

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2020-04

**ADOPTING THE FIRST 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, the Township Council now desires to adopt an amendment to the Redevelopment Plan to, among other items, help satisfy the affordable housing commitments and constitutional obligations of the Township; and

WHEREAS, Benecke Economics prepared a first amendment to the Redevelopment Plan entitled, "First Amendment to: The Depot and Pine Redevelopment Area Redevelopment Plan", dated January 21, 2020, which is attached hereto as Exhibit A (the "**Amended Redevelopment Plan**"); 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 Amended Redevelopment Plan 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 Amended Redevelopment Plan, the Township Council believes that the adoption of the Amended Redevelopment Plan 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 Amended Redevelopment Plan, 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 Amended Redevelopment Plan, pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law, which shall replace the Redevelopment Plan.

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 Amended Redevelopment Plan.

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 20 days after final passage and publication as prescribed by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE VERONA CEDAR GROVE TIMES, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE FEBRUARY 14, 2020 ISSUE AND XXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: January 27, 2020
PUBLIC HEARING: February 24, 2020
EFFECTIVE DATE:

EXHIBIT A
The Amended Redevelopment Plan

The Township of Verona
Essex County
New Jersey

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

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

Final-January 21, 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 “Redevelopment Plan”, “Ordinance” and “LRHL” respectively.) A copy of the Ordinance and Redevelopment Plan are attached as Exhibit A.

Section 1B of the 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. The Redevelopment Plan is designed to meet these objectives through commercial and mixed-use development, providing new residential options and new businesses to the Township.*”

Further, Section 2 B. of the 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 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*”.¹

This First Redevelopment Plan amendment (“Amended Plan”, or “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

¹ Please note that it is contemplated that a portion of an adjacent parcel will be included in this Amended Redevelopment Plan and shall be subject to the overlay zone established in this Plan. The portion of this adjacent parcel may be acquired or be effectuated through an easement.

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 B.

These properties are commonly referred to as the redevelopment project area, for clarity this Amended Redevelopment Plan refers to these five parcels plus any portion of any adjacent parcel which may be used for access, parking, or open space. Therefore, as stipulated in this Amended Redevelopment Plan, additional adjacent property acquired for access, parking or open space, including any easements, may be added to this Amended Redevelopment Plan project area and any pertinent site plan.

The original Redevelopment Plan shall remain in effect, except those provisions modified by this Amended Redevelopment Plan, and any such modifications shall be limited to the five properties included in this Amended Redevelopment Plan and any additional properties which may be acquired pursuant to Section V of this 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 is superseded by Section IV, Paragraph 3 of this Amended Redevelopment Plan. In addition, Section 5 I “Infrastructure” of the Redevelopment Plan is hereby eliminated, and therefore is not applicable to the five properties covered in this Amended Redevelopment Plan.

This Amended Redevelopment Plan provides for an overlay zone. 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. Purpose of First Redevelopment Plan Amendment.

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 purgatory which affordable housing regulations have been in. In October 2014 COAH failed to adopt their newly revised Third Round regulations.

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

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

In furtherance of the Township’s commitment to the provision of affordable housing the Township acquired the five properties subject to this Amended Redevelopment Plan for approximately \$3,000,000. This 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 five properties. After a lengthy affordable housing sponsor recruitment process the Township Council selected PIRHL Developers, LLC to potentially construct the eighty-five (85) 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 commercial site and

surrounding properties, all located in the Redevelopment Plan Area.

The vacant Cameco property, Lot 14, comprises over one-half the Amended Redevelopment Plan project area. The 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 commitment and constitutional obligation of the Verona Township Council and Planning Board as stipulated in the 2009 Master Plan. This Amended Plan is limited to the five properties located in the aforementioned 2.5~ 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 Amended Plan will permit higher 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 eighty-five (85) affordable housing units to be credited against the municipality’s “Unmet Need”.

This 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 enterprise 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 will not acquire any new or additional property to effectuate this Plan, with the possible exception of 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. Eighty 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 and 16.**

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 Amended Redevelopment Plan.**

* * * * *

III. Specific Zoning Provisions of this Amended Redevelopment Plan.

The existing zoning of the five properties and any portion of any adjacent property acquired to carry out this Amended Redevelopment Plan, including any easements, in the proposed affordable housing overlay zone is the MR (Mixed Retail) Zone as stipulated in of the General Ordinances of the Township of Verona at §150 - 17.13 which permits the following principal uses:²

1. Single family dwellings.
2. Professional offices (non-medical).
3. Commercial offices (non-medical).
4. Retail.

Further, "Residential Clusters" are a conditional use in the existing MR Zone, subject to the regulations, including bulk standards, shown in Figure 1 below. To accommodate the aforementioned 85 affordable residential units, this Amended Plan proposes that an A-2R (Multi Family – Mid Rise Redevelopment) Overlay Zone District be implemented and added

² The General Ordinances of the Township of Verona are referred throughout this Amended Redevelopment Plan. The various sections of the Ordinances are referenced by code number, for example §150-Zoning.

to the Township of Verona Zoning Districts at §150-17.7 G. applicable to the parcels at Block 2301, Lots 11, 12, 14, 15 and 16 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	2.0
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-Feet	25	15	15
Minimum Side Yard Setback Combined or Both-Feet	N/A	40	30
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%	85%
Maximum Improved Lot Coverage With 85 Units			90%
Maximum Dwelling Units-Project Area			90 units

Accordingly, the regulations covering the new A-2R Overlay Zone shall be as set forth in the A-2R column of Figure 1 above and shall be included in a new Verona Ordinance Section at §150-17.7 G. of the General Ordinances, as follows:

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

I. Principal Permitted Use.

Affordable housing apartments as required under by 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 and 16 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.

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

Standard:	A-2R Overlay Zone:
Minimum Acreage	2.0
Maximum Residential Density Per Acre	N/A
Minimum Front Yard Setback-Feet	20
Minimum Side Yard Setback-Individual or One-Feet	15 feet
Minimum Side Yard Setback Combined or Both-Feet	30 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	85%
Maximum Improved Lot Coverage With 87 Units	90%
Maximum Dwelling Units-Project Area	90 units

*The "Permitted Exceptions" regarding "Height Regulations" §150-5.2 B. shall be applicable to the A-2R Overlay Zone.

Notwithstanding any Verona Ordinance definition or provision to the contrary, including §150-2.3 "HEIGHT, BUILDING"; the HEIGHT, AFFORDABLE HOUSING BUILDING applicable to the A-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".

iii. Non-Applicability of Certain Ordinance Provisions.

a. The provisions of §150-5.1 G. "Lot Located in More than One Zone" shall not be applicable to the A-2R Overlay Zone.

b. The provisions of §150-5.3 F. "Paving of Required Yard Areas" shall not be applicable to the A-2R Overlay Zone.

c. The provisions of §150-8.8 D. "storage of commercial vehicles" shall not be applicable to the A-2R Overlay Zone, and its companion provisions at §150-12.5 shall not be applicable to the A-2R Overlay Zone.

d. The provisions of any ordinance pertaining to steep slopes shall NOT be applicable to the A-2R Overlay Zone except that proper stormwater runoff and retention SHALL be

addressed upon the submission of a site plan to the Verona Planning Board, please refer to Paragraph f below.

e. The provisions of §121 pertaining to Soil Removal shall NOT be applicable to the A-2R Overlay Zone using §121-2 C as a guide, to wit:

“In the event the Mayor and Council shall be of the opinion that the proposed soil removal will not create conditions inimical to the public health, welfare and safety and will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values, nor create any drainage, sewerage problems or other conditions of danger, permission to remove the soil shall be granted. The Township Engineer shall issue a permit when all the requirements of this chapter have been complied with by the applicant.”

Accordingly, the proposed soil removal for development of the A-2R Overlay Zone is pre-determined by the Mayor and Council, through the adoption of this Amended Redevelopment Plan, to be in compliance with the provisions of §121 upon execution of the pertinent redevelopment agreement and upon review and approval of the Township Engineer of the pertinent site plan.

f. The provisions of §123 pertaining to Stormwater Management shall NOT be applicable to the A-2R Overlay Zone. Stormwater management at the pertinent project site in the A-2R Overlay Zone shall be governed by Residential Site Improvement Standards of the State of New Jersey, N.J.A.C. 5:21-7.³ However, Verona Ordinance at §123-1.1 C ...“(r)equiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi liquids or solids from the containers to the municipal separate stormwater system...” shall be complied with.

g. The provisions of §171 pertaining to “Shade Trees and Shrubs” shall NOT be applicable to the A-2R Overlay Zone, but tree removal, if any, shall be identified and included in the Landscaping Plan as required in §150-17.7 G. iv. b. hereinafter established. Further, the provisions of Ordinance No. 2019-34, codified at §136-1 et seq, pertaining to tree

³ § N.J.A.C. 5:21-7.1 – Stormwater management: scope indicates: “Stormwater management systems prepared by design engineers shall emphasize a natural, as opposed to an engineered, drainage strategy. To the maximum extent practicable, stormwater management standards shall be met by incorporating nonstructural stormwater management strategies into a design”.

protection, removal and replacement shall NOT be applicable to the A-2R Overlay Zone. (§136-3 F shall NOT be operative when a project site plan in the A-2R Overlay Zone is reviewed.)

h. The provisions of §118-17 “Standards for review” of a site plan shall be limited to the terms and conditions of this Amended Redevelopment Plan and the Municipal Land Use Law.

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

a. The provisions of §150-7.20 B. “Sheds” shall be applicable to the A-2R Overlay Zone as in the R-100 Zone, thereby permitting two (2) sheds not having a combined area of greater than 200 square feet. Notwithstanding any Ordinance provision to the contrary not more than two (2) sheds may be placed within the yard setback buffer area, but not less than three (3) feet from any side yard or rear yard boundary.

b. The provisions of §150-11.1 Buffer Zone Requirements shall NOT be applicable to the A-2R Overlay Zone, except as provided herein and provided that wherever practical a landscaping buffer shall be provided along the property boundary with appropriate plantings or vegetation. Further, the following additional provisions shall be applicable to the A-2R Overlay Zone:

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

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

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

§150-11.2 D. and E. Pertaining to the submission of proposed landscape plan and the contents thereto shall be complied with.

§150-11.3, 11.4, 11.5, 11.6 and 11.7 shall NOT be applicable to the A-2R Overlay Zone. Notwithstanding this provision, the preparation of a traffic control report and drainage control plan (stormwater management and stormwater runoff plan(s)) shall be submitted when any application is filed for a final site plan in the A-2R Overlay Zone. (Also, please refer to Section III, iii, f. heretofore set forth.)

v. Parking Requirements, Including Off Street Loading.

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

1-§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. 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 therefor 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).

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

vi. Signs. The provisions of §150-7.9 U. shall be applicable to the A-2R Overlay Zone. Paragraph 2 shall be applicable but is hereby modified to permit doubled sided signs up to 26 square feet in area. The area and height calculations shall not include any foundation used to support the sign.

vii. Permitted Accessory Use(s) and Structures. The following are permitted:

- a. Screened or enclosed waste collection and recycling areas.
- b. Leasing, management, maintenance, and related offices.
- c. Amenity interior space, including but not limited to community meeting rooms, mailrooms etc.
- d. Exterior amenity space such as recreation areas, benches, gazebos (having a maximum height of twenty-four feet), etc.

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

f. §150-7.1 Balconies, eaves and well-designed porches may be constructed provided they do not encroach by more than five feet into any yard, or buffer area. There shall NOT be a maximum amount of porch area. Accordingly, the provision §150-5.3 G. stipulating “Multiple family dwellings may have one canopy or porch at ground level which shall not exceed 70 square feet and which shall have a minimum setback of eight feet”, shall NOT be applicable to the A-2R Overlay Zone.

g. Notwithstanding any other provision to the contrary, Accessory structures as defined in paragraphs vii., a, d, and e above may be situated in any side yard or rear yard setback area provided it is a minimum of five feet from the property boundary line and appropriately integrated into the landscape plan.

IV. Redevelopment Plan Regulations.

1. All definitions contained in the Zoning Ordinance and Land Use Regulations of Chapter 150 of the Township of Verona Code shall apply to this Amended Redevelopment Plan except as modified herein. The provisions of §123 pertaining to Stormwater Management shall NOT be applicable to the A-2R Overlay Zone. However, §123-1.1 C shall be complied with (see Section III, iii, f of this Amended Redevelopment Plan).

2. As required by the FHA no unnecessary costs that may be included in the Township Code shall apply to the A-2R Overlay Zone. Therefore, §118-12 “Off-tract improvements” shall not be applicable to any application for site plan approval filed with the Township in the A-2R Overlay Zone. However, if any such improvements shall be required said improvements shall be implemented pursuant to a mutually agreed to Redevelopment Agreement.

Further, any on-site utility and site improvements including but not limited to landscaping, water and sewer utility connections and piping, stormwater management, sanitation/garbage receptacles, etc. SHALL be shown on the pertinent site plan and paid for as part of the project, subject to any restrictions and allowances that may be provided in the Redevelopment Agreement.

3. 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 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 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.

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

5. Redeveloper designation. The designated redeveloper of the property located in the 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.

6. 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.

7. 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.

8. Notwithstanding the provisions of Section 5 F “Duration of the Plan”, this Amended Redevelopment Plan shall remain in effect for thirty-five years from the date of adoption of this 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 and 16 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 Amended Redevelopment Plan including but not limited to provide parking resources and project access.

VI. School Impacts.

The provision of affordable housing pursuant to the FHA and the constitutional obligation of a municipality to provide a range of housing opportunities is blind to the issue of the cost of local services. The cost of such services shall be borne by the municipality, county and school district respectively and the FHA limits cost generating impacts being charged to an affordable housing development. Moreover, as indicated in the opening sections of this Amended Redevelopment Plan any affordable housing redevelopment project will be subject to the rules of the NJHMFA which requires a payment in lieu of taxes program (PILOT) be provided to an affordable housing project when applying for funding.

The Township asked for a school impact analysis and we have prepared such an analysis, dated January 16, 2020 which is on file in the office of the Township Manager.

* * * * *

Benecke Economics

Fred Suljic, P.P.
Robert Benecke

FINAL DRAFT