

**RESOLUTION NO. 16-84**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION CONCURRING WITH THE TOWNSHIP OF MIDDLETOWN PLANNING BOARD'S INVESTIGATION AND DESIGNATING PROPERTIES IDENTIFIED ON THE TOWNSHIP'S OFFICIAL TAX MAPS AS BLOCK 137, LOTS 2.07, 3, 5, 6 AND 7; BLOCK 281, LOTS 3, 4, 5, 6, 7, 8, AND 15; BLOCK 306, LOTS 47, 48, 49, 50, 51, 52, 66, 110, 122, 123, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171 AND 172; BLOCK 319, LOT 1; BLOCK 320, LOT 1; BLOCK 321, LOT 1; BLOCK 322, LOT 1; BLOCK 323, LOT 1; BLOCK 324, LOT 1; AND BLOCK 325, LOT 1 AS AN AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, on July 20, 2015, the governing body, acting as the Township's Redevelopment Agency, adopted Resolution 2015-205 authorizing and requesting the Township of Middletown Planning Board ("Planning Board") to undertake a Preliminary Investigation of the properties, identified as Block 137, Lots 2.05, 2.07, 3, 4, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 108, 110, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1; Block 324, Lot 1; and Block 325 Lot 1, to determine whether the area qualifies as an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.; and

**WHEREAS**, on October 19, 2015, the governing body adopted Resolution 2015-272 amending Resolution 2015-205 to expand the study area to include additional properties identified as Block 306, Lots 122, 123, 124, 125, 128 and 129; and Block 306.01, Lots 14, 15 and 16; and by the adoption of Resolution 2015-272, the governing body directed the Planning Board to undertake a Preliminary Investigation of the properties, identified as Block 137, Lots 2.05, 2.07, 3, 4, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 108, 110, 122, 123, 124, 125, 128, 129, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 306.01, Lots 14, 15, 16; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1; Block 324, Lot 1; and Block 325, Lot 1, to determine whether or not the area qualifies as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law; and

**WHEREAS**, by the adoption of Resolution 2015-272, the governing body resolved that this redevelopment area determination shall authorize the municipality to use all of the powers provided, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et. seq.), in the redevelopment area other than the use of eminent domain ("Non-Condemnation Redevelopment Area"); and

**WHEREAS**, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on December 2, 2015, 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 are an area in need of redevelopment as that term is defined under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.; and

**WHEREAS**, Stanley Slachetka, P.P., A.I.C.P., publicly presented a "Redevelopment Study and Preliminary Investigation Report, Port of Belford, Middletown Township, Monmouth County, New Jersey" dated November 2015 and revised January 2016 as per the December 2, 2015, Planning Board Hearing ("the Investigation Report") which is attached hereto and made part hereof as Exhibit A; and

**WHEREAS**, the Investigation Report determined that the Area of Investigation evidenced conditions and characteristics that clearly qualify the Area of Investigation as an "area in need of redevelopment" because

the following statutorily enumerated conditions, under N.J.S.A. 40A-12A-5, have been shown to exist on the site and depicted herein, within Table 1:

**Table 1: Redevelopment Analysis and Conclusions**

Block	Lot	Criteria
137	2.07	B, D
137	3	A, B, D
137	5	*
137	6	D
137	7	D
281	3	C, D
281	4	A, D
281	5	D
281	6	*
281	7	D
281	8	D
281	14	**
281	15	B
281	16	**
281	17	**
281	18	**
281	19	**
281	20	**
306	47	C
306	48	C

Block	Lot	Criteria
306	49	C
306	50	C
306	51	C
306	52	C
306	66	C, *
306	108	**
306	110	C
306	122	C
306	123	C
306	124	**
306	125	**
306	128	**
306	129	**
306	130	C
306	131	C
306	132	C
306	135	D
306	136	C
306	137	C
306	138	D

Block	Lot	Criteria
306	139	C
306	140	D
306	141	D
306	142	D
306	143	D
306	144	D
306	169	*
306	170	*
306	171	D
306	172	*
306.01	14	**
306.01	15	**
306.01	16	**
319	1	C
320	1	C
321	1	C
322	1	C
323	1	C
324	1	C
325	1	C

\* Needed for Effective Redevelopment

\*\* Not in Need of Redevelopment

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-3, parcels that did not meet the statutory criteria, but were necessary for effective redevelopment, were also included; and

**WHEREAS**, the Investigation Report determined that the following properties, as depicted within Table 1, did not satisfy the redevelopment criteria pursuant to N.J.S.A. 40A:12A-5:

Block 281, Lots 14, 16, 17, 18, 19, & 20  
 Block 306, Lots 108, 124, 125, 128, & 129  
 Block 306.01, Lots 14, 15, & 16; and

**WHEREAS**, on December 2, 2015, 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; 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 properties within the Area of Investigation constitute 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 2, 2015, the Planning Board received uncontested testimony from Stanley Slachetka, P.P., A.I.C.P., of T&M Associates, 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 findings contained in the Investigation Report; and

**WHEREAS**, at the December 2, 2015 Planning Board hearing, the public was afforded a full and fair opportunity to be heard. No written objections were received by the Planning Board; and

**WHEREAS**, the Planning Board received correspondence, dated December 2, 2015, from Edward Sampson, P.P., A.I.C.P., Director of Planning, Monmouth County, affirming Monmouth County's support for the Township's efforts in examining the redevelopment potential in and around the Belford Seafood Co-op site and the County's Belford Ferry Terminal, however, requesting that the statutory criteria for Block 306, Lot 171 and Block 306, Lot 142 be changed to C, Needed for Effective Redevelopment, to more accurately reflect County of Monmouth ownership and future interest; and

**WHEREAS**, Mr. Slachetka, reviewing the correspondence from Mr. Edward Sampson, P.P., A.I.C.P., Director of Planning, Monmouth County, provided additional testimony supporting the criterion for Block 306, Lots 171 and 142 to be changed to criterion "C" from criterion "D", and also be considered 'needed for effective redevelopment' with the revised Investigation Report included herein as Exhibit A.

**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 Stanley Stachetka, PP, AICP of T&M Associates, as if set forth fully herein, therefore, determining and hereby declaring that the Area of Investigation consisting of the following Block and Lots are hereby determined to be an "Area in Need of Redevelopment" according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3:

Block 137, Lots 2.07, 3, 5, 6, 7;  
Block 281, Lots 3, 4, 5, 6, 7, 8, 15;  
Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 110, 122, 123, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172;  
Block 319, Lot 1;  
Block 320, Lot 1;  
Block 321, Lot 1;  
Block 322, Lot 1;  
Block 323, Lot 1;  
Block 324, Lot 1; and  
Block 325, Lot 1.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Municipal 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 Municipal 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 Municipal 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 Municipal Clerk.

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

**MIDDLETOWN TOWNSHIP COMMITTEE**

Committee Member	Approved	Opposed	Abstain	Absent
A. Fiore	X			
S. Massell	X			
S. Murray	X			
K. Settembrino	X			
Mayor Scharfenberger	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 February 1, 2016.

WITNESS, my hand and the seal of the Township of Middletown this 1st day of February, 2016.



Heidi R. Brunt

HEIDI R. BRUNT, TOWNSHIP CLERK