

Resolution of the Demarest Governing Body

Resolution No. 153-24

September 9, 2024

Council Member	Motion	Second	Yes	No	Abstain	Absent
Jiang	✓		✓			
Fox		✓	✓			
Marks						✓
Slowikowski			✓			
Reiss			✓			
Collins			✓			

TITLE: RESOLUTION AUTHORIZING THE BOROUGH OF DEMAREST COUNTY OF BERGEN STATE OF NEW JERSEY ACCEPTING THE PLANNING BOARD’S RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 23, LOTS 15, 16 AND 17.01 AND BLOCK 49.01, LOTS 43.01, 43.02, 44, 45 AND 47.02 ON THE TAX MAP OF THE BOROUGH OF DEMAREST BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A ET SEQ.

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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 Demarest (“Planning Board”) was asked to consider whether the property located at Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest and generally described as the “Study Area”, could be determined to be an Area in Need of Redevelopment as summarized in a study prepared by Colliers Engineering & Design, dated June 24, 2024; and

WHEREAS, the Borough of Demarest Council previously authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the property identified as Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest meets the criteria set forth in the Redevelopment Law and

should be designated as a Non-Condensation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condensation 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 Colliers Engineering & Design 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-Condensation Redevelopment Area; and

WHEREAS, Colliers Engineering & Design, licensed Professional Planner Darlene A. Green, P.P., A.I.C.P., prepared a report entitled, “Redevelopment Area without Condemnation: Determination of Need Study,” dated June 24, 2024, showing the boundaries of the proposed redevelopment area and location of the parcel 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, a public hearing was conducted by the Planning Board on July 30, 2024, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearing, the Planning Board reviewed the Area in Need Study, and heard testimony from Ms. Green; 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-Condensation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board recommended that the Borough of Demarest Council designate Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest as a Non-Condensation Redevelopment Area; and

WHEREAS, on September 4, 2024, the Planning Board memorialized its determination by adopting an approving Resolution which was forwarded to the Mayor and Borough of Demarest Council; and

WHEREAS, the Mayor and Borough of Demarest Council were presented with the Planning Board's recommendation at the Council's regularly scheduled public meeting on September 9, 2024


WHEREAS, the Mayor and Borough of Demarest Council hereby accept the recommendation of the Planning Board to declare the Study Area, Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 as set forth in the Planning Board's Resolution as a Non-Condensation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Demarest Council, County of Bergen and State of New Jersey, as follows:

1. The Borough of Demarest Council hereby accepts the recommendation from the Planning Board and finds that the Study Area, Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest be and is hereby deemed, a Non- Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
2. The designation of the Study Area, Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest as a Non- Condemnation Redevelopment Area shall not authorize the Borough to exercise the power of eminent domain to acquire the Study Area property.
3. The Borough of Demarest hereby reserves all other authority and powers granted to it under the Redevelopment Law.
4. The Acting 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 of Demarest Council's adoption of the within resolution, the Acting Borough Clerk shall serve notice of the Borough of Demarest Council's determination and the within Resolution upon all record owners of property within the Non- Condemnation 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. Adopted: September 9, 2024.

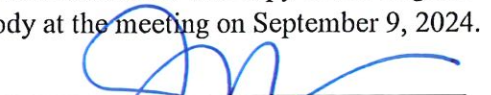
APPROVED:



Brian Bernstein, Mayor

CERTIFICATION

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on September 9, 2024.



Julie Falkenstern, Acting Borough Clerk

**RESOLUTION OF THE BOROUGH OF DEMAREST PLANNING BOARD
RECOMMENDING THAT PROPERTIES IDENTIFIED AS
BLOCK 23, LOTS 15, 16 AND 17.01 AND
BLOCK 49.01, LOTS 43.01, 43.02, 44, 45 AND 47.02;
ON THE TAX MAP OF THE BOROUGH OF DEMAREST
BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA
PURSUANT TO N.J.S.A. 40A: 12A-5.**

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1, et seq., and Resolution No.: 055-24 of the Borough Council of the Borough of Demarest (hereinafter the "Council"), the Planning Board of the Borough of Demarest (hereinafter the "Board") authorized a preliminary investigation of Block 23, Lots 15, 16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02, on the Tax Map of the Borough of Demarest (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the LRHL, N.J.S.A. 40A:12A-5, and should be designated as an Area in Need of Redevelopment; and

WHEREAS, Resolution No.: 055-24 indicated that the properties in the Study Area may be deemed a Non-Condemnation Redevelopment Area, in the event that the Board determines that the Study Area constitutes an Area in Need of Redevelopment under the LRHL, N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board received and reviewed the "Redevelopment Area without Condemnation: Determination of Need Study," prepared by Colliers Engineering & Design, dated June 24, 2024 (hereinafter the "Study"), relating to the Study Area; and

WHEREAS, on July 30, 2024, the Planning Board conducted a public hearing and reviewed the Study; and

WHEREAS, the Board caused to be published advance notice of said public meeting in the Bergen Record on two (2) occasions and served notice of said public meeting on all owners of property and adjoining municipalities within the Study Area, said publication and service having been completed at least ten (10) days in advance of the public hearing date, all as mandated by N.J.S.A. 40A: 12A-6b; and

WHEREAS, at the public hearing, the Board heard the testimony of the following persons:

1. Darlene A. Green, P.P., A.I.C.P., a New Jersey Licensed Planner, Colliers Engineering & Design with offices located at 53 Frontage Road, Suite 110, Hampton, New Jersey 08827 who presented her report entitled "Redevelopment Area without Condemnation: "Determination of Need Study" dated June 24, 2024 (the "Study");
2. Mike Clarke, property owner at 150 Donnybrook Drive, Demarest, New Jersey
3. Howard Rifkind, property owner at 350 County Road, Demarest, New Jersey
4. Barret Abromow, property owner at 15 Emily Court, Demarest, New Jersey
5. Ray Cywinski, property owner at 256 County Road, Demarest, New Jersey
6. Noel Pugh, property owner at 64 Prospect Street, Demarest, New Jersey
7. Clifford Toth, property owner at 1034 South Washington Avenue, Old Tappan, New Jersey
8. August Tabacchi, resident at 378 Hardenburgh Avenue, Demarest, New Jersey
9. Cris Sakalauskas, property owner at 123 Hardenburgh Avenue, Demarest, New Jersey

WHEREAS, the following were marked as Exhibits:

- A Redevelopment Area without Condemnation: Determination of Need Study;
- B Map of downtown Demarest dated January 10, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Borough of Demarest in the County of Bergen and State of New Jersey makes the following findings and conclusions:

1. Study Area Description. The Study Area is comprised of eight (8) properties including three (3) in Block 23 and five (5) in Block 49.01. The Study Area comprises 3.17 acres according to the Tax Cards and GIS Data including 0.89 acres in Block 23 and 2.28 acres in Block 49.01. The Study Area is primarily located along Hardenburgh Avenue (County Route 80) and is also located along Park Street and Wakely Drive. The Study Area is adjacent to a variety of uses including the Borough's Department of Public Works Building, open space, and the Borough's train station.

The Study Area is in the Hardenburgh Avenue Redevelopment Plan (HARP) District. The eight (8) properties in the Study Area were previously designated as an Area in Need of Rehabilitation (along with other adjacent lots) by the Mayor and Municipal Council on July 24, 2017. A Downtown Redevelopment Plan was prepared and adopted by the Mayor and Council on November 25, 2019, which plan was amended twice since its adoption.

2. Land Use Analysis. The Study Area is largely comprised of older commercial buildings of one, two and three stories with some paved parking areas. Lot 47.02, located at the corner of Hardenburgh Avenue and Wakelee Drive is owned by the Borough of Demarest and does not contain any structures. The principal uses permitted in the Study Area/HARP District include neighborhood retail, personal services, professional and medical offices, banks, restaurants and taverns, instructional uses, childcare centers, adult day-care, municipal offices and uses, multi-family residential use limited to the upper floors, single-family detached homes, community residences, two (2) or more (multiple) of the permitted uses in one (1) building.
3. Planning Context. The Borough of Demarest recently adopted a Master Plan and Development Regulations Re-Examination in August 2022. The Planning Board subsequently adopted a Land Use Plan Element Amendment in November 2023 which rescinded certain goals affecting the Study Area provided in the 1983 Master Plan and added new proposed goals of the 2022 Re-Examination which included Goal #3: encourage redevelopment, investment and reinvestment within the Downtown Redevelopment Plan Area ; Housing Goal #2 provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey, while respecting the character and density of the Borough of Demarest ; and Housing Goal #2a encourage inclusionary multi-family residential construction above non-residential development in the Downtown Redevelopment Plan Area .
4. Relevant State of New Jersey Policy encouraging redevelopment and investment in downtown areas include the 2001 State Development and Redevelopment Plan together with an update entitled "State Strategic Plan" prepared in 2011 by the New Jersey State Planning Commission. The goals of the State plan include:
 - Goal #1—Revitalize the State’s cities and towns;

- Goal #3—Promote beneficial economic growth, development and renewal for all residents of New Jersey;
- Goal #6—provide adequate housing at a reasonable cost; and
- Goal #8—insure sound and integrated planning and implementation statewide.

The 2001 State Plan encourages revitalization of cities and towns; promotion of growth in compact form; stabilization of older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.

5. Re-Development—Statutory Requirements. The following statutory criteria recommended by the planning consultant for the Borough (Ms. Darlene Green of Colliers Engineering and Design, Inc.) and deemed applicable to the determination by the Planning Board that the Study Area is an Area in Need of Redevelopment is Criteria H of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A, et. seq.), or the "LRHL"), which provides:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

6. Re-Development—Analysis: "H" Criterion-Smart Growth. Ms. Green's report and testimony focused on the evaluation of each property in the study area to effectuate the implementation of smart growth planning principals as adopted and articulated by the New Jersey Office of Planning and Advocacy within the New Jersey Department of State, as well as the State Development and Redevelopment Plan which was adopted in June of 1992, and subsequently revised in March of 2001 by the State Planning Commission (the "State Plan") . The State Plan contains various goals and objectives regarding the future development and redevelopment of New Jersey. Its primary objective is to guide development to areas where infrastructure is available, or can be readily extended, such as along existing transportation corridors in developed or developing suburban and urban areas. It seeks to promote development and redevelopment that will consume less land, deplete fewer natural resources, and use the state's infrastructure more efficiently. Ms. Green testified and articulates in her Study the characteristics that are indicative of smart growth as described in the state planning documents, including:

- mixed land uses
- compact clustered community designs

- a wide range of housing choices and opportunities
- walkable neighborhoods
- distinctive attractive communities offering a sense of place
- open space
- farmland and scenic resource preservation
- development directed to existing in communities using existing infrastructure
- sustainable design
- transportation option variety

Ms. Green's report and testimony focused on how the potential designation of the sites within the study area as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area as promoted by the Mayor and Council in the downtown re-development plan of November 25, 2019.

Ms. Green testified to and indicated in her report that her office conducted exterior inspections of each of the properties in the study area. The properties and buildings were generally in good condition, however the former Bank of America building on Lot 15 of Block 23 is in need of maintenance. The buildings and study area are mostly occupied except for the building on Block 23 Lot 15 which was previously occupied by Bank of America, and is now vacant, and one (1) tenant space of the three (3) story building on Lot 43.02 of Block 49.01.

Ms. Green's testimony and visual assessment and planning analysis and report reflect that the eight (8) properties in the Study Area were investigated and found to be appropriate candidates for the "H" Criterion designation. Such designation would not only enable the Borough of Demarest to capture an opportunity to incentivize improvements to the properties but also provide for a portion of the state's future redevelopment in accordance with the New Jersey State Plan and also help contribute to the redevelopment and revitalization of downtown Demarest consistent with the goals and objectives of the Borough's Master Plan and the goals of the HARP District.

The Planning Board, having heard the testimony of Ms. Green and reviewed her report, as well as having heard all members of the public who appeared, finds the following with respect to the qualification of each of the eight lots comprising the Study Area:

1. **Block 23 Lot 15 / 129 Hardenburgh Avenue** was found to qualify under the Criteria "H" of the LRHL because it would advance smart growth characteristics provide for:

- mix land uses;
- compact design;
- walkable neighborhoods;
- a wide range of housing choices and opportunities;
- distinctive attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Therefore, Block 23 Lot 15 qualifies under Criteria "H" as its designation as an Area in Need of Re-Development is consistent with smart growth planning principles.

2. **Block 23 Lot 16 / 39, 41 and 43 Park Street** qualifies under Criteria "H" of the LRHL. The re-development of Lot 16 could advance smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure

Therefore, Block 23 Lot 16 qualifies under Criteria "H" as an Area In Need of Re-Development is consistent with smart growth planning principles.

3. **Block 23 Lot 17.01 / 27 Park Street** qualifies under Criteria "H" of the LRHL where redevelopment of Lot 17.01 could advance the following smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and

- development directed to existing communities using existing infrastructure

Therefore, Block 23 Lot 17.01 qualifies under Criteria "H" as an Area In Need of Re-Development is consistent with Smart Growth Planning principles.

4. **Block 49.01 Lot 43.01 / Wakelee Drive** meets Criteria "H" of the LRHL where the site is a developed area with existing infrastructure and designation of the site as an Area in Need of Re-development would advance the Borough's goal encouraging redevelopment in the downtown area and where redevelopment of Lot 43.01 could advance smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure

Accordingly, the redevelopment of Lot 43.01 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 43.01 would qualify under Criteria "H" as an Area in Need of Re-development, consistent with smart growth planning principles.

5. **Block 49.01 Lot 44—140 Hardenburg Avenue** meets Criteria "H" of the LRHL where the site has previously been included in the downtown redevelopment plan. The yard and bulk requirements of the downtown redevelopment plan promote compact design with smaller bulk requirements and a residential density of twenty-five (25) to thirty-five (35) units per acre. Lot 44 is in a developed area with existing infrastructure. The designation of the site as an Area in Need of Redevelopment would encourage redevelopment in the downtown area. The designation of Lot 44 as an Area in Need of Redevelopment could advance smart growth characteristics including:

- mixed land uses,
- compact design
- walkable neighborhoods,
- a wide range of housing choices and opportunities,

- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the development of Lot 44 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 44 would qualify under Criteria "H" as an Area in Need of Redevelopment consistent with Smart Growth Planning Principles.

6. **Block 49.01, Lot 45—134 Hardenburgh Avenue** meets Criteria "H" of the LRHL where this site was previously included as part of the Mayor and Council's Area in Need of Rehabilitation designation in July 2017. The Downtown Redevelopment Plan adopted on November 25, 2019, and amended February 24, 2020, and June 23, 2021, described that the variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child care centers and adult daycare, municipal uses and residential uses such as multi-family would be appropriate for this site. Lot 45 is in a developed area where there is existing infrastructure. Designation of a site as an area in need of redevelopment could advance the following smart growth characteristics:

- mixed land uses,
- compact design,
- walkable neighborhoods,
- a wide range of housing choices and opportunities,
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the redevelopment of Lot 45 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 45 would qualify under Criteria "H" as an Area in Need of Redevelopment consistent with Smart Growth Planning Principles.

7. **Block 49.01, Lot 47.02 – Wakelee Drive** meets Criteria "H" of the LRHL where this site was previously included as part of the Mayor and Council's Area in Need of Rehabilitation designation in July 2017. The Mayor and Council's Downtown Redevelopment Plan adopted on November 25, 2019 and subsequently amended on February 24, 2020 and June 23, 2021 as a guide to future development in the

Area in Need of Rehabilitation permitted a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child care centers and adult daycare, municipal uses and residential uses such as multi-family uses on upper floors of buildings would be appropriate for this site. Lot 47.02 is in a developed area where there is existing infrastructure. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal encouraging redevelopment in the downtown area and where redevelopment of Lot 47.02 could advance Smart Growth characteristics including:

- mixed-land uses,
- compact design,
- walkable neighborhoods,
- a wide range of housing choices and opportunities,
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the redevelopment of Lot 47.02 is consistent with several of the characteristics for Smart Growth and Block 49.01, Lot 47.02 would qualify under Criteria "H" as an Area in Need of Redevelopment, consistent with Smart Growth Planning Principles.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board of the Borough of Demarest hereby finds and concludes, and further recommends to the Demarest Mayor and Borough Council, that Block 23, Lots 15, 16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest in the Study Area be designated as a Non-Condensation Redevelopment Area, as defined in N.J.S.A. 40A:12A-5, because each of the lots meets the criteria set forth in N.J.S.A. 40A:12A-5; and

The above referenced Area in Need of Redevelopment was approved by the Borough of Demarest Planning Board at a regular meeting held on July 30, 2024 upon motion of Chairwoman Hayden, and seconded by Vice Chairman Tabacchi upon roll call as follows:

	Alevrontas	Bernstein	Brenner	Fox	Mamdani	Paulison	Tabacchi	Yu	Hamilton	Hayden
Offered										√
Seconded							√			
Aye	√	√	√	√	√	√		√		
Nay										
Absent										
Recuse										
Eligible To Vote										

This Resolution adopted this 4th day of September 2024 memorializes the action taken at a special meeting of the Borough of Demarest Planning Board on July 30, 2024, by a vote of eight (8) ayes and zero (0) nays as set forth herein.

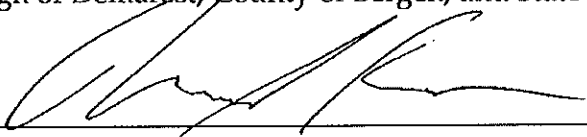
As Follows:

	Alevrontas	Bernstein	Brenner	Fox	Mamdani	Paulison	Tabacchi	Yu	Hamilton	Hayden
Offered							✓			
Seconded		✓								
Aye	✓	✓	✓			✓	✓	✓	✓	✓
Nay										
Absent				✓	✓					
Recuse										
Eligible To Vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Marian Hayden
MARIAN HAYDEN, Chairwoman

Demarest Planning Board

BE IT, FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Construction Code Official and Zoning Officer of the Borough of Demarest. I do certify that this is a true and correct copy of the Resolution as adopted by the Planning Board of the Borough of Demarest, County of Bergen, and State of New Jersey in the within Application.



MICHAEL GRECO, Board Secretary

DATE AINR APPROVED: JULY 30, 2024

DATE RESOLUTION APPROVED: SEPTEMBER 4, 2024