

**R2020-204**

**RESOLUTION DESIGNATING THE MAGNOLIA BOROUGH WHITE HORSE PIKE REDEVELOPMENT STUDY AREA AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Borough Council may direct the Planning Board to conduct an investigation and public hearing to recommend whether certain areas of the Borough are in need of redevelopment pursuant to the procedures set forth at N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law, the Borough Council on December 30, 2019 the adopted Resolution 2019-207 entitled "RESOLUTION AUTHORIZING THE BOROUGH OF MAGNOLIA JOINT PLANNING/ ZONING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION AND FEASIBILITY STUDY FOR REDEVELOPMENT Of Block 3.02 Lots 5 and 6)" as identified on the Tax Map for the Borough of Magnolia as a non-condemnation area in need of redevelopment; and

**WHEREAS**, in furtherance of the referral by the Borough Council, Bach Associates, was authorized to conduct a study and prepare a report as to the proposed non-condemnation redevelopment area, Block 3.02 Lots 5 and 6 ("Study Area"); and

**WHEREAS**, on or about March of 2020, Steven M. Bach, PE, RA, PP, CME and Candace A. Kanaplue, AICP, PP of Bach Associates conducted an investigation and prepared a report entitled "Preliminary Need Investigation Determination of Need Report" ("Study"); and

**WHEREAS**, the Study was prepared by analyzing the applicability of the statutory criteria under N.J.S.A. 40A:12A-5 to the Study Area, the boundaries of which are set forth on a map prepared by Bach Associates, and contained within the Study; and

**WHEREAS**, after public notice required by law was published and mailed by regular and certified mail to the owners of property in the Study Area, the Planning Board conducted a hearing on September 23, 2020 to hear the comments of the public regarding the Study and the proposed non-condemnation redevelopment area recommendation; and

**WHEREAS**, on September 23, 2020 Steven M. Bach, PE, RA, PP, CME presented testimony at the public hearing regarding the findings and conclusions of the Study and concluded that the Study Area met the criteria for an area in need of redevelopment under N.J.S.A. 40A:12A-5(e) and N.J.S.A. 40A:12A-3; and

**WHEREAS**, on September 23, 2020 members of the public, property owners and persons interested in the investigation were permitted to present testimony and objections regarding the investigation; and

**WHEREAS**, the Planning Board considered the Study, the documents submitted into the record and the testimony and comments provided by all witnesses at the public hearing on September 23, 2020; and

**WHEREAS**, on December 16, 2020, the Borough of Magnolia Planning Board adopted Resolution No. 2020-10 recommending that Block 3.02 Lots 5 and 6 be designated as a non-condemnation area in need of redevelopment, which Resolution is incorporated herein by reference; and

**WHEREAS**, this Resolution further incorporates by reference all exhibits, testimony, discussion, presentation, study and reports as well as the testimony taken at public hearing held on September 23, 2020 as though same were contained herein and set forth at length herein; and

**WHEREAS**, the Borough Council has considered the Study and evidence presented to the Planning Board and the recommendation of the Planning Board that Block 3.02 Lots 5 and 6 be designated as a non-condemnation area in need of redevelopment.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAGNOLIA BOROUGH COUNCIL, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS FOLLOWS:**

1. The Borough Council finds, consistent with the findings of the Planning Board, as follows:
  - a. The two (2) parcels located within the Study Area, are located within the RA Residential district.
  - b. Block 3.02 Lot 5 is located at 508 Evesham Avenue. It is vacant, there are no structures on the parcel. Through a historical aerial search, a structure is noted on the parcel in 2001. Since 2004, the parcel appears vacant. It is irregularly shaped. It is surrounded by other properties in the RA, Commercial and Industrial Districts. It is directly adjacent to parcels within the White Horse Pike Redevelopment Area. The adjacent Lot 6 is vacant as well. To the east is a residential dwelling.
  - c. Block 3.02 Lot 6 is located at 500 Evesham Avenue. It is vacant, there are no structures on the parcel and have not been according to historic aerials of the parcel. It is approximately 0.15 acres in size. It is surrounded by other properties in the RA, Commercial and Industrial Districts. It is directly adjacent to parcels within the White Horse Pike Redevelopment Area. To the west is a residential dwelling in the White Horse Pike Redevelopment Area.
  - d. Based on the finding of the investigation, it is concluded that the Study Area meets the required criteria to be designated as a non-condemnation area in need of redevelopment. Specifically, the Study

Area satisfies the following criteria under the Local Redevelopment and Housing Law as an area in need of redevelopment:

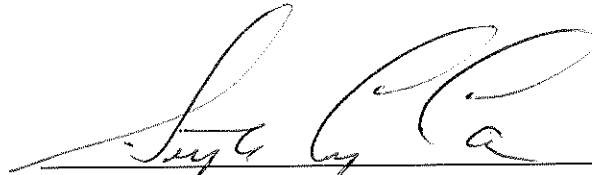
- N.J.S.A. 40A:12A-5.h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.
  - N.J.S.A. 40A:12A-3 permits a redevelopment area to include land, buildings, or improvements which of themselves are not detrimental to the public 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.
2. Based upon the detailed analysis in the Study and testimony before the Planning Board, the findings of which are accepted and incorporated herein as if set forth at length, the findings of the Planning Board and the presentation of Steven M. Bach, PE, RA, PP, CME, the Study Area meets the statutory criteria set forth in N.J.S.A. 40A:12A-5 for the designation of a non-condemnation area in need of redevelopment, including N.J.S.A. 40A:12A-5(h) and N.J.S.A. 40A:12A-3.
  3. The Borough Council further adopts the findings of the Study as follows:

" all parcels within the designated Study Area meet one or more of the following statutory criteria listed in the Local Redevelopment and Housing Law (NJSA 40A:12A-1):

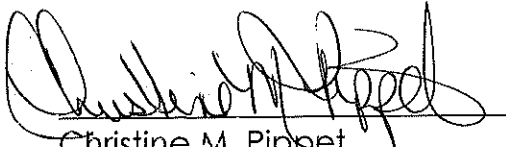
    - 'h' – Smart Growth Consistency"
  4. Accordingly, based upon the detailed analysis in the Study and the findings of the Planning Board, BLOCK 3.01 LOTS 5 and 6 as identified on the Tax Map for the Borough of Magnolia, meet the statutory criteria to be designated as a non-condemnation area in need of redevelopment.
  5. Therefore, the Borough Council determines that BLOCK 3.01 LOTS 5 and 6 as identified on the Tax Map for the Borough of Magnolia, should be and hereby are designated as a non-condemnation area in need of redevelopment, as provided in N.J.S.A. 40A:12A-5(h) and N.J.S.A. 40A:12A-3.
  6. The Borough Clerk shall forthwith transmit a copy of this Resolution to the Commissioner of Community Affairs, in accordance with N.J.S.A. 40A:12A-6.
  7. Within ten (10) days of the adoption of this resolution, the Borough Clerk shall further serve a notice of the determination of the Borough Council to designate BLOCK 3.01 LOTS 5 and 6, as identified on the Tax Map for the Borough of Magnolia, as a non-condemnation area in need of

redevelopment upon each person, if any, who filed a written objection thereto and supplied an address to which notice can be sent.

Adopted: December 29, 2020



BettyAnn Cowling-Carson, Mayor  
Borough of Magnolia



Christine M. Pippet  
Acting Borough Clerk  
Borough of Magnolia

**ROLL CALL VOTE**

	YES	NO	ABSTAIN	ABSENT
Councilwoman Paula Bonamassa	X			
Councilman Anthony DePrince	X			
Councilman Richard Krause	X			
Councilwoman Mary Martz	X			
Councilman Odell Saxton				X
Councilman Steven Whalen	X			