

STARK & STARK

ATTORNEYS AT LAW

THE REDEVELOPMENT PROCESS

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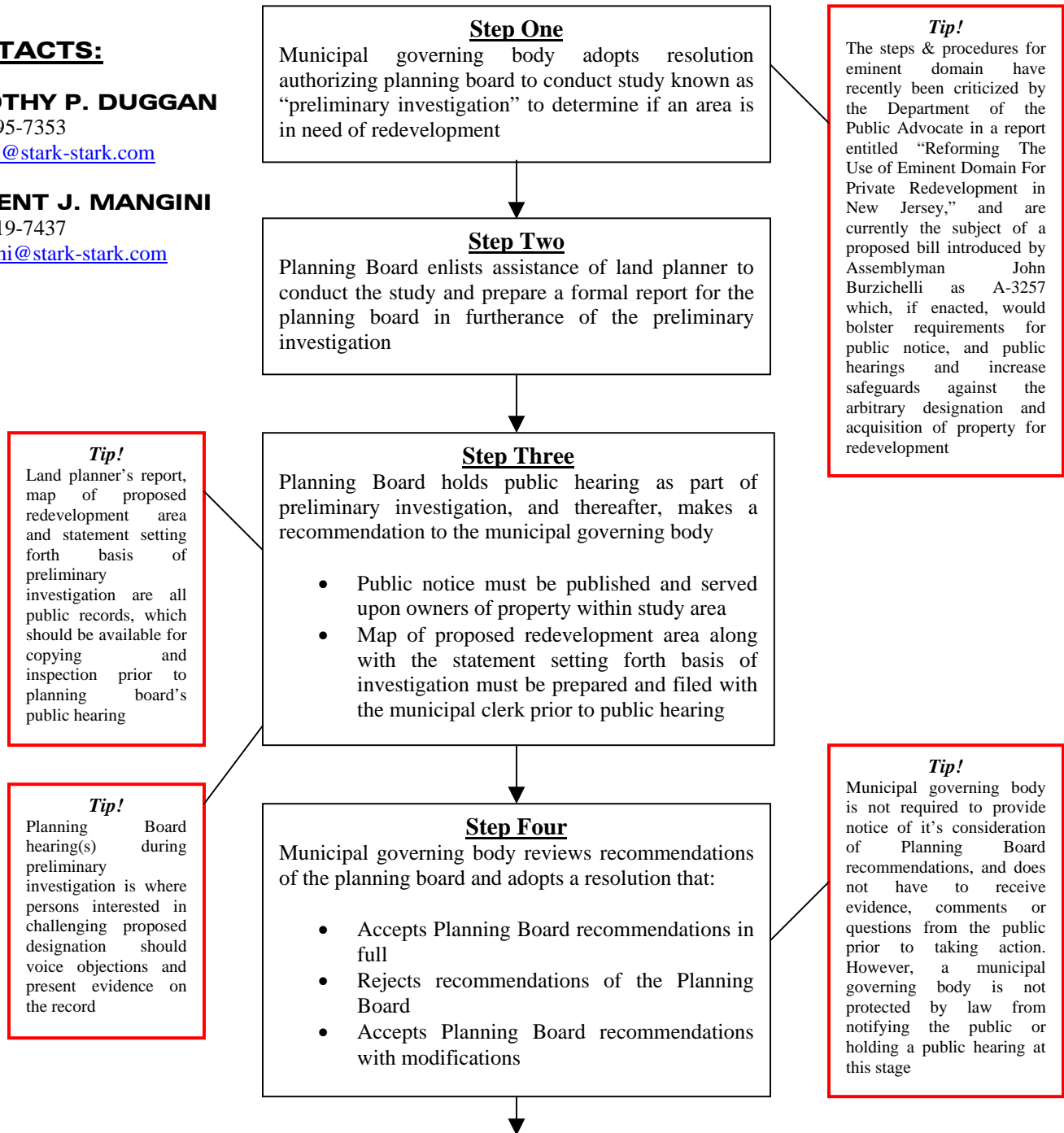
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BE SURE TO VISIT STARK & STARK’S NEW JERSEY LAW BLOG (WWW.NJLAWBLOG.COM) IN ORDER TO LEARN ABOUT NEW DEVELOPMENTS IMPACTING REDEVELOPMENT AND EMINENT DOMAIN IN NEW JERSEY.

Tip!

Members of the public have no right to receive notice of, or participate in, the discussion and formulation of the redevelopment plan

Step Five

If the municipal governing body passes a resolution designating all or a portion of the study area as being in need of redevelopment, the municipality may proceed to enact a redevelopment plan. Two options:

- Planning Board prepares plan and submits to municipal governing body
- or -
- Municipal governing body prepares plan and submits to Planning Board for comments

Tip!

After municipal governing body has created a redevelopment area, it may choose to defer indefinitely the enactment of a redevelopment plan, or may develop a plan for only a portion of the designated area

Step Six

If the municipal governing body adopts a resolution designating all or a portion of the study area as a redevelopment zone, the clerk of the municipality forwards a copy of the resolution to the Department of Community Affairs (DCA). The municipal determination shall take effect upon completion of this task, unless the designated area is not located in a zone where development or redevelopment is preceded by state law. In such instances the DCA shall have 30 days to reject or approve the municipal determination.

Tip!

Following the municipal governing body's adoption of a resolution designating all or a portion of the study area as being in need of redevelopment, any person may challenge the validity of the municipal determination in court by filing a complaint in lieu of prerogative writs. This must be done within 45 days after the date of the municipal governing body's adoption of the resolution

Tip!

Before municipal governing body may adopt a redevelopment plan ordinance on second hearing, it must publish notice and hold a public hearing as required by law. As with the Planning Board's hearing(s) during preliminary investigation, members of the public may voice objections to the proposed redevelopment plan and present evidence on the record at the municipal governing body's hearings on the redevelopment plan

Step Seven

Municipal governing body introduces final draft of redevelopment plan for adoption by ordinance on first reading

Step Eight

If the ordinance put forth to enact the proposed redevelopment plan is adopted on first reading, the municipal governing body may then proceed to a second reading.

If adopted on second reading the redevelopment plan becomes law. Property located within a redevelopment area for which a redevelopment plan had been adopted on a second reading may be acquired by eminent domain if it is deemed necessary for a particular project.

Tip!

A redevelopment plan ordinance may be challenged in court, provided that the action is filed within 45 days following the date of the municipal governing body's adoption of the ordinance on second reading