Determination of Area in Need of Redevelopment

GARFIELD REDEVELOPMENT AREA- 394 OUTWATER LANE
CITY OF GARFIELD, BERGEN COUNTY, NEW JERSEY

Completed in accordance with the Local Redevelopment & Housing Law
(N.J.S.A. 40A:12A-1 et seq.)

The original document was appropriately signed and sealed on November 29, 2017 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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Professional Planner #5679
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I. Introduction

The purpose of this report is to determine if the said properties located in the City of Garfield qualify as Area in Need of Redevelopment as defined by the Local Redevelopment and Housing Law (N.J.S.A. 40:12A-1 et seq, hereafter referred to as LRHL). This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated areas and the process to be undertaken by the Planning Board during the investigation.

This report is written pursuant to 40A:12A-6 section of the LRHL, which states the following:

No area of 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.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.

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.

The City Mayor and Council adopted a Resolution No. 17-288 dated July 25, 2017 to authorize the Planning Board to undertake a preliminary investigation to determine whether the properties in question are in need of redevelopment.

The applicable LHRL statute also requires the Planning Board to hold a public hearing on this matter prior to recommending that the delineated area, or any part thereof, be determined or not determined a redevelopment area by the governing body. After obtaining the Planning Board’s recommendation, the governing body may adopt a resolution determining that the delineated area or any part thereof is a redevelopment area. This report is a study to determine whether the properties in question are to be determined or not determined as “area in need of redevelopment”, as required under the LRHL.

A redevelopment plan may supersede the zoning of an area or serve as an overlay, should specify the following:

1. The plan’s relationship to definite local objective as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed Land uses and building requirements in the project area.
3. Adequate provision for temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. (a) Any significant relationship of the redevelopment plan to master plans of contiguous municipalities, (b) The master plan of the county in which the municipality is located and (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act”.

Draft Document prepared by Brigette Bogart Planning & Design Professionals 3
This report and investigation are aimed only at determining whether properties in question meet the statutory criteria to be identified as an Area in Need of Redevelopment and therefore does not contain any of the specific planning regulations contained in a redevelopment area. If the City of Garfield determines that they agree with the recommendations set forth in this report, this area can be designated as an “Area in Need of Redevelopment”. The Garfield City Council would then have the authority to declare this area an “Area in Need of Redevelopment”, and authorize the City of Garfield to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (“Condemnation Redevelopment Area”). It should be noted that the City Governing Body resolution identified 394 Outwater Lane (Block 119.04 Lot 1) as a Non-Condemnation Redevelopment Area study.

II. Criteria for Determination of An Area In Need of Redevelopment

Per LHRL 40A:12A-5 an area may be determined to be in Need of Redevelopment if after investigation, notice and hearing, the governing body of the municipality concludes by resolution that any of the following conditions exists:

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 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 developed sections of 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 arrangements or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious and 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 of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and not fully productive 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 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 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 the 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 the 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.
to the provisions P.L.1991, c431 (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, c79 (C.40A:12A-1 et al) for determining that the area is in need of redevelopment or 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. In addition to the above criteria, Section 3 of the LRHL (N.J.S.A 40A:12A-3) allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the 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 in which they are a part. Criterion “h” was relied upon for this study.

III. The Statutory Criteria (a more detailed narrative)

The following section provides additional detail on the eight statutory criteria that qualify an area being in need of redevelopment and the planning analysis and evidence necessary that indicate the criteria could be met. Generally, properties located within an area in need of redevelopment will meet more than one of the criteria. However, only one of the eight need be found for a delineated area to be determined in need of redevelopment. The eight criteria are commonly identified by the letter corresponding to the paragraphs in Section 5 of the LRHL (N.J.S.A. 40A:12A-5).

The “a” Criterion – Deterioration

For an area to qualify as being in need of redevelopment pursuant to the “a” criterion, the planning board must find that the buildings in the area have deteriorated or fallen into such a state of disrepair that they constitute a threat to the people who live or work in them, or are a danger to public safety. Consequently, when analyzing the applicability of the “a” criterion, the planning board should focus on the physical conditions within the study area. This compels the preliminary investigation (this document) to include photographic documentation of the subject property. No parcels within this study area rely on criterion “a”.

The “b” Criterion - Abandoned Commercial and Industrial Buildings

Criterion “b” allows for a site that is being studied to qualify as being in need of redevelopment if it includes buildings previously used for commercial, manufacturing, or industrial purposes that have been vacated or abandoned. Vacant buildings that have been allowed to fall into a great state of disrepair have historically been associated with “blighted” areas or areas in need of redevelopment.

Similar to criterion “a”, site inspections and photographic documentation are important to assess how a property or structure potentially meets criterion “b” of the statute. It is important to note that the “b” criterion is only applicable to commercial and industrial buildings and not to residential buildings. However, the nonresidential component of mixed-use buildings, which contains both residential and commercial uses, can meet the “b” criterion. No parcels within this study area rely on criterion “b”.
The “c” Criterion - Public and Vacant Land

Property owned by a public entity, such as a municipality, county, housing authority, or redevelopment entity may be designated in need of redevelopment pursuant to the “c” criterion. A court decision has determined that the public ownership alone is not a sufficient reason for such designation. The investigation should specify in its findings why the development potential of a property may be limited, such as its location, remoteness, lack of access, topography, or soil conditions.

The “c” criterion enables municipalities to use the redevelopment process to generate private development interest in surplus public lands and get them back on tax rolls. By designating these publically owned parcels in need of redevelopment, the municipality is able to convey the parcel to a redeveloper without having to go through the public bidding process. The redeveloper is then required by a redeveloper agreement to redevelop them in accordance with a redevelopment plan. The City has analyzed this area with respect to underutilization for recreational purposes for a number of years. Including in this document is a signed letter from the Governing Body, indicated such. Therefore this criterion was relied upon for the designation of the study area, Block 119.04 Lot 1 commonly known as 394 Outwater Lane.

The “d” Criterion - Obsolete layout and design

While the “a” and “b” criteria focus on the condition of the buildings on a property, the “d” criterion focuses on the site design itself. In order to analyze how a property meets criterion “d”, other site improvements such as accessory structures, parking areas, on site circulation, land uses, and adjacent off site circulation impacts need to be reviewed.

Some of the considerations to be reviewed in analyzing a study area for the applicability of the “d” criterion focus on important land use planning standards, such as the location and relationship of buildings, accessory structures and other site improvements, onsite circulation and parking, land use conflicts as well as lot and building coverages within the study area. When analyzing parcels to see if they potentially meet criterion “d”, the investigation should include information on how the site’s design, circulation and parking dimensions compare to modern planning objectives. If it is found that a parcel does not comply with modern planning objectives or standards, this investigation should also go a step further and review how these “deficiencies” on site affect adjacent sites and public rights of way. No parcels within this study area rely on criterion “d”.

The “e” Criterion - Underutilization

Criterion “e” is applicable where there is 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 are 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. The “e” criterion is applicable in circumstances where there is a quantifiable economic “underutilization” or “lack of proper utilization” of properties in a study area.

However, with the criteria noted above, the New Jersey Supreme Court in the Gallenthin Realty Development, Inc. v Borough of Paulsboro, 191 N.J. 344 (2007), stated that the New Jersey Constitution authorizes government redevelopment of only “blighted areas,” and concluded that the Legislature did not intend N.J.S.A. 40A:12A-5(e) to apply in circumstances where the sole basis for redevelopment is that the property is “not fully productive.” It further held that this criteria set forth N.J.S.A. 40A:12A-5(e) applies only to property that has become stagnant and unproductive because of issues of title, diversity of ownership, or other conditions of the same kind.
Given the recent Gallenthin Realty Development, Inc. v Borough of Paulsboro, 191 N.J. 344 (2007) decision, if an investigation determines that a site meets criterion “e”, it should be analyzed to confirm that the parcels at issue are preventing the proper development of the surrounding properties because of the fact that they reached a stage of stagnation and unproductiveness. In order to determine this, the site may be reviewed in the context of the “d” criterion, exhibiting poor design and arrangement and not developed in a manner consistent with the objectives of a municipality’s zoning and master plan. It is important to note that a property may not be “economically underutilized”, but may exhibit a lack of “proper utilization” in relation to a municipality’s overall land use goals and objectives. Thus, the property would still meet the “e” criterion, but the analysis would focus on broader land use planning issues and concerns. The City’s Master Plan goals call for redevelopment and repurposing of parcels for economically viable uses. There are a number of properties which exhibit a lack of “proper utilization” based on these goals and objectives that have been in place for over a decade.

One of the indicators used to measure the economic productivity of a property is the ratio of the assessed value of the improvements on the property to the value of land. Developed properties in areas that are economically viable typically have improvement to land ratios of 2:1 or greater. Ratios of less than 2:1 may offer evidence of underutilization. As indicated above, a low improvement to land ratio in itself is not absolute proof that a property is in need of redevelopment. Improvement to land ratios should be analyzed in connection with other evidence such as the physical condition of the property or site layout to determine the applicability of the statutory criteria. It may be necessary to compare ratios within the study area to those in surrounding areas or on the other parts of the community. For example, the property values and tax revenue generated from two comparable blocks, one within the study area and one within an area considered economically stable, should be evaluated to determine the appropriate threshold in identifying underutilization. The study area meets criterion “e”.

**The “f’ Criterion – Fire and Natural disaster.**

The “f” criterion is intended to permit the redevelopment of a large area in a community that has been destroyed or where the property values have been materially reduced by a sudden natural disaster. It was first added to the old urban renewal statues after a catastrophic fire in Passaic destroyed several city blocks. When the State’s redevelopment laws were updated in 1992, the “f” criterion was retained, but the minimum tract area that could qualify for designation was reduced from ten to five contiguous acres. This investigation does not rely on this criterion.

**The “g” Criterion – Urban Enterprise Zones**

The Urban Enterprise Zone Act added criterion “g” to the redevelopment statute. Under the “g” criterion, urban enterprise zones (UEZs) designated by the New Jersey Urban Enterprise Zone Authority automatically qualify as areas in need of redevelopment for the purposes of granting long- and short-term tax abatements and exemptions. However, if municipality wants to exercise any other redevelopment powers within the UEZ, including the power of eminent domain, it must prove that the area meets one or more of other statutory criteria and formally designate the area in need of redevelopment pursuant to the procedures in the LRHL. A redevelopment plan for the area also must be adopted. This investigation does not rely on this criterion.
The “h” Criterion – Smart Growth

The “h” criterion requires that the delineated area be consistent with smart growth planning principles adopted pursuant to law or regulation. Uniquely, this criteria may be applied to the overall study area rather than individual parcels therein. As such, it is possible for a Study Area to qualify even if certain individual lots do not meet criteria “a” through “g”, thereby preventing certain lots within a larger area from obstructing the redevelopment of a larger area. Specifically, Section 3 of the LRHL (N.J.S.A 40A:12A-3) allows the inclusion of parcels in the area “which of themselves are not detrimental to the 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 in which they are a part.” It is concluded that development of the area as a whole can be redirected to better advance the Town’s land use.

The City Master Plan incorporates the State Development and Redevelopment Plan policy objectives, which includes capitalizing on high-density settlement patterns that encourage the use of public transit. The subject study area is located within walking distance to the Plauderville train station. The site’s use as a park goes against this policy. Therefore, criterion “h” was relied upon for this study.

IV. Study Area Description

The Study Area comprises one parcel in the City of Garfield. The aerial below generally identifies the location of these two areas with a red circle.
The property is located 394 Outwater Lane (Block 119.04, Lot 1), which is Columbus Park. This 6.47 acre lot has frontage on Outwater Lane and Midland Avenue, and is zoned P - Parkland. It is an underutilized ballpark, which has been owned by the municipality for more than ten years. It is on the Green Acres Recreation and Open Space Inventory.
V City of Garfield Master Plan Document

2002 Master Plan In 2002 under emerging considerations the plan states the following:

- The City’s commercial base also experience decline over the past decade. Although there has been limited private reinvestment in the City’s commercial corridors, this decline offers the opportunity to pursue revitalization and redevelopment efforts to complement and augment private investments to promote the growth of the City’s employment base, reinvestment in the public infrastructure and an increase in the City’s tax base.

- The lack of vacant land highlights the need for the City to focus on redevelopment opportunities, which represents the most likely way, which land use patterns will change and evolve in Garfield. Redevelopment also presents an opportunity to expand the recreation areas needed for the City’s residents.

- The increase in population of over 3,000 residents while the housing stock increase by only 281 units during the 1990’s suggest that there may be significant overcrowding occurring in some dwellings.

Goals and Objectives that pertain to the study detailed herein are as follows:

- “to maintain and advance existing areas of stability in the community by encouraging the proper relationship between land uses and establishing areas with a uniformity of purpose.” One way to do this is to “protect and preserve established residential neighborhoods from intrusion by non-residential uses.”
- Promote the development of a diversified economy that will increase employment, strengthen the tax base and protect the City against cyclical economic downtowns
- Address the continuing loss of employment and contraction of facilities and recognize that this trend presents an opportunity for the redevelopment of manufacturing sites into productive commercial light industrial and residential sites.
- To provide a variety of recreational uses for all segments of the City’s population. Garfield recognizes that there is a need to provide a greater distribution of open space throughout the City. The Recreation Element shall identify potential new park sites and evaluate user needs before devising an acquisition and development program. Recreation sites should be sought as they become available through demolition and redevelopment.

Policy Objectives for the Sate Redevelopment and Redevelopment plan

Land Use: Guide new development and redevelopment to ensure efficient and beneficial utilization of scare land while capitalizing on inherent public facilities and service efficiencies created by concentrated development patterns.

Housing: Preserve the existing housing stock through maintenance and rehabilitation and provide a variety of housing choices through development and redevelopment

Economic Development: Promote economic development by encouraging redevelopment efforts such as infill and land assembly, public/private partnerships and infrastructure improvements.

Transportation: Capitalize on the high-density settlement patterns that encourage the use of public transit systems and alternative modes of transportation to improve travel among major populations centers, employment centers and transportation terminals.
2002 Master Plan Recreation Element

The 2002 Master Plan Document includes an Open Space and Recreation Element, which is predicated on the following goals which pertain to this study.

- To provide a variety of recreational uses for all segments of the City’s population.
- To maintain attractive and aesthetically pleasing public open spaces and offering a variety of active recreation opportunities.

The plan goes on to recommend small improvements to Columbus Park.

2014 Master Plan Reexamination

Continued from the 2002 Master Plan, the Goals and Objectives in this reexamination include the desire “to maintain and advance existing areas of stability in the community by encouraging the proper relationship between land uses and establishing areas with a uniformity of purpose.”

The 2014 document indicates that since original documented lack of adequate recreation and open space in prior Master Plan and Reexamination reviews, there has been some positive movement towards addressing the problem. It further indicates that Policies for residential and non-residential redevelopment should require adequate provisions for open space as an integral part of the redevelopment process.

The following goals sets forth in 2014 pertain to this redevelopment study:

- To preserve the existing residential character of the City while providing a variety of housing types to meet State mandated low and moderate income housing requirements and the changing needs of the City’ residents.
- To maintain and preserve the quality of the City’s recreational complexes
- To encourage the development of appropriate commercial, industrial, employment and recreational facilities to serve the needs of all City residents and to help maintain the City’s stable tax base.
- To facilitate realistic growth phasing in conjunction with the provision of housing, community facilities and services and proper community management.

The 2014 Master Plan indicates that industrial uses are the foundation on which the city evolved. “Unfortunately, with the nations shift from manufacturing to service based economy, the city as experienced a sharp decline in industrial activity. As a result many of these heavy industrial sites are now obsolete, underutilized or vacant. This has had a tremendous impact on the city in the form of lost employment and tax revenues. In order to realize the full potential of these transitional properties the city needs to formulate plan to facilitate their adaptive reuse. Possible reuses can range from light manufacturing to high tech industries to office space.”

As a specific change, the Master Plan identified the desire to continue redevelopment efforts, noting “slow progress in the transformation from blighted and obsolete sites to redeveloped areas,” and the need to ensure that “selected sites are successfully remediated and redeveloped as quickly as possible.”
2014 Recreation Plan

The basic objectives of the Recreation Plan are as follows:

- To increase level of recreational services for City residents
- To provide a complete range of recreational facilities and services
- To provide adequate recreational facilities for City organized sports
- To expand and enhance the use potential of all City recreation facilities by the addition of night lighting facilities.

D. Zoning Ordinance

As noted in the Study Area Description above, the study area 394 Outwater Lane (Block 119.04, Lot 1) is zoned P - Parkland. There are no zoning regulations associated with this designation.

VI. Subject Properties Evaluation for Compliance with Redevelopment Area

An analysis of the subject properties’ existing land uses, site layout and physical characteristics was conducted utilizing tax maps/records, physical inspection of the area, review of GIS data, maps and aerial photographs, Master Plan studies and Zoning Ordinance review.

The following details the findings and observations of this analysis by tax lot for the two subject study areas.

Block 119.04, Lot 1

The Second property is Columbus Park, located 394 Outwater Lane. This 6.47 acre lot has frontage on Outwater Lane and Midland Avenue, and is zoned P - Parkland.

Description: Park  
Zone: P – Parkland  
Address: 394 Outwater Lane  
Owner: This parcel has been owned by the City of Garfield for over fifteen (15) years.  
Tax Assessment Analysis: The land has an assessed value of $2,254,700, and an improved value of $166,600 or 7%, significantly less than the 50% standard. This is an indicator that the land is utilized. The total assessed value of the parcel is $2,421,300.

Site Inspection Observations: The site has minimal improvements, including surface parking and ballfields.  
Environmental: There are no none environmental issues with the subject study area.

Evaluation: Site is considered blighted for the following reasons:

1. Criteria “c” The study area is a property owned by a public entity and is under utilized not only from an assessment perspective, but also from the Governing Body’s perspective.  
2. Criteria “e” The property exhibits conditions consistent with Statutory Criteria “e”. This confirmed through an analysis of the tax assessment records.  
3. Criteria “h” criterion requires that the delineated area be consistent with smart growth planning principles  
4. The City Master Plan incorporates the State Development and Redevelopment Plan policy objectives, which includes capitalizing on high-density settlement patterns that encourage the use of public transit. The subject study area is located within walking distance to the Plauderville train station. The site’s use as a park goes against this policy.
**VII. Conclusion**

This preliminary investigation reveals several key findings that indicate and verify that the proposed redevelopment area meets the statutory criteria found in N.J.S.A.40A:12A-5 of the Local Redevelopment Law. In general, the properties have a deleterious impact on the surrounding areas.

The proposed designation of the above-mentioned area as “Area In Need of Redevelopment” would allow for the creation of a Redevelopment Plan for the area that can encourage creative design, require streetscape improvements, and permit uses that will be compatible with the area’s proximity to the train station. These changes would be compatible to the vision of the Master Plan and in keeping with the Smart Growth principles of the State Plan.

**VIII. Recommendation**

Based on the findings of this preliminary investigation, the recommendation to the Town of Garfield Planning Board is to forward these findings and recommendations to the Municipal Council. All the properties within the proposed area clearly meet the statutory criteria needed to establish a redevelopment area. Therefore, the Municipal Council of the City of Garfield has the authority to designate this area as an “Area in Need of Redevelopment”, and to authorize the City to use all those powers provided by the Legislature for use in a redevelopment area, not including the power of eminent domain (“Non-Condemnation Redevelopment Area”).

Once the area designation is formally reconfirmed, the Council should authorize a process by which the Planning Board, the public and municipal professionals establish a redevelopment plan for the area. A resolution will be needed authorizing Planning Board to develop such a plan.
Appendices

1. Governing Resolution
2. City Zoning Map
3. Governing Body letter
Resolution No. 17-288

A RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF GARFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY TO EXAMINE WHETHER THE PROPERTY KNOWN AS BLOCK 119.04, LOT 1, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A NON-CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the City Council of the City of Garfield (the "City") has identified certain properties, consisting of properties located on Block 119.04, Lot 1, as delineated on the tax map attached hereto and made part of this resolution (the "Property"), to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary study to determine whether the Property meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the City desires that the Planning Board undertake an examination as to whether the Property, may be deemed "an area in need of redevelopment"; and

WHEREAS, the City hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area"); and

WHEREAS, the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield being the governing body thereof, that the City Planning Board is hereby directed and authorized to examine whether the lands comprising Block 119.04 Lot 1, as shown on the official tax map of the City of Garfield, should be determined "an area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-5 and 6.

BE IT FURTHER RESOLVED THAT the City hereby states that any Non-Condemnation Redevelopment Area determination shall not authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain.

BE IT FURTHER RESOLVED THAT the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Non-Condemnation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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I hereby CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council at a Meeting held JUL 25 2017

[Signature]

Andrew J. Pavlica, CITY CLERK
Resolution No. 17-289

A RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD OF THE CITY OF GARFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY TO EXAMINE WHETHER THE PROPERTY KNOWN AS BLOCK 203.01, LOT 50.01, AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF GARFIELD SHOULD BE DETERMINED TO BE AN AREA IN NEED OF REDEVELOPMENT, SPECIFICALLY A CONDEMNATION REDEVELOPMENT AREA, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the City Council of the City of Garfield (the "City") has identified certain properties, consisting of properties located on Block 203.01, Lot 50.01, as delineated on the tax map attached hereto and made part of this resolution (the "Property"), to be considered for designation as an area "in need of redevelopment", pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, before an area may be declared in need of redevelopment, it is legally necessary for the adoption of a resolution authorizing the Planning Board of a given municipality to undertake a preliminary study to determine whether the Property meets the criteria for designation as a redevelopment area pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the City desires that the Planning Board undertake an examination as to whether the Property, may be deemed "an area in need of redevelopment"; and

WHEREAS, the City hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, including the use of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

WHEREAS, the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garfield being the governing body thereof, that the City Planning Board is hereby directed and authorized to examine whether the lands comprising Block 203.01, Lot 50.01, as shown on the official tax map of the City of Garfield, should be determined "an area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-5 and 6.

BE IT FURTHER RESOLVED THAT the City hereby states that any Condemnation Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, including the use of eminent domain.

BE IT FURTHER RESOLVED THAT the notice of any hearing to be conducted by the Planning Board with regards to this Resolution shall specifically state that a Condemnation Redevelopment Area determination shall authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

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I hereby CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council at a Meeting held JUL 2, 2017.

[Signature]
Andrew J. Pavlica, CITY CLERK
November 13, 2017

Re: Babe Ruth Field/Columbus Park

To whom it may concern:

After one year of investigating and follow-ups, the above referenced field is underutilized.

Mayor Richard Rigoglioso

Deputy Mayor Joseph P. Delaney