

**CITY OF HACKENSACK
ORDINANCE NO. 14-2024**

**ORDINANCE AMENDING 321 MAIN STREET REDEVELOPMENT PLAN
CONSISTING OF BLOCK 407.01, LOTS: 2, 5, 6.01, 6.02, 7, 34, 36.01, 36.02,
37, 39 & 40 TO ADD BLOCK 407.01, LOT 38**

WHEREAS, the City of Hackensack, in the County of Bergen, State of New Jersey (the “**City**”) is authorized pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3 to determine that a delineated area in the City is an area in need of redevelopment; and

WHEREAS, pursuant to Resolution No. 376-15, on September 28, 2015, the City authorized and requested the Planning Board to undertake a preliminary investigation (the “**Investigation**”) to determine whether Block 407.01, Lots 2, 5, 6.01, 6.02, 7, 34, 36.01, 36.02, 37, 38, 39 and 40 (the “**Area of Investigation**”) constitutes an “area in need of redevelopment” for condemnation purposes according to the criteria set forth in 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 November 4, 2015 a hearing would be held for the purpose of hearing all 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 in Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“**LRHL**”); and

WHEREAS, Francis Reiner, LLA, PP of DMR Architects (“**DMR**”) publicly presented a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment for the Area of Investigation” dated November 4, 2015 (the “**Investigation Report**”) before the Planning Board on November 4, 2015; and

WHEREAS, the Investigation Report concluded that Block 407.01, Lots 2, 5, 6.01, 6.02, 7, 34, 36.01, 36.02, 37, 39 and 40 (“**Redevelopment Area**”) evidence conditions and characteristics that qualify the Redevelopment Area as an “area in need of redevelopment” because it collectively satisfies the “a,” “d,” and “e” criteria of the LRHL under N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board hearing was opened to all persons from the public who were generally interested in or would be affected by a

finding that the Redevelopment Area constitutes an area in need of redevelopment under the LRHL; and

WHEREAS, on November 4, 2015, the Planning Board received testimony from Mr. Reiner providing a first-hand account of the conditions that he observed during his exhaustive examination of the Area of Investigation which confirmed the description of conditions found in the Investigation Report; and

WHEREAS, on December 8, 2015, pursuant to Resolution No. 514-15, the City accepted the Planning Board's recommendation adopting the findings of the Investigation and declaring that Block 407.01, Lots 2, 5, 6.01, 6.02, 7, 34, 36.01, 36.02, 37, 39 and 40 constitute an "area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, at the direction of the governing body, the Planning Board prepared a Redevelopment Plan entitled "321 Main Street Redevelopment Plan" dated March 2016; and

WHEREAS, on May 16, 2017, pursuant to N.J.S.A. 40A:12A-7, the City adopted Ordinance No. 10-2017, enacting the 321 Main Street Redevelopment Plan consisting of Block 407.01, Lots 2, 5, 6.01, 6.02, 7, 34, 36.01, 36.02, 37, 39 and 40; and

WHEREAS, on January 29, 2019, pursuant to Ordinance No. 60-2018, the City amended the 321 Main Street Redevelopment Plan by adopting an amended plan dated January 2019 to address additional site constraints and to be in alignment with the City's downtown rehabilitation plan; and

WHEREAS, on October 3, 2023, pursuant to N.J.S.A. 40A:12A-6, by Resolution No. 377-23, the City authorized and requested the Planning Board to undertake a new preliminary investigation (the "**299 Main Investigation**") to determine whether Block 407.01, Lot 38 (299 Main Street) constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth in the LRHL; 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 December 13, 2023, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that Block 407.01, Lot 38 (299 Main Street) constitutes an area in need of redevelopment under the LRHL for non-condemnation purposes; and

WHEREAS, Francis Reiner, LLA, PP of DMR Architects (“**DMR**”) publicly presented a “Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment” for Block 407.01, Lot 38 (299 Main Street) dated October 2023 (the “**299 Main Investigation Report**”); and

WHEREAS, the 299 Main Investigation Report concludes that Block 407.01, Lot 38 (299 Main Street) does not evidence conditions and characteristics that qualify it as an “area in need of redevelopment” under N.J.S.A. 40A:12A-5, but pursuant to N.J.S.A. 40A:12A-3, its inclusion is necessary for the effective redevelopment of the rest of the block it is part of, all of which has previously been designated pursuant to various criteria under N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board hearing was opened to all persons from the public who were generally interested in or would be affected by a finding that Block 407.01, Lot 38 (299 Main Street) constitutes an area in need of redevelopment under N.J.S.A. 40A:12A-3; and

WHEREAS, on December 13, 2023, the Planning Board received uncontested testimony from Mr. Reiner providing a first-hand account of the conditions that he observed during his exhaustive examination of Block 407.01, Lot 38 (299 Main Street), which confirmed the description of the conditions and his findings contained in the 299 Main Investigation Report; and

WHEREAS, on December 19, 2023, pursuant to Resolution No. 476-23, the City accepted the Planning Board’s recommendation adopting the findings of the 299 Main Investigation and declaring that Block 407.01, Lot 38 (299 Main Street) constitutes an “area in need of redevelopment” pursuant to the LRHL; and

WHEREAS, the City has directed DMR to prepare amendments to the 321 Main Street Redevelopment Plan to add Block 407.01, Lot 38 to the 321 Main Street Redevelopment Plan; and

WHEREAS, the City wishes to adopt these amendments to the 321 Main Street Redevelopment Plan; and

WHEREAS, N.J.S.A. 40A:12A-7 requires the adoption of redevelopment plans, or amendments thereto, by ordinance with the Planning Board reviewing the plan for consistency with the Master Plan of the City prior to final adoption, which referral has taken place, and a report being returned from the Planning Board as to such consistency with the Master Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Hackensack in the County of Bergen, State of New Jersey, as follows:

SECTION 1. 321 Main Street Redevelopment Plan Amendment.

The 321 Main Street Redevelopment Plan prepared by Francis Reiner, LLA, PP of DMR Architects, dated March 2024 attached hereto and made part hereof as **Exhibit A** is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7 and shall be enacted as an amendment to the City's Zoning Map.

SECTION 2. 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 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 3. Repealer. 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, including Ordinance No. 60-2018.

SECTION 4. Effective Date. This ordinance shall take effect after final adoption and approval pursuant to law.

Introduced: March 19, 2024

Adopted: April 16, 2024

ATTEST:

CITY OF HACKENSACK

By: _____
Deborah Karlsson, City Clerk

By: _____
John P. Labrosse, Jr., Mayor