

**ORDINANCE #11-2024**

**ORDINANCE OF THE TOWNSHIP OF LIVINGSTON,  
COUNTY OF ESSEX, NEW JERSEY APPROVING AN  
APPLICATION FOR A LONG TERM TAX EXEMPTION  
AND AUTHORIZING THE EXECUTION OF A FINANCIAL  
AGREEMENT WITH BRIGHTVIEW LIVINGSTON URBAN  
RENEWAL, LLC**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, on April 4, 2022, by Resolution No. 22-136, and in accordance with the provisions of the Redevelopment Law, the Township Council (the “**Township Council**”) of the Township of Livingston (the “**Township**”) authorized and directed the Planning Board of the Township of Livingston (the “**Planning Board**”) to conduct an investigation of certain property identified on the tax maps of the Township as Block 3100, Lot 56, commonly known as 321 S. Livingston Avenue (the “**Property**”), and to determine whether all or a portion of the Property meets the criteria set forth in the Redevelopment Law, *N.J.S.A. 40A:12A-5*, to be designated as a non-condemnation redevelopment area in accordance with the Redevelopment Law, *N.J.S.A. 40A:12A-6*; and

**WHEREAS**, the Planning Board engaged Beacon Planning and Consulting Services LLC (the “**Planning Consultant**”) to conduct an investigation to determine whether the Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Board received a report setting forth the basis for the investigation prepared by the Planning Consultant, entitled, “West Essex YMCA 321 South Livingston Avenue Redevelopment Area Assessment” dated April 2022, concerning the determination of the Property as an area in need of redevelopment (the “**Report**”); and

**WHEREAS**, pursuant to the Redevelopment Law, on June 2, 2022, the Planning Board conducted a public hearing during which members of the general public were given an opportunity to be heard and to address questions to the Planning Board and its representatives, concerning the potential designation of the Property as an area in need of redevelopment; and

**WHEREAS**, on June 2, 2022, after conclusion of the public hearing described above, the Planning Board voted to adopt and accept the recommendation contained in the Report and recommended that the Property be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, for the reasons set forth in the Report; and

**WHEREAS**, the Township Council agreed with the conclusion of the Planning Board that the Property satisfied criteria for redevelopment area designation and, pursuant to the Redevelopment Law, on June 6, 2022 by Resolution No. 22-171, the Township Council designated

the Property as an area in need of redevelopment without the power of eminent domain (the “**Redevelopment Area**”); and

**WHEREAS**, on July 25, 2022, by Resolution No. 22-201, the Township Council approved and authorized the execution of a funding agreement between the Township and Brightview Senior Living Development, LLC (the “**Funding Agreement**”); and

**WHEREAS**, on July 25, 2022, by Resolution No. 22-202, the Township Council authorized the Planning Consultant to prepare a redevelopment plan for the Property; and

**WHEREAS**, the Planning Consultant prepared a redevelopment plan, entitled the “321 South Livingston Avenue District Redevelopment Plan” (the “**Redevelopment Plan**”) for the Property; and

**WHEREAS**, in accordance with the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Exemption Law**”), Brightview Livingston Urban Renewal, LLC (the “**Entity**”) filed an application with the Township for approval of a long term tax exemption (the “**Long Term Tax Exemption**”) for the Project (the “**Application**”), a copy of which is on file with the Township Clerk, seeking a tax exemption in connection with the Project, in exchange for which the Entity proposes to make payments to the Township in lieu of taxes; and

**WHEREAS**, the Entity also submitted to the Mayor a form of financial agreement referenced in the Application, establishing the rights, responsibilities and obligations of the Entity; and

**WHEREAS**, the Mayor submitted the Application, and the financial agreement attached hereto as Exhibit A (the “**Financial Agreement**”) to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

**WHEREAS**, the Township Council has determined that the Project represents an undertaking permitted by the Exemption Law.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF LIVINGSTON, IN THE COUNTY OF ESSEX, AS FOLLOWS:**

**Section 1.** The recitals to this ordinance are incorporated as if set forth in full herein.

**Section 2.** The Township Council hereby approves the Application and the Financial Agreement.

**Section 3.** The Mayor of the Township are hereby authorized to execute the Financial Agreement substantially in the form attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by the Township in consultation with counsel, which additions, deletions, modifications or amendments do not alter the substantive rights and obligations of the parties thereto.

**Section 4.** The Township Clerk is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.


**Section 5.** The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough in accordance with Section 12 of the Exemption Law.

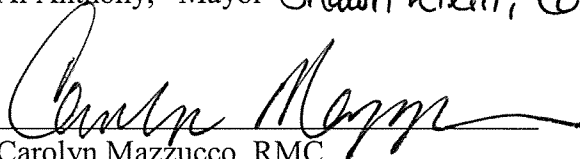
**Section 6.** Within ten (10) calendar days following the later of the effective date of this ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes.

**Section 7.** The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Township, in consultation with Township counsel, as is necessary to effectuate the terms of the Financial Agreement.

**Section 8.** If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

**Section 9.** This ordinance shall take effect in accordance with applicable law.

  
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Al Anthony, Mayor Shawn Klein, Council Member

  
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Carolyn Mazzucco, RMC  
Township Clerk

Introduced: March 11, 2024

Adopted: March 25, 2024

**Exhibit A**  
**Financial Agreement**