



Legislation Text

File #: 15-1088, Version: 1

Dept/ Agency: Economic & Housing Development

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Referral of Proposed Amendment of Redevelopment Plan to Central Planning Board.

Purpose: For Planning Board's Review and Consideration, pursuant to N.J.S.A. 40A:12-7, *et seq.*
Name of Redevelopment Plan: Newark's River: Public Access and Redevelopment Plan

List of Property:

(Address/Block/Lot/Ward)

Additional Information:

Resolution 7RM 050405 authorized the Central Planning Board to make an investigation and determine if City in its entirety is an Area in Need of Rehabilitation.

Resolution 7RDO (AS) 061505 designated the City of Newark, in its entirety, an Area in Need of Rehabilitation.

Ordinance 6PSF-I 080713 adopts Newark's River Public Access and Redevelopment Plan

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended and supplemented ("Redevelopment Law"), provides a process for municipalities to undertake the redevelopment and improvement of areas in need of rehabilitation; and

WHEREAS, pursuant to Resolution 7RM, adopted on May 4, 2005, the Municipal Council of the City of Newark, authorized the Central Planning Board to make an investigation and determine whether the City of Newark in its entirety (the "delineated area") is an area in need of rehabilitation, pursuant to Section 14 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, pursuant to Resolution 7RDO (A.S.) adopted on June 15, 2005, the Municipal Council of the City of Newark upon the recommendation of the Central Planning Board after a public hearing, designated the City of Newark in its entirety as an Area In Need of Rehabilitation, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-14, *et seq.*, (North, East, West, South and Central Wards) and said designation became effective on June 17, 2005 upon the transmission of the resolution to the New Jersey Department of Community Affairs by the City Clerk; and

WHEREAS, the LRHL authorizes municipalities to adopt redevelopment plans in order to implement and establish standards for the rehabilitation of all or of any part of a rehabilitation area; and

WHEREAS, on August 7, 2013, the Newark Municipal Council adopted "Newark's River: Public Access & Redevelopment Plan" as the redevelopment plan for a portion of the delineated area comprised of numerous properties generally located along the Passaic River waterfront, which

properties are identified in the Plan at “Appendix E: List of Block & Lots” (said properties collectively referred to hereinafter as “Newark’s River Redevelopment Area”); and

WHEREAS, Matrix/Newark City Dock, LLC (“Matrix”) owns several properties which are located in Newark’s River Redevelopment Area; and

WHEREAS, on or about September 27, 2013, Matrix filed a Complaint In Lieu of Prerogative Writs against the City of Newark in the Superior Court of New Jersey, Law Division, Essex County bearing the caption Matrix/Newark City Dock, LLC v. City of Newark, Docket No. ESX-L-7617-13 (the “Lawsuit”), challenging the validity of the Public Access & Redevelopment Plan and alleging violations of Matrix’s constitutional and civil rights; and

WHEREAS, On January 17, 2014, Newark filed an Answer and Affirmative Defenses against the allegations of Matrix’ Complaint; and

WHEREAS, on August 14, 2014, a case management conference was held in the Lawsuit, during which the Judge recommended that the parties settle the Lawsuit; and

WHEREAS, in accordance with the Judge’s recommendation, representatives of Matrix and Newark subsequently engaged in extensive settlement negotiations in order to resolve the Lawsuit; and

WHEREAS, as a result of these settlement negotiations, and in order to fully and finally settle the Litigation, the parties propose to amend the Public Access & Redevelopment Plan by ordinance (the “Plan Amendment,” attached hereto as Exhibit A); and

WHEREAS, the next step in the redevelopment process is to refer the proposed Plan Amendment to the Newark Central Planning Board for its review and recommendation pursuant to law;

NOW, THEREFORE, BE IT RESOLVED BY THE NEWARK MUNICIPAL COUNCIL THAT:

1. The Newark Municipal Council refers the proposed Plan Amendment (attached hereto as Exhibit A) to the Newark Central Planning Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e).
2. Pursuant to N.J.S.A. 40A:12A-7(e), the Newark Central Planning Board shall transmit to the Newark Municipal Council a report within forty-five (45) days after this referral containing its recommendation regarding the proposed Newark’s River: Public Access and Redevelopment Plan. Said report shall include a determination as to whether the Newark’s River: Public Access and Redevelopment Plan is consistent with the Master Plan, and if inconsistent, shall identify the inconsistencies. The report of the Planning Board may also include any other matters the Board deems appropriate.
3. Failure of the Central Planning Board to transmit its report within the required forty-five (45) days shall relieve the Newark Municipal Council from the requirements of N.J.S.A.

40A:12A-7(e) with regard to the pertinent proposed redevelopment plan or revision or amendment thereof.

4. This Resolution shall take effect immediately.

STATEMENT

This Resolution refers a proposed amendment of the *Newark's River: Public Access & Redevelopment* Plan to the Newark Central Planning Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e).