

**RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A
PRELIMINARY INVESTIGATION FOR REDEVELOPMENT**

WHEREAS, there exists a property of approximately 4.4 acres, designated as Block 35, Lot 15 on the tax map of the Borough of South Bound Brook (the “Property”) that was previously the site of a school, which was vacated in or about 1991, and has remained largely undeveloped and unproductive for nearly twenty (20) years; and

WHEREAS, the Borough sold the Property through public auction to a private interest in or about 2003 to 2004; and

WHEREAS, the purchaser of the Property obtained site plan approval for the project based upon a use variance in or about May of 2004 for the construction of ninety (90) age-restricted, for-sale, residential condominium units in six (6) buildings, with one building designated as a community center; and

WHEREAS, in connection with the proposed development of the Property, the Borough began investigating whether the Property might qualify as an area in need of redevelopment, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “Redevelopment Law”), by means of the Borough Council adoption of a resolution directing the Borough Planning Board to investigate the Property and make a recommendation as to whether it qualified as an area in need of redevelopment; and

WHEREAS, a preliminary redevelopment investigation report was prepared by the Borough Planner in August 2004; and

WHEREAS, the Borough Planning Board conducted a hearing on August 17, 2004, after which the Planning Board recommended the redevelopment designation of the Property; and

WHEREAS, a draft redevelopment plan was prepared in January 2005; and

WHEREAS, the former owner of the Property sold the Property to the current owner in early 2005; and

WHEREAS, the current owner proceeded with site preparation and development of the Property in or about May to June 2005; and

WHEREAS, the Borough Council did not act on the Planning Board recommendation to designate the Property as an area in need of redevelopment and, thus, the Property was not designated as an area in need of redevelopment; and

WHEREAS, despite having commenced construction of one (1) of six (6) buildings, the current owner has been unable to fund the completion of construction and cannot sell any units in the incomplete building and the Property continues to lie fallow and vacant, effectively as it has for nearly the past twenty (20) years; and

WHEREAS, the mortgage holder for the Property is in the process of taking control of the Property from the current Property owner through legal process; and

WHEREAS, the mortgage holder wishes to complete the development of the Property; and

WHEREAS, the mortgage holder has sought and obtained approval to convert the project from age-restricted to market rate housing units, pursuant to *N.J.S.A. 45:22A-46.3, et seq.*; and

WHEREAS, the continued development of the Property remains financially infeasible and neither the mortgage holder nor the current owner can proceed to develop the Property; and

WHEREAS, the Borough Planning Board had concluded that the Property qualified for a redevelopment designation in 2004; and

WHEREAS, with the exception of the partial construction of a vacant building, the Property remains in no better condition than at the time of that assessment and determination by the Planning Board in 2004; and

WHEREAS, based upon the continued stagnant and effectively vacant status of the Property, it may still qualify as an area in need of redevelopment; and

WHEREAS, the Redevelopment Law provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, without the tools available only through the adoption of a redevelopment plan, pursuant to the Redevelopment Law, the Property will almost certainly continue to languish and remain vacant and undeveloped, with the existing incomplete and vacant structure becoming an increasing blight and, ultimately, a health hazard and a nuisance; and

WHEREAS, the Borough of South Bound Brook wishes to direct the Planning Board to undertake a preliminary investigation to determine whether the Property qualifies as an area in need of redevelopment pursuant to the criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Redevelopment Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, prior to the Council making a determination as to whether any property qualifies as an area in need of redevelopment, the Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the area meets the criteria of an area in need of redevelopment, as set forth in *N.J.S.A. 40A:12A-5*.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby directs the South Bound Brook Planning Board to conduct the necessary investigations and to hold a public hearing to determine whether the Property is or is not an area in need of redevelopment under the criteria set forth in *N.J.S.A. 40A:12A-1, et seq.*, and in consideration of the history of the Property recited above; and

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