

Area in Need of Redevelopment Study
West Erie Avenue
Union Avenue,
Agnew Place
Chestnut Street
Borough of Rutherford



Section 1February 2016 Study

Section 2Appendix B Comment Response

Section 3Planning Board Resolution – September 15, 2016

Section 4Mayor and Council Resolution – September 26, 2016

Section 1
February 2016 Study

Area in Need of Redevelopment Study
West Erie Avenue
Union Avenue
Agnew Place
Chestnut Street
Borough of Rutherford



Prepared For:

Borough of Rutherford

176 Park Avenue

Rutherford, New Jersey 07070

2016

Area in Need of Redevelopment Study
West Erie Avenue, Union Avenue,
Agnew Place, and Chestnut Street
Block 78, and Partial Blocks 76 & 77



Prepared By:

Neglia Engineering Associates


34 Park Avenue, Lyndhurst NJ 07071

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West Erie Avenue, Union Avenue,
Agnew Place, and Chestnut Street
Block 78, and Partial Blocks 76 & 77**

**Borough of Rutherford
Bergen County, New Jersey**

**February, 2016
RUTHMUN16.010**

**Prepared by
Neglia Engineering Associates
34 Park Avenue, Lyndhurst, NJ 07071**




**David Juzmeski, P.E., P.P.
NJ Planning License No. 6154**

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Introduction

Neglia Engineering Associates (“NEA”) has been retained by the Governing Body of the Borough of Rutherford to determine whether the area depicted on the Redevelopment Area Context Map is an Area in Need of Redevelopment. This analysis is based on the criteria published by the State of New Jersey in the Local Redevelopment and Housing Law (NJAC 40A:12A).

This report has been prepared in accordance with the Local Redevelopment and Housing Law (“LRHL”) as follows:

40A:12A-6a “No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in section 5 of P.L. 1992, c.79 (40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.”

40A:12A-6b “Before proceeding to a public hearing on the matter, the planning board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein. There shall be appended to the map a statement setting forth the basis for the investigation.”

The Borough of Rutherford authorized the Planning Board to investigate the study area as an Area in Need of Redevelopment pursuant to 40A:12A-6a above. Subsequently, the Governing Body also retained NEA to prepare a report addressing the basis for the redevelopment designation pursuant to the Local Redevelopment and Housing Law.

Pending a presentation and public hearing of this report before the Planning Board of the Borough of Rutherford, a determination will be made as to which portions of the study area are to be designated as being in need of redevelopment and forward a recommendation to the governing body for their consideration.

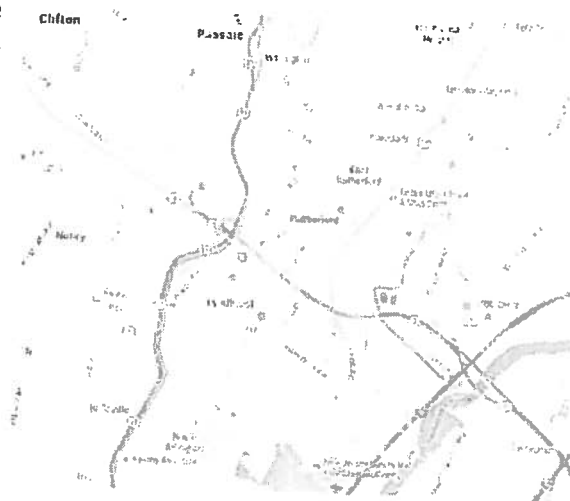
Benefits of Redevelopment Designation

The purpose of a Redevelopment Designation is to stimulate re-utilization of the area in question in a manner more conducive to the needs of the municipality and its residents and addresses the Master Plan and sound planning practices. Accordingly, the designation of an area as being in need of redevelopment and subsequent introduction of a redevelopment plan allows the municipality to do the following:

- Increase control over development patterns for the properties within the redevelopment area
- Enter a contractual agreement with a private developer to stimulate the revitalization of the redevelopment area
- Apply for grant funding specific to the redevelopment area
- Revise municipal ordinances and regulations to reflect the intent of the redevelopment plan

Community Overview

The Borough of Rutherford is located in the southern portion Bergen County, New Jersey. It borders the Borough of East Rutherford to the north and east, the Township of Lyndhurst to the south, and the City of Clifton to the West. The Passaic River runs south along the western boundary of the municipality. Berry's Creek and its tributaries convey south through the Meadowlands to the Hackensack River along the southeastern boundary.



Borough of Rutherford Location Map

The Borough of Rutherford was incorporated in 1881 and includes a total area of 2.942 square miles, comprised mostly of land without a major water body. The population of Rutherford is 18,061, based upon the data from the 2010 United States Census, which represents a very slight decline of 0.3% from the 2000 Census, when the population was listed as 18,110. The State Development and Redevelopment Plan categorizes Rutherford as a Metropolitan Planning Area.

Roads and Highways

The Borough of Rutherford has a total of approximately 46.84 miles of roadways. Of which, 36.52 miles are maintained by the municipality, 6.48 miles by Bergen County, 3.36 miles by the New Jersey Department of Transportation (NJDOT), and 0.48 miles by the New Jersey Turnpike Authority. New Jersey Route 3 traverses through the Borough east to west and Route 17 traverses north to south along the eastern boundary. A short portion of the New Jersey Turnpike Western Spur also edges through the southernmost point of Rutherford, but the closest interchange is in the neighboring municipality of East Rutherford.

Public Transportation

New Jersey Transit provides bus service through the Borough of Rutherford to and from New York Port Authority on several routes. Bus Route 190 provides local service along Union Avenue and Orient Way. Bus Routes 191, 192, and 195 serve the portions of Rutherford closest to Route 3 and Route 17. Bus Route 163 provides additional rush hour-only service. Service between Hackensack and Newark is provided on Bus Route 76.

Railroads

The Rutherford Train Station offers New Jersey Transit commuter rail service on the Bergen County Line. The line extends as far north as Suffern, New York with service to various stations along the Metro-North Port Jervis line en route to Secaucus Junction. Service is also provided to the Hoboken Terminal with connections to the Light Rail, PATH, and NY Waterway ferries. Connections to New York Penn Station, Newark Liberty International Airport, the Morris & Essex Lines, North Jersey Coast Line, Northeast Corridor Line, and Montclair-Boonton Line are provided through Secaucus.

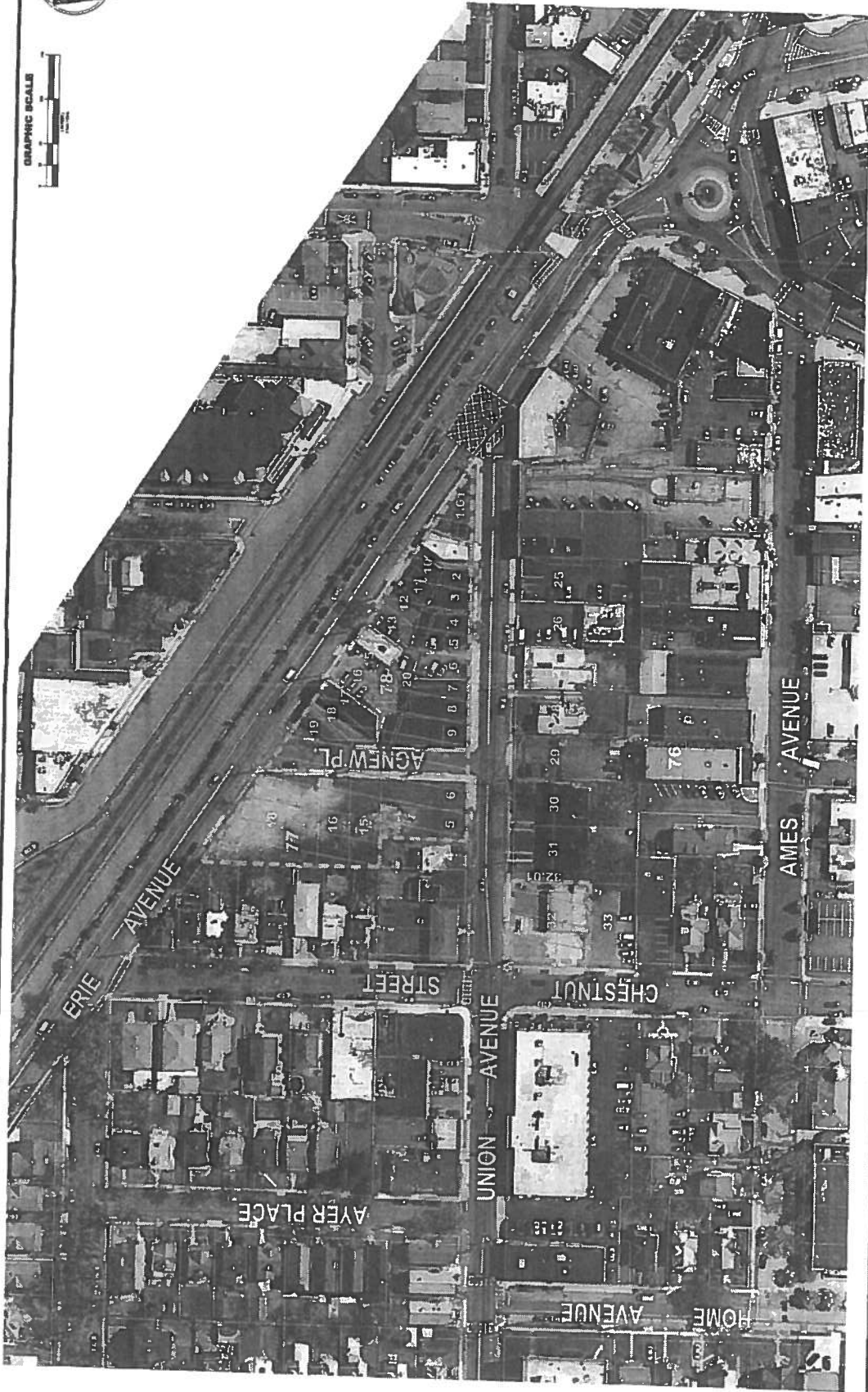
Redevelopment Study Area

The study area is described as Block 78 encompassing the triangle of Union Avenue, Chestnut Street and West Erie Avenue; Partial Block 77 including Lots 5, 6, 15, 16, & 18 with frontage on Agnew Place and Union Avenue; as well as the northerly areas of Block 76 including, but not limited to, Lots 32 & 33 located at the corner of Union Avenue and Chestnut Street eastward along Union Avenue including Lot 25. Based on the current available tax map data provided by the Borough, the study area contains a total of 37 lots, however additional research indicates that many of these lots were consolidated with adjacent lots. The study area contains an area of approximately 2.37 acres of redevelopable land and is illustrated on the Redevelopment Area Context Map and Current Tax Map. The area is immediately adjacent to the municipal boundary with East Rutherford and just north of the Rutherford Train Station. The area is bound to the east by the railroad, north by residential land uses within the R-2 Two Family Residential District and to the south and west by similar land uses within the B-3 Three Story Office-Retail District.

All properties within the study area are located within the B-3 Three Story Office-Retail District. In addition to the B-3 District designation, Block 77, Lots 5, 6, 15, 16, & 18 and Block 78, Lots 1, 1.01, 1.02, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20 are also designated as part of the PMU Planned Mixed Use Overlay Zone.

The study area also encompasses the former, and vacant, DPW site [Block 77, Lot 18] at 38 Agnew Place which is no longer owned by the Borough of Rutherford. Various development scenarios have been proposed, but none have progressed forward.

Currently, a significant portion of the subject area property is underutilized and some facilities are now vacant. As operations at these facilities have gone dormant, these properties have failed to remain marketable for renovation and reuse for new business opportunities.



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FIGURE 1C: REDEVELOPMENT AREA CONTEXT MAP

BLOCK 78 AND PARTIAL BLOCKS 76 & 77
BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY

LEGEND

MUNICIPAL BOUNDARY

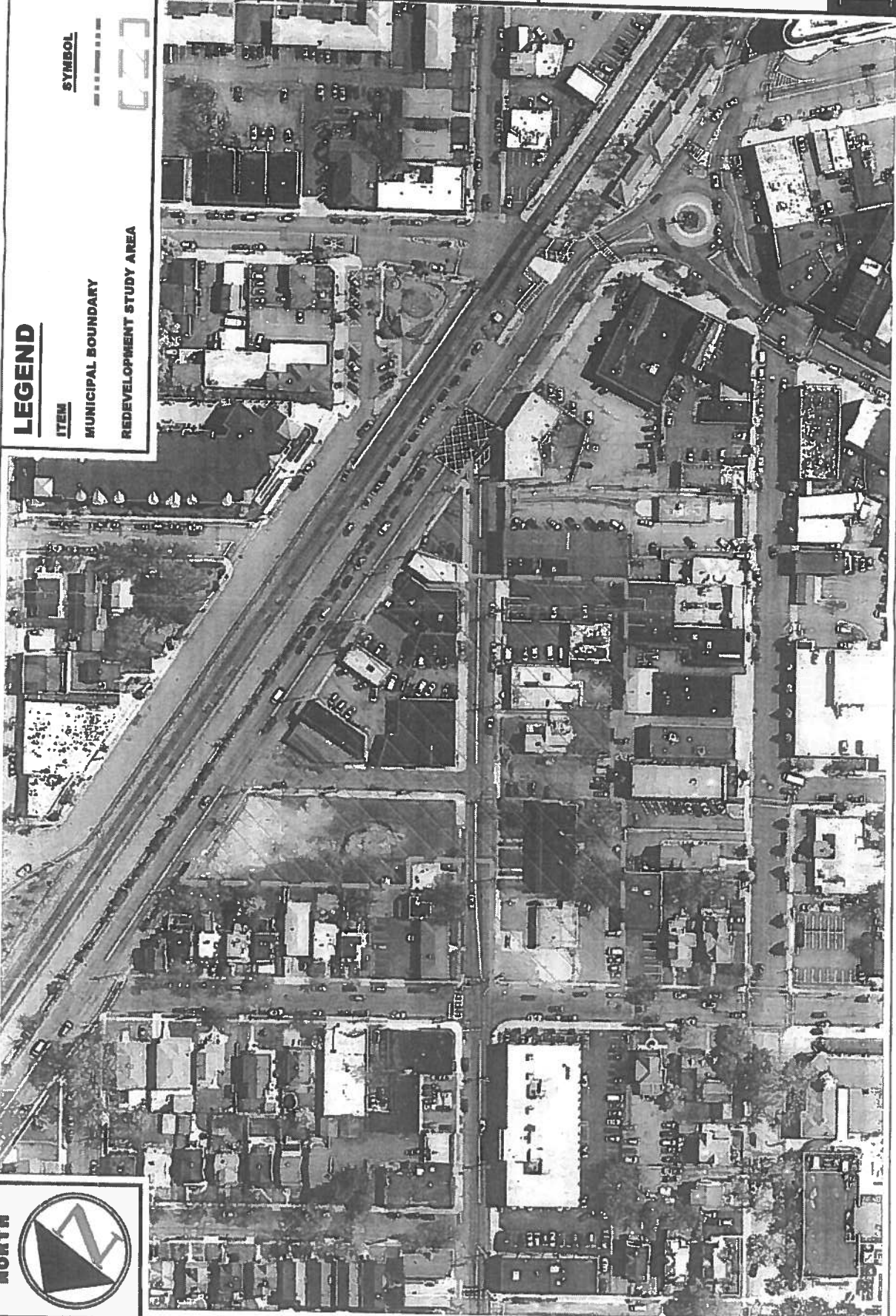
REDEVELOPMENT STUDY AREA





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FIGURE 1 - REDEVELOPMENT AREA CONTEXT MAP
BLOCK 76 AND PARTIAL BLOCKS 76 & 77
BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY
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(CERTIFICATE OF AUTHORIZATION (N.J.S.A. 45:8-69) GA 279690)



LEGEND

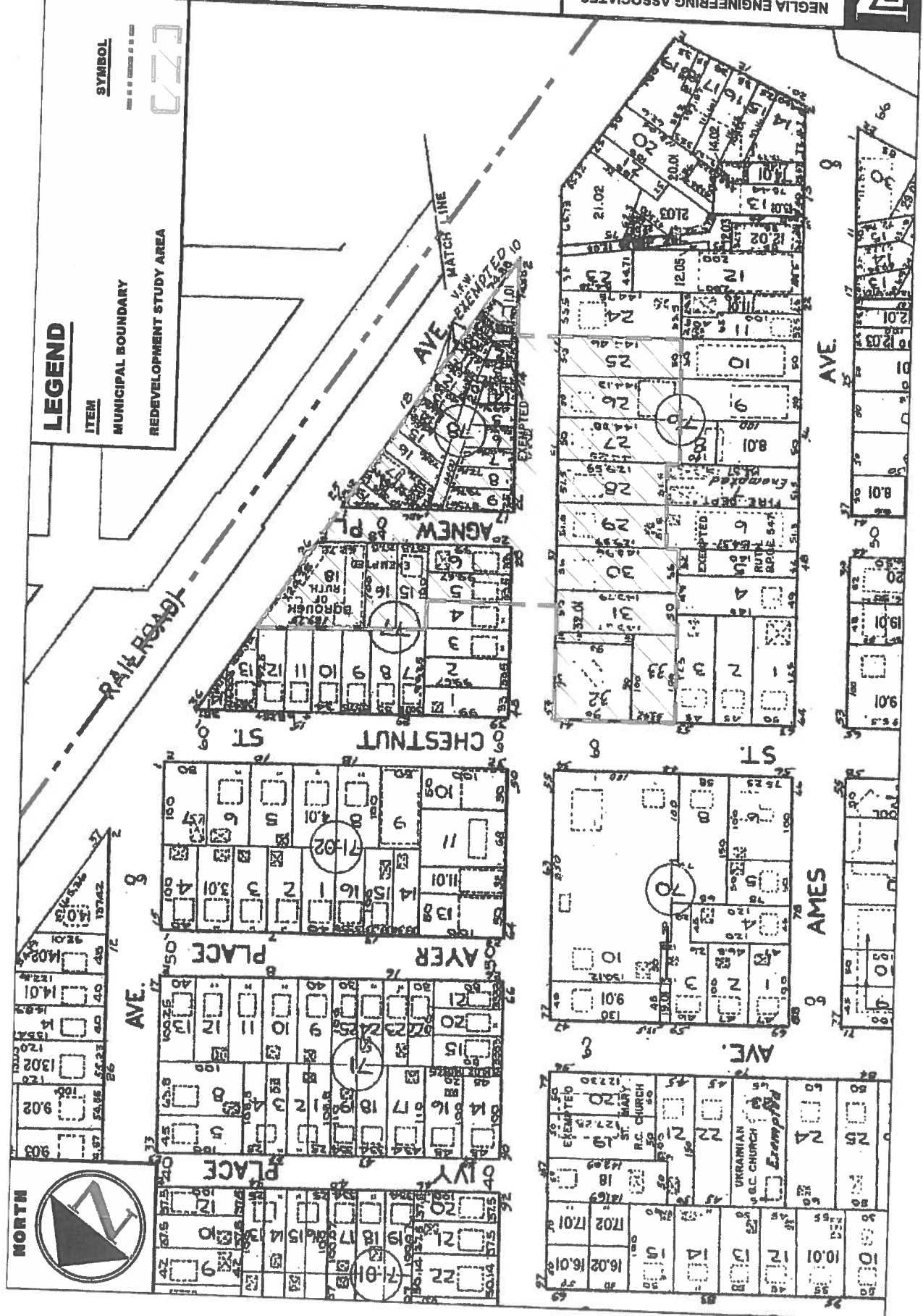
- | ITEM | SYMBOL |
|--------------------------|---------------|
| MUNICIPAL BOUNDARY | ----- |
| REDEVELOPMENT STUDY AREA | [Hatched Box] |





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FIGURE 2 - CURRENT TAX MAP
 BLOCK 76 AND PARTIAL BLOCKS 76 & 77
 BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY
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LEGEND

ITEM SYMBOL

MUNICIPAL BOUNDARY

REDEVELOPMENT STUDY AREA



Criteria for Redevelopment Area Determination

Pursuant to N.J.S.A. 40A:12A-5, a delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section 6 of P.L. 1992, c.79 (C.40A:12A-6), the governing body of the municipality by resolution concludes that within the delineated area any of the following conditions is found:

- 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, excess 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 privileges adopted pursuant to the law or regulation. The State's 'Taking Care of Business Site Evaluator' mapping system can be accessed using the following hyperlink; http://njgin.state.nj.us/OIT_BusinessMap2/index.html.

Individual properties that do not meet any of the statutory conditions may still be included within an area in need of redevelopment provided that within the area as a whole, one or more of the expressed conditions are prevalent. This provision is referred to as "Section 3" and is set forth under N.J.S.A. 40A:12A-3, which states in part that "a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part."

Redevelopment Criteria Analysis

Zoning Analysis

As previously noted, all properties within the study area are located within the B-3 Three Story Office-Retail District. In addition to the B-3 District designation, Block 77, Lots 5, 6, 15, 16, & 18 and Block 78, Lots 1, 1.01, 1.02, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20 are also designated as part of the PMU Planned Mixed Use Overlay Zone.

The bulk requirements of the B-3 Three Story Office-Retail District require a minimum lot area of 5,000 square feet and minimum lot frontage of fifty (50) feet for permitted business uses.

Permitted Uses in the B-3 Three Story Office-Retail District are as follows:

1. Local retail, office and service uses: see §131-7D(1) for detailed listing;
2. Banks and financial institutions, excluding drive-in facilities;
3. Business offices, as permitted in the B-1 District;
4. Professional offices, as permitted in the B-1 District;
5. Private clubs and lodges;
6. Community centers and nonprofit organizations; and
7. Public facilities.

The bulk requirements of the PMU Planned Mixed Use Overlay Zone are the same as those for the B-3 Three Story Office-Retail District.

Permitted Uses in the PMU Planned Mixed Use Overlay Zone are defined as any permitted use in the PCD Planned Commercial Zone. This includes any permitted use in the B-3 Zone, as identified above, as well as planned commercial development as outlined under Article IX 'Planned Commercial Developments,' §131-49 thru §131-52, of the Borough Code. Any structure containing dwelling units may be built in the PMU Overlay Zone except single- and two-family houses.

Block 76, Lots 25, 26, 27, 28, 29, 30, 32, & 33; Block 77, Lot 16; and Block 78, Lots 2 & 7 comply with the minimum lot area and lot frontage bulk requirements of the Borough Ordinance. Block 77, Lots 5, 6, & 15; and Block 78, Lots 1, 1.02, 5, 14, 16, & 18 are non-conforming with minimum lot area and/or lot frontage bulk requirements of the Borough Ordinance. The non-conforming nature of these lots within this study area limits the potential for successful stimulus of the whole area through individual lot redevelopment.

2007 Master Plan

The 2007 Master Plan was Rutherford's first comprehensive planning update in 30 years. The Plan includes a myriad of components including general planning objectives, land use elements, economic development planning, historic preservation, and circulation elements. Together these components establish the foundation for the Borough's policy, regulatory and investment decisions, and serve as an alternative to site-by-site decision-making processes. The Plan brought forth the goal to capitalize on the downtown's growing role as a transportation hub and provide for an attractive, vibrant and easily accessible downtown that will support quality mixed-use and business enterprises that contribute to the Borough's economic base and quality of life. It also set land use objectives to encourage a mix of quality commercial uses, retail, entertainment, dining, and upper story residences in the downtown area to create vibrancy and to serve local and regional markets.

Another land use objective was to identify appropriate boundaries, land uses and standards for the B-1, B-2, and B-3 districts particularly for transitional areas separating the business districts from adjoining residential neighborhoods. Accordingly, the goals and objectives of the 2007 Master Plan would be advanced by the designation of this study area as an Area in Need of Redevelopment.

NORTH



LEGEND

REDEVELOPMENT STUDY AREA



Existing Land Use

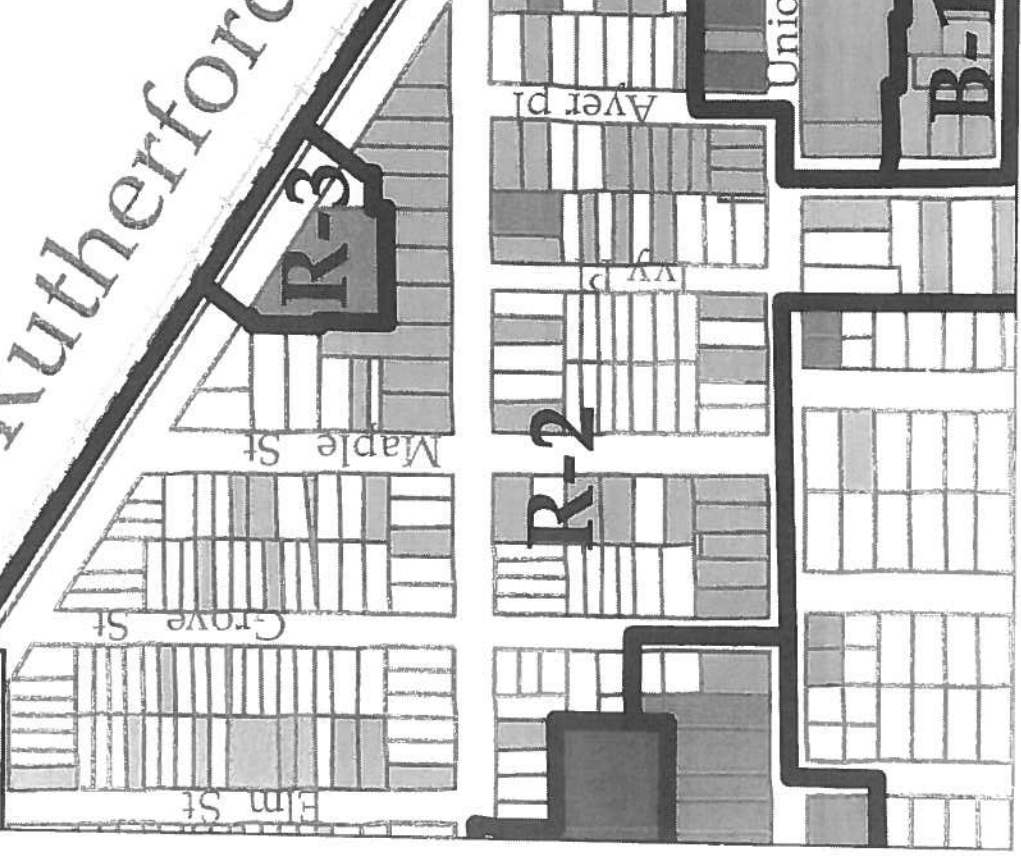
- Single Family Residential
- Single Family Attached (Townhouse)
- Two Family Residential
- Multi Family Residential
- Mixed Use
- Office / Financial
- Retail / Service
- Communication & Utilities
- Hotels & Motels
- Industrial
- Public & Quasi Public
- School
- Recreational Land
- Vacant Land

Existing Zoning Districts

- Borough Zoning**
- R-1 = Single Family Residential
 - R-1A = Single Family Residential
 - R-1B = Single Family Residential
 - R-2 = Two Family Residential
 - R-3 = Three Story Apartment
 - R-4 = Five Story Apartment
 - B-1 = Three Story Office
 - B-2 = Five Story Office
 - B-3 = Three Story Office - Retail
 - B-3/SH = Business / Senior Housing
 - B-4 = Business / Light Industrial
 - H-C = Highway Commercial Development
 - O.R.D. = Ten Story Office, Research & Development
 - P.C.D. = Planned Commercial Development
 - U-R1A = University / Residential, Single Family

FIGURE 3 - CURRENT ZONING MAP
 BLOCK 78 AND PARTIAL BLOCKS 76 & 77
 BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY

East Rutherford Borough



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Application of Redevelopment Criteria

In order to evaluate the subject parcels as an Area in Need of Redevelopment, NEA visited the study area on February 12th and 17th of this year to compare the existing conditions to the criteria defined by N.J.S.A. 40A:12A-5. The parcels were also evaluated based on tax records and aerial photographs.

Individual Lot Analysis

Block/Lot	Area (acres)	Assessed Value – Land	Assessed Value – Improvements	Present Use
Block 76, Lot 26	0.1653	\$416,000	\$132,500	Commercial
Block 76, Lot 27	0.1653	\$374,400	\$114,400	Commercial
Block 76, Lot 28	0.1552	\$200,000	\$53,000	Residential
Block 76, Lot 29	0.1552	\$253,800	\$12,000	Commercial
Block 76, Lot 30	0.365	\$624,000	\$97,900	Apartments
Block 76, Lot 32	0.186	\$324,100	\$75,900	Commercial
Block 77, Lot 5	0.0781	\$229,000	\$0	Vacant Land
Block 77, Lot 6	0.075	\$226,400	\$0	Commercial
Block 77, Lot 15	0.0872	\$238,200	\$0	Vacant Land
Block 77, Lot 16	0.3053	\$479,100	\$0	Vacant Land
Block 78, Lot 1	0.0631	\$190,600	\$31,100	Commercial
Block 78, Lot 1.02	0.0126	\$16,400	\$0	Vacant Land
Block 78, Lot 2	0.109	\$512,100	\$333,900	Commercial
Block 78, Lot 5	0.0608	\$188,600	\$5,000	Commercial
Block 78, Lot 7	0.136	\$377,700	\$656,500	Industrial
Block 78, Lot 14	0.0728	\$221,300	\$72,500	Commercial
Block 78, Lot 16	0.0907	\$286,700	\$162,700	Commercial

Block 78, Lot 18	0.0846	\$264,000	\$54,200	Commercial
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- Notes:** 1. Data gathered from lot reports generated by www.njpropertyfax.com
2. Individual lot reports not available from www.njpropertyfax.com for Block 76, Lots 25, 31, 32.01, and 33; Block 77, Lots 2 & 18; and Block 78, Lots 1.01, 3, 4, 6, 8, 9, 10, 11, 12, 13, 15, 17, 19, & 20. Based on current land uses and parcel descriptions, it is apparent that many of these lots were consolidated with adjacent lots.

Block 76, Lot 26

Area – 0.1653 acres

Assessed Land Value – \$416,000

Assessed Improvements Value – \$132,500

Owner – DLE Associates, LLC – P.O. Box 1701, Rutherford, NJ 07070

This parcel is occupied by a one-story commercial building and associated parking located at 23 Union Avenue. The current tenant is Union Dry Cleaners. The dilapidated building and site conditions relate to Criterion A. Additionally, Criterion H also applies since the State’s Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 76, Lot 27

Area – 0.1653 acres

Assessed Land Value – \$374,400

Assessed Improvements Value – \$114,400

Owner – Dolmasc Realty Corp. – 27 Union Avenue, Rutherford NJ 07070

This parcel is occupied by a one-story commercial building at 27 Union Avenue. It is supported by off-street parking across the street on Block 78, Lots 5 & 6. The current tenant is B&C Auto Service. Criterion H applies since the State’s Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 76, Lot 28

Area – 0.1552 acres

Assessed Land Value – \$200,000

Assessed Improvements Value – \$53,000

Owner – 31 Union Ave, LLC – 15 Union Avenue, Rutherford, NJ 07070

This parcel is occupied by a two-story two-family residential dwelling located at 31 Union Avenue. This residential use is an existing non-conformity to the principal permitted, conditional, and accessory uses within the B-3 Three Story Office–Retail District. The nature of the non-conforming land use relates to Criterion D as a deleterious land use which is detrimental to achieving the intended zoning goal of the B-3 Three Story Office–Retail District. Additionally, the non-conforming land use relates to the ‘Section 3’ provision as the inclusion of

this lot is critical to the effective redevelopment of the area with a consistent zoning objective. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 76, Lot 29

Area – 0.1552 acres

Assessed Land Value – \$253,800

Assessed Improvements Value – \$12,000

Owner – 15 Union Ave Associates, LLC – 15 Union Avenue, Rutherford, NJ 07070

This parcel is not occupied by any structures and is located at 35 Union Avenue. Its improvements include a paved parking lot covering the majority of the lot with associated drainage structures to collect runoff. The condition of the lot is in disrepair, relating to Criterion A. Off-street parking is a permitted accessory use, however in its current state it appears to be an existing non-conforming principal use. The nature of the non-conforming land use relates to Criterion D as a deleterious land use which is detrimental to achieving the intended zoning goal of the B-3 Three Story Office–Retail District. Additionally, the non-conforming land use relates to the 'Section 3' provision as the inclusion of this lot is critical to the effective redevelopment of the area with a consistent zoning objective. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 76, Lot 30 (including Lot 31)

Area – 0.0.365 acres

Assessed Land Value – \$624,000

Assessed Improvements Value – \$97,900

Owner – Theodore Van Winkle – 191 Wood Street, Rutherford, NJ 07070

This parcel is occupied by a two-story apartment development located at 37 Union Avenue. The dilapidated building and site conditions relate to Criterion A. This residential use is an existing non-conformity to the principal permitted, conditional, and accessory uses within the B-3 Three Story Office–Retail District. The nature of the non-conforming land use relates to Criterion D as a deleterious land use which is detrimental to achieving the intended zoning goal of the B-3 Three Story Office–Retail District. Additionally, the non-conforming land use relates to the 'Section 3' provision as the inclusion of this lot is critical to the effective redevelopment of the area with a consistent zoning objective. Additionally, Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 76, Lot 32

Area – 0.186 acres

Assessed Land Value – \$324,100

Assessed Improvements Value – \$75,900

Owner – 51 Union Land Trust, C. Bloiso Trustee – P.O. Box 551, Oradell, NJ 07649

This parcel is occupied by a one-story commercial building and associated parking located at 51 Union Avenue. The site is currently abandoned. The prior use was a gas station and auto repair garage. The dilapidated building and site conditions relate to Criterion A. The discontinuance of use and abandonment of the associated buildings relates to Criterion B as the building has fallen into so great a date of disrepair as to be untenable. Additionally, Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 77, Lot 5

Area – 0.0781 acres

Assessed Land Value – \$229,600

Assessed Improvements Value – \$0

Owner – Patricia Sattan – P.O. Box 3053, Harvey Cedars, NJ 08008

This parcel is currently vacant and unimproved, located at 32 Union Avenue. The prior use had been residential which is an existing non-conformity to the principal permitted, conditional, and accessory uses within the B-3 Three Story Office–Retail District. The nature of the non-conforming land use relates to Criterion D as a deleterious land use which is detrimental to achieving the intended zoning goal of the B-3 Three Story Office–Retail District. Additionally, the non-conforming land use relates to the 'Section 3' provision as the inclusion of this lot is critical to the effective redevelopment of the area with a consistent zoning objective. Upon inspection, the property was observed to be fenced in along with Lots 6, 15, 16, & 18 as part of an NJDEP environmental investigation and cleanup of soil and/or groundwater contaminated with petroleum substances and wastes spilled or leaked from storage tanks. These environmental constraints relate to Criterion C and E as the parcel is not likely to be developed through instrumentality of private capital while also being detrimental to the safety and health of the surrounding community. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 77, Lot 6

Area – 0.075 acres

Assessed Land Value – \$226,400

Assessed Improvements Value – \$0

Owner – Boca Holding Corp. – 795 Ridgewood Avenue, North Brunswick, NJ 08902

This parcel is currently vacant and unimproved, located at 28 Union Avenue. The prior use had been commercial. Upon inspection, the property was observed to be fenced in along with Lots

5, 15, 16, & 18 as part of an NJDEP environmental investigation and cleanup of soil and/or groundwater contaminated with petroleum substances and wastes spilled or leaked from storage tanks. These environmental constraints relate to Criterion C and E as the parcel is not likely to be developed through instrumentality of private capital while also being detrimental to the safety and health of the surrounding community. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 77, Lot 15

Area – 0.0872 acres

Assessed Land Value – \$238,200

Assessed Improvements Value – \$0

Owner – Boca Holding Corp. – 795 Ridgewood Avenue, North Brunswick, NJ 08902

This parcel is currently vacant and unimproved, located at 12 Agnew Place. Upon inspection, the property was observed to be fenced in along with Lots 5, 6, 16, & 18 as part of an NJDEP environmental investigation and cleanup of soil and/or groundwater contaminated with petroleum substances and wastes spilled or leaked from storage tanks. These environmental constraints relate to Criterion C and E as the parcel is not likely to be developed through instrumentality of private capital while also being detrimental to the safety and health of the surrounding community. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 77, Lot 16 (including Lot 18)

Area – 0.3053 acres

Assessed Land Value – \$479,100

Assessed Improvements Value – \$0

Owner – Boca Holding Corp. – 795 Ridgewood Avenue, North Brunswick, NJ 08902

This parcel is currently vacant and unimproved, located at 10 Agnew Place. Upon inspection, the property was observed to be fenced in along with Lots 5, 6, 15, & 18 as part of an NJDEP environmental investigation and cleanup of soil and/or groundwater contaminated with petroleum substances and wastes spilled or leaked from storage tanks. These environmental constraints relate to Criterion C and E as the parcel is not likely to be developed through instrumentality of private capital while also being detrimental to the safety and health of the surrounding community. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 1

Area – 0.0631 acres

Assessed Land Value – \$190,600

Assessed Improvements Value – \$31,100

Owner – Claire Van Winkle Nichols – 68 The Highlands, Tuscaloosa, AL 35404

This parcel is occupied by a one-story commercial building and associated parking located at 8 Union Avenue. The current tenant is J&R Auto Repairs. The dilapidated building and site conditions relate to Criterion A. Additionally, Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 1.02

Area – 0.0126 acres

Assessed Land Value – \$16,400

Assessed Improvements Value – \$0

Owner – Stio Bros Realty Corp. – 253 West Passaic Avenue, Rutherford, NJ 07070

This parcel is currently vacant and unimproved, located at 8 Union Avenue. This parcel is non-conforming to both the minimum lot area and lot frontage bulk requirements of the Borough Ordinance. The non-conforming nature of the lot limits the potential for successful stimulus through individual lot redevelopment, relating to Criterion E. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 2 (including Lots 3, 4, 10, 11, 12, 13, & part of 20)

Area – 0.109 acres

Assessed Land Value – \$512,100

Assessed Improvements Value – \$333,900

Owner – Tomasz Rybak – 208 Terrace Road, Franklin Lakes, NJ 07417

This parcel is occupied by adjoining one-story and two-story office buildings with associated parking located at 15 West Erie Avenue. The development spans multiple lots which appear to have been consolidated. The parcel utilizes the primary frontage on West Erie Avenue while the rear of the buildings and emergency exits front Union Avenue. Underutilization of the Union Avenue frontage relates to Criterion E. The current tenants include Boiling Springs group and TMR Associates. Criterion H applies since the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 5 (including Lot 6)

Area – 0.0608 acres

Assessed Land Value – \$188,600

Assessed Improvements Value – \$5,000

Owner – Frank & May Sung – 71 Donaldson Avenue, Rutherford, NJ 07070

This parcel is not occupied by any structures and is located at 20 Union Avenue. Its improvements include a paved parking lot which provides off-street parking for B&C Auto Service across Union Avenue. Off-street parking is a permitted accessory use, however in its current state it appears to be an existing non-conforming principal use. The nature of the non-conforming land use relates to Criterion D as a deleterious land use which is detrimental to achieving the intended zoning goal of the B-3 Three Story Office–Retail District. Additionally, the non-conforming land use relates to the ‘Section 3’ provision as the inclusion of this lot is critical to the effective redevelopment of the area with a consistent zoning objective. Criterion H also applies as the State’s Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 7 (including Lots 8 & 9)

Area – 0.136 acres

Assessed Land Value – \$377,700

Assessed Improvements Value – \$656,500

Owner – 22 Union Avenue Associates – P.O. Box 1701, Rutherford, NJ 07070

This parcel is occupied by a two-story industrial building located at 22 Union Avenue. The current tenants include JCS Realty and Church Alive NJ utilizing office space on the first floor. Upon inspection, signs were displayed in the second story windows indicating vacancy in the building. The vacancies within the building indicate underutilization relating to Criterion E. Additionally, Criterion H also applies as the State’s Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 14

Area – 0.0728 acres

Assessed Land Value – \$221,300

Assessed Improvements Value – \$72,500

Owner – Tomasz Rybak – 208 Terrace Road, Franklin Lakes, NJ 07417

This parcel is occupied by a one-story commercial building located at 17 West Erie Avenue. Upon inspection the building appeared to be vacant, without discernable signage indicating a current tenant. The vacancy within the building indicates underutilization relating to Criterion E. Additionally, Criterion H also applies as the State’s Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 16 (including 15 & 17)

Area – 0.0907 acres

Assessed Land Value – \$286,700

Assessed Improvements Value – \$162,700

Owner – John & Phyllis Gagliardi – 285 Lafayette Avenue, Lyndhurst, NJ 07071

This parcel is occupied by a two-story commercial building on Lot 17 and an unimproved dirt / gravel parking lot on Lots 15 & 16 located at 23 West Erie Avenue. The current tenant is Jory Engravers. The dilapidated building and site conditions relate to Criterion A. Additionally, Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Block 78, Lot 18 (including 19)

Area – 0.0846 acres

Assessed Land Value – \$264,000

Assessed Improvements Value – \$54,200

Owner – George R. Plarre – P.O. Box 1701, Rutherford, NJ 07070

This parcel is occupied by a one-story commercial building on Lot 18 and a ruinous asphalt parking lot on Lot 19 located at 25 West Erie Avenue. The current tenant is Pool & Spa In Town. The dilapidated building and site conditions relate to Criterion A. Additionally, Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

Conclusions

This study has been prepared at the request of the Borough of Rutherford Planning Board. Based on the evaluation performed by NEA, the study area meets Criteria A, B, C, D, E, and H for an Area in Need of Redevelopment as defined by N.J.S.A. 40A:12A-5. Photographs provided in Appendix A correlate directly to the conditions outlined within this section of the report. The Borough is reminded of the "Section 3" provision set forth under N.J.S.A. 40A:12A-3, which states in part that "a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part." In addition, the goals and objectives of the 2007 Master Plan would be advanced by the designation of this study area as an Area in Need of Redevelopment.

Appendix A

*Site Inspection Photographs Prepared by Neglia
Engineering Associates*



Location: J&R Auto Service (Block 78, Lot 1) in foreground, New China Inn (Block 76, Lot 25) and B&C Auto Service (Block 76, Lot 27) in background.

Description: View of the study area from the corner of West Erie Avenue and Union Avenue facing northwest along West Erie Avenue.



Location: Pool & Spa (Block 78, Lots 18 & 19) and Jory Engravers (Block 78, Lots 15, 16, & 17)

Description: View of the study area from the corner of West Erie Avenue and Agnew Place facing southeast along West Erie Avenue.



Location: Two-family residential dwelling located at 5 Chestnut Street (Block 77, Lot 14).
Description: View of the study area and adjacent residential properties from the corner of West Erie Avenue and Chestnut Street facing southeast along West Erie Avenue.



Location: JCS Realty and Church Alive NJ (Block 78, Lot 7) at 22 Union Avenue.
Description: View of the study area from the corner of Union Avenue and Agnew Place facing northeast along Agnew Place.



Location: J&R Auto Service (Block 78, Lot 1) at 8 Union Avenue.

Description: View of the study area from the corner of West Erie Avenue and Union Avenue facing northwest along Union Avenue.



Location: 17 West Erie Avenue (Block 78, Lot 14).

Description: Upon inspection the building appeared to be vacant, without discernable signage indicating a current tenant. The vacancy indicates underutilization relating to Criterion E.



Location: 23 West Erie Avenue (Block 78, Lot 16 Including 15 & 17), occupied by Jory Engravers.

Description: Two-story commercial building on Lot 17 and an unimproved dirt / gravel parking lot on Lots 15 & 16 located at 23 West Erie Avenue. The dilapidated building and site conditions relate to Criterion A.



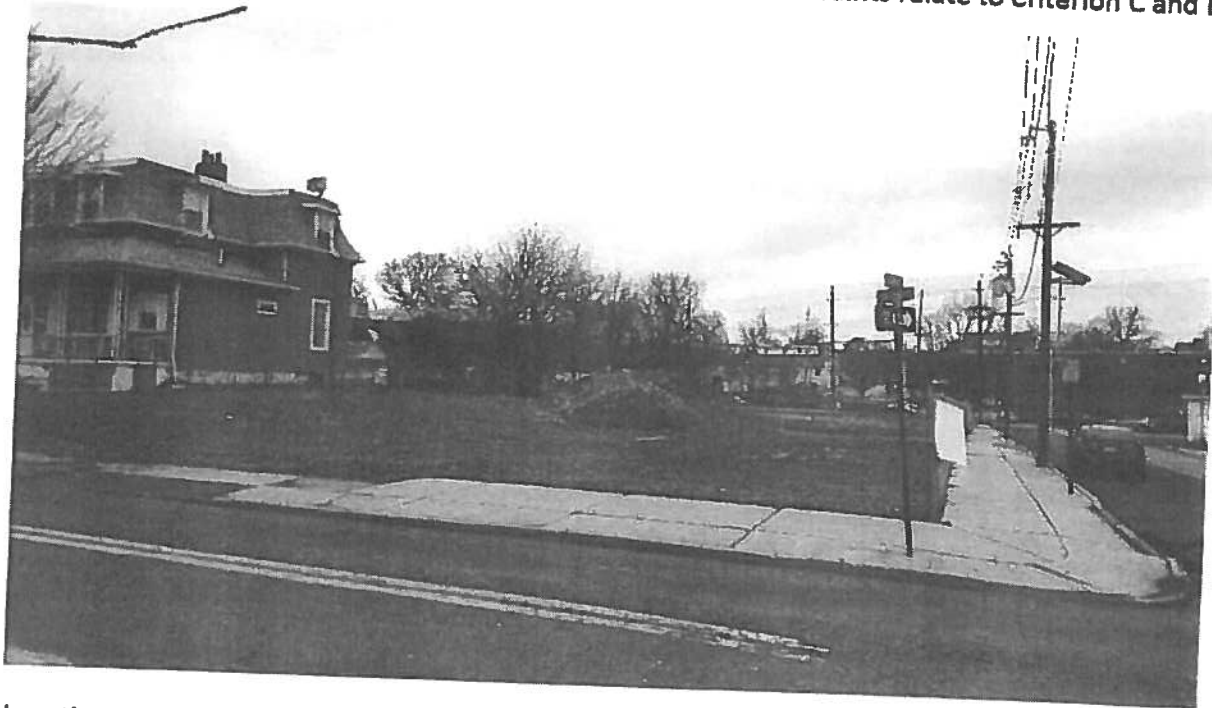
Location: 25 West Erie Avenue (Block 78, Lot 18 Including 19), occupied by Pool & Spa In Town.

Description: One-story commercial building on Lot 18 and a ruinous asphalt parking lot on Lot 19 located. The dilapidated building and site conditions relate to Criterion A.



Location: 10 Agnew Place (Block 77, Lot 16 including 18). Former DPW yard, currently vacant.

Description: Now privately owned. Lots 5, 6, 15, 16 & 18 are fenced in as part of an NJDEP cleanup of soil and/or groundwater contaminated with petroleum substances and wastes spilled or leaked from storage tanks. The environmental constraints relate to Criterion C and E.



Location: 32 Union Avenue (Block 77, Lot 5) and 28 Union Avenue (Block 77, Lot 6)

Description: Parcels are currently vacant and unimproved. As noted above, Lots 5, 6, 15, 16 & 18 are fenced in as part of an NJDEP-regulated cleanup. Parcels relate to Criterion C and E.



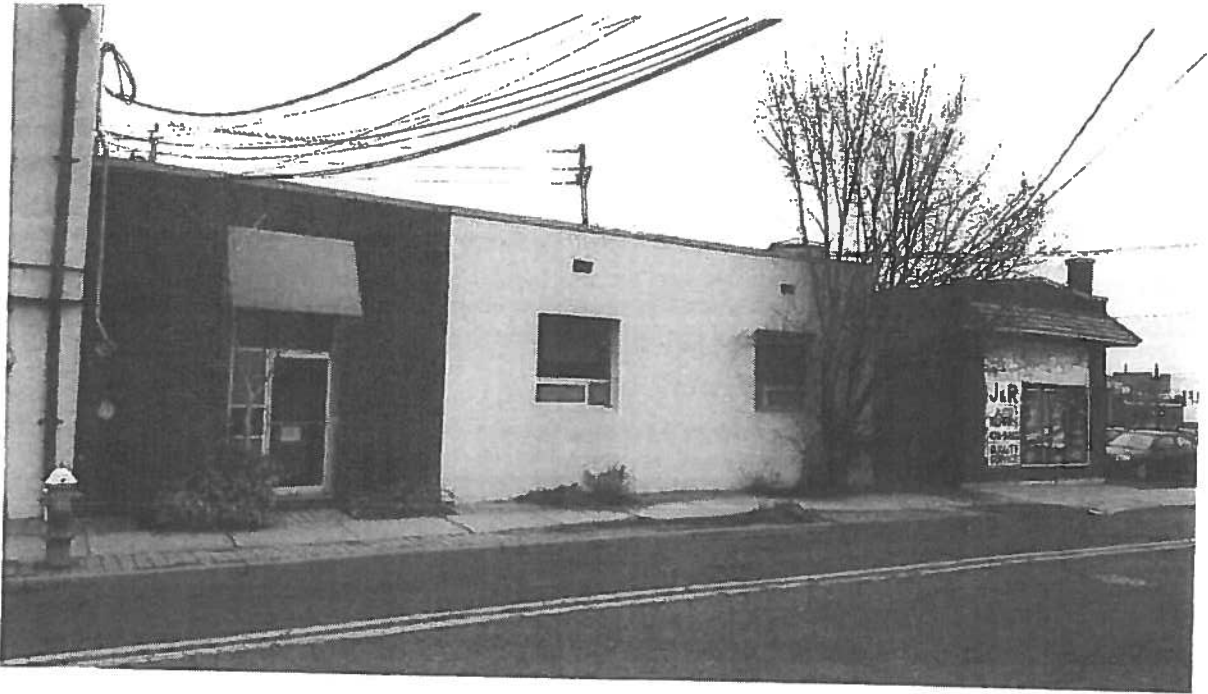
Location: 22 Union Avenue (Block 78, Lot 7), occupied by JCS Realty and Church Alive NJ.

Description: Two-story industrial building with tenants utilizing first floor office space. Signs displayed in second story windows indicating vacancies, relating to Criterion E.



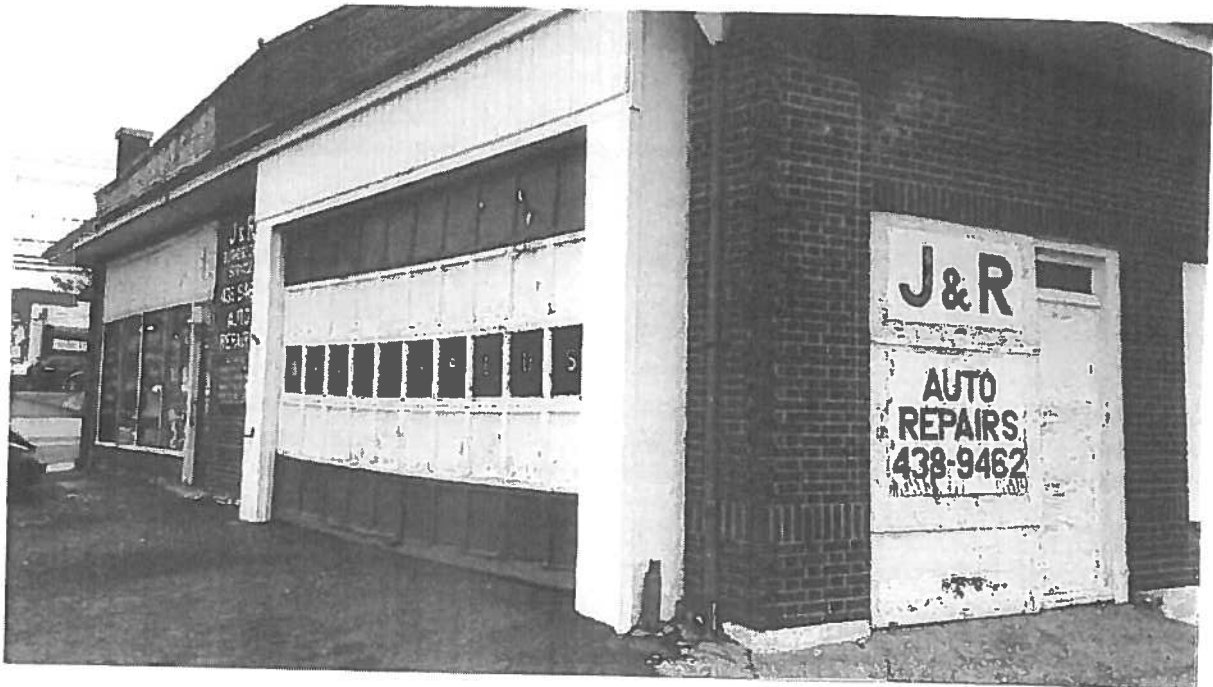
Location: 20 Union Avenue (Block 78, Lot 5 including 6)

Description: Parcels are utilized as off-street parking for B&C Auto Service across Union Avenue, a non-conforming use detrimental to achieving the intended goal of the B-3 District.



Location: Union Avenue frontage of 15 West Erie Avenue (Block 78, Lot 2 including 3, 4, 10, 11, 12, 13, & part of 20), occupied by Boiling Springs Group and TMR Associates.

Description: Relating to Criterion E, the existing development does not utilize the Union Avenue frontage. Adjoining office buildings and parking only utilize West Erie Avenue frontage.



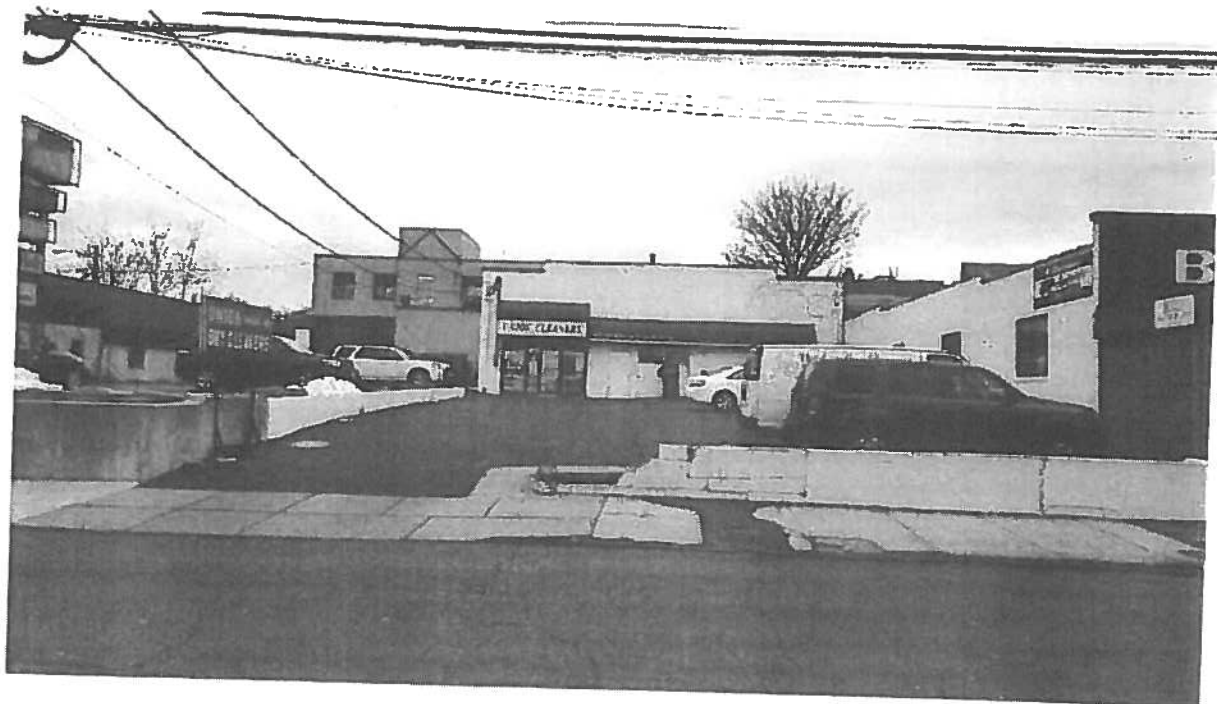
Location: 8 Union Avenue (Block 78, Lot 1), occupied by J&R Auto Repairs.

Description: One-story commercial building with associated parking. The dilapidated building and site conditions relate to Criterion A.



Location: 19 Union Avenue (Block 76, Lot 25).

Description: Utilized as rear parking for New China Inn Restaurant. Relating to Criterion E, the existing development does not utilize the Union Avenue frontage. Additionally, 'office for rent' signage near the curb indicates second story vacancies, also relating to Criterion E.



Location: 23 Union Avenue (Block 76, Lot 26), occupied by Union Dry Cleaners.

Description: One-story commercial building with associated parking. The dilapidated building and site conditions relate to Criterion A.



Location: 27 Union Avenue (Block 76, Lot 27), occupied by B&C Auto Service.

Description: One-story commercial building supported by off-street parking across the street on Block 78, Lots 5 & 6. The use of Block 78, Lots 5 & 6 for off-street parking is a non-conforming use detrimental to achieving the Intended goal of the B-3 District.



Location: 31 Union Avenue (Block 76, Lot 28).

Description: Two-story two-family residential dwelling. The residential use is non-conforming and detrimental to the goal of the B-3 Three Story Office–Retail District, relating to Criterion D.



Location: 35 Union Avenue (Block 76, Lot 28) and 37 Union Avenue (Block 76, Lot 30 & 31).

Description: Lot 28, in foreground, is utilized for off-street parking. The condition of the lot is in disrepair, relating to Criterion A.



Location: 37 Union Avenue (Block 76, Lot 30 & 31)

Description: Two-story apartment development. The dilapidated building and site conditions relate to Criterion A. The residential use is non-conforming and detrimental to the goal of the B-3 Three Story Office–Retail District, relating to Criterion D.



Location: 51 Union Avenue (Block 76, Lot 32), former gas station and repair shop, now vacant.
Description: The dilapidated one-story commercial building and parking lot relate to Criterion A. The discontinuance of use and abandonment of buildings relates to Criterion B.

Section 2

Appendix B Comment Response

Area in Need of Redevelopment Study

West Erie Avenue

Union Avenue

Agnew Place

Chestnut Street

Borough of Rutherford



Appendix B

Addressing Comments from April 21, 2016 Planning Board Meeting

Historical Significance

Neglia Engineering Associates has received documents from the New Jersey Office of Historic Preservation Historic Sites Inventory #0256-D1, Historic District Survey Form that appears to have been created on November 15, 1980. The survey identifies Block 77, Lots 3-6 (28, 32, 40 Union Avenue) for the typical mansard cottages, Block 76, Lot 31 (37-47 Union Avenue) for the Rowhouses and Block 78, Lots 7-9 (22 Union Avenue) for the Livery Stable.

In addition to the noted survey, Neglia Engineering Associates has evaluated the New Jersey and National Registers of Historic Places as published by the NJDEP – Historic Preservation Office, last updated April 26, 2016 and the Bergen County Cultural and Historic Sites last review May 2, 2016.

The mansard cottages located on Union Avenue were built in the 1870's and represent a popular architectural style and housing type for that era. However, out of the four (4) specific lots identified above, only two remain. The homes that existed at 28 and 32 Union Avenue appear to have been demolished prior to 2005. The remaining homes are located on Block 77, Lots 3 and 4. In addition, these homes are outside the "Area in Need of Redevelopment". Although these homes are beyond the limits of the study, these homes have been modified through the years. The siding utilized on the homes are aluminum with modern doors and windows on each home. Additionally, the walls along the two property frontages consist of block and wood materials that are more contemporary in style and construction as compared to the homes in question.

The row houses located on Union Avenue were built between 1909 and 1913. These row houses still exist, but similar to the mansard cottages, these homes have been altered through the years. The original row houses consisted of shingled bay windows, open porches, shed roofs and diamond patterned upper window panes. Although the shed roof cross-section remains intact, some of the open porches have been enclosed, and the diamond patterned upper window panes have been replaced. Additionally, the walkways and stairways accessing the individual row units concrete are more contemporary in style and construction as compared to the homes in question.

The livery stable located at 22 Union Avenue was built in 1907. Although the building footprint appears to match the original footprint per the published Sanborn Maps, the façade of this building along with the materials utilized has drastically changed the character of this building. The original building consisted of bond brick, wood double doors at street level, a chimney stack and window ledges of stone. The current façade of the building consists of a stucco finish and commercial metal doors. The existing chimney stack and stone window ledges have been removed.

The Borough of Rutherford has an extensive history including eight listings on the State Register and six listings on the National Register. The homes and buildings outlined above are currently not within the New Jersey State, National or County Registers. Additionally, the structures indicated have been modified / altered through the years. However, the significance of these buildings are noted and shall be considered.

Specific Property Evaluation

Block 76, Lot 25

This parcel is occupied by parking lot that services the New China Inn located on Lot 10. In accordance with Criterion "E" this lot experiences lack of proper utilization, it impedes 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.

Furthermore, in accordance with Criterion "D", this lot is currently non-conforming with a parking lot as a principal use. Additionally, the non-conforming land use relates to the 'Section 3' provision as the inclusion of this lot is critical to the effective redevelopment of the area with a consistent zoning objective. However, any modification to parking lots that service businesses not within the "Area in Need of Redevelopment" must be accounted for in any Redevelopment Plan.

Block 76, Lot 29

This parcel is not occupied by any structures and is located at 35 Union Avenue. Its improvements include a paved parking lot covering the majority of the lot with associated drainage structures to collect runoff. The condition of the lot is in disrepair, relating to Criterion "A". Off-street parking is a permitted accessory use, however in its current state it appears to be an existing non-conforming principal use. The nature of the non-conforming land use relates to Criterion "D" as a deleterious land use which is detrimental to achieving the intended zoning goal of the B-3 Three Story Office–Retail District. Additionally, the non-

conforming land use relates to the 'Section 3' provision as the inclusion of this lot is critical to the effective redevelopment of the area with a consistent zoning objective.

However, any modification to parking lots that service businesses not within the "Area in Need of Redevelopment" must be accounted for in any Redevelopment Plan.

Properties within the "Area in Need of Redevelopment"

Block 77, Lots 5, 6, & 15; and Block 78, Lots 1, 1.02, 5, 14, 16, 18 and 19 are non-conforming with minimum lot area and/or lot frontage bulk requirements of the Borough Ordinance. The non-conforming nature of these lots within this study area limits the potential for successful stimulus of the whole area through individual lot redevelopment.

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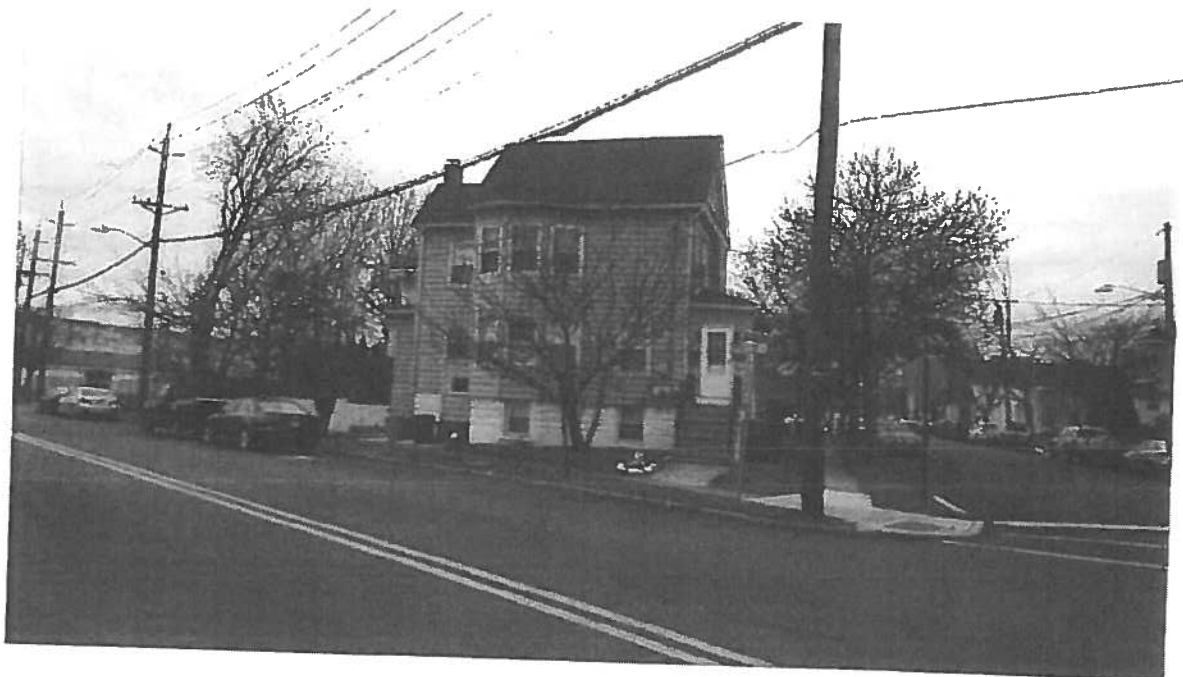
Location: J&R Auto Service (Block 78, Lot 1) in foreground, New China Inn (Block 76, Lot 25) and B&C Auto Service (Block 76, Lot 27) in background.

Description: View of the study area from the corner of West Erie Avenue and Union Avenue facing northwest along West Erie Avenue.



Location: Pool & Spa (Block 78, Lots 18 & 19) and Jory Engravers (Block 78, Lots 15, 16, & 17)

Description: View of the study area from the corner of West Erie Avenue and Agnew Place facing southeast along West Erie Avenue.



Location: Two-family residential dwelling located at 5 Chestnut Street (Block 77, Lot 14).
Description: View of the study area and adjacent residential properties from the corner of West Erie Avenue and Chestnut Street facing southeast along West Erie Avenue.

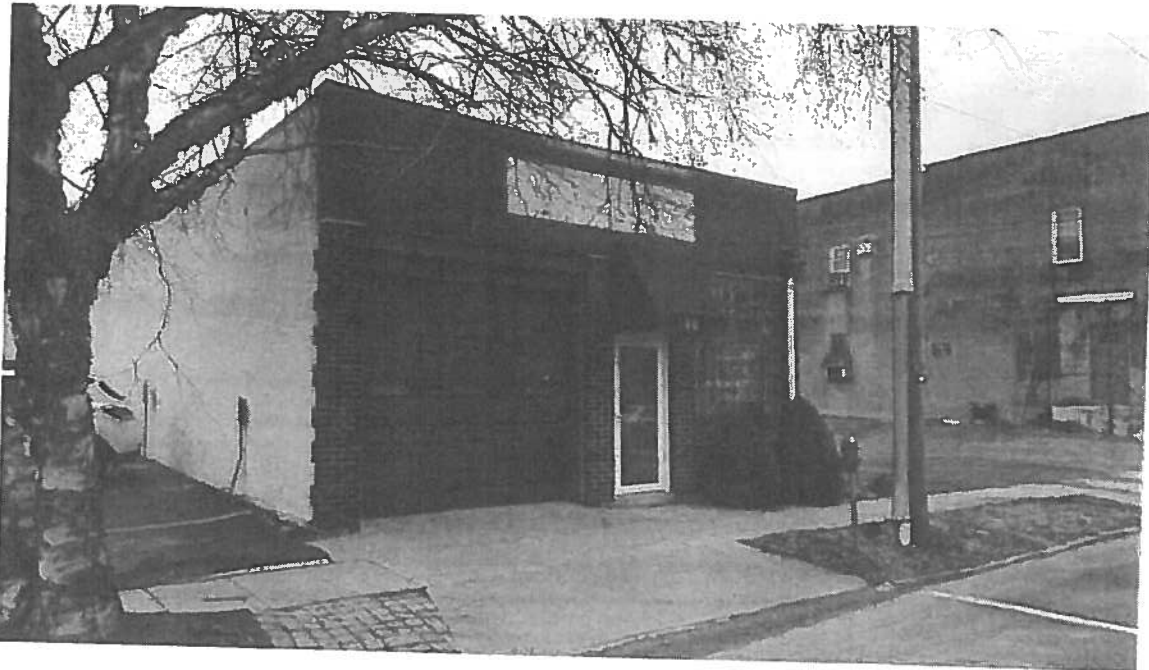


Location: JCS Realty and Church Alive NJ (Block 78, Lot 7) at 22 Union Avenue.
Description: View of the study area from the corner of Union Avenue and Agnew Place facing northeast along Agnew Place.



Location: J&R Auto Service (Block 78, Lot 1) at 8 Union Avenue.

Description: View of the study area from the corner of West Erie Avenue and Union Avenue facing northwest along Union Avenue.



Location: 17 West Erie Avenue (Block 78, Lot 14).

Description: Upon inspection the building appeared to be vacant, without discernable signage indicating a current tenant. The vacancy indicates underutilization relating to Criterion E.



Location: 23 West Erie Avenue (Block 78, Lot 16 including 15 & 17), occupied by Jory Engravers.
Description: Two-story commercial building on Lot 17 and an unimproved dirt / gravel parking lot on Lots 15 & 16 located at 23 West Erie Avenue. The dilapidated building and site conditions relate to Criterion A.



Location: 25 West Erie Avenue (Block 78, Lot 18 including 19), occupied by Pool & Spa In Town.
Description: One-story commercial building on Lot 18 and a ruinous asphalt parking lot on Lot 19 located. The dilapidated building and site conditions relate to Criterion A.



Location: 10 Agnew Place (Block 77, Lot 16 including 18). Former DPW yard, currently vacant.
Description: Now privately owned. Lots 5, 6, 15, 16 & 18 are fenced in as part of an NJDEP cleanup of soil and/or groundwater contaminated with petroleum substances and wastes spilled or leaked from storage tanks. The environmental constraints relate to Criterion C and E.



Location: 32 Union Avenue (Block 77, Lot 5) and 28 Union Avenue (Block 77, Lot 6)
Description: Parcels are currently vacant and unimproved. As noted above, Lots 5, 6, 15, 16 & 18 are fenced in as part of an NJDEP-regulated cleanup. Parcels relate to Criterion C and E.



Location: 22 Union Avenue (Block 78, Lot 7), occupied by JCS Realty and Church Alive NJ.
Description: Two-story industrial building with tenants utilizing first floor office space. Signs displayed in second story windows indicating vacancies, relating to Criterion E.

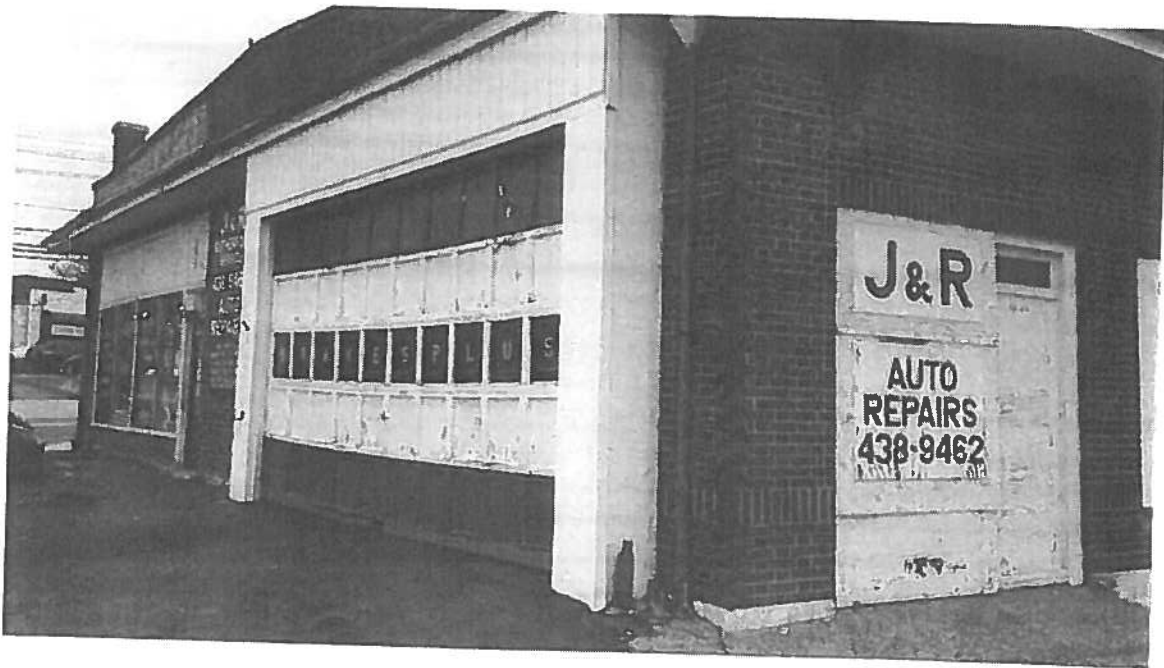


Location: 20 Union Avenue (Block 78, Lot 5 including 6)
Description: Parcels are utilized as off-street parking for B&C Auto Service across Union Avenue, a non-conforming use detrimental to achieving the intended goal of the B-3 District.



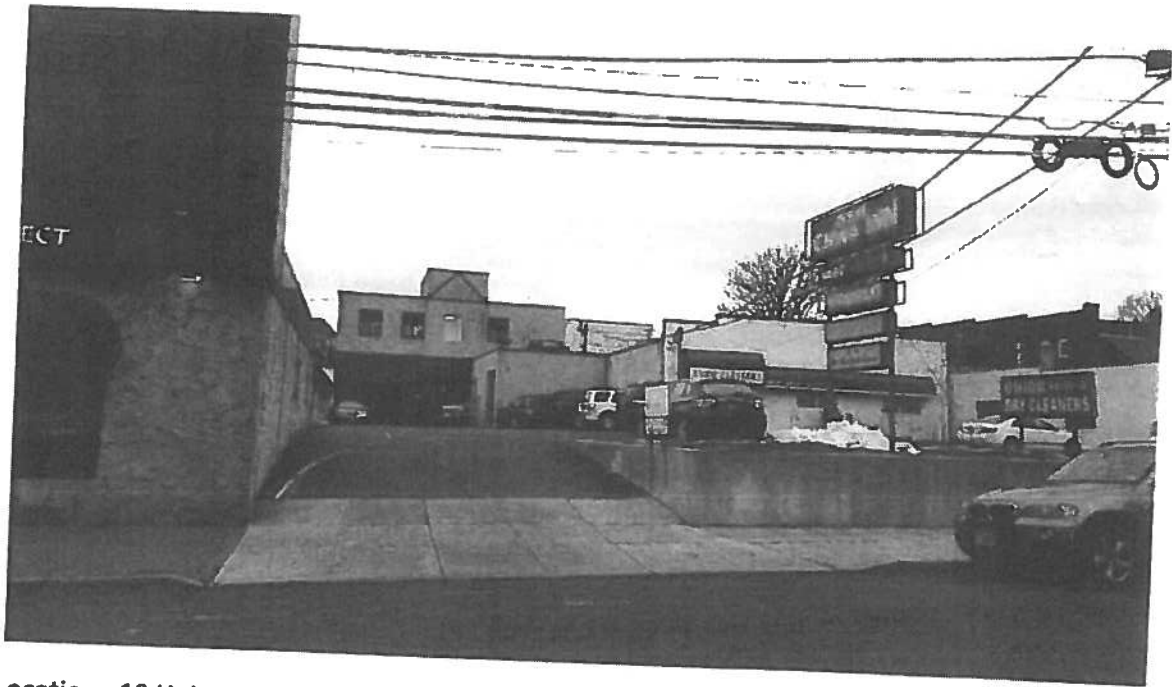
Location: Union Avenue frontage of 15 West Erie Avenue (Block 78, Lot 2 including 3, 4, 10, 11, 12, 13, & part of 20), occupied by Boiling Springs Group and TMR Associates.

Description: Relating to Criterion E, the existing development does not utilize the Union Avenue frontage. Adjoining office buildings and parking only utilize West Erie Avenue frontage.



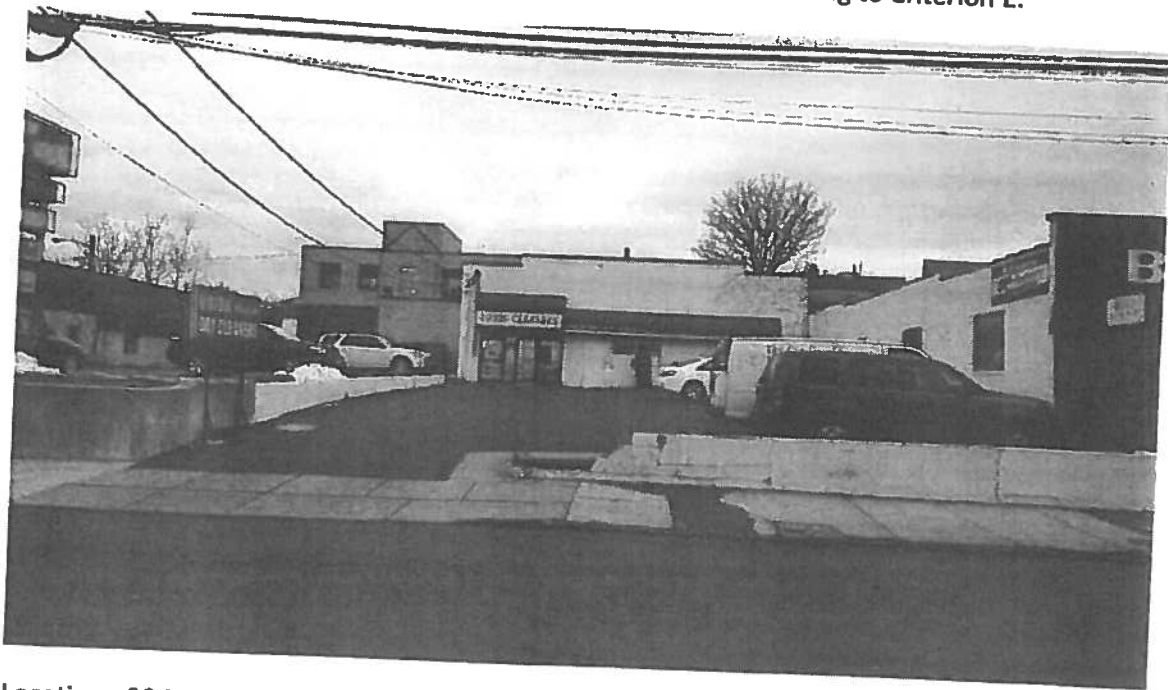
Location: 8 Union Avenue (Block 78, Lot 1), occupied by J&R Auto Repairs.

Description: One-story commercial building with associated parking. The dilapidated building and site conditions relate to Criterion A.



Location: 19 Union Avenue (Block 76, Lot 25).

Description: Utilized as rear parking for New China Inn Restaurant. Relating to Criterion E, the existing development does not utilize the Union Avenue frontage. Additionally, 'office for rent' signage near the curb indicates second story vacancies, also relating to Criterion E.



Location: 23 Union Avenue (Block 76, Lot 26), occupied by Union Dry Cleaners.

Description: One-story commercial building with associated parking. The dilapidated building and site conditions relate to Criterion A.



Location: 27 Union Avenue (Block 76, Lot 27), occupied by B&C Auto Service.

Description: One-story commercial building supported by off-street parking across the street on Block 78, Lots 5 & 6. The use of Block 78, Lots 5 & 6 for off-street parking is a non-conforming use detrimental to achieving the intended goal of the B-3 District.



Location: 31 Union Avenue (Block 76, Lot 28).

Description: Two-story two-family residential dwelling. The residential use is non-conforming and detrimental to the goal of the B-3 Three Story Office–Retail District, relating to Criterion D.



Location: 35 Union Avenue (Block 76, Lot 28) and 37 Union Avenue (Block 76, Lot 30 & 31).

Description: Lot 28, in foreground, is utilized for off-street parking. The condition of the lot is in disrepair, relating to Criterion A.



Location: 37 Union Avenue (Block 76, Lot 30 & 31)

Description: Two-story apartment development. The dilapidated building and site conditions relate to Criterion A. The residential use is non-conforming and detrimental to the goal of the B-3 Three Story Office–Retail District, relating to Criterion D.



Location: 51 Union Avenue (Block 76, Lot 32), former gas station and repair shop, now vacant.

Description: The dilapidated one-story commercial building and parking lot relate to Criterion A. The discontinuance of use and abandonment of buildings relates to Criterion B.

Planning Board Resolution

-September 15, 2016

Area in Need of Redevelopment Study
West Erie Avenue
Union Avenue,
Agnew Place
Chestnut Street
Borough of Rutherford



RUTHERFORD PLANNING BOARD
Resolution

**A RESOLUTION CORRECTING A TYPOGRAPHICAL ERROR
IN RESOLUTION B-2016 CORRECTING AN ERROR IN A
“BLOCK” DESIGNATION AND RATIFYING THE
RECOMMENDATION THAT THE MAYOR AND COUNCIL
DETERMINE THAT THE AREA KNOWN AS THE AGNEW
PLACE REDEVELOPMENT DISTRICT TO BE AN AREA IN
NEED OF REDEVELOPMENT.**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “LRHL”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, by Resolution 127-2016, dated May 9, 2016, the Rutherford Mayor and Council directed the Planning Board to undertake a preliminary investigation to determine if the area known as the “Agnew Place Redevelopment Zone,” hereinafter referred to as the “Area” as described below, satisfies the criteria for designation as an area in need of redevelopment;

- (i) Block 77,78 encompassing the triangle area of Union Avenue, Chestnut Street and West Erie Avenue as well as the northerly areas of Block 76- including but not limited to block 76 lot 32 located on the corner of Union Avenue and Chestnut Street, eastward along Union Avenue to lot 25 have improvements thereon and supporting physical components which exhibit deterioration as well as need for substantial repair or replacement

WHEREAS, the Area as it appears on the Borough’s Tax Map, satisfies the criteria for designation as an area in need of redevelopment pursuant to the LRHL; and

WHEREAS, the Planning Board caused Brian Intindola and David Juzmeski, of Neglia Engineering Associates (the “Planning Consultant”) to conduct a preliminary investigation to determine whether the Area should be designated an area in need of redevelopment; and

WHEREAS, the Planning Board prepared a map of the Area and undertook a preliminary investigation in accordance with the requirements of the LRHL to determine whether the Area qualifies as an area in need of redevelopment as provided under the LRHL; and

WHEREAS, the LRHL requires the Planning Board to conduct a public hearing prior to making its determination whether the Area should be designated as an area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Area is a redevelopment area; and

WHEREAS, the LRHL further requires the Planning Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made not less than ten days prior to such public hearing and to mailed such notice at least ten days prior to such public hearing to the last owner(s) of the Area according to the Borough's assessment records; and

WHEREAS, the Planning Board caused the aforementioned notices to be: (i) published according law and served on the last owner(s) of the Area according to the Borough's assessment records; and

WHEREAS, the Planning Board conducted a public hearing on May 19, 2016, where the Planning Board, among other things, provided an opportunity to hear all persons who were interested in or would be affected by the determination that the delineated area is a redevelopment area subject to eminent domain; and

WHEREAS, at the public hearing the Planning Board reviewed the findings of the Preliminary Investigation Study for the Area ("the Study") prepared by the Planning Consultant, dated February 2016, accepted the Report into evidence, heard expert testimony from David Juzmeski and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, to cross-examine the Planning Consultant and/or to address questions to the Planning Board and its representatives concerning the potential designation of the Area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Study and testified to the Planning Board at the public hearing that there is evidence to support the following findings:

- (i) the Area satisfies the criteria for redevelopment area designation set forth in LRHL, specifically N.J.S.A. 40A:12A-5a and 5d; and more specifically determined that;

The entire area is located within a Smart Growth area.

Block 76 includes properties that have been determined to be dilapidated, non-conforming deleterious land use that is detrimental to achieving intended zoning goals, the inclusion of the identified lots contained within this block is critical to the effective redevelopment of the Area with a consistent zoning objective, this block contains one (1) abandoned building located at lot 32.

Block 77 includes four (4) lots that are part of an NJDEP environmental investigation and cleanup of soil and/or groundwater contaminated with petroleum substances and waste spilled or leaked from storage tanks.

These lots are not likely to be developed through instrumentality of private capital while they are also being detrimental to the safety and health of the surrounding community. This block includes four (4) vacant unimproved lots.

Block 78 block includes properties that have been determined to be dilapidated, non-conforming deleterious land use that is detrimental to achieving intended zoning goals, the inclusion of the identified lots contained within this block is critical to the effective redevelopment of the Area with a consistent zoning objective. This block contains properties with underutilized frontage on Union Avenue. This block contains properties with commercial vacancies resulting in under utilization.

- (ii) pursuant to N.J.S.A. 40A:12A-3, the designation of the Area as an area in need of redevelopment is necessary for the effective redevelopment of the Area; and

WHEREAS, objection's to the designation of the Area as an area in need of redevelopment made by residents and property owners were made part of the public record and considered by the board in making this recommendation and

WHEREAS, there was no written objection to the designation of the Area as an area in need of redevelopment during the public hearing; and

WHEREAS, Resolution B-2016 contained an incorrect reference to "Block 72" which should have read "Block 76"; and

WHEREAS, based on the objections and comments presented by the public to the board during this hearing, the Planning Consultant presented an alternate plan referred to as Plan B, to reduce the scope of the Area by eliminating all properties on the south side of Union Avenue except for Block 76 Lot 32

WHEREAS, at the May 19, 2016 public hearing the Planning Board determined by a vote of six (6) to one (1) with one (1) abstention, to recommend to the Mayor and Council that the Area be designated as an area in need of redevelopment (with powers of condemnation) and this resolution is intended to memorialize that recommendation, subject to the following conditions;

- (i) The Area as outlined above in paragraph 2 (i) be reduced to represent the area proposed by the planning consultant, David Juzmeski as Plan B as described below hereinafter referred to as "Plan B Area" which further appears on the attached revised map,

Block 76 Lot 32

Block 77 Lots 5, 6,15,16,18

Block 78 Lots 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,&20

Agnew Place from Union Avenue to Erie Avenue

- (2) Any developer must conduct all needed studies including but not limited to environmental, traffic, and school impact, at their own cost.

NOW THEREFORE, BE IT RESOLVED by the Rutherford Planning Board as follows:

1. For the reasons set forth in the Study, the Area is characterized by those conditions set forth at "criteria d" of the LRHL, N.J.S.A. 40A:12A-5a and 5d.

2. The Planning Board confirms its May 19, 2016 and June 16, 2016 recommendation that the Borough Council designate the Area as a condemnation area in need of redevelopment as amended to be limited to those properties designated as Plan B Area as described above.


Dated: September 15, 2016

ATTEST:

APPROVED:



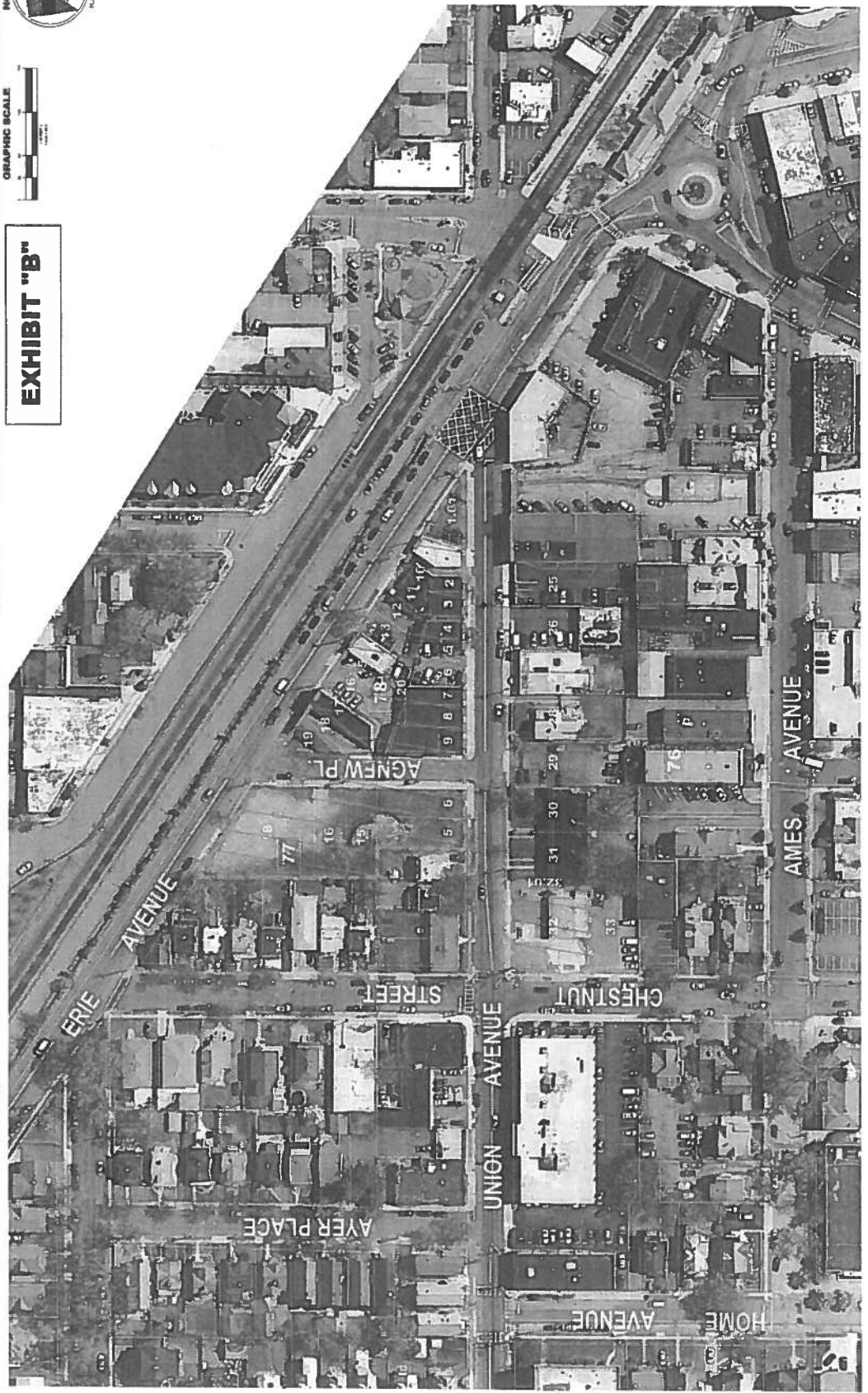
Mary Ellen Sartori, Secretary



Richard Doren, Chairman



EXHIBIT "B"



LEGEND

MUNICIPAL BOUNDARY ———

REDEVELOPMENT STUDY AREA 

FIGURE 1C: REDEVELOPMENT AREA CONTEXT MAP
 BLOCK 76 AND PARTIAL BLOCKS 76 & 77
 BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY

A PROJECT OF
**NEGLIA
 ENGINEERING
 ASSOCIATES**
100 RUTHERFORD AVENUE, SUITE 200
 RUTHERFORD, NEW JERSEY 07070
 TEL: 973-981-1100 FAX: 973-981-1101



Mayor and Council Resolution-
September 26, 2016

Area in Need of Redevelopment Study
West Erie Avenue
Union Avenue,
Agnew Place
Chestnut Street
Borough of Rutherford





BOROUGH OF RUTHERFORD
County of Bergen

RESOLUTION NO. 210-2016

DATE: 9/26/2016

**A RESOLUTION ACCEPTING THE RUTHERFORD PLANNING BOARD'S
RECOMMENDATION PURSUANT TO THE PRELIMINARY INVESTIGATION
CONDUCTED TO DECLARE THE AGNEW PLACE REDEVELOPMENT
DISTRICT (AS DEFINED HEREIN) OR ANY PART THEREOF, AS A
CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO
THE NEW JERSEY LOCAL REDEVELOPMENT & HOUSING LAW AND TO
AUTHORIZE THE CREATION OF A REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "LRHL") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, by Resolution 127-2016, dated May 9, 2016, the Rutherford Mayor and Council directed the Planning Board to undertake a preliminary investigation to determine if the area known as the "Agnew Place Redevelopment Zone," hereinafter referred to as the "Area" as described below, satisfies the criteria for designation as an area in need of redevelopment pursuant to the LRHL;

- (i) Block 77,78 encompassing the triangle area of Union Avenue, Chestnut Street and West Erie Avenue as well as the northerly areas of Block 76- including but not limited to block 76 lot 32 located on the corner of Union Avenue and Chestnut Street, eastward along Union Avenue to lot 25 have improvements thereon and supporting physical components which exhibit deterioration as well as need for substantial repair or replacement

WHEREAS, the Planning Board engaged Brian Intindola and David Juzmeski, of Neglia Engineering Associates (the "Planning Consultant") to conduct a preliminary investigation to determine whether the Area should be designated an area in need of redevelopment; and

WHEREAS, the Planning Board prepared a map of the Area and undertook a preliminary investigation in accordance with the requirements of the LRHL to determine whether the Area qualifies as an area in need of redevelopment as provided under the LRHL; and

WHEREAS, the Planning Board conducted a public hearing on May 19, 2016, as required by LRHL, where the Planning Board, among other things, provided an opportunity

to hear all persons who were interested in or would be affected by the determination that the delineated area is a redevelopment area subject to eminent domain; and

WHEREAS, the Planning Board caused the aforementioned notices to be: (i) published according law and served on the last owner(s) of the Area according to the Borough's assessment records; and

WHEREAS, at the public hearing the Planning Board reviewed the findings of the Preliminary Investigation Study for the Area ("the Study") prepared by the Planning Consultant, dated February 2016, accepted the Report into evidence, and heard expert testimony from David Juzmeski and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, to cross-examine the Planning Consultant and/or to address questions to the Planning Board and its representatives concerning the potential designation of the Area in need of redevelopment; and

WHEREAS, the Planning Consultant concluded in the Study and testified to the Planning Board at the public hearing that there is evidence to support the following findings:

- (i) the Area satisfies the criteria for redevelopment area designation set forth in LRHL, specifically N.J.S.A. 40A:12A-5a and 5d; and more specifically determined that;

The entire area is located within a Smart Growth area.

Block 76 includes properties that have been determined to be dilapidated, non-conforming deleterious land use that is detrimental to achieving intended zoning goals, the inclusion of the identified lots contained within this block is critical to the effective redevelopment of the Area with a consistent zoning objective, this block contains one (1) abandoned building located at lot 32.

Block 77 includes four (4) lots that are part of an NJDEP environmental investigation and cleanup of soil and/or groundwater contaminated with petroleum substances and waste spilled or leaked from storage tanks. These lots are not likely to be developed through instrumentality of private capital while they are also being detrimental to the safety and health of the surrounding community. This block includes four (4) vacant unimproved lots.

Block 78 block includes properties that have been determined to be dilapidated, non-conforming deleterious land use that is detrimental to achieving intended zoning goals, the inclusion of the identified lots contained within this block is critical to the effective redevelopment of the Area with a consistent zoning objective. This block contains properties with

underutilized frontage on Union Avenue. This block contains properties with commercial vacancies resulting in underutilization.

- (ii) pursuant to N.J.S.A. 40A:12A-3, the designation of the Area as an area in need of redevelopment is necessary for the effective redevelopment of the Area; and

WHEREAS, oral objections to the designation of the Area as an area in need of redevelopment made by residents and property owners were made part of the public record and considered by the board in making this recommendation and

WHEREAS, there was no written objection to the designation of the Area as an area in need of redevelopment during the public hearing; and

WHEREAS, based on the objections and comments presented by the public to the board during this hearing, the Planning Consultant presented an alternate plan referred to as Plan B, to reduce the scope of the Area by eliminating all properties on the south side of Union Avenue except for Block 76 Lot 32

WHEREAS, at the May 19, 2016 public hearing the Planning Board determined by a vote of six (6) to one (1) with one (1) abstention, to recommend to the Mayor and Council that the Area be designated as an area in need of redevelopment (with powers of condemnation) and adopted resolution B-2016 to memorialize that recommendation, which includes the following conditions:

- (i) The Area as outlined above in paragraph 2 (i) be reduced to represent the area proposed by the planning consultant, David Juzmeski as Plan B as described below hereinafter referred to as "Plan B Area" and is described as follows:

Block 76 Lot 32

Block 77 Lots 5, 6,15,16,18

Block 78 Lots 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,&20

Agnew Place from Union Avenue to Erie Avenue

- (2) Any developer must conduct all needed studies including but not limited to environmental, traffic, and school impact, at their own cost.

WHEREAS, The Rutherford Planning Board determined as follows:

- a. For the reasons set forth in the Study, the Area is characterized by those conditions set forth at "criteria d" of the LRHL, N.J.S.A. 40A:12A-5a and 5d.
- b. The Planning Board confirmed its May 19, 2016 recommendation that the Borough Council designate the Area as a condemnation area in need of

redevelopment as amended to be limited to those properties designated as Plan B Area as described above.

WHEREAS, as per Resolution dated June 16, 2016, The Rutherford Planning Board determined that for the reasons set forth in the Study, the Property is characterized by those conditions set forth at above and by the LRHL, N.J.S.A 40A:13-5a and d and recommends that the Borough Council designate the Property as a condemnation area in need of redevelopment.

NOW THEREFORE, BE IT RESOLVED,

- a) The Rutherford Mayor and Council accepts the recommendation of the Rutherford Planning Board, and hereby declares that the property be designated as a condemnation area in need of redevelopment as per the LRHL.
- b) The Rutherford Mayor and Council will now undertake the creation of a Redevelopment Plan to establish the goals and objectives of the municipality and outline the actions to be taken to accomplish these goals and objectives in furtherance of the LRHL.
- c) A copy of this Resolution shall be provided to the Commissioner of the New Jersey Department of Community Affairs.

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 September 2016

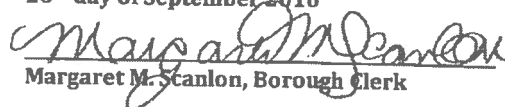

Margaret M. Stanlon, Borough Clerk



EXHIBIT "B"



A PROJECT OF
**NEGLIA
ENGINEERING
ASSOCIATES**
INCORPORATED
100 WEST STREET, SUITE 200
RUTHERFORD, NJ 07070
TEL: 201-981-2200
WWW.NEGLIA-ENGINEERING.COM

FIGURE 1C: REDEVELOPMENT AREA CONTEXT MAP

**BLOCK 78 AND PARTIAL BLOCKS 76 & 77
BOROUGH OF RUTHERFORD, BERGEN COUNTY, NEW JERSEY**

LEGEND

-  MUNICIPAL BOUNDARY
-  REDEVELOPMENT STUDY AREA



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 800
TRENTON, NJ 08625-0800
(609) 292-6420

RECEIVED

NOV 14 2016

Neglia Engineering Associates

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

November 2, 2016

The Honorable Joseph DeSalvo
Mayor
Rutherford Borough
176 Park Avenue
Rutherford, New Jersey 07070

Dear Mayor DeSalvo:

We are in receipt of Brian Intindola's letter of October 12, 2016 and Resolution No. 210-2016 designating the specified Blocks and Lots as an Area in Need of Redevelopment.

The Department of Community Affairs has mapped the area as situated in the Metropolitan Planning Area (PA 1). In accordance with N.J.S.A. 40A:12A-6, the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the Department to effectuate your designations. Please kindly forward a copy of your Redevelopment Plan once completed.

The Borough or redeveloper may also find the New Jersey Business Action Center (BAC), located in the Department of State, helpful in identifying other sources of State financing that might be available to facilitate the redevelopment of these properties. You may contact the BAC by calling (866) 534-7789.

This designation is a tribute to the work Rutherford Borough has done. Please feel free to contact Robert Tessier at (609) 292-1547 if you need any further assistance.

Sincerely,

Charles A. Richman
Commissioner

cc: Municipal Clerk
Gerard Scharfenberger, Office of Planning Advocacy
Sean Thompson, Local Planning Services

