

Township of West Milford

Passaic County, New Jersey

~ Resolution 2024 – 288 ~

RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC STATE OF NEW JERSEY ACCEPTING THE PLANNING BOARD’S RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 6404, LOT 7, COMMONLY KNOWN AS 299-301 MARSHALL HILL ROAD BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (“Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board of the Township of West Milford (“Planning Board”) was asked to consider whether the property located at Block 6404 Lot 7 and generally described as the “Study Area”, could be determined to be an Area in Need of Redevelopment as summarized in a study prepared by J Caldwell & Associates, LLC dated April 29, 2024; and

WHEREAS, on February 14, 2024, the Township Council of the Township of West Milford adopted Resolution 2024-104 authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether the property identified as Block 6404 Lot 7 meets the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its preliminary investigation, the Planning Board directed J. Caldwell & Associates, LLC to prepare an Area In Need of Redevelopment Investigation Study (“Area in Need Study”) for the Planning Board to consider in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, J Caldwell & Associates, LLC, licensed Professional Planner Jessica C. Caldwell, P.P., A.I.C.P., prepared a report with accompanying maps, diagrams and documents entitled, “Marshall Hill Road Area in Need of Redevelopment Study Block 6404 Lot 7 (299-301 Marshall Hill Road) Block 6002, Lot 18.01 (Marshall Hill Road and Airport Road) (Portion),” dated April 29, 2024, showing the boundaries of the proposed redevelopment area and location of the parcel of property included therein, along with a statement setting forth the basis for the investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Planning Board on June 6, 2024, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearing, the Planning Board reviewed the Area in Need Study, maps, diagrams, and associated documents, and heard testimony from Ms. Caldwell; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Planning Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board recommended that the Township Council designate Block 6404 Lot 7 as a Non-Condernation Redevelopment Area; and

WHEREAS, on July 25, 2024, the Planning Board memorialized its determination by adopting an approving Resolution which was forwarded to the Mayor and Township Council; and

WHEREAS, the Mayor and Township Council were presented with the Planning Board's recommendation at the Council's regularly scheduled public meeting on August 14, 2024; and

WHEREAS, the Mayor and Township Council hereby accept the recommendation of the Planning Board to declare the Study Area, Block 6404 Lot 7, as set forth in the Planning Board's Resolution as a Non-Condernation Redevelopment Area.

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. The Township Council hereby accepts the recommendation from the Planning Board and finds that the Study Area, Block 6404 Lot 7 be and is hereby deemed, a Non-Condernation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*
2. The designation of the Study Area, Block 6404 Lot 7, as a Non-Condernation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire the Study Area property.
3. The Township hereby reserves all other authority and powers granted to it under the Redevelopment Law.
4. The Township Clerk shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.
5. Within ten (10) days of the Township Council's adoption of the within resolution, the Township Clerk shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Non-Condernation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs.

This Resolution shall take effect immediately.

Adopted: August 14, 2024

Adopted this 14th day of August, 2024
and certified as a true copy of an original.

William Senande, Township Clerk