



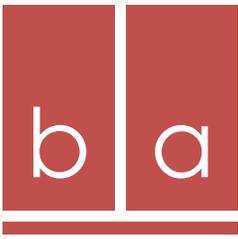
NON-CONDEMNATION  
AREA IN NEED OF REDEVELOPMENT STUDY  
BLOCK 2702 LOT 1

Summit, New Jersey

July 16, 2014

Prepared by:

Burgis Associates, Inc.



**B U R G I S**  
ASSOCIATES, INC.

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

## **Planning Report:**

### **A Non-Condemnation Redevelopment Area Investigation**

**For Block 2702 Lot 1**

**City of Summit  
Union County, NJ**

**BA#: 2904.12**

July 16, 2014

Planning Report:

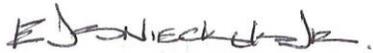
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The original document was appropriately signed and sealed on July 16, 2014 in accordance with N.J.A.C. 13:41-1.2.



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Edward Snieckus, Jr., P.P., L.A., ASLA  
Professional Planner #5442

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## Introduction

On June 17, 2014, the Common Council of the City of Summit authorized the City's Planning Board to conduct a preliminary investigation to determine if Block 2702 Lot 1 constitutes an "area in need of redevelopment" under the non-condemnation provisions of the New Jersey Local Redevelopment Housing Law (LRHL). The Planning Board has retained and directed Burgis Associates, Inc. to prepare this study for the Planning Board's review and subsequent recommendation to the Governing Body.

As described in the Common Council's Resolution (attached in Appendix A), the Study Area comprises a single lot currently owned by the United States Postal Services, located at the corner of Broad Street and Maple Street. The Resolution notes that the property "exhibits undesirable characteristics and complications that might prevent its appropriate use, and could be corrected through the use of redevelopment." In addition, the Resolution also notes that the adjoining and contiguous property, identified as Block 2702 Lot 2 (commonly referred to as the Railroad Avenue Parking Lot), has been determined to be an area of need of redevelopment. The June 17, 2014 Resolution reaffirms this designation for Lot 2 or as a "Non-Condensation Redevelopment Area."

This study will determine whether the Study Area of Lot 1 qualifies as a "redevelopment area" pursuant to the requirements set forth by the LRHL. While the focus of this study is Block 2702 Lot 1, the aforementioned Railroad Avenue Lot is also incorporated in the following analysis due to the specific adjacencies of this lot and to consider the full options provided under the LRHL. Such options include the adjacency provisions of what is known as the Section 3 criteria as provided herein for the comprehensive redevelopment analysis for this specific area of the City.

The analysis presented in this study is based upon site and building inspections, a review of existing map data, reports and regulations, a review of the City's Master Plan and planning related documents, and input from several departments within City Hall. Ultimately, the study concludes that Block 2702 Lot 1, does meet the statutory criteria set forth by the LRHL with the adjacency to the Railroad Avenue Lot, and as such enables the City to proceed with a non-condemnation redevelopment designation. The basis for this conclusion, which is outlined in the following report, is largely based on the following:

Therefore, in consideration of such, it is the recommendation of this report to deem the Study Area an Area in Need of Redevelopment in context with the previously adopted Area In Need of Redevelopment designation for the Railroad Avenue Lot (Block 2702 Lot 2). The rationale for such action is as follows:

1. When considered in their totality, the two properties Lot 1 and 2 make up a distinct, geographically delineated area totaling 71,735 square feet or 1.65 acres. Both lots are bounded by Broad Street to the south and Railroad Avenue to the north. The Post Office Study Area offers a lot with frontage and access to Maple Street providing an enhanced physical and contextual linkage to the interconnected street grid of the downtown, which the Railroad Avenue Lot is currently lacking. When the Study Area is considered in context with the Railroad Avenue lot, a redevelopment area of significant dimension, context and frontage is established which greatly expands options for the effective redevelopment in an area directly adjacent to the core of the downtown. In addition, should both lots be redeveloped according to the principles of smart growth as a compact mixed use facility, it would represent a specific linkage between the senior housing

facility and the downtown area and train station. As such, the Study Area lot and the Railroad Avenue lot present an integrated geographic block within the context of the downtown of the City.

2. Both properties have access to Railroad Avenue: the Post Office utilizes it as a point of egress, while the Railroad Avenue lot utilizes the street as a source of ingress. By including the two properties as one area in need of redevelopment, this right-of-way is intrinsically utilized by the two sites.
3. As noted in this report, due to the Post Office's renting of twelve (12) spaces on the Railroad Avenue lot, the two properties currently have existing levels of utilization and interaction.
4. The combination of the Study Area and the Railroad Avenue lot will allow for enhanced options in the creation of zoning and design standards.
5. The redevelopment of the Study Area would advance the remediation of onsite contamination as noted herein.
6. The City's 2000 Master Plan identified the need to review parking in the downtown area as it relates to the vitality of the community. It highlighted the Railroad Avenue lot as a particularly viable location for future structured parking in close proximity to the needs of the downtown. The combination of these lots would improve the feasibility of addressing this need.
7. A 2009 parking study identified an ongoing and projected parking deficit in the downtown area, which has a number of detrimental impacts, not only to businesses, but also potentially to pedestrian safety. It is identified in this report the Study Area in combination with the Railroad Avenue lot is a potential location for an integrated mixed use facility inclusive of at-grade retail including the Post Office activities, fronting a structured parking facility to improving the needs of the area.
8. As identified in the area in need analysis of the Railroad Avenue lot, the current use of public parking lot was inconsistent with "smart growth" principles, particularly in that it represented an inefficient use of space in consideration of the redevelopment of the site that is detrimental to the sense of place in Summit, compact and mixed use development as well as the walkability and needs in this area of the downtown. A combined redevelopment plan inclusive of the Study Area represents an enhanced opportunity to implement the objectives of smart growth within the City and the State of New Jersey.

## **LRHL Background**

The Local Redevelopment and Housing Law (LRHL) was designed by the New Jersey State Legislature to guide municipalities through the process of redevelopment and rehabilitation. As explained by the Legislature in the preamble to the LRHL:

*“There exist, have existed and persist in various communities of this State conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper development which result from forces which are amenable to correction and amelioration by concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.”*

The LRHL essentially provides the statutory authority for municipalities to engage in a number of redevelopment activities, including: designating an “area in need of redevelopment,” study; preparing and adopting redevelopment plans; and implementing redevelopment projects. Generally speaking, the LRHL is a planning and financial tool that when an area meets the specific criteria, the area can be overlain with specific zoning and other incentives to stimulate the areas redevelopment or rehabilitation. More specifically, a redevelopment designation allows the municipality to:

1. Adopt a redevelopment plan that will identify the manner in which an area will be developed, including its use and intensity of use;
2. Issue bonds for the purpose of redevelopment;
3. Acquire property;
4. Lease or convey property without having to go through the public bidding process;
5. Collect revenue from a selected developer; and/or
6. Grant tax exemptions and abatements.

As such, the City can utilize the powers granted to municipalities under the LRHL to improve the existing conditions at the study area.

The first step of the redevelopment process initiated by the Common Council resolution of June 17, 2014, is for the Governing Body to direct the Planning Board to undertake a preliminary investigation to determine whether or not an area is in need of redevelopment. Due to recent updates to the LRHL, the Governing Body must also indicate whether it is seeking to designate the area as a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area.”

An area qualifies as being in need of redevelopment if it meets at least one of the eight (8) statutory criteria listed under Section 5 or Section 3 of the LRHL, which are described in detail later in this report. Please note that these criteria are the same regardless if the Governing Body seeks to designate an area as a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area.” It should also be noted that the statute specifically states that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but due to their specific adjacency, the inclusion of which is necessary for the effective redevelopment of an area.

The foundation for determining this designation is presented in this report. It contains an analysis of the study area and determines the manner in which the existing conditions satisfy the criteria for redevelopment under the requirements of the LRHL. Where such an analysis indicates that the study area meets the statutory “in need” criteria

of the LRHL, then the Planning Board may recommend, and the Council may declare, the study area as a redevelopment area and proceed to develop a redevelopment plan.

If the Governing Body concurs with the findings outlined in this report and proceeds to designate the area in need of redevelopment, it would then direct the Planning Board to prepare a redevelopment plan. The purpose of such a plan is to identify the manner in which the designated area is to be developed, including the prospective distribution of uses and buildings and the intensities of use at the site. The plan will also enumerate specific zoning ordinance regulations and associated design criteria, address affordable housing issues as determined to be necessary, and contemplate related land use issues. State statute requires the Planning Board to adopt a resolution forwarding the subsequent plan to the governing body for formal action.

## **Study Area Overview**

### **Block 2702 Lot 1**

The study area is located at 67 Maple Street (Block 2702 Lot 1) in the central portion of the City. The lot is approximately rectangular in shape, with 144 feet of frontage along Maple Street, 237 feet of frontage along Broad Street, and 211 feet of frontage along Railroad Avenue. The site has an area of 34,412.4 square feet (.79 acres).

The site is presently developed with a USPS Post Office building, which has a footprint of approximately 19,300 square feet. The building is one story, and has a height of approximately 20 feet. A parking area for employees and mail delivery trucks is located along the westerly portion of the site. No customer parking is provided on site. Two curb cuts access this area: the first is located along Broad Street, while the second is located along Railroad Avenue. The second curb cut permits only exit movements to Railroad Avenue and does not permit any vehicular traffic from Railroad Avenue to enter into the site.

The site does feature some landscape features, particularly along the front portion of the property facing Maple Street. Street trees are also located along both Railroad Avenue and Broad Street.

According to the NJDEP's records, nearly the entirety of the site is located in a Classification Exception Area (CEA) in accordance to NJAC 7:9-1.6 and 1.9(b). A CEA is an institutional control in a geographically defined area within which the New Jersey Ground Water Quality Standards (NJGWAS) for specific contaminants have been exceeded. Benzene as well as other tentatively identified compounds are listed as concerns for this area. The vertical extent of the CEA is listed as forty (40) feet. The remediation is ongoing at this location as identified by the active sites list of the NJDEP.

### **SURROUNDING DEVELOPMENT**

To the Northwest of the Post Office lot is what is known as the municipal Railroad Avenue parking lot, located at 48 Railroad Avenue (Block 2702 Lot 2). The lot is 37,323 square feet (.86 acres) in area. It is somewhat rectangular in shape, with approximately 175 feet of frontage on Broad Street, approximately 215 feet of frontage on Railroad Avenue, and an average depth of 180 feet.

This lot is developed with a surface parking lot, which contains 99 spaces. This lot is reserved for those with employee parking permits from 6:00 AM to 6:00 PM Monday through Friday. It is predominantly paved, lacking landscape amenity, with the exception of a few landscaped islands at the ends of certain rows of parking. A pay station,

consistent with the City's other parking lots, is provided. The site includes one curb cut on Broad Street, which provides ingress/egress to the site. Access is also provided from Railroad Avenue.

Railroad Avenue is a one-way street with no outlet. Therefore, any vehicle entering the parking lot from Maple Street through Railroad Avenue must cross a municipal parking lot to exit the area. The parking lot and its improvements extend into the Railroad Avenue right-of-way.

Though the physical street ends, the Railroad Avenue right-of-way (40-feet in width) runs from Maple Street to Springfield Avenue. The use of this right-of-way was redesigned in the 1980's when the Vito A. Gallo Senior Building was constructed. The intent was to create a pedestrian mall, and eliminate the unsafe intersection of Railroad Avenue with Springfield Avenue.

As noted above, the City previously determined this lot to be an area of need of redevelopment on March 19, 2013.

The site is surrounded by a variety of uses, including: municipal park known as the Summit Village Green and the train station to the east, the YMCA and the City Fire Department to the south (along the south side of Broad Street), and the Vito A. Gallo Senior Building to the west.

The rail line to the north of the site separates the both Block 2702 Lots 1 and 2 from the Springfield Avenue corridor. The development on the north side of the tracks includes a City parking structure and a variety of mixed-use buildings within the Central Retail Business District (CRBD). As alluded to above, the study area is a short distance of NJ Transit's Summit commuter rail station. The site and surrounding area are depicted on the accompanying images, below:



Aerial 1: Aerial of Block 2702 Lots 1 and 2, Facing North

Source: Bing Maps, Retrieved 6/24/14

Note: Lot Lines Approximate

Please see the Aerial Map in Appendix A.

### TAX ASSESSMENT ANALYSIS

One indicator to determine the economic productivity of a property is its tax assessment data. The ratio of the assessed value of the improvements on the property to the value of the land is an indication of potential underutilization of the property. An improvement-to-land ratio of 1:1 or less suggests that the “land is not currently supporting a reasonable value of improvements” and as such is underutilized (Redevelopment Handbook, 2012. Pg. 64). In other words, if the value of improvements is less than the value of the land, the property may be considered underutilized. However, it is noted that a low improvement-to-land ratio is not, in and of itself, proof that a property is stagnant and unproductive and subsequently in need of redevelopment.

As indicated in the Table below, the current assessed land value for Lot 1 is \$783,400. The total improvement value is \$1,986,800. Lot 1 has an improvement-to-land ratio value of approximately 2.53:1.

<b>Lot</b>	<b>Land Value</b>	<b>Improvement Value</b>	<b>Total</b>
1	\$783,400	\$1,986,800	\$2,770,200

The LHRL indicates that underutilization of land is a statutory criteria for the designation of an area in need of redevelopment. The statute specifically states in Criteria (e) that “a growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare” enables a property to be designated an area in need of redevelopment. The analysis above therefore would not support the use of this criterion for the designation of this Study Area.

### **Master Plan and Reexamination Reports**

The City’s most recent Master Plan was adopted in November of 2000. Three subsequent Reexamination Reports were adopted in June 2003, October 2003, and November 2006. These documents are discussed in greater detail below:

#### MASTER PLAN

The Land Use Plan of the 2000 Master Plan places the study area in the PL Public Lands land use category. This land use classification includes the train station, the Village Green along Broad Street and the playground along Summit Avenue. The Plan notes that consideration should be given to “vacating the northern end of Elm Street to Broad Street and reconfiguring the intersection at Elm Street and Broad Street in order to create a more viable Village Green.” No specific recommendations are offered for the Study Area.

Considerable attention is paid to the CRBD District, which is directly north of the Study Area. In particular, the Land Use Plan indicates that safe and adequate parking is vital to the revitalization of the CRBD. The Land Use Plan also

identifies two objectives for the CRBD and surrounding areas that pertain to parking. These objectives include the following:

1. A thorough analysis of the parking demand in the CRBD should be undertaken, including the need for additional structured parking, potential locations for such parking, and appropriate meter times to encourage shopper use of retail shops. If additional structured parking is needed, consideration should be given to providing such parking through the creation of facilities to be borne through public/private partnerships and/or the creation of a parking trust fund. Continuing attention should be given to the impact of the New Jersey Transit improvements on ridership and parking supply.
2. Should the study indicate that additional parking is needed, then the creation of additional decked parking should be encouraged, and that such structures be partially or completely below grade, particularly when bordering residential areas. Architectural design should be consistent with the storefront streetscape and the pedestrian scale of the CRBD. Ingress/egress from any such structures should consider the impact on pedestrian safety and traffic flow. Every effort should be made to encourage the flow of traffic towards controlled intersections and major circulation arteries, and discourage traffic on residential streets. Such parking structures are recommended for the present lots on DeForest Avenue. Additional decked parking may also be possible in the Railroad lot and the tiered lot on the south side of Springfield Avenue.

#### REEXAMINATION REPORT, JUNE 2003

The June 2003 Reexamination Report did not indicate any changes to the City's goals and objectives for the study area.

#### REEXAMINATION REPORT, OCTOBER 2003

The October 2003 Reexamination Report did not indicate any changes to the City's goals and objectives for the study area.

#### REEXAMINATION REPORT, NOVEMBER 2006

The November 2006 Reexamination Report did not indicate any changes to the City's goals and objectives for the study area. The Report did note that there was no anticipated need to utilize the LRHL at that time.

### **Summit CRBD Master Plan**

In November 2005, the City adopted a CRBD Master Plan which offered a number of recommendations for Summit's downtown area. One of the overarching goals of the Plan was to "explore a parking trust fund as a method for creating new parking resources, including a new parking deck." The Plan also encouraged the City to "explore additional convenient parking alternatives for employees, customers, commuters and residents that complement the existing landscape."

### **Parking**

Like many downtowns throughout the region, the availability of on- and off-street parking has continually been a significant concern for Summit. Much of the downtown presently includes on-street parking, as well as a number of

off-street parking lots that are owned and maintained by the City. While the majority of these lots are surface lots, two structured lots do exist: one in the CRBD, and another outside of the CRBD on Broad Street which primarily caters to commuters and employees.

In February 2009, a downtown parking study was prepared which assessed the City's existing and future parking concerns. The study noted that, at the peak hour on weekdays, the utilization rate for both on- and off-street parking is approximately 95 percent, whereas the ideal maximum capacity is 85 percent for on-street and 90 percent for off-street. Individually, the identified utilization rate for on-street parking was at 85 percent, and 98 percent for off-street parking.

The report also identified future developments, some of which have now been constructed, that would further strain the parking supply. It also noted the potential increase in the permitted floor area ratio in the CRBD, which would allow for additional building space. The report noted the need to review this increase in conjunction with the downtown's overall parking needs. It should be noted that the FAR standard has subsequently been increased since the adoption of the report, while parking standards were unchanged.

It should also be noted that the City has recently completed improvements to three municipally-owned parking lots located along DeForest Avenue. While these efforts have in fact improved the conditions of these lots, their respective designs have created a net loss of 29 spaces.

The report concludes that an additional 352 parking spaces are needed in the downtown area. It includes a number of recommendations to address the City's parking supply, management, and operation. One such recommendation is to construct a tiered parking garage for the Railroad Avenue lot (referred to as the Post Office lot in the 2009 report), which would also feature at-grade retail. The proposal would provide a net gain of approximately 366 spaces.

## Zoning

The majority of the Study Area is located within the PL Public Land Zone, which permits the following uses:

1. Institutional uses
2. Principal permitted uses in the R-10 Zone, subject to the requirements as provided in the R-10 Zone:
  - a. Detached single-family dwellings
  - b. Public parks and playgrounds

Conditional uses include the following:

1. Houses of worship
2. Educational institutions

The following table depicts the area and bulk requirements for the PL Public Land Zone. As is evident from the table, there are a number of categories that have no requirements.

**Table 1: PL Zoning Requirements**

<b>REGULATION</b>	<b>REQUIREMENT</b>
Min. Lot Area (sf)	N/A
Min. Lot Width (ft)	N/A
Min. Front Yard <sup>1</sup> (ft)	15
Min. Rear Yard (ft)	N/A
Min. Side Yard (one/both) (ft)	N/A
Max. Lot Coverage (%)	N/A
Max. Building Coverage (%)	N/A
Max. Building Height (ft/sty)	48/3
Max. Floor Area Ratio (%)	150

<sup>1</sup>Elm Street, Maple Street, Morris Avenue frontage alone. N/A for all other streets

Parking is required for uses in this zone at a rate based on use. The current Post Office while having parking for Post Office official vehicles and staff does not have customer parking which relies on adjacent public parking facilities. A computation of required parking would necessitate the review of the uses of the building since in the instance of a Post Office there are areas of the building which operate like a retail facility for post office customers are served and the back office area where mail is sorted for distribution. The existing Post Office retail related area is estimated at 6,000 square feet and the remaining area of the building would equate to 13,300 sf. Using the retail and warehouse standards of the Summit development regulations, the potential parking need would be approximately 43 spaces for the existing structure. The existing site contains approximately 20 spaces

The Study Area borders to the west the B-Business Zone, which permits the following uses:

1. Retail sales, except that drive-thru facilities are prohibited.
2. Offices.
3. Restaurants and other eating establishments, except that drive-in or drive-thru facilities shall not be permitted.
4. Financial institutions, except that drive-thru facilities are prohibited.
5. Residential uses above first floor.
6. Theaters.
7. Personal service facilities.
8. Retail service facilities.
9. Dance schools and studios.
10. Health clubs.
11. Lodges and social clubs.
12. Funeral parlors.
13. Institutional uses.
14. Automobile sales.

Conditional uses include the following:

1. Adult day care.
2. Gasoline service stations.

3. Automotive repair.
4. Houses of worship.

The following table depicts the area and bulk regulations for the B Zone. As is evident from the table, there are a number of categories that have no requirements.

**Table 2: B Zoning Requirements**

<b>REGULATION</b>	<b>REQUIREMENT</b>
Min. Lot Area (sf)	N/A
Min. Lot Width (ft)	N/A
Min. Front Yard (ft)	N/A
Min. Rear Yard (ft)	N/A
Min. Side Yard (one/both) (ft)	N/A
Max. Lot Coverage (%)	90
Max. Building Coverage (%)	30
Max. Building Height (ft/sty)	42/3
Max. Floor Area Ratio (%)	75

Parking is required for uses in this zone at a rate based on use. Residential uses are required to provide parking in accordance with the Residential Site Improvement Standards (RSIS).

Please see the Zoning Map in Appendix A for a delineation of the current zone boundaries.

## Study Area Building Review

The LRHL requires the investigation of all features of the Study Area to be evaluated to determine the conditions of all features of such a facility including the buildings on site. A site inspection was conducted on July 9, 2014 of the existing building. The inspection reviewed the retail and backroom areas and the basement area of the structure. The building was noted to be constructed in 1935 as evidenced by a cornerstone on the structure along Maple Street. It was found that the structure is in good condition with no signs of disrepair or deleterious condition. Building systems were in working order and of relatively recent technology. The building has a ADA compliant handicapped ramp system to the front entrance from Maple Street. The loading areas to the rear of the building were adequate and were flush with the floor area of the backrooms of the facility separated by two sets of double doors for weather separation. The building did not exhibit characteristics consistent with conditions as identified in Need of Redevelopment by the applicable LRHL criteria.

## Statutory Criteria

The LRHL establishes eight statutory criteria to determine if an area qualifies as being in need of redevelopment. While properties may often qualify for more than one of the criteria, the LRHL establishes that only one is needed for that area to be determined in need of redevelopment.

The criteria are as follows:

1. **The "a" Criterion: Deterioration.** The generality of buildings in the area 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.
2. **The "b" Criterion: Abandoned Commercial and Industrial Buildings.** 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.
3. **The "c" Criterion: Public and Vacant Land.** 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.
4. **The "d" Criterion: Obsolete Layout and Design.** 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.
5. **The "e" Criterion: Property Ownership and Title Issues.** 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 impeded 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 have 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.
6. **The "f" Criterion: Fire and Natural Disasters.** 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.
7. **The "g" Criterion: Urban Enterprise Zones.** In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zone Act," 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 for the purpose of granting tax exemptions or the adoption of a tax abatement and exemption ordinance.
8. **The "h" Criterion: Smart Growth Consistency.** The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The statute defines redevelopment to include: "clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public

purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a development plan.”

It is noteworthy that the statute in Section #3 specifically states that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is necessary for the effective redevelopment of an area.

## Compliance with the Statutory Criteria

As noted above, the Study Area must meet at least one of the eight criteria to be designated as an area in need of redevelopment. The following assessment is based on a site visit conducted on July 9, 2014.

1. The Study Area does not meet the “a” criterion, as the building located on site is neither substandard, unsafe, unsanitary, dilapidated, or obsolescent, nor does it possess any of such characteristics, or is so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions. The building was found to be in generally good repair, as the facilities did not show any major signs of disrepair or obsolete conditions. In addition, the building was well lit and all plumbing was in working order. We further note that the building mechanical systems consisted of HVAC systems, and were evident of sound working order. The windows of the facility, as well as the electrical service panels and phone service, have all been updated.

The exterior of the building was also relatively well maintained. A review of the front and side exterior conditions indicated that the building receives periodic maintenance, as evidenced by paint, flashing, brick and masonry conditions. Minor paint peeling was evident on the front columns adjacent to the building, but was not extensive. It was identified that the Post Office does not currently have sufficient space to park all of their delivery vehicles on site; as such, the Post Office currently rents the use of twelve (12) spaces on the Railroad Avenue parking lot. This is indicative of a deficiency in parking on site.

2. The Study Area does not meet the “b” criterion, as it is still currently in use.
3. The Study Area does not meet the “c” criterion, as it is neither vacant nor owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity.
4. The Study Area does not meet the “d” criterion. As noted above, the site does have a deficiency in parking as evidenced by the Post Office’s renting of twelve (12) spaces on the adjoining Railroad Avenue lot. In addition, it is noted that the majority of the Study Area is covered by impervious coverage. Nevertheless, there was no evidence of a lack of ventilation, light and sanitary facilities, nor deleterious land uses which would detrimental to the safety, health, morals, or welfare of the community.
5. The Study Area does not meet the “e” criterion, as there are no known property ownership or title issues.
6. The Study Area does not meet the “f” criterion for fire and natural disasters.

7. The Study Area does not meet the “g” criterion, as it is not located in an Urban Enterprise Zone.
8. The Study Area is consistent with the “h” criterion for smart growth consistency. As noted above, the Study Area is located in cross proximity to the City’s NJ Transit station, as well as its mixed-use downtown area.

Except for the need for supplementary parking for vehicles overnight and the Study Area’s proximity to the City’s train station, the building does not show characteristics consistent with LRHL criteria.

## Planning Conclusion

The planning analysis undertaken for the Study Area indicates that, by itself, the statutory criteria for a redevelopment designation is not satisfied. However, as previously noted, the statute specifically states in Section #3 that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but due to their specific adjacency, the inclusion of which is necessary for the effective redevelopment of an area.

Therefore, in consideration of such, it is the recommendation of this report to include the Study Area with the previously adopted Area In Need of Redevelopment designation for the Railroad Avenue Lot (Block 2702 Lot 2). The rationale for such action is as follows:

1. When considered in their totality, the two properties make up a distinct, geographically delineated area totaling 71,735 square feet or 1.65 acres. Both lots are bounded by Broad Street to the south and Railroad Avenue to the north. The Post Office Study Area offers a lot with frontage and access to Maple Street providing an enhanced physical and contextual linkage to the interconnected street grid of the downtown, which the Railroad Avenue Lot is currently lacking. When the Study Area is considered in context with the Railroad Avenue lot, a redevelopment area of significant dimension, context and frontage is established which greatly expands options for the effective redevelopment in an area directly adjacent to the core of the downtown. In addition, should both lots be redeveloped according to the principals of smart growth as a compact mixed use facility, it would represent a specific linkage between the senior housing facility and the downtown area and train station. As such, the Study Area lot and the Railroad Avenue lot present an integrated geographic block within the context of the downtown of the City.
2. Both properties have access to Railroad Avenue: the Post Office utilizes it as a point of egress, while the Railroad Avenue lot utilizes the street as a source of ingress. By including the two properties as one area in need of redevelopment, this right-of-way is intrinsically utilized by the two sites.
3. As noted above, due to the Post Office’s renting of twelve (12) spaces on the Railroad Avenue lot, the two properties currently have existing levels of utilization and interaction.
4. The combination of the Study Area and the Railroad Avenue lot will allow for enhanced levels of options in the creation of zoning and design standards.

5. The redevelopment of the Study Area would advance the remediation of onsite contamination as noted in this report.
6. The City's 2000 Master Plan identified the need to review parking in the downtown area as it relates to the vitality of the community. It highlighted the Railroad Avenue lot as a particularly viable location for future structured parking in close proximity to the needs of the downtown. The combination of lots 1 and 2 into a redevelopment area would improve the feasibility of addressing this need.
7. A 2009 parking study identified an ongoing and projected parking deficit in the downtown area, which has a number of detrimental impacts, not only to businesses, but also potentially to pedestrian safety. It is identified in this report the Study Area in combination with the Railroad Avenue lot is a potential location for an integrated mixed use facility inclusive of at-grade retail including the Post Office activities, fronting a structured parking facility to improving the needs of the area.
8. As identified in the area in need analysis of the Railroad Avenue lot, the current use of public parking lot was inconsistent with "smart growth" principles, particularly in that it represented an inefficient use of space in consideration of the redevelopment of the site that is detrimental to the sense of place in Summit, compact and mixed use development as well as the walkability and needs in this area of the downtown. A combined redevelopment plan inclusive of the Study Area represents an enhanced opportunity to implement the objectives of smart growth within the City and the State of New Jersey.

It should be noted that a determination to designate a redevelopment area simply defines and delineates the area in which the municipality intends to pursue an active role in furthering redevelopment. It is specifically noted that the area in need of redevelopment study determination due to specific direction of the Common Council in the investigation of the Study Area by the Planning Board shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area. This redevelopment identification can include alternative approaches to upgrade and revitalize the area.

The following procedural overview is offered for the City's consideration:

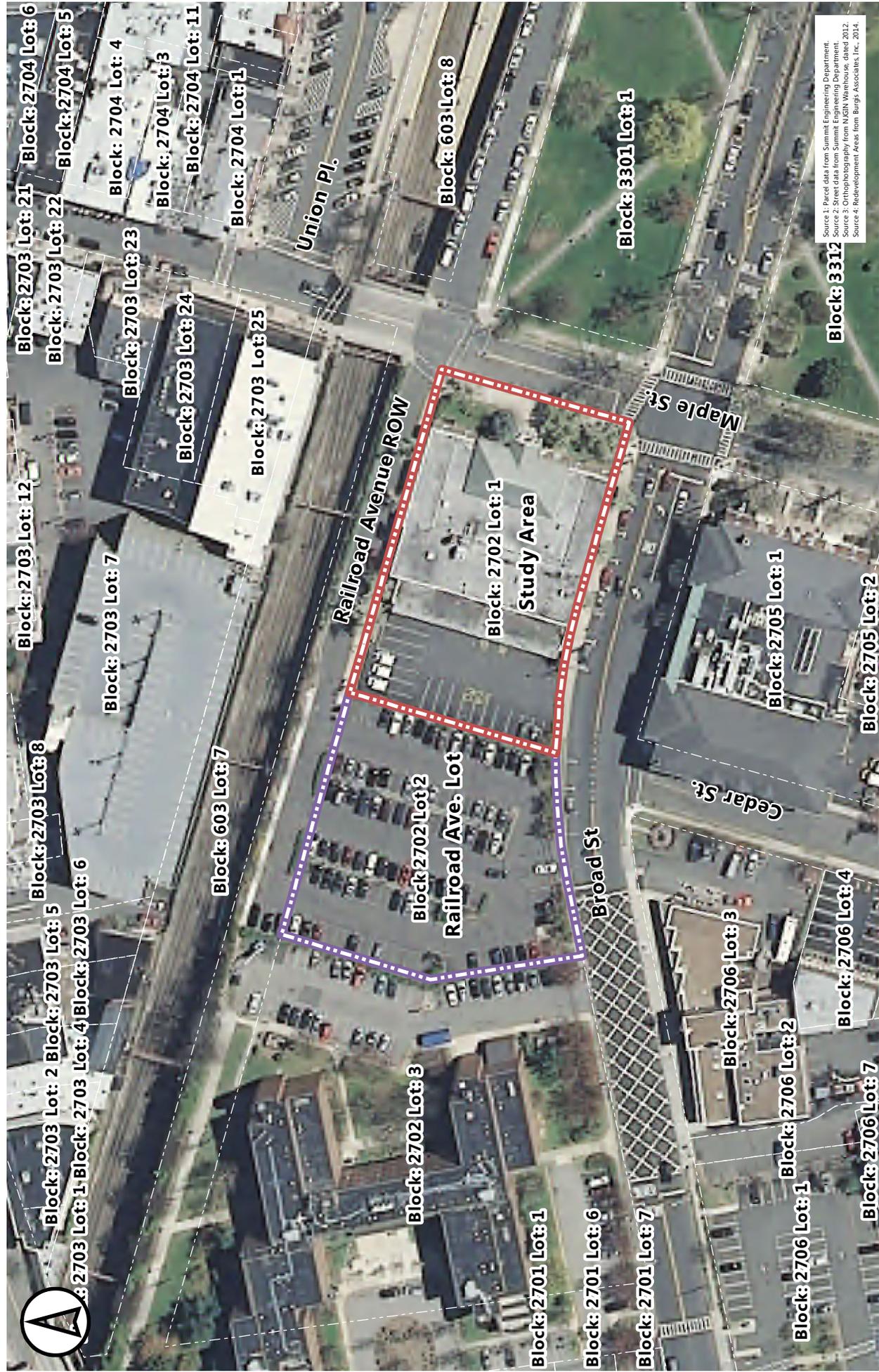
1. The statute provides that "no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in" the applicable Laws of the State of New Jersey." Such determination shall be made after public notice and public hearing.

In this instance, the governing body previously authorized the preparation of this preliminary investigation with the specific notation that the area in need of redevelopment study determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area. Given the conclusions above, it is now appropriate for the Planning Board to hold a public hearing on the proposed

designation of the redevelopment area. At this hearing, this document stating that the study area can be designated as “an area in need of redevelopment,” should be reviewed.

2. Upon completion of a hearing on the matter, the Planning Board is required to forward its recommendations to the governing body. The recommendation should detail whether Planning Board suggests the delineated area, or any part thereof, should be designated, or not designated, by the governing body to be a redevelopment area.
3. After receiving the recommendation of the Planning Board, the governing body may adopt a resolution designating the delineated areas for redevelopment.
4. The governing body, after adopting a resolution to delineate the redevelopment area, may direct the Planning Board to prepare a redevelopment plan pursuant to the applicable redevelopment statute. The plan may be prepared by the Planning Board and then forwarded to the governing body for adoption, or can be prepared by the Governing Body themselves. The redevelopment plan is required to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:
  - a. The relationship to define local objectives as to: appropriate land uses; population density; traffic, public transportation, utilities, recreation and community facilities, and other public improvements.
  - b. Proposed land uses and building requirements in the study area;
  - c. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available in the existing local housing market;
  - d. Identify any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan;
  - e. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan and State Development and Redevelopment Plan.

# Appendix A: Maps



Source 1: Parcel data from Summit Engineering Department.  
 Source 2: Street data from Summit Engineering Department.  
 Source 3: Orthophotography from NGS Warehouse, dated 2012.  
 Source 4: Redevelopment Areas from Burgis Associates, Inc., 2014.

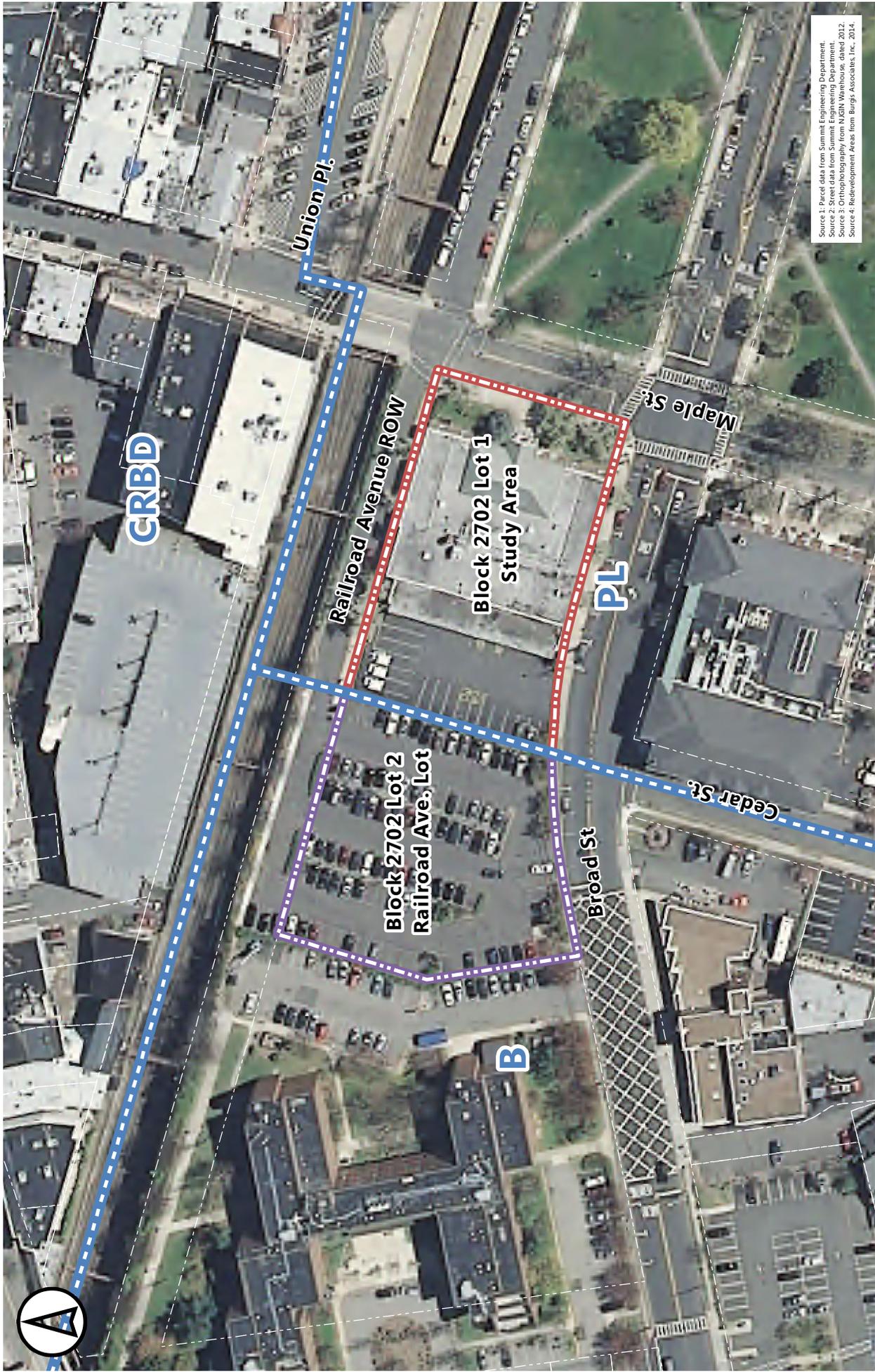
<b>Project Title</b> Area in Need of Redevelopment Study <small>CITY OF SUMMIT UNION COUNTY, NEW JERSEY</small>		<b>Project No.</b> 2904.12	<b>Date</b> 07/15/14	<b>Drawn</b> DN
<b>Scale:</b> 1" = 100' <small>2013 COPYRIGHT BA - NOT TO BE REPRODUCED</small>		<b>Dwg. No.:</b> areas		

**Legend**

- Parcels (dashed line)
- Area in Need of Redevelopment Study Area (red dashed line)
- Parcel Identified as In Need of Redevelopment (purple dashed line)

**Aerial Map: Redevelopment Area**

**BURGIS ASSOCIATES, INC.**  
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
 25 Westwood Avenue  
 Westwood, New Jersey 07675  
 p: 201.666.1811  
 f: 201.666.2595



Source 1: Parcel data from Summit Engineering Department.  
 Source 2: Street data from Summit Engineering Department.  
 Source 3: Orthophotography from NGIN Warehouse, dated 2012.  
 Source 4: Redevelopment Areas from Burgis Associates, Inc., 2014.

**Legend**  
 - - - - - Parcels  
 - - - - - Area in Need of Redevelopment Study Area  
 - - - - - Parcel Identified as In Need of Redevelopment

Project No.	2904.12	Date	07/15/14	Drawn	DN
Scale:	1" = 100'	Dwg. No.:	areas		
2013 COPYRIGHT BA - NOT TO BE REPRODUCED					

**Project Title**  
 Area in Need of Redevelopment Study  
 CITY OF SUMMIT | UNION COUNTY, NEW JERSEY

**Zoning Map: Redevelopment Area**

**BURGIS ASSOCIATES, INC.**  
 COMMUNITY PLANNING | LAND DEVELOPMENT AND DESIGN | LANDSCAPE ARCHITECTURE  
 p: 201.666.1811  
 25 Westwood Avenue  
 Westwood, New Jersey 07675  
 f: 201.666.2595



**B**

## Appendix B: Site Photos



*Photo 1: Front Façade of Post Office Building*



*Photo 2: Front Façade of Post Office Building*



*Photo 3: Frontage along Railroad Avenue*



*Photo 4: Frontage along Railroad Avenue*



*Photo 5: Frontage Along Broad Street*



*Photo 6: Rear Parking Area*



*Photo 7: Rear Loading Area*



*Photo 8: Rear Loading Area/Egress Driveway onto Railroad Avenue*



*Photo 9: Railroad Avenue connections to Study Area, Railroad Avenue Lot*



*Photo 10: Railroad Avenue Parking Lot*

## Appendix D: Prior Resolutions

# THE CITY OF SUMMIT

N E W J E R S E Y

CITY HALL 512 SPRINGFIELD AVENUE SUMMIT, NJ 07901

Phone: 908-273-6400 Fax: 908-273-2977

David L. Hughes  
City Clerk  
Secy. to Mayor & Council  
[dhughes@cityofsummit.org](mailto:dhughes@cityofsummit.org)

Rosemary Licatase  
Deputy City Clerk  
(908) 273-6400  
[rlicatase@cityofsummit.org](mailto:rlicatase@cityofsummit.org)

June 19, 2014

Mr. Jeffrey Wagenbach  
Chairman  
Summit Planning Board  
512 Springfield Avenue  
Summit, NJ 07901

Re: Resolution No. 36345 – Authorizing Preliminary Redevelopment Investigation of U.S.P.S.  
Property, Block 2702, Lot 1

Dear Mr. Wagenbach:

At the June 17, 2014 meeting of Summit Common Council, the above referenced resolution was adopted.

Pursuant to P.L. 2013, Chapter 159 the above mentioned resolution is being sent to the Planning Board authorizing it to undertake a preliminary investigation of the above mentioned property.

Sincerely,



David L. Hughes

c: B. Kinney, Dir., DCS  
G. Lewis, Planning Board  
B. Marchigano, Planning Board Secretary

Enclosure

**AUTHORIZE PRELIMINARY  
REDEVELOPMENT INVESTIGATION  
BLOCK 2702, LOT 1 (U.S.P.S. PROPERTY)**

June 17, 2014

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Redevelopment Law"), allows municipalities to identify certain areas within their geographical boundaries as "Areas in Need of Redevelopment," or "Areas in Need of Rehabilitation," one of the purposes of which, among others, is to encourage private investment in certain properties through, e.g., the demolition, clearance, or removal of buildings, the construction and rehabilitation or existing buildings, the creation of new job opportunities and ratables within municipalities; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, by Resolution No. 35391, adopted on September 5, 2012, the City of Summit authorized the City of Summit Planning Board to cause a preliminary investigation of whether the City's property identified as Block 2702, Lot 2, commonly known as the Railroad Avenue Lot, inclusive of streets and rights-of-way appurtenant thereto, as an area in need of redevelopment; and

WHEREAS, upon proper notice, the City Planning Board held a public hearing on January 28, 2013, on the preliminary investigation of whether the City's property identified as Block 2702, Lot 2, inclusive of streets and rights-of-way appurtenant thereto, was an area in need of redevelopment; and

WHEREAS, by Resolution dated February 25, 2013, the Planning Board recommended that the City's property identified as Block 2702, Lot 2, inclusive of streets and rights-of-way appurtenant thereto, be designated as an area in need of redevelopment, specifically pursuant to N.J.S.A. 40A:12A-5(d) and (h); and

WHEREAS, by Resolution No. 35687, adopted on March 19, 2013, the City designated and declared the property identified as Block 2702, Lot 2, inclusive of streets and rights-of-way appurtenant thereto, as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5(d) and (h); and further authorized the City Planning Board to prepare a redevelopment plan in accordance with N.J.S.A. 40A:12A-7; and

WHEREAS, since the adoption of Resolutions Nos. 35391 & 35687, New Jersey Legislature adopted, and the Governor signed P.L. 2003, Chapter 159, which amends the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, "[t]he 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 provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a 'Non-Condensation Redevelopment Area') or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a 'Condensation Redevelopment Area'); and

WHEREAS, the Mayor and Common Council of the City of Summit have determined that the property known as Block 2702, Lot 1 exhibits undesirable characteristics and complications that might prevent its appropriate use, and could be corrected through the use of redevelopment; and hereby finds it to be in the best interest of the City and its residents to authorize the City Planning Board to undertake such preliminary investigation of the property as a Non-Condensation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the City of Summit Planning Board be and it is hereby authorized and directed to cause a preliminary investigation to be made pursuant to the notice, hearing and other requirements of the Redevelopment Law as to whether the property identified as Block 2702, Lot 1, currently owned by the U.S.P.S., is an area in need of redevelopment consistent with the meaning and intent of the statute according to the criteria set forth in N.J.S.A. 40A:12A-5;

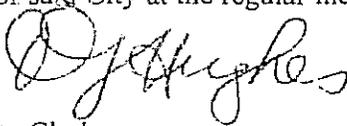
That the City's and Planning Board's prior determination that the property identified as Block 2702, Lot 2, commonly known as the Railroad Avenue Lot, is an area in need of redevelopment, specifically set forth in Resolution No. 35391, adopted on September 5, 2012, and Resolution No. 35687, adopted on March 19, 2013, is hereby re-affirmed as a "Non-Condensation Redevelopment Area" pursuant to the requirements of New Jersey P.L.2013, c.159.

That, pursuant to New Jersey P.L. 2013, c.159, the redevelopment area determination shall authorize the City to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain, also known as a "Non-Condensation Redevelopment Area."

That a certified copy of this Resolution is to be forwarded to the City of Summit Planning Board.

Dated: June 17, 2014

I, David L. Hughes, City Clerk of the City of Summit, do hereby certify that the foregoing resolution was duly adopted by the Common Council of said City at the regular meeting held on Tuesday evening, June 17, 2014.

  
City Clerk