

**ORDINANCE NO. 26-2020**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING THE REDEVELOPMENT PLAN FOR PROPERTY LOCATED ON ROUTE 10 AND MOUNT PLEASANT AVENUE, AND ALSO DESIGNATED AS BLOCK 4001, A PORTION OF 9, LOTS 10, 11, 12, 13, AND 14, AND BLOCK 8803, LOT 17, ALL AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

**WHEREAS**, there presently exists a Settlement Agreement between the Township of Hanover and JMF Acquisitions, LLC, last executed March 22, 2019, which Settlement Agreement is intended to provide for the development of a portion of the Township's fair share obligation as part of the Township of Hanover's Declaratory Judgment Action, Township of Hanover, Docket No. MRS-L-1635-15, which seeks a determination of compliance with the Mt. Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. for the Prior Round (1987 – 1999) and the Third Round (1999 – 2025); and

**WHEREAS**, the aforesaid Settlement Agreement stipulates that the Township agreed to rezone the property which was the subject of the agreement, by either zoning ordinance or redevelopment plan, in order to permit the development contemplated under the agreement; and

**WHEREAS**, on March 14, 2019, the Township Committee by Resolution No. 62-2019 directed the Planning Board to conduct an investigation of the area identified as Block 4001, Lots 6, 7, a portion of 9, 10, 11, 12, 13, and 14, and Block 8803, Lot 17, of the Township in order to determine whether it met the conditions as a condemnation "area in need of redevelopment" according to criteria set forth in N.J.S.A. 40A:12A-5 in the State of New Jersey's Local Redevelopment and Housing Law (LRHL); and

**WHEREAS**, on August 8, 2019, the Township Committee adopted Resolution No. 169-2019 designating the area as a non-condemnation area in need of redevelopment pursuant to the LRHL; and

**WHEREAS**, a redevelopment plan, entitled "Redevelopment Plan for Block 8803, Lot 17 & Block 4001, Lots 10, 11, 12, 13, 14 & a Portion of Lot 9 in the Township of Hanover, New Jersey," dated April 2020 and prepared by Phillips Preiss Grygiel Leheny Hughes LLC was adopted as part of Ordinance 17-2020 on July 9, 2020; and

**WHEREAS**, the aforesaid Settlement Agreement indicated that the proposed uses in the proposed development "shall comply with the permitted uses in the B-10 zone," and stipulated that "The Township shall proceed to rezone the Property in order to permit the redevelopment of the Property with the Project substantially in accordance with Exhibit A and the current zoning of the property (i.e., the B-10 zone); and

**WHEREAS**, the aforesaid Settlement Agreement also stipulated that "If the Township elects to adopt a redevelopment plan or rezoning for the property it shall include the property identified as Block 4001, Lot 13 (the "Midas Property"), in the redevelopment plan and it shall be zoned for commercial use.



**NOW, THEREFORE, BE IT ORDAINED** by Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

**Section 1.** The proposed redevelopment plan, entitled "Redevelopment Plan for Block 8803, Lot 17 & Block 4001, Lots 10, 11, 12, 13, 14 & a Portion of Lot 9 in the Township of Hanover, New Jersey," dated April 2020 and prepared by Phillips Preiss Grygiel Leheny Hughes LLC and adopted by Ordinance 17-2020 is hereby amended as follows:

- A. As an alternative to the commercial development permitted in the redevelopment plan adopted by Ordinance 17-2020, there shall also be permitted development in accordance with the standards for the B-10 zone, including but not limited to use and bulk standards; provided that said alternative development option shall be strictly limited to the area depicted for commercial development on Exhibit A in the Settlement Agreement between the Township of Hanover and JMF Acquisitions, LLC, last executed March 22, 2019, a copy of which is included with and appended to this Ordinance.
- B. The developer shall have the option of which commercial development alternative it shall proceed under, and any development application filed with the Township shall indicate the development alternative chosen. Subsequent to any redevelopment of the property, the standards of the elected commercial development alternative shall continue to apply; provided, however, that nothing shall prohibit the developer from subsequently completely redeveloping the property under either commercial development alternative.

**Section 2.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

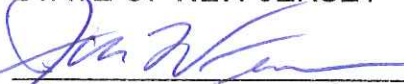
**Section 3.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 4.** This ordinance shall take effect in accordance with the law.

ATTEST:

  
\_\_\_\_\_  
Joseph A. Giorgio, Township Clerk

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
\_\_\_\_\_  
John L. Ferramosca, Mayor

DATE OF INTRODUCTION: September 10, 2020  
DATE OF ADOPTION: October 8, 2020