

**BOROUGH OF PROSPECT PARK
COUNTY OF PASSAIC**

ORDINANCE #2017-07

**ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE QUARRY
LOCATED IN THE BOROUGH OF PROSPECT PARK**

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

WHEREAS, to determine whether the quarry property constituted an area in need of redevelopment, the Borough Council of the Borough of Prospect Park, by way of a Resolution No. 2013-146, amended by Resolution No. 2015-39, authorized and directed the Prospect Park Land Use Board (the "Land Use Board") to conduct a preliminary investigation pursuant to the Redevelopment Law to determine whether the properties identified as Block 13, Lot 9; Block 14, Lot 1; Block 15, Lot 1; Block 16, Lot 8; Block 21, Lots 9; Block 27, Lot 39; Block 67, Lot 5; Block 73, Lot 51; Block 83, Lot 1; and Block 93, Lot 1, commonly and previously known as the Prospect Park Quarry, the Tilcon Quarry, the Sowerbutt Quarry, the Vandermade Quarry, and the Warren Brothers Quarry (the "Study Area"), constituted an area in need of non-condemnation redevelopment in accordance with the criteria set forth in *N.J.S.A.* 40A:12A-5; and

WHEREAS, by way of Resolution No. 13-08, the Land Use Board appointed Paul Ricci, AICP, PP (the "Planning Consultant"), as a consultant to conduct an investigation to determine whether the Study Area, or any portion thereof, constitutes an area in need of non-condemnation redevelopment in accordance with the Redevelopment Law, and to prepare a preliminary investigation report of the Study Area (the "Study"); and

WHEREAS, the Planning Consultant prepared a Study, entitled "Redevelopment Study and Preliminary Investigation Report, Quarry Site, Borough of Prospect Park, Passaic County, New Jersey," dated March 9, 2015 (the "Report"), which details the findings and recommendations relevant to whether the Study Area should be designated as an area in need of non-condemnation redevelopment, as well as a map of the Study Area; and

WHEREAS, on March 26, 2015, at the time and date of the noticed public hearing, the Planning Consultant, being sworn and qualified as an expert in professional planning, made a presentation of the Study and the Report to the Land Use Board; and

WHEREAS, in addition to the presentation of the Planning Consultant, at the public hearing the Planning Board allowed for testimony and evidence from members of the general public, who also were given an opportunity to cross-examine the Planning

Consultant and address questions to the Land Use Board concerning the potential designation of the Study Area as an area in need of non-condemnation redevelopment; and

WHEREAS, the Planning Consultant concluded that all of the areas of the Study Area satisfies the criteria (d) and (h) and portions of the areas satisfied the Criteria (a), (b), (d) and (h) of the Redevelopment Law, *N.J.S.A. 40:A:12A-5*, and that the Study Area is an area in need of non-condemnation redevelopment; and

WHEREAS, the Land Use Board did not receive any written comments or objections to the Study or Report prior to or during the public hearing on March 26, 2015; and

WHEREAS, at the conclusion of the public hearing, the Land Use Board found that the Planning Consultant's conclusions in the Report and his testimony provide substantial evidence to support the findings that the Study Area satisfies criteria (a), (b), (d) and (h) of the Redevelopment Law, *N.J.S.A. 40:A:12A-5*, and that the collective designation of the Study Area as an area in need of non-condemnation redevelopment is necessary for the effective redevelopment of the Study Area; and

WHEREAS, by a vote of 5 to 0, the Land Use Board voted to recommend that the Borough Council of the Borough of Prospect Park find that the Study Area be designated as an area in need of non-condemnation redevelopment meeting criteria ((a), (b), (d) and (h) of the Redevelopment Law, *N.J.S.A. 40:A:12A-5*; and

WHEREAS, the Planning Consultant and the Land Use Board Counsel advised the Mayor, Borough Council and Borough Clerk of the Land Use Board's actions and submitted to the Borough Clerk a copy of the Report and all exhibits presented at the March 26, 2015 public hearing for distribution to the Mayor and Borough Council for consideration thereof; and

WHEREAS, after review and consideration of the Land Use Board's recommendation, including all documents submitted therewith, the Borough Council agreed with the conclusion of the Land Use Board that the Study Area met the aforementioned criteria for redevelopment area designation, the Borough Council found that such conclusion was supported by substantial evidence; and

WHEREAS, the Borough Council further agreed with the recommendation of the Land Use Board that the Study Area, collectively, be designated as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law, and

WHEREAS, by way of Resolution Nos: 2015-72 and 2015-81, the Borough Council designated the Study Area, collectively, as an area in need of non-condemnation redevelopment, pursuant to *N.J.S.A. 40A:12A-6*; and

WHEREAS, the Borough Council further authorized and directed the Borough Planner to work with the Borough Council to prepare a redevelopment plan for the Study Area and present same to the entire Borough Council pursuant to *N.J.S.A. 40A:12A-7f*; and

WHEREAS, the Planning Consultant prepared a Redevelopment Plan entitled “Prospect Park Quarry Redevelopment Plan dated May 22, 2017 (“the Redevelopment Plan”) for the Borough Council’s consideration; and

WHEREAS, the Borough Council has determined that the adoption of the Redevelopment Plan is in the best interest of the Borough for the redevelopment of the property within the Study Area (collectively referred to as the Redevelopment Area”).

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Prospect Park, in the County of Passaic, and State of New Jersey, as follows:

1. The aforementioned recitals, are incorporated herein as though fully set forth at length.
2. The Redevelopment Plan entitled, “Prospect Park Quarry Redevelopment Plan, dated May 22, 2017 is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.
3. 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.
4. A copy of this Ordinance and the Redevelopment Plan shall be forwarded, after introduction, to the Planning Board for a Master Plan consistency review in accordance with *N.J.S.A. 40A:12A-79(e)*. N
5. This Ordinance constitutes an amendment to the zoning district map included in the Borough’s zoning ordinance.
6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
7. This Ordinance shall take effect in accordance with all applicable laws.

**Introduction and First Reading:
May 22, 2017**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Artis						X
Hayek			X			
Ortiz			X			
Perez	X		X			
Shah		X	X			
Zakaria						X

**Second and Final Reading of Ordinance Adoption:
June 26, 2017**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Absent
Artis						X
Hayek						X
Ortiz	X		X			
Perez	X		X			
Shah		X	X			
Zakaria			X			

Mohamed Khairullah, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Prospect Park
at a meeting held June 26, 2017.**

**Danielle Ireland
Acting Municipal Clerk**