

ORDINANCE NO. 2217

**AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN
PURSUANT TO N.J.S.A. 40A:12A-7 FOR THE ROMEROVSKI SITE
LOCATED IN THE BOROUGH OF ROSELLE PARK**

WHEREAS, by Resolution adopted April 20, 2006, the Borough Council of the Borough of Roselle Park (“Council”) directed and authorized the Planning Board to conduct a preliminary investigation and a public hearing to determine whether an area commonly known as “The Romerovski Site,” and designated as Block 214, Lots 1, & Block 314, Lot 1) on the Official Tax Map of the Borough of Roselle Park is an area in need of redevelopment according to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”); and

WHEREAS, after due notice and a hearing, the Planning Board, by Resolution adopted September 18, 2006, recommended to the Borough Council that the Romerovski Site be declared an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, after receipt of the Planning Board’s resolution, the Council, by Resolution 158-06 adopted, designated the Romerovski Site as an area in need of redevelopment pursuant to the Redevelopment Law for reasons stated therein; and

WHEREAS, pursuant to the Redevelopment Law, a redevelopment project must be undertaken pursuant to a “redevelopment plan” adopted by ordinance; and

WHEREAS, the Borough’s consulting planner prepared for the Council a proposed redevelopment plan entitled “Romerovski Site Redevelopment Plan” (“Proposed Plan”) dated February 2007; and

WHEREAS, on February 15, 2007, the Borough Council introduced Ordinance 2201 entitled “AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 FOR THE ROMEROVSKI SITE LOCATED IN THE BOROUGH OF ROSELLE PARK”; and

WHEREAS, on February 15, 2007, the Borough Council reviewed the Redevelopment Plan attached to Ordinance 2201 and concluded that the Plan met the statutory requirements of N.J.S.A. 40A:12A-1 et seq., and was designed to effectuate the Borough’s Master Plan as it pertains to the Romerovski Site; and

WHEREAS, on March 1, 2007, Ordinance #2201 was adopted on second reading and advertised as prescribed by law; and

WHEREAS, on June 18, 2007, the Borough Planning Board adopted and the Borough Council endorsed its Housing Element and Fair Share Plan; and

WHEREAS, specific provisions of the Borough's Housing Element and Fair Share Plan were inconsistent with provisions of the Borough's adopted Redevelopment Plan; and

WHEREAS, it is the Borough's intention to bring its Master Plan, Housing Element and Fair Share Plan, and Redevelopment Plan into consistency with one another; and

WHEREAS, in addition, one or more provisions of the Borough's Redevelopment Plan have been challenged in a lawsuit currently pending in New Jersey Superior Court, Law Division; and

WHEREAS, specifically, the plaintiff alleges that, under relevant laws, the Borough's Redevelopment Plan is invalid in that it limits the tenure of ownership in the residential units to be constructed on the Romerovski site to condominiums and cooperatively owned units; and

WHEREAS, without commenting on the validity of any of plaintiff's specific legal challenges, the Borough considers it prudent to amend the Redevelopment Plan to remove the allegedly invalid language; and

WHEREAS, nothing herein should be construed as a waiver or abandonment of the rights of the Borough under applicable law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Roselle Park as follows:

Section 1. Council hereby adopts the attached amendment to the Redevelopment Plan dated September 2007 and prepared by HGA for the Romerovski Site (Block 213, Lots 1, & Block 314, Lot 1) pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-1 et. seq. A copy of the amended Redevelopment Plan shall be maintained in the offices of the Borough Clerk.

Section 2. The amended Redevelopment Plan shall supersede applicable provisions of the Zoning Ordinance of the Borough of Roselle Park. In all situations where zoning issues are not specifically addressed by the amended Redevelopment Plan, the Zoning Ordinances of the Borough shall remain in full force and effect.

Section 3. Pursuant to N.J.S.A. 40A:12A-7(c), the Zoning Map is hereby amended consistent with Section 1 above, so as to indicate that the amended Redevelopment Plan applies to the redevelopment area depicted in the attached amended Redevelopment Plan.

Section 4. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion hereof.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon adoption and publication according to law, and upon filing with the Union County Planning Board.

Introduced: September 6, 2007

Adopted:

Mayor

Attest: _____
Borough Clerk