

# NON-CONDEMNATION REDEVELOPMENT AREA REPORT

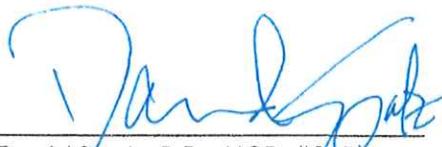
Lot 9 in Block 42  
720 Eighth Street

CITY OF UNION CITY  
NEW JERSEY

Prepared For: City of Union City Planning Board

Revised On: December 12, 2018

Prepared By:



David Spatz, P.P., AICP, #3455

The original of this report was signed and  
sealed in accordance with N.J.S.A 14A-12

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## **INTRODUCTION**

The purpose of this report is to determine whether a site in the City of Union City, shown on the accompanying maps, qualify as a "redevelopment area" as defined in P.L. 1992, c. 79, the Local Redevelopment and Housing Law. This report has been prepared pursuant to Section 40A:12A-6, which provides for the following:

- a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c. 79... The governing body shall assign the conduct of the investigation and hearing to the planning board of the municipality.
  
- b. (5) After completing its hearing on the 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 of Union City Board of Commissioners in a Resolution, dated October 2, 2018 requested that the City of Union City Planning Board determine whether Block 42, Lot 9 should be classified as a non-condemnation redevelopment area. This report serves as the "statement setting forth the basis for the investigation" in accordance with Section 40A:12A-6(b). This report contains three sections. The first section examines ownership data for the property, existing land use and site

conditions. The second section describes the criteria used in making an "area in need of redevelopment" determination according to N.J.S.A. 40A-12A et. seq. The third section presents a summary of the findings and concludes with recommendations relative to such a determination.

## **DEFINITION OF STUDY AREA**

The area (hereinafter referred to as the "Study Area") being investigated, as authorized by the Board of Commissioners, is defined as Lot 9 in Block 42, also known as 720 Eighth Street.

The Study Area is located in the southern portion of Union City, east of Summit Avenue, between 8<sup>th</sup> Street and 10<sup>th</sup> Street. The site is currently developed with a municipal parking lot; a small building occupied by the United States Postal Service is also located on the property with frontage on 8<sup>th</sup> Street.

## **STUDY AREA INVESTIGATION**

In order to determine whether or not conditions exist which would render the subject area as being in need of redevelopment, a study was conducted by Community Housing & Planning Associates, Inc., the City's professional planning consultant. Several research methods were utilized, including a physical inspection of the property and structures, which was made on November 1, 2018, a review of the existing land use for the property, review of zoning and planning documents, as well as a review of the City's tax, police and building records for the area.

### **Existing Land Use and Survey of Conditions**

The study area consists of one tax lot which has an area of 30,249 sq. ft. The site is developed with a surface parking lot that is owned by the City through the Union City Parking Authority. A small building is located at the southeastern corner of the site; the building currently contains a United States Postal Service drop off station.

A physical inspection of the property indicated the following:

1. The property has approximately 75 ft. of frontage on both 8<sup>th</sup> Street and 10<sup>th</sup> Street. However, the site is irregularly configured with a jog in the middle of the property that affects the single circulation aisle. The lot is bordered by commercial, industrial and residential uses.
2. While the majority of the parking spaces have a 90 degree configuration, four spaces at the 8<sup>th</sup> Street entrance to the site are at 45 degrees due to the location of the post office building.

3. There is no direct pedestrian access to the commercial establishments on Summit Avenue. Although there are sidewalks along the edges of the parking lot, pedestrians are required to walk within the lot to gain access to either 8<sup>th</sup> Street or 10<sup>th</sup> Street.
4. Pavement deterioration was found throughout the site, consisting of cracking and potholes. The patching of the parking lot creates uneven conditions that effect both vehicles and pedestrians.
5. No parking spaces dedicated to the handicapped are provided.
6. There is a limited amount of lighting within the parking lot which consists of lights mounted on utility poles.
7. The parking lot has settled in the vicinity of the catch basin at the central portion of the lot, which creates drainage issues that affect both vehicles and pedestrians.
8. Fencing is provided along only a portion of the property, with the rear wall of buildings that abut the site used as screening. Parking lots are typically screened with an opaque fence to protect adjacent residences.
9. No landscaping is provided to enhance the site or screen adjacent properties.

### **Zoning Controls**

The study area is located in the City's P, Public District which permits the following principal uses:

1. Municipal Uses
2. Government Uses

3. Schools
4. Public parks and playgrounds
5. Age-restrict housing and affordable housing in low or mid-rise apartment buildings.

## **CRITERIA FOR THE ESTABLISHMENT OF NEED FOR REDEVELOPMENT**

A delineated area may be determined to be in need of redevelopment if, in accordance with N.J.S.A. 40A:12A-5, any of the following conditions exist within the delineated area:

- 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, which has remained so for a period of ten years prior 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 uses 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 or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;
- f. Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and 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 seq.) 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.

Further, Section 3 of the Local Redevelopment and Housing Law, permits the inclusion of parcels necessary for effective redevelopment by stating that:

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.

## **EVALUATION OF THE STUDY AREA FOR CONFORMITY WITH THE CRITERIA FOR DESIGNATION OF A REDEVELOPMENT AREA**

An analysis of the data obtained for this study, indicates that the study area meets the following criteria established by N.J.S.A 40A:12A-5 for designation of an area in need of redevelopment:

1. **Criteria d:** By reason of dilapidation, faulty arrangement or design, deleterious land uses, or any combination of these or other factors the improvements in the study area are detrimental to the safety, health, morals or welfare of Union City and the surrounding neighborhood. As noted above, the irregular shape of the site, the lack of direct pedestrian access to Summit Avenue, lack of lighting and landscaping, the condition of the surface and drainage all indicate the presence of faulty arrangement or design that negatively affect the safety, health and welfare of the residents of Union City.
2. **Criteria e:** A growing or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions as it relates to the parking lot, results in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare. The conditions noted above indicate the limitations on the property. The utilization of this site for the construction of affordable housing would be useful and valuable in contributing to and serving the needs of the community. Any development should include the replacement of the existing parking that would continue service to the residents of the neighborhood.

3. **Criteria h:** The City of Union City is located in the PA-1, Metropolitan Planning Area of the New Jersey State Development and Redevelopment Plan; additionally, the City is located within the designated Hudson County Urban Complex. Smart growth planning principles met by the designation of the study area as an area in need of redevelopment include: the revitalization of the State's Cities and Towns by the protection, preservation and development of valuable human and economic assets and the improvement of livability and sustainability by investing public resources in accordance with current plans that are consistent with the provisions of the State Plan; building on the assets of cities and towns such as their labor force, available land and buildings, strategic locations and diverse populations; the provision of affordable housing; the promotion of beneficial economic growth, development and renewal for all residents of New Jersey; to ensure sound and integrated planning and implementation statewide and; urban revitalization through the preparation of plans that promote revitalization, economic development and infrastructure investments, coordinate revitalization planning among organizations and governments, support housing programs and adaptive reuse.

## **CONCLUSION**

It is evident from the preceding analysis that the study area can be declared an "area in need of redevelopment", in accordance with the criteria stated in N.J.S.A. 40A:12A-5 (d), (e) and (h). The study area contains a deteriorated improvement and an underutilized parking area which could potentially provide valuable and useful development opportunities for affordable housing. Additionally, the designation of the area would be consistent with smart growth planning principles as stated in the State Development and Redevelopment Plan, as well as the City's Master Plan.

Therefore, it is recommended that the City of Union City Planning Board recommend to the Board of Commissioners that the study area qualifies as a Non-Condemnation Redevelopment Area and that the power of condemnation shall not be used in this area.

**RESOLUTION OF THE CITY OF UNION CITY AUTHORIZING THE PLANNING BOARD OF THE CITY OF UNION CITY TO CONDUCT A PRELIMINARY INVESTIGATION AND MAKE A RECOMMENDATION AS TO WHETHER THE PROPERTY KNOWN AS 720 8<sup>TH</sup> STREET, CITY OF UNION CITY, NEW JERSEY AND IDENTIFIED ON THE TAX MAP OF THE CITY AS BLOCK 42, LOT 9 CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**Resolution** 2018-R-445

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, pursuant to the Redevelopment Law, particularly N.J.S.A. 40A:12A-6, 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 in accordance with N.J.S.A. 40A:12A-5; and

**WHEREAS**, the City of Union City (the "City") wishes to assign the conduct of the preliminary investigation and hearing(s) to the City of Union City Planning Board (the "Planning Board") pursuant to the provisions of the Redevelopment Law to determine whether the property commonly known as 720 8<sup>th</sup> Street, City of Union City, New Jersey and identified on the tax map of the City as Block 42, Lot 9 constitutes a redevelopment area, and more specifically, a Non-Condensation Redevelopment Area, in accordance with the Redevelopment Law.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**Section 1.** The Planning Board is hereby authorized and directed to initiate and undertake a preliminary investigation and hearing(s) to determine whether the property commonly known as 720 8<sup>th</sup> Street, City of Union City, New Jersey and identified on the tax map of the City as Block 42, Lot 9 constitutes a redevelopment area, and more specifically, a Non-Condensation Redevelopment Area, in accordance with the Redevelopment Law.

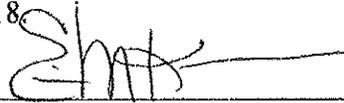
**Section 2.** The Planning Board, upon completion of the preliminary investigation and hearing(s), shall make a recommendation to the Mayor and City Council in accordance with the Redevelopment Law, particularly N.J.S.A. 40A:12A-6(b), as to whether the property referenced herein satisfies the criteria as an area in need of redevelopment.

**Section 3.** Any determination that the property referenced herein shall constitute a redevelopment area in accordance with the Redevelopment Law shall authorize the City to use all of the powers as set forth in the Redevelopment Law for use in a redevelopment area other than the use of eminent domain.

**Section 4.** The City Clerk is hereby authorized and directed to forward this Resolution to the Planning Board for action consistent herewith.

**Section 5.** This resolution shall take effect at the time and in the manner prescribed by law.

I, ERIN KNOEDLER, City Clerk of the City of Union City, in the County of Hudson, New Jersey, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Board of Commissioners of the City of Union City, Hudson County, New Jersey at a meeting held on October 2, 2018. IN WITNESS WHEREOF, I, the said City Clerk have hereunto set my hand and affixed the corporate seal of the City, on this 2<sup>nd</sup> day of October, 2018.



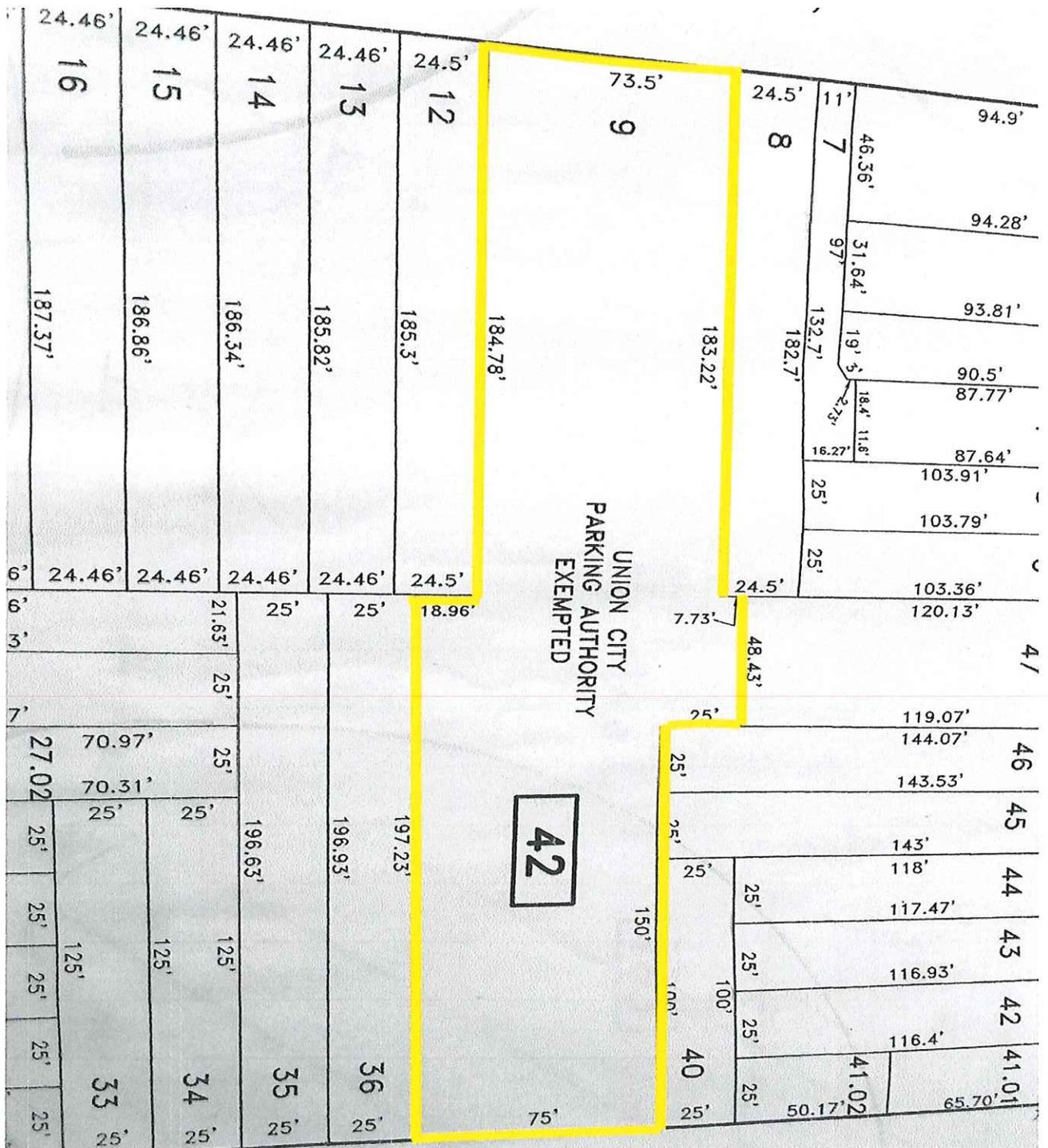
Erin Knoedler, City Clerk

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy A. Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			



LOCATION OF 8<sup>th</sup> STREET PARKING LOT STUDY AREA  
CITY OF UNION CITY, NEW JERSEY

COMMUNITY HOUSING & PLANNING ASSOCIATES, INC.



LOCATION OF 8<sup>th</sup> STREET PARKING LOT STUDY AREA  
CITY OF UNION CITY, NEW JERSEY

COMMUNITY HOUSING & PLANNING ASSOCIATES, INC.



