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Determination of Area in need of Redevelopment

EMERSON REDEVELOPMENT AREA
BOROUGH OF EMERSON, NEW JERSEY

Completed in accordance with the Local Redevelopment & Housing Law
(N.J.S.A. 40A:12A-1 et seq.)

The original document was appropriately signed and sealed on December 8, 2016 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Brigette Bogart

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I. Introduction

The purpose of this report is to determine if the said properties located in the Borough of Emerson qualify as Area in Need of Redevelopment as defined by the Local Redevelopment and Housing Law (N.J.S.A. 40:12A-1 et seq, hereafter referred to as LRHL). This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated areas and the process to be undertaken by the Planning Board during the investigation.

This report is written pursuant to 40A:12A-6 section of the LRHL, which states the following:

No area of 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.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.

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.

The Borough Mayor and Council adopted a Resolution No. 221-16 on August 16, 2016 to authorize the Professional Planner to undertake a preliminary investigation to determine whether the properties in question are in need of redevelopment. This Area was previously designated as an Area in Need in 2004. This report was prepared to update and reaffirm the fact that this area still meets the criteria set forth in the Local Redevelopment and Housing Law and updated through recent case law.

The applicable LHRL statute also requires the Planning Board to hold a public hearing on this matter prior to recommending that the delineated area, or any part thereof, be determined or not determined a redevelopment area by the governing body. After obtaining the Planning Board's recommendation, the governing body may adopt a resolution determining that the delineated area or any part thereof is a redevelopment area. This report is a study to determine whether the properties in question are to be determined or not determined as "area in need of redevelopment", as required under the LRHL.

A redevelopment plan may supersede the zoning of an area or serve as an overlay, should specify the following:

1. The plan's relationship to definite local objective as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed Land uses and building requirements in the project area.
3. Adequate provision for temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. (a) Any significant relationship of the redevelopment plan to master plans of contiguous municipalities,
   (b) The master plan of the county in which the municipality is located and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act".

This report and investigation are aimed only at determining whether properties in question meet the statutory criteria to be identified as an Area in Need of Redevelopment and therefore does not contain any of the specific planning regulations contained in a redevelopment area. If the Borough of Emerson determines that they agree with the recommendations set forth in this report, this area can be designated as an "Area in Need of Redevelopment". The Emerson Borough Council would then have the authority to declare this area an "Area in Need of Redevelopment", and authorize the Borough of Emerson to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain ("Condemnation Redevelopment Area").

II. Criteria for Determination of An Area In Need of Redevelopment

Per LHRL 40A:12A-5 an area may be determined to be in Need of Redevelopment if after investigation, notice and hearing, the governing body of the municipality concludes by resolution that any of the following conditions exists:

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 untenantable.

C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity 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 developed through the instrumentality of private capital.

D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangements or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious and 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 of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare., which condition is presumed to be having a negative social or economic impact or otherwise detrimental to the safety health, morals, or welfare of the surrounding area or the community in general.

F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

G. In any municipality in which an enterprise 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 the 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 the 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 to the provisions P.L.1991, c431 (C.40A: 20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c 441 (C.40A:21 -1 et seq). The municipality shall not utilize any other redevelopment

powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c79 (C.40A:12A-1 et al) for determining that the area is in need of redevelopment or in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. In addition to the above criteria, Section 3 of the LRHL (N.J.S.A 40A:12A-3) allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating "a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the 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.

III. The Statutory Criteria (a more detailed narrative)

The following section provides additional detail on the eight statutory criteria that qualify an area being in need of redevelopment and the planning analysis and evidence necessary that indicate the criteria could be met. Generally, properties located within an area in need of redevelopment will meet more than one of the criteria. However, only one of the eight need be found for a delineated area to be determined in need of redevelopment. The eight criteria are commonly identified by the letter corresponding to the paragraphs in Section 5 of the LRHL (N.J.S.A. 40A:12A-5).

The "a" Criteria – Deterioration

For an area to qualify as being in need of redevelopment pursuant to the "a" criteria, the planning board must find that the buildings in the area have deteriorated or fallen into such a state of disrepair that they constitute a threat to the people who live or work in them, or are a danger to public safety. Consequently, when analyzing the applicability of the "a" criteria, the planning board should focus on the physical conditions within the study area. This compels the preliminary investigation (this document) to include photographic documentation of the deterioration of the structures, documentation of site inspections, and a visual assessment of the physical conditions of the structures. Since buildings that have been neglected for long periods of time are frequently subject to numerous local code enforcement actions, the site inspection documentation is combined with a review of building, housing and property maintenance records, as detailed in this report. There are a couple of lots which appear to meet Criteria "a".

The "b" Criteria- Abandoned Commercial and Industrial Buildings

Criteria "b" allows for a site that is being studied to qualify as being in need of redevelopment if it includes buildings previously used for commercial, manufacturing, or industrial purposes that have been vacated or abandoned. Vacant buildings that have been allowed to fall into a great state of disrepair have historically been associated with "blighted" areas or areas in need of redevelopment.

Similar to criteria "a", site inspections and photographic documentation are important to assess how a structure potentially meets criteria "b" of the statute. The existence of these abandoned buildings are typically what triggers this type of investigation and should be readily apparent. It is important to note that the "b" criteria is only applicable to commercial and industrial buildings and not to residential buildings. However, the nonresidential component of mixed-use buildings, which contains both residential and commercial uses, can meet the "b" criteria. While there are buildings in the Study area which are currently vacant this criteria was not relied upon for this investigation.

The "c" Criteria- Public and Vacant Land

Property owned by a public entity, such as a municipality, county, housing authority, or redevelopment entity may be designated in need of redevelopment pursuant to the "c" criteria. A court decision has determined that the public ownership alone is not a sufficient reason for such designation. The investigation should specify in its findings why the development potential of a property may be limited, such as its location, remoteness, lack of access, topography, or soil conditions.

The "c" criteria enables municipalities to use the redevelopment process to generate private development interest in surplus public lands and get them back on tax rolls. By designating these publically owned parcels in need of redevelopment, the municipality is able to convey the parcel to a redeveloper without having to go through the public bidding process. The redeveloper is then required by a redeveloper agreement to redevelop them in accordance with a redevelopment plan. This study area does include a public right of way, a publicly owned surface parking area and a publicly owned parcel currently developed with the ambulance core building. All three of these parcels of land would be more appropriately developed with private developments since they are located in the middle of the Borough's central business district.

Additionally, inherent in criteria "c", privately owned land that has remained unimproved or vacant for at least 10 years may also be designated in need of redevelopment. As with publically owned land, it also must be shown that a vacant parcel is not likely to be developed through private investment because of development constraints resulting from its location, remoteness from other developed areas of the community, lack of access, topography, or soil conditions.

The "d" Criteria- Obsolete layout and design

While the "a" and "b" criteria focus on the condition of the buildings on a property, the "d" criteria focuses on the site design itself. In order to analyze how a property meets criteria "d", other site improvements such as accessory structures, parking areas, on site circulation, land uses, and adjacent off site circulation impacts need to be reviewed.

Some of the considerations to be reviewed in analyzing a study area for the applicability of the "d" criteria focus on important land use planning standards, such as the location and relationship of buildings, accessory structures and other site improvements, onsite circulation and parking, land use conflicts as well as lot and building coverages within the study area. When analyzing parcels to see if they potentially meet criteria "d", the investigation should include information on how the site's design, circulation and parking dimensions compare to modern planning objectives. If it is found that a parcel does not comply with modern planning objectives or standards, this investigation should also go a step further and review how these "deficiencies" on site affect adjacent sites and public rights of way. These deficiencies are detailed lot by lot in this document.

Given the flexible nature of the "d" criteria, it often is used with other criteria, typically the "e" criteria, where deterioration and abandonment are not issues. A good portion of the Study Area falls both within the meets both Criteria 'd" and "e" as detailed on a lot by lot basis.

The "e" Criteria: Underutilization

Criteria "e" is applicable where there is a growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which are presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general. The "e" criteria is applicable in circumstances where there is a quantifiable economic "underutilization" or "lack of proper utilization" of properties in a study area.

However, with the criteria noted above, the New Jersey Supreme Court in the Gallenthin Realty Development, Inc. v Borough of Paulsboro, 191 N.J. 344 (2007), stated that the New Jersey Constitution authorizes government redevelopment of only "blighted areas," and concluded that the Legislature did not intend N.J.S.A. 40A:12A---5(e) to apply in circumstances where the sole basis for redevelopment is that the property is "not fully productive." It further held that this criteria set forth N.J.S.A. 40A:12A---5(e) applies only to property that has become stagnant and unproductive because of issues of title, diversity of ownership, or other conditions of the same kind.

Given the recent Gallenthin Realty Development, Inc. v Borough of Paulsboro, 191 N.J. 344 (2007) decision, if an investigation determines that a site meets criteria "e", it should be analyzed to confirm that the parcels at issue are preventing the proper development of the surrounding properties because of the fact that they reached a stage of stagnation and unproductiveness. In order to determine this, the site maybe reviewed in the context of the "d" criteria, exhibiting poor design and arrangement and not developed in a manner consistent with the objectives of a municipality's zoning and master plan. It is important to note that a property may not be "economically underutilized", but may exhibit a lack of "proper utilization" in relation to a municipality's overall land use goals and objectives. Thus, the property would still meet the "e" criteria, but the analysis would focus on broader land use planning issues and concerns. There are a number of properties which exhibit a lack of "proper utilization" based on the Borough of Emerson's Master Plan goals and objectives that have been in place for over a decade.

One of the indicators used to measure the economic productivity of a property is the ratio of the assessed value of the improvements on the property to the value of land. Developed properties in areas that are economically viable typically have improvement to land ratios of 2:1 or greater. Ratios of less than 2:1 may offer evidence of underutilization. As indicated above, a low improvement to land ratio in itself is not absolute proof that a property is in need of redevelopment. Improvement to land ratios should be analyzed in connection with other evidence such as the physical condition of the property or site layout to determine the applicability of the statutory criteria. It may be necessary to compare ratios within the study area to those in surrounding areas or on the other parts of the community. For example, the property values and tax revenue generated from two comparable blocks, one within the study area and one within an area considered economically stable, should be evaluated to determine the appropriate threshold in identifying underutilization.

Of the entire study area, only 10 of the 82 properties have an improvement to land value ratio of 2:1 or greater. That is only 12.5 percent of the entire study area that meets the standard. This is compared to the fact that the remaining commercial properties within the Borough have a ratio of 2.11. This fact combined with the fact that a majority of the study area exhibits poor design and arrangement are indicators that the study area is not being properly utilized and exhibits economic underutilization. The table below provides the assessment values for the study area.

Block	Lot	Land Area (sf)	Improved Value	Land Value	Total Value	Improvement Ratio
213	1	6,500	96,100	263,900	360,000	0.36
	2	5,500	61,700	253,300	315,000	0.24
	3	5,500	319,500	260,500	580,000	1.23
	4	8,260	134,900	279,300	414,200	0.48
	5	8,850	318,800	289,300	608,100	1.10
	6	28,000	587,600	425,000	1,012,600	1.38
214	1.02	14,162	303,500	356,500	660,000	0.85
	5.02	10,600	457,800	342,200	800,000	1.34
	6	18,750	70,200	340,900	411,100	0.21
	7	11,250	151,100	341,300	492,400	0.44
	8.01	20,000	605,000	385,000	990,000	1.57
	8.02	20,000	715,000	385,000	1,100,000	1.86
	9	16,200	725,100	366,200	1,091,300	1.98

Block	Lot	Land Area (sf)	Improved Value	Land Value	Total Value	Improvement Ratio
405	1	13,625	408,100	356,900	765,000	1.14
	2	8,250	68,600	282,600	351,200	0.24
	3.01	8,250	333,900	298,700	632,600	1.12
	3.02	6,600	134,600	265,400	400,000	0.51
	4	6,120	125,400	185,100	310,500	0.68
	12	33,196	102,200	494,100	596,300	0.21
	13	4,361	285,100	235,900	521,000	1.21
	14	117,612	**1,338,000**	1,104,000	**2,442,000**	1.21
412	1	74,052	542,800	1,106,800	1,649,600	0.49
	2	9,750	**397,600**	324,100	**721,700**	1.23
	3	15,372	**161,100**	396,500	**557,600**	0.41
	4	10,168	39,200	**335,800**	**375,000**	0.12
	5	15,376	**884,500**	365,500	**1,250,000**	2.42
419	1	**4,389**	197,700	228,900	426,600	0.86
	2	40,000	0	224,900	224,900	0.00
	3		10,600	238,200	248,800	0.04
	4	16,600	1,257,500	506,400	1,763,900	2.48
	5	10,000	**578,100**	342,600	**920,700**	1.69
	6.01	16,400	482,700	392,300	875,000	1.23
	6.02	6,612	238,700	304,400	543,100	0.78
	7	15,000	85,600	314,700	400,300	0.27
	8	7,350	457,600	303,200	760,800	1.51
	9	9,600	161,700	333,300	495,000	0.49
	10	3,500	159,800	244,200	404,000	0.65
420	2	17,900	490,100	430,700	920,800	1.14
	16	13,067	447,500	371,800	819,300	1.20
422	1	2,862	27,300	262,700	290,000	0.10
	10, 11	15,760	425,500	424,500	850,000	1.00
	12	3,700	16,100	258,900	275,000	0.06
	13	8,496	115,600	317,300	432,900	0.36
	14	3,078	107,400	87,600	195,000	1.23
	15	2,505	114,300	80,700	195,000	1.42
	16	2,460	119,900	80,100	200,000	1.50
	17	3,220	183,500	89,300	272,800	2.05
	18	1,470	141,800	68,200	210,000	2.08
603	2	6,660	522,500	336,800	859,300	1.55
	3	6,840	658,300	301,700	960,000	2.18
	4	7,620	493,300	307,700	801,000	1.60
	5	10,480	**764,800**	318,100	**1,082,900**	2.40
	6	4,160	0	252,100	252,100	0.00

Block	Lot	Land Area (sf)	Improved Value	Land Value	Total Value	Improvement Ratio
606	3	12,200	292,200	344,600	636,800	0.85
	4	13,608	201,000	359,200	560,200	0.56
610	1	11,957	210,600	290,400	501,000	0.73
	2	12,319	271,300	328,700	600,000	0.83
	4	19,272	889,700	428,100	1,317,800	2.08
	5.01	16,536	557,200	367,800	925,000	1.51
	5.02	15,092	336,100	413,900	750,000	0.81
	6	15,900	353,900	368,000	721,900	0.96
	7	111,121	2,481,500	1,548,500	4,030,000	1.60
	8	12,500	61,600	333,200	394,800	0.18
	9.01	10,650	0	453,000	453,000	0.00
	9.02	18,687	1,354,900	395,100	1,750,000	3.43
	10	no longer exists				
613	1	21,452	285,600	**474,400**	**760,000**	0.60
	2	5,232	0	817,000	817,000	0.00
615	1	10,001	58,900	279,800	338,700	0.21
616	1	12,000	152,500	536,200	688,700	0.28
	2	15,000	123,300	213,800	337,100	0.58
	16	25,650	3,225,000	517,700	3,742,700	6.23
	17	89,670	901,500	374,300	1,275,800	2.41
	19	25,350	778,700	539,300	1,318,000	1.44
	20	7,650	251,900	306,800	558,700	0.82
	21	11,100	236,700	348,200	584,900	0.68
	22	11,100	331,600	350,000	681,600	0.95
	23	12,000	188,100	359,800	547,900	0.52
	24	9,150	350,200	324,800	675,000	1.08
617.01	1	55,000	1,438,100	629,600	2,067,700	2.28
	2.02	52,000	427,400	553,900	981,300	0.77
	8	76,274	1,017,100	756,400	1,773,500	1.34
	9	82,764	0	101,200	101,200	0.00

* Block 610 lot 10, part of the original study area, no longer exists

In this investigation, the analysis for criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development.

The "f' Criteria – Fire and Natural disaster.

The "f" criteria is intended to permit the redevelopment of a large area in a community that has been destroyed or where the property values have been materially reduced by a sudden natural disaster. It was first added to the old urban renewal statues after a catastrophic fire in Passaic destroyed several city blocks. When the State's redevelopment laws were updated in 1992, the "f" criteria was retained, but the minimum tract area that could qualify for designation was reduced from ten to five contiguous acres. This investigation does not rely on this criterion.

The "g" Criteria – Urban Enterprise Zones

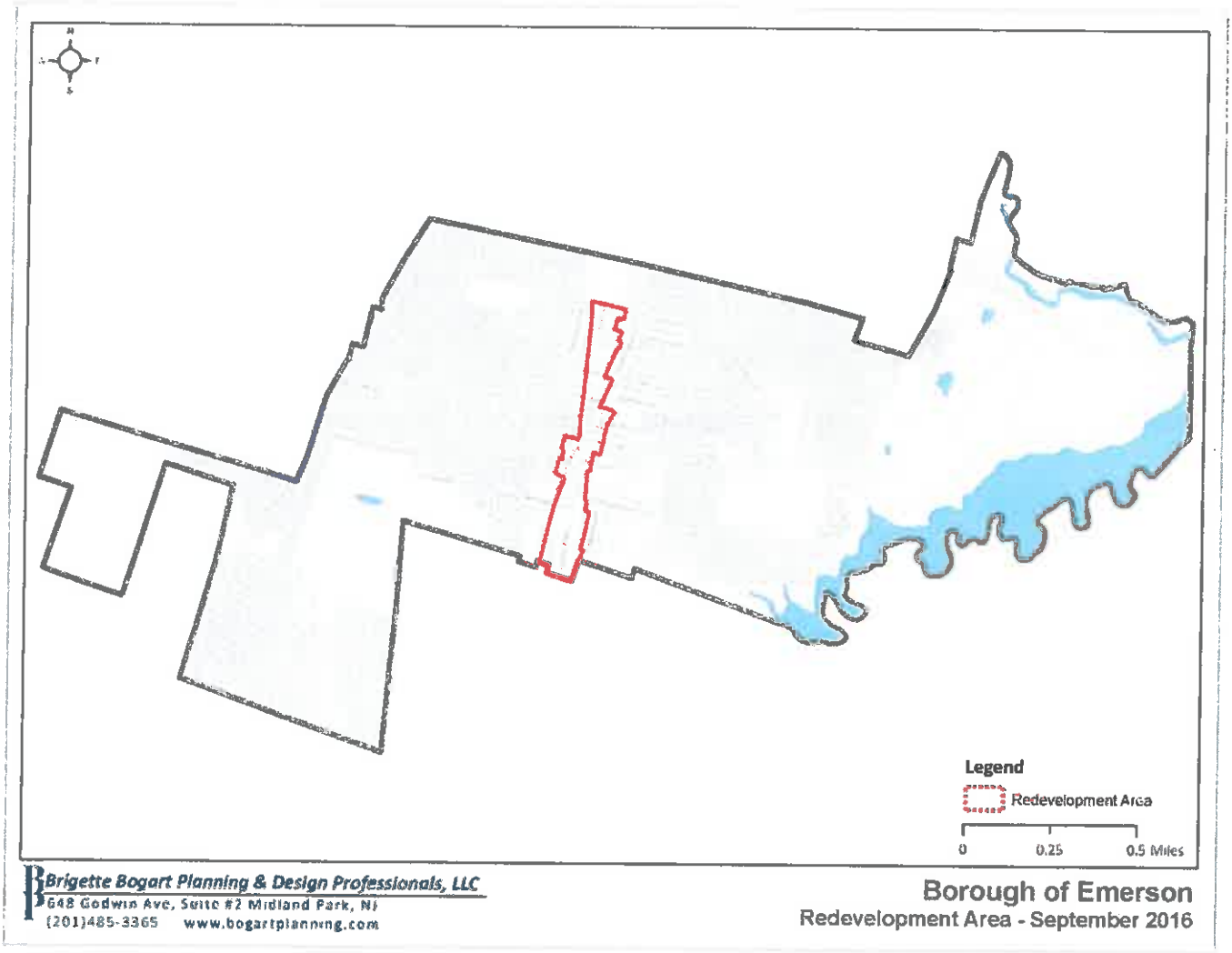
The Urban Enterprise Zone Act added criteria "g" to the redevelopment statute. Under the "g" criteria, urban enterprise zones (UEZs) designated by the New Jersey Urban Enterprise Zone Authority automatically qualify as areas in need of redevelopment for the purposes of granting long and short-term tax abatements and exemptions. However, if municipality wants to exercise any other redevelopment powers within the UEZ, including the power of eminent domain, it must prove that the area meets one or more of other statutory criteria and formally designate the area in need of redevelopment pursuant to the procedures in the LRHL. A redevelopment plan for the area also must be adopted. This investigation does not rely on this criterion.

The "h" Criteria – Smart Growth

The "h" criteria requires that the delineated area be consistent with smart growth planning principles adopted pursuant to law or regulation. Uniquely, this criteria may be applied to the overall study area rather than individual parcels therein. As such, it is possible for a Study Area to qualify even if certain individual lots do not meet criteria "a" through "g", thereby preventing certain lots within a larger area from obstructing the redevelopment of a larger area. Specifically, Section 3 of the LRHL (N.J.S.A 40A:12A-3) allows the inclusion of parcels in the area "which of themselves are not detrimental to the 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." As noted above, it has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development.

IV. Study Area Description

The following analysis reviews eighty-three (83) properties within fourteen (14) blocks located along the central portion of the Borough. The plan area totals approximately thirty-four (34) acres not including rights-of-way. The properties in question are generally along the Kinderkamack Road corridor between Hartland Avenue to the north and the municipal boundary with Oradell to the south. Additional lots along the NJ Transit rail line are also included, effectively creating a bow-tie shaped plan area.


Legend
Redevelopment Area
0
0.25
0.5 Miles
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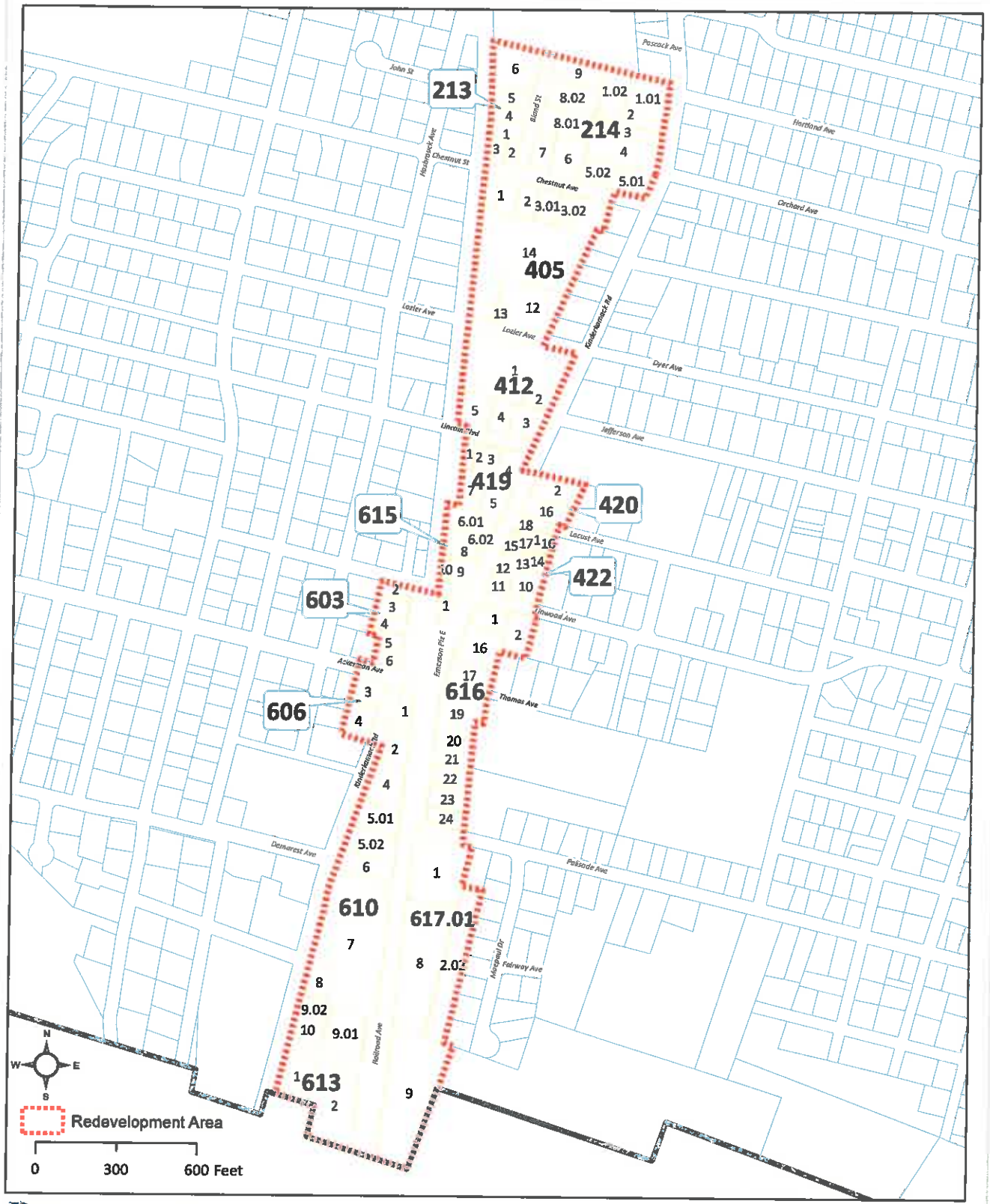
Borough of Emerson
Redevelopment Area - September 2016



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Borough of Emerson
Redevelopment Area - November 2016

V. Background Information

A. Police Records. As noted above, the Study area includes approximately 34 acres of land, where the entire municipality is approximately 1,535 acres. This translates into the study area encompassing 2.2% of the Borough's total land area as identified on the map on t4eh following page. The police provided a report of all arrests and Computer Aided Dispatch (CAD) incidents along Kinderkamack Road (approximately the Study area) as compared to the remainder of the Borough. While it is noted that Kinderkamack Road is one of the only commercial thoroughfares in the Borough, it is noteworthy to consider the fact that it is the location for 32% of all the Police incidents in the Borough over the last five years as follows:

	Incident	Kinderkamack Road	Other	Total	% on Kinderkamack
Computer Aided Dispatch	Alarm	313	1419	1732	0.18
	Animal Incicent	133	1225	1358	0.10
	Assist Residence	36	416	452	0.08
	Dispute	36	434	470	0.08
	Disabled MV	180	429	609	0.30
	DPW Asisst	43	157	200	0.22
	Fire Depart Request	88	590	678	0 13
	Funeral Escort	13	30	43	0.30
	Group Moved	193	99	292	0.66
	Intoxicated Party	23	41	64	0.36
	Lock out	53	178	231	0.23
	Medical Request	361	2201	2462	0.11
	Missing Persons	5	57	62	0.08
	MV Complaint	153	481	634	0.24
	MV Stop	5918	6580	12498	0.47
	Noise Complaints	39	390	429	0.09
	Propety Lost/Found	71	364	435	0 16
	Suspicious Incident	45	243	288	0.16
	Suspicious Persons	241	628	869	0.28
	Suspicious Vehcile	309	1035	1344	0.23
	Domestic Violence	15	140	155	0.10
Arrests	Aggravated Assault	5	7	12	0.42
	Simple Assault	8	30	38	0.21
	Burglary	3	2	5	0 60
	Borough Ordinance Violation	8	80	88	0.09
	CDS Offenses	50	78	128	0.39
	Contempt	2	8	10	0.20
	Criminal Mischief	2	5	7	0.29
	Disorderly Conduct	1	3	4	0 25
	DUI	41	46	87	0 47
	Harassment	1	8	9	0.11
	Lewdness	1	0	1	1.00
	Sex Assault	0	2	2	0 00
	Theft	5	8	13	0.38
	Vehicular Homocide	0	1	1	0.00
	Terroristic Threats	1	4	5	0.20
	Stalking	1	1	2	0 50
	Warrant	59	124	183	0 32
	Shoplifting	16	8	24	0.67
	all other offenses	6	15	21	0.29
	Total	8378	17567	25945	0.32

B. Master Plan Recommendation

The Borough of Emerson has adopted a number of master plans/reexamination reports over the past twenty-five years. The last Master Plan was adopted in 1978 with multiple amendment and reexamination reports adopted since that time, most recently in 2015. The Master Plan has numerous goals and objectives, including a number of which are applicable to the subject study area.

In 1999, over 16 years ago, the Borough's Master Plan Reexamination Report indicated that the Borough should consider the preparation of a Downtown Plan to address the area adjacent to the New Jersey Transit Rail Station. It further states that the "Borough may also wish to consider the use of the Local Redevelopment and Housing Law to create a Redevelopment Plan for all or part of the Downtown area to upgrade the appearance and efficiency of Downtown." That plan was prepared in 2003 and the goals and objectives set forth in that plan are detailed below.

Subsequently, in 2004 the Borough undertook a redevelopment design study and prepared a redevelopment plan to assist in the implementations of the Central Business District Plan. Since 2004, over 12 years ago, there have only been two developments in the Central Business District and the Comprehensive Redevelopment Plan itself has not been implemented.

In the 2007 Reexamination Report set forth the following Five (5) goals for Commercial Development in the Borough, all of which are important and applicable while analyzing the study area.

Goal #1: To uphold the comprehensive long-range plan set forth by the Central Business District Plan. The general goals of the plan encourage redevelopment as well as renovations and rehabilitation of selected existing buildings and storefronts, and the general improvement of buildings, parking lots, storefronts, sidewalks and other public areas. Application of the plan ought too provide a stimulus to the area, improve the physical appearance of the district and promote pedestrian activity and vitality in a district with active ground floor uses and upper level residential units. In addition, the plan updates and maintains modern codes and ordinances to ensure adequate development controls.

Goal #2: To encourage the coordination of all building renovations and the construction of al new buildings in the commercial district through the utilization of complimentary building materials, colors and streetscape elements.

Goal #3 To establish a strong, distinct image for the commercial area through unified signage and streetscape design elements. The borough seeks to encourage a unified design character through a system of streetscape improvements. These improvements include design elements for buildings, lighting, sidewalk paving, banners, way finding signage, landscaping and street furniture.

Goal #4: To promote increased pedestrian safety and enhanced aesthetics in the commercial district, the borough encourages landscaping and streetscape elements that should be dispersed throughout parking areas and along pedestrian walkways. The borough recognizes that the integration of landscaping into a site design not only increase the aesthetics of the development but can also contribute to pedestrian safety.

Goal #5: To preserve the aesthetics enhancements of the commercial areas of the municipality by encouraging the general maintenance of all buildings, parking areas, storefronts, sidewalks and other public areas. The borough seeks to encourage the ongoing maintenance of all commercial properties and seeks to enforce the building maintenance regulations set forth in the borough code.

C. 2003 Central Business District Plan

A Central Business District (CBD) Master Plan was adopted in 2003. All lots within the CBD area are also included in this Study Area, making the Master Plan and its vision wholly applicable. The Plan addresses the development of the Study Area in several ways. The Plan notes that the Area faces the challenge of being a linear district with disconnected storefronts, interrupted development and an uncomfortable pedestrian environment. Fortunately, the district also has great potential for redevelopment that could revitalize and activate the area with a cohesive identity and community asset.

Goals and objectives include:

- Prepare a comprehensive and coordinated long-range plan;
- Update and maintain modern codes and ordinances to ensure adequate development controls in the future;
- Promote pedestrian activity and vitality in the district with active ground floor uses, visually interesting storefronts, window display, canopies, and signage;
- Encourage mixed-use developments and reduced setback lines to foster a continuous frontage of buildings and unify the streetscape;
- Encourage lot consolidation to enhance opportunities for infill and redevelopment where appropriate;
- Support a modest increase in intensity of use in the district to promote and sustain the revitalization of the district;
- Identify regulations and standards that will promote the rehabilitation of the buildings in the district and a diversity of architectural materials and styles;

Additionally, the Plan provides revitalization, road improvement, façade, and streetscape concepts to further the aesthetic and functional vision for the area.

C. Zoning Ordinance

The zoning map dated October 2014 for the Borough of Emerson identifies that the area is located in a number of zone districts. That portion of the area between the railroad right-of-way and Kinderkamack road, from the Oradell border north to Ackerman Street is zoned CBD-15 (Central Business District). Properties east of the rail line are zoned OSC (Open Space Conservation), LB (Limited Business), and CBD-10 (Central Business District). North of Lozier Street, properties are zoned IM, R-7.5 (Single-Family Residential), and RC (Retail Commercial). On the following page is a portion of the borough's zoning map with the study area outlined in red. Additionally the chart details the permitted uses in each zone district.

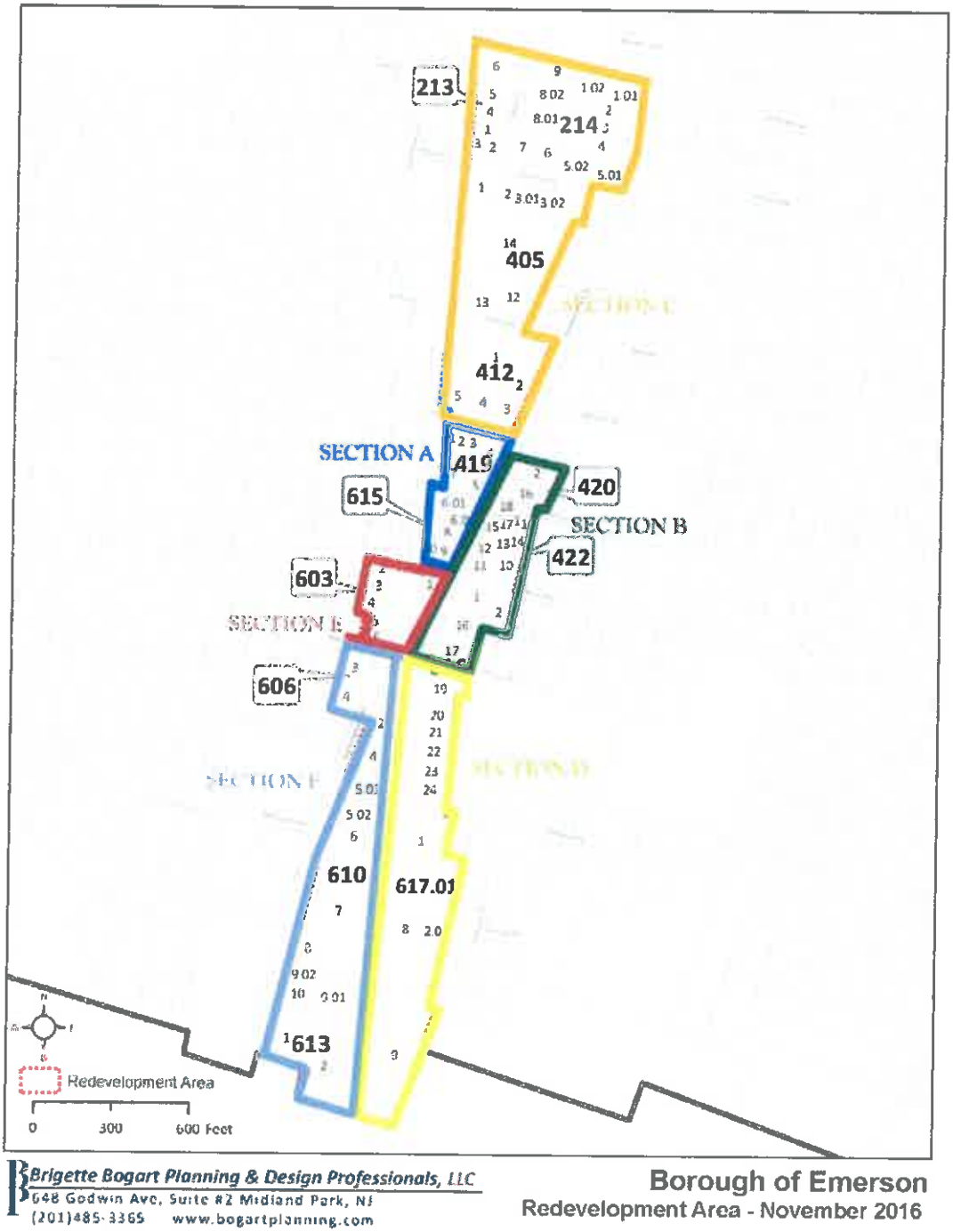
Zoning Districts

R-22 5	Residential Single-Family
R-10	Residential Single-Family
R-7.5	Residential Single-Family
LB	Limited Business
RB	Residential, Single-Family and Two-Family
RC	Retail Commercial
IM	Industrial and Manufacturing
OSC	Open Space Conservation
ML-10	Single-Family
MS-AHO	Municipally-Sponsored Affordable Housing Overlay Zone-1
AHO	Affordable Housing Overlay Zone (entire Borough)
R-2/ARC	Age Restricted Community Residence Zone
CBD-10	Central Business District - 10
CBD-15	Central Business District - 15

zones & permitted uses			
CBD-15 CBD-10	Retail stores; Personal service businesses; Eating and drinking establishments (except drive-ins); Professional, financial and medical offices; Multifamily residential dwellings above at-grade retail commercial and other principal permitted uses; Multifamily residential dwellings including buildings above at-grade parking, only in areas: a) north of Lincoln Boulevard where the multifamily building is behind a building that fronts on Kinderkamack Road; and b) south of Demarest Road, south of Block 610 Lot 6; Instructional	OSC	Agriculture; country clubs; golf courses (not including driving ranges); Government offices; reservoirs; ice skating rinks; swimming pools; tennis courts; parks or passive recreation; environmental centers; public and private schools; hospitals; single-family detached dwelling
LB	Professional business and governmental offices; Medical and dental clinics; banks and other financial institutions; funeral homes; nursing homes; hospitals and schools	RC	Appliance Sales; automotive spare parts; banks; bakeries; barbershops and beauty parlors; book, card & stationery Stores; bowling alleys; business & professional offices; candy & cigar stores; drug, dry goods & variety stores; dry cleaners, laundries & laundromats; eating and drinking places (excluding drive-thrus); florists; food stores; garden supplies; gasoline service stations; hardware stores; locksmiths; newsstands; package liquor stores; pet stores; photographic supplies and services; radio, elevations & appliance services; shoe sales & repair services; soda fountains; tailors and dressmakers; telephone exchange buildings; wearing apparel stores
R-7.5	Single-family detached dwellings.		
IM	Electrical, Plumbing; Sales; essential services; furniture repair; industrial & manufacturing; printing & publishing; upholstery; wholesale sales; woodworking		

VI. Subject Properties Evaluation for Compliance with Redevelopment Area

An analysis of the subject properties existing land uses, site layout and physical characteristics was conducted utilizing tax maps/records, physical inspection of the area, review of GIS data, maps and aerial photographs, Master Plan studies and Zoning Ordinance review. The Study area includes approximately 34 acres of land, where the entire municipality is approximately 1,535 acres. This translates into the study area encompassing 2.2% of the Borough's total land area. Given the diverse nature of the area from planning, circulation, use, access and location perspective, the following analysis has been divided into 6 sections as follows:



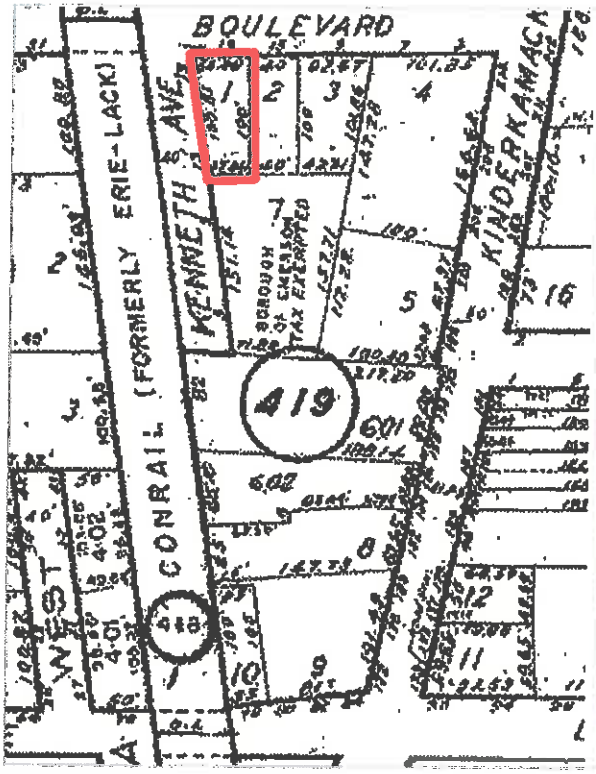
The following details the findings and observations of this analysis by tax lot for Section A. The remaining sections will be further reviewed in a subsequent report.

SECTION A: BLOCK 419

Located east of the railroad right-of-way (and Kenneth Avenue) and west of Kinderkamack Road, between Lincoln Boulevard and Linwood Avenue. This block contains a variety of uses including retail and service commercial uses, a restaurant, and detached dwellings. Generally, the circulation in this area makes pedestrian activity unsafe and unattractive.

Figure 1: Study Area parcels within Block 419 Aerial taken from Bing Maps

BLOCK 419 LOT 1



Description: Residential
Zone: CBD-10
Address: 19 Lincoln Blvd.
Site Inspection Observations: Currently, on this site is a two-story residence. The building is situated on an undersized lot without parking. The building is in a substandard, unsafe and deteriorated condition as can be seen in the photographs below. The roof has holes in it and is caving in, the siding has numerous holes, the windows are deteriorating exhibiting water damage, and the gutters are falling down. The building is in a state of disrepair.
Environmental Issues: None
Violations: 2006-2011, property maintenance, weeds, and litter violations; 2008, building and fire code violations;

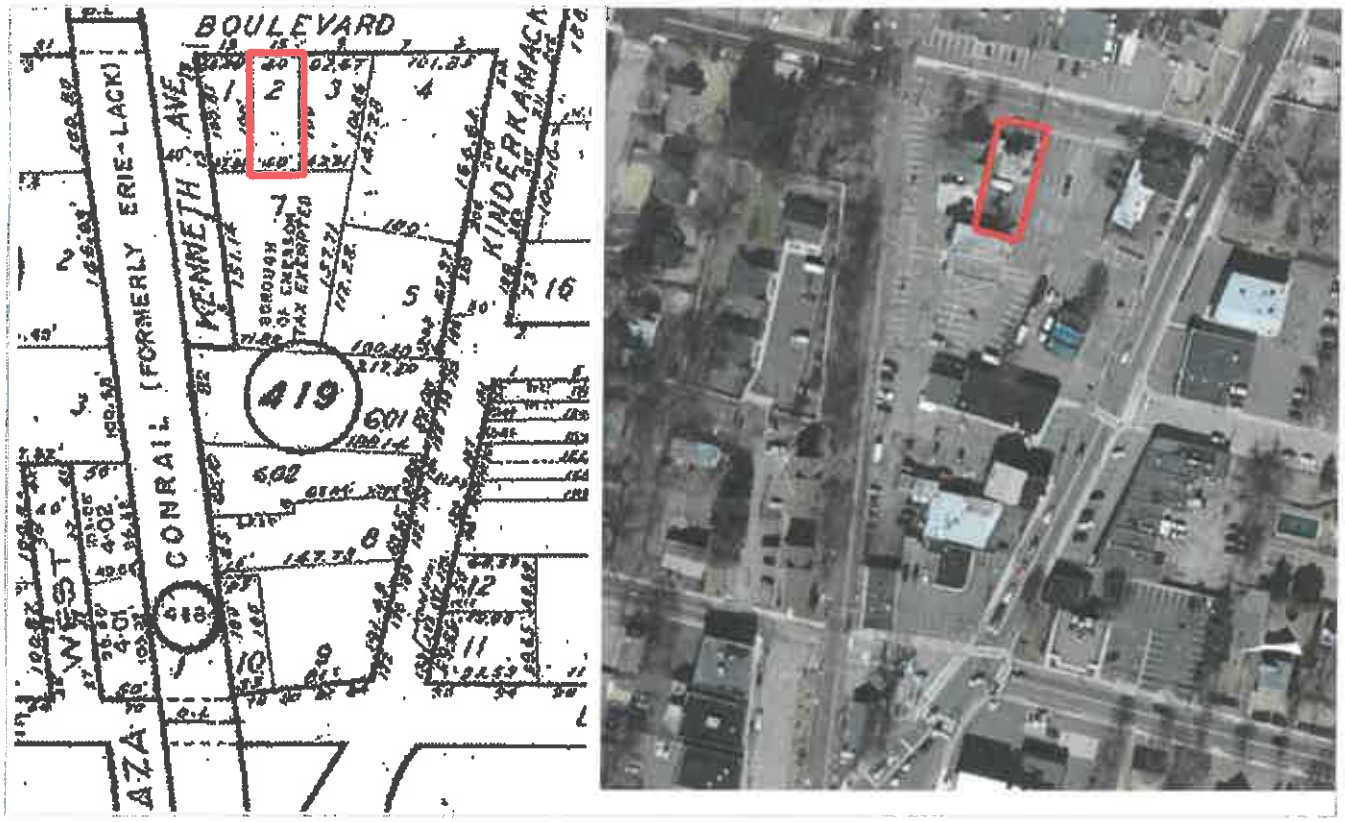
Photographs: The following photographs are from a site inspection on November 14, 2016

Evaluation: Site is considered blighted for the following reasons:

1. Deterioration. The dwelling is in a dilapidated condition as it has a crumbling roof and siding, holes in the walls, damaged gutters, deteriorated porch floor and crumbling windows, which is unsafe and substandard for occupancy. Therefore, this property is consistent with Criteria "a".
2. Faulty arrangement. The residence is the only home located on the block, adjacent to the railroad tracks with no parking on site and little area for outdoor storage, which evinces a faulty arrangement detrimental to the safety and welfare of the community as well as creating a greater demand for on street parking, thereby have a negative impact o the surrounding properties. Therefore, this property is consistent with Statutory Criteria "d".
3. Underutilization. The site has a improvement to land value of only .86 wherein the standard is 2.0. This is an indicator that the site is underutilized. Therefore, this property is consistent with Statutory Criteria "e".

The property exhibits conditions consistent with Statutory Criteria "a", "d" and "e". This is confirmed through site inspections, as can be seen in the photographs above. In addition, this property is necessary for the effective redevelopment of the entire area.

BLOCK 419 LOT 2

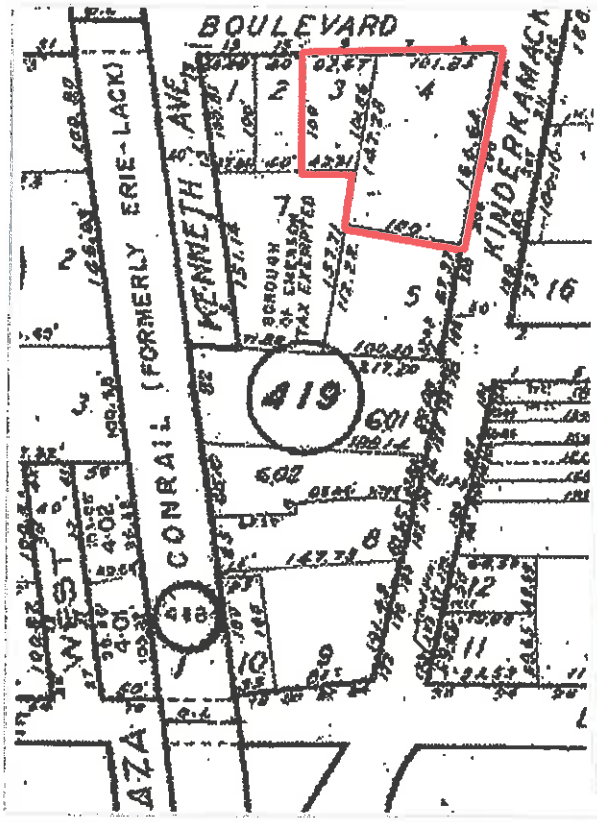


Description: Vacant Lot was Residential
Zone: CBD-10
Address: 15 Lincoln Blvd.
Site Inspection Observations: was a one-story residence without parking and now it is an empty lot
Environmental Issues: None
Violations: previously in 2011, exterior building maintenance violations

Photographs: The following photographs are from a site inspection on November 14, 2016

Evaluation: Site is considered substandard for the following reasons: It was a nonconforming residential land use that was demolished. This site is currently vacant and has been for several years. Its improvement to land value ratio is only 0.045 wherein the standard for property utilization of land is a ratio of 2.0. As such it represents a significantly underutilized property in the heart of the Borough's Central Business District and Redevelopment Area. It is not developed, nor has it ever been developed consistent with the goals and objectives of the Master Plan and Central Business District Plans as detailed in this report. The property exhibits conditions consistent with Statutory Criteria "e". This was confirmed through site inspections, as can be seen in the photographs above. In this investigation, the analysis for criteria "e" has focused both on the underutilization of the stagnant area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. In addition, given its location, this property is necessary to the effective redevelopment of the entire area.

BLOCK 419 LOTS 3 & 4

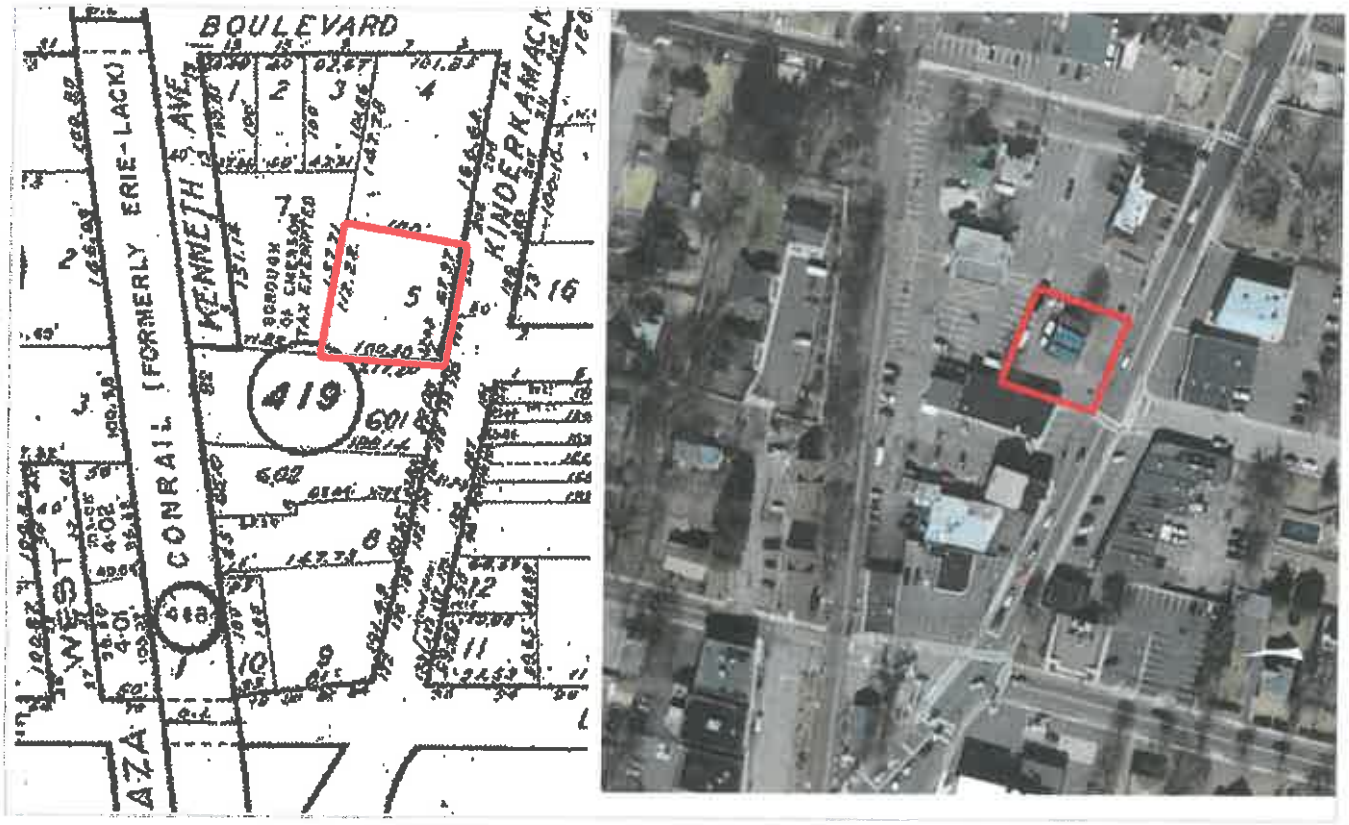


Description: Restaurant (lot 4) with adjacent surface parking lot (lot 3)
Zone: CBD-10
Address: 9 Lincoln Blvd. / 214 Kinderkamack Rd.
Site Inspection Observations: one-story restaurant with excess lot coverage, insufficient surface parking and unsafe vehicular circulation. The building was recently renovated, however the site itself still remains inefficient.
Environmental Issues: None
Violations: 2006, health department issues with grease on sidewalk; 2006, illegal signs; 2007, illegal parking and selling of vehicles on site; 2008, building maintenance; 2009, signage and lighting issues; 2009-2011, litter and weeds; 2009, failure to shovel snow; 2010, property to be boarded up and secured; 2014, signage; 2014, hazardous sidewalk; 2014, tall weeds/grass.

Photographs: The following photographs are from a site inspection on November 14, 2016.

Evaluation: Site is considered substandard for the following reasons: The site exhibits faulty arrangement that is characteristic of meeting Statutory Criteria "d". This is due to the fact that the site was developed as one lot and not as a comprehensive plan. The faulty arrangement is due to the size and use of the building on site. This creates a site with an inefficient layout and lack of parking which creates a greater demand for on-street parking, thereby having a negative impact on surrounding properties and the area. In this investigation, the analysis has focused on the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. Further, Section 3 of the LRHL (N.J.S.A 40A:12A-3) allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating "a redevelopment area may include land, buildings or improvements, which of themselves are not detrimental to the health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their conditions, for the effective redevelopment of the area in which they are a part. The property exhibits some conditions consistent with Statutory Criteria "d". which creates a greater demand for on-street parking, thereby having a negative impact on surrounding properties.

BLOCK 419 LOT 5



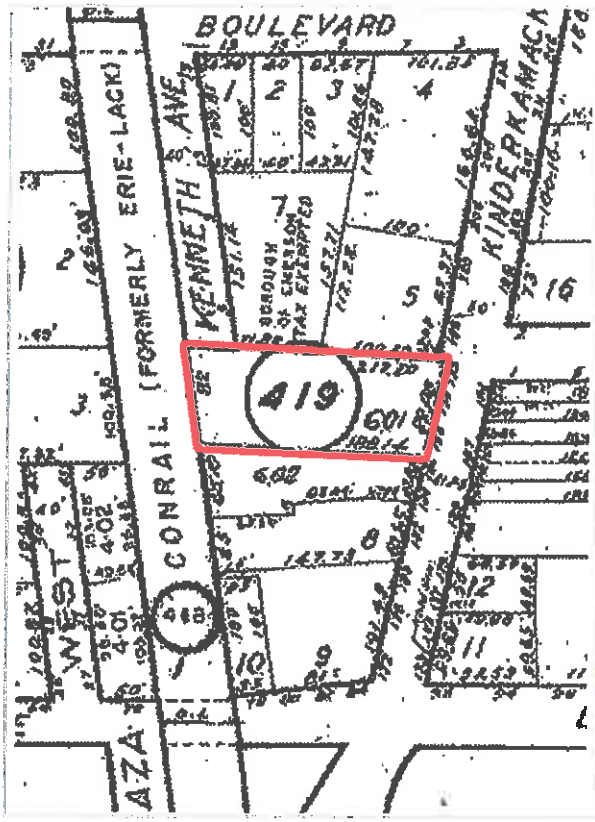
Description: Mixed –Use building
Zone: CBD-10
Address: 200 Kinderkamack Rd.
Site Inspection Observations: This site was previously an abandoned one-story structure, in deteriorating condition with roof and façade repairs needed and site maintenance lacking with weeds and debris. It has since been redeveloped.
Environmental Issues: on 2008 list of known contaminated sites in the State. It is still an active NJMES site, site ID # 452277 with ground water contamination. The report and map from the NJDEP is located in the appendix.
Violations: 2006-2013, tall grass and weeds, illegal parking; 2006, building maintenance issues; 2010-2012, building maintenance issues; 2015, signage
Photographs: The following photographs are from a site inspection on November 14, 2016

Evaluation: Site is considered substandard for the following reasons:

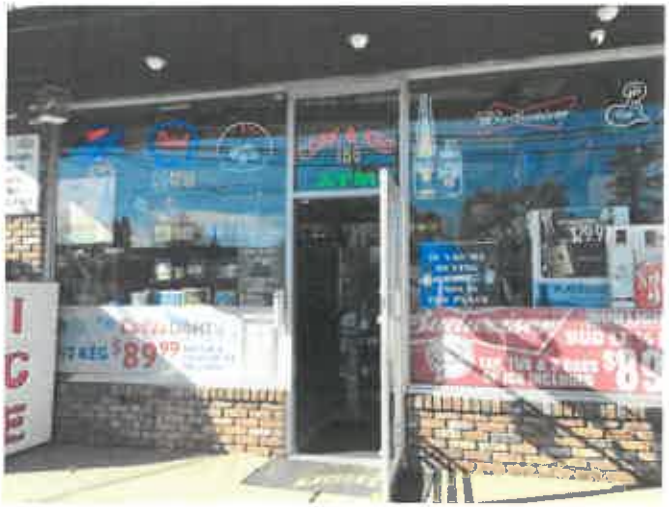
1. The site exhibits faulty arrangement that is characteristic of meeting Criteria "d". However this is due to the fact that the site was redeveloped as one lot and not as a comprehensive plan. The faulty arrangement is due to the size and location of the building on site. This creates a site with an inefficient layout, however there is an opportunity to improve the circulation on and off site and improve the parking design. This can be done by cross circulation easements to adjacent parcels and with keeping all the improvements in tact and in a manner consistent with the redevelopment plan goals and objectives.
2. The site's land to improvement value ratio is 1.68, lower than the standards of 2.0. This is an indicator that the site is being underlined. While a majority of the lots in the study area do not meet the 2.0 standard, the average ratio for commercial lots outside the study area is 2.11. In this investigation, the analysis for criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development.

Further, Section 3 of the LRHL (N.J.S.A. 40A:12A-3) allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating "a redevelopment area may include land, buildings or improvements, which of themselves are not detrimental to the health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their conditions, for the effective redevelopment of the area in which they are a part. The property exhibits some conditions consistent with Statutory Criteria "d" and "e". However, while the lot is necessary to effectuate the redevelopment plan, it is not necessary to remove the newly developed building.

BLOCK 419 LOT 6.01



Description: Commercial
Zone: CBD-10
Address: 190 Kinderkamack Rd.
Site Inspection Observations: one-story structure with liquor store and cleaner. The site is not undersized for the zone, however the current building/uses create the need for outdoor storage of materials adjacent to vehicle circulation aisles. The site in general has unsafe vehicular circulation resulting from undefined curb cut, and parking spaces that allow a vehicle to back directly onto Kinderkamack Road, excess signage, unmaintained parking lot with potholes
Environmental Issues: It is still an active NJMES site, site ID # 12270. The report and map from the NJDEP is located in the appendix.
Violations: 2010, property maintenance; 2011, tall grass/weeds; 2013, signage
Photographs: The following photographs are from a site inspection on November 14, 2016

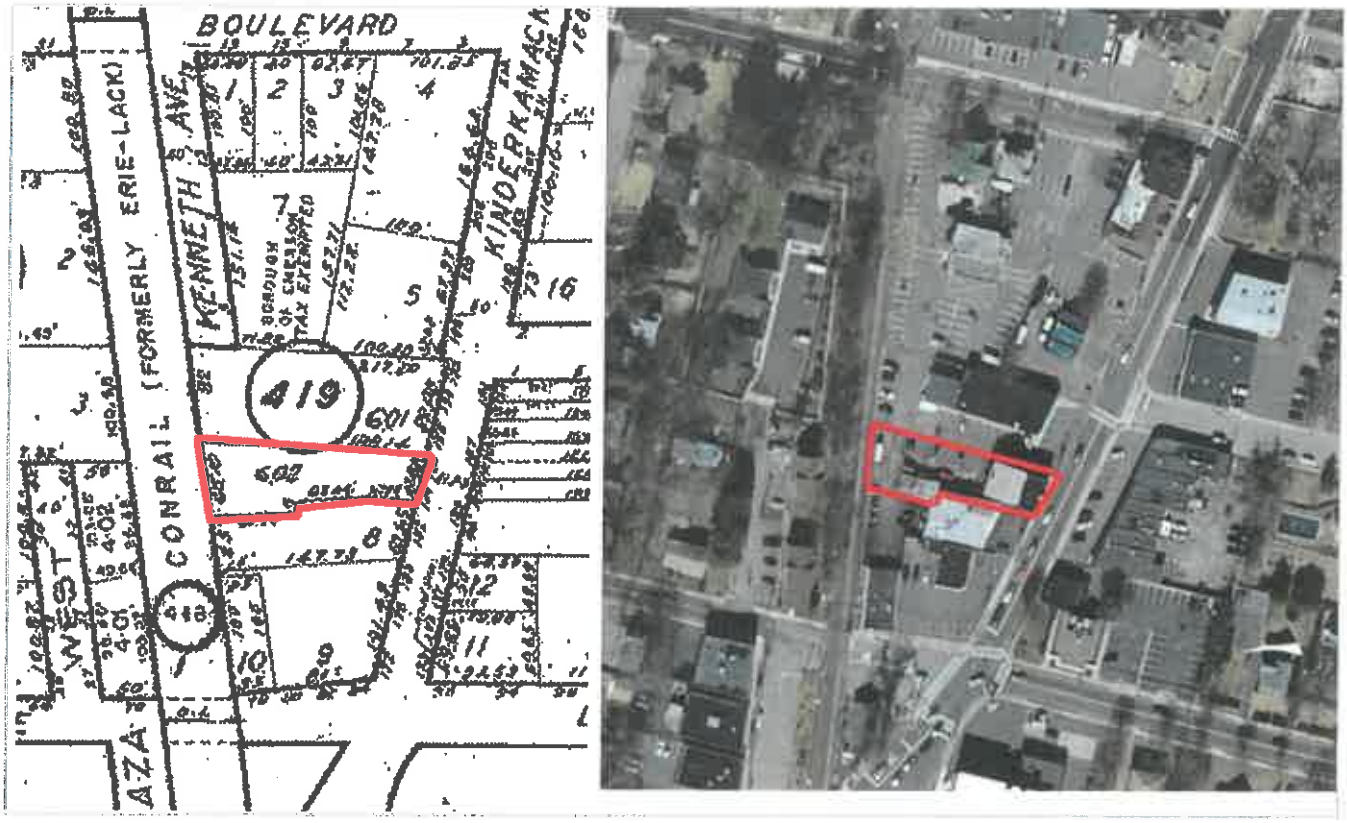


Evaluation: Site is considered substandard for the following reasons:

1. The site exhibits faulty arrangement that is characteristic of meeting Statutory Criteria "d". The Faulty arrangement is due to the size and location of the building on site. This creates a site with an inefficient layout with no opportunities to improve. Given the uses and building size, there is a need for outdoor storage and display as can bee seen from the photographs. The lack of a curb cut is of typical of modern planning standards.
2. The site's land to improvement value ratio is 1.23, clearly lower than the standards of 2.0. This is an indicator that the site is being underlined. While a majority of the lots in the study area do not meet the 2.0 standard, the average ratio for commercial lots outside the study area is 2.11. In this investigation, the analysis for Statutory Criteria "e" has focused both on the underutilization of the area and the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. In addition, given the lot's location, this property is necessary for the effective redevelopment of the entire area.

The property exhibits conditions consistent with Statutory Criteria "d" and "e". This confirmed through site inspections, as can be seen in the photographs above.

Block 419 Lot 6.02



Description: Mixed use Commercial/Multi-family residential
Zone: CBD-10
Address: 184 Kinderkamack Rd.
Site Inspection Observations: two-story structure on an undersized lot with ground floor commercial and five residential units above with on-site surface parking. Parking and sidewalk appears to be poorly maintained with un-delineated parking spaces, unpaved areas and potholes, weeds growing through the asphalt and a light pole in the middle of the lot impeding movement. The deteriorating façade has holes in the siding, and boarded up windows. All the windows are covered, with and deteriorating panes. The guardrail adjacent to the circulation aisle is deteriorated to the point it is falling apart.
Environmental Issues: None
Violations: 2007, dumpster to be enclosed; 2007-2008 derelict and abandoned vehicles; 2008, potholes on site; 2008-2011, property maintenance issues; 2010-2013, weeds and tall grass; 2012, dumpster enclosure to be repaired; 2013, potholes on site

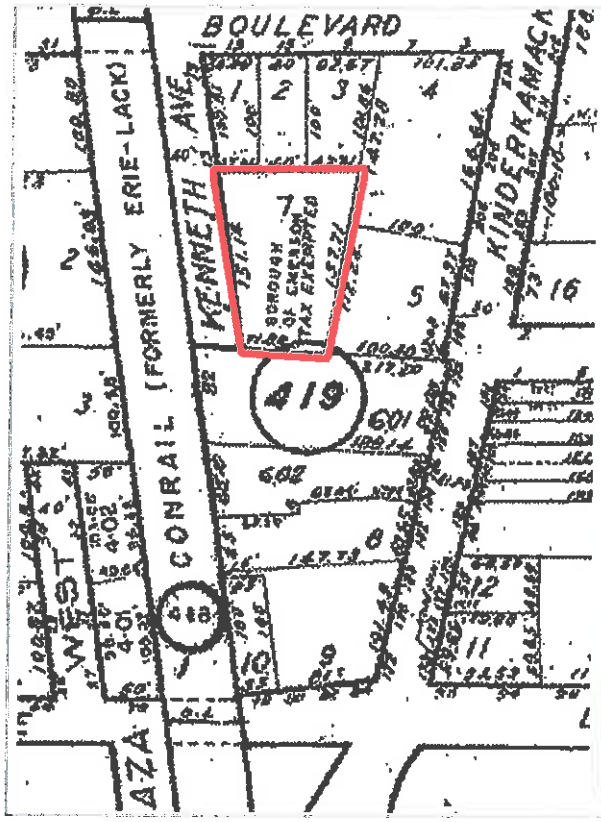
Photographs: The following photographs are from a site inspection on November 14, 2016

Evaluation: Site is considered substandard for the following reasons:

1. Deterioration. The building is dilapidated as evidenced by crumbling siding, holes in the walls, damaged gutters, deteriorated crumbling and boarded up windows. Moreover, the building appears to have not been properly maintained as illustrated in the photographs above. Additionally, the deteriorated and unsafe sidewalk and parking area have negative impacts on the public and surrounding properties by creating a greater demand for on-street parking. As such, Statutory Criteria "a" is met.
2. Underutilization. The site has a improvement to land value of only .78 wherein the standard is 2.0. This is an indicator that the site is underutilized. Statutory Criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. While the concept of mixed use is contemplated by the plan, the buildings deterioration creates a property that has become stagnant and unproductive because of issues with [title/diversity of ownership/or other conditions]. Therefore, no improvement can occur without redevelopment and given the lot's location, this property is necessary for the redevelopment of the entire area.

The property exhibits conditions consistent with Statutory Criteria "a" and "e" This confirmed through site inspections, as can be seen in the photographs above.

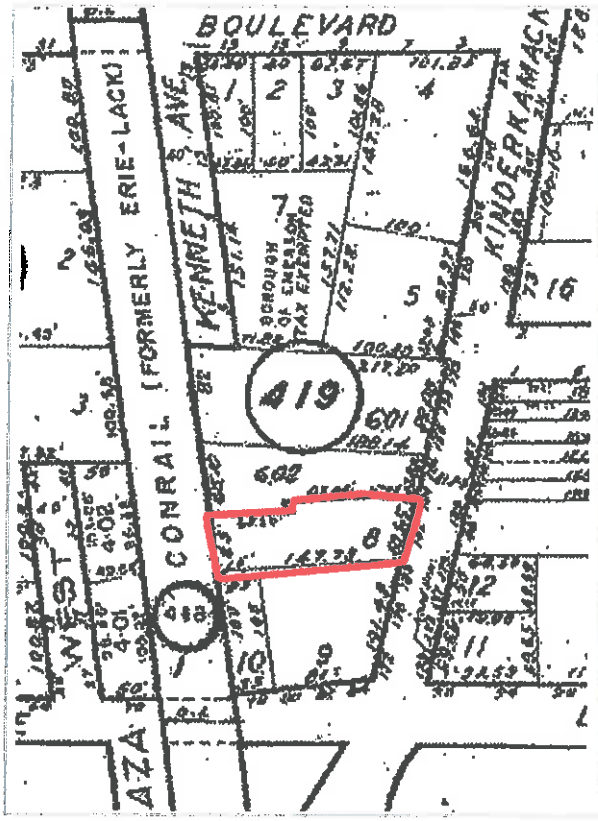
BLOCK 419 LOT 7



Description: Public parking and ambulance Corps building
Zone: CBD-10
Address: 9 Kenneth Ave.
Site Inspection Observations: The lot has been the site of the Borough's commuter parking area and the Ambulance corps building for years as seen in the photographs below.
Environmental Issues: None
Photographs: The following photographs are from a site inspection on November 14, 2016.

Evaluation: Site is considered substandard for the following reasons: This site is currently utilized for surface parking area. The improvement to land value is only 0.27 where a standard of 2.0 is considered appropriate for land. As such it represents an underutilized property in the heart of the Borough's Central Business District and Redevelopment Area. It is not developed, nor was it ever developed consistent with the goals and objectives of the Master Plan and Central Business District Plans as detailed in this report. The property exhibits conditions consistent with Statutory Criteria "e". This confirmed through site inspections, as can be seen in the photographs above. In this investigation, the analysis for criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development.

Block 419 Lot 8



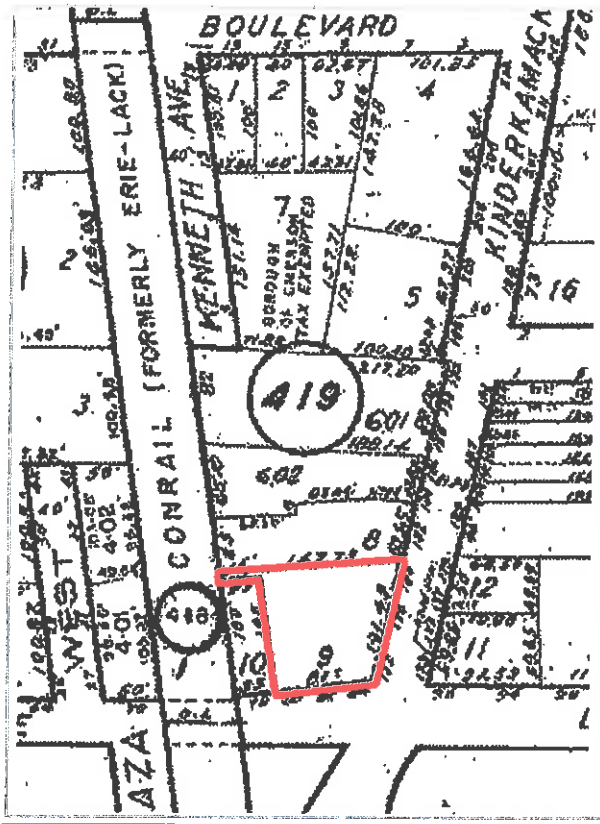
Description: Restaurant commercial
Zone: CBD-10
Address: 182 Kinderkamack Rd.
Site Inspection Observations: one-story multi-tenant commercial building with on-site parking that is poorly controlled with a wide curb cut and excess lot coverage. While the front of the building appears to be in adequate condition, the rear of the building is deteriorating.
Environmental Issues: None
Violations: 2007 property maintenance issues; 2008 potholes on site; 2009 dumpster to be enclosed; 2010, litter and tall grass/weeds, dumpster enclosure; 2011, remove drum and debris; 2011, improper use (dine-in); 2011, signage; 2013, signage; 2013, repair dumpster enclosure; 2015, signage
Police Activity:
Photographs: The following photographs are from a site inspection on November 14, 2016

Evaluation: Site is considered substandard for the following reasons:

1. Deterioration. The building is dilapidated as evidence by crumbling concrete, holes in the walls, damaged gutters, and deteriorated crumbling windows. The building appears to have not been properly maintained as illustrated in the photographs above. Additional the deteriorated parking area, and sidewalk have negative impacts on the public. Therefore, Statutory Criteria "a" is met.
2. Improper layout. The front of the site has an undefined curb cut, which allows for vehicles to back into Kinderkamack Road. Further the rear of the site has a faulty arrangement due to lacks parking and the proper drive aisles. If the parking spaces are utilized a vehicle has to back out onto the adjacent lot to exit the site thus, creating a negative impact to the adjacent property. Therefore, Statutory Criteria "d" is met.
3. Underutilization. The site has an improvement to land value of only 1.5 wherein the standard is 2.0. This is an indicator that the site is underutilized. Criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. While the concept of mixed use is contemplated by the plan, the buildings deterioration creates a negative impact on the area.

The property exhibits conditions consistent with Statutory Criteria "a", "d" and "e" This confirmed through site inspections, as can be seen in the photographs above.

BLOCK 419 LOT 9



Description: Restaurant commercial
Zone: CBD-10
Address: 176 Kinderkamack Rd.
Site Inspection Observations: one-story multi-tenant commercial building with excess coverage and on-site parking that is poorly controlled with a wide curb cut and stacked parking. Weed overgrowth.
Environmental Issues: on 2008 list of known contaminated sites in the State. It is still an active NJMES site, Id # 42778 with ground water contamination. The report and map from the DEP is located in the appendix.
Violations: 2006-2008, repeat signage violations; 2006-2008 weeds and tall grass violations; 2010, property maintenance, outdoor seating appeared; 2010, failure to shovel; 2011, signage; 2016, failure to shovel; 2016, signage.

Photographs: The following photographs are from a site inspection on November 14, 2016

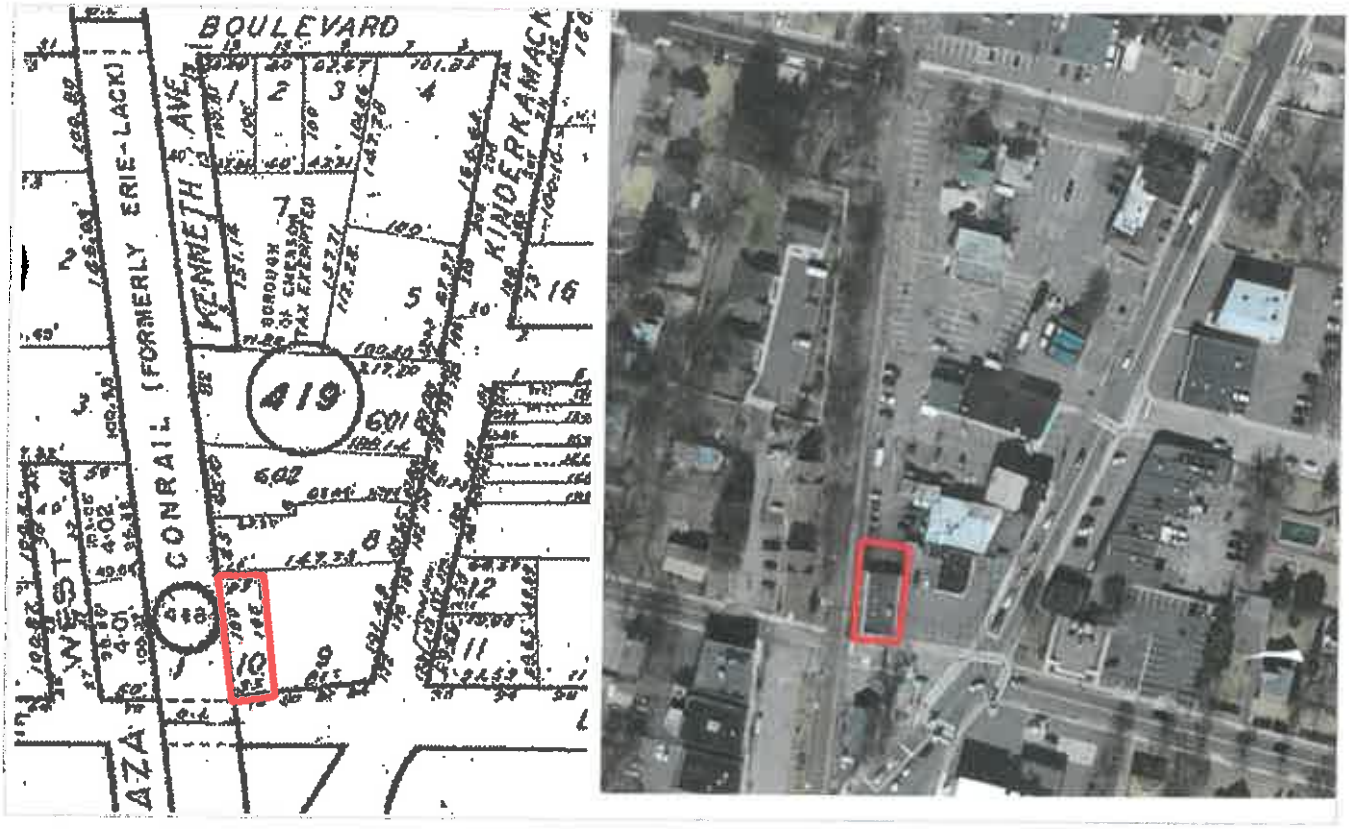
Evaluation: Site is considered substandard for the following reasons:

1. Deterioration. The building is dilapidated as evidenced by crumbling concrete, holes in the walls, damaged gutters, and deteriorated crumbling windows. The building appears to have not been properly maintained as illustrated in the photographs above. Additional the deteriorated parking area and sidewalk which have negative impacts on the public. Therefore, Statutory Criteria "a" is met.
2. Improper layout. The front of the site has an undefined curb cut, which allows for vehicles to back into Kinderkamack Road. Further there exists faulty arrangement in the rear of the site and lacks parking and the proper drive aisles. If the parking spaces are utilized a vehicle has to back out onto the adjacent lot to exit the site. Therefore, Statutory Criteria "d" is met.

3. Underutilization. The site has an improvement to land value of only 0.48 wherein the standard is 2.0. This is an indicator that the site is underutilized. Criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. While the concept of mixed use is contemplated by the plan, the building's deterioration creates a property. which is stagnant and unproductive. Given its location, this property is necessary for the effective redevelopment of the entire area. Therefore, Statutory Criteria "d" is met.

The property exhibits conditions consistent with Statutory Criteria "a", "d" and "e" This confirmed through site inspections, as can be seen in the photographs above.

BLOCK 419 LOT 10



Description: commercial
Zone: CBD-10
Address: 78 Linwood Ave.
Site Inspection Observations: Currently on the lot is a one-story multi-tenant commercial building on an undersized lot with insufficient on-site parking
Environmental Issues: None
Violations: 2007, weeds and tall grass; 2009, signage; 2009, dumpster enclosure; 2010, property maintenance; 2014, signage
Photographs: The following photographs are from a site inspection on November 14, 2016.

Evaluation: Site is considered substandard for the following reasons:

1. The site exhibits faulty arrangement that is characteristic of meeting Criteria "d". The Faulty arrangement is due to the size and location of the building on site. This creates a site with an inefficient layout with no opportunities to improve. Given the uses and building size, there is a need for outdoor storage and display. The lack of a curb cut is of typical of modern planning standards. Therefore, Statutory Criteria "d" is met.
2. Underutilization. The site has an improvement to land value of only 0.65 wherein the standard is 2.0. This is an indicator that the site is underutilized. Criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. While the concept of mixed use is contemplated by the plan, the buildings deterioration creates a property. Moreover, given the lots location it is necessary for the effective redevelopment of the entire area. Therefore, Statutory Criteria "e" is met.

The property exhibits conditions consistent with Statutory Criteria "d" and "e" This confirmed through site inspections, as can be seen in the photographs above.

VII. Conclusion

This preliminary investigation reveals several key findings that indicate and verify that the proposed redevelopment area meets the statutory criteria found in N.J.S.A.40A:12A-5 of the Local Redevelopment Law. In general, the properties have a deleterious impact on the surrounding areas.

A majority of the Study Area exhibits faulty arrangement that is characteristic of meeting Criteria "d". The faulty arrangement is due to the size and location of the buildings, lack of parking and improper circulation aisles. This creates a site with an inefficient layout with no opportunities to improve. Given the uses and building sizes on a number of lots, there is a need for outdoor storage and display. Further the lack of a curbing along Kinderkamack Road creates safety issues with un-channeled vehicles exiting and entering the sites and/or backing out onto Kinderkamack Road.

Of the entire study area, only 10 of the 82 properties have an improvement to land value ratio of 2:1 or greater. That is only 12.5 percent of the entire study area that meets the standard. This is compared to the fact that the remaining commercial properties within the Borough have a ratio of 2.11. This fact combined with the fact that a majority of the study area exhibits poor design and arrangement are indicators that the study area is not being properly utilized and exhibits economic underutilization. This is an indicator that the area as whole is underutilized. Criteria "e" has focused both on the underutilization of the area but also the broader land use and planning goals of the municipality. It has concluded that the area as a whole is not developing in a manner that furthers or is consistent with the Borough's land use plan and the proximity to the train station which offers excellent opportunities for smart growth and transit-oriented development. Lastly, when analyzing the entire area, it is concluded that these parcels are necessary for the effective redevelopment of the entire area as a whole.

The proposed designation of the above-mentioned area as "Area In Need of Redevelopment" would allow for the creation of a Redevelopment Plan for the area that can encourage creative design, require streetscape improvements, and permit uses that will be compatible with the area's proximity to the train station. These changes would be compatible to the vision of the Master Plan and in keeping with the Smart Growth principles of the State Plan.

VIII. Recommendation

Based on the findings of this preliminary investigation, the recommendation to the Borough of Emerson Planning Board is to forward these findings and recommendations to the Municipal Council. All the properties within the proposed area clearly meet the statutory criteria needed to establish a redevelopment area. Therefore, the Municipal Council of the Borough of Emerson has the authority to reconfirm this area as an "Area in Need of Redevelopment", and to authorize the Borough to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain ("Condemnation Redevelopment Area").

Once the area designation is formally reconfirmed, the Council should authorize a process by which the Planning Board, the public and municipal professionals establish a redevelopment plan for the area. A resolution will be needed authorizing Planning Board to develop such a plan.

Appendices

1. Governing Resolution
2. Police Records
3. NJDEP Environmental Reports and Map

Agenda No. 16

BOROUGH OF EMERSON
COUNTY OF BERGEN, NEW JERSEY
RESOLUTION **No: 221-16**

Subject: **Resolution Of The Mayor And Council Of The Borough Of Emerson Directing The Land Use Board To Conduct A Supplemental And Preliminary Study To Determine If An Area Is In Need Of Redevelopment**

WHEREAS, on February 3, 2004 the Governing Body adopted a Resolution No. 50-04 of the Borough of Emerson ("Borough") pursuant to the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1, et seq., authorizing the Emerson Planning Board ("Board") to conduct a preliminary investigation as to whether the following Blocks or portions thereof: 412, 419, 420, 422, 603, 610, 613, 615, 616, and 617.01, on the official tax map of the Borough and located in the downtown central business district, met the statutory criteria to be designated as "an area in need of redevelopment"; and

WHEREAS, the Planning Board of the Borough of Emerson conducted the requested analysis and held the requisite hearings on July 29, 2004 and August 19, 2004, which were all properly noticed, to determine whether the studied properties met the statutory criteria to be designated as "an area in need of redevelopment"; and

WHEREAS, the Planning Board of the Borough of Emerson adopted a Resolution on September 7, 2004 recommending that the Mayor and Council designate the studied properties as "an area in need of redevelopment"; and

WHEREAS, the Mayor and Council adopted a Resolution No. 199-04 on September 7, 2004 designating Block 412, Lots 1, 2, 3, 4 & 5; Block 419, Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10; Block 420 Lots 2 & 16; Block 422, Lots 1, 10, 11, 12, 13, 14, 15, 16, 17 & 18; Block 603, Lots 2,3,4,5 & 6; Block 606, Lots 3 & 4; Block 610, Lots 1, 2, 4, 5.01, 5.02, 6, 7, 8, 9.01, 9.02 & 10; Block 613, Lots 1 & 2; Block 615, Lot 1; Block 616, Lots 1, 16, 17, 19, 20, 21, 22, 23 & 24; Blocks 617.01, Lot 1 as "an area in need of redevelopment"; and

WHEREAS, on May 6, 2008, the Governing Body adopted a Resolution No. 92-08 pursuant to N.J.S.A. 40A:12A-4(a)(1), authorizing the Emerson Planning Board ("Board") to conduct a supplemental investigation as to whether the existing properties should remain designated as "an area in need of redevelopment" and to conduct a preliminary investigation to determine if the following additional properties Blocks or portions thereof: 213, 214, 405, 616, 617.01, located in the downtown central business district, met the statutory criteria to be designated as "an area in need of redevelopment"; and

WHEREAS, the Planning Board of the Borough of Emerson adopted a Resolution on December 4, 2008 recommending that the existing area remains to be in need of redevelopment and recommending that the Mayor and Council designate the additional studied properties as "an area in need of redevelopment"; and

Agenda No. 16

WHEREAS, on July 8, 2015 the Borough of filed a Declaratory Judgment Action in the Superior Court of New Jersey Bergen County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, By Court Order dated August 3, 2016, the Superior Court has extended the Borough of Emerson's temporary immunity to October 31, 2016, while the Borough continues to prepare a Housing Element and Fair Share Plan as directed in the Supreme Court Decision; and

WHEREAS, the Court's extension of temporary immunity was granted on the condition that the Borough of Emerson participates in mediation initiated by the Court-appointed Special Master; and

WHEREAS, the Court-appointed Special Master has requested the Borough of Emerson explore potential zoning changes and additional development opportunities to address the Borough's unmet need; and

WHEREAS, in an effort to fulfill this obligation the Mayor and Council have determined that a supplemental study of the properties be conducted to ensure its compliance with the LRHL and that a preliminary investigation of additional properties be conducted for the potential redevelopment to fulfill the Borough's affordable housing requirement;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Emerson that the Land Use Board is hereby directed and authorized to examine whether the area comprising of the following blocks and lots on the official tax map of the Borough meet the statutory criteria to be deemed as "an area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.:

Block	Lot(s)
412	1, 2, 3, 4 & 5
419	1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10
420	2 & 16
422	1, 10, 11, 12, 13, 14, 15, 16, 17 & 18
603	2, 3, 4, 5 & 6
606	3 & 4
610	1, 2, 4, 5.01, 5.02, 6, 7, 8, 9.01, 9.02 & 10
613	1 & 2
615	1
616	1, 2, 16, 17, 19, 20, 21, 22, 23 & 24
617.01	1, 2.02, 8 & 9
213	1, 2, 3, 4, 5 & 6
214	1.02, 5.02, 6, 7, 8.01, 8.02, 9
405	1, 2, 3.01, 3.02, 4, 12, 13, 14

BE IT FURTHER RESOLVED THAT the Borough hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, including the use of eminent domain; and

BE IT FURTHER RESOLVED THAT the Borough Land Use Board shall undertake such a supplemental and preliminary investigation in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., including but not limited to issuing all required notices, conducting a public hearing, and thereafter submitting its report containing its recommendations to the Mayor and Council; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

COUNCIL	MOVED	SECONDED	AYES	NAYES	ABSENT	ABSTAIN
DiPaola					X	
Lazar			X			
Downing		X	X			
Knoller	X		X			
Tripodi			X			
Worthington					X	

I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on August 16, 2016.

Attest: Jane Duelsch

Municipal Clerk

Emerson Police Department

1 Municipal Place Emerson, N.J. 07630
HQ: (201) 262-2800 FAX: (201) 262-2886

To: Chief Rossi
From: Sgt. Rocco Duardo #831 R.D.
Date: 8/16/2016
Subject: Motor Vehicle Crashes on Kinderkamack Road

Chief Rossi,

I have researched our data base pertaining to motor vehicle crashes that have occurred on Kinderkamack Road which is a county roadway. Unfortunately our digital records start on November 14, 2010 to the present day. I have broken it down by years and have given you the total of motor vehicle crashes that occurred on Kinderkamack Road:

11/14/2010 to 12/31/2010: we had ten motor vehicle crashes.

2011: we had a total of one hundred and six motor vehicle crashes.

2012: we had a total of one hundred and five motor vehicle crashes.

2013: we had a total of one hundred motor vehicle crashes.

2014: we had a total of one hundred and twenty three motor vehicle crashes.

2015: we had a total of eighty motor vehicle crashes.

1/1/2016 – present: we had a total of fifty nine motor vehicle crashes.

Thanks,
SGT. Rocco Duardo #831
Sgt. Rocco Duardo

2011-2016 CAD REPORT

Incident	Kinderkamack Road	Other	Total
Alarm	313	1419	1732
Animal Incident	133	1225	1358
Assist Residence (13-16)	36	416	452
Dispute	36	434	470
Disabled MV	180	429	609
DPW Assist	43	157	200
Fire Dept. Request	88	590	678
Funeral Escort	13	30	43
Group Moved	193	99	292
Intoxicated Party	23	41	64
Lock Out	53	178	231
Medical Request	261	2201	2462
Missing Person	5	57	62
MV Complaint	153	481	634
MV Stop	5918	6580	12.498
Noise Complaint	39	390	429
Property-Lost/Found	71	364	435
Suspicious Incident	45	243	288
Suspicious Person	241	628	869
Suspicious Vehicle	309	1035	1344
Domestic Violence	15	140	155

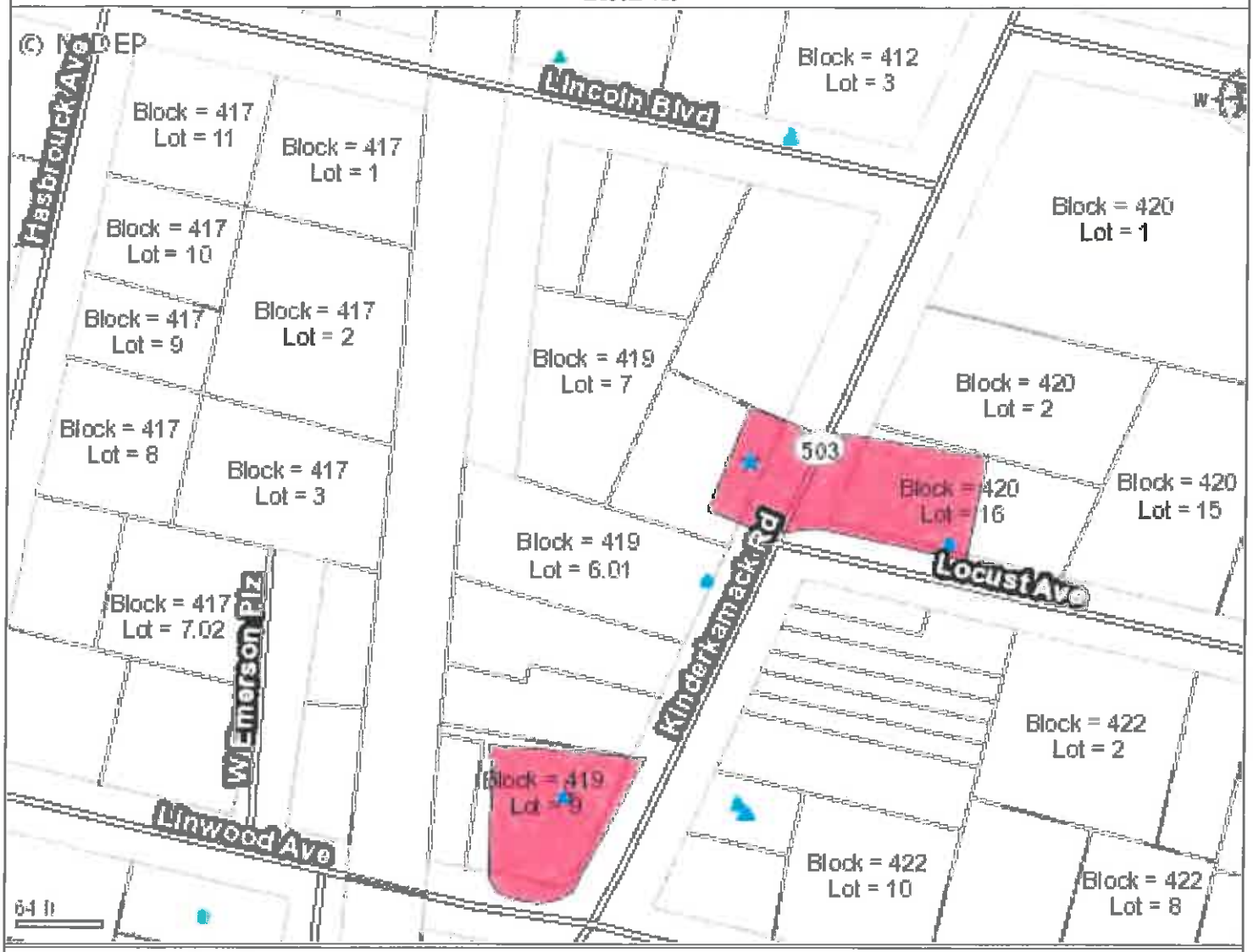
2013 to Present

Arrests

Incident	Kinderkamack Road	Other	Total
Aggravated Assault	5	7	12
Simple Assault	8	30	38
Burglary	3	2	5
Boro Ordinance Violation	8	80	88
CDS Offenses	50	78	128
Contempt	2	8	10
Criminal Mischief	2	5	7
Disorderly Conduct	1	3	4
DUI	41	46	87
Harassment	1	8	9
Lewdness	1	0	1
Sex Assault	0	2	2
Theft	5	8	13
Vehicular Homicide	0	1	1
Terroristic Threats	1	4	5
Stalking	1	1	2
Warrant	59	124	183
Shoplifting	16	8	24
All Other Offenses	6	15	21

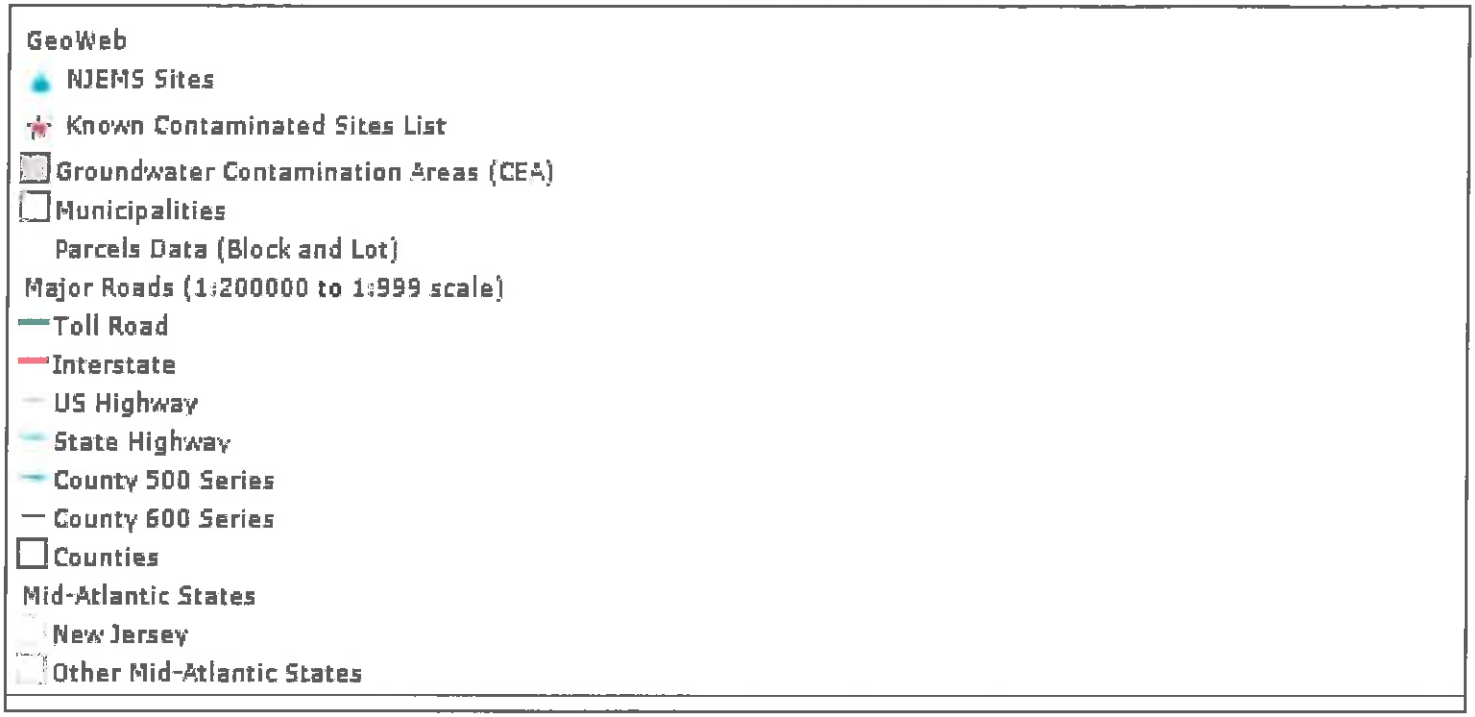
NJ DEP Environmental Data

Block 419



Map Printed On {2016-12-06 15:26}

Legend


GeoWeb
NJEMS Sites
Known Contaminated Sites List
Groundwater Contamination Areas (CEA)
Municipalities
Parcels Data (Block and Lot)
Major Roads (1:200000 to 1:999 scale)
Toll Road
Interstate
US Highway
State Highway
County 500 Series
County 600 Series
Counties
Mid-Atlantic States
New Jersey
Other Mid-Atlantic States

NJ-GeoWeb

Details of " NJEMS Sites "

Attribute	Value
NJEMS Site ID	45277
Site Name	GEORGES EMERSON AUTO REPAIR
Address Line 1	200 KINDERKAMACK RD
Address Line 2	
City	EMERSON
ZIP Code	07630
County	BERGEN
Municipality	EMERSON BORO
NJSPC Easting (X)	622,871.000
NJSPC Northing (Y)	780,869.000
More Information For This Site	
Program Interest Name	GEORGES EMERSON
Program Type	SRP-PI
Preferred ID Number	000535
Active	Y
Program	SR
Start Date	2/22/1999 12:00:00 AM
More Information For This Site	
Program Interest Name	FORMER CITGO/SUPER VALUE INC
Program Type	HW GENERATOR
Preferred ID Number	NJ0000381152
Active	N
Program	HW
Start Date	

NJ-GeoWeb

Details of " Groundwater Contamination Areas (CEA) "

Attribute	Value
Preferred ID	000535
Subject Item ID	153927
Activity Number	LSR120001
Case Tracking Number	508
Name	Citgo Service Station Emerson Boro
CEA Name	Citgo Service Station Emerson Boro
Address	200 Kinderkamack Rd
Block / Lot	419-5;420-16
Municipality	Emerson Boro
County	Bergen
Program	LSRP
Established Date	1/9/2002 12:00:00 AM
CEA Description	CEA includes area of former tank field and pump island on eastern portion of the site and continues off-site across Kinderkamack Road to include a portion of the downgradient property.
Restriction Depth (ft)	50.000
Duration (yrs)	8
Well Restriction Area (WRA)	Yes
Groundwater Classification	II-A
Geologic Formation	Glacial Drift
Ground Water Flow Direction	
Benzene	Yes
Methyl Tertiary Butyl Ether (MTBE)	Yes
t-Butyl Alcohol (TBA)	
Trichloroethene (TCE)	
Tetrachloroethene (PCE)	
Chloroform	
Carbon tetrachloride	
Vinyl chloride	
Naphthalene	
Benzo[a]pyrene	
Lead (Pb)	
Arsenic	
Chromium	
Cadmium	
Mercury	
Tentatively Identified Compounds (TICs)	
Volatile Organics (VOs)	Ethylbenzene, Xylenes (total)
Base/Neutrals (BNs)	
Metals	
Pesticides	
Polychlorinated Biphenyls (PCBs)	
Dioxin	
Radionuclides	
Free Product	
Historic Fill	
Other Contaminants	
Acres	0.32774571

NJ-GeoWeb

Details of " NJEMS Sites "

Attribute	Value
NJEMS Site ID	12270
Site Name	RANCH DRY CLEANERS
Address Line 1	190 KINDERKAMACK RD
Address Line 2	
City	EMERSON
ZIP Code	07630
County	BERGEN
Municipality	EMERSON BORO
NJSPC Easting (X)	622,839.000
NJSPC Northing (Y)	780,782.000
More Information For This Site	
Program Interest Name	RANCH CLEANERS
Program Type	AIR
Preferred ID Number	L0177
Active	Y
Program	AQ
Start Date	
More Information For This Site	
Program Interest Name	RANCH DRY CLNRS
Program Type	HW GENERATOR
Preferred ID Number	NJD986576528
Active	Y
Program	HW
Start Date	7/16/1990 12:00:00 AM

NJ-GeoWeb

Details of " Groundwater Contamination Areas (CEA) "

Attribute	Value
Preferred ID	000535
Subject Item ID	153927
Activity Number	LSR120001
Case Tracking Number	508
Name	Citgo Service Station Emerson Boro
CEA Name	Citgo Service Station Emerson Boro
Address	200 Kinderkamack Rd
Block / Lot	419-5;420-16
Municipality	Emerson Boro
County	Bergen
Program	LSRP
Established Date	1/9/2002 12:00:00 AM
CEA Description	CEA includes area of former tank field and pump island on eastern portion of the site and continues off-site across Kinderkamack Road to include a portion of the downgradient property.
Restriction Depth (ft)	50.000
Duration (yrs)	8
Well Restriction Area (WRA)	Yes
Groundwater Classification	II-A
Geologic Formation	Glacial Drift
Ground Water Flow Direction	
Benzene	Yes
Methyl Tertiary Butyl Ether (MTBE)	Yes
t-Butyl Alcohol (TBA)	
Trichloroethene (TCE)	
Tetrachloroethene (PCE)	
Chloroform	
Carbon tetrachloride	
Vinyl chloride	
Naphthalene	
Benzo[a]pyrene	
Lead (Pb)	
Arsenic	
Chromium	
Cadmium	
Mercury	
Tentatively Identified Compounds (TICs)	
Volatile Organics (VOs)	Ethylbenzene, Xylenes (total)
Base/Neutrals (BNs)	
Metals	
Pesticides	
Polychlorinated Biphenyls (PCBs)	
Dioxin	
Radionuclides	
Free Product	
Historic Fill	
Other Contaminants	
Acres	0.32774571

NJ-GeoWeb

Details of " NJEMS Sites "

Attribute	Value
NJEMS Site ID	42778
Site Name	BILLS TIRE & AUTO
Address Line 1	176 KINDERKAMACK RD
Address Line 2	
City	EMERSON
ZIP Code	07630
County	BERGEN
Municipality	EMERSON BORO
NJSPC Easting (X)	622,736.000
NJSPC Northing (Y)	780,623.000
More Information For This Site	
Program Interest Name	BILLS TIRE AN AUTO
Program Type	SRP-PI
Preferred ID Number	003698
Active	Y
Program	SR
Start Date	5/30/1990 12:00:00 AM