

WHEREAS, by Resolution 134-19, adopted May 14, 2019 (the “Resolution”), the Township of West Orange Council (the “Council”) directed the Township of West Orange Planning Board (the “Planning Board” or “Board”) to conduct a preliminary investigation in order to investigate the area comprised of the properties listed below and generally described as the Main Street Extension Study Area (the "Study Area"), to determine if the Study Area should be determined to be a condemnation area in need of redevelopment under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “LRHL”); and

WHEREAS, Study Area includes the following properties:

239-245 Main Street (Block: 116; Lot: 44)
247 Main Street (Block: 116; Lot 47)
249 Main Street (Block: 116; Lot: 48)
251 Main Street (Block: 116; Lot: 50)
253-255 Main Street (Block: 116; Lot 51)
259 Main Street (Block: 116; Lot: 53)
257 Main Street (Block: 116; Lot: 53.01)
Kling Street (Block: 116; Lot: 55)
Kling Street (Block: 116.01; Lot: 81.03)
261 Main Street (Block: 116.01; Lot :86)
263 Main Street (Block: 116.01; Lot: 87)
265-267 Main Street (Block: 116.01; Lot:88)
269-271 Main Street (Block: 116.01; Lot: 89)
273 Main Street (Block: 116.01; Lot: 91)
275 Main Street (Block: 116.01; Lot: 93)
277 Main Street (Block: 116.01; Lot: 95)
279-281 Main Street (Block: 116.01; Lot: 96)
283 Main Street (Block: 116.01; Lot: 97)
285 Main Street (Block: 116.01; Lot: 98)
92 Washington Street (Block: 116.01; Lot: 99)
88 Washington Street (Block: 116.01; Lot 100)
84 Washington Street (Block: 116.01; Lot 101.01); and

WHEREAS, Heyer, Gruel & Associates, prepared a report dated September 8, 2021, entitled *Main Street Extension Redevelopment Study* (the “Redevelopment Investigation Report”), setting forth the findings and recommendations with respect to the redevelopment designation of the Study Area; and

WHEREAS, the Redevelopment Investigation Report determined that only one property within the Study Area, identified on the Township of West Orange Tax Map as Block 116, Lot 44, located at 239-245 Main Street, upon which the vacant Future Auto Body shop is situated (the “Auto Body Shop”), met the conditions to qualify for a redevelopment designation but the remainder of the properties in the Study Area did not; and

WHEREAS, more specifically, the Redevelopment Investigation Report determined that the Auto Body Shop met redevelopment criteria “b” under *N.J.S.A. 40A:12A-5(b)* of the LRHL, which provides for the following conditions supporting a redevelopment designation:

“The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

and

WHEREAS, the Redevelopment Investigation Report made the following findings with respect to the Auto Body Shop:

“The Auto Body facility has been out of business since 2013 and the storefronts and upstairs offices are vacant. Since the business has not been in operation for more than two years, the property qualifies under the newly modified criterion “b”. In addition, the physical condition of the property demonstrates deterioration. The lengthy vacancy and physical condition of the site demonstrate that it is untenable in its current state. Therefore, the requirements for criterion “b” are satisfied.”

and

WHEREAS, upon duly served and published notice, pursuant to *N.J.S.A. 40A:12A-6*, the Planning Board held a virtual public hearing, via the Zoom platform, on November 3, 2021, to investigate whether some or all of the properties within the Study Area should be determined to qualify for designation as an area in need of redevelopment under the LRHL; and

WHEREAS, at the public hearing, the Planning Board heard the testimony and a presentation of the Redevelopment Investigation Report by its author, professional planner John Barree, AICP, PP, of Heyer Gruel & Associates, and the findings of the Redevelopment Investigation Report that only the Auto Body Shop qualified as an area in need of redevelopment under the LRHL; and

WHEREAS, Mr. Barree was subject to questioning from members of the Board and members of the public; and

WHEREAS, the Board also heard from members of the public concerning the Study Area, the Redevelopment Investigation Report and the recommendation for the designation of the Auto Body Shop as an area in need of redevelopment under the LRHL; and

WHEREAS, no person filed a written objection to the redevelopment investigation or redevelopment designation of any of the properties in the Study Area; and

WHEREAS, after reviewing the report and hearing the sworn testimony from John Barree regarding the Redevelopment Investigation Report and comments from members of the public, the Board determined to accept the findings and conclusions of the Redevelopment Investigation Report and recommend to the Township Council that the Township Council designate the Auto Body Shop, but no other properties in the Study Area, as a condemnation redevelopment area under the standards set forth in N.J.S.A. 40A:12A-5, pursuant to Planning Board Resolution No.21-14 adopted on November 3, 2021; and

WHEREAS, the Council wishes to accept the Planning Board's recommendation and designate the Auto Body Shop, 239-245 Main Street (Block: 116; Lot: 44), as a condemnation area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of West Orange accepts the recommendation of the Planning Board for the reasons set forth herein, in Planning Board Resolution No. 21-14 and in the Redevelopment Investigation Study, and hereby designates the Auto Body Shop, 239-245 Main Street (Block 116, Lot 44) but no other properties in the Study Area, as a condemnation redevelopment area under the standards set forth in N.J.S.A. 40A:12A-5(b).

BE IT FURTHER RESOLVED that upon the adoption of the Resolution, the Township Clerk shall transmit a copy of the Resolution to the Commissioner of New Jersey Department of Community Affairs, pursuant to N.J.S.A. 40A:12A-6(d).

BE IT FURTHER RESOLVED that the Township of West Orange is located within Planning Area 1 (PA1), Metropolitan Planning Area, under the State Development and Redevelopment Plan, which is an area in which development or redevelopment is encouraged pursuant to State law or regulation and, as a result, pursuant to N.J.S.A. 40A:12A-6(d), the redevelopment determination under this Resolution shall take effect after the Township Clerk has transmitted a copy of this Resolution to the Commissioner, as set forth above.

BE IT FURTHER RESOLVED that notice of this determination, along with a copy of this Resolution, shall be served, within 10 days after its adoption, upon the record owner(s) of the property being designated as a condemnation redevelopment area, 239-245 Main Street (Block 116, Lot 44), whose names are listed on the Tax Assessor's records.

BE IT FURTHER RESOLVED, the notice of the redevelopment determination and adoption of this Resolution shall indicate that:

(i) the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property designated as a condemnation redevelopment area, and

(ii) legal action to challenge the determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude such owner(s) from later raising such challenge.

Karen J. Carnevale, R.M.C.
Township Clerk

Cindy Matute-Brown
Council President

Adopted: November 9, 2021