

TOWNSHIP OF MAPLEWOOD



ORDINANCE

#2927-18

AN ORDINANCE REVISING THE "SPRINGFIELD AVENUE REDEVELOPMENT PLAN" FOR REDEVELOPMENT AREAS 1 AND 3

"Interpretive Statement"

This ordinance will revise the Redevelopment Plan for Redevelopment Areas 1 and 3.

WHEREAS, the Township Committee (the "Committee") of the Township of Maplewood (the "Township"), pursuant to and in accordance with the requirements of the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the "LRHL") heretofore designated two areas in need of redevelopment along Springfield Avenue, identified as Redevelopment Area 1 and Redevelopment Area 3 (together, the "Redevelopment Area"); and

WHEREAS, Redevelopment Area 1 comprises Block 31.05, Lots 1, 3, 4, 5, 6, 7, 10, 16, 17, 18.01, 18, 19.01, 20 and 20.1; and

WHEREAS, Redevelopment Area 3 currently comprises Block 47.04, Lots 144, 145, 146, 147, 160, 162, 164, 165 and 166, and Block 49.14, Lots 1 and 3; and

WHEREAS, pursuant to *N.J.S.A. 40A:12-7*, the Township Committee, in accordance with the applicable provisions and requirements of the *LRHL*, oversaw the preparation of a redevelopment plan for Redevelopment Areas 1 and 3 by Ordinance 2589-09 approved and adopted such development plan (the **Redevelopment Plan**); and

WHEREAS, the Redevelopment Plan for Areas 1 and 3 was revised and amended by Ordinance #2804-16 on February 16, 2016; and

WHEREAS, the Township Committee now wishes to further amend and supplement the Redevelopment Plan, and to that end, pursuant to and in accordance with *N.J.S.A. 40:12A-7(e)* of the *LRHL*, referred the proposed *September 2018 Amended and Supplemented Redevelopment Plan for Areas 1 and 3* in the form annexed hereto as "Exhibit A" (the "*September 2018 Proposed Amended and Supplemented Redevelopment Plan*") to the Planning Board for its

review, report and recommendation; and

WHEREAS, the Planning Board, at a duly noticed and constituted public meeting, reviewed the *September 2018 Proposed Amended and Supplemented Redevelopment Plan*; and

WHEREAS, the Planning Board has reported back to the Township Committee that the *September 2018 Proposed Amended and Supplemented Redevelopment Plan* in the form annexed hereto as "Exhibit A" is consistent with the Township's Master Plan, and has recommended adoption of the *September 2018 Proposed Amended and Supplemented Redevelopment Plan* in the form annexed hereto as "Exhibit A"; and

WHEREAS, the Township Committee desires to approve and adopt the *September 2018 Proposed Amended and Supplemented Redevelopment Plan* in the form set forth in "Exhibit A" hereto as recommended by the Planning Board, and to direct that the applicable provisions of the *Maplewood Zoning and Development Regulations Ordinance* (Chapter 271 of the Ordinances of the Township of Maplewood) and the Township's zoning district map be amended and superseded to reflect the provisions of the *September 2018 Proposed Amended and Supplemented Redevelopment Plan*, as adopted, as and to the extent set forth therein.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex County, State of New Jersey, as follows:

1. **GENERAL.** The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **ADOPTION OF PLAN.** The "Springfield Avenue Redevelopment Plan" in the form attached as "Exhibit A" and as filed in the Office of the Township Clerk is hereby approved and adopted.
3. **AMENDMENT OF ZONING ORDINANCE AND MAP.** The provisions of the "Springfield Avenue Redevelopment Plan" shall supersede the provisions of the Maplewood Zoning and Development Regulations Ordinance" applicable to the Redevelopment Area as provided in the Plan, and the zoning map of the Township is hereby amended to reflect the "Springfield Avenue Redevelopment Plan" as the zoning for the Redevelopment Area.

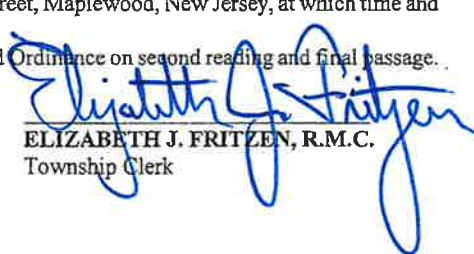
4. **AVAILABILITY OF THE ORDINANCE.** A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

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

6. **REPEAL OF PRIOR ORDINANCES.** Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

7. **EFFECTIVE DATE.** This Ordinance shall take effect after final passage and publication and as provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a meeting of the Township Committee of the Township of Maplewood, held on September 17, 2018, and that Committee met again on October 16, 2018, at 7:30 p.m. at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Committee proceeded to consider the said Ordinance on second reading and final passage.


ELIZABETH J. FRITZEN, R.M.C.
Township Clerk

**Amended and Supplemented
Springfield Avenue Redevelopment Plan
Township of Maplewood, New Jersey
May 2009, Revised January 2016**

**AMENDED AND SUPPLEMENTED
SPRINGFIELD AVENUE REDEVELOPMENT PLAN
TOWNSHIP OF MAPLEWOOD, NEW JERSEY
May 2009, Revised January 2016, Amended 2018**

Prepared by:
THE METRO COMPANY, LLC
Planning • Housing • Finance • Development • Consulting
347 Varick Street Suite 117A
Jersey City, New Jersey 07302

Revised 2016 by:
PHILLIPS PREISS GRYGIEL LLC

Amended 2018 by:
CGP&H, LLC

ACKNOWLEDGEMENTS

**Township of Maplewood
Essex County, New Jersey**

TOWNSHIP COMMITTEE

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Adele Lewis, Secretary/Administrator

Michael Edelson, Esq, Counsel
Robert Bratt, Board Consultant

TECHNICAL ADVISORS

Stuart Portney, P.P, President, The Metro Company, LLC
Nick Moramarco, Project Manager, The Metro Company, LLC
George Marks, William Kramer, Kramer/Marks Architects
Joseph F. Manning, Township Administrator

SPRINGFIELD AVENUE REDEVELOPMENT PLAN TOWNSHIP OF MAPLEWOOD, NEW JERSEY

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1.0 Introduction

The Township of Maplewood is primarily a residential community of 23,868 residents¹ with a land area of 3.85 square miles. Located approximately 15 miles west of New York City the community is strategically located within the central portion of Essex County and enjoys easy access to Newark Airport and three interstate highways that serve the larger Newark SMSA.

Cited by national publications such as Money Magazine and New York Magazine as one of the best places to live in the country, Maplewood enjoys the status of being one of the most sought after and desirable communities in the state. As a result of its fine reputation as a top tier community, residential property values have soared. However, despite its reputation, the Township's commercial corridor along Springfield Avenue has deteriorated over time. Existing commercial development within the corridor can best be described as underutilized, obsolete and unattractive, reflecting a less than desirable aesthetic and functional quality that tends to undermine the community's tax base and quality of life.

According to the 2004 Master Plan, "The commercial areas along Springfield Avenue lack character, identity and appeal, and create no sense of place. As the most heavily used roadway in Maplewood, Springfield Avenue . . . should be the highest value retail street. However, for a number of reasons, this is simply not the case. Springfield Avenue is instead struggling with a number of issues. While conditions vary along the corridor, these issues in general include poor image, a lack of visual appeal and amenity, an aging building stock, a shortage of parking, and a property base composed mainly of small and shallow lots that make assembling land for new development or redevelopment very difficult . . . There is more than enough potential market support for a thriving retail sector on Springfield Avenue, if the image, appearance and physical issues can be addressed".²

In response to the challenges presented by the Springfield Avenue corridor, the Township has aggressively pursued economic development and redevelopment opportunities to improve Springfield Avenue in both its appearance and functionality, thereby enhancing the business climate of the corridor to the benefit of the community. These initiatives include³:

- Maplewood Economic Development Plan (1999)
- Designation of the Springfield Avenue Partnership as a Special Improvement District (2001)

¹ US Census Bureau 2000 Population Statistics

² Township of Maplewood Master Plan adopted March 9, 2004.

³ Ibid.

- Commencement of the Streetscape Improvement Program on Springfield Avenue (2001)
- Creation of the 1978 Arts Center (2001)
- Change of jurisdiction of Springfield Avenue from the State to the Township (2002)
- Economic Development Advisory Committee Report to the Township Committee (2002)
- Implementation of façade design guidelines for Springfield Avenue Partnership SID (2003)
- Economic Development Action Plan – Danth Report dated December 2004
- Adoption of the Pedestrian Retail Zone (2005)

2.0 Background Information

2.1 Redevelopment of the Springfield Avenue Corridor – Designation of Redevelopment Areas 1 and 3

Furthering its economic development policies to pursue the revitalization of the Springfield Avenue corridor, the Township Committee of Maplewood authorized the Township Planning Board to conduct a preliminary investigation of the physical conditions associated with properties comprising two sections of the corridor, to determine whether or not these areas satisfy the statutory criteria necessary to be declared an “Area in Need of Redevelopment” as outlined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6, or as an “Area in need of Rehabilitation” pursuant to N.J.S.A. 40A:12A-14.

The Maplewood Planning Board held a public hearing on September 14, 2004 considering, among other things, an investigation study prepared by Phillips, Preiss and Shapiro Associates, Inc., dated August 2004 analyzing that section of Springfield Avenue between Tuscan Road and Boyden Avenue. The Planning Board concluded that the statutory criteria were satisfied and recommended that the Maplewood Township Committee declare certain properties within the subject area as an “Area in Need of Redevelopment”. On October 19, 2004 the Township Committee agreed with the recommendations of the Planning Board to designate the area as an “Area in Need of Redevelopment”. This area is identified as Redevelopment Area 1, and this document is intended to provide the requisite Redevelopment Plan (“Plan”) to guide the future redevelopment for this area as required by the Local Redevelopment and Housing Law (LRHL).

Continuing this effort, the Township Committee subsequently authorized the investigation of the adjoining corridor area along Springfield Avenue immediately to the west of Area 1 between Vermont Street and Burnett Avenue. The Maplewood Planning Board subsequently held public hearings on January 10, February 14, March 14, April 11, and May 9, 2006, and in conjunction with expert testimony presented at these hearings as well as the investigation study prepared by Phillips, Preiss and Shapiro Associates, Inc., dated November 2005, determined that the statutory criteria were satisfied, and recommended that the Township Committee declare certain properties within the subject area as an “Area in Need of Redevelopment. On July 5, 2006 the Township Committee agreed with the recommendations of the Planning Board and designated the “Area in Need of Redevelopment” identified as Redevelopment Area 3. This document is intended to provide the requisite Plan to guide the future redevelopment for this area as required by the LRHL. This Plan encompasses both designated Redevelopment Areas and is referred to as the Springfield Avenue Redevelopment Plan (“Redevelopment Plan” or “Plan”).

2.2 Boundary Description - Redevelopment Areas 1 and 3

Map #1 (Redevelopment Area Boundary) identifies the area that the Township of Maplewood has determined satisfies the criteria as an “An Area in Need of Redevelopment” in accordance with the LRHL. The mapping outlines the boundaries for Redevelopment Areas 1 and 3 (together referred to as the “Area” or “Redevelopment Area” if not specifically identified by number). The boundaries of Redevelopment Area 1 are formed by the parcels fronting Springfield Avenue between Tuscan

Road and Boyden Avenue. Redevelopment Area 1 includes fourteen (14) tax lots identified by tax assessment records as lots 1,3,4,5,6,7,10,16,17,18.01,18,19.01,20, and 20.1 within Block 31.05, containing a land area of approximately 4.5 acres.

Redevelopment Area 3 includes eleven (11) tax lots with a land area of approximately 3.78 acres. Tax lots 144,145,146,147,160,162,164,165 and 166 in Block 47.04 and lots 1 and 3 in Block 49.14 identify these parcels within the designated area.⁴ The boundaries of Redevelopment Area 3 are formed primarily by the parcels fronting on Springfield Avenue between Burnett Avenue and parcels due west of Vermont Street, which separates the two tax block areas. All but two lots in Redevelopment Area 3 have frontage on Springfield Avenue.

MAP 1: REDEVELOPMENT AREA BOUNDARY

MAP 2: REGIONAL SETTING

MAP 3: LOCAL SETTING

2.3 Regional and Local Setting

The regional and local settings of the Redevelopment Area are shown on Map #2 (Regional Setting) and Map #3 (Local Setting). Springfield Avenue, as depicted on these maps, is a major traffic artery connecting Maplewood with Millburn and Interstate 78 to the southwest, and Irvington and Newark to the northeast.

2.4 General Land Use Characteristics

Redevelopment Areas 1 and 3 include a variety of land uses comprised of auto related businesses, neighborhood retail, office uses and mixed use buildings with ground level retail, commercial service or office space with residential units on the upper floors. Buildings range between one to three stories in height and vary in age. Building conditions range from fair to poor serving as a significant factor contributing towards the designation of these areas as "Areas in Need of Redevelopment". There are also a number of buildings and properties that are now vacant.

The properties in both redevelopment areas present a particular challenge due to their relatively small lot sizes and odd configuration, which are not conducive towards large-scale development. This characteristic is another of the contributing factors towards the designation of these areas for redevelopment necessitating governmental action.

Surrounding land uses beyond the designated Redevelopment Area vary, and some of these are identified on Map #3 (Local Setting). Land uses immediately to the north of Redevelopment Area 1 have a non-descript commercial character that is fairly typical along this stretch of Springfield Avenue, but there is also a fairly new house of worship and the newly built Maplewood Police Headquarters dedicated and open for business approximately one year ago on the north side of Springfield Avenue opposite Redevelopment Area 1. The land use character changes to single and two-family residences beyond Springfield Avenue to the north. To the northeast is the Township Municipal Pool and further east on Springfield Avenue is the New Jersey Transit Facility.

⁴ Subsequent to the designation of Redevelopment Area 3, two property owners challenged the designation of their properties as in need of redevelopment. In a decision dated July 27, 2007, the Superior Court granted judgment in favor of the property owners and vacated the inclusion of Block 49.14, Lots 5 and 6 within Redevelopment Area 3. For a variety of reasons, and in order to move forward with the redevelopment of the Springfield Avenue corridor, the Township has determined not to appeal that decision. Accordingly, Lots 5 and 6 in Block 49.14 are no longer within Redevelopment Area 3, and therefore are not included within the scope of this Redevelopment Plan.

MAP 4: EXISTING LAND USE

The area to the south of Redevelopment Area 1 across Tuscan Road and Boyden Avenue includes one and two-family residences, a house of worship and a public school, the Seth Boyden Demonstration School.

Redevelopment Area 3 benefits from its close proximity to Maplecrest Park and the Hilton Public Library, which are located directly across the street from the district immediately to the north on Springfield Avenue. The majority of properties south of Springfield Avenue and west of Burnett Avenue include detached one and two-family residential dwellings. A residential development of 18 condominium units is located to the west of Redevelopment Area 3 on Block 49.14, Lots 7 and 10.

2.5 Existing Zoning

The current zoning for both redevelopment areas along Springfield Avenue is HB, Highway Business, with two parcels in Redevelopment Area 3 on Burnett Avenue zoned R 2-4. The HB zone permits a wide variety of commercial uses including automotive industries such as car dealerships and repair facilities. The residential area immediately adjoining Redevelopment Area 1 to the south is zoned R 2-4, which permits one and two-family residential development. The area to the south adjoining Redevelopment Area 3 is zoned R 1-4, which permits single-family residential development. In addition, there is a large underutilized and blighted industrial area to the southeast of Redevelopment Area 3 and southwest of Redevelopment Area 1 that has recently been rezoned under a separate redevelopment plan to permit a wide range of residential uses. This area is now zoned RD-2 or Redevelopment Area 2. Map #5 shows existing zoning.

MAP 5: EXISTING ZONING

3.0 Vision, Goals and Objectives

3.1 Community Participation

As part of the redevelopment planning process, Township officials hosted, and representatives of The Metro Company, LLC (Metro) facilitated, numerous stakeholder meetings over the course of several months in order to develop a community consensus for a common vision for the future redevelopment of the subject areas. Stakeholders included municipal and elected officials, representatives of the business community (including commercial tenants, business owners and property owners), residents, representatives of local civic and neighborhood organizations, and various professionals and representatives of Township Boards and Committees, all participating in the planning process to guide and promote a common redevelopment plan for these areas. The meetings were well attended by concerned citizens who offered opinions and suggestions for what would work and not work on Springfield Avenue. During this information gathering and sharing process, Metro periodically updated the Maplewood Township Committees' Economic Development Committee on the progress of the meetings and the plan itself. The participants, who represented varying interests along Springfield Avenue and throughout the community, clearly wanted to make Springfield Avenue a better place for themselves, residents, businesses and the community at-large. Suggestions offered by stakeholders at these different meetings are briefly summarized below:

Insure the process is open and transparent – have full disclosure and proper notification of stakeholders. Solicit involvement of property owners, current businesses and tenants in investment and decision making for the Area, and avoid eminent domain, if at all possible, or use judiciously.

Make the area attractive – have gathering places, outdoor dining, and green spaces. Uses should be of high quality, no fast food or drive through restaurants. Use streetscape and landscape features such as

brick paving, trees, benches, etc., similar to those streetscape improvements found at the Prospect Street node.

Create a reason for people to go there – possibly a niche industry, restaurants, outdoor dining and gathering places, gourmet food markets and stores to meet the needs of the surrounding residential neighborhoods.

Have a mix of uses – create a day and night presence on Springfield Avenue, with residences above retail, so that there will be a life after 5 PM. Residential should be affordable to young professionals, seniors and start-up entrepreneurs.

Design – buildings should be of an appropriate scale and have a distinctive architectural style, using high quality materials and details appropriate to Maplewood’s architectural heritage. Development should be green and sustainable to the extent possible.

Provide parking – that is safe, secure and adequate to meet present and future parking needs. Parking areas should be attractive with easy access behind stores. Use on-street parking and encourage shared parking with other uses, such as the Church of the Latter-Day Saints across Springfield Avenue.

Complement existing uses – at the Prospect Street node or downtown Maplewood, rather than have uses that will detract or compete with businesses at these other locations.

3.2 Project Vision

The vision, as a result of the stakeholder meetings and various planning sessions, is to create two distinct but compatible redevelopment areas that create a sense of identity and place with a unifying streetscape and new look for Springfield Avenue. The goal is to promote a positive environment; a rich and vibrant commercial and residential center that will bring new life to the Avenue.

The vision for the redevelopment of Area 3 is to encourage a one story commercial regional or national retail anchor to occupy the intersection at the northwest corner of Springfield and Burnett Avenues encompassing parcels specifically identified as Block 47.04 Lots 144, 145, 146, 147, 165 and 166, with the remaining parcels, except Block 49.14 lot 3, within the Redevelopment Area developed with mixed-use development including ground floor commercial uses and upper floor residential development. The orientation of the development is to face towards Springfield Avenue. The Plan also envisions buildings constructed right up to the street line along Springfield Avenue in order to establish a traditional commercial street edge. The goal is to create a more walkable, pedestrian friendly and neighborhood oriented shopping experience, while reinforcing a vibrant day and night street presence that comes with new residential development. Parking is to be provided along Springfield Avenue as well as on-site behind the buildings. Access to the commercial corner is to be provided from Springfield and Burnett Avenues, along with safe, convenient and attractive vehicular and pedestrian connections between parking areas, building entrances and Springfield Avenue. A portion of the northerly section of Vermont Street just south of Springfield Avenue is contemplated to be vacated in order to accommodate parking, building and access requirements for the desired mixed-use redevelopment. The Plan also accommodates the potential for a parking deck, if feasible, as a means of increasing parking supply needed to support redevelopment. A fenced and landscaped buffer will be required in order to protect the neighboring residential area to the south.

The vision for the redevelopment of Area 1 is to encourage mixed use, multi-story commercial development with at grade level retail and residences above within a three (3) story building at the northeast intersection of Springfield and Burnett Avenues. The mixed use corner would specifically encompass parcels identified as Block 31.05 Lots 1,3,4,5 and 6. It is envisioned that the remainder of

Redevelopment Area 1 will be developed with commercial, residential and/or mixed-use development. The redevelopment area is to be designed within a unified streetscape scheme that also calls for buildings right up to the street line along Springfield Avenue, with parking to the rear of the buildings, to continue the streetscape scheme created in Redevelopment Area 3. Access to the development would be provided from Springfield Avenue only, with attractive plazas and direct pedestrian connections between parking areas, building entrances and Springfield Avenue. A fenced and landscaped buffer will also be required in order to protect the neighboring residential area to the south.

Key to the redevelopment concept for Areas 1 and 3 is to provide for a synergy in both design and use at the intersection of Springfield and Burnett Avenues so as to provide for an attractive and yet economically viable development scenario that would promote the compatible redevelopment of both areas. Architectural design standards are included to promote visually interesting and distinct buildings, as well as consistency and compatibility between both redevelopment areas. Specific goals and objectives follow.

3.3 Land Use

1. Encourage new development and rehabilitation that utilizes architectural and other site design elements that will establish a distinctive, traditional neighborhood design character to replace the current commercial strip development that characterizes the area today.
2. Allow a mix of uses as set forth in this redevelopment plan. Redevelopment in both areas calls for zero setback lines along Springfield Avenue in order to create a continuous building frontage and promote a unified streetscape along the Springfield Avenue corridor. Proposed land uses are shown on Map #6.
3. Encourage the consolidation of properties in order to enhance redevelopment opportunities.
4. Promote new development that is pedestrian-scaled and reinforces retail activity at the street level.
5. Enhance the physical appearance of the redevelopment area through comprehensive and integrated streetscape improvements.

MAP 6: PROPOSED LAND USE

3.4 Parking and Vehicle Circulation

1. Encourage shared parking, access and circulation in order to maximize the supply of parking needed to support redevelopment in the area, as well as to reduce the number of curb openings along Springfield Avenue that would otherwise conflict with pedestrian and vehicular movement within the corridor.
2. Encourage shared parking arrangements at off-site locations to maximize the supply of available parking needed to promote redevelopment opportunities and to maximize the efficient utilization of area parking.
3. Encourage the development of parking areas primarily to the rear of the buildings fronting on Springfield Avenue.
4. Promote better integration and utilization of on-site parking, on-street parking and off-site parking through shared parking arrangements.
5. Support improved transit options, including better utilization of New Jersey Transit bus service and possible expansion of Maplewood's Jitney service.

6. Promote landscaping within parking areas in order to break up asphalt areas, provide shading and reduce impervious surfaces.

7. Encourage the implementation of the Township's Bicycle Facility Plan within the Redevelopment Area.

3.5 Pedestrian Circulation and Safety

1. Create safe, convenient and attractive pedestrian connections between parking areas, building entrances and Springfield Avenue.

2. Establish a physical setting that promotes pedestrian activity in a comfortable, aesthetically pleasing, entertaining and secure manner.

3. Establish landscaping on Springfield Avenue that will help buffer the sidewalk from vehicles traveling along Springfield Avenue.

4. Promote the continued implementation of the Springfield Avenue Streetscape Improvement Project.

5. Apply and implement accessibility design criteria to promote and facilitate handicapped accessibility for a wide range of handicapped individuals.

3.6 Architecture of Buildings

1. Identify architectural controls and standards that will promote redevelopment and/or rehabilitation of buildings that are of visual interest, pedestrian in scale and appropriate to the corridor, permitting some diversity in architectural building styles, while maintaining a consistent visual theme within the districts and reflecting the architectural heritage of Maplewood, to the extent possible.

2. Encourage unique and visually interesting storefront designs, including the use of awnings and window treatments that will enhance the overall character of the districts.

3. Promote a consistent architectural treatment between the front of buildings facing Springfield Avenue and the rear and side of buildings in order to maintain architectural integrity and a finished appearance throughout the project from all vantage points within and outside the Redevelopment Area when buildings are visible to the public. Building areas screened or blocked by other buildings or otherwise not visible to the public from within and outside the Redevelopment Area are exempt from this requirement.

4. Encourage building design techniques using green technologies intended to achieve LEED building certification in order to reduce energy consumption to decrease fossil fuel emissions that damage the environment. Consistency with the principles of sustainable development are important to the Township and shall guide policy decisions within the redevelopment areas as deemed appropriate by the Township.

3.7 Signage

1. Encourage store signage to be integrated into the architectural design of the buildings to create a visually pleasing and consistent theme.

2. Encourage a unified signage system that promotes consistency and compatible sign designs through the Redevelopment Area.

3. Establish a district image through signage and unifying design elements.

4.0 Required Components of the Redevelopment Plan

4.1 Statutory Provisions

Section 40A:12A-7 of the New Jersey Local Redevelopment and Housing Law requires that the redevelopment plan shall consist of an outline for the planning, development, redevelopment, or rehabilitation of the project area which designates the following:

1. Its relationship to definite local objectives as to appropriate land use, 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 provisions for the temporary and permanent relocation, as necessary, of residents and businesses in the project area.
4. An identification of any property within the redevelopment area, which is to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities (b) the master plan of the county in which the municipality is located and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, c.398 (C52:18A-196 et al.).
6. Its relationship to pertinent municipal development regulations as defined by the "Municipal Land Use Law" (MLUL).

4.2 Affordable Housing Provision

In addition to the above requirements, the redevelopment plan must also address the provision of affordable housing units consistent with the requirements of the "Fair Housing Act" pursuant to the applicable rules and regulations of the State of New Jersey Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls ("UHAC"), as modified pursuant to the affordable housing provisions set forth in the Settlement Agreement dated September 5, 2017 by and between the Township of Maplewood and Fair Share Housing Center ("FSHC") entitled "The Township's Mount Laurel Fair Share Obligations and the Means by Which the Township Shall Satisfy Same" pursuant to: In the Matter of the Township of Maplewood, County of Essex, Docket No. ESX-L-4661-15 (here "**FSHC Settlement Agreement**"), a copy of which is attached as Exhibit 1, and the Township's Housing Element and Fair Share Plan adopted in March of 2018. Additional requirements regarding affordable housing are to be found in the Township's Court-approved Affordable Housing Regulations Ordinance, Chapter 150, Article II, as may be amended, and Section 14.0 of this Redevelopment Plan entitled "Affordable Housing Requirements."

5.0 Proposed Redevelopment Actions

It is proposed to substantially improve and upgrade the Redevelopment Area through a combination of redevelopment actions, which will provide for the orderly and planned redevelopment of the corridor as follows:

1. Within Redevelopment Area 1, the construction of new mixed-use commercial/residential buildings at the northeast intersection of Springfield and Burnett Avenues on specific parcels identified in the Plan and new and/or rehabilitated mixed-use, residential and/or commercial buildings on the remaining tracts, along with complementary facilities that are consistent with the goals and objectives of the plan.
2. Within Redevelopment Area 3, the construction of an anchor commercial building at the northwest corner of Springfield and Burnett Avenues on specific parcels identified in the Plan along with mixed commercial and residential development on the remaining parcels that are consistent with the goals and objectives of the plan. Lot 3 on Block 49.14 is anticipated to continue as a multi-story mixed use building.
3. The renovation and alteration of existing buildings for commercial and residential uses that is consistent with the goals and objectives of the plan.
4. The provision of connections to the full range of public infrastructure necessary to service and support redevelopment within the Area.
5. The demolition of vacant, substandard and/or incompatible buildings and structures within the Area if deemed necessary for the orderly redevelopment of the Area.
6. Acquisition of property within the Area, if deemed necessary, to achieve the redevelopment objectives of the plan.
7. The consolidation and re-subdivision of land within the Area into suitable parcels for development.

6.0 Administrative Provisions of the Plan

1. This Redevelopment Plan shall supersede the applicable provisions of the Township of Maplewood "Zoning and Land Development Regulations Ordinance" (Code Chapter 271), hereinafter referred to as the Zoning Ordinance.
2. All development within the Redevelopment Area shall be consistent with the guidelines, standards, and requirements of this Plan and the specific Land Use and Building Regulations in Section 8.
3. The regulations and controls in this Plan may be implemented, where applicable, by appropriate covenants, or other provisions, or through agreements for land disposition and conveyances executed thereto.
4. No building or structure shall be constructed over public rights-of-way or easements, without the prior, written approval of the Township Engineer and site plan approval by the Planning Board. No building or structure shall be constructed in the bed of a mapped street unless such street has been vacated by an act of the Township Committee and the site plan has been approved by the Planning Board.
5. Prior to the commencement of any new construction, reconstruction, or rehabilitation of any existing structure, a site plan for such shall be submitted to the Planning Board for review, so that compliance of such plans with this Redevelopment Plan can be determined. No Building Permit shall be issued for any work requiring site plan review within the Area, without prior site plan review and approval of such work by the Planning Board. Regular maintenance and minor repair shall not require Planning Board review.

6. The provisions of this Plan specifying the redevelopment of the project area and the requirements and restrictions with respect thereto shall be in effect for a period of thirty (30) years from the date of approval of this Plan by the Maplewood Township Committee. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such subsequent amendments.

7. Site plan review shall be conducted by the Planning Board in accordance with the procedures and notice requirements set out in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq. (MLUL), and in the Maplewood Zoning and Development Regulations Ordinance, consistent with the provisions and requirements of this Plan. The Planning Board may require additional studies and analyses not specifically spelled out in this Redevelopment Plan (including but not limited to, parking and traffic studies, water supply, and sanitary and storm sewer investigations) if necessary to determine the impacts of the Project or the adequacy of existing and proposed utilities and infrastructure improvements to service the Project.

8. Any subdivision or re-subdivision of land within the Redevelopment Area shall be in accordance with this Plan's requirements and shall be conducted by the Planning Board in accordance with the procedures and notice requirements set out in the MLUL, and in the Maplewood Zoning and Development Regulations Ordinance.

9. The Planning Board may grant deviations in the nature of bulk or area variances from the regulations contained within this Redevelopment Plan subject to the scope and limitations set forth below, without such deviations being considered an amendment to this Redevelopment Plan requiring action by the Township pursuant to the LRHL, wherever 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 area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner or redeveloper of such property.

10. The Planning Board may also grant deviations in the nature of a bulk or area variance from the regulations contained within this Redevelopment Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments.

11. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

12. No deviations from the regulations contained in this Redevelopment Plan shall be granted without an amendment to this Plan duly adopted by the Township Committee in accordance with the applicable LRHL procedures, if such deviation would result in (i) permitting or expanding a use that is not a permitted use within this Redevelopment Plan, (ii) an increase of greater than ten (10%) percent in permitted maximum height, or (iii) an increase in the density of that permitted within this Redevelopment Plan, except for de minimis increases in density that may result from permitted bulk or area variances granted by the Planning Board in accordance with the provisions of this Plan.

13. If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

7.0 Redevelopment Design Objectives and Requirements

7.1 Overview of Design Concepts

In order to implement the redevelopment goals and objectives envisioned by the plan, regulations and standards are incorporated into the plan document in order to improve parking, circulation, building design and provide for streetscape improvements. The plan calls for a unified streetscape design promoted by the implementation of the Springfield Avenue Special Improvement District Design Guidelines and the Springfield Avenue Streetscape Improvement Program. Specific land uses and bulk regulations are provided in section 8 of this redevelopment plan.

The properties in both redevelopment areas also present particular challenges due to their relatively small lot sizes and odd configuration, which are not conducive towards large-scale development. However, the plan takes these characteristics into consideration and promotes a unified development approach that moderates the intensity of development to the reasonable carrying capacity of the land to provide for the proper scale of development.

7.2 Parking and Circulation

The redevelopment plan contemplates the development of shared parking between adjoining properties promoted either by the assembly of parcels into one large development tract, or alternatively, by cross access easements between parties if necessary. Access to Redevelopment Area 1 will be provided strictly from Springfield Avenue and limited in locations so as to minimize the number of curb openings to the corridor that may otherwise impede pedestrian traffic. Ground level parking is to be provided consistent with the requirements of this plan and appropriately screened with both solid fencing and landscaping to provide for an appropriate buffer to the adjoining residential properties to the south.

Access to Redevelopment Area 3 will be provided from Springfield Avenue and potentially facilitated by the recommended street vacation of a portion of the northerly section of Vermont Street just south of Springfield Avenue, which terminates at the boundary of the redevelopment area. Access is also to be provided from Burnett Avenue or Vermont Street. Ground level parking will be provided and the plan also provides for the construction of a parking deck should such a facility be feasible in order to expand the available supply of parking spaces. As in Redevelopment Area 1, the availability of on-street parking on Springfield Avenue shall be taken into consideration in calculating parking needs for the development.

It is also the intent of the plan to permit on-street and shared parking arrangements with off-site locations provided there is a long term agreement in place and such shared parking can be effectuated to the mutual benefit of property owners. Such arrangements shall be subject to the review and approval of the Township and shall be in a recordable form to guarantee the long-term availability of the parking to be provided. As an example of such shared parking arrangements, the Township entered into a parking easement agreement in 2005 with the Church of the Latter-Day Saints as part of the construction of a new church facility located on Springfield Avenue on property identified as Block 31.34, Lot 103. It was agreed that 25 parking spaces on the church property would be made available to area merchants for use as customer parking between the hours of 7 AM and midnight, Monday through Saturday. Such on-street and shared parking arrangements are beneficial to promoting redevelopment in the area by providing opportunities for parking availability where the size of property within the Redevelopment Area itself may limit compliance with parking standards. It is the policy of the Plan to provide as much flexibility as reasonably can be accommodated towards meeting parking requirements in the Redevelopment Area.

All parking areas are to be landscaped and screened in accordance with the design guidelines provided for in the plan.

7.3 Building Architecture

Development within Redevelopment Areas 1 and 3 shall comply with the Springfield Avenue Partnership Special Improvement District design standards as set forth in § 237-18.1 of the Maplewood Code. Originally adopted in 2003, these guidelines are intended to promote a unified and compact development form consistent with traditional streetscape design, and to establish a coherent architectural aesthetic along certain sections of the Springfield Avenue corridor presently designated within the Special Improvement District (SID). These design standards will apply to both new construction and rehabilitation of existing structures and are incorporated herein as an appropriate guideline for building development and rehabilitation within the Redevelopment Area. This is important in order to promote a consistent and compatible design within the Springfield Avenue corridor. These provisions shall be applied by the Township Planning Board during the site plan application review process.

7.4 Streetscape System

The Springfield Avenue Streetscape Improvement Program has been completed within the redevelopment areas. The details of the streetscape plan are contained within the specifications document entitled "Specifications for Springfield Avenue Improvements Phase IV (Tuscan Road to Boyden Avenue)" prepared by Keller and Kirkpatrick Engineering, dated February 2006. This document is incorporated into the Plan by reference. Sheets 10, 11, 12, 23, 22, 24, contained in the appendix, are from construction plans prepared by Keller and Kirkpatrick Engineering, dated January 2006. These plans are illustrative of the required design components for the streetscape improvements contemplated by this Redevelopment Plan, including lighting, landscaping, refuse containers, street furniture, street signage, traffic improvements, paving and curbing.

7.5 Parking Structure Design Requirements

1. All parking levels shall be designed so as to become an integral part of the architectural design of the proposed building(s) to which it is attached so as not to give the apparent perception of garage space from all vantage points that the parking structure is visible from within and outside the Area.
2. Parking shall be masked from all vantage points that the parking structure is visible from within and outside the Area through the use of an artificial building façade articulated in a manner providing visual interest and utilizing an architectural treatment consistent with the architecture utilized for the principal use and building. Artificial windows of the punched out style utilizing glass or decorative grillwork or a combination of same shall be utilized and shall contain the same detailing, design and window frame color as the windows utilized on non-parking levels of the building. The artificial windows must mimic the style and proportions of the windows on non-parking levels of the building. Other compatible architectural treatments such as sub-cornices, lintels, quoins, and other decorative detailing and façade design shall also be utilized to provide architectural interest and variety.
3. The design of parking levels within any building shall emphasize a vertical exterior facade pattern instead of the horizontal cladding associated with parking garages and their structural members. The material used on the façade of the parking levels of a building shall be the same as, or compatible with, that used on the rest of the building such that the parking structure portion of the building shall have a similar appearance to the rest of the building's base façade.
4. Interior garage lighting shall utilize fixtures that will not readily expose the lighting source to view, thereby maintaining a soft illumination of the interior garage space. Individual fixture sources shall not be visible from the exterior. An internal lighting plan prepared by a lighting professional shall be included with any garage application for review and approval and shall demonstrate that the garage structure is

adequately lit to provide for security and driver safety without causing unsightly glare affecting the outside areas.

7.6 Jitney Service and Bicycle Paths

To promote mass transit, the Township of Maplewood provides a jitney service for commuters working in New York City along specific routes within the Township. The jitney transports commuters along the designated routes both in the morning and afternoon and provides transportation to and from the Maplewood Train Station. The jitney service is a means of reducing traffic congestion within the Township during peak commuter hours and provides the added environmental benefit of promoting mass transit. The Redevelopment Plan recommends that jitney service be expanded to include the Redevelopment Area in order to further the Township's goal of promoting mass transit.

The Township also seeks to promote bicycle paths within the community to provide a safe and efficient means to travel throughout the township using this transportation mode. In furtherance of this policy, the Township adopted a "Bicycle Facility Plan" prepared by the RBA Group in 2004 which provides designated bicycle routes and design guidelines for providing bicycle pathways throughout portions of the Township. This Plan recommends that the design standards and recommendations contained in the Township's "Bicycle Facility Plan" as it relates to the promotion of bicycle pathways be incorporated within the Redevelopment Area, to the extent possible.

8.0 Proposed Land Use and Building Regulations

8.1 General Statement and Purpose

All new construction shall be in conformance with the requirements of this Plan and the following land use regulations. The land use districts within this Plan, referred to as Springfield Avenue Zone 1 (SA-1) and Springfield Avenue Zone 3 (SA-3), are depicted on Map #7 (Proposed Amended Zoning).

The land use regulations described herein shall supersede the development standards in the Township of Maplewood Code Chapter 271 entitled "Zoning and Land Development Regulations Ordinance" (hereinafter referred to as the Zoning Ordinance). The Zoning Map in the Zoning Ordinance shall be amended to designate Springfield Avenue Zone 1 (SA-1) and Springfield Avenue Zone 3 (SA-3) as described in this Redevelopment Plan. The legend on the Zoning Map should also be amended to SA-1 and SA-3 and the lists of zones in Section 271-64 of the Zoning Ordinance should be amended to add the SA-1 and SA-3 zones and this Redevelopment Plan as the source of regulations for development.

MAP 7: PROPOSED AMENDED ZONING

8.2 Purposes

1. Provide standards and guidelines to implement the goals of the Redevelopment Plan.
2. Encourage a cohesive and comprehensive design that will create a sense of place and unified design that will promote the efficient circulation of vehicles and pedestrian traffic.
3. Establish regulations that will promote an integrated and comprehensive design consistent with meeting the goals and objectives stated in Section 3.0 above.
4. Establish regulations that will promote the revitalization of the redevelopment areas consistent with the LRHL and guidelines of the plan.

8.3 Permitted Uses

1. Permitted Uses - Springfield Avenue Zone 1 (SA-1)

- a. Retail businesses, not including pawn shops and check cashing establishments.
- b. Eat-in and/or takeout restaurants, not including fast-food restaurants.
- c. Financial institutions.
- d. Health spas and clubs.
- e. Mixed-use development consisting of multi-family residential units above at grade retail and commercial uses limited only to those retail and commercial uses specified in a. b. c. and d. above. Residential shall contain only studio and/or 1 bedroom units or a mix of studio and/or 1 bedroom units and 2 bedroom units.
- f. Multi-family residential units above the ground floor, as long as “active” uses related to the residential use, such as leasing offices, workout rooms, laundry facilities, lobbies and resident lounges, are provided at street level. Such uses shall be designed to look similar to permitted retail and commercial uses. Residential shall contain only studio and/or 1 bedroom units or a mix of studio and/or 1 bedroom units and 2 bedroom units.
- g. Professional offices.
- h. Offices, but not on the street level.

2. Permitted Uses – Springfield Avenue Zone 3 (SA-3)

- a. Retail businesses, not including pawn shops and check cashing establishments.
- b. Mixed-use development. Mixed-use development shall consist of multi-family residential units above at grade retail and commercial uses limited only to those retail and commercial uses specified in a. b. c. and d. of Permitted Uses - Springfield Avenue Zone 1 (SA-1) above. Residential shall contain only studio and/or 1 bedroom units or a mix of studio and/or 1 bedroom units and 2 bedroom units.
- c. Professional offices.
- d. Offices, but not on the street level.

8.4 Permitted Accessory Uses for Both Redevelopment Areas

- 1. Off-street parking designed in accordance with the standards established in Section 8.8 of this plan.
- 2. The Township Clerk shall issue outdoor eating permits upon application in accordance with Chapter 187: Outdoor Cafes of the Township of Maplewood Code for commercial development permitted by this plan.
- 3. Take-out food service in conjunction with a restaurant, provided that take-out service area occupies less than 25% of the gross floor area.
- 4. Landscaped plazas, courtyards, alleys and other similar public amenities.
- 5. Refuse areas designed in accordance with Section 7.5 – 2 of this plan.
- 6. Signs in accordance with Section 8.7 of this plan.

8.5 Prohibited Uses. Any use or structure other than those uses or structures permitted in Sections 8.3 and 8.4 are prohibited. Additionally, and notwithstanding the above, the following uses shall also be specifically prohibited:

- 1. Automotive service stations, auto body and repair shops and car washes.
- 2. Drive through or window service restaurants and restaurants that solely cater to take-out service as their primary business.

3. Automotive and motorcycle sales.
4. Contractor storage yards.
5. Outdoor storage except for seasonal displays otherwise permitted by ordinance.
6. Industrial, warehousing or manufacturing use.
7. Nail and hair salons except when conducted in conjunction with a health spa/club as an accessory use where such activity occupies less than 50 percent of the building floor area.

8.6 Area and Bulk Requirements

The following area and bulk requirements shall apply to both Redevelopment Areas.

**Table 3
Area and Bulk Requirements**

Regulation	Requirement
Minimum Lot Area (square feet)	5,000 ⁵
Minimum Lot Width (feet)	50
Minimum Lot Depth (feet) ⁶	100
Minimum Front Yard (feet)	0
Minimum Side Yard (feet)	0
Minimum Rear Yard (feet)	25
Maximum Permitted Front Yard from Springfield Avenue (feet)	0
Maximum Building Height (stories/feet) ⁷	4 stories/50 feet
Maximum Building Coverage (percent)	80%
Maximum Impervious Coverage (percent)	100%
Minimum Size of Residential Units	Studio units: 500 square feet One-bedroom units: 700 square feet Two-bedroom units: 900 square feet
Building Frontage Requirement	All buildings shall front directly on and provide for its main entrance along Springfield Avenue. No portion of a building may utilize any side street exclusively for street frontage or its main entrance, except that a building located on a corner lot may utilize the side street frontage for a side-building wall.

⁵ Except that when an entire block is to be redeveloped pursuant to the regulations of this plan pursuant to the redevelopment plan scenarios contained at the end of this plan, the minimum lot area shall coincide with the block or a portion of the block to be developed.

⁶ Corner parcels so situated with public streets on three sides may reduce the required lot depth by 50 percent.

⁷ Building height is to be measured pursuant to Section 271-3B Definition of Building Height contained in the Township Zoning Ordinance

8.7 Architectural Design Standards

All new construction and rehabilitation of existing buildings shall comply with the requirements of Section 237-18.1 Design Criteria of the Township of Maplewood Ordinances, as presently exist and as may be amended in the future.

8.8 Off-Street Parking Requirements.

1. Number of Parking Spaces. The minimum number of parking spaces shall be as set forth in the table below:

**Table 4
Parking Requirements**

Use	Parking Requirement
Retail businesses, financial institutions, health spas and clubs, restaurants, offices	Redevelopment Area 1: 1 space per 400 square feet of gross floor area of customer service area (i.e. excluding kitchens, storage areas and similar spaces) Redevelopment Area 3: none required, except uses with a minimum floor area of 10,000 square feet shall provide 1 space per 300 square feet of gross floor area of customer service area (i.e. excluding kitchens, storage areas and similar spaces)
Multi-family residential units ⁸	1.5 spaces per unit

The total minimum number of parking spaces required may be satisfied on-site, at off-site locations within the immediate area (subject to a long-term recordable agreement approved by the Township) and by parking spaces that would be available on-street, but only along that portion of the block front that the respective redevelopment area borders on Springfield Avenue. It is up to the site plan applicant to prove to the complete satisfaction of the Planning Board that the minimum number of required parking spaces can be provided through these various means. The Planning Board reserves the right to require that all of the required parking spaces be provided on-site.

2. Parking Area Design Standards

- a. Setback. Parking spaces shall be setback minimally five (5) feet from property lines.
- b. Parking stalls shall be 9 by 18 feet in dimension.
- c. The placement of curbing up to two (2) feet within the required parking space depth is permitted thereby permitting a reduction of the required 18 foot parking stall depth to 16 feet, provided that there is

⁸ This ratio is lower than required by the New Jersey Residential Site Improvement Standards due to the redevelopment area's accessibility to transit service (e.g., Township jitney to the train station, bus service on Springfield Avenue) and the presence of on-street and off-street parking, parks, stores and services within reasonable walking distance

adequate area for an automobile occupying the parking space to over-hang the said curb without infringing on required landscaping, pedestrian areas or adjacent parking spaces.

d. Aisles widths shall be a minimum of 24 feet wide for two way traffic flow and 12 feet for one way traffic flow, except that the required aisle widths may be reduced to 22 feet and 10 feet respectively if site conditions warrant a reduction in width and can be supported by traffic engineering analysis.

e. All parking areas, driveways and loading areas shall be paved with asphalt, concrete or other suitable hard surface material such as pavers.

f. Loading and unloading shall not be permitted within a public street, but shall be integrated into the site design of the redevelopment project.

g. Handicapped parking shall be provided in accordance with ADA and Building Code requirements.

h. Parking shall not be permitted in front of buildings within the front yard setback on Springfield Avenue so as to maintain a consistent building line along the street.

9.0 Plan Concepts

As noted earlier, the vision for the redevelopment of Area 3 is to encourage an anchor regional or national commercial development at the northwest intersection of Springfield and Burnett Avenues, along with mixed-use development. The Plan envisions buildings right up to the street line along Springfield Avenue in order to establish a traditional commercial street edge. The goal is to create a more walkable, pedestrian friendly and neighborhood oriented shopping experience, along with a day and night street presence that comes with new residential development. The focus on commercial and mixed-use development within Redevelopment Area 3 is to take advantage of the area's close proximity to Maplecrest Park and the Public Library and to be more compatible with existing residential land uses adjoining the area.

The vision for Redevelopment Area 1 is to encourage mixed-use and or residential development within a unified streetscape scheme that also calls for buildings right up to the street line along Springfield Avenue with parking to the rear of the buildings to continue the streetscape scheme created in Redevelopment Area 3. The overall design concept seeks to promote an active streetscape. The preference is for ground floor retail uses, but other nonresidential uses and uses ancillary to multi-family residential are permitted at street level as long as pedestrian-friendly design is incorporated in ground floor space along Springfield Avenue. Access to the development would be provided from Springfield Avenue, with attractive plazas and direct pedestrian connections between parking areas, building entrances and Springfield Avenue. As in Redevelopment Area 3, a fenced and landscaped buffer will be required in order to protect the neighboring residential area to the south.

Architectural design is intended to promote consistency and compatibility between the two redevelopment areas. The intent of the Plan is that the design of buildings, signage and streetscape improvements in both redevelopment areas be compatible with one another so as to promote the unified streetscape sought by the Plan.

10.0 LEED Certification

To the extent possible development shall meet the United States Building Council's Leadership in Energy and Environmental Design (LEED) requirements for green building design. These requirements include but are not limited to green building design goals that promote reduced water use; use of sustainable, renewable, non-toxic and locally-produced materials; improved indoor air quality; and environmentally conscious site planning.

The United States Green Building Council has developed standards for green building design, which shall be applied to ensure that redevelopment meets minimum standards. Therefore, any developer within the Redevelopment Area is required to submit a good faith application to the USGBC to build the project under LEED standards appropriate to the development and if accepted, compliance with LEED standards is required.

11.0 Circulation Plan

The Springfield Avenue Redevelopment Plan encompasses areas that are well integrated into the local grid street system and arterial road network of Maplewood. As such, the circulation plan primarily envisions improvements and connections to the existing road/street system to minimize traffic congestion and conflicts and improve the streetscape, rather than the creation of new streets or changes to the current circulation pattern of existing streets. However, it is recommended that a portion of Vermont Street be vacated in order to accommodate parking, building and access requirements for the desired redevelopment of Redevelopment Area 3. The precise location of this street vacation should be coordinated with proper municipal officials, private property owners and the designated redeveloper, but it is generally depicted in Map #8 (Circulation Plan) as a portion of the northerly section of Vermont Street just south of Springfield Avenue.

The use of public mass transit by residents, visitors and employees within the Redevelopment Area shall be encouraged through the improvement of sidewalks, lighting, landscaping and other pedestrian amenities to create a safe and convenient pedestrian environment that will provide improved access to New Jersey Transit bus routes in the area and possibly to expanded jitney service by the Township along this portion of Springfield Avenue. The Redevelopment Plan recommends that jitney service be expanded to include the Redevelopment Area in order to further the Township's goal of promoting mass transit.

MAP 8: CIRCULATION PLAN

12.0 Acquisition Plan

At this time, it is anticipated that any property to be acquired within the Redevelopment Area will be purchased and assembled by private development interests through good faith negotiations and in arm's length transactions. However, if acquisition in this manner proves unsuccessful municipal acquisition is an option in order to create properly planned and developable parcels. All costs associated with the acquisition pursuant to a redeveloper's agreement or contract between the designated developer and the Township shall be borne by the redeveloper. The redeveloper shall front all monies to the Township for all anticipated acquisition costs and the purchase price before the Township will commence acquisition pursuant to eminent domain.

Therefore, the Township reserves the right to acquire any or all of the following privately-owned lots within Redevelopment Area 1, should it be necessary to facilitate the redevelopment, identified by tax assessment records as Lots 1,3,4,5,6,7,10, 16,17,18.01,18, 19.01, 20 and 20.01 within Block 31.05 containing a land area of approximately 4.5 acres. The Township also reserves the right to acquire any or all of the following privately-owned lots within Redevelopment Area 3, should it be necessary to facilitate the redevelopment, identified by tax assessment records as Lots 144,145,146,147,160,162,164,165 and 166 in Block 47.04 and Lot 1,in Block 49.14 containing a land area of approximately 3.78 acres. Lot 3 in Block 49.14 is specifically not to be acquired under this plan. Map #9 (Proposed Acquisition), shows the properties proposed to be acquired, if necessary, and the property not to be acquired.

MAP 9: PROPOSED ACQUISITION

13.0 Relocation Plan

As noted above, acquisitions are currently proposed to be carried out by private means, and there are a number of vacant parcels and buildings within the Redevelopment Area. Nonetheless, should relocation become necessary, the process of relocating the affected persons and businesses will receive the careful attention of local officials of the Township of Maplewood. All persons and businesses to be relocated will be interviewed to determine their housing, occupancy and/or relocation needs. Assistance will be provided in locating suitable relocation opportunities and will be conducted in accordance with the requirements of all applicable State laws, including the New Jersey Relocation Assistance Law of 1967 and New Jersey Relocation Assistance Act of 1971, as amended (under the auspices of the New Jersey Department of Community Affairs (NJCA)).

If it becomes necessary for the Township of Maplewood to acquire occupied properties within the Redevelopment Area as identified by this Plan, the Township will undertake the following steps to provide for relocation:

1. At the time of property acquisition, the actual extent of displacement will be determined.
2. A Workable Relocation Assistance Plan (WRAP) will be prepared and submitted to the New Jersey Department of Community Affairs for approval.
3. The Township will comply with the requirements of the state's relocation statutes and regulations as applicable, and will provide all benefits and assistance required by law.

The developer shall reimburse the Township of Maplewood for the costs associated with relocation pursuant to a redeveloper's agreement or contract between the designated developer and the Township.

14.0 Affordable Housing Requirements

Any development within the Redevelopment Area shall satisfy the need for housing very low, low and moderate income households generated by that development by providing the required number of affordable housing units in accordance with and as determined by;

1. Applicable Prior Round Substantive Rules of the New Jersey Council on Affordable Housing (COAH)[N.J.A.C. 5:93-1.1, et seq.];
2. The New Jersey Uniform Housing Affordability Controls ("UHAC")[N.J.A.C. 5:80-26.1 et seq.], as may be amended;
3. The ordinances of the Township of Maplewood, including, but not limited to, the Affordable Housing Regulations Ordinance, Chapter 150, Article II, as may be amended;
4. The FSHC Settlement Agreement attached as Exhibit 1;
5. Township of Maplewood Housing Element and Fair Share Plan adopted in March of 2018, as may be amended.
6. The Township's 2018 Judgment of Compliance and Repose Order, and any supplemental orders indicating the satisfaction of conditions of same, entered by the Court.

On-site Units: Affordable housing units shall be provided as part of any residential development at a set aside rate of twenty percent (20%) for for-sale affordable units and at a set-aside rate of fifteen percent (15%) for rental affordable units

Bedroom Distribution:

1. If all of the market rate units on the same site will be one-bedroom units, and if the development will be producing fewer than three affordable units on the same site with the market units, then one affordable unit must be a three-bedroom unit and one may be a one-bedroom unit, with the remaining affordable unit (if any) being a two-bedroom unit.
2. If any of the market rate units on the same site will be two-bedroom units, and if the development will be producing fewer than three affordable units on the same site with the market units, then one affordable unit must be a three-bedroom unit and the remainder shall be two-bedroom units.
3. In any other development producing 6 or fewer affordable units (whether on-site or off-site), the bedroom distribution called for pursuant to UHAC shall be fulfilled. i.e., a maximum of 20% one-bedroom units, a minimum of 20% three-bedroom units, a minimum of 30% two-bedroom units, with the balance being either two-bedroom units or three -bedroom units, at the discretion of the developer.
4. In any development producing 7 or more affordable units, the bedroom distribution shall be a maximum of 10% one-bedroom units, a minimum of 25% three-bedroom units, a minimum of 30% two-bedroom units, with the balance being either two-bedroom units or three-bedroom units, at the discretion of the developer.

Maximum Sales/Rental Prices: Sales prices and rental prices shall all be in accordance with applicable Section and UHAC regulations, as may have been modified by the courts pursuant to recent Mount Laurel litigation. Where applicable, regional income limits shall be established and updated in accordance with Section 6(c)(1) of the Affordable Housing Regulations Ordinance, Chapter 150, Article II, as may be amended,

Affordable Distribution: The affordable units shall be dispersed and mixed with the market-rate units and shall be indistinguishable from the market-rate units.

Affordability Restrictions: All affordable dwelling units constructed within the Redevelopment Area shall be deed restricted to remain affordable for a least thirty (30) years from the date of initial occupancy and thereafter until the Township takes action to release the controls on affordability, in accordance with COAH and UHAC requirements, as modified by the FSHC Settlement Agreement the Township's March 2018 Housing Element and Fair Share Plan the Township's 2018 Judgment of Compliance and Repose Order, any supplement condition satisfaction Orders entered by the Court, and any supplemental Orders confirming the satisfaction of conditions that may be entered by the Court.

15.0 Other Provisions to Meet State and Local Requirements

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

1. The Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density, circulation, public utilities, and other public improvements.

2. The Plan has laid out various strategies in order to carry out the objectives of redevelopment through this Plan.

3. The Plan has provided proposed land uses and building requirements for the Redevelopment Area.

4. The acquisition plan, which is a part of this Plan, shows property to be acquired, if necessary.

5. Master Plan Compatibility. The most current Master Plan document for the Township of Maplewood was prepared by Philips, Preiss, Shapiro Associates, Inc., and was adopted by the Township on March 9, 2004. The Redevelopment Plan is clearly consistent with and promotes the planning policies and recommendations of the Township's Master Plan which seeks to promote economic opportunities that will revitalize the Springfield Avenue corridor.

6. Zoning Compatibility. The Redevelopment Plan is intended to supersede the Zoning Ordinance presently regulating the designated Redevelopment Areas. Any zoning related question that is not specifically addressed in this Plan, however, shall be determined by reference to the Maplewood Zoning and Development Regulations Ordinance. The areas adjoining the designated redevelopment areas are zoned for single-family and two-family residential use. The Redevelopment Plan seeks to minimize conflicts between the residential areas and the commercial development contemplated by the Plan in two important ways. The design standards and regulations contained in the Plan will promote development that will provide for a significantly enhanced quality of commercial development that will better serve the residents in the area. In addition, redevelopment of the Area in accordance with the Plan will also eliminate the negative influences the existing development patterns may have on the adjoining residential neighborhoods. The Plan also provides for planted buffer strips to separate the proposed development from residential areas.

Adjoining Municipalities. The Redevelopment Area does not directly adjoin any municipalities, but is within one-half mile of Irvington and Union Townships. The Irvington Township Master Plan was adopted in 2003 and seeks to promote stabilization and revitalization of residential and commercial neighborhoods. Zoning of areas closest to the redevelopment areas are B-3 Limited Business and R-2 Two Family Residential. There is no conflict between the Redevelopment Plan and Irvington's land use policies as articulated by its master plan and zoning ordinances. The Union Township Master Plan was initially prepared in 1982 and was reexamined in 1994 and 1998. More recently, the Township prepared a Master Plan Reexamination Report dated March 2006, which promoted planning policies intended to protect residential neighborhoods from non-residential intrusions and recommended revisions to the Township's bulk standards to better accommodate residential infill. The nearest zone to the redevelopment areas are the RB zone, which permits two-family residential development, and RD zone, which permits senior housing.

An analysis of the planning policies and zoning provisions of Union Township indicates that there are no conflicts with this Redevelopment Plan.

7. County Master Plan. The Land Use Element of the Essex County Master Plan has not been updated since 1970 and consequently, after 45 years, cannot be considered a valid planning document for comparisons purposes

8. State Plan Compatibility. The Plan complies with the goals and objectives of the New Jersey Development and Redevelopment Plan dated March 1, 2001. This Plan is consistent with the State Plan in terms of: Goal #1 - "Revitalize the States Cities and Towns; Goal #3 - "Promote Beneficial Economic Growth, Development and Renewal for all Residents of New Jersey"; Goal #6 - "Provide Adequate Housing at a Reasonable Cost"; and Goal #8 - "Ensure Sound and Integrated Planning and Implementation Statewide". In addition, the policies advanced in this Redevelopment Plan are consistent

with the policies for Metropolitan Planning Areas (PA-1) of the State Plan, which encourages efficient use of existing resources in urbanized areas.

9. The Redevelopment Plan is also consistent with New Jersey's Office of "Smart Growth" planning principles. "Smart Growth" means: planning, designing, and building livable communities in ways that make more efficient use of land and infrastructure improvements and in ways that protect the environment and valuable natural resources. The twin aspects of "Smart Growth" are revitalizing cities and towns to encourage redevelopment and infill development, while also discouraging sprawl in suburban and rural areas through more compact development.

16.0 Procedure for Amending the Plan

This Plan may be amended from time to time upon compliance with the requirements of law. For any request to amend this Plan, a fee of one thousand five hundred dollars (\$1,500), plus all costs for copying and transcripts shall be payable to the Township of Maplewood. If there is a designated developer, as provided for under N.J.S.A. 40A: 12A-1 et. seq., said developer shall pay such costs. If there is no developer, the appropriate Township agency shall be responsible for any and all costs. In addition, the redeveloper shall post in escrow funds with the Township sufficient to cover the review of any redevelopment plan or plan amendment in accordance with the procedures established in the Municipal Land Use Law.

No amendment to this Plan shall be approved without a review by the Planning Board at a public meeting, and a public hearing and adoption by Township Committee in conformance with N.J.S.A. 40A: 12A-7. A copy of any proposed change to the Plan shall be filed with the Office of the Township Clerk.

APPENDIX

These plans are intended to be illustrative of the type of streetscape improvements being undertaken by the Township.

Springfield Avenue Streetscape Improvements Phase IV (Keller & Kirkpatrick, January 2006)

Sheet 10 – Site Layout Plan Intersection Improvements for Springfield Avenue and Burnett Avenue

Sheet 11 – Site Layout Plan Streetscape Improvements East of Burnett

Sheet 12 – Site Layout Plan Streetscape Improvements to Boyden Avenue

Sheet 22 – Landscape Plan for Springfield Avenue and Burnett Avenue

Sheet 23 – Landscape Plan East of Burnett

Sheet 24 – Landscape Plan to Boyden Avenue

EXHIBIT 1

Settlement Agreement dated September 5, 2017 by and between the Township of Maplewood and Fair Share Housing Center entitled "The Township's Mount Laurel Fair Share Obligations and the Means by Which the Township Shall Satisfy Same" pursuant to: In the Matter of the Township of Maplewood, County of Essex, Docket No. ESX-L-4661-15.

AGREEMENT TO RESOLVE ISSUES BETWEEN THE TOWNSHIP OF MAPLEWOOD AND FAIR SHARE HOUSING CENTER CONCERNING THE TOWNSHIP'S MOUNT LAUREL FAIR SHARE OBLIGATIONS AND THE MEANS BY WHICH THE TOWNSHIP SHALL SATISFY SAME.

In the Matter of the Township of Maplewood, County of Essex,
Docket No. ESX-L-4661-15

THIS SETTLEMENT AGREEMENT ("Agreement") made this 5th day of September 2017, by and between:

TOWNSHIP OF MAPLEWOOD, a municipal corporation of the State of New Jersey, County of Essex, having an address at 574 Valley Street, Maplewood, New Jersey 07040 (hereinafter the "Township" or "Maplewood");

And

FAIR SHARE HOUSING CENTER, having an address at 510 Park Boulevard, Cherry Hill, New Jersey 08002, (hereinafter "FSHC");

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Township filed the above-captioned matter on July 2, 2015 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), as may be further amended in accordance with the terms of this settlement, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting Maplewood from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the immunity secured by Maplewood remains in place as of the date of this Agreement; and

WHEREAS, the Trial Court appointed Elizabeth C. McKenzie, A.I.C.P., P.P., as the "Special Master" in this case as is customary in Mount Laurel matters; and

WHEREAS, with Ms. McKenzie's assistance, Maplewood and FSHC have engaged in good faith negotiations and have reached an amicable accord on the various substantive provisions, terms and conditions delineated herein; and

WHEREAS, through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the Trial Court, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

WHEREAS, at this time and at this particular point in the process resulting from the Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's present and prospective need, instead of doing so through plenary adjudication of the present and prospective need.

NOW, THEREFORE, in consideration of the promises, the mutual obligations contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the parties, the parties hereto, each binding itself, do hereby covenant and agree, each with the other, as follows:

Settlement Terms

The Township and FSHC hereby agree to the following general terms, subject to any relevant conditions set forth in more detail below:

1. Maplewood's "Rehabilitation" obligation is 114.
2. Maplewood's "Prior Round" obligation is 51.
3. Maplewood's allocation of the Round 3 regional need is 444.

4. FSHC and the Township agree that Maplewood does not accept the basis of the methodology or calculations proffered by FSHC's consultant, David N. Kinsey, PhD, P.P., F.A.I.C.P. The Parties agree to the terms in this agreement solely for purposes of settlement of this action. Although the Township does not accept the basis of the methodology or calculations proffered by FSHC's consultant, FSHC contends, and is free to take the position before the court, that the 444-unit obligation should be accepted by the Court because it is based on the Prior Round methodology and reflects a 30 percent reduction of Dr. Kinsey's May, 2016, calculation of the Township's Third Round (1999-2025) fair share obligation.

5. Pursuant to N.J.A.C. 5:93-4.2, and as confirmed by Special Master McKenzie, Maplewood's current Realistic Development Potential (hereinafter "RDP") is 82.

6. **Satisfaction of Rehabilitation Obligation:** The Township has a 114-unit rehabilitation obligation, which will be satisfied as follows:

- a) Maplewood Township has contracted with Community Grants, Planning & Housing ("CGP&H") to administer the Maplewood Home Improvement Program. Owner-occupied and rental occupied units are eligible for the Maplewood Home Improvement Program. In addition, units have been completed through the Essex County Rehabilitation Program.
- b) Through these programs 26 rehabilitations have been completed since April 1, 2010 as follows:

	Maplewood Home Improvement Program	Essex County Rehab Program	Total
Units Completed April 1, 2010 to present	19	7	26
An additional 45 units were rehabilitated between 1/1/2000 and 3/3/2010. While these units cannot be counted toward the current			

obligation, they do demonstrate the success of the housing rehabilitation programs.

- c) The Township will be able to count all of the units rehabilitated since April 1, 2010, but not before. This will be 26 total credits.
- d) The Township will apply 82 excess age-restricted housing credits from the Maplewood Senior Citizen Housing project towards its rehabilitation obligation.
- e) The Township will continue its efforts to rehabilitate the remaining six (6) units during the period of Repose.

7. **Satisfaction of Prior Round Obligation:** The Township has a 51-unit Prior Round obligation, and has satisfied that obligation as follows:

Project	Units/Bedrooms/ Credits
Maplewood Senior Citizen Housing	12
ARC of Essex County - 27 Meadowbrook Place	1
Community Action for Independent Living	5
Collaborative Support Programs of NJ	3
Project Live, 5	3
Project Live, 6	3
Our House	6
Jewish Services for the Developmentally Disabled	5
Rental Bonus Credits (on group home bedrooms)	13
Units/Credits total	51

8. **Satisfaction of Third Round RDP:** The Township has an 82-unit Third Round RDP, and will satisfy that obligation as follows:

Project	Units/Bedrooms/ Credits
Maplewood Senior Citizen Housing	20
ARC of Essex County – 49 Meadowbrook Place	2
ARC of Essex County – 130 Boyden Avenue	2
Cerebral Palsy of North Jersey – Rental	3
Boyden Avenue – Family Rental (2014)	1
Maplewood Crossing – Family Rental (2013)	16
Stationhouse at Maplewood – Family Rental (2013)	4

Avalon family rental project (under construction)	6
1611 Springfield family rental project (2017)	1
255 Tuscan family rental project (under construction)	3
Elite on Springfield family rental (approved)	3
Rental Bonus Credits	21
Units/Credits total	82

9. For the purposes of settlement, the Township agrees to address the 362-unit remaining portion of its allocation of the Round 3 regional need or "unmet need" through the following mechanisms:

- a) **Maplewood Country Club Overlay Zone:** The Township has an existing overlay zone over the Maplewood Country Club, which allows for two development options as to density: (1) 8 units per acre or (2) 6.4 units per acre with a payment in lieu. As part of this Agreement, the Township will amend the Maplewood Country Club overlay zone to eliminate the second option and only maintain the ability for development to occur at a density of 8 units per acre, with multifamily apartment and/or townhome development permitted. The 8 units per acre will be calculated on the gross acreage of the site, which is 89 total acres. The overlay zone will require a 20 percent affordable housing set-aside for all projects.
- b) **Assisted Living Facility:** The Township is currently negotiating an agreement with a developer to construct a 182-unit Assisted Living Facility located at Block 48.47, Lots 123, 124.01, 130.02 and 131. 50 percent of the facility will feature Medicaid beds. These 91 beds will be creditworthy under COAH's Prior Round regulations, and will count as age restricted units. See N.J.A.C. 5:93-5.18. The Township's Age Restricted Cap for its entire 444-unit Round 3 (1999-2025) number is 111. The 91 age restricted units from this project, combined with the 20 age restricted units from the Maplewood Senior Citizens Housing project that are being applied to the Township's RDP, comes to 111 total age-restricted units addressing Round 3, which equals the Township's Round 3 age-restricted cap of 111.
- c) **Mandatory Set-Aside Ordinance:** The Township will adopt a Township wide Mandatory Set-Aside Ordinance ("MSO"), which will require that any site that benefits from a rezoning, variance or redevelopment plan approved by the Township or the Township's Land Use Board that results in multi-family residential development of five (5) dwelling units or more to produce affordable housing at a set-aside rate of 20 percent for for-sale affordable units and at a set-aside rate of 15 percent for rental affordable units. The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Maplewood to grant such rezoning, variance, redevelopment designation or other relief. In addition, sites that fall under the terms and conditions of the MSO

shall not be subdivided so as to avoid compliance with the requirements of the MSO.

- d) **Redevelopment Plans:** The Township will amend its existing Redevelopment Plans, including but not limited to the Plans for Redevelopment Areas 1, 2, and 3, to require affordable housing at a set-aside rate of 20 percent for for-sale affordable units and at a set-aside rate of 15 percent for rental affordable units for all developments subject to those Redevelopment Plans within the 120 day period provided for in Paragraph 19 of this Agreement.

10. The Township's RDP shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance and, if such a change in circumstance occurs with the RDP, the Township shall have the right to address the issue without negatively affecting its continuing entitlement to immunity from all Mount Laurel lawsuits through July 2, 2025.

11. The Township agrees to require 13 percent of all the affordable units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of July 1, 2008, to be very low income units (defined as units affordable to households earning 30 percent or less of the regional median income by household size), with half of the very low income units being available to families.

12. Maplewood will apply "rental bonus credits" in accordance with N.J.A.C. 5:93-5.15(d).

13. At least 50 percent of the units addressing the Township's Third Round fair share obligation shall be affordable to a combination of very-low-income and low-income households, while the remaining affordable units shall be affordable to moderate-income households.

14. A minimum of 25 percent of the Township's Third Round fair share obligation shall be met through rental units, including at least half in rental units available to families.

15. At least half of the units addressing the Township's Third Round fair share obligation must be available to families.

16. The Township agrees to comply with COAH's Round 2 age-restricted cap of 25 percent, and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the Township claim credit toward its fair share obligation for age-restricted units that exceed 25 percent of all units developed or planned to meet its Prior Round and Round 3 fair share obligations.

17. The Township and/or its administrative agent shall add the following entities to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5): Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002), the New Jersey State Conference of the NAACP, the Latino Action Network (P.O. Box 943, Freehold, NJ 07728), East Orange NAACP (P.O. Box 1127, East Orange, NJ 07019), Newark NAACP (P.O. Box 1262, Newark, NJ 07101), Morris County NAACP (P.O. Box 2256, Morristown, NJ 07962), Elizabeth NAACP (P.O. Box 6732, Elizabeth, NJ 07206), and the Supportive Housing Association. As part of its regional affirmative marketing strategies during implementation of its fair share plan, the Township and/or its administrative agent shall also provide notice of all available affordable housing units to the above-referenced organizations.

18. All affordable housing units created pursuant to the measures set forth in this Agreement shall comply with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be affordable to households earning at or below 35 percent of the regional median household income by household size, 13 percent of affordable units in such projects shall be required to be affordable to households earning at or below 30 percent of the regional median household income by household size subject to paragraph 11 herein, and all other applicable law. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law. The Township, as part of the Housing Element and Fair Share Plan that will be prepared, adopted and endorsed as a result of this Agreement, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.

19. Upon full execution of this Agreement, Maplewood shall notify the Court so that a Fairness Hearing can be scheduled to approve the Agreement. Maplewood will place this Agreement on file in the Township's municipal building and file a copy with the Court 30 days prior to the Fairness Hearing, at which the Township will seek judicial approval the terms of this Agreement pursuant to the legal standard set forth in Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), *aff'd o.b.*, 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. City of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). Notice of the Fairness Hearing shall be published at least 30 days in advance of the Hearing. After this Agreement is approved at the Fairness Hearing, Maplewood will have 120 days to prepare and adopt its Housing Element and Fair Share Plan and all of its implementing ordinances and resolutions, and will submit same to the Special Master and the Court for review. Immediately thereafter, the Township shall apply to the Court for the scheduling of a "Compliance Hearing" seeking judicial approval of Maplewood's adopted Housing Element and Fair Share Plan and other required documents. Although it is expected that the Special Master will provide the majority of the required testimony at both the Fairness Hearing and the Compliance Hearing, Maplewood shall also make its consulting planner and any other relevant witnesses available for testimony at the Hearings. FSHC shall not challenge the validity of any of the documents attached hereto, or the validity of the Township's Fair Share Plan. If the Fairness and Compliance Hearings result in approval of this Agreement and the Township's Fair Share Plan, the parties agree that the Township will be entitled to either a "Judgment of Compliance and Repose" ("JOR") or the "judicial equivalent of substantive certification and accompanying protection as provided under the FHA," 221 N.J. at 6, which shall be determined by the trial judge. Each party may advocate regarding whether substantive certification or repose should be provided by the Court, with each party agreeing to accept either form of relief and to not appeal an order granting either repose or substantive certification. Among other things, the entry of such an Order shall maintain Maplewood's immunity from all Mount Laurel lawsuits through July 2, 2025.

20. Subsequent to the signing of this Agreement, if a binding legal determination by the Judiciary, the Legislature, or any administrative subdivision of the Executive Branch determines that Maplewood's Round 3 obligation is decreased to 355 or less, with any relevant appeal periods having passed, the Township may file a proposed form of Order, on notice to FSHC and the Township's Service List, seeking to reduce its Round 3 obligation accordingly. Such relief shall be presumptively granted. Notwithstanding any such reduction, the Township shall be obligated to implement the Fair Share Plan prepared, adopted and endorsed as a result of this Agreement, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this Agreement; maintaining all mechanisms

to continue to address the remaining portion of the Township's allocation of the Round 3 regional need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or the Fair Share Plan adopted pursuant to this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township prevails in reducing its prospective need for Round 3, the Township may carry over any resulting surplus credits to Round 4.

21. The Township shall prepare a Spending Plan for approval by the Court during, or prior to, the duly-noticed Compliance Hearing. FSHC reserves its right to provide any comments or objections on the Spending Plan to the Court upon review. Upon approval by the Court, the Township and FSHC agree that the expenditures of funds contemplated in the Township's Spending Plan shall constitute the "commitment" for expenditure required pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period contemplated therein commencing in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). Upon approval of its Spending Plan, the Township shall also provide an annual Mount Laurel Trust Fund accounting report to the New Jersey Department of Community Affairs, Council on Affordable Housing, Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services.

22. On the first anniversary of the approval of this Agreement after a Fairness Hearing, and every anniversary thereafter through the end of this Agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. In addition to the foregoing, the Township may also post such activity on the CTM system and/or file a copy of its report with the Council on Affordable Housing or its successor agency at the State level.

23. The Fair Housing Act includes two provisions regarding actions to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:

- a) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
- b) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the approval of the Township's Housing Element and Fair Share Plan after a Compliance Hearing,

and every third year thereafter, the Township will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

- c) In addition to the foregoing postings, the Township may also elect to file copies of its reports with the Council on Affordable Housing or its successor agency at the State level.

24. This Agreement may be enforced by the Township or FSHC through a motion to enforce litigant's rights or a separate action filed in Superior Court, Essex County. If FSHC determines that such action is necessary, the Township consents to the entry of an order providing FSHC party status as an intervenor solely for purposes of its motion to enforce litigant's rights.

25. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement. However, if an appeal of the Court's approval or rejection of the Settlement Agreement is filed by a third party, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division, and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved by the Trial Court unless and until an appeal of the Trial Court's approval is successful, at which point the Parties reserve their right to return to the *status quo ante*. In this regard, the Township and FSHC acknowledge that the parties have entered into this Agreement to settle the litigation and that each is free to take such position as it deems appropriate should the matter return to the *status quo ante*.

26. The Township agrees to pay \$5,000 to FSHC, payable within 10 days of judicial approval of this Agreement pursuant to a duly-noticed Fairness Hearing.

27. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

28. This Agreement shall be governed by and construed by the laws of the State of New Jersey.

29. This Agreement may not be modified, amended or altered in any way except by a writing signed by both the Township and FSHC.

30. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

31. The Township and FSHC acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each person to sign this Agreement is the proper person and possesses the authority to sign the Agreement, that this Agreement contains the entire understanding of the Township and FSHC

and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

32. The Township and FSHC acknowledge that this Agreement was not drafted by the Township and FSHC, but was drafted, negotiated and reviewed by representatives of the Township and FSHC and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. The Township and FSHC expressly represent that: (a) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (b) it has conferred due authority for execution of this Agreement upon the persons executing it.

33. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both the Township and FSHC.

34. This Agreement constitutes the entire Agreement between the Township and FSHC hereto and supersedes all prior oral and written agreements between the Township and FSHC with respect to the subject matter hereof except as otherwise provided herein.

35. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which representatives of the Township and FSHC have executed and delivered this Agreement.

36. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the Township and FSHC by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: adamgordon@fairsharehousing.org

TO THE TOWNSHIP:

Erik C. Nolan, Esq.
Jeffrey R. Surenian & Associates, LLC
707 Union Avenue, Suite 301
Brielle, NJ 08730
Phone: (732) 612-3100
Telecopier: (732) 612-3101
Email: EN@Surenian.com

Roger Desiderio, Esq.
Bendit Weinstock, P.A.
80 Main St. - Suite 260
West Orange, NJ 07052

Phone: (973) 736-9800
Telecopier: (973) 325-3115
Email: rdesiderio@benditweinstock.com

**WITH A COPY TO THE
TOWNSHIP ADMINISTRATOR:**

Joseph F. Manning, Administrator
Township of Maplewood
574 Valley Street
Maplewood, NJ 07040
Phone: (973) 762-5264
Telecopier: (973) 762-3645
Email: twpadmin@twp.maplewood.nj.us

**WITH A COPY TO THE
COURT MASTER:**

Elizabeth K. McKenzie, PP/AICP
9 Main Street
Flemington, NJ 08822
Phone: (908) 782-5564
Telecopier: (908) 782-4056
Email: ecmcke@gmail.com

In the event any of the individuals identified above has a successor, the individual identified shall name the successor and notify all others identified of their successor.

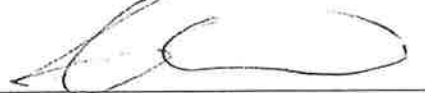
IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be properly executed, their corporate seals affixed and attested and this Agreement to be effective as of the Effective Date.

Witness/Attest:



FAIR SHARE HOUSING CENTER:

By:



Adam M. Gordon, Esq.
On Behalf of Fair Share Housing Center

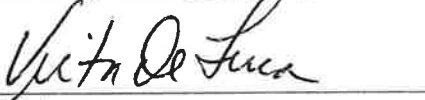
Dated: Aug 11, 2017

Witness/Attest:



TOWNSHIP OF MAPLEWOOD:

By:



Victor DeLuca, Mayor
On Behalf of the Township of Maplewood

Dated: September 5, 2017