

**TOWNSHIP OF BELLEVILLE
ESSEX COUNTY, NEW JERSEY**

NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that the below listed ordinance was adopted at a regular meeting by the Mayor and Municipal Council of the Township of Belleville, County of Essex, State of New Jersey on February 25, 2025. A copy is available to the general public in the Clerk's Office during regular business hours 8:30am to 4:00pm. This Ordinance may be viewed by visiting the official website of the Township of Belleville at: [www.bellevillenj.org/Code & Ordinances](http://www.bellevillenj.org/Code%20&%20Ordinances)

ORDINANCE#05-25

AN ORDINANCE AUTHORIZING EXECUTION OF A FINANCIAL AGREEMENT WITH 227 MAIN STORAGE, LLC PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ. CONCERNING REAL PROPERTY LOCATED AT BLOCK 9502, LOT 17.01

WHEREAS, the Five Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Act") enables municipalities to temporarily abate local property taxes imposed upon eligible dwellings, commercial and industrial structures; and

WHEREAS, the Township Council adopted Ordinance No. 3570 and Ordinance No. 3663 (collectively, the "Ordinance") authorizing the Township to enter into financial agreements for the exemption of certain real estate taxes with qualified applicants for qualified uses and improvements as defined in the Act and the Ordinance; and

WHEREAS, 227 Main Storage, LLC ("227 Main") is the fee owner of certain real property within the Township, commonly known as 227 Main Street, Belleville, NJ which is designated as Block 9502, Lot 17.01 of the official Tax Map of the Township (the "Property"); and

WHEREAS, on September 8, 2020, in Resolution No. 20-208, the Township Council, having reviewed the preliminary investigation prepared by the Township Engineer and in consideration of the information presented to Township Council, together with the Township Planning Board's recommending resolution, declared the entire area of the Township, including the Property, as an area in need of rehabilitation; and

WHEREAS, an application was submitted to the Planning Board for preliminary and final major site plan approval to develop and operate on the Property an approximately 103,000 square foot self-storage development within a four story building and related site improvements, which application was approved by the Township Planning Board and memorialized on September 8, 2022 in Resolution No. PB-2111 (the "Project Improvements"), and

WHEREAS, 227 Main timely applied for a tax exemption pursuant to the Ordinance on a “tax phase-in basis”, which application included the required materials and fee pursuant to N.J.S.A. 40A:21-9 and the Ordinance (including all exhibits and attachments thereto) and is on file in the office of the Township Tax Assessor (the “Application”); and

WHEREAS, the Township Tax Assessor reviewed and approved the Application on December 9, 2024 and recommended the Township Council approve same; and

WHEREAS, having reviewed 227 Main’s Application, the Township is satisfied that the Project Improvements to be constructed by 227 Main satisfy the requirements to qualify for a five (5) year tax exemption pursuant to N.J.S.A. 40A:20-21 et seq. and the Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Belleville that:

1. Pursuant to the Laws of the State of New Jersey, N.J.S.A. 40A:21-1 et seq. and the Ordinance, and more specifically N.J.S.A. 40A:21-10c, the Township Council of the Township of Belleville hereby approves the Application of 227 Main for a five (5) year tax exemption for the Project Improvements constructed on the Property commonly known as 227 Main Street, Belleville, NJ which is designated as Block 9502, Lot 17.01 of the official Tax Map of the Township; provided however, that absent additional future action, the tax exemption will lapse if the Township does not issue a temporary or permanent certificate of occupancy for the Project Improvements on or before the fifth (5th) anniversary of the effective date of the associated financial agreement for payment in lieu of taxes (“Financial Agreement”).

2. The Township Council hereby authorizes a Financial Agreement in a form approved by the Township Attorney and Township Administrator to be entered into between 227 Main and the Township authorizing the tax exemption on a tax phase-in basis and setting forth the obligations of the respective parties and payment schedule for 227 Main’s payment in lieu of taxes, which such revisions as the Township Attorney of Special Redevelopment Counsel shall deem advisable.

3. The Mayor, on behalf of the Township, is hereby authorized to execute, and the Township Clerk to attest and affix the seal of the Township to the Financial Agreement.

4. The Township Clerk shall maintain a copy of the Application and executed Financial Agreement on file in the Township Clerk’s Office and shall forward a copy of the executed Financial Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of full execution of the Financial Agreement.

5. The tax exemption shall commence on the date of issuance of a temporary certificate of occupancy or permanent certificate of occupancy, whichever is issued first, for the improvements and expire five (5) years thereafter as set forth in the Financial Agreement.

6. The Township Tax Assessor and Township Tax Collector are hereby authorized to take any and all necessary actions granted under law to implement the provisions of this Ordinance.

7. 227 Main shall provide to the Township all required information concerning construction costs and any other relevant information requested by the Township Tax Assessor or Tax Collector.

8. 227 Main, or any subsequent owner of the Property, shall notify the Township in writing pursuant to the notice provisions of the Financial Agreement of any alteration and/or improvements made to the Property or Project Improvements that were not specifically approved by the Financial Agreement as qualifying for a five (5) year tax exemption. Such notice shall include a description of the alterations and/or improvements, a copy of any permits issued for the alterations and/or improvements, and the total cost of said alterations and improvements.

9. In the event that alterations and/or improvements are made to the Property or Project Improvements pursuant to Paragraph 8 immediately above, the tax assessor shall in accordance with the Added Assessment Law, N.J.S.A. 54:4-63.1, et. seq., impose any applicable added assessment for the exempt improvement based on the applicable increase in the true value of the Property or Project Improvements. Such exempt added assessment amount shall be included in the calculation of taxes otherwise due for purposes of determining the final payment in lieu of taxes due for the year in which the added assessment is imposed, all in accordance with the terms of the Financial Agreement.

10. Fraud or misrepresentation of material facts surrounding the Application and related documents thereto shall be grounds for the Township's rescission of the Financial Agreement *ab initio*.

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage.

/S/ Albert Cabrera
Municipal Clerk
Township of Belleville

