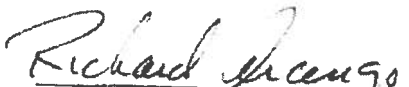

**Preliminary Investigation for Eligibility for Declaration as Non-
Condemnation Area in Need of Redevelopment and/or
Declaration as
Area in Need of Rehabilitation**


Theater District

**Borough of Rutherford
In the County of Bergen
State of New Jersey**

**Remington Vernick & Arango Engineers, Inc.
300 Penhorn Avenue
Secaucus, New Jersey 07094**

May 2016


Richard G. Arango, P.E., C.M.E.
Executive Vice President
License #24GE03888200


George R. Stevenson, Jr., P.E., AICP
License #33LI00548700

EXECUTIVE SUMMARY

The Borough Council of the Borough of Rutherford determined that (i) the block bounded by Park Avenue, Spring Dell Avenue, and Sylvan Street (now Sylvan Way), as well as, (ii) the block bounded by Glen Road, Spring Dell Avenue, Sylvan Street/Walk, and Orient Way; (iii) the adjoining block bounded by Spring Dell Avenue, Etrick Terrace, and Orient Way; and also (iv) the stand-alone parking lot parcel found on the south side of Etrick Terrace at the confluence with Spring Dell Avenue, as well as, the privately held parcel immediately to the south and east of the parking lot, should be examined for eligibility for declaration, pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq., as a non-condemnation area in need of redevelopment and/or area in need of rehabilitation - this action being taken given collectively the age of the structures found within the study area, instances of faulty design, deterioration of improvements, as well as, instances of underutilization; and desire to employ the powers and benefits which accrue as a result of the application of redevelopment planning so to enhance the redevelopment potential of lands and thereby alleviate conditions which impede the full expression of the potentialities of the area.

For the execution of the redevelopment initiative and as required by the state's redevelopment statute, Borough Council directed the Planning Board of the Borough of Rutherford to undertake a preliminary investigation for eligibility for declaration of the area as a non-condemnation area in need of redevelopment and/or area in need of rehabilitation, by way of resolution.

Apart from the directive to the planning board authorizing the undertaking of the preliminary investigation, Borough Council retained the services of Remington, Vernick & Arango Engineers, of Secaucus, New Jersey, to assist the Planning Board with the discharge of its Council directive responsibilities through: (i) examination of pertinent Borough planning documents and development regulations, (ii) examination of existing conditions, (iii) determination of extent to which manifested criteria/conditions give substantial evidence respectively of need for redevelopment or need for rehabilitation, and (iv) preparation of a report, being this report, necessary to inform board members in the formulation of a recommendation to Borough Council as to eligibility of the area for declaration.

Performance of the preliminary investigation also required consultation with the Borough's elected and appointed officials, as well as, consultation with the Borough's Police Department, Building Department, Bureau of Fire Safety, Tax Department, and Health Department.

Based on performance of the aforementioned tasks and analysis, this preliminary investigation report concludes that the entirety of the study area satisfies the statutory standards for declaration of an area in need of rehabilitation given the presence of deterioration, occurring in an area manifesting underutilization and housing stock in excess of 50 years old, and given the reasonable expectation, that the leveraging of benefits which accrue from application of redevelopment planning, pursuant to the Local Redevelopment and Housing Law, will arrest further deterioration and promote, through the preparation of a redevelopment plan(s) for the area, the overall development of the community.

I. PRELIMINARY INVESTIGATION FOR ELIGIBILITY FOR DECLARATION AS NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT AND/OR DECLARATION AS AREA IN NEED OF REHABILITATION

1. INTRODUCTION

1.1 Background

The Borough Council of the Borough of Rutherford (*hereinafter* Borough Council) has determined that (i) the block bounded by Park Avenue, Spring Dell Avenue, and Sylvan Street (now Sylvan Walk), as well as, (ii) the block bounded by Glen Road, Spring Dell Avenue, Sylvan Street/Walk, and Orient Way; (iii) the adjoining block bounded by Spring Dell Avenue, Ettrick Terrace, and Orient Way; and also (iv) the stand-alone parking lot parcel found on the south side of Ettrick Terrace at the confluence with Spring Dell Avenue, as well as, the privately held parcel immediately to the south and east of the parking lot, should be examined for eligibility for declaration, pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq., as a non-condemnation area in need of redevelopment and/or area in need of rehabilitation - this action being taken given collectively the age of the structures found within the study area, instances of faulty design, deterioration of improvements, as well as, instances of underutilization; and desire to employ the powers and benefits which accrue as a result of the application of redevelopment planning so to enhance the redevelopment potential of lands and thereby alleviate conditions which impede the full expression of the potentialities of the area.

The preliminary investigation report for determination of eligibility for declaration as a non-condemnation area in need of redevelopment and/or rehabilitation was conducted in satisfaction of the resolution of the Borough Council to the Borough of Rutherford Planning Board (*hereinafter* Planning Board) directing the conduct of said investigation.

Moreover, conduct of the investigation and preparation of this report was undertaken for the expressed purpose of providing to the Planning Board a basis for formulation of a recommendation to Borough Council as to the eligibility of the area for declaration.

1.2 Purpose of Study

As noted above, the twin purposes of this study are to determine, in the first instance, whether conditions found over the area evince substantial evidence of the statutory criteria necessary to sustain a finding of an area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-5 and, in the second, whether conditions found within the study area give evidence of those conditions necessary for declaration of area in need of rehabilitation, as set forth at N.J.S.A. 40A:12A-14.

2. THE PROCESS

2.1 Area in Need of Redevelopment

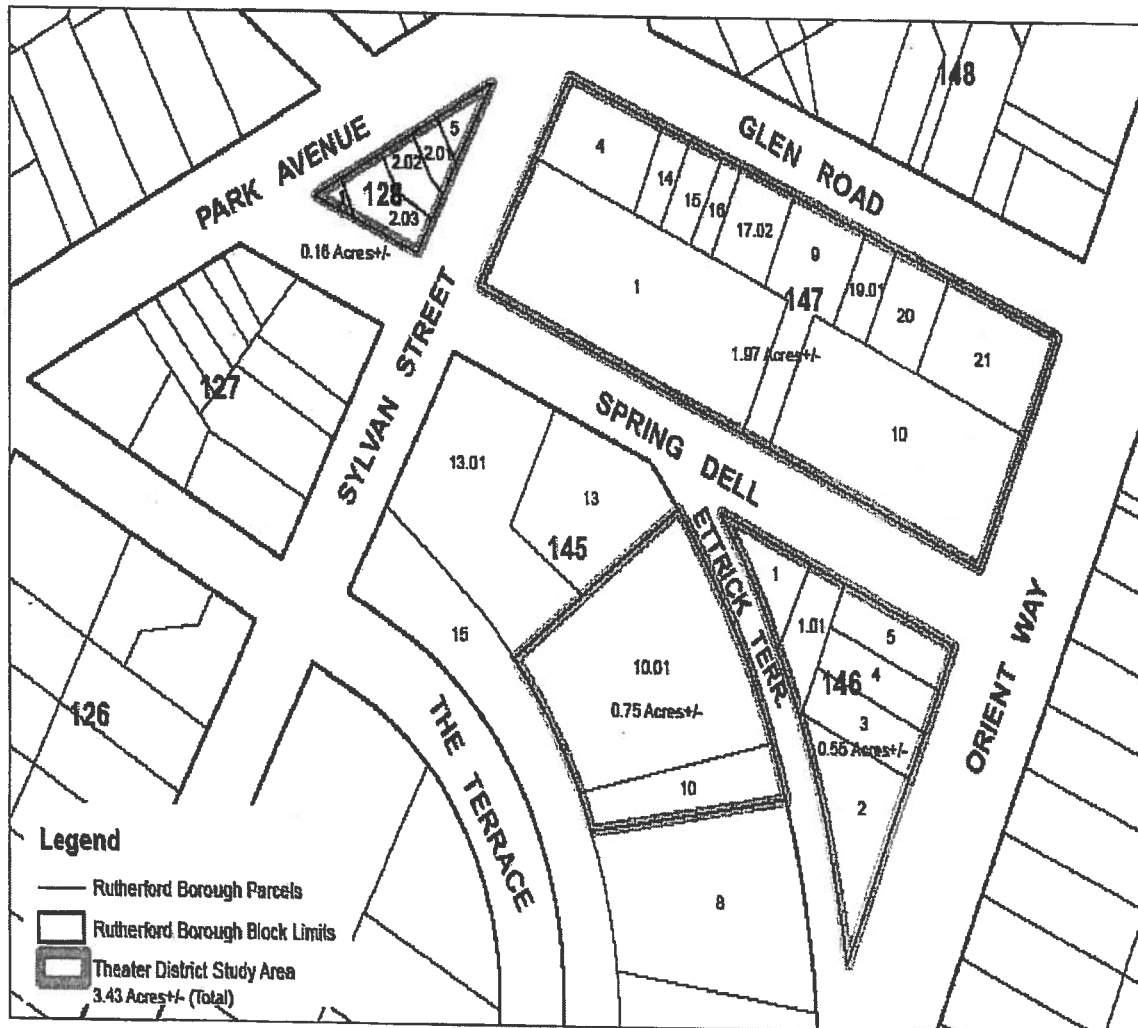
Role of the Borough Council and Planning Board: The redevelopment statute sets forth a multi-step process that must be observed by the Borough Council and Planning Board in order to enable the borough to lawfully exercise the powers which accrue as a result of employment of redevelopment planning. This process is as outlined below.

- a. Borough Council must authorize the Planning Board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in section 5 of P.L.1992, c.79 (C.40A:12A-5). The resolution must stipulate whether a resulting redevelopment declaration will authorize, apart from all other redevelopment powers provided by the Legislature, the exercise of eminent domain.
- b. The Planning Board must then prepare and post a map showing the boundaries of the area and the location of the various parcels therein. The map must also include a statement setting forth the basis for the investigation.
- c. The Planning Board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to Borough Council in the form of a Planning Board resolution for formal action.
- d. Upon receipt of the recommendation from the Planning Board, Borough Council may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- e. Upon designation, Borough Council may then cause the preparation of a redevelopment plan, which establishes the goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
- f. Prior to adoption of a redevelopment plan, Borough Council is to refer the plan to the Planning Board for the preparation of recommendations relating to the report. Borough Council is relieved of the requirement to refer the plan to the Planning Board in those instances where the plan originates at the Planning Board.

3. STUDY AREA DELINEATION AND PLANNING SETTING

3.1 Study Area Delineation

The study area encompasses 3.43 acres and is comprised of (i) the entirety of Block 128, being that block bounded by Park Avenue, Spring Dell Road, and Sylvan Street (now Sylvan Walk), (ii) the entirety to Block 147, being that block bounded by Glen Road, Spring Dell Road, Sylvan Street(now Sylvan Walk), and Orient Way, (iii) the entirety of Block 146, being that block bounded by Spring Dell Avenue, Ettrick Terrace, and Orient Way, and also (iv) the stand-alone parking lot parcel found, within Block 145, on the south side of Ettrick Terrace at the confluence with Spring Dell Avenue, as well as, the privately held parcel immediately to the south and east of the municipal parking facility.



Theater District Redevelopment Study Area

Borough of Rutherford
Bergen County, New Jersey



Remington, Vernick
& Arango Engineers
365 Parkside Avenue, 3rd Floor
Garden City, NJ 07634
Tel: 201-474-1111 Fax: 201-474-1114

Project: 02567003 Drawn by: KRZ Date: 12/17/2014 S/N: 1 of 2

- (ii) from a housing perspective, the provision of a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, as well as the introduction of new housing into appropriate nonresidential settings;
- (iii) from an economic development perspective, the promotion of economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements;
- (iv) from a transportation perspective, the maintenance and enhancement of a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems and also the creation of opportunities for transit oriented redevelopment;
- (v) from a redevelopment perspective, encouragement of redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure; and
- (vi) from a public facilities and services perspective, repair or replacement of existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region.⁴

3.3 The Master Plan Perspective

The Master Plan for the Borough of Rutherford dates to 2007. With respect to the present redevelopment initiative, the Master Plan, in the first instance, adopts as its vision statement, the vision articulated in Vision Statement: 2025; and, in the second, promotes a vibrant downtown area.

As to the former, Vision Statement: 2025 emerged from a 2004 public visioning process, that identified long-range goals for the Borough's physical, recreational, business, and community development.⁵ In part, Vision Statement: 2025 envisioned:

Although Rutherford is still primarily a bedroom community, the revitalized downtown has become a vibrant pedestrian friendly neighborhood. Rutherford offers a vibrant mix of quality commercial businesses and distinctive stores and restaurants that serve all economic age groups and attract local as well as regional patrons.⁶

⁴ The New Jersey State Development and Redevelopment Plan, p. 191.

⁵ Borough of Rutherford 2007 Master Plan, adopted December 20, 2007. p.4.

⁶ Ibid.

Lots 1, 1.01, 2, 3, 4, and 5 within Block 146, being the block bounded by Ettrick Terrace, Orient Way, and Spring Dell Road, are classified B-1. This classification permits by right, provided a minimum lot area and minimum lot width of respectively 10,000 square feet and 100 feet, the below uses:¹²

- a. Business offices, including employment agencies, medical or dental clinics and laboratories, photographers' or artists' studios and galleries, schools for music or dance, telephone offices, travel bureaus and ticket offices;
- b. Banks and financial institutions, excluding drive-in facilities;
- c. Professional offices, limited to architects, dentists, doctors, engineers, insurance brokers, lawyers, real estate agents or similar professional uses;
- d. Any other similar use which is in keeping with the described character of the district and in harmony with surrounding uses as determined by the planning board; and
- e. Public facilities.

Block 147, being the block bounded by Sylvan Street (now Sylvan Way), Orient Way, Glen Road, and Spring Dell Road; is affected by two zoning classifications: the east end of the block, comprised of Lots 9, 10, 19.01, 20, and 21 is classified B-1; the west end of the block, comprised of Lots 1, 4, 14, 15, 16, and 17.02 is classified B-3, as is the entirety of Block 128, being the block bounded by Park Avenue, Sylvan Street (now Sylvan Walk) and Spring Dell Road, and consisting of Lots 1, 2.01, 2.02, 2.03, and 5.

Uses permitted by right under the B-3 classification are as enumerated below.¹³ Business uses are to have a minimum lot area of 5,000 square feet and a minimum lot width of 50 feet, with all other permitted uses required to have a minimum lot area of 30,000 square feet and a minimum lot width of 150 feet. Permitted uses include:

- a. Local retail, office and service use, pursuant to Article 131-7(D)1;
- b. Banks and financial institutions, excluding drive-in facilities;
- c. Business offices as permitted in the B-1 District;
- d. Private clubs and lodges;
- e. Community centers and nonprofit organizations; and
- f. Public facilities.

¹² Table of General Use Regulations, Part II (Article IV, 131-7A).

¹³ Ibid.

4.0 CONDITIONS AND CRITERIA NECESSARY FOR FINDING OF REHABILITATION AND REDEVELOPMENT ELIGIBILITY

4.1 Conditions Necessary for Finding of Area in Need of Rehabilitation

Pursuant to N.J.S.A. 40A:12A-14, an area may be determined to be in need of rehabilitation if the governing body determines by resolution that a program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition; (2) more than half of the housing stock in the delineated area is at least 50 years old; (3) there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area; (4) there is a persistent arrearage of property tax payments on properties in the area; (5) environmental contamination is discouraging improvements and investment in properties in the area; or (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

4.2 Criteria Necessary for Finding of Area in Need of Redevelopment

Under N.J.S.A. 40A:12A-5, a delineated area may be declared in need of redevelopment if, after investigation, notice and hearing, 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, excessive

5. DESCRIPTION OF EXISTING STUDY AREA

5.1 General Conditions

The study area, which is found at the north end of Rutherford's downtown corridor to the east of Park Avenue, being more specifically defined above, is an area of dense development, occurring almost entirely on undersized parcels vis-a-vis the Borough's current zoning standards. The area is predominately commercial in character, with a smattering of nonconforming residential development being found along, or proximate to, Orient Way. Commercial uses within the area are typical of downtown areas and generally the types of uses necessary for the satisfaction of daily needs of residents, as typified by the presence of restaurants, professional offices, barber shop, convenience store, gift shop, bank, and a computer sales and service store.

Structures within the area are dated. Other than for the Wells Fargo Bank, commercial development occurred in the years 1900 to 1937; the most recent residential development occurred in 1938. Notwithstanding the date of development, the structures are generally well maintained.

Principally, the area is defined by the sheer size of the now only partially utilized Williams Center, which has a ground area of approximately 20,439 square feet and varying heights, ranging from 30 feet to 73 feet.¹⁶ The theater literally looms over the landscape as the area features predominately two-story construction, making more prominent, as a result of its sheer size, the instances of deterioration that affect the structure. The area immediately in front of, and about the perimeter of the Williams Center, displays decorative pavers, decorative light fixtures, outdoor seating, and street trees within sidewalk tree pits, all of which resulting from an earlier Bergen County improvement initiative.

Despite improvements which have occurred through both public and private initiative, the economic growth potential of the area is impeded by the paucity of off-street parking and competition for on-street parking opportunity to the detriment of business owners. The area is also burdened, absent realization of the potentialities of the Williams Center, by the lack of an economic growth generator, creating in zoning parlance, a circumstance where the existing commercial development becomes in effect an accessory use without benefit of a principal use. The implication here being that the absence of an economic growth generator deprives smaller businesses of the benefits which typically could otherwise be realized, such as increased patronage as a result of increased foot traffic - the lack of such benefit imposing a limitation on the likelihood of growing a successful business and by extension limiting the economic vitality of the area and the corridor at large.

¹⁶ Bergen County ApprBergen County Appraisal #2-56-8, dated October 4, 1982.

**5.3
Infrastructure**

The study area is served by 8" clay sanitary piping, which type piping is brittle and susceptible to cracking due to vibration. This piping is owned and operated by the Borough and is at least 80 years old.²⁰ In the November 2014 time frame, piping at the intersection of Spring Dell Avenue and Orient Way collapsed. The excavation work, necessary to repair the collapsed piping, revealed another proximate section of the piping that some years before had also collapsed and been repaired.²¹

Within the study area, the water distribution system, which is owned and operated by United Water, consists of a grid of 6" and 12" unlined cast iron piping, which piping is greater than 100 years old.²² United Water has not seen any failures that would require immediate or short term replacement.²³

5.4 Housing

Tax Assessment records reveal that there are 6 parcels within the study area, having thereon 9 residential units. The type of construction and approximate date of construction, the most recent being 76 years ago, is as below.

Block 146, Lot 1	Single-family Detached	1926
Block 146, Lot 2	3-Family	1938
Block 146, Lot 3	Residence with Office	1920
Block 146, Lot 4	Single-family Detached	1900
Block 146, Lot 5	Single-family Detached	1926
Block 145, Lot 10	2-Family	1920

**5.5 Block by
Block
Description**

The following section describes existing conditions found over Blocks 128, 146, 147, as well as, over Lots 10 and 10.01 of Block 145.

***Block 128, Lots 1,
2.01, 2.02, 2.03 & 5***

This block is bounded by Park Avenue, Sylvan Way, and Spring Dell Avenue, and encompasses an approximate area of 0.16 acres. The block is characterized by 2-story, commercial development. Uses within the block are typical of those found in downtown areas and generally can be described as those necessary for the satisfaction of daily needs of residents. Uses include: a restaurant, barber shop, gift shop, convenience

²⁰ Chris Seidler, Public Works Superintendent, telephone interview of October 14, 2014.

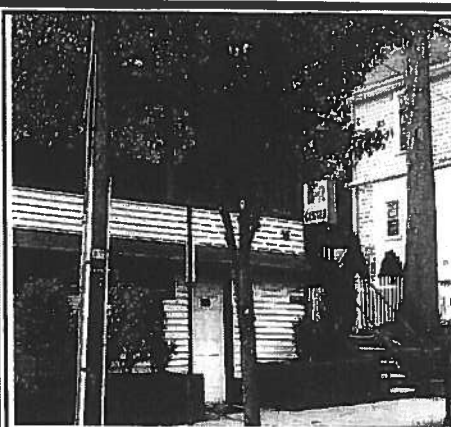
²¹ Seidler telephone interview of November 28, 2014.

²² Doug Reger, P.E., Manger Network Engineering & Hydraulic Modeling/New Business Engineer, United Water Company, e-mail of November 14, 2014.

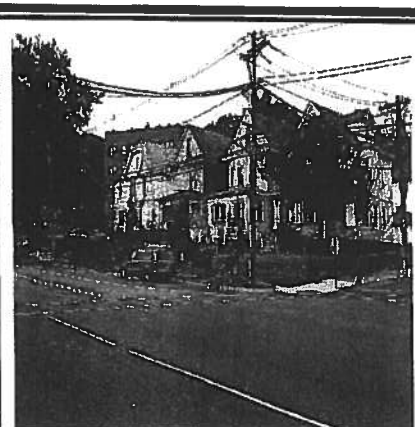
²³ Ibid.

**Block 146, Lots
1, 1.01, 2, 3, 4, &
5**

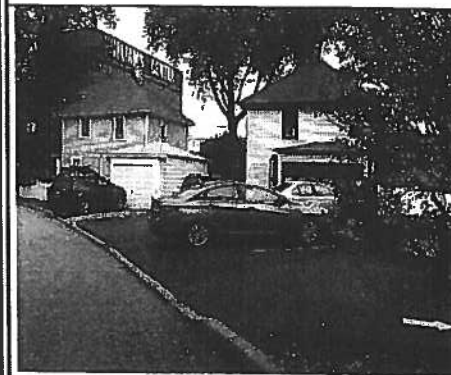
This block is bounded by Ettrick Terrace, Spring Dell Avenue, and Orient Way, and comprises an area of approximately 0.55 acres. The block is principally characterized by the generally well maintained dwellings. A podiatrist office occupies a portion of the dwelling having a street address of 50 Orient Way (Lot 3); an office, relating to a hair replacement business, occupies a portion of the residential structure having a street address of 36 Spring Dell Avenue (Lot 1.01). The structures found within the block have dates of construction ranging from 1900 through 1938.



R-R Center: 36 Spring Dell Avenue



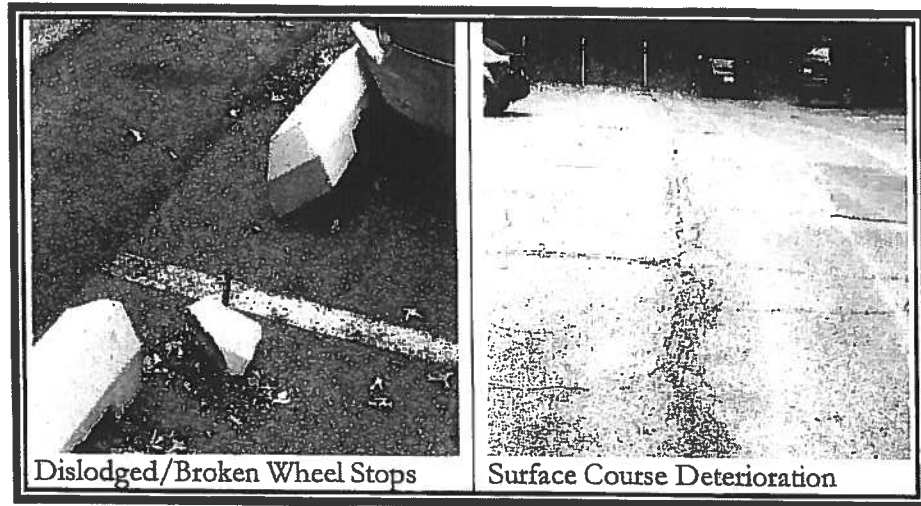
Residential Structures Along
Orient Way



Undersized Off-Street Parking Areas Along Ettrick Terrace



Pavement surface course deterioration is prevalent as made prominent by the instances of severe alligator and longitudinal cracking. Deterioration is also highlighted by the presence of dislodged and broken concrete wheel stops.



Dislodged/Broken Wheel Stops

Surface Course Deterioration

Block 147, Lots 1, 4, 9, 10, 14, 15, 16, 17.02, 19.01, 20 & 21

This block is bounded by Sylvan Way, Orient Way, Glen Road, and Spring Dell Avenue. In aggregate, the block encompasses an approximate area of 1.97 acres. Other than for the Williams Center, which towers over the block, the block is characterized by one and two-story commercial construction, most of which having been constructed, per tax assessment records, in the years 1915 to 1937, other than for the Williams Center (circa 1900), and the Wells Fargo Bank building (1979). From exterior inspection, the structures, other than for the Williams Center, appear to be in good condition.

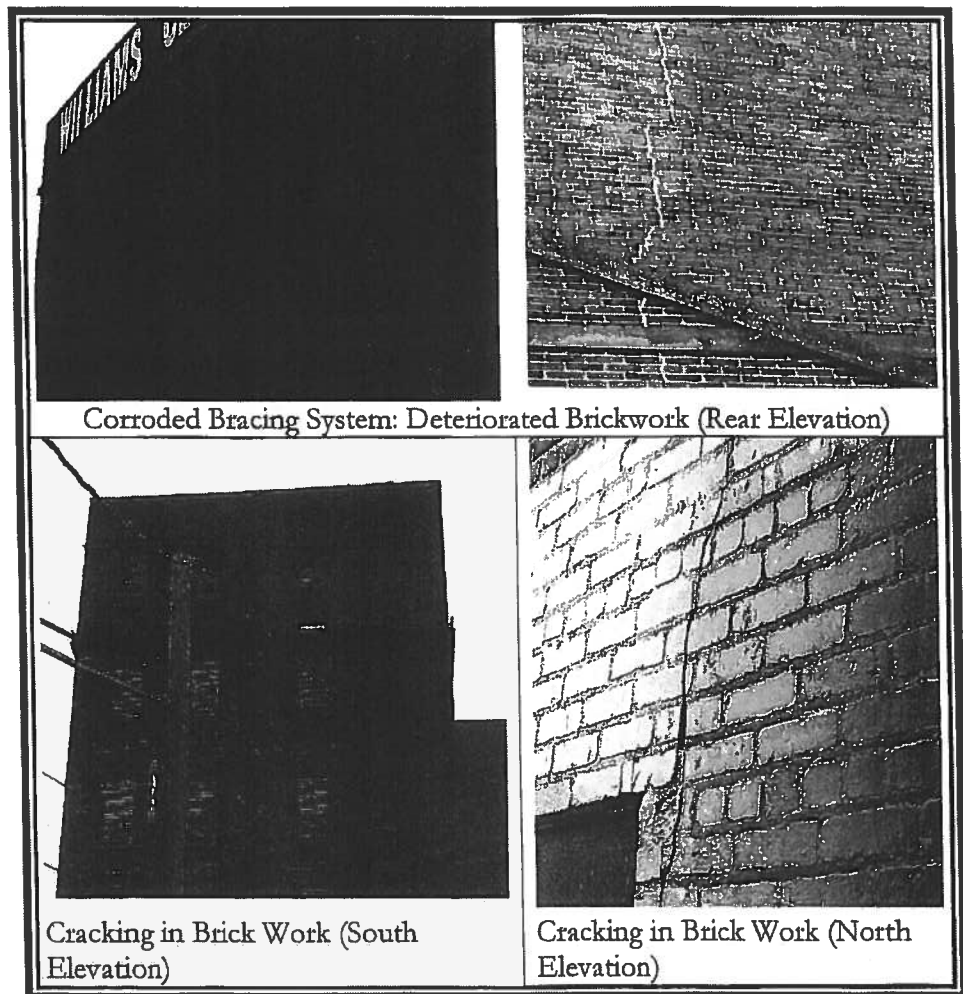
Uses found within the block include: (i) the well maintained Verizon Building, with ancillary parking, found along the block's Orient Way frontage (Lots 10 & 21), and also occupying approximately one half of the block's Spring Dell Avenue frontage; (ii) the expansive, now partially utilized Williams Center Building (Lot 1), occupying the remainder half of the block's Spring Dell Avenue frontage as well as a portion of the block's Sylvan Way frontage; (iii) the well maintained Wells Fargo Bank (Lot 4) at the intersection of Sylvan Way with Glen Road, and (iv) the storefronts along Glen Road (Lots 9, 14, 15, 16, 17.02, 19.01, and 20), which presently house 2 restaurants, a lounge, a taekwondo studio, a computer sales and repair shop, a ballet school, and now vacant commercial space (Lot 17.02).



Streetscape Looking East Along Glen Road

The building is now only partially utilized given the closure of the Newman Theater, approximately two years ago, owing to the presence of unsafe ceiling conditions, which have yet to be remediated. At the present time, the Newman Theater manifests significant ceiling and wall deterioration as evinced by areas where the sections of the ceiling and walls have fallen away from the supporting structure.²⁶

The exterior of the building manifests cracking through the brickwork, calling into question the structural integrity of the building. Such cracking can be observed on the north and south building elevations, but is most severe on the rear (east) elevation, which elevation wall has an approximate height of 73 feet, and on which steel belts have been installed apparently to stabilize the wall. The steel beams making up the bracing system on the rear wall are corroded.



²⁶ Site observation of October 31, 2014.

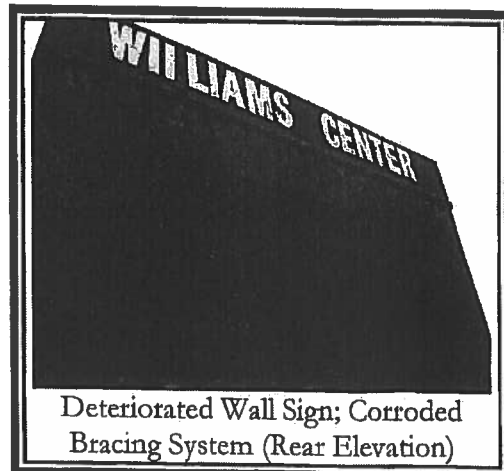
- a. The structural strength and serviceability of the building has suffered from the existing condition and lack of maintenance. (Page 5)
- b. "The black iron supported ceiling is in extremely poor condition. Portions of it have already collapsed ...and that acoustical excitation and associated resonance during a theater or music event in the theater could lead to collapse with serious consequences. This ceiling system needs to be repaired immediately." (Page 5)
- c. There is insufficient bracing under the floor to resist horizontal sway loads in the theater area. (Page 5)
- d. The vertical cracking in the stage right proscenium wall has weakened the vertical pier. (Page 6)

The major conclusion of the report was that "repair, renovation and reconstruction of several areas are essential to maintain the strength and serviceability of the existing structure. (Page 7)

In part, recommendations of the report included:

- a. Replacement of the entire ceiling in the theater area (Page 7);
- b. Repair and/or replacement of corroded steel beams and trusses embedded the brickwork (Page 7);
- c. Installation of sway bracing under the theater floor Page 7); and
- d. Performance of a structural analysis of the entire building to determine areas that are deficient for supporting superimposed live loads. (Page 7)

Dilapidation is also in evidence owing to the presence of an expansive, faded, painted sign on the rear elevation; and owing also to the deteriorated and stained siding in the area of the ground level atrium at the west end of the building. Apart from these conditions, the pavement at the base of the rear wall is deteriorated and broken into sections.



6. FINDINGS AND CONCLUSIONS

6.1 Eligibility for Declaration as Area in Need of Redevelopment

The statutory charge for a positive finding of redevelopment eligibility may be attached to an individual parcel, or to the entirety of the study area provided the presence of substantial evidence of at least one of the statutory criteria set forth under N.J.S.A. 40A:12A-5.

In addition, apart from the above cited statutory criteria, repeated at length at section 4.2 herein, under N.J.S.A. 40A:12A-3, a redevelopment area may include "lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part."

With respect to the Theater District Study Area, this report posits that conditions found, in aggregate, over the parcel having thereon the Williams Center (Block 147, Lot 1), and found also over the parcel having the municipal parking facility thereon (Block 145, Lot 10.01), manifest conditions rising to the level of statutory criteria "a" and "d" for the below reasons.

Criteria "a" is implicated where 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.

Williams Center. This criterion is applicable to the Williams Center in that the Newman Theater, within same, is now closed due to the severity of dilapidation affecting the walls and ceiling, portions of which have collapsed, and concern as to possibility of catastrophic collapse during a theater event. This concern of collapse made all the more likely, as pointed out in the Consulting Engineers Collaborative, Inc., report of 2012, by the findings that: (i) the iron straps supporting the ceiling are either loose or have separated from their supports, and (ii) that the wood stud walls supporting the metal lath and plaster are not adequately braced at the top.

Also, within the Newman Center, the engineering report found that there was limited bracing for the audience seating area, leading to the conclusion that there is "insufficient bracing" under the floor to resist horizontal sway loads. It was further noted that the cracking in the stage right proscenium brick wall has weakened the vertical pier.

the building by private capital alone, making necessary employment of the benefits that accrue from a declaration of area in need of redevelopment.

Isolated instances of dilapidated improvements, which are a hazard to the public health, safety, and welfare are found in the sidewalk system running along the north and east building elevations. These instances relate to the dangling, rusted barbed wire found at the northeast corner of the building and the severely deteriorated pavement near the northeast corner of the building, to such extent as to be a significant hazard for pedestrians.

Ettrick Terrace Municipal Parking Facility. Conditions, which leverage applicability of Criteria "d" relate to surface course deterioration of the pavement, broken and/or dislodged concrete wheel stops, faulty design of the facility, and potential detriment to the public health, safety, and welfare. The deteriorated condition of the pavement and the concrete wheel stops, with exposed rebar, presents a tripping hazard for pedestrians. The lack of buffering along the Ettrick Terrace frontage results in off-site headlight glare onto residential properties opposite the site, which condition precludes then, the full enjoyment of residential property.

The lack of separation between the traffic circulation area and the perimeter sidewalk along Ettrick Terrace allows for enhanced possibility of injury to pedestrians, resulting from vehicle/pedestrian conflict. Also to the detriment of pedestrians is the lack of stormwater management facilities, allowing then, for the sheet flow of runoff toward the perimeter sidewalk and across driveways, creating a slip/fall hazard especially during winter months, when freezing occurs.

Lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

Block 145, Lot 10. As pointed out above, pursuant to N.J.S.A. 40A:12A-3, parcels which do not manifest criteria necessary for a redevelopment declaration, may be recommended for a redevelopment declaration, where the inclusion of the parcel is thought necessary for the effectuation of a redevelopment plan for the area.

- a. Business offices, including employment agencies, medical or dental clinics and laboratories, photographers' or artists' studios and galleries, schools for music or dance, telephone offices, travel bureaus and ticket offices;
- b. Banks and financial institutions, excluding drive-in facilities;
- c. Professional offices, limited to architects, dentists, doctors, engineers, insurance brokers, lawyers, real estate agents or similar professional uses;
- d. Any other similar use which is in keeping with the described character of the district and in harmony with surrounding uses as determined by the Planning Board; and
- e. Public facilities.

Underutilization is also in evidence at the Williams Center, given the closure approximately 2 years ago of the Newman Theater portion of the building, due to the collapse of sections of the ceiling and concern as to the potential for a catastrophic collapse during an event.

Moreover, this study posits that the surface parking, found at the site of the Ettrick Terrace municipal parking facility (Block 145, Lot 10.01), represents a condition of underutilization, given the inefficiency of same, when compared to the number of vehicles which could otherwise be parked over the same land area with a structured parking approach (parking garage).

Pursuant to N.J.S.A. 40A:12A-14, an area in need of rehabilitation may be declared, in part, where it is determined that such declaration "may be expected to prevent further deterioration and promote the overall development of the community." The arresting of deterioration and positive impact on overall development of the community, as a by-product of a rehabilitation declaration, is here a reasonable presumption as such declaration allows for, in the first instance:

- a. The launching of a plan(s) for redevelopment, which plan may refine existing development regulations, to the extent necessary, to facilitate a proposed redevelopment initiative; and
- b. The entering into public/private redevelopment agreements, clauses of which may provide for payments-in-lieu of taxes (PILOTS); repair/replacement of infrastructure, and other aspects as may be agreed to.

In the second instance, the likelihood of promotion of the overall development of the community relates to the fact that the Williams Center, and by extension, the area immediately about same, is viewed in

7.0 RECOMMENDATIONS

7.1 Non- Condemnation Area in Need of Redevelopment

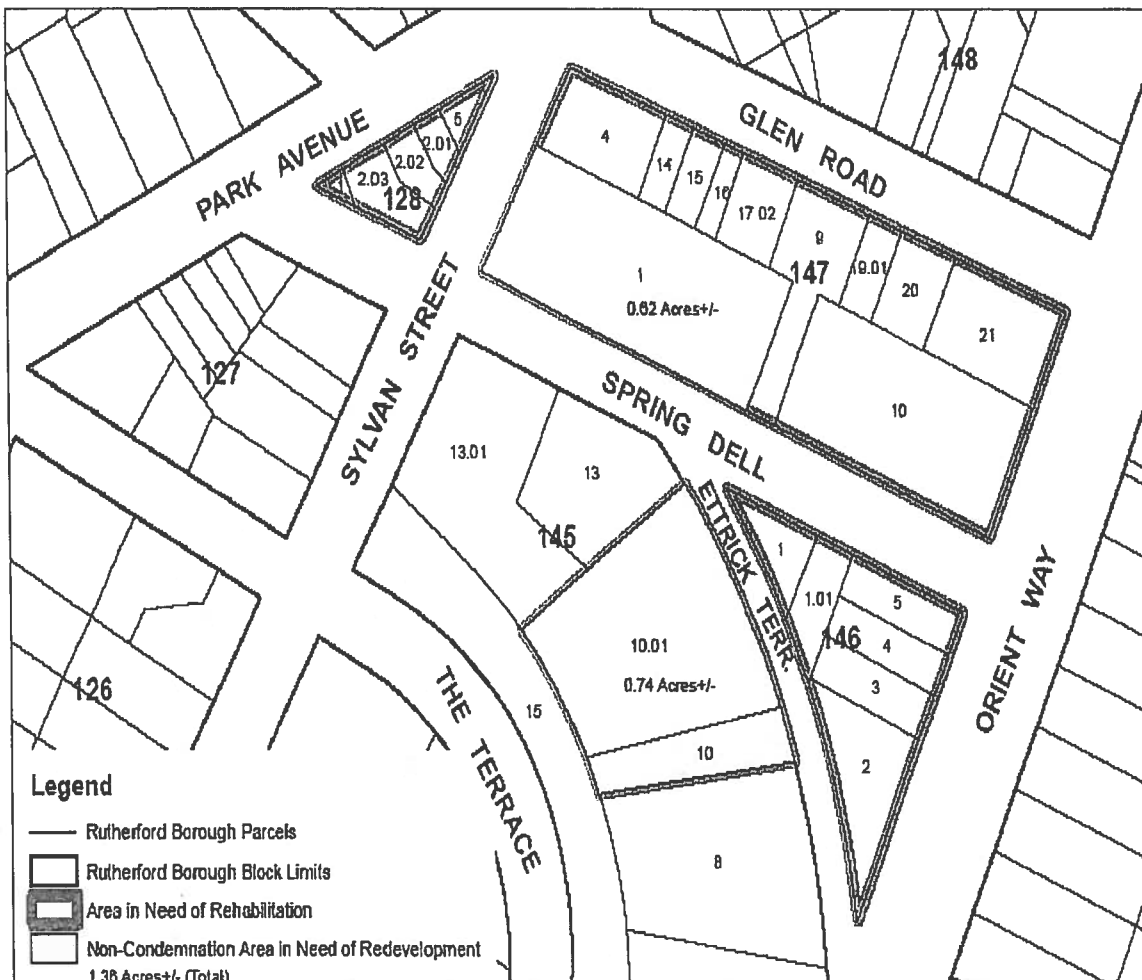
Based on the presence of conditions giving substantial evidence of the indicated statutory criteria, there exists a lawful basis for declaring the following parcels as non-condemnation areas in need of redevelopment:

- a. Block 147, Lot 1, Williams Center site, as conditions found to both the interior and exterior of the theater, and related improvements, manifest dilapidation, and unsafe conditions, giving rise to application of criteria "a" and "d".
- b. Block 145, Lot 10.01, Ettrick Terrace Municipal Parking Facility, as conditions found thereon, relating to faulty design, deterioration, and presence of conditions potentially injurious to pedestrians, leverage application of criterion "d".
- c. Block 145, Lot 10, site of two-family dwelling abutting the Ettrick Terrace Municipal Parking Facility, is recommended for designation. While the site does not manifest statutory conditions, it is nonetheless recommended, as its location would allow through incorporation with Lot 10, for an expanded area to provide for off-street parking, which feature would be a significant amenity proximate to the Williams Center.

7.2 Area in Need of Rehabilitation

Based on the presence of deterioration, as described herein, in an area affected by underutilization, residential structures, all of which constructed more than 50 years ago; the need for replacement of water piping, which is at least 80 years old; and reasonable expectation that a plan of rehabilitation, as enabled by a declaration of area in need of rehabilitation, may arrest further deterioration and promote the overall development of the community; this preliminary investigation report recommends that the entirety of the study area, being (i) Block 128, Lots 1, 2.01, 2.02, 2.03, and 5; (ii) Block 145, Lots 10 and 10.01; (iii) Block 146, Lots 1, 1.01, 2, 3, 4, and 5; and (iv) Block 147, Lots 1, 4, 9, 10, 14, 15, 16, 17.02, 19.01, 20, and 21; be declared an area in need of rehabilitation.

In summary, this preliminary investigation report recommends that the Mayor and Borough Council and Planning Board of the Borough of Rutherford take the actions as prescribed by the Local Redevelopment and Housing Law to declare the entirety of the study area as an area in need of rehabilitation and within, said area, that parcels 147, Lot 1; Block 145, Lot 10 ; and Block 145, Lot 10.01 be declared as non-condemnation areas in need of redevelopment.



Legend

- Rutherford Borough Parcels
 - ▭ Rutherford Borough Block Limits
 - ▭ Area in Need of Rehabilitation
 - ▭ Non-Condemnation Area in Need of Redevelopment
- 1.36 Acres+/- (Total)



**Theater District Redevelopment Study Area
Parcels Recommended for Declaration**

Borough of Rutherford
Bergen County, New Jersey



**Remington, Vernick
& Arango Engineers**
100 Parkside Avenue, 3rd Floor
Secaucus, NJ 07094
Ph: 201 426-2177 Fax: 201 426-2134

Project: 02567003 Drawn by: KRZ Date: 12/17/2014 Sht: 2 of 2