

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

RESOLUTION No. 2022-092

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

**RESOLUTION OF THE TOWNSHIP OF VERONA, IN THE COUNTY OF
ESSEX, NEW JERSEY, FINDING THE PROPOSED REDEVELOPMENT
PROJECT FOR THE PROPERTY KNOWN AS BLOCK 303, LOT 4 ON THE
TAX MAPS OF THE TOWNSHIP CONSISTENT WITH THE
REDEVELOPMENT PLAN AND REDEVELOPMENT AGREEMENT EXCEPT
FOR THE SIZE OF THE COURTYARD PATIOS AND THE LOCATION OF
THE CIRCULAR DRIVE FOR WHICH VARIANCES MAY BE SOUGHT BY
THE REDEVELOPER FROM THE PLANNING BOARD IN CONNECTION
WITH THE SITE PLAN APPLICATION**

WHEREAS, the Township of Verona (the "Township") is a political subdivision of the State of New Jersey, located in the County of Essex; and

WHEREAS, by Resolution No. 2019-140 adopted on August 19, 2019, the Township Council of the Township (the "Township Council") designated Block 303, Lot 4, commonly known as 1 Sunset Avenue, as a non-condemnation area in need of redevelopment (the "Redevelopment Area") in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"); and

WHEREAS, by the adoption of Ordinance No. 2020-01 on March 8, 2021, the Township Council duly adopted a redevelopment plan for the Redevelopment Area entitled, "The Sunset Avenue Redevelopment Area Redevelopment Plan", which was thereafter amended by the adoption of Ordinance No. 2021-14 on June 21, 2021 (as the same may be further amended and supplemented from time to time, the "Redevelopment Plan"); and

WHEREAS, Verona Sunset Urban Renewal, LLC ("Redeveloper") and the Township entered into a redevelopment agreement dated January 17, 2022 for the redevelopment of the Redevelopment Area consistent with the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, the Redevelopment Plan provides that the Township Council (or a subcommittee organized by the Township Council) acting as the Redevelopment Entity shall review all proposed redevelopment projects within the redevelopment area prior to site plan review by the Township Planning Board and shall determine whether the project is consistent with the Redevelopment Plan and the Redevelopment Agreement for such proposed redevelopment project, development regulations, and other provisions related to both on- and off-site improvements to ensure that the project adequately addresses the goals and objectives of the Redevelopment Plan; and

WHEREAS, Section 4.8 of the Redevelopment Agreement requires confirmation by the Township Council that the proposed application for site plan approval is consistent with the Redevelopment Plan and the Redevelopment Agreement for such application to be considered complete; and

WHEREAS, the Redeveloper submitted to the Township the following materials in connection with a request for consistency determination pursuant to the Redevelopment Plan and the Redevelopment Agreement (collectively, the "Consistency Review Application"): Preliminary and Final Major Site Plan prepared by Matrix New World Engineering, dated December 10, 2021; Architectural Plans prepared by Minno Wasko Architects & Planners, dated November 18, 2021; Landscaping Plans prepared by Linda Tycher and Associates, dated December 15, 2021; and Materials Book prepared by Minno Wasko Architects & Planners, dated December 17, 2021; and

WHEREAS, Benecke Economics reviewed the Consistency Review Application and prepared a Consistency Review Report dated February 8, 2022 identifying several areas of inconsistency and requesting additional information (the “Benecke Report”); and

WHEREAS, the Redeveloper submitted a letter dated March 8, 2022 providing the additional information requested in the Benecke Report; and

WHEREAS, on April 4, 2022, the Township Council reviewed the Benecke Report and the Redeveloper’s March 8, 2022 response and adopted Resolution No. 2022-076 finding that for the reasons stated on the record and the issues raised in the Benecke Report, the site plan is not consistent with the Redevelopment Plan and seeking a second review of the site plan by another Professional Planner to be issued within 15 days; and

WHEREAS, in accordance with Resolution No. 2022-076, on April 14, 2022, Bright View Engineering issued a report detailing its review of the site plans for consistency with the Redevelopment Plan and Redevelopment Agreement (the “Bright View Report”); and

WHEREAS, in response to Resolution No. 2022-076, on April 14, 2022, the Redeveloper submitted revised site plans for consideration by the Township (the “Revised Plans”); and

WHEREAS, the Township Council, having reviewed the Bright View Report and the Revised Plans, finds that the Revised Plans are consistent with the Redevelopment Plan and Redevelopment Agreement, except for the size of the courtyard patios and the location of the circular drive, all as set forth in detail below.

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

SECTION 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION 2. In accordance with the Redevelopment Plan and Section 4.8 of the Redevelopment Agreement, the Township Council hereby finds that the potential areas of inconsistency identified in the Bright View Report have all been resolved as set forth in detail below and therefore the Revised Plans are consistent with the Redevelopment Plan and Redevelopment Agreement, except for the size of the courtyard patios and the location of the circular drive for which variances may be sought. Accordingly, the Redeveloper has satisfied the requirement in the Redevelopment Plan and Redevelopment Agreement to obtain a consistency review by the Township Council.

1. Two encroachments within the 30-foot minimum planted buffer were identified in the Bright View Report. The first encroachment is the northern parking lot, which was relocated in the Revised Plans and is no longer within the 30-foot buffer area. The second encroachment is the circular portion of the driveway. Upon further review, the Council finds that the circular drive is not part of the driveway and therefore the required buffer area to the south of the driveway is not provided as required by the Redevelopment Plan. However, the Council acknowledges the Redeveloper’s ability to seek a variance from this buffer requirement.
2. The elimination of the parking area is not necessary as it has been relocated and no longer encroaches within the 30-foot buffer.
3. The site plans included with the Consistency Review Application indicate that the maximum building height is 60 feet for the garage building. Further, the Redeveloper confirmed that the garage building will not exceed the maximum height permitted.
4. The Redeveloper plans to raise with the Planning Board the issue of the courtyard patios exceeding the 70 square foot restriction and will either comply or seek a variance.

5. The Redeveloper represented that a drainage report and design will be submitted to the Planning Board as required by Section 455 of the Township Code.
6. Green infrastructure is included and is detailed in the drainage report to be submitted to the Planning Board.

SECTION 3. The Council requests that the Planning Board review and consider the following items during the site plan review and hearing:

1. The width of the circular drive should be reviewed to see if it can be reduced so as to increase the distance between the circular drive and Sunset Avenue. A reduction in the width of the circular drive would create an opportunity to provide additional plantings between the circular drive and Sunset Avenue enhancing that buffer.
2. Street trees planted along Sunset Avenue should be a minimum of five feet tall.
3. All landscaping should be deer-resistant species.

SECTION 4. This resolution shall take effect immediately.

ROLL CALL:

AYES: Holland, McEvoy, McGrath, Roman

NAYS: Tamburro

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 APRIL 25, 2022.


JENNIFER KIERNAN
MUNICIPAL CLERK

