

**TOWNSHIP OF MONTCLAIR**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE SEYMOUR STREET REDEVELOPMENT**

---

July 26, 2016  
(date of introduction)

WHEREAS, the Council of the Township of Montclair (the “Council”) authorized the Montclair Planning Board (the “Board”) to conduct a preliminary investigation concerning an area in need of redevelopment by Resolution R-14-037 dated March 4, 2014 and Resolution R-13-103 dated June 18, 2013 with respect to the following properties:

- Block 3106, Lot 13 [Property 1] -- 43 South Fullerton Avenue (Plymouth Parking Plaza)
- Block 3106, Lot 17 [Property 2] -- South Fullerton Avenue (South Fullerton Parking Plaza)
- Block 3106, Lot 10.01 [Property 3] – 5 Seymour Street (Wellmont Theater)
- Block 3105, Lot 9 [Property 4] – 396 Bloomfield Avenue (Former Social Security Building)
- Block 3105, Lot 1 [Property 5] – 370-372 Bloomfield Avenue (STS Tire & Auto Center)
- Block 3105, Lot 2 [Property 6] – Seymour Street (South Willow Parking Plaza)
- Block 3205, Lots 26 and 27 [Property 7] – Glenridge Avenue (Midtown Parking Plaza)
- Block 3205, Lot 25 [Property 8] – 182 Glenridge Avenue (“Modern Yarn”)
- Block 3205, Lot 19.02 [Property 9] – 8 North Willow Street (Roach’s Towing Service)
- Block 3205, Lot 21 [Property 10] – 10 North Willow Street (Storage [1<sup>st</sup> fl.]/Residential [2<sup>nd</sup> fl.]
- Block 3206, Lot 15 [Property 11] – 172 Glenridge Avenue (Parking Lot [private])
- Block 3206, Lots 13 and 14 [Property 12] – 4 Lackawanna Plaza (John’s Automotive Inc. [Lot 13] and Private Parking Lot for used car sales [Lot 14])
- Block 3208, Lot 1 [Property 13] – 161-167 Glenridge Avenue (Vacant Lot [Glenridge & North Willow Co., Inc.]
- Block 3213, Lot 2 [Property 14] – 1 Lackawanna Plaza (Lackawanna Station)
- Block 4202, Lot 4 (a/k/a Lot 4.02) [Property 15] – Bloomfield Avenue (Lackawanna Station Parking Lot)
- Block 4202, Lot 4.01 [Property 16] – 233 Bloomfield Avenue (TD Bank building)

and;

WHEREAS, the Township retained Clarke Caton Hintz, 100 Barrack Street, Trenton, New Jersey 08608 (“Clarke Caton”), to assist the Board in this effort by conducting and preparing a review and analysis of such considerations as land use, master plan policy, building conditions, site conditions, police activity, traffic accidents and similar planning criteria to determine whether any, some, or none of the subject properties evidence conditions which meet the criteria shown in Section 5 of the LRHL; and

WHEREAS, Clarke Caton, in October 2014, produced the “Township of Montclair-Montclair Center Redevelopment Study” (the “Study”), copies of which were circulated to the members of the Board and provided to the public in accordance with the time and other notice provisions of the LRHL; and

WHEREAS, in connection with the Study, a map was prepared outlining the subject properties and showing the boundaries of the proposed redevelopment area and which set forth the bases for the preliminary investigation; and

WHEREAS, the Board established a hearing date for its consideration of the preliminary investigation and provided notice in accordance with Section 6[b] of the LRHL of its intended meeting for the purpose of hearing persons who are interested in or would be affected by a determination that the delineated area is an area in need of redevelopment; and

WHEREAS, the Board held its hearing on June 22, 2015, commencing at 7:30 p.m., at which time it was established that notice under the LRHL was properly provided, published and served in accordance with Section 6[b] of the LRHL; and

WHEREAS, at its hearing, the Board heard all persons present who were interested in or would be affected by a determination that the delineated area is a redevelopment area and received both written and oral communications which were also considered at the hearing and thus made part of the public record; and

WHEREAS, by Resolution adopted July 13, 2015, the Board recommended to the Council, in accordance with LRHL 6-[b](5)(a), that substantial evidence exists for the determination that the properties identified in the Study meet the criteria of Section 5 of the LRHL (described at p.p. 7-8 of the Study) with the exceptions of the properties therein identified as not meeting the criteria, namely Property 8 and Lot 13 in Property 12 (i.e., the southern portion); and

WHEREAS, the Board further recommended that the Council retain, but not necessarily exercise, the right of eminent domain suggested in both Council Resolutions, noted above, by which the investigation of this matter was undertaken by the Board; and

WHEREAS, the Council received the resolution of the Board and the recommendations contained therein, together with the Study; and

WHEREAS, the Township Council, by Resolution R-15-116, based upon the facts and findings contained in the Study, which are adopted by reference and made a part hereof, and the findings of the Planning Board, all made in accordance with N.J.S.A. 40A:12A-6, declared the following parcels of land known and described on the Tax Maps of the Township of Montclair to be an area in need of redevelopment:

- Block 3106, Lot 13
- Block 3106, Lot 17
- Block 3106, Lot 10.01
- Block 3105, Lot 9
- Block 3105, Lot 1
- Block 3105, Lot 2
- Block 3205, Lots 26 and 27
- Block 3205, Lot 19.02
- Block 3205, Lot 21
- Block 3206, Lot 15
- Block 3206, Lot 14
- Block 3208, Lot 1
- Block 3213, Lot 2
- Block 4202, Lot 4 (a/k/a Lot 4.02)
- Block 4202, Lot 4.01

and;

WHEREAS, by Resolution R-16-035, approved February 16, 2016, the Township Council, based upon a finding that the water and sewer infrastructure is at least 50 years old and in need of substantial maintenance, designated Block 3106, Lot 10 as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, Resolution R-15-116 further stated that the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain with respect to the above-designated properties, except that the Township does not retain the right to exercise the power of eminent domain for Block 3213, Lot 2 and Block 4202, Lot 4 (aka Lot 4.02); and

WHEREAS, Resolution R-15-116 requested and authorized the Planning Board to produce a redevelopment plan for the afore-mentioned properties; and

WHEREAS, the Planning Board, together with its consultant team, prepared the Seymour Street Redevelopment dated July 7, 2016, which included the following properties which had been declared areas in need of redevelopment by Resolution R-15-116:

Block 3106, Lot 13  
Block 3106, Lot 17  
Block 3106, Lot 10.01  
Block 3105, Lot 9  
Block 3105, Lot 1  
Block 3105, Lot 2  
Block 3205, Lots 26 and 27

which included the following property which had been declared an area in need of rehabilitation:

Block 3106, Lot 10

WHEREAS, by resolution adopted July 11, 2016, a copy of which is attached hereto as Exhibit A, the Planning Board forwarded the Seymour Street Redevelopment Plan (the "Plan") to the Township Council, with recommendation for approval pursuant to N.J.S.A. 40A:12A-7(f); and

WHEREAS, in accordance with said resolution, the Council caused the Plan to be reviewed for internal consistency between the massing diagrams and the bulk requirements, and has made the Comprehensive Parking Study and a fiscal impact analysis of the Plan available to the public at least ten days before the public hearing on this ordinance; and

WHEREAS, in accordance with the Planning Board's recommendation, the Plan has been revised to include a requirement that at least 25,000 square feet of street level space along Bloomfield Avenue and the public plaza be dedicated to retail sales uses, eating and drinking places, and arts and entertainment uses including art galleries, live entertainment, live performances, museum and exhibit space, microbreweries and similar uses; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Plan shall be approved by ordinance, upon a finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in N.J.S.A. 40A:12A-5 or N.J.S.A. 40A:12A-14, as appropriate; and

WHEREAS, the Township Council has reviewed the Plan; has conducted a public hearing on the same; and has considered the findings and recommendations of the Planning Board, the public and the professional planners engaged by the Township; and

WHEREAS, the Township Council has determined that it is the best interests of Montclair residents seeking affordable housing to strike Section 4.6 of the Plan as recommended by the Planning Board, and substitute the following provision:

“Development projects involving residential uses shall address the obligation to provide realistic housing opportunities for low and moderate income families, and particularly the needs of Montclair families to secure affordable housing in the Township, by providing for such affordable housing in a redevelopment agreement between the designated redeveloper and the Township, notwithstanding or subject to any provisions or standards established in the Montclair Municipal Code. The inclusion of affordable housing, and the terms thereof, shall not be a condition of site plan approval.”; and

WHEREAS, in view of the possibility that Block 3105, Lot 1 may need to be acquired by the exercise of eminent domain, the Township Council has, pursuant to N.J.S.A. 40A:12A-7(4), identified said property in Section 11.2 of the Plan, the second sentence of which has been amended to read as follows: “However, the Township preserves the right to acquire certain lots,

including but not limited to Block 3105, Lot 1, which are eligible for acquisition; now, therefore, be it

ORDAINED, by the Township Council of the Township of Montclair, in the County of Essex that

1. The Council finds that the Seymour Street Redevelopment Plan's (the "Plan") specifically delineated project area is located in an area in need of redevelopment, according to criteria set forth in N.J.S.A. 40A:12A-5,
2. The Council finds that the Plan meets all of the requirements of N.J.S.A. 40A:12A-7.
3. The Council finds that no housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, are to be removed by the Plan.
4. In connection with the implementation of the Plan, the Township reserves the right to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain with respect to the properties above-designated as an area in need of redevelopment.
5. The Seymour Street Redevelopment Plan, as filed in the Office of the Township Clerk and attached hereto as Exhibit B, is hereby approved and adopted with the modifications of Sections 4.6 and 11.2 of the Plan referenced above for the reasons set forth in the Township Council's minutes.
6. The Official Zoning Map of the Township of Montclair is hereby amended as shown on Exhibit C, to incorporate the provisions of the Plan and delineate the boundaries of the property; and be it further

ORDAINED, that this ordinance shall take effect 20 days after final passage and publication as provided by law.

<b>RECORD OF COUNCIL VOTE</b>											
	<b>YES</b>	<b>NO</b>	<b>ABS</b>	<b>N.V.</b>	<b>AB</b>		<b>YES</b>	<b>NO</b>	<b>ABS</b>	<b>N.V.</b>	<b>AB</b>
<b>Councilor Baskerville</b>						<b>Councilor Schlager</b>					
<b>Deputy Mayor Hurlock</b>						<b>Councilor Spiller</b>					
<b>Councilor McMahon</b>						<b>Mayor Jackson</b>					
<b>Councilor Russo</b>											
<b>X - Indicate Vote    ABS - Abstain    N.V. - Not Voting    AB - Absent</b>											

**I HEREBY CERTIFY** the foregoing to be a true copy of an Ordinance adopted by the Council of the Township of Montclair, in the County of Essex, at its meeting held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
 Linda S. Wanat  
 Clerk of the Township of Montclair, N.J.