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AREA IN NEED OF REDEVELOPMENT INVESTIGATION FOR BLOCK 235, LOT 10, CITY OF PLAINFIELD, UNION COUNTY, NEW JERSEY



Elmwood Gardens, Plainfield, New Jersey

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I. INTRODUCTION AND PURPOSE

This investigation report has been prepared to determine whether Block 235, Lot 10 within the City of Plainfield (“Study Area”) meets the statutory criteria for designating it as an “area in need of redevelopment,” pursuant to the New Jersey Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq.

This report discusses the statutory standards under which the Planning Board and Governing Body must act when conducting this evaluation and when recommending and making a decision in this regard. The second section of the report provides an analysis of the Study Area, and the third section puts forth findings and recommendations regarding the applicability of the statutory criteria relative to the subject property.

This report is written pursuant to Section 6 of the LRHL, serving as the “statement setting forth the basis for investigation.” The LRHL requires the following procedures:

- A. 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 (C.40:12A-5). The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- B. After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the Planning Board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

On June 20, 2011, pursuant to N.J.S.A. 40A: 12A-1 et seq., the City Council of the City of Plainfield adopted Resolution R-227-11 (**Appendix A**) authorizing the Planning Board to conduct an investigation and hold a public hearing in order to evaluate and make recommendations to the governing body as to whether Block 235, Lot 10 within the City is “an area in need of redevelopment”, utilizing the statutory criteria set forth in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. The City of Plainfield Planning Board accepted the responsibility to undertake a redevelopment study in accordance with the Governing Body’s mandate pursuant to Resolution R-227-11.

II. STUDY AREA OVERVIEW AND LOCATIONAL CONTEXT

The City of Plainfield contains a total area of 6 square miles and is located in northeastern New Jersey in the westernmost portion of Union County approximately 35 miles from New York City. Plainfield is bordered by seven other municipalities: Scotch Plains to the northeast; Watchung to the northwest; North Plainfield to the west; Green Brook and Dunellen to the southwest; Piscataway and South Plainfield to the south; and Scotch Plains to the east.

The Study Area is located within the Metropolitan Planning Area One (PA-1), as defined by the New Jersey State Development and Redevelopment Plan. The intent of PA-1 includes the following:

- Provide for much of the state's future development;
- Revitalize cities and towns;
- Promote growth in compact form;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

The Study Area is specifically identified as 518-578 West Second Street / 108-134 Elmwood Place / 127-135 Plainfield Avenue; it is located at the northwest corner of the intersection of West Second Street and Elmwood Place and is defined on the Tax Map of the City of Plainfield as Block 235, Lot 10 (**Appendix B**), and aerial map (**Appendix C**). The Study Area is a land parcel bounded by the above streets, and is 3.86 acres in size.

Surrounding land uses in the area include single and multi-family dwellings to the north, east, and west, and the Conrail / New Jersey Transit Railroad to the south. The Study Area is readily accessible from New Jersey State Route 28 (Front Street) and has access to areas north and south via Plainfield Avenue. The City Central Business District and downtown train station are approximately five blocks east of the Study Area.

III. ZONING IN THE STUDY AREA AND WITHIN THE SURROUNDING AREA

The Land Use Ordinance of the City of Plainfield places the subject property in the R-4 Moderate Density Residential zone. Schedule A of the Ordinance lists permitted uses for this area to include single- and two-family dwellings, and community residences as per N.J.S.A. 40:55D-66.1.

Section 17:9-8.A of the Land Use Ordinance contains the purpose of the R-4 District which is as follows:

This zone is designed for single-family and two-family development at a density not to exceed 5.8 dwelling units per acre for single-family dwelling and 8.7 dwelling units per acre for two-family dwelling units

The Study Area is within an enterprise zone designated pursuant to the New Jersey Urban Enterprise Zones Act, P.L. 1983, c.303 (C.52:27H-60 et seq.).

The zoning in the surrounding area is R-4 Moderate Density Residential to the south, east, and north, and MU Mixed Use to the west. Schedule A of the Ordinance lists permitted uses for the MU Mixed Use zone to include mixed use residential dwellings, apartments, townhouses, retail, personal service establishments, Laundromats, offices, medical offices, nursing homes, senior citizen housing, restaurants, banquet halls, banks, funeral homes, health and fitness clubs, car wash, assisted living facility, theater, telecommunication facilities on existing buildings and structures, taverns, nightclubs, automobile service stations, houses of worship, and senior center. Said uses permitted in the MU zone provided a minimum lot area and width respectively of 5,000 SF and 50 feet.

IV. RELATIONSHIP TO THE CITY MASTER PLAN

The City last adopted a comprehensive Master Plan and Re-Examination Report in 2009. The Master Plan contains a variety of goals and objectives to guide future development in the City. Specific to the context of the investigation area, certain goals and objectives are as follows:

- Objective 2: Development and redevelopment should be responsive to the needs of the Plainfield community by ameliorating conditions suggestive of physical and economic deterioration, by supporting sustainability, creating economic opportunity and providing a variety of housing. Redevelopment planning is to be implemented in a comprehensive city-wide manner and where appropriate to promote transit oriented design (page 14).
- Policy 1.2- Insure that density and design of housing development seeks to reduce overcrowding within residential units and neighborhoods (page 14).
- Objective 20: Redevelopment activities undertaken by the city should be consistent with the Master Plan (page 25).

The Land Use Element of the Master Plan identifies the Study Area as a transitional area recommended for a higher density residential land use pattern (page 42). This designation pattern calls for a density of 18-24 units per acre (page 29). The following is an excerpt from page 35 of the Master Plan:

The Housing Authority of Plainfield (HAP) also made a presentation to the Planning Board outlining their future plans. They advised of their intention to demolish the existing Elmwood Gardens housing units on West Second and Elmwood Streets and to construct townhouse units. Neither the existing nor the proposed housing densities are consistent with the land use or zone plan. The Board reviewed the presentation and recognized that the Elmwood Gardens, Whitney Young Apartments, West End Gardens, and Liberty Village housing complexes are all located in the moderate density residential land use pattern which calls for development of one and two family dwellings. This land use pattern is not appropriate for all of these existing uses. In an effort to make the land use pattern more consistent with the existing housing density in the area, and to create a more appropriate buffer between the mixed land use pattern to the west, this land use element recommends that the land use pattern for the above identified areas be changed to a higher density land use pattern.

The Planning Board has not yet acted on this master plan recommended action.

V. STATUTORY CRITERIA FOR AN “AREA IN NEED OF REDEVELOPMENT” DESIGNATION AND APPLICATION TO THE STUDY AREA”

The laws governing redevelopment by municipalities in New Jersey are set forth in the LRHL, which is codified at N.J.S.A. 40A:12A et seq. This statute grants the governing body of a municipality the power to authorize the Planning Board to conduct a study to determine whether an area is in need of redevelopment; to make such a determination following the completion of the study; and to adopt a redevelopment plan for the designated area.

Such area may be determined to be in need of redevelopment only if, after an investigation by the Planning Board and a public hearing for which notice has been given, it is found to meet one or more of the following conditions:

- a) The generality of buildings is 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, development 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, obsolescent, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e) A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety, and welfare.
- f) Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g) In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act." P.L.1983, c.303 (C.52-27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and 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. 431 (C40A:21-1 et. Seq.)
- h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Furthermore, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area, stating:

“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 in which they are a part.”

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 described in P.L.1 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.

VI. EVALUATION OF THE STUDY AREA FOR CONFORMITY WITH REDEVELOPMENT AREA CRITERIA

The following provides an evaluation of the Study Area and considers whether it meets the statutory criteria for an “Area in Need of Redevelopment”. The analysis was based on surveys of use, reports from various city agencies, conditions and occupancy as well as physical inspection of all land and the exteriors and interior of existing buildings. In preparation of the study, the Planning Division reviewed the Study Area’s current land use and physical characteristics, historical information, and accessibility attributes using the following documents:

- The official tax maps of the City of Plainfield;
- The city tax records for the parcel within the Study Area;
- Aerial imagery of the Study Area and its surroundings;
- City Building Department and Tax Assessment records for the parcel within the Study Area;
- Plainfield Police Division Uniform Crime Report statistics for the parcel within the Study Area;
- City Inspection Division records for the parcel within the Study Area;
- City Fire Division records for the parcel within the Study Area;
- 2009 Master Plan and Re-Examination Report of the City of Plainfield;
- 2002 Zoning Ordinance and Zoning Map of the City of Plainfield amended through 2010; and
- Physical Needs Assessment Viability Study and Market Study for the Housing Authority of Plainfield prepared in 2008 by Creative Housing Solutions, Inc.
- Plainfield Housing Authority Hope VI Revitalization Grant FY 2009 Exhibit A: Summary Information

1. Property Description

Block 235, Lot 10	
Owner:	Housing Authority of Plainfield
Assessment (2011):	\$ 4,765,200.00
Land Value:	\$ 726,000.00
Improvement Value:	\$ 4,039,200.00
Lot Area:	3.86 acres (168,142 SF)
Year Built:	1961

The Study Area, Elmwood Gardens, is an existing residential public housing complex for low income families who qualify for subsidized public housing. The complex is owned and operated by the Housing Authority of Plainfield (HAP) and consists of eight (8) 3-story walk up building clusters that are arranged into four (4) detached buildings. There are a total of 119 dwelling units, one on-site management office, a common laundry room in the basement of one building, and maintenance rooms in basements of each building. There is a basketball court and handball court on site- both in a state of disrepair. There is a new children’s playground that is in fair condition and is used by residents. Elmwood Gardens provides a total of 91 parking spaces; 64 on-site (unassigned and unsecured) and 27 perpendicular. The site is planted with mature trees and shrubs. A property survey (**Appendix D**) depicting the Study Area illustrates the buildings and their relationship to the parking area and site entities.

There are two types of dwelling unit clusters- one cluster type has 6 dwelling units per floor and the other cluster has 4 dwelling units per floor. Building cluster density varies with four clusters having 18 dwelling units each and the other four having 12 dwelling units each. The entrance to each cluster of apartments is at ground level through a single door leading directly onto a landing of common open staircase that provides access to the upper and basement levels. The common open staircase is the only means of gaining access to apartment entry halls

and serves as the only means of vertical circulation to and from apartments. A second means of egress is provided from fire escapes for each second and third floor apartment. The buildings are constructed of concrete masonry walls with wood framed floor and roof structures. The building foundations are concrete masonry unit with reinforced concrete floor slabs. Perimeter wall construction is concrete masonry unit with a combination of brick and stucco. Existing buildings at Elmwood Gardens do not provide for handicapped accessibility, or for the hearing and vision impaired. The following is a list of unit sizes, approximate square footages of the apartments, and the minimum required size of dwellings as per the City Ordinance:

Unit Size	Number	Approximate Square Footage	Minimum Required Size as per City Ordinance
1-bedroom	25	600 SF	750 SF
2-bedroom	59	840 SF	900 SF
3-bedroom	24	975 SF	1,000 SF
4-bedroom	11	1,260 SF	1,150 SF
TOTAL:	119		

Source: Elmwood Gardens Physical Needs Assessment, 2008

2. Previous Municipal Actions in the Study Area

Municipal records were requested regarding development applications, development approvals, zoning variances, issuance of zoning, building and construction permits, property management, and building code violations for the Study Area. Research conducted by the Planning Division reveals the following municipal actions in the Study Area:

A. Plainfield Police Division Uniform Crime Report

Per crime statistics provided in the Plainfield Police Division Uniform Crime Reports of 2006 through 2011, the Study Area is problematic as evidenced by reported crimes shown in the table below. Instances of robbery, aggravated assault, theft, controlled deadly substances (CDS), and disorderly persons have occurred each year and remain a problem.

Crimes	Homicide	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny Theft	Motor Vehicle Theft	Arson
July 2010 – June 2011	0	1	6	7	3	3	3	0
July 2009 – June 2010	0	0	5	1	5	6	1	0
July 2008 – June 2009								
July 2007 – June 2008	0	0	5	4	0	8	2	0
July 2006 – June 2007	0	0	5	6	4	5	0	0

Other Related Crime	CDS Distribution	Poss. CDS / Marijuana Reports	Found Narcotics	CDS Calls for Service	Weapons Reports	Weapons Calls for Service	Disorderly Activity Calls for Service	Fights Calls for Service
July 2010 – June 2011								
July 2009 – June 2010	15	26	3		2			
July 2008 – June 2009								
July 2007 – June 2008	18	33	5	61	4	10	94	41
July 2006 – June 2007	16	24	5	59	2	9	222	46

B. Inspections Division.

A review of the Property Maintenance Code Violation file kept by the Inspections Division revealed a record of code violations dating back to the early 1970s. A summary sheet covering years March 1986 through February 2011 is attached to this Study (**Appendix E**). Complaints and violations range from mold, broken water pipes, trash and debris, mold, rodents, lack of heat and hot water, non-functional plumbing, electrical matters, water damage, and structural damage to the apartment units.

C. Fire Division.

A review of the Fire Division activity at the Elmwood Gardens Complex from 2009 – 2011 reveals that they received over 300 calls and have issued 60 fire code violations for the property. The majority of fire code violations were for dysfunctional or out of service fire detection systems. The Fire Division states they have experienced issues with faulty door hardware, defective staircases, unsecured utility areas, and breaches of smoke barriers. Two (2) letters from the Fire Division and summary sheet covering years 2009 – 2011 is attached to this Study (**Appendix F**).

3. Redevelopment Designation

LRHL criteria “a”, “c”, “d”, and “h” are met with respect to the requisite redevelopment designations of Block 235, Lot 10:

- a) **Criterion A:** The generality of buildings is 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) **Criterion C:** Land that is owned by the municipality, the county, a local housing authority, development 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.
- c) **Criterion D:** Areas with buildings or improvements which, by reason of dilapidation, obsolescent, overcrowding, faulty arrangement or design, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- d) **Criterion H:** The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Applying Criterion A: *The building materials and infrastructure systems have exceeded their expected useful life, have been subject to abuse by tenants and outside influences, and have fallen into such a state of disrepair that they constitute a threat to the people who live in them. Deterioration is apparent from inspections of the buildings.*

Substandard: Apartment unit sizes are inadequate, accessibility to the units is limited, and the number of apartments is overly dense. All plumbing, heating, electric and lighting fixtures and systems are original to the building, are not energy efficient, and are in constant need of repairs. Heating is provided by a central gas-fired hot water boiler system located in one building and is distributed underground to the other buildings. Hot water is provided by four gas-fired hot water generators and a multiple storage tank system. Each apartment is provided with a 60-amp, 8 circuit breaker electric panel; this service is substandard, current electric code requires a minimum of 100-amp service. There is a record of resident complaints and city issued property code violations related to inadequate heat and hot water. There is inadequate on-site

parking- at the rate of .75 parking spaces per dwelling unit, Elmwood Gardens is below the New Jersey Residential Site Improvement Standards for parking which would require a minimum 240 parking spaces.

Unsafe: The site has become a haven for loitering, crime, and vandalism. Uniform crime statistics depict crime as a constant and ongoing occurrence. Because of its physical presence in the neighborhood, the site has a significant negative impact on the surrounding neighborhood. Ineffective on-site security and access controls further contribute to the unsafe environment. Persons having no affiliation with residents can trespass and visit unannounced. There is no line of defense between private and public domains and no secured transition between semi-public and semi-private spaces. Not a single window has a screen, and none of the windows were equipped with child safety guards. The steel fire escapes that service all second and third floor units provide unrestricted access to the roofs of the building.

Unsanitary / Dilapidated / Unwholesome living: Planning staff observed that not a single window had a screen; none of the windows were equipped with child safety guards; HAP staff advised that window screens and opening / closing hardware cannot be located due to the age of the fixtures, and if located is extremely expensive. Common entrance doors have been replaced numerous times and are routinely destroyed days after replacement. Door key locks are constantly broken, allowing unobstructed access. The HAP has relegated itself to not replacing doors. A urine stench permeates each entrance and common hallway in at least two of the structures. Extreme metal rusting is widespread on structural stairways. The complex was constructed without air conditioning and the windows are not fabricated to accommodate window AC units. Residents open a window, install window units and place cardboard, wood, or sheetrock to block the remaining open window space. Kitchens and bathrooms are not mechanically exhausted and rely solely on windows for natural ventilation.

Obsolescent: Elmwood Gardens does not provide for handicapped accessibility or for the hearing and vision impaired. Modern public housing developments provide elevators. The lack of elevators and the long stairways are a hardship to the handicapped and senior citizen residents. Access to apartments is through climbing a staircase; door width, kitchens and bathrooms do not conform to barrier free requirements. Basement ramps are steeper than allowed for barrier free access.

Applying Criterion C: *Property owned by the HAP may be designated in need of redevelopment; however public ownership alone is not a sufficient reason for such a designation.*

Applying Criterion D: *The building's layout and design, materials, and infrastructure systems are detrimental to the safety, health, morals, and welfare of the community:*

By Reason of Dilapidation: The physical dilapidation of the interior of each building and documented occasions via complaints by residents and issuance of violation notices by the City relating to accumulations of trash, debris, garbage inviting rodents and other pests, plumbing, heating, and structural deficiencies represent conditions that are detrimental to the public health, safety, and welfare of the City. Interior steps in common hallways are deteriorated.

By Reason of Obsolescent: Kitchens, bathrooms, electrical, and plumbing systems are antiquated; windows are non-functional. The Physical Needs Assessment, Final – May 30, 2008 Report concludes in a letter dated June 4, 2008 to Mr. Randall M. Wood, Executive Director, Housing Authority, Plainfield that: “It is the opinion of the market analysts that the property is *functionally obsolete*”. “. . . the Market Study and Viability Study implies that the development is *obsolete*.”

By Reason of Overcrowding: The sizes of dwelling units for the number of bedrooms are antiquated and difficult to market to a family tenancy. Apartment sizes are substandard and non-conforming to current zoning regulations. The site is overbuilt with 119 apartments with a density of about 30 units per acre.

By Reason of Faulty Arrangement and Design: The site is open along its front and side yard perimeter which makes it unrestrained to persons from surrounding neighborhoods that can easily trespass and visit unannounced. Entrances to building clusters are unsecured and access to upper level apartment entrance halls is unrestrained. There is common entrance to each of the buildings. Tenants or their guests or others who do not possess a key routinely break the front door to gain access. The HAP has been unable to maintain locked front doors, as the destruction persists. As a result, the residential buildings are open to the public, including a criminal element.

By Reason of Lack of Ventilation: Kitchen and bathrooms are not mechanically exhausted and rely solely on windows for natural ventilation. Many windows in the apartments are non functional; there are no windows in the common hallways. A urine stench permeates many of the entrances and common hallways of the structures. Many original exterior windows were blocked with concrete patches.

By Reason of Lack of Light: Apartment and common area lighting is inadequate. Apartments have 60 watt rated incandescent fixtures and small fluorescent fixtures in the bathrooms. Common area lighting has fluorescent fixtures. Many original exterior windows were blocked with concrete patches.

By Reason of Obsolete Layout: There is no line of defense between the private and public domains and no secured transition between semi-public and semi-private spaces. The layout of the buildings and lack of defensible space, clearly definable and secured transitions from public to private domain is the largest contributing factor to the complex's obsolete layout.

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

Smart growth is described by the Department of State as:

“Well-planned well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources. Smart Growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. Smart Growth is an approach to land-use planning that targets the State’s resources and funding in ways that enhance the quality of life for residents in New Jersey. Smart Growth principles include mixed-use development, walkable town centers and neighborhoods, mass transit accessibility, sustainable economic and social development and preserved green space . . . In New Jersey, Smart Growth supports development and redevelopment in recognized Centers - a compact form of development – as outlined in the State Development and Redevelopment Plan, with existing infrastructure that serves the economy, the community and the environment.”

“Principles of Smart Growth include: mixed land uses; compact, clustered community designs; range of housing choice and opportunity; walkable neighborhoods; distinctive, attractive communities offering a sense of place; open space, farmland, and scenic resource preservation; future development strengthened and directed to existing communities using existing infrastructure; transportation option variety; predictable, fair and cost-effective development decisions; and community and stakeholder collaboration in development decision-making.” Among the benefits of Smart Growth are “Quality of Life”.

“By creating new opportunities for residential development in urban and mature suburban communities (with their existing roads and sewers), sprawl is managed and new housing becomes more affordable. And, by encouraging corporate urban redevelopment, the jobs will be there to support it. Suburban areas would contain greater ranges of housing options and more efficient transportation systems including walkable communities, bike paths and better access to mass transit”.

Clearly, the proposed redevelopment of the Elmwood Gardens site constitutes Smart Growth.

VII. CONCLUSION: FINDINGS AND RECOMMENDATIONS

1. Based upon the conditions described herein relating to the physical dilapidation, faulty design, instances of unsafe conditions, faulty arrangement, and the statutory criteria found within the LRHL, the Plainfield Planning Division is of the opinion that Block 235, Lot 10 DOES satisfy at least one of the statutory criteria and thus is IN NEED OF REDEVELOPMENT. The criteria that are pertinent to this study are criteria a, c, d, and h as noted above. The Planning Division recommends that the Planning Board adopt a resolution recommending that City Council adopt a resolution making a formal designation of such a determination and directing the Planning Board to prepare a redevelopment plan for the subject property.
2. The Land Use Ordinance places the Study Area in the R-4 Moderate Density Residential zone district which permits single-family development at a density not to exceed 5.8 dwelling units per acre (du/acre), and two-family development at a density not to exceed 8.7 du/acre. The Land Use Element of the Master Plan identifies the Study Area as a transitional area recommended for a residential density of 18-24 du/acre.

Given the number of dwelling units in the Study Area, the Plainfield Planning Division is of the opinion that Block 235, Lot 10 should be rezoned to R-7 High Density Residential zone district, permitting apartment development at a density not to exceed 18.0 du/acre. The relation between the existing conditions of the Study Area, the density parameters of the Land Use Ordinance and Master Plan Land Use Element, and the Planning Division density recommendation are illustrated in the table below:

	Density (du/acre)	Lot Size per Dwelling Unit	# Dwelling Units
Study Area Has 119 Units (3.86 acres, 168,142 SF)	31.0	1,405 SF	119
Land Use Ordinance Permits 5.8 to 8.7 du/acre Density	5.8 to 8.7	7,510 SF (5.8 du/ac) 5,007 SF (8.7 du/ac)	22 - 33
Master Plan Recommends 18 – 24 du/acre Density	18.0 – 24.0	2,420 SF (18.0 du/ac) 1,815 SF (24.0 du/ac)	69 - 92
Housing Authority Requests 72 Dwelling Units	18.7	2,329 SF	72
Planning Division Recommends 18 du/acre Density	18.0	2,420 SF	69

3. The following findings also supports a rezoning rather than a use variance to support any future redevelopment:
 - a) A Zoning Ordinance must take existing development into account. The New Jersey Supreme Court in Zampieri v. River Vale Tp., 29 N.J. 599, 606 (1959) held:

“In order to determine whether or not the amendatory ordinance here under review is reasonable we must look to the existing structures and their relationship to Westwood Avenue and Rivervale Road, and particularly to the intersection of those two streets.”

The dominant structure in the subject neighborhood is Elmwood Gardens. Zoning should encourage its replacement with a safer, healthier more attractive and less dense development.

- b) William Cox in his 2011 Edition, authoritative New Jersey Zoning and Land Use Administrative in Section 34-7.1 at p. 790 says:

“Historically it has been held that a zoning regulation, like any police power enactment, must promote public health, safety, morals or the general welfare. . . . This requirement was most recently codified in N.J.S. 40:55D-2 as subsection a of a list of more specific zoning purposes, which can be seen as providing examples of what constitutes promotion of public health, safety, morals and general welfare in the land use context. For instance, in Southern Burlington County N.A.A.C.P., supra, at 179, the Court held it beyond dispute that provision of affordable housing for low and moderate income persons was an absolute essential in the promotion of the general welfare required in all local land use regulation. ”

The Plainfield Housing Authority is not proposing, as would private developers, a project with 80 or 90% market rate units, with the balance taken by low and moderate income housing, but a project that is 100% directed to low income individuals. Thus it rises to the highest rung of promoting the general welfare.

- c) A rezoning of the Elmwood Gardens tract for Affordable Housing would not violate the uniformity provision in the Municipal Land Use Law. William Cox in his treatise in Section 34-76 at p. 804 states:

“See also Tanenbaum v. Wall Bd. of Adjustment, 407 N.J. Super. 446, 456 (Law Div. 2006), aff’d o.b. 407 N.J. Super. 371 (App. Div. 2009) (ordinance that distinguishes between Mount Laurel and non-Mount Laurel development is rational and does not violate uniformity provision). ”

APPENDIX “A”

Plainfield City Council Resolution R-227-11

APPENDIX “B”

Tax Map

APPENDIX “C”

Aerial Map

APPENDIX “D”

Property Survey

APPENDIX “E”

Inspection Division Summary Sheet

APPENDIX “F”

Fire Division Documentation

APPENDIX “G”

Photographic Documentation