



ORDINANCE 2023-32

Amending Ordinance 2023-23 Providing for the Adoption of the “Sonesta Suites Redevelopment Plan” for 4225 U.S. Highway 1 (Block 97, Lot 13.012) Pursuant to the Local Redevelopment and Housing Law

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on July 26, 2022, the Township Council (“**Township Council**”) of the Township of South Brunswick (“**Township**”) adopted Resolution No. 2022-261, authorizing and directing the Planning Board of the Township (“**Planning Board**”) to conduct a preliminary investigation to determine whether the property identified on the Township’s Tax Maps as Block 97, Lot 13.012 and more commonly known as 4225 U.S. Highway 1 (“**Study Area**”), met the criteria set forth in the Redevelopment Law and should be designated as a Non-Condensation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condensation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, Richard A. Alaimo Associates (the “**Planning Consultant**”) prepared a Preliminary Investigation Report and Map dated December 1, 2022 (“**Area in Need Study**”) for the Board for its consideration in determining whether all or part of the Study Area should be designated a Non-Condensation Redevelopment Area; and

WHEREAS, the map showed the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Planning Board on February 1, 2023, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board concluded there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq. for designating the Study Area as a non-condemnation redevelopment area and that said designation is necessary for the effective redevelopment of the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution dated February 15, 2023, and ratified March 8, 2023, the Board recommended to the Council that part of the Study Area be designated as a Non-Condensation Redevelopment Area;

WHEREAS, on March 28, 2023 the Township Council agreed with the conclusions of the Planning Board and adopted Resolution No. 2023-145, corrected on July 25, 2023 by Resolution

2023-262, and on September 26, 2023 by Resolution 2023-310, finding the Study Area was a Non-Condensation “Area in Need of Redevelopment” (the “**Redevelopment Area**”) and authorized and directed the Planning Board to prepare a redevelopment plan for the Redevelopment Area, including an outline for the planning, development, and redevelopment of the Redevelopment Area, pursuant to N.J.S.A. 40A:12A-7; and

WHEREAS, by letter dated August 11, 2023, the Acting Commissioner of the Department of Community Affairs approved the determination of the Redevelopment Area; and

WHEREAS, the Planning Consultant prepared a redevelopment plan for the Redevelopment Area entitled “Sonesta Suites Redevelopment Plan Non-Condensation”, dated August 2023 (a copy of which is attached hereto as **Exhibit A**, the “**Redevelopment Plan**”); and

WHEREAS, the Township Council has reviewed and considered the Redevelopment Plan; and

WHEREAS, pursuant to the Redevelopment Law, specifically N.J.S.A. 40A:12A-7(e), after introduction and first reading of Ordinance 2023-23, the Township Council referred the proposed Redevelopment Plan to the Planning Board for review and recommendation and instructed the Planning Board to transmit its recommendations relating to the Redevelopment Plan to the Township Council prior to final adoption; and

WHEREAS, on August 22, 2023, upon receipt and review of the Planning Board’s recommendations relating to the Redevelopment Plan, and in consultation with the Planning Consultant and redevelopment counsel, the Township Council adopted Ordinance 2023-23, approving the Redevelopment Plan, to facilitate the appropriate development of the Redevelopment Area; and

WHEREAS, the Township now desires to amend and supplement Ordinance 2023-23 to incorporate the provisions of the Redevelopment Plan into the South Brunswick Code.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of South Brunswick, in the County of Middlesex, New Jersey, as follows:

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.
2. The Redevelopment Plan, as filed in the Office of the Township Clerk and attached hereto as **Exhibit A**, was approved and adopted pursuant to N.J.S.A. 40A:12A-7, as set forth in Ordinance 2023-23.
3. South Brunswick Code Chapter 62, Land Use, shall be and is hereby amended and supplemented as follows, with the addition of the following:

**Article IV. Zoning
Division 3. Districts**

~~Secs. 62-846 – 62-850. Reserved.~~

Subdivision XIV(C). Sonesta Suites Redevelopment Plan

Sec. 62-846. Adoption of Redevelopment Plan.

A. The redevelopment plan entitled “Sonesta Suites Redevelopment Plan,” dated August, 2023 (the “Redevelopment Plan”), as attached hereto and incorporated herein by reference, is hereby

adopted.

B. It is hereby found that the above-referenced Redevelopment Plan meets the criteria for adoption of a redevelopment plan as set forth in N.J.S.A. 40A:12A-7, and as further specified in the plan itself.

C. It is hereby found and determined, in accordance with the recommendation of the Planning Board, dated August 16, 2023, that the above-referenced Redevelopment Plan is consistent with the Master Plan of the Township of South Brunswick.

Sec. 62-847. Designation as Sonesta Suites Redevelopment Zone.

The above-referenced Redevelopment Plan shall constitute an overlay zone for the area contained in the plan. The Zone Map of the Township of South Brunswick, §62-302 of the Code of the Township of South Brunswick, is hereby amended to designate the area set forth in this plan as the “Sonesta Suites Redevelopment Plan.”

Sec. 62-848. Uses; Intended as Overlay Zone; No Supersession of Underlying Ordinance Requirements

Uses in the redevelopment area shall be limited to those permitted in the Redevelopment Plan. The standards set forth in the Sonesta Suites Redevelopment Zone shall be an overlay zone, complimenting the applicable provisions of the South Brunswick Land Use Code, Chapter 62. In those instances where the Sonesta Suites Redevelopment Zone differs from the existing Zoning Ordinance, this Overlay Zone shall govern. In those instances where the Sonesta Suites Redevelopment Zone is silent as to zone and design guidelines, the existing zoning standards shall apply unless a waiver of any of the zoning standards or design guidelines is granted by the South Brunswick Planning Board as part of a Site Plan Approval.

Sec. 62-849. Plan to remain on file.

The above-referenced Redevelopment Plan shall remain on file in the office of the Township Clerk and shall be available for public inspection during normal business hours.

Sec. 62-850. Authorization of Township limited.

A. The Township shall be authorized under N.J.S.A. 40A:20-1, et seq., to grant long-term tax exemptions in the Sonesta Suites Redevelopment Zone.

B. The Township shall not be authorized under N.J.S.A. 40A:12A-8 to exercise the power of eminent domain to acquire any private property in the Sonesta Suites Redevelopment Zone.

4. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

5. This ordinance shall become effective twenty (20) days after its final passage.

6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

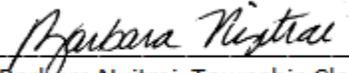
7. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

8. This Ordinance shall take effect as provided by law.

The above ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of South Brunswick held on October 24, 2023. It will be considered on second reading and final passage at a meeting of the Township Council of the Township of South Brunswick to be held either: (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via video conference, at 6:00 p.m. on November 21, 2023. If the meeting is held via video conference, an electronic link to the meeting will be made available to the public at www.southbrunswicknj.gov no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josephine "Jo" Hochman, Councilwoman
SECONDER:	Ken Bierman, Councilman
AYES:	Ken Bierman, Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman
ABSENT:	Charlie Carley

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on November 21, 2023.



Barbara Nyitrai, Township Clerk