

LAND USE BOARD  
BOROUGH OF ALLENDALE  
Municipal Building  
500 West Crescent Ave  
Allendale, NJ

A Special Meeting of the Allendale Land Use Board was held in the Council Chambers in the Allendale Municipal Building, 500 West Crescent Avenue, 2<sup>nd</sup> Floor, Allendale, New Jersey 07401 on June 20, 2018. The meeting was called to order at 7:01pm by Chairman Quinn who read the Open Public Meetings Act statement and stated the requirements had been satisfied.

***ROLL CALL:***

The following members answered roll call:

Board member Bergen	Councilman Sasso
Secretary Daloisio	Vice Chairman Sirico
Board member Davis	Mayor White
Board member Kistner	Chairman Quinn
Board member O'Toole	Alternate Kearn

The following member was absent:

Alternate Lovisolo

The following individuals were also present:

Board Attorney Christopher C. Botta, Esq.  
Deputy Municipal Clerk Michelle Ryan

***PRESENTATION:***

**Draft Redevelopment Investigation Report (June 12, 2018)**

Chairman Quinn announced that the first item on the agenda was the presentation of the Draft Redevelopment Investigation Report (June 12, 2018). Robert Benecke of Benecke Economics, 55 Wanaque Avenue, Suite 135, Pompton Lakes, New Jersey was in attendance to present his report.

Mr. Benecke stated he was before the board representing the governing body, the owner of the two properties, 220 and 230 West Crescent Ave., that are the subject of the redevelopment study.

Mr. Benecke gave a background on his company, which he said does more redevelopment and redevelopment financing work than any other firm in New Jersey. Currently, they are working in 31 municipalities such as Bayonne and others in South Jersey as well as waterfront projects along the Van Kill and Hackensack Rivers. He explained that his company was asked to look at 220 and 230 West Crescent Avenue, which were both financed by the Borough, to see if it would be appropriate to designate the two properties as areas in need of redevelopment. He also said that his company was looking into whether there is flexibility to repurpose the properties for a higher and better use such as relocating the municipal building and complying with COAH obligations.

Mr. Benecke informed the board that the purpose of this meeting was to determine whether the statutory criteria for designating an area in need of redevelopment listed on pages 7 and 8 of the report applied. The report identified the properties as well and had a photograph of each.

Mr. Benecke submitted a State Database printout of 220 West Crescent Ave that was marked as

Exhibit A-1, a State Database printout of 230 West Crescent Ave, to which Mr. Benecke noted that Lot 11 is attached to this property, that was marked as Exhibit A-2, Draft Redevelopment Investigation Report (June 12, 2018) that was marked as Exhibit A-3, an Aerial Map identifying 220 and 230 West Crescent Ave that was marked as Exhibit A-4, and Allendale Tax Maps highlighting both 220 and 230 West Crescent Ave that was marked as Exhibit A-5.

Mr. Benecke advised that he reviewed the property tax assessment cards and the leases on the property as well as the surveys of the properties to determine the size of the buildings and scope of the easements. Mr. Benecke described the properties, buildings and conditions. The building in the back at 230 West Crescent is approximately 1/3 unoccupied and the current lease ends on March 31, 2019. There is much truck traffic, especially in the morning, which is impacting the neighborhood. The front building at 220 West Crescent has the same type of conditions regarding truck traffic and a pan handle entrance off West Crescent Ave exists as well as 80 ft or so of lawn patch that runs East/West. He stated that his company believes the criteria to designate an area in need of redevelopment has been satisfied based on the various conditions of the properties such as the truck traffic, the obsolete use per se though there is no title defect because the Borough owns the properties, and the environmental issues at both sites. Also, there are easements that are problematic in the back of the property. The properties are located in a largely residential neighborhood on an arterial street and is a focal point of a bucolic town. For those reasons, Mr. Benecke advised that these properties satisfy the criteria of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A Section 6. He directed the board to look at page 7 of the report which listed criteria A to H. He read and examined the criteria points with the board:

- A. Regarding this provision, Mr. Benecke cited case law, Gallenthin Realty Development, Inc. v. Borough of Paulsboro, which requires proof of some type of defective title, nevertheless the issue of continuing obsolescence due to vacancy exists at these sites.
- B. Regarding discontinuance of buildings previously used for commercial, manufacturing or industrial purposes, Mr. Benecke stated the properties are in an industrial zone.
- C. Mr. Benecke stated the importance of this provision. This town-owned land is not a per se bad site, but it does have elements of contamination and environmental issues. While it has not been vacant for the requisite ten years, it certainly could head that way.
- D. Regarding this provision, Mr. Benecke stated that the truck traffic especially during morning rush hour and the panhandle entrance off West Crescent satisfy the criteria.
- E. Regarding growing lack or total lack of proper utilization, Mr. Benecke stated that this is a Gallenthin decision issue where a defective title or other defect in the property must be shown to prove that the utilization of the property is inappropriate. The legislature and courts have tried over the last 20 years or so to avoid having a situation where private property is taken by a governmental agency from Person A for example and because it is said the property is underutilized it is given to Person B. Mr. Benecke stated that this situation does not apply since the borough owns the property.
- H. Regarding this provision, Mr. Benecke stated that this is where affordable housing and open space issues, deleterious truck traffic along an arterial roadway and the potential of addressing these issues makes sense to examine from the redevelopment perspective.

Mr. Benecke recommended that the two properties Block 1005 Lot 3 and Block 1005 Lot20 be designated by the Land Use Board under the criteria as an area in need of redevelopment. If done, the Mayor and Council would then decide whether or not to accept the designation. While Mr. Benecke could not speak for them, he thought the Mayor and Council would like to explore repurposing these properties through the redevelopment act. Before it gets to that point though, the properties need to be designated an area in need of redevelopment.

Mr. Benecke explained the steps involved in the process. The first step was the identification of concepts of what to do with the properties followed by the governing body having adopted a resolution and understanding of the redevelopment process. The third step is for the Land Use Board to have a public hearing and adopt a resolution to designate the properties an area in need of redevelopment with the final step being acceptance of the designation by the Mayor and Council and inviting the marketplace to submit proposals to see what could be done with these properties.

As this is a stunning prime piece of property, Mr. Benecke expressed his excitement and felt that everyone in town would be excited about the prospects of having the property as an asset to the municipality, perhaps with some public use as well as private use to generate taxes. Mr. Benecke acknowledged that there were some environmental issues, though nothing to cause concern, but there would need to be remediation done at the site. Mr. Benecke concluded his presentation.

Chairman Quinn inquired about the floodplains at the back of the property. Mr. Benecke confirmed that it's approximately  $\frac{3}{4}$  acre on the north side and these wetlands challenges were noted in the report. No real private property impacted by this.

Chairman Quinn reminded the public that the properties being discussed were the old Black Millwork properties. Anderson Windows is currently leasing about  $\frac{2}{3}$  of the back building.

Mr. Botta was asked for his legal opinion by Chairman Quinn. Mr. Botta stated that a public hearing was required and then a presentation of evidence made relating to the area in need of redevelopment under Municipal Land Use Law (MLUL). Mr. Botta confirmed that investigation notice was properly given in accordance with the specific redevelopment rules. As the MLUL lays out several criteria for declaring an area in need of redevelopment, Mr. Botta felt that the evidence presented such as the discontinuation of use as an industrial use, the location of the property as an industrial use not being compatible to the surrounding neighborhood, the panhandle layout of the property being a faulty arrangement, and the lack of utilization of the property to its best use supported criteria under MLUL for the board to determine its an area in need of redevelopment.

Mr. Botta suggested that the board comment first and then seek public input followed by board discussion on any public input provided. Chairman Quinn asked for comments from the board.

Board member Davis inquired about remediation of the property. Mr. Benecke answered that a Phase I would be done by any potential new property owner to determine the scope, but that based upon a remediation environmental report he'd seen it is not drastic, underground storage tank issues. It would be cleaned up as part of any repurposing of the property. Mr. Botta offered that the extent of the cleanup would be determined by the use of the property. Mayor White stated that the Borough had done a Phase I and was aware of the environmental issues in a small area under the asphalt at the 230 property. Any new owner would do another Phase I.

Chairman Quinn clarified that the designation of the property is a statutory effect to help the Borough redo the property's usage, allowing them to accept proposals and control development.

There were no further comments by the board.

***PUBLIC HEARING:***

Draft Redevelopment Investigation Report (June 12, 2018), Prepared by: Fred Suljic, P.P. and Robert Benecke of Benecke Economics, 230 West Crescent Avenue, Allendale, NJ 07401 (Block

1005, Lot 3) and 220 West Crescent Avenue, Allendale, NJ 07401 (Block 1005, Lot 20)

Mayor Emeritus Barra stated he was Mayor for 8 years and that this is one of the boldest steps that the Borough has taken. It will have a dramatic effect and the possibilities are enormous- eliminate the truck traffic, build a new Borough Hall, offer community and sports spaces, have a monetary return as well as consider ideas for uses of the space that may not have even been thought about yet. It gives the Borough an opportunity to solicit, evaluate and weigh developers' proposals. Mayor Barra urged the board to approve the designation allowing this to go forward to next step.

Chairman Quinn echoed the sentiments presented by Mayor Barra. When he was working, he saw firsthand the diesel tractor trailers and as a longtime member of the Planning Board he remembered residents coming to meetings to express their concern.

Seeing no other public comment, Chairman Quinn brought it back to board for further discussion.

Mayor White thanked the board for entertaining this critical component to moving forward at this property. She said that the Master Plan had been looked at and identified this for recreational and housing uses to satisfy COAH requirements. Preferring to use the term repurpose over redevelop, she expressed the great opportunity this presented and said that the Borough will be getting a much better and higher use of the property, which will be a huge asset to Allendale. She spoke about the Borough's commitment to putting 4 senior affordable rental units onsite and offered that there was also discussion of putting in housing for first responders, some of whom cannot afford to live in town, and of putting in below market rate senior rentals as well as providing community space. She asked the board to seriously consider approving the resolution.

Seeing no comments from the board, Mr. Botta read Resolution LUB 18-14 for consideration.

***RESOLUTION:***

On a motion by Secretary Daloisio, who commented how proud he was to put his name on this great opportunity, seconded by Vice Chair Sirico, with no other comment by the board, Resolution LUB 18-14, Designating an Area in Need of Redevelopment, 230 West Crescent Ave, (Block 1005, Lot 3) and 220 West Crescent Ave, Allendale, NJ (Block 1005, Lot 20) was approved.

On a roll call, the vote was recorded as follows:

Board member Bergen - aye	Councilman Sasso - aye
Secretary Daloisio - aye	Vice Chairman Sirico - aye
Board member Davis - aye	Mayor White - aye
Board member Kistner - aye	Chairman Quinn - aye
Board member O'Toole - aye	Alternate Kearn - abstain

***ADJOURNMENT:***

There being no further business to come before the board, on motion by Vice Chair Sirico, second by Mayor White, with all members present voting in favor, the meeting was adjourned at 7:33pm.

Respectfully submitted,

Michelle Ryan  
Deputy Municipal Clerk