

ORDINANCE NO. 3445-18

AN ORDINANCE OF THE BOROUGH OF RUTHERFORD AMENDING THE REDEVELOPMENT PLAN FOR THE MAPLES REHABILITATION AREA

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "LRHL") authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment and/or rehabilitation; and

WHEREAS, on June 24, 2003, the Borough Council (the "Borough Council") of the Borough, after appropriate review by, and at the recommendation of the Borough's Planning Board (the "Planning Board"), adopted a resolution designating the area consisting of Block 73, Lots 7.01, 9 and 10 (131 Chestnut Street), Block 73, Lots 22.02 and 22.03 (114 Park Avenue) and Block 73, Lot 23 (106 Park Avenue), (collectively, the "Maples Rehabilitation Area") as an "area in need of rehabilitation" pursuant to the LRHL; and

WHEREAS, on April 26, 2005 the Borough Council adopted Ordinance Number 3077-05 approving and adopting a Redevelopment Plan for the Maples Rehabilitation Area (the "Maples Redevelopment Plan"); and

WHEREAS, by Resolution 142-2017 and Resolution 253-2017, adopted on June 26, 2017 and December 11, 2017 respectively, the Borough authorized and directed the Planning Board to undertake an investigation to determine whether the properties within the Maples Rehabilitation Area and the immediately adjacent parcel, Block 73, Lot 7 (137 Chestnut Street) constitute an "area in need of redevelopment" under the LRHL; and

WHEREAS, on January 18, 2018, the Planning Board held a public hearing and determined that the properties within the Maples Rehabilitation Area and the immediately adjacent parcel, Block 73, Lot 7 meet criteria for designation as an area in need of redevelopment and recommended that the Borough so designate such area; and

WHEREAS, on January 23, 2018, the Borough Council adopted a resolution designating the properties within the Maples Rehabilitation Area and the immediately adjacent parcel, Block 73, Lot 7 (collectively, hereafter, the "Redevelopment Area") as an area in need of redevelopment; and

WHEREAS, the Borough now desires to amend the Maples Redevelopment Plan to modify the references therein to the underlying designation of the area as an "area in need of redevelopment", rather than "area in need of rehabilitation", and to expand the Maples Redevelopment Plan to also apply to Block 73, Lot 7, and other related matters; and

WHEREAS, on January 23, 2018, the Council introduced this ordinance and referred same to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7e; and

WHEREAS, on February 5, 2018, the Planning Board conducted such review and recommended that the Council adopt the above-described amendments, along with additional amendments, described in Section 2(d) through 2(f) hereof; and

WHEREAS, the Council finds that such proposed additional amendments are appropriate and necessary, and that same are not substantial and the Council has amended this ordinance, as introduced, to include same.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Mayor and Council of Borough of Rutherford, in the County of Bergen and the State of New Jersey, as follows:

Section 1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

Section 2. The Maples Redevelopment Plan is hereby amended as follows (proposed additional language is **bolded and underlined**):

- (a) Section 1.1 of the Maples Redevelopment Plan, entitled “Statutory Basis for the Redevelopment Plan”, is hereby deleted in its entirety and replaced with the following:

“On June 24, 2003, the Borough Mayor and Council adopted a resolution designating the area containing Block 73, Lots 7.01, 9, 10, 22.02, 22.03 and 23 on the tax maps of the Borough as an “area in need of rehabilitation” as defined in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Local Redevelopment and Housing Law”). On January 23, 2018, the Borough Mayor and Council adopted resolution designating the area above, plus Block 73, Lot 7, as an “area in need of redevelopment” as defined in the Local Redevelopment and Housing Law. A copy of the January 23, 2018 resolution designating the Redevelopment Area is provided as an appendix to this Redevelopment Plan.”

- (b) Except as otherwise set forth in Section 2(a) hereof, all references in the Maples Redevelopment Plan to “Rehabilitation Area” are hereby deleted and replaced with “Redevelopment Area”.

- (c) Except as otherwise set forth in Section 2(a) hereof, all references in the Maples Redevelopment Plan to “area in need of rehabilitation” are hereby deleted and replaced with “area in need of redevelopment”.

- (d) Section 3.3.5.A.3 of the Maples Redevelopment Plan, entitled “Accessory Uses” and applicable to the portion of the Redevelopment Area fronting on Park Avenue, is hereby amended to include additional language: Fences and walls, garages for delivery trucks and other commercial vehicles, below grade off-street parking structure not visible

from public view, signs, temporary buildings for uses incidental to construction work and residential apartments (per §131-7.D6 of the Borough Zoning Ordinance), **gyms, leasing offices and community rooms only as accessory to the principal use.**

(e) Section 3.3.5.B.3 of the Maples Redevelopment Plan, entitled “Accessory Uses” and applicable to the portion of the Redevelopment Area fronting on Chestnut Street, is hereby amended to include additional language: Fences and walls, garages for delivery trucks and other commercial vehicles, below grade off-street parking structure not visible from public view, **outdoor surface-level parking spaces on any parcel bordered by Chestnut Street,** signs, temporary buildings for uses incidental to construction work and residential apartments (per §131-7.D6 of the Borough Zoning Ordinance), **gyms, leasing offices and community rooms only as accessory to the principal use.**

(f) Section 3.3.5.B.4 of the Maples Redevelopment Plan, entitled “Prohibited Uses” and applicable to the portion of the Redevelopment Area fronting on Chestnut Street, is hereby amended to include additional language: **Outdoor surface-level parking space(s) situated in a front yard area, except for outdoor surface-level parking space(s) permitted as accessory uses by Section 3.3.5.B.3 hereof,** Boarding or rooming house.

Section 3. The Maples Redevelopment Plan shall apply to Block 73, Lot 7, which shall be part of Sub-area B, notwithstanding the fact that maps and figures contained therein do not depict such parcel.

Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby rescinded.

Section 6. This ordinance shall take effect in accordance with applicable law.

ATTEST:

BOROUGH OF RUTHERFORD

Margaret M. Scanlon

Joseph DeSalvo Jr.

Margaret M. Scanlon, Borough Clerk

Joseph DeSalvo Jr., Mayor

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on **February 13, 2018.**

Margaret M. Scanlon

Margaret M. Scanlon, Borough Clerk