

O: 2018-23

**ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF
WARREN, NEW JERSEY ADOPTING REVISIONS TO THE
RIVERFRONT REDEVELOPMENT PLAN**

WHEREAS, by Resolution R:2005-77 adopted on April 19, 2005 the Town Council of the Town of Phillipsburg (the "**Town Council**"), pursuant to N.J.S.A. 40A:12A-6(a), and acting as the Town's redevelopment entity, authorized the Planning Board of the Town (the "**Planning Board**") to undertake a preliminary investigation and hearing regarding whether the Riverfront Redevelopment Study Area (the "**Study Area**") is an area in need of redevelopment in accordance with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Local Redevelopment and Housing Law**"); and

WHEREAS, consistent with N.J.S.A. 40A:12A-6(b)(1), the Planning Board caused to be prepared a map showing the boundaries of the Study Area and the location of the various parcels of the Project Site (defined below) included therein and commissioned a study to determine whether the Study Area constitutes an area in need of redevelopment (the "**Needs Study**"), which was prepared by Schoor DePalma, Carolyn Neighbor, P.P.; and

WHEREAS, consistent with the requirements contained in N.J.S.A. 40A:12A-6(b)(3), the Planning Board provided notice and conducted a public hearing on August 1, 2005, for the purpose of considering whether the areas delineated in the Needs Study constitute an area in need of redevelopment; and

WHEREAS, at the public hearing, the Planning Board received and considered all comments regarding the Needs Study and the proposed designation of the Study Area as an area in need of redevelopment and also received and considered evidence in support of the determination that the Study Area meets the criteria for an area in need of redevelopment set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board, by Resolution adopted on August 1, 2005, determined the Study Area (including the Project Site) to be an area in need of redevelopment pursuant to the statutory criteria set forth in Sections (a), (b), (c), (d), (e) and (g) of N.J.S.A. 40A:12A-5 and referred its findings to the Town Council for consideration, together with the Planning Board's recommendation that the Study Area be designated as an area in need of redevelopment by the Council pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, by Resolution R:2005-150, adopted on August 2, 2005, the Town Council approved the Needs Study and determined that the Study Area is an "area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, by Resolution R:2005-77, adopted on April 19, 2005, the Town Council, pursuant to N.J.S.A. 40A:12A-7, also authorized the Planning Board, if it determined that the

Study Area constituted an “area in need of redevelopment” (the “**Redevelopment Area**”), to prepare a Redevelopment Plan for the Study Area; and

WHEREAS, the Planning Board commissioned Schoor DePalma, Carolyn Neighbor, P.P. to prepare a redevelopment plan for the Redevelopment Area (the “**Original Redevelopment Plan**”); and

WHEREAS, at its meeting on August 1, 2005, the Planning Board considered the Original Redevelopment Plan and received and considered public comments on the Original Redevelopment Plan; and

WHEREAS, by Resolution adopted on August 1, 2005, the Planning Board approved the Original Redevelopment Plan and recommended its adoption to the Town Council; and

WHEREAS, on August 2, 2005 the Town Council conducted a public hearing concerning the Original Redevelopment Plan as recommended by the Planning Board, and adopted the “Riverfront Redevelopment Area Redevelopment Plan” by Ordinance 2005-30; and

WHEREAS, the Planning Board commissioned Van Cleef Engineering Associates, David K. Maski, PP, AICP to prepare a revised redevelopment plan for the Redevelopment Area (the “**Redevelopment Plan**”); and

WHEREAS, at its meeting on June 27, 2013 the Planning Board considered the Redevelopment Plan and received and considered public comments on the Redevelopment Plan; and

WHEREAS, by Resolution adopted on December 23, 2013 the Planning Board approved the Redevelopment Plan and recommended its adoption to the Town Council; and

WHEREAS on November 4, 2013 the Town Council conducted a public hearing concerning the Redevelopment Plan as recommended by the Planning Board, and adopted same by Ordinance 2013-19 (the “Redevelopment Plan Amendment”); and

WHEREAS, on April 26, 2018, the Planning Board held a public hearing and recommended, via adoption of Resolution 20__-__, that the Town Council adopt revisions to the Riverfront Redevelopment Plan, as amended, excepting revisions to Section 3.9 regarding permitted uses in District 6; and

WHEREAS, the Town Council believes that adding the “Storage of Empty Waste Containers” and the “Storage of Empty Waste Disposal Trucks” as a permitted use in District 6 will further the objectives of the Town as it will encourage the development of business within District 6 and notes that there exists multiple businesses in the vicinity of District 6 or located within District 6 which currently operate trucks and generate truck traffic; and

WHEREAS, the Town Council desires to adopt the revisions to the Riverfront Redevelopment Plan, as amended, ***including*** the revisions to Section 3.9, *Permitted Uses*, which revisions are incorporated in the Plan attached hereto (the "Second Redevelopment Plan Amendment").

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, NEW JERSEY AS FOLLOWS:

The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Notwithstanding the Planning Board's recommendations, the Redevelopment Plan Second Amendment, attached hereto as Exhibit A and made a part hereof, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law including the revisions to *Permitted Uses* in Section 3.9 relating to the addition of "Storage of Empty Waste Containers" and the "Storage of Empty Waste Disposal Trucks" as permitted uses.

Section 3. Except to the extent amended by the Redevelopment Plan Second Amendment as adopted hereby, all other terms and provisions of the Original Redevelopment Plan, as previously amended, shall continue in full force and effect.

Section 4. The zoning district map in the zoning ordinance of the Town is hereby amended to include the "Redevelopment Area" per the boundaries described in the Original Redevelopment Plan, as previously amended and the Redevelopment Plan Second Amendment.

Section 5. 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.

Section 6. A copy of this Ordinance and the Redevelopment Plan Second Amendment shall be available for public inspection at the office of the Town Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

ATTEST:

TOWN OF PHILLIPSBURG

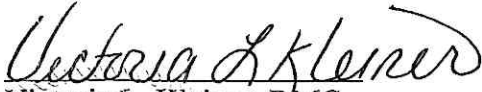
VICTORIA L. KLEINER
Municipal Clerk

STEPHEN ELLIS
Mayor

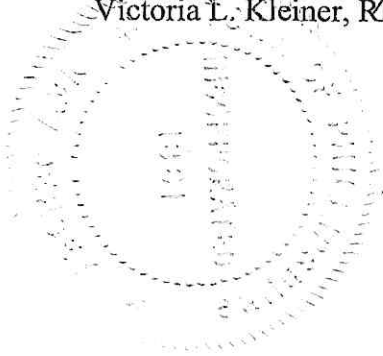
Dated: November 08, 2018

I HEREBY CERTIFY that the above ordinance was adopted by the Town Council on the 7th day of November, 2018, and was presented to the Mayor duly certified on the 9th day of November, 2018, and upon his failure to sign it or to return and file it with the Clerk within 10 days thereafter, the said ordinance took effect in like manner as if the Mayor had signed it.

Dated: November 09, 2018

A handwritten signature in cursive script, reading "Victoria L. Kleiner".

Victoria L. Kleiner, RMC



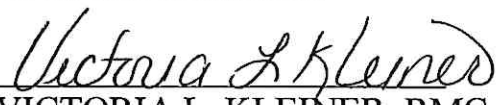
CLERK CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg do hereby certify that Ordinance No. O: 2018-23 entitled:

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**ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, NEW JERSEY
ADOPTING REVISIONS TO THE RIVERFRONT REDEVELOPMENT PLAN**

Was adopted by the Town Council on the 07 th day of November 2018 and I am hereby delivering said Ordinance to you, Mayor Stephen R. Ellis. On this 09th day of November, 2018 at 3:30 PM for your action on said Ordinance.


VICTORIA L. KLEINER, RMC
MUNICIPAL CLERK

MAYOR CERTIFICATION

I, Stephen R. Ellis, Mayor of the Town of Phillipsburg do hereby acknowledge receipt of Ordinance No. O: 2018-23 from the Municipal Clerk on this this 09th day of November, 2018 which I hereby approve for adoption.

Stephen R. Ellis, MAYOR