

ORDINANCE NO. 2023-3390

TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH

ORDINANCE ADOPTING CIRCUS LIQUORS REDEVELOPMENT PLAN AMENDMENT FOR THE DELINEATED AREA CONSISTING OF BLOCK 825, LOTS 53.02, 53.03 AND 55.01 (FORMERLY BLOCK 825, LOTS 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, AND 81); BLOCK 825, LOTS 58 AND 70; AND BLOCK 870, LOTS 1 AND 2 WITHIN THE CIRCUS LIQUORS REDEVELOPMENT PLAN AREA

WHEREAS, pursuant to Resolution No. 17-205 adopted on July 17, 2017 and Resolution No. 17-239 adopted on September 18, 2017, the governing body of the Township of Middletown (the "Township"), acting as the Township's Redevelopment Entity, authorized and requested that the Planning Board undertake a preliminary investigation (the "Investigation") to determine whether Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81; Block 825, Lot 70; Block 605, Lot 64; Block 638, Lot 31.01; Block 825, Lot 58; Block 870, Lots 1 and 2; and Block 871, Lots 3 and 7.02 (the "Area of Investigation") constitutes an "area in need of redevelopment" for non-condemnation purposes according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on December 6, 2017, a hearing would be held for the purpose of hearing all persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an "area in need of redevelopment" as that term is defined in Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, DMR Architects ("DMR") prepared a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" (the "Investigation Report") for the Area of Investigation that was publicly presented after adequate notice before the Planning Board on December 6, 2017; and

WHEREAS, the Investigation Report determined that Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81, Block 870, Lots 1 and 2, and Block 871, Lot 7.02 evidenced conditions and characteristics that qualify for designation as an "area in need of redevelopment" because they collectively satisfy the applicable criteria of the LRHL under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on December 6, 2017, the Planning Board received direct testimony from Fran Reiner, L.L.A., P.P. of DMR, and Mr. Reiner provided an eyewitness account of the conditions that he observed during his exhaustive investigation of the properties within the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, after completing its hearing and investigation of this matter on December 6, 2017, the Planning Board determined to recommend that the Township designate the above-cited portions of the Area of Investigation as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that these parcels within the Area of Investigation meet the criteria enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on December 18, 2017, pursuant to Resolution No. 17-294, the Township concurred with the Planning Board's findings and designated the above-cited portions of the Area of Investigation as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

WHEREAS, on August 21, 2018, pursuant to Ordinance No. 2018-3232, the Township adopted the Circus Liquors Redevelopment Plan dated July 2018 consisting of

Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81; and Block 870, Lots 1 and 2; and

WHEREAS, on January 9, 2019, the Township's Planning Board adopted Resolution No. 2018-105 granting minor subdivision approval resulting in the establishment of Block 825, Lots 53.02, 53.03 and 55.01 (formerly Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81) with Block 825, Lots 58 and 70; and Block 870, Lots 1 and 2 remaining as separate parcels within the Circus Liquors Redevelopment Plan area on the Township's official tax map; and

WHEREAS, the Township wishes to adopt the Circus Liquors Redevelopment Plan Amendment prepared by DMR dated September 2023 for the portions of the Area of Investigation designated in need of redevelopment now consisting of Block 825, Lots 53.02, 53.03, 55.01, 58, 70, and Block 870, Lots 1 and 2; and

WHEREAS, N.J.S.A. 40A:12A-7 requires the adoption of redevelopment plans by ordinance with the Planning Board reviewing the plan for consistency with the Master Plan of the Township prior to final adoption, which referral has taken place, and a report being returned from the Planning Board as to such consistency with the Master Plan.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee in the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. Circus Liquors Redevelopment Plan Amendment. The Circus Liquors Redevelopment Plan Amendment dated September 2023 prepared by DMR and attached hereto as Exhibit A is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7, shall supersede any prior redevelopment plan and underlying zoning, and be enacted as an amendment to the Township's Zoning Map for Block 825, Lots 53.02, 53.03, 55.01, 58, 70, and Block 870, Lots 1 and 2.

SECTION 2. Severability. If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 3. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency, including specifically Ordinance No. 2018-3232.

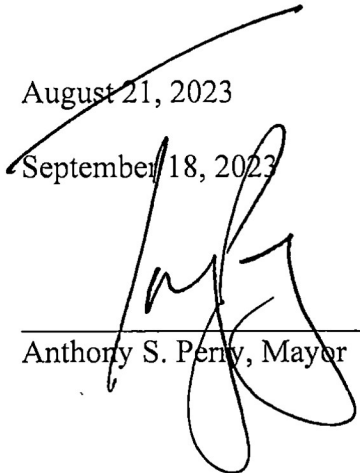
SECTION 4. Effective Date. This ordinance shall take effect after final adoption and approval pursuant to law.

PASSED ON FIRST READING:

August 21, 2023

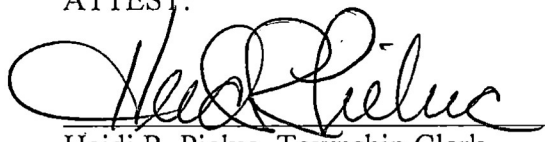
PASSED AND APPROVED:

September 18, 2023



Anthony S. Perry, Mayor

ATTEST:



Heidi R. Pieluc, Township Clerk