

TOWNSHIP OF CLARK

Ordinance No. 24-04

Adopted March 18, 2024

Introduced: February 20, 2024 Public Hearing: March 18, 2024

ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, NEW JERSEY ADOPTING THAT REDEVELOPMENT PLAN TITLED “REDEVELOPMENT PLAN BLOCK 77, LOTS 2 AND 4 (175 WESTFIELD AVENUE AND 181 WESTFIELD AVENUE), TOWNSHIP OF CLARK, UNION COUNTY, NEW JERSEY”

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

WHEREAS, pursuant to N.J.S.A. 40A:12A-6 of the LRHL, the Municipal Council (“Township Council”) of the Township of Clark (the “Township”) by Resolution 22-155 directed the Township Planning Board on November 9, 2022 to conduct a preliminary investigation to determine whether the property designated as Block 77 Lots 2 and 4 on the official Tax Map of the Township (the “Proposed Redevelopment Area”) (i) meet the criteria set forth in N.J.S.A. 40A:12A-5, or (ii) pursuant to N.J.S.A. 40A:12A-3 are necessary, with or without change in their condition, for the effective redevelopment of the Proposed Redevelopment Area; and

WHEREAS, the Township of Clark Planning Board (the “Planning Board”), at a public Planning Board hearing on April 6, 2023, reviewed the “Redevelopment Study and Preliminary Investigation Report, Block 77 Lots 2 and 4” prepared by Paul N. Ricci, PP, AICP, dated January 30, 2023 (the “Preliminary Investigation”) and testimony of the Township’s planning consultant pursuant to and in accordance with the procedural requirements of N.J.S.A. 40A:12A-6, to determine whether the properties within the Proposed Redevelopment Area satisfy the criteria set forth in N.J.S.A. 40A:12A-5 (or, if and as applicable, N.J.S.A. 40A:12A-3) to be designated as an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board gave due notice of the proposed boundaries of the Proposed Redevelopment Area and the date of the hearing in accordance with the LRHL to any persons who are interested in or would be affected by a determination that the Proposed Redevelopment Area delineated in the notice is an area in need of non-condemnation redevelopment area; and

WHEREAS, at the hearing, the Planning Board heard from all persons who were interested in or would be affected by a determination that the Proposed Redevelopment Area is a non-condemnation redevelopment area. There were no objections to a determination that the Proposed Redevelopment Area is an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Board found that the property designated as Block 77 Lots 2 and 4 were investigated and met the statutory criteria for an area in need of non-condemnation redevelopment as outlined in the Preliminary Investigation; and

WHEREAS, after conducting its investigation, preparing a map of the Proposed Redevelopment Area, and completing a public hearing at which no objections to the designation were received and considered, the Planning Board moved to recommend to the Township Council that it should designate the property designated as Block 77 Lots 2 and 4 as a non-condemnation area in need of redevelopment; and

WHEREAS, on April 6, 2023, the Planning Board adopted a Resolution memorializing its decision to recommend that the Township Council designate the Proposed Redevelopment Area as an area in need of non-condemnation redevelopment, which Resolution was duly forwarded to Council; and

WHEREAS, on April 17, 2023, the Township Council, having reviewed the Preliminary Investigation and in consideration of the information presented to Township Council, together with the Planning Board's recommending Resolution, designated the Proposed Redevelopment Area as an area in need of non-condemnation redevelopment; and

WHEREAS, to stimulate redevelopment within on the Proposed Redevelopment Area, the Township Council desires to adopt the redevelopment plan titled "Redevelopment Plan Block 77 Lots 2 and 4 (175 - 181 Westfield Avenue), Township of Clark, Union County, New Jersey," dated January 31, 2024 prepared by Paul N. Ricci , PP. AICP ("Redevelopment Plan"); and

WHEREAS, the Township Council finds that the Redevelopment Plan will diversify the use and development of the Proposed Redevelopment Area, which will stimulate greater interest in the redevelopment there.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Clark, County of Union, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7(e) the Township Council hereby adopts the Redevelopment Plan attached to this Ordinance and that the Redevelopment Area be identified on the Township's zoning district map; and

BE IT FURTHER ORDAINED, the Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Union County Planning Board and to all other persons or entities entitled to notice, including the Clerks of adjoining municipalities, to the owner of the properties within the Proposed Redevelopment Area and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the properties within the Proposed Redevelopment Area. The Township Clerk shall execute an Affidavit of Proof of Services of the notices required by this paragraph, and shall keep the Affidavit on file along with the Proof of Publication of the notice of the required public hearing; and

BE IT FURTHER ORDAINED, after introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Clark for review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Council, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause, or provision of this Ordinance, including the Redevelopment Plan, 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 the Ordinance and Redevelopment Plan shall be deemed valid and effective; and

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

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

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Union County Planning Board pursuant to N.J.S.A. 40:55D-16.

Effective Date: April 10, 2024

ATTEST:



EDITH L. MERKEL, RMC
 Township Clerk

APPROVED:



ANGEL ALBANESE
 Council President



SALVATORE BONACCORSO
 Mayor

Ord24/2-20 24-04 Adopt Redevelopment Plan 175-181 Westfield Ave

		Motion to Introduce	Second	Motion to Adopt	Second	Aye	Nay	Abstain	Absent
	Hund					✓			
✓	Adopted	✓		✓		✓			
	Adopted as Amended					✓			
	Defeated					✓			
	Tabled		✓		✓	✓			
	Withdrawn					✓			
	Albanese					✓			
	Entire Council								
	TOTAL					7			