

**TOWNSHIP OF BELLEVILLE
ESSEX COUNTY, NEW JERSEY**

DATE OF INTRODUCTION: 1/10/23 DATE OF ADOPTION: 2/14/23
Legal Advertisement: 1/19/23 Legal Advertisement: 2/23/23

ORDINANCE#01-23 / #3672

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BELLEVILLE,
COUNTY OF ESSEX, NEW JERSEY ADOPTING THE 605-609 WASHINGTON AVENUE
REDEVELOPMENT PLAN**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF BELLEVILLE,
NEW JERSEY:

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment pursuant to the criteria contained in N.J.S.A. 40A:12A-5 of the LRHL; and

WHEREAS, the Township Council of the Township of Belleville (the “Township Council”) considered it to be in the best interest of the Township to have the Township Planning Board conduct such an investigation of an area consisting of certain property located in the Township identified as 605-609 Washington Avenue and 174 Greylock Parkway, and shown as Block 8302, Lots 9 and 10 on the official tax map of the Township, to determine whether such property, or any portions thereof, is a non-condemnation redevelopment area; and

WHEREAS, in Resolution No. 22-10, adopted January 11, 2021, the Township Council authorized and directed the Township Planning Board to conduct a preliminary investigation to determine whether the area known as 605-609 Washington Avenue and 174 Greylock Parkway, and shown as Block 8302, Lots 9 and 10 on the official tax map of the Township (the “Redevelopment Area”), or any portions thereof, constitute a non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5 of the LRHL; and

WHEREAS, the Redevelopment Area is generally bounded by Washington Avenue to the east, Greylock Parkway to the south, and developed properties to the west and north; and

WHEREAS, the Township Council believes the Redevelopment Area is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Township; and

WHEREAS, CME Associates prepared a report entitled “Area in Need of Redevelopment Study, 605-609 Washington Avenue, 174 Greylock Parkway, Block 8302, Lots 9 and 10, Belleville, NJ”, dated April 6, 2022, which concluded, for the reasons stated therein, that the Redevelopment Area meets the criteria under the LRHL supporting a declaration that the Redevelopment Area is a non-condemnation redevelopment area (the “Preliminary Investigation”); and

WHEREAS, N.J.S.A. 40A:12A-6.b(4)-(5) of the LRHL provides in pertinent part relative to the Township Planning Board's public hearing on the Preliminary Investigation and whether the Redevelopment Area should be designated a non-condemnation "area in need of redevelopment":

"(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area"; and

WHEREAS, the Planning Board held a duly noticed public hearing on August 11, 2022 and received public comment, objections and evidence concerning the above-referenced Preliminary Investigation; and

WHEREAS, on August 11, 2022, the Planning Board concurred and agreed with the reasons stated in the Preliminary Investigation that the Redevelopment Area constitutes and meets the criteria under the LRHL supporting the recommendation that the Redevelopment Area be determined and declared a non-condemnation "area in need of redevelopment"; and

WHEREAS, in a Resolution, adopted September 8, 2022, the Planning Board recommended to the Mayor and Township Council that the Redevelopment Area be declared a non-condemnation "area in need of redevelopment" under the LRHL in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, on September 13, 2022, the Township Council concurred and agreed with the Planning Board's recommendation and determined and declared the Redevelopment Area a non-condemnation "area in need of redevelopment" in Resolution No. 22-261 and authorized CME Associates to prepare a redevelopment plan for the Redevelopment Area in order to effectuate the redevelopment of the Redevelopment Area; and

WHEREAS, CME Associates prepared a redevelopment plan for the Redevelopment Area entitled "605-609 Washington Avenue Redevelopment Plan, Block 8302, Lots 9 and 10", with a date of January 5, 2022 (the "Redevelopment Plan"), and the Township Council referred same to the Planning Board for master plan consistency review under N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Planning Board, at its regularly scheduled meeting held on January 12, 2023, reviewed the Redevelopment Plan, considered the testimony of the Township's professional planning consultant and all other matters in the record in accordance with N.J.S.A. 40A:12A-7(e), and determined that the Redevelopment Plan is not inconsistent with the Township's Master Plan and related Reexaminations and recommended the following changes to the proposed Redevelopment Plan, as stated in the letter report to Township Council from Planning Board counsel, dated February 8, 2023:

1. At least one designated on-site parking space shall be provided for each commercial unit; and

2. If any development exceeds the maximum amount of two bedroom units of 27.5% (if permitted), then one (1) on-site parking space shall be provided per bedroom for each unit exceeding such 27.5% maximum; and that any residential unit containing room(s) large enough to contain a bed and not part of an open floor plan, such as but not limited to, a separate dining room, study, library, office or den, shall require one (1) additional on-site parking space per such room; and

WHEREAS, the Township believes that the redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan is in the best interests of the Township and the health, safety, morals and welfare of its residents and is in accord with the public purpose and provisions of the applicable federal, state and local laws.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Belleville, County of Essex, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7 the Township Council hereby accepts, approves and adopts the Redevelopment Plan together with the changes recommended by the Planning Board as stated herein and the letter report of Planning Board counsel, dated February 8, 2023; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of this Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED, this Ordinance shall be part of the Redevelopment Plan, and to the extent necessary the Township of Belleville Code, as though codified and fully set forth therein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Redevelopment Plan, and to the extent necessary the Township of Belleville Code; and

BE IT FURTHER ORDAINED, the Township Clerk is directed to file a copy of the Redevelopment Plan along with a copy of this Ordinance in the Office of the Township Clerk for inspection by the public; and

BE IT FURTHER ORDAINED, prior to adoption of this Ordinance on second and final reading the Township Council shall refer this Ordinance to the Planning Board for its review and recommendations in accordance with N.J.S.A. 40A:12-7; and

BE IT FURTHER ORDAINED, the Township Council hereby amends the zoning district map of the Township of Belleville to reflect that Block 8302, Lots 9 and 10 are zoned in accordance with the Redevelopment Plan as amended by this Ordinance; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage.

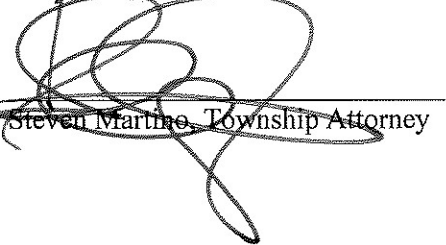
On a motion by Council Member: GRAZIANO
 Seconded by Council Member: DE PEÑA

INTRODUCTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL	X			
DE PEÑA	X				STRUMOLO BURKE				X
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI	X								
X - Indicates Vote			N.V. - Not Voting			AB - Absent			

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 10th day of January, 2023.


 Alberto Cabrera, Municipal Clerk


 Steven Martin, Township Attorney

MAYOR AND COUNCIL
 Department Head

On a motion by Council Member: COZZARELLI


Seconded by Council Member: GRAZIANO

ADOPTION

Adopted by the Municipal Council of the Township of Belleville, N.J.									
COUNCIL RECORD OF VOTE									
Council Member	YES	NO	N.V.	AB.	Council Member	YES	NO	N.V.	AB.
COZZARELLI	X				ROVELL				X
DE PEÑA	X				STRUMOLO BURKE				X
GRAZIANO	X				MAYOR MELHAM	X			
NOTARI				X					
X - Indicates Vote			N.V. - Not Voting			AB - Absent			

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Belleville Township Council at a meeting held on the 14th day of February, 2023.


Alberto Cabrera, Municipal Clerk


Steven Martino, Township Attorney

Mayor and Council
Department Head