

RESOLUTION R.675-112023

RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT WITH MARKIM DEVELOPERS, LLC AND THE LINKS AT EDISON, LLC FOR THE DEVELOPMENT OF 222 PLAINFIELD ROAD (BLOCK 557, LOT 16.22)

WHEREAS, the Township of Edison (hereinafter referred to as “Township”) is a municipal corporation operating under the laws of the State of New Jersey, with offices located at 100 Municipal Boulevard, Edison, New Jersey 08817; and

WHEREAS, Plaintiffs, The Links at Edison, LLC is an affiliate of Markim Developers, LLC (hereinafter referred to collectively as the “Plaintiffs”) and is the current owner of 222 Plainfield Road, Edison, New Jersey (Block 557, Lot 16.22) (hereinafter referred to as the “Property”); and

WHEREAS, Markim Developers, LLC submitted an application to the Township Zoning Board of Adjustment (hereinafter referred to as “Zoning Board”) on April 21, 2021 for approval of a twenty-three (23) unit multifamily townhouse-style residential development; and

WHEREAS, during the course of the Zoning Board’s public hearings, Markim Developers amended its April 21, 2021 application by seeking to develop, eight (8) two-story duplex buildings, containing a total of sixteen (16) two-bedroom age-restricted residential units, which the Zoning Board subsequently reduced to fourteen (14) units throughout seven (7) buildings; and

WHEREAS, the Zoning Board approved Markim’s revised application on June 28, 2022 and adopted a formal resolution on July 26, 2022; and

WHEREAS, an appeal of the Zoning Board’s decision was filed with the Township Municipal Council on August 5, 2022; and

WHEREAS, on October 26, 2022, after the Township Council conducted a hearing, the Township Council adopted Resolution No. 698-102022 and overturned the Zoning Board’s July 26, 2022 decision; and

WHEREAS, Plaintiffs filed a Compliant in Lieu of Prerogative Writs with the New Jersey Superior Court on December 5, 2022, Docket No. MID-L-6018-22, thereby appealing the Township Municipal’s Council Resolution No. 698-102022; and

WHEREAS, Plaintiffs and the Township wish to settle this matter without the need for further litigation and the parties have settled all controversies among them and nothing shall be construed to be an admission of fault, liability or of any wrongdoing by either party; and

WHEREAS, Plaintiffs and the Township have determined that the property may be subdivided into eight individual lots each containing one single-family home; and

WHEREAS, the parties now seek approval of the Settlement Agreement as set forth in the attached Stipulation of Settlement (the “Stipulation”) resolving the dispute and all controversies between them;

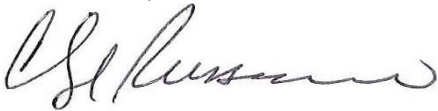
NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Edison, County of Middlesex, State of New Jersey that:

1. The settlement between the Township and The Links at Edison, LLC and Markim Developers, LLC is hereby approved pursuant to the terms of the Stipulation.
2. Markim Developers, LLC is hereby authorized to take any necessary steps to begin the process for effectuating the intent and purpose of this settlement agreement.

3. The Mayor and Municipal Clerk are authorized to sign any and all documents in order to effectuate the purpose of this Resolution as approved by the Township Attorney.
4. The Township Council of the Township of Edison is authorized to take any necessary steps within their legal power and authority to effectuate the intent and purpose of this settlement agreement.
5. The Township Attorney for the Township of Edison is authorized and empowered to sign the Stipulation and any consent orders or other court documents necessary to effectuate this settlement.

BE IT FURTHER RESOVLED that this resolution shall take effect immediately.

THIS IS TO CERTIFY that this is a true and compared copy of an Resolution adopted by the Municipal Council of the Township of Edison at their Regular Meeting of November 29, 2023.



Cheryl Russomanno, RMC
Municipal Clerk