

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF HILLSIDE, IN THE COUNTY OF UNION,
STATE OF NEW JERSEY, ADOPTING AN AMENDMENT
TO THE NORTH BROAD STREET AUTO SERVICE
CENTERS REDEVELOPMENT PLAN IN ACCORDANCE
WITH N.J.S.A. 40A:12A-7**

Ordinance O-19-15

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Act"), on October 5, 2010, the Township Council (the "Township Council") of the Township of Hillside, in the County of Union, State of New Jersey (the "Township") adopted Resolution No. R-10-304 authorizing the Township of Hillside Planning Board (the "Planning Board") to undertake a preliminary investigation and to prepare a report pursuant to Section 6 of the Act to determine whether certain properties (known as Block 1007, Lots 16, 17, 18, 19 and 20 and Block 1012, Lots 2, 3, 4, 5, 6, 7, 8 and 10 as shown on the Township of Hillside Tax Map (the "Study Area")) located along North Broad Street, Williamson Avenue and U.S. State Highway Route 22 satisfied the criteria to be declared an area in need of redevelopment in accordance with the Act; and

WHEREAS, on November 10, 2010, the Planning Board, pursuant to N.J.S.A. 40A:12A-6, authorized Harbor Consultants, Inc. to undertake a Preliminary Investigation and, in conjunction therewith, prepared a map showing the boundaries of the Study Area, the location of the various parcels of property constituting the Study Area and a statement setting forth the basis for its Preliminary Investigation; and

WHEREAS, the Planning Board conducted a public hearing, duly noticed under the Act, on December 15, 2010, at which members of the general public, including all persons who were interested in or would be affected by a determination that the Study Area constituted an "area in need of redevelopment", were given an opportunity to be heard and all objections to such

determination and evidence in support thereof, whether given orally or in writing, were received and considered by the Planning Board and made a part of the public record; and

WHEREAS, on January 19, 2011, the Planning Board, after concluding its study of the matter, adopted Resolution No. 1-2011, which memorialized the Planning Board's findings in support of declaring the Study Area an area in need of redevelopment; and

WHEREAS, on March 1, 2011, the Township Council adopted Resolution No. R-11-065 declaring the Study Area as an "area in need of redevelopment" and designated the Study Area as the "North Broad Street Redevelopment Area" (the "Redevelopment Area"); and

WHEREAS, the Township Council also directed the Planning Board of the Township to prepare a redevelopment plan for the Redevelopment Area pursuant to Section 7(f) of the Act; and

WHEREAS, Michael Mistretta, PP #00575900, of Harbor Consultants, Inc. was authorized to prepare, and has prepared, a redevelopment plan, entitled the "North Broad Street Auto Service Centers Redevelopment Plan" dated May 2011 (the "Redevelopment Plan"); and

WHEREAS, the Township Council is now considering an amendment to the Redevelopment Plan that will primarily provide for, among other things, an expansion of permitted uses within Phase III of the redevelopment project to include the retail sale of automotive parts from an automotive manufacturer and/or through a nationally recognized brand, specifically a NAPA retail store (the "Proposed Amendments"), and in doing so recognizes that pursuant to Section 7(f) of the Act, the Township Council may direct the Planning Board to prepare an amendment or revision to the Redevelopment Plan for the Redevelopment Area, and the Township Council desires to refer the Proposed Amendments to the Planning Board for its review and recommendation pursuant to Section 7(e) of the Act; and

WHEREAS, the Township Council and Hillside North Broad Automotive Urban Renewal, LLC (the “Redeveloper”) have reviewed in detail the terms of the Redevelopment Plan and have agreed upon the Proposed Amendments which are specifically identified in red font in the copy of the Redevelopment Plan, as amended to include the Proposed Amendments, dated September 7, 2018 that is on file with the Township Clerk; and

WHEREAS, pursuant to N.J.S.A. 40A:12A:-7(e), the Township Council referred the Redevelopment Plan, as amended to include the Proposed Amendments, to the Planning Board, and, prior to the final adoption of this Ordinance, the Planning Board recommended their approval of the Redevelopment Plan, as amended to include the Proposed Amendments, to the Township Council; and

WHEREAS, the Township Council has reviewed and carefully considered the Redevelopment Plan, as amended to include the Proposed Amendments, and has considered, or will prior to final adoption of this Ordinance consider, the recommendations of the Planning Board and has found it to be satisfactory and now desires to adopt this Ordinance formally adopting the Redevelopment Plan, as amended to include the Proposed Amendments.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hillside, in the County of Union, State of New Jersey, as follows:

Section 1. The Redevelopment Plan, as amended to include the Proposed Amendments, a copy of which is on file with the Township Clerk and incorporated herein by reference, is adopted in accordance with N.J.S.A. 40A:12A-7 of the Act.

Section 2. This Ordinance constitutes an amendment to the zoning district map included in the Township's zoning ordinance.

Section 3. A copy of this Ordinance and the Redevelopment Plan, as amended to include the Proposed Amendments, shall be forwarded, after introduction of this Ordinance, to the Planning Board for a Master Plan consistency review and recommendations concerning any inconsistencies and any other matters as the Planning Board deems appropriate in accordance with N.J.S.A. 40A: 12A-7(e).

Section 4. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance or the Redevelopment Plan, as amended to include the Proposed Amendments, shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance and the Redevelopment Plan, as amended to include the Proposed Amendments, shall be deemed valid and effective.

Section 6. This Ordinance shall not be finally adopted until the earlier of (i) the receipt by the Township Council of the report of the Planning Board containing its recommendations of the Redevelopment Plan, as amended to include the Proposed Amendments, or (ii) 45 days after referral of the Redevelopment Plan, as amended to include the Proposed Amendments, to the Planning Board.

Section 7. Any prior actions taken by the Township Council and the Redeveloper pursuant to the Redevelopment Plan are hereby ratified and confirmed.

Section 8. This Ordinance shall take effect after adoption and publication in the manner required by New Jersey law.

Introduction and First Reading: July 23, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
X		DeAugustine	X				
		Epps					X
		Hyatt	X				
		Mobley	X				
		Mondella	X				
	X	Cook, CVP	X				
		Freedman, CP	X				

Public Hearing: August 27, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	DeAugustine	X				
		Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella	X				
X		Cook, CVP	X				
		Freedman, CP	X				

Final Adoption: August 27, 2019

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT	EXCUSED
	X	DeAugustine	X				
		Epps	X				
		Hyatt	X				
		Mobley	X				
		Mondella	X				
X		Cook, CVP	X				
		Freedman, CP	X				

Gerald Pateesh Freed
Gerald Pateesh Freedman, Council President

ATTEST:

Hassana Salaam-Rivers
Hassana Salaam-Rivers, Deputy Clerk

Approved:

Dahlia O. Vertreese
Dahlia O. Vertreese, Mayor

9-4-2019
Date

Vetoed: _____

Returned to the Township Clerk with the following statement of objections:

