

Redevelopment Study & Preliminary Investigation Report

Chestnut Street and Park Avenue
Block 73, Lots 7, 7.01, 9, 10, 22.02, 22.03, and 23

Prepared:
December 28, 2017

Prepared for:



Borough of Rutherford
Bergen County, New Jersey

Prepared by:



T&M Associates
11 Tindall Road
Middletown, NJ 07748

*The original of this document has been signed
and sealed in accordance with New Jersey Law.*

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BOROUGH OF RUTHERFORD
County of Bergen

RESOLUTION NO. 142-2017

DATE: 6/26/2017

**RESOLUTION AUTHORIZING AND DIRECTING THE RUTHERFORD PLANNING BOARD
TO CONDUCT A PRELIMINARY INVESTIGATION OF CERTAIN PROPERTIES LOCATED
IN BLOCK 73, ALONG PARK AVENUE, FOR INCLUSION IN AN AREA IN NEED OF
REDEVELOPMENT**

WHEREAS, on April 26, 2005 the Borough Council of the Borough of Rutherford adopted Ordinance Number 3077-05 establishing a Redevelopment Plan for the Maples Rehabilitation Area including 106 Park Avenue; and

WHEREAS, the Borough of Rutherford ("Borough") has been studying repurposing of properties in Rutherford to achieve certain objectives, including to: 1-enhance the Borough's residential neighborhoods, especially those adjacent to the business zones; 2-improve property values; 3-remove deteriorating conditions, including a faulty arrangement and design of parcels; 4-create employment opportunities and generate retail sales; and, 5-increase the Borough's tax base; and

WHEREAS, Article VIII, Section III of the Constitution of the State of New Jersey establishes that the clearance, planning, development, or redevelopment of certain areas of the State of New Jersey is a viable public purpose; and

WHEREAS, the Legislature of the State of New Jersey has adopted a comprehensive set of laws, the centerpiece of which is the Local Redevelopment and Housing Law (N.J. S.A. 40A:12A-1 et seq.) (the "Redevelopment Law"), allowing for the substantial improvement to, and turnaround of, underutilized, unused, and deteriorated properties through the careful design, writing and implementation of local redevelopment plans; and

WHEREAS, it appears that within the general area of what is commonly referred to as the "Maples Rehabilitation Area" of the Borough, in Block 73, and identified in the below chart there exists property (land), buildings or other improvements which, by reason of faulty arrangement of design, deleterious land use, obsolescence or obsolete layout or other factors, and because said properties have remained vacant and stagnant since the time of the adoption of the aforesaid Maples Rehabilitation Area Ordinance that the area be investigated by Borough of Rutherford Planning Board as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:12A-1 et seq.,

that the Rutherford Planning Board is hereby authorized and directed to undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether certain properties in the Rutherford industrial zone, and as identified in the following Figure 1, and as depicted on the official tax map of the Borough of Rutherford is a non-condemnation redevelopment area in accordance with the criteria of N.J.S.A. 40A-12A-5.

Figure 1.

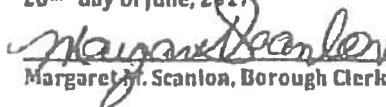
The Borough of Rutherford, New Jersey	
Identification of Potential Industrial ANR-Parcels to be Investigated-NOT Subject to Condemnation.	
Block-Lot	Property Street Location
73-7.01	131 Chestnut Street
9	131 Chestnut Street
10	131 Chestnut Street
22.02	114 Park Avenue
22.03	114 Park Avenue
23	106 Park Avenue

BE IT FURTHER RESOLVED that the Rutherford Planning Board shall conduct a public hearing at the appropriate time respecting the proposed redevelopment area and after public notice is given in accordance with N.J.S.A. 40A:12A-6.

BE IT FURTHER RESOLVED that after completing its public hearing(s) and deliberation, the Rutherford Planning Board shall submit a recommendation to the Mayor and Council as to ether the delineated area, or any part thereof, be or not be determined to be a redevelopment area.

BE IT FURTHER RESOLVED that, in the event the governing body of the Borough shall designate the above described area, or any portion thereof, as an area in need of redevelopment, the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

I hereby certify that this is a true and exact copy
of resolution adopted by the Mayor and Council of the
Borough of Rutherford on the
26th day of June, 2017


Margaret M. Scanlon, Borough Clerk



BOROUGH OF RUTHERFORD
County of Bergen

RESOLUTION NO. 253-2017

Dated: 12/11/2017

**RESOLUTION OF THE BOROUGH OF RUTHERFORD, IN THE
COUNTY OF BERGEN, NEW JERSEY AUTHORIZING AND DIRECTING
THE BOROUGH PLANNING BOARD TO UNDERTAKE AN
INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTY
CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the governing body of the Borough of Rutherford (the "Borough") is interested in determining whether certain property located within the Borough is in need of redevelopment under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"); and

WHEREAS, by resolutions adopted on June 17, 2003 and June 24, 2003, the Borough designated the properties known as 131 Chestnut Street (Block 73, Lots 7.01, 9 and 10), 106 Park Avenue (Block 73, Lot 23) and 114 Park Avenue (Block 73, Lots 22.02 and 22.03) (collectively, the "Maples Rehabilitation Area") as an area in need of rehabilitation under the Redevelopment Law; and

WHEREAS, on April 26, 2005, the Borough adopted Ordinance Number 3077-05, approving and adopting a redevelopment plan for the Maples Rehabilitation Area; and

WHEREAS, on June 26, 2017, the Borough adopted Resolution Number 142-2017 authorizing and directing the Planning Board to undertake an investigation to determine whether the properties within the Maples Rehabilitation Area constitute an area in need of redevelopment under the Redevelopment Law; and

WHEREAS, Vango Holdings Rutherford, LLC ("Vango") is the owner of the Maples Rehabilitation Area and intends to redevelop same through the construction of a mixed-use project thereon; and

WHEREAS, Vango proposes to incorporate the property known as 137 Chestnut Street, Block 73, Lot 7 (the "Additional Parcel") into the redevelopment of the Maples Rehabilitation Area; and

WHEREAS, the Borough desires to authorize and direct the Borough's Planning Board (the "Planning Board") to undertake an investigation to determine whether the Additional Parcel constitutes an area in need of redevelopment under Section 5 of the Redevelopment Law (N.J.S.A. 40A:12A-5); and

Res 253-2017ka

Planning
Board
etc RI
DP

WHEREAS, if the Additional Parcel is determined to meet the criteria for designation as an area in need of redevelopment and the Borough so designates the Additional Parcel, then the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rutherford, County of Bergen, State of New Jersey, as follows:

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.
2. The Planning Board is hereby authorized and directed to undertake a preliminary investigation and conduct a public hearing(s) to determine whether the Additional Parcel is in need of redevelopment under the Redevelopment Law.
3. The Planning Board, following said preliminary investigation and hearing(s), is further authorized and directed make a recommendation to the governing body of the Borough, pursuant to N.J.S.A. 40A:12A-6, as to whether the Additional Parcel should or should not be determined by the governing body to be an area in need of redevelopment.
4. In the event the Planning Board recommends that the governing body determine the Additional Parcel be designated as a redevelopment area, and the governing body so determines, the Planning Board is hereby authorized and directed to prepare a redevelopment plan for the Additional Parcel, pursuant to N.J.S.A. 40A:12A-7f.
5. In the event the governing body shall designate the Additional Parcel as a redevelopment area, the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain.
6. A copy of this Resolution shall be forwarded to the Planning Board for action consistent therewith.

I hereby certify that this is a true and exact copy
of resolution adopted by the Mayor and Council
of the Borough of Rutherford on the
11th day of December, 2017


Margarey M. Scanlon, Borough Clerk

Table of Contents

Introduction	1
Study Area Description.....	4
Land Use Analysis	8
NJDEP Land Use Land Cover (2012)	8
New Jersey MOD-IV (2017).....	8
Zoning and Relationship to Zoning Ordinance.....	10
Current Zoning Regulations.....	10
Maples Rehabilitation Area Redevelopment Plan (2005)	13
Planning Context—2007 Master Plan.....	16
Statutory Criteria	17
“H” Criterion – Smart Growth Consistency	19
Needed for Effective Redevelopment	22
Redevelopment Analysis and Conclusions.....	23

List of Maps

Map 1: Municipal Location Map.....	2
Map 2: Aerial Location Map.....	3
Map 3: Land Use Land Cover (2012)	9
Map 4: Existing Zoning	11
Map 5: Transit Village Map	21

List of Figures

Figure 1: Study Area 3D Aerial (Google Maps).....	4
Figure 2: July 2007 Aerial (Google Earth)	5
Figure 3: August 2008 Aerial (Google Earth).....	5
Figure 4: June 2010 Aerial (Google Earth).....	6
Figure 5: December 2010 Aerial (Google Earth).....	6
Figure 6: Redevelopment Plan Sub-Area Map (from Maples Rehabilitation Area Redevelopment Plan).....	14

List of Tables

Table 1: Lot and Bulk Standards of the R-4 Zone.....	12
Table 2: Lot and Bulk Standards of the B-3 Zone.....	13
Table 3: Schedule of Bulk Design Standards (Maples Rehabilitation Area Redevelopment Plan).....	15

List of Appendices

Appendix A: Site Visit Photos	
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Introduction

The purpose of this Redevelopment Study and Preliminary Investigation Report (hereinafter referred to as “the redevelopment study”) is to determine whether the properties identified as Block 73, Lots 7, 7.01, 9, 10, 22.02, 22.03, and 23 (hereinafter referred to as “the Study Area,”) in the Borough of Rutherford qualify as an area in need of redevelopment, as defined in the Local Redevelopment and Housing Law, P.L. 1992, Chapter 79 (commonly and hereinafter referred to as the “LRHL”). The Study Area is shown on the accompanying municipal location map (Map 1) and aerial location map (Map 2).

This report is written pursuant to Section 6 of the LRHL (N.J.S.A. 40A:12A-6a), which states the following:

No area of a municipality shall be determined to be 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 Section 5 of P.L. 1992. C.79 (C.40A:12A-5). ... The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of a municipality.

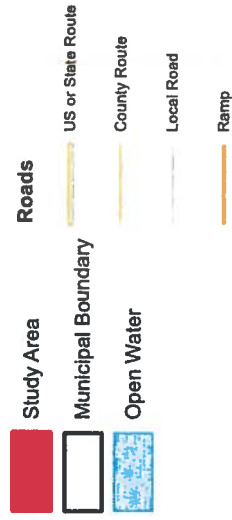
The Borough Council of the Borough of Rutherford adopted Resolution 142-2017 on June 26, 2017 requesting that the Planning Board undertake a preliminary investigation of the Study Area to determine whether it qualifies as an area in need of redevelopment pursuant to the LRHL. Borough Council subsequently adopted Resolution 253 on December 11, 2017, adding Block 73, Lot 7 to the Study Area. These resolutions are included in this report (n.b., they are located before the Table of Contents).

This report serves as the “statement setting forth the basis for the investigation,” which is required by the LRHL [N.J.S.A. 40A:12A-6b(1)]. In accordance with N.J.S.A. 40A:12A-6b(5):

After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is in need of redevelopment.

It is noted that in directing the Planning Board to undertake the preliminary investigation and redevelopment study, the Borough Council identified that the Study Area shall be subject to a **non-condemnation** redevelopment area designation. Pursuant to N.J.S.A. 40A, the redevelopment area designation shall **not** authorize the municipality to use the power of eminent domain.

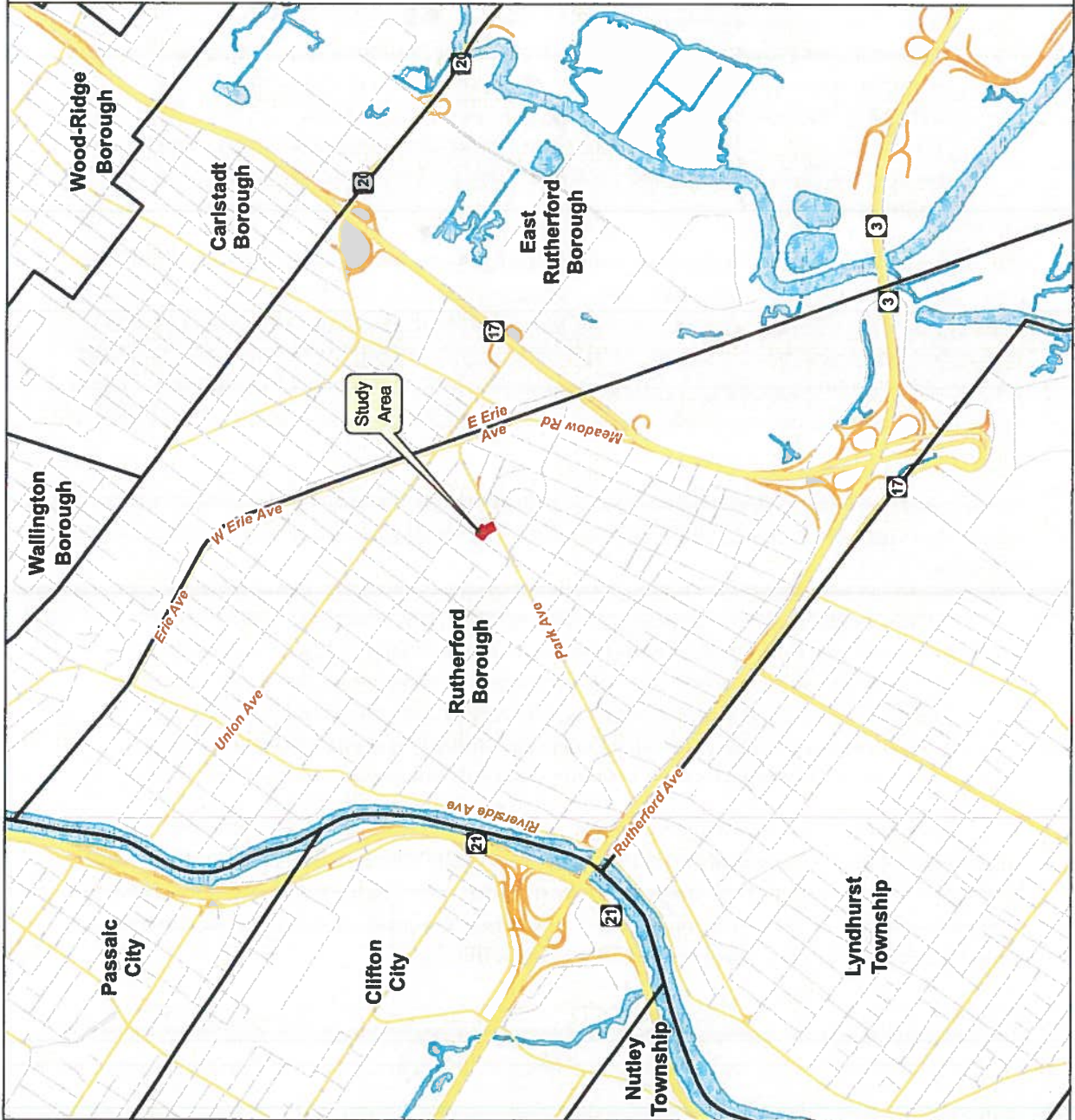
**Map 1 - Municipal Location
Preliminary Investigation & Redevelopment Study
Borough of Rutherford,
Bergen County, New Jersey**



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Borough of Rutherford,
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New Jersey

Prepared by: JAC, 10/25/2017
Source: USFWS NWI, NJDOT, NJGIN, Bergen County,
Borough of Rutherford, T&M Associates
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Chestnut Street and Park Avenue Municipal Location.mxd



Map 2 - Aerial Location Map
Preliminary Investigation & Redevelopment Study
 Borough of Rutherford,
 Bergen County, New Jersey

-  Study Area Parcels (Lot Number)
-  Parcel Boundary
-  Roadway Network



Borough of Rutherford,
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Prepared by: JAC, 12/11/2017
 Source: NJGIN, Bing, Bergen County, Borough of Rutherford, T&M Associates
 G:\Projects\RUP\BG1702\GIS\Projects\ Chestnut Street and Park Avenue Aerial Location Map.mxd



Study Area Description

The Study Area is comprised of Block 73, Lots 7, 7.01, 9, 10, 22.02, 22.03, and 23, and comprises approximately 0.78 acres of land area. Located in Rutherford's downtown area, it has frontage to the south along Park Avenue and to the north along Chestnut Street. To the east and west along Park Avenue are commercial and mixed used buildings, and to the northeast and southwest along Chestnut Street are residential uses (as seen in Figure 1 below). Lots 7.01, 9, 10, 22.02, 22.03, and 23 are currently vacant and not accessible to the public, as the site is completely fenced off (n.b., see Appendix A, photos 1-13). A portion of these lots is paved, while the remainder is a maintained grassy yard. Lot 7 is developed with a residential structure (n.b., see Appendix B, photos 14-17), which was constructed in 1880, according to tax records.

Figure 1: Study Area 3D Aerial (Google Maps)



The vacant portion of the Study Area (Lots 9, 10, 22.02, 22.03, and 23) was previously used for residential/multi-family purposes for the lots fronting on Chestnut Street, and as retail/commercial (first floor) and residential apartments (above first floor and in rear) along Park Avenue.

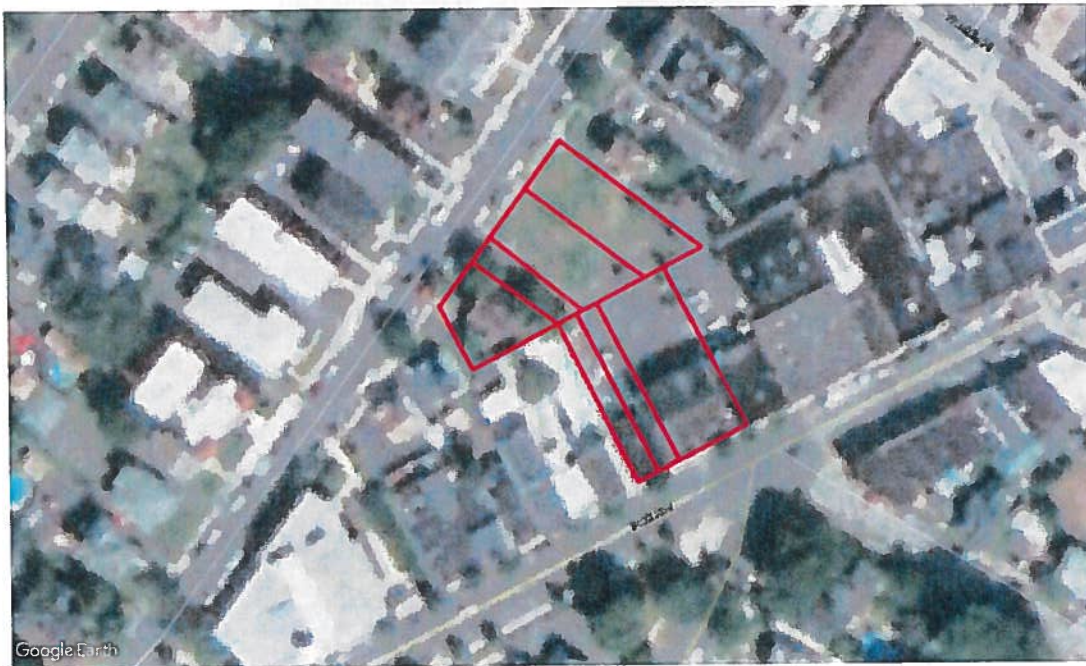
Redevelopment Study & Preliminary Investigation Report
Borough of Rutherford

Historic aerials indicate that the properties fronting on Chestnut Street (Lots 9 and 10) had two structures on site as late as July 2007 (see Figure 2), but that by August 2008 the structures had already been demolished (see Figure 3). Borough records confirm that the structures (known as "The Maples," a 26-unit development) were demolished in March 2008.

Figure 2: July 2007 Aerial (Google Earth)



Figure 3: August 2008 Aerial (Google Earth)



Additionally, historic aerials also indicate that the properties fronting on Park Avenue (Lots 22.02, 22.03, and 23) had structures on site that were attached (no side yard setback) and up to the right of way as late as June 2010 (see Figure 4), but that by December 2010 the structures had already been demolished (see Figure 5). Borough records confirm that the structures were demolished in 2010 (demolition permit issued in July 2010).

Figure 4: June 2010 Aerial (Google Earth)

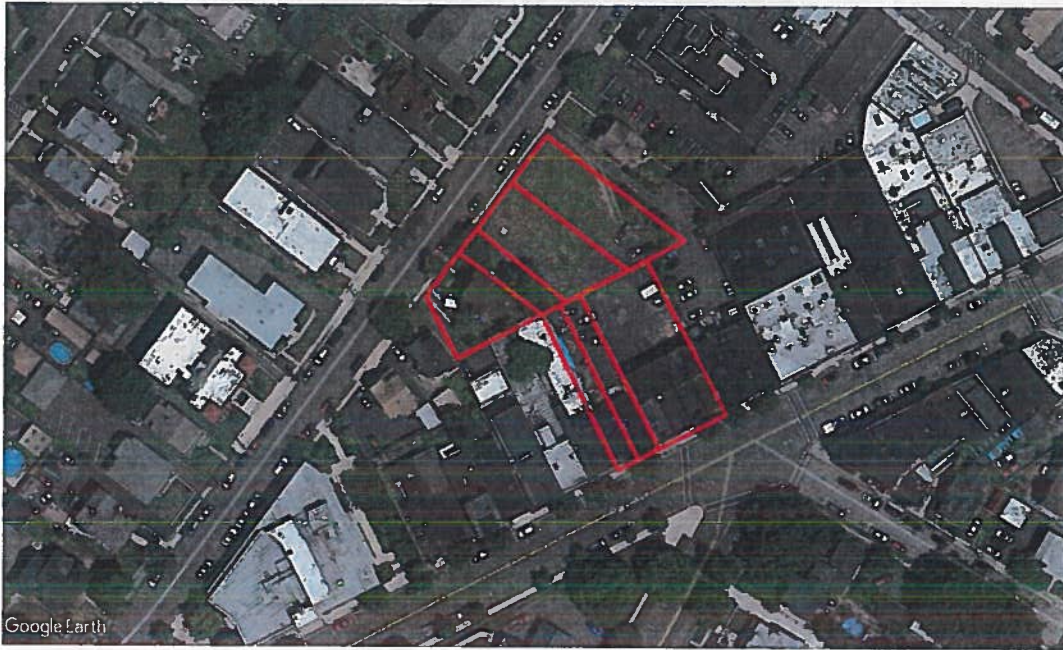


Figure 5: December 2010 Aerial (Google Earth)



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Lot 7.01 was never improved with structures, but rather was used as vehicular access to the rear of the remainder of the Study Area properties. As indicated above, a portion of the Study Area is paved. These areas were once used as parking and vehicular access to former structures.

Lots 7.01, 9, 10, 22.02, 22.03, and 23 were owned by Arcade Realty C/O OMMC from as early as 2010 until December 2014, when ownership was transferred to D&R Rutherford LLC. On June 30, 2017, all properties were sold to Vango Holdings Rutherford, LLC. These properties are currently jointly owned. Lot 7 has been under the same ownership since 1996 (Martinez, Eloy).

Land Use Analysis

Existing land uses at the Study Area were evaluated during the site visit and field analyses conducted on November 8 and December 7, 2017, as well as through investigation of MOD-IV land use classifications and land use/land cover data as mapped by the New Jersey Department of Environmental Protection (NJDEP) in 2012.

NJDEP Land Use Land Cover (2012)

According to NJDEP's land use/land cover (LULC) data, Lots 7.01, 9, 10, 22.02, 22.03, and 23 are classified as "commercial/services" land use, and Lot 7 is classified as "residential (high density or multiple dwellings)." Land in the immediate vicinity of the Study Area is classified as either commercial/services or residential "high density or multiple dwellings" as explained below and depicted in Map 3. The LULC classifications are as follows:




1. **Commercial/Services:** In addition to the Study Area, the "commercial/services" area extends to both the east and west along Park Avenue.
2. **Residential (High Density or Multiple Dwellings):** The LULC Classification System defines residential (high density or multiple dwellings) as either high-density single units or multiple dwelling units on one-eighth ($\frac{1}{8}$)- to one-fifth ($\frac{1}{5}$)-acre lots. These areas are generally found in the densely populated urban zones, and generally are characterized by impervious surface coverage of approximately 65 percent. Areas classified as residential (high density or multiple dwellings) in the immediate vicinity of the Study Area include the properties adjacent to Lots 7 and 10 and across Chestnut Street to the north.

New Jersey MOD-IV (2017)






The New Jersey Property Tax System, known as MOD-IV, provides for the uniform preparation, maintenance, presentation, and storage of statewide property tax information. MOD-IV is the mechanism to maintain and update all assessment records and produce all statutorily-required tax lists. For the year 2017, lots 7.01, 9, 10, 22.02, 22.03, and 23 classify as "Class 1 – Vacant Land," and Lot 7 classifies as "Class 2 – Residential."

During the site visit, the project team affirmed the Study Area properties are in fact vacant.

**Map 3 - Land Use Land Cover (2012)
Preliminary Investigation & Redevelopment Study
Borough of Rutherford,
Bergen County, New Jersey**

-  Study Area Parcels (Lot Number)
-  Parcel Boundary
-  Roadway Network

Land Use Land Cover 2012

-  Residential
-  Commercial
-  School
-  Public
-  Wooded



Borough of Rutherford,
Bergen County,
New Jersey



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Prepared by: JAC, 12/11/2017
Source: NJDEP, NJGIN, Bergen County, Borough of Rutherford, T&M Associates
G:\Projects\RUPBIG\1702\GIS\Projects\Map.mxd
Chestnut Street and Park Avenue LULC Map

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

Zoning and Relationship to Zoning Ordinance

The Study Area is located in both the Five Story Apartment (R-4) and the Three-Story Office-Retail (B-3) zoning districts, as displayed in Map 4. The properties fronting on Chestnut Street are in the R-4 zone, while the properties fronting on Park Avenue are in the B-3 zone.

Current Zoning Regulations





Land use regulations as outlined in Chapter 131: Zoning (Attachments 1 and 2) are detailed below. Use requirements for the R-4 Five Story Apartment Zone are as follows:

1. Principal Permitted Uses
 - a. Single-family detached dwellings
 - b. 2-family dwellings
 - c. Garden apartment multifamily dwellings
 - d. Multifamily dwellings
 - e. Parks, playgrounds
 - f. Public facilities
 - g. Schools
2. Principal Conditional Uses
 - a. Churches
3. Permitted Accessory Uses
 - a. Detached garages
 - b. Greenhouses
 - c. Private storage sheds
 - d. Private swimming pools
 - e. Fences and wall

Use requirements for the B-3 Three Story Office-Retail Zone are as follows:

1. Principal Permitted Uses
 - a. Local retail, office, and service uses
 - b. Banks and financial institutions, excluding drive-in facilities
 - c. Business offices, including employment agencies, medical or dental clinics and laboratories, photographers' or artists' studios and galleries, schools for music or dance, telephone office, travel bureaus, and ticket offices
 - d. Professional offices, limited to architects, dentists, doctors, engineers, insurance brokers, lawyers, real estate agents, or similar professional uses
 - e. Private clubs and lodges
 - f. Community centers and nonprofit organizations
 - g. Public facilities
2. Principal Conditional Uses
 - a. Drive-in banks

Map 4 - Zoning Map
Preliminary Investigation & Redevelopment Study
Borough of Rutherford,
Bergen County, New Jersey

-  Study Area
-  Zoning Boundary
-  Parcel Boundary
-  Roadway Network

Zone Districts	
B1	Three Story Office
B3	Three Story Office-Retail
B3/SH	Business / Senior Housing
R1	Single Family Residential
R2	Two Family Residential
R4	Five Story Apartment



Borough of Rutherford,
 Bergen County,
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Prepared by: JAC, 12/11/2017
 Source: NJDEP, NJGIN, Bergen County, Borough of Rutherford, T&M Associates
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 Chestnut Street and Park Avenue Zoning Map.mxd



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Borough of Rutherford

- b. Funeral homes
 - c. Service stations
 - d. Off-tract off-street parking
 - e. Motor vehicle repair facilities
3. Permitted Accessory Uses
- a. Fences and walls
 - b. Garages for delivery trucks and other commercial vehicles
 - c. Off-street parking
 - d. Signs
 - e. Temporary buildings for uses incidental to construction work, provided that such buildings are removed upon completion or abandonment of construction work
 - f. Residential apartments
 - g. Off-street parking and parking structures that meet the height limits of the zone district for accessory uses

Table 1 outlines the lot and bulk standards of the R-4 Five Story Apartment Zone:

Table 1: Lot and Bulk Standards of the R-4 Zone

Standard	Use Category				
	1- and 2-Family Residential	Garden Apartment	Multifamily Residential	Townhouse Unit	All Other Permitted Uses
Minimum Lot Area (sq. ft.)	5,000	25,000	30,000	10,000	10,000
Minimum Lot Frontage (ft.)	50	150	150	100	100
Minimum Lot Width (ft.)	50	150	150	100	100
Minimum Lot Depth (ft.)	100	170	200	100	100
Minimum Front Yard Setback (ft.)	20	35	50	25	25
Minimum Rear Yard Setback (ft.)	25	25	30	25	25
Minimum Side Yard Setback (ft.)	5 each / 15 both	20 each / 40 both	20 each / 40 both	10 each / 20 both	10 each / 20 both
Maximum Yard Coverage of Principal Building (%)	30	25	25	25	25
Maximum Height Principal Building (ft. / stories)	35 / 2 ½	60 / 5	60 / 5	35 / 2 ½	35 / 2 ½
Density (units per acre)	N/A	15	35	12	N/A
Maximum Impervious Surface Coverage (%)	25	30	30	30	N/A
Minimum Open Space Requirement (%)	25	30	30	30	N/A

Table 2 outlines the lot and bulk standards of the B-3 Three-Story Office Retail Zone:

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Borough of Rutherford

Table 2: Lot and Bulk Standards of the B-3 Zone

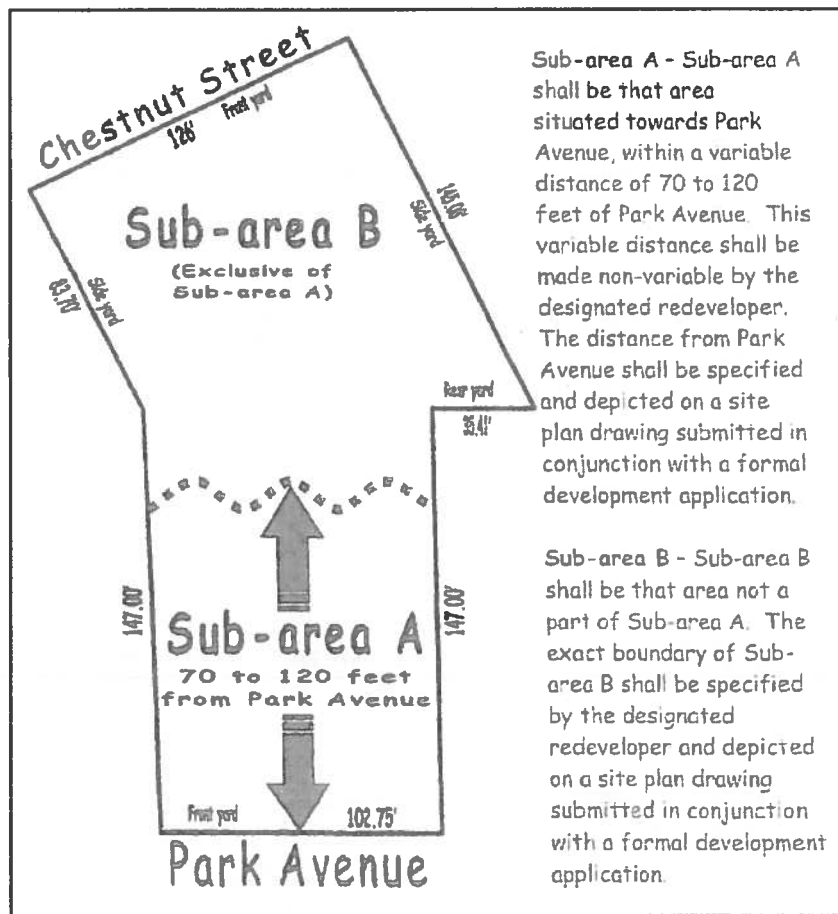
Standard	Use Category	
	Permitted Business Uses	All Other Permitted Uses
Minimum Lot Area (sq. ft.)	5,000	30,000
Minimum Lot Frontage (ft.)	50	150
Minimum Lot Width (ft.)	50	150
Minimum Lot Depth (ft.)	100	200
Minimum Front Yard Setback (ft.)	None	None
Minimum Rear Yard Setback (ft.)	None	None
Minimum Side Yard Setback (ft.)	None	None
Maximum Yard Coverage of Principal Building (%)	90	35
Maximum Height Principal Building (ft. / stories)	40 / 3	35 / 2 ½
Density (units per acre)	N/A	N/A
Maximum Impervious Surface Coverage (%)	N/A	N/A
Minimum Open Space Requirement (%)	N/A	N/A

It is noted that Study Area lots 7.01, 9, 10, 22.02, 22.03, and 23 constitute vacant land with no improvements on site, and as such, complies with all the use, lot, and bulk standards that apply to the R-4 and B-3 zones. Lot 7 is developed with a residential structure, and complies with the zoning requirements.

Maples Rehabilitation Area Redevelopment Plan (2005)

Additionally, lots 7.01, 9, 10, 22.02, 22.03, and 23 are also subject to the Maples Rehabilitation Area Redevelopment Plan, which was adopted by the Borough in 2005. The Redevelopment Plan divides the properties subject to the plan into Sub-Area A, consisting of the properties fronting on Park Avenue (Lots 22.02, 22.03, and 23), and Sub-Area B, consisting of the properties fronting on Chestnut Street (Lots 7.01, 9, and 10), as shown in Figure 6 below.

Figure 6: Redevelopment Plan Sub-Area Map (from Maples Rehabilitation Area Redevelopment Plan)



The Redevelopment Plan serves as an overlay to the underlying zoning, provides the following use requirements:

1. Sub-area A (fronting on Park Avenue):
 - a. Permitted Uses:
 - i. Local retail, office, and service uses;
 - ii. Banks and financial institutions (excluding drive-in facilities);
 - iii. Business offices;
 - iv. Professional offices;
 - v. Private clubs and lounges;
 - vi. Community centers and non-profit organizations; and,
 - vii. Public facilities
 - b. Accessory Uses:
 - i. Fences and walls;
 - ii. Garages for delivery trucks and other commercial vehicles;
 - iii. Below-grade off-street parking structure not visible from public view;

Redevelopment Study & Preliminary Investigation Report
Borough of Rutherford

- iv. Signs;
- v. Temporary buildings for uses incidental to construction work; and,
- vi. Residential apartments.
- c. Prohibited Uses:
 - i. Outdoor surface-level parking space(s) situated in a front-yard area; and,
 - ii. Boarding or rooming house.
- 2. Sub-area B (fronting on Chestnut Street):
 - a. Principal Permitted Uses:
 - i. Attached multi-family dwellings; and,
 - ii. Residential apartments.
 - b. Accessory Uses:
 - i. Fences and walls;
 - ii. Garages for delivery trucks and other commercial vehicles;
 - iii. Off-street parking structure;
 - iv. Signs; and,
 - v. Temporary buildings for uses incidental to construction work.
 - c. Prohibits Uses:
 - i. Outdoor surface-level parking space(s) situated in a front-yard area; and,
 - ii. Boarding or rooming house.

Table 3 outlines the bulk design standards for the Maples Rehabilitation Area.

Table 3: Schedule of Bulk Design Standards (Maples Rehabilitation Area Redevelopment Plan)

Minimum/Maximum Standard	Requirement	
	Sub-area A (Fronting Park Ave.)	Sub-area B (Fronting Chestnut St.)
Minimum Lot Area	7,192 square feet	17,000 square feet
Minimum Lot Frontage	102 feet	126 feet
Minimum Front Yard Setback	0 feet*	20 feet**
Maximum Front Yard Setback	0 feet*	30 feet
Minimum Side Yard Setback (One Side)	0 feet	5 feet
Minimum Side Yard Setback (Two Sides)	0 feet	30 feet
Minimum Rear Yard Setback	0 feet	10 feet
Maximum Building/Structure Height (Feet)	40 feet	50 feet
Maximum Number of Stories	3 stories	4 stories

* New buildings along Park Avenue shall be built to the right-of-way line to maintain the existing traditional urban street wall.

** New buildings along Chestnut Street shall be permitted to have an articulated building projection with a minimum front yard setback of no less than 12 feet provided that such feature shall be no wider than one-third the width of the building façade.

As previously indicated, lots 7.01, 9, 10, 22.02, 22.03, and 23 are vacant with no improvements on site, and as such, comply with all the use and bulk design standards that apply to the Maples Rehabilitation Area.

Planning Context—2007 Master Plan

The Borough of Rutherford adopted its current Master Plan on December 20, 2007. There are several components of the Master Plan that are relevant to the subject of redevelopment of the Study Area, and are discussed below.

Rutherford 2007—An Overview

The Introduction section states that Rutherford had previously reached its full build-out potential (excluding the portion of the Borough within the Meadowlands), and as such new growth in the Borough is expected to take the form of infill and redevelopment projects. The Land Use Element reaffirms this statement.

Land Use Element

The Land Use Element emphasizes the significance of the Borough's transit village designation. The Borough's downtown is focused on the train station and represents the heart of the Borough's transit village designation. In 1999 the Borough received "transit village" designation for Station Square jointly from New Jersey Transit and the New Jersey Department of Transportation (NJDOT). As a transit village, the Borough is eligible for funding from the State to redevelop and revitalize the community within walking distance, typically a one-quarter to one-half mile radius, of Station Square with compact, transit-supportive, mixed-use development. The Study Area is just outside of the quarter-mile radius from Station Square.

Additionally, the Rutherford Vision Statement: 2025 establishes specific goals for the downtown core. One of those goals is to "Continue to encourage a mix of quality commercial businesses, retail, entertainment, dining, and upper story residences in the downtown area to create vibrancy and to serve local and regional markets."

The 2007 Land Use Plan Element also recommended rezoning the B-1 and B-3 zones to downtown and neighborhood commercial zones that are more reflective of the scale and intensity of the preferred business types and the surrounding neighborhood context, to ensure a better interface between business and residential areas, and to better define the vision of the downtown as a transit village characterized by a higher intensity of development. This recommendation would have impacted the properties in the Study Area fronting on Park Avenue. However, this rezoning recommendation has not yet been implemented.

Additionally, the Maples Redevelopment Plan was incorporated as a component of the 2007 Land Use Plan.

Economic Plan Element

The Economic Plan Element identifies as an objective the need to identify opportunities for land assembly and redevelopment projects.

Relationship to Other Plans

The Master Plan states that it is the Borough's intention to capitalize on the downtown's growing role as a transit village and to provide for an attractive, vibrant, and easily accessible downtown.

Statutory Criteria

Pursuant to Section 5 of the LRHL (N.J.S.A. 40A:12A-5), an area may be determined to be in need of redevelopment if it meets one or more of the following statutory criteria:

- A. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- 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 untenable.
- 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 properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety, and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- 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 approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of

redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

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

Furthermore, the LRHL permits the inclusion of parcels that do not meet the statutory criteria if they are necessary for effective redevelopment of the proposed redevelopment area:

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

In preparing this report, the project team analyzed and considered the applicability of the aforementioned statutory criteria for redevelopment on the Study Area, pursuant to Section 5 of the LRHL (N.J.S.A. 40A:12A-5). A description of the site conditions existing in the Study Area, as well as discussion as to how the properties in the Study Area meet the relevant statutory criteria of the LRHL, is outlined in the following sub-sections.

The project team utilized the following resources and documentation in preparing this redevelopment study:

- Tax records (Borough of Rutherford tax maps, MOD IV data, and historical assessment data);
- Building/Code Enforcement records;
- GIS records (NJDEP, NJDOT, NJGIN, FEMA, Bergen County);
- Historic aerials; and,
- Site visits (conducted on November 8 and December 7, 2017). Photos from the site visits are located in Appendix A.

“H” Criterion – Smart Growth Consistency

A property meets the “H” criterion for redevelopment if the following applies:

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

Smart Growth

Smart growth is an approach to planning that directs new growth to locations where infrastructure and services are available, limits sprawl development, protects the environment, and enhances and rebuilds existing communities. The New Jersey Office for Planning Advocacy has developed the definition of a “Smart Growth Area” to include an area classified as one of the following:

1. Metropolitan Planning Area (PA1) in the State Plan;
2. Suburban Planning Area (PA2) in the State Plan;
3. A designated center in the State Plan;
4. An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
5. A smart growth area designated by the New Jersey Meadowlands Commission; or,
6. A Pinelands Regional Growth Area, Pinelands Village, or Pinelands Town as designated by the New Jersey Pinelands Commission.

It is noted that item 1 above applies to the Study Area, as described below.

To promote smart growth in New Jersey, the State Planning Commission adopted the State Plan in June 1992, which was subsequently revised on March 1, 2001. The State Plan contains various goals and objectives regarding the future development and redevelopment of New Jersey. Its primary objective is to guide development to areas where infrastructure is available, or can be readily extended, such as along existing transportation corridors in developed or developing suburbs and urban areas. It seeks to promote development and redevelopment that will consume less land, deplete fewer natural resources, and use the state’s infrastructure more efficiently.

Metropolitan Planning Area (PA-1)

The State Plan divides the state into various planning areas, each of which has its own policy objectives. The Study Area is located within the Metropolitan Planning Area (PA1). The following policy objectives are intended as guidelines for planning activities within the Metropolitan Planning Area:

1. Provide for much of the state’s future redevelopment;
2. Revitalize cities and towns;
3. Promote growth in compact forms;
4. Stabilize older suburbs;
5. Redesign areas of sprawl; and,
6. Protect the character of existing stable communities.

Based on the above, the designation of the properties within the Study Area as an area in need of redevelopment would be consistent with the policy objectives of the Metropolitan Planning Area.

Borough of Rutherford Master Plan

Designation of the properties within the Study Area as an area in need of redevelopment would also be consistent with the recommendations of the 2007 Master Plan, which recognizes and emphasizes the significance of the Borough's transit village designation. The Master Plan also states that it is the Borough's intention to capitalize on the downtown's growing role as a transit village and to provide for an attractive, vibrant, and easily accessible downtown, which all further the smart growth objectives. Designation of the Study Area in need of redevelopment (and subsequent implementation of a potential redevelopment plan) would promote both revitalization of the area as well as the objectives of smart growth exhibited by these municipal planning objectives.










It is noted that a designation based on the "H" criterion would not only enable the Borough of Rutherford to capture an opportunity to provide for a portion of the state's future redevelopment within the Metropolitan Planning Area, but also to help to contribute to the redevelopment and revitalization of Downtown Rutherford consistent with the goals and objectives of the Borough's Master Plan. Specifically, an adopted redevelopment plan would effectively control the form of development within the Study Area to ensure that the smart growth principles established in the Master Plan would be implemented in accordance with the Borough's vision for the area.

Transit Village

Additionally, it is noted that the New Jersey Transit Rutherford train station area (Station Square) received transit village status in 1999 from the New Jersey Department of Transportation (NJDOT) and New Jersey Transit. The Study Area is located just over a quarter mile away from the train station, which is a direct line along Park Avenue (County Route 30), as seen in Map 5. The Transit Village Initiative, which is a multi-agency Smart Growth partnership between NJDOT and New Jersey Transit, creates incentives for municipalities to redevelop areas around transit stations using transit-oriented development (TOD)¹. TOD is designed to take advantage of nearby transit, and includes features that encourage walking, biking, and transit ridership. The Study Area is also located along the heavily traveled corridor of Park Avenue (County Route 30), which is also along a New Jersey Transit bus route (Route 76). As such, any redevelopment of the Study Area would support the State Plan's primary objective of guiding development to areas with existing local and regional infrastructure.

¹ <http://www.state.nj.us/transportation/community/village/>

Map 5 - Transit Village Map
Preliminary Investigation & Redevelopment Study
Borough of Rutherford,
Bergen County, New Jersey

-  Study Area
-  Rutherford Train Station
-  New Jersey Transit Rail Line
-  Transit Village Quarter Mile Buffer
-  Transit Village Half Mile Buffer
-  Bus Route 76
-  County Route
-  Local Road
-  Ramp

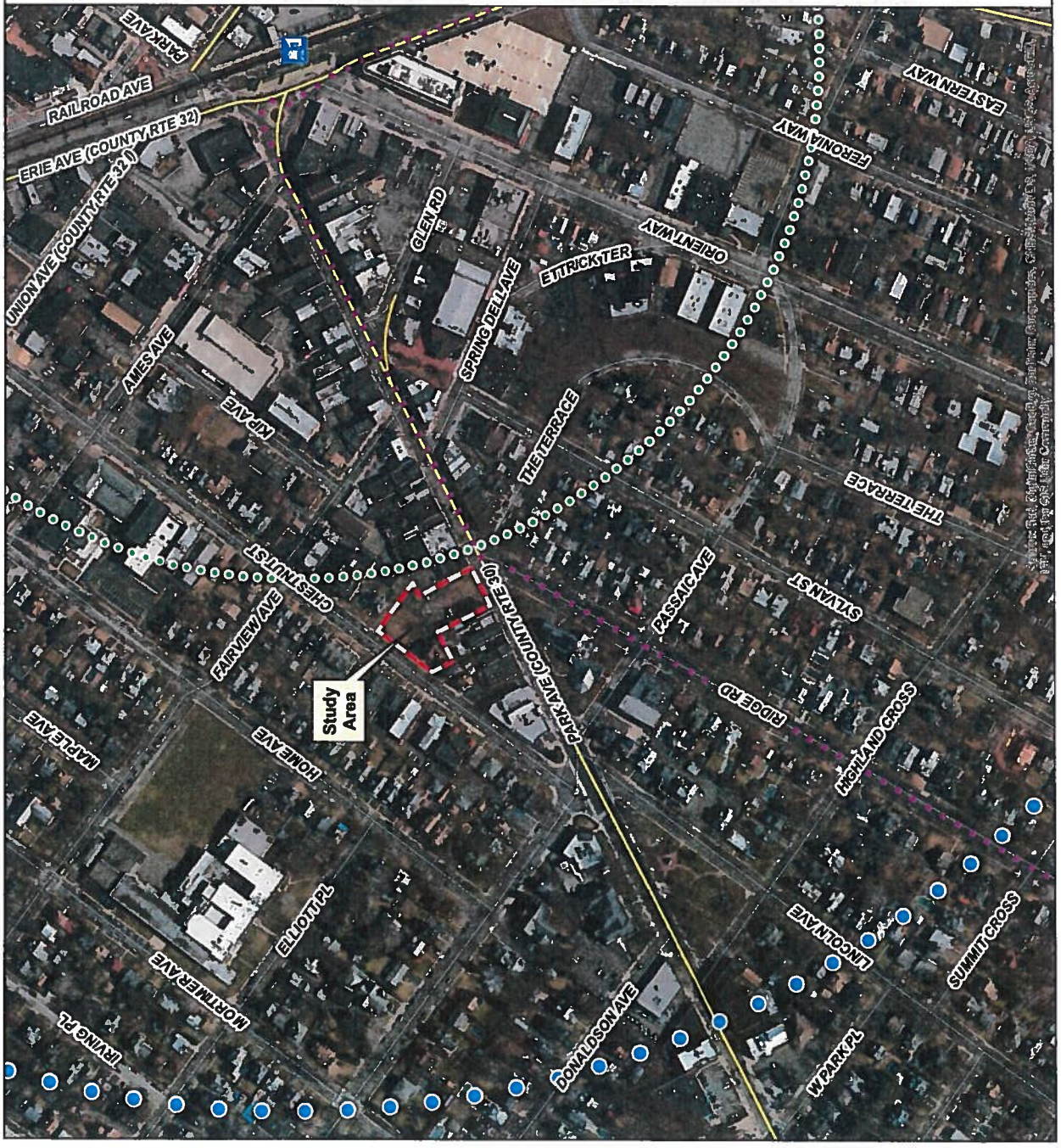


Borough of Rutherford,
 Bergen County,
 New Jersey



T&M Associates
 11 Tindell Road
 Middletown, NJ 07748
 Phone: 732-871-5400
 Fax: 732-871-7365

Prepared by: JAC, 12/11/2017
 Source: NJGIN, NJDOT, Bergen County, Borough of Rutherford, T&M Associates
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"H" Criterion Summary

The designation of the Study Area as an area in need of redevelopment would effectuate the implementation of the smart growth planning principles adopted by the State Planning Commission in a manner recommended in the State Plan. Based on the foregoing, **this redevelopment study finds that all Study Area properties meet the "H" criterion for redevelopment.**

It is noted that the properties in the Study Area only meet the "H" criterion for redevelopment. This Redevelopment Study emphasizes that the Planning Board should understand the implications of designating any of these properties in need of redevelopment solely on the "H" criterion, and should make its decision accordingly. As noted in the most recent edition of The Redevelopment Handbook:

"Since its inclusion in the LRHL, the "H" criterion has been used sparingly and often with caveats offered by planning professionals as to its use in designating an area in need of redevelopment. Unlike the other statutory criteria in the LRHL, the "H" criterion's focus tends to be on the future redevelopment of the area rather than on existing conditions. It also essentially equates the elimination of "blight" with the advancement of "smart growth" principles. While these principles are defined in law, a determination that the area is or is not consistent with smart growth may be subjective and less reliant on an objective analysis of existing conditions and empirical evidence. Accordingly, municipalities are cautioned not to rely exclusively on the "H" criterion in designating an area in need of redevelopment."²

Needed for Effective Redevelopment

The LRHL permits the inclusion of parcels that do not meet the statutory criteria in a redevelopment area if they are necessary for the effective redevelopment of the area:

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

Apart from meeting the "H" criterion for redevelopment, this redevelopment study finds that Block 73, Lot 7 is also needed for the effective redevelopment of the Study Area. Inclusion of this lot into a redevelopment area would allow for a contiguous tract of land that can be developed comprehensively and in a coordinated manner improving site design, access, and circulation in the redevelopment area.

² The Redevelopment Handbook: A Guide to Rebuilding New Jersey's Communities (2nd Edition). Stan Slachetka and David Roberts, NJ Department of Community Affairs, February 2012.

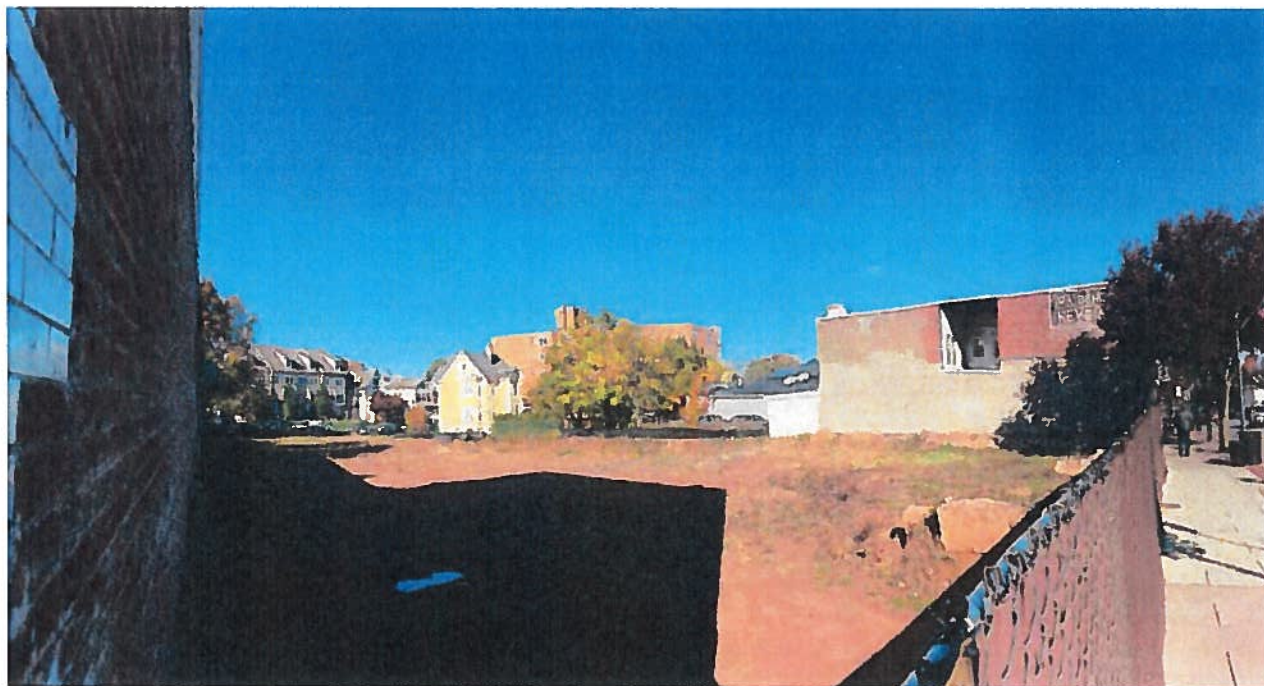
Redevelopment Analysis and Conclusions

Based on the assessment discussed above, this redevelopment study makes the following findings:

1. **"H" Criterion:** All Study Area properties meet the "H" criterion; and,
2. **Needed for Effective Redevelopment:** Block 73, Lot 7 is needed for the effective redevelopment of the Study Area

Appendix A: Site Visit Photos

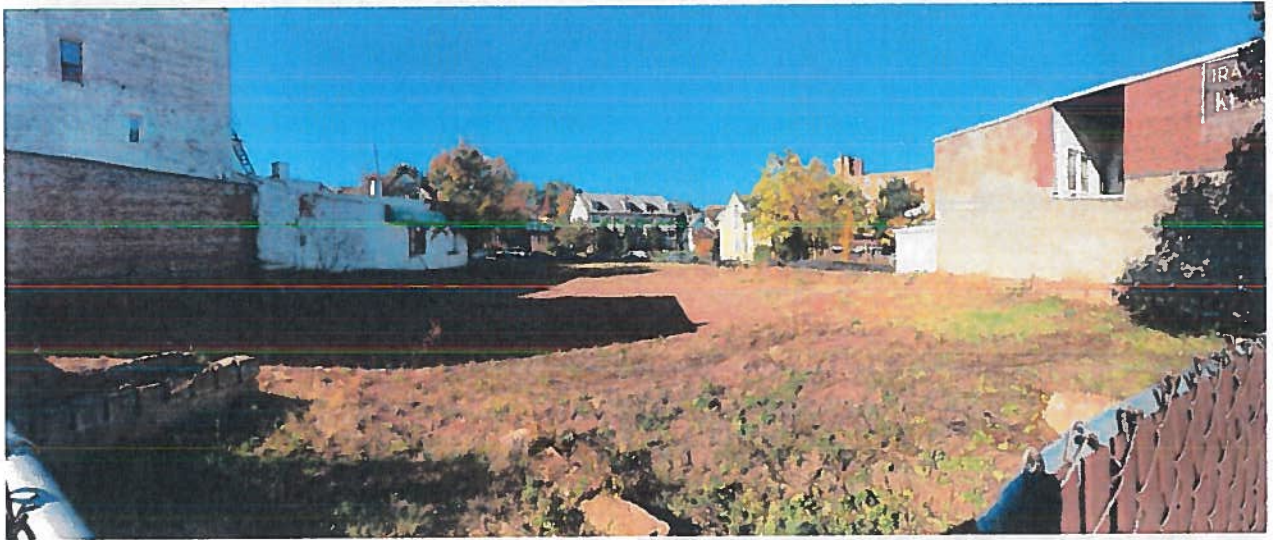
Appendix A: Site Visit Photos



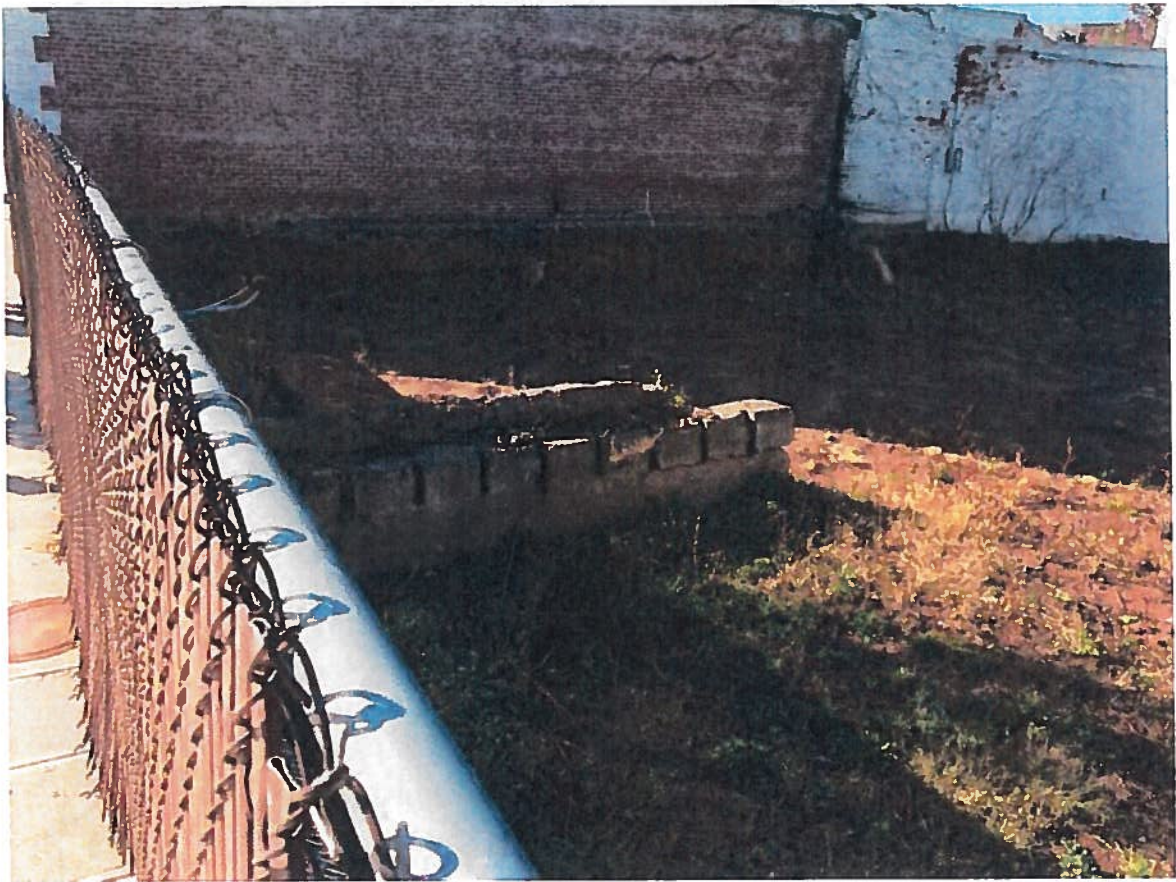
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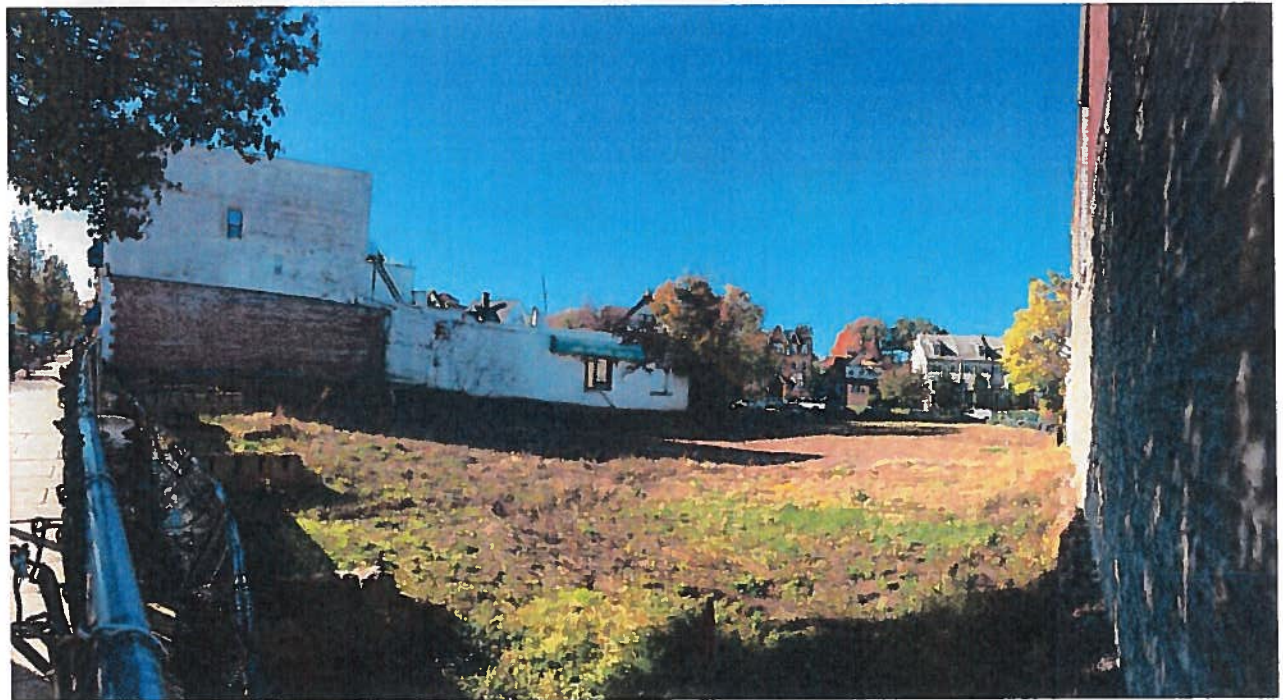
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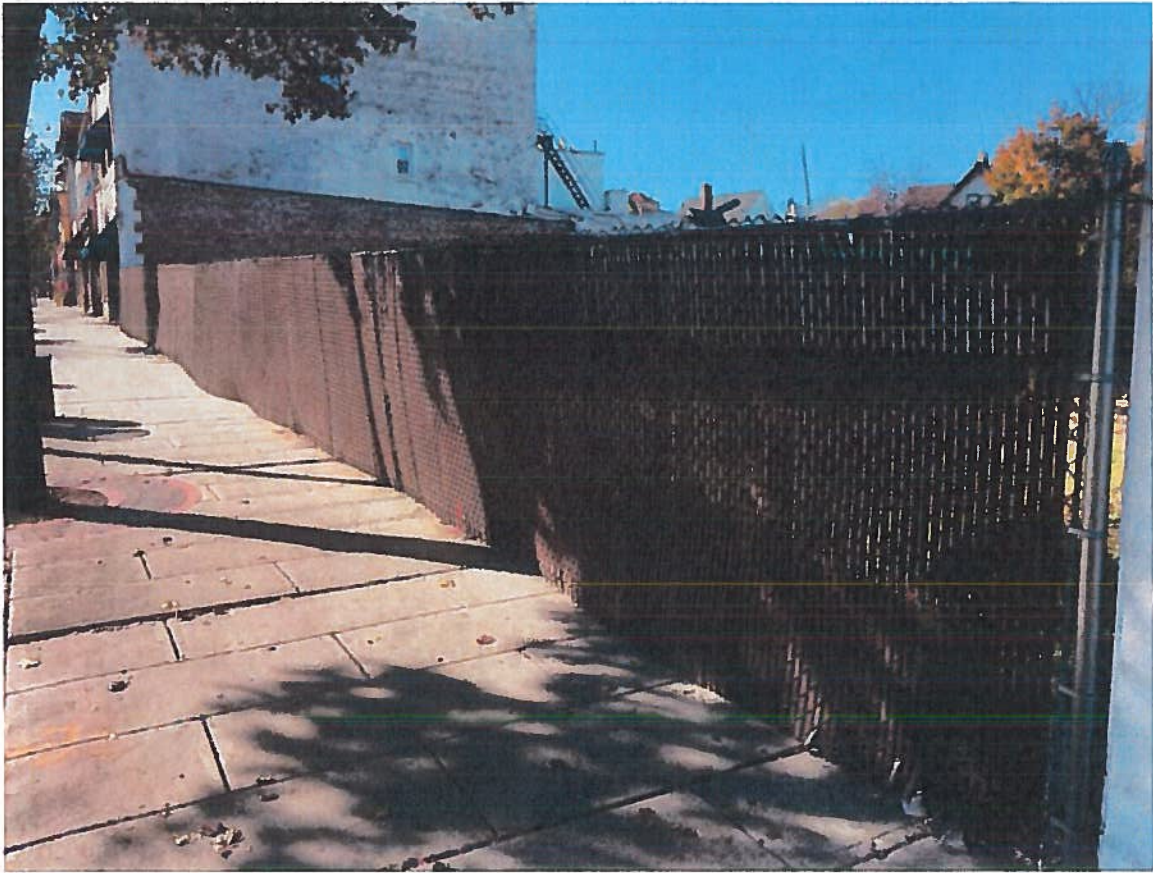
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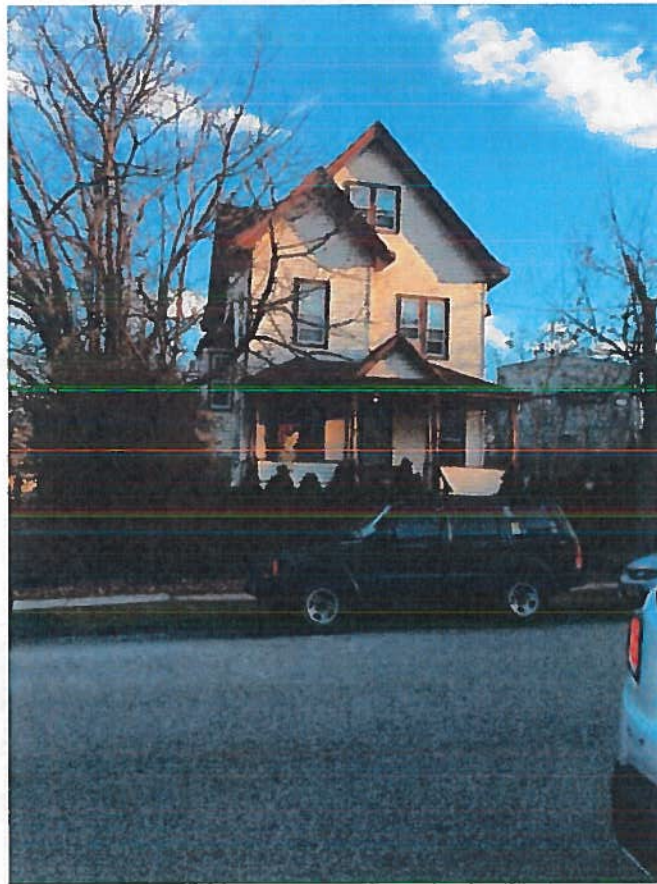
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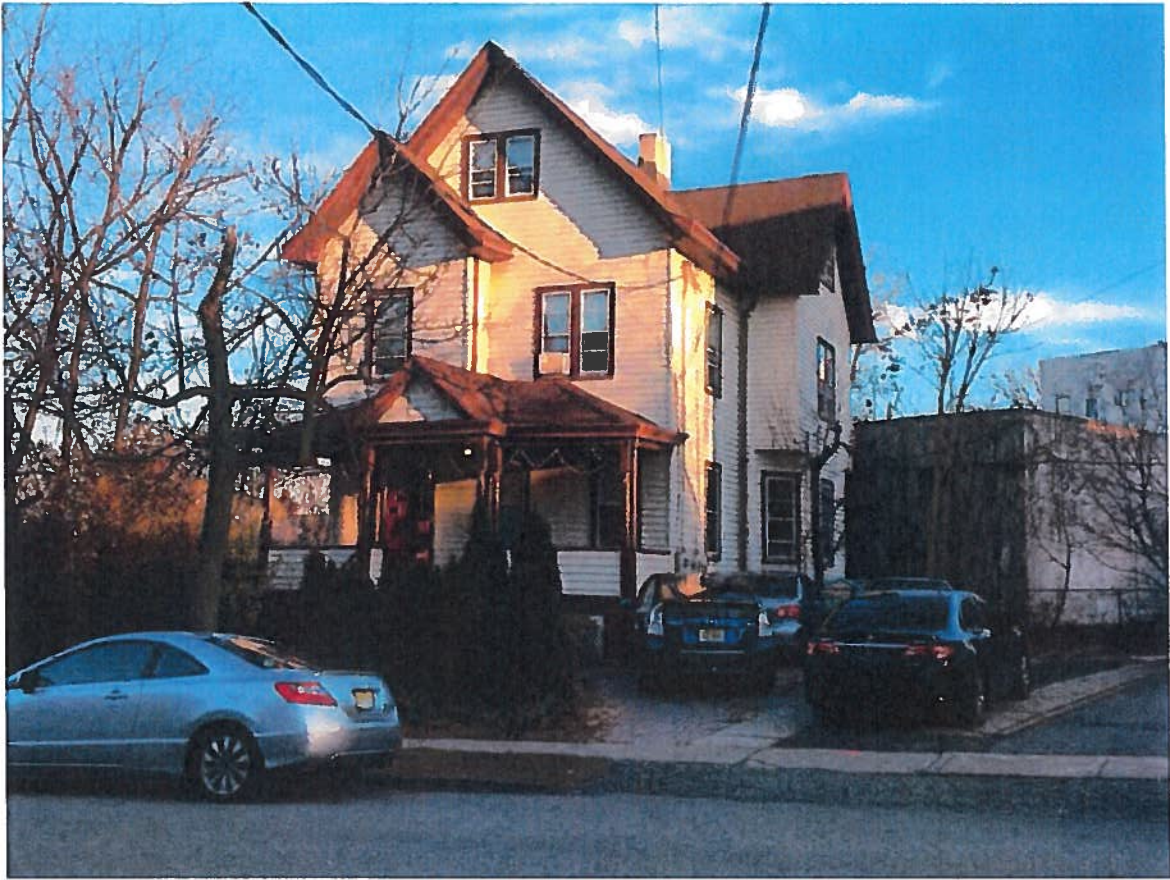
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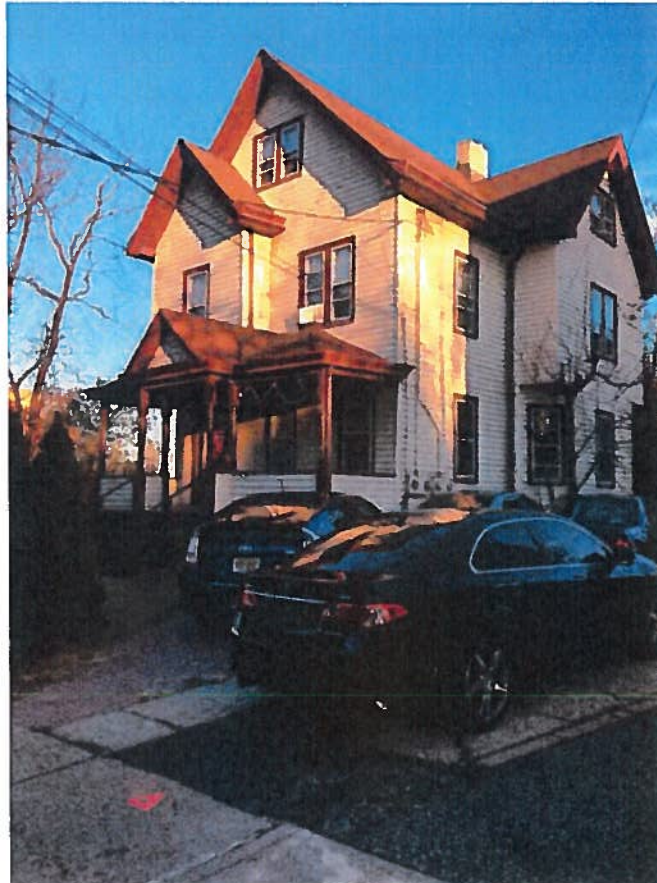
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Borough of Rutherford
 176 Park Avenue
 Rutherford, NJ 07070
 201 - 4603010

Control Number: 49606
 Application Date: 12/27/2017

**CONSTRUCTION PERMIT
 IDENTIFICATION**

OWNER/PROPERTY DETAILS

Block: 155	Lot: 15.04	Qualification Code: .	
Work Site Location: 1 Orient Way Rutherford			
Owner In Fee: Boiling Springs Savings Bank		Contractor: Phoenix Diversified Group	
Address: 25 Orient Way		Address: 4 Edison Place	
Rutherford NJ 07070		Fairfield NJ 07004	
Telephone: (201) 939-5000		Telephone: (973) 575-4770	
Use Group(s): B		Lic. No. / Bldrs. Reg. No.:	
		Federal Emp. No.: 32-0038859	

is hereby granted permission to perform the following work :

- | | | |
|--|---|-------------------------------------|
| <input checked="" type="checkbox"/> BUILDING | <input checked="" type="checkbox"/> PLUMBING | <input type="checkbox"/> DEMOLITION |
| <input checked="" type="checkbox"/> ELECTRICAL | <input checked="" type="checkbox"/> FIRE PROTECTION | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> ELEVATOR DEVICES | <input checked="" type="checkbox"/> MECHANICAL | |
| <input type="checkbox"/> ASBESTOS ABATEMENT | <input type="checkbox"/> LEAD HAZARD ABATEMENT | |

(Subchapter 8 only)

DESCRIPTION OF WORK:

Interior Renovation to create bank training room, burglar alarm, access control and data terminate all devices, smoke detectors, 2 HVAC

ESTIMATED COST OF WORK:

Cost of Construction: 0.00
 Cost of Rehabilitation: 236,129.00
 Cost of Demolition: 0.00

Total Cost:	\$236,129.00
--------------------	---------------------

PAYMENTS (Office Use Only)	
Building	\$1,973.00
Electrical	\$575.00
Plumbing	\$365.00
Fire Protection	\$100.00
Elevator Devices	
Mechanical	\$200.00
VolFee (DCA)	
AltFee (DCA)	\$449.00
DCA Minimum Fee	\$0.00
Other Fees	
CO Fee	\$200.00
CCO Fee	
Minimum Fee	
Total	\$3,862.00
All Fees Waived:	No

Amount to be Paid: \$3,862.00

NOTE: If construction does not commence within one (1) year of date of issuance, or if construction ceases for a period of six (6) months, this permit is void.

 Frank Recanati
 Construction Official

 Date

Note:



Borough of Rutherford
 176 Park Avenue
 Rutherford, NJ 07070
 201 - 4603010

Control Number: 49607
 Application Date: 12/27/2017

**CONSTRUCTION PERMIT
 IDENTIFICATION**

OWNER/PROPERTY DETAILS

Block: 155	Lot: 15.04	Qualification Code: .	
Work Site Location: 1 Orient Way Rutherford			
Owner In Fee: Boiling Springs Savings Bank		Contractor: Phoenix Diversified Group	
Address: 25 Orient Way		Address: 4 Edison Place	
Rutherford NJ 07070		Fairfield NJ 07004	
Telephone: (201) 939-5000		Telephone: (973) 575-4770	
Use Group(s): B		Lic. No. / Bldrs. Reg. No.:	
		Federal Emp. No.: 32-0038859	

is hereby granted permission to perform the following work :

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> BUILDING | <input type="checkbox"/> PLUMBING | <input type="checkbox"/> DEMOLITION |
| <input checked="" type="checkbox"/> ELECTRICAL | <input checked="" type="checkbox"/> FIRE PROTECTION | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> ELEVATOR DEVICES | <input type="checkbox"/> MECHANICAL | |
| <input type="checkbox"/> ASBESTOS ABATEMENT | <input type="checkbox"/> LEAD HAZARD ABATEMENT | |

(Subchapter 8 only)

DESCRIPTION OF WORK:

update for burglar alarm, access control and data terminate, smoke detectors

ESTIMATED COST OF WORK:

Cost of Construction: 0.00
 Cost of Rehabilitation: 3,500.00
 Cost of Demolition: 0.00

Total Cost:	\$3,500.00
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PAYMENTS (Office Use Only)	
Building	
Electrical	\$80.00
Plumbing	
Fire Protection	\$106.00
Elevator Devices	
Mechanical	
VolFee (DCA)	
AltFee (DCA)	\$7.00
DCA Minimum Fee	\$0.00
Other Fees	
CO Fee	
CCO Fee	
Minimum Fee	
Total	\$193.00
All Fees Waived:	No

Amount to be Paid: \$193.00

NOTE: If construction does not commence within one (1) year of date of issuance, or if construction ceases for a period of six (6) months, this permit is void.

 Frank Recanati
 Construction Official

 Date

Note:

