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Dear Neighbor: **February 2017**

IMPORTANT INFORMATION REGARDING OUR DOWNTOWN BUSINESS DISTRICT, REDEVELOPMENT AND AFFORDABLE HOUSING MANDATES

This letter will explain the recent developments regarding our Central Business District (CBD)and address some of the questions presented to the Mayor and Council. It is the Governing Body's intent that this letter will provide you with the facts, **and hopefully dispel the rumors and misinformation that may be circulating throughout our community.**

Since 2002, after being sued by a developer who sought to construct multi-family housing in the downtown, Emerson has been under a Court mandate to expand the types of available housing stock to provide a realistic opportunity for affordable housing within its borders. The Court mandate required the Borough to adopt an ordinance which requires that in every newly constructed project of five (5) units or more, twenty percent (20%) of the units must be set aside for low and moderate income households, determined that new multi-family housing in the downtown area could be as high as 60 feet, and further threatened to vacate all of the Borough's zoning laws if the Borough failed to take action.

As the result of that 2002 Court Order, the Borough, in 2004, created the Central Business District and designated the downtown as an Area in Need of Redevelopment. This was all done with the hope that development in the downtown would occur naturally and organically, and would provide housing for those who cannot afford a single family home, those who have chosen to sell their single family homes and remain in the Borough, those who wish to live in Emerson but cannot afford a home at this point in their lives and those who choose the flexibility of renting an apartment while having convenient access to New York City. However, after over a decade of little to no development, the Governing Body has elected to focus on a ten (10) lot area between Linwood Avenue and Lincoln Boulevard, on the western side of Kinderkamack Road which is identified on the tax maps of the Borough of Emerson as Block 419. After a full and comprehensive study prepared by the Borough's Planner concerning Block 419 and a hearing before the Emerson Land Use Board, it was determined that each of the lots in Block 419 should continue to be deemed in need of redevelopment. Thereafter, the Council then adopted the Land Use Board's finding of "an Area in Need of Redevelopment" **for only those 10 lots in Block 419**.

The Redeveloper selected by the Council, JMF Properties, to redevelop all of Block 419 has agreed to provide the housing necessary under the Court Order (described above). They have been in negotiations with six (6) of the affected property owners in Block 419, **none of whom live in Emerson**. The Borough understands that **all six (6) are willing sellers. According to the current assessments, the offers to purchase the properties are considered to be above the market value of each property. Borough officials have learned that certain business owners in Block 419 are demanding hundreds of thousands of dollars to relocate their businesses. JMF is hopeful of entering into binding agreements for all or a substantial majority of those properties in the very near future without the Borough's assistance**. However, in order that the redevelopment move forward for the Borough taxpayers and to comply with the Court Order, the Borough retains the ability to use the eminent domain powers provided to municipalities throughout the State. This permits the Borough to acquire property for fair market value.

It is important to know that since 2008, each property owner has had the opportunity to take advantage of the benefits of the redevelopment law to redevelop their own properties. Only one property owner in Block 419 has taken advantage of this opportunity.

The Redevelopment Agreement with JMF Properties also provides other substantial benefits to the Borough. For example JMF will contribute funds for the Kinderkamack Road Improvement Project. JMF will also act as the general contractor for a contemplated Public Safety building. This will substantially reduce costs to the Borough's taxpayers.

Finally, JMF is required by the Court ordered ordinance to provide that twenty percent (20%) of any units built be affordable housing units. Originally, JMF proposed building 134 units, with ten percent (10%) affordable on site and ten percent (10%) offsite. When JMF could not locate suitable offsite property, it proposed adding a fourth story on the Kinderkamack Road side of the building (away from all residential properties) for a total of one hundred and forty-seven (147) units. These units on the fourth floor would be set back by at least five (5) feet from ground level façade of the building, which is an additional seventeen (17) feet from the street.

As the result of this agreement with JMF and the development of low and moderate income housing the Borough continues to protect itself from unwanted and uncontrolled development by builders through "builder remedy lawsuits". These lawsuits can result in intense and overly dense development in inappropriate locations throughout the Borough, including in single family residential neighborhoods.

As an example, in 2002 Judge Harris wrote in the first paragraph of a builder's remedy lawsuit brought against the Borough, "*Emerson, New Jersey persists as a bastion of exclusion zoning. It has steadfastly resisted taking affirmative steps to provide realistic opportunities for affordable housing within its borders. It has further failed to enact the necessary legislation to authorize the expenditure of its considerable affordable housing trust funds for regional or local housing needs. The time has come to end this constitutional breakdown. The New Jersey Constitution shall not be permitted to merely remain a vague rumor in Emerson.*" Subsequent to that Court decision, the Governing Body moved forward to declare the downtown a redevelopment zone so that multi-family properties could be built. This was successfully done in the early 2000's leading to the adoption of the 2006 Redevelopment Plan. That plan called for higher density housing in the downtown, where it is contemplated that one and two bedroom apartments will be constructed.

Since 2004, the Redevelopment Zone has consisted of approximately eighty-three (83) properties, from Bland Street (adjacent to the Stop and Shop Shopping Center) to the Oradell border. In November 2016, and as part of the Borough's obligations to provide affordable housing, it was determined that the Central Business District should once again be studied to determine if it is an area in need of redevelopment.

All of the property owners in the Central Business District received a letter from our Borough Clerk sent at the direction of Redevelopment Counsel. The letter was required to be sent due to recent changes to the Redevelopment Law. The letter advised those owners that their property would be studied to determine if their properties should continue to be part of a Condemnation Redevelopment Area. **That does not mean that the Borough seeks to redevelop those properties or that the Borough has any current intention to acquire such properties. On the contrary, <u>the Governing Body is only interested in moving forward with redevelopment of Block 419</u>.** Unfortunately, this November 2016 letter created some confusion and a number of questions about what the Governing Body is trying to do. The Governing Body has tried to address all of the questions at the last several meetings. This letter is a continuation of that effort to communicate and address questions.

Moreover, at our January 20th meeting, the Governing Body voted to require our Planner to study the remaining properties with a view toward the following: removing owners who have improved their properties in accordance with the guidelines set forth under the plan and to possibly convert some of the areas to non-condemnation zones. **This change would eliminate the possibility of the Borough using eminent domain on such properties.**

However, **the Borough must leave the Redevelopment Zone in place to demonstrate to the Court that a "realistic opportunity" for the construction of affordable housing continues to exist. That does not mean that the Borough will condemn or acquire such other properties.**

The Governing Body understands the concerns that you the residents may have related to the issues of affordable housing and redevelopment. Both affordable housing and the improvement of our downtown are linked and require good planning.

We want to retain our businesses and provide a vibrant downtown with opportunities for new business to start and succeed. We envision better parking and safer pedestrian areas, so that Emerson can enjoy a financially sustainable future for all. **The Governing Body does not want to overdevelop the downtown. Or take people's businesses. Or condemn their property. These are the facts. Please come to our meetings so that you can judge for yourselves that fake news and fear mongering is not helpful to moving Emerson into the future while simultaneously retaining our roots as "The Family Town."**

Please feel free to email any of us with any questions or comments.

Sincerely,

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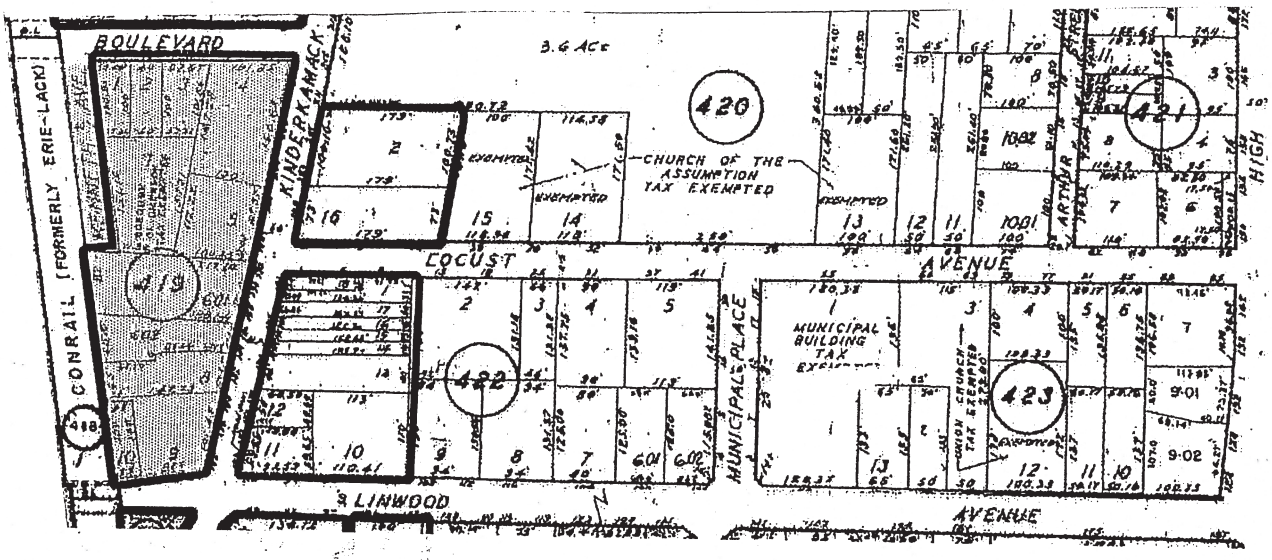

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