

ORDINANCE NO. 2024-15

BOROUGH OF KENILWORTH
COUNTY OF UNION

ORDINANCE ADOPTING THE 2000 GALLOPING HILL ROAD REDEVELOPMENT PLAN
CONSISTING OF BLOCK 181, LOT 1

WHEREAS, the Borough of Kenilworth, in the County of Union, State of New Jersey (the “**Borough**”) is authorized pursuant to N.J.S.A. 40A:12A-5 to determine that a delineated area in the Borough is an area in need of redevelopment; and

WHEREAS, the governing body authorized its pre-qualified planning consultant, DMR Architects (“**DMR**”) to assist the Planning Board to conduct a preliminary investigation study of Block 181, Lot 1 (2000 Galloping Hill Road) on the official tax map of the Borough (the “**Area of Investigation**”) to determine if it qualifies as an “area in need of redevelopment” for non-condemnation purposes pursuant to the criteria set forth under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**LRHL**”), specifically N.J.S.A. 40A:12A-5; and

WHEREAS, on February 21, 2024, pursuant to N.J.S.A. 40A:12A-6, the Borough adopted Resolution No. 2024-82 authorizing and requesting the Planning Board to undertake a preliminary redevelopment investigation to determine whether the Area of Investigation constitutes an area in need of redevelopment for non-condemnation purposes according to the criteria set forth under the LRHL; and

WHEREAS, consistent with the requirements set forth in N.J.S.A. 40A:12A-6, the Planning Board specified and gave notice that on April 29, 2024, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the Area of Investigation constitutes an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

WHEREAS, Francis A. Reiner, LLA, PP, of DMR (the “**Planner**”) prepared a report titled “Preliminary Investigation for Non-Condensation Area in Need of Redevelopment Designation” for the Area of Investigation dated April 2024 (the “**Investigation Report**”), which the Planner publicly presented after adequate notice before the Planning Board on April 29, 2024; and

WHEREAS, the Investigation Report determined that the Area of Investigation evidences conditions and characteristics that qualify the Area of Investigation as an “area in need of redevelopment” because it satisfies the “b” and “h” criteria of the LRHL under N.J.S.A. 40A:12A-5; and

WHEREAS, on April 29, 2024, the Planning Board held a public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation; and

WHEREAS, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that the Area of Investigation constitutes an area in need of redevelopment under N.J.S.A. 40A:12A-5; and

WHEREAS, on April 29, 2024, the Planning Board received testimony from the Planner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the Area of Investigation, which confirmed the description of the conditions and his findings contained in the Investigation Report; and

WHEREAS, on April 29, 2024, the Planning Board also reviewed in detail the written summary and testimony of Board Planner Kevin O’Brien, PP, AICP of Shamrock Enterprises, Ltd.; and

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WHEREAS, in accordance with the Planner’s findings, the Planning Board recommended that the Borough designate Block 181, Lot 1 (2000 Galloping Hill Road) (the “**Redevelopment Area**”) as an area in need of redevelopment for non-condemnation purposes due to the substantial evidence that this area meets the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, on May 15, 2024, pursuant to Resolution No. 2024-130, the Borough accepted the Planning Board’s recommendation adopting the findings of DMR’s Investigation and declaring that the Area of Investigation constitutes an “area in need of redevelopment” as defined pursuant to N.J.S.A. 40A:12A-5 for non-condemnation purposes; and

WHEREAS, at the direction of the Borough, DMR has prepared a redevelopment plan entitled “2000 Galloping Hill Road Redevelopment Plan” dated September 2024; and

WHEREAS, the Borough wishes to adopt the 2000 Galloping Hill Road Redevelopment Plan **with the amendment section 8.0 zoning bulk standards D. prohibited uses to add “and expressly prohibit the manufacture, distribution and sale of cannabis”** for the area designated in need of redevelopment consisting of Block 181, Lot 1; and

WHEREAS, N.J.S.A. 40A:12A-7 requires the adoption of redevelopment plans by ordinance with the Planning Board reviewing the plan for consistency with the Master Plan of the Borough prior to final adoption.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough of Kenilworth in the County of Union, State of New Jersey, as follows:

SECTION 1. 2000 Galloping Hill Road Redevelopment Plan. The 2000 Galloping Hill Road Redevelopment Plan dated September 2024 prepared by DMR **as amended**, and attached hereto as **Exhibit A** and by reference made a part hereof is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7, shall supersede the current zoning applied to Block 181, Lot 1, and shall be enacted as an amendment to the Borough’s Zoning Map.

SECTION 2. Severability. If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 3. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Consistency Hearing. A copy of this Ordinance after adoption by the Municipal Council on first reading shall be submitted to the Planning Board for a Consistency Hearing as required by N.J.S.A. 40A:12A-7.

SECTION 5. Effective Date. This ordinance shall take effect after final adoption and approval pursuant to law.



Linda Karlovitch, Mayor

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INTRODUCTION						COUNCILPERSON		FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP			Moved	Sec.	Aye	Nay	Abs.	NP
		X				PATRICK BOYLE				X			
	X	X				JOSEPH FINISTRELLA			X	X			
		X				TONI GIORDANO PICERNO							X
X		X				WILLIAM MAURO				X			
		X				SAVINO SCORESE				X			
		X				JOHN ZIMMERMAN		X		X			
Introduced: September 4, 2024						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.							
Final Adoption: September 18, 2024						Angela Lazzari Angela Lazzari, Borough Clerk							