

**Resolution of the Demarest Governing Body**

**Resolution No. 084-24**

**April 8, 2024**

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

**TITLE: A RESOLUTION OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREAS CAN BE DESIGNATED AS "AREAS IN NEED OF REDEVELOPMENT" PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

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**WHEREAS**, the Borough of Demarest (the “Borough”) has identified the properties designated as Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest (the “Redevelopment Area”) to be considered for designation as an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 49A:12A-2 *et. seq.*; and

**WHEREAS**, pursuant to the required redevelopment procedures specifically set forth in N.J.S.A. 49A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, “[t]he resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”); and

**WHEREAS**, it is in the best interest of the Borough to authorize the Planning Board to undertake a preliminary investigation of the Redevelopment Area and to use all of those powers provided by the Legislature for use in a Non-Condensation Redevelopment Area; and

**WHEREAS**, the Borough's planner, Colliers Engineering & Design, has submitted a proposal for Professional Planning Services to provide professional planning services to prepare a Non-Condensation Area in Need of Redevelopment Study for Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest for a fee of Ten Thousand Four Hundred Ninety Five Dollars (\$10,495.00); and

**WHEREAS**, the Mayor and Borough Council find it to be in the best interest of the Borough to authorize the Planning Board to undertake such preliminary investigation of the Redevelopment Area as a Non-Condensation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Demarest, County of Bergen, and State of New Jersey, that it hereby directs and authorizes the Planning Board of the Borough of Demarest to determine whether the property known as Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest qualifies as a Non-Condensation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1, et. seq.; and

**BE IT FURTHER RESOLVED**, the prior to the public hearing, as part of its preliminary investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained herein; and

**BE IT FURTHER RESOLVED**, that the Planning Board shall specify a date for and give notice of the public hearing for the purpose of hearing persons who are interested in or would be affected by the determination of the Study Area as a Non-Condensation Area in Need of Redevelopment; and

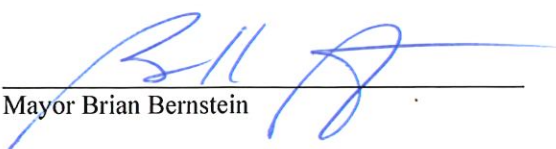
**BE IT FURTHER RESOLVED**, that the Hearing Notice shall set forth the boundaries of the Study Area and state that a map has been prepared and can be inspected at the Office of the Borough Clerk, and that a copy of the notice shall be published in an official newspaper as previously designated by the Borough Clerk, once a week for two consecutive weeks, and the last publication shall not be less than ten (10) days prior to the date set for the hearing, and that a copy of the notice shall be mailed ten (10) days prior to the date set for the hearing to property owners of each parcel of property within the Study Area, and within 200-feet of the Study Area, according to the assessment records of the Borough of Demarest, as well as person at their last known address, if any, whose names re noted on the assessment records as claimants of the interest of any such parcel; and

**BE IT FURTHER RESOLVED**, that the Planning Board shall make a recommendation to the Mayor and Borough Council in the form of a report as to whether the Borough should designate all or part of the Study Areas as Non-Condensation Redevelopment Areas, with supporting documentation; and

**BE IT FURTHER RESOLVED**, that Colliers Engineering & Design's proposal for Professional Planning Services to provide professional planning services to prepare a Non-Condensation Area in Need of Redevelopment Study for Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest is hereby accepted and the Mayor is hereby authorized to sign the proposal; and


**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be available for public inspection at the office of the Borough Clerk and a certified copy of this Resolution is to be forwarded to the Planning Board.

**APPROVED:**

  
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Mayor Brian Bernstein

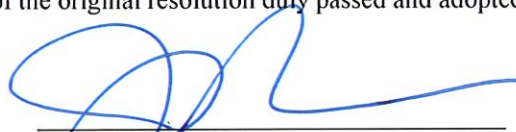
**CERTIFICATION OF AVAILABLE FUNDS**

I, Peter Suh, do hereby certify the availability of funds for the expenditure set forth above and herein to Colliers Engineering and Design.

  
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Peter Suh, CFO

**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 April 8, 2024

  
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Julie Falkenstern, Acting Borough Clerk