

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2021-01

ADOPTING THE REDEVELOPMENT PLAN ENTITLED "THE SUNSET AVENUE REDEVELOPMENT AREA" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 et seq.

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

WHEREAS, on May 6, 2019, the municipal council (the "**Township Council**") of the Township of Verona (the "**Township**") adopted Resolution No. 2019-99 authorizing and directing the Planning Board of the Township (the "**Planning Board**") to conduct a preliminary investigation to determine whether certain properties, identified as Block 303, Lot 4 on the Township's Tax Maps (collectively, the "**Study Area**"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, on July 25, 2019 and August 13, 2019, a public hearing was conducted by the Planning Board, with notice having been properly given pursuant to *N.J.S.A. 40A:12A-6(b)(3)*, at which the Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at *N.J.S.A. 40A:12A-5 et seq.*, for designating the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area (the "**Redevelopment Area**"); and

WHEREAS, pursuant to the Redevelopment Law, the Township Council caused a redevelopment plan for the Redevelopment Area to be prepared by Benecke Economics entitled "The Sunset Avenue Redevelopment Area" (the "**Redevelopment Plan**"); and

WHEREAS, the Township Council desires to have the Planning Board review and comment upon the Redevelopment Plan, pursuant to the Redevelopment Law; and

WHEREAS, subject to receipt of the Planning Board's recommendations concerning the Redevelopment Plan, the Township Council believes that the adoption of the 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 Redevelopment Plan, as described on Exhibit A attached hereto, 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 Redevelopment Plan, pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

BE IT FURTHER ORDAINED, the zoning ordinances of the Township are hereby amended to include the amendments indicated in the Redevelopment Plan and the provisions therein.

BE IT FURTHER ORDAINED, the Township Council shall serve as Redevelopment Entity for purposes of implementing the Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

BE IT FURTHER ORDAINED, in case any one or more of the provisions of this Ordinance or the Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

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 STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF XXX, 2021 AND XXX, 2021.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: January 4, 2021

PUBLIC HEARING:

EFFECTIVE DATE:

EXHIBIT A

THE SUNSET AVENUE REDEVELOPMENT AREA
REDEVELOPMENT PLAN

The Township of Verona
Essex County
New Jersey

The Sunset Avenue Redevelopment Area
Redevelopment Plan

Block 303, Lot 4
1 Sunset Avenue

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

December 12, 2020

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

I. The Redevelopment Plan.

On August 19, 2019, the Township Council of the Township of Verona (“Council” and “Township” or “Verona”, respectively) adopted Resolution Number 2019-140 entitled “Determining that the Property Identified as Block 303, Lot 4 be Designated as a Non-Condensation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.” (“LRHL”) The statutorily required area in need of redevelopment study was completed and adopted by the Verona Planning Board on August 13, 2019 after holding public hearings on July 25, 2019 and on August 13, 2019 as directed by the Township Council.

The property has a street address of 1 Sunset Avenue, with a land area of approximately 5.5 acres in Verona and is located along Sunset Avenue. An additional 2.5 acres of land associated with this parcel (the “Property”) is situated in the Township of Montclair, which contains only a sliver of the northeastern corner of the preexisting building. The Property was found by the Verona Planning Board and Township Council to meet the criteria of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5, meaning the property is an area in need of redevelopment. This is the law governing the implementation of non-condemnation redevelopment projects in New Jersey.

The primary purpose of this “Redevelopment Plan” is to implement a component of the affordable housing requirements established by the New Jersey Supreme Court *In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015)*, whereinafter the Township filed the requisite Declaratory Judgement action in Superior Court (Docket No. ESX-L-4773-15) so as to develop a realistic plan in compliance with the legally required affordable housing required by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq, (“FHA”). The FHA requires municipalities to prepare a Housing Element and Fair Share Plan, which may be a part of the Master Plan, to achieve the objective of identifying affordable housing opportunities in a municipality.¹

The Municipal Land Use Law, N.J.S.A. 40:55D-28, (“MLUL”), stipulates that a Housing Element of the municipal Master Plan (“Master Plan”) be enacted to achieve the objective of access to affordable housing to meet present and prospective housing needs of a

¹ The lawsuits and affordable housing edicts are also commonly referred to as the Mount Laurel group of cases.

municipality, with particular attention to low and moderate income housing.²

The 2009 Verona Master Plan at Pages 12 through 19 addresses the Housing Element. It is important to emphasize that Objective Number 14 of the Verona Master Plan indicates that a purpose of the Master Plan is “(t)o continue to meet the municipal obligation to provide the Township of Verona its fair share of affordable housing meeting the requirements set forth by the New Jersey Council On Affordable Housing.” The 2009 Verona Master Plan includes the statutorily required Housing Element and Fair Share Plan (See Section 13 of the 2009 Verona Master Plan).

The owner and contract purchaser (The Children’s Institute (TCI)/Spectrum 360 and BNE) of the Property (the “Owner”) intervened in the Township’s Declaratory Judgement action indicating that they were willing and able to build 300 residential units on the site, in part to provide for the legally required affordable housing (45 units). On May 31, 2019, the Township and Property Owner entered into a settlement agreement of the intervenor’s lawsuit. On January 31, 2020, the parties executed an agreement stipulating that 200 residential units would be built at the Property. This Redevelopment Plan implements the January 21, 2020 settlement agreement.

Of the two-hundred (200) proposed units, fifteen (15) residential units would qualify as affordable units under the provisions, including limitations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”).

The Property is situated in a very low density residential zone (R-100), although the eastern point of the Property is situated directly across the street from the extended town center zone, situated on Bloomfield Avenue. Additionally, a school, which was formerly a Hoffmann-La Roche office and laboratory facility, is situated on the property.

Accordingly, this Redevelopment Plan sets forth the parameters of the residential development agreed to in the aforementioned documents.³

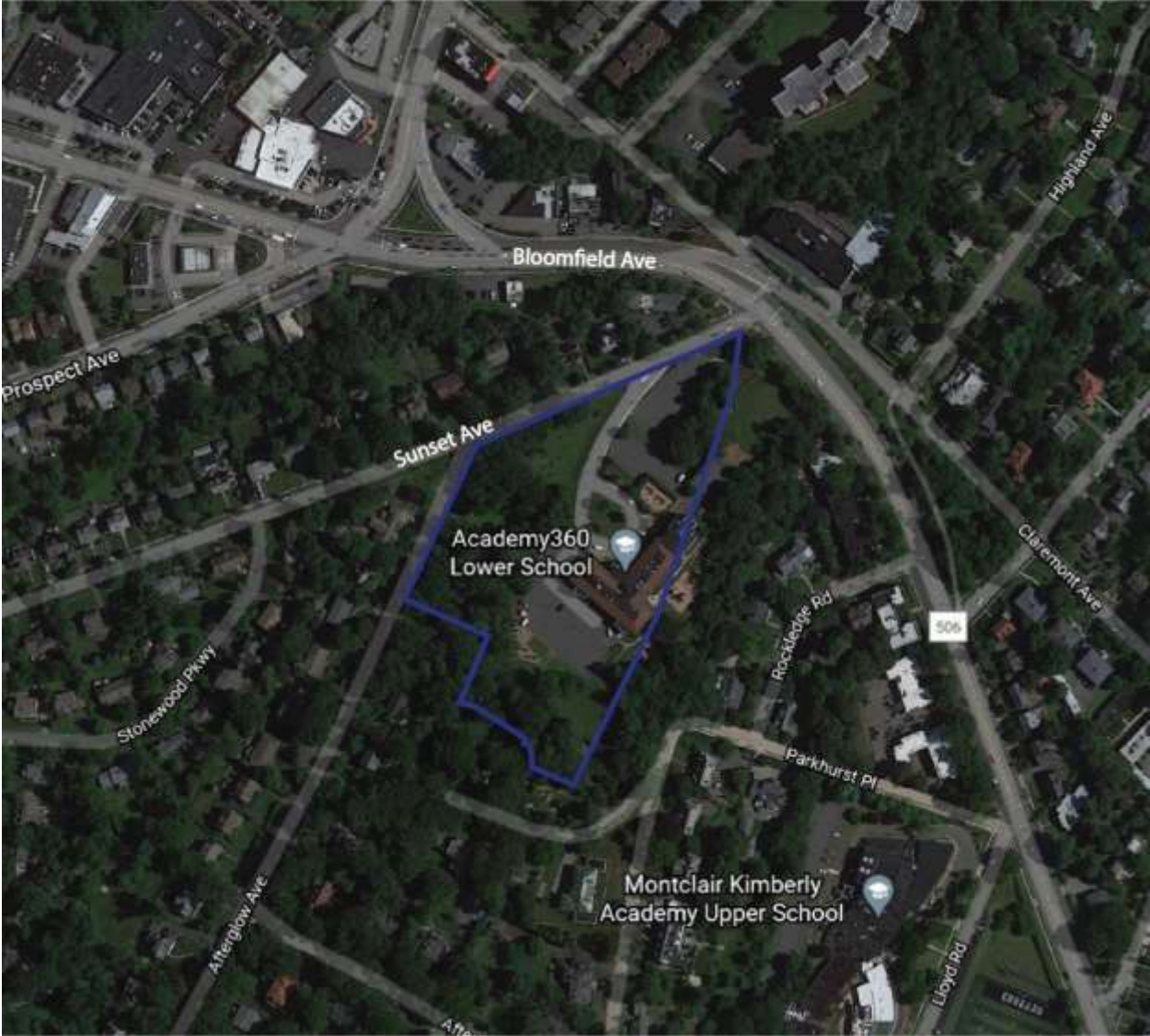
This Redevelopment Plan establishes standards for the construction of buildings and other improvements in the Redevelopment Area. The Redevelopment Plan is intended to promote a cohesive environment accentuating the Township’s proximity and access to mass

² On August 2, 1995 COAH granted substantive certification to Verona of its Round 2 petition. {Affordable housing.}

³ On October 28, 2019 the Township Council held a special meeting where the potential development plan, implementing the settlement agreement, was presented by the potential redeveloper-BNE.

transit and to integrate, to the best extent possible, a future development project with the surrounding neighborhood through appropriate building scale, location, green infrastructure, artistic elements, bikeways, walkways, pedestrian and vehicular circulation and landscaping.

Figure 1. General Location Map.



This Redevelopment Plan provides for a new zoning district. As such, a development application (site plan) may be submitted using the land use standards specified in Figure 1, including the new overlay zone (AR-1RA).

The new zoning requirements in the AR-1RA zoning district as hereinafter described shall supersede the preexisting zoning requirements upon adoption of this plan. Notwithstanding the foregoing, the zoning regulations hereinafter defined shall constitute an overlay of the underlying zoning.

II. Purpose of Redevelopment Plan-Master Plan Linkage.

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".

The Purpose of this 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 - while at the same time incorporating provisions which preserve the character of the property. This Plan is limited to the one property located in the aforementioned ~5.5 acre area. The Public Policy objective of this Redevelopment Plan is to:

Redevelop a portion of the Spectrum property (Block 303, Lot 4) 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 Plan will permit higher residential zoning density in a discreet area where the properties have been acquired by a qualified redeveloper to enable affordable housing development. (See N.J.A.C. 5:93-3.4.) Upon adoption of this Redevelopment Plan a project generating a development project will be undertaken to include fifteen (15) affordable housing units to be credited against the municipality's "Unmet Need".

This Redevelopment Plan provides the structure to comply with the provisions of the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-7 "Adoption of redevelopment plan". The following statutory elements are covered in this Redevelopment Plan with our guidance in bold type. To wit:

7. a. No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or in both, according to criteria set forth in section 5 or section 14 of P.L.1992, c.79 (C.40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

*(1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. **Because this Redevelopment Plan provides for the elimination of an educational facility in favor of a legally required affordable housing project {which is the definite local objective being complied with} there may be a different traffic timing pattern, one which removes a traffic logjam twice daily and replaces it with a more consistent traffic flow. However, the designated redeveloper shall prohibit a left hand turn out of the Property.***

(2) Proposed land uses and building requirements in the project area. **The details of the land uses are stipulated in the remainder of this Redevelopment Plan.**

(3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market. **(N/A)**

(4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. **{Pursuant to the Redevelopment Agreement the Redeveloper will acquire the property at Block 303, Lot 4- the Spectrum 360 property.}**

(5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.). **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 Redevelopment Plan.**

(6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure. **(N/A)**

(7) a. plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section. **(N/A)**

b. A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan. **The provision of affordable housing in accordance with the Township's affordable housing commitments and obligations is the principle purpose of this Plan. Fifteen affordable units are scheduled and permitted to be constructed in the Redevelopment Plan area.**

c. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an 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 shall indicate the redevelopment area to which the redevelopment plan applies.

*Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof. **This Redevelopment Plan includes the addition of a Multi Family-Mid Rise Redevelopment Overlay Zone District to be implemented and added to the Township of Verona Zoning Districts at §150-17.8 F. applicable to the parcel at Block 303, Lot 4.** 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 Redevelopment Plan.

* * * * *

III. Specific Zoning Provisions of this Redevelopment Plan.

The Property subject to this Redevelopment Plan is currently situated in the R-100 Zone and is situated directly across the street (at the eastern point of the property) from the Extended Town Center Zone. The proposed affordable housing overlay zone is the A-1RA “Multi Family-Mid Rise Redevelopment Overlay Zone” {at Sunset}) as stipulated in a new section of the General Ordinances of the Township of Verona at §150 - 17.13 F which permits the following principal use, in addition to the underlying zoning:⁴

Multifamily dwellings-building and site requirements.

To accommodate the aforementioned 200 residential units, including the 15 affordable residential units, this Redevelopment Plan proposes that an A-1RA (Multi Family Mid Rise Sunset Redevelopment Overlay Zone) district be implemented and added to the Township of Verona Zoning Districts at §150-17.8 F. applicable to the parcel at Block 303, Lots 4, with a common street address of 1 Sunset Avenue.

Figure 2. Comparison of Zoning Regulations - Illustration Purposes.

Standard:	A-1R Zone	A-1RA Overlay Zone
Minimum Acreage	8	5.0
Minimum Front Yard Setback-Feet	40	50

⁴ The General Ordinances of the Township of Verona are referred throughout this Redevelopment Plan. The various sections of the Ordinances are referenced by code number, for example §150-Zoning.

Minimum Side Yard Setback-Individual or One-Foot	25	50
Minimum Rear Yard Setback-Feet	25	50
Maximum Residential Dwelling Units Per Acre	10	40
Maximum Building Height	35 feet	60 feet
Maximum Improved Lot Coverage-Percent	65%	75%
Note: The A-1R Zone is the model for the A-1RA Overlay Zone. (Sunset Avenue)		

Accordingly, the regulations covering the new A-1RA Overlay Zone shall be as set forth in the A-1RA column of Figure 2 above and shall be included in a new Verona Ordinance Section at §150-17.8 F. of the General Ordinances, as follows:

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

i. Principal Permitted Use.

Multi-family residences, not to exceed two hundred units of which fifteen (15) units shall be affordable housing apartments as required under by the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) and as limited by UHAC, which requires municipalities to endeavor to identify affordable housing opportunities in a municipality. This is an overlay zoning district applicable to Block 303, Lots 4, including any easements, required to provide utilities, access or parking within the redevelopment project. The following Figure 3 includes the bulk standards.

ii. Figure 3. Area, Yard and Bulk Regulations. Multi-Family – Mid Rise Redevelopment.

Standard:	A-1RA Overlay Zone:
Minimum Acreage	5.0
Maximum Residential Density Per Acre	N/A
Minimum Front Yard Setback	50 feet
Minimum Side Yard Setback-Any Side	50 feet
Minimum Rear Yard Setback	50 feet
Maximum Dwelling Units Per Acre	N/A
Maximum Height-Building Affordable Housing*	60 feet ⁵
Maximum (Improved) Lot Coverage-Percent	75%
Maximum Dwelling Units-Project Area	200 units

*The “Permitted Exceptions” regarding “Height Regulations” §150–5.2 B. shall be applicable to the A-1RA Overlay Zone. Also, the property may NOT be subdivided or otherwise spilt, therefore there is no maximum dwelling units per acre. The calculated number of dwelling units is 36.36 (200/5.5=36.36). The land area of the entire parcel shall be included in the lot coverage calculation. A pitched roof design element is preferred but not required and every effort shall be made to have the building(s) blend into the topography and landscape. No setback is required from a municipal boundary.

⁵ A firewall creates separate independent buildings. Section A.3.3.14.6 of the NFPA 221 allows for the portions of the structure subdivided by a firewall to be considered separate buildings. The requirement that a firewall cannot collapse during fire conditions is also stipulated in Section 706.2 of the 2012 IBC.

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-1RA 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, parapet wall (which shall not be higher than 48 inches and shall not be built when a pitched roof is being proposed), elevator tower and flagpole. An individual building may be divided by a fire wall which creates a separate permanent building”.

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-1RA Overlay Zone.

b. The provision of ~~any~~ Ordinance Number 14-16 Adopting the Extended Town Center Redevelopment Plan at Section 3 G. (*sic*) pertaining to Steep Slope areas not being applicable to “currently developed properties within the redevelopment zone” shall also be applicable to the Redevelopment of Block 303, Lot 4 pursuant to this Redevelopment Plan. This provision, exempting site specific existing conditions and structures from step slope requirements, is also consistent with Ordinance §150-21.5. ~~NOT be applicable to the A-1RA Overlay Zone.~~

c. The provisions of §150-21 et seq., pertaining to steep slopes shall not be applicable to the Redevelopment of Block 3030, Lot 4 except that a portion of §150-21.9 B. shall be applicable, to wit: “(a)ppropriate temporary and permanent storm drainage facilities shall be constructed to adequately protect downstream properties”, further, a portion of §150-21.9 C. shall be applicable, to wit: “(t)he connection of any driveway to a street shall be by a vertical curve of sufficient radius to provide a smooth transition. The horizontal angle of intersection of a driveway with a street shall not be less than sixty (60°) degrees”.

d. 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. Further consistent with §150-21.9 H the designated Redeveloper shall submit a stabilization and revegetation plan prepared, signed and sealed by a New Jersey licensed professional

engineer which shall include a complete description of the existing vegetation, the vegetation to be planted, and slope stabilization measures to be installed. The revegetation and slope stabilization plan shall be submitted with the grading plan.

Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes. (Note: this plan shall be consistent with the required landscaping plan.)

e. The provisions of §121 pertaining to Soil Removal shall be applicable to the A-1RA Overlay Zone, however, using §121-2 C as a guide, the governing body may waive all or a part of the Soil Removal ordinance, 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, if the proposed soil removal for development in the A-1RA Overlay Zone is determined by the Mayor and Council, and upon adoption of this Redevelopment Plan, to be in compliance with the provisions of §121 upon execution of the applicable redevelopment agreement and upon review and approval of the Township Engineer of the project site plan.

f. The provisions of §123 pertaining to Stormwater Management shall ~~NOT~~ be applicable to the A-1RA Overlay Zone only to the extent required under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. Stormwater management at the pertinent project site in the A-1RA overlay zone shall be governed by Residential Site Improvement Standards of the State of New Jersey, N.J.A.C 5:21-7⁶ (“RSIS”) and shall include NJDEP regulations.

In addition, New Jersey Stormwater Management rules at N.J.A.C. 7:8 specify

⁶ § 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”.

stormwater management standards and green infrastructure that are either required or strongly recommended for new major development. These rules must be followed to the extent applicable. The New Jersey Stormwater Best Management Practices Manual (BMP manual-Section 2), published February 2004, was developed to provide guidance to address the stormwater management and green standards in the Stormwater Management Rules (N.J.A.C. 7:8).

The designated redeveloper shall incorporate green infrastructure (“GI”) practices to be incorporated into site design which must be selected based on an evaluation of individual site characteristics and needs. The designated redeveloper shall incorporate or consider with diligence common GI practices, including rain gardens/bioretention basins, grass swales, constructed gravel wetlands, roof water recycling, rain barrels and bioretention plantings and green areas. GI practices SHALL be generally considered a part of development design. Finally, green infrastructure does not have to be vegetated; GI can include designs incorporating pervious pavement and sand filters that use the soils to reduce runoff and treat pollutants and rain barrels and cisterns that store rainwater for later reuse.

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 generally NOT be applicable to the A-1RA overlay zone, but tree removal shall be identified and included in the Landscaping Plan, with appropriate replanting approved by an arborist, is required and as may further be stipulated 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 protection, removal and replacement shall NOT be applicable to the A-1RA overlay zone. However, the designated redeveloper shall include the information required in §136-6 A as part of any site plan application. (Further, §136-3 F shall NOT be operative when a project site plan in the A-1RA 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 Redevelopment Plan and the Municipal Land Use Law-

except that the term, or definition, of Variance shall not be applicable to any site plan, but only deviations from this Redevelopment Plan shall be considered by the Verona Planning Board.

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-1RA overlay zone as in the R-100 Zone.

b. The provisions of §150-11.1 “Buffer Zone Requirements” shall NOT be applicable to the A-1RA overlay zone, except as provided herein and provided that wherever practical a thirty foot (30) landscaping buffer, including a required thirty foot densely landscaped buffer along the frontage with Afterglow Avenue, shall be provided along the property boundary with appropriate trees, plantings or high growth vegetation.

Further, the following additional provisions shall be applicable to the A-1RA 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. This landscaping plan MUST include an inventory of GI measures included in the site.

§150-11.3 B, 11.4 A and C, 11.6 D and 11.7 G shall NOT be applicable to the A-1RA Overlay Zone. Notwithstanding this provision, the preparation of a traffic circulation and control report and drainage control plan (stormwater management and stormwater runoff plan(s) with all GI measures) shall be submitted when any application is filed for a final site plan in the A-1RA Overlay Zone. To be clear: No left hand turn out of the property onto Sunset Avenue may be made at any time.

These reports shall indicate compliance with this Redevelopment Plan and the related State of New Jersey regulations cited herein. (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-1RA Overlay Zone, with the EXCEPTION(S)” that:

1-§150-12.6 “Off Street Parking” provisions shall generally be applicable to the A-1RA overlay zone, but a deviation from the New Jersey Residential Site Improvement Standards (“R.S.I.S”) may be granted by the planning board should the applicant prove somewhat less parking is appropriate. 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-1RA overlay zone, the number of on-site parking spaces appropriate for each affordable residential unit and therefore required in the A-1RA overlay zone shall be a minimum of 1.9 vehicles per residential unit. (See N.J.A.C. 5:21-4.14 (c)-RSIS alternate parking standards).

Electric vehicles and charging stations shall be provided on site and at a minimum of two separate locations. A minimum of 2% of all parking spaces shall be dedicated to electric vehicles. The designated redeveloper shall provide for a permit process to assign dedicated electric vehicle spaces to residents.

2-The provisions of §150-12.7 A. pertaining to commercial vehicles shall NOT be applicable to the A-1RA Overlay Zone to the extent that NO commercial vehicle or recreational vehicle shall be parked in the A-1RA 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-1RA Overlay Zone. Paragraph 2 shall be applicable but is hereby modified to permit doubled sided signs up to 26 square feet in surface area per side (52 square feet in total). The area and height calculation used to determine the sign surface area shall not include any foundation used to support the sign.

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-exclusively conducting business for the benefit of the Redevelopment project.
- c. Amenity interior space, including but not limited to community meeting rooms, mailrooms etc.
- d. Exterior amenity space such as recreation areas, pools, benches, gazebos (having a maximum height of twenty-four feet), etc.
- e. One 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-1RA 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 located 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 Redevelopment Plan except as modified herein. The provisions of §123 pertaining to Stormwater Management shall generally NOT be applicable to the A-1RA overlay zone. However, §123-1.1 C shall be complied with (see Section III, iii, f of this Redevelopment Plan).

2. As required by the FHA no unnecessary costs that may be included in the Township Code shall apply to the A-1RA 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-1RA overlay zone.

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 covering any proposed project, subject to any restrictions and allowances that may be provided in the Redevelopment Agreement. The water and sewer utility analysis must include a capacity and pressure analysis to ensure adequate water and sewer service.

3. Notwithstanding any ordinance provision to the contrary, an exception to the Verona General Ordinance provisions applicable to the A-1RA overlay zone is that no use provision, or term or condition, stipulated in this Redevelopment Plan may be changed, or any variance thereto, may be considered by the Board of Adjustment.

No use variance from this Redevelopment Plan as may be permitted under §118-15, or as may be permitted under 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 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 deviation (or a variance) by virtue of a site plan filed pursuant to this Redevelopment Plan then the applicant (as designated redeveloper) shall be required to seek an amendment to this Redevelopment Plan by the Township Council, as the governing body.

Any modification, termed a deviation, from this 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 Redevelopment Plan area shall be required to submit documentation to demonstrate compliance with the objectives of the Redevelopment Plan.

This shall be accomplished by and through the submission of a Site Plan including the required traffic, water, sewer, storm water and GI analysis and reports.

6. The Township of Verona and the Redeveloper shall enter into a “Redevelopment Agreement” prior to submission of a site plan application, as permitted by the LRHL at N.J.S.A. 40A:12A-9. The Redevelopment Agreement shall contain the terms, conditions, specifications of any and all redevelopment actions.

The Redevelopment Agreement shall at a minimum include:

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

7. This Redevelopment Plan shall remain in effect for thirty-five years from the date of adoption of the Ordinance adopting this Redevelopment Plan.

* * * * *

Benecke Economics

December 12, 2020