

Preliminary Investigation



Block 45301, Lot 102 | 1481 Route 23

Preliminary Investigation for a "Non-condemnation" Area In Need
of Redevelopment

Borough of Kinnelon, Morris County

DRAFT: October 16, 2024

PRELIMINARY INVESTIGATION FOR MEADTOWN THEATER

BOROUGH OF KINNELON, MORRIS COUNTY

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Prepared for the Borough of Kinnelon by:



Elizabeth K. McManus, PP, AICP, LEED AP
New Jersey Licensed Planner #5915



Brett L. Harris, PP AICP
New Jersey Licensed Planner #650100

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INTRODUCTION

The Borough of Kinnelon seeks to determine whether the parcel known as the Meadtown Movie Theater (hereinafter the “Study Area”) meets the statutory requirements for designation as an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A).

The Mayor and Borough Council authorized, via Resolution 6.17.24 which was adopted on June 20, 2024, attached hereto as Appendix A, the Planning Board to undertake an investigation to determine whether the identified parcels may be designated as a “Non-Condemnation” Area in Need of Redevelopment. In the case of this investigation, the governing body has already determined condemnation powers will not be used, branding this a “non-condemnation redevelopment area”. The Borough of Kinnelon will not seek to condemn any privately owned properties within the area studied for the purposes of redevelopment.

The Study Area is in the northern portion of the Borough at 1481 Route 23. The eastern portion of the Study Area, which provides access to Route 23, is in Butler Borough. The parcel identified in the Resolution is the following:

- Block 45301 Lot 102



Front of building, facing east

This report was provided to the Planning Board for review at a public hearing and may be revised, pursuant to the Planning Board’s recommendations after the public hearing.

BENEFITS OF REDEVELOPMENT PLANNING

Aside from the obvious benefits of ameliorating deteriorating or unsavory conditions, redevelopment planning has tremendous benefits to the community from a land use planning perspective. First and foremost, it enables the municipality to establish new zoning parameters for redevelopment, parameters that can in some cases represent a significant departure from status quo zoning with respect to physical form, building materials and design. Whether treated as superseding existing zoning or as an overlay, a redevelopment plan offers the opportunity to be creative and meet emerging needs of the community through a small scale, self-contained planning process. Further, it can set forth a vision of how to best integrate redevelopment with existing structures and Borough infrastructure.

Second, designation of a redevelopment area and preparation of a redevelopment plan offers the governing body, where they deem appropriate, the ability to offer tax incentives to redevelopers that can quickly spur new development. This can come in the form of both short- and long-term tax abatements designed to help offset development costs, something that can assist in promoting revitalization.

STATUTORY AUTHORITY AND PROCESS

Under New Jersey's LRHL, municipalities are empowered to determine whether an area is in need of redevelopment, to adopt a redevelopment plan, and to implement redevelopment projects. The statute requires a multi-step process that must be adhered to in order for the municipal governing body and planning board to exercise these powers lawfully. This process is summarized below:

1. The governing body must authorize the planning board, by resolution, to undertake an investigation of the delineated area to determine whether it meets the criteria set forth in section 5 of the LRHL.
2. The planning board must then prepare a map showing the boundaries of the Study Area and the location of the various parcels therein.
3. The planning board must conduct a preliminary investigation and hold a duly noticed public hearing in order to discuss the findings of the investigation and to hear persons who are interested in or would be affected by the contemplated action. The results and recommendations of the hearing are then referred to the governing body in the form of a planning board resolution.
4. Upon receipt of the recommendation from the planning board, the governing body may act to adopt a resolution designating the area in question, or any part thereof, as an area in need of redevelopment.
5. Upon designation, the planning board or governing body then authorizes preparation of a redevelopment plan, which establishes the land development goals and objectives of the municipality and outlines the actions to be taken to accomplish these goals and objectives.
6. The redevelopment plan is adopted by the Governing Body by ordinance after introduction, referral to the Planning Board, and a public hearing. The adopted redevelopment plan may become an amendment to the municipality's zoning district map and zoning ordinance or may be treated as an overlay to existing zoning.

This report meets the requirement listed under steps 2 and 3, above, for a preliminary investigation and provides the Planning Board and Borough Council with the necessary information to determine the appropriateness of a redevelopment designation for the Study Area.

Only after completion of this public process is a municipality able to exercise the powers granted under the LRHL for areas in need of redevelopment. These powers include but are not limited to:

- Acquire land or building identified for redevelopment acquisition in the redevelopment plan through lease or purchase. Eminent domain is only permitted in “condemnation” redevelopment areas. This Study Area is being considered as a “non-condemnation” redevelopment area.
- Offer long-term tax abatements and exemptions for a period of up to 30 years from the completion of the project, or not more than 35 years from the execution of the financial agreement between the municipality and the urban renewal entity.
- Clearing an area, install, construct, or reconstruct streets, facilities, utilities, and site improvements.
- Negotiating and executing contracts with private redevelopers or public agencies for the undertaking of any project or redevelopment work.
- Making loans to redevelopers to finance any project or redevelopment work.
- Entering buildings or property to conduct investigations or make surveys.
- Contracting with public agencies for relocation of residents, industry, or commerce.
- Enforcing laws, codes and regulations relating to use and occupancy; repairing, rehabilitating, demolishing, or removing buildings.
- Exercising other powers, including the power to do all things necessary or convenient to carry out its plans.

DESCRIPTION OF STUDY AREA

The Study Area consists of one (1) parcel, Block 45301 Lot 102, with an area of approximately 2.6-acres in the Restricted Commercial Zoning District. The Study Area is currently developed with a 5,084 square foot vacant movie theater, an associated parking lot, and a small portion of the building located on adjacent Lot 1.03. The theater building was constructed more than 50 years ago and is located to the rear of the shopping center, setback from Route 23 approximately 450 feet. The site is adjacent to the municipal boundary with Butler Borough, and access to Route 23 is provided through Block 54 Lot 1.03 to the east and through Butler Borough. The site has frontage on Kakeout Road, however there is no vehicle or pedestrian access. Block 54 Lot 1.03 is developed with a 35,032 square foot shopping center and an associated parking lot. Lot 102, the Study Area, and Lot 1.03 essentially function as one subject property given that access to Route 23 is provided through Lot 1.03. Lot 1.03 is not subject to this investigation.



Front of building, facing east



Southern side of building, facing south.



Rear of building, facing west.

There are approximately 157 parking spaces in the Study Area. This figure excludes those in Butler Borough on Block 54, Lot 1.03, as well as a row of parking on the adjacent Block 45301, Lot 103 in Kinnelon, all of which provide shared parking to the buildings in the Study Area and the shopping center in Butler on Lot 1.03. Including these additional and adjacent parking spaces, there are approximately 201 parking spaces associated with the theater building and the shopping center in Butler.

Thirty (30) of the 157 parking spaces at the rear of the Study Area are subject to a lease with the NJ Department of Transportation (hereinafter NJDOT) and are reserved by the agency for the purpose of providing parking to the adjacent bus stop along the Route 23 frontage of the adjacent shopping center to the north. The bus stop is approximately 750 feet from the building, therefore offering transit access within walking distance. This bus line connects to the NYC Port Authority Bus station, as well as several other stops in between. The reservation of parking spaces for NJDOT may be cancelled by any party at any time.



Parking lot, including NJDOT signage, facing west



MEADTOWN BLOCK 45301 LOT 102

Borough of Kinnelon, Morris County NJ

POLICY
PLANNING
DESIGN

DATA SOURCE: Aerial Imagery, Google Earth 2021; NIGIN 2023 Morris County Parcels; NJDEP 2012 Wetlands; NJHighlandsCouncil 2012 Steep Slope Protection Area; NJHighlandsCouncil 2021 Planning & Preservation Areas; NJHighlandsCouncil 2023 Land Use Capability; NJHighlandsCouncil 2019 Composite Zoning. This map was developed using NJDEP, NIGIN, & Highlands Council Data, but this secondary product has not been NJDEP, NJGIS, & Highlands Council verified and is not State authorized.

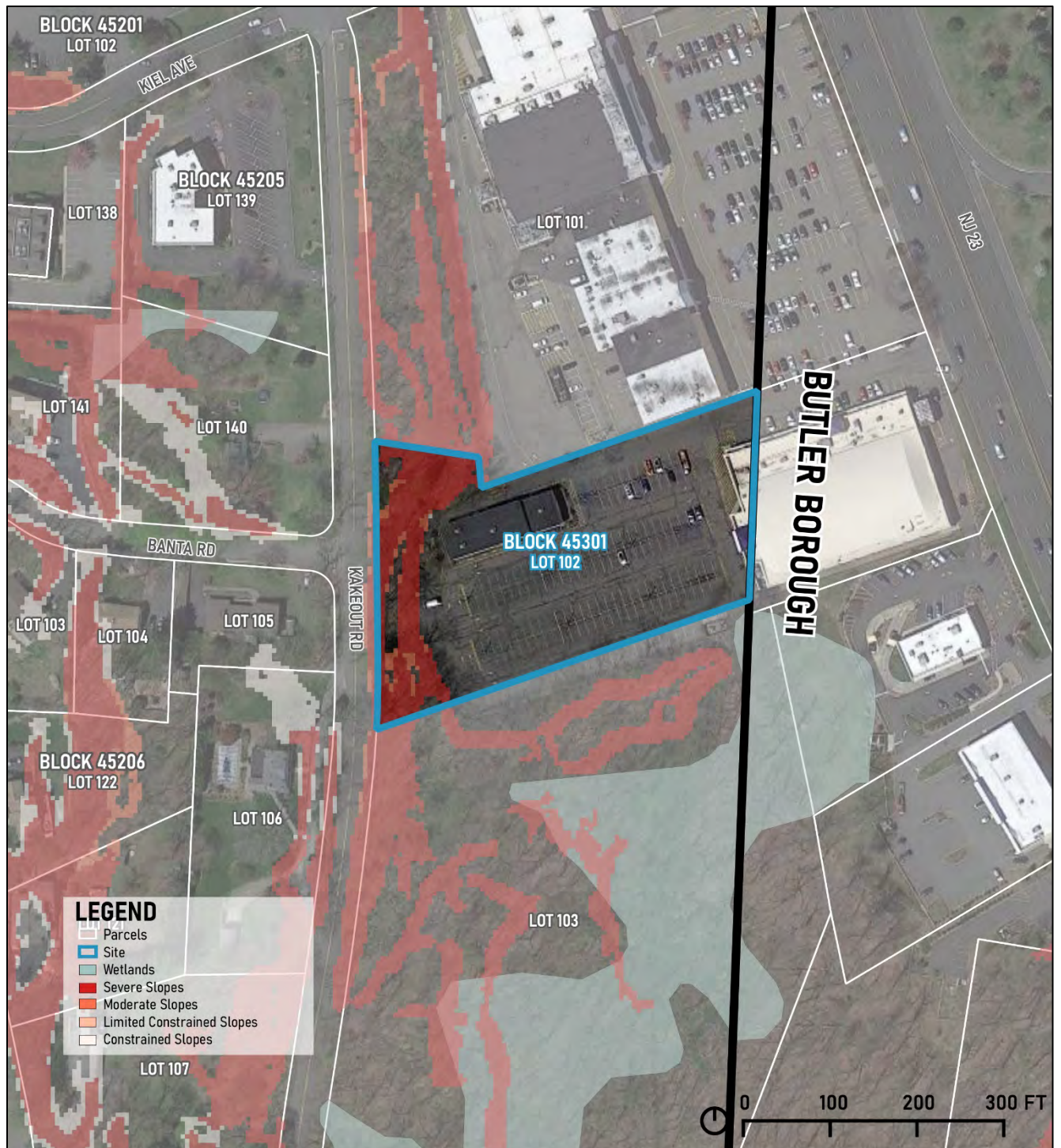


The theater building was constructed in the early 1970s. Per a Property Condition Assessment Report, attached hereto as Appendix B, the building was constructed in 1972, and has been vacant since 2013. The construction date is verifiable via historic aerial photography that depicts the building area as vacant in 1971 and depicting the building in 1979, which is the next available photograph; these photographs can be found in Appendix B. The building vacancy has been verified through a site visit conducted on October 7, 2024, and through an article by Cinema Treasures also attached hereto as Appendix B. The Cinema Treasures article notes that the building was built in 1972 by the Jerry Lewis Cinema chain, then in 1997 was taken over by Clearview Cinemas. In 2000 it was converted to a triple-screen cinema. Clearview Cinemas was purchased by Bow Tie Conies in 2013; however, the building was not subject of the deal and has remained vacant since. The MOD-IV tax data does not list the property as vacant, however given the Property Condition Assessment Report, the Cinema Treasures Article, and the site visit, the building vacancy is thoroughly documented.

During this period of vacancy, the theater building was the subject of two use variances; however, neither were implemented and the building remained vacant. In March 2021 the building was approved for use as a dog daycare facility (Resolution 1517) and in May 2022 the building was approved as a dialysis center (Resolution 1535). Both resolutions noted that the building had been vacant for some time. As such, these resolutions verify the building's vacancy for some years prior to 2021.

The built environment surrounding the Study Area is characterized by a variety of land uses, although it is predominantly commercial. Along Route 23 to the north, south, and east are car-oriented commercial uses including retail stores and restaurants. With limited exception, the Route 23 frontage in proximity to the Study Area is in Butler Borough. Further east, across Route 23, are residential neighborhoods in Butler Borough. West of the site, on the other side of Kakeout Road, are single family homes in Kinnelon Borough. Northwest of the site are commercial uses along Kiel Avenue in Kinnelon Borough.

There are minimal environmental constraints associated with the Study Area, as shown on the following environmental constraints map. Steep slopes are present on the western portion of the site, between the theater building and Kakeout Road. The Highlands Council provides steep slopes data, which is broken down into several categories, including severely constrained slopes, moderately constrained slopes, constrained slopes, and limited constrained slopes. Severely constrained slopes are generally land in which slopes exceed 20%, moderately constrained are between 15% and 20%. The steep slopes present within the Study Area are severely constrained and moderately constrained, however they only represent approximately .446-acres of the Study Area. The other environmental constraint present on the site are wetlands, however they are *very* minimal, only occupying approximately .001-acres of the Study Area.



MEADTOWN - ENVIRONMENTAL CONSTRAINTS MAP **BLOCK 45301 LOT 102**

Borough of Kinnelon, Morris County NJ

POLICY
PLANNING
DESIGN

DATA SOURCE: Aerial Imagery, Google Earth 2021; NJGIN 2023 Morris County Parcels; NJDEP 2012 Wetlands; NJHighlandsCouncil 2012 Steep Slope Protection Area; NJHighlandsCouncil 2021 Planning & Preservation Areas; NJHighlandsCouncil 2023 Land Use Capability; NJHighlandsCouncil 2019 Composite Zoning. This map was developed using NJDEP, NJGIN, & Highlands Council Data, but this secondary product has not been NJDEP, NJOGIS, & Highlands Council verified and is not State authorized.



PLANNING AND ZONING CONTEXT

The 1960 Master Plan and subsequent 2022 Reexamination Report outline the vision for the future of Kinnelon Borough. Generally, the Master Plan aims to guide the physical and economic development of the Borough with goals and objectives that benefit the public health, safety, and welfare of the community. The 1960 Master Plan outlines Land Use Plan objectives, the relevant are as follows:

“The continued maintenance of Kinnelon’s semi-rural residential character and the preservation of community appearance.”

“The creation of a sound pattern of development through compatible arrangement of different uses of land.”

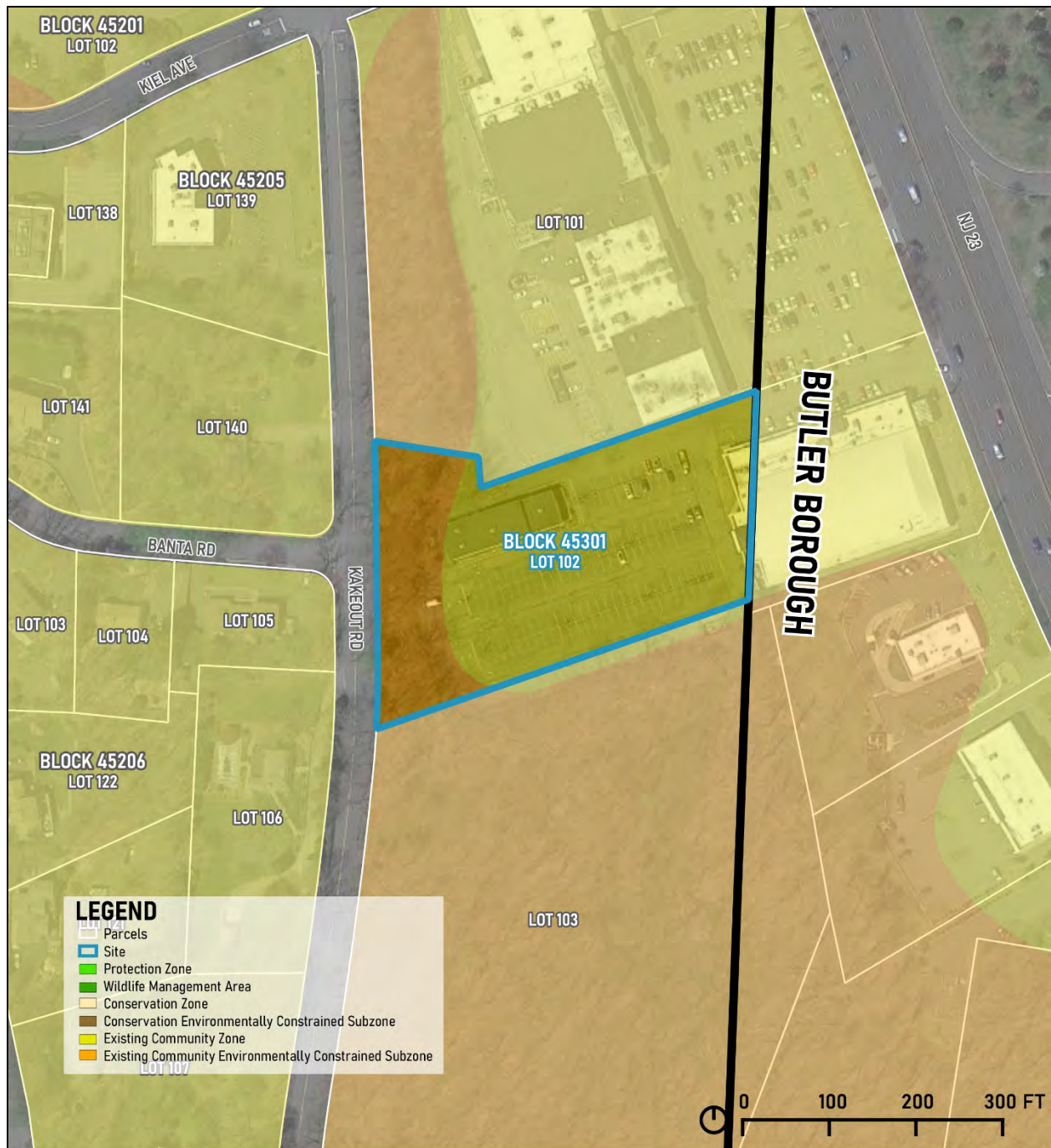
“The establishment of well-defined commercial and industrial areas to serve the residents of the community and to strengthen the tax base.”

The parcel within the Study Area is in the RC (Restricted Commercial) District. The purpose of the Restricted Commercial Zone is to provide standards for the orderly development of small-scale commercial land uses within the Borough where neighborhood commercial-oriented retail and service uses may be located, primarily serving residents of the Borough. Permitted uses in the district are as follows: retail bakeries, barbershops and beauty parlors, hand laundries, launderettes, offices, banks, restaurants, salesrooms or showrooms, retail dyeing and cleaning establishments, retail stores and theaters and motion-picture houses. Significant general District regulations include a maximum building height of 35 feet and a maximum lot coverage of 20%.

The Study Area is located along the municipal boundary with Butler Borough. The adjacent property to the east, which provides access to Route 23, is in Butler Borough and is zoned the HC (Highway Commercial) District. This zone district is commercial and has a variety of permitted uses including but not limited to, retail stores and shops, business and professional offices, and theaters (excluding drive-in).

The Study Area is subject to the policy set forth in the Highlands Regional Master Plan as it is in the Highlands Preservation Area. The Highlands Regional Master Plan outlines several region-wide goals for the Preservation Area, although they are not particularly relevant to the near fully developed Study Area. These goals highlight the importance of preserving contiguous areas with unique and significant natural and scenic resources. The natural resources located within Study Area are minimal, located between Kakeout Road and the theater building. Looking deeper into the Highlands designations, the Regional Master Plan also outlines land use capability areas. Most of the Study Area is in the Existing Community Zone, with a small portion of the western area of the site is in the Existing Community Environmentally Constrained Subzone.

The Highlands Regional Master Plan defines The Existing Community Zone as areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns and may have existing infrastructure that can support development and redevelopment provided that such development is compatible with the protection and character of the Highlands environment, at levels that are appropriate to maintain the character of established communities. Per the Highlands Regional Master Plan, the Existing Community Zone - Environmentally Constrained Sub-Zone consists of significant contiguous Critical Habitat, steep slopes and forested lands within the Existing Community Zone that should be protected from further fragmentation. They serve as regional habitat “stepping stones” to larger contiguous Critical Habitat and forested areas. As such, they are not appropriate for significant development and are best served by land preservation and protection. Development is subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts to environmentally sensitive lands. The policies set forth by the Highlands Regional Master Plan should be considered for the Study Area in the context of its near-fully developed and near-entire impervious cover nature.



MEADTOWN - HIGHLANDS CAPABILITY MAP

BLOCK 45301 LOT 102

Borough of Kinnelon, Morris County NJ

POLICY
PLANNING
DESIGN

DATA SOURCE: Aerial Imagery, Google Earth 2021; NJGIN 2023 Morris County Parcels; NJDEP 2012 Wetlands; NJHighlandsCouncil 2012 Steep Slope Protection Area; NJHighlandsCouncil 2021 Planning & Preservation Areas; NJHighlandsCouncil 2023 Land Use Capability; NJHighlandsCouncil 2019 Composite Zoning. This map was developed using NJDEP, NJGIN, & Highlands Council Data, but this secondary product has not been NJDEP, NJOGIS, & Highlands Council verified and is not State authorized.



CRITERIA FOR DESIGNATION OF AN AREA IN NEED OF REDEVELOPMENT

For the Study Area to be designated in need of redevelopment, the Borough Council must find that the conditions of the Study Area meet one or more of the eight criteria that are specified under the Local Redevelopment and Housing Law *N.J.S.A 40A:12A-5* (LRHL). The criteria outlined in the LRHL are as follows:

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

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

In addition to the above criteria, the LRHL states:

A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12-3).

The following sections of this report present an evaluation of the conditions of the Study Area with respect to the preceding criteria.

REVIEW OF STUDY AREA AND REDEVELOPMENT CRITERIA

The building located in the Study Area dates to the early 1970s and has been vacant for over 10 years. Over time, the site has become dilapidated and has fallen into a state of disrepair. Review of the redevelopment criteria against the Study Area yields the conclusion that there are three criteria which are relevant to the site – Criteria B, D and H.

CRITERION B

Criterion B is defined in the LRHL as follows:

“The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

The Study Area, specifically the former theater building, has been vacant since 2013 – more than 10 years, well beyond the 2 years cited in Criterion B. The buildings’ existing conditions documented from an October 7, 2024 site visit confirmed the site is vacant, as do the Borough’s resolutions of approval from 2021 and 2022, the article discussing the theater and the Property Condition Assessment. See Appendix B and the section herein titled “Description of the Study Area” for additional information. In addition to the site’s vacancy, the site visit revealed that it is in a state of disrepair such that the building is untenable. While the Study Area has been the subject of two approvals, it must be recognized that neither use performed the necessary improvements in order to occupy the site, and thus it remains vacant and in a state of disrepair and untenable. See also the photographs in Appendix C for additional property condition details.

Consistent with the state of disrepair, tax data pertaining to the Study Area indicates a change in the assessed value over time. The value of the land has remained consistent; however, since 2001, the assessed value of the building has declined significantly, whereas assessed values on average have increased. Consider for example that the assessed value for Lot 1.03, immediately south in Butler, nearly doubled from 2017 to 2024. The following represents the reported assessment values for the Study Area lot.

Block 45301, Lot 102 Change in Assessed Value		
	Land Value	Improvement Value
2001	\$462,000	\$322,000
2017 (current)	\$462,000	\$248,000
Change	\$0	- \$74,000

The building's vacancy has led to significant disrepair. An Open Public Records Act (OPRA) request revealed no permits or certificates of occupancy were issued for the last 10 years. Similarly, there is no documentation regarding property violations or complaints, although trespassing and vandalism are clearly an issue on the site, as evidenced by the broken window and graffiti throughout the interior and exterior of the building. Additionally, the building has exposed pipes and wires, as well as holes in the walls, missing masonry, and missing ceiling tiles. There also exists significant amounts of trash and debris in the building. These conditions result in a state of disrepair, as well as dilapidation and deterioration.



Above: Broken front window.



Above: Graffiti, exposed wires, missing masonry and graffiti (graphic graffiti has been redacted).



Above: Building interior in a state of disrepair.



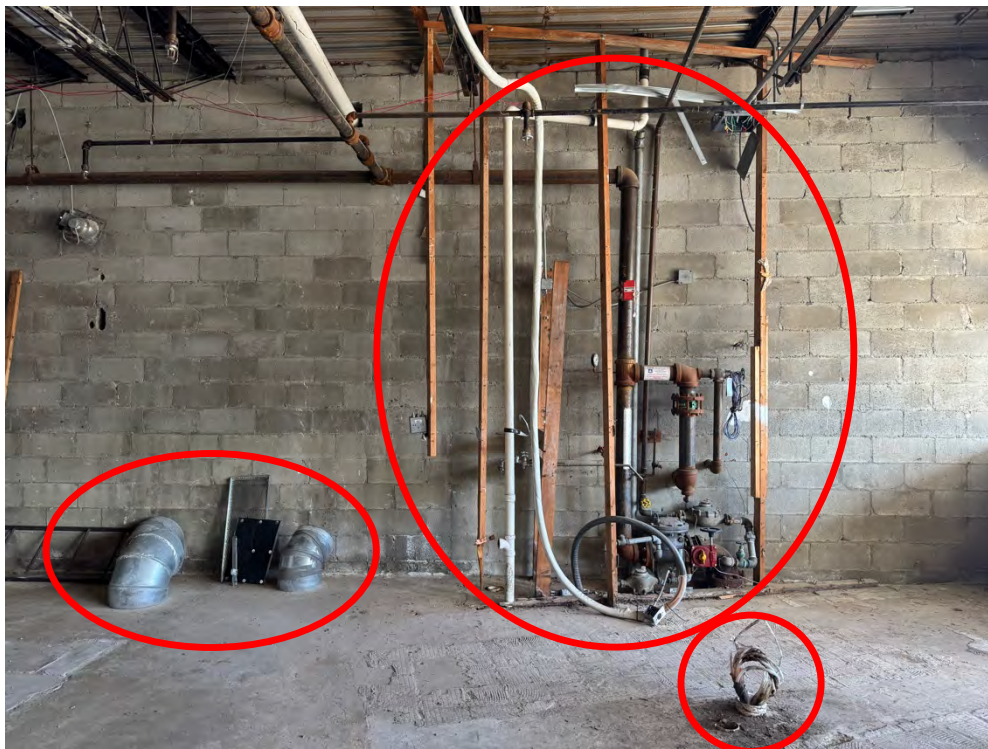
Above: Building restroom in a state of disrepair.



Above: Trash and debris remaining in building.



Above: Unconnected and hanging lights, exposed wires, and trash.

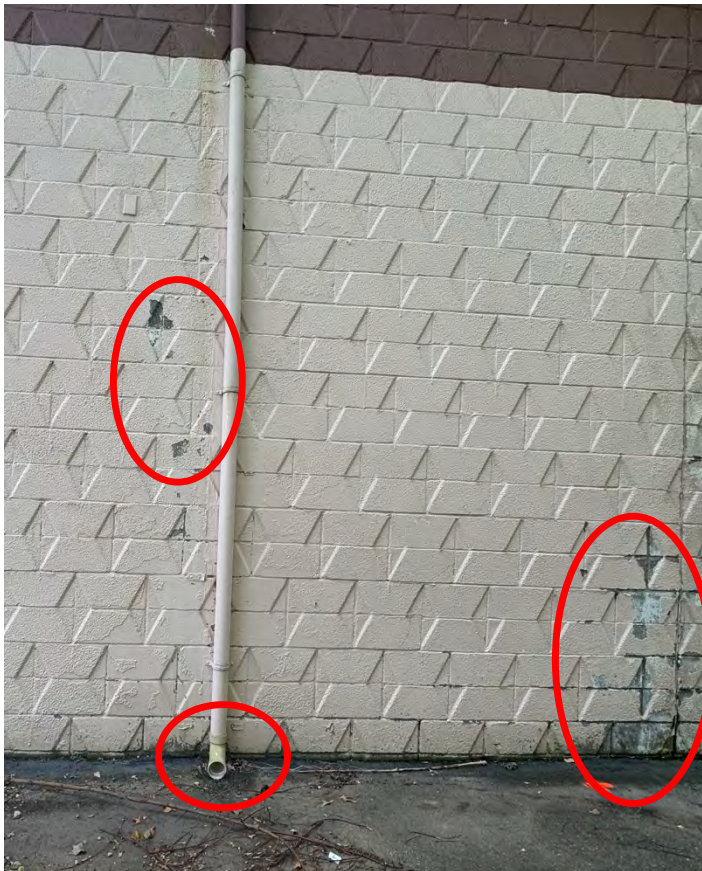


Above: Exposed pipes and wires, as well as trash.



Above: Graffiti, exposed wires, dilapidated wall condition and graffiti (graphic graffiti has been redacted).

The exterior walls are in a state of disrepair due to the deterioration and spalling, which is deterioration of the exterior masonry building wall, as well as areas with holes and missing masonry. These exterior wall conditions facilitate and may be evidence of water intrusion to the building wall and perhaps structural issues, as well as animal entry.



Above and left: Northern side of building loss of masonry and holes, rust and deterioration of the exterior door, graffiti, and a gutter which empties to the parking lot without collection.



Left: Northern side of building with masonry loss and holes in the building exterior, as well as a gutter which empties to parking lot without collection.



Left: Rear wall with significant graffiti.

The conditions of the building lead to a finding that the Study Area meets criterion B. As detailed above and depicted in the photographs, the conditions which contribute to meeting Criterion B are summarized below. See also the photographs in Appencix C for additional property condiiton details.

- Vacancy for more than 10 years, well beyond the minimum of 2 years required.
 - The building remains untenantable despite two land use approvals, neither use performed the necessary improvements to reoccupy the building.
- Lack of permits or certificates for the last 10 years.
- State of disrepair:
 - Exposed pipes and wires,
 - Broken window and graffiti,
 - Trash and debris, and
 - Unconnected gutters which empty to the parking lot without collection.

The building's vacancy for more than 10 years and the totality of building conditions result in the Study Area being an eyesore that is in a state of disrepair and untenantable.

CRITERION D

Criterion D is defined in the LRHL as follows:

"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."

The Study Area is developed with the former theater building and an associated parking lot, both of which date back over 50 years. Given the condition of the improvements and the site's and building's arrangement and design, the Study Area is an eyesore in that it is dilapidated, obsolescent, has a faulty arrangement and design, as well as excessive land coverage. The result of these conditions is that the Study Area is detrimental to the welfare of the community. See also the photographs in Appencix C for additional property condition details.

The exterior walls are dilapidated with deterioration and spalling, which is deterioration of the exterior masonry building wall, as well as areas with holes and missing masonry.

These exterior wall conditions facilitate and may be evidence of water intrusion to the building wall and perhaps structural issues, as well as animal entry.



Above: Front and southern side of building with missing masonry and holes in the exterior wall.



Above: Rear and northern side of building with extensive graffiti, missing masonry and deterioration of the exterior door.



Above and left: Northern side of building with loss of masonry and holes, and deterioration of the exterior door, and a gutter which empties to the parking lot without collection.



Left: Northern side of building with masonry loss and holes, as well as the building gutter which empties to parking lot without collection.

In addition to the exterior walls being in a dilapidated condition, the interior walls also display dilapidation and deterioration with holes and missing masonry.



Left: Holes in the building interior wall.



Left: Holes in the building interior wall and exterior door.



Left: Missing masonry in the building interior wall.

As shown in many of the preceding photographs, the interior building walls also suffer from dilapidation. Multiple of the interior walls contain holes and missing masonry which may be related to water intrusion. Additionally, an exterior building door contains a hole which facilitates water intrusion as well as animal entry.

As shown in the aerial photograph herein, the site has minimal visibility from the highway due to the building's setback of approximately 450 feet from Route 23. Additionally, the building is long and narrow, at approximately 40 feet by 125 feet for a total of 5,084 s.f., and lacking windows - and therefore light, except along the front. This more than 50 year old site and building design represents a faulty arrangement that is obsolescent for modern commercial uses at a scale that exists in the area, which typically seeks greater street frontage and visibility, compared to this building's setback of approximately 450 feet from Route 23, and are typically either significantly larger and serve as an anchor store, or significantly smaller and oriented toward the street and serve as inline retail. The long and narrow configuration with one entrance means that the building cannot provide street frontage and visibility for multiple tenants. While the site has been subject to two approvals in 2021 and 2022, it should be recognized that neither approval resulted in site improvements or was implemented, and the site has remained vacant since, for more than 10 years.

Additionally, the site is not constructed to modern site design standards in that its near 100% impervious cover is lacking any form of stormwater detention/retention or pervious area to otherwise mitigate stormwater runoff. Additionally, there are multiple gutters on the exterior of the building that simply empty to the parking lot with no collection. As such, all water flows from the lot to the surrounding area.

The front of the building, including the porch, is also in a substandard and dilapidated condition. The front of the building is in poor condition with dents. The railing along the porch is bent and the landscape beds along the porch are collapsed, both of which need replacement as they are no longer able to perform a safety or aesthetic function.



Left: Building front, facing south, with dents and a collapsed planting bed.



Above Front railing in need of replacement.



Above: Parking lot in poor condition with no stormwater detention/retention.

Additionally, the site's vacancy and minimal visibility has led to it becoming an attractive nuisance with a break-in(s) and graffiti, which is detrimental to the community. This condition reflects and is consistent with the site's poor condition, as generally detailed previously in this Report.



Above: Broken front window.



Above: Graffiti, exposed wires, dilapidated wall condition and graffiti (graphic graffiti has been redacted).



Above Graffiti on the interior building walls (graphic graffiti redacted).



Above Graffiti on northern side exterior door

The conditions of the property lead to a finding that the site meets the Criterion D. As discussed above and depicted in the photographs, the conditions which contribute to meeting Criterion D are summarized below. See also the photographs in Apppendix C for additional property condiiton details.

- Exterior wall dilapidation with missing masonry and holes, as well as other dilapidated conditions.
- Interior wall dilapidation with missing masonry and holes.
- Faulty arrangement and design of the building and site is obsolescent for modern commercial uses.
 - Setback from the highway provides minimal visibility.
 - Building configuration provides few windows and does not have the size or configuration typical for modern commercial uses.
- State of disrepair:
 - Exposed pipes and wires
 - Graffiti
 - Trash and debris
 - Collapsed front planting beds and railings in need of replacement.
- Lack of stormwater detention/retention or pervious areas to mitigate stormwater runoff.
- Serving as an attractive nuisance as it has been the subject of a break-in(s) and graffiti.

The totality of these dilapidated and obsolescent conditions, as well as faulty arrangement and design and excessive land coverage results in a site that is detrimental to the welfare of the community. The detriment is expressed in the site serving as an eyesore in the community and one whose condition continues to deteriorate. Additionally, the site has become an attractive nuisance as it has been the subject of break-ins and vandalism, as evidenced by the broken window and graffiti on the building's interior and exterior.

CRITERION H

Criterion h is defined in the LRHL as follows:

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

Smart growth principles align with potential redevelopment of the Study Area. Smart growth planning principles highlight the importance of strengthening and encouraging growth in existing communities in existing developed areas well served by infrastructure. Although the Study Area is in the Highlands Preservation Area, its site conditions and planning context, mean its redevelopment aligns with these smart growth principles.

The Study Area is near fully developed with impervious cover from the building and parking lot. Additionally, it is well serviced by infrastructure, including regional highway access, public sewer and water, and public transit. A NJ Transit bus stop is located within walking distance of the Study Area, approximately 750 feet from the theater building. The bus stop is located along the Route 23 frontage of the adjacent northern shopping center and connects to the NYC Port Authority Bus Station, as well as several other stops in between and beyond via connection to the bus terminal. Redevelopment of sites well served by infrastructure, and those within walking distance of a bus stop, particularly one which provides access to the NYC Port Authority Bus Station, supports smart growth principles.

The Study Area is in the Highlands Preservation Area; however, the majority of the Study Area is developed, and in the Existing Community Zone. The Highlands Regional Master Plan defines the Existing Community Zone as areas with regionally significant concentrated development signifying existing communities.

The 2001 New Jersey State Development and Redevelopment Plan promotes redevelopment of underutilized sites. In fact, the first statewide goal is to “Revitalize the States Cities and Towns”. Additionally, Policy 4 of Capital Planning and Budgeting is as follows:

Policy 4 Infrastructure, Development and Redevelopment

Encourage development, redevelopment and economic growth in locations that are well suited with respect to present or anticipated public facilities and services and where infrastructure can be provided at private expense or with reasonable expenditure of public funds and in accordance with the provisions of the State Plan.

Consider also the following goals and objectives regarding promotion of redevelopment of previously developed sites and promotion of development in areas well served by

infrastructure, not limited to but specifically including the Existing Community Zone, in the Highlands Regional Master Plan:

Goal 6J: ACCOMMODATION OF REGIONAL GROWTH AND DEVELOPMENT NEEDS THROUGH THE REUSE AND REDEVELOPMENT OF PREVIOUSLY DEVELOPED AREAS, INCLUDING BROWNFIELDS, GRAYFIELDS, AND UNDERUTILIZED SITES.

Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in areas designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C 7:38-6.6 and 6.7.

Policy 6J2: To encourage redevelopment in the ECZ in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.

Goal 6k: CONCENTRATE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT, REDEVELOPMENT, AND ECONOMIC GROWTH IN EXISTING DEVELOPED AREAS IN LOCATIONS WITH LIMITED ENVIRONMENTAL CONSTRAINTS, ACCESS TO EXISTING UTILITY, AND TRANSPORTATION INFRASTRUCTURE.

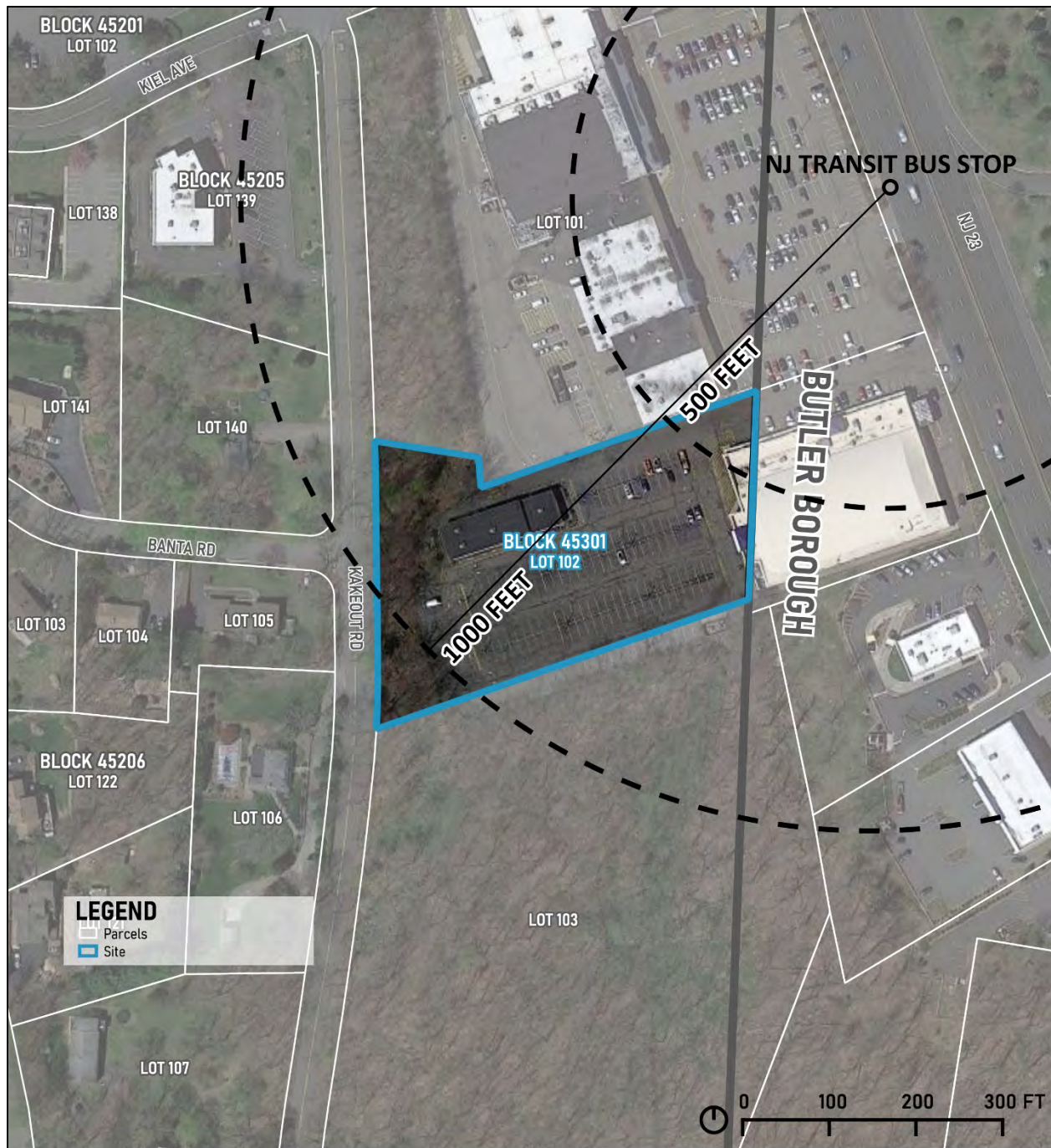
Policy 6k1: To promote redevelopment of brownfields, grayfields, and other previously developed areas in a manner consistent with the goals and requirements of the Plan.

Goal 6f: SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

Policy 6f7: To encourage redevelopment in the Existing Community Zone as a means to relieve development pressure from more environmentally sensitive areas.

As a developed site, well served by infrastructure, its redevelopment is supported by smart growth planning principles adopted by the State in the State Development and Redevelopment Plan and by the Highlands Council in its Regional Master Plan.

Given the lack of detail in the criterion, it is not recommended that the Borough rely solely on criterion h for designation of the redevelopment area. Notwithstanding, it remains appropriate to identify the Study Area's satisfaction of the criterion given the developed nature of the site, and transportation access, which includes public transit.



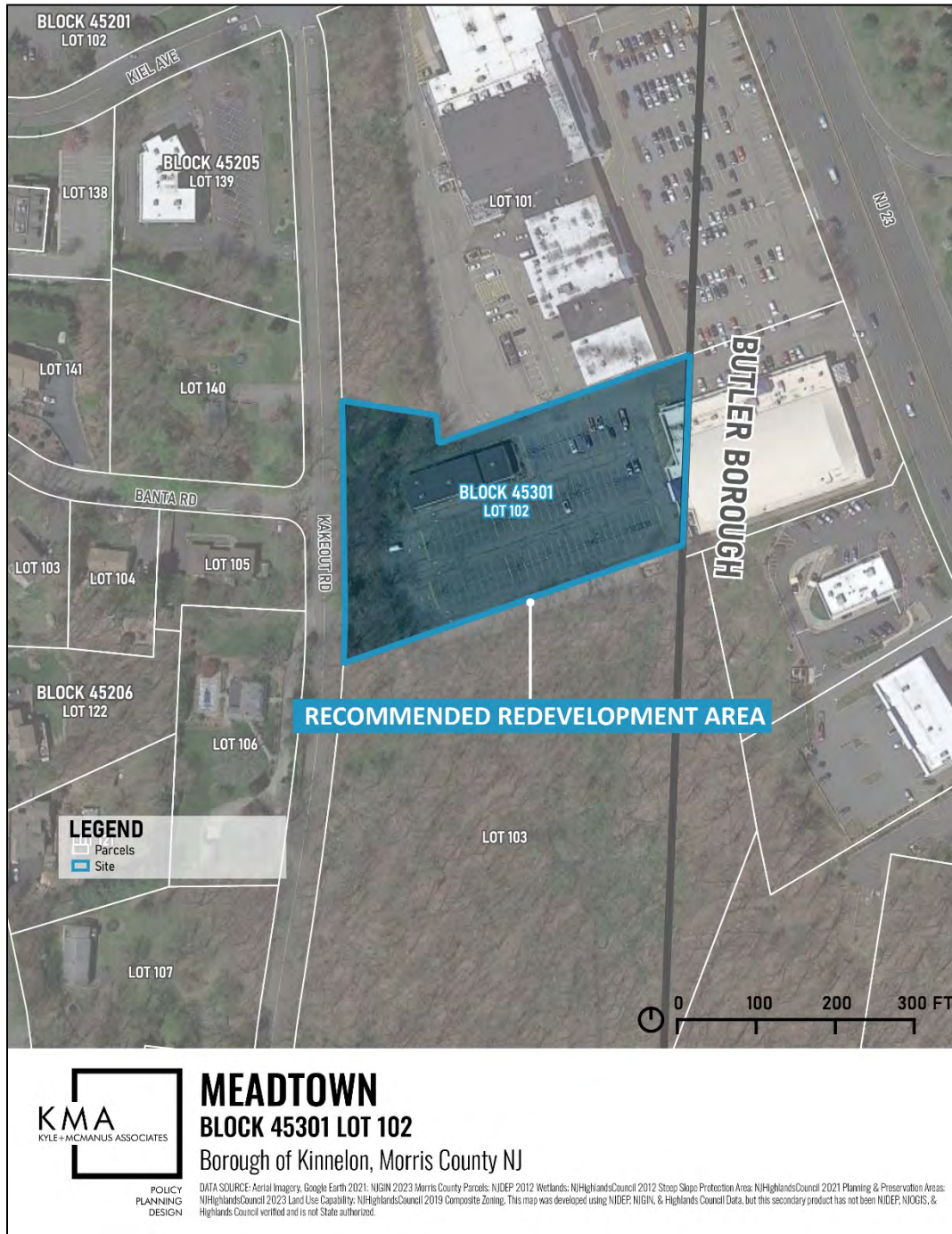
POLICY
PLANNING
DESIGN

DATA SOURCE: Aerial Imagery, Google Earth 2021; NJGIN 2023 Morris County Parcels; NJDEP 2012 Wetlands; NJHighlandsCouncil 2012 Steep Slope Protection Area; NJHighlandsCouncil 2021 Planning & Preservation Areas; NJHighlandsCouncil 2023 Land Use Capability; NJHighlandsCouncil 2019 Composite Zoning. This map was developed using NJDEP, NJGIN, & Highlands Council Data, but this secondary product has not been NJDEP, NJOGIS, & Highlands Council verified and is not State authorized.



RECOMMENDATIONS

Based on the analysis contained in this Preliminary Investigation, the Study Area meets Criteria B, D and H for designation as an Area in Need of Redevelopment, as per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-5). The following map depicts the recommended Redevelopment Area.



APPENDIX A – GOVERNING BODY AUTHORIZING RESOLUTION

RESOLUTION NO. 6.17.24

BOROUGH OF KINNELON

DATE: June 20, 2024

RESOLUTION AUTHORIZING AND DIRECTING THE BOROUGH OF KINNELON PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES BLOCK 45301, LOT 102, SHOULD BE DELINEATED AS A NON-CONDEMNATION REDEVELOPMENT AREA 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. ("LRHL") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the LRHL sets forth the procedures for the Borough of Kinnelon (the "Borough") to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the Mayor and Council of the municipality shall, by Resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, N.J.S.A. 40A:12A-6, "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Mayor and Council of the Borough of Kinnelon (the "Mayor and Council") seeks to authorize and recommend the Borough of Kinnelon Planning Board (the "Board") to conduct a preliminary investigation of the properties identified on the Official Tax Map of the Borough as Block 45301, Lot 102 (the "Study Area") to be a non-condemnation Redevelopment Area; and

WHEREAS, the Study Area may benefit from the tools available to municipalities under the LRHL to foster development thereof or to develop same under the principles of smart growth and/or other criteria as may be determined applicable; and

WHEREAS, the Mayor and Council finds it to be in the best interest of the Borough and its residents to authorize the Board to undertake such preliminary investigation of the Study Area as a Non-condemnation Redevelopment Area; and

WHEREAS, the Borough wishes to direct the Board to undertake a preliminary investigation utilizing Kyle + McManus Associates and/or such other firm that may be appointed for such purpose by the Borough to prepare the preliminary investigation report, to determine whether the proposed Study Area qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Kinnelon, County of Bergen in the State of New Jersey as follows:

1. The provisions of the *WHEREAS* clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Borough of Kinnelon Planning Board (the "Board") is hereby authorized to undertake a preliminary investigation pursuant to N.J.S.A. 40A:12A-6, utilizing Kyle + McManus Associates and/or such other firm that may be appointed for such purpose by the Borough of Kinnelon (the "Borough") to prepare the preliminary investigation report, pursuant to a notice to conduct a hearing and comply with other requirements of the LRHL, in order to recommend to the Mayor and Council whether the area comprising the properties identified on the Official Tax Map of the Borough as Block 45301, Lot 102 (the "Study Area") should be determined a non-condemnation area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
3. As part of its investigation, the 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.
4. The Board shall conduct a public hearing in accordance with the LRHL, specifically N.J.S.A. 40A:12A-6, 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. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Borough or Mayor and 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 Non-condemnation Redevelopment Area.
5. At the public hearing, the 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 Board and made part of the public record.

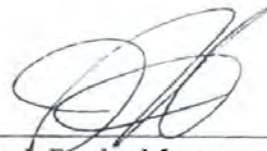
6. The Board shall provide a written report to the Mayor and Council setting forth its findings resulting from such preliminary investigation and shall recommend to the Mayor and Council whether said properties are an "Area in Need of Redevelopment" under the meaning and intendment of the LRHL (condemnation).
7. 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 Board shall submit its findings and recommendations to the Mayor and Council in the form of a Resolution with supporting documents.

ATTEST:

BOROUGH OF KINNELON



Karen M. Iuele, RMC, Borough Clerk



James J. Freda, Mayor

APPENDIX B –BUILDING HISTORY DOCUMENTATION





5.0 ASSESSMENT INFORMATION

5.1 GENERAL SUMMARY

GZA performed a Level 1 – PCA of the Butler Plaza shopping center and former theatre building located at 1481 and 1483 Route 23 South in Butler and Kinnelon, New Jersey (Site). The approximately 35,470 square foot (SF), one-story shopping center was built in the early 1960s, and the approximately 5,026 SF, one-story former theatre was built by approximately 1973. The buildings were situated in the southern and northern portion of the two Site parcels that are accessible from Route 23 South and the adjacent Meadtown Shopping Center parking lot. Overall, the Site appeared to be in good to fair condition with respect to its age, use and location.

The Butler Plaza shopping center building (Building A) contained six retail tenant spaces and one former fitness center at the time of our Site visit. The former theatre (Building B) contained one tenant space and was unoccupied at the time of our Site visit.

Maintenance issues of the Site grounds, roof, and superstructure were reportedly handled by the property owner, and individual tenant spaces and HVAC units were handled by the tenants. Maintenance was performed with assistance provided by outside specialty contractors. The property owner is responsible for the roof, superstructure, and Site grounds. In our opinion, the property owner representatives were adequately familiar with the building's operation, condition and associated systems. Our conclusions are based on our visual observations, statements by property manager, review of available records, and limited documentation obtained during the course of follow-up research.

5.2 SITE RECONNAISSANCE

The site reconnaissance portion of the PCA was performed on April 27, 2022, by Benjamin Flizack of GZA. Weather conditions during the site reconnaissance were as follows:

On-site Date	Weather Description	Average Temp.
April 27, 2022	Sunny	55° F

GZA was accompanied by a Mr. Harry Rosen and Ms. Cheryl Cooper, property owner representatives.

The following building features were assessed:

- Exterior Site Elements
- Building Structure System
- Building Exterior System
- Roof System
- Life and Fire Safety System
- Mechanical System
- Electrical System
- Plumbing System
- Building Interior System



5.3 BUILDING HISTORY

Building A was reportedly constructed in the early 1960s and was initially operated as Butler Bowl, Dairy Queen, and Valley Bank. Since construction, various retail tenants operated the building and the former bowling alley was renovated into a fitness gym.

Building B was reportedly constructed by 1973 and has operated as a theatre/cinema since construction. The theatre ceased operations in 2013 and the building has been unoccupied since.

5.4 INTERVIEWS

Interviews were conducted with personnel familiar with the facility to obtain information relative to the condition of the various building systems. Information obtained during the interviews has been incorporated into this report in the applicable sections. The following individuals were interviewed or contacted.

- Harry Rosen, Realtor, DL Rosen & Company; and
- Cheryl Cooper, Corporate President of Butler Bowl Inc.

GZA requested additional documentation from the current Owner, however, a response was not provided within the timeframe of this study. A copy of the Pre-Survey Questionnaire is included in **Appendix B**.

5.5 DOCUMENTS

The following documents were provided by the Client or discovered during GZA's research of the property history.

Description	Author	Date	Reviewed	
			On-Site	Copies Obtained
Flood Insurance Rate Map (Community Panel #3403370001B)	Federal Emergency Management Agency	10/15/1985		✓
Property Survey	DAB Surveying, Inc.	8/1/2017		✓
Inspection Report on Roof Trusses	Dajon Associates, Inc.	5/25/2017		✓
Architectural Plans for Butler Bowl Redevelopment	Mark S. Carelli, Architect	2008		✓
15 Year Roof Warranty (Building A)	KLAЕ Construction Incorporated	11/25/2008		✓
20 Year Roof Warranty (Building B)	Firestone Building Products Company, LLC	12/07/2013		✓

5.6 MUNICIPAL RESEARCH & CODE COMPLIANCE

A detailed analysis of the Site in order to determine compliance with current codes was not performed as part of this assessment. Code compliance research and evaluation was limited to the following.

Movie Theaters » United States » New Jersey » Kinnelon » Kinnelon Cinema 3

Kinnelon Cinema 3

1451 Route 23, Kinnelon, NJ 07405

Closed 3 screens

1 person favorited this theater

[Overview](#) [Photos](#) [Comments](#)



Located at the rear of the Meadtown Shopping Center. Built in 1972 by the Jerry Lewis Cinemas chain, this opened as the single screen Meadtown Theatre, operated by CJM. In 1997 it was taken over by Clearview Cinemas. It was also known as the Kinnelon Arts Center.

In 2000 it was converted into a triple-screen cinema, Clearview Cinemas were sold to Bow Tie Cinemas in April 2013, but the Kinnelon Cinema 3 was not part of the deal and it closed on May 27, 2013.

Contributed by Ken Roe

[Get Movie Tickets & Showtimes](#)



*1971 Aerial
Photograph. Source:
www.historicaerials.
com. Photograph
source: Private
Contractor (1979-
03-21 - 1979-03-22)*



*1979 Aerial
Photograph. Source:
www.historicaerials.
com. Photograph
source: USGS (1971-
03-25 - 1971-05-11)*

APPENDIX C –PHOTOGRAPHS



Building Exterior Front & Northern Side



Building Exterior Front 2



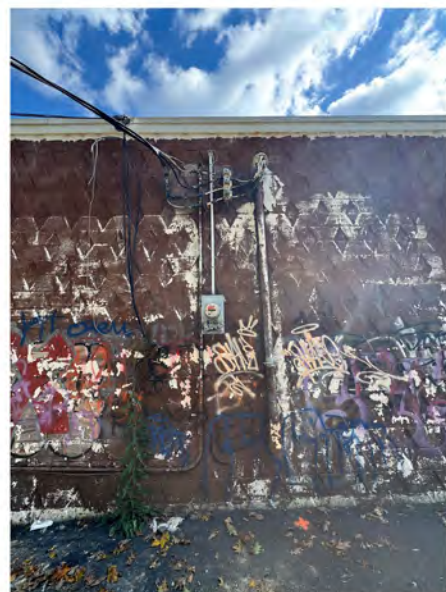
Building Exterior Front



Building Exterior Rear & Northern Side



Building Exterior Rear & Southern Side



Building Exterior Rear 2



Existing Access Drive



Existing Building Interior 2



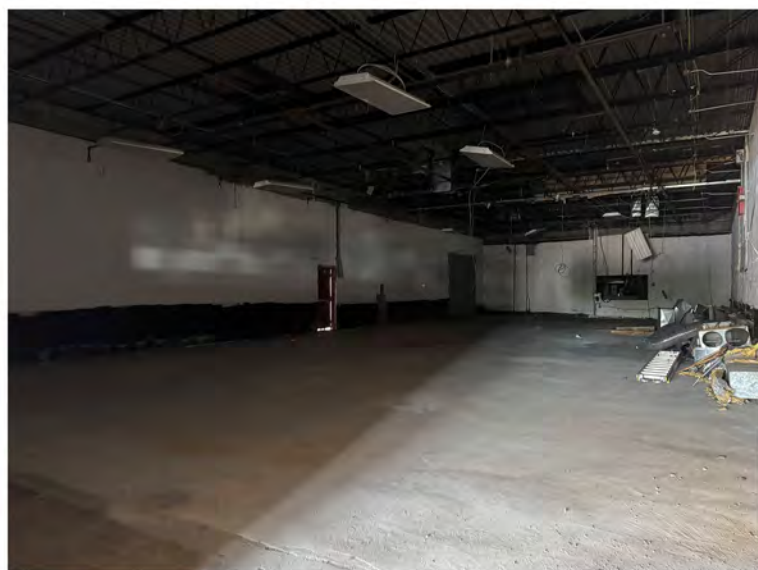
Existing Building Interior 3



Existing Building Interior 4



Existing Building Interior 5



Existing Building Interior 6



Existing Building Interior 7



Existing Building Interior 8



Existing Building Interior 9



Existing Building Interior 10



Existing Building Interior 11



Existing Building Interior 12



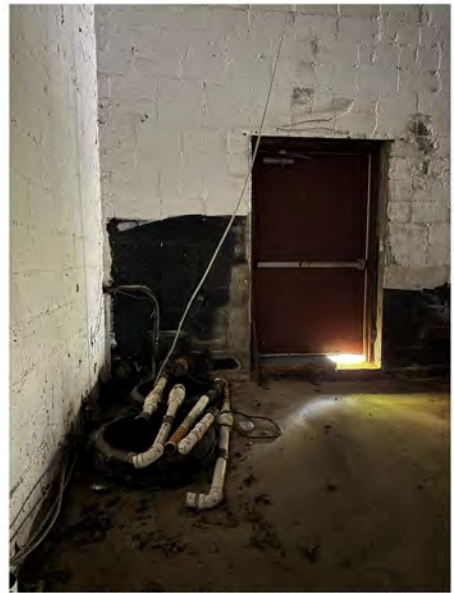
Existing Building Interior 13



Existing Building Interior 14



Existing Building Interior 15



Existing Building Interior 16



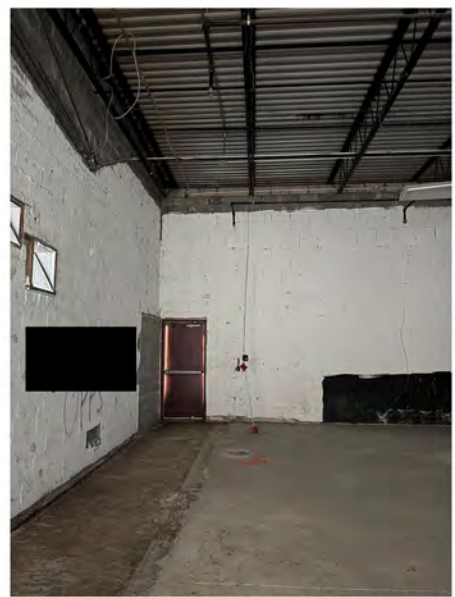
Existing Building Interior 17



Existing Building Interior 18



Existing Building Interior 19



Existing Building Interior 20



Existing Building Interior 21

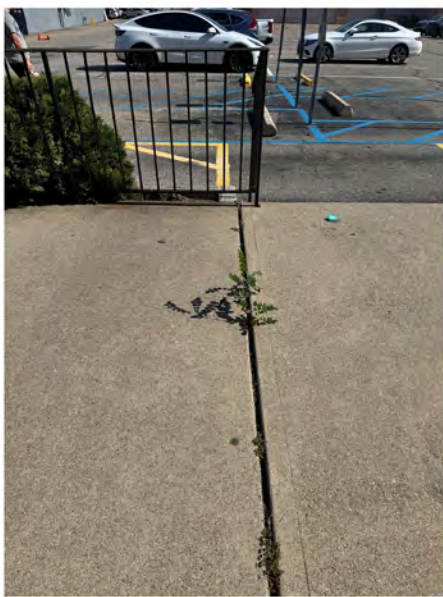


Existing Building Interior 22

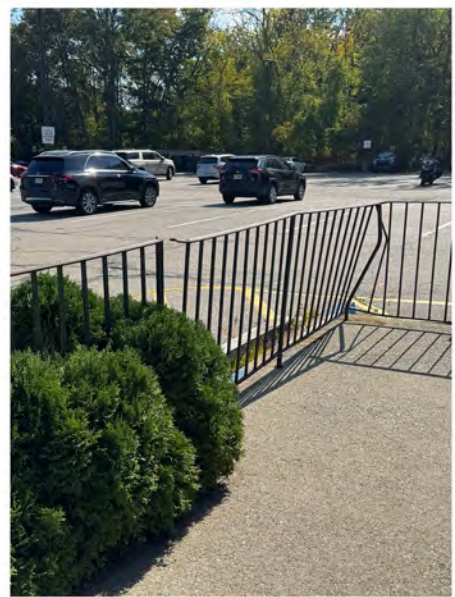


Existing Building Interior 23





Existing Building Sidewalk



Existing Fence Front



Existing Parking Lot & Building Front



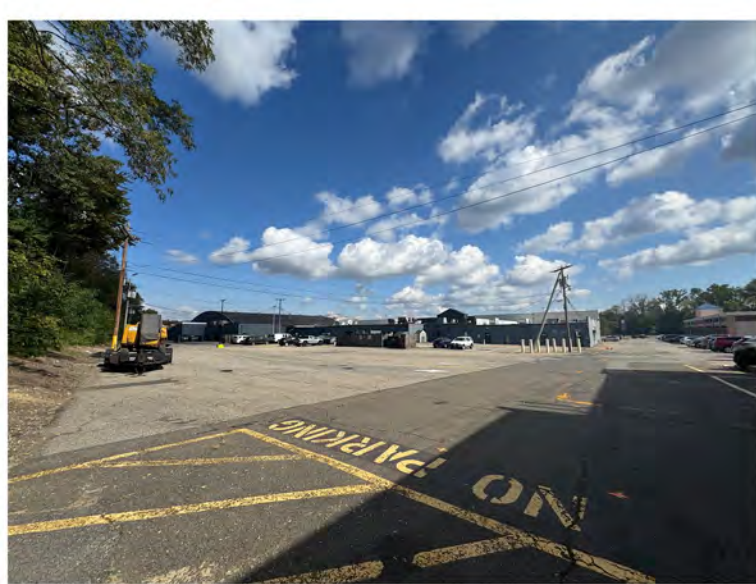
Existing Parking Lot Access Drive



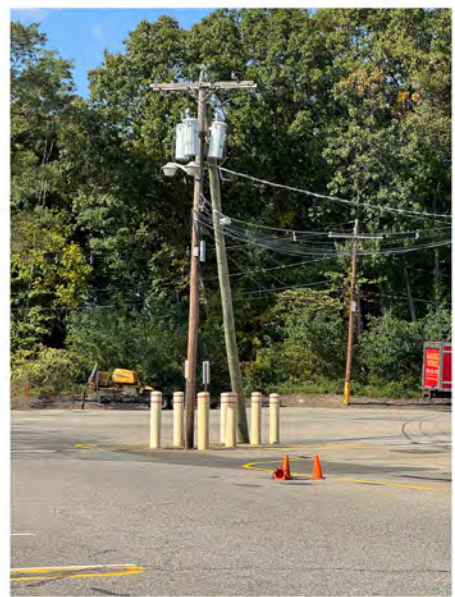
Existing Parking Lot 2



Existing Parking Lot 3



Existing Parking Lot



Existing Utility Pole



Exterior Door



Northern Exterior Door



Parking Lot



Site Conditions 2



Site Conditions 3



Site Conditions 4



Site Conditions