

**AN ORDINANCE ADOPTING FOURTH AMENDED DOWNTOWN
REDEVELOPMENT PLAN**

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1, et seq.*), the Township Council (the “Township Council”) of the Township of West Orange (the “Township”), acting by resolution, determined that the Downtown Redevelopment Area was an “area in need of redevelopment” in accordance with *N.J.S.A. 40A:12A-6(b)*; and

WHEREAS, on February 9, 2003 the Township Council approved an Ordinance adopting a redevelopment plan for the Downtown Redevelopment Area (the “Original Redevelopment Plan”); and

WHEREAS, The Original Redevelopment Plan has been amended by “Amendments to Downtown Redevelopment Plan,” the “First Amendment,” adopted August 15, 2006, the “Second Amendment,” adopted March 6, 2007, and the “Third Amendment,” adopted in 2010; and

WHEREAS, while some redevelopment has occurred, a large portion of the Downtown Redevelopment Area has remained stagnant and undeveloped for many years; and

WHEREAS, pursuant to a redevelopment agreement with the Township, the Township designated a redeveloper to redevelop a portion of the Downtown Redevelopment Area; and

WHEREAS, although the redeveloper has completed the construction of *Edison Lofts*, even through numerous amendments to the redevelopment agreement over the past has approximately twelve (12) years, the redeveloper has failed to undertake further residential development of the Downtown Redevelopment Area as required by the redevelopment agreement; and

WHEREAS, in May 2021, the Township declared the redeveloper in default of the redevelopment agreement and, as a result of the redeveloper's inability to cure such defaults, terminated the redevelopment agreement on June 28, 2021; and

WHEREAS, the Township is exploring other potentially more viable and feasible development alternatives for the Downtown Redevelopment Area; and

WHEREAS, the Mayor and Council authorized and directed Phillips Preiss Grygiel Leheny Hughes LLC ("Phillips Preiss"), Planning and Real Estate Consultants, to prepare an amendment to the Redevelopment Plan for the Downtown Redevelopment Area; and

WHEREAS, Phillips Preiss prepared a draft redevelopment plan, entitled *Fourth Amendment to Downtown Redevelopment Plan, Township of West Orange, New Jersey*, dated August 2021 (the "Fourth Amended Redevelopment Plan"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, prior to adoption of an ordinance adopting a redevelopment plan, the governing body must refer the redevelopment plan to the Planning Board for comments and recommendations; and

WHEREAS, upon introduction of this Ordinance, the Fourth Amended Redevelopment Plan shall be referred to the Planning Board for comments and recommendations, including a determination as to the consistency of the Fourth Amended Redevelopment Plan with the Township Master Plan and identification of any provisions of the Fourth Amended Redevelopment Plan that it deems to be inconsistent with the Master Plan; and

WHEREAS, the Mayor and Council shall not adopt this Ordinance until it has received comments and recommendations from the Planning Board or until forty-five (45) days have lapsed since referring the Fourth Amended Redevelopment Plan to the Planning Board, whichever occurs first; and

WHEREAS, the Mayor and Council have reviewed and considered the Fourth Amended Redevelopment Plan and have considered the comments and recommendations of the Planning Board, which included a determination that the Fourth Amended Redevelopment Plan was consistent with the Township Master Plan; and

WHEREAS, the Mayor and Council accepted the Planning Board's recommendation to remove cannabis-related uses from Main Street Subdistrict (MSS) but determined that cannabis-related uses should be permitted in the Historic District (HD); and

WHEREAS, the Council approved by a vote of the full majority of its authorized membership to approve the Fourth Amended Redevelopment Plan and set forth its reasons on the record, which shall also be reflected in the minutes of the September 14, 2021 meeting, for its determination with respect to the Planning Board's recommendation, pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Mayor and Council wish to adopt the Fourth Amended Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of West Orange that the Fourth Amended Redevelopment Plan is hereby adopted; and

BE IT FURTHER ORDAINED that the Fourth Amended Redevelopment Plan shall supersede existing zoning for the Downtown Redevelopment Area and that the Township Zoning Ordinance District Map is hereby, and shall be, amended to specifically designate the Downtown Redevelopment Area zoning as set forth in the Fourth Amended Redevelopment Plan.

Introduced: August 17, 2021

Adopted: September 14, 2021

TOWNSHIP OF WEST ORANGE

ATTEST:

By: _____
Robert D. Parisi, Mayor

Karen J. Carnevale, RMC,
Township Clerk