

CITY COUNCIL

The City of Orange Township, New Jersey

DATE September 3, 2024

NUMBER 404-2024

TITLE: RESOLUTION CONDITIONALLY DESIGNATING AEN URE, LLC AS THE REDEVELOPER FOR THE PROPERTIES LOCATED AT 258 REOCK STREET (BLOCK 2804, LOT 5), 270 REOCK STREET (BLOCK 2804, LOT 4), 274 REOCK STREET (BLOCK 2804, LOT 3), 256 REOCK STREET (BLOCK 2804, LOT 6), 61 SOUTH CENTER STREET (BLOCK 2804, LOT 7), 263 REOCK STREET (BLOCK 2803, LOT 2), 48 SOUTH DAY STREET (BLOCK 2803, LOT 1), 259 REOCK STREET (BLOCK 2803, LOT 3), AND 45 SOUTH CENTER STREET (BLOCK 2803, LOT 4) LOCATED WITHIN THE REOCK STREET REDEVELOPMENT AREA AND GOVERNED BY THE REOCK STREET REDEVELOPMENT PLAN

WHEREAS, the properties located at 258 Reock Street (Block 2804, Lot 5), 270 Reock Street (Block 2804, Lot 4), 274 Reock Street (Block 2804, Lot 3), 256 Reock Street (Block 2804, Lot 6), 61 South Center Street (Block 2804, Lot 7), 263 Reock Street (Block 2803, Lot 2), 48 South Day Street (Block 2803, Lot 1), 259 Reock Street (Block 2803, Lot 3) and 45 South Center Street (Block 2803, Lot 4) (collectively, the **“Properties”**) are located within the Reock Street Redevelopment Area and are governed by the Reock Street Redevelopment Plan (the **“Redevelopment Plan”**): and

WHEREAS, AEN URE, LLC (**“AEN”**) filed a redeveloper application with the City requesting that the City designate AEN as the exclusive redeveloper for the Properties under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the **“LRHL”**), so that AEN may redevelop the Properties with a residential redevelopment project consisting of the demolition of the existing buildings on the Properties and the construction of three (3) multi-family five-story residential buildings that will provide a total of 171 market-rate one and two bedroom apartments, with each building having one-story of parking below four stories of apartments with amenity spaces (as described more fully within the redeveloper application, the **“Project”**); and

WHEREAS, the Municipal Council of the City of Orange Township previously adopted Resolution 293-2022 on June 21, 2022 conditionally designating AEN as the redeveloper for the Properties, but that resolution inadvertently omitted 61 South Center Street (Block 2804, Lot 7) from the properties which were the subject of this redeveloper designation and the designation expired without the parties having entered into a redevelopment agreement for the Project on the Properties; and

WHEREAS, the City wishes to adopt this resolution to conditionally designate AEN to serve as the redeveloper of the Properties in accordance with the LRHL, subject to the conditions set forth herein.

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

SECTION 1: The Municipal Council hereby conditionally designates as the exclusive redeveloper for the Properties under the LRHL, contingent upon the establishment and


A. ALI 2024/9/3

funding (and periodic replenishment if necessary) of an escrow to be held by the City in such an amount as may be deemed appropriate by the City's Business Administrator, in order to provide for the payment of any and all fees and expenses that may be incurred by the City in connection with the Project on the Properties.

SECTION 2: The Municipal Council's conditional designation of AEN as the exclusive redeveloper for the Properties is also expressly conditioned upon the negotiation and entry into a mutually acceptable redevelopment agreement between the City and AEN. If the City and AEN do not enter into a mutually agreeable redevelopment agreement for the Project on the Properties within six (6) months of the date of the adoption of this resolution, then this conditional redeveloper designation shall automatically expire; provided, however, that the Mayor, in his sole discretion, may extend the time period for the negotiation and entry into a redevelopment agreement for the Project on the Properties in additional ninety (90) day increments for up to a maximum of 12 months by providing written notice thereof to AEN and to the City Clerk.

SECTION 3: 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 4: All headings within this resolution are for convenience only and are not deemed to be part of this resolution.

SECTION 5: This resolution shall take effect as provided by law.

Adopted: September 3, 2024

Joyce L. Lanier
Municipal Clerk

Adrienne Wooten
Council President

**CITY OF ORANGE TOWNSHIP
APPLICATION FOR DESIGNATION AS REDEVELOPER**

This information is necessary for the City of Orange Township (the "City") to process an application to designate an applicant as a redeveloper in an authorized redevelopment area within the City. Fill in all blanks, using "NONE" or "NOT APPLICABLE" where necessary. If more space is needed to answer any specific questions, use a separate sheet. Return one original plus four copies of this application and one copy of the financial materials to the Redevelopment Agent, City of Orange Township, 29 North Day Street, Orange, New Jersey 07050.

Summary: Please provide a brief narrative description of the project to be developed in the redevelopment area:

Multi-family project comprised of 162 dwelling units and consistent with the Redevelopment Plan.

I. Applicant Information (Proposed owner of the project)

A. General Information

Name of Applicant AEN URE LLC	Name of Contact Person (office/owner of the applicant) Richard LaBarbiera & Paul Kaufman	
Street Address 281 Dunkerhook	City Paramus, NJ 07652	Date of Application January 18, 2022

County Bergen	State NJ	Zip Code 07631	Employer's I.D. No. 87-2099344	Telephone No.
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Mailing Address	Fax No.
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B. Applicant's Business Organization: Corporation ___ Partnership ___ Sole Proprietorship ___ Other (describe): Limited Liability Company _____ If incorporated, in what state chartered? New Jersey

Is the applicant a subsidiary or direct or indirect affiliate of any other organization? Yes No If yes, indicate name and address, and employee identification number of related organization and relationship. (Use separate page if needed and include as Exhibit 1B.)

- C. List 100% ownership including all officers, directors and partners of the applicant. Also, list all owners and stockholders of applicant (complete all columns for each person). If the applicant is a publicly-held corporation please provide the latest proxy statement indicating stock ownership and 10-K. (Use separate page if needed and include as Exhibit 1C.)

Name and Home Address	Birth Date	Office Held	Percent Ownership
The Applicant's Organizational structure is attached			

- D. For each person listed in items B and C above, please provide the names and business addresses of all other companies, partnerships, proprietorships, or business associations in which such person or entity holds 10% or more interest, stock, or ownership, and the percentage of such ownership. (Use separate page if needed and include as Exhibit 1D.)

- E. Have any of the persons or entities listed in items A, B, C, or D above:

1. been within the last five years, a party in litigation involving laws governing hours of labor, minimum wage standards, discrimination in wages or child labor? Yes No
2. been, or is now, charged with, convicted of, under indictment, on parole, on probation or a plaintiff in, any criminal or civil offense other than a minor motor vehicle violation? Yes No
3. been or is now, subject to, or has pending, any disciplinary action by any administration, governmental or regulatory body? Yes No
4. been or is now subject to any order resulting from any criminal, civil or administrative proceeding brought against such persons or parties by any administrative governmental, or regulatory agency? Yes No
5. been or is now denied any license by any administrative, governmental or regulatory agency on the grounds of moral turpitude? Yes No
6. been or is now informed of any current or on-going investigation with respect to possible violations by such persons or parties of state or federal securities, antitrust or criminal laws? Yes No

7. been or is now denied a business-related license or had it suspended or revoked by any administrative, governmental or regulatory agency? Yes No
8. been or is now disbarred, suspended or disqualified from contracting with any federal, state or municipal agency? Yes No
9. been or is now in receivership or adjudicated bankrupt? Yes No
10. been or is now in default on a personal or business loan? Yes No

If the answer is yes to any question in item E above, furnish details on a separate page as Exhibit II. Be sure to answer the questions correctly, they are important. The fact that you have an arrest or conviction record will not necessarily disqualify your application, but a deliberate incorrect answer will probably cause your application to be turned down. Any information you wish to submit that may expedite this investigation should be set forth in Exhibit II.

- F.
1. Name, address and telephone number of counsel to applicant:
Paul Kaufman, Esq.; DeCotiis FitzPatrick Coke & Giblin LLP; 61 S. Paramus Rd, Suite 250, Paramus, NJ 07652; O: 201-928-110; C: 201-248-2623
 2. Name, address and telephone number of applicant's principal bank(s) of account and loan officer: ConnectOne Bank, 301 Sylvan Ave., Englewood Cliffs, NJ N07632
Paul Leale, V.P.
 3. Name, address and telephone number of accountant to applicant:
Sid Bornenstein & Company, 1009 E 14th Street, Brooklyn, NY 11230
7180253-8700
 4. Name, address and telephone number of project architect and/or engineer:
Ray Virgona; Virgona & Virgona; 125 Rover Road, Suite 201; Edgewater, NJ 07020

II Project Information

A Location of Proposed Project See attached sheet

Street Address:

Block(s):

Lots:

Section:

B. Project Site (Land)

1. Indicate approximate size (in acres or square feet of land). 50,141 square feet – 1.15 acres
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2. Are there buildings now on the project site? yes no

If yes, indicate number and approximate size in square feet of each building.

3. Indicate the present owner of the project site.

Other than Block 2803 Lot 7, the property is owned by the Applicant. To best of our knowledge, Lot 7 is owned by an entity controlled by Tony Prioletti.

4. Indicate the Present owner of the project site.

Name: Applicant – see above

Contact Person:

Business Street Address:

City/State/Zip:

Telephone:

5. If the applicant is not now the owner of the project site, does the applicant have an option to purchase the project site? _____ Yes No If yes, please indicate:

The Applicant has been in negotiations to purchased Block 2803 Lot 7.

- date the option or contract was signed with owner
- the purchase price of the project site \$
- the expiration date of the option or contract
- Please attach executed copy of the option agreement or contract.

6. If the applicant is not the owner of the project site, does the applicant now lease the project site or any buildings on the site? _____ yes no N/A

7. Is there a relationship legally or by virtue of common control between the applicant or proposed occupant of the product, and the present owner of the project property?

_____yes no If yes, describe relationship, use a separate page if needed and include as Exhibit IIB7. N/A

C. Buildings

1. Does the project involve the acquisition of an existing building(s)? _____
yes no

If yes, indicate the number and size of the building(s). Block 2803 Lot 7 is vacant

2. Does the project consist of the construction of a new building(s)? yes no If yes, indicate number and size of the new building(s). 3 new buildings as set forth on the attached conceptual plan.

3. Does the project consist of additions and/or renovations to existing buildings?
 _____ yes XX __no If yes, indicate the site of the addition and/or nature of the renovation.
4. Describe in detail the principal uses by the project occupant(s) of the building(s) and/or equipment to be acquired, constructed or expanded (i.e. manufacturing widgets, research relating to widget design, executive offices for management of widget company, warehousing for storage of widgets, etc). Please respond to this item *as fully and precisely as possible*; attach separate sheet if needed and include *as Exhibit IIC4*.
 Uses include garage/auto repair. All buildings will be vacated before construction.

D. Federal, State and Municipal Tax Payments.

For the applicant, affiliated entities, and each owner of the applicant.

1. Are federal/state employee withholding tax payments current?
 XX yes __no If not, please explain and attach separate sheet if needed and include as Exhibit IIH1.
2. Are sales and other business tax payments current?
 XX yes __no If no, please explain and attach separate sheet if needed and include as Exhibit IIH2.
3. Are corporate/personal federal and state tax payments current?
 XX yes __no If no, please explain and attach separate sheet if needed and include as Exhibit IIH3.
4. Are municipal property tax payments current at the project site?
 XX yes __no If no, please explain and attach separate sheet if needed and include as Exhibit IIH4.

- E. Project Benefits and inducements (Please be specific). Indicate, in detail, facts which would support the City determining that the project will tend to maintain or provide the new employment, maintain or increase the tax base of the economy of the City and maintain or diversify and expand business and industry in the City.
- F. PROJECT COSTS

ITEM	AMOUNT
Acquisition of Land	4,063,947
Acquisition of Building	N/A
Renovation of Existing Building	N/A
Construction of New Building or Addition	24,500,000 (hard costs)
Acquisition of Equipment & Machinery	N/A
Renovation of Existing (Used) Equipment &	N/A
Construction of Roads, Utilities, Etc.	1,000,000

Engineering, Architectural & Planning Fees	250,000 (include construction drawings)
Finance Fees	TBD
Accounting Fees	25,000
Legal Fees	150,000
Debt Service Reserve Fund	TBD
Interest During Construction	TBD
Refinancing	TBD
Working Capital	TBD
Other (Specify)	
TOTAL PROJECT COSTS	29,988,947

The above project costs are estimates and subject to change based upon construction drawings, construction financing (which will be based upon market conditions at the time entitlements are obtained) and material costs which have increased and been fluctuating.

G. EMPLOYMENT

Indicate below the number of people presently employed and the number that will be employed at the project, at the end of the second year after the project has been completed (do not include construction workers). All projections should be accurate, conservative and achievable since employment projections are part of the redevelopment agreement with the City. All figures should be based upon full-time employees working more than 30 hours per week.

N/A

Type of Employment	On Site at Present	Second Year After Completion

Job Descriptions: Provide a brief description of the specific occupational titles that correspond to the new jobs to be created as a result of the financing, together with estimated annual wages to be paid for each title. Please be specific (i.e. 4 keypunch operators@ \$25,000 per year; 5 supervisory personnel@ \$30,000 per year etc.)

III. Application Fee

Upon submission of this Application for Designation as a Redeveloper the Applicant shall provide the City with a nonrefundable Application Fee as follows:

<u>Projected Total Project Cost:</u>	<u>Fee:</u>
[Less than \$500,000]	[\$500.00]
\$500,000- \$1,000,000	\$1,000.00
\$1,000,001 - \$5,000,000	\$1,500.00
Greater than \$5,000,000	.05% of Total Project Costs

IV. Certification of Application

PLEASE NOTE:

Eligibility for designation as redeveloper by the City is determined by the information presented in this application and the required attachments and schedules.

I, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY:

I affirm, represent and warrant that the information contained in this application and in all attachments submitted herewith is to the best of my knowledge true and complete.

SIGNATURE: _____



Officer/Owner

1/19/2022

(Date)

NAME: Rich LaBarbiera

(PRINT)

TITLE: Managing Member

WITNESS: _____



Print Name: Richard LaBarbiera Jr.

**CITY OF ORANGE TOWNSHIP
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Attachment to Section IIA

Properties are as follows:

Block 2804 Lots 3, 4 & 5	258, 270 & 274 Reock Street
Block 2804 Lot 6	256 Reock Street
Block 2803 Lots 1 & 2	263 Reock Street & 48 South Center Street
Block 2803 Lots 3 & 4	259 Reock Street & 45 South Center Street

Attachment to Section 1C

The Applicant is AEN URE LLC, a New Jersey limited liability company formed July 21, 2021. The Members of AEN URE LLC are as follows: AE Orange LLC 50%; Reock Holdings LLC 12.5%; Nahareock LLC 12.5%; Nahareock QOZ Stem LLC 12.5% and SIRJ NJ LLC 12.5%.

The Members are owned as follows: AE Orange LLC is owned 55% by Simius Orange LLC and 45% by AE Developers LLC. Simius is owned by Brian Rand, 264 Indian Trail Drive, Franklin Lakes, NJ. AE Developers is owned by RVN Development LLC 50% and Lexington Edgewater LLC 50%. Richard LaBarbiera, 281 Dunkerhook, Paramus, NJ owns 100% of RVN. Paul Kaufman, 43 Lexington Ct., Englewood, NJ owns 100% of Lexington Edgewater.

The Members of Reock Holdings LLC, Nahareock LLC, Nahareock QOZ Stem LLC and SIR NJ LLC are the same, to wit: Jonathan Lewin, 1667 Buckingham Rd., Teaneck 24.46%; Raz Winiarsky, 50 Hickory Road, Woodmere, NY, 24.458%; Jay Robinson, 574 Mewbridge Rd., Teaneck, NJ, 13.59%; Steven Horowitz, 5280 Independence Ave, Bronx, NY, 12.414%; Isaac Abramchayev, 67-52 179th Street, Fresh Meadows, NY, 9.623%; Jonathan Simhaee, 11 Parkside Drive, Great Neck, NY, 7.88%; Rand OP Zone LLC (Jonathan Rand), 392 Rutlnad Ave, Teaneck, 4.52%; Ron Vianu, 460 West 42nd St., New York, NY, 1.79% and Yehuda Miller, 140 Merrison St., Teaneck, NJ, 1.26%

The Manager of AEN URE LLC is Nahareock Development LLC. The members are Reock Holding LLC (12.5%), Nahareock LLC (12.5%), Nahareock QOZ Stem LLC (12.5%), SIRJ NJ LLC (12.5%) and AE Orange LLC (50%).