

Appendix B

Lindenwold Borough Joint Land Use Board Resolution

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF LINDENWOLD JOINT LAND USE BOARD
CAMDEN COUNTY, NEW JERSEY**

**PROPERTIES SET FORTH IN EXHIBIT A
AKA ARBORWOOD I, ARBORWOOD II &
ARBORWOOD III**

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**APPROVED: April 19, 2017
MEMORIALIZED: April 27, 2017**

**A RESOLUTION RECOMMENDING THAT THE AREAS DESCRIBED IN EXHIBIT A
ATTACHED HERETO BE DESIGNATED AS AN AREA IN NEED OF
CONDEMNATION REDEVELOPMENT**

WHEREAS, the Borough Council of the Borough of Lindenwold (hereinafter referred to as “Borough Council”) by Resolution #2016-65 dated January 25, 2016 and pursuant to authority granted to same by New Jersey Redevelopment and Housing Act, N.J.S.A. 40A-12-1 et seq. authorized the Joint Land Use Board of the Borough of Lindenwold (hereinafter referred to as the “Joint Land Use Board”) to undertake a preliminary investigation to determine whether certain properties and areas within the Borough of Lindenwold are in need of redevelopment, which properties and areas are commonly known as Arborwood I, Arborwood II and Arborwood III Condominiums, and which were more particularly described in Exhibit A attached to said Resolution (hereinafter referred to as “the Area under Investigation”), which Exhibit A is also incorporated herein and make a part hereof;

WHEREAS, said Borough Council Resolution #2016-65 further authorized the Joint Land Use Board in considering a redevelopment area determination of the Area under Investigation to determine whether the Area under Investigation warrants designation as a

Condemnation Redevelopment Area, which designation would provide authorization to the Borough of Lindenwold to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain;

WHEREAS, pursuant to authority vested with the Borough Council under the provisions of the New Jersey Redevelopment and Housing Act, N.J.S.A. 40A-12-6, said Resolution of the Borough Council further authorized the Joint Land Use Board to utilize a New Jersey licensed planner to assist the Joint Land Use Board in undertaking that preliminary investigation;

WHEREAS, the Joint Land Use Board engaged the services of Barbara J. Fegley, A.I.C.P., P.P. of Environmental Resolutions Inc. of Mount Laurel, New Jersey (hereinafter referred to as the "Board's Planner") to conduct a study in compliance with the Local Redevelopment and Housing Act, N.J.S.A. 40A:12A-1 et seq. for purposes of assisting the Joint Land Use Board in making a determination whether all or a portion of the Area under Investigation satisfies the criteria set forth in the Local Redevelopment and Housing Act to be designated as an Area in Need of Condemnation Redevelopment;

WHEREAS, the Joint Land Use Board undertook a preliminary investigation of the Area under Investigation, which was inclusive of the report entitled "Preliminary Investigation for the Determination of an Area in Need of Redevelopment" dated April 12, 2017 and submitted by the Board's Planner, which report is attached hereto as Exhibit B and incorporated herein;

WHEREAS, the Joint Land Use Board following notice and publication in compliance with the Local Redevelopment and Housing Act conducted a public hearing on April 19, 2017;

WHEREAS the Joint Land Use Board heard the testimony and evidence submitted by the Board's Planner, the remarks of members of the Joint Land Use Board and the remarks of the

general public in attendance, with there being no written objections filed, and the matter being duly deliberated.

NOW THEREFORE BE IT RESOLVED that the Board makes the following findings of facts:

FINDINGS OF FACTS:

1. The Area under Investigation is comprised of three (3) condominium communities located to the east of Clementon-Gibbsboro Road and known commonly as Arborwood I, Arborwood II and Arborwood, III. These condominium communities were constructed in 1972 and are comprised of a total of 620 residential units. This Area under Investigation is more specifically identified in Exhibit A attached hereto, which identifies each property by Tax Map block, lot and qualifier designation, address and ownership.

2. The Area under Investigation is bounded on the west by Gibbsboro Road (County Road 686) or the north by the rail line owned and operated by New Jersey Transit, on the east by The Pines Apartment and on the south by Summit Place Apartment. The Area under Investigation is located in the R-4 Multifamily Residential Zoning District, which allows for multi-family dwellings at a maximum density of 12 units per acre. As set forth in the Master Plan Reexamination dated December 17, 2007, this Area under Investigation is included in the Gibbsboro Road Apartment Corridor Redevelopment Area.

3. The Local Redevelopment and Housing Act set forth eight (8) statutory criteria known and referred to as criteria (a) through (h), the presence or absence of which is to be utilized in making a determination of whether an area is an Area in Need of Redevelopment, and with respect to the Area under Investigation by the Board an Area in Need of Condemnation Redevelopment.

4. The investigation undertaken by the Joint Land Use Board was a multi-facet undertaking and included a comprehensive on-site investigation of the physical conditions of the Area under Investigation. That exterior investigation of the common areas of these condominium complexes was examined building by building by the Board's Planner. It was noted that road maintenance in these condominium communities is not a Borough obligation but the responsibility of the respective condominium associations. The on-site inspection showed areas of broken curbs, deteriorated paving, potholes, deteriorated fencing and hazardous sidewalk conditions. There were areas cleared of landscaping with stumps and roots left in place posing trip hazards for pedestrians. Criteria "d" of the Local Redevelopment and Housing Act was found to be satisfied by this conditions as the state of disrepair and dilapidation presented hazards for pedestrians and was found to be detrimental to the safety, health, morals and welfare of the community.

5. The storm water management and drainage systems for the Area Under Investigation were found to be poorly designed and evidencing a neglected overgrown discharge area, poor grading and damaged drainage pipes, all of which contributed to runoff ponds adjacent to buildings and sidewalks causing the erosion and collapse of portions of sidewalks and causing runoff to infiltrate basements and crawlspaces of building, where mold and mildew were found to be present. These conditions have led to the decay of buildings and unhealthy living conditions for the residents. Criteria "d" of the Local Redevelopment and Housing Law was found to be satisfied by these faulty and obsolete storm water management and surface drainage systems present at the Area under Investigation, which systems do not conform to current standards, and are detrimental to the health, safety, morals and welfare of the communities.

6. The common areas amenities of these condominium communities originally provided for the recreation and convenience of the residents were found to have been discontinued, in disrepair or abandoned. The community laundry rooms were boarded up, the tennis court was in disrepair, the pool building was boarded up and the pool had been discontinued and was partially filled, all of which is indicative of property not being properly utilized.

7. An inspection of the exterior of the various buildings forming the housing stock of these communities reveals many instances of boarded up units, cracks and stains on the exterior of the buildings, deteriorated and rusting balconies, broken railings, hanging wires, eroded patios, vandalized utility boxes, deteriorated roofs and rooflines, missing shutters, rotted wood, deteriorated, hazardous steps, graffiti, and with missing vents plates which allowed pests to enter the buildings. The presence of these conditions are indicative of substandard, unsafe, dilapidated buildings which are conducive to unwholesome living and satisfy criteria "a" of the Local Redevelopment and Housing Act.

8. An examination was made of the Vacant Property Registrations on file with the Borough of Lindenwold, which was supplemented by a physical inventory done in March, 2017. That inspection revealed that there were 71 vacant units in the Areas under Investigation. Units vacated and not maintained provide opportunities for the harborage of pests, infestation, mold, squatters and illegal activities and encourage disinvestment. The presence of vacant boarded up units meet conditions that satisfy (a) the substandard, unsafe and dilapidated conditions conducive to unwholesome living required under the statutory criteria "a," (b) evidence the combination of conditions detrimental to the safety, health and welfare of the community under the statutory criteria "d," and (c) is indicative of the stagnation and under-utilization of property

resulting in a negative social and economic impact, all of which are criteria for a determination of an area in need of redevelopment under the Local Redevelopment and Housing Act.

9. The Board's Planner undertook and presented a comprehensive analysis of each of the 620 condominium units comprising the Area under Investigation in Appendix C of her report, examining ownership, land and improvement assessments, and sale information on each unit. While originally an owner-occupied community, at present the data shows that only 18% of the units are occupied by its owners with 82% of the units being renter-occupied. Diverse ownership precludes consolidation of property. The diverse ownership of properties, which generate a lack of proper utilization of the property, leads to a stagnant and unproductive condition of land, which condition is recognized in criteria "e" to be condition supporting the determination of an area in need of redevelopment.

10. In looking further at the presence of other economic condition relevant to a redevelopment determination of the Area under Investigation, the land and improvement assessments, and sale information set forth for each of the 620 units in Appendix C were examined. An examination of the property sales in the Area under Investigation reflect many distress transactions with numerous sheriff's sales, sales transacted in bankruptcy or receivership proceedings, sale of doubtful title and sales subject to outstanding municipal liens. The sale prices realized for these the units reflect a continuing decline in value. A reported transaction of 40 units sold for an aggregate sale price of \$170,000 or \$4,250.00 per unit, considerably less than the municipal assessment of most of the units.

11. In addition, there are 76 units that are assessed at \$9,000 or less clearly reflecting erosion in assessment valuation of this Area under Investigation. This data was also used to measure the economic productivity of a property by examining the improvement to land ratio of

these communities. The Board Planner advised that an improvement to land ratio of 1:1 may suggest that the land is not supporting a reasonable value of improvement or that the property would have a higher market value if the improvements were removed, which suggest stagnation. In total, there were 102 units or 16.5% of the area under investigation that have improvement to land ratios of 1:1 or less. This information indicates that the “e” criteria for redevelopment determination is met in the Area under Investigation. This data reflects that disinvestment is occurring in this area which discourages improvements and creates a stagnant and unproductive condition of land, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the community.

12. The presence of municipal tax liens was found to be another economic condition relevant to a redevelopment determination. An examination of the Borough of Lindenwold’s tax records for municipal tax liens indicated that 31% of the units have municipal tax liens on their title. A table listing the municipal liens by building and by unit was prepared and was attached as Appendix F of the Board’s Planner’s report. These tax liens were found to range as high as \$28,000. As of January 1, 2017, the total municipal liens for Arborwood I, II and III equaled \$2,374,932.00 and is indicative of a continuing pattern of tax arrearages. This condition is indicative of disinvestment as owners, who are not paying taxes, are also not investing in their property. The extent of the presence of municipal tax liens in the Area under Investigation satisfies the “e” criteria for a redevelopment determination.

10. An examination was also undertaken of the data on file with the Borough Code Enforcement office and a summary of code violation for each of the units in the Area under Investigation was prepared by the Board’s Planner and attached as Appendix G of her report. There were numerous violations found in the units in the Area under Investigation which

afforded access for an inspection. Those violations included reports of no heat, no smoke or carbon dioxide detectors, water leaks, plumbing leaks, electrical and mechanical equipment issues, improper dryer exhaust fans and bathroom vents. Mold and infestations were also reported. Unsafe conditions were found on a number of balconies. These factors support and satisfy a redevelopment determination based on the statutory criteria “a” as the Area under Investigation present physical substandard, unsafe, unsanitary, dilapidated or obsolescent conditions which have contributed to unwholesome living conditions and conditions which are detrimental to the safety, health, morals and welfare of the community. These factors also support and satisfy a redevelopment determination based on the statutory criteria “d.”

11. A comprehensive summary by unit was prepared by the Board’s Planner in Appendix I of her Study, analyzing the statutory criteria for a determination of an Area in Need of Condemnation Redevelopment as it bears on each unit in Arborwood I, Arborwood II and Arborwood III.

12. The Area under Investigation satisfies the “a” “d” “e” and/or “h” criteria of the Local Redevelopment and Housing Act by virtue of the various conditions found to be present there, to include code violations, vacant and boarded units, deteriorated or deteriorating conditions of the units, sidewalks, storm water management areas, recreation areas and liens, and provide the necessary factual support for a determination of an Area in Need of Condemnation Redevelopment.

CONCLUSIONS OF LAW

1. The Joint Land Use Board has jurisdiction under authority granted to same by the Local Redevelopment and Housing Act, N.J.S.A. 40A:12A-1 et seq and by Resolution # 2016-65 of the Borough Council to conduct a preliminary investigation as to whether the Area under

Investigation, as more specifically identified in Exhibit A attached hereto, is an Area in Need of Condemnation Redevelopment.

2. Section 5 of the Local Redevelopment and Housing Act, N.J.S.A. 40A:12A-5, sets forth eight (8) conditions or criteria, any one of which would support a redevelopment determination, which are to govern the Joint Land Use Board in making a determination whether to recommend to the Borough Council that all or any part of the Area under Study warrant a designation as an Area in Need of Condemnation Redevelopment.

3. The Joint Land Use Board finds that there is substantial evidence that the Area under Investigation, as more particularly described in Exhibit A attached hereto, is an Area in Need of Condemnation Redevelopment under the criteria set forth in N.J.S.A. 40A:12A-5 a, d, e, and h, and warrants the Board's recommendation to the Borough Council that same be designated as an Area In Need of Condemnation Redevelopment, which designation shall authorize the Borough of Lindenwold to use all those powers provided in the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain.

NOW THEREFORE, BE IT RESOLVED, that the motion duly made by Mayor Richard Roach, Jr., and duly seconded by Pat Strippoli that the Area under Investigation as more specifically identified in Exhibit A attached hereto be determined to be an Area in Need of Condemnation Redevelopment, and that the Board shall and does hereby recommend to the Borough Council that this Area under Investigation be designated as an Area in Need of Condemnation Redevelopment.

ROLL CALL VOTES:

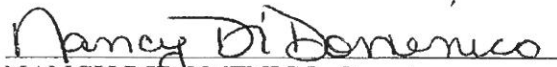
IN FAVOR: Mayor Richard Roach, Jr. Councilman Ron Burrows, James Saad, Pat Strippoli, Chris Rasmussen, Craig Wells, Joseph Vandergrift, Beth Foster, Kathy Fitzpatrick

OPPOSED: None
ABSTENTION: None

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization shall be filed with the Administrative Officer or Clerk of the Borough and make available to all other interested parties.



JAMES SAAD, Chairperson
Joint Land Use Board
Borough of Lindenwold



NANCY DIDOMENICO, Secretary
Joint Land Use Board
Borough of Lindenwold

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Joint Land Use Board of the Borough of Lindenwold on this 27th day of April, 2016, is a true copy of the action taken by the Lindenwold Joint Land Use Board at its meeting held on April 19, 2017.



NANCY DIDOMENICO, Secretary
Joint Land Use Board
Borough of Lindenwold

Appendix C

Lindenwold Borough Council Resolution #2017:141

RESOLUTION 2017:141-Resolution Of The Borough Of Lindenwold, County Of Camden And State Of New Jersey
Directing The Lindenwold Joint Land Use Board To Prepare A Redevelopment Plan For The Certain Properties And
Areas Within The Borough Of Lindenwold Designated As An "Area In Need Of Redevelopment" And As A
"Condemnation Redevelopment Area", Pursuant To N.J.S.A. 40A:12-7

WHEREAS, in the Master Plan Re-examination Report, adopted by Resolution on October 29, 2007, the Planning Board of the Borough of Lindenwold recognized that certain areas and properties within the Borough of Lindenwold might qualify as "redevelopment areas" or "areas in need of redevelopment" as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the Borough Council of the Borough of Lindenwold, by Resolution No. 2016-65, dated January 25, 2017, referred to the Joint Land Use Board of the Borough of Lindenwold a directive to conduct a preliminary investigation to determine whether the conditions are present on certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, that meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties to be deemed "in need of redevelopment," and

WHEREAS, in Resolution No. 2016-65, the Borough Council of the Borough of Lindenwold, set forth that should the Joint Land Use Board of the Borough of Lindenwold determine that the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, meet the criteria to be deemed an "area in need of redevelopment," that the Joint Land Use Board of the Borough of Lindenwold should also determine if the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties and areas to be deemed as a "Condemnation Redevelopment Area," authorizing the Borough of Lindenwold to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Joint Land Use Board of the Borough of Lindenwold has reviewed a document entitled "Preliminary Investigation for the Determination of an Area in Need of Condemnation Redevelopment," dated April 12, 2017, prepared by Environmental Resolutions, Inc. of Mount Laurel, New Jersey, as a part of its preliminary investigation to determine whether certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, to determine whether the proposed land is an area in need of redevelopment; and

WHEREAS, the Joint Land Use Board of the Borough of Lindenwold, after conducting a public hearing on April 19, 2017 with due notice to the public and parties required to be noticed under N.J.S.A. 40A:12A-6(b); by its Resolution dated April 27, 2017, found that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, are in need of redevelopment, and recommended to the Borough Council that the certain properties and areas be designated as an "area in need of redevelopment" and designated as a "Condemnation Redevelopment Area" pursuant to N.J.S.A. 40A:12A-6; and

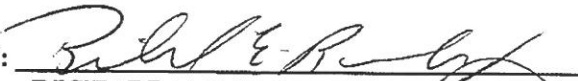
WHEREAS, the Borough Council of the Borough of Lindenwold, by Resolution 2017:127 dated May 10, 2017, accepted the findings and recommendation of the Joint Land Use Board of the Borough of Lindenwold and designated the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, to be an "area in need of redevelopment" and a "Condemnation Redevelopment Area" pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Borough Council of the Borough of Lindenwold now wishes the Joint Land Use Board of the Borough of Lindenwold to prepare a redevelopment plan, pursuant to N.J.S.A. 40A:12A-7(f), for the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, designated as an "area in need of redevelopment" and as a "Condemnation Redevelopment Area," pursuant to N.J.S.A. 40A:12A-6, by Resolution 2017:127 of the Borough Council of the Borough of Lindenwold dated May 10, 2017.

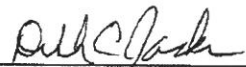
NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Lindenwold that, pursuant to N.J.S.A. 40A:12A-7(f), the Borough Council of the Borough of Lindenwold, directs that the Joint Land Use Board of the Borough of Lindenwold prepare a redevelopment plan, pursuant to N.J.S.A. 40A:12A-7(f), for the certain properties and areas within the Borough of Lindenwold, as more particularly described in Exhibit A, attached hereto and made a part hereof, designated as an "area in need of redevelopment" and as a "Condemnation Redevelopment Area," pursuant to N.J.S.A. 40A:12A-6, by Resolution 2017:127 of the Borough Council of the Borough of Lindenwold dated May 10, 2017.

BE IT FURTHER HEREBY RESOLVED by the Borough Council of the Borough of Lindenwold that the Joint Land Use Board of the Borough of Lindenwold is authorized to employ a New Jersey licensed professional planner to assist the Board in undertaking any and all actions that may be necessary to accomplish the purpose and intent of this Resolution.

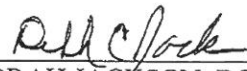
Dated: June 14, 2017

BY: 
RICHARD E. ROACH, JR., MAYOR

ATTEST:


DEBORAH JACKSON, BOROUGH CLERK

I, **DEBORAH JACKSON**, Borough Clerk of the Borough of Lindenwold, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by Borough Council at a meeting of said Borough Council on June 14, 2017, and that said Resolution passed by a majority vote of the members of Borough Council.


DEBORAH JACKSON, BOROUGH CLERK