

FIRST READING: February 18, 2020

ORD. No. 64-06

2ND AND FINAL READING:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN ENTITLED “MUNICIPAL LANDFILL REDEVELOPMENT PROJECT – 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.* (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, in accordance with the criteria set forth in the Redevelopment Law, by Resolution dated May 30, 2001, the City Council (“**City Council**”) of the City of Linden (the “**City**”) designated as “an area in need of redevelopment” the properties identified as on the City tax maps as Block 581, Lots 11.03 and 17 (the “**Redevelopment Area**”); and

WHEREAS, pursuant to the Redevelopment Law the City Council adopted a redevelopment plan for the Redevelopment Area entitled “Redevelopment Plan – Municipal Landfill Redevelopment Project” dated May 10, 2001 (the “**Redevelopment Plan**”); and

WHEREAS, on January 21, 2020, the City Council referred to the Planning Board certain amendments to the Redevelopment Plan, as described on *Exhibit A* attached hereto, for its review and comment, pursuant to *N.J.S.A. 40A:12A-7* of the Redevelopment Law; and

WHEREAS, on February 11, 2020, the Planning Board held a hearing and made recommendations regarding those certain amendments to the Redevelopment Plan; and

WHEREAS, upon review of the Planning Board’s recommendations 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.

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:

Council President

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

**MUNICIPAL LANDFILL REDEVELOPMENT PROJECT
REDEVELOPMENT PLAN
PREPARED BY PLANNERS DIVERSIFIED MAY 10, 2001
REVISED JANUARY 12, 2020**

City of Linden, New Jersey
Municipal Landfill Redevelopment Project

Redevelopment Plan

Prepared By:

Planners Diversified
May 10, 2001
Revised January 12, 2020

City of Linden, New Jersey
Municipal Landfill Redevelopment Project

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Maps

Project Area Boundary Map

Land Use Plan Map

I. **Designation of Area and Plan Development**

A. **Designation of the Redevelopment Area**

The process, consistent with applicable state statutes, followed by the City in the determination as to the area's qualification and designation as "an area in need of redevelopment" was:

1. The Linden City Council, on May 2, 2001 authorized the Linden Planning Board to conduct a preliminary investigation as to whether the study area qualifies as "an area in need of redevelopment".
2. To assist the Linden Planning Board in its preliminary investigation, the City of Linden directed Planners Diversified to assist the Planning Board in conducting a study and survey of the area and to prepare a report on the findings of the survey.
3. The Linden Planning Board will hold a public hearing on May 29, 2001, at which time the designation of the area as "an area in need of redevelopment" will be considered.
4. Prior to the hearing, a legal notice was published in the City's official newspaper and a map of the area and statement as required by statute was prepared and the owner of record of the properties was duly notified of the hearing.
5. At the hearing, the Linden Planning Board will consider information and objections both oral and written and incorporate them as part of the public record.
6. The Linden Planning Board, after due consideration of applicable documentation, will make its recommendations to the Linden City Council as to its determination as to whether the study area should be designated as "an area in need of redevelopment".
7. After receiving the recommendation of the Linden Planning Board, the Linden City Council on May 30, 2001 will consider adopting a resolution and or ordinance (as applicable) to implement the Planning Board's findings as to determining the area as "an area in need of redevelopment".

B. **Redevelopment Plan Preparation Process**

A Redevelopment Plan must be prepared and adopted by ordinance prior to undertaking any redevelopment project. The process, which is consistent with applicable state statutes, and will be followed by the City in the preparation of its Redevelopment Plan, may be summarized as follows:

1. The Linden City Council authorized the Linden Planning Board to prepare a Redevelopment Plan for the area.

2. To assist the Linden Planning Board, the City of Linden also directed Planners Diversified to assist in the investigation, and if applicable to draft the required Redevelopment Plan.
3. If the area is determined to be an area in need of redevelopment, the Planning Board may also consider the Redevelopment Plan at their May 29, 2001 meeting.
4. The Linden Planning Board will after considering the Redevelopment Plan provide a report to the Linden City Council of its recommendation concerning the Redevelopment Plan.
5. The Linden City Council will subsequently consider the Planning Board's recommendations and, if applicable, consider the introduction of an ordinance adopting the Redevelopment Plan.

II. **Description of the Redevelopment Area**

The proposed Redevelopment Plan is applicable to Lot 11.03 and Lot 17 in Block 581 as shown on the City's Tax Map; and is that area as shown on the attached "Project Area Boundary Map".

111. **Statement of Proposed Redevelopment Goals and Objectives**

The Municipal Landfill Redevelopment Project Area is a municipally owned property that is now underutilized, stagnant and is no longer productive that could potentially be a more useful and a valuable resource contributing to and serving the community and region.

The City seeks to alleviate the conditions found and support the use of the area in a manner that will better contribute to and serve the public health, safety and welfare of the community. To achieve this overall goal, the following redevelopment goals and objectives have been established:

A. **Redevelopment Goals**

The redevelopment goals the City wishes to achieve in the Municipal Landfill Redevelopment Project Area are as follows:

- The elimination of the conditions that substantially impair the sound growth and functioning of this area of the City.
- The encouragement of a development that will include uses that will provide for increased employment opportunities, tax ratables and economic growth.
- The development of an attractive and visually appealing environment consisting of open space and recreational facilities and limited industrial facilities.
- The revitalization of the area with the inclusion of land uses of appropriate type, scope and scale to meet the demands of the market area.
- The establishment of an economically viable area conducive to a wholesome living and working environment and beneficial to the safety, health and welfare of the community.

B. Redevelopment Objectives

Activities to be initiated in the Municipal Landfill Redevelopment Project Area will be undertaken in conformity with and will be designed to meet the following objectives of the proposed Redevelopment Plan:

- The primary objective of the proposed Redevelopment Plan is to eliminate those conditions that cause the area to be considered as an "area in need of redevelopment", ie: the elimination of the conditions that substantially impair the sound growth and functioning of this area of the City.
- The stimulation of private investment in the redevelopment area by assisting as necessary and appropriate to support the redevelopment actions.
- The encouragement of development, which will conserve and protect open space, provide for new recreational facilities and limited industrial uses that collectively will provide for increased employment opportunities, tax ratables and economic growth in this area of the City.
- The promotion of the health, safety and general welfare of the area through redevelopment of the parcels included in the redevelopment area.

IV. Proposed Redevelopment Area Land Uses and Building Requirements

The following permitted land uses and building requirements shall be applicable to the various development parcels in the Municipal Landfill Redevelopment Project Area:

A. Permitted Land Uses

The permitted use is "non-residential" as shown on the attached "Land Use Plan Map". The land uses permitted in the redevelopment area include recreational and/or conservation uses and limited industrial uses, including solar array as a principal permitted use. The total land area of the landfill is approximately 174.3 acres, and within that total area no more 10.0 acres can be utilized for industrial purposes, with the exception of solar array which may utilize 20 acres and the balance of the area shall be devoted to recreational and/or conservation uses.

B. Additional Building Requirements

The following requirements shall be applicable to all development in the redevelopment project area.

1) Building Height Requirements

The maximum building height shall be twenty-five feet

2) Front Side and Rear Yard Setback Requirements

The minimum front, side and rear yard setback shall each be twenty-five feet.

3) Off-Street Parking Requirements

Off-street parking serving the industrial uses shall be in the ratio of one off-street parking space for each 1,000 square feet of gross floor building area.

Off-street parking requirements for the recreational/conservation uses shall be established by the City of Linden Planning Board and shall be determined based on the specific recreational/conservation uses that are proposed.

Each off-street parking space shall have a minimum width of 9 feet, a minimum length of 18 feet and shall have direct access to an aisle that is no less than 24 feet in width. No parking space shall be located in the front yard setback area.

4) Off-Street Loading Requirements

Off-Street loading shall be provided for all buildings in accordance with the following schedule:

- One off-street loading space for the first 10,000 square feet of total gross building floor area.
- One additional off-street loading space for each additional 25,000 square feet of total gross building floor area.

Each off-street loading space shall be at least 12 feet in width, 50 feet in length and shall be separate from off-street parking facilities.

V. Proposed Redevelopment Actions

All properties in the Municipal Landfill Redevelopment Project Area are owned by the City of Linden and will be leased to a redeveloper(s) who will be required to redevelop the site in accordance with the provisions of this Redevelopment Plan.

VI. Identification of Proposed Land Acquisition

There are no privately owned parcels proposed for acquisition. Lot 11.03 and Lot 17 in Block 581 are both owned by the City of Linden.

VII. Relationship of the Redevelopment Plan to Other Plans

• Relationship to Plans of Contiguous Municipalities

The area covered by this Redevelopment Plan lies in the southeastern portion of the City of Linden. There is no conflict with the plans of the adjacent communities of Rahway, Winfield, Carteret, Clark, Cranford, Roselle, and Elizabeth.

• Relationship to Union County Master Plan

The Land Use Plan of Union County, adopted by the Union County Planning Board on September 9, 1998, shows the area as heavy industrial. There is no conflict with the County plan.

• Relationship to State Development and Redevelopment Plan

The Resource Planning and Management Map (RPMM) of the State Development and Redevelopment Plan indicates that the City of Linden is a Regional Center and Town that lies within Planning Area PA1-Metropolitan Planning Area. The proposed Redevelopment Plan fully conforms to the State plan's goals and strategies.

Implementation of this proposed Redevelopment Plan will assist in the revitalization of the State's urban centers and areas, as well as meeting the State plan's goals of promoting beneficial economic growth, development and renewal.

VIII. Relationship of the Redevelopment Plan to Municipal Development Regulations

The land use controls and building restrictions set forth in this proposed Redevelopment Plan shall apply to all development within the redevelopment area and, if adopted, shall supercede any requirements set forth in the City of Linden Zoning Ordinance. All other development regulations of the City of Linden shall remain applicable.

IX. Obligations of Developer(s)

Land within the Redevelopment Area will be leased by the City of Linden to a private developer(s) who will be required to:

- A. Submit development plans that include, but are not limited to, drawings of site and building plans and elevations in sufficient detail to show building layout, building construction, road access, etc. in accordance with the Linden Land Development Ordinance. These documents shall be submitted to the Linden Planning Board and the Linden City Council, acting as the Redevelopment Entity, 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 Entity 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 Planning Board for final approval before construction can begin.

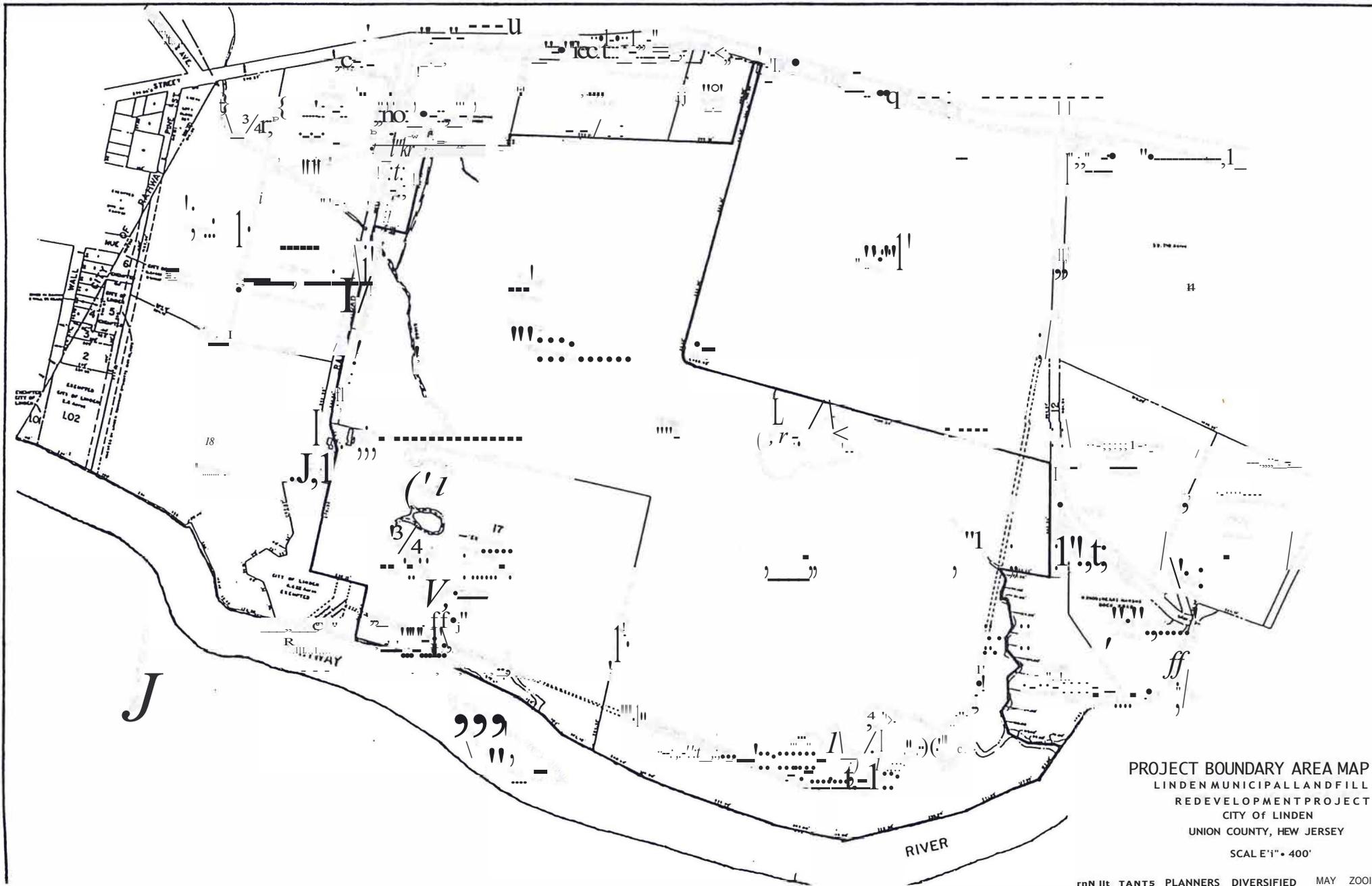
- B. Submit a written development schedule and commence the undertaking of the development in accordance with the development schedule.
- C. Agree that no covenant, conveyance agreement or other instrument relating to the property shall be effected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.
- D. Maintain the structures and facilities in accordance with all codes and ordinances of the City of Linden.

X. Duration of Redevelopment Plan Restrictions

This proposed Redevelopment Plan and any modifications thereof, shall be in force and effect for a period of 20 years from the date that the Linden City Council first approved the proposed Redevelopment Plan. The termination of the proposed Redevelopment Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, sex, religion, color, age, national origin or ancestry.

XI. Amendments to the Approved Redevelopment Plan

The proposed Redevelopment Plan may, if adopted, be amended from time to time in accordance with the provisions of the Local Redevelopment and Housing Law of 1992, as same may be, from time to time, amended and supplemented.



PROJECT BOUNDARY AREA MAP
 LINDEN MUNICIPAL LANDFILL
 REDEVELOPMENT PROJECT
 CITY OF LINDEN
 UNION COUNTY, NEW JERSEY
 SCALE 1" = 400'



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LEGEND

-  INDICATES NON-RESIDENTIAL
-  INDICATES PROJECT BOUNDARY LIMITS

LAND USE PLA A tt1u.
 LINDEN MUNICIPAL
 REDEVELOPMENT PROJECT
 CITY OF LIHOE
 UNION COUNTY, NEW JERSEY
 SCALE 1/4" = 100'

RESOLUTION OF THE PLANNING BOARD OF THE CITY
OF LINDEN, NEW JERSEY, RECOMMENDING APPROVAL OF THE
REDEVELOPMENT PLAN FOR THE
MUNICIPAL LANDFILL REDEVELOPMENT PROJECT AREA

WHEREAS, pursuant to a resolution approved on May 29, 2001, the Linden Planning Board has recommended to the City Council that the area generally known as the Municipal Landfill Redevelopment Project Area is an area in need of redevelopment pursuant to the provisions of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (The "Act"); and

WHEREAS, the City Council authorized the preparation of a Redevelopment Plan, a copy of which is attached hereto as Exhibit A, for such area (the "Redevelopment Plan"); and,

WHEREAS, pursuant to the Act, the Redevelopment Plan was presented to the Planning Board for its review and recommendation; and

WHEREAS, pursuant to the Act, specifically N.J.S.A. 40A:12A-7 (e), the Planning Board reviewed the Redevelopment Plan and directed its consultant to prepare a report, a copy of which is attached hereto as Exhibit B, to include an identification of the provisions, if any, in the proposed Redevelopment Plan which are consistent with the Master Plan of the City and any recommendations concerning any inconsistencies and any other matters deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Linden,

Section 1, that the Redevelopment Plan for the Municipal Landfill Redevelopment Project Area is hereby approved.

Section 2, that a copy of this resolution and Exhibits A and B be transmitted to the City Council of the City of Linden.

City of Linden, New Jersey
Municipal Landfill Redevelopment Project
Redevelopment Plan

Exhibit A -- Redevelopment Plan for the Municipal Landfill Project

City of Linden, New Jersey
Municipal Landfill Redevelopment Project
Redevelopment Plan

Exhibit B -- Report on Proposed Redevelopment Plan for the
Municipal Landfill Redevelopment Project Area

EXHIBIT B

REPORT ON PROPOSED REDEVELOPMENT PLAN FOR THE MUNICIPAL LANDFILL REDEVELOPMENT PROJECT AREA

The redevelopment plan for the Municipal Landfill Redevelopment Project Area, prepared by Planners Diversified dated May 2001, has been reviewed for consistency with the adopted master plan and reasonable planning practices. The redevelopment plan is consistent with the adopted master plan, and it can be recommended to City Council that the redevelopment plan be adopted.

The proposed redevelopment is consistent with the zoning designations of the area. The objectives of the proposed redevelopment plan are also consistent with the stated objectives of the adopted master plan. The plan can be implemented without impairing the master plan.

Prepared by: