

ORDINANCE NO. 13-2022
BOROUGH OF SEA BRIGHT
AMENDING THE SEA BRIGHT RIVER PROPERTIES
REDEVELOPMENT PLAN TO INCLUDE ADDITIONAL
BOROUGH-OWNED PARCELS, BLOCK 13, LOT 17 AND BLOCK 15,
LOT 9.

WHEREAS, on April 19, 2016, the Mayor and Council of the Borough of Sea Bright adopted Resolution No. 80-2016. Pursuant to Resolution No. 80-2016, the Mayor and Council asked the Unified Planning Board (the “Planning Board”) to evaluate whether the area of the following tax lots should be determined to be an area in need of redevelopment, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the “Redevelopment Law”); and

WHEREAS, the property that was part of that area was identified as:

Block 13	Lot(s) 13, 14, 15, 18, 20, 21, 22
Block 14	Lot(s) 12, 14
Block 15	Lot(s) 5, 8, 10, 11, 12

(collectively the “River Properties”); and

WHEREAS, subsequently, following the recommendation of the Planning Board, on May 21, 2019, the River Properties were deemed to be an area in need of redevelopment, by adoption of Council Resolution No. 102-2019, in compliance with the requirements of the Redevelopment Law; and

WHEREAS, on October 20, 2020, the Mayor and Council adopted Ordinance No. 10-2020, approving the *Sea Bright River Properties Redevelopment Plan* (the “Redevelopment Plan”), which amended and supplemented the Code of the Borough of Sea Bright, Part II “General Legislation” so that the River Properties would be developed in compliance with the Redevelopment Plan; and

WHEREAS, in the Redevelopment Plan, the redevelopment area was described as the “Shrewsbury River Properties Redevelopment Area, a/k/a “River Properties” Block 13, Lots 13, 14, 15, 18, 20, 21 and 22; Block 14, Lots 12 and 14; and Block 15, Lots 5, 8, 10, 11 and 12 (hereinafter, the “Redevelopment Area”); and

WHEREAS, the Redevelopment goals and objectives include providing “for public access to the Shrewsbury River and public amenities, including but not limited to a boardwalk, a dog park, a kayak launch, a fishing area and cleaning station, parking spaces, and a community green;” and

WHEREAS, included as Figure 6 to the Redevelopment Plan is a development concept plan for the Redevelopment Area (the “Redevelopment Concept Plan”); and

WHEREAS, the Redevelopment Concept Plan provides for a kayak launch being constructed partially upon the Borough-owned property designated as Block 13, Lot 17 and partially upon private properties, as well as a meandering public path from the kayak launch to Front Street that lines up with Surf Street, and a portion of the private development occurring on what is currently situated upon Block 13, Lot 17 (the “Kayak Launch Work”); and

WHEREAS, construction of the Kayak Launch Work will require the reconfiguration and/or adjustment of Block 13, Lot 17 and surrounding private parcels; and

WHEREAS, the Redevelopment Concept Plan also provides for the relocation and improvement of the existing Borough right of way known as Poppinger Place, which is Borough-owned property designated as Block 15, Lot 9 (the “ROW Relocation Work”); and

WHEREAS, Denholtz Properties, the designated redeveloper for the Redevelopment Area, (“Redeveloper”) filed an application with the Planning Board for site plan approval for the Redevelopment Area; and

WHEREAS, in connection with the Planning Board’s review of the site plan, an issue was raised with respect to certain properties not being specifically included within the designated Redevelopment Area, including Block 15, Lots 6 and 7; and

WHEREAS, research of the Borough tax records established that Lots 6 & 7 of Block 15 merged into Lot 5 of Block 15 (Lot 5 shown on the Redevelopment Plan) when purchased by C.J. & M. Associates of Sea Bright, LLC on May 30, 2010 and Lot 5 was included in the Redevelopment Plan; and

WHEREAS, because former Lots 6 and 7 of Block 15 were consolidated into Block 15 Lot 5, which was included in designated Redevelopment Area and is subject to the Redevelopment Plan, former Lots 6 and 7 were effectively included in the Redevelopment Area and are subject to the Redevelopment Plan; and

WHEREAS, while Block 13, Lot 17, owned by the Borough, is clearly contemplated for development under the Redevelopment Plan pursuant to the Redevelopment Concept Plan to provide for the Kayak Launch Work and Block 15, Lot 9, owned by the Borough, is clearly contemplated for development under the Redevelopment Plan pursuant to the Redevelopment Concept Plan to provide for the ROW Relocation Work, neither of these parcels was included in the designated Redevelopment Area; and

WHEREAS, as set forth above, it was the clear and express intent of the Redevelopment Plan that Block 13, Lot 17 and Block 15, Lot 9 would be utilized to facilitate the goals and objectives of the Redevelopment Plan to accomplish the Kayak Launch Work and the ROW Relocation Work, respectively, and, therefore, the Council has determined that the following tax lots should also be included in the Redevelopment Area:

Block 13	Lot(s) 17 (boat ramp - property owned by the Borough)
Block 15	Lot(s) 9 (owned by the Borough)

(collectively the “Omitted Lots”); and

WHEREAS, the Council has concluded that the Omitted Lots are necessary for the effective redevelopment of the Redevelopment Area and to achieve the goals and objectives of the Redevelopment Plan to accomplish the Kayak Launch Work and the ROW Relocation Work; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Council directed the Planning Board to undertake a preliminary investigation to determine whether the Omitted Lots are necessary for the

effective redevelopment of the Redevelopment Area and should be included within the Redevelopment Area, as provided under N.J.S.A. 40A:12A-3; and

WHEREAS, on November 22, 2022, the Planning Board held a duly-noticed public meeting, pursuant to N.J.S.A. 40A:12A-6, at which it reviewed the request of the Council to determine whether the Omitted Lots are necessary for the effective redevelopment of the Redevelopment Area and should be included within the Redevelopment Area, as provided under N.J.S.A. 40A:12A-3; and

WHEREAS, on that date the Planning Board conducted the inquiry requested by the Council and, thereafter, voted to recommend the designation of the Omitted Lots as an area in need of redevelopment for inclusion in the Redevelopment Area and to adopt a resolution determining that the Omitted Lots qualify for inclusion in the Redevelopment Area; and

WHEREAS, the Planning Board planner provided a report of the Board's findings and recommendation to include the Omitted Lots in the Redevelopment Area; and

WHEREAS, on December 6, 2022, Council adopted Resolution No. 184-2022, accepting the Planning Board's recommendation and designating the Omitted Lots for inclusion within the Redevelopment Area; and

WHEREAS, the Council has concluded that the Redevelopment Plan should now properly be amended to add and include the Omitted Lots; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, prior to adoption of an ordinance adopting a redevelopment plan, or any amendments thereto, the Council must refer the redevelopment plan or amendment to the Planning Board for comments and recommendations; and

WHEREAS, upon introduction of this Ordinance amending the Redevelopment Plan to add the Omitted Lots, it shall be referred to the Planning Board for comments and recommendations, including a determination as to the consistency of the amended Redevelopment Plan with the Borough Master Plan and identification of any provisions of the amended Redevelopment Plan that it deems to be inconsistent with the Master Plan; and

WHEREAS, the Mayor and Council, having considered the Planning Board's comments and recommendations, wish to adopt the amendment to the Redevelopment Plan to include the Omitted Lots.

NOW, THEREFORE, BE IT ORDAINED that:

Section 1.

1. The Redevelopment Plan shall be and hereby is amended by an addendum, Exhibit A, to include the property known as Block 15, Lot 9; and Block 13, Lot 17 as part of the Redevelopment Area subject to the Redevelopment Plan.
2. The Redevelopment Plan as amended shall supersede underlying zoning for the Redevelopment Area and the Borough Zoning Ordinance Map is hereby, and shall be,

amended to specifically designate the Redevelopment Area zoning as set forth in the amended Redevelopment Plan.

3. Although included in the Redevelopment Area, the Redeveloper shall not become the owner of Block 13, Lot 17 and Block 15, Lot 9, or any portion thereof, without further action and agreement by the Borough, even though those lots will be improved and enhanced by the Redeveloper.

BE IT FURTHER ORDAINED that all Borough officials, including, but not limited to, the Mayor, the Borough Clerk, the Borough Administrator, Planner, Attorney and Special Counsel are hereby authorized and directed to take such action as necessary to effectuate the provisions of this Ordinance.

Section 2. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency.

Section 3. Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect or impair the remainder of this Ordinance.

Section 4. A copy of this Ordinance; the Redevelopment Plan and Schedule A, shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 5. This Ordinance shall become effective upon its passage and publication according to law, and upon filing of a certified copy thereof with the Monmouth County Planning Board.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on December 6, 2022 and will be further considered after a Public Hearing at the virtual meeting of the Borough Council held on December 20, 2022 at 7:00 pm. Meeting access instructions will be published accordingly.

INTRODUCED: December 6, 2022
PUBLIC HEARING: December 20, 2022
ADOPTION: December 20, 2022

Witness


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT,


BRIAN KELLY, MAYOR

Exhibit A

ADDENDUM TO SEA BRIGHT RIVER PROPERTIES
REDEVELOPMENT PLAN

On December 20, 2022, the Mayor and Council of the Borough of Sea Bright adopted an Ordinance amending the Sea Bright Property Redevelopment Plan to include Block 15, Lots 6, 7, 9 and Block 13, Lot 17 as part of the properties included in the Sea Bright River Properties Redevelopment Plan.