

RESOLUTION NO. 2016-65

A RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE MASTER REDEVELOPER AGREEMENT DATED AUGUST 2006 BETWEEN SOMERSET DEVELOPMENT, LLC AND THE TOWNSHIP OF ABERDEEN

WHEREAS, pursuant to the provisions of the New Jersey Local Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et. seq. (“LHRL”) the Township has undertaken a program for the redevelopment of a former industrial site commonly identified as the Anchor Glass Site within the Anchor Glass Redevelopment Area (hereinafter referred to as the “Redevelopment Area”) and such parcel of property is identified as Tax Block 155, Lot 1 within the Township of Aberdeen; and

WHEREAS, the Township has adopted the Redevelopment Plan for the Redevelopment Area as set forth in Township Ordinance No. 14-2010 known as the Glassworks Mixed Use Redevelopment Plan (the “Redevelopment Plan”); and

WHEREAS, the Redeveloper requested that the Township designate it to serve as the redeveloper of the Redevelopment Area; and

WHEREAS, on February 21, 2006, the Governing Body of the Township adopted a resolution (Resolution No. 2006-40) designating Somerset to serve as the redeveloper of the Redevelopment Area; and

WHEREAS, the Township and Somerset thereafter negotiated and entered into the Master Agreement dated August 2006 (“the Agreement”); and

WHEREAS, the Township’s Planning Board has granted the Redeveloper preliminary and final major site plan approval Phase I (consisting of 6 sections) and preliminary site plan approval Phase II (consisting of 2 sections) by resolution dated September 18, 2013 for the Project (the “Glassworks Site Plan Resolution”); and

WHEREAS, the Township Planning Board has granted Somerset and Ingerman Development Group, LLC (“Ingerman”), the proposed developer of the affordable housing units within the Project that are part of Phase IA, administrative changes to the Glassworks Site Plan Resolution requirements by resolution dated October 1, 2014 (the “Phase 1A Administrative Change Site Plan Resolution”); and

WHEREAS, the Glassworks Site Plan Resolution specifies that the Redeveloper will develop a project consisting of a total of 500 residential units (including 110 affordable housing units), 75,000 sq. ft. of retail/commercial space, a movie theatre, and a hotel, along with associated site and infrastructure improvements, to be completed in two Phases with six (6) sub-phases in Phase I and two (2) sub-phases in Phase II (the “Project”), all in accordance with the final site plan prepared by Langan Engineering and Environmental Services, dated January 16, 2013, revised through July 1, 2014 with certain revised site plan sheets dated November 11, 2014 and revised through March 16, 2015 (totaling 79 sheets) (the “Final Site Plan”) and the terms of the Glassworks Site Plan Resolution; and

WHEREAS, the Redeveloper acknowledges that all uses to which the Project Premises may be devoted shall be controlled by the Redevelopment Plan (defined herein); the Agreement (as amended by this First Amendment), the Glassworks Site Plan Resolution, Phase 1A Administrative Change Site Plan Resolution, and this First Amendment and that under no circumstances shall the Redeveloper undertake any construction or development of the Project Premises unless it is strictly in accordance with the Redevelopment Plan, the Glassworks Site Plan Resolution, Phase 1A Administrative Change Site Plan Resolution and the Agreement (as amended by this First Amendment); and

WHEREAS, the Project, as approved by the Glassworks Site Plan Resolution and Phase 1A Administrative Change Site Plan Resolution, is a modified version of the project originally contemplated by the Agreement but is all consistent with the Redevelopment Plan; and

WHEREAS, as a result of the foregoing it is the intention of the parties to modify the Agreement by way of this First Amendment; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that it hereby approves and authorizes the execution of the First Amendment to the Master Redeveloper Agreement dated August 2006 between Somerset Development, LLC and the Township of Aberdeen for the Anchor Glass Redevelopment Area.

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized to execute any and all documents, including the First Amendment to the Master Redeveloper Agreement, substantially consistent with the form of agreement attached hereto, subject to the final review by the Township Attorney as to legal form and content.

ATTEST:

ADOPTED:

KAREN A. VENTURA,
TOWN CLERK

FRED TAGLIARINI,
MAYOR