

SOUTH ORANGE VILLAGE VALLEY STREET REDEVELOPMENT PLAN



Prepared For:

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Adoption Date: _____, 2026

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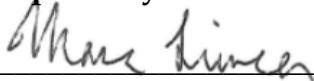
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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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Section 1: Introduction and Plan Requirements

A. Plan Goal

The goal of this Plan is to provide a planning and policy framework for redevelopment in South Orange Village, advance planning goals, and determine a potential program for development under the provisions of the Local Redevelopment and Housing Law (“LRHL”). Furthermore, this Plan permits the Mayor and Council to engage with property owners and/or prospective redevelopers of the properties in a manner which encourages and promotes the economic well-being and overall health, safety, and welfare of South Orange Village.

B. Plan Authorization

South Orange Village has determined that the use of redevelopment powers granted to municipalities under the LRHL (N.J.S.A. 40A-12A-1, et seq.) would be the most effective to revitalize the parcel(s) contained in the Redevelopment Plan Area. All redevelopment properties within the Redevelopment Plan Area were designated as “area in need of redevelopment” as authorized by the Board of Trustees on September 13, 2018 by Resolution #2018-259 and subsequently prepared and adopted on March 2, 2020 by the Planning Board by Resolution. (see [Appendix C](#)). Municipalities then have the option of adopting a redevelopment plan for all or a portion of the designated area and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions.

As identified herein, certain properties included in this Redevelopment Plan are limited to designation as An Area in Need of Rehabilitation as adopted by the Planning Board on March 2, 2015 via Resolution #2015-45 (See [Appendix C](#)).

Municipalities have the option of adopting a redevelopment plan for all or a portion of the designated area and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. Under this redevelopment plan:

- The properties with a rehabilitation designation that do not have redevelopment designation may be eligible for short-term tax incentives only.
- The properties with a redevelopment designation may be eligible for long-term tax incentives.
- No properties under this redevelopment plan may use condemnation powers.

C. Required Plan Components and Relationship to Municipal Ordinance

The LRHL identifies required components to be included in a redevelopment plan. In accordance with N.J.S.A 40A:12A-7a, the redevelopment plan must include an outline for the planning, development, redevelopment or rehabilitation of a project area which is sufficient to indicate:

1. *The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.*
2. *Proposed land uses and building requirements in the project area.*
3. *Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.*
4. *An identification of any property within the area, which is proposed to be acquired in accordance with the Redevelopment Plan.*
5. *Any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; and the State Development and Redevelopment Plan adopted pursuant to the State Planning Act, N.J.S.A. 52:18A-186, et seq.*
6. *As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.*
7. *A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.*
8. *Proposed locations for zero-emissions vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.*

In accordance with N.J.S.A. 40A:12A-7c, the Redevelopment Plan shall describe its relationship to pertinent municipal development regulations. This Redevelopment Plan shall supersede the zoning district to the existing standards set forth in the Land Development Ordinance (LDO) the Village Code. Any standard, definition, or regulation in the Municipal Code that is not

specifically addressed by a standard, definition, or regulation in this Redevelopment Plan shall apply as part of this Redevelopment Plan.

The above notwithstanding, this Redevelopment Plan contemplates the continued operation, renovation, rehabilitation, and expansion of existing uses/buildings otherwise not permitted under this Plan – specifically, single- and two-family uses in existing buildings, as well as existing nonresidential uses on Lackawanna Place. As further specified herein, regulations specific to such single- and two-family uses are provided, while existing nonresidential uses on Lackawanna Place shall be regulated under the existing applicable zoning districts, as may be amended from time to time. Such single- / two-family and existing nonresidential uses on Lackawanna Place, as well as residential three- and four-family uses, shall not require redeveloper designation nor execution of a Redeveloper Agreement.

Section 2: Relationship 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)). As well, the redevelopment plan must address “any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan” (N.J.S.A 40A:12A-7(a)(5)). This Plan is also consistent with the following plans:

1. Local Master Plan (2021):

This Redevelopment Plan is consistent with the 2021 South Orange Village Master Plan. The Master Plan explicitly speaks to enhancing key corridors, specifically along Valley Street. The Mobility Element specifically recommends creating pleasant, efficient and safe multimodal corridors with the objective of making Valley Street vibrant, active and orderly. Additionally, Objective 4.5 of the Land Use + Community Form Element calls for the enhancement of livability of the Valley Street Corridor. The Master Plan speaks specifically to the importance of Valley Street within the Village, and this Redevelopment Plan is consistent in seeking to improve the overall quality of Valley Street.

2. Essex County Master Plan (2012):

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, and transit-oriented development, in particular, as the chief form of future development within the County. This Plan also contains appropriate on-site parking requirements and the provision of bicycle parking spaces.

3. Adjacent Municipalities:

The Redevelopment Plan Area spans Valley Street from the geographic center of South Orange to its border with the Township of Maplewood. Aside from Maplewood, the Redevelopment Plan will have negligible impacts on surrounding municipalities. In addition, the Redevelopment Plan Area is not located in proximity to any county line, and therefore, has no impact on any neighboring county.

i. Township of Maplewood Master Plan | August 8, 2023

This Plan is consistent with the 2023 Township of Maplewood Master Plan. The Master Plan notes objectives related to creating and providing equitable access to affordable housing opportunities, supporting appropriate development and redevelopment, revitalizing key areas

through the use of the redevelopment tool and improving safety at intersections and corridors, specifically at Valley Street.

ii. Township of Maplewood Housing Element & Fair Share Plan | May 29, 2025

The Township of Maplewood recently adopted their Fourth Round HEFSP to address a prospective need of 216 units. The Township is addressing this need through projects in downtown Maplewood and along Springfield Avenue not proximate to South Orange. Therefore, no anticipated development/redevelopment in Maplewood is proximate to the Redevelopment Plan Area in such a manner that would impact traffic or other policies advanced by this Plan.

4. State Development and Redevelopment Plan (2025):

In December of 2025, the new State Development and Redevelopment Plan (“SDRP”) was adopted, which is the first update to the Plan since 2001. Consistent with its previous designation, the Redevelopment Plan Area is located within Metropolitan Planning Area 1 (PA-1). The intent of the PA-1 includes the following:

- Providing a significant portion of the state’s future growth in compact development and redevelopment;
- Revitalizing cities, towns and neighborhoods, especially ones that are overburdened;
- Addressing large-scale issues such as air pollution, urban heat islands, and more;
- Preventing gentrification and displacement;
- Promoting growth in central areas that support pedestrian and transit-oriented forms;
- Balancing urban and natural systems;
- Promoting biodiversity and habitat restoration;
- Stabilizing and enhancing older inner ring suburbs;
- Redesigning and revitalizing auto oriented areas;
- Protecting and enhancing the character of existing communities.

This Redevelopment Plan is consistent with the intent of the PA-1 Planning Area. This Plan will concentrate growth through redevelopment and promote economic vitality along Valley Street through a pedestrian-oriented approach in proximity to public transit. As an established corridor within an inner ring suburb, the Plan seeks to provide uniformity yet flexibility in redevelopment to stabilize and enhance the inconsistently improved corridor.

Section 3: Existing Conditions

A. Redevelopment Plan Area



Figure 1: Study Map of the Redevelopment Plan Area

(NOTE: All parcels in Village are within Rehabilitation Area)

See [Appendix A](#) for a tabulation of the blocks and lots of the properties designated as the Redevelopment Plan Area.

1. Redevelopment Background and History

The properties subject to this Redevelopment Plan are located along Valley Street and Lackawanna Place. As depicted in the above map, not all parcels within the Study Area are included in this Plan, as eastern blocks most proximate to the train station are left for incorporation into future redevelopment as part of a wholistic vision for the train station area. Additionally, certain parcels within the Study Area have already been redeveloped through site-specific redevelopment plans.

Valley Street is identified in the Mobility Element of the Master Plan as a Neighborhood Main Street and spans approximately 3 miles from Springfield Avenue (NJ-124) in Union to South Orange Avenue / Scotland Road in Downtown South Orange. Across its length, Valley Street is predominately a two-way road with one travel lane in each direction and parallel parking on each side. Connecting important nodes and travel corridors, Valley Street is characterized by large volumes of traffic and congestion.

Valley Street contains many residential lots that are narrow, contain existing nonconforming uses and steep slopes that limit ADA access and offer no affordable / commercial conversion. Since the lots are narrow, they impede redevelopment opportunities, vehicular access, and contain overcrowded conditions. In the Redevelopment Plan Area, there is a lack of property maintenance on various lots, front yard parking, vehicle storage, and observable vacancies. Other challenges observed are deleterious and low improvement uses, narrow sidewalks, narrow rights-of-way, right-of-way encroachments, tight turning maneuvers on roads, curb cuts, extended depressed curbs and lack of enforcement and maintenance of rights-of-way.

2. Existing Zoning

The properties within the Redevelopment Plan Area are in the following zoning districts:

- **B-1 Primary Business District:**

- Principal Permitted Uses: Stores that primarily sell consumer goods; retail services; banks and financial institutions; central telephone exchanges; executive offices, professional offices, and showrooms; restaurants and taverns (not drive-ins); funeral homes; public uses owned by Village and its agent; apartments above first floor of business buildings; indoor theaters; cultural and educational facilities; other places of public assembly; off-street parking facilities; restaurants, convenience stores, retail markets, and catering kitchens.
- Conditional Uses: Gas stations, geodesic domes, lodges or fraternal organizations (second floor and above only); arcades, billiard or pool rooms; churches or synagogues or other non-profit schools (day students" only); public garages; fast food restaurants.

▪ **B-2 Secondary Business District:**

- Principal Permitted Uses: Stores that primarily sell consumer goods; retail services; banks and financial institutions; central telephone exchanges; executive offices, professional offices, and showrooms; restaurants and taverns (not drive-ins); funeral homes; public uses owned by Village and its agent; apartments above first floor of business buildings; indoor theaters; cultural and educational facilities; other places of public assembly; off-street parking facilities; restaurants, convenience stores, retail markets, and catering kitchens; public garages; commercial garage (limited to structure for showroom and sales office); electric utility substation; general offices; retail sales and services not permitted in B-1; vocational schools and studios; professional offices.

▪ **B-3 General Business District:**

- Principal Permitted Uses: Stores that primarily sell consumer goods; retail services; banks and financial institutions; central telephone exchanges; executive offices, professional offices, and showrooms; restaurants and taverns (not drive-ins); funeral homes; public uses owned by Village and its agent; apartments above first floor of business buildings; indoor theaters; cultural and educational facilities; other places of public assembly; off-street parking facilities; restaurants, convenience stores, retail markets, and catering kitchens; research, testing, and experimental facilities; light manufacturing, fabrication, and assembly facilities; warehousing and storage of nonflammable and nonexplosive materials; express carting or hauling offices and stations (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.
- Conditional Uses: Gas stations; geodesic domes; lodges or fraternal organizations (second floor and above only); churches or synagogues or other non-profit schools (day students only); fast food restaurants; outdoor storage; arcades; adult entertainment or retail establishments; telephone time sales services; off-street parking facilities; accessory uses normally incident to the principal use; as subordinate to principal use, the manufacture of any product sold to consumers that employs 5 or fewer persons; parks, plazas, and open space; industrial feeding establishments and public, private, or nonprofit institutions preparing or storing food.

▪ **RB Residence B Two-Family District:**

- Principal Permitted Uses: Single-family detached dwelling; two-family detached dwelling; public uses or public buildings owned by the municipality or the Board of Education.
- Conditional Uses: Professional offices in residence; geodesic dome; residences for the developmentally disabled or victims of domestic violence;

lodges or fraternal organizations; churches or synagogues or schools for religion

A link to the Zoning Ordinance can be found online:

<https://southorange.municipalcodeonline.com/book?type=ordinances#name=Ch 185 Land Development>

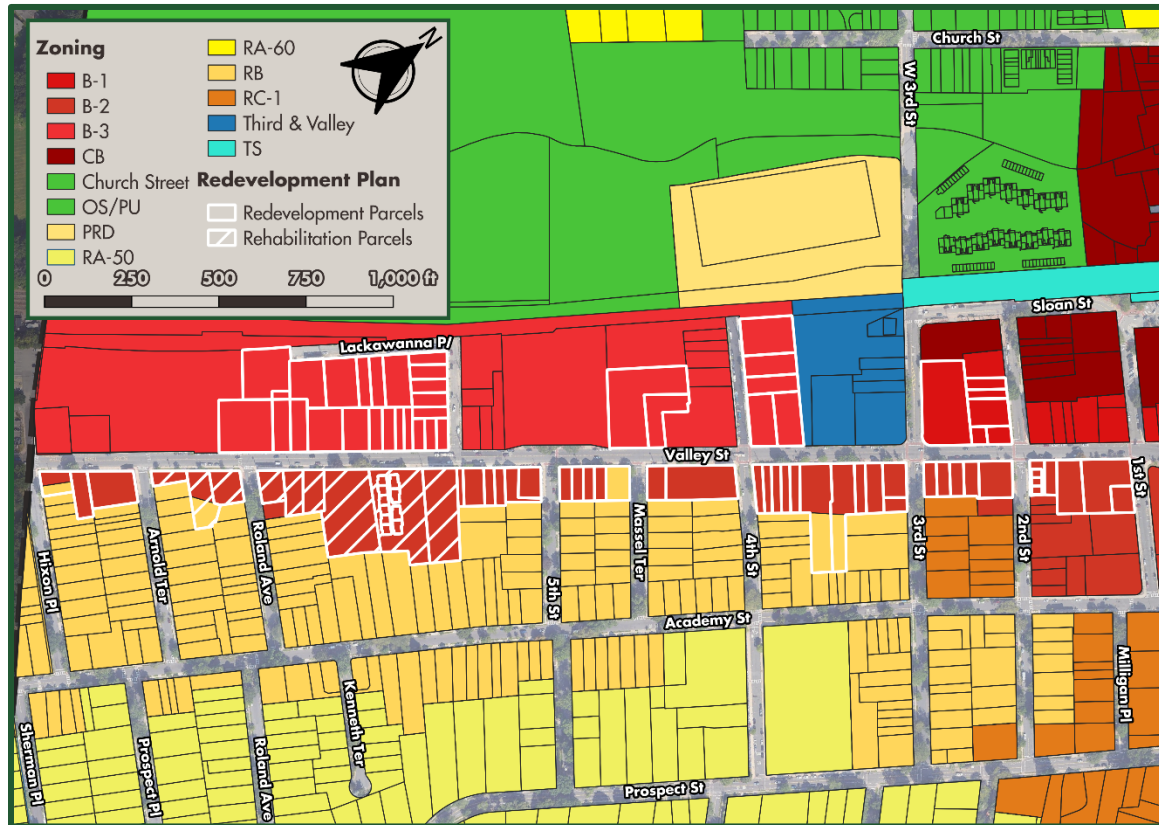


Figure 2: Map of Redevelopment Plan Area and Existing Zoning

B. Property Restrictions – Easements

The Redeveloper(s) will be responsible for identifying, maintaining, relocating, and/or voiding any existing easements, as necessary.

C. Property Restrictions – Contamination

At this time, the Municipality makes no representations as to the presence of environmental contamination on any parcel within the Redevelopment Plan Area. The Redeveloper(s) will be responsible for investigating and remediating any possible contaminations on parcels they seek to redevelop.

Section 4: Land Use, Building and Design Requirements

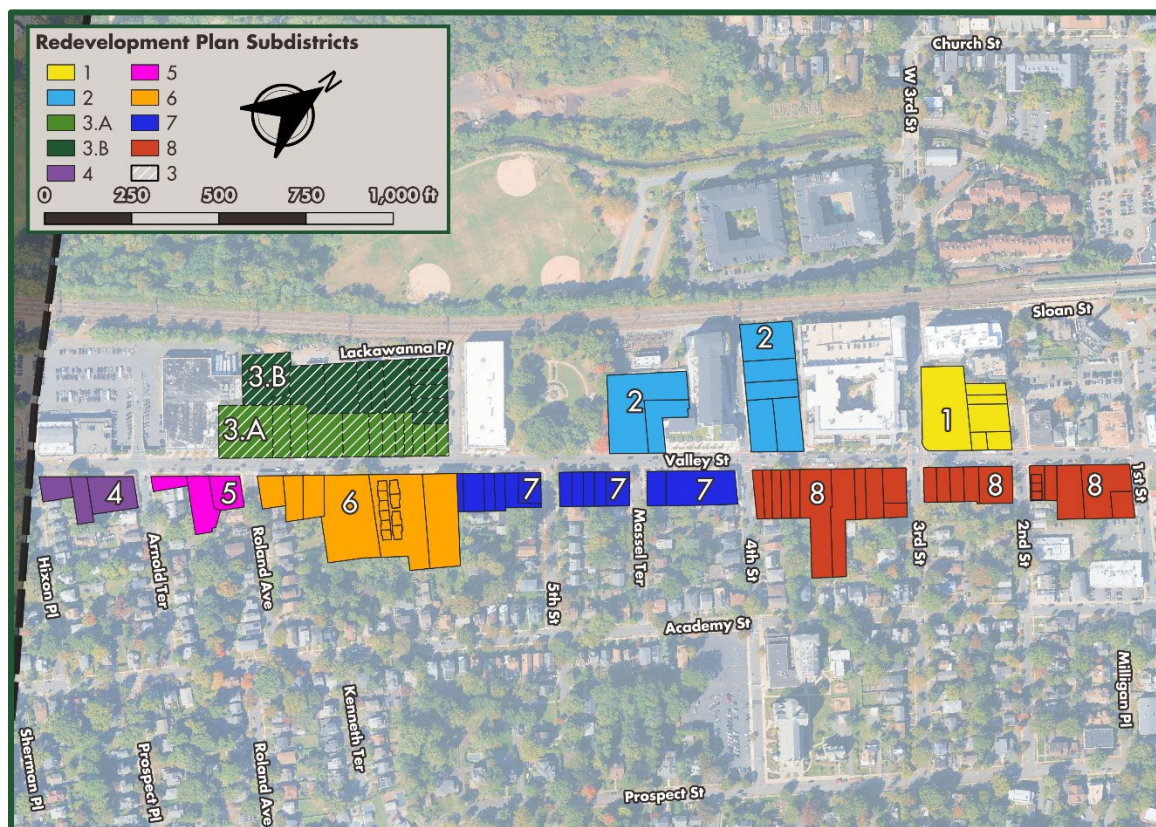


Figure 3: Redevelopment Plan Area Subdistricts

A. Approach & Intent

This Redevelopment Plan incorporates the majority of the Valley Street corridor within the Village. This creates a unique situation where this Plan must address the particularities of existing conditions, topography, and surrounding context of different sections of this corridor while also providing a wholistic vision for Valley Street. To this end, this Redevelopment Plan emphasizes particular regulatory elements of this Plan as integral to this approach.

1. Activate Valley Street proximate to Downtown South Orange by requiring “Active Ground Floor Uses.”
2. Generally, focus density toward Downtown South Orange and west of Valley Street, transitioning to gentler densities moving south along and east of Valley Street.
3. Orient buildings toward Valley Street, creating a pedestrian-oriented streetscape that directs vehicular access to side streets where practical.
4. Build and expand upon prior redevelopment plans along Valley Street to establish a consistent streetscape, to widen the narrow corridor,

- provide more light and air, and create a quality public realm through robust design standards for items like streetscape organization, materials, landscaping, and lighting.
5. Permit a wide variety of uses along the corridor, providing for flexibility, creativity, and innovation in redevelopment approaches to invigorate Valley Street with economic and community vitality. This approach also considers whether and ensures that permitted uses are context appropriate.
 6. Provide specific provisions for re-use, rehabilitation, and expansion of existing nonconforming uses.
 - a. 1- and 2-family uses in existing residential buildings.
 - b. Existing industrial uses on Lackawanna Place.
 7. Support development of “missing middle housing” with specific provisions for Small Apartment Buildings and Townhouses.
 8. Provide unique mechanics to support local entrepreneurs and artists by permitting certain commercial uses in one- and two-family dwellings, as well as definition and regulation of “Low-Impact Industrial Uses” on Lackawanna Place.
 9. Provide various mechanisms to ensure core parking needs are met while providing flexibility to keep parking from obstructing redevelopment. These tools include provisions for shared and off-site parking, payments-in-lieu of parking, and small-commercial parking exemptions.
 10. Require high-quality design for redevelopment projects, addressing issues like architecture, residential open space, privacy, and general quality of life.

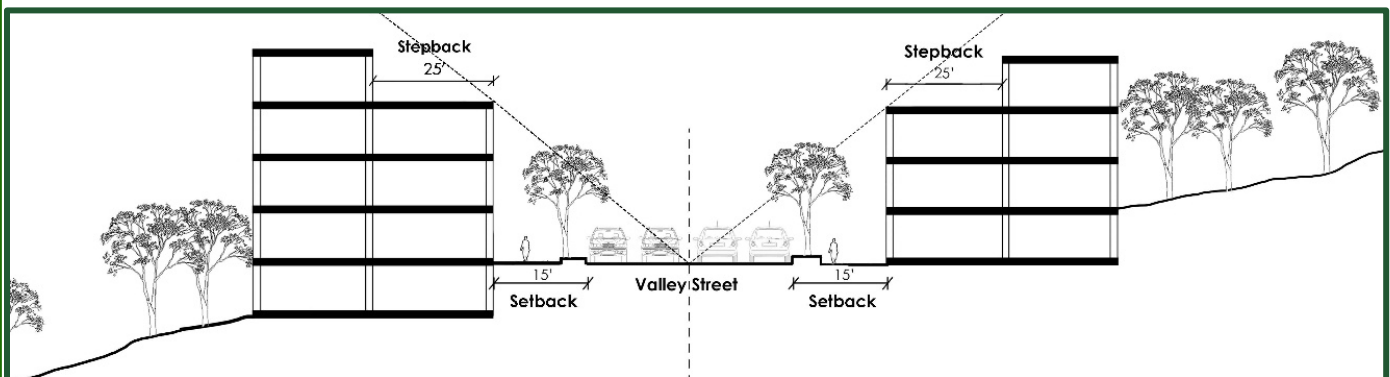


Figure 4: Illustrative Cross-Section Diagram of Valley Street

B. Permitted Principal Uses

Table 1 below specifies the principal uses permitted in the Redevelopment Plan Area, as well as in which subdistricts they are permitted. Where permitted in the subdistrict, any combination of permitted principal uses in a mixed-use building is permitted, except that detached single-family and detached two-family uses shall only be permitted in conjunction with:

1. Home-Based Business, Professional Office in Residence, or Cottage Foods; or
2. Art Gallery; and/or Creative Production Studio.
3. Only one of the permitted accessory uses in #1 may occur on a lot, in addition to the residential use.
4. Principal Permitted Uses in #2 may occur simultaneously on the same lot.
5. Permitted Accessory Uses in #1 may not occur on the same lot as Principal Permitted Uses in #2.

Table 1: Permitted Principal Uses

PRINCIPAL USES	SUBDISTRICTS 1-3	SUBDISTRICTS 4 & 5	SUBDISTRICTS 6-8
Active Ground Floor Uses – Required Subdistricts*	Subdistricts 1 & 2 Only		Subdistrict 8 Only
Ambulatory Surgical Facility	X		X
Apartment Building	X		X
Apartment Building, Small	Subdistrict 3 Only	X	X
Arcade (A)	X		X
Art Gallery (A)	X		X
Banks and Financial Institutions (A)	X		X
Bowling Alleys, Swimming Pools, and Sports Arenas (A)	Subdistricts 2 & 3 Only		
Catering Kitchen / Food Production (A*)	X	X	X
Children's Gym/Play Space (A)	X		X
Community Development Office	X	X	X
Convenience Store (A)	X	X	X
Co-Working Space	X	X	X
Creative Production Studio (A*)	X		X
Dwelling, One-Family **	X	X	X
Dwelling, Two-Family**	X	X	X
Dwelling, Multi-Family	X	X	X
Educational, Vocational, or Instructional Use	X	X	X
Event Space (A)	X		X
Fast-Food Restaurants (A)	X		X
First Responders' Suite			Subdistrict 8 Only
Funeral Homes and Parlors	Subdistrict 3 Only		
Kitchen Used Primarily for Cooking Classes (A)	X		X
Knitting Room (A)	X	X	X
Medical Office (i.e. Clinic)	X		X

PRINCIPAL USES	SUBDISTRICTS 1-3	SUBDISTRICTS 4 & 5	SUBDISTRICTS 6-8
Medtail (A)	X		X
Paint and Sip Studio (A)	X	X	X
Pet Grooming (A*)	X		X
Private, Public, Nonprofit Organization, Institution or Group Preparing Storing or Serving Food	X		X
Private Recreational Facilities (A)	X		X
Offices***	X	X	X
Public Buildings and Uses Owned or Operated by the Village or its Agent	X	X	X
Restaurant (A)	X		X
Retail Flex (A)	X		X
Retail Food Establishment (A)	X		X
Retail Market (A)	X		X
Retail Showroom (A)	X		X
Retail Sales & Services (A)	X		X
Tattoo Parlor (A)	X		X
Theater, Indoor (A)	X		
Townhouse		X	X
Studios for the Instruction of the Arts, Dancing, Music, Languages or Photography (A*)	X	X	X
Urgent Care	X		X
Yoga Studio (A)	X		X
(A) Active Ground Floor Use (A*) Potential Active Ground Floor Use (See Section 4.F.4) *Active Ground Floor Uses shall be the only permitted principal uses fronting on Valley Street in required subdistricts. All accessory uses on the ground floor shall be set back from the Valley Street façade except for open space and lobbies/stairwells providing access to upper floors. **See Section 4.F.1 for additional standards. ***Offices shall include business, executive, general, professional, realtor / real estate, and party / wedding planner offices as provided in the LDO, Chapter 185. NOTE: Where uses in this table are permitted in Subdistrict 3, such uses shall also be permitted in Subdistricts 3.A or 3.B.			

C. Accessory Uses

1. Professional Office in Residence, subject to compliance with Section 185-186 of the LDO.
2. Home-Based Business, subject to compliance with Section 185-187 of the LDO.
3. Cottage Foods, subject to compliance with Section 185-195 of the LDO.
4. Parks, plazas, and open space and open or enclosed walkways or malls.
5. Indoor and outdoor residential amenities for use by residents and their guests, including but not limited to balconies, terraces, rooftop decks, pools, game rooms, workstations and conference rooms, and event spaces.
6. Outdoor Dining and Sidewalk Cafes, subject to compliance with side and rear yard setback requirements.
7. Any other uses determined to be customary or incidental to permitted principal uses.

D. Conditionally Permitted Uses

The following uses shall be conditionally permitted, subject to compliance with the conditions specified herein.

1. Breweries, cideries, meaderies, and distilleries, subject to the following requirements:
 - i. Such uses shall only be permitted in Subdistrict 3 or 3.B.
 - ii. Breweries and distilleries shall hold a craft manufacture's license as defined and regulated under N.J.S.A. 33:1-10.
 - iii. Such uses shall comply with production limitations of their craft manufacturer's license, except that breweries shall not produce more than 100,000 barrels of 31 liquid gallons capacity annually.
 - iv. Such uses shall comply with the conditions required of Low-Impact Industrial Uses, except that, where provided, on-site retail consumption shall not be considered toward trip generation requirements.
2. Brewpubs, subject to the following requirements:
 - i. Brewpubs shall be permitted in Subdistricts 1, 2, 3, and 8.
 - ii. Brewpubs shall not produce more than 10,000 barrels of 31 liquid gallons capacity annually.
 - iii. Brewpubs shall hold a restricted brewery license as defined and regulated under N.J.S.A. 33:1-10.
 - iv. At least one off-street loading space shall be provided.

- v. Brewpubs shall be considered an Active Ground Floor Use.
- 3. Cannabis-related uses as defined under Section 101-2 of the Village Code, as permitted in underlying zoning districts as identified in Section 185, Attachment 2 – District Use Regulations of the LDO, and as regulated under Section 185-193 of the Development Ordinance. Class 5 Cannabis Retailers shall be considered an Active Ground Floor Use.
- 4. Churches, Synagogues, and Other Religious and Nonprofit Schools for Day Students Only, subject to the following requirements:
 - i. Such uses shall only be permitted in Subdistricts 1, 2, and 3.
 - ii. New uses shall comply with conditional use requirements under Section 185-183 of the LDO, except that, where compliance with B-1 and B-2 zone standards are required, requirements of the applicable Subdistrict shall instead apply.
 - iii. Uses existing at the time of adoption:
 - a. Principal buildings existing at the time of adoption of this Redevelopment Plan shall be considered permitted uses, shall not require conditional use approval, and may further improve such principal buildings limited to rehabilitation, reuse, and expansion, where expansion shall be limited to an increase of 10% of the floor area existing at the time of adoption of this Redevelopment Plan.
 - iv. Such uses shall not be required to comply with Active Ground Floor Use requirements.
- 5. Low-Impact Industrial Uses (LIIUs), subject to the following conditions.
 - i. LIIUs shall only be permitted in Subdistrict 3 / 3.B.
 - ii. Vehicular site access may not be provided from Valley Street.
 - iii. Traffic generated by the LIIU shall be less than 100 daily, individual trips (i.e. not inbound-outbound round trips).
 - iv. Vehicles used as part of the LIIU's operations shall be single-unit and have no more than four axles.
 - v. At least one off-street loading space shall be provided.
 - vi. LIIUs shall comply with Section 185-129 of the LDO, as modified below.
 - a. Noise: Activities in the Redevelopment Plan Area shall comply with Chapter 207 of the Municipal Code, as well as N.J.A.C. 7:29 and the State Model Ordinance promulgated thereunder.

- b. Vibrations: Where vibrations are anticipated to be generated by the LIIU, as determined by the Planning Board, the following standards shall apply.
 - (i) Peak particle velocity shall not exceed 0.1 mm/s above the baseline, as measured at the property line for single-use sites and as measured within the premises of other on-site uses for mixed-use sites.
 - (ii) The baseline shall be established prior to any certificate of occupancy, as measured by a seismograph or similar instrument.
 - (iii) Periodic or real-time monitoring shall be conducted in a manner and frequency approved by the Planning Board.
- 6. Lodges, Fraternal Organizations and Associations, subject to the following requirements:
 - i. Such uses shall not be permitted in Subdistricts 4 and 5 of this Plan.
 - ii. Such uses shall not be located on the ground floor.
 - iii. Such uses shall comply Section 185-185 of the LDO.
- 7. Professional Office in Residence, subject to the following requirements:
 - i. Such uses shall only be permitted in single-family, two-family, and townhouse dwelling units.
 - ii. Such uses shall comply with Section 185-186 of the LDO.
- 8. Nonresidential Rooftop Decks
 - i. Nonresidential rooftop decks may only be used for the following principal and accessory uses.
 - a. Art Gallery
 - b. Community Development Office
 - c. Event Space
 - d. Knitting Room
 - e. Paint and Sip Studio
 - f. Outdoor Dining
 - g. Yoga Studio
 - ii. Nonresidential rooftop decks shall only be located within building stepbacks facing Valley Street and shall not be visible from properties east of Valley Street that are outside of the Redevelopment Plan Area.

- iii. Distinct and independent means of access shall be provided to/from the nonresidential rooftop deck and the associated, interior nonresidential principal use.
- iv. The floor height of a nonresidential rooftop deck shall not exceed 40' above the adjacent grade of Valley Street.
- v. The rooftop deck shall be closed 30 minutes prior to closure of the business to permit for vacating and cleaning of the space.

E. Prohibited Uses

- 1. Drive-through operations, such as but not limited to those commonly used for fast-food restaurants and banks.
- 2. Any other uses not specifically permitted by this Redevelopment Plan.

F. Use-Specific Standards

- 1. One- and Two-Family Uses are permitted, subject to the following standards.
 - i. Detached One- and Two-Family Uses:
 - a. Such uses shall only be located within principal buildings existing at the time of adoption of this Redevelopment Plan, where improvement of such principal buildings shall be limited to rehabilitation, reuse, and expansion, where expansion shall be limited to an increase of 10% of the floor area existing at the time of adoption of this Redevelopment Plan.
 - b. Such uses shall not be required to comply with Active Ground Floor Use requirements.
 - ii. One- and Two-Family Uses may otherwise be permitted in a mixed-use building with other, nonresidential use(s).
- 2. Nonresidential uses existing within the in Subdistrict 3 at the time of adoption of this Redevelopment Plan shall be considered permitted uses, subject to the following standards.
 - i. Such uses shall comply with applicable zoning requirements of the B-3 Zoning District.
 - ii. Improvement of such principal buildings shall be limited to rehabilitation, reuse, and expansion, where expansion shall be limited to an increase of 10% of the floor area.
- 3. Townhouses
 - i. Where townhouses are proposed, lot area shall be inclusive of the entire site, irrespective of internal subdivisions.

- ii. Side yards shall not be required between townhouses on the same site that share a party wall.
- iii. Multiple principal buildings are permitted for Townhouse developments.
- iv. Townhouses shall comply with Section 185-168.A.8 through 185-168.A.11 of the LDO.

4. Additional Active Ground Floor Uses

The following permitted uses may be considered Active Ground Floor Uses. To be considered an Active Ground Floor Use, such uses shall comply with the standards specified herein for the use. In all cases, such uses shall also comply with the transparency requirements for Active Ground Floor Uses under Section 4.K.1.ii.

- i. Catering Kitchen / Food Production: The kitchen shall be adjacent to and visible from the street-facing façade such that passersby may view the preparation process.
- ii. Creative Production Studio
 - a. The production studio shall be adjacent to and visible from the street-facing façade such that passersby may view the production process; or
 - b. Completed artisan and craft wares are displayed in street-facing windows, which may be achieved through a “shadow-box” display that does not provide visibility into the rest of the studio.
- iii. Pet Grooming: The waiting area for pets waiting to be groomed / picked-up shall be directly adjacent to the street-facing windows such that passersby may view the pets.
- iv. Studios for the Instruction of the Arts, Dancing, Music, Languages or Photography
 - a. Arts, Dancing, and Music: The performance / arts space shall be directly visible from the street-facing façade such that passersby may view rehearsals.
 - b. Photography: Display of finished photographs shall be displayed in street-facing windows, which may be achieved through a “shadow-box” display that does not provide visibility into the rest of the studio.
 - c. Language Studios shall not be considered an Active Ground Floor Use.

5. The above notwithstanding, this Plan shall not be construed to prohibit the lawful, continuing operation and maintenance of any uses existing at the time of adoption of this Redevelopment Plan.

G. Area, Bulk + Density Requirements

Please see Section 6 for the Schedule of Area, Bulk, & Density Requirements for each Subdistrict. Where One- and Two-Family Dwellings and Small Apartment Buildings are permitted and proposed, specific standards provided for such uses in Section 6 shall supersede those of the applicable Subdistrict.

1. Buffering

i. Yard Buffers

- a. Buffers shall be provided between all lots in Subdistricts 4-8 where abutting lots in the RB and RC-1 Zoning Districts, except for 1- and 2-family Detached buildings.
- b. Lots in Subdistricts 4-8 shall comply with standards under Section 185-118, clauses C-G of the LDO.
- c. Except where greater buffer standards are required under Section 185-118, clauses C-G of the LDO, all sites requiring buffers shall provide screening along their side and rear yards, which may include a 6 feet opaque fence and/or a dense evergreen / fastigate tree screen.

2. Accessory Standards

- i. Accessory structures for 1- and 2-Family Detached and Small Apartment Buildings shall comply with residential zone standards under Section 185-167.A of the LDO.
- ii. All other accessory structures shall comply with the following standards:
 - a. Setback, All Property Lines (Min.):
 - i. 5 feet where 10-foot principal side yard setback is required.
 - ii. 3 feet where 5-foot principal side yard setback is required.
 - b. Permitted Yards: Side and rear yards only.
 - c. Height (Maximum): 15 feet
- iii. Rooftop decks shall be set back a minimum of 10 feet from all facades, with the exception of rooftop decks located in stepbacks.

3. Height Exemptions

Building Height Regulations shall not apply to rooftop appurtenances such as church spires, cupolas or towers designed exclusively for ornamental purposes; antennas, chimneys, flues, bulkheads, elevator enclosures, water tanks or similar accessory structures; and rooms

servicing the roof, so long as such appurtenances comply with the following regulations:

- i. The highest point of such exempt rooftop appurtenances shall be no more than 15 feet above the elevation of the roof.
- ii. Such rooftop appurtenances shall not exceed 25 percent of overall horizontal roof area.
- iii. Rooms servicing the roof:
 - a. Rooms servicing the roof shall be limited to:
 - (i) Stairwells and elevators and associated vestibules.
 - (ii) Where a rooftop deck is proposed, a storage room, trash room, and restroom shall be permitted.
 - b. The maximum floor area of rooms on the same floor as a rooftop deck shall not exceed 10% of overall horizontal roof area.
 - c. The floor-to-ceiling height of such rooms shall not exceed nine feet.
 - d. Rooms shall be set back from all building façades by at least 10 feet.

H. Vacancy standards

1. Where a nonresidential premises located on the ground floor is vacant, such premises shall comply with of the LDO 185-146.
2. Internal spaces shall be visible from the street and shall not be left unilluminated.
3. Up to 50% of façade transparency may be covered by rental advertising signage.

I. Affordable Housing Requirements

1. Any multi-family residential development, including the residential portion of a mixed-use project, shall be subject to the Affordable Housing Ordinance in Article XXXVI of the LDO, unless otherwise identified in the Municipal Affordable Housing Settlement Agreement / Housing Element & Fair Share Plan.
2. Any existing affordable housing units to be removed as part of rehabilitation or redevelopment shall be replaced at a 1:1 ratio and shall otherwise comply with the requirements of the Affordable Housing Ordinance.

J. Parking and Loading Requirements

1. Vehicle Parking: Existing parking spaces located on public streets will not count towards meeting minimum parking requirements specified in

this Plan. Specific parameters of parking space operations may be addressed within Redevelopment Agreement(s). The following Table 2 determines the off-street parking standard applicable based on use. Where parking standards are not specified below, the standards provided under Section 185-174.A of the LDO shall apply.

Table 2: Off-Street Parking Requirements
(Minimum Spaces per 1,000 SF, Unless Otherwise Specified)

USE	REQUIREMENT
Ambulatory Surgical Facility	3
Arcade	10
Art Gallery	1
Swimming Pools, and Sports Arenas*	10 spaces per 1,000 SF of pool / field / court area.
Brewery, Cidery, Meadery, or Distillery	10 per 1,000 SF of customer service area
Brewpub	1 space per 2 seats
Catering Kitchen / Food Production	2
Children's Gym/Play Space	5
Community Development Office	1
Convenience Store	3
Co-Working Space	3
Creative Production Studio	1
Dwelling Unit – 1- or 2-family or townhouse	2 spaces per unit
Dwelling Unit – all others	1 spaces per unit
Educational, Vocational, or Instructional Use	5
Event Space	10
Fast-Food Restaurants	10
First Responders' Suite	N/A
Kitchen Used Primarily for Cooking Classes	5
Knitting Room	See Retail, Section 185-174
Lodges, Fraternal Organizations and Associations	1
Medtail	3
Offices	3
Paint and Sip Studio	5
Pet Grooming	See Retail, Section 185-174
Private, Public, Nonprofit Organization, Institution or Group Preparing Storing or Serving Food	5
Private Recreational Facilities	5
Public Buildings and Uses Owned or Operated by the Village or its Agent	N/A
Restaurant	1 space per 2 seats
Retail Flex	N/A
Retail Market	5
Retail Showroom	See Furniture and Appliance Stores, Section 185-174
Retail Sales & Services	3

USE	REQUIREMENT
Tattoo Parlor	3
Studios for the Instruction of the Arts, Dancing, Music, Languages or Photography	5
Urgent Care	5
Yoga Studio	5
*See Section 185-174 for Bowling Alley standards.	

i. Parking Exemptions

- a. Nonresidential uses may be exempt from parking requirements under the following conditions, in which case parking may instead be provided at a rate of 1 space per employee on the maximum shift:
 - (i) Nonresidential vehicle parking requirements are less than 10 spaces and the total floor area of the nonresidential use(s) is less than 2,000 square feet; or.
 - (ii) The total floor area of the nonresidential use(s) is less than 1,000 square feet.
- b. Ambulatory Surgical Facilities, Medical Offices / Clinics, Medtail, and Urgent Care shall not be eligible for the parking exemption.
- c. Where a Redeveloper demonstrates parking is provided in an off-site location sufficient to satisfy off-street parking requirements, the Planning Board may waive the requirements for on-site, off-street parking.
 - (i) Off-site parking shall be within 400 feet of the subject property, as measured in a direct line between the subject property and parking property.
 - (ii) Demonstration of off-site parking shall either be in the form of:
 - (1) Parking passes / parking privileges provided by the South Orange Parking Authority; or
 - (2) Contract or similar agreement with another party for access to the parking spaces.
 - a. Access under the agreement shall be from one hour before to one hour after the business hours of operation, or 24/7 for residential uses.
 - b. Off-site parking may not use shared parking calculations, and access to the spaces during the required hours shall be unrestricted and unshared.

- c. The contract or similar agreement shall provide rights to the parking spaces for a minimum period of 10 years. If at any time the off-site parking arrangement expires, the property owner shall provide the Zoning Officer notice as well as a plan to conform to on- or off-site parking standards. If the property owner fails to produce an alternative plan, the owner shall be required to seek variance relief from the Board.
 - ii. Parking requirements for Ambulatory Surgical Facilities, Medical Offices / Clinics, Medtail, and Urgent Care may not be satisfied through off-site parking.
- d. Payment-in-lieu of Parking
 - i. A Redeveloper may provide a payment-in-lieu to satisfy a portion of required parking spaces. The fee per parking space and total fee shall be established in the Redevelopment Agreement, and only Redevelopers entering into a Redevelopment Agreement may provide a payment-in-lieu of parking.
 - ii. Where a payment-in-lieu of parking is provided for in a Redevelopment Agreement, variance relief shall not be required for a deficiency of required parking spaces where such deficient spaces are the subject of the payment-in-lieu.
 - iii. The maximum parking spaces that may be addressed through a payment-in-lieu shall not exceed 10 parking spaces or 50% required parking spaces, whichever is greater.
- ii. Shared parking:
 - a. Mixed-use sites may provide parking at a reduced rate based on a shared parking analysis, which shall demonstrate the maximum required parking spaces to satisfy occupancy rates of each use during the below periods.
 - (i) Weekdays (Monday-Friday) and Weekends (Saturday and Sunday).
 - (ii) For each Weekday and Weekend period:
 - (1) 8am-6pm
 - (2) 6pm-12am
 - (3) 12am-8am

- b. Shared parking schemes shall be prepared based on the analysis of a traffic engineer or industry technical manual, which shall be subject to approval by the Planning Board.
- 2. Bicycle parking
 - i. Required Off-Street Bicycle Parking Spaces
 - a. Multifamily dwellings: 1 space per dwelling unit.
 - b. Guest parking for multifamily dwellings: 1 space per 10 dwelling units.
 - c. Nonresidential uses: 1 space per 5,000 square feet nonresidential floor area.
- 3. Loading
 - i. Existing loading spaces located on public streets will not count towards meeting minimum loading requirements laid out in this Redevelopment Plan. Loading and unloading shall be prohibited from Valley Street travel lanes.
 - ii. Specific parameters of loading space operations may be addressed within Redevelopment Agreement(s).
 - iii. For commercial or industrial uses, compliance shall be required with loading standards under Section 185-177 of the LDO.
 - iv. For residential uses, one loading space shall be required for buildings with 5 to 75 dwelling units. For buildings containing more than 75 dwelling units, two loading spaces shall be required, with an additional loading space required for each additional 50 dwelling units.
 - v. On mixed-use properties, requirements for residential and commercial / industrial loading spaces are cumulative, and the sum of such requirements shall be the loading requirement for the property.
- 4. Electric Vehicles shall comply with requirements under Section 185-174.G of the LDO.
- 5. Locations
 - i. Vehicle parking and loading spaces shall not be permitted in any front yard along Valley Street.
 - ii. Curb cuts are prohibited along Valley Street where a site fronts on another street.

K. Design Standards

1. Exceptions

Any deviation from Design Standards contained herein shall be subject to design waiver relief, except that deviation from signage and utility standards shall require bulk variance relief pursuant to NJSA 40:55D-70(c). These design standards are not intended to restrict creativity, and a Redeveloper may request that the guidelines and standards be modified or waived. The Planning Board may grant a Redeveloper reasonable waivers or modifications from these design standards provided the Redeveloper demonstrates the following:

- a. The literal enforcement of the design standard is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- b. The design remains consistent with the approach and intent of the standard, as outlined in Section 4A of this Redevelopment Plan, and the proposed design waiver or modification will not substantially impair the intent of the Redevelopment Plan;
- c. The proposed design waiver or modification is consistent with the Village's normally acceptable engineering, planning and/or architectural practices;
- d. The proposed design waiver or modification will not have an adverse impact on the physical, visual, or spatial characteristics of the overall development plan for the parcel or tract to be developed;
- e. The proposed design waiver or modification generally enhances the overall development plan for the tract;
- f. The proposed design waiver or modification will not have an adverse impact on the physical, visual, or spatial characteristics of the existing streetscape and neighborhood in which such development is located;
- g. The proposed design waiver or modification generally enhances the streetscape and the surrounding neighborhood;
- h. The proposed design waiver or modification will not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development;
- i. The proposed design waiver or modification will not materially detract from the real property value of the development or adjacent or nearby properties; and

- j. The proposed design waiver or modification will not present a substantial detriment to the health, safety and welfare of the neighborhood, community, or citizens of South Orange Village.

2. Building and Architectural Design Standards

ii. Floor-to-Ceiling Heights (minimum)

- a. Ground Floor, where Active Ground Floor Uses are required: 12 feet
- b. Ground Floor, All Others: 10 feet
- c. Upper Floors: 9 feet

iii. Transparency Levels (minimum)

- a. Street-Facing Façades on Valley Street, where Active Ground Floor Uses are required: 60%
- b. All Other Street-Facing Ground Floors: 30%
- c. All Other Façades: 25%

iv. The following building materials are permitted plus any deviations, substitutions, and additional materials if approved by the Planning Board:

- a. Brick
- b. Standing seam metal
- c. Glass
- d. Terra Cotta
- e. Wood

v. Street-facing façade composition

- a. The design of all primary facades shall incorporate a clear visual division between the base, middle and top. These elements shall be established using cornice lines, windows or similar horizontal architectural elements.
- b. Building Base: The base includes the ground floor of the building and, in certain cases, the level above.
- c. Middle: The middle shall be defined as the space between the top and base portions of the building. This space may be broken up using more subtle and subdued horizontal architectural elements. Along Bank Street, the appearance of double height windows in the middle of the building is encouraged.
- d. Top: The top shall be defined as the top one to two floors of the primary façade. Appropriate cornice lines shall enhance the top

of the building. Building tops with flat roofs shall be defined by parapet walls with horizontal elements that are appropriate for the vernacular described herein. Cornices shall be coordinated with the architectural and roof style of the building. Decorative corbels and brackets for cornices if used shall be complementary in style to the cornice.

- vi. Viewsheds. Architectural design approaches are encouraged to maintain views from residential properties to the east of the Redevelopment Plan Area of South Mountain Reservation to the west, as well as to create interest in the rooflines and modulation of buildings within the Redevelopment Plan Area as their own vista complementary to South Mountain Reservation. This may be achieved through a variety of architectural approaches, including but not limited to:
 - a. Vertical articulation, building stepbacks, sloped roofs, and other variations in the roofline.
 - b. Use of the slope to hide and de-mass the building.
 - c. Woodland-colored building materials
 - d. Incorporation of bird houses and nesting locations.
- vii. Building Entrances
 - a. Where sites front onto Valley Street, direct pedestrian entries shall be provided from and facing Valley Street without the need to traverse vehicular circulation facilities.
 - b. Awnings, canopies
 - (i) Awnings, canopies and similar other architectural features are encouraged at building entrances. These features should not conceal or disfigure architecturally significant elements.
 - (ii) Awnings and canopies shall not project more than 4 feet from the façade and shall provide a minimum clearance height of 8 feet.
- viii. Additional Standards
 - a. No blank walls shall be permitted alongside the front or rear 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.
 - b. No street-facing building wall shall exceed 40 feet in width without horizontal articulation at least 2 feet in depth.

- c. No unfinished cement block shall be permitted on any exterior façade.
- d. Rooftop appurtenances, such as but not limited to HVAC equipment, elevator housing, exhaust pipes, and other mechanical equipment are to be fully screened from view.
- e. Fire escapes and secondary points of egress are to be internal.
- f. Folding window walls or other opportunities for extensive glazing and flexible frontages on commercial store façades facing streets and parks are encouraged.

3. Parking & Loading

Design of vehicle parking, bicycle parking, and loading standards shall comply with requirements in Sections 185-113 through 185-115 of the LDO except as superseded herein.

i. Driveways

- a. Site access shall be limited to one egress lane and one ingress lane, whether provided through one curb cut or two, one-way curb cuts.
- b. No curb cuts shall be within 5 feet of properties east of the Redevelopment Plan Area, or as may be otherwise further restricted by required yard buffers.
- c. Driveways providing access to loading facilities shall provide a minimum clearance height of 12 feet.

ii. Parking

- a. Except for driveway openings, all parking and loading areas shall be screened from view from Valley Street. This requirement shall not apply to 1- and 2-Family Detached buildings.
- b. Structured parking in Subdistricts 4-8 shall include creative designs to mitigate visual impact on Valley Street and side streets, and parking garages shall be screened so as to not be visible to properties east of the Redevelopment Plan Area. Open-air parking garages (i.e. parking on the unenclosed roof of the parking garage) shall not be permitted in Subdistricts 4-8.
- c. Structured parking screening designs include but are not limited to masking the structure within existing topography, building liners, green walls, murals and other artwork, and metal louvers.

iii. Bicycle Parking

- a. Long-term bicycle parking for residents and employees shall be located within dwelling units or in one or more shared, secured

areas; private resident storage rooms; or within an adjacent parking area or garages that are protected from collision or obstruction by vehicles.

- b. Location and type of short-term outdoor bicycle parking shall comply with Section 185-174.F.3 of the LDO, except that Cora-style racks are not permitted. Short-term outdoor bicycle parking, inclusive of that required for street furniture, should be provided in location, layout, and form that considers the anticipated demand, users, and turnover of those parking spaces.
 - c. Bicycle parking shall be sited on a hardscaped surface, and a direct, hardscaped pedestrian route shall be provided to/from bicycle parking spaces, which shall not require carrying/lifting of the bicycle to reach the space from the street nor, when indoors, to reach the building entrance. This may be achieved through step-free access or wheel ramps alongside stairs. This shall not be construed to prohibit stacked or vertical configurations for indoor bicycle parking spaces.
 - d. Indoor and outdoor bicycle parking, inclusive of that required for street furniture, shall be designed to accommodate a variety of micromobility devices, such as e-bikes, e-scooters, cargo bikes, trikes, and bikes with attachments (e.g. front baskets). Where stacked or vertical configurations for indoor bicycle parking spaces or proposed, sufficient space and configuration shall be provided within the parking area or an alternate location for such variety of micromobility devices.
- iv. Where interior electric vehicle, electric bicycle, or electric micromobility parking is proposed (i.e. parking garage, covered parking area, interior bike room, etc.), fire blankets shall be provided in a visible, accessible location subject to approval by the Planning Board. Electric vehicle fire blankets shall measure at least 19 in width and 25 feet in length.

4. Streetscape, Landscape, & Open Space Standards

- 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. Streetscape and building façades shall be designed to indicate a clear sense of entry to the building. The path from the street to the building entrance should be clear and welcoming.
- iii. Sidewalks

Sidewalks are required along both sides of all new and improved streets and shall be programmed consistent with the following specifications.

a. Sidewalk design shall comply with Section 185-98, clauses A and C through F of the Land Development Ordinance.

b. Sidewalk Dimensions (Minimum):

(i) Total Width:

(1) Valley Street: 15 feet

(2) All Others: 10 feet

(ii) Frontage Area Width:

(1) Where sidewalk dining is proposed: 5 feet

(2) All Others: 2 feet

(iii) Pedestrian Circulation / Clear Area:

(1) Valley Street: 8 feet

(2) All Others: 4 feet

(iv) Street Furniture / Planting Area Width: 4 feet

(v) Any sidewalks not between the building line and curblin
shall be at least 4 feet in width.

(vi) On-Street "Lay-By" Spaces

(1) Lay-by spaces may be provided for short-term parking and loading (not to exceed 10 minutes). Lay-by spaces shall not be considered toward requirements for off-street parking and loading requirements but may be considered by the Planning Board as mitigatory of any variance from loading requirements. Use of lay-by spaces shall be restricted to customers picking up orders, food pick-up / drop-off, delivery circulation, internal package storage, and rideshare pick-up/drop-off.

(2) Lay-by spaces shall be at least 8 feet in width and 20 feet in length and be oriented parallel to the direction of traffic flow.

(3) The Frontage Area and Street Furniture / Planting Area may be reduced or eliminated where necessary to accommodate a lay-by space. Preservation of the Street Furniture / Planting Area shall take priority over the Frontage Area.

c. Sidewalk Materials

- (i) Paving of the Pedestrian Circulation / Clear Area shall consist of scored concrete, slate, bluestone, or similar large-format, flat-finish paver.
- (ii) In the frontage Area and Street Furniture / Planting Area brick, Belgian block, permeable, or similar pavers are encouraged to accent the streetscape and provide a “signature” look. Material, color, and design should be complementary to adjacent streetscape treatments in order to provide effective transitions throughout the Valley Street corridor.
- (iii) Asphalt, packed aggregate, and painted materials (except traffic markings, parking designations and crosswalks in accordance with applicable regulations specific to NJDOT or other regulatory agencies) are prohibited within the sidewalk.

d. ADA Treatments

- (i) Compliant tactile pavers shall be used to define the edge of any service drive or driveways. They shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.
- (ii) Where traversing pedestrian and sidewalk areas, the grade, slope, and paving material of driveways shall be consistent with that of pedestrian and sidewalk areas. Dedicated driveways may slope to meet the grade of roadways in the Street Furniture / Planting Area.
- (iii) The Planning Board may require audiovisual warning devices be installed at driveways and parking garage entrances where sightlines to the sidewalk are limited.

- e. Landscaping, seating, and curb bump-outs are encouraged at intersections and driveway entrances to inhibit vehicles from obstructing sightlines and to shorten crossing distances. Where on-street bike facilities are provided, design shall not “push-out” bicyclists into vehicular traffic.

iv. Street Furniture

Street furniture shall be provided at the rates specified below. Street trees and street lights shall only count toward requirements where placed within the right-of-way, while benches, bicycle racks, and trash receptacles may count toward requirements if placed within the front yard and are readily accessible and visible from the right-of-way:

- a. Street Trees: 1 per 30 feet of frontage
- b. Street Lights: 1 per 60 feet of frontage, min. 1

Street lights shall be consistent with existing street light fixtures in South Orange or related fixture specification as may be promulgated by the Village and/or PSE&G.

- c. Benches: 1 per site, on Valley Street
- d. Trash Receptacle: 1 per site, on Valley Street
- e. Bicycle Racks: 1 per site, on Valley Street

NOTE: Bicycle parking provided to satisfy this requirement shall not count toward off-street bicycle parking requirements, whether provided on-street or in the front yard.

- f. Exemptions:
 - (i) Bench, trash receptacle, and bicycle rack street furniture requirements shall only apply to projects subject to redeveloper designation.
 - (ii) Where benches, trash receptacles, or bicycle racks are already existing on the same side of the street within 100 feet of the property, additional benches, trash receptacles, or bicycle racks shall not be required.

v. Programmable Spaces

- a. Programmed space between the curb and building frontage is highly encouraged. Programmed space should be designed using a mixture of hardscape and landscape.
- b. Areas between the curb and building frontage should be designed to accommodate tables, chairs, landscaping, and other improvements to create an attractive and hospitable area
- c. At least 25% of areas between the property line and building frontage shall be landscaped.

vi. Crosswalk treatments shall be designed to maximize visibility with signage, colors and materials, lighting, etc.

vii. Street Trees

- a. Street trees shall be noninvasive and consistent with the "Right Tree, Right Place" specifications of PSE&G¹ and shall be pollution-resistant.

¹ <https://nj.pseg.com/safetyandreliability/reliability/treetrimming/righttreerightplace>

- b. Trees shall be a minimum of 3.5" caliper measured at 8" above the grade and shall maintain a minimum limb clearance height of 7 feet.
- c. Tree irrigation bags must be installed and maintained for at least six months after planting.
- d. Tree grouping or clustering is encouraged.
- e. Tree pits shall be at least 4 feet in width and 7 feet in length
- f. Street tree 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.

viii. Landscaping

- 1. Front yards and sidewalk frontage areas shall be improved either with programmable space such as seating, outdoor dining / sidewalk cafes, or sidewalks or with landscaping between the building line and the sidewalk.
- 2. The utilization of downspout planters are encouraged for the treatment of stormwater from building rooftops.
- 3. Rain gardens and bioswales are encouraged to the greatest extent practicable.
- 4. All efforts should be made to maintain existing vegetation on site. Limits for clearing and removal of trees should be developed in consultation with Shade Tree Committee. Protective fencing should be placed around trees throughout the duration of construction. Existing mature trees that must be removed shall be replaced consistent with the tree replacement schedule pursuant to Section 334-9. Street trees may not count toward replacement tree requirements.
- 5. Invasive species are prohibited, and species native to New Jersey are encouraged.

ix. Open Space:

- 1. A minimum of 100 SF of open space shall be provided per dwelling unit, which may be provided in private and/or shared configurations in rear yards, balconies, terraces, and rooftop decks.
 - (i) If a dwelling unit is provided with private open space equal to or greater than 100 SF, the unit shall not be considered when calculating shared open space; private

open space provided in excess of 100 SF shall not be considered when calculating required shared open space.

- (ii) If a dwelling unit's private open space is less than 100 SF, the difference of 100 SF and the provided open space shall be attributed to the required shared open space.

2. Rear Yards:

- (i) The design should provide for and promote passive activities.
- (ii) Outdoor seating shall be provided in rear yard open spaces that allows residents to recline and relax in the space are encouraged.
- (iii) Where feasible, tables or other similar surfaces shall be provided for eating and working.
- (iv) Rear yards east of Valley Street should emphasize design and appearance as a residential rear yard to transition into and complement residential properties further east. Treatments may include ample lawns, expansive tree canopies, and plentiful landscaping.
- (v) Use of unique pavers, wood, and other natural materials that complement the design of the adjacent building façade are encouraged to soften the feeling within the garden area.

3. Rooftop Decks

- (i) Rooftop decks shall not be used between 9:00 p.m. and 7:00 a.m.
- (ii) Sound systems shall not be installed on a rooftop deck.

5. Utility Standards

- i. Trash compaction and indoor trash / recycling storage are encouraged. If trash / recycling storage must be conducted outside, it shall be fully enclosed in a visually solid wall or fence that complements the building architecture, screened from view, and secured via visually solid gates.
- ii. Curbside placement and collection of trash and recycling shall not occur between 7 a.m. to 9 a.m. and 2 p.m. to 6 p.m. so as to not conflict with morning and evening rush hours nor school pick-up and drop-off hours. Specific timing and operational parameters may be further detailed as part of Redeveloper Agreements and/or by the Planning Board as part of site plan review.

- iii. Unless determined to be financially infeasible at the discretion of the municipality, outdoor utility equipment shall be placed underground.
- iv. All proposed ground-mounted equipment (i.e., transformers, air conditioner units, etc.) within view from a street shall be screened by evergreen shrubs. Screening should obscure the view of equipment internally, as well as adjacent properties and the right-of-way.
- v. Preliminary approval by PSE&G for transformer location should be obtained prior to execution of Redeveloper Agreement.
- vi. Water infrastructure will include backflow valves, individual metering and pressure regulator/reducer valves.
- vii. Best efforts shall be employed to minimize sound caused by utility equipment.
- viii. No front yard ground-mounted utility equipment is permitted.
- ix. Rooftop utilities must be screened from view and architecturally treated to match the principal structure. Stair access shall not exceed 9 feet above the maximum permitted building height. In no case shall mechanical equipment be allowed to exceed 5 feet above the maximum permitted building height. Rooftop utilities that exceed 5 feet above the roofline/maximum permitted building height shall be counted in the overall building height calculation.

6. Signage Standards

- i. Except as amended and supplemented in this section, signage shall comply with applicable standards under Article 185-XXIII of the Land Development Ordinance.
- ii. All sign illumination shall be turned off within one hour of business operations and no later than 10 pm.
- iii. A comprehensive sign package shall be presented for review and approval by the Planning Board to show standard materials, sizes, and illumination at a minimum.
- iv. Where a building contains 10 or more dwelling units, an additional building name sign may be provided, which may be wall-, awning-, or canopy-mounted and shall not exceed 40 SF.
- v. Colors and/or materials of all signs shall be complementary to each other.
- vi. No signage shall be permitted above the second floor windowsill.

- vii. Signage shall be externally down-lit or internally illuminated. Neon, flashing, and string light illumination is prohibited on signage and windows.

7. Lighting Standards

- i. Street lights are to be provided at a minimum of 60-foot intervals along all public streets and near bicycle and pedestrian facilities accessible to the public.
- ii. Lights shall be mounted no taller than 12 feet. Lighting in outdoor residential amenity areas shall be mounted no taller than 4 feet.
- iii. Sidewalks, walkways, and primary building entrances shall be lit with a minimum footcandle level 2 footcandles, and such light fixtures shall be located and designed to enhance visibility and minimize glare.
- iv. Spillover greater than 2 footcandles into the cartway requires approval from the Board Engineer.
- v. Lights are to be fully enclosed/shielded, full cut off fixtures to prevent light spillover onto off-site properties or upward into the sky. All lighting shall be directed away from all adjacent lots. House side shields shall be installed on any fixtures located in yards adjacent to residential properties.
- vi. All building-mounted light fixtures shall be down-lit, and all light fixtures shall be Dark Sky compliant.
- vii. Lighting is to be LED lamps providing “warm-white” light (CCT<3,000 K or S/P ratio <1.2) and not less than one-half horizontal foot-candle average lighting level at the surface.
- viii. Architectural and accent lighting is recommended on structures and shall be turned off between the hours of 11:00 p.m. and 5:00 a.m.
- ix. Motion sensor-activated lights are permitted to the extent required to serve safety and security purposes to the rear of the yard from dusk till dawn, which shall be set on a timer to turn off after 10 minutes.
- x. Developer shall propose a palette of fixtures, and finishes for lighting that are modern, human-oriented, and imaginative, and shall be complementary to the building architecture. “Cobra” type light fixtures shall be prohibited.
- xi. Lighting at crosswalks should be maximized using best practices.

8. Sustainability Standards

Redevelopers are required to employ sustainable building and design practices to advance Village sustainability and green design policy

objectives. Further sustainability practices are encouraged and may be required as stipulated below to access lot coverage incentives.

i. Required Design Practices

- a. Only low VOC paints, stains, sealants and building materials shall be used.
- b. All windows shall be double paned windows with a Low-E coating.
- c. All lighting shall be LED lighting.
- d. Ducts and HVAC shall be protected from dust and damage during construction and cleaned prior to building occupancy or use.

ii. Required Design Practices – 5% Bonus Lot Coverage

At least three of the below design practices shall be provided to be permitted an additional 5% in lot coverage.

- a. LEED Silver certification or equivalent.²
- b. Recycle, reuse, or salvage construction and demolition debris. Donation of reusable materials to non-profit centers like Habitat for Humanity's ReStores. A construction waste plan shall be prepared to outline disposal of construction debris.
- c. A green roof comprising at least 10% of the roof area, where the green roof planting bed is at least 2 feet in depth.
- d. Rain gardens or bioswales as part of the streetscape design.
- e. Water harvesting for on-site irrigation (rainwater and/or greywater systems), which shall re-use at least 10% of the calculated stormwater and sewer flows.
- f. Energy Star or equivalent appliances.
- g. Water retention / detention systems.
- h. Drip irrigation for on-site landscaping.
- i. Sensor system to detect water leaks.
- j. Heat pump systems.

iii. Required Design Practices – 10% Bonus Lot Coverage

² The Redeveloper shall solely be required to demonstrate with a proposed LEED score card that the project as proposed could achieve the minimum requirements for LEED Certification. Redeveloper shall not be required to make a LEED application or secure the certification.

To be permitted a total bonus lot coverage of 10%, at least five of the bonus design practices shall be employed, including those practices under Section 4.K.7.ii above and at 1 one of the following practices:

- a. A green roof comprising at least 20% of the roof area , where the green roof planting bed is at least 2 feet in depth.
 - b. Water harvesting for on-site irrigation (rainwater and/or greywater systems), which shall re-use at least 25% of the calculated stormwater and sewer flows.
- iv. Recommended Design Practices
- a. Building materials comprised largely of recycled materials.
 - b. Locally sourced materials.
 - c. Maximizing natural light, such as through building orientation, façade fenestration, and skylights that allow buildings to take advantage of natural light.
 - d. Solar screening.

Section 5: Administration

- A. **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.
- B. **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.
- C. **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).
- D. **Village Designation – Redevelopment Agreement:**

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 designated by the Village in accordance with this Plan or are otherwise expressly permitted by this Plan to develop without designation by the Village.

Standing before Planning Board: Only redevelopers designated by the Village by resolution of the Village Council – or are otherwise expressly permitted by this Plan to proceed without designation by the Village – may proceed to implement the redevelopment projects set forth in this Plan before the Village 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 Village Council, 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 Village Planning Board for site plan approval.

Financial Incentives: All properties in a rehabilitation area area eligible for a short-term tax abatement, regardless of their designation as a redeveloper under this Redevelopment Plan. Properties with a redevelopment designation may be eligible for long-term tax incentives. Under this redevelopment plan, no benefits or incentives available pursuant to the LRHL, the Redevelopment Plan Area Bond Financing Law (the “RAB Law”) or other applicable law, shall be available unless the improvements to be undertaken are undertaken by an entity that has been designated by the

Village as redeveloper for the site and has executed a Redevelopment Agreement with the Village in accordance with the LRHL.

- E. 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 Village Council, 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.). No redevelopment will occur absent the execution of a redevelopment agreement and the designation of the developer as redeveloper.
1. 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.
 2. 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.
 3. A parcel(s) within the Redevelopment Plan Area does not require Redeveloper Designation or a Redevelopment Agreement per Sections 5.D and 5.E.5 if the proposed development consists of only the following:
 - i. Re-use, rehabilitation, and expansion of existing buildings as permitted under this Plan for single- and two-family uses, as well as existing nonresidential uses on Lackawanna Place.
 - ii. Residential three- and four-family uses.
 - iii. A change to the exterior façade material and signage.
 - iv. A change to any accessory structures such as refuse, walls, and utility structures (e.g. transformers and generators).
 - v. A proposal for a permitted detached one-family or two-family building upon an individual, preexisting parcel.

- vi. A change in use to a permitted use.
 - vii. Alterations / renovations that do not involve: a) structural modification to any façade; b) reduction of any exterior existing windows and doors; c) interior alterations that increase gross floor area; or d) a variance related to a principal use or principal structure.
4. The Zoning Board shall not have jurisdiction under this Redevelopment Plan to grant variance relief pursuant to N.J.S.A. 40:55D-70.d. This shall not be construed to restrict the jurisdiction of the Zoning Board of Adjustment to adjudicate applications for development for site-plan exempt, one- and two-family properties where redeveloper designation is not required.
- F. Approval Process:** This Plan requires the redeveloper to submit all plans to the Village Council 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 Village Council for review and authorization prior to submission to the Planning Board and execution of a redevelopment agreement. The Village, by and through the Village Council, 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.

1. Village Review

The Village Council, acting as the Redevelopment Entity, shall review and approve, in a manner consistent with redevelopment plan and municipal master plan all propose redevelopment projects within the Redevelopment Plan 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.

2. Submission Requirements

Prior to any submission to the Planning Board, the redeveloper shall submit a site plan package for review and approval by the Village Council, in consultation with its consultants. This site plan package may, as the Village Council may require, include, but is not limited to, the documents listed below. The Village Council may request additional reasonable analyses and information as required to make a decision, and the Village Council may waive, in part or in whole, documents listed below. All submissions shall meet the standards enumerated in this

redevelopment plan and indicated any variances and design waivers 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 curb management plan identifying loading zones, rideshare pick-up and drop-off, delivery circulation, internal package storage, and curbside collection location for trash and recycling.
- v. A landscaping plan.
- vi. The location of any outside storage of equipment, supplies, materials, or vehicles.
- vii. The height, location, type, lighting and square footage of proposed signage.
- viii. The location, type and size of all entrances to the site or rights-of-ways located on or adjacent to the site.
- ix. The location, type and size of any primary drainfields or reserved drainfields.
- x. The location, size and type of any trash disposal facilities.
- xi. Outside lights, streetlights or other lighting mechanisms.
- xii. Existing and proposed finished contours at two (2) foot intervals.
- xiii. 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.
- xiv. The location of all utility lines.
- xv. The location of any conservation easements dedicated open space, recreational facilities or similar areas.
- xvi. The location of any emergency service facilities, such as fire suppression lines, hydrants or other facilities.
- xvii. The location of any permanent stormwater management structures or devices.
- xviii. The location and type of soils, water features and wetlands.
- xix. A schematic drawing, artist rendition or elevation drawing of the site and any buildings located on the site.

- xx. The location and size of any monuments, statues or similar features.
- xxi. The location of any rights-of-way, adjacent or nearby road improvements and uses of adjacent properties.
- xxii. An Erosion and Sediment Control Plan that meets the regulatory requirements.
- xxiii. Any local, county, state or federal permits required for development of the site.
- xxiv. For any building over 40 feet, a viewshed analysis, depicting sightlines perpendicular to Valley Street as measured from the proximate grade at Academy Street and past the proposed redevelopment to West South Orange Avenue.
- xxv. A traffic impact study (TIS) shall be provided consistent with the following specifications:
 - a. The primary purpose of the TIS is to determine whether traffic improvements will be necessitated by redevelopment of the Project Area. The scope of any improvements that may be required in connection with implementation of the Redevelopment Plan shall be included in a Redeveloper Agreement to be executed by designated redeveloper(s) and the Village.
 - b. In addition to determining any improvements required as a result of the project, the TIS shall also include information necessary to identify if the project is compatible with long-term capital improvements contemplated around along Valley Street.
 - c. To that end, the TIS shall also include the following traffic information and analyses within the Traffic Study Area, defined as 1,000 feet from the property line along Valley Street measured at its centerline.
 - (i) Classification Turning Movement Counts: Counts will be performed using MioVision video technology or equivalent method at each intersection of public rights-of-way within the Traffic Study Area. Counts will be performed on a Tuesday, Wednesday, and/or Thursday, excluding holidays, between the hours of 6:00 through 9:30 a.m. and 3:00 through 6:30 p.m. Counts will also be performed on a Saturday between the hours of 11:00 a.m. through 1:00 p.m. Counts will be classified in 15-minute increments into the following categories:
 - (a) Pedestrians
 - (b) Bicyclists

- (c) Automobiles/Light Trucks (motorcycles, automobiles, SUV's, minivans, pick-up trucks and full-size vans, for personal or commercial use)
- (d) Medium Trucks
- (e) Heavy Trucks/Buses
- (ii) Automatic Traffic Recorder Counts: Automatic traffic recorders (ATRs) will be placed on corridors within the Traffic Study Area at locations to be determined in coordination with the Village and its representatives to collect continuous 24 hour/7 day traffic count data for both directions of travel, as applicable.
- (iii) An assessment of off-site features within the traffic study area including:
 - (a) Traffic control devices
 - (b) Pedestrian crossings and sidewalks
 - (c) Geometries of proposed access
 - (d) On-street and off-street loading areas
 - (e) On-site and off-site parking
- (iv) Additional data as required by the Village Engineer or designee to update the Village's Synchro planning and analysis model.

3. Planning Board Review Process

Prior to submission to the Village Planning Board, all site plans for properties included in this Plan shall be submitted to the Village Planner to determine if the site plans are consistent with this Plan and the applicable redevelopment agreement. Said consistency review shall be conducted by the Village Planner, who shall issue a written report memorializing their findings. All development applications shall be submitted to the Village Planning Board through the site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Village Planning Board shall deem any application for redevelopment for any property subject to this Plan incomplete if the applicant is required to yet has not been designated by the Village Council as a redeveloper(s), a redevelopment agreement is required yet has not been fully executed, and a consistency review letter has not been issued by the Village Planner finding the site plans consistent with this Plan and the applicable redevelopment agreement.

4. Site Plan + Subdivision Review

Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Plan 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 Village Planning Board so that compliance with this Plan can be determined. Any subdivision of lots and parcels of land within the Redevelopment Plan Area shall be in accordance with the requirements of this Plan and the subdivision ordinance of the Village.

5. Resolution Compliance, Phasing, and Interim Construction Conditions

Following approval by the Village Planning Board and memorialization of the resolution of approval, no construction or alteration to existing or proposed buildings shall take place until 1) plans have been submitted and approved by the Planning Board's Professionals as consistent with the resolution of approval, and 2) a pre-construction meeting has been held with Planning Board Professionals and Village Officials, and all comments and plan revisions requested at the pre-construction meeting have been addressed.

An interim conditions plan which shall be provided prior to and approved by Planning Board Professionals and Village Officials as part of the pre-construction meeting. The interim conditions plan shall include temporary landscaping, screening, and safe pedestrian routing during construction, as well as design details for a "coming soon" banner that advertises the project.

6. 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.

- G. Non-Discrimination Provisions:** No covenant, lease, conveyance or other instrument shall be affected or executed by the Town of Morristown or by a developer or any of his successors or assignees, whereby land within the Redevelopment Plan Area is restricted by the 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 Plan Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender.
- H. Redevelopment Actions:** The Village shall have such powers and duties as set forth in the LRHL and as may be conferred by this Plan, including, but not limited to, the authority to acquire real property without eminent domain, to relocate residents and businesses, to designate redevelopers, to establish clear terms and conditions for redevelopment through the negotiation, execution, and administration of redevelopment agreements, financial agreements, and to do such other things as permitted by law.
- I. Relocation Requirements:** The Village plans to work with affected property owners and businesses to promote private redevelopment of the parcels within the Redevelopment Plan Area.

Implementation of this Plan may require the displacement and relocation of businesses located within the Redevelopment Plan 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.

The degree of relocation necessary to fully implement the Redevelopment Plan is expected to be minimal given the nature of the parcels. However, should relocation be necessary, the Village of South Orange will provide all displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law. Such assistance will be provided through an appropriately designated office, which will assist in any relocation of persons, businesses or entities. The local housing market including South Orange and the surrounding community contains an ample supply of comparable replacement housing to absorb any residents of South Orange who may be displaced by the redevelopment process. If relocation is not caused by the Redevelopment Plan, the Village is not responsible for relocation of people and/or businesses.

- J. **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.
- K. **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.
- L. **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 Village Council. The 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.

- M. Redevelopment Plan Duration:** The provisions of this Plan specifying the redevelopment of the Redevelopment Plan Area and the requirements and restriction with respect thereto shall be in effect until rescinded or superseded by the Village of South Orange Village Council.
- N. Certificates of Completion:** Upon completion of a project, the developer shall submit for a Certificate of Completion.
- O. Land Use Map Amendments:** The adoption of this Plan or any amendments thereto shall automatically allow for any necessary modifications to the official South Orange Village Land Use Map to ensure consistency between the two documents.
- P. Additional Superseding Provisions:** The standards contained within this Redevelopment Plan shall supersede any conflicting standards contained within the Zoning Ordinance of the Municipality or other applicable municipal codes or ordinances.
1. **Terms + Definitions:**
Any terms or definitions not addressed within this Plan shall rely on the applicable terms and conditions set forth in the LDO, Chapter 185, of South Orange Village.
 2. **Other Applicable Design + Performance Standards:**
Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Zoning Ordinance of the Municipality.
- Q. 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 Plan 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.

Section 6: Schedule of Area, Bulk, & Density Standards

Standard Name	Subdistricts												All Subdistricts	
	1 (Small Site)*	1 (Large Site)*	2 (Small Site)*	2 (Large Site)*	3**	3.A	3.B	4	5	6	7	8	Small Apartment Buildings	1- and 2-Family Detached
Active Ground Floor Use(s) on Valley Street	Required	Required	Required	Required	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Required	N/A	N/A
Density (Max.)	60 du/ac	80 du/ac	60 du/ac	80 du/ac	60 du/ac	40 du/ac	40 du/ac	40 du/ac	40 du/ac	40 du/ac	40 du/ac	60 du/ac	See Subdistrict	N/A
Building Height - Feet (Max.)	60'	60'	48'	60'	60'	48'	48'	40'	40'	40'	40'	48'	See Subdistrict	40'
Building Height - Stories (Max.)	5'	5	4	5	5	4	4	3	3	3	3	4	See Subdistrict	3
Building Stepback from Public Streets (Min.)	25' at 4th Story													
Lot Area (Min.)	6,000 SF	20,000 SF	0.5 acres	1.0 acres	0.5 acres	6,250 SF	10,000 SF	5,000 SF	0.5 acres	15,000 SF	15,000 SF	15,000 SF	6,000 SF	3,000 SF***
Lot Width (Min.)	50'	110'	150'	150'	75'	50'	50'	45'	N/A	N/A	75'	40'	50'	25'
Lot Depth (Min.)	115'	150'	140'	200'	250'	100'	100'	50'	N/A	N/A	100'	100	90'	90'
Front Yard Setback (Min.)	Valley Street: 10' to property line, 15' to curb. All Others: 5' to property line, 10' to curb.													
Side Yard Setback, Each (Min.)	5'	10'	5' To rail right-of-way: 25'		10'	5'	5'	5'	10'	10'	10'	10'	10'	5'
Rear Yard Setback (Min.)	10'	10'			N/A	15'	20'	30'	30'	30'	30'	30'	30'	20'
Building Coverage	80%	85%	60%	70%	70%	60%	60%	60%	60%	60%	60%	60%	45%	45%
Lot Coverage	80%	85%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	70%	60%

*Large Lot standards shall apply to sites meeting or exceeding the minimum lot area specified for Large Sites. All other sites shall be subject to Small Site standards.

**Where the site includes contiguous properties in both Subdistricts 3.A and 3.B and comprises a cumulative lot area of 0.5 acres, then standards under Subdistrict 3 shall apply.

***Lots existing at the time of adoption of this Redevelopment Plan that are less than 3,000 SF shall be exempt from the minimum lot standard requirement but shall comply with other standards applicable to 1- and 2-family houses and shall not be further reduced in lot area.

NOTE: A 5% or 10% increase in lot coverage shall be permitted if conforming with applicable sustainability standards under Section 4.K.1

*Large Lot standards shall apply to sites meeting or exceeding the minimum lot area specified for Large Sites. All other sites shall be subject to Small Site standards.

**Where the site includes contiguous properties in both Subdistricts 3.A and 3.B and comprises a cumulative lot area of 0.5 acres, then standards under Subdistrict 3 shall apply.

***Lots existing at the time of adoption of this Redevelopment Plan that are less than 3,000 SF shall be exempt from the minimum lot standard requirement but shall comply with other standards applicable to 1- and 2-family houses and shall not be further reduced in lot area.

NOTE: A 5 % or 10% increase in lot coverage shall be permitted if conforming with applicable sustainability standards under Section 4.K.1

Section 7: Definitions

The following definitions supersede those found in the Zoning Ordinance. For anything not defined within this Redevelopment Plan, the definitions found in Section 185-3 of the Zoning Ordinance shall continue to be applicable.

Ambulatory Surgical Facility

Any distinct entity that operates exclusively for the purpose of providing surgical services to patients on an outpatient, prescheduled basis and in which the expected duration of services would not exceed 24 hours following an admission. Patient arrival by ambulance may only occur in compliance with the definition of "Basic life support (BLS)-non-emergency" pursuant to N.J.A.C. § 10:50-1.2.

Apartment Building

A building designed and used for three or more dwelling units. Apartment buildings with no more than 8 dwelling units shall be considered "Small Apartment Buildings."

Art Gallery

Display of works of visual or multimedia art, such as painting, sculpture, or similar activities. Performative arts such as music or dance may occur within the premises of an art gallery independently or as part of a multimedia display but shall not be conflated to permit an indoor theater except as expressly permitted herein.

Brewery

An establishment licensed, under N.J.S.A 33:1-10, to manufacture alcoholic beverages and to sell and distribute the products to licensed wholesalers and retailers. Such uses may manufacture, sell and serve alcoholic beverages to consumers on a licensed premise for consumption on-site as permitted under State law and applicable licenses. Breweries may include warehousing and off-site distribution of alcoholic beverages consistent with state law and applicable licensing from the Township of South Orange Village.

Building Height

Building height shall be measured from the average grade at the site's property line with Valley Street. Where a site does not have frontage on Valley Street, height shall be measured from the average grade of the site's front street. Height shall be measured to the highest point of a flat roof, the deck line of mansard roofs, or the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Creative Production Studio

1. Media, including technical production, support and post-production of photographs, motion picture, television, video, sound, and other communications media production; and
2. Artisan and craft wares produced with shared or individual hand – whether using hand, mechanical, or electronic tools – for the manufacture of finished goods including processing, fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales and distribution of such products, including but not limited to, glass, ceramics, leather, jewelry, garments, woodworking, furniture, stonework, metalwork, and paper products. Production shall not generate smoke, noise, odor, vibrations, excessive traffic, or other nuisances and hazards in such a manner as to harm the general welfare.

Educational or Instructional Use

Educational instruction, including dance, music, and art schools, as well as tutoring and test preparation services, provided in a room or series of room(s). Retail sales of materials directly related to instructional activity conducted on-site may be provided in conjunction with principal educational instruction use. Educational instruction shall not include recreational instruction, including but not limited to gyms and yoga instruction.

First Responders' Suite

A room or series of connected rooms providing living, cooking, sleeping and sanitary facilities expressly for use by Village emergency service first responders for rest, relaxation, and recovery. Such suites shall not be considered a dwelling unit, nor may they be the primary nor legal residence for a first responder.

Low-Impact Industrial Use

Industrial and similar resource-dependent uses for manufacturing, fabrication, processing, assembly, and/or storage of such as scale, intensity, and operation as to be compatible with proximate residential and nonresidential uses in a mixed-use environment, not generating smoke, noise, odor, vibrations, excessive traffic, or other nuisances and hazards in such a manner as to harm the general welfare. Industrial uses considered as “low-impact” under this definition shall be limited to the following:

- Apparel products from previously prepared materials (cloth, leather, canvas, rubber, etc.).
- Cooperage.
- Research, testing, and experimental laboratories.

- Warehousing and storage of nonflammable liquids or nonexplosive materials.
- Printing and binding of paper media.
- The sale and storage of lumber and building materials, which shall not include flammable liquids nor explosive materials.
- Wholesale storage and showroom.
- Light sheet metal products, such as ventilating ducts and eaves, tin smithing, and roofing.
- Manufacturing of food, baked goods, cosmetics, and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast, and rendering plants.
- Musical instruments, toys, novelties, and similar products.
- Masonry pavers, monuments, decorative stones, and similar products.
- Forming of small concrete products (i.e. stepping stones, fence posts, yard ornaments, etc.) and cultured marble products.

Orientations, Lots

Where a site has multiple street frontages, Valley Street shall be considered the “lot line, front,” with lot width being measured parallel to Valley Street at the minimum front yard setback line and lot depth being the greatest distance from a property line parallel to Valley Street as measured perpendicular to Valley Street. Where a site does not front on Valley Street, lot orientation standards within Section 185-3 shall apply.

Orientations, Yards

Front property lines shall be those fronting along a public street. Where a site fronts Valley Street, the rear property line(s) shall be those parallel or opposite to Valley Street. Where a site does not front on Valley Street, the rear property line(s) shall be those parallel or opposite to the front property line(s). All other property lines shall be considered side property lines. The front yard shall be those areas in between the building line and the front property line. The rear yard shall be those areas in between the building line and the rear property line. All other areas in between building lines and property lines shall be considered side yards.

Outdoor Dining

An accessory use of a deck located on the same property of a restaurant or other permitted establishment that serves food or drinks for on-site consumption.

Private Recreational Facilities

Recreation facilities operated by a private organization and open only to bona fide members and guests of such organization. Health Clubs and gyms are defined as private recreation facilities.

Retail Sales & Services

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.

Sidewalk Area, Frontage Area

That area between the building line and the Pedestrian Circulation / Clear Zone, which is intended to provide a transitional interface between buildings, their principal uses, and the street. The Frontage Area may include building perimeter landscaping, seating, and, where permitted, outdoor dining / sidewalk cafes.

Sidewalk Area, Pedestrian Circulation / Clear Area

That portion of the sidewalk clear of any obstructions intended for pedestrian through-traffic.

Sidewalk Area, Street Furniture / Planting Area

That area between the curblineline and the Pedestrian Circulation / Clear Area, which is intended to house street furniture such as parking meters, street lights, street trees, benches, trash receptacles, and bike racks.

Sidewalk Café

Use of an outside area, located in the public right-of-way, adjacent to or in the vicinity of a restaurant or other permitted establishment that serves food or drinks for on-site consumption.

Theater, Indoor

A facility designed for indoor viewing of live performances and/or films - excluding adult entertainment uses. "Design" of an indoor theater consists of permanent fixtures commonly associated with theaters, such as but not limited to seating or other viewing areas, stages, screens, projectors, concession stand, and/or live audio systems.

Urgent Care

Services provided consistent with the definition of “Urgent care” under CFR § 17.4600(b)(5), wherein urgent care is generally defined as services available from entities or providers submitting claims for payment as a walk-in retail health clinic or urgent care facility, not providing preventative health services, dental care, or chronic disease management.

Appendix A: Study Area Block and Lots

The following properties are included within the Redevelopment Plan Area, as mentioned in the most recent tax records at the time of plan adoption.

BLOCK	LOT	SUBDISTRICT
1905	3	1
1905	4	1
1905	5	1
1905	6	1
1905	7	1
1905	8	1
2001	1	7
2001	2	7
2001	3	7
2001	4	7
2001	5	7
2002	1	7
2002	2	7
2003	1	8
2003	2	8
2003	3	8
2003	4	8
2003	5	8
2003	6	8
2003	7	8
2003	8	8
2003	9	8
2003	10	8
2003	11	8
2004	1	8
2004	2	8
2004	3	8
2004	4	8
2004	5	8
2005	1	8
2005	2	8
2005	2	8
2005	3	8
2006	1	8
2006	2	8
2006	3	8
2006	4	8
2201	1	7
2201	2	7
2201	32	6

BLOCK	LOT	SUBDISTRICT
2201	33	6
2201	34	6
2201	35	6
2201	36	7
2201	37	7
2201	38	7
2201	39	7
2202	1	6
2202	2	6
2202	3	6
2202	4	6
2202	5	6
2202	6	6
2202	8	6
2202	9	6
2202	10	6
2202	11	6
2202	12	6
2202	13	6
2202	14	6
2202	15	6
2202	16	6
2202	18	6
2202	19	6
2202	20	6
2202	21	6
2202	22	6
2202	23	6
2202	24	6
2202	25	6
2202	26	6
2202	27	6
2202	28	6
2202	29	6
2202	30	6
2203	1	6
2210	1	5
2210	24	5
2210	25	5
2215	1	4
2215	26	4
2215	27	4
2303	5	2
2303	6	2
2304	1	2
2304	2	2

BLOCK	LOT	SUBDISTRICT
2304	10	2
2304	11	2
2304	12	2
5501	1	7

Appendix B: Redeveloper Designation Application Form

Four (4) copies of this application form, all application materials (see Section 5.E of the Redevelopment Plan) and electronic submission shall be submitted to:

South Orange Village
76 South Orange Avenue, Suite 301
South Orange, NJ 07079
j.doran@southorange.org

MUNICIPAL OFFICE STAFF TO FILL OUT:

File Number: _____

Date Received: _____

PROSPECTIVE REDEVELOPER TO FILL OUT:

Street Address of Property: _____

Block(s): _____ Lot(s): _____

Brief Summary of Application: _____

Owner Information

Name: _____

Mailing Address: _____

Phone Number: _____

E-Mail Address: _____

Applicant Information (Leave Blank if Different from Owner Information):

Name: _____

Mailing Address: _____

Phone Number: _____

E-Mail Address: _____

Corporation or Partnership Information

Applications before the Municipality by a Corporation or Partnership shall list below the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership, as the case may be, as required by N.J.S.A. 40:55D-48.1.

Name: _____

Address: _____

Name: _____

Address: _____

Professional Information:

Please list all professionals below that will be participating in the application process (Please include name, business name, phone number and e-mail address):

Attorney: _____

Professional Engineer: _____

Professional Traffic Engineer: _____

Professional Architect: _____

Professional Landscape Architect: _____

Professional Planner: _____

Other: _____

Use Information:

Present Use of Property: _____

Proposed Use of Property: _____

Site Information:

Have there ever been any previous appeals, requests, or applications made to the Municipality or municipal agency involving these premises? YES NO
(circle one)

If yes, state nature, date and disposition of said matter: _____

Is your property located in a floodway or flood fringe? YES NO (circle one)

If yes, state nature of flood hazard regulation: _____

I hereby give permission for Municipal Agencies and their agents to come upon and inspect these premises with respect to this application.

Name: _____

Telephone Number: _____

Signature: _____

Signed Authorization:

• *Note: If off-site improvements are occurring on other parcel(s) related to the application, such owner's authorization is required and property must be included as part of application.*

I hereby certify that all the facts contained within the application are true to the best of my knowledge or belief. I realize that I may be subject to prosecution if any information contained herein is willfully or deliberately false.

Signature of Applicant or Legally Authorized Officer/Partner:

Signature of Property Owner (If Other Than Applicant):

Appendix C: Council Resolutions Adopting “Area in Need” Determination

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-Condensation 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

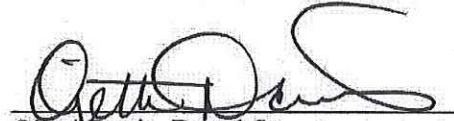
WHEREAS, the Report was presented to the Planning Board at meetings held on December 2, 2019, December 16, 2019, January 6, 2020 and February 3, 2020 by Phillip Abramson, P.P., a licensed professional planner from the firm of Topology, planning consultants to the Board, who presented the contents of 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, authorizes 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-Condernation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

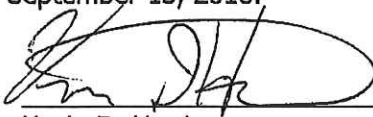
BE IT FURTHER RESOLVED that, pursuant to N.J.S.A. 40A:12-6(a), the redevelopment area determination shall authorize the Village to use all the powers provided by the Legislature for use in an Non-Condernation Redevelopment area other than the use of eminent domain.

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

e hello@topology.is

w <http://topology.is>

p 973 370 3000

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

