

ORDINANCE NO. 2023-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING THE PORT OF BELFORD REDEVELOPMENT PLAN
WITHIN THE PORT OF BELFORD REDEVELOPMENT PLAN AREA**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the "**LRHL**") provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment with a designated private redeveloper; and

WHEREAS, on July 20, 2015, by Resolution No. 15-205, the Township Committee of the Township of Middletown (the "**Township**") authorized and requested the Planning Board to undertake a preliminary investigation (the "**Investigation**") to determine whether Block 137, Lots 2.05, 2.07, 3, 4, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 108, 110, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1; Block 324, Lot 1; and Block 325 Lot 1 (the "**Initial Area of Investigation**") constitute an area in need of redevelopment according to the criteria set forth under the LRHL, specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on October 19, 2015, pursuant to Resolution No. 15-272, amending Resolution No. 15-205, the Township expanded the delineated study area to include the properties identified as Block 306, Lots 122, 123, 124, 125, 128 and 129; and Block 306.01, Lots 14, 15 and 16 (together, with the Initial Area of Investigation, the "**Area of Investigation**"); 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 2, 2015, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties located within the Area of Investigation constitute an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

WHEREAS, T&M Associates publicly presented a "Redevelopment Study & Preliminary Investigation Report" for the delineated Area of Investigation dated November 2015, revised January 2016 (the "**Investigation Report**"); and

WHEREAS, on December 2, 2015, the Planning Board unanimously recommended that the Township designate Block 137, Lots 2.07, 3, 5, 6, 7; Block 281, Lots 3, 4, 5, 6, 7, 8, 15; Block 306, Lots 47, 48, 49, 50, 51, 52, 66, 110, 122, 123, 130, 131, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 169, 170, 171, 172; Block 319, Lot 1; Block 320, Lot 1; Block 321, Lot 1; Block 322, Lot 1; Block 323, Lot 1, Block 324, Lot 1; and Block 325, Lot 1 as a non-condemnation area in need of redevelopment (the "**Redevelopment Area**") due to the substantial evidence that the Redevelopment Area meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on February 1, 2016, by Resolution No. 16-84, in accordance with the Planning Board's recommendation, the Township designated the Redevelopment Area as an area in need of redevelopment for non-condemnation purposes; and

WHEREAS, on May 15, 2017, by Ordinance No. 2017-3197, the Township adopted the Port Belford Redevelopment Plan prepared by T&M Associates dated May 2017 (the "**Redevelopment Plan**") governing the Redevelopment Area; and

WHEREAS, on August 19, 2019, by Resolution No. 19-217, the Township selected Woodmont Properties, Canoe Brook Development, Nexus Properties, and AJD Construction as the designated redevelopers for the Redevelopment Area; however, with the passage of time after covid, changes have occurred in the scope of the project and its participants; and

WHEREAS, on April 19, 2023, Woodmont Properties and Canoe Brook Development, which formed a project specific entity, Port Monmouth Residential Holdings, LLC, submitted conceptual plans to the Township to be conditionally designated redeveloper of a portion of the Redevelopment Area to develop a ferry terminal plaza, 403 residential apartment units including a 15% set-aside for affordable housing units, 7,500 square feet of retail space, restaurant pads, amphitheater, structured parking, and an interpretative center (the "**Mixed Use Project**"); and

WHEREAS, on June 5, 2023, pursuant to Resolution No. 23-175, the Township conditionally designated Port Monmouth Residential Holdings, LLC (the "**Mixed Use Redeveloper**") the exclusive redeveloper for the Mixed Use Project and the overall master redeveloper for the Redevelopment Area; and

WHEREAS, on June 5, 2023, pursuant to Resolution No. 23-174, the Township designated and authorized the entry of a Redevelopment Agreement with Port Belford Solar Farm, LLC (the "**Solar Redeveloper**") as a sub-redeveloper of a portion of Block 306, Lot 66 for the development of a 20 mega watt solar farm on the site of a closed county landfill (the "**Solar Project**"); and

WHEREAS, both the Mixed Use Project and the Solar Project necessitate certain amendments to the original Redevelopment Plan adopted in 2017; and

WHEREAS, the Township retained the services of its pre-qualified redevelopment planner, DMR Architects ("**DMR**") to prepare amendments to the Redevelopment Plan dated August 2023 (the "**Amended Port of Belford Redevelopment Plan**"); and

WHEREAS, N.J.S.A. 40A:12A-7 requires the adoption of redevelopment plans by ordinance with the Planning Board reviewing the plan for consistency with the Master Plan of the Township 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.

WHEREAS, the Township wishes to adopt the Amended Port of Belford Redevelopment Plan prepared by DMR dated August 2023.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. Amended Port of Belford Redevelopment Plan. The Amended Port of Belford Redevelopment Plan prepared by DMR dated August 2023 attached hereto and made part hereof as **Exhibit A** is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-1 et seq., shall supersede the current zoning applied to the Port of Belford Redevelopment Plan Area and be enacted

as an amendment to the Township'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 chapter, 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.

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