

***RESOLUTION NO. 2016-13**

RESOLUTION OF THE ELK TOWNSHIP JOINT LAND USE BOARD RECOMMENDING TO THE GOVERNING BODY OF THE TOWNSHIP OF ELK THAT BLOCK 29, LOT 24.01, 28 AND 29; BLOCK 31, LOTS 2.02, 5.01, 7, 1, 2.01, 3 AND 22; BLOCK 32, LOTS 1, 2, 3, 4, 5, 6, 8, 9, AND 7; BLOCK 33, LOT 12.01; BLOCK 34, LOT 1.03, 3, 4, 6, 7, 8, AND 9; AND BLOCK 58, LOTS 1 AND 2 ON THE ELK TOWNSHIP TAX MAP BE DESIGNATED A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

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

WHEREAS, by way of Resolution No. 108-2015, adopted November 5, 2015 and Resolution No. 61-2016, adopted April 7, 2016, the Governing Body of the Township of Elk authorized and directed the Elk Township Joint Land Use Board ("Board") to conduct a preliminary investigation to determine whether the area consisting of land designated as Block 29, Lots 13.01, 13.02, 13.03, 14, 24.01, 25, 26, 28 and 29; Block 31, Lots 1, 2.01, 2.02, 3, 4, 5.01, 5.02, 6, 6.01, 7 and 22; Block 32, Lots 1-12, 14, 15, 16.01, 16.02 and; Block 33 Lot 12.01, Block 34, Lots 1.03, 3, 4, and 6-9 and Block 58, Lots 1 and 2, as shown on the Elk Township Tax Map (the "study area"), meets the criteria set forth in the Redevelopment Law and should be designated as an area in need of redevelopment; and

WHEREAS, as required by Section 6 of the Redevelopment Law, Township Resolution No. 108-2015 and Resolution No. 61-2016, specifies that a redevelopment area designation of the lands shall be a Non- Condemnation Redevelopment Area such that the Township may use all those powers provided by the Legislature for use in a redevelopment area, other than the use of the power of eminent domain, according to the criteria set forth in N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, the Board authorized and directed its planning consultant, Candace A. Kanaplue, AICP/PP, to conduct a preliminary investigation to determine whether the study area, or any part thereof, meets the requirements of the Redevelopment Law and should be designated as an area in need of redevelopment; and

WHEREAS, the Board received the report of the Board Planner, dated May, 2016, including a map showing the boundaries of the area being considered for redevelopment and the location of the individual parcels therein, along with the investigation study and findings of the Board Planner, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, in accordance with the procedural requirements of the Redevelopment Law, the Board ordered that the map and investigation report be on file with the Board Secretary a minimum of ten days prior to the hearing and were made available for inspection by interested parties and the public; and

WHEREAS, a public hearing was held on May 18, 2016 after proper notice in full compliance with State statute, wherein the investigation report was presented and explained to the Board and the public, and the Board and public had an opportunity to comment and be heard regarding the potential designation of the study area as an area in need of redevelopment; and

WHEREAS, during the hearing, the Board considered the testimony of the following witness(es): Candace A. Kanaplue, AICP/PP, Board Planning Consultant; and

WHEREAS, Jim Gaglianone, owner of block 33, lot 12.01, inquired about zone changes and was in favor of a Commercial zoning designation for his parcel; and
Connie Nicholson, resident, block 34, lot 9 inquired as to when the Redevelopment Plan would be completed.

WHEREAS, the Board reviewed the investigation report, heard the oral presentation of its professionals, and considered the comments and presentation of the public, if any; and

WHEREAS, based upon the foregoing, the Board makes the following findings:

1. The study area consists of parcels located predominantly to the west of Route 55, within various zoning districts along Aura Road, Whig Lane, Clems Run and Maple Avenue. The properties are a mix of commercial, residential, agricultural and woodlands, public property and vacant.
2. The study area is within the C-1, RE and R zoning districts.
3. Surrounding zoning includes, RE and R districts. Most surrounding uses are residential or agricultural in nature.
4. Based upon the investigation report and the testimony provided by the Board's Planning Consultant during the hearing, the Board finds and determines that Block 29, Lot 24.01, 28 and 29; Block 31, Lots 2.02, 5.01, 7, 1, 2.01, 3 and 22; Block 32, Lots 1, 2, 3, 4, 5, 6, 8, 9, and 7; Block 33, Lot 12.01; Block 34, Lot 1.03, 3, 4, 6, 7, 8, and 9; Block 58 Lots 1 and 2 within the study area meet the criteria for designation as an area in need of redevelopment as set forth in the Redevelopment Law. Specifically:
 - a. With respect to block 33, Lot 12.01; Block 34, Lots 6 and 7, the parcels to contain structures that are unwholesome living or work conditions. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.a (criterion "A" of the Redevelopment Law).
 - b. With respect Block 34, Lots 6 and 7, the parcels are abandoned and in a state of disrepair. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.b (criterion "B" of the Redevelopment Law).
 - c. With respect to Block 34, Lots 1.03 and 3, the parcels are owned by the municipality. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.c (criterion "C" of the Redevelopment Law).
 - d. With respect to Block 34, Lots 6 and 7; 8 and 9, the parcels are dilapidated and the building arrangements are obsolete. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.d (criterion "D" of the Redevelopment Law).
 - e. With respect to Block 29, Lots 24.01, 28 and 29; Block 31, Lots 2.02, 5.01, 7 1, 2.013 and 22; Block 32, Lots 1-9; Block 34, Lots 8 and 9; and Block 58, Lot 1 within the study area have been subject to a stagnant economy, water and sewer allocation issues

and litigation. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.e (criterion "e" of the Redevelopment Law).

- f. Block 34, Lot 4 and 58 Lot 2 meets the criteria set forth in N.J.S.A. 40A:12A-3 as the area is necessary for the effective redevelopment of the area of which it is a part.

WHEREAS, for the foregoing reasons, the Board finds that the study area, comprised of the lands designated as Block 29, Lot 24.01, 28 and 29; Block 31, Lots 2.02, 5.01, 7, 1, 2.01, 3 and 22; Block 32, Lots 1, 2, 3, 4, 5, 6, 8, 9, and 7; Block 33, Lot 12.01; Block 34, Lot 1.03, 3, 4, 6, 7, 8, and 9; Block 58 Lots 1 and 2 on the Elk Township Tax Map, meet the established threshold of eligibility under the statutory criteria of the Redevelopment Law, and is therefore suitable to be declared an area in need of redevelopment; and

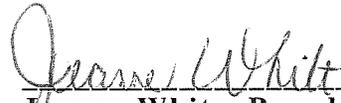
NOW, THEREFORE, BE IT RESOLVED by the Elk Township Joint Land Use Board, as follows:

1. The above recitals are incorporated and made a part hereof as if set forth at length herein.
2. Having made the findings set forth above, it is hereby recommended to the Governing Body of the Township of Elk that the lands identified as Block 29, Lot 24.01, 28 and 29; Block 31, Lots 2.02, 5.01, 7, 1, 2.01, 3 and 22; Block 32, Lots 1, 2, 3, 4, 5, 6, 8, 9, and 7; Block 33, Lot 12.01; Block 34, Lot 1.03, 3, 4, 6, 7, 8, and 9; Block 58 Lots 1 and 2, be considered and designated as an area in need of redevelopment and that the Governing Body take such actions as may be necessary, after public notice and hearing, to make said determination according to law.
3. The Board also recommends that the Governing Body of the Township of Elk authorize and direct the Elk Township Joint Land Use Board to prepare a redevelopment plan, for consideration by the Governing Body of the Township of Elk, which will set forth the goals and objectives for this redevelopment and outline the actions to be taken to accomplish these goals and objectives.
4. A copy of this Resolution shall be forwarded to the Municipal Clerk for distribution to the Elk Township Committee.

ATTEST:

**ELK TOWNSHIP JOINT
LAND USE BOARD**

By: 
Anna Foley, Board Secretary


Jeanne White, Board Chair

Certification

The foregoing Resolution was adopted at a regular meeting of the Elk Township Joint Land Use Board on May 18, 2016.


Anna Foley, Board Secretary