

Borough of Franklin, County of Sussex

Resolution #2023-140

RESOLUTION DETERMINING THAT BLOCK 605 LOT 5 IS AN AREA IN NEED OF REDEVELOPMENT WITHOUT THE POWER OF CONDEMNATION

WHEREAS, on August 15, 2023, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6(a), the governing body of the Borough of Franklin (the "Borough") adopted Resolution 2023-103 requesting the Franklin Borough Planning Board to conduct a preliminary investigation of Block 605, Lot 5 (hereinafter, the "Study Area") located in Franklin Borough, Sussex County, New Jersey, to determine whether this area or portion thereof may be determined to be a redevelopment area without the power of condemnation according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5 and applicable law; and

WHEREAS, the Planning Board has conducted a preliminary investigation of the Study Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Study Area is an "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-3 & 5; and

WHEREAS, pursuant to the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board caused notice of the public hearing on whether these properties were an "area in need of redevelopment" to be published in The New Jersey Herald and caused a copy of the notice to be mailed, via certified mail, at least 10 days before the date set for the hearing to the last owners of the properties within Study Area A according to the assessment records of the Borough; and

WHEREAS, on November 1, 2023, the Planning Board conducted a public hearing pursuant to N.J.S.A. 40A:12A-6(b) during which it considered a report from Jessica C. Caldwell Dykstra, P.P., A.I.C.P., of J Caldwell & Associates, LLC, entitled "Area in Need Of Redevelopment Study, 390 Rutherford Avenue," dated September 6, 2023, the testimony of Ms. Caldwell and comments from other Board professionals, and comments and testimony of members of the public in attendance at the hearing; and

WHEREAS, after considering said report, comments and testimony, the Planning Board made certain findings as set forth in its Resolution adopted on November 20, 2023, and recommended to the governing body of the Borough that Block 605, Lot 5 within the Study Area be determined to be an area in need of redevelopment without the power of condemnation pursuant to N.J.S.A. 40A:12A-5.

WHEREAS, the governing body of the Borough has reviewed and considered the Planning Board's findings and recommendations set forth in its Resolution;

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

1. Block 605, Lot 5, located in Franklin Borough, Sussex County, New Jersey (hereinafter, the "Delineated Area") be and are hereby determined to be an area in need of redevelopment without the power of condemnation pursuant to N.J.S.A. 40A:12A-1, et seq.

2. The Borough Clerk shall forthwith transmit a copy of this resolution to the Commissioner of Community Affairs for review in accordance with NJSA 40A:12A-6(c).

3. The Borough Clerk shall cause notice of this determination to be served, within 10 days after the adoption of this resolution, upon all record owners of properties located within the Delineated Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent. The notice shall include a statement (i) that this determination operates as a finding of public purpose and authorizes the Borough to exercise the power of condemnation to acquire property in the redevelopment area; and (ii) that legal action to challenge the redevelopment determination must be commenced within 45 days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.

4. This Resolution shall take effect immediately.

CERTIFICATION

I, Darlene J. Tremont, Borough Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a meeting of said Governing Body held on December 19, 2023.


Darlene J. Tremont, Borough Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA	X			
RACHEL HEATH	X			
JOSEPH LIMON				X
JOHN POSTAS	X			
STEPHEN SKELLENGER	X			
GILBERT SNYDER	X			
MAYOR SOWDEN (Tie Only)				