

**BOROUGH OF PENNINGTON
RESOLUTION 2023-8.5**

**RESOLUTION AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE
BOROUGH OF PENNINGTON TO UNDERTAKE A PRELIMINARY INVESTIGATION
TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE BOROUGH IS AN
AREA IN NEED OF REDEVELOPMENT**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough of Pennington ("Borough") is authorized to direct the Land Use Board of the Borough of Pennington ("Land Use Board") to undertake a preliminary investigation in order to determine whether a certain area within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Legislature amended the Local Redevelopment and Housing Law on September 6, 2013 to expand and clarify various provisions of same; and

WHEREAS, as a provision of the amendment to N.J.S.A. 40A:12-6, the Legislature has directed that the 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 ("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 powers of eminent domain ("Condensation Redevelopment Area"); and

WHEREAS, the Borough of Pennington does not intend to use all the powers provided by the Legislature for use in a redevelopment area, and specifically, the Borough of Pennington will not use eminent domain; and

WHEREAS, the Borough Council desires the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 206, Lots 4, 5 and 12, as shown on the Official Tax Map of the Borough of Pennington (the "Property"); and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Pennington as follows:

1. The Land Use Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute an area in need of redevelopment (non-condemnation) according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Land Use Board of the Borough of Pennington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A: 12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is an area in need of redevelopment; to give

notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and

3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be an area in need of redevelopment.

BE FURTHER IT 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 7, 2023.

Elizabeth Sterling, Borough Clerk