

Resolution 2023-159

DESIGNATING PROPERTY KNOWN AS BLOCK 1005, LOT 3 AS SHOWN ON THE TAX MAP OF THE TOWN OF PHILLIPSBURG AS AN “AREA IN NEED OF REDEVELOPMENT” UNDER THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) authorizes municipalities to determine whether certain parcels of land within the municipality constitute an “area in need of redevelopment” as described in Section 5 of the Redevelopment Law; and

WHEREAS, to determine whether a certain parcel of land constitutes an area in need of redevelopment, the Town Council of the Town of Phillipsburg (the “Town Council”) by way of Resolution No. 2023-099 dated June 6, 2023, authorized and directed the Phillipsburg Planning Board (the “Board”) to conduct a preliminary investigation to determine whether the area identified as Block 1005, Lot 3 as shown on the Tax Map of the Town of Phillipsburg (the “Study Area”), meets the criteria set forth in Section 5 of the LRHL and should be designated as an “area in need of redevelopment”; and

WHEREAS, the Board authorized the undertaking of the preliminary investigation as to whether the Study Area, or any portion thereof, constitutes an area in need of redevelopment in accordance with the LRHL; and

WHEREAS, the LRHL requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as “an area in need of redevelopment”, at which hearing the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the LRHL requires that the Board, prior to conducting such public hearing, publish notice in a newspaper of general circulation in the Town once each week for two consecutive weeks, with the last publication made not less than ten (10) days prior to such public hearing; and

WHEREAS, the LRHL further requires that such notice be mailed at least ten (10) days prior to such public hearing to the last owner(s) of the relevant properties in accordance with the Town’s assessment records; and

WHEREAS, the Board held a public hearing (the “Public Hearing”) to determine whether the Study Area is “an area in need of redevelopment” under the criteria set forth in Section 5 of the LRHL at a regular meeting of the Board on July 27, 2023; and

WHEREAS, notice of the Public Hearing was provided in the official newspaper of the Town on two consecutive weeks, the last being not less than ten (10) days before the Public Hearing; and

WHEREAS, the Board also provided notice to property owners in the Study Area, as well as property owners within 200 feet of the Study Area; and

WHEREAS, at the Public Hearing, Timothy M. O'Brien PE PP CME ("O'Brien"), Town Planning Consultant, presented a report dated July 13, 2023 entitled "Preliminary Investigation For Area in Need of Redevelopment 540 Marshall Street Block 1005 Lot 3" (the "Report") concerning the determination of the Study Area as an "area in need of redevelopment"; and

WHEREAS, at the Public Hearing, the Board reviewed the Report, heard the testimony of O'Brien as well as members of the public who were given an opportunity to testify and to ask questions of the Board and of O'Brien; and

WHEREAS, after the conclusion of the Public Hearing, and in consideration of the Report and the substantial and credible testimony presented, the Board, on July 27, 2023, adopted a Resolution (the "Board Resolution"), determining that the Study Area should be designated as an "area in need of redevelopment"; and

WHEREAS, the Board Resolution recommended to the Town Council that the Study Area be designated as an "area in need of redevelopment"; and

WHEREAS, the Town Council agrees with the recommendation of the Board that the Study Area be designated as an "area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, the Town Council now desires to authorize and direct the Board to cause a redevelopment plan to be prepared for the Study Area and present same to the Town Council pursuant to N.J.S.A. 40A:12A-7(f).

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, in the County of Warren, State of New Jersey, as follows:

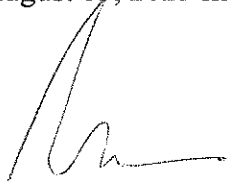
1. The Town Council hereby designates Block 1005, Lot 3 as shown on the Tax Map of the Town of Phillipsburg as an "area in need of redevelopment" (the "Determination") pursuant to the LRHL.
2. The Determination shall authorize the Town Council to use all of the powers provided by the Legislature for use in a redevelopment area except the use of eminent domain, thus designating it a "Non-Condensation Redevelopment Area".
3. The Town Clerk is hereby directed to transmit a certified copy of this Resolution by regular and certified mail to the Commissioner of Community Affairs (the "Commissioner") for review. The Determination of the Study Area as an "area in need of redevelopment" shall not take effect without first receiving the review and approval of the Commissioner. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal, the Determination shall be deemed to be approved.
4. Notice of the Determination (the "Notice") shall be served, within ten (10) days of the Determination, upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records, and upon each person who filed a written

objection thereto and stated, in or upon the written submission, an address to which the notice of Determination may be sent.

5. A property owner who received notice of the Determination as set forth above who does not file a legal challenge to the Determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge.

CERTIFICATION

I, Matthew C. Hall, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their August 15, 2023 meeting.



Matthew C. Hall

Acting Municipal Clerk