ORDINANCE 2020-17

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR 522 SOUTHERN BOULEVARD, BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP

WHEREAS, the Township of Chatham has a constitutional obligation to provide for the realistic development of affordable housing; and

WHEREAS, the Township endorsed the 2020 Housing Element and Fair Share Plan on August 13, 2020 identifying 522 Southern Boulevard, Block 128, Lot 2 ("Property") as appropriate for a 100% municipally sponsored family rental affordable housing development; and

WHEREAS, the Township Committee wishes to prepare a "mini-master plan" for the Property and to provide bulk standards; namely, height, front, side and rear yard set-backs and design and parking criteria for the Property through the adoption of a Redevelopment Plan for the Property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the attached Redevelopment Plan for the Property, dated August, 2020, prepared with assistance from Banisch Associates, Inc., be adopted.

Section 1. This Ordinance and Redevelopment Plan repeals, replaces and supersedes the existing or underlying zoning for the Property.

Section 2. The Redevelopment Plan for the Property is adopted as attached.

Section 3. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled to notice, including to the Clerk of adjoining municipalities, to the last owner of the property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: September 24, 2020

Adopted: October 8, 2020
Attest:

_____
Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY: _____
Michael J. Kelly, Mayor

Proposed Redevelopment Plan

for

522 Southern Boulevard

Block 128, Lot 2

Chatham Township
Morris County

August 2020

Prepared by:
Chatham Township Committee

With Assistance from:
Banisch Associates, Inc.
111 Main Street, Flemington, NJ

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Chapter 1. INTRODUCTION

1.1 BASIS FOR THE PLAN

This Redevelopment Plan has been prepared at the direction of the Chatham Township Committee, pursuant to New Jersey's Local Redevelopment and Housing Law (LRHL), for Block 128, Lot 2 (the "Redevelopment Plan Area") located along Southern Boulevard in the Hickory Tree section of Chatham Township. See Figure 1 Location of Redevelopment Plan Area and Figures 2 and 3 which show the location a tax map and aerial photograph respectively.

The Redevelopment Area is currently occupied by a discontinued Charlie Brown's Restaurant, which filed for Chapter 7 bankruptcy protection from creditors after being closed since March, 2020.

1.2 REDEVELOPMENT PLANNING PROCESS

The Local Redevelopment and Housing Law (LRHL) at NJSA 40:12A-1 et seq., details the process that a municipality must follow to designate a property as a "Condemnation Area in Need of Redevelopment" and thereafter adopt a Redevelopment Plan for the property so designated.

Following the adoption of a Redevelopment Plan, a municipality is empowered to undertake the following actions:

- Clear any area owned or acquired and install, construct or reconstruct public infrastructure essential to the preparation of sites for use in accordance with the redevelopment plan.
- Contract for professional services.
- Contract with public agencies or redevelopers for the undertaking of any project or redevelopment work.
- Negotiate and collect revenues from a redeveloper to defray the costs of the redevelopment entity.
- Lease or convey property or improvements to any party without public bidding.

According to the Local Redevelopment and Housing Law, the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the Redevelopment Area which are sufficient to indicate:

1. Its relationship to definitive local objectives, including appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and public improvements;
2. Proposed land uses and building requirements;
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area;
4. Identification of properties to be acquired, if any;
5. Any significant relationship of the Redevelopment Plan to the Master Plans of contiguous municipalities, the County and the State Development and Redevelopment Plan; and

6. Enumeration of deed-restricted affordable units in the redevelopment area and their disposition.

1.3 OVERVIEW OF REDEVELOPMENT PLAN AREA

The Redevelopment Plan Area is a 3.3-acre parcel identified on the official tax maps of the Township of Chatham as Block 128, Lot 2 (on Tax Map Sheet 43) which the Committee of the Township of Chatham previously designated as a Condemnation Redevelopment Area. The Redevelopment Plan Area is located at 522 Southern Boulevard and is situated within the Township's sewer service area. As seen on Figure 3, building and parking occupy most of the parcel. The site is free of environmental constraints, however, a wetland area within the adjacent parcel to the south may result in a wetland transition area minimally encroaching into the site's southeastern corner. Since this buffer is within the existing wooded area to the rear, it appears not to impact the redevelopment of the site.

1.4 OVERVIEW OF REDEVELOPMENT PLAN FOR THE REDEVELOPMENT PLAN AREA

This Redevelopment Plan provides for the development between sixty-two (62) and sixty-six(66) affordable rental family units in a 3-story building or buildings. An additional unit will be provided for an on-site superintendent and will not be deed-restricted for affordability. This Redevelopment Plan Area is to be conveyed to a third party for the construction, ownership and management of the low- and moderate-income housing units. The designated redeveloper must finance, obtain approvals, construct, build, own and manage the development. Such a development shall conform to the requirements of the Fair Housing Act, the second-round rules of the Council on Affordable Housing (COAH) and New Jersey Housing and Mortgage Finance Agency (NJHMFA), as applicable. The Redevelopment will also comply with the terms and conditions set forth in the Settlement Agreement between Fair Share Housing Center and the Township of Chatham, as amended.

Chapter 2. CONTEXT, VISION AND GOALS

2.1 LAND USE CONTEXT

The prevailing land uses in the Township are residential, with low density rural areas to the north and medium density residential neighborhoods in the central and southern portions of the Township. High density apartments and townhouses are clustered in two principal areas - in the southern part of the Township along River Road and in the northern part of the Township between Southern Boulevard, and Green Village Road (Chatham Hill). The Chatham Hill apartments are less than 200' from Lot 2.

The Redevelopment Plan Area is part of the commercial center in Chatham Township, which is situated along Green Village Road, Southern Boulevard and Shunpike Road. The Redevelopment Area is situated in the Township's downtown business area, with restaurants and a supermarket across the street to the west and a wide range of commercial services available within easy walking distance (see Figure 4). A neighborhood of single-family homes on small lots is just east of the site, Juniper Village senior assisted living is to the south and a gasoline filling station adjoins Lot 2 to the north. Figure 5 illustrates the tax class of properties and Figure 6 illustrates the current zoning of the subject property and the surrounding neighborhood. As readily seen on Figure 5, a compact commercial zone is essentially fully developed and is Chatham Township's downtown.

2.2 VISION FOR THE REDEVELOPMENT PLAN AREA

Chatham Township has spent the past several years examining opportunities for the development of affordable housing to address its constitutional fair share obligation. Primary among the Township's objectives has been the identification of realistic opportunities for the creation of such affordable housing. In this particular case, the affordable housing component to be developed in the Redevelopment Plan Area will be 100% affordable, consisting of between 63 and 67 units in a family rental apartment project that will include one non deed-restricted unit for a superintendent, to be undertaken by the designated redeveloper. The development of a 100% municipally-sponsored affordable family rental housing development within this Redevelopment Plan Area is part of the Township's plan to meet its prospective need obligation for the Third Round, that is, the period between 1999-2025. The Redevelopment Plan Area is well-situated and suitable to provide for affordable family rental apartments, having sufficient developable land to accommodate the development as well as all necessary infrastructure and roadway access.

2.3 GOALS

This proposed Redevelopment Plan is consistent with Chatham Township's Master Plan, which has identified the following two broad goals related to housing:

- Preserve the desirability of the community and its neighborhoods by managing the scale of new and expanded buildings and alterations to their landscapes.

This site is well situated for the provision of affordable housing to assist in meeting the Township's

constitutional obligation, being situated next to a commercial center offering a grocery store, hardware store, pharmacy, food establishments and within walking distance to recreational facilities. The proposed development of a 3-story 100% municipally-sponsored affordable family rental apartment building, providing between 63 and 67 units, including one unit for a building superintendent at this location is compatible with the surrounding uses.

- Promote a balance of housing types for all segments of the population.

The Redevelopment Area provides an appropriate setting for this municipally-sponsored 100% affordable development. Through the adoption of this Redevelopment Plan, a new public-private partnership initiative will provide a realistic opportunity for between 62 and 66 affordable family units to be constructed and occupied in a building at this location.

These Master Plan goals and objectives serve as a guide to this Redevelopment Plan, and will ensure that the new development will blend into the current landscape of the Redevelopment Area, harmonize with nearby neighborhoods, and enhance the quality of life for residents of Chatham Township.

Chapter 3. LAND USE AND BUILDING REQUIREMENTS

3.1 APPLICABILITY

This Redevelopment Plan shall supersede Chatham Township's Land Development regulations as they pertains to the Redevelopment Plan Area (Chapter XXX of the Chatham Township Code). The development shall adhere to the requirement set forth herein as it relates to permitted uses, bulk, area and yard requirements, as well as building and site plan design requirements, landscaping and open space requirements, utility service requirements, and low and moderate income housing requirements.

3.2 CONCEPTUAL SITE DESIGN

This Redevelopment Plan provides for the development of between 62 and 66 affordable family rental units, plus one non deed-restricted unit for an on-site superintendent, in one or more 3-story 100% municipally-sponsored affordable family rental apartment buildings. This plan recognizes that the siting of these built elements will be designed by the designated redeveloper and that the Redevelopment Plan cannot provide a definitive site plan layout at this time.

Given the single family residential character of the Sunset Lake neighborhood to the west, a substantial wooded or landscaped buffer should be maintained at the eastern end of the Redevelopment Plan Area. The Redevelopment Plan recognizes the unique challenges of developing between 62 and 66 100% municipally-sponsored affordable family rental units on this site in light of the necessity in 100% municipally-sponsored affordable housing projects to eliminate any cost generating requirements and improvement, as well as other limitations such as wetland buffer requirements and existing paved areas. As such, the proposed development may require flexibility and deviations from the standards and requirements set forth in this chapter. The Planning Board may therefore, in its discretion, permit modifications and deviations from strict adherence to the requirements otherwise applicable where such adherence is not necessarily in the interest of the public, and where the waivers or modifications are consistent with the intent and purpose of the underlying requirements and the interests of the Township. (See Section 6-3 of this report "Deviation Requests")

3.3 PERMITTED USES

A. Principal Uses
   1. 100% municipally-sponsored rental affordable housing.
   2. One on-site non-deed restricted unit for occupancy by a building superintendent.

B. Accessory Uses
   1. Structures and facilities designed for recreation or community use for residents and their guests, including barbeque facilities.
   2. Tot lots.
   3. Walking paths.
   4. Off-street parking, in accordance with RSIS standards.
   5. Fences and walls in accordance with the requirements of Section 30-96.15 of the Chatham Land Development Ordinance.

6. Landscaping and screening in accordance with the requirements set forth in Section 3.7 of this report.
7. Outdoor lighting in accordance with the requirements of Section 30-96.22 of the Chatham Land Development Ordinance.
8. Outdoor structures for the storage of solid waste and recycling materials, with sufficient vehicular access for pick-up and removal.
9. One (1) double-sided monument sign composed of wood, stone, brick or masonry or the same material as used on the exterior of the principal buildings not to exceed 50 square feet in area or a height of greater than 4 feet, and a setback no closer than 10 feet from a property line.
10. Above-ground, at-grade, or below-ground utility structures and facilities required to provide gas, electricity, telephone, water, sewer cable television or other utility service. Utilities shall comply with the requirements set forth in Section 3.8 of this chapter.
11. Other accessory uses and structures which are customary and incidental to the principal permitted use.

3.4 BULK, AREA AND YARD REQUIREMENTS

A. Minimum Standards

1. Lot Area: 3 acres
2. Lot Frontage: 200 feet
3. Setbacks of Principal Buildings to Property Line:
   a. Front 35 feet
   b. Side 10 feet
   c. Rear 75 feet
4. Distance between Two Principal Buildings on the lot: 20 feet
5. Setbacks of Tot Lots or Trash Enclosures:
   a. Front: 20 feet
   b. Side: 15 feet
   c. Rear: 200 feet
6. Setback of Parking:
   a. To property lines
      1. Front: 35 feet
      2. Side: 20 feet
      3. Rear: 75 feet
   b. To buildings: 10 feet
7. Number of Parking Spaces: 1.5 spaces/dwelling unit[1]

B. Maximum Standards

1. Building Coverage: 30%
2. Impervious Coverage: 50%
3. Building Height[2] - Principal Buildings: 3 stories and 45 feet

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[1] A de minimis exemption from the parking requirements of New Jersey's Residential Site Improvement Standards (RSIS) will be required.

[2] Building height for the purposes of this Redevelopment Plan shall be measured as the vertical distance from the average post-development ground elevation as measured at the corners at the perimeter of the building to a horizontal plane projected from the highest point of the roof.

4. Number of dwelling units: between 62 and 66 affordable dwelling units plus 1 superintendent unit

3.5 BUILDINGS AND SITE PLAN DESIGN

1. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with RSIS standards; provided, however, that, upon recommendation of the Township Engineer, the requirement of curbing may be waived or modified when found not to be needed for control of storm water, protection of pavement and similar purposes.
2. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, internal roadways shall be at least twenty-four (24) feet in width for two (2)-way traffic and twelve (12) feet in width for one (1)-way traffic and shall not enter a street within fifty (50) feet of an existing intersection. Driveways leading from internal roadways to parking areas shall be at least twenty (20) feet in width. Parking on internal roadways and driveways shall be prohibited.
3. The arrangement and location of parking areas and internal roadways shall be subject to approval of the Planning Board at site plan approval and shall be designed to insure maximum safety, proper circulation and maximum convenience for residents and their guests, while also properly buffering adjoining residential properties.
4. Figure 7 illustrates the building envelope for permitted development according to the bulk requirements in Section 3.4 above.

3.6 DESIGN REQUIREMENTS

1 Architectural elevations and floor plans shall be provided at site plan application for each building.
2 The length of a building shall not exceed 225 feet.
3. Variations in set-back, materials, colors and design including breaks in the building façade shall be encouraged to break up the appearance of the mass of the building. The building façade shall be broken into façade segments. The building façade shall have off-sets every 40 feet, with set back or bump out sections being 4 feet or more in depth.
4. Primary exterior materials shall be consistent with materials utilized for surrounding buildings and may include cedar impression vinyl siding, vinyl siding, asphalt shingle roofing and cementatious or PVC trim.
5. A variety of materials and architectural features are to be used, for example, to distinguish first floor from the second floor, to distinguish the top floor from the lower floor, and to highlight building entrances.
6. Sloping roofs are encouraged. If flat roofs are provided, they shall incorporate design techniques to shield any roof mounted equipment.
7. Rooftop HVAC and mechanical equipment, if used, shall be aesthetically shielded by peak roof inserts.
8. All apartment buildings and all accessory buildings and structures shall be designed in a unified architectural style.
9. Architectural design and materials used in the construction of accessory buildings shall be similar to or complement those of the principal buildings.
10. There shall be a minimum gross floor area for the dwelling units in the project as follows: for

1-bedroom units, 620 square feet; for 2-bedroom units, 750 square feet; and for 3-bedroom units, 1,000 square feet. Each dwelling unit shall contain as a minimum, a separate living room, a separate bedroom, a separate bath, and a kitchen, which kitchen facility shall be located separate and apart from other rooms in the unit with the exception of the dining room.

11. Storage space with a door or other means of separate access containing a minimum of forty (40) square feet of floor area and a minimum volume of three hundred (300) cubic feet shall be provided for each dwelling unit in the principal building, within the dwelling unit itself, or in a basement of the building in which the units are located.

3.7 LANDSCAPING AND OPEN SPACE

1. A minimum of 15 percent of the site area shall be specifically set aside for conservation, recreation, and/or other open space, and shall not include stormwater detention facilities or other structural or infrastructure improvements.
2. The tree replacement requirements of the Township's Tree Protection Ordinance (§22-5.4 and 5.5) shall be adhered to.
3. The minimum required open space area may include wetlands or wetlands buffers.
4. Common open space, where improved, shall be attractively landscaped with grass lawns, trees and shrubs. Where possible, provision shall be made for the preservation of existing trees and natural features including those in designated critical areas (such as within wetland buffer areas). All proposed landscaping, including existing and new trees, shrubs and natural screening shall be shown on a landscape plan and submitted to the Planning Board for approval at site plan review.
5. Except as otherwise provided in the New Jersey Residential Site Improvement Standards, sidewalks or walkways constructed in accordance with the Township specifications shall be provided in such locations and of such widths as required and approved by the Planning Board to insure safe and convenient pedestrian traffic.
6. Effective screening by fences, walls or landscaping shall be provided to shield parking areas and other common facilities from view of adjoining residential properties.
7. Adequate outdoor lighting shall be provided in parking areas and along sidewalks, walkways and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines. Lighting fixtures shall be so arranged that the direct source of light is not visible from any adjacent residential property.

3.8 UTILITY SERVICES

1. All dwelling units within a structure shall be connected to approved and functioning public water and sanitary sewer systems prior to the issuance of certificates of occupancy.
2. Adequate provision shall be made for storm water drainage, water supply and sewage treatment and disposal.
3. All telephone, electric and CATV service, including outdoor lighting on the property, shall be by underground conduit.
4. Fire hydrants shall be installed at locations specified by the Township. Such hydrants shall be provided with appropriate water pressure and otherwise adequately maintained by the owner or owners of the development. All such hydrants shall conform to the standards of the National Board of Fire Underwriters or Township requirements, whichever is more restrictive.
5. Suitable provision shall be made for the orderly on-site storage and pick-up of solid waste, including recyclable materials. The locations and numbers of all facilities for such purposes shall be subject to approval by the Planning Board and shall meet all regulations of the Township Board of Health and applicable provisions of the Township Recycling Ordinance.

3.9 MUNICIPAL COOPERATION WITH UTILITIES

A. The Township shall confirm in writing its support for the submission of applications for all utilities (including specifically water and sewer), and all necessary governmental agency or private utility approvals related to all aspects of the development within five (5) business days of a written request for such support from the redeveloper. Specifically, the Township shall assist the redeveloper in obtaining such approvals with Morris County, New Jersey Department of Transportation and the New Jersey Department of Environmental Protection and any other public or private entity with which the redeveloper must deal in order to develop the approved site plan.

3.10 LOW- AND MODERATE-INCOME HOUSING REQUIREMENTS

A. Low and moderate-income housing shall be constructed and rented in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. except that up to four (4) units may be one bedroom units and at least 59 units shall consist of 2-bedroom and 3-bedroom units, of which no fewer than 15 shall be 3-bedroom units. The income distribution shall include no more than 50% moderate income and no less than 13% very low income. Affordable housing units shall be affordable family rentals and shall not be age-restricted.

B. The Township designated Affordable Housing Administrator shall be responsible for affirmatively marketing, administering and certifying the occupants of each affordable unit, with all administrative costs to be paid by the redeveloper/owner of the affordable units.

C. Up to 20 percent of all new affordable housing shall be set aside for a period of 90 days for low or moderate income veterans with active service in time of war as defined by section 1 of P.L.1963, c.171 (C.54:4-8.10).

Chapter 4. REDEVELOPMENT ACTIONS

4.1 OUTLINE OF PROPOSED ACTIONS

Construction of new affordable housing structures and other improvements shall take place as proposed in this Redevelopment Plan. The existing restaurant and improvements within the Redevelopment Plan Area shall be completely demolished and removed by the designated redeveloper.

The redeveloper will be required to enter into a Redevelopment Agreement with the Township that stipulates the precise nature and extent of the improvements to be made, and will be required to finance, obtain approvals, construct, build, own and management the development. Their timing and phasing shall be governed as required therein.

4.2 PROPERTIES TO BE ACQUIRED

This Redevelopment Plan will require Chatham to acquire Block 128, Lot 2.

4.3 RELOCATION

This Redevelopment Plan will not require displacement or relocation of any residents or businesses.

4.4 ADMINISTRATIVE PROVISIONS

Redevelopment activities within the Redevelopment Plan Area shall comply with all requirements in any executed Redevelopment Agreement between the designated redeveloper and the Township of Chatham.

Chapter 5. PLAN CONSISTENCY REVIEW

5.1 RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES

Madison is the municipality closest to the subject property, being approximately 200' to the north. Lands across Shunpike Road in Madison are included in the "P" Professional Office/Residential district and are built out with office buildings. Given the intervening land use (service station) and the nature of existing development in Madison, the redevelopment of the Redevelopment Plan Area will not have any discernable impact on the Madison Master Plan.

The Redevelopment Plan Area is more than one mile from Chatham Township's borders with other surrounding municipalities; as such, its development will have no impact on these municipalities.

5.2 RELATIONSHIP TO THE MORRIS COUNTY MASTER PLAN

The Morris County Master Plan (adopted 1975) includes a *Future Land Use Plan* map that identifies the Hickory Tree area as a "Local Center". The intent of the County Plan was to organize growth in and around centers; the Redevelopment Plan Area is consistent with this objective. The County Plan was ahead of its time in many respects, including its focus on center-based growth and protecting environmental resources – also one of the primary organizing principles of the State Development and Redevelopment Plan.

The County's Future Land Use Plan also includes a statement of eight goals for the future of Morris County. Goal 6 is the "Provision for a variety of individual choices in lifestyles and living spaces." The Plan notes that historically, Chatham Township residents have preferred single family housing, but that "other types of housing are often preferred by sub-segments of a demographically mixed population; including a set-aside for veterans, and offering housing options for seniors and others who desire a rental housing unit." This Redevelopment Plan increases the diversity of housing choice within Chatham Township and reinforces the vitality of the walkable Hickory Tree area and is thus consistent with this goal of the Morris County Master Plan.

5.3 RELATIONSHIP TO STATE DEVELOPMENT AND REDEVELOPMENT PLAN (SDRP)

The site lies in Metropolitan Planning Area 1 (PA-1) of the SDRP. The SDRP has been crafted as a growth management plan and PA-1 is the principal area in which the SDRP promotes growth, including higher density residential development.

PA-1 is a preferred location for affordable housing development as it generally includes diverse land uses that support the needs of households. Relevant objectives for the PA-1 Metropolitan Planning Area, identified in the stated intent of the State Plan, include the following, which are supported by this Redevelopment Plan:

- Provide for much of the State's future development and redevelopment;
- Take advantage of increased densities and compact building design;

- Encourage distinctive, attractive neighborhoods with a strong sense of place; and
- Create a wide range of residential housing opportunities and choices with income mix.

The State Plan embraces the theory that growth should be organized around defined "centers", which may include "cores". While Chatham Township has not designated a center according to the SDRP, Hickory Tree is clearly a center with core. Cores are described as follows:

> *Cores are the downtowns and major neighborhood commercial concentrations of our traditional communities*. They are generally characterized by their greater intensity and complexity. In most cases:
>
> - buildings are multi-story and mixed-use;
> - internal trips are on foot or by transit;
> - parking is shared;
> - surfaces are impervious;
> - open space is public; and
> - housing is multi-family.
>
> *The Core is the commercial, cultural and civic heart of the Center.* It should be a bustling place which provides a dynamic setting for human interaction. Activities which generate the most pedestrian traffic, such as restaurants, retail and services, should be focused in the Core. *(emphasis added)*

Among the Policy Objectives to guide the application of the State Plan's Statewide Policies in the Metropolitan Planning Area are included the following:

> 1. **Land Use:** *Promote redevelopment* and development *in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts*. *Promote diversification of land uses, including housing where appropriate*, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to *strengthen its existing diversified and compact nature*.
>
> 2. **Housing:** *Provide a full range of housing choices through redevelopment*, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the *introduction of new housing into appropriate nonresidential settings*. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.
>
> 8. **Redevelopment:** *Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile. (emphasis added)*

Under the heading "Revitalization and Housing", Policy 31 "Low-income Housing Opportunities" the SDRP calls for municipalities to

> *Reverse the trend toward large concentrations of low-income households in municipalities experiencing distress*, including those disproportionately occupied by

> racial minorities, *by creating and affirmatively marketing low-income housing opportunities in less distressed neighborhoods and communities*, while selectively demolishing vacant, obsolete housing for parks, community gardens or housing expansion, and development of market rate housing. *(emphasis added)*

One of the adopted housing policies of the SDRP which is specifically advanced by this Redevelopment Plan, is set forth in the excerpt below:

> *#6. Housing – Preserve and expand the supply of safe, decent and reasonably priced housing while meeting the constitutional mandate with respect to affordable housing* through improved planning, regulatory reform, supportive infrastructure investments, housing subsidies, tax and discounted fee incentives and municipal property tax relief in ways that are consistent with the vision and goals of the State Plan. *(emphasis added)*

Clearly, 522 Southern Boulevard is situated in a multi-use core as described in the SDRP. It is, thus, the type of location that affordable housing construction is encouraged, precisely because of the proximity to commercial and civic uses.

Chapter 6. GENERAL PROVISIONS

6.1 AMENDMENT TO ZONING MAP OF CHATHAM TOWNSHIP

The Zoning Map of the Township of Chatham is hereby amended to indicate the location of the Redevelopment Plan Area as set forth in this Redevelopment Plan.

6.2 DEFINITIONS

With respect to the intent and meaning of all words and terms used in this Redevelopment Plan, the "Definitions" section of the Township's Land Development Ordinance shall govern unless as otherwise defined herein.

6.3 DEVIATION REQUESTS

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan (inclusive of both bulk and design requirements set forth in Chapter 3), where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any areas, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief to an applicant relating to a specific piece of property where the purposes of the Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. Any deviation that would require "d" variance in accordance with the Municipal Land Use Law, NJSA 40:55D-70d et seq., shall require an amendment to the Redevelopment Plan by the Township Committee. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice as set forth in N.J.S.A. 40:55D-12a and b.

6.4 SITE PLAN REVIEW

Within the Redevelopment Area, site plans providing for the demolition of existing improvements and construction of new buildings and other improvements shall be prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D1 et seq.) and shall be submitted by the redeveloper for review and approval by the Township of Chatham Planning Board.

To assure the comprehensive and coordinated development of the Redevelopment Plan Area, any application for site plan approval submitted to the Chatham Planning Board shall be consistent with the terms of this Redevelopment Plan and shall include at least the following elements:

- A site plan for the Redevelopment Plan Area identifying land use types, building locations and heights, floor areas of each building and the number of residential units, with zoning tables indicating compliance with the bulk and design regulations set forth herein, and deviations to be requested.
- The site plan shall also show specific locations and details related to parking, loading, vehicular access and circulation, pedestrian and bike paths, open space and recreational features and improvements.
- Architectural elevations and floor plans.
- A landscape plan.
- A utility plan.
- A stormwater management plan.
- A traffic study.
- An environmental impact assessment.
- A signage plan showing signage design and details.

No permits shall be issued for construction of buildings within the Redevelopment Plan Area until the Chatham Township Planning Board has granted final site plan approval for such improvements. The criteria for the consideration and approval of the site plan shall be in conformance with the requirements of this Redevelopment Plan as set forth herein, the applicable site plan provisions of the Township of Chatham Land Use Ordinance which are referenced in this Redevelopment Plan, as well as the executed Redevelopment Agreement between the redeveloper and the Township of Chatham.

An application for site plan approval shall provide public notice as set forth in NJSA 40:55D-12a and b. All requested deviations (as identified pursuant to Section 6.3 above) shall be included in such notice.

6.5 AFFORDABLE HOUSING

The redeveloper or their successor's, heirs, or assigns, shall be required as part of any redevelopment agreement between the redeveloper and the Township of Chatham to finance, obtain approvals, build, own, operate and maintain the 100% municipally-sponsored affordable family-rental housing within the Redevelopment Plan Area. The affordable housing units are to be financed with low income housing tax credits.

Up to 20 percent of all new affordable housing shall be set aside for a period of 90 days for low or moderate income veterans with active service in time of war as defined by section 1 of P.L.1963, c.171 (C.54:4-8.10).

6.6 ADVERSE INFLUENCES

No use shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

6.7 NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by any redeveloper or any of his or her heirs, successors or assigns, whereby the sale,

lease, use or occupancy of land within the Redevelopment Plan Area is restricted on the basis of race, creed, color, sexual orientation or national origin. Appropriate covenants, running with the land in perpetuity, shall prohibit any such restrictions and shall be included in the disposition instruments.

6.8 DURATION OF THE PLAN AND DEED RESTRICTION

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Plan Area and the requirements and restrictions with respect thereto shall be in effect for a minimum period of thirty (30) years from the date of the adoption of this Plan by the Township Committee. All units within the Redevelopment Plan Area shall be deed restricted for low and moderate family occupancy for a minimum period of thirty (30) years from the date of issuance of the certificate of occupancy for the first unit. The Township of Chatham, at its sole option and with no cost to the Township, may extend the deed restriction at the conclusion of the first thirty (30) year period.

Chapter 7. OTHER PROVISIONS

7.1 STATEMENT ABOUT REDEVELOPMENT

In accordance with N.J.S.A. 40A:12A-1 et seq. known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definitive relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the Plan objectives.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Plan Area.
- The Redevelopment Plan does not envision a need to relocate any residents or businesses.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Chatham and the Morris County Master Plan. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Land Development Regulations of the Township of Chatham regulating development within the Redevelopment Plan Area, except where stated otherwise within the text of this Plan. Final adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment of the Township of Chatham Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

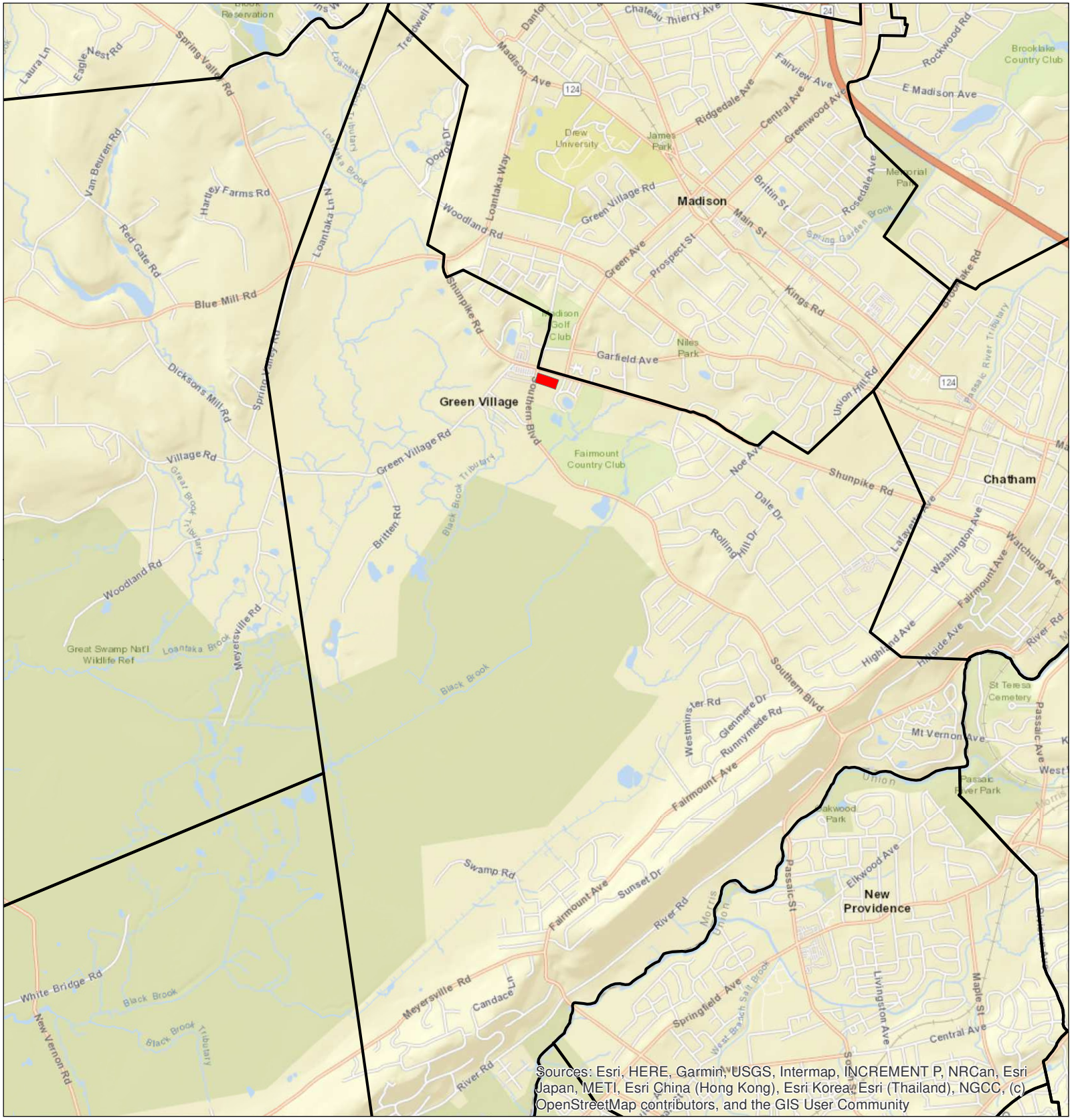
7.2 PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee shall be paid pursuant to site plan fee schedule found in Section 126-35 “Fees” of the Chatham Township Code by the party requesting such amendment, unless the request is issued form any agency of Chatham Township. The Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

7.3 APPLICABILITY OF OTHER ORDINANCES

Unless specifically noted to the contrary in this Condemnation Redevelopment Plan, all land development regulations of Chatham Township shall apply to the Redevelopment Plan Area.

Figure 1
Regional Location
Block 128, Lot 2
Portion of Chatham Township
Morris County, NJ
July 2020



Legend

Block 128, Lot 2

Data Sources:
ESRI World Street Map

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Planning and Design

Figure 2: Redevelopment Plan Area - Tax Map Page 43

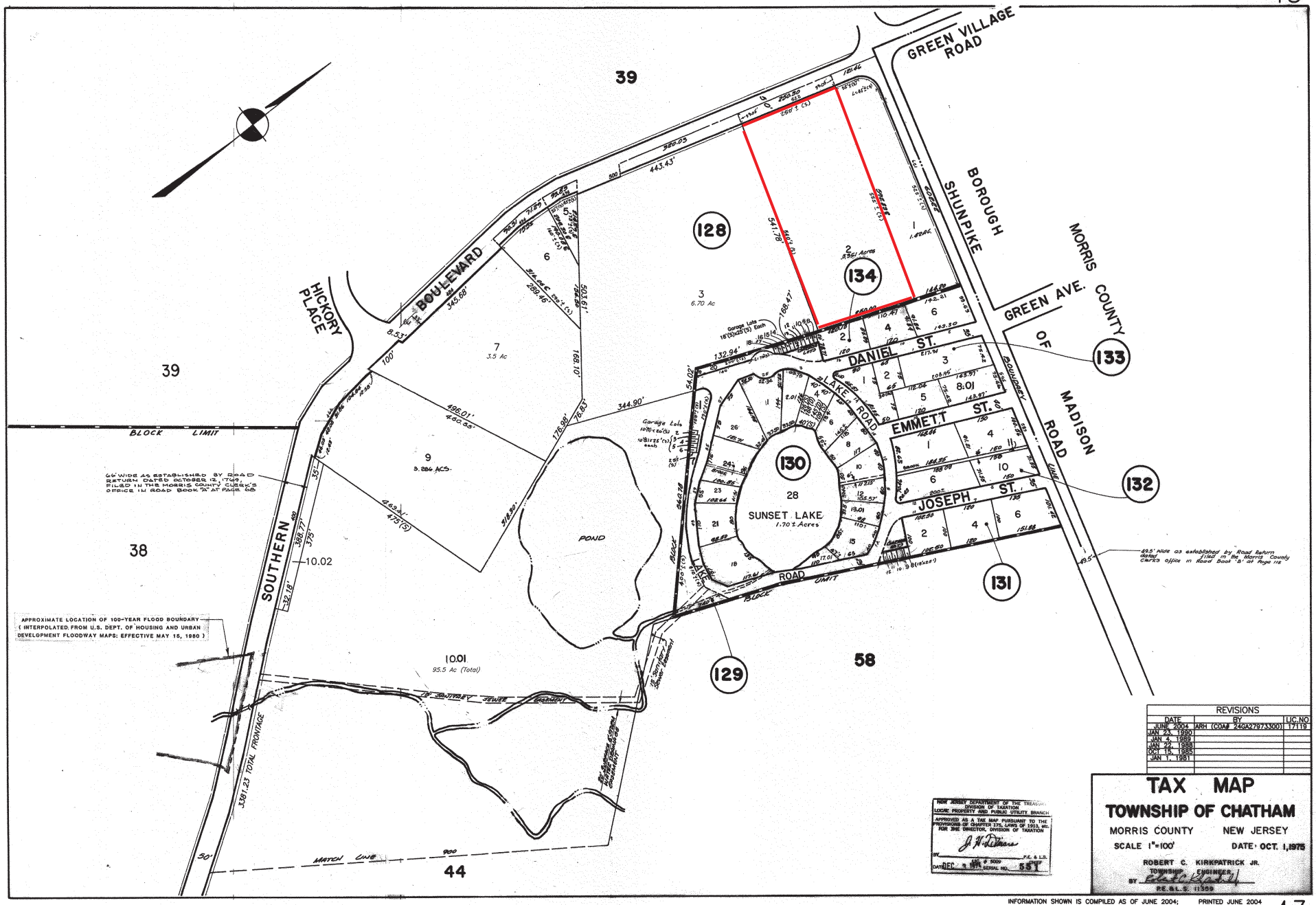

Figure 3
Aerial Photography
Block128, Lot 2
Portion of Chatham Township,
Morris County, NJ
July 2020

N
W E
S

0 100 200
Feet

Legend

Block 128, Lot 2

Township Boundary

Data Sources:
Morris County Parcels 2014
NJDOT roadway network 2011
NJDEP 2015 Aerial Photography

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ASSOCIATES, INC.
Planning and Design

Figure 4
Land Use/Land Cover

Block 128, Lot 2
Portion of Chatham Township,
Morris County, NJ
July 2020

N
W E
S

0 100 200
Feet

Data Sources:
Morris County Parcels 2014
NJDOT roadway network 2011
NJDEP 2015 Land Use/Land Cover

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Legend

- Block 128, Lot 2
- Township Boundary
- Medium Density Residential
- High Density Residential
- Commercial
- Forest
- Other Developed
- Water
- Wetlands

Figure 5
Property Tax Class

Block 128, Lot 2
Portion of Chatham Township,
Morris County, NJ
July 2020

N
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0 100 200
Feet

Data Sources:
Morris County Parcels 2014
NJDOT roadway network 2011

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Legend

- Township Boundary
- Block 128, Lot 2
- Vacant
- Public Property
- Residential
- Commercial
- Apartment
- Residential/ Public (recent subdivision not shown)

Figure 6
Zoning

Block 128, Lot 2
Portion of Chatham Township,
Morris County, NJ
July 2020

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Feet

Data Sources:
Morris County Parcels 2014
NJDOT roadway network 2011

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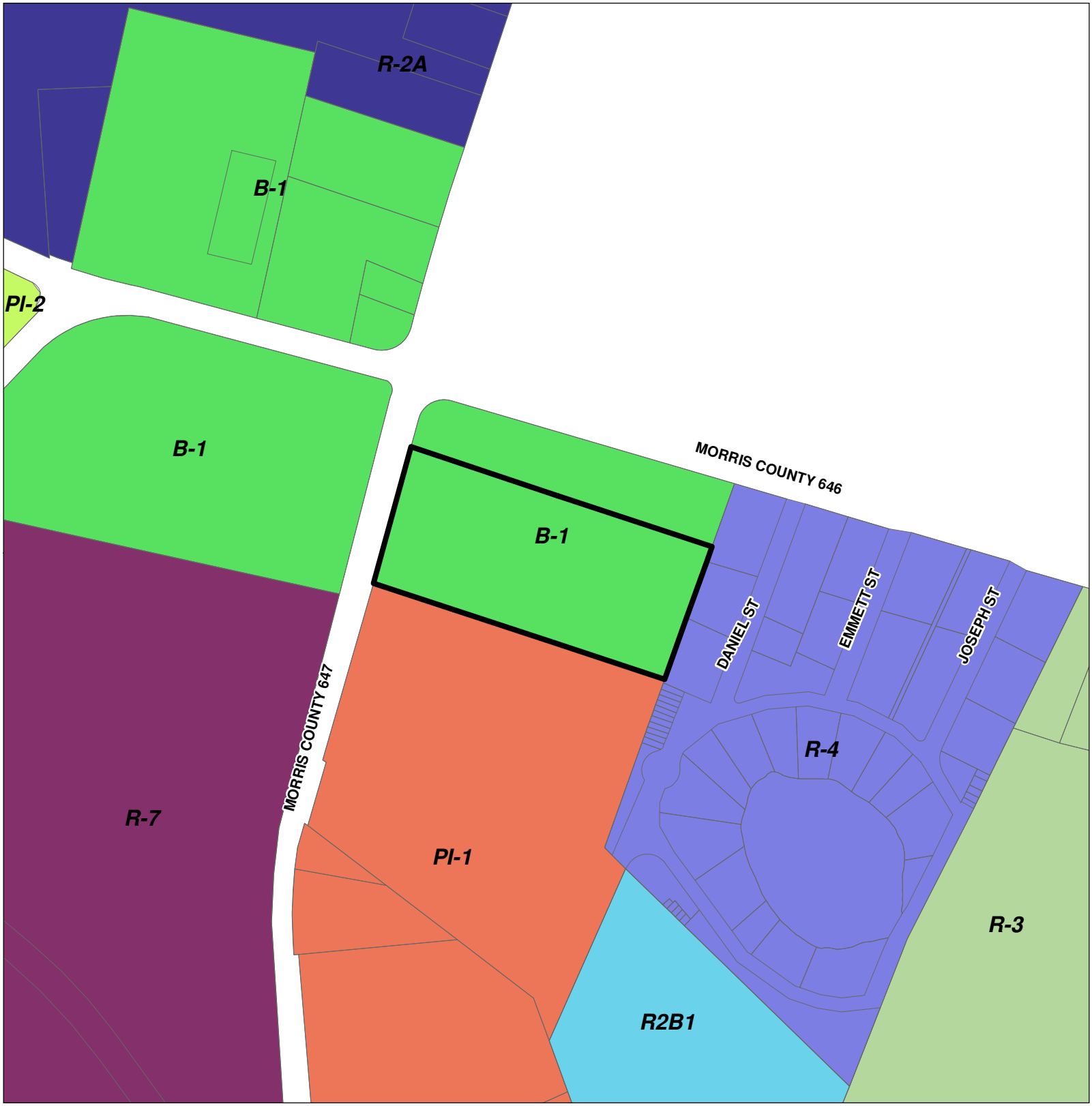
Planning and Design



Legend

- Block 128, Lot 2
- B-1
- PI-1
- Pl-2
- R-2A
- R-3
- R-4
- R-7
- R2B1

Figure 7 – Building Envelope

Front Yard -35’

Side yards - 10’ each side

Rear yard 75’