

ORDINANCE NO. 2018-3242

**ORDINANCE ADOPTING HALF MILE ROAD REDEVELOPMENT
PLAN FOR THE DELINEATED REHABILITATION AREA OF
BLOCK 1088, LOTS 1 AND 3**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, by Resolution No. 18-78 adopted on January 23, 2018, the Township Committee authorized and requested the Planning Board to undertake a preliminary investigation ("the Investigation") to determine whether Block 1088, Lots 1 and 3 (230 and 250 Half Mile Road), and Block 1086, Lots 29 and 30 (100 and 200 Schulz Drive) on the Official Tax Map of the Township constitutes an area in need of redevelopment according to the criteria set forth under the Local Redevelopment and Housing Law ("LRHL") for non-condemnation purposes., specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, Stan Slachetka, PP, AICP, LEED-GA and Jeffrey Cucinotta, PP, AICP of T&M Associates prepared a "Redevelopment Study & Preliminary Investigation Report" for the designated Area of Investigation dated August 15, 2018 ("the Investigation Report"); and

WHEREAS, according to the Investigation Report, Block 1088, Lots 1 and 3 (230 and 250 Half Mile Road), and Block 1086, Lots 29 and 30 (100 and 200 Schulz Drive) did not meet the criteria to each independently qualify as an area in need of redevelopment; and

WHEREAS, in addition to the redevelopment designation criteria, the LRHL, pursuant to N.J.S.A. 40A:12A-14a, also permits a municipality to designate an area in need of rehabilitation upon satisfaction of at least one of the six conditions; 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 September 5, 2018 a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation constitute an area in need of rehabilitation as that term is defined under the LRHL, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, on September 5, 2018, the Planning Board held a properly noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation, with James Gorman, Esq., representing the Planning Board being present; and

WHEREAS, the hearing was opened to all persons from the public who were generally interested in or would be affected by a finding that the property within the Area of Investigation constitutes an area in need of rehabilitation under N.J.S.A. 40A:12A-14a; and

WHEREAS, on September 5, 2018, the Planning Board received uncontested testimony from Stan Slachetka, PP, AICP, LEED-GA and Jeffrey Cucinotta, PP, AICP of T&M Associates, providing a first-hand account of the conditions that they observed during their exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and their findings contained in the Investigation Report; and

WHEREAS, on September 5, 2018, the Planning Board recommended that the Township Committee designate the above-mentioned properties of the Area of Investigation as an area in need of rehabilitation due to the substantial evidence that these parcels within the Area of Investigation meets the criterion enumerated in the Investigation Report pursuant to N.J.S.A. 40A:12A-14a, of a continuing pattern of vacancy, abandonment or underutilization of properties in the area; and

WHEREAS, on September 17, 2018, the Township Committee adopted Resolution No. 18-213 designating the Area of Investigation containing Block 1088, Lots

1 and 3 (230 and 250 Half Mile Road), and Block 1086, Lots 29 and 30 (100 and 200 Schulz Drive) as an area in need of rehabilitation under N.J.S.A. 40A:12A-14a; and

WHEREAS, at the direction of the Township Committee, DMR Architects has prepared a Redevelopment Plan entitled the "Half Mile Road Redevelopment Plan" dated November 2018 including Block 1088, Lots 1 and 3 (230 and 250 Half Mile Road) of the area in need of rehabilitation; and

WHEREAS, the Township Committee wishes to adopt the Half Mile Road Redevelopment Plan for a portion of the Area of Investigation designated in need of rehabilitation consisting of Block 1088, Lots 1 and 3 (230 and 250 Half Mile Road); 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, which has been rejected by the Township Committee for the reasons set forth in Resolution No. 18-277 adopted on December 17, 2018.

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. Half Mile Road Redevelopment Plan. The Half Mile Road Redevelopment Plan prepared by DMR Architects attached hereto and made part hereof as **Exhibit A** is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., and shall supersede the current zoning applied to Block 1088, Lots 1 and 3 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 immediately after final adoption and approval pursuant to law.

PASSED ON FIRST READING: November 19, 2018

PASSED AND APPROVED: December 17, 2018



KEVIN M SETTEMBRINO, MAYOR

ATTEST:



HEIDI R. BRUNT, TOWNSHIP CLERK