

## RESOLUTION 2023 – 169

### A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, DESIGNATING CERTAIN PROPERTIES IDENTIFIED ON THE TAX MAPS OF THE BOROUGH AS BLOCK 30, LOTS 1 & 3 AS A NON-CONDEMNATION REDEVELOPMENT AREA

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

**WHEREAS**, on October 4, 2023, the Borough Council (the “**Borough Council**”) of the Borough of Mount Arlington, in the County of Morris, New Jersey (the “**Borough**”), adopted Resolution No. 2022-130, authorizing and directing the Borough Land Use Board (the “**Board**”) to conduct an investigation of the property designated as Block 30, Lot 3 (386 Howard Boulevard) on the Tax Map of the Borough of Mount Arlington, along with all streets and rights of way appurtenant thereto (the “**First Study Area**”), to determine whether all or a portion of the First Study Area meets the criteria set forth in the Redevelopment Law for redevelopment area designation and to make a recommendation as to whether such Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, on November 1, 2023, the Borough Council adopted Resolution No. 2022-137, authorizing and directing the Board to conduct an investigation of the property designated as Block 30, Lot 1 (382 Howard Boulevard) on the Tax Map of the Borough of Mount Arlington, along with all streets and rights of way appurtenant thereto (together with the First Study Area, the “**Study Area**”), to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law for redevelopment area designation and to make a recommendation as to whether such Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Board received and reviewed the preliminary investigation prepared for the Study Area entitled “Area in Need of Redevelopment Study, 382 & 386 Howard Boulevard, Block 30, Lots 1 & 3, Mount Arlington, Morris County, New Jersey,” setting forth the basis for the investigation and a map depicting the Study Area prepared by J. Caldwell & Associates, LLC (the “**Planning Consultant**”) in accordance with the Redevelopment Law dated October 6, 2023 (the “**Study**”); and

**WHEREAS**, the Redevelopment Law requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as a non-condemnation 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 property is an area in need of redevelopment; and

**WHEREAS**, the Redevelopment Law further requires the Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the

municipality once each week for two (2) consecutive weeks, with the last publication made not less than ten (10) days prior to such public hearing; and

**WHEREAS**, the Redevelopment Law further requires such notice to be mailed at least (10) days prior to such publication hearing to the last owner of the relevant property according to the Borough's assessment records; and

**WHEREAS**, the Board caused the aforementioned notices to be published on October 6, 2023 and October 13, 2023, in the Daily Record, and served on the last owner of the properties within the Study Area according to the Borough's assessment records on October 11, 2023; and

**WHEREAS**, on October 25, 2023, pursuant to the Redevelopment Law, the Board held a duly noticed public hearing concerning the Study, giving all persons who were interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

**WHEREAS**, at said public hearing, the Board considered the Study, heard the comments of the Planning Consultant, opened the meeting for public comments, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

**WHEREAS**, the Planning Consultant concluded in the Study and testified to the Board that the Study Area should be designated as a non-condemnation redevelopment area; and

**WHEREAS**, on October 25, 2023, the Board adopted a resolution memorializing its findings, recommending the Study Area be designated as a non-condemnation redevelopment area and accepting and adopting the conclusions contained in the Study; and

**WHEREAS**, the Borough Council agrees with the conclusion of the Board and finds that such conclusion is supported by substantial evidence set forth in the Study; and

**WHEREAS**, the Borough Council now desires to declare the Study Area as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*, and.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** Based on the Study and the recommendation of the Board, the Study Area satisfies the criteria for redevelopment area designation as set forth in the Redevelopment Law. Specifically, Lot 1 satisfies Criteria d as the original configuration of the site was designed without zoning criteria and the use is not consistent with the goals of the Master Plan. Lot 1 satisfies Criteria h because it is located in the Borough's Village Center and redevelopment of Lot 1 would promote development in a walkable neighborhood and provide the opportunity to incorporate compact design which would meet the smart growth principals. While Lot 1 satisfies the other criteria, *N.J.S.A. 40A:12A-3* also applies as Lot 1 is needed for the effective

redevelopment of the Borough's Village Center. Lot 3 satisfies Criteria a as the improvements show signs of deterioration such that they are no longer conducive to wholesome living conditions. Lot 3 satisfies Criteria d for the dilapidated condition of the improvements and obsolescence as the two-family residence is not a permitted use. Lot 3 satisfies Criteria h because it is located in the Borough's Village Center and redevelopment of Lot 1 would promote development in a walkable neighborhood and provide the opportunity to incorporate compact design which would meet the smart growth principals. While Lot 3 satisfies the other criteria, N.J.S.A. 40A:12A-3 also applies as Lot 3 is needed for the effective redevelopment of the Borough's Village Center.

**Section 3.** For all of the reasons set forth in Section 2, and as provided fully in the Study, the Study Area is hereby designated as a "Non-Condensation Redevelopment Area" as referenced in the Redevelopment Law.

**Section 4.** The Borough Council hereby directs the Borough Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs pursuant to *N.J.S.A. 40A:12A-6b(5)(c)*.

**Section 5.** The Borough Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this resolution upon (i) all record owners of the Study Area, as reflected on the Tax Assessor's records, and (ii) any person who filed a written objection with respect to the designation of the Study Area as an area in need of redevelopment.

**Section 6.** This resolution shall take effect in accordance with applicable law.

**I HEREBY CERTIFY** this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, and adopted on December 5, 2023.

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Matthew N. Bansch, Borough Clerk