

Redevelopment Study and Preliminary Investigation Report Block 30, Lot 10.01 & Block 31, Lot 2.01

Prepared for:

**Borough of Red Bank
Monmouth County, New Jersey**

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Prepared By:



**1460 Route 9 South
Howell, New Jersey 07731
(732) 462-7400**

Jennifer C. Beahm, PP, AICP
License No. 05625

Anthony R. Rodriguez, PP, AICP
License No. 06203

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Juanita Lewis

Christine Ballard- Board Engineer
Michael Leckstein- Board Attorney
Dina Anastasio- Board Secretary

Project Team

Jennifer Beahm, PP, AICP
Anthony Rodriguez, PP, AICP
Megan Stanley, PP, AICP

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INTRODUCTION

Purpose of Study

This preliminary investigation and redevelopment study report has been prepared pursuant to the provisions of the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1 et seq. On January 27, 2016, the Red Bank Borough Council adopted Resolution No. 16-32, directing the Borough Planning Board to undertake a preliminary investigation to determine whether Block 31, Lot 2.01, known as the White Street Parking Lot, (the "Study Area") meets the statutory criteria to be designated as a "Non-Condemnation Area in Need of Redevelopment" pursuant to the LRHL. Subsequent to this authorization the owners of Block 30, Lot 10.01, located adjacent from the White Street Parking Lot, requested this property also be included in the Study Area. On March 23, 2016 the Borough Council adopted Resolution 16-90 authorizing the inclusion of Block 30, Lot 10.01 within the Study Area. This report and the findings contained herein shall serve as the "statement setting forth the basis for the investigation" in accordance with N.J.S.A. 40A:12A-6, which requires:

Before proceeding to a public hearing on the matter, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein. There shall be appended to the map a statement setting forth the basis for the investigation.

This report serves to formally assess the Study Area in order to determine whether the Study Area meets the statutory criteria of an Area in Need of Redevelopment, pursuant to the LRHL. A particular parcel or area qualifies for redevelopment if it meets one or more of the eight statutory criteria listed in Section 5 of the LRHL. These criteria and the degree to which the parcels within the Study Area meet these criteria are outlined in detail within the Redevelopment Analysis section herein.

The following records and documents were reviewed as part of this investigation:

- Official Tax Maps of Red Bank Borough;
- Tax records for the Study Area properties;
- Aerial photos of the Study Area;
- Ownership and sales information;
- Red Bank Borough Master Plan;
- Zoning Map and Ordinance of Red Bank Borough; and
- Coastal Monmouth Plan

CME Associates also completed an on-site inspection on May 4, 2016 and reviewed the land use, occupancy, and physical conditions of the Study Area to support the findings herein. An individual analysis of each property and representative photographs of each property is included in the Redevelopment Analysis section herein.

Recent Redevelopment Case Law and Process Changes

On September 6, 2013, the Governor signed into law the provisions contained in Chapter 159, which amended certain provisions of the LRHL in order to codify a series of court decisions that clarified certain procedures and powers provided under the LRHL. These amendments require that municipalities 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 (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 (a "Condensation Redevelopment Area"). The Red Bank Borough Council has elected to forego the use of eminent domain during this redevelopment process. Thus, any redevelopment area resulting from the analysis and findings contained herein shall be a "Non-Condensation Redevelopment Area."

REDEVELOPMENT PROCESS

The Local Redevelopment and Housing Law sets forth the process by which a municipality may lawfully exercise the powers of redevelopment. This process is outlined below.

- The Governing Body must authorize the Planning Board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria in section 5 of P.L.1992, c.79 (C.40A:12A-5).
- The Planning Board must conduct a preliminary investigation and hold a duly noticed public hearing to discuss the findings of the investigation and to hear all persons who are interested in or would be affected by the contemplated action. The Planning Board must then provide a recommendation via resolution that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area.
- Upon receipt of the recommendation from the Planning Board, the Governing Body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- Upon designation, the Planning Board or Governing Body is then required to prepare a redevelopment plan establishing the goals and objectives, land use controls, and design standards for the redevelopment area.
- The redevelopment plan, after review by the Planning Board, is referred to the Governing Body. Alternatively, the Governing Body may direct the Planning Board to prepare the redevelopment plan, and the Planning Board may refer the plan to the Governing Body after its preparation.
- Upon receipt of the redevelopment plan from the Planning Board, the Governing Body may act and adopt the plan by ordinance. The adopted plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning. Only after completion of this public process is a municipality able to exercise the redevelopment powers granted under the LRHL.

STUDY AREA DELINEATION AND DESCRIPTION

Study Area Description

The Study Area is approximately 3.37 acres in area and is comprised of two tax parcels in the north central portion of the Borough. The Study Area is within a block bound by Front Street, Broad Street, Monmouth Street, and Maple Avenue. Block 31, Lot 2.01 fronts entirely along White Street, and is currently being utilized as a paid public parking lot. The lot can also be accessed from Monmouth Street via Drummond Street. Block 30, Lot 10.01 is a flag lot with a small frontage along White Street and main frontage along Front Street. This property formerly held a nursing home that has since been demolished. The entire parcel is currently vacant with the exception of an asphalt driveway fronting on White Street. Figure 1 on the following page depicts the Study Area.

Both properties in the Study Area are located within walking distance of the Borough's main commercial district along Broad and Monmouth Streets and are easily accessible from New Jersey Route 35. The Study Area is also within walking distance of the Red Bank New Jersey Transit commuter rail station on the North Jersey Coast Line.

Surrounding Land Uses

The Study Area is mainly surrounded by commercial uses associated with the Borough's Central Business District. Block 31, Lot 2.01 is surrounded almost entirely by a mix of commercial uses with the exception of one industrial parcel and one church/charitable parcel located across from the property along White Street. An asphalt driveway giving access to the majority of Block 30, Lot 10.01 is also located across White Street. Block 30, Lot 10.01 is bordered to the east by an office building, the south by mixed commercial uses, and to the west by a church/charitable parcel. Block 30, Lot 10.01 is also unique in that it is directly across Front Street from Riverside Gardens Park, which provides public access to the Navesink River Waterfront. Figure 2 illustrates the land uses within and adjacent to the Study Area according to the latest available tax parcel data.

Study Area Zoning Classification

According to the Borough's most recent Zoning Map, the Study Area is located entirely within the CCD-2 Central Commercial District (see Figure 3). The Red Bank Borough Zoning Ordinance permits the following uses in the CCD-2 Zone:

A. Permitted Uses

1. Professional office, except on street-level properties fronting on Broad Street, Monmouth Street, White Street, English Plaza, and East Front Street; however, professional offices may be located at street level on the north side of White Street between Maple Avenue and 300 feet east of Maple Avenue.
2. Business office, except on street-level properties fronting on Broad Street, Monmouth Street, White Street, English Plaza, and East Front Street; however, business offices may be located at street level on the north side of White Street between Maple Avenue and 300 feet east of Maple Avenue, the easterly side of Broad Street, between the lot fronting the southeast corner of Linden Place and the lot fronting the northeast corner of Wallace Street, provided said business office occupies not less than 5,000 square feet on street level.

3. Retail commercial uses, except;
 - a. Large food stores exceeding 8,000 square feet, commonly called "supermarkets."
 - b. Thrift stores, secondhand, pawn and consignment shops.
 - c. Shops which offer for sale firearms and/or ammunition.
 - d. Antique sales will only be permitted on properties fronting on Broad Street with at least 1,000 square feet of ground floor area, but not to exceed 4,000 square feet of ground floor area.
4. Personal service establishments, except;
 - a. Massage parlors.
 - b. Tattoo parlors/body piercing.
 - c. Self-service laundry or self-service dry-cleaning shops.
5. Banks, trust companies and deposit institutions, but not in or upon properties fronting on Broad Street.
6. Primary food-service establishments.
7. Dwelling apartment uses on floors above the street-level floor, with conditions.
8. Theaters.
9. Hotel/motels located north of Front Street.
10. Children's philanthropic uses, except on properties fronting on Broad and Front Streets or east of Broad Street.
11. Commercial parking facilities.

B. Permitted Accessory Uses:

1. Fences and hedges, subject to the provisions of Section 490-91.
2. Off-street loading with enclosed storage structures.
3. Signs subjection to the provisions of Section 490-104.
4. Vertical parking garage, subject to the provisions of Section 490-115.

Required Accessory Uses for the CCD-2 District include off-street parking and loading in accordance with Section 490-145(B)

C. Conditional Uses

1. Churches and places of worship.
2. Public utilities.
3. Public and quasi-public recreation areas.
4. Signs which are conditional uses, subject to the provisions of Section 490-104.

The bulk requirements of the CCD-2 Zone are outlined in the table below.

Bulk and Yard Requirements CCD-2 Central Commercial District	
Standard	Requirement
Minimum Lot Area	No requirements, except for commercial parking facilities, which shall be no less than 20,000 sf.

Bulk and Yard Requirements CCD-2 Central Commercial District	
Standard	Requirement
Minimum Lot Frontage	35 feet, except, for lots and uses in existence prior to April 23, 1979, no requirements
Minimum Front Setback	No requirements
Minimum Rear Yard Setback	10 feet, except, where abutting a residential zone district or an existing residential use, 25 feet
Minimum Side Yard Setback	No requirements, except where abutting a residential zone district or abutting an existing residential use, 10 feet; and for commercial parking facilities abutting a residential zone district or an existing first-floor residential use, 25 feet
Maximum Structure Height	40 feet and not exceeding four stories
Minimum Gross Habitable Ground Floor Area	No requirements
Maximum lot coverage of principal and accessory structures	65%, plus that percentage of the site which is arranged, finished and intended to be used and is usable by the general public, including plazas, widened sidewalks, seating areas, mini parks and similar facilities.
Minimum Unoccupied Open Space	10%
Maximum Floor Area Ratio	1.7

Master Plan Perspective

The Study Area and surrounding business district have importance at both the local and regional levels, as evidenced by Borough and County planning documents.

1995 Red Bank Master Plan and Subsequent Reexaminations

The Borough of Red Bank prepared and adopted a Comprehensive Master Plan in 1995. The Land Use Plan looked to progress development in Red Bank by responding to the then current economic climate, and building off of foundations of previous planning documents, including the 1985 Master Plan, 1994 Red Bank Vision Plan, and the New Jersey 1992 State Development Plan. The '95 Land Use Plan set forward goals regarding the development and redevelopment of the Borough including:

- Promote retention of existing businesses and development of new businesses;

- Develop in higher density mixed-use centers that accommodate the varied housing types, employments, retail and support services, the use of alternative modes of transportation....;
- Maintain and improve the commercial vitality of the downtown area so that it pays a greater share of municipal taxes and enable the Borough to accomplish the detailed proposals necessary to realize this vision;
- Expand the commercial tax base by a growing and thriving Downtown.

The 1995 Master Plan was reexamined in 2002 and again in 2009. Specific statements were made in both Reexaminations that the major goals and objectives identified in the 1995 Plan, including those listed above, remained relevant. For over thirty years, the Borough has continuously pushed for improvement of the commercial districts. Designating the Study Area would be consistent with these objectives and would continue to advance these goals by taking underutilized properties within the Central Business District and redeveloping them with viable commercial uses.

Coastal Monmouth Plan

The Coastal Monmouth Plan, prepared by the Monmouth County Planning Department in 2007 and revised in 2010, recognized Red Bank as a “local and regional destination due to its draw as a major center of commerce and the arts.” The Plan further explains that economic development planning should build on the amenities that currently draw visitors and residents to the Coastal Monmouth Region, specifically targeting entertainment, cultural venues, and the unique and natural resources of the shore communities. The Plan identified the importance of the commercial corridor along Route 35, where redevelopment and revitalization opportunities either currently existed or can be expected in the future to upgrade or modernize these properties to meet up-to-date market standards that will provide opportunities for new development programs.

The Study Area is located just off of the State Route 35 corridor. Redevelopment of the Study Area would promote the goals and objectives of the Coastal Monmouth Plan by revitalizing underutilized properties proximate to this important regional transportation corridor.

State Planning Area Classification

The State Plan Policy Map and State Development and Redevelopment Plan (SDRP) classify all of Red Bank Borough as a Metropolitan Planning Area (PA-1). According to the State Plan, the Metropolitan Planning Area should provide for much of the state's future development and redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. Further, the SDRP envisions the Metropolitan Planning Area as an area to promote compact development forms and protect natural resources.

The Study Area is located in an existing urbanized area characteristic of the Metropolitan Planning Area. It has existing infrastructure and is located proximate to State Highway 35 and Interchange 109 to the Garden State Parkway. Additionally, alternative transportation is available within walking distance of the Study Area at several New Jersey Transit bus stops and the Red Bank New Jersey Transit station. As such, redevelopment of the Study Area would advance both the SDRP's goals for PA-1 areas as well as the goals of the Borough's Master Plan.

STATUTORY CRITERIA

According to N.J.S.A. 40A:12A-5, a delineated area or any portion thereof may be declared in need of redevelopment if, after investigation, notice and hearing, the governing body of the municipality, by resolution, concludes that one or more of the following conditions are found:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone

unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

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

Furthermore, the LRHL permits the inclusion of parcels that do not meet the statutory criteria to be designated in need of redevelopment if they are necessary for the effective redevelopment of the redevelopment area:

A redevelopment area may include lands, buildings, or improvements, which 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 (N.J.S.A. 40A:12A-3.).

REDEVELOPMENT ANALYSIS

The Study Area is comprised of approximately 3.37 acres of land. Block 31, Lot 2.01 is currently being utilized as a public parking lot and, according to historical imagery, has been for well over twenty years. Block 30, Lot 10.01 has been vacant for less than ten years. It was previously improved with a multi-story structure and utilized as a nursing home facility.

CME Associates conducted a site visit on May 4, 2016 to document existing conditions within the Study Area. CME also reviewed Borough tax records and GIS data as part of the analysis. The New Jersey Department of Environmental Protection's NJ-GeoWeb mapping tool was also used to identify any environmental considerations within the Study Area including the presence of wetlands, known contaminated sites, natural heritage sites, designated open space, and threatened or endangered species habitat. According to the NJDEP GeoWeb mapping tool, the Study Area is devoid of all of the above-referenced environmental features (See Figure 4). Further discussion regarding the presence of environmental concerns is included in the following subsections.

The analysis indicates that all of the properties within the Study Area meet one or more of the statutory criteria to be designated as an area in need of redevelopment pursuant to the LRHL. The condition of each property in the Study Area and how each property meets the statutory criteria to be designated in need of redevelopment is outlined in the following subsections.

Block 31, Lot 2.01

Property Record for Block 31, Lot 2.01	
Property Address	75-79 White Street
Owner	Borough of Red Bank
Owner's Address	90 Monmouth Street Red Bank, NJ 07701
Zoning District	CCD-2
Existing Land Use	Public Parking Lot
Area	2.29

Block 31, Lot 2.01 is currently improved with a municipally owned surface parking lot. Towards Broad Street, adjacent to the parking lot are a mix of personal service and retail businesses that begin to connect White Street with the main area of the Central Business District. The parking lot located on Block 31, Lot 2.01, however, greatly breaks up this commercial use pattern by taking up approximately 75% of the frontage along the southern portion of White Street. The parking lot is also showing signs of wear through several large cracks and pot holes in the pavement, as shown in the images below.



Image 1: Block 31, Lot 2.01- Looking across White Street at site, towards Broad Street.



Image 2: Block 31, Lot 2.01- Looking across White Street at site, towards Maple Avenue.



Images 3 & 4: Public parking lot located on Block 31, Lot 2.01



Images 5 & 6 Condition of public parking lot on Block 31, Lot 2.01

Block 31, Lot 2.01 meets “d” criteria for redevelopment. Block 31, Lot 2.01 is obsolete due to its excessive and deleterious land coverage in the heart of the Borough’s Central Business District. Commercial uses along White Street exist towards Broad Street. However, the commercial pattern of White Street is abruptly cut off by the parking lot which takes up approximately 75% of the street frontage, inhibiting the mobility of pedestrians along White Street. Additionally surface parking lots are inefficient when providing ample space to accommodate urban areas and Central Business Districts. The lot is obsolete in that it does not meet the current demand for parking, and therefore cannot adequately support the surrounding uses. According to the Borough’s planning documents Red Bank is continuously looking to expand and strengthen the business district with commercial ratables; and should the property continue use as a surface parking lot it will be a detriment to the goals of the Master Plan. The municipally owned lot does not generate any tax dollars, therefore creating a burden and a detriment to the residents of Red Bank.

Block 30, Lot 10.01

Property Record for Block 30, Lot 10.01	
Property Address	51-59 West Front Street
Owner	West Front Street Partners, LLC
Owner's Address	1148 Elberon Avenue Elberon, NJ 07740
Zoning District	CCD-2
Existing Land Use	Vacant
Area	1.08 Acres

The majority of Block 30, Lot 10.01 is vacant; however, it is improved with a chain link fence around the property perimeter and a paved asphalt driveway giving access to White Street. A portion of the fence at the northwest corner of the property is damaged and is being supported by two large metal posts. It was noted during the site visit that unlawful access to the property occurs. Trash, debris, and empty glass bottles were found in several locations on the property.



Image 7: Gateway to Riverside Gardens Park, located across West Front Street



Image 8: Damaged fence on the property



Image 9: Driveway access to White Street

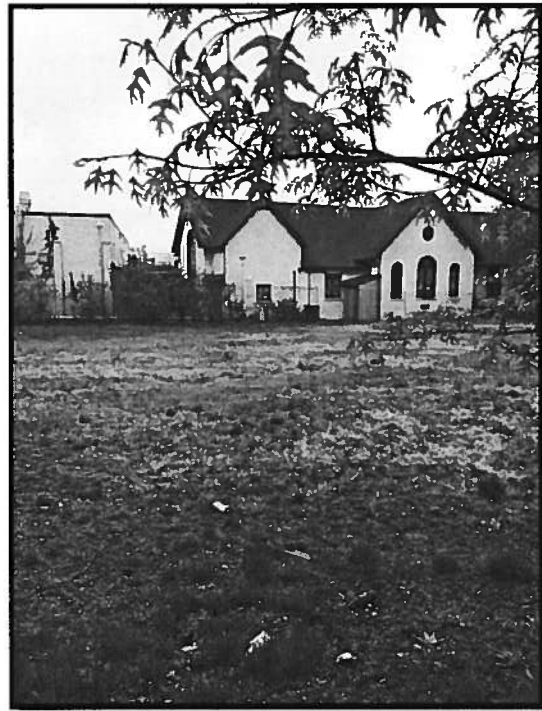


Image 10: Vacant lot-Block 30, Lot 10.01. Empty glass bottles shown.

Block 30, Lot 10.01 meets the “d” criteria for redevelopment. Block 30, Lot 10.01 is improved with an asphalt driveway and chain link fence, but remains vacant with respect to use. The property is a through lot with frontage on White Street and West Front Street and is located across West Front Street from Riverside Gardens Park, which is a significant community focal point that provides an important waterfront recreational opportunity to residents and visitors alike. The property is also one of the few vacant lots left in the Central Commercial District. The property was previously developed with a multi-story masonry building and associated site improvements and was previously used as a nursing home facility. These improvements were demolished in 2007, several years after the nursing home use on the property was discontinued.

In its current state, the physical characteristics of the property and improvements thereon represent an attractive nuisance and a deleterious land use that has a detrimental impact on the health, safety, and general welfare of the community. Sections of the existing driveway and fence enclosing the property are in various states of disrepair. The pavement comprising the driveway is cracking and vegetation is growing through the cracks in the pavement. Portions of the existing fence are leaning and exhibit lack of maintenance. Areas of the property are overgrown with vegetation and trash has accumulated on the property, especially on portions of the property adjacent to rights-of-way and abutting properties.

The property's vacancy with respect to use, existing condition, and proximity to a significant Borough focal point has a substantial negative impact on neighborhood character. The property is an attractive nuisance that has a negative visual and physical impact on surrounding

properties and the West Front Street streetscape. These impacts are detrimental to the health, safety, and welfare of the surrounding neighborhood and counteract the purposes of zoning established in the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.)

CONCLUSIONS AND RECOMMENDATION

As noted above, each of the properties within the Study Area meets one or more of the statutory criteria to be designated in need of redevelopment pursuant to the Local Redevelopment and Housing Law. Block 30, Lot 2.01 may be designated in need of redevelopment pursuant to the "d" criterion; and Block 31, Lot 2.01 may be designated in need of redevelopment pursuant to the "d" criterion. Therefore, it is recommended that the Red Bank Borough Planning Board and Borough Council determine that the entirety of the Study Area is an Area in Need of Redevelopment pursuant to the provisions of the LRHL.