

***RESOLUTION NO. 2016-14**

RESOLUTION OF THE ELK TOWNSHIP JOINT LAND USE BOARD RECOMMENDING TO THE GOVERNING BODY OF THE TOWNSHIP OF ELK THAT BLOCK 30, LOT 21; BLOCK 52, LOT 12.02 QFARM; BLOCK 53, LOT 1; BLOCK 55, LOTS 5 QFARM, AND 5.01 - 5.52; BLOCK 55.01, LOTS 1 QFARM, AND 2 - 7; BLOCK 55.02, LOTS 1 QFARM, AND 2 - 51; BLOCK 55.03, LOTS 1 QFARM, AND 2 - 18; BLOCK 55.04, LOTS 1 QFARM, AND 2 - 18; BLOCK 55.05, LOTS 1 QFARM, AND 2 - 17; BLOCK 56, LOTS 4 QFARM, AND 4, 11.02 AND 12; BLOCK 62, LOTS 3.01 QFARM AND 3.02, 3.03; BLOCK 63, LOT 2.01 AND 2.02 QFARM; BLOCK 65, LOTS 4.02 QFARM AND 5 QFARM; BLOCK 68, LOT 7.02 QFARM; BLOCK 170, LOTS 14 QFARM AND 18 QFARM; BLOCK 171, LOTS 6 AND 9; BLOCK 174, LOT 1 QFARM; AND BLOCK 213, LOT 3 AND 3 QFARM ON THE ELK TOWNSHIP TAX MAP BE DESIGNATED 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.* (the "Redevelopment Law") authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

WHEREAS, by way of Resolution No. 43-2016, adopted March 3, 2016, the Governing Body of the Township of Elk authorized and directed the Elk Township Joint Land Use Board ("Board") to conduct a preliminary investigation to determine whether the area consisting of land designated as Block 30, Lot 21; Block 52, Lot 12.02 QFARM; Block 53, Lot 1; Block 55, Lots 5 QFARM, and 5.01 - 5.52; Block 55.01, Lots 1 QFARM, and 2 - 7; Block 55.02, Lots 1 QFARM, and 2 - 51; Block 55.03, Lots 1 QFARM, and 2 - 18; Block 55.04, Lots 1 QFARM, and 2 - 18; Block 55.05, Lots 1 QFARM, and 2 - 17; Block 56, Lots 4 QFARM, and 4, 11.02 and 12; Block 62, Lots 3.01 QFARM and 3.02, 3.03; Block 63, LOT 2.01 and 2.02 QFARM; Block 65, Lots 4.02 QFARM and 5 QFARM; Block 68, Lot 7.02 QFARM; Block 170, Lots 14 QFARM and 18 QFARM; Block 171, Lots 6 and 9; Block 174, Lot 1 QFARM; and Block 213, Lot 3 and 3 QFARM as shown on the Elk Township Tax Map (the "study area"), meets the criteria set forth in the Redevelopment Law and should be designated as an area in need of redevelopment; and

WHEREAS, as required by Section 6 of the Redevelopment Law, Township Resolution No. 43-2016 specified that a redevelopment area designation of the lands shall be a Non- Condemnation Redevelopment Area such that the Township may use all those powers provided by the Legislature for use in a redevelopment area, other than the use of the power of eminent domain, according to the criteria set forth in N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, the Board authorized and directed its planning consultant, Candace A. Kanaplue, AICP/PP, to conduct a preliminary investigation to determine whether the study area, or any part thereof, meets the requirements of the Redevelopment Law and should be designated as an area in need of redevelopment; and

WHEREAS, the Board received the report of the Board Planner, dated May, 2016, including a map showing the boundaries of the area being considered for redevelopment and the location of the individual parcels therein, along with the investigation study and findings of the Board Planner, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, in accordance with the procedural requirements of the Redevelopment Law, the Board ordered that the map and investigation report be on file with the Board Secretary a minimum of ten days prior to the hearing and were made available for inspection by interested parties and the public; and

WHEREAS, a public hearing was held on May 18, 2016 after proper notice in full compliance with State statute, wherein the investigation report was presented and explained to the Board and the public, and the Board and public had an opportunity to comment and be heard regarding the potential designation of the study area as an area in need of redevelopment; and

WHEREAS, during the hearing, the Board considered the testimony of the following witness(es): Candace A. Kanaplue, AICP/PP, Board Planning Consultant; and Nicholas C. Casey, PP, and representative of the Owner of the properties; and

WHEREAS, Wayne Swanson, resident, inquired about including a Stanger Avenue property located on block 62, lot 3.03 in the study. The parcel is Township owned and the Board planner agreed it should have be included; and

WHEREAS, the Board reviewed the investigation report, heard the oral presentation of its professionals, and considered the comments and presentation of the public, if any; and

WHEREAS, based upon the foregoing, the Board makes the following findings:

1. The study area consists of separate and groups of parcels located predominantly to the east of Route 55 along Buck Road and Aura Road. The properties are predominantly made up of woodlands and farm fields, vacant land areas.
2. The study area is within the M-1, MD, C-1, C-2 and R zoning districts, with a PUD Overlay within the MD zoning districts.
3. Surrounding uses include MD, C-1 and C-2, RE and R districts. Most uses are residential or agricultural in nature, with some commercial.
4. Based upon the investigation report and the testimony provided by the Board's Planning Consultant during the hearing, the Board finds and determines that all parcels within the study area meet the criteria for designation as an area in need of redevelopment as set forth in the Redevelopment Law. Specifically:
 - a. With respect to Block 30, Lot 21; Block 53, Lot 1; and Block 213, Lot 3, the parcels are all vacant and have been for over ten years. Lot 21 is landlocked, Lot 3 is in a remote area and bound by Route 55, and Lot 1 is a triangular parcel bound by roads on all sides. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.c (criterion "C" of the Redevelopment Law).
 - b. With respect to Block 56, Lots 4 & 12, the property was previously utilized as a camp grounds which has been abandoned and contains remains of certain buildings, structures and improvements without sanitary facilities and which are no longer suitable for continuation of prior uses or adaptable to re-use. (criterion "a", "b", "d" and "e" of the Redevelopment Law).
 - c. With respect to Block 62, Lots 3.01 & 3.02, 3.03; Block 63, Lots 2.01 & 2.02; and Block 68, Lot 7.02, the properties were previously used as agricultural uses which have been abandoned for more than twenty (25) years and contain the remains of former structures and deteriorated orchards which are no longer suitable for restoration

and continuation of prior uses and may contain the residual of historic pesticides. (criterion "a", "b", "d" and "e" of the Redevelopment Law).

- d. All lots within the study area have been subject to a stagnant economy, financial/economic impacts related to the availability of water supply and sanitary sewer, outside agency approval delays and litigation. As such, these properties meet the criteria set forth in N.J.S.A. 40A:12A-5.e (criterion "e" of the Redevelopment Law).

WHEREAS, for the foregoing reasons, the Board finds that the study area, comprised of the lands designated as Block 30, Lot 21; Block 52, Lot 12.02 QFARM; Block 53, Lot 1; Block 55, Lots 5 QFARM, and 5.01 - 5.52; Block 55.01, Lots 1 QFARM, and 2 - 7; Block 55.02, Lots 1 QFARM, and 2 - 51; Block 55.03, Lots 1 QFARM, and 2 - 18; Block 55.04, Lots 1 QFARM, and 2 - 18; Block 55.05, Lots 1 QFARM, and 2 - 17; Block 56, Lots 4 QFARM, and 4, 11.02 and 12; Block 62, Lots 3.01 QFARM and 3.02, 3.03; Block 63, LOT 2.01 and 2.02 QFARM; Block 65, Lots 4.02 QFARM and 5 QFARM; Block 68, Lot 7.02 QFARM; Block 170, Lots 14 QFARM and 18 QFARM; Block 171, Lots 6 and 9; Block 174, Lot 1 QFARM; and Block 213, Lot 3 and 3 QFARM on the Elk Township Tax Map, meet the established threshold of eligibility under the statutory criteria of the Redevelopment Law, and is therefore suitable to be declared an area in need of redevelopment; and

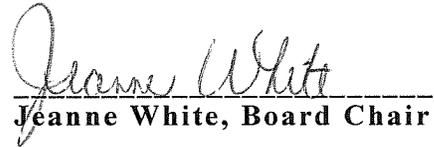
NOW, THEREFORE, BE IT RESOLVED by the Elk Township Joint Land Use Board, as follows:

1. The above recitals are incorporated and made a part hereof as if set forth at length herein.
2. Having made the findings set forth above, it is hereby recommended to the Governing Body of the Township of Elk that the lands identified as Block 30, Lot 21; Block 52, Lot 12.02 QFARM; Block 53, Lot 1; Block 55, Lots 5 QFARM, and 5.01 - 5.52; Block 55.01, Lots 1 QFARM, and 2 - 7; Block 55.02, Lots 1 QFARM, and 2 - 51; Block 55.03, Lots 1 QFARM, and 2 - 18; Block 55.04, Lots 1 QFARM, and 2 - 18; Block 55.05, Lots 1 QFARM, and 2 - 17; Block 56, Lots 4 QFARM, and 4, 11.02 and 12; Block 62, Lots 3.01 QFARM and 3.02, 3.03; Block 63, LOT 2.01 and 2.02 QFARM; Block 65, Lots 4.02 QFARM and 5 QFARM; Block 68, Lot 7.02 QFARM; Block 170, Lots 14 QFARM and 18 QFARM; Block 171, Lots 6 and 9; Block 174, Lot 1 QFARM; and Block 213, Lot 3 and 3 QFARM, be considered and designated as a non-condemnation area in need of redevelopment and that the Governing Body take such actions as may be necessary, after public notice and hearing, to make said determination according to law.
3. The Board also recommends that the Governing Body of the Township of Elk authorize and direct the Elk Township Joint Land Use Board to prepare a redevelopment plan, for consideration by the Governing Body of the Township of Elk, which will set forth the goals and objectives for this redevelopment and outline the actions to be taken to accomplish these goals and objectives.
4. A copy of this Resolution shall be forwarded to the Municipal Clerk for distribution to the Elk Township Committee.

ATTEST:

ELK TOWNSHIP JOINT
LAND USE BOARD

By: 
Anna Foley, Board Secretary


Jeanne White, Board Chair

Certification

The foregoing Resolution was adopted at a regular meeting of the Elk Township Joint Land Use Board on May 18, 2016.


Anna Foley, Board Secretary