

**RESOLUTION OF THE PLANNING BOARD  
THE BOROUGH OF EMERSON**

**In the matter of:**

**The Borough of Emerson  
Emerson Redevelopment Area Designation**

WHEREAS, the Borough of Emerson ("Borough") has requested that the Planning Board of the Borough of Emerson (the "Board") conduct a preliminary investigation of whether an area continues to be in need of redevelopment and whether additional properties should be contained in the area so as to permit the Borough to conform with the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a)(1), the Borough authorized the Board to conduct a preliminary investigation as to whether an area continues to be in need of redevelopment and/or whether additional properties should be found to be in need of redevelopment; and

WHEREAS, the Local Redevelopment and Housing Law provides that the Board has the power to conduct, when authorized by the Borough, a preliminary investigation and hearing and make a recommendation as to whether an area is in need of redevelopment (N.J.S.A. 40A:12A-4(b)(1)); and

WHEREAS, the Local Redevelopment and Housing Law provides that the Board has the power to make recommendations concerning a redevelopment area (N.J.S.A. 40A:12A-4(b)(2)); and

WHEREAS, the Borough has made a request to Burgis Associates, Inc., Community Planning and Development Consultants ("Burgis"), for a Supplemental Planning Report to Determine if the Downtown Emerson Redevelopment Area Continues to Meet the Criteria for Designation as an Area in Need of Redevelopment ("Supplemental Planning Report"); and

WHEREAS, Burgis has submitted to the Borough the Supplemental Planning Report, dated August 18, 2008, that addresses whether the downtown Emerson redevelopment area continues to meet the criteria for designation as an area in need of redevelopment and whether additional properties should be included in the designation; and

WHEREAS, Burgis has prepared a map delineating the area and showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein; and

WHEREAS, the Board specified a date for and gave notice of a hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area; and

WHEREAS, the hearing notice set forth the boundaries of the area to be investigated and stated that a map had been prepared and could be inspected at the office of the municipal clerk; and

WHEREAS, the hearing notice was published in a newspaper of general circulation in the Borough once each week for two consecutive weeks, and the last publication was no less than ten (10) days prior to the date set for the hearing; and

WHEREAS, the Board Secretary mailed a copy of the notice, at least ten (10) days prior to the date set for the hearing, to the last owner of each parcel of property within the area according to the assessment records of the municipality and to all persons at their last known

address whose names are noted on the assessment records as claimants of an interest in any such parcel; and

WHEREAS, the Board conducted a public hearing on September 24, 2008; October 2, 2008; October 16, 2008; November 6, 2008; and December 4, 2008; and

WHEREAS, at the public hearing, the Board heard all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area; and

WHEREAS, all objections to such a determination and evidence in support of those objections, given orally or in writing, were received and considered and made part of the public record; and

WHEREAS, after due consideration and deliberation, the Board has determined to recommend that the delineated area as per the August 18, 2008 Report and testimony of Burgis be determined by the Borough to be a redevelopment area; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10g, a decision must be reduced to writing and shall include findings of fact, based upon the evidence presented; and

WHEREAS, the Planning Board of the Borough of Emerson makes the following factual findings and conclusions:

- 1) The Borough authorized the Board to conduct a preliminary investigation and hearing and to make a recommendation as to whether an area continues to be in need of redevelopment and whether additional properties should be included in the area.

- 2) As authorized by the Borough, Burgis conducted an investigation and prepared a Supplemental Planning Report that addresses whether the downtown Emerson redevelopment area continues to meet the criteria and whether additional properties should be in the area for designation as an area in need of redevelopment.

3) The Board has reviewed the August 18, 2008 Burgis Supplemental Planning Report.

4) At the public hearings, Joseph H. Burgis P.P., AICP of Burgis Associates, Inc. was sworn and accepted by the Board as an expert witness in the field of professional planning. Mr. Burgis gave testimony regarding the proposed continued and additional redevelopment area and the criteria for designating an area as an area in need of redevelopment. Mr. Burgis testified as to the proposed designated area's traffic accident history, issues with commuter pedestrian safety and vehicular safety, deterioration, and obsolete layout and design. Mr. Burgis also discussed smart growth principles.

5) At the public hearing, John J. Jahr of Maser Consulting, P.A. was sworn and accepted by the Board as an expert witness in the field of traffic consulting. Mr. Jahr gave testimony regarding traffic conditions and public safety.

6) At the public hearing, all persons interested in or who would be affected by a determination that the delineated area continues to be a redevelopment area and additional properties should be in the redevelopment area, including any attorneys appearing on their behalf, had an opportunity to be sworn in and give testimony and be heard by the Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Emerson that the Board hereby approves the August 18, 2008 Burgis Report along with testimony by Burgis as to the continued redevelopment area and additional areas as collectively an area in need of redevelopment (the "delineated area") for recommendation for adoption by the governing body of Emerson subject to the terms and conditions hereinafter set forth:

1) The foregoing findings of fact and conclusions of law, as well as the findings and conclusions as set forth in the Burgis Report, are incorporated herein as if set forth at length;

2) The Board concludes that the recommendation that the delineated area be determined by the Borough to be a redevelopment area complies with the Local Redevelopment and Housing Law;

3) The Board concludes that the Board's recommendation that the delineated area be determined by the Borough to be a redevelopment area is appropriate;

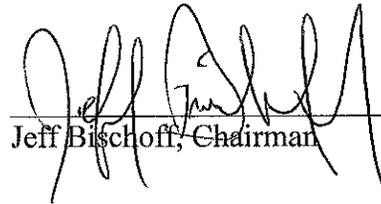
4) The Board recommends that the Mayor and Borough Council designate the delineated area as an area in need of redevelopment;

BE IT FURTHER RESOLVED that this Resolution does not constitute recommendation for designation any area beyond the delineated area as an area in need of redevelopment nor any area not in accordance with the Local Redevelopment and Housing Law.

NOW THEREFORE, BE IT RESOLVED that the Chairman and Secretary of the Board are hereby authorized to affix their signatures to this Resolution providing this recommendation, and to advertise the action taken, by way of Resolution, in the local newspapers, and furthermore send certified copies to the Mayor, to the Borough Council, and to the Borough Attorney.

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 <sup>Feb 5</sup> January 5, 2009.

Dated: 2-19-09

  
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Jeff Bischoff, Chairman

Dated: 2-19-09

  
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Barbara Looney, Secretary

OFFERED BY:  
SECONDED BY:  
VOTE: Ayes:  
Nays:  
Abstain: