidence of satisfaction of the “b” Criterion is provided by the fact that the vacant units on Block 309, lots 1 and 2 are in a state of severe dilapidation and disrepair with: missing ceilings; exposed duct work; loose, hanging wiring; and, unfinished walls. The extent of said conditions renders the units untenable in their current state.

“d” Criterion

The “d” Criterion is focused on the overall site condition, design, configuration, availability of ventilation, light and sanitary facilities, use, or any other factors that cause it to be detrimental to the health, safety, morals, or welfare of the community.

As set forth in the Section 5 of the Local Redevelopment and Housing Law, an area or property may be designated in need of redevelopment when:

- 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]).*

Block 309, lots 1 through 3, which are adjacent to each other and developed with one- and two-story downtown commercial buildings, meet the “d” Criterion of the Local Redevelopment and Housing Law. Indeed, Block 309, lots 1 through 3 exhibit numerous signs of advanced deterioration of buildings and site improvements, which result from a lack of general maintenance and upkeep that manifests in such conditions as: areas with broken and deteriorated site pavement; large chips in façade stucco treatments that expose unfinished, underlying building materials; cracks in walls; exposed external wiring that is improperly secured and partially hanging; rusted exterior lighting fixtures; weathered metal door frames and similar elements; areas covered with an excessive amount of bird droppings; and, brick-covered window openings. In addition, Block 309, lots 1 through 3 exhibit extensive amounts of debris and refuse that is strewn about on the ground or improperly stored along building foundations (n.b., this condition is exacerbated by the fact that none of the parcels have proper trash enclosures). These issues not only pose potential threats to the public health (e.g., as a result of exposed external wiring that is improperly secured, areas covered with an excessive amount of bird droppings), but also detract from the general welfare of the community. Moreover, given the high-profile location of the Study Area along Saint Georges Avenue (New Jersey Route No. 27), which is a state highway and major regional thoroughfare, the current condition of Block 309, lots 1 through 3 hinders the full achievement of several of the city’s goals as expressed in the 2008 reexamination of the Linden Master Plan, namely:

- Preserve and enhance the City's industrial and commercial economic base;
- 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;
- Maintain and attract beneficial commercial and industrial 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; and,
- Encourage development which contributes to the enhancement and improvement of the community.

Beyond the aforementioned signs of advanced deterioration of buildings and site improvements that result from a lack of general maintenance and upkeep, we note that the configuration of Block 309, Lot 3 is such that off-street parking is provided at the rear of the property and accessed through a narrow, drive-through passageway that is located at the approximately mid-point of the building. This type of configuration is atypical within the City of Linden and may result in vehicle-pedestrian conflicts and safety issues where the drive-through passageway intersects the sidewalk. We further note that, given its narrow width of the and approximate age of the building (n.b., property tax assessment records indicate that the building was constructed in 1940), the drive-through passageway is obsolete and unsuited to modern vehicles. Thus, the aforementioned conditions on Block 309, Lot 3 provides further evidence that said parcels meet the "d" Criterion of the Local Redevelopment and Housing Law.

In addition to the above, it is noted that the rear yard area of Block 309, Lot 21, which is currently developed with a single-family dwelling, is also strewn with litter and debris, including several automotive tires. Although the extent of these conditions is not significant enough for Block 309, Lot 21 to meet the "d" Criterion of

the Local Redevelopment and Housing Law, we note that the area in question is visible from the rear of adjacent Block 309, lots 2 and 3 and, consequently, the lack of upkeep and the presence of litter and debris in this rear yard area may detract from the general welfare of the community and hinder achievement of the following goals of the 2008 reexamination of the Linden Master Plan:

- Promote a desirable visual environment; and,
- Prevent the degradation of the environment through the improper use of land.

“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*², 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:

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

- *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 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 Plan³

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.

³ *New Jersey State Development and Redevelopment Plan*, The New Jersey State Planning Commission, March 1, 2001.

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 State⁴, which 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.

⁴ See, for example: <http://nj.gov/state/planning/spc-research-resources-sga.html>

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.

Block 309, lots 21 and 22 would be needed for the effective redevelopment of the Study Area. This is demonstrated by the fact that the design and configuration of adjacent Block 309, lots 1, 2 and 3 is unable to support modern development with adequate and easily accessed parking areas. Indeed, Block 309, lots 1, 2 and 3 currently contain a total of approximately 30,000 square feet of miscellaneous commercial space, which, according to the requirements of one off-street parking space for every 300 square feet of miscellaneous commercial space that is required

by Section 31-27.19(c) of the Code of the City of Linden, would require approximately 100 off-street parking spaces. Given the outdated design and configuration that currently exists on Block 309, lots 1, 2 and 3, however, there is only a combined total of less than approximately 25 off-street parking spaces, based upon site observations and a review of aerial photography. This condition renders the commercial uses difficult for users to access, and, as a result, there have been long-standing vacancies on Block 309, lots 1, 2 and 3 (see: “b Criterion” [above]). By designating Block 309, lots 21 and 22 as being in need of redevelopment, however, the depth of the contemplated redevelopment area would be maximized. This, in turn, would facilitate the provision of adequate space for off-street parking areas to the rear of buildings oriented toward Saint Georges Avenue (New Jersey Route No. 27), as well as increased buffers to properties outside of the contemplated redevelopment area.

In addition to the above, we note that Block 309, Lot 22 would be further needed for the effective redevelopment of the Study Area when adjacent Block 309, lots 1 and 21 are designated to be in need of redevelopment. Indeed, Block 309, Lot 22 separates Block 309, Lot 1 from Block 309, Lot 21 and, when included in a redevelopment area with said parcels, would provide an important length of uninterrupted roadway frontage along Dewitt Street. In addition, inclusion of Block 309, Lot 22 within a redevelopment area would provide additional developable area near the corner of Saint Georges Avenue (New Jersey Route No. 27) and Dewitt Street, which would make the overall redevelopment more feasible. Moreover, inclusion of Block 309, Lot 22, which is currently developed with a single-family dwelling, within a redevelopment area would serve to reduce the potential for land use conflicts that may result from redeveloped parcels with more intense uses surrounding a parcel with a less intense use (viz., a single-family dwelling). These reasons strength the claim that Block 309, Lot 22 would be needed for the effective redevelopment of the Study Area.

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, and parts of the Study Area meet the “a”, “b” and “d” criteria. In addition, one part of the Study Area would be needed for the effective redevelopment of the overall Study Area. A parcel-by-parcel summary of the Study Area’s satisfaction of the criteria for being designated as an area in need of redevelopment is provided below:

- **Block 309, Lot 1:** “a”, “b”, “d” and “h” criteria;
- **Block 309, Lot 2:** “a”, “b”, “d” and “h” criteria;
- **Block 309, Lot 3:** “b”, “d” and “h” criteria;
- **Block 309, Lot 21:** “h” Criterion and needed for the effective redevelopment of the Study Area; and,
- **Block 309, Lot 22:** “h” Criterion and needed for the effective redevelopment of the Study Area.

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. 2020-47 specifically precludes its use.

Appendix A: Resolution No. 2020-47

RESOLUTION: 2020-47

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 309, LOTS 1-3 AND 21-22 (IN THE AREA OF 237-305 W. SAINT GEORGE AVENUE AND 918 AND 920 DEWITT STREET) SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT (NON-CONDEMNATION) 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 309, Lots 1-3 and 21-22 (in the area of 237-305 W. Saint George Avenue and 918 and 920 Dewitt 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, in connection with the Study Area, authorizes the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except 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 (non-condemnation). The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the City or City Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a Non-Condemnation Redevelopment Area.

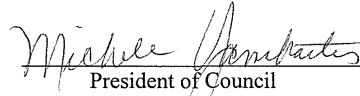
Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment

area (non-condemnation). All objections to a determination that the Study Area is an area in need of redevelopment (non-condemnation) and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

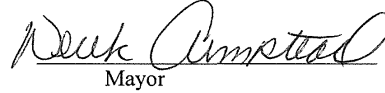
Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate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

Section 7. This Resolution shall take effect immediately.

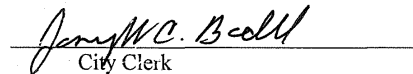
PASSED: January 21, 2020


Michele Amadio
President of Council

APPROVED: January 22, 2020


Nick Cimpo
Mayor

ATTEST:


Joseph C. Bodek
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 January 21, 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 22 day of Jan, 2020.


JOSEPH C. BODEK, City Clerk

Appendix B: Tax Map



TAX MAP
CITY OF LINDEN
UNION COUNTY, NEW JERSEY
SCALE: 1" = 50' DATE: MARCH 1975
JOHN A. ZEMIAN - CITY ENGINEER
THOMAS J. STRAPP - ASST. CITY ENGINEER

NEW JERSEY DEPARTMENT OF TREASURY
DIVISION OF TAXATION
OFFICE OF THE TAX MAPS
100 N. 1ST ST., 3RD FL., NEWARK, N.J. 07102
TELEPHONE: 261-1234 FAX: 261-5678
WWW.DOT.NJ.GOV

DRAFTING ONLY: UPDATED BY PAUL J. EMANUEL & ASSOCIATES

SHEET 39

SHEET 35

SHEET 32




SHEET 42

SHEET 41

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 40 80
Feet

ricciplanning

Paul Ricci, AICP, PP
177 Monmouth Avenue
Atlantic Highlands, NJ 07716

908.642.0070 (Phone)
908.350.4501 (Fax)
paul@ricciplanning.com

Appendix D: Study Area Imagery

Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 1



Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 1



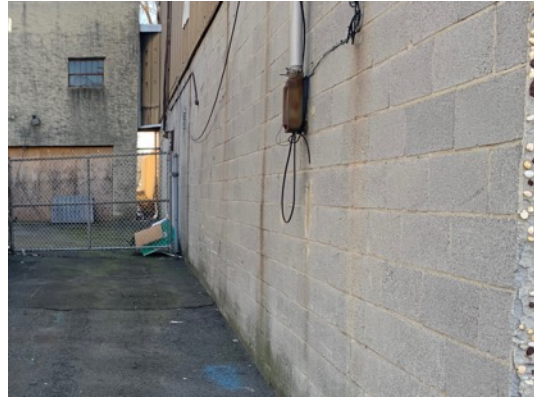
Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 1



Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 1



Note: This picture shows Google Street View imagery from August 2016.

Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

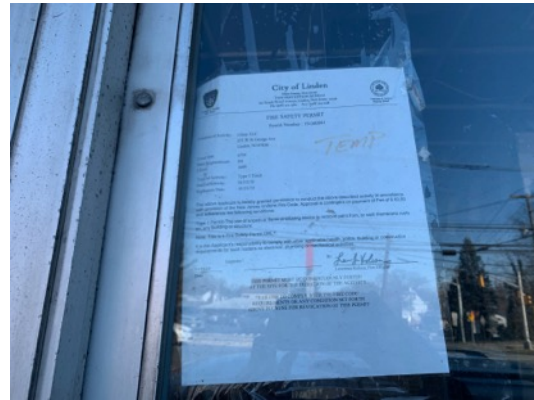
Site Photographs — Block 309, Lot 1



Note: This picture shows Google Street View imagery from November 2017.

Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 2



Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 2



Note: This picture shows Google Street View imagery from August 2017.

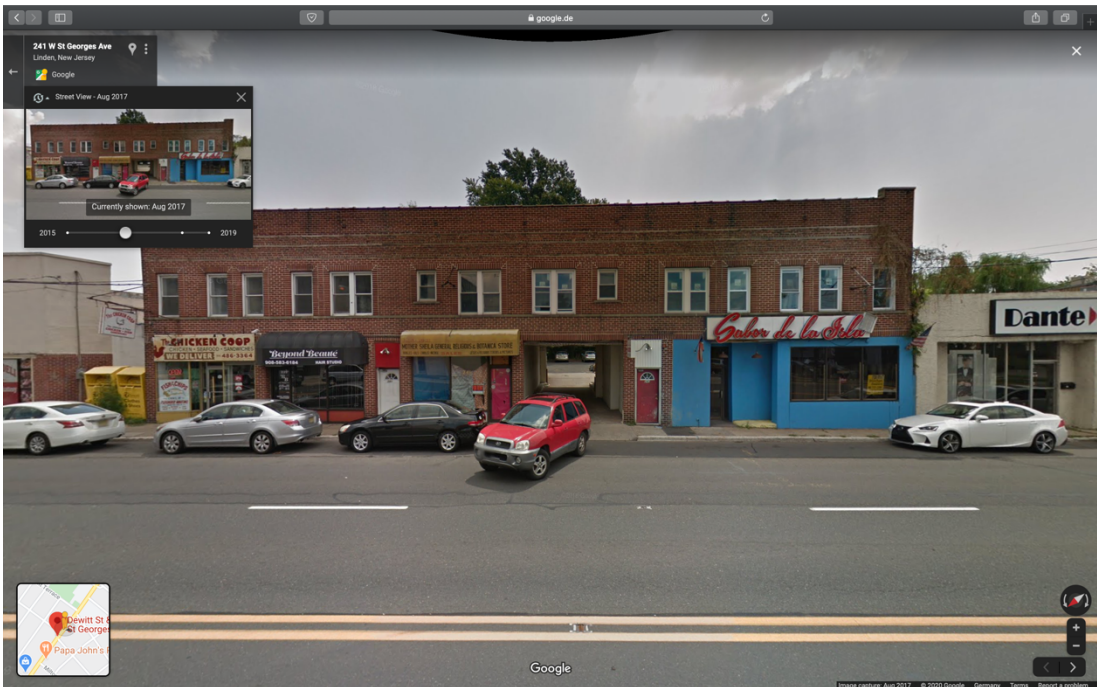
Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 3



Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 3



Note: This picture shows Google Street View imagery from August 2017.

Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 3



Note: This picture shows Google Street View imagery from August 2017.

Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 21



Redevelopment Study and Preliminary Investigation Report
Block 309, Lots 1, 2, 3, 21 and 22

Site Photographs — Block 309, Lot 22

