

## **BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION**

NOTICE is hereby given that **Ordinance 31-2023** - Ordinance of the Borough of Eatontown Entitled "An Ordinance Approving The FMERA Reuse And Redevelopment Plan As The Redevelopment Plan Under The Local Redevelopment And Housing Law For The Properties Located Within Eatontown That Were Formerly Part Of Fort Monmouth And That Are Identified On The Borough's Tax Map As Block 301, Lot 1, Block 501, Lots 1 And 1.01, Block 601, Lot 1, And Block 701, Lot 1" was passed after a public hearing at the regular meeting of October 25, 2023 by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

### **ORDINANCE 31-2023 - AN ORDINANCE APPROVING THE FMERA REUSE AND REDEVELOPMENT PLAN AS THE REDEVELOPMENT PLAN UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW FOR THE PROPERTIES LOCATED WITHIN EATONTOWN THAT WERE FORMERLY PART OF FORT MONMOUTH AND THAT ARE IDENTIFIED ON THE BOROUGH'S TAX MAP AS BLOCK 301, LOT 1, BLOCK 501, LOTS 1 AND 1.01, BLOCK 601, LOT 1, AND BLOCK 701, LOT 1**

**WHEREAS**, on July 12, 2017, the Eatontown Borough Council adopted Resolution 152-2017 authorizing the Eatontown Planning Board to conduct a preliminary investigation to determine whether a study area consisting of the former Fort Monmouth Properties located in the Borough of Eatontown which are identified on the Borough's tax map as Block 301, Lot 1, Block 501, Lot 1, Block 601, Lot 1 and Block 701, Lot 1 (collectively, the "Study Area") and under the jurisdiction and control of the Fort Monmouth Economic Revitalization Authority ("FMERA") should be determined to be a Non-Condemnation Redevelopment Area under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL"); and

**WHEREAS**, on July 26, 2017, the Eatontown Borough Council adopted Resolution 162-2017 authorizing the Eatontown Planning Board to expand the Study Area to include Block 501, Lot 1.01 (as amended, the "Expanded Study Area"); and

**WHEREAS**, pursuant to this authorization, the Planning Board scheduled a public hearing on the preliminary investigation of the Expanded Study Area for Monday, August 21, 2017 at 7:30 p.m. and published notice of the hearing to the public and to all impacted property owners in accordance with the requirements of the LRHL; and

**WHEREAS**, the Fort Monmouth Economic Revitalization Authority ("FMERA") retained Phillips Preiss Grygiel, LLC ("PPG") to prepare a planning report analyzing whether the Expanded Study Area qualifies as a Non-Condemnation Redevelopment Area under the LRHL; and

**WHEREAS**, PPG issued a planning report dated July 2017 concluding that the Expanded Study Area has conditions within it which would qualify it for designation as an area in need of redevelopment; and

**WHEREAS**, the Planning Board conducted a public hearing on its preliminary investigation of the Expanded Study Area on August 21, 2017 and heard testimony at that public hearing from a representative of PPG; and

**WHEREAS**, the Planning Board adopted a resolution declaring that the Expanded Study Area qualifies as an area in need of redevelopment due to the existence of conditions within the Expanded Study Area satisfying criteria N.J.S.A. 40A:12A-5(b) and (d), and recommending that the Borough Council determine that the Expanded Study Area is a Non-Condemnation Redevelopment Area under the LRHL; and

**WHEREAS**, the Borough Council adopted Resolution 178-2017 declaring that the Expanded Study Area qualifies as a Non-Condemnation area in need of redevelopment due to the existence of conditions satisfying criteria N.J.S.A. 40A:12A-5(b) and (d) under the LRHL; and

**WHEREAS**, the Borough Council adopted Resolution 173-2023 on August 9, 2023 reaffirming that the Expanded Study Area consisting of the former Fort Monmouth Properties located in the Borough of Eatontown which are identified on the Borough's tax map as Block 301, Lot 1, Block 501, Lots 1 and 1.01, Block 601, Lot 1 and Block 701, Lot 1 qualifies as an area in need of redevelopment due to the existence of conditions within the Expanded Study Area satisfying criteria N.J.S.A. 40A:12A-5(b) and (d), constitutes a Non-Condemnation Redevelopment Area under the LRHL; and

**WHEREAS**, the Borough does not have independent zoning powers over the Fort Monmouth property, including the Expanded Study Area, but instead, FMERA, pursuant to N.J.S.A. 52:271-18 et. seq. and its implementing regulations, has created the Fort Monmouth Economic Reuse and Redevelopment Plan (the "FMERA Reuse Plan") as amended from time to time, to set the zoning standards for the properties on Fort Monmouth, including the Expanded Study Area; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to adopt the FMERA Reuse Plan as the Redevelopment Plan for the Expanded Study Area so that it may exercise the full powers afforded to it under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., (the "LRHL") to further the redevelopment of the properties in Eatontown within Fort Monmouth; and

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that it hereby approves and adopts the Fort Monmouth Reuse and Redevelopment Plan, as amended by FMERA from time-to-time, including future plan amendments, as the Redevelopment Plan for the properties identified as Block 301, Lot 1, Block 501, Lots 1 and 1.01 and Block 601, Lot 1 and Block 701, Lot 1 on the Borough of Eatontown Tax Map in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7.

**BE IT FURTHER ORDAINED THAT** in accordance with N.J.S.A. 40A:12A-7 (c), the Zoning District Map of the Borough of Eatontown is hereby amended to include the FMERA Reuse Plan, as amended from time-to-time including future plan amendments as a zoning district.

**BE IT FURTHER ORDAINED**, that:

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect upon passage and publication in accordance with applicable law.