

Borough of Fair Lawn



ORDINANCE NO. 2647-2023

AN ORDINANCE AMENDING CHAPTER 74, BROADWAY SPECIAL IMPROVEMENT DISTRICT AND CHAPTER 180 RIVER ROAD SPECIAL IMPROVEMENT DISTRICT, OF THE CODE OF THE BOROUGH OF FAIR LAWN 2000, TO REPLACE THE DISTRICT MANAGEMENT CORPORATIONS IN EACH DISTRICT WITH A NEWLY ESTABLISHED DISTRICT MANAGEMENT CORPORATION KNOWN AS FAIR LAWN MAIN STREET, INC.

WHEREAS, on June 10, 1997, the Borough of Fair Lawn (the "Borough") adopted Ordinance 1687-97 creating the River Road Special Improvement District ("River Road SID") and designated the River Road Improvement Corporation to serve as its District Management Corporation, pursuant to N.J.S.A. 40:56-65, et seq.; and

WHEREAS, Ordinance 1687-97 was codified in Chapter 180 of the Code of the Borough of Fair Lawn 2000 ("Borough Code"); and

WHEREAS, on June 28, 2005, the Borough adopted Ordinance 2019-2005 creating the Broadway Special Improvement District ("Broadway SID") and designated the Broadway Improvement Corporation, Inc. to serve as its District Management Corporation, pursuant to N.J.S.A. 40:56-65, et seq.; and

WHEREAS, Ordinance 2019-2005 was codified in Chapter 74 of the Borough Code; and

WHEREAS, after careful consideration, the Borough has determined that designating one District Management Corporation to manage and oversee the River Road and Broadway SIDs would best serve the interests thereof; and

WHEREAS, Fair Lawn Main Street, Inc. is a non-profit corporation created pursuant to Title 15A of the New Jersey Statutes; and

WHEREAS, the Borough wishes to amend Chapters 74 and 180 of the Borough Code to designate Fair Lawn Main Street, Inc. as the District Management Corporation for the River Road SID and Broadway SID consistent with the requirements set forth in N.J.S.A. 40:56-71, et seq., and

WHEREAS, the Borough's previous designation of the River Road Improvement District Management Corporation and the Broadway

Improvement District Management Corporation, Inc. are rescinded, and they shall take all necessary action to transfer all assets belonging to their respective SIDs to Fair Lawn Main Street, Inc. as District Management Corporation for the River Road and Broadway SIDs,

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Fair Lawn, in the County of Bergen, State of New Jersey, as follows:

SECTION I. The foregoing recitals are incorporated herein by reference and made a part hereof as if set forth at length.

SECTION II. Be it ordained by the Borough and Council of the Borough of Fair Lawn that Chapter 74, Broadway Special Improvement District, is hereby amended by adding text shown in **bold and underlined** and deleting text shown in **~~bold-strikethrough~~**, as follows:

§ 74-2 Definitions.

DISTRICT MANAGEMENT CORPORATION

(Also referred to as "DMC.") ~~The Broadway Improvement Corporation, Inc.~~ **Fair Lawn Main Street, Inc.**, an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this chapter to receive funds collected by a special improvement assessment within the **Broadway Special Improvement District (the "District")**, as authorized by this chapter and any amendatory ordinances.

* * *

§ 74-6 The designated district management corporation

- A. The nonprofit corporation, ~~the Broadway Improvement Corporation, Inc.~~ **Fair Lawn Main Street, Inc.**, an entity incorporated pursuant to N.J.S.A. 15A: 1-1 et seq., is hereby designated as the district management corporation for the District and designated by this chapter to receive funds collected by a special improvement assessment within the ~~special improvement d~~**District**. This management corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers necessary and requisite to effectuate the purpose of this chapter and the District including but not limited to:

* * *

- (19) Review all applications, plans, specifications, etc. for the proposed construction or alteration of any and all exterior improvements to buildings and facades within the ~~special improvement d~~**District** for the purpose of

providing advice and recommendations to those wishing to improve their properties consistent with the recommendations of ~~the Broadway Improvement Corporation, Inc.~~ Fair Lawn Main Street, Inc. Recommendations made under this section shall be in writing and will be forwarded to the appropriate approving authority, namely the Borough of Fair Lawn Construction Code Official, Borough of Fair Lawn Planning Board or the Borough of Fair Lawn Board of Adjustment. Nothing contained herein shall delay any starting time frames within which the Construction Official, the Planning Board and Zoning Board must take appropriate actions.

- B. In order to receive any funds or exercise any of the powers granted herein, the Board of ~~Trustees~~ Directors of ~~the Broadway Improvement Corporation, Inc.~~ Fair Lawn Main Street, Inc. shall include one member of the Borough Council ~~governing body of the municipality and the Borough Manager.~~

SECTION III. Chapter 180, River Road Special Improvement District, is hereby amended by adding text shown in **bold and underlined** and deleting text shown in ~~**bold-strikethrough**~~, as follows:

§ 180-2 Definitions.

DISTRICT MANAGEMENT CORPORATION (also referred to as "DMC")

~~River Road Improvement Corporation~~ Fair Lawn Main Street, Inc., an entity incorporated pursuant to Title 15A of the New Jersey Statutes and designated by this article to receive funds collected by a special improvement assessment within the River Road Special Improvement District (the "District"), as authorized by this article and any amendatory supplementary ordinances.

* * *

§ 180-6 Designated District Management Corporation

- A. The nonprofit corporation, ~~the River Road Improvement Corporation~~ Fair Lawn Main Street, Inc., an entity incorporated pursuant to N.J.S.A. 15A:1-1 et seq., is hereby designated as the District Management Corporation for the District and designated by this article to receive funds collected by a special improvement assessment within the Special Improvement District. This management corporation, in addition to acting as an advisory board to the Mayor and Council, shall have all powers necessary and requisite to effectuate the purpose of this article and the District, including but not limited to the following:

1-20 [No change]

- B. In order to receive any funds or exercise any of the powers granted herein, the Board of ~~Trustees~~**Directors** of ~~the River Road Improvement Corporation~~**Fair Lawn Main Street, Inc.** shall include ~~the Mayor (or the Mayor's representative) and a representative~~**one** member of the Borough Council.

§ 180-7 Municipal powers retained.

* * *

- C. The District Management Corporation shall not make or enter into any contracts for the improvement of any publicly owned or operated facility or property within the Special Improvement District, nor adopt any regulation relating to public property in such district unless the Mayor and Council of the Borough of Fair Lawn delegates to the ~~River Road Improvement Corporation~~**Fair Lawn Main Street, Inc.**, by ordinance, the contracting of work to be done on any street or streets or on any other municipal property within the Special Improvement District, provided that the District Management Corporation, as the contracting unit, complies with the New Jersey Local Public Contracts Law, P.L. 1971, c. 198 (N.J.S.A. 40A:11-1 et seq.), and provided the plans and specifications for the work contracted shall be approved by the Municipal Engineer and the Mayor and Council, by resolution, prior to initiation of any action for the awarding of a contract under the Local Public Contracts Law.

§ 180-13 Purpose.

- B. This plan is to meet the goals for improving the economic vitality of River Road as described, inter alia, in the following documents:

* * *

- (5) Parking space summary for the ~~River Road Improvement Corporation~~**Fair Lawn Main Street, Inc.** prepared by Bohler Engineering on October 23, 1998.

SECTION IV. Chapter 125, Land Development, is hereby amended by adding text shown in **bold and underlined** and deleting text shown in **~~bold strikethrough~~**, as follows:

* * *

§ 125.66 Minor subdivision and site plan approval.

* * *

B. Submission requirements.

* * *

(3). The applicant shall forward copies of the plat or minor site plan to the following for review and comment, where appropriate:

* * *

(i) ~~Broadway Improvement Corporation~~ Fair Lawn Main Street, Inc.

(j) ~~River Road Improvement Corporation~~ [Reserved]

* * *

§ 125.67 Preliminary major subdivision and site plan approval.

* * *

B. Submission requirements.

* * *

(2) The applicant shall forward copies of the plat or site plan to the following for review and comment, where appropriate:

* * *

(i) ~~Broadway Improvement Corporation~~ Fair Lawn Main Street, Inc.

(j) ~~River Road Improvement Corporation~~ [Reserved]

§ 125.68 Final approval of major subdivisions and site plans.

* * *

B. Submission requirements.

* * *

(2) **The applicant shall forward copies of the plan or plat to the following officials for review and comment where appropriate:**

* * *

(i) ~~Broadway Improvement Corporation~~ Fair Lawn Main Street, Inc.

(j) ~~River Road Improvement Corporation~~ [Reserved]

SECTION V.

The designations of the River Road Improvement Corporation and the Broadway Improvement Corporation as district management corporations of the River Road Special Improvement District and the Broadway Special Improvement District, respectively, are hereby rescinded. Upon the adoption of this Ordinance in accordance with New Jersey Law, the River Road Improvement Corporation and the Broadway Improvement Corporation shall take whatever action is legally necessary to dissolve such corporations and transfer all assets of each such district held by them to Fair Lawn Main Street, Inc., as district manager of the River Road Special Improvement District and the Broadway Special Improvement District.

SECTION VI.

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION VII.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION VIII.

This ordinance shall take effect upon its passage and publication in accordance with New Jersey law.

Introduced: January 24, 2023

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz			X			
Rottenstrich			X			
Cutrone		X	X			
Krause	X		X			
Peluso			X			

Adopted: February 7, 2023

	Motion	Second	Aye	Nay	Abstain	Absent
Reinitz			X			
Rottenstrich	X		X			
Cutrone		X	X			
Krause			X			
Peluso						X

Attest:



Nicholas J. Magarelli, RMC
Municipal Clerk

Approved:



Kurt Peluso
Mayor

I, Nicholas J. Magarelli, Municipal Clerk of the Borough of Fair Lawn, do hereby certify that the within Ordinance is a true and exact copy, duly adopted by the Borough Council at their meeting of February 7, 2023.



Nicholas J. Magarelli, RMC
Municipal Clerk

Date: 2/8/2023

