

R E S O L U T I O N

JOINT LAND USE BOARD OF THE BOROUGH OF DUMONT

A RESOLUTION DETERMINING THAT BLOCK 212 -
LOT 20 and BLOCK 215 - LOT 1 IS NOT AN
"AREA IN NEED OF REDEVELOPMENT"

Introduced By:

Seconded By:

WHEREAS, pursuant to N.J.S.A. 40A:12A-1, et seq.,
(The Local Redevelopment and Housing Law) a municipal
Governing Body may undertake the redevelopment of a
portion of the municipality and designate a property or
properties as being "in need of redevelopment" and
otherwise exercise the powers set forth in the
aforesaid statute; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4b the Board
can be requested to conduct appropriate studies and,
upon request of the Governing Body, make a
determination if certain property is "an area in need
of redevelopment" subsequent to holding public hearings
on the matter with property notice to required parties;

WHEREAS, the Governing Body, by Resolution dated
May 17, 2016, has requested that the Board make a
determination if Block 212 (Lot 20) and Block 215 (Lot
1), (hereinafter, collectively, the "Property")
constitutes an "area in need of redevelopment" and the

Board has requested that Maser Consulting, PA, (hereinafter, "Maser") undertake such a study and provide the Board with necessary testimony and information in order to make a determination if the Property is "an area in need for redevelopment";

WHEREAS, pursuant to proper notice, the Board has undertaken public hearing on the matter on July 14, 2016 pursuant to the Local Redevelopment and Housing Law.

NOW, THEREFORE BE IT RESOLVED, by the Board that it does hereby make the following findings of fact and conclusions based thereon:

1. That all of the recitals hereinabove set forth are incorporated by reference. That all of the exhibits and documents relevant thereto are herein incorporated.
2. More specifically, but not by way of limitation, the Board considered the report prepared by Maser and known as the "Redevelopment Study Area Determination of Need", (hereinafter, the "Report") with regard to the Property.
3. The Board considered the testimony of Joseph J. Layton, PP, AICP, a licensed Professional Planner in the State and a representative of Maser.

lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

7. Mr. Layton further testified that Block 212, Lot 20 meets Criterion "b" as an "area in need of redevelopment" in that they represent:

"the discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings being in so great a state of disrepair as to be untenable in their current condition..."

8. Mr. Layton further testified that Block 212, Lot 20 meets Criterion "d" as an "an area in need of redevelopment" in that it represents an area:

with buildings which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health morals or welfare of the community.

9. As regards Block 215; Lot 1, Mr. Layton testified that the property "may not individually meet the criteria for redevelopment", but is still suitable for inclusion in a redevelopment area in that such an area may include:

"lands, buildings or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition for the effective redevelopment of the area of which they are a part".

BE IT FUTHER RESOLVED, the Board has considered public comment regarding the Determination of Need.

NOW THEREFORE, BE IT FUTHER RESOLVED that the Planning Board hereby finds that the evidence presented does not convince the Board that the Property constitutes "an area in need of redevelopment" based upon the following:

- A. Block 215; Lot 1 is simply a vacant field. It is not contiguous with the larger portion of the Property on the West Side of Washington Avenue. It is in no way necessary for the effective Redevelopment of Block 212; Lot 20 and it can simply be utilized in accordance with local zoning for the construction of homes. There is no need for it to be declared an "Area in Need of Redevelopment" and it is a desirable tract of land for development. Block 215; Lot 1 is not necessary for the "effective redevelopment of the area for which they are a part".
- B. Block 212; Lot 20 is 6 acres. The main retail building is little more than a dilapidated barn with a collapsed attached garage that is ready to be carted away. The "greenhouses" on the site are of the "metal hoop" variety that were covered in stretched plastic that has long since been shredded. They can also be easily removed. All glass greenhouses have already been demolished. The single usable structure on site is a block garage that is rented to a local landscaper that is also,

easily, removable. All structures could be simply and promptly removed and the property put to its highest and best use without the need for an "area in need of redevelopment" designation.

- C. There is no evidence whatsoever that these properties have any impediments to development which would mandate - or even indicate - that they need to be designated as an area in need of redevelopment in order to assure their appropriate use.
- D. The permanent structures on Block 212, Lot 20 are only the main building and the usable garage. They are a nullity in consideration of the Area in Need of Redevelopment. While obsolete, there is no evidence whatsoever that they are detrimental to the safety, health, morals or welfare of the community.
- E. While obsolete, the structures on Block 212; Lot 20 are not so lacking in light, air, or space, as to be create unwholesome living or working conditions.

ROLL CALL:

AYES

NAYS

ABSTAIN

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William P. Borushak
Chairman

Lori Doach
Secretary

RESOLUTION ADOPTED AT THE JULY 26, 2016 MEETING OF THE
DUMONT PLANNING BOARD