

ORDINANCE NO. 2024-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE REPEALING AND REPLACING ORDINANCE NO.
2024-3424 ADOPTING THE 325 HIGHWAY 36
REDEVELOPMENT PLAN CONSISTING OF BLOCK 238, LOTS
5 AND 6 AND A PORTION OF THE CENTRAL AVENUE RIGHT
OF WAY**

WHEREAS, on June 3, 2019, pursuant to Resolution No. 19-169, the governing body of the Township of Middletown (the “**Township**”), acting as the Township’s Redevelopment Entity, authorized and requested the Township’s Planning Board (the “**Planning Board**”) to undertake a preliminary redevelopment investigation to determine whether numerous lots, including Block 238, Lots 5 and 6, within the Highway 36 corridor (the “**Area of Investigation**”) qualifies as an “area in need of redevelopment” according to the criteria set forth under the Local Redevelopment and Housing Law (“**LRHL**”), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

WHEREAS, on October 17, 2022, pursuant to Resolution No. 22-265, the Township added Block 225, Lot 12 and Block 534, Lot 7 to 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 public notice that on the dates of July 20, 2023, July 27, 2023 and August 3, 2023, hearings would be held for the purpose of considering comments from those who are interested in or would be affected by a determination that the properties in the Area of Investigation are an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

WHEREAS, Stan Slachetka, PP, FAICP of T&M Associates publicly presented a report entitled “Redevelopment Study & Preliminary Investigation Report Route 36 Corridor, Scattered Sites” dated May 26, 2023, covering the delineated Area of Investigation (the “**Investigation Report**”); and

WHEREAS, on July 20, 2023, July 27, 2023, and August 3, 2023, the Planning Board received uncontested testimony from Mr. Slachetka, providing a first-hand account of the conditions that he observed during his exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and

findings contained in the Investigation Report; and

WHEREAS, on August 3, 2023, the Planning Board recommended that the Township designate, in relevant part, Block 238, Lots 5 and 6, as a non-condemnation area in need of redevelopment due to the substantial evidence that the Area of Investigation 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 August 21, 2023, pursuant to Resolution No. 23-226, the Township designated 87 properties, including Block 238, Lots 5 and 6, as an area in need of redevelopment for non-condemnation purposes; and

WHEREAS, at the direction of the Township, DMR has prepared a redevelopment plan entitled the “325 Highway 36 Redevelopment Plan” dated August 2024 to govern the zoning for Block 238, Lots 5 and 6, and a portion of the Central Avenue Right of Way that may be vacated (the “**Property**”); and

WHEREAS, the Township wishes to adopt the 325 Highway 36 Redevelopment Plan for the Property; 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; and

WHEREAS, on September 3, 2024, the Township adopted Ordinance No. 2024-3424 without a conformance review having been completed; therefore, requiring its re-introduction.

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. 325 Highway 36 Redevelopment Plan. The 325 Highway 36 Redevelopment Plan dated August 2024 prepared by DMR and attached hereto as **Exhibit A** and by the reference made a part hereof is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7, shall supersede the current zoning applied to the Property, and shall be enacted as an amendment to the Township’s Zoning Map.

SECTION 2. Severability. If any section, subsection or paragraph of this ordinance is declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such section,

subsection 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, specifically Ordinance No. 2024-3424, which shall be repealed and replaced in its entirety by this ordinance.

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