

**ORDINANCE NO. 37-2023**

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

**AN ORDINANCE APPROVING AND ADOPTING AN AMENDED  
REDEVELOPMENT PLAN FOR 85 LIVINGSTON AVENUE**

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, a redevelopment project must be undertaken pursuant to a “Redevelopment Plan” adopted by ordinance and said Redevelopment Plan must include an outline for the planning, development, redevelopment and rehabilitation of the project area; and

**WHEREAS**, the Roseland Borough Council, by Resolution No. 160-2016, dated May 17, 2016, directed that the Planning Board of the Borough of Roseland (the “Planning Board”) undertake a preliminary investigation to determine whether Block 30.1, Lot 14, also known as 85 Livingston Avenue (hereinafter the “Redevelopment Area”) was an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Planning Board held a public hearing and recommended that the Redevelopment Area be designated as an area in need of redevelopment; and

**WHEREAS**, the Mayor and Council considered the recommendations of the Planning Board and passed Resolution No. 95-2017 officially designating the Redevelopment Area as an area in need of redevelopment; and

**WHEREAS**, the Mayor and Council, upon recommendation from the Planning Board, adopted via ordinance a Redevelopment Plan for the Redevelopment Area on August 15, 2017; and

**WHEREAS**, a new redeveloper, Avalon Bay Communities, Inc. (“Avalon”) is in the process of acquiring the Redevelopment Area from the prior designated redeveloper, 85 Livingston Urban Renewal, LLC (the “Prior Redeveloper”)’ and

**WHEREAS**, the Prior Redeveloper obtained preliminary and final major site plan approval from the Planning Board to construct a 140-unit inclusionary community, hotel, restaurant, and related site improvements; and

**WHEREAS**, Avalon has presented revised plans for the redevelopment of the Redevelopment Area to permit the construction of 94 additional residential units, 52 apartment units and 42 stacked townhome/stacked flat style units, in lieu of the previously approved hotel and restaurant; and

**WHEREAS**, because of these changes to the proposed redevelopment of the Redevelopment Area it is necessary to adopt an amendment to the Redevelopment Plan to incorporate these modifications; and

**WHEREAS**, the Mayor and Council have reviewed the proposed amendments and conclude that it is in the best interest of the Borough to adopt an amendment to the Redevelopment Plan;

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Roseland as follows:

**SECTION I:** That the Amended Redevelopment Plan for 85 Livingston Avenue be and hereby is adopted.

**SECTION II:** The Amended Redevelopment Plan shall supersede the development regulations of the Redevelopment Plan and the Borough's Zoning Ordinance and the Borough's Zoning Map is hereby amended to conform with the provisions within the Amended Redevelopment Plan.

### **SECTION III: REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

### **SECTION IV: SEVERABILITY**

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

### **SECTION V: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage and publication as provided by law.

DATE OF INTRODUCTION: November 21, 2023

Motion to Introduce by: Councilwoman Tolli

Motion Seconded by: Councilman Bardi

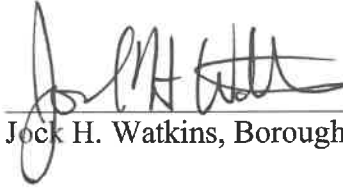
Introduction Approved: 3-0 Voice Vote (Fishman, Freda, Trillo absent)

DATE OF ADOPTION: December 19, 2023

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Councilwoman Fishman		X	X				
Councilman Freda							X
Councilwoman Perrotti	X		X				
Councilwoman Tolli			X				
Council President Trillo			X				
Mayor Spango (In case of tie)							
VOTE:			5	0			

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the 19<sup>th</sup> day of December, 2023.

  
James R. Spango, Mayor

  
Jock H. Watkins, Borough Clerk

Date of Publication: December 28, 2023, The Progress

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# 85 Livingston Avenue Redevelopment Plan

**Block 30.1, Lot 14  
85 Livingston Avenue  
Borough of Roseland, Essex County, New Jersey**

**Adopted by Roseland Borough Council on \_\_\_\_\_**

Prepared for:

Borough of Roseland  
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## Introduction

This Redevelopment Plan is prepared for the designated Area in Need of Redevelopment ("Redevelopment Area") within the Borough of Roseland, Essex County, New Jersey.

This Redevelopment Plan is prepared in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A et seq. ("LRHL"), which states that 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 within an area in need of redevelopment, according to criteria set forth in section 5 of the LRHL.

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 previously improved with a four-story 124,595 sq. ft. office building. 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, directed 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 N.J.S.A. 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. The Redevelopment Plan was adopted via Ordinance on August 15, 2017. A Redevelopment Agreement with Redeveloper 85 Livingston Urban Renewal, LLC for the site to be redeveloped was entered into on May 1, 2018. Both the Redevelopment Plan and the Redevelopment Agreement were approved by the Court via the entry of a final Judgment of Compliance and Repose in the Borough's Mount Laurel IV Declaratory Judgment action.

A new redeveloper, Avalon Bay, has taken over for 85 Livingston Urban Renewal, LLC as a designated successor redeveloper, which necessitates the adoption of this updated Redevelopment Plan for the 85 Livingston Avenue site (Block 30.1, Lot 14).



Figure 1: Simplified timeline of redevelopment process under the LRHL.

This Redevelopment Plan for the designated Area in Need of Redevelopment provides a framework for the redevelopment of the subject properties as a planned inclusionary development. This Redevelopment Plan sets forth standards and guidelines for land uses and design of said development.

### Local Redevelopment Housing Law Requirements

This document has been prepared in accordance with Section 7a of the LRHL, which requires redevelopment plans to include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate the following:

1. Relationship of the project area to local objectives as to appropriate land uses, density of population, 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 housing market.
4. An identification of any property within the redevelopment area, which is proposed to be acquired in accordance with the redevelopment plan. (Note: not every property in a redevelopment area must be acquired and, in fact, none may be acquired; the redevelopment plan can specify buildings or uses to remain in the redevelopment area and to be incorporated into the future design and development of the area.)
5. Any significant relationship of the redevelopment plan to the master plan of contiguous municipalities, the master plan



of the county, and the State Development and 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 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.
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," provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement units shall not be credited against a prospective municipal obligation under the "Fair Housing Act," 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.
8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately

connects with an essential public charging network.

## 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 was previously 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 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 was developed with an office building and associated paved parking areas. The perimeter of the lot is landscaped with a lawn and scattered trees.

## Plan Goals and Vision

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

## Relationship to the Master Plan

In addition to the Redevelopment Area-specific goals and objectives, the LRHL requires that the Redevelopment Plan indicate its relationship to

definite local objectives regarding land uses, population density, traffic and public transportation, public utilities, recreational and community facilities, and other public improvements. This will ensure that the goals and objectives of the Redevelopment Plan are consistent with or will support the broader community-wide goals of the 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.

In 2020, the Borough received a conditional Judgment of Compliance and Repose ("JOR Order") in its Third Round affordable housing litigation (In The Matter of the Application of the Borough of Roseland, County of Essex, Docket No. ESX-L-4636-15), which established the Borough's Rehabilitation Obligation of Zero (0), Prior Round Obligation of 182 and Third Round Obligation of 322, and the means by which to address said obligations. After certain short-term conditions were addressed by the Borough, the Court entered an Order on April 25, 2021, which finalized the Borough's JOR Order. Avalon Bay has become the successor

redeveloper of the 85 Livingston Avenue site and has proposed a redevelopment of the site to be completed in two phases. The development will be comprised of 234 total units, including 33 affordable housing units. The development will provide twenty percent (20%) affordable housing credits through a combination of 26 affordable family rental units and seven (7) integrated affordable supportive and special needs housing units. This Redevelopment Plan is consistent with this proposed element of the Master Plan.

## Relationship to Other Plans

This section of the report discusses any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities, the master plan of Morris County, and the State Development and Redevelopment Plan. This is a requirement of the LRHL intended to link redevelopment planning to the regional planning goals and objectives.

### State Development and Redevelopment Plan (SDRP)

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 #7 Diversify housing opportunities.

## 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.

## Redevelopment Plan

This chapter of the Redevelopment Plan provides the land use requirements to allow for the redevelopment of the Redevelopment Area.

The specific land use and development requirements, including design standards that are applicable to the entire Redevelopment Area, are outlined in the following sections.

This Plan establishes the 85 Livingston Redevelopment Zone to encompass the entire Redevelopment Area. The Redevelopment Zone shall supersede the existing underlying zoning and overlay zoning for the entire Redevelopment Area. Any development proposed within the Redevelopment Zone shall comply with the applicable provisions and standards of this Redevelopment Plan.

## Land Use and Development Requirements

### A. Permitted Principal Uses:

1. Multi-family residential dwellings

### B. Permitted Accessory Uses:

1. Parking garages for automobiles
2. Off-street parking

3. Clubhouse, pools and recreational/fitness amenities for use by residents and their guests
4. Fences, retaining walls
5. Trash enclosures
6. Signs
7. Other accessory uses which are customary and incidental to the permitted principal uses

## 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/65 feet
Maximum Number of Multifamily Residential Units	234

1. Lofts and mezzanines within a dwelling unit shall be permitted and shall not be considered a story or ½ story.

## D. Parking

1. Number of Spaces
  - a. The parking requirement for multifamily uses shall be a minimum of 1.6 parking spaces for each multifamily unit. It is recognized that the residential parking requirement(s) established herein are less than that required under the New Jersey Residential Site Improvement Standards ("RSIS") at

N.J.A.C. 5:21-1, et seq. Consequently, the Township Committee in adopting this Redevelopment Plan is establishing alternative parking standards from RSIS pursuant to N.J.A.C. 5:21-4.14.(c) that better reflect current parking needs.

2. Parking Dimensions:

- a. Parking space size 9' x 18'
- b. Aisle width: two-way – 24'; one-way – 15'

**E. Affordable Housing Requirements**

1. Twenty percent (20%) of the project's 234 total units within the Redevelopment Area shall be set aside as units affordable to very low-, low- and moderate-income households.
2. The 33 affordable units will consist of 26 affordable family rental units and seven (7) integrated affordable supportive and special needs housing bedroom units. The supportive housing units provide credits by the number of bedrooms, while family units provide credits by the number of units.
3. The redeveloper/property owner shall ensure that all Affordable units comply with the current Fair Housing Act ("FHA"), the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) ("UHAC"), applicable Council on Affordable Housing ("COAH") regulations, and the Borough's Affordable Housing Ordinance. This includes, but is not limited to, deed restricting the affordable units for a period of at least thirty (30) years, being responsible for retaining a qualified Administrative Agent to properly affirmatively market, income qualify residents and manage the affordable units, ensuring that all affordable units

have proper bedroom mixes and income limits, and ensuring that all affordable units are properly phased with the market-rate units in the project in accordance with N.J.A.C. 5:93-5.6(d).

**F. Design Standards**

1. Design of Parking Areas

- a. All parking and loading areas shall be curbed with concrete or Belgian blocks.
- 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, stormwater management, 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 planted with a mix of plant material to allow filtered views in and out of the site while providing 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.

2. Lighting Standards:

- a. Low-pressure sodium or mercury vapor lighting is prohibited.
  - b. Lighting fixtures shall be mounted at a height not exceeding twenty-five (25) feet.
  - c. An average of one (1.0) footcandle and a minimum of 0.2 footcandles shall be maintained within parking areas and along all sidewalks.
  - d. Parking area fixtures shall be full cut off or have shields to prevent light spillage on adjacent properties.
3. Sign Regulations
- a. Permit. It shall be unlawful for any person to erect, paint, or relocate any signs as defined by this chapter within the Borough of Roseland without first obtaining a sign erection permit from the Zoning Officer. The Zoning Officer shall issue permits only for such signs as are specifically allowed for the particular premises and zone district in which the premises are located.
  - b. Sign Area Measurement. The area of a sign shall be computed as the total square foot content of the background upon which the lettering, illustration or display is presented including any wall support or frame. If there is no circumscribed background, the sign area shall be computed as the product of the largest horizontal width and the largest vertical height of the lettering, illustration or display. This shall not be construed to include the supporting members of any sign which are used solely for such purpose. The area for a sign with more than one face is computed by adding together the area of all sign faces visible from one point. For double-sided identical signs, only one side constitutes total sign area. Signs with more than two (2) display faces are prohibited. A sign with two (2) display areas having an included angle of over forty-five (45) degrees is prohibited.
  - c. Signs erected flat against the side of a building shall not extend above the height of the vertical wall or cornice to which they are attached.
  - d. All illuminated signs shall be lighted or exposed to artificial lighting by lights on or in the sign or directed toward the sign. No sign shall be lighted by means of flashing, revolving, or intermittent illumination. All lights shall be completely shielded from view of vehicular traffic using any public thoroughfare.
  - e. Temporary construction signs used as accessory to new construction or alteration on the premises are permitted only after a construction permit for said construction and Zoning Permit for the sign has been issued: provided, however, said temporary sign shall not exceed thirty-two (32) square feet and must be removed either upon issuance of a certificate of occupancy for said construction or within seven (7) days of the completion of the alteration or renovation.
  - f. Wall Signs:
    - (1) Signs shall be attached and parallel to the face of the building. One (1) façade sign for each multi-family building may be placed or inscribed upon one wall of the building facing a public street. The sign shall not exceed one hundred and twenty

(120) square feet. Corner buildings with frontage on two public streets may have a second façade sign not exceeding one hundred and twenty (120) 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 each 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 five feet.

(4) Letters shall project a maximum of six inches.

(5) Wall signs shall not be permitted above the roofline.

g. Freestanding/Monument Signs:

- (1) All freestanding signs shall be monument signs. Each multi-family residential complex shall be allowed two monument signs 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 ten (10) feet to any

street or highway right-of-way line or property line. Such signs shall be permitted within the landscape buffer.

(2) 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.

(3) Any such sign may be internally illuminated or externally illuminated, provided that the source of such illumination is directed to the sign.

h. Canopy Signage

(1) For principal structures containing any permitted use, a maximum of two (2) canopy signs shall be permitted to be affixed on top, on the face, or to the underside of a canopy structure, subject to the following standards:

(a) Maximum size of each sign shall not exceed 30 square feet.

(b) Maximum height of each sign shall not exceed 20 inches.

(c) Maximum width of each sign shall not exceed a width equal to 80% of the width of the canopy structure.

(d) Maximum height of individual letters, numbers, other characters or logos shall not exceed 20 inches.

(e) Minimum vertical clearance between ground level and the bottom of the sign shall



not be less than eight (8) feet.

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

- (a) Internally lit raised letters.
- (b) Backlit raised letters.
- (c) Individually cut letters, illuminated or non-illuminated.

i. Signs Permitted Without a Permit

(1) The following signs shall be permitted in any zone in the Borough without a permit:

- (a) Non-illuminated directional signs identifying parking areas, loading zones, entrances, exits, and similar locations. The signs may include a business name or professional name but shall not include any advertising message and shall not exceed three (3) square feet.
- (b) Temporary and permanent traffic signs and signals installed by the Borough, County or State for the purpose of directing and regulating the flow of traffic.
- (c) Signs indicating public transportation stops when installed by the Borough or a public transportation utility.
- (d) Historical tablets, cornerstones, memorial plaques and emblems which do not exceed six (6) square feet in area and which are installed by government

agencies or civil or religious organizations.

(e) Warning and no-trespassing signs, not exceeding three (3) square feet in area.

(f) Flags or emblems, of religious, educational, civic, or governmental organizations flown from supports on the buildings or grounds occupied by the organization and the American flag whenever and wherever flown in accordance with the laws and rules promulgated by the Federal government.

(g) Name and number plates identifying residents and affixed to a house, apartment or mailbox, not exceeding seventy-two (72) square inches in area.

(h) Lawn signs identifying residents, not exceeding one and one-half (1 1/2) square feet in area for each side. The signs shall not contain any advertising message and shall be nonilluminated except by a light which is an integral part of a lamppost if used as a support.

(i) Signs posted by governmental agencies or pursuant to governmental statute, order or regulation.

j. Provisions of the Borough of Roseland Code under Chapter XXX Land Development, Article IV, Section 30-403.17.j and 30-403.17.k shall not apply.

4. 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 twenty-four (24) 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 if possible.
- e. Proposed buffer plantings shall be arranged in a naturally staggered pattern and shall not be lined up in straight, single rows.

5. Recreational Open Space:

- a. Recreational open space associated with residential uses shall be provided as follows:

- (1) Site amenities and walkways shall be provided. Suggested minimum recreational improvements for residential uses include a pet park, an in-ground pool, seating areas, and open lawn areas.
- (2) 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.

6. Utilities:

- a. All utilities are to be underground.

7. Building Design Standards:

- a. All building facades shall consist of brick, stone, cast stone, stucco, simulated stucco, vinyl siding, cedar shakes or other high-quality materials such as 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, if permitted by the utility companies.
- 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.
- h. The provisions of the Borough of Roseland Code Chapter XXX Land Development, Article V Design

Standards, Sections 30-509 Solid Waste Disposal; 30-513 Sewage Disposal; 30-514 Water Supply and Fire Protection; 30-515 Utilities and 30-517 Grading and Topsoil Removal shall apply.

## Plan Relationship to Zoning

1. 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).
2. 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".
3. 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.
4. 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.

## Redevelopment Plan Provisions and Procedures

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

### A. General Provisions

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

2. Properties to be Acquired

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

3. Waivers from Redevelopment Plan Requirements

- a. 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.

4. Implementation of the Redevelopment Plan:

- a. The Borough Council will serve as the Redevelopment Entity.

5. Selection of Designated Redeveloper(s)

- a. 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.

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

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

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

6. Conditions In Redevelopment Agreement(s)

- a. 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.

- b. 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.

## 7. Review Procedures

- a. 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 variances and 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.

## 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 redevelopers 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.

## Terms and Definitions

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.

### Other Applicable Design and Performance Standards

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Borough Code.

### Conflict

Any word, phrase, clause, section or provision of this Plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect. In the event that a word, phrase, clause, section, or provision of this Plan is severed, then the applicable underlying standards of the Borough Code shall apply.

### Zoning Map Revision

The Official Zoning Map of the Borough of Mine Hill is hereby amended to designate the 85 Livingston Redevelopment Zone.

### Tax Abatement Program

By designating this area as An Area in Need of Redevelopment, the Borough has the authority, but not the obligation, to offer long-term (up to 30 years) tax exemptions or abatements as a financial incentive to encourage rehabilitation and/or redevelopment of the area, in accordance with N.J.S.A. 40A-20-1 et seq. Any tax abatement(s) for the redevelopment of the area shall be addressed as part of the redevelopment agreement and financial agreement.

## 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.

# Appendix