

**RESOLUTION NO. 184-2022**

**Resolution of the Borough Council of the Borough of Sea Bright  
Designating Block 13, Lot 17 and Block 15, Lot 9 an Area in Need of Redevelopment to 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 Keeler 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 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 such report and

the Planning Board, upon giving due notice to the owners of the aforesaid properties, conducted a public hearing on this study and the report 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 an 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 an 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 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 set forth in 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 Council has concluded 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**, on October 18, 2022, the Council adopted Resolution No. 173-22, authorizing and directing 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; and

**WHEREAS**, on November 22, 2022, the Planning Board held a duly-noticed public meeting, pursuant to N.J.S.A. 40A:12A-6, at which it reviewed the request of the Council to determine whether the Omitted Lots are necessary for the effective redevelopment of the Redevelopment Area and should be included within the Redevelopment Area, as provided under N.J.S.A. 40A:12A-3; and

**WHEREAS**, on that date the Planning Board conducted the inquiry requested by the Council and, thereafter, voted to recommend the designation of the Omitted Lots as an area in need of redevelopment for inclusion in the Redevelopment Area and to adopt a resolution determining that the Omitted Lots qualify for inclusion in the Redevelopment Area; and

**WHEREAS**, the Planning Board planner provided a report of the Board’s findings and recommendation to include the Omitted Lots in the Redevelopment Area; and

**WHEREAS**, the Council wishes to accept the Planning Board’s recommendation and designate the Omitted Lots for inclusion within the Redevelopment Area.

**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.
2. The Omitted Lots, Block 13, Lot 17 and Block 15, Lot 9, are hereby designated as 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.
3. Such redevelopment 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. Subsequent to the adoption of this Resolution, the Shrewsbury River Properties Redevelopment Area shall be deemed to refer to and include collectively all of the properties previously-designated as a redevelopment area pursuant to Resolution 102-2019 as well as the Omitted Lots: (Block 13, Lots 13, 14, 15, 17, 18, 20, 21, 22; Block 14, Lots 12, 14; Block 15, Lots 5, 8, 9, 10, 11, 12).

5. Upon the adoption of this Resolution, the Borough Clerk shall transmit a copy of the Resolution to the Commissioner of New Jersey Department of Community Affairs, pursuant to N.J.S.A. 40A:12A-6(d).

6. Notice of this determination, along with a copy of this Resolution, shall be served, within 10 days after its adoption, upon the record owner(s) of the property being designated as a redevelopment area, Block 13, Lot 17 and Block 15, Lot 9, whose names are listed on the Tax Assessor's records.

7. The notice of the redevelopment determination and adoption of this Resolution shall indicate that such designation is as a non-condemnation redevelopment area 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.

<b>Roll Call:</b>	Bieber,	Birdsall,	Booker,	Catalano,	Keeler,	Lamia
	Yes	Yes	Yes	Yes	Yes	Absent

December 6, 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 December 6, 2022.

  
Christine Pfeiffer, Borough Clerk