

May 15, 2020

AREA IN NEED OF REDEVELOPMENT STUDY

1740 Main Street & 626 18th Avenue
Block 12, Lots 1 & 42
Lake Como, NJ



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The original of this document was signed and sealed in accordance with New Jersey State Law.

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Table of Contents

I. INTRODUCTION	1
Purpose of Study	1
Recent Redevelopment Law to Consider: Court Decisions	1
II. REDEVELOPMENT PROCESS.....	2
III. STUDY AREA DELINEATION AND DESCRIPTION.....	3
Study Area Description	3
Environmental Conditions	4
Surrounding Land Uses	4
Study Area Zoning Classification.....	8
IV. MASTER PLAN PERSPECTIVE.....	9
State Planning Area Classification	10
V. STATUTORY CRITERIA	11
VI. DESCRIPTION OF EXISTING STUDY AREA CONDITIONS	12
Analysis of Study Area	12
1728-1740 Main Street-Block 12, Lot 1	14
628 18 th Avenue-Block 12, Lot 42	15
VII. APPLICATION OF STATUTORY CRITERIA	17
Introduction	17
Study Conclusions and Recommendation.....	17
VIII. CONCLUSION.....	19
IX. APPENDICES	20
Appendix A: Borough Council Resolution Authorizing Redevelopment Needs Study	
Appendix B: Supplemental Site Photographs	

I. INTRODUCTION

Purpose of Study

This Needs Determination Study has been prepared pursuant to Resolution No. 2020-04, adopted by the Lake Como Borough Planning Board on February 10, 2020, a copy of which is attached within Appendix A, authorizing CME Associates to conduct a preliminary investigation and study, pursuant to N.J.S.A. 40A: 12A-6, of property located within Block 12, Lots 1 and 42, with a street address of 1728-1740 Main Street and 626 18th Avenue. Block 12, Lots 1 and 42 will be hereafter referenced as the “Study Area.” This analysis was conducted in order to determine if the Study Area meets the statutory criteria necessary to declare the area a “**Non-Condemnation Area In Need of Redevelopment**.” The boundaries of the Study Area can be seen in **Figure 1: Aerial Map**.

The investigation and its findings herein serves as a formal assessment of the Study Area in order to identify whether said area meets the statutory criteria of an Area in Need of Redevelopment, pursuant to N.J.S.A. 40A: 12A-5, the New Jersey Local Redevelopment and Housing Law (LRHL). A particular parcel or area qualifies for redevelopment if it meets one of the eight statutory criteria that are listed in Section 5 of the LRHL. These criteria, and the degree to which the parcel within the Study Area meets these criteria, are outlined in detail within *Section 7: Application of Statutory Criteria* of this report. In the preparation of the study, the following records were reviewed:

- Official Tax Maps of the Borough of Lake Como
- Tax records for the Study Area
- Aerial photos of the Study Area
- Ownership and deed records
- Borough of Lake Como Master Plan
- Zoning Map and Ordinance of Lake Como Borough

CME Staff conducted on-site inspections on March 11, 2020 and April 11, 2020. The on-site inspections analyzed the existing uses and configuration of the land within the site, evidence of occupancy or lack thereof, and physical conditions using a photographic inventory of the Study Area in support of the Area in Need of Redevelopment determination.

Recent Redevelopment Law to Consider: Court Decisions

Recent Redevelopment Law pertinent to this study includes an Appellate Division decision that was handed down in the case of HJB Associates, Inc. v. Council of the Borough of Belmar and Borough of Belmar. This decision invalidated a redevelopment declaration based in part on criteria “d” and reaffirmed that application of said criteria requires demonstration that cited conditions be “detrimental to the safety, health, morals, or welfare of the community.”

A municipality has broad discretion in designating a particular parcel or parcels as being “in need of redevelopment” pursuant to the LRHL. The recent case law does not disturb the historic and significant deference given to a municipality’s finding that a particular area is in need of redevelopment and underscores that such a finding carries great legal significance. As the Supreme Court confirmed in the Gallenthin Realty Development case, provided that the municipality has put forth substantial evidence that a property in question is in need of redevelopment because it “has become stagnant and unproductive [due to] issues of title,

ownership,” or other similar conditions, the finding that the property is “in need of redevelopment” will not be disturbed.

On September 6, 2013, Chapter 159 was signed into law, deciding that a municipality’s decision to reserve the power of eminent domain shall be moved to the very beginning of the redevelopment process. This changes the process by requiring a municipal governing body to indicate whether it is seeking a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area” when asking the local Planning Board to investigate an area as in need of redevelopment. The Borough of Lake Como Planning Board has decided to pursue a “**Non-Condemnation Redevelopment Area**” process for this Area In Need of Redevelopment Study.

II. REDEVELOPMENT PROCESS

The redevelopment statute sets forth a multi-step process that must be observed by the municipal governing body and Planning Board in order to enable the Borough of Lake Como to lawfully exercise the powers which accrue as a result of employment of redevelopment planning. This process is outlined below as follows:

- The Borough Council must authorize the Planning Board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria in Section 5 of P.L.1992, c.79 (C.40A:12A-5). This was accomplished through Amended Resolution No. 2020-65 adopted on February 4, 2020, attached as Appendix A.
- The Planning Board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in, or would be affected by, the contemplated action. The results and recommendations of the hearing are then referred to the Borough Council in the form of a Planning Board resolution for formal action. Additionally, the Planning Board must decide whether it is seeking a “Non-Condemnation Redevelopment Area” or a “Condemnation Redevelopment Area.” **This report confirms this is a Non-Condemnation Redevelopment Area.**
- Upon receipt of the recommendation from the Planning Board, the Borough Council may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
- Upon designation, the Planning Board or municipal entity is then required to prepare a redevelopment plan, which establishes the goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
- The redevelopment plan, after review by the Planning Board, is referred to the Borough Council.
- Upon receipt of the redevelopment plan from the Planning Board, the Borough Council may act to adopt the plan by ordinance. The adopted plan may become an amendment to the municipality’s zoning district map and zoning ordinance, may be treated as an overlay to existing zoning, while keeping the existing zoning intact or may supersede the existing zoning. Only after completion of this public process is a municipality able to exercise the powers granted under the redevelopment statute.

III. STUDY AREA DELINEATION AND DESCRIPTION

Study Area Description

The Study Area includes two parcels identified on Borough tax maps as Block 12, Lots 1 and 42, with a street address of 1728-1740 Main Street and 626 18th Avenue. Lot 1 in Block 12 is municipally owned, 0.68 acres in size, and has 195 feet of frontage on Main Street and 154 feet of frontage on Redmond Avenue. Lot 42 in Block 12 is 0.293 acres in size and has 103 feet of frontage on Main Street and 157 feet of frontage on 18th Avenue. The property is situated on the northeast corner of the Main Street - 18th Avenue intersection. Both properties are developed. The Main Street right of way is noted to be 80 feet wide along the Study Area frontage and the 18th Avenue right of way is 40 feet in width along the Study Area frontage.

The Municipal property is developed with the existing Borough Hall, the former Borough police station, and the former Borough firehouse. The firehouse and police station are no longer utilized, however, the Municipal Building is active and used for Municipal business and meetings. Each building has a full basement. There is a fifteen stall parking lot in front of the Municipal Building with access from Main Street. The fifteen parking stalls include two handicapped stalls and a stall for a new electric vehicle charging station. Vehicular access to the former police station and firehouse is from Main Street. There are seven parking stalls along the side of the police station. The former police station is attached to the Municipal Building however, there is no interior access between the buildings. There is a decorative clock in a rain garden area in front of the Municipal Building along Main Street.

The property at the corner is developed with a convenience store and includes a fifteen stall parking area. The fifteen stalls include one handicapped stall and two parallel parking stalls along the 18th Avenue frontage. Access to the site parking is from both Main Street and 18th Avenue. There is a shed surrounded by chain link fence with vinyl slats and several dumpsters and garbage cans on the east side of the building. There is limited vegetation on the property.

There is concrete sidewalk along the frontage of each property. There is on street parking along Main Street and 18th Avenue frontages away from the intersection. The Main Street frontage of the Municipal property includes a bus shelter and a New Jersey Transit bus stop, bike racks and a mailbox. The New Jersey Transit Bus is Route #830 which runs from Point Pleasant to Asbury Park. The full extent of the Study Area is illustrated on the aerial image represented as **Figure 1: Aerial Map**.

The Borough Zoning Map classifies the Study Area as commercial. The properties are located in the GB (General Business) Zone District, which extends the length of Main Street in the Borough from 16th Avenue to about 20th Avenue.

The scope of this investigative study is to present an inventory of the area's physical characteristics and show to what extent they meet the criteria pursuant to LHRL in order to declare the property an Area in Need of Redevelopment. This needs assessment includes an interior survey of the Municipal properties and an exterior survey of each property and structures within the Study Area; a review of existing conditions; field and photo reconnaissance of the Study Area and nearby neighborhood; a review of the existing zoning; and researched information about the existence of any substandard conditions or previous uses.

Environmental Conditions

During the study and analysis of the Study Area, the New Jersey Department of Environmental Protection's (NJDEP) NJ-GeoWeb mapping tool and existing NJDEP GIS data were utilized to identify environmental considerations with regards to the Study Area. The analysis identified the property as being monitored by NJDEP EMS (Environmental Management Systems) for an issue at the former police station.

The Study Area was also reviewed for the presence of wetlands, flood zones, streams and waterbodies, historic features, open space designation, threatened or endangered species, and other environmental features. Based upon this research, there are no environmental constraints such as wetlands or transition areas in the Study Area. No portion of the Study Area is situated within a Flood Zone. The Study Area is located within a sewer service area.

Surrounding Land Uses

The Study Area is located at the northeast corner of the Main Street and 18th Avenue intersection. There are various uses including the WRAT Radio Station and the Academy Charter High School across Main Street to the west. Across Redmond Avenue to the north is a small retail strip center and parking area while to the east of the Study Area there are single family residences fronting on 18th and Redmond Avenues. To the south of the Study Area along Main Street are apartments with first floor commercial uses and a used car business. Two apartment buildings to the southwest are recent construction. Land uses in the Study Area and the areas immediately adjacent to the Study Area are represented in **Figure 2: Land Use Map**.

Figure 1: Aerial Map

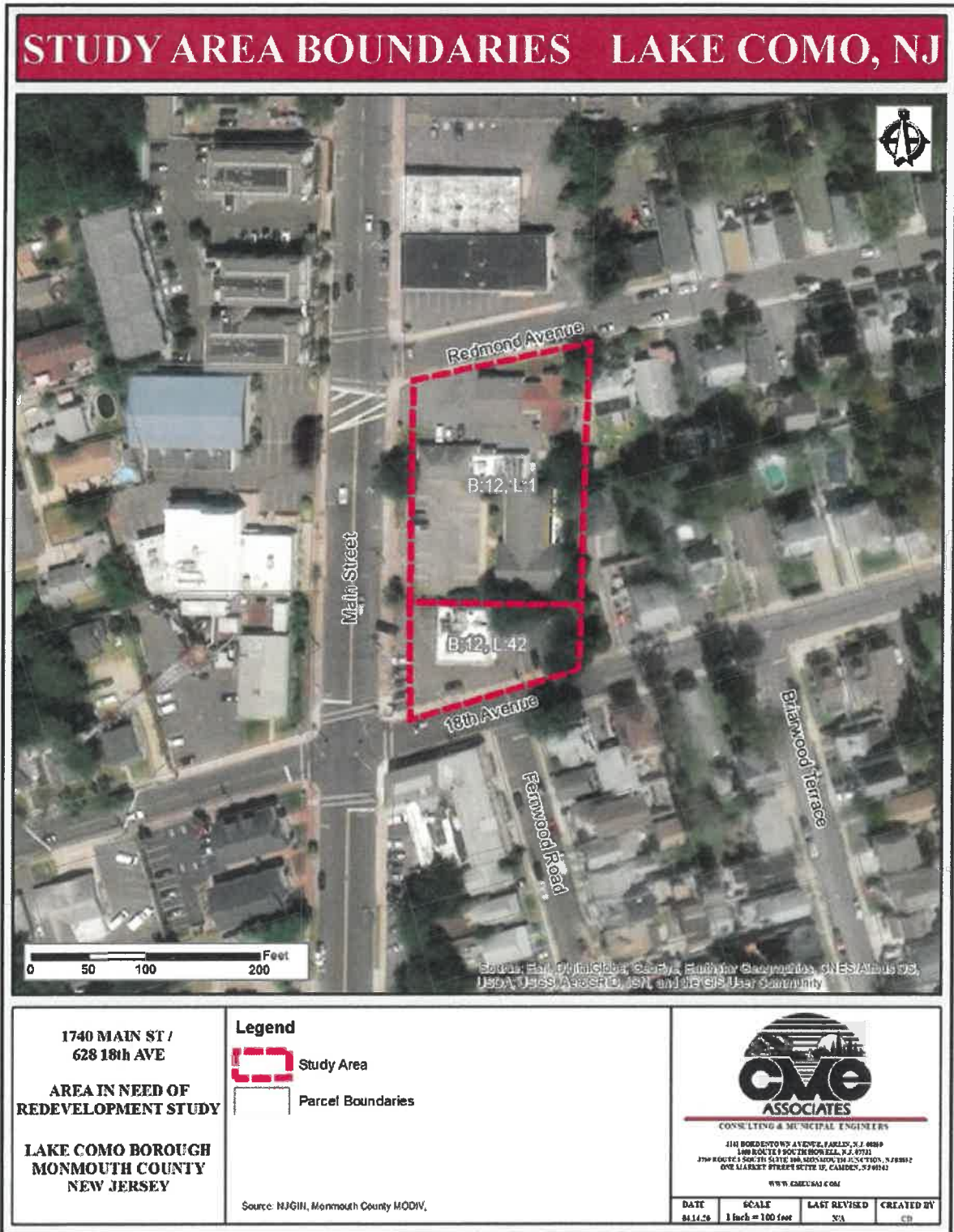


Figure 2: Land Use Map

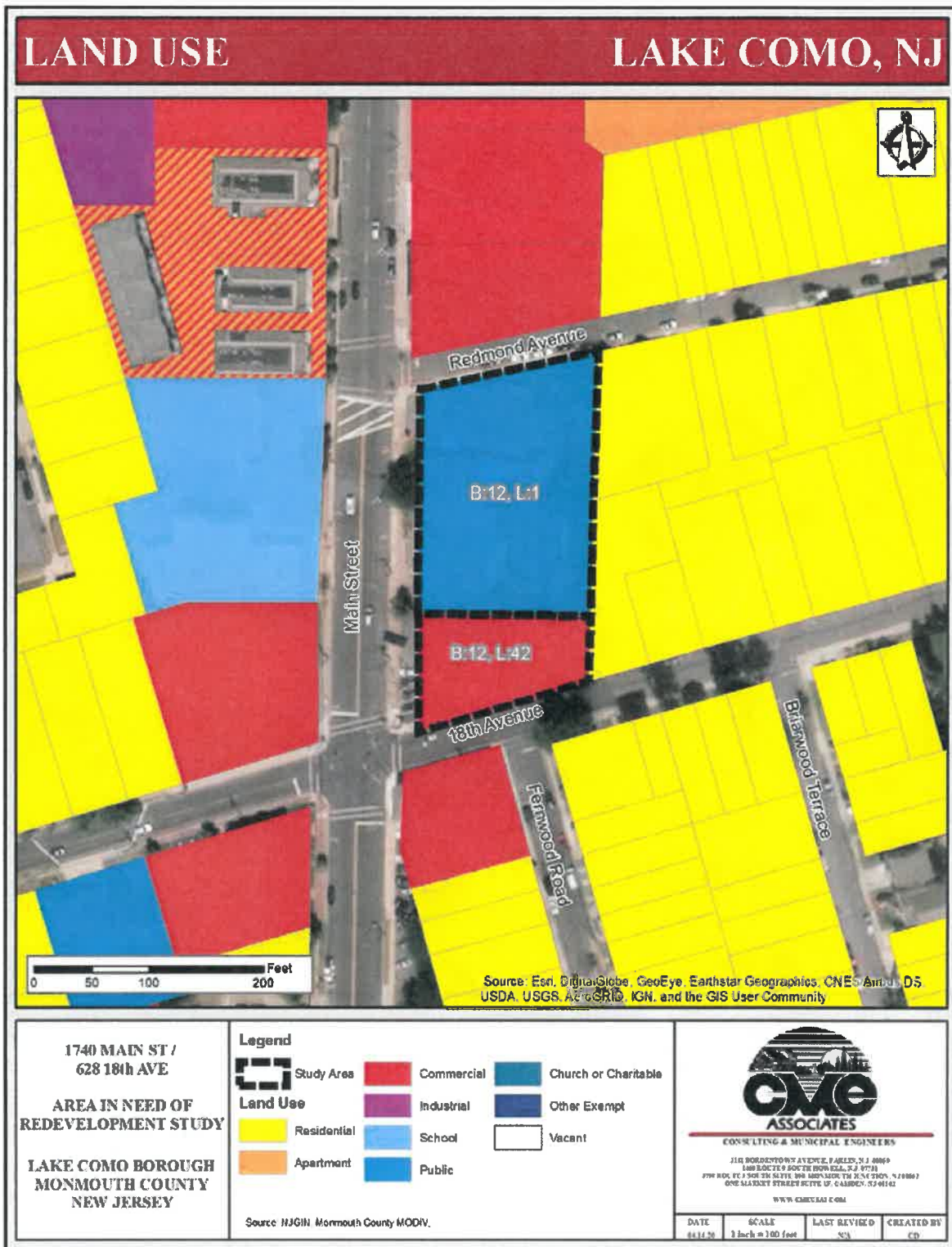
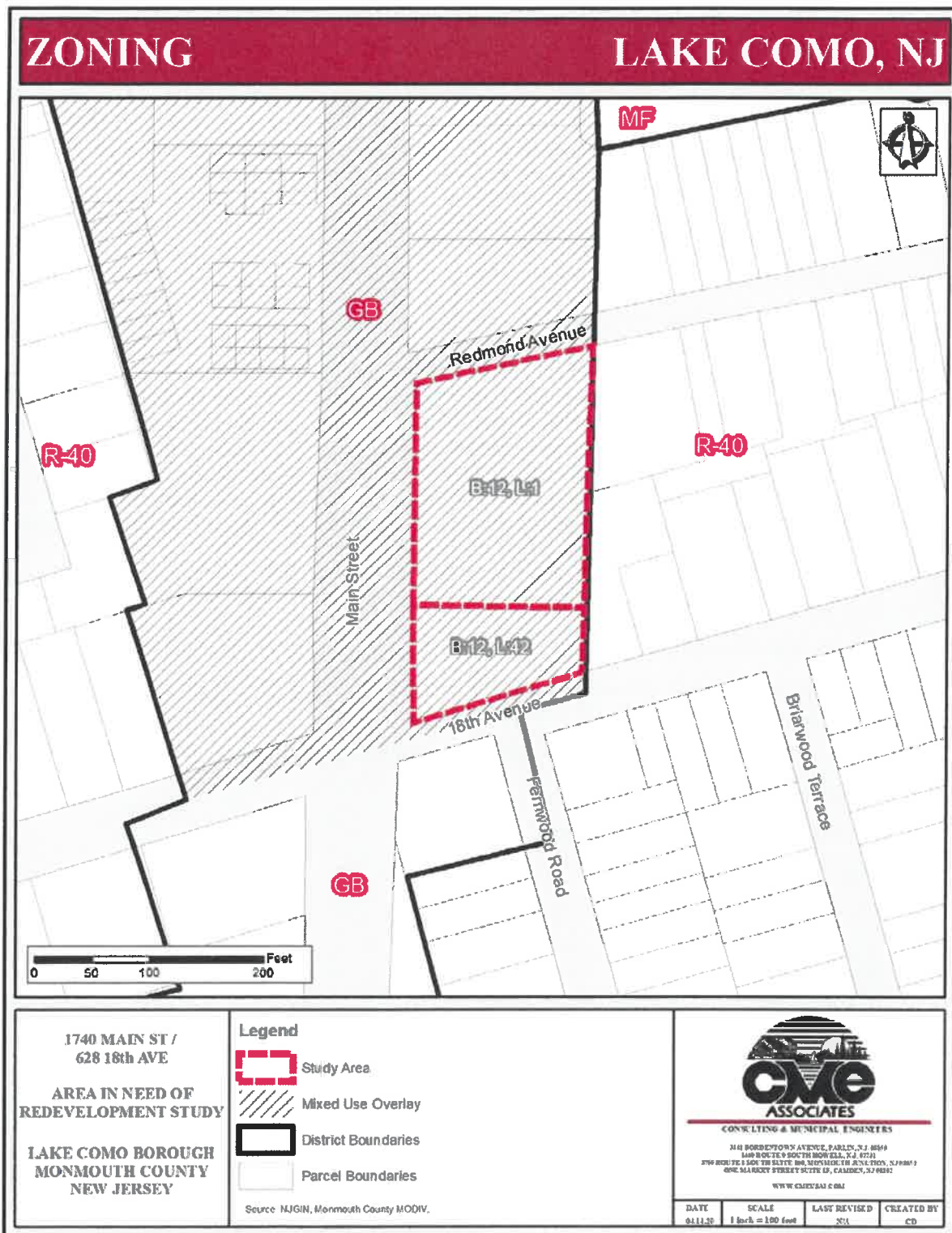


Figure 3: Zoning Map



Study Area Zoning Classification

The entirety of the Study Area is within the GB (General Business) Zone District. This zoning designation is centered on the Main Street area and regulations which restricts larger commercial uses in the area. The full extent of the zoning area is represented in **Figure 3: Zoning Map**, on the previous page. The GB Zone extends along Main Street, from south of 18th Avenue the length of Main Street to the northern boundary of the Borough at 16th Avenue. On either side of Main Street beyond the GB-General Business zoning the surrounding properties are zoned for single family detached dwellings within the R-40 Zone and Multi Family within the MF Zone.

The Lake Como Borough Zoning Ordinance permits the following uses in the GB Zone:

Principal Uses:

- Restaurants including bars, taverns, package good stores, nightclubs, dance halls, and businesses having alcoholic beverage licenses shall only be permitted uses for property located between the north side of Redmond Avenue and 16th Avenue on Main Street, having Main Street frontage, both east and west sides of Main Street, including all property from the curb line of Main Street extending back 150 feet east and west respectively and on the west side of 16th Avenue between Main Street and the railroad tracks. Restaurants including bars, taverns, package good stores, nightclubs, dance halls and businesses having an alcoholic beverage license shall be prohibited uses in all other sections of the general business district as well as the remaining sections of the Borough of Lake Como;
- Department stores;
- Banks, including drive-in facilities;
- Offices and office buildings;
- Theatres with a minimum seating capacity of one hundred (100) seats and music, art and dance studios;
- Public utility uses as a conditional use (see subsection 17-11.3 for standards);
- Public purpose uses;
- Undertaking and funeral services;
- Nursing homes;
- Churches.

Accessory Uses:

- Off-street parking (see subsection 17-10.7);
- Fences and walls (see subsection 17-10.4);
- Garages to house delivery trucks or other commercial vehicles;
- Temporary construction trailers and one sign not exceeding 32 square feet, (advertising the prime contractor, subcontractor(s), architect, engineer, financing institution and similar data) may be permitted for the period of construction beginning with the issuance of a construction permit, until the completion of the building or for one year, whichever is less, provided that the trailer and sign are on the site of construction taking place;

- Public swimming pools designed to be used collectively by persons for swimming and bathing purposes as part of any hotel, motel, garden apartment or townhouse development.

The GB General Business zone also includes the Conditional Use of a Street Oriented Mixed-Use Zone of which the purpose is “to provide a variety of opportunities for retail sales and services, office space, and residential living in a vibrant, street-oriented community. This district is centered on Main Street. The design of the Street-Oriented, Mixed-Use Zone is encouraged to be traditional downtown styling, that is, two- and three-story buildings set right on the first floor and residential units on the second and higher stories. Residential uses are envisioned to be upper-end one- to two- bedroom units. Townhouses are envisioned to be located behind the buildings which front on Main Street. Permitted uses within the conditional use provisions include a range of commercial and residential uses with restrictions on certain uses as outlined within § 17-9.6c of the Borough code.

The table below summarizes the bulk standards for the GB General Business Zone:

Bulk Requirements For GB Zone	
Bulk Standard-Principal Structure	GB Requirement
Maximum Building Height	30 feet (2-1/2 stories)
Minimum Lot Area	7,000 square feet
Minimum Lot Frontage	50 feet
Minimum Lot Width	50 feet
Minimum Lot Depth	100 feet
Minimum Front Yard Setback	*
Minimum Rear Yard Setback	20 feet
Minimum Side Yard Setback (each)	5 feet**
Maximum Building Coverage	70%***
*front yard setback is determined by the average front yard depth of the block.	
**side yard is a minimum of 5 feet however to encourage an end product which provides parking access and architectural continuity buildings may be attached (0 feet setback).	
***one building may contain more than one use provided the total number of uses does not exceed the maximum coverage requirement of the GB zone.	

IV. MASTER PLAN PERSPECTIVE

Lake Como Borough’s Master Plan (Land Use Element) adopted in August of 2009 and the Master Plan Reexamination Report, adopted in July of 2019, identify goals and objectives that are in direct correlation with Redevelopment of the Study Area. The 2009 Master Plan includes the following relevant goals and objectives that relate to redevelopment opportunities in the Borough:

Goals and Objectives

- To encourage coordination of the numerous public and private regulations and activities that influence land development towards a goal of producing efficient uses of land with appropriate development types and scales.
- To encourage development that provides adequate parking.

- To encourage the use of green building technologies and materials.
- To provide accommodations that encourages walkable and bikeable neighborhoods.
- To encourage Mixed Use development downtown that will produce economic growth, create jobs and provide sustainable living environments and retain the architectural integrity and charm of the Jersey Shore.

The 2019 Master Plan Reexamination Report includes additional relevant goals and objectives regarding potential redevelopment opportunities in the Borough:

- Need to revitalize underutilized sites that are poorly maintained or poorly designed.
- Need to improve existing design standards in commercial districts including building facades, streetscapes, parking areas, signage, lighting and screening/planting.
- Need for Mixed Use node within the Overlay District to limit residential overdevelopment of the Main Street area.
- Need to develop Mixed Use zone limitations, including reduction of building coverage and limiting building height.
- Need for parking and policy regarding alternate transportation enhancements.

Master Plan Principals

The Lake Como Master Plan is based on principals that have carried through the planning initiatives of the Borough since the 1990s. These principals remain important and relevant thirty years later in establishing the goals, objectives and redevelopment opportunities in Lake Como:

- Encouraging residential development in locations and densities that are compatible with existing development patterns and can be properly serviced by public roadways, utilities and services.
- Locating public commercial services and office uses at sites and in locations which are suitable for their use environmentally, economically and geographically and are compatible with existing uses, public facilities, roadways and natural features.
- Encourage a development pattern that will protect and enhance the long term economic, environmental and social welfare values of present and future residents of Lake Como.

State Planning Area Classification

The State Plan Policy Map classifies all of Lake Como Borough as a Metropolitan Planning Area (PA-1). This area is most targeted for future growth and redevelopment by the New Jersey State Development and Redevelopment Plan (SDRP). The primary objective of the SDRP is to guide development to areas where infrastructure is available or can be readily extended, such as along existing transportation corridors, in developed or developing suburbs, and in urban areas. The State Plan's intentions for this area is to provide for much of the State's future development, promote growth in cities and other compact forms, protect the character of existing stable

communities, protect natural resources, redesign areas of sprawl, reverse the trend toward further sprawl, and revitalize cities and towns. The PA-1 designation also classifies the Borough as a Smart Growth Area.

Existing infrastructure is available to the Study Area, and its location along Main Street and 18th Avenue would make redevelopment of the property consistent with the SDRP goals for PA-1 Areas. In addition to its location, the current underutilized condition of the property makes redevelopment of this location consistent with the SDRP goals. As such, classification of the Study Area as an area in need of redevelopment would advance the SDRP goals for PA-1 areas.

V. STATUTORY CRITERIA

Under 40A:12A-5, a delineated area may be declared in need of redevelopment if, after investigation, notice, and hearing, the governing body of the municipality, by resolution, concludes that within the delineated area any of the following conditions are found:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

- g. In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zones Act,” P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to Sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et 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.

In addition to the criteria, the redevelopment statute states:

“A redevelopment area may include lands, buildings, or improvements, which 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.”

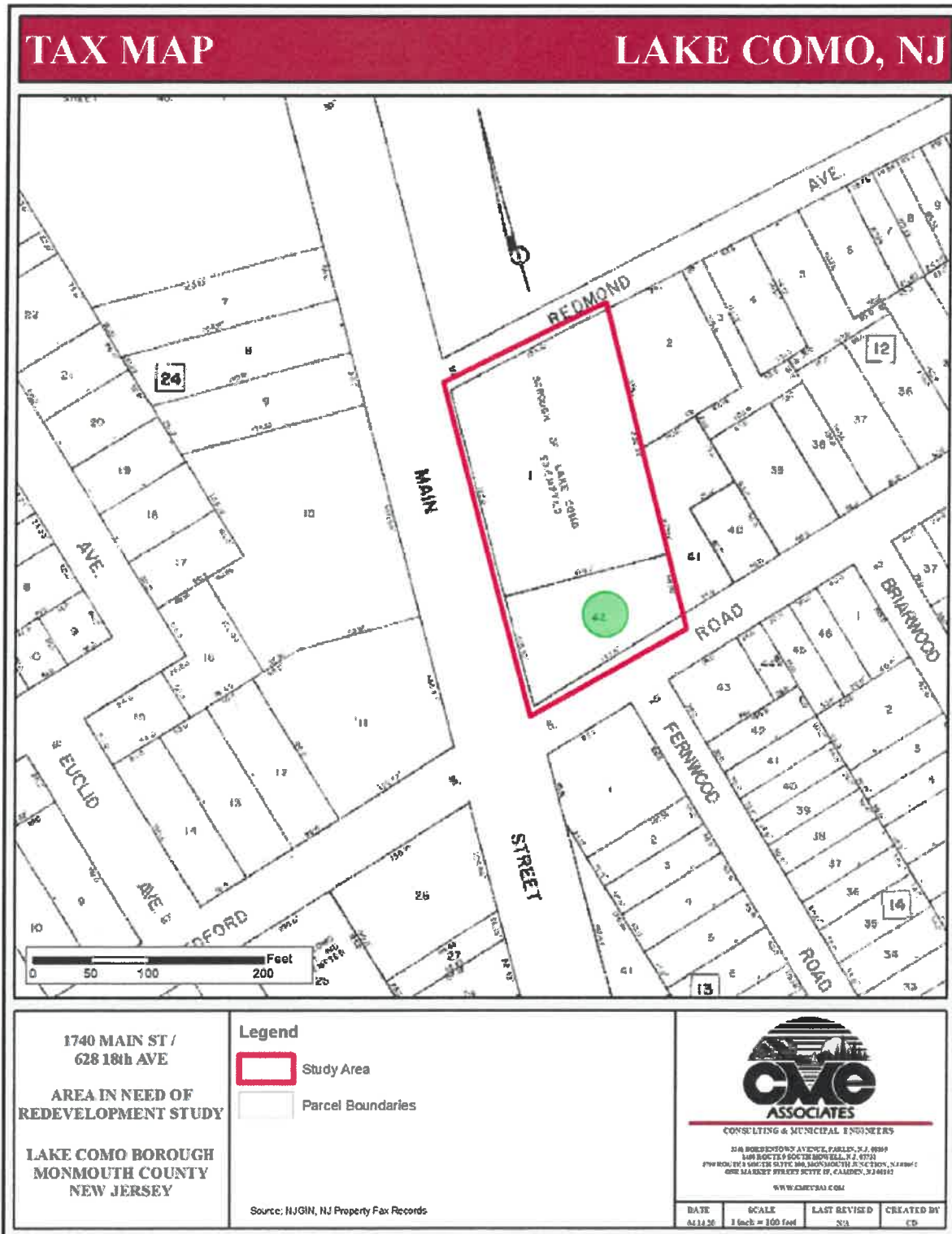
VI. DESCRIPTION OF EXISTING STUDY AREA CONDITIONS

Analysis of Study Area

Study Area conditions were observed during site visits on March 11, 2020 and April 11, 2020.

The developed portion of each site of the study area and the interior of the Municipal structures were fully accessible. The building at the corner of Main Street and 18th Avenue is an active convenience store for which the sales area of the interior was accessible. The complete Study Area is outlined on **Figure 4: Borough Tax Map**.

Figure 4: Lake Como Borough Tax Map



1728-1740 Main Street-Block 12, Lot 1

This property includes three buildings, the active Municipal Building, the former fire house and former police station. Both exterior and interior inspections of each building revealed numerous structural and site issues. Inspection of the interior of each structure clearly indicated an outdated layout and non-functional design. The rooms of each building are small and unproductive with haphazard interior layout. There is black mold in the basement of the former police station and there is evidence of leaks and cracking in the foundation walls of each structure. There was evidence of compromised structural support beams and exposed electric wiring in each structure. Only the upper level of the Municipal Building was ADA accessible. The meeting and standby areas of the former firehouse were not accessible and there were steps within the former police station that limit accessibility.



The exterior of each building is vinyl sided which appears to be in fair condition. There is evidence of some mold and mildew on the siding in several locations. The basement of the Municipal Building is accessible through an exterior entrance only. The entries appear narrow and steep and show signs of deterioration. The retaining wall along the rear of the property is deteriorating.

The parking areas of the Municipal Building is in fair condition but show signs of deterioration. The stall striping is faded. The Municipal Building parking area consists of two dead end areas with limited turn around/back up area. The Borough recently installed an electric vehicle charging station at the front stall of the lot. The parking area for the former police and fire buildings is not very well defined with seven parking stalls along the north side of the former police station with no or faded striping. There is no designated "No Parking" in front of the fire bays. The refuse enclosure at the rear of the parking area is not easily accessible by a refuse collection vehicle. The parking area is showing signs of deterioration with significant cracking.



The front entrance of the former police station is accessible by a wood ramp at the front entrance. This ramp has begun to show signs of deterioration. The former firehouse has an access doorway at the rear of the site, accessible only by concrete steps. The truck bays are accessible to the rest of the building only by a set of interior concrete steps. Lighting on the site is limited to four wall packs on the Municipal Building and light sconces adjacent to the truck bays on the former firehouse. Rooftop equipment is unscreened.

The decorative clock in the rain garden along the frontage is in good condition, however, the most recent site inspection revealed no significant vegetative growth in the rain garden area.



628 18th Avenue-Block 12, Lot 42

628 18th Avenue is the location of an operating 7-11 convenience store. The site is entirely paved. The parking area includes fifteen 90° angled and parallel parking stalls including one handicapped parking stall on the west side of the building. The parking area is accessible from both 18th Avenue and Main Street. The accessible route for the handicapped parking space to store entrance is a narrow sidewalk that is cracked and lifting. There is no other accessible route to the convenience store. The parking stalls are separated from the right of way by concrete bumper stops that are crumbling and out of place. They do not prevent vehicle overhang into the right of way. The circulation is haphazard with the two access points and multiple types of parking stalls on the site. The refuse containers are accessible, however, the condition of the enclosure is deteriorating and the dumpsters are not kept within the enclosure. The enclosure contains an existing storage shed. Access to the ice machine and trash containers may be impeded by vehicular traffic. Drive aisle widths appear narrow. Sidewalks along the building are narrow and merchandise is stored on the walkways in front of the store. Sidewalk and curbing along the 18th Avenue frontages is cracked, crumbling and in a state of significant deterioration. The site lighting is limited to three old style building mounted flood lights. Rooftop equipment is unscreened.



Inspection of the interior sales area of the building reveals a common convenience store floor plan with a large variety of food, sundry items, and refrigerated goods with narrow aisles. The building and parking area at 628 18th Avenue is exhibiting signs of deterioration as evidenced by the cracks in the façade, damaged flashing, cracked and crumbling parking area pavement. The overall building, use, and site are dated and its current appearance reflects the late 1960's construction.

Additional photographs of the Study Area illustrating the condition of the properties are within Appendix B of this report.



VII. APPLICATION OF STATUTORY CRITERIA

Introduction

The finding that an area is in need of redevelopment is an area-wide determination. As such, the statutory charge for a positive finding of redevelopment eligibility requires a demonstration that physical deterioration by the presence of improvements which are dilapidated, obsolete, and faulty in terms of arrangement, lack of ventilation, light and sanitary facilities, or in any way detrimental to the safety, health, morals or welfare of a community. An area is also eligible for declaration where it can be demonstrated that a redevelopment declaration would advance smart growth planning through consistency with the intent and policy objectives enumerated under the New Jersey SDRP for the planning area within which the Study Area is situated.

The conditions evidenced in this Needs Determination Study are measured against the criteria for designation of an Area in Need of Redevelopment and summarized in a fashion that enables a determination to be made regarding whether one or more criteria is prevalent among the properties within the Study Area.

Study Conclusions and Recommendation

It is recommended the Lake Como Borough Planning Board and Borough Council determine that the Study Area is a Non-Condemnation Area in Need of Redevelopment based upon the fact the Study Area satisfies criteria "a," "d," and "h" of the New Jersey Local Redevelopment and Housing Law.

"a" Criterion Assessment

The "a" criterion can be applied to the Study Area, 1728-1740 Main Street, Block 12, Lot 1 and 628 18th Avenue, Block 12, Lot 42. The "a" criterion states: "The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions."

In the buildings at 1728-1740 Main Street, Block 12, Lot 1 there is exposed wiring in each. There is black mold in the basement area of the former police building and the inspection of the basement of the Municipal Building revealed a number of structural issues including cracked foundation, exposed wiring and compromised structural members. Additionally, the buildings are not readily accessible and only the first floor of the Municipal Building appears to satisfy accessibility requirements. Overall, the structures on the Municipal property in the Study Area exhibit unsafe and dilapidated conditions that are conducive to an unwholesome working condition.

The building at 628 18th Avenue, Block 12, Lot 42 showed evidence of cracked façade as well as damaged and deteriorating flashing along the roofline of the existing convenience store. The interior of the convenience store sales area is difficult to maneuver with cramped conditions due to narrow aisles and the stocking of a large variety of merchandise. Additionally, the building does not appear to be easily accessible where the path from the handicapped parking stall to the store entrance appears difficult due to narrowness and cracks in the ramp and sidewalk. Overall, the convenience store in the Study Area exhibits unsafe and dilapidated conditions that are conducive to unwholesome working conditions.

“d” Criterion Assessment

The “d” criterion can be applied the Study Area at 1728-1740 Main Street, Block 12, Lot 1 and 628 18th Avenue, Block 12, Lot 42. The “d” criterion states: “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.”

1728-1740 Main Street, Block 12, Lot 1 exhibits dilapidated site conditions, deleterious land use, and faulty layout. The signs of deterioration have been identified within the parking lots on the property where there are cracks in the pavement, crumbling curbing, and faded stall striping. The layout of the parking areas are haphazard and obsolete. The ramp leading into the former Police building shows signs of deterioration. The site lighting is deficient and not energy efficient and the retaining wall at the rear of the property is showing signs of deterioration. The Municipal property illustrates signs of faulty and obsolete design and haphazard parking layout that has produced deleterious site conditions, which are detrimental to the safety, health, morals, or welfare of the community.

628 18th Avenue, Block 12, Lot 42 exhibits dilapidated site conditions, deleterious land use, and faulty layout. The signs of deterioration have been identified within the parking lot as there are cracks in the pavement, crumbling curbing, faded stall striping and crumbling, unfastened bumper stops. The layout of the parking areas is haphazard and obsolete with narrow drive aisles and presenting numerous pedestrian vehicular conflicts on the site. The curbing and sidewalk along 18th Avenue are in poor condition. The site lighting is deficient and not energy efficient. There is a storage shed within the enclosure and the slats are broken. The dumpsters are stored outside the enclosure and are unscreened. The convenience store property illustrates signs of faulty and obsolete design, and haphazard parking layout that has produced deleterious site conditions, which are detrimental to the safety, health, morals, or welfare of the community.

“h” Criterion Assessment

Criterion “h” provides for designation of the Study Area if “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.” As noted above, the Borough of Lake Como, in its entirety, is classified as a PA-1 Planning Area by the SDRP. Smart growth areas as designated by the State Office for Planning Advocacy include all PA-1 areas. Therefore, each property within the Study Area is already targeted for smart growth planning.

Redevelopment of the Municipal Property in the Study Area would advance specific smart growth planning goals and represent an efficient use of existing infrastructure in an already developed portion of the Borough. Further, redevelopment would enhance the economic value of the property through the reuse of the site. The site is connected to existing public transportation on the NJ Transit #830 Bus Route, which includes a bus stop directly in front of the Municipal property on Main Street connecting Lake Como with Point Pleasant to Asbury Park and six rail stations on the North Jersey Coast Line. These conditions make the Study Area optimal for redevelopment that adheres to smart growth planning principles.

VIII. CONCLUSION

This Study Area has been found to be in Need of Redevelopment, meeting at least three of the eight criteria, "a," "d," and "h." A survey and analysis of Block 12, Lots 1 and 42 revealed two vacant buildings with others showing clear signs of dilapidation and deterioration as well as unproductive properties in a location that would be enhanced by smart growth planning. Creating a redevelopment plan will reinforce the Borough's goals as articulated through the Borough Master Plan and Master Plan Reexamination, as well as accommodate the State's Smart Growth planning principles. It is the recommendation of this investigation that this Study Area be designated by the Borough Council of Lake Como as a Non-Condemnation Area in Need of Redevelopment.

IX. APPENDICÈS

Appendix A: Borough Council Resolution Authorizing Redevelopment Needs Study

BOROUGH OF LAKE COMO, MONMOUTH COUNTY

RESOLUTION NO. 2020-65

AMENDING RESOLUTION NO. 2020-60

**AMENDING RESOLUTION OF THE BOROUGH OF LAKE COMO COUNCIL
AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO
CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER
CERTAIN PROPERTY, IDENTIFIED AS BLOCK 12, LOT 1; BLOCK 12, LOT 42;
AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF LAKE COMO,
CONSTITUTES A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A.
40A:12A-1, *ET SEQ.***

WHEREAS, the Mayor and Council of the Borough of Lake Como approved Resolution No. 2020-60 at the Regular Meeting held on January 21, 2020; and

WHEREAS, it is the desire of the Mayor and Council to amend the Resolution to list only two Block and Lots for the Area in need of redevelopment study; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Borough Council consider it to be in the best interest of the Borough to have the Borough Planning Board (the "Planning Board") conduct such an investigation to determine if certain property identified as Block 12, Lot 1 and Block 12, Lot 42 as shown on the official Tax Map of the Borough (the "Study Area"), constitute(s) a non-condemnation "area in need of redevelopment," in accordance with the Act; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Study Area as a non-condemnation "area in need of redevelopment" is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Borough is desirous of continuing revitalization and redevelopment efforts in the Borough.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Lake Como as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. INVESTIGATION OF STUDY AREA AUTHORIZED

The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including N.J.S.A. 40A:12A-5, to be designated as a non-condemnation area in need of redevelopment.

III. MAP TO BE PREPARED

As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained therein.

IV. PUBLIC HEARING REQUIRED

The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area.

At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area. All objections to a determination that all or a portion of the Study Area is a non-condemnation area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public records.

V. PLANNING BOARD TO MAKE RECOMMENDATIONS

After conducting its investigation, preparing a map of the proposed non-condemnation redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Borough as to whether the Borough should designate all or part of the Study Area as a non-condemnation area in need of redevelopment.

VI. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VII. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

VIII. EFFECTIVE DATE

This Resolution shall take effect immediately.



KEVIN HIGGINS, MAYOR

CERTIFICATION

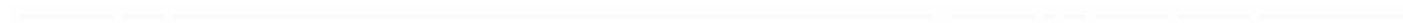
I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Lake Como Borough Council at its meeting held on 2/4, 2020.



**Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator**

Exhibit A

Tax Map of Study Area



APPROVED BY: JUDY P. MILLER CTA
 TIFFANY A. FIELDS
 DATE: JULY 14, 2016
 SERIAL NO. : 614

SEE SHEET NO. 2



SEE SHEET NO. 4

TAX MAP

BOROUGH OF LAKE COMO
 MONMOUTH COUNTY, N.J.
 SCALE: 1" = 60' MAY 28, 1982

THE BROSALL CORPORATION
 1700 7th STREET, SOUTH BELMAR, N.J.
 ROBERT L. FARRY L.S.
 License Number: 13444

This sheet was formally certified
 on 8/30/82. Assigned serial #614
 Signed by: James J. Cell CTA and
 Ivan Markowycz CTA

TO SHOW CONDITIONS AS OF 3/2014

SEE SHEET NO. 5

LAKE COMO PLANNING BOARD

**RESOLUTION 2020-04 OF THE PLANNING BOARD
OF THE BOROUGH OF LAKE COMO,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
HIRING STEPHEN GOTTLIEB OF CME TO PREPARE A
REDEVELOPMENT STUDY FOR THE PLANNING BOARD**

WHEREAS, the Mayor and Council of the Borough of Lake Como has authorized the Planning Board of the Borough of Lake Como to conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation area in need of redevelopment in accordance with N.J.S.A. 40A:12a-1; and

WHEREAS, the Planning Board has the legal obligation and responsibility to conduct a preliminary investigation to make said determination; and

WHEREAS, the Board is authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12a-6 to determine whether all or a portion of the study area satisfies the criteria set forth in the act, including N.J.S.A. 40A:12a-5, to be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Board shall conduct a public hearing after giving proper legal notice of the proposed boundaries of the study area, and noticing and advising the public of same; and

WHEREAS, after conducting its investigation, preparing a map of the proposed non-condemnation redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Board shall make a recommendation to the Borough as to whether the Borough should designate all or part of the study area as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board will need special professional services to perform its required tasks, and said professional services need not be advertised pursuant to local public contract law N.J.S.A. 48:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Lake Como Planning Board as follows:

1. That Stephen Gottlieb of the engineering firm, CME, is hereby appointed as Board Planner for the specific purpose of advising and providing professional services to the Board to help determine the redevelopment criteria and applicability to the study area.

RESOLUTION: 2020-04

MOVED BY: Mr. Witte

SECONDED BY: Ms. Schmidhausler

ADOPTED BY THE FOLLOWING VOTES:

AYES: 8 (JC, KH, DW, KM, EC, AK, CN, GS)

NAYS: 0

ABSTAIN: 0

The above resolution was approved by the Planning Board of the Borough of Lake Como at its Regular meeting on the 10th day of February, 2020. I do hereby certify that the foregoing is a true and correct copy of Planning Board Resolution No.2020-04.


CHAIRMAN, JOSEPH CAVALUZZI

Appendix B: Study Area Photographs

Photographs taken during inspections conducted on March 11, 2020 and April 11, 2020.



