

# **SINGAC INDUSTRIAL ZONE**

## **Area in Need of Redevelopment & Area in Need of Rehabilitation Preliminary Investigation Report**

*Date: July 21, 2017*

*Prepared for:*  
Township of Little Falls, Planning Board

*Prepared by:*



*Public Hearing Date:*  
August 3, 2017

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**RESOLUTION  
TOWNSHIP OF LITTLE FALLS PLANNING BOARD  
PRELIMINARY INVESTIGATION FOR  
AN AREA IN NEED REDEVELOPMENT AND  
AN AREA IN NEED OF REHABILITATION FOR  
PROPERTY COMMONLY KNOWN AS  
BLOCK NO. 77, LOTS 1, 2, 2.01, 3.18, 4, 5, 6,  
6.02, 7, 8, 8.01, 9, 17, 20 AND 20.01 ON THE  
TAX ASSESSMENT RECORDS  
DECIDED ON AUGUST 3, 2017  
MEMORIALIZED ON SEPTEMBER 7, 2017**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., the Planning Board of the Township of Little Falls (hereinafter “Planning Board” or “Board”) was asked to consider whether the subject property identified as Block No. 77, Lots 1, 2, 2.01, 3.18, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 17, 20 and 20.01 on the tax assessment records for the Township (hereinafter referred to as the “Property”) is An Area in Need of Redevelopment and/or An Area in Need of Rehabilitation as summarized through a study prepared by Jeffrey L. Janota, P.P., AICP of H2M (hereinafter referred to as the “Planning Consultant”), and

**WHEREAS**, the municipal council of the Township of Little Falls adopted Resolution No. H-16-10-17-8 on October 17, 2016 which authorized the Planning Board to investigate all properties within a one block area of the Township’s Singac neighborhood to determine if the properties, as set forth herein, constitute an Area in Need of Redevelopment and/or An Area in Need of Rehabilitation in accordance with the Local Redevelopment and Housing Law; and

**WHEREAS**, Resolution No. H-16-10-17-8 specifically states that the Township or Township Council shall not be authorized to exercise the power of eminent domain to acquire any property in the delineated area. Thus, the Study Area is being investigated as a possible non-condemnation redevelopment area; and

**WHEREAS**, all procedural requirements in accordance with the Local Redevelopment and Housing Law pursuant to N.J.S.A. 40A:12A-6 have been complied with in regard to the conduct of a public hearing regarding this matter; and

**WHEREAS**, a public hearing was conducted on August 3, 2017 after the Planning Board determined that it had jurisdiction.

**NOW, THEREFORE**, the Township of Little Falls Planning Board makes the following findings of fact and conclusions of law with regard to this matter:

1. Jeffrey L. Janota, P.P., AICP (the “Planning Consultant”) being duly sworn and accepted as an expert witness made his presentation to the Planning Board on August 3, 2017 and discussed the study entitled “Singac Industrial Zone Area in Need Redevelopment & Area in Need of Rehabilitation Preliminary Investigation Report” dated July 21, 2017 (the “Study”) prepared for the Property which forms the basis of this investigation.

2. The Planning Consultant summarized that the Township had asked that the subject property be considered by the Planning Board as An Area in Need of Redevelopment and/or An Area in Need of Rehabilitation and he testified in depth regarding a lot by lot analysis of each of the study area properties.

3. The Planning Consultant testified that information compiled for the preparation of this report was received from the Tax Assessor’s Office, Environmental and Health Data, Code Enforcement Violations, Zoning Permits, Planning Board or Zoning Board applications, Building or Demolition Permits, Photos collected during site visits and field observations and resident comments.

4. The Planning Consultant concluded that the subject Properties met the criteria under the Local Redevelopment Housing Law pursuant to N.J.S.A. 40A:12A-5 in order to be



declared An Area in Need of Redevelopment including, but not limited to, the following findings:

Properties within the proposed delineated area satisfy criteria:

a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any 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) 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;

Section 3 of the Local Redevelopment and Housing Law, pursuant to N.J.S.A. 40A:12A-3 provides in relevant part:

“...A development 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.”

The Planning Consultant also determined that there are properties within the proposed delineated area that are necessary for inclusion for the effective redevelopment of the area even though these properties are not detrimental to the public health, safety and general welfare.

The aforementioned Area in Need of Redevelopment determinations are set forth in the comprehensive evaluation of the Study Area as set forth in the Preliminary Investigation Report identified herein and incorporated herein by reference and made a part hereof.

5. The Planning Consultant further summarized the criteria for An Area in Need of Rehabilitation determination under the Local Redevelopment and Housing Law pursuant to N.J.S.A. 40A:12A-14.

6. The Planning Consultant concluded that the sanitary sewers were constructed prior to 1926 and that the sewers are approaching 100 years in age and at least portions of the system are in need of repair or rehabilitation. In addition, “Main Street’s water infrastructure are cast iron pipes with no lining and installed more than 50 years ago in 1958. Cast iron pipes, especially those without lining are generally known by water engineers to be less reliable and are coming to the end of their shelf life.”

7. The Planning Consultant concluded that the subject properties within the proposed delineated area meet the criteria for An Area in Need of Rehabilitation designation because a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

8. Members of the public were given the opportunity to offer comments on the study or ask any questions of the Planning Consultant or Board.

9. There were no members of the public present expressing an interest in this matter.

10. The Board accepts the study as presented and recommends that the Little Falls Township Council make a determination that the delineated area should be determined to be An Area in Need of Redevelopment and An Area in Need of Rehabilitation under the Local Redevelopment and Housing Law.

**NOW, THEREFORE,** the Township of Little Falls Planning Board based upon the findings and conclusions aforesaid and as contained in the Singac Industrial Zone An Area in Need of Redevelopment and An Area in Need of Rehabilitation Preliminary Investigation Report dated July 21, 2016 and prepared by Jeffrey L. Janota, P.P., AICP of H2M and upon the laws established in the Township of Little Falls and the State of New Jersey, hereby agrees with the conclusions reached by the Planning Consultant in the Study and recommends that the Township of Little Falls Council designate the subject Property as An Area in Need of Redevelopment and An Area in Need of Rehabilitation and also refers the matter to the Township of Little Falls Council for any further consideration that may be required.

This matter was approved by the Township of Little Falls Planning Board at a duly constituted public meeting held on August 3, 2017.

**VOTE ON APPLICATION**

Motion Introduced By: Vice-Chairman Greco

Motion Seconded By: Commissioner Strothers

In Favor: Mayor Damiano, Chairman Kilpatrick, Vice-Chairman Greco, Councilman Sgobba,  
Commissioners Gaita, Strothers, and Barry

Opposed: *none*

**VOTE ON MEMORILIZATION OF RESOLUTION**

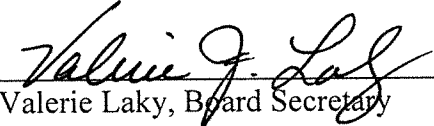
Motion Introduced By: *Greco*

Motion Seconded By: *Strothers*

In Favor: *Kilpatrick, Greco, Gaita, Strothers, Barry, Mayor Damiano,  
Councilman Sgobba*

Opposed: *none*

Township of Little Falls Planning Board

  
Valerie Laky, Board Secretary

  
Walter Kilpatrick, Chairman

The undersigned secretary certifies that the within Resolution was adopted by the Township of Little Falls Planning Board on August 3, 2017 and memorialized herein pursuant to N.J.S.A 40:55D-10(g) on September 7, 2017.

  
Valerie Laky, Board Secretary

# SINGAC INDUSTRIAL ZONE REDEVELOPMENT AREA & REHABILITATION AREA INVESTIGATION REPORT

*Prepared and adopted by:  
Township of Little Falls Planning Board*

Mayor & Council

Honorable James Daminao, Mayor  
Anthony Sgobba, Council President  
Joseph Maceri  
William Liess  
Maria Martini Cordonnier  
Christopher Vancheri

Land Use Board

Honorable James Daminao, Mayor  
Walter Kilpatrick, Chairman  
Richard Greco, Vice Chairman  
William Kohlman  
Joan Strothers  
Louis Dearani  
Michael Fojut  
Anthony Sgobba, Councilman  
Carmen Gaita  
AJ Alvarez  
Rocco Corage  
Kevin Barry  
John Reilly  
Valerie Laky, Secretary

*Special thanks to:*  
Charles Cuccia, Township Administrator

Consultant:  
H2M Associates, Inc.  
119 Cherry Hill Road, Ste. 110  
Parsippany, NJ 07054



Adopted by Planning Board: August 3, 2017

*The original of this report was signed and sealed in accordance with N.J.S.A.  
45:14A-12.*

A handwritten signature in blue ink, reading "Jeffrey L. Janota".

Jeffrey L. Janota, PP, AICP #33LJ00582700

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**APPENDIX**

- APPENDIX A: Resolution # H-16-10-17-8
- APPENDIX B: Notice to Property Owners of Inspection
- APPENDIX C: Notice of Public Hearing
- APPENDIX D: Rehabilitation Area Evidence

## I. EXECUTIVE SUMMARY

This Redevelopment Area Investigation Report has been prepared to determine whether the area known as the *Townhome Redevelopment Study* meets the statutory criteria for designation as an “area in need of redevelopment,” pursuant to the Local Redevelopment and Housing Law (“LRHL”) of the New Jersey Annotated Statutes (N.J.S.A. 40A:12A-1 et seq).

On October 17, 2016 the Municipal Council of the Township of Little Falls adopted Resolution # H-16-10-17-8 (**Appendix A**), which authorized the Planning Board to investigate all properties within a 1-Block area of the Township's Singac neighborhood to determine if the properties constitute an “area in need of redevelopment,” in accordance with the LRHL. The Resolution identified the following properties for study:

No	Block	Lot	Location
1	77	1	437 Main St
2	77	2	419-421 Main St
3	77	2.01	417 Main St
4	77	3,18	409-415 Main St
5	77	4	381-385 Main St
6	77	5	361 Main St
7	77	6	333 Main St
8	77	6.02	3 South Grey Rock Ave
9	77	7	355 Main St
10	77	8	351 Main St
11	77	8.01	353 Main St
12	77	9	347-349 Main St
13	77	17	379 Main St
14	77	20	365 Main St
15	77	20.01	359 Main St

As per statutory requirements, any Resolution authorizing a Planning Board to conduct an Area in Need of Redevelopment Investigation must indicate whether it will be a condemnation or non-condemnation redevelopment area. Resolution # H-16-10-17-8 states that “the notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Township Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible **Non-Condensation** Redevelopment Area.”

The following pages demonstrate a thorough analysis of existing conditions within the Study Area. In addition to conducting site visits and in-person property inspections, the



report includes a review of records from the municipal tax assessor, building department, planning and zoning office, code enforcement, and police departments.

The comprehensive evaluation of the Study Area as laid out in this report results in the following "area in need of redevelopment" determinations.

**Table 1**  
**Criteria Summary Table in Redevelopment Study Area**

No	Block	Lot	Location	Criteria
1	77	1	437 Main St	d, Section 3
2	77	2	419-421 Main St	Section 3
3	77	2.01	417 Main St	d
4	77	3,18	409-415 Main St	b, d
5	77	4	381-385 Main St	d, Section 3
6	77	5	361 Main St	d
7	77	6	333 Main St	d, Section 3
8	77	6.02	3 South Grey Rock Ave	d
9	77	7	355 Main St	d, Section 3
10	77	8	351 Main St	Section 3
11	77	8.01	353 Main St	a, Section 3
12	77	9	347-349 Main St	Section 3
13	77	17	379 Main St	d
14	77	20	365 Main St	a, d
15	77	20.01	359 Main St	d, Section 3

## II. INTRODUCTION

In order to designate a Redevelopment Area, a municipal governing body must first authorize the Planning Board, by resolution, to determine whether the proposed area meets statutory criteria set forth in N.J.S.A. 40A:12A-1 et seq. On September 9, 2013, the State of New Jersey amended the Local Redevelopment Housing Law (LRHL) to require that municipalities, from the on-set of the process, determine whether or not they will be authorized to use the power of Eminent Domain. When asking the Planning Board to investigate a redevelopment area, the Governing Body's authorizing Resolution must now indicate whether it is seeking to designate a "Non-Condensation Redevelopment Area" or a "Condensation Redevelopment Area."

On October 17, 2016, the Municipal Council of the Township of Little Falls passed Resolution # H-16-10-17-8 (**Appendix A**) authorizing the Planning Board to conduct a preliminary investigation to determine whether or not all properties within Block 77 on the Township Tax Map, qualified as an "area in need of redevelopment" pursuant to statutory requirements as defined in the Local Redevelopment and Housing Law ("LRHL," N.J.S.A. 40A:12A-1 et seq.) and known herein as the "Singac Industrial Zone Study Area," or "Study Area."

### Tax Block/Lot

Block 77, Lots 1, 2, 2.01, 3-6, 6.02, 7-8, 8.01, 9-11, 11.01, 12-20, 20.01

By law, the Planning Board, or its consultant, must conduct a preliminary investigation and then hold a duly noticed public hearing on the matter. The Planning Board then makes a recommendation that the entire delineated area, a portion of the delineated area, or no part of the delineated area, qualifies as a redevelopment area. After receiving the recommendation of the Planning Board, the municipal Governing Body may adopt a resolution determining the entire delineated area, a portion of the delineated area, or no part of the delineated area, is a redevelopment area.

Upon designating an "area in need of redevelopment" (and/or an "area in need of rehabilitation") a municipality may then prepare and adopt a Redevelopment Plan for the designated area(s). The redevelopment entity may then engage in a variety of activities and use the powers of redevelopment and/or rehabilitation authorized in the LRHL to stimulate development and effectuate the plan's purposes.

This redevelopment study shall constitute the required investigation pursuant to the LRHL and shall be severable in the event that the designation of any individual site(s) as an area in need of redevelopment is deemed invalid by a court of law or other body with jurisdiction. Such severability shall mean that the analysis and conclusions contained herein for all other sites shall remain valid and in full force with respect to the LRHL should

any finding that an individual site(s) qualifies as an area in need of redevelopment be reversed.

### **Eminent Domain**

On September 9, 2013, the State of New Jersey amended the Local Redevelopment Housing Law (LRHL) to require that municipalities, from the on-set of the process, determine whether or not they will be authorized to use the power of Eminent Domain. When asking the Planning Board to investigate a redevelopment area, the Governing Body's authorizing Resolution must now indicate whether it is seeking to designate a "Non-Condensation Redevelopment Area" or a "Condensation Redevelopment Area." Resolution # H-16-10-17-8 addresses this requirement, stating the *"the notice of the hearing shall specifically state that the redevelopment area determination **shall not authorize the Township or Township Council to exercise the power of eminent domain** to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-condemnation Redevelopment Area."*

The following pages present the findings of this preliminary investigation report.

### III. CRITERIA FOR REDEVELOPMENT AREA DETERMINATION

A delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in section N.J.S.A. 40A:12A-6, the governing body of the municipality by resolution concludes that any of the following conditions are found within the delineated area.

- (a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- (b) The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- (c) Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land 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 of 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 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 for redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A: 12-5 and 40A: 12-6) 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.

The basis for applying the 'e' criteria has changed as a result of the New Jersey Supreme Court decision in Gallenthin vs. Borough of Paulsboro, which was decided on June 13, 2007. In the Gallenthin decision, the Supreme Court concluded that N.J.S.A. 40A:12A-5 (e) does not apply in circumstances where the sole basis for redevelopment is that the property is not "fully productive," but applies to areas that are unproductive because of issues of title, diversity of ownership, or similar conditions. In addition, the Gallenthin decision underscored the need to inspect the interiors of buildings, if possible, and demonstrate actual blight and/or clear evidence of blighting influences in reaching a conclusion that a property qualifies for designation as an area in need of redevelopment.

### **Section 3**

In addition to the criteria presented above, the definition of a "redevelopment area" as per **Section 3** of the LRHL allows the inclusion of parcels which are necessary for the effective redevelopment of an area, but which of themselves do not qualify based on the criteria. Specifically, the LRHL states:

"...A redevelopment area may include land, buildings or improvement 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."

## **IV. METHODOLOGY**

Our approach to this Preliminary Investigation involved substantial research and analysis, and field visits, in addition to the staff of the Township of Little Falls who provided the Team with the necessary documents, data and other critical information.

### **Records Review**

To understand existing property and neighborhood conditions, as well as evolving conditions over time, our Team undertook an extensive records review, which included, but is not limited to, the following:

- Official Tax Maps of the Township of Little Falls
- Tax Assessor records for each property
- Crime Incident and Accident Data
- Code Enforcement Violations
- Building and Demolition Permits
- Zoning Permits and Violations
- Planning Board (Combined Board) Applications and Approvals
- Health Department Violations
- Environmental & Contaminated Sites data from NJDEP
- Township of Little Falls Master Plan, 2002
- Township of Little Falls Master Plan Re-examination Report, 2008
- Township of Little Falls Master Plan Re-examination Report, 2013
- Zoning Map and Ordinance of the Township of Little Falls
- Passaic County GIS (Geographic Information Systems) data (GovPilot)
- Historical Aerial imagery

### **Site Visits**

H2M conducted site visits over a period of several days to physically inspect each property. The inspections included exterior inspections of all properties and interior inspections of buildings that were made accessible. Exterior photos and when available interior photos, were taken on April 20, 2017 and April 21, 2017.

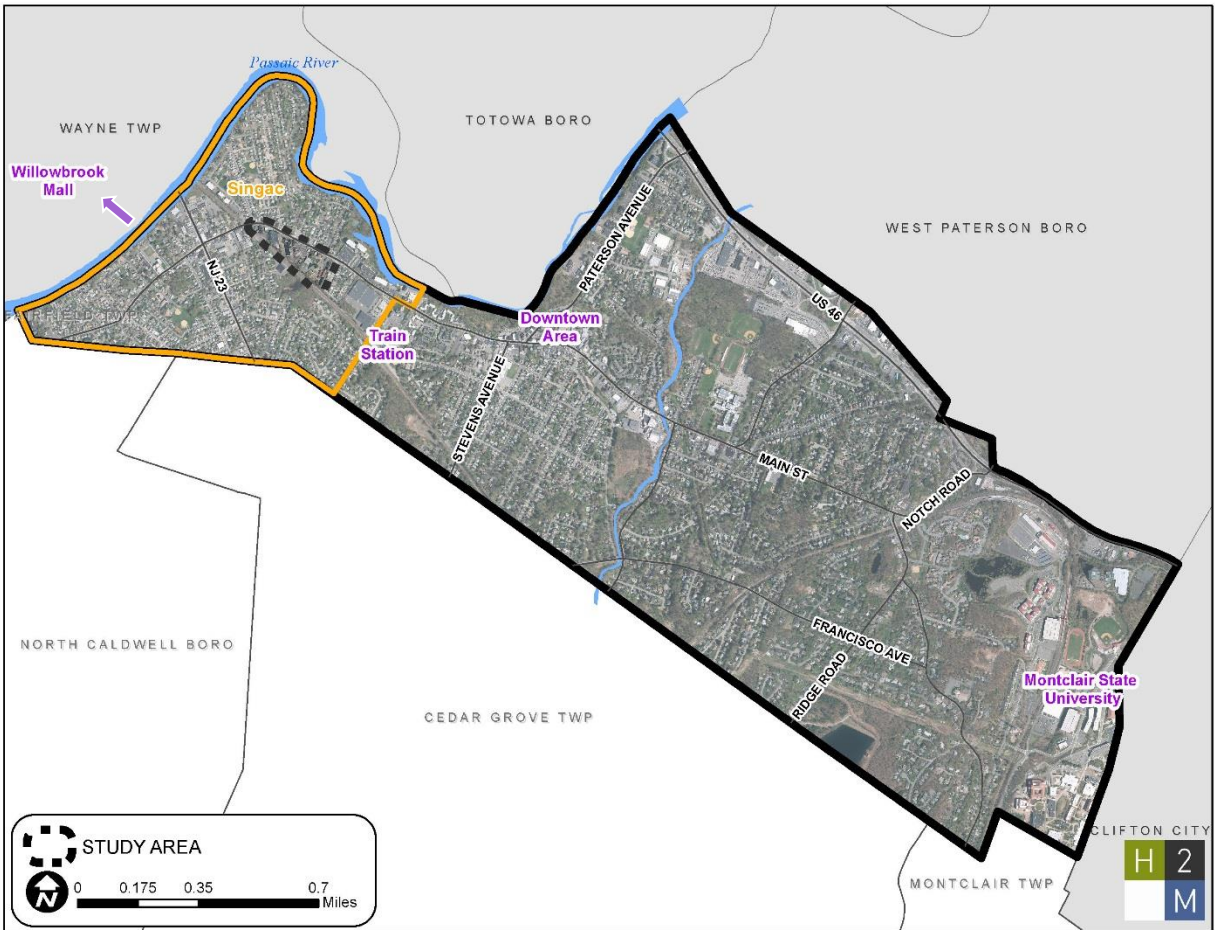
### **Property Owner Meetings**

In advance of the site visits, all property owners within the Study Area were sent letters notifying them that inspections would be conducted April 20, 2017 and April 21, 2017 (**Appendix B**). Over those dates, the Team scheduled meetings with responsive property owners to discuss the investigation process.

V. STUDY AREA LOCATION

The Study Area is located within the central western portion of the Township, along Main Street, in the Census Designated Place (CDP) known as Singac (Figure 1).

Figure 1  
Study Area Context





The 15 properties encompassing the *Singac Industrial Zone Redevelopment Study* ("Study Area") are depicted below in **(Figure 2)**. The properties are located south of Main Street and north of the NJ TRANSIT Montclair-Boonton rail line, and front on portions of Main Street (Route 631) and South Grey Rock Avenue. Main Street is a county-owned roadway and South Grey Rock Avenue is a privately owned road. The Study Area properties are also listed below **(Table 2)**.

**Figure 2**  
**Study Area Investigation Parcels**



**Table 2**  
**List of Parcels in Redevelopment Study Area**

No	Block	Lot	Location
1	77	1	437 Main St
2	77	2	419-421 Main St
3	77	2.01	417 Main St
4	77	3,18	409-415 Main St
5	77	4	381-385 Main St
6	77	5	361 Main St
7	77	6	333 Main St

8	77	6.02	3 South Grey Rock Ave
9	77	7	355 Main St
10	77	8	351 Main St
11	77	8.01	353 Main St
12	77	9	347-349 Main St
13	77	17	379 Main St
14	77	20	365 Main St
15	77	20.01	359 Main St



## VI. PLANNING EFFORTS RELEVANT TO THE STUDY AREA

Our Team reviewed the Township's Master Plan, Zoning Ordinance and other relevant planning and regulatory documents that influence and guide the Township's land use and development decision-making. Our goal was to understand how the Township has previously described this area, how long current issues have been problematic, whether redevelopment is addressed as a recommendation, and how existing conditions in the Study Area compare to the policy and regulatory framework.

### **2002 Master Plan**

The Township of Little Falls adopted a Master Plan in June 2002. The *Land Use Element* identified the area around the Study Area as “containing commercial and some light industrial uses.” The Element also stated that “the Township might wish to maintain vibrant light industrial areas and plan for the orderly conversion of certain light industrial zones to other more productive land uses, such as limited scale corporate office development.” Specifically, the Study Area is “another area of town appropriate for office development of a smaller scale, namely the properties fronting Main Street between the Railroad and Grey Rock Avenue, due in part to these properties' location on a major arterial road, and its proximity to the new municipal complex. Therefore, a professional office overlay zone is recommended for this area.” It continues to say that, “in response to the ongoing trends along Main Street between the railroad to the west and Grey Rock Avenue to the east, a professional overlay zone should be established to permit professional office uses along the Main Street corridor. This zone should include regulations including buffers along residential areas, proper densities and bulk regulations in light of the size of many of the parcels along this strip and its proximity to residential areas.”

The Master Plan concludes with the recommendation for the establishment of a light industrial transition zone. The plan states that, “the Township should take a proactive role to plan for the redevelopment and/or replacement of the industrial areas within the Township. [The zone] would permit redevelopment in the form of either mixed use concept, with retail and office on the first floor with residences above, or corporate office uses.”

### **Master Plan Re-examination Reports, 2008 & 2013**

Although the Study Area is not mentioned specifically, the 2008 Master Plan Re-examination Report states that the Township had been involved in several developments since the 2002 plan. These developments were planned to replace older industrial buildings and uses and enable the Township to expand on its residential base and provide for its COAH obligation. The Re-examination Report also suggests that there are other possible redevelopment opportunities within the Township and that an analysis of future redevelopment opportunities should be determined.

The Township's 2013 Master Plan Re-examination Report summates that many light industrial areas have seen requests for use variances since the last re-examination in 2008. The aim of the 2013 report is to plan for the transformation of Little Falls' underutilized industrial and commercial areas through redevelopment, which will ultimately allow Little Falls to increase ratables and relieve residential tax burden. The 2013 report identifies industrial properties as the primary areas suitable for redevelopment.

The 2002 and 2008 Master Plan goals and objectives were replaced by those identified in the 2013 Re-examination Report. The new goals and objectives address the topic of redevelopment and are listed below:

<b>Goal #10:</b>	<i>"Balance redevelopment initiatives in a manner that considers the fiscal impacts to the Township while not adversely impacting traffic, population, safety and environment, character and privacy of existing residential are or placing increased demands on municipal services."</i>
<b>Land Use Objective #9:</b>	<i>"Plan for efficient and proper redevelopment for areas of transition."</i>
<b>Economic Development Objective #8:</b>	<i>"Facilitate the redevelopment or upgrade of existing non-residential properties where appropriate."</i>

The 2013 Re-examination Report acknowledges the Study Area specifically in the Zoning Recommendations for the Singac Industrial Zone. The report deviates from the 2002 Master Plan suggestion for a professional overlay zone and instead suggests rezoning the Study Area to permit redevelopment that will allow either a mixed-use concept with service retail and offices on the first floor with residential uses above. According to the report, potential townhouse development fronting Main Street should also be considered.

### **Circulation**

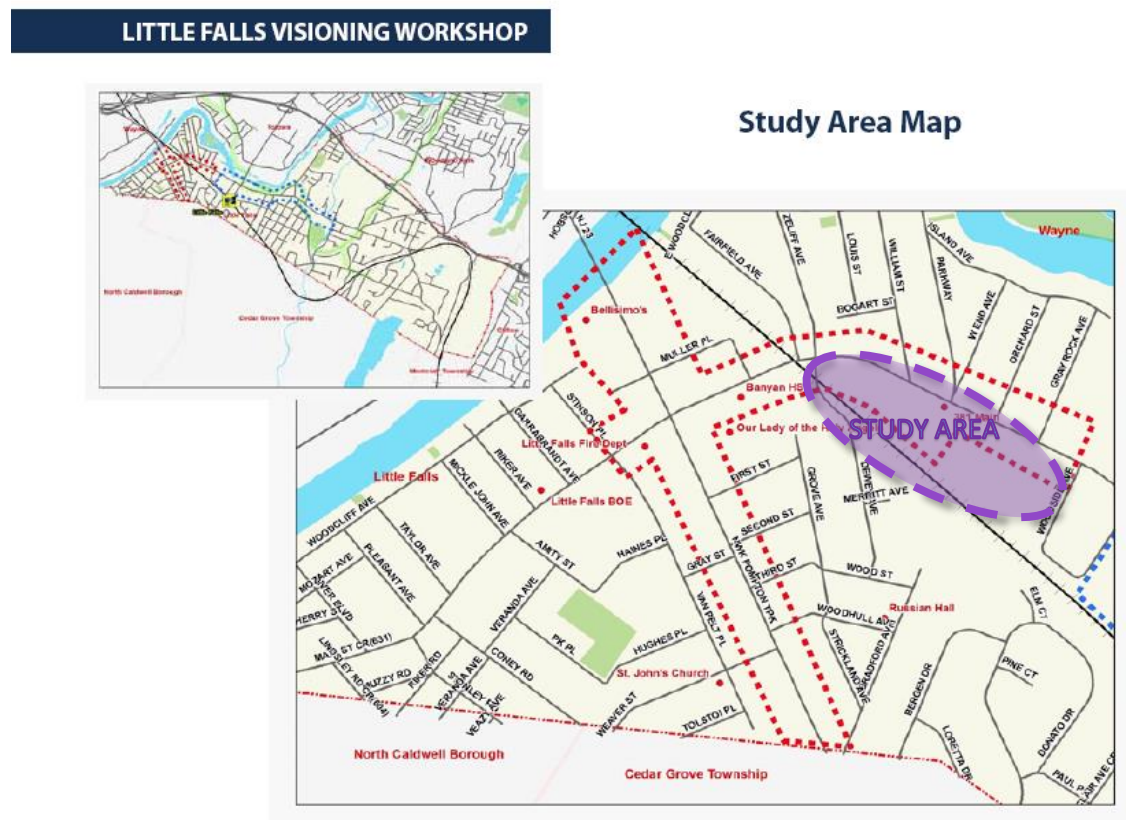
Main Street is considered a Major Arterial in the Functional Classification of the Circulation Plan Element of Little Falls 2002 Master Plan. As per the table provided in the plan, which sources 2000 RSIS definitions, significant community, retail, commercial, and industrial facilities may be located on these arterials. Main Street is also considered a Corridor Enhancement District according to the *Passaic County Corridor Enhancement Plan* (April 2008). The street is also classified as a "Downtown Street" per the County Complete Streets Policy, which is characterized by mixed-use commercial and traditional downtown activities. *"The primary function of a Downtown Street is to optimize both functionality and form of public space in a downtown or business district to support economic development and community activity."* On Downtown Streets, where

pedestrian safety and access is the priority, “minimizing driveways will prioritize the commercial buildings that front on Downtown Streets, consolidate parking and truck deliveries and reduce conflicts between pedestrians and vehicles.” Where feasible, utilities shall be installed underground.

### **Little Falls Visioning Workshop – Singac District (Section II)**

In August 2013, the Passaic County Planning Department held a Public Visioning Workshop for several areas in Little Falls, including portions of the Study Area within the Singac District (**Figure 3**). Participants were asked to fill out a visual preference survey to identify images that best represent the future of Little Falls. Example images which depicted similar existing features of the Study Area were rated lowest by participants, which included images that depicted front yard parking, gaps in the building lines, and images oriented mostly towards vehicular access. Existing building conditions within the Singac District received the lowest ratings either because they were in poor condition, were auto-oriented, lacked defining architectural elements, and lacked continuity.

**Figure 3**  
**Visioning Workshop Area**





### Existing Land Use in the Study Area

The Existing Land Use Map shows the Study Area contains a variety of land uses (**Figure 4**), including:

- Residential
- Commercial
- Industrial
- Parking Area

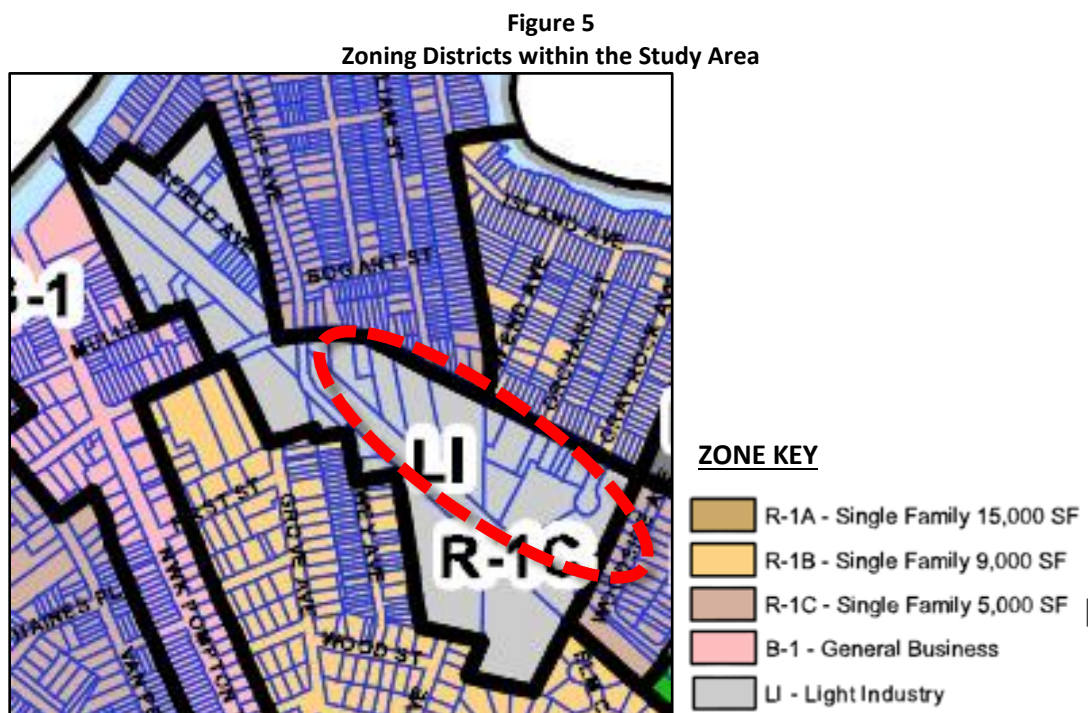
**Figure 4**  
Existing Land Use Map for Study Area



### **Township of Little Falls Zoning Ordinance**

The Township's Zoning Ordinance was updated in 2015 as a result of the recommendations made in the 2013 Master Plan Re-examination Report to include transit-oriented zones. However, none of the parcels in the Study Area have been affected by these zone changes.

All of the properties being investigated in the Area in Need of Redevelopment Study Area fall within the Light Industrial (LI) zone. The Study Area is surrounded by residential districts (R-1A), (R-1B), and (R-1C). (**Figure 5**).



However, there are discrepancies between the Official Zoning and the zones found within the Municipal Zoning Ordinance (Chapter 280). For instance, on the zoning map there exists both a Light Industrial (LI) Zone and a Light Industrial Conditional Use (LI-CU) Zone. However, the municipal zoning ordinance only provides regulations for an Industrial (I) Zone and a Light Industrial Conditional Use Zone (LI-CU).

It is apparent that the Light Industrial (LI) Zones demarcated on the Official Zoning Map are regulated by Article XIV, Industrial (I) District in the Township Code. The Industrial (I) District regulations are shown in **Table 4** below.

**Table 4**  
**Bulk Zoning Requirements**

	<b>Industrial</b>
Max. Density	N/A
Min. Lot Area	20,000 sq. ft.
Min. Lot Width	100 feet
Depth	100 feet
Front Yard Setback	25 feet min.
One Side Yard Setback	20 feet min.
Total Side Setback	40 feet min.
Rear Yard Setback	10 feet min.
Max. Number of Stories	2 stories
Max. Building Height	35 feet
Buffer to Residential	40 feet
Max. % Building Coverage	40%
Min. Floor Area	N/A

#### PRINCIPAL AND ACCESSORY USES

Principal permitted uses in the Industrial (I) Zone include the following:

- (1) Research laboratory and accessory offices
- (2) Business, industrial or governmental offices
- (3) Public utility substations or pumping stations in accordance with §280-122
- (4) Publishing houses
- (5) Manufacture by distribution by distillation, fabrication, assembling or other handling of products
- (6) Warehousing, except highly combustible and explosive matter
- (7) Business signs complying with Article XX

Accessory uses for the Industrial (I) District include processing and assembly accessory to a permitted use, as well as customarily incidental to a permitted principal use.

#### PARKING REQUIREMENTS

§ 280-195(A) states that for all zone districts, “required spaces shall be computed on the basis of 300 square feet per space, including aisles or turning area. The dimensions of individual spaces for nonresidential development shall be at least 10 feet by 20 feet; when the number of required spaces results in a fraction, the fraction shall require one parking space.” As per § 280-197, § 280-198, and § 280-199, off-street parking areas shall also be adequately maintained graded, and drained; shall be clearly marked to show the parking arrangement; and lit as to reflect light downward to prevent light from shining



directly on adjacent streets, residential zones, and buildings. The complete schedule of required off-street parking and loading requirements is located in § 280-206 of the Township Code. Regulations for off-street parking for the Industrial (I) District is located in Chapter 280, Article XIV.

### **2017 Housing Element and Fair Share Plan & Settlement Agreement**

As part of the Townships compliance with the Court mandated Affordable Housing Plan, Little Falls is proposing to meet a portion of the Unmet Need, through redevelopment zoning of this area, that would require a 20% set aside for, for sale affordable housing, resulting in the potential construction of 21 units of affordable housing.

### **Relationship to State Development and Redevelopment Plan (SDRP)**

Little Falls is located in Passaic County with an estimated 2014 population of 14,510 residents (US Census Bureau, 2014 5-Year ACS), the Township of Little Falls lies fully within Planning Area 1 (PA1) on the State Plan Policy Map of the 2001 State Development and Redevelopment Plan (SDRP). The SDRP specifies that PA1 areas shall be the locations for the majority of the State's future growth through expansions, infill and *redevelopment*. The SDRP promotes growth within existing urbanized areas, preferably in the form of compact development with ready access to existing infrastructure, including transit systems. The Township of Little Falls is thoroughly urban in its character and has an extensive multi-modal transportation network with NJ TRANSIT service on the Montclair-Boonton Line and prominent NJ TRANSIT bus service presence.

### **2001 STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

In 1986, the New Jersey Legislature passed the New Jersey State Planning Act, which created the State Planning Commission and required the preparation and adoption of the State Development and Redevelopment Plan (the "State Plan"). The most current adopted plan is dated March 1, 2001. The purpose of the State Plan is to:

Coordinate Planning Activities and establish statewide planning objectives in the following area: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services and intergovernmental coordination (N.J.S.A. 52:18A-200(f), the State Planning Act).

The State Plan uses a policy map to differentiate areas from highest growth to lowest growth based on information, such as natural resources, sewer availability, etc. These differentiations are called planning areas, which range from PA1-Metropolitan to PA-8 state park. The Township of Little Falls lies fully within Planning Area 1 (PA1) which:

- Provide for much of the state's future redevelopment;

- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

#### DRAFT STATE STRATEGIC PLAN

The draft State Strategic Plan: New Jersey's update to the State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment was released for public comments and hearings in November 2011. The Plan is *"to focus the State's policies and investments on vibrant regions by fostering targeted job growth, supporting effective regional planning and preserving the State's critical resources"*. The intent of the State Plan is to direct growth and development into areas served by public infrastructure as a means of more efficiently using public resources. A total of six public hearings were scheduled throughout the State. Since the initial public meetings and the addition of several more, the State Planning Commission has not acted on the adoption of the plan.

Since the Study Area lies within a PA-1, which represents the areas for growth in New Jersey, the location of the Study Area is consistent with "Smart Growth" planning principles. However, courts have ruled that reliance upon a property's location within an area targeted for growth by the State Plan cannot be the sole basis for designating an area in need of redevelopment.



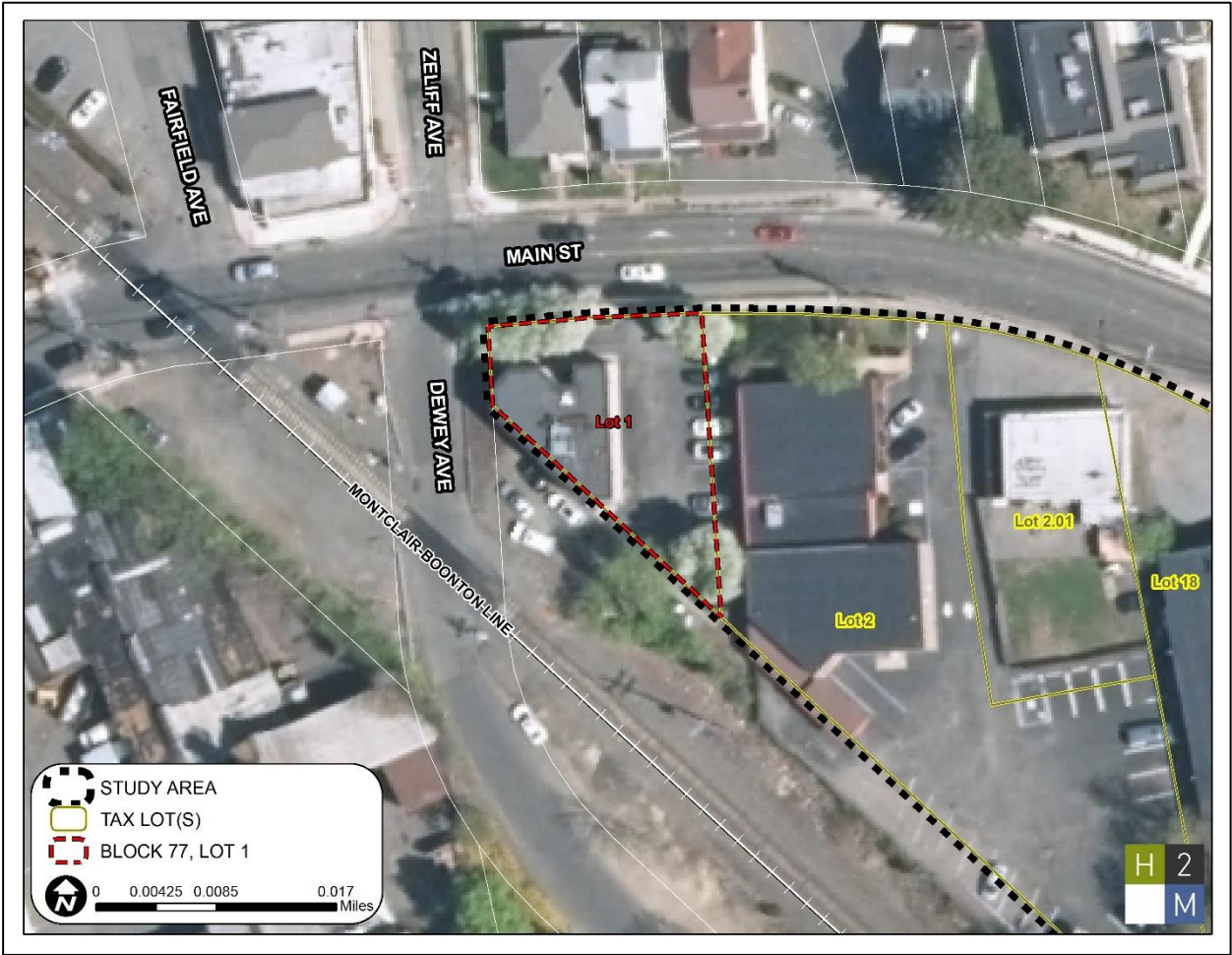
## **VII. INDIVIDUAL PROPERTY ANALYSES**

The following pages present a lot-by-lot analysis of each of the Study Area properties. For each property, the following information is provided:

- Property data from the tax assessor, such as:
  - Owner name and location
  - Previous sales dates and amounts
  - Assessed property values
  - Zoning
  - Lot and building properties (size, stories, etc.)
- Environmental and Health Data
- Code Enforcement Violations
- Zoning Permits, Planning Board or Zoning Board applications
- Building or Demolition permits
- Photos collected during site visits
- Field observations and resident comments

The above information assisted our Team in determining if individual properties, meet criteria to be designated an “area in need of redevelopment,” in accordance with the LRHL.

**Block 77, Lot 1, 437 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

MSG Realty LLC c/o Sandra Evans  
17 Timber Drive  
Montville, NJ 07045

**Business Name(s)**

Trinity Salon

**Acreage**

0.1647

**Year Built**

N/A

**Tax Class**

4A - Commercial

**Building Type**

2 SCB

**Zone District**

Light Industrial (LI)

**Permitted Use**

Yes



## PROPERTY DESCRIPTION

The two-story 2,166 square foot masonry building is located at the corner of Main Street and Dewey Avenue and has one tenant: Trinity Salon. The property is accessible via a two-way, 24-foot drive-way off Main Street with parking in the front, side and rear. Along the rear property line is the NJ TRANSIT Montclair-Boonton rail line.

The property was first developed in 1985 and was previously an undeveloped tract of land. According to the 1984 plans and approving resolution, the first floor is 1,500 square feet in size and houses a waiting room, 10 styling stations, coloring, drying and shampooing sections whereas the second floor is 1,000 square feet in size and contains restrooms, office, lounge and boutique area, and an area for the sale of supplies and personal hair grooming products. Per the resolution, no other retail products can be sold other than what was explicitly noted.

## ZONING

The 1984 application for the construction of the existing building was approved with a use variance for a beauty salon, a use not permitted in the I District zone. Other approved variances included lot size, lot area, front yard setback, west side yard, rear yard, parking clearance, parking in front yard setback and stall sizes (see below).

	<b>Variances received</b>	<b>Required</b>	<b>Proposed / Granted</b>
1	Lot Size	100' x 100'	92' x 123' x 33'
2	Lot Area	20,000 sf	7,202 sf
3	Front Yard Setback	25'	16'
4	West Side Yard	20'	5'
5	Rear Yard	10'	3'
6	Parking Clearance	5'	On line
7	Parking in Front Yard Setback	Not permitted	2 spaces
8	Stall Sizes	10' x 20'	9' x 19'

It is clear that the granted variances above are still in existence on the site today. For instance, parking in the front yard remains and parking 'on the line' still exists on the western lot line. The site lacks available parking for staff and customers, which is apparent by the staff parking on the existing NJ Transit ROW along the rear of the property. There has been no documentation of a lease agreement or parking easement between the subject property and New Jersey Transit. Lastly, per § 280-198, "All off-street parking spaces within any parking area shall be clearly marked to show the parking arrangement within the parking area." The site's parking area was not clearly delineated.



(1) –stacked permitted parking in front yard; (2)– off-site parking in RR ROW not permitted

### RECENT INVESTMENT

Since the 1984 approved site plan application and the construction of the current structure, there have been no applications or permits on file for additional improvements. The property was last sold on June 10, 1997.

### VIOLATIONS

No violations found in Township records.

### ENVIRONMENTAL

No environmental records found on file with NJDEP or in Township records.

### POLICE RECORDS

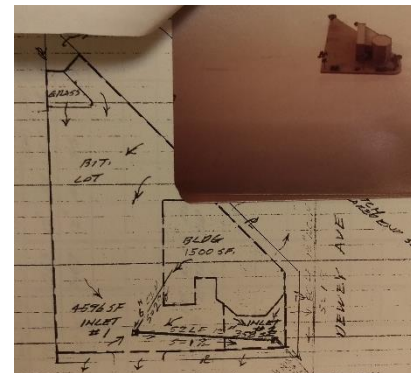
None.

### CRITERIA RECOMMENDATION

Criteria “d” and Section 3

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

**Section 3** “...A redevelopment area may include land, buildings or improvement 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.”



1984 proposed drainage plan and structure model



**APPLICABILITY OF CRITERIA**

The building on Lot 1 is in good condition and contains a viable business. The current use is permitted per the 1985 variance application and resolution. However, the property exhibits an obsolete layout and faulty arrangement.

The approved site is a result of 8 granted variances, that have resulted in a site that has limited parking for the use of the site. The parking layout, particularly the gravel filled rear parking area located within the Montclair Boonton rail line ROW is a concern. In every site visit there were at least 3-4 cars parked in the railroad ROW, which appear to be employees of the salon. This parking area is not part of the approved site plan approval. This is a result of a successful business that based on its # of employees working on site and the need for customers parking has created a faulty arrangement of the parking facility. In the past few years a guard rail was installed along the rear of the property to prevent unsafe ingress/egress across the rear of the property & ROW to Dewey Avenue.

Furthermore, in accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is located along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful residential district.

For these reasons, the site should be included within the area according to criteria "D" and "Section 3" of the Redevelopment Law.

Site Photographs



*Subject property adjacent to RR crossing*



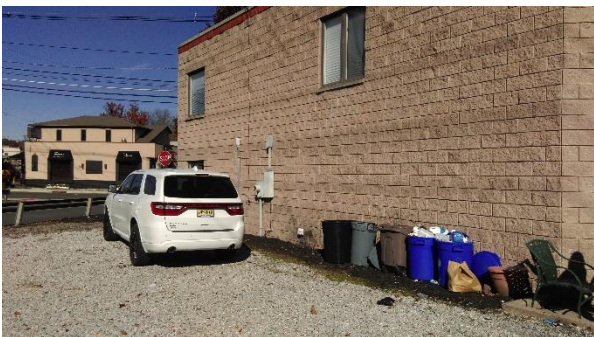
*Parking located within the RR ROW*



*Pavement is on-site; gravel is off-site*



*Guardrail separating traffic from illegal parking*



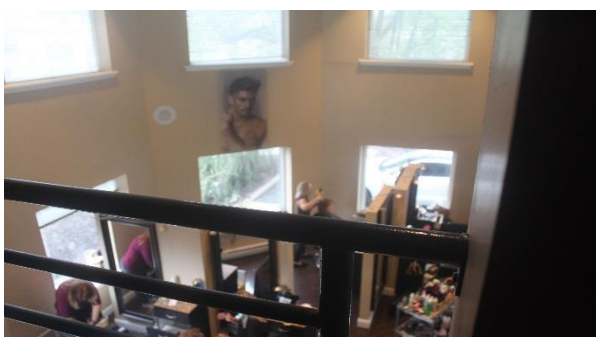
*Lack of trash enclosure on-site*



*Stacked parking configuration in front*



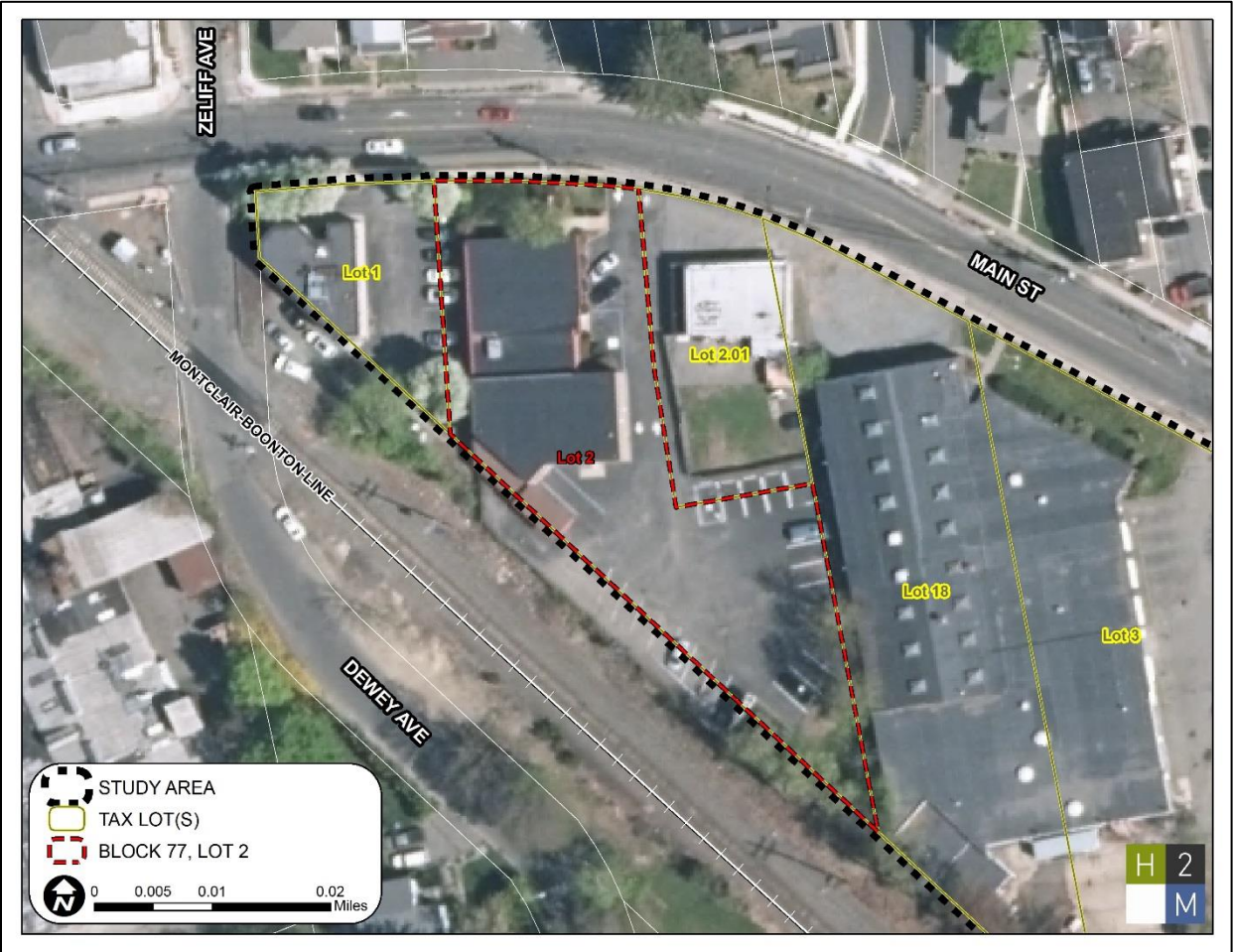
*Interior of building*



*View of 1<sup>st</sup> floor from above*



**Block 77, Lot 2, 419-421 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Bernard J. Rossi  
1 Normal Ave  
Cedar Grove, NJ 07009

**Business Name(s)**

Rossi Decorating Center

**Acreage** 0.2577  
**Year Built** N/A  
**Tax Class** 4B - Industrial  
**Building Type** 1SB  
**Zone District** Light Industrial (LI)

**Permitted Use** Per use variance approval



**PROPERTY DESCRIPTION**

The 5,519 square feet building is located at 419 Main Street. The building serves as a home decorating store, called Rossi Decorating Center. The store occupies the front portion of the building while a storage area and loading dock occupies the back. Diagonal parking is available at the front and more parking is available in the rear. Along the rear property line is the NJ TRANIST Montclair-Boonton railroad tracks. The property is accessible through a two-way drive-way aisle off Main Street.

**ZONING**

Lots 2 and 2.01 were first subdivided in 1962. In 1985, the County and municipal Planning Boards approved an application to demolish a rear portion of the existing building on Lot 2 in order to construct a 2-story office addition in its place. The 0-foot side yard setback was an approved variance as part of this application. The Passaic County Planning Board noted that a wood stockade fence should be considered as a buffer along the RR property line. In 1987, however, an application appeared before the Zoning Board of Adjustment for a variance to construct a new 6,000 square foot building for warehousing, storage, repair and retail sale of garden power equipment and supplies in place of the existing 2,000 square foot building. Variances requested were a use variance for retail sales and side yard. The application was approved on May 21, 1987 and was constructed with a three foot side yard. A sign variance was approved in August 1987 for a 62 square foot ground sign with a 10-foot front setback.

Three (3) parking spots partially located in adjacent lot 2.01 are included in a parking easement, which allows the owner of Lot 2.01 control over the spots. An Ingress/Egress easement also exists for the paved area between the two buildings although located wholly on Lot 2, which permits the owner of Lot 2.01 access through the easement area to the fenced in yard area located on Lot 2.01. Both easements 'run with the land.' Maintenance of easements shall be shared equally in the costs according to the deed: *"Maintenance of said easements shall include resurfacing, cleaning, plowing, shoveling, sweeping, filling of potholes, salting, painting and repainting of lines or stripes, and such other cost as may be deemed necessary."*

**RECENT INVESTMENT**

The property was last sold on September 6, 1994. In 2014, a building permit was issued to replace rooftop HVAC equipment, with work conducted by Grapes Electrical.

**VIOLATIONS**

No violations found in Township records.

**ENVIRONMENTAL**

No environmental records were found on file in Township or NJ DEP records.



**POLICE RECORDS**

A pattern of crime does not exist at this site according to police records.

**CRITERIA RECOMMENDATION****Section 3**

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

**APPLICABILITY OF CRITERIA**

The building on Lot 2 is in very good condition and is clearly maintained regularly. Landscaping in the front is unique to the study area and highlights the maintenance efforts of the property owner. The parking area was recently repaved and restriped and is in very good condition. At the time of inspection, the owner had removed the dilapidated wooden fence along the rear of the property and was in the process of either reinstalling a similar fence or planting the rear property line with arborvitaes.

Furthermore, in accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is located along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful residential district. The parcel in question represents a significant portion of the western site of the redevelopment study area that is necessary to effectuate the proper development of the site.

For these reasons, the site should be included within the area according to criteria "D" and "Section 3" of the Redevelopment Law.

## Site Photographs



*Well-maintained landscaping*



*Non-conforming handicapped parking spot*



*Front parking configuration slightly blocks driveway entrance*



*Rear of building in good condition*



*Rear parking area; ingress/egress easement circled*



*Fence in disrepair but parking lot striping in good condition*

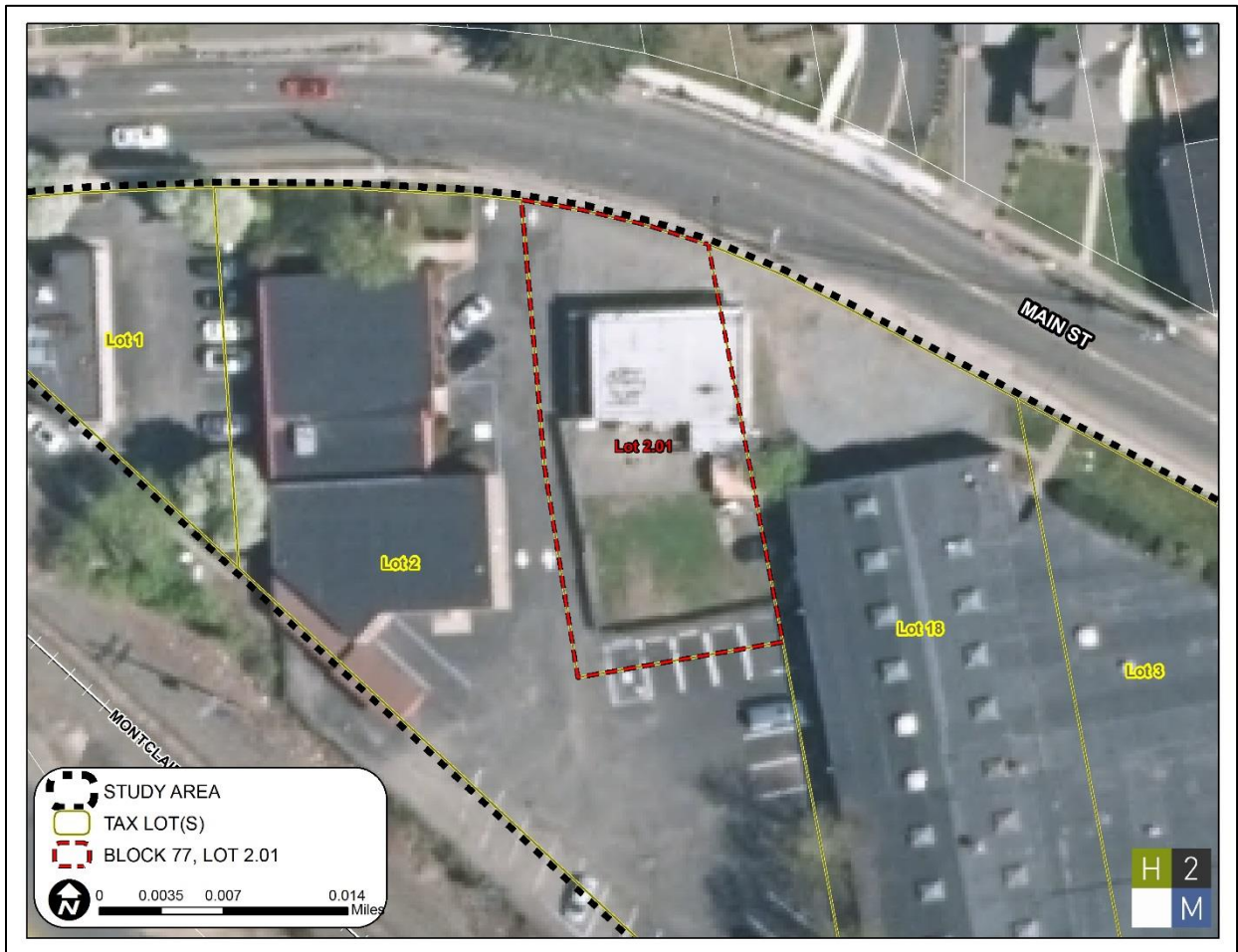


*Interior of store*



*Storeroom in back*



**Block 77, Lot 2.01, 417 Main Street****PROPERTY INFORMATION FORM****Owner**

Mark Stefanelli  
 454 Valley Street  
 South Orange, NJ 07079

**Business Name(s)**

Blue Sky Custom Automotive Restylers

**Acreage** 0.0712

**Year Built** N/A

**Tax Class** 4A - Commercial

**Building Type** Auto Detailing Shop

**Zone District** Light Industrial (LI)

**Permitted Use** No



**PROPERTY DESCRIPTION**

Lots 2 and 2.01 were first subdivided in 1962. The one-story building located on Lot 2.01 with an area of 1,373 square feet currently serves as an auto detailing shop. The building has three garage doors fronting the street, which provides access to the interior work space. Behind the garage structure is a fenced in area where cars are stored. Access to this fenced in area is made through the entrance drive located on Lot 2 (Rossi Decorating Center) via an ingress/egress easement that 'runs with the land'.

**ZONING**

The Light Industrial (LI) zone does not account for auto detailing shops and is not a permitted use in the zone. The property does not meet any of the zoning standards for the Light Industrial zone, leaving non-conforming conditions.

Per a minor subdivision application in 1985, the Passaic County Planning Board approved the application upon the condition that *"in front of the existing building on Lot 2A must be striped or have some other pavement markings indicating that parking is not permitted."* No such striping is currently present on the property. Per the site visit on November 8, 2016, cars are stored in the front yard with no pavement markings.

Another condition in the same letter dated February 4, 1985 also states that there shall be the *"installation of raised curbing across the front of the properties with two sections of dropped curbing each no more than 30 feet wide at the driveway opening."* However, there currently exists one continuous dropped curb, more than 30 feet in width.

The Little Falls Planning Board approved an application for the site on August 16, 1988. The application requested a variance to enlarge the building which would encroach on side yards and to provide parking on- and off-site. The application was approved with the conditions to install fire alarms and not to permit overnight parking of vehicles or storage in front of the structure. Per our numerous site visits, vehicles were stored in the front yard and on the adjacent property (Lot 18) during the day; it is unknown whether the cars remained there overnight.

**RECENT INVESTMENT**

The property was sold for \$252,500 on September 19, 2015 to its current owner. In October 2015, two (2) building permits were issued. One to tear off and re-roof, which was to be done by the property owner and another to upgrade the electrical service to 200 AMP of which the work was contracted to Steven Manginelli Electrical Contractor, Inc. In December 2015, another permit was issued for wiring interior lights, outlets and switches, to be executed by the same electric contractor.

## VIOLATIONS

There are two deed restricted easement agreements for Lot 2 and 2.01. A three car parking easement was granted to the owner of Lot 2.01, *"located immediately adjacent to the rear of 417 Main Street, Block 77, Lot 2.01"*. The second easement is that both properties (Lot 2 & 2.01) will use a shared egress and ingress onto Main Street. In 2005 Bernard Rossi, owner of Rossi Decorating Center on Lot 2 sent a letter to the tenant of Lot 2.01, Malanga Auto Body, notifying owner Michael Malanga of concerns over violations of the shared egress/ingress easement. Vehicles were being stored on the side of Lot 2.01 blocking access to rear parking, and violating the shared egress and ingress easement. Since the letter, there have been no other documentation of further violations.



*2005 photographic documentation of ingress/egress easement violation*

## ENVIRONMENTAL

417 Main Street has an inactive NJDEP Program Interest ID of G3058 for air under the prior tenant, Malanga Auto Body. No other information was provided.

No other environmental records were found on file in Township records.

## POLICE RECORDS

A pattern of crime does not exist at this site according to police records.

## CRITERIA RECOMMENDATION

Criteria "d"

**Criteria d.** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.*

### **APPLICABILITY OF CRITERIA**

Lot 2.01 containing an auto-detailing shop is a nonconforming use in the Light Industrial zone. The site also does not meet and of the bulk standards for the current zone. Vehicles are stored behind the building on the lot, and depending on the time for which they are stored, this portion of the lot could be considered a junkyard per the Township's Zoning Code:

*"JUNKYARD: A deposit or the storage on a lot of two or more wrecked or broken down vehicles or parts of two or more such vehicles for one month or more in a residential district or for three months or more in any other district in the Township shall be deemed to be a junkyard".*

The building itself is in fair condition, based on some recent improvements discussed previously. One window in the rear of the building is broken, two air conditioning units mounted on the side wall lack sealing and the building's chimney is missing bricks and some minor flashing repairs are needed.

The use and arrangement of the site is obsolete, as the use is not permitted per the zoning code and the front yard parking does not comply with the municipal's policies per the 1985 resolution. The site currently uses an adjacent lot 18 for overflow parking and storage of vehicles. The site's arrangement is also faulty since the site's size cannot accommodate ingress/egress on-site without the use of the ingress/egress easement with neighboring Lot 2. The dropped curb exceeding 30 feet in width, in addition to the shared driveway access, presents uncontrolled access to the site that creates traffic conditions and presents potential hazards for pedestrians.

These in combination, an obsolete layout, faulty site arrangement and uncontrolled access poses safety hazards to vehicles and pedestrians, are detrimental to the surrounding area, suggests that the property should be included as part of the Area in Need of Redevelopment.



## Site Photographs



*Front-yard parking and storage*



*Off-site, overflow parking on adjacent lot 18*



*Fenced in parking behind building*



*Fenced in parking behind building – close-up*



*Rear of building in good condition – one broken window & 1 new window*



*Non-tight seal around air conditioning units*



*Chimney brick falling and minor flashing repairs needed*

**Block 77, Lot 3 & Additional Lot 18, 409-415 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Phase Ten, LLC  
610 Front Street  
Catasauqua, PA 18032

**Business Name(s)**

N/A

<b>Acreage</b>	1.1915
<b>Year Built</b>	N/A
<b>Tax Class</b>	4B - Industrial
<b>Building Type</b>	Vacant warehouse
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	Yes





## PROPERTY DESCRIPTION

The subject property is home to the former Falls Metal Works, Inc. building, which was a sheet metal fabrication shop whose operations included the welding and stamping of metal. MIG and Heliarc welding was performed at five (5) separate stations vented within the building by five (5) 'Smog Hog' air filters. The company ceased operations in 2003. The building is 7,023 square feet in area and has since remained vacant. Substantial portions of the rear and side of lot 3 lot is reserved for parking.

## ZONING

As are all the other properties in this area, the former Metal Works building is located in the Light Industrial Zone of Little Falls. Per tax records, the property is noted as being an Industrial property and having the code for "Warehouse – Other" according to MOD-IV classification.

Per § 280-198, *"All off-street parking spaces within any parking area shall be clearly marked to show the parking arrangement within the parking area."* Parking delineation and parking lot signage is faded and lacking on the property. In fact, there is a front yard parking/loading area along Main Street that is unpaved and consists of gravel and dirt with no striping.

## RECENT INVESTMENT

Ceasing operations in 2003, the property has since remained vacant. On September 1, 2009, the property was sold by Little Fox Associates, LLC, to Phase Ten LLC. In 2012, a permit was issued to install five (5) exhaust fans and piping for sub-floor extraction per remediation activity requirements. The work was contracted to Legend Electrical Contractors. In 2013, a permit was issued to rip off and reroof with EPDM Roofing with an estimated cost of \$82,500. The work was contracted to Simpson Total Construction.

## VIOLATIONS

Other than the environmental documentation with NJ DEP provided below, there are no documented violations associated with this site.

## ENVIRONMENTAL

This site has several program interest IDs: 581771 and 92757. There has been soil, groundwater, and symptomatic air contamination identified on this site.

### Soil

Soil contamination was identified on the site due to historic fill. Remediation activities for soil has since completed at the site (asphalted cap) and there is a periodic obligation every 2 years to monitor the soil. According to the Remediation Agreement as part of the property's Deed Notice, Little Fox Associates, LLC is only required to remediate contaminated soils of the site to a restricted use standard, meaning no residential

properties could be developed on the site. Current or future property owners could further remediate the site to unrestricted use soil standards for future residential development. Remediating to unrestricted use soil standards would require substantial activities and may prove to be economical infeasible.

### **Groundwater**

Environmental Waste Management Associates, LLC (EWMA), an environmental consulting and remediation firm, has been conducting remedial investigation associated with groundwater contamination on behalf of the former site owner, Little Fox Associates, LLC at the former Falls Metal Works, Inc. site.

According to a September 2009, *Sensitive Population and Resource Checklist* Report, chemicals associated with the former operations of Falls Metal Works, Inc. included and were not limited to trichloroethene, tetrachloroethene (PCE), 1,1,1-trichloroethane, 1,1-dichloroethane, and 1,1-dichloroethene. These chemicals were initially detected in the site's soil or groundwater in 1987 and since that time, the contamination in the groundwater has migrated from the site to the railroad property immediately to the south of the subject property. Groundwater testing results indicated that the aforementioned chlorinated volatile organic compounds were detected in the groundwater at the property; more than one of these compounds was detected above the NJDEP groundwater quality criteria standard. In the mid-1990s, a recovery well was installed and operated for 3-4 years to mitigate the groundwater contamination. At an unknown date, source removal was undertaken (removal of source contaminated soil) and groundwater quality started to improve. The groundwater is currently being monitored. Any future development that is proposed for the site will be required to submit a Mitigation Plan for off-gassing.

### **Air**

Air contamination on the site is symptomatic of the groundwater contamination. Trichloroethylene was detected above the NJDEP Generic Vapor Intrusion Screening Level of 2 ppb which triggered a vapor intrusion investigation. Therefore, 2007 NJ DEP documentation indicated that a Vapor Intrusion (VI) investigation of the site near the southern portion of the building near impacted wells was recommended to occur. The presence of high concentrated contaminants in the ground water in exceedance of the NJDEP Ground Water Screening Levels (GWSL) warranted an investigation to assess indoor air contaminant levels via a round of sub-slab vapor and indoor air samples. Samples were collected in June and August 2008.

In July 2009, an Annual Progress report for Ground Water Monitoring and Vapor Intrusion (PR/VIR) was completed by an environmental consultant, of which elevated levels of tetrachloroethene (PCE) and 1,2-dichloroethane (EDC) in groundwater and in the subslab soil gas were noted and elevated levels of EDC in indoor air on site was noted.

DEP comments of note in this report included the recommendation to submit a vapor intrusion workplan and the installation of an additional bedrock ground water monitoring well (recovery well) next to the building to 'trap' contaminated groundwater. A previously installed well (mid-1990s) to be used for similar purposes was incorrectly constructed and could not be used for this purpose (as indicated previously). A remediation agreement between NJ DEP and Little Fox Associates, Inc. was reached on August 28, 2009 with an initial remediation cost of \$81,170.00.

In September 2009, the property was sold by Little Fox Associates, LLC which triggered the Industrial Site Recovery Act (ISRA), formerly known as ECRA, the state Environmental Cleanup Responsibility Act of 1983. It requires owner/operators to address environmental contamination that may be on-site prior to the transfer, sale or closure of subject industrial properties. This requires that Little Fox Associates, LLC, although no longer the property owner, to create a Remedial Funding Source (RFS) trust fund to ensure completion of cleanup.

In April 2011, the DEP approved the completed Vapor Intrusion Mitigation Plan (VIMP) which the recommendation to install a Sub-Slab Depressurization System (SSDS) in the building to effectively abate the Vapor Concern (VC). As per N.J.A.C. 7:26E-1.18(a), DEP also requires confirmation that structures within 100' of the contaminated wells have been investigated for potential vapor intrusion. No documentation as to what properties were investigated or the results of those investigations is available at this time.

Remediation activities for air continue to occur at the site. Vapor Intrusion equipment received building permits for installation in 2012 and was photographed on a field visit to the site on November 8, 2016, in which the equipment could be heard running (see below). Per comments received from the site's LSRP via a November 11, 2016 phone call, air remediation could occur for at least another three to four years.

*Vapor Intrusion Remediation Equipment*



## Next Steps

Due to the type of contamination present, the real length of remediation activities is unknown. However, soil, groundwater, and air monitoring continue to occur at the site.

## Other Concerns

Additionally, in June 2001, there was a Notice of Intent to remove a 2,000-gallon fuel oil Underground Storage Tank (UST). However, the notice was withdrawn and no further documentation with the NJ DEP exists confirming whether the oil tank was removed or remains. In August 2001, a second 1,000-gallon UST was removed from the property.

## POLICE RECORDS

According to police records, approximately three thefts occurred at this site within a three-year span, which does not appear to be a significant pattern of police activity. In 2015 for example, five traffic cones and a no parking sign was removed from the property. The cones and sign were put in place to deter patrons from the 381 Main Street Bar & Grill from parking on-site.

## CRITERIA RECOMMENDATION

Criteria “b” and “d”

**Criteria 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.

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

## APPLICABILITY OF CRITERIA

The privately-owned property has remained vacant since 2003, a period of approximately 14 years. The discontinued use of the building previously used for manufacturing purposes has fallen into a state of disrepair, deterioration, and environmental contamination as to be untenable. Current remediation efforts make the space conducive of unwholesome working conditions.

The environmental contamination due to its intensive use as a light industrial & manufacturing facility has been identified to have soil, groundwater, and symptomatic air contamination. The soil contamination is born of historic fill. Groundwater contamination continues to be monitored. Air contamination has been identified as

being symptomatic of the groundwater contamination. Vapor intrusion installed in 2012 to remediate the air contamination is expected to continue for the next 3 to 4 years. The deleterious environmental condition of the site including the level of contamination is not only a public health, safety and welfare concern, but it places the facility at an even greater competitive disadvantage in the marketplace and may prove to be economically infeasible to develop for any other intended use.

The loading door in the front of the building is in poor condition and is located along a major roadway in the Township. Any loading and unloading of materials along the front of the building may cause significant public and pedestrian conflicts.

An analysis of the area determined that the property meets the “d” criteria for obsolete layout and design as the parking lot situated on this site does not comply with modern design standards set forth in publications such as the Institute of Transportation Engineers Parking Generation or the American Planning Associations Off-Street Parking Standard and the following conditions have been observed:

- Motor vehicle aisles and driveways are not channelized sufficiently
- Parking spots and directional paint are unrecognizable
- Pedestrian circulation is not separated from motor vehicle circulation.
- The entire perimeter of the parking lot is either uncontained, or contained simply through a chain link fence as opposed to curbing and/or a buffer area. The lack of curbing poses a concern for proper storm water management control.
- Vehicular circulation is unsafe. Adequate controls for turning radii are nonexistent (no striping, directional arrows or concrete islands).
- Parking lot lighting has not been provided, creating an unsafe condition.
- There are no identified handicap parking spaces.

Additionally, the property improvements are dilapidated, including the cracks, pot holes and surface degradation in the pavement. This poor pavement condition can exacerbate pollution concerns with storage of vehicles (cars, trailers and boats) on site. As a result of the dilapidated parking area, the property promotes the release of sediment and vehicle fluids into the soil and/or surface waters.

The rear of the property line was observed to be overgrown with vegetation and there were several abandoned vehicles. The building at the rear also had façade damage. On our May 2017 site visit, at least one window on the side of the building was observed broken. Several rodent traps were observed in multiple locations around the exterior of the building, creating an unsanitary environment.



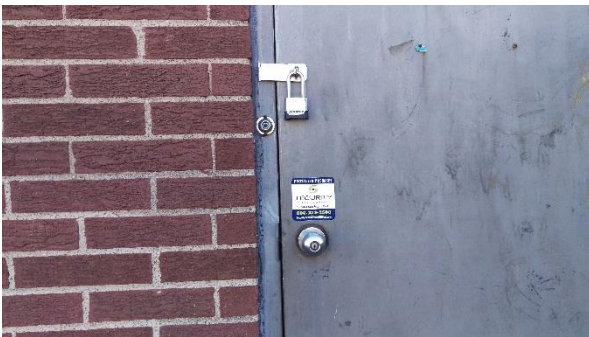
## Site Photographs



*Portion of building on Lot 18*



*Poor pavement condition*



*Padlocked entry*



*Brick separation at ground*



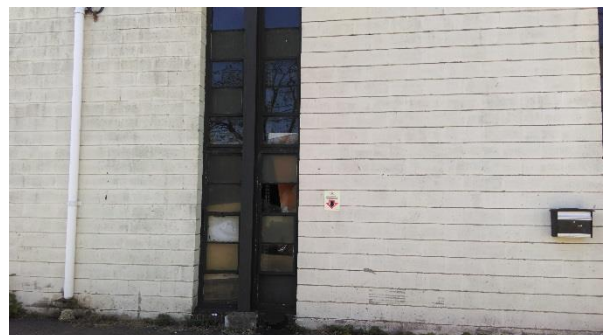
*Garage door frame in poor condition*



*Portion of building on Lot 3*



*Overgrown and vacant building – For Sale sign*



*Broken windows on side of building, sign showing presence of rodent traps*





*Expansive, unmarked parking area*



*Parking towards rear is gravel and overgrown with abandoned vehicles*



*Overgrown parking area with abandoned equipment*



*Padlocked gate for rear of building – façade damage*

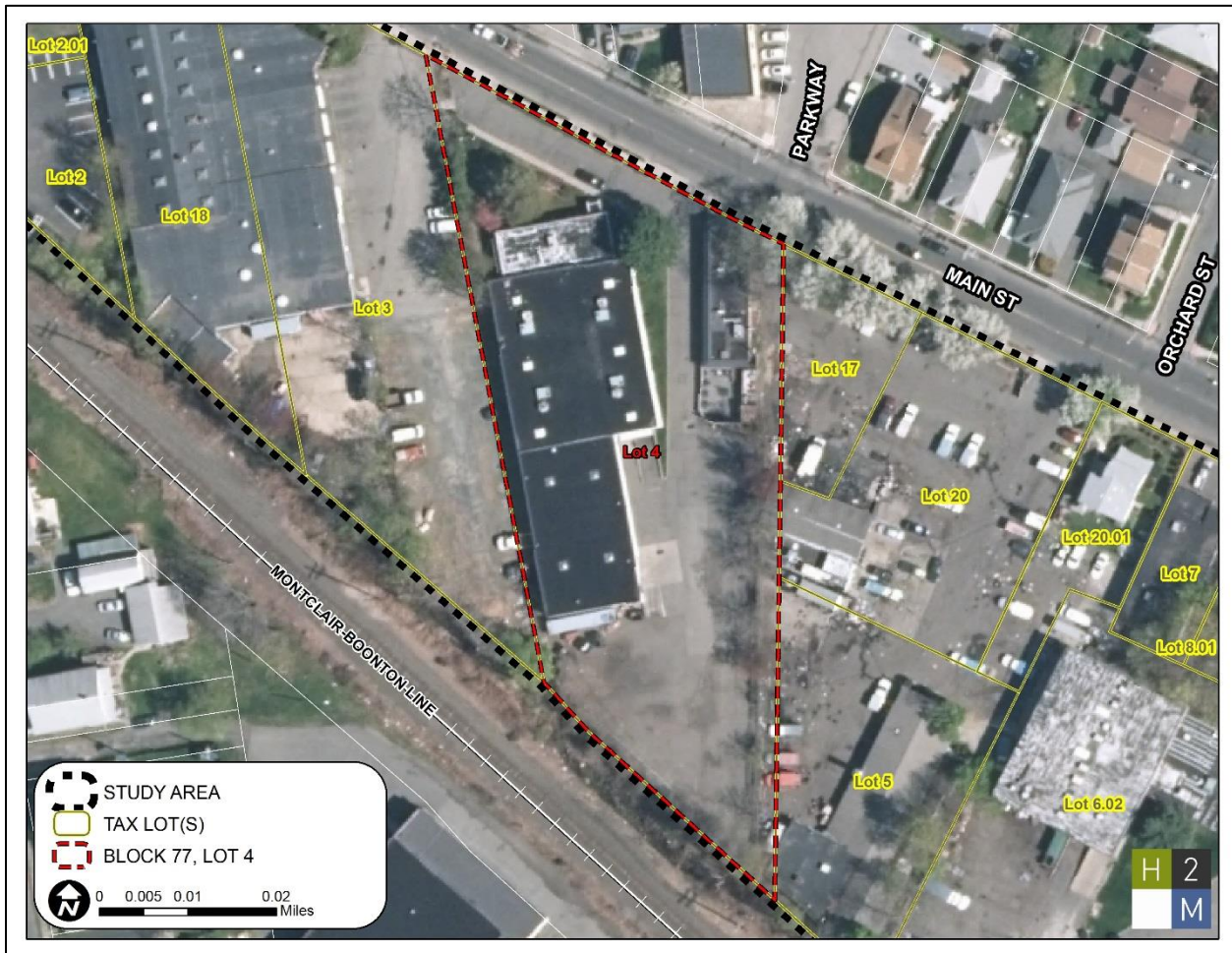


*Padlocked gate for rear of building – possible remediation company equipment*



*Loading area and unpaved portion along Main Street*



**Block 77, Lot 4, 381-385 Main Street****PROPERTY INFORMATION FORM****Owner**

229 Cleveland Avenue, LLC  
 15 Corporate Drive  
 Wayne, NJ 07470

**Business Name(s)**

381 Main Bar & Grill &  
 Ill Eagle Enterprises

<b>Acreage</b>	0.957
<b>Year Built</b>	N/A
<b>Tax Class</b>	4A - Commercial
<b>Building Type</b>	1CB
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	Yes & No



**PROPERTY DESCRIPTION**

Lot 4 is comprised of former Lots 21 and 4, first subdivided in 1970. Former Lot 21 had an existing store (currently occupied by 381 Main Street Bar and Grill) and Former Lot 4 had a residential unit on site. At the time of the subdivision, the residence was demolished and an industrial building (currently Ill-Eagle Enterprises, LTD) was constructed in its place. Presently, these two buildings exist on site. 381 Main Street Bar and Grill is a 2,000 square foot retail space that maintains an outdoor eating area behind the principle building. The building was formerly occupied by Regal Cleaners & Dryers, Inc. The second building is the now vacant 16,500 square foot industrial-flex space that was formerly occupied by Central Letter Shop, Inc., then Pirolo Stained Glass, Inc., then the Besco Corporation, and finally Ill-Eagle Enterprises, LTD. Shared parking for both sites is provided in the rear and side of both buildings. Since the industrial site is vacant the parking spots along Mains Street are utilized by the Main Street Bar and Grill. Access to both sites is shared by a two-way driveway off Main Street. The rear property line is the NJ TRANIST Montclair-Boonton railroad tracks and ROW.

**ZONING**

The LI District does not permit eating and drinking establishments in the zone, therefore 381 Main Street Bar and Grill is a non-conforming use in the zone.

The Central Letter Shop applied for the 1970 subdivision of former Lots 21 and 4 and constructed the front portion of the current industrial building. The company received notice that they would need to appear before the Zoning Board of Adjustment to be permitted to build two principal buildings on the one lot. However, no documentation for a granting of this variance was found, creating a non-conforming land use. No more than one principal use is permitted on a lot according to § 280-143(A) of the Townships zoning code.

**RECENT INVESTMENT**

The Central Letter Shop applied for the 1970 subdivision of former Lots 21 and 4, constructed the front portion of the current industrial building, and then sold the property in 1988. The last investment in the building was an addition of a 5,733 square foot one-story masonry warehouse located at the rear of the existing structure in 1989 by Besco Corporation.

A building permit was issued in July 2010 for the renovation of the Martini Bar to a Sports Bar and Brick Oven Pizza. On November 29, 2010, the Planning Board approved a Site Plan application for the restaurant use on the site. The application proposed outdoor dining, which is considered a conditional accessory use and shared parking with the adjacent use (Ill-Eagle Enterprises). The County also approved the application on

November 3, 2010 (county filing number SP-89-030). A building permit was issued in 2014 for new signage for 381 Main Bar & Grill. A new stop sign, stop bar and centerline have also been incorporated into the exit drive onto Main Street.

The property was most recently sold on May 23, 2016 and again on August 5, 2016 from NBSC Holdings, Inc. for \$1,250,000.00 to 229 Cleveland Avenue, LLC. However, according to loopnet.com, on July 20, 2017, the property is for sale and/or for lease again.

## **VIOLATIONS**

According to NJ DEP records, the property owner failed to submit the Community Right to Know Survey for 2005.

## **ENVIRONMENTAL**

385 Main Street has a NJDEP Site ID of 81253 with two PI numbers: G000012318 and 77829300000.

In February 1988, the property was sold by Central Letter Shop, Inc. which triggered the Industrial Site Recovery Act (ISRA), formerly known as ECRA, the state Environmental Cleanup Responsibility Act of 1983. It requires owner/operators to address environmental contamination that may be on-site prior to the transfer, sale or closure of subject industrial properties. This requires that Central Letter Shop, Inc., although no longer the property owner, to ensure completion of cleanup, and in this case, through a fixed fee. According to NJDEP records, there was potential groundwater contamination but the contamination was questionable/historic and therefore, no further action was needed.

However, the Regal Cleaners & Dryers, Inc. that formally operated on the site (unknown operation dates) could be of concern. According to DEP records, the site had an onsite dry cleaning machine and was issued a DEP air permit for such. Although the site is clear of environmental concerns according to the DEP, the former dry cleaners could have environmentally impacted the property. Further investigation for development potential may be needed in the form of a phase one report.

## **POLICE RECORDS**

A pattern of crime does not exist at this site according to police records. Most identified police incidents were related to disorderly conduct at the bar/restaurant location.

## **CRITERIA RECOMMENDATION**

Criteria "d" and "Section 3"

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

### **APPLICABILITY OF CRITERIA**

The property is not being used consistently with modern land use planning principles, where both a non-conforming bar/restaurant and an industrial building are locating on the same property creating an additional non-conforming condition whereby two principal uses are not permitted (Sec.280-143A) on one lot per the zoning code, which indicates and an obsolete arrangement of the site and a non-conforming condition.

The former industrial building appears to be vacant, although it is unknown for how long. Although the exterior of the building is in fair condition, the proximity to the restaurant, and its outdoor seating are areas of concern. Typically, food and drinking establishments are not permitted or located on or adjacent to light industrial uses because of the incompatibility of the operations, parking and circulation, traffic, and types of vehicular access, which creates pedestrian and vehicular conflicts between the two land uses. Because of these conflicts, restaurant uses are not permitted in light industrial zones in the Township

While the site meets criteria 'd' it is also important to point out that the property should be qualified under Section 3 of the law, In accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site fronts on Main Street, is a sizeable property in the middle of the study area, and is adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful district.

For these reasons, the site should be included within the area according to criteria "d" and "Section 3" of the Redevelopment Law.



## Site Photographs



*Former Ill-Legal Enterprises building – well-maintained front*



*Uneven pavement in loading dock area in rear*



*Façade damage above loading door*



*Loading area*



*Rear parking area – view of both businesses*



*Main Street Grill - active business*



*Main Street Grill – striping and handicapped spot*



Block 77, Lot 17, 379 Main Street



PROPERTY INFORMATION FORM

Owner

Rainbow Caterers  
PO Box 1070  
Little Falls, NJ 07424

Business Name(s)

N/A

Acreage	0.1354
Year Built	1900
Tax Class	1 – Vacant Land
Building Type	1F
Zone District	Light Industrial (LI)
Permitted Use	Yes



**PROPERTY DESCRIPTION**

Formerly a residential property (1970s), this 100 % impervious property is currently a small corner portion of the larger operations for the Rainbow Catering Facility, which is located directly across the street from single family residential uses. There is no direct driveway access, but access can be made from Main Street via adjacent Lot 20. In this particular lot, there is a large fenced in propane tank owned by Yankee Propane located adjacent to the fencing along Main Street near the sidewalk and directly adjacent to Lot 4, near the neighboring restaurant business. According to Yankee Propane's website and a discussion with the property owner this particular tank is a refill station used daily by the 40 plus food trucks that utilize the site

**ZONING**

Per § 280-198, *"All off-street parking spaces within any parking area shall be clearly marked to show the parking arrangement within the parking area."* Off-street parking for the site is not clearly marked or delineated.

The November site visit revealed strong unpleasant odors coming from this lot. The source of such odors is unknown, but can we assumed it is from the leftover or discarded food and packaging from the food trucks and service facility. Per § 280-105(c), *"no offensive odor shall be noticeable at the zoning lot line or beyond."* It is possible that such odors may detrimentally impact the outdoor patio users of adjacent 381 Main Street Bar & Grill or other properties beyond the lot line.

The lot does not meet most of the bulk zoning standards for properties located in the Light Industrial Zone, including the not meeting the minimum lot size of 20,000 sqft.

**RECENT INVESTMENT**

It is unknown as to the last sales date for this property. No permits for site improvements have been issued in the past ten years.

**VIOLATIONS**

In November 1979, the site received a zoning violation for not receiving approval to change the use of the property and for not obtaining a Certificate of Occupancy (CO). The owner was fined but refused to pay. Other zoning violations received in the same year for this lot and Lots 20 and 6a included violations for outdoor storage, an automotive repair business not permitted in the zone, and was cited as a junk yard.

On October 3, 2012, the Health Officer of Little Falls complained that *"the parking lot of Rainbow Catering is a mess."* Litter was noted as being strewn throughout the parking lot. The owner, Robert Kalkan, was directed to clean the site, and upon re-inspection a day later, the site had been cleaned.



According to Section 3804 of Chapter 38 of the New Jersey Fire Code, an above-ground container with a capacity of 250-1,000 water gallons, shall be at least 10-25 feet from any buildings, public ways, and lot lines of adjoining properties. (According to table on page 5, only 10 feet if only 750 pounds stored). The propane tank appears closer than 10 feet to the fence along Main Street and public sidewalk area and just beyond 10 feet to the lot line near Lot 4. Another concern noted by Section 3807 of Chapter 38 of the New Jersey Fire Code, is that combustible material such as weeds, grass and trash must be at least 10 feet away from propane tanks. Grass, leaves and weeds all surround the propane tank per the November and July 2017 site visits.

Per the site visit, precarious wiring was observed coming from a utility pole in the right of way onto the property; the wiring being attached to a tree. The electrical wires from the tree are then strung to a pole, and laid on top of a chain link fence where the wires are ultimately attached to the building located on adjacent Lot 20. Per the 2017 National Electrical Subcode (NFPA 70) Article 225.26, "*vegetation such as trees shall not be used for support of overhead conductor spans.*" Additionally, in Article 225.18, cables shall have a clearance of at least 10 feet, where the wiring atop the fence is no more than 6 feet. The wiring appears to be a safety violation.

## ENVIRONMENTAL

No other environmental records were found on file in NJ DEP or Township records.

## POLICE RECORDS

A pattern of crime does not exist at this site according to police records. Most identified police incidents were related to criminal mischief to 3<sup>rd</sup> party catering trucks or individuals.

## CRITERIA RECOMMENDATION

Criteria "d"

**Criteria d.** *Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.*

## APPLICABILITY OF CRITERIA

The site has an obsolete arrangement due to the propane's close proximity to the street and sidewalk, against the regulations of the New Jersey Fire Code. The site has a faulty arrangement of design as well since the site's limited access to the public right of way can only be made by traveling through neighboring Lot 20, although no ingress/egress easement exists for access to Lot 17. However, the undersized lot is a part of a larger site

use associated with Blk 77 Lot 5, 20 & 6.02 that maintains the same planning and engineering concerns. In addition, the designated parking spots are barely recognizable as the parking spots and any directional paint have worn off and is unrecognizable while in a vehicle.

An analysis of the area determined that the property meets the “d” criteria for obsolete layout and design as the parking lot situated on this site does not comply with modern design standards set forth in publications such as the Institute of Transportation Engineers Parking Generation or the American Planning Association’s Off-Street Parking Standard and the following conditions have been observed:

- Motor vehicle aisles and driveways are not channelized sufficiently.
- Pedestrian circulation is not separated from motor vehicle circulation.
- Vehicular circulation is unsafe. Adequate controls for turning radii are nonexistent (no striping, directional arrows or concrete islands).
- There is no safe pedestrian access to the site as it is all controlled through one undersized vehicular entrance.
- Parking lot lighting is limited, creating an unsafe condition.
- There are no identified handicap parking spaces.

Additionally, the property improvements are dilapidated, including the cracks, pot holes and surface degradation in the pavement. This poor pavement condition can exacerbate pollution concerns with storage of vehicles/materials/dumpsters) on site. As a result of the dilapidated parking area, the property promotes the release of sediment and vehicle fluids, debris into the soil and/or surface waters.

While not occurring all the time, at several times during field inspections, trash was observed strewn throughout the lot. A mix of water, oil and potentially other substances were observed in puddles in several spots around the lot as well, creating an unhealthy environment for site occupants and visitors. A very strong, unpleasant odor was present during the site visit, and given the proximity to 381 Main Bar & Grill, it is possible such an odor could detrimentally impact outdoor diners at the restaurant.

By reason of faulty arrangement, non-conforming land use size, and land use conflicts with surrounding properties, conditions are detrimental to the surrounding community, the site should be included within the Redevelopment Area according to criteria “d” of the Redevelopment Law.



## Site Photographs



*Propane tank adjacent to fence line along Main Street*



*Unlatched / unsecure gate to propane tank*



*Wiring/electric from off-site to pole, then tree*



*Avaya Doorphone connected to tree*



*Wires / electricity to pole; security camera in tree; adjacent to restaurant on Lot 4*



*Wires traveling along fence in poor condition; other side of fence is outdoor eating*



*Wires to building; messy & lack of drainage*



*Parking area – messy & lack of drainage (bldg. on Lot 20)*



**Block 77, Lot 20, 365 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Robert Kalkan  
PO Box 1070  
Little Falls, NJ 07424

**Business Name(s)**

N/A

<b>Acreage</b>	0.2569
<b>Year Built</b>	N/A
<b>Tax Class</b>	4A - Commercial
<b>Building Type</b>	1F
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	No







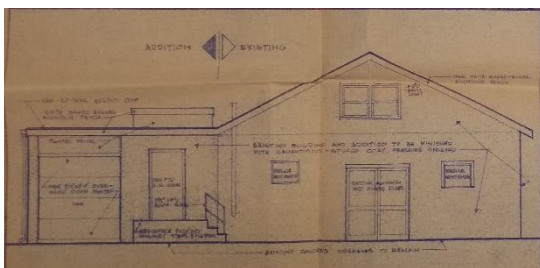
Additionally, per § 280-198, *"All off-street parking spaces within any parking area shall be clearly marked to show the parking arrangement within the parking area."* Although the site is entirely paved, there are no pavement markings whatsoever.

While the property owner does not have a history of health code violations, and tries to maintain the site, our site visits revealed strong unpleasant odors coming from this and adjoining lots, which may have adverse impact on the surrounding non industrial properties. The source of such odors is unknown, but can we assume it is from the leftover or discarded food and packaging from the food trucks and service facility. Per § 280-105(c), *"no offensive odor shall be noticeable at the zoning lot line or beyond."* It is possible that such odors may detrimentally impact the outdoor patio users of adjacent 381 Main Street Bar & Grill or other properties beyond the lot line.

The lot does not meet most of the bulk zoning standards for properties located in the Light Industrial Zone, including the minimum lot size of 20,000 sqft.

## RECENT INVESTMENT

Snack Time Caterers in 1972 submitted a site plan for an addition to the existing garage building and was approved despite having variances for side and rear yard setbacks. The addition would enclose refrigerated food storage, ice making and storage and general storage. Comparing the building elevation with the structure there today, it appears minor 2<sup>nd</sup> floor additions have taken place over the years and the building has severely deteriorated (see below).



July 5, 1972 building elevation



November 8, 2016 current conditions

In 1994, Rainbow Caterers submitted an application for a new building, but withdrew the application soon after. A building permit in 2007 was issued to remove a 550-gallon underground storage tank and another permit issued in the same year to install a 275-gallon above ground storage tank, all work conducted by Lombardo Environmental. A building permit was issued in 2015 to repair three (3) roof trusses in the repair garage at an estimated cost of \$9,000.

It is unknown when the property was last sold.

## VIOLATIONS

Other than the zoning violations cited above, and the October 2012 violation received by the Health Officer complaining that *"the parking lot of Rainbow Catering is a mess,"* no other violations have been documented.

## ENVIRONMENTAL

No environmental records were found on file with NJDEP or in Township records.

## POLICE RECORDS

A pattern of crime does not exist at this site according to police records. Most identified police incidents were related to criminal mischief to 3<sup>rd</sup> party catering trucks or individuals.

## CRITERIA RECOMMENDATION

Criteria "a" and "d"

**Criteria 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.

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

## APPLICABILITY OF CRITERIA

Trash was observed strewn throughout the lot. A mix of water, oil and potentially other substances were observed in puddles in several spots around the lot as well, creating an unhealthy environment for site occupants and visitors.

The building is dilapidated and conducive to severely unwholesome working conditions as depicted by the mold, damaged structure, general disrepair and lack of drainage observed within the building's garage area.

The property is not being used consistently with modern land use planning principles, as it has been and is still observed as a potential junkyard and 'illegal' additions have occurred on the existing structure. Proper buffer requirements have also not been implemented for the adjacent residential use on Lot 20.01.

An analysis of the area determined that the property meets the “d” criteria for obsolete layout and design as the parking lot situated on this site does not comply with modern design standards set forth in publications such as the Institute of Transportation Engineers Parking Generation or the American Planning Associations Off-Street Parking Standard and the following conditions have been observed:

- Motor vehicle aisles and driveways are not channelized sufficiently.
- Pedestrian circulation is not separated from motor vehicle circulation.
- Vehicular circulation is unsafe. Adequate controls for turning radii are nonexistent (no striping, directional arrows or concrete islands).
- There is no safe pedestrian access to the site as it is all controlled through one undersized vehicular entrance.
- Parking lot lighting is limited, creating an unsafe condition.
- There are no identified handicap parking spaces.
- There is only one Ingress/Egress to the parking lot located on Main Street, which is undersized.

Additionally, the property improvements are dilapidated, including the cracks, pot holes and surface degradation in the pavement. This poor pavement condition can exacerbate pollution concerns with storage of vehicles/materials/dumpsters) on site. As a result of the dilapidated parking area, the property promotes the release of sediment and vehicle fluids, debris into the soil and/or surface waters.

By reason of faulty arrangement, non-conforming land use, and land use conflicts with surrounding properties, conditions are detrimental to the surrounding community, the site should be included within the Redevelopment Area according to criteria “a” & “d” of the Redevelopment Law.

Site Photographs



View of buildings from parking area interior



Side of building on lot line (adjacent to Lot 17)



Bldg. façade & doors - mold & deterioration



Poor soffit condition



Building façade in poor condition



Lack of drainage on site creates swamp like ground condition



View of building – poor building condition



Parking area – messy & lack of drainage





View from building to other side of site & Lot 6



Truck delivery blocking traffic on Main St.

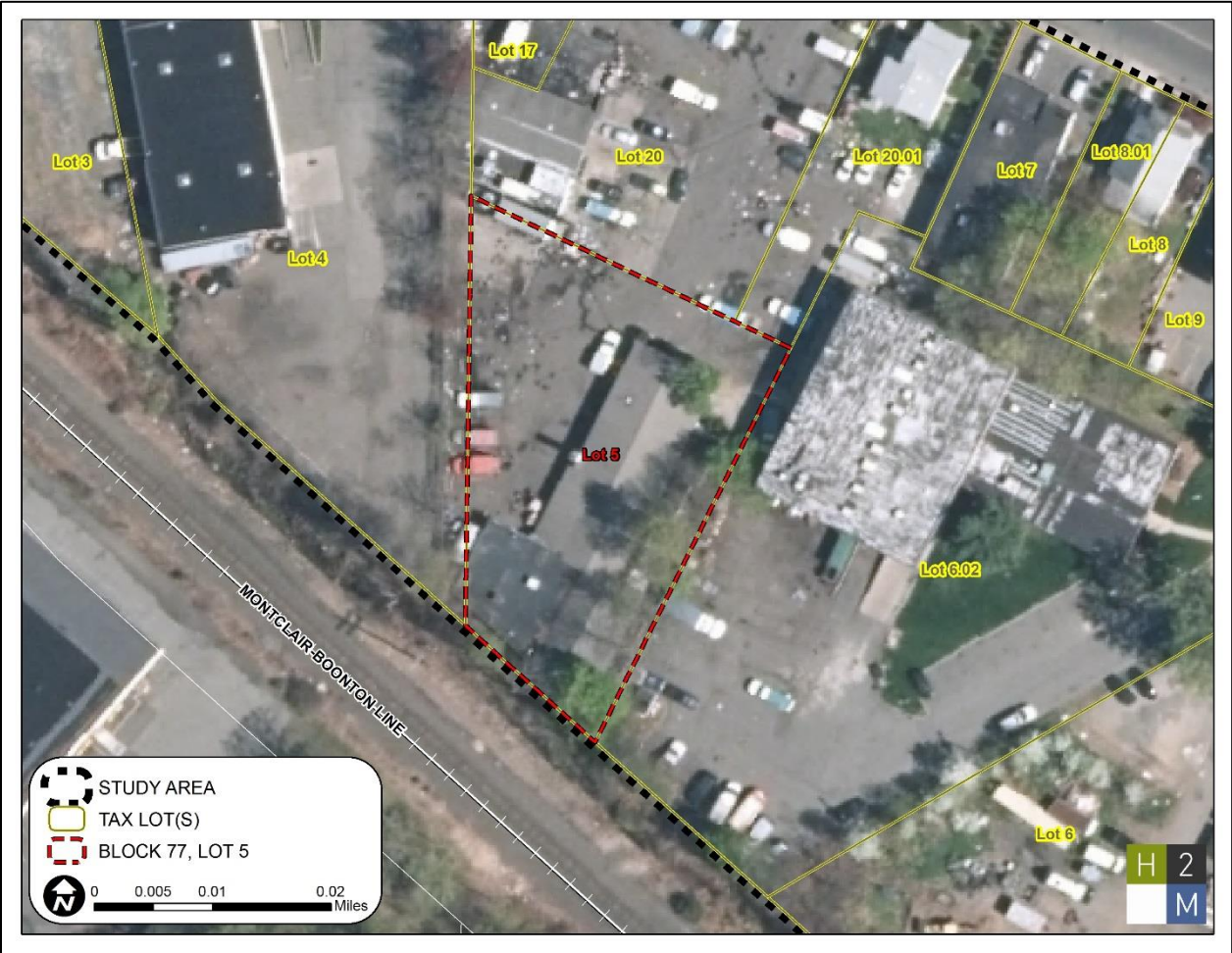


Line of traffic waiting for truck delivery to site



Line of traffic waiting for truck delivery to site

**Block 77, Lot 5, 361 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

361 Main Street, LLC  
PO Box 1070  
Little Falls, NJ 07424

**Business Name(s)**

Rainbow Caterers, Inc.

<b>Acreage</b>	0.5
<b>Year Built</b>	N/A
<b>Tax Class</b>	4B - Industrial
<b>Building Type</b>	1CB
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	Yes



## PROPERTY DESCRIPTION

This lot is also a part of the overall Rainbow Caterers Facility and contains a one story 8,629 square foot warehouse building, currently being leased out to a candy distribution company. In addition, along the northern portion of the lot line is a two story "structure" identified as an ice making machine and storage constructed from shipping containers. The remainder of the lot is unmarked parking and vehicular loading areas. In the deed for Lot 5, it provides for an access easement located on Lot 20 to Main Street which states, *"together with a perpetual right to use a forty-foot proposed street for all purposes in order to have access to and from the above described property [lot 5]."*

## ZONING

Off-street parking for the site is not clearly marked or delineated. Per § 280-198, *"All off-street parking spaces within any parking area shall be clearly marked to show the parking arrangement within the parking area."*

The November 8<sup>th</sup> site visit revealed strong unpleasant odors coming from this lot, especially near the rear property line adjacent to the building. The source of such odors is unknown. Per § 280-105(c), *"no offensive odor shall be noticeable at the zoning lot line or beyond."* It is possible that such odors may be smelled within the railroad property.

## RECENT INVESTMENT

The property was last sold on December 19, 2011 to 361 Main Street, LLC from Robert Kalkan for \$10.00. No building permits have been issued in the past ten years.

## VIOLATIONS

Other than the October 2012 violation received by the Health Officer complaining that *"the parking lot of Rainbow Catering is a mess,"* no other violations have been documented.

## ENVIRONMENTAL

No environmental records found on file with NJDEP or in Township records.

## POLICE RECORDS

A pattern of crime does not exist at this site according to police records. Most identified police incidents were related to criminal mischief to 3<sup>rd</sup> party catering trucks or individuals, none relating to the land use or use of the site.

## CRITERIA RECOMMENDATION

Criteria "d"

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

### **APPLICABILITY OF CRITERIA**

Trash was observed strewn throughout the lot. A mix of water, oil and potentially other substances were observed in puddles in several spots around the lot as well due to a lack of drainage, creating an unhealthy environment for site occupants and visitors. A very strong, unpleasant odor was present during the site visit.

The building is dilapidated as evidenced by the poor roof, gutter, and soffit conditions as well as the overgrown vegetation.

The site is not being used consistent with modern land use planning practices since refrigeration units are not inherently permitted in the Township's zoning code and the stacking/addition atop the refrigeration unit likely violates the New Jersey Uniform Construction Code (UCC).

An analysis of the area determined that the property meets the “d” criteria for obsolete layout and design as the parking lot situated on this site does not comply with modern design standards set forth in publications such as the Institute of Transportation Engineers Parking Generation or the American Planning Associations Off-Street Parking Standard and the following conditions have been observed:

- Motor vehicle aisles and driveways are not channelized sufficiently.
- Pedestrian circulation is not separated from motor vehicle circulation.
- Vehicular circulation is unsafe. Adequate controls for turning radii are nonexistent (no striping, directional arrows or concrete islands).
- There is no safe pedestrian access to the site as it is all controlled through one undersized vehicular entrance.
- Parking lot lighting is limited, creating an unsafe condition.
- There are no identified handicap parking spaces.
- There are pedestrian and vehicular conflicts

Additionally, the property improvements are dilapidated, including the cracks, pot holes and surface degradation in the pavement. This poor pavement condition can exacerbate pollution concerns with storage of vehicles/materials/dumpsters) on site. As a result of the dilapidated parking area, the property promotes the release of sediment and vehicle fluids, debris into the soil and/or surface waters.



By reason of unsanitary conditions detrimental to the occupants and visitors of the site as well as the surrounding community, the site's obsolete layout and design, faulty arrangement, the building's deterioration, and land use conflicts with surrounding properties, the site should be included within the Redevelopment Area according to criteria "a" and "d" of the Redevelopment

Site Photographs



Front of building – no street frontage



Side of building – dirty façade & access to adjacent Lot 6.02



Side of building – site smell is the worst here



Poor chimney and soffit conditions



Overgrown vegetation on hanging wires & poor roof condition



Poor soffit condition



Left: power cables on bush  
Right: poor roof condition



Rear parking area – messy & lack of drainage  
Vehicles in disrepair





Refrigerated container with structure above



Structure above with poor soffit condition – no gutters



Site in disarray with outdoor storage - messy



Outdoor storage – messy



Interior view of candy storage warehouse



Interior view of candy storage warehouse



Interior of warehouse

**Block 77, Lot 20.01, 359 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Robert Kalkan  
PO Box 1070  
Little Falls, NJ 07424

**Business Name(s)**

N/A

**Acreage** 0.1405

**Year Built** 1900

**Tax Class** 2 - Residential

**Building Type** 2F

**Zone District** Light Industrial (LI)

**Permitted Use** No





## PROPERTY DESCRIPTION

The two-story single-family residential building is 1,616 square feet, partially enclosed by fencing and thick landscaping while the remainder is part of the paved area for Lot 20 of Rainbow Caterers. The rental property does appear to have a dedicated parking spot, instead the parking and vehicular access is shared for Lots 5, 17 and 20. Sidewalks along the frontage on Main Street lack curbing.

## ZONING

The single-family structure is an existing non-conforming use since residential is not permitted in the Industrial (I) zone. Prior to being an Industrial zone, however, this area had residences along Main Street. If this residence were to be 'put to the test' of the R1-B residential zone district across Main Street, the lot would not meet bulk requirements for lot size by approximately 3,000 square feet and even more if the portion of the lot paved for use by the Rainbow Caterer's facility was not taken into consideration. The lot also appears to provide use for the adjacent Rainbow Property use as a parking and staging area as well as providing access to garages for the adjacent lot 7, both of which do not meet current zoning regulations.

## RECENT INVESTMENT

It is unknown when the property was last sold and no building permits have been issued in the past ten years.

## VIOLATIONS

Other than the environmental documentation with NJ DEP provided below, there are no documented violations associated with this site.

## ENVIRONMENTAL

359 Main Street has an active NJDEP Program Interest ID of 457776.

In May 2007, the property owner removed an unregulated No. 2 heating oil underground storage tank which was found to be leaking, contaminating groundwater. The case was deemed closed in January 2008. Site investigations and reports were drafted and submitted throughout 2009 and 2010 and another site visit occurred in June 2012.

## POLICE RECORDS

None.

## CRITERIA RECOMMENDATION

Criteria "d" & "Section 3"

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

### APPLICABILITY OF CRITERIA

The non-conforming use is adjacent to and partially located within the operational footprint of the Rainbow Caterers and the adjacent use on lot 7. While the house itself is fenced in, the rear of the property is utilized by Rainbow Caterers as well as providing access to the loading doors for the separate industrial use on Lot 7. There are no identified parking spots for the residential use, which poses safety concerns with the traffic movements from the uses and the potential lack of parking for the residential property renters. By reason of conditions detrimental to the occupants and visitors of the site as well as the properties obsolete layout and design, faulty arrangement, and land use conflicts with surrounding uses and non-conforming status as a single family home in the Light Industrial Zone, the site should be included within the Redevelopment Area according to criteria "d" of the Redevelopment Law.

Furthermore, in accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is located along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful district.

For these reasons, the site should be included within the area according to criteria "d" and "Section 3" of the Redevelopment Law.

## Site Photographs



*Aerial view of property showing relationship to surrounding uses and properties*  
Source Google Maps-2017

Block 77, Lot 7, 355 Main Street



PROPERTY INFORMATION FORM

Owner

Eagle Machine & Instrument, Inc.  
PO Box 1070  
Little Falls, NJ 07424

Business Name(s)

Automation Devices, Inc.

Acreage	0.132
Year Built	N/A
Tax Class	4B - Industrial
Building Type	1 C
Zone District	Light Industrial (LI)
Permitted Use	Yes





## PROPERTY DESCRIPTION

This lot contains a one-story masonry building with an area of 3,120 square feet. The building appears to be a garage with two padlocked garage doors and barred windows. The front yard is an asphalted surface used for parking. The property was previously occupied by Ray Eagles Manufacturing Company and Automation Devices, Inc. It is unknown whether the property is currently occupied or vacant.

## ZONING

It appears that there is a driveway and dropped curb for the entire length of the street front along this property and adjacent properties. In the Little Falls Zoning Ordinance § 280-201 (b), *"in a business or industrial district, curb cuts shall not exceed 30 feet for any permitted use."*

In addition, the site does not meet any of the criteria for a lot in the Industrial Zone, including a lot size that is ½ of the require 20,000 sqft, a 40 foot buffer to residential, where there is none, and drastically exceeds the maximum percent building coverage of 40%.

The site also does not meet the parking requirement for a light industrial use, where 10 is required and 4 are provided. It should be noted that two of the four spaces are in front of garage spaces so there may not count towards the obligation. The spaces up front are dangerous because of the requirement to back out of the spaces onto busy Main Street, with limited site lines because of the setback and because of the adjacent residential property landscaping blocking the view of Main Street headed north.

The site also maintains access to additional garage spaces not on site, by access through lot 20, Rainbow Caterers, creating additional conflicts

## RECENT INVESTMENT

It is unknown when the property was last sold and no building permits have been issued in the past ten years. There are no planning board applications associated with the site.

## VIOLATIONS

In a letter dated January 22, 1980 from the Construction Official, Eagle Machine and Instrument, Inc. received notice that the zoning ordinance does not permit outside storage of materials and equipment and that the matter needed to be resolved.

## ENVIRONMENTAL

The site is listed under the NJDEP Right-To-Know Program, which means that the site has some "hazardous waste" on-site, although the waste was not documented. The site is also listed in the Site Remediation Program. In January 1991, the property was sold which triggered the Industrial Site Recovery Act (ISRA), formerly known as ECRA, the state Environmental Cleanup Responsibility Act of 1983. It requires owner/operators to address

environmental contamination that may be on-site prior to the transfer, sale or closure of subject industrial properties. As a result, a Preliminary Assessment (PA) report was submitted to the DEP which resulted in a No Further Action designation in April 1991, giving the property a “clean bill of health” in regard to the site remediation program.

## **POLICE RECORDS**

A pattern of crime does not exist at this site according to police records.

## **CRITERIA RECOMMENDATION**

Criteria “d” & “Section 3”

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

**Section 3** “...A redevelopment area may include land, buildings or improvement 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.”

## **APPLICABILITY OF CRITERIA**

By reason of conditions detrimental to the occupants and visitors of the site as well as the properties obsolete layout and design, faulty arrangement, and land use conflicts as discussed in the zoning section of this analysis, the site should be included within the Redevelopment Area according to criteria “d” of the Redevelopment Law.

In accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 (“Section 3” of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is located along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful district.

For these reasons, the site should be included within the area according to criteria “d” and “Section 3” of the Redevelopment Law.

## Site Photographs



*Street front*



*Padlocked garage door*



*Barred windows and overflow of mail*



*Side of building with trash and overgrowth*



*Utilities*



*Lack of curbing*



**Block 77, Lot 8.01, 353 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Robert Kalkan  
PO Box 1070  
Little Falls, NJ 07424

**Business Name(s)**

N/A

<b>Acreage</b>	0.0898
<b>Year Built</b>	1900
<b>Tax Class</b>	2 - Residential
<b>Building Type</b>	2F1G
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	No





**PROPERTY DESCRIPTION**

This lot contains one half of a two-family dwelling which has an area of 897 square feet and fronts along Main Street. The lot is served by an unpaved driveway but has no garage. According to tax records, the structure was built in 1900. The property is in fair condition and has been identified as a property for rehabilitation in the 2017 Housing Element and Fair Share Plan based on the condition of the exterior.

**ZONING**

The 2-family structure built upon two separate lots is an existing non-conforming use since residential is not permitted in the Industrial (I) zone. Prior to being an Industrial zone, however, this area had residences. If this residence were to be 'put to the test' of the R1-B residential zone district across Main Street, the lot would not meet bulk requirements for lot size by approximately 5,000 square feet. It would also not meet side yard requirements since it is an attached dwelling.

**RECENT INVESTMENT**

The property was last sold on November 12, 1993. In 2006, there was a building permit issued to replace the hot water heater.

**VIOLATIONS**

No violations were observed or recorded for this site.

**ENVIRONMENTAL**

No environmental records were found on file with NJDEP or in Township records.

**POLICE RECORDS**

None.

**CRITERIA RECOMMENDATION**

Section 3

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

**APPLICABILITY OF CRITERIA**

While the condition of the exterior of the unit is fair/poor, H2M Associates was not granted access for an interior inspection of the property and therefore could not assess the conditions of the interior structure or utilities.

Therefore, in accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is fronting along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful district.

For these reasons, the site should be included within the area according to "Section 3" of the Redevelopment Law.

## Site Photographs



*View of front – right-hand side*



*View of rear – left-hand side*



*View of rear – left-hand side overgrown*



*View of side – air-conditioning units*



*View of side – utilities for lots 8 & 8.01*



*View of side – broken basement window*



**Block 77, Lot 8, 351 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Bertha Stasiak  
351 Main Street  
Little Falls, NJ 07424

**Business Name(s)**

N/A

<b>Acreage</b>	0.0581
<b>Year Built</b>	1900
<b>Tax Class</b>	2 - Residential
<b>Building Type</b>	2F
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	No





**PROPERTY DESCRIPTION**

This lot contains one half of a two-family dwelling which has an area of 897 square feet and is in fair condition. The lot is served by a driveway but has no garage. According to tax records, the structure was built in 1900.

**ZONING**

The 2-family structure built upon two separate lots is an existing non-conforming use since it is not permitted in the Industrial (I) zone. Prior to being an Industrial zone, however, this area had residences. If this residence were to be 'put to the test' of the R1-B residential zone district across Main Street, the lot would not meet bulk requirements for lot size by approximately 5,000 square feet. It would also not meet side yard requirements since it is an attached dwelling.

**RECENT INVESTMENT**

It is unknown when the property was last sold and no building permits have been issued in the past ten years. There are no planning board applications associated with the site.

**VIOLATIONS**

In October 2007, the property received a zoning complaint that unregistered vehicles, piles of blocks, pipe, pallets, shovels, lawn mowers, etc. were located on the property and underneath the porch. The owner stated that she was in the process of cleaning up the property and that much of the equipment belonged to Timko, a landscape company located on Lot 9 next door. The issue went unresolved, and in December 2007 the owner was issued two health complaints (#s 001659 and 001660) for the above as well as for crates and open garbage containers. The issue was resolved by January of 2008 and no additional complaints are on file.

**ENVIRONMENTAL**

No environmental records were found on file with NJDEP or in Township records.

**POLICE RECORDS**

None.

**CRITERIA RECOMMENDATION**

Section 3

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

**APPLICABILITY OF CRITERIA**

While the condition of the exterior of the unit is fair, H2M Associates was not granted access for an interior inspection of the property and therefore could not assess the conditions of the interior structure or utilities.

Therefore, in accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is located along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful district.

For these reasons, the site should be included within the area according to criteria "Section 3" of the Redevelopment Law.

## Site Photographs



*View of front – left-hand side*



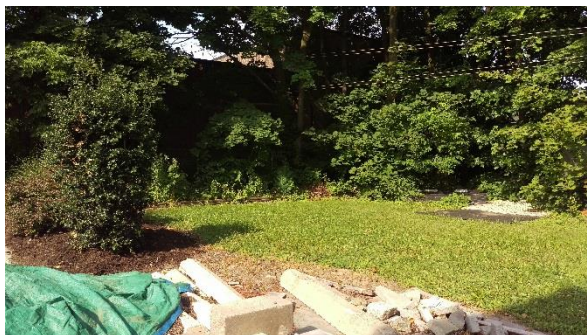
*View of rear – right-hand side*



*View of rear – right-hand side – junk*



*View of side – broken basement window*



*View of shared backyard*



**Block 77, Lot 9, 347-349 Main Street**



**PROPERTY INFORMATION FORM**

**Owner**

Timko Main Street West, LLC  
347 Main Street  
Little Falls, NJ 07424

**Business Name(s)**

Timko Landscape & Construction

<b>Acreage</b>	0.2086
<b>Year Built</b>	2007
<b>Tax Class</b>	4A - Commercial
<b>Building Type</b>	2SCB
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	Yes





## PROPERTY DESCRIPTION

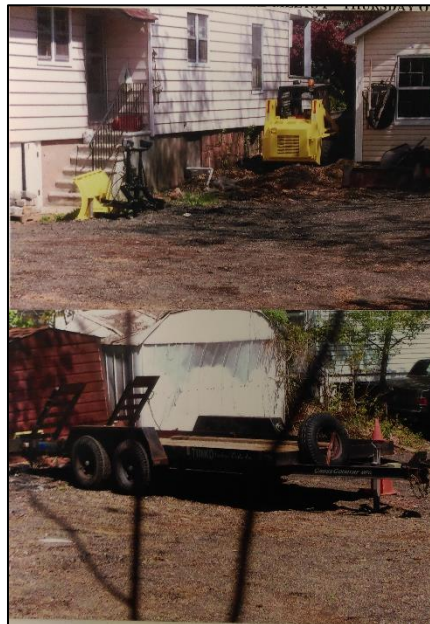
The lot has a two-story masonry building with an area of 3,600 square feet, currently being used as a landscape company office and maintenance garage. Parking is provided in the rear of the building with open access from South Grey Rock Avenue and one gated driveway from Main Street. The lot is completely fenced.

## ZONING

In 2004, property owners presented a proposed site plan to demolish the existing structure and provide site improvements for a proposed landscaping business in a new proposed industrial building. The development application was approved in 2005 by the Little Falls Planning Board and received variances for side yard encroachment, rear parking closer than five feet to property lines, and front yard setback.

Variances received	Required	Proposed / Granted
Lot Area	20,000 sf	8,745 sf
Lot Width	100'	79.5'
Front Yard Setback	25'	10'
Side Setback(One)	20'	10.7'

In 2009, Timko was denied the residence for a caretaker or night watchman, as that provision was no longer stated in the municipal code. Per an interior inspection on April 20, 2017, a bedroom was not observed, although a full kitchen and bath was.



*Property before 2005 site plan*

**RECENT INVESTMENT**

The property was last sold on April 18, 2005 with the current structure having been constructed in 2007.

**VIOLATIONS**

In January 2017, Timko Landscape & Construction received several fire code violations, including a blocked fire exit door, needed annual service for fire extinguishers, and inoperable emergency lighting. None of the violations had been abated during the inspection.

**ENVIRONMENTAL**

347-349 Main Street has a NJDEP Program Interest (PI) ID of 96536A. In May 2009, an inspector visited the business location and a "Timko" truck was parked in front of the building and contained the lettering "DEP PEST-96536A", which was an old business registration number that had not been valid since 10/30/2008. This was a violation of N.J.A.C. 7:30-2.12(c).

**POLICE RECORDS**

A pattern of crime does not exist at this site according to police records. However, a police record reporting a burglary in 2014 indicated that items had been stolen from the bedroom located on the 2<sup>nd</sup> floor.

**CRITERIA RECOMMENDATION**

The property is in good condition and well maintained, except for the minor storage of equipment/materials in the side yard and rear of the property.

**Section 3**

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

**APPLICABILITY OF CRITERIA**

In accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 ("Section 3" of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site maintains significant frontage along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned

redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines, improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new district.

For these reasons, the site should be included within the area according to "Section 3" of the Redevelopment Law.

## Site Photographs



*Side of building along private cul-de-sac*



*Front of building along Main Street*



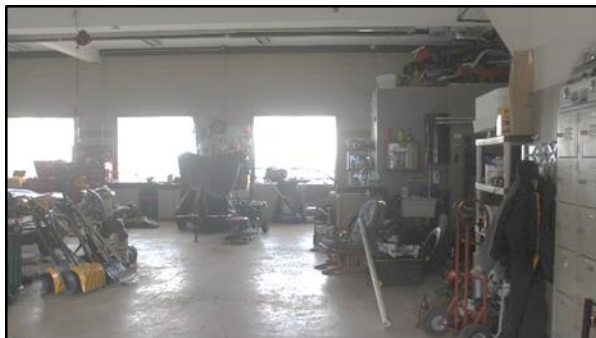
*Gated driveway off of Main Street*



*Parking area in rear*



*Interior garage space off of parking area*



*Interior garage space off of parking area*





**Block 77, Lot 6.02, 3 South Grey Rock Avenue**



**PROPERTY INFORMATION FORM**

**Owner**

Robert Kalkan  
PO Box 1070  
Little Falls, NJ 07424

**Business Name(s)**

Diamond Rainbow Foods, LLC

<b>Acreage</b>	1.14
<b>Year Built</b>	N/A
<b>Tax Class</b>	4A - Commercial
<b>Building Type</b>	1 SCB
<b>Zone District</b>	Light Industrial (LI)
<b>Permitted Use</b>	Yes



## PROPERTY DESCRIPTION

The one-story brick building located at 3 South Grey Rock Avenue is the main office and operations center of Diamond Rainbow Foods, LLC. The building area is 12,186 square feet and contains the company offices, food storage and kitchen to support the catering of the food truck business. The business is set up so that food truck operators can walk in select and purchase daily hot/cold food and material, like they would in a typical food shopping store. And load it onto their trucks for the day. Parking for the site is provided on the side and rear of the lot. Two loading docks and a trash compactor are located in the rear near the parking area and more loading docks abut Lots 20 and 20.01.

The property owner, the tenant, and the lender (the bank that issued a mortgage loan to the landlord) signed a Subordination, Non-Disturbance, and Attornment Agreement (SNDA) in April 2013 which is typical of commercial leases. It states that if ownership of the property changes or if the property falls into commercial foreclosure, the tenant has the right to continue occupying the leased premises as long as the tenant is not in default. It is unknown how long the lease agreement is for.

## ZONING

Although there is the rear loading dock that can easily be accessed by large truck traffic from South Grey Rock Avenue, it appears that it is not used regularly. Instead, per the our site visit, it appears that large trucks often use the 40' ROW located on Lot 20 to access the loading dock that abut Lots 20 and 20.01. However, the 40' access easement used to access this loading dock is specific for access to and from Lot 5, not for Lot 6.02. As a result, the large trucks accessing the site block traffic on Main Street (see below).



*November 8, 2016 site visit ; blocked traffic*



*November 8, 2016 site visit ; blocked traffic*

## RECENT INVESTMENT

The property was last sold on September 23, 1992. In 2013, a building permit was issued to remove four (4) underground storage tanks, three (3) of which stored 1,000 gallons of gasoline and one (1) that stored 1,000 gallons of fuel oil. Work was conducted by Salomone Brothers, Inc. In 2015, a building permit was issued to replace two gas fired hot water heaters and in the same year, a permit was issued to rip off and reroof the structure.

## VIOLATIONS

No violations were observed or recorded for this site.

## ENVIRONMENTAL

The Little Falls Health Department issued a Notice of Abatement on August 16, 2010 for numerous cats residing on the property as well as litter and debris collecting in the vegetated overgrowth at the perimeter and within the wooded areas of the property. No environmental records found on file with NJDEP.

## POLICE RECORDS

A pattern of crime does not exist at this site according to police records. Most identified police incidents were related to criminal mischief to 3<sup>rd</sup> party catering trucks.

## CRITERIA RECOMMENDATION

Criteria "d"

***Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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*

## APPLICABILITY OF CRITERIA

The arrangement of the site is faulty, as the most actively used loading dock is located very near to Lot lines 5 and 20.01 and where the trucks entering Lot 20.01 for access to the loading dock on Lot 6.02 completely blocks traffic flow on Main Street. This shared driveway access between Lots 20.01 and Lot 6.02 is not outlined in any easement, and presents uncontrolled access to the site that adversely impacts traffic conditions and presents potential hazards for vehicles and pedestrians. The multiple uses of all lots on the Rainbow complex adds to the safety and complexity of the site.

These in combination, a faulty site arrangement and uncontrolled access poses safety hazards to vehicles and pedestrians that are detrimental to the surrounding area, suggests that the property should be included as part of the Area in Need of Redevelopment.



# Site Photographs



*Parking in cul-de-sac in front*



*Parking along side of building*



*Parking to rear of building transition area*



*Rear of building*



*Garbage container that has affected curbing  
Strong odors emitted*



*Loading area – missing railing*

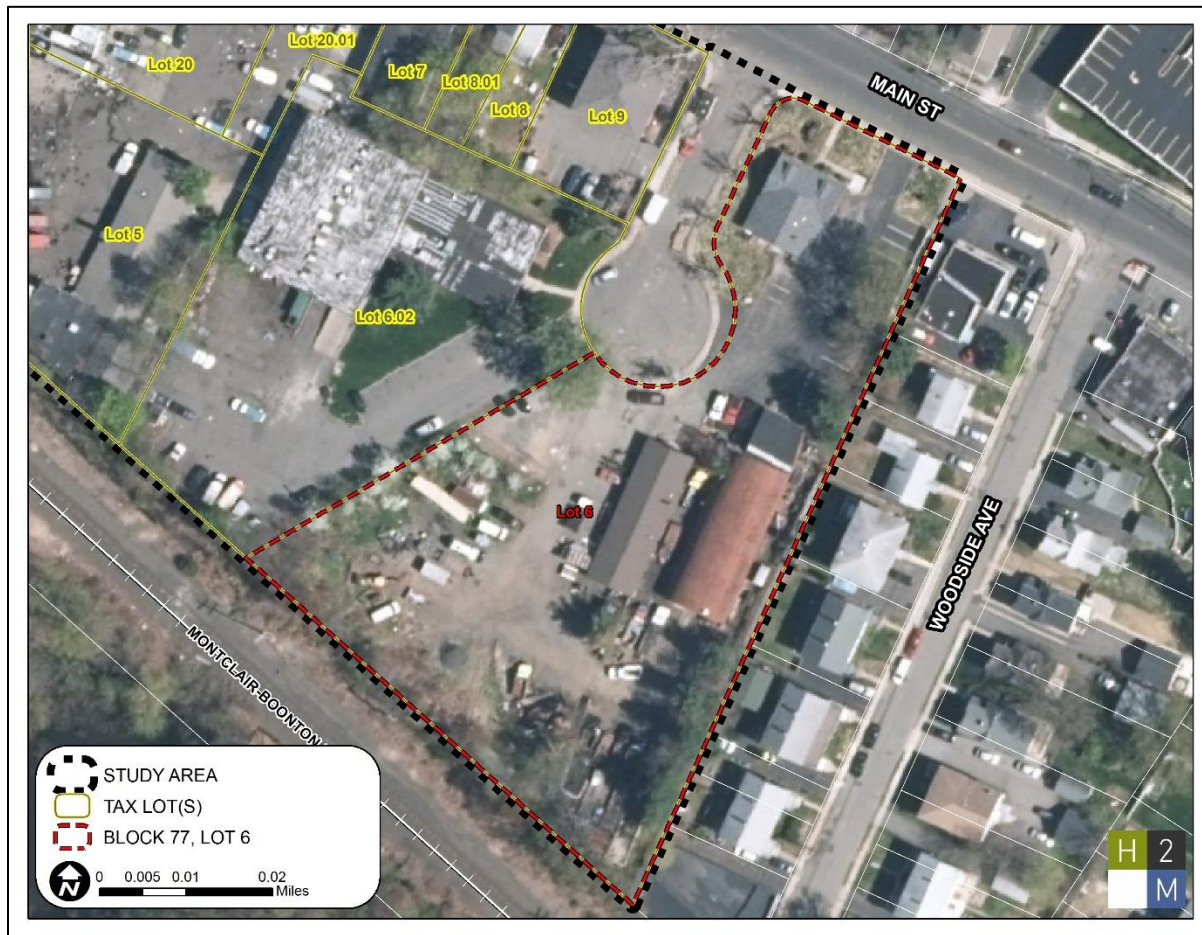


*Access to neighboring Lots 5 & 20*



*Parking area – lack of striping & signage-  
abandoned vehicles*



**Block 77, Lot 6, 333 Main Street & 4 South Grey Rock Avenue****PROPERTY INFORMATION FORM****Owner**

Little Falls Realty, LLC  
 785 Totowa Road  
 Totowa, NJ 07512

**Business Name(s)**

Flex Physical Therapy – Ste. 1  
 Amazing Lift Trucks, Inc. – Ste. 2  
 Garden State Paving & Concrete, Inc. – Ste.2

**Acreage**

2.184

**Year Built**

N/A

**Tax Class**

4A - Commercial

**Building Type**

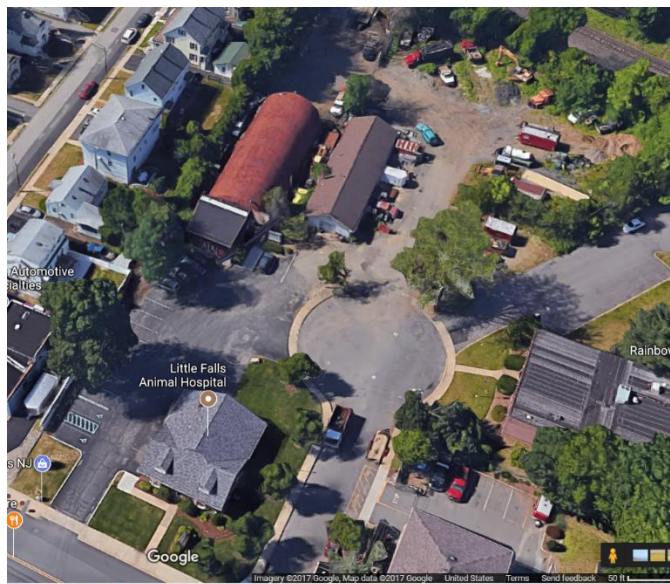
Off/Warehouse

**Zone District**

Light Industrial (LI)

**Permitted Use**

Yes; Multi-use  
 industrial



**PROPERTY DESCRIPTION**

Lot 6 has a long history, first operating on the site in 1898 with use of the rail line, and formerly operating as a lumberyard prior to 1970. In 1978, the lot was subdivided (current Lot 6, 6.02 and 6.03). In 1979, Salomone Enterprises, Inc. occupied a portion of Lot 6 and operated a gasoline tank installation business for service stations. In 1986, the lot was occupied by several businesses including Salomone Enterprises, Inc., Paul's Electric Company, Waynor Cabinet Shop, and an animal hospital.

Today, three buildings are located on the property, all on one lot, with no subdivision of the property. The commercial building that fronts Main Street, Suite 1, houses the recently renovated Flex Physical Therapy building with a footprint of 14,850 square feet. It was formerly the Little Falls Animal Hospital, an x-ray veterinary facility that had been at that location since the early 1980s.

Two buildings are located in the rear of the property. The 1-story corrugated metal building, Suite 2, is 5,082 square feet and was leased to S & S Material Handling Equipment, Inc. in 1989, a solid waste transporter. Current signs indicate that Garden State Paving and Amazing Lift Trucks operate out of this site. The 1-story masonry garage adjacent, Suite 3, is 2,250 square feet. The surrounding land associated with this use is currently rented out to a landscaping company. The building and the surrounding land is undergoing remediation activities.

Access to the lot exists from both South Grey Rock Avenue (private cul-de-sac) and Main Street. Since the subdivision of the cul-de-sac in 1978, it was always intended that the street would be dedicated to the Township. The owner tried to dedicate the street on several occasions, even as far back as 1985, but the Township would not accept the street in its condition since it was out of compliance with the Township's ROW guidelines. Today, the cul-de-sac remains a private drive.

**ZONING**

In 1979 during construction of the veterinary business, the existing driveway onto Main Street (a county ROW) from the property for the Flex Physical Therapy building was constructed, against the County's approval. Later that year, the County allowed the drive but required that a right turn only sign be installed. Per a site visit, this required signage was not present. In addition, per an approved 2010 site plan application, the driveway was slated for removal so that sole access to the business would be made through South Grey Rock Avenue. It is unknown when it will be or should have been removed.

In 1985, the owner of the property was issued a zoning violation for operating a junkyard due to the presence of unregistered and unlicensed cars and trucks, scrap trucks and auto parts, unused asphalt, dirt, stone and an assortment of rubbish and junk.

The office space and warehouse are both permitted principal uses in the Industrial (I) District. However, § 280-143(A) states that, “no more than one principal building shall be located on a single lot except by approval of the Planning Board.” It is unclear whether the planning board approved multiple principal uses on the lot. A subdivision was approved in 2010, however, there is no evidence that the subdivision has been executed. In addition the landscaping business is not a permitted use within the zone.

There is not a 40-foot buffer between the side lot line and the residential uses along Woodside Avenue, per the requirements of the Zone’s Schedule of Use, Area and Bulk Regulations for the Industrial Zone, creating a non-conforming condition.

### RECENT INVESTMENT

This property has undergone recent development. In 2008, a building permit was issued to replace and upgrade the existing fire alarm panel in one or all of the buildings on-site. In that same year, a building permit was issued for an 8-foot fence around the yard of the business. In 2010, more alarm permits were issued but the locations are unknown. The property was then sold on December 7, 2012 from John Soldoveri to the current owner, Little Falls Realty, LLC for \$1.00. In 2014, a permit was issued for the installation of a low voltage burglar alarm. Most recently, in 2015, issued permits included one (1) 275-gallon fuel oil tank with traffic bollards, new HVAC system with ductwork in the attic area and a permit for a remodeled interior at an estimated cost of \$50,000 for a new tenant: Flex Physical Therapy.

The Planning Board (the consolidated Land Use Board) has also seen several applications for this site over the years:

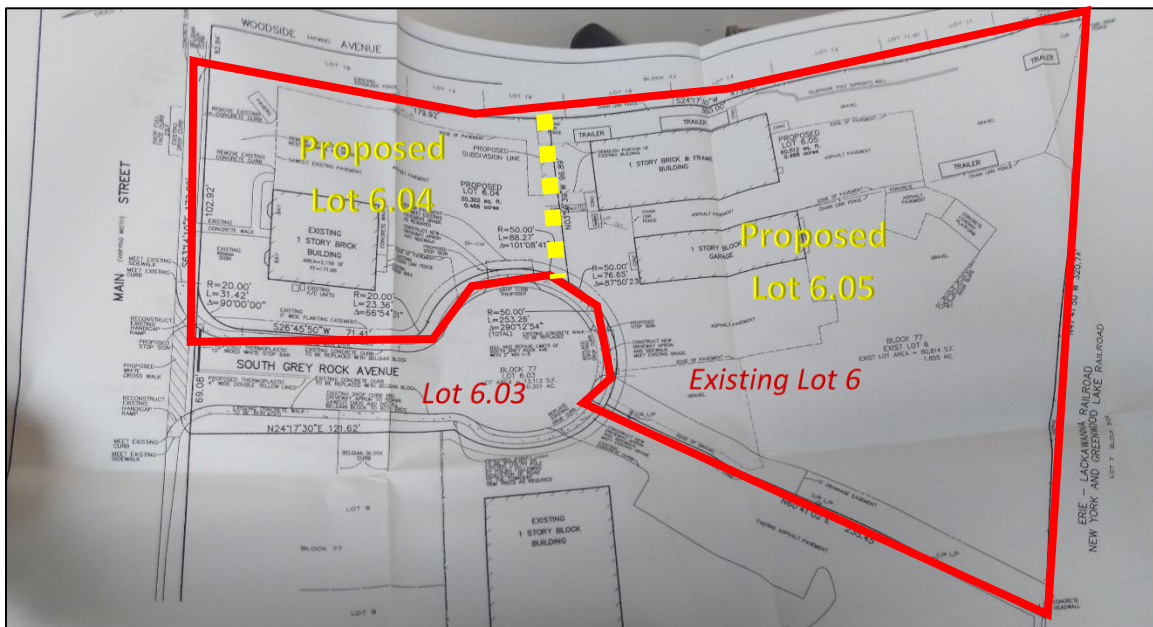
<b>October 30, 1978</b>	The original major subdivision occurred for Lot 6 (Lots 6, 6.02 & 6.03).
<b>August 16, 1979</b>	The applicant was approved for the renovation of an existing building for a veterinary business.
<b>April 17, 1986</b>	The applicant was denied for variance and site plan approval. The applicant appealed to the Superior Court of NJ. In a meeting of the Little Falls Planning Board on May 15, 1986, the application was again denied.
<b>August 19, 1988</b>	The applicant John L. Soldoveri proposed to construct a one-story building to operate a construction business in which a use variance was required. The application was denied.



<b>1989</b>	The owner of the property received site plan approval from the Planning Board to upgrade the rear portion of Lot 6 and to convert an existing building in order to store fork-lift type equipment.
<b>December 7, 2006</b>	<p>The same applicant submitted applications for preliminary and major subdivision and final site plan approval to the Township for both Lot 6 and 6.03 (the private cul-de-sac). Lot 6.03 is the currently improved but not yet dedicated cul-de-sac known as South Grey Rock Avenue, which was not constructed to municipal standards. Once improved to municipal standards, the applicant agreed to offer the road to the Township for dedication. The applicant proposed that Lot 6 be subdivided into proposed Lots 6.04 and 6.05.</p> <p>The applicant also proposed the demolition of structures from the rear of Lot 6 to be replaced by a proposed two-story office building with parking on grade and under the proposed structure. The pre-existing, non-conforming veterinary business along Main Street would remain. Three (3) variances were needed in association with the final site plan application. One for parking in the front-yard setback and the buffer requirement between residential uses, where 40-feet is required and 5-feet currently exists. Both variances were considered to be minimal. The third was a height variance for the proposed office building.</p> <p>The Little Falls Planning Board approved the applications at its Planning Board meeting on January 4, 2007. The subdivision and site plan applications were then approved by the Passaic County Planning Board on June 9, 2008 (county filing number 78-048 and 78-045, respectively). The final site plan application, however, received conditional approval as long as a 50% reduction of water flow from Main Street was made.</p>
<b>February 4, 2010</b>	<p>The same applicant was approved by the Planning Board for an application for Preliminary and Final Major Subdivision and Site Plan Approval. These new plans would supplement the approved plans from 2006.</p> <p>The proposed lot line dividing proposed lots 6.04 and 6.05 passes through the front portion of Suite 2. The application proposed to demolish the front portion of this building.</p>

As part of this application, the current drive from Main Street to the parking lot adjacent to Flex Physical Therapy is to be removed and access to the parking area shall only be made through South Grey Rock Avenue, as it was always intended. The parking area is to be shared between proposed Lots 6.04 and 6.05. Plans submitted were 'Phase 1 Utility' plans. However, no 'Phase 2' plans were submitted, despite the application requesting approval for both Phase 1 and Phase 2 plans. It is unclear how the Planning Board proceeded in regards to the Phase 1 and Phase 2 aspects of the application.

2009 Site Plan – Proposed Subdivision prepared by Hanson Engineering



## VIOLATIONS

Plumbing violations related to cross connections were observed in the former Little Falls Animal Hospital and now Flex Physical Therapy. The violation was resolved with the installation of a flushing type floor drain.

There was a zoning violation noted on November 17, 1982 after a property inspection. Areas of the lot were used for the storage of unregistered, and in some cases, wrecked motor vehicles. Junk metal and auto parts were also observed on the lot. Further violations of a similar nature were observed in 1985, with possibility of court action if the property was not cleaned. Given the storage of vehicles at the time, it could have been considered a junkyard which is not a permitted use. No further zoning violations were noted after this point.

## ENVIRONMENTAL

2 South Grey Rock Avenue has a NJDEP Preferred ID of 001316 with two case tracking numbers: 13-02-01-1439-23 and 13-02-04-1147-26.

On February 1, 2013, NJ American Water encountered groundwater contamination from a suspected UST during a water line repair. The NJ DEP Emergency Response Division further reported petroleum products atop groundwater during excavation activities on February 4, 2013. As a result, four (4) steel USTs containing leaded and unleaded gasoline, first installed in 1944, were removed (three 1,000 and one 3,000-gallon tanks) in April and May 2013. Groundwater with sheen was observed upon removal of the USTs.

The Passaic County Department of Health did an investigation on June 10, 2014 in regards this case and permanently recorded a Notice of Violation. The County stated that the below violations occurred:

- Discharge of a pollutant that impacted surface or ground waters of the State per N.J.A.C. 7:14A-2.1(d)
- Discharge of hazardous substance and/or pollutant per P.C.E.R.C.R.O. Section IV (a)

When this notice was issued, the letter indicated that cleanup had already occurred. However, no Remedial Investigation has yet been filed with NJ DEP and therefore it is unlikely that cleanup of the site is completed.

On June 20, 2014, sub-slab soil gas sampling was conducted from within landscaping equipment storage area (currently occupied by Eric Zimmerman Landscaping) as part of a vapor intrusion investigation due to the presence of ground water contamination. Contaminants (VOCs that could affect indoor air quality within the building) of concern were not detected per the July 16, 2014 letter, therefore, no additional vapor intrusion testing was required. However, the letter states that remedial investigations at this site are ongoing. Robert Soldoveri, the former site owner, is responsible for conducting the remediation.

## POLICE RECORDS

According to police records, approximately five thefts occurred at this site within the past five years, which points to a developing pattern of crime. In 2015 for example, items were stolen from both the rear two business, Suite 2 and Suite 3.

## CRITERIA RECOMMENDATION

Criteria "d" and "Section 3"

**Criteria d.** Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement of 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.

**Section 3** "...A redevelopment area may include land, buildings or improvement 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."

### APPLICABILITY OF CRITERIA

The property is not being used consistently with modern land use planning principles, having three principle uses, a business and two industrial uses locating on one property. Three principal uses are not permitted per the zoning code, which is an obsolete arrangement of the site. Proper buffer requirements have also not been implemented for the one industrial use, Suite 2, located adjacent residential uses fronting Woodside Avenue. There are vehicles and debris that directly abut the residential property line creating additional land use conflicts. Buffers are required between these two types of uses to provide a condition that does not detract from the safety, health and welfare of the community.

The site's arrangement is faulty since the site, being located along a County road, has a driveway where none should exist per the County. The driveway onto Main Street presents uncontrolled access to the site through Main Street and South Grey Rock Avenue and adds to traffic conditions along Main Street which may adversely impact the surrounding area. In addition the private road does not meet municipal standards for construction.

Environmental contamination exists on a portion of the Lot in the area that Suite 3 maintains. Remediation activities are required to occur but the status of these activities are unknown.

Suite 3's area contains various vehicles, debris, and construction equipment, some in disrepair, soil, that are stored behind the building and along the property lines. Depending on the time for which they are stored, this portion of the lot could be considered a junkyard per the Township's Zoning Code:

*"JUNKYARD: A deposit or the storage on a lot of two or more wrecked or broken down vehicles or parts of two or more such vehicles for one month or more in a residential district or for three months or more in any other district in the Township shall be deemed to be a junkyard".*

In addition, the landscaping storage yard is not a permitted use in the district. Outside storage of equipment is permitted for manufacturing use as denoted in the Light Industrial District - Schedule 280 Attachment 12, per the Township zoning code.

An analysis of the area determined that the property meets the “d” criteria for obsolete layout and design as the parking lot situated on this site does not comply with modern design standards set forth in publications such as the Institute of Transportation Engineers Parking Generation or the American Planning Associations Off-Street Parking Standard and the following conditions have been observed:

- Motor vehicle aisles and driveways are not channelized sufficiently.
- Pedestrian circulation is not separated from motor vehicle circulation.
- Vehicular circulation is unsafe.
- Parking lot lighting is limited, creating an unsafe condition.
- There are no identified handicap parking spaces.
- There are pedestrian and vehicular conflicts

Additionally, the property improvements are dilapidated, including the cracks, pot holes and severe surface degradation in the pavement. This poor pavement condition can exacerbate pollution concerns with storage of vehicles/materials/dumpsters) on site. As a result of the dilapidated parking area, the property promotes the release of sediment and vehicle fluids, debris into the soil and/or surface waters and in the air. This also given the fact that the property does not seem to contain any stormwater management system to control any runoff.

These in combination, an obsolete layout, faulty site arrangement and uncontrolled access adversely impacts traffic conditions in the surrounding community, and a use that has potential environmental impacts that are detrimental to the surrounding area, suggests that the property should be included as part of the Area in Need of Redevelopment.

Suite 1, Flex Physical Therapy, is located in a building in excellent condition and the site and landscaping maintained by this business is also in excellent condition. Therefore, in accordance with the definition of a Redevelopment Area at N.J.S.A. 40A:12A-3 (“Section 3” of the LRHL), it is recommended that the site be included, whether or not changes occur at the site, as it is needed for the effective, coordinated redevelopment of the entire area. The Township cannot effectuate a comprehensive redevelopment plan if some parcels qualify as in need of redevelopment while others fail to do so. The site is located along Main Street and adjacent to one or more properties recommended for redevelopment. Its inclusion in the redevelopment area is necessary to create a contiguous area and sufficiently large footprint where planned redevelopment can be comprehensively coordinated to improve area-wide circulation and traffic and site lines,

improve overall site access, reduce curb cuts along Main Street, increase open space opportunities and improve the design character and increase the economic vitality for a new successful district.

For these reasons, the site should be included within the area according to criteria “d” and “Section 3” of the Redevelopment Law.



## Site Photographs



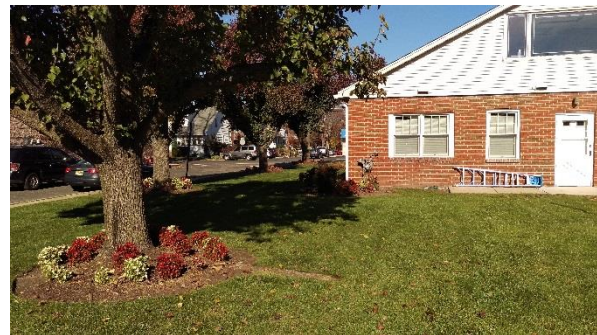
*Ste. 1 business fronting Main St. – well-maintained*



*Handicapped parking available*



*Clear signage in parking area*



*Ste. 1 building & landscaping in excellent condition*



*Ste. 2*



*Ste. 2 – active business in rear*



*Ste. 2 view from side*



*Ste. 2 view into back 'yard' area*





Ste. 2 adjacent to residential backyards; not a minimum 40' buffer as required



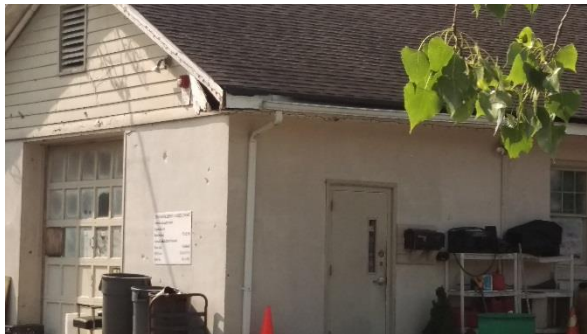
Ste. 2 adjacent to unaffiliated garage, Ste. 3 - third building on site



Ste. 3 garage and area 'yard'



Ste. 3 garage signage indicating site is contaminated



Ste. 3 garage building in need of some repair



Ste. 3 garage side yard area



Ste. 3 in rear of garage



Ste. 3 rear 'yard' equipment

## VIII. REDEVELOPMENT DESIGNATION SUMMARY

The foregoing study was prepared to determine whether the properties within the Singac Industrial Zone Study Area qualify as an "area in need of redevelopment," in accordance with Section 5 of the Local Redevelopment and Housing Law (the "LRHL", P.L.1992, C.79, s.1) of the New Jersey Statutes (N.J.S.A. 40:12A-5). The following table summarizes which properties meet or do not meet ("N/A") the statutory criteria for designation as "an area in need of redevelopment."

**Table 6**  
**Area in Need of Redevelopment Summary Determinations**

No	Block	Lot	Location	Criteria
1	77	1	437 Main St	d,Section 3
2	77	2	419-421 Main St	Section 3
3	77	2.01	417 Main St	d
4	77	3,18	409-415 Main St	b,d
5	77	4	381-385 Main St	d,Section 3
6	77	5	361 Main St	d
7	77	6	333 Main St	d,Section 3
8	77	6.02	3 S. Grey Rock Ave	d

No	Block	Lot	Location	Criteria
9	77	7	355 Main St	d,Section 3
10	77	8	351 Main St	Section 3
11	77	8.01	353 Main St	a,Section 3
12	77	9	347-349 Main St	Section 3
13	77	17	379 Main St	d
14	77	20	365 Main St	a,d
15	77	20.01	359 Main St	d,Section 3

## **IX. REHABILITATION DESIGNATION ANALYSIS**

### **Overview**

Designating an Area in Need of Rehabilitation pursuant to the LRHL permits a municipality or redevelopment entity to use all of the powers of redevelopment, except that a municipality may not use eminent domain, nor grant long-term tax exemptions. A rehabilitation designation permits municipalities to grant short-term tax exemptions (5-Year abatements) to developers and private property owners within a designated area to encourage property owners to rehabilitate and reinvest in their properties.

A Rehabilitation Area can be designated by Resolution of the Governing Body. The Governing Body is required to submit the proposed resolution to the Planning Board for its review and comment. A public hearing by the Planning Board, however, is not required by the Statute. The Planning Board must submit its recommendations regarding the proposed resolution, including any modifications, within 45 days of receipt of the proposed resolution. Thereafter (or after 45 days if the Planning Board does not submit recommendations) the Governing Body may adopt the resolution, with or without modification.

Upon designating an Area in Need of Rehabilitation, a municipality can also prepare and adopt a Redevelopment Plan for that area. The process and content of a Redevelopment Plan is governed by the LRHL.

### **Criteria for Rehabilitation Area Determination**

Pursuant to N.J.S.A. §40A:12A-14(a), a delineated study area may be designated "in need of rehabilitation" by a municipality if it is determined that a program of rehabilitation, as defined by section 303 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community, and that there exist in that area any of the following conditions. A delineated area may be determined to be in need of rehabilitation if:

- (1) A significant portion of structures therein are in a deteriorated or substandard condition;
- (2) More than half of the housing stock in the delineated area is at least 50 years old;
- (3) There is a pattern of vacancy, abandonment or underutilization of properties in the area;
- (4) There is a persistent arrearage of property tax payments on properties in the area;
- (5) Environmental contamination is discouraging improvements and investment in properties in the area; or



- (6) A majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

### **Determinations**

Per the Township Engineer, *"the sanitary sewers were constructed prior to 1926... Accordingly, these sewers are approaching 100 years in age and at least portions of the system area in need of repair or rehabilitation."* Water information was gathered from New Jersey American Water GIS data layers indicating the age of the pipes. Data about the pipes' condition was inferred through the data provided in the GIS layers. H2M used New Jersey American Water GIS data on the area's water systems. The water mains in South Grey Rock Avenue were installed in 1977, less than 50 years ago and are cement lined. However, Main Street's water infrastructure are cast iron pipes with no lining, and installed more than fifty years ago, in 1958. Cast iron pipes, especially those without lining are generally known by water engineers to be less reliable and are coming to the end of their shelf life.

### **Conclusion**

The study was prepared on behalf of the Township of Little Falls to determine whether the 15 properties within the Singac Industrial Zone qualifies as "an area in need of rehabilitation" in accordance with N.J.S.A. §40A:12A-14(a). Based on the findings above, the area meets the Rehabilitating Criteria "(6)."

## X. NEXT STEPS

Upon receipt of this preliminary investigation, the Planning Board is required to hold a public hearing. Notices for the hearing are required to be published in the newspaper of record in the municipality once each week for two consecutive weeks and a copy of the notice mailed to the last owner of record of each property within the proposed Redevelopment Area. Once the hearing has been completed, the Planning Board may make a recommendation to the Council that the delineated area, or any part, should or should not be determined to be a Redevelopment Area. The governing body may then adopt a resolution determining that the delineated area, or portion, is a Redevelopment Area. Notice of such a determination is then sent to each objector, if any, who has sent in a written protest. The next part of the process is the creation of a Redevelopment Plan to guide development within the delineated area. As previously stated, the creation of a Redevelopment Plan is the second planning document in the redevelopment process. The Redevelopment Plan is required to be adopted by an ordinance of the Council before any project is initiated.

Under N.J.S.A. 40A-7.a, the Redevelopment Plan is required to address the following:

1. The plan's relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate for temporary and permanent relocation, as necessary, of residents in the project area.
4. Identification of any property within the Redevelopment Area which is proposed to be acquired.
5. The relationship of the plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.
6. Pursuant to N.J.S.A 40A:12A-7c, the Redevelopment Plan must also describe its relationship to pertinent municipal development regulations.

***Severability Clause. Should any word, clause, phrase, sentence, section or provision of this Area in Need of Redevelopment Study be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid, and the remainder hereof shall remain in full force and effect.***

# APPENDIX A



RESOLUTION H 16-10-17 - # 8

RESOLUTION OF THE TOWNSHIP OF LITTLE FALLS, COUNTY OF PASSAIC, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN AS BLOCK 77, LOTS 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 17, 18, 20, 20.01 ON THE TAX MAP OF THE TOWNSHIP SHOULD BE DESIGNATED AS AN 'AREA IN NEED OF REDEVELOPMENT' AND/OR AN 'AREA IN NEED OF REHABILITATION' PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

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

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment or rehabilitation under the Redevelopment Law the Township council ("Township Council") of the Township of Little Falls (the "Township") must authorize the planning board of the Township (the "Planning Board") to conduct a preliminary investigation of the area and make recommendations to the Township Council; and

WHEREAS, the Township Council believes it is in the best interest of the Township that an investigation occur with respect to certain parcels within the Township and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known as Block 77, Lots 1, 2, 2.01, 3, 4, 5, 6, 6.02, 7, 8, 8.01, 9, 17, 18, 20, and 20.01, on the tax map of the Township (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5 and N.J.S.A 40A:12A-14, and should be designated as an area in need of redevelopment and/or rehabilitation; and

WHEREAS, if the Planning Board determines to recommend that the Study Area should be designated as an area in need of redevelopment or rehabilitation, pursuant to the Redevelopment Law, the Township Council requests that the Planning Board also prepare a redevelopment plan for the Study Area and submit same to the Township Council for its consideration; and

WHEREAS, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Township and Township Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, not including the power of eminent domain (hereinafter referred to as a "Non-condemnation Redevelopment Area").

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 and/or N.J.S.A 40A:12A-14 to be designated as an area in need of redevelopment and/or rehabilitation under the Redevelopment Law.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically N.J.S.A. 40A:12A-6 & 12A-14, 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 the Study Area is an area in need of redevelopment or rehabilitation. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Township or Township Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an 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 record.

Section 6. After conducting its investigation, preparing a map of the Study 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 Township Council as to whether the Township Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. If the Planning Board recommends the Study Area be designated as a Non-condemnation Redevelopment Area, the Planning Board is further directed to prepare a redevelopment plan for the Study Area, pursuant to Section 7(f) of the Redevelopment Law. Upon completion of the redevelopment plan, the Planning Board shall transmit the plan to the Township Council for its consideration.

Section 8. This Resolution shall take effect immediately.

\*\*\*\*\*

APPROVED: October 17, 2016

cc: Administrator; Planner; Attorney; Planning Board; Dept.

Certified To Be A  
True Copy Of The Original

  
\_\_\_\_\_  
Township Clerk  
Little Falls, N.J. 07424

## APPENDIX B

# TOWNSHIP OF LITTLE FALLS

Mayor James Belford Damiano  
225 Main Street, Little Falls, New Jersey 07424  
973-890-4500

Monday, March 13, 2017

## Via Regular and Certified Mail

### **Inspection of Properties within the Singac Industrial Zone Redevelopment Investigation Study Area**

Property Known As: Block: \_\_\_\_ Lot(s): \_\_\_\_ Address: \_\_\_\_\_

Dear Property Owner:

The Planning Board of the Township of Little Falls has been authorized by the Little Falls Municipal Council to investigate whether properties within an area collectively known as the Singac Industrial Zone Redevelopment and Rehabilitation Study Area (hereinafter, the "Study Area") are in need of redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (the "LRHL"). A map of the Study Area is enclosed. As part of this investigation, each of the properties within the Study Area will be inspected to ensure that they comply with all applicable requirements of the municipal code and/or State law and to determine if the Study Area qualifies as a **NON-CONDEMNATION** area in need of redevelopment under the LRHL. **This inspection is for the sole purpose of only the Area in Need of Redevelopment Study.**

You are listed as the record owner of the property listed above which is within the Study Area. We are requesting access to your property on **Monday, March 29, 2017 to Wednesday, March 31, 2017** between the hours of 1:00 P.M. and 5:00 P.M to conduct an interior and exterior inspection. We encourage you to be present when that inspection occurs and to provide the inspectors with any information that you deem relevant to the inspection. Please contact Jeffrey Janota, PP, AICP from H2M Associates at [jjanota@h2m.com](mailto:jjanota@h2m.com) or 862-207-5900 ext. 2224 to coordinate the time of your scheduled inspection. We thank you for your cooperation in this matter.

Very truly yours,



Mayor James Damiano



## APPENDIX C

**LEGAL NOTICE  
TOWNSHIP OF LITTLE FALLS  
PLANNING BOARD PUBLIC HEARING  
ON PROPOSED REDEVELOPMENT AREA**

**PLEASE TAKE NOTICE** that on Thursday, August 3, 2017 at 7:30 p.m. at the Municipal Council Chamber at the Municipal Building, 225 Main Street, Little Falls, New Jersey, the Planning Board of the Township of Little Falls will hold a public hearing for the purpose of determining whether the Study Area described below and set forth in the Planning Board's preliminary investigation and report, or any part thereof, be determined, or not be determined, to be an "area in need of redevelopment" according to the criteria set forth in section 5 of P.L. 1992 c.79 (N.J.S.A. 40A:12A-5).

The hearing before the Planning Board of the Township of Little Falls scheduled for August 3, 2017 is the first step in a multi-step process in determining whether the area should be designated as a Non-Condensation Area in Need of Redevelopment. After consideration by the Planning Board, a recommendation will be made to the governing body on this issue. In the event that at the conclusion of the process some or all of the area is determined by the governing body to be an area in need of redevelopment, such a determination may have an impact on the ownership of property so designated.

The Planning Board was directed by the Municipal Council to conduct a preliminary investigation in order to investigate the area listed within the chart below and generally described as the *Singac Industrial Zone Study Area* (the "Study Area") to determine if the Study Area should be determined to be an area in need of redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"). The following properties are included within the Study Area presently being investigated:

No	Block	Lot	Location
1	77	1	437 Main St
2	77	2	419-421 Main St
3	77	2.01	417 Main St
4	77	3,18	409-415 Main St
5	77	4	381-385 Main St
6	77	5	361 Main St
7	77	6	333 Main St
8	77	6.02	3 South Grey Rock Ave
9	77	7	355 Main St
10	77	8	351 Main St
11	77	8.01	353 Main St
12	77	9	347-349 Main St
13	77	17	379 Main St
14	77	20	365 Main St
15	77	20.01	359 Main St

**A. Location and Map**

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A map showing the boundaries of the Study Area and the location of the properties included therein and a statement setting forth the basis of the preliminary investigation of the Study Area being presently investigated are available for inspection and copying at the office of the City Clerk on the 1<sup>st</sup> floor and the office of the Planning Board in Room 112 at the Municipal Building, 225 Main Street, Little Falls, New Jersey on Monday through Friday from 8:30 a.m. to 4:30 p.m. In addition, a copy of the Investigation report by H2M Associates, the Planning Board's consultant, will be available on July 24, 2017 for inspection and copying at the office of the Planning Board in Room 112 at the Municipal Building.

All persons who are interested in or would be affected by the preliminary investigation to determine whether the proposed area, or any part thereof, is a redevelopment area and should be determined to be a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c.79 (N.J.S.A. 40A:12A-5) are invited to attend the public hearing and offer public comments including, but not limited to, asking questions and providing their objections to or evidence in favor of such determination either orally or in writing.

Please take further notice after review by the Planning Board at the hearing described herein, a finding by the Township of Little Falls Governing Body that the above-described area, or a portion thereof, constitutes an area in need of redevelopment does not authorize the Township to acquire the properties contained in said area through exercise of the Township's power of eminent domain. As a result, a redevelopment area determination shall not permit condemnation within the delineated area (a Non-Condensation Redevelopment Area).

A property owner who has received notice pursuant to the Local Redevelopment and Housing Law 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.



Study Area Limits



## APPENDIX D



architects + engineers

2 Executive Boulevard, Suite 401  
Suffern, NY 10901

tel 845.357.7238  
fax 845.357.7267

July 20, 2017

William VanHouten, Chairman & Planning Board  
Municipal Building  
225 Main Street  
Little Falls, NJ 07424

Re: Little Falls Rehabilitation Study

Dear Chairman VanHouten & Board,

H2M Associates has been retained by the Township to conduct both an "area in need of redevelopment" and "area in need of rehabilitation" study of fifteen (15) properties located along south Main Street from Dewey Avenue to just east of South Grey Rock Avenue. In connection with this study, H2M is required to obtain correspondence either from the Department of Public Works or the Township Engineer to confirm whether "the majority of the water and sewer infrastructure within the study area is (or is not) at least 50 years old and in need of repair or substantial maintenance".

We have reviewed the area, available maps and have discussed the condition of the sanitary sewers with Public Works Manager Simone of the Little Falls DPW. We have found the sanitary sewers were constructed prior to 1926 (as indicated by the attached sewer assessment map). Accordingly, these sewers are approaching 100 years in age and at least portions of the system are in need of repair or rehabilitation.

We were requested to write and provide this information to the Planning Board which we understand will be included in the study. No action is required by the Planning Board however, if any action is required in connection with the study, you will be advised. Please note that we have not commented on the water infrastructure in this area which is owned and maintained by New Jersey American Water, a private water company. Any information on the condition of the water infrastructure will be provided by them.

If you have any questions, please advise.

Very truly yours,

H2M architects + engineers

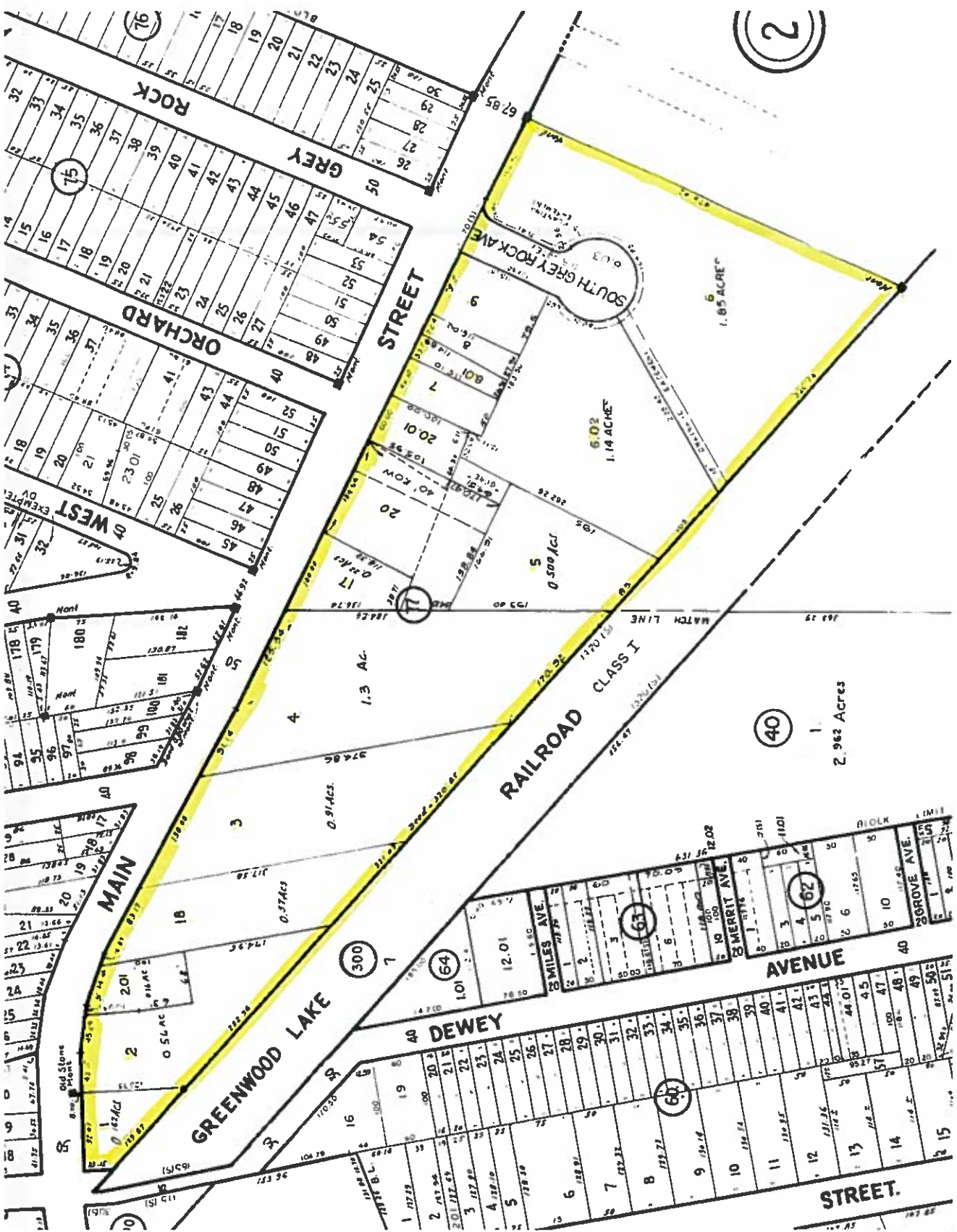
Dennis G. Lindsay, P.E.  
Township Engineer

CC: Mayor James Damiano  
Charles Cuccia, Administrator  
Cynthia Kraus, Clerk  
Jeff Janota, PE, H2M  
Nicole Venezia, H2M

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CORPORATE HEADQUARTERS

538 Broad Hollow Road, 4<sup>th</sup> Floor East | Melville, NY 11747 | 631.756.8000 | [www.h2m.com](http://www.h2m.com)



2

40

300

64

60

62

# INDEX SHEET

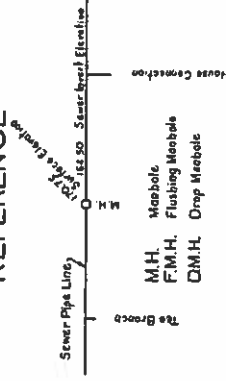
STREET NAMES SHEET NUMBER

AMITY STREET	42
ARLINGTON STREET	29
BOGART STREET	29
CLARENCE AVENUE	5
CONEY ROAD	43
DAIRY STREET	38 39
DEWEY AVENUE	38 39
EAST WOODCLIFF AVENUE	2
FAIRFIELD AVENUE	23 31 32 33
GARRISON AVENUE	17
GRAY STREET	16
HAINES PLACE	15
LOUIS STREET	9 10
LOWER NOTCH ROAD	40 41
MONTCLAIR AVENUE	34 35 36 37
MONTCLAIR AVENUE	6 7
MULLERS PLACE	18
NEWARK & POMPTON TURNPIKE	25 26 27 28
ORCHARD AVENUE	8
PLEASANT AVENUE	19
RIGHT OF WAY ALONG PASSAIC RIVER	20 24
RIVER AVENUE	11
RIVER BOULEVARD	30
SINCLAIR PLACE	35
STANLEY ROAD	44
TOLSON PLACE	42
VAN PELT PLACE	3 4
WEAVER	4 14
WILLIAM STREET	29 30
WOODCLIFF AVENUE	21 22 23
WOODHULL AVENUE	46

STREET NAMES SHEET NUMBERS

EASEMENT THRU LOT 171	47
GRAYROCK AVE	56
ISLAND AVE	49 55
ORCHARD ST	57
PARKWAY	49 52 53
RIDGEVIEW CIRCLE	51 54
WESTVIEW AVE	51
DEWEY AVE	60
EASEMENT	60
FIRST ST	59
GROVE ST	58
STRICKLAND AVE	58
VAN NESS AVE BRADFORD AVE	59
WOOD ST	60
EAST WOODCLIFF AVE	61

## REFERENCE



SEWER ASSESSMENT MAP  
OF  
SINGAC SECTION  
LITTLE FALLS TOWNSHIP  
PASSAIC COUNTY NEW JERSEY  
SCALE 1"=30' DECEMBER 6, 1926.  
H.J. HARDER C.E.



