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June 15, 2018

Via Electronic Filing

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20024

Re: Docket No. FD 36187
Passaic Street Properties, LLC
Operation Exemption Pursuant to 49 C.F.R. §1150.31
Our File No. 04378-85178

Dear Ms. Brown:

This firm represents the applicant, Passaic Street Properties, LLC, a non-carrier in the above captioned matter.

On May 30, 2018, Passaic Street Properties LLC filed a Reply to the Petition to reject filed by the New York & Greenwood Lake Railway in the above captioned docket. Since that filing the City of Passaic Planning Board took formal action and conducted a public hearing on June 6, 2018 in order to hear comments of the public in regards to whether or not the City Council should proceed with the determination of the need of redevelopment and to authorize the redevelopment plan preparation and adoption by the City Council. The proposed redevelopment plan would involve Block 5000 Lot 1, Block 5000.01 Lot 1 and Block 5000.02 Lot 1 which includes the property the applicant Passaic Street Properties LLC purchased at auction from the Internal Revenue Service when the previous owner, The New York & Greenwood Lake Railway, failed to pay its federal income taxes.

A copy of the Resolution of Planning Board of the City of Passaic finding that there was sufficient credible evidence to support findings and to satisfy the criteria set forth in the Local Redevelopment and Housing Law of the State of New Jersey that the block and lots noted in the paragraph above is an Area in Need of Redevelopment.

A copy of the Planning Board's Resolution is enclosed as an additional attached document to the recent filing of the Passaic Street Properties LLC noted above.

June 15, 2018

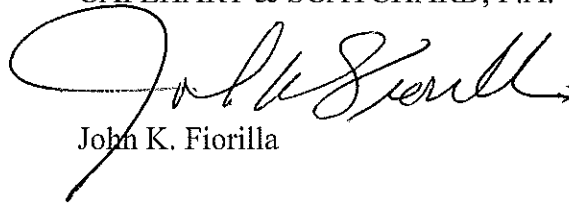
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If you have any questions regarding this filing, please advise.

We have today served a copy of this filing upon counsel for New York & Greenwood Lake Railway by email and Regular U.S. Mail.

Sincerely,

CAPEHART & SCATCHARD, P.A.

A handwritten signature in black ink, appearing to read "John K. Fiorilla". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John K. Fiorilla

JKF:cae

Enclosure

cc: Jay Pasternack, Esq. (w/enc. – *via email*)

Fadi Samaan (w/enc. – *via email and Regular Mail*)

John D. Heffner, Esq. (w/enc. – *via email and Regular Mail*)

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RESOLUTION OF MEMORIALIZATION
CITY OF PASSAIC PLANNING BOARD
PASSAIC COUNTY, NEW JERSEY

RECOMMENDATION DETERMINING THAT BLOCK 5000, LOT 1; BLOCK 5000.01, LOT 1 AND BLOCK 5000.02, LOT 1 IS AN AREA IN NEED OF REDEVELOPMENT, AND APPROVING THE PRELIMINARY INVESTIGATION WITH A RECOMMENDATION TO THE CITY COUNCIL TO PROCEED WITH THE DETERMINATION OF THE NEED OF REDEVELOPMENT AND TO AUTHORIZE THE REDEVELOPMENT PLAN PREPARATION AND ADOPTION

Approved: June 6, 2018
Memorialized: June 6, 2018

WHEREAS, by City Council Resolution adopted on April 10, 2018, the preparation of a Preliminary Investigation Study was authorized regarding the determination of an area of land in need of redevelopment identified on the City of Passaic Tax Maps as Block 5000, Lot 1; Block 5000.01, Lot 1 and Block 5000.02, Lot 1, and also known as 99-111 Passaic Street; and

WHEREAS, the Planning Board was directed to commence, with the assistance of a licensed professional planner, in the preparation of a Preliminary Investigation Report of said designated area. Block 5000.02, Lot 1 consists of approximately 2 acres. Block 5000.01, Lot 1 consists of .004 acres and is triangular in shape at the intersection of Passaic Street and Wall Street. It functions as a pedestrian island. Block 5000, Lot 1 is the New York & Greenwood Lake Railroad property consisting of 3.1 acres; and

WHEREAS, said Preliminary Investigation Report was prepared by David R. Troast, A.I.C.P., P.P., L.L.A. and was set forth in a Report dated May 26, 2018; and

WHEREAS, pursuant to Statute, namely, N.J.S.A. 40A:12A-1, et. seq., the Planning Board conducted a public hearing at a meeting held on June 6, 2018 in order to hear comments from the public and anyone else who might be affected by future action based upon the Preliminary Investigation Report; and

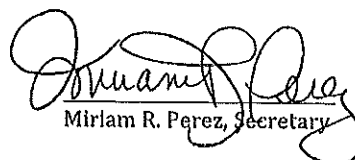
WHEREAS, at its meeting of June 6, 2018, the Planning Board reviewed in detail the Preliminary Investigation Report prepared by David R. Troast, dated May 26, 2018, comments from Mr. Troast, and comments from all interested parties with regard to the proposed designation; and

WHEREAS, at the conclusion of the public hearing, and after a review of the evidence and the contents of the Preliminary Investigation Report dated May 26, 2018 the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 et. seq. for designating the Study Area, Block 5000, Lot 1; Block 5000.01, Lot 1 and Block 5000.02, Lot 1 as an Area In Need Of Redevelopment, in that said designation is necessary for the effective rehabilitation of the Study Area; and

WHEREAS, given this conclusion the Planning Board refers this matter to the City Council for all appropriate action.

DATED: June 6, 2018


Maritza Colon-Montañez, Chairman


Miriam R. Perez, Secretary

PREPARED BY:

Louis P. Rago, Esq.
25 Lindsley Drive, Suite 200
Morristown, New Jersey 07960
Attorney for the Planning Board
of the City of Passaic, New Jersey

Name	For	Against	Abstain
Councilman Daniel Schwartz	✓		
Commissioner Franchine Wise			
Commissioner Kenneth A. Simpson	✓		
Commissioner Maritza Colon-Montañez	✓		
Commissioner Sim Facey			
Commissioner Edwin Perez	✓		
Commissioner Jessica Delacruz	✓		
Commissioner Marko Kopic	✓		
Commissioner Peter T. Rosario			