

## ORDINANCE #13-2024

### ORDINANCE OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE TOWNSHIP'S ZONING MAP UPON CONVEYANCE OF A PORTION OF THE PROPERTY IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS BLOCK 3100, LOT 55 TO REFLECT THE MERGER OF THE CONVEYED LAND INTO BLOCK 3100, LOT 56 AND THE P-B ZONE AND SUBJECT TO THE 321 SOUTH LIVINGSTON AVENUE DISTRICT REDEVELOPMENT PLAN

**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**, Brightview Senior Living Development, LLC (the "**Redeveloper**") is the contract purchaser of the Property; and

**WHEREAS**, the Redeveloper proposes to expand housing opportunities to service seniors by constructing a four-story assisted living community, approximately 170,000 gross square feet with approximately 150 units for seniors who wish to remain within the community, together with certain related on-site and off-site improvements (the "**Project**"); and

**WHEREAS**, the Township is the owner of property identified on the Tax Maps of the Township as Block 3100, Lot 55, more commonly known as 357 S. Livingston Avenue (the "**Township Property**"); and

**WHEREAS**, On March 25, 2024, the Township adopted Ordinance 10-2024 providing for the sale of a portion of the Township Property (as depicted in the attached Exhibit A, the "**Township Redevelopment Parcel**") to the Redeveloper, pursuant to the terms of a purchase and sale agreement as set forth therein; and

**WHEREAS**, the Property, Block 3100 Lot 56, is located in the P-B Zone as reflected on the Township's Zoning Map and is further subject to the 321 S. Livingston Avenue District

Redevelopment Plan adopted in Ordinance 29-2022 on October 3, 2022 (the “Redevelopment Plan”); and

**WHEREAS**, the land authorized to be conveyed by the Purchase and Sale Agreement will merge into and become a part of Block 3100, Lot 56; and

**WHEREAS**, the land authorized to be conveyed by the Purchase and Sale Agreement, being a part of Block 3100 Lot 55, is currently located in the R-4 Zone as reflected on the Township’s Zoning Map; and

**WHEREAS**, the Township’s 2018 Master Plan, at III. Land Use, General Land Use Recommendations, contains a specific recommendation that the Township should “Continue to adjust district boundary lines to reduce or eliminate split lots.”

**NOW THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Livingston, County of Essex, and the State of New Jersey, as follows:


**Section 1.** The aforementioned recitals are hereby incorporated by reference as if fully set forth herein.

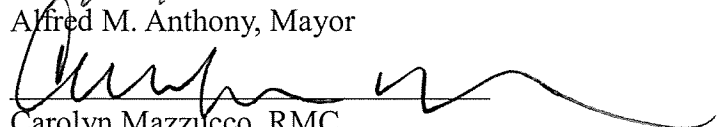
**Section 2.** In furtherance of the Township Master Plan recommendation to eliminate split zoned lots, the Zoning Map referenced in § 170-86 of the Code of the Township of Livingston is amended, effective upon final passage of this Ordinance, to reflect and achieve P-B Zoning for the land authorized to be conveyed in the Purchase and Sale Agreement, to thereby eliminate any split zoned lot and to ensure that, upon the conveyance and merger, the entirety of the expanded Block 3100, Lot 56 shall be located within the P-B Zone and subject to the Redevelopment Plan

**Section 3.** The Township Manager is directed to work with the Engineering and Planning Departments to have an Amended Zoning Map prepared to reflect the rezoning hereby adopted.

**Section 4.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 5.** This Ordinance shall take effect upon final passage and publication according to law.

  
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Alfred M. Anthony, Mayor

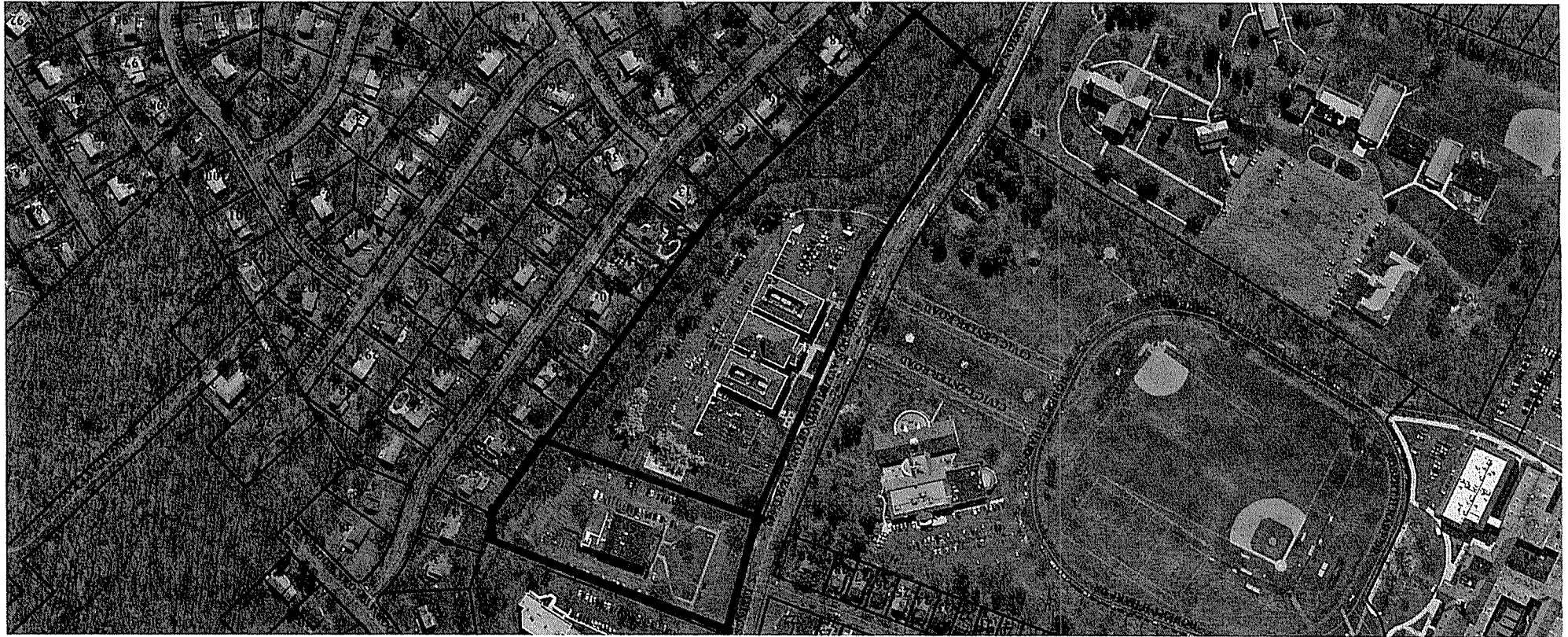
  
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Carolyn Mazzucco, RMC,  
Township Clerk

Introduced: April 10, 2024

Adopted May 13, 2024

**EXHIBIT A**

**TOWNSHIP REDEVELOPMENT PARCEL**



BLOCK 3100

LOTS 55 AND 56