

ORDINANCE NO. 12-2017

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, NEW JERSEY**

**ORDINANCE ADOPTING THE “REDEVELOPMENT PLAN
FOR BLOCK 30.1, LOT 14 ALSO KNOWN AS 85
LIVINGSTON AVENUE” 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.* (the “Act”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the borough council (the “**Borough Council**”) of the Borough of Roseland (the “**Borough**”), by way of Resolution R.160-2016, adopted May 17, 2016, authorized and directed the planning board of the Borough (the “**Planning Board**”) to conduct a preliminary investigation of the property identified as Block 30.1, Lot 14 (aka 85 Livingston Avenue) on the Borough’s tax maps (the “**Study Area**”), and to determine that the Study Area meets the criteria for a Redevelopment Area, pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on February 28, 2017, the Borough Council accepted the recommendation of the Planning Board and adopted a resolution which designated Block 30.1, Lot 14 (aka as an “area in need of redevelopment”) (“**Redevelopment Area**”) in accordance with the Redevelopment Law;

WHEREAS, the Borough Council, by way of resolution adopted June 20, 2017, authorized and directed the planning board of the Borough (the “**Planning Board**”) to review a redevelopment plan for the Redevelopment Area (the “**Redevelopment Plan**”) and to make recommendations as required by *N.J.S.A. 40A:12A-7(e)*;

WHEREAS, on July 17, 2017, the Planning Board reviewed the Redevelopment Plan and adopted a resolution recommending that the Municipal Council adopt the Redevelopment Plan; and

WHEREAS, upon review of the Planning Board’s recommendation of the Redevelopment Plan, the Municipal Council has determined to adopt the Redevelopment Plan (in the form attached hereto as *Exhibit A*), to ensure the success of redevelopment within the Redevelopment Area in conformity with the Borough’s redevelopment objectives.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the Borough of Roseland, County of Essex, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Redevelopment Plan, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of *N.J.S.A.* 40A:12A-7.

Section 3. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.


Section 4. This Ordinance shall take effect in accordance with all applicable laws.

DATE OF INTRODUCTION: July 18, 2017

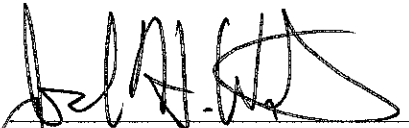
Motion to Introduce by: Councilwoman Tolli
 Motion Seconded by: Councilman Smith
 Introduction Approved: 5-1 Voice Vote, Leonard Nay

DATE OF ADOPTION: August 15, 2017

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Jacobs		X	X				
Councilman Leonard				X			
Councilman Smith			X				
Councilwoman Tolli			X				
Councilman Tsilionis	X		X				
Councilman Vidovich			X				
Mayor Duthie (In case of tie)							
VOTE:			5	1			



 John Duthie, Mayor



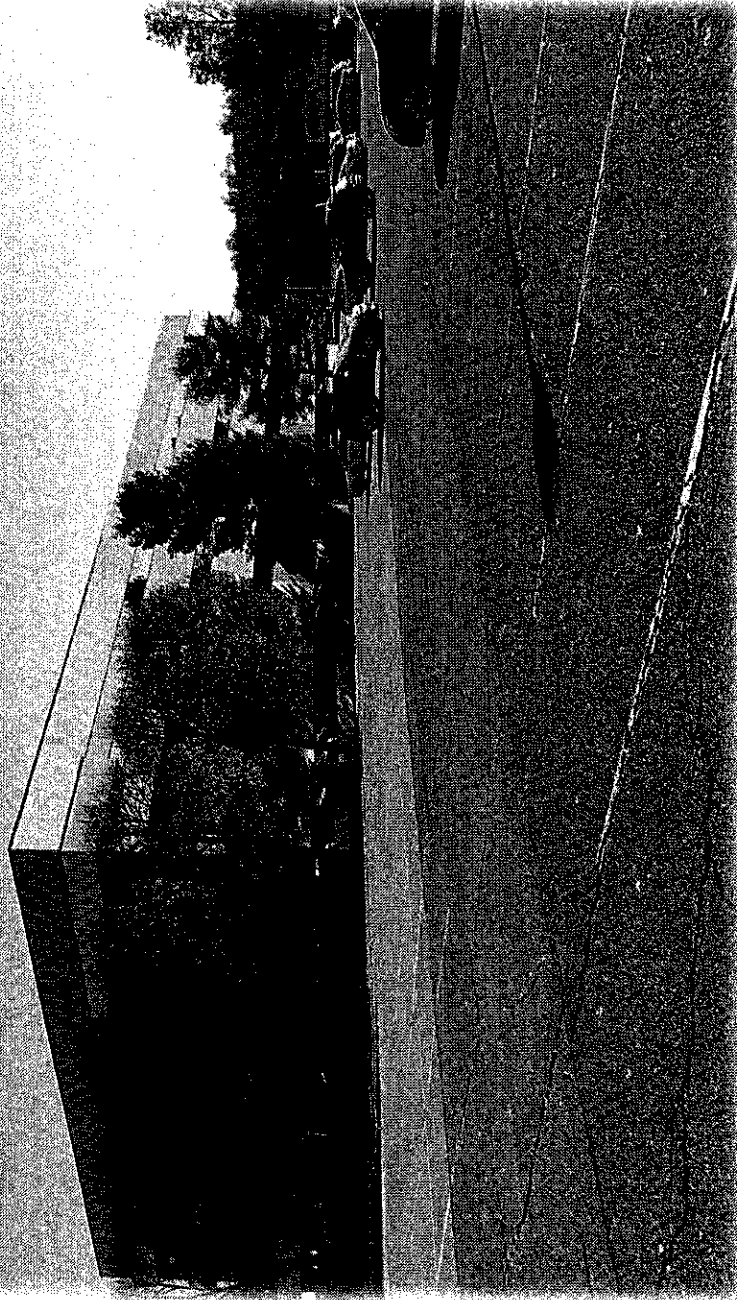
 Jock H. Watkins, Borough Clerk

Date of Publication: August 21, 2017, Star Ledger

EXHIBIT A

**REDEVELOPMENT PLAN FOR BLOCK 30.1, LOT 14 ALSO KNOWN AS 85
LIVINGSTON AVENUE**

**Redevelopment Plan for Block 30.1, Lot 14
Also Known as 85 Livingston Avenue
Borough of Roseland, Essex County, NJ**



Prepared by:

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NJ Planner's License #33L100144300

Recommended by the Planning Board:
Adopted by the Mayor and Council: _____ via Ordinance #



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Introduction

Need for Redevelopment

This Redevelopment Plan has been prepared for Block 30.1, Lot 14, also known as 85 Livingston Avenue.

The Redevelopment Area consists of one lot containing 7.56 acres upon which is sited, a four-story 124,595 sq. ft. office building. The building was constructed in 1984 and is now considered functionally obsolete. The Redevelopment Study Area also contains paved parking areas and lawn and landscaped areas.

The Roseland Borough Council, by Resolution No. 160-2016, dated May 17, 2016, requested that the Planning Board of the Borough of Roseland undertake a preliminary investigation to determine whether the Study Area identified in the resolution is in need of redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law (LRHL). The Planning Board retained the services of Maser Consulting P.A. to prepare a Preliminary Investigation Report for an Area in Need of Redevelopment for Block 30.1, Lot 14. This report dated December 12, 2016 concluded that based on the conditions found to be present within the Study Area, Block 30.1, Lot 14 should be designated as an Area in Need of Redevelopment based on Criteria a, d, and h as set forth in NJSA 40:12A-5 (LRHL).

Subsequently, after review of the Maser Consulting report, the Borough Planning Board conducted a public hearing at its meeting of January 23, 2017. Taking into consideration the Maser Consulting report and testimony at the public hearing

the Planning Board concluded that the report should be approved and recommended to the Mayor and Council. At its meeting of February 28, 2017 the Mayor and Council considered the recommendations of the Planning Board and passed Resolution No.95-2017 officially designating Block 30.1, Lot 14 as an Area in Need of Redevelopment. The Borough retained Maser Consulting to prepare the Redevelopment Plan.

Required Plan Components

This document has been prepared in accordance with Section 40A:12A-7a of the Local Redevelopment and Housing Law (LRHL) which requires redevelopment plans to include an outline for the planning, development, redevelopment or rehabilitation of the designated area. Specifically:

1. The Redevelopment Plan's 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.
2. Proposed land uses and building requirements in the project area.
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.

4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52-18A-196 et al.).
6. Description of the plan's relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law (MLUL). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the study area.
7. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.

II Redevelopment Plan Area

The Redevelopment Area consists of one lot, Block 30.1, Lot 14 containing 7.56 acres. A four-story 124,595 sq. ft. office building is located in the redevelopment area. The lot is at the corner of Livingston Avenue and Choctaw Way and also has frontage on ADP Boulevard. Access is from Choctaw Way and ADP Boulevard. The building was constructed in 1984 and has become functionally obsolete. In addition to the office building the Study Area contains paved parking areas and lawn and

landscaped areas. The subject property is surrounded by similar corporate office buildings in the 280 Corporate Center.

The Redevelopment Area lot is almost square in shape with approximately 692 ft. of frontage on Livingston Avenue, 490 ft. of frontage on Choctaw Way and 540 ft. of frontage on ADP Boulevard. The area is generally flat and as noted is developed with an office building and associated paved parking areas. The perimeter of the lot is landscaped with a lawn and scattered trees.

III Plan Goals and Vision

The Redevelopment Plan goals and vision are to redevelop and reuse an underperforming property in order to provide residential housing with affordable housing, create jobs and increase tax rates. The proposed multi-family housing which is part of the Redevelopment Plan will provide the opportunity for housing for low and moderate income persons and families in furtherance of the Borough's affordable housing goals.

The Redevelopment Plan also includes a hotel and freestanding restaurant and bar. These facilities will provide jobs for local residents while contributing to the Borough's tax rateable base. Roseland currently lacks a hotel. A hotel will serve as a community asset providing service to nearby businesses and residents of the Borough and adding to the social and cultural fabric of the community. The new full-service restaurant will be complementary to the hotel and serve the nearby office uses as well as Borough residents.

and Fair Share Plan. This Redevelopment Plan is consistent with this proposed element of the Master Plan.

V Relationship to Other Plans

State Strategic Plan

The most recent State Strategic Plan, released in October of 2011, outlines goals and principles for targeting investment and growth in the State of New Jersey. This Redevelopment Plan is consistent with the stated goals and objectives of the State plan. Specifically, this Plan follows the guiding principle of 'spatial efficiency, which will help guide State decision making. The State of New Jersey endorses spatial efficiency by placing value on the economic, social and environmental benefits of investing in areas where infrastructure already exists in an effort to control long-term costs of public services, reinvigorate existing communities, and protect important natural resources.

The State Strategic Plan also identifies Garden State Values, many of which are advanced by this Plan. This Plan advances the following Garden State Values:

- Garden State Value #1 Concentrate development and mix uses;
- Garden State Value #2 Prioritize redevelopment, infill and existing infrastructure.
- Garden State Value #3 Increase job and business opportunities in priority growth investment areas;
- Garden State Value #7 Diversify housing opportunities.

IV Relationship to Master Plan

The Borough of Roseland Planning Board originally adopted a Master Plan for the Borough in 1962. The 1962 Plan was reviewed, revised and updated in 1978. A new Land Use Plan was developed in 1978 to reflect changes in land uses since 1962, changing growth patterns, and accelerating demands for land. Prominent among the changes in 1978 were the inclusion of districts allowing garden apartments and townhouses and the expansion of the office districts including the OB-2 Zone District where the Redevelopment Area is located.

The Master Plan was again reviewed and revised in 1982. Maps in the 1982 Plan show the Redevelopment Area as vacant but the OB-2 zoning was in place. The Master Plan was subsequently reexamined in accordance with Municipal Land Use Law Requirements in 1988, 1994, 2000, 2004 and 2010. Each of these reexamination reports contained no recommendations or changes for the OB-2 Zone District including the Redevelopment Area.

Currently the Borough is involved in affordable housing litigation (Application of the Borough of Roseland, Docket Nos. ESX-L-4636-15, ESX-L-4173-15) which will establish the Borough's Fair Share Obligation and the means by which to address this obligation. The owner of 85 Livingston Avenue is an interested party to this litigation and has proposed a redevelopment of the site to include 140 total units and 28 affordable units of multifamily housing. It is anticipated that this proposal will be included in an adopted Housing Element

- Trash enclosures
- Signs
- Other accessory uses which are customary and incidental to the permitted principal uses

Essex County Master Plan

Essex County does not have a Master Plan that addresses land use. The County's position is that land use is a municipal issue and within the purview of municipalities and not the County. The County does have Master Plans related to Countywide Transportation issues and County Parks.

VI Redevelopment Plan

This chapter of the Redevelopment Plan provides the permitted land use requirements and development standards for the redevelopment of the Redevelopment Area.

C. Bulk Requirements:

Minimum Lot Area	3 acres
Minimum Lot Frontage	300 feet
Minimum Building Setbacks	
Front Yard Setback	15 feet
Rear Yard Setback	15 feet
Side Yard Setback	15 feet
Minimum Open Space	30%
Maximum Building Coverage	40%
Maximum Building Height	4 stories/ 56 feet
Maximum Number of Multifamily Residential Units	140

D. Parking

Number of Spaces

- Multifamily residential units parking shall be provided in accordance with the New Jersey Residential Site Improvement Standards (RSIS)
- Hotel parking shall be provided at a rate of 1/key
- Restaurant Parking shall be provided at a rate of 1/3 seats

Parking Dimensions

- Parking space size 9' x 18'
- Aisle width: two-way – 24'

Land Use and Development Requirements

A. Permitted Principal Uses:

- Multi-family residential dwellings
- Hotel
- Full-service restaurant and bar

B. Permitted Accessory Uses:

- Parking garages for automobiles
- Off-street parking
- Clubhouse, pools and recreational/fitness amenities for use by residents, their guests and hotel guests
- Fences, retaining walls

E. Affordable Housing Requirements

Within the Redevelopment Area 20% (28 units) of the total number of units (140) in the development shall be set-aside as affordable units. All affordable units shall be located on the lot being subdivided from Block 30.1, Lot 14, which will contain the multi-family residential

Affordable units shall comply with the current Fair Housing Act and the Uniform Housing Affordability Controls and shall be deed restricted for a minimum of thirty (30) years.

The developer/property owner shall be responsible for retaining a qualified Administrative Agent to manage their affordable housing program.

F. Design Standards

1. Design of Parking Areas

- a. All parking and loading areas shall be curbed with concrete.
- b. All parking and loading areas shall have a convenient means of ingress and egress.

- c. Within any parking area there shall be at least one two and one-half (2 ½) (D.B.H.) caliper or larger shade tree for each ten (10) spaces.
- d. There shall be curbed landscaped islands or peninsulas placed such that there are no more than twenty (20) contiguous parking stalls in a row uninterrupted by landscaping.
- e. All portions of the property not used for buildings, structures, off-street parking, loading or access shall be attractively landscaped with lawns, trees and shrubs as approved by the Board. Parking areas visible from a street shall be screened from view by a continuous dense row of evergreen shrubs of sufficient height to obscure the headlights of parked vehicles.
- f. Striping and directional and traffic safety signs shall be provided throughout the parking, loading and circulation areas in accordance with the Manual of Uniform Traffic Control Devices.
- g. Lighting Standards:
 - (1) Low-pressure sodium or mercury vapor lighting is prohibited.
 - (2) Lighting fixtures shall be mounted at a height not exceeding twenty-five (25) feet.
 - (3) An average of one (1.0) footcandle and a minimum of 0.2 footcandles shall be maintained within parking areas and along all sidewalks.
 - (4) Parking area fixtures shall be full cut off or have shields to prevent light spillage on adjacent properties.

2. Sign Regulations

a. Wall Signs:

(1) Signs shall be attached and parallel to the face of the building. One (1) façade sign for each commercial building may be placed or inscribed upon one wall of the building facing a public street. The sign shall not exceed an area equal to ten (10) percent of the façade upon which the sign is to be located, but in no case shall the area of the sign exceed eighty (80) square feet. Corner buildings with frontage on two public streets may have a second façade sign not exceeding fifty (50) square feet on the wall facing the second public street. In no instance shall there be two façade signs on one wall. Directory and menu signs not exceeding five (5) square feet shall also be permitted on walls where there is a public entrance.

(2) The following types of wall signs shall be permitted:

- a) Internally lit raised letters with concealed ballast.
 - b) Back-lit raised letters with concealed ballast.
 - c) Signage board with gooseneck lighting.
 - d) Individual cut letters with gooseneck lighting.
- (3) The letter or logo height shall be a maximum of three (3) feet.
- (4) Letters shall project a maximum of six inches.
- (5) Wall signs shall not be permitted above the roofline.

b. Freestanding/Monument Signs:

All freestanding signs shall be monument signs. Each commercial building and each multi-family residential complex shall be allowed one monument sign no longer (wider) than fifteen (15) feet and no higher above the ground than six (6) feet. No monument sign shall be placed closer than fifteen (15) feet to any street or highway right-of-way line or property line. Such signs shall be permitted within the landscape buffer. The base of the monument sign shall be constructed of materials that are consistent with the corresponding building architecture and the perimeter of the base shall be landscaped.

c. Awnings and Canopies:

(1) Lettering and logos shall be permitted on all awnings and canopies, provided that:

- a) The combined letter and logo height does not exceed 50% of the diagonal portion of the awning or canopy.
- b) The combined letter and logo height that is located on the vertical flap does not exceed eight inches.
- c) The combined letter and logo area does not exceed 15% of the area of the diagonal portion of the awning or canopy or 30% of the area of the vertical flap.

- d) The signage shall only be on first floor awnings and canopies.
 - (2) Awnings and canopies shall be aesthetically compatible with the building and consistent with each other.
 - (3) Awnings and canopies shall be kept in good order and repair.
 - (4) All awnings and canopies shall be made of canvas or cloth.
 - d. Window lettering and window signs are prohibited.
 - e. The provisions of the Borough of Roseland Code, Chapter XXX Land Development, Article IV Section 30-403.17 j. and k. shall apply.
3. Landscape Buffers:
- a. Landscaped buffers twenty (20) feet in width shall be provided around the perimeter of the redevelopment area.
 - b. Buffer plantings shall consist of a combination of shade trees, evergreen trees, ornamental trees and shrubs to provide a natural looking buffer.
 - c. Buffer plants shall be the following size at the time of planting:
 - (1) Shade trees shall be planted at a minimum two and a half (2.5) inch caliper and shall be a minimum of ten (10) feet in height, balled and burlapped.
 - (2) Evergreen trees shall be planted at a minimum height of six (6) feet, balled and burlapped.
- (3) Ornamental trees shall be planted at a minimum two (2) inch caliper and shall be a minimum of six (6) feet in height, balled and burlapped.
 - (4) Shrubs shall be of a variety that matures at a minimum height of six (6) feet and shall be planted at a minimum of thirty (30) inches in height. At least fifty percent (50%) of shrubs shall be evergreen.
 - d. Existing trees within the proposed buffer areas that are healthy shall be retained.
 - e. Proposed buffer plantings shall be arranged in a naturally staggered pattern and shall not be lined up in straight, single rows.
4. Recreational Open Space:
- Recreational open space associated with residential uses shall be provided as follows:
- a. Site amenities and walkways shall be provided. Suggested minimum recreational improvements for residential uses include a tot lot (with slide and a separate swing set as a minimum), an in-ground pool, seating areas, and open lawn areas.
 - b. All active open space should optimally be located centrally within a residential complex although several smaller facilities may be appropriate. Adequate pedestrian access from buildings shall be provided.
5. Detention Basins:
- The perimeter of detention basins shall be graded creatively to blend into the surrounding landscape and design of the

site by providing an informal meandering edge consistent with a natural depression.

6. Utilities:

All utilities are to be underground.

7. Building Design Standards:

- a. All building facades shall consist of brick, stone, cast stone, stucco, simulated stucco, cedar shakes or other high-quality materials such as Hardiplank, cementitious boards, cultured stone, etc.
- b. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections such as balconies, canopies and recesses shall be used to add architectural interest and variety and to relieve the visual effect of a simple, long wall.
- c. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details.
- d. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building. Windows shall be vertically proportioned.
- e. All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, etc.
- f. Heating, ventilating and air-conditioning systems, utility meters and regulators, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated

to be, as much as possible, inconspicuous as viewed from the public right-of-way and adjacent properties.

g. Trash enclosures:

- (1) All trash enclosures and dumpsters shall be screened and set back a minimum distance of fifty (50) feet from any public right-of-way.
- (2) All trash enclosures and dumpsters shall be screened by a solid masonry wall on three (3) sides and heavy-duty gate closures on the fourth side.
- (3) All trash enclosures and dumpsters shall be surrounded by a mixture of deciduous and evergreen plant species that are a minimum of six (6) feet in height at the time of planting.

8. The provisions of the Borough of Roseland Code Chapter XXX Land Development, Article V Design Standards, Sections 30-509 Solid Waste Disposal; 30-511 Drainage; 30-512 Stormwater Management and Flooding; 30-513 Sewage Disposal; 30-514 Water Supply and Fire Protection; 30-515 Utilities and 30-517 Grading and Topsoil Removal shall apply.

VII Plan Relationship to Zoning

- A. The provisions of this Redevelopment Plan shall supersede all existing Zoning and Development Regulations of the Borough of Roseland in accordance with New Jersey's Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.c).

B. The official Zoning Map of the Borough of Roseland is hereby amended to designate the Redevelopment Area, which consists of Block 30.1, Lot 14, as the " 85 Livingston Avenue Redevelopment Area".

C. Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Land Development Ordinance of the Borough of Roseland.

D. Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Ordinance of the Borough of Roseland.

VIII Redevelopment Plan Provisions and Procedures

This section of the Redevelopment Plan provides the general provisions, including review process.

General Provisions

Relocation

No relocation of existing residential units is proposed. Therefore, no relocation assistance is necessitated by the Redevelopment Plan.

Properties to be Acquired

No properties are proposed to be acquired by the Borough in association with this Redevelopment Plan.

Waivers from Redevelopment Plan Requirements

Variation from one or more of the specific development requirements set forth in this Redevelopment Plan may be necessary in certain circumstances for the effective redevelopment of the Redevelopment Area, or to meet state or federal permit requirements. In such an instance, the Planning Board may waive specific bulk, parking or design requirements, provided the designated redeveloper demonstrates that such waiver is necessary and will not substantially impair the intent of the Redevelopment Plan and will not present any detriment to the public health, safety and welfare.

Implementation Of The Redevelopment Plan:

Redevelopment Entity

The Borough Council will serve as the Redevelopment Entity.

Phasing:

1. Projects may be developed in phases;
2. The phasing may include phased start and completion dates among the various land use components, as well as internal phasing schedules within sections, subject to specific provisions in the redevelopment agreement.

Selection of Designated Redeveloper(s)

To assure that the vision of the Redevelopment Plan will be successfully implemented in an effective and timely way in order to promptly achieve the public purpose goals of the Plan, the Redevelopment Entity, will designate the redeveloper(s) for any redevelopment project in the Redevelopment Area. The redeveloper will be required to submit to the Redevelopment Entity for review and approval prior to the designation of a redeveloper at a minimum:

1. Estimated development cost;
2. Estimated time schedule;
3. Conceptual site plans including elevations;
4. Fiscal impact analysis.

As part of the process to be designated a redeveloper, the Redevelopment Entity will negotiate a formal Redevelopment Agreement.

Designation of a Redeveloper(s) by the Redevelopment Entity shall be subject to the execution of an appropriate Redevelopment Agreement.

The Redevelopment Agreement shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary.

Conditions In Redevelopment Agreement(s)

Each Redevelopment Agreement will be contingent upon the following conditions, restrictions, and/or requirements:

1. The Redevelopment Agreement will incorporate the pertinent aspects of the redeveloper's proposal and will address financial considerations, planning, phasing, development and such other issues as deemed appropriate and/or as required according to state law in order to implement the Redevelopment Plan.
2. The designated redeveloper will be obligated to complete on-site improvements as approved, together with any specified off-site improvements, as may be required in accordance with the Redevelopment Plan and the Redevelopment Agreement.
3. Any necessary deed of conveyance shall include a restriction that the designated redeveloper and his successors or assigns shall devote land to the uses specified in the designated redeveloper's final plan and shall not devote such land to any other uses.
4. The Redeveloper will fund an escrow for the Borough's costs in implementing redevelopment.
5. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redeveloper agreement,

lease, deed or other instrument shall remain in full force and effect.

6. The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions to assure the successful completion of the project.

In addition to the provision of the infrastructure items set forth herein, the Redevelopment Agreement may provide that the redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

Review Procedures

The review procedures for this Redevelopment Plan are as follows:

1. The Mayor and Council, acting as the Redevelopment Entity, shall be provided with plans for all proposed redevelopment projects within the Redevelopment Area governed by this Redevelopment Plan to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redeveloper agreement(s). The Redevelopment Entity may provide comments to the Planning Board on waivers as part of their review. Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board for site plan approval.

2. In undertaking its review, the Redevelopment Entity shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the plan.
3. Following the Redevelopment Entity's determination that the submission is consistent with the Redevelopment Plan, all development applications shall be submitted to the Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq.
4. The Planning Board shall not grant any variances from the use provisions of this Redevelopment Plan. Any proposed changes to the Redevelopment Plan involving permitted land uses shall be in the form of an amendment to the Redevelopment Plan adopted by the Mayor and Council, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

IX Amendments and Duration

Amendments to the Redevelopment Plan

This plan may be amended from time to time in the sole discretion of the Borough in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more developers

and the Borough of Roseland, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

Certificates of Completion & Compliance

Upon the inspection and verification by the Mayor and Council that the redevelopment of a parcel subject to a redeveloper agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area In Need of Redevelopment, or until the Redevelopment

Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Council.

Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section or provision of this Redevelopment Plan to be invalid, illegal or unconstitutional, the word, phrase, clause, section or provision shall be deemed severable and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.