

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 001-2023

**RE: AN ORDINANCE ADOPTING AN AMENDMENT TO THE
REDEVELOPMENT PLAN BEESLEY'S POINT REDEVELOPMENT AREA
WITHIN THE TOWNSHIP OF UPPER,
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

WHEREAS, in order to facilitate the development, redevelopment, and rehabilitation of the Township of Upper, County of Cape May, State of New Jersey (the "Township"), by way of Resolution No. 30-2021 adopted on January 11, 2021, the Mayor and Committee of the Township of Upper (the "Township Committee") declared Block 479, Lots 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01 within the Township as a Condemnation Area in Need of Redevelopment (the "Redevelopment Area") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan for an "area in need of redevelopment"; and

WHEREAS, in order to facilitate the redevelopment and rehabilitation of the Township, on January 25, 2021, the Township adopted by way of Ordinance No. 001-2021, redevelopment plan entitled "Beesley's Point Redevelopment Plan Block 479, Lot 76, 76.01, 94.01, 106.02, 107, 107.01, 108, and 108.01" (the "Redevelopment Plan"), dated January 2021, for the Redevelopment Area; and

WHEREAS, the Redevelopment Plan, as amended by the Plan Amendment provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area for purposes of improving conditions within the Township; and

WHEREAS, the Township Committee has determined that it is in the best interest of the Township to amend the Redevelopment Plan to provide more detailed zoning requirements for electrical substation uses within the Redevelopment Area, and has prepared an amendment entitled "Redevelopment Plan Amendment Beesley's Point Redevelopment Area," dated January 2023, attached hereto ("Plan Amendment"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Township Committee adopted a Resolution referring the Plan Amendment to the Township of Upper Planning Board (the "Planning Board") for review, comment and a finding of consistency with the Township Master Plan following introduction and first reading; and

WHEREAS, the Planning Board held a public hearing on February 16, 2023, and, finding the Plan Amendment to be consistent with and/or designed to effectuate the Township Master Plan, recommended that the Plan Amendment be adopted, via Resolution No. SP01-2023, which shall be considered the report of the Planning Board to the Township Committee as required by N.J.S.A. 40A:12A-7(e) ("Planning Board Report"); and

WHEREAS, the Plan Amendment meets the requirements of N.J.S.A. 40A:12A-1, et seq., and is consistent with and/or designed to effectuate the Township's Master Plan for the reasons set forth in the Plan Amendment and the Planning Board Report; and

WHEREAS, the Township Committee has reviewed the recommendation of the Planning Board and the Plan Amendment and has determined that it is in the best interest of the Township to adopt the Plan Amendment, attached hereto, in order to effectuate the redevelopment and rehabilitation of the Redevelopment Area.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. The above-mentioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Township hereby adopts the amendment entitled “Redevelopment Plan Amendment Beesley’s Point Redevelopment Area,” dated January 2023, attached hereto, and the findings contained therein.

SECTION 3. The Governing Body of the Township of Upper shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Redevelopment Plan and the Plan Amendment.

SECTION 4. The Plan Amendment is an overlay zoning for which no zoning map amendment is necessary.

SECTION 5. The Township Committee declares and determines that the Redevelopment Plan, as amended by the Plan Amendment, provide realistic opportunities for redevelopment of the Amended Redevelopment Area, and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq. and further declares and determines that Plan Amendment is consistent with and/or is designed to effectuate the Master Plan.

SECTION 6. All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. In the event any clause section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

SECTION 8. This Ordinance shall take effect after final adoption and publication according to law.

JOANNE R. HERRON, RMC, Township Clerk

JAY NEWMAN, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23RD DAY OF JANUARY, 2023 AT THE TOWNSHIP HALL, AND WAS TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 27TH DAY OF FEBRUARY, 2023 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: January 23, 2023

Publication: January 27, 2023

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: February 27, 2023

Final Adoption: February 27, 2023

Final Publication Date: March 10, 2023

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on February 27, 2023 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on March 10, 2023.

Joanne R. Herron, Township Clerk