

**RESOLUTION NO. 2019-10.21
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY ACCEPTING THE PLANNING BOARD'S RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS THE MAIN STREET STUDY AREA AND THE VAN DAM AVENUE STUDY AREA BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 *ET SEQ.*

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the Planning Board of the Borough of Bloomingdale ("Planning Board" was asked to consider whether the subject properties within the Main Street Study Area and the Van Dam Avenue Study Area, identified in Exhibit A to the Planning Board Resolution ("Exhibit A") and generally described as the "Bloomingdale Area in Need Study for Main Street Study Area and Van Dam Avenue Study Area" ("Study Area"), could be determined to be Areas in Need of Redevelopment as summarized in a study prepared by CME Associates dated April 9, 2019; and

WHEREAS, on March 20, 2018, the Borough Council of the Borough of Bloomingdale adopted Resolution 2018-3.12 authorizing and directing the Planning Board to conduct a preliminary investigation to determine whether the property identified in Exhibit A or any portion of the Study Area, meets the criteria set forth in the Redevelopment Law and should be designated as a Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, subsequently, the Bloomingdale Borough Council adopted Resolution 2018-8.13 on August 20, 2019 which amended the scope of the Planning Board's review of the Preliminary Investigation Study from a Condemnation Redevelopment Area to a Non-condemnation Redevelopment Area; and

WHEREAS, Resolution 2018-8.13 specifically stated that the "preliminary investigation and review of the aforementioned properties shall not consider a 'condemnation area' in need of redevelopment" and that "the Borough will only consider the findings of the Planning Board as it relates to a 'non-condemnation' area in need of redevelopment"; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its preliminary investigation, the Planning Board directed CME Associates to prepare an Area In Need of Redevelopment Investigation Study

("Area in Need Study") for the Planning Board to consider in determining whether the Study Area should be designated a Non-Condernation Redevelopment Area; and

WHEREAS, CME Associates, licensed Professional Planner Steven Gottlieb, P.P., prepared a report with accompanying maps, diagrams and documents entitled, "Bloomingdale Area in Need Study for Main Street Study Area and Van Dam Study Area", dated April 19, 2019, showing the boundaries of the proposed redevelopment areas and locations of the parcels of property included therein, along with a statement setting forth the basis for the investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, public hearings were conducted by the Planning Board on July 17, 2019, August 21, 2019 and September 19, 2019, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearings, the Planning Board reviewed the Area in Need Study, maps, diagrams, and associated documents, and heard testimony from Mr. Gottlieb and various objectors; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Planning Board concerning the potential designation of the Study Area as a Non-Condernation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearings on this matter, the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, including N.J.S.A. 40A:12A-5, for designating five (5) of the six properties within the Van Dam Avenue Study Area (as set forth in Exhibit B to the Planning Board Resolution) and certain properties as set forth in Exhibit C and Exhibit D to the Planning Board Resolution) within the Main Street Study Area as a Non-Condernation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, the Planning Board further concluded that there was sufficient credible evidence to support findings that any designation of the select portions of the Van Dam Avenue Study Area and the Main Street Study Area as a Non-Condernation Study Area shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Areas; and

WHEREAS, in accordance with the Redevelopment Law, following the hearings the Planning Board unanimously recommended that the following properties within the Van Dam Study Area be determined by the Mayor and Borough Council to be a Non-Condernation Redevelopment Area (Exhibit B) in accordance with the Redevelopment Law:

- Block 5104, Lot 7
- Block 5104, Lot 8
- Block 5104, Lot 9
- Block 5104, Lot 10
- Block 5105, Lot 46

; and

WHEREAS, in accordance with the Redevelopment Law, following the hearings the Planning Board unanimously recommended that the following properties within the Main Street Study Area East (Exhibit C) be determined by the Mayor and Borough Council to be a Non-Condernation Redevelopment Area in accordance with the Redevelopment Law:

Block 5089, Lot 9
Block 5089, Lot 10
Block 5089, Lot 11
Block 5089, Lot 12
Block 5088, Lot 1
Block 5088, Lot 2
Block 5088, Lot 3
Block 5088, Lot 4
Block 5088, Lot 5
Block 5088, Lot 6
Block 5088, Lot 7
Block 5088, Lot 12
Block 5088, Lot 13
Block 5060, Lot 1
Block 5060, Lot 2
Block 5060, Lot 3
Block 5060, Lot 4
Block 5060, Lot 5
Block 5060, Lot 6
Block 5060, Lot 7
Block 5060, Lot 8
Block 5060, Lot 9

; and

WHEREAS, in accordance with the Redevelopment Law, following the hearings the Planning Board unanimously recommended that the following properties within the Main Street Study Area West (Exhibit D) be determined by the Mayor and Borough Council to be a Non-Condernation Redevelopment Area in accordance with the Redevelopment Law:

Block 5060, Lot 16
Block 5060, Lot 17
Block 5060, Lot 30
Block 5060, Lot 31
Block 5060, Lot 32
Block 5060, Lot 33
Block 5060, Lot 34
Block 5060, Lot 35
Block 5060, Lot 36
Block 5060, Lot 38
Block 3032, Lot 1

Block 3032, Lot 2
Block 5059, Lot 12
Block 5059, Lot 13
Block 5059, Lot 14
Block 5059, Lot 15
Block 5059, Lot 16
Block 5059, Lot 1
Block 5059, Lot 2
Block 5059, Lot 3
Block 5059, Lot 4
Block 5064, Lot 1
Block 5064, Lot 2
Block 5064, Lot 3
Block 5064, Lot 4
Block 5064, Lot 5

; and

WHEREAS, the Mayor and Borough Council were presented with the Planning Board's recommendation at the Council's regularly scheduled public meeting on October 8, 2019; and

WHEREAS, on October 16, 2019, the Planning Board memorialized its determination by adopting an approving Resolution, which was forwarded to the Mayor and Borough Council; and

WHEREAS, the Mayor and Borough Council hereby accept the recommendation of the Planning Board to declare the Study Areas as set forth in the Planning Board's Resolution and as set forth above as a Non-Condensation Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

1. The Borough Council hereby accepts the recommendation from the Planning Board and finds that the Study Areas set forth above and in the Planning Board Resolution, be and are hereby deemed, a Non-Condensation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*
2. The designation of that the Study Areas set forth above and in the Planning Board Resolution as a Non-Condensation Redevelopment Area shall not authorize the Boroughs to exercise the power of eminent domain to acquire any property in the Study Area.
3. The Borough hereby reserves all other authority and powers granted to it under the Redevelopment Law.
4. The Borough Clerk shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.

5. Within ten (10) days of the Borough Council's adoption of the within resolution, the Borough Clerk shall serve notice of the Borough Council's determination and the within Resolution upon all record owners of property within the Non-Condensation Redevelopment 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 notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs.

This Resolution shall take effect immediately.

Record of Council Vote on Passage

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Costa	X				Hudson	X			
D'Amato	X				Sondermeyer	X			
Dellaripa	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held October 22, 2019.

Breeanna Calabro, R.M.C.
Municipal Clerk, Borough of Bloomingdale