

TOWNSHIP OF IRVINGTON



MUNICIPAL COUNCIL MEETING MINUTES JANUARY 13, 2025 7:30 PM

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Appointments

Virtual - Zoom Meetings
Administration

1. PLEDGE OF ALLEGIANCE

2. MOMENT OF SILENCE

3. ROLL CALL

ROLL CALL	PRESENT	ABSENT	LATE ARRIVAL	EARLY DEPARTURE
Brown	X			
Dr. Frederic	X			
Dr. Hudley	X			
Vauss	X			
Vick	X			
Beasley, President		X		

Acting Council President Dr. October Hudley reads the following Statement of Proper Notice Pursuant to the Sunshine Law.

In accordance with the Open Public Meetings Act, adequate notice of this virtual meeting has been provided to the Irvington Herald and Star Ledger, posted on the Municipal Bulletin Board, the township's website, and filed in the Office of the Municipal Clerk.

4. HEARING OF CITIZENS ON AGENDA ITEMS ONLY

- Limited to (3) three minutes per person and (30) thirty minutes total (MUST SIGN UP IN ADVANCE OF MEETING)

No public members requested to be heard.

5. HEARING OF COUNCIL MEMBERS

No Council Members requested to be heard.

6. REPORTS & RECOMMENDATIONS OF TOWNSHIP OFFICERS, BOARDS & COMMISSIONS

A. Reports

1. Municipal Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of December 16, 2024 to December 20, 2024
2. Municipal Court Administrator Deshanaye Alexander-Sanders - Weekly Summary Report for the Week of December 23, 2024 to December 27, 2024
3. Community Development Dept. Rep. Attiya Pennix – Report of the December 18, 2024 Redevelopment Committee Meeting
4. Business Administrator Musa Malik, Esq. – Report of the December 19, 2024 Finance Committee Meeting

7. REPORTS OF COMMITTEES

None

ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED ROUTINE BY THE MUNICIPAL COUNCIL AND HAVE BEEN LISTED FOR ONE ROLL CALL VOTE FOR ADOPTION OF ALL ITEMS

8. ORDINANCES, BILLS & CLAIMS

A. Ordinances on First Reading

- | | |
|--------------|---|
| Vick - Brown | 1. An Ordinance Authorizing the Execution of a Financial Agreement With 61-79 Twenty Second Urban Renewal, And Granting a Tax Exemption With Respect To Certain Property Identified on the Township's Tax Map As Block 148, Lots 28, 29, 30, 31, 32, 33, 34 & 35 and Located at 61 Through 79 22 nd Street |
|--------------|---|

MC 2024-_____

AN ORDINANCE AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH 61-79 TWENTY SECOND URBAN RENEWAL, AND GRANTING A TAX EXEMPTION WITH RESPECT TO CERTAIN PROPERTY

IDENTIFIED ON THE TOWNSHIP’S TAX MAP AS BLOCK 148, LOTS 28, 29, 30, 31, 32, 33, 34 & 35 AND LOCATED AT 61 THROUGH 79 22ND STREET

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, on August 13, 2002, the Township Council, by Resolution No. UEZ 02-0813-14, the Township Council adopted a resolution designating certain properties within the east ward of the Township as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law and in accordance with the procedures set forth therein, the Township Council duly adopted the East Ward/East Springfield Avenue Redevelopment Plan (as may be amended from time to time, the “**Redevelopment Plan**”) for the Redevelopment Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Township has determined to act as the “redevelopment entity”, as such term is defined at N.J.S.A. 40A:12A-3, responsible for carrying out redevelopment projects in the Redevelopment Area in accordance with the Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-4(c); and

WHEREAS, the Township is the owner of certain properties within the Redevelopment Area designated as Block 148, Lots 30, 31, 33, 34 & 35 and identified in the Township tax records, respectively, as 71 22nd Street, 69 22nd Street, 65 22nd Street, 63 22nd Street and 61 22nd Street (the “**Township Parcels**”); and

WHEREAS, the Entity is the owner of or intends to acquire certain properties within the Redevelopment Area designated as Block 148, Lots 28, 29 & 32 as identified in the Township tax records, respectively, as 77-79 22nd Street, 73-75 22nd Street and 67 22nd Street (the “**Redeveloper Parcels**” and together with the Township Parcels, referred to herein as the “**Property**”); and

WHEREAS, the Entity proposes to undertake a project on the acquisition of the Township Parcels, the assemblage of the Property, and development, financing, construction, implementation, and cohesive redevelopment of the Property with a five (5) story multi-family, residential building with sixty-two (62) market-rate residential units (comprised of four (4) three-bedroom units, twenty-one (21) two-bedroom units and thirty-seven (37) one- bedroom units) and 51 off-street parking spaces, as well as 5 electric vehicle parking spaces, and 10 on-street parking spaces, the repair and/or replacement of the sidewalk frontage on the Property, and certain other on-site and offsite improvements (collectively, the “**Project**”); and

WHEREAS, the Project includes the construction of various infrastructure improvements to the Property and the streets abutting the Property that are required as a result of the construction of the Project, including but not limited to curb replacements, street resurfacing, and construction of sidewalks, landscaping and similar improvements, all consistent with the Entity’s approved site plan, to be determined in consultation with the Township Planner (collectively, the “**Infrastructure Improvements**”); and

WHEREAS, the Township and the Entity have entered into that certain Redevelopment Agreement dated [_____] (the “**Redevelopment Agreement**”), approved on [_____] 2024 by Resolution No. [_____] of the Township Council, to effectuate the redevelopment of the Redevelopment Area and specify the respective rights and responsibilities of the parties with respect to the Project; and

WHEREAS, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, as amended and supplemented, (N.J.S.A. 40A:20-1 et seq.) (the “**Exemption Law**”) and the New Jersey Redevelopment Area Bond Financing Law, constituting Chapter 310 of the Pamphlet Laws of 2001 of the State of New Jersey, and the acts amendatory thereof and supplemental thereto (the “**RAB Law**”, as codified in N.J.S.A. 40A:12A-64 et seq.), the Township is authorized to

provide for and accept, in lieu of real property taxes, an Annual Service Charge (as hereinafter defined) paid by the Entity to the Township; and

WHEREAS, the Entity has applied for a long-term tax exemption for the improvements to be constructed in connection with the Project as described more fully within the application for long term tax exemption submitted by the Entity (a copy of which is attached hereto as Exhibit A, the “**Application**”),

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Irvington, in the County of Essex, New Jersey, as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. APPLICATION FOR EXEMPTION APPROVED

The Application, which is on file with the Township Clerk and which has been recommended for approval to the Township Council by the Mayor, is hereby accepted and approved.

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

- (a) The Mayor is hereby authorized to execute the Financial Agreement, substantially in the form attached hereto as **Exhibit A**, subject to modification or revision deemed necessary or appropriate by the Township in consultation with counsel, and to take all other necessary or appropriate action to effectuate such Financial Agreement.
- (b) The Township Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.
- (c) In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes, as well as to the Tax Assessor of the Township.

IV. SEVERABILITY

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.

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

EXHIBIT A

Form of Financial Agreement

Adopted
Absent: Beasley

C. Bills & Claims

Hudley – Vauss, Jr. 1. Bill Lists

RESOLVED THAT THE BILLS AND CLAIMS AGAINST THE TOWNSHIP OF IRVINGTON FOR A PERIOD **JANUARY 13, 2025** AS ENUMERATED ON THIS LIST FOR MATERIALS, SUPPLIES AND SERVICES FURNISHED, DELIVERED AND/OR PERFORMED HAVE BEEN CERTIFIED BY THE DEPARTMENTS AS CORRECT, EACH CLAIM AND PURCHASE ORDER HAVE BEEN VERIFIED AND REVIEWED FOR THE AVAILABILITY OF FUNDS, ACCURACY OF ACCOUNT CODING AND COMPLETENESS BY THE ADMINISTRATION, THEREFORE:

BE IT RESOLVED, BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON THAT THE FOLLOWING BE PAID BY THE CHIEF FINANCIAL OFFICER:

BILL LIST	\$2,435,401.05
TOTAL	\$2,435,401.05

Adopted
Absent: Beasley

Hudley – Brown 2. Payrolls

Payroll Date: December 27, 2024

TOTAL	\$2,388,251.09
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Adopted
Absent: Beasley

9. RESOLUTIONS AND MOTIONS

A. Resolutions

Vauss, Jr. – Brown 1. Resolution of Commemoration – 2025 Dr. Martin Luther King Jr. Day, 2025

2025 DR. MARTIN LUTHER KING JR. ANNUAL COMMEMORATIVE TRIBUTE

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WHEREAS, the President and Congress of the United States have designated the third Monday in January of each year as Dr. Martin Luther King, Jr. Day and to commemorate the January 15th birthday of this important leader of the Civil Rights Movement in our Country; and

WHEREAS, there is national recognition and respect for Dr. King's teachings and preachings of the principles of freedom, responsibilities of liberty, ideals of brotherhood, respect for human rights, promotion of social and economic cooperation and the need for international peace and security; and

WHEREAS, New Jersey has also adopted Dr. Martin Luther King, Jr. Day as a State Holiday and created a Commemorative Commission to honor Dr. King to enlighten the population of our State to the teachings and principals of Dr. King to relieve the burdens of illiteracy and poverty while offering the beacon of hope to the needy; and

WHEREAS, the Dr. Martin Luther King, Jr. Commemorative Committee of Irvington works diligently to preserve the name and promote the teachings of Dr. King, and this year will celebrate King its annual tribute:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the Township of Irvington joins with all residents of this Country of ours commemorating Dr. Martin Luther King, Jr. Day and proclaiming support for his teachings of freedom; brotherhood; love, not hate; ending poverty; working for peace, not war; and education to increase understanding; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Irvington Public Library for public display and to the Martin Luther King Jr. Commemorative Committee of Irvington to recognize their continuing efforts and programs in commemoration of Dr. King and in keeping the dream alive by acknowledging the annual tribute to Dr. Martin Luther King, Jr.

Adopted

Absent: Beasley

Vick - Frederic 2. Resolution of Commemoration - Muslim Heritage Month, January 2025

**RESOLUTION RECOGNIZING JANUARY 2025
AS MUSLIM HERITAGE MONTH
IN THE TOWNSHIP OF IRVINGTON**

WHEREAS on April 29, 2023, Governor Philip D. Murphy signed Joint Resolution No. 6 by the Senate and the General Assembly of the State of New Jersey designating the month of January of each year as Muslim Heritage Month'; and

WHEREAS, Muslims are the world's second-largest religious group practicing the Islamic faith. With 1.9 billion followers representing approximately twenty-five percent of the world's population, there are about 3.45 million Muslims in the United States from diverse racial and ethnic backgrounds. The Muslim community represents 1.1% of the population in the United States; and

WHEREAS Muslims first arrived in North America along with enslaved Africans, whom historians estimate 30% were Muslim. Their Islamic beliefs and practices contributed in numerous ways to the founding of our nation, including courageous and dictated military services in every major war, including the American Revolutionary War; and

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WHEREAS there are over 300,000 Muslim Americans in New Jersey, representing one of the largest Muslim-American communities in the United States. Their contributions help fortify and strengthen the economy and diversity of the people in our state and local communities; and

WHEREAS the Township of Irvington recognizes this monumental achievement for the Muslim Community and desires to recognize the month of January of each year as "Muslim Heritage Month"; and

WHEREAS the Muslim Community is one of the fastest growing communities with a population growing in the Township of Irvington; and

WHEREAS, the Township of Irvington recognizes and appreciates that the Muslim community has directly contributed to the diversity and positive growth of the City in various fields, including education, entrepreneurship, government, law, medicine, literature, drama, sculpture, music, food, and culture, as well as all aspects of life throughout the United States and abroad; and continues to influence our beliefs and embedded values; and

WHEREAS the Township of Irvington is thankful for the significant role of the Muslim Community in the fabric of the Township of Irvington; and

WHEREAS the Township of Irvington is thankful for the numerous people in the Muslim Community who have directly contributed towards effective and better government, civil service, and public interest work through work in the Judiciary, the City Council, the Board of Education, City Government offices and multiple non-profit endeavors, all of which help the City flourish; and

WHEREAS the township will continue to keep its doors open to the Muslim Community; and

WHEREAS designating January as “Muslim Heritage Month” will help highlight the many achievements and successes of Irvington's Muslim Community and further inspire younger generations to contribute towards the prosperity of our beloved city; and

WHEREAS the Township of Irvington is proud to celebrate the designation of January of each year as "Muslim Heritage Month";

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that the month of January of each year shall be designated as Muslim Heritage Month" in the Township of Irvington.

Adopted
Absent: Beasley

Vick – Brown 3. Authorize Purchases Under the Essex County Co-Op of New Jersey Cooperative Purchasing Program Over the Bid Threshold of \$44,000.00 - Advanced Enterprises Recycling DBA Dart – Not to Exceed \$650,000.00

**AUTHORIZING PURCHASES UNDER THE ESSEX COUNTY CO-OP OF
NEW JERSEY COOPERATIVE PURCHASING PROGRAM OVER THE
BID THRESHOLD OF \$44,000.00**

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WHEREAS, the Township of Irvington, pursuant to N.J.S.A. 40A: 11-12(a) and N.J.A.C. 5:34-7.29(c) may by resolution and without advertising for bids, purchase any goods or services under the Essex County Cooperative Purchasing Program on behalf of their members; and,

WHEREAS, Essex County Co-op has awarded solid waste transfer fee for type 13 solid waste to Advanced Enterprises Recycling DBA Dart; and,

WHEREAS, Advanced Enterprises Recycling DBA Dart located at 540 Doremus Ave Newark, NJ 07105 will exceed the bid threshold of \$44,000.00 for calendar year 2025; and

WHEREAS, based on the estimated tonnage, the total amount that will be paid to this vendor is an amount not to exceed \$650,000.00 for the year; and

WHEREAS, the Township of Irvington intends to enter into this contract with Advanced Enterprises Recycling DBA Dart over the bid threshold of \$44,000.00 through this resolution and properly executed purchase orders for disposal of type 13 solid waste for an amount not to exceed \$650,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Irvington authorizes the purchasing agent to pay this vendor over the bid threshold of \$44,000.00 pursuant to all the conditions of Essex County Co-op contract; and

BE IT FURTHER RESOLVED, that the total payments to this vendor for calendar year 2025 shall not exceed \$650,000.00

BE IT FURTHER RESOLVED that the duration of this authorization shall be until December 31,2024

BE IT FURTHER RESOLVED that the required certification of availability of funds, C24-0157 in the amount of \$200,000.00 was obtained from the Chief Financial Officer from account number 4-01-32-465-465-118 and the remaining balance of \$450,000.00 will be certified upon the adoption of the 2025 budget.

BE IT FURTHER RESOLVED a separate resolution will be submitted to the Municipal Council for all addition vendors exceeding the bid threshold of \$44,000.00.

Adopted
Absent: Beasley

Brown – Frederic	4. Purchase Proprietary Software Technology for the Public Safety Department - State Accreditation Service Program for Policy Management of Public Safety Personnel - Lexipol, LLC - \$80,859.40
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**RESOLUTION TO PURCHASE PROPRIETARY SOFTWARE TECHNOLOGY FOR THE
PUBLIC SAFETY DEPARTMENT**

WHEREAS, the Public Safety Department is in need of a State Accreditation Service program for policy management of public safety personnel; and

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WHEREAS, the technology and maintenance are proprietary software for Lexipol, LLC; and

WHEREAS, the total cost of this software will exceed the bid threshold; and

WHEREAS, under New Jersey Local Public Contract (NJSA 40A:11-5dd), the Township may award a contract for proprietary software in lieu of bidding; and

WHEREAS, the Township would like to take advantage of provisions of NJSA 40:11-5 (dd) and award a service contract to Lexipol, LLC of 2611 Internet Blvd, Suite 100, Frisco, TX 75034 for the total sum of \$80,859.40 starting on January 01, 2025- December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON hereby authorizes a service contract to Lexipol, LLC of 2611 Internet Blvd, Suite 100, Frisco, TX 75034 under provisions of NJSA 40:11-5dd to purchase proprietary software for the total sum of \$80,859.40; and

BE IT FURTHER RESOLVED, that the Township Attorney is directed to prepare the appropriate contract for such goods and services and the Mayor and Municipal Clerk is authorized to sign the same; and

BE IT FURTHER RESOLVED that Certification of Funds number C24-0145 has been obtained from the Chief Financial Officers for the total sum of \$43,900.00 charged to budget account number T-13-56-860-00-861 and the remaining balance of \$36,959.40 will be certified upon the adoption of the 2025 budget.

Adopted
Absent: Beasley

Vick – Vauss, Jr. 5. Correct 2024 Added Assessments on Multiple Parcels Owned By Takhani Enterprise Group LLC, Level 61X Group LLC, Chester Property Care LLC and Concrete Property LLC

Resolution to Correct 2024 Added Assessments on Multiple Parcels

WHEREAS, Takhani Enterprise Group LLC, Level 61X Group LLC, Chester Property Care LLC and Concrete Property LLC (The “Entities”) were the winning bidders of various properties sold at a tax auction on September 9, 2024 by resolution OCDP 24-0909-46; and

WHEREAS, title was not conveyed to the Entities; and

WHEREAS, these Entities were not responsible to pay for the 2024 Added assessment on the properties detailed in the chart below (The “Properties”) for the year 2024; and

WHEREAS, the Irvington Tax Assessor erroneously assessed the “Entities” for 3 months with an Added Assessment on the “Properties” for the year 2024; and

WHEREAS, the Tax Assessor desires to cancel the prorated overbilled tax assessment on the “Properties” as detailed in the chart below:

<u>Successful Bidder</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Prorated Overbilled Tax Assessment</u>
Takhani Enterprise Group LLC	84	24	86 Linden Avenue	\$ 1,874.59
Level 61X Group LLC	131	13	205 19th Avenue	\$ 1,045.74
Level 61X Group LLC	131	12	207 19th Avenue	\$ 232.39
Level 61X Group LLC	131	11	209 19th Avenue	\$ 221.54
Level 61X Group LLC	149	20	342 17th Avenue	\$ 246.33
Level 61X Group LLC	149	19	344 17th Avenue	\$ 258.72
Level 61X Group LLC	149	18	346 17th Avenue	\$ 347.03
Level 61X Group LLC	149	17	350 17th Avenue	\$ 250.98
Chester Property Care LLC	42	8	125 W. Allen Street	\$ 1,834.31
Chester Property Care LLC	79	78	107 Linden Avenue	\$ 1,050.39
Level 61X Group LLC	122	36	200 19th Avenue	\$ 232.39
Level 61X Group LLC	127	17	25 Grove Terrace	\$ 113.10
Level 61X Group LLC	126	26	621 Grove Street	\$ 1,897.83
Concrete Property LLC	131	9	213 19th Avenue	\$ 309.85
Level 61X Group LLC	131	16	197 19th Avenue	\$ 232.39
Level 61X Group LLC	140	11	687 18th Avenue	\$ 1,185.18
Level 61X Group LLC	143	15	112 19th Avenue	\$ 268.02
Level 61X Group LLC	154	38	650-656 18th Avenue	\$ 246.33
Chester Property Care LLC	220	18	486 Nye Avenue	\$ 1,948.96
Concrete Property LLC	374	28	16 Headley Terrace	\$ 1,852.90
Amount to be canceled				\$ 15,648.97

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON, COUNTY OF ESSEX, STATE OF NEW JERSEY that the Township of Irvington Tax Assessor and Tax Collector are authorized and directed to cancel the erroneous 2024 Added assessments for 3 months on the “Properties.”

Adopted
Absent: Beasley

Vick – Hudley 6. Establish Handicapped Parking Spaces in Front of 90 Mount Vernon Avenue and 130 Yale Avenue

WHEREAS, N.J.S.A. 39:4-197.5 provides that a Municipality may by resolution provide for restricted parking space(s) in front of residence(s) for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206; and

WHEREAS, request(s) have been made for restricted parking space(s) in front of **90 MOUNT VERNON AVENUE, 130 YALE AVENUE:**

NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a parking space restricted for use by any person who has been issued a special vehicle identification card pursuant to the provisions of N.J.S.A. 39:4-205, when using a motor vehicle on which is displayed a certificate, for which a special vehicle identification card has been issued pursuant to N.J.S.A. 39:4-206, be established in front of **90 MOUNT VERNON AVENUE, 130 YALE AVENUE :**
and

BE IT FURTHER RESOLVED that the Department of Public Works is directed to place signs designating said handicapped parking spaces.

Adopted
Absent: Beasley

Vick – Brown 7. Designate D&S Housing LLC As Redeveloper for the Redevelopment of Certain Property Identified as Block 166, Lot 24.01 on the Official Tax Maps of the Township and Identified in the Township Tax Records as 471 21st Street; and Authorize the Execution of a Redevelopment and Land Disposition Agreement and the Transfer of the Property

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON IN THE COUNTY OF ESSEX, NEW JERSEY, DESIGNATING D&S HOUSING LLC AS REDEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTY IDENTIFIED AS BLOCK 166, LOT 24.01 ON THE OFFICIAL TAX MAPS OF THE TOWNSHIP AND IDENTIFIED IN THE TOWNSHIP TAX RECORDS AS 471 21ST STREET; AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AND LAND DISPOSITION AGREEMENT AND THE TRANSFER OF THE PROPERTY IN CONNECTION THEREWITH

WHEREAS, the Municipal Council (the “**Township Council**”) of the Township of Irvington (the “**Township**”) is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment and to create redevelopment plans which provide development controls for any area so designated; and

WHEREAS, in accordance with the Redevelopment Law, on July 14, 2015, by Resolution No. UEZ 15-0714-11, the Township Council adopted a resolution designating the entire Township as an area in need of rehabilitation (the “**Rehabilitation Area**”); and

WHEREAS, on August 11, 2015, the Township Council duly adopted Ordinance MC. 3549, enacting a redevelopment plan for the Rehabilitation Area entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the “**Redevelopment Plan**”), pursuant to the Redevelopment Law and in accordance with the procedures set forth therein; and

WHEREAS, to realize the redevelopment of the Rehabilitation Area, the Township Council determined to exercise the powers of redevelopment and serve as the “redevelopment entity”, as such term is defined at *N.J.S.A. 40A:12A-3*, responsible for carrying out redevelopment projects in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A:12A-4(c)*; and

WHEREAS, pursuant to the Redevelopment Law, including Section 8 thereof (*N.J.S.A. 40A:12A-8*), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within the area designated in that plan; and

WHEREAS, the Township is the owner of certain property located within the Rehabilitation Area, which property is identified as Block 166, Lot 24.01 on the official tax maps of the Township and identified in the Township tax records as 471 21st Street (the “**Property**”); and

WHEREAS, D&S Housing LLC (the “**Redeveloper**”) has submitted to the Township its plans for the acquisition of the Property, and the design, development, financing, rehabilitation and maintenance thereon of the existing vacant and dilapidated residential structure and certain other on-site and offsite improvements (the “**Project**”); and

WHEREAS, Redeveloper desires to be designated by the Township as the “redeveloper” (as defined in the Redevelopment Law) for the Property, and has provided information evidencing financial responsibility and capability, a concept plan and a construction schedule with respect to the Project; and

WHEREAS, the Township Council has determined that the Redeveloper meets all necessary criteria, including financial capabilities, experience, expertise and project concept descriptions, and, as a result, has determined to engage in negotiations with Redeveloper for the purpose of entering into this Agreement; and

WHEREAS, Redeveloper has agreed to implement the Redevelopment Plan to effectuate the Project and in connection therewith, Redeveloper has agreed to devote substantial assets and funds to complete the Project; and

WHEREAS, in order to effectuate the Redevelopment Plan and the Project, the Township has determined to enter into a redevelopment and land disposition agreement with the Redeveloper, (the “**Redevelopment Agreement**”), which establishes Redeveloper as the “redeveloper” of the Project, as that term is defined in the Redevelopment Law, and which specifies the respective rights and responsibilities of the Township and the Redeveloper with respect to the Project and the terms and conditions of the conveyance of the Property,

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Township has determined to enter into this Agreement with Redeveloper, which specifies the rights and responsibilities of the Township, and specifies the rights and responsibilities of Redeveloper with respect to the Project,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Irvington as follows:

Section 1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Redeveloper Designated; Execution of Redevelopment Agreement Authorized.

(a) The Mayor is hereby authorized to execute the Redevelopment Agreement, substantially in the form attached hereto as **Exhibit A**, subject to modification or revision deemed necessary or desirable in consultation with counsel, and to take all other necessary or desirable action to effectuate such Redevelopment Agreement.

(b) The Municipal Clerk is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 2(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

(c) Upon the execution and attestation of the Redevelopment Agreement, the Mayor, upon consultation with counsel to the Township, is hereby further authorized to take any and all actions, and execute and deliver such other documents, certificates and instruments necessary, desirable or convenient to effectuate the terms of the Redevelopment Agreement.

(d) Upon execution of the Redevelopment Agreement, and so long as the Redevelopment Agreement remains in full force and effect, Redeveloper is hereby designated as “redeveloper” for the Project in accordance with the Redevelopment Law.

Section 3. Conveyance of Property Authorized.

(a) The Township Council hereby approves the conveyance of the Property; and authorizes the Mayor, upon the execution of the Redevelopment Agreement, in accordance with the terms of Section 2(a) hereof, to execute a deed conveying the Property to Redeveloper, together with any other necessary documents and/or agreements between the Redeveloper and the Township, subject to modification or revision in consultation with counsel, deemed necessary or desirable to effectuate same. Said authorization includes delivery of the deed to the Property and any and all associated documents required to effectuate the conveyance of the Property.

(b) The Mayor and other necessary city officials and professionals are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby and in the Redevelopment Agreement, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, counsel to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

(c) Upon the execution of the deed, together with any other necessary documents and/or agreements between the Redeveloper and the Township, in accordance with the terms of Section 3(a), the Municipal Clerk is hereby authorized and directed to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed to affix the corporate seal of the Township upon such documents.

Section 4. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 6. Effective Date. This resolution shall take effect immediately.

Exhibit A

REDEVELOPMENT AND LAND DISPOSITION AGREEMENT

Adopted
Absent: Beasley

Hudley – Brown 8. Waive 20 Day Time Period for Effective Date on an Ordinance Amending Section 620-19.1 of the Revised Code Regarding Parking Too Close to a Driveway by Adding Various Streets

WHEREAS, an ordinance entitled “**AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING VARIOUS STREETS**” was duly passed on first reading by the Municipal Council on **DECEMBER 23, 2024** and duly adopted by the Municipal Council on second reading after public hearing on **JANUARY 13, 2025**; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (a) and Section 7-32 (d) of the Revised Code of the Township of Irvington, an ordinance shall take effect twenty (20) days after final passage by the Municipal Council and approval by the Mayor; and

WHEREAS, pursuant to N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, two- thirds (2/3) of the full membership of the Municipal Council may declare an emergency, by written resolution, to reduce this twenty (20) day period:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON (not less than 2/3 of the full membership thereof affirmatively concurring) that pursuant to the provisions of N.J.S.A. 40:69A-181 (b) and Section 7-32 (d) of the Revised Code of the Township of Irvington, it does hereby declare that an emergency exists that an ordinance entitled “**AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING VARIOUS STREETS**” shall become effective immediately upon its approval by the Mayor.

Adopted
Absent: Beasley

10. COMMUNICATION AND PETITIONS

A. Communications

1. NJ State League of Municipalities – 2023-2024 Legislative Bulletin No. 2

11. PENDING BUSINESS

None

8. ORDINANCES, BILLS & CLAIMS (Continued)

B. Ordinances on Second Reading

1. **Acting Council President Dr. Hudley:** An ordinance amending Section 620-19.1 of the Revised Code regarding Parking Too Close to a Driveway by adding various streets be heard that this time. The Clerk will read the notice of hearing.

The Clerk will read the ordinance by title.

AN ORDINANCE AMENDING SECTION 620-19.1 OF THE REVISED CODE REGARDING PARKING TOO CLOSE TO A DRIVEWAY BY ADDING VARIOUS STREETS

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

SECTION 1. Section 620-19.1 of the Revised Code of the Township of Irvington is hereby supplemented by adding the following street and location to this section:

Parking too close to driveway.

No person shall park or cause to be parked any type of motor vehicle within four linear feet of the crossover width of a driveway where the driveway meets the carriage way (i.e. the lower section of the driveway, which abuts the street or other public right of way) upon any of the following described streets or parts of streets:

Name of Street	Location
Hazel Place	Entire Length
Florence Avenue	Springfield Avenue to Elmwood Avenue
Linden Avenue	Entire Length
Stanley Street	Entire Length

SECTION 2. All ordinances or parts thereof that are inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

The Public Hearing on this ordinance is now open.

Hudley – Brown Motion to close Public Hearing.

Adopted
Absent: Beasley

Hudley – Brown Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

2. **Acting Council President Dr. Hudley:** An ordinance amending Chapter 620-31 Article XIX Schedules by prohibiting left turns at the intersection of Maple Avenue and Clinton Avenue will be heard that this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

Ordinance Revision Chapter 620-31 Article XIX Schedules

Chapter 620-110 Schedule XVI is revised as follows:

Insert the following:

Intersection (Location)	Prohibited Turn(s)	Hours/Days
Maple Avenue and Clinton Avenue	Left	-----

The Public Hearing on this ordinance is now open.

Robert Shaw, Sr., 57 Coit Street

Brown – Hudley Motion to close Public Hearing.

Adopted
Absent: Beasley

Brown – Hudley Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

3. **Acting Council President Dr. Hudley:** An ordinance repealing Article I Section 443 Peddling and Hawking will be heard that this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON REPEALING ARTICLE I SECTION 443 PEDDLING AND HAWKING AND REPLACING SAME PROHIBITING PEDDLING AND HAWKING WITHIN THE TOWNSHIP AND SUBJECTING VIOLATORS TO CONFISCATION AND FORFEIT OF ALL ITEMS, MATERIALS AND GOODS RELATED THERETO AND IN VIOLATION OF THIS ORDINANCE

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of

person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS the Municipal Council of the Township of Irvington deems it in the best interest of the residents of the Township to repeal Article I Section 443 Peddling and Hawking;

NOW, THEREFORE BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON AS FOLLOWS:

Article I Section 443 is repealed in its entirety and shall be replaced as follows:

As used in this article, the following terms shall have the meanings indicated:

PEDDLER

A person, commonly referred to either as a peddler or hawker, who goes from place to place or from house to house by traveling on the streets and carries with him goods, wares, food items or any merchandise for the purpose of selling and delivering them to consumers, or any person who has goods, wares and merchandise of any description sent and or traveling from place to place or from house to house, by traveling on the streets, for the purpose of selling and delivering them to consumers.

PERSON

An individual, firm, partnership, corporation, voluntary association, incorporated association and principal and agent thereof.

No person shall be permitted to peddle or hawk any items, materials, food or other goods within the Township of Irvington. This includes, but is not limited to food carts and covers any other items

SECTION I No person shall be permitted to peddle or hawk any goods, wares, materials or food items or any merchandise for the purpose of selling and delivering such to consumers, or any person who has wares and merchandise of any description sent and or traveling from place to place or from house to house, by traveling on the streets, for the purpose of selling and delivering them to consumers.

Reference to Temporary events in Township

§ 324-8Temporary retail or temporary mobile retail food establishments; itinerant establishments.

SECTION II. Section 2. Confiscation of Food Carts for Violations

A new section, MC 443-3c, is hereby added to the Municipal Code as follows:

MC 443-3c Confiscation of Food Carts

Authority to Confiscate: The Township of Irvington, through its designated officers and agents, shall have the authority to confiscate any food cart found to be in violation of this ordinance or of any local, state, or federal regulations, including but not limited to health codes, safety regulations, and proper licensing requirements.

Definitions. As used in this section, the following terms shall have the meanings indicated:

TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any movable restaurant, truck, van, trailer, cart, bicycle, watercraft, or other movable unit, including a hand-carried, portable container in or on which food or beverages are transported, stored, or prepared for retail sale or given away at temporary locations.

TEMPORARY RETAIL OR TEMPORARY MOBILE RETAIL FOOD ESTABLISHMENT

Any retail food establishment which operates at a fixed location within the Township of Irvington municipal boundaries for a period of no more than five consecutive days in connection with a fair, carnival, circus, public exhibitions or similar transitory gatherings or meetings open to the general public.

A. No such temporary retail or temporary mobile retail food establishment shall operate without first filing an application to operate with the Department of Health. The application must be completed and submitted for approval no later than 15 days' prior to the event(s).

B. Procedure for Confiscation: Upon determination that a food cart is in violation, an authorized officer or agent of the Township shall issue a written notice of violation to the operator of the food cart.

C. The authorized officer or agent may proceed with the confiscation of the food cart, if he/she determines a second violation has occurred. Once food cart has been confiscated all food items will be voluntarily destroyed by the authorized officer.

D. Violations and Fines

1st Offense \$500

2nd Offense \$750

3rd Offense \$1,000

The confiscated food cart shall be stored in a secure location designated by the Township and can only be returned upon the conclusion of any legal proceedings.

D. Retrieval of Confiscated Food Carts:

The owner or operator of a confiscated food cart may retrieve the cart upon payment of all applicable fines and fees, and proof of compliance with all relevant regulations.

If the food cart is not retrieved within 30 days, the Township reserves the right to dispose of the cart in accordance with applicable laws.

SECTION III. This Ordinance shall take effect upon final passage and publication according to law.

The Public Hearing on this ordinance is now open.

Hudley – Brown Motion to close Public Hearing.

Adopted
Absent: Beasley

Hudley – Brown Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

4. **Acting Council President Dr. Hudley:** An ordinance authorizing a moratorium on Smoke Shops will be heard that this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

Moratorium on Smoke Shops in Irvington, NJ

WHEREAS, the Township of Irvington, NJ, has seen an increase in smoke shops within its jurisdiction, resulting in significant public safety concerns and a rise in nuisance complaints from community members; and

WHEREAS, there have been documented instances of smoke shops engaging in the sale of controlled substances without proper state licenses, in violation of New Jersey state law, potentially contributing to illegal activity and increased community risks; and

WHEREAS, the Township has the authority to regulate business activities within its borders to protect the health, safety, and welfare of its residents under New Jersey municipal and zoning laws;

NOW, THEREFORE, BE IT ORDAINED that the Township of Irvington hereby imposes a temporary moratorium on the establishment, expansion, or licensing of smoke shops, effective immediately, with the following provisions:

Section 1. Purpose and Intent

The purpose of this moratorium is to:

- Address public safety concerns stemming from the sale of controlled substances without a valid state license.
- Reduce community nuisance complaints associated with smoke shops.
- Allow Irvington Township sufficient time to review and, if necessary, amend local regulations, zoning ordinances, and business licensing procedures.

Section 2. Scope of Moratorium

- **Applicability:** This moratorium applies to any business establishment within the Township of Irvington that intends to sell or distribute tobacco, vape products, or any cannabis-related or controlled substances, including CBD products, without possessing the appropriate state licenses.
- **Existing Businesses:** Existing smoke shops with valid state licenses may continue to operate but will be subject to inspection and compliance checks. Any violation of licensing requirements will result in penalties, including possible closure or revocation of licenses.
- **New Licenses and Permits:** No new business licenses, building permits, zoning approvals, or occupancy certificates will be issued for smoke shops during the moratorium period.

Section 3. Definitions

- **Smoke Shop:** Any establishment primarily engaged in the sale of tobacco, vaping products, cannabis-related items, or other controlled substances, as well as paraphernalia associated with these substances.

- **Controlled Substances:** As defined by the New Jersey Controlled Substances Act, including any substances that require a state license for sale or distribution.

Section 4. Duration

- This moratorium shall remain in effect for a period of **six (6) months** from the date of adoption or until the Township of Irvington completes a comprehensive review of its ordinances related to smoke shops, whichever occurs first.
- The Township Council reserves the right to extend this moratorium if deemed necessary based on public safety considerations.

Section 5. Review and Evaluation

- The Township of Irvington will conduct a thorough review of smoke shop operations within its jurisdiction, including:
 - o Assessing compliance with state and local licensing requirements.
 - o Reviewing public safety records and community nuisance complaints related to smoke shops.
 - o Considering new zoning or licensing regulations as needed.
- Upon completion of this review, the Township Council will make recommendations for any permanent regulatory adjustments or additional safeguards to be put in place.

Section 6. Public Hearing Requirement

- A public hearing will be held prior to the implementation of any new regulations, allowing community members and stakeholders to provide input on proposed changes to smoke shop regulations.

Section 7. Enforcement

- Any violation of this moratorium will be subject to enforcement actions, including fines, revocation of business licenses, or other penalties as permitted under Township and state law.

ADOPTED AND APPROVED on this ____ day of _____, **20**.

The Public Hearing on this ordinance is now open.

Robert Shaw, Sr., 57 Coit Street
Elouise McDaniel, 214 Nesbit Terrace

Hudley – Vick Motion to close Public Hearing.

Adopted
Absent: Beasley

Hudley – Vick Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

5. Acting Council President Dr. Hudley: An ordinance authorizing a temporary moratorium on Miscellaneous Multi-Service Businesses will be heard that this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

Temporary Moratorium on Miscellaneous Multi-Service Businesses in Irvington, NJ

WHEREAS, the Township of Irvington has experienced a significant increase in the number of multi-service businesses providing various overlapping services, resulting in redundancy, community disruption, and operational redundancies within the township; and

WHEREAS, certain multi-service businesses have led to an over-concentration of similar business types, contributing to traffic, noise, and public nuisance issues affecting the quality of life for residents; and

WHEREAS, the Township of Irvington seeks to regulate and review the distribution of multi-service businesses to address community impact, enhance economic diversity, and reduce redundancies within its borders;

NOW, THEREFORE, BE IT ORDAINED that the Township of Irvington hereby enacts a temporary moratorium on the establishment, expansion, or licensing of new multi-service businesses within the township limits, with the following provisions:

This section requires compliance with property tax and assessment requirements, display of licenses, and enforcement of penalties for unlicensed business operations.

Article I: Moratorium on Multi-Service Businesses

Section 1. Purpose and Intent

- The purpose of this moratorium is to:
 - o Address community complaints regarding the redundancy of multi-service businesses.
 - o Limit further establishment of multi-service businesses until a comprehensive review of business regulations is completed.
 - o Allow Irvington Township adequate time to assess zoning and business permit ordinances in order to promote diverse and non-redundant business operations.

Section 2. Scope of Moratorium

- **Applicability:** This moratorium applies to new and expanding multi-service businesses, defined as businesses providing more than one commercial service, such as financial services, convenience items, money transfers, check-cashing, and bill-payment services, in a single location within Irvington Township.
- **Existing Businesses:** Existing multi-service businesses with valid licenses as of the moratorium's effective date may continue to operate but must adhere to the prescribed hours of operation and comply with all local and state licensing regulations.

Section 3. Definitions

- **Multi-Service Business:** Any establishment providing more than one distinct commercial service (e.g., financial services, retail sales etc.) within a single location.
- **Redundant Services:** Commercial services that significantly overlap with existing businesses in the vicinity, as determined by township zoning and community needs assessment.

Section 4. Duration

- This moratorium shall remain in effect for a period of **six (6) months** from the date of adoption, or until the Township of Irvington completes a thorough review of its business zoning and licensing regulations, whichever occurs first.
- The Township Council reserves the right to extend this moratorium if deemed necessary.

Section 5. Review and Evaluation Process

- The Township shall conduct a comprehensive review of multi-service businesses within its jurisdiction, including:
 - o Assessment of the impact of redundant services on the community.
 - o Evaluation of zoning and licensing regulations related to multi-service businesses.
 - o Recommendations for regulatory adjustments to promote business diversity.

Section 6. Enforcement and Penalties

- Any violation of this moratorium, including failure to adhere to licensing requirements, shall be subject to penalties:
 - o **Fines:**
 - First offense: \$250.
 - Second offense: \$500.
 - Third offense: Mandatory court hearing with a fine up to \$1,000 and possible suspension or revocation of business license.
- Continued operation in violation of this moratorium may result in temporary or permanent closure of the business.

ADOPTED AND APPROVED on this ____ day of _____, 20.

The Public Hearing on this ordinance is now open.

Hudley – Vick Motion to close Public Hearing.

Adopted
Absent: Beasley

Hudley – Vick Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

6. Acting Council President Dr. Hudley: An ordinance amending Section 355-15A(1) Certificate of Housing Compliance (CHC) and Section 355-15B(1) Certificate of Habitability (C of H) will be heard at this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

Revision to Township of Irvington Municipal Code MC 355-15

MC 355-15A(1) Certificate of Housing Compliance (CHC).

“It shall be unlawful for any owner or prospective purchaser of real property to sell, convey, deliver or transfer, and for any purchaser to purchase, take title or possession of, any building containing residential units or premises until a certificate of housing compliance to the effect that such building containing

residential units or premises complies with and conforms to the provisions of this chapter shall have been issued by the Director of the Department of Housing Services or his designee. The certificate of housing compliance shall be issued after proper application has been executed and filed by the owner or the purchaser, as required, and after inspection and approval by a Code Enforcement Officer designated by the Director of the Department of Housing Services. The fee for such inspections shall be as provided for in § [355-27](#) of this chapter.”

MC 355-15B(1) Certificate of Habitability (C of H)

Similar reasoning and remedy of 355-15A(1)

“It shall be unlawful for any owner of real property to which this section is applicable to rent, lease or otherwise deliver up for occupancy any dwelling unit until a temporary or permanent certificate of habitability has been obtained therefor from the Director of the Department of Housing Services or their designee.”

The Public Hearing on this ordinance is now open.

Hudley – Frederic Motion to close Public Hearing.

Adopted
Absent: Beasley

Hudley – Frederic Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

7. Acting Council President Dr. Hudley: An ordinance amending the Redevelopment Plan for Scattered Sites Designated as Areas in Need of Redevelopment will be heard that this time. For the record, this notice is identical to the prior notice read.

The Clerk will read the ordinance by title.

**AN ORDINANCE OF THE TOWNSHIP OF IRVINGTON
ESSEX COUNTY, NEW JERSEY
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF IRVINGTON,
COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE REDEVELOPMENT PLAN
FOR SCATTERED SITES DESIGNATED AS AREAS IN NEED OF REDEVELOPMENT**

WHEREAS, The Municipal Council of the Township of Irvington designated 77 scattered sites as Areas in Need of Redevelopment on December 27, 2006; and

WHEREAS, The Municipal Council of the Township of Irvington amended the Scattered Sites Designated as Areas in Need of Redevelopment on July 5, 2016 to add parcel Block 220, Lot 15.01; and

WHEREAS, The Municipal Council pursuant to N.J.S.A. 40A:12A-4(a)(3) and 7, is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken as various parcels that are designated In Need of Redevelopment (the Scattered Sites), and pursuant to that authority the Governing Body has caused a Redevelopment Plan to be prepared for the Scattered Sites (the “Plan”); and

WHEREAS, the Planning Board, by memorandum dated _____ recommends that the Municipal Council adopt amendments to the Plan, and

WHEREAS, The Municipal Council hereby finds that it is appropriate for the Plan to be amended for the Scattered Sites being, among other things, substantially consistent with the Master Plan for the Township of Irvington; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Irvington, County of Essex, State of New Jersey, that the Redevelopment Plan for Scattered Sites Designated as Areas In Need of Redevelopment be and is hereby amended to revise the following Section 1.4.2 titled “Bulk Minimum and Maximum Requirements”:

Additions to this Chapter shall be designated by underlined text. Deletions shall be designated by ~~strikethrough text~~.

1.4.2 Bulk Minimum and Maximum Requirements

The scattered parcels shall be developed in accordance with the bulk and area requirements in this Section.

Bulk and area requirements are specified below in the Bulk and Area Schedule. For the purposes of this redevelopment plan bulk and area maximums may generally be interpreted as what the Township is requiring not to be designed by redevelopers whereas bulk and area minimums are what is required to be done by redevelopers. In other words, redevelopers will be encouraged to exceed minimums in their project designs.

BULK AND AREA SCHEDULE

Bulk Requirements are defined for each zoning district as listed below.

RESIDENTIAL USES

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>
~~Maximum Floor Area Ratio~~					
~~Ground floor only~~	~~0.60~~	~~n.a.~~	~~n.a.~~	~~n.a.~~	~~n.a.~~
~~Entire Building~~	~~2.40~~	~~0.40~~	~~0.40~~	~~0.40~~	~~0.35~~
Minimum Lot Area (square feet)					
One-Family	2,500	1,700	1,500	1,200	n.p.
Two-, Three-, or Four-Family	n.p.	1,500/unit	1,500/unit	1,200/unit	n.p.
Garden Apartments	n.p.	n.p.	n.p.	1,320/unit	1,320/unit
High-rise Apartments	n.p.	n.p.	n.p.	n.p.	730/unit
Maximum Impervious Coverage (percent)	80%	80%	75%	75%	70%
Minimum Lot Width (feet)					
One-, Two-, Three-, or Four-Family	25	25 ¹	28 ¹	28 ¹	n.p.
Garden or High-rise Apartments	n.p.	n.p.	n.p.	250	250
Minimum Yards (feet)					
Front	0	10	10	15 ²	50
Side (One/Both)	0/0	0/0 ³	0/0 ³	10/25	100
Rear	20	15	15	15	150
Maximum Stories	3	2 ½ ⁴	2 ½ ⁴	5	10
Maximum Building Height (feet)	45	35	35	80	150

1. Applies only to one and two family lots. For each additional dwelling unit, the minimum lot width is increased by ten (10) feet.
2. Applies to one-, two-, three-, and four-family lots. For garden apartments, the minimum yards shall be as required for the R-5 zoning district.
3. Applies only to one-family lots. For each additional dwelling unit, the minimum side yard (one) is increased by 3.2 feet and the minimum side yard (both) is increased by 6 feet.
4. Maximum stories are 3 where the first floor is being used as a garage.

BUSINESS USES

	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>B-4</u>	<u>B-5</u>	<u>CBD</u>
Maximum Floor Area Ratio						
Ground floor only	0.60	n.a.	n.a.	n.a.	n.a.	0.75
Entire Building	2.40	0.45	0.40	0.40	0.35	2.25
Minimum Lot Area (square feet)	3,500	2 acres	10,000	10,000	5 acres	3,500
Maximum Impervious Coverage (percent)	80%	80%	75%	75%	70%	85%
Minimum Lot Width (feet)	30	200	80	80	300	30
Minimum Yards (feet)						
Front	0	40	10	10	150	0
Side (One/Both)	0/0	40/100	10/25	10/25	100	0/0
Rear	20	80	25	25	150	20
Maximum Stories	3	1	1	1	1	3
<u>Maximum Building Height (feet)</u>	<u>45</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>30</u>	<u>45</u>

INDUSTRIAL USES

	<u>M-1</u>	<u>M-2</u>	<u>M-3</u>
Maximum Floor Area Ratio	0.40	0.50	0.60
Minimum Lot Area (square feet)	1 acre	1 acre	2 acres
Maximum Impervious Coverage (percent)	60%	75%	75%
Minimum Lot Width (feet)	150	150	200
Minimum Yards (feet)			
Front	25	25	40
Side (One/Both)	25/60	25/60	40/100
Rear	50	50	50
Maximum Stories	2	2	2
<u>Maximum Building Height (feet)</u>	<u>35</u>	<u>35</u>	<u>35</u>

The Public Hearing on this ordinance is now open.

Robert Shaw, Sr., 57 Coit Street

Hudley – Brown Motion to close Public Hearing.

Adopted
Absent: Beasley

Hudley – Brown Motion to adopt this ordinance on second reading after Public Hearing.

Adopted
Absent: Beasley

12. MISCELLANEOUS

MINUTES – REGULAR COUNCIL MEETING – JANUARY 13, 2025 - PAGE 26

A. General Hearing of Citizens and Council Members limited to three minutes per person (MUST SIGN UP IN ADVANCE OF MEETING)

Elouise McDaniel, 214 Nesbit Terrace
Doris Sherrill, 35 Augusta Street
Jessie Witcher, 219 Park Place

Acting Council President Dr. Hudley advised the citizens that their concerns will be forwarded to the appropriate administrative office so they can be properly addressed.

13. ADJOURNMENT (*Roll Call)

There being no further business, the meeting adjourned at 7:58 P.M.

Dr. October Hudley, Acting Council President

Shawna M. Supel, Municipal Clerk