

RESOLUTION NO. 173-2022

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SEA BRIGHT
AUTHORIZING THE UNIFIED PLANNING BOARD TO UNDERTAKE A PRELIMINARY
INVESTIGATION TO DETERMINE WHETHER CERTAIN PROPERTIES QUALIFY AS AN
AREA IN NEED OF REDEVELOPMENT AND SHOULD BE INCLUDED WITHIN THE
SHREWSBURY RIVER PROPERTIES REDEVELOPMENT AREA PREVIOUSLY
DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO COUNCIL
RESOLUTION NO. 102-2019**

Councilmember Birdsall introduced and offered for adoption the following resolution; seconded by Councilmember Bieber:

WHEREAS, the Borough Council of the Borough of Sea Bright (the "Council") adopted Resolution 80-2016 authorizing the study of certain properties known and designated as Block 13, Lots 13, 14, 15, 18, 20, 21, 22; Block 14, Lots 12, 14; Block 15, Lots 5, 8, 10, 11, 12 as shown on the tax map of the Borough of Sea Bright to determine if they qualified as areas in need of redevelopment with the power of eminent domain as provided for under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, the Unified Planning Board (the "Planning Board") proceeded to prepare such a redevelopment study and retained the services of Christine Cofone of Cofone Consulting Group, LLC to assist with the investigation and preparation of a report; and

WHEREAS, Cofone Consulting Group prepared a report entitled "Condemnation Redevelopment Investigation for Shrewsbury River Properties"; and

WHEREAS, the Planning Board, upon giving due notice to the owners of the aforesaid properties, conducted a public hearing on this study on April 25, 2017, at which time Ms. Cofone provided detailed testimony and all persons having an interest in said application were given an opportunity to be heard; and

WHEREAS, following the conclusion of the hearing, the Planning Board voted to find that the properties in question as set forth in the aforesaid study met one or more of the statutory criteria in order to be designated as a condemnation area in need of redevelopment; and

WHEREAS, the Borough Council, after reviewing the aforesaid Report and the subsequent Resolution adopted by the Planning Board memorializing its findings, proceeded to designate the Shrewsbury River properties as a condemnation area in need of redevelopment (the Shrewsbury River properties subject to that designation referred to hereinafter as the "Redevelopment Area"), pursuant to Council Resolution No. 102-2019; and

WHEREAS, on October 20, 2020, the Mayor and Council adopted Ordinance No. 10-2020, approving the Sea Bright River Properties Redevelopment Plan (the "Redevelopment Plan"), which amended and supplemented the Code of the Borough of Sea Bright, Part II "General Legislation" so that the Redevelopment Area would be developed in compliance with the Redevelopment Plan; and

WHEREAS, the Redevelopment goals and objectives include providing “for public access to the Shrewsbury River and public amenities, including but not limited to a boardwalk, a dog park, a kayak launch, a fishing area and cleaning station, parking spaces, and a community green;” and

WHEREAS, included as Figure 6 to the Redevelopment Plan is a development concept plan for the Redevelopment Area (the “Redevelopment Concept Plan”); and

WHEREAS, the Redevelopment Concept Plan provides for a kayak launch being constructed partially upon the Borough-owned property designated as Block 13, Lot 17 and partially upon private properties, as well as a meandering public path from the kayak launch to Front Street that lines up with Surf Street, and a portion of the private development occurring on what is currently situated upon Block 13, Lot 17 (the “Kayak Launch Work”); and

WHEREAS, construction of the Kayak Launch Work will require the reconfiguration and/or adjustment of Block 13, Lot 17 and surrounding private parcels; and

WHEREAS, the Redevelopment Concept Plan also provides for the relocation and improvement of the existing Borough right of way known as Poppinger Place, which is Borough-owned property designated as Block 15, Lot 9 (the “ROW Relocation Work”); and

WHEREAS, Denholtz Properties, the designated redeveloper for the Redevelopment Area (“Redeveloper”) filed an application with the Planning Board for site plan approval for the Redevelopment Area; and

WHEREAS, in connection with the Planning Board’s review of the site plan, an issue was raised with respect to certain properties not being specifically included within the designated Redevelopment Area, including Block 15, Lots 6 and 7; and

WHEREAS, research of the Borough tax records established that Lots 6 & 7 of Block 15 merged into Lot 5 of Block 15 when purchased by C.J. & M. Associates of Sea Bright, LLC on May 30, 2010; and

WHEREAS, because former Lots 6 and 7 of Block 15 were consolidated into Block 15 Lot 5, which was included in designated Redevelopment Area and is subject to the Redevelopment Plan, former Lots 6 and 7 were effectively included in the Redevelopment Area and are subject to the Redevelopment Plan; and

WHEREAS, while Block 13, Lot 17, owned by the Borough, is clearly contemplated for development under the Redevelopment Plan pursuant to the Redevelopment Concept Plan to provide for the Kayak Launch Work and Block 15, Lot 9, owned by the Borough, is clearly contemplated for development under the Redevelopment Plan pursuant to the Redevelopment Concept Plan to provide for the ROW Relocation Work, neither of these parcels was included in the designated Redevelopment Area; and

WHEREAS, as set forth above, it is the clear and express intent of the Redevelopment Plan that Block 13, Lot 17 and Block 15, Lot 9 would be utilized to facilitate the goals and objectives of the Redevelopment Plan to accomplish the Kayak Launch Work and the ROW

Relocation Work, respectively, and, therefore, the Council has determined that the following tax lots should have been and should now be included in the Redevelopment Area:

Block 13, Lot 17 (boat ramp - property owned by the Borough)

Block 15, Lot 9 (owned by the Borough)

(collectively the "Omitted Lots"); and

WHEREAS, the Borough believes that the Omitted Lots are necessary for the effective redevelopment of the Redevelopment Area and to achieve the goals and objectives of the Redevelopment Plan to accomplish the Kayak Launch Work and the ROW Relocation Work; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-3 of the Redevelopment Law, a "redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part"; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Council has decided to exercise that power and does hereby authorize the Planning Board to undertake a preliminary investigation to determine whether the Omitted Lots are necessary for the effective redevelopment of the Redevelopment Area and should be included within the Redevelopment Area and subject to the Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright that:

1. The Preamble set forth above is incorporated by reference herein; and
2. The Planning Board is hereby authorized to undertake a preliminary investigation to determine whether the Omitted Lots constitute a "redevelopment area" according to the criteria set forth in N.J.S.A. 40A:12A-5 and/or pursuant to the statutory authority to consider properties that do not meet the criteria themselves but are necessary for the effective redevelopment of the area, pursuant to N.J.S.A. 40A:12A-3; and
3. If the Omitted Lots shall be designated by the Council as a redevelopment area, such designation shall be a non-condemnation redevelopment area, as the Omitted Lots are Borough-owned, and the Borough shall be authorized to use all those powers provided by the Redevelopment Law for use in a redevelopment area other than the use of eminent domain for the Omitted Lots.
4. Before the public hearing, the Planning Board shall cause to be prepared a map showing the boundaries of the proposed non-condemnation redevelopment area and the location of the various parcels of property included therein. A statement or report setting forth the basis of the investigation, or a copy of this Resolution, shall be appended to the map.

5. The Planning Board is hereby authorized to make its determination after giving public notice as prescribed by law and conducting a public hearing as provided in N.J.S.A. 40A:12A-6(b).

6. The public notice shall comply with the requirements of N.J.S.A. 40A:12A-6(b)(2) and (3) and the hearing procedures shall comply with the requirements of N.J.S.A. 40A:12A-6(b)(4).

7. After completing the public hearing, the Planning Board shall recommend to the Borough Council that the delineated Omitted Lots are or are not necessary for the effective redevelopment of the Redevelopment Area and should therefore be determined to be, or not determined to be, a non-condemnation redevelopment area.

8. Pursuant to N.J.S.A. 40A:12A-6(a), the Borough Council hereby assigns to the Planning Board the conduct of the investigation and the public hearing, which shall comply in all respects with the requirements of N.J.S.A. 40A:12A-6.

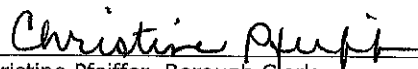
9. The Borough Clerk shall transmit a copy of this Resolution to the Secretary of the Planning Board for action by the Board on the authorizations set forth herein, the results of which shall be reported to the Borough Council as provided by law.

Roll Call:	Bieber,	Birdsall,	Booker,	Catalano,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Yes

October 18, 2022

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council Meeting held on October 18, 2022.


Christine Pfeiffer, Borough Clerk