

RESOLUTION NO. 14-222

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION CONCURRING WITH PLANNING BOARD'S INVESTIGATION AND
DESIGNATING BLOCK 70, LOTS 1, 2 and 3 AS AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6 on June 16, 2014, the governing body authorized and requested the Planning Board to undertake a preliminary investigation ("the Investigation") to determine whether Block 70, Lots 1, 2 and 3 ("the Area of Investigation") (generally known as the Lunny's and Cross Town Towing properties) constitute 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 August 6, 2014 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 LRHL, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, Stanley Slacketka, PP, AICP of T&M Associates publicly presented a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the designated Area of Investigation dated March 6, 2013 and restated July 17, 2014 ("the Investigation Report") which is attached hereto and made part hereof as Exhibit A; and

WHEREAS, the Investigation Report determines that the Area of Investigation evidences significant blighting conditions and characteristics that clearly qualify the Area of Investigation as an "area in need of redevelopment" because it collectively satisfies the "a" "b" and "d" criteria of the LRHL under N.J.S.A. 40A:12A-5; and

WHEREAS, the Investigation Report found conditions meeting the “d” criteria upon Lot 1 evidencing conditions, such as but not limited to the existence of groundwater contamination impacting surrounding properties, a haphazard and disorderly layout, general disrepair, damaged or disabled vehicles and other debris, excessive lot coverage contributing to a lack of on-site parking to conform with zoning standards, and obsolete layout without adequate ingress or egress; and

WHEREAS, the Investigation Report found conditions meeting the “a” and “b” criteria upon Lots 2 and 3 within the Area of Investigation evidencing conditions, such as but not limited to significant structural failures, dilapidated and uninhabitable former commercial structures previously determined to be abandoned unsafe structures required to be demolished as posing an immediate danger to the public health safety and welfare by the Township’s Construction Official; 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 are having a decadent effect on the surrounding neighborhood, which is demonstrated through the pictures, narrative, Township records and uncontested testimony of Stanley Slacketka, PP, AICP of T&M Associates; and

WHEREAS, on August 6, 2014, 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 August 6, 2014, the Planning Board received uncontested testimony from Stanley Slacketka, PP, AICP 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 his findings contained in the Investigation Report; and

WHEREAS, on August 6, 2014, the Planning Board unanimously recommended that the governing body of the Township of Middletown designate the Area of Investigation as an area in need of redevelopment due to the substantial evidence that the Area of Investigation meets the criteria enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-5.

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 Slacketka, PP, AICP of T&M Associates, as if set forth fully herein, therefore, determining and hereby declaring that the Area of Investigation consisting of Block 70, Lots 1, 2 and 3 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.

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.

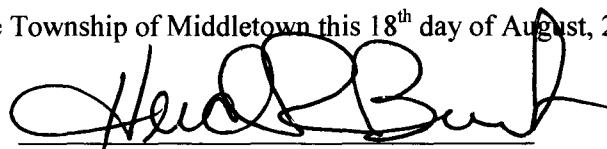
MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
Mayor Murray	X			
A. Fiore	X			
S. Massell	X			
G. Scharfenberger	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 August 18, 2014.

WITNESS, my hand and the seal of the Township of Middletown this 18th day of August, 2014.



Heidi R. Brunt

HEIDI R. BRUNT, TOWNSHIP CLERK