

PRELIMINARY INVESTIGATION: BLOCK 80 LOTS 15, 16, 17, 18, 19, 20, 20.01, AND 20.02

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 _____

Contents

I. INTRODUCTION2

II. SUMMARY OF FINDINGS2

III. BACKGROUND2

 A. Legal Authority2

 B. Redevelopment Procedure2

 C. Progress3

 D. Purpose & Scope3

IV. Consideration of the Statutory Conditions for Establishment of an Area in Need of Redevelopment as Specifically Applied to the Study Area4

 A. Introduction4

 B. Zoning Description5

 C. Existing Conditions6

V. Application of the Statutory Criteria to the Study Area Properties8

Conclusion.....9

Appendices

Appendix A: Resolution R2022-05-083

Appendix B: Blight Investigation Maps

Appendix C: National Flood Hazard Layer FIRMette

I. INTRODUCTION

The following study has been prepared to determine whether an area located within the central southern 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 eight tax lots within Block 80, located at the northwestern corner of the intersection of Burns Street and First Avenue, also known as County Road 567.

As is described in this report, it is our conclusion that Block 80, Lots 15, 16, 17, 18, 19, 20, 20.01, and 20.02 meets at least one of the statutory criteria for designation as a redevelopment area. This conclusion is based on the fact that all of the lots within the study area are no longer consistent with the permitted zoning requirements of the associated district.

II. SUMMARY OF FINDINGS

This report concludes that the lot qualifies for redevelopment under criteria “a”, “e”, and “h” of the LRHL. The analysis contained within this report will serve as the basis for the recommendation that Block 80, Lots 15, 16, 17, 18, 19, 20, 20.01, and 20.02 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. 2022-05-083 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 80, Lots 15, 16, 17, 18, 19, 20, 20.01, and 20.02) 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 80, Lots 15, 16, 17, 18, 19, 20, 20.01, and 20.02)

	Required	15	16	17	18	19	20	20.01	20.02
Minimum Lot Size (SF)	7,500	3,750	3,750	7,500	7,500	5,000	5,000	5,000	7,500
Minimum Lot Width (FT)	75	25	25	50	50	50	50	50	50

C. Existing Conditions



Photo 1: Intersection of Burns Street and First Avenue, looking northwest as per Google Maps. The chain-link fence shown in the image was removed prior to any site investigations.

The subject parcels at the northwesterly corner of the intersection of Burns Street and First Avenue (also known as County Road 567) and contain approximately 1.033 acres. The block is bound by Burns Street to the South, First Avenue to the East, and residential uses to the West and North. There is contiguous sidewalk coverage along all lots within the subject area, however the curb opening at the intersection is not ADA-Compliant. The land is mostly flat, with a gentle gradient flowing southbound down First Avenue. Drainage improvements such as inlets are located along First Avenue. All of the structures within the study area are residential in nature, comprised mostly of single and multifamily dwellings, associated sidewalks, driveways, patios, and garages. The area is tightly packed, with many of the lots sharing parking facilities and some structures occupying multiple lots.

Lots 15 and 16 share a single principle structure and associated parking garage in the rear yard. The adjacent Lot 14 (not included in this area of study) appears to have parking facilities that encroach on Lot 15.



Photo 2: Northern border or area of study, looking southwest. The driveway adjacent to the house appears to belong to the house on Lot 14 (not in the area of study)



Photo 3: Driveway, garage and dwelling on Lot 18. This lot is largely impervious.

Duplexes are not a permitted use in the zoning district these lots are located within.

Lot 17 is occupied by a single family dwelling and what appears to be the parking facilities for Lots 15 and 16.

Lot 18 is also occupied by a single family dwelling, a garden and a shed, but is largely an impervious lot, with an asphalt driveway occupying most of the space in the rear yard.

Lot 19 has a rear yard that is truncated by the existence of Lot 20.02, but is mostly grass. The principle structure is a single family dwelling. There is a shortened driveway with no garage to the rear of the single family dwelling in the rear yard, directly abutting the residential structure on Lot 20.



Lots 20, 20.01, and 20.02 all share a surface parking lot that fronts on Burns Street. A chain-link fence used to surround the property at the corner, but was removed prior to any site investigations.

Photo 4 (left): Surface parking lot shared by adjacent lots located on Lot 20.02.

Photo 5 (below): Front yard setback along First Avenue.



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”, “e”, 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 light, air, or space, as to be conducive to unwholesome living or working conditions.”*

The lots located in the study area are generally undersized compared to the zoning code. Encroachment from local vegetation and tree cover may produce substandard living conditions. The front and rear yards are typically cluttered or non-existent, and the buildings are in close proximity to one another, creating alleys with difficult lighting capacity. Some of the buildings are in need of repair, especially basement facilities which may not have been updated since the construction of the units. All of the units seem to be serviced by overhead utilities, which is no longer an acceptable condition.



Photo 6: *Vegetation encroaching on dwelling. Additional vegetation in rear yard.*

The “e” criteria:

- *“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.”*

All of the lots contained within this study area are non-conforming to the Borough of Raritan Land Use Ordinance, with lot geometry not permitting proper setbacks of structures or suitable lot coverage due to the compact nature of the lots. The required lot width for a property in the R-4 Medium-High Density Residential Zoning District is 75 feet across, whereas all of the lots have 50 feet across, with the exception of Lots 15 and 16, which have 25 feet. Most of the lots are also undersized which prohibits appropriate development within the confines of the zoning code. Additionally, due to the size of the lots, land coverage is an inevitable problem that persists on all subject lots. Only 30% of each lot is permitted to be impervious, whereas all lots are overdeveloped. Development is impossible on all lots without requesting variances from the Planning Board.

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 Riverfront Greenway and associated bike facilities, and Raritan Dog Park and fostering walkable neighborhoods by correcting any non-ADA-compliance sidewalk along the block. 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 80, Lots 15, 16, 17, 18, 19, 20, 20.01, and 20.02) 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”, “e”, 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 R2022-05-083

BOROUGH OF RARITAN
RESOLUTION NO. 2022-05-083

AUTHORIZING THE BOROUGH OF RARITAN PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION FOR THE REDEVELOPMENT OF APPROXIMATELY 1.033 ACRES OF LAND KNOWN AS BLOCK 80, LOTS 15, 16, 17, 18, 19, 20, 20.01 AND 20.02 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

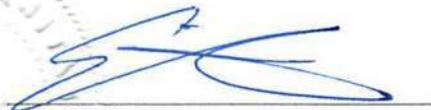
WHEREAS, the redevelopment area determination shall authorize the Borough of Raritan to use all of the powers provided by the Legislature for use in a redevelopment area including the use of eminent domain, thus designating it a Condensation Redevelopment Area; and

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 1.033 acres known as Block 80, Lots 15, 16, 17, 18, 19, 20, 20.01 and 20.02 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*.

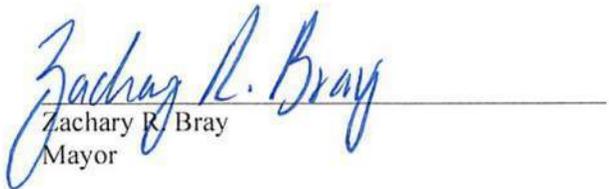
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Raritan, in the County of Somerset and State of New Jersey, that the Raritan Borough Planning Board is hereby directed to conduct the necessary preliminary investigation, including the holding of a public hearing, to determine whether 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 May17, 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 Burns Street AINR Raritan Borough

Sources: Govt_admin_mun_coast_bnd, Mod IV,
NJDOT

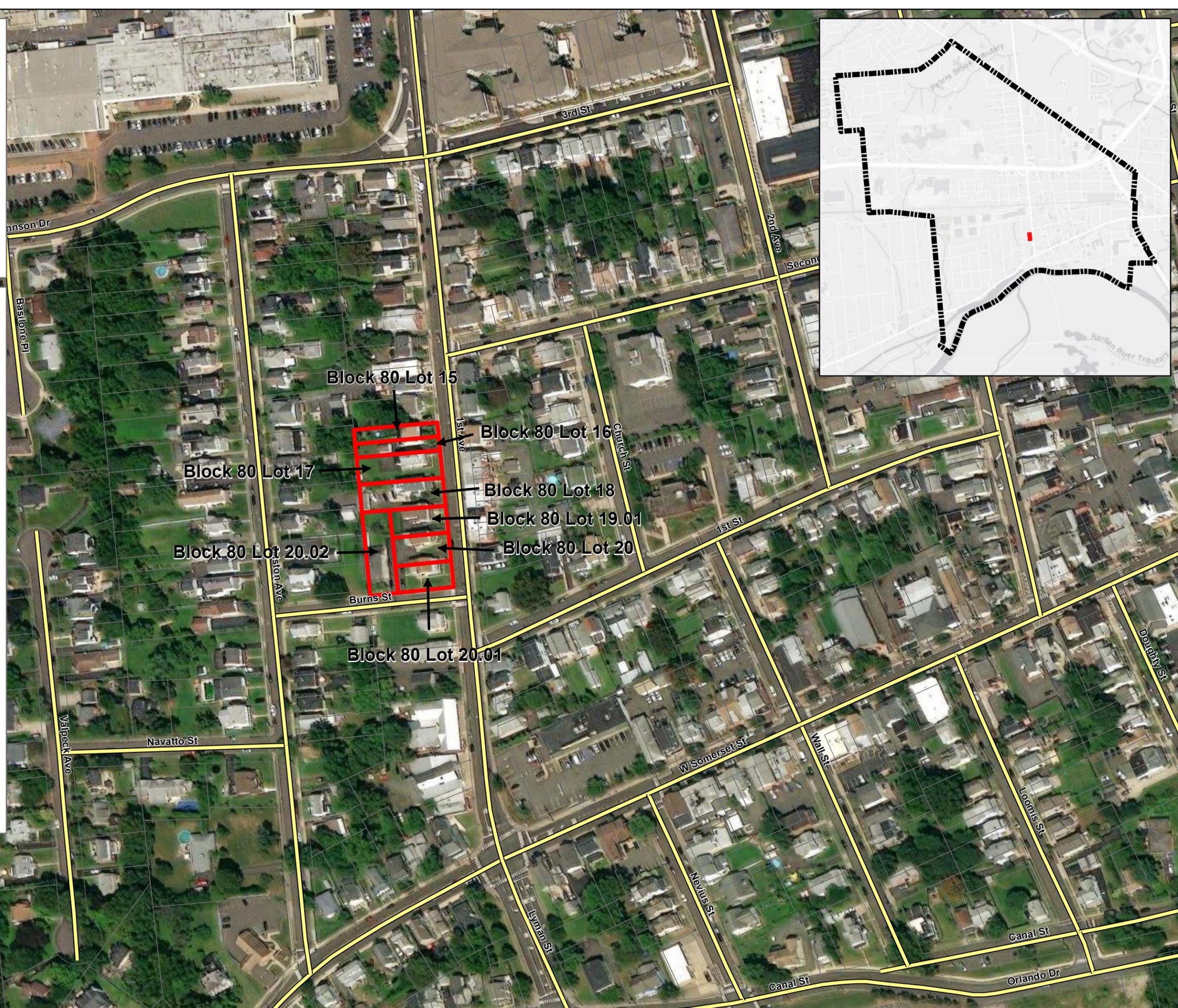
August 2022



-  Raritan Borough
-  Parcels
-  Burns Street AINR
-  Roads



0 95 190 380 Feet



Zoning Burns Street AINR Raritan Borough

Sources: Govt_admin_mun_coast_bnd, Mod IV,
NJDOT

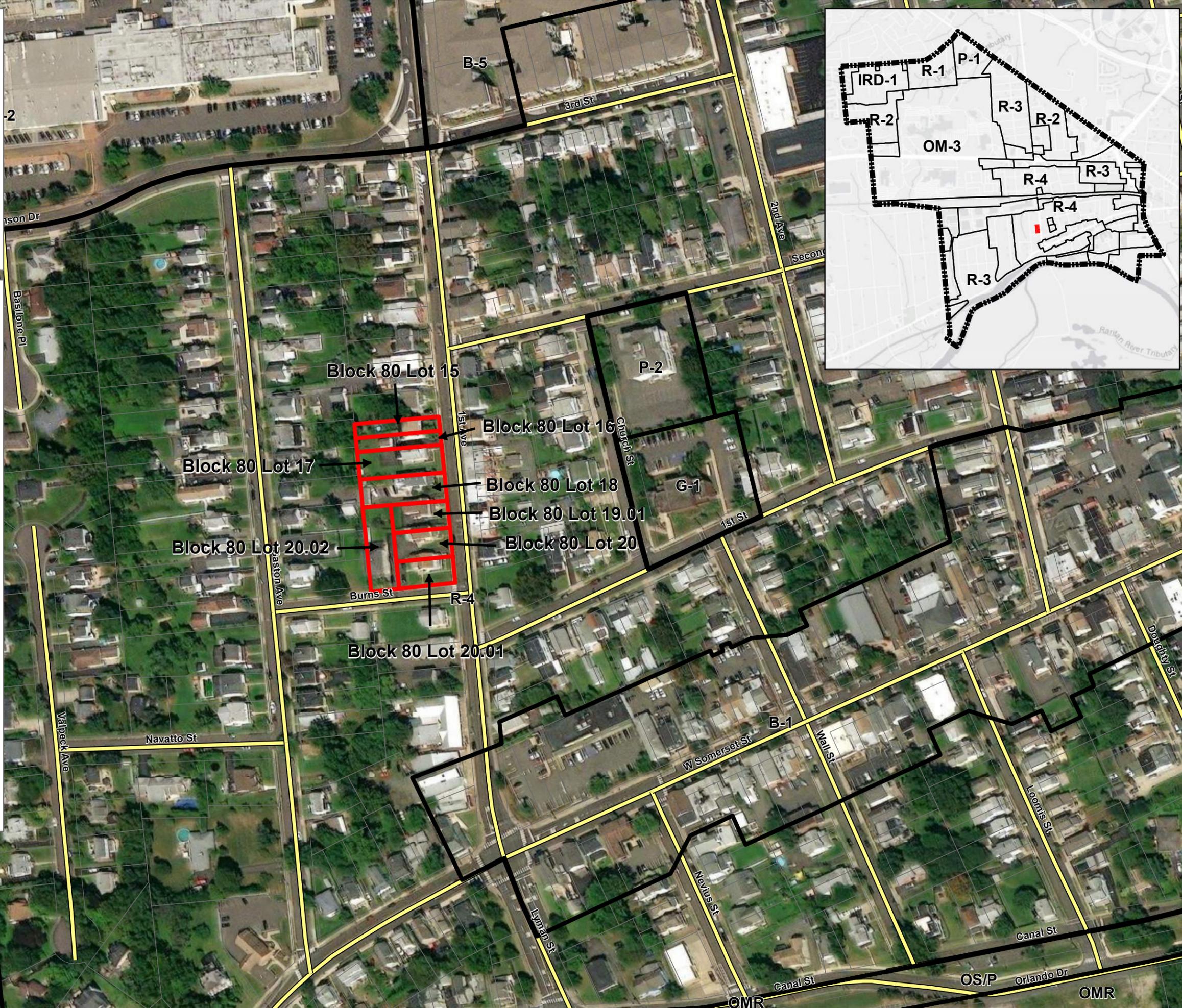
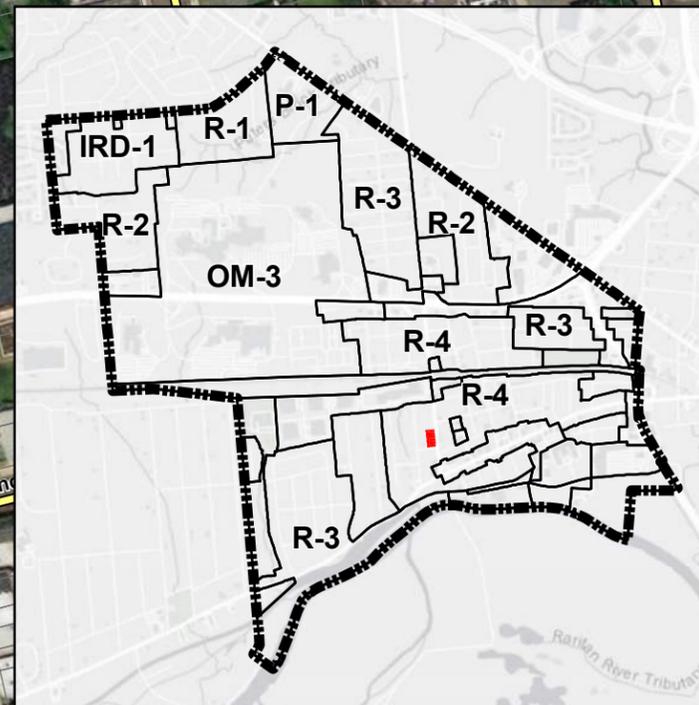
August 2022



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



0 95 190 380 Feet



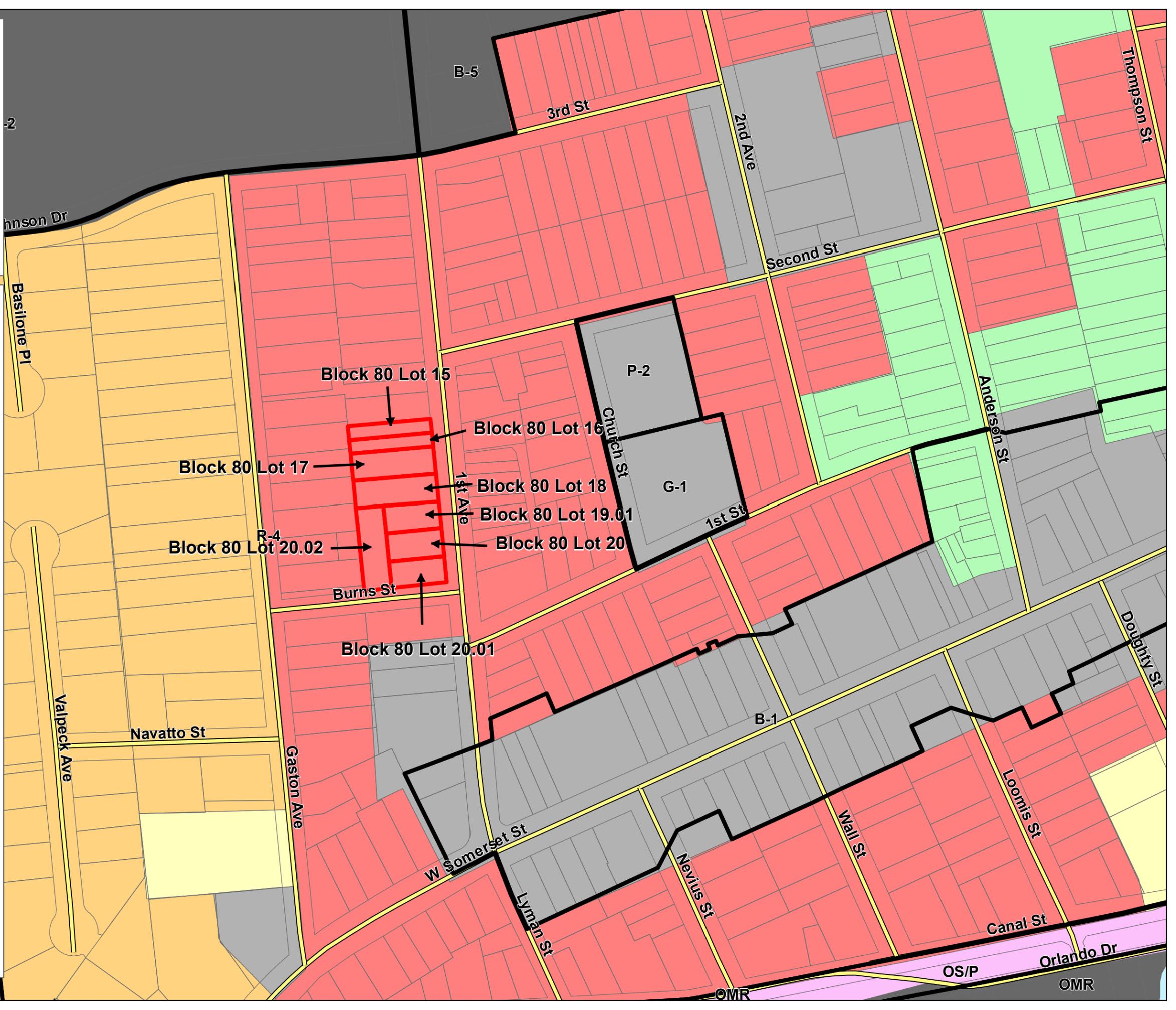
Land Use Land Cover Burns Street AINR Raritan Borough

Sources: Govt_admin_mun_coast_bnd, Mod IV,
NJDOT

August 2022



- Raritan Borough
- Zoning
- Parcels
- Burns Street AINR
- Roads
- COMMERCIAL/SERVICES
- INDUSTRIAL
- RAILROADS
- RESIDENTIAL, HIGH DENSITY OR MULTIPLE DWELLING
- RESIDENTIAL, SINGLE UNIT, MEDIUM DENSITY
- RESIDENTIAL, SINGLE UNIT, LOW DENSITY
- MIXED URBAN OR BUILT-UP LAND
- OTHER URBAN OR BUILT-UP LAND
- DECIDUOUS WOODED WETLANDS



Environmental and Historical Constraints Burns Street AINR Raritan Borough

Sources: Govt_admin_mun_coast_bnd, Mod IV, NJDOT

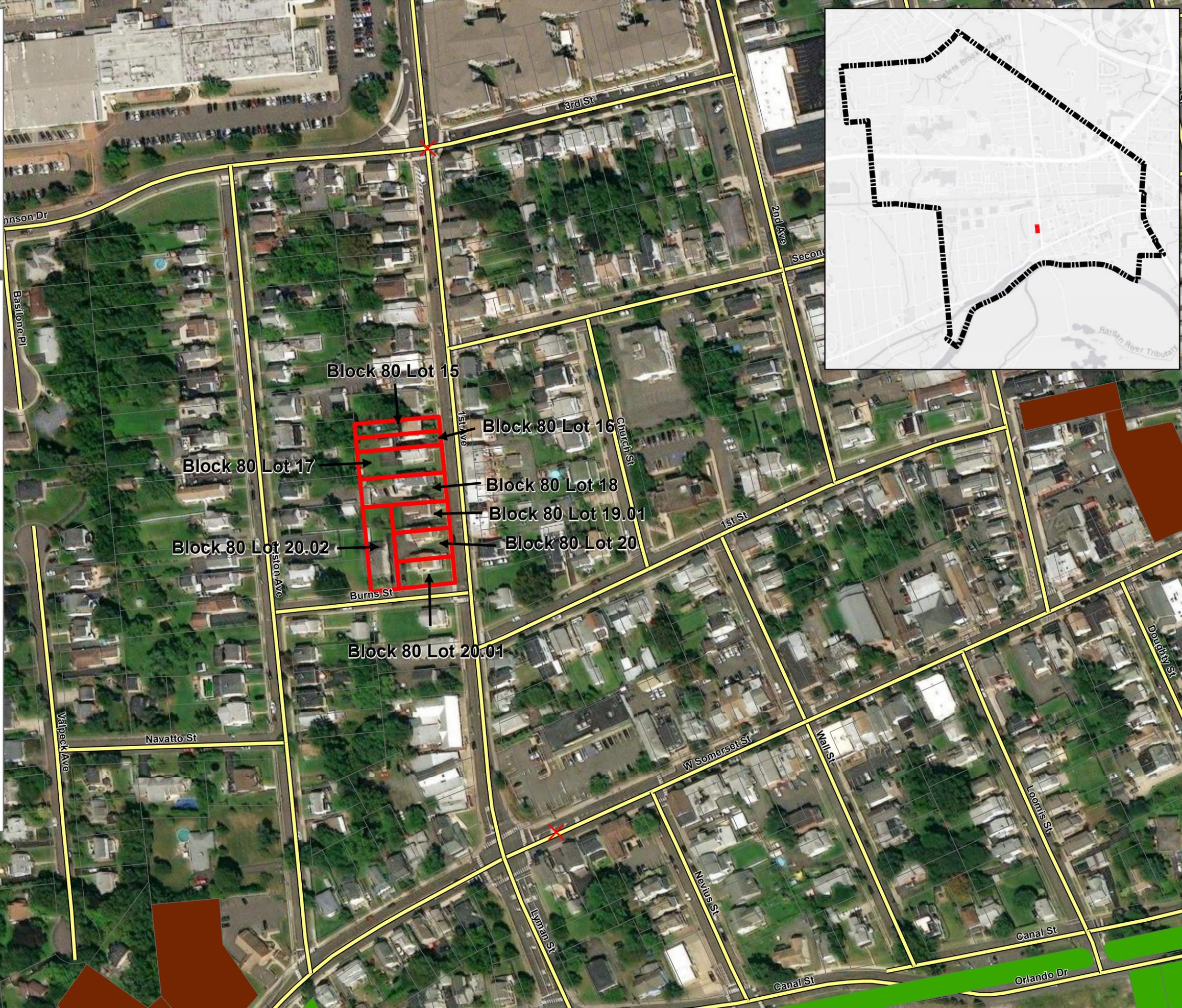
August 2022



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



0 95 190 380 Feet



APPENDIX C
National Flood Hazard Layer FIRMette

National Flood Hazard Layer FIRMette

74°38'35"W 40°34'17"N



Legend

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

SPECIAL FLOOD HAZARD AREAS



Without Base Flood Elevation (BFE)
Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway

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 LOMR Area of Undetermined Flood Hazard Zone D

OTHER AREAS

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

GENERAL STRUCTURES

20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
17.5 Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary

OTHER FEATURES

Coastal Transect Baseline
Profile Baseline
Hydrographic Feature

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 4:32 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.

