

R-19-134

TOWNSHIP OF MONTCLAIR

RESOLUTION OF THE TOWNSHIP COUNCIL CONCERNING CERTAIN RECOMMENDATIONS OF THE PLANNING BOARD TO THE AMENDED HAHNE'S REDEVELOPMENT PLAN

June 25, 2019

WHEREAS, the Township Council of the Township of Montclair (the "**Township Council**") has previously designated certain properties within the Township of Montclair (the "**Township**"), including parcels identified on the tax maps of the Township as Block 2205, Lot 2, Block 2208, Lot 17 and Block 2206, Lot 13 (the "**Designated Parcels**") as an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**"); and

WHEREAS, in accordance with the Redevelopment Law, a redevelopment plan was originally adopted to establish the permitted uses and structures within the Designated Parcels on April 2, 2002 (the "**Redevelopment Plan**"); and

WHEREAS, certain amendments have been made to the Redevelopment Plan to allow for specific beneficial changes necessary for effective and efficient redevelopment within the Designated Parcels, most recently on March 8, 2011; and

WHEREAS, the concepts for redevelopment of the Designated Parcels have evolved and the Township Council has determined to amend the Redevelopment Plan in order to best facilitate the redevelopment of certain property within the Designated Parcels, specifically a parcel known as Block 2208, Lot 17 (the "**Property**") on the tax maps of the Township; and

WHEREAS, on January 22, 2019, the Township Council introduced an ordinance proposing to amend the Redevelopment Plan to allow for an increase of density on the Property from sixty-five (65) per acre to ninety (90) units per acre to permit the construction of a five (5) story mixed-use development, as well as additional requirements for building design, sustainability, open space, parking and other changes to reflect current land use conditions and policies as set forth in the proposed amendments to the Redevelopment Plan (the "**Amended Redevelopment Plan**"), a copy of which is annexed to Ordinance O-19-001; and

WHEREAS, pursuant to the Redevelopment Law, the Township Planning Board (the "**Planning Board**") must review the Amended Redevelopment Plan and transmit its recommendations to the Township Council in accordance with the provisions of the Redevelopment Law, N.J.S.A. 40A:12A-7(e); and

WHEREAS, in accordance with the Redevelopment Law, the Planning Board reviewed the Amended Redevelopment Plan and proposed a number of recommendations to the Amended Redevelopment Plan, as summarized below and set forth in its letter dated February 28, 2019 ("**Planning Board Letter**");

1. The permitted uses on the Property should be expanded to include multi-family development with no mixed-use requirement (“**Recommendation 1**”);
2. The 1000 sq ft community space should be space at ground level open to the public rather than a small community meeting room (“**Recommendation 2**”);
3. The affordable housing set aside should be increased from 10% to 20% in response to the increase in density (“**Recommendation 3**”);
4. The minimum front yard setback should be increased from 0 feet to 15 feet (“**Recommendation 4**”);
5. The minimum rear yard setback should be increased from 0 feet to 15 feet (“**Recommendation 5**”);
6. A minimum setback above the third floor of 10 feet on all building facades should be required (“**Recommendation 6**”);
7. A definition of “rooftop amenity” should be provided to clearly indicate that these amenities are limited to use by residential tenants of the building and their guests (“**Recommendation 7**”); and

WHEREAS, the Township Council has reviewed and considered the Recommendations in accordance with N.J.S.A. 40:12A-7(e), and this Resolution addresses the Council’s response to each recommendation; now, therefore,

BE IT RESOLVED, by the Township Council of the Township of Montclair, as follows:

1. The Township Council accepted the intent of Recommendation 1 and moved the ground-level façade back from the street and significantly reduced the area available for commercial use, while keeping the mixed-use requirement to maintain consistency with the Township’s Master Plan; and
2. The Township Council approves and implements Recommendation 2 by eliminating the small community room and creating a ground level public plaza substantially larger than 1,000 square feet at the southwest corner of the Property; and
3. The Township Council acknowledges the objectives of Recommendation 3, but nevertheless, the implementation of Fair Share Plan adopted by the Township is the prerogative of the Council, and in view of the fact that the Township has met its fair share affordable housing obligations, and that the subject property is not included in the Township’s Fair Share Plan, the Township Council considers that 10% is an appropriate affordable housing set-aside considering all elements of the Amended Redevelopment Plan taken together; and
4. The Township Council implemented the intent of Recommendation 4 by adjusting the Plan by setbacks to create substantially more open space; and

5. The Township Council partially implemented Recommendation 5 by increasing the rear-yard setback and making other setback adjustments at several levels; and
6. The Township Council agrees with the intent behind Recommendation 6 and implemented the recommended setback for the two visible facades; and
7. The Township Council agrees with Recommendation 7 and has revised the Amended Redevelopment Plan to provide that “rooftop amenities” are only for building tenants; and
8. The above recitals are incorporated herein as though fully set forth at length.
9. This resolution shall take effect immediately.