

CITY OF ENGLEWOOD

ORDINANCE NO. 22-13

AN ORDINANCE OF THE CITY OF ENGLEWOOD, NEW JERSEY, AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTY IDENTIFIED ON THE CITY'S OFFICIAL TAX MAP AS BLOCK 2602, LOTS 3.01, 3.02 AND 3.03 COMMONLY REFERRED TO AS ERA SOUTH

WHEREAS, on July 30, 2019, the Governing Body of the City of Englewood entered into a Settlement Agreement regarding pending litigation, the subject matter of which pertain to the properties referenced above; and

WHEREAS, the City previously adopted Resolution No. 196-08-20-19 directing the Planning Board of the City of Englewood to undertake a preliminary investigation to determine whether these parcels identified on the City's tax map as Block 2602, Lots 3.01, 3.02 and 3.03 (the "Study Area") met the statutory criteria to be designated as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-3 *et seq.* (the "LRHL"); and

WHEREAS, the City of Englewood Planning Board conducted said preliminary investigation and found that the standard for an area in need of redevelopment designation was met, and recommended that the Governing Body of the City of Englewood so designate the study area as an "area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, the Governing Body of the City of Englewood subsequently adopted Resolution No.072-02-18-20 designating the study area as an area in need of redevelopment in accordance with the Planning Board's recommendation and the LRHL; and

WHEREAS, a Redevelopment Plan was prepared consistent with the terms of a previously approved Settlement Agreement; and

WHEREAS, on October 27, 2020, the City Council adopted Ordinance 20-06, which adopted a Redevelopment Plan for the Redevelopment Area in accordance with the requirements of the LRHL (the "Redevelopment Plan"); and

WHEREAS, Ordinance 20-06 and the Redevelopment Plan is incorporated by reference, in full; and

WHEREAS, subsequent changes in State regulations necessitate amendments to the Redevelopment Plan; and

WHEREAS, the City has identified several shovel ready projects that are necessary to address significant stormwater management and flooding issues in the City that require funding; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood as follows:

1. The above recitals are incorporated herein as thus fully set forth at length;
2. The Redevelopment Plan entitled Redevelopment Plan Block 2602, Lots 3.01, 3.02 and 3.03, which incorporates the Settlement Agreement and is attached to Ordinance 20-06 as **Exhibit A** and incorporated by reference is hereby amended as follows:
 - a. The section entitled “The Project Parcel” shall be amended as follows:
 - i. Paragraph (a) – [no change]
 - ii. Paragraph (b)a – Construction of a multi-family residential building containing a maximum of 220 units along with off-street parking, amenities and associated site improvements, all of which shall be subject to the requirements set forth in the Redevelopment Plan. The residential building shall contain a fifteen percent (15%) set-aside of below market rental units, which shall be a mixture of 1, 2 and 3 bedroom units, as required by the UHAC regulations.
 - iii. Paragraph (b)b – The Redeveloper’s option to construct a commercial/office building, which may include ground floor retail uses, along with off-street parking and associated site improvements, all of which shall be subject to the requirements set forth in the Redevelopment Plan.
 - iv. Paragraph (b)c – [no change]
 - v. Paragraph (b)d – [deleted in its entirety]
 - vi. Paragraph (b)e – The precise number of residential units and amount of commercial square footage and the configuration thereof on the Parcel shall be specified in the site plan submitted to the City of Englewood Planning Board for approval in accordance with the terms of this Redevelopment Plan and the Redevelopment Agreement.
 - vii. Paragraph (b)f – [no change]
 - viii. Paragraph (b)g – [no change]
 - b. A new section entitled “Stormwater Management” shall be added to the Redevelopment plan as follows:
 - i. Paragraph (a) – The Parcel Project development shall comply with Chapter 374, Stormwater Management of the City’s Code, as amended by Ordinance 21-01 with the following exception:
 1. Redeveloper will prepare a Stormwater Management Plan in

accordance with New Jersey Department of Environmental Protection (“NJDEP”) and City of Englewood standards and regulations. The Stormwater Management Plan will implement on-site best management practices listed within Table 3 of Englewood Ordinance 374-7(F) which requires a waiver or a variance from the New Jersey Stormwater Management Rules, N.J.A.C 7:8-5.3 (last amended March 2, 2020 and operative March 2, 2021). As outlined within the City of Englewood Stormwater Management Plan prepared by K. Albert Associates, last revised August 7, 2013, the Redeveloper will obtain a waiver or variance by funding equivalent measures as calculated by the City Engineer which shall be placed in an escrow account for use to complete a stormwater management project.

3. The Zoning District Map and the Zoning Ordinance of the City of Englewood shall be amended to include the provisions set forth in the Redevelopment Plan.
4. If any part of this Ordinance shall be deemed invalid, such part shall be severed and shall not affect remaining parts of this Ordinance;
5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the Office of the City Clerk during regular business hours; and
6. This Ordinance shall take effect in accordance with all applicable laws

ORDINANCE #22-13

AN ORDINANCE OF THE CITY OF ENGLEWOOD, NEW JERSEY, AMENDING THE REDEVELOPMENT PLAN FOR THE PROPERTY IDENTIFIED ON THE CITY'S OFFICIAL TAX MAP AS BLOCK 2602, LOTS 3.01, 3.02 AND 3.03 COMMONLY REFERRED TO AS ERA SOUTH

RECORD OF VOTE

FIRST READING DATE: September 20, 2022

COUNCIL	MOTION	VOTE
Cobb		Y
Cohen		AB
Hamer	X	Y
Maron		Y
Rosenzweig		Y

DATE PUBLISHED IN THE RECORD: September 25, 2022

DATES PUBLIC HEARINGS HELD: October 3, 2022

DATE SECOND READING HELD: October 3, 2022

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Cohen						
Hamer						
Maron						
Rosenzweig						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk

Exhibit A

CITY OF ENGLEWOOD

Ordinance No. 20-06

AN ORDINANCE OF THE CITY OF ENGLEWOOD, NEW JERSEY
ADOPTING A REDEVELOPMENT PLAN FOR THE PROPERTY IDENTIFIED
ON THE CITY'S OFFICIAL TAX MAP AS BLOCK 2602, LOTS 3.01, 3.02 and 3.03
COMMONLY REFERRED TO AS ERA SOUTH

WHEREAS, on July 30, 2019, the Governing Body of the City of Englewood entered into a Settlement Agreement regarding pending litigation, the subject matter of which pertain to the properties referenced above; and

WHEREAS, the City previously adopted Resolution No. 196-08-20-19 directing the Planning Board of the City of Englewood to undertake a preliminary investigation to determine whether these parcels identified on the City's tax map as Block 2602, Lots 3.01, 3.02 and 3.03 (the "Study Area") met the statutory criteria to be designated as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-3 et seq. (the "LRHL"); and

WHEREAS, the City of Englewood Planning Board conducted said preliminary investigation and found that the standard for an area in need of redevelopment designation was met, and recommended that the Governing Body of the City of Englewood so designate the study area as an "area in need of redevelopment" pursuant to the LRHL; and

WHEREAS, the Governing Body of the City of Englewood subsequently adopted Resolution No.072-02-18-20 designating the study area as an area in need of redevelopment in accordance with the Planning Board's recommendation and the LRHL; and

WHEREAS, a Redevelopment Plan was prepared consistent with the terms of a previously approved Settlement Agreement; and

WHEREAS, pursuant to the LRHL, the Planning Board must review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Governing Body in accordance with the provisions of the LRHL.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood as follows:

1. The above recitals are incorporated herein as thus fully set forth at length;
2. The Redevelopment Plan entitled Redevelopment Plan Block 2602, Lots 3.01, 3.02 and 3.03, which incorporates the Settlement Agreement and is attached hereto as **Exhibit A** is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the LRHL;
3. The Zoning District Map and the Zoning Ordinance of the City of Englewood shall be amended to include the provisions set forth in the Redevelopment Plan;

4. If any part of this Ordinance shall be deemed invalid, such part shall be severed and shall not affect remaining parts of this Ordinance;

5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the Office of the City Clerk during regular business hours; and

6. This Ordinance shall take effect in accordance with all applicable laws.

ORDINANCE #20-06

AN ORDINANCE OF THE CITY OF ENGLEWOOD, NEW JERSEY ADOPTING A
REDEVELOPMENT PLAN FOR THE PROPERTY IDENTIFIED ON THE CITY'S
OFFICIAL TAX MAP AS BLOCK 2602, LOTS 3.01, 3.02 and 3.03 COMMONLY
REFERRED TO AS ERA SOUTH

RECORD OF VOTE

AMENDED AND REINTRODUCED: October 13, 2020

COUNCIL	MOTION	VOTE
Cobb		Y
Cohen		Y
Glynn		Y
Hamer	X	Y
Rosenberg		Y

DATE PUBLISHED IN THE RECORD: October 20, 2020

DATES PUBLIC HEARINGS HELD: October 27, 2020

DATE SECOND READING HELD: October 27, 2020

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb		Y		Y		Y
Cohen		Y		Y		Y
Glynn		Y		Y		Y
Hamer		Y		Y		Y
Rosenberg	X	Y	X	Y	X	Y

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR: October 28, 2020

APPROVED ✓

REJECTED _____ (VETO)

DATE SIGNED: 11-3-2020



MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.



Nancy Wazirmas, RMC
City Clerk

EXHIBIT A

REDEVELOPMENT PLAN

Purpose. The purpose of this Plan to provide for the scope and implementation of this Redevelopment Plan which may be undertaken in phases ("Phase(s)").

SHG ENGLEWOOD SOUTH V URBAN RENEWAL, LLC has been conditionally designated as redeveloper for the Parcel Project (as defined below), and shall have the exclusive right to redevelop and implement the Parcel Project in accordance with the terms and conditions of the Redevelopment Plan.

The Parcel Project.

(a) The "Parcel Project" consists of (i) the acquisition by Redeveloper of the Parcel, and obtaining clear title to all properties therein, (ii) Remediation, if any, of the Parcel; and (iii) Construction of the Parcel Project Improvements (as defined herein) which may be undertaken in Phases. The Parcel Project is to be constructed consistent with this Redevelopment Plan and the previously entered Settlement Agreement annexed hereto and incorporated by reference. The City acknowledges that Redeveloper is the owner of the Parcel.

(b) The "Parcel Project Improvements" shall include the following to be located on Block 2602, Lots 3.01, 3.02 and 3.03, as the case may be:

a. Construction of a multi-family residential building containing a maximum of 220 units and a minimum of approximately 16,000 square feet of commercial space which may consist of both retail and office uses, along with off-street parking, amenities and associated site improvements, all of which shall be subject to the requirements set forth in the Redevelopment Plan. The residential building shall contain a fifteen percent (15%) set-aside of below market rental units, which shall be a mixture of 1, 2 and 3 bedroom units, as required by the UHAC regulations.

b. Construction of an office building containing a minimum of 40,000 square feet of gross floor area, which may include ground floor retail uses, along with off-street parking and associated site improvements, all of which shall be subject to the requirements set forth in the Redevelopment Plan.

c. Signage associated with the buildings subject to the requirements set forth in the Redevelopment Plan.

d. It is specifically agreed by the Redeveloper and the City that the Parcel Project Improvements shall contain a minimum of 40,000 square feet of commercial space, which may consist of both retail and office elements.

e. The Redeveloper may, in its discretion, opt to construct a greater amount of commercial space and a lesser amount of residential space, provided that the minimum parking ratios set forth in the Redevelopment Plan are satisfied. The precise number of residential units and amount of commercial square footage and

the configuration thereof on the Parcel shall be specified in the site plan submitted to the City of Englewood Planning Board for approval in accordance with the terms of this Agreement.

f. The instant plan will achieve local objectives as to appropriate land uses density of population, improved traffic and public transportation, public utilities, recreational and community facilities, and other improvements. Such objectives include residential uses, including affordable housing; non-residential uses including a retail and office to attract business to the City of Englewood; the provision of construction related jobs and permanent jobs through the construction of new housing and public improvements; an overall improvement of traffic circulation including a shuttle service throughout the City of Englewood; providing stabilization and an increase of the tax base of the project area by redeveloping non-revenue producing areas; the provision of site improvements including parking, sidewalks, open space, recreational areas and landscaping where appropriate; enabling vacant and underutilized land to be developed.

g. In addition, the plan is consistent with the master plans of the City of Englewood, contiguous municipalities, as well as the master plan of the County of Bergen and the State Development and Redevelopment Plan adopted pursuant to the State Planning Act.

Environmental Enhancements.

(a) Redeveloper may (but shall not be required to) include within the Parcel Project design elements to obtain certification under the leadership in Energy and Environmental Design (“LEED”) Green Building System standards, as advanced by the United States Green Building Council (“USGBC”) and the United States Environmental Protection Agency “Energy Star” standards, (collectively, the “Environmental Enhancements”), as set forth in the Redevelopment Plan.

(b) The City agrees to make a good faith effort to support Redeveloper’s implementation (if any) of the Environmental Enhancements, by, among other things, assisting Redeveloper in seeking available loans and grants to facilitate the implementation of the Environmental Enhancements.

Project Costs and Financing.

Other than the City’s agreement to enter into a Financial Agreement relating to the terms of a PILOT for the Parcel, Redeveloper agrees that all costs associated with the development and financing for each Phase of the Parcel Project is the sole responsibility of the Redeveloper.