



Legislation Details (With Text)

File #: 23-1476 **Version:** 1 **Name:** Waverly Yards Fourth Amendment Referral

Type: Resolution **Status:** Adopted

File created: 9/11/2023 **In control:** Economic and Housing Development

On agenda: 10/4/2023 **Final action:** 10/18/2023

Title: Dept/ Agency: Economic and Housing Development
 Action: () Ratifying (X) Authorizing () Amending
 Type of Service: Referral of Proposed Waverly Yards Redevelopment Plan Amendment to the Central Planning Board
 Name of the Plan: Waverly Yards Redevelopment Plan
 (Address/Block/Lot/Ward)
 Additional Information:
 Ordinance 6S&Fa(S-1) adopted on March 10, 1989.
 Ordinance 6S&Fd adopted on May 17, 1989.
 Ordinance 6PSF-a(S) adopted on January 24, 2012.
 Ordinance 6PSF-c adopted on February 4, 2015.
 Resolution 7R3-h(AS), adopted on September 8, 2016.
 Ordinance 6PSF-a adopted on October 5, 2016.
 Deferred 7R2-b 100423

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/18/2023	1	Municipal Council	Adopt	Pass
10/4/2023	1	Municipal Council	Defer	Pass

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WHEREAS, the Municipal Council of the City of Newark (“Municipal Council”) by Resolution 7RBb, adopted on February 19, 1986, determined that Tax Block 5088 and a portion of Block 5090, Lot 1 was a blighted area pursuant to N.J.S.A. 40:55-21.1 et seq., and N.J.S.A. 55:14A-31 et seq.; and

WHEREAS, the Municipal Council adopted Ordinance 6S&Fa (S-1) on March 10, 1989, adopting a redevelopment plan known as the “Waverly Yards Redevelopment Plan” governing the properties identified on the City’s tax map as Block 5088, Lots 74, 74B, 119, 126, 133, 134, and 161; and

WHEREAS, the Municipal Council thereafter adopted Ordinance 6S&Fd on May 17, 1989, amending the Waverly Yards Redevelopment Plan to include a portion of Block 5090, Lot 1 (“First Amendment to the Waverly Yards Redevelopment Plan”); and

WHEREAS, the Municipal Council adopted Ordinance 6PSF-a (s) on January 24, 2012, adopting the Second Amendment to the Waverly Yards Redevelopment Plan, wherein the Target Area for the Waverly Yards Redevelopment Plan only includes Block 5088, Lots 74, 74B, 119, 126, 133, 134, 138, 161, and 169, and Block 5090, Lots 1.01 and 1.05, as identified on the official tax map of the City of Newark, authorizing parking as a principal interim use, and to amend two of the maps within the Waverly Yards Redevelopment Plan and to delete two maps (“Second Amendment to the Waverly Yards Redevelopment Plan”); and

WHEREAS, the Municipal Council adopted Ordinance 6PSF-c on February 4, 2015, entitled, “Ordinance Repealing Title 40 of the Municipal Code of the City of Newark (Zoning Ordinance), Title 37 of the Municipal Code of the City of Newark (Land Use Procedures), and Title 38 of the Municipal Code of the City of Newark (Subdivision/Site Plan Ordinance) and Adopting Title 41 (Newark Zoning & Land Use Regulations) within the Newark Municipal Code”; and

WHEREAS, the Municipal Council, by Resolution 7R3-h (AS), adopted on September 8, 2016, authorized the Newark Central Planning Board to consider the proposed reinstatement and amendment to the Waverly Yards Redevelopment Plan, in its entirety, to determine if it is consistent with the 2012 Newark Master Plan, make recommendations, and transmit its report to the Municipal Council; and

WHEREAS, the Municipal Council thereafter adopted Ordinance 6PSF-a on October 5, 2016, adopting an ordinance to reinstate and amend the Waverly Yards Redevelopment Plan as follows: (a) reaffirming that properties designated as Block 5088, Lots 126.01, 131, 138 and 169 and Block 5090, Lots 1.01 and 1.05 continue to remain an “area in need of redevelopment,” pursuant to N.J.S.A. 40A:12A-5, and an “area in need of rehabilitation,” pursuant to N.J.S.A. 40A:12A-6; (b) determining that the development standards set forth in the Waverly Yards Redevelopment Plan, as amended throughout the years and therein, for Block 5088, Lots 126.01, 131, 138 and 169 and Block 5090, Lots 1.01 and 1.05 (“Property”) continue to remain appropriate for the development of the Property ; and (c) thereby determining and finding that the Waverly Yards Redevelopment Plan is reinstated, amended and valid as applied to the Property, and are consistent with the 2012 Newark Master Plan (“2016 Reinstatement and Third Amendment to the Waverly Yards Redevelopment Plan”); and

WHEREAS, the 2016 Reinstatement and Third Amendment to the Waverly Yards Redevelopment Plan further amended the Waverly Yards Redevelopment Plan by clarifying (i) that parking for airport related businesses and facilities is a permitted principal use in the redevelopment plan area (“Principal Parking Use”), (ii) the types of uses to be considered within the permitted use group of “Airport related businesses and facilities” shall be revised to read “Airport related businesses and facilities, including but not limited to, food services, training facilities and parking for employees of on-airport operations, airlines and businesses,” and (iii) the extension of the expiration date of the

Waverly Yards Redevelopment Plan for an additional twenty (20) years; and

WHEREAS, pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL) N.J.S.A. 40A:12A-7(f), the Municipal Council may direct the Newark Central Planning Board (“Central Planning Board”) to prepare a redevelopment plan or an amendment or revision to a redevelopment plan for a designated redevelopment area and that after completing the redevelopment plan, the Central Planning Board shall transmit the proposed plan to the governing body for its adoption; and

WHEREAS, in furtherance of the Port Authority of New York and New Jersey Newark Liberty International Airport AirTrain Replacement Program (“AirTrain Replacement Program”), the Port Authority of New York and New Jersey has been authorized to acquire by eminent domain certain portions of property located within the redevelopment plan area of the Waverly Yards Redevelopment Plan and has acquired by eminent domain the certain parcel of land owned by Hartz Mountain Industries, Inc. commonly known as 100-144 Haynes Avenue, identified as Block 5088, Lot 126.01 on the official tax map of the City of Newark (“Condemned Lot”); and

WHEREAS, the Central Planning Board previously granted Site Plan Approval that permitted the Condemned Lot to be used as surface employee parking for United Airlines, Inc. employees working at Newark Liberty International Airport; and

WHEREAS existing conditions on Block 5088, Lot 170 (248-268 Haynes Avenue) and Block 5088, Lot 131 (270-286 Haynes Avenue) include near 100 % impervious coverage; and

WHEREAS due to the loss of surface parking on the Condemned Lot, the Municipal Council desires to amend the Waverly Yards Redevelopment Plan for the purposes of adding additional surface parking to the redevelopment plan area, which is to be amended as follows: (a) to amend the existing redevelopment plan area to include Block 5088, Lot 170 (248-268 Haynes Avenue) and Block 5088, Lot 131 (270-286 Haynes Avenue) to establish the new redevelopment plan area; (b) to authorize the certain portions of the new redevelopment plan area, specifically Block 5088, Lot 170 (248-268 Haynes Avenue) and Block 5088, Lot 131 (270-286 Haynes Avenue), to be principally used as surface parking on an interim basis for a term to expire after seven (7) years and to be exempt from site plan review and storm water management review (collectively, “Proposed Amendments”); and

WHEREAS, as a result of the foregoing, the Municipal Council has determined that it is in the public interest to further amend the Waverly Yards Redevelopment Plan with the intention of adopting the Proposed Amendments; and

WHEREAS, the Municipal Council wishes to authorize and direct the Central Planning Board, pursuant to N.J.S.A. 40A:12A-7(f), to prepare a Fourth Amendment to the Waverly Yards Redevelopment Plan for the Proposed Amendments herein and any other revisions deemed appropriate by the Central Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Newark Municipal Council hereby authorizes and directs the Central Planning Board to prepare a Fourth Amendment to the Waverly Yards Redevelopment Plan (“Redevelopment

Plan”)for the Proposed Amendments herein and to make any other revisions to the Redevelopment Plan deemed appropriate by the Central Planning Board.

2. Pursuant to N.J.S.A. 40A:12A-7(f), the Central Planning Board shall transmit the proposed Redevelopment Plan to Municipal Council for its adoption.

3. This Resolution shall take effect immediately.

STATEMENT

This Resolution authorizes and directs the Central Planning Board to prepare a Fourth Amendment to the Waverly Yards Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7(f).