

**BOROUGH OF PENNINGTON
RESOLUTION 2024-8.5**

RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 205 LOTS 2, 3, 4, 5 AND 6 BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ., AND AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN

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, on March 4, 2024, Borough Council of the Borough of Pennington adopted Resolution 2024-3.4 authorizing and directing the Planning Board of the Borough to conduct a preliminary investigation to determine whether certain property, identified as Block 205, Lots 2, 3, 4, 5 and 6, ("Study Area"), meets the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the 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 Board caused James T. Kyle, P.P., AICP, from Kyle McManus Associates, the Board's Consulting Planner, to prepare a Preliminary Investigation Report ("Area in Need Study") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, as part of the foregoing, Mr. Kyle prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its 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 June 12, 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 Board reviewed the preliminary investigation report, the map and associated documents, and heard testimony from Mr. Kyle and others; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board concluded there was substantial credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution dated July 10, 2024, the Board recommended to Borough Council that Block 205, Lots 2, 3, 4, 5 and 6 be designated as a Non-Condemnation Redevelopment Area; and

WHEREAS, Borough Council considered the Board's recommendation at its regularly scheduled public meeting on August 5, 2024; and

WHEREAS, at the Borough Council’s public meeting, members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, Borough Council accepts the recommendation of the Planning Board to declare the Study Area as a Non-Condensation Redevelopment Plan;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council, Borough of Pennington, County of Mercer, State of New Jersey accepts the recommendation of the Planning Board of the Borough of Pennington and finds that Block 205, Lots 2, 3, 4, 5 and 6, as shown on the official tax map of the Borough of Pennington be and is hereby deemed to be a Non-Condensation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of Block 205, Lots 2, 3, 4, 5 and 6 as a Non-Condensation Redevelopment Area shall not authorize the Borough to exercise the power of eminent domain to acquire any property in the Study Area; and

BE IT FURTHER RESOLVED, that the Borough hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Pennington shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of Borough Council’s adoption of the within Resolution, the Clerk of the Borough shall serve notice of Borough Council’s determination and the within Resolution upon all record owners of property within the Non-Condensation 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; and

BE IT FURTHER RESOLVED, that the firm of Kyle McManus Associates, Borough Planner, is authorized and directed to prepare a Redevelopment Plan for the Study Area, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Borough Council; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciante				
Chandler					Stern				
Gnatt					Valenza				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on August 5, 2024.

Elizabeth Sterling, Borough Clerk