

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2021-092

A motion was made by Councilwoman McGrath; seconded by Deputy Mayor Roman that the following resolution be adopted:

**RESOLUTION CONCERNING COMMENTS FROM THE VERONA
PLANNING BOARD WITH RESPECT TO THE FIRST AMENDED AND
RESTATED SUNSET AVENUE REDEVELOPMENT AREA
REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1* et seq. ("**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on August 19, 2019, the Township Council for the Township of Verona (the "**Township Council**") adopted Resolution No. 2019-140, designating as a non-condemnation redevelopment area, Block 303, Lot 4 as shown on the Tax Map of the Township (the "**Redevelopment Area**"); and

WHEREAS, on March 28, 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 April 30, 2021, which is attached hereto as Exhibit A (the "**Amended Redevelopment Plan**"); and

WHEREAS, the Township Council referred the Amended Redevelopment Plan to the Verona Planning Board for consideration in accordance with *N.J.S.A. 40A:12A-7e*; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7e*, prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, a report containing its recommendation concerning the redevelopment plan including an identification of any provisions therein that are inconsistent with the master plan and recommendations concerning such inconsistencies and any other matters as the planning board deems appropriate; and

WHEREAS, on May 20, 2021 and May 27, 2021, the Verona Planning Board considered the Amended Redevelopment Plan and via a report dated May 28, 2021, found the Amended Redevelopment Plan is inconsistent with the Township's Master Plan and provided certain comments thereon to the Township Council; and

WHEREAS, the Township Council addresses such comments in detail as set forth below.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION A. The Township Council disapproves of the recommended changes to the Amended Redevelopment Plan set forth in the May 28, 2021 Report of the Planning Board for the reasons set forth below.

1. "The Planning Board rejects the Ordinance's conclusion that the completed development is to be considered a "Center" within the meaning of the New Jersey State Development

and Redevelopment Plan. A “Center” within the meaning of the State Plan is an area with residential neighborhoods having commercial and civic uses. The Planning Board finds that a single apartment building is not a Center. The Planning Board further rejects conclusions that the proximity of the site to the Township’s extended town center zone warrants defining the site as a Center. The Planning Board suggests that the Ordinance be more sensitive to the Pa-5 designation of the site in the State Plan and that the Council more strongly consider the environmental sensitivity of the site than currently considered in the Ordinance.”

The Township Council finds that the State Plan defines “Centers” on page 319 as “a compact form of development with one or more Cores and residential neighborhoods.” The State Plan defines “Core” on page 320 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 site is situated in proximity to Verona’s Extended Town Center zoning district. The State Plan identifies the Metropolitan Planning Area on page 190 with the intention for it to “provide for much of the state’s future redevelopment” and “promote growth in compact forms.” This specification is for the Metropolitan Planning Area as a whole, not just Centers, and Verona is largely in and surrounded by the Metropolitan Planning Area.

Further, the Township Council finds that although the subject property is partially situated in an Environmentally Sensitive Planning Area (PA-5) surrounded by a Metropolitan Planning Area, the State Plan states on page 190 in its delineation criteria for a PA-1 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.” Further, the site has been developed for over 50 years previously having a significant office use which was converted to a school use. Therefore, the project site and its partial classification as a PA-5 must be viewed in the context of being surrounded by a Metropolitan Planning Area and the fact that it is developed. The State Plan’s intention for the PA-5 on page 222 includes to “accommodate growth in Centers” and “revitalize cities and towns” with a policy objective to “provide for housing choices through redevelopment, new construction, rehabilitation, and adaptive reuse.”

2. “The Ordinance removes the Planning Board’s authority to review the site plan for adherence to certain critical design criteria with respect to off-street parking, traffic, lighting, drainage, open space, and landscaping. The Ordinance instead grants this authority to review solely to the Township Engineer. The Planning Board should retain jurisdiction with regard to these issues.”

Pursuant to the power granted to it by the Redevelopment and Housing Law, the Township Council has responsibility for implementing redevelopment plans. In order to satisfy its statutory responsibility and implement the redevelopment plan, the Township Council finds that the Amended Redevelopment Plan appropriately designates the Township Engineer to review certain aspects of the site plan that require engineering expertise. For example, the review of the layout of the surface parking areas located within or underneath a principal building requires knowledge of various measurements, turning radii and other information that is within the Township Engineer’s expertise. Traffic circulation elements must be designated by a traffic engineer with appropriate credentials. Further, storm water regulations and water flow and drainage calculations and controls thereto are best determined by a qualified engineer.

3. “Ordinance Section VI A iii j exempts the property from Verona Code Section 150-12.7. (the Parking Ordinance) Commercial vehicles will be permitted to park on the property. The Planning Board recommends that the Council specifically prohibit overnight parking of commercial vehicles in all areas except for the parking deck.”

The Township Council finds that Section VI.A.iii.j is appropriate for the proposed project and notes that the property owner has the authority to further restrict who and what type of vehicles are permitted to park on the property.

4. “Ordinance Section VI A iii n exempts the property from Verona Code Section 150-23.1 et seq. (the Steep Slope Ordinance). The Township of Verona passed the Steep Slope Ordinance on April 4, 2016. The Planning Board notes that the steep slope ordinance is

consistent with Verona's Master Plan. The Planning Board urges the Council to reconsider the omission of steep slope compliance from the Ordinance. The Ordinance is not consistent with the Master Plan because the Ordinance does not account for the limitations of building on a steep slope with the Township. 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."

The Township Council finds that most, if not all of the steep slopes on the subject property have previously been disturbed or impacted by the existing facility. Further, the footprint of the proposed project has been adjusted by the designated redeveloper, following substantial public input to minimize the impact on the adjacent properties.

5. "The Ordinance lacks clarity as to buffer zones. Section VI A iii c of the ordinance provides that Verona Code Section 150-11.1 (Buffer Zone Requirements) shall be applicable but for specific requirements along the frontage of Afterglow Avenue and a portion of Sunset Avenue. Section VI A vi of the Ordinance prohibits certain structures with the "50 foot buffer area". The Planning Board recommends modification to the Ordinance to address the inconsistency."

The Township Council finds that the buffer zone requirements are clear in the Amended Redevelopment Plan. Specifically, Section VI.A.ii.c refers to 30 foot-wide planted landscape buffers required along Afterglow Avenue and portions of Sunset Avenue and Section VI.A.vi refers to the 50 foot setback requirement as provided in Figure 4.

6. "The Planning Board objects to the provision in Ordinance Section VI A vi which allows balconies, eaves and porches to extend into buffer areas."

The Township Council finds that Section VI.A.vi.f of the Amended Redevelopment Plan appropriately limits encroachment of balconies, eaves and porches to 5 feet into any yard or buffer area. The limited encroachment permits the construction of reasonably sized balconies, eaves and porches in order to increase the desirability of the project and increase the likelihood of success of the project. From a design perspective such building features provides added design interest, eliminates blank/flat walls and adds an element of architectural appeal. Further, the Township Council finds that the limited encroachment permitted by the Amended Redevelopment Plan is the appropriate balance between preservation of buffers and practical development design.

7. "The Planning Board finds no justification for the exception to Verona Code Section 150-7.9 (Signs) which would allow 26 square feet surface area signs. The Planning Board also recommends that "signs" be replaced with "sign" so as to ensure against multiple signs on the property."

The Township Council finds that signage is a critical tool in the success of a development and therefore determines that the sign requirements in the Amended Redevelopment Plan are appropriate for the size and use of the proposed development.

8. "Prior to its deliberations and discussion of the Ordinance, the Planning Board accepted a letter dated May 10, 2021 from Verona Resident Erica Davila, Esq. The Planning Board noted that Ms. Davila's correspondence accurately identified the material changes between Ordinance 2021-01, the Council's initial ordinance regarding the Sunset Avenue redevelopment area, and the Ordinance. Because Ms. Davila accurately identified those material changes, a copy of Ms. Davila's letter is attached hereto and incorporated by reference.

The Planning Board reached conclusions similar to Ms. Davila's conclusions regarding the substance of the Ordinance and its lack of consistency with Verona's Master Plan. It is important to note that the Planning Board did not accept Ms. Davila's conclusions without first independently and thoroughly discussing the content of each section of the Ordinance."

- a. Removal of Planning Board Authority to Review Design of Off-Street Parking.

This concern is addressed in paragraph 2 above.

- b. Exemption from Off-Street Parking Ordinances. Exemption from Required Screening of Off-Street Parking.

The Township Council finds that plantings provide a more effective and attractive solution to screen parking areas from public streets than fences or walls.

- c. Exemption from Off-Street Parking Ordinances. Exemption from any Parking Restrictions.

This concern is addressed in paragraph 3 above.

- d. Exemption from the Steep Slope Ordinance.

This concern is addressed in paragraph 4 above.

- e. Allowance of Extra Large Signage.

This concern is addressed in paragraph 7 above.

- f. Exemption from Ordinances Requiring Plantings and Screens.

The Township Council finds that the plantings and screenings required by the Amended Redevelopment Plan are reasonable, and will effectively screen the project given the proposed location and layout of the project and the existing vegetation located on the property.

- g. Exemption from Ordinance Requiring Sufficient Parking.

The Township Council finds that the minimum parking space requirement set forth in the Amended Redevelopment Plan will effectively serve the project given the proposed bedroom distribution, size of the project and location of the site.

- h. Encroachment on Buffer Zones.

This concern is addressed in paragraph 6 above.

SECTION B. This resolution shall be effective immediately.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON JUNE 21, 2021.


JENNIFER KIERNAN
MUNICIPAL CLERK

