



Legislation Text

File #: 22-1867, Version: 1

Dept/ Agency: Economic and Housing Development

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Designating area in need of redevelopment.

Purpose: Designating Area in Need of Redevelopment

List of Property:

(Address/Block/Lot/Ward)

425-431 Chancellor Avenue/Block 3732/Lot 55/South Ward

378-380 Fabyan Place/Block 3732/Lot 59/South Ward

370-372 Fabyan Place/Block 3732/Lot 62/South Ward

344-368 Fabyan Place/Block 3732/Lots 65/Additional Lots 66, 67, 69, 70, 72, 74, 75, and 77/South Ward

Additional Information:

Resolution 7R2-v, adopted on September 8, 2022, authorized and directed the Central Planning Board to conduct a preliminary investigation.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on September 8, 2022, the Municipal Council adopted Resolution 7R2-v authorizing and directing the Newark Central Planning Board (the “Central Planning Board”) to conduct a preliminary investigation to determine whether certain properties, identified on the Official Tax Map of the City of Newark, as 425-431 Chancellor Avenue, 378-380 Fabyan Place, 370-372 Fabyan Place, and 344-368 Fabyan Place (Block 3732, Lots 55, 59, 62, 65, 66, 67, 69, 70, 72, 74, 75, and 77) or any portion thereof (referred to as the “Study Area”), is considered an “Area in Need of Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law and should be designated as a Non-Condensation Redevelopment Area, as defined by the Redevelopment Law; and

WHEREAS, the Central Planning Board conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated as an Area in Need of Redevelopment and designated as a Non-Condensation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, a virtual public hearing was conducted by the Central Planning Board on November 21, 2022 with notice having properly been given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, after completing its investigation and virtual public hearing on this matter, the Central Planning Board concluded that there was sufficient credible evidence to support findings that

the Study Area satisfies the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as an Area in Need of Redevelopment; and

WHEREAS, the properties in the Study Area meets varying criteria in accordance with the Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-5) as follows:

Property Address	Block	Lot	Criterion
425-431 Chancellor Avenue	3732	55	A,B
378-380 Fabyan Place	3732	59	C
370-372 Fabyan Place	3732	62	A
344-368 Fabyan Place	3732	65,66,67,69,70,72,74,75,77	C

WHEREAS, in accordance with Redevelopment Law and as memorialized by Resolution dated November 21, 2022, the Central Planning Board recommended to the Municipal Council that the Study Area be designated as a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, the Municipal Council has reviewed the recommendation of the Planning Board and wishes to designate the Study Area as a Non-Condemnation Redevelopment Area pursuant to the Redevelopment Law; and

WHEREAS, the designation of the Study Area as a Non-Condemnation Redevelopment Area shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, other than the use of the power of eminent domain; and

WHEREAS, in order to effectuate the Municipal Council's designation of the Study Area as a Non-Condemnation Redevelopment Area, the adoption of a Redevelopment Plan by Municipal Council by ordinance is required pursuant to N.J.S.A. 40A: 12A-7; and

WHEREAS, the Municipal Council desires to direct the Central Planning Board to prepare a Redevelopment Plan and transmit the proposed Plan to the Municipal Council for its consideration upon completion of the Central Planning Board's review.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council has reviewed the recommendation of the Central Planning Board and finds that 425-431 Chancellor Avenue, 378-380 Fabyan Place, 370-372 Fabyan Place, and 344-368 Fabyan Place (Block 3732, Lots 55, 59, 62, 65, 66, 67, 69, 70, 72, 74, 75, and 77) in the South Ward, as shown on the Official Tax Map of the City of Newark (the "Properties") qualifies as an Area in Need of Redevelopment, pursuant to the Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq.
2. The Properties are hereby designated as a Non-Condemnation Redevelopment Area in

accordance with the relevant provisions of N.J.S.A. 40A:12A-1 et seq.

3. The designation of the Properties as a Non-Condemnation Redevelopment Area shall authorize the City of Newark to exercise all those powers provided by the Legislature for use in a Redevelopment Area, other than the use of the power of eminent domain.
4. The Acting City Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of New Jersey Department of Community Affairs for review, in accordance with N.J.S.A. 40A:12A-6(b)(5)(c).
5. Within ten (10) days of the Municipal Council's adoption of this Resolution, the Department of Economic and Housing Development shall serve notice of the Municipal Council's determination and this Resolution upon all record owners of Properties within the Non-Condemnation Redevelopment 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 the determination and Resolution may be sent.
6. The Central Planning Board is hereby authorized and directed to create and transmit a Redevelopment Plan and Report to the Municipal Council, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. The Central Planning Board's report shall include an identification of any provisions in the proposed Redevelopment Plan, which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Central Planning Board deems appropriate.
7. This Resolution shall take effect immediately.

STATEMENT

This Resolution authorizes the Municipal Council to designate 425-431 Chancellor Avenue, 378-380 Fabyan Place, 370-372 Fabyan Place, and 344-368 Fabyan Place (Block 3732, Lots 55, 59, 62, 65, 66, 67, 69, 70, 72, 74, 75, and 77) in the South Ward as a Non-Condemnation Redevelopment Area and further directs the Central Planning Board to create and transmit a Redevelopment Plan and Report to the Municipal Council, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.