

TOWN OF MORRISTOWN
NOTICE OF SPECIAL MEETING

48-HOUR NOTICE

Morristown Town Council Redevelopment Authority

Will be held on:

Thursday, April 2, 2015
at 7:00 p.m.
Council Chambers
200 South Street
Morristown, New Jersey

Agenda

- A. Statement of Compliance with Open Public Meetings Act
- B. Roll-Call
- C. Moment of Silence
- D. Pledge of Allegiance
- E. Consent Agenda
- F. Public Hearing
- G. Report of Mayor and Town Officials
- H. Council Liaison Reports
- I. Regular Business

- 1. Ordinances for Introduction

Ordinance No. O-4-15

Ordinance of the Town of Morristown Adopting the Bank and Market Redevelopment Plan.

Purpose: Self-Explanatory

- 2. Ordinance for Adoption – None.

3. Resolutions for Adoption

Resolution No. R-62-15

Resolution Authorizing Execution of the Amendment to Epstein's Redevelopment Agreement.

Purpose: Self Explanatory

J. Unfinished Business

K. New Business

L. Correspondence

M. Adjournment

Formal action may be taken at this Meeting.

Kevin D. Harris
Town Clerk

Posted: March 30, 2015

**TOWN OF MORRISTOWN
ORDINANCE O- 4 -15**

**AN ORDINANCE OF THE TOWN OF MORRISTOWN ADOPTING THE
BANK & MARKET REDEVELOPMENT PLAN**

WHEREAS, the Town Council of the Town of Morristown (the “Town Council”) has identified certain properties in the Town designated as Block 6001, Lots 13 and 14, and Block 6002, Lot 1 as shown on the official Tax Map of the Town of Morristown (collectively, the “Property”) to be considered for designation as a non-condemnation “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

WHEREAS, under Resolution R-63-2014, the Town Council directed the Planning Board of the Town of Morristown to conduct a preliminary investigation to determine whether the Property, or any portions thereof, constitute a non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Town Council, under Resolution R-63-2014, further directed the Planning Board to develop a map reflecting the boundaries of the Property to be included within the proposed redevelopment area, to conduct public hearings pursuant to N.J.S.A. 40A:12A-6, and to draft a report/resolution to the Mayor and Town Council containing its findings; and

WHEREAS, on May 6, 2014, the Planning Board held a public hearing during which it acknowledged the Town Council’s directives relating to its conducting a preliminary investigation to determine whether the Property, or any portions thereof, constitute a non-condemnation “area in need of redevelopment”; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Property in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Property is an non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, in a Resolution memorialized on June 26, 2014, the Planning Board recommended to Town Council that, based on its preliminary investigation and findings of fact, the Property may be designated an non-condemnation redevelopment area in accordance with the Redevelopment Law; and

WHEREAS, the Town Council, under Resolution R-116-2014, the Town Council agreed and concurred with the recommendation of the Planning Board and further determined and declared Block 6001, Lots 13 and 14, and Block 6002, Lot 1 as shown on the official Tax Map of the Town of Morristown a non-condemnation “area in need of redevelopment” under the Redevelopment Law; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, Town Council directed Philip A. Abramson, PP to prepare a redevelopment plan, entitled “Market & Bank Redevelopment Plan,” dated March 26, 2015, attached hereto and made part of this Ordinance (the “Redevelopment Plan”), which contains a detailed development program and design criteria for the properties designated Block 6001, Lots 13 and 14, and Block 6002, Lot 1 as shown on the official Tax Map of the Town of Morristown; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Morristown Planning Board for review and issuance of a report containing its recommendations, if any, concerning the Redevelopment Plan within forty five (45) days of referral.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Morristown, County of Morris, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7(e) the Town Council hereby accepts and approves the Redevelopment Plan, a copy of which is attached hereto and made a part of this Ordinance; and

BE IT FURTHER ORDAINED, 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; and

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; and

BE IT FURTHER ORDAINED, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Town’s development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Town’s zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage and publication in accordance with applicable law.

ADOPTED:

ATTEST:

KEVIN D. HARRIS,
Town Clerk

TIMOTHY P. DOUGHERTY,
Mayor

RESOLUTION NO. R- 62 -15

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
AMENDMENT TO REDEVELOPMENT AGREEMENT WITH
MORRISTOWN EPSTEIN'S, LLC AND EPSTEIN'S C LOFTS, LLC**

WHEREAS, the Town Council of the Town of Morristown in its capacity as the municipal governing body and as a redevelopment entity (the "Town") is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, pursuant to the Redevelopment Law, and Ordinance Nos. O-18-2005, O-42-2005, and O- 52-2005, the Town adopted the Epstein's Rehabilitation Plan, prepared by Phillips Preiss Shapiro Associates, Inc., dated March 17, 2005 (the "Original Rehabilitation Plan") for the Epstein's Rehabilitation Area (the "Rehabilitation Area"); and

WHEREAS, by Resolution R-114-04, duly adopted on July 20, 2004, the Town designated the "Epstein's Entities" and the Morristown Parking Authority (the "MPA") collectively as redevelopers of the Rehabilitation Area as defined in the Original Rehabilitation Plan; and

WHEREAS, by Resolution R-70-06, duly adopted on April 25, 2006, the Town designated the MPA as redeveloper of a portion of the Rehabilitation Area in accordance with relevant provisions of the Original Rehabilitation Plan; and

WHEREAS, by Resolution R-71-06, duly adopted on April 25, 2006, the Town, inter alia, designated the Morristown Epstein's LLC, as redeveloper (the "Redeveloper") of a portion of the Rehabilitation Area as more particularly described in the Original Redevelopment Agreement (the "Epstein's Project Site"), in accordance with relevant provisions of the Original Rehabilitation Plan; and

WHEREAS, the Town and the Redeveloper entered into that certain Redevelopment Agreement, dated August 21, 2009 (the "Original Redevelopment Agreement"), for the purpose of setting forth in greater detail their respective undertakings, rights and obligations in connection with the construction of the Epstein's Project (as defined herein) and development of the Epstein's Project Site in accordance with the Original Rehabilitation Plan, including the obligation of the Redeveloper to construct and operate on-site affordable units and to pay certain affordable housing development fees; and

WHEREAS, by Resolution R-05-09, the Morristown Planning Board approved an application for site plan approval and subdivision approval for Block 6004, Lots 1, 8, 8.01, 9, 12 and 16 submitted by the Redeveloper and the MPA approving, inter alia, the construction and operation of (a) approximately eighty (80) residential units, and approximately fifty-five thousand eight hundred (55,800) square feet of retail space in portions of Area A (as defined in the Original Rehabilitation Plan), (b) approximately one hundred thirty (130) units and

approximately ten thousand (10,000) square feet of retail space, with ten (10) of the units complying with the requirements of the New Jersey Council on Affordable Housing (“COAH”) for low- and moderate-income housing in Building B (“Building B”) within portions of Area A, and (c) approximately thirty six (36) units and approximately 6,000 square feet of retail space (“Original Building C”) within Subarea A2 (as defined in the Original Rehabilitation Plan), all as illustrated on the approved site plan (collectively, the “Epstein’s Project”); and

WHEREAS, the Redeveloper completed the development of portions of Area A and sold and/or rented all or portions of the same, however certain obligations of the Redeveloper under Original Redevelopment Agreement with respect to Subarea A2 (which the Redeveloper conveyed to Epstein’s C Lofts, LLC) have not been satisfied; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, on February 10, 2015, the Town adopted Ordinance O-1-15 approving and adopting certain amendments to the Original Rehabilitation Plan as reflected in the Epstein’s Rehabilitation Plan, dated March 17, 2005, prepared by Phillips Preiss Shapiro Associates, Inc., and revised through January 7, 2015 by Topology NJ, LLC (as so amended, the “Amended Rehabilitation Plan”), which amendments were adopted in order to, among other things, address modifications to certain design criteria and guidelines within Subarea A2, and to modify and confirm the parties’ agreement with respect to the Redeveloper’s construction and operation of on-site affordable housing units concerning the Epstein’s Project, as embodied in this Amendment; and

WHEREAS, the Redeveloper desires to make certain changes to the design and operation of the Epstein’s Project within Subarea A2 and intends to submit an application to the Morristown Planning Board (the “Board”) for site plan approval, and other desired or required approvals, to modify the design of the Epstein’s Project within Subarea A2 (collectively, the “Building C Application”) so as to address prevailing market conditions and to incorporate the design criteria and guidelines reflected in the Amended Rehabilitation Plan, including but not limited to, the construction and operation of approximately fifty nine (59) residential units, and approximately eight thousand (8,000) square feet of retail, business/personal service and/or amenity space consistent with the Amended Rehabilitation Plan (collectively, the “Building C Project”) and in lieu of the thirty six (36) units and 6,000 square feet of retail previously approved for Original Building C under Resolution R-05-09; and

WHEREAS, the parties have determined that an Amendment to the Original Redevelopment Agreement is desirable to confirm the parties’ agreement with respect to the Building C Project and the Redeveloper’s construction and operation of on-site affordable units concerning the Building C Project; and

WHEREAS, the Mayor and Council of the Town of Morristown desire to enter into an Amendment to the Original Redevelopment Agreement with Morristown Epstein’s, LLC, all in accordance with the provisions of the Redevelopment Law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Morristown in the County of Morris, New Jersey, that the form of the Amendment to Redevelopment Agreement by and between the Town and Morristown Epstein’s LLC (and

Epstein's C Lofts, LLC, as owner) is approved, subject to any and all conditions contained herein and such revisions as deemed advisable by the Town Attorney or Special Redevelopment Counsel; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the Amendment to Redevelopment Agreement, with such revisions as deemed advisable by the Town Attorney or Special Redevelopment Counsel, on behalf of the Town of Morristown, acting as the redevelopment entity for the redevelopment of Subarea A2 and the Building C Project.

I do hereby certify the above to be a true and exact copy of a Resolution duly passed and adopted by the Town Council of the Town of Morristown at a public meeting held on March __, 2015 at The Council Room at Town Hall located at 200 South Street, Morristown, New Jersey.

Dated: _____, 2015

Kevin D. Harris, Town Clerk