

RESOLUTION
RECOMMENDING THE DESIGNATION OF CERTAIN LANDS KNOWN AS
BLOCK 20, LOTS 5, 6, 6.01, 7 and 9
ON THE TAX MAP OF THE BOROUGH OF KEYPORT
AS BEING AREAS IN NEED OF REDEVELOPMENT

UNIFIED PLANNING BOARD
BOROUGH OF KEYPORT

WHEREAS, by way of Resolution # 358-14, adopted by the Mayor and Council of the Borough of Keyport on December 16, 2014, the Unified Planning Board of the Borough of Keyport has been directed to conduct a preliminary investigation of the property commonly known as Block 20, Lots 1, 2, 3, 5, 6, 6.01, 7 and 9 on the Tax Map of the Borough of Keyport, Monmouth County, State of New Jersey (the "Study Area") so as to determine whether said Study Area meets the criteria set forth in the Local Redevelopment And Housing Law (henceforth referred to as "LRHL"), specifically N.J.S.A. 40A:12A-5, so as to be designated an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, not including eminent domain; and

WHEREAS, as the Unified Planning Board has conducted an investigation as to whether or not said lands are in need of redevelopment in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 and the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to the requirements of N.J.S.A. 40A:12A-6, proper notice has been published twice in the official newspaper of the Borough of Keyport in accordance with the statute and a copy of the Notice has been mailed, via certified mail, at least ten days prior to the date set for the hearing to the last known owners of properties included in said proposed Redevelopment Area; and;

WHEREAS, pursuant to the Statute, the Unified Planning Board conducted a public hearing on the matter on June 25, 2015; and

WHEREAS, a report was prepared by T&M Associates dated June 3, 2015 entitled "Redevelopment Study and Preliminary Investigation Report Block 20, Lots 1, 2, 3, 5, 6, 6.01, 7 & 9" which recommends the designation of Lots 5, 6, 6.01, 7 & 9 as areas in need of redevelopment while not recommending Lots 1, 2, 3 for such a designation; and

WHEREAS, there was no written objection prior to or at the time of the public hearing; and

NOW THEREFORE, BE IT RESOLVED by the Unified Planning Board of the Borough of Keyport, Monmouth County, State of New Jersey, that the Board determines that the subject lands fall into the following statutory criteria, as follows:

1. Block 20, Lots 1, 2, 3 should not be designated in need of redevelopment pursuant to the LRHL as they do not meet the statutory criteria for designation as an area in need of redevelopment.

2. Block 20, Lots 5 & 7 may not be designated in need of redevelopment pursuant to the LRHL, but are needed for the effective redevelopment of the study area since Lot 5 would provide for access to Lots 6 and 6.01 from Broadway and Lot 7 would provide needed site area outside of the V (velocity) Zone of the flood hazard area so as to construct needed parking and improvements as part of the redevelopment area.
3. Block 20, Lots 6, 6.01 and 9 may be designated in need of redevelopment pursuant to the “d” criterion of N.J.S.A. 40A:12A-5 as the lots exhibit conditions of both dilapidation and deleterious land use. Piles of debris remaining from Superstorm Sandy are strewn throughout these sections of the Study Area and the properties are located in a flood hazard area. The debris includes, but is certainly not limited to, a pick-up truck that has remained on site in a stagnant, rusting, and non-working condition, various large appliances, furniture, power tools, electrical equipment, various motorized parts and accessories, and a windshield wiper fluid tank with a wiper fluid which is exposed and leaking. The Board finds that the presence of such items is unsafe and presents a direct adverse and negative impact on the health and general welfare of the surrounding community, which is predominately residential. The adverse impact is further exacerbated by the Study Area’s location in a waterfront area in a prone flood hazard area.
4. Based upon the findings of the “Redevelopment Study & Preliminary Investigation Report”, the Board finds that leaving Block 20, Lots 6, 6.01 and 9 in their current dilapidated state, with faulty arrangement and design and with deleterious land use, would fail to offer any benefit or improvement to the community and be detrimental to the general welfare of the Borough. It is further necessary to incorporate Blocks 5 & 7 into the redevelopment area so as to allow for effective redevelopment of Lots 6, 6.01 and 9.
5. The Board does recognize that several members of the public appeared during the public hearing on this matter, some speaking in favor and some in opposition to declaring any of the subject lots as areas in need of redevelopment. The Board finds that the objectors to designation did not present any actual legal arguments or expert planning testimony as to why the findings contained within the “Redevelopment Study & Preliminary Investigation Report” were not accurate, nor as to why the properties in question did not meet the statutory criteria under the LRHL. Instead, the arguments more or less stemmed from the viewpoint that declaring the lots as being areas in need of redevelopment would not be the proper path for the Borough to follow. The Board notes that while it appreciates the viewpoints of those who spoke, it is bound to make its determination based upon the criteria established under the LRHL rather than engage in policy making decisions for the Borough.

NOW THEREFORE, BE IT FURTHER RESOLVED, as a result of these findings, that the Unified Planning Board of the Borough of Keyport draws the conclusion that based upon its preliminary investigation as contained with the “Redevelopment Study & Preliminary Investigation Report” and the factual findings set forth herein, it is the determination of the Unified Planning Board that Block 20, Lots 1, 2 and 3 should not be declared as areas in need redevelopment, while Block 20, Lots 6, 6.01 and 9 are “areas in need of redevelopment” pursuant to the provisions of *N.J.S.A. 40A:12A-5(d)* and Block 20, Lots 5 and 7 should be included in the redevelopment so as to allow the effective redevelopment of the area; and

NOW THEREFORE BE IT FURTHER RESOLVED, that it is the recommendation of the Unified Planning Board of the Borough of Keyport that this determination be approved by resolution of the Borough Council; and

NOW THEREFORE BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Borough Council and Borough Clerk.

The foregoing was moved by T. Musson, Seconded by I. Cooper and on Roll Call, the following vote was recorded:

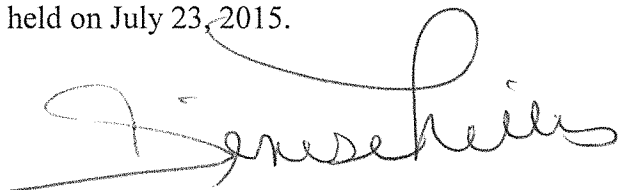
Affirmative: Mayor Aumack, Councilman Cooper, T. Musson, J. Oviedo

Negative:

Abstentions: R. Benedict

Absent: R. Burlew, D. Fotopoulos, M. Sessa, G. Sappah, J. Kovacs, J. Kovacs-Olsen

The foregoing is a true copy of a Resolution adopted by the Unified Planning Board of the Borough of Keyport during its public meeting held on July 23, 2015.

A handwritten signature in black ink, appearing to read "Denise Nellis", with a long horizontal line extending from the end of the signature.

Denise Nellis, Recording Secretary