

BIG M. CORPORATION

12 Vreeland Avenue

Totowa, NJ 07512

TO: MAYOR & COUNCIL OF THE TOWNSHIP OF BLOOMFIELD

FROM: BIG M. CORPORATION

DATE: DECEMBER 1, 2008

**RE: COMMENTS ON AMENDMENTS TO BLOOMFIELD CENTER
REDEVELOPMENT PLAN**

Comments on Draft Amendments to Bloomfield Center Redevelopment Plan

The following comments are presented on behalf of Big M Realty, a long time property owner and retail operator that most of you know better as “Annie Sez” or “Mandee’s”.

Big M has been a part of the Center for more than two decades, and remains one of the fixtures of the retail marketplace here in town. When the Township indicated that it wanted to put together a plan to revitalize the Center, Big M was one of the earliest and strongest supporters of the idea. After discussions with the Township, Big M went so far as to acquire additional property in the Center so as to help the town accelerate the redevelopment process.

In participating in this process, Big M had - and has – three goals:

- 1.) To assist the Township in the revitalization of what has become a moribund retail location;
- 2.) To create a new, mixed use project that will not only provide better retail opportunities, but will also bring a market-rate residential presence to the downtown;
- 3.) To carry out its entire redevelopment effort without the need for involuntary displacement of residents or businesses and without the use of condemnation.

While Big M has been ready to do its part to achieve these goals, it has expected the cooperation and support of the Township. Those expectations included the following:

- 1.) That the Township would modify the boundaries of the redevelopment study area to include the site proposed for redevelopment by Big M.

Redevelopment studies are intended to determine whether the conditions of an area are such that it is unlikely that the regular forces of the marketplace will cause it to get better. If you look objectively at Bloomfield Center, in the last three decades those market forces have produced a shopping area that has gotten substantially worse over time. The number and quality of retail stores has diminished, there is less local and regional traffic and the upper floors of almost all buildings are virtually unrentable. This is hardly surprising since the Center consists mostly of buildings whose architectural configurations are obsolete, which have antiquated mechanical systems, which lack off-street loading facilities and which fail to meet most current code requirements, including those for seismic resistance and for access by the disabled. It doesn't take a genius to figure out that Bloomfield Center, including the Big M site, is an area in need of redevelopment.

- 2.) That the Township would modify its zoning standards to permit the type of modern urban, mixed use design proposed by Big M.

Such standards, while new to Bloomfield, have paved the way for the stunning rebirth of urban centers from Hoboken and Jersey City to New Brunswick.

3.) That the Township would cooperate with Big M in addressing the parking problems in the Center.

Unlike most other potential redevelopers in the Center, Big M has proposed to directly address its parking requirements on its project site. The Big M solution requires the Township to agree to reasonable standards on parking ratios, to permit access using the exiting entrance along Bloomfield Avenue and to provide modest incentives. In return, Big M will include a modern structured parking facility in a location that the Township's redevelopment team has already determined to be desirable.

Unfortunately, what we see in the plan that is before the Council tonight does not meet those expectations. Specifically, the plan differs in the following substantive ways:

1.) No effort has been made to study the Big M site to determine whether it qualifies as an area in need of redevelopment. As a result it is indicated as an area in need of rehabilitation, which designation is insufficient to permit the Big M project to proceed.

2. The zoning standards used in the plan are inconsistent with those necessary for the Big M project, as well as requiring design and construction elements that may be inappropriate in many cases. Some examples include the dictating of specific massing patterns on each site, an absolute requirement for flat roof structures and the mandatory inclusion of LEEDS standards.

3.) The plan's approach to the parking issue is also inconsistent with the Big M proposal. Under the terms of the plan, no access is permitted from Bloomfield Avenue and there is no provision for incentives for private investment. In fact, the tone of the document seems to suggest that the Township would prefer to exclude private investment in favor of a system controlled totally by the Bloomfield Parking Authority that mandates some system of shared parking. Since the BPA currently controls only a few sites within the Center, the specter of a total BPA-run system seems to fly in the face of the plan's claim that the Township and its subsidiary agencies will not use eminent domain to carry out the plan.

There are other problems with the plan as well. The most significant of them are as follows:

- Despite repeated requests made to the Township, to date no evidence has been produced that the Township has ever taken the proper steps to declare the Township as an "area in need of rehabilitation". Since such a determination is a condition precedent to the adoption of the plan as presented, the absence of such evidence is significant.
- The plan proposes the use of "form-based" planning, which essentially permits the Township to base project approvals on standards that are highly subjective. This is a problem for two reasons: First, because there is no statutory basis in either land use law or redevelopment law for its use, and; Second, because it does not permit a developer any certainty in the creation of project plans. Under the form-based approach, a developer can spend hundreds of thousands of dollars in project design, only to be told that the

result does not meet the aesthetic tastes of the Township's review committee. Normal zoning in New Jersey does not permit municipalities to exercise such arbitrary judgment

- The parking plan discussed earlier has additional flaws. While it calls for projects to contribute to a shared system, no basis is given as to how the cost of such a system will be initially funded nor as to how those costs will be allocated back to the developers. In addition, the plan provides for the concept of alternative parking plans to satisfy required ratios, but does not indicate what standards will be used to determine the acceptability of such alternative plans, nor who will have the authority to make that determination.
- The loop road concept is troubling as well. While the concept has merit, implementation of it will require substantial investment in new and relocated infrastructure. Since the Township has been unwilling or unable to provide any substantial funding for the Center redevelopment project, it is unlikely that the road will ever become a reality. By including it in the plan when it will not get built however, places a cloud over those properties that would be affected if it were implemented, effectively placing them into a development limbo.

In light of these concerns, Big M would respectfully request that the Municipal Council take no action on this plan until such time as the following can be done:

- 1.) The authorization and conduct of a redevelopment study that encompasses all of the land within the Center that may qualify for inclusion within the area in need of redevelopment.
- 2.) Modification of the use, height and bulk standards within the plan so as to assure that the Big M project, as currently designed, shall be eligible for site plan approval as of right, with the need for variances or other subjective determinations.
- 3.) Replacement of all proposed form-based zoning standards with traditional zoning standards to eliminate the opportunity for subjective determinations as to acceptability of project designs.
- 4.) Modification of the access requirements to permit the continued use of the current entrance on Bloomfield avenue for ingress and egress for parking purposes.
- 5.) Clarification of the proposed parking plan to establish definitive standards for required ratios, required financial contributions and rights of approval for alternative parking programs.
- 6.) Modification of the plan to make an explicit declaration as to what role the Bloomfield Parking Authority shall play in the Redevelopment process and whether the BPA shall be permitted to utilize eminent domain in carrying out that role, together with explanation of the financial projections as would permit them to act in such capacity.

On behalf of Big M, may I close my thanking you in advance for your anticipated cooperation on this vitally important matter. Big M looks forward to working with the Township on the successful redevelopment of our Center.