

**BOROUGH OF HILLSDALE
PLANNING BOARD
RESOLUTION NO. 2019-11**

**RE: PUBLIC HEARING OF PROPOSED REDEVELOPMENT AREA
BLOCK 1207, LOTS 8, 9, 10 AND 11
BLOCK 1208, LOTS 1, 2, 3, 4 AND 5
BLOCK 1209, LOTS 2, 3, 4, 5 AND 6
BLOCK 1210, LOTS 6, 7, 8, 9, 10 AND 11
BLOCK 1211, LOTS 1 AND 2
BLOCK 1212, LOT 13**

WHEREAS, the Planning Board of the Borough of Hillsdale was authorized by Borough Council Resolution No. 19039 directing the Planning Board to undertake a preliminary investigation to determine whether Block 1207, Lots 8, 9, 10 and 11; Block 1208, Lots 1, 2, 3, 4 and 5; Block 1209, Lots 2, 3, 4, 5 and 6; Block 1210, Lots 6, 7, 8, 9, 10 and 11; Block 1211, Lots 1 and 2; and Block 1212, Lot 13 qualify for designation as an “area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-1, et seq. (the “Local Redevelopment and Housing Law” or “LRHL”), without condemnation; and

WHEREAS, Francis Reiner, LLA, PP, of DMR Architects, 777 Terrace Avenue, Suite 607, Hasbrouck Heights, NJ 07604 was retained to assist the Planning Board in conducting this preliminary investigation; and

WHEREAS, DMR Architects prepared a report of Preliminary Investigation for Determination of an Area in Need of Redevelopment Without Condemnation for the subject properties, dated February 2019 and updated May 2019; and

WHEREAS, the Planning Board accepted the redevelopment area designation analysis and authorized that notice be given for a public hearing. Public hearings were held on March 26, 2019; April 16, 2019; and June 18, 2019; and

WHEREAS, Board member Scott Raymond recused himself, as he owns properties in the proposed redevelopment area; and

WHEREAS, notices were published in The Bergen Record on behalf of the Planning Board, including, but not limited to, notice published on May 28, 2019 and June 4, 2019 (June 18, 2019 hearing), and a copy of the notice was mailed to all owners of any parcel of property within the redevelopment area according to the tax assessment records of the Borough of Hillsdale; and

WHEREAS, the Planning Board of the Borough of Hillsdale has considered the redevelopment area designation analysis with reference to the objectives set forth in the applicable zoning ordinance of the Borough of Hillsdale and Master Plan of the Borough of Hillsdale; and

WHEREAS, such redevelopment area designation analysis was reviewed with reference to sound and prudent zoning and planning principles reviewed in conjunction with the aforementioned ordinance objectives; and

WHEREAS, public hearings were held on March 26, 2019; April 16, 2019 and June 18, 2019, at which time the Planning Board heard testimony from Francis Reiner, LLA, PP of DMR Architects, who prepared the redevelopment area designation analysis, and the Board gave due consideration to all individuals desiring to be heard; and

WHEREAS, the Board heard and considered comments and objections from members of the public and affected property owners, including Daniel Steinhagen, Esq., of Beattie Padovano, LLC, counsel to TCM Realty, LLC and PANA Associates, LLC; and

WHEREAS, the Board heard and considered the testimony of Peter Steck, PP, who was engaged on behalf of TCM Realty to object to and comment on the proposed redevelopment; and

WHEREAS, Mr. Reiner testified that his review and analysis of the area resulted in the following conclusions:

1. Mr. Reiner informed the Board of his recommendation that the following properties be designated as an area in need of redevelopment:

- Block 1207, Lots 8, 9 and 10
- Block 1208, Lots 1, 2, 3, 4 and 5
- Block 1209, Lots 2, 3, 4, 5 and 6
- Block 1210, Lots 6, 7, 8, 9, 10 and 11
- Block 1211, Lots 1 and 2

2. The purpose of the DMR report was to determine whether or not the identified properties in the Borough of Hillsdale meet one or more of the statutory criteria as an area in need of redevelopment, pursuant to the LRHL (N.J.S.A. 40A:12A-1). The investigation area consists of 23 lots that comprise approximately 14 acres, all of which are located in the Industrial (I) Zone. The study was depicted on map 1 attached to the DMR report, and includes the following tax parcels:

- Block 1207, Lots 8, 9 10 and 11
- Block 1208, Lots 1, 2, 3, 4 and 5
- Block 1209, Lots 2, 3, 4, 5 and 6
- Block 1210, Lots 6, 7, 8, 9, 10 and 11
- Block 1211, Lots 1 and 2
- Block 1212, Lot 13

3. The subject properties are generally located on West Patterson Street, along Prospect Place, Piermont Avenue, Brookside Place and Knickerbocker Avenue. The

Investigation Area is primarily comprised of commercial and industrial uses, along with surface and storage parking. The western boundary of the Investigation Area is a Category 1 (C1) stream.

4. As a part of the process to determine if the properties being investigated meet one or more of the statutory criteria as an area in need of redevelopment, DMR Architects requested all relevant information pertaining to a potential designation from the Building, Fire and Police Departments, as well as from the Tax Assessor's office, for the past five years. In addition, DMR reviewed all available GIS maps, aerial photographs and reports pertaining to the properties in question. Multiple site visits were made to the area, and photographs were taken for each property. Permission to access all properties was requested as part of the study. Access was not granted by all property owners, as more particularly set forth in the May 2019 DMR report.

5. As more particularly set forth in the DMR report, the laws governing redevelopment by municipalities in New Jersey are set forth in the LRHL, which is codified at N.J.S.A. 40A:12A-1 et seq. This statute grants the governing body of a municipality the power to authorize the planning board to conduct a study to determine whether an area is in need of redevelopment; to make such a determination following the completion of the study; and to adopt a redevelopment plan for the designated area. An area may be determined to be an area in need of redevelopment only if, after an investigation by the planning board and a public hearing for which notice has been given, it is found that the area meets one or more of the criteria set forth at N.J.S.A. 40A:12A-5.

6. N.J.S.A. 40A:12A-5(d) which provides that "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 or other facts, are detrimental to the safety, health, morals or welfare of the community” is one of the enumerated criteria.

7. Mr. Reiner testified as to the conditions of the properties/improvements that he observed during multiple site visits, as set forth in his reports and exhibits to such reports, as well as his testimony at the hearings before the Planning Board. Mr. Reiner, as testified to on the record and set forth in his reports, informed the Board of his opinion that the properties described in paragraph 1 hereinabove meet criterion “d” of N.J.S.A. 40A:12A-5. Mr. Reiner’s conclusions and factual basis for his conclusions are set forth in his May 2019 report and attachments thereto, incorporated herein by reference.

WHEREAS, after due deliberation, the Planning Board of the Borough of Hillsdale did find and determine that:

A. The Subject Property.

The subject properties are identified as Block 1207, Lots 8, 9, 10 and 11; Block 1208, Lots 1, 2, 3, 4 and 5; Block 1209, Lots 2, 3, 4, 5 and 6; Block 1210, Lots 6, 7, 8, 9, 10 and 11; Block 1211, Lots 1 and 2; and Block 1212, Lot 13 on the tax assessment map of the Borough of Hillsdale.

B. The Proposal.

1. The Planning Board reviewed the redevelopment area designation analysis prepared by DMR Architects, 777 Terrace Avenue, Suite 607, Hasbrouck Heights, NJ 07604. Mr. Reiner testified as to the contents of his report dated February 2019 and updated May 2019, including a description of the study area, building data, results of his investigation, master plan and zoning ordinance, statutory criteria, summary and recommendations.

2. Mr. Reiner testified as to his investigations, conclusions and recommendations in the reports, which reports are incorporated herein by reference.

3. Mr. Reiner also informed the Board that the permitted uses are to remain and the businesses will continue to operate. This is an area in need investigation without condemnation.

The Board makes the following findings and conclusions:

1. This is an investigation as to whether Block 1207, Lots 8, 9, 10 and 11; Block 1208, Lots 1, 2, 3, 4 and 5; Block 1209, Lots 2, 3, 4, 5 and 6; Block 1210, Lots 6, 7, 8, 9, 10 and 11; Block 1211, Lots 1 and 2; and Block 1212, Lot 13 of the Borough of Hillsdale qualifies as a redevelopment area in accordance with the provisions of N.J.S.A. 40A:12A-1, et seq. The Planning Board finds that the area qualifies as a redevelopment area specifically based upon the findings and conclusions set forth in the redevelopment area designation analysis prepared by of Francis Reiner, LLA, PP, of DMR Architects and as testified to by Mr. Reiner.

2. The Planning Board specifically finds that the area qualifies as a redevelopment area in accordance with N.J.S.A. 40A:12A-5(d). The Planning Board finds that the area qualifies as a redevelopment area specifically based on the findings and conclusions set forth in the Redevelopment Area Designation Analysis prepared by Francis Reiner of DMR Architects.

3. The Planning Board specifically finds that the area qualifies as a redevelopment area in accordance with N.J.S.A. 40A:12A-5(d) in that the conditions of the properties/improvements observed by Mr. Reiner during his multiple site visits, as testified to and as described in his reports and exhibits attached thereto, demonstrate characteristics that, by reason of faulty arrangement, obsolete layout and other conditions, are detrimental to the safety, health and welfare of the community, which meet criterion d, for the reasons that Mr. Reiner

testified to on the record and as set forth in his reports, which are incorporated herein by reference.

4. The Planning Board further finds that the plan as presented is in accord with the Borough of Hillsdale's Master Plan. In fact, by designating the area as a redevelopment area, there will be an overall improvement, not only to the area in question, but to the Borough of Hillsdale as a whole. The Planning Board finds that utilizing prudent zoning and planning principles in designating the area as a redevelopment area will not negatively impact the properties, and will, in fact, should the redevelopment plan be authorized by the Borough Council, enhance and improve the area in question.

5. As set forth in this Resolution, Mr. Reiner also informed the Board that the permitted uses will remain and the existing businesses will continue to operate. No condemnation is proposed. Of the 23 lots identified in his report, Mr. Reiner also informed the Board that Block 1212, Lot 13 and Block 1207, Lot 11 are not recommended as an area in need of redevelopment. Therefore, the aforesaid lots were excluded from the designations recommended by Mr. Reiner.

6. The Board specifically determined that Mr. Reiner correctly applied Section "d" of N.J.S.A. 40A:12A-5 and that he prepared a thorough and complete report to the Board. The Board also specifically determined that the testimony of Peter Steck, PP and the objections he offered on behalf of TCM Realty, LLC did not carry any weight and that such lots should be included in the designation as an area in need of redevelopment. Mr. Steinhagen represented TCM Realty, LLC, owner of Block 1209, Lot 6 and Block 1210, Lots 6 and 7; and PANA Associates, LLC, owner Block 1209, Lot 5.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Hillsdale that the Planning Board recommends to the Borough Council that Block 1207, Lot 8, 9 and 10; Block 1208, Lots 1, 2, 3, 4 and 5; Block 1209, Lots 2, 3, 4, 5 and 6; Block 1210, Lots 6, 7, 8, 9, 10 and 11; and Block 1211, Lots 1 and 2, as more specifically delineated in the Redevelopment Area Designation Analysis (without condemnation), prepared by Francis Reiner of DMR Architects, be determined by the Borough Council to be a redevelopment area.

BE IT FURTHER RESOLVED that the Chairman, Vice Chairman and Secretary of the Planning Board are hereby authorized to affix their signatures to this Resolution recommending such redevelopment area designation to the Borough Council.

BE IT FURTHER RESOLVED that the Secretary of the Board is authorized to send certified copies of this Resolution to Mark Madaio, Esq., counsel for the Hillsdale Borough Council.



Meredith Kates, Secretary



Joanne Miano, Vice-Chair

I certify that the foregoing is a true copy of the Resolution adopted on July 17, 2019.



Meredith Kates, Secretary

Dated: July 17, 2019