

Report of

# Preliminary Investigation for Determination of an Area in Need of Rehabilitation

Block 3100 Lots 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42 and 43



**Prepared For:**  
Township of Nutley  
Essex County, New Jersey  
November 2020

**Prepared By:**  
DMR Architects

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## **Acknowledgements:**

### **Board of Commissioners**

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Commissioner Dr. Joseph P. Scarpelli  
Commissioner Alphonse Petracco  
Commissioner Thomas J. Evans  
Commissioner John V. Kelly, III

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Gail Santasieri

### **Zoning Official**

David Berry

### **Planning Board Attorney**

Barry Kozyra, Esq.

### **Township Clerk**

Eleni Pettas, RMC





Map 1: Study Area

**PURPOSE:**

The Township's Board of Commissioners adopted Resolution No. 223-20 on October 6th, 2020, which directed the Township of Nutley Planning Board to undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law (LRHL), to determine whether the properties on the lots numbered 21, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42 and 43 on Block 3100 (the "Area of Investigation" or "Study Area"), depicted in Map 1, constitutes an "area in need of rehabilitation" in accordance with the criteria set forth in N.J.S.A. 40A:12A-14. Pursuant to the resolution, the Planning Board adopted a resolution that appointed DMR to perform a preliminary investigation that is reported within this preliminary investigation report, which details the findings and recommendations relevant to whether the Area of Investigation should be designated as "an area in need of rehabilitation".

**INTRODUCTION:**

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

- a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c.79 (C:40:12A-5). The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b. After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

**AREA OF INVESTIGATION OVERVIEW AND CONTEXT:**

The Township of Nutley has a land area of 3.428 square miles and a population of 28,829 according to the 2017 United States American Community Survey (5-Year Estimate). The median age is 41.2 years old and the median household income is \$93,691 and has a post-secondary education rate of 71.3% (including persons with some college education but no degree). There are approximately 11,304 housing units at an average density of 3,297.5 units per square mile.

The racial makeup of the city is 79.8% White, 3% African American, 11.6% Asian, 0.02% Pacific Islander, 2.7% from other races, and 3% from two or more races. Hispanic or Latino of any race represents 15.7% of the population.

Nutley is located at the borders of Essex, Passaic, and Bergen Counties. It is approximately 2.5 miles South from the downtowns of the City of Passaic (Passaic County) or the Borough of Rutherford (Bergen County), and is approximately three (3) miles northeast of the central corridor of the



Township of Montclair. While an inactive train line passes through Nutley, there are commuter train stations in nearby communities within three (3) miles of the center of the Township that connect to New York City.

The majority land use in the Township is single-family housing. Franklin Avenue, the Township's main business corridor, extends 1.75 miles between the Township's north and south borders and contains a variety of small business uses. A mixture of multi-family, commercial, and light industrial uses are located on the eastern side of the Township near the Passaic River.

**PROPERTY DESCRIPTION:**

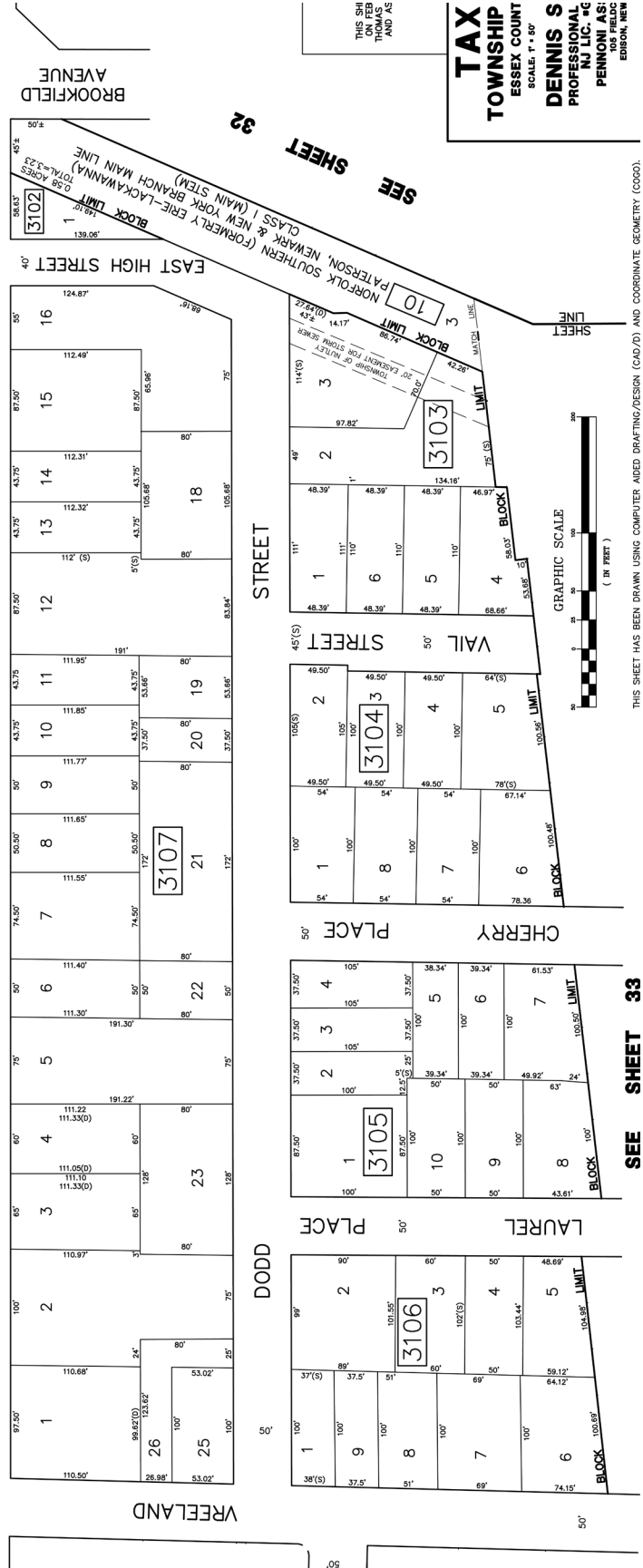
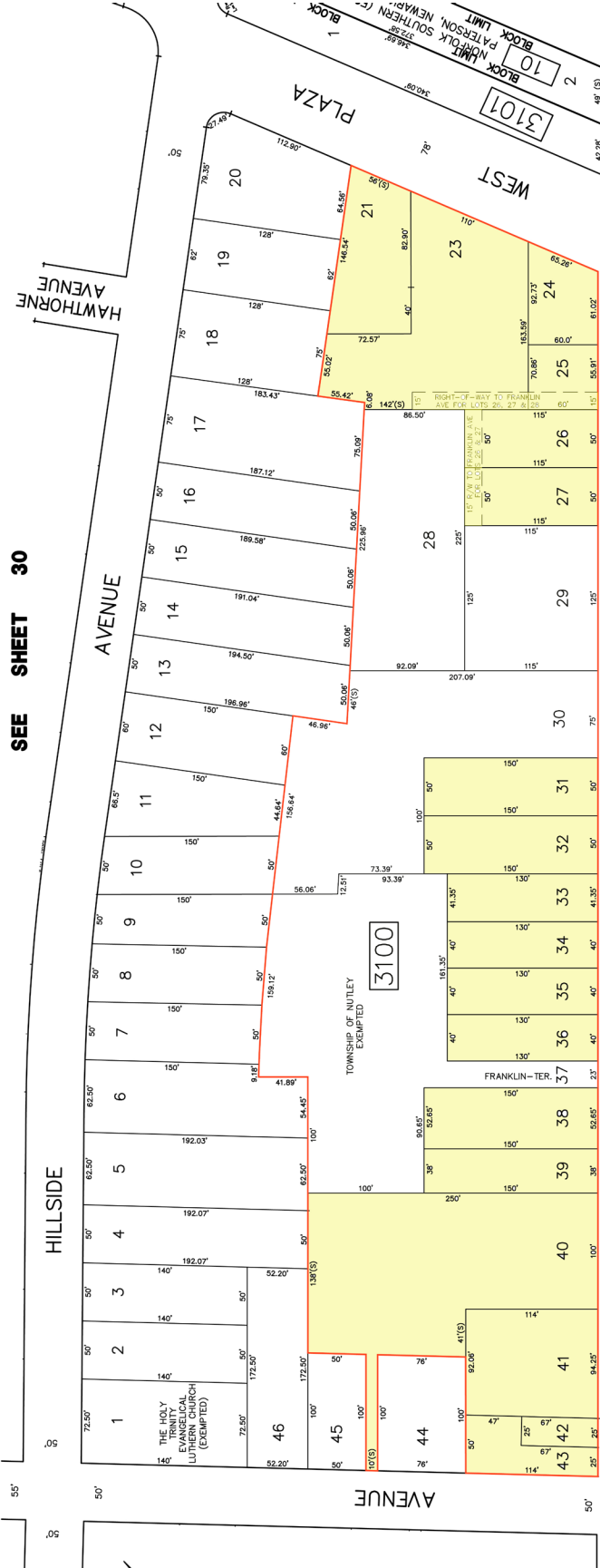
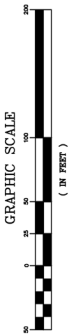
The Study Area is comprised of 18 lots on the eastern side of Block 3100, extending northeast to southwest from West Plaza to Vreeland Avenue. Sixteen (16) of the lots front on Franklin Avenue and two (2) front exclusively on West Plaza. The Study Area is generally developed with one- to three-story commercial buildings (including converted houses) fronting on those streets. The topography of the Study Area generally slopes downward from northwest to southeast; as a result, it is common for properties to be separated by retaining walls or unstabilized slopes.

The properties to the west of the Study Area are single-family dwellings fronting on Hillside Avenue. To the east and to the north of the Study Area, across Franklin Avenue and West Plaza, are additional commercial uses.



**TAX**  
TOWNSHIP  
ESSEX COUNTY  
SCALE: 1" = 50'  
DENNIS S  
PROFESSIONAL  
NJ LIC. #6  
PENNONI AS:  
TOWNSHIP ENGINEER  
EDISON, NEW JERSEY

THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/DESIGN (CAD/D) AND COORDINATE GEOMETRY (COORD).



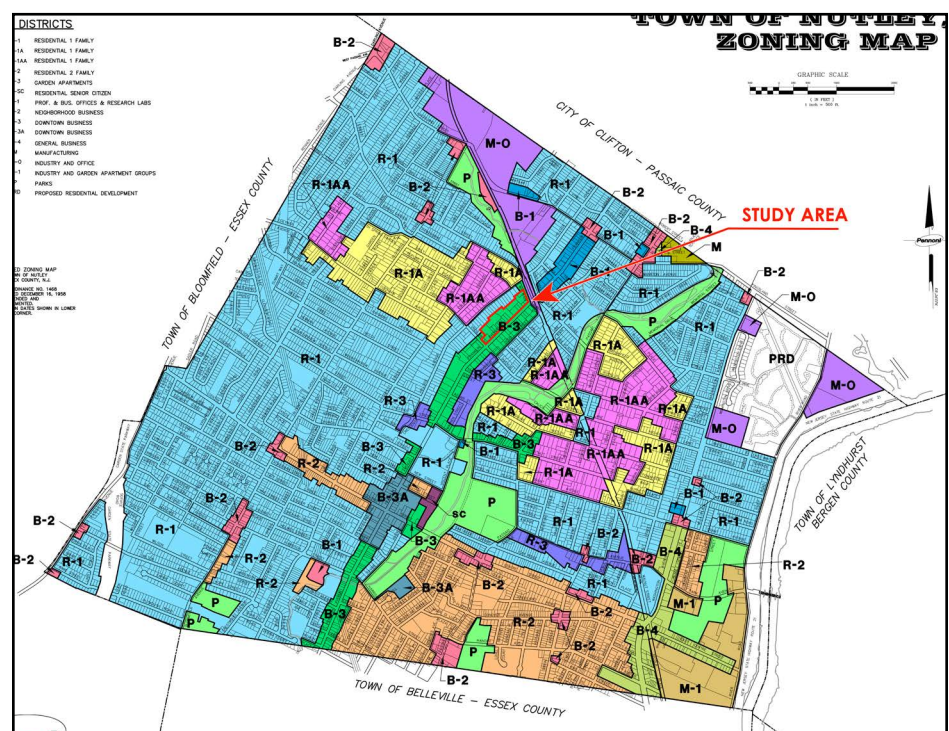
Map 2: Tax map containing Study Area highlighted in yellow.

### CURRENT ZONING:

The Study Area is located within the B-3 Business Zoning District, where the following uses are permitted:

- A. Professional and business offices.
- B. Financial institutions.
- C. Restaurants, bars and taverns, but excluding drive-in restaurants.
- D. Bowling alleys, theaters and other indoor amusement services, including amusement devices as an accessory use.
- E. Take-out food establishments.
- F. Service establishments - personal and household.
- G. Printing establishments, provided that no individual motor exceeds five horsepower.
- H. Telephone exchange, bus or railroad passenger station, United States Post Office.
- I. Stores devoted to retail commerce where goods are sold directly to the customer for personal use or household use, with or without processing on the premises for such retail sale, but excluding the processing, repair or renovating of bedding and excluding the sale of motor vehicles, boats, lumber, masonry, roofing or siding where an inventory is maintained on the premises.
- J. Mixed use buildings for commercial and residential uses subject to certain standards
- K. Business establishments having amusement devices as principal use, provided that certain requirements are met.
- L. Discount store, except that no discount store shall be located within 1,000 feet of another discount store business.
- M. Commercial school.
- N. Automobile parking lots on premises other than those upon which the use is located and which are needed for partial or complete compliance to minimum off-street parking requirements.

The full use and bulk standards can be found in Appendix 4 of this Report.



Map 3: Zoning Map with Study Area Highlighted

**STATUTORY CRITERIA FOR AN “AREA IN NEED OF REHABILITATION” DESIGNATION:**

DMR was also tasked with investigating whether the Study Area met the criteria at N.J.S.A. 40A:12A-14 for designation of an Area in Need of Rehabilitation. Pursuant to N.J.S.A. 40A:12A-14, a delineated Study Area may be designated in need of rehabilitation by a municipal governing body if it is determined that a program of rehabilitation, as defined by statute above on this report, may be expected to prevent further deterioration and promote the overall development of the community, and that there exist in that area any of the following conditions. The Rehabilitation Study Area can be investigated as a whole, and every individual parcel does not need to meet the specific criteria. The criteria are:

1. A significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or under-utilization of properties in the area, with a persistent arrearage of property tax payments thereon; or
2. More than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance, and
3. A program of rehabilitation, as defined in section 3 of (C:40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

**LOCATIONS OF STORMWATER AND SEWER INSPECTIONS:**

As a part of our due diligence to determine if the Block and Lots meet the statutory criteria for an area in need of rehabilitation, DMR conducted on-site inspections of manholes on the Streets surrounding the Study Area. The Township of Nutley Department of Public Works (DPW) informed DMR that the sewer and stormwater infrastructure serving the Redevelopment Area is over 50 years old and frequently requires repair or maintenance that newer infrastructure would not require. The DPW provided DMR with images from paper sewer, water, and storm utility maps dating back to 1942, showing the locations of manholes as well as stormwater inlets, sewer mains, and water lines and water valves.

In January of 2020, the DPW opened manholes on Franklin Avenue, West Plaza, and Vreeland Avenue on the immediate perimeter of the Study Area for DMR to inspect. The age of these manholes in excess of 50 years is evident from the brick materials with which the manholes were constructed, and the deteriorating condition of those materials as visible from the photographs on the following pages.

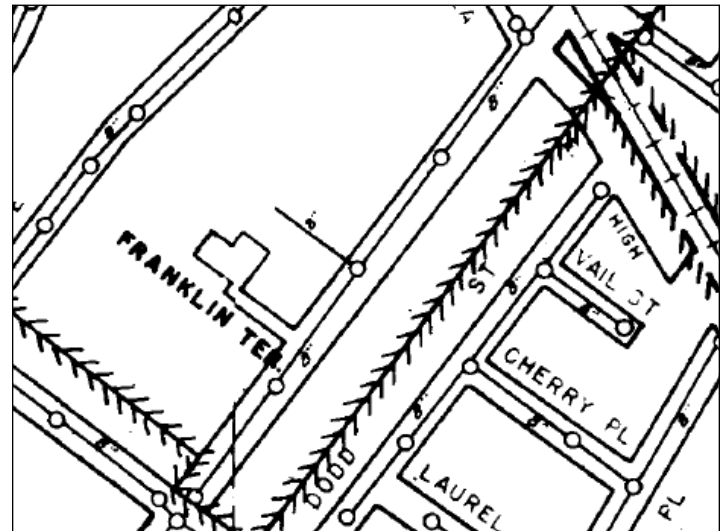
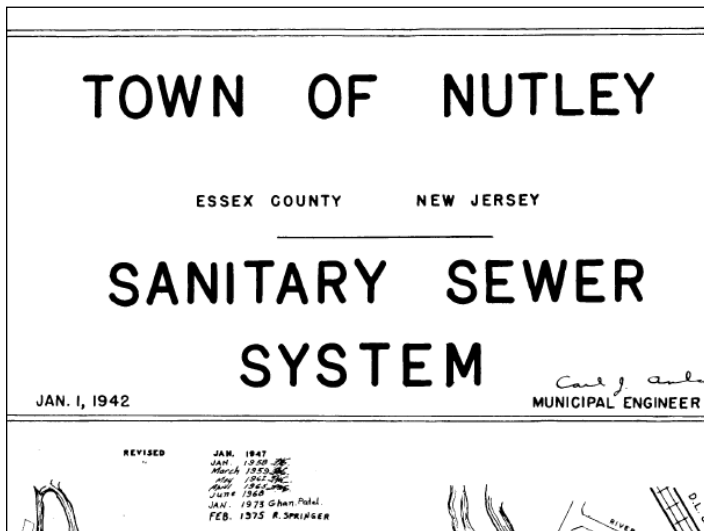


Figure 1: Map title block with January 1, 1942 date.

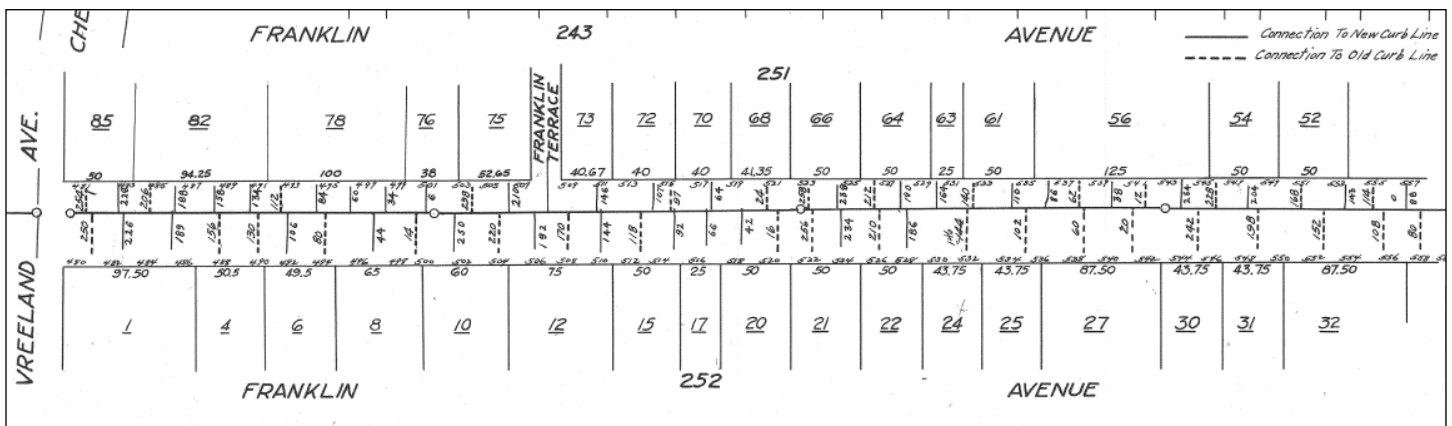


Figure 2: First part of paper map of sanitary sewer lines on Franklin Avenue between Vreeland Avenue and West Plaza.

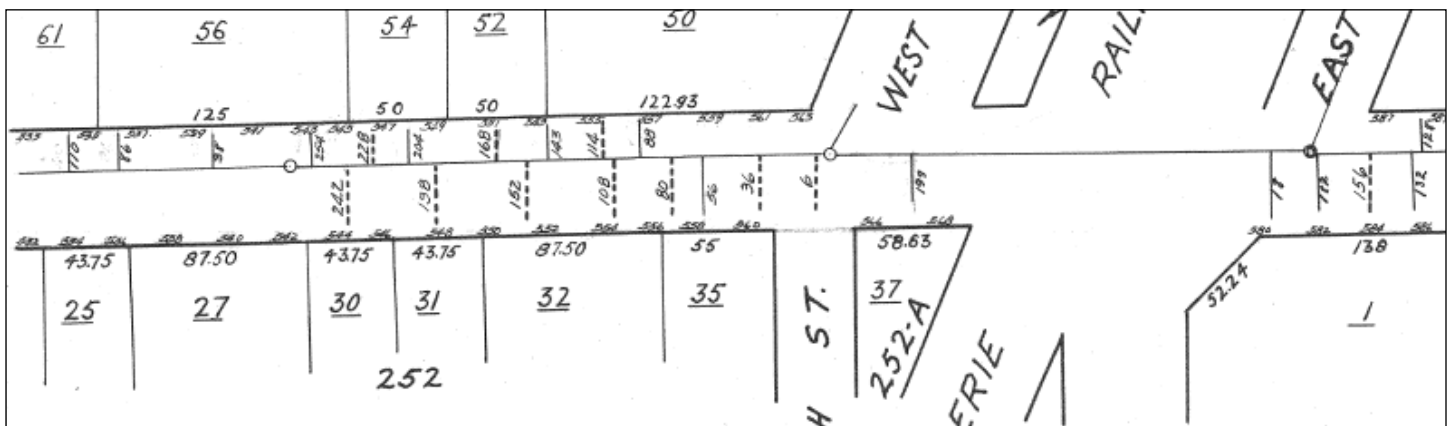


Figure 3: Second part of paper map of sanitary sewer lines on Franklin Avenue between Vreeland Avenue and West Plaza.





Township of Nutley Storm Sewer Utilities

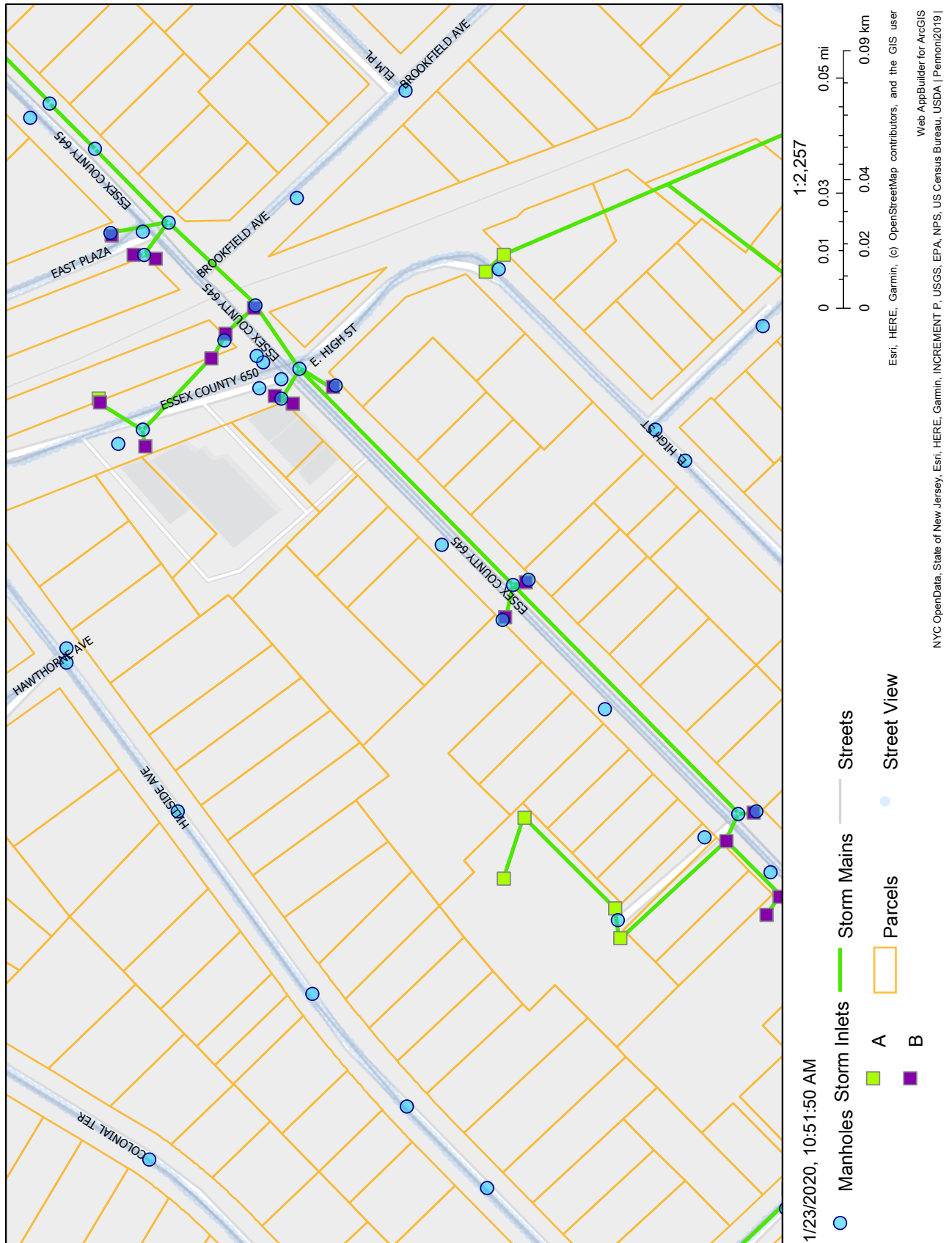


Figure 5: Digital map of storm sewer mains and inlets in Study Area.





**Figure 6:** Manhole on West Plaza, with loose bricks, broken wood component, and sediment accumulation.



**Figure 7:** Manhole on West Plaza, with loose bricks, sediment accumulation, and asphalt previously used for repairs.



**Figure 8:** Manhole on Franklin Avenue, with sediment accumulation, and asphalt previously used for repairs.



**Figure 9:** Manhole on West Plaza, with loose bricks and missing mortar.



**Figure 10:** Manhole on Vreeland Avenue, with broken ladder rungs.

**SUMMARY OF FINDINGS AND RECOMMENDATIONS**

Based on our visual inspections as documented in this report, along with the maps which identify the approximately age of the various lines, the Area of Investigation meets the statutory criteria as an Area in Need of Rehabilitation that is consistent with the criteria listed in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-14. The Study Area is served by sewer infrastructure that is more than 50 years old, which is in deteriorating condition, and which the Township's Department of Public Works has told DMR requires substantial maintenance and repair.





**Map 4:** Map of Study Area with four (4) Recommended Delineated Areas in Need of Redevelopment shown.