



AREA IN NEED OF REDEVELOPMENT PRELIMINARY INVESTIGATION OF THE METUCHEN ARTS DISTRICT

Borough of Metuchen, Middlesex County, New Jersey

Prepared by LRK, Inc.

November 29, 2018

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**Area in Need of Redevelopment
Preliminary Investigation of the
Metuchen Arts District**

Borough of Metuchen, Middlesex County, New Jersey

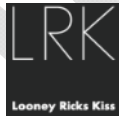
Block 183.02 | Lots 1, 2, 3, 4, 5.01, 5.02, 6, 7, 8, 31 and 32

Prepared on behalf of:

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The original of this document has been signed and sealed pursuant to N.J.S.A. 45:14A-12.

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1.0 Introduction

As noted in Metuchen’s 2016 Master Plan Reexamination Report, “Metuchen has always been a community concerned with preserving its unique character” and recommends that the Borough prepare a Vision Plan to address the downtown area, areas in need of redevelopment, parks and open space, among other key topics. To that end, the Borough envisions the revitalization of the underutilized block along Main Street containing the historic Forum Theatre and vacant gas station as a place of the arts, culture and history, that is, the Metuchen Arts District. This preliminary investigation (“Study”) is the Borough’s first step in a planning process to further explore potential redevelopment and preservation options for the Metuchen Arts District.

It should be noted that this Study does not constitute an endorsement or recommendation for a specific plan or strategy for the Metuchen Arts District. If the Borough Council concludes that portions or all of the Metuchen Arts District as identified in this Study constitute an area in need of redevelopment, any subsequent redevelopment plan or strategy, including identifying portions of the District to be preserved and/or redeveloped, remains in the purview of the Borough Council to evaluate commencing with the next step of directing the preparation of a redevelopment plan.

1.1 Study Authorization

At its regular meeting of August 13, 2018, the Borough Council passed Resolution No. 2018-192. This resolution (Appendix A) authorized the Planning Board to undertake a preliminary investigation to determine whether certain properties within the Metuchen Arts District, specifically designated Block 183.02, Lots 1, 2, 3, 4, 5.01, 5.02, 6, 7, 8, 31 and 32, on the official tax map of the Borough of Metuchen (collectively, the “Study Area”) meet the statutory criteria as promulgated by N.J.S.A. 40A:12A-1 for designation as a “Condemnation Redevelopment Area in Need of Redevelopment.”

1.2 Condemnation

As of 2013, the Legislature requires that preliminary investigations state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including eminent domain. Those redevelopment areas where the municipality declares it may use eminent domain are referred to as “Condemnation Redevelopment Areas.” Resolution No. 2018-192 authorized this preliminary investigation to establish a “Condemnation Redevelopment Area” and the findings of this report are consistent with that authorization.

2.0 Redevelopment Statute

2.1 Purpose of the Act

New Jersey's Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1 et seq.), empowers municipalities and local governments with the ability to initiate a process that can transform underutilized or poorly designed properties with the principal goal of promoting the physical development that will be most conducive to the social and economic improvement of the State and its municipalities. According to the statute, a redevelopment plan is adopted by the governing body to promote the redevelopment or rehabilitation of a redevelopment area. A redevelopment plan must indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and indicate proposed land uses and building requirements in the redevelopment area. The process has been used successfully across New Jersey to creatively improve properties meeting statutory redevelopment criteria.

2.2 Advantages of a Redevelopment Plan

The advantages of a redevelopment plan are that it empowers additional municipal authority permitting the use of special flexible Smart Growth planning tools not available under conventional zoning, including the following:

- Greater control than conventional zoning which is not limited to redevelopment involving built form and can include structures to be preserved, areas to be down-zoned, areas to be preserved as open space and improved as parks or other landscape features, as well as the provision of off-site improvements.
- The ability to provide for proactive public participation during the process of preparing a redevelopment plan.
- Incorporation of non-contiguous properties within a redevelopment area.
- Preparation of a site-specific conceptual plan that can prescribe structures and open space to be preserved, land use, density, setbacks, form, scale, site layout including the location of new structures, streetscape and public space improvements, off-site improvements, etc.
- The exercise of greater control over design of any project including detailed provisions regulating the preservation of structures and open space, as well as the layout, design and appearance of any future building or improvement.

- The ability to require that preservation components and future improvements be phased and constructed exactly as detailed and completed within a specific period.
- Enables the Municipality and property owner to work in a public-private partnering process.
- Authorizes the Municipality to designate a qualified Redeveloper and define the role and obligations of the Redeveloper through a Redevelopment Agreement that helps protect community interests.
- Makes eligible for certain types of technical and financial assistance from the State to be utilized at the option of the Municipality.

2.3 Redevelopment Procedure

The LRHL requires municipalities to perform a number of steps before they may exercise their redevelopment powers. This process is meant, in part, to ensure that the public is given adequate notice and opportunity to participate in the public process and that the governing body acts in concert with the goals and objectives of the Borough's master plan. Recognizing the planning board's role as the steward of the master plan, these steps require the planning board to make recommendations to the municipal council. The required steps are as follows:

1. The governing body must adopt a resolution directing the planning board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
2. The planning board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included in it. This map should be accompanied by a statement setting forth the basis of the investigation.
3. The planning board must then conduct the investigation and produce a report presenting the findings. The board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The planning board then may adopt a resolution recommending a course of action to the governing body.
4. The governing body may act on this recommendation by adopting a resolution designating the area an "Area in Need of Redevelopment". The governing body must make the final determination as to the redevelopment area boundaries.
5. A redevelopment plan must be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "Area in Need of Redevelopment."

6. The governing body may then act on the plan by passing an ordinance adopting the plan as an amendment to the Borough's zoning ordinance.

Only after completion of this public process is a Borough able to exercise the powers granted to it under the Redevelopment Statute.

2.4 Scope of Study

As noted in the Introduction, this Study is the Borough's first step in a planning process to explore potential redevelopment and preservation options for the Metuchen Arts District. This planning effort involves the following steps:

- Conduct an inventory and catalogue existing physical conditions and characteristics of the properties located within the Study Area;
- Analyze the potential build-out of the properties located within the Study Area based on current zoning classification and how they relate to the surrounding context;
- Depict to what extent the existing physical conditions and characteristics meet the criteria for designation as an area in need of redevelopment, as outlined within the Redevelopment Statute; and,
- Indicate findings and propose recommendations relative to determining if some or all of the properties located within the Study Area should be designated as an area in need of redevelopment.

As part of this multi-step process, multiple site visits of the Study Area and the surrounding neighborhood were conducted in order to observe and document the existing physical conditions and characteristics of the properties located within the Study Area. Additionally, the scope of Study also included a review of the following documents:

- Geographic Information System (GIS) mapping, aerial photography, official tax maps of the Borough of Metuchen, ownership and tax assessment data;
- Metuchen Zoning Map;
- Metuchen Land Use Ordinances; and,
- Metuchen Master Plan.

2.5 Study Sections

In addition to the (1.0) Introduction and (2.0) Redevelopment Statute sections, this Study contains four additional sections as follows:

1. Section 3.0 describes the history of development of the Study Area, including the properties located within the Study Area, its location, ownership and tax data, analysis of its existing zoning, its relationship to the Metuchen Master Plan and identification of relevant State planning goals and objectives and Smart Growth principles.
2. Section 4.0 reviews the Study Area in relation to the statutory criteria, setting forth the findings based upon the observed and analyzed existing physical conditions and characteristics.
3. Section 5.0 provides an overview and evaluation of the individual properties located within the Study Area, based upon the field observations and photographic documentation.
4. Section 6.0 provides the conclusion and recommendations relative to determining if some or all of the properties located within the Study Area should be designated as an area in need of redevelopment.

3.0 Existing Conditions Analysis & Planning Setting

3.1 Study Area

The Study Area is situated in the south-central region of the Borough, bounded to the north by Bissett Place, to the west by Main Street (Middlesex County Road 531), to the south by Amboy Avenue (Middlesex County Road 501), and to the east by a mixed-use neighborhood, with residential uses fronting Bissett Place and an office use fronting Amboy Avenue.

The Study Area consists of three properties, each with frontage along Main Street. To the north, at the corner of Main Street and Bissett Place, is the Forum Theatre property and at to the south, at the corner of Main Street and Amboy Avenue, is the vacant gas station property.

In between, there is a narrow lot which extends east to the remainder of the University Radiology property, which has frontage and otherwise mainly faces and relates to Amboy Avenue, situated east of the vacant gas station property. It should be noted that only that portion of the property with frontage along Main Street is included within the Study Area.

There are no flood zones or wetlands presently mapped within the Study Area and the Study Area is otherwise located within a water/sewer service area.

However, the vacant gas station is classified as an Active Site with Confirmed Contamination, as enumerated by the New Jersey Department of Environmental Protection's Site Remediation Program, specifically identified as Site ID 5711 and PI Number 009562.

3.2 History of Study Area

The Forum opened in 1928 during the Vaudeville and Silent Movie palace period when theaters also opened in New Brunswick, Asbury Park, Red Bank and Morristown. This theatre served as a significant cultural and entertainment gathering place for residents of Metuchen and Edison during the Great Depression, World War II and post-war years.



Forum Theatre circa 1930s; Courtesy of the Metuchen-Edison Historical Society

Next door to the Forum Theatre at the corner of Main Street and Amboy Avenue is an abandoned gas station that has also been dormant for the past several years following a fire inside the building. The gas station had been active since the 1940's and was previously known as "The Spot!"



The Spot! Service Station circa 1948; Courtesy of the Metuchen-Edison Historical Society

3.3 Ownership

Presently, each of the three properties located within the Study Area are separately owned by a private party and, taken together, comprise of approximately 0.536 acres, as summarized in the table below and depicted on the maps in Exhibits “A”, and “B”.

Table A. Block and Lot Identification

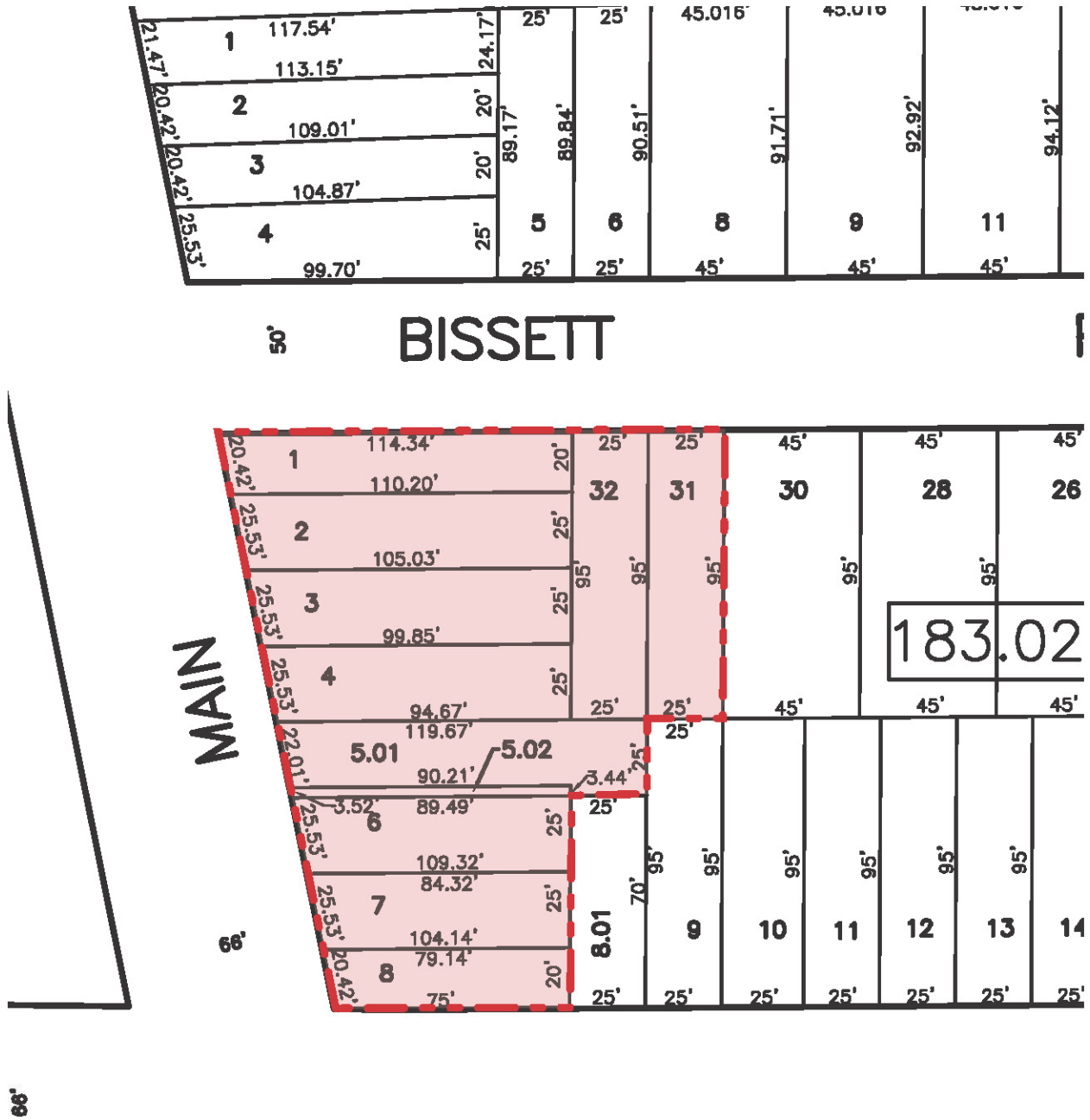
Block	Lot(s)	Address	Use	Owner
183.02	1-4, 31-32	312-316 Main Street	Forum Theatre	Marloe Ent. Inc. / Oscar Loewy
183.02	5.01*	260-264 Amboy Avenue	University Radiology	Roentgen Metuchen LLC
183.02	5.02, 6-8	304 Main Street	Jersey Gas (Vacant)	304 Main Street LLC

* Note: The University Radiology property consists of Lots 5.01, 8.01, 9, 10, 11, 12, 13, 14, 15, 16 and 17.01; only Lot 5.01 is situated within the Study Area.

Exhibit A. Study Area Aerial Map



Exhibit B. Tax Map Sheet 64



DATE TAX MAP
 DATED 10/30
 IS ON FILE

LEGEND

Study Area

COMPUTER-AIDED
 DIGITIZED

0 12.5' 25' 50'

3.4 Property Taxes

Property tax records from the State of New Jersey Division of Taxation’s database were analyzed to determine the assessed value of each property located within the Study Area and current property taxes. As noted on the State website, the record details contained within the database are as of January 10, 2018.

Table B. Property Tax Assessment

Block	Lot(s)	Assessed Land Value	Assessed Improvement Value	Net Assessed Value	Prior Year Taxes (2017)
183.02	1-4, 31-32	\$175,000	\$205,000	\$380,000	\$22,949.16
183.02	5.01*	\$401,000	\$719,000	\$1,120,000	\$68,065.40
183.02	5.02, 6-8	\$126,000	\$50,000	\$176,000	\$10,753.60
	TOTAL	\$702,000	\$974,000	\$1,676,000	\$101,768.16

* Note: The University Radiology property consists of Lots 5.01, 8.01, 9, 10, 11, 12, 13, 14, 15, 16 and 17.01; only Lot 5.01 is situated within the Study Area.

3.5 Zoning Classification

All of the properties located within the Study Area are situated in the B-3 Office Business District, which generally permits uses traditionally found in an active downtown setting, including retail shops and stores, personal service businesses, restaurants as well as places of public assembly. The vacant gas station is non-conforming use in the B-3 District.

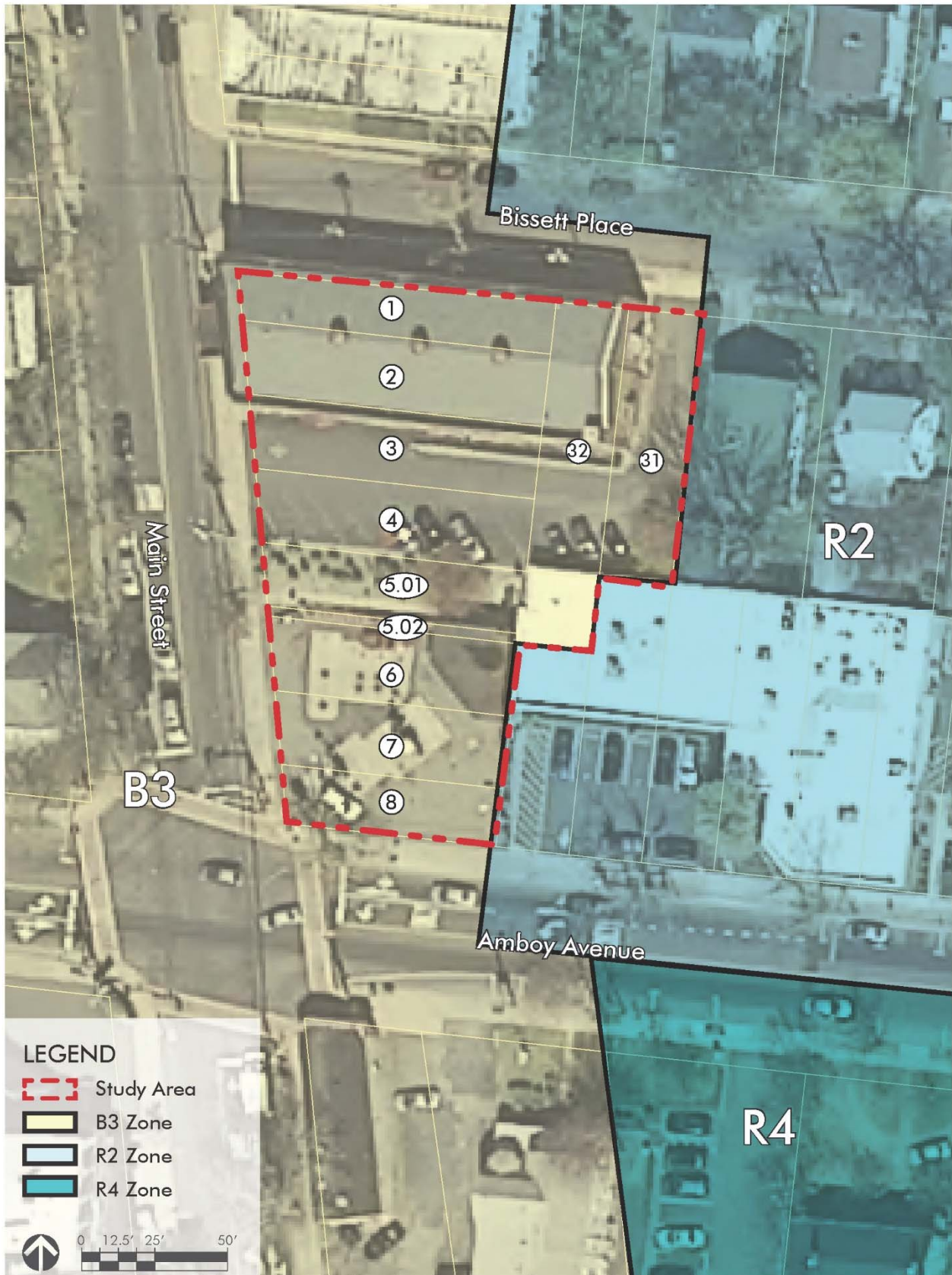
Immediately to the east of the Study Area is the R-2 Residential District, which extends east all the way to the municipal boundary and permits single-family dwellings. Only that portion of the University Radiology property with frontage along Main Street is located in the B-3 District, whereas the remainder of the property is situated, and is a non-conforming use, in the R-2 District.

Across Amboy Avenue and to the southeast of the Study Area is the R-4 Residential District, which extends east to Green Street and the Middlesex Greenway and permits a number of residential uses, ranging from single-family dwellings to townhomes to garden apartments.

As such, the Study Area is located in an essentially mixed-use area and serves as the southernmost transition, or one of the primary gateways, between the downtown and the predominantly single-family residential area to the east.

A map depicting the zoning classifications of properties located within and surrounding the Study Area is included as Exhibit "C".

Exhibit C. Study Area Zoning Map



B-3 Office Business District

Permitted Principal Uses

Retail shops and stores, provided that they are located fronting on Main Street; Personal service businesses; Offices; Banks and other financial institutions, except drive-in banks; Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land; Funeral homes and mortuaries; Nursery schools and day-care centers; Social halls, clubs, lodges and places of public assembly; Apartments, if located on upper floors above another permitted use at the ground level; Borough-operated public facilities; Affordable senior housing.

Permitted Accessory Uses

Driveways, parking lots and loading areas; Other uses deemed to be permitted accessory uses.

Permitted Conditional Uses

Dry-cleaning establishments, pursuant to §110-87.B; Two-family detached dwellings, pursuant to §110-87.E; Drive-in banking facilities pursuant to §110-87.J, on the condition that the property fronts on Central Avenue, Middlesex Avenue between Central Avenue and the Lehigh Valley Railroad right-of-way (abandoned) or the westerly side of Lake Avenue; Downtown Gateway Overlay District, pursuant to §110-87.AA.

Density, Bulk and Area Requirements

Yards (Minimum)		Height & Area (Maximum)	
Lot Area (SF)	10,000	Height (Stories)	3, min. 2
Lot Width (Feet)	100	Height (Feet)	35
Lot Depth (Feet)	100	Building Coverage (% of Lot)	40%
Front Yard (Feet)	35*	Impervious Coverage (% of Lot)	70%
Side Yard Each (Feet)	10	Density (Units/Acre)	None
Side Yard Both (Feet)	40		
Rear Yard (Feet)	25		

*Note: Front yard setbacks for lots involved in any site plan, subdivision development or application for a new single- or two-family dwelling shall conform to the average setback distance of existing buildings located adjacent to the lot on the same side of the street in the same block where such existing setbacks vary from the requirements of this schedule.

3.6 Relationship to Master Plan

As stated in the introduction of this Study, Metuchen’s Master Plan has noted that “Metuchen has always been a community concerned with preserving its unique character.” Over time, “the goals and objectives of the Master Plan have been elaborated and characterized to be principally focused on preservation: preservation of the Borough’s essentially residential character, maintaining the integrity of its neighborhoods, and ultimately, its desirability as a community in which to live.”

Additionally, it has been the long-standing goal of the Borough to focus development, redevelopment, and growth within and adjacent to the downtown area. The Master Plan further states that the downtown area “serves both the residents of the Metuchen and also the residents of the greater region by providing a business and cultural center. Driving and walking to theaters, restaurants, coffeehouses, shopping, offices, and of course, the train station, are among the many public attractions” of the Borough.

The Borough has been proactive to address the changing circumstances in the downtown by adopting several polices to promote downtown reinvestment, amending the Land Development Ordinance to make it easier to open a business in the downtown and adopting an ordinance enabling the creation of the Metuchen Downtown Alliance.

These efforts have resulted in a resurgence of the Borough’s downtown in recent years. Several significant mixed-use developments within walking distance of the train station have been realized, including Woodmont Metro at Metuchen Station, the Pearl Street Parking Garage and the Metuchen Town Plaza at the intersection of New and Pearl Streets, as well as the opening of a Whole Foods along Middlesex Avenue.

Meanwhile, south of the train station along the east side of Main Street sits the historic Forum Theatre, which has been on and off the market over the last several years and was recognized by Preservation New Jersey as one of “2016 10 Most Endangered Historic Sites in New Jersey” as well as a vacant gas station at the corner of one of the primary intersections, or gateways, in the downtown area.

One of the recommendations from Metuchen’s 2016 Master Plan Reexamination Report states that the Borough should prepare a Vision Plan with community involvement, which would address the downtown area, areas in need of redevelopment, parks and open space, among other key topics.

To that end, the Borough seeks to revitalize the underutilized block face fronting Main Street containing the Forum Theatre and vacant gas station as a place of the arts, culture and history, that is, the Metuchen Arts District.

This Study is the Borough's first step in a planning process to further explore potential redevelopment and preservation options for the Metuchen Arts District, consistent with the recommendations enumerated in the Master Plan.

Summary of Findings

Based upon the findings and analysis of the Master Plan as described above, the designation of the Study Area as an area in need of redevelopment would allow Metuchen to address many of the concerns identified in the Master Plan and would promote the purpose, goals and objectives of the Master Plan.

3.7 State Planning Area Classification

The State of New Jersey State Development and Redevelopment Plan ("SDRP" or "Plan"), adopted in June 1992 and revised March 1, 2001, promotes Smart Growth in New Jersey by guiding development to centers and areas where infrastructure is available.

According to the SDRP, these planning goals are to be achieved through the flexible application of the Plan's statewide policies, which are designed to improve the planning and coordination of public policy decisions among all levels of government. They are intended to be applied to public and private decision-making through the State Plan Policy Map and its Planning Areas.

Planning Areas serve a critical role in the SDRP by setting forth policy objectives that guide the application of the Plan's statewide policies within each area, guide local planning on the location and size of centers within the Planning Area, and protect or enhance the environs of these centers.

Under the SDRP, the Study Area is classified Metropolitan Planning Area (PA1). This classification denotes a Smart Growth area with the following goals and objectives:

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

The SDRP provides a series of policy objectives intended as guidelines for planning activities in the PA1, including:

- Promote redevelopment and development in neighborhoods of Centers;
- Provide a full range of housing choices through redevelopment;
- Promote economic development by encouraging infill development, public/private partnerships and infrastructure improvements that support an identified role for the community;
- Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency;
- Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile; and,
- Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to redevelop. Coordinate historic preservation with tourism efforts.

Additionally, the Borough was designated as a Town Center by the State Planning Commission through the Centers Designation Process on March 26, 1997.

Summary of Findings

Based upon the findings and analysis of the SDRP, the designation of the Study Area as an area in need of redevelopment would be consistent with the policy objectives of the SDRP and the goals and objectives of the Metropolitan Planning Area.

3.8 Smart Growth Planning

Smart Growth is an approach to planning that directs growth to enhance and rebuild existing communities where infrastructure and services are available, supports transit, reduces the number of vehicular trips, limits sprawl development, protects the environment and reduces energy consumption.

The New Jersey Office for Planning Advocacy has developed a definition of a "Smart Growth" area to include any one of the following:

- **Metropolitan Planning Area (PA1);**
- **Suburban Planning Area (PA2);**
- **A designated center;**

- An area identified for growth as a result of either an initial or advanced petition for plan endorsement that has been approved by the State Planning Commission;
- A smart growth area designated by the New Jersey Meadowlands Commission; and,
- A Pinelands Regional Growth Area, Pinelands Village or Pinelands Town as designated by the New Jersey Pinelands Commission.

As noted in the prior section and bolded above for clarity, the first and third sections apply to the Study Area in its entirety.

Summary of Findings

Based upon the findings and analysis of Smart Growth Planning, the designation of the properties located within the Study Area as an area in need of redevelopment would be consistent with Smart Growth and the policy objectives of the Metropolitan Planning Area, the intent of center-based development, and Metuchen's designation as a Town Center in the SDRP.

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4.0 Statutory Criteria

In accordance with Section 40A:12A-3 of the LRHL, a "Redevelopment Area" or an "Area in Need of Redevelopment" is defined as "an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. 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."

An area may qualify as being an "Area in Need of Redevelopment" if it meets at least one of the eight statutory criteria listed in Section 40A:12A-5 of the LRHL, which are as follows:

- A. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- B. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive 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

being detrimental to the safety, health, morals, and 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 zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.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, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.
- H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

As noted above, the Redevelopment Statute does not require that all properties located within the Study Area be in need of redevelopment, but rather that a majority or generality of properties meet the criteria for determination. As a result, the area may include individual properties that do not reflect any of the eligibility criteria listed in the Redevelopment Statute. This is commonly referred to as the “**Section 3 Criteria.**”

Additionally, according to *The Redevelopment Handbook: A Guide to Rebuilding New Jersey’s Communities, 2nd Edition*, this section allows for the inclusion of properties that do not meet the statutory criteria but are “essential to be included in the designation to effectively redevelop the area.” Examples include properties located within and surrounded by otherwise blighted areas, properties that are needed to provide access to an area to be redeveloped, properties that are needed for infrastructure or utilities, or properties that otherwise could be determined to be critical to the area’s successful redevelopment.

5.0 Study Area Evaluation

The following is an evaluation of the individual lots within the Study Area as it relates to the statutory criteria described above for designation as an area in need of redevelopment. The evaluations were based on site inspections of the exterior of the properties and the interior of buildings where warranted, as well as a review of each property’s physical characteristics and conditions, occupancy, ownership status, and a review of other relevant data.

Summary

The table below summarizes this Study’s findings with regard to the statutory criteria’s applicability to each property located within the Study Area.

Table C. Study Area Applicability to Statutory Criteria

Block	Lot(s)	Address	Criteria								Section 3
			A	B	C	D	E	F	G	H	
183.02	1-4, 31-32	312-316 Main Street	X			X					X
183.02	5.01*	260-264 Amboy Avenue				X	X			X	X
183.02	5.02, 6-8	304 Main Street	X			X					X

* Note: The University Radiology property consists of Lots 5.01, 8.01, 9, 10, 11, 12, 13, 14, 15, 16 and 17.01; only Lot 5.01 is situated within the Study Area.

As noted in the table above, Criteria H applies to all properties that either meet other criteria or are determined to be necessary for the effective redevelopment under Section 3, as described in the prior section.

Block 183.02, Lots 1-4, 31-32: 312-316 Main Street (Forum Theatre)

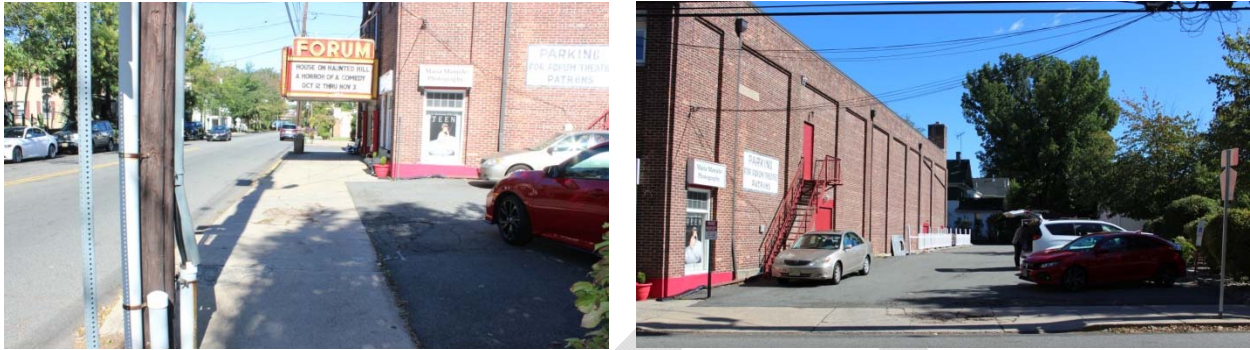


Block 183.02, Lots 1, 2, 3, 4, 31 and 32 is a corner lot, with 97.01 feet of frontage along the east side of Main Street and 164.34 feet of frontage along the south side of Bissett Place, and having an average depth of 154.51 feet as measured from Main Street. This property contains a 2-story theater with a basement. Attached to the front of the building is a large marquee sign projecting over the Main Street public sidewalk. There is a parking lot to the south of the building serving employees and/or patrons, with access from both Main Street and Bissett Place. The property is nearly 100% impervious.

The access point from Main Street is intended as a one-way ingress into the property, providing access to a single row of angled parking stalls along the southern lot line. The parking lot drive aisle wraps around to the rear of the building to a one-way egress to Bissett Place.

Parking Lot Layout & Design

The present layout of the parking lot is obsolete by current site planning standards because it does not provide an adequately designed single-lane vehicular ingress drive and egress or defined parking areas.



The pavement of the driveway and parking lot extends to the public sidewalk along Main Street without any drive aisle definition, parking stall buffering or delineated edge (i.e., a curb or a landscaped area), which promotes unsafe maneuvering where vehicles have an excessively wide apron crossing the sidewalk into the driveway and where vehicles can back out of stalls into pedestrians utilizing the Main Street public sidewalk.

For what is intended to be a one-way driveway, the excessive width, the significantly faded painted arrow in the parking lot drive aisle and the lack of any signage indicating that the driveway is one-way only contribute to a lack of safety for both motorists and pedestrians.

The oversized driveway and lack of signage permit vehicles to exit the property onto Main Street and possibly attempt to make a left turn, despite there being a double-yellow line on Main Street, along with a dedicated turn lane. Taken together, this apparent condition may result in drive confusion and contribute to a circulation pattern that is dangerous.



While most parking stalls feature wheel stops, the majority of them have either shifted or are in a state of disrepair, and therefore no longer serve their purpose. There were no wheel stops whatsoever at the rear of the parking lot, along the rear of the University Radiology

building, which may potentially contribute to property damage.

Additionally, striping delineating parking stalls is non-existent, as they too have faded significantly. There also did not appear to be a handicap-accessible access aisle provided. Finally, various areas of the parking lot show signs of deterioration as evidenced by vegetative overgrowth, settlement contributing to ponding, as well as cracked, broken and missing pavement.

As such, the deteriorated and dilapidated conditions, faulty arrangement or design and obsolete layout of various parking lot improvements are detrimental to the safety, health, morals and welfare of the community.

Streetscape Conditions



The property generally lacks stormwater management control, particularly along Main Street, simply allowing downspouts to discharge stormwater onto the public sidewalk. In any rain event, stormwater may sheet flow across the public sidewalk. In winter weather, this may potentially present an icing hazard for both pedestrians egressing the building and passersby on the public sidewalk.



Along Bissett Place, there are small loose stones located on both sides of the public sidewalk and may not be permitted. Migration of loose stones into the path of the public sidewalk or in the street may potentially present a tripping hazard and contribute to property damage.

Building Exterior Conditions



The exterior of the building is showing signs of deterioration, dilapidation and are otherwise in varying states of disrepair. A downspout along Bissett Place was disconnected, potentially contributing to water damage to the cast stone water table. Various brick pilasters on the south side of the building were carved out to accommodate downspouts, which may contribute to additional water infiltration into the building and could compromise the structural integrity of the building. Other portions of the masonry façade feature cracks with significant vertical displacement. Portions of exposed wood sheathing and wood trim around various openings exhibit various stages of rot.

As such, the deteriorated and dilapidated conditions, faulty arrangement or design and obsolete layout of the exterior of the building and various improvements are detrimental to the safety, health, morals and welfare of the community.

Building Interior Conditions – Lobby & Access



The present layout of the theater is obsolete by current design standards. The Forum Theater is flanked by two leaseholds, currently a barbershop and a photography studio, and the ticket office is essentially an enclosed box within the lobby. This arrangement significantly limits the overall size of the lobby which is intended to serve hundreds of theater patrons.

Access to the fire doors is limited, with equipment and furniture being stored along, if not within, the path of fire egress. Complicating access to the fire doors on the north side of the building is the need to traverse a set of stairs without the ability to use a handrail. There is no handrail on the left side while the handrail on the right side is blocked by sound equipment being stored at the top of the stairs. There is a sign at the base of the stairs displaying "Please!!! Watch Your Step".

Building Interior Conditions – Balcony



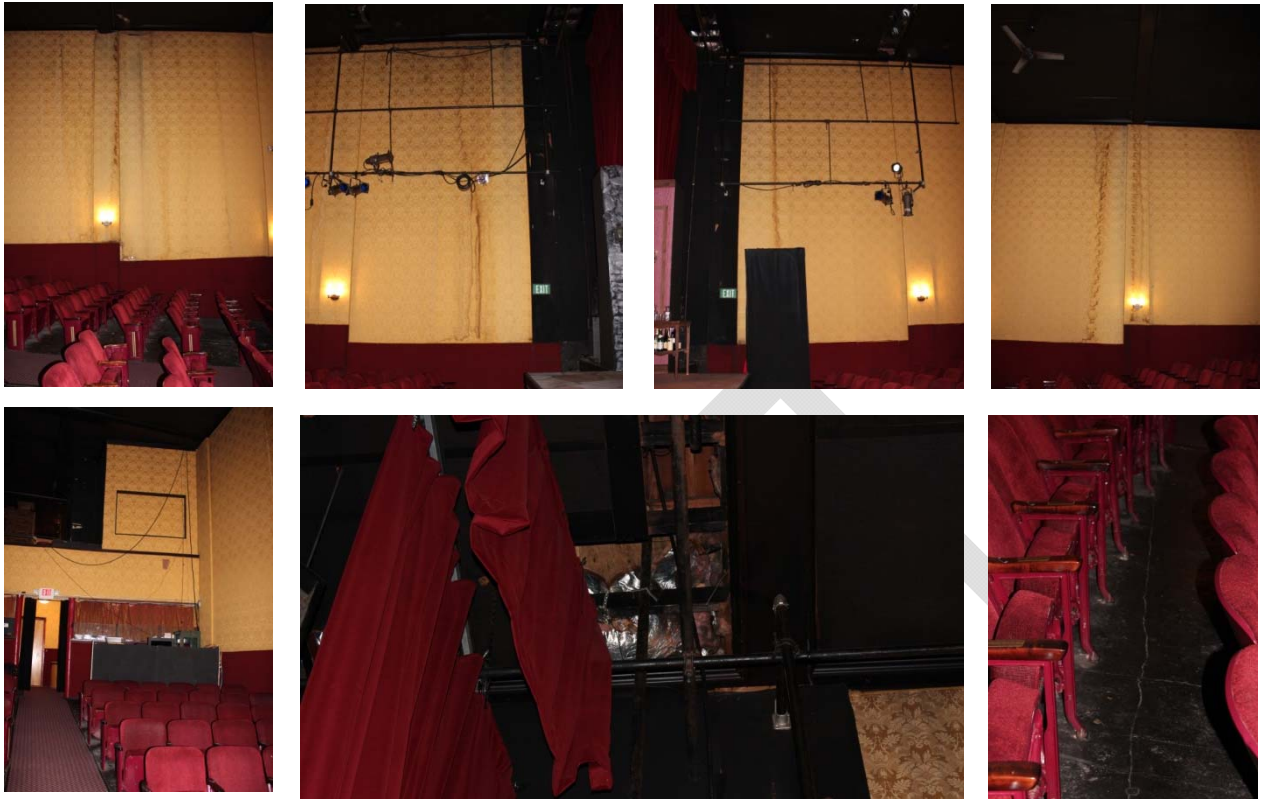
The second floor balcony does not appear to be intended for public assembly, as the balcony does not have permanent seating (dozens of folding chairs are provided) and the majority of the area is generally not accessible. There is no elevator in the building and there are no intermediate stairs on the flanking ends of the tiered balcony. One must step up nearly a foot to gain access to the second row and each row beyond. The wood-frame handrail lacks balusters, which is a dangerous condition. Several portions of the balcony are being used for storage, there is exposed electrical wiring throughout and various floor and wall finishes are showing signs of deterioration, such as worn, stained or ripped fabrics.

Building Interior Conditions – Second Floor



The second floor restrooms are narrow and small; in the women's restroom, the placement of the trash receptacle significantly restricts access and mobility. The restrooms are in various states of disrepair, with openings in the walls and various ceiling tiles that are water-damaged, broken or missing. Throughout the remainder of the second floor, there are broken ceiling tiles above the balcony, exposed wiring along the stairway and evidence of significant water damage along the exterior walls. Most of the wall finishes are in varying states of disrepair.

Building Interior Conditions – Theater Seating Area



In the main theater, there is evidence of significant water damage along the exterior walls. Most of the wall covering material is in varying states of disrepair. At the rear of the theater, there are hanging electrical wires and various ceiling tiles that have holes or are missing, over the seating area. There is also a large crack in the floor, near the center of the theater.

Building Interior Conditions – Theater Stage



Access to the stage is significantly constricted and there is a missing wall panel adjacent to the stairs on the right side of the stage, exposing the storage area to the seating area. There are exposed electrical wiring throughout and, again, there is evidence of significant water damage along the exterior walls. In fact, part of the masonry wall can be seen from the interior. The furnace is actually located on the stage, which limits the usable area of the stage for shows, and the wood-frame handrail for the stairway to the basement lacks balusters, which is a dangerous condition for those who are working in the theater.

Building Basement Conditions



The basement stairs are missing the uppermost riser, exposing the deteriorating slab (and rebar) under the wood floor. There is a large hole in the masonry wall, just above the top of the foundation wall. Further into the basement, pipes are in various states of disrepair and there are exposed/hanging electrical wires, which is an unwholesome condition for those who are working in the theater.

Taken together, the deteriorated and dilapidated conditions, faulty arrangement or design and obsolete layout of various features of the interior of the building are detrimental to the safety, health, morals and welfare of the community.

Summary of Findings

Due to the substandard, unsafe and obsolescent characteristics of the building, the property is conducive to unwholesome working conditions in accordance with **Criterion A** of the LHRL.

Additionally, due to a combination of the dilapidated conditions, faulty arrangement or design and obsolete layout of various improvements, the property is detrimental to the safety, health, morals and welfare of the community in accordance with **Criterion D** of the LHRL.

Block 183.02, Lot 5.01: 260-264 Amboy Avenue (University Radiology)



Block 183.02, Lot 5.01 is a narrow interior lot, with only 22.01 feet of frontage along the east side of Main Street, distant 75 feet north of Amboy Avenue, and having an average depth of over 117 feet as measured from Main Street. This lot is a small portion of the University Radiology property, whereas the portion of the property on lots 8.01, 9, 10, 11, 12, 13, 14, 15, 16 and 17.01 have frontage and otherwise mainly faces and relates to Amboy Avenue, situated east of the vacant gas station property.

This narrow lot is essentially a large landscaping bed, situated between the Forum Theatre and the vacant gas station. At the rear of the lot is a small outdoor area for the University Radiology employees and at the extreme rear of the lot is a 25 foot by 25 foot section of the northwest corner of the University Radiology building.

Underutilized Frontage

Given the narrowness and size of this particular and the required 10-foot side yard setback requirements, the lot is essentially unbuildable (even as an addition for University Radiology), due to its having limited frontage along Main Street. While various policies generally encourage infill development that can contribute positively to an overall development plan that reflects the Borough's vision for the downtown area, including the Study Area, it will not likely be possible through the instrumentality of private capital.

As such, the presence of this "stub" lot, separating the adjacent Forum Theatre and the vacant gas station properties, impedes land assemblage or discourages the undertaking of improvements, 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 of the community and can be more effectively developed as part of a larger comprehensive plan. The existing condition is 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.

Streetscape Conditions



Along the streetscape frontage along Main Street, the sidewalk extends to a depressed curb along the street, likely a remnant of a former driveway serving the prior automobile dealership use. This apparent condition may result in driver confusion, as this former driveway is in very close proximity to the active driveway serving the Forum Theatre and near the driveway of the former gas station on its other side.

Additionally, the private walkway, public sidewalk and apparent former driveway apron show signs of deterioration as evidenced by settlement contributing to ponding, as well as cracked, broken and missing pavement. The uplifted water utility caps within the public sidewalk may potentially present a tripping hazard.

The overgrown shrub(s) along the public sidewalk are starting to impede on the already narrow public sidewalk, which provides residents who live within the South Main Street neighborhoods a direct route to the train station and beyond to the core of the downtown.

Finally, the landscaping bed consists of mainly overgrown shrubs and a couple trees in otherwise fair condition; however, there is no natural vegetative ground cover whatsoever. The landscaping bed features large loose stones, which is generally discouraged by Metuchen's design standards and in cases along a walkway, particularly along a public sidewalk, may not be permitted. Migration of loose stones into the path of the public sidewalk or in the street may potentially present another tripping hazard and contribute to property damage.

As such, the deteriorated and dilapidated conditions, faulty arrangement or design and obsolete layout of various improvements are detrimental to the safety, health, morals and welfare of the community and, again, can be more effectively developed as part of a larger comprehensive plan.

Summary of Findings

Due to a combination of the dilapidated conditions, faulty arrangement or design and obsolete layout of various improvements, the lot is detrimental to the safety, health, morals and welfare of the community in accordance with ***Criterion D*** of the LHRL.

Additionally, due the narrowness, size and location of the lot, the growing lack of total lack of proper utilization of such lot discourages the undertaking of improvements, and impedes land assemblage, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare of the community in accordance with ***Criterion E*** of the LHRL.

Furthermore, this lot can also qualify as an area in need of redevelopment under the "**Section 3 Criteria**" as previously discussed, which states that "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 development of the area of which they are a part."

Block 183.02, Lots 5.02, 6-8: 304 Main Street (Jersey Gas)



Block 183.02, Lots 5.02, 6, 7 and 8 is a corner lot, with 75 feet of frontage along the east side of Main Street and 75 feet of frontage along the north side of Amboy Avenue, and having an average depth of 82.61 feet as measured from Main Street. This property contains a vacant gas station, with two uncovered fueling islands situated near the center of the parking area and a small one-story building at the northeast corner of the property. The building suffered fire damage in 2016 and has been abandoned since that time. The paved area takes up nearly the entirety of the property and has egress and ingress driveways from both Main Street and Amboy Avenue. As such, the property is nearly 100% impervious.

Environmental Contamination

The property is listed as an environmentally contaminated site by the New Jersey Department of Environmental Protection, specifically identified as Site ID 5711 and PI Number 009562, which may discourage the undertaking of improvements, have a negative impact or otherwise be detrimental to the health, safety and welfare of the surrounding area and community.

Parking Area Layout & Design



The present layout of the parking lot is obsolete by current land use planning and does not include adequately designed vehicular ingress and egress or defined parking areas. There is an access point along both Main Street and Amboy Avenue, each accommodating ingress and egress. However, these driveways are excessive in width, much wider than the standard driveway width of 24 feet, and they are both in very close proximity to the highly-travelled intersection of Main Street and Amboy Avenue.

The oversized access points permit vehicles to enter and exit the property by way of a left turn, despite there being a double-yellow line present on both Main Street and Amboy Avenue, along with dedicated turn lanes. Taken together, these apparent conditions may result in driver confusion and contribute to a circulation pattern that is unsafe and dangerous.

Additionally, the excessively wide access points also contribute to long walking distances for pedestrians cross them, which is counter to the goals and objectives of the Borough's Complete Streets policies, particularly for a property located on Main Street within the downtown area and contributes to an unsafe pedestrian environment.

Finally, various areas of the parking lot show signs of deterioration as evidenced by vegetative overgrowth, settlement contributing to ponding, as well as cracked, broken and missing pavement.

As such, the deteriorated and dilapidated conditions, faulty arrangement or design and obsolete layout of various parking area improvements are detrimental to the safety, health, morals and welfare of the community.

Site Conditions



While access to the interior of the building was not gained, a visual inspection indicates that the exterior of the building and various improvements are showing signs of deterioration, dilapidation and are otherwise in a state of major disrepair. Various portions of the pavement are broken, with exposed rebar, paint chipping under the exterior oil tank and a roof leader did not have an elbow to displace stormwater away from the building, leading to severe water damage to the bottom of the block wall and possibly under the slab of the building.

There are broken windows at the rear of the building and inside the enclosure adjacent to the fuel dispensary are exposed/hanging electrical wires and a power strip suspended by such wires. Around the perimeter of the property, there is various vegetative overgrowth, trash, and broken pieces of the CMU block wall within the landscaping area at the north end of the site and the uplifted public sidewalk may potentially present a tripping hazard.

As such, the deteriorated and dilapidated conditions, faulty arrangement or design and obsolete layout of the building and various improvements are detrimental to the safety, health, morals and welfare of the community and, again, can be more effectively developed as part of a larger comprehensive plan.

Summary of Findings

Due to the substandard, unsafe and obsolescent characteristics of the building, the property is conducive to unwholesome working conditions in accordance with **Criterion A** of the LHRL.

Additionally, due to a combination of the dilapidated conditions, faulty arrangement or design and the obsolete layout of the building and various improvements as well as the fact that the property is also listed as an environmentally contaminated site which may discourage the undertaking of improvements, the property is detrimental to the safety, health, morals and welfare of the community in accordance with **Criterion D** of the LHRL.

DRAFT

6.0 Conclusion

The foregoing Study was prepared at the direction and on behalf of the Metuchen Planning Board to determine whether certain properties within the Metuchen Arts District, specifically designated Block 183.02, Lots 1, 2, 3, 4, 5.01, 5.02, 6, 7, 8, 31 and 32, the Study Area, qualify as an “area in need of redevelopment” pursuant to the LRHL.

The analysis shows that this designation is appropriate due to the existence of challenges mainly related to dilapidation and faulty arrangement or design. Overcoming these existing hindrances while taking advantage of opportunities for preservation as well as redevelopment would allow these properties to become potentially useful and valuable for contributing to and serving the public health, safety and welfare of the surrounding area and community in general.

For the reasons articulated in the Study, it is recommended that the Borough Council and the Metuchen Planning Board take the action necessary as prescribed by the LRHL to declare the properties located within the Study Area as a “Condemnation Area in Need of Redevelopment.”

DRAFT

APPENDICES

Appendix A. Resolution No. 2018-192

RESOLUTION 2018-192

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN
PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION
FOR REDEVELOPMENT OF THOSE CERTAIN PROPERTIES LOCATED ON
MAIN STREET AND AMBOY AVENUE KNOWN AS LOTS 1, 2, 3, 4, 5.01,
5.02, 6, 7, 8, 31 AND 32 IN BLOCK 183.02, IDENTIFIED AND MORE
PARTICULARLY DESCRIBED ON SCHEDULE "A"**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Local Redevelopment Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, prior to the governing body making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the governing body must authorize the Borough Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the area meets the criteria of an area in need of redevelopment as set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain ("Condemnation Redevelopment Area"); and

WHEREAS, the Borough of Metuchen wishes to direct the Planning Board to undertake a preliminary investigation to determine whether the proposed Study Area, described as lots 1, 2, 3, 4, 5.01, 5.02, 6, 7, 8, 31 and 32 in block 183.02 and more particularly described on Schedule "A" attached hereto and made a part hereof (the "Study Area") and as depicted on the tax map annexed hereto as Schedule "B", qualifies as an area in need of redevelopment pursuant to N.J.S.A. 40A: 12A-5 as a Condemnation Redevelopment Area.

Schedule "A"- Study Area

Property Location #1

312-316 Main Street
Lots 1, 2, 3, 4, 31 and 32 in Block 183.02

Property Location #2

260-264 Amboy Avenue
Lots 5.01 in Block 183.02

Property Location #3

304 Main Street
Lots 5.02, 6, 7 and 8 in Block 183.02

