CITY COUNCIL **The City of Orange Township, New Jersey**

DATE September 5, 2023 **NUMBER** 354-2023

TITLE: **RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT WITH 595 LINCOLN ORANGE URBAN RENEWAL, LLC FOR THE REDEVELOPMENT OF THE PROPERTY LOCATED AT 595 LINCOLN AVENUE IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY AS BLOCK 6303, LOT 7**

WHEREAS, the City was formerly the owner of certain real property located at 595 Lincoln Avenue in Orange, New Jersey identified on the City tax map as Block 6303, Lot 7 which it acquired from the Orange Township Board of Education by Deed dated March 1, 1973 which was recorded with the Essex County Register's Office on March 15, 1973 in Book 4437, Page 38 (the "Property"); and

WHEREAS, the Property is the former location of a City police station, but is no longer being used for that purpose; and

WHEREAS, the Property is located within an "area in need of redevelopment" designated in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") known as the Lincoln Avenue Redevelopment Area (the "Redevelopment Area") and is governed by the Lincoln Avenue Redevelopment Plan, as amended (the "Redevelopment Plan"); and

WHEREAS, McGee Ryan Assets, LLC filed an application with the City seeking to be designated as the redeveloper of the Property in order to construct a redevelopment project comprised of a five-story multifamily residential building, consisting of sixty (60) market rate rental units, along with off street parking and related amenities and improvements, in accordance with the Redevelopment Plan; and

WHEREAS, by Resolution No. 311-2021, approved by the City of Orange Township Municipal Council on June 15, 2021, the City approved the designation of McGee Ryan Assets, LLC, or a qualified urban entity to be formed by and controlled by McGee Ryan Assets, LLC or an Affiliate (as such term is defined within the Redevelopment Agreement), as redeveloper of the Property and authorized the City to enter into a Redevelopment Agreement with McGee Ryan Assets, LLC, or a qualified urban entity to be formed by and controlled by McGee Ryan Assets, LLC or an Affiliate, for the sale and redevelopment of the Property in accordance with the Redeveloper's application (the "Redevelopment Agreement"); and

WHEREAS, thereafter, McGee Ryan Assets, LLC formed 595 Lincoln Orange Urban Renewal, LLC, a qualified urban renewal entity authorized and approved by the State of New Jersey ("Redeveloper"), to carry out the redevelopment of the Property, and the City conveyed title to the Property to the Redeveloper in accordance with the Redevelopment Agreement; and

WHEREAS, by Ordinance No. 51-2022, approved by the City of Orange Township Municipal Council on October 18, 2022, the City amended the Redevelopment Plan; and

WHEREAS, in accordance with the amendments to the Redevelopment Plan, the Redeveloper filed an application for preliminary and final site plan approval with the City of Orange Planning Board, seeking approval to construct an amended redevelopment project comprised of a six-story mid-rise multi-family residential building, consisting of seventy (70) residential units and 72 off-street parking spaces, and related improvements; and

WHEREAS, by Resolution Case No. 22-02, dated April 19, 2023, the City of Orange Planning Board granted the Redeveloper preliminary and final site plan approval to construct the amended project on the Property; and

WHEREAS, the Parties now wish to enter into a First Amendment to the Redevelopment Agreement, in substantially the form attached hereto, in order to revise the scope of the redevelopment project so that it is consistent with the revised Redevelopment Plan and the project approved by the Planning Board, to modify the construction schedule for the project, and to make certain other revisions to the Redevelopment Agreement that are acceptable to the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Orange Township that:

SECTION 1: The Municipal Council hereby approves the First Amendment to the Redevelopment Agreement for the Property in substantially the form attached hereto and authorizes the Mayor to sign the First Amendment to the Redevelopment Agreement with 595 Lincoln Urban Renewal, LLC on behalf of the City.

SECTION 2: All other resolutions or parts of resolutions in conflict or inconsistent with this resolution are hereby repealed, but only to the extent of such conflict or inconsistency.

SECTION 3: All headings within this resolution are for convenience only and are not deemed to be part of this resolution.

SECTION 4: This resolution shall take effect as provided by law.

ADOPTED:

Joyce L. Lanier Municipal Clerk	Tency A. Eason Council President

FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT (the "**First Amendment**"), is made as _____, 2023, (the "**Effective Date**") by and between the **CITY OF ORANGE TOWNSHIP,** municipal corporation of the County of Essex and the State of New Jersey, having its offices at 29 North Day Street, Orange, New Jersey 07050, acting as redevelopment entity pursuant to NJ.S.A. 40A:12A-4(c) (the "City" or the "Redevelopment Entity"), and **595 LINCOLN ORANGE URBAN RENEWAL, LLC,** a limited liability company under the laws of the State of New Jersey, with an address of 80 River Street, #2C, Hoboken, New Jersey 070303 (the "Redeveloper") (collectively, the "Parties").

WITNESSETH:

WHEREAS, the City was the owner of certain real property located at 595 Lincoln Avenue in Orange, New Jersey and identified on the City tax map as Block 6303, Lot 7 which it acquired from the Orange Township Board of Education by Deed dated March 1, 1973 which was recorded with the Essex County Register's Office on March 15, 1973 in Book 4437, Page 38 (the "Property"); and

WHEREAS, the Property is the former location of a City police station, but is no longer being used for that purpose; and

WHEREAS, the Property is located within an "area in need of redevelopment" designated in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") known as the Lincoln Avenue Redevelopment Area (the "Redevelopment Area") and is governed by the Lincoln Avenue Redevelopment Plan, as amended (the "Redevelopment Plan"); and

WHEREAS, McGee Ryan Assets, LLC filed an application with the City seeking to be designated as the redeveloper of the Property in order to construct a five-story multifamily residential building, consisting of sixty (60) market rate rental units, along with off street parking and related amenities and improvements, in accordance with the Redevelopment Plan; and

WHEREAS, by Resolution No. 311-2021, approved by the City of Orange Township Municipal Council on June 15, 2021, the City approved the designation of McGee Ryan Assets, LLC, or a qualified urban entity to be formed by and controlled by McGee Ryan Assets, LLC or an Affiliate (as such term is defined within the Redevelopment Agreement), as redeveloper of the Property and authorized the City to enter into a Redevelopment Agreement with McGee Ryan Assets, LLC, or a qualified urban entity to be formed by and controlled by McGee Ryan Assets, LLC or an Affiliate, for the sale and redevelopment of the Property (the "Redevelopment Agreement"); and

WHEREAS, thereafter, McGee Ryan Assets, LLC formed 595 Lincoln Orange Urban Renewal, LLC, a qualified urban renewal entity authorized and approved by the State of New

Jersey ("Redeveloper"), to carry out the redevelopment of the Property, and the City conveyed title to the Property to the Redeveloper in accordance with the Redevelopment Agreement; and

WHEREAS, by Ordinance No. 51-2022, approved by the City of Orange Township Municipal Council on October 18, 2022, the City amended the Redevelopment Plan; and

WHEREAS, in accordance with the amendments to the Redevelopment Plan, the Redeveloper filed an application for preliminary and final site plan approval with the City of Orange Planning Board, seeking approval to construct an amended project consisting of a six-story mid-rise multi-family residential building, consisting of seventy (70) residential units and 72 off-street parking spaces, and related improvements; and

WHEREAS, by Resolution Case No. 22-02, dated April 19, 2023, the City of Orange Planning Board granted the Redeveloper preliminary and final site plan approval to construct the amended project on the Property; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as "an area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, the City has determined that the redevelopment of the Property in accordance with applicable provisions of the Redevelopment Plan will contribute to the redevelopment and reinvigoration of the City, is in the vital and best interests of the community, and promotes the health, safety, morals and welfare of the City's residents and is in accord with the legislative intent, goals and objectives of the Redevelopment Law; and

WHEREAS, the Parties acknowledge and agree that, over time, certain laws, conditions and circumstances have materially changed and, thus, the Redevelopment Agreement must be amended in order to reflect these material changes; and

WHEREAS, the Parties continue to cooperate with each other with regard to implementing the overall terms of the Redevelopment Agreement even though certain conditions precedent may remain in the process of being satisfied; and

WHEREAS, in the interim, the Parties desire to amend certain portions of the Redevelopment Agreement; and

WHEREAS, the Parties have engaged in negotiations relative to the redevelopment of the Property with the amended project approved by the Planning Board, and the City has determined that in furtherance of the goals and objectives of the Redevelopment Plan, it is in the City's best interest to enter into this First Amendment to the Redevelopment Agreement with the Redeveloper for the purpose of setting forth in detail the respective undertakings, rights and obligations in connection with the development and construction of the amended project on the Property.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, and for the benefit of the Parties hereto and general public and to implement the purposes of the Redevelopment Law and the Redevelopment Plan, the Parties do hereby covenant and agree to amend the Redevelopment Agreement as follows:

Section 1. The "Definitions" in Section 1.01 of the Redevelopment Agreement is hereby amended as follows:

a. "Redeveloper" shall mean 595 Lincoln Orange Urban Renewal, LLC, a limited liability company and qualified urban renewal entity under the laws of the State of New Jersey, with an address of 80 River Street, #2C, Hoboken, New Jersey 070303.

Section 2. Section 2.4 of the Redevelopment Agreement entitled "Project" is hereby deleted in its entirety and replaced with the following:

The Project shall generally consist of the development and construction of a six-story multifamily residential building, consisting of seventy (70) market rate rental units, seventy-two (72) off-street parking spaces, and other related amenities and improvements, as more fully described in Exhibit B, all in accordance with the Approved Plan and the Redevelopment Plan, and any other zoning requirements governing the Property, the satisfactory completion of which shall be evidenced by the City's issuance of a Certificate of Completion (the "Project"). All Applications submitted by or on behalf of the Redeveloper shall conform in all material respects to the Approved Plan, the Redevelopment Plan that governs the Property, and all Applicable Laws.

Section 3. Exhibit B entitled "Concept Plan" attached to the Redevelopment Agreement and made part thereof shall be deleted and replaced with the Exhibit B "Concept Plans" attached hereto.

Section 4. Exhibit C entitled "Construction Schedule" attached to the Redevelopment Agreement and made part thereof shall be deleted and replaced with the Exhibit C "Construction Schedule" attached hereto.

Section 5. The Parties agree that capitalized terms not defined herein shall have the meaning set forth in the Redevelopment Agreement, as applicable.

Section 6. Except as expressly amended in this First Amendment, all terms and conditions of the Redevelopment Agreement, as applicable, shall remain in full force and effect. In the event of a conflict between the terms in this First Amendment and the terms of the Redevelopment Agreement, the terms of this First Amendment shall control. The Parties shall cooperate with each other with regard to the implementation of this First Amendment and the Project.

[Signatures appear on following pages]

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be duly executed in its name and behalf by its Authorized Signatory, on or as of the day first above written.

Attest:

CITY OF ORANGE TOWNSHIP

_____
Clerk

By: _____
The Honorable Dwayne D. Warren, Mayor

SEAL

Witness/Attest:

595 LINCOLN ORANGE URBAN RENEWAL LLC

_____

By: _____
Alexander McGee, Managing Member

STATE OF NEW JERSEY)
) SS:
COUNTY OF ESSEX)

BE IT REMEMBERED, that on_____, 2023, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared DWAYNE D. WARREN, ESQ., who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is the Mayor of THE CITY OF ORANGE TOWNSHIP, a body corporate and politic, and the body corporate and politic named in the within instrument; that the execution, as well as the making of this instrument, has been duly authorized by a proper resolution of the City Council; that deponent well knows the seal of the body corporate and politic; and that the seal affixed to said instrument is the proper corporate seal and was thereto affixed and said instrument signed and delivered by DWAYNE D. WARREN, ESQ., the Mayor as and for the voluntary act and deed of said body corporate and politic, in her presence, who thereupon subscribed her name thereto as attesting witness.

Sworn and subscribed to before me this ___ day
of _____, 2023.

_____

Notary Public of the State of NJ
My Commission Expires _____
(Affix Notarial Seal)

STATE OF NEW JERSEY)
) SS:
COUNTY OF ESSEX)

BE IT REMEMBERED, that on_____, 2023, before me, the subscriber, a Notary Public of the State of New Jersey, personally appeared _____, who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is a Managing Member of 595 LINCOLN ORANGE URBAN RENEWAL, LLC, a limited liability company under the laws of New Jersey, and the company named in the within instrument; that the execution, as well as the making of this instrument, has been duly authorized by this limited liability company; that deponent well knows the seal of the body corporate and politic; and that the seal affixed to said instrument is the proper corporate seal and was thereto affixed and said instrument signed and delivered by the deponent as and for the voluntary act and deed of said body corporate and politic, in his presence, who thereupon subscribed his name thereto as attesting witness.

Sworn and subscribed to before me this ___ day
of _____, 2023.

_____

Notary Public of the State of NJ
My Commission Expires _____
(Affix Notarial Seal)

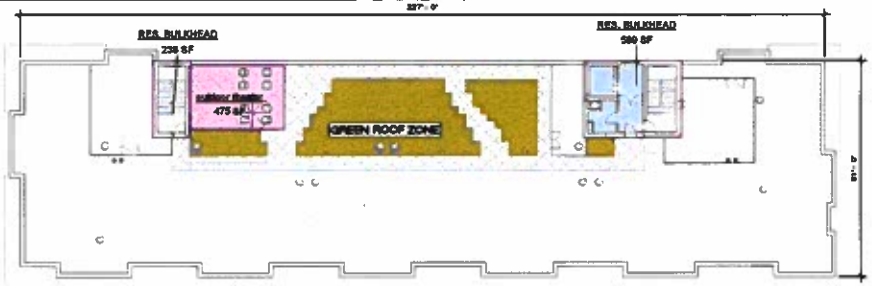
EXHIBIT B
[Concept Plan]

PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT

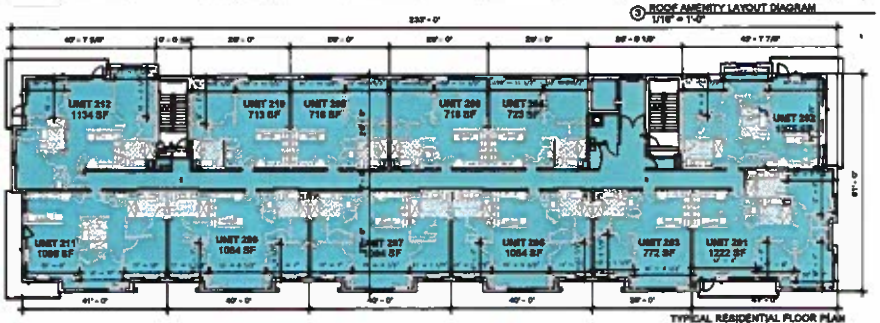
595 LINCOLN APARTMENT

BLOCK 6303, LOT 7

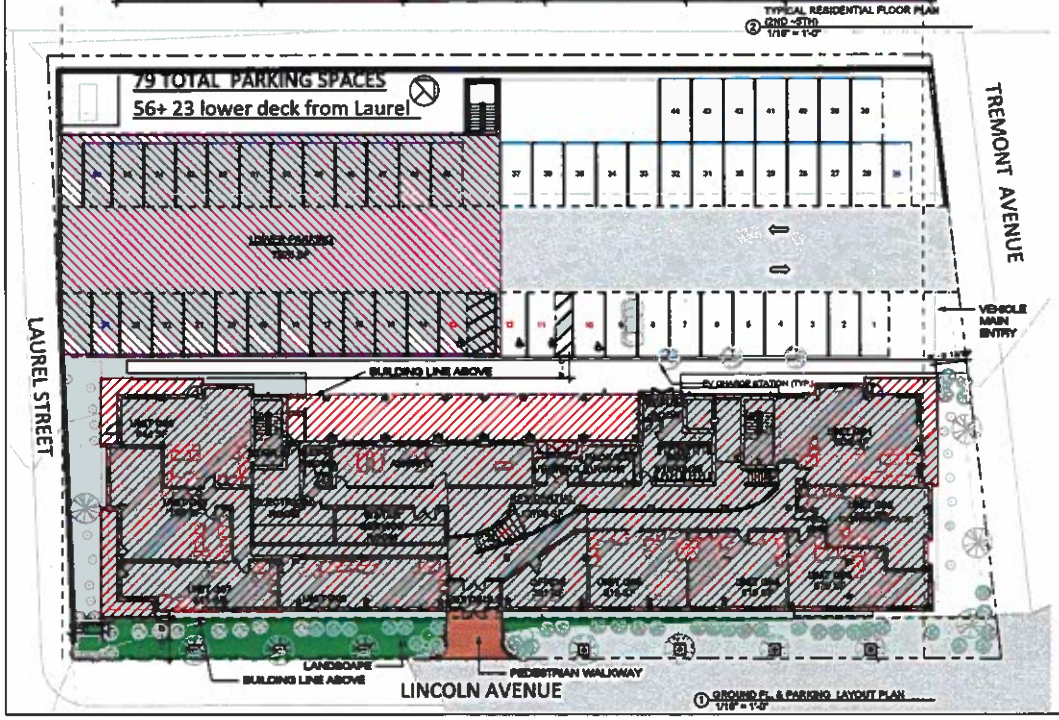
595 LINCOLN AVENUE, CITY OF ORANGE, NEW JERSEY



③ ROOF AMENITY LAYOUT DIAGRAM
1/16" = 1'-0"



② TYPICAL RESIDENTIAL FLOOR PLAN (2ND -5TH)
1/16" = 1'-0"



① GROUND FL. & PARKING LAYOUT PLAN
1/16" = 1'-0"

ZONING DATA

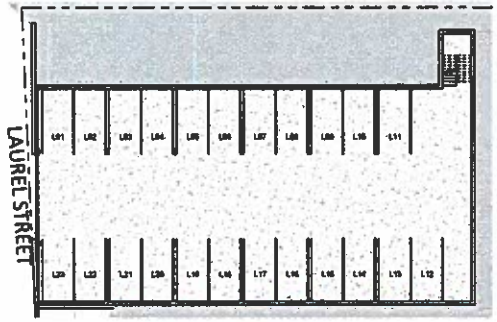
ZONE: LINCOLN AVENUE REDEVELOPMENT AREA (LAP)

PROPOSED USE : MULTIFAMILY RESIDENTIAL APARTMENT (71 UNITS)

ZONING STANDARD	REQUIRED / ALLOWED	PROPOSED	REMARK
MIN. LOT	40,000 SF	0.986 AC (43,400.04 SF)	CONFORMS
MAX. BUILDING COVERAGE	80 %	12.25 %	CONFORMS
MAX. BUILDING HEIGHT	6 STORIES/ 75 FT	6 STORIES / 75 FT	CONFORMS
MAX DWELLING UNIT'S PER ACRE	72 UNITS/ AC	70 UNITS	CONFORMS
MIN. OPEN SPACE	10 %	12%	CONFORMS
MAX. FAR	N/A	1.7	CONFORMS
MAX. IMPERVIOUS COVERAGE	90%	<90%	CONFORMS
SETBACKS			
FRONT YARD	10 FEET	10 FT	CONFORMS
MIN. SIDE YARD	5FEET	8.7 FEET	CONFORMS
TOTAL TWO SIDE YARDS	10 FEET	16 FEET	CONFORMS
RESIDENTIAL APARTMENT PARKING			
MIN. NUMBER OF STALL	1SPACE / UNIT (70SPACES)	TOTAL 79 SPACES	CONFORMS

REVISIONS

1. REVISED UNIT MIX TYPICAL FLOORS.
2. REDUCED TOTAL UNIT # AS 70 UNITS.
3. REVISED PARKING LAYOUT



④ LOWER PARKING LAYOUT
1/16" = 1'-0"

595 LINCOLN AVE GROSS AREA SUMMARY		
Level	Name	Area
GROUND FL.	LOWER PARKING	7,828 SF
LOWER PARKING: 1		7,828 SF
ROOF	RES. BULKHEAD	838 SF
RES. BULKHEAD: 2		838 SF
5TH FL.	RESIDENTIAL	13,771 SF
4TH FL.	RESIDENTIAL	13,771 SF
3RD FL.	RESIDENTIAL	13,770 SF
2ND FL.	RESIDENTIAL	13,771 SF
1ST FL.	RESIDENTIAL	13,771 SF
GROUND FL.	RESIDENTIAL	12,708 SF
RESIDENTIAL: 6		81,563 SF
Grand total		90,027 SF

1 Parking Schedule	
Type	Count
9' x 18' - 90 deg compact	10
9' x 18' 90° Aisle	1
9' x 18' 90° Aisle	1
9' x 18' - 90 deg	12
Grand total: 24	

595 LINCOLN AVE UNIT MIX SCHEDULE		
Level	UNIT TYPE	Count
5TH FL.	1BED	6
5TH FL.	2BED	6
5TH FL.	1BED	2
5TH FL.: 14		
4TH FL.	1BED	6
4TH FL.	2BED	6
4TH FL.	3BED	2
4TH FL.: 14		
3RD FL.	1BED	6
3RD FL.	2BED	6
3RD FL.	3BED	2
3RD FL.: 14		
2ND FL.	1BED	6
2ND FL.	2BED	6
2ND FL.	3BED	2
2ND FL.: 14		
1ST FL.	1BED	6
1ST FL.	2BED	6
1ST FL.	3BED	2
1ST FL.: 14		
GROUND FL. FRONT	STUDIO	2
GROUND FL. FRONT	1BED	6
GROUND FL. FRONT	2BED	1
GROUND FL. FRONT: 9		
Grand total: 70		

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PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT
595 LINCOLN APARTMENT
595 LINCOLN AVE, CITY OF ORANGE, NEW JERSEY
BLOCK 6303, LOT 7

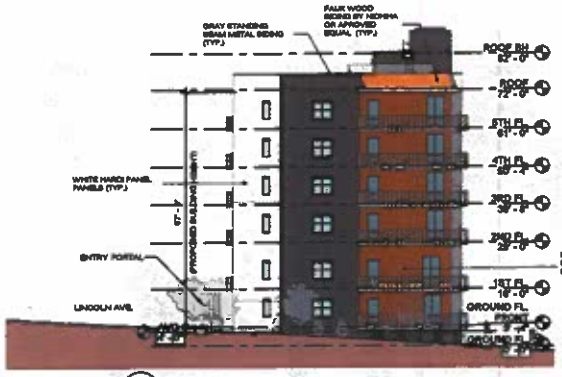
XX ENG
XXX-XXXX

Architectura
XXXX XXXX
City, State, Zip Code
Phone: 000-000-0000
Fax: 000-000-0000
Professional Email: Author@Email.com
A.I.A.
Author
Author Title
Author Company
Author Address

ZONING DATA & FLOOR PLANS

NOT FOR CONSTRUCTION

SCALE	DRAWN BY
AS SHOWN	Author
DATE	SHEET NO.
04.21.2022	A-01
PROJECT NUMBER	
2021005	

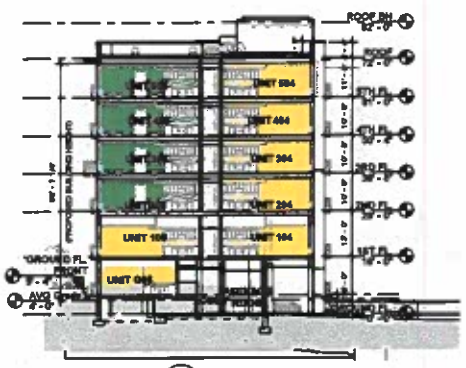


2 NORTH EAST ELEVATION
1/16" = 1'-0"

1 NORTH ELEVATION
1/16" = 1'-0"

4 SOUTH WEST ELEVATION
1/16" = 1'-0"

3 REAR ELEVATION
1/16" = 1'-0"



6 BUILDING SECTION
1/16" = 1'-0"

5 BUILDING SECTION
1/16" = 1'-0"

XX.ENG
XXX.XXXX

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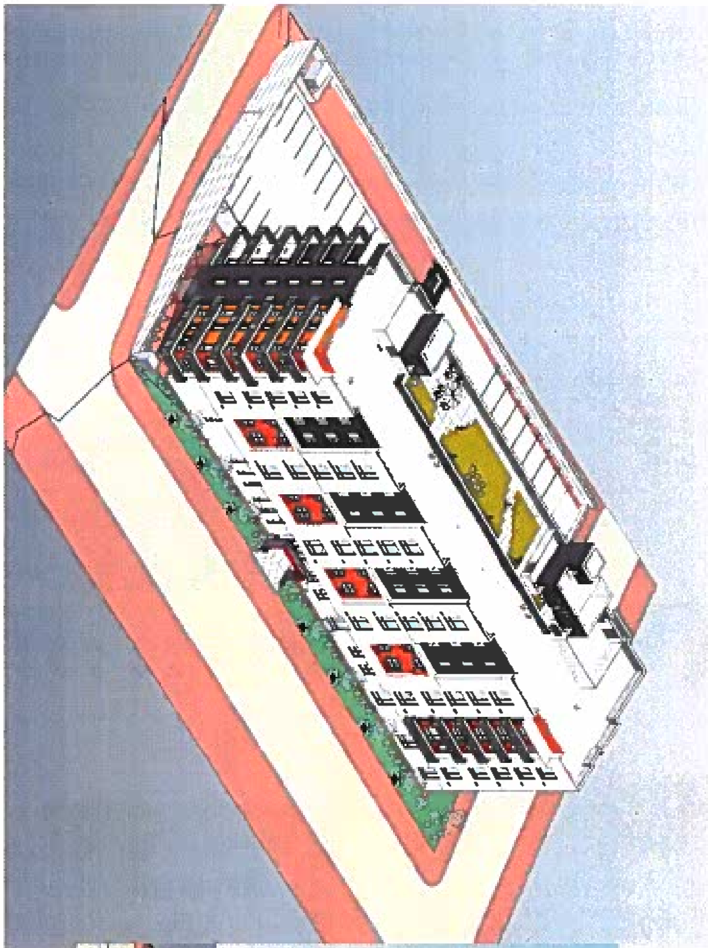
Architectura

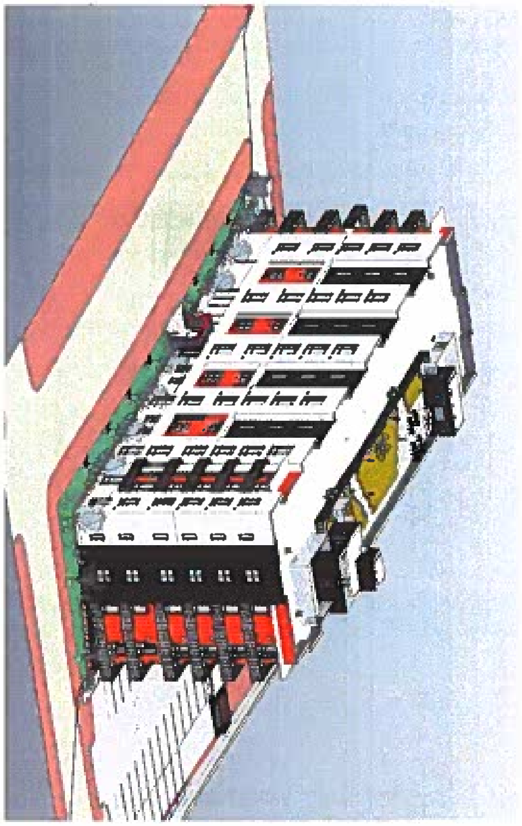
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT
595 LINCOLN APARTMENT
595 LINCOLN AVE, CITY OF ORANGE, NEW JERSEY
BLOCK XXXX, LOT 7

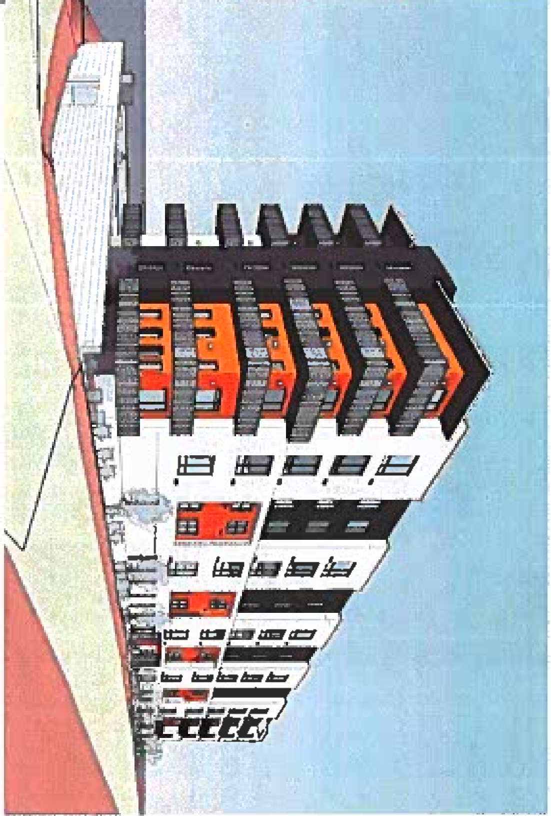
BUILDING ELEVATIONS & SECTIONS

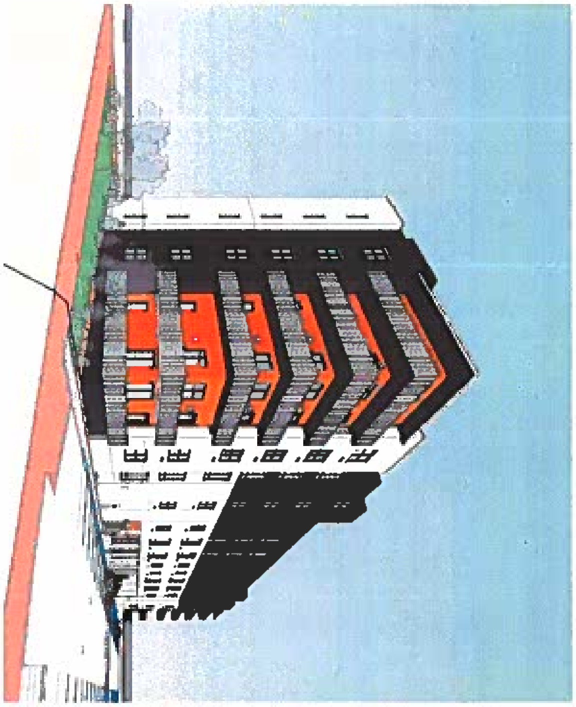
(NOT FOR CONSTRUCTION)

AS SHOWN	Author
04.21.2022	
2021005	A-02









SCHEMATIC BUILDING VIEWS

AS SHOWN

04.11.2022

2021005

Author

A-03

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PROPOSED MULTIFAMILY RESIDENTIAL DEVELOPMENT

595 LINCOLN APARTMENT

595 LINCOLN AVE, CITY OF ORANGE, NEW JERSEY
BLOCK [illegible], LOT 7

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[illegible]
Fort Lee, New Jersey [illegible]
[illegible]

architecture
interior design
planning

XX ENG.
XXX XXXX

PERSPECTIVE

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595 LINCOLN AVE., ORANGE, NJ
01.17.2023

EXHIBIT C
[Construction Schedule]

Project Schedule

ACTIVITY	START	END
Site Plan Approval	Complete	Complete
Resolution Compliance	May 2023	Within 6 months
Permitting	January 2024	Within 3 months
Construction	Upon Construction Financing	Within 36 months from start of Construction
Lease Out	Upon Certificate of Completion	