

ORDINANCE NO. 3374
INTRODUCED BY: MAYOR JOSEPH P. SCARPELLI
INTRODUCED ON: NOVEMBER 21, 2017
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ORDINANCE NO. 3374

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 85, ENTITLED LAND USE PROCEDURES, PARTICULARLY ARTICLE VII (MISCELLANEOUS PROVISIONS), TO ADD SECTION 49 ENTITLED BALTIMORE STREET RIGHT-OF-WAY CONVEYANCE AGREEMENT

WHEREAS, TFJ Kingsland, LLC filed a permit application to construct a self-storage facility on the premises known as 10 Kingsland Street, also being Block 602, Lot 5 on the Tax Map of the Township of Nutley; and

WHEREAS, TFJ Kingsland, LLC filed an application with the Zoning Board of Adjustment requesting variances from the terms of the Zoning Ordinance; and

WHEREAS, at the Zoning Board public hearings held on July 17, 2017 and August 21, 2017, TFJ Kingsland, LLC agreed to mill and pave in its entirety Baltimore Street from Passaic Avenue to the Clifton Border in exchange for the conveyance of a small triangular shaped portion of a right-of-way on Baltimore Street abutting the TFJ Kingsland, LLC property; and

WHEREAS, said portion of right-of-way is owned by the Township of Nutley and is unimproved;

WHEREAS, Pennoni Associates, municipal engineers for the Township of Nutley, reviewed and examined the permit and zoning applications and exhibits and determined that the conveyance of the triangular portion of right-of-way would not impair or impact the existing roadway right-of-way on Baltimore Street; and

WHEREAS, the Zoning Board Resolution dated September 18, 2017 memorialized all terms and conditions for the paving of Baltimore Street; and

WHEREAS, the Zoning Board resolution provided that the Township of Nutley Board of Commissioners approve the conveyance of the triangular portion of Baltimore Street Right-of-Way with all reservations for necessary and appropriate utility easements; and

WHEREAS, a Meets and Bounds property description for the triangular portion of right-of-way will be included as part of a Deed transfer between Township of Nutley and TFJ Kingsland, LLC as part of the agreement and approved application before the Zoning Board of Adjustment;

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of the Township of Nutley formally and in accordance with N.J.S.A. 40A:12-13(b)(5) approve the agreement to convey a small triangular portion of Baltimore Street Right-of-Way to TFJ Kingsland LLC in exchange for the paving of the roadway as made a condition of the approval by the Zoning Board of Adjustment on August 21, 2017.

BE IT FURTHER ORDAINED that the Mayor and Clerk are hereby authorized to sign all necessary legal documents and agreements on behalf of the Township of Nutley necessary for the conveyance of a small triangular portion of Baltimore Street Right-of-Way to TFJ Kingsland, LLC.