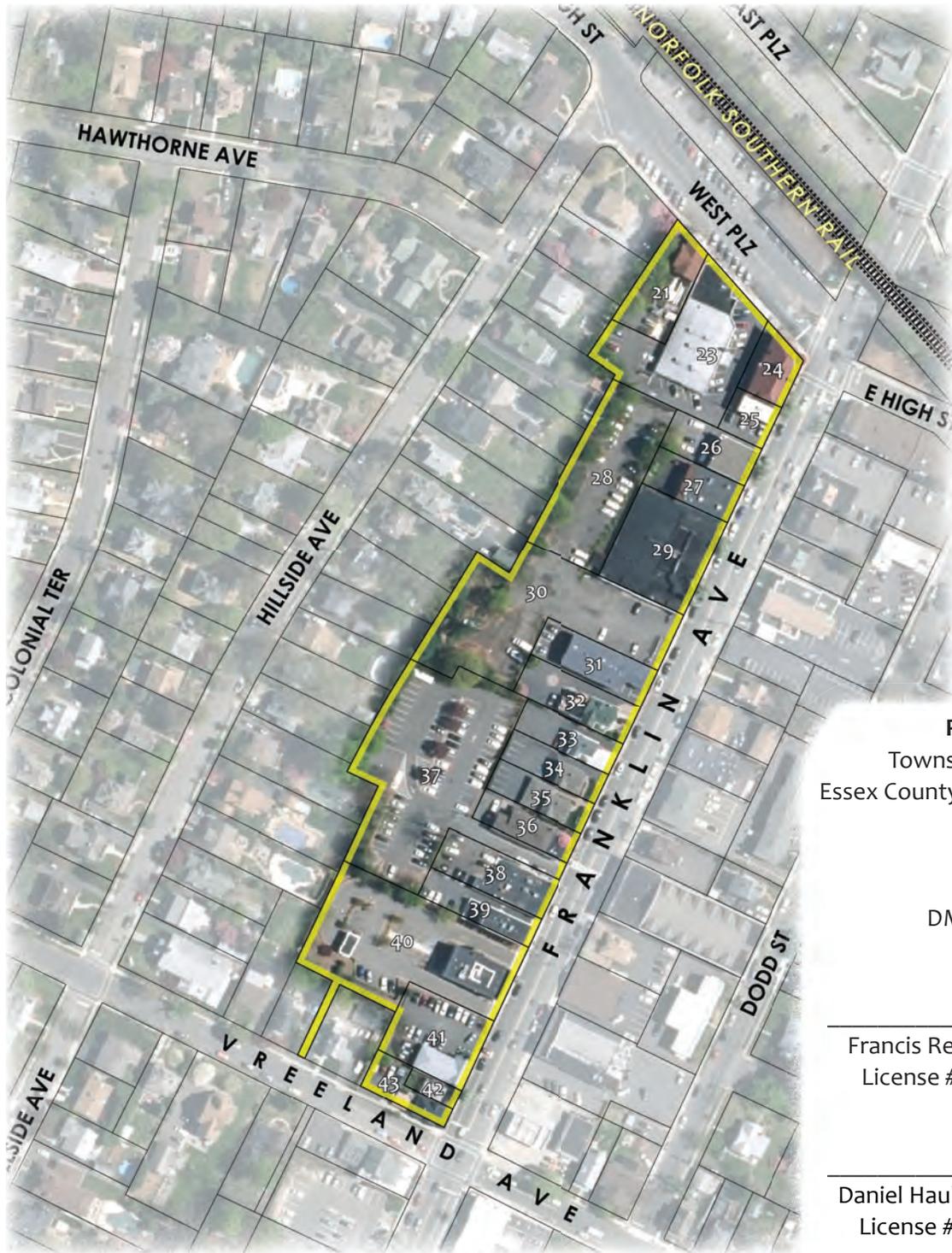


Report of

Preliminary Investigation for Determination of an Area in Need of Redevelopment

Block 3100 Lots 21, and 23 through 43



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

Prepared By:
DMR Architects

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BACKGROUND

PURPOSE	1
INTRODUCTION	1
AREA OF INVESTIGATION OVERVIEW AND CONTEXT	1
PROPERTY DESCRIPTION	2
CURRENT ZONING	4
STATUTORY CRITERIA FOR AN “AREA IN NEED OF REDEVELOPMENT” DESIGNATION	5
LOCATIONS OF STORMWATER AND SEWER INSPECTIONS	7

SITE ANALYSES

BLOCK 3100, LOT 21	12	BLOCK 3100, LOTS 34 AND 35	56
BLOCK 3100, LOT 23	16	BLOCK 3100, LOT 36	59
BLOCK 3100, LOTS 24 AND 25	20	BLOCK 3100, LOT 37	62
BLOCK 3100, LOTS 26 AND 27	27	BLOCK 3100, LOT 38	65
BLOCK 3100, LOTS 28 AND 30	32	BLOCK 3100, LOT 39	68
BLOCK 3100, LOT 29	37	BLOCK 3100, LOT 41	75
BLOCK 3100, LOT 31	43	BLOCK 3100, LOT 42	78
BLOCK 3100, LOT 32	47	BLOCK 3100, LOT 43	80
BLOCK 3100, LOT 33	53		

RECOMMENDATIONS

RECOMMENDED DELINEATED AREA 1	30
RECOMMENDED DELINEATED AREA 2	50
RECOMMENDED DELINEATED AREA 3	71
RECOMMENDED DELINEATED AREA 4	84
SUMMARY OF FINDINGS AND RECOMMENDATIONS	86

Acknowledgements:

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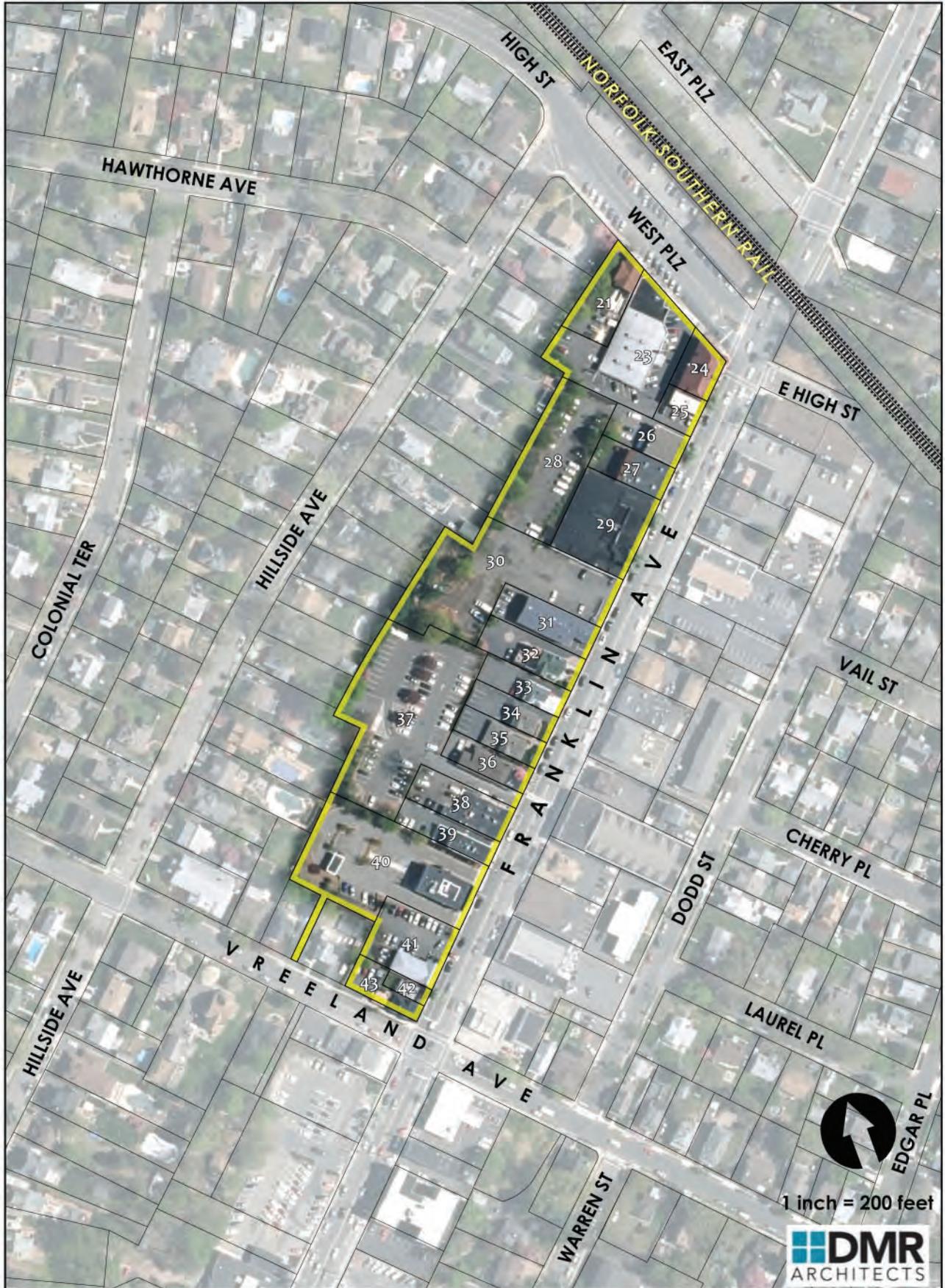
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Map 1: Study Area

PURPOSE:

The Township's Board of Commissioners adopted Resolution No. 83-19 on March 19, 2019, 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 and 23 through 43 on Block 3100 (the "Area of Investigation" or "Study Area"), depicted in Map 1, constitutes an "area in need of redevelopment" without condemnation in accordance with the criteria set forth in N.J.S.A. 40A:12A-5. Planning Board Resolution No. XXXX adopted on December 18, 2019, authorized DMR Architects (DMR) to assist the Planning Board in the investigation of these properties. 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 redevelopment" without condemnation.

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.

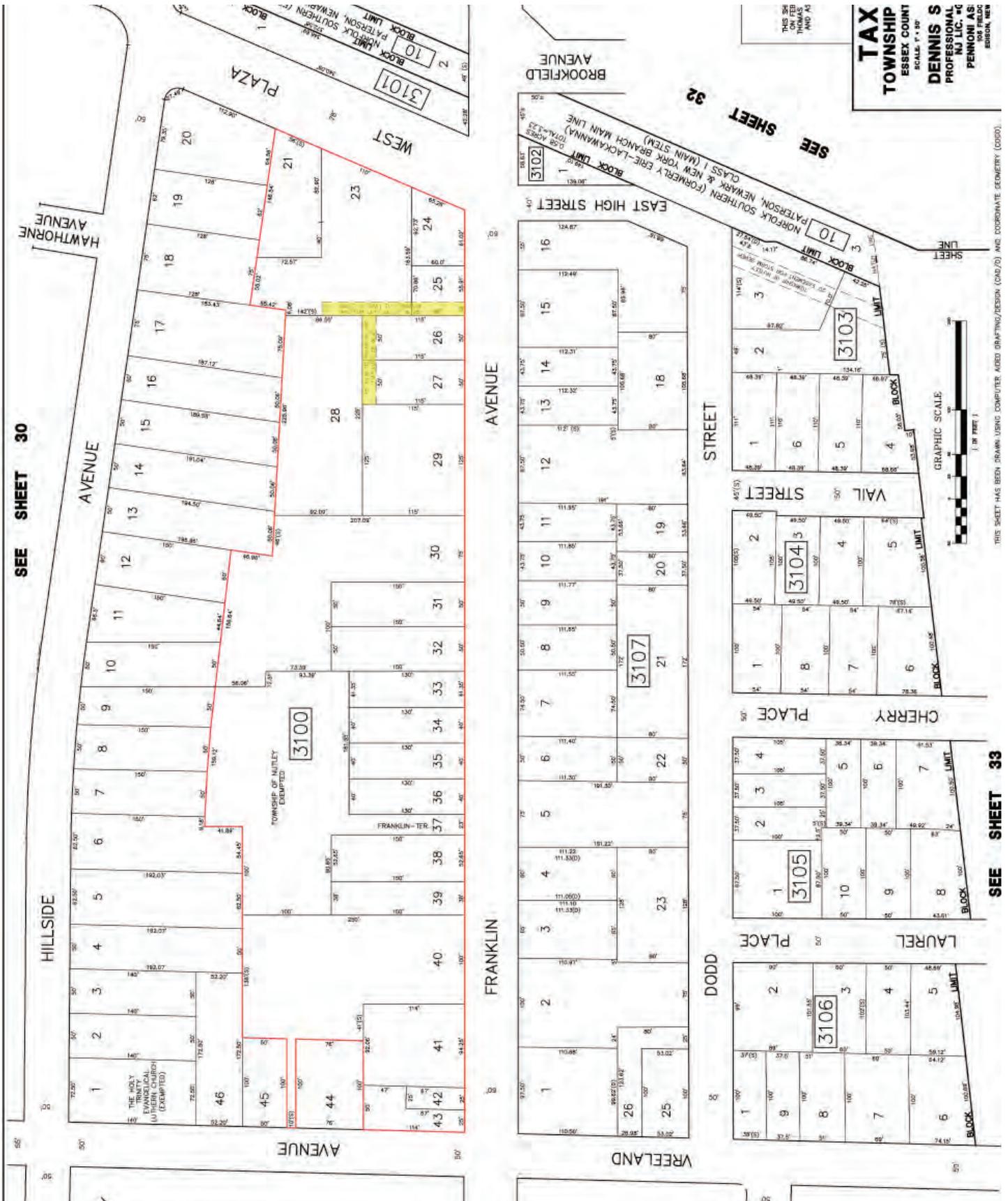
The majority land use in the Township is single-family housing. Franklin Avenue, the Township's main business corridor, extends 1.75 miles between the Township's north and south borders and contains a variety of small business uses. A mixture of multi-family, commercial, and light industrial uses are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

PROPERTY DESCRIPTION:

The Study Area is comprised of 22 lots on the eastern side of Block 3100, extending northeast to southwest from West Plaza to Vreeland Avenue. Twenty (20) of the lots front on Franklin Avenue and two (2) front exclusively on West Plaza. The 5.8-acre Study Area is generally developed with one- to three-story commercial buildings (including converted houses) fronting on those street. One parcel on Franklin Avenue known as the "Ciccolini site" is occupied by an approximately 125-foot by 110-foot vacant commercial building formerly housing the "Eight Ciccolini Brothers" furniture sales business. There are also two municipally owned parking lots on three (3) parcels in the rear (western side) of Study Area, in the center of Block 3100. These parking areas are accessed by driveways from Franklin Avenue.

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.



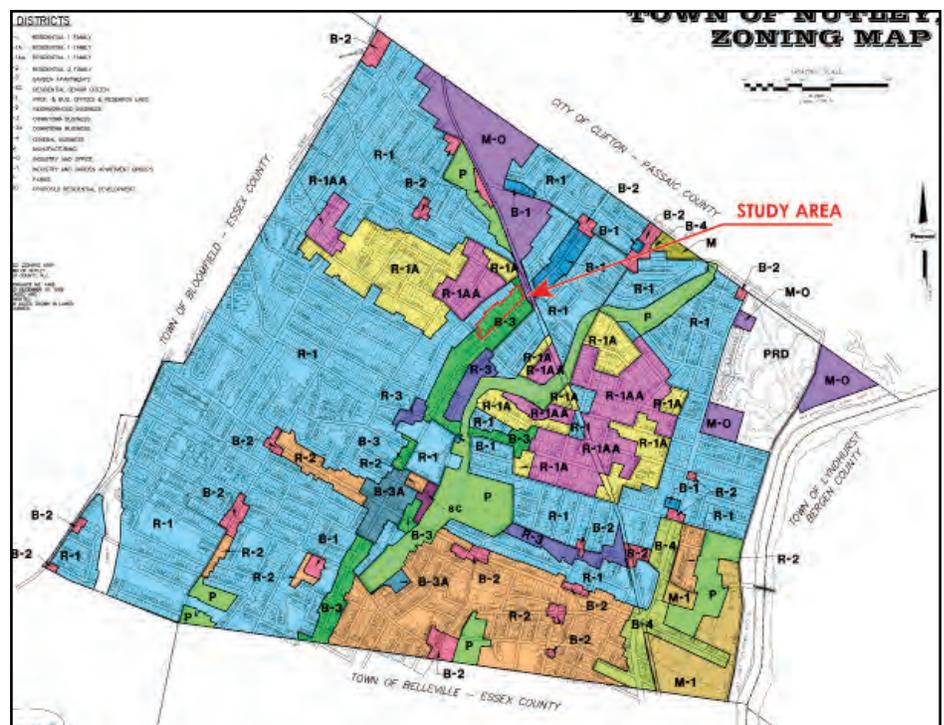
Map 2: Tax map containing Study Area (outlined in red), with 15-foot wide public right-of-way access easements highlighted in yellow.

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 REDEVELOPMENT” DESIGNATION:

The laws governing redevelopment by municipalities in New Jersey are set forth in the LRHL, which is codified at N.J.S.A. 40A:12A-1 et seq. This statute grants the governing body of a municipality the power to authorize the Planning Board to conduct a study to determine whether an area is in need of redevelopment; to make such a determination following the completion of the study; and to adopt a redevelopment plan for the designated area.

An “delineated area” may be determined to be in need of redevelopment only if, after an investigation by the Planning Board and a public hearing for which notice has been given, it is found that the area meets one or more of the following criteria:

- 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 a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or other 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 areas has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey 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 description of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Additionally, a redevelopment area “may include lands, buildings or improvements which of themselves area 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”. See N.J.S.A. 40A:12A-3.

Due to the size of this Study Area, this report has been written to include an analysis of whether and how each individual property in the Study Area meets the criteria for designation as an area in need of redevelopment and also identifies and recommends delineated areas comprised of two or more properties, in which the conditions meeting the criteria may be better understood in terms of how they affect or spread across multiple properties.

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.

CONCLUSION

Based on our visual inspections as documented in this report, along with the maps which identify the approximate age of the various lines, the Area of Investigation meets the statutory criteria as an Area in Need of Rehabilitation.

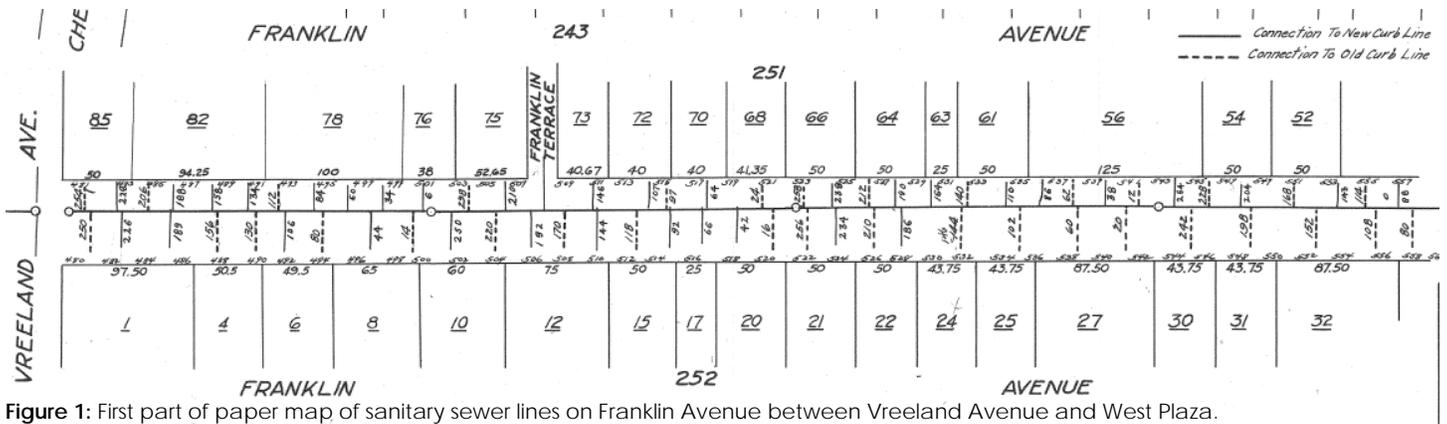


Figure 1: First part of paper map of sanitary sewer lines on Franklin Avenue between Vreeland Avenue and West Plaza.

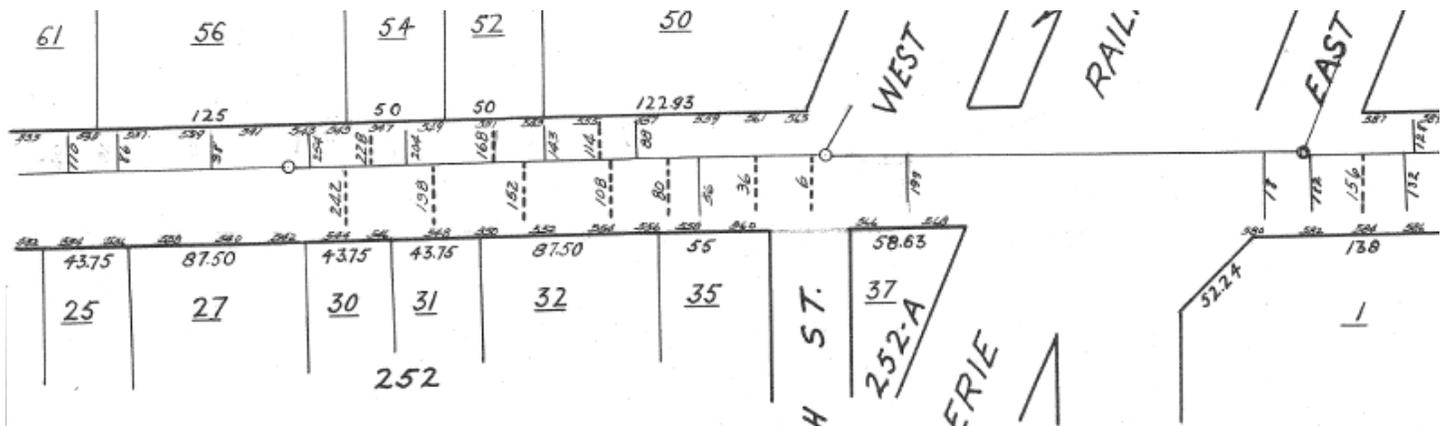


Figure 2: Second part of paper map of sanitary sewer lines on Franklin Avenue between Vreeland Avenue and West Plaza.

Township of Nutley Sanitary Sewer Utilities

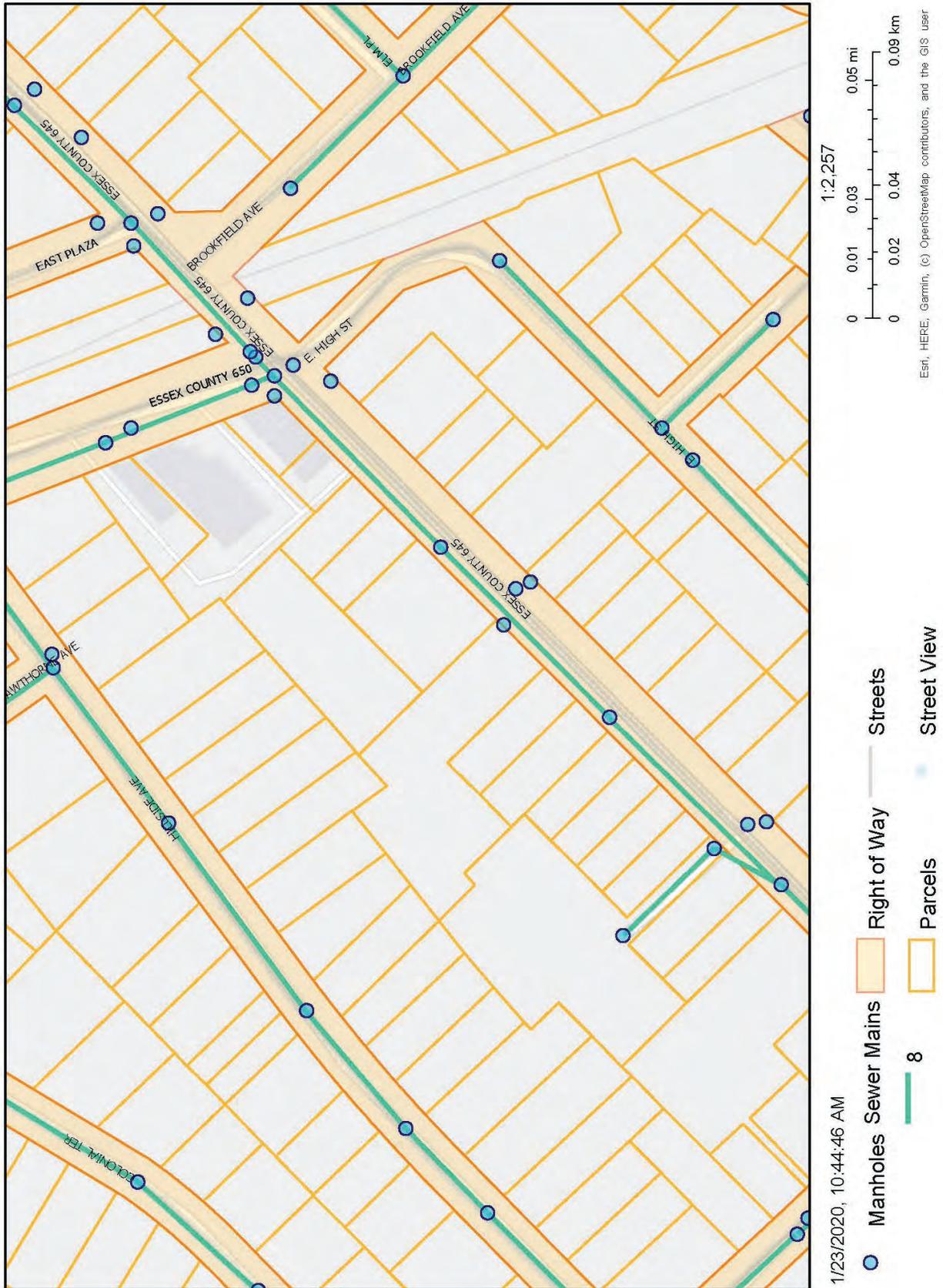


Figure 3: Digital map of sanitary sewer mains and manholes in Study Area.

Township of Nutley Storm Sewer Utilities

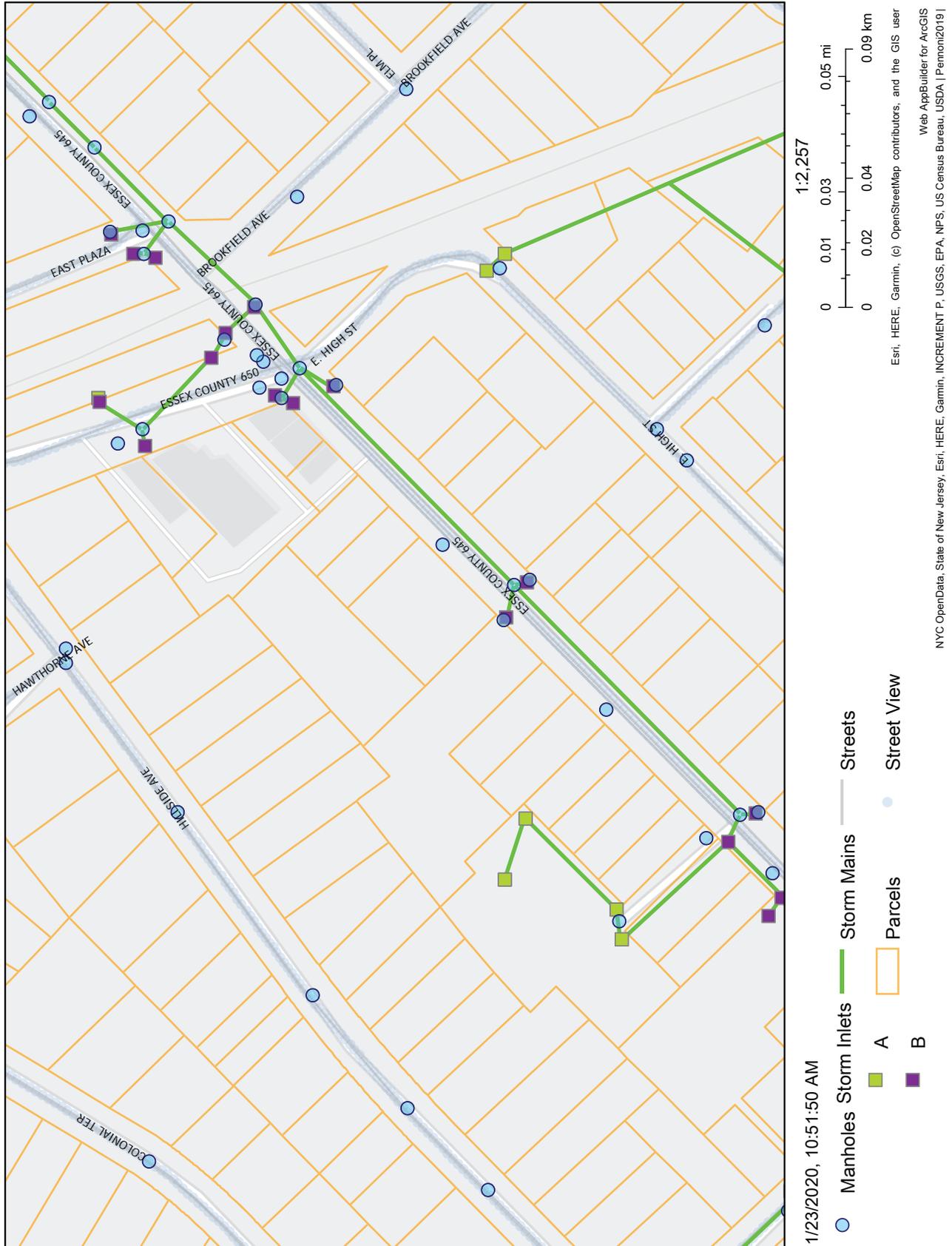


Figure 4: Digital map of storm sewer mains and inlets in Study Area.



Figure 5: Manhole on West Plaza, with loose bricks, broken wood component, and sediment accumulation.



Figure 6: Manhole on West Plaza, with loose bricks, sediment accumulation, and asphalt previously used for repairs.



Figure 7: Manhole on Franklin Avenue, with sediment accumulation, and asphalt previously used for repairs.



Figure 8: Manhole on West Plaza, with loose bricks and missing mortar.



Figure 9: Manhole on Vreeland Avenue, with broken ladder rungs.

SITE ANALYSES

Owner:

Testa, A. C/O Damiano,
Susan

Property Use:

Ground Floor Commercial,
Upper Level Residential

Business Name:

Multiple

Property Size:

0.198 Ac / 8,640 s.f.

Zone District:

B- 3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$304,900
Improved:	\$328,400
Total:	\$633,300

PROPERTY DESCRIPTION:

This property is occupied by a 3.5-story building with retail on the ground floor and four (4) residential units above. The property includes a 20-foot wide driveway connecting from West Plaza to a rear parking and loading area which itself is connected to an adjacent parking area on Lot 23.

DMR conducted an exterior physical inspection of the building. Although the building appears to be in fair condition. DMR identified the following issues as it relates to the redevelopment criteria:

1. Downspouts from the roof gutters point to the parking areas to the side / rear of the property. Over time, releasing stormwater onto paved surfaces has lead to the deterioration of those surfaces due to freezing and thawing. In the winter, freezing water can make sidewalks or other paved areas dangerous. Downspouts should lead to impervious cover or directly to storm sewer systems.
2. Refuse containers are stored in the six-foot wide alley between the buildings on this Lot and Lot 23, whereas they should be concealed from the public right of way.

3. Window openings on the side of the building are covered with plywood, which typically is not well insulated.
4. The building has no entrances that are accessible to mobility impaired persons.
5. The exterior bricks at the base of the building near downspouts are crumbling, allowing for water infiltration.
6. The access drives lacks proper site lighting for pedestrians walking from the parking lot to the main entrance.
7. Vehicles park along the entrance drive further reducing the ability for vehicles to access the parking from West Plaza.

The lot is nearly entirely covered with impervious surface whereas a maximum impervious coverage of 90% is permitted in the B-3 Zone. Consequently all stormwater released by downspouts onto the paved surfaces of the property either run out toward the streets or neighboring properties or fill cracks or depressions in paved surfaces or structures on the site.

Due to the current usage of the driveway on Lot 21 for parallel parking and entry to the site from West Plaza, the most optimal way for vehicles to exit Lot 21 is to pass through Lot 23. Based on DMR's research there is no easement agreement in place that permits passage through Lot 23 from Lot 21. Should the current or future owner of Lot 23 take action to prohibit such activity, it would create significant access problems for Lot 21.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- On January 9, 2018, a complaint was registered with the Building Department indicating that the rainwater released from downspouts onto the sidewalk was freezing and creating hazards for pedestrians on West Plaza.
- No fire code violations have been recorded since 2014.

There are no relevant incidents or complaints recorded by the Police Department in relation to this property. For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion "d" of the LRHL, specifically:

- 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.

CONCLUSION:

Lot 21 suffers from a combination of obsolete design, faulty arrangement, and excessive coverage which may be harmful to the welfare of the community. The lot is nearly entirely impervious and lacks any pervious cover or inlets to underground storm sewer systems to absorb or remove water from the parking and walking areas of the site, resulting in damage to the building and paved surfaces. Due to the arrangement and layout of parking and circulation areas on the property, the safest means of egress from the lot is through an adjacent property. The lack of site lighting along the West Plaza entrance, coupled with the lack of pedestrian walkways from the parking area to the main entrance requires pedestrians to walk along the approximately 20 foot drive aisle (with vehicles parked along the side) which creates pedestrian vehicle conflicts with no site lighting. These conditions indicate faulty or obsolete layout and design, which can be detrimental to safety and welfare if the owners or current or future owners of the neighboring property attempt to block cross access. Furthermore, the building does not have accessible entrances for disabled persons, which is detrimental to the welfare of the community.



Figure 1: Front building facade.



Figure 2: Downspout opening onto sidewalk and public right of way.



Figure 3: Trash stored in alley, and boarded-up windows on side of building.



Figure 4: Front entrance stairs



Figure 5: Side of building including 20-foot wide driveway with vehicle parked, no site lighting and no pedestrian walkway.



Figure 6: Downspout opening onto driveway.



Figure 7: Rear building wall.



Figure 8: Rear of Lot 21 and parking lot of Lot 23.

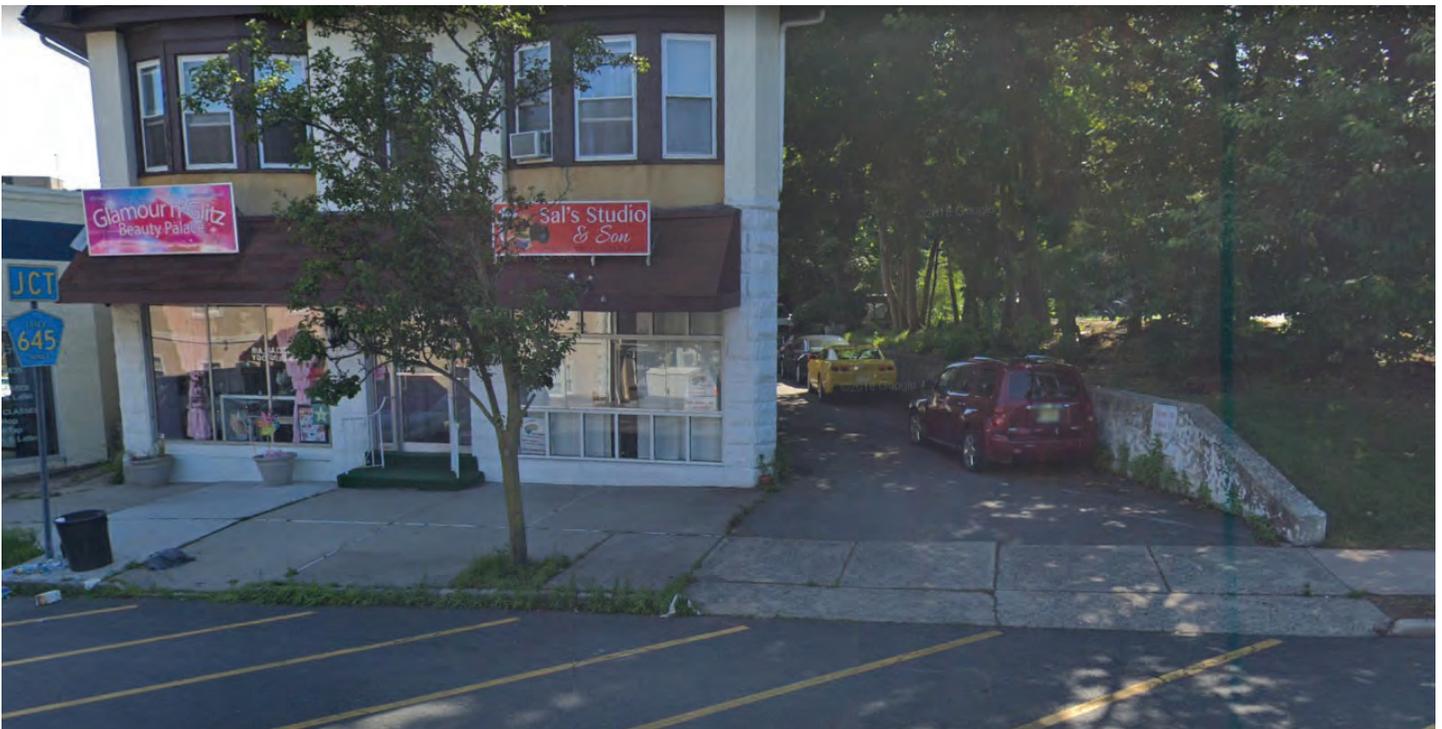


Figure 9: West Plaza entrance depicting no site lighting, vehicles parked along the retaining wall and no pedestrian walkways or safety measures. Image obtained from Google Streetview and dated June 2018.

Owner:

Progressive Dance C/O T.
Sun

Property Use:

Commercial

Business Name:

Starlight Dance Center

Property Size:

0.5 Acres

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$432,400
Improved:	\$381,200
Total:	\$813,600

PROPERTY DESCRIPTION:

The subject property is an irregular shaped lot containing a one-story commercial building with frontage on West Plaza. The lot includes fourteen (14) 60-degree parking spaces along the east and south sides of the building, as well as a 12-space parking area located at the western corner of the lot (southwest of Lot 21) which connects to the rest of Lot 23 by way of a 12-foot wide two-way driveway.

There are three ways to enter and exit the parking areas on this lot. The main means of entry is a 12 to 16 foot wide aisle from West Plaza on the east side of the lot. The lot can also be accessed by way of a 15-foot wide, two-way access easement from Lot 25 and from the connected parking and loading area on Lot 21.

The building on Lot 23 (7 West Plaza) does not have significant physical defects. However, similar to the building on Lot 21, the downspouts on 7 West Plaza release stormwater collected from the roof toward paved surfaces such as the walking and parking areas on the perimeter of the building. As this report stated in relation to Lot 21, releasing stormwater into paved areas creates hazards for cars, vehicles,

pedestrians and the integrity of paved surfaces and structures. There is a planting strip between the building and the sidewalk on West Plaza, which is where rainwater should be directed if storm sewers are not an option.

There are several issues with the parking and circulation arrangements on the site that constitute obsolete layout and faulty design conditions that are detrimental to the public safety and welfare.

- The fourteen angled parking spaces around the building are approximately 12 feet deep and have a backup aisle between 12 feet and 16 feet wide. Section 600-6 of the Township code requires 60-degree parking spaces to be 19-feet long with an 18-foot wide access aisle.
- There is an abrupt grade drop between the one-way aisle from West Plaza and a 12-foot driveway on Lot 24 which is stabilized by a retaining wall. However, there is no barrier at the top of the retaining wall to prevent persons or cars from falling over the wall. This coupled with the lack of site lighting and the substandard dimension of the drive aisles this creates a dangerous condition especially at night.
- Whereas Section 600-6.A(1)(d) prohibits parking arrangements that cause a vehicle to maneuver in an entrance driveway within 15 feet of a county road right of way line, the first parking space in the entrance driveway from West Plaza is within five (5) feet of the right of way line, which is a County road. This condition would require a vehicle to back into the public right of way into the sidewalk in order to egress from the parking space, which creates both vehicle to vehicle and vehicle to pedestrian conflicts.
- Due to the one way nature of the parking off West Plaza, the only way for a vehicle to access a public right-of-way from the site is through the 15-foot wide driveway located on Lot 25, which is also undersized and not to code.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The property was cited on October 15, 2018 and January 10, 2019 for property maintenance violations (ZPM-19-00005 and ZPM-18-00160). The 2018 violation concerned the presence of major cracks in the building wall. The 2019 violation concerned accumulation of leaves and other debris on the property.
- Between 2015 and 2019, multiple fire department violations were issued. The majority related to maintaining emergency exit routes, doors, fire alarm systems, lighting and signage. Other violations related to damaged or open ceilings and use of extension cords. DMR presumes that these violations have been abated.

There are no relevant incidents or complaints recorded by the Police Department in relation to this property.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

Lot 23 has an obsolete layout with respect to parking, circulation, and mitigating hazards caused by grade

differentials, which are harmful to the safety and welfare of the community. More specifically, the parking spaces, circulation aisles, and access driveways on the site are undersized to such an extreme that they do not provide adequate space for vehicles to park without projecting into aisles or maneuver into or out of spaces in a safe or efficient manner. This is made especially hazardous by the absence of a barrier at the top of the retaining wall separating the driveway on Lot 23 from the driveway approximately 3 feet lower on adjacent Lot 24. At least one angled parking space is so close to the streetline that any vehicle maneuvering out of the spot has no choice but to back out into the sidewalk, putting pedestrians at risk.

The rear parking area in the southwest corner of the Lot, adjacent to Lot 21, is isolated from the rest of the property and does not appear to have adequate lighting sources to ensure safety at night. Inadequate lighting increases risk of collisions and makes parking areas more likely to accommodate criminal activity.

The building does not have any wheelchair accessible entrances, which is detrimental to public welfare in that it deprives mobility-impaired persons from having equal and convenient access to the site.

Additionally, the lot is nearly 100% impervious and lacks adequate mechanisms for collecting runoff from uphill areas or removing water from lower lying areas, creating potentially unsafe conditions for pedestrians or vehicles.

With the exception of adding lighting in the rear parking area, the majority of the conditions affecting the site are difficult to change due to the layout and configuration of the building and site. For example, the setbacks between the building and the rear and side property lines (28 feet and 36 feet, respectively, although the distance between the building wall and the retaining wall on the southeast property line is 28 feet) only permit parking spaces at 45 degree angles or less served by one-way aisles (based on the standards at §600-6.A(1)(a) and (b)) whereas two-way aisles are needed to circulate the site. Furthermore, the only way to relieve this property of its dependence upon Lot 25 for egress onto Franklin Avenue would be to convert the current 1-way driveway with angled parking from West Plaza to a two-way driveway without parking, which would deprive the site of the existing parking spaces off the West Plaza entrance.

Additionally, significant construction would be required to construct on-site drainage infrastructure.



Figure 1: Front of building from West Plaza



Figure 2: 16-foot wide, one-way driveway serving angled parking.



Figure 3: Downspout opening onto parking area.



Figure 4: At rear ground, two-way driveway, 12 feet wide, connecting to the parking area behind Lot 21.



Figure 5: Retaining wall between driveways (Lot 24 to the left, Lot 23 to the right), without safety barrier.



Figure 6: Top of retaining wall between Lot 23 (left) and Lot 25 (right)



Figure 7: Rear of Lot 21 and parking lot of Lot 23.



Figure 8: Southwest corner of parking area on Lot 23, behind Lot 21.

Owner:

Lot 24: 563 Franklin Ave.,
LLC

Lot 25: Albicorp, Inc.

Property Use:

Ground Floor Commercial,
Upper Level Residential

Business Name:

Multiple

Property Size:

0.1814 Ac / 7,902 s.f.

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$244,200
Improved:	\$671,600
Total:	\$915,800

PROPERTY DESCRIPTION:

Lots 24 and 25, although under separate ownership, contain two buildings that abut each other. The two buildings contain multiple businesses with frontage on West Plaza and Franklin Avenue, as well as residential apartments above. As with the buildings on Lots 21 and 23, these buildings have downspouts that release water into parking and walking areas, and also lack handicap-accessible entrances. While the buildings appear to be in adequate condition, there are visible gaps and cracks in the brick and wood elements of the building facade that are evidence of, or vulnerable to water penetration.

A 12-foot wide driveway on West Plaza extends along the 90-foot length of the west side of Lot 24 and is used for parking, outdoor dining, and outdoor storage including for waste receptacles. The driveway is separated from the one-way driveway on adjacent Lot 23 by an approximately 3+ foot tall retaining wall. As this report mentions in relation to Lot 23, the retaining wall does not have a protective barrier to prevent people or vehicles from falling into the driveway from Lot 23. DMR also

observed that there is a very limited site lighting in the driveway area, which is a safety hazard with respect to crime prevention and both vehicular and pedestrian safety.

There is a roughly 30-foot wide, five (5) space parking area on the south side of Lot 25 that includes a 15-foot wide two-way driveway and access aisle which functions as the main point of access between Franklin Avenue and Lots 21, 23, 25, 26, and 27, whereas such driveway is required to be 24 feet wide per Section 600-6.A(1).

Whereas Section 600-6.A(1)(d) prohibits parking arrangements that cause a vehicle to maneuver in an entrance driveway within 15 feet of a county road right of way line, the driveway on Lot 24 and the parking area on Lot 25 have parking spaces within five (5) feet of the West Plaza and Franklin Avenue right of way lines, both of which are County roads. They also require vehicles to reverse onto sidewalks within the public right of way, which is dangerous for vehicles and pedestrians.

In addition to the building, parking, and circulation issues affecting the site, the site is also roughly 100% impervious where the maximum impervious coverage in the B-3 district is 90%. Furthermore, DMR did not identify any planting areas or drainage mechanisms to remove water from the site after a rain event.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- In April of 2017, the property was cited by the Building Department for having four (4) residential apartments where only two (2) are permitted. In 2019, permits were filed and inspections were conducted in relation to reducing the number of apartments on the second floor from two (2) to one (1) in order to comply with approvals.
- In prior years, citations were issued relating to performing work without permits.
- One of the ground floor restaurants has been cited repeatedly since 2010 for failure to maintain fire alarm and suppression systems, clear emergency exit routes and signage, and safe electrical systems, and for failing to limit fire hazards by maintaining cooking equipment or separating combustible items or materials from cooking equipment. DMR was not able to do an interior inspection of the site in order to evaluate whether the floor plan of the restaurant prohibited the current or future tenants from complying with fire safety rules.

The following are relevant incidents or complaints recorded by the Police Department in relation to this property:

- Noise complaints (2015)
- Medical call / injury (2016)
- Motorvehicle collision involving vehicle turning left onto Franklin Avenue from driveway on Lot 25 (erroneously recorded under 551 Franklin Avenue)
- Parking complaint (2010) (recorded under 553 Franklin Avenue)

For a full description of the violations and police incidents described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The property suffers from excessive coverage, obsolescent design, and faulty arrangement with respect to parking location and configuration, which are hazardous to the safety and welfare of the community. The obsolete building design includes the lack of handicap-accessible entrances, the release of stormwater into circulation and walking areas from downspouts, the presence of at least one dwelling unit in excess of what was previously approved, and potentially inadequate interior facilities to comply with fire safety requirements. The obsolete parking area conditions include the undersized driveway on Lot 25, the requirement for vehicles parked in the driveway on Lot 24 to back out onto the sidewalk, the lack of a barrier on top of the retaining wall between the driveways on Lots 23 and 24, and the proximity of parking spaces on Lots 24 and 25 to the sidewalk. Each of the above conditions are detrimental to public safety and welfare.

With the exception of site lighting and the addition of a barrier above the retaining wall between Lots 24, 25, and 23, the conditions affecting this site cannot be easily corrected. The width of the parking area on Lot 25 (30 feet) cannot accommodate a 24-foot wide two-way driveway and parking spaces in compliance with the standards at §600-6.A(1) (a) and (b). The driveway on the north side of Lot 24 cannot be reconfigured so that vehicles do not back out onto the sidewalk. Additionally, making the entrances accessible to mobility-impaired persons would require significant changes to the interior layouts of the building in order to ensure that there is enough maneuvering space inside the stores and other facilities, and possibly require ramps or similar structures to project into the sidewalk causing tripping hazards to pedestrians.



Figure 1: Building on Lots 24 (right) and 25 (left) from Franklin Avenue.



Figure 2: Non-ADA accessible entrance in front of damaged sidewalk blocks.



Figure 3: Non-ADA accessible entrance between two bay windows.



Figure 4: Downspouts opening onto sidewalk. Shallow trench in sidewalk (left middle ground) for runoff into Franklin Avenue cartway.



Figure 5: Non-ADA accessible entrance.



Figure 6: Non-ADA accessible entrance, between bay windows that project into pedestrian walking path.



Figure 7: Deteriorated wood bay-window frame.



Figure 8: Non-ADA accessible building entrance. Downspouts opening onto deteriorated sidewalk and driveway pavement.



Figure 9: West facing building facade



Figure 10: Retaining wall between driveways on Lot 23 (right) and Lot 24 (left), without safety barrier or site lighting.



Figure 11: Stormwater outlet opening onto pavement in parking area.



Figure 12: Storefront of 557 Franklin Avenue on Lot 25.



Map 4: Recommended Delineated Area 1, consisting of Lots 21, 23, 24, and 25

DELINEATED AREA DESCRIPTION

The first delineated area is comprised of the four (4) northernmost lots in the Study Area. The lots are recommended to be delineated together for the purposes of designating the properties as being in need of redevelopment because several of the conditions of the properties that meet the redevelopment criteria are best understood as extending across properties. These include the following:

- Lots 21 and 23: A parking and circulation arrangement on Lot 21 that makes passing through Lot 23 the safest and most efficient option for exiting the parking and loading area at the rear of Lot 21.
- Lots 23, 24, and 25: The lack of a safety barrier on the top of the retaining wall between Lot 23 and Lots 24 and 25 creates safety hazards for pedestrians and vehicles on Lot 23, which is exacerbated by the undersized parking space and aisles closest to that wall.
- Lots 23, 24, and 25: The lots do not appear to have adequate lighting in their parking and pedestrian circulation areas.
- All Lots in the Delineated Area: These lots all depend on easements for access to and from Franklin Avenue by way of an approximately 15-foot wide two-way driveway on Lot 25. Although the driveway on Lot 21 is wide enough for two-way circulation, it is often used for parallel parking, which makes egress onto West Plaza unsafe. As a consequence, any vehicle that enters Lot 21 from West Plaza must pass through Lot 23 in order to access any public road. DMR has been unable to find any easements between the properties. The dependence upon such a narrow driveway for ingress and egress for as many as 30 parking spaces on five (5) lots is inefficient and unsafe.
- All Lots in the Delineated Area: The lots have nearly 100% impervious cover, and downspouts from the roofs of the buildings are directed into parking areas, public sidewalks and pedestrian circulation areas instead of planting areas where water may be absorbed or underground drainage systems where water may be removed from the properties and kept from sidewalks and roadways. Water runoff can create dangerous icy conditions in cold seasons, or can penetrate pavement or building foundations where it can cause damage over time.
- Lots 21, 23, 24, and 25: Each of these lots have parking areas in which vehicles entering or exiting a parking space are maneuvering within 15 feet of a County right-of-way and, in some cases, onto a sidewalk. Both of these conditions are in violation of Section 600-6.A(1)(d) and, with respect to the latter issue of backing onto a sidewalk, may be dangerous to pedestrians on adjacent public sidewalks.
- All Lots in the Delineated Area: None of the buildings in the delineated area are wheelchair accessible, making their design obsolescent in a manner that is detrimental to the welfare of the community by depriving disabled persons of equal access to businesses or apartments.
- All Lots in the Delineated Area: The lot sizes, building configurations, and general topography of the Delineated Area make it difficult to correct the issues affecting the properties, leaving redevelopment as the most ideal mechanism for correcting issues such as faulty design and obsolescent lot layouts.

REDEVELOPMENT CRITERIA

The conditions described above for the lands and buildings in this delineated area collectively and individually meet the “d” criterion, below:

- 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.



Owner:
 Lot 26: Chang, Kuosh, & Ping Yeung
 Lot 27: Ducci, Mario & Roberta

Property Use:
 Ground Floor Commercial, Upper Level Residential

Business Name:
 Multiple

Property Size:
 Each Lot: 5,750 s.f. / 0.132 Ac.

Zone District:
 B-3

Permitted Use:
 Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

	Lot 26	Lot 27
Land:	\$248,200	\$248,200
Improved:	\$190,100	\$356,000
Total:	\$438,300	\$604,200

PROPERTY DESCRIPTION:

The two properties are adjacent lots occupied by two buildings separated by an alley approximately five (5) feet wide. Each building has ground floor commercial uses with residential apartments above. Both lots have rear parking and loading areas which rely on 15-foot wide right-of-way easement to access Franklin Avenue via the 15-foot wide two-way driveway on Lot 25 (See Figure 17).

Based on tax assessment data, the buildings are estimated to have been built in 1915 and 1921. Consequently, the buildings and improvements on these properties have obsolete and faulty conditions, including inadequate drainage, non-standard parking and circulation area dimensions, and obstacles to accessibility by disabled persons.

The parking areas in the rear of the two lots have spaces that appear to be appropriately sized but which are served by aisles that are between 10 and 15 feet wide whereas 24 feet is required. Due to the lack of direct driveway access on Franklin Avenue, vehicles parked in the rear of Lots 26 and 27 must pass through

Lots 23 and 25 by way of the 15 foot wide easements shown in Figure 17 in this section. This series of undersized and interconnected circulation aisles creates risks for collisions, vehicles being blocked from entering and exiting parking and loading areas (including emergency vehicles and garbage collection vehicles), and causes generally inefficient and dangerous maneuvering situations for vehicles circulating through the sites. Figure 16, for example, shows a dumpster located at the end of the access aisle in the rear parking area on Lot 27 partially blocking the maneuvering space needed to access an adjacent parking space. The rear parking areas also have very limited site lighting, which can increase risk of accidents by vehicles maneuvering in the parking areas or make the site attractive to criminal activity.

The two lots combined are approximately 97% impervious. The only permeable portions of the two lots are approximately 350 square feet in the rear of the lots occupied by part of the planted buffer from the parking lot on Lot 28 and the bases of six (6) shrubs on the north side of Lot 26. The lack of permeable surfaces in the portions of the lots that are likely to accumulate the most stormwater from runoff from uphill on Lot 28 or being released from downspouts on the sides of the buildings, as shown in Figures 3 to 5 and 8 and 9 in this section.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The majority of fire and building code violations over the past 10 years have concerned failure to follow inspection and maintenance schedules.

For a full description of the violation described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The properties have obsolete layouts and a faulty arrangement, which may be consequential to the health, safety, and welfare of the community. The stormwater runoff on the site combined with the lack of permeable cover or other drainage mechanisms in the lower lying sections of the property create various hazards including degradation of paved surfaces and of building foundations.

The parking areas in the rear of the lots are served by undersized aisles that are also intended to accommodate waste storage and collection. Additionally, due to a lack of direct access to a public street, vehicles parked on these lots rely on inadequately sized aisles and driveways on Lots 23 and 25 to get to Franklin Avenue. Collectively, these conditions constitute obsolete layouts and a faulty arrangement and design that can create unsafe maneuvering and circulation conditions. Additionally, the lack of wheelchair accessible entrances contribute to obsolescence of the buildings which is detrimental to the welfare of the community by depriving disabled persons of equal access to businesses or apartments.

Due to the site dimensions and the location of the buildings, it is difficult if not impossible to correct the deficiencies affecting the site in a manner that is consistent with the Township’s land use standards, sound planning principles, and the public interest.



Figure 1: Front building facade of 551/553 Franklin Ave (Lot 26).



Figure 2: Front building facade of 545 Franklin Ave (Lot 27).



Figure 3: Alley between buildings on Lots 26 and 27, used for trash storage and having standing water due to inadequate drainage.



Figure 4: Downspout directed toward sidewalk



Figure 5: Boarded-up windows on 551 Franklin Avenue (Lot 26), in alley.



Figure 6: Non-accessible building entrance at 551 Franklin Avenue



Figure 7: Front building facade, 545 Franklin Avenue.



Figure 8: Apartment windows on north side of 551/553 Franklin Avenue (Lot 26).



Figure 9: Downspout opening onto pavement on north side of 551/553 Franklin Avenue (Lot 26).



Figure 10: Rear parking and loading area on Lot 26.

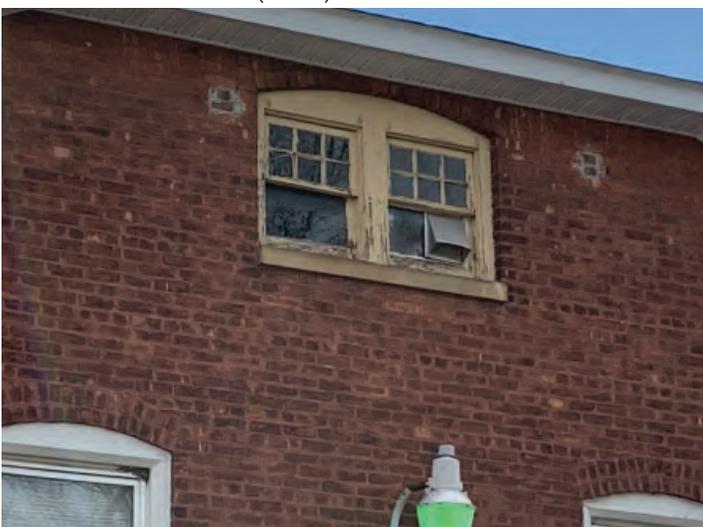


Figure 11: Half-story window at back of 551/553 Franklin Avenue (Lot 26).



Figure 12: Water damaged rear door at 551/553 Franklin Avenue (Lot 26).



Figure 13: Dumpster for 551/553 Franklin Avenue (Lot 26) on boundary with Lot 28.



Figure 14: Parking/loading areas behind Lots 26 and 27, as seen from Lot 28.



Figure 15: Rear of 545 Franklin Avenue (Lot 27), as seen from Lot 28.



Figure 16: Parking area in back of Lot 27, including dumpster encroaching into maneuvering area for parking space (right).



Figure 17: Image from tax map, showing right-of-way access easements.

Owner:

Township of Nutley

Property Use:

Parking

Business Name:

N/A

Property Size:

L 28: 0.479 Ac / 20,850 s.f.

L 29: 0.712 Ac / 31,010 s.f.

Tot.: 1.19 Ac / 51,860 s.f.

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

	Lot 28	Lot 30
Land:	\$65,300	\$225,900
Improved:	\$30,000	\$51,200
Total:	\$95,300	\$277,100

PROPERTY DESCRIPTION:

The properties are municipally owned parking lots forming a T-shape relative to Franklin Avenue. The base of the “T” is a 75-foot wide two-way driveway from Franklin Avenue with parking and loading areas along the sides of the buildings on Lots 29 (north) and 31 (south). The north-eastern-most end of Lot 28 has partial access to Lot 23. Additionally, a two-way driveway was recently created to connect the south-western-most end of Lot 30 to the municipal parking lot on Lot 37.

Lot 28 and the western-most section of Lot 30 are uphill from Lots 23, 26, 27, 29, 31, and 32 (in the Study Area) fronting on Franklin Avenue. Due to the grade changes between the lots, there are retaining walls along the line between Lot 30 and Lots 31 and 32 and a planted slope along the lot line between Lot 28 and Lots 26 and 27. During a site inspection, DMR observed that the retaining wall at the back of Lot 31 was leaning, indicating possible failure of the structure (See Figure 10).

Due to the higher elevation of Lot 28 relative to Franklin Avenue, there are several parking spaces on Lot 28 that line the back wall of the Ciccolini building and are approximately 8 to 10 feet above the finished floor elevation of the Ciccolini building, which is not more than 16 feet tall. There are no barriers protecting the back wall of the Ciccolini building from the parking spaces on Lot 28, and the elevation of the spaces relative to the building roof makes it easy for a person to climb on the rooftop of the building. This creates the potential for vandalism and property damage and represents a faulty design.

The pavement throughout Lots 28 and 30 is generally in deteriorated condition. As Figures 2 to 6 on the subsequent pages show, there are significant holes in the aisles and parking spaces which can create risks of personal injury and vehicular damage especially with the limited site lighting through portions of the parking lots.

The following conditions are indicative of faulty arrangement and obsolescent layout of the lots that are detrimental to the public safety and welfare:

- As shown in Figure 5, there is a utility pole within one parking space.
- An area at the southwest corner of Lot 30 that was cleared in or around 2018 is still partially overgrown and has not been repaved or striped although it is available for parking.
- There are several steep grade changes which are not secured with any railings or other protective barriers.
- There are no strategically located planting areas or storm sewer inlets to collect stormwater runoff from the higher elevation areas of the site leading to the lower elevation areas.
- In addition to not being paved, the southwestern section of the parking lot has no site lighting.

The gross acreage of the lots and their public ownership make them excellent candidates for redevelopment. However, the topography and T-shape of the lots make them difficult to develop through private investment alone.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

There are no recent violations issued by the Building or Fire Departments of Nutley Township, nor incidents or complaints recorded by the Police Department in relation to this property.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “c” and “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The parking areas on Lots 28 and 30 are in deteriorating condition, and have a layout, design, and topographic issues that create hazards to public safety and welfare. These conditions include significant potholes cracks, and other

damage in the pavement, an absence of pavement and lighting in certain areas, poorly placed utility poles, and grade changes without barriers to prevent cars from going over steep drops. The poor condition of the pavement is perpetuated and exacerbated by the absence of adequate and poorly placed stormwater drainage mechanisms that could remove water from paved surfaces before it can freeze, thaw, and damage the pavement.

Additionally, the configurations and locations of the lots relative to Franklin Avenue make it unlikely that the lots would be redeveloped without assemblage of adjacent lots or the mechanisms provided in the LRHL to stimulate redevelopment. The bulk of the developable area of the site is in the rear portion of Lot 30 and on Lot 28. However, these portions of the tract on their own are not ideal for redevelopment by “instrumentality of private capital” as they do not provide adequate space for a well designed multi-family or non-residential building and the buffers and surfaces needed for parking and other site elements. The most effective way to allow Lots 28 and 30 to be redeveloped is to include them in a delineated redevelopment area with adjacent properties with frontage on Franklin Avenue, and use the mechanisms provided by the LRHL to incentivize redevelopment of the lots.



Figure 1: Gate prohibiting entry to parking on Lot 28 from Lot 23.



Figure 2: Deteriorated pavement in northwest corner of Lot 28.



Figure 3: Deteriorated pavement on Lot 28 including in access aisle and in parking spaces.



Figure 4: Deteriorated or missing pavement in parking spaces on Lot 28.



Figure 5: Deteriorated pavement on Lot 28, and utility pole at front end of a delineated parking space



Figure 6: Deteriorated pavement in access aisle on Lot 28



Figure 7: Grade change between Lot 28 and 29 without protective barrier.



Figure 8: Grade change between Lot 28 and 29 without protective barrier.



Figure 9: Unstable wooden wall along property line between Lots 30 and 31.



Figure 10: Uneven parking and circulation surfaces at southwest corner of Lot 30.



Figure 11: Grade change between parking / circulation areas on Lot 30 without barrier or striping.



Figure 12: Deteriorated pavement in parking area on southwest corner of Lot 30.



Figure 13: Deteriorated pavement in southwest corner of Lot 30.



Figure 14: Deteriorated, overgrown parking area at southwest corner of Lot 30, with grade change to circulation aisle (right).

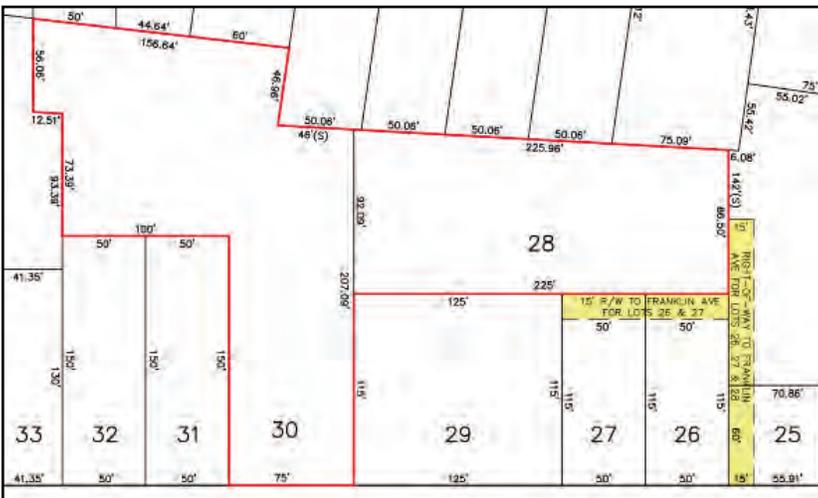


Figure 15: Image from tax map showing Lots 28 and 30 (red outline) as well as the 15-ft. wide access easements on Lots 23, 25, 26, and 27. Franklin Avenue at the bottom.



Owner:

Township of Nutley

Property Use:

Vacant

Business Name:

N/A

Property Size:

0.33 Ac / 14,375 s.f.

Zone District:

B-3

Permitted Use:

N/A

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$390,600
Improved:	\$542,200
Total:	\$932,800

PROPERTY DESCRIPTION:

The subject property has an approximately 110-ft. by 125-ft building previously occupied by the Ciccolini furniture store. The building has been vacant for at least two (2) years and is currently owned by the Township.

The interior and exterior of the building are in severely dilapidated condition. As the City Records section will indicate, the building was cited repeatedly over the past 10 years for unsafe conditions including missing ceiling panels and fixtures, exposed and unsafe electrical wires and fixtures, and under-maintained fire safety systems. At the time of this AINR investigation, significant portions of the ceiling have collapsed, allowing water intrusion into the former showroom and other areas of the building. Walls around loading doors have crumbled, such that light from outside the building is visible around the frames of those doors.

Significant cracks and separations are also visible in the exterior walls of the building. These include imprints in the exterior walls near loading doors that appear to be

attributable to vehicles striking the building.

The existing loading doors on the building face the 75-foot wide parking area and driveway on Lot 30. The nearest loading door is approximately 18 feet from the entrance to the parking area, and any truck deeper than 20 feet will partially obstruct ingress/egress from Franklin Avenue. As such, the current orientation of the loading area for the building is inefficient and represents a faulty arrangement and design.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The building has been cited repeatedly over the past decade for numerous fire safety violations including having missing ceiling panels and fixtures, failing to maintain fire safety and suppression systems, use of extension cords, failure to abate other electrical hazards, failure to maintain fire exit signage and lighting.
- In 2016 an underground oil tank was removed from the property.

DMR did not identify incidents or complaints recorded by the Police Department in relation to this property.

For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criteria “a”, ”b”, and “d” of the LRHL, specifically:

- 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 a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- 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.

CONCLUSION:

The property has a recorded history of deteriorating over a period of at least 10 years, and is currently in such a deteriorated state that it is unsafe for occupation. Additionally, the building has been vacant for at least two (2) years and has been allowed to fall into so great a state of disrepair as to be untenable.

The deteriorated condition of the building aside, the current design of the building is obsolete and faulty. For example, the south facing loading doors of the building require trucks to either obstruct vehicular traffic on Lot 30 or to temporarily block parking spaces on the side of the building.

The most appropriate way to address the issues affecting this building is through redevelopment.



Figure 1: Existing storefront from Franklin Avenue.



Figure 2: Electrical connection to building from street.



Figure 3: Section of interior with collapsing ceiling, debris, and water damage.



Figure 4: Vacant showroom.



Figure 5: Vacant showroom. Visible water staining on ceiling tiles.



Figure 6: Debris and water damage from collapsed roof/ceiling



Figure 7: Debris and water damage from collapsed roof/ceiling.



Figure 8: Failed ceiling and roof.



Figure 9: Debris from fallen, water damaged ceiling panels.



Figure 10: Vacant area at rear of store with damp floor.



Figure 11: Crumbling wall around loading doors, letting light and water into building.



Figure 12: Vacant interior area with garbage accumulating.



Figure 13: Exterior wall of loading on Lot 30. .



Figure 14: Wall damage near loading door on Lot 30.



Figure 15: Wall damage near loading area on Lot 30..



Figure 16: Wall damage near loading door.



Figure 17: Wall damage with water staining on rear addition to building. Door opening shut with bricks, and old door loosely attached.



Figure 18: Deteriorated addition at rear of building.



Figure 19: Broken windows and deteriorated brick at back of building.



Figure 20: Broken windows and deteriorated brick at back of building.



Owner:

De Palma Realty Holding, LLC

Property Use:

Commercial (ground), Residential (above)

Business Name:

Coldwell Banker

Property Size:

0.1722 Ac / 7,500 s.f.

Zone District:

B-3

Permitted Use:

Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$287,500
Improved:	\$467,500
Total:	\$755,000

PROPERTY DESCRIPTION:

Lot 31 is occupied by a 2.5-story building with ground-floor commercial and second-story residential. The building, which is approximately 110 feet long includes a front section that is 28 feet wide by 30 feet long and a rear section that is 43 feet wide and 80 feet long. The building appears to be in fair condition.

Lot 31 has two parking areas that are accessed by an approximately 18-foot driveway located on adjacent Lot 32.

1. One parking area with three (3) spaces is located adjacent to the front-most section of the building. Two of the spaces are perpendicular to the south building wall and the third is parallel to the building wall. These spaces do not conform to the parking standards at Section 600-6.A(1) of the Township code, as they are approximately 14 feet long whereas 19 feet is required, the two perpendicular spaces are served by an 18-foot wide aisle where 24 feet is required, and the space parallel to the building requires any parked car to back out onto the sidewalk and into the Franklin Avenue right-of-way.

2. The second parking area consists of five (5) spaces at the rear of the building. These spaces are approximately 15 feet long with a 20-foot wide, maneuvering aisle, whereas the Township code requires 90-degree spaces to be 19 feet deep with a 24-foot wide aisle. This parking area is only accessible by way of the 18-foot driveway on Lot 32 (south), the use of which by Lot 31 does not appear to be the subject of any easement agreement.

DMR did not observe any lighting in the driveway or parking areas. The lack of lighting in parking and circulation areas generally constitutes a hazard as it puts motorists and pedestrians at risk of accidents which is further exacerbated by the drive aisle and parking configurations that do not meet code.

Lot 31 is approximately 100% impervious and has no planting areas or in-ground drains to underground systems. This exacerbates any drainage issues and the freeze-thaw effect caused by the release of stormwater from downspouts onto the vehicle and pedestrian area surfaces. It should be noted that due to the situation of Lot 31 between the driveways located on Lot 30 and Lot 32, much of the water collected by the downspouts is being released onto those lots as opposed to Lot 31 itself.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The fire department cited the building for issues relating to emergency ingress/egress in 2016.
- No building department issues in the last five years.

There are no complaints recorded by the Police Department in relation to this property.

For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

Lot 31 contains nonconforming, inefficient, and potentially unsafe parking and circulation arrangements, as well as drainage related issues caused by the direction of downspout openings onto the driveways and parking areas of Lots 32 and 30 and exacerbated by an excess of impervious coverage. These conditions represent a faulty arrangement and design that are detrimental to public safety and welfare. Due to the dimensions of Lot 31 and the building configuration, the deficiencies affecting the lot cannot be easily corrected without redevelopment of the lot with or without assemblage with adjacent lots. The lot cannot accommodate its own driveway or reconfigure of parking and circulation areas to comport with the ordinance or sound planning principles.

Additionally, consistent with N.J.S.A. 40A:12A-3, the site may be found to be necessary for inclusion in a Study Area with Lots 28-32 in order so that other redevelopment designation-eligible properties can be effectively redeveloped.



Figure 1: Front building facade.



Figure 2: Deteriorated wood window frame.



Figure 3: Downspout opening onto sidewalk.



Figure 4: Nonconforming parking space requiring back-out maneuvering onto sidewalk.

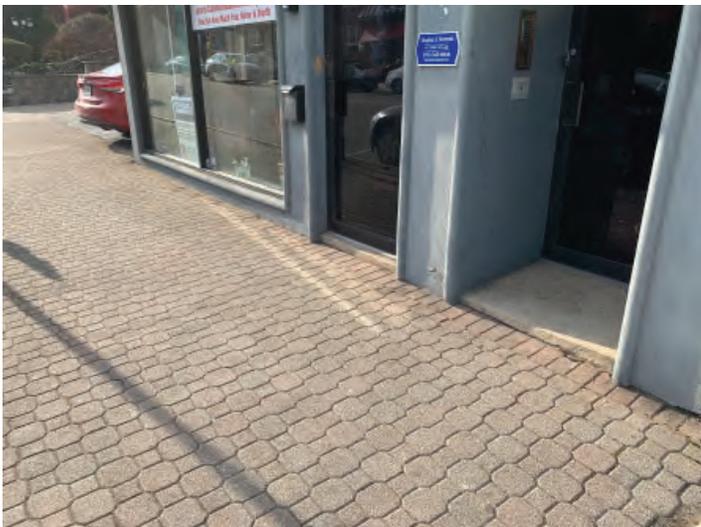


Figure 5: Non-wheelchair accessible building entrances.



Figure 6: Downspout opening onto sidewalk and part of Lot 30, north.



Figure 7: Apartments on second story overlooking Lot 30.



Figure 8: Downspout onto eaves overhanging Lot 30.



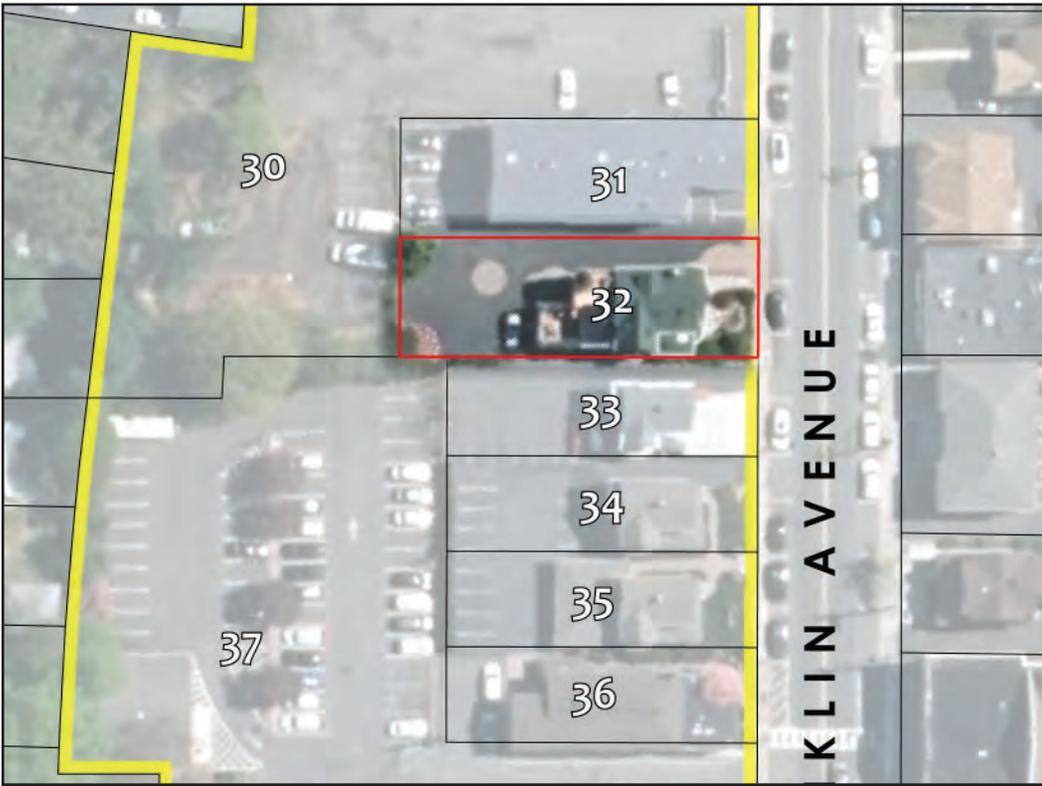
Figure 9: Driveway and parking area on Lot 30.



Figure 10: Rear of building, from Lot 30.



Figure 11: Parking at rear of Lot 31, from Lot 30. Building and parking areas of Lot 32 in top right quadrant of photo.



Owner:

525 Franklin Avenue, LLC

Property Use:
Commercial

Business Name:
Unknown

Property Size:
0.1722 Ac / 7,500 s.f.

Zone District:
B-3

Permitted Use:
Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$287,500
Improved:	\$392,800
Total:	\$680,300

PROPERTY DESCRIPTION:

Lot 32 is occupied by an ornate 2.5 story house built in 1948 that is occupied as an office building. In front of the building is a landscaped terrace/patio with stone walkways and seven total steps between the sidewalk and either of the two front doors of the building.

The lot contains the majority of the 18-foot wide driveway it shares with adjacent Lot 31 and which leads to a rear parking area with four (4) spaces as well as the rear five (5) space parking area on adjacent Lot 31 (north). The dimensions of the spaces and the maneuvering area behind the spaces are adequate for safe ingress and egress. However, the parking spaces are located on the property line whereas §700-95 of the Township code requires parking spaces for professional offices to be setback five (5) feet from any property line.

As DMR also notes in this report in relation to adjacent Lot 31, DMR did not observe any lighting for the driveway or parking areas, which could constitute a hazard to

motorist and pedestrian safety.

Despite having multiple landscaping areas to which to direct stormwater runoff, there are two (2) ornate downspouts opening onto the shared driveway. There is visible staining on the driveway beneath the downspouts and continuing toward the front of the house from years of stormwater being released from these downspouts, as well as moss growing in cracks and gaps between pavers on the driveway or stones on the side of the building. In addition there are no pedestrian sidewalks from the rear of the building along the access drive to protect pedestrians at night. This condition is exacerbated by the less than required dimension of the drive aisle and the lack of adequate site light, all of which represents a faulty arrangement and design. There also appear to be gaps forming between stones at the base of the building, which raise concerns about water penetrating the building foundation.

There is an accessory building, likely a shed, at the southwest corner in the rear of the lot. The building abuts and possibly overlaps the property lines shared with Lots 30 and 37. A tree growing in the narrow gap between the building and the fence along the rear lot line is partially leaning on the building roof and should be trimmed or removed to prevent harm to the building. Section 700-67B prohibits this accessory building from being located within six (6) feet of the side and rear property lines whereas the building is on or over the property line.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The building was cited for fire safety deficiencies in 2016 including lack of fire extinguishers, damaged circuit breaker panels, and deficient emergency exit lighting.

There are no incidents or complaints recorded by the Police Department in relation to this property.

For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The drive access, lack of pedestrian safety measures and limited dimension of the parking drive aisle represent a faulty arrangement and design that is detrimental to the health, safety and welfare of the community. In addition the lot has drainage issues caused by the location of downspouts along the driveway which, based on the appearance of discoloration, moss accumulation, and gaps between stones in the building facade, is not properly being directed away from the building. Additionally, the property includes an accessory building in the southwest corner of the lot, the proximity of which to the edge of the property is an illegal condition and appears to be contributing to damage to the fences on Lots 30 and 37. As the next section of this Report explains, consistent with N.J.S.A. 40A:12A-3, the inclusion of this lot in a redevelopment plan with Lots 28 through 31 can be found necessary for the effective redevelopment of those lots due to the frontage provided by this lot onto Franklin Avenue and the land area it would make available for parking and circulation infrastructure and for adequate buffers between new development and the residential neighborhood fronting on Hillside Avenue.



Figure 1: Front of building from Franklin Avenue.

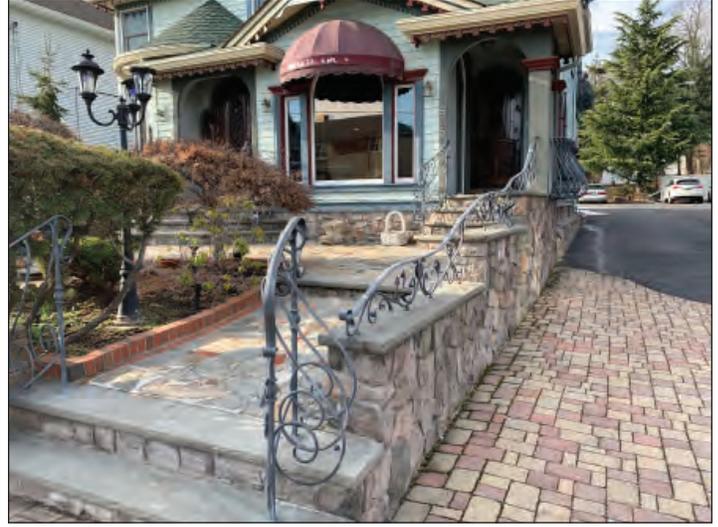


Figure 2: Landscaped patio/terrace requiring walking up at least seven (7) steps to building entrances.



Figure 3: Ornate downspouts opening onto driveway. Visible staining and moss accumulation in between paver and wall stones.



Figure 4: Ornate downspouts opening onto driveway. Visible water staining emanating from downspout.



Figure 5: ADA non-accessible entrance at rear of building.



Figure 6: Rear accessory building near fence at boundary of Lots 32 and 37. Tree in top left quadrant of photo leaning on roof.



Map 5: Recommended Delineated Area 2, comprised of Lots 26 through 32.

DELINEATED AREA DESCRIPTION

The second delineated area is comprised of seven (7) lots including three (3) municipally owned properties (the two (2) parking lots on Lots 28 and 30 and the vacant Ciccolini building on Lot 29), and four (4) privately owned properties on Lots 26, 27, 31, and 32. Lot 29 (Ciccolini building) alone meets redevelopment criteria “a”, “b”, and “d” due to being vacant for at least two (2) years, being in a deteriorated physical condition that has rendered it unsafe for occupancy and harmful to the health, safety, and welfare of the community, and having a faulty building design.

Lots 26 and 27 depend on easements for access between their rear parking areas and Franklin Avenue by way of an approximately 15-foot wide two-way driveway on Lot 25. The rear parking areas of these lots have undersized parking spaces and parking access aisles that make two-way circulation and maneuvering in and out of parking spaces unsafe. The layout of the parking areas is made less safe and efficient by the location of dumpsters in vehicular maneuvering space. Additionally, the lots have excessive impervious cover with inadequate drainage mechanisms. Although these lots are functionally most closely related to the lots in recommended Delineated Area 1, they are included in recommended Delineated Area 2 because DMR believes they are more necessary for the effective redevelopment of the municipally owned lots than that of the lots in Area 1.

The two parking lots on Lots 28 and 30 are also in deteriorated condition, have large sections that are not paved or striped, and lack drainage mechanisms, among other deficiencies identified in this report. Additionally, the T-shaped configuration, the topography, and the general orientation of Lots 28 and 30 to Franklin Avenue situate much of the developable area of Lots 28 and 30 away from Franklin Avenue, making it unlikely that those lots would be developed by instrument of private capital without access to the mechanisms and incentives provided by the LRHL.

Lots 31 and 32 have conditions that meet the “d” criterion including reliance by Lot 31 on a driveway on Lot 32 for access to a rear parking area, possibly without an easement, a general excess of impervious cover on Lot 31, poor drainage on both lots, and an accessory building on Lot 32 that is too close to the rear property line. Due to the prohibitive dimensions and building configurations of these two lots, the deficiencies affecting them cannot be easily corrected without redevelopment of one or both lots. Additionally, in the absence of an easement, any decision by the current or future owner of Lot 32 to unilaterally disallow use of the shared driveway by Lot 31 would place into question the accessibility and usefulness of Lot 31.

This report recommends designating all seven (7) properties as a delineated area in need of redevelopment based on the criteria identified herein and based on DMR’s conclusion that, consistent with the definition of “Redevelopment Area” at N.J.S.A. 40A:12A-3¹, any property the municipality concludes does not meet the redevelopment criteria may still be included in a delineated area with a property that does meet the criteria. More specifically, the inclusion of Lots 26, 27, 31, and 32 are necessary for the “effective redevelopment” of Lots 28 through 30 as the lots would provide additional street frontage and land area necessary for construction on the rear areas of Lot 30.

¹ The definition of “Redevelopment Area” permits inclusion of “lands, buildings or improvements which of themselves are not detrimental ... but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area ...”.

REDEVELOPMENT CRITERIA

The lands and buildings in Delineated Area 2 collectively and individually meet criteria “a” through “d”, below:

- 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 a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; 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.



Owner:

521 Franklin Associates,
LLC

Property Use:
Medical Offices

Business Name:
Mitchel Schwartzbech
General Dentistry

Property Size:
0.1224Ac / 5,330 s.f.

Zone District:
B-3

Permitted Use:
Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$255,600
Improved:	\$144,400
Total:	\$400,000

PROPERTY DESCRIPTION:

The property is occupied by one building with two (2) or more medical offices and a residential apartment. The building contains two physical sections: a one-story, square 625 square-foot, flat roofed brick building up against the sidewalk of Franklin Avenue, in front of and attached to a 2.5-story house. Entry to either part of the building requires walking up between two and eight steps, making it inaccessible to mobility impaired persons. Additionally, as with several other properties in the Study Area, the building has downspouts that release water onto the driveway on the property instead of toward permeable surfaces or into storm sewer inlets.

A 10-foot wide, two-way driveway provides access from Franklin Avenue to a five (5) space parking area in the rear of the property. The width of the driveway is not sufficient for two-way circulation, and creates unsafe conditions for vehicles and pedestrians on the property and within the public right of way in the event that two vehicles attempt to use the driveway at the same time. It may also be too narrow for

use by emergency vehicles that need to access the rear of the property.

DMR observed minimal lighting in the rear parking area or along the driveway, which creates safety hazards for motorists and pedestrians.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- The property was cited for inadequate fire safety systems in 2016. These violations appear to have been resolved.

There are no recent incidents or complaints recorded by the Police Department in relation to this property.

For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The 10-foot driveway to the rear parking area is inadequate for two-way circulation and creates unsafe conditions both on and off the property in the event that two vehicles attempt to access the driveway at the same time. The building is not accessible by mobility impaired persons due to the number of stairs. Additionally, the release of stormwater from downspouts onto the property without collection by an underground system or a strategically located planting area creates risks such as water and freeze-thaw damage to the buildings and paved areas on the property. This is further exacerbated when considering access from the rear parking to the main entrance would require pedestrians to maneuver along the 10 foot drive access at night and in cold weather. These are representative of obsolete conditions and a faulty arrange of design that are detrimental to public safety and welfare.

Due to the prohibitive dimensions of Lot 33 and the configurations of buildings on this and adjacent lots, there is not enough space to correct the most significant deficiencies affecting the lot. In particular, the existing driveway cannot be widened and a second driveway cannot be added. Although it may be possible to make the side building entrance ADA accessible, there are limited options for making the front building entrance accessible without obstructing the pedestrian right of way.

In the event that the Township seeks to redevelop Lot 37, it would be necessary to include Lot 33 in the delineated redevelopment area with Lot 37 in order to provide the area with adequate frontage on Franklin Avenue and sufficient space to house a variety of uses without creating nuisances for surrounding properties.



Figure 1: Facade and entrance to front building section. Not accessible to mobility impaired.



Figure 2: Side of building as viewed from driveway on Lot 34 (south).



Figure 3: 10-foot wide two-way driveway on north side of lot.

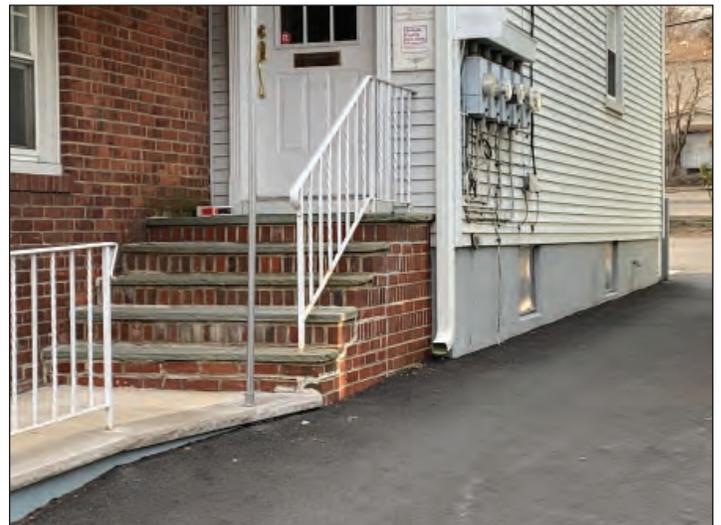


Figure 4: Entrance to rear building section. Not accessible to mobility impaired. Awning support pole obstructing path from driveway.



Figure 5: Parking area at rear of Lot 33, viewed from Lot 37. No ADA parking space.



Figure 6: Rear entrance to building. Not accessible to mobility impaired.

Owner:

L 34: M.D.G. Realty Co
L 35: C.D.G. Realty Co, LLC

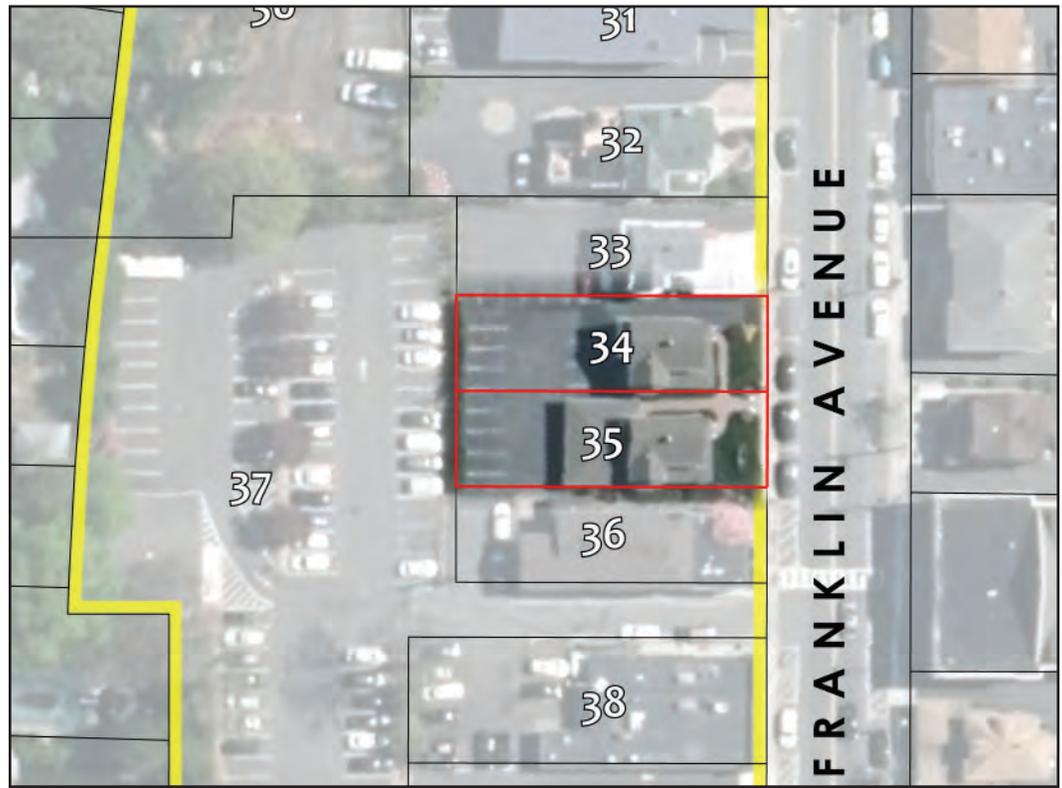
Property Use:
Commercial

Business Name:
Multiple

Property Size:
L 34: 0.1194 Ac / 5,200 s.f.
L 35: 0.1194 Ac / 5,200 s.f.

Zone District:
B-3

Permitted Use:
Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

	Lot 34	Lot 35
Land:	\$253,000	\$253,000
Improved:	\$177,100	\$189,300
Total:	\$430,100	\$442,300

PROPERTY DESCRIPTION:

The property is comprised of two lots, each occupied by 2.5-story houses that share a common rear parking lot and a landscaped front patio.

The houses occupying the property are generally in good condition. Similar to other properties in the Study Area the buildings are not wheelchair accessible and their downspouts are oriented so as to release stormwater onto walkways and other paved surfaces on the property. Unlike many other properties in the Study Area, the property has large planting areas which would be ideal locations to direct stormwater.

The rear parking area spans the rear yards of both lots and contains 11 parking spaces, none of which are dedicated handicap-accessible spaces. The spaces are approximately 16 feet deep whereas 19 feet is required. The parking area is accessed by a two-way driveway that is roughly 9 feet wide, which is too narrow for two vehicles to use at the same time or for use by emergency vehicles attempting to access the rear of the lot. DMR observed limited lighting for the parking area, which

has the potential to be a public safety hazard. Access from the rear parking to the front entrance would be along the approximately 9 foot drive which represents a faulty arrangement and design that is detrimental to the health, safety and welfare of the public especially at night and in freezing conditions.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

There are no recorded violations from the Building Department or Fire Department and no recent incidents or complaints recorded by the Police Department in relation to this property.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

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.

CONCLUSION:

The 9-foot driveway to the rear parking area is inadequate for two-way circulation or access by emergency vehicles, and creates unsafe conditions both on and off the property in the event that two vehicles attempt to access the driveway at the same time. The buildings are not accessible by mobility impaired persons due to the number of stairs. Additionally, the release of stormwater from downspouts onto the property without collection by an underground system or a strategically located planting area creates risks such as water and freeze-thaw damage to the buildings and paved areas on the property. These are representative of obsolete conditions that are detrimental to public safety and welfare.

Due to the dimensions of the lots and the configurations of the buildings thereon, the driveway dimension issues cannot be corrected.

In the event that the Township seeks to redevelop Lot 37, it would be necessary to include Lots 34 and 35 in the delineated redevelopment area with Lot 37 in order to provide the area with adequate frontage on Franklin Avenue and sufficient space to house a variety of uses without creating nuisances for surrounding properties.



Figure 1: Front of 513 Franklin Avenue (Lot 35).



Figure 2: Stairs to common patio and walkway. Not accessible to mobility impaired.



Figure 3: Front of 513 Franklin Avenue (Lot 35).



Figure 4: Front of 517 Franklin Avenue (Lot 34).



Figure 5: North side of 517 Franklin Avenue (left) with downspouts opening onto two-way driveway (right) with 9-feet of clearance.



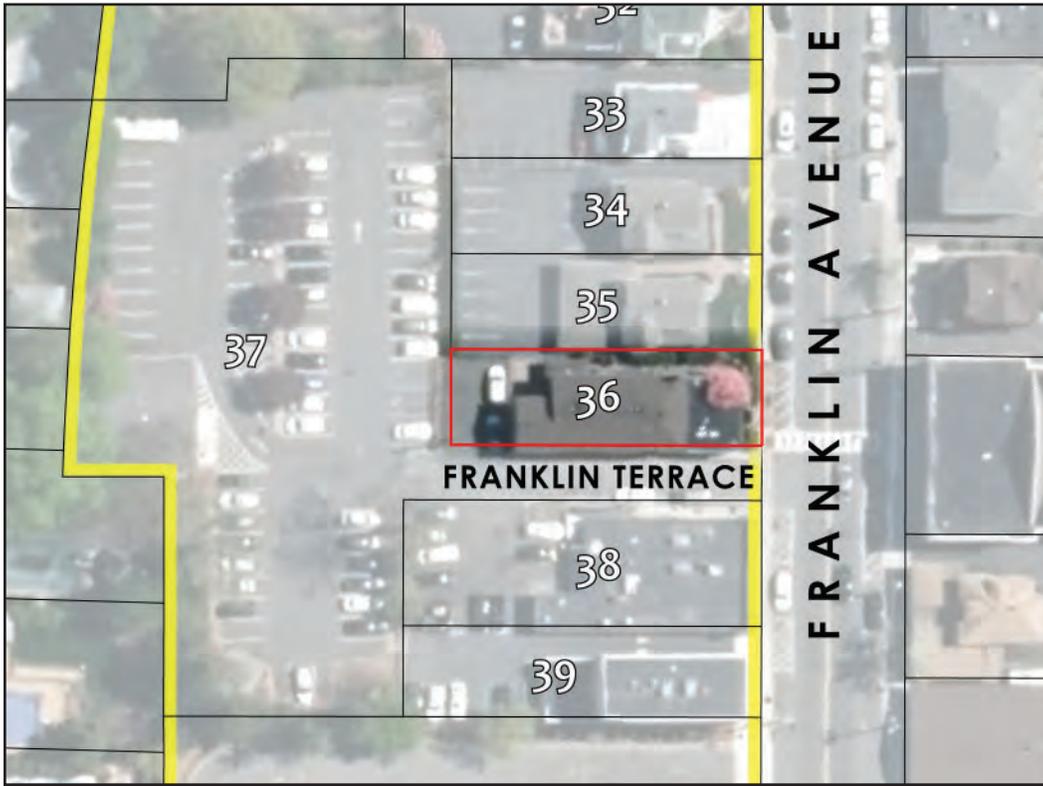
Figure 6: Rear parking area behind 517 Franklin Avenue (Lot 34).



Figure 7: Rear parking area behind 513 Franklin Avenue (Lot 35), from Lot 37.



Figure 8: Rust staining on siding at rear of 513 Franklin Avenue (Lot 35).



Owner:

Gabriel, Miriam

Property Use:

Commercial

Business Name:

Melandré Bloomingnails

Property Size:

0.1194 Ac / 5,200 s.f.

Zone District:

B-3

Permitted Use:

Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$253,000
Improved:	\$350,000
Total:	\$603,000

PROPERTY DESCRIPTION:

The property is located at the corner of Franklin Avenue and Franklin Terrace, the latter of which is the name given to the 19-foot wide entrance driveway to the municipal parking lot on Lot 37. Lot 36 contains a one-story commercial building with a parking area in the rear.

The building is generally in good condition. As with several other properties in the Study Area, it has downspouts that eject stormwater onto public driveways and walkways, which create risks such as the formation of ice on those surfaces and the degradation of pavement through the freeze-thaw cycle over time. Unlike some of the other properties in the Study Area, the property has planting areas on the front and north side of the building which would be ideal locations to collect stormwater runoff.

The rear parking area is approximately 26-feet deep by 40-feet wide. These dimensions are practically (but not legally per Section 600-6.A(1)(a)) adequate to park three (3) vehicles. However, in practice vehicles are parked in the parking area in tandem style. At the time of DMR's site visits, there were six (6) vehicles parked

on the property. Tandem style parking is undesirable in a commercial area as the maneuvers involved for vehicles to enter and exit the parking area make disrupt traffic on rights-of-way. Additionally, the rear parking area does not appear to have lighting.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

There are no recorded violations from the Building Department or Fire Department and no recent incidents or complaints recorded by the Police Department in relation to this property.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

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.

CONCLUSION:

The property exhibits deficient stormwater management practices (downspouts onto driveway on a neighboring property (Lot 37), lack of strategically located pervious cover or storm sewer inlets), and lacks disability-accessible entrances. The Lot also has a rear parking area that is only accessible from neighboring property (Lot 37) and is laid out in a manner that favors tandem style parking, which is made less safe by the lack of lighting which requires vehicles to back into the public right of way and along the drive aisle where pedestrians from Lot 37 would be walking to get to Franklin Avenue. Each of these conditions are instances of obsolete layout and faulty design that is detrimental to the safety and welfare of the community.

The dimensions of the site prohibit reconfiguration of the rear parking area. Due to the setback of the building entrance from the sidewalk, it is possible to construct an ADA-accessible building entrance at the expense of some of the landscaped area in the front yard.

In the event that the Township seeks to redevelop Lot 37, it would be necessary to include Lot 36 in the delineated redevelopment area with Lot 37 in order to provide the area with adequate frontage on Franklin Avenue and sufficient space to house a variety of uses without creating nuisances for surrounding properties.



Figure 1: Front facade of building. Entrance not accessible to mobility impaired.

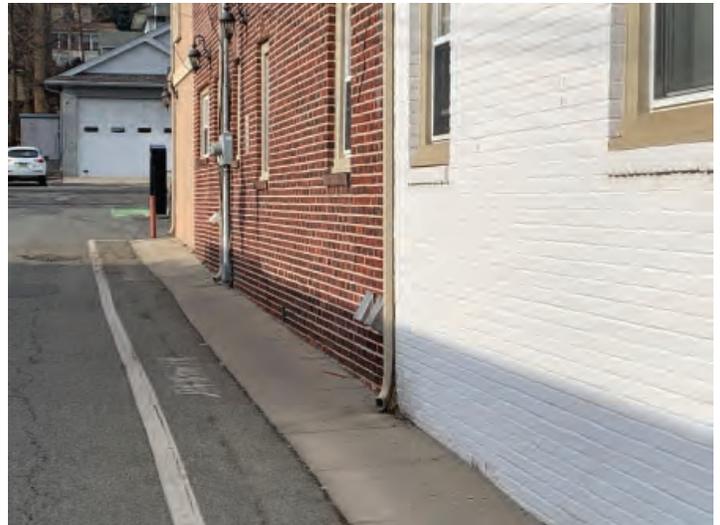


Figure 2: Downspouts opening onto 19-foot wide driveway on Lot 37 (aka Franklin Terrace), south of Lot 36.



Figure 3: Retaining wall along driveway on Lot 37 (aka Franklin Terrace).



Figure 4: Stairs which are not accessible to disabled persons.



Figure 5: Walkway to rear of property.



Figure 6: Parking area at rear of Lot 36, as viewed from Lot 37. Six (6) cars parked in tandem fashion.



Figure 7: Parking area at rear of Lot 36, as viewed from Franklin Terrace. Six (6) cars parked in tandem fashion.



Figure 8: Pothole in driveway on Lot 37 (aka Franklin Terrace). Lot 36 to the left.

Owner:

Township of Nutley

Property Use:

Parking, Fire / Public Works Facility

Business Name:

N/A

Property Size:

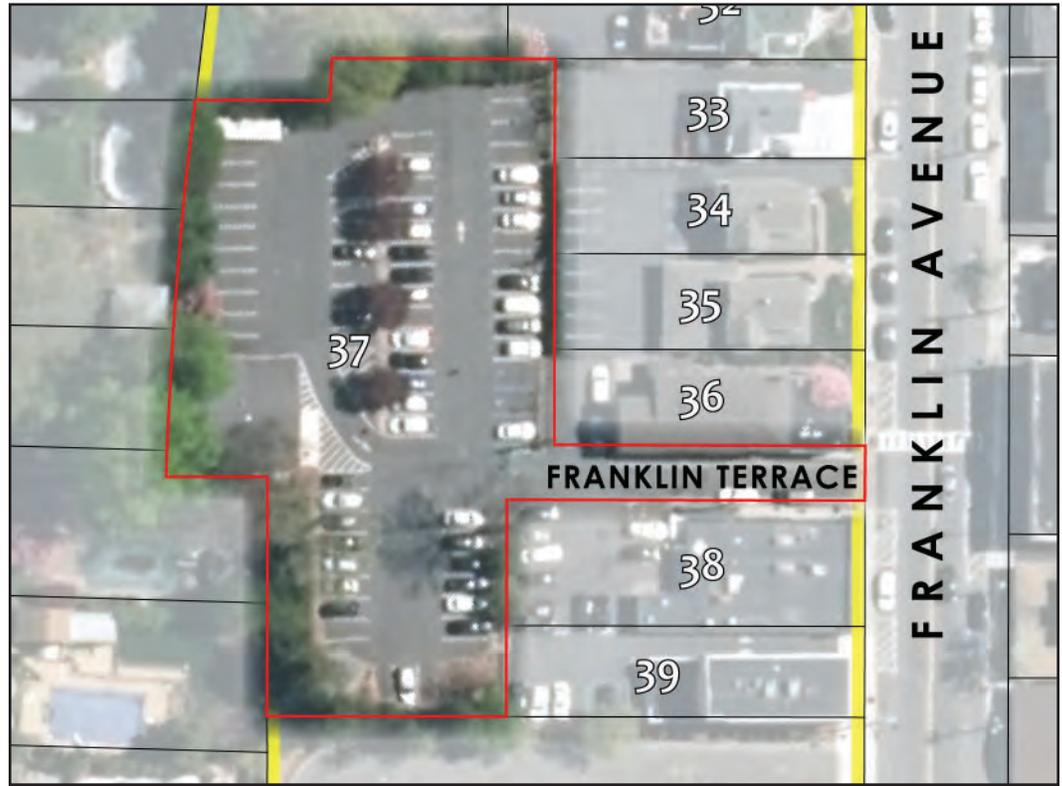
0.78 Ac

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$593,400
Improved:	\$0
Total:	\$593,400

PROPERTY DESCRIPTION:

This property is a municipally owned lot that also includes a one-story facility for the Nutley Department of Public Works and Fire Department. The 19-foot wide, 130-foot long driveway from Franklin Avenue to the parking lot is also known as Franklin Terrace, and it provides access to the rear parking areas for Lots 36 and 28. In or around 2018, the Township created a connection between Lot 37 the adjacent municipal parking lot on Lot 30, to the north.

At 19 feet, the width of the driveway is insufficient for two-way use considering that it connects to 68 parking spaces on Lot 37, 13 to 16 spaces (the latter including three cars parked tandem style) on Lots 36 and 38, and is also now physically connected to the parking areas on Lots 28 and 30.

The parking lot includes three (3) accessible parking spaces meeting the 11-foot width for van spaces; however, only one of the three (3) spaces has a required five (5) foot wide striped access aisle whereas each space should be adjacent to a striped aisle.

If the municipality seeks to convey the property to a private developer, the shape

and orientation of the lot, and the 130-foot distance between Franklin Avenue and the bulk of the lot would make it unlikely that a developer would redevelop the lot without the incentives and other mechanisms contained in the LRHL to stimulate redevelopment.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

There are no violations from the Building Department or Fire Department, or any Police incidents recorded for this property.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criteria “c” and “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The 19-foot wide driveway providing access to the site from Franklin Avenue is unsafe and inefficient considering the capacity of the lot and the other properties to which it provides vehicular ingress or egress. In addition, the distance of the main portion of the lot from Franklin Avenue and, generally, the flag-style configuration of the lot makes it unlikely that the lot would be redeveloped through private capital without access to the mechanisms provided by a Redevelopment Plan under the LRHL. Therefore, this report recommends designating this property as being in need of redevelopment.



Figure 1: Municipal parking lot on Lot 37, including fire station building (left).



Figure 2: Municipal parking lot on Lot 37.



Figure 3: Fire station building at rear of Lot 37.



Figure 4: Downspout from fire station building, leading to storm sewer system.



Figure 5: Entrances at north wall of fire station building.



Figure 6: Connection from Lot 37 to municipal parking lot on Lot 30.

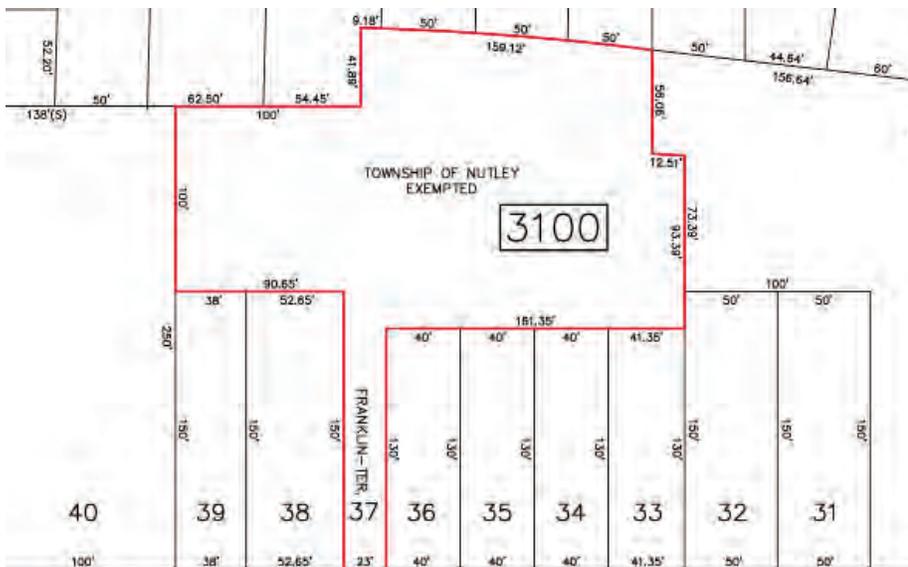
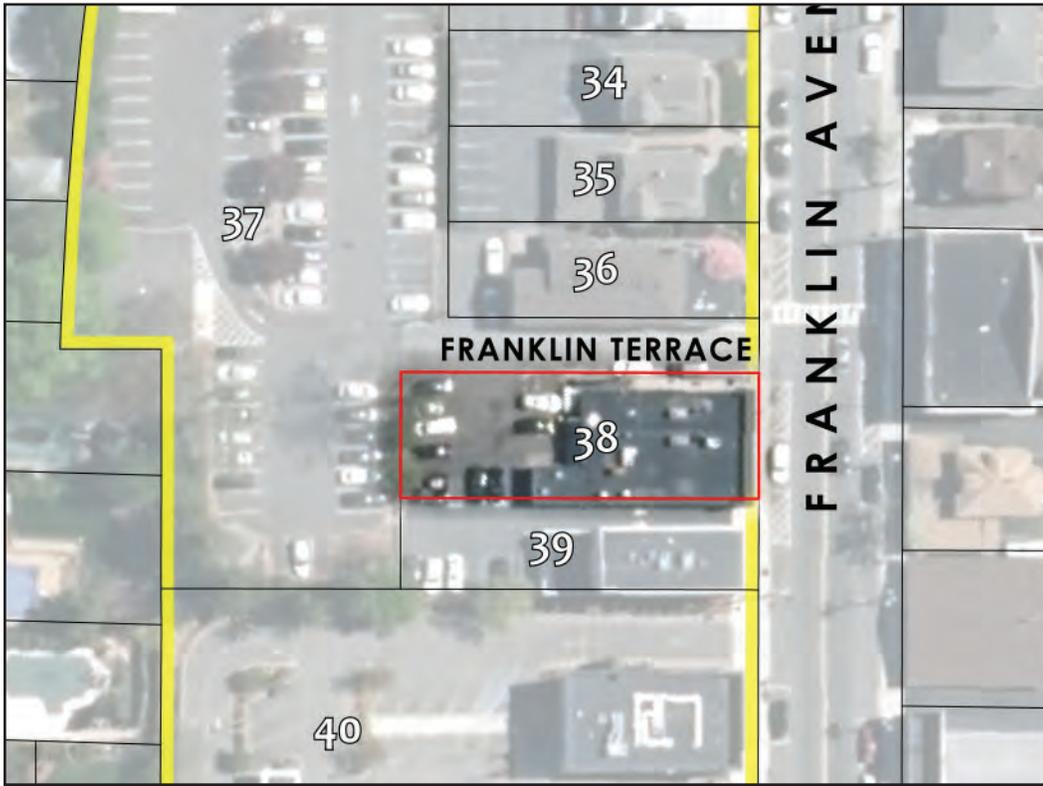


Figure 7: Image from tax map showing Lot 37 (red outline). Franklin Avenue is located below the map.



Owner:

JVCC, LLC

Property Use:

Commercial

Business Name:

Bella Luce's Restaurant

Property Size:

0.1791 Ac / 7,800 s.f.

Zone District:

B-3

Permitted Use:

Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$293,500
Improved:	\$445,800
Total:	\$739,300

PROPERTY DESCRIPTION:

The property is located at the corner of Franklin Avenue and the 19-foot wide access driveway to Lot 37 that is also known as Franklin Terrace. Lot 38 contains a one-story restaurant building fronting on Franklin Avenue, and a rear 10-space parking area that is only accessible from Lot 37. The main building entrance is level with a front outdoor dining patio 8 to 12 inches above the sidewalk, which is not accessible by mobility impaired persons.

The rear parking area, which is only accessible from the driveway on Lot 37 (aka Franklin Terrace), has a layout that does not conform to the Township's site design code or meet sound site planning standards. Then 10 parking spaces in the parking area appear to be 8 feet wide and between 12 and 17 feet deep whereas Section 600-6.A(1)(a) requires parking spaces to be 9 feet by 19 feet. Additionally, the spaces are arranged in a C shape so that spaces along the side property line are perpendicular to the spaces along the rear of the building or the rear lot line. This arrangement combined with the inadequate depths of the parking spaces means that a car parked

in a 12-foot deep space along the back of the building may project into the maneuvering area needed by a second car parked 90-degrees to the first car to back-out of its parking space safely. Furthermore, although there is a handicap-accessible entrance at the rear of the building, there is no dedicated ADA parking space on the property and the poor design of the parking area causes parked cars to obstruct any clear path from the parking area to the rear building entrance for persons with mobility impairments.

An additional defect of the parking arrangement is the location of an approximately 12-foot by 14-foot refuse enclosure in the western corner of the parking area, between two perpendicular parking spaces. The location of this enclosure makes it virtually unusable during full occupancy of the parking area.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- Since 2015 the property has been cited repeatedly for violations such as locating tables and storage in such a way as to obstruct exit doors, failure to maintain fire-safety systems or clean hoods for cooking appliances, and storing combustible materials in inappropriate areas.
- At least two instances of outdoor dining occurring on the property without a license (2014 and 2018).

There are no recent incidents or complaints recorded by the Police Department in relation to this property.

For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

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.

CONCLUSION:

The property has several ingress and egress deficiencies including poorly arranged ADA access and repeated failure to maintain safe emergency egress routes. It also has a faulty arrangement of its parking areas which put property and persons at risk of injury and complicate garbage disposal and collection. Each of these conditions described in this section are examples of obsolete layout and faulty design that are detrimental to the safety and welfare of the community.

The dimensions of the Lot and the arrangement of improvements thereon permit the rear parking area to be reconfigured with between three and seven fewer parking spaces, which may result in an insufficient number of parking spaces to serve the use, particularly if the parking lot on Lot 37 is redeveloped.

In the event that the Township seeks to redevelop Lot 37, it would be necessary to include Lot 38 in the delineated redevelopment area with Lot 37 in order to provide the area with adequate frontage on Franklin Avenue and sufficient space to house a variety of uses without creating nuisances for surrounding properties.



Figure 1: Building facade and Bella Luce restaurant storefront



Figure 2: Patio for access to front entrance of restaurant. Not accessible to mobility impaired persons.



Figure 3: Tripping hazard caused by grade change between curb and driveway on Lot 37 (aka Franklin Terrace).



Figure 4: Uneven steps between rear parking area on Lot 38 and parking lot on Lot 39.



Figure 5: Uneven steps between rear parking area on Lot 38 and parking lot on Lot 39.



Figure 6: Parking area in rear of Lot 38. Rear building entrance appears to be wheelchair accessible.

Owner:

Gabriel Properties, LLC

Property Use:

Ground Floor Commercial,
Upper Level Residential

Business Name:

Arlington Jewelers

Property Size:

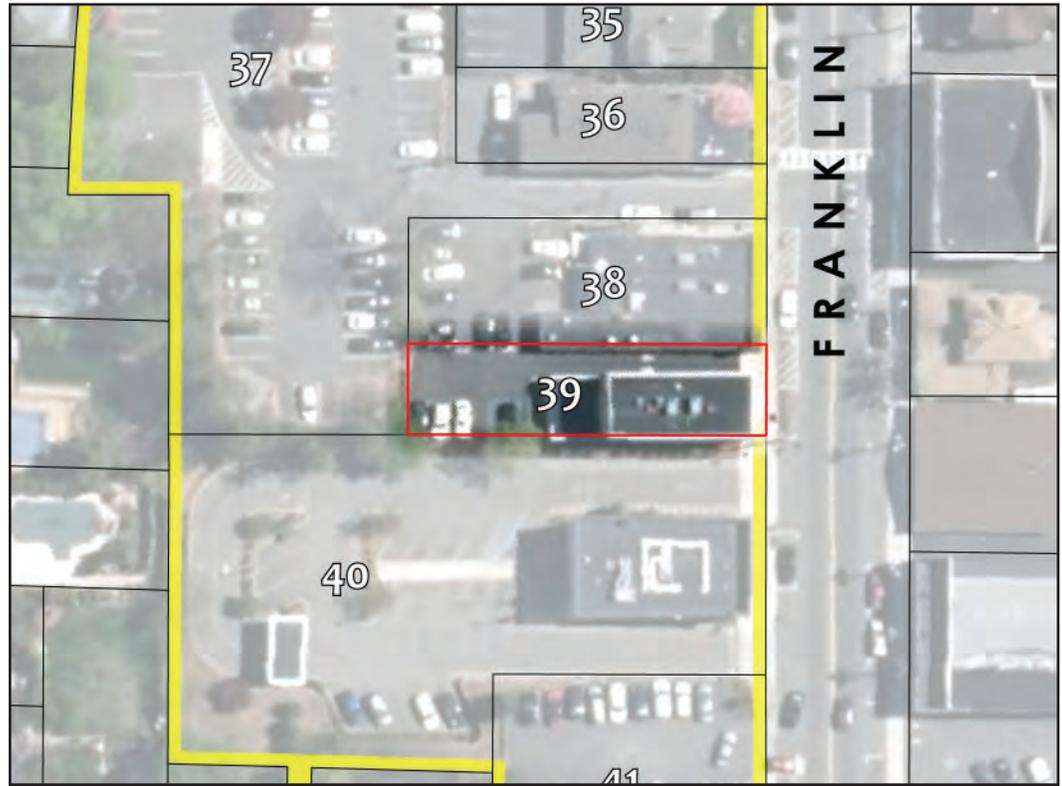
0.1309 Ac / 5,700 s.f.

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$247,500
Improved:	\$617,900
Total:	\$865,400

PROPERTY DESCRIPTION:

The property consists of a three-story building with a commercial storefront on the ground level and residential apartments above. The building itself appears to be in good condition and, unlike most of the other properties in the Study Area, has a wheelchair accessible entrance.

The property has a rear parking area with five (5) parking spaces including one (1) handicap-accessible space near a rear building entrance. The parking area is accessed from Franklin Avenue via a 10-foot wide, two-way driveway, and the aisle serving the parking spaces in the rear is 20 feet wide whereas 24 feet is required at Section 600-6A(1)(a). Although the driveway dimension standards at Section 600-6A(4)(d) simply requires that driveway widths be “adequate to accommodate the volume and character of vehicles anticipated to be using the site,” a minimum width of 20 feet is typically ideal for two-way driveways.

With respect to lighting, the lot had building mounted lights near the rear building

entrance and may also experience light leakage from fixtures on the adjacent Lots 37 and 40. DMR did not observe any on-site lighting at the very back of the parking area.

At the time that DMR first inspected the site, there was standing water on the driveway which indicates inadequate stormwater drainage on the site.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- Following an inspection on December 15, 2017, the property was cited by the Fire Department for violations pertaining to inadequate fire system testing and maintenance as well as deficient signage.

For a full description of the violations described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The 10-foot wide driveway is inadequate for two-way circulation or access by emergency vehicles, and creates unsafe conditions both on and off the property in the event that two vehicles attempt to access the driveway at the same time. The lack of lighting in the rear of the parking area exacerbates vehicular maneuvering and pedestrian safety hazards associated with the undersized facilities.

The lack of adequate drainage or grading mechanisms to remove stormwater from the site creates long term and short term hazards caused by freezing and thawing of water. Correcting stormwater drainage issues on this or any lot in the Study Area would require costly construction to install underground infrastructure or a full redesign to implement green stormwater management design such as planting areas or swales.

The dimensions of the Lot and the configuration of the building thereon does not permit widening of the two-way driveway to the rear parking area or other reconfigurations of the rear parking area to comply with the Township’s standards.

In the event that the Township seeks to redevelop Lot 37, it would be necessary to include Lot 39 in the delineated redevelopment area with Lot 37 in order to provide the area with adequate frontage on Franklin Avenue and sufficient space to house a variety of uses without creating nuisances for surrounding properties.



Figure 1: Front building facade and storefront for Arlington Jewelers. Entrance is wheelchair accessible.



Figure 2: 10-foot wide two-way driveway at north side of lot.



Figure 3: Rear parking area. Includes ADA parking space.



Figure 4: 10-foot wide two-way driveway at north side of lot.

RECOMMENDED DELINEATED AREA 3
BLOCK 3100, LOTS 33-39

May 2020



Map 6: Recommended Delineated Area 3, consisting of Lots 33 to 39

DELINEATED AREA DESCRIPTION

The third delineated area is comprised of seven (7) lots including one (1) municipally owned parking lot (Lot 37). All of the lots rely upon undersized two-way driveways for access to rear parking areas with five or more parking spaces. The widths of these driveways are mostly not wider than 10 feet and are unsafe for two-way circulation, as any attempt by two vehicles to access the driveways can create hazards for drivers and pedestrians. With the exception of the 19-foot wide driveway on Lot 37 (Franklin Terrace), the driveways are not wide enough for emergency vehicles to safely access the rear areas of the lots.

The layouts of the parking areas on the lots in this delineated area are generally out of compliance with the municipal ordinance and the Americans with Disabilities Act and have generally faulty arrangements. These conditions include undersized parking space and access aisle dimensions, parking lot designs that are conducive to tandem parking arrangements, and other conditions that make vehicular maneuvering on the sites unsafe. The dimensions of these lots and the configurations of the buildings thereon make it physically prohibitive to adequately correct these deficiencies

Lot 37, the municipally owned parking lot, is effectively a flag lot the developable portion of which is 150 feet from the Franklin Avenue right-of-way. The location of the developable portion of the lot so far from the street, and enveloped by rear lot lines of mixed-use properties fronting on Franklin Avenue (east) and single-family dwellings fronting on Hillside Avenue (west), makes it complicated to develop with private capital, particularly without assemblage of other lots fronting on Franklin Avenue.

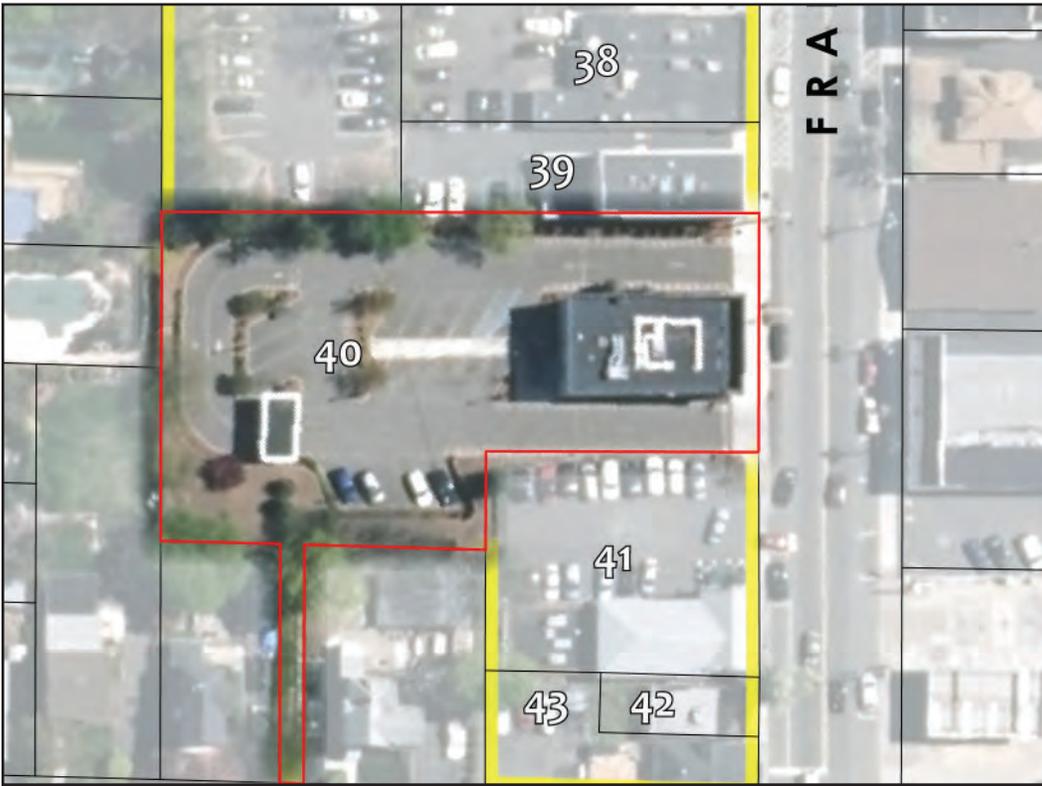
This report recommends designating all seven (7) properties as a delineated area in need of redevelopment based on the criteria identified herein and based on DMR's conclusion that, consistent with the definition of "Redevelopment Area" at N.J.S.A. 40A:12A-3¹, any property that the municipality concludes does not meet the redevelopment criteria may still be included in a delineated area with a property that does meet the criteria. More specifically, the inclusion of Lots 33-36, 38, and 39 in a delineated area with Lot 37 is necessary for the "effective redevelopment of the area". In particular, the inclusion of these lots in such a delineation provides space that is necessary so that any development in this area can have adequate parking and circulation facilities and be well buffered from the residential properties fronting Hillside Avenue.

REDEVELOPMENT CRITERIA

The lands and buildings in this delineated area collectively and individually meet criteria "c" and "d", below:

- 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.

¹ The definition of "Redevelopment Area" permits inclusion of "lands, buildings or improvements which of themselves are not detrimental ... but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area ...".



Owner:

PNC Bank NA

Property Use:

Commercial

Business Name:

PNC Bank

Property Size:

0.72 Ac / 31,365 s.f.

Zone District:

B-3

Permitted Use:

Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$627,500
Improved:	\$1,214,600
Total:	\$1,842,100

PROPERTY DESCRIPTION:

The lot is occupied by a one or two story bank building fronting on Franklin Avenue with a drive-through ATM structure in the rear yard. Based on an exterior examination, the buildings and improvements on the site appear to be in good condition, and circulation and parking configurations exceed minimum standards. Additionally, whereas this report has noted that downspouts for most of the buildings in the Redevelopment Area release water onto sidewalks and driveways, effectively accelerating the deterioration of those paved surfaces, the downspouts on this building are directed to planting strips on the side of the building, which is a good practice. The parking areas appear to have adequate lighting for safe maneuvering for pedestrians and vehicles.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

Based on information provided by the Building Department and Fire Department, there have been no major violations of note in recent years.

REDEVELOPMENT DESIGNATION:

It is the opinion of this report that this property does not meet any redevelopment designation criteria.

CONCLUSION:

This property does not meet any redevelopment designation criteria, and therefore should only be included in a redevelopment area if required to redevelop properties in the Study Area that meet one or more criteria.



Figure 1: PNC Bank sign on south building face.



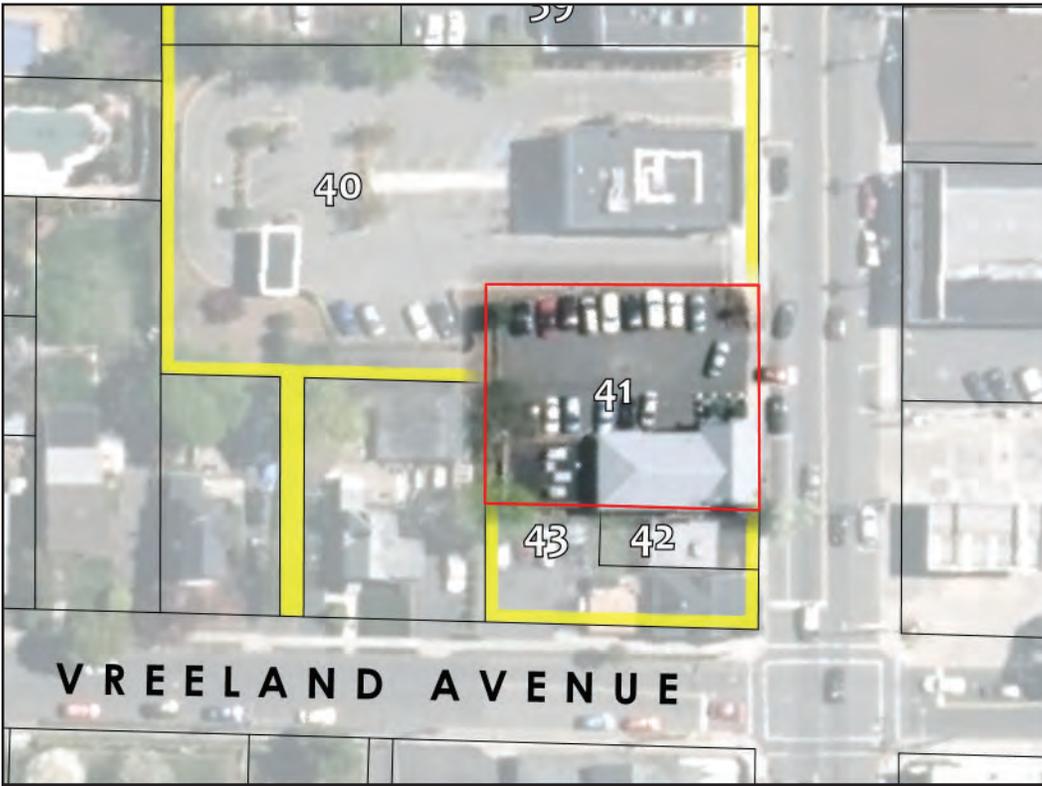
Figure 2: Downspout leading to impervious surface.



Figure 3: 24-foot wide one-way driveway at north side of building leading to rear parking area



Figure 4: Drive-through ATM canopy at rear of property.



Owner:

483 Franklin LLC

Property Use:
Commercial

Business Name:
Multiple

Property Size:
0.2961 Ac / 12,898 s.f.

Zone District:
Rehabilitation Area
(formerly B-2)

Permitted Use:
Yes

PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$334,300
Improved:	\$368,600
Total:	\$702,900

PROPERTY DESCRIPTION:

This lot consists of a 2.5 story building having a Starbucks Coffee store in the front and a spa business in the rear of the ground story and apartments on the second story. North of the building is a parking area with 17 spaces and a refuse enclosure.

DMR believes that the parking lot is generally in compliance with the Township's site design and zoning standards and is arranged well for safe vehicular and pedestrian circulation. Notwithstanding, DMR observed that sign posts at the end of several spaces along the northeast lot line have been knocked out of place by cars pulling too far into their spaces.

According to tax assessor the building was constructed in 1915. Much of the original structure exists, and a one-story addition was constructed at the rear which houses the spa business.

Rainwater collected from the roof of the building is directed to a downspout/drain pipe extending the length of the building near the foot of the building within the alley between Lots 41 and 42 and is released onto the sidewalk. As discussed in other sections of this report, releasing stormwater onto the sidewalk can exacerbate icy conditions in the winter as well as the freeze thaw process. It would be best to direct all stormwater into planting areas or underground systems which is correctable.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- According to Building Department records the property was the subject of multiple violations and complaints since 2015 for actions such as having garbage collected earlier than 6 am, performing construction work without a permit, and relocating dumpsters to a precarious location within the parking lot so as to complicate maneuvering into and out of parking spaces.
- In 2015 and 2018, the property was cited by the fire department for inadequate lighting of building egress routes and for obstructing building egress routes.

The following are incidents or complaints recorded by the Police Department in relation to this property:

- Collision in parking lot (2018) (parked vehicle colliding with standing vehicle while backing out of spot). Police determined that a driver was at fault, and DMR does not find that site layout or design contributed to this collision.

For a full description of the violations and police incidents described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

Given the condition observed and the ability to correct the stormwater issue, it is the opinion of this report that this property does not meet any redevelopment designation criteria.

CONCLUSION:

This property does not meet any redevelopment designation criteria, and therefore should only be included in a redevelopment area if required to redevelop properties in the Study Area that meet one or more criteria.



Figure 1: Front building facade from Franklin Avenue.



Figure 2: Covered attic window at north side of building.

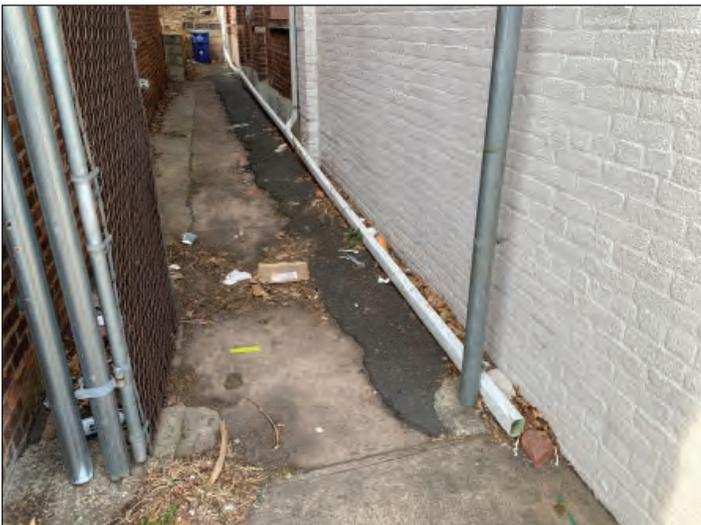


Figure 3: Downspout/drain pipe extending length of alley, opening toward sidewalk.



Figure 4: Alley at south of building, facing Franklin Street.



Figure 5: Crumbling retaining wall at rear Lot 43, adjacent to rear of building on Lot 41.



Figure 6: North side of building on Lot 41 from parking lot entrance.

Owner:

481 Franklin Avenue, LLC

Property Use:

Commercial

Business Name:

Havana's Cigar Vault

Property Size:

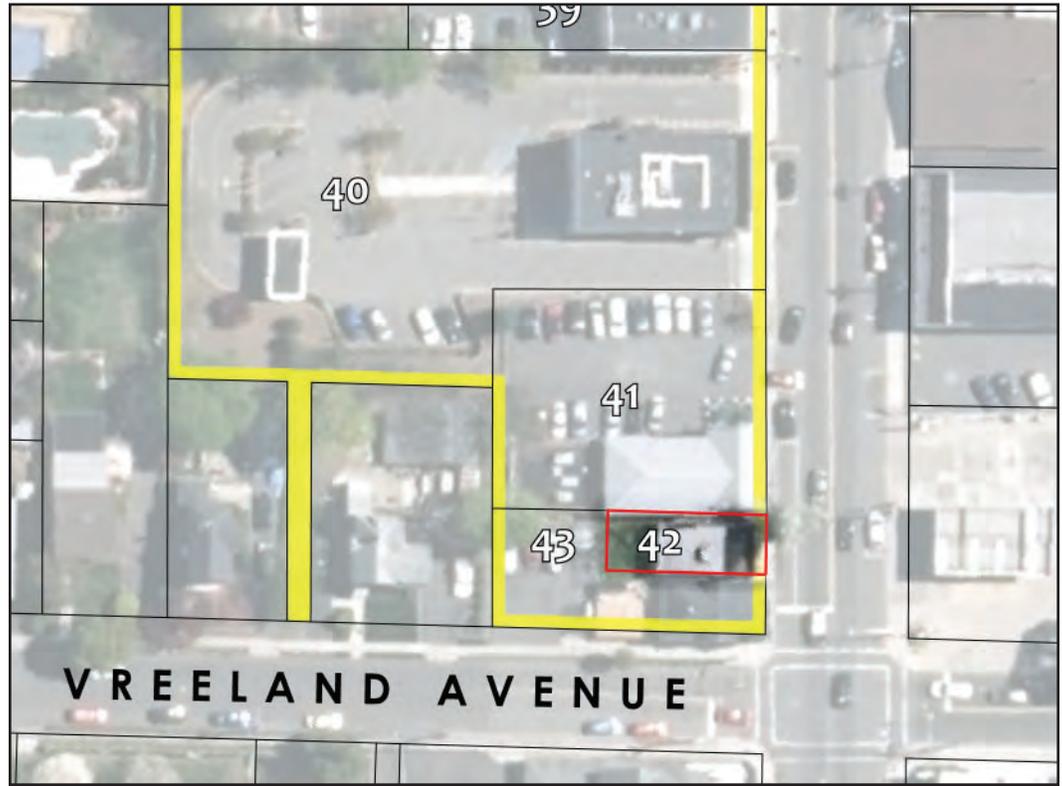
0.0384 Ac / 1,675 s.f.

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$100,100
Improved:	\$82,000
Total:	\$182,100

PROPERTY DESCRIPTION:

This lot is occupied by a one-story commercial building. Based on an exterior inspection, the building requires minor repairs and maintenance such as sealing a broken window at the rear of the building. However, due to the age of the building and the lack of open space to the side or rear of the building, the building lacks any emergency egress options and does not include any on-site parking. Additionally, the front building entrance is not accessible to mobility-impaired persons. Consequently, the design of the building is obsolete. Furthermore, due to the dimensions of the lot and the configuration of the building these deficiencies cannot be corrected.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

There are no recent violations issued by the Building Department and Fire Department information and violations for this property, nor any relevant police incidents or complaints from recent years.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criteria “a” and “d” of the LRHL, specifically:

- 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.
- 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.

CONCLUSION:

The building on and layout of this property is obsolete as demonstrated by the lack of emergency egress areas in the side or rear of the building and the lack of barrier free entrances for disabled persons. These are obsolete conditions that are detrimental to the safety and welfare of the community and which cannot be easily corrected.



Figure 1: Front of building, from Franklin Avenue.



Figure 2: Side of building, viewed from alley between Lots 41 and 42



Figure 3: Alley between Lots 42 and 43



Figure 4: Rear of building.

Owner:

Lamagna, Nicholas J., Jr.

Property Use:

Ground Floor Commercial,
Upper Story Residential

Business Name:

Aldana's Nail and Spa

Property Size:

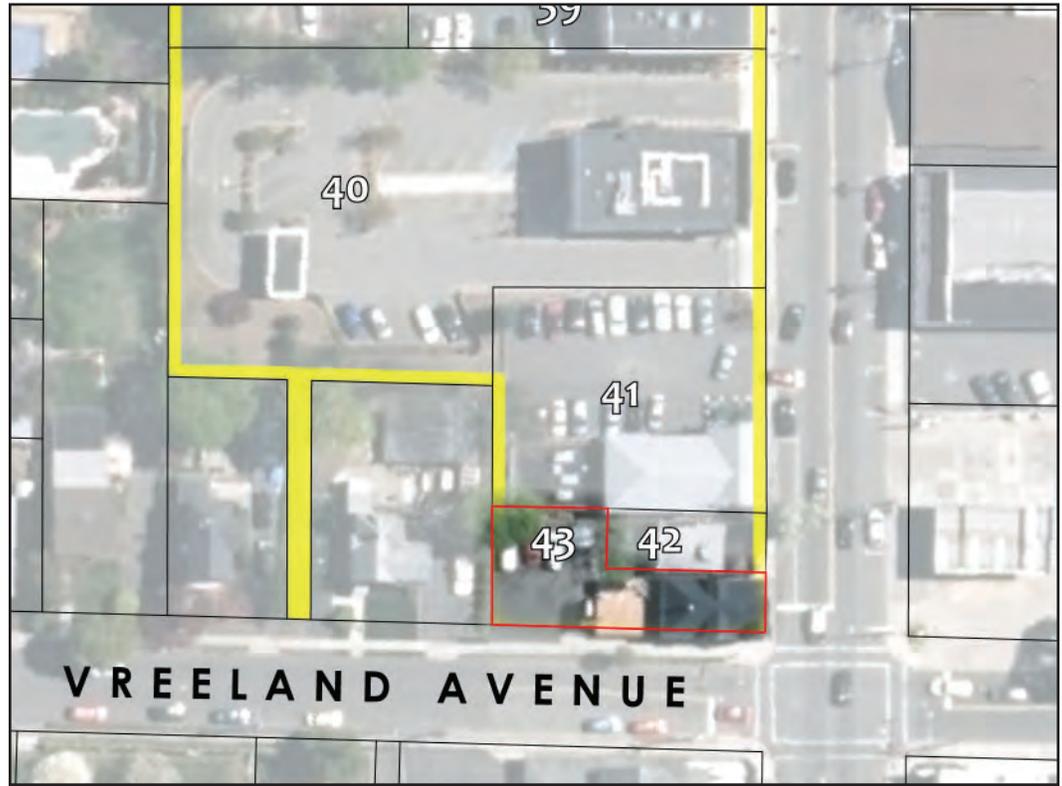
0.0929 Ac / 4,040 s.f.

Zone District:

B-3

Permitted Use:

Yes



PROPERTY VALUE:

According to the Township of Nutley the assessed value for the delineated area is:

Land:	\$235,400
Improved:	\$174,700
Total:	\$410,100

PROPERTY DESCRIPTION:

The property consists of a 2.5-story building with a rear patio and an approximately 30-foot by 45-foot rear parking area accessed from Vreeland Avenue. The ground story is occupied by a business whereas it appears there are residential apartment on the upper stories.

The property has an elevation change of about 12 feet from the sidewalk on Franklin Avenue to the rear property line. Due to the slope of the property and the grade differential between the rear of the property and the rear areas of Lots 42 and 41, the rear parking area is stabilized by a retaining wall, which can be seen in Figure 10 of this section. As that image shows, the wall is deteriorated, particularly along its northeast face.

Exterior inspection reveals that the outer walls of the building are also in deteriorated condition. Each of the exterior walls for the first story of the building displays a

combination of cracks, deformities, and other indications of frequent water damage and repeated efforts to patch up such damage without a permanent correction of the cause of that damage.

In addition to evident deficiencies in the building construction and retaining walls, DMR also observes that the rear parking area lacks any striped spaces and is configured in a manner that is conducive to tandem style parking, which is not permitted or desirable. As previously stated in this report, the maneuvering required to enter and exit tandem parking areas can be detrimental to pedestrian and vehicular traffic and safety and is generally discouraged. The hazards associated with tandem parking are exacerbated on this site by a lack of lighting.

The ground story use has an egress door that opens to the approximately four (4) foot wide alley between 479 and 481 Franklin Avenue. However, the narrow width of that alley is inadequate for safe and orderly egress in an emergency.

CITY RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Fire Department information and violations for this property:

- In 2015 a violation was issued for altering the building without obtaining a permit.

The following are incidents or complaints recorded by the Police Department in relation to this property:

- Attempted burglary (2014)

For a full description of the violations and police incidents described above, refer to the attached exhibits.

REDEVELOPMENT DESIGNATION:

The nature of the property meets criterion “d” of the LRHL, specifically:

- 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.

CONCLUSION:

The building on Lot 43 shows signs of repeated damage from water intrusion. The property also contains a parking area that is not properly striped, that is conducive to tandem parking arrangements, and that is supported by a deteriorated retaining wall.

Some of the deficiencies affecting this property cannot be easily corrected without redevelopment due to the dimensions of the site. For example, there is not enough room in the rear parking area to reconfigure parking in a manner that both deters tandem parking and is compliant with the Township’s ordinance. There is also no ability to increase the width of the alley on the northeast side of the lot for emergency egress purposes.

While DMR did not have enough access to the site to diagnose the ongoing causes of damage to the building and retaining wall, it is possible that complete correction of these issues would involve costly work to improve drainage on the site and limit the exposure of vital structures to water.



Figure 1: Front building facade from Franklin Avenue.



Figure 2: Connecting water pipes held together with tape.



Figure 3: Cracking building wall on Vreeland Avenue side of building.



Figure 4: Boarded up windows on Vreeland Avenue side of building.



Figure 5: Cracks forming between and on stone facade on Vreeland Avenue side of building.



Figure 6: Disconnected downspout pipes at rear of building.



Figure 7: Warped, patched-up exterior wall with water staining at rear building wall.



Figure 8: Rear of building, from Vreeland Avenue.



Figure 9: Warped and cracked pavement beneath rear stairs.



Figure 10: Crumbling retaining wall supporting parking lot at rear Lot 43.



Figure 11: Cars parking in tandem fashion in rear parking area



Figure 12: Shed and stairwell entrance from rear parking area.



Map 7: Recommended Delineated Area 4, consisting of Lots 42 and 43

DELINEATED AREA DESCRIPTION

The fourth delineated area is comprised of two (2) lot under private ownership containing buildings with active businesses. As this report has shown, the lots each meet redevelopment criterion “d”, but for different reasons. Lot 42 contains a building that lacks emergency egress and that is not accessible for mobility impaired persons, which constitutes obsolete design that is detrimental to the safety and welfare of the public. Lot 43 contains a building and improvements that are in deteriorating condition and poorly arranged, as illustrated by damaged building and retaining walls and a parking lot that tends to be parked on in tandem fashion.

This report recommends designating both properties as a delineated area in need of redevelopment based on the criteria identified herein and based on DMR’s conclusion, consistent with the definition of “Redevelopment area” at N.J.S.A. 40A:12A-3 which permits inclusion of “lands, buildings or improvements which of themselves are not detrimental ... but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area ...” that any property that the municipality concludes does not meet the redevelopment criteria may still be included in a delineated area with a property that does meet the criteria. The sizes and shapes of both lots make redevelopment of one lot without the other impractical. Consequently, if the Township’s Planning Board or Governing Body agree with DMR’s findings for one of the two properties, but not the other, it is within the Township’s power to designate both properties together as a delineated area in need of redevelopment in order for effective redevelopment of the property(ies) that meet the criterion below.

REDEVELOPMENT CRITERIA

The lands and buildings in this delineated area collectively and individually meet criterion “d”, below:

- 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.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

Of the 22 lots in the Study Area, this report recommends designating 20 lots as areas in need of redevelopment based on a finding that those properties have conditions that meet one or more of the criteria listed in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-5 or a finding that the property should be included in a delineated area with one or more eligible properties in order for the Township to be able to effectively redevelop properties that are in need of redevelopment.

Although DMR believes that the properties recommended for designation can independently meet one or more of the criteria in the LRHL, this report also recommends delineating the Study Area into four (4) recommended areas in need of redevelopment in order to address the conditions that cross property boundaries and warrant redevelopment. Those areas are identified below and shown in Map 8 on the next page:

- Area 1 contains Lots 21, and 23 through 25
- Area 2 contains Lots 26 through 32
- Area 3 contains Lots 33 through 39
- Area 4 contains Lots 42 and 43

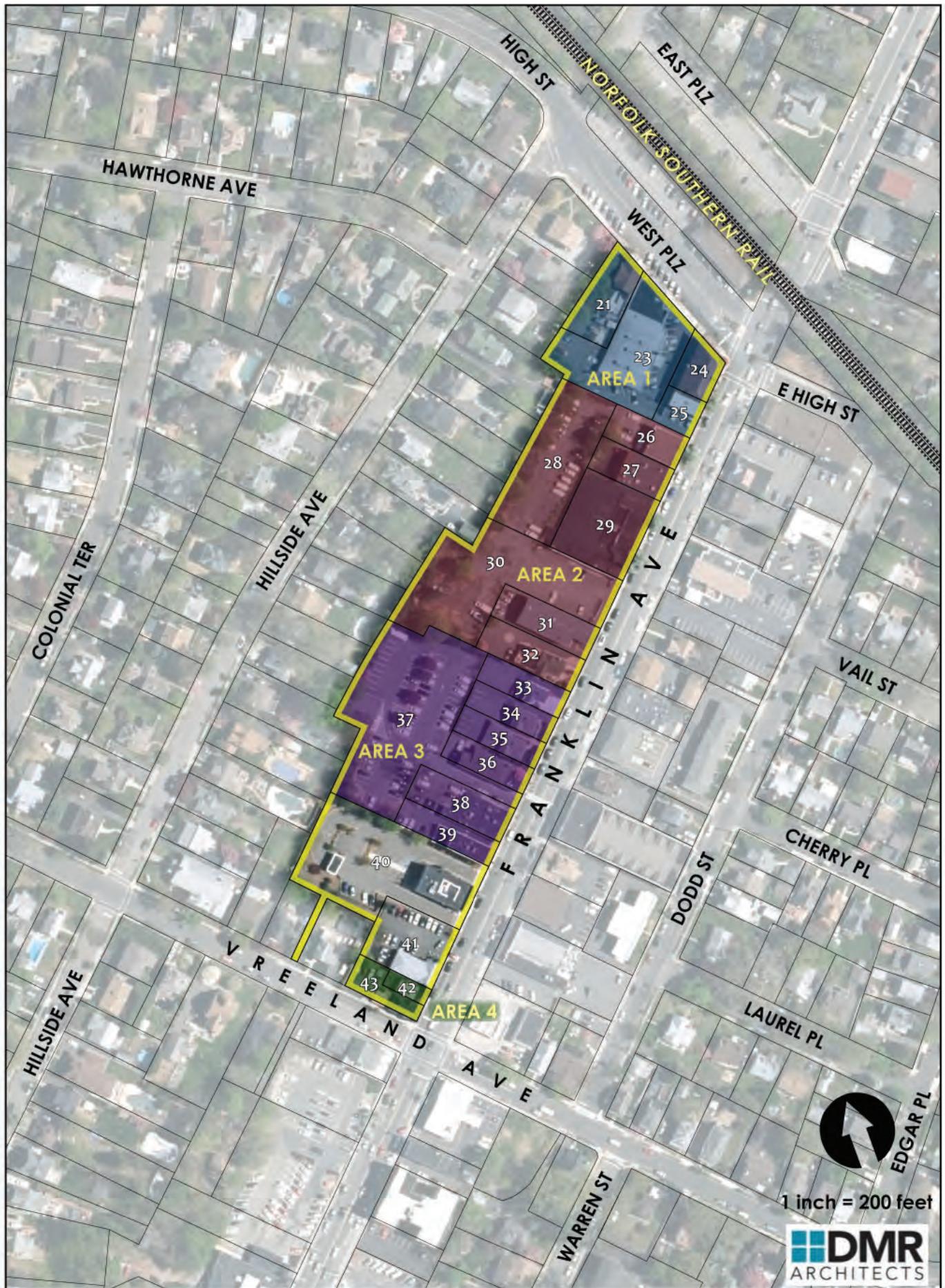
These delineated areas are intended to make the conditions affecting the Study Area more understandable, and it is not DMR's intention to prevent or discourage the Township from designating any combination of properties within the delineated areas when designating a redevelopment area.

The properties recommended for designation as an area in need of redevelopment exhibit conditions that include:

- Inadequate parking and circulation area dimensions;
- Poor drainage conditions caused by release of stormwater into paved areas without storm sewer inlets or permeable surfaces and a general excess of impervious cover;
- Dependence upon adjacent properties for access to public rights of way (with or without easements);
- Facilities that are not accessible by persons with disabilities;
- Buildings that have been vacant for at least two (2) years and which are so deteriorated that they are unsafe for permanent occupancy; and
- Publicly owned land that is so distant from a public right of way that it is not likely to be developed with private capital.

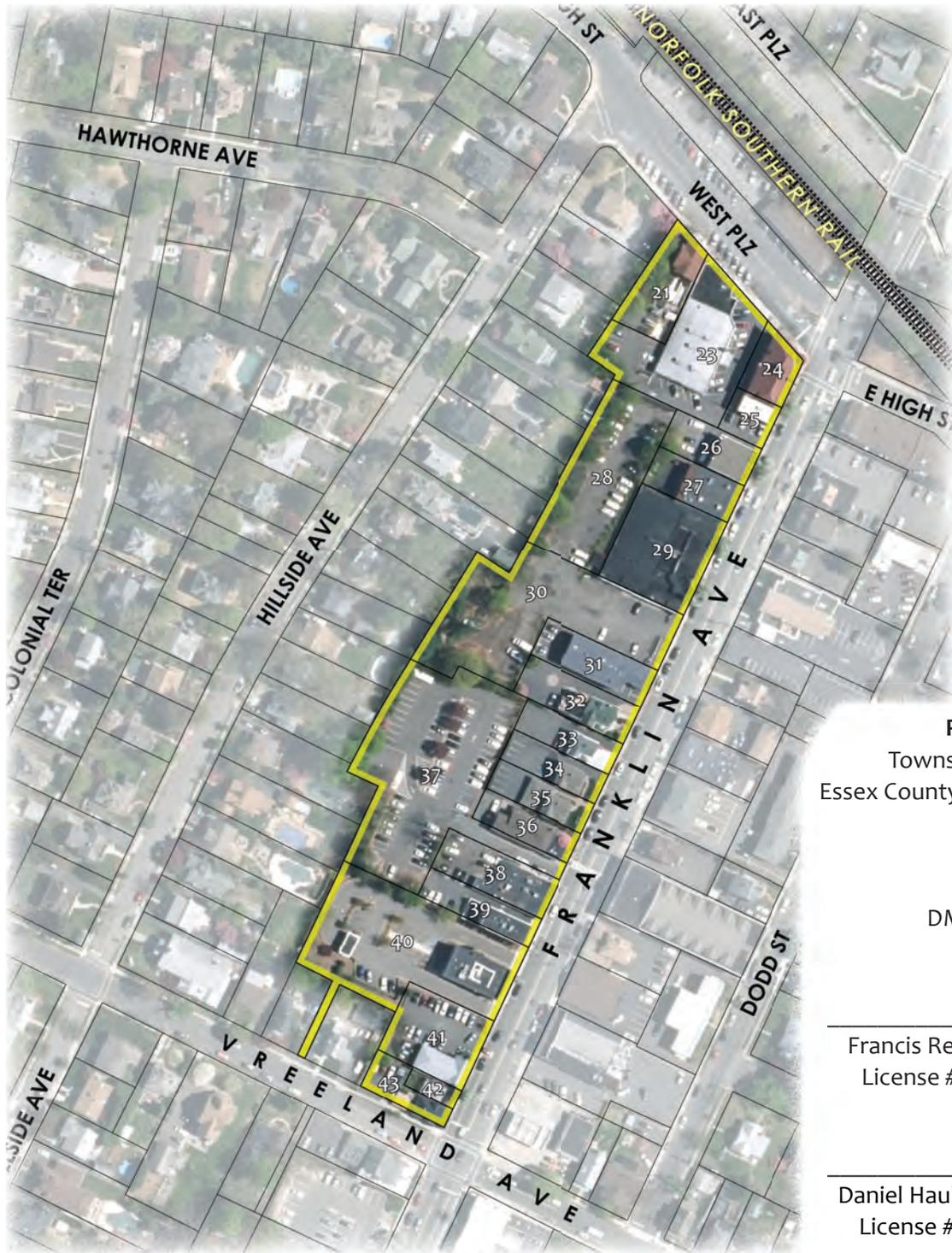
Only two properties, Lots 40 and 41, were not found to have conditions that warranted a redevelopment designation. In addition to not finding conditions on the lots that were detrimental to the public welfare or obstacles to proper utilization of the properties, DMR does not believe including either of the properties in a delineated redevelopment area is necessary for the effective redevelopment of the Study Area.

Notwithstanding DMR's findings with respect to the properties' eligibility to be designated as areas in need of redevelopment, the entire Study Area is eligible for designation as an area in need of rehabilitation 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. Consequently, even though Lots 40 and 41 were not found to meet the criteria for redevelopment at N.J.S.A. 40A:12A-5, they may be included in a redevelopment plan for the Study Area with the four (4) delineated redevelopment areas shown on Map 8.



Map 8: Map of Study Area with four (4) Recommended Delineated Areas in Need of Redevelopment shown.

Appendices
of
Preliminary Investigation Report
for Block 3100 Lots 21, and 23 through 43



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

Prepared By:
DMR Architects

Francis Reiner, LLA - PP
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Daniel Hauben, PP, AICP
License # LI 00630300

APPENDIX 1

Building Department Documents
In Order of Lot Number

APPENDIX 2

Fire Department Documents
In Order of Lot Number

APPENDIX 3

Police Department Documents

APPENDIX 4

Existing Zoning