

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2021-01-AMENDED

ADOPTING THE REDEVELOPMENT PLAN ENTITLED “THE SUNSET
AVENUE REDEVELOPMENT AREA REDEVELOPMENT PLAN”
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW
N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute “areas in need of redevelopment,” as such term is defined in the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, on August 19, 2019 the Township Council (“**Township Council**”) of the Township of Verona, in the County of Essex, New Jersey (the “**Township**”), duly adopted Resolution No. 2019-140 designating the property identified on the tax maps of the Township as Block 303, Lot 4 as a “non-condemnation area in need of redevelopment” (the “**Redevelopment Area**”); and

WHEREAS, in order to effectuate the redevelopment of the Redevelopment Area, and pursuant to the authority granted under the Redevelopment Law, the Township caused Benecke Economics to prepare a redevelopment plan for the Redevelopment Area entitled, “The Sunset Avenue Redevelopment Area Redevelopment Plan” dated February 22, 2021 (the “**Redevelopment Plan**”); and

WHEREAS, the Redevelopment Plan has also been prepared in order to effectuate the Township’s obligations under the New Jersey Fair Housing Act, *N.J.S.A. 52:27D-301 et. seq.* and satisfy the Township’s obligation as set forth in the First Amended and Restated Settlement Agreement dated January 2020 with Spectrum 360, LLC, dated January 31, 2020 (the “**Settlement Agreement**”); and

WHEREAS, on January 5, 2021 the Township Council referred the proposed Redevelopment Plan to the Township of Verona Planning Board (the “**Planning Board**”) for its review, report and recommendation in accordance with *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, the Planning Board reviewed the Redevelopment Plan at a duly noticed and constituted public meeting held on January 28, 2021 and provided the attached report entitled “Planning Board of the Township of Verona Report to the Governing Body Ordinance Number 2020-01 The Sunset Avenue Redevelopment Area” attached hereto as Exhibit A; and

WHEREAS, after extensive discussions, the Planning Board “identified several deficiencies and inconsistencies between the Ordinance and the Verona Master Plan and inconsistencies between the Ordinance and the State Plan” and recommended that the “Township materially modify the Ordinance so that the Ordinance is more consistent with the Master Plan and the State Plan” (the “**Board Recommendations**”); and

WHEREAS, the Township Council finds the Planning Board’s input to be relevant and meaningful and for these purposes desires to review and respond to the Board Recommendations and to consider whether to approve, disapprove, or change any recommendation; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7(e)*, the Township Council approves certain Board Recommendations and disapproves certain other Board Recommendations for the reasons set forth in Exhibit B attached hereto; and

WHEREAS, after reviewing the Board Recommendations and consulting with Township professionals, the Township Council has determined that the Redevelopment Plan as revised to incorporate certain of the Board Recommendations is either substantially consistent with the Verona Master Plan or designed to effectuate the Verona Master Plan; in particular the Redevelopment Plan will effectuate the Township’s commitment “to meet its constitutional obligation to provide affordable housing” as set forth in the Master Plan; and

NOW, THEREFORE, BE IT ORDAINED BY A MAJORITY OF THE FULL TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Planning Board of the Township has reviewed the Redevelopment Plan and provided its recommendations pursuant to the provisions of N.J.S.A. 40A:12A-7(e).

Section 3. The Redevelopment Plan, as filed in the Office of the Township Clerk and attached hereto as Exhibit C, is hereby approved and adopted pursuant to the terms of the Redevelopment Law. The Redevelopment Plan includes many of the Board Recommendations. Exhibit B identifies those Board Recommendations that the Township disapproves of and are not included in the Redevelopment Plan.

Section 5. The zoning district map in the zoning ordinance of the Township is hereby amended to include the Redevelopment Area per the boundaries described in the Redevelopment Plan, and all of the provisions of the Redevelopment Plan shall overlay the applicable development regulations of the Township's municipal code, as and where indicated.

Section 6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 7. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

Section 8. This Ordinance shall take effect as provided by law.



ATTEST:


JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE VERONA CEDAR GROVE TIMES, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE FEBRUARY 25, 2021 AND MARCH 18, 2021 ISSUES.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: January 4, 2021
PUBLIC HEARING: March 8, 2021
EFFECTIVE DATE: March 28, 2021

EXHIBIT A
PLANNING BOARD RECOMMENDATIONS

PLANNING BOARD OF THE TOWNSHIP OF VERONA
REPORT TO THE GOVERNING BODY
ORDINANCE NUMBER 2021-01
THE SUNSET AVENUE REDEVLEOPMENT AREA

On January 5, 2021, pursuant to NJSA:12A-7(e), the Township of Verona Council referred Redevelopment Ordinance 2021-01, titled "Sunset Avenue Redevelopment Area Redevelopment Plan, to the Verona Planning Board for the Planning Board's review and recommendation of the proposed Redevelopment Ordinance.

On January 28, 2021, at the Planning Board's regularly scheduled public meeting (conducted by Zoom), the Planning Board conducted the mandatory review of the Ordinance. The Council's referral to the Planning Board was not a referral pursuant to NJSA 40:55D-26(a) or NJSA 40:55D-64, but was a referral pursuant to NJSA40A:12-7(e). Because the Ordinance is a "development regulation" and will effectively be an amendment to a zoning ordinance, the Planning Board considered the substance of the Ordinance and whether the Ordinance is consistent with the Township's Master Plan.

Prior to its deliberations and discussion regarding the Ordinance, the Planning Board heard comments from members of the public regarding the substance of the Ordinance. The Planning Board is in general agreement with the public comment that there are substantial deficiencies in the Ordinance that the Council should consider prior to adoption of the Ordinance.

The Planning Board reviewed the substance of the Ordinance in accordance with NJSA:12A-7(e), The Planning Board identified several deficiencies and inconsistencies between the Ordinance and the Verona Master Plan and inconsistencies between the Ordinance and the State Plan. As set forth below, the Planning Board recommends that the Township Council materially modify the Ordinance so that the Ordinance is more consistent with the Master Plan and the State Plan.

OVERVIEW OF THE ROLE OF THE STATE PLAN

In 1985, the New Jersey State Legislature adopted the State Planning Act (N.J.S.A.

52:18A196 et seq.). In the Act, the Legislature declared that the state of New Jersey needed sound and integrated statewide planning in order to:

“...conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal...”

The Act is based upon the following principles:

1. The future well-being of the state of New Jersey depends on equal and shared social and economic opportunity among all its citizens.
2. A reasonable balance between public and private-sector investment in infrastructure is key to the fiscal health, economic prosperity and environmental integrity of the state.
3. Coordinated planning among the state and local governments can ensure that “economies, efficiencies and savings” are achieved regarding public- and private-sector investment in the state.
4. The revitalization of the state’s urban centers is necessary if all New Jersey’s citizens are to benefit from growth and economic prosperity.
5. The provision of adequate and affordable housing in reasonable proximity to places of employment is necessary to ensure equal social and economic opportunity in the state; achieving this end requires sound planning to ensure an adequate supply of available land that can be developed in an efficient growth pattern.
6. The conservation of natural resources and the protection of environmental qualities are vital to the quality of life and economic prosperity of New Jersey.

According to the New Jersey Plan Policy Map and the New Jersey Development and Redevelopment Plan, the site is within Planning Area 5 (“PA5”), (Environmentally Sensitive Planning Areas). The Ordinance incorrectly includes the site within the Planning Area 1 (“PA1”) growth zone (Metropolitan Planning Area).

The Council’s failure to properly categorize the site in the PA5 zone has resulted in an Ordinance that lacks necessary consideration of conservation and environmental issues and fails to protect this site’s critical slopes, specimen trees or ridgeline.

The conservation of natural resources and the protection of environmental qualities are vital to the quality of life and economic prosperity of New Jersey and are the most basic principles of the Act.

GENERAL RECOMMENDATIONS

Vague Terminology

The Ordinance fails in many instances to *require* a redeveloper to meet certain standards but instead provides for vague language that would appear to relieve the redeveloper from strict compliance with certain rules.

For example, the Ordinance states that the stormwater management rules shall be applicable only to the extent required under the Soil Erosion and Sediment Control Act (NJSA 4:24-39 et seq.) and will be governed by New Jersey Residential Site Improvement Standards (NJAC 5:21-76 (“RSIS”)) and shall include NJDEP regulations. The Ordinance does not however specify which NJDEP regulations would be effective and which regulations would not be effective and implemented into the Redevelopment Plan. The Planning Board recommends that the Ordinance be made more specific in this regard.

Additional examples of lack of specific obligations of the redeveloper include that the Ordinance provides that the redeveloper “shall consider, with diligence” common Green Infrastructure practices. The Planning Board recommends that the Ordinance provide that the redeveloper “must incorporate common Green infrastructure practices”. Likewise, the redeveloper should be directed to “follow the rules to the “maximum extent practicable” and not merely to follow the rules to the “extent *applicable*”. The Ordinance should specifically identify the Green infrastructure practices with which the redeveloper *must* comply, and the extent of compliance required.

Vague language appears also in the Ordinance regarding buffer zones. As written, the redeveloper is to provide buffer areas “whenever practical”. The Planning Board recommends that the redeveloper be obligated to meet the criteria set forth in Verona’s Zoning Ordinance Article XI titled “Buffer and General Landscaping Requirements”

In sum, the Planning Board recommends that all language *suggesting* that the

redeveloper merely *attempt* to satisfy a requirement or *consider*, or be obligated only to perform *where deemed applicable* be amended so that the Ordinance requires that a redeveloper's site plan *must* meet specific criteria in the Township's various Ordinances. The specific criteria should be set forth in the Ordinance to avoid uncertainty and questions of interpretation of Ordinance language. Satisfaction of the terms in the Ordinance should be judged by the Planning Board objectively and not subjectively during site plan review.

Amenities

There is reference to amenities in the Ordinance without specific criteria as to nature, size, and scope of the amenities. The Planning Board recommends that the Ordinance be made more specific as to the permissible use, size and location of each type of allowable amenity. The Ordinance fails to provide for specific restrictions on area, size, or location of amenities such as patios and balconies, fails to consider whether such amenities are permitted within setbacks and buffer zones and fails to set forth permissible recreational amenities and specifications for those amenities.

The Planning Board recommends that amenities be located within the footprint of the building to provide for a more cohesive and mitigated design.

Design Standards

It has been the practice of the Planning Board when drafting past redevelopment ordinances to develop and include design standards in the ordinances to ensure that new construction will be compatible with predominant design within the Township and will tie in modern design concepts with existing architectural design within the community.

The Ordinance is void of any design standards. The Planning Board recommends that design standards be incorporated into the Ordinance.

Verona's Master Plan

While the Planning Board recognizes that the 2009 Master Plan is out of date and does not reflect the Township's current affordable housing requirements, the Board must rely upon the 2009 Plan when evaluating the Ordinance.

The Ordinance is inconsistent with the following provisions of the Master Plan.

Section 7 of Verona's Master Plan sets forth the goals and objectives of the Plan. Paragraph 5 of Section 7 provides, in full: -

To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of people, neighborhoods, communities and regions and preservation of the environment;

- a. Preserve the environmental resources of the Township by locating conservation parklands and easements where necessary; by limiting development in environmentally sensitive areas; by encouraging the preservation of specimen trees and general landscaping; and by preservation of the township's natural character.
- b. Preserve environmentally sensitive lands by identifying wetlands and preserving them according to the rules and regulations promulgated by the New Jersey Department of Environmental Protection.
- c. Preserve environmentally sensitive lands by identifying steep slopes and deterring development on said lands.

The introduction to Paragraph 5 of Section 7 of the Master Plan specifically marries appropriate population densities to the well-being of people and neighborhoods and the preservation of the environment. The Planning Board does not believe that the Ordinance is consistent with the Master Plan's goals and objectives in this regard and believes that the inconsistency results from the planned 200- unit building. The magnitude of the proposed building leads to the failure of the Ordinance to properly consider the well-being of the community and the environmental sensitivity of the site which is steep sloped and, as noted above, situated in the PA5 environmentally sensitive planning area.

Paragraph 10 of Section 7 of the Master Plan provides the goal to "promote a desirable visual environment through creative development techniques and good civic design and arrangement." The Planning Board recommends that the Ordinance include requirements for visual massing concepts and building footprints that build on top of existing impervious coverage and preserves as much pervious coverage as possible, while identifying mandatory screening and landscaping elements and locations to mitigate negative impacts on the surrounding residential neighborhood

The site is classified at Section 8 of the Master Plan as "very low density residential." The Planning Board finds that the Ordinance does not address the variation between the Master Plan's low density classification and the proposed allowance of 200 units on five acres. The Planning Board recommends that the redeveloper

not be permitted to construct 200 units, but that the development be scaled back to provide for a lesser number of units which will result in a design with less adverse impact on the community and the environs of the locality. The adjustment will be consistent with the suggestions and concerns of the members of the community who voiced their concerns about the size of the proposed development to the Planning Board.

The Planning Board notes that the property is situated in Verona and in Montclair. The Ordinance appears not to consider that only approximately five acres of the site are in Verona. The Planning Board recommends that all calculations in the Ordinance consider the site as a five-acre site so that the Ordinance better reflects typical land use issues such as total improved impervious lot coverage, density and bulk requirements. Additionally, the Planning Board recommends that additional development on the Montclair acreage be prohibited within the Ordinance, or if such a provision is not permitted in the Ordinance, that the redeveloper be bound by such a restriction in the Redevelopment Agreement. The Planning Board notes that additional impervious coverage on the Montclair portion of the site would increase stormwater runoff and would create other environmental impacts within the Township of Verona.

The Planning Board recognized that the zoning designation for the two adjacent Montclair lots is single family use, consistent with the use designation on the Verona acreage. The Planning Board notes that the Ordinance lacks specific detail as to the relationship between the Ordinance and Montclair's Master Plan. The site is situated partially in Montclair, making more critical the requirement of section 7.a(5) of the Local Redevelopment and Housing Law (NJSA 40A:12A-7) which provides that a Redevelopment Plan consider the master plan of a contiguous municipality. The Planning Board recommends that the Ordinance more specifically examine Montclair's master plan and expound on the significant relationship of the Ordinance to Montclair's master plan.

Tree Protection Ordinance

The Township of Verona passed its Tree Protection, Removal and Replacement Ordinance (Verona Code Section 493) on October 21, 2019. The tree ordinance is consistent with paragraph 5a of the Master Plan set forth above. It is also consistent with Paragraph 10a which states as a goal of the Master Plan the reduction

of the cutting of trees on private property through tree preservation regulations. The Ordinance lacks reference to the Tree Protection Ordinance, is void of reference to specimen trees and fails to include that the redeveloper must comply with the terms of that ordinance. The Planning Board recommends that the Council provide that the redeveloper must comply with the terms of the Verona Tree Preservation, Removal and Replacement Ordinance.

Steep Slope Ordinance

The Township of Verona passed its Steep Slope Ordinance (Verona Code Section 150-23) on April 4, 2016. The steep slope ordinance is consistent with paragraph 5c of the Master Plan set forth above. It is also consistent with Section 4, p. 22 of the Master Plan which provides the following:

The slope of land is a determining factor to the development potential. Slopes that exceed 15 percent have been identified by the Council On Affordable Housing (COAH) as lands that are inappropriate for low and moderate income housing as it presents too many constraints for building such housing. Steep sloping lands become highly erodible and if improperly developed, can loosen, becoming a hazard. Slopes exceeding 15 percent have generally been accepted throughout New Jersey as a limiting factor to development. Sloping land with 15 percent slopes represents an eight-degree change in land.

The Ordinance is void of consideration to the Steep Slope Ordinance despite that the property is a steep slope in accordance with the Verona Code. The Ordinance is not consistent with the Master Plan because the Ordinance does not account for the limitations of building on a steep slope within the Township.

The Verona Master Plan's determination to restrict development on slopes is also consistent with the Planning intentions set forth in the NJ State Plan for properties existing within PA-5, Environmentally Sensitive Areas. The Planning Board recommends that the Council consider that the proposed use of moderate to low income housing on an environmentally sensitive site that has been both identified by Verona's Master Plan and the State Plan as an inappropriate location for such housing might not be appropriate.

The Planning Board recommends that the Ordinance be modified after definitively calculating the appropriate disturbance allowed on the site with the application of Verona's Steep Slope Ordinance.

Buffer Zones

As set forth above, the Ordinance lacks specificity as to buffer zones. The Ordinance instead provides that Verona's buffer zone shall not be applicable upon redevelopment of the site. Section 150-11 of the Verona Code provides that the Planning Board shall have jurisdiction over required planted areas including the type and scope of planting material, and over changes in topography or elevation of the planted buffer areas. The Planning Board recommends that the Ordinance provide that the Planning Board retains jurisdiction consistent with Section 150-11 of the Verona Code to ensure, as per the Code, that all buffer zones shall be kept in their natural state where wooded, and ensure that when natural vegetation is sparse, supplemental plantings will be required.

Storm Water Management

The Ordinance provides that the provisions of Verona Code section 123 pertaining to Stormwater Management shall generally not be applicable to the development. The provision conflicts directly with Section 17 of the Master Plan which seeks to protect the community by reduce flooding, minimalizing runoff, maintaining groundwater recharge, reduce soil erosion, and protect public safety through the proper design and operation of stormwater basins.

Likewise, the New Jersey Storm Water Management Rules provide that green infrastructure *shall be utilized* as a means to achieve stormwater management. Only after a developer demonstrates the inability to utilize green infrastructure should a developer be able to utilize more traditional methods of storm water management. The Planning Board recommends that the Council modify the Ordinance to provide that the redeveloper must attempt to design the storm water management system utilizing green infrastructure and that traditional storm water management methods only be permitted after the redeveloper demonstrates that green infrastructure is impossible. Where possible, if green infrastructure alone is demonstrated by the redeveloper not to be adequate, the Ordinance should include that the redeveloper should incorporate green infrastructure to the fullest extent possible as a means to supplement the more traditional storm water management methods.

The site is steeply sloped and contains a large expansive tree inventory that is slated for substantial reduction. The site is at peak elevation within the Township. Storm water management is critical to preserve the quality of the immediate

neighborhood and of the entire community.

The Planning Board recommends that the Ordinance provide that the redeveloper be required to follow Verona's Stormwater Management rules to ensure consistency with the Master Plan. Verona's storm water management rules are to be modified in March. The Planning Board recommends that the Ordinance *require* the redeveloper to meet all of the requirements of the portion of the Verona code regarding stormwater management in effect at the time of development to ensure compliance with the Verona Code, as amended.

CONCLUSION

For the reasons set forth above, the Planning Board has significant and serious concerns with the Redevelopment Plan. The Planning Board believes that 200 units should not be built on the site, and recommends a reduction in the footprint of the building and in a resulting decrease in the number of permissible units to be constructed.

The Ordinance does not consider the adverse environmental impacts among other impacts on the surrounding neighborhood nor to the community as a whole, nor does the Ordinance consider the potential adverse impact of the possibility of future development on the Montclair portion of the site.

The Planning Board finds that the Ordinance is not aligned with the State Plan or with Verona's Master Plan and therefore is inconsistent with Verona's Master Plan.

The Planning Board recommends that the Council re-draft the Ordinance in accordance with the recommendations contained in this report.

Respectfully submitted

Planning Board of the Township of Verona February 12, 2021

EXHIBIT B
TOWNSHIP COUNCIL RESPONSE TO
BOARD RECOMMENDATIONS

VAGUE TERMINOLOGY. The Township Council has considered the Planning Board's recommendation that the Redevelopment Plan replace language "suggesting" certain obligations be met with language "requiring" certain obligations be met. The Township Council agreed with such suggestion in certain instances but concluded in other cases that the Redevelopment Plan should remain flexible and did not make such change or determined to address such issues in the redevelopment agreement. As an example, the Plan requires Green Infrastructure practices be implemented but that they generally be considered a part of the redevelopment design, which will be made a part of the redevelopment agreement. (See page 12 of the December 2020 Plan.) Both the Tree and Stormwater Ordinances shall be complied with under the February 2021 Plan.

AMENITIES. The Township Council has considered the Planning Board's recommendation that there be more specificity concerning amenities and incorporated same but did not agree that the amenities must be located within the footprint of the building because certain amenities may be appropriate outside such footprint. In addition, no amenity spaces may be built within the buffer area. (See page 16 of the February 2021 Plan.)

DESIGN STANDARDS. The Township Council considered the Planning Board's recommendation to include design standards in the Redevelopment Plan but determined that such design standards will be incorporated into the redevelopment agreement and not in the Redevelopment Plan. (See page 18 of the February 2021 Plan.)

VERONA'S MASTER PLAN. The Township Council considered the Planning Board's recommendations with respect to the Master Plan and as set forth in their report under the heading Verona's Master Plan and incorporated those it deemed appropriate and did not incorporate those recommendations that it determined were not necessary to effectuate the redevelopment of the property and the effectuation of the Township's commitment to affordable housing. The February 2021 Plan further describes the provisions of the 2009 Verona Master Plan, in addition to the affordable housing provisions of the Verona Master Plan. (See pages 8 and 9 of the February 2021 Plan.)

TREE PROTECTION ORDINANCE. The Township Council accepted the recommendation of the Planning Board concerning the Tree Protection Ordinance. (See page 14 of the February 2021 Plan.)

STEEP SLOPE ORDINANCE. The Township Council considered the Planning Board's recommendation concerning the application of the Township's Steep Slope Ordinance and determined not to incorporate same into the Redevelopment Plan. Most, if not all of the steep slopes have been previously disturbed or impacted by the existing facility. The footprint of the proposed project has been adjusted, following substantial public input to minimize the impact on the adjacent properties. Notwithstanding this, the Plan considers the necessity to minimize stormwater runoff and soil erosion. (See page 12 of the February 2021 Plan.)

BUFFER ZONES. The Township Council considered the Planning Board's recommendations concerning buffer zones and incorporated same into the Redevelopment Plan to the extent it was deemed appropriate. The February 2021 Plan includes a provision that: "Wherever practical, and in the concurring opinion of the Township Engineer, a minimum of a thirty foot (30) densely planted landscaping buffer, of the overall total buffer area of fifty feet, shall be provided. This shall include a required thirty foot densely landscaped buffer, incorporating existing natural features (trees, rock, plants, etc.) along the frontage with Afterglow Avenue. This provision is intended to be in addition to any other applicable Township ordinance." (See page 14 of the February 2021 Plan.)

STORMWATER MANAGEMENT RULES. The Township Council considered the Planning Board's recommendations concerning certain stormwater management issues and incorporate certain of such recommendations including that the Redevelopment Plan require that the developer comply with the applicable provisions of the Township Code as of the date of the submission of the site plan application; not as recommended by the Planning Board, at time of development. Township Council concluded that the recommendations incorporated are sufficient to assure that stormwater is properly managed. The February 2021 Plan stipulates:

“The operative provisions of §455 pertaining to stormwater management shall be applicable to the A-1RA overlay zone. Specifically, §455-1F which is the operative portion of the Stormwater Management Ordinance shall be complied with (see Section III, iii, f of this Redevelopment Plan).” (See pages 14 and 17 of the February 2021 Plan.)

EXHIBIT C
REDEVELOPMENT PLAN

The Township of Verona
Essex County
New Jersey

The Sunset Avenue Redevelopment Area
Redevelopment Plan

Block 303, Lot 4
1 Sunset Avenue

PREPARED FOR
THE TOWNSHIP COUNCIL
OF THE
TOWNSHIP OF VERONA, NJ

February 22, 2021

Prepared by:
BENECKE ECONOMICS
8410 Sanctuary Boulevard
Riverdale, N.J.
07457

A handwritten signature in cursive script, appearing to read "Chelsea L. Gleis", is written over a horizontal line.

Chelsea L. Gleis, PP
NJ Professional Planner License No. 33LI00622400

I. Abstract

The primary purpose of this “Redevelopment Plan” (or “Plan”) is to implement a component of the affordable housing requirements established by the New Jersey Supreme Court *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing*, 221 N.J. 1 (2015), whereinafter the Township filed the requisite Declaratory Judgement action in Superior Court (Docket No. ESX-L-4773-15) so as to develop a realistic housing plan in compliance with the required affordable housing required by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq, (“FHA”). The FHA requires municipalities to prepare a Housing Element and Fair Share Plan, which may be a part of the Master Plan, to achieve the objective of identifying affordable housing opportunities in a municipality.¹

The subject Property is located at 1 Sunset Avenue in Verona at Block 303, Lot 4, consisting of approximately 6 acres in Verona and 1.42 acres in Montclair. This Redevelopment Plan is applicable only to the approximate 6 acres in Verona. The Plan permits a multi-family apartment building with 200 units including 15 affordable units.

To achieve the aforementioned objective of providing affordable housing opportunities, the Township of Verona and the property owner (Spectrum360) entered into an agreement to enable the project to move forward, subject to the adoption of a redevelopment plan.

The redevelopment project and this Redevelopment Plan is an appropriate use of the subject Property because it includes a preexisting dense school development (formerly a large office building) and given its location on the Township’s main thoroughfare of Bloomfield Ave as well as its close proximity to the Extended Town Center Zone as well as other multi-family apartment buildings. The Plan establishes a new Multi Family-Mid Rise Redevelopment Overlay Zone, which is suitable given the Property’s location. It is notable that the subject Property is one of only two properties in Verona with frontage on Bloomfield Ave zoned as single-family residential - although the property has a large non-residential structure upon it, and the other property is non-conforming as it was developed with townhouses.

¹ The lawsuits and affordable housing edicts are also commonly referred to as the Mount Laurel group of cases.

The Redevelopment Plan is consistent with the 2009 Verona Master Plan, not only regarding the Housing Element but also with a number of the plan's policy objectives.

This plan presents the relationship to the New Jersey State Development and Redevelopment Plan ("SDRP") which, in its 2001 SDRP Map, designates the Property as a PA-1 area and also as PA-5. As is discussed in detail on page 22, the State Plan's indicates in its guidance for redevelopment in a PA-5 that ***"New development in the Environmentally Sensitive Planning Area should be consistent with Statewide Policies and should be in Centers. Centers should absorb the growth otherwise projected for the Environs. Development and redevelopment should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on environmentally sensitive features."*** The property is located in close proximity to the Extended Town Center zone. Furthermore, the SDRP states in its Preface at Page ix:

"New Jersey's State Plan, including its State Plan Policy Map, is used as to guide municipal, county and regional planning, state agency functional planning and infrastructure investment decisions. It is not appropriate to use the State Plan directly to formulate codes, ordinances, administrative rules or other regulations."

This Redevelopment Plan has as a secondary purpose to foster a cohesive development project accentuating the Township's access to mass transit and employment opportunities and to integrate, to the best extent possible, into the surrounding neighborhood through appropriate buffers, screening, preservation of mature trees and existing vegetation, and attention to environmental considerations including stormwater management through green infrastructure practices.

II. Background

The 2009 Master Plan of the Township of Verona, dated May 18, 2009, included a Housing Element and Fair Share Plan ("FSP") to address affordable housing protocols in place at that date as promulgated by the Council on Affordable Housing ("COAH") in their rules and regulations. The 2009 FSP, a section of the Master Plan, indicated that "the planning board of the Township of Verona is committed to meet its constitutional obligation to

provide affordable housing. However, the methodology utilized by the Council on Affordable Housing appears to be illogical and overly burdensome but, nonetheless, has been followed in this housing element and fair share plan.” (See Section 13 of the 2009 Master Plan)

The Verona 2009 FSP, while adopted by the Township Planning Board, was never implemented because of the purgatory which affordable housing regulations have been in. In October 2014, COAH failed to adopt their newly revised Third Round regulations, necessitating the Court’s requirement that DJ actions be entered to continue compliance with the FHA.

The Fair Share Housing Center, which was a party in both the 2010 and 2013 FHA cases, responded by filing a motion in aid of litigants’ rights with the New Jersey Supreme Court. The Court heard the motion in January 2015. On March 10, 2015, the Court ruled that COAH was effectively dysfunctional, and returned jurisdiction of affordable housing issues back to the trial courts where it had been prior to the creation of COAH in 1986. This Court decision thus created a process for municipalities, like Verona, that participated in the Fair Housing Act/COAH process, to file a Declaratory Judgment action (“DJ”) seeking to have the Court declare the Verona FSP constitutionally compliant and/or receive immunity from adverse affordable housing builders remedy lawsuits. This allowed time for municipalities to prepare a new or revised FSP to ensure their Plan continues to affirmatively address their local housing need as may be adjusted by new affordable housing-need numbers promulgated by the Court.

The Township’s DJ action was intervened by three parties, having four separate properties. The Township Manager and governing body made an extensive effort to identify Realistic Development Potential (“RDP”) areas to generate affordable housing opportunities within the Township as required by N.J.A.C. 5:93-3.4, requiring a municipality to review its map (and land inventory) for areas that may be developed or redeveloped. Specifically, the RDP generated is structured so as to generate affordable housing to meet the municipality’s “Unmet Need”.

One of the intervenors in the Township’s DJ action was the owner and contract purchaser (The Children’s Institute (TCI)/Spectrum360 and BNE) of the Property (the “Owner”), indicating that they were willing and able to build 300 residential units on the site, in part to provide for the legally required affordable housing (45 units). On May 31, 2019, the Township and Property Owner entered into a settlement agreement of the intervenor’s lawsuit. On January 31, 2020, the parties executed an agreement stipulating that 200

residential units would be built at the Property. Of the two hundred (200) proposed units, fifteen (15) residential units would qualify as affordable units under the provisions, including limitations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”). This Redevelopment Plan implements the January 21, 2020 settlement agreement.

On August 19, 2019, the Township Council of the Township of Verona (“Council” and “Township” or “Verona”, respectively) adopted Resolution Number 2019-140 entitled “Determining that the Property Identified as Block 303, Lot 4 be Designated as a Non- Condemnation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.” (“LRHL”) The statutorily required area in need of redevelopment study was completed and adopted by the Verona Planning Board on August 13, 2019 after holding public hearings on July 25, 2019 and on August 13, 2019 as directed by the Township Council.

III. Property Description

The parcel (the “Property”) has a street address of 1 Sunset Avenue in Verona. It is bounded by Sunset Avenue to the north, Afterglow Avenue to the west, and Bloomfield Avenue to the east. The portion of the Property fronting Bloomfield Avenue lies in Montclair. The total land area of the Property is approximately 7.42 acres – of which approximately 6 acres is in Verona and approximately 1.42 acres is located in Montclair. Please note that the 5.06 acres listed on the tax map as being in Verona is incorrect, as this number is based on the prior Block 303 Lot 4, which was joined with the previous Block 404 Lot 1 registered in Montclair but situated partially in Verona.

The property was originally developed in 1970 as a Hoffmann-La Roche office and laboratory facility. In 1993, the property was purchased by The Children’s Institute, which became Spectrum360, operating two NJ State Board of Education Private Schools for the disabled, providing Preschool, Autism and Behaviorally Disabled programs. Its Academy360 Lower School is located at 1 Sunset Avenue in Verona, whereas the Academy360 Upper School is located in Livingston, New Jersey.

Figure 1. Tax Map

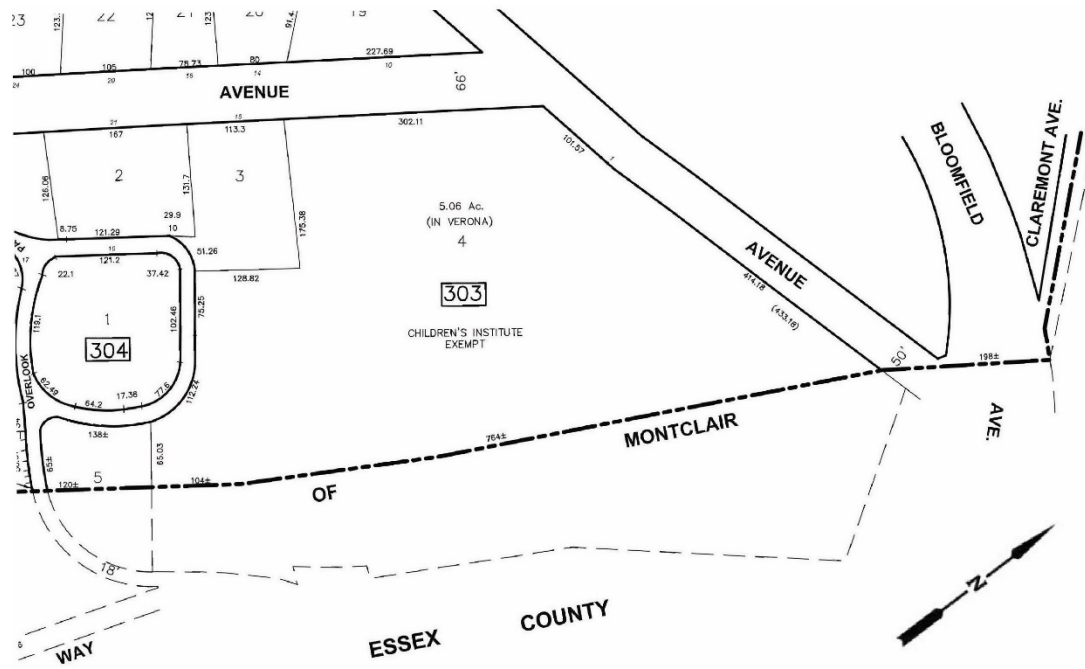


Figure 2. Area Context Map



The area around the Property consists of a variety of land uses. Immediately across from the Property to the north on Sunset Avenue is a medical office building. Also across Sunset Avenue to the northwest are single-family homes, behind which are commercially zoned properties fronting Bloomfield Avenue consisting of The Bagel House, Dante Tuxedo, and billboards on vacant properties. Also, in this commercial area on the other side of Bloomfield Avenue are two auto body shops, a mattress store, and a commercial office building.

Across Bloomfield Avenue and Claremont Avenue to the northeast, approximately 120 feet from the Property lies the 6-story Dorchester Condominium complex at 415 Claremont Avenue in Montclair. It consists of 88 units on approximately 1.2 acres built in 1957. Further to the northeast, approximately 400 feet or 0.08 miles from the Property lies the 6-story Rockcliffe Apartment complex, consisting of 103 units built in 1940.

To the east of the Property are a townhouse and apartment complex fronting Bloomfield Ave in Montclair, as well as single-family homes along Rockledge Road, also in Montclair. The area to the south of the Property along Afterglow Way and to the southwest of the Property along Afterglow Ave also consist of single-family homes.

Figure 3. Zoning Context Map



The Property is situated in the R-100 (Very Low Density) residential zone (See Figure 3 above). Across the street from the Property on Sunset Ave is the R-70 (Low Density) residential zone as well as the ETC (Extended Town Center) commercial zone, with permitted uses including but not limited to retail stores and retail service establishments, restaurants, and commercial and professional offices.

The Property is located approximately 60 feet from a bus stop with service for the New Jersey Transit 11 and 29 bus routes. The number 11 bus route runs between Newark Penn Station and the Willowbrook Mall in Wayne, New Jersey, and the number 29 bus route runs between Newark Penn Station and Parsippany-Troy Hills, New Jersey.

IV. Goals and Objectives

The Purpose of this Plan is to help satisfy the aforementioned affordable housing commitment and constitutional obligation of the Verona Township Council and Planning Board as stipulated in the 2009 Master Plan - while at the same time incorporating provisions which harmonize with the area surrounding the Property. This Plan is limited to the portion of the Property located in the Verona – the aforementioned ~6 acres.

The Redevelopment Plan is intended to promote a cohesive environment accentuating the Township's access to mass transit and employment opportunities and to integrate, to the best extent possible, a future development project within the surrounding neighborhood through:

1. Appropriate building scale with sufficient screening and buffer areas.
2. Mandatory use of green infrastructure stormwater management practices and preservation of mature trees and vegetation.
3. Efficient vehicular circulation and promotion of pedestrian, bicycle, and public transportation.

V. Verona Master Plan

The Municipal Land Use Law, N.J.S.A. 40:55D-28, ("MLUL"), stipulates that a Housing Element of the municipal Master Plan ("Master Plan") be enacted to achieve the objective of access to affordable housing to meet present and prospective housing needs of a municipality, with particular attention to low and moderate income housing.²

² On August 2, 1995 COAH granted substantive certification to Verona of its Round 2 petition. {Affordable housing.}

The 2009 Verona Master Plan at Pages 12 through 19 addresses the Housing Element. It is important to emphasize that Objective Number 14 of the Verona Master Plan indicates that a purpose of the Master Plan is “(t)o continue to meet the municipal obligation to provide the Township of Verona its fair share of affordable housing meeting the requirements set forth by the New Jersey Council On Affordable Housing.” The 2009 Verona Master Plan includes the statutorily required Housing Element and Fair Share Plan (See Section 13 of the 2009 Verona Master Plan).

Additionally, this Redevelopment Plan is consistent with a number of the “Goals and Objectives” found in section 7 of the Master Plan. The first objective is to “encourage municipal action to guide the appropriate use or development of all lands in this Township, in a manner that will promote the public health, safety, morals, and general welfare.” This plan aims to meet that objective by fulfilling the Township’s moral obligation in the development of affordable housing while taking into consideration the environmental impact of the development as well as visual impact on the surrounding neighborhoods. The plan also takes into consideration the safety and general welfare of the Township regarding traffic in that the proposed use of the property will have an even flow of traffic throughout the day rather than a high concentration of traffic in the mornings and afternoons for school drop off and pickup. **Additionally, in the interest of safety, the designated redeveloper shall prohibit a left hand turn out of the Property onto Sunset Avenue.**

The fourth objective is “to ensure that the development of the Township does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole.” This is addressed in section VI (C) of this Plan.

The fifth objective is “to promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of people, neighborhoods, communities and regions and preservation of the environment.” The location of the Property in this redevelopment plan, while located in the R-100 residential zone, has had a non-residential use for the past fifty years and is one of only two parcels in Verona with frontage on Bloomfield Avenue to be zoned for single-family residential use (the other property located at 352 Bloomfield Ave is zoned for R-50B (Medium/High Density) but is non-conforming as townhouses were built there in 1989). The redevelopment of this site, located across the street from the extended town center zone, public transit and other multi-story

apartment buildings, is an appropriate placement of higher population density. Furthermore, the site will be developed in a way to minimize its impact on the single-family residential neighborhoods to the west and south, and in a way that limits its development on environmentally sensitive areas and preserving environmental resources. In Section 4 of the Master Plan on page 8 in Map 4-3 "Soil Classification", it illustrates that the Property is located mostly in the Yalesville Series and partially in the Boonton Series, both of which are described as "well drained. Annual flooding is none, and annual ponding is none" and "The minimum depth to a water table is greater than 6 feet."

The seventh objective is "to provide sufficient space and appropriate locations for a variety of residential, recreational, commercial and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens of Verona." This plan aims to accomplish this goal by increasing the current variety of housing choices. This plan also aims to "preserve and protect the established primarily residential character of the Township by maintaining and improving neighborhood quality in existing residential areas." It does so by redeveloping a non-residential use into a residential one, and by concentrating development in this location, reducing the demand for increased housing density in other areas of the Township. Therefore, this plan accomplishes the goals to "encourage future housing construction that is compatible with the existing character of the Township without increasing housing density in established areas" and to "guide the future development and/or redevelopment of land within the Township so as to incorporate new construction without undue disruption to the established character of the Township."

VI. This “Redevelopment Plan”

This Redevelopment Plan sets forth the parameters of the residential development stipulated in the aforementioned documents.³ It also establishes standards for the construction of buildings and other improvements in the Redevelopment Area.

This Redevelopment Plan provides for a new overlay zoning district. As such, a development application (site plan) may be submitted using the land use standards specified in Figure 5, including the new overlay zone (A-1RA).

The new zoning requirements in the A-1RA zoning district as hereinafter described shall supersede the preexisting zoning requirements upon adoption of this Plan. Notwithstanding the foregoing, the zoning regulations hereinafter defined shall constitute an overlay of the underlying zoning.

A. Specific Zoning Provisions of this Redevelopment Plan.

The Property subject to this Redevelopment Plan is currently situated in the R-100 Zone and is situated directly across the street (at the northern point of the property) from the Extended Town Center Zone. The proposed affordable housing overlay zone is the A-1RA “Multi Family-Mid Rise Redevelopment Overlay Zone” {at Sunset} as stipulated in a new section of the General Ordinances of the Township of Verona at §150 - 17.13 F which permits the following principal use, in addition to the underlying zoning:⁴

1. Multifamily dwellings-building and site requirements.

To accommodate the aforementioned 200 residential units, including the 15 affordable residential units, this Redevelopment Plan proposes that an A-1RA (Multi Family Mid Rise Sunset Redevelopment Overlay Zone) district be implemented and added to the Township of Verona Zoning Districts at §150-17.8 F, applicable to the parcel at Block 303, Lots 4, with a common street address of 1 Sunset Avenue.

³ On October 28, 2019 the Township Council held a special meeting where the potential development plan, implementing the settlement agreement, was presented by the potential redeveloper-BNE.

⁴ The General Ordinances of the Township of Verona are referred throughout this Redevelopment Plan. The various sections of the Ordinances are referenced by code number, for example §150-Zoning.

Figure 4. **Comparison** of Zoning Regulations - Illustration Purposes.

Standard:	A-1R Zone	A-1RA Overlay Zone
Minimum Acreage	8	5.0
Minimum Front Yard Setback-Feet	40	50
Minimum Side Yard Setback-Individual or One-Foot	15	50
Minimum Rear Yard Setback-Feet	25	50
Maximum Residential Dwelling Units Per Acre	10	35
Maximum Building Height	35 ft	60 ft
Maximum Improved Lot Coverage-Percent	55%	75%

Accordingly, the regulations covering the new A-1RA Overlay Zone shall be as set forth in the A-1RA column of Figure 4 above and shall be included in a new Verona Ordinance Section at §150-17.8 F. of the General Ordinances, as follows:

§150 - 17.8 F. A-1RA MULTI FAMILY–MID RISE REDEVELOPMENT ZONE DISTRICT.

i. Principal Permitted Use.

Multi-family residences, not to exceed two hundred units of which fifteen (15) units shall be affordable housing apartments as required under by the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") and as limited by UHAC, which requires municipalities to endeavor to identify affordable housing opportunities in a municipality. This is an overlay zoning district applicable to Block 303, Lots 4, including any easements, required to provide utilities, access or parking within the redevelopment project. The following Figure 5 includes the bulk standards.

ii. Figure 5. Area, Yard and Bulk Regulations. Multi-Family – Mid Rise Redevelopment.

Standard:	A-1RA Overlay Zone:
Minimum Acreage	5.0
Maximum Residential Density Per Acre	N/A
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback-Any Side	50 feet
Minimum Rear Yard Setback	50 feet
Maximum Dwelling Units Per Acre	N/A
Maximum Height-Building Affordable Housing*	60 feet ⁵
Maximum (Improved) Lot Coverage-Percent	75%

⁵ A firewall creates separate independent buildings. Section A.3.3.14.6 of the NFPA 221 allows for the portions of the structure subdivided by a firewall to be considered separate buildings. The requirement that a firewall cannot collapse during fire conditions is also stipulated in Section 706.2 of the 2012 IBC.

Maximum Dwelling Units-Project Area	200 units
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*The “Permitted Exceptions” regarding “Height Regulations” §150–5.2 B. shall be applicable to the A-1RA Overlay Zone. Also, the property may NOT be subdivided or otherwise spilt, therefore there is no maximum dwelling units per acre. Only the land area of the portion of the parcel in Verona shall be included in the lot coverage calculation. A pitched roof design element is preferred but not required and every effort shall be made to have the building(s) blend into the topography and landscape. No setback is required from a municipal boundary.

Notwithstanding any Verona Ordinance definition or provision to the contrary, including §150-2.3 “HEIGHT, BUILDING”; the HEIGHT, AFFORDABLE HOUSING BUILDING applicable to the A-1RA Overlay Zone shall be defined as “the vertical distance measured from the average ground elevation of the finished built out grade (in other words, after building construction) at the building line around the full perimeter of the building, to the buildings highest point, exclusive of chimney, steeples, mechanical equipment-including, HVAC, parapet wall (which shall not be higher than 48 inches and shall not be built when a pitched roof is being proposed), elevator tower and flagpole. An individual building may be divided by a fire wall which creates a separate permanent building”.

iii. Non-Applicability of Certain Ordinance Provisions.

a. The provisions of §150–5.1 G. “Lot Located in More than One Zone” shall not be applicable to the A-1RA Overlay Zone.

b. The provisions of § 150-23.1 pertaining to Steep Slopes shall NOT be applicable when a site plan is submitted pursuant to this Redevelopment Plan.

d. Proper stormwater runoff and retention SHALL be addressed upon the submission of a site plan to the Verona Planning Board, please refer to Paragraph f below. The development design shall work to achieve the minimum of stormwater runoff that must be managed through green infrastructure and other stormwater management measures. Retention of natural landscape features shall be emphasized in the design. Further consistent with §150-23.9 H the designated Redeveloper shall submit a stabilization and revegetation plan prepared, signed and sealed by a New Jersey licensed professional engineer which shall include a complete description of the existing vegetation, the vegetation to be planted, and slope stabilization measures to be installed.

The revegetation and slope stabilization plan shall be submitted with the grading plan. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes. (Note: this

plan shall be consistent with the required landscaping plan.)

e. The provisions of §440 pertaining to Soil Removal shall be applicable to the A-1RA Overlay Zone.

f. The provisions of §455 pertaining to Stormwater Management shall be applicable to the A-1RA Overlay Zone so as to implement the provisions and requirements of the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. Stormwater management at the pertinent project site in the A-1RA overlay zone shall also be governed by Residential Site Improvement Standards of the State of New Jersey, N.J.A.C 5:21-7⁶ (“RSIS”) and shall include NJDEP regulations. In addition, New Jersey Stormwater Management rules at N.J.A.C. 7:8 specify stormwater management standards and green infrastructure that are either required or strongly recommended for new major development. These rules must be followed to the extent applicable. The New Jersey Stormwater Best Management Practices Manual (BMP manual-Section 2), published February 2004, was developed to provide guidance to address the stormwater management and green standards in the Stormwater Management Rules (N.J.A.C. 7:8). The stricter of the provisions of this section f shall apply in all instances.

The designated redeveloper shall incorporate green infrastructure (“GI”) practices to be incorporated into site design which must be selected based on an evaluation of individual site characteristics and needs. The designated redeveloper shall incorporate or consider with diligence common GI practices, including rain gardens/bioretention basins, grass swales, constructed gravel wetlands, roof water recycling, rain barrels and bioretention plantings and green areas. GI practices SHALL be generally considered a part of the redevelopment design.

Finally, green infrastructure does not have to be vegetated; GI can include designs incorporating pervious pavement and sand filters that use the soils to reduce runoff and treat pollutants and rain barrels and cisterns that store rainwater for later reuse.

Verona Ordinance at §455-1F ...” (r)equiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the

⁶ § N.J.A.C. 5:21-7.1 – Stormwater management: scope indicates: “Stormwater management systems prepared by design engineers shall emphasize a natural, as opposed to an engineered, drainage strategy. To the maximum extent practicable, stormwater management standards shall be met by incorporating nonstructural stormwater management strategies into a design”.

spilling, dumping, leaking or otherwise discharge of liquids, semi liquids or solids from the containers to the municipal separate stormwater system...” shall be also be complied with.

g. The provisions of §493 pertaining to “Shade Trees and Shrubs” shall be applicable to the A-1RA overlay zone. Tree removal shall be identified and included in the Landscaping Plan, with appropriate replanting approved by an arborist with the concurrence of the Township Engineer. Further, the provisions of Ordinance No. 2019-34, codified at §493-17, pertaining to tree protection, removal and replacement shall be applicable to the A-1RA overlay zone.

h. The provisions of §430–17 “Standards for review” of a site plan shall be limited to the terms and conditions of this Redevelopment Plan and the Municipal Land Use Law—except that the term, or definition, of Variance shall not be applicable to any site plan, but only deviations from this Redevelopment Plan shall be considered by the Verona Planning Board.

iv. Applicability of Certain Existing Ordinance Provisions with Modifications and Clarifications.

a. The provisions of §150–7.20 B. “Sheds” shall be applicable to the A-1RA overlay zone as in the R-100 Zone.

b. The provisions of §150–11.1 “Buffer Zone Requirements” shall generally be applicable to the A-1RA overlay zone. Wherever practical, and in the concurring opinion of the Township Engineer, a minimum of a thirty foot (30) densely planted landscaping buffer, of the overall total buffer area of fifty feet, shall be provided. This shall include a required thirty foot densely landscaped buffer, incorporating existing natural features (trees, rock, plants, etc.) along the frontage with Afterglow Avenue and Sunset Avenue south of the driveway. This provision is intended to be in addition to any other applicable Township ordinance.

Further, the following additional provisions shall be applicable to the A-1RA overlay zone:

§150–11.1 E. Pertaining to “underground utility easements” being permitted in the buffer zone and setback area.

§150–11.1 F. Pertaining to permitting the buffer zone area being “utilized for the purpose of computing lot coverage”.

§150-11.2 C. 3. Pertaining to properties being “kept free of poison ivy” and other “undesirable or invasive plant” species.

§150-11.2 D. and E. Pertaining to the submission of proposed landscape plan and the contents thereto shall be complied with. This landscaping plan MUST include an inventory of GI measures included in the site.

§150-11.3 B, 11.4 A and C, 11.6 D and 11.7 G shall NOT be applicable to the A-1RA Overlay Zone. The site plan and all required studies and reports submitted therewith shall indicate compliance with this Redevelopment Plan and the related State of New Jersey regulations cited herein. (Also, please refer to Section III, iii, f. heretofore set forth.)

v. Traffic Circulation, Parking Requirements, Including Off Street Loading.

a. Notwithstanding this provision, the preparation of a traffic circulation and control report shall be reviewed by the Township Engineer for adequacy. To be clear: No left hand turn out of the property onto Sunset Avenue may be made at any time.

b. The provisions of §150-12 “Off-Street Parking, Loading and Performance Standards and Design Criteria” shall NOT be applicable to the A-1RA Overlay Zone, with the EXCEPTION(S)” that:

1-§150-12.6 “Off Street Parking” provisions shall be applicable to the A-1RA overlay zone, but a deviation from the New Jersey Residential Site Improvement Standards (“R.S.I.S”) may be granted by the planning board should the applicant prove somewhat less parking is appropriate. The deviation from RSIS is justified since the redevelopment area is within walking distance to a nearby bus transit line and because the residential units have unique characteristics, specifically, qualified affordable income households.

Further, given the size and shape of the property the parking resources serving the A-1RA overlay zone, the number of on-site parking spaces appropriate for each market residential unit and each affordable residential unit and therefore required in the A-1RA overlay zone shall be a minimum of 1.9 vehicles per residential unit. (See N.J.A.C. 5:21-4.14 (c)-RSIS alternate parking standards).

Electric vehicles and charging stations shall be provided on site and at a minimum of two separate locations. A minimum of 2% of all parking spaces shall be dedicated to electric vehicles. The designated redeveloper shall provide for a permit process to assign dedicated electric vehicle spaces to residents.

2-The provisions of §150-12.7 A. pertaining to commercial vehicles shall NOT be applicable to the A-1RA Overlay Zone to the extent that NO commercial vehicle or recreational vehicle shall be parked in the A-1RA overlay zone unless work is being done on the property (premises) by a contractor using a commercial vehicle.

vi. Signs.

The provisions of §150-7.9 U. shall be applicable to the A-1RA Overlay Zone. Paragraph 2 shall be applicable but is hereby modified to permit doubled sided signs up to 26 square feet in surface area per side (52 square feet in total). The area and height calculation used to determine the sign surface area shall not include any foundation used to support the sign.

vii. Permitted Accessory Use(s) and Structures. The following are permitted to be built within the Redevelopment Plan area in Verona. All such spaces, structures, or devices shall **not** be permitted within the fifty foot yard buffer area:

a. Screened or enclosed waste collection and recycling areas, subject to the reasonable approval of the Township Engineer.

b. Interior building space may include leasing, management, maintenance, and related offices-exclusively conducting business for the benefit of the Redevelopment project.

c. Interior building space may include amenity interior space, including but not limited to community meeting rooms, mailrooms etc.

d. Exterior amenity space such as recreation areas, pools, benches, gazebos (having a maximum height of twenty-four feet), etc. are permitted. No tennis courts (including pickle ball) or basketball courts may be constructed without the expressed approval of the planning board.

e. One screened or unobtrusive satellite or dish antenna in the side yard is permitted.

f. §150-7.1 Balconies, eaves and well-designed porches may be constructed provided they do not encroach by more than five feet into any yard, or buffer area. There shall be a maximum amount of porch area of 70 square feet per unit.

Accordingly, the provision of §150-5.3 G. stipulating “Multiple family dwellings may have one canopy or porch at ground level which shall not exceed 70 square feet and which shall have a minimum setback of eight feet”, shall NOT be applicable to the A-1RA overlay zone.

B. Redevelopment Plan Regulations.

1. All definitions contained in the Zoning Ordinance and Land Use Regulations of Chapter 150 of the Township of Verona Code shall apply to this Redevelopment Plan except as modified herein. The operative provisions of §455 pertaining to Stormwater Management shall be applicable to the A-1RA overlay zone.

2. As required by the FHA no unnecessary costs that may be included in the Township Code shall apply to the A-1RA Overlay Zone. Therefore, §430-12 “Off-tract improvements” shall not be applicable to any application for site plan approval filed with the Township in the A-1RA overlay zone.

Further, any on-site utility and site improvements including but not limited to landscaping, water and sewer utility connections and piping, stormwater management, sanitation/garbage receptacles, etc. SHALL be shown on the pertinent site plan covering any proposed project, subject to any restrictions and allowances that may be provided in the Redevelopment Agreement. The water and sewer utility analysis must include a capacity and pressure analysis to ensure adequate water and sewer service.

3. Notwithstanding any ordinance provision to the contrary, an exception to the Verona General Ordinance provisions applicable to the A-1RA overlay zone is that no use provision, or term or condition, stipulated in this Redevelopment Plan may be changed, or any variance thereto, may be considered by the Board of Adjustment.

No use variance from this Redevelopment Plan as may be permitted under §430-15, or as may be permitted under any other Township of Verona ordinance, may be considered by the Verona Board of Adjustment. While §430-15 of the Verona Ordinances may infer that any Verona Ordinance inconsistent with this Redevelopment Plan is in effect, it is the expressed intent and policy of the Township Council that any modification that would cause a “d” variance pursuant to N.J.S.A. 40:55D-70(d) or a height deviation (or a variance) by virtue of a site plan filed pursuant to this Redevelopment Plan then the applicant (as designated redeveloper) shall be required to seek an amendment to this Redevelopment Plan by the Township Council, as the governing body.

Any modification, known as or deemed a deviation, from this Redevelopment Plan or the approved site plan, that would be deemed a “design waiver” or a “bulk standard

deviation”, except a building height deviation, shall be considered as the equivalent of and akin to the provisions of a “c” variance pursuant to N.J.S.A. 40:55D-70(c), and, further, shall be submitted to the Verona Planning Board for consideration as part of a site plan application by the redeveloper, subject to prior review of the designated Township Planner.

4. Project Plans, including a site plan, for the pertinent redevelopment project(s) shall be reviewed and approved by the Township Engineer, Township Planner, and Planning Board as may be applicable AND shall be subject to a new site plan approval inasmuch as any prior site plan approval(s) are hereby declared no longer in effect.

5. Redeveloper designation. The designated redeveloper of the property located in the Redevelopment Plan area shall be required to submit documentation to the Township Manager and Township Council to demonstrate compliance with the objectives of the Redevelopment Plan.

This shall be accomplished by and through the submission of a Site Plan including the required traffic, water, sewer, storm water and GI analysis and reports.

6. The Township of Verona and the Redeveloper shall enter into a “Redevelopment Agreement” prior to submission of a site plan application, as permitted by the LRHL at N.J.S.A. 40A:12A-9. The Redevelopment Agreement shall contain the terms, conditions, specifications of any and all redevelopment actions.

The Redevelopment Agreement shall at a minimum include:

- The Project Concept(s) and description of project design elements, especially building design features and materials, for the undertakings proposed.
- A schedule for the commencement and completion of improvements.

7. This Redevelopment Plan shall remain in effect for thirty-five years from the date of adoption of the Ordinance adopting this Redevelopment Plan.

C. *Compliance with the LRHL.*

This Redevelopment Plan provides the structure to comply with the provisions of the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-7 “Adoption of redevelopment plan”. The following statutory elements are covered in this Redevelopment Plan with our guidance in bold type. To wit:

7. a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon

its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

(1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.

*The plan's relationship to local objectives is discussed extensively in Section V. However, the definitive local objective being complied with is the **elimination of an educational facility in favor of a legally required affordable housing project.***

(2) Proposed land uses and building requirements in the project area.

The details of the land uses are stipulated in the Section VI of this Redevelopment Plan.

(3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. (N/A)

(4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.

{Pursuant to the Redevelopment Agreement the Designated Redeveloper will acquire the property at Block 303, Lot 4 - the Spectrum360 property.}

(5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

The Township of Verona is bordered by Montclair to the east, Cedar Grove to the north, North Caldwell to the west, Essex Falls to the southwest, and West Orange to the south. The municipality with which this redevelopment plan has the most significant relationship to is Montclair. We are also discussing the plan's relationship to the Master Plan of Cedar Grove as the ridgeline extends north.

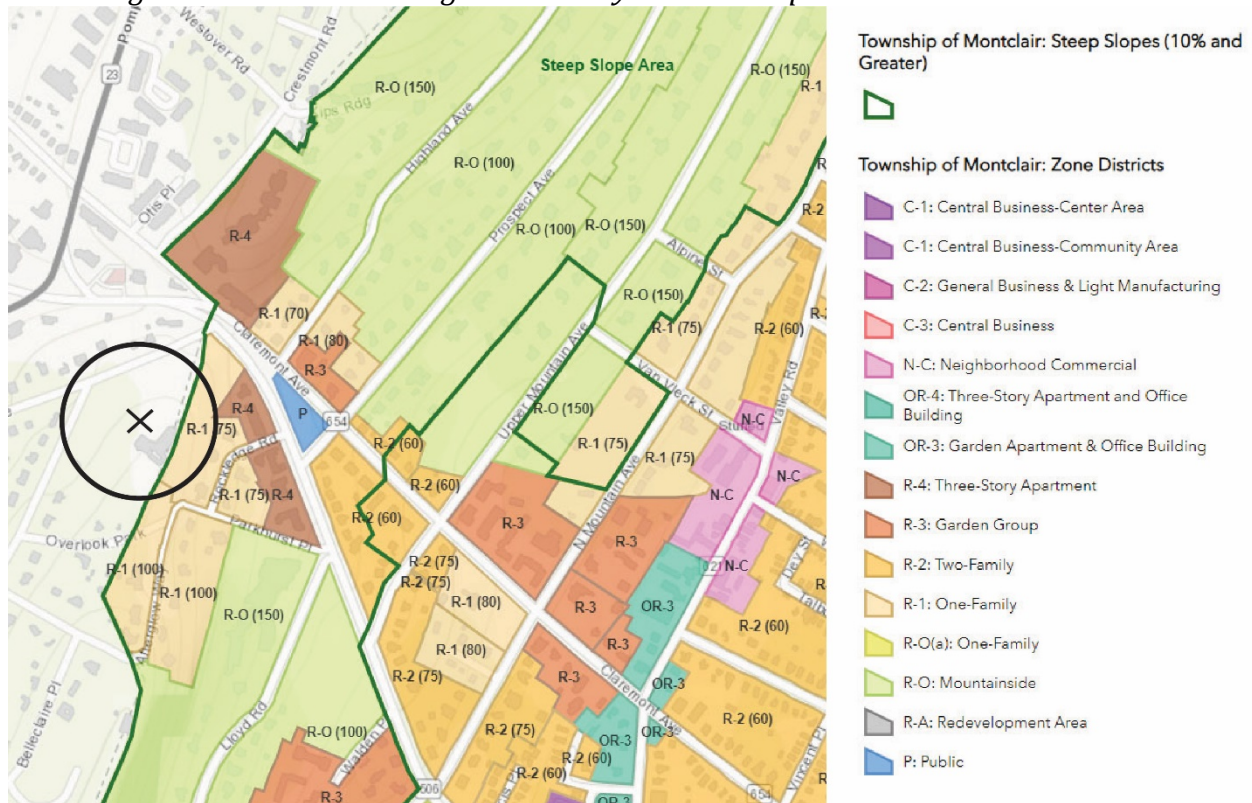
Montclair

A portion of the Property – approximately 1.42 acres out of total approximate 7.42 acres - of the redevelopment area is located in the Township of Montclair. However, the portion of the Property located in Montclair will not be redeveloped and is not subject to the redevelopment plan.

The 2016 Montclair Master Plan Reexamination Report states under "Housing Objectives" on page 5 that the 2006 Reexamination Report's first objective with regards to housing is to "offer housing types for a diverse population. Provide a wide range of housing styles – from apartments to townhouses to single-family homes – to meet the needs of a population diverse in age, income and physical ability. Maintain a zoning pattern which permits a range of housing types at appropriate densities throughout the community."

This redevelopment plan is aligned with the abovementioned objectives and is in close proximity to a number of multi-family apartment buildings.

Figure 6. Montclair Zoning in Proximity to Redevelopment Area



Cedar Grove

The Property governed by this redevelopment plan is approximately 0.6 miles from the border of Cedar Grove to the north. The First Mountain PA-5 runs from Verona up into Cedar Grove and ends in the southernmost area of Little Falls.

In 2020, Cedar Grove adopted a new Master Plan and Reexamination Report. In Section 14 “Relationship to Adjoining Communities”, it states that “The Township of Cedar Grove has been designated, in most parts, as a PA 1, metropolitan planning area 1” and also references that “The east and west municipal boundaries are located in environmentally sensitive areas.” However, it does not make specific policy recommendations for land use in those areas. The goals and objectives of the Cedar Grove Master Plan are nearly identical to that of Verona, as both plans were drafted by the same author. These include providing “sufficient space in appropriate locations for a variety of residential, recreational, commercial and open space...according to their respective environmental requirements in order to meet the needs of all the citizens of New Jersey.” This redevelopment plan addresses those issues and is therefore not inconsistent with the Master Plan of Cedar Grove.

State Development and Redevelopment Plan (“SDRP”)

This Redevelopment Plan accomplishes the goals and objectives of the SDRP by supporting redevelopment in an existing “Center” zone, on a site with access to various forms of transportation and existing infrastructure including an Existing Sewer Service Area, meaning an area that is currently served by a regional or Community Sewage System. A Community Sewage System means a community sanitary sewage system including collection, treatment, and disposal facilities in public

or appropriate private ownership, serving a part of all of a single Center or municipality. The sewer system is a key infrastructure element fostering redevelopment.

This Plan further meets the objectives of both a PA-1 and PA-5 area by providing for a range of housing choices "primarily in Centers" including affordable housing. The State Planning Act of 1985 established state-level planning policy and mandated the creation of the New Jersey State Development and Redevelopment Plan (SDRP). The first plan was adopted in 1992 and updated on a three-year cycle through a "cross-acceptance" process. The last amendment and re-adoption was in 2001. Although an update was initiated in 2003, it was never adopted.

The Preface page ix of the State Plan states the following:

"New Jersey's State Plan, including its State Plan Policy Map, is used as to guide municipal, county and regional planning, state agency functional planning and infrastructure investment decisions. It is not appropriate to use the State Plan directly to formulate codes, ordinances, administrative rules or other regulations. Such regulations should be formulated to carry out the manner and functional plans of the responsible agencies."

Following the introduction of a preliminary plan and prior to adoption of a final plan, municipalities have the opportunity to participate in the cross-acceptance Process. Cross-acceptance is defined by the State Planning Act as: "...a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility between local, county and state plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the Cross-acceptance." (N.J.S.A. 18A-202b)

The Property subject to this Redevelopment Plan is shown on the 2001 State Development and Redevelopment Plan Map as being in both PA-1 and PA-5 planning areas. A PA-1 area is defined as a Metropolitan Planning Area, the goal of which is to provide "for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." (Page 186)

Figure 7 – SDRP Policy Map Context



A PA-5 Area is defined as an Environmentally Sensitive Planning Area, with a goal to “protect environmental resources through the protection of large contiguous areas of land; accommodate growth in Centers; protect the character of existing stable communities; confine programmed sewers and public water services to Centers; and revitalize cities and towns.” (Page 186).

As mentioned above, an update to the State Plan was initiative in 2003 but was never adopted. However, there was a cross-acceptance process carried out in 2004, in which Verona participated and referenced in its 2009 master plan. In the 2004 Cross Acceptance Report, on page 210, under “Requested changes to the Preliminary Plan”, Verona requested that “the First Mountain should not be designated as (an) Environmentally Sensitive Planning Area, as this area has already been developed.”

Therefore, had the 2003 State Plan process continued, it’s possible the SDRP map could have been amended regarding the PA-5 designated portion of Verona, as the State Plan is meant to be a collaboration between the state, county, and municipalities. However, the currently adopted plan is that of 2001. Nevertheless, as is stated above, the intention of the SDRP map is not to be used to directly formulate ordinances or other regulations. Rather, it is a guide, and one that recommends that “New development in the Environmentally Sensitive Planning Area should be consistent with Statewide Policies and should be in Centers. Centers should absorb the growth otherwise projected for the Environs. Development and redevelopment should be guided to Centers with capacity to absorb growth in cost-effective ways that minimize impacts on environmentally sensitive features. (Page 217) According to the State Plan, 15.4% of PA-5 in New Jersey is already developed.

Regarding the housing policy objective, it states:

“Provide for a full range of housing choices primarily in Centers in appropriate densities to accommodate projected growth. Ensure that housing in general – and in particular affordable, senior citizen, special needs and family housing – is developed with access to a range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers.”

Furthermore, one of the six principles on which the State Planning Act is based is “The provision of adequate and affordable housing in reasonable proximity to places of employment is necessary to ensure equal social and economic opportunity in the state; achieving this end requires sound planning to ensure an adequate supply of available land that can be developed in an efficient growth pattern.” (Page 4) Lastly with regards to housing, under The State Plan’s Policies for “Revitalization and Comprehensive Planning”, Policy 1 “Low Income Housing Opportunities” states:

“Reverse the trend toward large concentrations of low-income households in municipalities experiencing distress, including those disproportionately occupied by racial minorities, by creating and affirmatively marketing low-income housing opportunities in less distressed neighborhoods and communities.”

Additionally, under “Planning Outcomes” for development and redevelopment, the plan states, “organizing development and redevelopment into Centers, with neighborhoods and mixed-use Cores and downtowns, results in lower public service costs, greater community and civic cohesion and identity; and reduces the consumption of land, energy and other natural resources.” (Page 6)

The master plans of the remaining adjoining municipalities including West Orange, Essex Falls, and North Caldwell and find no inconsistencies with this Redevelopment Plan.

(6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
(N/A)

(7) a. plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the “Fair Housing Act,” P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report

annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.
(N/A)

b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

The provision of affordable housing in accordance with the Township's affordable housing commitments and obligations is the principal purpose of this Plan. Fifteen affordable units are scheduled and permitted to be constructed in the Redevelopment Plan area.

c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as shall indicate the redevelopment area to which the redevelopment plan applies.

Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

This Redevelopment Plan includes the addition of a Multi Family-Mid Rise Redevelopment Overlay Zone District to be implemented and added to the Township of Verona Zoning Districts at §150-17.8 F. applicable to the parcel at Block 303, Lot 4.

d. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

This Plan is consistent with the 2009 Verona Master Plan as discussed in the Section V of this Redevelopment Plan.

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Benecke Economics

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