

**ORDINANCE NO. 2021-07**  
**ORDINANCE ADOPTING THE 25 NORTH 26<sup>th</sup> STREET REDEVELOPMENT PLAN**  
**DATED MARCH, 2021 FOR THE DELINEATED REDEVELOPMENT AREA**  
**CONSISTING OF BLOCK 183, LOT 9 FOR THE DEVELOPMENT OF INCLUSIONARY**  
**AFFORDABLE HOUSING**

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, on February 26, 2020, pursuant to Resolution No. 8, the governing body of the Borough of Kenilworth (the “Borough”) authorized and requested the Planning Board to undertake a preliminary investigation (the “Investigation”) to determine whether the privately owned property Block 183, Lot 9 (the “Area of Investigation”), constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under the Local Redevelopment and Housing Law (“LRHL”), specifically 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 June 11, 2020 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 redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

**WHEREAS**, Kevin O’Brien, PP, AICP, Shamrock Enterprises, Ltd. publicly presented a Preliminary Investigation Report entitled “Planning Report Concerning the Determination of the Proposed Block 183, Lot 9 Study Area As a Non-Condemnation Area in Need of Redevelopment” for the designated Area of Investigation, including Block 183, Lot 9, dated December 10, 2020 (the “Investigation Report”); and

**WHEREAS**, on December 17, 2020, the Planning Board unanimously recommended that the governing body of the Borough designate the Area of Investigation, including Block 183, Lot 9, as a non-condemnation area in need of redevelopment due to the substantial evidence that the Area of Investigation meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, on February 10, 2021, pursuant to Resolution No. 5, the Borough’s governing body agreed with the Planning Board’s findings that the properties within the Area of Investigation, including Block 183, Lot 9, met numerous criteria under N.J.S.A. 40A:12A-5, and therefore, determined and declared the properties as being in need of redevelopment for non-condemnation purposes; and

**WHEREAS**, at the direction of the Borough’s governing body, Michael J. Mistretta, PP, LLA of Harbor Consultants Inc., has prepared a Redevelopment Plan entitled the “25 North 26<sup>th</sup> Street Redevelopment Plan” (“the Redevelopment Plan”) dated March 2021 covering Block 183, Lot 9 to be in need of redevelopment for non-condemnation purposes; and

**WHEREAS**, the Redevelopment Plan requires the development of a minimum of 25 or no less than 15% of the total number of residential units in the project as on-site, family rental units for affordable to very low, low and moderate income households as defined under N.J.A.C. 5:93-1 et seq.; and

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**WHEREAS**, the Redevelopment Plan also requires the affordable units to be subject to the Fair Housing Act ("FHA"), the Uniform Housing Affordability Controls ("UHAC") regulations (N.J.A.C. 5:80-26.1 et seq.), applicable Council on Affordable Housing ("COAH") regulations, and all applicable laws regarding the construction, phasing, administration, and affirmative marketing of affordable units; and

**WHEREAS**, based on the foregoing conditions, the Borough's governing body wishes to adopt the 25 North 26<sup>th</sup> Street Redevelopment Plan for the Area of Investigation consisting only of Block 183, Lot 9, which has been established as an area in need of redevelopment for non-condemnation purposes; and

**WHEREAS**, after reviewing the Redevelopment Plan the Borough Council has determined that the Redevelopment Plan is substantially consistent with the Borough's Master Plan and/or is designed to effectuate the Borough's Master Plan; and,

**WHEREAS**, a copy of the Redevelopment Plan shall be referred to the Borough Planning Board for a report regarding its recommendations concerning same prior to final adoption of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey, as follows:

**SECTION 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**SECTION 2.** The Planning Board of the Borough of Kenilworth has reviewed the Redevelopment Plan and provided its recommendations pursuant to the provisions of N.J.S.A. 40A:12A-7(e).

**SECTION 3. The Redevelopment Plan.** The 25 North 26<sup>th</sup> Street Redevelopment Plan prepared by Michael J. Mistretta, PP, LLA of Harbor Consultants attached hereto and made part hereof as Exhibit A, as filed in the Office of the Borough Clerk, 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 183, Lot 9 and be enacted as an amendment to the Borough's Zoning Map.

**SECTION 4. 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 5. Repeater.** 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.

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**SECTION 6.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.

**SECTION 7. Effective Date.** This ordinance shall take effect immediately after final adoption and approval pursuant to law.

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Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION															
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP										
		X				KAY CECERI		X	X													
	X	X				MARK DAVID	X		X													
		X				JOSEPH FINISTRELLA				X												
X		X				GERRY LAUDATI			X													
			X			SCOTT PENTZ				X												
			X			FRED PUGLIESE				X												
		X				MAYOR KARLOVITCH			X													
Introduced: April 28, 2021			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.																			
Final Adoption: June 9, 2021																						
Laura Reinertsen, Borough Clerk																						