

**BOROUGH OF EMERSON  
COUNTY OF BERGEN, NEW JERSEY  
RESOLUTION** **No: 221-16**

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***Subject: Resolution Of The Mayor And Council Of The Borough Of Emerson Directing The Land Use Board To Conduct A Supplemental And Preliminary Study To Determine If An Area Is In Need Of Redevelopment***

**WHEREAS**, on February 3, 2004 the Governing Body adopted a Resolution No. 50-04 of the Borough of Emerson (“Borough”) pursuant to the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1, et seq., authorizing the Emerson Planning Board (“Board”) to conduct a preliminary investigation as to whether the following Blocks or portions thereof: 412, 419, 420, 422, 603, 610, 613, 615, 616, and 617.01, on the official tax map of the Borough and located in the downtown central business district, met the statutory criteria to be designated as “an area in need of redevelopment”; and

**WHEREAS**, the Planning Board of the Borough of Emerson conducted the requested analysis and held the requisite hearings on July 29, 2004 and August 19, 2004, which were all properly noticed, to determine whether the studied properties met the statutory criteria to be designated as “an area in need of redevelopment”; and

**WHEREAS**, the Planning Board of the Borough of Emerson adopted a Resolution on September 7, 2004 recommending that the Mayor and Council designate the studied properties as “an area in need of redevelopment”; and

**WHEREAS**, the Mayor and Council adopted a Resolution No. 199-04 on September 7, 2004 designating Block 412, Lots 1, 2, 3, 4 & 5; Block 419, Lots 1, 2, 3, 4, 5, 6.01, 6.02, 7, 8, 9 & 10; Block 420 Lots 2 & 16; Block 422, Lots 1, 10, 11, 12, 13, 14, 15, 16, 17 & 18; Block 603, Lots 2,3,4,5 & 6; Block 606, Lots 3 & 4; Block 610, Lots 1, 2, 4, 5.01, 5.02, 6, 7, 8, 9.01, 9.02 & 10; Block 613, Lots 1 & 2; Block 615, Lot 1; Block 616, Lots 1, 16, 17, 19, 20, 21, 22, 23 & 24; Blocks 617.01, Lot 1 as “an area in need of redevelopment”; and

**WHEREAS**, on May 6, 2008, the Governing Body adopted a Resolution No. 92-08 pursuant to N.J.S.A. 40A:12A-4(a)(1), authorizing the Emerson Planning Board (“Board”) to conduct a supplemental investigation as to whether the existing properties should remain designated as “an area in need of redevelopment” and to conduct a preliminary investigation to determine if the following additional properties Blocks or portions thereof: 213, 214, 405, 616, 617.01, located in the downtown central business district, met the statutory criteria to be designated as “an area in need of redevelopment”; and

**WHEREAS**, the Planning Board of the Borough of Emerson adopted a Resolution on December 4, 2008 recommending that the existing area remains to be in need of redevelopment and recommending that the Mayor and Council designate the additional studied properties as “an area in need of redevelopment”; and

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**WHEREAS**, on July 8, 2015 the Borough of filed a Declaratory Judgment Action in the Superior Court of New Jersey Bergen County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, By Court Order dated August 3, 2016, the Superior Court has extended the Borough of Emerson's temporary immunity to October 31, 2016, while the Borough continues to prepare a Housing Element and Fair Share Plan as directed in the Supreme Court Decision; and

**WHEREAS**, the Court's extension of temporary immunity was granted on the condition that the Borough of Emerson participates in mediation initiated by the Court-appointed Special Master; and

**WHEREAS**, the Court-appointed Special Master has requested the Borough of Emerson explore potential zoning changes and additional development opportunities to address the Borough's unmet need; and

**WHEREAS**, in an effort to fulfill this obligation the Mayor and Council have determined that a supplemental study of the properties be conducted to ensure its compliance with the LRHL and that a preliminary investigation of additional properties be conducted for the potential redevelopment to fulfill the Borough's affordable housing requirement;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Emerson that the Land Use Board is hereby directed and authorized to examine whether the area comprising of the following blocks and lots on the official tax map of the Borough meet the statutory criteria to be deemed as "an area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.:

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, 2, 16, 17, 19, 20, 21, 22, 23 & 24
617.01	1, 2.02, 8 & 9
213	1, 2, 3, 4, 5 & 6
214	1.02, 5.02, 6, 7, 8.01, 8.02, 9
405	1, 2, 3.01, 3.02, 4, 12, 13, 14

**BE IT FURTHER RESOLVED THAT** the Borough hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, including the use of eminent domain; and

**BE IT FURTHER RESOLVED THAT** the Borough Land Use Board shall undertake such a supplemental and preliminary investigation in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., including but not limited to issuing all required notices, conducting a public hearing, and thereafter submitting its report containing its recommendations to the Mayor and Council; and

**BE IT FURTHER RESOLVED,** that this resolution shall take effect immediately.

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S T A I N
DiPaola					X	
Lazar			X			
Downing		X	X			
Knoller	X		X			
Tripodi			X			
Worthington					X	

*I hereby certify that the above Resolution was duly adopted by the Borough of Emerson at a meeting held on August 16, 2016.*

Attest:   
Municipal Clerk