

## ORDINANCE #1057

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY LOCATED IN THE BOROUGH WITHIN THE FORMER FORT MONMOUTH AND IDENTIFIED AS THE “WAREHOUSE” PARCEL, AND “DISTRICT A” 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., as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

**WHEREAS**, on December 16, 2021, the Borough Council (the “**Borough Council**”) of the Borough of Oceanport, in the County of Monmouth, New Jersey (the “**Borough**”), adopted Resolution No. 2021-245, authorizing and directing the Borough Planning Board (the “**Planning Board**”) to examine whether all or a portion of certain properties located in the Borough within the former Fort Monmouth, and identified as the “Warehouse” parcel and “District A” (including parcels formerly designated as the “Post Office” parcel, “Parking” parcel and “Commissary” parcel) which parcels consist of Block 110.13, Lot 1 and Block 110.14, Lot 1 (formerly a portion of Block 110, Lot 2) as currently designated on the tax maps of the Borough (collectively, the “**Study Area**”), meet the criteria set forth in the Redevelopment Law for redevelopment area designation and to make a recommendation as to whether such Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, on behalf of the Fort Monmouth Economic Revitalization Authority (“**FMERA**”), Phillips Preiss Grygiel Leheny Hughes LLC (the “**Planning Consultant**”) conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated an area in need of redevelopment, and prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled, “Non-Condemnation Area in Need of Redevelopment Study for District A & Warehouse Parcel Within the Former Fort Monmouth Properties in the Borough of Oceanport, New Jersey” dated December 2020, as amended by a report entitled, “April 2022 Addendum to Area in Need of Redevelopment Study for District A & Warehouse Parcel Within the Former Fort Monmouth Properties in the Borough of Oceanport, New Jersey dated December 2020” dated April 2022 (together, the “**Report**”); and

**WHEREAS**, on June 28, 2022, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

**WHEREAS**, on July 26, 2022, by Resolution No. 2022-158 and in accordance with the provisions of the Redevelopment Law, the Borough Council of the Borough designated the Study Area as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”); and

**WHEREAS**, a redevelopment plan for the Redevelopment Area, entitled “Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan” and dated August 2020 (the “**Redevelopment Plan**”) has been prepared; 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 Oceanport, in the County of Monmouth, New Jersey, as follows (not less than a majority of all members thereof affirmatively concurring):

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

**Section 2.** Pursuant to N.J.S.A. 40A:12A-7(e), upon passage of this ordinance on first reading, the Borough

Council hereby refers the Redevelopment Plan 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.

**Section 3.** The Redevelopment Plan, on file with the Borough Clerk, is incorporated herein by reference and, contingent upon the receipt of the Planning Board's recommendations and upon the consent of FMERA pursuant to N.J.A.C. 19:31C-3.25(b)(6), is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7.

**Section 4.** The zoning ordinances and maps of the Borough are hereby amended to be consistent with the Redevelopment Plan and the provisions therein.

**Section 5.** 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.

**Section 6.** 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.

**Section 7.** Pursuant to N.J.A.C. 19:31C-3.25(b)(6), this ordinance shall take effect upon the latter of (i) 20 days after final passage and publication as prescribed by applicable law or (ii) FMERA's consent to the adoption of the Redevelopment Plan for the Redevelopment Area. The Borough Council hereby directs the Mayor, in consultation with counsel to the Borough, to prepare and submit to FMERA the necessary application and/or any other documents in connection therewith in furtherance of such consent by FMERA.

**APPROVED ON FIRST READING**

DATED: July 26, 2022

JEANNE SMITH  
Clerk of the Borough of Oceanport

**ADOPTED ON SECOND READING**

DATED: August 18, 2022

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.**

**JOHN F. COFFEY, II**  
**Mayor**