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**REDEVELOPMENT
STUDY AND
PRELIMINARY
INVESTIGATION
REPORT**
Lunney's & Across
Town Towing
Block 70, Lots 1, 2 and 3

**T&M PROJECT NO. MIDD-10650/51
MARCH 6, 2013
REVISED AND RESTATED JULY 17, 2014**



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Introduction

The purpose of this report is to determine whether or not Block 70, Lots 1, 2 and 3 (herein referred to as the "Study Area"), in the Township of Middletown, qualify as an area in need of redevelopment as defined in the Local Redevelopment and Housing Law, P.L.1992, Chapter 79 (the "LRHL"). The Study Area is located in the North Middletown area of the Township proximate to the Borough of Keansburg (See Figure 1). The three lots located in the study area are shown on the accompanying Study Area Map and Tax Map (See Figures 2A and 2B).

This report is written pursuant to Section 6 of the LRHL (N.J.S.A. 40A:12A-6a), which states the following:

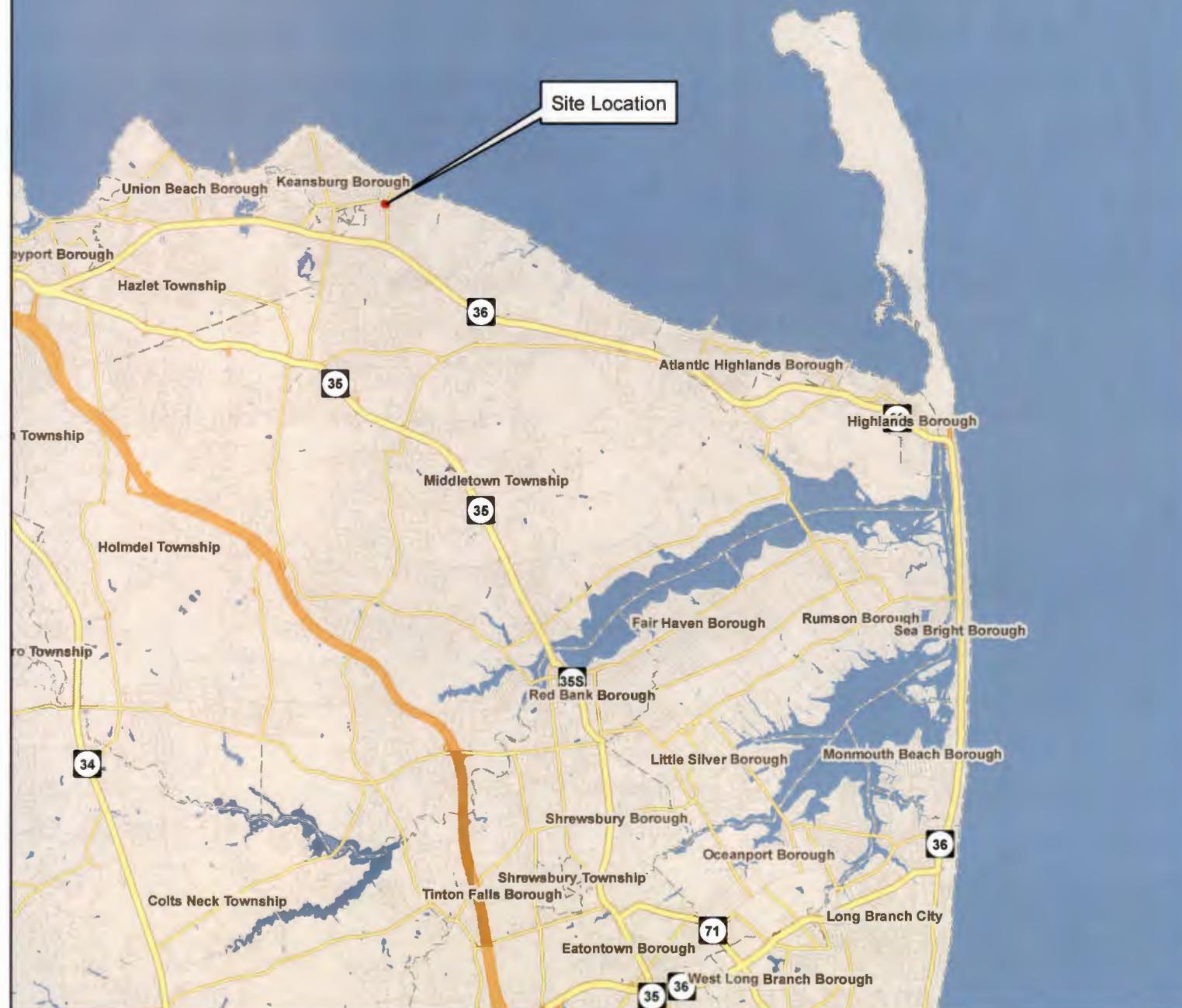
No area of a municipality shall be determined to be a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, C.79 (C.40A:12A-5). ... The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of a municipality.

The Middletown Township Committee adopted a resolution on June 16, 2014, requesting the Planning Board to undertake a preliminary investigation of Block 70, Lots 1, 2 and 3 to determine whether or not the area qualifies as an area in need of redevelopment pursuant to the LRHL (See Appendix B).

This report serves as the "statement setting forth the basis for the investigation," which is required by the LRHL [N.J.S.A. 40:12A-6b(1)]. In accordance with N.J.S.A. 40:12A-6b(5):

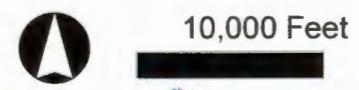
After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area or any part thereof, is in need of redevelopment.

Figure 1
Regional Location
Study Area
Block 70, Lots 1, 2 & 3
Township of Middletown
Monmouth County
New Jersey



Legend

- Study Area
- Interstate or Toll Route
- US or State Route
- County Route
- Local Road
- Ramp
- Municipal Boundary
- Open Water



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NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State authorized.

Prepared by: ARR, 7/16/2014
Source: NJGIN
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Figure 2A
Aerial Location Map
Study Area
Block 70, Lots 1, 2 & 3
Township of Middletown
Monmouth County
New Jersey



Legend

- Study Area
- County Route
- Local Road
- Tax Parcel

100 Feet



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Prepared by: ARR, 7/16/2014

Source: NJGIN

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Figure 2B
Tax Map
Study Area
Block 70, Lots 1, 2 & 3
Township of Middletown
Monmouth County
New Jersey



Legend

- Study Area
- County Route
- Local Road
- Tax Parcel



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State authorized.

Prepared by: ARR, 7/16/2014
Source: NJGIN
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Study Area Description

Properties Located in the Study Area

The Study Area consists of three parcels located on Port Monmouth Road between Bay Avenue and Ocean Avenue. The Study Area fronts on Port Monmouth Road with secondary frontages on both Bay Avenue and Ocean Avenue. The tax lots in the Study Area are listed on the official tax map of the Township as:

- Block 70, Lot 1
- Block 70, Lot 2
- Block 70, Lot 3

Two of the three parcels (Lots 2 and 3) are in common ownership. A description of these properties and how they meet the statutory criteria is provided in Appendix A.

Existing Land Uses

Existing land uses were evaluated as part of the site visit and field analysis conducted as part of this study. The study area is developed with an existing towing and repair operation on Lot 1 (Across Town Towing), which is located at the corner of Port Monmouth Road and Bay Avenue. A currently unoccupied deli/convenience store/package goods store (the former Lunney's Market & Liquors) is located on Lots 2 and 3 at the corner of Port Monmouth Road and Ocean Avenue.

Figure 3 depicts land use classifications in the study area based on MOD-IV data associated with tax assessment records. According to Township tax data, Lots 1 and 3 in Block 70 are classified as commercial properties, while Lot 2 is classified as vacant land. However, Lots 2 and 3 are in common ownership and are both associated with the former Lunney's commercial use on Lot 3. It should also be noted that the Lunney's building contains a formerly occupied residential use on the second story of the structure. A portion of the building on Lot 3 also extends into Lot 2, although that lot is classified as vacant in Township tax assessment records. Lunney's is abandoned and the building is currently unoccupied.

With respect to surrounding land uses, the study area is surrounded by a mix of uses. Commercial and service oriented land uses are located across Port Monmouth Road from the study area, while medium density single-family residential uses adjoin the study area to the west and south. While there are a small number of commercial businesses located across Port Monmouth Road from the study area, the surrounding area is primarily residential in character and use.

Figure 3
MOD-IV Data
Study Area
Block 70, Lots 1, 2 & 3
Township of Middletown
Monmouth County
New Jersey



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State authorized.

Prepared by: ARR, 7/16/2014

Source: NJGIN

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Environmental Constraints

As shown in Figure 5, the study area is devoid of any streams, watercourses and wetlands. However, the entire study area is located entirely within the AE Zone according to FEMA's Preliminary FIRM data released in January 2014. The AE Zone Designation within the study area carries with it a Base Flood Elevation of eleven (11) feet.

The study area contains one (1) site that is listed on the NJDEP's most recent (2012) Known Contaminated Sites List (KCSL). This site is referenced as Site Number 4323 on the KCSL, and is identified in State records as being located at 288 Port Monmouth Road (Block 70, Lot 1)¹.

NJDEP data indicates that several remedial activities have taken place or are currently taking place on the site. In 2007, an underground storage tank was removed from the site and found to be in satisfactory condition.² At present, remedial activities are currently being conducted on the site in response to identified groundwater contamination that has migrated off-site. According to the Known Contaminated Sites List, the active case has a remedial level of "C2." The NJDEP Site Remediation Program's 1989 Case Assignment Manual notes that sites with a remedial level of "C2" are associated with more complicated contaminant discharges, multiple site spills and discharges, more than one contaminant, and impacts to both soil and groundwater.

The Limited Site Investigation report for the Lunney's Property (Block 70, Lots 2 and 3), which is located adjacent to the contaminated site, supports this classification. The Limited Site Investigation for the Lunney's Property concluded that groundwater on the property has been impacted by the groundwater contamination from the Across Town Towing site such that contaminant levels exceed the NJDEP Ground Water Quality Criteria.³ Specifically, Benzene was detected at a concentration of 6.1 parts per billion (ppb) in one of five temporary monitoring wells installed on the site. This concentration exceeds the NJDEP Groundwater Quality Criterion (GWQC) of 0.2 ppb.⁴ The monitoring well where elevated contaminant levels were detected was located at the northwest corner of the property and was the closest monitoring well to the adjacent Across Town Towing site. The report concludes that the most likely mitigation of benzene contamination on the subject property would be a Classification Exception Area (CEA). This CEA would be the responsibility of the neighboring property owner, where the contamination originated. A CEA would not inhibit redevelopment of the Lunney's property.⁵

According to public records available through NJDEP, remedial action is currently being taken at the Across Town Towing site and a Licensed Site Remediation Professional (LSRP) has been retained pursuant to the Site Remediation Reform Act. A remedial investigation report was received by NJDEP on January 5, 2011 and an Initial Receptor Evaluation was received by NJDEP on February 7, 2012.⁶ Remediation on the site is ongoing.

¹ NJDEP PI #033767.

² Limited Site Investigation Report for Lunneys, Inc. (Block 70, Lots 2 and 3) prepared by French & Parrello Associates, P.A., April 27, 2009, p. 2.

³ Limited Site Investigation Report for Lunneys, Inc. (Block 70, Lots 2 and 3) prepared by French & Parrello Associates, P.A., April 27, 2009, p. 5.

⁴ Limited Site Investigation Report for Lunneys, Inc. (Block 70, Lots 2 and 3) prepared by French & Parrello Associates, P.A., April 27, 2009, p. 1.

⁵ Limited Site Investigation Report for Lunneys, Inc. (Block 70, Lots 2 and 3) prepared by French & Parrello Associates, P.A., April 27, 2009, p. 5.

⁶ NJDEP Data Miner, Accessed January 3, 2013.

Figure 4
Environmental Constraints
Study Area
Block 70, Lots 1, 2 & 3
Township of Middletown
Monmouth County
New Jersey



Legend

- Study Area
- Known Site of Contamination, 2012
- AE Flood Zone
- County Route
- Local Road
- Tax Parcel



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State authorized.

Prepared by: ARR, 7/16/2014
Source: NJGIN; NJDEP; FEMA
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Zoning

The study area is located within the B-1 Business Zone (See Figure 6). Permitted uses in the B-1 Zone are as follows:

Permitted Principal Uses

Commercial woodland;
Cropland;
Fisheries;
Livestock, Pasture and Rangeland;
Nurseries;
Orchards and vineyards;
Business and professional offices;
Medical offices;
Appliance repair and services;
Automobile repair facilities (except towing yards);
Locksmiths;
Educational facilities (except private/parochial schools);
Personal services (except massage and tattoo parlors);
Public recreation and open space facilities;
Commercial swimming pools and tennis courts;
Single family and mother daughter homes;
Service organizations (e.g. charitable organizations, civic and fraternal clubs, non-profit organizations);
Libraries;
Commuter parking areas;
Utility equipment buildings;
Marine product wholesale and retailing;
Small scale retail stores;
Grocery stores; and
Restaurants and delicatessens;

Permitted Conditional Uses

Automobile repair facilities (except towing yards);
Private and parochial schools;
Golf courses;
Cemeteries;
Places of worship; and
Utility Substations;

Permitted Accessory Uses

Christmas tree sales; and
Flea markets

Building Requirements

Table 1 below describes the area, yard, height, and building coverage requirements of the B-1 Zone:

TABLE 1: BULK AND YARD STANDARDS – B-1 BUSINESS ZONE

Standard	Requirement
Minimum Lot Size (sq. ft.)	10,000
Minimum Lot Frontage (ft.)	100
Minimum Buildable Lot Area (sq. ft.)	10,000
Maximum Lot Coverage ⁷ (%)	70
Principal Building	
Minimum Front Yard Setback (ft.)	15
Minimum Side Yard Setback (ft.)	5
Minimum Street Side Yard Setback (ft.)	7.5
Minimum Rear Yard Setback (ft.)	15
Minimum Street Rear Yard Setback (ft.)	15
Maximum Building Height (stories/ft.)	2.5/35'
Minimum Gross Floor Area (sq. ft.)	1,000
Accessory Building	
Minimum Front Yard Setback (ft.)	25
Minimum Street Side Yard Setback (ft.)	7.5
Minimum Rear Yard Setback (ft.)	10
Minimum Street Rear Yard Setback (ft.)	15

Existing Development and Relationship to Zoning Ordinance

The existing development on Block 70, Lots 2 and 3 is a discontinued commercial and second floor residential use. The existing towing operation on Block 70, Lot 1, is an existing non-conforming use in the zone, as towing yards are expressly prohibited in the B-1 Business Zone.

Table 2 below describes the relationship of each property within the study area to the bulk and yard standards of the existing zone:

⁷ Defined as "the area of the lot covered by buildings and structures and accessory buildings or structures expressed as a percentage of the total lot area. For the purpose of this Ordinance, lot coverage shall include all parking areas and automobile access driveways and internal roadways, whether covered by an impervious or pervious material, patios associated with an in-ground or above ground swimming pool, and all other impervious surfaces except for: exterior walkways and plazas designed exclusively for pedestrian use; unroofed patios not associated with swimming pools; terraces, decks and pedestrian walks that are accessory to a single-family dwellings; and swimming pools surface areas up to eight hundred square feet" (§ 16-203).

TABLE 2: EXISTING BULK AND YARD DIMENSIONS – STUDY AREA

Standard	Requirement	Block 70, Lot 1	Block 70 Lots 2 and 3
Minimum Lot Size (sq. ft.)	10,000	13,460	13,516.67
Minimum Lot Frontage (ft.)	100	112.54 (Port Monmouth Rd.) 130.32 (Bay Ave.)	100 (Port Monmouth Rd.) 116.5 (Ocean Ave.)
Minimum Buildable Lot Area (sq. ft.)	10,000	13,460	13,516.67
Maximum Lot Coverage(%)	70	93.8 (ENC)	58.1
Principal Building			
Minimum Front Yard Setback (ft.)	15	26	0 (ENC)
Minimum Side Yard Setback (ft.)	5	0 (ENC)	0 (ENC)
Minimum Street Side Yard Setback (ft.)	7.5	26	0 (ENC)
Minimum Rear Yard Setback (ft.)	15	59	0 (ENC)
Minimum Street Rear Yard Setback (ft.)	15	N/A	N/A
Maximum Building Height (stories/ft.)	2.5/35'	2/<35'	2/<35'
Minimum Gross Floor Area (sq. ft.)	1,000	>1,000	>1,000
Accessory Building			
Minimum Front Yard Setback (ft.)	25	N/A	N/A
Minimum Street Side Yard Setback (ft.)	7.5	N/A	N/A
Minimum Rear Yard Setback (ft.)	10	N/A	N/A
Minimum Street Rear Yard Setback (ft.)	15	N/A	N/A

(ENC) = Existing Non-Conformity

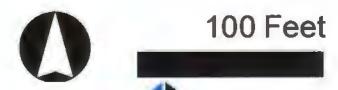
The properties within the study area exhibit a number of existing non-conformities when compared to the required bulk and yard standards of the B-1 Business Zone. The properties within the study area exhibit insufficient yard setbacks, and Block 70, Lot 1 exceeds the maximum permitted lot coverage in the B-1 Zone.

Figure 5
Current Zoning
Study Area
Block 70, Lots 1, 2 & 3
Township of Middletown
Monmouth County
New Jersey



Legend

- Study Area
- Zone Boundary
- County Route
- Local Road
- Tax Parcel



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Prepared by: ARR, 7/16/2014
Source: NJGIN; NJDEP; FEMA
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Planning Context

The Middletown Township Master Plan was adopted in 2004, amended in 2009 and 2011 and reexamined in 2014. The Township Master Plan provides goals, objectives, and policies intended to guide future development in the Township while also providing a framework for ensuring that the Township is able to provide essential services to its residents. The Master Plan is based on several objectives:

- To encourage municipal actions which will guide long range appropriate use, development and preservation of lands within Middletown Township in a manner designed and intended to promote the public health, safety, morals and general welfare of present and future residents.
- To secure safety of the community, to the extent possible from fire, flood, panic and other natural and man-made disasters.
- To provide adequate light, air and open space.
- To ensure that development with the Township does not conflict with development and general welfare of neighboring municipalities, the County, the Region, and the State as a whole.
- To encourage the appropriate and efficient expenditure of public funds by coordinating public and private investment and development within a framework of land use and development principles and policies.
- To enhance the various neighborhoods throughout the Township by providing for appropriate redevelopment, revitalization, reinvestment and capital improvements designed to strengthen and improve the fabric of each area.

With regard to guiding principles, the Master Plan sets forth the following:

- Mixed use development should be encouraged in the appropriate location, including neighborhood and village center such as Belford (Campbell's Junction), Lincroft Village, Leonardo, North Middletown and in certain highway locations.

The Land Use Element of the Master Plan also recommends that a preliminary redevelopment study be undertaken for "a section of the North Middletown Neighborhood situated along Port Monmouth Road generally located between Pacific Avenue and Hudson Avenue." The study area is located within the area recommended for study. Similarly, the 2014 Master Plan Reexamination Report notes that "the Township Committee adopted Resolution 14-167 directing the Planning Board to conduct a redevelopment investigation for Block 70, Lots 1, 2 and 3 in the North Middletown neighborhood."

The Circulation Element of the Master Plan recognizes the importance of creating pedestrian-oriented environments in the Township's B-1 Zones, which are recognized by the Master Plan as being neighborhood shopping districts. To that end, the Master Plan recommends that specific design standards that promote a pedestrian streetscape and revitalize the existing character of B-1 Zones be adopted to encourage revitalization, beautification and enhance pedestrian safety.

Redevelopment Area Criteria

Pursuant to Section 5 of the LRHL (N.J.S.A. 40A:12A-5), an area may be determined to be in need of redevelopment if it meets one or more of the following statutory 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.
- 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 untenantable.
- C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- G. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and

fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

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

Furthermore, the LRHL permits the inclusion of parcels that do not meet the statutory criteria if they are necessary for effective redevelopment of the proposed redevelopment area:

A redevelopment area may include land, 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 (N.J.S.A. 40A:12A-3.).

Redevelopment Analysis and Conclusions

A careful analysis of the Study Area's existing land use, site layout, and physical characteristics was conducted using tax records, statewide Geographic Information System (GIS) data, information provided by the Township, and visual field inspections for each property. The analysis indicates that all the properties in the study area meet one or more of the criteria specified in Section 5 of the LRHL and may be designated in need of redevelopment. In summary:

- Lot 1 (Across Town Towing site) may be designated in need of redevelopment pursuant to the "d" criterion of the LRHL. The operation of the existing business has a negative impact on surrounding properties as evidenced by the groundwater contamination present on Block 70, Lots 2 and 3 as described in the Limited Site Investigation Report prepared by French & Parrello Associates, P.A. The layout of the site is haphazard and disorderly. Existing fencing on the site is in a state of disrepair, damaged and disabled vehicles are stored haphazardly on the site, auto parts and other debris are scattered throughout the site and stored haphazardly in piles at the rear of the existing building, some vehicles encroach upon or completely block the sidewalk along Port Monmouth Road, there is inadequate on-site parking and loading areas due to vehicle storage practices, and ingress and egress to the site is not clearly defined, leading to poor on-site circulation. The site exhibits overcrowding, faulty arrangement and design, excessive land coverage, deleterious land use, and obsolete layout that are detrimental to the safety, health, and welfare of the Township consistent with the "d" criterion.
- Lots 2 and 3 (Lunney's site) may be designated in need of redevelopment pursuant to the "a" and "b" criteria of the LRHL. The existing building on the site is dilapidated and represents unwholesome living and working conditions based on its physical condition. The roof is bowed and substantially damaged, the exterior walls require repair, exterior architectural features such as ventilation grills are damaged, and exterior wiring has become detached and is arranged haphazardly. Township officials have undertaken interior inspections of the building that provide substantial evidence of deterioration of the interior facilities of the building, unsanitary conditions, and significant neglect and disrepair. The building is substandard and dilapidated and will require significant repairs in order to become tenantable. Therefore, the site meets the "a" criterion of the LRHL.

In addition to the above, the existing building is no longer is unoccupied and the former commercial has been discontinued. The first floor windows are boarded up and the property has fallen into a state of dilapidation and is untenantable in its current condition. Therefore, the property meets the "b" criterion of the LRHL.

**Redevelopment Study &
Preliminary Investigation Report
Lunney's and Across Town Towing
Block 70, Lots 1, 2 and 3**

More detailed site descriptions and the results of this analysis, with an evaluation of the applicability of statutory criteria for each property, are presented in the accompanying property analysis sheets in Appendix A.

Appendix A: Property Analysis Sheets

Property Analysis Sheet

Block: 70	Lot: 1	Use: Commercial
Owner's Name: KB288, LLC		Zoning District: B-1
Property Location: 288 Port Monmouth Road		Area: 0.309 acres
Owner's Address: 288 Port Monmouth Road North Middletown, NJ 07748		



View of Block 70, Lot 1 from across Port Monmouth Road. There are a number of damaged vehicles parked along the property's frontage on Port Monmouth Road. A site investigation revealed that some of these vehicles appeared to be parked within an existing sewer easement.



View looking south from Port Monmouth Road. The existing business utilizes traffic cones to mark potential on-site hazards including substantially damaged vehicles and potholes.

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View of the rear of the existing building, including the existing tow yard. A site investigation revealed that segments of the existing privacy fence are damaged, which revealed haphazard storage of vehicles and outdoor storage of debris on-site.



View of the existing tow yard. A pile of debris which includes spare auto parts is currently being stored in a hapazard fashion at the rear of the building. Piles of tires are also stored along the back fence line and there is some scattered debris throughout the site. The existing privacy fence is damaged and partially missing, and therefore provides insufficient buffering from adjacent residential uses.

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A view of the east side of the existing building on Block 70, Lot 1. Debris and disabled and damaged vehicles are being stored haphazardly on the side of the existing building.



View of existing vehicle storage practices on the property. In the left and center photos, existing vehicle storage patterns encroach onto existing sidewalks, thereby preventing safe pedestrian movement. In the photo on the right, a substantially damaged vehicle is stored on the property's frontage with Port Monmouth Road.

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A disabled vehicle stored on Block 70, Lot 1, along the property's frontage on Port Monmouth Road. This vehicle is leaking fluid as seen above, which may be hazardous and may further contribute to contamination on site and on adjacent properties.

Condition: Block 70, Lot 1 is a corner lot at the corner of Port Monmouth Road and Bay Avenue and has frontage on both streets. The property is the site of Across Town Towing, LLC, which operates a towing business and auto storage yard on site. The existing business offices front on Port Monmouth Road, while the entrance to the existing tow yard is located on Bay Avenue. Residential uses abut the site to the west and south. There is an existing sewer easement on the property along its frontage on Port Monmouth Road.

The existing site, while currently in operation, exhibits characteristics that have negative impacts on the surrounding properties. The site is contaminated and currently under remediation as indicated by a sign displayed in the front window of the existing business and a confirmed through a review of available NJDEP data. This contamination has had a negative environmental impact on Block 70, Lots 2 and 3, as evidenced in the Limited Site Investigation Report prepared by French & Parrello Associates, P.A. The layout of the site is haphazard and disorderly. Existing fencing on the site is in a state of disrepair, damaged and disabled vehicles are stored haphazardly on the site, debris, including auto parts, is scattered throughout the site and stored haphazardly in piles at the rear of the existing building, and some vehicles encroach upon or completely block the sidewalk along Port Monmouth Road. There is inadequate on-site parking due to vehicle storage practices and the ingress and egress points to the property are not clearly defined.

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Redevelopment Criteria Summary:	
<input type="checkbox"/>	A: Substandard, unsafe, unsanitary, dilapidated, or obsolete buildings The site is currently developed with a building that appears to be in generally good condition from an exterior view of the building. Therefore, this criterion does not apply.
<input type="checkbox"/>	B: Discontinuance/abandonment of commercial or industrial buildings The site is currently being used for commercial and industrial purposes and is not abandoned. Therefore this criterion does not apply.
<input type="checkbox"/>	C: Privately-owned vacant land/publicly-owned land The land is neither vacant nor publicly owned. Therefore, the 'c' criterion does not apply.
<input checked="" type="checkbox"/>	D: Areas with dilapidation, overcrowding, faulty arrangement or design, obsolete layout, deleterious land use The site may be designated in need of redevelopment due pursuant to the 'd' criterion. The operation of the existing business has a negative impact on surrounding properties as evidenced by the groundwater contamination present on Block 70, Lots 2 and 3 as described in the Limited Site Investigation Report prepared by French & Parrello Associates, P.A. In addition, the layout of the site is haphazard and disorderly. Existing fencing on the site is in a state of disrepair, damaged and disabled vehicles are stored haphazardly on the site, debris is scattered throughout the site and stored haphazardly in a pile at the rear of the existing building, some vehicles encroach upon or completely block the sidewalk along Port Monmouth Road, there is inadequate on-site parking and loading areas due to vehicle storage practices, and ingress and egress to the site is not clearly defined, leading to poor on-site circulation. In addition, at least one disabled vehicle is leaking fluids on site, which may further contribute to on-site and off-site contamination of soil and groundwater.
<input type="checkbox"/>	E: Stagnant and unproductive condition due to title, ownership, or similar conditions Although the site is affected by a sewer easement, there do not appear to be any title or ownership problems or other similar factors regarding the lot that would create a stagnant and unproductive condition.
<input type="checkbox"/>	F: Areas in excess of five contiguous acres destroyed or adversely impacted by fire, flood, or other natural disaster Not applicable
<input type="checkbox"/>	G: Urban Enterprise Zone (Tax Abatement and Exemptions only) Not applicable
<input type="checkbox"/>	H: Consistency with smart growth planning principles Not applicable
Status: The property is in need of redevelopment pursuant to the 'd' criterion.	

Property Analysis Sheet

Block: 70	Lot: 2 & 3	Use: Commercial/Residential (Use Abandoned)
Owner's Name: Quinn, Walter & Nicasia		Zoning District: B-1
Property Location: 296 Port Monmouth Road		Area: 0.3103 acres
Owner's Address: 19361 Sycamore Drive Loxahatchee, FL 33470		Block 70, Lot 2: 0.12 acres Block 70, Lot 3: 0.1903 acres



A view of the front of the existing Lunney's building on Block 70, Lots 2 and 3. The windows are boarded up and the property is overgrown. The uses on the site have been discontinued and the site is unproductive.



A view of the west side of the existing Lunney's building on Block 70, Lots 2 and 3. The exterior walls of the building exhibit peeling paint and overall lack of maintenance. In addition, the roof is dilapidated and partially collapsed. The roof section seen here exhibits deteriorated and detached fascia, missing roof shingles and bowing.

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View of the existing Lunney's building from Ocean Avenue, looking northwest. The use of the existing building has been discontinued and the building now exhibits signs of dilapidation. This photo depicts peeling and missing exterior paint, boarded up windows, haphazardly organized wiring and damaged exterior ventilation grilles. The roof section seen here exhibits significant deterioration including deteriorating fascia and soffits and swaths of missing shingles.



View of the undeveloped area of Block 70, Lot 2 along the property's frontage with Port Monmouth Road. The property and existing building have been neglected for an extended period and the property is in disrepair. There is a substantial amount of debris on the property, including roof shingles and fascia as seen here. In addition, vegetation on the property is overgrown and trash is strewn throughout the property.

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A view of the eastern portion of the roof of the Lunney's building, Block 70, Lots 2 and 3. The building exhibits significant signs of dilapidation. Many of the shingles on the existing roof are missing revealing the plywood sheathing and felt underlayment of the existing roof. In other areas, the roof is completely rotted and partially collapsed.



A second photo of the existing condition of the roof of the existing Lunney's building. The roof is partially collapsed.

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First floor interior of the Lunney's building. The interior of the building is unsanitary, represents unwholesome working conditions and exhibits significant neglect and disrepair. This photo depicts a damaged ceiling, trash and other debris, and what appears to be chemical waste. *(Photo courtesy of Middletown Township)*



View of the first floor ceiling of the Lunney's building. This photo depicts exposed insulation and wiring and missing ceiling tiles due to overall neglect. The building's interior is dilapidated and represents unwholesome working conditions, and the building is untenantable in its current state. *(Photo courtesy of Middletown Township)*



A second photo of the first floor ceiling of Lunney's. Depicted here are exposed water pipes, missing ceiling tiles, and rusting drop ceiling framework. *(Photo courtesy of Middletown Township)*



Interior view of the first floor of Lunney's. There are significant amounts of trash and debris in the building, including old refrigerators, shelving, and other materials. *(Photo courtesy of Middletown Township)*

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Interior view of the first floor of Lunney's, depicting old paint cans, caulking and other building materials. The uses on the property have been abandoned and the building has fallen into a state of dilapidation.

(Photo courtesy of Middletown Township)



A view of the second floor apartment of the Lunney's building. Seen here is piled trash and debris, a leaking roof and deteriorated ceiling, broken and taped windows, and deteriorated wall coverings. The building represents unwholesome living and working conditions in its current condition.

(Photo courtesy of Middletown Township)



A view of the roof of the Lunney's building. The roof exhibits rotting wood, significant holes, and missing shingles, plywood sheathing, and felt underlayment.

(Photo courtesy of Middletown Township)



A view of the first floor of the Lunney's building. There is significant trash and debris in the building.

(Photo courtesy of Middletown Township)

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Kitchen area of the second floor apartment in the Lunney's building. All uses on site have been abandoned and the building exists in a dilapidated state.

(Photo courtesy of Middletown Township)



Bedroom area of the second floor apartment in the Lunney's building. Significant portions of the ceiling are missing, exposing the roof structure of the building. There is debris throughout the building, and the building is uninhabitable in its current state.

(Photo courtesy of Middletown Township)

Condition: Block 70, Lots 2 and 3 comprises the tract of land that is the site of the existing Lunney's building. The existing building is a two-story building located at the corner of Port Monmouth Road and Ocean Avenue. While the property fronts on both of these roadways, the building is oriented toward Port Monmouth Road.

The existing building is currently vacant and is in a dilapidated state. The building exhibits substantial evidence of neglect, is substandard in its existing condition, and would require significant repairs in order to become tenantable. The building's roof is in a significant state of disrepair, is partially rotted/collapsed and appears to be bowed in several places, especially at the rear of the building. Most of the roof is missing shingles, causing the plywood sheathing and felt underlayment to be exposed, much of the fascia is missing, and many of the soffits are damaged. The first floor windows are boarded up and the building's exterior paint is peeling and the walls are dirty, suggesting that the building has not been maintained due to lack of use. The ventilation grills at the rear of the building are damaged, and there is exterior wiring that has been detached from the building and arranged haphazardly. The interior of the building represents unwholesome, unsanitary conditions, and exhibits significant neglect and disrepair.

It should also be noted that undeveloped areas of the site are overgrown and strewn with debris including roof shingles and fascia. There is a significant amount of trash and debris along the sidewalk at the front of the building.

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Redevelopment Criteria Summary:	
<input checked="" type="checkbox"/>	<i>A: Substandard, unsafe, unsanitary, dilapidated, or obsolete buildings</i> The existing building on the site is in a state of disrepair and is currently substandard and untenable based on its physical condition. The roof is bowed and substantially damaged, the exterior walls require repair, exterior architectural features such as ventilation grills are damaged, and exterior wiring has become detached and is arranged haphazardly. There is substantial deterioration in the interior of the building and significant neglect and disrepair of interior facilities. Taken together, the current condition of the building represents an unwholesome working environment. The building is substandard and will require significant repairs in order to become tenantable. Therefore, this property is in need of redevelopment pursuant to the 'a' criterion.
<input checked="" type="checkbox"/>	<i>B: Discontinuance/abandonment of commercial or industrial buildings</i> The former commercial use of the property has been discontinued and the existing building is currently vacant. The first floor windows are boarded up providing evidence of its discontinued use. As described in the review of the "a" criterion, the property has fallen into a state of significant disrepair as to be untenable in its current condition. Therefore, the property is in need of redevelopment pursuant to the 'b' criterion.
<input type="checkbox"/>	<i>C: Privately-owned vacant land/publicly-owned land</i> The land is neither vacant nor publicly owned. Therefore, the 'c' criterion does not apply.
<input type="checkbox"/>	<i>D: Areas with dilapidation, overcrowding, faulty arrangement or design, obsolete layout, deleterious land use</i> While the existing building on the site is dilapidated and appears to be in a state of neglect, a site investigation did not reveal any conditions that would indicate overcrowding, faulty arrangement or design, obsolete layout, or deleterious land use. Therefore, the 'd' criterion does not apply.
<input type="checkbox"/>	<i>E: Stagnant and unproductive condition due to title, ownership, or similar conditions</i> There does not appear to be any title or ownership problems or other similar factors regarding the lot that would create a stagnant and unproductive condition. Therefore, the 'e' criterion does not apply.
<input type="checkbox"/>	<i>F: Areas in excess of five contiguous acres destroyed or adversely impacted by fire, flood, or other natural disaster</i> Not applicable.
<input type="checkbox"/>	<i>G: Urban Enterprise Zone (Tax Abatement and Exemptions only)</i> Not applicable.
<input type="checkbox"/>	<i>H: Consistency with smart growth planning principles</i> Not applicable.
Status: The property is in need of redevelopment pursuant to the 'a' and 'b' criteria.	

Appendix B: Governing Body Resolution

RESOLUTION NO. 14-167

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING AND REQUESTING THE PLANNING BOARD
TO UNDERTAKE A NEW PRELIMINARY INVESTIGATION TO DETERMINE
WHETHER BLOCK 70, LOTS 1, 2 AND 3 SATISFY THE CRITERIA FOR
DESIGNATION AS AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the Township of Middletown ("the Township") is authorized pursuant to N.J.S.A. 40A:12A-5 to determine that a delineated area in the Township is an area in need of redevelopment; and

WHEREAS, in order to make such a determination, the Township's governing body must first authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area according to the statutory criteria set forth under N.J.S.A. 40A:12A-5 and 40A:12A-3; and

WHEREAS, the Township's governing body desires to authorize and direct its Director of Planning, Jason Greenspan, to assist the Planning Board in its preliminary investigation of Block 70, Lots 1, 2 and 3 (generally known as the Lunny's and Cross Town Towing properties) to help guide its determination whether the delineated area is an "area in need of redevelopment" as set forth under N.J.S.A. 40A:12A-5 and 40A:12A-3; and

WHEREAS, while the Township wishes to expedite the revitalization of the above-identified lots, the other properties in this vicinity delineated for a preliminary investigation pursuant to Resolution No. 09-075 remain a priority for the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

1. The Planning Board is hereby authorized and requested to undertake a preliminary investigation of Block 70, Lots 1, 2 and 3 (generally known as the Lunny's and Cross Town

Towing properties) to determine whether the delineated area of investigation constitutes an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5 and 40A:12A-3.

2. The Township's Planning Director, Jason Greenspan, is hereby authorized to assist the Planning Board in its preliminary investigation of the delineated area of investigation, and to begin preparation of a Redevelopment Plan in the event the Planning Board recommends that all or some of the delineated area of investigation constitutes an "area in need of redevelopment."
3. The Township Administrator and Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the investigation of the delineated area of investigation, and are hereby authorized and directed to take such actions, including but not limited to, the negotiation of any and all documents necessary to undertake the investigation as being hereby ratified and confirmed by the governing body.

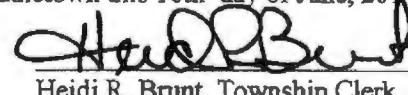
MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
Mayor Stephanie C. Murray	X			
G. Scharfenberger	X			
K. Settembrino	X			
A. Fiore				X
S. Massell	X			

CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their regular meeting held on June 16, 2014.

Witness, my hand and the seal of the Township of Middletown this 16th day of June, 2014.



Heidi R. Brunt, Township Clerk