

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

RESOLUTION NO. 2022-243

**RESOLUTION DESIGNATING 750 WALNUT AVENUE LOGISTICS LLC AND 750
WALNUT AVENUE RESIDENTIAL URBAN RENEWAL LLC AS REDEVELOPER OF
CERTAIN PROPERTIES IDENTIFIED ON THE TOWNSHIP TAX MAP AS BLOCK 541,
LOT 2, QUALIFIERS C01, C02, C03, C04, C05, C06 AND C07 PURSUANT TO THE
LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. AND
APPROVING AN ESCROW AGREEMENT**

WHEREAS, by Resolution No. 2020-159 adopted on February 25, 2020, the Cranford Township Committee directed the Planning Board to conduct a preliminary investigation pursuant to N.J.S.A. 40A:12A-6 to determine whether the properties designated on the Township tax map as Block 541, Lot 2, Qualifiers C01, C02, C03, C04, C05, C06 & C07 (the “**Properties**”) qualifies as a condemnation area in need of redevelopment according to the criteria set forth in Section 5 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq; and

WHEREAS, Hartz Mountain Industries, Inc. (“Hartz”), by and through certain subsidiaries, is the fee owner of the Properties, comprised of roughly 30.5 total acres; and

WHEREAS, Planning Board directed Topology, LLC to undertake an investigation of the Properties and prepare a preliminary investigation report as required by the statute, and Topology prepared a Preliminary Investigation Report dated August 18, 2020 (“Preliminary Investigation”); and

WHEREAS, the Planning Board provided the required legal notices and conducted a public meeting in accordance with the requirements of N.J.S.A. 40A:12A-6 on September 2, 2020 and September 16, 2020; and

WHEREAS, during the aforesaid hearings, the Planning Board reviewed the Preliminary Investigation Report prepared by Topology dated August 18, 2020, and heard testimony from Leigh Anne Hindenlang, AICP/PP, a planning expert employed by Topology, and co-author of said report; and

WHEREAS, upon review and consideration of the aforementioned report, the exhibits entered into evidence, and the testimony presented during the hearings, the Planning Board determined that the Properties satisfy the criteria for designation as a Condemnation Area in Need of Redevelopment pursuant to the aforementioned statute; and

WHEREAS, on September 16, 2020, the Planning Board voted to recommend to the Township Committee that the Properties be designated a Condemnation Redevelopment Area; and

WHEREAS, on October 7, 2020, the Planning Board adopted a Resolution No. 2020-013

memorializing its September 16, 2020 vote accepting and adopting the conclusions contained in the Study and recommending designation of the Properties as a Condemnation Redevelopment Area; and

WHEREAS, by Resolution No. 2020-356, (“Redevelopment Resolution”), dated November 10, 2020, the Township Committee designated the Property as a Condemnation Area in Need of Redevelopment, as provided in N.J.S.A.40A:12A-5; and

WHEREAS, the Redevelopment Resolution was transmitted to the Commissioner of the Department of Community Affairs (“DCA”) via overnight delivery on November 16, 2020, in accordance with N.J.S.A. 40A: 12A-6; and

WHEREAS, the Parties have reached an agreement that Hartz will develop the Property to include, among other things, an inclusionary project consisting of units which will be set-aside for very low-, low- and moderate-income households (“Inclusionary Development”), which Inclusionary Development is part of the Township’s Compliance Plan that is subject of a settlement agreement between the Township and Fair Share Housing Center (“FSHC Settlement Agreement”); and

WHEREAS, the Parties entered into a Memorandum of Understanding which sets forth the terms, conditions, responsibilities and obligations of the Parties relative to creating a realistic opportunity to develop the Inclusionary Development consisting of a total of 250 residential units (the “Residential Project”) and 250,000 square feet of commercial use (the “Commercial Project”) (the Residential Project and the Commercial Project together referred to as the “Project”); and

WHEREAS, a redevelopment project located in an Area in Need of Redevelopment must be undertaken in accordance with a Redevelopment Plan, in accordance with N.J.S.A. 40A:12A-7; and

WHEREAS, the Township Committee authorized Topology, LLC to prepare a Redevelopment Plan for the Property in accordance with the requirements of the Redevelopment Law; and

WHEREAS, the Township Committee adopted the Redevelopment Plan on December 14, 2021 by Ordinance No. 2021-18; and

WHEREAS, the Redevelopment Plan incorporates the design requirements and conditions for the redevelopment of the Property for the Hartz Project; and

WHEREAS, in contemplation of the redevelopment of the Property pursuant to the Redevelopment Plan and this Agreement, Hartz has terminated the existing condominium form of ownership of the existing structures located on the Property and has commenced demolition of these structures; and

WHEREAS, the Residential Project shall be approved and constructed pursuant to a Redevelopment Agreement with 750 Walnut Avenue Residential Urban Renewal, LLC, an affiliate of Hartz; and

WHEREAS, the Commercial Project shall be approved and constructed pursuant to a Redevelopment Agreement with 750 Walnut Avenue Logistics, LLC; and

WHEREAS, the Township has determined it to be in the best interests of the Township to designate **750 WALNUT AVENUE RESIDENTIAL URBAN RENEWAL, LLC** as the redeveloper of the Residential Project and to undertake the Residential Project; and

WHEREAS, the Township has determined it to be in the best interests of the Township to designate **750 WALNUT AVENUE LOGISTICS, LLC** as the redeveloper of the Commercial Project and to undertake the Commercial Project; and

WHEREAS, **750 WALNUT AVENUE RESIDENTIAL URBAN RENEWAL, LLC** and **750 WALNUT AVENUE LOGISTICS, LLC** recognize that the Township has incurred the Prior Costs and has and will incur additional costs and expenses in connection with the Redevelopment Project, and **750 WALNUT AVENUE RESIDENTIAL URBAN RENEWAL, LLC** and **750 WALNUT AVENUE LOGISTICS, LLC** are willing to defray the actual costs and expenses of the Township related to the Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, New Jersey as follows:

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **Residential Project Redeveloper Designation.** **750 WALNUT AVENUE RESIDENTIAL URBAN RENEWAL, LLC** is designated as the redeveloper of the Residential Project to negotiate a mutually acceptable Redevelopment Agreement to effectuate the goals and objectives of the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-1.
3. **Commercial Project Redeveloper Designation.** **750 WALNUT AVENUE LOGISTICS, LLC** is designated as the redeveloper of the Commercial Project to negotiate a mutually acceptable Redevelopment Agreement to effectuate the goals and objectives of the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-1.
4. **Escrow Agreement.** The Agreement annexed to this Resolution as Exhibit A is hereby approved. The Mayor is authorized to execute the Agreement on behalf of the Township.
5. **Severability.** If any part of this resolution shall be deemed invalid, such parts shall be served and the invalidity thereby shall not affect the remaining parts of this resolution.
6. **Resolution on File.** A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.
7. **Effective Date.** This Resolution shall take effect immediately.

Certified to be a true copy of a resolution adopted by the Township Committee of the Township of Cranford at a meeting held May 24, 2022.

Patricia Donahue, RMC
Township Clerk

Date: _____