

RESOLUTION OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY DESIGNATING BLOCK 155, LOTS 40.02, 41.02 AND 42.02 AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

WHEREAS, on September 22, 2020, by Resolution No. 178-20, and in accordance with the provisions of the Redevelopment Law, the Township Council of the Township of West Orange, in the County of Essex, New Jersey (the “**Township Council**”) authorized and directed the Planning Board of the Township of West Orange (the “**Planning Board**”) to conduct an investigation of the properties identified on the tax maps of the Township of West Orange (the “**Township**”) as Block 155, Lots 40.02 (100 Executive Drive), 41.02 (10 Rooney Circle), and 42.02 (200 Executive Drive), inclusive of any and all streets, “paper” streets, private drives and right of ways (collectively, the “**Study Area**”), and to determine whether all or a portion of the Study Area meets the criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*, and whether the Study Area should be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by Susan S. Gruel, P.P., of Heyer Gruel & Associates (the “**Planning Consultant**”), entitled, “Executive Drive Redevelopment Study” dated October 29, 2020, concerning the determination of the Study Area as an area in need of redevelopment (the “**Report**”); and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on November 18, 2020 and November 19, 2020 that the Study Area satisfies the criterion for a redevelopment area designation as set forth in the Redevelopment Law pursuant to *N.J.S.A. 40A:12A-5(b)* and (d); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the property is an area in need of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law, notice of the Planning Board hearing was published in the West Orange Chronicle on October 29, 2020 and November 5, 2020, and notices were mailed to the property owners on November 5, 2020; and

WHEREAS, on November 18, 2020 and November 19, 2020, the Planning Board reviewed the Report, heard testimony from the Planning Consultant, conducted a public hearing during which members of the general public were given an opportunity to present their questions, concerns and/or objections, and evidence in support thereof, for the Board’s consideration; and

WHEREAS, during the public portion of the hearing, the Planning Board also heard the testimony, and asked questions, of professional planner Michael J. Pessolano, P.P., AICP, of MJP Land Use Planning LLC, who was retained by a Township resident to provide additional information as well as his own professional opinion for the Planning Board’s consideration, as well as comments from the

Planning Board's planning professional, David Spatz, P.P., AICP, of Community Housing & Planning Association; and

WHEREAS, all of the testimony was carefully considered by the Planning Board and the Planning Board made the following findings:

1. There is substantial credible evidence that the existing on-site office park buildings have been significantly vacant for six or more years.
2. There is substantial credible evidence contained in photographs of the buildings, building history and condition reports, and analysis of broader planning, design, and market trends to demonstrate that these office buildings are functionally obsolete.

WHEREAS, on December 2, 2020, the Planning Board adopted a resolution accepting and adopting the recommendations contained in the Report, providing substantial evidence and support for the above findings of fact, and recommending that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, which Resolution is attached hereto as Exhibit A (the "**Planning Board Resolution**"); and

WHEREAS, the Township Council agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence, which is set forth in detail in the Report and Planning Board Resolution; and

WHEREAS, based upon the findings in the Report, and the findings of the Planning Board as set forth in the Planning Board Resolution, the Township Council now desires to declare the Study Area as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*, and.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Berkeley Heights, in the County of Union, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Based on the Report and the recommendation of the Planning Board as set forth in detail in the Planning Board Resolution, the Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law.

Section 3. The Study Area is hereby designated as a "Non-Condensation Redevelopment Area" as referenced in the Redevelopment Law.

Section 4. The Township Council hereby directs the Municipal Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs and to the property owners in accordance with the Redevelopment Law.

Section 5. The Planning Board is hereby authorized and directed to commence with the preparation of a redevelopment plan for the Study Area without the need of further action by the Township Council.

Section 6. This resolution shall take effect in accordance with applicable law.

Karen J. Carnevale, R.M.C.
President
Municipal Clerk

Michelle Casalino, Council

Adopted: December 15, 2020

Exhibit A
Planning Board Resolution