



Legislation Details (With Text)

File #: 20-1625 **Version:** 1 **Name:** Dayton Street Scattered Site Redevelopment Plan
Type: Ordinance **Status:** Adopted
File created: 12/10/2020 **In control:** Economic and Housing Development
On agenda: 12/29/2020 **Final action:** 1/12/2021
Title: AN ORDINANCE ADOPTING THE DAYTON STREET SCATTERED SITE REDEVELOPMENT PLAN.
(SOUTH WARD)
Deferred 6PSF-e 010621
Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
1/12/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
1/6/2021	1	Municipal Council	maintained on public hearing and deferred to Special meeting	Pass
12/29/2020	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE ADOPTING THE DAYTON STREET SCATTERED SITE REDEVELOPMENT PLAN. (SOUTH WARD)
Deferred 6PSF-e 010621**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (the “LHRL”) authorizes municipalities to determine whether certain land in the municipality constitutes an area in need of redevelopment; and

WHEREAS, the Newark Municipal Council adopted Resolution 7R2-j(AS) on February 19, 2020, designating the Newark Housing Authority (the “NHA”) as the Redevelopment Entity for certain properties located at 741-811 Frelinghuysen Avenue (Block 3746, Lot 1), 210-236 Dayton Street (Block 3746, Lot 10 and Block 3752, Lot 25), 1-37 Ludlow Street (Block 3764, Lot 1.01), 39-83 Ludlow Street (Block 3764, Lot 1.02), 85-99 Ludlow Street (Block 3764, Lot 1.03), and 101-121 Ludlow Street (Block 3764, Lot 1.04) in the South Ward, referred to as the “Dayton Street Redevelopment Area”; and

WHEREAS, on April 21, 2020, in accordance with the LRHL, the Newark Municipal Council (“Municipal Council”) adopted Resolution 7R2-b authorizing and directing the Newark Central Planning Board (the “Central Planning Board”) to conduct a preliminary investigation to determine whether the following properties (“Proposed Plan Area”) in the South Ward of the City of Newark (the “City”) constitute an area in need of redevelopment in accordance with the criteria set forth in the N.J.S.A. 40A:12A-5 of the LHRL and whether said determination shall authorize the municipality to use all those powers provided by the legislature for use in a redevelopment area other than the use of eminent domain (“Non-Condensation Area”); and:

1. 741-811 Frelinghuysen Avenue, Block 3746, Lot 1
2. 210-236 Dayton Street, Block 3746, Lot 10 and Block 3752, Lot 25
3. 1-37 Ludlow Street, Block 3764, Lot 1.01
4. 39-83 Ludlow Street, Block 3764, Lot 1.02
5. 85-99 Ludlow Street, Block 3764, Lot 1.03
6. 101-121 Ludlow Street, Block 3764, Lot 1.04; and

WHEREAS, on June 15, 2020, the Central Planning Board conducted a virtual Public Hearing, via Zoom, to review the investigation report, hear testimony, and transmit a recommendation to the Municipal Council and as a result adopted and memorialized a Resolution on said date, recommending that the parcels in the Proposed Plan Area be designated a Non-Condemnation Area in need of redevelopment under the LRHL; and

WHEREAS, by Resolution 7R2-f(S), adopted on August 11, 2020, the Municipal Council accepted the recommendation of the Central Planning Board and declared the Proposed Plan Area as a Non-Condemnation Redevelopment Area (the "Plan Area"); and

WHEREAS, pursuant to Resolution 7R2-f(S) adopted on August 11, 2020, the Municipal Council further directed the Central Planning Board to create and transmit a redevelopment plan and report identifying any provisions in the proposed redevelopment plan, which are inconsistent with the Master Plan and providing recommendations concerning those inconsistencies, as well as any other matter as the Central Planning Board deems appropriate, in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, during the preparation of the redevelopment plan and prior to its presentation to the Municipal Council, the NHA requested an expansion of the redevelopment plan boundaries to include certain properties, based on their designation as an area in need of rehabilitation pursuant to Resolution 7Rdo(AS) adopted on June 15, 2005, designating the entire City as an Area in Need of Rehabilitation in accordance with N.J.S.A. 40A:12A-14 et seq., in close proximity to the Plan Area ; and

WHEREAS, pursuant to Resolution 7R2-h, adopted on December 2, 2020, and in accordance with the LHRL, the Municipal Council directed the Planning Board to include the following properties to the Plan Area based on their designation as an Area in Need of Rehabilitation:

1. 35 Foster Street, Block 3745, Lot 23
2. 723-725 Frelinghuysen Avenue, Block 3745, Lot 25
3. 727-739 Frelinghuysen Avenue, Block 3745, Lot 27
4. 162-164 Dayton Street, Block 3746, Lot 33
5. 160 Dayton Street, Block 3746, Lot 35
6. 158 Dayton Street, Block 3746, Lot 36
7. 154-156 Dayton Street, Block 3746, Lot 37
8. 150-152 Dayton Street, Block 3746, Lot 39
9. 146-148 Dayton Street, Block 3746, Lot 41
10. 142-144 Dayton Street, Block 3746, Lot 43; and

WHEREAS, Heyer, Gruel & Associates prepared a redevelopment plan for the Plan Area entitled, The Dayton Street Scattered Site Redevelopment Plan (the "Redevelopment Plan"); and

WHEREAS, on December 7, 2020, the Central Planning Board reviewed the Redevelopment Plan during a virtual meeting held via Zoom, and adopted a Memorialization Resolution on said date, rendering its report to the Municipal Council and recommending the adoption of the Redevelopment Plan noting that it is consistent with the Master Plan pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Municipal Council hereby finds it appropriate for the Redevelopment Plan to be adopted for the Plan Area, being among other things, substantially consistent with the Master Plan for the City; and

WHEREAS, the Municipal Council now desires to adopt the Redevelopment Plan, in the form attached hereto, and to direct that the applicable provisions of the City's Zoning Ordinance and Map be amended and superseded to reflect the provisions of the Redevelopment Plan, as and to the extent set forth therein.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The preceding recitals are incorporated herein as though fully set forth herein at length.
2. The Newark Municipal Council hereby finds and determines that "The Dayton Street Scattered Site Redevelopment Plan" is substantially consistent with and generally conforms to the City of Newark's Master Plan and it provides the maximum opportunity consistent with the orderly redevelopment of the properties that are governed by the Plan.
3. The Newark Municipal Council hereby adopts "The Dayton Street Scattered Site Redevelopment Plan" dated December 2020, in the form attached hereto as Exhibit A.
4. Upon final adoption hereof, the City of Newark Zoning Map ("Zoning Map"), as may have been amended from time to time, shall be amended by "The Dayton Street Scattered Site Redevelopment Plan" which shall supersede the zoning designation shown on Zoning Map for the Redevelopment Area.
5. To the extent that any previous ordinance is inconsistent with or contradictory hereto, said ordinance is hereby amended to the extent necessary to make it consistent herewith.
6. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph, or provision of the Ordinance shall be declared by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.
7. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a copy of this Ordinance and the Redevelopment with the Office of the City Clerk.
8. This Ordinance shall take effect after final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance adopts the Dayton Street Scattered Sites Redevelopment Plan approved by the Central Planning Board at its December 7, 2020 Meeting. (South Ward)