Area in Need of Redevelopment Investigation for Block 26, Lot 6 and a Portion of Lot 10 Borough of Netcong, New Jersey

Prepared for the Borough of Netcong Planning Board by

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC

Planning and Real Estate Consultants

# Area in Need of Redevelopment Investigation for

# Block 26, Lot 6 and a Portion of Lot 10

Borough of Netcong, New Jersey

July 2022

Prepared for: The Borough of Netcong Planning Board

Prepared by:

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The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2

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Resolution of the Borough Council authorizing this study, dated April 14, 2022. Photographs of Existing Conditions.

### I. INTRODUCTION

This study seeks to determine whether certain properties in the Borough of Netcong, Morris County, New Jersey, meet the statutory criteria for designation as a non-condemnation "area in need of redevelopment" in accordance with New Jersey's Local Redevelopment and Housing Law (LRHL) at <u>N.J.S.A.</u> 40A:12A-5 et seq. The area under consideration is comprised of two properties in Block 26 in the southwestern portion of the Borough (heretofore referred to as the "Study Area"). The Borough Council adopted Resolution #2022-54 on April 14, 2022, which authorized the Planning Board to prepare the investigation to determine whether the Study Area qualifies as a "Non-Condemnation Area in Need of Redevelopment," as specified in the LRHL at <u>N.J.S.A.</u> 40A:12A-6. The Planning Board retained Phillips Preiss Grygiel Leheny Hughes LLC to undertake the study on its behalf.

The remainder of this report is divided into four sections. Chapter II describes the existing conditions and locational context of the properties under consideration for redevelopment area status, while Chapter III discusses the applicable master plan and zoning classifications for the Study Area. Chapter IV sets forth the statutory criteria used to determine whether an area is in need of redevelopment, and then applies those criteria to the Study Area to determine whether an affirmative redevelopment area designation is warranted. Chapter V presents the overall conclusions regarding the Study Area's qualification for redevelopment area status.

### II. STUDY AREA CONDITIONS AND LOCATIONAL CONTEXT

The area under consideration for redevelopment area designation encompasses Block 26, Lot 6 and a portion of Lot 10 as identified on the official Borough tax maps. The Study Area totals  $\pm$ 11.71 acres and is located in the southwestern portion of the Borough of Netcong, with frontage on Main Street/State Route 46 and several segments along Church Street. The Study Area locational context and boundaries are shown on **Figure 1**.

The tax lots which comprise the Study Area are shown on **Figure 2**. The aerial context of the Study Area is shown on **Figure 3**. The street addresses and ownership information for the parcels which comprise the Study Area are shown in Table 1 below.

Block	Lot	Owner	Street Address	Area (Acres)
26	6	ST. MICHAEL'S ROMAN	CHURCH ST & 14-16	10.21
20		CATHOLIC CHURCH	CHURCH ST	10.21
26	p/o 10	DELLAMO, BEN E	30 CHURCH ST	1.5
TOTAL				11.71

### Table 1: Study Area Properties

Source: Borough of Netcong Tax Maps and Tax Records

Lot 6 is currently developed with a series of driveways and surface parking lots that were intended to serve an approved early childcare learning center, which was never constructed. In addition, a small portion of the St. Michael's elementary school building and associated playground are located within the limits of Lot 6. The portion of Lot 10 located within the Study Area consists of largely undeveloped land associated with an oversized residential lot that accommodates a single dwelling together with accessory improvements. The Study Area is characterized by steep slopes generally running from Main Street/Route 46 up toward the southern boundary. The Study Area properties are described in more detail in Chapter IV.

In the immediate vicinity of the Study Area are several buildings associated with St. Michael's Roman Catholic Church, including an elementary school adjacent to Lot 6, a convent and the primary worship buildings at the corner of Main Street/Route 46 and Church Street. The remaining properties along Church Street are developed with single-family residences. Properties to the west of the Study Area on Flanders Road are similarly improved with single-family residences. On Main Street/Route 46, there are two Borough-owned properties and several older single-family residences. A multifamily development is under construction on the opposite side of Main Street/Route 46. The commercial downtown portion of Main Street in Netcong is located less than a <sup>1</sup>/<sub>4</sub>-mile from the Study Area.

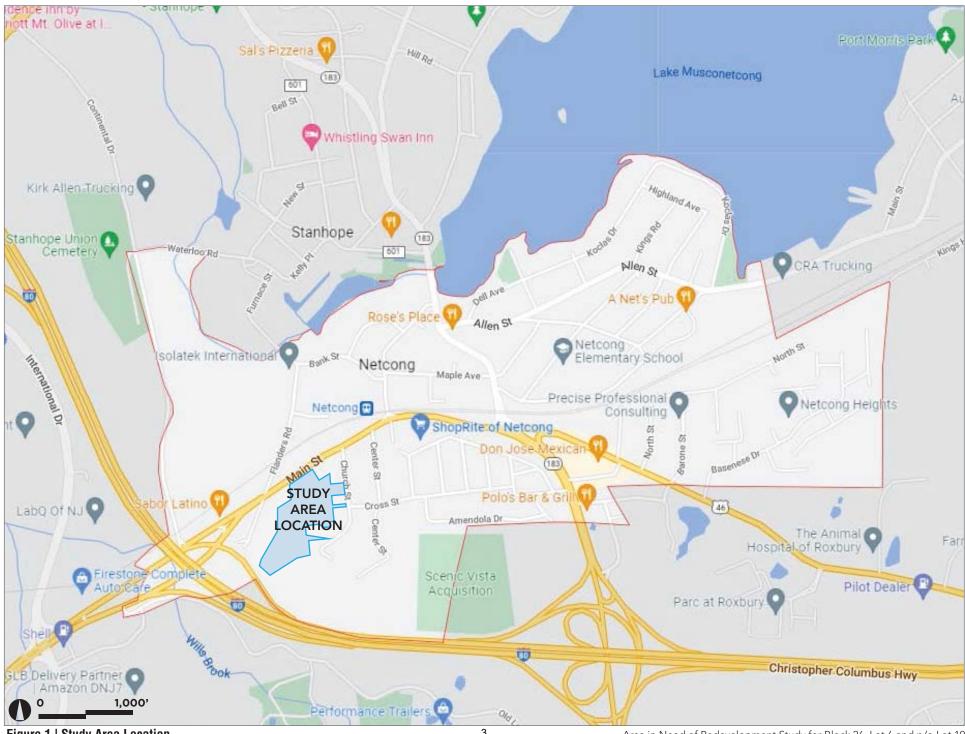
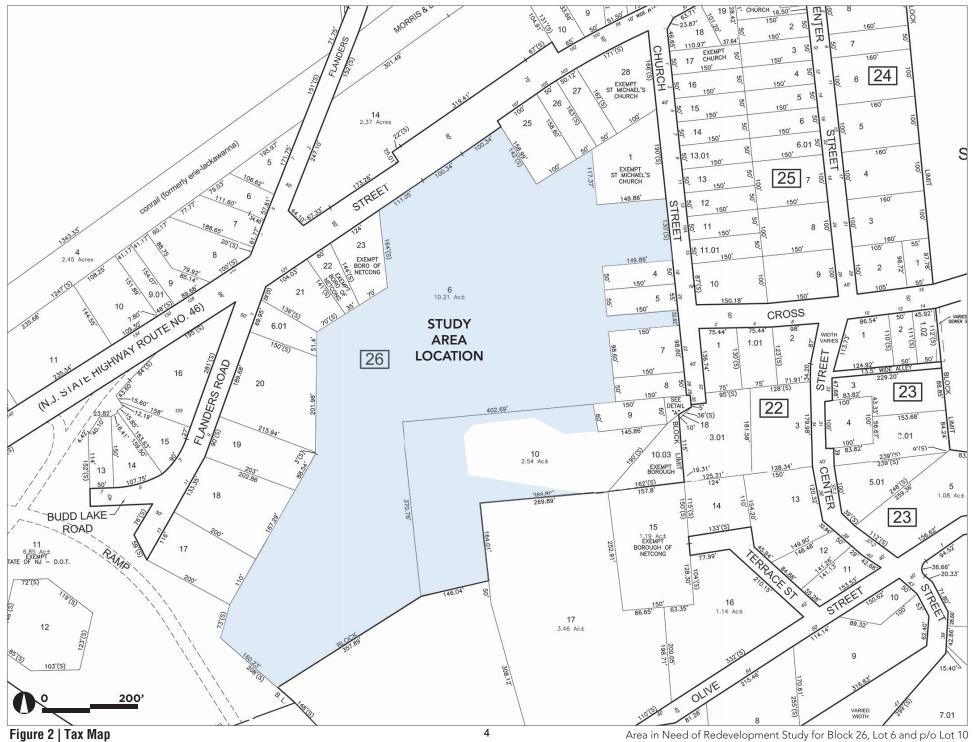


Figure 1 | Study Area Location

Area in Need of Redevelopment Study for Block 26, Lot 6 and p/o Lot 10 Township of Netcong, New Jersey PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022



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Figure 3 | Aerial Context

Area in Need of Redevelopment Study for Block 26, Lot 6 and p/o Lot 10 Township of Netcong, New Jersey PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

#### III. MASTER PLAN AND ZONING DESIGNATIONS WITHIN THE STUDY AREA

#### A. Master Plan

The Borough of Netcong adopted its last comprehensive master plan in 1978. A master plan update was completed in 1988 and reexamination reports were adopted in 1998 and 2008. A special amendment to the Land Use Plan Element was adopted in 2003 to account for land annexed from a portion of Roxbury Township. The Borough also adopted a Stormwater Management Plan in 2005 as a revision to the master plan. Lastly, a draft reexamination report has been prepared in 2022, but it has yet to be adopted.

The entirety of the Study Area is designated R-3 Single Family Residential under the Borough's 1978 Master Plan. This classification is consistent with the underlying zoning as described below. Although the 2008 Master Plan Reexamination Report did not specifically discuss the Study Area properties, goals and objectives of relevance to the Study Area include:

- 1. To maintain adequate local community facilities and services, recreational opportunities and open space for current and future residents.
- 2. To provide for the safe and efficient movement of vehicles and people through the Borough and within the Borough.
- 3. To retain the small-town character of the Borough by developing proper planning, zoning and design criteria for Netcong as a Center and to coordinate the Borough's planning objectives with those of its neighboring communities.
- 4. To protect and conserve the Borough's natural resources of soils, vegetation, air and water through the wise use of modern planning techniques and careful control of land development.
- 5. To maintain and enhance the variety and balance of residential housing options and to maintain the quality and appearance of the Borough's housing supply.

Netcong has been a designated Transit Village in the State of New Jersey since 2005, and the Study Area is within the official ½-mile Transit Village buffer area. The 2008 Reexamination also discussed planned improvements to the Main Street and Route 46 intersection and to the Netcong Circle, which have since been completed to improve accessibility of the transit station.

The Study Area is also located within the Highlands' Planning Area, which does not require special review for development projects as do applications in Preservation Areas. In terms of State Planning Areas, most of Lot 6 is within the Environmentally Sensitive Planning Area 5. The portion of Lot 6 fronting on Church Street and Lot 10 are located within Suburban Planning Area 2. The entire Borough of Netcong is a Designated Center on the State Plan Policy Map. The State Plan defines Areas 3, 4, and 5 as "areas for limited growth," with a goal to promote a balance of conservation and growth. The State Plan indicates that "areas for growth" are to include Areas 1 or 2, or Designated Center and therefore can be considered an "area for growth."

# B. Zoning

The Study Area properties are located within the Borough's R-3 Single Family Residential District. The Study Area is adjacent to three other residential single-family districts (R-1, R-2, and R-3A zones) as well as the B Commercial Business District. The R-3 District in this part of the Borough applies to most of Block 26 along the west side of Church Street and part of the south side of Main Street/Route 46. Zoning for the Study Area and surrounding properties is shown on **Figure 4**.

The R-3 District permits single-family detached dwellings; churches, parish houses and burial mausoleums; essential services such as municipal buildings, police and fire stations, libraries, public parks and playgrounds, and schools. Permitted accessory uses include those that are customarily incidental to residential uses.

The minimum required lot area in the R-3 zone is 8,000 square feet, and the minimum lot dimensions are 70 feet in width and 100 feet in depth. Buildings are required to have a minimum floor area of 1,200 square feet and a maximum height of  $2\frac{1}{2}$  stories and 35 feet. The minimum required setbacks are 35 feet for the front yard, 15 feet per side yard and 30 feet for the rear yard. The maximum required impervious coverage is 40 percent.

The R-3 District also has special open space requirements for major subdivision developments, in which minimum lot size is reduced to 6,000 square feet such that the remaining land may be deeded to the Borough for public use.



Figure 4 | Existing Zoning

Area in Need of Redevelopment Study for Block 26, Lot 6 and p/o Lot 10 Township of Netcong, New Jersey PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

# IV. CONSIDERATION OF THE STATUTORY CONDITIONS FOR ESTABLISHMENT OF AN AREA IN NEED OF REDEVELOPMENT AS APPLIED TO THE STUDY AREA

#### A. Introduction

Under New Jersey's Local Redevelopment and Housing Law at <u>N.J.S.A.</u> 40A:12A-5, a delineated area may be determined to be in need of redevelopment if, after an investigation by the Planning Board and a public hearing for which notice has been given as provided in Section 6 of P.L.1992, c.79 (<u>N.J.S.A.</u> 40A:12A-6), the governing body of the municipality by resolution concludes that within the delineated area any of the following conditions is found:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of 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 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 areas 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 a study area with multiple parcels, individual properties or blocks that do not meet any of the statutory conditions may still be included within an area in need of redevelopment provided that within the study area as a whole, one or more of the expressed conditions are prevalent. This provision is referred to as "Section 3" and is set forth under N.J.S.A. 40:12A-3, which states in part:

A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part.

The following section describes the particular Study Area properties and considers whether or not the statutory criteria for an "area in need of redevelopment" designation are met.

# B. Individual Property Evaluations

For the purposes of this investigation, properties were evaluated based on site inspections and review of relevant documents. The site evaluations focused on existing property conditions and prospects for future utilization.

Photographs illustrating existing conditions in the Study Area are included in the Appendix.

#### Block 26, Lot 6 - 14-16 Church Street (10.21 acres)

Lot 6 is a large, irregular-shaped property with 311.73 feet of frontage on the south side of Main Street/Route 46. Lot 6 also has interrupted frontage of 130 feet and 32.82 feet on the west side of Church Street and a large interior area that is mostly bounded by the rear yards of residences on Flanders Road, Main Street/Route 46 and Church Street. The property primarily consists of surface parking areas, an asphalt playground and a set of connected driveways. The lower parking lot is located directly off of Church Street and contains  $\pm 34$  parking spaces. A large donation container is located near the lower parking lot, around which there were numerous uncollected items at the time of the site inspection. The asphalt playground is located behind the St. Michael's Elementary School building which closed in 2017 (a small segment of the building encroaches on Lot 6). It consists of painted play areas, including a four-square court, a map of the U.S.A. and a checkerboard. Basketball hoops are also affixed to the rear of the school building, The asphalt is damaged and in need of repair.

The lower parking lot and playground have access to a driveway which leads steeply upward to the upper parking lot, which consists of  $\pm 84$  parking spaces. The driveway continues further up in elevation to reach its peak along an east-west stretch with some additional parallel parking spaces. The driveway then slopes downward in elevation toward the northwest before connecting to the western end of the upper parking lot and then winding further downward to connect to Main Street/Route 46. There are two sets of stairs leading from the lower parking lot to the upper parking lot and from the upper parking lot to the highest stretch of driveway. The steps are in poor condition and are covered with overgrown vegetation.

The areas surrounding these improvements consist of lawn area, landscaping, site lighting, a series of boulder retaining walls and undisturbed vegetated areas at the southwestern end of the lot. There is also a detention area in the vicinity of Main Street/Route 46. In addition, the 32.82-foot-wide protrusion of Lot 6 on Church Street consists of a gravel driveway that branches off to parking areas at the rear of Lots 5 and 7. This driveway does not provide access to the main portion of the Study Area.

The upper parking lot, internal access drives and associated landscaping, retaining walls and stormwater improvements were all constructed as part of a 2003 approval for an early childhood learning center that was proposed to be located just above the uppermost driveway. The facility was never constructed however, and there have been no efforts to pursue any alternative development since that time. In effect, the upper parking lot has not been used for well over 15 years. Meanwhile, the lower parking lot is still used by St. Michael's Church, however the playground appears to not have been regularly used since the school closed approximately five years ago.

This parcel meets the following criteria: d, h

Criterion "d": The improved areas of Lot 6 constructed as part of the 2003 approval for the early childhood learning center have not been utilized for nearly two decades and there are no plans to put them in productive use in the future. These areas serve no purpose and are now largely obsolete. There is also some evidence of neglect related to the property's disuse over the years. Additionally,

the playground does not appear to be actively used at the present time. As such, the improvements are considered deleterious based on current conditions. Further, the property is now fallow and unproductive. For these reasons, Lot 6 is detrimental to the safety, morals, and welfare of the community.

Criterion "h": The property is located within the ½-mile Transit Village radius in a Designated Center. Redevelopment of the property will help advance smart growth principles, whereby any prospective residents within the Study Area can walk easily to the nearby downtown and train station. Redevelopment can help transform the property from a stagnant series of parking lots and driveways into a vibrant, active and aesthetically pleasing use.

# Block 26, p/o Lot 10 – 30 Church Street (±1.5 acre portion)

Lot 10 is a land-locked parcel that is accessible via a private driveway extending off the terminus of Church Street. It is roughly L-shaped though irregular at the eastern end. Lot 10 has a total area of 2.54 acres, with  $\pm$ 1.5 acres within the Study Area. The Study Area portion of the property excludes the existing single-family residence, driveway and pool/patio improvements in the rear yard and consists of primarily undeveloped land with minor improvements, fencing and walls to accommodate the sloping terrain. There is a small area of lawn as well. The grade of Lot 10 slopes steeply, with an overall grade change of approximately 50 feet between the northwestern corner and the southern end of the lot. The southern end of Lot 6 slopes steeply upwards toward Lot 10, such that the northern end of Lot 10 is substantially higher in elevation.

This parcel meets the following criterion: **c**, **h** 

Criterion "c": Within the context of the larger neighborhood, Lot 10 is substantially oversized for a single-family residential property. Other single-family residential properties on Church Street, Main Street/Route 46 and Flanders Road in the R-1, R-2, or R-3 zones surrounding the Study Area are located on lots approximately a  $\frac{1}{2}$ -acre or less in size. Lot 10 has an area more than five times larger than the  $\pm \frac{1}{2}$ -acre size of nearby residences, and it is more than 14 times larger than the minimum lot size for the zone. Such unimproved vacant land has existed on this lot for over 10 years and it can be reasonably characterized as surplus acreage. Due to its location, remoteness, access constraints and topography, it is unlikely to be developed through the instrumentality of private capital.

Criterion "h": The property is located within the ½-mile Transit Village radius in a Designated Center. Redevelopment of the property will help advance smart growth principles, whereby any prospective residents within the Study Area can walk easily to the nearby downtown and train station. Redevelopment can help transform the property from a stagnant series of parking lots and driveways into a vibrant, active and aesthetically pleasing use.



Figure 5 | Area in Need of Redevelopment Criteria

### V. CONCLUSION

The foregoing study was prepared on behalf of the Borough of Netcong Planning Board to determine whether an area located within the Township (Block 26, Lot 6 and a portion of Lot 10) qualifies as a non-condemnation "area in need of redevelopment" in accordance with <u>N.J.S.A.</u> 40:12A. Based on the analysis contained herein, Block 26, Lot 6 and a portion of Lot 10 qualify for area in need of redevelopment designation consistent with the enabling statute cited above.

### APPENDICES

Resolution of the Borough Council authorizing this study, dated April 14, 2022

**Resolution 2022-54** 

# A RESOLUTION AUTHORIZING AND DIRECTING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER AN AREA OF THE BOROUGH OF NETCONG MEETS THE STATUTORY CRITERIA FOR A "NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT", PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, <u>N.J.S.A.</u> 40A:12A-1, *et seq.* (the "Redevelopment Law") provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Borough Council wishes to investigate and explore whether the property specifically described by lot and block below might benefit from the tools available under the Redevelopment Law, to provide a means to facilitate a comprehensive redevelopment plan and to address the underutilization, vacancies and deteriorating conditions of the area and other surrounding properties or impacted properties; and

WHEREAS, the Redevelopment Law sets forth a specific procedure for establishing an area in need of redevelopment; and

**WHEREAS**, pursuant to *N.J.S.A.* 40A:12A-6, prior to the Borough Council making a determination as to whether an area qualifies as an area in need of redevelopment, the Borough Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the area meets the criteria of an area in need of redevelopment as set forth in *N.J.S.A.* 40A:12A-5; and

WHEREAS, the Borough Council wishes to direct the Planning Board to conduct a preliminary investigation to determine whether the following area, inclusive of the following properties, qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq.:

-Block 26, Lot 6 and a portion of Lot 10 (the foregoing property collectively referred to as the "Study Area").

**NOW, THEREFORE, BE IT RESOLVED,** by the Borough Council, of the Borough of Netcong, in the County of Morris and State of New Jersey that the Planning Board is hereby authorized and directed to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area, inclusive of the properties listed above herein, does or does not qualify as a non-condemnation area in need of redevelopment under the criteria set forth in *N.J.S.A.* 40A:12A-1, *et seq.*; and

**BE IT FURTHER RESOLVED**, that prior to the public hearing on the matter, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of

the parcel(s) of property included therein, and appended to the map shall be a statement setting forth the basis for the investigation; and

BE IT FURTHER RESOLVED, that the Planning Board shall specify a date for and give notice of the hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the Study Area is a non-condemnation redevelopment area, as set forth herein; and

BE IT FURTHER RESOLVED, that the hearing notice shall set forth the general boundaries of the Study Area and state that a map has been prepared and can be inspected at the office of the Borough Clerk and shall further state that a non-condemnation redevelopment area determination shall authorize the municipality to exercise those powers provided by the New Jersey Legislature for use in a redevelopment area, except for eminent domain; and

BE IT FURTHER RESOLVED, that a copy of the notice shall be published in a newspaper of general circulation in the Borough of Netcong once each week for two consecutive weeks, and the last publication shall be not less than ten (10) days prior to the date set for the hearing, and that a copy of the notice shall be mailed at least ten (10) days prior to the date set for the hearing to the last owner, if any, of each parcel of property within the Study Area according to the assessment records of the Borough of Netcong, as well as all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in any such parcel; and

BE IT FURTHER RESOLVED, that the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area qualifies as a noncondemnation redevelopment area under the redevelopment criteria. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record; and

BE IT FURTHER RESOLVED, that the Planning Board shall submit its findings and recommendations to the Mayor and Borough Council in the form of a Resolution with supportive documentation; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Clerk, Borough Planning Board and Planning Board Secretary.

This Resolution shall take effect immediately.

BOROUGH OF NETCONG

By:

Joseph A. Nametko, Mayor

Dated: 4/15/22

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### CERTIFICATION

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify that the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on April 14, 2022.

Cynthia/Eckert, Clerk

Photographs of Existing Conditions



1. Entrance to lower parking lot from Church Street



2. Lower parking lot



3. Asphalt playground behind the school building



4. Outside playground

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5. Outside playground



6. Electrical units on rotting plywood



7. Buildup of uncollected donations



8. Driveway and stairs from lower parking lot



9. Steps from lower to upper parking lots



10. Upper parking lot



11. Upper parking lot



12. Stairs from upper parking lot up to driveway



13. Facing west along the upper driveway



14. Facing south toward Lot 10 residence

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15. Open lawn area and landscaping facing southwest



16. Driveway leading toward Main St-Route 46



17. Facing northeast; retaining boulders and drainage basin below



18. Drainage basin running parallel to Main St-Route 46



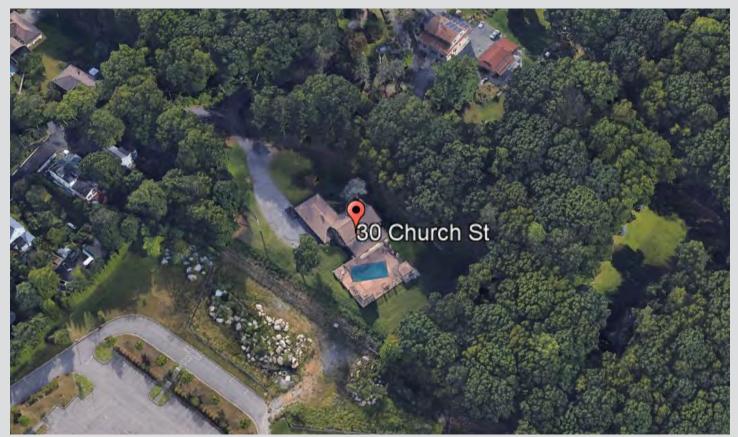
19. Steep slopes along Main St-Route 46



20. Frontage on Church St\_Google2018



21. Lot 10 driveway entrance from the terminus of Church Street



22. 3D aerial of Lot 10, Google Earth