

TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2020-14

ADOPTING THE SECOND AMENDMENT TO THE DEPOT AND PINE  
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 February 11, 2019, the Township Council for the Township of Verona (the "**Township Council**") adopted Resolution No. 2019-55, designating as a non-condemnation redevelopment area, Block 2301, Lots 1 through 12 and 14 through 19 as shown on the Tax Map of the Township, commonly known as the "Depot and Pine Redevelopment Area," (the "**Redevelopment Area**"); and

**WHEREAS**, on June 17, 2019, by Ordinance No. 2019-16 the Township Council adopted a redevelopment plan for the Redevelopment Area entitled "Depot and Pine Redevelopment Area, Redevelopment Plan, Block 2301, Lots 1-12, 14-19, Township of Verona, New Jersey", dated April 22, 2019 (as may be amended and supplemented from time to time, the "**Redevelopment Plan**"); and

**WHEREAS**, on February 24, 2020, by Ordinance No. 2020-04 the Township Council adopted a first amendment to the Redevelopment Plan dated January 21, 2020 (the "**First Amendment**"); and

**WHEREAS**, the Township Council now desires to adopt a second amendment to the Redevelopment Plan to include Block 2301, Lots 17, 18 and 19 within the redevelopment contemplated and governed by the First Amendment and to increase the permitted density from eighty-five affordable housing rental units to ninety-five affordable housing rental units, among other items, to help satisfy the affordable housing commitments and constitutional obligations of the Township; and

**WHEREAS**, Benecke Economics prepared a second amendment to the Redevelopment Plan entitled, "Second Amendment to: The Depot and Pine Redevelopment Area Redevelopment Plan", dated May 28, 2020, which is attached hereto as Exhibit A (the "**Second Amendment**"); 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, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan; and

**WHEREAS**, the Township Council desires to refer the Second Amendment to the Planning Board for consideration in accordance with N.J.S.A. 40A:12A-7e; and

**WHEREAS**, subject to receipt of the Planning Board's recommendations concerning the Second Amendment, the Township Council believes that the adoption of the Second Amendment is in the best interests of the Township and the redevelopment of the Redevelopment Area.

**NOW THEREFORE, BE IT ORDAINED** 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.

**BE IT FURTHER ORDAINED**, pursuant to N.J.S.A. 40A:12A-7(e), the Township Council hereby refers the Second Amendment, attached hereto as Exhibit A, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations and submit same to the Township Council within 45 days after referral, as required by the Redevelopment Law.

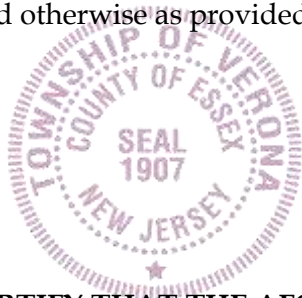
**BE IT FURTHER ORDAINED**, contingent upon the receipt of the Planning Board's recommendations, the Township Council hereby adopts the Second Amendment, pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law, which shall supplement and amend the Redevelopment Plan and the First Amendment.

**BE IT FURTHER ORDAINED**, that the sections of the Zoning Map of the Township that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Second Amendment.

**BE IT FURTHER ORDAINED**, if any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

**BE IT FURTHER ORDAINED**, all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED**, This ordinance shall take effect after final adoption and publication and otherwise as provided by law.



ATTEST:

*Jennifer Kiernan*  
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 JUNE 12, 2020 AND JULY 3, 2020.**

**JENNIFER KIERNAN  
MUNICIPAL CLERK**

**INTRODUCTION:** June 8, 2020  
**PUBLIC HEARING:** June 29, 2020  
**EFFECTIVE DATE:** July 19, 2020

**EXHIBIT A**

SECOND AMENDMENT TO THE DEPOT AND PINE REDEVELOPMENT AREA  
REDEVELOPMENT PLAN

The Township of Verona  
Essex County  
New Jersey

Second Amendment To:  
The Depot and Pine Redevelopment  
Area Redevelopment Plan

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

Final-May 28, 2020

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

*I. The Redevelopment Plan.*

On June 17, 2019 the Township Council of the Township of Verona (“Council” and “Township” respectively) adopted Ordinance Number 2019-16 entitled “Adopting The Redevelopment Plan Entitled “Depot And Pine Redevelopment Area” pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40A:12A-1 et seq.” (The “2019 Redevelopment Plan”, “Ordinance” and “LRHL” respectively.) A copy of the Ordinance and Redevelopment Plan are attached as Exhibit A. On February 24, 2020, the Township Council adopted Ordinance Number 2020-04 adopting the “First Amendment to the Depot and Pine Redevelopment Plan” (the “First Amended Redevelopment Plan” or “2020 Amended Redevelopment Plan”). This Ordinance was adopted after the Planning Board recommended its adoption (with comments). A copy of the 2020 Ordinance and First Amended Redevelopment Plan are attached as Exhibit B.

*This Amendment.*

This amendment to the First Amended Redevelopment Plan addresses two issues, which are changes to the Redevelopment Plan.

1-Three properties are added to the Redevelopment Plan area: Block 2301, Lots 17, 18 and 19. These parcels are commonly referred to as the Poekel properties.

2-The “Poekel” proposal has been eliminated in favor of expanding the PIRHL project by 10 units (from 85 to 95 affordable residential units).

With these two issues inserted into the Redevelopment Plan, the 36 additional market housing units plus some retail use will not be built, thereby reducing the building density at the Cameco/Poekel site. Site circulation, ambiance, and boundary buffering are improved.

*Redevelopment Purpose.*

Section 1B of the 2019 Redevelopment Plan establishes the Purpose of the Plan which is “to set standards for construction of buildings and other improvements in the Redevelopment Area. The Redevelopment Plan is intended to promote a cohesive economic environment accentuating the Township’s proximity and access to mass transit and to integrate a future development project with the surrounding neighborhood through appropriate building scale, location, artistic elements, bikeways, walkways, and landscaping.”

Further, Section 2 B. of the 2019 Redevelopment Plan addresses its relationship to the Master Plan and local goals and objectives and recites the 2009 Master Plan goals and objectives including:

*“(t)o continue to meet the municipal obligation to provide the Township its fair share of affordable housing meeting the requirements set forth by the New Jersey Council On Affordable Housing (“COAH”).”*

The Redevelopment Plan area is described in the 2019 Redevelopment Plan as being *“bounded by Personette Avenue to the north, Bloomfield Avenue and Pine Street to the south, Linn Drive to the west and Depot Street to east. The Study Area consists of Tax Lots 1 through 12 and 14 through 19 in Block 2301 (the “Study Area”) as per the Township’s tax maps. Note that Lot 13 in Block 2301 does not exist”*.

The 2020 Amended Redevelopment Plan (the First Amended Redevelopment Plan) pertains to those properties situated at Block 2301, Lots 11, 12, 14, 15 and 16 and any portion of any adjacent parcel which may be acquired including any easements, which said properties comprise approximately 2.5 acres as depicted on the November 7, 2019 property survey prepared by Neglia Engineering, attached as Exhibit C.

These properties are commonly referred to as the redevelopment project area. This Second Amended Redevelopment Plan pertains to all the properties in the 2020 Amended Redevelopment Plan **plus** approximately 2.6-acres at Block 2301, Lot 17, Lot 18, and Lot 19 as indicated on the Township’s tax map (commonly known as 860 Bloomfield Avenue). These properties are also depicted on Exhibit C. For clarity this Second Amended Redevelopment Plan refers to eight parcels plus any portion of any adjacent parcel which may be used for access, parking, or open space. Therefore, as stipulated in the 2020 Amended Redevelopment Plan, additional adjacent property acquired for access, parking, or open space, including any easements, may be added to this Second Amended Redevelopment Plan project area and any pertinent site plan.

The original Redevelopment Plan (2019) and the First Amended Redevelopment Plan (2020) shall remain in effect, except those provisions modified by this Second Amended Redevelopment Plan, and any such modifications shall be limited to the eight properties included in this Second Amended Redevelopment Plan and any additional properties which may be acquired pursuant to Section V of the First Amended Redevelopment Plan, or any

portion of adjacent property which may be needed for access, parking or open space purposes and acquired or dedicated by easement.

Notwithstanding the foregoing, Section 5 G “Deviation Requests” of the Redevelopment Plan (2019), was superseded by Section IV, Paragraph 3 of the First Amended Redevelopment Plan (2020).

This Second Amended Redevelopment Plan provides for an amendment to the AR-2 overlay zone established in the First Amended Redevelopment Plan. As such a development application (site plan) may be submitted using the original underlying zone (MR-Mixed Retail) or the overlay zone (AR-2-Multi-Family Mid Rise), independent of one another, meaning the provisions of only one zone may be indicated or utilized in a development application and not a combination of provisions.

#### *II. The Provision of Affordable Housing and the Master Plan.*

The 2009 Master Plan of the Township of Verona, dated May 18, 2009, includes 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 indicates 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 Fair Share Plan, while adopted by the Township Planning Board, was never implemented because of the position which affordable housing regulations were in until March 2015. Through the Court required declaratory judgment process 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”. This Second Amended Redevelopment Plan endeavors to provide 95 affordable units on over 5 acres of property, as opposed to 85 affordable residential units on 2.5 acres of property as envisioned in the First Amended Redevelopment Plan (2020).

In furtherance of the Township's commitment to the provision of affordable housing the Township acquired the eight properties subject to this Second Amended Redevelopment Plan, \$3,000,000 for those properties included in the First Amended Redevelopment Plan and \$2,850,000 for lots 17 and 18-with Lot 19 being acquired at no cost from the County of Essex. This is a combined purchase price of ~\$5,850,000.

This Second Amended Redevelopment Plan is being effectuated to further the RDP process by providing a 100% affordable housing project in the Redevelopment Plan area, on the eight properties. After a lengthy affordable housing sponsor recruitment process the Township Council selected PIRHL Developers, LLC to potentially construct the ninety-five (95) residential rental affordable units to fulfill the Township's affordable housing obligation.

This is a 100% affordable housing project to be situated at the former Cameco and Poekel sites and surrounding properties, all located in the Redevelopment Plan Area.

The redevelopment project is subject to the execution of a "Redevelopment Agreement" and is to be developed and managed pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines thereto.

The Purpose of this Amended Plan is to help satisfy the aforementioned affordable housing legally required obligation of the Verona Township Council as stipulated by the Planning Board in the 2009 Master Plan.

This Second Amended Redevelopment Plan is limited to the eight properties located in the ~5 acre area. The Public Policy objective of this Amended Redevelopment Plan is to:

*Redevelop a significant portion of the original June 2019 Redevelopment Plan area as an affordable housing overlay zone to comply with the Township's affordable housing obligation. On July 2, 2015 the Township filed a Declaratory Judgement Action in the Superior Court of New Jersey, Docket Number L-4773-15, in order to continue to provide Verona with protection from adverse builder's remedy legal action. This Second Amended Redevelopment Plan will permit appropriate residential zoning density in a discreet area where the properties have been acquired by the Township and which said properties are in an existing area in need of redevelopment to enable affordable housing development. (See N.J.A.C. 5:93-3.4.) Upon adoption of this Amended Redevelopment Plan a project generating a Realistic Development Project ("RDP") will be undertaken include ninety-five (95) affordable housing units to be applied to the municipality's "Unmet Need".*

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This Second Amended 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. **Because the elimination of a commercial area in favor of legally required affordable housing which is the definite local objective being complied with.***

*(2) Proposed land uses and building requirements in the project area. **The details of the land uses are stipulated in the remainder of this Amended 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 Redeveloper will acquire Township property. However, the Township may acquire any new or additional property to effectuate this Plan, including easements and rights of way.}***

*(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.). **This Redevelopment Plan area is in a PA-1 planning area, an urban development area. We have reviewed the adjoining municipal master plans and find no inconsistencies with this Amended 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. Ninety five affordable units are scheduled and permitted to be constructed in the Amended 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 amended 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 Amended 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 §150-17.7 G. applicable to the parcels at Block 2301, Lots 11, 12, 14 15, 16, 17, 18 and 19.***

*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 Master Plan as stated in the introduction to this Second Amended Redevelopment Plan.***

\* \* \* \* \*

### *III. Specific Zoning Provisions of this Second Amended Redevelopment Plan.*

The existing zoning of the five properties included in the First Amended Redevelopment Plan (2020) and any portion of any adjacent property acquired, including any easements is an Affordable Housing Overlay zone.

To accommodate the aforementioned 95 affordable residential units, this Second Amended Redevelopment Plan proposes that the A-2R (Multi Family – Mid Rise Redevelopment) Overlay Zone District be amended and added to the Township of Verona Zoning Districts at §150-17.7 G. applicable to the parcels at Block 2301, Lots 11, 12, 14, 15, 16, 17, 18 and 19 as may be merged or subdivided or combined, including through any easements, with portions of adjoining lots.

Figure 1. Comparison of Zoning Regulations.

Standard:	MR Zone	A-1	A-2R
Minimum Acreage	1.5	4.0	4.0
Maximum Residential Density Per Acre	10 units	10 units	N/A
Minimum Front Yard Setback-Feet	50	40	20
Minimum Side Yard Setback-Individual or One- (in Feet)	25	15	15
Minimum Side Yard Setback Combined or Both- (in Feet)	N/A	40	35
Minimum Rear Yard Setback-Feet	50	25	20
Maximum Dwelling Units Per Acre	10	10	N/A
Maximum Building Height	35 feet	35 feet	N/A
Maximum Building Height-Affordable Housing			54 feet
Maximum Improved Lot Coverage-Percent	65%	75%	80%
Maximum Dwelling Units-Project Area			100 units

Accordingly, the regulations covering the A-2R Overlay Zone, applicable to the aforementioned eight properties, shall be as set forth in the A-2R column of Figure 1 above and shall be included in the Verona Ordinance at §150-17.7 G. of the General Ordinances, as amended by this Plan and as follows:

§150 - 17.7 G. A-2R (MULTI FAMILY – MID RISE REDEVELOPMENT) ZONE DISTRICT  
Principal Permitted Use.

Affordable housing apartments is the Principal Permitted Use as defined under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) which requires municipalities to endeavor to identify affordable housing opportunities in a municipality. This is an overlay zoning district applicable to Block 2301, Lots 11, 12, 14, 15, 16, 17, 18 and 19 and any pertinent portion of adjacent parcels, including any easements, required to provide access or parking within the redevelopment project and situated in the MR Zoning District which shall remain as the underlying zoning district.

Figure 2.

Bulk Regulations -Area, Yard and Coverage. AR-2 Overlay Zone. The Multi-Family – Mid Rise Redevelopment Plan are, shall be as follows:

Standard:	A-2R Overlay Zone:
Minimum Acreage	4.0
Maximum Residential Density Per Acre	N/A
Minimum Front Yard Setback-Feet	20
Minimum Side Yard Setback-Individual or One (in Feet)	15 feet
Minimum Side Yard Setback Combined or Both- (in Feet)	35 feet
Minimum Rear Yard Setback-Feet	20 feet
Maximum Dwelling Units Per Acre	N/A
Maximum Height-Building Affordable Housing*	54 feet
Maximum (Improved) Lot Coverage-Percent	80%
Maximum Dwelling Units-Project Area	100 units

\*The “Permitted Exceptions” regarding “Height Regulations” §150-5.2 B. shall be applicable to the A-2R Overlay Zone. Also, one side yard setback MUST exceed 15 feet.<sup>1</sup>

The 2020 Redevelopment Plan stipulates that §150-2.3 “HEIGHT, BUILDING”; the HEIGHT, AFFORDABLE HOUSING BUILDING of the Township Ordinances applicable to the A-2R 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, elevator tower and flagpole”. This shall continue in effect as in the First Amended Redevelopment Plan.

Non-Applicability of Certain Ordinance Provisions. Those Ordinance provisions deemed inapplicable in the First Amended Plan (2020) shall continue to be inapplicable.

Parking Requirements, Including Off Street Loading.

a. The provisions of §150-12 “Off-Street Parking, Loading and Performance Standards and Design Criteria” shall continue to NOT be applicable to the A-2R Overlay Zone, with the EXCEPTION(S)” that:

§150-12.6 “Off Street Parking” provisions shall NOT generally be applicable to the A-2R Overlay Zone but a deviation from the New Jersey Residential Site Improvement Standards (“R.S.I.S”) as described in this paragraph shall be complied with.

<sup>1</sup> The preliminary site plan suggests the side yard setback boundary with Lot 10 should be a minimum of 20 feet, perhaps greater. However, the final site plan must be drawn to determine the dimensions.

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-2R Overlay Zone, the number of on-site parking spaces appropriate for each affordable residential unit and therefore required in the A-2R Overlay Zone shall be 1.5 vehicles per unit. (See N.J.A.C. 5:21-4.14 (c)-RSIS alternate parking standards).

Permitted Accessory Use(s) and Structures. Are as permitted in the First Amended Redevelopment Plan (2020).

No Use Variances Considered. Notwithstanding any ordinance provision to the contrary, an exception to the Verona General Ordinance provisions applicable to the A-2R Overlay Zone is that no use provision, or term or condition, stipulated in this Amended Redevelopment Plan may be changed, or a variance thereto be granted, by the Board of Adjustment.

No use variance from this Second Amended Redevelopment Plan as may be permitted under §118-15, or any other Township of Verona ordinance, may be considered by the Verona Board of Adjustment. While §118-15 of the Verona Ordinances may infer that any Verona Ordinance inconsistent with this Amended 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 variance by virtue of a site plan to be filed pursuant to this Second Amended Redevelopment Plan then the applicant (redeveloper) shall be required to seek an amendment to this Amended Redevelopment Plan by the Township Council, as the Governing Body.

Any modification from this Amended 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.

#### *IV. Redevelopment Project Plan Considerations.*

Project Plans, including any 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.

Redeveloper designation. The designated redeveloper of the property located in the Second Amended Redevelopment Plan area shall be required to submit documentation to demonstrate compliance with the objectives of the Amended Redevelopment Plan. This shall be accomplished by and through the submission of a Site Plan.

Redevelopment Agreement. The Township and the Redeveloper shall enter into a “Redevelopment Agreement” 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 Agreement shall include:

- The Project Concept(s) and description of project elements for the undertakings proposed.
- A schedule for the commencement and completion of improvements.

The Redevelopment Agreement may provide for the waiver or refund of the municipal share of any construction and sub-code permit fees and utility connection fees as well as the waiver of any local (meaning NOT imposed by the State of New Jersey) building/site plan or any other fee, including any fee listed in Ordinance 2018-31 pertaining to “Fees”, provided said waiver is included in a duly executed Redevelopment Agreement.

Notwithstanding the provisions of Section 5 F “Duration of the Plan” of the 2019 Redevelopment Plan, this Second Amended Redevelopment Plan shall remain in effect for thirty-five years from the date of adoption of this Second Amended Redevelopment Plan.

#### *V. Conveyance of Property.*

The Township Council may transfer or sell any municipal property pursuant to N.J.S.A. 40A:12A-8 g. “...lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the

contrary”.

The Township is hereby authorized to convey the subject Township owned property at Block 2301, Lots 11, 12, 14, 15, 16, 17, 18 and 19 as well as any other portion of an adjacent property acquired by the Township, including any easement, necessary to provide access or parking within a redevelopment project area. The Township may also acquire by deed or lease any real property or easement necessary to effectuate this Second Amended Redevelopment Plan including but not limited to provide parking resources and project access.

\* \* \* \* \*

**Benecke Economics**

Fred Suljic, P.P.

Robert Benecke

The Township of Verona  
Essex County  
New Jersey

Second Amendment To:  
The Depot and Pine Redevelopment  
Area Redevelopment Plan

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

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**BENECKE ECONOMICS**  
8410 Sanctuary Boulevard  
Riverdale, N.J.  
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Further, Section 2 B. of the 2019 Redevelopment Plan addresses its relationship to the Master Plan and local goals and objectives and recites the 2009 Master Plan goals and objectives including:

*“(t)o continue to meet the municipal obligation to provide the Township its fair share of affordable housing meeting the requirements set forth by the New Jersey Council On Affordable Housing (“COAH”).”*

The Redevelopment Plan area is described in the 2019 Redevelopment Plan as being *“bounded by Personette Avenue to the north, Bloomfield Avenue and Pine Street to the south, Linn Drive to the west and Depot Street to east. The Study Area consists of Tax Lots 1 through 12 and 14 through 19 in Block 2301 (the “Study Area”) as per the Township’s tax maps. Note that Lot 13 in Block 2301 does not exist”*.

The 2020 Amended Redevelopment Plan (the First Amended Redevelopment Plan) pertains to those properties situated at Block 2301, Lots 11, 12, 14, 15 and 16 and any portion of any adjacent parcel which may be acquired including any easements, which said properties comprise approximately 2.5 acres as depicted on the November 7, 2019 property survey prepared by Neglia Engineering, attached as Exhibit C.

These properties are commonly referred to as the redevelopment project area. This Second Amended Redevelopment Plan pertains to all the properties in the 2020 Amended Redevelopment Plan **plus** approximately 2.6-acres at Block 2301, Lot 17, Lot 18, and Lot 19 as indicated on the Township’s tax map (commonly known as 860 Bloomfield Avenue). These properties are also depicted on Exhibit C. For clarity this Second Amended Redevelopment Plan refers to eight parcels plus any portion of any adjacent parcel which may be used for access, parking, or open space. Therefore, as stipulated in the 2020 Amended Redevelopment Plan, additional adjacent property acquired for access, parking, or open space, including any easements, may be added to this Second Amended Redevelopment Plan project area and any pertinent site plan.

The original Redevelopment Plan (2019) and the First Amended Redevelopment Plan (2020) shall remain in effect, except those provisions modified by this Second Amended Redevelopment Plan, and any such modifications shall be limited to the eight properties included in this Second Amended Redevelopment Plan and any additional properties which may be acquired pursuant to Section V of the First Amended Redevelopment Plan, or any

portion of adjacent property which may be needed for access, parking or open space purposes and acquired or dedicated by easement.

Notwithstanding the foregoing, Section 5 G “Deviation Requests” of the Redevelopment Plan (2019), was superseded by Section IV, Paragraph 3 of the First Amended Redevelopment Plan (2020).

This Second Amended Redevelopment Plan provides for an amendment to the AR-2 overlay zone established in the First Amended Redevelopment Plan. As such a development application (site plan) may be submitted using the original underlying zone (MR-Mixed Retail) or the overlay zone (AR-2-Multi-Family Mid Rise), independent of one another, meaning the provisions of only one zone may be indicated or utilized in a development application and not a combination of provisions.

#### *II. The Provision of Affordable Housing and the Master Plan.*

The 2009 Master Plan of the Township of Verona, dated May 18, 2009, includes 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 indicates 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 Fair Share Plan, while adopted by the Township Planning Board, was never implemented because of the position which affordable housing regulations were in until March 2015. Through the Court required declaratory judgment process 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”. This Second Amended Redevelopment Plan endeavors to provide 95 affordable units on over 5 acres of property, as opposed to 85 affordable residential units on 2.5 acres of property as envisioned in the First Amended Redevelopment Plan (2020).

In furtherance of the Township's commitment to the provision of affordable housing the Township acquired the eight properties subject to this Second Amended Redevelopment Plan, \$3,000,000 for those properties included in the First Amended Redevelopment Plan and \$2,850,000 for lots 17 and 18-with Lot 19 being acquired at no cost from the County of Essex. This is a combined purchase price of ~\$5,850,000.

This Second Amended Redevelopment Plan is being effectuated to further the RDP process by providing a 100% affordable housing project in the Redevelopment Plan area, on the eight properties. After a lengthy affordable housing sponsor recruitment process the Township Council selected PIRHL Developers, LLC to potentially construct the ninety-five (95) residential rental affordable units to fulfill the Township's affordable housing obligation.

This is a 100% affordable housing project to be situated at the former Cameco and Poekel sites and surrounding properties, all located in the Redevelopment Plan Area.

The redevelopment project is subject to the execution of a "Redevelopment Agreement" and is to be developed and managed pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines thereto.

The Purpose of this Amended Plan is to help satisfy the aforementioned affordable housing legally required obligation of the Verona Township Council as stipulated by the Planning Board in the 2009 Master Plan.

This Second Amended Redevelopment Plan is limited to the eight properties located in the ~5 acre area. The Public Policy objective of this Amended Redevelopment Plan is to:

*Redevelop a significant portion of the original June 2019 Redevelopment Plan area as an affordable housing overlay zone to comply with the Township's affordable housing obligation. On July 2, 2015 the Township filed a Declaratory Judgement Action in the Superior Court of New Jersey, Docket Number L-4773-15, in order to continue to provide Verona with protection from adverse builder's remedy legal action. This Second Amended Redevelopment Plan will permit appropriate residential zoning density in a discreet area where the properties have been acquired by the Township and which said properties are in an existing area in need of redevelopment to enable affordable housing development. (See N.J.A.C. 5:93-3.4.) Upon adoption of this Amended Redevelopment Plan a project generating a Realistic Development Project ("RDP") will be undertaken include ninety-five (95) affordable housing units to be applied to the municipality's "Unmet Need".*

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contrary”.

The Township is hereby authorized to convey the subject Township owned property at Block 2301, Lots 11, 12, 14, 15, 16, 17, 18 and 19 as well as any other portion of an adjacent property acquired by the Township, including any easement, necessary to provide access or parking within a redevelopment project area. The Township may also acquire by deed or lease any real property or easement necessary to effectuate this Second Amended Redevelopment Plan including but not limited to provide parking resources and project access.

\* \* \* \* \*

**Benecke Economics**

Fred Suljic, P.P.

Robert Benecke