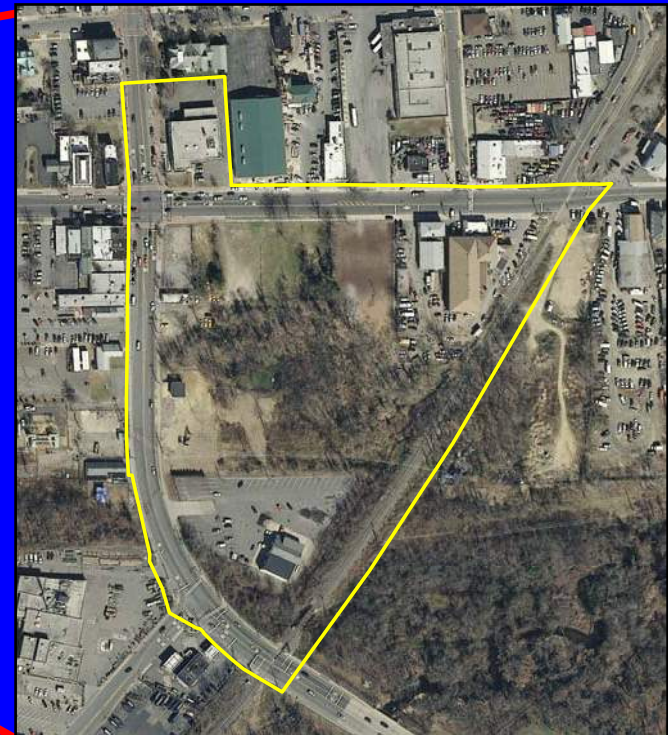
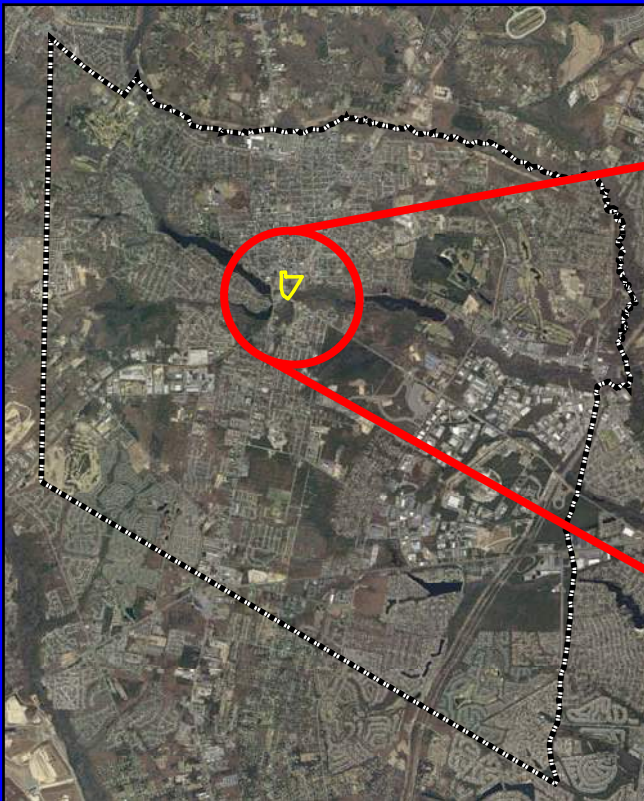


REPORT OF FINDINGS

CONDEMNATION PRELIMINARY (REDEVELOPMENT) INVESTIGATION

FRANKLIN STREET STUDY AREA

Township of Lakewood, Ocean County, New Jersey



Prepared by:



Submitted: April 7, 2015

Prepared for:





**REPORT OF FINDINGS
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(REDEVELOPMENT) INVESTIGATION
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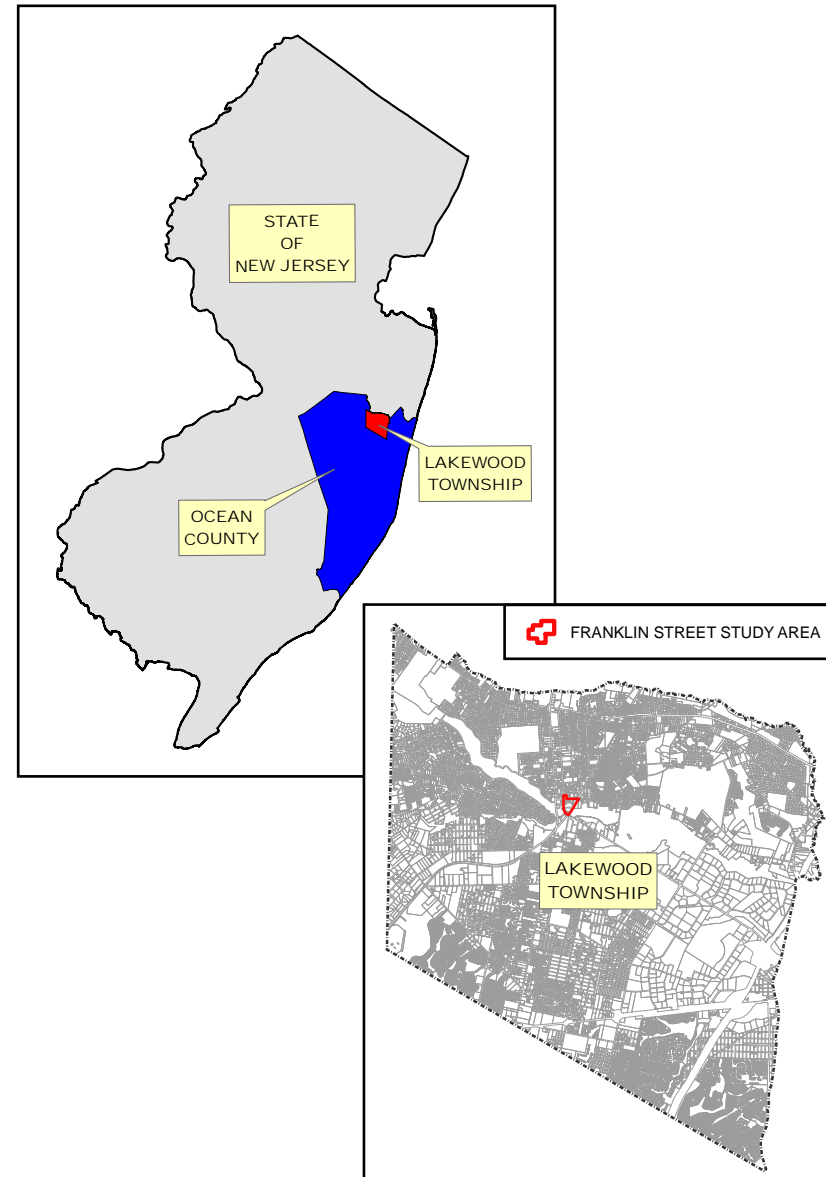
1.0 INTRODUCTION

1.1 Background

1.1.1 There exists, has existed for some time and persists in the Township of Lakewood, Ocean County, New Jersey ("Township"), a 16-lot, approximately 10.5-acre area generally bound by Main Street (SR 88), Clifton Avenue and the CONRAIL Right-of-Way ("Franklin Street Area" or "Study Area"), which exhibits conditions of deteriorated commercial and industrial installations, housing, public services and facilities, and other physical components and supports of community life, and improper ~ or lack of proper ~ development. These conditions result from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, but are not likely to be corrected or ameliorated solely by private effort.

The Study Area contains of a mix of industrial buildings and uses, small retail and service establishments, the Lakewood Post Office, vacant buildings, undeveloped vacant lands, formerly-developed vacant lands (wherein buildings have been demolished), a railroad right-of-way and associated public rights-of-way (streets).

In 1992, the New Jersey Legislature empowered municipalities to address conditions as described in the Study Area by adopting the *Local Redevelopment & Housing Law*,¹ whose purpose is to provide municipalities with the tools and powers necessary to (re)plan abandoned, deteriorated, obsolescent or un-productive / under-productive portions of a municipality and to actively



¹ N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law")





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redevelop said areas into productive assets for the community.

Utilizing a comprehensive set of planning tools and techniques afforded municipalities *only* under the *Redevelopment Law*, municipalities may modify land use and other zoning controls, acquire property deemed necessary to effectuate redevelopment, clear said lands, install infrastructure and/or other site improvements, provide favorable tax and other financial incentives for *re*development, and solicit for and negotiate / enter into partnerships with public and private entities in order to accomplish certain defined municipal goals and objectives.

1.1.2 In an attempt to address the conditions in the Study Area, the Lakewood Township Committee ("Governing Body"), in 1999, adopted Resolution No. 99-83,² thereby designating the lands bound by Main Street (SR 88), Clifton Avenue and the CONRAIL Right-of-Way³ as An Area In Need of Redevelopment under the *Redevelopment Law*.

Subsequently, the Township commissioned a Redevelopment Plan⁴ and solicited for Redevelopers for the Area. While receiving a number of responses to this solicitation, the Township elected not to proceed with a Redevelopment Project at that time.



² On file with the Township Clerk.

³ i.e., the Franklin Street Study Area as depicted, less the lot to the north of Main Street.

⁴ *Township of Lakewood, Franklin Street Redevelopment Plan*. Birdsall Engineering, December 2001 (revision date of December 26, 2001) ["2001 Redevelopment Plan"] (On file with the Township Clerk)





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1.1.3 Since the actions as described, there have been a number of court decisions and two (2) amendments (2003 and 2013) to the *Redevelopment Law*. Collectively, these decisions and amendments made substantive changes to the *Redevelopment Law* and how it is applied. In light of these changes, and given the time that has passed since the Township's prior actions, the Governing Body has determined that a fresh look at the Franklin Street Area is warranted.

1.2 Redevelopment Process

The first step in the Redevelopment process is for the municipal Governing Body to direct the municipal Planning Board to undertake what the *Redevelopment Law* terms a "Preliminary Investigation" to determine if a targeted area ("Study Area") meets the statutory criteria under which it may be declared to be "In Need of Redevelopment" pursuant to sections 5 and 6 of the *Redevelopment Law*.

On July 24, 2014, the Lakewood Township Committee adopted Township Resolution No. 2014-263,⁵ which, in principal part:

A. Directed the Lakewood Planning Board ("Planning Board") to conduct the necessary investigations and undertake the necessary steps to determine whether or not the Franklin Street Study Area, as described herein), or any part or parts thereof, meets the statutory criteria for a Condemnation Area in Need of Redevelopment pursuant to the *Redevelopment Law* ("Preliminary Investigation"); and

B. Directed the Planning Board, upon completion of the Preliminary Investigation and required public hearing thereon, to submit its findings and recommendations to the Governing Body in the form of a Resolution with supporting documentation.

1.2.1 On August 12, 2014, the Planning Board adopted a Resolution⁶ which, in principal part:

A. Accepted the directive of the Governing Body embodied in Resolution No. 2014-263;

B. Commissioned Remington, Vernick & Vena Engineers ("RVV"), licensed Professional Planners in the State of New Jersey and the Board's appointed Planner, to undertake such investigation and to submit its findings and recommendations to the Board in the form of a Report of Findings, which shall include all requisite supportive documentation and shall be fully consistent with the directive of the Governing Body; and

C. As required by N.J.S.A. 40A:12A-6 b(1), directed the posting of the Resolution and the map attached thereto with the Township Clerk, which shall serve as the statutorily-mandated Statement setting forth the Basis for this Preliminary Investigation.

1.2.2 Consistent with N.J.S.A. 40A:12A-6, Township Resolution No. 2014-263 and the Planning Board's Resolution included specific language stating that the actions authorized shall be in support of a "**Condemnation** Redevelopment Area".

⁵ On file with the Township Clerk.

⁶ Memorialized on October 28, 2014. (On file with the Planning Board Secretary).





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A **Condemnation** Redevelopment Area designation authorizes the Township to use all those powers provided by the Legislature for use in any Redevelopment Area ~ **including the use of eminent domain**. In other words, any Redevelopment Area determination resulting from the actions authorized by these Resolutions shall authorize the Township to exercise the power of eminent domain to acquire any property in the delineated area.

- 1.3 This Report of Findings consists of a review of the Statutory Criteria under which an area may be determined to be In Need of Redevelopment, the findings of the Investigation as directed by the Governing Body and as undertaken by the Planning Board, and an analysis of how these findings conform to the Statutory Criteria. The report culminates in a final recommendation to the Planning Board.



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2.0 DEFINITIONS

For the purposes of this Report of Findings, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section. Terms not defined herein shall have the meaning set forth in the Township's Unified Development Code. Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

2.1 "Blight" shall mean (as defined by the New Jersey Supreme Court)⁷

something that impairs growth, withers hopes and ambitions, or impedes progress and prosperity; see New Oxford American Dictionary 177 (2nd ed. 2005) (defining "blight" as "an ugly, neglected, or rundown condition of an urban area").

an area in which deteriorating forces have obviously reduced economic and social values to such a degree that widespread rehabilitation is necessary to forestall the development of an actual slum condition.

an area, usually in a city, that is in transition from a state of relative civic health to the state of being a slum, a breeding ground for crime, disease, and unhealthful living conditions.

The term presumes deterioration or stagnation that negatively affects surrounding areas.

2.2 "Dilapidate", "Dilapidated" or "Dilapidation" shall mean (as defined in Webster's^{8,9})

(v) to bring into a condition of decay or partial ruin by use;

(adj.) in very bad condition because of age or lack of care; decayed, deteriorated, or fallen into partial ruin especially through neglect or misuse.

2.3 "Franklin Street Study Area" shall mean that section of the Township of Lakewood generally bound by and including Main Street (SR 88), Clifton Avenue and the CONRAIL Right-of-Way, and including the Lakewood Post Office; as more particularly described in §5.0 herein.

2.4 "Governing Body" shall mean the Lakewood Township Committee.¹⁰

2.5 "Lakewood" and "Lakewood Township" shall mean the Township of Lakewood, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff.¹⁰

⁸ www.merriam-webster.com/dictionary

⁹ A full discussion of the historical definitions and evolutionary utilizations of this term in the urban context is found in §4.4 herein.

This term, read in conjunction with the introductory language of the *Local Redevelopment & Housing Law* and the various Redevelopment Criteria contained therein, as well as the discussion detailed in §4.4 herein, underscores the Township's interpretation of the conditions found to exist in the Study Area and support the conclusions derived from these analyses.

¹⁰ Within the context of the various sections of this document, the terms "Township", "Governing Body" and "Lakewood" shall mean the Lakewood Township Committee.

⁷ Gallenthin Realty Development, Inc. v. Township of Paulsboro, 191 N.J. 344 (2007)





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2.6 “Lakewood Development Corporation” and “LDC” shall mean the 501(c)3 entity established by the Township to administer the Lakewood Urban Enterprise Zone, Foreign Trade Zone and other economic development initiatives. Operations of the LDC are overseen by a Board of Trustees appointed by the Governing Body.

The LDC is the funding agency for this Preliminary Investigation.

2.7 “Lakewood Urban Enterprise Zone” shall mean the Lakewood Urban Enterprise Zone, operating under the “New Jersey Urban Enterprise Zones Act” (C.52:27 H-60 et seq.).

2.8 “Local Lands and Buildings Law” shall mean the New Jersey *Local Lands and Buildings Law* (N.J.S.A. 40A:12-1 et seq.).

2.9 “*Local Redevelopment & Housing Law*” shall mean N.J.S.A. 40A:12A-1 et seq.

2.10 “LUEZ” shall have the same meaning as the Lakewood Urban Enterprise Zone.

2.11 “*Municipal Land Use Law*” shall mean N.J.S.A. 40:55D-1 et seq.

2.12 “NJDCA” shall mean the New Jersey Department of Community Affairs.

2.13 “NJDEP” shall mean the New Jersey Department of Environmental Protection.

2.14 “Obsolete” or “Obsolescent” shall mean (as defined in Webster’s^{8,9})

(adj.) no longer in use or no longer useful; of a kind or style no longer current; indistinct or imperfect as compared with a corresponding part in related organisms.

(adj.) going out of use; becoming obsolete

2.15 “OPA” shall mean the New Jersey office of Planning Advocacy, formerly known as the Office of Smart Growth and the Office of State Planning, operating out of the New Jersey Department of Community Affairs.

2.16 “Planning Board” shall mean the Lakewood Township Planning Board, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various regulations of the Unified Development Code and other relevant statutes, including the *Local Redevelopment & Housing Law*.

2.17 “Preliminary Investigation” shall mean this instant process under which the conditions in the Franklin Street Study Area are analyzed to determine conformance with the eight (8) Statutory Criteria under section 5 of the *Local Redevelopment & Housing Law*.

2.18 “Publication” shall mean the date this instant Report of Findings was finalized for submission to the Planning Board (see front cover).

2.19 “Report of Findings” shall mean this instant document, along with additional narrative, graphics or presentation materials associated herewith.



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- 2.20 “Redevelopment Law” shall have the same meaning as *Local Redevelopment & Housing Law*.
- 2.21 “State Plan” shall mean the New Jersey *State Development and Redevelopment Plan*, Adopted March, 2001.
- 2.22 "Study Area" shall have the same meaning as Franklin Street Study Area.
- 2.23 “Township” shall have the same meaning as Lakewood.¹¹
- 2.24 "Unified Development Code" or “UDC” shall mean the Lakewood Unified Development Code, Chapter XXVIII of the Lakewood Municipal Code, as same may be amended from time-to-time.
- 2.25 "2007 Master Plan Reexamination" and "2007 Reexamination" shall mean the document entitled Reexamination Report of the Master Plan & Unified Development Ordinance, Township of Lakewood, Ocean County, New Jersey. Prepared by TM Associates. March 13, 2007.

¹¹ Within the context of the various sections of this document, the terms “Township”, “Governing Body” and “Lakewood” shall mean the Lakewood Township Committee.



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3.0 LOCAL REDEVELOPMENT & HOUSING LAW

3.1 Process

The *Redevelopment Law*¹² requires a multi-step, public process before a municipality may exercise the powers granted therein. Specifically:

- A. A municipal Governing Body must direct the municipality's Planning Board to undertake an Investigation of an area in question to determine whether it meets the Statutory Criteria for Redevelopment Area designation.¹³
- B. The Planning Board must prepare and post a map with the municipal clerk showing the boundaries of the area in question and the location of the various blocks and lots therein. Said map must be accompanied by a statement setting forth the Governing Body's basis for the Investigation.¹⁴
- C. The Planning Board must conduct the Investigation and hold a duly noticed public hearing in order to discuss the findings and to hear persons who are interested in or would be affected by the contemplated action. The result(s) and recommendation(s) of said hearing are then referred (in the form of a Planning Board Resolution) to the Governing Body for formal action.

THIS REPORT OF FINDINGS EMBODIES THE PLANNING BOARD'S INVESTIGATION. ACTIONS SUBSEQUENT TO THIS REPORT ARE PROSPECTIVE.

- D. Upon receipt of the findings and recommendation(s) from the Planning Board, the Governing Body may adopt a resolution designating the area in question, or any part thereof, as an Area in Need of Redevelopment.

The *Redevelopment Law* provides for two (2) types of Redevelopment Area designations. Under a Condemnation Redevelopment Area, a municipality is permitted to condemn lands for redevelopment purposes through the power of eminent domain. Under a Non-Condemnation Redevelopment Area, a municipality is granted all the powers of a Condemnation Redevelopment Area ~ except the power of eminent domain. ***This process is being conducted as a CONDEMNATION Redevelopment Area.***

- E. Upon adoption of such a resolution, the municipal clerk must transmit a copy of the resolution to the Commissioner of New Jersey Department of Community Affairs. Whereupon:
 - If the Area determined to be In Need of Redevelopment is located where State policy¹⁵ encourages (re)development, the determination shall take effect immediately.

¹² N.J.S.A. 40A:12A-6

¹³ Action via Township Resolution 2014-263 (on file with the Township Clerk)

¹⁴ Action taken via Planning Board's August 12, 2014, Resolution (on file with the Board Secretary)

¹⁵ Principally articulated through the State Plan.





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- If the Area determined to be In Need of Redevelopment is not located where State policy encourages (re)development, then the determination shall not take effect without the approval of the NJDCA Commissioner. If the NJDCA Commissioner does not act within 30 calendar days, the determination is deemed to be approved.

F. Notice of the determination shall be served, within 10 days thereafter, upon all record owners of property located within the delineated area, those whose names are listed in the tax assessor's records, and upon each person who filed a written objection thereto and stated an address to which notice of determination may be sent.

For Condemnation Redevelopment Areas, the notice shall indicate that:

- the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the redevelopment area; and
- legal action to challenge the determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- A property owner who does not file a legal challenge to the redevelopment determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge and, in the case of a

Condemnation Redevelopment Area, shall further be barred from asserting a challenge to the redevelopment determination as a defense in any condemnation proceeding to acquire the property unless the municipality and the property owner agree otherwise.

G. Upon Redevelopment Area designation and approval by the NJDCA Commissioner (if applicable), the municipality may then prepare a Redevelopment Plan for the Redevelopment Area ~ establishing the goals and objectives of the municipality in designating the Area to be In Need of Redevelopment and outlining the actions to be taken to achieve the goals and objectives.

H. Once prepared, the Redevelopment Plan is reviewed by the Planning Board and, after public hearing¹⁶, is referred to the Governing Body (in the form of a Planning Board Resolution) with recommendation(s) regarding adoption.

I. Upon receipt of the Resolution and recommendation(s) from the Planning Board, the Governing Body may adopt the Redevelopment Plan by Ordinance. The adopted Redevelopment Plan may become an explicit amendment to the municipality's Zoning District Map and Zoning Ordinance or may be treated as an overlay to existing zoning.

Only after completion of this multi-step public process is a municipality able to exercise the powers granted under the *Redevelopment Law*.

¹⁶ Direct Public Notice not statutorily required.



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3.2 Statutory Criteria: Area In Need of Redevelopment¹⁷

An area may be determined to be In Need of Redevelopment if, after investigation, notice and hearing, the Governing Body of the municipality, by resolution, concludes that **any** of the following conditions¹⁸ is found to be present within the delineated (Study) 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 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 properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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 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,"... (C.52:27H-60 et seq.) the execution of the*

¹⁷ N.J.S.A. 40A:12A-5

¹⁸ Applicable to both Condemnation and Non-Condemnation Redevelopment Areas.





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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... (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... (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of... (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... (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.

Crucial to the application of the aforementioned is the understanding that the presence of ANY ONE (1) of the SIX (6) SUBSTANTIVE CRITERIA¹⁹ is sufficient

¹⁹ Criterion 'g' relates to the location of a property within an Urban Enterprise Zone and, absent a finding of (negative) conditions affecting the property, limits the powers afforded municipalities under this Criterion to tax abatement and exemption.

for a municipality to make a determination that an area is In Need of Redevelopment.

3.3 Statutory Definition: Area In Need of Redevelopment

In addition to the above-cited Statutory Criteria, the *Redevelopment Law*²⁰ includes a definition of a Redevelopment Area providing:

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.

3.4 Implications of the Redevelopment Law

It is **only** upon a Redevelopment Area designation that the Township is able to bring to bear the comprehensive tools and powers available under the *Redevelopment Law* deemed critical to addressing the issues in the Franklin Street Study Area.

Further, while the *Redevelopment Law* permits municipalities to rely solely on Criterion 'h' as determinative of a property's Need of Redevelopment, such Criterion is based on the location of a property within an area designated for growth ~ and not the actual condition of the property. It is unlikely that such a locational factor will survive challenge absent a finding of (negative) conditions affecting a property.

Accordingly, while not statutorily recognized, this Preliminary Investigation employs the term Substantive Criteria for those which are based on the condition of a property (i.e., Criteria 'a', 'b', 'c', 'd', 'e' & 'f'), and applies Criteria 'g' and 'h' as supplemental factors for Redevelopment Area designation

²⁰ N.J.S.A. 40A:12A-3





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4.0 METHODOLOGY

4.1 Overview

A Preliminary (Redevelopment) Investigation of the type conducted herein makes no judgment as to the moral, ethical or equitable implications of any findings, recommendations or determinations that may be made; or whether or not the use of eminent domain is or is not authorized by the municipal Governing Body. The analyses undertaken simply evaluate the existing conditions within the designated target area vis-à-vis the specific criteria enumerated in N.J.S.A. 40A:12A-5.

4.2 Sources

4.2.1 The analyses contained in this Report of Findings rely on:

- the Township’s official municipal tax maps;
- Township tax records;²¹
- 2012 NJDEP Aerial Photography;
- Information supplied by the Lakewood Development Corporation;²²
- various Geographic Information System (G.I.S.) coverages generated for this Preliminary Investigation;
- Site visits conducted in June and December 2014; and
- Other sources as necessary²²

4.2.2 These sources were augmented by visual inspections of the Study Area conducted on June 20, 2014, and were used as the basis to compare the Study Area’s existing conditions against the Statutory Criteria required for Redevelopment Area designation²³.

4.2.3 Tax Assessment and related calculations were developed pursuant to data obtained from the Township Tax Assessor.²¹

4.2.4 Other assumptions, caveats and data qualifications relevant to particular analyses are indicated where applicable.

4.3 Disclaimer

The findings, conclusions and recommendations presented herein are the opinion of RVV and are based on a review of available records, interviews with knowledgeable individuals and a physical inspection of the accessible sections of the Study Area. This Investigation does not include the collection or sampling of any soil, groundwater, surface water, or air, nor does it include any inspection of areas that would require an extraordinary effort to access.

While RVV has taken great care in compiling, checking and reviewing the information presented herein to insure its accuracy and timeliness, we cannot guarantee the information against errors, omissions or inaccuracies arising from sources outside of RVV’s control.

²¹ MOD IV Records reproduced herein as Exhibit 1

²² Individually cited as appropriate.

²³ N.J.S.A. 40A:12A-5.





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Within this context, the analyses and findings presented herein are based on and rely upon the accuracy and completeness of the information supplied by or on behalf of Lakewood and/or other sources as noted. The findings, conclusions and recommendations contained herein are expressly conditioned upon the completeness and accuracy of such information.

Neither RVV, its parent company Remington & Vernick Engineers & Affiliates, or any affiliates related thereto (collectively "Remington & Vernick"), has any present or contemplated future interest in the Study Area that would impair our ability to perform an objective analysis. Neither employment, nor compensation of any form is contingent on the results of this Preliminary Investigation. Remington & Vernick has no personal or corporate interest in the Study Area.

4.4 Relevant Court Decisions

Municipal activities related to the Redevelopment process have been the subject of intense controversy and numerous court decisions, all based on the premise that a Redevelopment declaration permits a municipality to utilize the powers of eminent domain to acquire private property and to transfer such property to a designated Redeveloper in furtherance of an approved Project.

The more significant decisions have centered on the interpretation of the *Redevelopment Law's* various Criteria for Redevelopment Area designation and how such Criteria may appropriately be applied. While a comprehensive analysis of these decisions is beyond

the scope of this Preliminary Investigation, a review of one case (Gallenthin Realty Development, Inc. v. Township of Paulsboro²⁴) is instructive.

In Gallenthin, the Court ruled:²⁵

Because the [NJ] Constitution authorizes government redevelopment of only "blighted" areas, the Legislature did not intend N.J.S.A. 40A:12A-5(e)²⁶ to apply in circumstances where the sole basis for redevelopment is that the property is "not fully productive." Rather, subsection 5(e) applies only to areas that, as a whole, are stagnant and unproductive because of issues of title, diversity of ownership, or other similar conditions.

The Constitution expressly authorizes municipalities to engage in redevelopment of "blighted areas." The State may take private property only for a "public use." Under the Blighted Areas Clause of the New Jersey Constitution, the clearance, replanning, development, or redevelopment of blighted areas shall be a public purpose and public use for which private property may be taken or acquired. The [Redevelopment Law] empowers municipalities to designate property as "in need of redevelopment" and thus subject to the State's eminent domain power.

²⁴ 191 N.J. 344 (2007)

²⁵ Citations within these excerpts are deleted for brevity.

²⁶ a.k.a. "Redevelopment Criterion 'e'"





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When the Blighted Areas Clause [of the Constitution] was adopted in 1947, the framers were concerned with addressing the deterioration of certain sections of older cities that were causing an economic domino effect devastating surrounding properties. The Blighted Areas Clause enabled municipalities to intervene, stop further economic degradation, and provide incentives for economic investment. Although the meaning of "blight" has evolved, the term retains its essential characteristic: deterioration or stagnation that negatively affects surrounding properties.

...municipal redevelopment designations are entitled to deference provided that they are supported by substantial evidence on the record. However, the substantial evidence standard is not met if a municipality's decision is supported by only the net opinion of an expert. A municipality must establish a record that contains more than a bland recitation of applicable statutory criteria and that those criteria are met.

"Blight" is generally defined as "[s]omething that impairs growth, withers hopes and ambitions, or impedes progress and prosperity"; see New Oxford American Dictionary 177 (2d ed. 2005) (defining "blight" as "an ugly, neglected, or rundown condition of an urban area"). In 1938, an influential urban planner and author defined "blight" as "an area in which deteriorating forces have obviously reduced economic and social values to such a degree that widespread rehabilitation is necessary to forestall the

development of an actual slum condition." A more recent definition, as used in the context of urban redevelopment, describes "blight" as "an area, usually in a city, that is in transition from a state of relative civic health to the state of being a slum, a breeding ground for crime, disease, and unhealthful living conditions." Thus, the term presumes deterioration or stagnation that negatively affects surrounding areas.

The word ["blight"] was incorporated into our Constitution when the 1947 Constitutional Convention adopted the Blighted Areas Clause. According to Delegate Jane Barus, who sponsored the Blighted Areas Clause, the provision was intended to enable the "rehabilitation of our cities." Barus described the impetus for the clause as follows:

Certain sections of [the older cities in the State] have fallen in value, and have [become] what [are] known as "blighted" or "depressed" areas. This has happened, sometimes, because the population has shifted from one part of the town to another, or one section has become overcrowded. Sometimes it has happened because the district has turned to business instead of residential, or partly to business; and sometimes simply because the buildings themselves, although they were originally good and may have been fine homes, have become so outdated and obsolescent that they are no longer desirable, and hence, no longer profitable.



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These depressed areas go steadily downhill. The original occupants move away, the rents fall, landlords lose income and they make up for it by taking in more families per house. It's impossible to keep the properties in good condition, the houses deteriorate more and more, and what was once a good section of the town is on the way to becoming a slum.

Naturally, this slump in value is not confined to the original area affected. It spreads to neighboring blocks. No one person... can counteract this spread, because no one can afford to sink money into a blighted area... because the improvement is so small that it cannot turn the tide of deterioration.

Accordingly, in adopting the Blighted Areas Clause, the framers were concerned with addressing a particular phenomenon, namely, the deterioration of "certain sections" of "older cities" that were causing an economic domino effect devastating surrounding properties. The Blighted Areas Clause enabled municipalities to intervene, stop further economic degradation, and provide incentives for private investment.

In upholding that definition of blight, we observed: Community redevelopment is a modern facet of municipal government. Soundly planned redevelopment can make the difference between continued stagnation and decline and a resurgence of healthy growth. It provides the means of removing the decadent effect of slums

and blight on neighboring property values, of opening up new areas for residence and industry. In recent years, recognition has grown that governing bodies must either plan for the development or redevelopment of urban areas or permit them to become more congested, deteriorated, obsolescent, unhealthy, stagnant, inefficient and costly.

At its core, "blight" includes deterioration or stagnation that has a decadent effect on surrounding property.

...non-blighted parcels may be included in a redevelopment plan if necessary for rehabilitation of a larger blighted area...

In sum, the Gallenthin Court upheld the 'expanded' interpretation of "blight" contained in the New Jersey Constitution and provide guidance as to the application of certain Redevelopment Criteria.

In 2013, the New Jersey Legislature adopted revisions to the *Redevelopment Law* to codify certain aspects of Gallenthin and other Court rulings.

4.5 While the analyses contained in this Report of Findings are guided by the foregoing overarching principals, this Report of Findings recognizes that:

- Gallenthin focused on a specific section of the *Redevelopment Law*;
- there are sections of the Gallenthin decision which are less than fully definitive;



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- Other Courts may have reached conclusions that differ from Gallenthin based on the specific issues involved in each individual case;
- the 2013 amendments to the *Redevelopment Law*, while based, in part, on Gallenthin, have yet to be tested; and
- there are other cases in various stages of the court process and other bills pending in the Legislature which may ultimately change the way Preliminary (Redevelopment) Investigations are conducted.

As such, neither Gallenthin nor the 2013 amendments to the *Redevelopment Law* are likely to be the 'last word' in the Redevelopment process. Accordingly, the approach to the following analyses is grounded in an understanding of the *Redevelopment Law* and case law ~ *at Publication*.



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5.0 FRANKLIN STREET STUDY AREA

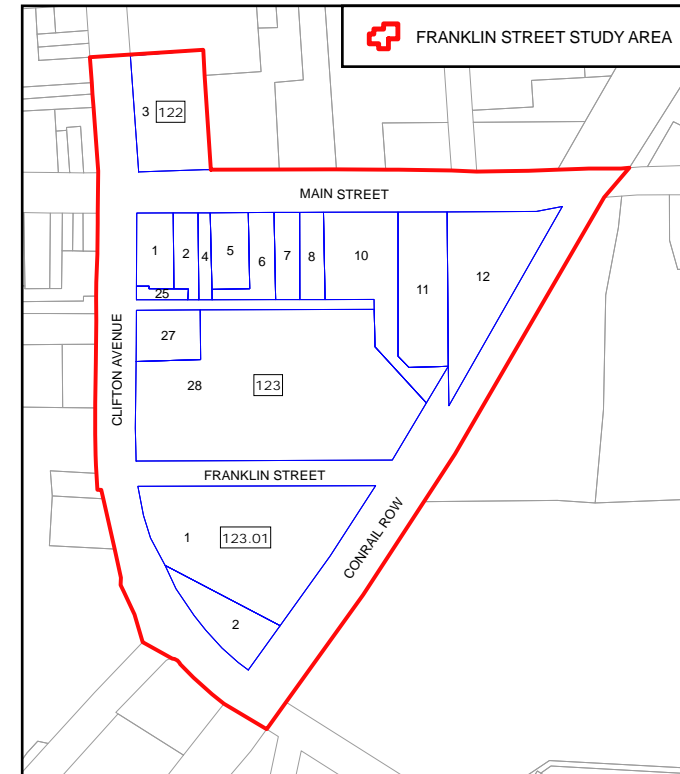
5.1 Study Area Delineation²⁷

5.1.1 As directed by the Governing Body via Township Resolution No. 2014-263,²⁸ the Study Area for this Preliminary Investigation consists of the following Blocks and Lots, along with the associated rights-of-way.

BLOCK	LOT(S)
122	3
123	1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 25, 27 & 28
123.01	1 & 2

The Study Area contains (approximately) 10.5 acres in the form of Tax Lots, 2.4 acres in the form of the railroad right-of-way and 5.2 acres in the form of public rights-of-way for a total of 18.1 acres.²⁹

5.1.2 In satisfaction of N.J.S.A. 40A:12A-6 b., the Planning Board has placed on file with the Township Clerk, a map showing the boundaries of the Study Area and the location of all blocks and lots therein, as well its Resolution of August 12, 2014.²⁸ Collectively, these documents form the Township’s Statement for the Basis of this Investigation.



5.2 Study Area Zoning

Zoning in the Study Area is split. Block 122, Lot 3 (Post Office) is zoned Central Business (B-2). The balance of the Study Area is zoned Wholesale Service (B-4). Permitted Uses and Bulk Requirements for these Zones are embodied in the Townships Unified Development Code.³⁰

²⁷ Exhibit 1

²⁸ On file with the Township Clerk and/or Planning Board Secretary.

²⁹ Area calculations were developed from the attribute data appended to the Township’s electronic Tax Maps. Information is therefore deemed accurate to the level of the scale. A Property Survey of the Study Area and the individual parcels therein, performed by a licensed Land Surveyor, is required for precise measurements. Where discrepancies between the Tax Map and the Assessor’s data exist, the Tax Map shall govern.

³⁰ Exhibit 2





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5.3 Study Area Land Uses

At Publication, the Study Area contained the following Land Uses:³¹

LAND USE	# PARCELS	% STUDY AREA
RAILROAD RIGHT-OF-WAY ³²	1	5.9%
MULTI-USE (INDUSTRIAL / AUTOMOTIVE / COMMERCIAL)	2	11.8%
VACANT BUILDING	3	17.6%
VACANT LAND	10	58.8%
VACANT STOREFRONT / VACANT LAND ³³	1	5.9%

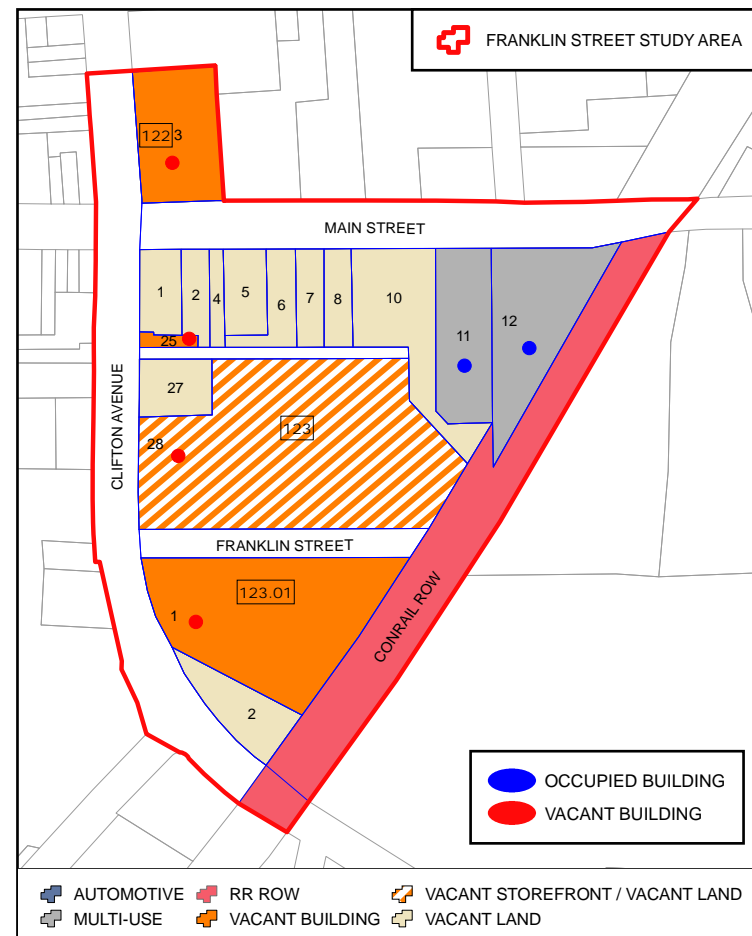
LAND USE	ACRES	% STUDY AREA
RAILROAD RIGHT-OF-WAY ³²	2.36	18.3%
MULTI-USE (INDUSTRIAL / AUTOMOTIVE / COMMERCIAL)	1.68	13%
VACANT BUILDING	2.69	20.9%
VACANT LAND	2.89	22.5%
VACANT STOREFRONT / VACANT LAND ³³	3.26	25.3%

³¹ Not including public rights-of-way.

³² Treated as a Parcel for the purposes of this analysis.

³³ Block 123, Lot 28 is a 3.2-acre Parcel containing a vacant, approximately 1,200 s.f., one story masonry building fronting Clifton Avenue. While the building is de minimis in size compared to the area of the Lot (0.9% building coverage) and has been deemed unsafe for human occupancy (§6.14), the Parcel is considered improved.

OCCUPANCY	# PARCELS
OCCUPIED BUILDING	2
VACANT BUILDING	4





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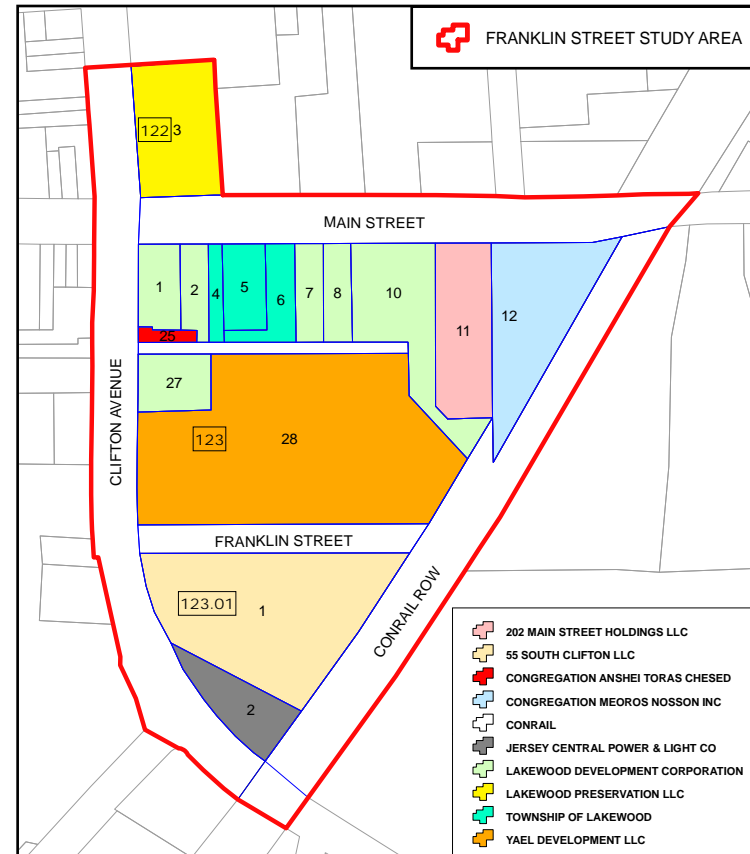
5.4 Study Area Ownership

At Publication, the Parcels in the Study Area were owned as follows:³⁴

OWNER	# PARCELS	% STUDY AREA
202 MAIN STREET HOLDINGS LLC	1	5.9%
55 SOUTH CLIFTON LLC	1	5.9%
CONGREGATION ANSHEI TORAS CHESED	1	5.9%
CONGREGATION MEOROS NOSSON INC	1	5.9%
CONRAIL ³⁵	1	5.9%
JERSEY CENTRAL POWER & LIGHT CO	1	5.9%
LAKEWOOD DEVELOPMENT CORPORATION	7	35.3%
TOWNSHIP OF LAKEWOOD	2	17.6%
LAKEWOOD PRESERVATION LLC	1	5.9%
Yael DEVELOPMENT LLC	1	5.9%

OWNER	ACREAGE	% STUDY AREA
202 MAIN STREET HOLDINGS LLC	0.69	6.4%
55 SOUTH CLIFTON LLC	1.87	17.4%
CONGREGATION ANSHEI TORAS CHESED	0.05	0.5%
CONGREGATION MEOROS NOSSON INC	0.99	9.2%
CONRAIL ³⁵	2.36	22.0%
JERSEY CENTRAL POWER & LIGHT CO	0.39	3.6%
LAKEWOOD DEVELOPMENT CORPORATION	0.25	2.3%

OWNER	ACREAGE	% STUDY AREA
TOWNSHIP OF LAKEWOOD	0.10	0.9%
LAKEWOOD PRESERVATION LLC	0.77	7.2%
Yael DEVELOPMENT LLC	3.26	30.4%



³⁴ Not including public rights-of-way.

³⁵ Treated as a Parcel for the purposes of this analysis.





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5.5 Study Area Soils, Wetlands & Topography

5.5.1 Soils & Wetlands³⁶

NJDEP classifies the soils in the Study Area as developable uplands as well as:

- Deciduous Forest (10-50% Crown Closure);
- Deciduous Wooded Wetlands;
- Disturbed Wetlands (Modified); and
- Wetland Rights-of-Way (Modified)

5.5.2 Wetlands & Wetlands Buffers^{36, 37}

A. The Study Area is significantly encumbered by NJDEP-mapped wetlands and their associated buffers. Absent site-specific analyses and formal application to NJDEP, the wetlands associated with the Study Area command a 50' buffer.



³⁶ www.nj.gov/dep/gis/landscape.html

³⁷ www.state.nj.us/dep/gis/stateshp.html#SWQS





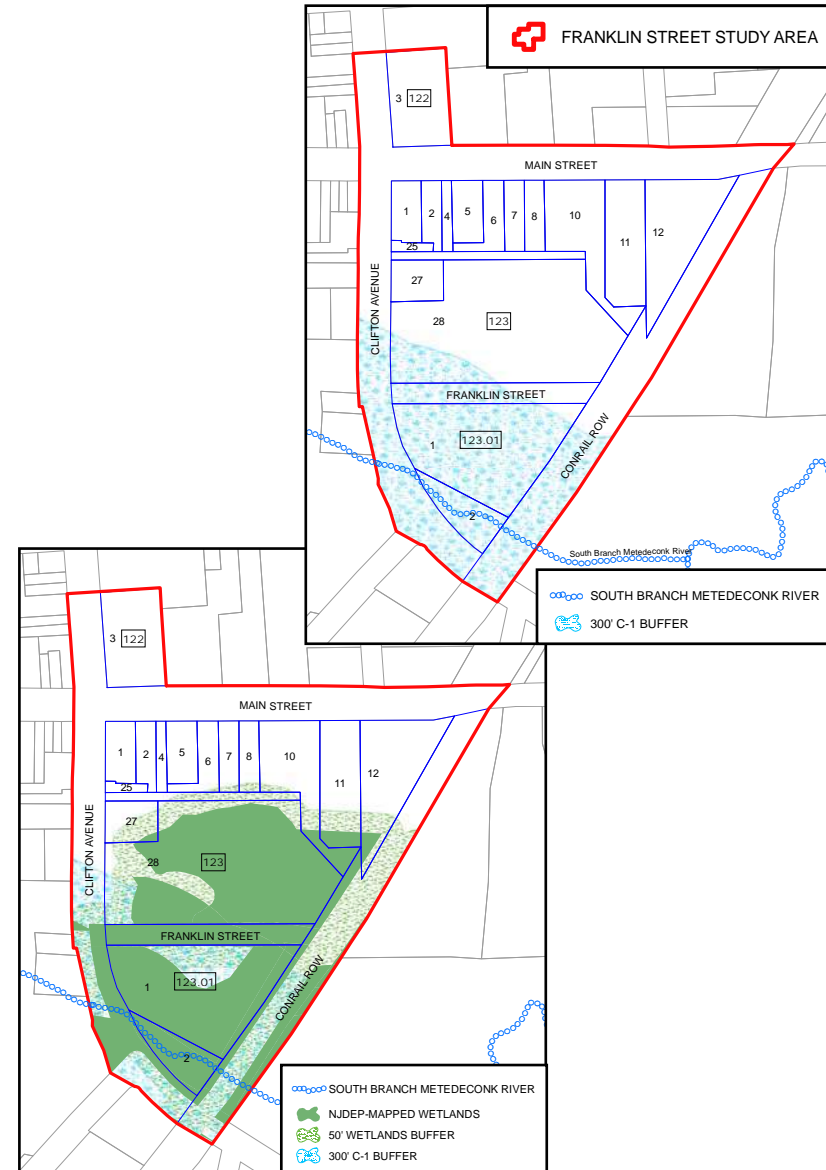
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B. Additionally, the Study Area is significantly impacted by the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody, defined as waters protected from any measurable changes in water quality because of their exceptional ecological, recreational, water supply, or fisheries resource significance.³⁸

Absent site-specific analyses and application to NJDEP, C-1 Waters command a 300' buffer.

C. Collectively, the wetlands, wetlands buffers and C-1 buffer significantly impacts the core and southern portion of the Study Area.



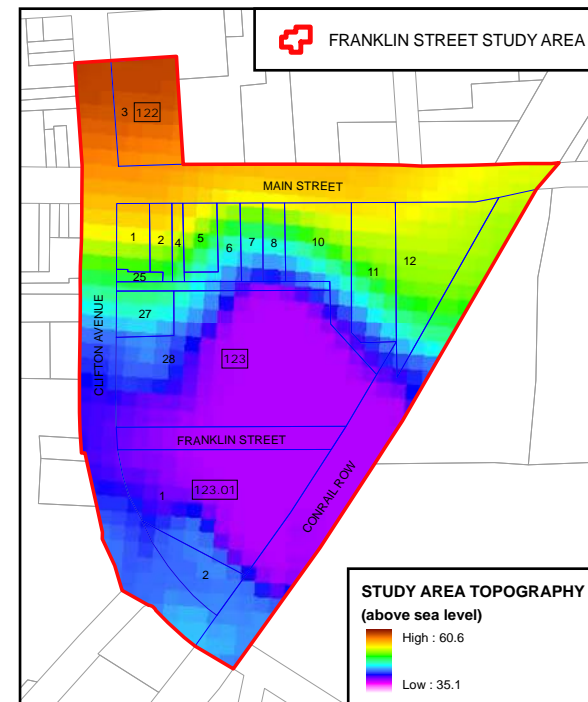
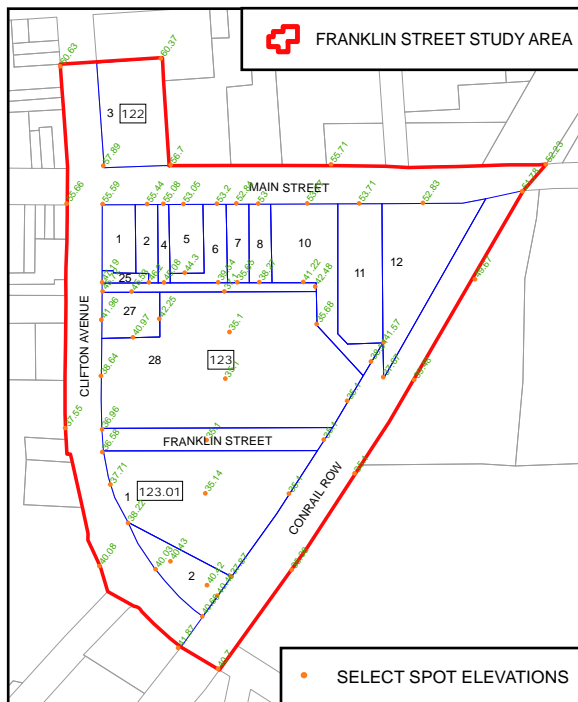
³⁸ Surface Water Quality Standards rules at N.J.A.C. 7:9B-1.4





5.5.3 Topography

The topography of the Study Area ranges from approximately 60.6' above sea level at the edges of the Area to approximately 35.1' above sea level at the Area's interior, a drop of approximately 25.5'.³⁹



³⁹ Topography derived from extrapolating NJDEP elevation data downloaded from www.state.nj.us/dep/gis/wmalattice.html#WMA13, utilizing the Spatial Analyst 9.3 utility in ESRI ArcMap 9.3. Information is therefore deemed accurate to the degree the source material is accurate. A Property Survey of the Study Area and the individual parcels therein, performed by a licensed Land Surveyor, is required for precise measurements.

See www.state.nj.us/dep/gis/wmalattice.html#WMA13 for Metadata and additional relevant disclaimers.



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5.6 Smart Growth & Regulatory Environment

5.6.1 Smart Growth

Smart Growth is a term given to planning theories and practices designed to combat the suburban sprawl experienced in New Jersey (and other states) in the post-World War II era.

Prior to the War, the nation's population generally lived in compact neighborhoods where people could walk from their homes to work, to shop or to go to school, or could take advantage of public transportation for these needs. The post-War emergence of the American middle-class, the privately-owned automobile and the interstate highway system provided the ability for people to retreat from Cities to suburbia, with its larger lot sizes and cul-de-sac communities.

Over the decades, once-new suburbs became old and tired. Simultaneously, the reliance on the automobile caused increased traffic congestion, as public transportation was replaced by the need to drive from 'secluded' communities to office parks, strip malls and regional shopping centers.

As families perceived their quality of life diminishing, they began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban⁴⁰, exurbs became suburban, and the open space that heretofore separated communities vanished. **THE RESULT WAS "SPRAWL"**.

To combat sprawl while recognizing the need to accommodate an ever-expanding population, planners have developed a series of principles known as Smart Growth. It is hoped that the application of these principles will redirect (re)development to the Cities and other areas of existing infrastructure, and preserve green space while providing the new development required to service an expanding population.

The following Smart Growth principles are generally accepted by planners and lawmakers as guidelines for effective land use and design, and have been incorporated, explicitly or implicitly, into the body of state and local regulations adopted to combat sprawl.

- Plan and build Master Planned Communities utilizing compact, clustered design, walkable neighborhoods and distinctive, attractive areas offering a Sense of Place.
- Encourage infill (re)development by directing future growth to existing communities and areas with existing infrastructure, thereby strengthen existing neighborhoods.
- Mix land uses to include residential, commercial and open space into new development projects and thereby reduce the need for the automobile.
- Provide transportation choices, including readily-accessible public transportation.
- Provide housing opportunities to all income levels by developing a range of housing choices.

⁴⁰ Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.



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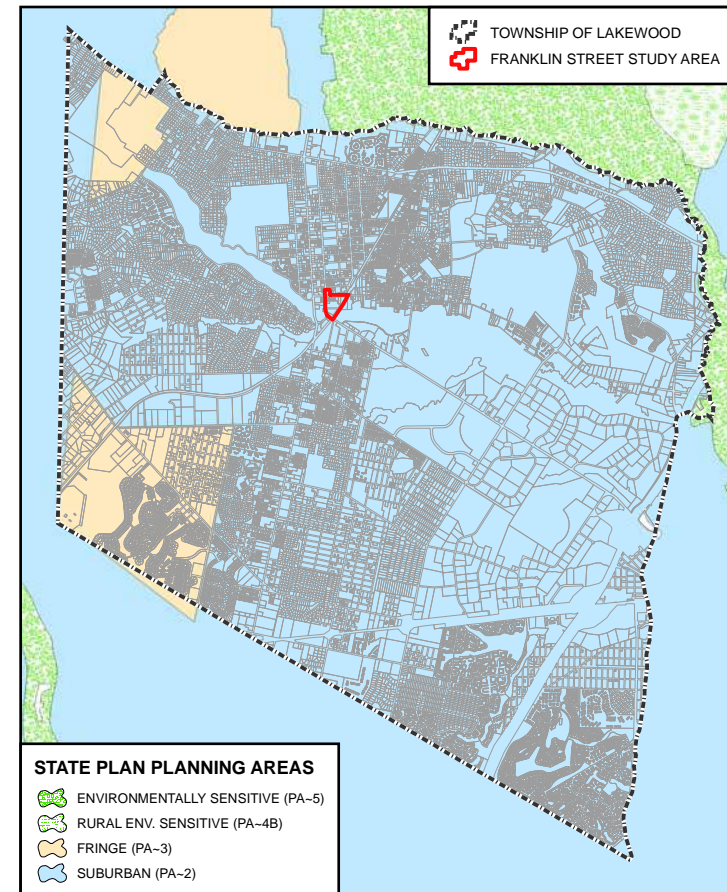
- Conserve Open Space by requiring green space, farmland preservation and scenic resource preservation.
- Lower barriers and provide opportunities for Smart Development by use of targeted Smart Growth regulations.
- Utilize high quality design and planning techniques to produce predictable, fair and cost-effective development decisions.
- Collaborate on solutions by including the community and stakeholders in the (development) decision-making process.

5.6.2 State Development & Redevelopment Plan

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*.⁴¹ Promulgated by the State Planning Commission⁴² as the equivalent of a statewide master plan to guide development and investment, this document is an outline of the State's policies related to Smart Growth and general planning principles.

Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey⁴³, the State Plan is the controlling policy guide regarding growth-related issues on a statewide level.

The State Plan classifies the section of Lakewood that contains the Franklin Street Study Area as a Regional Center within a 'PA-2 (Suburban) Planning Area'.



⁴¹ "State Plan". The current version of the State Plan was adopted in March 2001.

⁴² In conjunction with the (now entitled) Office of Planning Advocacy

⁴³ Principally, but not exclusively, NJDCA and NJDEP.



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As detailed in the State Plan.⁴⁴

- A. Suburban Planning Areas are intended to provide for much of the state's future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns.

These goals will be met by strategies to [in principal part]: zone Centers for the densities needed to absorb growth; support needed improvements for downtown business communities by establishing programs such as "Special Improvement Districts" in Centers; and capitalize on the opportunities for redevelopment in Centers afforded by redevelopment laws and brownfields redevelopment programs. In addition to standard zoning and capital budgeting approaches, ...consider other planning tools such as... capital plans, public land banking, density transfer mechanisms,... detailed regulating plans, redevelopment statutes, acquisition of targeted open space... and public / private... partnerships.

- B. Centers are compact forms of development that consume less land, deplete fewer natural resources and are more efficient in the delivery of public services. The concept of Centers is the key organizing principle for development and redevelopment.⁴⁵

- C. Regional Centers are settlements or locations for development along or near transportation corridors. They are the locus of high intensity, mixed-use development, with a density of more than 5,000 people per square mile and an emphasis on employment. They have a compact character and possess sufficient density and adequate design to support pedestrian mobility and public transportation services. They possess substantial market demand to enable them to function as a magnet to attract development from within the corridor and from surrounding areas without competing with Urban Centers.⁴⁶

To accomplish these goals, State Plan has established the following [pertinent] Policy Objectives:⁴⁷

Land Use: Guide development and redevelopment into more compact forms: Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and cultural amenities. Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses, and remove or mitigate physical barriers between them. Encourage densities capable of supporting transit...

⁴⁴ State Plan: pp. 162-163

⁴⁵ State Plan: p.10

⁴⁶ State Plan: p. 305

⁴⁷ State Plan: pp. 165-166



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Housing: Provide a full range of housing choices primarily in Centers at appropriate densities to accommodate the area's projected growth. Ensure that housing in general ~ and in particular affordable, senior citizen, special needs and family housing ~ is developed with maximum access to a full range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher density single-family housing in Centers...

Economic Development: Guide opportunities for economic development into Centers or existing pedestrian- and transit-supportive single-use areas. Target new jobs to these locations.

Transportation: Maintain and enhance a transportation system that links Centers and existing large single-use areas to each other, to Metropolitan Planning Areas and to major highway and transit corridors. Emphasize the use of public transportation systems and alternative modes of transportation where appropriate and feasible, and maximize circulation and mobility options (including pedestrian and bicycle connections between developments) throughout. Encourage significant redevelopment and intensification around existing and planned rail stations along transit corridors... Promote flexible (variable route) transit and support employer-operated shuttle services...

Natural Resource Conservation: Conserve continuous natural systems, strategically located open space and buffer Critical Environmental Sites. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link into other Planning Areas.

Recreation: Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects. ...Acquire and improve neighborhood and municipal parkland within Centers...

Redevelopment: Encourage redevelopment efforts in existing Centers... which can be redeveloped into mixed-use areas, and areas within walking distance of train stations or other major public transit facilities. Redevelop at transit-supportive densities, while creating pedestrian-oriented environments. Take full advantage of the opportunities available under the State's redevelopment statutes to promote new Centers and retrofit existing areas with mixed uses and higher densities.

Public Facilities and Services: Phase and program the extension of public facilities and services to support development in Centers and ensure adequate levels of public and private services. Encourage jurisdictions to



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locate all public and private community facilities ~ schools, libraries, municipal buildings, government offices, post offices, civic, cultural and religious facilities, fire stations, etc. ~ in Centers or in proximity to (within walking distance of) Centers. Central facilities serving a wide population should be located in or near Cores.

Intergovernmental Coordination: ...Create public / public and public / private partnerships to locate, facilitate, coordinate and implement new development and redevelopment in Centers.

5.6.3 Implications for this Preliminary Investigation

The *Redevelopment Law*⁴⁸ provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The Smart Growth Planning Principles adopted by the State Plan are largely design- and process-based guidelines which become operationalized in the form of land use regulations and building controls. As such, application of these principles is not relevant to a Preliminary (Redevelopment) Investigation ~ which is, in effect, an existing conditions analysis. ***Rather, such principles are appropriately instituted as part of a Redevelopment Plan.***

Under the *Redevelopment Law*, a Redevelopment Plan is not statutorily authorized until an area has been formally designated to be In Need of Redevelopment. It is therefore not possible to know, at this (Preliminary Investigation) stage of the process, the extent to which the Smart Growth land use or design principles may be achieved within the Study Area ~ should such Area eventually be declared to be In Need of Redevelopment.

While premature at this stage of the Redevelopment process, the Township has committed that any eventual Redevelopment Plan will include, to the maximum extent practicable, the applicable Smart Growth Policy Objectives embodied in the State Plan.

⁴⁸ N.J.S.A. 40A:12A-5h





**6.0 APPLICABILITY OF STATUTORY CRITERIA:
STUDY AREA LOTS**

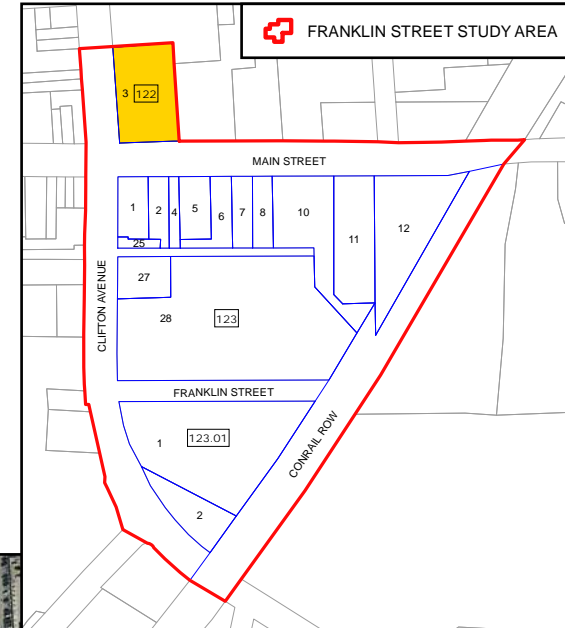
6.1 Block 122, Lot 3: 19 Clifton Avenue

6.1.1 Background

Block 122, Lot 3 is a 0.81-acre lot hosting the former Lakewood branch of the U.S. Post Office. Accessory off-street parking lots are located on the Main Street and Clifton Avenue sides of the property. A loading dock is accessed from Main Street.

The U.S. Postal Service closed this location in November 2014.⁴⁹ The property has been sold to Lakewood Preservation LLC".

An Art Deco-designed building erected during the Great Depression by Works Progress Administration, NJDEP has identified Lot 3 as an Historic Property that is either: a) included in the New Jersey or National Registers of Historic Places, determined to be Eligible for inclusion through Federal or state processes as administered by the New Jersey Historic Preservation Office; or b) identified as Historic through cultural resource survey or other documentation on file at the State Historic Preservation Office.⁵⁰ A Historic Preservation and Conservation Easement, dated 11/18/14, is on file with the Ocean County Clerk.



⁴⁹ As reported in the Asbury Park Press
(<http://www.app.com/story/news/local/jackson-lakewood/lakewood/2014/09/24/lakewood-post-office-closing/16180639/>)

⁵⁰ www.state.nj.us/dep/gis/digidownload/zips/statewide/historic_properties.zip





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2014 Clifton Avenue View (Looking East)
Mid-Block (1) to Main Street (3)



2014 Main Street View (Looking North)
Clifton Avenue (5) to Mid-Block (6)



2014 Main Street View (Looking Northwest)
from Intersection



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6.1.2 Redevelopment Criterion 'a'⁵¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The building on Block 122, Lot 3 does not appear to possess any of the characteristics required under Criterion 'a'. **Criterion 'a' therefore can not be said to apply.**

6.1.3 Redevelopment Criterion 'b'⁵²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

At Publication, the Post Office use had been discontinued and the building was vacant. Criterion 'b' applies.

⁵¹ N.J.S.A. 40A:12A-5a

⁵² N.J.S.A. 40A:12A-5b

6.1.4 Redevelopment Criterion 'c'⁵³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 122, Lot 3 not owned by a qualifying entity and is not vacant land. **Criterion 'c' therefore does not apply.**

6.1.5 Redevelopment Criterion 'd'⁵⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

⁵³ N.J.S.A. 40A:12A-5c

⁵⁴ N.J.S.A. 40A:12A-5d





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The building on Block 122, Lot 3 does not appear to possess any of the characteristics required under Criterion 'd'. **Criterion 'd' therefore can not be said to apply.**

6.1.6 Redevelopment Criterion 'e'⁵⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

The building on Block 122, Lot 3 does not appear to possess any of the characteristics required under Criterion 'e'. **Criterion 'e' therefore can not be said to apply.**

6.1.7 Redevelopment Criterion 'f'⁵⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 122, Lot 3 is less than 5 acres and the building thereon has not been destroyed by any of the qualifying actions under Criterion 'f'. **Criterion 'f' therefore does not apply.**

6.1.8 Redevelopment Criterion 'g'⁵⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 122, Lot 3 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.1.9 Redevelopment Criterion 'h'⁵⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

⁵⁵ N.J.S.A. 40A:12A-5e

⁵⁶ N.J.S.A. 40A:12A-5f

⁵⁷ N.J.S.A. 40A:12A-5g

⁵⁸ N.J.S.A. 40A:12A-5h





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The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 122, Lot 3 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.1.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*⁵⁹

- A. The building on Lot 3 is either included or is eligible for inclusion on the State or Federal Register of Historic Places, or has otherwise been found to be Historic. In either case, a Historic Preservation and Conservation Easement has been placed on the property.

As such, the building is of cultural significance to the Township and thus the Study Area.

- B. Logically, the owner of Lot 3 could either demolish the building in favor of new construction⁶⁰ or renovate it for a new use. Clearly, demolition would eliminate this cultural asset from the Study Area. The name of the current owner, "Lakewood Preservation LLC", and the Historic Preservation and Conservation Easement placed on the property, suggests that renovation is envisioned.

Renovation and reuse can be quite expensive, especially where the goal is to maintain the historic integrity of the structure. While public funding for Historic Renovation and Adaptive Reuse is available, such funding requires that the structure be rehabilitated and maintained in accordance with the U.S. Secretary of the Interior's "Standards for the Treatment of Historic Properties".⁶¹ In general:

- a. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*

⁶⁰ Contrary to popular opinion, buildings recognized as Historic by the State and/or Federal governments are not prohibited from being demolished.

⁶¹ Weeks, Kay & Grimmer, Anne. The US Secretary of the Interior's Standards for the Treatment for Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. US Department of the Interior, 1995.

Published in 1990 (CFR Part 67, Historic Preservation Certifications) these Standards address historic buildings of all materials, construction types, sizes and occupancy, and encompass the exterior and the interior of historic buildings, related landscape features, the building's site and environment and attached, adjacent or related new construction.

These Standards are to be applied in a reasonable manner, **taking into consideration economic and technical feasibility.**

⁵⁹ N.J.S.A. 40A:12A-3





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- b. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- c. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- d. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- e. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*
- f. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- g. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- h. *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
- i. *New additions, exterior alteration, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- j. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Given these constraints, traditional historic preservation financing may not be sufficient to renovate the building to maximum benefit for the Study Area. While it is typical for historic preservation projects to take advantage of such



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financing over numerous funding rounds, the Redevelopment of the Study Area must be accomplished as expeditiously as possible. Attempting to tap increasingly scarce preservation resources over time will not achieve this goal.

As detailed in the introduction to this Report of Findings, the *Redevelopment Law* permits municipalities (and certain other governmental entities) to provide financial incentives to qualified Redevelopment Projects. If included in a Redevelopment Area, such incentives could be extended to Block 122, Lot 3, and could be combined with traditional historic preservation financing to insure that that the building retains its historic context as an asset for the Township and the Study Area.

- C. As detailed in the Township's 2007 Master Plan Reexamination,⁶² Lakewood's 1999 Master Plan included the following goals and objectives:

Goal:

Preserve the integrity of historically significant properties in the Township, which create the rich history and positive image of Lakewood.

Objectives:

Identify additional properties for inclusion on National, State, and local historic registers.

Refine development standards to retain the history and integrity of landmarks and other noteworthy sites and buildings.

The 2007 Reexamination⁶³ included as an (2007) Objective:

Consider the preparation and adoption of a Historic Preservation Element of the Master Plan.

Accordingly, the historic preservation of the former Post Office building as described herein is consistent with the Township's 1999 Master Plan and its 2007 Master Plan Reexamination.

It is therefore recommended that Block 122, Lot 3 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.1.11 Summary & Recommendation

Block 122, Lot 3 satisfies Criteria 'b', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.

⁶² p. 5.

⁶³ p. 62.



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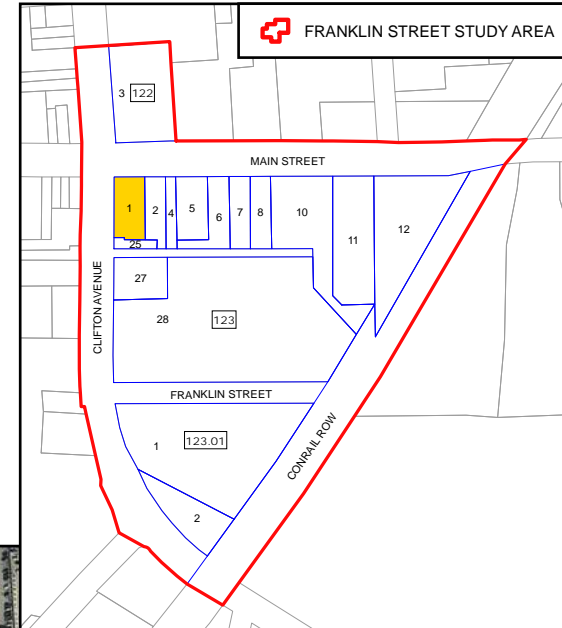
6.2 Block 123, Lot 1: 250 Main Street

6.2.1 Background⁶⁴

Block 123, Lot 1 is a 0.25-acre parcel that was acquired by the Lakewood Development Corporation ("LDC") in 2011 with the intention of transferring it to a Redeveloper in furtherance of the Township's Redevelopment efforts.

Records held by the LDC indicate that Lot 1 was formerly the site of the Roey's Drive-In restaurant. This small building was vacant when acquired and was in poor condition as of the third quarter of 2009. The building was demolished in 2011. At Publication, Lot 1 sits as a weed-strewn vacant lot with a deteriorated asphalt surface. It is a portion of a fenced-in assemblage of lightly-vegetated vacant lots ~ awaiting redevelopment.

LDC records suggest that the site may have been used as a local landfill at some point in its history, and that waste may have been present on the site in 2009.



⁶⁴ Self-Contained Appraisal Report, Market Value As-Is. Roey's Drive-In, 250 Main Street, Block 123/Lot 1, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009. AJ Lehman Appraisal Inc. October 9, 2009.

Summary Appraisal Report of Commercial Building-Roey's Drive-In, 250 Main Street, Lakewood, Ocean County, New Jersey 08701. Marmur Appraisals. September 25, 2009.

All on file with the Lakewood Development Corporation.





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2014 Clifton Avenue View (Looking East)
 Main Street (1) to Mid-Block (3)



2014 Main Street View (Looking South)
 Mid-Block (4) to Clifton Avenue⁶⁵ (5)



2014 Interior View
 Looking Southeast



2014 Interior View
 Looking South



2014 Interior View
 Looking East

⁶⁵ Mid-Block view may overlap with adjacent Lot 2.



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6.2.2 Redevelopment Criterion 'a'⁶⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The building on Block 123, Lot 1 was demolished in 2011. **While Criterion 'a' would have applied prior to demolition, this is no longer the case.**

6.2.3 Redevelopment Criterion 'b'⁶⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

The building on Block 123, Lot 1 was a vacant restaurant that was demolished in 2011. **While Criterion 'b' would have applied prior to demolition, this is no longer the case.**



2009 Aerial⁶⁸

6.2.4 Redevelopment Criterion 'c'⁶⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

⁶⁶ N.J.S.A. 40A:12A-5a

⁶⁷ N.J.S.A. 40A:12A-5b

⁶⁸ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

⁶⁹ N.J.S.A. 40A:12A-5c





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Block 123, Lot 1 is owned by the Lakewood Development Corporation, which is an instrumentality of the Township.

While the economics of the remediation necessary to address the environmental contamination on / under Lot 1 is beyond the scope of this Preliminary Investigation, it is likely that any remediation would need to be linked to a Redevelopment Project in order to be viable. However, it is *not likely* that a project on this relatively small lot will be able to absorb the added costs of remediation; making it unlikely that the site will be developed solely via private capital. **Criteria 'c' therefore applies.**

6.2.5 Redevelopment Criterion 'd'⁷⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 1 is a portion of a larger assemblage of vacant lots. While additional investigation is required, the potential of contaminated soils represents an "other factor" that may be detrimental to the safety, health and welfare of the community. **Criterion 'd' therefore applies.**

6.2.6 Redevelopment Criterion 'e'⁷¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. As a vacant restaurant since prior to 2009 and as vacant land since 2010, Block 123, Lot 1 represents a *growing and now total lack of proper utilization, resulting in a stagnant and unproductive condition of land.*
- B. Block 123, Lot 1 is located in the core of the downtown commercial section of Lakewood; at the intersection of SR 88⁷² and Clifton Avenue, which run through the Township. Thriving businesses in proximity to Lot 1 suggest that it is *potentially useful and valuable for contributing to and serving the public welfare.*

⁷¹ N.J.S.A. 40A:12A-5e

⁷² i.e., Main Street

⁷⁰ N.J.S.A. 40A:12A-5d





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2014 Clifton Avenue View (Looking West)
South Clifton Avenue (1) to Main Street (5)



2014 Main Street View
Clifton Avenue Looking South



2014 Main Street View
Clifton Avenue Looking North



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As vacant, tax-exempt land,⁷³ Lot 1 makes no contribution to the public sector, contributes nothing to the Lakewood Urban Enterprise Zone, supports no jobs and adds nothing to the *social or economic vitality* of the Township. As such, Lot 1 represents a *negative social and economic influence* for the Township and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community.*

C. The potential of environmental contamination on / under Lot 1 acts as an encumbrance on the property, resulting in what amounts to a *cloud on the title that discourages the undertaking of improvements* on this relatively small lot.

Based on the totality of the foregoing, Block 123, Lot 1 represents a *growing and now total lack of proper utilization* caused by environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public welfare*; thereby contributing to the *negative social and economic condition of the Study Area. Criterion 'e' therefore applies.*

6.2.7 Redevelopment Criterion 'f'⁷⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 1 is less than 5 acres and the building thereon was not destroyed by any of the qualifying actions. **Criterion 'f' therefore does not apply.**

6.2.8 Redevelopment Criterion 'g'⁷⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 1 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies,** albeit for the limited purposes specified in the *Redevelopment Law.*

6.2.9 Redevelopment Criterion 'h'⁷⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

⁷³ As a 501(c)3 corporation, the LCD is exempt from paying property taxes.

⁷⁴ N.J.S.A. 40A:12A-5f

⁷⁵ N.J.S.A. 40A:12A-5g

⁷⁶ N.J.S.A. 40A:12A-5h





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The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 1 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.2.10 Summary & Recommendation

Block 123, Lot 1 satisfies Criteria 'c', 'd', 'e', 'g' and 'h' of the Redevelopment Law.



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6.3 Block 123, Lot 2: 242-244 Main Street

6.3.1 Background⁷⁷

Block 123, Lot 2 is a 0.18-acre parcel that was acquired by the Lakewood Development Corporation in 2008 with the intention of transferring it to a Redeveloper in furtherance of the Township's Redevelopment efforts.

Records held by the LDC indicate that Lot 2 was formerly the site of a 2-story, 5,321 s.f. mixed-use building. Over the years, uses of the building included a ground floor tin shop, carpet shop, automobile tire vulcanizing operation and service station (1916 - 1948), automobile supply and service station (with fuel tanks) and a bicycle parts and repair operation. Apartments were located on the second floor.

This history of use suggest that environmental contamination may existing on this site. As such, Lot 2 was subject to a Hazardous Discharge Site Remediation Fund grant, confirming that environmental contamination existed at that time.

The building, which was documented in 1997 to be approximately 80 years old and in poor condition ~ with residential units that had not been occupied "in numerous years" and "very old" electrical and plumbing systems ~ was demolished in 2003.



⁷⁷ Current, Complete Appraisal of 242 Main Street, Block 123, Lot 2, Lakewood, New Jersey (JC&A #: 98060501). John Coan & Associates, Inc. July 13, 1997.

Correspondence form Birdsell Services Group to Russell Corby of the Lakewood Development Corporation. January 14, 2008.

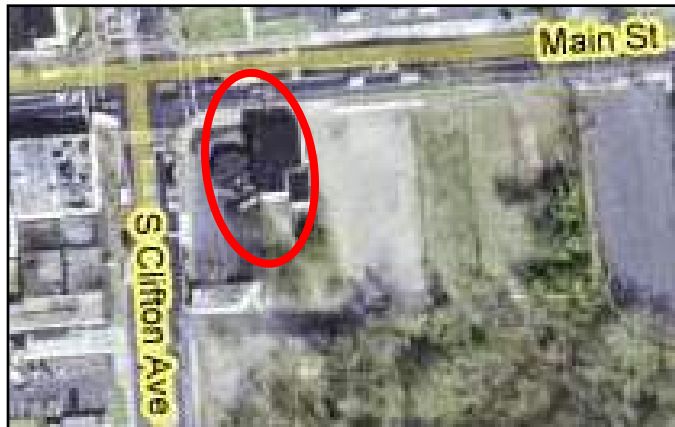
Both on file with the Lakewood Development Corporation.





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2007 Aerial⁷⁸

LDC records reveal a history of soils and groundwater contamination at the site, with chlorinated solvents tetrachloroethylene (PCE) and trichloroethylene (TCE) found at concentrations exceeding NJDEP Groundwater Quality and Soil Remediation Standards. In 2008, NJDEP required additional testing and as well as the installation of temporary and permanent monitoring wells.

In August 2008, the LDC entered into a Memorandum of Understanding with NJDEP, thereby committing to remediate the site. At Publication, a Preliminary (environmental) Assessment Report for Lot 2 and a more detailed Site Investigation have been completed. Buried debris, fill material and site contamination were encountered. Additional soils and groundwater sampling are underway to attempt to delineate the extent of the contamination.



2014 Main Street View (Looking South)⁷⁹



2014 Interior View (Looking West)
Subject toward top of photograph⁷⁹

⁷⁸ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Former Villa Del Mare. 212 Main Street Block 123/Lot 10, Lakewood Township, Ocean County, New Jersey, As of May 21, 2007.* AJ Lehman Appraisal Inc. June 29, 2007.

⁷⁹ View may overlap with adjacent Lots 1 & 3.



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6.3.2 Redevelopment Criterion 'a'⁸⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The building on environmentally-contaminated Block 123, Lot 2 was demolished in 2003. **While Criterion 'a' would have applied prior to demolition, this is no longer the case.**

6.3.3 Redevelopment Criterion 'b'⁸¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

While the residential units on Block 123, Lot 2 were long-vacant at time of demolition, the ground floor commercial space appears to have been occupied. **While Criterion 'b' may have applied prior to demolition, this is no longer the case.**

⁸⁰ N.J.S.A. 40A:12A-5a

⁸¹ N.J.S.A. 40A:12A-5b



6.3.4 Redevelopment Criterion 'c'⁸²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 2 has been unimproved and vacant since 2003. It is owned by the Lakewood Development Corporation, which is an instrumentality of the Township.

A. As depicted on the graphic in §5.5.3 herein, Lot 2 is a 170'-deep parcel whose topography falls 9.2' North (i.e. Main Street) to South, resulting in a 5.9% slope. While such a slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 50'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

⁸² N.J.S.A. 40A:12A-5c



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B. Environmental contamination of Lot 2 detailed in §6.3.1 herein and the economics of remediation (§6.3.4. herein) are likely to discourage private investment for this relatively small lot ~ with its with limited potential for economic return.

Collectively, the topography and contaminated nature of the soils makes it unlikely that Lot 2 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

6.3.5 Redevelopment Criterion 'd'⁸³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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 building on environmentally contaminated Block 123, Lot 2 was demolished in 2003. **While Criterion 'd' may have applied prior to demolition, this is no longer the case.**

6.3.6 Redevelopment Criterion 'e'⁸⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. With vacant residential units since at least 1997, and as vacant land since 2003, Block 123, Lot 2 represents a *growing and now total lack of proper utilization, resulting in a stagnant and unproductive condition of land.*
- B. Block 123, Lot 2 is located in the core of the downtown commercial section of Lakewood; just off the intersection of SR 88⁸⁵ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 2 (§6.2.6 B. herein) suggest that it is potentially *useful and valuable for contributing to and serving the public welfare.*

⁸⁴ N.J.S.A. 40A:12A-5e

⁸⁵ i.e., Main Street

⁸³ N.J.S.A. 40A:12A-5d





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As vacant, tax-exempt land,⁸⁶ makes no contribution to the public sector, contributes nothing to the Lakewood Urban Enterprise Zone, supports no jobs and adds nothing to the *social or economic vitality* of the Township. As such, Lot 2 represents a *negative social and economic influence* for the Township and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community*.

C. The MOU with NJDEP acts as an encumbrance on the property, resulting in what amounts to a cloud on the title *that discourages the undertaking of improvements* on this relatively small lot.

The economics of remediation (§6.3.4 herein) are likely to discourage private investment for this relatively small lot ~ with its with limited potential for economic return.

Based on the totality of the foregoing, Block 123, Lot 2 represents a total *lack of proper utilization* caused by environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public welfare*; thereby contributing to the *negative social and economic condition of the Study Area*. **Criterion 'e' therefore applies.**

6.3.7 Redevelopment Criterion 'f'⁸⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 2 is less than 5 acres and the building thereon was not destroyed by any of the qualifying actions. **Criterion 'f' therefore does not apply.**

6.3.8 Redevelopment Criterion 'g'⁸⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 2 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

⁸⁶ As a 501(c)3 corporation, the LCD is exempt from paying property taxes.

⁸⁷ N.J.S.A. 40A:12A-5f

⁸⁸ N.J.S.A. 40A:12A-5g





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6.3.9 Redevelopment Criterion 'h'⁸⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 2 is located in a Regional Center within a PA-2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.3.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*⁹⁰

A. Block 123, Lot 2 is located between Block 123, Lots 1 and 4; both of which have been found herein to qualify as being In Need of Redevelopment.

Lot 1 is a corner lot. As such, a Redevelopment Project could theoretically be developed without this parcel. Lot 1 can not therefore be said to be necessary for inclusion in any Redevelopment Area.

If Lot 1 is not necessary, then Lot 2 becomes an extension of the corner and therefore can not be said to be necessary.

B. Should the Township formally designate Lots 1 and 4 to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 50'-wide x 170'-deep Lot 2 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 2 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.3.11 Summary & Recommendation

Block 123, Lot 2 satisfies Criteria 'c', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.

⁸⁹ N.J.S.A. 40A:12A-5h

⁹⁰ N.J.S.A. 40A:12A-3





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6.4 Block 123, Lot 4: 240 Main Street

6.4.1 Background

Block 123, Lot 4 is a 0.1-acre parcel that has been Township-owned since 1988, when the property was foreclosed upon for non-payment of taxes.

Prior ownership and development history, if any, could not be determined.

At Publication, Lot 4 sits as a portion of a fenced-in assemblage of lightly-vegetated vacant lots ~ awaiting redevelopment.





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2009 Aerial⁹¹



2014 Main Street View (Looking South)⁹²



2014 Interior View (Looking West)
Subject toward middle-top of photograph⁹²

⁹¹ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

⁹² View may overlap with adjacent Lots 2 & 5.





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6.4.2 Redevelopment Criterion 'a'⁹³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

While Block 123, Lot 4 shows signs of having previously been developed, no building currently exists. **While Criterion 'a' may have applied prior to demolition, this is no longer the case.**

6.4.3 Redevelopment Criterion 'b'⁹⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

No data as to the use of the former building on Block 123, Lot 4 has been uncovered. **While Criterion 'b' may have applied prior to demolition, this is no longer the case.**



⁹³ N.J.S.A. 40A:12A-5a

⁹⁴ N.J.S.A. 40A:12A-5b





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6.4.4 Redevelopment Criterion 'c'⁹⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 4 is a Township-owned vacant lot.

As depicted on the graphic in §5.5.3 herein, Lot 4 is a 170'-deep parcel whose topography falls 10' North (i.e. Main Street) to South, resulting in a 5.9% slope. While such a slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 25'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

Such size and topography makes it unlikely that Lot 4 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

6.4.5 Redevelopment Criterion 'd'⁹⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 4 is vacant land. No evidence has been uncovered to demonstrate that the site exhibits any of the qualifying factors under Criterion 'd'. **Criterion 'd' can not therefore be said to apply.**

6.4.6 Redevelopment Criterion 'e'⁹⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive condition of land potentially useful and valuable for contributing to and serving the public health,

⁹⁵ N.J.S.A. 40A:12A-5c

⁹⁶ N.J.S.A. 40A:12A-5d

⁹⁷ N.J.S.A. 40A:12A-5e





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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.

- A. As vacant land since at least 1988, Block 123, Lot 4 represents a *total lack of proper utilization resulting in a stagnant and unproductive condition of land.*
- B. Block 123, Lot 4 is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88⁹⁸ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 4 (§6.2.6 B. herein) suggest that it is potentially *useful and valuable for contributing to and serving the public welfare.*

As municipally-owned, tax-exempt,⁹⁹ vacant land since at least 1988, Block 123, Lot 4 has, for an extended period of time, made no contribution to the public sector, contributed nothing to the Lakewood Urban Enterprise Zone, supported no jobs and added nothing to the *social or economic vitality* of the Township. As such, Lot 4 represents a *negative social and economic influence* for the Township and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community.*

- C. As a municipally-owned Parcel, the Township is extremely limited in how it may dispose of (i.e., sell

or lease) Lot 4 while ensuring its development into a productive asset for the community. Absent the powers granted under the *Redevelopment Law*, municipalities are required to dispose of unwanted or unnecessary properties under the *Local Lands and Buildings Law*,¹⁰⁰ which requires such lands to be offered at open public auction and awarded to the highest responsible bidder. Undersized vacant lots, such as Lot 4, must be first offered to contiguous property owner, who have right of first refusal.¹⁰¹

While nothing would have prevented the Township from auctioning Lot 4 over the course of time ~ it is not clear whether or not an auction was ever attempted ~ the fact remains this property sits, at Publication, as unutilized Township-owned land.

An attempt to auction this property at this time is not advised for the following reasons:

- 1. Such a scenario provides no certainty that the auctioned lands would be utilized in conformance with applicable zoning or Smart Growth principles (in terms of land use¹⁰² and building design¹⁰³) or generally in the best interest of the Study Area or any eventual Redevelopment Project therein.

While the law does not prohibit any private citizen from purchasing land in the Study Area

⁹⁸ i.e., Main Street

⁹⁹ Municipalities are exempt from paying property taxes.

¹⁰⁰ N.J.S.A. 40A:12-1 et seq.

¹⁰¹ N.J.S.A. 40A:12-13.2

¹⁰² if variance relief can be justified.

¹⁰³ §5.6.1 & §5.6.2 herein





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and seeking approvals as he sees fit, including approvals that do not conform with current zoning or Smart Growth principles, the Township has an obligation to insure that *its lands* are used appropriately.

2. An unscrupulous bidder could, knowing the value of Lot 4¹⁰⁴ to this Redevelopment process, choose to acquire the land for speculative purposes.
3. Even without such unscrupulous activity, the auction process has the potential to inflate the purchase price of the lot to a point where the cost can not reasonably be supported by a Redevelopment Project.
4. Given the limited width of Lot 4, it is likely that any development proposal on this property would require considerable variance relief. The Variance process introduces uncertainty, time and cost into the development process that will decrease the lot's value to a developer and, in turn, its market value to the Township.

Under the *Redevelopment Law*, the Township would be lawfully permitted to *negotiate* the sale of Lot 4 to a designated Redeveloper, and to institute land use and building controls under a Redevelopment Plan in order to insure that the parcel is used in furtherance of the Township's revitalization goals; thereby retaining the type of control over Township-owned land which would otherwise not be permissible.

Additionally, the *Redevelopment Law* permits municipalities to enter into negotiated Redevelopment Agreements with designated Redevelopers ~ who can be selected based on qualifications (financial capability, prior experience, proposed project, etc.) as opposed to simply being the high bidder at auction. Such a process would permit the Township to screen potential Redevelopers to ensure their capability as opposed to being forced to process an application from a high bidder regardless of capability; again, thereby affording the Township control over the land which would otherwise not be permissible.

Accordingly, the limitations placed on Lot 4 by its municipal ownership (i.e., its *condition of title*) *impedes the marketability and improvement* of this property, resulting in a *stagnant and underproductive* lot which is *potentially useful and valuable for contributing to and serving the public health, safety and welfare*; thereby contributing to the *negative social and economic condition of the Study Area*. **Criterion 'e' therefore applies.**

6.4.7 Redevelopment Criterion 'f'¹⁰⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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

¹⁰⁴ in terms of its geographic location, land area or other aspect.

¹⁰⁵ N.J.S.A. 40A:12A-5f



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way that the aggregate assessed value of the area has been materially depreciated.

Block 123, Lot 4 is less than 5 acres. **Criterion 'f' therefore does not apply.**

6.4.8 Redevelopment Criterion 'g'¹⁰⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 4 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.4.9 Redevelopment Criterion 'h'¹⁰⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 4 is located in a Regional Center within a PA-2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

¹⁰⁶ N.J.S.A. 40A:12A-5g

¹⁰⁷ N.J.S.A. 40A:12A-5h

6.4.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*¹⁰⁸

- A. Block 123, Lot 4 is located between Block 123, Lots 2 and 5; both of which have been found herein to qualify as being In Need of Redevelopment.

The necessity of including Lot 2 in any potential Redevelopment Area is addressed in §6.3.10 herein.

If Lots 1 and 2 are not necessary, then Lot 4 becomes an extension of the corner and therefore can not be said to be necessary.

- B. Should the Township formally designate Lots 2 and 5 to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls

¹⁰⁸ N.J.S.A. 40A:12A-3





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might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 25'-wide x 170'-deep Lot 4 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 4 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.4.11 Summary & Recommendation

Block 123, Lot 4 satisfies Criteria 'c', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



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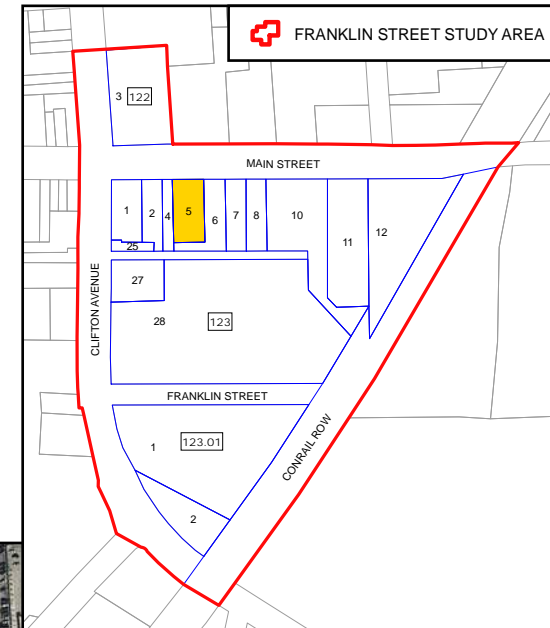
6.5 Block 123, Lot 5: 236 Main Street

6.5.1 Background¹⁰⁹

Block 123, Lot 5 is a 0.26-acre parcel that was acquired by the LDC (title closed under the Township's name) in 2000 with the intention of transferring it to a Redeveloper in furtherance of Lakewood's Redevelopment efforts.

Records held by the LDC indicate that Lot 5 was formerly the site of a 27-room rooming house with (undefined) ground floor commercial and industrial uses. The building was demolished by the LDC in 2000.

At Publication, Lot 5 sits as a portion of a fenced-in assemblage of lightly-vegetated vacant Lots ~ awaiting redevelopment.



¹⁰⁹ Commercial Appraisal Report of Income Producing Residence. 236 Main Street, Lakewood, New Jersey 08701 as of December 15, 1998. Nicholas J. Bonagura. On file with the Lakewood Development Corporation.





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2009 Aerial¹¹⁰



2014 Main Street View (Looking South)¹¹¹



2014 Interior View (Looking West)
Subject toward middle of photograph¹¹¹

¹¹⁰ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

¹¹¹ View may overlap with adjacent Lots 4 & 6.





6.5.2 Redevelopment Criterion 'a'¹¹²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

While Block 123, Lot 5 shows signs of having previously been developed, no building currently exists. **While Criterion 'a' may have applied prior to demolition, this is no longer the case.**

6.5.3 Redevelopment Criterion 'b'¹¹³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123, Lot 5 is a vacant lot. The Township's Tax Assessor's database indicates that the former building on Lot 5 was a rooming house. **Criterion 'b' therefore does not apply.**



¹¹² N.J.S.A. 40A:12A-5a

¹¹³ N.J.S.A. 40A:12A-5b



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6.5.4 Redevelopment Criterion 'c'¹¹⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 5 is a Township-owned vacant lot.

As depicted on the graphic in §5.5.3 herein, Lot 5 is a 150'-deep parcel whose topography falls 8.8' North (i.e. Main Street) to South, resulting in a 5.9% slope. While such a slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 75'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

Such size and topography makes it unlikely that Lot 5 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

6.5.5 Redevelopment Criterion 'd'¹¹⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 5 is vacant land. No evidence has been uncovered to demonstrate that the site exhibits any of the qualifying factors under Criterion 'd'. **Criterion 'd' can not therefore be said to apply.**

6.5.6 Redevelopment Criterion 'e'¹¹⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive condition of land potentially useful and valuable for contributing to and serving the public health,

¹¹⁴ N.J.S.A. 40A:12A-5c

¹¹⁵ N.J.S.A. 40A:12A-5d

¹¹⁶ N.J.S.A. 40A:12A-5e





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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.

- A. As vacant land since 2000, Block 123, Lot 5 represents a *total lack of proper utilization resulting in a stagnant and unproductive condition of land.*
- B. Block 123, Lot 5 is located in the core of the downtown commercial section of Lakewood; just off the intersection of SR 88¹¹⁷ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 5 (§6.2.6 B. herein) suggest that it is *potentially useful and valuable for contributing to and serving the public welfare.*

As municipally-owned, tax-exempt,¹¹⁸ vacant land since 2010, Block 123, Lot 5 makes no contribution to the public sector, contributes nothing to the Lakewood Urban Enterprise Zone, supports no jobs and adds nothing to the *social or economic vitality* of the Township. As such, Lot 5 represents a *negative social and economic influence* for the Township and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community.*

- C. As detailed at length in §6.4.6 C. herein, the Township is extremely limited in how it may dispose of this municipally-owned lot while ensuring its development into a productive asset for the community.

Unlike Lot 4, Lot 5 was acquired by the Township in furtherance of its Redevelopment efforts. As such, the Township has an obligation to insure that **its lands** are used appropriately. Despite the differences in how the Township came to own these Lots, the reasons that an auction (for Lot 4) is not advisable at this time (§6.4.6 C.) also apply to Lot 5.

Accordingly, the limitations placed on Lot 5 by its municipal ownership (i.e., its *condition of title*) *impedes the marketability and improvement* of this property, resulting in a *stagnant and underproductive* lot which is *potentially useful and valuable for contributing to and serving the public health, safety and welfare*; thereby contributing to the *negative social and economic condition of the Study Area. Criterion 'e' therefore applies.*

6.5.7 Redevelopment Criterion 'f'¹¹⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 5 is less than 5 acres. **Criterion 'f' therefore does not apply.**

¹¹⁷ i.e., Main Street

¹¹⁸ Municipalities are exempt from paying property taxes.

¹¹⁹ N.J.S.A. 40A:12A-5f





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6.5.8 Redevelopment Criterion 'g'¹²⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 5 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.5.9 Redevelopment Criterion 'h'¹²¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 5 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies**.

6.5.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*¹²²

Block 123, Lot 5 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 75'-wide x 150'-deep Lot 5 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 5 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area,

¹²⁰ N.J.S.A. 40A:12A-5g

¹²¹ N.J.S.A. 40A:12A-5h

¹²² N.J.S.A. 40A:12A-3





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***and should therefore be included in any designated
Redevelopment Area.***

6.5.11 Summary & Recommendation

***Block 123, Lot 5 satisfies Criteria 'c', 'e', 'g' and 'h'
of the Redevelopment Law, and is necessary, with
or without change in its condition, for the effective
redevelopment of the Study Area under N.J.S.A.
40A:12A-3.***



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6.6 Block 123, Lot 6: 230 Main Street

6.6.1 Background

Block 123, Lot 6 is a 0.24-acre, irregularly-shaped parcel with a (75' x 20') 'dog leg' located to the south of Block 123, Lot 5. The property has been Township-owned since 1974. Prior ownership and development history, if any, could not be determined.

While the NJDEP-mandated buffer from the Study Area's wetlands detailed in §5.5 herein extend onto the southeastern corner of Lot 6, such encroachment is considered minimal.

At Publication, Lot 6 sits as a portion of a fenced-in assemblage of lightly-vegetated vacant Lots ~ awaiting redevelopment.





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2009 Aerial¹²³



2014 Main Street View (Looking South)¹²⁴



2014 Interior View (Looking West)
Subject toward middle of photograph¹²⁴

¹²³ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

¹²⁴ View may overlap with adjacent Lots 5 & 7.



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6.6.2 Redevelopment Criterion 'a'¹²⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Block 123, Lot 6 is a vacant lot. **Criterion 'a' therefore does not apply.**

6.6.3 Redevelopment Criterion 'b'¹²⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123, Lot 6 is a vacant lot. **Criterion 'b' therefore does not apply.**

¹²⁵ N.J.S.A. 40A:12A-5a

¹²⁶ N.J.S.A. 40A:12A-5b



6.6.4 Redevelopment Criterion 'c'¹²⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 6 is a Township-owned vacant lot.

As depicted on the graphic in §5.5.3 herein, Lot 6 is a 170'-deep parcel whose topography falls 13.7' North (i.e. Main Street) to South, resulting in a 8.1% slope. While such a slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 50'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

Such size and topography makes it unlikely that Lot 6 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

¹²⁷ N.J.S.A. 40A:12A-5c



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6.6.5 Redevelopment Criterion 'd'¹²⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 6 is vacant land. No evidence has been uncovered to demonstrate that the site exhibits any of the qualifying factors under Criterion 'd'. **Criterion 'd' can not therefore be said to apply.**

6.6.6 Redevelopment Criterion 'e'¹²⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. As vacant land, Block 123, Lot 6 represents a *total lack of proper utilization resulting in a stagnant and unproductive condition of land.*
- B. As with Lots 4 and 5, Lot 6 is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88¹³⁰ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 6 (§6.2.6 B. herein) suggest that it is potentially *useful and valuable for contributing to and serving the public welfare.*

As municipally-owned, tax-exempt¹³¹ land since 1974, Block 123, Lot 6 has made no contribution to the public sector, contributed nothing to the Lakewood Urban Enterprise Zone, supported no jobs and added nothing to the *social or economic vitality* of the Township. As such, Lot 6 represents a *negative social and economic influence* for the Township and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community.*

- D. As detailed at length in §6.4.6 C. herein, the Township is extremely limited in how it may dispose of this municipally-owned lot while ensuring its development into a productive asset for the community.

¹²⁸ N.J.S.A. 40A:12A-5d

¹²⁹ N.J.S.A. 40A:12A-5e

¹³⁰ i.e., Main Street

¹³¹ Municipalities are exempt from paying property taxes.





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As with the other municipally-owned lots detailed herein, Lakewood has an obligation to insure that Lot 6 is used appropriately. Similarly, the reasons that an auction (for other Township-owned lots) is not advisable at this time (§6.4.6 C.) also apply to Lot 6.

Accordingly, the limitations placed on Lot 6 by its municipal ownership (i.e., its *condition of title*) impedes the marketability and improvement of this property, resulting in a *stagnant and underproductive* lot which is *potentially useful and valuable* for contributing to and serving the public health, safety and welfare; thereby contributing to the *negative social and economic condition of the Study Area*. **Criterion 'e' therefore applies.**

6.6.7 Redevelopment Criterion 'f'¹³²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 6 is less than 5 acres. **Criterion 'f' therefore does not apply.**

6.6.8 Redevelopment Criterion 'g'¹³³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 6 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.6.9 Redevelopment Criterion 'h'¹³⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 6 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.6.10 Necessity of Inclusion

The *Redevelopment Law* provides that a Redevelopment Area:

¹³³ N.J.S.A. 40A:12A-5g

¹³⁴ N.J.S.A. 40A:12A-5h

¹³² N.J.S.A. 40A:12A-5f





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*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.*¹³⁵

Block 123, Lot 6 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 50'-wide x 170'-deep Lot 6 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 6 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area,

and should therefore be included in any designated Redevelopment Area.

6.6.11 Summary & Recommendation

Block 123, Lot 6 satisfies Criteria 'c', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.

¹³⁵ N.J.S.A. 40A:12A-3



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6.7 Block 123, Lot 7: 228 Main Street

6.7.1 Background¹³⁶

Block 123, Lot 7 is a 0.19-acre parcel that was acquired by the Lakewood Development Corporation in or about 2012 with the intention of transferring it to a Redeveloper in furtherance of the Township's Redevelopment efforts.

Records held by the LDC indicate that Lot 7 was formerly the site of a 3-story, 11 room rooming house, which was vacated in 1996 and demolished in 1997. A Preliminary (Environmental) Assessment Report conducted in 2012 found no areas of concern.

While the NJDEP-mandated buffer from the Study Area's wetlands described in §5.5 herein extend onto the southern edge of Lot 7, such encroachment is considered minimal.

At Publication, Lot 7 sits as a portion of a fenced-in assemblage of lightly-vegetated vacant Lots ~ awaiting redevelopment.



¹³⁶ Preliminary Assessment Report for the Township of Lakewood. 228 Main Street, Block 123, Lot 7, Lakewood Township, Ocean County, NJ. Remington, Vernick & Vena Engineers. February 17, 2012. (On file with the Lakewood Development Corporation.)





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2009 Aerial¹³⁷



2014 Main Street View (Looking South)¹³⁸



2014 Interior View (Looking Southwest)
Subject toward middle and right of photograph¹³⁸

¹³⁷ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

¹³⁸ View may overlap with adjacent Lots 6 & 8.



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6.7.2 Redevelopment Criterion 'a'¹³⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The building on Block 123, Lot 7 was demolished in 1997. **While Criterion 'a' may have applied prior to demolition, this is no longer the case.**

6.7.3 Redevelopment Criterion 'b'¹⁴⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123, Lot 7 is a vacant lot. LDC records indicate that the former building on Lot 7 was a rooming house. **Criterion 'b' therefore does not apply.**

¹³⁹ N.J.S.A. 40A:12A-5a

¹⁴⁰ N.J.S.A. 40A:12A-5b

6.7.4 Redevelopment Criterion 'c'¹⁴¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 7 has been unimproved and vacant since 1997. It is owned by the Lakewood Development Corporation, which is an instrumentality of the Township.

As depicted on the graphic in §5.5.3 herein, Lot 7 is a 170'-deep parcel whose topography falls 17.1' North (i.e. Main Street) to South, resulting in a 10.1% slope. While such a slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 50'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

¹⁴¹ N.J.S.A. 40A:12A-5c





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Such size and topography makes it unlikely that Lot 7 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

6.7.5 Redevelopment Criterion 'd'¹⁴²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located within an:

Area 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.

Block 123, Lot 7 is vacant land. No evidence has been uncovered to demonstrate that the site exhibits any of the qualifying factors under Criterion 'd'. **Criterion 'd' can not therefore be said to apply.**

6.7.6 Redevelopment Criterion 'e'¹⁴³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse

ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

With vacant residential units since at least 1996, and as vacant land since 1997, Block 123, Lot 7 represents a growing and now *total lack of proper utilization resulting in a stagnant and unproductive condition of land.* However, no evidence has been uncovered to suggest that this condition is caused by one of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore can not be said to apply.**

6.7.7 Redevelopment Criterion 'f'¹⁴⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

¹⁴² N.J.S.A. 40A:12A-5d

¹⁴³ N.J.S.A. 40A:12A-5e

¹⁴⁴ N.J.S.A. 40A:12A-5f





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Block 123, Lot 7 is less than 5 acres. **Criterion 'f' therefore does not apply.**

6.7.8 Redevelopment Criterion 'g'¹⁴⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 7 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.7.9 Redevelopment Criterion 'h'¹⁴⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 7 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.7.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.¹⁴⁷

Block 123, Lot 7 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 50'-wide x 170'-deep Lot 7 would create very real practical difficulties in the site planning, building design and construction process.

¹⁴⁵ N.J.S.A. 40A:12A-5g

¹⁴⁶ N.J.S.A. 40A:12A-5h

¹⁴⁷ N.J.S.A. 40A:12A-3





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It is therefore recommended that Block 123, Lot 7 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.7.11 Summary & Recommendation

Block 123, Lot 7 satisfies Criteria 'c', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



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6.8 Block 123, Lot 8: 222 Main Street

6.8.1 Background¹⁴⁸

Block 123, Lot 8 is a 0.19-acre parcel that was acquired by the Lakewood Development Corporation in 1998 with the intention of transferring it to a Redeveloper in furtherance of the Township's Redevelopment efforts.

Records held by the LDC indicate that Lot 8 was formerly the site of a 2-story (plus basement), 11 room rooming house, which was closed due to uncorrected code violations "some months" prior to May 1997 and demolished in 1997.

Although a Phase One Environmental Assessment Report indicated that Lot 8 may have historically been used as a waste dumping area, an on-site inspection found limited evidence of such use. And while the Phase One Report did raise the issue of potential asbestos and lead paint contamination ~ due to the likely construction materials used in buildings of that age ~ this office assumes that any such contaminants found in the building would have been appropriately removed during demolition.



¹⁴⁸ Preliminary Appraisal Report - Limited Appraisal [222 Main Street, Lakewood NJ. Block 123, Lot 8 Ezzy Newhouse]. Kathy J. Marmur, SCGRE, SRA. May 19, 1997.

Phase One Environmental Assessment, Block 123, Lot 8. 222 Main Street. Lakewood Township, Ocean County, NJ. Flannery, Webb & Hansen, P.A. January 6, 1998.

Both on file with the Lakewood Development Corporation





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While the NJDEP-mandated buffer from the Study Area's wetlands detailed in §5.5 herein extend onto the southern edge of Lot 8, such encroachment is considered minimal.

At Publication, Lot 8 sits as a portion of a fenced-in assemblage of lightly-vegetated vacant lots ~ awaiting redevelopment.



2009 Aerial¹⁴⁹



2014 Main Street View (Looking South)¹⁵⁰



2014 Interior View (Looking South)¹⁵⁰

¹⁴⁹ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

¹⁵⁰ View may overlap with adjacent Lots 7 & 10.



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6.8.2 Redevelopment Criterion 'a'¹⁵¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The building on Block 123, Lot 8 was demolished "some months" prior to May 1997 due to uncorrected code violations. **While Criterion 'a' would have applied prior to demolition, this is no longer the case.**

6.8.3 Redevelopment Criterion 'b'¹⁵²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123, Lot 8 is a vacant lot. LDC records indicate that the former building on Lot 8 was a rooming house. **Criterion 'b' therefore does not apply.**

¹⁵¹ N.J.S.A. 40A:12A-5a

¹⁵² N.J.S.A. 40A:12A-5b



6.8.4 Redevelopment Criterion 'c'¹⁵³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 8 has been unimproved and vacant since 1997. It is owned by the Lakewood Development Corporation, which is an instrumentality of the Township.

A. Lot 8 is a 170'-deep parcel whose topography falls 14.7' North (i.e. Main Street) to South, resulting in a 8.6% slope. While such a slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 50'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

¹⁵³ N.J.S.A. 40A:12A-5c



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B. The Phase I Environmental Report commissioned by the LDC notes that Lot 8 stormwater "does not percolate into the soil, and is transported overland to the adjacent wetland area located to the southeast of the property". The Phase I Report does not include the cause of such condition.

While a stormwater management analysis of Lot 8 is beyond the scope of this Preliminary Investigation, NJDEP regulations¹⁵⁴ generally require that post-development runoff not exceed pre-development conditions, and that excess runoff be treated prior to discharge. This issue is made more significant because the stormwater flows directly into a wetland.

While stormwater management is a traditional component of the development process, the lack of percolation and proximity to wetlands increases the need for engineering measures that may not be practicable given the limited development potential of Lot 8.

Such size, topography and nature of the soil make it unlikely that Lot 8 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

6.8.5 Redevelopment Criterion 'd'¹⁵⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 8 is vacant land whose was demolished "some months" prior to May 1997 due to uncorrected code violations. **While Criterion 'd' may have applied prior to demolition, this is no longer the case.**

6.8.6 Redevelopment Criterion 'e'¹⁵⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

¹⁵⁴ N.J.A.C. 7:8 et seq.

¹⁵⁵ N.J.S.A. 40A:12A-5d

¹⁵⁶ N.J.S.A. 40A:12A-5e





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With vacant residential units since "some months" prior to May 1997, and as vacant land since some time after May 1997, Block 123, Lot 8 represents a growing and now *total lack of proper utilization resulting in a stagnant and unproductive condition of land*. However, no evidence has been uncovered to suggest that this condition is caused by one of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore can not be said to apply.**

6.8.7 Redevelopment Criterion 'f'¹⁵⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 8 is less than 5 acres. **Criterion 'f' therefore does not apply.**

6.8.8 Redevelopment Criterion 'g'¹⁵⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 8 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.8.9 Redevelopment Criterion 'h'¹⁵⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 8 is located in a Regional Center within a PA-2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.8.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.¹⁶⁰

¹⁵⁷ N.J.S.A. 40A:12A-5f

¹⁵⁸ N.J.S.A. 40A:12A-5g

¹⁵⁹ N.J.S.A. 40A:12A-5h

¹⁶⁰ N.J.S.A. 40A:12A-3





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Block 123, Lot 8 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 50'-wide x 170'-deep Lot 8 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 8 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.8.11 Summary & Recommendation

Block 123, Lot 8 satisfies Criteria 'c', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective



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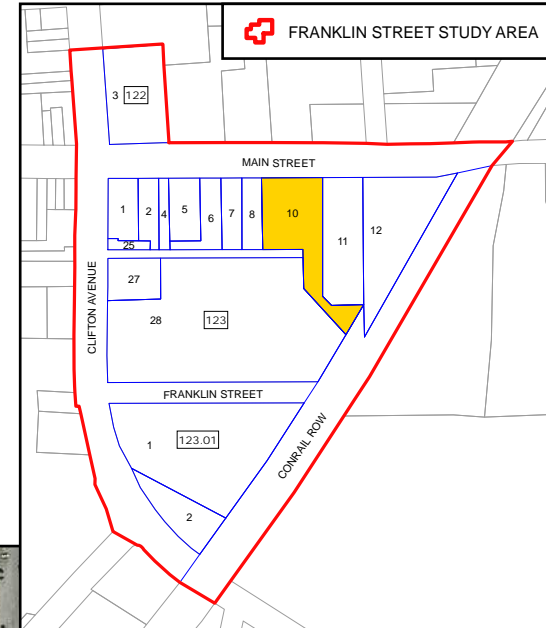
6.9 Block 123, Lot 10: 212 Main Street

6.9.1 Background¹⁶¹

Block 123, Lot 10 is a 0.8-acre, irregularly-shaped parcel consisting of a 0.57-acre (170' x 147') rectangle fronting Main Street and a 0.22 'dog-leg' to the rear (southeast).

Records held by the Lakewood Development Corporation indicate that Lot 10 was formerly the site of a 2-story, approximately 3,000 s.f. building dating to the early-1900's. Former uses included a bowling alley, automobile shop, store, restaurant and, most recently, a private Orthodox girl's school. A 6-space macadam parking lot was located to the east of the building.

The building was vacated on or about July 2008. The LDC acquired the site shortly thereafter with the intention of transferring it to a Redeveloper in furtherance of the Township's Redevelopment efforts. The LDC demolished the building in the autumn of 2008.



¹⁶¹ Summary Appraisal Report of Commercial Building, 212 Main Street, Lakewood, Ocean County, New Jersey 08701. Marmur Appraisals. July 7, 2007.

Email correspondence to/from Birdsall Engineering, Inc. and LDC. May 2008.

Report of Asbestos Identification Survey. Building Structure, 212 Main Street. Lakewood, New Jersey. Birdsall Services Group. October 13, 2008.

Summary of Findings for Preliminary Assessment & Report (N.J.A.C. 7:26E-3.1, 3.2. 212 Main Street, Block 123, Lot 10. Township of Lakewood, Ocean County, New Jersey. Birdsall Services Group, July 7, 2008.

Self-Contained Appraisal Report, Market Value As-Is. Former Villa Del Mare. 212 Main Street Block 123/Lot 10, Lakewood Township, Ocean County, New Jersey, As of May 21, 2007. AJ Lehman Appraisal Inc. June 29, 2007.

All on file with the Lakewood Development Corporation.





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While the NJDEP-mandated buffer from the Study Area's wetlands described in §5.5 herein extend onto the southern edge of Lot 10, such encroachment is considered minimal for the main body of the Lot. However, wetlands and buffer encroachment on the dog-leg render this portion of the site undevelopable.

LDC Records indicate that Lot 10 is located directly across Main Street (to the south ~ down-gradient or side-gradient) from the Dallas Oil Company / Service Station, which is listed on the NJDEP's State Hazardous Waste Sites inventory with confirmed soil and groundwater contamination.

Although LDC records suggest that portions of Lot 10 may have historically been used as a waste dumping area, and while asbestos was found in the former building, this office assumes that any such contaminants were appropriately removed during demolition.

At Publication, Lot 10 sits as a portion of a fenced-in assemblage of lightly-vegetated vacant lots ~ awaiting redevelopment.



2009 Aerial¹⁶²



2007 Main Street View (Looking East)
Building Since Demolished¹⁶²



2007 Rear View (Looking Northeast)
Building Since Demolished¹⁶²

¹⁶² Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009. AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).*



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2007 Main Street View (Looking East)
Building Since Demolished¹⁶²



2007 Main Street View (Looking West)
Building Since Demolished¹⁶²



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1



2



2014 Main Street View (Looking South)¹⁶³
Lot 8 (1) to Lot 11 (2)

¹⁶³ View may overlap with adjacent Lots 8 & 11.



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6.9.2 Redevelopment Criterion 'a'¹⁶⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The building on Block 123, Lot 10 was demolished in 2009. **While Criterion 'a' may have applied prior to demolition, this is no longer the case.**

6.9.3 Redevelopment Criterion 'b'¹⁶⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123, Lot 10 is a vacant lot whose building was demolished in 2009. **While Criterion 'b' may have applied prior to demolition, this is no longer the case.**

¹⁶⁴ N.J.S.A. 40A:12A-5a

¹⁶⁵ N.J.S.A. 40A:12A-5b



6.9.4 Redevelopment Criterion 'c'¹⁶⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 10 has been unimproved and vacant since 2009. It is owned by the Lakewood Development Corporation, which is an instrumentality of the Township.

As depicted on the graphic in §5.5.3 herein, the main body of Lot 10 is 170'-deep with a topography that falls 12.6' North (i.e. Main Street) to South, resulting in a 7.4% slope (the 'dog-leg' portion of the lot continues to slope to approximately 35.7'). While a 7½% slope might be considered inconsequential for a larger development site, such condition represents a significant challenge for this 148'-wide, commercial (LUEZ) lot; where design must take into consideration commercially-usable floor area, side yards, parking, emergency egress, drainage and other factors; and where construction costs can not be absorbed by the marketable floor area of a larger building.

¹⁶⁶ N.J.S.A. 40A:12A-5c



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Such size and topography makes it unlikely that Lot 10 will be developed solely through the instrumentality of private capital. **Criteria 'c' therefore applies.**

6.9.5 Redevelopment Criterion 'd'¹⁶⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 10 is a vacant lot whose building was demolished in 2009. **While Criterion 'd' may have applied prior to demolition, this is no longer the case.**

6.9.6 Redevelopment Criterion 'e'¹⁶⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage

¹⁶⁷ N.J.S.A. 40A:12A-5d

¹⁶⁸ N.J.S.A. 40A:12A-5e

or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

As vacant land since 2009, Block 123, Lot 10 represents a total lack of proper utilization, resulting in a stagnant and unproductive condition of land. However, no evidence has been uncovered to suggest that this condition is caused by one of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore can not be said to apply.**

6.9.7 Redevelopment Criterion 'f'¹⁶⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 10 is less than 5 acres. **Criterion 'f' therefore does not apply.**

¹⁶⁹ N.J.S.A. 40A:12A-5f





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6.9.8 Redevelopment Criterion 'g'¹⁷⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 10 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.9.9 Redevelopment Criterion 'h'¹⁷¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 10 is located in a Regional Center within a PA-2 (Suburban) Planning Area. **Criterion 'h' therefore applies**.

6.9.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.¹⁷²

- A. Block 123, Lot 10 is located between Block 123, Lots 8 and 11; both of which have been found herein to qualify as being In Need of Redevelopment.

Lot 11 abuts Lot 12, which is a corner lot. As such, a Redevelopment Project could theoretically be developed without this parcel. Lot 12 can not therefore be said to be necessary for inclusion in any Redevelopment Area.

If Lot 12 is not necessary, then Lot 11 becomes an extension of the corner and therefore can not be said to be necessary. If Lots 11 and 12 are not necessary, then Lot 10 becomes an extension of the corner and therefore can not be said to be necessary.

- B. Should the Township formally designate Lots 8 and 11 to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land

¹⁷⁰ N.J.S.A. 40A:12A-5g

¹⁷¹ N.J.S.A. 40A:12A-5h

¹⁷² N.J.S.A. 40A:12A-3





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uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 148'-wide x (for all practical purposes) 170'-deep Lot 10 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 10 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.9.11 Summary & Recommendation

Block 123, Lot 10 satisfies Criteria 'c', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



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6.10 Block 123, Lot 11: 202 Main Street

6.10.1 Background

Block 123, Lot 11 is a 0.68-acre, slightly irregularly-shaped parcel hosting a two-story mixed-use structure fronting Main Street and a single-story industrial structure to the rear.

The mixed-use structure contains a takeout restaurant and check cashing facility on the ground floor with (presumably¹⁷³) residential above, while the industrial building contains an automobile repair facility.

The NJDEP-mapped wetlands and mandated wetlands buffer described in §5.5 herein extend onto the southern edge of Lot 11, rendering this portion of the site undevelopable.



¹⁷³ access to the building's second floor was not possible for this Preliminary Investigation.



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*Main Street View (Looking Southeast)
 to rear of property*



2009 Aerial¹⁷⁴



2014 Main Street View (Looking South)¹⁷⁵

¹⁷⁴ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009. AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).*

¹⁷⁵ View may overlap with adjacent Lots 10 & 12.



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Damaged siding, unsecured wires & deteriorated roofline



Exposed & deteriorated structural member



Exterior paint peeling (evidence of water damage, numerous cracks and broken downspouts)



Exposed structural member

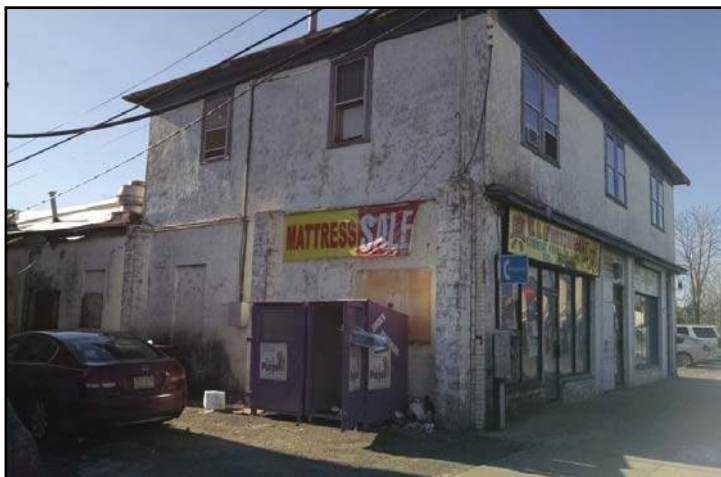


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*Missing / deteriorated soffits, broken down spouts
& unsecured exterior wires*

*Broken (open) windows
(Temperature 8°)*





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Cracked masonry siding



Cracked masonry siding & deteriorated soffit



Buckled roof & deteriorated soffit



Buckled roof, clogged & damaged gutters and exposed & deteriorated structural member



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Buckled roof, deteriorated soffit, damaged & clogged gutters & exposed and deteriorated structural member



Damaged / deteriorated chimney, deteriorated soffits & masonry siding (exposing brickwork)



Buckled roof, deteriorated soffit, damaged & clogged gutters and deteriorated masonry siding (exposing brickwork)



Standing water in uneven, potholed, gravel driveway / side yard



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Buckled metal roof, damaged siding & damaged and clogged gutters on garage workshop with improperly fitted / installed garage door



Bulging & deteriorated retaining wall at overgrown and litter-strewn loading dock



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Uncoordinated, unsecured, unpaved (gravel) parking areas



Abandoned refrigeration units with exposed wiring on litter-strewn lot with deteriorated fencing



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6.10.2 Redevelopment Criterion 'a'¹⁷⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Impacts of Observed Conditions (§6.10.1)

- A. Exposed and deteriorated structural elements and roofing undermine the structural integrity of the building; resulting in an unsafe condition for building occupancy and a potential detriment to the safety of the community.
- B. Cracked exterior masonry, damaged exterior siding, missing or deteriorated soffits, damaged or deteriorated roofs, damaged or clogged gutters and downspouts, deteriorated or improperly fitting or improperly installed doors and broken and open windows create an opportunity for water infiltration which can lead to interior mold and other chronic health-related issues; resulting in an unsanitary condition for building occupancy and a potential detriment to the health of the community.
- C. A damaged and deteriorated chimney calls into question the integrity of the building's exhaust / ventilation system, which can lead to fire or release /

retention of noxious fumes; resulting in an unhealthy condition for building occupants and a detriment to the safety of the community.

- D. Broken and open windows create an opportunity for freezing pipes ~ especially in record cold weather. The likelihood of resultant water damage represents a potential for unsafe and unsanitary condition for building occupancy and a detriment to the health of the community.
- E. Deteriorated soffits and roofs and deteriorated or improperly fitting or improperly installed doors create an opportunity for insects and vermin to enter the building; resulting in an unsanitary condition for building occupancy and a potential detriment to the health of the community.
- F. Unsecured, exposed wiring represents a fire hazard; resulting in a potential detriment to the safety of building occupants and the community.

The totality of the forgoing demonstrates that the building(s) on Block 123, Lot 11 are, or possess characteristics of being, *substandard, unsafe, unsanitary, dilapidated and obsolescent.*

While the building(s) on Lot 11 can not be said to be lacking in light, air or space as required by the strict language of the *Redevelopment Law*, they are *conducive to unwholesome living or working conditions.*

Criterion 'a' therefore applies.

¹⁷⁶ N.J.S.A. 40A:12A-5a





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6.10.3 Redevelopment Criterion 'b'¹⁷⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

The buildings on Block 123, Lot 11 are occupied by multiple commercial / industrial operations. **Criterion 'b' therefore does not apply.**

6.10.4 Redevelopment Criterion 'c'¹⁷⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

¹⁷⁷ N.J.S.A. 40A:12A-5b

¹⁷⁸ N.J.S.A. 40A:12A-5c

Block 123, Lot 11 is a privately-owned parcel with a building. **Criterion 'c' therefore does not apply.**

6.10.5 Redevelopment Criterion 'd'¹⁷⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Impacts of Observed Conditions (§6.10.1)

- A. The *dilapidated, obsolescent, substandard, unsafe and unsanitary* condition(s) of the *building(s)* on Block 123, Lot 11 as detailed under the Criterion 'a' analysis (§6.10.2 herein) apply to Criterion 'd'.
- B. Unpaved (gravel) parking for an automobile repair facility without appropriate drainage or fluid-capturing mechanisms create an opportunity for petro-chemicals to leak from the stored vehicles and leach into the ground. This faulty design results in a potential detriment to the health and safety of the community and the environmentally-sensitive lands detailed in §5.5 herein.

¹⁷⁹ N.J.S.A. 40A:12A-5d





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- C. Unsecured parking for an automobile repair facility creates an attractive nuisance and unsafe condition. While such a condition may have been acceptable at one time, it now represents a faulty design and obsolete condition that could lead to a potential danger to the safety of the community.
- D. Without defined parking spots or drive aisles, the apparently random and haphazard nature of this overcrowded parking area impedes access by emergency responders. While such practice may have been acceptable at one time, it now represents a faulty arrangement and obsolete layout that could lead to a potential danger to the safety of the community.
- E. Litter and debris create a potential breeding ground for insects and vermin; resulting in an unsanitary condition and a potential detriment to the health of the community.
- F. Standing water can become a breeding ground for insects and vermin and increase the potential for West Nile virus; resulting in an unsanitary condition and a potential detriment to the health of the community.
- G. Abandoned refrigeration units with exposed wiring on a litter-strewn, unsecured lot creates an attractive nuisance and an unsafe condition.

Based on the conditions observed under §6.10.1 and detailed under §6.10.2 and subsections B. through G above, Lot 11 is an area with buildings and/or improvements which, by reason of a combination of *dilapidation, obsolescence, overcrowding, faulty arrangement and design, unsanitary / deleterious*

*conditions, obsolete layout and other factors, is detrimental to the safety, health, morals and welfare of the community. **Criterion 'd' therefore applies.***

6.10.6 Redevelopment Criterion 'e'¹⁸⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

Block 123, Lot 11 does not represent a *lack of proper utilization or a stagnant and unproductive condition of land. **Criterion 'e' therefore does not apply.***

6.10.7 Redevelopment Criterion 'f'¹⁸¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

¹⁸⁰ N.J.S.A. 40A:12A-5e

¹⁸¹ N.J.S.A. 40A:12A-5f





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Area, 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.

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 11 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

Block 123, Lot 11 is less than 5 acres. **Criterion 'f' therefore does not apply.**

6.10.10 Necessity of Inclusion

6.10.8 Redevelopment Criterion 'g'¹⁸²

The Redevelopment Law provides that a Redevelopment Area:

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

*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.*¹⁸⁴

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 11 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

A. Block 123, Lot 11 is located between Block 123, Lots 10 and 12; both of which have been found herein to qualify as being In Need of Redevelopment.

6.10.9 Redevelopment Criterion 'h'¹⁸³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

Lot 12 is a corner lot. As such, a Redevelopment Project could theoretically be developed without this parcel. Lot 12 can not therefore be said to be necessary for inclusion in any Redevelopment Area.

If Lot 12 is not necessary, then Lot 11 becomes an extension of the corner and therefore can not be said to be necessary.

¹⁸² N.J.S.A. 40A:12A-5g

¹⁸³ N.J.S.A. 40A:12A-5h

¹⁸⁴ N.J.S.A. 40A:12A-3





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- C. Should the Township formally designate Lots 10 and 12 to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 100'-wide x 300'-deep Lot 11 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 11 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.10.11 Summary & Recommendation

Block 123, Lot 11 satisfies Criteria 'a', 'd', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



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6.11 Block 123, Lot 12: 166 Main Street

6.11.1 Background

Block 123, Lot 12 is a 0.99-acre, triangularly-shaped parcel hosting a single-story commercial structure fronting Main Street and a two-story industrial structure to the rear.

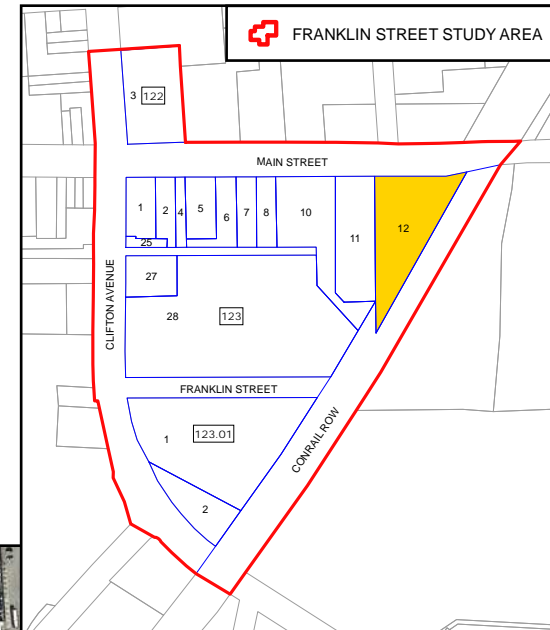
The visual inspection of Lot 12 conducted for this Preliminary Investigation finds the commercial structure hosting a hair salon and a car rental facility, and industrial building hosting a discount mattress store, a cabinetry fabrication shop and a welding and metalwork operation.

Several of the commercial spaces were vacant and signed "for rent".

A portion of the structure's second floor is utilized as a religious school.

The NJDEP-mapped wetlands and mandated wetlands buffer described in §5.5 herein extend onto the southern edge of Lot 12, rendering this portion of the site undevelopable.

Directly to the east of Lot 12 is the CONRAIL railroad right-of-way.





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1



2



2014 Main Street View (Looking South)
Conrail ROW (1) to Lot 11 (2)



2014 Main Street View (Looking South)



2014 Main Street View (Looking Southwest)



2014 Main Street View (Looking South)



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2014 Main Street View (Looking Southeast)



2014 Main Street View (Looking South)



2014 Railroad View (Looking Southeast)



2014 Railroad View (Looking Southeast)



2009 Aerial¹⁸⁵

¹⁸⁵ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).



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Missing soffits, broken gutters & blocked access to building



Missing soffits, broken gutters & unsecured wires



Interior mold



Numerous cracks & mold in/on 1st floor structural (supporting) wall



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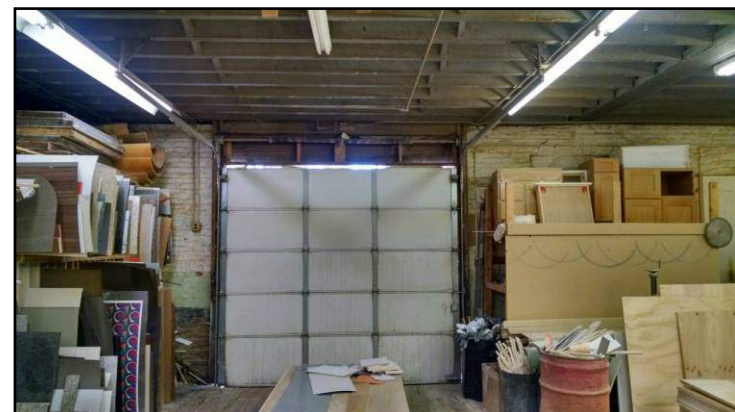
Numerous cracks & mold in/on 1st floor structural (supporting) walls



Note lack of fire suppression in cabinetry fabrication and welding and metalwork shops



Numerous cracks & mold in/on 1st floor structural (supporting) wall



Improperly fitted / installed garage door open to the elements



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Large crack under main beam supporting 2nd floor school



Numerous cracks in 1st floor structural (supporting) walls



Dilapidated staircase, walls & ceiling and exposed wiring at secondary means of egress from 2nd floor school



Note lack of fire suppression throughout



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Deteriorated & unsecured exterior door



Numerous cracks in exterior mortar



Deteriorated / damaged roofing



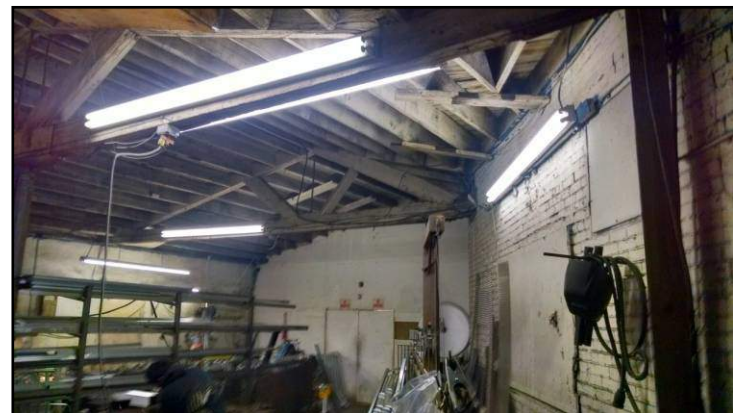
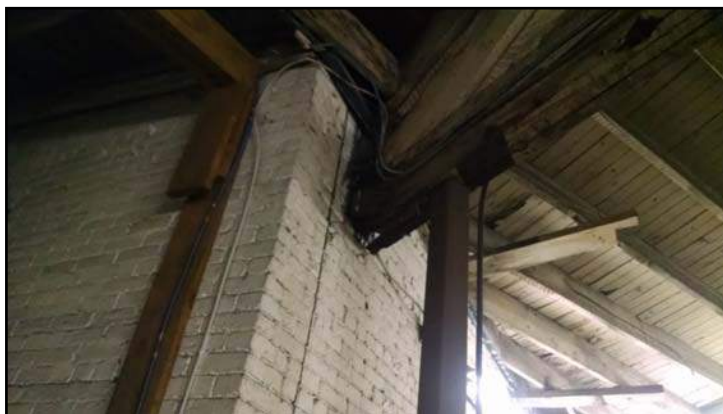


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*Deteriorated (broken & rotted) roof / ceiling trusses,
supported by make-shift wood / steel columns
(note hole in roof ~ top right)*

Note lack of fire suppression in cabinetry fabrication and welding and metalwork shops





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*Evidence of water infiltration in 1st floor ceiling
(note exposed electrical wiring ~ top left)
(note lack of Fire Suppression throughout)*





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*Evidence of Water infiltration
in 1st floor ceiling with
exposed electrical wiring*



Exposed electrical wiring and plumbing (1st floor)



Exposed electrical wiring and abandoned light fixtures above 1st floor drop ceiling



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Exposed electrical wires



*Obsolescent Electrical panel
with evidence of scorching*



Exposed electrical wires feeding unsecured exit sign



Debris strewn throughout building



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*Deteriorated soffits
at roof eaves*



*Nonfunctional 1st floor doors (do not fully open)
to secondary means of egress*

*Litter, debris and abandoned gasoline
container at base of (school) fire escape*





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*Structurally deficient floor and compromised stairs leading to (school) emergency exit
as evidenced by non-plumb or square walls & severely bowed and "spongy" floor and cracked floor tiles*





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*Evidence of water infiltration and compromised structural integrity of roof
Note lack of fire suppression in school*

6.11.2 Redevelopment Criterion 'a'¹⁸⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Impacts of Observed Conditions (§6.11.1)

- A. Deteriorated or faulty structural elements (supporting walls, roof / ceiling / floor trusses and other structural supports) undermine the structural

integrity of the building; resulting in an unsafe condition for building occupancy and a potential detriment to the safety of the community.

- B. Make-shift structural supports represent a safety hazard for building occupancy and a potential detriment to the safety of the community.
- C. Cracked exterior masonry, deteriorated soffits and roofs and deteriorated / improperly fitting or improperly installed doors create an opportunity for water infiltration which can lead to interior mold and other chronic health-related issues; resulting in an unsanitary condition for building occupancy and a potential detriment to the health of the community.

¹⁸⁶ N.J.S.A. 40A:12A-5a



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- D. Deteriorated soffits and roofs and deteriorated / improperly fitting or improperly installed doors create an opportunity for insects and vermin to enter the building; resulting in an unsanitary condition for building occupancy and a potential detriment to the health of the community.
- E. Unsecured, exposed wiring and make-shift electrical work represents a fire hazard; resulting in a potential detriment to the safety of building occupants and the community. This concern is increased when such wiring is in direct proximity to exposed plumbing.
- F. Litter and debris create a potential breeding ground for insects and vermin; resulting in an unsanitary condition for building occupancy and a potential detriment to the health of the community.
- G. Nonfunctional doors to secondary means of egress can impede emergency evacuation and represent an unsafe condition.
- H. Structurally unsound stairs leading to a secondary means of egress for a School represents an unsafe condition.
- I. An abandoned gasoline container at the base of a School fire escape represents a fire hazard and an unsafe condition.
- J. Lack of fire suppression in cabinetry fabrication and welding and metalwork shops ~ in direct proximity to a school ~ represents an obsolescent and unsafe condition.

The totality of the forgoing demonstrates that the buildings on Block 123, Lot 12 are, or possess characteristics of being, *substandard, unsafe, unsanitary, dilapidated and obsolescent.*

While the buildings on Lot 12 can not be said to be lacking in light, air or space as required by the strict language of the *Redevelopment Law*, they are *conducive to unwholesome living or working conditions.*

Criterion 'a' therefore applies.

6.11.3 Redevelopment Criterion 'b'¹⁸⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

While certain of the commercial spaces on Block 123, Lot 12 are vacant pending rental, other spaces are actively utilized by multiple commercial and industrial operations. The presence of this activity therefore precludes a determination that the buildings are "untenable". **Criterion 'b' therefore can not be said to apply.**

However, the conditions of the buildings on Lot 12 do not support an opinion, and this office categorically does not suggest, that they are safe for the

¹⁸⁷ N.J.S.A. 40A:12A-5b





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continuation of the uses currently therein, or for any uses that may be placed therein in the future. We simply state that the conditions do not conform with Redevelopment Criterion 'b'.

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.

6.11.4 Redevelopment Criterion 'c'¹⁸⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 12 is a privately-owned parcel with a building. **Criterion 'c' therefore does not apply.**

Based on the conditions observed under §6.11.1 and detailed under §6.11.2, Lot 12 is an area with buildings and/or improvements which, by reason of a combination of *dilapidation, obsolescence, faulty arrangement and design, unsanitary / deleterious conditions* and other factors, is *detrimental to the safety, health, morals and welfare of the community.* **Criterion 'd' therefore applies.**

6.11.6 Redevelopment Criterion 'e'¹⁹⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

6.11.5 Redevelopment Criterion 'd'¹⁸⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design,

¹⁸⁸ N.J.S.A. 40A:12A-5c

¹⁸⁹ N.J.S.A. 40A:12A-5d

¹⁹⁰ N.J.S.A. 40A:12A-5e





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Block 123, Lot 12 does not represent a *lack of proper utilization or a stagnant and unproductive condition of land as defined by Criterion 'e'*. **Criterion 'e' therefore does not apply.**

Block 123, Lot 12 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.11.7 Redevelopment Criterion 'f'¹⁹¹

6.11.9 Redevelopment Criterion 'h'¹⁹³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

Area, 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.

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 12 is less than 5 acres. **Criterion 'f' therefore does not apply.**

Block 123, Lot 12 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.11.8 Redevelopment Criterion 'g'¹⁹²

6.11.10 Necessity of Inclusion

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

The *Redevelopment Law* provides that a Redevelopment Area:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

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.¹⁹⁴

¹⁹¹ N.J.S.A. 40A:12A-5f

¹⁹³ N.J.S.A. 40A:12A-5h

¹⁹² N.J.S.A. 40A:12A-5g

¹⁹⁴ N.J.S.A. 40A:12A-3





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Block 123, Lot 12 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both, and the CONRAIL railroad-right-of way.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, it is likely that any affirmative use on the lands to the south and west of Lot 12 would benefit, at a minimum, from visual and sound buffering from, and aesthetic improvements to, the railroad infrastructure. Eliminating Lot 12 from any such Redevelopment Plan will limit the Township's ability to comprehensively and efficiently make such improvements and may therefore negatively impact any eventual Redevelopment Project.

It is therefore recommended that Block 123, Lot 12 is necessary for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.11.11 Summary & Recommendation

Block 123, Lot 12 satisfies Criteria 'a', 'd', 'g' and 'h' of the Redevelopment Law, and is necessary, with





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6.12 Block 123, Lot 25: 15 S. Clifton Avenue

6.12.1 Background¹⁹⁵

Block 123, Lot 25 is a 0.05-acre parcel hosting a single-story (plus basement) commercial structure. At the commencement of this Preliminary Investigation, records held by the Lakewood Development Corporation indicated the building hosted a taxi office in the basement and a grocery store on the street level floor in 2008. Subsequently, it appeared that a beauty salon had replaced the grocery store. Although signage suggested that the taxi office remained operating out of the rear of the building and the salon was open in the building's frontage, no activity was evident at time of inspection.¹⁹⁶ At Publication, the building was reported as vacant.

As detailed throughout this Report of Findings, Lot 25 is located in direct proximity to lands that either have been found to contain, or are suspected to contain, environmental contamination. No environmental investigation of this property is known to have been conducted; it is therefore not known whether or not, or the extent to which, environmental contamination exists on Lot 25.



¹⁹⁵ *Self-Contained Appraisal Report, Market Value As-Is. La Frontera. 15 South Clifton Ave, Block 123/Lot 25. Lakewood Township, Ocean County, New Jersey, As of August 28, 2008.* AJ Lehman Appraisal Inc. September 2, 2008.

Summary Appraisal Report. Commercial Retail Building. 15 South Clifton Avenue. Lakewood, Ocean County, New Jersey 08701. Marmur Appraisals. August 22, 2008.

All on file with the Lakewood Development Corporation.

¹⁹⁶ December 18, 2014.





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2009 Aerial¹⁹⁷



2014 Clifton Avenue View (Looking East)¹⁹⁸



2014 Clifton Avenue View (Looking Northeast)¹⁹⁹



2014 Clifton Avenue View (Looking East)



2014 Clifton Avenue View (Looking Northeast to rear of Lot)¹⁹⁸

¹⁹⁷ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).

¹⁹⁸ View overlaps with adjacent Lot 1, alley and adjacent Lot 27

¹⁹⁹ Alley and adjacent Lot 27 in foreground.



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6.12.2 Redevelopment Criterion 'a'²⁰⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The exterior of the building on Block 123, Lot 25 does not appear to possess any of the characteristics required under Criterion 'a'. The interior of the building was not accessible for this Preliminary Investigation. **Criterion 'a' therefore can not be said to apply.**

6.12.3 Redevelopment Criterion 'b'²⁰¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

The building on Block 123, Lot 25 is reported as being vacant. **Criterion 'b' therefore applies.**



2014 Clifton Avenue View (Looking East)
Lot 1 in foreground



2014 Clifton Avenue View (Looking East)
at North edge of property

²⁰⁰ N.J.S.A. 40A:12A-5a

²⁰¹ N.J.S.A. 40A:12A-5b





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6.12.4 Redevelopment Criterion 'c'²⁰²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123, Lot 25 is a privately-owned parcel with a building. **Criterion 'c' therefore does not apply.**

6.12.5 Redevelopment Criterion 'd'²⁰³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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 exterior of the building on Block 123, Lot 25 does not appear to possess any of the characteristics required under Criterion 'd'. The interior of the building was not accessible for this Preliminary Investigation.

Criterion 'd' therefore can not be said to apply.

6.12.6 Redevelopment Criterion 'e'²⁰⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

While the building on Block 123, Lot 25 has been unoccupied and unproductive over the approximately 10-month duration during which this Preliminary Investigation was conducted ~ and for some time prior, no evidence has been uncovered to suggest that this condition is caused by one of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore can not be said to apply.**

²⁰² N.J.S.A. 40A:12A-5c

²⁰³ N.J.S.A. 40A:12A-5d

²⁰⁴ N.J.S.A. 40A:12A-5e





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6.12.7 Redevelopment Criterion 'f'²⁰⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 25 is less than 5 acres. **Criterion 'f' therefore does not apply.**

6.12.8 Redevelopment Criterion 'g'²⁰⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 25 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

²⁰⁵ N.J.S.A. 40A:12A-5f

²⁰⁶ N.J.S.A. 40A:12A-5g



6.12.9 Redevelopment Criterion 'h'²⁰⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 25 is located in a Regional Center within a PA-2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.12.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.²⁰⁸

A. Block 123, Lot 25 is located between Block 123, Lots 1 and 2, an Unnamed Alley and Block 123, Lot 27; all of which have been found herein to qualify as being In Need of Redevelopment.

²⁰⁷ N.J.S.A. 40A:12A-5h

²⁰⁸ N.J.S.A. 40A:12A-3



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Lot 1 is a corner lot. As such, a Redevelopment Project could theoretically be developed without this parcel. Lot 1 can not therefore be said to be necessary for inclusion in any Redevelopment Area.

If Lot 1 is not necessary, then Lots 2 and 25 become an extension of the corner and therefore can not be said to be necessary.

- B. Should the Township formally designate Lots 1 and 2, the Unnamed Alley and/or Block 123, Lot 27; to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 27'-wide x 100'-deep Lot 25 would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that Block 123, Lot 25 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.12.11 Summary & Recommendation

Block 123, Lot 25 satisfies Criteria 'b', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



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6.13 Block 123, Lot 27: South Clifton Avenue

6.13.1 Background²⁰⁹

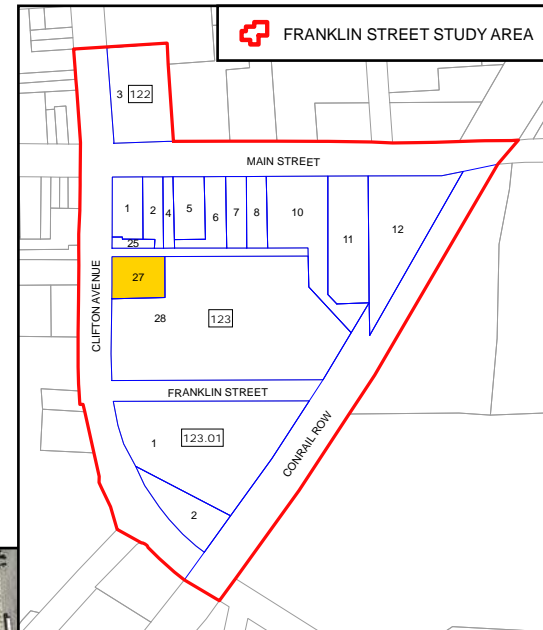
Block 123, Lot 27 is a 0.29-acre parcel that was acquired by the Lakewood Development Corporation in 2008 with the intention of transferring it to a Redeveloper in furtherance of the Township's Redevelopment efforts.

Records held by the LDC indicate that Lot 27 has never been developed. 'Improvements' are limited to asphalt parking at the north and west of the property and concrete pads at the south and east portions of the site.

At Publication, Lot 27 sits as a partially-wooded portion of a larger assemblage of vacant Lots ~ awaiting redevelopment.

The NJDEP-mapped wetlands and mandated wetlands buffer described in §5.5 herein extend onto the southeastern portion of Lot 11, rendering this portion of the site undevelopable.

LDC Records indicate that Lot 27 is located to the south (down-gradient or side-gradient) from Block 123, Lot 2, which is listed on the NJDEP's State Hazardous Waste Sites inventory with confirmed soil and groundwater contamination (§6.3.1 herein).



²⁰⁹ Summary of Findings for Preliminary Assessment & Report (N.J.A.C. 7:26E-3.1, 3.2). South Clifton Avenue. Block 123, Lot 27. Township of Lakewood, Ocean County, New Jersey. Birdsall Engineering, Inc. January 18, 2008.

Summary Appraisal Report [Vacant Land, South Clifton Avenue, Lakewood NJ 08701 Block 123, Lot 27]. Marmur Appraisals. July 7, 2007.

Both on file with the Lakewood Development Corporation.





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2014 Clifton Avenue View (Looking East)²¹⁰



2014 Interior View
(Looking Southeast)



2009 Aerial²¹¹

²¹⁰ View overlaps with adjacent Lot 25, alley and Lot 28

²¹¹ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009.* AJ Lehman Appraisal Inc. July 9, 2009. (on file with the Lakewood Development Corporation).



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6.13.2 Redevelopment Criterion 'a'²¹²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Block 123, Lot 27 is a vacant land. **Criterion 'a' therefore does not apply.**

6.13.3 Redevelopment Criterion 'b'²¹³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123, Lot 27 is a vacant lot. **Criterion 'b' therefore does not apply.**

6.13.4 Redevelopment Criterion 'c'²¹⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

- A. Block 123, Lot 27 is owned by the Lakewood Development Corporation, which is an instrumentality of the Township.
- B. The likelihood of contaminated soils as described in §6.13.1 herein and the fact that Lot 27 is significantly encumbered by NJDEP-mapped wetlands and their associated buffers as described in §5.5 herein substantially increase the level of permitting required for development of this parcel; thereby substantially increasing the cost of design and construction.

Absent site-specific analyses²¹⁵ regarding the extent of contamination and successful application to NJDEP for a remediation permit and a reduction

²¹² N.J.S.A. 40A:12A-5a

²¹³ N.J.S.A. 40A:12A-5b

²¹⁴ N.J.S.A. 40A:12A-5c

²¹⁵ Including, but not limited to, soils sampling and a Threatened & Endangered Species Study.





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in the required 50' wetlands buffer, the developable portion of Lot 27 may be limited to just (approximately) 0.15 acres. Such limited development potential, combined with the costs as described, make it unlikely that Lot 27 will be developed solely via private capital.

Criterion 'c' therefore applies.

6.13.5 Redevelopment Criterion 'd'²¹⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123, Lot 27 is undeveloped vacant land.

Criterion 'd' therefore does not apply.

6.13.6 Redevelopment Criterion 'e'²¹⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse

ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. As vacant land, Block 123, Lot 27 represents a *total lack of proper utilization resulting in a stagnant and unproductive condition of land.*
- B. Lot 27 is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88²¹⁸ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 6 (§6.2.6 B. herein) suggest that it is *potentially useful and valuable for contributing to and serving the public welfare.*

As vacant, tax-exempt land,²¹⁹ Block 123, Lot 27 makes no contribution to the public sector, contributes nothing to the Lakewood Urban Enterprise Zone, supports no jobs and adds nothing to the *social or economic vitality* of the Township. As such, Lot 27 represents a *negative social and economic influence* for the Township

²¹⁶ N.J.S.A. 40A:12A-5d

²¹⁸ i.e., Main Street

²¹⁷ N.J.S.A. 40A:12A-5e

²¹⁹ As a 501(c)3 corporation, the LCD is exempt from paying property taxes.





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and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community.*

- C. As described in §5.5 and §6.13.4 herein, Lot 27 is significantly encumbered by NJDEP-mapped wetlands and their associated buffers. Absent site-specific analyses²²⁰ and successful application to NJDEP for a reduction in the required 50' wetlands buffer, the developable portion of this lot may be significantly limited.

The wetlands and wetland buffers serve, for all practical purposes, as an encumbrance on Lot 27, resulting in what amounts to a practical cloud on the title and a *similar condition impeding land assemblage* or, more significantly, *discouraging the undertaking of improvements.*

Based on the totality of the foregoing, Block 123, Lot 27 represents a total *lack of proper utilization* caused by environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public welfare*; thereby contributing to the *negative social and economic condition of the Study Area. Criterion 'e' therefore applies.*

6.13.7 Redevelopment Criterion 'f'²²¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123, Lot 27 is less than 5 acres and the building thereon was not destroyed by any of the qualifying actions. **Criterion 'f' therefore does not apply.**

6.13.8 Redevelopment Criterion 'g'²²²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 27 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies,** albeit for the limited purposes specified in the *Redevelopment Law.*

6.13.9 Redevelopment Criterion 'h'²²³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

²²⁰ Including, but not limited to, a Threatened & Endangered Species Study.

²²¹ N.J.S.A. 40A:12A-5f

²²² N.J.S.A. 40A:12A-5g

²²³ N.J.S.A. 40A:12A-5h





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The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 27 is located in a Regional Center within a PA-2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.13.10 Necessity of Inclusion

The Redevelopment Law provides that 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.*²²⁴

Block 123, Lot 27 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the approximately 100'-wide x 125'-deep, severely environmentally-constrained Lot 27 would create very real practical difficulties in the site planning, building design and construction process.

Including this land under a Redevelopment designation would permit the Township to prepare a Redevelopment Plan that maximizes the use of Lot 27 while efficiently and effectively controlling the impacts to the environmentally-sensitive resource; which might not be fully possible or economically practicable if the Lot is not under the jurisdiction of the Redevelopment Plan.

It is therefore recommended that Block 123, Lot 27 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.13.11 Summary & Recommendation

Block 123, Lot 27 satisfies Criteria 'c', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.

²²⁴ N.J.S.A. 40A:12A-3



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6.14 Block 123, Lot 28: 37 S. Clifton Avenue

6.14.1 Background²²⁵

Block 123, Lot 28 is a 3.26-acre parcel that hosts a small, single-story vacant commercial building to the north of the site with vacant lands, including wetlands, to the rear and south of the building. A small patch of deteriorating asphalt paving ~ assumed to be the remnants of a former parking lot ~ is located to the south of the building.

Records held by the Lakewood Development Corporation indicate that Lot 28 is significantly encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River.

Lot 28 is significantly encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody.



²²⁵ Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009. AJ Lehman Appraisal Inc. July 9, 2009.

Summary Appraisal Report of Commercial Retail Building. 37 South Clifton Avenue, Lakewood, Ocean County, New Jersey 08701. Marmur Appraisals. June 10, 2009.

Both on file with the Lakewood Development Corporation.





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2014 Clifton Avenue View (Looking East)²²⁶
Mid-block (1) to Franklin Street (3)



2014 Clifton Avenue View
(Looking Northeast)



2014 Interior View
(Looking East)

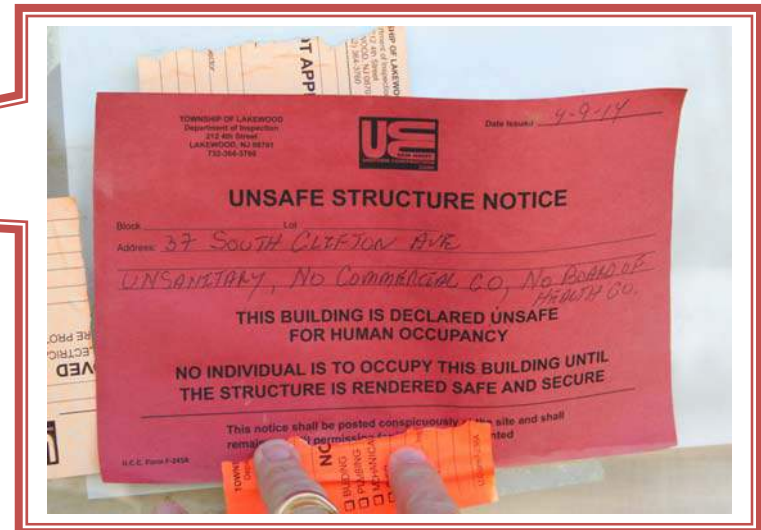
²²⁶ View overlaps with adjacent Lots 28, Franklin Street and Block 123.01, Lot 1



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2009 Aerial²²⁷



²²⁷ Source of Graphic: *Self-Contained Appraisal Report, Market Value As-Is. Yael Development LLC, 27 Clifton Avenue, Block 123/Lot 28, Township of Lakewood, Ocean County, New Jersey, As of October 1, 2009. AJ Lehman Appraisal Inc. July 9, 2009.* (on file with the Lakewood Development Corporation).



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6.14.2 Redevelopment Criterion 'a'²²⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Township Building and Inspections records²²⁹ made available for this Preliminary Investigation reveal violations for Block 123, Lot 28 in:

- June 1984: Property overgrown with weeds. Building appears not to be in use;
- April 1989: Junk cars, tires and other debris on property;
- June 1994: Tall grass and debris on property. Building appears not to be in use;
- January 2000: Junk cars, tires and other debris on property;
- November 2002: Order to correct dilapidated stockade fence;
- January 2003: Order to correct dilapidated stockade fence, junk cars, tires and other debris on property; and

- November 2010: Notice of Unsafe Structure and Order to Demolish.

The building on Lot 28 has been closed by the Township due to its unsafe and unsanitary condition. **Criterion 'a' therefore applies.**

6.14.3 Redevelopment Criterion 'b'²³⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

The commercial building on Block 123, Lot 28 has been closed by the Township due to its unsafe and unsanitary condition. **Criterion 'b' therefore applies.**

6.14.4 Redevelopment Criterion 'c'²³¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved

²²⁸ N.J.S.A. 40A:12A-5a

²²⁹ On file with the Township

²³⁰ N.J.S.A. 40A:12A-5b

²³¹ N.J.S.A. 40A:12A-5c





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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.

Block 123, Lot 28 is a privately-owned parcel that, while containing a large percentage of vacant land, contains a building. **Criterion 'c' therefore does not apply.**

6.14.5 Redevelopment Criterion 'd'²³²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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 building on Block 123, Lot 28 has been closed by the Township due to its unsafe and unsanitary condition. While closed, the building is not secured, thereby representing an attractive nuisance and a potential danger to the safety, health and welfare of the community. **Criterion 'd' therefore applies.**

6.14.6 Redevelopment Criterion 'e'²³³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. Records held by the LDC indicate that the commercial building on Block 123, Lot 28 has been vacant since at least June 2009. As such, Lot 28 represents a *total lack of proper utilization* resulting in a *stagnant and unproductive condition of land*.
- B. Lot 28 is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88²³⁴ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 28 (§6.2.6 B. herein) suggest that it is *potentially useful and valuable for contributing to and serving the public health, safety and welfare*.

²³³ N.J.S.A. 40A:12A-5e

²³⁴ i.e., Main Street

²³² N.J.S.A. 40A:12A-5d





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C. As described in §5.5 and §6.14.1 herein, Lot 28 is significantly encumbered by NJDEP-mapped wetlands and their associated buffers, as well as by the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody. Absent site-specific analyses²³⁵ and successful application to NJDEP for a reduction in the required 50' wetlands buffer and 300' C-1 buffer, the developable portion of this site may be limited to just (approximately) 0.04 acres.

The wetlands and wetlands buffers serve, for all practical purposes, as an encumbrance Lot 28, resulting in what amounts to a practical cloud on the title and a *similar condition impeding land assemblage* or, more significantly, *discouraging the undertaking of improvements*.

Based on the totality of the foregoing, Block 123, Lot 2 represents a *lack of proper utilization* caused by environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public welfare*; thereby contributing to the *negative social and economic condition of the Study Area*. **Criterion 'e' therefore applies.**

6.14.7 Redevelopment Criterion 'f'²³⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment it is an:

²³⁵ Including, but not limited to, a Threatened & Endangered Species Study.

²³⁶ N.J.S.A. 40A:12A-5f

Area, 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.

Block 123, Lot 28 is less than 5 acres and the building thereon was not destroyed by any of the qualifying actions. **Criterion 'f' therefore does not apply.**

6.14.8 Redevelopment Criterion 'g'²³⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123, Lot 28 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.14.9 Redevelopment Criterion 'h'²³⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

²³⁷ N.J.S.A. 40A:12A-5g

²³⁸ N.J.S.A. 40A:12A-5h





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The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123, Lot 28 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.14.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*²³⁹

Block 123, Lot 28 is located between lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both, and the CONRAIL railroad-right-of way.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, it is likely that any affirmative use on the lands to the north, south and west of Lot 28 would benefit, at a minimum, from visual and sound buffering from, and aesthetic improvements to, the railroad infrastructure. Eliminating Lot 28 from any such Redevelopment Plan will limit the Township's ability to comprehensively and efficiently make such improvements and may therefore negatively impact any eventual Redevelopment Project.

Including this land under a Redevelopment designation would permit the Township to prepare a Redevelopment Plan that maximizes the use of Lot 28 while efficiently and effectively controlling the impacts to the environmentally-sensitive resource; which might not be fully possible or economically practicable if the Lot is not under the jurisdiction of the Redevelopment Plan.

It is therefore recommended that Block 123, Lot 28 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.14.11 Summary & Recommendation

Block 123, Lot 28 satisfies Criteria 'a', 'b', 'd', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.

²³⁹ N.J.S.A. 40A:12A-3





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6.15 Block 123.01, Lot 1: 55 S. Clifton Avenue

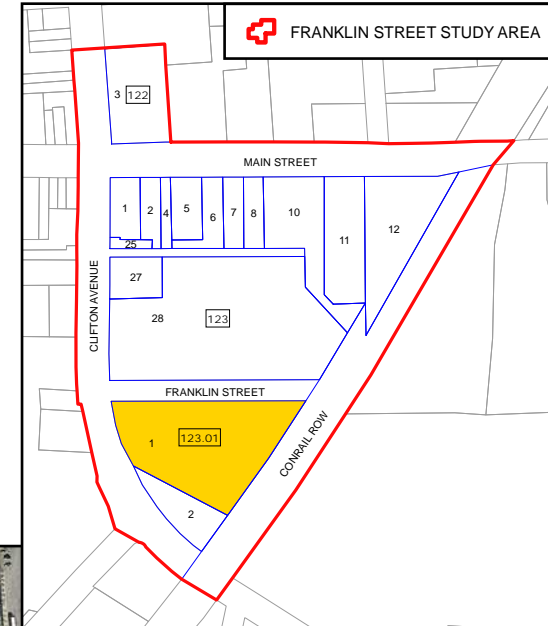
6.15.1 Background

Block 123.01, Lot 1 is a 1.86-acre parcel that hosts a vacant office / warehouse building surrounding by a large asphalt parking field.

While not visible on the site photography, building signage indicates that the site was last used by Verizon as a utility depot.

At Publication, the building was listed as being for sale.

As depicted in §5.5 herein, while nearly-fully developed, Lot 1 contains a small area of NJDEP-mapped wetlands, and is located within both the 50' buffer associated with these and surrounding wetlands as well as the buffer associated with the South Branch Metedeconk River. While the wetlands encroachment is considered minimal, the C-1 buffer significantly impacts the property.





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2014 Clifton Avenue View (Looking East)²⁴⁰



2014 Interior View
(Looking Northeast)



2014 Interior View
(Looking East)



2014 Interior View
(Looking Southeast)

²⁴⁰ View overlaps with adjacent Franklin Street and Block 123.01, Lot 2.



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6.15.2 Redevelopment Criterion 'a'²⁴¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

While the visual inspection of Block 123.01, Lot 1 conducted for this Preliminary Investigation finds the building on Lot 1 to be vacant, it does not appear to possess any of the characteristics required under Criterion 'a'. **Criterion 'a' therefore can not be said to apply.**

6.15.3 Redevelopment Criterion 'b'²⁴²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

The visual inspection of Block 123.01, Lot 1 conducted for this Preliminary Investigation finds the commercial / industrial building on Lot 1 to be vacant. **Criterion 'b' therefore applies.**

²⁴¹ N.J.S.A. 40A:12A-5a

²⁴² N.J.S.A. 40A:12A-5b



6.15.4 Redevelopment Criterion 'c'²⁴³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Block 123.01, Lot 1 is a privately-owned parcel with a building. **Criteria 'c' therefore does not apply.**

6.15.5 Redevelopment Criterion 'd'²⁴⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

²⁴³ N.J.S.A. 40A:12A-5c

²⁴⁴ N.J.S.A. 40A:12A-5d



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The building on Block 123.01, Lot 1 does not appear to possess any of the characteristics required under Criterion 'd'. **Criterion 'd' therefore can not be said to apply.**

6.15.6 Redevelopment Criterion 'e'²⁴⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. A visual inspection of Block 123.01, Lot 1 conducted for this Preliminary Investigation finds the building thereon to be vacant. As such, Lot 1 represents a *lack of proper utilization* resulting in a *stagnant and unproductive condition of land*. However, no evidence has been uncovered to suggest that this condition is caused by one of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore can not be said to apply.**

6.15.7 Redevelopment Criterion 'f'²⁴⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123.01, Lot 1 is less than 5 acres and the building thereon was not destroyed by any of the qualifying actions. **Criterion 'f' therefore does not apply.**

6.15.8 Redevelopment Criterion 'g'²⁴⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123.01, Lot 1 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

²⁴⁵ N.J.S.A. 40A:12A-5e

²⁴⁶ N.J.S.A. 40A:12A-5f

²⁴⁷ N.J.S.A. 40A:12A-5g





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6.15.9 Redevelopment Criterion 'h'²⁴⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123.01, Lot 1 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

6.15.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*²⁴⁹

A. Block 123.01, Lot 1 is located between Block 123, Lot 28²⁵⁰ and Block 123.01, Lot 2; both of which have been found herein to qualify as being In Need of Redevelopment.

²⁴⁸ N.J.S.A. 40A:12A-5h

²⁴⁹ N.J.S.A. 40A:12A-3

²⁵⁰ Franklin Street is located between Block 123, Lot 28 and Block 123.01, Lot 1. As a municipal right-of-way, Franklin Street can be vacated by the Township, at which time half of the roadway would be appended to Block 123, Lot 28 and Block 123.01, Lot 1.

Lot 2 is a corner lot. As such, a Redevelopment Project could theoretically be developed without this parcel. Lot 2 can not therefore be said to be necessary for inclusion in any Redevelopment Area.

If Lot 2 is not necessary, then Lot 1 becomes an extension of the corner and therefore can not be said to be necessary.

B. Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, eliminating Lot 1 from any eventual Redevelopment Area effectively splits Block 123.01 and limits the marketability and potential developability of Block 123.01, as well as the entirety of the Study Area.

C. Including this land under a Redevelopment designation would permit the Township to prepare a Redevelopment Plan that maximizes the use of Lot 1 while efficiently and effectively controlling the impacts to the environmentally-sensitive resource; which might not be fully possible or economically practicable if the lot is not under the jurisdiction of the Redevelopment Plan.





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D. Additionally, it is likely that any affirmative use on the Study Area lands would benefit, at a minimum, from visual and sound buffering from, and aesthetic improvements to, the railroad infrastructure along the east of the Study Area. Eliminating Lot 1 from any such Redevelopment Plan will limit the Township's ability to comprehensively and efficiently make such improvements and may therefore negatively impact any eventual Redevelopment Project.

It is therefore recommended that Block 123.01, Lot 1 is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

6.15.11 Summary & Recommendation

Block 123.01, Lot 1 satisfies Criteria 'b', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



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6.16 Block 123.01, Lot 2: South Clifton Avenue

6.16.1 Background

Block 123.01, Lot 2 is a .038-acre vacant parcel owned by a Public Utility²⁵¹

Lot 2 is fully encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody.



²⁵¹ Jersey Central Power & Light.



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1



2



3



4



5



*2014 Clifton Avenue View (Looking East)
Block 123.01, Lot 1 (1) to the Conrail ROW (5)*



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Interior View (Looking East)



Interior View (Looking East)



Interior View (Looking Southeast)



Interior View (Looking North)



Interior View (Looking Northeast)



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6.16.2 Redevelopment Criterion 'a'²⁵²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Block 123.01, Lot 2 is a vacant lot. **Criterion 'a' therefore does not apply.**

6.16.3 Redevelopment Criterion 'b'²⁵³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Block 123.01, Lot 2 is a vacant lot. **Criterion 'b' therefore does not apply.**

6.16.4 Redevelopment Criterion 'c'²⁵⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

- A. As a public utility-owned parcel that that shows no evidence of having ever been developed, Block 123.01, Lot 2 represents a *total lack of proper utilization resulting in a stagnant and unproductive condition of land.*
- B. Lot 2 is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88²⁵⁵ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 2 (§6.2.6 B. herein) suggest that it is potentially useful and valuable for contributing to and serving the public welfare.

²⁵² N.J.S.A. 40A:12A-5a

²⁵³ N.J.S.A. 40A:12A-5b

²⁵⁴ N.J.S.A. 40A:12A-5c

²⁵⁵ i.e., Main Street





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As privately-owned vacant land, Block 123.01, Lot 2 makes little²⁵⁶ contribution to the public sector, contributes nothing to the Lakewood Urban Enterprise Zone, supports no jobs and adds nothing to the *social or economic vitality* of the Township. As such, Lot 2 represents a negative social and economic influence for the Township and a lost opportunity ~ and therefore *detriment ~ to the welfare of the community*.

C. The environmental encumbrances on Lot 2 (§5.5 herein) resulting from the NJDEP-mapped wetlands and their associated buffers, as well as by the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody, substantially increase the level of permitting required for development of this parcel; thereby substantially increasing the cost of design and construction.

Absent site-specific analyses²⁵⁷ and successful application to NJDEP for a reclassification of the wetlands and a reduction in the required 50' wetlands buffer and 300' C-1 buffer, Lot 2 may be undevelopable ~ and is certainly undevelopable solely via private capital.

Criterion 'c' therefore applies.

6.16.5 Redevelopment Criterion 'd'²⁵⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Block 123.01, Lot 2 is a vacant lot that shows no evidence of having ever been developed. **Criterion 'd' therefore does not apply.**

6.16.6 Redevelopment Criterion 'e'²⁵⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive condition of land potentially useful and valuable for contributing to and

²⁵⁶ With no improvements, property taxes for privately-owned vacant lands are limited to Land Value.

²⁵⁷ Including, but not limited to, a Threatened & Endangered Species Study.

²⁵⁸ N.J.S.A. 40A:12A-5d

²⁵⁹ N.J.S.A. 40A:12A-5e





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...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.

- A. Block 123.01, Lot 2 is a vacant lot that shows no evidence of having ever been developed. As such, Lot 2 represents a *lack of proper utilization* resulting in a *stagnant and unproductive condition of land*.
- B. Lot 2 is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88²⁶⁰ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Lot 2 (§6.2.6 B. herein) suggest that it is *potentially useful and valuable for contributing to and serving the public health, safety and welfare*.
- C. As described in §5.5 and §6.16.1 herein, Lot 2 is fully encumbered by NJDEP-mapped wetlands and their associated buffers, as well as by the buffers associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody. Absent site-specific analyses²⁶¹ and successful application to NJDEP for a reclassification of the wetlands and a reduction in the required 50' wetlands buffer and 300' C-1 buffer, Lot 2 is undevelopable.

The wetlands, wetlands buffers and C-1 buffer serve, for all practical purposes, as an encumbrance Lot 2, resulting in what amounts to a practical cloud on the title and a *similar condition impeding land assemblage* or, more significantly, *discouraging the undertaking of improvements*.

Based on the totality of the foregoing, Block 123.01, Lot 2 represents a total *lack of proper utilization* caused by environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public welfare*; thereby contributing to the *negative social and economic condition of the Study Area*. **Criterion 'e' therefore applies.**

6.16.7 Redevelopment Criterion 'f'²⁶²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Block 123.01, Lot 2 is less than 5 acres and the building thereon was not destroyed by any of the qualifying actions. **Criterion 'f' therefore does not apply.**

²⁶⁰ i.e., Main Street

²⁶¹ Including, but not limited to, a Threatened & Endangered Species Study.

²⁶² N.J.S.A. 40A:12A-5f



6.16.8 Redevelopment Criterion 'g'²⁶³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Block 123.01, Lot 2 is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

6.16.9 Redevelopment Criterion 'h'²⁶⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Block 123.01, Lot 2 is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies**.

6.16.10 Summary & Recommendation

Accordingly, Block 123.01, Lot 2 satisfies Criteria 'c', 'e', 'g' and 'h' of the Redevelopment Law.

²⁶³ N.J.S.A. 40A:12A-5g

²⁶⁴ N.J.S.A. 40A:12A-5h



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**7.0 APPLICABILITY OF STATUTORY CRITERIA:
STUDY AREA RIGHTS-OF-WAY**

7.1 Unnamed Alley

7.1.1 Background

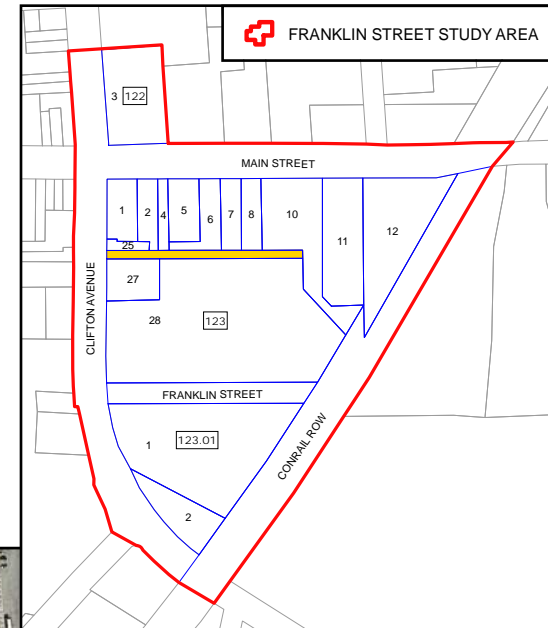
The Unnamed Alley is a 20'-wide, 0.22-acre municipal public right-of-way extending east (approximately) 470' from Clifton Avenue to the interior of the Study Area between Block 123, Lots 25 and 27.

The Alley is partially encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody.

The roadbed consists of deteriorated asphalt from the property line (approximately) 50' east (approximately 70' from the Clifton Avenue curbline). The remainder of the Alley is essentially gravel and vegetated land.

While a curbed radius is present on the northern side of the right-of-way, the southern side has no curb and is a mix of asphalt and gravel.

Despite this erstwhile "paving", this public right-of-way appears to serve as a driveway for Block 123, Lot 25.





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Clifton Avenue View (Looking East)²⁶⁵



Interior View (Looking East)

7.1.2 Redevelopment Criterion 'a'²⁶⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

²⁶⁵ View overlaps with adjacent Block 123, Lots 25 and 27.

²⁶⁶ N.J.S.A. 40A:12A-5a

While the unimproved portion of the Unnamed Alley may be described as a substandard right-of-way and the asphalt portion may be described as a substandard and dilapidated cartway, it is not a building. **Criterion 'a' therefore can not be said to apply.**

7.1.3 Redevelopment Criterion 'b'²⁶⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

²⁶⁷ N.J.S.A. 40A:12A-5b



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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.

The Unnamed Alley is not a building. **Criterion 'b' therefore can not be said to apply.**

7.1.4 Redevelopment Criterion 'c'²⁶⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

A. The Unnamed Alley is municipally-owned public right-of-way that abuts:

- Block 123, Lots 2, 7, 8, 10 & 27: owned by the Lakewood Development Corporation;
- Block 123, Lots 4, 5 & 6: owned by the Township; and

- Block 123, Lot 25 & Block 123, Lot 28: each owned by separate private entities.

B. Given the location and geometry of this Alley and the land use patterns in Block 123, both at Publication and as anticipated as part of an eventual Redevelopment Project, the Alley is not viewed as necessary for internal Study Area circulation or for general Township circulation.

Conversely, the land comprising the Alley is viewed as necessary for the actual development of a Redevelopment Project.

C. In New Jersey, municipalities are extremely limited in how they may dispose of unneeded or unwanted rights-of-way. Absent the powers granted under the *Redevelopment Law*, a municipality generally must dispose of such lands by vacating them in favor of adjacent land owners. As a practical matter, the to-be-vacated right-of-way would be divided down the centerline, and each lot abutting the vacated portion of the street would receive that portion of the vacation (to the centerline) to which it abuts (i.e., between the side lot lines).²⁶⁹

1. Should the Township vacate Franklin Street prior to a Redevelopment Area designation, the right-of-way would be divided down its centerline, with portions being appended to:

- Block 123, Lots 2, 4, 5, 6, 7, 8, 10 and 27, which are owned by the LDC or the Township.

²⁶⁸ N.J.S.A. 40A:12A-5c

²⁶⁹ N.J.S.A. 40:67-1 et. seq. & related case law.





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Accordingly, these lots can not be developed without the active participation of the public sector (i.e., solely by private capital).

- Block 123, Lot 28, which contains an unsafe and unsanitary building and is encumbered by wetlands and wetland buffers. Appending a portion of the Alley to this property would add land to a lot which has a demonstrated history of neglect and, due to its environmental conditions, is not likely to be developed through the instrumentality of private capital.
- Block 123, Lot 25. As detailed in §7.1.1 herein, the Alley, at its full 20' width, is substandard and inadequate to service Lot 25. Transferring a 10'-wide portion of the Alley to this lot will not improve conditions.

As such, the individual portions of the Alley would qualify for Redevelopment Area designation as part of the lots to which they would be appended.

2. Should the Township not vacate the Alley prior to a Redevelopment Area designation, the right-of-way could be addressed as municipal land. In such case:

The environmental encumbrances on the eastern portion of the Alley (§5.5 and §7.1.1 herein) resulting from the NJDEP-mapped wetlands and their associated buffers substantially increase the level of permitting required for development of this land; thereby substantially increasing the cost of design and

construction. Absent site-specific analyses²⁷⁰ and successful application to NJDEP for a reclassification of the wetlands and a reduction in the required 50' wetlands buffer, the easterly 400' of this land may be undevelopable ~ and is certainly undevelopable solely via private capital. Collectively, the ownership and nature of the soils of the Unnamed Alley make it unlikely that this land will be developed solely by private means.

Criterion 'c' therefore applies.

7.1.5 Redevelopment Criterion 'd'²⁷¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

- A. The Unnamed Alley 'dead-ends' (approximately) 50' east of the Block 123 property line. The Alley is not a through-street and, at 20'-wide, is insufficient for vehicles to turn around without trespassing onto private property.

²⁷⁰ Including, but not limited to, a Threatened & Endangered Species Study.

²⁷¹ N.J.S.A. 40A:12A-5d





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The Alley is far too narrow for two travel lanes, and thereby presents potential traffic conflicts for delivery and service vehicles, as well as for trash and recycling trucks, snow plows and other vehicles which require large turning areas²⁷² and which must make especially wide turns into and out of the Alley ~ thereby blocking traffic on the heavily-traveled Clifton Avenue.

Additionally, the Alley is far too narrow for modern emergency vehicles,²⁷³ and the proximity of the Lot 25 building to the cartway may limit the ability for responders to access an ambulance's side patient care doors or medical supply cabinets.

- B. In its present condition,²⁷⁴ the Unnamed Alley can service only Block 123, Lots 25 and 27. And with on-street parking or standing prohibited on Clifton Avenue, the only access to these Lots is via the Alley.

While Lot 25 hosts, at Publication, a taxi dispatch facility (thereby requiring limited, if any, deliveries), this was not always the case (and may not be the

case into the future).²⁷⁵ LDC records indicate that the building on Lot 25 had previously been a grocery store, which would have required significant deliveries of inventory and removal of trash and recycling.

Lot 27 is vacant land that appears to have never been developed (§6.13). As such, servicing this lot would never have been an issue in the past, but would be with affirmative development of the property.

- C. At Publication, the operator of the business on Lot 25 is a tenant. Should such tenant vacate this property, the practical restrictions on patron and delivery access would likely severely constrain the market for a successor user; thereby impacting the ability to lease (or sell) the property for a use that fully contributes the Township's efforts to revitalize this section of Lakewood.

While a 20'-wide alleyway servicing commercial uses may have been acceptable in an earlier era, it is no longer considered proper planning or good urban design. Practical restrictions on access inhibits the commercial viability of the existing building on Lot 25 and any potential building on Lot 27, causes conflicts in local circulation and creates congestion on Township streets.

By limiting the marketability of properties in the Study Area, these conditions retard commercial viability and, in so doing, limit funding otherwise available to the LUEZ for economic development projects.

Criterion 'd' therefore applies.

²⁷² The Township's Building & Grounds Supervisor has informed this office that the Township's current garbage trucks are 8' wide and 40' long and the current snow plows are 24' long. As such, a 20'-wide right-of-way is not acceptable. He states that roadways less than 30' present a "major problem" and will not send a truck down a 20'-wide alley.

²⁷³ The Township's Emergency Management Supervisor has informed this office that he will not send an ambulance down a right-of-way where it could not turn around and therefore would be required to back out.

While this office was unable to confirm the minimum turning radius and optimal fire lane for the Township's fire apparatus, the EMS Supervisor's concerns likely for ambulances likely apply to larger fire equipment.

²⁷⁴ i.e., without substantial clearing and improvement on its easterly side ~ which, as detailed in §7.1.6 herein, is unlikely absent a Redevelopment designation.

²⁷⁵ §6.12.1 herein





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7.1.6 Redevelopment Criterion 'e'²⁷⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. As an undersized, unimproved street that dead-ends at Block 123, Lot 10, the Unnamed Alley is not needed, or is likely to be needed, for municipal circulation and thereby represents a *lack of proper utilization, resulting in a stagnant and unproductive condition of land.*
- B. The Alley is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88²⁷⁷ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to the Alley (§6.2.6 B. herein) suggest

that this land is *potentially useful and valuable for contributing to and serving the public welfare* ~ not as a right-of-way but as lands necessary for a Redevelopment Project.

- C. As described in §5.5 herein and §7.1.1 herein, the eastern portion of the Alley is significantly encumbered by the buffers associated with NJDEP-mapped wetlands. Absent site-specific analyses²⁷⁸ and successful application to NJDEP for a reclassification of the wetlands and a reduction in the required 50' wetlands buffer, improvement to this Alley may be limited to the westerly 50' of this right-of-way.

The wetlands, wetland buffers and C-1 buffer serve, for all practical purposes, as an encumbrance on the impacted portion of Alley, resulting in what amounts to a practical cloud on the title and a *similar condition impeding land assemblage* or, more significantly, *discouraging the undertaking of improvements.*

Based on the totality of the foregoing, the Unnamed Alley represents a total *lack of proper utilization* caused by its municipal ownership and environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public welfare*; thereby contributing to the *negative social and economic condition of the Study Area. Criterion 'e' therefore applies.*

²⁷⁶ N.J.S.A. 40A:12A-5e

²⁷⁷ i.e., Main Street

²⁷⁸ Including, but not limited to, a Threatened & Endangered Species Study.





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7.1.7 Redevelopment Criterion 'f'²⁷⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

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.

The Unnamed Alley is less than 5 acres. As a municipal right-of-way, it has no assessed value to be materially depreciated. **Criterion 'f' therefore does not apply.**

7.1.8 Redevelopment Criterion 'g'²⁸⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

The Unnamed Alley is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

²⁷⁹ N.J.S.A. 40A:12A-5f

²⁸⁰ N.J.S.A. 40A:12A-5g

7.1.9 Redevelopment Criterion 'h'²⁸¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The Unnamed Alley is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

7.1.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*²⁸²

The Unnamed Alley is located between Block 123, Lots 25, 2, 4, 5, 6, 7, 8 and 10 to the north and Block 123, Lots 27 and 28 to the south; all of which have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any

²⁸¹ N.J.S.A. 40A:12A-5h

²⁸² N.J.S.A. 40A:12A-3





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Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lots to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the 20'-wide x 470'-deep Alley would create very real practical difficulties in the site planning, building design and construction process.

It is therefore recommended that the Unnamed Alley is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

7.1.11 Summary & Recommendation

Accordingly, the Unnamed Alley satisfies Criteria 'c', 'd', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.



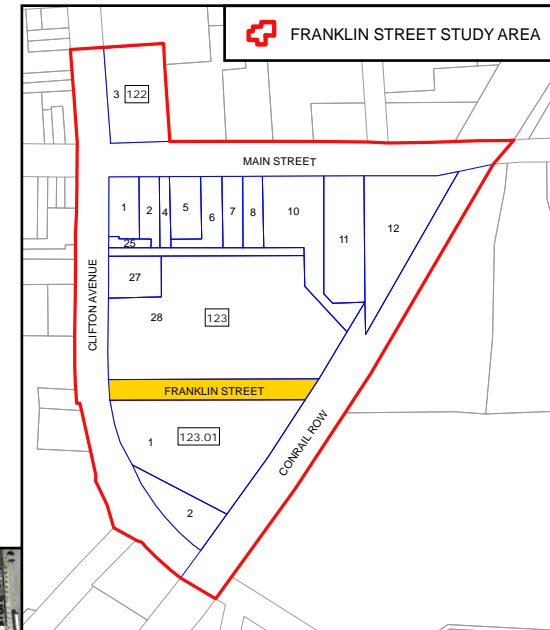
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7.2 Franklin Street

7.2.1 Background

Franklin Street is a 50'-wide, 0.56-acre unimproved municipal public right-of-way (i.e., paper street) extending east (approximately) 490' from Clifton Avenue to the interior of the Study Area between Block 123, Lot 28 and Block 123.01, Lot 1.

Franklin Street is fully encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody.





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7.2.2 Redevelopment Criterion 'a'²⁸³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

While the unimproved Franklin Street may be described as a substandard cartway, it is not a building. **Criterion 'a' therefore can not be said to apply.**

7.2.3 Redevelopment Criterion 'b'²⁸⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Franklin Street is not a building. **Criterion 'b' therefore can not be said to apply.**



Clifton Avenue View (Looking East)²⁸⁵

7.2.4 Redevelopment Criterion 'c'²⁸⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

²⁸³ N.J.S.A. 40A:12A-5a

²⁸⁴ N.J.S.A. 40A:12A-5b

²⁸⁵ View overlaps with adjacent Block 123, Lot 28 and Block 123.01, Lot 1.

²⁸⁶ N.J.S.A. 40A:12A-5c





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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.

- A. Franklin Street is municipally owned public right-of-way that abuts privately-owned Block 123, Lot 28 and Block 123.01, Lot 1.

Given the location and geometry of Franklin Street and the land use patterns in the Study Area, both at Publication and as anticipated as part of an eventual Redevelopment Project, Franklin Street will either remain necessary for internal circulation for a Redevelopment Project or will be necessary for the actual development of such a Project.

As stated,²⁸⁷ absent the powers granted under the *Redevelopment Law*, a municipality generally must dispose of unneeded or unwanted rights-of-way by vacating them in favor of adjacent land owners.

Should the Township vacate Franklin Street prior to a Redevelopment Area designation, the right-of-way would be divided down its centerline, with each half being appended to:

- Block 123, Lot 28, which contains an unsafe and unsanitary building and is encumbered by wetlands and wetland buffers.
- Block 123.01, Lot 1, which is encumbered by wetlands and wetland buffers.

As such, the individual portions of Franklin Street would qualify for Redevelopment Area designation as part of the lots to which they would be appended.

- B. Should the Township not vacate Franklin Street prior to a Redevelopment Area designation, the right-of-way could be addressed as municipal land. In such case:

As described in §5.5 herein, Franklin Street is fully encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody. Absent site-specific analyses²⁸⁸ and successful application to NJDEP for a reclassification of the wetlands and a reduction in the required 50' wetlands buffer and 300' C-1 buffer ~ i.e. if left solely to private means, Franklin Street is undevelopable.

Collectively, the ownership and nature of the soils of Franklin Street make it unlikely that this land will be developed solely by private means.

Criterion 'c' therefore applies.

²⁸⁷ §7.1.4 C. herein.

²⁸⁸ Including, but not limited to, a Threatened & Endangered Species Study.



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7.2.5 Redevelopment Criterion 'd'²⁸⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

No evidence has been uncovered to demonstrate that Franklin Street exhibits any of the qualifying factors under Criterion 'd'. **Criterion 'd' can not therefore be said to apply.**

7.2.6 Redevelopment Criterion 'e'²⁹⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

- A. As an unimproved street that dead-ends into the railroad right-of-way, Franklin Street will either remain necessary for internal circulation for a Redevelopment Project or will be necessary for the actual development of such a Project.
- B. Franklin Street is located in the core of the downtown commercial section of Lakewood; just off of the intersection of SR 88²⁹¹ and Clifton Avenue, which run through the Township. Thriving businesses in direct proximity to Franklin Street (§6.2.6 B. herein) suggest that this land is *potentially useful and valuable for contributing to and serving the public welfare* ~ either as a right-of-way servicing development in the Study Area or as land for a Redevelopment Project.
- C. As described in §5.5 herein and §7.2.1 herein, Franklin Street is fully encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody. Absent site-specific analyses²⁹² and successful application to NJDEP for a

²⁸⁹ N.J.S.A. 40A:12A-5d

²⁹⁰ N.J.S.A. 40A:12A-5e

²⁹¹ i.e., Main Street

²⁹² Including, but not limited to, a Threatened & Endangered Species Study.





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reclassification of the wetlands and a reduction in the required 50' wetlands buffer and 300' C-1 buffer, Franklin Street is undevelopable.

The wetlands, wetland buffers and C-1 buffer serve, for all practical purposes, as an encumbrance on Franklin Street, resulting in what amounts to a practical cloud on the title and a *similar condition impeding land assemblage* or, more significantly, *discouraging the undertaking of improvements*.

Based on the totality of the foregoing, Franklin Street represents a total *lack of proper utilization* caused by its municipal ownership and environmental conditions that *discourage the undertaking of improvements*; resulting in a *stagnant or not fully productive* condition of land *potentially useful and valuable* for contributing to and serving the public welfare; and thereby contributing to the *negative social and economic condition of the Study Area*. **Criterion 'e' therefore applies.**

7.2.7 Redevelopment Criterion 'f'²⁹³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

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.

Franklin Street is less than 5 acres. As a municipal right-of-way, it has no assessed value to be materially depreciated. **Criterion 'f' therefore does not apply.**

7.2.8 Redevelopment Criterion 'g'²⁹⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Franklin Street is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

7.2.9 Redevelopment Criterion 'h'²⁹⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Franklin Street is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

²⁹³ N.J.S.A. 40A:12A-5f

²⁹⁴ N.J.S.A. 40A:12A-5g

²⁹⁵ N.J.S.A. 40A:12A-5h





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7.2.10 Necessity of Inclusion

The Redevelopment Law provides that 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.²⁹⁶

Franklin Street is located between Block 123, Lot 28 and Block 123.01, Lot 1, both of which have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lots to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating these lots to be 'In Need', and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, attempting to 'gerrymander' a Redevelopment Project around the 50'-wide x 490'-deep Franklin Street would create very real practical

difficulties in the site planning, building design and construction process.

Additionally, it is likely that any affirmative use on the Study Area lands would benefit, at a minimum, from visual and sound buffering from, and aesthetic improvements to, the railroad infrastructure along the east of the Study Area. Eliminating Franklin Street from any such Redevelopment Plan will limit the Township's ability to comprehensively and efficiently make such improvements and may therefore negatively impact any eventual Redevelopment Project.

It is therefore recommended that Franklin Street is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

7.2.11 Summary & Recommendation

Franklin Street satisfies Criteria 'c', 'e', 'g' and 'h' of the Redevelopment Law, and is necessary, with or without change in its condition, for the effective redevelopment of the Study Area under N.J.S.A. 40A:12A-3.

²⁹⁶ N.J.S.A. 40A:12A-3



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7.3 CONRAIL Right-of-Way²⁹⁷

7.3.1 Background

The RR ROW is a 2.36-acre portion of the Southern Branch Main Line (a.k.a. CONRAIL) freight rail line.²⁹⁸ The portion of the rail line within the Study Area extends from Main Street in the north to Clifton Avenue to the south. The RR ROW forms the eastern boundary of the Study Area.

There is very little actual activity on this portion of the rail line.

The RR ROW is significantly encumbered by NJDEP-mapped wetlands and their associated buffers, as well as the buffer associated with the South Branch Metedeconk River, which is classified as a Category 1 ("C-1") waterbody.



²⁹⁷ "RR ROW"

²⁹⁸ Operated by CONRAIL Shared Assets Operations ("CSAO"). The active portion of the line runs from South Amboy to the current end of track in Lakewood. The line is owned by New Jersey Transit, but the southern portion (Red Bank to Lakewood) is not shared with passenger trains. Beyond Lakewood, the tracks are owned by CSAO as far as Lakehurst, but are inactive between Lakewood and Lakehurst.^{298A}

^{298A} [wikipedia.org/wiki/Southern_Secondary_\(railway\)](http://wikipedia.org/wiki/Southern_Secondary_(railway))





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Main Street View (Looking South)²⁹⁹



Clifton Avenue View (Looking North)³⁰⁰

²⁹⁹ View overlaps with adjacent Block 123, Lot 12.

³⁰⁰ View overlaps with adjacent Block 123.01, Lot 2.



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7.3.2 Redevelopment Criterion 'a'³⁰¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

The RR ROW does not contain any buildings. **Criterion 'a' therefore does not apply.**

7.3.3 Redevelopment Criterion 'b'³⁰²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

The RR ROW does not contain any buildings. **Criterion 'b' therefore does not apply.**

7.3.4 Redevelopment Criterion 'c'³⁰³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

The RR ROW is privately-owned land that contains railroad infrastructure improvements. **Criterion 'c' therefore does not apply.**

7.3.5 Redevelopment Criterion 'd'³⁰⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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

³⁰¹ N.J.S.A. 40A:12A-5a

³⁰² N.J.S.A. 40A:12A-5b

³⁰³ N.J.S.A. 40A:12A-5c

³⁰⁴ N.J.S.A. 40A:12A-5d





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or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

The railroad infrastructure on the RR ROW does not exhibit any of the qualifying factors under Criterion 'd'. **Criterion 'd' therefore does not apply.**

7.3.6 Redevelopment Criterion 'e'³⁰⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

The RR ROW hosts active railroad infrastructure. As such, the site does not exhibit any of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore does not apply.**

7.3.7 Redevelopment Criterion 'f'³⁰⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

The RR ROW is less than 5 acres and has no buildings or improvements which were destroyed by a qualifying action. **Criterion 'f' therefore does not apply.**

7.3.8 Redevelopment Criterion 'g'³⁰⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

The RR ROW is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

³⁰⁵ N.J.S.A. 40A:12A-5e

³⁰⁶ N.J.S.A. 40A:12A-5f

³⁰⁷ N.J.S.A. 40A:12A-5g





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7.3.9 Redevelopment Criterion 'h'³⁰⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The RR ROW is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies.**

7.3.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.³⁰⁹

The RR ROW is located adjacent to lands that have either been found herein to qualify as being In Need of Redevelopment or which were themselves found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands 'In Need' and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, it is likely that any affirmative use on the lands adjacent to the RR ROW would benefit, at a minimum, from visual and sound buffering from, and aesthetic improvements to, the railroad infrastructure. Eliminating the RR ROW from any such Redevelopment Plan will limit the Township's ability to comprehensively and efficiently make such improvements and may therefore negatively impact any eventual Redevelopment Project.

It is therefore recommended that the RR ROW is necessary, with or without change in its condition, for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

7.3.11 Summary & Recommendation

The RR ROW satisfies Criteria 'g' and 'h' of the Redevelopment Law and is necessary for inclusion as part of a Redevelopment Area under N.J.S.A. 40A:12A-3.

³⁰⁸ N.J.S.A. 40A:12A-5h

³⁰⁹ N.J.S.A. 40A:12A-3





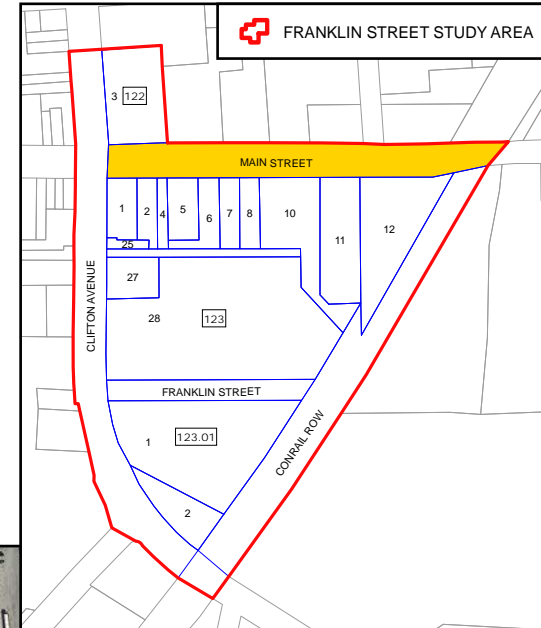
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7.4 Main Street (SR 88)

7.4.1 Background

Main Street is a portion of State Route 88, which is a 10.02-mile highway running from its intersection with U.S. Route 9 and County Route 547 in Lakewood to its intersection with State Route 35 in Point Pleasant, Ocean County, New Jersey.

The 1.76-acre portion of Main Street within the Study Area extends from Clifton Avenue to the west to the CONRAIL Right-of-Way to the east. With the exception of Block 122, Lot 3, Main Street forms the northern boundary of the Study Area.





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7.4.2 Redevelopment Criterion 'a'³¹⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Main Street itself does not contain any buildings.
Criterion 'a' therefore does not apply.

7.4.3 Redevelopment Criterion 'b'³¹¹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Main Street itself does not contain any buildings.
Criterion 'b' does not apply.



Clifton Avenue View (Looking East)
from Main Street / Clifton Avenue Intersection³¹²

7.4.4 Redevelopment Criterion 'c'³¹³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Main Street is an active State-owned right-of-way.
Criterion 'c' therefore does not apply.

³¹⁰ N.J.S.A. 40A:12A-5a

³¹¹ N.J.S.A. 40A:12A-5b

³¹² Block 122, Lot 3 to the left of view, Block 123, Lots 1, 2, 4 etc to the right.

³¹³ N.J.S.A. 40A:12A-5c





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7.4.5 Redevelopment Criterion 'd'³¹⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

Main Street does not exhibit any of the qualifying factors under Criterion 'd'. **Criterion 'd' therefore does not apply.**

7.4.6 Redevelopment Criterion 'e'³¹⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and underproductive 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.

Main Street does not exhibit any of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore does not apply.**

7.4.7 Redevelopment Criterion 'f'³¹⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

Main Street within the Study Area is less than 5 acres. As a State right-of-way, it has no assessed value to be materially depreciated. **Criterion 'f' therefore does not apply.**

7.4.8 Redevelopment Criterion 'g'³¹⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

³¹⁴ N.J.S.A. 40A:12A-5d

³¹⁵ N.J.S.A. 40A:12A-5e

³¹⁶ N.J.S.A. 40A:12A-5f

³¹⁷ N.J.S.A. 40A:12A-5g





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In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Main Street is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

7.4.9 Redevelopment Criterion 'h'³¹⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Main Street is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies**.

7.4.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*³¹⁹

³¹⁸ N.J.S.A. 40A:12A-5h

³¹⁹ N.J.S.A. 40A:12A-3

With the exception of Block 122, Lot 3, Main Street forms the northern boundary of the Franklin Street Study Area and is located adjacent to lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands 'In Need' and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, Main Street will remain necessary for circulation in, around and through the Township.

At Publication, Main Street is in good-to-excellent condition. However, it is likely that subsurface utilities under this roadway will require reconstruction to accommodate any eventual Redevelopment Project. While the costs associated with such activities have not been calculated for this Preliminary Investigation, any such costs would either be borne by the Township, the LDC via the LUEZ or a Redeveloper for the Study Area.

- If borne by the Township: any financial assistance available to help underwrite the reconstruction would reduce the costs to the taxpayer; thereby making such municipal spending politically achievable.





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- If borne by the LDC: any financial assistance available to help underwrite the reconstruction would reduce the LDC commitment; thereby enabling LUEZ funds to be used elsewhere in the Township.
- If borne by a Redeveloper: any financial assistance available to help underwrite the reconstruction would reduce the overall cost of the Project. Given the current economic climate, such assistance might make the difference between a viable project and one that is simply too expensive to undertake.

Over the years, the State of New Jersey has instituted numerous programs designed to provide financial assistance for economic development Projects. These include, but are not limited to, Long Term and Short Term Tax Abatement Programs,³²⁰ Payment-In-Lieu-of-Tax (P.I.L.O.T.) Programs, tax credits and, most recently, the New Jersey Economic Opportunity Act of 2013.³²¹ A prerequisite of eligibility for these and other programs is location within a designated Redevelopment Area.

If Main Street were not included in a designated Redevelopment Area, it would not be eligible for these and other funding sources. Reconstruction costs would then be left to the taxpayers, the LDC or the Redeveloper. In either case, such costs have the potential to materially impact the viability of the Project.

It is therefore recommended that Main Street is necessary, with or without change in its condition, for the effective redevelopment of the Study Area,

and should therefore be included in any designated Redevelopment Area.

7.4.11 Summary & Recommendation

Main Street satisfies Criteria 'g' and 'h' of the Redevelopment Law and is necessary for inclusion as part of a Redevelopment Area under N.J.S.A. 40A:12A-3.

³²⁰ N.J.S.A. 40A:20-1 et seq. & N.J.S.A. 40A:21-1, et seq.

³²¹ N.J.S.A. 52:27D-489p



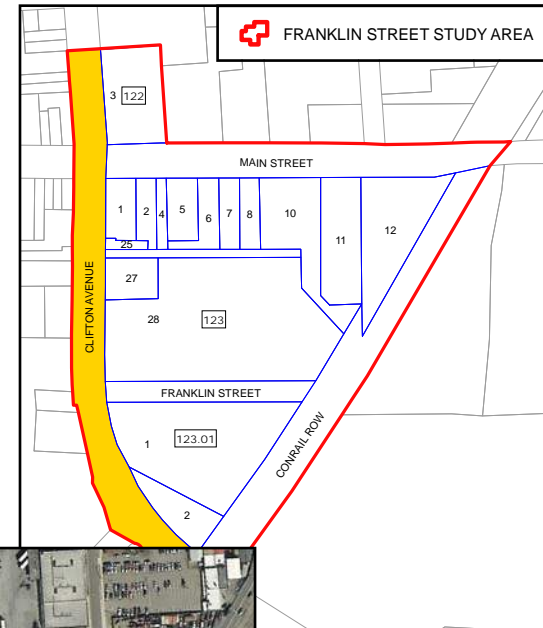
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7.5 Clifton Avenue

7.5.1 Background

Clifton Avenue is a municipal arterial that runs north from its intersection with County Road 525 and Cedar Bridge Avenue) approximately 1.3 miles to East County Line Road (CR 528). From East County Line Road, Clifton Avenue extends north as a local collector for approximately 0.1 miles.

The 2.66-acre portion of Clifton Avenue within the Study Area extends from Block 122, Lot 3 to the north to the CONRAIL Right-of-Way to the south. Clifton Avenue forms the western and southern boundaries of the Study Area.





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7.5.2 Redevelopment Criterion 'a'³²²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

Clifton Avenue itself does not contain any buildings.
Criterion 'a' therefore does not apply.

7.5.3 Redevelopment Criterion 'b'³²³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there exists:

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.

Clifton Avenue itself does not contain any buildings.
Criterion 'b' does not apply.



Main Street View (Looking South) from Main Street / Clifton Avenue Intersection³²⁴

7.5.4 Redevelopment Criterion 'c'³²⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

³²² N.J.S.A. 40A:12A-5a

³²³ N.J.S.A. 40A:12A-5b

³²⁴ Block 123, Lot 13 to the left of view.

³²⁵ N.J.S.A. 40A:12A-5c





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Clifton Avenue is an active County-owned right-of-way.
Criterion 'c' therefore does not apply.

7.5.5 Redevelopment Criterion 'd'³²⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Clifton Avenue does not exhibit any of the qualifying factors under Criterion 'd'. **Criterion 'd' therefore does not apply.**

7.5.6 Redevelopment Criterion 'e'³²⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of

improvements, resulting in a stagnant and underproductive 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.

Clifton Avenue does not exhibit any of the qualifying factors under Criterion 'e'. **Criterion 'e' therefore does not apply.**

7.5.7 Redevelopment Criterion 'f'³²⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if there is:

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.

Clifton Avenue within the Study Area is less than 5 acres. As a County right-of-way, it has no assessed value to be materially depreciated. **Criterion 'f' therefore does not apply.**

³²⁶ N.J.S.A. 40A:12A-5d

³²⁷ N.J.S.A. 40A:12A-5e

³²⁸ N.J.S.A. 40A:12A-5f





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7.5.8 Redevelopment Criterion 'g'³²⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

Clifton Avenue is located in the Lakewood Urban Enterprise Zone. **Criterion 'g' therefore applies**, albeit for the limited purposes specified in the *Redevelopment Law*.

7.5.9 Redevelopment Criterion 'h'³³⁰

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Clifton Avenue is located in a Regional Center within a PA~2 (Suburban) Planning Area. **Criterion 'h' therefore applies**.

7.5.10 Necessity of Inclusion

The *Redevelopment Law* provides that 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.*³³¹

Clifton Avenue forms the western and southern boundaries of the Franklin Street Study Area and is located adjacent to lands that have either been found herein to qualify as being In Need of Redevelopment or were found to be necessary, with or without change in their condition, for inclusion in any Redevelopment Area under the *Redevelopment Law*, or both.

Should the Township formally designate these lands to be In Need of Redevelopment, a Redevelopment Plan, establishing the goals and objectives of the Township in designating the lands 'In Need' and outlining the actions to be taken to accomplish these goals and objectives, will follow.

While it is not known, at Publication, what form such a Redevelopment Plan might take, what land uses might be proposed and what building controls might be instituted, Clifton Avenue will remain necessary for circulation in, around and through the Township.

At Publication, Clifton Avenue is in good-to-excellent condition. However, it is likely that subsurface utilities under this roadway will require reconstruction to accommodate any eventual Redevelopment Project.

³²⁹ N.J.S.A. 40A:12A-5g

³³⁰ N.J.S.A. 40A:12A-5h

³³¹ N.J.S.A. 40A:12A-3





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While the costs associated with such activities have not been calculated for this Preliminary Investigation, any such costs would either be borne by the Township, the LDC via the LUEZ or a Redeveloper for the Study Area.

- If borne by the Township: any financial assistance available to help underwrite the reconstruction would reduce the costs to the taxpayer; thereby making such municipal spending politically achievable.
- If borne by the LDC: any financial assistance available to help underwrite the reconstruction would reduce the LDC commitment; thereby enabling LUEZ funds to be used elsewhere in the Township.
- If borne by a Redeveloper: any financial assistance available to help underwrite the reconstruction would reduce the overall cost of the Project. Given the current economic climate, such assistance might make the difference between a viable project and one that is simply too expensive to undertake.

A prerequisite of eligibility for the State economic development assistance programs detailed herein is Redevelopment Area designation.

If Clifton Avenue were not included in a designated Redevelopment Area, it would not be eligible for these and other funding sources. Reconstruction costs would then be left to the taxpayers, the LDC or the Redeveloper. In either case, such costs have the potential to materially impact the viability of the Project.

It is therefore recommended that Clifton Avenue is necessary, with or without change in its condition,

for the effective redevelopment of the Study Area, and should therefore be included in any designated Redevelopment Area.

7.5.11 Summary & Recommendation

Clifton Avenue satisfies Criteria 'g' and 'h' of the Redevelopment Law and is necessary for inclusion as part of a Redevelopment Area under N.J.S.A. 40A:12A-3.



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**8.0 APPLICABILITY OF STATUTORY CRITERIA:
COMBINED ANALYSIS**

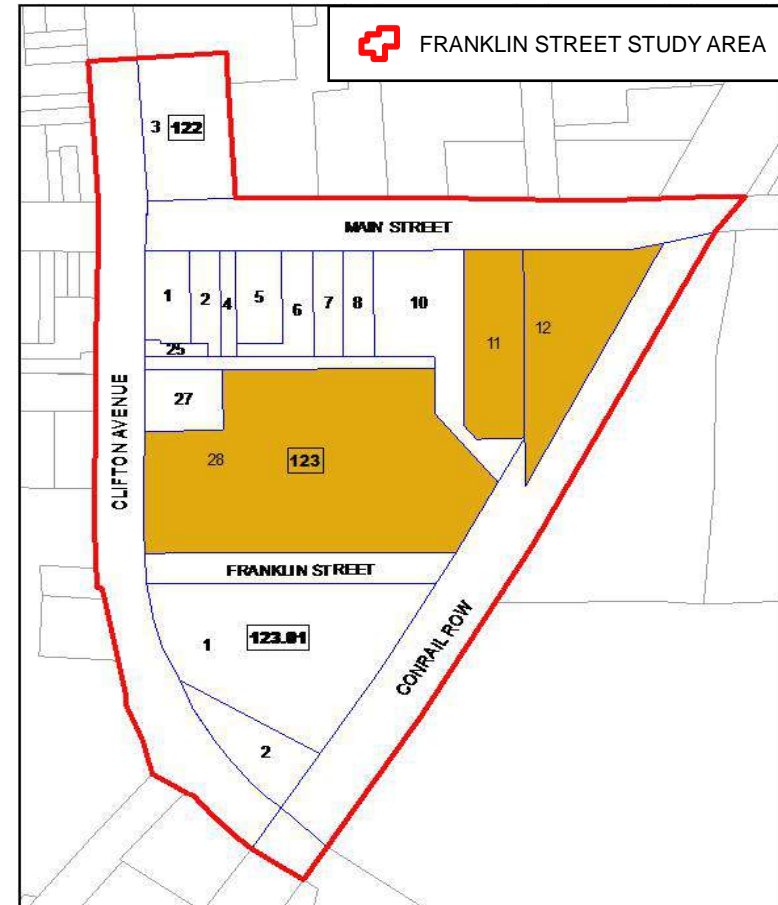
8.1 Redevelopment Criterion 'a'³³²

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

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.

This Preliminary Investigation finds 3 Study Area lots (4.9 acres) that exhibits one or more of this criterion's qualifying conditions.

Accordingly, 18.8% of the Study Area's lots and 27.1% of the Study Area's land mass (including rights-of-way) qualifies under Redevelopment Criterion 'a'.



³³² N.J.S.A. 40A:12A-5a





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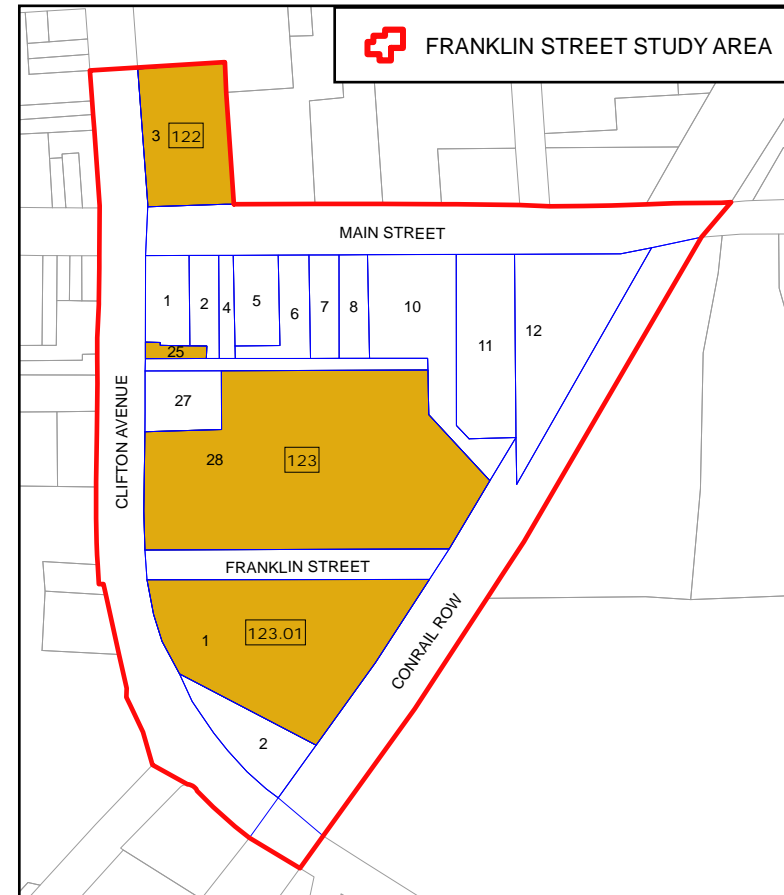
8.2 Redevelopment Criterion 'b'³³³

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it exhibits:

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.

This Preliminary Investigation finds 4 Study Area lots (5.95 acres) that host vacant commercial / industrial buildings.

Accordingly, 25% of the Study Area's lots and 32.9% of the Study Area's land mass (including rights-of-way) qualifies under Redevelopment Criterion 'b'.



³³³ N.J.S.A. 40A:12A-5b





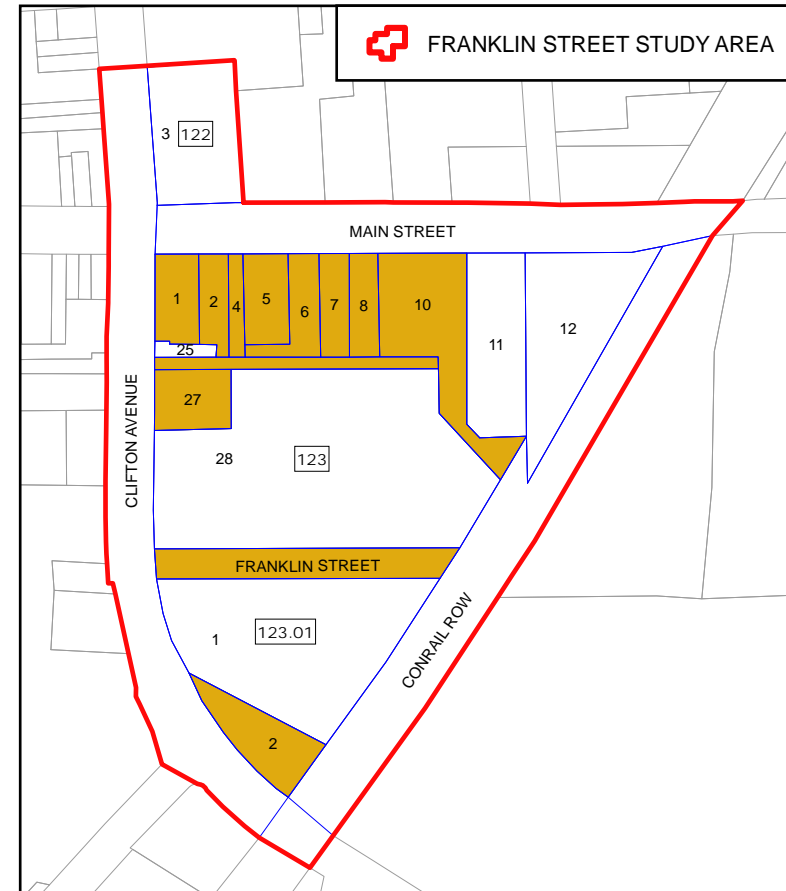
8.3 Redevelopment Criterion ‘c’³³⁴

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it exhibits:

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.

This Preliminary Investigation finds 10 Study Area lots and two Study Area rights-of-way (3.7 acres) that exhibit one or more of this criterion's qualifying conditions.

Accordingly, 62.5% of the Study Area’s lots and 20.4% of the Study Area’s land mass (including rights-of-way) qualifies under Redevelopment Criterion ‘c’.



³³⁴ N.J.S.A. 40A:12A-5c



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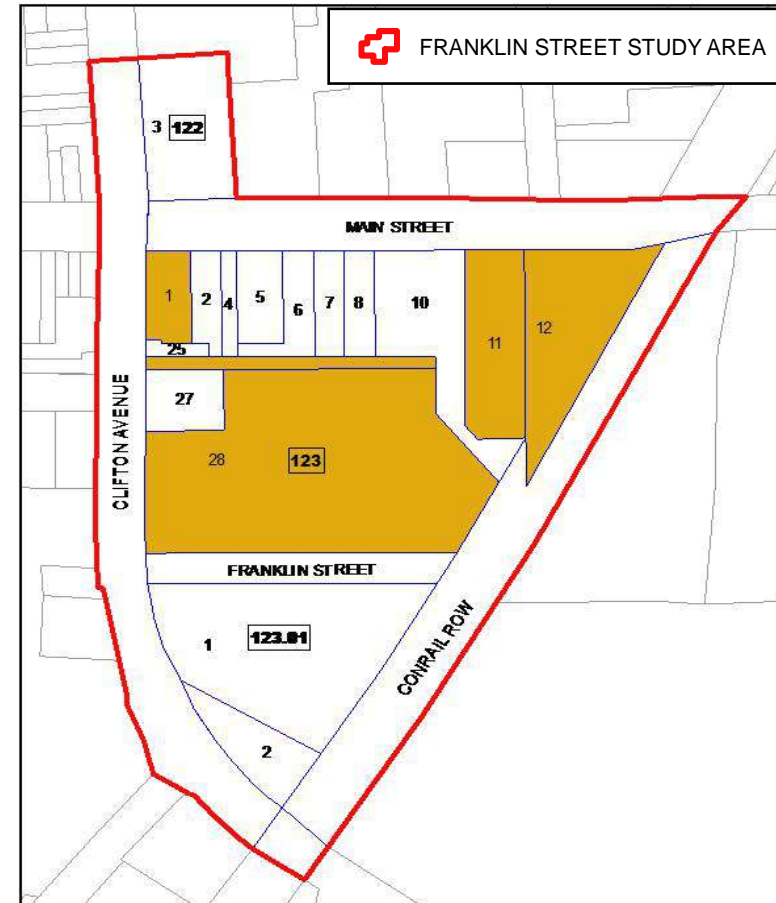
8.4 Redevelopment Criterion 'd'³³⁵

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area 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.

This Preliminary Investigation finds 4 Study Area lots and one Study Area right-of-way (5.4 acres) that exhibit one or more of this criterion's qualifying conditions.

Accordingly, 25% of the Study Area's lots and 29.8% of the Study Area's land mass (including rights-of-way) qualifies under Redevelopment Criterion 'd'.



³³⁵ N.J.S.A. 40A:12A-5d



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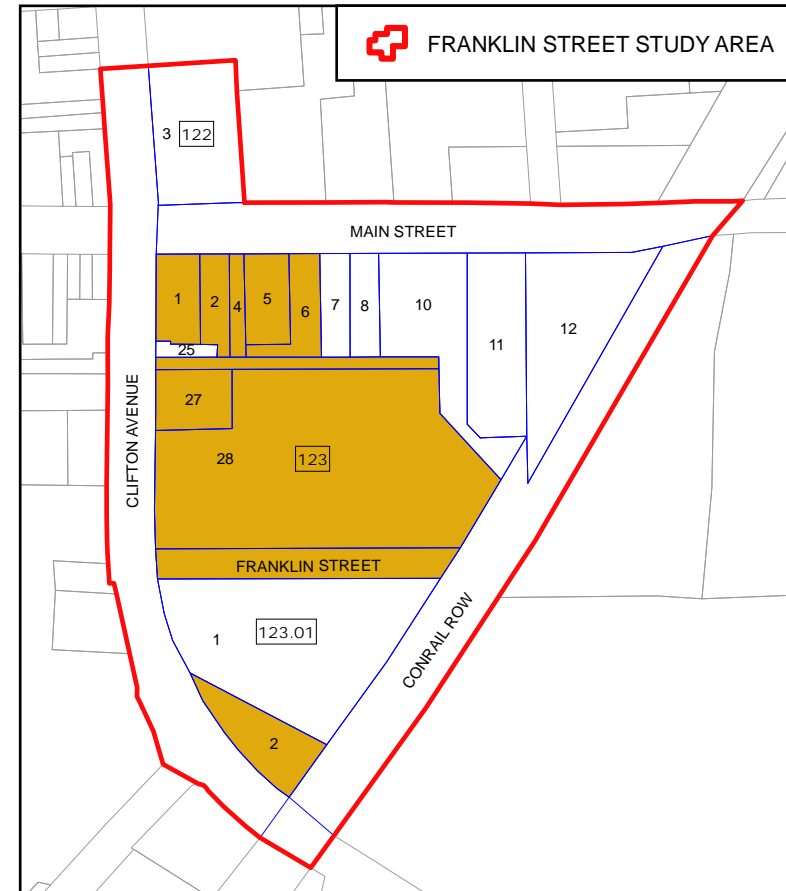
8.5 Redevelopment Criterion ‘e’³³⁶

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it exhibits:

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 underproductive 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.

This Preliminary Investigation finds 8 Study Area lots and two Study Area rights-of-way (5.7 acres) that exhibit one or more of this criterion's qualifying conditions.

Accordingly, 50% of the Study Area’s lots and 31.5% of the Study Area’s land mass (including rights-of-way) qualifies under Redevelopment Criterion ‘e’.



³³⁶ N.J.S.A. 40A:12A-5e



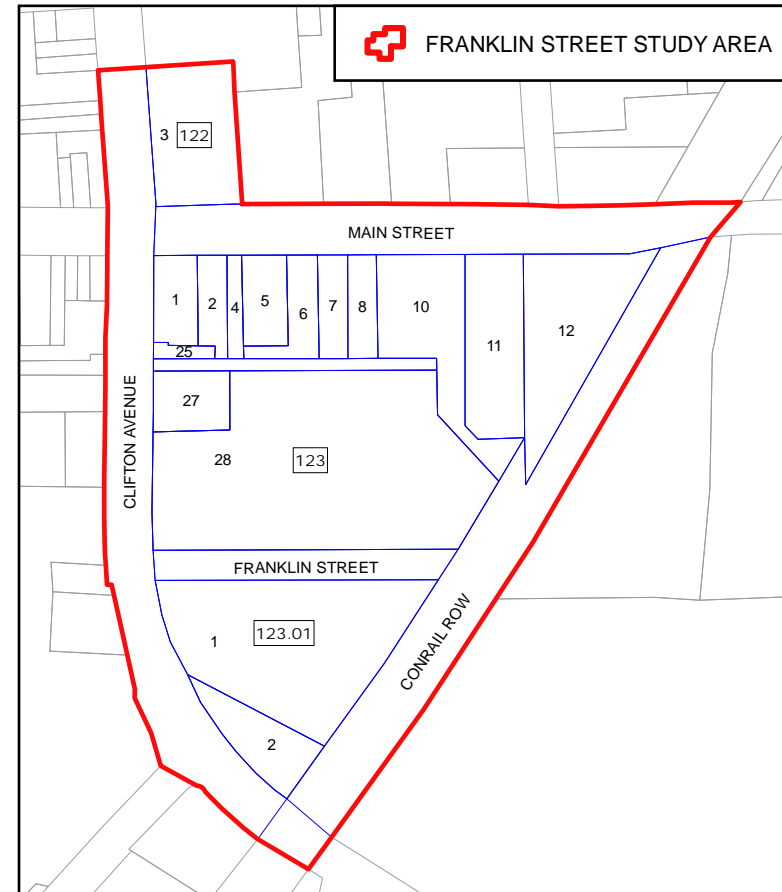


8.6 Redevelopment Criterion ‘f’³³⁷

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is an:

Area, 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.

The analyses detailed herein find that such conditions do not exist within the Study Area.



³³⁷ N.J.S.A. 40A:12A-5f



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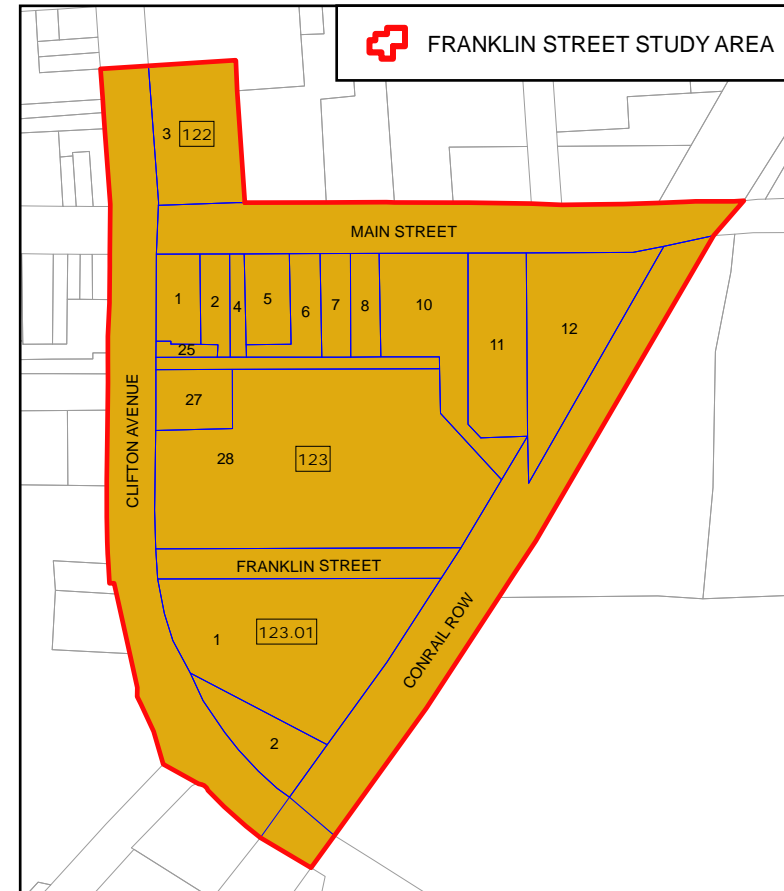
8.7 Redevelopment Criterion 'g'³³⁸

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if it is located:

In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act"...

The entirety of the Study Area is located in the Lakewood Urban Enterprise Zone.

Accordingly, 100% of the Study Area's lots and land mass (including rights-of-way) qualifies under Redevelopment Criterion 'g', albeit for the limited purposes specified in the *Redevelopment Law*.



³³⁸ N.J.S.A. 40A:12A-5g



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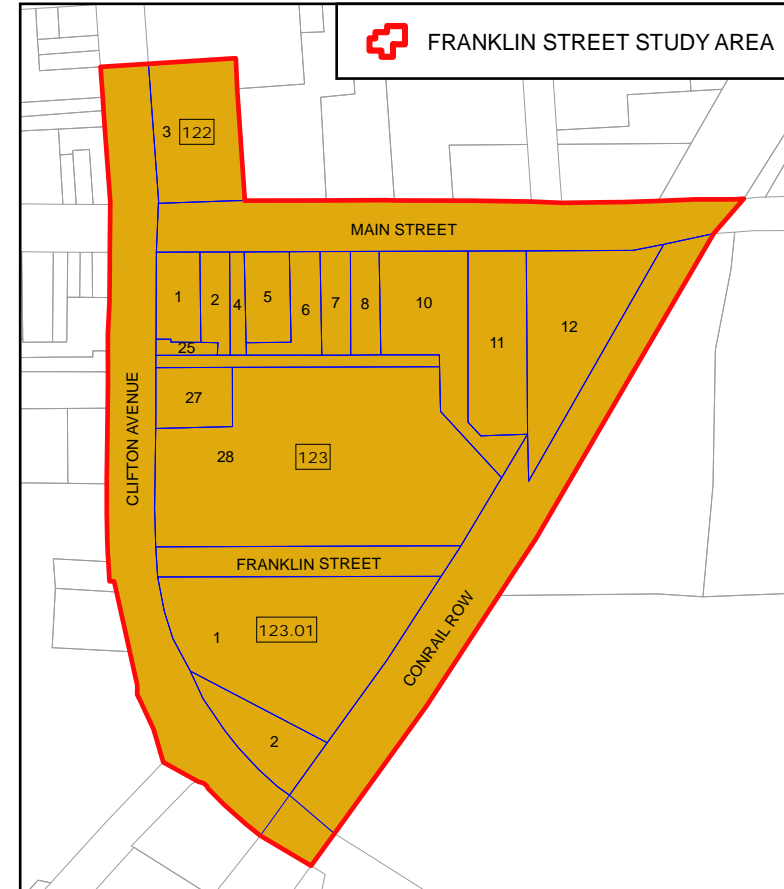
8.8 Redevelopment Criterion 'h'³³⁹

The *Redevelopment Law* provides that an area may be determined to be In Need of Redevelopment if:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The entirety of the Study Area is located within a Regional Center and a PA~2 (Suburban) Planning Area.

Accordingly, 100% of the Study Area's lots and land mass (including rights-of-way) qualifies under Redevelopment Criterion 'h'.



³³⁹ N.J.S.A. 40A:12A-5h



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9.0 SUMMARY OF FINDINGS

9.1 Combined Analysis: Substantive Criteria

For the purposes of this analysis, Substantive Criteria are those which are based on the condition of the subject lot (or buildings thereon) (i.e., Criteria 'a', 'b', 'c', 'd', 'e' & 'f'). Criterion 'g' is based on the location of a lot within an Urban Enterprise Zone and Criterion 'h' is based on the location of a lot within an area designated for growth (both independent of the actual condition of the lot).

Criterion 'a', 'b', 'c', 'd' and 'e' contain multiple components which can be applied to an area or to the individual lots therein.

The analyses detailed herein finds that all 16 Study Area lots and three Study Area rights-of-way (totaling 13.7 acres), representing 100% of the Study Area's lots and 75.7% of the Study Area's land mass (including rights-of-way) exhibit conditions which conform to one or more of the Substantive Criteria required for Redevelopment Area designation.

BLOCK	LOT	SUBSTANTIVE CRITERIA					TOTAL SUBSTANTIVE CRITERIA
		'a'	'b'	'c'	'd'	'e'	
122	3		√				1
123	1			√	√	√	3
	2			√		√	2
	4			√		√	2

BLOCK	LOT	SUBSTANTIVE CRITERIA					TOTAL SUBSTANTIVE CRITERIA
		'a'	'b'	'c'	'd'	'e'	
	5			√		√	2
123	6			√		√	2
	7			√			1
	8			√			1
	10			√			1
	11	√			√		2
	12	√			√		2
	25		√				1
	27			√		√	2
	28	√	√		√	√	4
123.01	1		√				1
	2			√		√	2
CONRAIL ROW							0
Unnamed Alley				√	√	√	3
Franklin Street				√		√	2
Main Street							0
Clifton Avenue							0
TOTALS		3	4	12	5	10	



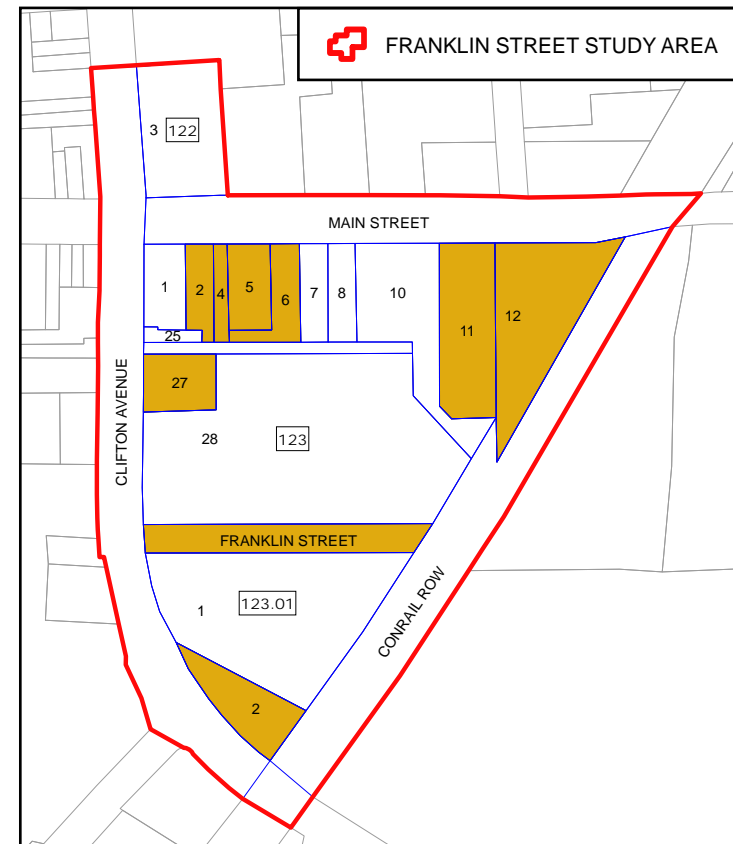
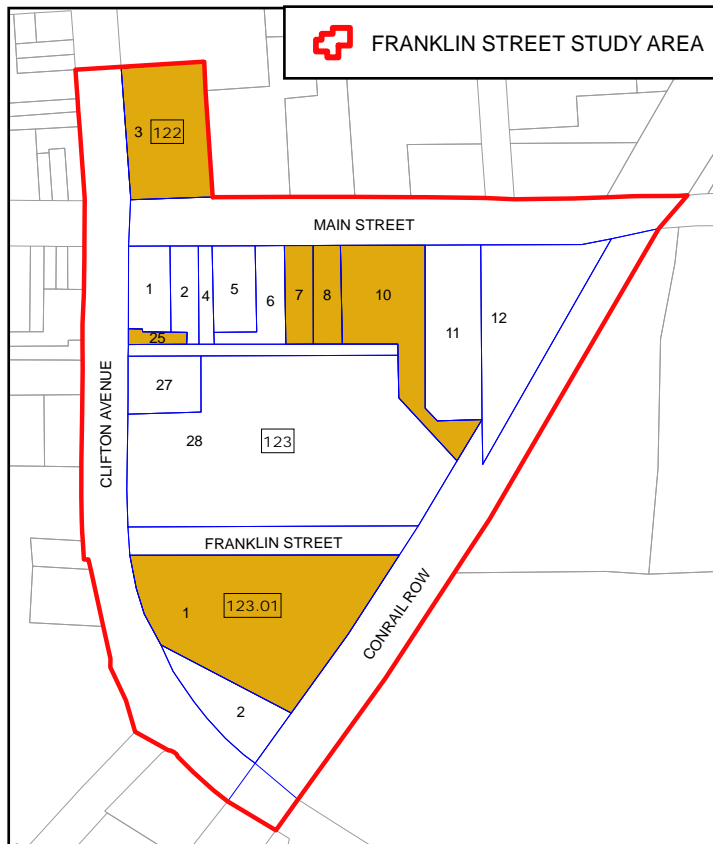


**REPORT OF FINDINGS
CONDEMNATION PRELIMINARY
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FRANKLIN STREET STUDY AREA**

Township of Lakewood, Ocean County, New Jersey

9.1.1 Six Study Area lots, encompassing 3.9 acres (37.5% of the Study Area's lots and 21.4% of the Study Area's land mass) qualify under 1 of the Substantive Criterion for Redevelopment Area designation.

9.1.2 Eight Study Area lots and one Study Area right-of-way, encompassing 3.7 acres (50% of the Study Area's lots and 20.4% of the Study Area's land mass) qualify under 2 of the Substantive Criteria for Redevelopment Area designation.



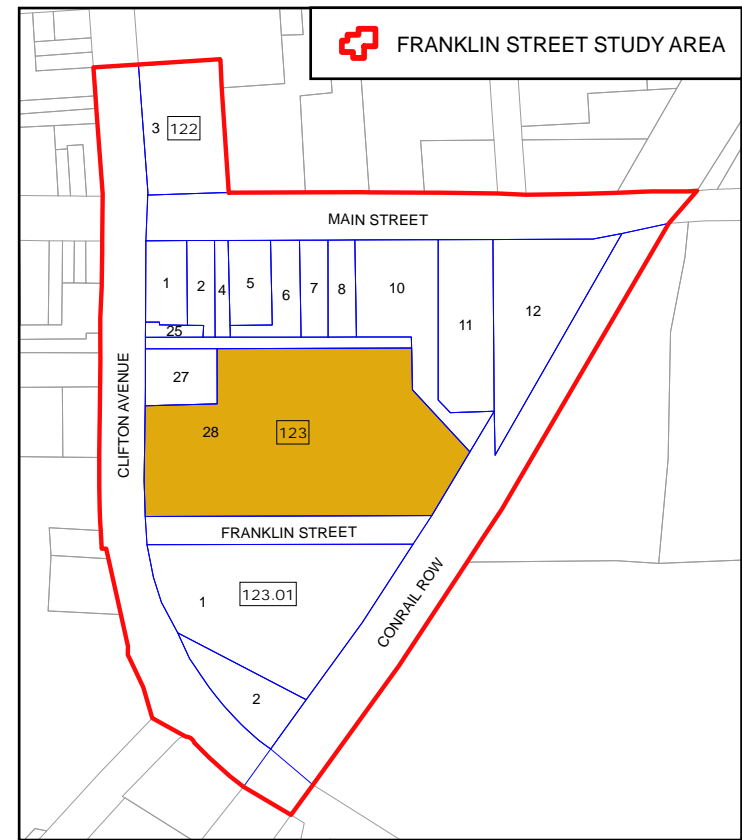
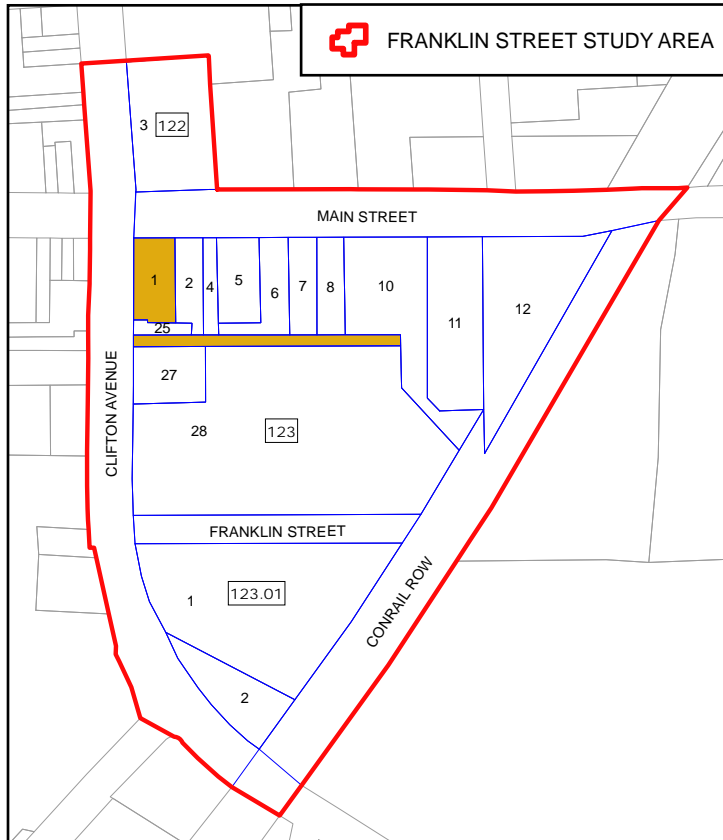


**REPORT OF FINDINGS
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9.1.3 One Study Area lot and one Study Area right-of-way, encompassing 0.5 acres (6.3% of the Study Area's lots and 2.8% of the Study Area's land mass) qualify under 3 of the Substantive Criteria for Redevelopment Area designation.

9.1.4 One Study Area lot, encompassing 3.3 acres (6.3% of the Study Area's lots and 18.2% of the Study Area's land mass) qualify under 4 of the Substantive Criteria for Redevelopment Area designation.





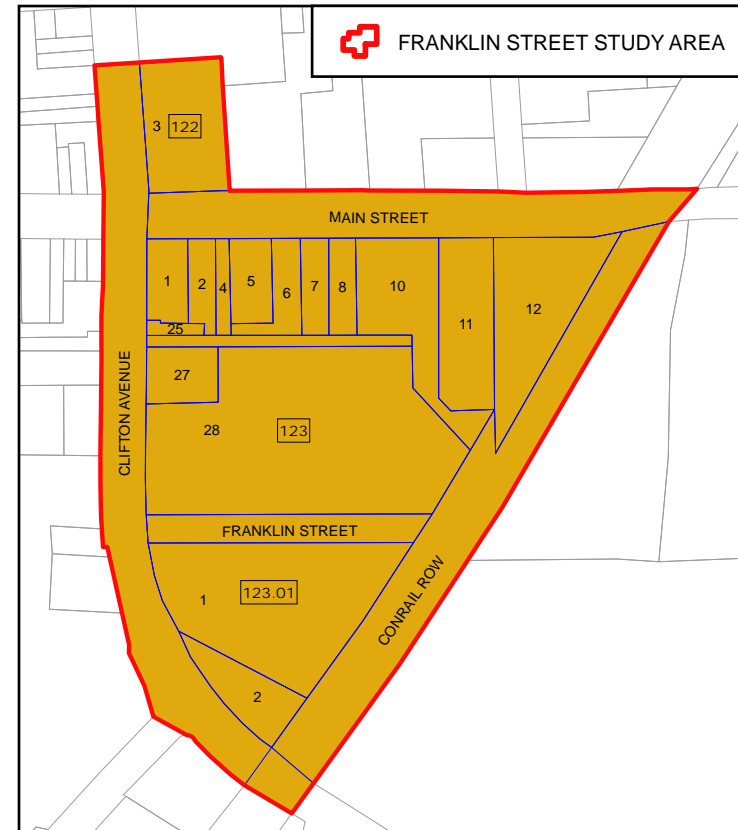
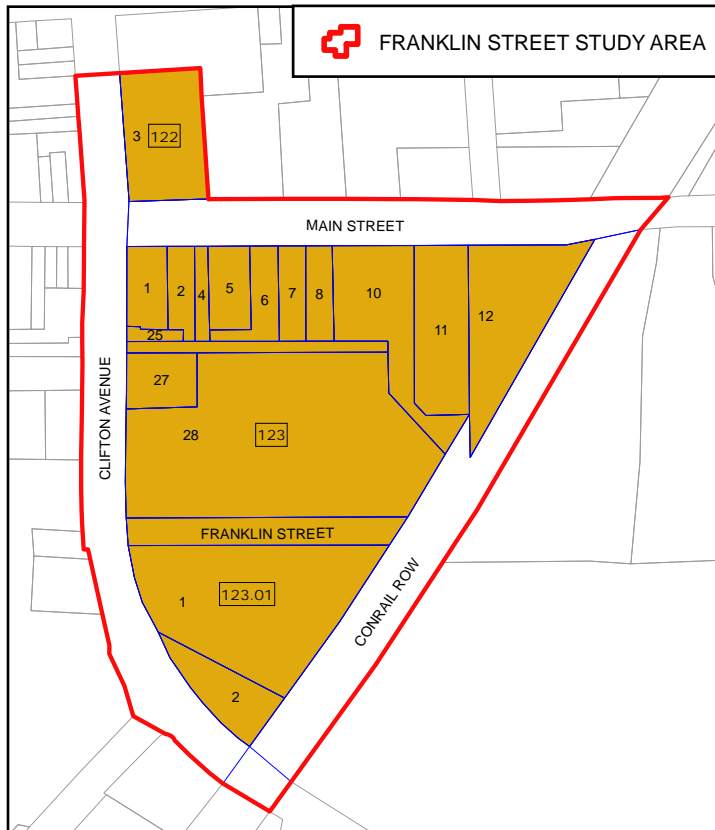
**REPORT OF FINDINGS
CONDEMNATION PRELIMINARY
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FRANKLIN STREET STUDY AREA**

Township of Lakewood, Ocean County, New Jersey

9.1.5 Cumulatively, 16 Study Area lots and 2 Study Area rights-of-way, encompassing 11.3 acres (100% of the Study Area's lots and 62.4% of the Study Area's land mass) qualify under the Substantive Criteria for Redevelopment Area designation.

9.2 **Remaining (Non-Substantive) Criteria**

All (10) Study Area lots and rights-of-way conform with Redevelopment Criteria 'g' and 'h'.





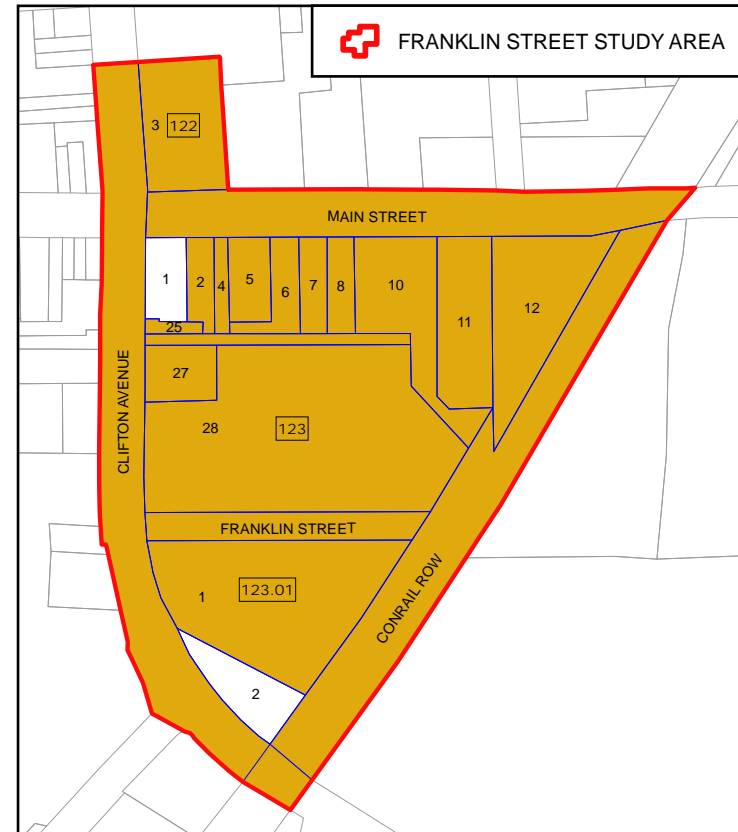
9.3 Redevelopment Area Definition³⁴⁰

The *Local Redevelopment & Housing Law* provides that 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.

Fourteen Study Area lots and 5 (all) Study Area rights-of-way (17.5 acres) are found to be necessary, with or without change in their condition, for the effective Redevelopment of the Study Area.

Accordingly, 88% of the Study Area's lots and 96.7% of the Study Area's land mass (including rights-of-way) qualify under the Redevelopment Law definition as being necessary for the effective Redevelopment of the Study Area.



³⁴⁰ N.J.S.A. 40A:12A-3



**REPORT OF FINDINGS
CONDEMNATION PRELIMINARY
(REDEVELOPMENT) INVESTIGATION
FRANKLIN STREET STUDY AREA**

Township of Lakewood, Ocean County, New Jersey

10.0 FINDINGS & RECOMMENDATIONS

10.1 The analyses and findings contained in this Report of Findings conclude that the conditions in the Study Area exhibit, in the pertinent language of the New Jersey Local Redevelopment & Housing Law:

10.1.1 Buildings that are substandard, unsafe, unsanitary, dilapidated and/or obsolescent; thereby satisfying Statutory **Criterion 'a'** for the lots as identified.

10.1.2 A discontinuance of the use of commercial / industrial buildings; thereby satisfying Statutory **Criterion 'b'** for the lots as identified.

10.1.3 Land owned by the Township, and privately-owned vacant land that has remained so for a period of ten years, and that by reason of the nature of its size, topography and soils, are not likely to be developed through the instrumentality of private capital; thereby satisfying Statutory **Criterion 'c'** for the lots as identified.

10.1.4 Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement and design, unsanitary / deleterious conditions, obsolete layout, environmental contamination and other factors, alone or in combination, are detrimental to the safety, health and/or welfare of the community; thereby satisfying Statutory **Criterion 'd'** for the lots as identified.

10.1.5 A lack of proper utilization of lands caused by conditions which discourage improvements, resulting in a stagnant and underproductive condition of land potentially useful

and valuable for contributing to and serving the public welfare; thereby contributing to the negative social and economic condition of the Study Area and satisfying Statutory **Criterion 'e'** for the lots as identified.

10.1.6 Lands within an Urban Enterprise Zone; thereby satisfying Statutory **Criterion 'g'** for the entire Study Area, albeit for the limited purposes specified in the *Redevelopment Law*.

10.1.7 Lands within a Regional Center and a PA~2 (Suburban) Planning Area, the Redevelopment of which will be consistent with smart growth planning principles adopted pursuant to law or regulation; thereby satisfying Statutory **Criterion 'h'** for the entire Study Area.

10.1.8 Lands deemed to be necessary for the effective Redevelopment of the Study Area; thereby satisfying the **Statutory definition of a Redevelopment Area** for the lots as identified.

10.2 The New Jersey *Local Redevelopment & Housing Law* provides that an area may be found to be In Need of Redevelopment if it can be demonstrated that the conditions within the targeted area conform with **ANY ONE (1) of the eight (8)** Criteria specified in N.J.S.A. 40A:12A-5.

10.2.1 Pursuant to the analyses and findings set forth herein, it is herewith recommended that the Lakewood Township Planning Board find, and upon such finding recommend to the Lakewood Township Committee, that:



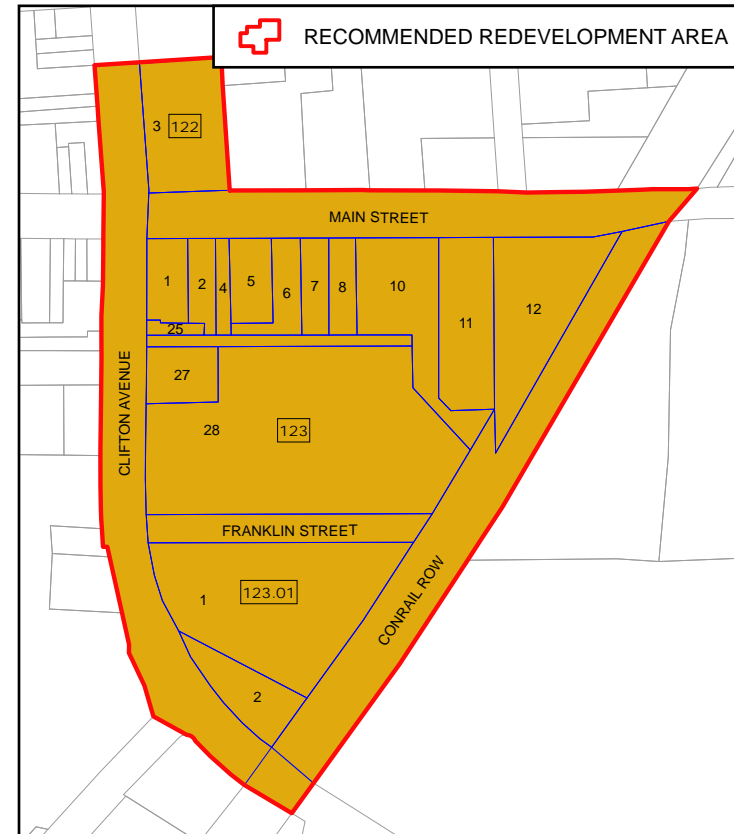
**REPORT OF FINDINGS
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Township of Lakewood, Ocean County, New Jersey

- A. Lots and rights-of-way within Franklin Street Study Area exhibit conditions which conform with, variously, Criteria 'a', 'b', 'c', 'd', 'e', 'g' and 'h' of the *Local Redevelopment & Housing Law*.
- B. Should any of these lots or rights-of-way be found not to qualify for Redevelopment Area designation, the inclusion of 14 such lots and all of the rights-of-way within any prospective Redevelopment Area, with or without change in their condition, is recommended as necessary for the effective redevelopment of the Study Area.

10.3 Based on the totality of the foregoing, it is herewith recommended that the Lakewood Planning Board find, and upon such finding recommend to the Lakewood Township Committee, that the Franklin Street Study Area, as depicted, be declared to be an Area in Need of Redevelopment in accordance with N.J.S.A. 40A:12A-5 and 6.

10.4 Should the Planning Board make such a recommendation, and should the Township Committee designate the Franklin Street Study Area, or any part thereof, to be an Area In Need of Redevelopment, it is hereby recommended that the Township Committee authorize the preparation of a Redevelopment Plan for such Redevelopment Area.





REPORT OF FINDINGS
CONDEMNATION PRELIMINARY
(REDEVELOPMENT) INVESTIGATION
FRANKLIN STREET STUDY AREA
Township of Lakewood, Ocean County, New Jersey

11.0 SCHEDULE OF EXHIBITS

1. PARCEL PROFILE SUMMARY REPORT
2. STUDY AREA ZONING REGULATIONS



REPORT OF FINDINGS
CONDEMNATION PRELIMINARY
(REDEVELOPMENT) INVESTIGATION
FRANKLIN STREET STUDY AREA
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EXHIBITS



**REPORT OF FINDINGS
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Township of Lakewood, Ocean County, New Jersey

**PARCEL PROFILE
SUMMARY REPORT**

BLOCK	LOT	STREET ADDRESS	OWNER'S NAME	OWNER'S ADDRESS			PROP. CLASS CODE	MAPPED ACREAGE	LAND VALUE	IMPROV. VALUE	TOTAL VALUE
122	3	19 CLIFTON AVE.	LAKEWOOD PRESERVATION LLC	UNKNOWN			4A	0.77	\$1,428,000	\$1,167,600	\$2,595,600
123	1	250 MAIN ST.	LAKEWOOD DEVELOPMENT CORPORATION	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.25	\$561,700	\$0.00	\$561,700
123	2	244 MAIN ST.	LAKEWOOD DEVELOPMENT CORPORATION	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.18	\$301,800	\$0.00	\$301,800
123	4	240 MAIN ST.	TOWNSHIP OF LAKEWOOD	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.10	\$156,800	\$0.00	\$156,800
123	5	236 MAIN ST.	TOWNSHIP OF LAKEWOOD	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.26	\$441,000	\$0.00	\$441,000
123	6	230 MAIN ST.	TOWNSHIP OF LAKEWOOD	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.24	\$342,300	\$0.00	\$342,300
123	7	228 MAIN ST.	LAKEWOOD DEVELOPMENT CORPORATION	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.19	\$313,600	\$0.00	\$313,600
123	8	222 MAIN ST.	LAKEWOOD DEVELOPMENT CORPORATION	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.19	\$313,600.00	\$0.00	\$313,600
123	10	212 MAIN ST.	LAKEWOOD DEVELOPMENT CORPORATION	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.80	\$1,084,700	\$0.00	\$1,084,700
123	11	202 MAIN ST.	202 MAIN STREET HOLDINGS LLC	178 COLONY CIR.	LAKEWOOD NJ	08701	4A	0.69	\$795,200	\$170,300	\$965,500
123	12	166 MAIN ST.	CONGREGATION MEOROS NOSSON INC	166 MAIN ST.	LAKEWOOD NJ	08701	4A&15C	0.99	\$253,300	\$169,600	\$422,900
123	25	15 S. CLIFTON AVE.	CONGREGATION ANSHEI TORAS CHESED	621 FIFTH ST.	LAKEWOOD NJ	08701	4A	0.05	\$162,800	\$116,200	\$279,000
123	27	S. CLIFTON AVE.	LAKEWOOD DEVELOPMENT CORPORATION	231 THIRD ST.	LAKEWOOD NJ	08701	15C	0.29	\$486,000.00	\$0.00	\$486,000
123	28	37 S. CLIFTON AVE.	YAEL DEVELOPMENT LLC	178 COLONY CIR.	LAKEWOOD NJ	08701	4A	3.26	\$1,020,800	\$33,700	\$1,054,500
123.01	1	55 S. CLIFTON AVE.	55 SOUTH CLIFTON LLC	1750 OAK ST.	LAKEWOOD NJ	08701	4A	1.87	\$438,800	\$161,200	\$600,000
123.01	2	S. CLIFTON AVE.	JERSEY CENTRAL POWER & LIGHT CO	300 MADISON AVE BOX 1911	MORRISTOWN NJ	07962.1911	1	0.39	\$21,300	\$0.00	\$21,300
			CONRAIL					2.36			





REPORT OF FINDINGS
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STUDY AREA ZONING REGULATIONS³⁴¹

³⁴¹ Chapter XVIII: Unified Development Ordinance: Township of Lakewood





**REPORT OF FINDINGS
CONDEMNATION PRELIMINARY
(REDEVELOPMENT) INVESTIGATION
FRANKLIN STREET STUDY AREA
Township of Lakewood, Ocean County, New Jersey**

**§18-903B.
Central Business (B-2)**

1. Permitted Uses:

- a. All uses permitted in Zone B-1 and A-M zones. Notwithstanding anything contained herein to the contrary, combined business and residential uses are not to be considered as multi-family dwelling structures for the purposes of this section. Combined business and residential uses are hereby expressly prohibited in all B-2 zones within the Township of Lakewood.
- b. Stores and shops for the conducting of any customary retail or service establishment.
- c. Baking, laundry, printing, upholstering and similar establishments and businesses of a similar and no more objectionable character, subject to the following provisions:
 - (1) All goods or products, manufactured or processed shall be sold on the premises.
 - (2) All manufacturing or processing shall be done on the premises.
- d. Banks (except drive-in facilities), theaters (except open air), offices, restaurants and similar services.
- e. Bowling alleys.
- f. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.
- g. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X):

- a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.
- b. Public garages.
- c. Service Stations.
- d. Town houses.

3. Design Regulations (Non-Residential):

- a. Rear Yard Setback - 10 feet.
- b. Side Yard Setback- 7 feet with an aggregate of 15 feet. A side yard setback is not required between two business uses.
- c. Maximum Building Height - 65 feet.
- d. Accessory Uses - Not to be located within a front yard. A 5 foot side and rear yard setback is required.

4. Design Regulations (Single-Family and Two Family):

- a. Minimum Lot Area - 7,500 square feet for single family and 10,000 square feet for two family structures.
- b. Minimum Lot Width - 50 feet.
- c. Front Yard Setback- 25 feet.
- d. Rear Yard Setback- 15 feet.
- e. Side Yard Setback-7 feet with an aggregate of 15 feet.





REPORT OF FINDINGS
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- f. Accessory Building:
 - (1) Side Yard Setback -7 feet.
 - (2) Rear Yard Setback-7 feet.
- g. Maximum Building Coverage- 30%.
- h. Maximum Building Height - 35 feet.
- 5. Design Regulations (Multi-Family Dwellings):
 - a. Minimum Lot Area - 12,500 square feet.
 - b. Minimum Lot Width - 100 feet.
 - c. Maximum Lot Coverage - 40%
 - d. Front Yard Setback - 20 feet.
 - e. Rear Yard Setback- 20 feet.
 - f. Side Yard Setback (Each) - 20 feet.
 - g. Maximum Density - 22 dwelling units per gross acre.
 - h. Maximum Building Height - 65 feet.



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§18-903D.
Wholesale Service (B-4)



**REPORT OF FINDINGS
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FRANKLIN STREET STUDY AREA**

Township of Lakewood, Ocean County, New Jersey

1. Permitted Uses:

- a. All principal uses permitted in the B-3 district, excluding multifamily residential.
- b. Lumber, coal, grain and feed storage yards.
- c. Wholesale, storage and warehousing facilities.
- d. Cold storage, ice manufacturing and storage.
- e. New or used car lots.
- f. Baking, laundry, printing, upholstering, grain and feed processing and similar establishments, and business of a similar and no more objectionable character.
- g. Places of worship including parish house and classrooms in accordance with the requirements of Section 18-905 and the bulk standards below.
- h. Public and private schools in accordance with the requirements of Section 18-906 and the bulk standards below.

2. Conditional Uses (See Article X)

- a. Public buildings of a governmental or cultural nature but not including warehouses and workshops.
- b. Townhouses.
- c. Digital billboards.

3. Design Regulations:

- a. Minimum Lot Area- 20,000 square feet.

- b. Minimum Lot Width - 100 feet.

- c. Front Yard Setback- 25 feet.

- d. Rear Yard Setback- 30 feet.

- e. Side Yard Setback -10 feet with an aggregate of 20 feet.

- f. Maximum Building Height - 45 feet.

4. Design Regulations (Single-Family and Two-Family):

- a. Minimum Lot Area - 7,500 square feet for single family and 10,000 square feet for two family structures.

- b. Minimum Lot Width - 50 feet.

- c. Front Yard Setback- 25 feet.

- d. Rear Yard Setback- 15 feet.

- e. Side Yard Setback -7 feet with an aggregate of 15 feet.

- f. Accessory Building:

- (1) Side Yard Setback - 7 feet.

- (2) Rear Yard Setback -7 feet.

- g. Maximum Building Coverage - 30%.

- h. Maximum Building Height- 35 feet.