

FINAL DRAFT
January 2013

Needs Analysis Report
Concerning the Determination of
The Proposed
Route 440 – Culver Study Area
as
“An Area in Need of Rehabilitation and/or
Redevelopment”

For
Presentation to the Planning Board
of the
City of Jersey City
on
February 5, 2013

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I. INTRODUCTION

The Municipal Council of the City of Jersey City, on July 18, 2007 adopted a resolution authorizing the Jersey City Planning Board to:

1. Conduct a preliminary investigation of the physical and economic conditions of an area known as the Route 440 – Culver Study Area, (hereinafter the Study Area) to determine whether or not this Study Area meets the statutory criteria necessary to be declared an “Area in Need of Redevelopment” as outlined in NJSA 40A:12A-5 and NJSA 40A:12A-6; and
2. Propose a Redevelopment Plan for this Study Area if it is found to be in Need of Redevelopment.

II. OVERVIEW OF CONDITIONS IN THE STUDY AREA

A. Boundary Description

The Route 440 - Culver Study Area comprises 29.7 acres consisting of various tax lots currently found on seven (7) different tax blocks (formerly eleven (11) tax blocks prior to January 1, 2012) within the City of Jersey City. The Block and Lot numbers are as follows:

New Block as of January 1, 2012/ Former Block	New Lot as of January 1 2012/Former Lot
22103/ 1287-A	12/12, 20/7
22103/ 1293	1/55
22003/ 1287-A	16/2.C
22003/ 1292	10/1.E, 9/45, 8/46, 5/49, 4/50, 11/55, 3/56
22001/ 1291	4/76
22001/ 1292.1	2/4
22002/ 1295	27/1.99, 28/66, 29/67, 1/28.99, 19/68
21701/ 1296	18/18, 19/F9.99, 20/15, 17/19, 23/17
21701/ 1296.5	15/10
22101/ 1297	5/52, 4/44.99, 3/43, 2/42, 1/72, 23/22.99, 24/27, 25/28, 26/29, 27/30, 28/31.99, 29/34, 30/35, 31/36, 32/37, 33/38.A, 34/39.A, 11/M.1
21701/1775.1	1/A.1, 24/11.P, 25/78, 14/83, 13/96
21801/ 1774	12/79, 11/78, 10/77, 9/76, 5/57, 4/54, 3/53, 2/85, 19/35, 18/34, 17/33, 17/29, 8/PL.A, 15/11, 14/10

The boundary of the Study Area is also depicted on Map 1. Because Block and Lot numbers may change from time to time due to subdivisions, lot consolidations or renumbering, the Boundary

Map located in this report shall be controlling in the case of discrepancies between the Map and the Block and Lot list above.

B. Local Setting and Background

The Study Area is located in the southwestern portion of Jersey City (see Map 2), and consists of two distinct sections. The larger section is essentially bounded by the NJCU West Campus Redevelopment Plan area to the south, the West Side Avenue Redevelopment Plan area to the east, the Water Street Redevelopment Plan area to the north, and the Marine Industrial and a portion of the Bayfront I Redevelopment Plan areas as well as a portion of the Waterfront Planned Development zoning district to the west. The smaller section consists of a substantial portion of a single large block bounded on the east by the West Side Avenue Neighborhood Commercial Zoning District, on the north by the R-1 One and Two Family Zoning District, and on the west and south by the Water Street Redevelopment Plan area, which separates the two sections of the Study Area.

More specifically, the larger section has its western boundary along the east side of Route 440 running south from Claremont Avenue to Carbon Place. The southern boundary runs east along the northern side of Carbon Place from Route 440 to western boundary of West Side Avenue Redevelopment Plan. The eastern boundary is irregular, starting at Carbon Place and traveling north along a portion of the western boundary of the West Side Avenue Redevelopment plan, then zig-zagging around certain residential parcels fronting on both Fisk St and Culver Avenue not considered appropriate for inclusion in the study, before cutting north again along another portion of the western boundary of the West Side Avenue Plan to Pollack Avenue. The northern boundary, also irregular, travels west along Pollock Avenue, jogs north on Mallory Avenue, and then west again, cutting through block 1775.1 and running along the boundary of the Water Street Redevelopment Plan until it reaches Route 440.

The southern boundary of the smaller section of the Study Area runs east along Claremont Avenue from Mallory Avenue towards West Side Avenue, ending at the back of a lot in the NC zone fronting on West Side Avenue. Heading north from Claremont Avenue to Yale Avenue, the West Side Avenue NC zone forms the eastern boundary. The northern boundary runs west along Yale Avenue towards Mallory Avenue, and the western boundary runs south along Mallory Avenue between Yale and Claremont Avenues, excluding the four lots on the northeast corner of Mallory and Yale Avenues.

In 1836, the Morris Canal was constructed along the Hudson and Hackensack River in Jersey City. It was created to transport coal from Pennsylvania's Lehigh Valley along the Delaware River to the New Jersey/New York City area. The 1841 Douglas Map shows that the Study Area once consisted entirely of marshlands owned by such wealthy and notable families as the Vreelands and businessmen that worked in Exchange Place, like the Ackermans. Pre-Civil War, the only major roads in or near the Study Area were West Side Avenue running north and south and the extension of Myrtle and Grant Avenues running east-west to the Hackensack River. The closest ferry was Brown's Ferry that connected to the east-west axial of Clendenny Avenue. In 1863, the Study Area was divided into two different cities: south of Culver Avenue became the Township of Greenville, and north of Culver Avenue became part of the Town of Bergen, or more precisely the West

Bergen neighborhood. In 1868, D.B. Culver mapped out some proposed roads in the Study Area, but due to the topography, the land was not considered that valuable or buildable.

In 1869, the Central Railroad of New Jersey (CRNNJ) extended the Newark-New York branch from the Communipaw station to the Hackensack River and then over a bridge out to Kearny. By 1871, the Morris Canal was leased to the Lehigh Valley Railroad (LVRR), its usage already greatly decreased by the heavier reliance and accessibility of rail. By 1924, the Morris Canal was dismantled and filled, and a northern extension of the LVRR line was constructed that would run along what had been the Morris Canal. It was because of the rail system that the Study Area developed industrial uses interspersed with some residential uses housing middle to low income employees.

The US Highway System was established in 1927, and sometime after that the LVRR rail line was abandoned, and Route 1 was constructed extending north from Bayonne all the way through to New York. The 1953 Highway Renumbering Act renamed the section of Route 1 from the Bayonne Bridge to Communipaw Avenue as Route 440. Both the CRNNJ and the LVRR were bought out by Conrail circa 1970, and the lines were abandoned and removed by 1980. A portion of the Newark-New York branch line going as far west as West Side Avenue was replaced with the Hudson-Bergen Light Rail in 2000.

The types of industries that developed were driven by the local economy and available transport systems at various time periods. In the late 19th and early 20th century, industrial firms that produced car parts, metal castings, machine parts, and steel were dominant, and rail was the major form of transport. Post WWII, development along Route 440 was tailored to an economy that was much more reliant on automobiles and truck transport, and Highway Commercial uses began replacing steel and machinery companies with businesses such as strip malls and automobile dealerships, especially within the Study Area.

While the industrial uses to the east of Route 440 that existed in the late 19th and early 20th century remained, and in some instances expanded, the type of industry shifted over time with advances in technology and new market conditions. Metal companies still exist today where a steel company once existed, but more industries focusing on the creation of different chemicals, electronics, plastics and other various materials were formed. Vestiges of the housing stock of the earlier period still remain further east off of Route 440, but many of the residential uses of the past century were removed as industrial complexes expanded, especially in the smaller portion of the Study Area.

C. Transportation Access

The Study Area has excellent vehicular access. It is bounded by Route 440 on the west and parts of West Side Avenue on the east, both major north-south thoroughfares in Jersey City. Additional vehicular access is provided by the local east-west streets within the area. The State Highway (Route 440) provides access to U.S. Routes 1& 9, just ½ mile to the north, and then to the New Jersey Turnpike.

The Study Area also has excellent mass transit access. It is serviced by several bus lines, including New Jersey Transit #80 and the Montgomery-Westside bus line, both of which run along West

Side Avenue. These buses provide connections to Journal Square and Downtown Jersey City, as well as direct access to the PATH rail line and the Journal Square Transportation Center bus terminal. Local bus service, as well as bus service into New York City, is also available along John F. Kennedy Boulevard just to the east of the Study Area. In addition, the Hudson-Bergen Light Rail (HBLR) line has a new station along West Side Avenue at the northern edge of the Study Area. The west side branch of the HBLR extends across Jersey City to the east and interfaces with a north-south segment of the Light Rail Line, that services Bayonne to Hoboken with both branch lines uniting at the Liberty State Park station and passing through downtown Jersey City. The West Side HBLR Extension provides access to various neighborhoods within Hudson County, as well as connections with the Grove Street, Exchange Place, and Pavonia Newport PATH stations, the Hoboken NJT Rail Terminal, the Jersey City Medical Center, and the N.Y. Waterway Ferry Paulus Hook Terminal.

D. General Land Use Characteristics of the Study Area

The Study Area contains 62 tax lots within portions of 7 different Tax Blocks in Jersey City.

There is not a great diversity of land uses within the Study Area. The most prevalent use is industrial, followed by auto dealerships and automotive commercial uses, and a small amount of residential properties. There are large expanses of paved land, comprising 47% of the Study Area, that are used for one of three purposes: storage for industrial truck parking; parking lots that are connected to industrial complexes; and surface parking lots for storing cars to be sold by the auto dealerships (See Map 4).

Both of the two large auto dealerships within the Study Area have showrooms fronting directly on Route 440. However, their ancillary services, like repair or storage, are located further east and interspersed with residential uses along Culver Avenue and Fisk Street. The majority of the industrial uses are also located off of Route 440 along Carbon Place, Culver, and Yale Avenues. The only industrial use remaining along the Study Area portion of Route 440 is in the northernmost part of the Study Area and has been vacant for about two years.

The residential uses are sparse, and the majority of them are east of Mallory Avenue, especially along Culver Avenue. The residential properties on Yale Avenue consist of the remainder of 1 and 2 family houses that have not been bought and demolished by the industrial use, Daniel Products, and used for its expansion to encompass the greater portion of the block. (See Map 3)

E. Master Plan and Zoning Considerations

The most recent Master Plan for Jersey City was adopted by the Jersey City Planning Board in August 2000, and the Jersey City Land Development Ordinance (LDO) was adopted in April 2001.

Page II-35 of the Jersey City Master Plan describes the existing conditions of the soon to be designated Community Commercial area as having “auto-dependent access and an uncoordinated streetscape.” The Master Plan further states that “This district is in transition and is characterized by declining manufacturing uses, highway-oriented commercial development and vacant or underutilized former industrial auto-related property.” The Master Plan goes on to state that “The purpose of the community commercial district is to promote the commercial redevelopment of

these areas that incorporate high-quality design and capitalize on access to Route 440...It is also the intent of this district to provide for streetscape, pedestrian and mass transit improvements (on) the Route 440 corridor(s).” Moreover, the Master Plan states that “The future of Jersey City’s community commercial district...is as a retail destination...” and that “...the I-2 zoning designation for this district is obsolete...”

On page II-37, the Master Plan lists as the number one issue of concern, “Protecting the residential neighborhoods adjacent to the Community Commercial district from impacts generated by retail development” (including traffic, noise, and visual impacts). In further support for the redevelopment of the area, the Master Plan recommends elimination of the I-2 Intensive Industrial zoning designation and the adoption of standards for the district that “enhance its appearance and function...” while protecting adjacent residential neighborhoods. Clearly, the intent of the Master Plan and the Zoning Ordinance with respect to the greater portion of the Study Area is that residential uses would be protected from deleterious land uses, and furthermore that there would be revitalization of existing obsolete and poorly planned uses and structures.

The Study Area falls within two different zoning districts under the LDO. The northeast section of the Study Area from Pollock Avenue to the southern side of Fisk Street, along with all of Block 1774 in the Study Area, is in the R-1 One and Two Family Housing District. The rest of the Study Area, south and west of the R-1 section, is in the Highway Commercial (HC) District, (an interpreted designation of what the Master Plan refers to as Community Commercial). Prior to adoption of the LDO in 2001, the whole of the Study Area was in the I-2, Intensive Industrial zone. However, consistent with the recommendations of the Master Plan, the industrial designation was discontinued in 2001 and replaced with either low-density residential, or Highway Commercial zoning. In addition, new zoning for several Redevelopment Areas abutting the Study Area was adopted, or amended over time, providing for increased density and mixed use development that recognized existing and future transit-oriented development trends.

As covered in Section C above, transportation access for the Study Area is already quite good. None-the-less, it is expected to become even better. The Circulation Plan Element of the Master Plan was updated and adopted in 2009, and it states as one of its goals to “Extend, expand and enhance the existing Hudson-Bergen Light Rail (HBLR) system and service to improve connectivity in and between existing neighborhoods, to other transportation systems, and to remote intercept parking locations.” (Objective G2-2) It further states that a follow-up action for this objective is to “Work with NJ TRANSIT to extend Westside Avenue line westward across Route 440 to Bayfront I Redevelopment Plan area, and preserve Jersey City right-of-way for future additional extension to Kearny and Newark.” The right-of-way that is referenced is the abandoned Newark-New York branch of the CRRNJ. Preservation and reuse of this abandoned right-of-way would facilitate the most direct western expansion of the existing Westside Avenue HBLR station and would encourage appropriate redevelopment of neighboring properties on both sides of Route 440 in accordance with Master Plan goals and objectives.

III. PHYSICAL SURVEY AND ANALYSIS

A. Physical Survey Methodology - The following methods were used in gathering information and preparing a physical condition survey of the Study Area.

- Parcel ownership, land use, lot assignments, size and assessed value were obtained from the municipal tax records for each parcel. Where applicable, land use categories were modified through field surveys. Additionally, tax maps and records were also modified through field surveys.
- Environmental records concerning contamination and violations were obtained from the New Jersey Department of Environmental Protection.
- A physical survey of all buildings and property was conducted at various times during the summer and fall of 2009 and reviewed and updated in 2012, to determine the general physical condition for all parcels within the Study Area. The survey involved an exterior evaluation only. The evaluation of the condition of buildings and properties consisted of those factors that would indicate the generality of active maintenance of properties and structures, investment, or the lack thereof; the visible discontinuance of use of a property; the layout of buildings; and the degree of excessive lot coverage resulting from extensive surface storage of vehicles.

Building and property condition was determined by focusing on the following specific indicators: windows, entranceways, siding, brickwork, building structure, sidewalks and curbing, evident rubbish, foundations and retaining walls, fencing, arrangement of driveways, parking and loading areas, relationship of buildings and land use to the surrounding area, condition of pavement and the grounds in general. Factors that weighed against a positive rating included: cracks and fissures in masonry or concrete, broken glass, rotted and deteriorated wood elements, missing or damaged siding sections, evident debris and poor maintenance of the grounds, rusted or broken fencing and/or other metal elements, damaged or missing sidewalk areas and parking lots, and overcrowding or excessive coverage of buildings and parking lots. Buildings and properties were classified as Good, Fair, Poor or Derelict.

A chart summarizing property conditions and ownership characteristics on a lot by lot basis is found on page 24 of this report. The Lot by Lot Analysis Chart includes individual lot or parcel information such as location, ownership, current land use and condition.

B. Block by Block Analysis

(See Table on Page 1 under Boundary Description for corresponding Blocks and Lots as of January 1, 2012)

In order to organize the property analysis in a more logical format, the Study Area has been analyzed on a block by block basis. The analysis of the various blocks follows:

Block 1287.A Only three lots originally on this block are included in the Study Area (old lots 12, 7, and 2.C). All three of the lots are currently zoned Highway Commercial and contain some of the oldest industrial buildings in the Study Area, namely 20, 40 and 50 Carbon Place. Maps dating back to the early 20th century show the same buildings, used at the time to produce metal car parts and valves. The 20 and 50 Carbon Place sites still contain active intensive industrial uses: 20 Carbon Place now houses Fortune Plastics and Metal, Inc., which recycles non-ferrous scrap metals and plastics, and 50 Carbon Place houses Allied Building Products, which manufactures exterior products for residential and commercial roofing and waterproofing. The building at 40 Carbon Place is used in part as a warehouse and in part as commercial office space.

The property at 20 Carbon Place is in poor condition, while 40 Carbon Place is in fair condition. Both the building and the parking area at 50 Carbon Place are in relatively good condition compared to the other two, except for the two planting strips that bound both sides of the sidewalk outside the parking lot fence. The lots are almost entirely covered by building mass, with the exception of an open area in front of a scrap metal storage shed in the rear of 20 Carbon Place and an ancillary parking lot to the east of 50 Carbon Place.

The property at 20 Carbon Place is on the New Jersey Department of Environmental Protection (NJDEP) Known Contaminated Sites List as an active site with confirmed contamination. (See Map 6) However, it is in the final stage of remediation. The site's main source of contamination was from an underground storage tank leak that had an impact on the quality of the groundwater and soil. Currently, the site has a No Further Action (NFA) designation for the entire site, but the designation includes use restrictions that will most likely require incorporation into the Deed for the property (See Appendix A). Additionally, since the contamination affected the quality of the groundwater, the site will most likely remain a Classification Exception Area (CEA), meaning that the contamination exceeds federal ground water quality standards.

Block 1291 Historically, Block 1291 was connected to what became blocks 1287.A, 1292, and 1293 that existed until January 1, 2012. By the mid 20th century, a roadway, Mortorano Way, was constructed, cutting through the western end of the old block to form the current Block 1291 and create a U-Turn for Route 440 north. Block 1291 is currently taken up entirely by Metro Honda with a single story showroom that occupies only a very small portion of the block, and the majority of the lot is used for storing parked cars as part of their inventory.

All of Block 1291, where Metro Honda is located, was on the NJ DEP Known Contaminated Sites List as an active site with confirmed chromate contamination. According to NJDEP reports, the site had been assigned to a Case Manager under the NJDEP Chromate Program for soil and groundwater remediation, but is no longer subject to such monitoring since a Conditional No Further Action Letter was issued in May 2012. (See Appendix A)

Block 1292 This block was created when the super-long block between Carbon Place and Fisk Street that stretched from Mortorano Way to West Side Avenue was carved into three blocks for assessment purposes. Block 1292 is bounded on the west by Mortorano Way, on the north by a small portion of Fisk Street. It consists predominantly of two irregularly shaped, paved parking lots used as additional car inventory storage for the auto dealerships interspersed with a few one and two family houses.

Block 1293 Lot 55, at 49 Fisk Street, is the only lot on this block included in the Study Area. The lot consists of approximately 2.8 acres containing the industrial complex of Poly-Version, Inc., a manufacturer of disposable gloves. The overall complex is in good condition, and most of the disrepair is in the fencing, sidewalk, and parking lot.

The property at 49 Fisk Street is also on the NJDEP Known Contaminated Sites List as an active site with confirmed contamination. (See Map 6) This site is regulated by the NJDEP under the Industrial Site Remediation Act (ISRA), which regulates all industrial sites that are a part of the North American Industry Classification System (NAICS) and involve the generation, manufacture, refining, transportation, treatment, storage, handling, or disposal of hazardous substances or

hazardous wastes. Under ISRA, an owner or operator of such an establishment wishing to terminate or transfer ownership is required to obtain a No Further Action designation from NJDEP. When this site was sold to the current owner in October 2006, the prior owners were required to enter into a Remediation Agreement with NJDEP, which meant that they had to post a notice and agree to cover the cost associated with the remediation as a condition of sale. Currently, this site is under the supervision of a Licensed Site Remediation Professional (LSRP).

Block 1295 The portion of Block 1295 within the Study Area contains one lot that is entirely in the R-1 zone, lot 1.99 at the southeast corner of the block, where Better Plastics, Inc., a manufacturer and distributor of kitchen and bathroom cabinetry, and other home improvement furnishings is housed. The lot immediately to the west of Better Plastics previously consisted of 5 separate lots and was inadvertently "split-zoned" between the R-1 One and Two Family District (2 lots) and the HC Highway Commercial District (3 lots) at the time of adoption of the Land Development Ordinance in 2001. Due to the property being entirely covered with a large industrial garage that pre-dates the 2001 zoning ordinance, those lots were consolidated into a single lot during the course of this Study. The garage was owned by a nearby auto dealership (Walsh Dodge) as an accessory service center from 2002 to 2010 and is currently owned and operated by a plumbing business. The remaining portion of this block that is within the Study Area is zoned HC Highway Commercial, and is used by Hudson Kia and Metro Honda. The western end of the block contains the showroom for Hudson Kia. East of the showroom, toward the middle of the block, are two buildings used by Metro Honda as a car repair center. Both of these buildings are surrounded by parked cars on two through lots that connect from Culver Avenue to Fisk Street. The buildings have been recently painted, but the lots are mostly taken up by parking areas, sidewalk, fencing and a large mechanical system used for opening and closing the chain link gates. At the time of a site inspection made earlier in the study process, all perimeter fencing and sidewalks were found to be in disrepair. A recent site inspection has revealed that new chain link fencing was recently installed and the sidewalk along Culver Avenue is in good condition, however, the sidewalk along Fisk Street is still in disrepair. The Metro Honda lot located at 106 Fisk Street was on the NJDEP Known Contaminated Sites List and subject to on-going monitoring for groundwater contamination until May 2012 when a Conditional No further Action Letter was issued. (See Appendix A)

Block 1296 The entirety of Block 1296 is within the Study Area and contains a mix of uses, most of which are industrial and have been there since the early 20th century. The western end of the block contains the only recently developed site on this block, a car wash constructed in 1992. The car wash abuts a small one story vacant building on its eastern side that is as old as the rest of the industrial buildings on the remainder of the block and used to contain a law office (the sign was only recently removed). In the earlier part of the 20th century, the industrial buildings that comprise the eastern third of this block along Culver, Mallory and Pollack housed two different steel and metal companies; today a conglomeration of buildings contain the operations and headquarters of Acrilex, Inc., a company that manufactures plastics, polycarbonates, polypropylenes, etc. The main frontages of the buildings are on Culver Avenue, with the loading docks along Mallory Avenue and the rear facing Pollack. The loading docks along Mallory Avenue and a portion of the eastern most building on Culver Avenue are both in the R-1 zone, although the building has contained industrial uses for many years. The complex consists of a mix of one and two story cement buildings that are in disrepair and poor condition.

Moving west along Culver Avenue there is one residential use – a 3-story, 3-family brick structure in good condition followed by a vacant, industrial building, at 244 Culver Avenue, that once housed Alpha Metals and more recently Cookson Electronics. This industrial property, still owned by Alpha Metals, wraps around the back of Acrilex and has another gated entrance on the dead-end portion of Pollock Avenue. It is also on the NJDEP Known Contaminated Sites List as an active site with confirmed contamination. (See Map 6), and is also regulated by the NJDEP under ISRA. The site is currently under the supervision of a Licensed Site Remediation Professional (LSRP) (See Appendix A)

Block 1296.5 This block consists of a single lot containing a one story stucco building used as a car wash at 74 Pollack Avenue. The lot is currently in the R-1, One and Two Family Housing District as it abuts residential redevelopment that is in the adjacent Water Street Redevelopment Area on one side. However, the one-story garage-like structure has existed at this site since 1939, and the current use is commercial. The building fronts on Mallory Avenue, but this is a corner lot, with one side fronting on the dead-end portion of Pollock Avenue where the length of the building faces the loading docks of Acrilex.

Block 1297 The portion of this block that is in the Study Area is entirely within the R-1 zone, and there are seven residential properties on the block, all of which are in good condition. The rest of the block is a mixture of uses that are either commercial automotive, office, industrial, or parking lots that are not apparently connected to any particular business on the block and are used for storing trucks. The buildings along Pollock Avenue are industrial buildings, the preponderance of them housing CBA Industries, a company that assembles and distributes advertising circulars. The CBA buildings are in fair condition, but large wooden storage boxes positioned at each of a series of garage openings encroach into the right-of-way and are graffitied. In addition, two planting strips bounding the length of the sidewalk are poorly maintained.

Adjacent to CBA is a garage that is used for the storage of construction equipment and supplies. This building is in fair condition, but a large number of containers with construction debris are stored on the sidewalk, and the sidewalk is in disrepair due to the regular use of the sidewalk for parking of trucks related to the business.

The westernmost part of Pollock Avenue houses an oil change center, at 71 Pollock Avenue, AKA 10 Mallory Avenue, that is in joint ownership with the car wash diagonally across Mallory Avenue. In 1982, there was a Planning Board approval for the expansion of the existing building by 20 feet along Mallory Avenue. The building extension was built, and over the course of the next two decades, the façade was repaired and repainted. Currently, the building façade appears to be in relatively good condition with a few minor cracks, particularly in the places where the extension was added. A recent site visit revealed that the building façade was recently repaired and repainted again.

The buildings along Culver Avenue are mainly residential, and one of them is a former industrial building that was converted and expanded to a four story multi-family building after getting approvals from the Zoning Board of Adjustment in 2004 and starting construction in 2006; it is currently under new ownership and still under construction. The only inconsistency along this block is a one story cement building with an aluminum-sided trailer that is at the eastern boundary

of the Study Area along this block and houses the office of a computer and audio visual service company.

Block 1775.1 The portion of this block that is in the Study Area consists of five lots that are designated HC Highway Commercial, while the portion that is outside, but adjacent to, the Study Area is a part of the Water Street Redevelopment Plan. Four of the five lots are still owned by Alpha Metals (now doing business as Cookson Electronics), and some of the buildings on them have been there since the beginning of the 20th Century housing machinery companies. Cookson Electronics, the last entity to occupy those buildings, has vacated the property, and while all of the buildings are vacant, the buildings and the surrounding property are still maintained in fair to good condition. Running diagonally through a part of this industrial complex is the former Newark-New York Branch railroad right-of-way, and there is currently a building that sits in the former right-of-way.

The two buildings to the north of the Alpha Metals complex, at the southeast corner of Water Street and Claremont Avenue, have been vacant since 2007, and both the building and the parking lot that abuts the side and rear of the larger of the two buildings are in derelict condition. An unlicensed auto body repair business was created in the parking lot and cars are stored there, in various stages of repair, with the actual auto body work occurring under a flimsy tent structure in the rear of the lot. Where permitted, the auto body business is a highly regulated one, due to health and safety aspects requiring regulation. This particular operation is both nonconforming and unregulated, resulting in the potential for substantial health and safety impacts on the adjacent residential redevelopment (see Section B Local Setting and Background – Study Area abuts the Water Street Redevelopment Area). Additionally, this property, at 80 Water Street AKA 74-88 Water Street, is on the Known Contaminated Sites List due to groundwater contamination caused by an underground storage tank. The site is currently under the supervision of a Licensed Site Remediation Professional (LSRP) (See Map 6 and Appendix A)

Block 1774 This block, running east from Mallory Avenue to West Side Avenue between Claremont and Yale Avenues, is completely separated from the rest of the Study Area by the Water Street Redevelopment Plan area that abuts the block to the west and south. With the exception of four small lots at the northwest corner of the block containing a mix of residential uses over ground floor retail, the entire block is included in the Study Area. Prior to the 2001 Ordinance, the entire block was zoned I-2, Intensive Industrial with the exception of the northeast corner of the block at Yale and Bergen Avenues which was zoned C-2 Office and Retail.

Historically, the center of this block contained a smaller industrial building that gradually expanded over the past century, replacing more and more residential properties and ultimately dominating the block. In 2001, the block was rezoned R-1, because the industrial use was now surrounded by, and deemed incompatible with, existing residential development and new residential redevelopment. There are currently only four residential properties remaining in the Study Area portion of the block, and they border both ends of a large industrial complex that houses Daniel Products, a plant that processes chemical additives for paints and inks.

The industrial building, parking and loading areas are in relatively good condition, and the parking/loading is hidden behind tall, heavy-duty fences that are also in relatively good condition. However, from 2000 to 2009 this site was issued multiple air quality violations by NJDEP for

exceeding the maximum allowable concentration of volatile organic compound emissions (See Appendix B). Additionally, this site appears on the NJDEP Known Contaminated Sites List as one of the active sites with confirmed contamination (See Map 6 and Appendix A). The remediation for this site is being overseen by the Bureau of Underground Storage Tank Facilities, which means that either existing or former underground storage tanks have leaked and caused contamination of the groundwater and/or soil. There was an approved Planning Board application in 1991 to permit the replacement of the former tanks with new leak-proof tanks encased in concrete. However, NJDEP status updates indicate that ground contamination still exists. Moreover, this property has also been declared a Classification Exception Area (CEA), which essentially indicates that the quality of the groundwater continues to exceed federal Ground Water Quality standards. CEA designation allows for the standards to be met over time through remediation, but in the meantime restricts the intermixing of water from the classified site with adjacent water sources until the contaminant levels are reduced.

There is one other industrial property on the block, at the northeast corner of Mallory and Claremont Avenues. It is owned by Acrilex, and is currently vacant and for sale (see also Block 1296 for other, more active, Acrilex properties); the building is in fair condition. Both of these industrial uses are surrounded by residential uses (or mixed residential/retail) on the block and also across the street on Yale, Claremont and Mallory Avenues.

IV. CRITERIA FOR DETERMINATION OF NEED FOR REDEVELOPMENT OR REHABILITATION

- The Study Area (or a portion thereof) may be determined to be in need of redevelopment if, after investigation, notice and hearing, as provided within NJSA 40A:12A-5 & -6, the governing body concludes by resolution that within the Study Area, any 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 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. 1992, 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.

- Pursuant to NJSA:40A:12A-14, the Study Area (or a portion thereof) may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that within the delineated area the following conditions exist:

(1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon; or

(2) more than half of the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance; and

(3) a program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

The Study Area may also be determined to be in need of rehabilitation if it has heretofore been determined, by resolution of the governing body of the municipality, to be an area in need of

rehabilitation pursuant to P.L. 1975, c.104 (C.54:4-3.72 et seq.), P.L. 1977, c.12 (C.54:4-3.95 et seq.), or P.L. 1979, c.233 (C.54:4-3.121 et seq.),”

- In addition to the above, the governing body may also consider the following pursuant to NJSA 40A:12A-3. Definitions “Redevelopment Area” or “area in need of redevelopment”

“A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.”

V. CONCLUSION

- ❖ A review of the unique characteristics of the Study Area indicates that approximately 75% of the Area qualifies as an “Area in Need of Redevelopment” as defined in NJSA 40A:12A-5; meeting the criteria of subsections a, b, d, and h. (See Map 7 for an exact delineation of the qualifying area).

Subsection a. speaks to the generality of buildings being substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possessing any of such characteristics as to be conducive to unwholesome living or working conditions. Most of the industrial buildings and/or properties within the Study Area have been rated as being in fair to poor or dilapidated condition. There is generally poor access to light and air at these properties, and structural issues exist (see photos) that create unsafe working conditions and are also hazardous to pedestrians. In addition, one of the industrial properties, although in good exterior condition, has a history of air emission violations that create unsafe, unhealthy conditions for both workers and immediately adjacent and neighboring residential properties. The generality of industrial buildings and properties in the Study Area are, therefore, obsolescent and substandard and create a situation that is conducive to unwholesome living or working conditions.

Subsection b. speaks to 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. One of the formerly industrial properties along Water Street has been left in vacant condition and in such a state of disrepair for so long that it is rated derelict. Another industrial building on the southwest corner of Mallory and Claremont Avenues was used to store commercial dumpsters until five years ago when it was sold to Acrilex, Inc. (a company that manufactures plastics, polycarbonates, polypropylenes, etc. with headquarters on Culver Avenue). For the past five years, Acrilex has used the building solely for storage and has been trying to sell the property, currently rated in fair condition, on and off for the past four years without success. A third industrial property, a large campus owned by Alpha Metals and most recently housing an electronics company, has been vacant and for sale for at least three years. All of these properties meet criterion b due to either the condition of the building/property, or the discontinuance of prior commercial or industrial use for a long period of time.

Subsection d. speaks to areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

The Jersey City Master Plan recognizes that industrial land uses in the immediate area are obsolete (see Section E. Master Plan and Zoning Considerations). Many of these industrial uses are located in close proximity, and in some cases immediately adjacent, to residential land uses without benefit of any separation or buffer. Despite the Master Plan assessment that these uses are obsolete, they presently comprise 20 acres and represent 67% of the Study Area.

Furthermore, many of the buildings housing these uses have faulty arrangements and design, and in some cases, the products and by-products of the industrial companies are deleterious, not just to adjacent residential properties, but also to those that are across the street or a block away. Daniel Products specifically, located along Yale and Claremont Avenues and comprising more than 50% of Block 21801/1774 of the Study Area has had a history of numerous air emission violations issued by the NJDEP, further proving the deleterious nature of the use at that property (See Appendix B). Moreover, close to 30% of the Study Area is land that is on the NJEDP Known Contaminated Sites List, which means that various levels of remediation would be required, necessitating some form of incentive for development.

In addition to the obsolete industrial uses, the larger of the two portions of the Study Area contains several commercial automotive uses that include two auto dealerships with accessory service centers, two carwash facilities and Epic Auto Care, an independent auto service facility. Of these commercial automotive uses, one of the car wash facilities and both auto dealerships are permitted uses in the current Highway Commercial zone.

The permitted car wash facility received Site Plan approval from the Planning Board in 1995, but never constructed the required landscaping improvements and installed unapproved signage as well. Today, it is in fair to poor condition and shares its property with an accessory retail structure, a small used car business, and two structures with office uses, making the site overcrowded for its primary purpose and an aesthetic detriment to the area. The other car wash facility and the auto service center are nonconforming uses that lie within the R-1 One and Two Family Housing District. While the structures appear to be in good condition, one of them abuts fairly recent residential development in the Water Street Redevelopment Area, and both of them are far more compatible with the obsolete industrial uses, than with neighboring permitted residential uses. All three facilities exhibit excessive land coverage, deleterious land use from resulting from motor oil run-off and/or over-crowding of the site.

In summary, the above-described intermixing of disparate land uses within the Study Area and on the individual blocks located in close proximity to each other is not conducive to appropriate living or working conditions. Industrial, or intensive commercial automotive, uses in close proximity to residential uses can be considered deleterious land use and detrimental to the safety, health, morals, or welfare of the community. It is indicative of faulty arrangement and design; deleterious land use and obsolete layout; and results in lack of proper utilization of the properties within the Study Area - all of which serves to meet the standards for criterion d.

Subsection h. speaks to the consistency of the Area with smart growth planning principles. The Circulation Element of the Jersey City Master Plan (new Element adopted in April 2009) contains as its first goal “Coordinate transportation and land use planning in a systematic and comprehensive manner.” It goes on to state: “The City aims to coordinate the planning of transportation and land use using smart growth strategies which will result in an efficient, orderly, all-inclusive world-class transportation system. The result will be pedestrian friendly street level environments and meaningful public spaces that integrate the circulation system with the surrounding environment. Objective 1 under this goal is to “develop and implement smart growth strategies that locate new residential development within walking distance of bus stops and passenger rail stations, with the highest density zones located within walking distance of passenger rail stations; that mixes residential land use with commercial land use...”

The entire Study Area is located within less than a half mile of the West Side Avenue Light Rail Station while the northeast and western portions are within a quarter mile of either the existing station or the proposed Bayfront station. In addition, a Bus Rapid Transit route connecting to the Journal Square Path Station is projected along Route 440 as part of the Route 440 Boulevard Plan with at least one station abutting the Study Area.

Currently, the Area is comprised of large “super-blocks” that serve to inhibit access to and discourage use of mass transit rather than the automobile by Area employees and residents. In addition, the Study Area contains only a handful of residential uses, is completely devoid of public parks, plazas, or other open space amenities, and there is practically no retail use located within the Area either. The breakdown of these super-blocks into more walkable streets that provide more direct, pedestrian-friendly connections to transit with attractive public amenities will promote the goal and objective described above and meet criterion h. Moreover, enabling the rezoning of the Study Area to allow for increased density close to mass transit facilities as well as encouraging additional neighborhood commercial development where appropriate will further promote smart growth principles outlined in the Master Plan.

❖ Section 3

Finally, NJSA 40A:12A-3 defines a Redevelopment Area as follows: “...may include lands, buildings or improvements that in and 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.” Consistent with this definition, certain properties within the Study Area do not, in and of themselves, exhibit conditions consistent with the criteria found in NJSA 40A:12A-5, particularly the residential uses (comprising no more than 1 acre in total or approx. 3% of the total land use).

In addition, the auto dealership showrooms along with ancillary service centers and used car sales offices, comprising approximately 22% of the total land use, are presently conforming uses in the Highway Commercial district, and form a relatively compact corner of the Study Area. None-the-less, the inventory storage lots are sawtoothed with a scattering of residential lots, and, as stated above, such an intermixing of disparate land uses within the Study Area and on the individual blocks located in close proximity to each other is not conducive to appropriate living or working conditions.

Moreover, while other neighboring Redevelopment Plan Areas (West Side Avenue RDP and Water Street RDP) experienced tremendous growth during the so-called boom development years, the 29.7 acres within the Study Area experienced only one relatively small new development project – conversion of a warehouse at 190 Culver Avenue to 16 residential units. And although construction of this project began over four years ago, construction came to a halt two years ago as the developers have struggled to maintain economic viability sufficient to overcome the blighting physical conditions of the adjacent area. Therefore, consistent with the above conclusions, without redevelopment incentives, indefinite continuation of current land use conditions within the Study Area will continue to have a chilling effect on both development within the Study Area and also on the remaining undeveloped land in the adjacent redevelopment plan areas.

- ❖ A review of the characteristics of the remaining approximately 25% of the Study Area indicates that this portion of the Area qualifies as an “Area in Need of Rehabilitation” as defined in NJSA 40A:12A-14 (See Map 7 for an exact delineation of the qualifying area).

As per the attached letter from the Jersey City Municipal Utilities Authority, a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance, and a program of rehabilitation, as defined in section 3 of P.L. 1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community.

Lot By Lot Analysis

MAPS

Appendix A:

New Jersey Department of Environmental Protection Reports for properties on the Known Contaminated Sites List

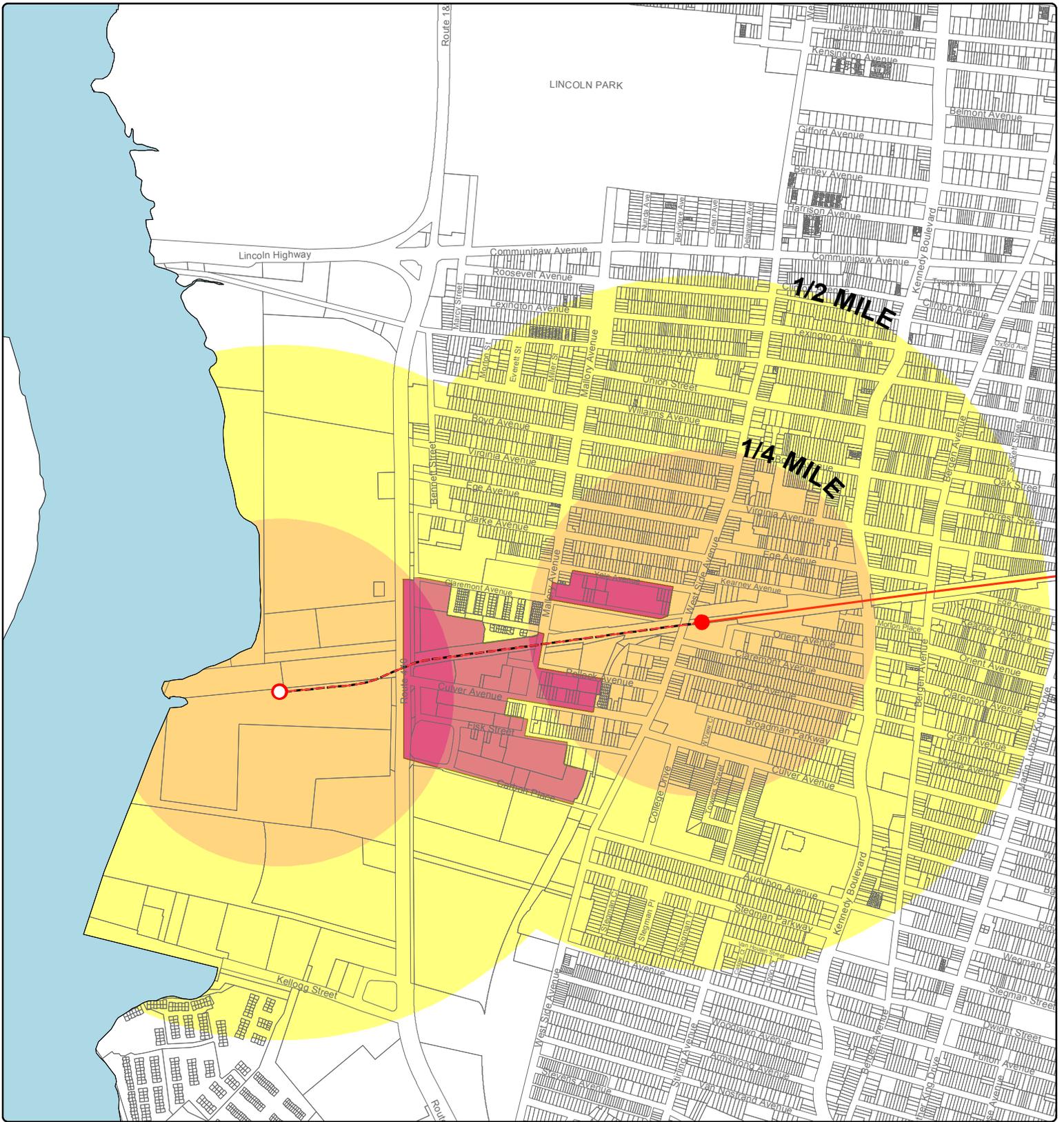
Appendix B:

New Jersey Department of Environmental List of Enforcement Actions issued to 400 Claremont Avenue



Route 440-Culver Study Area: Map 1 - Boundary Map





Route 440-Culver Study Area: Map 2 - Area Map




 Jersey City
 City Planning Division
 30 Montgomery Street Suite 1400
 Jersey City, NJ 07302-3821
 Phone: 201.547.5010
 Fax: 201.547.4325

- Legend**
-  Existing Light Rail
 -  Proposed Light Rail Extension
 -  Redevelopment Plan Boundary

1 inch = 1,000 feet



September 25, 2012



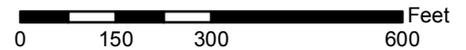
Route 440-Culver Study Area: Map 3 - Existing Land Use

Legend

	Auto Dealership	6.6 acres - 22% of study area
	Industrial	20 acres - 67% of study area
	Office	0.3 acres - 1% of study area
	Other Commercial Automotive	1.3 acres - 4.4% of study area
	Residential	1 acre - 3.4% of study area
	Vacant	0.63 acres - 2.1% of study area



1 inch = 300 feet



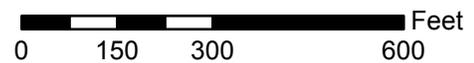


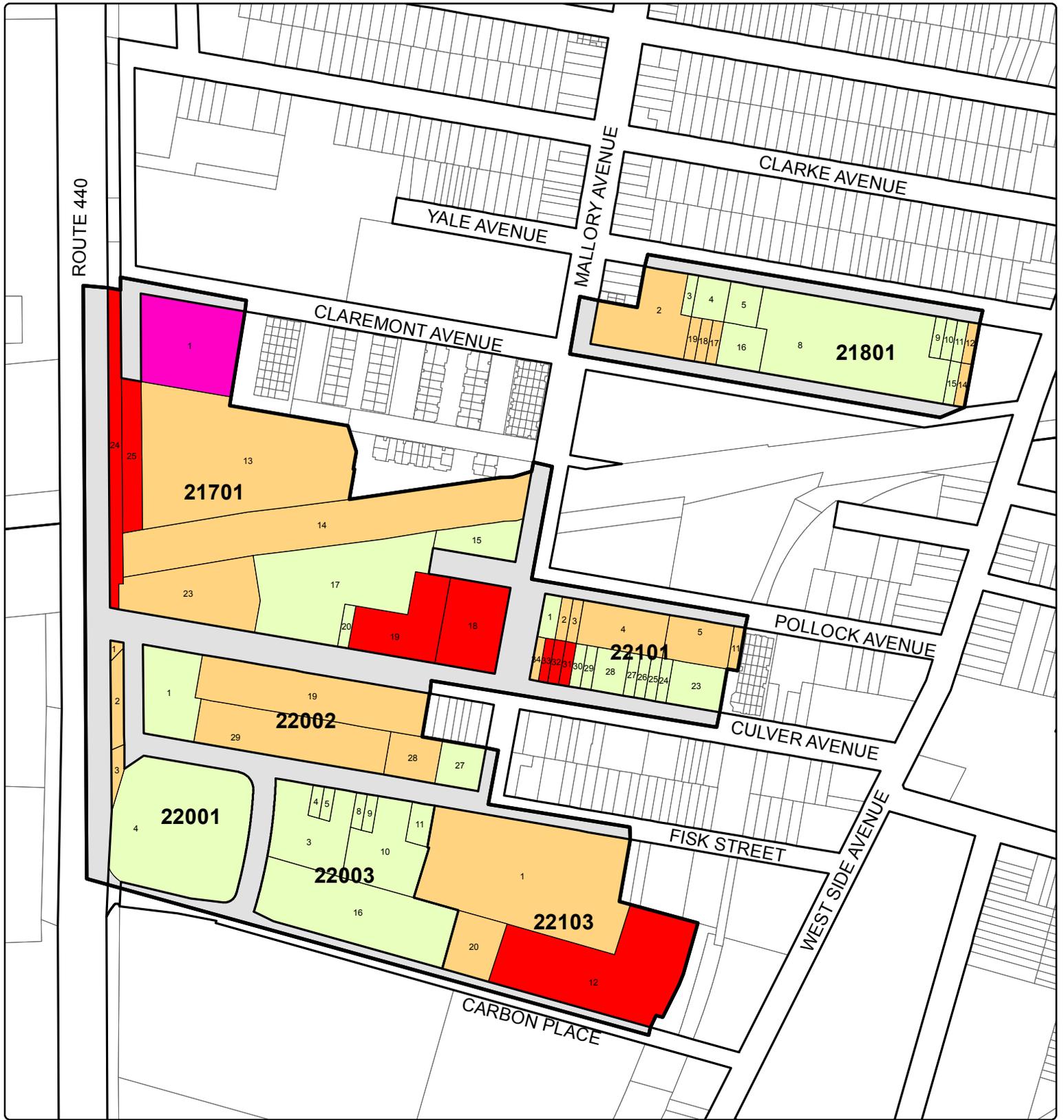
Route 440-Culver Study Area: Map 4 - Paved Parking and Access Drive Areas by Use

- Industrial Uses 8.8 acres (30 % of all real estate)
- Auto Dealerships and other Auto Related Uses 5.82 acres (20% of all real estate)
- Study Boundary



1 inch = 300 feet





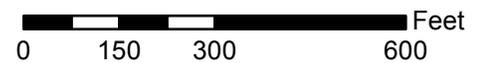
Route 440-Culver Study Area: Map 5 - Existing Property Condition

Legend

- Good
- Fair
- Poor
- Dilapidated



1 inch = 300 feet





Route 440-Culver Study Area: Map 6 - Known Contaminated Sites

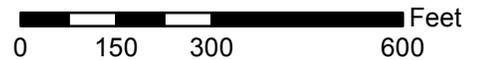


Legend

Known Contaminated Site (8.7acres - 29.2% of study area)



1 inch = 300 feet





Route 440-Culver Study Area: Map 7 - Property Qualifying as an Area in Need of Redevelopment or Rehabilitation



Legend

- Area in Need of Redevelopment
- Area in Need of Rehabilitation

1 inch = 300 feet

