

Waterlands
Park

2301

2303

Founders
Park

2300

13

14

3

2

1

Lackawanna Pl

Valley St

2302

2201

LACKAWANNA + VALLEY REDEVELOPMENT PLAN

THE TOWNSHIP OF SOUTH ORANGE VILLAGE, NJ



UNLOCKING POTENTIAL
IN PLACES YOU LOVE
60 Union Street, #1N
Newark, NJ 07105

Draft Date: March 24, 2021



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1. INTRODUCTION

The following pages provide a detailed and comprehensive vision for the revitalization of underutilized properties along the Valley Street corridor, near the historic downtown of South Orange Village (the "Village"). This Redevelopment Plan ("Plan") applies to the following properties, as depicted on the Township of South Orange Village's Tax Map: Block 2303, Lots 1, 2, 3, 13 and 14 (hereinafter referred to as the "Redevelopment Area," or "Area"). The goals of the Plan are to establish the planning and policy framework for the Redevelopment, effectuate the Village's planning goals, and determine a program for development. The principal goal of the Plan is to improve the quality of life and create public benefits for existing and future residents of the Village.

The Redevelopment Area is located along the western side of Valley Street and between Founders Park and Lackawanna Place. Situated along a primary commercial thoroughfare just south of the Village's downtown core, the Redevelopment Area occupies a convenient and visible location.

The Township of South Orange Village has determined that the use of the redevelopment powers granted to municipalities under the Local Redevelopment and Housing Law ("LRHL") (N.J.S.A. 40A:12A-1, et. seq.) would be the most effective approach to revitalize the parcels contained within the Valley/Lackawanna Redevelopment Area. Block 2303, Lots 1, 2, 3, 13 and 14 were designated as a non-condemnation area in need of redevelopment, under Resolution 2020-077, dated March 9, 2020. Resolution 2020-077 can be found in Appendix A.

Redevelopment Plan Objective

This Plan is intended to provide a regulatory framework for a needed and unique redevelopment opportunity near the Village's bustling Central Business District. With particular attention to site planning, building design, and public improvements, this Plan serves to increase the diversity of commercial options to members of the greater South Orange community and will permit additional commercial uses including self-storage and community uses along with several other bulk requirements and design standards.

Due to the Redevelopment Area's importance to the social and economic condition of South Orange Village, this Plan puts a premium on context-sensitive provisions that accrue benefits in the daily life of the community. The Area's prominence along one of the Village's primary corridors and adjacency to Founders Park acts as both a gateway for the Village's considerable assets, such as the train station and plethora of local business, and a destination for residents and visitors alike. As such, the building and site design should prioritize components that cater to an attractive and enjoyable pedestrian experience.



Figure 1: Map Redevelopment Area

In accordance with the LRHL [N.J.S.A. 40A: 12A-7(a)], this Plan establishes the following proposed requirements for the Redevelopment Area:

- A. Development Goals
- B. Land Uses
- C. Bulk Standards
- D. Design Criteria

The provisions set forth in this Plan shall overlay the zoning standards for the designated properties to apply more specific regulations and standards for this particular proposed vision. The Board of Trustees, acting as the Redevelopment Entity, shall make the final determination as to the consistency of a redevelopment project with this Redevelopment Plan.



2. LOCAL REDEVELOPMENT + HOUSING LAW

The Village determined that the use of the redevelopment powers granted to municipalities under the LRHL would be the most effective approach to revitalize the parcels contained in the Redevelopment Area.

On March 9, 2015, per Resolution #2015-45, South Orange Village adopted a village-wide rehabilitation designation.

The Area was designated by the Township of South Orange Village as an “Area in Need of Redevelopment,” in accordance with the LRHL on March 9, 2020.

The Township of South Orange Village does not intend to acquire any property within the Redevelopment Area for the purposes of executing this Plan.

For more information, refer to Local Redevelopment and Housing Law Regulations + Policy of N.J.S.A. 40A:12A-7.

3. RELATION TO OTHER PLANS

Pursuant to the LRHL, “all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan” (N.J.S.A 40A:12A-7(d)). This Plan is significantly consistent with and intended to effectuate the Village’s 1979 Comprehensive Master Plan and is also consistent with the following plans, as detailed in Appendix C. During the writing of this plan, the Village’s Comprehensive Master Plan was undergoing a complete update. Most of the update is in draft form. The recommendations and changes within this update were also consulted in the preparation of this redevelopment plan.

- Local Master Plan
- Local Master Plan Reexamination Report
- 2009 Vision Plan
- Essex County Master Plan
- Adjacent County Master Plan
- Adjacent Communities’ Master Plans
- NJ State Plans
- NJ Smart Growth Principles
- NJ State Strategic Plan

4. EXISTING CONDITIONS

4.1. Redevelopment Area Map



Figure 2: Map of Redevelopment Area + Surrounding Environment

4.2. Neighborhood Context

Valley Street Corridor Overview

The Redevelopment Area is part of the Valley Street Business District which is the second major business district in the Village. Valley Street runs parallel to both the Rahway River and the NJ Transit line. This commercial corridor is important as it links the southern portions of the Village with the Central Business District centered around South Orange Avenue. Downtown South Orange is an active, bustling community within the Village and is relatively close to surrounding communities, with nearby Maplewood and Orange about two miles away. This combination of centrality, commercial, and civic life creates an active, livable community that continues to be a model for other municipalities within New Jersey.

The site is located adjacent to the much-loved Founders Park and residential uses on Valley Street within the historic Academy Heights neighborhood. As a result of its convenient location and proximity to quality amenities, the Valley Street

Business District has seen significant redevelopment, such as the residential development of 3rd & Valley, a 215-unit redevelopment completed in 2016, located a block from the Redevelopment Area.

Neighborhood Connectivity



Figure 3: Map of Redevelopment Area + Transportation Context

The Redevelopment Area has frontage on both Valley Street and Lackawanna Place. Valley Street, located east of the Redevelopment Area, is also known as Essex County Route 638 and is a north-south thoroughfare that connects the downtown area to Maplewood. Valley Street is an Urban Minor Arterial that provides a single travel lane in either direction, spanning approximately six miles and carrying about 15,000 vehicles daily. Lackawanna Place is a side street of Valley Street and is a municipally owned right-of-way that has a terminus at the rail line.

Traffic and congestion are common, due to significant volumes and the inefficiencies of the Valley Street and Lackawanna Place cross-section. The sidewalk along Valley Street abutting the Redevelopment Area provides a ten-foot width for pedestrians, and the sidewalk along Lackawanna Place is about six feet wide. The sidewalk along Valley Street is in average condition, yet it does not help activate any uses along the heavily traversed roadway. The sidewalk along

Lackawanna Place is in average to poor condition with occasional cracks and is very unaccommodating to pedestrians. The Redevelopment Area has a total of five curb cuts which are mainly along Lackawanna Place that serve the various automobile service uses.

The Redevelopment Area is located just 0.4 miles from the South Orange Train Station, which equates to an approximate 9-minute walk. The South Orange Train Station is a significant transit asset for the Village and nearby residents, with approximately 4,200 boarding's on an average weekday on the Morris and Essex Line. The train provides convenient eastbound service to major employment centers in Newark and Midtown Manhattan, with travel times of 20 minutes and 35 minutes, respectively. Westbound service, with major New Jersey destinations like Summit, Chatham, and Morristown, is equally convenient, with more than four trains leaving the Village during peak morning and evening hours.

Mountain Station, also on the Morris and Essex Line is located near the eastern border of the municipality, approximately 1.3 miles from the Redevelopment Area. Mountain Station averages approximately 300 passengers a weekday.

Additionally, South Orange Village operates a bus jitney system consisting of four routes with stops in eight neighborhoods throughout the Village including several with connections to transit. The Village is also serviced by two NJ Transit bus lines: the 92- and the 107-bus lines. The 92-bus line provides connections to Newark's light rail system and Branch Brook Park. The 107-bus line provides a connection from West Orange through the Village, to New York's Port Authority Bus Terminal. The Redevelopment Area is also serviced by SHUfly, the Seton Hall shuttle service. All five of the routes currently offered by SHUfly run up and down Valley Street and past the Redevelopment Area.

4.3. Site Overview

The properties subject to this Plan are Block 2303, Lots 1, 2, 3, 13 and 14, also referred to as 311, 313 & 315-317 Valley Street and 1 & 15 Lackawanna Place. The combined lots occupy an area of approximately 38,774 square feet (0.89 acres).



Figure 4: Map of Redevelopment Area

Valley Street History + Conditions

Historically, Valley Street was predominantly a residential corridor with several hotels within a block of South Orange Avenue and attached dwellings further south along Valley Street. Today, Valley Street is home to a mix of retailers, offices and automotive businesses interspersed with multi-family residential uses. The corridor is characterized by structures that vary widely in age, scale, and architectural style. The throughfare consists of buildings of roughly one to four stories in height, with buildings from the late 19th and early 20th centuries built up against the street with minimal setbacks and newer structures from the 1950s and onward set back from Valley Street with front yard parking. Directly adjacent to the Area along Valley Street is the historical Founders Park which serves as a memorial and a passive recreational area for the Village.

Lackawanna Place History + Conditions

Lackawanna Place is a dead-end street that contains many automotive uses and residential uses. The residential dwellings located along Lackawanna Place have varying conditions and are not a permitted use under the existing Business B-3 District. At the corner of Lackawanna Place and Valley Street is a beauty salon and a commercial pet store, and towards the end of the street is the NJ Transit railroad. Lackawanna Place has had auto service-related uses since at least 1969 per Township records.

Site History

Based on the 1912 Sanborn map as shown in Figure 5, it appears that the block was historically only two lots with four framed buildings and one stone building. The Sanborn map also shows that the site was adjacent to the Valley Street Cemetery which is currently Founders Park.

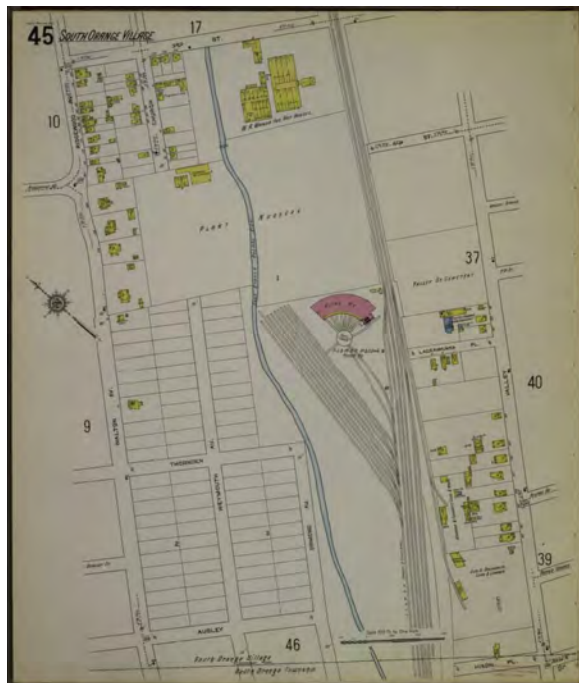


Figure 5: Sanborn Map of Valley Street Corridor (1912)

311 Valley Street (Block 2303, Lot 3) has a history of use changes dating back to 1950. In 1950, this lot received its business permit, and over time it has seen many uses such as a billiards club, doctors office, upper floor apartment, and convenience store. In 1995, this lot received a code violation for not removing rubbish such as junk cars, garbage, and machinery.

15 Lackawanna Place (Block 2303, Lot 14) was a Delta Mart in 1976 and is still currently an automotive use. In 2019, an underground oil tank was removed on this lot.

1 Lackawanna Place (Block 2303, Lot 13), as seen in the photograph below (Figure 6), has been used in the past for storage or automotive uses. In 1976, this parcel was used for the storage of non-flammable liquids, and in 1982 it became an auto repair shop, which is its current use today. This lot also has a history of code violations, dating back to 1988 based on Village records.



Figure 6: Photograph of 1 Lackawanna Place, undated

Existing Site Conditions

The properties comprising the Redevelopment Area contain many uses such as commercial, residential, and automotive. The five lots are occupied by a surface parking lot, commercial pet store, residential dwelling, mixed use building, and three automotive garages. The three automotive garages are used for repair, servicing, and storage. Within the Area along Valley Street is a mix of commercial and residential uses that do not exceed two stories. Lots 3 and 13 are directly adjacent to Founders Park, and the uses of these properties do not complement the historical park. Lot 14 has about 100% of building coverage by an automotive service garage, and Lots 1 and 2 consist of excessive improved coverage and have little to no green/open space.

Property Restrictions

Easements: According to the Land Title Survey prepared by Dynamic Survey, LLC, dated January 5, 2021, there is a sewer easement located on Lots 3 and 13. The sewer easement located on Lot 3 and Lot 13 is 10' wide and approximately is 325' long. There is a deed overlap with the NJ Transit railroad towards the rear of Lot 13 which covers a total area of 921.8 SF.

Contamination: The properties in the Redevelopment Area are not included on the Department of Environmental Protection's list of known contaminated sites. However, based on the Phase I Environmental Site Assessment and the Phase II Site Investigation, there are several recognized environmental conditions associated with the Site such as:

- Historic fill material
- Excavation and underground storage tanks
- Waste oil above ground storage tanks
- Automobile repair operations and compressor room
- Printing, machinery, industrial laundry, and furniture refurbishing operations
- Metallic anomalies and floor drain

The findings and results of the Phase I Environmental Site Assessment and the Phase II Site Investigation have suggested that the Site is best suited for non-residential use unless remediated to residential standards.

Slope: The majority of the Redevelopment Area has a significant slope, with the highest point of the Area located along Valley Street. The lowest point of the Area where it slopes down is located towards the rear of the site near the NJ Transit Railroad. There is a grading change of approximately 14' from Valley Street to the rear of the Area, sloping down in westerly direction from Valley Street along Lackawanna Place.

4.4. Parcel Analysis

The below information is based on site visits, municipal records, and the following surveys:

- Land Title Survey for prepared by Craig Black (LS License No. 24GB04257400) of Dynamic Survey, LLC, dated January 5, 2021.

Block 2303, Lot 1

This property is on the corner of Valley Street and Lackawanna Place and contains a 1-story commercial building and a surface parking lot towards the rear of the lot.

- Street Address: 315-317 Valley Street
- Area: 6,306 square feet (0.14 acres)
- Owner: 315-317 Valley Street LLC
- Current Use: Commercial

Block 2303, Lot 2

This property has frontage along Valley Street and contains a 2-story residential building, paved driveway, and garage.

- Street Address: 313 Valley Street
- Area: 4,371 square feet (0.10 acres)
- Owner: 313 Valley Street LLC
- Current Use: Residential

Block 2303, Lot 3

This property has frontage along Valley Street and contains a 2-story mixed use building. This Lot and Lot 14 share the same owner, and it appears that this Lot is also used to support the automotive use on Lot 14.

- Street Address: 311 Valley Street
- Area: 7,013 square feet (0.16 acres)
- Owner: Anthony Molinaro
- Current Use: Mixed Use

Block 2303, Lot 13

This property is located towards the rear of the Redevelopment Area, adjacent to the NJ Transit Railroad. The property contains two automotive garages and appears to store many cars.

- Street Address: 1 Lackawanna Place
- Area: 16,583 square feet (0.38 acres)
- Owner: David J. Fuller
- Current Use: Automotive/Commercial

Block 2303, Lot 14

This property has frontage along Lackawanna Place and contains an automotive garage and a paved driveway.

- Street Address: 15 Lackawanna Place
- Area: 4,501 square feet (0.10 acres)
- Owner: Anthony Molinaro
- Current Use: Automotive/Commercial

4.5. Zoning Analysis

This Redevelopment Area that has frontage along Valley Street and Lackawanna Place falls within the Business B-3 (General Business) district. The following sections list land uses and specifications permitted in this zoning district.

Existing Zoning Map



Figure 7: Map of Existing Zoning in vicinity of the Redevelopment Area

Existing Permitted Uses in the Business B-3 District:

- Any use permitted in the B-2 Secondary Business District. (see Appendix D)
- Research, testing and experimental laboratories.

- Light manufacturing, fabrication and assembly operations.
- Warehousing and storage of nonflammable liquids or nonexplosive materials.
- Express carting or hauling offices and stations, but not including trucking terminals.
- Equipment storage.
- Newspaper or job printing.
- The sale and storage of lumber, fuel and building materials.
- Wholesale storage and display.
- Bowling alleys, swimming pools, sports arenas and gymnasiums.
- Off-street parking facilities.
- Restaurants, convenience stores, retail markets and catering kitchens.

Existing Accessory Uses in Business B-3 District:

- Any accessory use permitted in the Business B-1 District.
(see Appendix D)
- Outdoor storage subject to Ordinance section §185-127.
- Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food

Existing Conditional Uses in the Business B-3 District:

- Any conditional use permitted in the Business B-2 Districts.
(see Appendix D)
- Churches, synagogues and other religious and nonprofit schools for day students only.
- Fast-food restaurants.
- Any accessory use permitted in the Business B-1 District.
- Outdoor storage subject to Ordinance section §185-127.
- Arcades.
- Adult entertainment/retail establishments (subject to the requirements of Ordinance section §185-191).
- Telephone time sales services.

Existing Bulk Standards in the Business B-3 District:

- The following table lists the bulk standards for the B-3 District:

Bulk Requirements	B-3 District*
Min. Lot Area	20,000 SF
Min. Lot Width	75'
Min. Front Yard Setback	15'
Min. Side Yard Setback	5'
Min. Rear Yard Setback	25'
Max. Lot Coverage	35%
Max. Building Height	3 stories/36'
Max. Floor-area-ratio	1.6
* Additional regulations are provided in the footnotes of the bulk table and should be consulted.	



5. PUBLIC PURPOSES + GOALS

5.1. Land Use

- A. Remove non-permitted uses and buildings in state of disrepair and permit a sustainable mixed-use development.
- B. Enhance the historic community commercial and neighborhood fabric by requiring the development to connect to Founders Park.
- C. Employ appropriate bulk standards for the size and location of the site to encourage suitable and sustainable development given topographical constraints.
- D. Connect the built environment to open space.
- E. Enhance the Valley Street corridor with wider sidewalks and streetscape improvements.
- F. Contribute to the economic success of the community by creating new business opportunities and increasing the local customer base.
- G. Enhance Valley Street and Lackawanna Place with architectural design that respects the character of the area, which contains a range of styles, but shares appreciation for warm colors, articulation and trim, and high quality of materials.
- H. Design ground-floor spaces that contribute to the human-scale experience and enhance the Founders Park connection.
- I. Improve the quality of groundcover and remediate contamination from the prior industrial uses and existing automobile service uses.
- J. Improve the public health, safety, convenience, and welfare of its citizens while assuring that the growth of the community is consonant with surrounding character.
- K. Provide ample loading spaces to facilitate the self-storage use.

5.2. Enhance Public Space

- A. Improve the visual character and the physical safety of the Valley Street corridor through landscaping, architectural, and streetscaping design elements.
- B. Coordinate design for streetscape elements that utilize similar plantings, visual cues, and sidewalks to create a uniform and attractive public realm.
- C. Provide dedicated ground floor community space connected to Founder's Park to serve residents and visitors alike.
- D. Activate and enhance Founder's Park with movie screen on parkside façade.
- E. Enhance the utility of Founder's Park through new utility connections for water and electricity.
- F. Expand public access to Founder's Park with additional bicycle parking facilities.

5.3. Green Infrastructure + Sustainable Design

- A. Construct sustainable buildings that are durable and energy efficient.
- B. Incorporate street trees, bioswales, and other green infrastructure elements into planned building and landscaping designs to reduce runoff and improve local water quality.
- C. Integrate solar panels and/or reflective roof materials on top of the principal structure to compensate for excessive building coverage and to reduce the urban heat island effect.
- D. Maximize water capture and reduce pooling during heavy precipitation events through the use of passive non-structural stormwater management techniques.
- E. Support the implementation of Energy Star features, materials and systems that reduce the environmental impact of new development.
- F. Encourage new sustainable design features to enhance the development and influence future projects.
- G. Minimize light pollution by requiring downward facing fixtures, LED bulbs, maximum footcandle levels, and reduction of non-essential lights overnight.

5.4. Economic Development in Transit District

- A. Support ongoing redevelopment and reinvestment within Township of South Orange Village through the accommodation of diverse uses within the Valley Street corridor.

- B. Increase the number of people and foot traffic along the Valley Street corridor to provide a critical mass to maintain and grow retail, businesses, events, and specialized programs throughout the corridor.

5.5. Blight Elimination

- A. Safeguard the health, safety, and welfare of the residents of Township of South Orange Village through the repositioning of underutilized property that can contribute to the economic wellbeing of the Village.

6. LAND USE

6.1. Permitted Uses

A. Principal Uses

- Community Space
- Commercial Use
- Office use
- Self-Storage
- The site may contain more than one permitted principal uses so long as the combination meets the parking requirements.

B. Accessory Uses & Structures

- Off-street parking
- Signs
- Accessory buildings and structures normally incident and subordinate to the principal use.
- Parks, plazas and open space and open or enclosed walkways or malls.
- Cooking facilities and storage related to community space.
- Offices and lobbies associated with self-storage use.

C. Prohibited Uses

- Any uses not specifically permitted shall be considered prohibited.

6.2. Area + Bulk Requirements

The Site is a corner lot, and as such will have two frontages and two front yards. The Valley Street frontage shall be considered the primary frontage for the purposes of lot width and lot depth.

- A. Community Space on Valley Street Frontage (minimum): 1,000 SF; the storefront of this space shall lie along the Founders Park and Valley Street frontage
- B. Leasing Office Space including break rooms, closets, etc. (maximum): 2,000 SF
- C. Lot Area (minimum): 38,000 square feet (0.87 acres)
- D. Lot Width (minimum): 110'

- E. Lot Depth (minimum): 300'
- F. Impervious Coverage (maximum): 93%
- G. Building Coverage (maximum): 85%
- H. Floor Area Ratio (FAR) (maximum): 3.4
- I. Setbacks: For the purposes of this Redevelopment Plan, the following designations apply to frontages:
 - Front Yards: Valley Street and Lackawanna Place
 - Side Yard: Founders Park
 - Rear Yard: Railroad Right-of-Way
 - i. Front Yard Setback (Valley Street):
 - The building shall be setback a minimum of 15' from the property line.
 - Canopies and cornices up to 4' extension shall be excluded from the setback requirements.
 - ii. Front Yard Setback (Lackawanna Place):
 - The building shall be setback a minimum of 5' from the property line.
 - Canopies and cornices up to 4' extension shall be excluded from the setback requirements.
 - iii. Side Yard Setback:
 - The building shall be setback 0'-10' from the property line.
 - iv. Rear Yard Setback:
 - The building shall be setback an average of 12' from the rear property with no point closer than 9'.
 - v. Projections: Redevelopers shall be responsible for obtaining approval from applicable county, regional, and state agencies for any public improvements, public access or building projections beyond the right of way line.
- J. Building Height
 - i. Maximum Height: Valley Street Façade
 - 36' measured from the average grade at the perimeter of the building at the two points of the front façade to the highest part of the building at that façade.
 - ii. Maximum Height: Rear Façade

- o 42' measured from the average grade at the perimeter of the building at the two points of the rear façade to the highest part of the building at that façade.
 - iii. Maximum Height: no point of the building shall be more than 45' from the perimeter of the building to the highest point of the building.
 - iv. Height Exemptions:
 - o Solar panels and similar sustainable or environmentally friendly mechanical equipment or appurtenances less than 10' tall shall not be counted to overall height.
 - o A parapet no higher than 5' tall shall not be included in the maximum height calculation.
 - o Rooftop screening shall not be counted to overall height.
 - v. Maximum Stories: 4 Stories
- K. Ground Floor Height (Valley Street) (minimum floor-to-floor): 11'

6.3. General Requirements:

A. Accessory Use Requirements

- i. Fence Height (maximum): 6' for fences and walls, including retaining walls, stairwells, utility screening, trash enclosures, etc.
- ii. Accessory Building Height (maximum): 10' for all other accessory uses such as sheds, gazebos, etc.
- iii. Rear Yard Setback (minimum): 3'
- iv. Side Yard Setback (minimum): 6'
- v. Must be visually screened from public view and adjacent residential properties with materials complementary to the principal building architecture.

B. Vehicle Parking and Circulation Requirements

- i. All on-site parking areas shall meet or exceed Americans with Disabilities Act (ADA) standards and NJ Barrier Free Subcode.
- ii. Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
- iii. Self-Storage Off-Street Parking Spaces (minimum): 1 space per 22,000 GFA (gross floor area) of building area (of which one must be ADA compliant)

- A maximum of 70% of total parking spaces may be oversized/loading spaces with a minimum dimension of 10' wide and 30' long.
- A minimum of 30% of all parking spaces must be standard parking spaces with minimum dimensions of 9' wide and 18' long for standard parking spaces and 8' wide and 22' long for parallel parking spaces.
- Up to 10% of the total parking spaces provided may be compact parking spaces with dimensions of 8' wide and 16' long for standard parking spaces and 8' wide and 20' long for parallel parking spaces.
- iv. Community Space Off-Street Parking Spaces (minimum): 0 spaces
 - A minimum of 1 bicycle parking space per 300 SF of community space shall be provided.
- v. Commercial Off-Street Parking Spaces (minimum): 1 space per each 1,000 GFA of building area above 3,000 GSF of building area (of which ADA compliant stalls shall be provided in accordance with current federal standards).
 - Parking spaces must be standard parking spaces with minimum dimensions of 9' wide and 18' long for standard parking spaces and 8' wide and 22' long for parallel parking spaces.
 - Up to 10% of the total parking spaces provided may be compact parking spaces with dimensions of 8' wide and 16' long for standard parking spaces and 8' wide and 20' long for parallel parking spaces.
- vi. Office Off-Street Parking Spaces (minimum): 1 space per each 1,000 GFA of building area above 3,000 GSF of building area (of which ADA compliant stalls shall be provided in accordance with current federal standards).
 - Parking spaces must be standard parking spaces with minimum dimensions of 9' wide and 18' long for standard parking spaces and 8' wide and 22' long for parallel parking spaces.
 - Up to 10% of the total parking spaces provided may be compact parking spaces with dimensions of 8' wide and 16' long for standard parking spaces and 8' wide and 20' long for parallel parking spaces.
- vii. Any changes to on-street parking are subject to approval from the Board of Trustees.
- viii. All existing on-street parking shall be maintained for public use unless modifications are approved by the Board of Trustees.

- ix. The site may not have more than two curb cuts. There shall be no driveway/curb cuts on Valley Street.

C. Bicycle Parking Requirements

- i. The required bicycle parking must provide spaces for at least 8 bicycles.
- ii. The required bicycle parking may be provided off-site but must be within 200' of the community space entrance. All required outdoor bicycle parking must be convenient and accessible to a main building entrance and street access.
- iii. Additional bicycle parking may be required as part of the final design for improvements to Founders Park included as an exhibit to any executed redevelopment agreement.
- iv. Outdoor bicycle parking shall be sited in a highly visible location, such as within view of passers-by, retail activity, office windows, an attendant or other personnel to discourage theft and vandalism and promote awareness of existence and availability.
- v. Outdoor bicycle parking shall be located so as not to block the pedestrian path on a sidewalk or within a site. A minimum of 6' of unobstructed passage when parking is in use is required on public sidewalks.
- vi. Bicycle racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.
- vii. All bicycle racks shall be located at least 24" in all directions from a wall, door, landscaping, or other obstruction that would render use of the racks difficult or impractical.
- viii. Site plans shall show the proposed location of bicycle parking/storage facilities on the site and on the building floor plan design. A construction detail of the bicycle rack or other storage facilities shall be provided.

D. Traffic Impact Statement Summary

The redeveloper shall conduct a Traffic Impact Study for the proposed uses, which shall be submitted to the Village Redevelopment Entity prior to any execution of a Redeveloper Agreement.

The traffic study shall conform with applicable standards published by the Institute of Traffic Engineers. The primary purpose of the traffic study is to determine whether additional infrastructure improvements will be necessitated by redevelopment of the Project Area. This study should contain an evaluation of any anticipated impact to surrounding streets, particularly

relating to traffic congestion or strains on available parking supply. In addition, consideration should be given for whether an on-street loading area would be mutually beneficial for other commercial uses.

Any improvements required in connection with implementation of this Plan shall be included in a redeveloper agreement to be executed by designated redeveloper(s) and the Village.

This study shall include, but shall not be limited to, an assessment of existing off-site features within the traffic study area as defined below:

- o Traffic control devices
- o Pedestrian crossings and sidewalks
- o Geometries of existing and proposed rights-of-way
- o Off-and-on-street loading areas
- o On-street parking
- o Interaction with nearby driveways and access points
- o Potential project impacts to adjacent streets
- o Potential project traffic calming strategies

7. DESIGN STANDARDS

7.1. Building Design

- A. The building design shall follow the general vision and goals of the example images below and utilize warm colors, brick, metal trim, glass, iron, wood, and other high-quality materials for the front facades. Particular attention should be given to the building entrances and corners. The final building design is to be presented at the Planning Board for approval. Renderings may also be required as an attachment to a Redevelopment Agreement to be executed between the municipality and redeveloper.



Source: Rendering Provided by Marchetto Higgins Stieve



Source: <https://www.insideselfstorage.com/facility-design/rise-lifestyle-storage-and-evolution-facility-use-and-design>

- B. Transparency: Fenestration for ground-floor shall provide a clear view into the interior in order to create an active streetscape and provide for the safety of the establishment. No windows on the ground-floor shall be blocked with temporary signs, interior partition walls, product displays, or other sightline obstructions. No windows on the upper floors shall be blocked with temporary signs or branding material except that interior partition walls may be provided if recessed a minimum of 30" from the window and approved by the Board.

The minimum transparency shall be measured as the total lineal footage of transparent storefront glazing along the Valley Street frontage as well as the front 40 linear feet of building façade along Founders Park and front 60 linear feet along Lackawanna Place.

- i. Ground-Floor Transparency (minimum): 60%
 - ii. Upper-Floor Transparency (minimum): 30%
- C. No blank walls shall be permitted along the front façades. Articulation or depth in the form of material changes, shadow windows, or brickwork shall be used to break up an otherwise flat wall. Art, green walls, or other similar strategies may be utilized to mitigate the impacts of blank walls.
- D. No unfinished cement block shall be permitted on any exterior façade.
- E. Fire escapes and secondary paths of egress are to be internal.

- F. Folding window walls or other opportunities for extensive glazing and flexible frontages on ground floor façades facing Valley Street and Founders park are encouraged.

7.2. Founders Park Enhancements

- A. Given the parks immediate adjacency to the beloved Founders Park, the Township is expecting significant enhancements and coordination between any development proposed under this Redevelopment Plan and the Park. Additional landscaping, hardscaping, pedestrian connectivity, and creatively designed programmable spaces within Founders Park shall be provided subject to Developers Agreement. The Friends of Founders Park shall be consulted in the preparation of park improvements to ensure ongoing coordination with other park improvement efforts.
- B. Part of the façade adjacent to Founders Park shall be designed and suitable to host movie nights, community events and potential a small stage for live music or festivals.
- C. A dedicated community space shall be provided within the building that provides access to the Village, the Academy Heights Neighborhood Association and Founders Park Conservancy that should include the following:
 - i. Bathroom facilities, at least one of which shall be accessible from the exterior of the building from the park
 - ii. Flexible meeting space with hospitality facilities and storage
 - iii. A tool storage space to assist with volunteer gardening activities
 - iv. New water and electrical utility connections within the park to assist with volunteer maintenance activities and community programming
- D. Any improvements shall be designed by a licensed landscape architect and approved as an exhibit to any adopted redevelopment agreements.

7.3. Sustainable Design

- A. The building shall be Energy Star qualified and all artificial lighting within the development shall be LED lighting that is operated by a motion sensor.
- B. Developer to make best efforts for building orientation and windows to be designed to maximize the use of natural light such as daylighting techniques, paint color choices, building materials, and window types.
- C. Customer education signage shall be in a visible location on every floor listing and say 1) what items should not be stored inside the unit, and 2) list environmental/sustainable techniques employed in the building.

- D. The redeveloper shall design all buildings to incorporate at least one of the following primary sustainable design features within the development:
 - i. Solar panels on at least 25% of suitable roof surface
 - ii. Rainwater harvesting system with a storage capacity of no less than 200 gallons connecting to Founder's Park garden/green space. Evergreen buffering shall be provided between the rainwater cistern and the right-of-way to minimize visual impacts
 - iii. Green wall(s) (minimum): 500 SF
 - iv. Meet LEED standards
- E. The redeveloper shall design all buildings to incorporate at least two of the following secondary sustainable design features within the development:
 - i. Double paned, low-emissivity 1" insulated glazing
 - ii. Low flow plumbing fixtures
 - iii. High performance, energy efficient HVAC system that provides air conditioning, heat, and air circulation
 - iv. Rain garden(s) or bioswale(s) larger than 60 SF total
 - v. Rainwater harvesting systems smaller than 200 gallons
 - vi. Solar panels less than 25% of roof
 - vii. Green walls smaller than 500 SF

7.4. Signage

- A. A minimum of one sign per use shall be installed. Colors and/or materials of all signs shall be complementary to each other.
- B. The total area of marketing-related signage, including wall signs, projecting signs, canopy signs, and window signs shall not exceed 200 SF on the Valley Street frontage, and 100 SF on the Lackawanna Place frontage.
- C. One sign related to the community and/or park uses may be provided on the side façade facing Founders Park but shall not exceed 120 SF. Murals are not subject to the maximum size requirement and shall follow the procedure established in the corresponding Village Ordinance.
- D. One blade sign may be provided per use, not to exceed 45 SF each, and shall not project more than 3' off the façade.

- E. Signs may be installed above the ground floor architectural/sign band as allowed by the Approving Authority but shall not exceed 100 SF on Lackawanna Place and 140 SF on Valley Street.
- F. No signs shall be provided outside of the front 60 linear feet of the Lackawanna Place façade. This shall not apply to those required for safety or wayfinding, as determined by the Approving Authority.
- G. No sign shall be internally illuminated. External fixtures and/or back-lit channel letters are encouraged.
- H. Illuminated signage shall be turned off between the hours of 10pm and 6am, with the exception of those required for safety or wayfinding, as determined appropriate by the Approving Authority.
- I. Unless specified above, all signage shall comply with the Article 185-XXIII of the Village's Land Development Ordinance at the time of execution of the redevelopment agreement.

7.5. Lighting

- A. Lights are to be provided at a minimum of 60' intervals along all public streets and near bicycle and pedestrian facilities accessible to the public and should be no taller than 20' measured from average grade. Minor deviations of mounting height to accommodate grade change may be requested and approved by the Board.
- B. Lights are to be fully enclosed/shielded, full cut off fixtures to prevent light spillage onto off-site properties or upward into the sky. Lighting is to be LED lamps providing "warm-white" light (CCT<3,500 K or S/P ratio <1.2) and not less than one-half horizontal foot-candle average lighting level at the surface.
- C. Any pathways shall be lit for pedestrians at a minimum footcandle level of 2 fc.
- D. All lighting shall be directed away from all adjacent lots, with the exceptions of building mounted fixtures that service the Founders Park.
- E. All lights not required for safety and security should be off between the hours of 11:00 pm and 5:00 am. All lights are to be dimmable and capable of control by timer.
- F. Developer shall propose a palate of fixtures and finishes for lighting that complement the building architecture. "Cobra" type light fixtures shall be prohibited.
- G. Lighting at crosswalks should be maximized using best practices.

- H. Spillover greater than 2 fc into the cartway requires approval from the Board Engineer.

7.6. Streetscape

A. ADA Accessibility

- i. All new publicly accessible spaces shall comply with ADA and NJ Barrier Free Subcode.

B. Qualified Designer

- i. Streetscape: A licensed landscape architect shall prepare streetscape submissions to the Planning Board. Amenities should include considerations for sustainability, aesthetics, placemaking, safety and accessibility.
- ii. Founders Park: Any improvements to Founders Park specified in a Redevelopment Agreement shall be designed by a licensed landscape architect. A licensed landscape architect approved by the Village shall prepare plans for improvements within Founder Park. This may be separate of any applications related to the site plan required as a part of this project. Streetscape submissions prepared by non-qualified professionals will be deemed incomplete. Amenities should include considerations for sustainability, placemaking, safety, and accessibility.

C. Façade Design

- i. Streetscape and building façades shall be designed to indicate a clear sense of entry to the building. Best efforts shall be made to coordinate plaza areas with the architectural composition and vernacular of the adjacent façade.

D. Sidewalks

- i. The area between the curb and the building along Valley Street shall include, at minimum, a 12' wide sidewalk, and a 3' wide planting/landscaped area at the base of the building.

- ii. The area between the curb and the building along Lackawanna Place shall include, at minimum, a 6' wide planting strip, a 5' wide sidewalk, and a 1' wide planting/landscaped area at the base of the building.



Figure 8: Image of Example Front Yard for Lackawanna Place

- iii. At least one trash receptacle, one recycling receptacle, and one bench shall be provided in the Valley Street sidewalk area.
 - iv. Any street furniture and streetscape provided shall be located such that a minimum of 8' on Valley Street and 5' on Lackawanna Place of unobstructed sidewalk remains for the safe passage of pedestrians. The palate of furniture, fixtures, and finishes should complement the building architecture and are human-oriented.
 - v. ADA compliant tactile pavers shall be used to define the edge of any service drive or driveways.
- E. Landscaping
- i. Street Trees

- o Tree pits along Valley Street shall be a minimum of 4' wide and 7' in length. Raingardens and/or bioswales in tree pits are encouraged.
- o Pollution resistant street shade trees are to be planted along both Valley Street and Lackawanna Place, at regular intervals of 25' on center.
- o Trees shall be a minimum of 3.5" caliper measured at 8" above the grade.
- o Tree irrigation bags must be installed and maintained for at least 6 months after planting.
- o Tree grouping or clustering is encouraged.
- o Locations that are not reasonably feasible due to lack of sun exposure, conflicts with utilities, or other contextual challenges may replace the requirement to provide street trees with alternative plantings or streetscape design.
- ii. Foundation landscaping shall be provided at building setbacks, either at-grade or in raised planter beds.
 - o Shrubs and groundcover shall be planted to create a continuous row of foundation landscaping subject to final review and approval by the Planning Board.
 - o The utilization of downspout planters is encouraged for the treatment of stormwater from building rooftops.
- iii. Coordinate public space and streetscape elements to utilize similar neighborhood plantings, visual cues, and sidewalks to create a uniform and attractive public realm.
- iv. Rain gardens and bioswales are encouraged to the greatest extent practicable.

7.7. Utility Equipment

- A. All utility equipment shall follow the following requirements:
 - i. Location: Ground-mounted utilities and pole-mounted utilities are only permitted in the rear of the Area.
 - ii. Screening: All utility equipment must be screened from view with either landscaping, fencing, or architectural strategies such as parapets. Any screening should be complementary to the colors and materials of the façade and minimize visual impacts.

- iii. Preliminary approval by PSE&G for transformer location should be obtained prior to execution of Redeveloper Agreement.
- iv. Water infrastructure will include backflow valves, individual metering and pressure regulator/reducer valves.
- v. The building will provide Bi-Directional Antenna (BDA) (T0109 – Radio Communication Equipment and Accessories or similar) to enable emergency service communications throughout the building.

B. Rooftop Utility Requirements:

- i. Rooftop appurtenances, such as but not limited to, HVAC equipment, elevator housing, exhaust pipes, water meters and other mechanical equipment are to be fully screened from view as measured from 5'-5" above grade at the property line(s) parallel to the far side of the adjacent right-of-way.
- ii. Total Area (maximum): Utilities may cover up to 10% of the roof area.
- iii. Utilities Height Above Roof (maximum): 6'
- iv. Setbacks (minimum): 30' from all building edges
- v. Vertical bulkheads, mechanical equipment and related appurtenances may be exempt from the total building height if under 6' tall, less than 10% of the roof area, and properly screened.
- vi. Solar panels on the roof shall be exempt from all rooftop utility requirements.



8. AFFORDABILITY

The New Jersey Non-Residential Development Fee applies which requires a development fee equaling 2.5% of the equalized assessed value of constructed improvements. Compliance with the Developer's Fee Ordinance is required.



9. ADMINISTRATION

9.1. Validity of Plan

If any section, subsection, paragraph, division, subdivision, clause or provision of this Plan shall be deemed by a court of competent jurisdiction to be invalid, such part(s) shall be severed and the invalidity thereby shall not affect, impair or invalidate the remainder of the Plan.

9.2. Computations

When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

9.3. Other Actions by the Village in Furtherance of the Plan

Other actions may be taken by the Village in its sole discretion, to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment. The costs for such actions shall be borne by the designated redeveloper(s).

9.4. Village Designation – Redevelopment Agreement

- A. Usage of the word “developer”: Anytime the word “developer” is utilized in this Plan, the same shall mean the redeveloper or redeveloper(s) that are to be designated by the Village in accordance with this Plan.
- B. Standing before Planning Board: Only redevelopers designated by the Village by resolution of the Township of South Orange Village Board of Trustees may proceed to implement the redevelopment projects set forth in this Plan before the Planning Board. In order to assure that the vision of this Plan will be successfully implemented in an effective, comprehensive and timely way, and in order to promptly achieve the public purpose goals of this Plan, the Board of Trustees, acting as the Redevelopment Entity, will select the redeveloper(s) in all areas governed by this Plan. Any party not specifically designated as the “redeveloper” as set forth above shall not have the standing to proceed before the Planning Board for site plan approval.

- C. Procedural Standards for Redeveloper Applications: All designated redeveloper(s) will be required to execute a redevelopment agreement satisfactory to and authorized by the Village. The procedural standards described here will guide redeveloper selection. The Board of Trustees, acting as the Redevelopment Entity may, at any time, entertain unsolicited proposal(s) from a prospective redeveloper(s) for redevelopment of one or more parcels until such a time as a redevelopment agreement is executed for such a parcel. The selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Village as deemed appropriate to the particular project sites.):
- i. Conceptual plans and elevations sufficient in scope to demonstrate that the design approach, architectural concepts, number and type of dwelling units, if any, retail and or commercial uses, parking, traffic circulation, flood mitigation, landscaping, open space, construction schedule, including estimated pre-construction time period to secure permits and approvals, and other elements are consistent with the objectives and standards of this Plan.
 - ii. Documentation evidencing the financial responsibility and capability of the proposed redeveloper with respect to carrying out the proposed redevelopment including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, financing plan, and financial profile of the redeveloper entity and its parent, if applicable.

9.5. Approval Process

This Plan requires the redeveloper to submit all plans to the Board of Trustees for review and authorization to proceed before the Planning Board prior to submitting a site plan or subdivision application to the Planning Board. Where specificity is not provided in this Plan, particularly but not exclusively regarding parking decks, roadways, open space and landscaping, such specificity shall be provided to the Board of Trustees for review and authorization prior to submission to the Planning Board and execution of a redevelopment agreement. The Township, by and through the Board of Trustees, acting as the redevelopment agency, will be required to review and authorize same as a condition precedent to submission of an application before the Planning Board.

- A. Village Review: The Board of Trustees, acting as the Redevelopment Entity, shall review and approve, in a manner consistent with redevelopment plan and municipal master plan all proposed redevelopment projects within the Redevelopment Area to ensure that such project(s) is consistent with the Redevelopment Plan and any relevant Redeveloper Agreement(s). Such review shall occur prior to the submission of an application for approval of the redevelopment project(s) to the Planning Board. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.
- B. Schedule: Prior to any submission to the Planning Board, the redeveloper shall submit a site plan package for review and approval by the Board of Trustees, in consultation with its consultants. This site plan package may, as the Board of Trustees may require, include, but is not limited to, the documents listed below. The Board of Trustees may request additional reasonable analyses and information as required to make a decision. All submissions shall meet design standards enumerated in this redevelopment plan and indicated any variances from this redevelopment plan.
- i. Boundary survey of the property Including easements, water bodies, parcel numbers, street names, route numbers, adjacent properties and other landmarks.
 - ii. The location, size, height, floors and use of all proposed and existing buildings.
 - iii. The location, size and type of all parking spaces, loading areas and sidewalks.
 - iv. A landscaping plan.
 - v. The location of any outside storage of equipment, supplies, materials, or vehicles.
 - vi. The height, location, type, lighting and square footage of proposed signage.
 - vii. The location, type and size of all entrances to the site or rights-of-ways located on or adjacent to the site.
 - viii. The location, type and size of any primary drainfields or reserved drainfields.
 - ix. The location, size and type of any trash disposal facilities.
 - x. Outside lights, streetlights or other lighting mechanisms.

- x. Existing and proposed finished contours at two (2) foot intervals.
 - xi. The location of any buffers, including berms, trees and fencing, used to minimize the visual, sound, lighting or any other negative impacts of the project.
 - xii. The location of all utility lines.
 - xiii. The location of any conservation easements dedicated open space, recreational facilities or similar areas.
 - xiv. The location of any emergency service facilities, such as fire suppression lines, hydrants or other facilities.
 - xv. The location of any permanent stormwater management structures or devices.
 - xvi. The location and type of soils, water features and wetlands.
 - xvii. A schematic drawing, artist rendition or elevation drawing of the site and any buildings located on the site.
 - xviii. The location and size of any monuments, statues or similar features.
 - xix. The location of any rights-of-way, adjacent or nearby road improvements and uses of adjacent properties.
 - xx. An Erosion and Sediment Control Plan that meets the regulatory requirements.
 - xxi. Any local, county, state or federal permits required for development of the site.
 - xxii. Founders Park concept plan
 - xxiii. Community space concept plan
 - xxiv. A fiscal impact statement and traffic impact statement consistent with the Redevelopment Plan.
- C. Planning Board Review Process: After the Village review process noted above is completed, all development applications shall be submitted to the Township of South Orange Village Planning Board through the site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Plan incomplete if the applicant has not been designated by the Board of Trustees as a redeveloper(s), a redevelopment agreement has not been fully executed and the development application is not submitted with a letter of approval from the Board of Trustees.

- D. Site Plan + Subdivision Review: Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Planning Board of the Township of South Orange Village so that compliance with this Plan can be determined.

Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Plan and the subdivision ordinance of the Township of South Orange Village. No construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

In addition to the above-mentioned items, the following items shall be submitted as part of a site plan application:

E. Mandatory Submissions

- i. All leases, licenses or agreements securing parking requirements.
- ii. Technical loading and unloading study including but not limited to a list of expected deliveries, analysis of loading space required for each delivery, and the ability to specify the delivery time of each delivery.
- iii. Copy of applications or conceptual designs that have been or will be submitted to NJDOT, NJDEP or the County.
- iv. Streetscape/landscape design package including name of designer and design drawings.

- F. Conditional Submissions: When proposing the use of ground mounted electrical transformers within the confines of the Redevelopment Area, a narrative explanation shall be provided that identifies other possible locations and feasibility considerations of each site and provides an explanation for the reasonable infeasibility of alternative sites.

When proposing accessory roof decks, a report including design drawings and operations shall be provided.

- G. Approvals by Other Agencies: The redeveloper shall be required to provide the Village with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redevelopment Agreement to be executed between the redeveloper and the Village.

9.6. Deviations

The Planning Board may grant deviations from the regulations contained within this Plan where, by reason for exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting 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 Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Plan. An application for a deviation from the requirements of this Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b. Notwithstanding the above, any changes to the uses permitted in this Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the Board of Trustees, and only upon a finding that such deviation be would be consistent with and the furtherance of the goals and objectives of this Redevelopment Plan.

9.7. Severability

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

9.8. Adverse Influences

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

9.9. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be effected or executed by the Township of South Orange Village or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Township of South Orange Village, or the developer, upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender.

9.10. Redevelopment Actions

The Village shall have such powers and duties as set forth in the LRHL and as may be conferred by this Plan.

9.11. Relocation Requirements

Implementation of this Plan may require the displacement and relocation of businesses located within the Redevelopment Area. At the time of property acquisition, the actual extent of displacement will be confirmed, and if it is necessary, a Workable Relocation Assistance Plan will be prepared and submitted to the New Jersey Department of Community Affairs for approval. The Village will comply with the requirements of the New Jersey State relocation statutes and regulations as applicable and will provide all benefits and assistance required under applicable law.

9.12. Escrows

At a minimum, the Redevelopment Agreement shall provide that the redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the Village and the professional consultants retained by the Village to negotiate the Redevelopment Agreement, undertake any studies in connection with the project, review the proposed redevelopment project and advise the Village on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

9.13. Infrastructure

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection of traffic control measures, water service, sanitary sewer

service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on and off-site traffic controls and road improvements for the project or required due to the impacts of the project.

9.14. Procedures for Amending the Plan

This Plan may be amended from time to time upon compliance with the requirements of state law. A request for same may be submitted to the Board of Trustees. The Township of South Orange Village reserves the right to amend this plan. A non-refundable application fee of \$10,000 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Village. The Village, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals as may be required by the Village.

9.15. Redevelopment Plan Duration

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restriction with respect thereto shall be in effect until rescinded or superseded by the Township of South Orange Village Board of Trustees.

9.16. Certificates of Completion

Upon completion of a project, the developer shall submit for a Certificate of Completion.

9.17. Land Use Map Amendments

The adoption of this Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Township of South Orange Village Land Use Map to ensure consistency between the two documents.

9.18. Additional Superseding Provisions

The standards contained within this Plan shall supersede any conflicting standards contained within the Land Development Ordinance (LDO) of the Township of South Orange Village or other applicable Township of South Orange Village codes or ordinances.

Any terms or definitions not addressed within this Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Township of South Orange Village.

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Ordinance of the Township of South Orange Village.

9.19. Other Provisions

This Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved public utilities, recreation and community facilities and other public improvements. This Redevelopment Plan has laid out various programs and strategies requiring implementation in order to carry out the objectives set forth herein.

This Plan lays out the proposed land uses and building requirements for the Redevelopment Area.

The diagrams, images and other graphic representations provided in this Plan are intended to provide a framework for interpretation of the written standards and regulations contained herein. Nothing in this Plan shall preclude the partial redevelopment of a block depicted in such diagrams, images or other graphic representations, provided that such subdivision or re-subdivision and partial redevelopment of a block is fully in conformance with the written standards and regulations contained herein.



10. APPENDIX A: RESOLUTION DESIGNATING AN AREA
IN NEED OF REDEVELOPMENT

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, IN THE COUNTY OF ESSEX, NEW JERSEY DESIGNATING THE "VALLEY STREET STUDY AREA", BLOCK 1905, LOTS 2-8; BLOCK 1906, LOTS 5-10; BLOCK 1908, LOTS 10-13; BLOCK 2001, LOTS 1-5; BLOCK 2002, LOTS 1, 2; BLOCK 2003, LOTS 1-11; BLOCK 2004, LOTS 1-5; BLOCK 2005, LOTS 1-3; BLOCK 2006, LOTS 1-4; BLOCK 2201, LOTS 1, 2, 36-39; BLOCK 2215, LOTS 1, 26, 27; BLOCK 2302, LOTS 4-27; BLOCK 2303, LOTS 1-3, 5, 6, 12-14; AND BLOCK 2304, LOTS 1, 2, 10-12 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land located therein constitutes an area in need of redevelopment; and

WHEREAS, on September 13, 2018, the Board of Trustees (the "**Board of Trustees**") of the Township of South Orange Village (the "**Village**"), adopted Resolution 2018-259 directing the Village Planning Board (the "**Planning Board**") to undertake an investigation to: (i) determine whether all or a portion of certain property identified on the tax maps of the Village as Block 1905, Lots 2-8; Block 1906, Lots 5-10; Block 1908, Lots 10-13; Block 2001, Lots 1-5; Block 2002, Lots 1, 2; Block 2003, Lots 1-11; Block 2004, Lots 1-5; Block 2005, Lots 1-3; Block 2006, Lots 1-4; Block 2201, Lots 1, 2, 36-39; Block 2215, Lots 1, 26, 27; Block 2302, Lots 4-27; Block 2303, Lots 1-3, 5, 6, 12-14; AND Block 2304, Lots 1, 2, 10-12 constitute a non-condemnation area in need of redevelopment (the "**Valley Street Study Area**") pursuant to the Redevelopment Law; and

WHEREAS, the Planning Board caused Topology (the "**Planning Consultant**") to conduct an investigation to determine whether the Study Area should be designated an area in need of redevelopment; and

WHEREAS, the Planning Board received a preliminary investigation proposal setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant dated June 27, 2018, entitled, "Valley Street Preliminary Investigation Proposal" (the "**Proposal**"); and

WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its recommendation to the Board of Trustees as to whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment; and

WHEREAS, the Planning Board held duly noticed public meetings at which the Planning Board reviewed the Proposal and any findings, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which all persons who were interested in or would be affected by a determination regarding the Study Area the opportunity to be heard; and

WHEREAS, the Planning Consultant concluded in the investigation and testified to the Planning Board on December 2, 2019, December 16, 2019, January 6, 2020 and February 3, 2020 that the Study Area satisfies the criterion for a redevelopment area designation as set forth in the Redevelopment Law pursuant to *N.J.S.A. 40A:12A-5*; and

WHEREAS, after the conclusion of the public hearings described above, the Planning Board adopted a resolution accepting and adopting the recommendation contained in the Report, and recommending that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, for the reasons set forth in the Report; and

WHEREAS, on March 2, 2020, the Planning Board adopted a resolution memorializing its recommendation that the Study Area be designated as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Board of Trustees agrees with the conclusion of the Planning Board that the Study Area satisfies the criterion for redevelopment area designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, the Board of Trustees now desires to declare the Study Area as a non-condemnation area in need of redevelopment, pursuant to *N.J.S.A. 40A:12A-6*.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

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

Section 2. Based on the Report and the recommendation of the Planning Board, the Study Area satisfies the criterion for redevelopment area designation as set forth in the Redevelopment Law. Accordingly, the Study Area is hereby designated as a non-condemnation area in need of redevelopment.

Section 3. The Study Area is further hereby designated as a "Non-Condemnation Redevelopment Area" as referenced in the Redevelopment Law.

Section 4. The Board of Trustees hereby directs the Village Clerk to transmit a certified copy of this resolution forthwith to the Commissioner of the Department of Community Affairs for review.

Section 5. This resolution shall take effect in accordance with applicable law.

1.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Coallier			X			
Hartshorn Hilton						X
Jones		X	X			
Schnall	X		X			
Zuckerman						X

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees of the Township of South Orange Village at their Regular Meeting held on Monday, March 9, 2020.

A handwritten signature in black ink, appearing to read 'Kevin D. Harris', written over a horizontal line.

Kevin D. Harris
Village Clerk

RESOLUTION
TOWNSHIP OF SOUTH ORANGE VILLAGE PLANNING BOARD
RESOLUTION RECOMMENDING ADOPTION OF THE PRELIMINARY
INVESTIGATION REPORT OF THE VALLEY STREET REDEVELOPMENT
STUDY AREA AND RECOMMENDING DESIGNATION AS A NON-
CONDEMNATION REDEVELOPMENT AREA

WHEREAS, by Resolution No. 2018-259, adopted on September 13, 2018, the Board of Trustees of the Township of South Orange Village authorized the Planning Board of the Township of South Orange Village to conduct a study to determine whether an area known as the Valley Street Study Area, also known as Block 1905, Lots 2-8; Block 1906, Lots 5-10; Block 1908, Lots 10-13; Block 2001, Lots 1-5; Block 2002, Lots 1, 2; Block, 2003, Lots 1-11; Block 2004, Lots 1-5; Block 2005, Lots 1-3; Block 2006, Lots 1-4; Block 2201, Lots 1, 2, 36-39; Block 2215, Lots 1, 26, 27; Block 2302, Lots 4-27; Block 2303, Lots 1-3, 5, 6, 12-14; and Block 2304, Lots 1, 2, 10-12 on the official tax map of the Township of South Orange Village (the "Study Area"), should be designated as a non-condemnation area in need of redevelopment without power of eminent domain pursuant to N.J.S.A. 40A:12A-6 et seq.; and

WHEREAS, the Valley Street Study Area Preliminary Investigation Report and required map have been placed on file with the Village Clerk of the Township of South Orange Village as required by law;

WHEREAS, notice of the Board's consideration of this matter was published in the official newspaper of the Township, and notice was provided by certified mail, return receipt requested, to the owners of the subject properties and also to the owners of properties within two hundred feet of the subject properties and others to whom notice is appropriate; and

WHEREAS, the Report was presented to the Planning Board at meetings held on December 2, 2019, December 16, 2019, January 6, 2020 and February 3, 2020 by Phillip Abramson, P.P., a licensed professional planner from the firm of Topology, planning consultants to the Board, who presented the contents of the Report as to the above-referenced properties and responded to questions from the Board; and

WHEREAS, an opportunity was afforded the members of the public and/or interested persons or parties to be heard, to ask questions and participate in the Board's consideration of the Report; and

WHEREAS, as a result of the Report submitted, the testimony of Mr. Abramson, and in due consideration thereof, the Planning Board has determined that it shall recommend by way of this aforesaid Resolution, that the findings in the Report be adopted and the property be designated as a non-condemnation redevelopment area.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of South Orange Village, County of Essex, State of New Jersey, that the Preliminary Investigation Report for the Valley Street Study Area be endorsed and that it is hereby recommended for consideration and adoption by the Board of Trustees of the Township of South Orange Village for the designation of the Study Area as a non-condemnation redevelopment area.

The undersigned secretary certifies that the within Resolution was approved by this Board on March 2, 2020.


Ojetta Davis, Board Secretary

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION AUTHORIZING THE SOUTH ORANGE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION AND ISSUE A RECOMMENDATION TO THE BOARD OF TRUSTEES AS TO WHETHER THE PROPOSED "VALLEY STREET STUDY AREA" IS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT ACCORDING TO THE CRITERIA SET FORTH IN N.J.S.A. 40A:12A-5

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for the Village to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize a Planning Board to undertake a preliminary investigation to determine whether a proposed area is a 'redevelopment area' meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6(a), "[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non-Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area"); and

WHEREAS, the Village President and Board of Trustees of the Township of South Orange Village find it to be in the best interest of the Village and its residents to authorize the South Orange Village Planning Board to undertake such preliminary investigation of the study area identified on blocks and lots identified on the attached map entitled "Proposed Valley Street Study Area," as a Non-Condemnation Redevelopment Area; and

WHEREAS, the Village President and Board of Trustees wish to direct the Planning Board to undertake a preliminary investigation utilizing Philip Abramson of Topology NJ, LLC. to prepare the preliminary investigation, to determine whether the proposed study area, as identified on the attached map entitled "Proposed Valley Street Study Area," qualifies as an area in need of Non-Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Township of South Orange Village, in the County of Essex, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Philip Abramson of Topology NJ, LLC. to prepare the preliminary investigation, pursuant to appropriate notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1, et seq., as amended, in order to recommend to the Village President and Board of Trustees whether the proposed study area, as identified on the attached map entitled "Proposed Valley Street Study Area," and as such blocks and lots appear on the official Tax Map of the Township of South Orange Village, is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

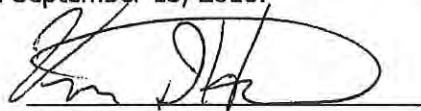
BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12-6(a), the redevelopment area determination shall authorize the Village to use all the powers provided by the Legislature for use in an Non-Condensation Redevelopment area other than the use of eminent domain.

BE IT FURTHER RESOLVED that, the Planning Board shall submit its findings and recommendations to the Village President and Board of Trustees in the form of a Resolution with supporting documentation.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Clarke			X			
Davis Ford			X			
Hartshorn Hilton		X	X			
Levison			X			
Rosner	X		X			
Schnall			X			

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their regular meeting held on September 13, 2018.



Kevin D. Harris
Village Clerk



UNLOCKING POTENTIAL
IN PLACES YOU LOVE
60 Union Street, #1N
Newark, NJ 07105

June 27, 2018

Sheena Collum
Mayor
South Orange Village
76 South Orange Avenue
South Orange, NJ 07079

RE: VALLEY STREET PRELIMINARY INVESTIGATION PROPOSAL

Dear Mayor Collum:

It is with genuine enthusiasm that we submit this proposal for professional planning services and real estate advisory services in connection with the Preliminary Investigation of parcels along Valley Street. We are particularly excited for the opportunity to help guide new strategic investment into the Township.

PROJECT UNDERSTANDING

Topology will provide planning and real estate advisory services to facilitate a Preliminary Investigation and strategic planning for properties along Valley Street in downtown South Orange. The preliminarily identified scope for investigation includes the following block and lots:

BLOCK	LOTS
1905	2-8
1906	5-10
1908	10-13
2001	1-5
2002	1, 2
2003	1-10
2004	1-5
2005	1-3
2006	1-4
2201	1, 2, 36-39
2215	1, 26, 27
2302	4-27
2303	1-3, 5-9, 11-14
2304	1, 2, 10-12

Topology will conduct a "Preliminary Investigation" consistent with the statutory requirements enumerated in New Jersey's Local

Redevelopment and Housing Law. This investigation will determine which parcels within the defined study area meet the statutory requirements for designation as an area “in need of redevelopment,” which is a legal prerequisite to the creation/adoption of a redevelopment plan.

Our primary objective in this engagement will be to work on behalf of the Township to effectuate meaningful change that simultaneously meets local goals while also facilitating private reinvestment near South Orange’s business district.

SCOPE OF WORK

The scope of work outlined below is based on our understanding of the Township’s needs from preliminary discussions with municipal staff.

Preliminary Investigation

The first phase of work will result in a “Preliminary Investigation” that is consistent with the minimum requirements specified under N.J.S.A. 40A:12A-5 et. seq. Once adopted by the Township’s Governing Body, the Preliminary Investigation will serve as the statutory basis for creation of a new redevelopment plan(s) for identified properties in the Township.

Phase I – Background Research

During the investigation, Topology will thoroughly examine property and building records and survey current conditions for each property included in the Preliminary Investigation. Analysis for this part of this investigation will include:

- Survey of land uses, property conditions, occupancy and ownership status;
- Review of municipal tax maps, historic aerials and Sanborn maps;
- Review of building, property management, fire and health violations recorded by the Township;
- Review of development applications, approvals and permits;
- Review of tax and assessment data and deed information available from the County and State; and
- Review of existing zoning and land use regulations, the Master Plan and other applicable planning documents from the Township.

The Preliminary Investigation will incorporate our analysis of existing conditions and records on each parcel into a GIS geodatabase that could be integrated into compatible information frameworks, such as Property

Pilot or similar. Topology will work with designated officials and the Township's counsel to vet the Preliminary Investigation, engage in a legal review of the document and attend and present at hearings as may be necessary during the investigation process.

Phase II – Site Visit + Documentation

Topology will conduct site visits to each lot listed above and note existing conditions. This will include photos and general observations to supplement the research obtained in Phase I.

Phase III – Site Analysis

Topology will use the site visit summaries and background information to review each lot against the regulatory requirements for designated as in need of redevelopment.

Phase IV – Deliverable Preparation

Topology will format the research, photos and analysis into a report that meet statutory requirements. Additionally, Topology will prepare a presentation to assist in the public meetings required under the LRHL.

Phase V – Regulatory Process

Topology will oversee the adoption process in accordance with the LRHL and ensure compliance.

FEES + PAYMENT TERMS

We anticipate that it will take four (4) months to complete the scope of the work, but also recognize that difficulty obtaining data, scheduling meetings, or other unforeseeable circumstances could delay completion. However, we recognize the eagerness of the Village to move the process along in a timely fashion. Topology will bill in four equal installments of \$3,062.50

The fixed fee for the above outlined scope of services is **\$12,250**.

1. Background Research	\$1,600
2. Site Visit + Documentation	\$1,300
3. Site Analysis	\$4,750
4. Deliverable Preparation	\$2,500
5. Regulatory Process	\$2,100

All work that falls outside the scope stated above will be invoiced on an hourly basis at a blended hourly rate of \$150. This will include attendance at any municipal meetings related to presentation or adoption of any of the above scope of work.

The hourly rate specifically excluded costs that would be billed as reimbursable including but not limited to:

- Costs associated with materials for public engagement sessions
- Procurement of data from third party vendors
- Printing and production of deliverables
- Courier or express mail
- Reasonable travel costs

TERMS OF AGREEMENT

This proposal is valid ninety (90) days from the date of issuance. This agreement is effective as of the date of execution and will terminate no later than March 2019. Any work requested to be performed under this contract after such date will be billed at prevailing rates.

LEGAL TERMS + CONDITIONS

Topology has structured this Proposal as an Agreement for Services and by executing this Agreement, the parties are bound by the following terms and conditions:

Exclusive Agreement

This is the entire Agreement between Consultant and Client.

Client and Consultant recognize that (a) Consultant's original cost and time estimates may be too low due to unforeseen events, or to factors unknown to Consultant when this Agreement was made; (b) Client may desire a mid-project change to Consultant's services that would add time and cost to the Project; or, (c) other provisions of this Agreement may be difficult to carry out due to unforeseen circumstances. If any intended changes or any other events beyond the parties' control require adjustments to this Agreement, the parties shall make a good faith effort to agree on all necessary matters. Such agreement shall be put in writing, signed by both parties and added to this Agreement.

Invoice + Payment

Topology will invoice by email monthly by the 15th of the month following the month during which fees and expense were incurred.

Late Payments by Client shall be subject to late payment penalty fees of 1% per month from the due date until the amount is paid.

Consultant shall be paid at our standard hourly rates, as additional services, for time spent as a consultant or witness regarding concerns associated with this Agreement, including all time spent in assembling documentation, preparation for serving as a witness, or the like, in any litigation not arising from our own negligence or misconduct.

Ownership + Use of Work

Consultant owns or holds a license to use and sublicense various materials in existence before the start dates of this Agreement (Consultant's Materials), Consultant, may, at its option, include Consultant Materials in the work performed under this Agreement. Consultant retains the right, title, and interest, including copyrights, patent rights, and trade secret rights in Consultant Materials. Consultant grants to Client royalty-free non-exclusive license to use Consultant Materials and anything created or developed by Consultant, under this Agreement. The license shall have a perpetual term and may not be transferred by Client.

Client Obligations

Client shall make available to Consultant, at Client's expense, all materials, information, agreement, and documents that may be critical to the furtherance of the services to be performed under this Agreement. Consultant agrees to use professional discretion and confidentiality in the use of said material.

Independent Contractor Status

Consultant is an independent contractor, not Client's employee. Consultant's employees or sub-contractors are not Client's employees. Consultant and Client agree to the following rights consistent with an independent contractor relationship.

Consultant has the right to perform services for others during the term of this Agreement.

Consultant has the sole right to control and direct the means, manner, and method by which the services required by the Agreement will be performed.

Consultant has the right to hire assistants as subcontractors, or to use employees to provide services required by this Agreement. The Consultant or Consultant's employees or subcontractors shall

perform the services requirement by this Agreement. Client shall not hire, supervise or pay any assistants to help Consultant.

Neither Consultant nor Consultant's employees or subcontractors shall receive any training from Client in the skills necessary to perform the services required by this Agreement.

Client shall not require Consultant or Consultant's employees or subcontractors to devote full time to performing the services required by this Agreement.

Neither Consultant nor Consultant's employees or subcontractors are eligible to participate in any employee pension, health, vacation pay, sick pay or other fringe benefit of Client.

Liability + Indemnification

Consultant is rendering only those consulting and advisory services that the Client requests, as generally described in this Agreement, and because said services may be implemented by the Client in part or in full, and because Consultant is not being paid based on how valuable our overall consulting services and advice may be to the Client, Client agrees that:

Under this Letter Agreement, Consultant shall not be liable in any way for any act or failure to act, unless it is established that our act or omission constitutes willful misconduct or gross negligence.

If there is any claim or suit against Consultant for any act or omission in carrying out this Agreement, Client will indemnify Consultant and hold Consultant and its affiliates and each of its managers, members, employees, and agents harmless with respect to all costs, liabilities, or expenses arising from such a claim or suit, unless it is established that such act or omission constitutes willful misconduct or gross negligence. This indemnification will include but will not be limited to reasonable legal fees incurred by Consultant should it be necessary to defend themselves against such a claim or suit.

Consultant's liability hereunder shall, in any event, be limited to the total fees paid to Consultant by Client for consulting services rendered; and shall not include any consequential damages or contingent liabilities.

d. Nothing in this Agreement shall be deemed to require, or authorize, or permit Consultant to perform any act that would constitute professional design or engineering services, testing, geotechnical or environmental assessments, or the licensed, or certified, practice of architecture,

engineering, public accounting, law, construction or general contracting services, or other services requiring professional licensure or certification. The recommendations, advice, budgetary information and scheduling to be furnished by Consultant under this Agreement shall not be deemed to be representations, warranties, guarantees or constitute the performance of Licensed professional services.

Notices

All notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows: (1) When delivered personally to the recipient's address as stated on this Agreement; (2) Three days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement; (3) When sent by facsimile (fax) or e-mail to the last fax number or e-mail address of the recipient known to the person giving notice. Notice is effective upon receipt, provided that a duplicate copy of the notice is promptly given by first class mail, or the recipient delivers a written confirmation of receipt. All notices, submissions, requests or other communications must be in writing and shall be addressed as follows:

Consultant:

Attention: Phil Abramson
Topology NJ, LLC
60 Union Street # 1N Newark, NJ 07105
T: 973-370-3000
E: Phil@topology.is

Client: Township of South Orange Village
Attention: Adam Loehner
76 South Orange Avenue
South Orange, NJ 07079
E: aloehner@southorange.org

Assignment + Delegation

These arrangements are binding on and benefit each party and each party's successors and permitted assigns, which shall be authorized in writing. This Agreement constitutes the totality of the arrangements between the parties, unless the parties agree in writing hereafter to any amendments.

Termination

Either party may terminate this Agreement at any time by giving the other party notice, in writing. In the event of the termination of this Agreement, Consultant will be paid all outstanding amounts previously billed and due in accordance with this Agreement plus the time, materials and expenses incurred up to the effective date of termination. At the point of termination, and provided Client pays for Consultant's time to collect the materials, Consultant will provide Client with documents and materials prepared for Client during the time Consultant provided services under this Agreement. Consultant may suspend the provision of services for non-payment of fees and expenses pursuant to this Agreement, until payment is brought current. The Client shall indemnify and hold Consultant harmless from any claim or liability resulting from such suspension. Topology holds itself and its clients to a high ethical standard and as such this contract may be cancelled immediately upon any request or insinuation for services which may in any way be construed as illegal in relation to the performance of the contract.

Applicable Law

Parties shall comply with all applicable laws, ordinances, and codes of the Federal Government, the State of New Jersey and any other applicable governmental entity having jurisdiction. If either party has violated or failed to comply with any of these applicable laws, ordinances and codes with respect to the performance of the services of this Agreement, the other party may withhold payments or discontinue services as may be the case and take such other action that it deems appropriate under the circumstances until compliance of remedial action has been accomplished by the other party to its satisfaction. In addition, either party shall also be responsible for, and pay the other for, any costs that a party may incur because of the failure to comply with the requirements of this paragraph.

Certification

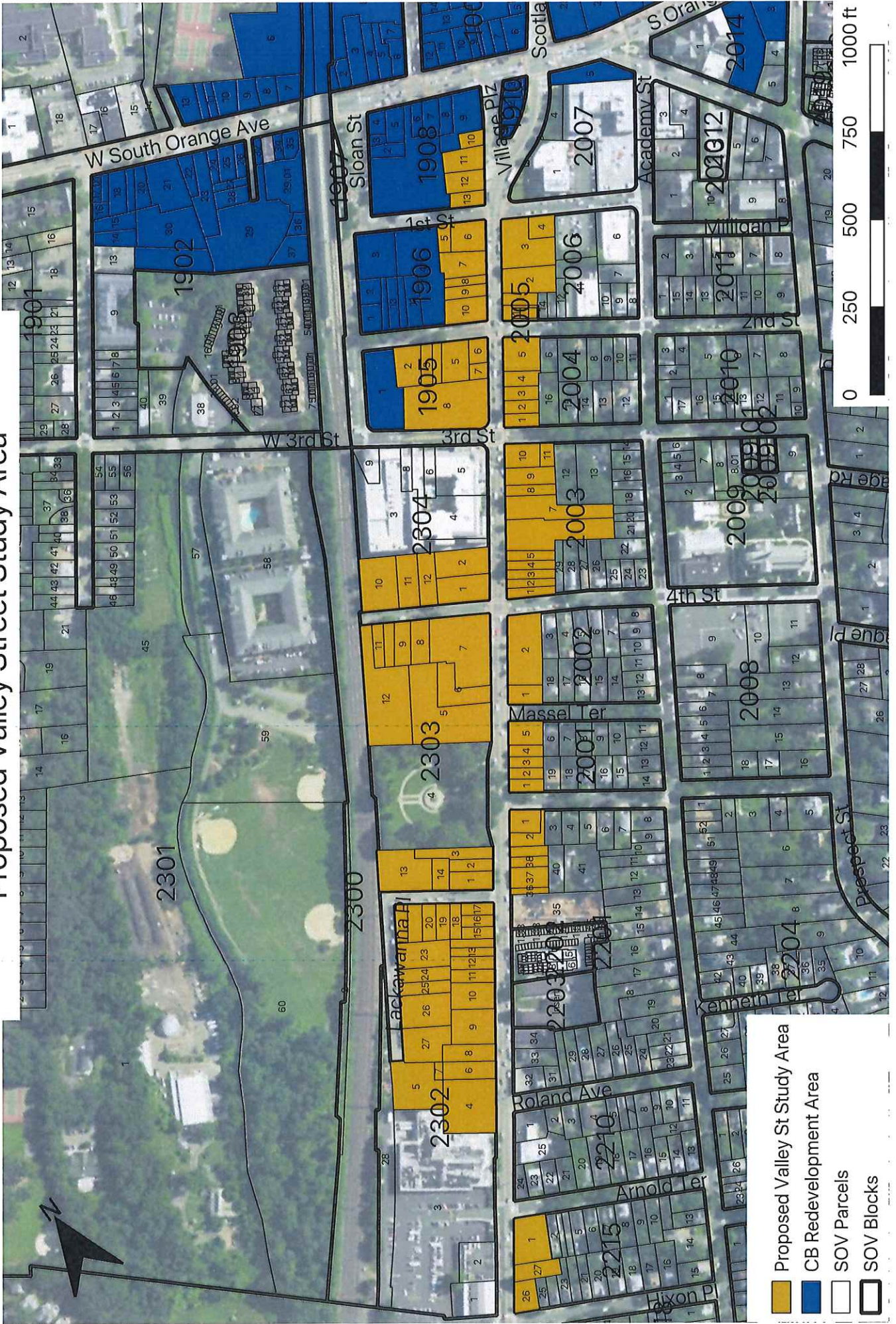
Both parties warrant that the individual signing below has the authority to sign this Agreement and bind the Parties to the terms of this Agreement.

Approval of Agreement by and between the Parties

Philip Abramson
Principal
Topology NJ LLC
DATE

Adam Loehner
Administrator
South Orange Village
DATE

Proposed Valley Street Study Area





11. APPENDIX B: RELATION TO OTHER PLANS

11.1. Local Municipal Master Plan

Pursuant to the LRHL, “all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan” (N.J.S.A. 40A:12A-7(d)). This Redevelopment Plan is substantially consistent with, and has been designed to effectuate, the Township’s 1979 Comprehensive Master Plan. It should be noted that during the drafting of this Redevelopment Plan, the Village’s Master Plan was being updated. Throughout this process, the professionals working on the new plan were consulted for consistency and determined that this Redevelopment Plan would advance key provisions of the new plan including enhancing the Valley Street corridor and increasing the public’s access to recreational amenities.

11.2. Local Municipal Master Plan Reexamination Report

This Redevelopment Plan is consistent with and written to comply with the most current Master Plan Reexamination Report, adopted in September 2011. Specifically, the following goals and objectives of the 2011 Reexamination Report are in line with the type of development envisioned by this Plan:

- To reinforce the CBD and the adjacent area as a Transit Village, to capitalize upon access to public facilities and to reinforce the viability of the Central Business District.
- Guiding of future development and/or redevelopment of and within the Township so as to incorporate new construction without undue disruption of the established character of the Township.
- The preservation and continued promotion of the balanced variety of residential, commercial, public, recreation and conservation land use.
- Safeguarding and broadening of the Township’s existing tax base by preserving economic balance and providing for continuing sources of

employment and new ratables through appropriate utilization of land resources.

- To provide the continued vitality and upgrading of established commercial districts.

11.3. 2009 Vision Plan

The 2009 Vision Plan specifically addressed the Valley Street as one of the Village's Downtown Corridors. The Plan is not a component of the Master Plan but serves as a general planning and vision document for the Village. This Redevelopment Plan is consistent with the goals established in this visioning document including:

- Diversifying the economic base
- Create economic opportunities
- Vary the intensity and type of development

11.4. Essex County Master Plan

This Plan is consistent with the goals and objectives of the County and implements key objectives throughout the plan. For example, the County Comprehensive Transportation Plan, adopted in June 2013, notes the importance of redevelopment on parcels that have been deemed underutilized, as the chief form of future development within the County.

11.5. Adjacent County + Municipalities' Master Plan

The Redevelopment Area is located near the geographic and commercial center of South Orange and will have negligible impacts on surrounding municipalities, as it is approximately 0.3 and 1.0 miles away from the municipal borders with Maplewood and the City of Newark, respectively. Also, the Redevelopment Area is not located in proximity to any county line and, therefore, has no impact on any neighboring county.

11.6. NJ State Plans

The Area is located within Planning Area 1 (PA-1). As documented in the State Development and Redevelopment Plan, the following intent has been documented for PA-1:

- Provide for much of the State’s future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

This Redevelopment Plan will upgrade the use of land near the train station; revitalize vacant land; create new opportunities for economic development; manage local traffic congestion and reduce pollution; and encourage transit opportunities for connections with the Metropolitan Planning Area and between the Metropolitan Planning Area, suburban employment centers, and the Philadelphia and New York metropolitan areas.

11.7. NJ Smart Growth Principles

New Jersey Department of State has developed a definition of Smart Growth Areas and has identified areas within the state as such. This encourages a compact form of development and redevelopment in recognized Centers as stipulated in the State Development and Redevelopment Plan, including existing infrastructure that serves the economy, the community, and the environment. This Plan is a Smart Growth project and conforms to New Jersey’s Smart Growth Principles, including:

- This Plan continues to build on the Village’s efforts to spark development and redevelopment in its downtown and direct growth to an area with existing infrastructure.
- The Redevelopment Area programming and design recommendations include transportation improvements and promote alternative transportation options, including walking, bicycling, and transit.
- This Redevelopment Plan provides a framework for equitable, predictable, and efficient development decision making.
- The Redevelopment Plan expands upon a collaborative and transparent redevelopment process.

11.8. NJ State Strategic Plan

The New Jersey State Planning Commission released its final draft of the State Strategic Plan on November 14, 2011. Compared to the State Development and Redevelopment Plan, the State Strategic Plan emphasizes a more “proactive,

aggressive, and strategic approach to planning for the State's future. An approach that aligns clear goals with sound decision making and coordination among government entities will better position New Jersey for growth opportunities and allow New Jersey to once again complete for and capitalize on growth opportunities."

Central to the State Strategic Plan is its contemplation of development in Smart Growth locations and regional centers.

This Plan furthers the following objectives, goals, and findings of the State Strategic Plan:

- Capitalizes on the "desirability of Transit Hubs" by expanding development options near major transit assets and provides the necessary design and building conditions for the concentration of jobs, retail, and public amenities.
- Creates a neighborhood orientation that is intended to serve residents, visitors, and commuters.

This Plan effectuates the following "Garden State Values":

- Concentrate Development and Mix Uses;
- Prioritize Redevelopment, Infill, and Existing Infrastructure;
- Increase Job and Business Opportunities in Priority Growth Investment Areas;
- Provide Transportation Choice + Efficient Mobility of Goods; and
- Make Decisions with Regional Framework.

12. APPENDIX C: DEFINITIONS

COMMUNITY SPACE

A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public and owned and operated by a public or nonprofit group or agency. The facilities shall not include any living-quarters.

CURB LINE

A line at the face of the curb nearest to the street or roadway that marks the transition from the roadway to a sidewalk, planting strip. In the absence of a curb, the curb line shall be edge of the street paving.

PLANTING STRIP

The area directly adjacent and parallel to the curb line, between the curb and the sidewalk, made available for the location of public utilities, public signage and public amenities—including street trees, flower beds, seating, art, extended sidewalk, etc.

SELF-STORAGE

A building or group of buildings divided into separate compartments used to meet the temporary storage needs of customers and may include refrigerated facilities, which may include a leasing office.

13. APPENDIX D: RELATED DOCUMENTS

- South Orange Village Ordinance: Section 185 Attachment 2- District Use Regulations

185 Attachment 2- District Use Regulations

Township of South Orange Village
 Schedule 1
 District Use Regulations

District	Permitted Principal Uses	Permitted Accessory Uses	Permitted Conditional Uses
Residence A Single-Family: All Districts	1. Single-family detached dwelling. 2. Public schools and public buildings and uses owned or operated by the municipality or its agent or by the Board of Education.	1. Off-street parking. 2. Signs. 3. Accessory buildings and structures normally incident and subordinate to the principal use, including private garages, property maintenance storage buildings, private swimming pools and cabanas and similar utility or recreational buildings and structures. 4. Greenhouses not operated for profit, provided that there is no display of product other than in growth and further provided that there is no power plant and that any heating plant is at least 200 feet from any lot line. 5. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 6. Home-based businesses.	1. Residential cluster developments, Type A and Type B, but only at special locations. 2. Professional offices in residence. 3. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." 4. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 5. Lodges, fraternal organizations and associations. 6. Churches, synagogues and other religious and nonprofit schools for day students only.
Residence B: Two-Family	1. Any principal use permitted in Residence A Districts. 2. Two-family detached dwellings.	1. Any accessory use permitted in Residence A Districts. 2. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food.	1. Any conditional use permitted in Residence A Districts, with exception of residential cluster developments. 2. Churches, synagogues and other religious and nonprofit schools for day students only.

		<p>3. Home-based businesses.</p>	
<p>Residence PRD: Planned Residential Development</p>	<p>1. Any principal use permitted in the Residence B District. 2. Townhouses. 3. Multifamily apartments.</p>	<p>1. Any accessory use permitted in Residence A Districts, except greenhouses. 2. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 3. Home-based businesses.</p>	<p>1. Professional offices in residence. 2. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 3. Churches, synagogues and other religious and nonprofit schools for day students only.</p>
<p>Residence C-1: Multifamily Office</p>	<p>1. Multifamily apartments, including housing for senior citizens. 2. Townhouses. 3. Professional office buildings. 4. Public schools and public buildings and uses owned or operated by the municipality or its agents or by the Board of Education. 5. Executive offices.</p>	<p>1. Senior citizen housing. 2. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food. 3. Home-based businesses.</p>	<p>1. Any conditional use permitted in Residence B Zones. 2. Churches, synagogues and other religious and nonprofit schools for day students only.</p>
<p>Business B-1: Primary Business</p>	<p>1. Stores and shops for the conduct of retail trade or service use, limited to stores whose primary business is selling merchandise for purchase by the consumer, such as food, furniture, home furnishings and accessories, magazines and newspapers, household appliances, radios, televisions and computers, pharmaceuticals, art, stationary, clothing and apparel and accessories, plants and flowers. Adult entertainment/retail establishments are prohibited. Services are limited to travel agents; barber, beauty and nails services; shoe repair; tailor and cleaners; appliance and computer repair; video rental and sales; photo studios and processing; locksmith; and retail printing.</p>	<p>1. Off-street parking. 2. Signs. 3. Accessory buildings and structures normally incident and subordinate to the principal use. 4. As subordinate to the principal use, the process of manufacture, assembly, treatment or conversion of a product or service intended to be sold or provided directly to the ultimate consumer, provided that not more than 5 mechanics or production workers are involved in any such process. 5. Parks, plazas and open space and open or enclosed walkways or malls. 6. Industrial feeding establishments and private, public and</p>	<p>1. Gasoline service stations. 2. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." 3. Lodges, fraternal organizations and associations on the second or higher floors only. 4. Arcades and billiard or pool rooms. 5. Churches, synagogues and other religious and nonprofit schools for day students only. 6. Public garages. 7. Fast-food restaurants.</p>

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| <p>2. Banks and financial institutions.</p> <p>3. Central telephone exchanges.</p> <p>4. Executive offices, professional offices and showrooms, on the second or higher floors only, except real estate offices, which shall be permitted on any floor.</p> <p>5. Public restaurants and taverns, but not including drive-in restaurants or restaurant stands where food, drink or confections are served outside the building or where food is intended to be consumed in cars parked on the premises. This provision shall not be deemed to exclude seasonal outdoor or sidewalk cafes as part of a restaurant intended primarily for indoor service of customers. Adult entertainment/retail establishments are prohibited.</p> <p>6. Funeral homes and parlors.</p> <p>7. Vocational schools or studios for the instruction of the arts, dancing, music, languages or photography, on the second or higher floors only.</p> <p>8. Public buildings and uses owned or operated by the Village or its agent.</p> <p>9. Apartment buildings and apartment units above the first floor of business buildings.</p> <p>10. Indoor theaters, motion picture housing, cultural and educational facilities and other places of public assembly. Adult entertainment/retail establishments are prohibited.</p> <p>11. Off-street parking facilities.</p> | <p>nonprofit organizations, institutions and groups preparing, storing or serving food.</p> |
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<p>Business B-2: Secondary Business</p>	<p>1. Any use permitted in the Business B-1 District.</p> <p>2. Public garages.</p> <p>3. A commercial garage limited to a structure that encloses an automobile showroom and sales area and associated offices.</p> <p>4. Public utility electric substation.</p> <p>5. General offices.</p> <p>6. Off-street parking facilities.</p> <p>7. Retail stores and services</p>	<p>1. Any accessory use permitted in the Business B-1 District.</p> <p>2. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food.</p>	<p>1. Gasoline service stations.</p> <p>2. The erection of any building resembling, similar to or having a shape commonly known and referred to as “geodesic dome.”</p> <p>3. Lodges, fraternal organizations and associations.</p> <p>4. Churches, synagogues and other religious and nonprofit schools for day students only.</p> <p>5. Fast-food restaurants.</p>

	<p>not permitted in the B-1 Zone. Adult entertainment/retail establishments are prohibited.</p> <p>8. Vocational schools or studios for the instruction of the arts, dancing, music, language or photography.</p> <p>9. Professional offices.</p> <p>10. Restaurants, convenience stores, retail markets and catering kitchens.</p>		
<p>Business B-3: General Business</p>	<p>1. Any use permitted in the B-2 Secondary Business District.</p> <p>2. Research, testing and experimental laboratories.</p> <p>3. Light manufacturing, fabrication and assembly operations.</p> <p>4. Warehousing and storage of nonflammable liquids or nonexplosive materials.</p> <p>5. Express carting or hauling offices and stations, but not including trucking terminals.</p> <p>6. Equipment storage.</p> <p>7. Newspaper or job printing.</p> <p>8. The sale and storage of lumber, fuel and building materials.</p> <p>9. Wholesale storage and display.</p> <p>10. Bowling alleys, swimming pools, sports arenas and gymnasiums.</p> <p>11. Off-street parking facilities.</p> <p>12. Restaurants, convenience stores, retail markets and catering kitchens.</p> <p>13. Co-Working Space</p> <p>14. Community Development Office</p> <p>15. Wellness Programs and Classes</p> <p>16. Medtail</p>	<p>1. Any accessory use permitted in the Business B-1 District.</p> <p>2. Outdoor storage subject to § 185-127.</p> <p>3. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food.</p>	<p>1. Any conditional use permitted in the Business B-2 Districts.</p> <p>2. Churches, synagogues and other religious and nonprofit schools for day students only.</p> <p>3. Fast-food restaurants.</p> <p>4. Any accessory use permitted in the Business B-1 District.</p> <p>5. Outdoor storage subject to § 185-127.</p> <p>6. Arcades.</p> <p>7. Adult entertainment/retail establishments (subject to the requirements of § 185-191).</p> <p>8. Telephone time sales services.</p>

<p>Business B-4: Supplemental Business¹</p>	<ol style="list-style-type: none"> 1. Retail sales and service, but excluding sale of building materials, motor vehicles, boats and swimming pools. 2. Banks and financial institutions, excluding drive through facilities. 3. Offices above the first floor, except medical offices, which front on Vose Avenue, shall be permitted on the first floor. 4. Restaurants and taverns, but not including drive-in restaurants or restaurant stands where food, drink or confections are principally served outside the building, or where food is intended to be consumed in cars parked on the premises. Outdoor dining is permitted if a license is issued by the Building Department. 5. Public buildings and uses owned and operated by the Village or its agent and other governmental entities. 6. Residential units above the first floor. 7. Indoor theaters, cultural, recreational and educational facilities and other places of public assembly. 8. Parking lots or parking decks owned by a public and/or governmental entity. 9. Hotels. 10. Essential services such as underground, surface or overhead electrical, gas, telephone, water and/or sewerage, which are reasonably necessary to provide an adequate level of service to the district. 11. Child-care facilities. 12. Commercial recreation facilities, which may be private, semipublic or public. 13. Lodges and fraternal organizations. 	<ol style="list-style-type: none"> 1. Uses customary, incidental and accessory to the principal use such as off-street parking, structured parking and signs. 	
<p>PRC A Planned</p>	<ol style="list-style-type: none"> 1. Single-family dwellings. 2. Townhouses. 	<ol style="list-style-type: none"> 1. Accessory buildings and structures normally 	<ol style="list-style-type: none"> 1. Essential services. 2. Churches, synagogues and

Residential Cluster A	3. Flats	incident and subordinate to the principal use, limited to property maintenance sheds, patios and decks. 2. Home-based businesses	other religious and nonprofit schools for day students only.
PRC Planned Residential Cluster B	1. Single-family dwellings. 2. Townhouses. 3. Flats 4. Public parks, playgrounds and conservation areas. 5. Common open space. 6. Private recreation facilities.	1. Private and personal recreation facilities. 2. Accessory buildings and structures. 3. Off-street parking and private garages. 4. Fences. 5. Signs. 6. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food.	1. Essential services.
U: University	1. Resident colleges and universities, including buildings, structures, uses and activities normally associated with institutions of higher learning, such as classroom and laboratory buildings, dormitories, libraries, student centers, multiunit faculty residence buildings, auditoriums, gymnasiums and athletic facilities.	1. Necessary supporting accessory buildings, including maintenance equipment storage buildings, garages, parking structures and utility buildings, except that in Special District A, parking garages and refuse collection units shall not be permitted accessory uses. 2. Industrial feeding establishments and private, public and nonprofit organizations, institutions and groups preparing, storing or serving food.	1. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome." 2. Churches, synagogues and other religious and nonprofit schools for day students only.
Residence TH Townhouse	1. Single-family dwellings. 2. Two-family dwellings. 3. Townhouses. 4. Public parks, playgrounds and conservation areas. 5. Common open space.	1. Private and personal recreation facilities. 2. Accessory buildings and structures. 3. Off-street parking and private garages. 4. Fences. 5. Signs. 6. Industrial feeding establishments and private, public and nonprofit organizations,	1. Essential services. 2. Churches, synagogues and other religious and nonprofit schools for day students only. 3. Lodges, fraternal organizations and associations. 4. Community residences for the developmentally disabled and community shelters for victims of domestic violence. 5. Professional offices in

		institutions and groups preparing, storing or serving food.	residence. 6. The erection of any building resembling, similar to or having a shape commonly known and referred to as a "geodesic dome."
OS/PU Open Space/Public Use	1. Public parks, playgrounds and conservation areas. 2. Essential services. 3. Public schools and public buildings and uses owned or operated by the Village or its agent or by the Board of Education. 4. Quasi-public institutions.	1. Off-street parking. 2. Signs. 3. Accessory buildings and structures normally incident and subordinate to the principal use.	None
Redevelopment area – Railroad Property (See § 185-152)			
Redevelopment area – Central Business District and Planned Residential Development District (See § 185-153)			
Redevelopment Area – Church Street Area (See § 185-154)			

NOTES:

¹ Editor’s Note: Ordinance No. 04-10 provided that the Business B-4, Supplemental Business District, is limited to Block 1900, Lot 1, as identified on the Zoning Map.

HISTORY

Amended by Ord. [2018-15](#) on 8/13/2018



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