

**BOROUGH OF BERLIN
COUNTY OF CAMDEN
RESOLUTION R4-86:2026**

NOTICE OF DECISION

**RESOLUTION DESIGNATING CERTAIN PROPERTIES WITHIN THAT CERTAIN
"STUDY AREA" KNOWN AS BLOCK 1800 LOT 9, BERLIN, NJ BE DETERMINED TO
BE AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT**

WHEREAS, N.J.S.A. 40A:12-6 authorizes the Governing Body of any municipality, by Resolution, to have its Planning Board conduct a preliminary investigation to determine whether any area of the municipality is a redevelopment area; and

WHEREAS, pursuant to Resolution R2-56:2026 (Exhibit "A"), adopted by the Mayor and Council of the Borough of Berlin, the Planning Board of the Borough of Berlin ("Planning Board") conducted an investigation to determine whether the following areas should be designated as areas in need of condemnation redevelopment ("Condemnation Redevelopment Area") and considered the redevelopment area study submitted by Colliers Engineering & Design, dated March 26, 2026 (the "Redevelopment Study"):

1. Block 1800, Lot 9 - developed with a shopping center and off-street parking, including a large building previously used for a Kmart and Acme and several smaller retail buildings on the opposite side of the parking lot and a wooded area to the north;

WHEREAS, the Planning Board conducted a public hearing on April 27, 2026, concerning the designation of the Study Area as a Condemnation Redevelopment Area, and the meeting was open to the public and all members of the public had an opportunity to address questions and comments to the Planning Board; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, due notice of the public hearing was given to the property owners as mandated by the aforesaid statute and notice also was posted and published in accordance with the requirements of law; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Planning Board prepared a map showing the boundaries of the proposed redevelopment Study Area and the location of the parcel of property included therein; and appended to the map was a statement setting forth the basis for the investigation; and

WHEREAS, Adam Warburton, PP, AICP, the Township Planner, prepared the Study, entitled "Redevelopment Area Determination of Need Study," dated March 26, 2026, which document is adopted herein by reference; and

WHEREAS, all members of the Planning Board reviewed the Report and map for the Study Area submitted by Mr. Warburton; and

WHEREAS, the Planning Board made the following findings of fact and drew the following conclusions of law:

1. Adam Warburton, PP, AICP, presented substantial credible evidence that the property within the investigation area qualifies as Condemnation Redevelopment Areas, as follows:

A. Block 1800, Lot 9 qualifies as an area in need of condemnation redevelopment;

1. With respect to Block 1800, Lot 9 of the Study Area, which includes the shopping center, off-street parking, and wooded area, the Board found that:

A. Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(a), the former Kmart and Acme building exhibits unsafe, unsanitary, and dilapidated conditions

including collapsed ceiling tiles, mold, waterlogged drywall, and indications of criminal activity conducive to unwholesome living;

B. Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(b), the buildings previously used for the shopping center have not been used since 2014 been allowed to fall into an untenable state of disrepair;

C. Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(d), the drainage basin causes numerous hazards to the community due to the presence of standing water and an exposed broken stormwater inlet;

WHEREAS, based upon the Board's investigation, including the Study and public hearing conducted thereon, the Board found that Block 1800, Lot 9 (the shopping center, off-street parking, and wooded area) is in need of condemnation redevelopment; and

WHEREAS, the Planning Board adopted Resolution 26-10 ("Exhibit "B") as its official report and recommendation to the Mayor and Borough Council that the above noted Redevelopment Areas satisfy the statutory requirements set forth in N.J.S.A. 40A:12A-5 and should be declared areas in need of condemnation redevelopment; and

WHEREAS, the Governing Body has reviewed the recommendations of the Planning Board and determines that it is in the best interest of the Borough of Berlin to declare the Study Area identified as Block 1800, Lot 9 as an area in need of condemnation redevelopment pursuant to the Study and the recommendations of the Planning Board.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Berlin, County of Camden and State of New Jersey, that:

1. The Mayor and Borough Council hereby accepts the report and recommendation of the Planning Board and hereby designates the Study Area identified as Block 1800, Lot 9 as an area in need of non-condemnation redevelopment in accordance with N.J.S.A. 40A:12A-5.

2. The Borough Clerk, or her designee, is hereby directed to serve within ten (10) days a copy of this Resolution upon each person, if any, who filed a written objection to the Planning Board's recommendation, with service to be in a manner provided by N.J.S.A. 40A:12A-1 et seq., as amended.

3. The Borough Clerk, or her designee, is hereby directed to transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs forthwith.

4. This resolution will take effect immediately upon adoption.

Name	Motion	Second	Ayes	Nays	Abstain	Absent
Badolato			√			
Cummings			√			
Hohing		√	√			
Miller	√		√			
Mascarenhas			√			
Wilkinson			√			

I, Rachel von der Tann, Registered Municipal Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Berlin held on April 30, 2026.

Rachel von der Tann

Rachel von der Tann
Borough Municipal Clerk

EXHIBIT "A"

RESOLUTION R2-56:2026

**BOROUGH OF BERLIN
COUNTY OF CAMDEN
RESOLUTION R2-56:2026**

AUTHORIZING AND DIRECTING THE BOROUGH OF BERLIN PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA WHICH INCLUDES BLOCK 1800, LOT 9 A/KIA 328 SOUTH WHITE HORSE PIKE ARE TO BE DELINEATED AS AN AREA IN NEED OF CONDEMNATION REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the LRHL sets forth the procedures for the Borough to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A: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 the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the LRHL, 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 ("Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use is a redevelopment area, including the power of eminent domain ("Condemnation Redevelopment Area"); and

WHEREAS, the Mayor and Borough Council of the Borough of Berlin seek to authorize and recommend the Borough of Berlin Planning Board to conduct a preliminary investigation of the Study Area as an area in need of redevelopment to be a Condemnation Redevelopment Area; and

WHEREAS, the Area in question is located at Block 1800, Lot 9 a/k/a 328 South White Horse Pike, identified as the Study Area, may benefit from the tools available to municipalities under the LRHL and efforts to encourage private development with existing owners for increased employment and housing opportunities, tax ratables and other benefits which communities generally derive from the redevelopment of lands in these areas; and

WHEREAS, the Borough Council finds it to be in the best interest of the Borough and its residents to authorize the Borough Planning Board to undertake such preliminary investigation of the Study Area as a Condemnation Redevelopment Area; and

WHEREAS, the Borough of Berlin wishes to direct the Borough of Berlin Planning Board to undertake a preliminary investigation utilizing Colliers Engineering & Design to prepare the preliminary investigation, to determine whether the proposed Study Area, which includes Block 1800, Lot 9 qualifies as an area in need of Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Borough Council are empowered to authorize this preliminary investigation to be conducted by the Borough of Berlin Planning Board pursuant to N.J.S.A. 40A:12A-6 as a Condemnation Redevelopment Area

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Berlin, County of Camden and State of New Jersey as follows:

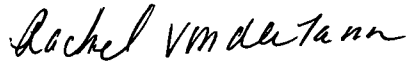
6. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
7. The Borough of Berlin Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Colliers Engineering & Design to prepare the preliminary investigation, pursuant to a notice to conduct a hearing and comply with other requirements of the LRHL, in order to recommend to the Borough Council whether the area comprising the Study Area is an area in need of Condemnation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
8. Pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a Condemnation Redevelopment Area, other than the use of eminent domain.
9. The Borough of Berlin Planning Board shall provide a written Report to the Mayor and Borough Council setting forth its findings resulting from such preliminary investigation and shall recommend to the Mayor and Borough

Council whether said properties are an "Area in Need of Redevelopment" under the meaning and intendment of the LRHL.

10. The Borough of Berlin Planning Board shall submit its findings and recommendations to the Mayor and Borough Council in the form of a Resolution with supporting documents.

Name	Motion	Second	Aves	Navs	Abstain	Absent
Badolato			✓			
Cumminas			✓			
Hohina	✓		✓			
Miller		✓	✓			
Mascarenhas			✓			
Wilkinson						✓

I, Rachel von der Tann, Municipal Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Berlin held on February 12, 2026



Rachel von der Tann

Municipal Clerk

EXHIBIT "B"

RESOLUTION 26-10

RESOLUTION NO. 26-J.8

BOROUGH OF BERLIN

PLANNING BOARD

**RE: RECOMMENDATION THAT CERTAIN PROPERTIES WITHIN THAT
CERTAIN "STUDY AREA" KNOWN AS BLOCK 1800 LOT 9, BERLIN, NJ BE
DETERMINED TO BE AN AREA IN NEED OF CONDEMNATION
REDEVELOPMENT**

WHEREAS, by virtue of Borough of Berlin Resolution No. R2-56:2026 adopted pursuant to N.J.S.A. 40A:12A-6, the Mayor and Borough Council of the Borough of Berlin Planning Board directed and authorized the Borough of Berlin Planning Board (the "Board") to conduct a study and make recommendation(s) as to whether certain properties located in the Study Area identified therein, namely the properties designated as Block 1800, Lot 9 constitute an area in need of condemnation redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5, to wit:

1. Block 1800, Lot 9 - developed with a shopping center and off-street parking, including a large building previously used for a Kmart and Acme and several smaller retail buildings on the opposite side of the parking lot and a wooded area to the north;

WHEREAS, the Board caused to be prepared a map showing the boundaries of the proposed condemnation redevelopment area and the location of the parcel of property included therein; and

WHEREAS, the Board appointed Colliers Engineering & Design to conduct a study and prepare a report with findings and recommendations as to whether the properties in the Study Area should be designated as an area in need of condemnation redevelopment; and

WHEREAS, Colliers Engineering & Design conducted the study as directed and prepared a report thereon, said report dated March 26, 2026 (the "Colliers Report"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Planning Board specified April 27, 2026 as the date for a public hearing and caused notice of the hearing to be given for the purpose of hearing persons who were interested in or who would be affected by the determination that the delineated Study Area is in need of condemnation redevelopment; and

WHEREAS, the hearing notice set forth the general boundaries of the Study Area to be investigated and stated that a map had been prepared and could be inspected at the Borough of Berlin Planning Office; and

WHEREAS, a copy of the notice was published in a newspaper of general circulation once each week for two consecutive weeks, the last publication being not less than ten (10) days prior to the date of the hearing on April 27, 2026; and

WHEREAS, the Planning Board caused copies of the notice to be mailed to the last owner of the parcels of property within the Study Area according to the assessment records of the Borough of Berlin, and to all persons whose names are noted on the Tax Assessment records for all of the parcels listed in the study report, such notice being provided at least ten (10) days prior to the date set for the hearing; and

WHEREAS, at the time of the public hearing on April 27, 2026, the Planning Board Secretary gave sworn testimony regarding the publication and service of the public notice as set forth above; and

WHEREAS, at the time of the public hearing on April 27, 2026 Adam Warburton, PP, AICP testified under oath and summarized the Colliers Report, which report was marked as Exhibit "P-1" at the time of the hearing; and

WHEREAS, at the time of the said public hearing, no members of the public appeared to testify with regard to the proposed non-condemnation redevelopment area; and

WHEREAS, the Board, after reviewing the Report and hearing the testimony of Mr. Warburton, found that in the within designated Study Area, the following conditions currently exist:

1. With respect to Block 1800, Lot 9 of the Study Area, which includes the shopping center, off-street parking, and wooded area, the Board found that:

A. Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(a), the former Kmart and Acme building exhibits unsafe, unsanitary, and dilapidated conditions including collapsed ceiling tiles, mold, waterlogged drywall, and indications of criminal activity conducive to unwholesome living;

B. Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(b), the buildings previously used for the shopping center have not been used since 2014 been allowed to fall into an untenable state of disrepair;

C. Consistent with the statutory criteria described in N.J.S.A. 40A:12A-5(d), the drainage basin causes numerous hazards to the community due to the presence of standing water and an exposed broken stormwater inlet;

WHEREAS, based upon the above findings, the Board determined that Block 1800, Lot 9 is in need of condemnation redevelopment; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Berlin Planning Board that the Board does hereby adopt the Colliers Report dated March 26, 2026, and as a result thereof and of the public hearing conducted thereon on April 27, 2026, the Board hereby recommends to

the Mayor and Borough Council of the Borough of Berlin that Block 1800, Lot 9, be determined to be in need of condemnation redevelopment and/or be designated as a Condemnation Redevelopment Area; and

BE IT FURTHER RESOLVED the Planning Board does hereby adopt the findings set forth in the above preambles as its factual findings supporting its recommendations to the Mayor and Borough Council of the Borough of Berlin.

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RECORD OF VOTE ON RESOLUTION						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Mayor Rick Miller	√				√	
Councilman Millard Wilkinson				√		
Chairman Michael McGowen	√					
Dan Pomponio	√					
Ken Ryker	√					
Wayne Hans	√					√
Fran Ballak	√					
John Cole	√					
Jeanine Schumacher				√		
Harry Earl				√		
Eric Hahn	√					

I, Donna Plute, Secretary to the Planning Board of the Borough of Berlin, County of Camden, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by said Board on the Resolution at a meeting held at the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey on the 27 day of April , 2026.


Michael-McGowan Chairman