SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-2665-20

SADDLEWOOD COURT, LLC,

Plaintiff-Appellant,

v.

CITY OF JERSEY CITY, CITY COUNCIL OF THE CITY OF JERSEY CITY, and THE CITY OF JERSEY CITY PLANNING BOARD,

Defendants-Respondents.

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Submitted September 13, 2022 – Decided November 2, 2022

Before Judges Messano and Gummer.

On appeal from the Superior Court of New Jersey, Law Division, Hudson County, Docket No. L-1130-20.

Cole Schotz PC, attorneys for appellant (Joseph Barbiere, Michael R. Yellin, and Michael C. Klauder, of counsel and on the briefs).

Peter J. Baker, Corporation Counsel, attorney for respondents City of Jersey City and City Council of the

City of Jersey City (Philip S. Adelman, Assistant Corporation Counsel, on the brief).

Law Office of Santo T. Alampi, LLC, attorneys for respondent the City of Jersey City Planning Board (Santo T. Alampi, on the brief).

PER CURIAM

Plaintiff Saddlewood Court, LLC appeals an order dismissing its complaint and memorializing a decision affirming the designation of certain property located in Jersey City as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 to -89, and a subsequent order denying plaintiff's motion for leave to file an amended complaint. Because substantial credible evidence in the record supported the designation and because the trial court did not abuse its discretion in denying plaintiff's motion for leave to amend, we affirm.

I.

On April 24, 2019, Jersey City's City Council adopted Resolution No. 19-375, directing the City's Planning Board to examine whether Block 11501, Lots 1 through 39 (the Block), located in Jersey City, should be designated a condemnation area in need of redevelopment pursuant to the LRHL. See N.J.S.A. 40A:12A-5 to -6. That designation would enable the City to exercise its eminent-domain powers. See N.J.S.A. 40A:12A-8.

The Block is approximately 1.80 acres and consists of thirty-nine lots, which front two cul-de-sacs, Laurel Court and Saddlewood Court. Thirty-eight of the lots contain three-story townhouses; one is a park. Plaintiff owns Lot 19 of the Block, located at 11 Saddlewood Court.

On July 8, 2019, Timothy Krehel, the principal planner of the City's Division of City Planning, issued a report prepared in response to Resolution No. 18-375. Krehel identified in the report several methods "used in gathering information and preparing a physical condition [s]urvey" of the Block, including obtaining "[p]arcel ownership, land use, lot assignments, size and assessed value . . ." and conducting "[a] physical survey of all buildings and property . . . to determine the general physical condition for all parcels within the [Block], and where necessary to modify characteristics obtained from the tax records." That survey "involved an exterior survey of the residential 3-story dwellings and park from bordering streets . . . and the two internal cul-de-sacs of Laurel and Saddlewood Courts." According to Krehel, to evaluate the condition of the buildings and properties, he considered criteria "that would indicate the generality of active maintenance and investment, or the lack thereof, in the residence, business, or property surveyed." He focused on the following "indicators":

> windows, entranceways, siding, brickwork, cornices, sidewalks and curbing, evident rubbish, foundations and retaining walls, fencing, arrangement of driveways, parking and loading areas, relationship of buildings and land use to the surrounding area, condition of pavement and grounds in general. Factors which weighed against a positive rating included: cracks and fissures in masonry or concrete, broken glass, rotted and deteriorated wood elements, missing or damaged siding sections, evident debris and poor maintenance of the grounds, rusted or broken fencing elements, damaged or missing sidewalk areas and overcrowding or excessive coverage of buildings and land-use.

Based on those factors, Krehel classified each lot within the Block as either "Good, Fair, or Poor." In making those classifications,

> [e]mphasis was placed on the most visible areas of each property and areas where the general public pass by the property, as these areas are most significant in creating the public's general impression of the area, and therefore contributes the most to the blighting effect on adjacent properties and the neighborhood at large that visible disinvestment can bring.

Of the thirty-nine lots in the Block, Krehel classified twenty-eight lots as "Poor," ten lots as "Fair," and one lot as "Good."[1] Krehel reported that, for all lots except the lot designated as "Good," "the overall structure and layout of the

[1] Krehel classified plaintiff's property as "Poor." Krehel described it as being "vacant" and having "been left in a state of disrepair," with "garbage cans full of garbage bags along with broken wood panels piled up in the front yard of the property."

row townhouses are substandard and obsolescent," which is "creating an environment that can be conducive to unwholesome living conditions." He concluded "[t]hese lots meet criteria 'a', 'd', 'e', and 'h' as an 'area in need of redevelopment'" under N.J.S.A. 40A:12A-5. Regarding "[p]edestrian infrastructure" in the Block, Krehel described "[t]he general state of the sidewalks and curb ramps surrounding the [Block] [as] poor and obsolete. Some sections of concrete sidewalk . . . have large cracks that are tripping hazards" and "curb ramps at Laurel and Saddlewood Courts are both not to ADA design standards." The report included highlighted photographs and a description of each property.

Krehel concluded the Block met "the criteria to be an '[a]rea in [n]eed of [r]edevelopment' and more specifically as a '[c]ondemnation [r]edevelopment [a]rea.'" He specified the Block met the statutory requirements under N.J.S.A. 40A:12A-5(a), (d), (e), and (h) and gave specific findings as to each statutory requirement. As to N.J.S.A. 40A:12A-5(a), he found "[t]he overall structure and layout of the (4) [r]ows of townhouses are substandard and obsolescent"; "[t]he interlocking design of the townhouses . . . lend themselves to be potentially dangerous if a fire were to occur"; the "[o]bsolete arrangement, layout, and design" of the townhouses was "not in standing with the recommended design

standards" of the Jersey City Land Development Ordinance; and "[t]he narrow dimensions of the individual townhouses can be conducive to unwholesome living conditions." Regarding N.J.S.A. 40A:12A-5(d), Krehel found, among other things, "[a]pproximately 75% of the parcels within the [Block] show signs of dilapidation," including "[u]ndersized lots," "[v]ehicles parked on grass yards causing bare dirt patches, excess garbage present and lack of landscaping/overgrowth," "[l]ack of proper lighting," and "lack of proper site drainage . . . [which] is another clear example of dilapidation and deleterious use adverse to public health and welfare . . . ." As to N.J.S.A. 40A:12A-5(e), he found the Block "as a whole is underutilized due to the diverse ownership impeding land assemblage and discouraging the undertaking of improvements. Which in turn can have a negative social and or economic impact that is detrimental to the safety, health, and general welfare of the community." Regarding N.J.S.A. 40A:12A-5(h), he found "[t]he redevelopment of deteriorated urban districts and improvement of the built environment in [the Block] is consistent with [s]mart [g]rowth principals and promotes that agenda."

On January 7, 2020, the Planning Board held a public hearing on Krehel's report and whether the Block was "an area in need of redevelopment, with the power of condemnation." At the hearing, Krehel testified about the report and

the conclusions he had reached and responded to questions raised by plaintiff's counsel in cross-examination.

During the hearing, several homeowners in the Block testified, each expressing agreement with Krehel's conclusions and support for designating the Block as an area in need of redevelopment with power of condemnation. They expressed concerns about fire hazards; dangerous uneven pavement; the obsolescence of the original development; water damage; crime facilitated by the outdated layout of the development; and other unsafe living conditions. One owner advised the Planning Board "there are 37 out of 38 owners on the block who are completely in support of this report." He testified about how "the outmoded layout" of the Block – "completely hidden and cut off from the rest of the [C]ity" – promoted crime.

> I would invite any of you to go walking around the neighborhood, and see how these houses face -- put a back to the city, and every Friday night, every Saturday night, all hours of the night, we have broken bottles, we have people congregating smoking weed all night; we have massive amounts of fights; people passed out drunk in the streets. It is -- the design of the block, the layout, the outmoded layout of the block, promotes a lot of this nighttime congregation of people, which is a big problem.

Plaintiff's professional planner David Novak testified at the hearing. Novak criticized Krehel's report as misapplying "the local redevelopment and housing statutory criteria" and "lack[ing] sufficient detail and analysis to support its findings." According to Novak, Krehel "offered no basis" to support the findings that the condition of the Block warranted condemnation redevelopment.

After hearing argument from plaintiff's counsel, the Planning Board members voted unanimously to accept Krehel's report and recommend the Council designate the Block as being in need of redevelopment.

The Council conducted a public hearing on February 13, 2020. At that hearing, several homeowners in the Block spoke in favor of the Planning Board's recommendation. Eyal Shuster, plaintiff's managing member and a self-described "developer," was the only member of the public who spoke in opposition to the recommendation. He advised the Council, "we are in support of the future development and fully on board of the proposed affordable [housing] and school that is proposed by the City. The school was our idea." He explained "we are opposing this resolution" in part because "the City is unfairly and illegally favoring a competing developer . . . . " After hearing from the members of the public, the Council adopted Resolution No. 20-103,

designating the Block as an area in need of redevelopment with the power of condemnation pursuant to the LRHL.

On March 16, 2020, plaintiff filed a complaint in lieu of prerogative writs against the City, Council, and Planning Board, alleging defendants had acted arbitrarily, capriciously, and unreasonably in declaring the Block a condemnation area in need of redevelopment under the LRHL. Specifically, plaintiff contended the Block did not meet the LRHL criteria for property being in need of redevelopment and was not a blighted area under Article VIII, Section 3, paragraph 1 of the New Jersey Constitution; the Council had adopted Resolution No. 20-103 without sufficient evidence; and the City's adoption of the resolution was arbitrary, capricious, and unreasonable. Plaintiff sought a judgment: (1) declaring null and void or vacating Resolution No. 20-103 and all actions taken in furtherance of the designation of the Block as a condemnation area in need of redevelopment and (2) enjoining the City from taking any actions with respect to plaintiff's property based on the resolution.

After conducting a trial by summary proceeding, the trial judge on January 6, 2021, issued a written opinion rejecting plaintiff's claims. The judge found substantial credible evidence supported the decision to designate the Block as a condemnation redevelopment area. Rejecting plaintiff's criticism of Krehel's

report, the judge found "there is no statutory or legal requirements that internal inspections [of the properties] be performed" and that "[g]iven Mr. Krehel's observations and professional findings in this matter, and his sworn testimony corroborating those findings, . . . the report sufficiently details how the area satisfies the conditions set forth under [the] LRHL." The judge also found the statements from the public "confirm[ed] and corroborate[d] Mr. Krehel's report findings," including that "there are structural issues with the properties, they are old and deteriorating, the format of the homes is odd as they seemed interlocked, which can be a fire hazard." The judge concluded "substantial credible evidence exists to show that the properties are obsolescent and subject to deleterious use and unwholesome living thereby making it detrimental to the safety, health, morals and welfare of the community." Acknowledging plaintiff's disagreement with the City's decision, the judge held "the [C]ity [C]ouncil's decision to adopt the [B]oard's recommendation was based on substantial credible evidence and it was not made arbitrarily, capriciously, or unreasonably" and "[t]he evidence credibly shows that redevelopment is not only what the area needs but also what the community wants."

The trial judge retired before issuing an order memorializing his written opinion. On March 4, 2021, another judge issued an order "in accordance with

[the trial judge's] written decision of January 8, 2021," dismissing plaintiff's complaint in its entirety.

On March 24, 2021, plaintiff moved for reconsideration of the March 4, 2021 order pursuant to Rule 4:49-2 and for leave to amend the complaint due to purportedly newly-discovered evidence pursuant to Rule 4:9-1. In support of the motion, Shuster certified that sometime in February or March 2021, a representative of Lennar Multifamily Communities, LLC (Lennar), after making a "low ball proposal" for plaintiff's property, had "made clear that if [plaintiff] did not agree to sell that [it] would lose the property through the redevelopment process" and had stated "the City had promised and guaranteed Lennar, well before the redevelopment process began, that the properties would be blighted and that Lennar would be designated as the redeveloper." He further certified Lennar's representative had told him "Lennar had promised the City a new school if the City would agree to blight the . . . Block" and that "'this is the way things are done in New Jersey,' and made clear that one hand washes the other." According to Shuster, Lennar's representative later stated, "there were 'incentives' for Lennar and for [the representative] personally if [plaintiff's] Property could be acquired before the redevelopment process was final." Plaintiff proposed amending its complaint by adding allegations based on the

information contained in Shuster's certification and a new "bad-faith" count, in which plaintiff contended "[t]he City's 'blight' finding and concomitant exercise of its eminent domain power were undertaken in bad-faith, for an improper motive, and constitute a manifest abuse of the power of eminent domain."

On April 30, 2021, the judge who had issued the March 4, 2021 order issued an order denying plaintiff's motion. The judge denied the reconsideration aspect of the motion "insofar as the court's March 4, 2021 order was not based on the failure to consider evidence or plainly incorrect reasoning" and the amendment aspect of the motion because "this case is closed per [the trial judge's] letter of opinion."

On appeal, plaintiff argues the trial court erred in finding the record contained substantial credible evidence to support the City's blight designation under N.J.S.A. 40A:12A-5(a), (d), (e), or (h) and in denying the aspect of plaintiff's motion seeking leave to amend. Unpersuaded by those arguments, we affirm.

II.

"Redevelopment designations, like all municipal actions, are vested with a presumption of validity." Concerned Citizens of Princeton, Inc. v. Mayor & Council of Borough of Princeton, 370 N.J. Super. 429, 452 (App. Div. 2004);

see also 62-64 Main St., L.L.C. v. Mayor & Council of City of Hackensack, 221 N.J. 129, 157 (2015). "It has long been recognized that 'community redevelopment is a modern part of municipal government.'" Concerned Citizens, 370 N.J. Super. at 452. Accordingly, "judicial review of a redevelopment designation is limited solely to whether the designation is supported by substantial credible evidence." Ibid.; see also 62-64 Main St., 221 N.J. at 157 (finding "[s]o long as the blight determination is supported by substantial evidence in the record, a court is bound to affirm that determination."). Thus, a court's role is not "to 'second guess' a municipal development action, 'which bears with it a presumption of regularity.'" Concerned Citizens, 370 N.J. Super. at 453 (quoting Forbes v. Bd. of Trs. of Twp. of S. Orange Vill., 312 N.J. Super. 519, 532 (App. Div. 1998)).

"That said, the discretion exercised by municipal authorities 'is not unfettered.'" 62-64 Main St., 221 N.J. at 157. "Judicial deference does not mean that a court is a rubber stamp," as "[a] blight determination based on a net opinion or insubstantial evidence cannot stand." Ibid. "[T]he burden is on the objector to overcome the presumption of validity by demonstrating that the redevelopment designation is not supported by substantial evidence, but rather is the result of arbitrary or capricious conduct on the part of the municipal

authorities." Concerned Citizens, 370 N.J. Super. at 453. "A determination predicated on unsupported findings is the essence of arbitrary and capricious action." Bryant v. City of Atl. City, 309 N.J. Super. 596, 610 (App. Div. 1998).

"The New Jersey Constitution provides that '[p]rivate property shall not be taken for public use without just compensation.'" 62-64 Main St., 221 N.J. at 144 (quoting N.J. Const. art. I, ¶ 20). One such public use is the redevelopment of blighted areas. Ibid.; see also N.J. Const. art. VIII, § 3, ¶ 1 ("The clearance, replanning, development or redevelopment of blighted areas shall be a public purpose and public use for which private property may be taken or acquired."). "[T]he designation of an 'area in need of redevelopment' pursuant to the LRHL is the equivalent of a blight designation for purposes of satisfying N.J. Const., art. VIII, § 3, ¶ 1." Concerned Citizens, 370 N.J. Super. at 456; see also N.J.S.A. 40A:12A-6(c) ("An area determined to be in need of redevelopment pursuant to this section shall be deemed to be a 'blighted area' for purposes of Article VIII, Section III, paragraph 1 of the Constitution.").

N.J.S.A. 40A:12A-5 provides, in relevant part:

> A delineated area may be determined to be in need of redevelopment if, after investigation, notice and hearing as provided in [N.J.S.A. 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.

. . . .

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.

. . . .

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

Although blight is a "term [that] retains its essential characteristic: deterioration or stagnation that negatively affects surrounding properties," our Supreme Court has noted there is "not a one-size-fits-all definition of blight." 62-64 Main St., 221 N.J. at 152 (quoting also Gallenthin Realty Dev., Inc. v. Borough of Paulsboro, 191 N.J. 344, 363 (2007)). For that reason, "[t]he Legislature included eight subsections within N.J.S.A. 40A:12A-5, any one of which may be the basis for designating the property as 'in need of redevelopment.'" Gallenthin, 191 N.J. 344 at 366. Moreover, "not every property within the redevelopment area must be shown to be itself substandard." Forbes, 312 N.J. Super. at 531. "The issue is whether the area as a whole qualifies for the designation." Id. at 532; see also 62-64 Main St., 221 N.J. at 161 (holding "[b]light determinations are not viewed in piecemeal fashion.").

Here, the City's blight designation was supported by substantial credible evidence in the record. In his report and testimony, Krehel discussed and analyzed why the Block should be considered an area in need of redevelopment under four different statutory criteria, when just one is enough to designate the property as in need of redevelopment. See Gallenthin, 191 N.J. at 366. Twenty-eight of the thirty-nine lots were in "Poor" condition. Krehel explained what he had considered in determining the condition of the lots and how he had reached

his conclusions. Pictures of the Block reveal, as Krehel noted, cinderblock walls, cracked roads and sidewalks, graffiti, and garbage. Krehel found the structure of the townhouses to be substandard and obsolescent and the interlocking design of the townhouses to be a fire hazard. He also determined the narrow dimensions of the townhouses was conducive to unwholesome living conditions. Moreover, he found "[a]pproximately 75% of the parcels within the [Block] show signs of dilapidation," including dilapidated roof conditions, water intrusion, disrepair, undersized lots, and narrow construction and a lack of proper site drainage that could lead to stagnant water, in turn providing a breeding ground for mosquitoes.

Plaintiff's expert reached different conclusions. A board, however, is entitled "to accept the expert opinion offered" by one planner and "reject the contrary opinions offered by" another planner. TSI E. Brunswick, LLC v. Zoning Bd. of Adjustment of Twp. of E. Brunswick, 215 N.J. 26, 46-47 (2013); see also Klug v. Bridgewater Twp. Planning Bd., 407 N.J. Super. 1, 13 (App. Div. 2007) (finding "[i]f the testimony of different experts conflicts, it is within the [b]oard's discretion to decide which expert's testimony it will accept"); Bd. of Educ. of Clifton v. Zoning Bd. of Adjustment of the City of Clifton, 409 N.J. Super. 389, 434 (App. Div. 2009) (finding a board "may choose which

witnesses, including expert witnesses, to believe" as long as that choice was "reasonably made"). We perceive nothing unreasonable in the Planning Board's choice to accept Krehel's conclusions over plaintiff's expert's conclusions. Plaintiff attempts to discredit Krehel because he did not conduct an interior survey of the structures located in the Block. However, the absence of an interior inspection does not render a planner's opinion "fatally defective," especially when many of "[t]he conditions leading to the determination of redevelopment need . . . are, by and large, externally observable . . . ." Forbes, 312 N.J. Super. at 531. Plaintiff likens Krehel to the expert in ERETC, L.C.C. v. City of Perth Amboy, 381 N.J. Super. 268, 279 (App. Div. 2005). However, unlike that expert, Krehel did not merely cite the statutory criteria; he analyzed how that criteria applied to the properties at issue.

Plaintiff contends the Planning Board's review and recommendation to the Council was based only on Krehel's report. That contention is not accurate. In addition to Krehel's report, the Planning Board heard and considered Krehel's testimony, the testimony of plaintiff's expert planner, and the testimony of several Block homeowners. The homeowners who testified unanimously supported Krehel's findings. Plaintiff contends the homeowners were not credible, claiming their support was "purely financially motivated." Accepting

that argument would render incredible homeowner testimony in nearly every redevelopment case. The Planning Board members' acceptance of the homeowners' testimony was reasonable, and the trial judge did not err in basing his decision in part on that testimony. Kramer v. Bd. of Adjustment, 45 N.J. 268, 288 (1965) (finding "it is well settled that the [b]oard 'has the choice of accepting or rejecting the testimony of witnesses. Where reasonably made, such choice is conclusive on appeal'") (quoting Reinauer Realty Corp. v. Nucera, 59 N.J. Super. 189, 201 (App. Div. 1960)).

Considering Krehel's report and the corroborating testimony of the homeowners, the trial court correctly determined substantial credible evidence existed in the record to satisfy the criteria of N.J.S.A. 40A:12A-5, warranting the Block's designation as an area in need of redevelopment. See, e.g., Concerned Citizens, 370 N.J. Super. at 462-64 (report of a redevelopment consultant was enough to constitute substantial evidence); Hirth v. City of Hoboken, 337 N.J. Super. 149, 163 (App. Div. 2001) (report and testimony of planner constituted substantial evidence sufficient to support a blight determination); Forbes, 312 N.J. Super. at 530 (adherence to statute's procedural requirements, reliance on professional planner reports, community's views

expressed at a public hearing, and supplemental testimony satisfied the substantial-evidence test).

III.

We review a denial of a motion for leave to amend a complaint under an abuse-of-discretion standard. Grillo v. State, 469 N.J. Super. 267, 275 (App. Div. 2021); see also Franklin Med. Assocs. v. Newark Pub. Schs., 362 N.J. Super. 494, 506 (App. Div. 2003) (finding "[t]he determination of a motion to amend a pleading is generally left to the sound discretion of the trial court"). Although a trial court generally should grant leave to amend a pleading "freely," R. 4:9-1, "there remains 'a necessary area of judicial discretion in denying such motions where the interests of justice require,'" Franklin Med. Assocs., 362 N.J. Super. at 506 (quoting Young v. Schering Corp., 275 N.J. Super. 221, 232 (App. Div. 1994)). Moreover, a court should deny a motion for leave to amend "where an amendment would be a 'futile' and 'useless endeavor.'" Cona v. Twp. of Washington, 456 N.J. Super. 197, 214 (App. Div. 2018) (quoting Notte v. Merchs. Mut. Ins. Co., 185 N.J. 490, 501 (2006)).

The motion judge correctly recognized plaintiff had filed its motion seeking leave to amend its complaint after the trial judge had conducted the trial and rendered his decision dismissing plaintiff's complaint. See Grimes v. City

of E. Orange, 285 N.J. Super. 154, 167 (App. Div. 1995) (finding the trial court did not err "when it refused to permit [the plaintiff] to amend his complaint to assert an entirely new cause of action never pled, argued or proven, after the jury returned its verdict"); Du-Wel Prods., Inc. v. U.S. Fire Ins. Co., 236 N.J. Super. 349, 364 (App. Div. 1989) (finding "well-settled that an exercise of discretion will be sustained where the trial court refuses to permit new claims and new parties to be added late in the litigation and at a point at which the rights of other parties to a modicum of expedition will be prejudicially affected").

In addition to being untimely, plaintiff's motion lacked merit. The premise of plaintiff's proposed amended complaint was the alleged agreement by the City to blight the Block in exchange for Lennar's promise to build a new school. Plaintiff contends its motion was based on "newly-discovered evidence." Yet, during the Council's February 13, 2020 public hearing, Shuster, plaintiff's managing member, acknowledged and took credit for the proposed construction of the school: "we are in support of the future development and fully on board of the proposed affordable [housing] and school that is proposed by the City. The school was our idea." During that hearing, Shuster also asserted "the City is unfairly and illegally favoring a competing developer . . . ." Even though its managing member was aware of the school construction

and the alleged illegal "favoring" of a competing developer, plaintiff chose not to include a bad-faith claim in its complaint and inexplicably waited until after the trial judge had rendered a verdict to seek leave to add a claim based on those allegations.

Finally, as we hold today, substantial credible evidence in the record supports the designation of the Block as an area in need of redevelopment. Plaintiff has not demonstrated that its proposed amendment would change that conclusion. Under the totality of these circumstances, we are satisfied the motion judge did not abuse his discretion in declining to permit plaintiff's belated amendment.

Affirmed.