



Legislation Details (With Text)

File #: 24-0058 **Version:** 1 **Name:** Ordinance: 4th Amendment to the Waverly Yards Redevelopment Plan
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Title: AN ORDINANCE ADOPTING THE FOURTH AMENDMENT TO THE WAVERLY YARDS REDEVELOPMENT PLAN, BY AUTHORIZING PARKING AS A PRINCIPAL INTERIM USE, AND AMENDING TWO (2) OF THE MAPS AND DELETING TWO (2) OF THE MAPS WITHIN THE WAVERLY YARDS REDEVELOPMENT PLAN.

Sponsors: Patrick O. Council, C. Lawrence Crump

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
2/21/2024	1	Municipal Council	Close on Public Hearing and Adopt	Pass
2/7/2024	1	Municipal Council	Adopt on First Reading	Pass
1/24/2024	1	Municipal Council	Advance to First Reading	Pass

AN ORDINANCE ADOPTING THE FOURTH AMENDMENT TO THE WAVERLY YARDS REDEVELOPMENT PLAN, BY AUTHORIZING PARKING AS A PRINCIPAL INTERIM USE, AND AMENDING TWO (2) OF THE MAPS AND DELETING TWO (2) OF THE MAPS WITHIN THE WAVERLY YARDS REDEVELOPMENT PLAN.

WHEREAS, the 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, on March 10, 1989, the Municipal Council adopted Ordinance 6S&Fa(s-1), adopting a redevelopment plan known as the “Waverly Yards Redevelopment Plan” governing the properties identified on the Official Tax Map of the City of Newark, 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, shall include only 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 (2) 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 and Land Use Regulations) within the Newark Municipal Code” (“2014 Rezoning Ordinance”); 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 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 (LHRL) 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 be exempt from site plan review and stormwater management review (collectively, "Proposed Amendments"); and

WHEREAS, the Central Planning Board has adopted the Newark 360 Master Plan and Land Use Element on September 26, 2022, pursuant to N.J.S.A. 40:44D-1 et seq. and this Fourth Amendment to the Waverly Yards Redevelopment Plan is consistent with the 2022 Master Plan; and

WHEREAS, the Municipal Council adopted Resolution 7R2-a, on October 18, 2023, authorizing the Central Planning Board to prepare a Fourth Amendment to the Waverly Yards Redevelopment Plan to include the Proposed Amendments; and

WHEREAS, the Central Planning Board now recommends the Municipal Council approve this Fourth Amendment to the Waverly Yards Redevelopment Plan for the purposes of amending the redevelopment plan to be amended as follows: (a) 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 reaffirm that surface parking for airport support is a permitted principal use for the remaining duration of the twenty (20) year period set forth in the 2016 Reinstatement and Third Amendment to the Waverly Yards Redevelopment Plan, which types of permitted use group includes "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 (c) to authorize the exception that 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 be exempt from site plan review and stormwater management review; and

WHEREAS, the Central Planning Board conducted a public hearing on November 20, 2023 and adopted a Memorialization Resolution, recommending to the Municipal Council that the proposed Fourth Amendment to the Waverly Yards Redevelopment Plan for the purposes of amending the principal interim uses in the redevelopment plan area and amending the existing redevelopment plan area to include the certain portion of property located at Block 5088, Lot 170 (248-268 Haynes Avenue) and Block 5088, Lot 131 (270-286 Haynes Avenue), as identified on the Official Tax Map of the City of Newark, and establishing the new redevelopment plan area of the Waverly Yards Redevelopment Plan; and

WHEREAS, the Municipal Council has determined that it is in the best interest of the public to

adopt the Fourth Amendment to the Waverly Yards Redevelopment Plan in the form recommended by the Central Planning Board as attached hereto.

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

SECTION 1. The foregoing recitals are incorporated herein as if set for in full.

SECTION 2. Upon the recommendation of the Newark Central Planning Board, the Municipal Council hereby finds and determines that the Fourth Amendment to the Waverly Yards Redevelopment Plan generally conforms to the City's Master Plan and that it provides the maximum opportunity consistent with the sound needs of the locality as a whole for the urban renewal of this area by private enterprise.

SECTION 3. The Municipal Council hereby adopts the Fourth Amendment to the Waverly Yards Redevelopment Plan in the form attached hereto. This Fourth Amendment to the Waverly Yards Redevelopment Plan, along with the initial Waverly Yards Redevelopment Plan, the First Amendment to the Waverly Yards Redevelopment Plan, and the Second Amendment to the Waverly Yards Redevelopment Plan, and 2016 Reinstatement and Third Amendment to the Waverly Yards Redevelopment Plan, shall be included in the zoning standards and development regulations for the newly established designated redevelopment plan area included therein and to reaffirm parking for airport related business and facilities as a permitted principal use for all portions included in the new redevelopment plan area for the remainder of the twenty (20) year period set forth in the 2016 Reinstatement and Third Amendment to the Waverly Yards Redevelopment Plan, provided however, that surface parking as a permitted principal use shall also apply separately to the certain lots located at Block 5088, Lot 170 (248-268 Haynes Avenue) and Block 5090, Lot 1.01 (97-131 Haynes Avenue) and those lots may be used as surface parking on an interim basis for a term to expire after seven (7) years and be exempt from site plan review and stormwater management review.

SECTION 4. The Municipal Council hereby amends the existing redevelopment plan area of the Waverly Yards Redevelopment Plan to establish a newly designated redevelopment plan area, which newly established redevelopment plan area shall include all portions of land in the existing redevelopment plan area and Block 5088, Lot 170 (248-268 Haynes Avenue) and Block 5090, Lot 1.01 (97-131 Haynes Avenue).

SECTION 5. The Municipal Council hereby amends the zoning district map of the City of Newark to reflect the newly designated redevelopment plan area in accordance with N.J.S.A. 40A:12A-7(c).

SECTION 6. The City Clerk is hereby directed to file a copy of the Fourth Amendment to the Waverly Yards Redevelopment Plan.

SECTION 7. This Ordinance shall take effect in accordance with the laws of the State of New Jersey after final passage and publication.

STATEMENT

This is an Ordinance adopting the proposed Fourth Amendment to the Waverly Yards

Redevelopment Plan for the purposes of amending the redevelopment plan to be amended as follows: (a) 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 reaffirm that surface parking for airport support is a permitted principal use for the remaining duration of the twenty (20) year period set forth in the 2016 Reinstatement and Third Amendment to the Waverly Yards Redevelopment Plan, which types of permitted use group includes "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 (c) 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 be exempt from site plan review and stormwater management review.