

Ordinance of the City of Paterson, N.J.

No. 13 1st Reading No. ... 23-008

Date . JANUARY 17, 2023

No. ... 8 Public Hearing
(2nd Rdg. & Final Passage)

Date to Mayor JANUARY 18, 2023


Date Returned JANUARY 19, 2023

Division

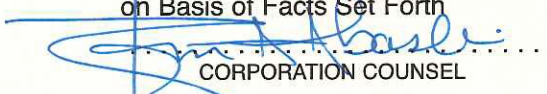
Date Submitted to
Council DECEMBER 13, 2022

TITLE: **AN ORDINANCE VACATING A
PORTION OF PEEL STREET**

Factual Contents Certified to By

 Title 11/28/22
Date

Approved As To Form and Legality
on Basis of Facts Set Forth

 CORPORATION COUNSEL 11/22/22
Date

COUNCILPERSON RUBY N. COTTON/LUIS VELEZ

Moved the Following Ordinance:

WHEREAS, the active roadway of Peel Street begins at Wait Street and proceeds west, after which Peel Street becomes a “paper street”; and

WHEREAS, the Planning Board’s June 5, 2019 Resolution recommending the approval of the street vacation on the said “paper street” to the Municipal Council is attached hereto as Exhibit A; and

WHEREAS, the Applicant, Peel Street Realty, LLC, is the owner of property known as 132-142 Peel Street (Block 1805, Lot 1); and

WHEREAS, Lemonia, LLC is the owner of property known as 16-80 Wait Street (Block 1905, Lot 2); and

WHEREAS, Karavas Realty, LLC is the owner of property known as 98-124 6th Avenue (Block 1905, Lot 1); and

WHEREAS, Peel Street Realty, LLC, Lemonia LLC, and Karavas Realty, LLC are all affiliates of Kontos Foods, Inc. and are owned and/or controlled by Steven Kontos; and

WHEREAS, Peel Street is bounded entirely to the south by Block 1805, Lot 1; and

WHEREAS, Peel Street is bounded entirely to the north by Block 1905, Lot 2; and

WHEREAS, Peel Street is bounded entirely to the west by Block 1905, Lot 1; and

WHEREAS, Peel Street is bounded entirely to the east by Wait Street; and

WHEREAS, Peel Street is a short dead-end Street not longer than 215.58 feet; and

WHEREAS, Kontos Foods, Inc. and its affiliates’ properties completely surround Peel Street; and

WHEREAS, Kontos Foods, Inc. and its affiliates are the only entities that will use or occupy Peel Street prior and subsequent to vacation; and

WHEREAS, the vacation of Peel Street will enable Kontos Foods, Inc. to expand which will be an economic stimulus for the City of Paterson; and

WHEREAS, Peel Street, whose vacation is requested, is more particularly described in EXHIBIT B, attached (Survey of Costa Engineering Corporation dated January 22, 2019); and

WHEREAS, it has been determined by the City Council that Peel Street is not required for public purposes, and that the proposed street vacation is deemed to be in the general public interests of the City of Paterson and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF PATERSON as follows:

SECTION I. Pursuant to the authority granted by N.J.S.A. 40:67-1, the following portion of Peel Street, a public street in the City of Paterson, is hereby vacated:

AN ORDINANCE VACATING A PORTION OF PEEL STREET

BEGINNING at the point in the westerly right of way line of Wait Street. Said point being on a bearing of S 33 ° 51' 30" W, a distance of 215.58, along the right of way from the intersection of same with the southerly right of way line of 6th Avenue and running; thence,

Continuing along the aforesaid right of way line of Wait Street, and across the right of way of Peel Street (50.00' wide), on a bearing of S 31 ° 42' 03" W, a distance of 53.13 feet to a point; thence,

Along the southerly right of way line of Peel Street, on a bearing of N 78 ° 03' 30" W, a distance of 171.45 feet to the terminus of the afore mentioned Peel Street; thence,

Along the aforesaid westerly terminus of Peel Street on a bearing of N 11 ° 56' 30" E, a distance of 50.00 feet to the northerly right of way line of Peel Street, thence,

Along the northerly right of way line of the aforesaid Peel Street, and parallel to the southerly right of way line, on a bearing of S 78 ° 03' 30" E, a distance of 189.41 feet to the aforesaid right of way line of Wait Street and point of BEGINNING.

Area of vacation described 9,021.47 sq. ft. or 0.2071 acres.

Bearings for this description refer to the Survey by Costa Engineering Corporation attached hereto as Exhibit B.

SECTION II. The City of Paterson expressly reserves and excerpts from vacation all rights and privileges possessed by public utilities as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, N.J.S.A. 48:5A-1 et seq., to maintain, repair, and replace their existing facilities in, adjacent to, over or under the street to be vacated.

SECTION III. The portion of Peel Street so vacated shall become part of the lots which it abuts and shall be owned by the parties owning such lots respectively. Said parties shall be responsible for all incidents of ownership.

SECTION IV. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed to the extent of such inconsistencies only.

SECTION V. The City Clerk shall, within sixty (60) days of this Ordinance becoming effective, file a certified copy thereof, under seal of the City of Paterson, together with a copy of the proof of publication thereof, in the Office of the Clerk of Passaic County, Registry Division.

SECTION VI. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed several and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION VII. This Ordinance shall take effect upon passage, approval and publication, as required by law.

SECTION VIII. The City Clerk and the Corporation Counsel may correct any clerical errors in printing, publication and codification of this Ordinance, provided both concur with the correction being made and both certify the clerical correction being made in writing to the Municipal Council within seven days thereof.

SECTION IX. The City Clerk and the Corporation Counsel may correct any clerical errors in printing, publication, and codification of this Ordinance, provided both concur with the correction being made and both certify in writing to the Municipal Council as to the specifics of the clerical correction no later than seven (7) days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next Regular Meeting. The said certifications shall also be prominently posted no later than the date of the next Regular Meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the City Clerk.

**AN ORDINANCE VACATING A
PORTION OF PEEL STREET**

STATEMENT OF PURPOSE

The purpose of this Ordinance is to approve the vacation of a portion of Peel Street subject to an easement as necessary for the benefit of the City of Paterson and all public utility companies.

Z:\documents\Romina Pascual\Ordinances\ORD.Peel Street Vacation.7-29-19.docx

SECONDED BY COUNCILPERSON ALEX MENDEZ

Do Not Use Space Below This Line

RECORD OF COUNCIL VOTE ON FINAL PASSAGE	AYE	NAY	ABSTAIN	ABSENT
1. ABDELAZIZ, ALAA "AL"				X
2. COTTON, RUBY N.	X			
3. DAVILA, MARITZA				X
4. JACKSON, MICHAEL				X
5. KHALIQUE, SHAHIN	X			
6. MENDEZ, ALEX	X			
7. MIMMS, LILISA			X	
8. UDDIN, MD FORID		X		
9. VELEZ, LUIS	X			

Adopted on first reading at a meeting of the Council of the City of Paterson, N.J., on DECEMBER 13, 2022 Adopted on second and final reading after hearing on JANUARY 17, 2023

Approved Reconsidered Over
Rejected By ANDRE SAYEGH By Council 1/19/23 Ride Vote Aye Nay

Shahin Council President JBM Deputy City Clerk
SHAHIN KHALIQUE JACQUELINE MURRAY

**PLANNING BOARD
CITY OF PATERSON**

RESOLUTION

WHEREAS, the Planning Board of the City of Paterson (hereinafter referred to as the (“Board”)) is empowered to hear and determine applications for development pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Zoning and Land Development Ordinance of the City of Paterson, Section 100 et seq. (hereinafter referred to as the (“Ordinance”)); and

WHEREAS, Peel Street Realty, LLC, 100 Sixth Avenue, Paterson, N.J. 07544 is the applicant (hereinafter referred to as the “applicant”) and City of Paterson, 155 Market Street, Paterson, N.J. 07505 is the owner (hereinafter referred to as the “owner”) of the property located at the northwestern corners of the intersection of Wait Street and Peel Street and extending 171.45 feet to the west on the southern side of Peel Street and 189.41 feet to the west on the northern side of Peel Street and connected by a 50 foot western property line; and

WHEREAS, the property is located in the I-1, Light Industrial District; and

WHEREAS, the applicant requests that the Planning Board recommend to the City Council the street vacation of Peel Street. The proposed vacated portion is an improved municipal roadway. The parcel in question contains approximately 9,021.47 square feet and is located north of Block 1805, Lot 1 and south of Block 1905, Lot 2.

WHEREAS, the Board considered this matter at its May 15, 2019 regular meeting, at which time the applicant was represented by Nicholas Sekas, Esq., 530 Sylvan Avenue, Englewood Cliffs, N.J. 07632. Robert L. Costa, P.E. was qualified and testified in support

of the application as an expert in the field of engineering. Additionally, Steven Kontos, a member of the applicant testified in support of the application; and

WHEREAS, neither lay nor expert testimony offered in opposition to the application, there not being any opposition; and

WHEREAS, after considering the testimony given and reviewing the plans filed herein, the Board makes the following findings of fact and based upon evidence adduced at the public hearing held herein and based upon the report of Michael Deutsch, Principal Planner of the City of Paterson, said report being as follows:

1. As part of the application, Nicholas G. Sekas, Esq., of the Sekas Law Group attorney for Peel Street Realty, LLC, requests approval for a street closure on a section of Peel Street bordering property known as 132-142 Peel Street (Block 1805, Lot 1) and 16-30 Wait Street (Block 1905, Lot 2). 132-142 Peel Street is owned by Peel Street Realty/Kontos Foods and 16-30 Wait Street is owned by Lemonia LLC.
2. As indicated on the Street Vacation Map prepared for Peel Street right-of way shown on Tax Assessment Map Sheets 18 & 19 City of Paterson, Passaic County, New Jersey, dated, January 22, 2019, prepared by David Jamiolkowski, N.J.P.L.S of Costa Engineering Corporation.
3. A description of the property to be vacated, dated, January 22, 2019, and prepared by Mr. Jamiolkowski reads: BEGINNING at the point in the westerly right of way line of Wait Street, said point being on a bearing of S 33 degrees 51 minutes 30 seconds W, a distance of 215.58 feet along the right of way from the intersection of same with the southerly right of way line of 6th Avenue and running; thence, 1.

Continuing along the aforesaid right of way line of Wait Street, and across the right of way of Peel Street (50.00 wide), on a bearing of S 31 degrees 42 minutes 03 seconds W a distance of 53.13 feet to a point; thence, Along the southerly right of way line of Peel Street, on a bearing of N 78 degrees 03 minutes 30 seconds W, a distance of 171.45 feet to the terminus of the afore mentioned Peel Street; thence, Along the aforesaid westerly terminus of Peel Street on a bearing of N 11 degrees 56 minutes 30 seconds E, a distance of 50.00 feet to the northerly right of way line of Peel Street; thence, along the northerly right of way line of the aforesaid Peel Street, and parallel to the southerly right of way line, on a bearing of S 78 degrees 03 minutes 30 seconds east a distance of 189.14 feet to the aforesaid right of way line of Wait Street and point of BEGINNING. Area of vacation described 9,021.47 sq. ft. or 0.2071 acres.

4. The applicant, Peel Street Realty, LLC owns the property on the southern side of the proposed street vacation. The property on the northern side of the proposed street vacation, is known as Block 1905, Lot 2 and according to the Paterson Assessment Records is owned by LEMONIA, LLC. If this street vacation is looked upon favorably by the Paterson City Council, the applicant's attorney will be responsible for preparing the deeds necessary to vacate the street to both entities. The applicants' attorney has advised that both Peel Street Realty LLC and LEMONIA LLC are owned by the same entity, Steven Kontos. Further, the applicant's attorney shall be responsible for preparing a street vacation ordinance that is acceptable to the Paterson Corporation Counsel. The street vacation ordinance shall be submitted with all other materials at the time that application is presented to the either the Council's Public Works Committee or the Council's Economic Development

Committee for review, prior to submission to the full City Council for the street vacation action.


5. The City Engineer should determine whether easements are required over Sanitary and Storm Water piping systems, manholes, outflow chambers, and any other pertinent facilities located within the proposed portion of Peel Street to be vacated. Should additional easements be required, the plans shall be revised to indicate same prior to any final approval.
6. The applicant indicates a ten-foot-wide PSE & G utility easement. PSE&G should verify the acceptance of this easement.
7. The applicant has not advised whether or not Verizon Communications, has stated if any poles located on the proposed street vacation parcel have any attachments belonging to Verizon Communications.
8. The survey indicates a proposed ten-foot-wide sanitary sewer easement. The Passaic Valley Sewer Commission should verify the acceptance of this easement.
9. The applicant should contact Optimum to verify that there are no existing facilities that are in the referenced location.

NOW, THEREFORE, BE IT RESOLVED that the City of Paterson Planning Board hereby recommends to the City Council the street vacation of Peel Street for the reasons set forth on the record and subject to any and all conditions and recommendations set forth above in this Resolution.

ATTEST:

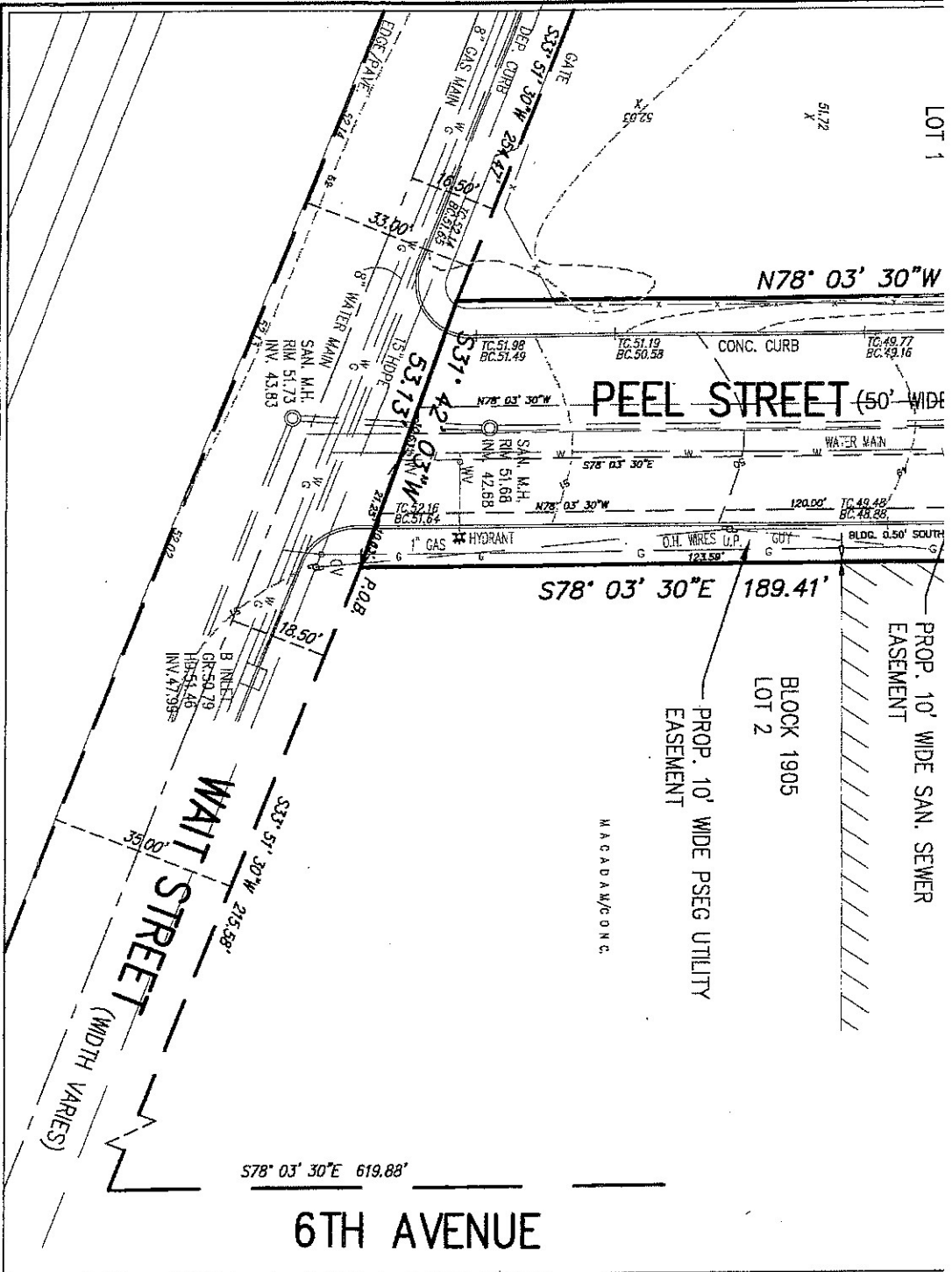
APPROVED BY THE CITY OF
PATERSON PLANNING BOARD


MARGARITA VEGA, Secretary


~~MARK FISCHER, Chairperson (Acting)~~
JANICE NORTHROP, CHAIRPERSON

DATED June 5, 2019

Commissioner Ahmed.....	Aye <u>x</u>	Nay ___
Commissioner Cevallos.....	Aye <u>x</u>	Nay ___
Commissioner Nieves.....	Aye <u>x</u>	Nay ___
Commissioner Rinvil.....	Aye <u>x</u>	Nay ___
Commissioner Santana.....	Aye <u>x</u>	Nay ___
Commissioner Witherspoon..	Aye <u>x</u>	Nay ___
Chairperson Fischer..	Aye <u>x</u>	Nay ___
Vote Total:	<u>7</u>	___



STREET VACATION MAP

prepared for
PEEL STREET

right-of-way shown on

TAX ASSESSMENT MAP, SHEETS 18 & 19
CITY OF PATERSON
PASSAIC COUNTY, NEW JERSEY

January 22, 2019
SCALE: 1"=30'
PROJ. NO. 18-2140

Costa Engineering Corp.

DRAWN BY: jett



COSTA ENGINEERING CORPORATION

PROFESSIONAL ENGINEERS • SURVEYORS • PLANNERS

State Of New Jersey, Certificate of Authorization No. GA 276726.
1636 ROUTE 46E, FORT LEE, N.J. 07024
TEL (201) 944-2430 FAX (201) 944-2683

David J. Amolkowski

DAVID J. AMOLKOWSKI N.J. P.L.S. LIC. NO. 43296
PROFESSIONAL LAND SURVEYOR

DEC 07 2018

APPLICATION FOR REVIEW
PATERSON, NEW JERSEY

RECEIVED PATERSON, NEW JERSEY

[X] PLANNING BOARD [] BOARD OF ADJUSTMENT

A. Applicant: Peel Street Realty, LLC Phone# 973-278-2800

Address: 100 Sixth Avenue, Paterson, NJ Zip 07544

Corporations must provide on a separate sheet the names & addresses of all persons having a 10% or more ownership interest in the subject property.

Property Owner: Beach Fidelco Limited Partnership Phone# 973-742-1982
Address: 225 Millburn Avenue, Millburn, NJ Zip 07041

Agent or Attorney: Nicholas Sekas, Esq. Phone# 201-816-1333
Address: 530 Sylvan Avenue, Englewood, NJ Zip 07632

Plans Prepared By: Costa Engineering Corp. Phone# 2
Address: 325 South River Street, Suite 302, Hackensack, NJ Zip 07601

B. Property: 1. Address (List all streets and numbers) 132-142 Peel Street, Paterson, NJ 07544

2. Adjacent Cross Streets: Wait Street

3. Tax Block 1805 Lot # 1 4. Zoning District I-1

5. On County Road? No xxx Yes Which?

6. a) Property Taxes Paid to Date? No Yes xxx Amount Due

b) Sewer Taxes Paid to Date? No Yes xxx Amount Due

7. List any previous applications for Site Plans, Subdivisions, Conditional Uses or Variances:
Type of Application Date Filed Applicant Decision Date of Hearing
n/a

8. Give Details of any Restrictions, Covenants, Easements, or Water Courses on the Subject Property:

C. 1. Detail use of the property and occupancy for every structure and every floor:

A. Present use(s): outdoor storage of busses

B. Proposed use(s): cold storage warehouse

2. Number of expected users (Specify for residents, employees, patrons): 5 employees

3. Number of Off Street Parking Spaces (Do Not Include Driveway Areas): 42 parking spaces

4. Total number of Bedrooms in Each Apartment: n/a

5. Greatest Use Periods: Times of Day 5am - 5pm Days M - Sat. Seasons Sept. - July

6. Hours of Operation (Non Residential Uses Only): 5am to 5pm

7. Approximate Cost of Proposal: \$ 1,000,000

D. Plans shall include all items listed on the attached "plan details" sheet.
E. Plans, fees, and Letter of Intent and Impact are submitted with this form and are incorporated by reference herein. Staff report will be incorporated into the minutes.
F. After review of submitted materials a letter will be sent either confirming the completeness of this application or requesting additional information.

I hereby certify that all the above information, including information on any accompanying plans or papers, is true, accurate, and complete.

Sworn and Subscribed to before me this 7th day of December 2018

[Signature]

Sworn and Subscribed to before me this 7th day of December 2018

[Signature]

[Signature] L.S. Applicant

[Signature] L.S. Property Owner (Authorized applicant and agent or attorney named herein to act on his behalf in connection with this

APPLICATION
FOR
STREET VACATION (CLOSURE)

DIVISION OF
PLANNING & ZONING

APR 09 2019

RECEIVED
PATERSON, NEW JERSEY

APPLICANT: Wood Street Realty, LLC TELEPHONE: 973-278-2800

ADDRESS: 100 Sixth Ave, Paterson, NJ ZIP: 07544

AGENT OR ATTORNEY: Nicholas G. Sekas, Esq. TELEPHONE: 201-816-1333

ADDRESS: 530 Sylvan Ave, Englewood Cliffs NJ ZIP: 07632

1. STREET TO BE VACATED: Peel Street
2. LIST INTERSECTING STREETS: BETWEEN Wait St. AND E. 7th St.
3. LIST ALL PROPERTY OWNERS ABUTTING THE AREA TO BE VACATED:
4. HAS THE CITY EVER ACQUIRED THE RIGHT TO USE THE SAID STREET BY GRANT, CONDEMNATION, DEDICATION OR PRESCRIPTION? IF SO, GIVE DETAILS FURNISHING REFERENCES TO RELEVANT MAPS, DEEDS, ETC., AS WELL AS COPIES OF SEARCHES OF THE TITLE AND OF PERTINENT PARTS OF THE SAID MAPS.
5. IF THE STREET WAS DEDICATED TO THE USE OF THE PUBLIC, HAS ITS DEDICATION EVER BEEN ACCEPTED BY THE CITY, EITHER EXPRESSLY OR IMPLIEDLY, BY ITS ASSUMPTION OR JURISDICTION OVER THE SAME? IF SO, GIVE DETAILS:
6. ARE THERE ANY TELEGRAPH POLES, WIRES, SEWER PIPES OR MAINS, WATER PIPES, GAS PIPES OR OTHER MUNICIPAL OR PUBLIC UTILITY LINES RUNNING THROUGH THE STREET TO BE VACATED? IF SO, DESCRIBE SAME IN DETAIL:
7. HAS THE STREET EVER BEEN GRADED, CURBED, GUTTERED, SIDEWALKED OR PAVED OR OTHERWISE IMPROVED? IF SO, GIVE DETAILS (ATTACH CERTIFICATES FROM ENGINEER AND CITY STREET SUPERINTENDENT WITH REFERENCE TO THE PRESENCE OR ABSENCE OF SUCH IMPROVEMENTS):

STREET VACATION PROCESS AND REQUIREMENTS

1. OBTAIN APPLICATION FROM THE DIVISION OF PLANNING AND ZONING.
2. COMPLETE APPLICATION (2 COPIES) AND SUBMIT REQUIRED MATERIAL TO CITY CLERK:
 - a) FILING FEE \$2,500.00 (CHECK PAYABLE TO THE CITY OF PATERSON);
 - b) LETTER OF INTENT - REASONS FOR VACATION REQUEST (2 COPIES);
 - c) A SURVEY WITH ALL EXISTING CONDITIONS OF THE AREA TO BE VACATED PREPARED BY A NEW JERSEY LICENSED SURVEYOR (9 COPIES);
 - d) METES AND BOUNDS DESCRIPTION;
 - e) A DRAFT OF THE PROPOSED ORDINANCE TO VACATE;

APR 09 2019

RECEIVED
PATERSON, NEW JERSEY

- f) LETTERS FROM UTILITY COMPANIES INDICATING THE EXISTENCE OF UTILITIES IN OR ON THE SUBJECT PROPERTY; AND
 - g) LETTERS FROM THE TAX COLLECTOR'S OFFICE AND SEWER OFFICE THAT THESE CHARGES ARE PAID TO DATE FOR PROPERTY OF THE OWNER/OR APPLICANT REQUESTING THE VACATION.
3. CITY CLERK WILL REFER VACATON REQUEST TO THE PLANNING BOARD FOR RECOMMENDATION TO THE CITY COUNCIL.
 4. AFTER ALL SUBMISSIONS ARE RECEIVED AND THE CITY ENGINEER IS CONSULTED, PLANNING BOARD RECOMMENDS APPROVAL OR DENIAL TO THE CITY COUNCIL, WHICH MAKES FINAL DETERMINATION.
 5. WHEN STREETS ARE VACATED, THE TITLE TO THE VACATED PORTION IS DIVIDED EVENLY BETWEEN THE PROPERTY OWNERS ON EACH SIDE OF THE STREET. SHOULD AN APPLICANT WISH USE OF THE ENTIRE VACATED PORTION OF THE STREET, HE MUST NEGOTIATE WITH THE PROPERTY OWNER ABUTTING THE OTHER SIDE OF THE VACATED STREET.

PLANS, FEES AND A LETTER OF INTENT AND IMPACT ARE SUBMITTED WITH THIS FORM AND ARE INCORPORATED BY REFERENCE HEREIN.


INADEQUATE AND INCOMPLETE MATERIALS WILL BE RETURNED FOR COMPLETION.

ELABORATE ON THE ABOVE ITEMS, IF NECESSARY, IN THE LETTER OF INTENT AND IMPACT.

I HEREBY CERTIFY THAT ALL THE ABOVE INFORMATION, INCLUDING INFORMATION ON ANY ACCOMPANYING PLANS OR PAPERS, IS TRUE, ACURATE AND COMPLETE.

SWORN AND SUBSCRIBED TO
BEFORE ME THIS 8th DAY
OF April, 2019.

SARAI CASIANO
Notary Public, State of New Jersey
My Commission Expires
August 19, 2021


APPLICANT L.S.