

IN THE MATTER OF
THE RECOMMENDATION
OF THE BOROUGH OF COLLINGSWOOD
PLANNING BOARD OF ADJUSTMENT
FOR THE DESIGNATION OF
627 HADDON AVENUE
A/K/A BLOCK 22, LOT 13
AS A CONDEMNATION AREA
IN NEED OF REDEVELOPMENT

BOROUGH OF COLLINGSWOOD
PLANNING BOARD
OF ADJUSTMENT

RESOLUTION OF
MEMORIALIZATION

RESOLUTION NUMBER 2023 3

WHEREAS, the Mayor and Commissioners of the Borough of Collingswood did duly adopt Resolution Number 23-120 on May 1, 2023, authorizing and directing that the Planning Board of Adjustment of the Borough of Collingswood (hereinafter the "Board") undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., to determine and provide their recommendations to the Mayor and the Borough Commissioners as to whether or not the property located at 627 Haddon Avenue, Collingswood, NJ, which property is designated on the Borough of Collingswood Tax Map as Block 22, Lot 13, (hereinafter the "Property") qualifies as a "condemnation area in need of re-development"; and

WHEREAS, the Board subsequently considered this matter and duly adopted Board Resolution 2023-H on June 26, 2023, which provided for the referral of this matter to its professional staff, Remington & Vernick Engineers, Inc., in order that they may perform an investigation of the Property and prepare a report for the Board's review and consideration

providing their professional assessment as to whether or not the Property qualifies as a “condemnation area in need of redevelopment” under the standards set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, a written investigation report was prepared and duly issued by Ashton G. Jones, P.P., A.I.C.P., C.F.M. of Remington & Vernick Engineers, Inc., which report was dated July 17, 2023 and entitled “Preliminary Investigation for Determination of Eligibility for Declaration as a Condemnation Area in Need of Redevelopment, Block 22, Lot 13” (hereinafter the “Investigation Report”), which Investigation Report was placed on file with the Borough Clerk and provided in advance to the Board and is attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, this matter was brought before Board for public hearing, on Monday evening, August 14, 2023 with the following members of the Board being present and giving consideration to this matter: Mayor M. James Maley; Chairman, Patrick Hoban; Vice-Chair, Mary Ellen Ries; Claire Gustafson; Reed Orem; Conrad Talley; Jessica Stokes; Steven Piacquadio; and Bruce Smith; and

WHEREAS, public notice of the August 14, 2023 hearing was duly provided in accordance with N.J.S.A. 40A:12A-6 via written notice being provided to the owners or those holding an interest in the Property and said notice being published in the Retrospect in two (2) consecutive weeks, on July 28, 2023 and August 4, 2023 respectively, and such notice specifying that the designation of the Property as a condemnation redevelopment area operates as a finding of public purpose and authorizes the Borough of Collingswood to exercise the power of eminent domain to acquire the Property and that, in order to challenge the designation, legal action must

be commenced by filing the appropriate action in the Superior Court of New Jersey, Law Division within forty five (45) days following receipt of notice from the governing body advising of the designation of the property as a Condemnation Redevelopment Area, as evidenced by the Certification of Service and Publication submitted by the Solicitor for the Board and on file with the Borough Clerk; and

WHEREAS, Ashton G. Jones, P.P., A.I.C.P., C.F.M. attended the August 14, 2023 hearing and presented the Investigation Report and provided an overview with respect to the Property's satisfaction of the criteria set forth in the Local Redevelopment and Housing Law of the State of New Jersey applicable to the designation of the Property as a "condemnation area in need of redevelopment"; and

WHEREAS, Mr. Jones additionally addressed questions from the Board members and interested members of the public; and

WHEREAS, Mr. Jones was duly sworn and provided the following testimony:

1. Mr. Jones conducted an investigation into the Property in order to determine whether it met the criteria for a condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law.
2. The Local Redevelopment and Housing Law provides under N.J.S.A. 40A:12A-5 that a delineated area may be declared in need of redevelopment if, after investigation, notice and hearing, the governing body determines that the property in questions satisfies any one of the criteria set forth in the above-referenced statute.

3. Mr. Jones testified as to his professional opinion that the Property meets several of the criteria set forth in the aforementioned statute which would permit the designation of the Property as a condemnation redevelopment area.
4. Mr. Jones testified as to his professional opinion that the Property satisfies criterion A, B, D and H of N.J.S.A. 40A:12A-5.
5. With respect to criteria A of N.J.S.A. 40A:12A-5, which justifies a redevelopment designation in instances where the generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air and open space as to be conducive to unwholesome working conditions, Mr. Jones testified that the Property satisfies this criteria in that the Property is dilapidated and obsolete noting that cracks in the building façade related to water damage were present; that there was graffiti spray painted on the building façade; that bricks were missing from the building façade; and that the conditions of the parking lot were substandard.
6. With respect to criteria B of N.J.S.A. 40A:12A-5, which justifies a redevelopment designation in instances where the discontinuance of the use of a building previously used for commercial or retail purposes or significant vacancies of such building for at least two (2) consecutive years, Mr. Jones testified that the Property satisfies the criteria due to the discontinuance of the prior retail bank use in light of the Property being vacant since the early 2000s.
7. With respect to criteria D of N.J.S.A. 40A:12A-5, which justifies a redevelopment designation in instances where areas with buildings which, by reason of obsolescence or

obsolete layout, are detrimental to the safety, health, morals, or welfare of the community, Mr. Jones testified that the Property satisfies the criteria due to the Property being obsolete in configuration noting that the arrangement of the building was overcrowded and obsolete due to the existing substantial drive-thru facilities, which operate well for a bank use like the former use, but make the renovation of the Property into a non-bank use a substantial undertaking requiring significant renovations thereby impeding the demand for the development of the Property.

8. With respect to criteria H of N.J.S.A. 40A:12A-5, which justifies a redevelopment designation in instances where the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law, Mr. Jones testified that the Property satisfies this criteria due to the existence of dilapidated and obsolete conditions and the extended vacancy of the Property as noted above and the consistency of the proposed redevelopment designation with the smart growth planning principles adopted by the Borough.
9. Mr. Jones testified that his investigation report recommends that the Borough of Collingswood take the actions prescribed by Local Redevelopment and Housing Law to declare the property as a condemnation area in need of redevelopment based on criterion A, B, D, and H.

WHEREAS, the meeting was opened to the public and, there being no members of the public who wished to comment on this matter or question the Board or Board Professionals, the public portion of the hearing was duly closed; and

WHEREAS the Investigation Report was reviewed and discussed at length at the meeting; and

WHEREAS, upon Motion duly made by Mary Ellen Ries and seconded by Claire Gustafson, the Planning Board of Adjustment of the Borough of Collingswood agreed with the findings of the Investigation Report and unanimously voted, by a vote of nine (9) in favor and zero (0) opposed, to endorse the Investigation Report and recommend to the Governing Body that the Governing Body adopt an Ordinance designating the Property as a condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law. The voting on the application was as follows:

M. James Maley:	Yes
Patrick Hoban:	Yes
Marty Ellen Ries:	Yes
Claire Gustafson:	Yes
Reed Orem:	Yes
Conrad Talley:	Yes
Jessica Stokes:	Yes
Steven Piacquadio:	Yes
Brice Smith:	Yes

NOW THEREFORE, The Planning Board of Adjustment of the Borough of Collingswood makes the following findings of fact and conclusion of law, to wit, that the Property qualifies for designation by the Governing Body as a condemnation area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law of the State of New Jersey, N.J.S.A. 40A:12A-1 et seq.

NOW THEREFORE BE IT RESOLVED that the Board hereby adopts the recommendations contained within the Investigation Report with respect to the Property being designated as a condemnation area in need of redevelopment and recommends that the Property be

so designated by official action of the Governing Body of the Borough of Collingswood, based upon the Investigation Report; the testimony provided by Mr. Jones and the experience, practical judgment, common sense and sound discretion of the Board.

BE IT FURTHER RESOLVED that the Board specifically finds that substantial credible evidence exists supporting the conclusion that the Property meets the statutory criteria and standards for designation as a condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law.

The foregoing is a true and memorializing resolution adopted by the Borough of Collingswood Planning Board of Adjustment and is in accordance with its decision at its regular monthly meeting of August 14, 2023.

The effective date of this Resolution shall be August 28, 2023.

**BOROUGH OF COLLINGSWOOD
PLANNING BOARD OF ADJUSTMENT**

Dated: August 28, 2023



PATRICK HOBAN, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing resolution is a true memorialization of the Planning Board of Adjustment hearing on this matter held on August 14, 2023, as memorialized by the Planning Board of Adjustment of the Borough of Collingswood at the regular meeting of the Board held on August 28, 2023.

Dated: August 28, 2023


MADALYN DEETS, SECRETARY