FIRST READING: February 18, 2020 **ORD. No. 64-05**

2ND AND FINAL READING:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN ENTITLED "REDEVELOPMENT PLAN – 4900 TREMLEY POINT ROAD REDEVELOPMENT PROJECT – BLOCK 587, LOTS 8, 9 AND 23" 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*. (the "**Redevelopment Law**"), authorizes a municipality to determine whether certain parcels of land in the municipality constitute "areas in need of rehabilitation" and/or "areas in need of redevelopment"; and

WHEREAS, on June 18, 2019, the City Council of the City (the "**City Council**"), pursuant to *N.J.S.A.* 40A:12A-6, authorized the Planning Board of the City (the "**Planning Board**") to determine whether the property identified as Block 254, Lots 1-10 on the official tax map of the City ("**Study Area**"), met the statutory criteria for designation as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

WHEREAS, on September 10, 2019, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with *N.J.S.A.* 40A:12A-6, and recommended to the City Council that the Study Area satisfied certain statutory criteria and thus constituted an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on September 17, 2019, the City Council adopted a resolution which designated the Study Area as an area in need of redevelopment (the "**Redevelopment Area**"); and

WHEREAS, in order to facilitate the redevelopment of the Redevelopment Area, the City Council also authorized the preparation of a redevelopment plan for the Redevelopment Area pursuant to the authority granted under the Redevelopment Law; and

WHEREAS, Ricci Planning prepared the redevelopment plan entitled "Redevelopment Plan – 4900 Tremley Point Road Redevelopment Project – Block 587, Lots 8, 9, and 23," (the "**Redevelopment Plan**"), providing the development standards for the Study Area, as more fully set forth and attached hereto as Exhibit A; and

WHEREAS, upon review of the Planning Board's recommendation for the Redevelopment Plan, the City Council has determined to adopt the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A, to ensure the success of redevelopment within the Redevelopment Area in conformity with the City's redevelopment objectives; and

WHEREAS, on January 21, 2020, pursuant to the Redevelopment Law, the City Council referred the Redevelopment Plan to the Planning Board for review and comment; and

WHEREAS, on February 11, 2020, the Planning Board reviewed and recommend the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A; and

WHEREAS, upon review of the Planning Board's recommendation regarding the Redevelopment Plan, the City Council has determined to adopt the Redevelopment Plan, as more fully set forth and attached hereto as Exhibit A, to ensure the success of redevelopment within the Redevelopment Area in conformity with the City's redevelopment objectives.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Linden, County of Union, New Jersey that**:**

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

Section 2. The Redevelopment Plan, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of *N.J.S.A.* 40A:12A-7.

Section 3. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 4. This Ordinance shall take effect in accordance with all applicable laws.

PASSED:

_____
President of Council

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the ordinance adopted by the City Council of the City of Linden at a meeting held on February 18, 2020 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this ___ day of _____ , 2020.

_____
JOSEPH C. BODEK, City Clerk

EXHIBIT A

REDEVELOPMENT PLAN
4900 TREMLEY POINT ROAD REDEVELOPMENT PROJECT
BLOCK 587, LOTS 8, 9 AND 23

Redevelopment Plan

4900 Tremley Point Road Redevelopment Project

Block 587, Lots 8, 9 and 23

City of Linden

Union County, New Jersey

Prepared: January 10, 2020
Adopted:

Prepared by:

ricciplanning
177 Monmouth Avenue
Atlantic Highlands, NJ 07716

Paul N. Ricci, PP, AICP
New Jersey Professional Planner
License No.: LI005570

The original of this document was signed
and sealed in accordance with New Jersey Law

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1.0 — Introduction

On June 19, 2019, the Linden City Council adopted Resolution No. 2019-255, which authorized the Linden Planning Board to undertake a preliminary investigation to determine whether or not Block 587, lots 8, 9 and 23 in the City of Linden may be designated as an area in need of redevelopment in accordance with applicable New Jersey Law. A copy of Resolution No. 2019-255 is provided in Appendix A.

A report dated August 22, 2019 and entitled "Redevelopment Study and Preliminary Investigation Report, Block 587, Lots 8, 9 and 23 (Rail Redevelopment Project)", was subsequently prepared by Paul N. Ricci, PP, AICP of the firm of RicciPlanning, LLC. The report concluded that the aforementioned parcels met several of the requirements for being designated as an "area in need of redevelopment" as outlined in the criteria set forth at N.J.S.A. 40:12A-1 et seq. (Local Redevelopment and Housing Law). Specifically, the report concluded that: Block 587, lots 8, 9 and 23 met the "h" Criterion; Block 587, Lot 8 meets the "d" Criterion; and, Block 587, lots 9 and 23 would be needed for the effective redevelopment of Block 587, Lot 8. On September 10, 2019, the Linden Planning Board held a public hearing and recommended to the Mayor and City Council that the collective designation of the aforementioned parcel as an area in need of redevelopment. A copy of this finding is provided in Appendix B.

The Linden City Council subsequently adopted Resolution No. [INSERT NUMBER] on [INSERT DATE]. This resolution designated the aforementioned parcel as an area in need of redevelopment and authorized the preparation of a redevelopment plan. A copy of Resolution No. [INSERT NUMBER] is provided in Appendix C.

This redevelopment plan has been prepared to codify the goals, objectives, and specific land use and development standards for the redevelopment of Block 587, lots 8, 9 and 23.

2.0 — Statutory Requirements

As per the Local Redevelopment and Housing Law, a redevelopment plan shall include an outline for the planning, development, and redevelopment of a designated redevelopment area that is sufficient to indicate:

- Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
- Proposed land uses and building requirements;
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
- An identification of any property within the redevelopment area that is proposed to be acquired in accordance with the redevelopment plan; and,
- Any significant relationship of the redevelopment plan to: the master plans of adjacent municipalities; the master plan of the county within which the municipality is located; and, the State Development and Redevelopment Plan, as adopted pursuant to the State Planning Act (P.L. 1985, c.398; C. 52:18A-196 et al.).

The Local Redevelopment and Housing Law further requires that a redevelopment plan describe its relationship to pertinent municipal development regulations.

3.0 — Redevelopment Area Description

The redevelopment area is located in the southeastern part of the city of Tremley Point. Block 587, Lot 8 is located at the terminus of Tremley Point Road. Block 587, lots 9 and 23 provide additional access as a railway right-of-way. The parcels are contiguous and have a combined area of 41.269 acres.

Appendix D provides a copy of sheets 127 and 128 of the official tax map of the City of Linden. Appendix E provides aerial imagery dating from 2015.

Existing Land Use

New Jersey's MOD-IV property tax assessment database indicates that: Block 587, Lot 8 is assessed as industrial; and, Block 587, lots 9 and 23 are assessed as Class 2 Railroad.

The observed land uses indicate that: Block 587, lots 9 and 23 are freight railroad rights-of-way; and, Block 587, Lot 8 is the location of a disused chemical manufacturing facility and marine terminal with demolished and severely dilapidated buildings and structures.

Heavy industrial uses and vacant lands predominate to the north and east of the Study Area. Arthur Kill and the Rahway River are located to the west and south of the Study Area, respectively.

4.0 — Overall Goal and Objectives

The overall goal of the redevelopment plan is to eliminate those conditions that cause the redevelopment area to be an area in need of redevelopment. To help achieve this goal, the following objectives are defined:

- Promote redevelopment in a manner that will advance the health, safety, welfare and morals of the community.
- Encourage development within the City's Qualified Opportunity Zone.
- Capitalize on the availability of existing railway lines and waterfront access.
- Enhance the City's image with high-quality building and site aesthetics.
- Stimulate private investment that provides increased tax ratables.
- Promote economic growth and vitality.

5.0 — Redevelopment Standards

5.1 — Relationship to Municipal Land Development Regulations

The provisions of this redevelopment plan shall supersede the existing Zoning and Development Regulations of the City of Linden in accordance with New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.c).

The Official Zoning Map of the City of Linden is hereby amended to designate the redevelopment area, which consists of Block 587, lots 8, 9 and 23, as the "4900 Tremley Point Road Redevelopment Project Area". All other municipal development regulations shall remain applicable.

5.2 — Permitted Land Uses

Permitted land uses are described in the following subsections.

5.2.1 — Principal Permitted Land Uses

The principal permitted land uses include the following:

1. All principal land uses that are permitted in the HI (Heavy Industrial) Zone District.
2. Freight Railroad Transportation Facility.
3. Renewable Energy Facility.
4. Liquid and Gas Transportation Facility.
5. Bulk Fuel Transportation Facility.
6. Bulk Fuel Storage Facility.
7. Marine Terminal Facility.

5.2.2 — Permitted Accessory Land Uses

The permitted accessory land uses include the following:

1. All accessory land uses that are permitted in the HI (Heavy Industrial) Zone District.
2. Accessory Freight Railroad Transportation Facility.

3. Accessory Marine Terminal Facility.
4. Pipe Rack System.
5. Pipeline Facility.
6. Accessory uses for renewable energy facility.
7. Any other land use that is deemed by the Linden Planning Board to be customarily incidental and accessory to a principal permitted land use that is identified in Subsection 5.2.1 (above).

5.3 — Building and Site Requirements

This redevelopment plan contains a concept plan at Appendix F. Said concept plan dictates the envisioned features for the redevelopment area. Proposed redevelopment projects shall be generally consistent with the concept plan at Appendix F.

The building and site requirements are outlined in the following subsections.

5.3.1 — Bulk Regulations

The following bulk regulations shall apply:

1. Lot Size Requirements:
   a. Minimum Lot Size: 40,000 square feet
   b. Minimum Lot Width: 200 feet
   c. Minimum Lot Depth: 200 feet
2. Setback Requirements:
   a. Minimum Setback (Buildings/Structures Containing Principal Permitted Land Uses): 25 feet.
   b. Minimum Setback (Buildings/Structures Containing Permitted Accessory Land Uses): 20 feet. However, specific structures required to off-load waterborne materials and off-tracts connections shall be permitted as approved by the Planning Board. It is envisioned that such encroachments into the required yard areas be the minimum needed to effectuate the uses.

3. Height Requirements:
    a. Maximum Height (Buildings/Structures Containing Principal Permitted Land Uses): 75 feet, as measured at the highest point
    b. Maximum Height (Buildings/Structures Containing Permitted Accessory Land Uses): 110 feet, as measured at the highest point
4. Maximum Impervious Coverage: 95 percent
5. Maximum Building Coverage: 60 percent

5.3.2 — Parking and Loading Requirements

Parking and loading shall be regulated by Section 31-27 of the Code of the City of Linden.

5.3.3 — Landscaping

The following standards shall apply:

1. A landscaping plan shall be submitted. The design focus of the required landscaping plan shall be safety and security, and soil retention.
2. All open areas not utilized for parking areas, driveways and access roads, buildings, or other types of development shall be provided with lawns or other suitable growing ground cover. Where growing ground cover is not desirable from a safety perspective, stone ground cover shall be permitted.
3. To provide enhanced safety and security by minimizing fire risk, brush- and scrub-covered areas shall not be permitted.

5.3.4 — Lighting

The following standards shall apply:

1. A lighting plan shall be submitted for review and approval of the Linden Planning Board.
2. Lighting plans shall include all proposed lighting. Proposed lighting shall include, at a minimum, lighting: along driveways and access roads; within

parking lots; and, at building entrances and foundations. When designing the lighting plan, the focus shall be on providing enhanced safety and security.

3. All lighting shall be selected to comply with "dark sky" standards and shielded to minimize leakage onto adjacent properties.
4. The Linden Planning Board shall give approval of all aspects of the lighting plan.

5.3.5 — Signage

Signage shall be permitted in accordance with the requirements of Section 31-25 of the Code of the City of Linden.

5.3.6 — Refuse and Recycling Containers

The following standards shall apply:

1. Refuse and recycling containers shall be contained within fenced or walled areas. The number and location of said areas shall be clearly indicated on site plans. Accompanying site plan details shall also be provided.
2. The number and location of refuse and recycling containers shall be reviewed and approved by the Linden Planning Board.
3. Where a refuse or recycling container is visible from a public roadway, same shall be screened from view.
4. These provisions apply separately and in addition to the provisions of Section 5.5 of this redevelopment plan.

5.3.7 — Above-Ground Storage Tanks

The following standards shall apply:

1. All above ground storage tanks shall meet the applicable New Jersey Department of Environmental Protection Standards.

5.4 — Maintenance Plan

The following standards shall apply:

1. A maintenance plan shall be prepared for all redevelopment projects within the redevelopment area.
2. Maintenance plans shall demonstrate conformance with all applicable codes and standards of the City and cover all parts of the redevelopment project, including, but not limited to: buildings, roadway, lighting, landscaping, etc.
3. At a minimum, the maintenance plan applicable for buildings, roadway, lighting and landscaping, shall contain: specific preventative maintenance tasks and schedules; cost estimates; and the name, address, and telephone number of the person/entity or persons/entities responsible for preventative and corrective maintenance (incl., replacement).
4. The Linden Planning Board shall give approval of all aspects of the maintenance plan. This applies to the initial maintenance plan and any future revisions.
5. The Linden Planning Board shall have the right to review the efficacy of the maintenance plan at any point in the future and cause same to be modified if found to be deficient.
6. These provisions apply separately and in addition to the provisions of Section 5.3.6 of this redevelopment plan.

5.5 — Waste Management for Principal Uses on Lot 8

The following standards shall apply:

1. A waste management plan shall be prepared for all redevelopment projects within the redevelopment area.
2. Waste management plans shall focus on non-hazardous refuse and recycling and, to the extent relevant, hazardous waste handling and processing.
3. At a minimum, waste management plans shall include information on the: types of waste; hazards presented by waste; frequency of collection; and, when relevant, method of on-site processing and disposal. Waste management plans shall also discuss applicable state and federal requirements and demonstrate conformance therewith.

4. The Linden Planning Board shall give approval of all aspects of the waste management plan. This applies to the initial waste management plan and any future revisions.
5. The Linden Planning Board shall have the right to review the waste management plan at any point in the future and cause same to be modified if found to be deficient.

5.6 — State and Federal Approval Required

A plan for the development of new above-ground storage tank facilities shall be submitted to the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency, where applicable.

5.7 — Planning Variances

The Block 587, Lot 8, which is currently the largest parcel within the redevelopment area, is located at the terminus of the private roadway known as Tremley Point Road. In addition, Block 587, lots 9 and 23 of the redevelopment area are part of a railroad right-of-way and, by virtue of their connection to Block 587, Lot 8, provide additional access to same.

While current Block 587, Lot 8 of the redevelopment area has ample access, it is acknowledged that subdivision of said tax parcel may be required in order to facilitate the redevelopment of the redevelopment area. Such subdivision, however, may result in new tax parcels that do not abut a street, which is required by N.J.S.A. 40-55D-35.

This redevelopment plan acknowledges that approval of subdivision resulting in tax parcels that do not abut a street may be granted by "planning variance" under the terms of N.J.S.A. 40:55D-36 in cases: where the strict enforcement of N.J.S.A. 40-55D-35 would entail practical difficulty or unnecessary hardship; or, where the circumstances of the case do not require the buildings or structures that would be constructed on such tax parcels to be related to a street.

Notwithstanding the above, it is noted that N.J.S.A. 40:55D-36 stipulates that permits for buildings and structures may only be issued in cases where: it is demonstrable that adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety will be provided; and, that any future street layout shown on a municipality's official map or in a circulation master plan element would be protected. The burden of proof that is associated with these requirements shall be borne by the redeveloper.

5.8 — Concept Plans

Site layout shall be in general conformance with the concept plan that is provided in Appendix F.

6.0 — Property Acquisition

The non-condemnation redevelopment area does not permit the acquisition of any properties as a matter of law.

6.1 — Relocation

It is anticipated that the designated redevelopers will address any relocation needs that may arise through acquisition of parcels.

Nonetheless, it is noted that the City of Linden will provide any displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law, should relocation be necessary. Such assistance will be provided through an appropriately designated office.

It is further noted that the City of Linden and the surrounding area contains sufficient land and buildings that would be appropriate for relocation. However, if relocation is not directly caused by the execution of the redevelopment plan, the City assumes no responsibility.

6.2 — Redevelopment Agreement

No activity shall be undertaken within the redevelopment area unless the activity is undertaken pursuant to a redevelopment agreement that has been approved by the redevelopment authority.

6.3 — Redeveloper Obligations

The redeveloper shall be required to:

1. Submit development plans that include, but are not limited to, drawings of site and building plans and elevations in sufficient detail in order to show building layout, building construction, road access, etc. in accordance with the City's development regulations. These documents shall be submitted to the Linden Planning Board and the Linden City Council, acting as the redevelopment authority, for review and approval to determine compliance of such plans with the redevelopment plan before working drawings are prepared. It is expressly understood that the approval of any plans by either the Linden Planning Board or the redevelopment authority applies to any and all features shown thereon. Any and all subsequent additions, deletions or other modifications of the plans must be submitted to the Linden Planning Board for final approval before construction can begin.
2. Submit a written development schedule and commence the undertaking of the development in accordance with the development schedule.
3. Agree that no covenant, conveyance agreement or other instrument relating to the property shall be effected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.
4. Maintain the structures and facilities in accordance with all codes and ordinances of the City.

6.4 — Deviation Requests

The Linden Planning Board may grant deviations from the requirements of this redevelopment plan in cases where the strict application of a particular requirement would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the redeveloper.

The Linden Planning Board may also grant deviations when it finds that the overall goal and objectives of this redevelopment plan would be advanced, and that the benefits of a deviation would outweigh any detriments. No deviation may be granted under the terms of this section unless the Linden Planning Board finds that such deviation can be granted without substantial impairment of the redevelopment plan's overall goal and objectives.

Public notice of any application for deviation from the requirements of this redevelopment plan shall be required and conform with the standards for public notice of N.J.S.A. 40:55D-12(a) and 12(b).

The following types of deviations shall only be permitted by means of an amendment to the redevelopment plan by the Linden City Council, and only upon a finding by same that such deviation would be consistent with and promote the furtherance of the overall goal and objectives of this redevelopment plan: deviation to allow a land use that is not permitted in this redevelopment plan; deviation to increase permitted floor area or development intensity; deviation to allow a material departure from the concept plans at Appendix F; and, deviation to allow an increase in building height that exceeds the permitted building height that is outlined in this redevelopment plan by ten feet or ten percent, whichever is less.

6.5 — Planning Board Review

Pursuant to N.J.S.A. 40A:12A-13, all development applications shall be submitted to the Linden Planning Board for review and approval.

The following provisions shall govern the Linden Planning Board's review:

1. No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or building within the area governed by the redevelopment plan without prior review and approval of the work by the Linden Planning Board.
2. Regular maintenance and minor repair shall not require Linden Planning Board review and approval.
3. The Linden Planning Board shall conduct its review pursuant to N.J.S.A. 40:55d-1 et seq. and the City's Land Development Ordinances.
4. As part of the site plan approval, the Linden Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53. The performance guarantees shall be in favor of the City and the City Engineer shall determine the amount of any performance guarantees.
5. Any subdivision of land within the area governed by the redevelopment plan shall be in compliance with same and reviewed by the Linden Planning Board pursuant to N.J.S.A. 40:12A-1 et seq. and N.J.S.A. 40:55D-1 et seq.
6. Once a property has been redeveloped in accordance with the redevelopment plan, it may not be converted to any use not expressly permitted in same. No nonconforming use, building, or structure may be expanded or made more nonconforming in nature after adoption of this redevelopment plan. A use or structure not conforming to the requirements of this redevelopment plan may not be reconstructed in the event of its destruction. The Linden Planning Board shall determine the issue of whether the nonconforming use, building or structure has been "destroyed".
7. Any and all definitions contained within the redevelopment plan, be they expressed or implied, shall prevail. In the absence of a definition, the definition found within the City's zoning and land development ordinances

shall prevail. Any and all definitions that are found to be inconsistent with N.J.S.A. 40A:12-3 shall be rendered invalid.

8. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the City's Land Development Ordinance and applicable New Jersey Law. Additionally, a redeveloper may be required to pay for their proportional share of the cost of any studies, plans, reports, or analysis prepared by the City or its design professionals as part of plan review. Any such payments are required to reimburse the City or the redevelopment authority.
9. All of the above provisions are subject to approval by ordinance or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section or provision of the redevelopment plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed several and the remainder of the redevelopment plan and implementing ordinance(s) shall remain in full force and effect.

6.6 — Relationships to State, County and Local Plans

6.6.1 — New Jersey State Development and Redevelopment Plan

The entire Rehabilitation Area is located in State Planning Area 1, which is defined in the New Jersey State Development and Redevelopment Plan. As provided in the New Jersey State Development and Redevelopment Plan, State Planning Area 1 is intended to:

- Provide for much of the state's future redevelopment.
- Revitalize cities and towns.
- Promote growth in compact forms.
- Stabilize older suburbs.
- Redesign areas of sprawl.
- Protect the character of existing stable communities.

The overall goal and objectives of this Rehabilitation Plan is consistent with the intended purpose of State Planning Area 1.

6.6.2 — Union County Master Plan

Among the generalized goals of the Union County Master Plan are to:

- Facilitate the development of Union County by directing new growth to environmentally suitable areas that can be provided with essential infrastructure and support facilities, and to revitalize urban centers and corridors within the county.
- Continue county-sponsored economic development efforts to reduce unemployment, provide year-round employment opportunities and enhance the tax base by encouraging compatible industrial, commercial, office and retail facilities to locate or expand in Union County.

Execution of this redevelopment plan will contribute to the achievement of the aforementioned generalized goals of the Union County Master Plan.

6.6.3 — Linden Master Plan

The last comprehensive reexamination of the City of Linden's Master Plan was prepared in 2008. The 2008 reexamination identifies the following objectives, which are applicable to the redevelopment of Block 587, lots 8, 9 and 23:

- Preserve and enhance the City's industrial and commercial economic base;
- Improve the City's visual environment and image by restricting or eliminating eyesores such as, but not limited to, storage containers or trailers in retail commercial areas;
- Encourage the diversification of industry;
- Promote a desirable visual environment;
- Provide sufficient space, in appropriate locations, for commercial, residential, industrial, recreation and open space uses;
- Maintain and attract beneficial commercial and industrial uses;

- Encourage municipal actions that will guide the long-range appropriate use and management of lands within Linden in a manner that will promote the public health, safety, morals, and general welfare of present and future residents;
- Prevent the degradation of the environment through the improper use of land; and,
- Encourage development which contributes to the enhancement and improvement of the community.

Implementation of this redevelopment plan will advance the fulfillment of the foregoing objectives of the City of Linden's Master Plan.

In addition to the above, it is noted that the City adopted a new, updated Land Use Element in 2019. As provided in the 2019 Land Use Element, Block 587, lots 8, 9 and 23 are located in the HI (Heavy Industrial) Land Use District, which represents no change over the City's previous Land Use Element. Thus, given the permitted uses that are prescribed herein, this redevelopment plan is consistent and compatible with the 2019 Land Use Element. This redevelopment plan also captures an important opportunity to encourage investment within a Qualified Opportunity Zone, the capture of which is identified in the 2019 Land Use Element as a key issue that served as an impetus for its preparation.

6.6.4 — Master Plans of Adjacent Municipalities

The redevelopment area is located on Tremley Point in the southeastern portion of the City. Tremley point is a peninsula that is isolated from adjacent municipalities. Therefore, the redevelopment plan will not impact the planning efforts of adjacent municipalities.

6.7 — Administrative and Procedural Requirements

Administrative and procedural requirements are discussed in the following subsections.

6.7.1 — Amending the Redevelopment Plan

As circumstances may warrant, the Linden City Council may amend, revise, or modify this redevelopment plan in accordance with applicable law.

6.7.2 — Duration of the Redevelopment Plan

The provisions of this redevelopment plan shall remain in effect until such time as a certificate of completion has been issued.

Appendix A: Resolution No. 2019-255

RESOLUTION: 2019-255

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE PLANNING BOARD TO INVESTIGATE WHETHER THE PROPERTY COMMONLY KNOWN ON THE CITY'S TAX MAPS AS BLOCK 587, LOTS 8, 9 AND 23 SHOULD BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT 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.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the city council ("**City Council**") of the City of Linden (the "**City**") must authorize the planning board of the City (the "**Planning Board**") to conduct a preliminary investigation of the area and make recommendations to the City Council; and

WHEREAS, the City Council believes it is in the best interest of the City that an investigation occur with respect to certain parcels within the City and therefore authorizes and directs the Planning Board to conduct an investigation of the property commonly known on the City tax maps as Block 587, Lots 8, 9 and 23 (hereinafter the "**Study Area**"), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A.* 40A:12A-5, and should be designated as an area in need of redevelopment; and

WHEREAS, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the City and City Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the power of eminent domain (hereinafter referred to as a "**Non-Condemnation Redevelopment Area**").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Planning Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A.* 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in *N.J.S.A.* 40A:12A-5 to be designated as an area in need of redevelopment.

Section 3. As part of its investigation, the Planning Board shall prepare a map showing the boundaries of the Study Area and the location of the parcels contained therein, and appended thereto shall be a statement setting forth the basis of the investigation.

Section 4. The Planning Board shall conduct a public hearing in accordance with the Redevelopment Law, specifically *N.J.S.A.* 40A:12A-6, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the City or City Council to exercise the power of eminent domain to acquire any property in the delineated area, for the Study Area is being investigated as a Non-Condemnation Redevelopment Area.

Section 5. At the public hearing, the Planning Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Planning Board and made part of the public record.

Section 6. After conducting its investigation, preparing a map of the Study Area, and conducting a public hearing at which all objections to the designation are received and considered, the Planning Board shall make a recommendation to the City Council as to whether the City Council should designate all or some of the Study Area as an area in need of redevelopment (non-condemnation).

Section 7. This Resolution shall take effect immediately.

PASSED: June 18, 2019

Council President

APPROVED: June 19, 2019

Mayor

ATTEST:

City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the City Council of the City of Linden at a meeting held on June 18, 2019 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this 19 day of June, 2019.

JOSEPH C. BODEK, City Clerk

52603-019 595146-1
4841-4998-5689, v. 1

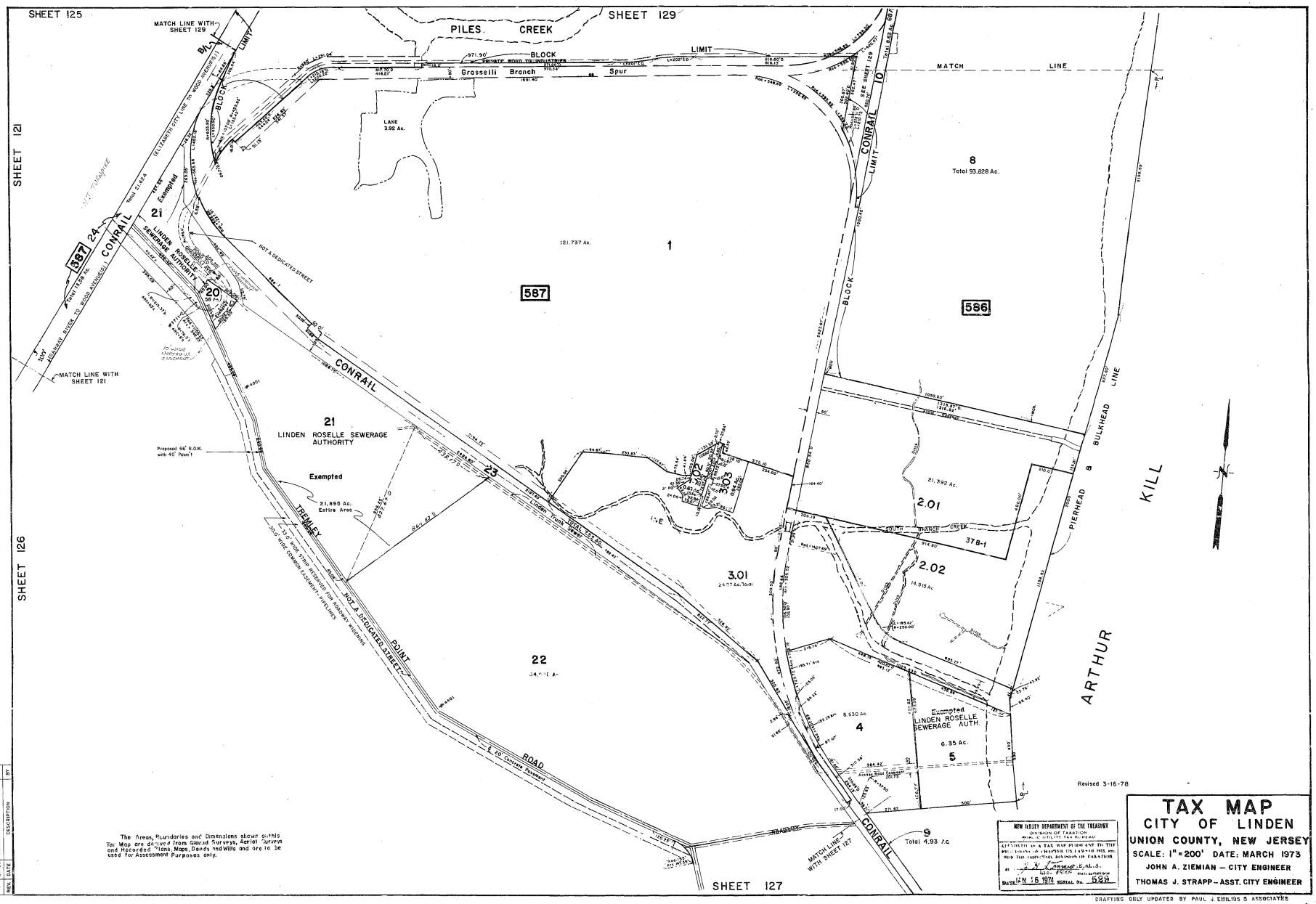
Appendix B: Unnumbered Planning Board Resolution

[TO BE OBTAINED — WAS ADOPTED AT 9/10 MEETING]

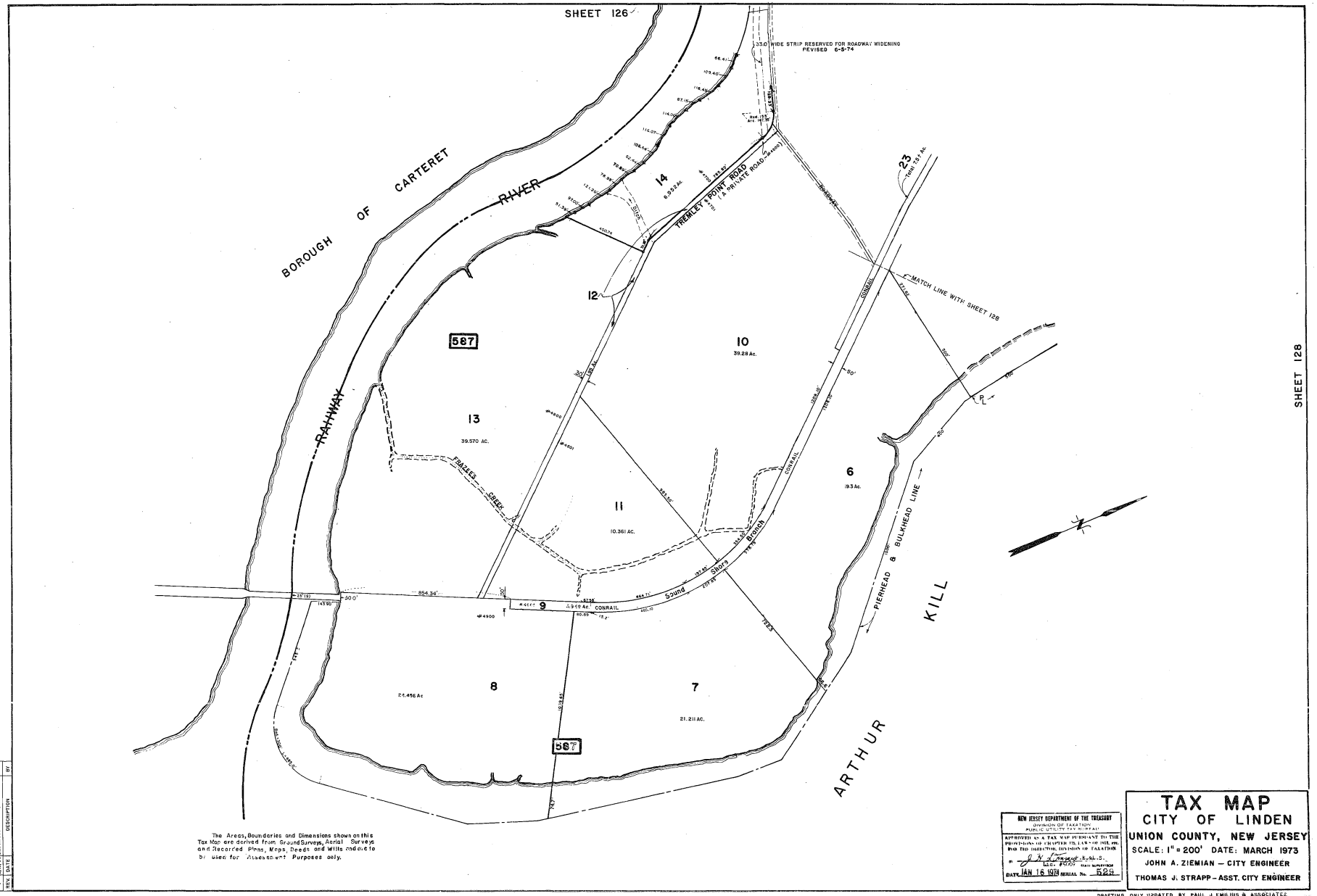
Appendix C: Resolution No. [INSERT NUMBER]

[TO BE OBTAINED — SUSPECT IT WAS ADOPTED AT 9/17 MEETING]

Appendix D: Tax Maps



REV.	DATE	DESCRIPTION	BY
1	4/20/78	BLOCK 587 LOT 21	R.S.S.



The Areas, Boundaries and Dimensions shown on this Tax Map are derived from Ground Surveys, Aerial Surveys and Recorded Plans, Maps, Deeds and Wills and are to be used for Assessment Purposes only.

REV.	DATE	DESCRIPTION	BY
1	10/01/81	BLOCK 587 LOTS 14 & 16.01	R.G.E.

NEW JERSEY DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION
PUBLIC UTILITY TAX BUREAU
APPROVED AS A TAX MAP PURSUANT TO THE PROVISIONS OF CHAPTER 175, LAWS OF 1955, FOR THE DIRECTOR, DIVISION OF TAXATION
BY: [signature] Licensed Public Utility Tax Supervisor
DATE JAN 16 1974 SERIAL No. 529

TAX MAP
CITY OF LINDEN
UNION COUNTY, NEW JERSEY
SCALE: 1" = 200' DATE: MARCH 1973
JOHN A. ZIEMIAN — CITY ENGINEER
THOMAS J. STRAPP — ASST. CITY ENGINEER

DRAFTING ONLY UPDATED BY PAUL J. EMILIUS & ASSOCIATES

Appendix E: Aerial Imagery

Aerial Imagery

City of Linden, Union County, New Jersey

Redevelopment Area

Redevelopment Area Parcel (Block/Lot)

Tax Parcel

Date of Aerials: 2015

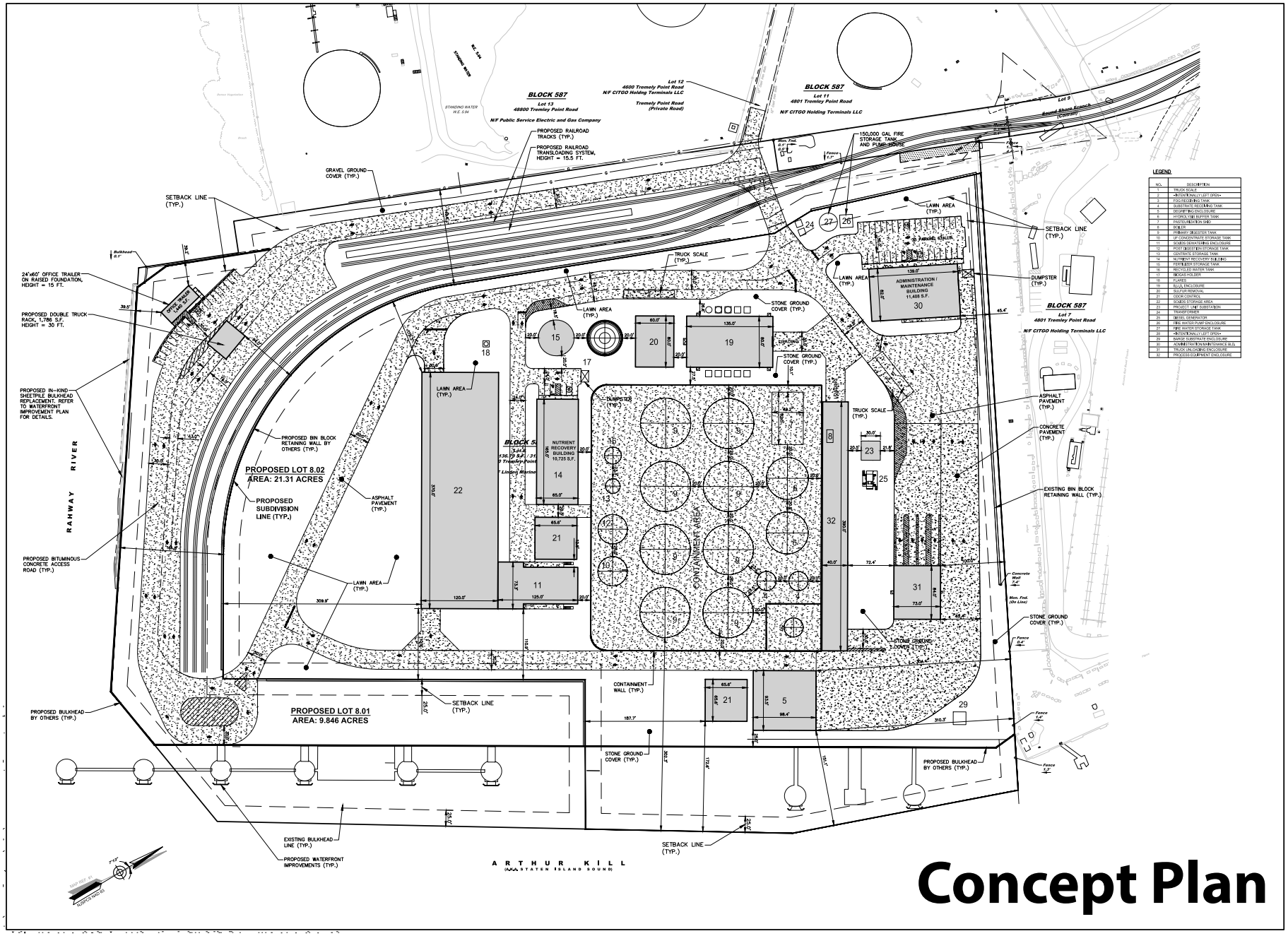
0 450 900 Feet

ricciplanning

Paul Ricci, AICP, PP
177 Monmouth Avenue
Atlantic Highlands, NJ 07716

908.642.0070 (Phone)
908.350.4501 (Fax)
paul@ricciplanning.com

Appendix F: Concept Plans



Concept Plan