

**ORDINANCE #2709-23-0515**

**RESCINDING ORDINANCE #2695-23-0221 AND ADOPTING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE KIRBY AVENUE REDEVELOPMENT AREA, SPECIFICALLY APPLICABLE TO BLOCK 50, LOTS 2, (50 JAMES STREET) AND 2.01, (82 FAIRVIEW AVENUE) PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.**

**BE IT ORDAINED** by the Borough Council of the Borough of Somerville, in the County of Somerset and State of New Jersey, as follows:

- SECTION I** Pursuant to the “Local Redevelopment and Housing Law,” N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), by adoption of a resolution on July 17, 2006, the Borough Council of the Borough of Somerville designated Tax Block 1, Lots 3, 4.01 & 4.02 and Block 50, Lots 1, 2 & 3 as the Kirby Avenue Redevelopment Area (the “Redevelopment Area”).
- SECTION II** Pursuant to the Redevelopment Law, on May 19, 2008, the Borough Council adopted the Kirby Avenue Vision and Redevelopment Plan, which was last amended on or about August 21, 2017 (the “Redevelopment Plan”).
- SECTION III** Pursuant to the Redevelopment Law, on January 17, 2023, the Borough Council expanded the redevelopment area to include Block 50, Lot 2.01, also known as 82 Fairview Avenue.
- SECTION IV** The Borough Council proposes to amend the Redevelopment Plan, specifically applicable to Block 50, Lots 2 and 2.01, as follows:
- a. Block 50, Lot 2.01, as part of the Redevelopment Area is subject to the amendments to the Redevelopment Plan herein.
  - b. Multi-family residential shall be a permitted use.
  - c. Parking is a permitted accessory use.
  - d. Minimum lot size shall be three (3) acres.
  - e. Maximum permitted residential density shall be twenty-five (25) units per acre.
  - f. Maximum floor area ratio shall be 0.85, excluding any basement, which basement shall not be habitable.
  - g. Building height shall be a maximum of four (4) stories and fifty (50) feet. The height shall be measured to the midpoint of pitched roof, and highest point of flat roof. Stair and elevator bulkheads and HVAC equipment are excluded from height requirements.
  - h. Minimum lot frontage shall be eighty (80) feet.

- i. Minimum yard setbacks:
  - i. Minimum front yard setback shall be twenty (20) feet.
  - ii. Minimum side yard setback shall be eight (8) feet on one side and twenty (20) feet total for both side yards.
  - iii. Minimum rear yard setback shall be thirty-five (35) feet.
- j. Minimum open space shall be ten percent (10%). Detention areas are considered open space.
- k. Maximum improvement coverage shall be seventy percent (70%).
- l. Parking shall comply with State Residential Site Improvement Standards.
- m. Bicycle parking shall be provided, and the number of spaces shall be a minimum of twenty-five percent (25%) of the total number of residential units proposed.
- n. Only one (1) and two (2) bedroom units are required. The minimum square footage for each type of unit shall be: 800 square feet for a one (1) bedroom unit; and 1,000 square feet for a two (2) bedroom unit.
- o. An emergency management plan shall be submitted with any site plan application. The planning board shall make the determination on the adequacy of the emergency management plan based on input from the Borough's Office of Emergency Management.

**SECTION V** Prior to the adoption of this Ordinance and the amendments to the Redevelopment Plan, the Borough Council shall refer the amendments to the Redevelopment Plan to the Planning Board pursuant to the Redevelopment Law.

**SECTION VI** The Planning Board shall, within 45 days after referral by the Borough Council, transmit to the Borough Council, a report containing its recommendation concerning the amendments to the Redevelopment Plan pursuant to the Redevelopment Law.

**SECTION VII** Upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the Borough Council shall act upon this Ordinance adopting the amendments to the Redevelopment Plan pursuant to the Redevelopment Law.

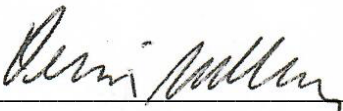
**SECTION VIII** The Borough Council hereby adopts the amendments to the Redevelopment Plan for Redevelopment Area, specifically applicable to Block 50, Lots 2 and 2.01, as set forth herein.

**SECTION IX** The amendments to the Redevelopment Plan as set forth herein shall supersede and replace any provisions that may have been applicable to Block 50, Lot 2 and 2.01, and further if there is any conflict between the amendments contained herein and other provisions of the Redevelopment Plan or the Borough's Land Use and Development Ordinance, the amendments adopted herein shall apply.

**SECTION X** Upon adoption of this Ordinance, the Redevelopment Plan is hereby revised to include the amendments contained herein as of the date of adoption of this Ordinance amending the Redevelopment Plan.

**SECTION XI** This Ordinance shall take effect in accordance with applicable law.

Introduction: May 15, 2023  
First Publication: May 19, 2023  
Adoption: June 5, 2023  
Final Publication: June 9, 2023

  
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Dennis Sullivan, Mayor

  
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Kevin Sluka, Clerk/Administrator