



# Redevelopment Area without Condemnation: Determination of Need Study

Block 23, Lots 15, 16, and 17.01  
Block 49.01, Lots 43.01, 43.02, 44, 45, and 47.02



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Borough of Demarest

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Block 49.01, Lots 43.01, 43.02, 44, 45, and 47.02

Approved by the Planning Board on July 30, 2024

Adopted by the Mayor and Council via Resolution 153-24 on September 9, 2024

Project No. DEB-0059

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# I. Introduction

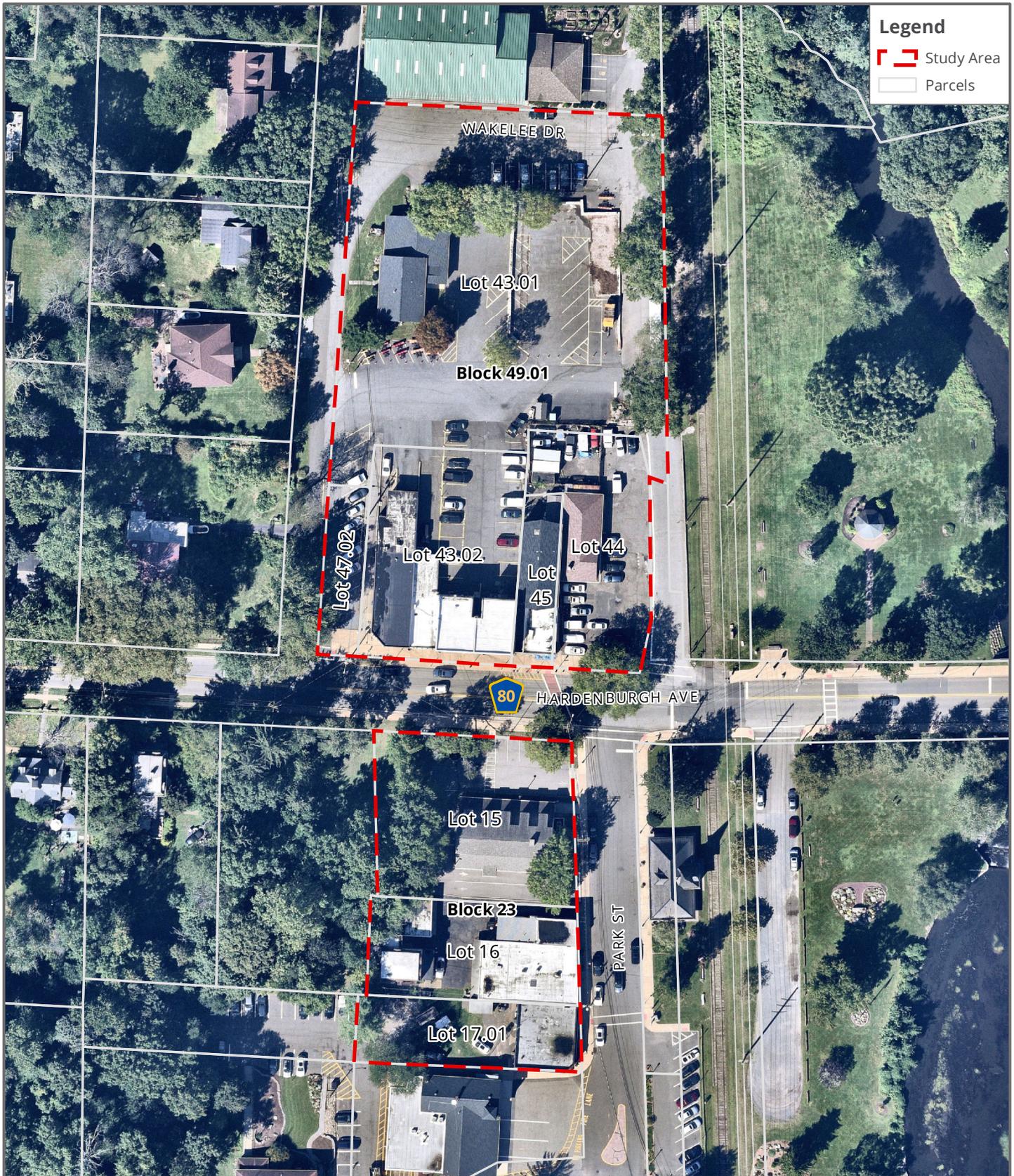
The purpose of this report is to investigate whether Lots 15, 16, and 17.01 of Block 23 and Lots 43.01, 43.02, 44, 45, and 47.02 of Block 49.01 (hereinafter "Study Area") qualify as an Area in Need of Redevelopment as defined by the Local Redevelopment and Housing Law (NJSA 40A:12A, et. seq., hereinafter "LRHL"). However, this investigation is limited to evaluating if the properties in the Study Area qualify as an Area in Need of Redevelopment pursuant to Criteria H of the LRHL. This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated area and the process to be undertaken by the Planning Board during the investigation.

It should be noted that the governing body approved an Area in Need of Rehabilitation for these eight properties and several other adjacent lots on July 24, 2017.

This report is written pursuant to Section 6 of the LRHL (NJSA 40A:12A-6), which provides in relevant part as follows:

- a) No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condensation Redevelopment Area").
- b) (1) Before proceeding to a public hearing on the matter, the planning board shall prepare a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein. There shall be appended to the map a statement setting forth the basis for the investigation.  
  
(2) The planning board shall specify a date for and give notice of a hearing for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area.

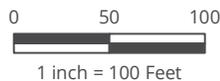
On February 24, 2024, the Governing Body adopted Resolution No. 055-24 authorizing Colliers Engineering & Design, the Borough's Planner, to conduct a preliminary investigation as to whether the Study Area (see aerial map on page 4) can be designated as an Area in Need of Redevelopment as detailed in a Proposal, dated January 31, 2024. The Proposal identifies the eight properties included in the Study Area and specifies the investigation will be focused on evaluating the Study Area under Criteria H. Thereafter, the Council adopted Resolution No. 084-24 on April 8, 2024, directing the Planning Board to conduct a Non-Condensation investigation for the eight specific lots. See Appendix A and B for a copy of the Resolutions.



**DOWNTOWN STUDY AREA**  
**BLOCK 23, LOTS 15, 16, & 17.01 AND**  
**BLOCK 49.01, LOTS 43.01, 43.02, 44, 45, & 47.02**

**BOROUGH OF DEMAREST**  
**BERGEN COUNTY, NEW JERSEY**

This map was developed using GIS digital data from FEMA, NJDEP, NJDOT, NJGIN, but this secondary product has not been verified and is not state-authorized. Aerial image sourced from NearMap, dated September 6, 2023.



# II. Redevelopment Act & Process

New Jersey's LRHL empowers municipalities and local governments with the ability to initiate a process that transforms under-utilized or poorly designed properties into healthier, more vibrant, or economically productive land areas. The process has been used successfully across the state to creatively improve properties meeting specific redevelopment criteria. Projects approved for redevelopment are often eligible for certain types of technical and financial assistance from the State of New Jersey.

The Borough of Demarest has identified the eight parcels, noted in Chapter I as the Study Area, as potential opportunities for redevelopment within the Borough in accordance with the provisions of the LRHL.

Before presenting the Study Area investigation and parcel-level analysis, it is important to note that the determination of need discussed in this analysis is only the first step of the redevelopment process and does not provide guidance with respect to planning, development, or redevelopment of the Study Area. As illustrated in Figure 1 below, there are several steps in the redevelopment process and this document is just the beginning.



Figure 1: Simplified timeline of redevelopment process under the LRHL.

As shown in Figure 1 above, a redevelopment plan can be written following a redevelopment area designation. A redevelopment plan, which may supersede the zoning of an area or serve as an overlay thereto, specifies the following:

- Relationship of the project area to local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the project area.

- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market.
- An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan.
- Any significant relationship of the redevelopment plan to the master plan of contiguous municipalities, the master plan of the county, and the State Development and Redevelopment Plan.
- An inventory of all housing units affordable to low- and moderate-income households that are to be removed as a result of the implementation of the redevelopment plan.
- A plan for the provision of one comparable, affordable replacement housing unit for each affordable housing unit that is to be removed.
- Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

This report and investigation are aimed only at determining whether the Study Area meets the statutory criteria to be identified as an Area in Need of Redevelopment under Criteria H and therefore does not contain any of the specific planning guidance contained in a redevelopment plan.

# III. Criteria for Redevelopment Area Designation

Under the LRHL a delineated area may be determined to be in need of redevelopment if, after investigation, notice, and hearing one or more of the following conditions are found. However, this document focuses on determining if the Study Area qualifies under Criteria H only.

**“Deterioration”**

a The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.

**“Vacant and Abandoned Commercial and Industrial Buildings”**

b The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

**“Public and Vacant Land”**

c Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

**“Obsolete Layout and Design”**

d 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 factors, are detrimental to the safety, health, morals or welfare of the community.

**“Property Ownership and Title Issues”**

e A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.

### **“Fire and Natural Disasters”**

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Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

### **“Urban Enterprise Zones”**

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In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c. 303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c. 441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

### **“Smart Growth Consistency”**

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The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

In addition to the above criteria, Section 3 of the LRHL, which defines the redevelopment area, allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating “a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.”

## IV. Description of Study Area

This chapter is divided into three sections. The first section provides a description of the parcels within the Study Area. The second section reviews environmental contamination. The third section describes the existing zoning within the Study Area.

### Parcel Descriptions

The Study Area is primarily located along Hardenburgh Avenue (County Route 80). However, the Study Area is also located along Park Street and Wakelee Drive. There are eight properties included in the Study Area, three in Block 23 and five in Block 49.01. The Study Area comprises 3.17 acres according to the Tax Cards and GIS Data, including 0.89 acres in Block 23 and 2.28 acres in Block 49.01.<sup>1</sup> The Study Area is adjacent to a variety of uses including the Borough's Department of Public Works building to the north, open space and the Borough's historic train station to the east, the Borough's Fire Department to the south, Borough Hall to the southwest, and residential uses to the west. While the Borough's train station is adjacent to the Study Area, the station closed in 1966 for passenger rail service.<sup>2</sup> Additionally, the Study Area is not located near any NJ Transit bus route. However, there is signage and a shelter for a bus stop along County Road just south of Hardenburgh Avenue and west of Tenakill Brook.

Generally, the Study Area is not encumbered by any environmental constraints including Category One Streams (hereinafter "C1 streams") and associated buffer, wetlands, FEMA Special Flood Hazard Area (hereinafter "SFHA"), and areas with slopes 15% or greater (hereinafter "steep slopes"). However, approximately one acre of Lot 43.01 of Block 49.01 is within the 300-foot C1 stream buffer. Note that most of this encumbered area is covered in asphalt. See page 10 for the Environmental Constraints Map.

#### Block 23, Lot 15

Lot 15 is owned by 129 Demarest, LLC and located at 129 Hardenburgh Avenue according to the Tax Card. This same owner is listed on the online tax card hosted by Bergen County.<sup>3</sup> However, this office was informed that the Borough filed a Declaration of Taking, which was recorded by the Bergen County Clerk on March 10, 2022. The property is a corner lot with frontage along Hardenburgh Avenue and Park Street and contains 0.43 acres (18,748 square feet). The Tax Card does not provide any information regarding the existing building on the property.

However, based on aerial imagery and a site visit conducted on March 14, 2024, the property is developed with a two-story building formerly occupied by Bank of America. Other site improvements

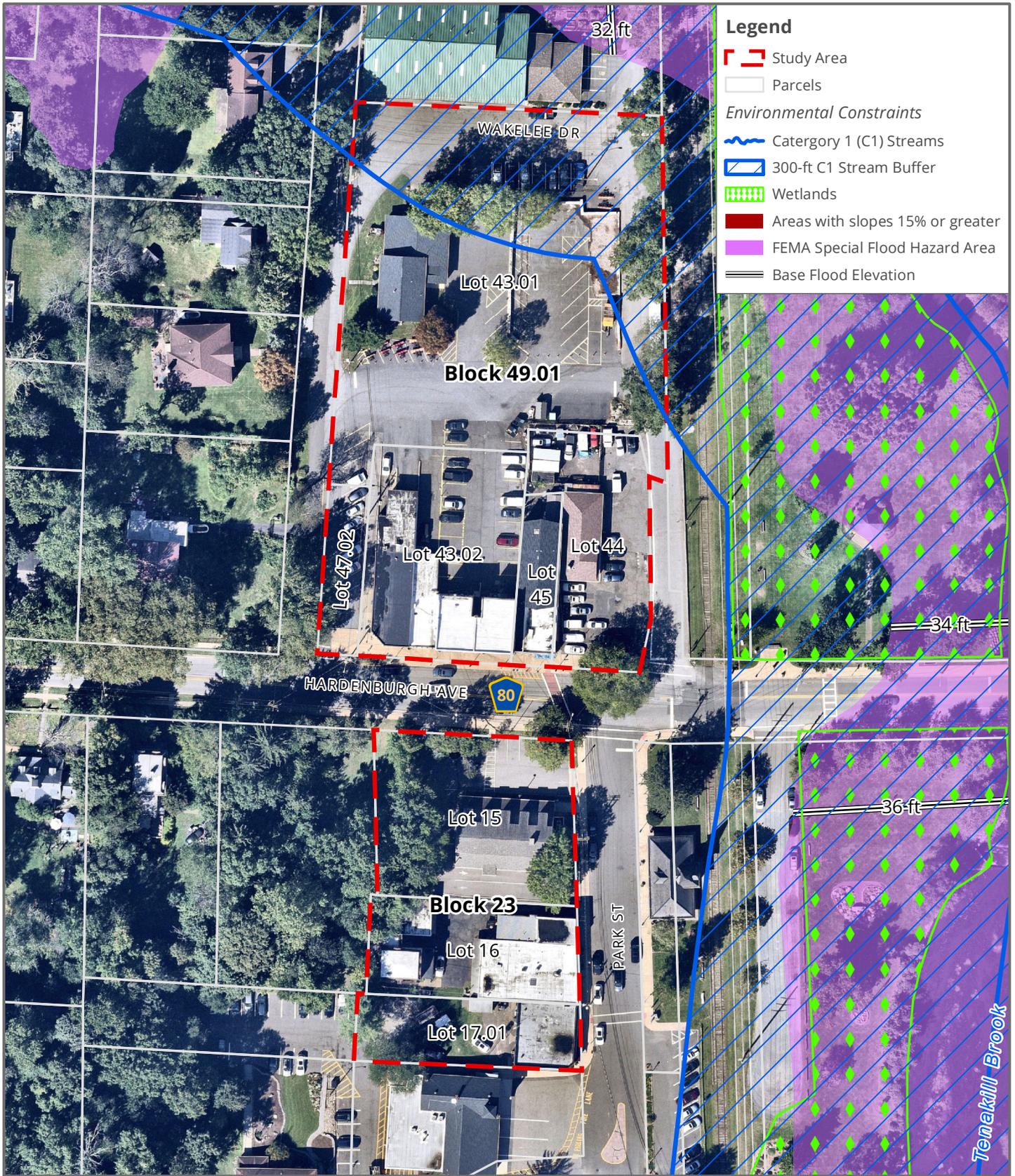


*Photo 1 – Block 23, Lot 15*

<sup>1</sup> Tax Cards and Tax Map (Sheet 9), received from Julie Falkenstern, Borough Administrator, on March 28, 2024.

<sup>2</sup> Information sourced from [https://www.historic-structures.com/nj/demarest/train\\_station.php](https://www.historic-structures.com/nj/demarest/train_station.php), accessed March 15, 2024.

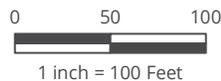
<sup>3</sup> [https://taxrecords-nj.com/pub/cgi/m4.cgi?district=0209&l02=020900023\\_00015\\_M](https://taxrecords-nj.com/pub/cgi/m4.cgi?district=0209&l02=020900023_00015_M), accessed May 9, 2024.



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**Colliers** Engineering & Design

include off-street parking, walkways, and a drive-through. During the site inspection, the building appeared vacant. It should be noted that the property is classified as public property (15C) on the Tax Card.

### Block 23, Lot 16

Lot 16 is owned by Dada Niru Realty, LLC NJ and located at 39, 41, and 43 Park Street. The property has frontage along Park Street and encompasses 0.272 acres (11,926 square feet). There is a commercial building at the front (east) of the property, which is occupied by New York Cleaners, Demarest Deli, and Amazing Food Spa. There is a second story above the spa, which is occupied by All American Limo. The commercial building is connected to the building on adjacent Lot 17.01. There is also a residential building with an attached garage to the rear (west) of the commercial building. The Tax Card does not detail the commercial building. However, the Tax Card details the residential building, which is a three-story, two-family dwelling constructed in 1920 with a livable area of 2,260 square feet. The attached garage is 840 square feet and has three doors. Despite the two-family dwelling, Lot 16 is classified as commercial (4A).



Photo 2 – Block 23, Lots 16 and 17.01

### Block 23, Lot 17.01

This 0.186-acre (8,119 square feet) parcel is located at 27 Park Street and is owned by Clifford Toth (ETAL). The property is developed with a one-story commercial building, which is connected to the building on adjacent Lot 16. Current occupants include Park Street Salon and Stellar Nails. The Tax Card does not provide any information on the existing building or improvements on the property. However, aerial imagery reveals the rear yard area contains paved surfaces, a small, detached structure, and what appears to be vehicle and/or equipment storage.

### Block 49.01, Lot 43.01

Lot 43.01 is located along Wakelee Drive and contains 1.40 acres (60,921 square feet). This lot is actually assessed with Lot 42 (the “parent lot”), which is not included in the Study Area. The property is owned by the Borough of Demarest and has a variety of uses. The bi-level, residential-style building with an attached three-car garage in the northwest corner of the property is used by the Demarest Volunteer Ambulance Corps, Inc. According to the Tax Card, the building was constructed in 1975 and contains 2,546 square feet of livable area, including two bedrooms, living



Photo 3 – Block 49.01, Lot 43.01

room, family room, den/other, kitchen, and two full bathrooms. The property also contains sheds, a clothing donation bin, and parking areas. Additionally, the northeastern corner of the property is enclosed by concrete barriers and appears to be used for storage of plows, truck beds, other equipment, and materials.

### Block 49.01, Lot 43.02

Lot 43.02 is located at 126 – 132 Hardenburgh Avenue. The property contains 0.4 acres (17,441 square feet) and is owned by MHC Real Estate Assoc., LLC. The property is developed with a one-story building and a three-story building, which are connected. However, the Tax Card does not detail either of these buildings. Other improvements include paved parking and loading areas to the rear of the buildings. The one-story building is occupied by the Post Office and a liquor store, while the ground floor of the three-story building is occupied by a Dunkin’ Donuts and one vacant tenant space. There are two levels of what appears to be residential units above the commercial uses.



Photo 4 – Block 49.01, Lot 43.02

### Block 49.01, Lot 44

Lot 44 is located at 140 Hardenburgh Avenue and is owned by Tech One, LLC. The southeastern side of the property also has frontage along an unnamed right-of-way. Lot 44 is 0.31 acres (13,503 square feet). The property is developed with a one-story commercial building occupied by Demarest Auto Service. The Tax Card does not provide any information on this building. The northern and southern areas of the property are used for parking and/or storage of vehicles and equipment. There also appears to be additional accessory structures in the northern fenced area.

### Block 49.01, Lot 45

Located at 134 Hardenburgh Avenue, Lot 45 is a 3,750 square foot (0.086-acre) parcel owned by Dreamsville 134, LLC. The property is developed with a two-story mixed-use building with a commercial use on the first floor and what appears to be residential units above. Signage on the building indicates the building is occupied by the restaurant Yasou Mykonos and Edmond J. Adams & Sons, Inc., a plumbing, heating, and air conditioning business. Aerial imagery also appears to show a detached structure to the rear of the building.



Photo 5 – Block 23, Lot 44

## Block 49.01, Lot 47.02

Finally, Lot 47.02 is located at the intersection of Hardenburgh Avenue and Wakelee Drive and is owned by the Borough of Demarest. The property is 3,871 square feet (0.087 acres) and does not contain any structures. However, the property is used for parking.

## Environmental Contamination

A review of Demarest's Municipal Report of all known contaminated sites revealed that Lot 44 (140 Hardenburgh Avenue) has a history of environmental contamination. The site is identified as "Texaco Service Center" and has a Program Interest number of 010948. The Site Detail Report indicates the property had five underground storage tanks on the property, including two unleaded gasoline, leaded gasoline, diesel fuel, and waste oil. However, the tanks were removed on March 27, 1990.

Additionally, Lot 43.02 (126 – 132 Hardenburgh Avenue) was contaminated. The site is identified as "K & A Corporation" and has a Program Interest number of G000042183. The Site Detail Report indicates the property had groundwater contamination from an unknown source. Remediation of the contamination was completed on January 27, 2000 and the case was closed.

## Zoning in the Study Area

All eight properties in the Study Area were previously designated as an Area in Need of Rehabilitation (along with other adjacent lots) by the Mayor and Council on July 24, 2017. Subsequently, the Downtown Redevelopment Plan was prepared and adopted by the Mayor and Council on November 25, 2019. The Plan has been amended two times since its adoption, Amendment #1 on February 24, 2020 and Amendment #2 on July 25, 2021. Section 7.2 of the Redevelopment Plan indicates the Downtown Redevelopment Plan supersedes the underlying zoning, which at the time was the Community Business District I. The Borough's Zoning Map, adopted on October 26, 2020 identifies the Rehabilitation Area as the Hardenburgh Avenue Redevelopment Plan (HARP) District. For the purposes of this report, the Study Area's zone district designation will be referred to as the HARP District.

The following principal uses are permitted in the HARP District:

- Neighborhood retail.
- Personal services.
- Professional or medical offices.
- Banks, which may include drive-through facilities.
- Restaurants and taverns.
- Instructional uses.
- Child-care centers.
- Adult day-care.
- Municipal offices and uses.
- Multi-family residential limited to the upper floors.
- Single-family, detached homes.
- Community residences.
- Two or more of the aforementioned uses in one building.

The HARP District also conditionally permits multi-family residential uses on the first floor and stand-alone multi-family residential uses. Permitted accessory uses in the HARP District include the following:

- Open space facilities, including, but not limited to walkways, courtyards, and plazas.
- Off-street parking and loading.
- Parking incorporated into the building design.

- Signs.
- Outdoor dining associated with permitted restaurants.
- Fences and walls.

There are also seven specifically prohibited uses in the HARP District, which includes automobile repair stations, gas stations, new or used car lots, tattoo parlors, adult uses, drive-through facilities associated with retail or restaurant uses, and any use not specifically permitted.

Section 6.2E of the [Downtown Redevelopment Plan](#) provides the area, yard, and bulk requirements of the HARP District, which are copied into Table 1 below. It should be noted that there are specific requirements for the two permitted conditional uses, which are detailed in Section 6.2C.1 and 2 of the [Downtown Redevelopment Plan](#).

**Table 1: Area, Yard, and Bulk Standards of the HARP District**

Requirement	HARP District
Minimum Lot Area	3,500 square feet
Minimum Front Yard Setback	0 feet
Maximum Front Yard Setback	10 feet
Minimum Side Yard Setback (commercial or mixed-use)	0 feet <sup>1</sup>
Minimum Side Yard Setback (residential uses)	10 feet
Minimum Rear Yard Setback	30 feet
Maximum Building Coverage	60%
Maximum Impervious Coverage	90% <sup>2</sup>
Maximum Density	
Lots less than 12,000 square feet	25 units per acre
Lots between 12,000 and 20,000 square feet	30 units per acre
Lots greater than 20,000 square feet	35 units per acre
Maximum Building Height	3 stories and 35 feet

<sup>1</sup> A setback of 10 feet shall be provided along the boundary of a Residence B or D District.  
<sup>2</sup> For lots containing more than 20,000 square feet, the maximum impervious coverage is 85%.

## V. Study Area History

Historic aerial photographs dating back to 1930 were reviewed to determine the history of and changes in development that took place within the Study Area over the past 90+ years. The following images illustrate the development of the Study Area since the 1930s.<sup>4</sup> It should be noted that the red dashed line is the approximate location of the Study Area boundary.

The first aerial image available for the Study Area was captured in 1930 (Figure 2). Despite the poor image quality, it appears there is development in the Study Area at this time. However, the quality does not reveal any discernable structures. (Note that the approximate location of the Study Area may be incorrect due to the clarity of the image.)

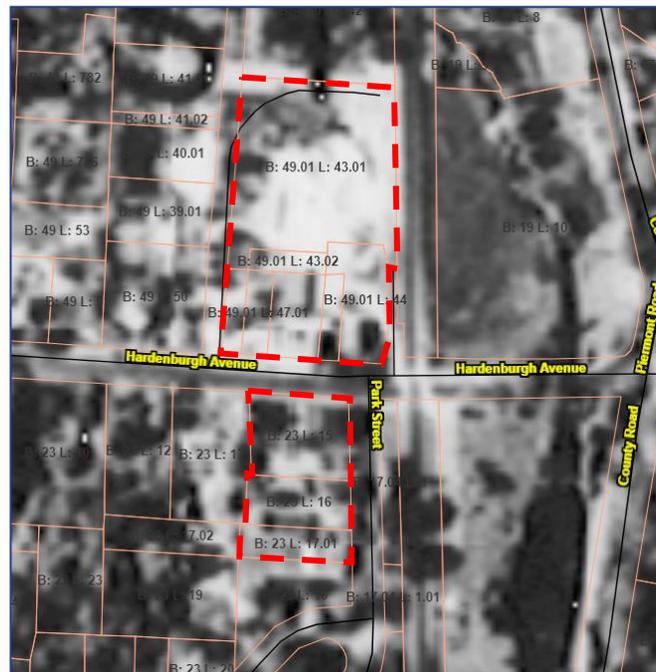


Figure 2 - 1930 aerial image

The next available image was captured in 1953, 23 years later, and clearly shows the development in the Study Area. Structures exist on each property in Block 23. However, their footprints do not appear to match the current buildings. There are several structures along Hardenburgh Avenue in Block 49.01. Additionally, there does not appear to be any paved area to the rear of the buildings. However, there are dirt areas (light color) suggesting the area is used as a driveway and/or parking. See Figure 3 on the following page.

<sup>4</sup> Imagery sources: NJGeoWeb Interactive GIS Map, <https://dep.nj.gov/gis/nj-geoweb/>, NETR Online, <https://www.historicaerials.com/viewer>, and NearMap, <https://www.nearmap.com/us/en>, accessed March 15, 2024.

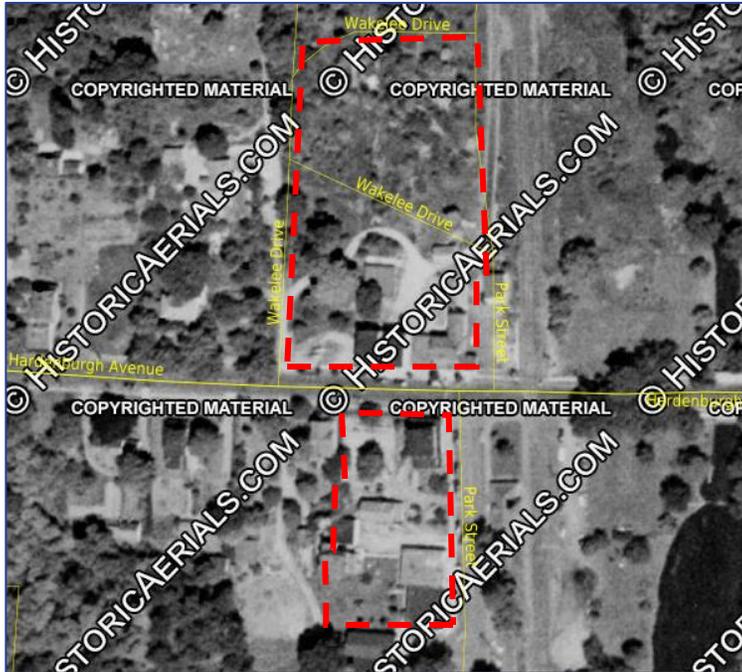


Figure 3 - 1953 aerial

The next clear aerial image is available from 1966 (Figure 4). Much of the Study Area has been developed to its current conditions. The buildings along Hardenburgh Avenue and Park Street resemble the current structures on the properties. The Post Office building has been constructed at the corner of Hardenburgh Avenue and Wakelee Drive as well as the parking along the west side of the building. Additionally, the area to the rear of the Block 49.01 buildings appears to be used for parking, which is evident by the various vehicles in the aerial. However, the ambulance building has not yet been constructed.



Figure 4 - 1966 aerial

The first colorized aerial image is available from 1979 (see Figure 5). In Block 23, the buildings and other improvements such as the parking area and drive through on Lot 15, are clearly visible. Additionally, the buildings along Hardenburgh Avenue in Block 49.01 are similar to current conditions. The northeast corner of Lot 43.01 is now paved and appears to contain equipment and vehicles. However, Lot 44, which is currently occupied by Demarest Auto Service, contains fuel pumps, which are no longer present on the property. It should be noted that the ambulance building has not yet been built.

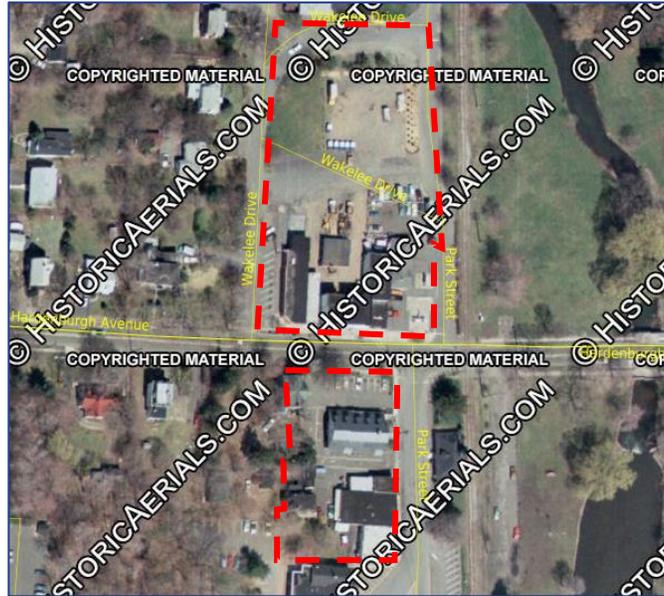


Figure 5 - 1979 aerial

The aerial images from 1984 and 1987 do not reveal any significant changes in the Study Area. However, the 1995 image reveals that the ambulance building was constructed between 1987 and 1995. Additionally, the detached structure behind the three-story building on Lot 43.02 in Block 49.01 is no longer present. Figure 6 on the following page provides an aerial of the Study Area in 2002, which has better quality than the 1995 aerial. Note that Figure 6 is an infrared aerial image sourced from NJGeoWeb, which highlights vegetation in red tones, water in blue and black tones, and improved areas in the colors relative to the material. For example, dense vegetation is shown as a dark red and roof shingles are shown as gray.



Figure 6 - 2002 aerial

Since 2002, little to no change has occurred in the Study Area. Figure 7 provides the most recent aerial available from NearMap, which was captured on March 3, 2024.

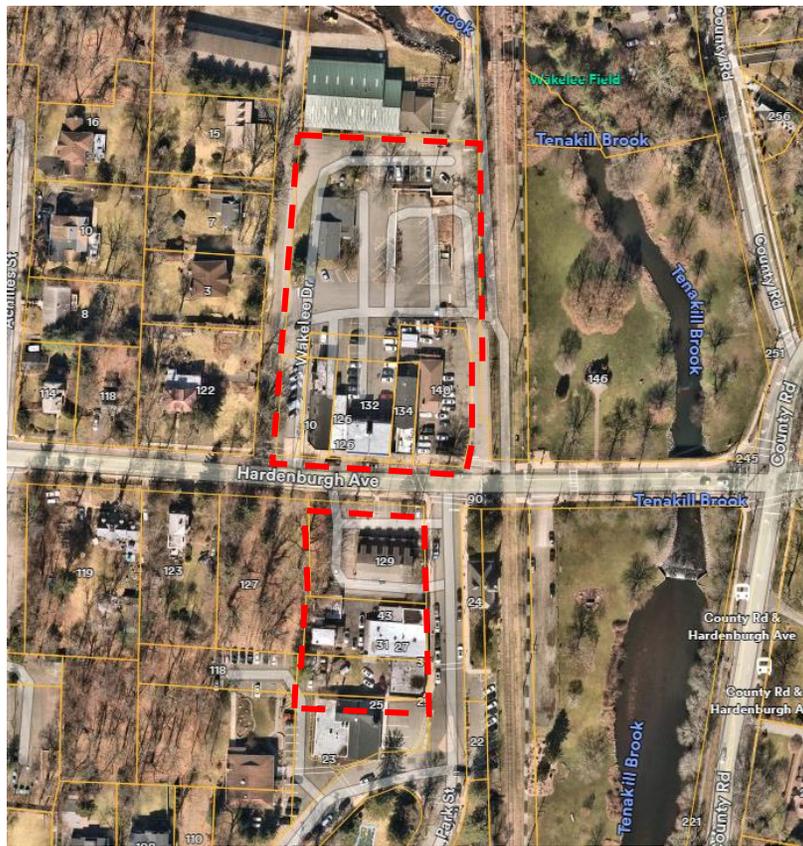


Figure 7 - March 3, 2024 aerial

# VI. Master Plan Studies

This chapter details the relationship between the proposed redevelopment designation and the Borough's master plan documents, the County's master planning documents, and the State Plan.

## Municipal Documents

The Borough of Demarest has adopted several master planning documents and/or elements. The following sections summarize the documents and how each would be advanced by the potential designation of the Study Area as an Area in Need of Redevelopment.

### 1959 Master Plan

The Borough adopted its first Master Plan in 1959. Page 5 of the document lists the Principles and Objectives for the Borough to follow. Two of the eight Objectives listed would be advanced by the potential designation of the Study Area as an Area in Need of Redevelopment:

- 4) Confine business development to that type which will serve the resident population of the Borough with local day-to-day goods and services.
- 5) Assure that business development will be located in convenient and harmonious relation to residential development, with adequate off-street parking and with emphasis on good design.

Additionally, the report contains a sub-section within the "Public Facilities Plan" entitled "Civic Center". The 1959 Master Plan recommends the development of a civic center around the existing Borough Hall location that provides a space for governmental functions. Additionally, the development of a "shopper's mall" connecting the Borough Hall to Hardenburgh Avenue was recommended, which includes businesses along Hardenburgh Avenue with parking in the rear.

The designation of the Study Area as an Area in Need of Redevelopment would enable the Study Area to be developed with retail, personal service, and other commercial uses to serve the residents of the Borough.

### 1983 Master Plan

In June of 1983, the Borough adopted a Master Plan. However, this document consists of a Reexamination Report, and sections on existing land use, land use of adjacent municipalities, historic preservation, environmental considerations, and a vacant land analysis. Additionally, this document includes a Proposed Land Use Plan. The Reexamination Report portion of the document indicates the eight Principles and Objectives of the 1959 Master Plan remain valid and adds two additional "goals". However, these goals are not applicable to the proposed designation of the Study Area as an Area in need of Redevelopment. The Proposed Land Use Plan located the Study Area in the "Business" land use category. However, no recommendations for the Business category are provided.

### 2001 Master Plan: Housing Element and Fair Share Plan

The Borough of Demarest adopted the Master Plan: Housing Element and Fair Share Plan in March of 2001. However, due to litigation surrounding affordable housing in New Jersey and the substantial changes that have occurred since 2001, this document is no longer applicable.

### 2010 Master Plan Periodic Reexamination Report

On October 13, 2010, Demarest adopted the 2010 Master Plan Periodic Reexamination ("2010 Reexamination"). Page 17 of the document does not recommend any changes related to the Study Area. However, a

recommendation was made to limit improved lot (impervious) coverage in the Borough. Additionally, Section E on Page 17 indicates there are no recommendations for the incorporation of redevelopment plans in the Borough.

### **2019 Housing Element & Fair Share Plan**

The Planning Board adopted the Borough's 2019 Housing Element & Fair Share Plan ("2019 HEFSP") on March 6, 2019, which was endorsed by the Mayor and Council on March 25, 2019. The 2019 HEFSP provides the existing and proposed mechanisms that would be utilized to address the Borough's constitutional obligation to provide affordable housing. As noted in Chapter IV above, the Study Area and other properties primarily along Hardenburgh Avenue in the Borough's "downtown" area were designated as an Area in Need of Rehabilitation in 2017. The 2019 HEFSP includes the "Downtown Rehabilitation Area" as a mechanism to address the Borough's Prior Round and Third Round Unmet Need Obligations. The Borough was responsible for preparing a Redevelopment Plan for the area, which would include requirements for multi-family development to provide an affordable housing set-aside. Since the adoption of the 2019 HEFSP, the Borough adopted the Downtown Redevelopment Plan on November 25, 2019, and amended the Plan on February 24, 2020, and again on July 25, 2021.

The designation of the Study Area as an Area in Need of Redevelopment would not disturb the existing redevelopment plan, but would open the door to potential financial incentives to encourage the redevelopment of the Study Area.

### **2020 Housing Element & Fair Share Plan**

On May 6, 2020, the Planning Board adopted the 2020 Housing Element & Fair Share Plan ("2020 HEFSP"), which is substantially similar to the 2019 HEFSP. However, the 2020 document incorporates an additional proposed mechanism for the Prior and Third Round Obligations, which is known as the Sylco property. No changes were made to the Downtown Rehabilitation Area mechanism, which includes the Study Area.

### **2020 Land Use Plan Element Amendment**

On May 6, 2020, the Planning Board adopted the 2020 Land Use Plan Element Amendment, which amended the 1983 Master Plan to reflect the Borough's Settlement Agreements with Fair Share Housing Center ("FSHC") and two intervenors. The document discusses the need to modify the 1983 Master Plan, the planning justifications for the zoning changes, and the zoning recommendations. The Downtown Rehabilitation Area is included in this document as it was a proposed mechanism in the Borough's Settlement Agreement with FSHC. The Zoning Recommendations on page 6 of the document indicates the Mayor and Council had already adopted the Downtown Redevelopment Plan in 2019, which implemented the requirements of the Settlement Agreement with FSHC. No other recommendations are provided for the Downtown Rehabilitation Area, which includes the Study Area.

### **2022 Master Plan & Development Regulations Reexamination**

On August 3, 2022, the Planning Board adopted the 2022 Master Plan & Development Regulations Reexamination ("2022 Reexamination"), which reviewed the 2010 Reexamination. Chapter V proposes new goals to guide future development in the Borough of Demarest.

The 2022 Reexamination also includes a review of the Borough's Zoning Ordinance (Chapter 175), new technologies, and the Zoning Board's year-end reports. However, none of the recommendations directly relate to the Study Area or the Hardenburgh Avenue Redevelopment Plan. Additionally, Chapter VI does not provide any recommendations for the creation of a new redevelopment plan or changes to the Downtown Redevelopment Plan.

## 2023 Land Use Plan Element Amendment

On November 1, 2023, the Planning Board adopted the 2023 Master Plan Amendment (“2023 Amendment”). The purpose of this document was to rescind the goals provided in the 1983 Master Plan and add the proposed goals of the 2022 Reexamination. The potential designation of the Study Area as an Area in Need of Redevelopment would advance the following goals of the Borough’s Master Plan, which were incorporated via the 2023 Amendment:

- Land Use Goal #3: Encourage redevelopment and investment within the Downtown Redevelopment Plan area.
- Housing Goal #2: Provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey, while respecting the character and density of the Borough of Demarest.
- Housing Goal #2a: Encourage inclusionary multi-family residential construction above non-residential development in the Downtown Redevelopment Plan area.

## County Documents

Bergen County’s Regional Planning & Transportation website includes a Central Bergen Bicycle & Pedestrian Plan, which was prepared in 2015.<sup>5</sup> However, the Borough of Demarest is not included in the focus area of this Plan. The only applicable County document is the recently adopted 2023 Master Plan, which is discussed below.

### 2023 Bergen County Master Plan

On April 11, 2023, the Bergen County Planning Board adopted the County’s first master plan since 1962.<sup>6</sup> In general, the new Master Plan provides a general discussion of existing conditions and the County’s vision for eight elements: Land Use & Housing, Economic Vitality, Arts, History & Historic Resources, Open Space, Agriculture, Parks & Recreation, Environmental & Natural Resources, Transportation & Mobility, Public Facilities & Services, and Sustainability. Within each topic (chapter), recommendations are made for municipalities to respond to future challenges and opportunities they may experience. The Master Plan divides the County into six geographical sectors. The Borough of Demarest is in the Northern Valley.

The Study Area and Demarest are not specifically discussed in the Plan. However, the most relevant element, Land Use & Housing, could be utilized to guide development in the Study Area. The following goals of the Land Use & Housing element could be advanced by this potential designation of the Study Area as an Area in Need of Redevelopment.

- Goal #1: Become the model for smart growth and sustainable development both in New Jersey and in the region.
  - *This goal aims to balance the goals for economic development, environmental protection, and social equity by implementing design techniques such as mixed-use development and transit-oriented development. These concepts would bring future land development back to the trends seen prior to the introduction of the automobile where daily needs like work, shopping, services, and housing were located within walking distance or within a short distance to public transit. The potential designation of the Study Area as an Area in Need of Redevelopment would likely result in a redevelopment plan that encourages mixed-use development in the Borough’s downtown area.*
- Goal #4: Encourage a wide variety of housing types, range of densities, and price points.

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<sup>5</sup> <https://www.co.bergen.nj.us/planning-engineering-regional-planning-transportation>, accessed March 15, 2024

<sup>6</sup> <https://www.co.bergen.nj.us/county-master-plan-public-notice>, accessed March 15, 2024.

- *This goal encourages implementing zoning regulations to provide a variety of housing types such as multi-family and mixed-use development to accommodate the needs, abilities, and lifestyles of a larger group of people. A redevelopment plan prepared as a result of the potential designation of the Study Area as an Area in Need of Redevelopment would allow multi-family housing development. Additionally, an affordable housing set-aside would also be required to create affordable housing units and diversify the Borough's housing stock and price points.*

## State Documents

The one applicable state document is the State Development and Redevelopment Plan ("State Plan"), which was adopted in 2001. An update to the 2001 Plan entitled the State Strategic Plan was prepared in 2011 by the State Planning Commission. However, the Commission postponed its adoption to include disaster planning goals due to the impacts of Superstorm Sandy.<sup>7</sup> The Commission is currently working on an update to the Plan, with a planned release of a preliminary plan in the spring of 2024 and adoption of the final plan in the winter of 2025.<sup>8</sup> The 2001 State Plan contains eight State-wide goals, the following of which would be advanced by this document:

- Goal #1 – Revitalize the State's Cities and Towns
- Goal #3 – Promote Beneficial Economic Growth, Development and Renewal for all Residents of New Jersey
- Goal #6 – Provide adequate housing at a reasonable cost
- Goals #8 – Ensure Sound and Integrated Planning and Implementation Statewide<sup>9</sup>

The 2001 State Plan also included a State Plan Policy Map to guide future growth into compact areas and to protect the environs of the State. A new State Plan Policy Map was approved by the New Jersey State Planning Commission on December 14, 2020. However, Quadrant Map 32, which encompasses the Borough of Demarest, is dated January 7, 2008. This Map identified the Study Area in the Metropolitan Planning Area (Planning Area 1).

The Metropolitan Planning Area is characterized by metropolitan centers, 19<sup>th</sup> Century towns, and post-war suburbs. Communities in this area have "mature settlement patterns; infrastructure systems that are approaching their reasonable life expectancy; the need to rehabilitate housing; the recognition that redevelopment will be the predominant form of growth; and a growing realization of the need to regionalize services and systems."<sup>10</sup> Additionally, the 2001 State Plan provides the following intentions for the Metropolitan Planning Area:

- Provide for much of the state's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl;
- Protect the character of existing stable communities.<sup>11</sup>

<sup>7</sup> State Strategic Plan, draft final plan approved on November 14, 2011.

<https://dspace.njstatelib.org/xmlui/handle/10929/22096?show=full>, accessed March 15, 2024.

<sup>8</sup> Information obtained from <https://www.publicinput.com/njstateplan#0>, accessed March 15, 2023.

<sup>9</sup> State Development and Redevelopment Plan, <https://nj.gov/state/planning/state-plan.shtml>, accessed March 15, 2024.

<sup>10</sup> *Ibid.*, Executive Summary, page 28.

<sup>11</sup> *Ibid.*, Executive Summary, page 32.

The potential designation of the Study Area as an Area in Need of Redevelopment would provide for the redevelopment and/or revitalization of the Borough's downtown area, provide for compact mixed-use development, and limit sprawl in the Borough by utilizing existing infrastructure.

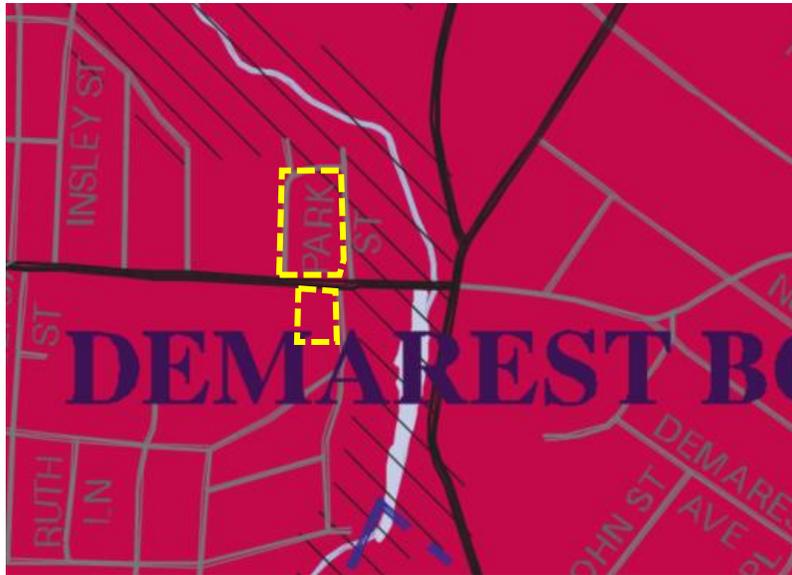


Figure 8 - 2008 State Plan Policy Map, Quadrant 32, with approximate Study Area boundary

Additionally, the State Strategic Plan, while not an adopted planning document, provided the following "Garden State Values", which would be advanced by this Redevelopment Plan:

- **Prioritize Redevelopment and Existing Infrastructure** – provide opportunities for investment near housing, infrastructure and transportation.
- **Create High-Quality, Livable Places** – create places to live, work, and recreate; provide pedestrian-friendly streetscapes and enhance community design and character.
- **Provide Transportation Choice and Efficient Mobility of Goods** – maintain transportation options.
- **Diversify Housing Opportunities** – support the construction of housing that meets the needs of households of all sizes and income levels, located near transit and where services are available.

# VII. Redevelopment Evaluation

## Study Approach

This office conducted an analysis of the Study Area's existing physical characteristic on March 14, 2024. Additionally, this office examined Borough reports, analyzed historic aerial photographs, and the Borough's zoning code. Colliers Engineering & Design also requested various information from the Borough, including tax records and other municipal documents, which are listed below. Text in italics reflects what information was received.

- Copies of tax cards for all lots for the past seven years.
  - *Copies of the most recent tax cards for each lot were received on March 28, 2024.*
- Tax maps sheets for the lots.
  - *Sheet 9, which only includes properties in Block 49.01, of the Tax Map was received on March 28, 2024.*
- Data on any site contamination and related paperwork.
  - *An email indicating the Borough does not have any records of environmental contamination was received on March 28, 2024.*
- Copies of title documents relating to the lots.
  - *Copies of title documents for Block 23, Lots 15 and 16 and Block 49.01, Lots 44 and 45 were received on March 28, 2024.*

## Site Inspection

On March 14, 2024, this office conducted an exterior inspection of the properties in the Study Area. The properties and buildings are generally well kept and in good condition. However, the former Bank of America Building on Lot 15 of Block 23 is in need of maintenance, which is evident by dirty siding, doors, gutters, and other exterior materials. Additionally, the stucco façade of the garage to the rear of the commercial building on Lot 16 of Block 23 was cracked and peeling. The buildings are mostly occupied except for the building on Block 23, Lot 15, which was previously occupied by Bank of America, and one tenant space of the three-story building on Lot 43.02 of Block 49.01.

The following sections describe the redevelopment criteria each parcel meets. It should be noted that this investigation is focused on evaluating the Study area under Criteria H of the LRHL.

### Block 23, Lot 15 | 129 Hardenburgh Avenue

This 0.43-acre corner lot qualifies under the Criteria H of the LRHL as detailed below.

#### Criteria H

*The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.*

The LRHL was amended in 2003 to add the "h" criterion via P.L. 2003, c.125. In 2012 when The Redevelopment Handbook was published, the Office of Planning Advocacy (hereinafter "OPA") resided under the Department of State. OPA defined smart growth on their website as "well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland and environmental resources. Smart growth supports livable neighborhoods with a variety of housing types, price ranges, and multi-modal forms of

transportation.”<sup>12</sup> The OPA website containing this quote unfortunately no longer exists. The Redevelopment Handbook states, “smart growth is epitomized by compact, transit accessible, pedestrian-oriented, and environmentally sustainable development.”<sup>13</sup> The handbook provides characteristics that may be exhibited as a result of smart growth:

- Mixed land uses
- Compact, clustered community design
- A wide range of housing choices and opportunities
- Walkable neighborhoods
- Distinctive, attractive communities offering a sense of place
- Open space, farmland, and scenic resource preservation
- Development directed to existing communities using existing infrastructure
- Sustainable design
- Transportation option variety<sup>14</sup>



*Photo 6 – Block 23, Lot 15*

A review of OPA’s current website does not provide a definition of smart growth, nor does it describe any principles or characteristics of smart growth. The only item of note is on OPA’s homepage, “The Business Action Center coordinates statewide planning to protect the environment and guide future growth into compact, mixed-use development and redevelopment.”<sup>15</sup>

Lot 15 was included as part of the Mayor and Council’s Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, the Mayor and Council adopted the Downtown Redevelopment Plan on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The Downtown Redevelopment Plan permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the Downtown Redevelopment Plan promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and architectural standards promote vibrant, walkable development.

Lot 15 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough’s goal of encouraging redevelopment in the downtown area.

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<sup>12</sup> The Redevelopment Handbook, 2<sup>nd</sup> Edition, page 66.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> <https://nj.gov/state/planning/index.shtml>, accessed May 9, 2024.

Additionally, redevelopment of Lot 15 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 15 is consistent with the OPA’s definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 15 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 23, Lot 15 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 23, Lot 16 | 39, 41, & 43 Park Street

This 0.272-acre parcel qualifies under Criteria H of the LRHL:

### Criteria H

Lot 16 was included as part of the Mayor and Council’s Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and architectural standards promote vibrant, walkable development.

Lot 16 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough’s goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 16 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 16 is consistent with the OPA's definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 16 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 23, Lot 16 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 23, Lot 17.01 | 27 Park Street

Lot 17.01 of Block 23 qualifies under the following LRHL criteria:

### Criteria H

Lot 17.01 was included as part of the Mayor and Council's Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and architectural standards promote vibrant, walkable development.

Lot 17.01 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 17.01 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.

- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 17.01 is consistent with the OPA’s definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 17.01 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 23, Lot 17.01 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 49.01, Lot 43.01 | Wakelee Drive

Lot 43.01, which is located to the rear of the properties along Hardenburgh Avenue, meets the following LRHL criteria:

### Criteria H

Lot 43.01 was included as part of the Mayor and Council’s Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and



Photo 7 – Block 49.01, Lot 43.01

architectural standards promote vibrant, walkable development.

Lot 43.01 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 43.01 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 43.01 is consistent with the OPA's definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 43.01 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 49.01, Lot 43.01 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 49.01, Lot 43.02 | 126 – 132 Hardenburgh Avenue

126 – 132 Hardenburgh Avenue qualifies under the following LRHL criteria:

### Criteria H

Lot 43.02 was included as part of the Mayor and Council's Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and architectural standards promote vibrant, walkable development.

Lot 43.02 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 43.02 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 43.02 is consistent with the OPA's definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 43.02 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 49.01, Lot 43.02 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 49.01, Lot 44 | 140 Hardenburgh Avenue

140 Hardenburgh Avenue meets the following LRHL criteria:

### Criteria H

Lot 44 was included as part of the Mayor and Council's Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and architectural standards promote vibrant, walkable development.

Lot 44 is located in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 44 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 44 is consistent with the OPA's definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 44 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 49.01, Lot 44 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 49.01, Lot 45 | 134 Hardenburgh Avenue

This 3,750 square foot lot meets the following LRHL criteria:

### Criteria H

Lot 45 was included as part of the Mayor and Council's Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and architectural standards promote vibrant, walkable development.

Lot 45 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 45 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 45 is consistent with the OPA’s definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 45 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 49.01, Lot 45 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## Block 49.01, Lot 47.02 | Wakelee Drive

Finally, Lot 47.02 qualifies under the following LRHL criteria:

### Criteria H

Lot 47.02 was included as part of the Mayor and Council’s Area in Need of Rehabilitation designation on July 24, 2017. Subsequently, The Mayor and Council adopted the [Downtown Redevelopment Plan](#) on November 25, 2019 to guide future development in the Area in Need of Rehabilitation. This document was amended on February 24, 2020 and on July 25, 2021. The [Downtown Redevelopment Plan](#) permits a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child-care centers and adult daycare, municipal uses, and residential uses such as multi-family uses on upper floors of buildings. Additionally, two conditional uses allow additional multi-family development. Furthermore, the yard and bulk requirements of the [Downtown Redevelopment Plan](#) promote compact design with a minimum front yard setback of zero feet, maximum front yard setback of ten feet, side yard setback of zero feet, residential density of 25 to 35 units per acre, depending on lot size, and a maximum building height of three stories. Other requirements such as pedestrian accessibility and



Photo 8 – Block 49.01, Lot 47.02

architectural standards promote vibrant, walkable development.

Lot 47.02 is in a developed area, with existing infrastructure. The site is classified as Metropolitan Planning Area (Planning Area 1) by the State Plan Policy Map. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area.

Additionally, redevelopment of Lot 47.02 could advance the following smart growth characteristics outlined in [The Redevelopment Handbook](#):

- Mixed land uses – by allowing a variety of residential and non-residential uses, such as non-residential on ground floors and multi-family residential above.
- Compact design – by encouraging development, redevelopment, or revitalization of existing buildings and improvements in the Study Area that are situated on small lots that are already configured in a compact design.
- Walkable neighborhoods – by allowing a variety of uses to create a destination where residents and visitors can shop, dine, and explore. The redevelopment of this site is proximate to existing single-family homes outside of the Study Area and can provide local services and goods to existing Borough residents.
- A wide range of housing choices and opportunities – by allowing multi-family development on the upper floors of structures.
- Distinctive, attractive communities offering a sense of place – by implementing architectural standards and pedestrian-friendly amenities to create a vibrant downtown area for residents and visitors to enjoy.
- Development directed to existing communities using existing infrastructure – the properties in the Study Area are connected to public water and sewer service.

As detailed above, the potential redevelopment of Lot 47.02 is consistent with the OPA's definition of creating jobs and new homes while preserving open space and environmental resources. The potential redevelopment of Lot 47.02 is consistent with several of the characteristics of smart growth outlined in [The Redevelopment Handbook](#). Therefore, Block 49.01, Lot 47.02 qualifies under Criteria H as its designation as an Area in Need of Redevelopment is consistent with smart growth planning principles.

## VIII. Study Conclusion & Recommendations

The Study Area consists of eight lots and encompasses approximately 3.17 acres. The Study Area is developed with a variety of retail, personal service, and other non-residential uses as well as and one two-family dwelling. Additionally, Lot 43.01 of Block 49.01 contains a building used by an ambulance service and paved areas used for parking and vehicle, equipment, and materials storage by the Borough. The lots in the Study Area were inspected on March 14, 2024 from the public right-of-way, which did not reveal any unsafe issues or code violations.

Based on the information presented in Section VII, each property in the Study Area qualifies under Criteria H of the LRHL. The designation of the Study Area as an Area in Need of Redevelopment would advance the goals of the Borough various Master Plan Documents, the 2023 Bergen County Master Plan, and the State Development and Redevelopment Plan. Additionally, the potential redevelopment of the Study Area is consistent with OPA's definition of smart growth and several characteristics of smart growth detailed in The Redevelopment Handbook.

Based on the above, we recommend that Lots 15, 16, and 17.01 in Block 23 and Lots 43.01, 43.02, 44, 45, and 47.02 in Block 49.01 qualify for designation as an Area in Need of Redevelopment.

# IX. Appendix

Appendix A | Council Resolution No. 055-24

Appendix B | Council Resolution No. 084-24

Appendix C | September 4, 2024 Planning Board Resolution

Appendix D | Council Resolution No. 153-24

Appendix A | Council Resolution No. 055-24

**Resolution of the Demarest Governing Body**

**Resolution No. 055 -24**

**February 26, 2024**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Jiang</b>	✓		✓			
<b>Fox</b>			✓			
<b>Marks</b>		✓	✓			
<b>Slowikowski</b>			✓			
<b>Reiss</b>			✓			
<b>Collins</b>			✓			

**TITLE: RESOLUTION AUTHORIZING THE PLANNING SERVICES FOR COLLIERS ENGINEERING AND DESIGN TO PERFORM DOWNTOWN REDEVELOPMENT STUDY**

=====

**WHEREAS**, the Governing Body of the Borough of Demarest wishes to investigate certain commercial areas located in the Borough’s downtown business district for the appropriateness of a Redevelopment designation; and

**WHEREAS**, the Borough of Demarest has a need to acquire professional planning services to conduct such a study; and

**WHEREAS**, the Borough received a proposal dated January 31, 2024 from Colliers Engineering & Design to provide those services, attached, for the sum of \$10,495.00; and

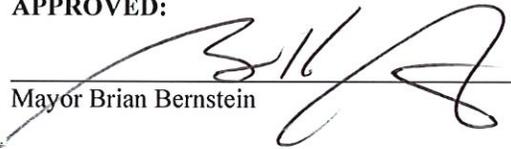
**WHEREAS**, the appointment and the contract are exempted from the competitive bidding requirements of the Local Public Contracts Law, (NJSA 40A:11-1 et. Seq.) as "Professional Services", pursuant to NJSA 40A:11-5(1)(a); and

**WHEREAS**, the vendor is the currently appointed 2024 Borough Planner for the Borough of Demarest and the Mayor and Council awarded said 2024 contract pursuant to the provisions of NJSA 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in account 04-2150-55-2022-000; and

**NOW THEREFORE, BE IT RESOLVED**, by the Borough of Demarest that the Borough Administrator is authorized to execute the agreement to authorize Colliers Engineering & Design to perform the work described herein not to exceed \$10,495.00 a copy of which is annexed to this Resolution.

**APPROVED:**

  
\_\_\_\_\_  
Mayor Brian Bernstein

**CERTIFICATION**

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on February 26, 2024

  
\_\_\_\_\_  
Julie Falkenstern, Acting Borough Clerk

Appendix B | Council Resolution No. 084-24

**Resolution of the Demarest Governing Body**

**Resolution No. 084-24**

**April 8, 2024**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Jiang</b>	✓		✓			
<b>Fox</b>			✓			
<b>Marks</b>		✓	✓			
<b>Slowikowski</b>			✓			
<b>Reiss</b>			✓			
<b>Collins</b>			✓			

**TITLE: A RESOLUTION OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, AND STATE OF NEW JERSEY, AUTHORIZING AND DIRECTING THE BOROUGH PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREAS CAN BE DESIGNATED AS "AREAS IN NEED OF REDEVELOPMENT" PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

=====

**WHEREAS**, the Borough of Demarest (the “Borough”) has identified the properties designated as Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest (the “Redevelopment Area”) to be considered for designation as an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 49A:12A-2 *et. seq.*; and

**WHEREAS**, pursuant to the required redevelopment procedures specifically set forth in N.J.S.A. 49A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to P.L. 2013, Chapter 159, “[t]he resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”); and

**WHEREAS**, it is in the best interest of the Borough to authorize the Planning Board to undertake a preliminary investigation of the Redevelopment Area and to use all of those powers provided by the Legislature for use in a Non-Condensation Redevelopment Area; and

**WHEREAS**, the Borough's planner, Colliers Engineering & Design, has submitted a proposal for Professional Planning Services to provide professional planning services to prepare a Non-Condensation Area in Need of Redevelopment Study for Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest for a fee of Ten Thousand Four Hundred Ninety Five Dollars (\$10,495.00); and

**WHEREAS**, the Mayor and Borough Council find it to be in the best interest of the Borough to authorize the Planning Board to undertake such preliminary investigation of the Redevelopment Area as a Non-Condensation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Demarest, County of Bergen, and State of New Jersey, that it hereby directs and authorizes the Planning Board of the Borough of Demarest to determine whether the property known as Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest qualifies as a Non-Condensation Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1, et. seq.; and

**BE IT FURTHER RESOLVED**, the prior to the public hearing, as part of its preliminary investigation, the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment areas and the location of the various parcels contained herein; and

**BE IT FURTHER RESOLVED**, that the Planning Board shall specify a date for and give notice of the public hearing for the purpose of hearing persons who are interested in or would be affected by the determination of the Study Area as a Non-Condensation Area in Need of Redevelopment; and

**BE IT FURTHER RESOLVED**, that the Hearing Notice shall set forth the boundaries of the Study Area and state that a map has been prepared and can be inspected at the Office of the Borough Clerk, and that a copy of the notice shall be published in an official newspaper as previously designated by the Borough Clerk, once a week for two consecutive weeks, and the last publication shall not be less than ten (10) days prior to the date set for the hearing, and that a copy of the notice shall be mailed ten (10) days prior to the date set for the hearing to property owners of each parcel of property within the Study Area, and within 200-feet of the Study Area, according to the assessment records of the Borough of Demarest, as well as person at their last known address, if any, whose names re noted on the assessment records as claimants of the interest of any such parcel; and

**BE IT FURTHER RESOLVED**, that the Planning Board shall make a recommendation to the Mayor and Borough Council in the form of a report as to whether the Borough should designate all or part of the Study Areas as Non-Condensation Redevelopment Areas, with supporting documentation; and

**BE IT FURTHER RESOLVED**, that Colliers Engineering & Design's proposal for Professional Planning Services to provide professional planning services to prepare a Non-Condensation Area in Need of Redevelopment Study for Block 23, Lots 15, 16, and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45, 47.02 on the Tax Map of the Borough of Demarest is hereby accepted and the Mayor is hereby authorized to sign the proposal; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be available for public inspection at the office of the Borough Clerk and a certified copy of this Resolution is to be forwarded to the Planning Board.

**APPROVED:**

  
\_\_\_\_\_  
Mayor Brian Bernstein

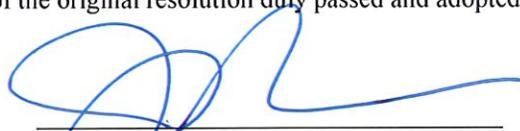
**CERTIFICATION OF AVAILABLE FUNDS**

I, Peter Suh, do hereby certify the availability of funds for the expenditure set forth above and herein to Colliers Engineering and Design.

  
\_\_\_\_\_  
Peter Suh, CFO

**CERTIFICATION**

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on April 8, 2024

  
\_\_\_\_\_  
Julie Falkenstern, Acting Borough Clerk

## Appendix C | September 4, 2024 Planning Board Resolution

**RESOLUTION OF THE BOROUGH OF DEMAREST PLANNING BOARD  
RECOMMENDING THAT PROPERTIES IDENTIFIED AS  
BLOCK 23, LOTS 15, 16 AND 17.01 AND  
BLOCK 49.01, LOTS 43.01, 43.02, 44, 45 AND 47.02;  
ON THE TAX MAP OF THE BOROUGH OF DEMAREST  
BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA  
PURSUANT TO N.J.S.A. 40A: 12A-5.**

**WHEREAS**, pursuant to the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1, et seq., and Resolution No.: 055-24 of the Borough Council of the Borough of Demarest (hereinafter the "Council"), the Planning Board of the Borough of Demarest (hereinafter the "Board") authorized a preliminary investigation of Block 23, Lots 15, 16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02, on the Tax Map of the Borough of Demarest (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the LRHL, N.J.S.A. 40A:12A-5, and should be designated as an Area in Need of Redevelopment; and

**WHEREAS**, Resolution No.: 055-24 indicated that the properties in the Study Area may be deemed a Non-Condemnation Redevelopment Area, in the event that the Board determines that the Study Area constitutes an Area in Need of Redevelopment under the LRHL, N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Planning Board received and reviewed the "Redevelopment Area without Condemnation: Determination of Need Study," prepared by Colliers Engineering & Design, dated June 24, 2024 (hereinafter the "Study"), relating to the Study Area; and

**WHEREAS**, on July 30, 2024, the Planning Board conducted a public hearing and reviewed the Study; and

**WHEREAS**, the Board caused to be published advance notice of said public meeting in the Bergen Record on two (2) occasions and served notice of said public meeting on all owners of property and adjoining municipalities within the Study Area, said publication and service having been completed at least ten (10) days in advance of the public hearing date, all as mandated by N.J.S.A. 40A: 12A-6b; and

**WHEREAS**, at the public hearing, the Board heard the testimony of the following persons:

1. Darlene A. Green, P.P., A.I.C.P., a New Jersey Licensed Planner, Colliers Engineering & Design with offices located at 53 Frontage Road, Suite 110, Hampton, New Jersey 08827 who presented her report entitled "Redevelopment Area without Condemnation: "Determination of Need Study" dated June 24, 2024 (the "Study");
2. Mike Clarke, property owner at 150 Donnybrook Drive, Demarest, New Jersey
3. Howard Rifkind, property owner at 350 County Road, Demarest, New Jersey
4. Barret Abromow, property owner at 15 Emily Court, Demarest, New Jersey
5. Ray Cywinski, property owner at 256 County Road, Demarest, New Jersey
6. Noel Pugh, property owner at 64 Prospect Street, Demarest, New Jersey
7. Clifford Toth, property owner at 1034 South Washington Avenue, Old Tappan, New Jersey
8. August Tabacchi, resident at 378 Hardenburgh Avenue, Demarest, New Jersey
9. Cris Sakalauskas, property owner at 123 Hardenburgh Avenue, Demarest, New Jersey

**WHEREAS**, the following were marked as Exhibits:

- A Redevelopment Area without Condemnation: Determination of Need Study;
- B Map of downtown Demarest dated January 10, 2020;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board of the Borough of Demarest in the County of Bergen and State of New Jersey makes the following findings and conclusions:

1. Study Area Description. The Study Area is comprised of eight (8) properties including three (3) in Block 23 and five (5) in Block 49.01. The Study Area comprises 3.17 acres according to the Tax Cards and GIS Data including 0.89 acres in Block 23 and 2.28 acres in Block 49.01. The Study Area is primarily located along Hardenburgh Avenue (County Route 80) and is also located along Park Street and Wakely Drive. The Study Area is adjacent to a variety of uses including the Borough's Department of Public Works Building, open space, and the Borough's train station.

The Study Area is in the Hardenburgh Avenue Redevelopment Plan (HARP) District. The eight (8) properties in the Study Area were previously designated as an Area in Need of Rehabilitation (along with other adjacent lots) by the Mayor and Municipal Council on July 24, 2017. A Downtown Redevelopment Plan was prepared and adopted by the Mayor and Council on November 25, 2019, which plan was amended twice since its adoption.

2. Land Use Analysis. The Study Area is largely comprised of older commercial buildings of one, two and three stories with some paved parking areas. Lot 47.02, located at the corner of Hardenburgh Avenue and Wakelee Drive is owned by the Borough of Demarest and does not contain any structures. The principal uses permitted in the Study Area/HARP District include neighborhood retail, personal services, professional and medical offices, banks, restaurants and taverns, instructional uses, childcare centers, adult day-care, municipal offices and uses, multi-family residential use limited to the upper floors, single-family detached homes, community residences, two (2) or more (multiple) of the permitted uses in one (1) building.
3. Planning Context. The Borough of Demarest recently adopted a Master Plan and Development Regulations Re-Examination in August 2022. The Planning Board subsequently adopted a Land Use Plan Element Amendment in November 2023 which rescinded certain goals affecting the Study Area provided in the 1983 Master Plan and added new proposed goals of the 2022 Re-Examination which included Goal #3: encourage redevelopment, investment and reinvestment within the Downtown Redevelopment Plan Area ; Housing Goal #2 provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey, while respecting the character and density of the Borough of Demarest ; and Housing Goal #2a encourage inclusionary multi-family residential construction above non-residential development in the Downtown Redevelopment Plan Area .
4. Relevant State of New Jersey Policy encouraging redevelopment and investment in downtown areas include the 2001 State Development and Redevelopment Plan together with an update entitled "State Strategic Plan" prepared in 2011 by the New Jersey State Planning Commission. The goals of the State plan include:

- Goal #1—Revitalize the State's cities and towns;

- Goal #3—Promote beneficial economic growth, development and renewal for all residents of New Jersey;
- Goal #6—provide adequate housing at a reasonable cost; and
- Goal #8—insure sound and integrated planning and implementation statewide.

The 2001 State Plan encourages revitalization of cities and towns; promotion of growth in compact form; stabilization of older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.

5. Re-Development—Statutory Requirements. The following statutory criteria recommended by the planning consultant for the Borough (Ms. Darlene Green of Colliers Engineering and Design, Inc.) and deemed applicable to the determination by the Planning Board that the Study Area is an Area in Need of Redevelopment is Criteria H of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A, et. seq.), or the “LRHL”), which provides:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

6. Re-Development—Analysis: “H” Criterion--Smart Growth. Ms. Green’s report and testimony focused on the evaluation of each property in the study area to effectuate the implementation of smart growth planning principals as adopted and articulated by the New Jersey Office of Planning and Advocacy within the New Jersey Department of State, as well as the State Development and Redevelopment Plan which was adopted in June of 1992, and subsequently revised in March of 2001 by the State Planning Commission (the “State Plan”) . The State Plan contains various goals and objectives regarding the future development and redevelopment of New Jersey. Its primary objective is to guide development to areas where infrastructure is available, or can be readily extended, such as along existing transportation corridors in developed or developing suburban and urban areas. It seeks to promote development and redevelopment that will consume less land, deplete fewer natural resources, and use the state’s infrastructure more efficiently. Ms. Green testified and articulates in her Study the characteristics that are indicative of smart growth as described in the state planning documents, including:

- mixed land uses
- compact clustered community designs

- a wide range of housing choices and opportunities
- walkable neighborhoods
- distinctive attractive communities offering a sense of place
- open space
- farmland and scenic resource preservation
- development directed to existing in communities using existing infrastructure
- sustainable design
- transportation option variety

Ms. Green's report and testimony focused on how the potential designation of the sites within the study area as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area as promoted by the Mayor and Council in the downtown re-development plan of November 25, 2019.

Ms. Green testified to and indicated in her report that her office conducted exterior inspections of each of the properties in the study area. The properties and buildings were generally in good condition, however the former Bank of America building on Lot 15 of Block 23 is in need of maintenance. The buildings and study area are mostly occupied except for the building on Block 23 Lot 15 which was previously occupied by Bank of America, and is now vacant, and one (1) tenant space of the three (3) story building on Lot 43.02 of Block 49.01.

Ms. Green's testimony and visual assessment and planning analysis and report reflect that the eight (8) properties in the Study Area were investigated and found to be appropriate candidates for the "H" Criterion designation. Such designation would not only enable the Borough of Demarest to capture an opportunity to incentivize improvements to the properties but also provide for a portion of the state's future redevelopment in accordance with the New Jersey State Plan and also help contribute to the redevelopment and revitalization of downtown Demarest consistent with the goals and objectives of the Borough's Master Plan and the goals of the HARP District.

The Planning Board, having heard the testimony of Ms. Green and reviewed her report, as well as having heard all members of the public who appeared, finds the following with respect to the qualification of each of the eight lots comprising the Study Area:

1. **Block 23 Lot 15 / 129 Hardenburgh Avenue** was found to qualify under the Criteria "H" of the LRHL because it would advance smart growth characteristics provide for:

- mix land uses;
- compact design;
- walkable neighborhoods;
- a wide range of housing choices and opportunities;
- distinctive attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Therefore, Block 23 Lot 15 qualifies under Criteria "H" as its designation as an Area in Need of Re-Development is consistent with smart growth planning principles.

2. **Block 23 Lot 16 / 39, 41 and 43 Park Street** qualifies under Criteria "H" of the LRHL. The re-development of Lot 16 could advance smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure

Therefore, Block 23 Lot 16 qualifies under Criteria "H" as an Area In Need of Re-Development is consistent with smart growth planning principles.

3. **Block 23 Lot 17.01 / 27 Park Street** qualifies under Criteria "H" of the LRHL where redevelopment of Lot 17.01 could advance the following smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and

- development directed to existing communities using existing infrastructure

Therefore, Block 23 Lot 17.01 qualifies under Criteria “H” as an Area In Need of Re-Development is consistent with Smart Growth Planning principles.

4. **Block 49.01 Lot 43.01 / Wakelee Drive** meets Criteria “H” of the LRHL where the site is a developed area with existing infrastructure and designation of the site as an Area in Need of Re-development would advance the Borough’s goal encouraging redevelopment in the downtown area and where redevelopment of Lot 43.01 could advance smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure

Accordingly, the redevelopment of Lot 43.01 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 43.01 would qualify under Criteria “H” as an Area in Need of Re-development, consistent with smart growth planning principles.

5. **Block 49.01 Lot 44—140 Hardenburg Avenue** meets Criteria “H” of the LRHL where the site has previously been included in the downtown redevelopment plan. The yard and bulk requirements of the downtown redevelopment plan promote compact design with smaller bulk requirements and a residential density of twenty-five (25) to thirty-five (35) units per acre. Lot 44 is in a developed area with existing infrastructure. The designation of the site as an Area in Need of Redevelopment would encourage redevelopment in the downtown area. The designation of Lot 44 as an Area in Need of Redevelopment could advance smart growth characteristics including:

- mixed land uses,
- compact design
- walkable neighborhoods,
- a wide range of housing choices and opportunities,

- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the development of Lot 44 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 44 would qualify under Criteria “H” as an Area in Need of Redevelopment consistent with Smart Growth Planning Principles.

6. **Block 49.01, Lot 45—134 Hardenburgh Avenue** meets Criteria “H” of the LRHL where this site was previously included as part of the Mayor and Council’s Area in Need of Rehabilitation designation in July 2017. The Downtown Redevelopment Plan adopted on November 25, 2019, and amended February 24, 2020, and June 23, 2021, described that the variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child care centers and adult daycare, municipal uses and residential uses such as multi-family would be appropriate for this site. Lot 45 is in a developed area where there is existing infrastructure. Designation of a site as an area in need of redevelopment could advance the following smart growth characteristics:

- mixed land uses,
- compact design,
- walkable neighborhoods,
- a wide range of housing choices and opportunities,
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the redevelopment of Lot 45 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 45 would qualify under Criteria “H” as an Area in Need of Redevelopment consistent with Smart Growth Planning Principles.

7. **Block 49.01, Lot 47.02 – Wakelee Drive** meets Criteria “H” of the LRHL where this site was previously included as part of the Mayor and Council’s Area in Need of Rehabilitation designation in July 2017. The Mayor and Council’s Downtown Redevelopment Plan adopted on November 25, 2019 and subsequently amended on February 24, 2020 and June 23, 2021 as a guide to future development in the

Area in Need of Rehabilitation permitted a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child care centers and adult daycare, municipal uses and residential uses such as multi-family uses on upper floors of buildings would be appropriate for this site. Lot 47.02 is in a developed area where there is existing infrastructure. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal encouraging redevelopment in the downtown area and where redevelopment of Lot 47.02 could advance Smart Growth characteristics including:

- mixed-land uses,
- compact design,
- walkable neighborhoods,
- a wide range of housing choices and opportunities,
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the redevelopment of Lot 47.02 is consistent with several of the characteristics for Smart Growth and Block 49.01, Lot 47.02 would qualify under Criteria "H" as an Area in Need of Redevelopment, consistent with Smart Growth Planning Principles.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Planning Board of the Borough of Demarest hereby finds and concludes, and further recommends to the Demarest Mayor and Borough Council, that Block 23, Lots 15, 16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest in the Study Area be designated as a Non-Condensation Redevelopment Area, as defined in N.J.S.A. 40A:12A-5, because each of the lots meets the criteria set forth in N.J.S.A. 40A:12A-5; and

The above referenced Area in Need of Redevelopment was approved by the Borough of Demarest Planning Board at a regular meeting held on July 30, 2024 upon motion of Chairwoman Hayden, and seconded by Vice Chairman Tabacchi upon roll call as follows:

	Alevrontas	Bernstein	Brenner	Fox	Mamdani	Paulison	Tabacchi	Yu	Hamilton	Hayden
Offered										√
Seconded							√			
Aye	√	√	√	√	√	√		√		
Nay										
Absent										
Recuse										
Eligible To Vote										

This Resolution adopted this 4th day of September 2024 memorializes the action taken at a special meeting of the Borough of Demarest Planning Board on July 30, 2024, by a vote of eight (8) ayes and zero (0) nays as set forth herein.

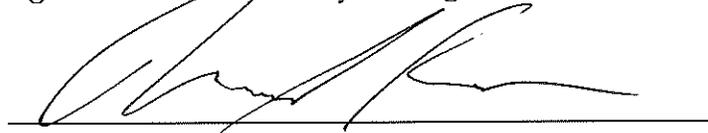
**As Follows:**

	Alevrontas	Bernstein	Brenner	Fox	Mamdani	Paulison	Tabacchi	Yu	Hamilton	Hayden
Offered							✓			
Seconded		✓								
Aye	✓	✓	✓			✓	✓	✓	✓	✓
Nay										
Absent				✓	✓					
Recuse										
Eligible To Vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Marian Hayden  
MARIAN HAYDEN, Chairwoman

Demarest Planning Board

**BE IT, FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Construction Code Official and Zoning Officer of the Borough of Demarest. I do certify that this is a true and correct copy of the Resolution as adopted by the Planning Board of the Borough of Demarest, County of Bergen, and State of New Jersey in the within Application.

A handwritten signature in black ink, appearing to read 'Michael Greco', is written over a solid horizontal line.

MICHAEL GRECO, Board Secretary

**DATE AINR APPROVED: JULY 30, 2024**

**DATE RESOLUTION APPROVED: SEPTEMBER 4, 2024**

## Appendix D | Council Resolution No. 153-24

**Resolution of the Demarest Governing Body**

**Resolution No. 153-24**

**September 9, 2024**

<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Jiang	✓		✓			
Fox		✓	✓			
Marks						✓
Slowikowski			✓			
Reiss			✓			
Collins			✓			

**TITLE:** RESOLUTION AUTHORIZING THE BOROUGH OF DEMAREST COUNTY OF BERGEN STATE OF NEW JERSEY ACCEPTING THE PLANNING BOARD’S RESOLUTION DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 23, LOTS 15, 16 AND 17.01 AND BLOCK 49.01, LOTS 43.01, 43.02, 44, 45 AND 47.02 ON THE TAX MAP OF THE BOROUGH OF DEMAREST BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A ET SEQ.

=====

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

**WHEREAS**, pursuant to the Redevelopment Law, the Planning Board of the Borough of Demarest (“Planning Board”) was asked to consider whether the property located at Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest and generally described as the “Study Area”, could be determined to be an Area in Need of Redevelopment as summarized in a study prepared by Colliers Engineering & Design, dated June 24, 2024; and

**WHEREAS**, the Borough of Demarest Council previously authorized and directed the Planning Board to conduct a preliminary investigation to determine whether the property identified as Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest meets the criteria set forth in the Redevelopment Law and

should be designated as a Non-Condensation Redevelopment Area, as that term is defined by the Redevelopment Law; and

**WHEREAS**, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be 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**, as part of its preliminary investigation, the Planning Board directed Colliers Engineering & Design to prepare an Area In Need of Redevelopment Investigation Study (“Area in Need Study”) for the Planning Board to consider in determining whether the Study Area should be designated a Non-Condensation Redevelopment Area; and

**WHEREAS**, Colliers Engineering & Design, licensed Professional Planner Darlene A. Green, P.P., A.I.C.P., prepared a report entitled, “Redevelopment Area without Condemnation: Determination of Need Study,” dated June 24, 2024, showing the boundaries of the proposed redevelopment area and location of the parcel of property included therein, along with a statement setting forth the basis for the investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

**WHEREAS**, a public hearing was conducted by the Planning Board on July 30, 2024, 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 Area in Need Study, and heard testimony from Ms. Green; and

**WHEREAS**, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Planning Board concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

**WHEREAS**, after completing its investigation and public hearing on this matter, the Planning Board recommended that the Borough of Demarest Council designate Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest as a Non-Condensation Redevelopment Area; and

**WHEREAS**, on September 4, 2024, the Planning Board memorialized its determination by adopting an approving Resolution which was forwarded to the Mayor and Borough of Demarest Council; and

**WHEREAS**, the Mayor and Borough of Demarest Council were presented with the Planning Board's recommendation at the Council's regularly scheduled public meeting on September 9, 2024

**WHEREAS**, the Mayor and Borough of Demarest Council hereby accept the recommendation of the Planning Board to declare the Study Area, Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 as set forth in the Planning Board's Resolution as a Non-Condensation Redevelopment Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Demarest Council, County of Bergen and State of New Jersey, as follows:

1. The Borough of Demarest Council hereby accepts the recommendation from the Planning Board and finds that the Study Area, Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest be and is hereby deemed, a Non- Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
2. The designation of the Study Area, Block 23, Lots 15,16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest as a Non- Condemnation Redevelopment Area shall not authorize the Borough to exercise the power of eminent domain to acquire the Study Area property.
3. The Borough of Demarest hereby reserves all other authority and powers granted to it under the Redevelopment Law.
4. The Acting Borough Clerk shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.
5. Within ten (10) days of the Borough of Demarest Council's adoption of the within resolution, the Acting Borough Clerk shall serve notice of the Borough of Demarest Council's determination and the within Resolution upon all record owners of property 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 and upon the Commission of the New Jersey Department of Community Affairs.

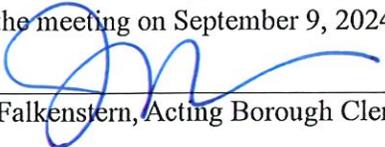
This Resolution shall take effect immediately. Adopted: September 9, 2024.

**APPROVED:**

  
\_\_\_\_\_  
**Brian Bernstein, Mayor**

**CERTIFICATION**

I, Julie Falkenstern, Acting Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on September 9, 2024.

  
\_\_\_\_\_  
Julie Falkenstern, Acting Borough Clerk

**RESOLUTION OF THE BOROUGH OF DEMAREST PLANNING BOARD  
RECOMMENDING THAT PROPERTIES IDENTIFIED AS  
BLOCK 23, LOTS 15, 16 AND 17.01 AND  
BLOCK 49.01, LOTS 43.01, 43.02, 44, 45 AND 47.02;  
ON THE TAX MAP OF THE BOROUGH OF DEMAREST  
BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA  
PURSUANT TO N.J.S.A. 40A: 12A-5.**

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1, et seq., and Resolution No.: 055-24 of the Borough Council of the Borough of Demarest (hereinafter the "Council"), the Planning Board of the Borough of Demarest (hereinafter the "Board") authorized a preliminary investigation of Block 23, Lots 15, 16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02, on the Tax Map of the Borough of Demarest (hereinafter the "Study Area"), to determine whether the Study Area meets the criteria set forth in the LRHL, N.J.S.A. 40A:12A-5, and should be designated as an Area in Need of Redevelopment; and

WHEREAS, Resolution No.: 055-24 indicated that the properties in the Study Area may be deemed a Non-Condemnation Redevelopment Area, in the event that the Board determines that the Study Area constitutes an Area in Need of Redevelopment under the LRHL, N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board received and reviewed the "Redevelopment Area without Condemnation: Determination of Need Study," prepared by Colliers Engineering & Design, dated June 24, 2024 (hereinafter the "Study"), relating to the Study Area; and

WHEREAS, on July 30, 2024, the Planning Board conducted a public hearing and reviewed the Study; and

WHEREAS, the Board caused to be published advance notice of said public meeting in the Bergen Record on two (2) occasions and served notice of said public meeting on all owners of property and adjoining municipalities within the Study Area, said publication and service having been completed at least ten (10) days in advance of the public hearing date, all as mandated by N.J.S.A. 40A: 12A-6b; and

WHEREAS, at the public hearing, the Board heard the testimony of the following persons:

1. Darlene A. Green, P.P., A.I.C.P., a New Jersey Licensed Planner, Colliers Engineering & Design with offices located at 53 Frontage Road, Suite 110, Hampton, New Jersey 08827 who presented her report entitled "Redevelopment Area without Condemnation: "Determination of Need Study" dated June 24, 2024 (the "Study");
2. Mike Clarke, property owner at 150 Donnybrook Drive, Demarest, New Jersey
3. Howard Rifkind, property owner at 350 County Road, Demarest, New Jersey
4. Barret Abromow, property owner at 15 Emily Court, Demarest, New Jersey
5. Ray Cywinski, property owner at 256 County Road, Demarest, New Jersey
6. Noel Pugh, property owner at 64 Prospect Street, Demarest, New Jersey
7. Clifford Toth, property owner at 1034 South Washington Avenue, Old Tappan, New Jersey
8. August Tabacchi, resident at 378 Hardenburgh Avenue, Demarest, New Jersey
9. Cris Sakalauskas, property owner at 123 Hardenburgh Avenue, Demarest, New Jersey

WHEREAS, the following were marked as Exhibits:

- A Redevelopment Area without Condemnation: Determination of Need Study;
- B Map of downtown Demarest dated January 10, 2020;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Borough of Demarest in the County of Bergen and State of New Jersey makes the following findings and conclusions:

1. Study Area Description. The Study Area is comprised of eight (8) properties including three (3) in Block 23 and five (5) in Block 49.01. The Study Area comprises 3.17 acres according to the Tax Cards and GIS Data including 0.89 acres in Block 23 and 2.28 acres in Block 49.01. The Study Area is primarily located along Hardenburgh Avenue (County Route 80) and is also located along Park Street and Wakely Drive. The Study Area is adjacent to a variety of uses including the Borough's Department of Public Works Building, open space, and the Borough's train station.

The Study Area is in the Hardenburgh Avenue Redevelopment Plan (HARP) District. The eight (8) properties in the Study Area were previously designated as an Area in Need of Rehabilitation (along with other adjacent lots) by the Mayor and Municipal Council on July 24, 2017. A Downtown Redevelopment Plan was prepared and adopted by the Mayor and Council on November 25, 2019, which plan was amended twice since its adoption.

2. Land Use Analysis. The Study Area is largely comprised of older commercial buildings of one, two and three stories with some paved parking areas. Lot 47.02, located at the corner of Hardenburgh Avenue and Wakelee Drive is owned by the Borough of Demarest and does not contain any structures. The principal uses permitted in the Study Area/HARP District include neighborhood retail, personal services, professional and medical offices, banks, restaurants and taverns, instructional uses, childcare centers, adult day-care, municipal offices and uses, multi-family residential use limited to the upper floors, single-family detached homes, community residences, two (2) or more (multiple) of the permitted uses in one (1) building.
3. Planning Context. The Borough of Demarest recently adopted a Master Plan and Development Regulations Re-Examination in August 2022. The Planning Board subsequently adopted a Land Use Plan Element Amendment in November 2023 which rescinded certain goals affecting the Study Area provided in the 1983 Master Plan and added new proposed goals of the 2022 Re-Examination which included Goal #3: encourage redevelopment, investment and reinvestment within the Downtown Redevelopment Plan Area ; Housing Goal #2 provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey, while respecting the character and density of the Borough of Demarest ; and Housing Goal #2a encourage inclusionary multi-family residential construction above non-residential development in the Downtown Redevelopment Plan Area .
4. Relevant State of New Jersey Policy encouraging redevelopment and investment in downtown areas include the 2001 State Development and Redevelopment Plan together with an update entitled "State Strategic Plan" prepared in 2011 by the New Jersey State Planning Commission. The goals of the State plan include:
  - Goal #1—Revitalize the State’s cities and towns;

- Goal #3—Promote beneficial economic growth, development and renewal for all residents of New Jersey;
- Goal #6—provide adequate housing at a reasonable cost; and
- Goal #8—insure sound and integrated planning and implementation statewide.

The 2001 State Plan encourages revitalization of cities and towns; promotion of growth in compact form; stabilization of older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.

5. Re-Development—Statutory Requirements. The following statutory criteria recommended by the planning consultant for the Borough (Ms. Darlene Green of Colliers Engineering and Design, Inc.) and deemed applicable to the determination by the Planning Board that the Study Area is an Area in Need of Redevelopment is Criteria H of the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A, et. seq.), or the “LRHL”), which provides:

The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

6. Re-Development—Analysis: “H” Criterion-Smart Growth. Ms. Green’s report and testimony focused on the evaluation of each property in the study area to effectuate the implementation of smart growth planning principals as adopted and articulated by the New Jersey Office of Planning and Advocacy within the New Jersey Department of State, as well as the State Development and Redevelopment Plan which was adopted in June of 1992, and subsequently revised in March of 2001 by the State Planning Commission (the “State Plan”) . The State Plan contains various goals and objectives regarding the future development and redevelopment of New Jersey. Its primary objective is to guide development to areas where infrastructure is available, or can be readily extended, such as along existing transportation corridors in developed or developing suburban and urban areas. It seeks to promote development and redevelopment that will consume less land, deplete fewer natural resources, and use the state’s infrastructure more efficiently. Ms. Green testified and articulates in her Study the characteristics that are indicative of smart growth as described in the state planning documents, including:

- mixed land uses
- compact clustered community designs

- a wide range of housing choices and opportunities
- walkable neighborhoods
- distinctive attractive communities offering a sense of place
- open space
- farmland and scenic resource preservation
- development directed to existing in communities using existing infrastructure
- sustainable design
- transportation option variety

Ms. Green's report and testimony focused on how the potential designation of the sites within the study area as an Area in Need of Redevelopment would advance the Borough's goal of encouraging redevelopment in the downtown area as promoted by the Mayor and Council in the downtown re-development plan of November 25, 2019.

Ms. Green testified to and indicated in her report that her office conducted exterior inspections of each of the properties in the study area. The properties and buildings were generally in good condition, however the former Bank of America building on Lot 15 of Block 23 is in need of maintenance. The buildings and study area are mostly occupied except for the building on Block 23 Lot 15 which was previously occupied by Bank of America, and is now vacant, and one (1) tenant space of the three (3) story building on Lot 43.02 of Block 49.01.

Ms. Green's testimony and visual assessment and planning analysis and report reflect that the eight (8) properties in the Study Area were investigated and found to be appropriate candidates for the "H" Criterion designation. Such designation would not only enable the Borough of Demarest to capture an opportunity to incentivize improvements to the properties but also provide for a portion of the state's future redevelopment in accordance with the New Jersey State Plan and also help contribute to the redevelopment and revitalization of downtown Demarest consistent with the goals and objectives of the Borough's Master Plan and the goals of the HARP District.

The Planning Board, having heard the testimony of Ms. Green and reviewed her report, as well as having heard all members of the public who appeared, finds the following with respect to the qualification of each of the eight lots comprising the Study Area:

1. **Block 23 Lot 15 / 129 Hardenburgh Avenue** was found to qualify under the Criteria "H" of the LRHL because it would advance smart growth characteristics provide for:

- mix land uses;
- compact design;
- walkable neighborhoods;
- a wide range of housing choices and opportunities;
- distinctive attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Therefore, Block 23 Lot 15 qualifies under Criteria "H" as its designation as an Area in Need of Re-Development is consistent with smart growth planning principles.

2. **Block 23 Lot 16 / 39, 41 and 43 Park Street** qualifies under Criteria "H" of the LRHL. The re-development of Lot 16 could advance smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure

Therefore, Block 23 Lot 16 qualifies under Criteria "H" as an Area In Need of Re-Development is consistent with smart growth planning principles.

3. **Block 23 Lot 17.01 / 27 Park Street** qualifies under Criteria "H" of the LRHL where redevelopment of Lot 17.01 could advance the following smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and

- development directed to existing communities using existing infrastructure

Therefore, Block 23 Lot 17.01 qualifies under Criteria "H" as an Area In Need of Re-Development is consistent with Smart Growth Planning principles.

4. **Block 49.01 Lot 43.01 / Wakelee Drive** meets Criteria "H" of the LRHL where the site is a developed area with existing infrastructure and designation of the site as an Area in Need of Re-development would advance the Borough's goal encouraging redevelopment in the downtown area and where redevelopment of Lot 43.01 could advance smart growth characteristics including:

- mixed land uses;
- compact design;
- walkable neighborhoods
- a wide range of housing choices and opportunities
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure

Accordingly, the redevelopment of Lot 43.01 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 43.01 would qualify under Criteria "H" as an Area in Need of Re-development, consistent with smart growth planning principles.

5. **Block 49.01 Lot 44—140 Hardenburg Avenue** meets Criteria "H" of the LRHL where the site has previously been included in the downtown redevelopment plan. The yard and bulk requirements of the downtown redevelopment plan promote compact design with smaller bulk requirements and a residential density of twenty-five (25) to thirty-five (35) units per acre. Lot 44 is in a developed area with existing infrastructure. The designation of the site as an Area in Need of Redevelopment would encourage redevelopment in the downtown area. The designation of Lot 44 as an Area in Need of Redevelopment could advance smart growth characteristics including:

- mixed land uses,
- compact design
- walkable neighborhoods,
- a wide range of housing choices and opportunities,

- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the development of Lot 44 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 44 would qualify under Criteria "H" as an Area in Need of Redevelopment consistent with Smart Growth Planning Principles.

6. **Block 49.01, Lot 45—134 Hardenburgh Avenue** meets Criteria "H" of the LRHL where this site was previously included as part of the Mayor and Council's Area in Need of Rehabilitation designation in July 2017. The Downtown Redevelopment Plan adopted on November 25, 2019, and amended February 24, 2020, and June 23, 2021, described that the variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child care centers and adult daycare, municipal uses and residential uses such as multi-family would be appropriate for this site. Lot 45 is in a developed area where there is existing infrastructure. Designation of a site as an area in need of redevelopment could advance the following smart growth characteristics:

- mixed land uses,
- compact design,
- walkable neighborhoods,
- a wide range of housing choices and opportunities,
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the redevelopment of Lot 45 is consistent with several of the characteristics of smart growth and Block 49.01, Lot 45 would qualify under Criteria "H" as an Area in Need of Redevelopment consistent with Smart Growth Planning Principles.

7. **Block 49.01, Lot 47.02 – Wakelee Drive** meets Criteria "H" of the LRHL where this site was previously included as part of the Mayor and Council's Area in Need of Rehabilitation designation in July 2017. The Mayor and Council's Downtown Redevelopment Plan adopted on November 25, 2019 and subsequently amended on February 24, 2020 and June 23, 2021 as a guide to future development in the

Area in Need of Rehabilitation permitted a variety of uses including retail, personal services, offices, banks, restaurants, instructional uses, child care centers and adult daycare, municipal uses and residential uses such as multi-family uses on upper floors of buildings would be appropriate for this site. Lot 47.02 is in a developed area where there is existing infrastructure. The potential designation of the site as an Area in Need of Redevelopment would advance the Borough's goal encouraging redevelopment in the downtown area and where redevelopment of Lot 47.02 could advance Smart Growth characteristics including:

- mixed-land uses,
- compact design,
- walkable neighborhoods,
- a wide range of housing choices and opportunities,
- distinctive and attractive communities offering a sense of place; and
- development directed to existing communities using existing infrastructure.

Accordingly, the redevelopment of Lot 47.02 is consistent with several of the characteristics for Smart Growth and Block 49.01, Lot 47.02 would qualify under Criteria "H" as an Area in Need of Redevelopment, consistent with Smart Growth Planning Principles.

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Planning Board of the Borough of Demarest hereby finds and concludes, and further recommends to the Demarest Mayor and Borough Council, that Block 23, Lots 15, 16 and 17.01 and Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02 on the Tax Map of the Borough of Demarest in the Study Area be designated as a Non-Condensation Redevelopment Area, as defined in N.J.S.A. 40A:12A-5, because each of the lots meets the criteria set forth in N.J.S.A. 40A:12A-5; and

The above referenced Area in Need of Redevelopment was approved by the Borough of Demarest Planning Board at a regular meeting held on July 30, 2024 upon motion of Chairwoman Hayden, and seconded by Vice Chairman Tabacchi upon roll call as follows:

	Alevrontas	Bernstein	Brenner	Fox	Mamdani	Paulison	Tabacchi	Yu	Hamilton	Hayden
Offered										√
Seconded							√			
Aye	√	√	√	√	√	√		√		
Nay										
Absent										
Recuse										
Eligible To Vote										

This Resolution adopted this 4th day of September 2024 memorializes the action taken at a special meeting of the Borough of Demarest Planning Board on July 30, 2024, by a vote of eight (8) ayes and zero (0) nays as set forth herein.

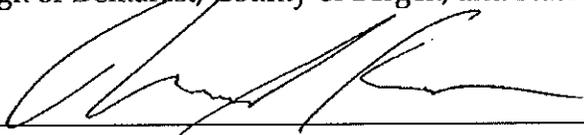
As Follows:

	Alevrontas	Bernstein	Brenner	Fox	Mamdani	Paulison	Tabacchi	Yu	Hamilton	Hayden
Offered							✓			
Seconded		✓								
Aye	✓	✓	✓			✓	✓	✓	✓	✓
Nay										
Absent				✓	✓					
Recuse										
Eligible To Vote	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Marian Hayden  
MARIAN HAYDEN, Chairwoman

Demarest Planning Board

**BE IT, FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Applicant, Borough Clerk, Construction Code Official and Zoning Officer of the Borough of Demarest. I do certify that this is a true and correct copy of the Resolution as adopted by the Planning Board of the Borough of Demarest, County of Bergen, and State of New Jersey in the within Application.



---

MICHAEL GRECO, Board Secretary

**DATE AINR APPROVED: JULY 30, 2024**

**DATE RESOLUTION APPROVED: SEPTEMBER 4, 2024**