

RESOLUTION OF THE KEYPORT UNIFIED PLANNING BOARD OF THE BOROUGH OF KEYPORT IN THE COUNTY OF MONMOUTH RECOMMENDING THAT A PORTION OF THE SCATTERED SITES STUDY AREA BE DESIGNATED AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

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 within their borders constitute an area in need of redevelopment, as further described therein; and

WHEREAS, on August 21, 2018, the Borough Council (the “**Council**”) of the Borough of Keyport (the “**Borough**”) adopted Resolution #180-18 authorizing and directing the Keyport Unified Planning Board (the “**Planning Board**”) to investigate certain properties within the Borough and to recommend to the Council whether all or a portion of such properties should be designated as a “Condemnation Redevelopment Area” in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-6*; and

WHEREAS, in areas designated as Condemnation Redevelopment Areas, the Borough may use all of those powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, in accordance with the Redevelopment Law, the Planning Board caused CME Associates (the “**Planner**”) to conduct a preliminary investigation of the following properties (hereinafter referred to collectively as the “**Study Area**”):

BLOCK	LOT	ADDRESS
21.01	35	45 West Front Street
21.01	36	43 West Front Street
21.01	51.01	4 Broad Street
21.01	52	6 Broad Street
22	24, 25	124 West Front Street
39	29	96 West Front Street
40	16	66 Main Street
60	6	108 Broad Street
60	16	140 Broad Street
61	6	76 Broad Street
63	3	119 Broad Street
86	1	7 Hurley & Osborn
99	13	22 Van Dorn Street
99	14, 15	22 Van Dorn Street

BLOCK	LOT	ADDRESS
120	8	Maple Place
120	9	Maple Place
127	21	37 Myrtle
129	5	162 Second Street
129	6	162 Second Street
130	10	135 Third Street
130	42	7 th Street
130	48, 49	Manchester Avenue
130	50	Manchester Avenue
130	51	Manchester Avenue
134	2	39 Fulton Street
134	25	43 Fulton Street
134	45, 46, 47	87 Fulton Street
134	45.01	89 Fulton Street

100	1.01	18 Maple Place
102	5	25-27 Brook Avenue
103	43, 44	343 Atlantic Street
110	24	105 Highway 35

135	8	298 First Street
138	11	333 First Street
138	16	45 Oak Street

WHEREAS, the Planner prepared a map of the Study Area and an investigation report entitled "Report Concerning the Determination of the Keyport Scattered Site Study Area as an Area in Need of Redevelopment, and More Specifically, as a Condemnation Redevelopment Area," dated October 5, 2018 and revised as of December 3, 2018 (the "**Study**"); and

WHEREAS, on October 29, 2018, pursuant to the Redevelopment Law, the Planning Board held a duly noticed public hearing concerning the Study, an audio recording of which is on file with the office of the Planning Board (the "**Public Hearing**"), giving all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment the opportunity to be heard; and

WHEREAS, at the Public Hearing, the Planning Board considered the Study, heard the comments of the Planner, opened the meeting for public comment, and deliberated on the matter using the criteria set forth in the Redevelopment Law; and

WHEREAS, the Planner concluded in the Study and testified to the Planning Board that the Study Area, with the exception of Block 102, Lot 5, satisfies the criteria for redevelopment area designation set forth in the Redevelopment Law, and should be designated as a Condemnation Redevelopment Area; and

WHEREAS, the Planning Board carried Block 102, Lot 5 to the meeting of the Planning Board to be held on December 13, 2018 and directed the Planner to re-evaluate Block 102, Lot 5; and

WHEREAS, after careful consideration of all evidence presented and all testimony offered, the Planning Board desires to recommend that the Council designate a portion of the Study Area as a Condemnation Redevelopment Area, pursuant to *N.J.S.A. 40A:12A-6*, based on the criteria of the Redevelopment Law set forth in the Study; and

WHEREAS, a summary of the Planning Board's recommendations is attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE KEYPORT UNIFIED PLANNING BOARD AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. After consideration of all evidence presented and all testimony offered, the Planning Board agrees with and hereby adopts the findings of the Planner set forth in the Study, except as follows:

(a) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 21.01, Lot 52 meets the criteria set forth in *N.J.S.A. 40A:12A-5(d)*. The Planning Board hereby finds instead that Block 21.01, Lot 52 meets the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(b) As discussed at the Public Hearing, the Planning Board hereby finds that Block 60, Lot 16 also meets the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(c) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 99, Lots 14 and 15 meet the criteria set forth in *N.J.S.A. 40A:12A-5(c)*. The Planning Board hereby finds instead that Block 99, Lots 14 and 15 meet the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(d) As discussed at the Public Hearing, the Planning Board hereby finds that Block 110, Lot 24 also meets the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(e) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 120, Lots 8 and 9 meet the criteria set forth in *N.J.S.A. 40A:12A-5(c)*. The Planning Board hereby finds instead that Block 120, Lots 8 and 9 meet the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(f) As discussed at the Public Hearing, the Planning Board hereby finds that Block 127, Lot 21 also meets the criteria set forth in *N.J.S.A. 40A:12A-5(a)*.

(g) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 129, Lot 6 meets the criteria set forth in *N.J.S.A. 40A:12A-5(c)*. The Planning Board hereby finds instead that Block 129, Lot 6 meets the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(h) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 130, Lot 42 meets the criteria set forth in *N.J.S.A. 40A:12A-5(c)*. The Planning Board hereby finds instead that Block 130, Lot 42 meets the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(i) As discussed at the Public Hearing, the Planning Board hereby finds that Block 130, Lots 48 and 49 also meet the criteria set forth in *N.J.S.A. 40A:12A-5(d)* and (e).

(j) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 130, Lot 50 meets the criteria set forth in *N.J.S.A. 40A:12A-5(c)*. The Planning Board hereby finds instead that Block 130, Lot 50 meets the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

(k) As discussed at the Public Hearing, the Planning Board hereby rejects the Planner's finding that Block 134, Lots 45, 45.01, 46 and 47 meet the criteria set forth in *N.J.S.A. 40A:12A-5(c)*. The Planning Board hereby finds instead that Block 134, Lots 45, 45.01, 46 and 47 meet the criteria set forth in *N.J.S.A. 40A:12A-5(e)*.

Section 3. Properties Recommended for Designation.

After consideration of all evidence presented and all testimony offered, the Planning Board recommends that the Council designate the following properties as a Condemnation Redevelopment Area, pursuant to *N.J.S.A. 40A:12A-6*, based on the criteria of the Redevelopment Law set forth in the Study: Block 21.01, Lot 52; Block 22, Lots 24 and 25; Block 39, Lot 29; Block 40, Lot 16; Block 60, Lot 6; Block 60, Lot 16; Block 61, Lot 6; Block 99, Lots 13, 14 and 15; Block 103, Lots 43 and 44; Block 110, Lot 24; Block 120, Lots 8 and 9; Block 127, Lot 21; Block 129, Lots 5 and 6; Block 130, Lots 10, 42, 48, 49, 50 and 51; Block 134, Lots 2, 25, 45, 45.01, 46 and 47; Block 135, Lot 8; and Block 138, Lots 11 and 16.

Section 4. Properties Not Recommended for Designation.

(a) After consideration of all evidence presented and all testimony offered, the Planning Board does not recommend designation of the following parcels as a Condemnation Redevelopment Area: Block 21.01, Lots 35, 36 and 51.01; Block 63, Lot 3; Block 86, Lot 1; Block 100, Lot 1.01.

(b) Block 102, Lot 5. In the initial Study dated October 5, 2018, the Planner indicated that Block 102, Lot 5 met the criteria set forth in *N.J.S.A. 40A:12A-5(a)*, (e) and (h). At the Public Hearing, the Planner stated on the record that the information for Block 102, Lot 5 in the initial Study, including the images, description and recommendation, were inaccurate and incorrect. The Planning Board carried Block 102, Lot 5 to the December 13, 2018 Planning Board meeting and directed the Planner to re-evaluate Block 102, Lot 5. In the revised Study dated December 3, 2018, the Planner provided new images and a new description of Block 102, Lot 5 and further found that Block 102, Lot 5 did not meet any criteria for designation as a Condemnation Redevelopment Area. The Planning Board hereby accepts and incorporates herein the Planner's revisions and recommendation with respect to Block 102, Lot 5. After consideration of all evidence presented and all testimony offered, the Planning Board does not recommend designation of Block 102, Lot 5 as a Condemnation Redevelopment Area.

Section 5. Except as otherwise provided in Section 2 above, the Study and the findings of fact and conclusions contained therein are hereby incorporated herein by reference.

Section 6. If any part of this Resolution shall be deemed invalid, such part shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

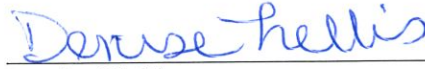
Section 7. The Planning Board Secretary is hereby directed to transmit a copy of the Study and this Resolution to the Council.

Section 8. This Resolution shall take effect immediately.

Motion to approve resolution was made by N. Vecchio, second by D. Fotopoulos

Ayes: Councilman Goode, N. Vecchio, M. Sessa, R. Benedict, L. Davidson, D. Fotopoulos, K. Howe Nays: J. Kovacs

Certified to be a true and complete copy of a Resolution adopted by the Keyport Unified Planning Board on the 13th day of December, 2018.



Denise Nellis

Planning Board Secretary

**EXHIBIT A
SCATTERED SITE STUDY AREA**

BLOCK	LOT	ADDRESS	STUDY CRITERIA	PLANNING BOARD CRITERIA	PLANNING BOARD RECOMMENDATION
21.01	35	45 West Front Street	E, H	-	Not recommended
21.01	36	43 West Front Street	E, H	-	Not recommended
21.01	51.01	4 Broad Street	C, H	-	Not recommended
21.01	52	6 Broad Street	D	E	Recommended
22	24, 25	124 West Front Street	E	No change	Recommended
39	29	96 West Front Street	A, D, E, H	No change	Recommended
40	16	66 Main Street	A, H	No change	Recommended
60	6	108 Broad Street	A, D, H	No change	Recommended
60	16	140 Broad Street	D, H	D, H, E	Recommended
61	6	76 Broad Street	A, B, D	No change	Recommended
63	3	119 Broad Street	A, H	-	Not recommended
86	1	7 Hurley & Osborn	E, H	-	Not recommended
99	13	22 Van Dorn Street	A, H	No change	Recommended
99	14, 15	22 Van Dorn Street	C, H	E, H	Recommended
100	1.01	18 Maple Place	A, E, H	-	Not recommended
102	5	25-27 Brook Avenue	Not recommended	-	Not recommended
103	43, 44	343 Atlantic Street	A, H	No change	Recommended
110	24	105 Highway 35	A, B	A, B, E	Recommended
120	8	Maple Place	C, H	E, H	Recommended
120	9	Maple Place	C, H	E, H	Recommended
127	21	37 Myrtle	D, H	D, H, A	Recommended
129	5	162 Second Street	A, B, D, H	No change	Recommended
129	6	162 Second Street	C, H	E, H	Recommended
130	10	135 Third Street	A, H	No change	Recommended
130	42	7 th Street	C, H	E, H	Recommended

130	48, 49	Manchester Avenue	A, B, H	A, B, H, D, E	Recommended
130	50	Manchester Avenue	C, H	E, H	Recommended
130	51	Manchester Avenue	C, H	No change	Recommended
134	2	39 Fulton Street	A, H	No change	Recommended
134	25	43 Fulton Street	A, H	No change	Recommended
134	45, 46, 47	87 Fulton Street	C, H	E, H	Recommended
134	45.01	89 Fulton Street	C, H	E, H	Recommended
135	8	298 First Street	A, H	No change	Recommended
138	11	333 First Street	A, D, H	No change	Recommended
138	16	45 Oak Street	A, E, H	No change	Recommended