

ORDINANCE NO. 37-2023

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE APPROVING AND ADOPTING AN AMENDED
REDEVELOPMENT PLAN FOR 85 LIVINGSTON AVENUE**

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a redevelopment project must be undertaken pursuant to a “Redevelopment Plan” adopted by ordinance and said Redevelopment Plan must include an outline for the planning, development, redevelopment and rehabilitation of the project area; and

WHEREAS, the Roseland Borough Council, by Resolution No. 160-2016, dated May 17, 2016, directed that the Planning Board of the Borough of Roseland (the “Planning Board”) undertake a preliminary investigation to determine whether Block 30.1, Lot 14, also known as 85 Livingston Avenue (hereinafter the “Redevelopment Area”) was an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board held a public hearing and recommended that the Redevelopment Area be designated as an area in need of redevelopment; and

WHEREAS, the Mayor and Council considered the recommendations of the Planning Board and passed Resolution No. 95-2017 officially designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Mayor and Council, upon recommendation from the Planning Board, adopted via ordinance a Redevelopment Plan for the Redevelopment Area on August 15, 2017; and

WHEREAS, a new redeveloper, Avalon Bay Communities, Inc. (“Avalon”) is in the process of acquiring the Redevelopment Area from the prior designated redeveloper, 85 Livingston Urban Renewal, LLC (the “Prior Redeveloper”); and

WHEREAS, the Prior Redeveloper obtained preliminary and final major site plan approval from the Planning Board to construct a 140-unit inclusionary community, hotel, restaurant, and related site improvements; and

WHEREAS, Avalon has presented revised plans for the redevelopment of the Redevelopment Area to permit the construction of 94 additional residential units, 52 apartment units and 42 stacked townhome/stacked flat style units, in lieu of the previously approved hotel and restaurant; and

WHEREAS, because of these changes to the proposed redevelopment of the Redevelopment Area it is necessary to adopt an amendment to the Redevelopment Plan to incorporate these modifications; and

WHEREAS, the Mayor and Council have reviewed the proposed amendments and conclude that it is in the best interest of the Borough to adopt an amendment to the Redevelopment Plan;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland as follows:

SECTION I: That the Amended Redevelopment Plan for 85 Livingston Avenue be and hereby is adopted.

SECTION II: The Amended Redevelopment Plan shall supersede the development regulations of the Redevelopment Plan and the Borough's Zoning Ordinance and the Borough's Zoning Map is hereby amended to conform with the provisions within the Amended Redevelopment Plan.

SECTION III: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION IV: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION V: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

DATE OF INTRODUCTION: November 21, 2023

Motion to Introduce by: Councilwoman Tolli

Motion Seconded by: Councilman Bardi

Introduction Approved: 3-0 Voice Vote (Fishman, Freda, Trillo absent)

DATE OF ADOPTION: December 19, 2023

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman		X	X				
Councilman Freda							X
Councilwoman Perrotti	X		X				
Councilwoman Tolli			X				
Council President Trillo			X				
Mayor Spango (In case of tie)							
			VOTE:	5	0		

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19th day of December, 2023.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: December 28, 2023, The Progress

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