

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2021-14

ADOPTING THE REDEVELOPMENT PLAN ENTITLED “THE FIRST
AMENDED AND RESTATED 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, on March 8, 2021, by Ordinance No. 2021-01 the Township Council adopted a redevelopment plan for the Redevelopment Area entitled “The Sunset Avenue Redevelopment Area Redevelopment Plan”, dated February 22, 2021(as may be amended and supplemented from time to time, the “Redevelopment Plan”); and

WHEREAS, the Township Council now desires to adopt a first amendment to the Redevelopment Plan to clarify ambiguous language and to incorporate comments from the public, the planning board and the Township’s professionals; and

WHEREAS, Benecke Economics prepared a first amendment to the Redevelopment Plan entitled, “The First Amended and Restated Sunset Avenue Redevelopment Area Redevelopment Plan”, dated May 3, 2021, which is attached hereto as Exhibit A (the “**First Amendment**”); and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey as follows:

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

SECTION 2. The First Amendment is referred to the Township of Verona Planning Board for its review, report and recommendation in accordance with *N.J.S.A. 40A:12A-7(e)*.

SECTION 3. The First Amendment, as filed in the Office of the Township Clerk and attached hereto as Exhibit A, is hereby approved and adopted pursuant to the terms of the Redevelopment Law.

SECTION 4. 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 supersede the applicable development regulations of the Township’s municipal code, as and where indicated.

SECTION 5. 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 6. A copy of this Ordinance and the First Amendment shall be available for public inspection at the office of the Township Clerk during regular business hours.

SECTION 7. This Ordinance shall take effect as provided by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF XXXXX AND XXXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: May 3, 2021
PUBLIC HEARING:
EFFECTIVE DATE:

EXHIBIT A
THE FIRST AMENDED AND RESTATED
SUNSET AVENUE REDEVELOPMENT AREA REDEVELOPMENT PLAN
(the “First Amendment”)

The Township of Verona
Essex County
New Jersey

The First Amended and Restated Sunset Avenue Redevelopment
Area
Redevelopment Plan

Block 303, Lot 4
1 Sunset Avenue

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

May 3, 2021

BENECKE ECONOMICS
8410 Sanctuary Boulevard
Riverdale, N.J.
07457



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

I. Abstract

The primary purpose of this Redevelopment Plan (“**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 of Verona (“**Township**” or “**Verona**”) filed the requisite Declaratory Judgement action in Superior Court (Docket No. ESX-L-4773-15) so as to develop a realistic 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.

The subject property is located at 1 Sunset Avenue in Verona at Block 303, Lot 4, consisting of land in both Verona and in the Township of Montclair (“**Montclair**”). This Redevelopment Plan is applicable only to the land located in Verona (“**Property**”). This Plan permits a multi-family apartment building with not more than 200 residential units including 15 affordable units.

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

The proposed project and this Redevelopment Plan is an appropriate use of the Property because it replaces a preexisting school development (formerly a large office building) and is located near the Township’s main thoroughfare, Bloomfield Avenue and is in close proximity to the Extended Town Center Zone and other multi-family apartment buildings. The Property is one of only two properties in Verona proximate to Bloomfield Avenue (albeit in Montclair) that is zoned as single-family residential. The Plan establishes a new Multi Family-Mid Rise Redevelopment Zone which shall supersede existing zoning.

This 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 (the “**State Plan**”) which, in its 2001 SDRP Map, designates a portion of the Property as a PA-1 area and a portion as a PA-5 area. As is discussed in detail herein, the State Plan indicates in its guidance for redevelopment in a PA-5 area 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 State Plan defines “Centers” as *“a compact form of development with one or more cores and residential neighborhoods.”* The State Plan defines “Core” as *“a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality or a Center, generally including housing and access to public transportation.”* The location of the subject property in close proximity to the Extended Town Center zone and public transportation, meets this definition. Furthermore, the State Plan states in its delineation criteria for a PA-1 area that *“Areas that are totally surrounded by land areas that meet the criteria of a Metropolitan Planning Area, are geographically interrelated with the Metropolitan Planning Area and meet the intent of this Planning Area.”* Lastly, it is stated on the State Plan’s preface at page ix: *“New Jersey’s State Plan, including its State Plan Policy Map, is used 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, the fostering of a cohesive development project accentuating the Township’s access to mass transit and employment opportunities and the integration, to the best extent possible, of the project into the surrounding neighborhood through appropriate buffers, screening, preservation of mature trees and existing vegetation, and attention to environmental considerations including steep slopes and 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 (“**2009 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 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 2009 FSP, while adopted by the Township Planning Board, was never implemented because of the uncertainty surrounding affordable housing regulations including COAH’s failure to adopt newly revised third round regulations. The Fair Share Housing Center, which was a party in both the 2010 and 2013 FHA cases, responded to the uncertainty by filing a motion in aid of litigants’ rights with the New Jersey Supreme Court. The Supreme Court heard the motion in January 2015. On March 10, 2015, the Court returned jurisdiction of affordable housing issues to the trial courts where it had been prior to the creation of COAH in 1986. This Supreme Court decision created a process for municipalities, like Verona, that participated in the FHA/COAH process, to file a Declaratory Judgment action (“**DJ**”) seeking to have the court declare the 2009 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 FSP continues to affirmatively address their local housing need as may be adjusted by new affordable housing-need numbers promulgated by the court.

Three parties intervened in the Township’s DJ action. Verona undertook extensive efforts 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, which require municipalities to review their map (and land inventory) for areas that may be developed or redeveloped in order to meet its “unmet need” for affordable housing.

One of the intervenors in the Township’s DJ action was the Property Owner. Initially, the Property Owner proposed a 300 residential unit project on the Property, in part to provide 45 affordable housing units. On May 31, 2019, the Township and Property Owner entered into a settlement agreement which permitted such 300-unit project. On January 31, 2020, the parties executed an amended agreement reducing the project density to 200 residential units including 15 affordable housing units consistent with 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**”) adopted Resolution Number 2019-140 entitled “Determining that the Property Identified as

Block 303, Lot 4 be Designated as a Non-Condensation 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. The redevelopment area designation was approved by the Commissioner of the Department of Community Affairs on October 4, 2019.

III. Property and Area Description

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 Property was originally developed in the 1950’s as a bank corporate office and repurposed around 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.

Figure 1. Tax Map

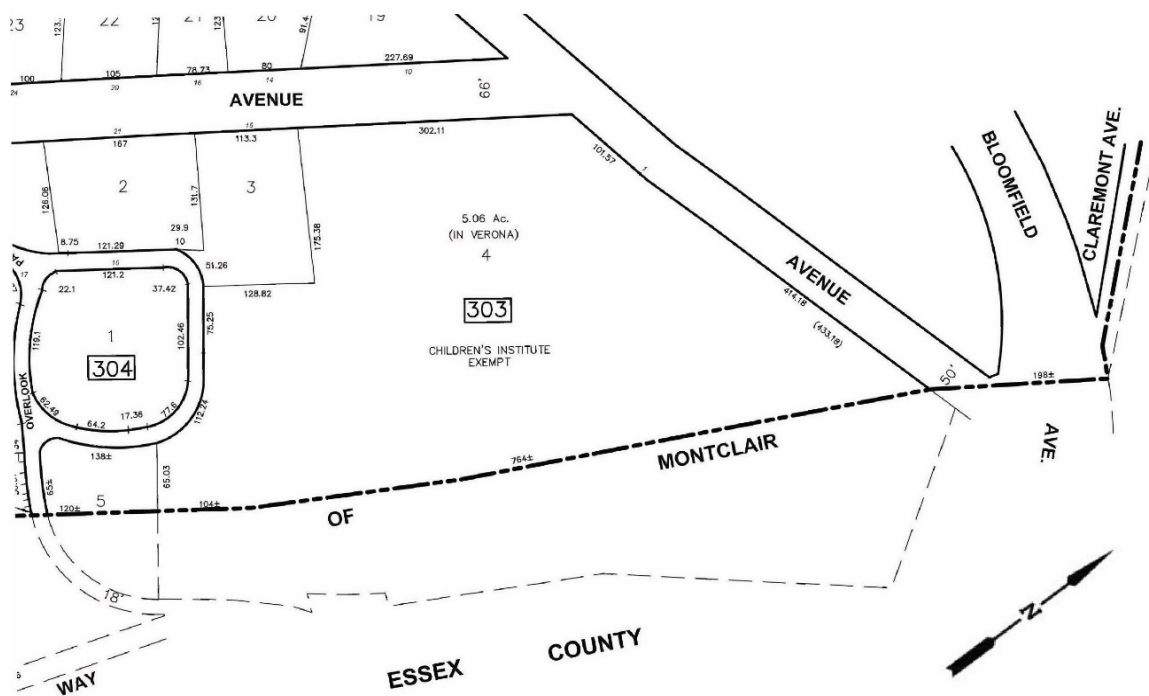


Figure 2. Area Context Map



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. This complex consists of 88 residential units on approximately 1.2 acres built in 1957. Further to the northeast, approximately 400 feet from the Property lies the 6-story Rockcliffe Apartment complex, also in Montclair, consisting of 103 residential 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 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 across the street 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. 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 satisfy, in part, the aforementioned affordable housing commitment and constitutional obligation of Verona as stipulated in the 2009 Master Plan - while at the same time incorporating provisions which harmonize with the area surrounding the Property. This 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. Identification of steep slopes and minimization of disturbance in order to protect the ridgeline.
4. 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 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.

The 2009 Verona Master Plan ("**Verona Master Plan**") includes the 2009 FSP. 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."

Additionally, the Redevelopment Plan is consistent with a number of the "Goals and Objectives" found in the Verona 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 meets this objective by fulfilling the Township's obligation to provide affordable housing. This Plan

also takes into consideration the safety and general welfare of the Township with regards to traffic. The proposed use of the Property will result in a more steady flow of traffic throughout the day rather than the high concentration of traffic that exists today in the mornings and afternoons for school drop off and pickup.

This Plan also meets the fourth objective of the Verona Master Plan which 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 of the Verona Master Plan, “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” is also addressed in this Plan. A non-residential use has operated on the Property for the past approximately 70 years and is one of only two parcels in Verona bordering Bloomfield Avenue (albeit in Montclair) 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 proposed development of the Property, 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 Property 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 Verona 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.” Lastly, this Plan will preserve environmentally sensitive lands by identifying steep slopes and limiting the development on those lands.

The seventh objective of the Verona Master Plan 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 accomplishes this goal by increasing

the current variety of housing choices. This Plan also “preserve[s] and protect[s] 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 goal of “encourage[ing] future housing construction that is compatible with the existing character of the Township without increasing housing density in established areas” and “guid[ing] 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. Development Standards

This Redevelopment Plan sets forth the parameters for the development of the Property. This Redevelopment Plan provides for a superseding zoning district.

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 new zone governed by this Plan is the A-1RA “Multi Family-Mid Rise Redevelopment superseding Zone” in which multifamily dwellings are a principal permitted use. The A-1RA (Multi Family Mid Rise Sunset Redevelopment superseding Zone) district (“**A-1RA Zone**”) shall be added to the Township of Verona Zoning Districts at §150-17.8 F.¹ All definitions contained in the Code of the Township of Verona including the Administrative Legislation and the General Legislation effective at the time of application shall apply to this Redevelopment Plan except as modified herein. The regulations covering the new A-1RA Zone shall be as set forth in Figure 4 below and shall be included in a new Verona Ordinance Section at §150-17.8 F. of the General Legislation, as follows:

¹ The General Ordinances of the Township of Verona are referred to throughout this Redevelopment Plan. The various sections of the Ordinances are referenced by code number, for example §150-Zoning.

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

i. Principal Permitted Use.

Multi-family residences, not to exceed 200 residential units of which 15 residential units shall be affordable housing apartments as required under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“**FHA**”) and as limited by Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“**UHAC**”), which requires municipalities to endeavor to identify affordable housing opportunities in a municipality. This is a superseding 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 4 includes the bulk standards applicable to the Property.

Figure 4. Area, Yard and Bulk Regulations. Multi-Family – Mid Rise Redevelopment.

Standard:	A-1RA 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**	60 feet
Maximum (Improved) Lot Coverage-Percent	75%
Maximum Dwelling Units	200 units
Subdivision of Property***	Not Permitted

* No setback is required from a municipal boundary.

** Height-Building shall be defined as the vertical distance measured from the average ground elevation of the finished built out grade (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. 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.

*** An individual building may be divided by a fire wall which creates a separate permanent building”.²

² 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.

ii. Applicability of Certain Verona Ordinance.

a. All provisions of the Code of the Township of Verona including the Administrative Legislation and the General Legislation effective at the time of application shall apply to this Redevelopment Plan except as modified, clarified or deemed inapplicable herein.

iii. Applicability of Certain Verona Ordinances with Modifications and Clarifications.

a. The provisions of §150-7.9(U) pertaining to “Signs” shall be applicable to the A-1RA 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.

b. The same provisions of §150-7.20(A) “Sheds” shall be applicable to the A-1RA Zone as if the A-1RA Zone was zoned as R-100.

c. The provisions of §150-11.1 “Buffer Zone Requirements” shall be applicable to the A-1RA Zone except that a minimum of a 30 foot densely planted landscaping buffer incorporating existing natural features (trees, rocks, plants, etc.) shall be required within the total buffer area along the entire frontage of Afterglow Avenue and along Sunset Avenue south of the driveway to the Property to the intersection with Afterglow Avenue.

d. The Township Engineer shall have the right to determine the proper areas for the required planted area pursuant to Article XI of Chapter 150 (§ 150-11.1 et al), taking into reasonable consideration the criteria set forth in the Article.

e. The provisions of §150-12.1(A) shall be applicable except that all off-street parking spaces shall be located within the Property. No off-street, off-site parking spaces shall be permitted.

f. The provisions of §150-12.1(B) shall be applicable except that the minimum number of required parking spaces may be met or satisfied by parking spaces located within or underneath a principal building.

g. The provisions of §150-12.2 shall be applicable except that the minimum size of parking stalls shall be nine feet by 18 feet.

h. The provisions of §150-12.4 shall be applicable only to the on-site, off-street, surface parking spaces. The access widths of any parking areas located within or underneath

a principal building shall be designed in accordance with good engineering and construction practices which shall be reviewed and reasonably approved by the Township Engineer whose approval shall be forwarded to the Planning Board at Site Plan Approval.

i. The provisions of §150-12.6 shall not be applicable and shall be supplemented with the following: The number of on-site parking spaces required in the A-1RA Zone shall be a minimum of 1.9 per residential unit. However, a deviation from the New Jersey Residential Site Improvement Standards ("R.S.I.S.") may be granted by the planning board upon recommendation from the Township Engineer should the applicant prove somewhat less parking is appropriate.

j. The provisions of §150-12.7 shall not be applicable to the A-1RA Zone except that no recreational vehicle shall be permitted to be parked in the A-1RA Zone.

k. The provisions of §150-12.8(C) shall be applicable only to the on-site, off-street, surface parking spaces. The parking stalls and driveways of any parking areas located within or underneath a principal building shall be designed in accordance with good engineering and construction practices which shall be reviewed and reasonably approved by the Township Engineer whose approval shall be forwarded to the Planning Board at Site Plan Approval.

l. The provisions of §150-12.8(D) shall be supplemented to read: All on-site, off-street surface parking areas within this Redevelopment Plan shall be screened along the side or sides abutting a public street with appropriate plantings or other appropriate screening as reasonably approved by the Township Engineer. Said plantings or other screening shall be a minimum of five feet in height and positioned in a way to shield the parked vehicles from the public street.

m. The provisions of §150-12.10 shall be applicable only to the reasonable judgement of the Township Engineer.

n. The provisions of Article XXIII of Chapter 150 (§ 150-23.1 et al) pertaining to Steep Slopes shall NOT be applicable to the A-1RA Zone, as such the property which is the subject of this Redevelopment Plan is exempt from the requirements, standards and restrictions contained in this Article. However, Steep Slope areas shall be designated for identification purposes only on site-specific topographic mapping to be prepared by a land surveyor licensed in the State of New Jersey, or utilizing best available topographic information as

determined by the Township Engineer. The percent of slope (rise in feet per horizontal distance in feet) shall be established by measurement of distance perpendicular to the contour of the slope for the disturbed area. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a 1.0-foot rise over a 10.0-foot horizontal run constitutes a 10% slope; a 1.5-foot rise over a 10.0-foot horizontal run constitutes a 15% slope; and a 2.5 foot rise over a 10.0-foot horizontal run constitutes a 25% slope. Previously existing artificially created landscaping features or construction elevation changes, such as, but not limited to, retaining walls, garden mounds or the transitions between terraces, or the creation of a railroad bed, shall be exempt from consideration in calculating slopes for designation of areas under this chapter. However, if the nominal slope of the land supporting such a feature meets the definition of a steep slope, irrespective of the existence of the feature, it shall be included as a designated area.

iv. Inapplicability of Certain Verona Ordinance.

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

b. The provisions of §150–11.3(B), 11.4(A) and (C), 11.6(D) and 11.7(G) shall NOT be applicable to the A-1RA Zone.

v. Traffic Circulation and Electric Vehicle Charging Stations

a. The preparation of a traffic circulation and control report shall be reviewed by the Township Engineer for adequacy.

b. Electric vehicle 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, half of which shall be located within the surface parking lots. The designated redeveloper shall provide for a permit process to assign dedicated electric vehicle spaces to residents.

vi. Permitted Accessory Use(s) and Structures. The following are permitted to be built on the Property. All such spaces, structures, or devices shall not be permitted within the 50 foot 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. Any permitted exterior amenity space shall not be permitted to the south of the primary structure abutting the R-100 Zone.

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

f. Balconies, eaves and well-designed porches may be constructed provided they do not encroach by more than 5 feet into any yard, or buffer area. The maximum amount of porch area shall be 70 square feet per porch. 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 8 feet", shall NOT be applicable to the A-1RA Zone.

B. Redevelopment Plan Regulations.

1. No modification or deviation from this Plan that would be the equivalent of a "d" variance pursuant to N.J.S.A. 40:55D-70(d) shall be granted by the Planning Board. Such a modification or deviation requires an amendment to this Redevelopment Plan. Any modification or deviation from this Redevelopment Plan that would be the equivalent of a "c" variance pursuant to N.J.S.A. 40:55D-70(c) may be submitted to the Planning Board for consideration as part of a site plan application by the redeveloper, subject to prior review by the designated Township Planner.

2. Site plan, for 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.

3. 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.

4. The designated redeveloper of the Property shall submit documentation to the Township Manager and Township Council demonstrating compliance with this Redevelopment Plan prior to the submission of a site plan application to the Planning Board.

5. 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 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.

(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.).

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 is Montclair. The Plan's relationship to the master plan of Cedar Grove is also discussed as the ridgeline extends north.

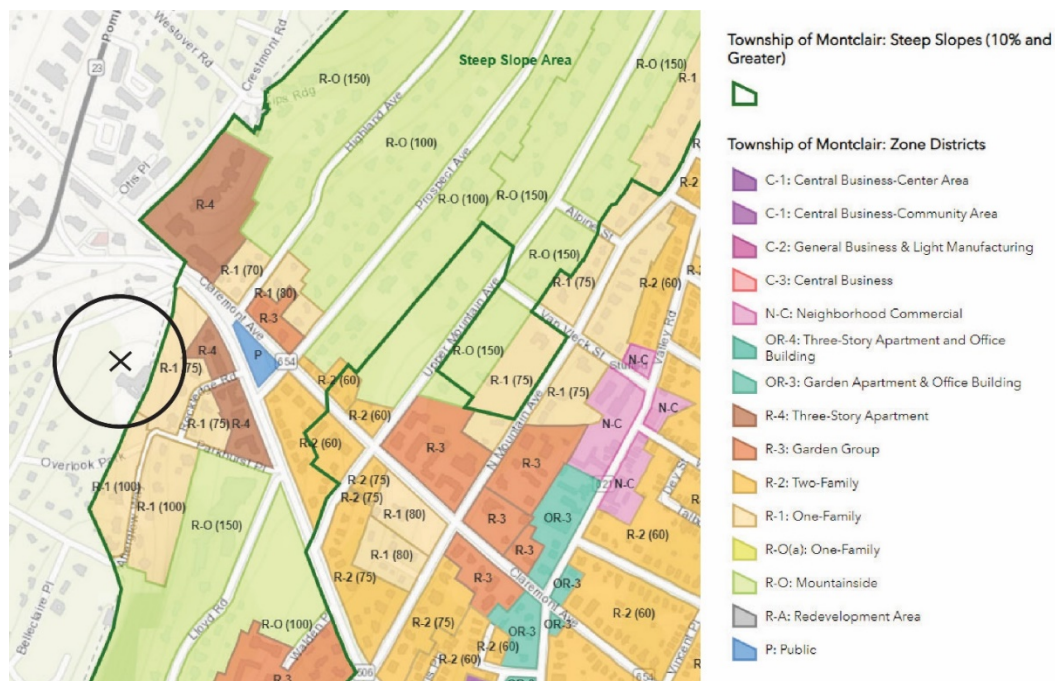
Montclair

Adjacent to the Property is a portion owned by the Property Owner that is located in the Township of Montclair. However, such portion that is located in Montclair will not be redeveloped and is not subject to this Redevelopment Plan.

In the 2015 Montclair Township Unified Land Use & Circulation Element, it is stated in section 1.1. "Baseline Conditions" that "the availability of a diverse range of housing types is lacking." And in Section 1.5 "Objectives of the Master Plan", one of the objectives is to "enable a continued diversity of housing types and values throughout Montclair." Furthermore, 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 5. Montclair Zoning in Proximity to Redevelopment Area



Cedar Grove

The Property 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” as well as preserving “environmentally sensitive lands by identifying steep slopes and deterring development on said lands.” 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 area that meets the State Plan’s definition of a “Center”, 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 is defined as 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. 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.

In the Preface page ix of the State Plan, it 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.”

The Property 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)

The State Plan states in its delineation criteria for a PA-1 area that *“Areas that are totally surrounded by land areas that meet the criteria of a Metropolitan Planning Area, are geographically interrelated with the Metropolitan Planning Area and meet the intent of this Planning Area.”* (Page 190)

Figure 6 – SDRP Policy Map Context



A PA5 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)

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)

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.”*

The currently adopted State Plan is that of 2001, the intention of which 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)

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)

We have also reviewed 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 principle 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 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 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

May 3, 2021