

RESOLUTION NO. #7-2018

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF CLAYTON
RECOMMENDING THE DESIGNATION OF BLOCK 1212, LOT 14 WITHIN THE
BOROUGH OF CLAYTON AS A NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., specifically N.J.S.A. 40A:12-6, authorizes the governing body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is an “Area in Need of Redevelopment” pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, on May 25, 2018, the Mayor and Council of the Borough of Clayton (the “Borough Council”) adopted Resolution No. 118-2018, directing the Borough of Clayton’s Planning Board (the “Planning Board”) to conduct an investigation to determine whether Block 1212, Lot 14 (the “Study Area”) should be designated as a “Non-Condemnation Redevelopment Area;” and

WHEREAS, a “Non-Condemnation Redevelopment Area” authorizes a municipality to use all those powers provided by the Legislature for use in a redevelopment area, but shall not authorize the use of eminent domain; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, due notice of the public hearing of the Planning Board was provided to the property owner(s) as mandated by the aforesaid statute and notice was posted and published in accordance with the law; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Planning Board prepared a map showing the boundaries of the Study Area and the location of the property included therein and appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, the Planning Board conducted a public hearing on June 18, 2018 concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area and considered the report entitled “Determination of Need Report for Block 1212, Lot 14 as a Non-Condemnation Redevelopment Area” as prepared for the Borough of Clayton dated May, 2018 (the “Study Area Report”), and the meeting was open to the public and all members of the public, as well as all affected property owners, each of whom had an opportunity to address questions and comments to the Planning Board and its professionals; and

WHEREAS, the Study Area Report is adopted herein by reference; and

WHEREAS, all members of the Planning Board reviewed the Study Area Report.

NOW, THEREFORE, the Planning Board makes the following findings of fact and conclusions of law with respect to the Study Area Report for the Study Area;

1. The Mayor and Council have directed the Planning Board to conduct a preliminary investigation to determine whether the Study Area is a non-condemnation redevelopment area in accordance with the criterion set forth in N.J.S.A. 40A:12A-1 et seq.

2. The Study Area Report prepared for the Borough of Clayton and this Resolution are to be submitted to the Mayor and Borough Council for review and approval in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

3. The Planning Board finds and recommends to the Mayor and Council that the Study Area, Block 1212, Lot 14, satisfies criteria "b" set forth in N.J.S.A. 40A:12A-5, as set forth in the Study Area Report and the testimony of Douglas E. Akin, PLS, PP, of Federici and Akin, P.A. specifically finding that the following conditions exist:

- a. The Study Area contains a building that was formerly used for commercial purposes as a Rite Aid Store, and that said former commercial use was discontinued in 2010 when groundwater contamination was found at the Study Area.
- b. The building located on the Study Area has remained unused since 2010.
- c. N.J.S.A. 40A:12A-5.b. provides that one of the criteria for designating an area in need of redevelopment is "[t]he discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable."
- d. Based upon the foregoing findings and the testimony of Douglas E. Akin, the Study Area satisfies criteria "b."

4. On Motion made and duly seconded, the Planning Board voted to recommend to the Borough Council, based upon the Study Area Report for the Study Area and testimony provided by Douglas E. Akin, that the Study Area be designated as a Non-Condensation Redevelopment Area.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby recommends to the Mayor and Council of the Borough of Clayton that Block 1212, Lot 14, the Study Area, be designated as a Non-Condensation Redevelopment Area within the Borough of Clayton pursuant to N.J.S.A. 40A:12A-1 et seq.

ATTEST:



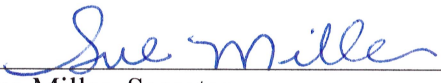
Sue Miller, Secretary

**BOROUGH OF CLAYTON
PLANNING BOARD**



Joe Abate, Chairperson

The foregoing Resolution was passed and memorialized at a regular meeting of the Planning Board of the Borough of Clayton held on the _____ day of _____ 2018, by a vote _____ to approve, _____ to oppose and _____ to abstain.



Sue Miller, Secretary
Planning Board of the Borough of Clayton

MOTION BY: _____

SECONDED BY: _____