

**The City of Garfield  
Bergen County  
New Jersey**

**Redevelopment Investigation Report**

A study to assist the City of Garfield Planning Board as well as the Mayor and Council in determining whether certain properties located in the City of Garfield along Passaic Street satisfy the statutory criteria of the New Jersey Local Housing and Redevelopment Law as an Area in Need of Redevelopment (ANR).

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**Disclaimer-Please Read:**

*This Report has been prepared to assist the City of Garfield Planning Board and the City of Garfield Mayor and Council in their deliberations regarding the potential area in need of redevelopment. It is in the sole and exclusive governmental discretion of these public bodies to determine if it is in the best interest of the public to make such a redevelopment determination. Notwithstanding the foregoing, if this report includes background and evidence that the indicated properties qualify to be included in an area in need of redevelopment the Planning Board must adopt the requisite resolution confirming that the properties satisfy the statutory conditions of an area in need of redevelopment, unless evidence is presented to the contrary.*

*This report is in draft form as of the date printed on the cover and will not be made final until the scheduled date of the City of Garfield Planning Board public hearing on this matter. This will allow the investigation of the area to continue, so as much pertinent evidence may be gathered respecting the properties which may be included in the potential redevelopment area.*

*The work of the Planning Board regarding this investigation is narrow. The board must decide if the properties satisfy the statutory criteria as outlined in Section 3 of this report, or, in the alternative, if the criteria are applicable to the properties under study.*

1-Background-The Redevelopment Study.

On August 28, 2018, the City Council of the City of Garfield, Bergen County, adopted Resolution Number 18-275 directing the City of Garfield Planning Board to study Block 14.02, Lot 4.01 and Block 23, Lots 25, 28, and 29 to determine if the properties qualify as a potential non-condemnation redevelopment area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"). The subject properties have been designated as an area in need of rehabilitation and are a part of the proposed 2018 Passaic Street Corridor Redevelopment Plan.

Based upon the results of our research the subject properties satisfy the criteria as an area in need of redevelopment.

The planning board authorized the undersigned to study the identified area and prepare a report for the City of Garfield Planning Board and Mayor and Council to determine if the preliminarily identified properties qualify as an area in need of redevelopment ("ANR"). This is our report.

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STUDY AREA (LOCATION): The August 2018 Council Resolution identified four (4) properties in the business zoning district (zone: B-1) of the City that appear to be stagnant or vacant. Further, the City of Garfield governing body authorized the City of Garfield Planning Board to determine if the properties satisfy the criteria as an area in need of redevelopment not subject to eminent domain condemnation pursuant to N.J.S.A. 40A:12-5.

The first identified property is Block 14.02, Lot 4.01; 100 Passaic Street. This building is best characterized as a two-story industrial building as indicated on the tax assessment records (this is referred to as the "Acolyte" building). This property is a former industrial building comprising 0.169 acres. The other three properties being studied are directly across Passaic Street from Block 14.02, Lot 4.01.

The next group of related identified properties to be studied is Block 23, Lot 25; 95-99 Passaic Street. This building is a two-story multiple family residential property on 0.1313 acres. The adjacent property, Block 23 Lot 28, 103 Passaic Street, is vacant without any building comprising 0.1008 acres. The final parcel is Block 23, Lot 29, 95 Passaic Street. This property is a three-story building, with offices on the first floor and residential on the upper floors. At one time it was a First National Bank. The three properties in Block 23 have a combined acreage of 0.4102 acres. All have frontage on Passaic Street and if combined would have approximately 170 feet of frontage.

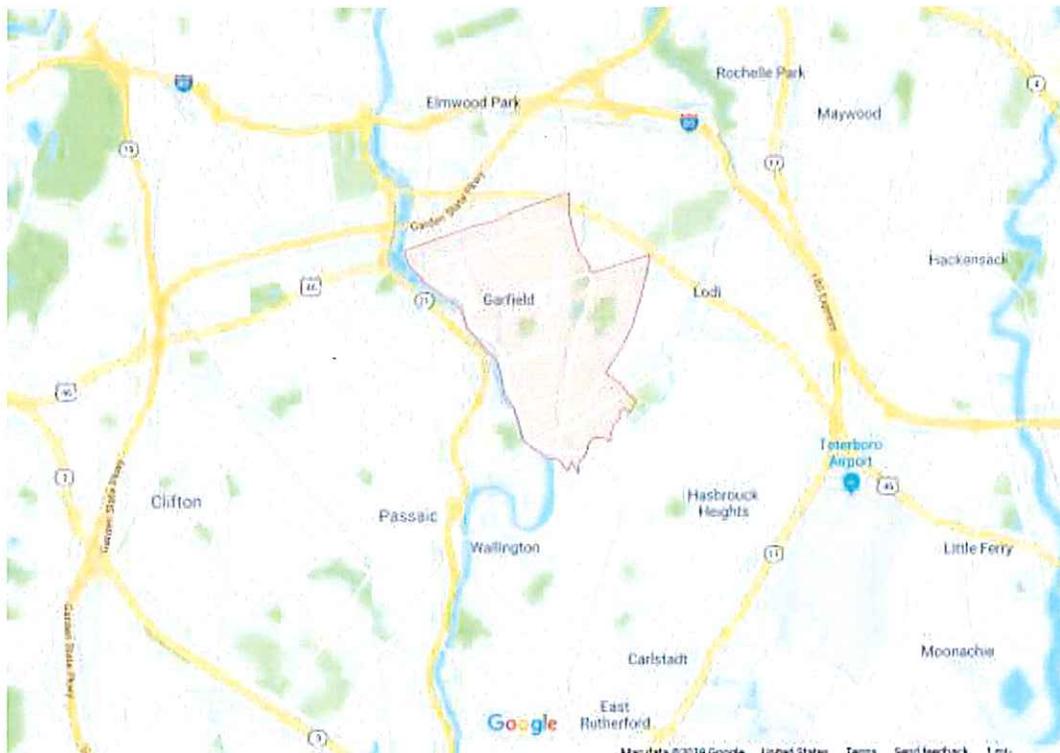
These properties are located in an aging business area of the City of Garfield and if combined form a cohesive large lot. However, the properties in the vicinity are smaller in size and a disparate group of properties. The four parcels in the study area are situated in the central business area, the vacant, dilapidated parcels under study form a tired and underutilized business area. Before we delve further into the specifics of the properties and the details of the study area, we must provide a foundation for our work.

The City of Garfield, Bergen County, New Jersey, has a population of approximately 30,487 according to the 2010 Census. The City is approximately 2.16 square miles in land area.

The City lies to the east of the Passaic River south of the Garden State Parkway and US Route 46 and approximately fifteen (15) miles from New York City. The City is an urban community in an urban/suburban county, Bergen County.

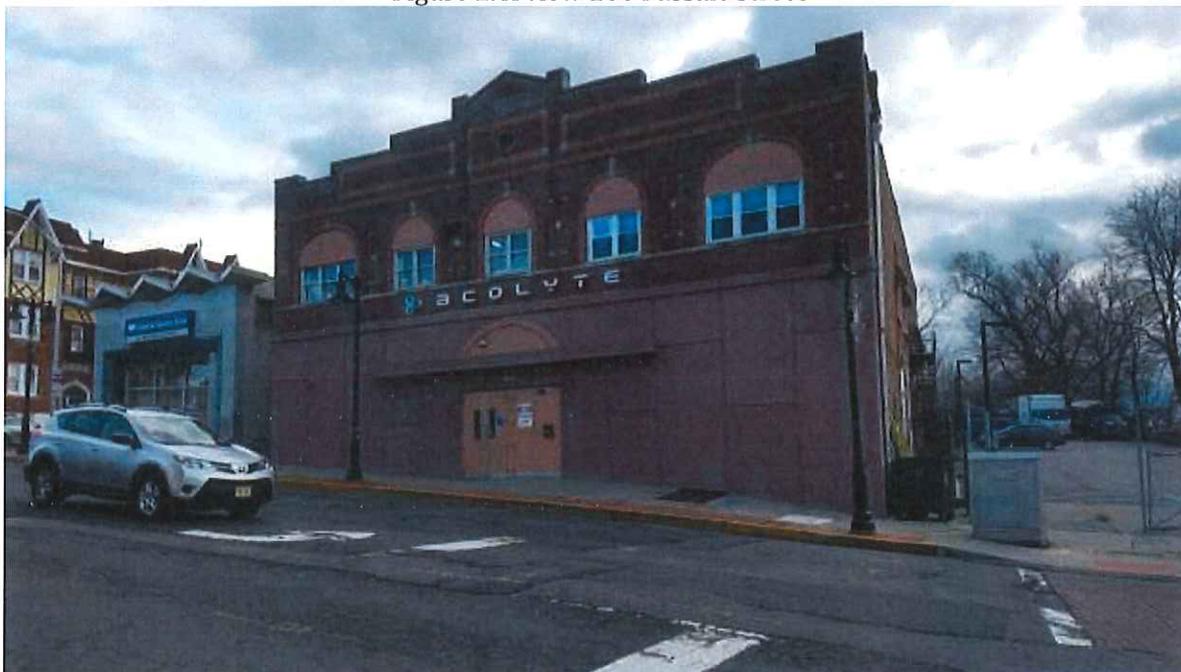
Figure 1.

General Location - City of Garfield, Bergen County



The area under study has several formative land use and economic issues which provide a foundation for considering it an ANR. These issues will be discussed in detail. We begin with location maps of the Borough and the study area.

Figure 2. A view 100 Passaic Street



This property appears to have limited activity and is directly across the street from the other 3 properties under study.

Figure 3. A view of 109 Passaic Street



Figure 4. A view of 103 Passaic Street



Figure 5a. A view of 95 Passaic Street



Figure 5b. An additional view of 95 Passaic Avenue.



Figure 6.  
Aerial View of the Potential ANR.

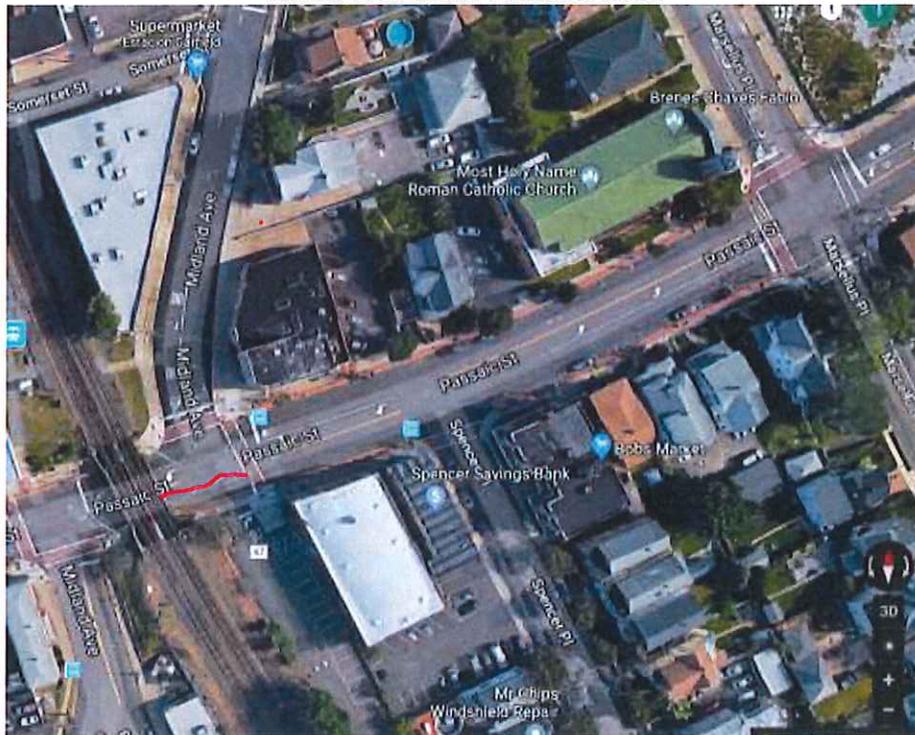


Figure 7. Tax Map Abstract.

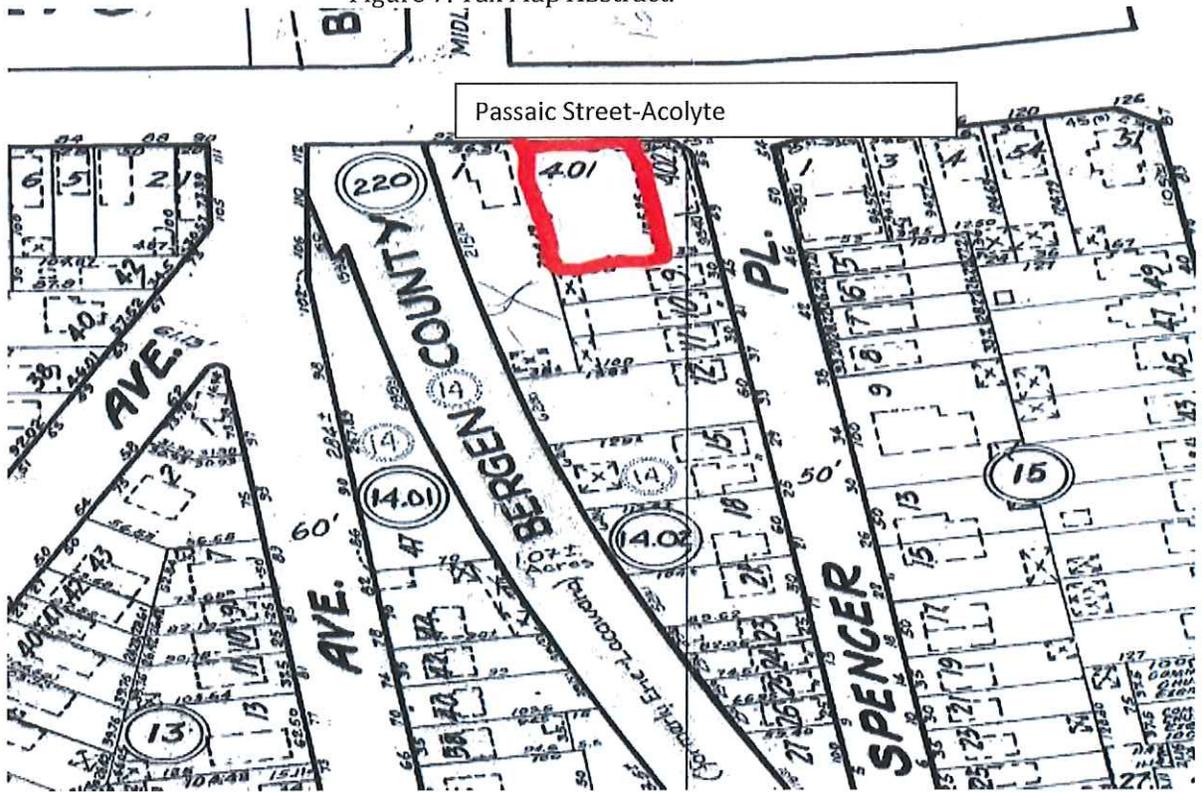


Figure 8.

Tax Map Abstract - Block 14.02 Lot 4.01-Wider Area.

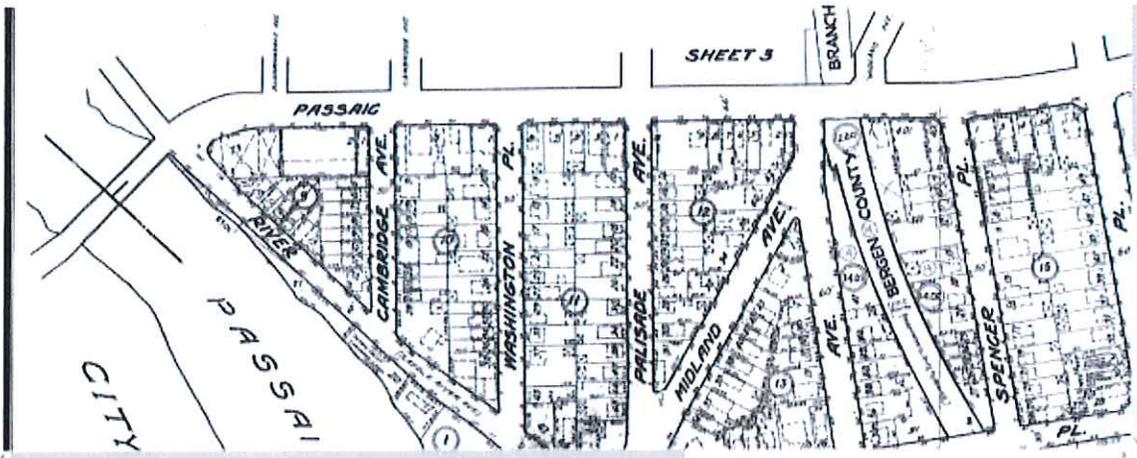
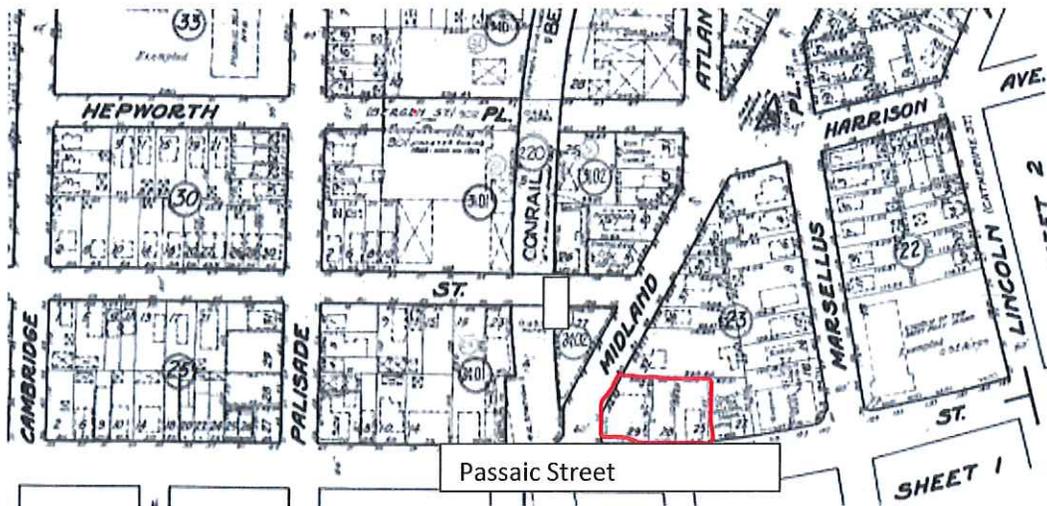


Figure 9.

Tax Map Abstract – Block 23, Lots 25, 28, 29



These tax map abstracts are required to be included in the requisite notice of a pending designation of an area in need of redevelopment as stipulated in N.J.S.A. 40A:12A-6 b, (1).

2-The Specific Properties under Study-Block 14.02 Lot 4.01. The August 28, 2018 City Council Resolution authorizing this report further directs the City of Garfield Planning Board to study and determine whether certain properties are included in the following figures satisfy the statutory criteria found in the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq.

The LRHL permits the exercise of eminent domain where the condition of the property is so untenable that the public health and safety are jeopardized, and by allowing the property conditions to persist would be so detrimental to the community that acquiring the property would be necessary to foment redevelopment. **Eminent domain is not being considered in this study.**

It should be noted that the August 2018 Council Resolution and state law use the term “preliminary investigation” to describe this report. This is because the investigation may only be concluded upon providing notice to the affected property owners, conducting a Planning Board hearing and considering all pertinent evidence and other factors regarding this potential ANR. With this background, the City of Garfield is conducting a preliminary investigation to determine if the four properties previously identified and located along Passaic Street qualify as an area in need of redevelopment (ANR).

The purpose of this preliminary investigation is to determine if the properties qualify as an area in need of redevelopment as defined by the State of New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 et seq.

Over the past three months evidence has been gathered as to the condition of the potential redevelopment area through site visits to the properties including in January 2019. Our investigation included inspecting the properties, taking photographs of the exteriors of the properties, reviewing tax assessment and property maintenance records and informally speaking to the property owners or occupants. We have also researched the zoning ordinance and the master plan of the City of Garfield.

The work of the Planning Board regarding this investigation is narrow. The Board must decide if the properties satisfy the statutory criteria as outlined in Section 3 of this report, or, in the alternative, if the criteria are applicable to the properties under study. In addition to this report, additional testimony and photographic evidence will be submitted at the public hearing on this matter. Further, the Planning Board members are encouraged to visit the properties under study. Finally, a hearing will be held regarding the proposed area in need of redevelopment to provide an opportunity for the affected property owners to be heard and provide input.

The condition of Block 14.02 Lot 4.01 is deleterious, having holes in walls, boarded up windows and doors, and other deteriorating building components. This property is stagnant and is not productive. Therefore, it is reasonable for the Planning Board to conclude that this property qualifies as an area in need of redevelopment.

The condition of Block 23, Lot 25 is deleterious, having degraded siding, broken windows, etc.

Block 23, Lot 28 is a sliver of land, used for parking, which lies between two properties also being studied. This parcel is considered in this study since it will be necessary for the effective redevelopment of the area, should the Planning Board and City Council find Lots 25 and 29 as an Area in need of Redevelopment. Block 23, Lot 29 is an aging fallow bank building in a general state of disrepair.

The following chart gives the pertinent tax and property data regarding these properties.

Figure 10.  
The Potential Redevelopment Area Data Base.

Scope of Potential Passaic Street ANR		The City of Garfield, New Jersey			Tax Assessment					
BHLOT	PROPERTY OWNER	Lot Size	Property Location	2018 TAXES	Land	Improvement	Total	Sale Date	Sales Price	S.F. building
14.02-4.01	100 Passaic Street LLC	0.169	100 Passaic Street	\$13,495	220,900	254,100	475,000	9-10-2015	\$415,000	14,000
23-25	Greater Bergen Community Action Inc	0.1313	109 Passaic Street	-0-	100,800	199,800	300,600	6-20-2017	\$375,000	2,784
23-28	Community Housing in Partnership Inc	0.1008	103 Passaic Street	-0-	100,100	-0-	100,100	5-28-2015	\$720,000	6,500
23-29	Community Housing in Partnership Inc	0.1781	95 Passaic Street	-0-	232,700	485,600	718,300			23,284
		0.5792								Approx.

This Redevelopment Investigation Report has been prepared and written to assist the City of Garfield Planning Board in meeting its obligations of Section 6 of the Local Redevelopment and Housing Law, NJSA 40A:12A-6a, which requires, in part, the following:

*"No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992. C.79 (C.40A:12A-5) .... The governing body of a municipality shall assign the conduct of the investigation and hearing to the Planning Board of a municipality."*

The August 2018 Borough Council Resolution satisfies this requirement. Further, as required by the LRHL the City Council must identify those parcels which may be subject to condemnation. To this end the City Council has determined that these properties shall be subject to condemnation.

3-The Local Redevelopment and Housing Law (LRHL). The LRHL permits the inclusion of parcels in (ANR) that do not meet the statutory criteria if the property is necessary for effective redevelopment of the proposed redevelopment area:

*"A redevelopment area may include land, 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." (N.J.S.A. 40A:12A-3.)*

On September 9, 2013, Governor Christie signed legislation intended to codify controlling New Jersey case law and make redevelopment a more politically viable tool to spur economic development. Prior to the enactment of Assembly Bill 3615, all area in need of redevelopment designations made pursuant to the Local Redevelopment and Housing Law carried the threat of condemnation—by identifying those properties to potentially be condemned. In the City of Garfield, the authorization of condemnation for redevelopment purposes must be taken extremely seriously.

In *Gallenthin Realty Development, Inc. v. Borough of Paulsboro*, 191 N.J. 344 (2007), the New Jersey Supreme Court clarified that an area in need of redevelopment designation can only be supported by a finding that the property suffers from conditions evidencing actual blight, including deterioration, stagnation and lack of productivity. The Court rejected prior municipal practice of designating a property as being in need of redevelopment based on a finding that the property's use was not optimal, or that the property could be used more productively or valuably utilized.

In the proposed City of Garfield Passaic Street Redevelopment Area, the properties are clearly deteriorating.

The two-story building at 100 Passaic Street has been long underutilized and is in a deteriorating condition. These conditions are formally described as poor and deteriorating, gross underutilization {long-term vacancies or a fallow condition}, or conditions adversely affecting the public health and welfare. The properties at 95, 103 and 109 Passaic Street meet the requirement due to their obsolescence and obsolete layout-meaning they are undersized to establish sufficient egress and parking.

The enactment of the 2013 changes to the Local Redevelopment and Housing Law was designed to make the redevelopment process more user-friendly for both municipalities and property owners. Both participants can embrace redevelopment as a tool for mutual economic benefit, overcoming the past obstacles of the stigma of eminent domain, ambiguous redevelopment criteria, and confusion regarding notice requirements.

THE STATUTORY CRITERIA: The determination as to whether, or not, the properties should be included in a redevelopment area is the responsibility of the City of Garfield Planning Board and ultimately the City Council. Should the Planning Board determine that the properties should be included in a redevelopment area because the statutory criteria are satisfied, the City Council would make the final determination by declaring the properties to be in need of redevelopment. This includes making the determination that a property may be subject to condemnation.

Section 5 of the LRHL, N.J.S.A. 40A:12A-5, specifies that an area may be determined to be in need of redevelopment, if after investigation, notice, and hearing as stipulated in Section 6 of N.J.S.A. 40A:12A, provided the area meets one or more of the following statutory criteria, the text in blue ink is highlighted to depict the criteria applicable to the properties under study:

- 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 the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of such municipality, 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 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.

4-Further Analysis of Properties Included in the proposed area In Need of Redevelopment (ANR). This 2019 Redevelopment Investigation Report includes the parcels at Block 14.02 Lot 4.01 and Block 23 Lots 25, 28 and 29. Block 14.02 Lot 4.01 is 0.169 of an acre and is located along the Passaic Street corridor. A careful analysis of this property indicates that the condition is not conducive to good working conditions (criteria "a"), has been fallow and at least partially vacant for an extended period of time (criteria "c") and is dilapidated and obsolete (criteria "b" and criteria "d").

Regarding Block 23, Lots 25, 28 and 29 a careful analysis of this area indicates that the condition of these related, contiguous properties are not conducive to good working (or living) conditions (criteria "a"), is dilapidated and obsolete (criteria "b" and criteria "d"). Overall, the inclusion of these four properties in an area in need of redevelopment ("ANR"), is consistent with "smart growth planning principles adopted pursuant to law or regulation" (criteria "h"). As noted in the 2015 Master Plan Reexamination the designation of the Passaic Street area previously designated as an area in need of rehabilitation is consistent with the State Development and Redevelopment Plan.

With the passage of another few years since the 2015 Reexamination, and the apparent deteriorating property conditions described in this report, the properties under study (the area) qualifies as an area in need of redevelopment, consistent with the State plan as indicated in the 2015 Reexamination.

THE MASTER PLAN AND ZONING:

The January 2015 Master Plan Reexamination specified the need for redevelopment of the southwest area of the City. The area under study has previously been designated an area in need of rehabilitation central business district (CBD). The 2015 Reexamination echoed the 2002 Master Plan indicating “(the) creation of redevelopment zones would permit the City to eliminate...underperforming...sites while establishing areas of stability....” This is the recommended objective of the designation of these four properties as an ANR.

§341-19 of the Borough of City of Garfield ordinances establishes the zoning requirements for the B-2 zoning district. The existing zoning is traditional retail oriented with flexibility to provide “dwellings”. By having a continuous integrated project these properties can assist in meeting the objectives of the Master Plan and be consistent with the underlying zoning.

The total area recommended to be designated as an ANR is approximately .60 acres.

\* \* \* \* \*

CONCLUSION: Based on the substantial evidence presented in this report the two locations, Block 14.02 Lot 4.01 and Block 23, Lots 25, 28, 29, may be designated as an area in need of redevelopment by the Planning Board and the City of Garfield City Council, pursuant to N.J.S.A. 40A:12A-5 a, b, d, and h inclusive. The redevelopment designation may only be accomplished after considering all other pertinent testimony and evidence, and upon a finding by the governing body that the public health and welfare will best be served by such a redevelopment designation.

The City of Garfield Planning Board shall control all aspects of site plan approval regarding the City of Garfield Passaic Street Redevelopment Area as may be required in an adopted redevelopment plan.

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