

**ORDINANCE #2021-05**

**AN ORDINANCE OF THE BOROUGH OF ALLENHURST, IN THE  
COUNTY OF MONMOUTH, NEW JERSEY ADOPTING THE AMENDED  
MAIN STREET REDEVELOPMENT PLAN PURSUANT TO THE LOCAL  
REDEVELOPMENT AND HOUSING LAW**

Offered By: Comm. McLoughlin

Seconded By: Mayor McLaughlin

**WHEREAS**, on November 15, 2004, in accordance with the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), the Borough of Allenhurst (the "**Borough**") designated certain property fronting on Main Street or Deal Lake as an area in need of redevelopment (as further described in the Redevelopment Plan defined below, the "**Redevelopment Area**"); and

**WHEREAS**, in accordance with the provisions of the Redevelopment Law, the Borough enacted the "Main Street Redevelopment Plan" in October 2006, as amended November 2007 (the "**Prior Redevelopment Plan**") for the Redevelopment Area; and

**WHEREAS**, the Borough wishes to amend and restate the Redevelopment Plan to, among other things, propose a townhouse development on the east side of Main Street that is sensitive to the historical context of the Borough's residential neighborhoods, modify the Prior Redevelopment Plan by proposing the demolition (rather than adaptive reuse) of the Art Deco Jersey Central Power & Light (JCP&L) buildings along the west side of Main Street, and revise the concept for the redevelopment of the Borough's DPW/Waterworks site on the southside of Hume Street to permit new construction; and

**WHEREAS**, Heyer, Gruel & Associates has prepared an amended redevelopment plan for the Redevelopment Area, entitled, "Main Street Redevelopment Plan", amended March 2021 (the "**Referred Redevelopment Plan**"); and

**WHEREAS**, on March 9, 2021, the Borough adopted Resolution #2021-73, authorizing and directing the Borough Planning Board (the "**Planning Board**") to review the Referred Redevelopment Plan and to advise the Borough of its findings in connection therewith in accordance with N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, on March 10, 2021, the Planning Board held a duly noticed and constituted public meeting, at which it determined that the Referred Redevelopment Plan is generally consistent with the Borough's Master Plan, and recommended that the Borough adopt the Referred Redevelopment Plan, subject to certain recommended revisions which are set forth in a letter from the Planning Board Attorney dated March 17, 2021 (the "**Planning Board Report**") which Planning Board Report is incorporated herein as though set forth at length herein; and

**WHEREAS**, the Borough Commissioners of the Borough (the "**Borough Commissioners**") have reviewed the Planning Board Report and desire to approve Planning Board comments 1 and 5 through 10, inclusive, as enumerated in the Planning Board Report (collectively, the "**Approved Revisions**"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Commissioners desire to disapprove Planning Board comments 2 through 4, inclusive and 11 through 13, inclusive, as enumerated in the Planning Board Report (collectively, the "**Disapproved Revisions**"), for the following reasons:

Comment 2 – The Referred Redevelopment Plan, under the heading "IMPLEMENTATION OF THE REDEVELOPMENT PLAN – Conditions in Redevelopment Agreement(s)" adequately addresses the requirement of the redeveloper to undertake off-site improvements. Further, the Borough Commissioners anticipate that any redevelopment agreement for the Redevelopment Area will also address requirements of the redeveloper to undertake off-site improvements;

Comment 3 – The Referred Redevelopment Plan, under the heading "DISTRICT STANDARDS – Townhouse Residential District – Additional Standards" adequately prohibits bedrooms on the ground floor of the townhouse units. Further, the Borough Commissioners anticipate that any redevelopment agreement for the Redevelopment Area will contain floor plans for such townhouse units that illustrate that the ground floor of the townhouse units are not conducive to construct a bedroom on the ground floor;

Comment 4 – Responsibility for utility connections is already adequately addressed by existing applicable Borough ordinance;

Comment 11 – The Borough has determined it is not feasible to have the front yard set back of the proposed townhouses facing Elberon Avenue to match those of the existing single family homes on Elberon Avenue, as such a change would fundamentally alter the proposed redevelopment project and would impede the Borough's ability to effectuate the Redevelopment Plan and the Borough's Master Plan;

Comment 12 – The Planning Board retains the ability to evaluate the color scheme for any proposed project in the Redevelopment Area when the Planning Board reviews such project for site plan approval, and can evaluate the color scheme via the requirements of the Borough's historic preservation ordinance at that time;

Comment 13 – If a rooftop bar is allowed or permitted within the Redevelopment Area, it will be subject to the Borough's existing noise ordinance and, as such, additional language in the Redevelopment Plan is not necessary; and

**WHEREAS**, Heyer, Gruel & Associates has prepared an amended redevelopment plan for the Redevelopment Area, entitled, "Main Street Redevelopment Plan", amended April 2021, inclusive of the Approved Revisions (the "**Amended Redevelopment Plan**"), which Amended Redevelopment Plan is on file in the Office of the Borough Clerk and available for public inspection;

**WHEREAS**, the Borough now desires to adopt the Amended Redevelopment Plan.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Commissioners of the Borough of Allenhurst, in the County of Monmouth, New Jersey (not less than a majority of the full authorized membership thereof affirmatively concurring), as follows:

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

2. The Borough Commissioners have reviewed the Planning Board Report and hereby approve such Approved Revisions as set forth in the Amended Redevelopment Plan. The Borough Commissioners hereby further disapprove the Disapproved Revisions for the reasons set forth herein.

3. The Amended Redevelopment Plan is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7 and shall supersede the Prior Redevelopment Plan in its entirety. Accordingly, the Prior Redevelopment Plan is no longer of full force or effect.

4. All of the provisions of the Amended Redevelopment Plan shall supersede the applicable development regulations of the Borough's municipal code in accordance with the terms of the Amended Redevelopment Plan, and the sections of the zoning map of the Borough that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Amended Redevelopment Plan.

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.

6. This Ordinance shall take effect in accordance with applicable law.

7.

VOTE: Comm. McLoughlin-AYE; Comm. Bolan-AYE; Mayor McLaughlin-AYE

**APPROVED:** March 23, 2021

**ADOPTED:** April 13, 2021

**CERTIFICATION**

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance adopted by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on April 13, 2021.

***Donna M. Campagna***

Donna M. Campagna  
Borough Clerk/Administrator