
**PRELIMINARY INVESTIGATION
For
DETERMINATION of an
AREA IN NEED OF REDEVELOPMENT
EAST THIRD STREET AND RICHMOND STREET
STUDY AREA**

**City of Plainfield
In the County of Union
State of New Jersey**

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**Prepared at the Direction of
Union County Improvement Authority
Pursuant to Planning Board Authorization**

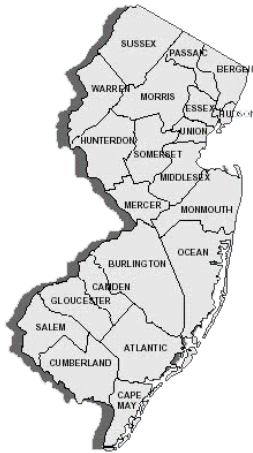
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Part I:

Preliminary Investigation



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I. INTRODUCTION

As an initiative to enhance the development potential of lands manifesting conditions suggestive of physical as well as economic deterioration, the City Council of the City of Plainfield on July 10, 2006, directed the Planning Board to undertake a preliminary redevelopment investigation to determine whether existing conditions within the study area, as described herein, rise to the level of the statutory criteria required to declare an area to be in need of redevelopment. In fulfillment of this tasking, the Planning Board authorized the Union County Improvement Authority, acting as the City's redevelopment entity, to conduct said investigation. The Authority in turn retained the services of the firm of Remington & Vernick Engineers, licensed professional planners in the State of New Jersey.

The study was conducted in accordance with the Local Redevelopment and Housing Law. Enacted in 1992, the *Local Redevelopment and Housing Law* P.L. 1992, c.79 (C40A:12A-1 et seq.) provides municipalities with a means to address conditions of deterioration and lack of proper land use for lands and/or buildings which are abandoned, decayed, undeveloped/under-developed, or non-productive/under-productive and to actively redevelop such areas into productive assets for the community.

Additionally, the redevelopment statute gives municipalities the power to acquire private property for the purposes of redevelopment (through negotiation or condemnation); to clear and reprogram said lands; to install infrastructure and/or other site improvements; and to negotiate and enter into partnerships with public and private entities in order to accomplish a municipality's redevelopment goals and objectives.

An area may be deemed in need of redevelopment given the applicability of certain criteria and undertaking of appropriate procedures outlined in the Local Redevelopment and Housing Law. If the study area is deemed an area in need of redevelopment, this would then permit the preparation and execution of a redevelopment plan, the acquisition of buildings and land through condemnation, the leasing or selling of property without public bidding, and allow the area to qualify for financial incentives.

II. REDEVELOPMENT PROCESS

The redevelopment statute requires a multi-step process that must be adhered to in order for the municipal governing body and planning board to exercise those powers lawfully. This process is outlined below.

- (1) The governing body 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).
- (2) 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.
- (3) 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 the governing body in the form of a planning board resolution for formal action.
- (4) Upon receipt of the recommendation from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- (5) Upon designation, the planning board or redevelopment entity is then required to prepare 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.
- (6) The redevelopment plan, after review by the planning board, is referred to the governing body.
- (7) Upon receipt of the redevelopment plan from the planning board, the governing body may act to adopt the plan by ordinance. The adopted redevelopment plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

Only after completion of this public process is a municipality able to exercise the powers granted under the redevelopment statute.

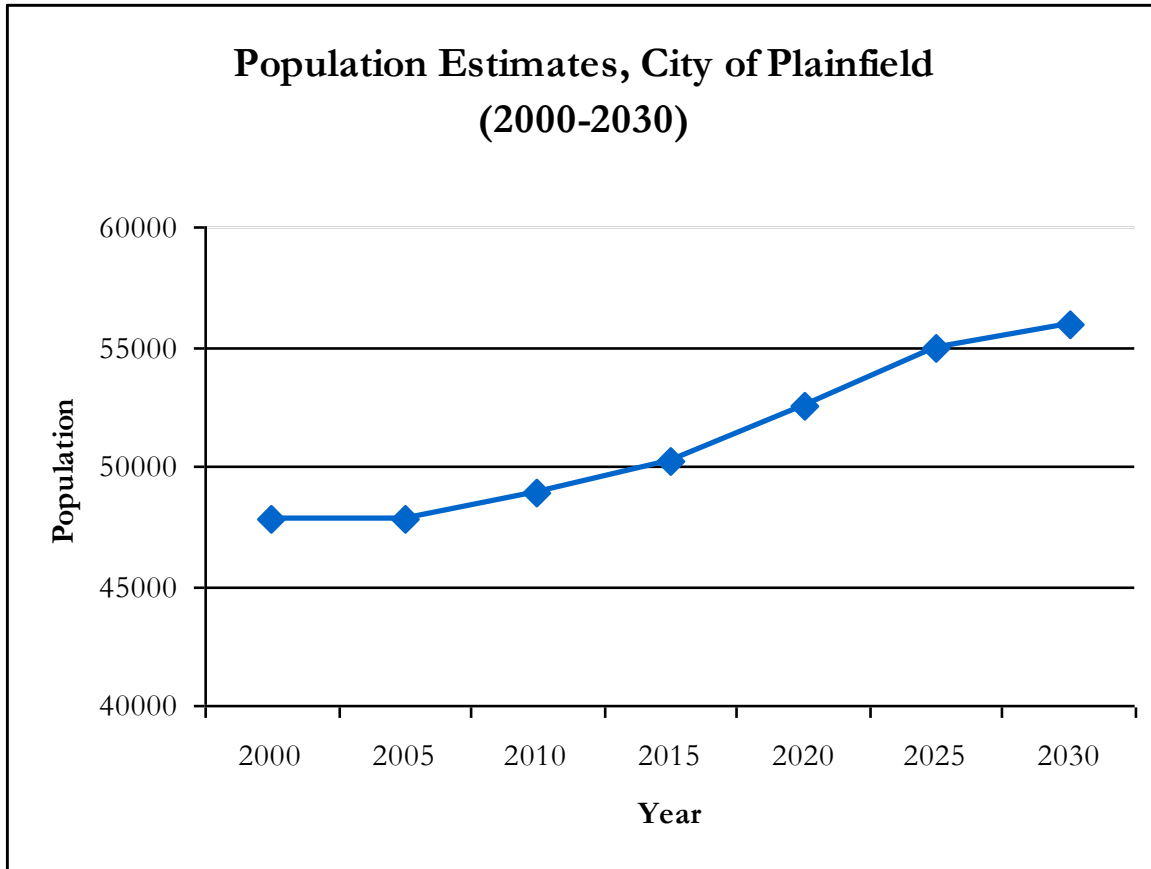
III. OVERVIEW

The City of Plainfield is located in the south-west portion of Union County. It is bounded to the south by the Borough of South Plainfield and Piscataway Township and to the west by the Borough of Dunellen of Middlesex County, to the north by the Borough of North Plainfield and Green Brook Township of Somerset County, and to the east by the Borough of Fanwood and Scotch Plains Township of Union County.

The population of the City of Plainfield recorded in the 2000 Census is 47,829 persons. This is an increase of 1,262 persons (or 2.71%) from the population recorded by the 1990 Census (46,567 persons). The City is characterized as a mature community and as such has experienced limited residential construction over the past few decades. Forecasts by the North Jersey Transportation Planning Authority (NJTPA) project moderate but steady growth in both population and employment through 2030, and the New Jersey State Development and Redevelopment Plan (SDRP) categorizes the entirety of the City as being within the Metropolitan Planning Area (PA1).

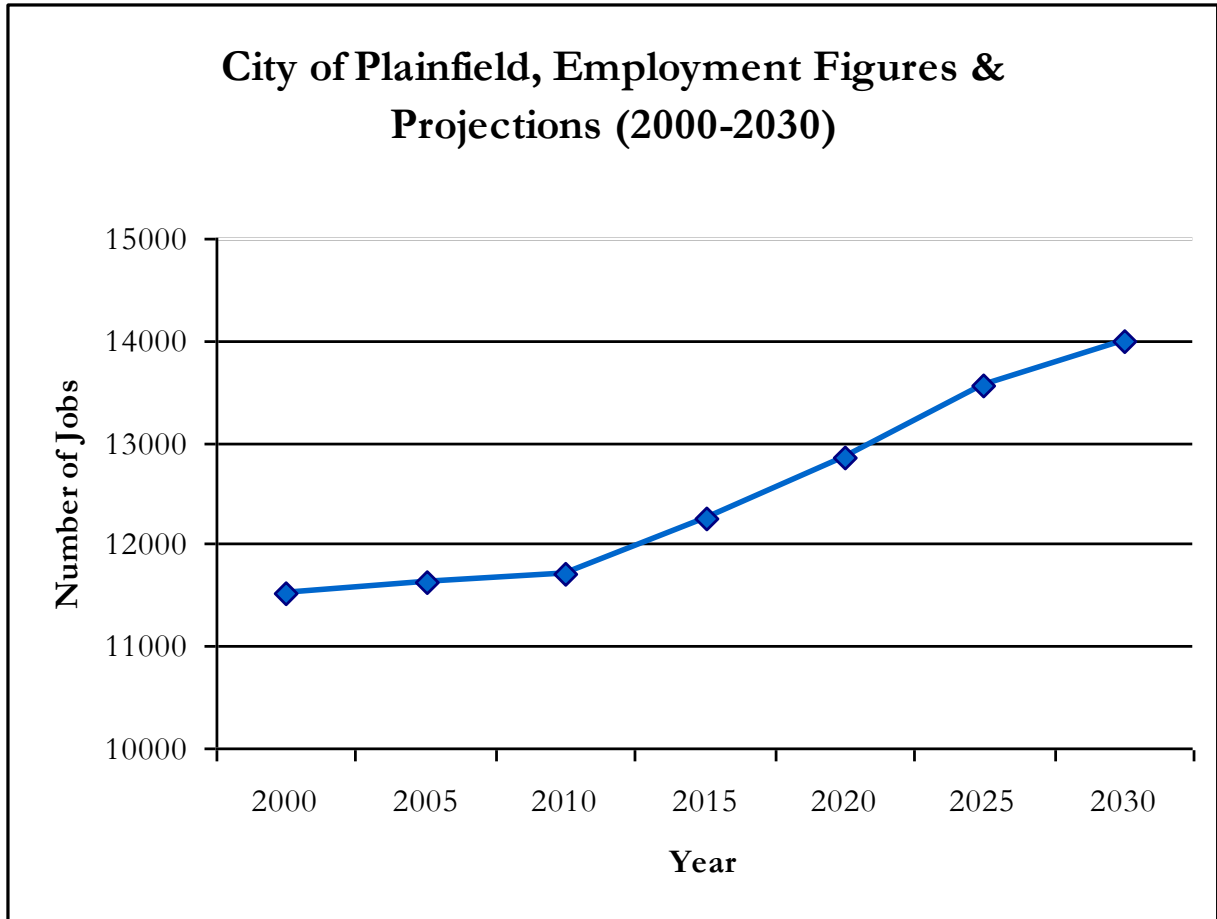
IV. POPULATION & EMPLOYMENT TRENDS

Population



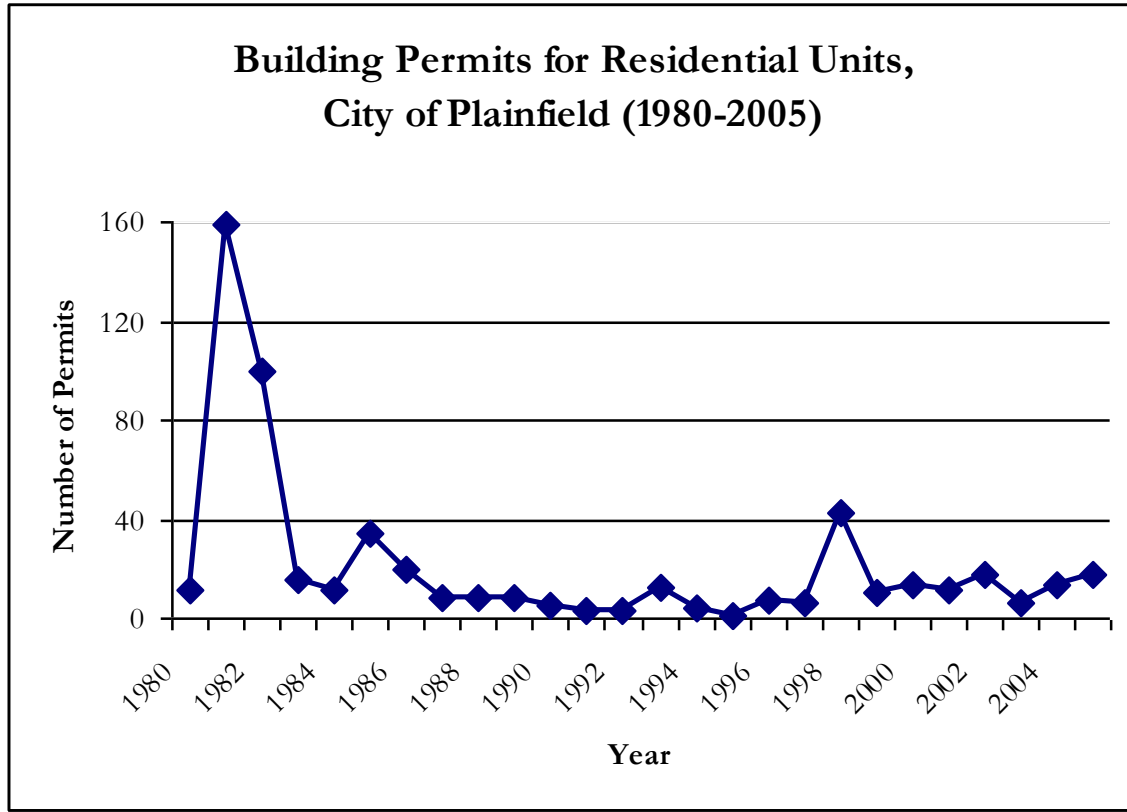
Source: NJPTA, County/City/Municipal Forecasts (March 2005)

Employment



Source: NJTPA, County/City/Municipal Forecasts (March 2005)

Residential Construction



Source: HUD State of the Cities Data Systems (<http://socds.huduser.org/permits/index.html>)

V. STUDY AREA & BASIS FOR INVESTIGATION

Study Area Delineation

The area under examination is comprised of parcels on the westerly side of Richmond Avenue proximate to the intersection with East Third Street and Cottage Place. Specifically, the study area is comprised of the following parcels:

- Block 305, Lots 1, 2, and 3
- Block 306, Lots 19-28
- Block 307, Lots 20, 29-32, 33.01, and 34

The boundaries of the study area were determined by the City given manifestations of physical deterioration, faulty arrangement, and economic deterioration evidenced by a less than fully productive utilization of land; taken together, these conditions are detrimental to the health, safety, and welfare of the City. Additionally, the City recognized that these conditions have existed in the study area for some time, and that absent the initiation of proactive redevelopment planning, said conditions are not likely to be remediated in the near term solely through private sector initiatives.

Description & Background

The parcels are located in the Metropolitan (PA1) Planning Area under the State Development and Redevelopment Plan (SDRP). The intent of the Metropolitan Planning Area (PA1) is to:

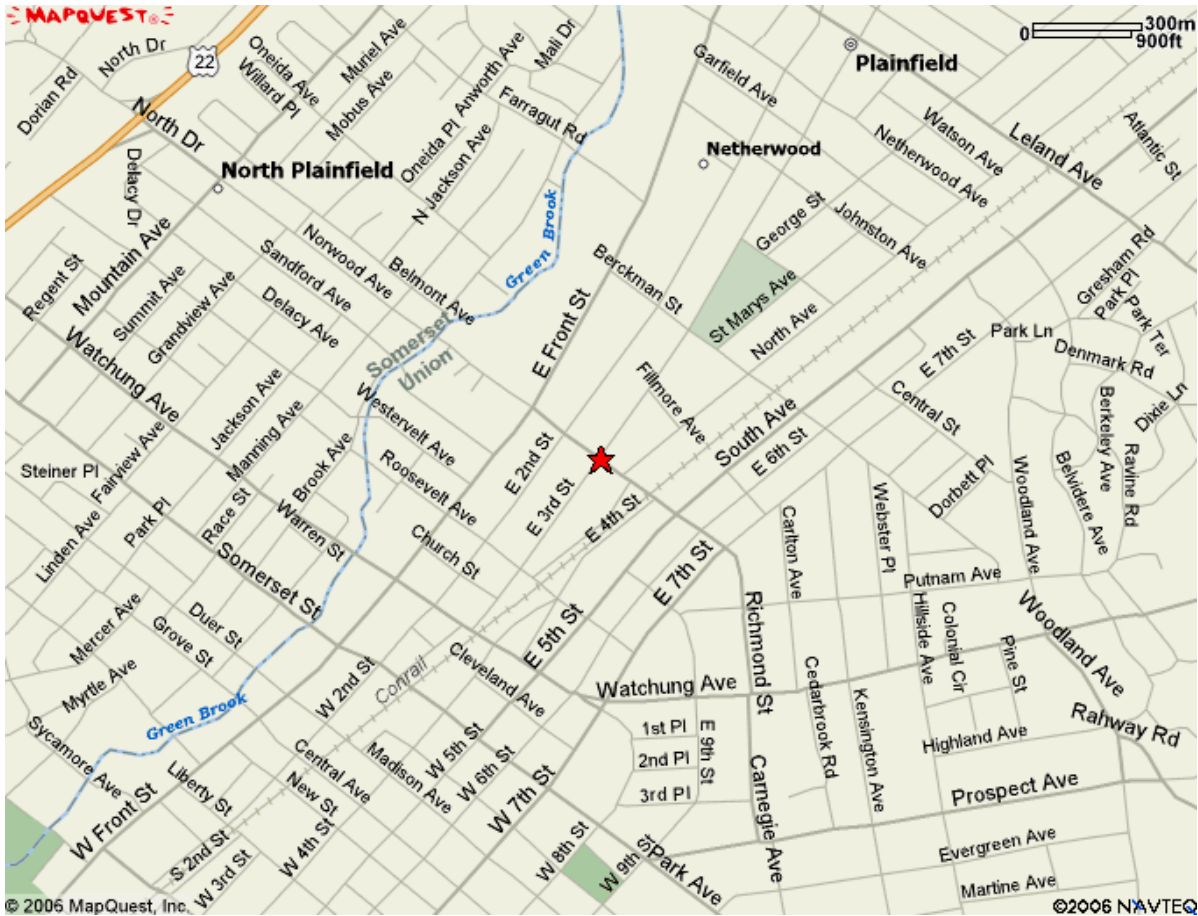
- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

From a zoning standpoint, study area parcels other than for Lot 29, Block 307, which is zoned R-6 Medium/High Density Residential, are situated with the MU Mixed Zoning District. The intent of the MU zone is to provide for a mix of uses to include apartments, townhouses, senior citizen housing, and compatible uses such as personal service, laundromats, retail, health and fitness centers, and office uses (medical, professional, and general).

The R-6 Medium/High Density zone provides for single-family dwellings, two-family dwellings, apartments, townhouses, community residences such as for the developmentally disabled, victims of domestic violence, and persons with head injuries; nursing homes, assisted living facilities, houses of worship, and senior citizen housing.

VI. MAPS OF STUDY AREA

Access Routes in the Vicinity of the City of Plainfield



Aerial View of Study Area



VII. EXISTING CHARACTER AND LAND USE

The study area is comprised of various contiguous parcels within Blocks 305, 306, and 307 being arrayed along each side of Cottage Place and each side of East Third Avenue proximate to each street's respective intersection with Richmond Street. One parcel (Lot 20, Block 307) has frontage on East Second Street. Land use and conditions relating to each are described by block below:

Block 305

This block abuts a New Jersey Transit rail line and is bounded to the north by Cottage Place and to the east by Richmond Street. The Plainfield Municipal Utilities Authority (hereafter MUA) owns the parcels within this section of the study area. Principally, the study area within this block is comprised of two vacant parcels (Lots 2; 3) and a dilapidated principal structure (Lot 1). Lots 2 and 3 are devoid of use and improvement; accumulations of miscellaneous trash and debris are found thereon. From exterior inspection, the principal structure appears to be structurally sound; however, instances of dilapidation are prominent owing to the deterioration of the front building elevation and instances of patching and blocked over windows on the easterly and westerly elevations. Presently, the building does not appear to be in use; lands adjacent to this building are being utilized for parking by MUA employees. Relative to the site itself, there is a lack of an improved defined parking area and accumulations of trash and debris are in evidence.

From a zoning perspective, the entirety of study area within the block is classified MU Mixed Use.

Block 306

This block is bounded to the north by East Third Street, to the south by Cottage Place, to the west by Roosevelt Avenue, and to the east by Richmond Street. The study area within the block is defined by the presence of the Plainfield MUA, Michael Anthony Auto Sales, and by a principal structure housing an industrial use. The automobile dealership found at the intersection of East Third Street and Richmond Street (Lot 23) is comprised of a dealership building and inventory parking. The building appears to be in good condition and structurally sound from exterior inspection. Numerous attached signs are situated on the building elevations facing East Third Street and Richmond Street. A freestanding sign is located at the corner, the support post for which is exhibiting significant deflection. The site is virtually 100% impervious; as such, no landscaping is provided. On-site inventory appears to be excessive and vehicles are displayed to the front property lines.

The Plainfield MUA occupies land (Lots 20-22; 24-27) which has frontage along both Cottage Place and Richmond Street. The site has an area of approximately 1.03 acres. The principal structure, which appears to be in good condition from exterior inspection, occupies approximately 9% of the site. The remainder of the site is available although not fully utilized for parking and exterior storage - the most significant expanse of this area, which is unscreened, has a stone surface and is located between the principal building and the Richmond Street right-of-way.

Contiguous Lots 19 and 28 are in common ownership (LJ Real Property, Inc., Martinsville, New Jersey 08806). The principal structure which houses an industrial use (Contour Metal Shaping) is situated on Lot 28. Minor dilapidation is in evidence on the front and side elevations. A small parking area is provided adjacent to the front building elevation, egress from which requires backing into the roadway. Portions of Lot 19 are utilized for the haphazard exterior storage of containers and equipment, which is visible from street view.

Block 307

This block is bounded to the north by East Second Street, to the south by East Third Street, to the west by Roosevelt Avenue, and to the east by Richmond Street. Two principal uses are found within this block's study area parcels. Extending from the East Third Street/Richmond Street intersection through the approximate mid-point on East Third Street are lands owned by RTN, LLC, Elizabeth, New Jersey (Lots 29-32; 33.01; 34). The site which formerly was the location of the Cozzoli Machine Company has been vacant since 2003 and has been identified as a Known Contaminated Site (KCS) by the New Jersey Department of Environmental Protection (case number E20030017). Two structures are situated on-site. The structure at the westerly end of the site appears to be in good condition and structurally sound from exterior inspection. A second building, also vacant, is situated adjacent to the East Third Street/Richmond Street intersection. Physical dilapidation is evident owing to the deterioration of the stucco exterior covering. With respect to the other site improvements, the entirety of the expanse between each of the on-site buildings is parking area pavement. This parking area is virtually 100% impervious, and unscreened from street view. Extensive longitudinal cracking made prominent by the vegetation growing up from the pavement evidences severe surface course deterioration.

Adjoining Lot 34, which is vacant, unimproved, and also owned by RTN, LLC, abuts the aforementioned two-story structure situated at mid-block.

From a zoning perspective, the study parcels are classified MU Mixed Use, except for Lot 29 having frontage along both Richmond and East Third Streets, which has an R-6 Medium/High Density Residential classification.

The second principal use within the block's study area is C & C Auto Repair (Lot 20) which has frontage on East Second Street; the operations of which are conducted approximately 160-feet from the East Second Street right-of-way due to the narrow configuration of the parcel. The ingress/egress driveway has a dimension of 22-feet making doubtful the accommodation of two-way traffic made all the more problematic given the parking of trucks within this driveway. The principal structure, a garage, appears from exterior inspection to be structurally sound. Taken in totality; however, the site has the appearance of a junkyard owing to the severely deteriorated drive entrance, condition of pavement adjacent to the front elevation of the garage, dilapidated fencing and freestanding signage, accumulations of trash, debris, and tires throughout the site, and presence of vehicles, all of which do not appear to be operable. Further, the present use is incompatible with the preponderance of residential uses found within the block. Additionally, no effective buffering is provided to screen on-site conditions from view of the adjoining residential uses and the adjoining vacant RTN, LLC commercial property.

VIII. STATUTORY CRITERIA

Under 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 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 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. c. 303 9C52:27H-60 et. seq.), said designation and prescribed related action are, in and of themselves, sufficient basis for the determination that an area is in need of redevelopment for the purpose of granting tax exemption within the enterprise zone or the adoption of a tax abatement and exemption ordinance.
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the criteria, the Redevelopment Statute states:

“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.”¹”

¹ N.J.S.A. 40A:12A-3

IX. APPLICABILITY OF STATUTORY CRITERIA

The deeming of an area to be in need of redevelopment is an area wide determination. As such, the statutory charge for a positive determination of redevelopment eligibility requires a demonstration, on an area wide basis versus an individual lot basis, that existing conditions give evidence of economic deterioration in terms of an underutilization or less than fully productive condition of land, or physical deterioration by the presence of improvements which are dilapidated, obsolete, faulty in terms of arrangement, or in any way deleterious to the welfare of the community. An area is also eligible for declaration where it can be demonstrated that said declaration would advance smart growth planning through consistency with the intent and policy objectives enumerated under the New Jersey State Development and Redevelopment Plan (SDRP) for the planning area within which the study area is situated.

From a global perspective, the entirety of the study area is situated within an area classified under the SDRP as Metropolitan Planning Area (PA1), and is also entirely within an Urban Enterprise Zone (UEZ). With respect to the former, the SDRP is the State of New Jersey's preeminent planning policy document that by definition advances smart growth. As such, this study posits that City redevelopment initiatives consistent with the intent and policies of the PA1 Area, advance smart growth. Under the State Plan, PA1 areas are considered to be growth areas for which redevelopment activity is encouraged within defined Centers as is economic development leading to infill development, public/private partnerships, and infrastructure improvements so to, in part, revitalize cities and towns, promote growth in compact forms, and protect the character of existing stable communities. Declaring the entirety of the study area to be an area in need of redevelopment would be consistent with the major themes of the Metropolitan Planning Area when it is considered that redevelopment activity is proposed within an Identified Regional Center defined as having the attributes of a potential Center and, secondly, would enhance the redevelopment potential of the lands within the declared area as a result of the advantages which accrue through the exercise of the Local Redevelopment and Housing Law. As this initiative is consistent with the State Plan, smart growth is advanced providing a basis for applicability of criteria "h" over the entire study area.

Also from a global perspective, criteria "g" is applicable by virtue of the study area being situated within a designated UEZ.

There are several characteristics present throughout the study area which present "substantial evidence" qualifying the area for redevelopment eligibility. Prominent on the north side of East Third Street is the vacant condition of the site that once housed the Cozzoli Machine Company (criteria "b"); said site also identified by the New Jersey Department of Environmental Protection as a Known Contaminated Site (KCS) being detrimental to the health, safety, and welfare of the community, contributing to the ongoing economic underutilization of the site (criteria "d" and "e").

Other conditions which give rise to criteria "d" include unscreened outdoor storage, lack of landscaping, deteriorated and/or excessive signage, pavement deterioration, inadequate vehicular circulation and parking areas, parking requiring backing into roadways, faulty lot

configuration, deleterious land use, accumulations of trash and debris, and physical deterioration of buildings.

Apart from the aforementioned condition of the former Cozzoli Machine Company site, conditions rising to the level of criteria “e” are manifested through instances of a vacant land condition, underutilization, and a general lack of proper utilization. Lots 2 and 3 of Block 305 represent a long-term vacant condition. City records indicate that the structure that once existed on Lot 2 was demolished in 1964. A condition of underutilization exists relative to Lot 19, Block 306, which is in common ownership with adjoining Lot 28 on which is located the earlier mentioned industrial building presently housing the Contour Metal Shaping Company. This parcel is devoid of improvements and is only partially used for haphazard miscellaneous outdoor storage. Also, approximately 90% of the MUA land within Block 306 is available, but only partially utilized for parking and outdoor storage. A lack of proper utilization exist over the entirety of the study area given the uses found throughout are not representative of the development vision of the City as expressed through the prevailing zoning which strongly emphasizes residential and mixed use development incorporating uses generally to satisfy the daily needs of residents.

Photographic evidence supporting the above mentioned findings follow below by criteria classification:

Criteria B – Discontinuance of Commercial Use



Block 305, Lot 1



Block 307, Lot 33.01, et al

Criteria D – Dilapidation & Faulty Arrangement



Block 307, Lot 33.01, et al



Block 306, Lot 28



Block 306, Lot 23



Block 305, Lot 1



Block 306, Lot 28



Block 307, Lot 29

Criteria E – Stagnation/Lack of Proper Utilization



Block 305, Lots 1 & 2



Block 306, Lot 19



Block 307, Lot 33.01, et al



Block 306 Lot 20, et al

IX. CONCLUSION

Based upon the justifications set forth herein, relating primarily to instances of physical deterioration, discontinuance of commercial use, known contamination, lack of proper utilization and economic underutilization, deleterious land use, faulty arrangement, given advancement of smart growth through consistency with the New Jersey State Development and Redevelopment Plan, and given situation within an Urban Enterprise Zone, this preliminary investigation concludes that a lawful basis exists for declaring the entirety of the study area to be in need of redevelopment under criteria “b” “d”, “e,” “h,” and “g.”

It is recommended therefore that the City Council of the City of Plainfield and Planning Board take the action necessary, after public notice and hearing, to make said determination according to law.²