

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2024 – 104 ~

**RESOLUTION AUTHORIZING THE TOWNSHIP'S PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES PROPERTY DESIGNATED AS BLOCK 6404, LOT 7, COMMONLY KNOWN AS 299-301 MARSHALL HILL ROAD, AND A PORTION OF BLOCK 6002, LOT 18.01, COMMONLY KNOWN AS THE SOUTHWEST CORNER OF MARSHALL HILL ROAD AND AIRPORT ROAD QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.**

**WHEREAS**, previously the Mayor and Township Council adopted Resolution 2023-414 directing the Planning Board to undertake a redevelopment study in connection with Block 6404, Lot 7, commonly known as 299-301 Marshall Hill Road; and

**WHEREAS**, the Planning Board has, to date, not taken any action with respect in response to Resolution 2023-414; and

**WHEREAS**, the Governing Body wishes to expand the redevelopment study area by superseding Resolution 2023-414 with this resolution to include the 13.557 acre portion of 6002, Lot 18.01 that is not included in the Township's Recreation and Open Space Inventory, commonly known as the southwest corner of Marshall Hill Road and Airport Road; and

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

**WHEREAS**, the Redevelopment Law sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area ("Study Area") is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

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

**WHEREAS**, the Township Council finds it to be in the best interest of the Township and its residents to authorize the Township's Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the Study Area as a Non-Condensation Redevelopment Area, which Study Area is property located at Block 6404, Lot 7, commonly known as 299-301 Marshall Hill Road, and the 13.557 acre portion of 6002, Lot 18.01 that is not included in the Township's Recreation and Open Space Inventory, commonly known as the southwest corner of Marshall Hill Road and Airport Road; and

**WHEREAS**, the Township of West Milford wishes to direct the Planning Board to undertake a preliminary investigation utilizing the professional planning services of Jessica Caldwell of Caldwell & Associates to prepare the preliminary investigation to determine whether the proposed Study Area qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

1. That the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing the professional planning services of Jessica Caldwell and the firm of Caldwell & Associates to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Township Committee whether the area comprising the Study Area, that is property located at Block 6404, Lot 7, commonly known as 299-301 Marshall Hill Road, and the 13.557 acre portion of 6002, Lot 18.01 that is not included in the Township's Recreation and Open Space Inventory, commonly known as the southwest corner of Marshall Hill Road and Airport Road is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
2. As part of its preliminary investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels contained herein.
3. The Planning Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that all or a portion of the Study Areas as a Non-Condensation Redevelopment Area. At the hearing, the Planning Board shall hear from all persons who are interested in or would be affected by the resulting determination. All objections to the determination and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.
4. After conducting its preliminary investigation, preparing a map of the proposed Non-Condensation Redevelopment Area, as applicable, and conducting a public hearing at which all objections to the designation area received and considered, the Planning Board shall make a recommendation to the Township Committee in the form of a report as to whether the Township should designate all or part of the Study Area as a Non-Condensation Redevelopment Area.
5. That a certified copy of this Resolution shall be forwarded to the Township of West Milford Planning Board.
6. That this Resolution shall take effect in accordance with law.
7. This Resolution supersedes Resolution No. 2023-414 adopted by the Mayor and Township Council on November 8, 2023.  
This Resolution shall take effect immediately upon adoption.

Adopted: February 14, 2024

Adopted this 14<sup>th</sup> day of February, 2024  
and certified as a true copy of an original.

---

William Senande, Township Clerk