

RESOLUTION NO. 17-294

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION CONCURRING WITH PLANNING BOARD'S REDEVELOPMENT
INVESTIGATION REPORT REGARDING BLOCK 825, LOTS 53, 54, 55, 56, 57, 58, 59, 60,
61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, AND 81;
BLOCK 870, LOTS 1 AND 2; AND BLOCK 871, LOT 7.02 (MOUNTAIN HILL AND ADJACENT
SITES) AND DESIGNATING THE SAME AS AN AREA IN NEED OF REDEVELOPMENT FOR
NON-CONDEMNATION PURPOSES**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, by Resolution No. 17-239 adopted on September 18, 2017, the Township Committee authorized and requested the Planning Board to undertake a preliminary investigation ("the Investigation") to determine whether Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81; Block 638, Lot 31.01; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 on the Official Tax Map of the Township of Middletown, commonly known as the lots making up the Mountain Hill site along with certain adjacent properties that could be directly affected by the prospective redevelopment of the Mountain Hill site ("the Area of Investigation") constitutes an area in need of redevelopment according to the criteria set forth under the Local Redevelopment and Housing Law ("LRHL"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on December 6, 2017 a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation constitute an area in need

of redevelopment as that term is defined under the LRHL, N.J.S.A. 40A:12A-1 et seq.;
and

WHEREAS, Francis Reiner, LLA, PP of DMR Architects publicly presented a
“Report of Preliminary Investigation for Determination of an Area in Need of
Redevelopment” for the designated Area of Investigation dated December 2017 (“the
Investigation Report”) which is attached hereto and made part hereof as Exhibit A; and

WHEREAS, the Investigation Report opines that the Area of Investigation
evidences conditions and characteristics that qualify the Area of Investigation as an
“area in need of redevelopment” because it collectively satisfies the following criteria of
the LRHL under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3:

Block 825	A	B	C	D	E
Lot 53	X			X	
Lot 54				X	
Lot 55				X	
Lot 56				X	
Lot 57				X	
Lot 58				X	
Lot 59 - Section 3 Qualified					
Lot 60				X	
Lot 61				X	
Lot 62 - Section 3 Qualified					
Lot 63				X	
Lot 64	X			X	
Lot 65				X	
Lot 66				X	
Lot 67				X	
Lot 68				X	
Lot 69.01 - Section 3 Qualified					
Lot 70				X	
Lot 72 - Section 3 Qualified					
Lot 73	X			X	
Lot 74	X			X	
Lot 75 - Section 3 Qualified					

Lot 76	X			X	
Lot 77	X			X	
Lot 78 – Section 3 Qualified					
Lot 79				X	
Lot 80				X	
Lot 81	X			X	

Block 638	A	B	C	D	E
Lot 31.01 – Not Qualified					

Block 870	A	B	C	D	E
Lot 1				X	
Lot 2				X	

Block 871	A	B	C	D	E
Lot 3 – Not Qualified					
Lot 7.02				X	

WHEREAS, according to the Investigation Report, Block 825, Lots 59, 62, 69.01, 72, 75 and 78 did not meet the above-charted criteria to each independently qualify as an area in need of redevelopment, pursuant to N.J.S.A. 40A:12-3, these properties would otherwise be necessary for redevelopment within the currently existing PD zone with common ownership, and therefore, should be included in the redevelopment designation; and

WHEREAS, according to the Investigation Report, Block 638, Lot 31.01 and Block 871, Lot 3 do not meet the criteria to be designated as areas in need of redevelopment under either N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, in its entirety, the Investigation Report demonstrates that the cumulative effects of the negative conditions existing upon the properties located within the Area of Investigation is having a decadent effect on the surrounding area,

which is demonstrated through the pictures, narrative, Township records and uncontested testimony of Francis Reiner, LLA, PP of DMR Architects; and

WHEREAS, on December 6, 2017, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation, with James Gorman, Esq., representing the Planning Board being present; and

WHEREAS, the hearing was opened to all persons from the public who were generally interested in or would be affected by a finding that the property within the Area of Investigation constitutes an area in need of redevelopment under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on December 6, 2017, the Planning Board received uncontested testimony from Francis Reiner, LLA, PP of DMR Architects, providing a first-hand account of the conditions that he observed during his exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, on December 6, 2017, the Planning Board recommended that the Township Committee designate the above-cited portions of the Area of Investigation as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that these parcels within the Area of Investigation meet the criteria enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby adopts the above recitals, findings of the Planning Board and the Investigation Report attached hereto as Exhibit A prepared by DMR Architects as if set forth fully herein, therefore, determining and hereby declaring that the Area of Investigation consisting of Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81; Block 870, Lots 1 and 2; and Block 871, Lot 7.02 hereby qualify and are declared to be an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Township Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Township Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated Area of Investigation as those names are listed within the official Tax Assessor's records within ten (10) days of the adoption hereof.

BE IT FURTHER RESOLVED that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Township Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission and address to which notice of this determination may be sent.

BE IT FURTHER RESOLVED that that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Township Clerk.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately pursuant to law.


MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
Mayor Scharfenberger	X			
A. Fiore	X			
S. Murray	X			
A. Perry	X			
K. Settembrino	X			

CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held December 18, 2017.

WITNESS, my hand and the seal of the Township of Middletown this 18th day of December, 2017.


HEIDI R. BRUNT
TOWNSHIP CLERK