

**ORDINANCE NO. 2018-3232**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**ORDINANCE ADOPTING CIRCUS LIQUORS REDEVELOPMENT  
PLAN FOR THE DELINEATED AREA 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**

**WHEREAS**, the Township of Middletown in the County of Monmouth, State of New Jersey ("the Township") is authorized pursuant to N.J.S.A. 40A:12A-5 to determine that a delineated area in the Township is an area in need of redevelopment; and

**WHEREAS**, in order to make that determination, the Township Committee must first authorize its Planning Board to undertake a preliminary investigation to determine whether the delineated area is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, pursuant to Resolution No. 17-205 adopted on July 17, 2017 and Resolution No. 17-239 adopted on September 18, 2017, the Township Committee 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. ("LRHL"); 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 -3; and

**WHEREAS**, the Planning Board hearing was opened to the public on December 6, 2017 for the purpose of hearing all persons who are interested in or would be affected by a determination that all or a part of the Area of Investigation is a redevelopment area; 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 eye witness 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 recommended that the Township Committee

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**, pursuant to Resolution 17-294, on December 18, 2017, the Township Committee adopted a resolution concurring 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 LRHL; and

**WHEREAS**, at the direction of the Township Committee, DMR has prepared a Redevelopment Plan entitled "Circus Liquors Redevelopment Plan" dated July 2018; and

**WHEREAS**, the Township Committee wishes to adopt the Circus Liquors Redevelopment Plan for a portion of the Area of Investigation designated in need of redevelopment 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**, 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 AND ENACTED** 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.** The Circus Liquors Redevelopment Plan prepared by DMR and attached hereto as **Exhibit A** and by reference made a part hereof is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., and shall constitute an overlay zone to be applied solely to the Redevelopment Plan Area and be enacted as an amendment to the Township's Zoning Map.

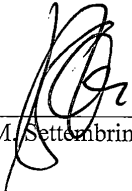
**SECTION 2. Severability.** If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional,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


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

PASSED ON FIRST READING: July 16, 2018

PASSED AND APPROVED: August 20, 2018

  
Kevin M. Settembrino, Mayor

ATTEST:

  
Heidi R. Brunt, RMC, CMC  
Township Clerk