

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL SPECIAL MEETING
AUGUST 5, 2019**

This Special Meeting of the Mayor and Council was held on August 5, 2019, at Fanwood Borough Hall, 75 North Martine Avenue, Fanwood, NJ at 7:05 pm.

Tom Kranz, Council President, presided and stated; I hereby announce and request that such be included in the minutes of this meeting that notice of the time, place and date of the meeting has been prominently posted on the bulletin board at the Borough Hall, mailed to The Times, the Star Ledger, the Courier News, Alternate Press, filed with the Borough Clerk and mailed to any person requesting the same in accordance with the requirements of the Open Public Meetings Act.

Present: Jeffrey Banks, Tom Kranz, Katherine Mitchell, Patricia Walsh
Anthony Carter arrived later

Absent: Erin Mcelroy-Barker, Mayor Colleen Mahr

Also, Present: Eleanor McGovern, Russell Huegel, Fred Tomkins, Antonios Panagopoulos, Diane Dabulas, Liz Jeffrey, Ray Sullivan

Council President Kranz stated that this meeting was being held to hold a Public Hearing on an ordinance relating to Old South Avenue Redevelopment Plan.

Councilman Carter arrived at 7:10 pm.

OLD BUSINESS

A. Administration and Finance (Council President Kranz)

Ordinance 19-12-R

Kranz/Mitchell moved to open the public hearing on Ordinance 19-12-R. Motion carried.

Michael Lewis wanted to know if this ordinance had anything to do with restricting density in that development area. Liz Jeffery addressed his question.

Mitchell/Banks moved to close the public hearing. Motion carried.

Council President Kranz stated that the ordinance will be adopted with the Planning Board's comments inserted into the Old South Avenue Redevelopment Plan as follows:

1. Consider inclusion of a provision which would encourage developers, when possible, to include green infrastructure to mitigate storm water management and quality.
2. Include as an appendix, the provisions of Land Use Ordinance of the Borough of Fanwood Section 184-119 D (4) and 184-119 E (2), as those Architectural, streetscape and other design standards are included in the Plan, with stated exceptions.
3. Clarify how the sidewalk area is defined in Section C of the Plan, 184-119 E (2).

These changes do not require an amendment to the ordinance.

Kranz/Mitchell moved to adopt Ordinance 19-12-R on second reading. Motion carried on the following roll call vote.

ORDINANCE NO. 19-12-R

AN ORDINANCE ADOPTING THE REDEVELOPMENT PLAN ENTITLED “OLD SOUTH AVENUE REDEVELOPMENT PLAN” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, On August 6, 2018 the Fanwood Borough Council adopted Resolution 18-08-135 authorizing the Fanwood Planning Board to conduct a preliminary investigation and to prepare a report pursuant to N.J.S.A. 40A:12A-6 to determine whether the properties in the redevelopment area in the Borough of Fanwood, known and designated as Block 55, Lots 7.01, 8, 9.0101, 9.0102, 10, 11, 11.01, 12 and Block 57, Lot 1, inclusive of any and all streets, and right of ways, as shown on the official Tax Map of the Borough of Fanwood, commonly known as Old South Avenue Corridor (“Study Area”), qualify as an “area in need of redevelopment” in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5.; and

WHEREAS, the Mayor and Council had determined that the use of eminent domain is not to be authorized by the Borough of Fanwood and that the delineated area shall be deemed a non-condemnation redevelopment area in accordance with Redevelopment Law; and

WHEREAS, by Resolution dated August 6, 2018, the Planning Board authorized Phillip Preiss to review the designated criteria and prepare a report to the Planning Board as to whether the Study Area is an area in need of redevelopment as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq.; and

WHEREAS, the said planner had submitted to the Planner Board a report entitled "Old South Avenue Area In Need of Redevelopment Study, Borough of Fanwood, New Jersey" prepared by Phillips Preiss Grygiel Leheny Hughes LLC, dated August 2018; and

WHEREAS, on September 26, 2018, a public hearing was conducted by the Planning Board, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3), at which the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area (the “Redevelopment Area”); and

WHEREAS, the Borough of Fanwood, considered the Planning Board’s recommendation and Resolution recommending that the Redevelopment Area be designated as a non-condemnation redevelopment area, at its regularly scheduled public meeting on October 15, 2018, wherein members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, the Borough accepted the recommendation of the Planning Board to declare the Study Area as a Non-Condemnation Redevelopment Area and passed resolution on October 15, 2018, finding that the subject property, Old South Avenue Corridor, in the Borough of Fanwood, County of Union and State of New Jersey, known and designated as Block 55, Lots 7.01, 8, 9.0101, 9.0102, 10, 11, 11.01, 12 and Block 57, Lot 1, inclusive of any and all streets, and right of ways as shown on the

official Tax Map of the Borough of Fanwood meets the criteria set forth in N.J.S.A. 40A:12A-5(c) and (e) for redevelopment designation and that the delineated area be and hereby is designated as an area in need of redevelopment, as a non-condemnation redevelopment area, in accordance with N.J.S.A. 40A:12A-1, et seq., to be known as Old South Avenue Redevelopment Area; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Council caused a redevelopment plan for the Redevelopment Area to be prepared by Phillips Preiss, Grygiel Leheny Hughes LLC, entitled “Old South Avenue Redevelopment Area” (the “Redevelopment Plan”); and

WHEREAS, the Borough Council desires to have the Planning Board review and comment upon the Redevelopment Plan, pursuant to the Redevelopment Law; and

WHEREAS, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Borough Council believes that the adoption of the Redevelopment Plan is in the best interests of the Borough and the redevelopment of the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Fanwood, in the County of Union, New Jersey that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER ORDAINED, pursuant to N.J.S.A. 40A:12A-7(e), the Borough Council hereby refers the Redevelopment Plan, as described on Exhibit A attached hereto, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations and submit same to the Borough Council within 45 days after referral, as required by the Redevelopment Law.

BE IT FURTHER ORDAINED, contingent upon the receipt of the Planning Board’s recommendations, the Borough Council hereby adopts the Redevelopment Plan, pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

BE IT FURTHER ORDAINED, the zoning ordinances of the Borough are hereby amended to include the amendments indicated in the Redevelopment Plan and the provisions therein.

BE IT FURTHER ORDAINED, the Borough Council shall serve as Redevelopment Entity for purposes of implementing the Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

BE IT FURTHER ORDAINED, in case any one or more of the provisions of this Ordinance or the Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

BE IT FURTHER ORDAINED, if any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this ordinance shall take effect 20 days after final passage and publication as prescribed by law.

Introduced: July 15, 2019
Public Hearing
And Adoption: August 5, 2019
FOR: Kranz, Mitchell, Banks, Carter, Walsh
AGAINST: None
ABSTAIN: None
ABSENT: Mcelroy-Barker

PRIVILEGE OF THE FLOOR BY THE PUBLIC

Mitchell/Banks moved to open the meeting to the public. Motion carried.

No one spoke.

Walsh/Mitchell moved to close the meeting to the public. Motion carried.

ADJOURNMENT

Mitchell/Kranz moved to adjourn at 7:12 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk