

ORDINANCE #2021- 12
AN ORDINANCE OF THE BOROUGH OF ALLENHURST, IN THE
COUNTY OF MONMOUTH, NEW JERSEY RESCINDING AND
VACATING ORDINANCE #2021-05 THAT ADOPTED AN AMENDED
MAIN STREET REDEVELOPMENT PLAN PURSUANT TO THE LOCAL
REDEVELOPMENT AND HOUSING LAW

Offered By: Mayor McLaughlin

Seconded By: Comm. McLoughlin

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 *ARedevlopment Law*), the Borough of Allenhurst (the "Borough") designated certain property fronting on Main Street and Deal Lake as an area in need of redevelopment; and

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

WHEREAS, the Borough amended and restated the Redevelopment Plan by Ordinance 2021-05 to, *inter alia*, permit a townhouse development on the east side of Main Street, modify the 2007 Redevelopment Plan by proposing the demolition (rather than adaptive reuse) of the Art Deco former Jersey Central Power & Light (JCP&L) buildings along the west side of Main Street and revise the concept for the redevelopment of the former JCP&L barn site on the east side of Main Street to permit new construction; and

WHEREAS, Ordinance #2021-05 was adopted upon second reading on April 13, 2021; and

WHEREAS, on June 28, 2021 the Borough received written correspondence from Fair Share Housing Center ("FSHC") notifying the Borough of FSHC's intention to intervene in the action filed by the Allenhurst Taxpayers Association, Inc. to assert a cross-claim alleging, among other things, a constitutional violation by the Borough relative to the Borough's obligation to provide a realistic opportunity for affordable housing if the Amended Redevelopment Plan adopted via Ordinance #2021-05 is not revised to include a 20% affordable housing set-aside (the "Affordable Housing Obligation"); and

WHEREAS, any attempt to address Fair Share Housing Center's concerns will require the Amended Redevelopment Plan to be substantially revised.

NOW, THEREFORE, BE IT ORDAINED, by the Board of 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. That the above recitals are incorporated herein as though more fully set forth herein at length, and
2. Ordinance #2021-05 be and is hereby rescinded and vacated as the Amended Redevelopment Plan will have to be substantially revised to address, among other things, the Affordable Housing Obligation, and
3. To the extent that Ordinance #2021-05 superseded the prior, November 2007 Redevelopment Plan, the same is hereby reinstated in its entirety, and shall be considered to remain in full force and effect, and
4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance, and
5. This Ordinance shall take effect in accordance with applicable law.

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

APPROVED: July 27, 2021

ADOPTED: August 24, 2021

CERTIFICATION

I, Donna M. Campagna, Borough Clerk/Administrator, do hereby certify this to be a true and exact copy of an Ordinance approved by the Board of Commissioners of the Borough of Allenhurst, County of Monmouth, State of New Jersey, at a meeting held on July 27, 2021.

Donna M. Campagna

Donna M. Campagna
Borough Clerk/Administrator