

RESOLUTION 2016-69

**RESOLUTION OF THE MUNICIPAL COUNCIL
OF THE BOROUGH OF SOUTH TOMS RIVER,
COUNTY OF OCEAN, NEW JERSEY
AUTHORIZING THE PLANNING BOARD TO
INVESTIGATE WHETHER THE PROPERTY
COMMONLY KNOWN ON THE BOROUGH'S
TAX MAPS AS BLOCK 20, LOTS 1.01, 1.02 AND
1.03 SHOULD BE DESIGNATED AS AN 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 in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council ("**Municipal Council**") of the Borough of South Toms River (the "**Borough**") must authorize the planning board of the Borough (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the Municipal Council; and

WHEREAS, on September 28, 2015, in accord with the recommendation of the Planning Board, the Municipal Council adopted Resolution 2015-212 which designated the property commonly known on the Borough tax maps as Block 20, Lots 1.04 and 1.05 as an "area in need of redevelopment" pursuant to *N.J.S.A. 40A:12A-5* ("**Landfill**"); and

WHEREAS, the Municipal Council believes it is in the best interest of the Borough that an investigation occur with respect to certain parcels adjoining the Landfill, and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the Borough tax maps as Block 20, Lots 1.01, 1.02 and 1.03 (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder authorizes the Borough and Municipal Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, other than the power of eminent domain (hereinafter referred to as a "**Non-Condensation Redevelopment Area**").

NOW THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of South Toms River, in the County of Ocean, New Jersey, as follows:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A. 40A:12A-5* to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

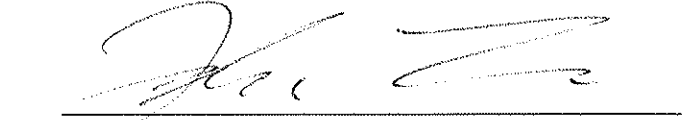
Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A. 40A:12A-6*, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Borough or Municipal Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a possible Non-Condensation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the Municipal Council as to whether the Municipal Council should designate all or some of the Study Area as an area in need of redevelopment.

Section 7. This Resolution shall take effect immediately.

I, Joseph Kostecki, Borough Clerk of the Borough of South Toms River, in the County of Ocean and State of New Jersey, do hereby certify the foregoing to be a true and exact copy of resolution which was adopted by the Municipal Council at a meeting held on the 22nd day of February, 2016.



JOSEPH KOSTECKI, MPA, RMC, CMR
Borough Clerk