



PRELIMINARY INVESTIGATION: BLOCK 1803 LOT 1

Area in Need of Redevelopment

Prepared by:

Van Cleef Engineering Associates

Prepared for:

Town of Phillipsburg, Warren County

January 15, 2022

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I. INTRODUCTION

The following study has been prepared to determine whether an area located within the central portion of the Town of Phillipsburg qualifies as an “area in need of redevelopment” in accordance with the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12-A. The study was authorized by the Phillipsburg Town Council and was prepared on behalf of the Phillipsburg Planning Board. The study area is comprised of one tax lot within Block 1803 located on Fleming Drive, formerly known as Anderson Street.

As is described in this report, it is our conclusion that Block 1803 Lot 1 meets at least one of the statutory criteria for designation as a redevelopment area. This conclusion is based on the fact that the lot is located within an Urban Enterprise Zone and the dilapidation and underutilization of the lot.

II. SUMMARY OF FINDINGS

This report concludes that the lot qualifies for redevelopment under criteria “d”, “g”, and “h” of the LRHL. The analysis contained within this report will serve as the basis for the recommendation that Block 1803 Lot 1 qualifies as a Non-condemnation Area in Need of Redevelopment.

III. BACKGROUND

A. Legal Authority

New Jersey’s Local Redevelopment and Housing Law (the “LRHL”) empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated “in need of redevelopment” in accordance with statutory criteria, municipalities may adopt redevelopment plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the redevelopment area for financial subsidies or other incentive programs offered by the State of New Jersey.

B. Redevelopment Procedure

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board to interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

1. Governing Body of the municipality must adopt a resolution directing the Planning Board to undertake a preliminary investigation to determine whether a specified area is in need of redevelopment according to the criteria set forth in Section 5 of P.L. 1992/c.79 (C.40A:12A-5).
2. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those power for use in a redevelopment area other than the use of eminent domain (non-condemnation redevelopment area) or whether the redevelopment area determination shall authorize the municipality to use all those powers for use in a redevelopment area, including the power of eminent domain (condemnation redevelopment area).
3. The Planning Board must prepare and make available a map delineating the boundaries of the proposed redevelopment area, specifying the parcels to be included to be investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.

4. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
5. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “Area in Need of Redevelopment”. The Governing Body must make the final determination as to the Condemnation Redevelopment Area boundaries.
6. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that: (i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area, and (ii) legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
7. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the “Area in Need of Redevelopment.”
8. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance.

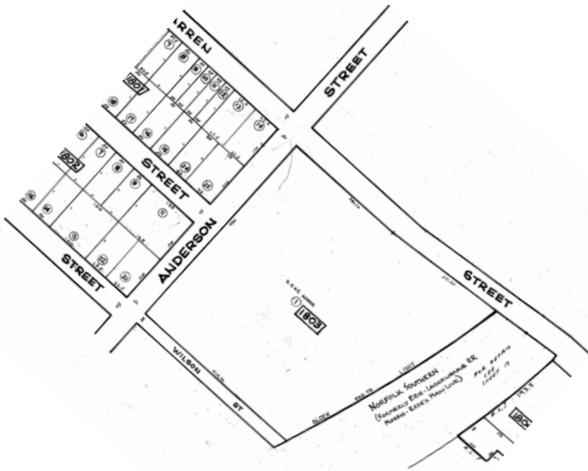
Only after completion of this process is a municipality able to exercise the powers under the LRHL.

C. Progress

In satisfaction of #1 above, the Phillipsburg Town Council adopted Resolution No. 2021-268 on November 9, 2021, which authorized the Planning Board to undertake this study. The resolution (Appendix A) and blight investigation maps which satisfy #2 above are included herein.

D. Purpose & Scope

In accordance with the process outlined above, this Preliminary Investigation will determine whether the property (hereinafter referred to as the “Study Area”) within the Town of Phillipsburg meets the statutory requirements under N.J.S.A. 40A:12A-5 for designation as a non-condemnation “area in need of redevelopment”. This study was prepared at the request of the Phillipsburg Planning Board and was duly authorized by the Mayor and Council. The scope of work for the investigation encompassed the following: land use review; assessment of property conditions; occupancy and ownership status within the study area; review of tax maps and aerial photos; review of building records; review tax assessment data; review of environmental assessments and any subsequent documentation of remediation; review of the existing zoning ordinance and zoning map for the Town of Phillipsburg; and review of the Master Plan for the Town.



Blight Investigation Maps

BLOCK 1803 LOT 1 – TAX MAP & AERIAL PHOTO

IV. Consideration of the Statutory Conditions for Establishment of an Area in Need of Redevelopment as Specifically Applied to the Study Area

A. Introduction

The Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5 sets forth the regulations for which an area may be designated an “area in need of redevelopment” if after investigation, notice, and public hearing, the governing body determines by resolution that the area meets any one 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 light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be tenantable.
- 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 improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et.seq.) the execution of the actions prescribed in that act for the adoption by the municipality and the 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 provision of P.L. 1991, c.441 (C.40A:21-1 et seq). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, C.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an

area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

It is noted that §40A:12-A3 (“Section 3”) cites that a “redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.” The redevelopment area must also include lands that are “reasonable and rational” given their location, size, shape and access to produce a redevelopment project that will achieve the goals of the community.

B. Zoning Description

Block 1803 Lot 1 is located within the R-50 Residential Zone whose purpose is “to provide appropriate areas of the Town for higher density, predominantly residential development.” (§625-47).

Principal permitted uses in the R-50 Zone:

- Detached single-family dwellings.
- Parks and playgrounds.
- Public buildings, including public schools and excluding correctional institutions.
- Churches and similar places of worship and their accessory uses, including schools.
- Necessary public utilities and services

Permitted accessory uses:

- Private garages and carports
- Swimming pools and other recreational facilities for residential uses and normally conducted on individual lots
- Fences, lampposts, trellises and storage sheds

Permitted Conditional Uses in this zone:

- Community residences for the developmentally disabled and community shelter for victims of domestic violence as per the Municipal Land Use Law, N.J.S.A. 40:55D-66.1, provided that the appropriate Board confirms that the use is consistent with the health, safety and welfare of the residents of the district.
- Multiple-family dwellings.
- Home occupations.

C. Existing Conditions

The subject parcel is centrally-located in the Town, and appears to be vacant and in a dilapidated and overgrown condition. The site is adjacent to the Town’s Firth Youth Center to the west and the Phillipsburg Elementary School to the east. Walters Park is just south of the subject property, on the opposite side of the railroad tracks. A multi-use path over the railroad connects the youth center with Walters Park. The subject parcel had been selected for the study area based on a desire to develop the property into a use that is

compatible and consistent with the neighborhood. The site is an active Known Contaminated Site according to the NJDEP¹.

Program							
PI ID	Name	Active?	Address	Municipality	Zip Code	Type	Reports
Air							
85421	ORBEL CORP	N	150 ANDERSON ST	Phillipsburg Town	NJ 08865	AIR	Air Permit SI
Hazardous Waste							
NJD982721771	ORBEL CORP	N	150 ANDERSON ST	Phillipsburg Town	NJ 08865	HW GENERATOR	Enf. Actions by PI
Right-to-Know							
89202000000	ORBEL CORP	N	150 ANDERSON ST	Phillipsburg Town	NJ 08865	RPPR & P2 PLANNING	Enf. Actions by PI
Site Remediation							
G000015390	ORBEL CORP	Y	150 ANDERSON ST	Phillipsburg Town	NJ 08865	SRP-PI	Case Tracking Tool
Water Quality							
47163	ORBEL CORP	N	150 ANDERSON ST	Phillipsburg Town	NJ 08865	NJPDES	Enf. Actions by PI

A chain link fence surrounds the property and it appears that the site has access from both Fleming Dr. and Warren St. Fleming Dr. is one-way from Warren Street. It is also located in a State-designated Urban Enterprise Zone as shown in the Figure in Section V of this report.

For these reasons, allowing the underutilized property to remain in a vacant, dilapidated state is detrimental to the overall welfare of the community.

The photos below show the condition of the site at both entrances on Fleming Dr. and Warren St.

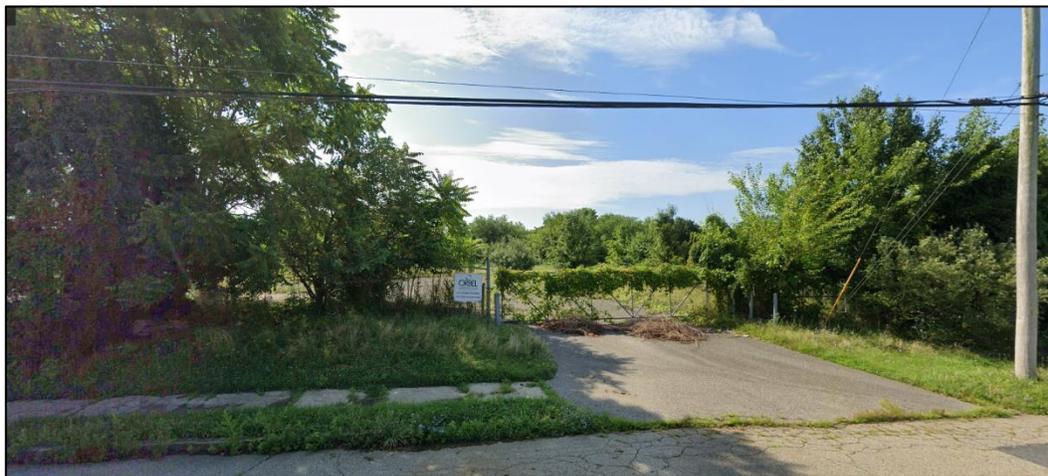


Photo 1: View of driveway from Fleming Drive.

¹ <https://www13.state.nj.us/DataMiner#> - search by Town and sort by letter. Data retrieved Jan. 14 2022.



Photo 2: View of driveway from Warren Street.

V. Application of the Statutory Criteria to the Study Area Properties

We provide the following analysis for each criteria and the reasoning for our conclusion that the subject property meets the “d”, “g”, and “h” criteria for an area in need of redevelopment.

The “d” criteria:

- 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.

The subject parcel does not have any buildings, but there are improvements in the form of asphalt once used for driveways and parking areas. These paved areas are cracked, overgrown with vegetation and generally in a dilapidated condition. Similarly, a chain link fence surrounding the property is overgrown with vegetation to the point that it is coming through the fence

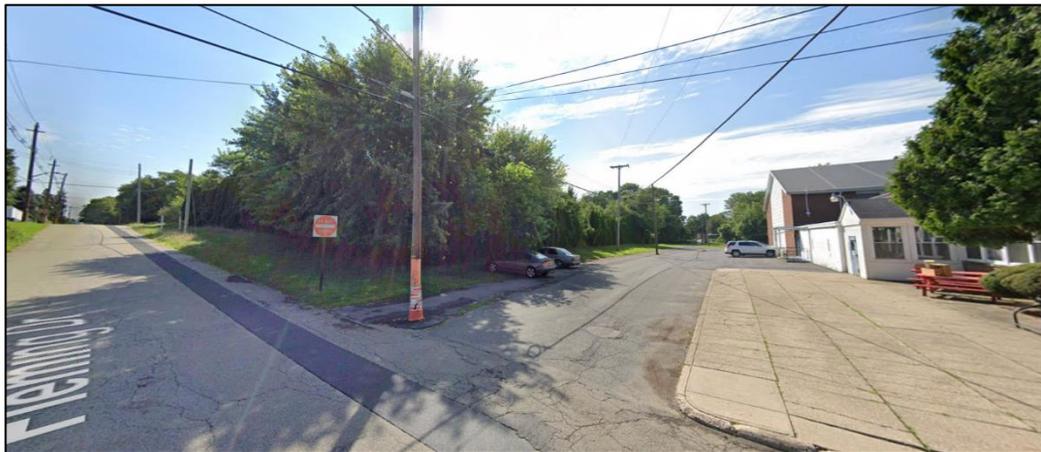


Photo 3: View of property from the corner of Fleming Dr. and the driveway to the Firth Youth Center. The multi-use path to Walters Park can be seen just beyond the car on the right.



Photo 4: Close-up view of the overgrown property line to the left and the multi-use path / overpass to Walters Park.

The “g.” criteria:

- In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et.seq.) the execution of the actions prescribed in that act for the adoption by the municipality and the 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 provision 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. (***Bold and Italicized*** text for emphasis)

In applying this criteria, if a property is located within an Urban Enterprise Zone (UEZ), the mere fact that it is located within this designated area is “sufficient for the determination that the area is in need of redevelopment”. Having gone through the proper channels to designate the UEZ and fulfilling the requirement for determining an area in need of redevelopment, the Town as indicated the subject parcel should be designated an area in need of redevelopment. The figure below shows the parcel within the UEZ.



The “h.” criteria:

- The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The subject parcel would contribute to smart growth planning principles if designated an area in need of redevelopment. Smart Growth principles generally encourage development where infrastructure exists, where brownfields can be remediated to a productive use, and where pedestrians can have safe access to, and around, the area. The subject property, a contaminated site, is located adjacent to residential uses as well as public facilities such as the community youth center, an elementary school and a large community park. With all of these being within walking distance from one another, and to the Town’s downtown areas, the redevelopment of the subject parcel would be directly in line with smart growth principles. Additionally, the remediation of the site to accommodate new, productive uses would only enhance the viability of the parcel as an asset to the community, rather than a detriment.

Conclusion

This study was prepared on behalf of the Phillipsburg Land Use Board to determine whether an area located within the Phillipsburg (Block 1803 Lot 1) qualifies as “an area in need of redevelopment” in accordance with N.J.S.A. 40:12-A. It is the finding of this investigation that the subject parcel meets the redevelopment criteria “d”, “g” and “h” of the LRHL and in its current state fails to promote the neighborhood character of the community, as identified in the Town Master Plan. The designation of the study area as an area in need of redevelopment is the first step to achieving the community character the Town desires.

APPENDIX A

R2021-268

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE TOWN OF PHILLIPSBURG PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, BLOCK 1803 LOT 1 (150 FLEMING DRIVE/ FKA 150 ANDERSON DRIVE) QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

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

WHEREAS, the Redevelopment Law sets forth the procedures for the Town to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed 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 a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”); and

WHEREAS, the Town Council desires to commission a study to determine if the Block 1803, Lot 1 satisfies the criteria of an Area in Need of Redevelopment (Non-Condensation); and

WHEREAS, the Town Council finds it to be in the best interest of the Town and its residents to authorize the Town’s Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties Block 1803, Lot 1 (the “Study Area”);

WHEREAS, the Town of Phillipsburg wishes to direct the Planning Board to undertake a preliminary investigation utilizing Angela Knowles, PP, AICP, of Van Cleef Engineering Associates to prepare the preliminary investigation to determine whether the proposed Study Areas qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Phillipsburg, in the County of Warren, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Angela Knowles, PP, AICP, of Van Cleef Engineering Associates to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Town Council whether the area comprising the study area is an area in need of **Non-Condensation Redevelopment** according to the criteria set forth in N.J.S.A. 4A:12A-5.

BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Town Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution is to be forwarded to the Planning Board of the Town of Phillipsburg.

BE IT FURTHER RESOLVED, that this Resolution shall take effect pursuant to law.

CERTIFICATION

I, Lorraine Loudenberg, Acting Municipal Clerk, of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting on November 09, 2021.



Lorraine Loudenberg, Acting Municipal Clerk