

Township of West Milford

Passaic County, New Jersey

~ Resolution 2023 – 414 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF WEST MILFORD PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES (301 MARSHALL HILL ROAD) QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to N.J.S.A. 40A:12-6, “the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

WHEREAS, the Township Council finds it to be in the best interest of the Township and its residents to authorize the Township’s Planning Board pursuant to N.J.S.A. 40A:12-4 and 6 to undertake such preliminary investigation of the study area which includes 301 Marshall Hill Road, identified on the West Milford Tax Map as Block 6404, Lot 7 (hereinafter, the “study area”); and

WHEREAS, the Township of West Milford wishes to direct the Planning Board to undertake a preliminary investigation utilizing Jessica Caldwell, PP, to prepare the preliminary investigation to determine whether the proposed study area qualifies as an area in need of Non-Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Jessica Caldwell, PP, to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended, in order to recommend to the Township Committee whether the area comprising the study area is an area in need of Non-Condemnation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12A-1 *et seq.*, the redevelopment area determination shall authorize the Township to use all those powers provided by the Legislature for use in a Non-Condemnation Redevelopment area.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Committee in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of West Milford.

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

This Resolution shall take effect immediately.

Adopted: November 8, 2023

Adopted this 8th day of November, 2023
And certified as a true copy of an original.

William Senande, Township Clerk