

RESOLUTION

BELMAR PLANNING BOARD RECOMMENDATION TO MAYOR AND COUNCIL THAT AN AREA LOCATED AT BLOCK 95, LOTS 5, 7, 8, 9, 10, 11, 12 & 13 BE DEEMED IN NEED OF REDEVELOPMENT WITHOUT CONDEMNATION (NON-CONDEMNATION REDEVELOPMENT AREA)

WHEREAS, the Mayor and Borough Council, pursuant to Resolution 2017-84, authorized and directed the Borough of Belmar Planning Board to undertake a preliminary investigation to determine, in accordance with *N.J.S.A. 40A:12A-5* and *N.J.S.A. 40A:12A-6*, whether or not the area identified on the Borough of Belmar Tax Map as Block 95, Lots 5, 7, 8, 9, 10, 11, 12 & 13 should be deemed an area in need of redevelopment, without the use of condemnation, (hereinafter Area); and

WHEREAS, the Planning Board has undertaken an investigation of the area as shown on a map prepared by DMR Architects, Francis Reiner, LLA-PP, included within the document identified as *Preliminary Investigation for Determination of an Area in Need of Redevelopment for Block 95, Lots 5, 7, 8, 9, 10, 11, 12 & 13* dated June 2017(hereinafter Report), which generally depicts the boundary of the area to be investigated, comprised of eight (8) properties located in the CBD-1 Zone (approximately 1.4 acres), generally located on the east side of Main Street between Ninth and Tenth Avenues; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6*, after proper notice, a public hearing on the matter was held before the Planning Board on June 19, 2017; and

WHEREAS, the Board considered and received into evidence the following exhibits:

- Notice of Hearing and Proof of Publication, marked as PB-1;
- Notice to Property Owners, marked as PB-2;
- Resolution 2017-84, marked as PB-3;
- Map and Preliminary Investigation Report prepared by DMR Architects, dated June 2017, marked as PB-4;

as well as testimony by Francis Reiner, LLA-PP, License #LI00616700; and

WHEREAS, after carefully considering the evidence presented to it, the Board has made the following findings of fact:

1. *N.J.S.A. 40A:12A-5* sets forth the criteria to be utilized in order to determine whether or not an area is in need of redevelopment. In addition, certain properties may be included within the redevelopment areas, though not detrimental to the public

health, safety or welfare because they are necessary for the effective redevelopment area, in accordance with *N.J.S.A. 40A:12A-3*.

2. The Area under consideration is generally located on the east side of Main Street between Ninth and Tenth Avenues. These properties are located across the street from the previously designated Seaport Redevelopment Area Plan which was last updated in September 2016. Frontage for Lots 7, 8, 9, 10, 11 & 12 is along Main Street. Frontage for Lot 5 is along Ninth Street. The Area under consideration consists of approximately 1.4 acres, and development within the area consists of buildings of a mixture of one and two story commercial, mixed use buildings with commercial/retail uses on the first floor and combination of office/residential uses on the second floor.

3. The width and depth of the retail/commercial uses varies with the several store fronts that are excessively narrow and deep for typical retail uses. None of the properties have parking that meets the dimensional requirements for the Borough of Belmar, and the majority of the properties provide rear access to structures fronting on Main Street only via adjacent private properties.

4. The Area is comprised of predominantly impervious surfaces which increases surface runoff into the storm-water system; the present storm-water system often becomes overwhelmed during large storm events. Overflow during these events produces flooding within the Borough which is detrimental to the safety, health and welfare of the community.

5. The Report presented concludes that the Area under consideration generally satisfies the criteria set forth within the Local Redevelopment and Housing Law under *N.J.S.A. 40A:12A-5(d)* which states:

“Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these factors, are detrimental to the safety, health, morals or welfare of the community.”

The Report concludes, and the testimony presented by Mr. Reiner sets forth substantial credible evidence that the Area under consideration is in need of

redevelopment. The evidence presented clearly established that the properties contains and/or present:

- Faulty arrangement or design;
- Parking configurations which limit drive aisles for potential emergency access;
- Excessive impervious coverage which creates flooding conditions during rain events;
- Commercial structures which do not meet ADA requirements;
- Limited and/or non-conforming parking;
- Certain styles of development on the properties identified provide limited and/or emergency access, only through other properties;
- Situations upon each of the lots within the Area which are detrimental to the safety, health, morals or welfare of the community;

and the Planning Board so finds.

5. In reaching its conclusions, the Planning Board adopts and incorporates by reference the findings and conclusions set forth within the Report and concludes that the Area is in need of redevelopment, without the use of condemnation.

6. The Board further finds that though certain lots were not present in the investigation Area, they should be considered by Mayor and Council as areas in need of redevelopment. Specifically, the three (3) lots east of Lot 13 fronting on Tenth Avenue, specifically, Lots 14, 15 & 16, inclusive of the commercial establishment identified as Yaeger Automobile Repair. The Board further concludes that the Mayor and Council should continue to consider additional properties further south of the Area identified, along Main Street, to include such properties as areas in need of redevelopment; these additional conclusions notwithstanding;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Belmar Planning Board hereby finds that the aforementioned Area identified meets the statutory criteria of an area in need of redevelopment, without condemnation, in accordance with *N.J.S.A. 40A:12A-5(d)* and the same is hereby recommended to Mayor and Council of the Borough of Belmar;

BE IT FURTHER RESOLVED that this Resolution be considered in accordance with *N.J.S.A. 40A:12A-6(b)(5)(a)*, as the recommendation of the Belmar Planning Board to Mayor and Council that the area described is an area in need of redevelopment, without condemnation.

BE IT FURTHER RESOLVED that by copy of this Resolution certified by the secretary of the Planning Board to be a true copy, be forwarded to the Borough Clerk, Planning Board Attorney and the Borough Attorney.

BE IT FURTHER RESOLVED that this Resolution be and herewith is effective on July 17, 2017.

The foregoing Resolution was offered by _____ and seconded by _____ and adopted by a roll call vote:

In Favor:

Opposed:

Abstained:

Ineligible:

Absent:

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Belmar on this July 17, 2017.