

Preliminary Investigation Report

*Regarding Designation of
Block 48.16, Lot 117.27
as an*

Area in Need of Redevelopment

Chatham Township
Morris County, New Jersey

May 2017

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Date

Purpose

Pursuant to the requirements of N.J.S.A. 40A:12A-6, the Chatham Township Committee adopted Resolution No. 2016-182 on November 10, 2016, directing the Chatham Township Planning Board to undertake a preliminary investigation to determine whether Block 48.16, Lot 117.27 constitutes an area in need of redevelopment pursuant to the criteria set forth in the LRHL at N.J.S.A. 40A:12A-5.

This Preliminary Investigation Report reviews the conditions on the property in question and the statutory criteria for designating an area in need of redevelopment and recommends that the subject properties be designated as a non-condemnation area in need of redevelopment.

This report does not recommend any plan or strategy for use of, or modifications to, the property. If the Township Committee concludes, as recommended here, that the subject properties constitute an area in need of redevelopment, it will be within their purview to direct the preparation of a redevelopment plan or plans.

Description of the Study Area

The parcel-in-question (PQ) referred for evaluation by the Township Committee is Block 48.16, Lot 117.27, shown on Exhibit 1 (aerial photo) and Exhibit 2 (tax class). The property is located at 401 Southern Boulevard.

The property is currently developed with the Chatham Township Police Department offices near the front of the parcel, in front of the Department of Public Works facilities to the rear. A skate park occupies the northwesterly portion of the property. Attachment A includes photos of the site and improvements.

Legal Framework for Redevelopment

The *Local Redevelopment and Housing Law*, P.L. 1992 C. 79 (C40A:12A-1 et seq.) provides strong tools for use by municipalities to remedy deterioration and improve the productivity of underproductive lands. It also permits the inclusion of lands and buildings that do not exhibit the qualifying criteria when their inclusion in an area in need of redevelopment can promote a more effective redevelopment strategy.

Municipalities can acquire property, clear sites, install infrastructure and other site improvements and enter partnerships with public and private entities to achieve redevelopment goals.

New Jersey's redevelopment law offers a variety of tools for redevelopment planning, design and implementation, which permit a municipality to:

- Partner with the private sector through contractual redevelopment agreements, which can include development incentives (e.g.-tax abatement, infrastructure).
- Achieve greater control over development through an adopted redevelopment plan, redevelopment agreement(s) and designation of a redeveloper or redevelopers.
- Qualify for grant and other funding for planning and development activities.
- Refine land use policies and development regulations to promote desired redevelopment.
- Qualify for 1.33:1 bonus credits against the municipal fair share obligation for qualifying low and moderate income housing units constructed within a redevelopment area.

The New Jersey Constitution expressly authorizes municipalities to engage in redevelopment of “blighted areas” [N.J. Const. art. VIII, § 3, ¶ 1.]. Under the Blighted Areas Clause of the New Jersey Constitution, the clearance, replanning, development, or redevelopment of blighted areas shall be a public purpose and public use for which private property may be taken or acquired.

Township Committee Resolution 2016-182, directing the Planning Board to conduct this analysis, states explicitly that condemnation will not be used in connection with this redevelopment planning process.

Glossary of Redevelopment Terms

Definitions - The following definitions, as set forth in N.J.S.A.40A:12A-3, guided this investigation:

Redevelopment means clearance, planning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

Redevelopment area or area in need of redevelopment means an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1092, c.79 (C.40A:12A-5 and 40A:12A-6)... 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.

Existing Land Use Character

The prevailing land uses in the Township are residential, with low density rural areas to the north and medium density residential neighborhoods in the central and southern portions of the Township. High density apartments and townhouses are clustered in two principal areas – to the north between Green Village Road and Southern Boulevard and north of Shunpike Road and to the south along River Road.

The subject parcel is less than 8/10 mile from the commercial center in Chatham Township, which is situated along Green Village Road, Southern Boulevard and Shunpike Road.

Exhibit 3 depicts the land cover character and Exhibit 4 illustrates the property tax class for the area immediately surrounding the PQ, which is dominated by open space/recreational uses (Fairmount Country Club to the north and southeast and Noe Pond Club immediately east). Adjacent to the northwest is Chatham Hills, formerly the King James Care Center, and to the east lies the vast Great Swamp National Wildlife Refuge. Attachment B includes photos of neighboring land uses.

Statutory Criteria for Evaluation of Whether Study Area is an Area in Need of Redevelopment

(N.J.S.A. 40A:12A-5) provides that after investigation, notice, and hearing as set forth in Section 6 of P.L. 1992, c.79, an area may be determined to be in need of redevelopment if the Planning Board recommends and the governing body concludes by resolution that the delineated area contains at least one of the following conditions:

- 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 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... (*Applies only in a municipality containing an Urban Enterprise Zone.*)
 - H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Application of Statutory Criteria to Study Property

The study area qualifies for designation according to the provisions of N.J.S.A. 40A:12A-5c, d and h, as further demonstrated below.

N.J.S.A. 40A:12A-5c. – *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.*

The parcel is owned by the municipality and by reason of this public ownership and its location and topography is not likely to be developed through the instrumentality of private capital. The site is adjacent to the Great Swamp National Wildlife Area and is set low in the landscape adjoining one of the largest contiguous wetland habitat areas in New Jersey. Despite being zoned for affordable housing for decades, no affordable housing has been constructed and the current arrangement fails to utilize the property to its full potential.

N.J.S.A. 40A:12A-5d – *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 use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community*

Unremediated groundwater contamination from an underground storage tank (UST) has been identified within the southerly public works portion of the site. The DPW garage includes a “known contaminated site”, involving an

active case (Activity # LSR120002). A result of land use activities on the site, this contamination contributes to qualifying this site for designation as an area in need of redevelopment.

N.J.S.A. 40A:12A-5h – The *designation of the delineated area is consistent with smart growth planning principles* adopted pursuant to law or regulation.

The repurposing of this site for uses that are beneficial to the welfare of the community will be enhanced through the use of redevelopment planning powers. Including the study area as an “area in need of redevelopment” is consistent with the smart growth principles of the NJ State Development and Redevelopment Plan, which promotes beneficial redevelopment and reuse. The land use character of the neighborhood is recreational and residential and the site is proximate to the local shopping district, a location where redevelopment can benefit the community.

Summary of Findings and Recommendations

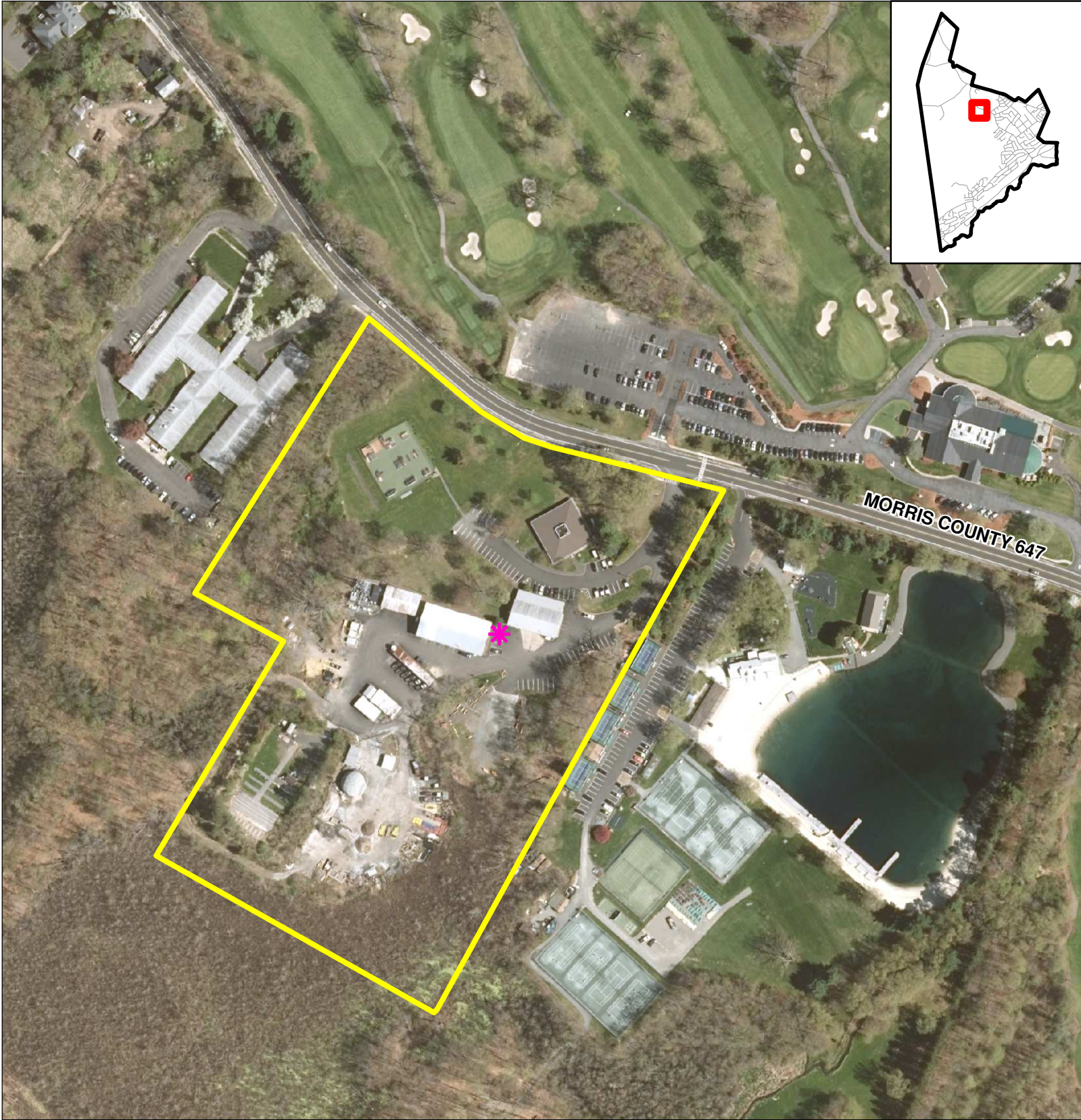
The subject property, which requires continuing environmental clean-up within the DPW portion of the site, is deemed appropriate for designation as an area in need of redevelopment, based on application of relevant statutory criteria.

This preliminary investigation is not designed to recommend any specific reuse alternatives for this area, since such recommendations can only be outlined in a redevelopment plan. After a Planning Board resolution is adopted memorializing the recommendations from the hearing in this matter, the governing body may adopt a resolution designating the area in question as an area in need of redevelopment.



Following any redevelopment area designation by governing body resolution, the governing body will direct the preparation of a redevelopment plan setting out the goals and objectives for these areas, and outlining the actions to be taken to accomplish these goals and objectives.

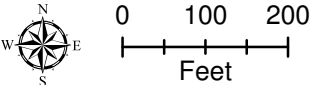
Preliminary Investigation Area

Block 48.16, Lot 117.27
Portion of Chatham Township, Morris County
January 2017



Legend

-  Known Contaminated Site
-  Block 48.16, Lot 117.27

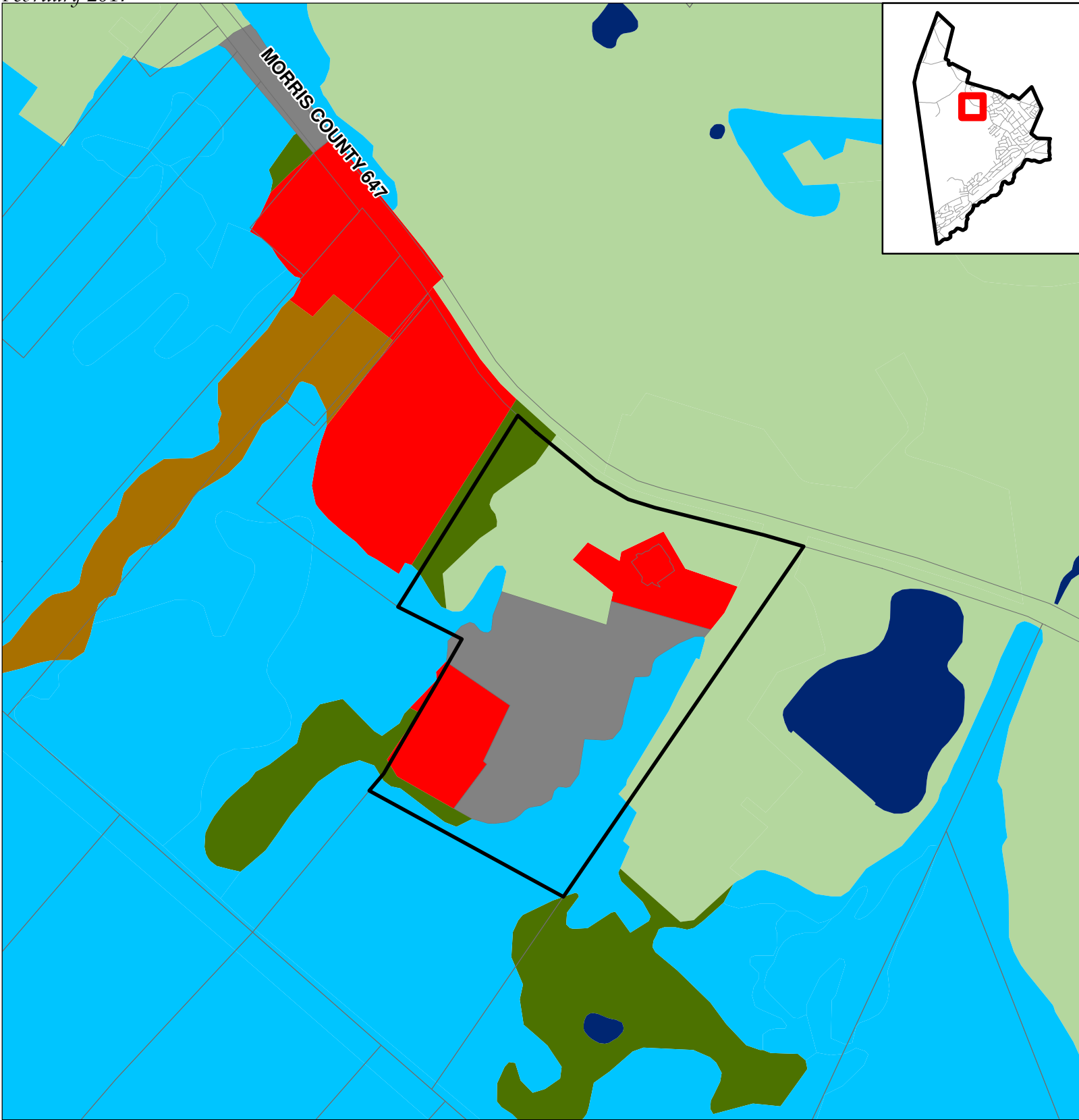


Data Sources:
Morris County Planning Parcels 2014
NJDOT roadway network 2011
NJDEP Known Contaminated Sites Listing 2012

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

Preliminary Investigation Area
Land Use/Land Cover

Block 48.16, Lot 117.27 Portion of Chatham Township, Morris County
February 2017



Legend

Block 48.16, Lot 117.27	Commercial
Forest	Other Urban/Built Up
Water	Recreational Land
Wetlands	Transportation

0 100 200 400
Feet

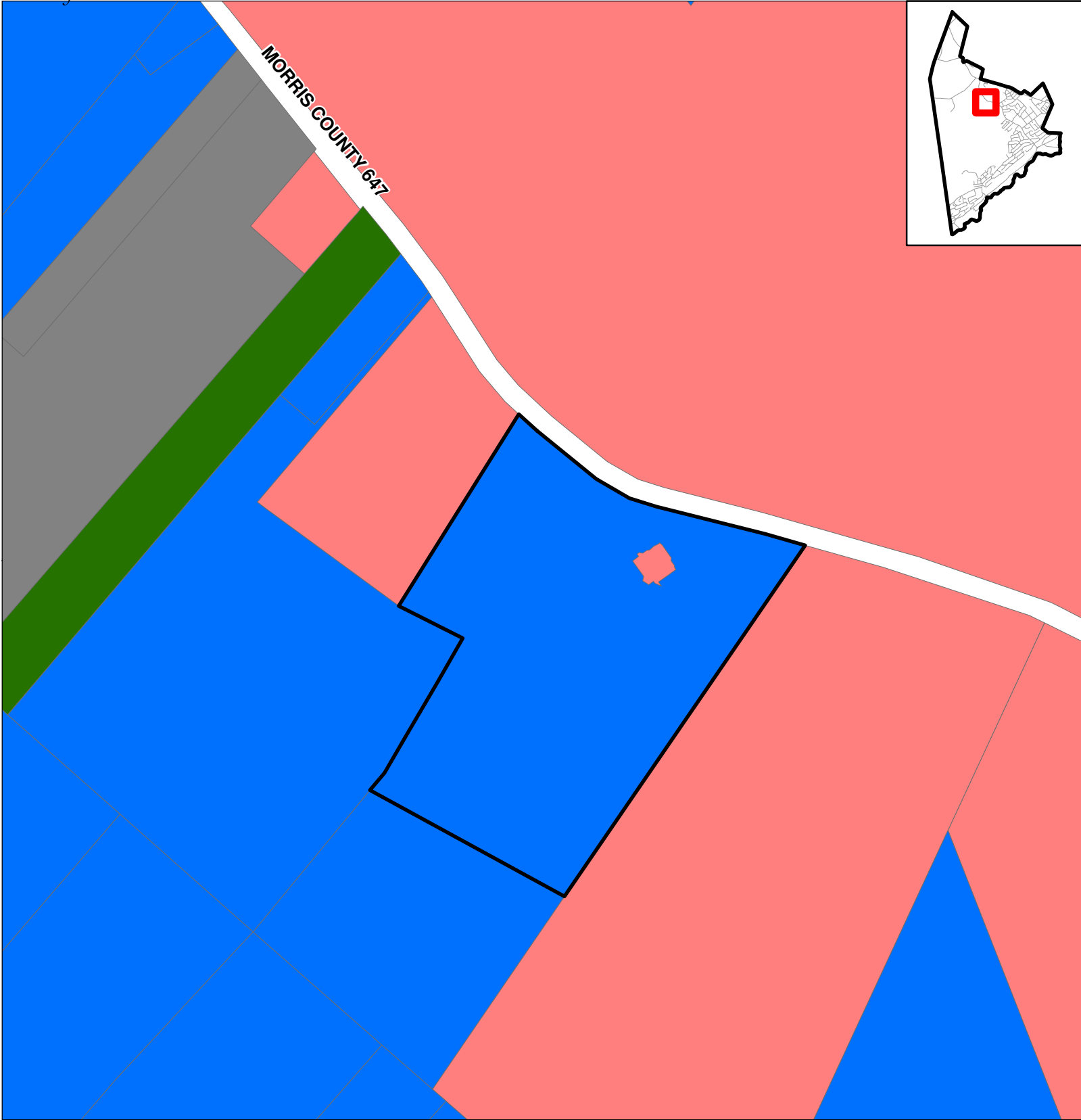
Data Sources:
Morris County Planning Parcels 2014
NJDOT roadway network 2011
NJDEP 2012 Land Use/Land Cover

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






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
Preliminary Investigation Area
Property Tax Class

Block 48.16, Lot 117.27 Portion of Chatham Township, Morris County
Febuary 2017



Legend

	Block 48.16, Lot 117.27		Farm Assessed
	Vacant		Commercial
	Public Property		



0 100 200 400
Feet

Data Sources:
Morris County Planning Parcels 2014
NJDOT roadway network 2011

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Attachment A: Photographs of Subject Property



Police station viewed from driveway with
skate park in background



Police station (left) with DPW garage (right)



DPW garages and cell tower





DPW garage salt storage area



Skate park with DPW garage in background

Attachment B: Photographs of Nearby Properties



Noe Pond Club situated immediately east of the Property

**Chatham Hills (formerly King James Care Center)
situated immediately west of the Property**



**Fairmount Country Club situated north of the Property
across Southern Boulevard**

