

**BERLIN TOWNSHIP**  
**PLANNING AND ZONING BOARD**  
**REORGANIZATION MEETING**  
**TUESDAY, APRIL 23<sup>RD</sup>, 2024**  
**5:30 PM**

- 1. OPEN MEETING STATEMENT**
- 2. SALUTE TO THE FLAG**
- 3. ROLL CALL**
- 4. ITEMS OF BUSINESS:**

Leah Furey Bruder  
Redevelopment Investigation

**5. PUBLIC PORTION**

**6. RESOLUTION**

Dent Wizard  
443 Commerce Lane  
B. 1201, L. 11

Eastern Lift  
200 Jackson Road  
B. 1603, L.1

**7. ADJOURNMENT**

**BERLIN TOWNSHIP PLANNING BOARD  
NOTICE OF PUBLIC HEARING  
PURSUANT TO REDEVELOPMENT LAW**

Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), municipalities are authorized to determine whether certain parcels of land located therein constitute areas in need of non-condemnation redevelopment. By Resolutions 2023-194 and 2023-195 adopted on November 20, 2023, the Township Council of the Township of Berlin authorized and directed the Berlin Township Planning Board to conduct a preliminary investigation to determine whether certain lots meet the criteria set forth in the Redevelopment Law and should be designated as non-condemnation areas in need of redevelopment (i.e. - exclusive of eminent domain). A non-condemnation redevelopment area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the delineated area.

In response to this referral, the Berlin Township Planning Board directed its planner to prepare a Preliminary Investigation Report to assist the Planning Board in determining whether the area qualifies as an area of non-condemnation redevelopment. The Study Area is as follows:

Block 1502 Lot 1 (114- 120 Cushman Avenue)  
Block 1702 Lots 2, 3.01, 4.01, 5.01 (230, 236, 238, 240 Cushman Avenue)

The Planner has produced a map depicting the Study Area set forth above, and has provided the statement setting forth the basis of the investigation in accord with the Redevelopment Law at N.J.S.A. 40A:12A-6. b(1). The map will be available for public inspection beginning on April 12, 2024, during regular business hours at the office of the Berlin Township Clerk located at 135 NJ Route 73, West Berlin, NJ 08091. The Redevelopment Law requires that the Planning Board conduct a public hearing prior to making its determination on whether any of the referred Study Area shall be designated as areas in need of non-condemnation redevelopment. The municipality is excluding the power of eminent domain in accord with N.J.S.A. 40A:12A-6.b(3)(c).

Therefore, please take notice that the Berlin Township Planning Board desires to inform you that, in accordance with the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.) and, specifically, N.J.S.A. 40A:12A-6, that the Planning Board will conduct a Public Hearing for the purposes of investigating and determining whether the Study Area shall qualify as a non-condemnation "area in need of redevelopment" pursuant to the criteria set forth in N.J.S.A. 40A:12A-5.

A Public Hearing will be held on Tuesday, April 23, 2024 at 5:30 p.m. at the Berlin Township Building, 135 Route 73 North, Berlin, NJ 08091, at which time the Planning Board will hear testimony by its Professional Planner and hear comments from any persons who are in attendance who are interested in or would be affected by a determination that the above-mentioned property does or does not qualify as a

Redevelopment Area. A map and report have been prepared by the Planning Board's Professional Planner, Leah Furey Bruder, P.P., A.I.C.P., of LFB Land Planning, LLC and will be submitted to the Board and on file with the Berlin Township Planning Board's Office ten (10) days prior to the hearing for any interested members of the public to review prior to or at the hearing.

At the conclusion of the hearing and after listening to the testimony of the Planner and the comments by members of the public, the Planning Board will determine whether the above referenced properties are in need of redevelopment.

This notice contains the following specific information with respect to the February 2008 New Jersey Superior Court Appellate Division decision (Harrison Redevelopment Agency v. Anthony J. DeRose) advising that the Planning Board or Township notify the public and affected owners of the following:

- (1) A finding that these properties are in need of redevelopment by the Planning Board and if officially designated as such by the Township is a finding of public purpose and will provide the Township with all powers under the Redevelopment Law, except it will not use its eminent domain powers and the proposed redevelopment area shall be a "non-condemnation redevelopment area".
- (2) Affected property owners shall have 45 days from the date of the determination by the Township that these properties are in need of redevelopment to challenge the redevelopment determination in the Superior Court of Camden County, if so desired.

Prior to the public hearing, questions or comments may be directed to the person listed below during normal business hours.

Land Use Board Secretary, Kelley Shendock  
Berlin Township Municipal Building  
135 Route 73 North, West Berlin, NJ 08091