

DRAFT

WEST MAIN STREET – AREA IN NEED OF REHABILITATION STUDY

Block 1, Lot 3

**Borough of Bound Brook
Somerset County, New Jersey**



Prepared for the Borough of Bound Brook in accordance with the New Jersey Local
Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.)

The original of this report was signed and sealed on May 16, 2019 in accordance with
Chapter 41 of Title 13 of the New Jersey State Board of Professional Planners

Handwritten signature of Carlos M. Rodriguez in blue ink.

Carlos Rodriguez FAICP / PP
New Jersey Professional Planner #5107

CREDITS

Governing Body:	Robert Fazen, Mayor Abel Gomez, Council President Robert Dixon Brad Galetta Elizabeth Jannuzzi Vince Petti Anthony Pranzatelli
Land Use Board:	Michael Witt, Chair James Ayotte Linda Brnicevic Robert Fazen Keith Krauser Mario Meola Anthony Pranzatelli Scott Sloan Mark Speed, Esq. Tricia Smith Howard Wagner
Land Use Administrator:	Jasmine Mathis
Redevelopment Counsel:	Francis X. Regan, Esq Decotiis, Fitzpatrick & Cole, LLP
Land Use Counsel:	John Belardo, Esq McElroy, Deutsch, Mulvaney & Carpenter, LLC
Professional Planner:	Carlos Rodrigues, PP / FAICP Design Solutions for a Crowded Planet, LLC

TABLE OF CONTENTS

- 1. Introduction and Definition of Study Area
- 2. Description of Study Area Property
- 3. Criteria for Area in Need of Rehabilitation Determination
 - 3.1 Statutory Criteria as per NJSA 40A:12A-14
 - 3.2 Structures in Deteriorated or Substandard Conditions
 - 3.3 Age of Housing Stock – 50 Years or Older
 - 3.4 Pattern of Vacancy, Abandonment or Underutilization
 - 3.5 Persistent Arrearage of Property Tax Payments
 - 3.6 Environmental Contamination
 - 3.7 Age of Water and Sewer Infrastructure – 50 Years or Older
- 4. Findings and Recommendations

Appendix A: Recorded Easements

Appendix B: Permit Applications, Inspections and Code Violations Issued for Study Area: 1999-2019

1. Introduction and Definition of the Study Area

The Borough of Bound Brook had previously requested the author of this Preliminary Investigation to examine whether certain properties (the “original Study Area”), in particular Block 1, Lots 4, 5, a portion of 6, 6.01, 6.02, 6.03, 7, a portion of 8, 9, a portion of 10, 11-14, a portion of 15, 16-23, 18.01, 25 and 27-30; Block 3, Lots 7, 7.01, 7.02, 7.03 and 8; and Block 4, Lots 18-31, 23.01, 24.01, 28.01 and 29.01 qualified as an “area in need of rehabilitation” according to New Jersey’s Local Redevelopment and Housing Law (NJSA 40A:12A et seq).

A Preliminary Investigation, dated November 27, 2018 found that those properties did meet the relevant statutory criteria for designation, and recommended that the area be so designated. The Bound Brook Planning Board concurred with this recommendation, and at its meeting on 3/28/2019 found that the original Study Area satisfied the statutory criteria for such designation. This action was memorialized by resolution 2019-04 at the Board’s 4/11/2019 meeting.

Subsequent to its initial request, the Borough of Bound Brook requested, by Resolution, at its 4/23/2019 meeting, that the author of this Preliminary Investigation examine whether one additional property – 338 West Main Street (Block 1, Lot 3) -- also satisfied the criteria for designation. This property (the “current Study Area”) – the residential parcel furthest to the West with frontage on the South side of West Main Street -- had inadvertently been left out of the original Study Area.

As such, the current Study Area complements and completes the original Study Area. The combined Study Area includes all the properties, or residential portions of properties, located along both sides of that section of West Main Street in the Borough of Bound Brook, Somerset County, New Jersey.

The section of West Main Street targeted for the Area in Need of Rehabilitation investigations is approximately .3 miles long, and is located south of the New Jersey Transit railroad tracks. Vehicular access to the rest of the Borough is currently limited to two at-grade railroad crossings, at La Monte Avenue, to the West, and Vosseller Avenue, to the East.

With the addition of Block 1, Lot 3, the combined Study Area will encompass 49 properties in their entirety, and portions of four additional properties. Those four properties are much larger than the average and extend back hundreds of feet to the right-of-way of the former Lehigh Valley Railroad (currently CSX). The portion of those four properties that was included in the previous Area in Need of Rehabilitation Study corresponds to the portion of the lots occupied with the residential uses. Parts of the rear portions of these four lots are encumbered with easements acquired by the US Army Corps of Engineers (USACE) to allow the construction of the levee that now protects this neighborhood, and all of Bound Brook’s downtown, from periodic flooding of the Raritan River.

The enclosed Area in Need of Rehabilitation map shows the location of the Study Area property relative to the surrounding area.

West Main Street is a small, linear neighborhood of just two blocks. It consists of older, predominantly single-family homes located on either side of West Main Street, which runs about 1/3 of a mile. In addition to single-family homes, there are also 11 two-family structures, four 3-family structures, one 4-family structure, a park with a basketball hoop and a vacant, wooded lot.

It is a very isolated area, located between active NJ Transit rail lines to the north and the US Army Corps of Engineers flood control levees to the south and west.

The neighborhood can be accessed only via two at-grade crossings, at La Monte Avenue and Vosseller Avenue.

The residential structures that front onto West Main Street are in an R-4 zone, which permits one and two-family detached housing. Lot sizes along the north side of West Main Street range from 4,000 square feet to 16,000 square feet, with an average around 8,000 square feet. The building stock is in poor to fair condition.

The 2017 Master Plan Reexamination Report indicates that it is primarily a renter-occupied neighborhood, with only 24% owner-occupied units on the north side of West Main Street, and 30% owner-occupied units on the south side of the street (Map 17 – Owner-Occupied Housing by Census Block).

The 2017 Master Plan Reexamination Report also indicates that there were many vacancies: 5 of 33 on the north side, and 4 of 23 on the south side (Map 18 – Vacant Housing Units by Census Block).

The 2017 Master Plan Reexamination Report identifies the ratios between the value of the improvements and the value of the land in this neighborhood as among the highest in the Borough (Map 15 – Ratio of Improvements to Land Value). This is due primarily to the reduced value of the land.

The 2017 Master Plan Reexamination Report also indicates that the neighborhood was occupied by a very young population, with the median age less than 29 years of age (Map 13 – Median Age by Census Block).

Finally, the 2017 Master Plan Reexamination Report observes that “as of 2016, with completion of the flood control levee system and federal regulatory remapping, the area is now classified by FEMA as Zone X – Reduced Risk of Flooding Due to the Levee. It is anticipated that this reduced risk will be reflected in the value of these properties, and spur market-driven improvements. If, over time, this does not occur, Borough designation as an Area in Need of Rehabilitation may be appropriate to attract reinvestment” (page 2-18).

The Preliminary Investigations for both the Original Study Area and the Current Study Area both suggest that designation of this neighborhood as an “area in need of rehabilitation” is supported by the redevelopment statute and may be beneficial in revitalizing the neighborhood.

Lot sizes along the south side of West Main Street vary, and start around 4,000 square feet. But some flag lots are much larger – in excess of four acres – and extend all the way south to the railroad right-of-way that parallels the Raritan. The USACE flood control levees extend in a band along the rear of these large lots, including the Study Area parcel, just north of the railroad rights-of-way.

An ordinance rezoning the rear portions of all these lots from Industrial Park (I-P) to Open Space / Civic (OS-C) was adopted by the Borough in 2018.

Following the catastrophic flooding event caused by Hurricane Floyd in November of 1999, when flood waters reached a 42-foot elevation, the Borough designated extensive areas “in need of redevelopment” in the southern and western parts of town. The West Main Street neighborhood was designated as an “area in need of redevelopment” as part of a much larger redevelopment area encompassing all the lands to the south of the NJ Transit Raritan Valley line right-of-way, along which much of the downtown (Redevelopment Area 1), as well as much of the Borough’s western section (Redevelopment Area 2).

Redevelopment Plans for these expansive Areas 1 and 2 were adopted in 2000, substantially changing the planning framework in those areas. The Plan for the area south of the tracks called for relocating the train station and the train tracks and building a new downtown closer to the river, along with extensive flood control measures. These grandiose ideas were not implemented, although many years later the flood control measures were finally completed.

The areas subject to the plans for both Area 1 and Area 2 were substantially amended in 2008, radically reducing

the size of the area subject to these plans. The West Main Street neighborhood was removed from Redevelopment Area 1 at that time. The revised Plan does not provide an explanation for this action.

Section 2 of this report provides records for the Study Area property, recent photographs, and data from the Borough tax assessor's office and building code office.

The six criteria for determining whether an area qualifies as "in need of rehabilitation" -- listed in the redevelopment statute (hereinafter LRHL) at N.J.S.A. 40A:12A-14 -- are presented and discussed in Section 3 of this report. Section 3 also provides detailed information regarding how the targeted property satisfies, or fails to satisfy, each of the six statutory criteria.

Finally, Section 4 of this report offers conclusions and recommendations, based on the report's factual findings.

Appendix A contains the easements recorded for the Study Area property. Appendix B provides the permit applications, inspections and notices of code violations issued for the study area property between 1999 and 2019.

2. Description of Study Area Property

Block 1 Lot 3 is a roughly triangular parcel of 9.37 acres. The street address is 338 West Main Street.

The parcel has 515 feet of frontage on the right-of-way for New Jersey Transit's Raritan Valley passenger rail line, 295 feet of frontage on West Main Street and 1,118 feet of frontage on the Middle Brook. As such, the property extends from West Main Street all the way south to the Middle Brook. It is the largest parcel in the West Main Street neighborhood.

The parcel is improved with a two-story plus attic, single-family house and a detached, one-story, 480 square foot two-car frame garage.

The house has 1,600 square feet on the ground floor, and 1,400 square feet on the upper floor. It has four bedrooms and three bathrooms. There is a 1,400 square foot basement, and a 1,400 square foot attic.

The tax assessor's records indicate that the house was built in 1834, although it is hard to tell from the exterior, as it has been subject to many alterations over the years.

The building footprint of the house is rectangular, measuring 56 feet by 25 feet. There are several attached open porches.

The tax assessor's records indicate that the roof of the residential building consists of asphalt shingles and the exterior siding is asbestos. The house has gas heat, but no air conditioning.

It is not clear whether the house is inhabited. The current owners – William Cameron McEwen and Carmen E. Robles-Diaz -- acquired the property in 1988, but they have a California mailing address and it is believed that they live there year-round. The house is not registered as a rental with the Borough.

An interior inspection was not effectuated. The exterior of the garage is in poor condition. It appears to be sagging and may require structural work. The exterior condition of the house is better, but also indicates deferred routine maintenance.

From the records of the Borough's Construction Office we know that the boiler for the hot water heater was replaced in 1999 – presumably after the flooding caused by Hurricane Floyd – and again in 2009.

A series of 8 inspections, all having to do with electrical systems, were conducted in January of 2010, presumably required by work on the flood control systems located in the back of the property – see below.

Finally, a series of summons were issued by the Borough, in 2018 and 2019, to address violations of the property maintenance code (multiple inoperable vehicles parked on the property, overgrown vegetation and weeds, furniture stored on porch) as well as to address structural deficiencies, such as the replacement of the fence at the front of the property, replacement of trim/columns on the side porch, replacement of decking, replacement of exterior siding and trim, etc (see Appendix B).

Several easements encumber the rear of the property. The US Army Corps of Engineers acquired in 2007 two perpetual 20-foot wide pipeline easements, as well as a perpetual levee easement as part of the work on the Green Brook Flood Control Project. An earlier easement for a 15-foot wide access road was granted in 1981. As such, a substantial portion of the rear of the property is encumbered with perpetual utility-related easements.

Appendix A contains maps showing the locations of the various recorded easements.

Appendix B contains a list of construction permits applications, building inspections and code violations from the records of the Borough's Construction Office.



View of 338 West Main Street from the street



View of driveway and detached garage

3. Criteria for Area in Need of Rehabilitation Determination

3.1 Statutory Criteria as per NJSA 40A:12A-14

Section 14 of the LHRL (NJSA 40A-12A-14) defines the criteria for determining whether an area may qualify as an “area in need of rehabilitation” in the following terms:

a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation, as defined in section 3 of P.L. 1992, c. 79 (C. 40A-12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition; (2) more than half of the housing stock in the delineated area is at least 50 years old; (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area; (4) there is a persistent arrearage of property tax payments on properties in the area; (5) environmental contamination is discouraging improvements and investment in properties in the area; or (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance. Where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality. Prior to adoption of the resolution, the governing body shall submit it to the municipal planning board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner pursuant to section 6 of P.L.1992, c.79 (C.40A:12A-6), if otherwise required pursuant to that section.

b. A delineated area shall be deemed to have been determined to be an area in need of rehabilitation in accordance with the provisions of this act if it has heretofore been determined to be an area in need of rehabilitation pursuant to P.L.1975, c.104 (C.54:4-3.72 et seq.), P.L.1977, c.12 (C.54:4-3.95 et seq.) or P.L.1979, c.233 (C.54:4-3.121 et seq.).

3.2 Structures in Deteriorated or Substandard Conditions

There are two structures in the Study Area. A visual inspection of the exterior of these structures suggests that the detached garage is in “fair to poor” condition, and the detached single-family house is in “fair” condition.

The house appears neglected and subject to deferred maintenance on various fronts.

This assessment is supported by the many summons issued by the Borough’s building department requiring structural and other improvements, as well as by the many summons issued for property maintenance reasons.

Combined, these are tangible indications that the property is neglected and deteriorating.

The absence of permits for any substantial construction or maintenance work over the last 20 years – other than work associated with the flood control project -- reflects the owners’ absenteeism and translates into a property that will require increased investment to address issues caused by deferred maintenance.

3.3 Age of Housing Stock – 50 Years or Older

The Borough tax assessor's records indicate that the house was built in 1834, or 185 years ago.

3.4 Pattern of Vacancy, Abandonment or Underutilization

It is believed that the owners reside full time elsewhere, since the Borough's property tax records indicate a California mailing address for the registered owners.

There may be a tenant/caretaker in charge of the property, however the property is not registered as a rental property with the Borough.

The many summons issued by the Borough indicate a pattern of negligence and underutilization.

3.5 Persistent Arrearage of Property Tax Payments

The Borough tax assessor's files indicate that the Study Area property is current in terms of property tax payments and there are no records of missed tax payments in the past.

3.6 Environmental Contamination

The Study Area site is not listed on NJDEP's Known Contaminated Sites database.

Similarly, there are no open remediation case files regarding Underground Storage Tanks on the Study Area parcel.

Finally, the NJDEP records do not identify any open remediation with respect to groundwater contamination on the Study Area parcel.

3.7 Age of Water and Sewer Infrastructure – 50 Years or Older

The Borough Engineer made inquiries regarding the age and condition of the public water distribution system with New Jersey American Water (NJAW), the Borough's water purveyor. NJAW indicated that the water main on West Main Street, from the intersection with LaMonte Avenue to the west – which would include the Study Area property -- was replaced during the US Army Corps of Engineers flood control project.

The water main on West Main Street, between the intersections with LaMonte Avenue and Vosseller Avenue was not replaced and dates back to the 1950's.

The Borough Engineer does not have much information regarding the current age or condition of the sanitary sewer lines. An evaluation of the conditions of the sanitary sewer system, including the televising of the sewers in the Talmage Avenue /Main Street corridor, is currently under discussion. However, it is known that the sanitary sewer pipes in the West Main Street neighborhood are clay.

It is not unreasonable to assume that the original sewer and water lines may have been installed around the same time. If this is a correct assumption, then the public sanitary sewer line is 50+ years old. Since there are numerous properties in the neighborhood that were built in the 19th and early part of the 20th century, including the Study Area parcel, it is reasonable to assume that they were originally on private well water and individual septic systems, which were later replaced when the public water and sewer systems were put in place.

4. Findings and Recommendations

This report finds that the Study Area property qualifies as an “Area in Need of Rehabilitation” under the criteria listed in the Redevelopment Statute.

Specifically, the Study Area property likely qualifies under criterion (1) “structure in deteriorated or substandard condition”; satisfies unequivocally criterion (2) “more than half of the housing stock in the delineated area is at least 50 years old”; and also satisfies criterion (6) “a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.” In this case, it appears that the water line was replaced in the last 10 years, but the original sanitary sewer is still in place.

The Study Area property may also qualify under criterion (3) “there is a pattern of vacancy, abandonment or underutilization of properties in the area”. While the property is not technically “abandoned”, it does clearly appear “underutilized” and neglected. The continued absence of the homeowners is troubling, and is reflected in the property’s deteriorating condition.

There is no basis to support a finding under criterion (4) “there is a persistent arrearage of property tax payments on properties in the area”.

Finally, there is no basis to support a finding under criterion (5) “environmental contamination is discouraging improvements and investment in properties in the area”.

We note that the statute allows an area to be designated as “an area in need of rehabilitation” on the basis of a single criterion: “that there exist in that area any of the following conditions” (emphasis added). In the case of the Study Area, we can state with certainty that it unequivocally satisfies two criteria, and possibly two more, and therefore qualifies under the statute for designation as an “area in need of rehabilitation”.

Appendix A: Recorded Easements

13p 150-CK THW

R&R to:
Esquire Title Services, LLC
272 Parsippany Road
Parsippany, NJ 07054
ETS 20510607

This instrument was prepared by the
undersigned.

Raymond Schweiger
Raymond Schweiger
Closing Agent

↑

INITIAL
WCM
HERE
→

a/h/a William C. McEwen

THIS DEED OF EASEMENT made this 28 day of April 2007, by and between Cameron McEwen, and Carmen E. McEwen, as Trustees of The McEwen Living Trust UTD 4/12/96, GRANTORS, whose address is 191 Robinson Drive, Tustin, California 92782, and the United States of America and its assigns, GRANTEE, whose post office mailing address is: Office of the Chief, Real Estate Division, United States Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715.

WITNESSETH, that the Grantors, for and in consideration of the sum of Five Hundred Thirty Thousand Seven Hundred and 00/100 Dollars (\$530,700.00), lawful money of the United States of America, the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell, assign and convey to the United States of America and its assigns two perpetual pipeline easements and a perpetual levee easement, more particularly expressed in Exhibit "B", which is attached hereto and made a part hereof, in, to and over all those parcels of land situate, lying and being in the County of Somerset, State of New Jersey, known as Tract Nos. 441E-1, 444E-2 and 444E-3 of the Green Brook Local Flood Control Project, which said tracts are more particularly described in Exhibit "A", attached hereto and made a part hereof.

SUBJECT to existing easements for public roads and highways, public utilities, railroads and pipelines.

The land conveyed is being acquired by the United States for and in behalf of the United States Army Corps of Engineers, Baltimore District.

TOGETHER WITH the right, title and interest which the Grantors may have in the banks, beds and waters of any streams bordering the said land to be conveyed, and also all interest in alleys, roads, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land and in any means of ingress and egress appurtenant thereto.

TOGETHER WITH all and singular the buildings and improvements and all the title and interest of the Grantors in and to any alleys, streets, ways, strips, or gores abutting or adjoining the land.

AND the Grantors covenant that they will warrant generally the property conveyed against any outstanding encumbrances or interests, and to satisfy all unpaid taxes or liens thereon.



BRETT A. RADI COUNTY CLERK
SOMERSET COUNTY, NJ
2007 MAY 07 03:13:05 PM
BK 0022 PG 3237-3250
INSTRUMENT # 2007026787

INFO ONLY

1/3
1/15 2007 11/15/07

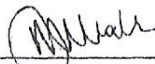
AND, in regard to the West Main Street maintenance access to the levee, the United States of America will install a gate and bollards to deter trespassing; and

AND, during construction, the United States of America will exert its best efforts to preserve as much of the existing mature trees in the work area corridor as possible and to minimize the loss of vegetation in the two perpetual pipeline easements and perpetual levee easement, but areas will need to be cleared to facilitate construction. Clearing of approximately 30-40 feet on average for a work area on either side of levees and pipelines is unavoidable for construction equipment. These areas will receive topsoil and be re-seeded and re-planted after construction is complete to mitigate for the disturbance. Vegetative species used for planting plans will be selected in a way to attempt to mimic the pre-project forested floodplain habitat to the greatest extent possible, and enhance the understory cover of the area. Native trees to be used could include White ash, Box elder, Silver maple, Red maple, Shagbark hickory, Hackberry, Eastern redbud, Pin oak, Shadbush or Gray Birch. Native shrubs to be used could include Black chokeberry, Redosier dogwood, Pussy willow, Arrowwood, Nannyberry Summersweet, Witchhazel, or Corymbid spirea. For the trees that could be planted, their size is as follows: Red Maple > 9' tall, 2 1/2" caliper; White Ash > 7' tall, 2" caliper; White Oak > 7' tall, 2" caliper; for visual screening Evergreens 10-12' tall White Pine and Norway Spruce. The levee structure and an 8 foot to 15 foot buffer from the levee toe (base of levee) will be seeded with turf grass or a native grass mix only and will not receive woody re-vegetation. Planting of levee structures with woody tree species is not permitted per U.S. Army Corps of Engineers guidance, and the buffer is established to prevent root penetration. Soil erosion and sediment control techniques will be employed to minimize impacts to water quality during construction.


TO HAVE AND TO HOLD the estate in said property herein granted unto the United States of America and its assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year aforesaid.

WITNESS



Mary Vil Mury.
As witness to both

BY:  (SEAL)
Cameron McEwen a/k/a William C. McEwen,
Trustee **

BY:  (SEAL)
Carmen E. McEwen, Trustee **

** Trustees of the McEwen Living Trust
UTD April 12, 1996



15 Stelton Road, Piscataway, New Jersey 08855-0036 (732) 752-5600 Fax (732) 752-9338

DEED DESCRIPTION

TRACT NUMBER 444E-1 (Perpetual Pipeline Easement)

Green Brook Flood Control Project 4/4/06, Rev. 10/6/06
Segment R1
Current Owner: Cameron McEwen and Carmen E. McEwen, Trustees
Borough: of Bound Brook
Block 1 P.O. Lot 3
Somerset County, New Jersey

All that certain tract or parcel of land situate in the State of New Jersey, County of Somerset, Borough of Bound Brook, being a tract of land designated as Tract No. 444E-1 on a map entitled "Green Brook Flood Control Project, Segment R1, Property Location Plat, Block 1 Lot 3", Dated 4/06, Revised 10/6/06, File: CRPGSR31, Prepared by Kupper Associates, 15 Stelton Road, Piscataway, N.J.

BEGINNING AT A POINT in the southerly line of New Jersey Transit, said point being S 86°17'07" W, 419.74' from the intersection of the southerly line of New Jersey Transit with the southerly line of West Main Street (50' wide) and running thence;

- 1. Along the easement line the following 3 courses, S 05°41'38" E, 107.42' to a point, thence;
2. S 39°36'58" E, 300.24' to a point, thence;
3. S 39°49'54" W, 75.06' to a point, thence;
4. Along the centerline of the Middle Brook, N 50°10'06" W, 45.00' to a point, thence;
5. Along the easement line the following 3 courses, N 39°49'54" E, 27.49' to a point, thence;
6. N 39°36'58" W, 272.53' to a point, thence;
7. N 05°41'38" W, 133.36' to a point, thence;
8. Along the dividing line between Block 1 Lot 3 and New Jersey Transit, N 86°17'07" E, 50.03' to the point of beginning.

Said Tract Number 444E-1 being a portion of Block 1 Lot 3 and having an area of 24,077 square feet (0.553 acres).

The distances and bearings used herein are based on a boundary survey performed by Kupper Associates on 4/2004, said survey being based on the New Jersey State Plane Coordinate System (NAD 27).

It is the intention of the foregoing description to include a portion of the same land as described in a quit claim deed dated May 13, 1996 from Carmen E. Robles-Diaz & William Cameron McEwen to Cameron McEwen & Carmen E. McEwen, Trustees, recorded June 28, 1996 in Deed Book 2066, Page 379. Said portion of land being a portion of Block 1 Lot 3 as shown on the Borough of Bound Brook tax map sheet 32.

Signature of Peter J. Moore dated 10/6/06
Peter J. Moore
New Jersey Licensed Surveyor No. 37602

EXHIBIT A



15 Stelton Road, Piscataway, New Jersey 08855-0036 (732) 752-5600 Fax (732) 752-9338

DEED DESCRIPTION

TRACT NUMBER 444E-2 (Perpetual Levee Easement)

Green Brook Flood Control Project 4/4/06
Segment R1
Current Owner: Cameron McEwen and Carmen E. McEwen, Trustees
Borough of Bound Brook
Block 1 P.O. Lot 3
Somerset County, New Jersey

All that certain tract or parcel of land situate in the State of New Jersey, County of Somerset, Borough of Bound Brook, being a tract of land designated as Tract No. 444E-2 on a map entitled "Green Brook Flood Control Project, Segment R1, Property Location Plat, Block 1 Lot 3", Dated 4/06, No Revisions, File: CRPGSR32, Prepared by Kupper Associates, 15 Stelton Road, Piscataway, N.J..

BEGINNING AT A POINT in the southerly line of New Jersey Transit, said point being S 86°17'07" W, 271.68' from the intersection of the southerly line of New Jersey Transit with the southerly line of West Main Street (50' wide) and running thence;

1. Along the easement line the following 5 courses, S 05°07'30" E, 39.05' to a point, thence;
2. S 36°23'46" E, 163.89' to a point, thence;
3. S 55°36'24" E, 211.98' to a point, thence,
4. S 49°36'17" E, 257.41' to a point, thence;
5. S 55°09'08" E, 107.65' to a point, thence;
6. Along the dividing line between Block 1 Lot 3 and Lot 6, S 02°12'53" E, 226.44' to a point, thence;
7. Along the easement line the following 4 courses, N 53°19'35" W, 131.09' to a point, thence;
8. N 59°56'59" W, 161.48' to a point, thence;
9. N 50°14'12" W, 209.66' to a point, thence;
10. S 34°32'00" W, 55.29' to a point, thence;
11. Along the centerline of the Middle Brook, N 52°17'19" W, 155.54' to a point, thence;
12. Along the easement line the following 3 courses, N 39°49'54" E, 69.97' to a point, thence;
13. N 39°36'58" W, 293.74' to a point, thence;
14. N 05°11'38" W, 116.38' to a point, thence;



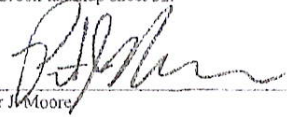
15 Stelton Road, Piscataway, New Jersey 08855-0036 (732) 752-5600 Fax (732) 752-9358

15 Along the dividing line between Block 1 Lot 3 and New Jersey Transit, N 86°17'07" E, 148.06' to the point of beginning.

Said Tract Number 444E-2 being a portion of Block 1 Lot 3 and having an area of 164,661 square feet (3.780 acres).

The distances and bearings used herein are based on a boundary survey performed by Kupper Associates on 4/20/04, said survey being based on the New Jersey State Plane Coordinate System (NAD 27)

It is the intent of the foregoing description to include a portion of the same land as described in a quit claim deed dated May 13, 1996 from Carmen E. Robles-Diaz & William Cameron McEwen to Cameron McEwen & Carmen E McEwen, Trustees, recorded June 28, 1996 in Deed Book 2066, Page 379. Said portion of land being a portion of Block 1 Lot 3 as shown on the Borough of Bound Brook tax map sheet 32.

 4/20/06

Peter J. Moore

New Jersey Licensed Surveyor No. 37602



15 Stelton Road, Piscataway, New Jersey 08855-0036 (732) 752-5600 Fax (732) 752-9538

DEED DESCRIPTION

TRACT NUMBER 444E-3 (Perpetual Pipeline Easement)

Green Brook Flood Control Project 4/4/06
Segment R1
Current Owner: Cameron McEwen and Carmen F. McEwen, Trustees
Borough of Bound Brook
Block 1 E.O. Lot 3
Somerset County, New Jersey

All that certain tract or parcel of land situate in the State of New Jersey, County of Somerset, Borough of Bound Brook, being a tract of land designated as Tract No. 444E-3 on a map entitled "Green Brook Flood Control Project, Segment R1, Property Location Plat, Block 1 Lot 3", Dated 4/06, No Revisions, File: CRPGSR33, Prepared by Kupper Associates, 15 Stelton Road, Piscataway, N.J.

BEGINNING AT A POINT in the southerly line of New Jersey Transit, said point being the intersection of the southerly line of New Jersey Transit with the southerly line of West Main Street (50' wide) and running thence;

1. Along the southerly line of West Main Street (50' wide), S 67°43'07" E, 34.00' to a point, thence;
2. Along the easement line the following 8 courses, S 37°12'56" W, 87.98' to a point, thence;
3. S 72°27'37" W, 12.60' to a point, thence;
4. S 20°36'47" W, 67.94' to a point, thence;
5. S 30°00'03" E, 154.21' to a point, thence;
6. S 34°32'00" W, 28.42' to a point, thence;
7. N 55°26'24" W, 210.48' to a point, thence;
8. N 36°23'46" W, 163.89' to a point, thence;
9. N 62°07'12" W, 29.05' to a point, thence;
10. Along the dividing line between Block 1 Lot 3 and New Jersey Transit, S 86°17'07" E, 271.68' to the point of beginning.


Said Tract Number 444E-3 being a portion of Block 1 Lot 3 and having an area of 46,925 square feet (1.077 acres).



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The distances and bearings used herein are based on a boundary survey performed by Kupper Associates on 4/2004, said survey being based on the New Jersey State Plane Coordinate System (NAD 27).

It is the intent of the foregoing description to include a portion of the same land as described in a quit claim deed dated May 13, 1996 from Carmen E. Robles-Diaz & William Cameron McEwen to Cameron McEwen & Carmea E. McEwen, Trustees, recorded June 28, 1996 in Deed Book 2066, Page 379. Said portion of land being a portion of Block 4 Lot 3 as shown on the Borough of Bound Brook tax map sheet 32.

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PERPETUAL PIPELINE EASEMENT

A perpetual and assignable easement and right-of-way in, on, over and across the land described in Exhibits A and C, Tract Nos. 444E-1 and 444E-3, for the location, construction, operation, maintenance, alteration, repair and patrol of underground drainage pipe; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to existing easements for public roads and highways, public utilities, railroads and pipelines.

PERPETUAL FLOOD PROTECTION LEVEE EASEMENT

A perpetual and assignable right and easement in the land described in Exhibit B, Tract No. 444E-2, to construct, maintain, repair, operate, patrol and replace a flood protection levee, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to existing easements for public roads and highways, public utilities, railroads and pipelines.

EXHIBIT B

Appendix B: Permit Applications, Inspections and Code Violations Issued for Study Area: 1999-2019

Construction
Permits

Permit Number	Permit Issue Date	Control Number	Location Address	Block	Lot	Application Date
07-0654	5/24/07	C-07-02909	338 W MAIN ST.	1	3	5/24/07
07-0550	5/18/07	C-07-02795	338 W MAIN ST.	1	3	5/18/07
09-0196	6/15/09	C-09-0215	338 W MAIN ST.	1	3	6/9/09
09-0197	6/15/09	C-09-0214	338 W MAIN ST.	1	3	6/9/09
10-0477	6/25/10	C-10-0506	338 W MAIN ST.	1	3	5/18/10

VIOLATIONS

Issue Date	Tracking Number	Location Address	Block	Lot	Owner Name	Owner Address
12/4/18	CVIO-18-00325	338 WEST MAIN STREET	1	3	MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET
12/4/18	CVIO-18-00324	338 WEST MAIN STREET	1	3	MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET

12/4/18	CVIO-18- 186781409 5	338 WEST MAIN STREET	1	3	MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET
12/4/18	CVIO-18- 00321	338 WEST MAIN STREET	1	3	MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET
12/4/18	CVIO-18- 00322	338 WEST MAIN STREET	1	3	MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET
12/4/18	CVIO-18- 00323	338 WEST MAIN STREET	1	3	MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET

Application Status	Subcodes Used	Change of Contractor	Work Type	Work Description Comments
Closed with Date	E	FALSE	Alteration	ELECTRIC SERVICE FOR SLUICE GATES
Closed with Date	P	FALSE	Alteration	ENTRANCE SERVICE UPGRADE
Open	E	FALSE	Alteration	ELECTRIC SERVICE FOR SLUICE GATES
Open	E	FALSE	Alteration	ELECTRIC SERVICE FOR SLUICE GATES
Closed with Date	P E F	FALSE	Alteration	BOILER REPLACEMENT WATER HEATER

Closed	Closed Date	Summary	Statute	Statute Number
FALSE		<p>5. NOTICE OF VIOLATION-Summons will be issued if not corrected by January 29, 2019: Detached garage exterior and doors needs rehabilitation or replacement. Fence at front of property needs rehabilitation or replacement. Trim/columns on screened side porch needs rehabilitation or replacement. Front porch steps and decking surface needs rehabilitation or replacement. Exterior siding and trim need rehabilitation. Exterior siding and trim need rehabilitation.</p>	17-16.2A Protective Treatment – Primary & Accessory Structures	16.2A
FALSE		5. SUMMONS ISSUED: Indoor furniture stored on porch.	Z 21-10.2k. Outdoor Sorage	Z 21-10.2k.

TRUE	1/31/19	1. SUMMONS ISSUED: Overgrown vegetation and weeds.	17-14.4 Weeds	14.4
FALSE		2. SUMMONS ISSUED: Shrubs/vines overgrown and overtaking wires. Fallen trees and stumps. All must be removed.	17-24.1 Duties of Owners and Tenants	24.1
FALSE		3. SUMMONS ISSUED: Multiple inoperable motor vehicles parked on property.	17-14.9 Motor Vehicles PR 3-16.1	14.9
FALSE		4. SUMMONS ISSUED: Multiple vehicles parked on lawn.	Parking of Vehicles on Lawns	PR 3-16.1

Total Construction Cost	Alteration Cost	Total Due	Total Paid	Total Balance	Plan Review Fee	Close Date
1,000	1,000					5/24/07
3,600	3,600					5/18/07
20,000	20,000	274	274			
20,000	20,000	274	274			
4,900	4,900	203	203			6/25/10

Statute Group	Issuing Officer	Summons Date Scheduled	Summons Note	Summons Number
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Marty Mandell				NOV
Marty Mandell	12/18/18	5. SUMMONS ISSUED: Indoor furniture stored on porch.		11372

Marty Mandell	12/18/18	1. SUMMONS ISSUED: Overgrown vegetation and weeds.	11328
Marty Mandell	12/18/18	2. SUMMONS ISSUED: Shrubs/vines overgrown and overtaking wires. Fallen trees and stumps. All must be removed.	11329
Marty Mandell	12/18/18	3. SUMMONS ISSUED: Multiple inoperable motor vehicles parked on property.	11330
Marty Mandell	12/18/18	4. SUMMONS ISSUED: Multiple vehicles parked on lawn.	11371

Owner Name	Owner Address	Owner City
MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET	BOUND BROOK
MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET	BOUND BROOK
ARMY CORP OF ENGINEERS	338 WEST MAIN STREET	BOUND BROOK
ARMY CORP OF ENGINEERS	338 WEST MAIN STREET	BOUND BROOK
MCEWEN, CARMEN E & CAMERON TRUSTEES	338 WEST MAIN STREET	BOUND BROOK

Owner Telephone	Date Created	Date Last Updated	AgentID	Agent Name
	5/24/07	6/8/07	6,880	PIKE ELECTRIC INC.
	5/18/07	5/25/07	6,776	KEITH JANNONE
	6/9/09	1/19/10	8,342	ARMY CORP OF ENGINEERS
	6/9/09	1/19/10	8,341	ARMY CORP OF ENGINEERS
	5/18/10	6/25/10	9,184	DAVID BURGHER

Agent Address	Agent Telephone	DCA Fee Exempt	Total DCA Fee
930 SOUTH ORANGE	(973) 303-7200	Yes	
P.O. BOX 404		Yes	
338 WEST MAIN STREET			34
338 WEST MAIN STREET			34
801 BERMUDA DRIVE			8