

**TOWNSHIP OF MOORESTOWN**

**RESOLUTION NO. 157-2022**

**ACCEPTING THE RECOMMENDATION OF THE MOORESTOWN TOWNSHIP  
PLANNING BOARD AND DECLARING THE PROPERTY COMMONLY KNOWN  
AS THE PULVERIZING SERVICES PROPERTY, AND DESIGNATED  
AS BLOCK 1400, LOTS 13, 14, AND 15, AND BLOCK 900, LOTS 3, 7, 8, AND 9  
TO BE A CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes a municipality to determine whether certain parcels of land located therein constitute areas in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, on March 14, 2022, the Township Council ("Council") of the Township of Moorestown ("Township") adopted Resolution 110-2022 authorizing and directing the Planning Board of the Township ("Planning Board") to conduct a preliminary investigation to determine whether certain property, identified as Block 1400, Lots 13, 14, & 15 and Block 900, Lots 3, 7, 8 & 9 on the official Tax Maps of the Township of Moorestown ("Study Area") satisfy the criteria set forth N.J.S.A. 40A:12A-5 to be designated as a "Condemnation Redevelopment Area" ("Preliminary Investigation") and to report the results of its Preliminary Investigation to the Council; and

**WHEREAS**, as part of its Preliminary Investigation, the Planning Board caused Michelle Taylor, PP, AICP, the Board's Consulting Planner ("Board Planner"), to prepare a report dated May 12, 2022 entitled "PRELIMINARY INVESTIGATION PULVERIZING SERVICES - CONDEMNATION AREA IN NEED OF REDVELOPMENT BLOCK 1400 LOTS 13, 14, AND 15; AND BLOCK 900, LOTS 3, 7, 8 AND 9" ("Preliminary Investigation Study") to aid the Planning Board in making its determination whether the Study Area should be designated as a Condemnation Redevelopment Area; and

**WHEREAS**, the Planning Board held a public hearing on June 2, 2022, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, at the public hearing, the Planning Board reviewed the Preliminary Investigation Study, the Study Area map and associated documents, and heard testimony from the Board Planner, and members of the public were given an opportunity to be heard, to present evidence and to ask questions concerning the potential designation of the Study Area as a Condemnation Redevelopment Area; and

**WHEREAS**, upon completion of the public hearing, the Planning Board concluded that there was sufficient credible evidence to support a finding that the Study Area satisfies the

criteria set forth at N.J.S.A. 40A:12A-5 and recommended designation of the area as a Condemnation Redevelopment Area; and

**WHEREAS**, the Council accepts the recommendation of the Planning Board, and determines that the Study Area should be designated as a Condemnation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey as follows:

1. The Council accepts the recommendation of the Planning Board of the Township of Moorestown and hereby determines that Block 1400, Lots 13, 14 & 15 and Block 900, Lots 3, 7, 8 & 9 as shown on the official tax map of the Township of Moorestown be and are hereby determined to be a Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., because said properties, as a whole satisfy the criteria set forth in N.J.S.A. 40A:12A-5(b), (c), (e), and (h); and

2. The designation of Block 1400, Lots 13, 14 & 15 and Block 900, Lots 3, 7, 8 & 9 as a Condemnation Redevelopment Area operates as a finding of public purpose and authorize the Township to exercise the power of eminent domain to acquire any property within the Study Area in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

3. The Council hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

4. The Township's Professionals and Staff are hereby authorized to render professional services to prepare a Redevelopment Plan and to take such further action as is necessary to effectuate the redevelopment of the Condemnation Redevelopment Area; and

5. In accordance with N.J.S.A. 40A-12A-6b(5)(c), the Clerk of the Township of Moorestown shall forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs; and

6. In accordance with N.J.S.A. 40A:12A-6b(5)(d) and (e), within ten (10) days of Council's adoption of the within Resolution, the Clerk of the Township of Moorestown shall serve notice of the Council's determination and this Resolution on the record owner of each parcel within the Condemnation Redevelopment Area, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent. This notice shall advise:

- A. That the designation of 1400, Lots 13, 14 & 15 and Block 900, Lots 3, 7, 8 & 9 as a Condemnation Redevelopment Area operates as a finding of public purpose and authorizes the Township of Moorestown or its designated

redevelopment entity, as the same is defined in N.J.S.A. 40A:12A-3, to acquire any property located within the Condemnation Redevelopment Area through the use of eminent domain; and

- B. Any person seeking to challenge this redevelopment designation and the condemnation authority arising therefrom must bring an action in lieu of prerogative writs within 45 days of receipt of the notice. Failure to file said challenge shall preclude any property owner from later raising such a challenge.

VOTE:

GILLESPIE  
MAMMARELLA  
LAW  
VAN DYKEN  
ZIPIN

Certified to be a true and correct copy of a Resolution adopted by the Township Council at its meeting on June 13, 2022.

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Patricia L. Hunt, RMC  
Township Clerk

## TOWNSHIP COUNCIL AGENDA REPORT

Meeting Date: June 13, 2022

Subject: Accepting the Recommendation of the Moorestown Township Planning Board and Declaring the Property Commonly Known as the Pulverizing Services Property, and Designated as Block 1400, Lots 13, 14, and 15, and Block 900, Lots 3, 7, 8, and 9 to be a Condemnation Area In Need of Redevelopment

Submitted by: Kevin Aberant, Township Manager

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### RECOMMENDATION

Adopt.

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### PREVIOUS ACTION

Resolution 110-2022 requesting the Planning Board do a Preliminary Investigation to determine if this Property meets the criteria to be designated as an Area In Need of Redevelopment.

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### BACKGROUND

The Property is a 24 acre previously contaminated site on New Albany Road which was the subject of a cleanup supervised by the Environmental Protection Agency.

The Planning Board held a Public Hearing on 6/2/22 to consider the results of a Preliminary Investigation Report prepared by Taylor Design Group. The Planning Board did agree the Property met multiple criteria of the Redevelopment Statute and recommended the Council declare the Property a Condemnation Area In Need of Redevelopment.

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### FISCAL IMPACT

None at Present

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### CONCURRENCES