

# PRELIMINARY INVESTIGATION: BLOCK 53 LOTS 1 AND 2

Area in Need of Redevelopment

Prepared by:

Van Cleef Engineering Associates

Prepared for:

Borough of Raritan, Somerset County

August 22, 2022

Stanley Schrek, PE, AIA, PP, CME, LEED-AP

NJ. Lic # PP-3213 \_\_\_\_\_

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## I. INTRODUCTION

The following study has been prepared to determine whether an area located within the central portion of the Borough of Raritan qualifies as an “area in need of redevelopment” in accordance with the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12-A. The study was authorized by the Borough of Raritan Council and was prepared on behalf of the Borough of Raritan Land Use Board. The study area is comprised of two tax lots within Block 53 located along Tillman Street between First Avenue and Quick Avenue.

As is described in this report, it is our conclusion that Block 53, Lots 1 and 2 meets at least one of the statutory criteria for designation as a redevelopment area. This conclusion is based on the fact that the lot’s current use is largely unsafe and outdated, and that redevelopment will promote smart growth principles for the site and its surrounding neighborhood.

## II. SUMMARY OF FINDINGS

This report concludes that the lot qualifies for redevelopment under criteria “a”, “d”, and “h” of the LRHL. The analysis contained within this report will serve as the basis for the recommendation that Block 53, Lots 1 and 2 qualifies as a Non-condemnation Area in Need of Redevelopment.

## III. BACKGROUND

### A. Legal Authority

New Jersey’s Local Redevelopment and Housing Law (the “LRHL”) empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated “in need of redevelopment” in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

### B. Redevelopment Procedure

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board to interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

1. Governing Body of the municipality must adopt a resolution directing the Planning Board to undertake a preliminary investigation to determine whether a specified area is in need of redevelopment according to the criteria set forth in Section 5 of P.L. 1992/c.79 (C.40A:12A-5).
2. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those power for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).

3. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included to be investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
4. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
5. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “Area in Need of Redevelopment”. The Governing Body must make the final determination as to the Condemnation Redevelopment Area boundaries.
6. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that: (i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and (ii) legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
7. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “Area in Need of Redevelopment.”
8. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance.

Only after completion of this process is a municipality able to exercise the powers under the LRHL.

#### C. Progress

In satisfaction of #1 above, the Borough of Raritan Council adopted Resolution No. 2022-05-084 on May 17, 2022, which authorized the Land Use Board to undertake this study. The resolution (Appendix A) and blight investigation maps (Appendix B) which satisfy #2 above are included herein.

#### D. Purpose & Scope

In accordance with the process outlined above, this Preliminary Investigation will determine whether the property (hereinafter referred to as the “Study Area”) within the Borough of Raritan meets the statutory requirements under N.J.S.A. 40A:12A-5 for designation as a non-condemnation “area in need of redevelopment”. This study was prepared at the request of the Borough of Raritan Land Use Board and was duly authorized by the Mayor and Council. The scope of work for the investigation encompassed the following: land use review; assessment of property conditions; occupancy and ownership status within the study area; review of tax maps and aerial photos; review of building records; review tax assessment data; review of environmental assessments and any subsequent documentation of remediation; review of the existing zoning ordinance and zoning map for the Borough of Raritan; and review of the Master Plan for the Borough.

#### IV. Consideration of the Statutory Conditions for Establishment of an Area in Need of Redevelopment as Specifically Applied to the Study Area

##### A. Introduction

The Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5 sets forth the regulations for which an area may be designated an “area in need of redevelopment” if after investigation, notice, and public hearing, the governing body determines by resolution that the area meets any one of the following criteria:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be tenantable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real 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.
- 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.
- 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 the 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 provision of P.L. 1991, c.441 (C.40A:21-1 et seq). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body

and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, C.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

It is noted that §40A:12-A3 (“Section 3”) cites that a “redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.” The redevelopment area must also include lands that are “reasonable and rational” given their location, size, shape and access to produce a redevelopment project that will achieve the goals of the community.

#### B. Zoning Description

The study area (Block 53, Lots 1 and 2) is located within the R-4 Medium-High Density Residential Zoning District which has the following associated uses pursuant to §207-108 of the Borough of Raritan Land Use Ordinance:

Principal permitted uses:

- Single-family residences
- Places of worship, parish houses and convents, and cemeteries
- Public parks, playgrounds and recreational areas owned or operated by the Borough
- Public and private schools, except nursery schools

Permitted accessory uses:

- Private garages
- Private swimming pools for residential use
- Fences, patios, sheds, and other typical residential accessory structures and uses

Permitted Conditional Uses in this zone:

- Home occupation
- Public and Private Schools
- Public utilities facilities
- Places of worship
- Professional offices (if located on Somerset Street – not applicable to Block 53, Lots 1 and 2)

### C. Existing Conditions

The subject parcels are located along Tillman Street between Quick Avenue and First Avenue (also known as County Road 567) and contain approximately 1.317 acres. The only other lot within Block 53 is the Raritan Dog Park, which is not included as part of this study. The properties are bound by the Central Railroad of New Jersey (CONRAIL) right-of-way to the south, First Avenue to the east, Tillman Street to the north, and Quick Avenue to the west. Adjacent uses are almost exclusively residential to the west, north and east, with the exceptions being the dog park immediately to the southeast, the First Avenue Tennis Courts across the street to the east. Opposite the railroad right-of-way is the OM-2, Industry Park District, currently occupied with medical industrial uses.

First Avenue dips below grade to cross under the CONRAIL right-of-way, which results in a retaining wall occupying the entirety of the easterly side of Block 53. A portion of this retaining wall is on Lot 3, which contains the Raritan Dog Park, but the retaining wall continues onto Lot 2, which is part of this study. Lot 2 is primarily comprised of residential uses, with one primary residential structure at the corner of Tillman Street and First Avenue and a garage that fronts Tillman Street. The residential structure is overgrown, with large trees almost double the height of adjacent utility poles and vegetation almost completely obscuring the structure from view along First Avenue. The vegetation overhangs approximately one and a half lanes of First Avenue. Due to the vegetation and the volume of First Avenue, the sidewalk can feel cramped and unsafe.

The sidewalk terminates just west of the intersection of First Avenue and Tillman Street. Younger trees are located in the frontage along Tillman Street. Beyond the limits of the residential structure and the garage, there is a largely open space of unoccupied land. Only a few trees and space for vehicles are located here.



**Photo 1:** View of Lot 2 from the intersection of First Avenue and Tillman Street looking southwest per Google Maps. The overhanging vegetation can be seen, along with the retaining wall.



**Photo 2:** Remainder of Lot 2, largely unoccupied.



**Photo 3:** Additional construction storage on Lot 1, barbed wired chain-linked fence can be seen abutting the residential uses along Quick Avenue.



**Photo 4:** Additional oil drums stored on Lot 1.

Block 53, Lot 1 represents the remaining portion of the proposed area of study. The current use of the Lot 1 is largely industrial storage, with trucks and construction equipment occupying most of the available space. An investigation revealed oil drums and equipment stored openly on-site with various fork-lifts and work trucks parked along the perimeter. A shed was located in the center of Lot 1 presumably storing additional materials. The site is secured with a perimeter barbed wire chain-link fence, which abuts the dog park, the rail-road right-of-way, and the right-of-ways for Quick Avenue and Tillman Street. These uses are not a permitted use of the zoning district the lot is located within, and are more indicative of the uses on the other side of the CONRAIL right-of-way.

The land is predominately flat with drainage on both sides of Tillman Street. It is noted that there is a Type-E inlet near the driveway of the

residence on Lot 2 which may be indicative of drainage issues. Despite this, the site is not located within the Flood Hazard Area pursuant to Flood Insurance Rate Map Panel 34035C0134E (Appendix B)

## V. Application of the Statutory Criteria to the Study Area Properties

We provide the following analysis for each criteria and the reasoning for our conclusion that the subject property meets the “a”, “d”, and “h” criteria for an area in need of redevelopment.

### The “a” criteria:

- *“The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.”*

The subject area, particularly Lot 2, contains structures that are severely lacking in light due to surrounding vegetation and site geometry. As noted above, there is overhanging vegetation on the right-of-way along First Avenue which may be very hazardous to the general public, especially to pedestrians along the sidewalk adjacent to the Raritan Dog Park. Additionally, substandard building practices persist on Lot 1, with the existing of barbed wire fencing – a prohibited use pursuant to §207-68 “Walls and Fences” of the Borough of Raritan Land Use Ordinance.

### The “d” criteria:

- *“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.”*

As stated above, the subject parcel is occupied by both residential and

industrial uses with a portion of the site completely unutilized. The land coverage within the industrial portions on Lot 1 are substandard, including outdated fencing such as barbed wire and also compacted gravel as a driving surface. This, combined with the overgrown portions of Lot 2, which reduce the safety of pedestrians utilizing the Raritan Dog Park, is out of place with the rest of the community. Considering that the industrial use is not permitted and the building practices are no longer standard, this study area does not exhibit continuity with the neighboring region.



**Photo 5:** Additional view of the industrial use on Lot 1. Notice the clutter and the barbed-wire fence, both uses that are not permitted within the zoning district the subject area is located within.

**The “h.” criteria:**

- *“The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.”*

In applying this criteria, the subject area, during redevelopment, will be required to adopt smart growth principals as part of its redevelopment plan. This will include, at a minimum taking advantage of existing nearby community assets, such as the Raritan Dog Park and the Raritan Tennis Courts and fostering walkable neighborhoods by continuing the sidewalk and making accommodations for the grade changes from First Avenue through Tillman Street. Depending on the outcome of the future Redevelopment Plan and the intended use for the site, the future redevelopment could also include updated stormwater management consistent with the latest New Jersey Department of Environmental Protection (NJDEP) Best Management Practices (BMP) Manual, new electrical vehicle supply equipment (EVSE), and/or additional shared parking facilities for the Borough of Raritan.

Conclusion

This study was prepared on behalf of the Borough of Raritan Land Use Board to determine whether an area located within the Borough of Raritan (Block 53, Lots 1 and 2) qualifies as “an area in need of redevelopment” in accordance with N.J.S.A. 40:12-A. It is the finding of this investigation that the subject parcel meets the redevelopment criteria “a”, “d”, and “h” of the LRHL and in its current state fails to promote the neighborhood character of the community, as identified in the Borough Master Plan. The designation of the study area as an area in need of redevelopment is the first step to achieving the community character the Town desires.

APPENDIX A  
Resolution R2022-05-084

**BOROUGH OF RARITAN**  
**RESOLUTION NO. 2022-05-084**

**RESOLUTION AUTHORIZING THE BOROUGH OF RARITAN  
PLANNING BOARD TO UNDERTAKE A PRELIMINARY  
INVESTIGATION FOR THE REDEVELOPMENT OF  
APPROXIMATELY 1.317 ACRES OF LAND KNOWN AS BLOCK  
53, LOTS 1 AND 2 AS SHOWN ON THE BOROUGH OF RARITAN  
TAX MAP**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Local Redevelopment and Housing Law sets forth specific procedures for establishing an area in need of redevelopment; and

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Borough Council making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the Borough Council must authorize the Raritan Borough Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the subject area meets the criteria of an area in need of redevelopment as set forth in *N.J.S.A. 40A:12A-5*; and

**WHEREAS**, the New Jersey Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

**WHEREAS**, as required by the amendment to *N.J.S.A. 40A:12A-6*, the Legislature has directed that the Resolution authorizing the Planning Board to undertake a preliminary investigation state whether the redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("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 ("Condensation Redevelopment Area"); and

**WHEREAS**, the redevelopment area determination shall authorize the Borough of Raritan to use all of the powers provided by the Legislature for use in a redevelopment area including the use of eminent domain, thus designating it a Condensation Redevelopment Area; and

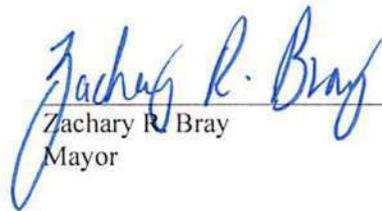
**WHEREAS**, the Borough of Raritan wishes to direct the Raritan Borough Planning Board to undertake a preliminary investigation to determine whether the proposed study area of approximately 1.317 acres known as Block 53, Lots 1 and 2 as shown on the Raritan Borough Tax Map qualifies as an area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-5*.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Raritan, in the County of Somerset and State of New Jersey, that the Raritan Borough Planning Board is hereby directed to conduct the necessary preliminary investigation, including the holding of a public hearing, to determine whether the study area identified above is or is not an area in need of redevelopment under the criteria set forth in *N.J.S.A. 40A:12A-1 et seq.*; and

**BE IT FURTHER RESOLVED** that the Planning Board shall submit its findings and recommendations to the Borough Council in the form of a Resolution with supporting documentation.

ATTEST:

  
Eric M. Colvin  
Borough Clerk/Administrator

  
Zachary R. Bray  
Mayor

I HEREBY CERTIFY that the foregoing Resolution was Adopted by the Borough Council of the Borough of Raritan, County of Somerset, State of New Jersey at a Regular Meeting held in the Council Chambers of the Municipal Building, 22 First Street, Raritan, NJ 08869, on May 17, 2022.

  
Eric M. Colvin  
Borough Clerk/Administrator

MOTION	SECOND	MEMBER	YEA	NAY	ABSTAIN	ABSENT
		Carra				✓
		Fritzinger	✓			
✓		Giraldi	✓			
	✓	Hutzler	✓			
		Melitsky				✓
		Orozco				✓

**APPENDIX B**  
Blight Investigation Maps

# Locational Map Tillman Street AINR Raritan Borough

Sources: Govt\_admin\_mun\_coast\_bnd, Mod IV,  
NJDOT

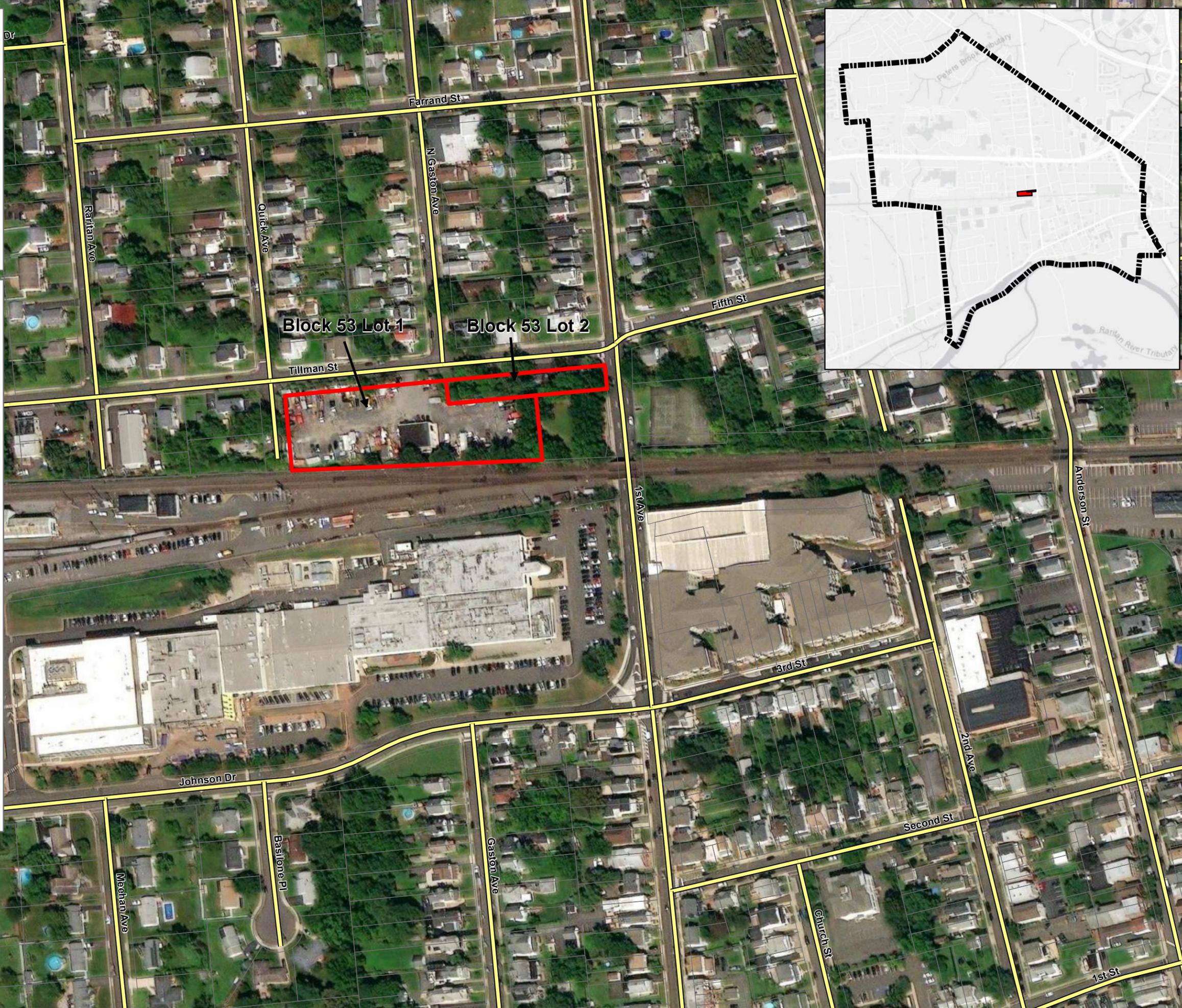
August 2022



-  Raritan Borough
-  Parcels
-  Tillman Street AINR
-  Roads



0 105 210 420 Feet



# Zoning Tillman Street AINR Raritan Borough

Sources: Govt\_admin\_mun\_coast\_bnd, Mod IV,  
NJDOT

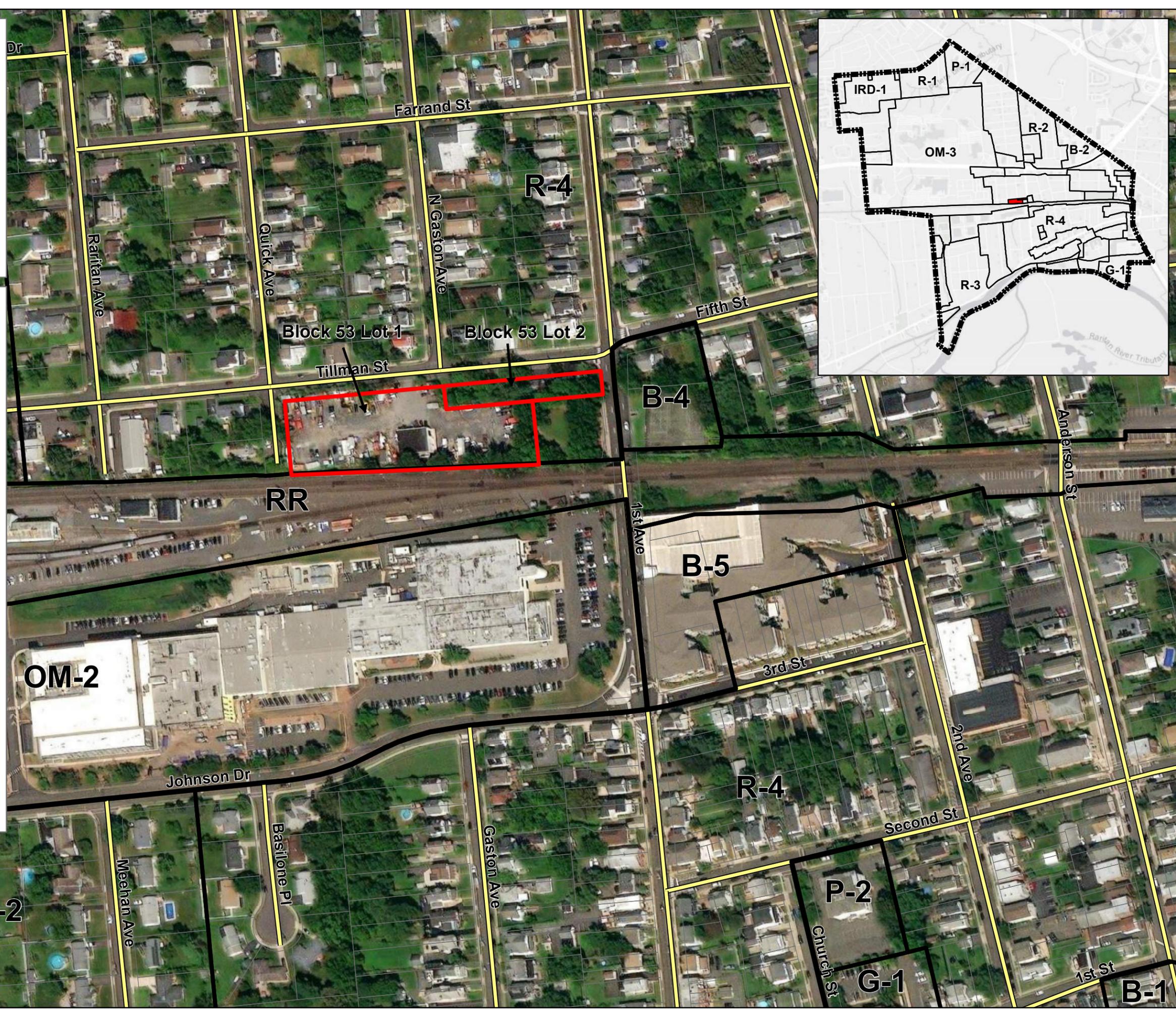
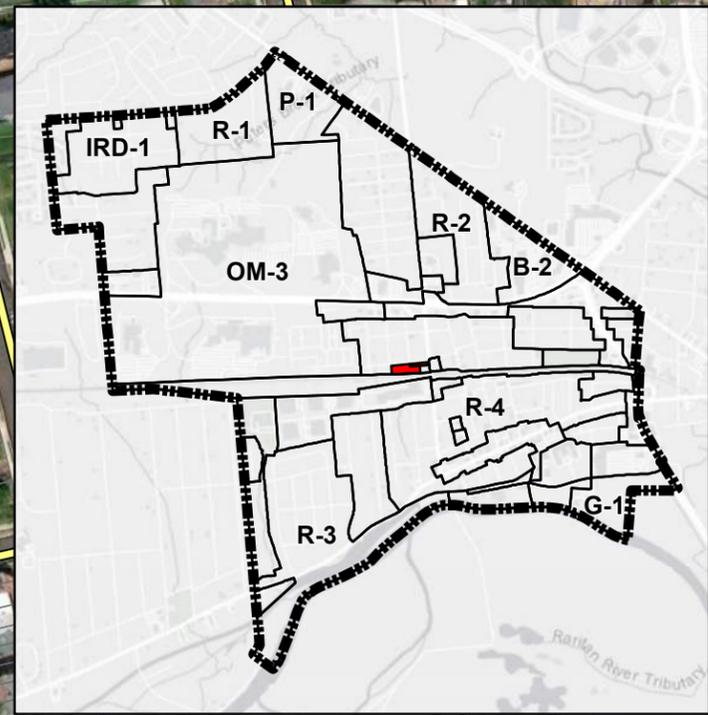
August 2022



- Raritan Borough
- Zoning
- Parcels
- Tillman Street AINR
- Roads



0 105 210 420 Feet



# Land Use Land Cover Tillman Street AINR Raritan Borough

Sources: Govt\_admin\_mun\_coast\_bnd, Mod IV,  
NJDOT

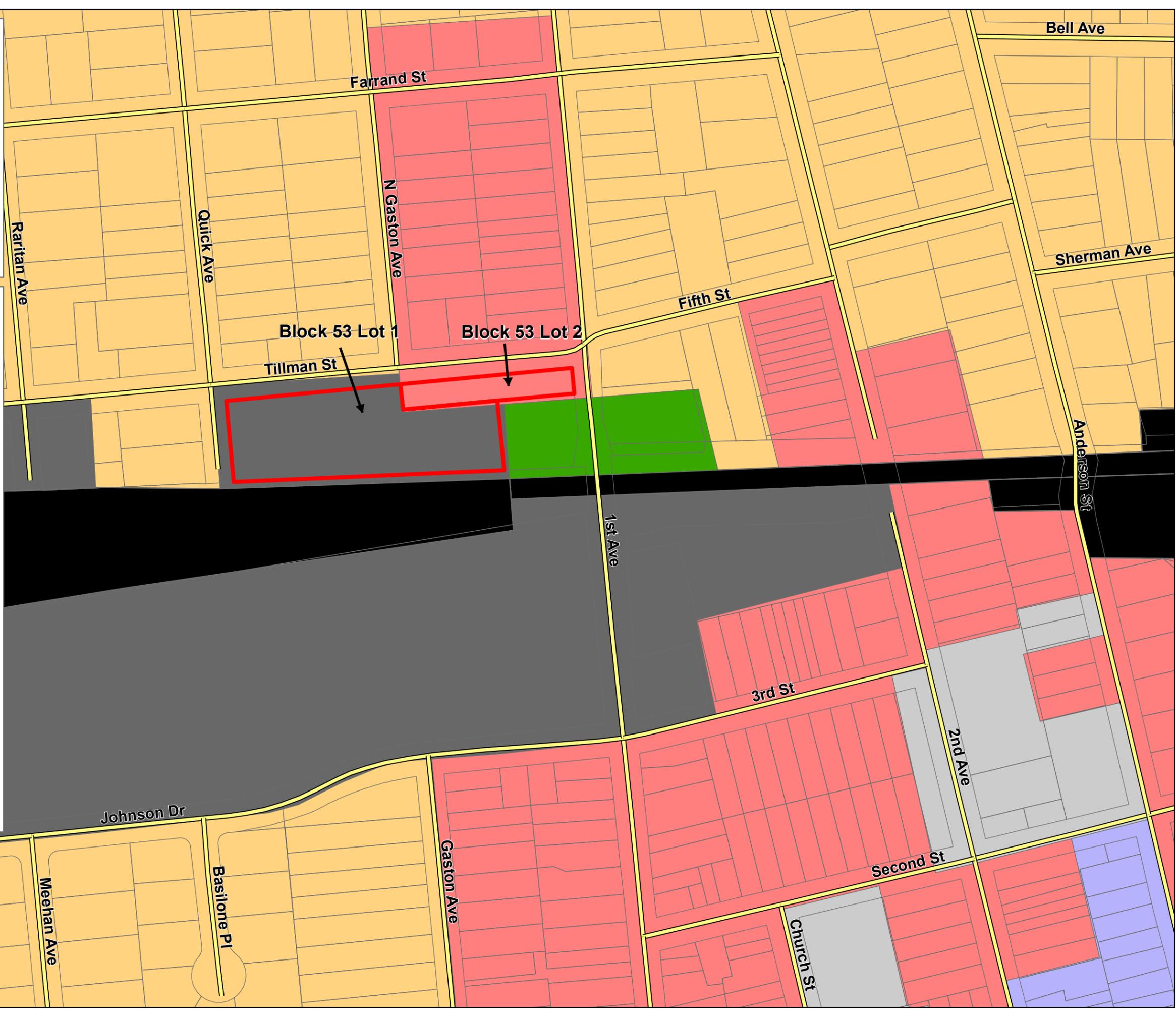
August 2022



-  Tillman Street AINR
-  Roads
-  Parcels
-  COMMERCIAL/SERVICES
-  INDUSTRIAL
-  RAILROADS
-  MIXED URBAN OR BUILT-UP LAND
-  RESIDENTIAL, HIGH DENSITY OR MULTIPLE DWELLING
-  RESIDENTIAL, SINGLE UNIT, MEDIUM DENSITY
-  RECREATIONAL LAND
-  TRANSITIONAL AREAS



0 95 190 380 Feet



# Environmental and Historical Constraints Tillman Street AINR Raritan Borough

Sources: Govt\_admin\_mun\_coast\_bnd, Mod IV, NJDOT

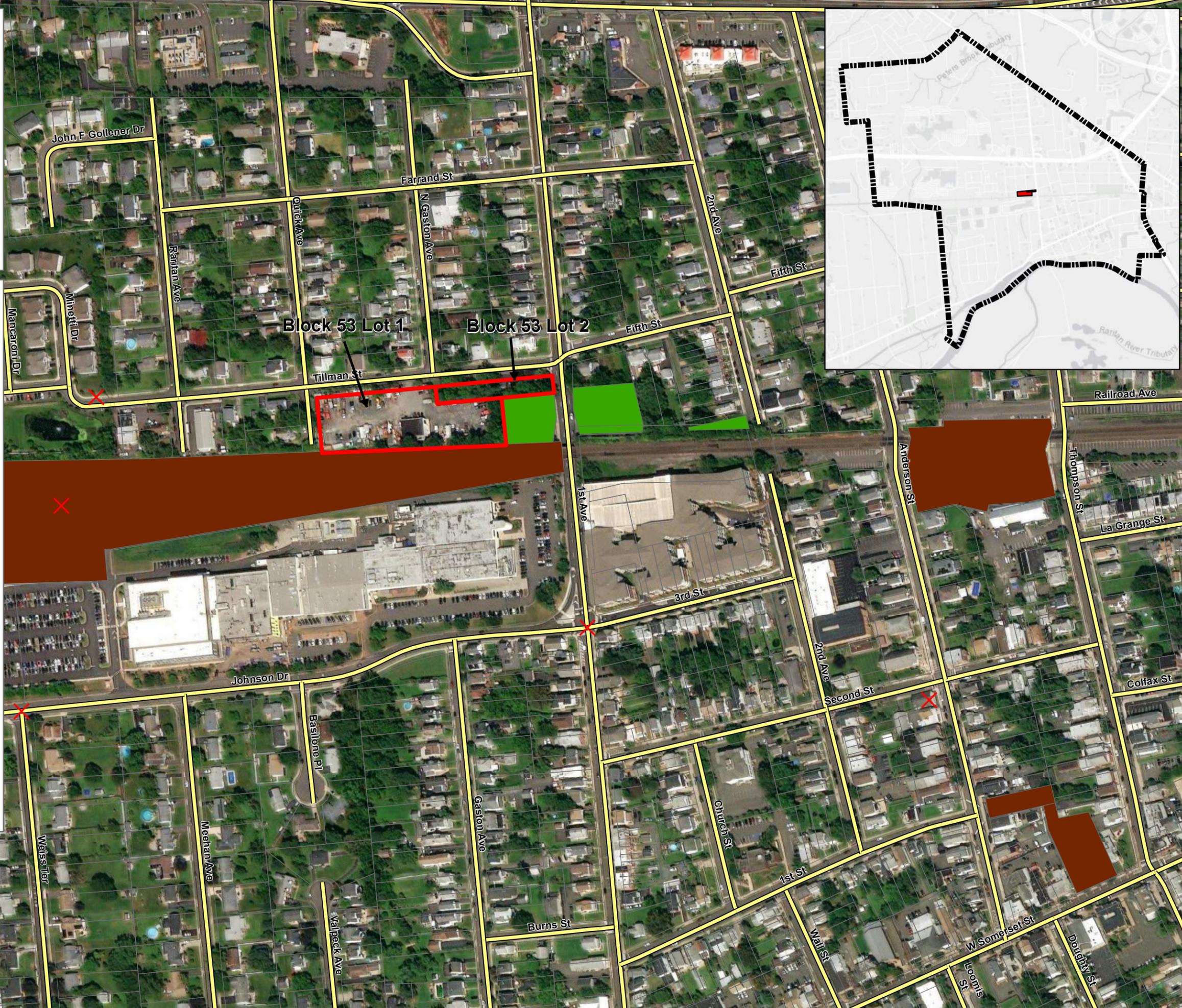
August 2022



- Raritan Borough
- Parcels
- Roads
- Tillman Street AINR
- Open Space
- Historic Properties of New Jersey
- Known Contaminated Site



0 145 290 580 Feet



APPENDIX C  
National Flood Hazard Layer FIRMette

# National Flood Hazard Layer FIRMette

74°38'37"W 40°34'31"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

### SPECIAL FLOOD HAZARD AREAS



0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee. See Notes. Zone X

Area with Flood Risk due to Levee Zone D

### OTHER AREAS OF FLOOD HAZARD

NO SCREEN Area of Minimal Flood Hazard Zone X

Effective LOMRMs Area of Undetermined Flood Hazard Zone D

Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

### OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

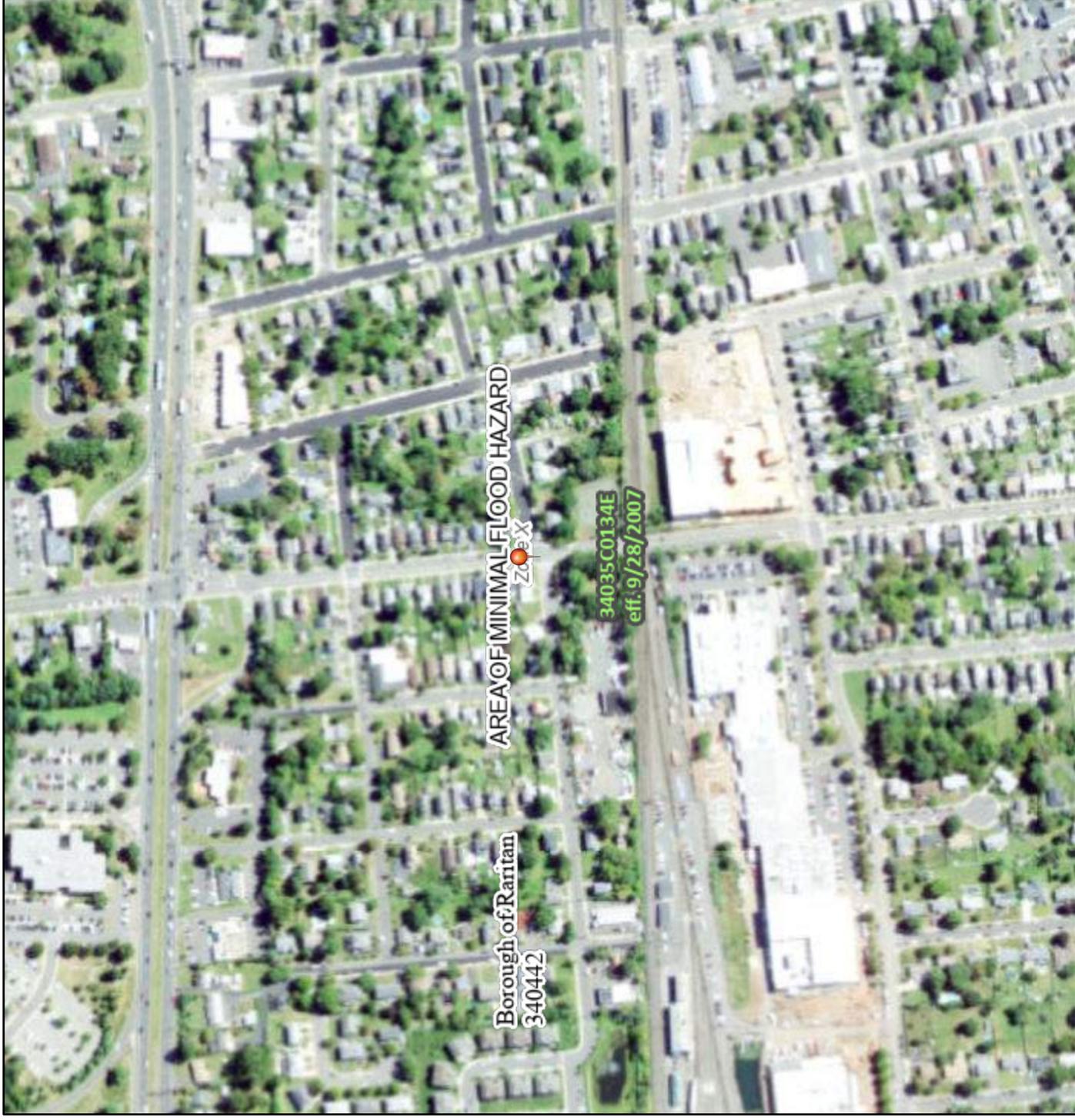
### MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/2/2022 at 1:01 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



0 250 500 1,000 1,500 2,000 Feet 1:6,000  
 Basemap: USGS National Map; Orthoimagery: Data refreshed October, 2020