

**BOROUGH OF EMERSON
LAND USE BOARD
RESOLUTION**

**RESOLUTION REPORTING AND RECOMMENDING TO THE MAYOR AND
COUNCIL THE ADOPTION OF ADDITIONAL AMENDMENTS TO THE
REDEVELOPMENT PLAN**

WHEREAS, on August 16, 2016, the Mayor and Council of the Borough of Emerson (“Borough”) adopted Resolution No 221-16 directing the Borough of Emerson Land Use Board (“Board”) to review certain proposed amendments to the Redevelopment Plan of the Central Business District (“Amendments”); and,

WHEREAS, on September 8, 2016, the Board held a public meeting and heard all present including the Board’s retained planner, Brigitte Bogart PP, AICP, CGW of Planning & Design Professionals LLC, (“Bogart”) regarding the proposed amendments to the Redevelopment Plan; and,

WHEREAS, on September 22, 2016, the Board adopted a Resolution with its report concerning its findings and conclusions of facts, including a finding that the amendments meet the statutory criteria pursuant to the New Jersey Local Redevelopment and Housing Law (“LRHL”), specifically, N.J.S.A. 40A:12A-7(e), and recommending that the Mayor and Council adopt the Amendments to the plan; and,

WHEREAS, on December 6, 2016, the Mayor and Council determined that additional amendments are necessary and introduced on first reading Ordinance No. 1535-16 proposing the Board’s recommended amendments along with two additional amendments to the Redevelopment Plan of the Central Business District, specifically an amendment stated in Section Two of the proposed Ordinance, requiring a minimum five foot in depth setback on the front facade of the fourth floor for buildings facing Kinderkamack Road and Lincoln Boulevard and an amendment to Section Three of the proposed Ordinance, requiring that the Board retain a consultant (at the applicant’s cost and expense) to confirm and support determinations involving certain parking applications (“Ordinance”), attached hereto in form and substance as **Exhibit A**; and,

WHEREAS, on December 6, 2016 the Mayor and Council adopted Resolution No. 257-16 directing the Board, pursuant to N.J.S.A. 40A:12A-7(e), to review said Ordinance in order to report back to the Mayor and Council whether the additional amendments conform to the statutory requirements set forth in the LRHL; and,

WHEREAS, pursuant to the request of the Mayor and Council, the Board held a public meeting on December 8, 2016 and heard all those present and wishing to comment, including the Board’s retained planner, Bogart;

1. That all of the recitals hereinabove set forth are incorporated by reference herein and all findings are hereby adopted.

2. The Board has reviewed the Ordinance of the Mayor and Council introduced on December 6, 2016, attached hereto as **Exhibit A** and hereby makes the following findings and conclusions of fact:

A. The Board confirms that it has reviewed the additional amendments contained in the Ordinance, specifically an amendment stated in Section Two of the proposed Ordinance, requiring a minimum five foot in depth setback on the front facade of the fourth floor for buildings facing Kinderkamack Road and Lincoln Boulevard and an amendment to Section Three of the proposed Ordinance, requiring that the Board retain a consultant (at the applicant's cost and expense) to support and confirm determinations involving certain parking applications;

B. The Board hereby finds that these two additional amendments continue to be in accordance with the statutory criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and are consistent with the Borough's Master Plan;

C. The Board hereby finds that the additional amendments in Section Two of the proposed Ordinance requiring a minimum five foot in depth setback on the front facade of the fourth floor for buildings facing Kinderkamack Road and Lincoln Boulevard and an amendment to Section Three requiring that the Board retain a consultant (at the applicant's cost and expense) to support and confirm determinations involving certain parking applications are both recommended by the Board for adoption based on the presentation and recommendations made by the Board's retained planner, Brigette Bogart PP, AICP, CGW of Planning & Design Professionals LLC and by the Borough's designated redeveloper Emerson Redevelopers Urban Renewal, LLC; and,

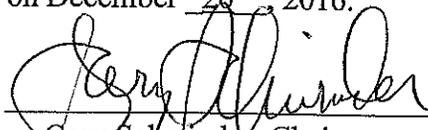
D. The Board hereby further finds that the additional amendments are necessary to achieve the Borough's Council on Affordable Housing Obligations.

3. The Board hereby recommends that that Mayor and Council adopt the Ordinance with proposed amendments to the Redevelopment Plan, attached hereto in form and substance as **Exhibit A**, and that it adopt any other ordinances necessary to effectuate the implementation of the Redevelopment Plan.

Date: 12/20/16

The undersigned certifies that the within Resolution was adopted by the Board and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on December 20, 2016.

Dated: 12/20/16


 Gary Schwinder, Chairman

Dated: 12/20/16


 Evan Kutzin Acting Secretary

Yes	No	Abstain	Absent	Not Eligible
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Adams			X	
Callagee	N/E			X
DeOrio	N/E			X
Goursky	YES			
Kutzin	YES			
Malone	YES			
McKendry	YES			
Ortiz	N/E			X
Reiger	N/E			X
Sudano	YES			
Tripodi, Coucnilman	N/E			X
Lamatina, Mayor	N/E			X
Schwinder, Chairman	YES			