

Resolution of the Demarest Governing Body

Resolution No 192-24

October 28, 2024

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

TITLE: RESOLUTION SUPPLEMENTING RESOLUTION 153-24 DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 49.01, LOT 43.02, 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 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 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-Condemnation 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, 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-Condemnation Redevelopment Area; and

WHEREAS, on September 4, 2024, the Planning Board memorialized its determination by adopting an approving Resolution which inadvertently omitted Block 49.01, Lot 43.02 from its approving Resolution; and

WHEREAS, by Resolution No. [153-24] the Council accepted the recommendation of the Planning Board and designated 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; and

WHEREAS, subsequent to the adoption of Resolution No. 153-24[insert], it appeared that the Planning Board approving Resolution adopted September 4, 2024 inadvertently failed to review the criteria applicable to Block 49.01, Lot 43.02; and

WHEREAS, by Resolution of the Borough of Demarest Planning Board number PB-2024-07, the Demarest Planning Board supplemented its prior Resolution and memorialized its determination that Block 49.01, Lot 43.02 qualifies as an Area in Need of Re-development pursuant to Criteria “H” of the Local Re-development and Housing Law (N.J.S.A. 40A: 12A-1 et. seq); and

WHEREAS, the Mayor and Borough of Demarest Council has determined to accept the recommendation of the Planning Board to include Block 49.01, Lot 43.02 as a Non-Condemnation Redevelopment Area and is desirous of amending Resolution No. 153-24 accordingly

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 Block 49.01, Lot 43.02, 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 Block 49.01, Lot 43.02 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. This designation of Block 49.01, Lot 43.02 on the Tax Map of the Borough of Demarest as a Non-Condemnation Redevelopment Area shall supplement and not replace the Borough of Demarest's prior Resolution Number 153-24 adopted September 9, 2024.
5. The Acting Borough Clerk shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.
6. 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: October 28, 2024.

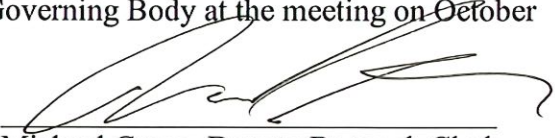
APPROVED:



Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy 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 October 28, 2024.



Michael Greco, Deputy Borough Clerk