

REVISED

RESOLUTION NO. 199-04

INTRODUCED: HEYER

SECONDED: LOFFREDO

P(1)

**MAYOR AND COUNCIL  
BOROUGH OF EMERSON  
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION**

WHEREAS, under the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:121A1, et seq., the Planning Board is, upon request of the Mayor and Council, vested with the responsibility of acting in a legislative capacity to conduct an investigation into whether or not certain parts or all of a particular area which would be the subject of an investigation meet the statutory criteria to qualify as a redevelopment area under the Act; and

WHEREAS, by Resolution, the Mayor and Council of the Borough of Emerson requested that the Emerson Planning Board conduct an investigation into properties along the Kinderkamack Road corridor in Emerson, including Blocks or portions of Blocks 412, 419, 420, 422, 603, 606, 610, 613, 615, 616 & 617.01, to determine and make recommendations as to whether any part or all of such property met the statutory criteria; and

WHEREAS, the Planning Board retained Burgis Associates, Inc., planning consultants, to assist it in the study and analysis of the statutory criteria as it pertains to lots along the Kinderkamack Road corridor, hereinafter referred to as the "Study Area"; and

WHEREAS, Burgis Associates, Inc. prepared and submitted for public inspection a document entitled "Planning Report To Determine If An Area Is In Need Of Redevelopment, dated July 12, 2004, which was received and reviewed by the Planning Board; and

WHEREAS, the aforesaid Planning Report indicated that the Redevelopment Area is an Area in Need of Redevelopment, and also indicated that the criteria for an "area in need of redevelopment", as set forth in N.J.S.A. 40A:12A-5, et seq., have been met; and

WHEREAS, the Planning Board conducted public hearings, receiving testimony and evidence with regard to the "area in need" study on July 29 and August 19, 2004, which meetings were all done on notice to those owners of property within the Study Area and as additionally required by the LRHL, and having published a notice in a newspaper of general circulation and upon further notice to the County Planning Board and surrounding municipalities; and

WHEREAS, public hearing on the issue was closed as of August 19, 2004 with the Board having heard the testimony of Joseph Burgis PP, AICP, and members of the public; and

WHEREAS, after having considered all of the evidence, testimony and exhibits, the Planning Board adopted a Resolution pursuant to the provisions of the New Jersey Local Redevelopment and Housing Law, recommending that the Mayor and Council of the Borough of Emerson affirm the Planning Board's recommendation calling for the Study Area to be designated an area in need of redevelopment.

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and Borough Council does hereby make the following findings of fact and conclusions based thereon:

1. The report prepared by Burgis Associates, Inc., and known as "Planning Report to Determine if an Area is in Need of Redevelopment" with specific regard to "Blocks or Portions of Blocks: 412, 419, 420, 422, 603, 606, 610, 613, 615, 616 and 617.01" (hereinafter, the "Burgis Report") be and hereby is deemed to be attached hereto as if set forth herein at length.
2. The Planning Board resolution recommending the Study Area be designated an area in need of redevelopment is hereby deemed attached as if set forth herein at length.
3. The Mayor and Borough Council considered the Burgis Report and Planning Board resolution and the recommendations for the designation of various properties as being properties in need of redevelopment.
4. The Mayor and Borough Council has considered the Burgis Report, and the findings and recommendations made therein, with regard to each of the properties which were studied for inclusion as an area in need of redevelopment and has specifically considered whether the following properties make up an area in need of redevelopment:

Block	Lot(s)
412	1, 2, 3, 4 & 5,
419	1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10
420	2 & 16
422	1, 10, 11, 12, 13, 14, 15, 16, 17 & 18
603	2, 3, 4, 5 & 6
606	3 & 4
610	1, 2, 4, 5.01, 5.02, 6, 7, 8, 9.01, 9.02 & 10
613	1 & 2
615	1
616	1, 16, 17, 19, 20, 21, 22, 23 & 24
617.01	1
<b>Total Parcels</b>	<b>59</b>

5. The Mayor and Council hereby adopts all of the findings and recommendations of the Burgis Report and the Planning Board resolution, and finds, consistent with the Burgis Report, one or more of the criteria for redevelopment contained in N.J.S.A. 40A:12A-5, are met.

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NOW THEREFORE, BE IT RESOLVED:

1. That the Mayor and Council hereby designates the Study Area as an Area in Need of Redevelopment; and
2. That the Borough Clerk shall serve notice of this determination, within ten days of the determination, upon any person who filed a written objection thereto and stated, in or upon written submission, an address to which notice of determination may be sent, and
3. That the Mayor and Council hereby direct the Planning Board to prepare a Redevelopment Plan and forward its recommendation for a Redevelopment Plan for the Study Area to the Mayor and Council.

IN FAVOR: COSTANTIN  
 MILONE  
 LOFFREDO  
 CAMPOREALE  
 CASSIDY  
 HEYER

ATTEST: Carol Dray, RMC September 7, 2004