

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2014-28

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE WATERFRONT VILLAGE REDEVELOPMENT AREA REDEVELOPMENT PLAN FOR WATERFRONT VILLAGE TO ESTABLISH REVISED PERMITTED OR CONDITIONAL USES.

WHEREAS, the Bordentown Township Committee (the “Township”) is the Redevelopment Authority for Bordentown Township; and

WHEREAS, pursuant to the Waterfront Village Redevelopment Plan, the Township Committee previously designated various permitted and conditional uses within the Waterfront Village Redevelopment Area; and

WHEREAS, pursuant to New Jersey’s Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) any use within a Redevelopment area must be consistent with the Redevelopment Plan approved by the Township Committee and under the MLUL; and

WHEREAS, as the Redevelopment entity for the Township, the Township Committee is the entity with the authority to amend the Waterfront Village Redevelopment Plan so that the Planning Board is not permitted to grant a use variance with respect to any application involving property within a Redevelopment zone; and

WHEREAS, by Bordentown Township Planning Board Resolution # PB-2014-20, the Bordentown Township Planning Board provided a report and recommendation to the Bordentown Township Committee relating to the amendment of certain conditional and permitted uses within the Waterfront Village Redevelopment Area; and

WHEREAS, the Township Committee has reviewed the report and recommendation of the Planning Board with respect to the recommended changes to the Waterfront Village Redevelopment area and seeks to incorporate the recommendations of the Planning Board as it relates to the amending the permitted or conditional uses for certain areas within the Waterfront Village Redevelopment Area; and

WHEREAS, the Township Committee has further determined that it is in the best interests of the Township to further the goals of the Waterfront Village Redevelopment Plan to amend the designation of permitted and conditional uses within the Waterfront Village Redevelopment Area and that doing so does not otherwise limit the Township's or its Planning Board's authority to have in place such other conditions, limitations or design requirements for the Area as are permitted under the law, and so as to be consistent with the specific provisions and goals of the Waterfront Village Redevelopment Plan.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1. The portion of the Waterfront Village Redevelopment Area Redevelopment Plan entitled, "Section 1. Redevelopment Plan, Permitted Uses—Planned Waterfront Village Development" shall be amended as follows:

Permitted Uses – 5. Senior Affordable Housing is a permitted use with respect to Block 140, Lot 3.01 and/or 3.02, on Burlington-Bordentown Road, consistent with the Acknowledgement on page 16 of the Waterfront Village Redevelopment Plan of the Obligation to Provide Affordable Housing consistent with the rules promulgated by NJ COAH, and pursuant to Court Order or directive of the Court or Special Master appointed with respect to the Township's obligation for providing such housing.

Conditional Uses – 1. Gas stations or a Convenience Store. Limited to the portion of Block 140.01, Lot 1 fronting Route 130, with the limitation of a maximum of twelve (12) fueling positions for dispensing, storing and the sale of fuel for automobile and passenger trucks. Gas stations or Convenience Stores in this zone are not permitted to dispense, store or sell fuel for large commercial truck vehicles. Gas stations or Convenience Stores in this zone are permitted to operate their business 24 hours per day.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

INTRODUCED: OCTOBER 27, 2014

ADOPTED: NOVEMBER 10, 2014