

**SUSSEX BOROUGH  
ORDINANCE NO. 2021-09**

**ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, AND STATE  
OF NEW JERSEY ADOPTING ADDENDUM # 2 OF THE ROUTE 23  
REDEVELOPMENT PLAN PERTAINING TO AREA B OF THE ROUTE 23  
REDEVELOPMENT AREA, AS PREPARED BY THE NELSON CONSULTING GROUP  
AND RECOMMENDED BY THE SUSSEX BOROUGH PLANNING/ZONING BOARD.**

**WHEREAS**, the Governing Body of the Borough of Sussex (“Governing Body”) previously authorized the Borough Planning/Zoning Board (“Board”) to undertake a preliminary investigation to determine whether the Area Commonly known as the Walling Avenue and Route 23 South Project Area is an “area in need of rehabilitation” as defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“LRHL”); and

**WHEREAS**, at the conclusion of its investigation and following notice and a public hearing, the Board recommended that certain properties located within this area be designated by the Governing Body as an area in need of rehabilitation (“Route 23 Rehabilitation Area”); and

**WHEREAS**, the Route 23 Rehabilitation Area Consists of four geographic areas identified as Areas A, B, C and D; and

**WHEREAS**, pursuant to the recommendations of the Board and, in accordance with the provisions of the LRHL, the Governing Body adopted Resolution 2013-53R designating the Route 23 Rehabilitation Area as an area in need of rehabilitation; and

**WHEREAS**, in furtherance of redeveloping the Route 23 Rehabilitation Area, the Governing Body authorized and directed the Nelson Consulting Group to prepare a redevelopment plan for a portion of the Route 23 Rehabilitation Area Commonly known as “Area A” which is located west of Route 23 southbound and south of Brookside Avenue; and

**WHEREAS**, on October 3, 2013, the Nelson Consulting Group completed its redevelopment plan entitled “Route 23 Redevelopment Plan” (“Redevelopment Plan”) and submitted it to the Governing Body for review and consideration; and

**WHEREAS**, on October 15, 2013, the Governing Body submitted the Redevelopment Plan to the Board for review and recommendation concerning same in accordance with the provisions of N.J.S.A. 40A:12A-7; and

**WHEREAS**, on October 28, 2013 the Board transmitted to the Governing Body its report recommending that the Governing Body adopt the Redevelopment Plan, as submitted, with no additional comments or recommendations; and

**WHEREAS**, the Governing Body reviewed the report of the Board, determined that the Redevelopment Plan is necessary and appropriate, is in compliance with the dictates of the LRHL and will result in the successful redevelopment of Area A; and by Ordinance No. 2013-06, adopted on November 26, 2013, the Governing Body adopted the Redevelopment Plan for the Route 23 Rehabilitation Area; and

**WHEREAS**, the Governing Body adopted Resolution 2014-128R authorizing the Board to undertake a preliminary investigation with respect to the Area Comprised of the following parcels located in Sussex Borough, Sussex County, New Jersey, to determine whether the area or a portion thereof may be determined to be a non-condemnation redevelopment area pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-3 and 5: Block 104, Lot 1.01, Block 105, Lot 1.03, and Block 106, Lots 1.02, 11, 12, 13 and 14 (“Delineated Area”), which Delineated Area lies within the Route 23 Rehabilitation Area; and

**WHEREAS**, upon notice according to law, the Board conducted a public hearing with respect to the Delineated Area investigation, set forth its findings in a Resolution memorialized by the Board on June 8, 2015 and recommended that the Governing Body designate the Delineated Area as a “Non-Condensation Redevelopment Area”; and

**WHEREAS**, by Resolution 2015-98R, the Governing Body designated the Delineated Area as a Non-Condensation Area in need of redevelopment; and

**WHEREAS**, the Nelson Consulting Group prepared a draft Addendum to the Redevelopment Plan pertaining to Area B of the Route 23 Rehabilitation Area, which draft Addendum was reviewed and considered by the Board at its March 12, 2018 meeting, revised in accordance with the Board’s instructions at that meeting and submitted to the Governing Body for consideration with a recommendation that the Governing Body adopt same; and

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**WHEREAS**, the Governing Body reviewed said Addendum, entitled “Addendum #2 of the Route 23 Redevelopment Plan Pertaining to Area B, Borough of Sussex, Sussex County, New Jersey” dated March 12, 2018 and revised April 29, 2021 (herein referred to as “Addendum #2”); and

**WHEREAS**, the Governing Body hereby confirms its determination that the Redevelopment Plan is necessary and appropriate and is in compliance with the dictates of the LRHL and hereby determines that, with the adoption of Addendum #2, it will result in the successful redevelopment of Area B of the Route 23 Rehabilitation Area, which was declared to be an area in need of rehabilitation; and

**WHEREAS**, the Redevelopment Plan as amended upon adoption of Addendum #2 will supersede the existing zoning and land development regulations for Area B of the Route 23 Rehabilitation Area as presented therein; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Sussex, County of Sussex, State of New Jersey, as follows:

**Section 1.** Pursuant to N.J.S.A. 40A:12A-7, the Borough hereby adopts and approves Addendum #2 of the Route 23 Redevelopment Plan Pertaining to Area B, Borough of Sussex, Sussex County, New Jersey” dated March 12, 2018 and revised April 29, 2021 as prepared by the Nelson Consulting Group (herein referred to as “Addendum #2”), a copy of which is attached hereto and hereby made a part of this Ordinance; and

**Section 2.** The Borough hereby directs that Addendum #2 be filed with the Borough Clerk; and

**Section 3.** Pursuant to N.J.S.A. 40A:12A-4(c), the Borough is, and shall continue to be, designated the redevelopment entity with all of the authority, rights, duties, and powers accorded to a redevelopment entity as set forth in N.J.S.A. 40A:12A-8; and

**Section 4.** The Route 23 Redevelopment Plan as amended by Addendum #2 shall supersede the existing zoning and land development regulations for Area B of the Route 23 Rehabilitation Area; and

**Section 5.** Pursuant to N.J.S.A. 40A:12A-7(c), the Borough’s Zoning Map is hereby amended to identify Area B of the Route 23 Rehabilitation Area in the manner depicted in Addendum #2; and

**Section 6.** If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion thereof; and

**Section 7.** This Ordinance shall take effect upon the final passage and publication pursuant to Law.

\_\_\_\_\_  
Edward Meyer, Mayor

ATTEST:

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Antoinette Smith, Borough Clerk/Administrator

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance 2021-09 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 4<sup>th</sup> day of May, 2021 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 18<sup>th</sup> day of May, 2021 at Borough Hall, 2 Main Street, in the Borough of Sussex at 7:00 p.m. or via the internet, connectivity information available at [www.sussexboro.com](http://www.sussexboro.com) and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

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Antoinette Smith, Municipal Clerk

Introduced: May 4, 2021

Adopted: May 18, 2021