

**Redevelopment Plan for 215-235
Birchwood Avenue
(Block 291, Lot 15.01 and Block 292, Lot 2)**



Township of Cranford
Union County, New Jersey
October, 2017

Harbor Consultants, Inc.
Project Number 2017037.004

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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

The following is the Redevelopment Plan for the 215-235 Birchwood Avenue (Block 291, Lot 15.01 and Block 292, Lot 2) Redevelopment Area, for the Township of Cranford.

1.1 Statutory Basis for the Redevelopment Plan

On December 9, 2011 the Honorable Lisa F. Crystal, J.S.C., signed an Order granting relief in exclusionary zoning litigation between the Township of Cranford and Cranford Development Associates, LLC., (CDA) which required that the Township of Cranford update their master plan and zoning ordinance in order to permit an inclusionary 360 unit development at 215-235 Birchwood Avenue in accordance with the specifications within the rest of the order.

On May 22, 2012, the Township Committee adopted Ordinance No. 2012-11 to amend and supplement Chapter 136 (Land Development), Article V (Zoning) of the Code of the Township of Cranford, to create an Inclusionary Multifamily Residence (IMR) district.

On April 3, 2013, the Cranford Township Planning Board adopted a Housing Element and Fair Share Plan in accordance with the December 9, 2011 order which included the 215-235 Birchwood Avenue site. The Plan allocated a 360-unit multifamily residential component inclusive of a 15% affordable set aside.

On May 22, 2013 the Honorable Lisa F. Crystal, J.S.C., signed a Final Judgment of Compliance and Repose approving the Township of Cranford's 2013 Housing Element and Fair Share Plan to meet Cranford's affordable housing obligation.

On December 13, 2016, the Township Committee signed a resolution authorizing Maser Consulting to prepare an Investigation Study for Designation as an Area in Need of Redevelopment and a Preliminary Assessment Site Investigation and Remedial Investigation of Block 291, Lot 15.01 and Block 292, Lot 2.

On April 20, 2017, the Planning Board adopted a resolution recommending to the Township Committee of The Township of Cranford that Block 291, Lot 15.01 and Block 292, Lot 2 (215-235 Birchwood Avenue), be designated as a Non-Condemnation Area in Need of Redevelopment. A copy of the Resolution adopted by the Planning Board is contained in the Appendix of this report.

Further, on April 20, 2017 the Planning Board also adopted a resolution "authorizing the preparation of a redevelopment plan in furtherance of the redevelopment of certain properties located at 215 and 235 Birchwood Avenue (Block 291, Lot 15.01 and Block 292, Lot 2) in the Township of Cranford, which have been designated as a non-condemnation redevelopment."

On April 20, 2017, the Township of Cranford issued a Request for Proposals for the 215-235 Birchwood Avenue Site.

During the April 25, 2017 meeting, the Township Committee adopted Resolution No. 2017-188A, which designated "the Study Area as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-6, satisfying criteria "c" of the Redevelopment Law, N.J.S.A 40A:12A-5."

On June 8, 2017 the Office of the Mayor received a letter from the Department of Community Affairs, dated May 30, 2017, stating "The Department of Community Affairs has identified these areas in the Metropolitan Planning Area (PA1). In accordance with N.J.S.A. 40A: 12A-6, the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the Department to effectuate [Cranford's] designation."

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On June 14, 2017, the Township Committee of the Township of Cranford adopted Resolution No. 2017-239 directing the Planning Board to authorize preparation of a Redevelopment Plan.

During the July 18, 2017 meeting, the Township Committee of the Township of Cranford adopted resolution No. 2017-285C “designating Birchwood Developers Associates, LLC as the Developer of the Property, conditioned as set forth herein, for the property located at 215 and 235 Birchwood Avenue (Block 291, Lot 15.01 and Block 292, Lot 2).”

On July 19, 2017, the Planning Board “authorize[d] Harbor Consultants to prepare, in collaboration with the developer designated by the Township Committee, a Redevelopment Plan for the Property in accordance with the requirements of the Redevelopment Law.”

1.2 Description of the Redevelopment Plan Area

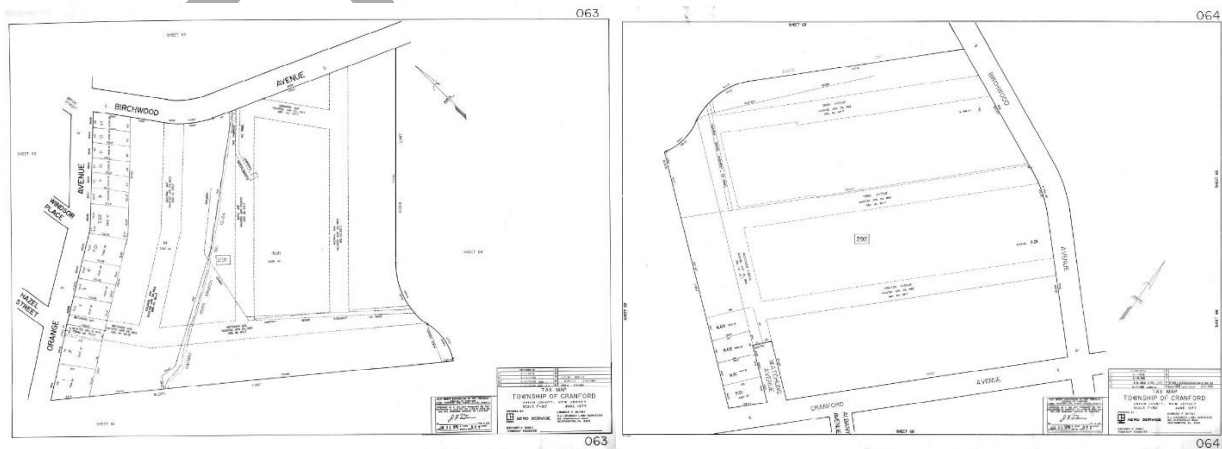


Figure 1 Township of Cranford Tax Map Sheets 63 and 64 of 291-15.01 and 292-2



Figure 2 Aerial Map of the 215-235 Birchwood Avenue Property

The 215-235 Birchwood Avenue property, or the “Redevelopment Area” is located at Block 291, Lot 15.01 and Block 292, Lot 2 in the Inclusionary Multifamily Residence (IMR) District of Cranford. The Redevelopment Area consists of two parcels that together consist of 15.86 +/- acres, which is based on the RFP issued by the Township on April 20, 2017. The Study Area is bounded by a health services facility to the northwest, Birchwood Avenue to the northeast, an assisted living facility to the southeast, and single family homes to the southwest. Along the

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property line which separates the site from Block 291, Lot 14, is branch No. 10-24 of the Rahway River.

i. History of the Site

Based on the Redevelopment Study dated February 6, 2017, prepared by Maser, Block 291, Lot 15.01 was developed in 1971 with one building and on-site parking. Within the next seven years Block 292, Lot 2 was also developed with one building and on-site parking, based on historical photographs and tax records. The two buildings which were previously constructed on the site were demolished in the autumn of 2016 leaving the site relatively vacant today, with only the remains of some of the building foundations.

The Township tax maps indicate that there were previously five (5) streets; Watchung Avenue, Union Avenue, Rodman Avenue, Boyd Avenue, and Minnisink Avenue, within the outbound of the site, and that Block 292, Lot 2 was previously bound to the southeast by Home Avenue which were all vacated in April 23, 1963 by ordinance number 63-7. Today the Redevelopment Area fronts on Birchwood Avenue to the northeast and intersects with Union Avenue North along the site's southwest border and creates a dead end. The rest of the site is bound by parcels.

The property is currently owned by the Township of Cranford, but was previously owned by Samuel P. Hekemian, Peter S. Hekemian, Jeffrey Hekemian, Richard Hekemian, Mark Hekemian, and Cranford Development Associates, LLC. A deed dated February 7, 2017 reflects the transfer of ownership to the municipality.

The previous owners of the site were involved in litigation with the Township regarding affordable housing. On December 9, 2011 the court issued an Order granting Relief in Exclusionary Zoning Litigation, which assigned a density of three hundred sixty (360) units to the site, and required the Township to create an Inclusionary Multifamily Residence District in order to rezone the subject parcels in order to comply with the court order. The site was then included in Cranford's Housing Element and Fair Share Plan which was adopted by the Planning Board on April 3, 2013 in order to comply with the Court. Subsequently the Court then signed a Judgment of Compliance and Repose approving Cranford's Housing Element and Fair Share Plan on May 22, 2013.

As ordered by the court, the site was previously planned to be developed with a 360 unit inclusionary multifamily residential project which consisted of two (2) buildings. The plan for the site dated June 3, 2016 was for 359 units (22.5 units/acre)(inclusive of 15% affordable units), with a building footprint of 21,920 square feet for Building A, and a building footprint of 84,617 square feet for Building B, with a total of 31.1% impervious coverage on the site.

The Township of Cranford is committed to affordable housing, its current and future obligations as well as the quality of life of all of its current and future residents. The scale and density of the proposed project was inconsistent and deviated from the Township's goals and objectives. Specifically, the density, scale, and impervious coverage conflicted severely with the Township's Master Plan goals to concentrate density in the downtown core closer to public transportation services, preserve open space and protect environmentally sensitive areas (wetlands and floodplains), and to promote stormwater best management practices. Since the Township had committed to embark on a township-wide comprehensive affordable housing plan to fulfill its present and future obligations, including the Dec. 9, 2011 Court Order for Birchwood, the Township purchased the property in order to facilitate an inclusionary project which is more consistent with the Township's goals and objectives.

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After closing on the property, the Township of Cranford issued a Request for Proposals (RFP) on April 20, 2017 providing for a two-hundred twenty-five (225) unit project, inclusive of 15% affordable units, (14.2 units/acre), which would be more consistent with the goals and objectives of the Township and the 2011 Court Order, while still providing diverse housing types as well as affordable rental units. The goal of the RFP was to create a project which would provide for a lower density, preserve a greater amount of wetlands, floodplains and open space on the site, to reduce impervious coverage, and to utilize a plan which includes stormwater management practices. On July 18, 2017 the Township Committee signed Resolution No. 2017-285C designating Birchwood Developers Associates, LLC (BDA) as the redeveloper for the Birchwood site. The conceptual plan submitted by BDA has a smaller overall building footprint, broken down into three individual buildings and the overall impervious coverage has been reduced to 27% (See Exhibits 3 and 4). In addition to creating a project with less impervious coverage almost all of the proposed development will be constructed within the existing limits of disturbance on the site without destruction of existing trees or disturbance of wetlands.

Further, the new development will include excavating the remaining foundation of the building formerly on Block 291, Lot 15.01, which will be used for flood water storage and passive recreation amenities. This flood storage will be within the existing cleared and previously disturbed area within the forested wetlands and will include a series of walking paths which is consistent with the Township's goals to combat flooding, and to preserve existing wetlands and green space. A concept plan depicting the proposed flood storage has been prepared by Blackbird Group, dated October 28, 2017 and is contained in Exhibit 1. This conceptual flood storage plan shall be further refined and is subject to detailed engineering as well as soil testing to determine the seasonal high water table.

As stipulated in the Township's Request for Proposal (RFP), the overall reduction in the density of the residential project from 360 units to the 225 units (along with the proportionate reduction in affordable units from 54 to 34) described within this redevelopment plan is subject to the review and approval by the Special Master and the Superior Court of New Jersey, Union County, for amendment to the Township's current affordable housing obligations set forth in the Court Order dated December 9, 2011, and the Judgment of Compliance and Repose, dated March 22, 2013, as well as the Cranford Zoning Ordinance No. 2012-11 which created the Inclusionary Multifamily Residence District in compliance with the December 9, 2011 Court Order.

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ii. Description of Site and Neighborhood



Figure 3 View of 292-2 from Birchwood Avenue with the wetlands in the background



Figure 4 View of 291-15.01 from Birchwood Avenue with the wetlands in the background

A field survey of the property was conducted to determine the existing land use and overall condition of the properties. The photographs contained within this Report were taken during a site visit on August 9, 2017.

The Redevelopment Area consists of two parcels that together are 15.86 +/- acres, which is based on the RFP issued by the Township on April 20, 2017. The Study Area is bounded by a health services facility to the northwest (Block 291, Lot 14), Birchwood Avenue to the northeast, an assisted living facility to the southeast (Block 292, Lot 3.01), and single family homes to the southwest. Along the property line which separates the site from Block 291, Lot 14, is branch No. 10-24 of the Rahway River. Across Birchwood Avenue there is a Verizon facility (Block 292, Lot 1), which consists of a single building and on site parking. To the southeast of the Verizon facility, also across Birchwood Avenue from the site, there is the Cranford Conservation Center.

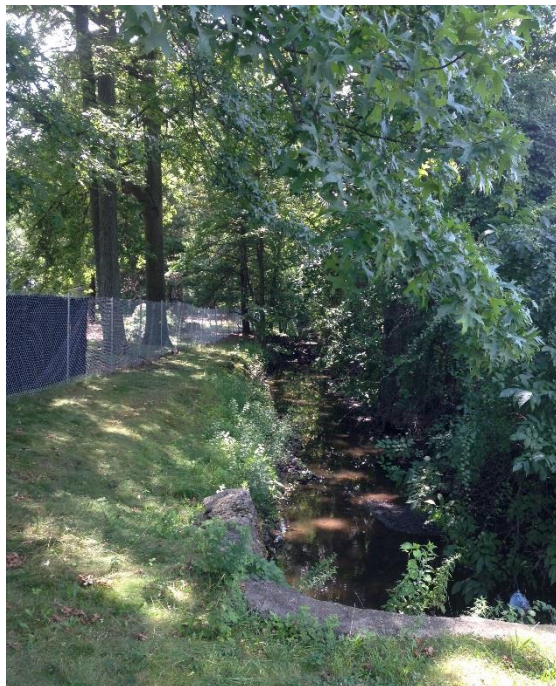


Figure 5 Rahway River Branch No. 10-24

The site makes up the entirety of the Township's Inclusionary Multifamily Residence District which was created by Ordinance No. 2012-11 on May 22, 2012 in order to amend and supplement Chapter 136 (Land Development), Article V (Zoning) of the Code of the Township of Cranford, to create an Inclusionary Multifamily Residence (IMR) Zone District in accordance with a court order dated December 9, 2011, granting relief in exclusionary zoning litigation between the Township of Cranford and Cranford Development Associates, LLC. The ordinance states the purpose of the zone is "to provide an opportunity for the construction of up to 360 multifamily residential units on Block 291, Lot 15.01, and Block

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292, Lot 2 (215-235 Birchwood Avenue), of which not less than 15% shall be reserved for low- and moderate-income households in accordance with applicable affordable housing regulations.”



Figure 6 View Along Birchwood Avenue

The northeast and northwest of the site are zoned for Low-Density Office Building District (O-1). The eastern most corner of the site touches the Public Use District (P-1). The site borders a One-Family Detached Residence District (R-4) to the Southwest, and the Senior Citizen Apartment Residence District (R-SC-1) to the southeast. Figure 7 shows the zoning around the site as of The 2014 Land Development Ordinance which was adopted by the Township Committee on December 16, 2014 by ordinance No. 2014-25.

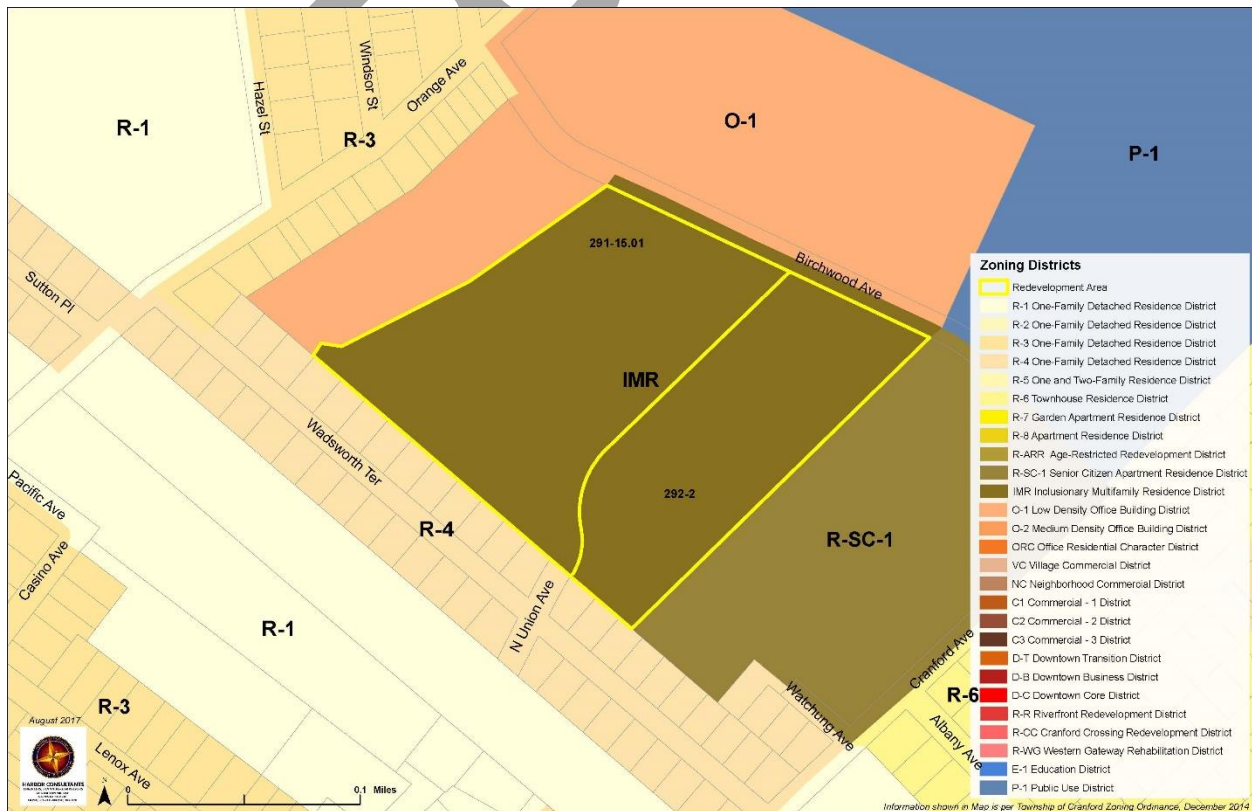


Figure 7 Cranford Zoning Around Birchwood Site

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SECTION 2. THE PUBLIC PURPOSE

2.1 Adoption of a Redevelopment Plan

In accordance with the Local Redevelopment and Housing Law, N.J.A.C. 40:12A-7: No redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or both, according to criteria set forth in section 5 or section 14 of P.L. 1992, c. 79 (C40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- (1) Its 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 redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- (5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities; (b) the master plan of the County in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c. 398 (C.52:18A-196 et al.).

The Redevelopment Plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L. 1975, c. 291 (C.40:55D-1 et seq.).

The Redevelopment Plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the Redevelopment Plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance.

2.2 Redevelopment Goals and Objectives

The Goals and Objectives of the 215-235 Birchwood Avenue Redevelopment Plan are as follows:

- Provide for a two-hundred twenty-five (225) unit inclusionary multifamily housing development with an 15 % (thirty-four (34) units) inclusionary affordable housing component which is contingent on approval by the Superior Court of New Jersey, Union County, for amendment of the Township's current affordable housing obligations set forth in the Court Order dated December 9, 2011 and the Judgment of Compliance and Repose, dated march 22, 2013 in order to comply with the Township's third round affordable housing obligation and the redevelopment of 215-235 Birchwood Avenue;

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- Redevelop vacant municipal owned land that has been found to be an area in need of redevelopment and satisfy certain criteria of the Local Redevelopment and Housing Law with a new upscale residential housing development with amenities designed to serve the residents of the community;
- Incorporate amenities such as an outdoor community area and walking paths into the site design, including into the wetlands on the site, as long as the proper permits are acquired, in order to address the social and active and passive recreational needs of the community;
- Preserve and allow for the incorporation of green space, specimen trees, and vegetated buffers on the property to buffer the residential development from adjacent uses;
- Provide sufficient off-street parking spaces and internal vehicular circulation for all residents on the site in accordance with Residential Site Improvement Standards¹;
- Provide and maintain safe, on-site and off-site pedestrian connections to surrounding properties in order to incorporate the new development into the existing community in order to increase connectivity and reduce isolation;
- Provide bicycle paths within the site which connect to bicycle lanes and trails throughout the Township in order to expand the Township's bicycle network;
- Investigate the impact of the new development on the traffic conditions at the intersection the Project Site entrance and Birchwood Avenue;
- Incorporate green building technologies into the site improvements and the building design to the extent practicable;
- To limit new development of the project within the boundaries of the existing limits of disturbance on the Birchwood site as practicable; and
- Design the project to comply with the Article IV – Design Standards and Exhibits attached to the Redevelopment Agreement.

2.3 Relationship to the Local Goals and Objectives

2.3.A Cranford Master Plan

The Township Planning Board adopted a Master Plan on September 30, 2009, prepared by Stan Slachetka, PP, AICP, of T&M Associates.

In the review of Zoning and Land Use Regulations, this report briefly describes information related to the Study Area's zones within the Master Plan. To further understand the benefits and effects redeveloping the Study Area would have on the Township of Cranford, this report analyzes how the redevelopment relates and adheres to the overarching Township Master Plan beyond the Zoning and Land Use Regulations.

Residential Goals

- Provide a wide range of housing to meet the needs of residents in diverse income groups.
- Provide transitional buffer zones where commercial areas border residential areas.
- Concentrate higher density residential uses in the Downtown to take advantage of transportation infrastructure and require adequate parking as a prerequisite to new development.

¹ It is recommended to the planning board that a de minimus waiver be granted to this project to lower the required parking from the RSIS 2.0 parking spaces per unit to 1.85 spaces per unit

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- Limit developments that would generate a high volume of vehicle traffic on local and collector streets.

Conservation Goals

- Encourage sustainable development practices.
- Adopt and practice environmentally responsible policies.
- Aggressively seek to acquire additional open space and opportunities to preserve open space.
- Conserve and protect as many environmentally sensitive areas in the Township as possible, including but not limited to all waterways, wetlands, and woodlands.
- Require all development to be subject to rigorous environmental evaluation to minimize any potential adverse environmental impacts.
- Promote stormwater best management practices to improve local drainage patterns and enhance the environment through implementation of Cranford's Stormwater Management Plan.
- Preserve floodplains to mitigate the adverse impact of flood events and to maintain the ecological health of stream corridors.
- Incorporate energy-efficient and renewable energy technologies into new development.

Circulation Goals

- Coordinate land uses and transportation investments to encourage alternatives to driving such as mass transit, bicycle and pedestrian pathways.
- Provide bike lanes that connect activity centers throughout the Township.

Community Identity Goals

- Encourage quality architectural and landscape design through the use of design standards that are consistent with the architectural history of the surrounding neighborhood.

2.3.B Relationship to the Township Land Use Procedures Ordinance

215-235 Birchwood Avenue is located within the IMR Inclusionary Multifamily Residence (IMR) Zone District as depicted on the Township of Cranford Zone Map.

The following are the permitted uses in the IMR District:

A. Purpose:

The purpose of the Inclusionary Multifamily Residence (IMR) District is to provide an opportunity for the construction of up to 360 multifamily residential units on Block 291, Lot 15.01, and Block 292, Lot 2 (215 to 235 Birchwood Avenue), of which not less than 15% shall be reserved for low-and moderate-income households in accordance with applicable affordable housing regulations.

B. Permitted Principal Uses:

1. Multifamily dwellings.
2. Parking garages (other than podium parking) serving multifamily residential dwellings subject to the following requirement:

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- a. The parking garage structure must be wrapped by a building containing multifamily residential dwellings on at least three sides of the four-sided parking structure.

C. Accessory Uses:

1. Trash and garbage collection areas which are fully screened.
2. Maintenance leasing and administrative offices and storage buildings, swimming pools and other community recreational facilities (noncommercial) associated multifamily residential uses are allowed in all yards but the front yard.
3. Podium parking in multifamily residential structures.
4. Ground-level parking.

D. Minimum Tract Area: 15 acres.

E. Yard and bulk regulations:

1. Lot frontage: minimum of 750 feet.
2. Front yard setback: The average front yard setback of the buildings from Birchwood Avenue shall be 30 feet, with a minimum front yard setback requirement of 25 feet.
3. Side yard setback: minimum of 55 feet.
4. Rear yard setback: minimum of 175 feet.
5. Impervious coverage: Impervious coverage, as defined in N.J.A.C. 7:8-1.2 (definition of "impervious surface"), or such successor stormwater management regulations as may be promulgated by the State of New Jersey, shall not exceed the impervious coverage in existence as of the December 9, 2011, date of filing of the Order Granting Relief in Exclusionary Zoning Litigation) Docket Nos. UNN-L-0140-08 and UNN-L-003759-08).
6. Building height: The maximum height of Building A shall be three stories of residential units above a maximum of one level of parking, and the maximum height of Building B shall be four stories of residential units or three stories of residential units above a maximum of one level of parking. For purposes of this subsection, a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings shall be 55 feet to the mid-point of the roof.
7. Multifamily-residential-building-to-multifamily-residential-building distance requirements: minimum of 25 feet.

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Table 1: Inclusionary Multifamily Residence (IMR) Yard and Bulk Regulations	
Item	Permitted or Required
Lot Frontage Minimum	750 Feet
Front Yard Setback Minimum	25 Feet
Front Yard Setback Average	30 Feet
Side Yard Setback	55 Feet
Rear Yard Setback	175 Feet
Impervious Coverage	31.1%
Building Height	55 Feet and 4 stories
Multifamily-Residential-Building-to-Multifamily-Residential-Building Minimum Distance	25 Feet

F. Site perimeter requirements:

1. Buffer requirements:

- A minimum of 10 feet of landscape buffer shall be provided along the eastern lot line of 215 Birchwood Avenue. The landscaping shall consist of evergreen trees.
- A minimum buffer area of 150 feet shall be maintained along the rear property line. Within this buffer area, additional vegetation shall be planted to create a complete stand of understory and mature trees to form a continuous visual screen along the rear perimeter of the developed area (parking lots and buildings) and shall be planted in a proper fashion to create an evergreen screen at least 10 feet in height within three growing seasons. Trees shall be planted at a minimum of 2 ½ inches in caliper. Evergreens shall be planted at a minimum of six feet in height.

G. Density: A maximum residential density of up to 24 units per acre of gross tract area is permitted for the construction of up to 360 multifamily residential units, provided that a minimum of 15% of the dwelling units area deed restricted for occupancy by low- and moderate-income households in accordance with applicable affordable housing regulations.

H. Parking requirements: A parking ratio of a minimum of 1.85 parking spaces per residential unit shall be maintained for residential development.

I. Supplemental regulations:

- Affordable units shall not be segregated within one building and shall be allocated throughout the development.
- Buildings and site improvements shall be designed in a manner reasonably consistent with terms of the Court's decision and order and the terms of required NJDEP permits and approvals.

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SECTION 3. THE REDEVELOPMENT PLAN

3.1 Land Use Plan

The Birchwood Avenue Site has been part of the Township's affordable housing compliance since November 12, 2008, when Cranford Development Associates filed a Builder's Remedy Lawsuit, and which an Order Granting Relief In Exclusionary Zoning was signed by the Court on December 9, 2011 permitting 360 units on the site. Subsequently, the Township of Cranford purchased the land and issued a Request For Proposals (RFP) for a 225-unit inclusionary residential development that would be more consistent with the existing land uses in Cranford and to contribute to meeting its affordable housing obligation. The Township selected the proposal submitted by Birchwood Developers Associates, LLC. As part of the Redevelopment Agreement, certain terms and conditions are set forth to regulate the land use plan for the site. Most importantly in relation to the Redevelopment Plan, the Redevelopment Agreement stated the following conditions:

- i. Inclusionary Housing:
 - a. The residential development shall have an inclusionary multifamily affordable housing component of 15% (thirty-four (34) units) of the total units (two hundred twenty five (225) units) being developed as very low (13%; five (5) units), low (37%, twelve, (12) units) and moderate (50%; seventeen (17) units) income affordable housing units to qualify as such pursuant to the terms of the applicable affordable housing regulations, Court Order, Court Special Master requirements, and the Uniform Housing Affordability Controls ("UHAC") regulations, N.J.A.C. 5:80-26.1, *et seq.* The parties agree that the affordability controls shall remain in place for at least thirty (30) years after the date of the initial occupancy of the affordable unit. The final bedroom distribution will have to satisfy the applicable affordable housing regulations, Court Order, and/or Court Special Master requirements.
 - b. Affordable units shall not be segregated within one building and shall be allocated throughout the development.
 - c. Buildings and site improvements shall be designed in a manner reasonably consistent with terms of the Court's decision and order and the terms of required NJDEP permits and approvals.
- ii. Density of Development - The residential development of the Birchwood Avenue Site shall be developed with a permitted density of two hundred and twenty-five (225) residential units, thirty-four (34) of which are to be affordable family residential rental units in three (3) residential buildings.
- iii. Building Height: The maximum height of Buildings A, B, and C shall be three stories of residential units above a maximum of one level of parking. For purposes of this subsection, a "story" as defined in §§ 202 and 505.1 of the 2009 International Building Code, New Jersey Edition. The maximum height of all buildings shall be 50 feet. The building height maybe increased to allow for architectural extensions, such as a gable that may be constructed at building corners and/or main entryways. Any such architectural building extensions shall not exceed 50 feet as measured by the midpoint of the gable roof, as detailed on Exhibit 6.
- iv. Setbacks - The residential development of the Birchwood Avenue Site shall have a minimum front yard setback of thirty-five (35) feet in the northern most corner of Building

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A, a minimum front yard setback of fifty-seven (57) feet in the eastern most corner of Building A, a forty-six (46) minimum front yard setback in the northern most corner of Building C, and a seventy-five (75) foot setback in the eastern most corner of Building C feet off of the property line along Birchwood Avenue, with an average front yard setback of forty-five (45) feet, as demonstrated in the Concept Site Plan, prepared by BlackBird Group, dated October 28, 2017, found in Exhibit 2. The side yard setback along the southeast property line shall be forty (40) feet for the principal structure and thirty-five (35) feet for any deck or balcony in order to provide a buffer and privacy between the Birchwood project and the assisted living facility as well as to preserve existing mature trees. The minimum rear yard setback shall be one hundred seventy-five (175) feet in order to buffer the Birchwood project in order to maintain the privacy and quality of the residents living in the single family detached homes which front on Wadsworth Terrace. Within the building setbacks, the vegetative buffer areas shall be maintained, and additional vegetation shall be planted to create a complete stand of understory and mature trees to form a continuous visual screen along the rear perimeter of the developed area (parking lots and buildings) and shall be planted in a proper fashion to create an evergreen screen at least 10 feet in height within three growing seasons. Trees shall be planted at a minimum of 2 ½ inches in caliper. Evergreens shall be planted at a minimum of six feet in height.

- v. Amenities: Birchwood Developers Associates, LLC shall provide for the infrastructure for residents to participate in passive recreation on the site. This entails the creation of a network of walking paths which shall be at least six (6) feet wide throughout the site. Birchwood Developers Associates, LLC shall also construct a minimum 4,000 ft² clubhouse which will include a large community room, a multi-purpose room and an exercise facility as well as a minimum 2,500 ft² outdoor seating area, which shall be adjoining the clubhouse. See Exhibits 1 & 2.

Hardscape areas shall be constructed of high quality building materials and shall be subject to the approval of the Planning Board.

- vi. Environmental Remediation of Project Site– Birchwood Developers Associates, LLC shall retain a Licensed Site Remediation Professional (LSRP) to oversee the environmental remediation of the project site. The developer's LSRP shall submit an application to New Jersey the Departments of Environmental Protection for a Remedial Action Permit for Soil. It is understood that upon the DEP approval of the application and the issuance of the Remedial Action Permit for Soil, the LSRP will issue a site-wide Response Action Outcome ("RAO") for ground water and soil, conditioned on the engineering controls and institutional controls. Birchwood Developers Associates, LLC agrees to bear the sole cost, expense, and responsibility of properly remediating the site and complying with all related laws, regulations, and other requirements related to the proper remediation of the site. The developer's LSRP shall provide copies of any all correspondence to the Township Engineer and the Township Clerk.
- vii. Traffic Study & Related Improvements – Birchwood Developers Associates, LLC shall provide a traffic study for the proposed residential development of the Birchwood Avenue Site to the Township, which shall address the traffic impact of the proposed development on the Township's traffic circulation and roadways.

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3.2 Permitted Uses in the Birchwood Avenue Redevelopment Plan

3.2.A Permitted Principal Uses:

1. Inclusionary Multifamily Residential development consisting of two-hundred twenty-five (225) units, thirty-four (34) of which are affordable, in three (3) separate buildings subject to approval by the Superior Court of New Jersey, Union County, for an amendment of the Townships current affordable housing obligations set forth in the Court Order dated December 9, 2011 and the Judgment of Compliance and Repose dated March 22, 2013.

3.2.B Permitted Accessory Uses:

1. Public and private conservation areas;
2. Common outdoor public or private spaces, plazas and terraces;
3. Active and passive recreational facilities;
4. Pedestrian walking paths;
5. Enclosed parking located on the ground floor below residential uses and, and surface parking, serving multifamily residential dwellings,
6. Gardens, hardscape patio areas, landscape features;
7. Green building techniques and green roofs
8. Solar canopy array or roof mounted systems;
9. Stormwater management/flood storage systems; and
10. Public utility uses.

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3.3 Building, Area, and Yard Requirements

The Redevelopment Plan shall comply with the building, area and yard requirements as outlined under Table 2.

Table 2: Bulk Requirements for the 215-235 Birchwood Avenue Redevelopment Area	
Density of Development A maximum density of two hundred and twenty-five (225) one and two-bedroom market rate residential units in a maximum of 3 separate buildings with a 15% inclusionary affordable housing component. Three bedroom or greater market rate units are prohibited.	
Building A	66 residential units
Building B	105 residential units
Building C	54 residential units
Min. Lot Area	15 Acres
Min. Lot Frontage	750 Feet
Average Front Yard Setback (ft) – Principal & Accessory	45 feet
Min. Front Yard Setback (ft) Principal Building Northern Most Corner – Building A	35 Feet ^(a)
Min. Front Yard Setback (ft) Principal Building Eastern Most Corner– Building A	57 Feet ^(a)
Min. Front Yard Setback (ft) Principal Building Northern Most Corner– Building C	46 Feet ^(a)
Min. Front Yard Setback (ft) Principal Building Eastern Most – Building C	75 Feet ^(a)
Min Side Yard Setback (ft) – Principal Structure	40 Feet
Min Side Yard Setback (ft) –Accessory (Deck/Balcony)	35 Feet
Min. Rear Yard Setback (ft) – Principal & Accessory	175 Feet
Max. Building Coverage (%) ^{(b)(c)}	18% ^{(b) (c)}
Max. Impervious Lot Coverage (%) ^{(b) (c) (d)}	27% ^{(b) (c) (d)}
Max. Building Height (ft) – Residential – 4 Story Exposure	50 Feet ^(f)
Max. Number of Building Stories	4 Stories
Min. Distance between Predominant Faces of Buildings A & B	100 Feet
Min. Distance between Predominant Faces of Buildings A & C	100 Feet
Min. Distance between Predominant Faces of Buildings B & C	100 Feet
Min. Distance between Building/Building Projections of Buildings A & B	90 Feet
Min. Distance between Building/Building Projections of Buildings A & C	90 Feet
Min. Distance between Building/Building Projections of Buildings B & C	90 Feet

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Affordable Family Rental Bedroom Distribution	
Birchwood Developers Associates, LLC shall have an obligation to deed-restrict fifteen percent (15%) of the residential units in the Inclusionary Development (equivalent to 34 units) as very low (13%, 5 units), low (37%, 12 units), and moderate income (50%, 17 units) affordable units. All affordable units shall comply with UHAC, applicable COAH affordable housing regulations, any applicable order of the Court, and other applicable laws, and address shall also be further amended to address the bedroom distribution imbalance at the Riverfront project in Downtown Cranford.	
Parking Requirements	
Off-Street Parking Spaces per Unit	1.85
Min. Distance between Building and Parking/Drive Aisles ^(d)	15 Feet ^{(a) (e)}
Min. Distance between Rear/Side Property Line and Parking/Drive Aisles	15 Feet ^(a)
^(a) As demonstrated in the Concept Site Plan prepared by BlackBird Group, dated 10.28.17 found in Exhibit 2 ^(b) This coverage area includes patios and decks located on the ground level. Building projections like balconies which are located above grade are not included in this coverage area. ^(c) This coverage area does not include balconies, their corresponding eaves or roofs or pedestrian and bicycle paths. ^(d) This includes the maximum building coverage and the impervious lot coverage, for a combined total. ^(e) This includes all buildings parts, including patios, porches, balconies, and other projections. ^(f) As defined by Section 3.1.iii.	

3.4 Development Requirements

3.4.A Parking and Traffic Circulation Standards

Parking, driveways and loading spaces shall comply with Article IV (§136-23.7 Circulation, driveways, parking and loading and unloading requirements) of the Township Zoning Ordinance with the following exceptions:

1. All ground level parking under a building shall be fully enclosed within the building with a cultured stone (such as Eldorado, Boral or similar approved material) face extending up to 30 – 36 inches in height, capped with a corresponding stone ledge, and metal fencing as depicted on the Conceptual Rendering in order to facilitate ventilation. All materials and colors shall be approved by the Planning Board prior to construction.
2. The main driveway shall have an island dividing the traffic at the main entry onto the property in order to create a boulevard effect. The location and dimensions of the main driveway are to be generally consistent with the conceptual drawings contained in Exhibit 1.
3. All secondary driveways shall be a minimum of twenty-four (24) feet in width. The location and dimensions of the secondary driveways are to be generally consistent with the conceptual drawings contained in Exhibit 1.
4. Driveways shall not be located closer than ten (10) feet to a side or rear property line.
5. All additional parking areas (which are not a part of the building footprint) and drive aisles shall be setback at a minimum of 15 feet from every building part, including patios, porches, balconies, or other projections. All parking areas and drive aisles shall be setback at a minimum of 40 feet from the front lot line, a minimum of 15 feet from any side lot line and a minimum of 175 feet from the rear lot line.

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6. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a safe ingress and egress to the site.
7. All required off-street parking and loading spaces shall be provided on-site, within the developable area of the site.
8. The minimum number of off-street parking spaces provided within the redevelopment area shall be as described in Table 2. Tandem parking for assigned parking spaces for individual units is permitted.
9. A Traffic Circulation Plan shall be provided depicting the turning radius of emergency vehicle routes and movements through the site. No truck circulation routes shall interfere with any permitted on-street parking spaces or driveways.
10. Fire lanes and restricted parking areas shall be provided as directed by the Township Fire Official and are described in further detail in Section 3.4.C.
11. All parking spaces, loading spaces, fire lanes, and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the Traffic Circulation Plan.
12. All areas designated for truck circulation and deliveries, shall be paved with an asphalt or concrete material.

3.4.B Project Design Standards and Conditions

The Birchwood Redevelopment Plan shall comply with the following design standards and conditions:

1. The use of green building technologies is strongly encouraged to be incorporated into all aspects of the project design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.
2. Upon the demolition of any existing building or structure, in whole or in part, the site shall be properly graded and stabilized unless new construction is to commence on the same site within thirty (30) days.
3. Three bedroom or greater market rate units are prohibited.
4. Location and Area of Amenities – A minimum of 4,000 ft² clubhouse which includes a large community room that is adequate to host small social gatherings, a multi-purpose room, an exercise facility, and outdoor seating shall be provided on site. Open landscaped courtyards, passive recreation amenities like trails and bicycle/walking paths that weave through the wetlands and floodplain area shall be provided. These bicycle/walking paths are recommended to conform with ADA standards, and shall not exceed 1.5% of lot area. The trails and walking paths may connect portions of the site to the surrounding developments/ homes. Bicycle paths are encouraged and should connect with existing bicycle paths and trails within the surrounding neighborhood.
5. Preservation of minimum 150 feet of existing vegetation on the rear portion of the property to buffer the neighboring homes. Within this 150-foot buffer, additional

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- vegetation shall be planted to create a complete stand of understory and mature trees to form a continuous screen along the rear perimeter of the developed area (parking lots and buildings) and shall be planted in a proper fashion to create an evergreen screen at least 10 feet in height within three growing seasons. Trees shall be planted at a minimum of 2.5 inches in caliper. Evergreens shall be planted at a minimum of 6 feet in height. Retention of and additional plantings of vegetation should be completed if practicable along the southeastern property line which borders the assisted living facility in order to create a natural screen buffer for privacy and to decrease the impact of the redevelopment project.
6. A Traffic study shall be undertaken, the details of which will be finalized during the Site Plan Approval phase of the development.
 7. Pedestrian and bicycle paths consisting of six (6) foot wide asphalt shall be provided on site which will extend and connect to Birchwood Avenue, in order to also connect to the existing bicycle network in Cranford. The on-site six (6) foot wide paths may be elevated in order to encourage flood storage adjacent to the paths. These passive recreation paths can loop through the property and weave through the trees within the wetlands which are the protected portion of the site. The combined area of the paths shall not exceed 1.5% of the lot area. A conceptual illustration of these paths is demonstrated in Exhibit 1 which shall be further discussed and refined at the Planning Board hearing. It is the responsibility of Birchwood Developers Associates, LLC to obtain all necessary permits and approvals from the NJDEP, Land Use Regulation, prior to the start of any construction activities.
 8. Parking is to conform to Residential Site Improvement Standards (RSIS).²
 9. Fire and emergency vehicle access shall be generally consistent with the concept plan in Exhibit 1. The property owner shall be responsible for the maintenance of these paths for emergency use, including snow removal.
 10. All provisions as generally depicted and outlined in the Concept Plan, dated September 25, 2017 subject to further modification and engineering as required by this redevelopment plan and/or as required by the Township Planning Board.
 11. Stormwater/ flood management systems that include, but are not limited to, flood storage, storm water detention basins, basin overflow areas, culverts etc., shall be designed and constructed to the appropriate standards.
 12. Designated trash facilities must be located on the premises and must adhere to all township codes and standards.
 13. In addition to the Township Design Standards and the conditions above, all definitions per the Cranford Township ordinances remain valid for this Redevelopment Plan unless specifically modified within this redevelopment plan.

² Excluding parking requirements for this project which have been defined as 1.85 spaces per unit.

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3.4.C Building and Architectural Design Standards and Programming

In order to create an aesthetically desirable overall effect a variety of building materials and colors shall be utilized in the construction of this project. All color and material selection shall be approved by the Planning Board prior to construction.

i. Design Standards

The following design standards shall be adopted for the Birchwood Redevelopment Project:

1. The exterior of the buildings shall be a combination of cultured stone (such as Eldorad, Boral or similar approved material) and horizontal siding (Hardie Plank or similar approved building material). The use of vinyl siding is prohibited on any building elevation. A minimum of three stories of the corner segments of each of the buildings, as well as the entirety first story on all elevations shall be cultured stone (such as Eldorad, Boral or similar approved material) as detailed in Exhibit 5.
2. No more than two stories of the building elevation shall be horizontal siding.
3. It is recommended that one color selection is not used for the horizontal siding on all three buildings. Each building may have more than one color of horizontal siding in order to create vertical demarcations along the elevation and create visual interest and avoid uniformity. Vertical demarcations can also be created through varying the amount of cultured stone in each vertical section of each of the elevations as long as it is in accordance with the rest of this section. Color selection of horizontal siding is subject to approval by the Planning Board.
4. Balconies and decks are permitted provided that they are setback a minimum of (35) feet from the side property line. Ornamental railings and spindles associated with the balconies shall be of a color that complements the surrounding architecture in order to blend into the façade and create a softer look. All colors and materials associated with balconies and decks are subject to the approval of the Planning Board.
5. Decorative ornamental light fixtures shall be located along both sides of all pedestrian and automobile entrances for all buildings. The size, color of the fixture and the bulb type, and material are all subject to approval of the Planning Board.

ii. Bedroom Distribution:

1. Market Rate Units: the bedroom distribution for the market rate units shall comply with the bedroom distribution chart depicted on the following page.

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	Story		Market					Affordable		
			One Bed	One Bed + Den	Two Bed Int.	Two Bed Corner		One Bed	Two Bed	Three Bed
Building A	Ground		-	-	-	-	-	-	-	-
	First	22	19	6	2	7	4	3	0	0
	Second	22	19	6	2	7	4	3	0	0
	Third	22	19	6	2	7	4	3	0	0
	Total	66	57	18	6	21	12	9	0	0
Building B	Ground		-	-	-	-	-	-	-	-
	First	35	32	7	3	17	5	3	0	1
	Second	35	33	7	3	17	6	2	0	0
	Third	35	33	7	3	17	6	2	0	0
	Total	105	98	21	9	51	17	7	0	1
Building C	Ground		-	-	-	-	-	-	-	-
	First	18	12	4	0	8	0	6	1	2
	Second	18	12	4	0	8	0	6	1	2
	Third	18	12	4	0	8	0	6	1	2
	Total	54	36	12	0	24	0	18	3	6
Project Total		225	191	51	15	96	29	34	3	7
			85%	27%	8%	50%	15%	15%	9%	21%

2. Affordable Units: the bedroom distribution for the affordable units shall comply with the below in order to compensate for the shortage of two (2) two-bedroom units, and excess of two (2) one-bedroom units in the Riverfront project.

- i. One-bedrooms: Three (3) units, which is two fewer one-bedroom affordable units than the usual maximum allowance
- ii. Two-bedrooms: Twenty-four (24) two-bedroom units
- iii. Three-bedrooms: Seven (7) units

3. The affordable units shall be distributed throughout all three (3) buildings.

iii. Architectural Building Elevation

Exhibit 5 represents a typical architectural building elevation for the Birchwood at Cranford Community. This building elevation shall be typical for all four sides of all buildings to be constructed on the property. The building elevation shall be consistent with the Concept Renderings included in Exhibit 5. It is understood that this rendering is conceptual in nature and is subject to further refinement during the architectural and civil engineering design phase (site plan) of the redevelopment project. The rendering has been incorporated to help visualize the standards set forth by the agreed upon terms.

The architecture of the buildings is recommended to be more suburban in style and large contiguous structures are recommended to be broken up visually through a variety of means like varying roof heights, variation in colors, materials, proportions, moldings and demarcations used.

All the buildings and all building elevations are required to be built to the same building construction standards and aesthetics, using the same building materials.

The rendering includes a number of items that were refined through the Redevelopment Agreement negotiation process between the Township and the Developer, including but not limited to, building height, materials, architectural elements, and other design features.

iv. Site Layout Concept Plan

Exhibit 1 represents a site layout concept plan for the Birchwood Avenue Redevelopment. This concept plan, prepared by BlackBird Group, dated October 28, 2017, generally illustrates the

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building configuration, open space, amenities, unit count, bedroom distribution, and overall general layout of the development. It is understood that this rendering is conceptual in nature and is subject to further refinement during the architectural and civil engineering design phase (site plan) of the redevelopment project.

v. Fire & Safety Design Standards

The following fire and safety design standards shall be adopted for the Birchwood Redevelopment Project:

1. All residential buildings shall be constructed in accordance with the National Fire Protection Association (NFPA) 13 Codes and Standards.
2. Site plans shall depict the vehicular turning movements for emergency vehicles.
3. Fire hydrants shall be located within the development at the direction and approval of the Cranford Township Fire Official as shown in Exhibit 1.
4. A secondary driveway access shall be constructed to provide a secondary means of ingress and egress into the development. The developer shall maintain and improve the existing asphalt driveway, including snow removal, which was utilized by the former occupants of 235 Birchwood Avenue, located within the floodplain and as illustrated on the Concept Plan found under Exhibit 1 of this report, and extend the driveway in order to create a parking area contiguous to the project's recreation amenity, and also connect it to the surface parking areas located in front of buildings A, B, and C. The final design of this secondary driveway shall be subject to review and approval by the Cranford Township Planning Board and Fire Official.
5. All exits for all buildings shall have be constructed with steel and concrete block construction with a minimum of a two-hour stairway.
6. All exits for all buildings shall be located so that an emergency vehicle and personnel would be able to easily access the building. A minimum six-foot-wide sidewalk shall be provided from all exists from all buildings to the emergency vehicle loading / unloading space.
7. Emergency backup generators shall be installed for all residential buildings. The location of all emergency generators shall be located on all site plan drawings. Suitable access shall be provided to the emergency generator. Low level evergreen landscaping shall be provided to visually buffer the generators. The Township may request sound attenuation measures to mitigate the sound of the generators.
8. The location of electrical transformers, fire hydrants, emergency generators, water lines and connections, gas meters, and other utility infrastructure shall be coordinated and illustrated on a single utility plan. The location of all utility services and connections shall be subject to the review and approval by the Cranford Township Planning Board and the Township Fire Official.
9. The developer shall provide a fire flow study demonstrating that acceptable water pressure is able within the water lines located within the Birchwood Avenue right-of-way. Any upgrades or infrastructure improvements determined to be necessary shall be the sole responsibility of the developer.

The Landscaping Plan shall be coordinated with the Utility Plan so that access can be provided around the perimeter of all residential buildings.

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3.4.D Open Space, Amenities, and Environmental Considerations

The project shall include the following elements: an outdoor recreation area, ADA compliant pedestrian bicycle paths within the site and along Birchwood Avenue, pedestrian connection to the south side of Birchwood Avenue, an outdoor hardscape area, and an indoor “community center” with communal areas. More specifically, as shown in the concept plan, a 4,000 ft² clubhouse which includes a large community room that is adequate to host small social gatherings, a multi-purpose room, an exercise facility, and an outdoor seating area that is a minimum of 2,500 ft² outdoor terrace, or similar environment.

- The pedestrian pathways and sidewalks are to be designed according to Township Design Standards, and are to be a minimum of six (6) feet wide path in locations on the site as shown in Exhibit 1. In addition, a minimum 2,500 ft² outdoor hardscape patio will be included in a location on the site as shown in Exhibit 1.
- The open space shall include landscape features, and include the preservation of most of the existing trees on the site, and the DEP designated wetlands on the western part of the site.
- A natural and sufficient buffer from the roadway and landscape improvements will be made along the entranceway in accordance with Article IV. Buffering may consist of fencing, berms, evergreens, shrubs, bushes, deciduous trees, physical barriers or combinations thereof to achieve the stated objectives. A combination of these items and any additional features will provide adequate open space and amenities for the site, and will likewise preserve the natural and wooded feel that exists on the site currently.

Landscaping - According to Article IV, Landscaping shall be provided as part of the overall development design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner. Landscaping shall be maintained and the owner shall be responsible for replacement of dead plants, trees or other landscaping items. The development shall have professionally designed and executed landscaping plan designed in a comprehensive manner addressing all plantings, walkways, lighting, hardscape areas, paths, fencing and similar items. The Landscape Plan shall be prepared by a Licensed Landscape Architect in the State of New Jersey.

All open areas not utilized for parking areas, driveways, streets or roads, recreational facilities, patios or terraces shall be provided with lawns or other suitable growing ground cover, trees and shrubs. Continuous evergreen screening may be required along the tract boundary line, such screening to be no less than six feet high when planted. In addition, the Planning Board may, if conditions warrant, require supplemental screening by a solid fence up to six feet in height. Shade trees shall be provided along walks, driveways, parking areas, streets and roads. Screening or buffers, consisting of berms, fencing and/or landscaping may be required around recreation, parking, utility and refuse disposal areas and around other similar areas at the discretion of the Planning Board. All landscaping shall be maintained in good condition and shall be replaced where necessary.

- Measures used to control erosion and reduce sedimentation shall be approved by the Somerset-Union County Soil Conservation District. All requirements of Article VI, Stormwater Control; Flood Damage Prevention, shall apply to the development.

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3.4.E Pedestrian Access and Improvements

This Redevelopment Plan presents the opportunity to create a pedestrian and bicycle network of paths within the site to serve residents and provide for passive recreation space, as well as enhance streetscape between the site and the surrounding area. Currently, pedestrian linkages exist and connect the site to surrounding uses from Birchwood Avenue. The sidewalks extend in both directions, along Birchwood Avenue up to Orange Avenue and down to Bloomingdale Avenue. This Redevelopment Plan is an opportunity to provide both access and mobility to its residents, and to safely connect them to the surrounding uses.

All pedestrian linkages shall follow the standards in Article IV of the Township Code. All walkways and paths will be 6-foot-wide, and shall be properly lit with low level pedestrian lighting and constructed in accordance with ADA regulations. The location of the walkways and paths are encouraged to extend from the interior of the Birchwood development, and traverse through the undeveloped portion of the property with periodic connections to the sidewalks found along Birchwood Avenue.

3.4.F Redevelopment Area Phasing Plan

It is envisioned that the project will be constructed in two (2) phases. Phase I would involve the demolition of all remaining structures and all impervious surfaces that are not designated to remain as part of the site plan drawings. All debris piles of all types, including but not limited to vegetative, stone, concrete and asphalt piles shall also be removed under Phase 1. Phase II would involve the construction of the residential development, which may be further broken down into subphases by the development provided that each subphase fully conforms with all aspects of this redevelopment plan, including all affordable units which shall be constructed in accordance with all applicable rules and regulations for the number of residential units in each phase. Whether or not the developer chooses to construct the residential buildings in phases, all on site, off-site and off-tract improvements shall be constructed prior to the issuance of any certificate of occupancy for any residential unit in any phase.

3.4.G Utilities

1. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
2. All utility connection permits and road opening permits shall be obtained from the respective utility authority prior to the start of construction. All municipal roadways damages by the redevelopment of the site shall be restored and/or repaved as directed by the Township of Cranford Engineer.

3.5 Provisions Related to Off-Site Improvements

3.5.A Birchwood Avenue Streetscape & Roadway Improvements

Birchwood Avenue is a connector road extending from Orange Avenue to Bloomingdale Avenue. The land uses along the south side of Birchwood Avenue include the Cranford Rehab & Nursing Center, and AristaCare, a physical and neurological rehabilitation facility. Land uses along the north side of Birchwood Avenue include the Cranford Conservation Center and a Verizon office facility. The redevelopment of 215-235 Birchwood Avenue will replace a former office use with a

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residential apartment use. This change in land use along Birchwood Avenue suggests an opportunity for the Township to evaluate the need for such a wide cartway along the entire length of Birchwood Avenue. It is a recommendation of this redevelopment plan, a long-term goal that is not a specific requirement of this redeveloper or this redevelopment plan, that the Township evaluate whether the width of the cartway along Birchwood Avenue could be reduced for some length of the roadway. The reduction in the cartway width would allow for the design of a tree lined boulevard with a softer, more residential streetscape appearance and may also reduce vehicle speeds.

3.6 Provisions Related to Environmental Site Remediation Regulations and Obligations

Environmental Remediation of Project Site— Birchwood Developers Associates, LLC shall retain a Licensed Site Remediation Professional (LSRP) to oversee the environmental remediation of the project site. The developer's LSRP shall submit an application to New Jersey the Departments of Environmental Protection for a Remedial Action Permit for Soil. It is understood that upon the DEP approval of the application and the issuance of the Remedial Action Permit for Soil, the LSRP will issue a site-wide Response Action Outcome ("RAO") for ground water and soil, conditioned on the engineering controls and institutional controls. Birchwood Developers Associates, LLC agrees to bear the sole cost, expense, and responsibility of properly remediating the site and complying with all related laws, regulations, and other requirements related to the proper remediation of the site. The developer's LSRP shall provide copies of any all correspondence to the Township Engineer and the Township Clerk.

1. Site Remediation Investigation: Per the Redevelopment Agreement, "[The Township of Cranford] retained Excel Environmental Resources, Inc. ("Excel") to remediate the Project Site. Excel has completed the investigation and remediation, which included engineering controls (perimeter fence) and institutional controls (Deed Notice). Following recording of the Deed Notice, Excel submitted an application to DEP for a Remedial Action Permit for Soil. When DEP approves the application, and issues the Remedial Action Permit for Soil, Excel will issue a site-wide Response Action Outcome ("RAO") for ground water and soil, conditioned on the engineering controls and institutional controls. DEP approval of the Remedial Action Permit for Soil and issuance of Excel's RAO are not expected to be completed until after execution of this Agreement.

Redeveloper agrees to comply with, and specifically assumes any and all responsibility at its sole cost and expense (except when other party(s) are obligated pursuant to the Deed Notice, Environmental Laws for Remediation of all or part of the Project Site, or where Redeveloper agrees by contract with another party that such other party shall assume some or all such responsibility at its cost and expense), for compliance with the Deed Notice, the Remedial Action Permit for Soil (when issued), and Remediation of the Project Site, as may be required to complete its obligations under this Agreement. It is understood and agreed that Redeveloper may utilize any Remediation method acceptable to the DEP, including, but not limited to, revisions to the current institutional and engineering controls.

The Remediation may include revision and resubmission of the Deed Notice to document new engineering controls (e.g., the new building slab and/or parking areas in lieu of the existing perimeter fence) and revision to and compliance with a revised Remedial Action Permit for Soil, as applicable. Redeveloper has the option, but not the obligation, to remediate soil to an unrestricted use standard and request that DEP terminate the Deed Notice and Remedial Action Permit for Soil. Subject to reimbursement by Redeveloper of the Township's out of pocket expenses, The Township agrees to cooperate with Redeveloper's efforts to obtain

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any necessary Approvals from DEP, and assist Redeveloper in applying for and obtaining any grants or loans that may facilitate environmental investigation or Remediation efforts.

2. Licensed Site Remediation Professional: Per the Redevelopment Agreement “[Birchwood Developers Associates, LLC] shall retain a Licensed Site Remediation Professional (“LSRP”) who will oversee the Remediation to ensure that it complies with the rules and regulations promulgated by DEP. Prior to the issuance of the first Certificate of Occupancy, Redeveloper shall provide the Township with a copy of any revised Response Action Outcome issued by the LSRP with respect to the Project Site or a portion thereof, provided the Certificate of Occupancy relates to the portion of the Project Site upon which a Response Action Outcome has been issued.”
3. Redeveloper Environmental Compliance: Per the Redevelopment Agreement, Birchwood Developers Associates, LLC, agree that “Redeveloper and its affiliates, representatives, agents, employees, lessees, contractors and others performing work for or on behalf of Redeveloper (collectively, “Redeveloper Parties”) shall not, except as reasonably required in connection with the Remediation or the construction and operation of the Redevelopment Project, use, store, dispose of, generate, discharge, release or handle Hazardous Substances on or about the Project Site, and that all activities performed by Redeveloper Parties in the Project Site shall be performed in compliance with applicable Environmental Laws.

3.7 Provisions Related to Flood Storage

The proposed redevelopment of the Birchwood Avenue project shall include excavating the remaining foundations of the buildings formerly located on Block 291, Lot 15.01. Also all debris piles of all types, including but not limited to, vegetative, stone, concrete and asphalt piles shall also be removed from the property. The undeveloped, previously disturbed portion of the lands which formerly contained buildings and structures, shall be excavated and used for flood water storage and passive recreation amenities. This flood storage will be within the existing cleared and previously disturbed area within the forested wetlands and is not meant to require the removal of wooded vegetation. A concept plan depicting the proposed “conceptual” flood storage has been included in a Concept Site Plan, prepared by BlackBird Group, dated October 28, 2017 contained in Exhibit 1. This conceptual flood storage plan shall be further refined and is subject to more detailed engineering, including soil testing to determine the seasonal high water table.

3.8 Provisions Related to Affordable Housing

Pending the approval by the Superior Court of New Jersey, Union County, for amendment of the Township’s current affordable housing obligations set forth in the Court Order dated December 9, 2011 and the Judgment of Compliance and Repose dated March 22, 2013:

1. Birchwood Developers Associates, LLC shall have an obligation to construct thirty-four (34) family rental apartment units affordable to very low, low, and moderate-income households, which is a fifteen percent (15%) affordable housing set aside of the 225 total residential units that will be constructed on the site. All such affordable units shall comply with UHAC regulations, applicable COAH affordable housing regulations, the pending approval of the Township’s current affordable housing obligations set forth in the Court Order dated December 9, 2011, the Judgment of Compliance and Repose dated March 22, 2013, and any applicable orders of the Court, and other applicable laws.
 - a. For all of the affordable units created as part of this project, the Redeveloper will comply with bedroom distribution requirements, very low (13%)/low (37%)/moderate (50%)

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income split requirements, pricing requirements, integration of affordable units, affirmative marketing requirements, COAH Prior Round phasing requirements (N.J.A.C. 5:93-5.6(d)), candidate qualification and screening requirements and deed restriction requirements. The minimum sizes of the affordable units will be subject to N.J.A.C. 5:43-2.4(f) and (g).

- i. Income Distribution:
 1. Very Low: Five (5) units
 2. Low: Twelve (12) units
 3. Moderate: Seventeen (17) units
- ii. Bedroom Distribution: In order to address the shortage of two-bedroom units, and the excess of one-bedroom units in the Riverfront project the bedroom mix, the Birchwood project will have the following standards regarding the bedroom mix in the affordable units:
 1. One-bedrooms: Three (3) units, which is two fewer one-bedroom affordable units than the usual maximum allowance
 2. Two-bedrooms: Twenty-four (24) two-bedroom units
 3. Three-bedrooms: Seven (7) units
- b. Birchwood Developers Associates, LLC shall have an obligation to deed restrict the Affordable Units as very low, low or moderate income affordable units for a period of thirty (30) years (the "Deed-Restriction Period") so that the Township may count the Affordable Units against its obligation to provide family rental affordable housing. The affordability controls shall expire at the end of 30 years after the date of the initial occupancy of the respective Affordable Unit except that the affordability controls shall remain in effect until the date on which a rental unit shall become vacant, provided that the occupant household continues to earn a gross annual income of less than 80 percent of the applicable median income. See 5:80-26.11(b). If, at any time after the end of 30 years after the date of initial occupancy, a rental household's income is found to exceed 80 percent of the regional median income, the rental rate restriction shall expire at the later of either the next scheduled lease renewal or 60 days. Ibid.
- c. Birchwood Developers Associates, LLC shall contract with an experienced and qualified third party administrative agent, which may be the Township's administrative agent ("Administrative Agent") for the administration of the Affordable Units and shall have the obligation to pay all costs associated with properly deed restricting the Affordable Units in accordance with UHAC and other applicable laws for the Deed-Restriction Period. Redeveloper and its Administrative Agent shall work with the Township and the Township's administrative agent, should the Redeveloper's and Township's administrative agent not be one and the same, regarding any affordable housing monitoring requirements imposed by COAH or the Court. Redeveloper shall provide, within thirty (30) days of written notice, detailed information requested by the Township or the Township's administrative agent, should the Redeveloper's and Township's administrative agent not be one and the same, concerning Redeveloper's compliance with UHAC and other applicable laws.

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3.9 Redevelopment Actions

3.9.A Demolition

The Redevelopment Plan will involve the demolition of the existing, remaining improvements on the Project Site. As a part of the demolition all remains from the foundations of prior structures need to be removed. It is the responsibility of the Redeveloper to remove all debris, including crushed concrete and garbage from the site, regardless of whether the debris was on the site prior to the start date of the project. The reuse of crushed concrete or other materials may be acceptable and shall be addressed as part of the site plan approval.

3.9.B New Construction

The Redevelopment Plan will involve new construction of a residential rental development containing three (3) multistory buildings and all related roadways, pedestrian pathways, and parking.

3.9.C Properties to be Acquired

This Redevelopment Plan will not involve the taking of any privately-owned property.

3.9.D Relocation

No residents will need to be relocated to complete this redevelopment plan.

SECTION 4. RELATIONSHIP TO THE LAND USE AND ZONING ORDINANCE

4.1 Cranford Zoning Code and Map Amendment

Regulations of the Township of Cranford regulating development in the area addressed by this Redevelopment Plan. Final adoption of this Plan by the Town Committee shall be considered an amendment of the Township of Cranford Zoning Map.

The zoning district map in the zoning ordinances of the Township shall be amended to include the boundaries described in the Redevelopment Plan and the provisions therein. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the Redevelopment Area. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the Township of Cranford, the provisions hereof shall be determined to govern.

SECTION 5. SUSTAINABILITY GUIDELINES

5.1 Green Design and Elements

Any measures taken during demolition and reconstruction are encouraged to incorporate principles of green building into all aspects of the project design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition. Broadly speaking, green building design goals include reduced energy and water use; use of sustainable, renewable, non-toxic and locally produced materials; improved indoor air quality; environmentally-conscious site planning; and a location in a central, developed area with existing services and resources.

5.2 Sustainability

On August 12, 2003, Township of Cranford adopted Resolution No. 2003-259, which adopted a policy of "sustainability," and environmental stewardship within the municipality to meet the needs of the present generation without compromising the needs of future generations. Green building

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measures applied to the design, construction, and maintenance of buildings within the Township would achieve the following goals:

- Encourage resource conservation.
- Reduce the waste generated by construction projects.
- Increase energy efficiency.
- Promote the health and productivity of residents, workers, and visitors to the Township.

5.3 Cranford Adoption of Sustainability Ordinance

The Township of Cranford adopted an ordinance on April 22, 2014 addressing the concept of green design and environmental sustainability within the municipality. The Township Committee developed the ordinance with a vision of a greener and more sustainable Cranford, including redevelopment projects such as this one. The ordinance was established so that prospective developers could incorporate green design and sustainability into their plan and design for downtown redevelopment. It is a goal and objective of this Redevelopment Plan to set a standard for all future redevelopment projects in the Township to design and construct or rehabilitate existing buildings and structures using sustainable building materials.

SECTION 6. RELATIONSHIP TO OTHER PLANS

6.1 Plans of Adjacent Municipalities

The redevelopment area is located in the north-eastern part of the Township of Cranford along Birchwood Avenue and Wadsworth terrace. The surrounding Municipalities include: Township of Springfield, Borough of Kenilworth, Borough of Roselle Park, Borough of Roselle, City of Linden, Township of Winfield, Township of Clark, Town of Westfield, Borough of Garwood.

i. Township of Springfield

Township of Springfield is located to the northwest of Cranford and is connected via Springfield Avenue. Springfield Avenue passes through two other municipalities before entering Township of Springfield and becomes S Springfield Avenue within the Township of Springfield. S Springfield Avenue is largely commercial and mixed use when first entering the Township of Springfield just neighboring Route 22 and is then largely residential. Township of Springfield will not be affected by the new Birchwood development in Cranford.

ii. Borough of Kenilworth

Borough of Kenilworth is located to northeast of Cranford and is connected to Cranford via Kenilworth Boulevard, Columbia Avenue, Locust Drive, Arbor Street, Orange Avenue, Bloomingdale Avenue, and Garden State Parkway. Birchwood development is in close proximity to Borough of Kenilworth along Orange Avenue which later becomes 21st Street as it enters the Borough of Kenilworth.

21st Street is largely residential when first entering the Borough of Kenilworth, but connects Orange Avenue to Kenilworth Boulevard which is largely commercial. The new Birchwood development in Cranford has the potential for a small traffic impact on Borough of Kenilworth due to its proximity.

iii. Borough of Roselle Park

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Borough of Roselle Park is located to east of Cranford and is connected to Cranford via North Avenue which becomes Westfield Avenue W as it enters the Borough of Roselle Park. North Avenue/ Westfield Avenue W is largely mixed use. Birchwood development is in to the Northwest of Borough of Roselle Park and has the potential for a small traffic impact on Borough of Roselle Park along Westfield Avenue.

iv. Borough of Roselle

Borough of Roselle is located to east of Cranford and is connected to Cranford via South Avenue which becomes 1st Avenue as it enters the Borough of Roselle. South Avenue/ 1st Avenue is largely mixed use. Birchwood development is in to the Northwest of Borough of Roselle and has the potential for a small traffic impact on Borough of Roselle along 1st Avenue.

v. City of Linden

City of Linden is located to southeast of Cranford and is connected to Cranford via Raritan Road that serves both the municipalities. Raritan Road is largely mixed use to the north, within Cranford and is residential to the south, within City of Linden. Birchwood development is in to the north of City of Linden. City of Linden will not be affected by the new Birchwood development in Cranford.

vi. Township of Winfield

The northern most tip of the Township of Winfield borders Township of Cranford in the south. Township of Winfield is connected to Cranford via a fork of the Raritan Road that serves both the municipalities and becomes N Stiles Street as it enters the Township of Winfield. N Stiles Street is largely residential within the Township of Winfield. Birchwood development is in to the north of Township of Winfield. Township of Winfield will not be affected by the new Birchwood development in Cranford.

vii. Township of Clark

Township of Clark borders Township of Cranford on the south. Township of Clark is connected to Cranford via the Raritan Road, Walnut Avenue, and Georgia Street. Raritan Road and Walnut Avenue bisect each other and are both largely commercial and mixed use to the West and residential to the east within both the municipalities. Birchwood development is in to the north of Township of Clark. Township of Clark will not be affected by the new Birchwood development in Cranford.

viii. Town of Westfield

Township of Westfield borders Township of Cranford on southwest and northwest. Township of Clark is connected to Cranford via Springfield Avenue, Gallows Hill Road, and North Avenue, in the north; and South Avenue, Roger Avenue, Keith Jefferies Avenue, and Connecticut Street in the south. North Avenue and South Avenue pass through Garwood before entering Town of Westfield from Cranford. North Avenue and South Avenue are largely mixed use, and all the others are largely residential. Birchwood development in Cranford is to the east of Township

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of Westfield and has the potential for a small traffic impact on Town of Westfield along North Avenue and South Avenue.

ix. Borough of Garwood

Borough of Garwood borders Township of Cranford on the west. Borough of Garwood is connected to Cranford via North Avenue and W Holly Street (which becomes 2nd Avenue as it enters Borough of Garwood) in the north; and South Avenue, Rankin Avenue, and Lexington Avenue in the south. North Avenue and South Avenue are largely mixed use, and all the others are largely residential. Birchwood development in Cranford is to the east of Borough of Garwood and has the potential for a small traffic impact on Borough of Garwood along North Avenue and South Avenue.

6.2 Union County Master Plan

“The Union County Master Plan has a variety of planning goals and objectives designed to address major issues and influences that impact Union County’s housing, land use, transportation/circulation and economic development. The County goals and objectives recognize the interrelationships of related policies of municipalities, regional agencies and the State regarding the future development of Union County.”³

The Union County Master Plan sets guidelines for the municipalities of Union County and aims to spur economic growth through commercial, residential and transportation development. The Union County Master Plan promotes development and redevelopment consistent with surrounding areas while revitalizing “older suburban areas through...commercial adaptive reuse...upgrading of community infrastructure, and upgrading transportation and transit facilities.”⁴

The Birchwood Redevelopment Plan is consistent with the Union County Master Plan, in that it involves the construction of multi-family apartments for multiple income groups which contributes to more variety of housing types within Cranford.

6.3 New Jersey State Development and Redevelopment Plan

All of the properties in the redevelopment area are mapped within the Metropolitan Planning Area PA I as depicted on the New Jersey State Development and Redevelopment Plan. “In the Metropolitan Planning Area, the State Plan’s intention is to provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older communities; redesign areas of sprawl; protect the character of existing stable communities.”⁵

In 2001, the New Jersey State Planning Commission adopted The New Jersey State Development and Redevelopment Plan. A Final Draft of the State Development and Redevelopment Plan was reissued in 2010. The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities; reduce sprawl; and promote development and

³ Union County Master Plan. June 1998, 1-2

⁴ Union County Master Plan: June 1998, 1-3 – 1-4.

⁵ State Development and Redevelopment Plan, New Jersey State Planning Commission, adopted March 1, 2001, page 190.

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redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds. (N.J.S.A. 52:18A-196. et seq.)

The general redevelopment plan strategy is to achieve all the State Planning Goals by coordinating public and private actions to guide future growth into compact, ecologically designed forms of development and redevelopment, and to protect the Environs, consistent with the Statewide Policies and the State Plan Policy Map.

The New Jersey State Plan Policy Map integrates the two critical spatial concepts of the State Plan—Planning Areas, and Center and Environs—and provides the framework for implementing the Goals and Statewide Policies. Each Planning Area has specific intentions and Policy

Objectives that guide the application of the Statewide Policies. The Policy Objectives ensure that the Planning Areas guide the development of location of Centers and protect the Environs.

Applying the Statewide Policies through the State Plan Policy Map will achieve the goals of the State Planning Act.

According to the New Jersey State Development and Redevelopment Plan, the Birchwood Redevelopment Area is located in the Metropolitan Planning Area, PA1. PA1 provides for much of the state's future redevelopment: revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. As the name implies, the communities in this Planning Area often have strong ties to, or are influenced by, major metropolitan centers—the New York/Newark/Jersey City metropolitan region in the northeastern counties. The investment in passenger rail service in the Metropolitan Planning Area is represented by over 130 stations on eleven (11) heavy rail lines, two (2) rapid transit lines, two (2) light rail lines, and one (1) subway line.

Over the years, both the public and private sectors have made enormous investments in building and maintain a wide range of facilities and services to support these communities. The massive public investment is reflected in thousands of miles of streets, trade schools and colleges, libraries, theaters, office buildings, parks and plazas, transit terminals and airports. Most of these communities are fully developed, or almost fully developed, with little vacant land available for new development. Much of the change in land uses, therefore, will take the form of redevelopment. These communities have many things in common: mature settlement patterns resulting in a diminished supply of vacant land; infrastructure systems that generally are beyond or approaching their reasonable life expectancy; the need to rehabilitate housing to meet ever changing market standards; the recognition that redevelopment is, or will be the not-too-distant future, the predominant form of growth; and a growing realization of the need to regionalize an increasing number of services and systems in light of growing fiscal restraints. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has attracted significant immigration, resulting in noticeable changes in demographic characteristics over time. This Redevelopment Plan is consistent with and will reinforce the goals and objectives of the State Development and Redevelopment Plan.

SECTION 7. General Provisions

7.1 Role of the Township of Cranford

i. Redeveloper Selection

In order to assure that the vision of the Birchwood Avenue project will be successfully implemented in an effective comprehensive and timely way and in order to promptly achieve the public purpose

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goals of the Redevelopment Plan, the Township Committee, designated Birchwood Developers Associates, LLC as the Redeveloper for this Plan after undergoing a Request for Proposals process. Birchwood Developers Associates, LLC and the Township of Cranford then shall enter into and execute a Redevelopment Agreement satisfactory to and authorized by the Township Committee.

7.2 Approvals Process

This Redevelopment Plan changes the process by which approvals for the development of land are typically granted. For a typical development application, a property owner submits plans and an application to the Planning Board or Zoning Board of Adjustment, and the board schedules a hearing on the application. However, in order to comply with this Redevelopment Plan and to streamline the review process, the following procedure will be followed:

i. Township Committee Review

The Township Committee acting as the Redevelopment Entity shall review all proposed redevelopment projects within the redevelopment area to ensure that such project(s) is consistent with the Redevelopment Plan and relevant redevelopment agreement(s). Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board. As part of its review, the Township Committee may require the redeveloper(s) to submit proposed site plan applications to the Township Committee or to a subcommittee organized by the Township Committee prior to the submission of such applications to the Planning Board. Such Committee may include members of the Township Committee and any other members and/or professionals as determined necessary and appropriate by the Township Committee. Such Committee shall make its recommendations to the Mayor and Township Committee.

In undertaking its review, the Township Committee shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redevelopment agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.

ii. Planning Board Review Process

All development applications shall be submitted to the Township of Cranford Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the Township Committee as a redeveloper(s) and the project plan has not been reviewed and approved by the Township Committee. Additionally, the Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Township Committee or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and Redevelopment Agreement.

iii. Variances & Design Waivers

Neither the Planning Board nor the Board of Adjustment shall grant any deviations from the terms and requirements of this Redevelopment Plan, that would involve the granting of any "d" variances. Unless otherwise specified in this Plan, any proposed changes to the Redevelopment Plan shall be in the form of an amendment to the Redevelopment Plan adopted by the Township Committee in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

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Nothing shall prevent Birchwood Developers Associates, LLC from applying for a waiver or bulk variance from any standard imposed by the Redevelopment Plan and/or the Township's Land Use and Development Ordinance as applicable, and the standards set forth in the MLUL and/or the Redevelopment Law, as applicable, shall determine if Birchwood Developers Associates, LLC is entitled to this relief or from seeking a waiver or de minimus exception to any standard or requirement of the Residential Site Improvement Standards under the applicable regulations. Notwithstanding the above, the Township Committee and Township Planning Board are under no contractual obligation to grant or approve any request for a variance, waiver or de minimus exception."

The Planning Board may waive specific bulk, parking, sustainability, or design requirements if specifically authorized to do so by the Mayor and Township Committee, provided the redeveloper demonstrates that such waiver or variance is necessary for the feasibility of the project, will not substantially impair the goals and objectives of the redevelopment plan, particularly how its related to meeting state, federal, or environmental permit requirements, and will not present any detriment to the public health, safety and welfare.

7.3 Easements

Each Party shall grant to the other the temporary and permanent easements which are necessary for access and for the proper functioning of utility and drainage systems, for access and parking, and for roadway access, and as are otherwise necessary to facilitate construction and operation of the Redevelopment Project as contemplated by the Approvals. No Building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Township Committee.

7.4 Site Plan Review

i. Site Plan and Subdivision Review

Site plans should be submitted to the Township Committee (as redevelopment agency) for approval prior to review and approval by the Planning Board. Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Township Planning Board.

ii. Approvals by Other Agencies

The redeveloper shall be required to provide the Township 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 Township.

iii. Certificate of Completion and Compliance

Upon the inspection, verification and approval by the Township Committee that the redevelopment of a parcel subject to a Redevelopment Agreement has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such parcel will be deemed no longer in need of redevelopment.

iv. Severability

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

v. Adverse Influences

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

vi. Non-Discrimination Provisions

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

vii. Infrastructure and Public Improvements

The redeveloper, at the redeveloper's sole 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 with the provision of water, sanitary sewer, and stormwater sewer service 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 as a result of the impacts of the project. The Redevelopment Agreement between the Township and the redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project.

viii. Duration of the Plan

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 40 years from the date of approval of this plan by the Township Committee.

ix. Procedure for Amending the Approved Plan

The Township of Cranford Township Committee, at its sole discretion, may amend the Redevelopment Plan from time to time upon compliance with the requirements of state law.

- i. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Township's ordinances, as and where indicated, for the Redevelopment Area.

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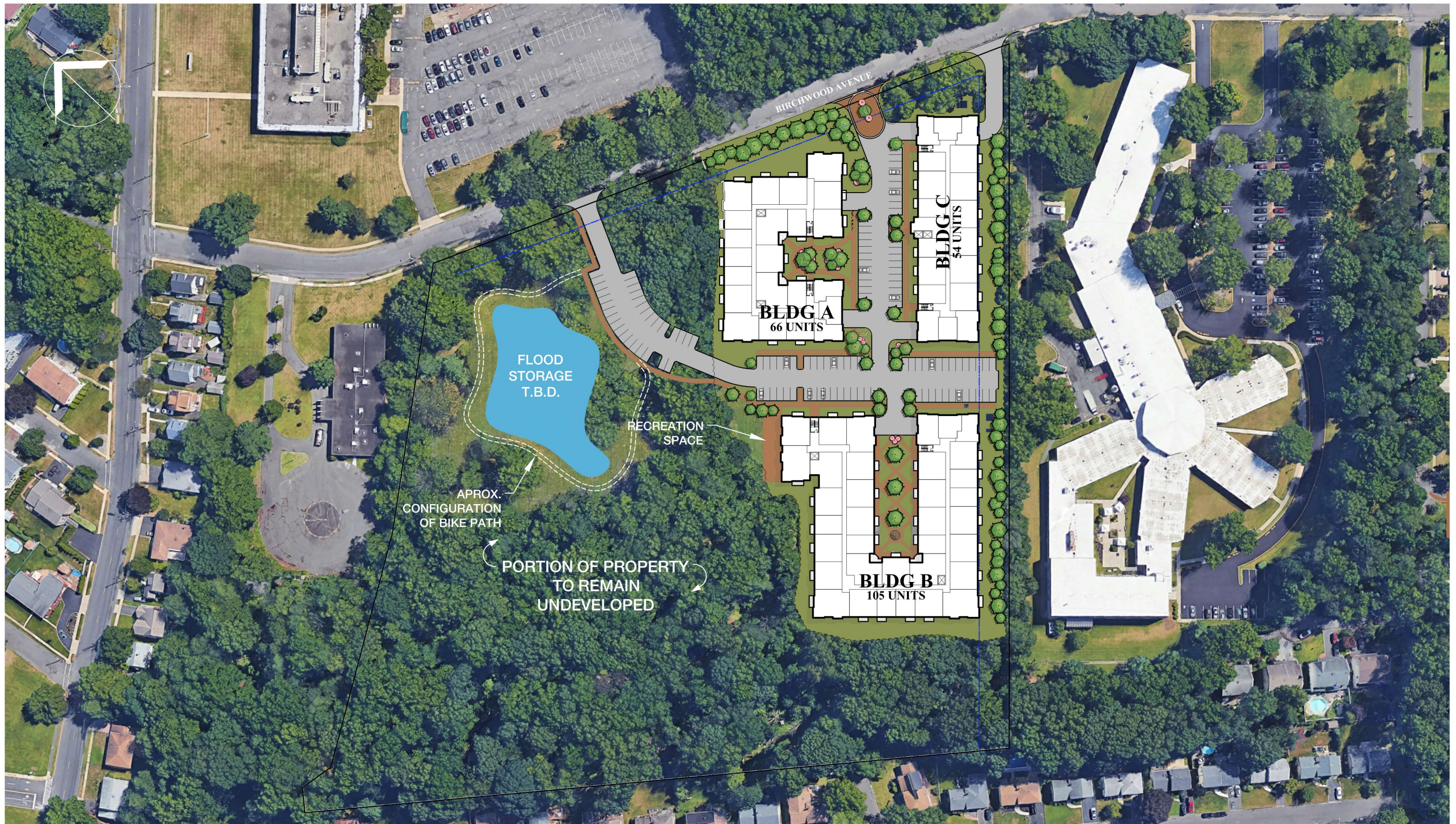
- ii. If any article, section, subsection, sentence, clause or phrase of this Redevelopment Plan is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.
- iii. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the Township of Cranford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Cranford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

DRAFT

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SECTION 8. EXHIBITS



CONCEPT SITE PLAN

10.28.17
SCALE: 1"=120'



REDEVELOPMENT PROPOSAL
213 & 235 BIRCHWOOD AVE.
CRANFORD, NEW JERSEY

INFORMATION CONTAINED ON THIS DRAWING IS CONCEPTUAL ONLY
AND SUBJECT TO FURTHER PROJECT DEVELOPMENT. REFER TO
DRAWINGS BY L2A LAND DESIGN LLC FOR CIVIL ENGINEERING DESIGN





PREVIOUS APPROVED PLAN



PROPOSED CONCEPT PLAN





ZONING SUMMARY

MINIMUM SETBACKS	
FRONT	as shown
SIDE	40'
REAR	175'
IMPERVIOUS COV.	27 %
PARKING	1.85 SPACE / UNIT
DENSITY	14.2 UNITS / ACRE
BUILDING HEIGHT	4 STORIES

UNIT MATRIX

		Market					Affordable			
		One Bed	One Bed + Den	Two Bed Int.	Two Bed Corner		One Bed	Two Bed	Three Bed	
Building A	Story									
	Ground	-	-	-	-	-	-	-	-	-
	First 22	19	6	2	7	4	3	0	3	0
	Second 22	19	6	2	7	4	3	0	3	0
	Third 22	19	6	2	7	4	3	0	3	0
Building B	Total 66	57	18	6	21	12	9	0	9	0
	Ground	-	-	-	-	-	-	-	-	-
	First 35	32	7	3	17	5	3	0	2	1
	Second 35	33	7	3	17	6	2	0	2	0
	Third 35	33	7	3	17	6	2	0	2	0
Building C	Total 105	98	21	9	51	17	7	0	6	1
	Ground	-	-	-	-	-	-	-	-	-
	First 18	12	4	0	8	0	6	1	3	2
	Second 18	12	4	0	8	0	6	1	3	2
	Third 18	12	4	0	8	0	6	1	3	2
Project Total	Total 225	191	51	15	96	29	34	3	24	7
		85%	26.7%	7.9%	50.3%	15.2%	15%	8.8%	70.6%	20.6%

CONCEPT SITE PLAN

SCALE: 1"=120'



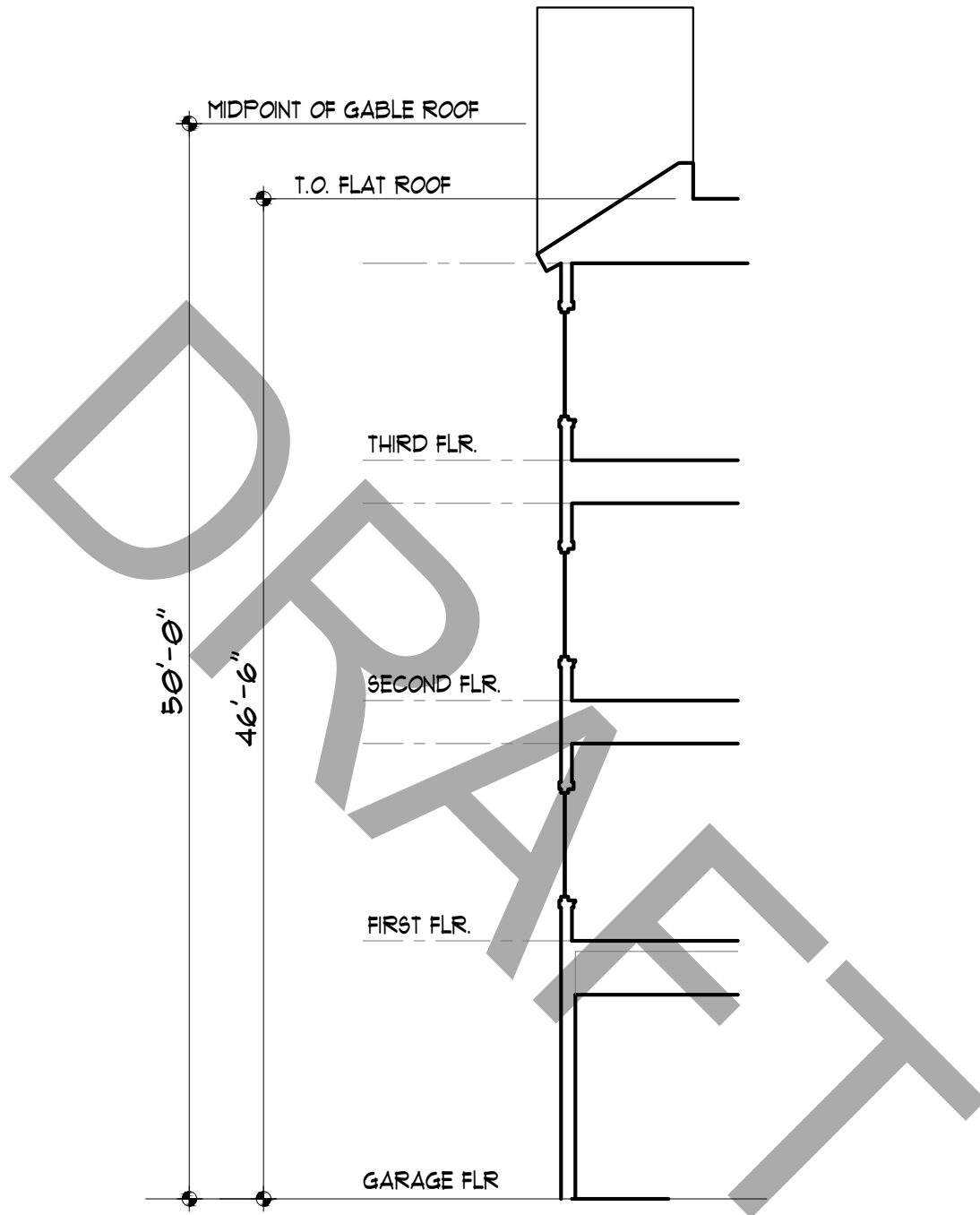
INFORMATION CONTAINED ON THIS DRAWING IS CONCEPTUAL ONLY AND SUBJECT TO FURTHER PROJECT DEVELOPMENT. REFER TO DRAWINGS BY L2A LAND DESIGN LLC FOR CIVIL ENGINEERING DESIGN

REDEVELOPMENT PROPOSAL
213 & 235 BIRCHWOOD AVE.
CRANFORD, NEW JERSEY





CONCEPTUAL RENDERING



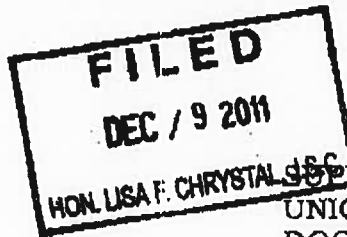
DIAGRAMMATIC SECTION

SCALE: 1/8" = 1'-0"

A Redevelopment Plan for 215-235 Birchwood Avenue

Township of Cranford, Union County, New Jersey

SECTION 9. APPENDIX



SUPERIOR COURT OF NEW JERSEY
UNION COUNTY - LAW DIVISION
DOCKET NOS. UNN-L-0140-08
UNN-L-003759-08

LEHIGH ACQUISITION CORP.,
Plaintiffs,

vs.

TOWNSHIP OF CRANFORD and
PLANNING BOARD OF THE
TOWNSHIP OF CRANFORD,
Defendants;

and

CRANFORD DEVELOPMENT
ASSOCIATES, LLC, a limited liability
company organized under the laws of
the State of New Jersey, SAMUEL
HEKEMIAN, PETER HEKEMIAN,
JEFFREY HEKEMIAN, and ANN
KRIKORIAN as trustee for RICHARD
HEKEMIAN and MARK HEKEMIAN,
Plaintiffs,

vs.

TOWNSHIP OF CRANFORD, MAYOR
AND COUNCIL OF THE TOWNSHIP
OF CRANFORD and the PLANNING
BOARD OF THE TOWNSHIP OF
CRANFORD,
Defendants.

Civil Action

**ORDER GRANTING RELIEF IN
EXCLUSIONARY ZONING
LITIGATION**

This matter having come before the Court for decision on July 29, 2011,
as to all remaining issues pertaining to the claims made by Cranford
Development Associates et al and the defenses to those claims in the presence
of Stephen Eisdorfer, Esq., counsel for plaintiffs Cranford Development

Associates et al, and Carl Woodward, Esq. and Brian Fenlon, Esq., counsel for defendants Township of Cranford et al; and

The Court having previously resolved certain issues by orders granting partial summary judgment entered on March 20, 2009, and June 23, 2011; and

Issues pertaining to claims made by plaintiff Lehigh Acquisition Corp. having been resolved by negotiated settlement approved by the Court by order entered on January 28, 2011; and

The Court having considered the evidence presented at the plenary bench trial conducted on August 2, August 3, August 5, August 9, August 10, August 11, August 12, August 16, August 18, and September 27, September 28, and September 29, 2100, including the reports and testimony of the court-appointed special master; a view of the property at 215-235 Birchwood Avenue taken by the Court in the presence of counsel and engineering experts for all parties; pretrial briefs, post-trial written summations and proposed findings of fact and conclusions of law submitted by the parties; and oral summations

presented by counsel on December 13, 2010, and

heard arguments on Dec. 9, 2011 and reasons set forth on the record

The Court having determined for reasons set forth in its oral opinion of July 29, 2011, to grant a site-specific builder's remedy to plaintiffs Cranford Development Associates et al on specified terms and to award other relief,

It is on this *9th* day of *Dec*, 2011, hereby DECLARED and ORDERED:

1. As of November 12, 2008, the date of the filing of the Cranford

Development Associates litigation, the activities undertaken by Cranford

Township to meet its constitutional fair share housing obligation fell at least 54 units short of meeting its so-called prior round (1987-99) obligation and present indigenous need obligation. It fell short of meeting its fair share housing obligation by at least that margin regardless of what its prospective (post-1999) need obligation might be.

2. Upon defendants' trial motion for reconsideration, based on the additional evidence adduced at trial, of the Court's order of June 23, 2010, granting plaintiffs' motion for partial summary judgment on the defense of good faith negotiations, the June 23, 2010, order is reaffirmed and defendants' motion is denied.

3. Because plaintiffs have satisfied all of the criteria for a site-specific builder's on their property located at 215-235 Birchwood Avenue, Cranford, NJ, they are entitled to construct an inclusionary residential development on that property consisting of up to 360 multifamily residential units, of which 15 percent shall be reserved for, and affordable to, low and moderate income households.

4. Plaintiffs are entitled to construct the inclusionary development in accordance with the concept plan, entitled Concept Site Plan, prepared by the Lessard Group, July 30, 2010, offered in evidence as P-63 and P-63A, subject to the following conditions:

- a) The development may include up to, but no more than, 360 multifamily residential units.

- b) The maximum height of Building A shall be three floors of residential units above one level of parking.
- c) The average setback of the buildings from Birchwood Avenue shall be 30 feet, with a minimum setback of 25 feet.
- d) Building A, the garage and the surface parking shall be redesigned to incorporate an additional 10 feet of landscaped buffer along the eastern lot line 235 Birchwood Avenue. The landscaping shall consist of evergreen trees.
- e) An additional row of evergreen trees shall be planted along the southern edge of parking lot.
- f) Sufficient parking shall be provided on the property to maintain a ratio of 1.85 parking spaces per residential unit. If provision of that number of parking spaces requires construction of an additional level of garage parking, plaintiffs shall construct that level as part of the initial construction of the garage.
- g) Total impervious surface of the project, as defined in N.J.A.C. 7:8-1.2 (definition of "impervious surface"), or such successor stormwater management regulations as may be promulgated by the State of New Jersey, shall not exceed the existing impervious surface.
- h) No buildings permits shall be issued for this project unless plaintiffs have secured all necessary permits from the New Jersey Department of Environmental Protection.

- i) The low and moderate income units shall conform to the terms of Uniform Housing Affordability Controls promulgated by the New Jersey Department of Community Affairs, N.J.A.C. 5:80-26.1, or such successor standards as may be promulgated by the State of New Jersey.
- j) Plaintiffs may alter the layout of the project set forth in Exhibits P-63 and P-63A to bring the project into conformance with the foregoing conditions and the terms of any permits issued by NJDEP.
5. Within 120 days after entry of this order, defendants, acting in consultation with plaintiffs and the Special Master, shall amend the master plan and zoning ordinance of Cranford Township so as to permit development of the property at 215-235 Birchwood Avenue in accordance with the paragraphs 3 and 4 of this Order as a matter of right and without the need for any variances, exceptions or waivers.
6. The Court declares that, upon adoption of a revised housing element and fair share plan incorporating the following elements, provision of the necessary documentation to the Special Master, and adoption of the necessary implementing ordinances, Cranford Township will have satisfied its constitutional fair share housing obligation, including its prior round need obligation, its present indigenous need obligation, and its prospective (post-1999) need obligation and will be eligible for entry of a judgment of compliance:

Activity	Credits (units)
Cranford Development Associates project	54
Lehigh Acquisition project	24
Lincoln Apartments (age-restricted)	37

Lincoln Apartments (excess over prior round cap for age-restricted housing)	63
Alternate Living Arrangements*	20
Riverside Redevelopment	16
Needlepoint Homes	1
Substandard units previously rehabilitated by Union County*	15
Substandard units to be rehabilitated through program to be implemented by Cranford Township	40
	270 (plus such bonus credits as may be authorized by law)

7. Within 120 days after entry of this order, defendants, acting in consultation with plaintiffs and the Special Master, shall amend the Housing Element and Fair Share Plan of Cranford Township to conform to the terms of paragraph 6 above, provide to the Special Master the documentation necessary to demonstrate that the starred items in paragraph 6 create realistic housing opportunities, and adopt all necessary implementing ordinances.

8. Elizabeth McKenzie shall continue to serve as Special Master. She shall consult with the parties to facilitate the implementation of this order. Within 150 days of the entry of this order, the Special Master shall submit a written report to this Court as to extent and adequacy of the actions taken by defendants in implementation of this order.

9. Commencing from the date of entry of this order, the reasonable fees and expenses of the Special Master shall be solely the responsibility of the defendants and shall be paid on timely basis.

10. The Court appoints Douglas Wolfson, Esq. as Special Hearing Examiner in this matter. The Special Hearing Examiner shall assume the jurisdiction of the Planning Board and conduct public hearings consistent with the requirements of the Municipal Land Use Law on applications for preliminary and final site plan approval for the Cranford Developments Associates' project consistent with terms of this Order. The Special Hearing Examiner shall thereafter make a recommendation to the Court concerning approval of the applications. The Court shall either grant or deny the applicants for preliminary and final site plan approvals as well as any relevant ancillary variances pursuant to N.J.S.A. 40:55D-70(c), exceptions or waivers pursuant N.J.S.A. 40:55D-51, and de minimus exceptions to the Residential Site Improvement Standards pursuant to N.J.A.C. 5: 21-3.1. The Court also reserves the right to attach reasonable conditions to any approval.

11. The reasonable fees and expenses of the Special Hearing Examiner shall be ~~solely the responsibility of the defendants~~ *shared 50/50 between the parties* and shall be paid on timely basis.

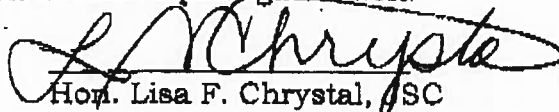
12. Upon compliance by defendants with paragraphs 5 and 7 of this Order, the Court shall, upon application by any party, enter of a final judgment of compliance for a period commencing with date of the entry of the judgment and continuing until December 31, 2018.

13. Defendants' trial motions to exclude from evidence reports and maps prepared by plaintiffs' engineering expert Michael Dipple dated August 6, 2010, and August 19, 2011, and to bar the testimony of Michael Dipple based upon

reports, letters and maps dated August 6, 2011, August 19, 2011, and September 2, 2011, is hereby denied.

14. Defendants' trial motion to bar as "net opinion" testimony by plaintiffs' planning expert David Kinsey concerning parking is hereby denied.

15. Plaintiffs' claim for attorney fees and litigation expenses under the New Jersey Civil Rights Act, N.J.S.A. 10:6-2 and R. 4:42 is hereby denied on the grounds that plaintiffs have not made out a claim under the Civil Rights Act that can be granted and plaintiffs are not otherwise entitled to attorney fees or litigation expenses in connection with an action in lieu of prerogative writ.


Hon. Lisa F. Chrystal, JSC

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

Ordinance No. 2012-11

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 136 (LAND DEVELOPMENT), ARTICLE V (ZONING) OF THE CODE OF THE TOWNSHIP OF CRANFORD, COUNTY OF UNION, STATE OF NEW JERSEY, TO CREATE AN INCLUSIONARY MULTIFAMILY RESIDENCE (IMR) DISTRICT

WHEREAS, in litigation captioned *Cranford Development Associates LLC, et als. v. Township of Cranford, et al.*, Superior Court of New Jersey, Law Division, Union County ("Superior Court"), Docket No. UNN-L-3759-08 (the "Litigation"), by way of an oral opinion dated July 29, 2011 and Order filed on December 9, 2011 (the "December 9, 2011 Order"), on file in the office of the Township Clerk, ordered the Township of Cranford ("Township") and Township of Cranford Planning Board ("Planning Board") to permit Cranford Development Associates LLC ("CDA") to construct an inclusionary development project that shall include up to 360 multifamily residential units, of which fifteen (15) percent shall be reserved for low and moderate income housing under the Uniform Housing Affordability Controls promulgated by the New Jersey Department of Community Affairs, N.J.A.C. 5:80-26.1, or such successor standards as may be promulgated by the State of New Jersey, on acreage located at 215-235 Birchwood Avenue, Block 291, Lot 15.01 and Block 292, Lot 2 on the Tax Map of the Township of Cranford (the "Property"); and

WHEREAS, the December 9, 2011 Order also directed the Township and Planning Board adopt a revised housing element and fair share plan in order to satisfy its constitutional fair share housing obligation, including its prior round need obligation, its present indigenous need obligation and its prospective (post-1999) need obligations and will be eligible for entry of a judgment of compliance; and

WHEREAS, the Township filed a motion for reconsideration or rehearing of the December 9, 2011 Order on or about December 29, 2011, which was denied by the Court in an oral opinion on January 26, 2012; and

WHEREAS, upon compliance by the Township with the December 9, 2010 Order, the Court shall, upon application by any party, enter a final judgment of compliance for a period commencing with a date of the entry of the judgment and continuing until December 31, 2018;

WHEREAS, the Governing Body of the Township of Cranford, by virtue of the aforesaid orders, is obligated to amend the Land Development Ordinance of the Township of Cranford, County of Union, State of New Jersey, Chapter 136 (Land Development), Article V (Zoning) to conform with the December 9, 2011 Order, and for the purposes, and only the purposes, as enunciated in the December 9, 2011 Order; and

WHEREAS, in order to preserve its right to appeal the December 9, 2011 Order, the Township is taking this action to introduce and adopt the within ordinance UNDER PROTEST without waiving its right of appeal as abovementioned, as permitted by the *New Jersey Supreme Court in Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 92 N.J. 158, 285 (1983); and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Cranford, County of Union, State of New Jersey, UNDER PROTEST, as follows:

SECTION 1. Chapter 136, Article V, Section 136.29.A, Zoning Districts, shall be amended to add the following new district following "Senior Citizen Apartment Residence District":

IMR Inclusionary Multifamily Residence District.

SECTION 2. Chapter 136, Article V, Section 136.32, Use Regulations shall be amended to add a new subsection A(3) to read as follows:

(3) Inclusionary Multifamily Residence District

A. Purpose.

The purpose of the Inclusionary Multifamily Residence (IMR) District is to provide an opportunity for the construction of up to 360 multifamily residential units on Block 291,

G. Density.

- (1) A maximum residential density of up to 24 units per acre of gross tract area is permitted for the construction of up to 360 multifamily residential units provided that a minimum of 15% of the dwelling units are deed restricted for occupancy by low- and moderate-income households in accordance with applicable affordable housing regulations.

H. Parking Requirements.

- (1) A parking ratio of a minimum of 1.85 parking spaces per residential unit shall be maintained for residential development.

I. Supplemental Regulations.

- (1) Affordable units shall not be segregated within one building and shall be allocated throughout the development.
- (2) Buildings and site improvements shall be designed in a manner reasonably consistent with terms of the Court's decision and order and the terms of required NJDEP permits and approvals.

SECTION 3. This ordinance is adopted UNDER PROTEST to allow the Township of Cranford to obtain second and third round substantive certification and to comply with the outstanding December 9, 2011 Order without abandoning its right to challenge, or appeal from, said Order.

SECTION 4. The appropriate officers, employees, and professionals of the Township of Cranford are hereby authorized and directed to modify the Zoning Map to designate the Property as the Inclusionary Multifamily Residence ("IMR") District as set forth in this ordinance.

SECTION 5. All other Ordinances of the Township of Cranford which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION 6. If any subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid in any Court of competent jurisdiction, such ruling shall not affect the remaining portion of this Ordinance, except that if the December 9, 2011 Order is invalidated in any subsequent legal proceeding, this Ordinance shall be considered null and void.


SECTION 7. This Ordinance shall, UNDER PROTEST, take effect as provided by law.

STATE OF NEW JERSEY)
 : ss.:
COUNTY OF UNION)

I, TARA ROWLEY, Municipal Clerk of the Township of Cranford, in the County of Union, in the State of New Jersey, DO HEREBY CERTIFY that the attached Ordinance No. 2012-11 was finally adopted by the Township Committee of the Township of Cranford, in the County of Union, at a meeting held on May 22, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the corporate seal of said Township this 21st day of March 2013.

(SEAL)


Municipal Clerk
Township of Cranford
County of Union
New Jersey

FAX TRANSMISSION
JUDGE CHRYSTAL HAS MOVED TO
THE 14TH FLOOR TOWER BUILDING

UNION COUNTY SUPERIOR COURT

2 Broad Street

Elizabeth, New Jersey 07207

Hon. Lisa F. Chrystal, J.S.C.

14th Floor Tower Building

Telephone: 908-659-4717

Fax Number: 908-659-4720

DATE: 5/22

TO: Eisdorfer

FAX NUMBER: 609-452-1888

FROM: S. Fehm

RE: Cranford

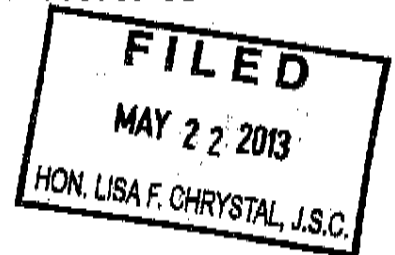
PAGES: 14, Including this cover sheet.

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SUPERIOR COURT OF NEW JERSEY
UNION COUNTY - LAW DIVISION
DOCKET NOS. UNN-L-003759-08

Civil Action



FINAL JUDGMENT OF COMPLIANCE

CRANFORD DEVELOPMENT
ASSOCIATES, LLC, a limited liability
company organized under the laws of
the State of New Jersey, SAMUEL
HEKEMIAN, PETER HEKEMIAN,
JEFFREY HEKEMIAN, and ANN
KRIKORIAN as trustee for RICHARD
HEKEMIAN and MARK HEKEMIAN,
Plaintiffs,

vs.

TOWNSHIP OF CRANFORD, MAYOR
AND COUNCIL OF THE TOWNSHIP
OF CRANFORD and the PLANNING
BOARD OF THE TOWNSHIP OF
CRANFORD,
Defendants.

This matter having come before the Court on the 22nd day of April 2013,
in presence of Stephen Eisdorfer, Esq., counsel for Plaintiffs Cranford
Development Associates LLC et al ("CDA"), Carl Rizzo, Esq. counsel for Plaintiff
Lehigh Acquisition Corp. ("Lehigh"), Peter Wolfson, Esq., counsel for WP
Cranford LLC, Philip Morin, Esq., counsel for Defendants Township of Cranford
et al ("Defendants"), and Laura Smith-Denker, Esq., counsel for Objector Fair
Share Housing Center, Inc. on the joint motion of CDA and the Defendants for
entry of a Final Judgment of Compliance; and

The Court having determined that adequate notice of the hearing and the
opportunity to submit written objections was given by publication and by mail

to entities and organizations in the Essex, Morris, Union, and Sussex housing region representing the interests of low and moderate income households; and

The Court having determined the claims by Lehigh Acquisition Corp. for a site specific builders remedy on the its property at 555 South Avenue in Cranford Township, formerly consolidated with the present action, were resolved by negotiated settlement approved by the Court by order entered on January 28, 2011, and that those claims were severed from the present action by Order entered on March 22, 2013; and

The Court having decided certain issues by orders granting partial summary judgment entered on March 20, 2009, and June 23, 2011; and

The Court having determined for reasons set forth in its oral opinion of July 29, 2011, to grant a site-specific builder's remedy to plaintiffs Cranford Development Associates et al on specified terms and to award other relief and having entered an order granting a site specific builder's remedy to plaintiffs on December 9, 2011; and

The Court having set conditions for the entry of a final judgment of compliance in its order of December 9, 2011; and

The Court having denied Defendants' motions for reconsideration of its Order of December 9, 2011, by oral opinion dated January 26, 2012; and for disqualification of the special master and new trial by order entered on December 17, 2012; and

The Court having previously ordered that Lehigh must appear at the hearing on April 22, 2013, and that it would be bound by the terms of any

judgment of compliance in this matter, even though its claims have been severed; and

The Court having reviewed the Housing Element and Fair Share Plan with supporting appendices adopted by the Planning Board of the Township of Cranford and approved the Township Committee of the Township of Cranford, dated April 3, 2013, and the Final Report submitted by Special Master Elizabeth McKenzie dated March 29, 2013; and

The Court having considered written objections submitted by John Hrebin, Elizabeth A. Sweeney, Kevin Campbell, Maria Anderson, Rita LaBrutto, Mark Smith, and the Fair Share Housing Center, Inc.; the oral testimony of Objectors Elizabeth A. Sweeney, Kevin Campbell, Maria Anderson, and Rita LaBrutto, and the arguments of counsel for Objector Fair Share Housing Center, Inc.; and

The Court having considered the oral comments of the Special Master McKenzie, the written responses of the various parties to the objections, and the arguments of the counsel; and

It further appearing to the Court that, for the reasons set forth in its oral opinion of April 22, 2013, a final judgment of compliance should be entered in favor of defendants,

It is on this ____ day of ____, 2013, hereby ORDERED and ADJUDGED as follows:

1. The Court DECLARES that Cranford Township's fair share housing obligation, which is its fair share of the unmet need for safe, decent housing

affordable to low and moderate income households for the Essex-Morris-Sussex-Union Housing Region, is comprised of an indigenous need of 55 units, and a prior round (i.e., pre-1999) need of 138 units, plus that portion of the third round (post-1999) need that can be satisfied on the available vacant developable land and imminently redevelopable land within the municipality (the so-called realistic development potential) of 5 units.

2. The Court DECLARES that the Housing Element and Fair Share Plan dated April 3, 2013, creates sufficient realistic opportunities for the provision of safe, decent housing affordable to low and moderate income households to satisfy Cranford Township's fair share housing obligation quantified in paragraph 1.

3. The Court DECLARES that, in addition to the housing obligation quantified in paragraph 1, Cranford Township may have an additional unmet third round housing obligation that has not yet been quantified. The Court further DECLARES that the Housing Element and Fair Share Plan dated April 3, 2013, creates realistic opportunities for the provision of safe, decent housing affordable to low and moderate income households that satisfies a portion of such additional obligation, if any.

4. The Court ORDERS Defendants to take the steps necessary to effectuate the Housing Element and Fair Share Plan set forth at pages 23 to 26 of the Final Report of the Special Master, which are attached as Exhibit A, and incorporated herein by reference. Except as otherwise specified in the Final Report of the Special Master, all actions required of the defendants, or any of

them, shall be taken within 45 days after the entry of this Judgment of Compliance.

- a) In implementation of its Housing Element and Fair Share Plan, Defendant Township of Cranford may elect to establish a locally administered and controlled Affordable Housing Trust Fund. If it is required to enter into an escrow agreement with the Council on Affordable Housing (COAH), it is ORDERED that, under any circumstances, the funds in the Affordable Housing Trust Fund shall be spent in Cranford for the benefit of its housing programs and shall not be available for appropriation by the State of New Jersey for any other purpose.
- b) Cranford Township may elect to reallocate credit for certain of the low and moderate income housing units provided for by its Housing Element and Fair Share Plan between its Prior Round and Third Round housing obligations: credit for 2 units in the Lehigh Acquisition project allocated in the Housing Element and Fair Share Plan to satisfaction of the Third Round housing obligation may be reallocated to satisfaction of the Second Round housing obligation; credit for 2 units in the CDA project allocated to the Second Round obligation may be reallocated to satisfaction of the Third Round housing obligation. This reallocation of credits shall not have any effect upon the site-specific builder's remedy granted to CDA.

- c) No later than 90 days after the entry of this Judgment of Compliance and every 90 days thereafter, the Special Master shall submit a report in writing to the Court and the parties as to the extent to which Defendants have taken the steps necessary to effectuate the Housing Element and Fair Share Plan set forth at pages 23 to 26 of the Final Report of the Special Master. She shall continue to submit such periodic reports until Defendants have taken all the steps necessary to effectuate the Housing Element and Fair Share Plan set forth at pages 23 to 26 of the Final Report of the Special Master.
- d) If Defendants fail to take the steps necessary to effectuate the Housing Element and Fair Share Plan set forth at pages 23 to 26 of the Final Report of the Special Master, any interested party may, upon written notice to all the parties to this litigation, apply to the Court for further relief or, alternatively, the Court may upon notice to all the parties, entertain such an application sua sponte.

5. The Court ORDERS Lehigh and CDA, and their successors and assigns, to take the steps required of them at pages 23 to 26 of the Final Report of the Special Master to facilitate construction of the low and moderate income housing units in their projects.

6. Except insofar they are expressly modified or vacated by this order, all prior orders entered by the Court in this matter shall remain in force.

7. Elizabeth McKenzie shall continue to serve as Special Master until further order of the Court. She shall consult with the parties as required to facilitate the implementation of this order.
8. The reasonable fees and expenses of the Special Master shall continue to be solely the responsibility of the defendants and shall be paid on timely basis.
9. The Court ORDERS that, upon the entry of this Judgment, the Township of Cranford is entitled to a period of repose from further exclusionary zoning litigation, in accordance with the terms set forth in *Southern Burlington County NAACP v. Mt. Laurel Township*, 92 N.J. 158 (1983). The period during which defendants are deemed to be in compliance with their obligations under the New Jersey Constitution and the Fair Housing Act of 1985 and entitled to repose from further exclusionary zoning litigation shall both continue until December 31, 2018, subject to their continuing compliance with all the terms of this Final Judgment of Compliance.
10. When Cranford Township's Third Round (post-1999) fair share housing obligation is formally quantified by the COAH or a lawfully designated successor entity, Defendants shall amend Cranford Township's Housing Element and Fair Share Plan to address any unmet need resulting from the assignment of a Third Round housing obligation in excess of the five unit realistic development potential (RDP) provided for in its Housing Element and Fair Share Plan. No later than one calendar year after the COAH or a lawfully designated successor entity has taken formal action quantifying Cranford Township's Third Round (post-1999) fair share housing obligation, Defendants

shall apply to the COAH (or its successor entity) or the Court, as may be authorized by law, for approval of such amended Housing Element and Fair Share Plan and shall diligently prosecute that application.

11. The Court retains jurisdiction of this matter for the limited purpose of enforcing this Final Judgment of Compliance and other orders entered in this matter.

12. Except as otherwise provided by the orders of this Court, each party shall bear its own costs and expenses. In accordance with the Court's order of June 23, 2011, CDA is not entitled to award of attorney fees or litigation expenses.



Hon. Lisa F. Chrystal, JSC

EXHIBIT A

ELIZABETH C. MCKENZIE, P.P., P.A.

COMMUNITY PLANNING AND DEVELOPMENT

9 MAIN STREET

FLEMINGTON, NEW JERSEY 08822

TELEPHONE (908) 782-5564

TELEFAX (908) 782-4056

ecmcke@combarqmail.com

REPORT OF THE SPECIAL MASTER FINAL COMPLIANCE REPORT

in

Lehigh Acquisition Corp. v. Township of Cranford, et al., Docket No.:
UNN-L-0140-08, and Cranford Development Associates, LLC, et al. v.
Township of Cranford, et al., Docket No.: UNN-L-3759-08

Township of Cranford, Union County, New Jersey

Submitted to

The Honorable Lisa Chrystal, JSC

March 29, 2013

my recommendation that the Township be entitled to Repose as to both its prior round and third round fair share obligations through December 31, 2018.

1. All inclusionary developments in the Compliance Plan will have to be appropriately deed restricted and administered by the Township's Administrative Agent to ensure that they comply with UHAC Rules regarding administration, affirmative marketing and affordability controls and all other requirements of N.J.A.C. 5:97-6.4, pertaining to inclusionary developments. As well, the CDA development will have to comply with all provisions of the December 9, 2011, Order Granting Relief in Exclusionary Zoning Litigation and all conditions of site plan approval, and the Lehigh development will have to comply with all provisions of the January 28, 2011, Consent Judgment for Builder's Remedy, all conditions of the amended Redevelopment Plan for that site and all conditions of site plan approval.
2. The Township shall adopt its new Affordable Housing Ordinance within 45 days of the entry of a Final Judgment of Compliance and Repose.
3. The Township shall adopt its Affirmative Marketing Plan Resolution within 45 days of the entry of a Final Judgment of Compliance and Repose.
4. The Township shall perfect and adopt its draft Development Fee Ordinance within 45 days of the entry of a Final Judgment of Compliance and Repose. Should the Township elect the option of establishing an Affordable Housing Trust Fund, it shall enter into a three-way escrow agreement with COAH and the Bank. The Development Fee Ordinance (and the executed escrow agreement) shall be forwarded to COAH within seven (7) days of the adoption of the Development Fee Ordinance and/or the establishment of the Trust Fund, whichever occurs later, and no fees shall be collected until COAH has approved these documents.

5. The proposed Spending Plan shall be corrected and adopted by Resolution of the governing body within 45 days of the entry of a Final Judgment of Compliance and Repose. Similarly, the Township shall adopt the proposed Resolution of Intent to Fund any Shortfall in the moneys available for its affordable housing (rehabilitation) program, also within 45 days of the entry of a Final Judgment of Compliance and Repose. Approval of these documents by the Court is for the purpose of directing Cranford to submit them to COAH for review and approval, as COAH has exclusive authority to review and approve Spending Plans for the disposition of funds from an Affordable Housing Trust Fund. Submission of these documents to COAH shall occur simultaneously with the submission of the adopted Development Fee Ordinance and executed escrow agreement addressed in condition 4, herein.

6. The Ordinance to create the position of Municipal Housing Liaison and the Resolution appointing someone to fill the position of Municipal Housing Liaison, as well as the execution of a contract with a duly qualified Administrative Agent shall all occur within 45 days of the entry of a Final Judgment of Compliance and Repose. The costs of the Administrative Agent shall be paid by the owners of inclusionary developments or affordable units for all services rendered in connection with their particular developments or units.

7. The Township shall retain the services of a Rehabilitation Administrator and adopt a customized rehabilitation manual before the end of 2013 and shall continuously fulfill the funding commitments reflected in the approved Spending Plan and the Resolution of Intent to Fund any Shortfall. Additionally, Cranford shall regularly advertise the availability of its housing rehabilitation program. As a minimum, fliers advertising the availability of the program shall be included with the annual municipal tax bills. Nothing herein shall prevent the Township from entering into a shared

services agreement for the administration of the rehabilitation program, as long as the program complies fully with COAH's Rules.

8. Cranford shall have an adjusted third round fair share obligation (RDP) of five (5) units. In addition, Cranford shall be required to return to the Court or to COAH (or COAH's successor agency) within a year of the issuance of third round fair share numbers and present its proposals for addressing any Unmet Need obligation it may have based on the third round obligation assigned to it. The plan to address the Unmet Need, once the third round obligation has been quantified, may be reviewed and approved as an amendment or supplement to the Court-approved Housing Element and Fair Share Plan on which the Township's Final Judgment of Compliance and Repose is based.

9. In order for the remaining three units (not used to satisfy the prior round obligation) in the Riverfront Redevelopers, LLC, project to qualify for crediting against the third round RDP, the filed deed restriction shall reflect the following bedroom mix for all 19 affordable units: a maximum of three (3) one-bedroom units, a minimum of four (4) three-bedroom units and twelve (12) two-bedroom units. This will require two of the two-bedroom market units to be redesignated as affordable units and two of the one-bedroom affordable units to be redesignated as market units.

10. In order to claim credit for the affordable unit in the Needlepoint Homes development against the third round RDP, the Township must ensure that when the affordable unit is vacated by its current (non-qualified) occupant, it will be affirmatively marketed (for a period of 120 days), will be rented only to a qualified low income household at an affordable rent, and will be deed restricted as a low income unit for a period of at least 30 years from the time the unit is leased to a qualified low income household.

11. If the Township is able to obtain all of the necessary documentation for the two Community Access Unlimited special needs homes, it should be able to apply any credits available for these facilities against any portion of the third round obligation.

12. Within 60 days of the entry of the Final Judgment of Compliance and Repose, the Township shall provide COAH with copies of all materials and records of the Court proceedings needed for COAH to undertake annual monitoring of the implementation of the Housing Element and Fair Share Plan.

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

RESOLUTION NO. 2016-395

**Supporting Brownfield Remediation and Redevelopment at
Block 291, Lot 15.01 and Block 292, Lot 2
Cranford, Union County, New Jersey**

WHEREAS, the Township of Cranford requires an expert to prepare an Investigation Study for Designation as an Area in Need of Redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., with the power of eminent domain and Plan for Redevelopment of Block 291, Lot 15.01 and Block 292, Lot 2 (hereinafter the "Property"); and

WHEREAS, the Township of Cranford expects a resolution referring the Property to the Township of Cranford Planning Board seeking the Planning Board's authorization for the Investigation Study of the Property will be adopted simultaneous with the adoption of this Resolution; and

WHEREAS, the Township of Cranford intends to acquire the Property through voluntary conveyance or other means provided by law for the purpose of redevelopment; and

WHEREAS, the Township of Cranford has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property; and

WHEREAS, the Township of Cranford requires an expert to prepare a Preliminary Assessment and Site Investigation ("PAS/ISI") of the Property to satisfy the All Appropriate Inquiry ("AAI") requirements of defenses to liability under the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11(g)(1) - (4), ("Spill Act"); and

WHEREAS, the Township of Cranford believes there is a realistic opportunity for redevelopment of the Property within three years of any remediation of the Property that may be required; and

WHEREAS, the Township of Cranford advertised a Request for Proposals (RFP) for engineering services through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the Township of Cranford deemed that the background, experience and qualifications of Maser Consulting, P.A. herein satisfy the criteria set forth in the RFP; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds, which is on file in the Office of the Township Clerk.

WHEREAS, N.J.S.A. 58:10B-4-8.1 and 58:10B-25.2-25.3 establish the Hazardous Discharge Site Remediation Fund (hereinafter "HDSRF"), jointly administered by the New Jersey Department of Environmental Protection (hereinafter "NJDEP") and the New Jersey Economic Development Authority (hereinafter "NJEDA"); and

WHEREAS, HDSRF is a source of grant and loan funding for the investigation and remediation of Brownfield properties in New Jersey, which the Township may deem necessary to

submit an application for such funding to recover investigation and remediation costs for the aforementioned properties; and

WHEREAS, the Township of Cranford intends to apply to the HDSRF for funding for the investigation and cleanup of the Property in order to determine the extent of any hazardous substance or hazardous waste; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranford, New Jersey, as follows:

1. The Township of Cranford is committed to the redevelopment of the Property for the purpose of reducing the approved density of a multifamily residential project and finds that a realistic opportunity exists for the redevelopment of Property within a three-year period after the completion of the remediation of this site either through the planned redevelopment project or through alternate redevelopment; and
2. Maser Consulting, P.A., 400 Valley Road, Suite 304, Mount Arlington, New Jersey 07856 be and hereby is awarded a contract to perform engineering services for the Property, including preparation of an Investigation Study for Designation as an Area in Need of Redevelopment and a Preliminary Assessment, Site Investigation and Remedial Investigation in fulfillment of the AAI requirements of the Spill Act, in connection with the aforementioned project at a fee not to exceed \$ 15,250.00; and
3. Maser Consulting, P.A., is permitted to prepare for execution any document necessary in connection with a HDSRF application for eligible costs associated with the aforementioned use to be submitted on behalf of the Township of Cranford; and
4. The Mayor and Municipal Clerk are hereby authorized and directed to execute a contract with Maser Consulting for preparation of any documentation necessary to submit a HDSRF application; and
5. The Law Offices of Wanda Chin Monahan, LLC, is authorized to submit the completed HDSRF application to the NJDEP; and
6. This contract is awarded pursuant to the "fair and open" process (N.J.S.A. 19:44A-20.5 et seq.).

Certified to be a true copy of a resolution adopted by the Township Committee of the Township of Cranford at a meeting held December 13, 2016.


Tara Knowley, RMC
Township Clerk

Dated: 11/19/17

**RESOLUTION OF THE
PLANNING BOARD OF THE TOWNSHIP OF CRANFORD**

RESOLUTION NO. 2017-

RESOLUTION RECOMMENDING TO THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANFORD THAT CERTAIN PROPERTIES KNOWN AS Block 291, Lot 15.01 and Block 292, Lot 2, a/k/a 215 and 235 BIRCHWOOD AVENUE BE DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, pursuant to N.J.S.A. 40A:12A-4(a), a municipal governing body has the power to cause a preliminary investigation to be made by the Planning Board pursuant to N.J.S.A. 40A-12A-5; and

WHEREAS, the Township Committee of the Township of Cranford ("Township") requested that a preliminary investigation made on certain lands and premises within the Township of Cranford known as 215 and 235 Birchwood Avenue, and designated as Block 291, Lot 15.01 and Block 292, Lot 2 (the "Property") to evaluate whether the Property is in need of redevelopment and/or rehabilitation; and

WHEREAS, the Township intends to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, pursuant to Resolution No. 2016-393, the Township requested and authorized the Planning Board of the Township of Cranford ("Planning Board") pass a Resolution to undertake a preliminary investigation as to whether the Property should be classified as an area in need of redevelopment and/or an area of rehabilitation; and

WHEREAS, on January 25, 2017 the Planning Board adopted a Resolution authorizing the undertaking of the preliminary investigation; and

NOW, THEREFORE, BE IT RESOLVED, on this 20th day of April 2017:

1. The Planning Board evaluated the Preliminary Investigation of the Property, the testimony of the Planner of Maser Consulting, P.A., who prepared the Preliminary Investigation, as well as the questions and comments by members of the Planning Board and of the public (if any) at a Public Hearing on April 20, 2017 in accordance with the requirements of N.J.S.A. 40A:12A-6; and,
2. The Planning Board finds that conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present at the Property; and
3. The Planning Board hereby recommends that the Township Committee of the Township of Cranford adopt a resolution designating the Property a Non-Condemnation Area in Need of Redevelopment.

ROLL CALL VOTE

On April ____, 2017, the following members of the Planning Board of the Township of Cranford voted in favor of this Resolution

The foregoing is a Resolution duly adopted by the Planning Board of the Township of Cranford at its meeting held April 20, 2017.

Dated: _____

April 20, 2017

Signature

Kathleen Murray
Kathleen Murray

Printed Name

Chairperson of the Planning Board

Dated: _____

April 20, 2017

Signature

Ann Steinbach
Ann Steinbach

Printed Name

Secretary of the Planning Board

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

RESOLUTION NO. 2017-188A

**RESOLUTION DESIGNATING THE "BIRCHWOOD AVENUE
STUDY AREA," LOCATED AT BLOCK 291, LOT 15.01
AND BLOCK 292, LOT 2, AS A NON-CONDEMNATION
AREA IN NEED OF REDEVELOPMENT**

WHEREAS, by Resolution No. 2016-393, dated January 19, 2017, and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"), the Township Committee of the Township of Cranford directed the Planning Board of the Township of Cranford to conduct a preliminary investigation and public hearing to determine whether all or part of the area known and designated on the Tax Map of the Township of Cranford as Block 291, Lot 15.01, and Block 292, Lot 2 (collectively the "Property") is an Area in Need of Redevelopment in accordance with N.J.S.A. 40A:12A-6; and

WHEREAS, the Planning Board, following an initial review of the proposed area for redevelopment, directed that a map be prepared depicting the boundaries of the Property, pursuant to N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, the firm of Maser Consulting submitted a report dated February 6, 2017 to the Planning Board entitled "Redevelopment/Rehabilitation Study Area Determination of Need, Birchwood Avenue Study Area" ("Preliminary Investigation"); and

WHEREAS, as required by N.J.S.A. 40A:12A-6, the Planning Board held a public hearing on April 20, 2017, to determine whether all or part of the Property is an area in need of redevelopment in accordance with the Redevelopment Law and thereupon, duly adopted a resolution recommending to the Township Committee of the Township of Cranford that the Property be designated as an area in need of redevelopment; and

WHEREAS, The Planning Board finds that conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present at the Property; and

WHEREAS, following the public hearing of April 20, 2017, the Planning Board issued a Resolution dated April 20, 2017 recommending that the Township Committee of the Township of Cranford adopt a resolution designating the Property a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, the Township Committee has considered the recommendation of the Planning Board and the Preliminary Investigation; and

WHEREAS, the Preliminary Investigation and the recommendations of the Planning Board recommend the designation of the Property based on Criterion (c) N.J.S.A. 40A:12A-5; and

NOW, THEREFORE, BE IT RESOLVED, on this 25th day of April 2017:

1. The Township Committee evaluated the Preliminary Investigation of the Property and the testimony presented by Kristin J. Russell, the Planner from Maser Consulting, who prepared the Preliminary Investigation at its Official Meeting on April 25, 2017, in accordance with the requirements of N.J.S.A. 40A:12A-6.
2. The Township Committee considered the Planning Board's recommendation that the Property be designated a Non-Condemnation Area in Need of Redevelopment.
3. The Township Committee finds, consistent with the findings of the Planning Board, as follows:
 - a) The Property includes approximately 15.861 acres and consists of two (2) tax lots.
 - b) The Property is currently vacant.
 - c) Environmental studies indicate that portions of the Property contain marginally contaminated fill which would inhibit or increase the cost of redevelopment.
 - d) The Property condition meets Criterion "c" of N.J.S.A. 40A:12A-5 of the Redevelopment Law.
4. Accordingly based upon the property analysis in the Preliminary Investigation and the findings of the Planning Board, the entire Property meets the statutory criteria for redevelopment:

Block 291, Lot 15.01, and Block 292, Lot 2

5. Therefore, the Township Committee determines that the Property identified above, and highlighted on the map hereto affixed as Attachment A, should be and hereby are designated as a Non-Condemnation Area in Need of Redevelopment, as provided in N.J.S.A.40A:12A-5.
6. The Township Clerk shall forthwith transmit a copy of this resolution to the Commissioner of the Department of Community Affairs ("DCA") , in accordance with N.J.S.A. 40A:12A-6.
7. Within ten (10) days of the approval of this resolution by DCA, the Township Clerk shall further serve a notice of the determination of the Township Committee to designate the Birchwood Avenue Property as Non-Condemnation Area in Need of Redevelopment upon each person, if any, who filed a written objection thereto and supplied an address to which such notice can be sent.

Certified to be a true copy of a resolution adopted by the Township Committee of the Township Committee at a meeting held April 25, 2017



Tara Rowley, RMC
Township Clerk

Dated: _____

4/26/17

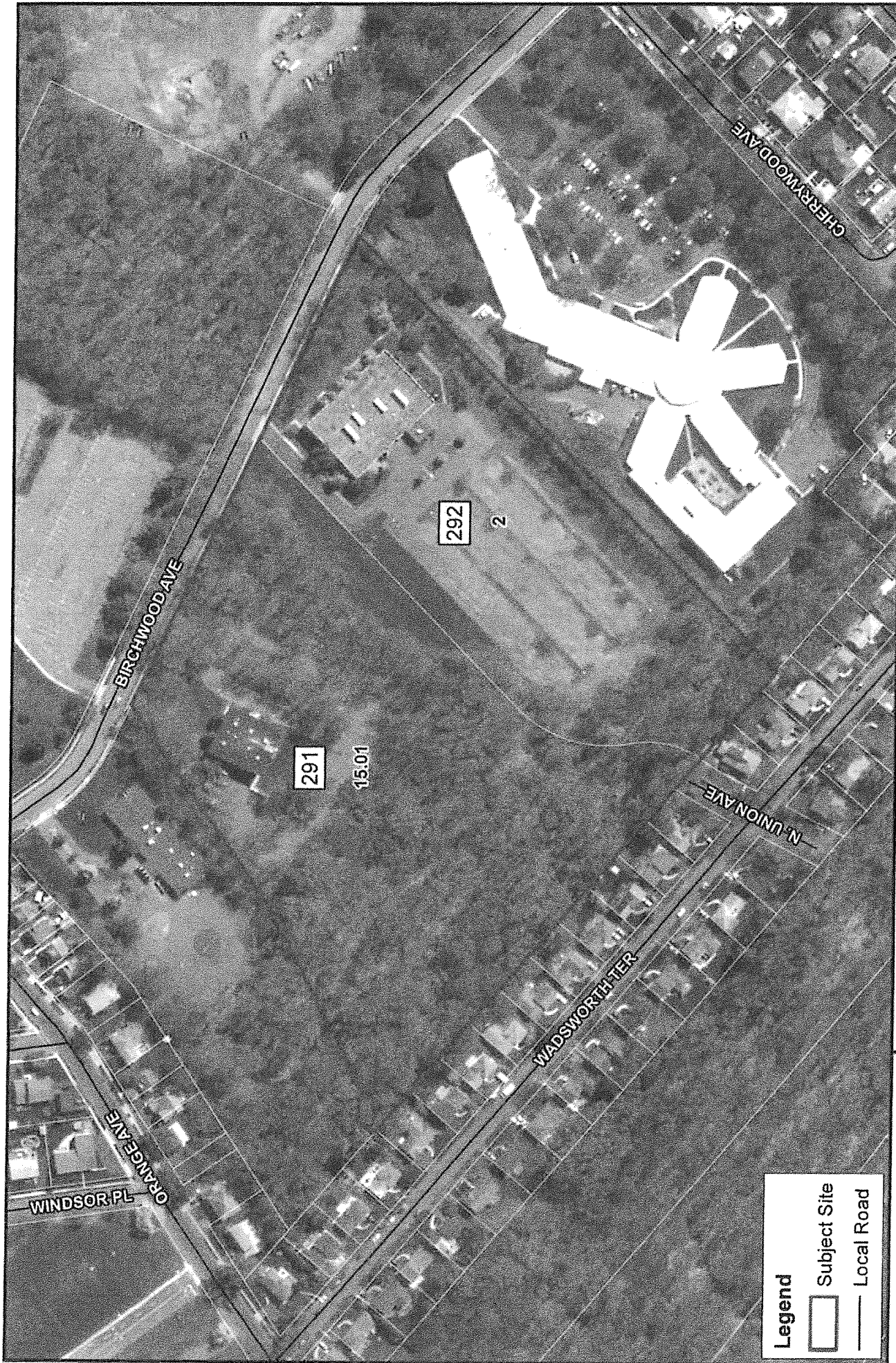
ATTACHMENT A

MAP OF NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

BLOCK 291, LOT 15.01 and BLOCK 292, LOT 2

215 and 235 BIRCHWOOD AVENUE

CRANFORD TOWNSHIP, UNION COUNTY



Legend

Subject Site

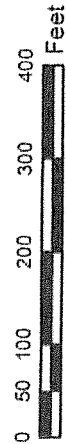
Local Road



Corporate Headquarters
331 Newman Springs Road
Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

Proposed Area in Need of Redevelopment

Block 291 Lot 15.01 &
Block 292 Lot 2
Cranford Township
Union County, New Jersey



Scale: 1 inch = 200 feet

Date: December 2016

MC Project No: CDZ172

REQUEST FOR PROPOSAL

By

TOWNSHIP OF CRANFORD

For

PURCHASE AND REDEVELOPMENT

215 Birchwood Avenue (Block 292, Lot 2) and 235 Birchwood Avenue (Block 291, Lot 15.01)

15.861 Acres in the Township of Cranford, Union County, New Jersey

Key Terms

- Minimum Purchase Price: \$15 million, paid in cash at closing
- **MANDATORY** Pre-Proposal Conference & Walk Through: **Friday, May 5, 2017 at 10:00 A.M.** at the Property
- Questions due to Township: Friday, May 19, 2017 at 5:00 P.M. EDT
- Final Posting of answers to questions: Friday, May 26, 2017
- **RFP Deadline** with 2% Purchase Price Deposit: **Monday, June 19, 2017 at 4:00 P.M. EDT**

Date of Issue: April 20, 2017

I. REQUEST FOR PROPOSAL - SALE OF BIRCHWOOD PROPERTY

The Township of Cranford (the “Township”) was recently named by New Jersey Family¹ the best town for families in Union County (and ninth in the State of New Jersey). Widely regarded as a premier community in New Jersey to live, work and raise a family, the Township is centrally located in Union County with easy transportation to and from the Cranford Train Station. Close to New York and not far from the Jersey Shore, our top schools and safe neighborhoods are a compelling story for any developer. Cranford is a highly desirable community. The Township is seeking proposals for the sale and redevelopment of vacant, unimproved real property known as Birchwood.

In February of 2017, the Township acquired Birchwood, which consists of two adjacent parcels commonly known as 215 Birchwood Avenue (Block 292, Lot 2) and 235 Birchwood Avenue (Block 291, Lot 15.01), in the Township of Cranford, Union County, New Jersey (collectively, the “Property”). The parcel at 215 Birchwood Avenue consists of approximately 6.345 acres of land, while the parcel located at 235 Birchwood Avenue covers approximately 9.516 acres of land, for a combined area of 15.861 acres. Each parcel was formerly occupied by a two-story commercial building constructed in the 1970s. The buildings were demolished in the autumn of 2016.

Respondents (hereinafter “Proposer”) to this Request for Proposal (“RFP”) shall submit a proposal that addresses the various components set forth in this RFP.

The Township will consider proposals for both residential or mixed-use redevelopment projects with rental, for sale (condominium) or a combination of rental and for sale units. Proposals for residential uses MUST include a project consisting of up to 225 units inclusive of a fifteen percent (15%) affordable housing set-aside provided that the affordable units are rental units affordable to low and moderate income households of which at least fifty percent (50%) of the affordable units are affordable to low income households (“Mandatory Residential Proposal”). At the option of the Proposer, the Township will consider alternative proposals that satisfy the Township’s affordable housing obligations and do not exceed 225 units and will also consider mixed-use project proposals (“Optional Proposal”). The Mandatory Residential Proposal and any Optional Proposal must include a minimum purchase price of \$15,000,000.

Any Mandatory Residential Proposal or Optional Proposal is subject to approval by the Superior Court of New Jersey, Union County, for amendment of the Township’s current affordable housing obligations set forth in the Court Order dated December 9, 2011 (“Court Order”)², and the Judgement of Compliance and Repose, dated March 22, 2013 entered in the case of Cranford Development Associates, LLC et al., v. Township of Cranford, et al., Docket No. UNN-L-003759-08, as well as the Township of Cranford Ordinance No. 2012-11, which codified the Court Order and rezoned the property (“Rezoning Ordinance”).

In accordance with the 2012 Rezoning Ordinance, the Property is located in the IMR, Inclusionary Multifamily Residence Zone. The IMR Zone allows multi-family dwellings and parking garages serving multi-family residential dwellings.

¹ <http://www.njfamily.com/New-Jerseys-Best-Towns-for-Families-Cranford-Union-County/>

² Lehigh Acquisition Corp. v. Township of Cranford et al., Docket No. UNN-L-0140-08, and Cranford Development Associates, LLC et al., v. Township of Cranford, et al., Docket No. UNN-L-003759-08, Superior Court of New Jersey, Union County – Law Division; Filed December 9, 2011, Hon. Lisa F. Chrystal, JSC.

The Township's desire and intent is to enter into a public/private partnership with the selected Proposer for the redevelopment project. The respective obligations of the Township and the Proposer will be contingent on each other's actions in a coordinated and collaborative effort to ensure the ultimate success of the redevelopment of the Property.

The Proposer shall be fully responsible for the preparation of all studies, reports, designs and construction drawings and specifications required by any regulatory agency to secure all applicable regulatory permits and approvals to construct the project. Furthermore, the Proposer shall be solely responsible for any and all on-site, off-site and off-tract improvements required by any regulatory agency in order to construct the project in its entirety.

II. PROPERTY BACKGROUND INFORMATION

A. Environmental

The Township of Cranford engaged Maser Consulting, P.A. ("Maser"), to prepare a Preliminary Assessment Report ("PAR"). The February 2017 PAR summarizes the background of the Property and identifies areas of buried fill locations based prior geotechnical and geophysical investigations of the Property. The Township engaged Excel Environmental Resources, Inc. ("Excel") to investigate and evaluate areas of environmental concern identified in the PAR, including fill that was used to historically fill the property. This environmental investigation confirmed the presence of imported fill which can be contained on-site beneath a remedial cap.

B. Area in Need of Redevelopment

The process for evaluating whether the Property can be designated as an Area in Need of Redevelopment or an Area in Need of Rehabilitation pursuant to the Local Housing and Redevelopment Law, N.J.S.A. 40A-12A-1 *et seq.* is under way. Maser was engaged to perform a preliminary investigation and reported its findings in a report entitled "Redevelopment/Rehabilitation Study Area Determination of Need" and dated February 6, 2017 ("Preliminary Investigation"). The Preliminary Investigation concluded the Property qualifies as an Area in Need of Redevelopment under criterion "c"³ due to the conclusions of the PAR and recommendation for additional environmental investigation. Excel's confirmation of impacted fill further supports this finding.

By designating the Property as an Area in Need of Redevelopment, the Township will have more flexibility in redeveloping the site. For example, the Township has the option to authorize certain tax abatements, including payments in lieu of taxes ("PILOT"). Accordingly, the PILOT is one of the tools that may be available to the Proposer.

³ N.J.S.A. 40A:12A-5 provides certain criteria under which to designate an area in need of redevelopment. Criteria "c" includes: "Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital."

C. Key Documents

The information contained in this RFP is by way of introduction and overview only. The Township does not make any representations or warranties regarding the condition of the Property or its suitability for any particular use. Proposers should not rely on the information contained in this RFP, but instead should conduct their own investigation and inquiry regarding the Property and independently inform themselves of the environmental conditions and regulations affecting the Property.

The following is a list of documents that will be available to the Proposers to assist with their review of the Project. The Township makes no representations or warranties as to the contents of these documents.

- Preliminary Assessment Report prepared by Maser Consulting, P.A. for the Township of Cranford and dated February 2017.
- Redevelopment/Rehabilitation Study Area Determination of Need prepared by Maser Consulting, P.A. for the Township of Cranford and dated February 2017.
- Subsurface Soil Investigation and Foundation Recommendation Report prepared by ANS Consultants, Inc. for The S. Hekemian Group and dated May 2016.
- Subsurface Soil Investigation and Foundation Recommendation Report prepared by ANS Consultants, Inc. for The S. Hekemian Group and dated July 2008.
- ALTA/NSPS Land Title Survey of the Property prepared by Control Point Associates, Inc. and updated March 29, 2017.

III. CONDITIONS GOVERNING SALE OF PROPERTY

A. Proposer Identification

Proposers shall submit the following information regarding the proposed participants.

1. Complete and submit the Statement of Ownership Disclosure form provided with this RFP.
2. Complete and submit the Business Entity Disclosure Certification form provided with this RFP.
3. Provide a copy of Proposer's Business Registration Certificate in accordance with N.J.S.A. 52:32-44 *et seq.*
4. The name, address and telephone number of the Proposer's primary business officer. If the primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, that will be responsible for participating in this selection process and the project.
5. Identify the parent company and any subsidiary or affiliated companies of the Proposer, giving the names, addresses and telephone numbers of each company.

6. Complete list of all criminal charges and civil complaints, brought against Proposer and the disposition of all such criminal charges and/or civil complaints.

B. Purchase Price, Offer and Deposit on Offer to Purchase

The minimum purchase price is \$15,000,000. The offer must state the contract purchase price will be paid in cash at closing.

All Proposers must complete and submit the Offer to Purchase (Attachment A) indicating the amount offered for the Property. Sealed proposals must include a minimum deposit of 2% of the executed Offer to Purchase, in the form of a certified or cashier's check, payable to the Township of Cranford. If a proposal is accepted, the deposit will be applied to the purchase cost.

All valid offers submitted shall remain open for 60 days from the submission deadline of the RFP and the Township reserves the right to formally accept any offer within that time period. The certified deposit will be returned to all unsuccessful Proposers within 60 days of the proposal due date.

C. Proposer's Checklist

The following requirements shall be considered mandatory items and are to be submitted at the time specified by the contracting unit for the receipt of the proposals; the failure to submit any one of the mandatory items shall be deemed a fatal defect that shall render the proposal unresponsive and that cannot be cured by the governing body:

- Executed Offer to Purchase (Attachment A)
- Deposit on Offer to Purchase (2% Min.)
- Proposer Identification Information (see Section III. A. of RFP)
 1. Completed Statement of Ownership Disclosure
 2. Completed Business Entity Disclosure Certification
 3. Business Registration Certificate
 4. Proposer's primary business officer information
 5. Proposer's parent and subsidiary information
 6. List of criminal charges and civil complaints
- Non-Collusion Affidavit
- Disclosure of Investment Activities in Iran
- Disclosure of Conflicts of Interest (see Section IV of RFP)

D. Design Checklist

Design documents shall be submitted in an 11" x 17" color portfolio at the time specified by the contracting unit for the receipt of the proposals. Certain information must be submitted (mandatory), while the Proposer has the option to submit certain other information (optional).

The following items must be submitted; the failure to submit any one of these **mandatory** items shall be deemed a fatal defect that shall render the proposal unresponsive and that cannot be cured by the governing body.

MANDATORY Items:

- Concept design using photographs or images of similar projects showing proposed facades and other concept elements; and
- Breakdown of residential unit mix and bedroom size.

The Proposer has the option to submit the following information.

Optional Items:

- Amenities, including but not limited to any active and passive recreational facilities;
- Open Space areas;
- Parking requirements;
- Zoning and Bulk standards;
- Fiscal Impact Statement (with and without a PILOT); and
- Any supplemental information the Proposer believes would assist in evaluating the proposal and presenting the project to our community.

E. Title and Escrow Costs

The Proposer will be responsible for a standard owner's title policy for the Property in the escrow agent's standard coverage form and to pay the cost to record a deed. Proposer shall also pay for any extended form of title insurance coverage as determined and requested by the Proposer. All other escrow and collection costs will also be paid by Proposer.

F. Commission

Any commission to be paid to an agent or broker shall be paid by the Proposer and shall not be deducted from the Purchase Price. The Township represents that it has not listed this Property with any real estate agent or broker.

G. Pre-Proposal Conference

A **MANDATORY** Pre-Proposal Conference and Walk Through will be held on **Friday, May 5, 2017 at 10:00 AM EDT** at the Property. Any Proposer intending to respond to the RFP **MUST** attend this meeting and any proposal received from a Proposer not attending this meeting will not be accepted.

H. Submission of Proposal

To be considered, sealed proposals must be submitted and received no later than **04:00 P.M. EDT on Monday, June 19, 2017**. Proposers must supply three (3) paper copies and (1) electronic copy (on CD or thumb drive in PDF format) of their proposal, which must be mailed, couriered or hand-delivered (proposals sent via email will not be accepted) to:

Mr. Terence Wall, Township Administrator
c/o Ms. Tara Rowley, Township Clerk
Township of Cranford
8 Springfield Avenue
Cranford, NJ 07016

The outside of the envelope should be marked **“PROPOSAL AND DEPOSIT CHECK FOR SALE OF BIRCHWOOD PROPERTY BLOCK 292, LOT 2 AND BLOCK 291, LOT 15.01.”** Proposals should be directed to the Township Clerk’s Office at the address above, where they will be date stamped upon receipt.

Any proposal received after the deadline or without the deposit will be rejected. Proposals that include payment of the deposit by check that is dishonored for insufficient funds shall be considered to have not included the submission fee and will be rejected. All proposals will become the property of the Township of Cranford and will not be returned to the Proposers.

I. Exceptions to this Request for Proposal

Any exceptions from the provisions of this RFP, which are desired by the Proposer, shall be specifically noted in the proposal submitted, including additional requirements or requests. The exceptions to be listed shall include any contingencies to closing the transaction including but not limited to financing and feasibility contingencies.

J. Proposer Registration

Those interested in submitting a proposal are required to register on the Township’s website at: <http://cranford.com/rfprfq-request-form/>. Any updates or announcements will be published on the Township’s website. The Proposer is responsible for continually checking the website. The Township will not directly contact any Proposer.

K. Questions and Communications

No contact is to be initiated by any Proposer or agent of Proposer with anyone from the Township or the Township’s professionals working on this Birchwood project. Questions regarding this RFP or the need for additional data or information should be submitted in writing by email to t-wall@cranfordnj.org no later than 5:00 P.M. EDT on Friday, May 19, 2017. The Township will post a Q&A document after the deadline for written questions. No oral interpretation of any requirements of the RFP will be given to any Proposer. It is each Proposer’s responsibility to continuously check the website for updates, Q&A postings, or other documents that are posted.

L. Award

The Township has discretion to accept the Proposal that best responds to this RFP and meets the needs of the Township. Proposals will be reviewed for compliance with the terms and conditions of the RFP. Any proposal not responsive to the RFP will be rejected. In addition to the amount of the offer, the Township will take into account contingencies and exceptions contained in each Proposal. The sale of the Property is subject to final approval of the Cranford Township Committee. The Township, in its sole discretion, may elect to ask some or all Proposers to give presentations on their proposals. The Township, in its sole discretion, reserves the right to short list the proposals and allow for the short-listed Proposers to amend their proposal within a time frame to be determined by the Township. The Township, in its sole discretion, reserves the right to reject any and all offers, for any or for no reason.

M. Schedule

The projected schedule is:

- **MANDATORY** Pre-Proposal Conference & Walk Through: Friday, May 5, 2017 at 10:00 A.M.
- Questions due to Township: Friday, May 19, 2017 at 5:00 P.M. EDT
- Final Posting of answers to questions: Friday, May 26, 2017
- RFP Deadline: Monday, June 19, 2017 at 4:00 P.M. EDT
- Award by Township Committee: Expected on or before July 18, 2017, subject to extension (the Township reserves the right to extend the award date due to changed circumstances)

The Township expects the Closing of the transaction to occur within 60 days of the Planning Board's approval of the Proposer's Site Plan for the project.

This schedule is subject to change.

IV. CONFLICT OF INTEREST INFORMATION

Information on possible conflicts of interest should be provided in the proposal. Such information will be taken into account in making a decision on the selection of the Proposer. Should a conflict arise during the RFP process, the Proposer shall immediately advise the Township of such conflict, failure to do so may result in disqualification of proposer's submission.

V. GENERAL PROVISIONS

All proposals are prepared at the cost and expense of the Proposer. The Township is not responsible for paying any of the costs or expenses associated with the preparation or submission of proposals.

Any successful Proposer is required to comply with the requirements of the Law Against Discrimination, P.L. 1975, Ch. 127, N.J.A.C. 10:5-31 et seq.; the Affirmative Action Rules, N.J.A.C. 17:27-1.1 et seq., and the Americans with Disabilities Act of 1990, 42 U.S.C. 2101 et seq. Proposers and the contractors and subcontractors must at all time comply with all applicable obligations pursuant to the New Jersey Campaign Contributions and Expenditure Reporting Act, N.J.S.A. 19:44-1 et seq., and any local or municipal restrictions adopted in accordance with said Act.

No covenant, lease, conveyance or other instrument shall be effected or executed by the Township or Proposer or any of their successors or assigns, whereby the Property is restricted by the Township or the Proposer upon the basis of race, creed, color, or national origin 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 Property on the basis of race, creed, color or national origin.

This RFP constitutes an invitation to submit proposals to the Township and does not represent an offer, obligation or agreement on the part of the Township. The Township reserves the right to protect the best interests of the Township, to waive any technical errors, or reject any proposal (or any part thereof) for any reason whatsoever, or to reject all proposals for any reason whatsoever. The Township reserves the right at any time to withdraw this RFP. In addition, the Township retains the right to make modifications or additions to the RFP.

If any section, paragraph, division, subdivision, clause or provision of this RFP shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this RFP shall be deemed valid and effective.

PROPOSER'S CHECKLIST

THIS CHECKLIST MUST BE COMPLETED, INITIALED, SIGNED AND SUBMITTED WITH YOUR PROPOSAL. A PROPOSAL SUBMITTED WITHOUT THE FOLLOWING DOCUMENTS IS CAUSE FOR REFUSAL.

Executed offer (Attachment A) _____
(initial)

Deposit on Offer to Purchase (2% Min.) _____
(initial)

Proposer Identification Information (see Section III. A. of RFP) _____
(initial)

1. Statement of Ownership Disclosure _____
2. Business Entity Disclosure Certification _____
3. Business Registration Certificate _____
4. Proposer's primary business officer information _____
5. Proposer's parent and subsidiary information _____
6. List of criminal charges and civil complaints _____
(initial)

Non-Collusion Affidavit _____
(initial)

Disclosure of Investment Activities in Iran _____
(initial)

Disclosure of Conflicts of Interest (see Section IV of RFP) _____
(initial)

THE UNDERSIGNED HEREBY ACKNOWLEDGES
THE ABOVE LISTED REQUIREMENTS

NAME OF PROPOSER:

Person, Firm or Corporation

BY: (NAME) (TITLE)

Attachment A to RFP

SALE OF BIRCHWOOD PROPERTY BLOCK 292, LOT 2 AND BLOCK 291, LOT 15.01

Mr. Terence Wall
Township Administrator
Township of Cranford
8 Springfield Avenue
Cranford, NJ 07016

_____, herein called the "Proposer," hereby offers and agrees to purchase from the Township of Cranford ("the Township") at the price and subject to the terms and conditions contained in this Offer, the following described real property ("Property"): 215 Birchwood Avenue (Block 292, Lot 2) and 235 Birchwood Avenue (Block 291, Lot 15.01), in the Township of Cranford, Union County, New Jersey (collectively, the "Property"). The Property has an area of approximately 15.861 acres.

OFFER TO PURCHASE PROPERTY

Total Purchase Price Offered⁴: \$ _____

Deposit on Offer to Purchase (2% Min.)⁵: \$ _____

Balance Due in Cash on Closing: \$ _____

Name of Proposer: _____

Address: _____

Telephone #: _____

Email Address: _____

Date: _____

Agent (if applicable): _____

Agent address: _____

Agent phone & email: _____

⁴ Minimum Offer is \$15 million.

⁵ If a proposal is accepted, the deposit will be applied to the purchase cost. If a proposal is not accepted, the certified deposit will be returned to all unsuccessful Proposers within 60 days of the proposal due date.

Please List Exceptions and Contingencies to the RFP (use additional sheets if necessary):

Please List any possible conflicts to the RFP (use additional sheets if necessary):

Please Briefly Describe the Redevelopment Project (residential or mixed use; number of units; number of COAH units; use additional sheets if necessary):

Signature of Proposer: _____

Print Name and Title: _____

Date: _____

Signature of Agent (if applicable) _____

Print Name and Title: _____

Date: _____

Agent Commissions and other closing costs attributable to the Proposer are the responsibility of the Proposer and are not included in the purchase price.

ATTACH CERTIFIED OR CASHIER'S CHECK AS DEPOSIT (MINIMUM 2%) IN SEALED ENVELOPE MARKED "PROPOSAL AND DEPOSIT CHECK FOR SALE OF BIRCHWOOD PROPERTY BLOCK 292, LOT 2 AND BLOCK 291, LOT 15.01"

STATEMENT OF OWNERSHIP DISCLOSURE

N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

This statement shall be completed, certified to, and included with all bid and proposal submissions. Failure to submit the required information is cause for automatic rejection of the bid or proposal.

Name of Organization:

Organization Address:

Part I Check the box that represents the type of business organization:

- ☐ Sole Proprietorship (skip Parts II and III, execute certification in Part IV)
- ☐ Non-Profit Corporation (skip Parts II and III, execute certification in Part IV)
- ☐ For-Profit Corporation (any type) ☐ Limited Liability Company (LLC)
- ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Partnership (LLP)
- ☐ Other (be specific): _____

Part II

- ☐ The list below contains the names and addresses of all stockholders in the corporation who own 10 percent or more of its stock, of any class, or of all individual partners in the partnership who own a 10 percent or greater interest therein, or of all members in the limited liability company who own a 10 percent or greater interest therein, as the case may be. **(COMPLETE THE LIST BELOW IN THIS SECTION)**

OR

- ☐ No one stockholder in the corporation owns 10 percent or more of its stock, of any class, or no individual partner in the partnership owns a 10 percent or greater interest therein, or no member in the limited liability company owns a 10 percent or greater interest therein, as the case may be. **(SKIP TO PART IV)**

(Please attach additional sheets if more space is needed):

Name of Individual or Business Entity	Home Address (for Individuals) or Business Address

Part III DISCLOSURE OF 10% OR GREATER OWNERSHIP IN THE STOCKHOLDERS, PARTNERS OR LLC MEMBERS LISTED IN PART II

If a bidder has a direct or indirect parent entity which is publicly traded, and any person holds a 10 percent or greater beneficial interest in the publicly traded parent entity as of the last annual federal Security and Exchange Commission (SEC) or foreign equivalent filing, ownership disclosure can be met by providing links to the website(s) containing the last annual filing(s) with the federal Securities and Exchange Commission (or foreign equivalent) that contain the name and address of each person holding a 10% or greater beneficial interest in the publicly traded parent entity, along with the relevant page numbers of the filing(s) that contain the information on each such person. **Attach additional sheets if more space is needed.**

Website (URL) containing the last annual SEC (or foreign equivalent) filing	Page #s

Please list the names and addresses of each stockholder, partner or member owning a 10 percent or greater interest in any corresponding corporation, partnership and/or limited liability company (LLC) listed in Part II **other than for any publicly traded parent entities referenced above**. The disclosure shall be continued until names and addresses of every noncorporate stockholder, and individual partner, and member exceeding the 10 percent ownership criteria established pursuant to N.J.S.A. 52:25-24.2 has been listed. **Attach additional sheets if more space is needed.**

Stockholder/Partner/Member and Corresponding Entity Listed in Part II	Home Address (for Individuals) or Business Address

Part IV Certification

I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder/proposer; that the **Township of Cranford** is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with **Township of Cranford** to notify the **Township of Cranford** in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the, permitting the **Township of Cranford** to declare any contract(s) resulting from this certification void and unenforceable.

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
TOWNSHIP OF CRANFORD

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the _____ (***name of business entity***) has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding (***date of award scheduled for approval of the contract by the governing body***) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Cranford Township Committee as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Part II – Ownership Disclosure Certification

☐ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

☐ Partnership ☐ Corporation ☐ Sole Proprietorship ☐ Subchapter S Corporation
☐ Limited Partnership ☐ Limited Liability Corporation ☐ Limited Liability Partnership

Name of Stock or Shareholder	Home Address

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signature of Affiant: _____ Title: _____

Printed Name of Affiant : _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 2____.

My Commission expires:

(Witnessed or attested by)

(Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
TOWNSHIP OF CRANFORD

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

# NON-COLLUSION AFFIDAVIT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } : SS.:

I, \_\_\_\_\_ of the City of \_\_\_\_\_ in the County  
of \_\_\_\_\_ and the State of \_\_\_\_\_ being of full age, and duly sworn  
according to law on my oath depose and say that:

I am \_\_\_\_\_ of the firm of \_\_\_\_\_ the bidder making the Proposal for the Sale of Birchwood Property, Block 292, Lot 2 and Block 291, Lot 15.01, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the Township of Cranford relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the Contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such Contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by:

\_\_\_\_\_ in accordance with N.J.S.A. 52:34-15.  
(Name of Contractor)

Signature: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Sworn and subscribed to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(Seal)

Notary Public in the State of New Jersey

My commission expires on, 20

## DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

OPS Number: \_\_\_\_\_ Proposer: \_\_\_\_\_

### PART 1

Pursuant to Public Law 2012, c. 25 any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates (any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity), is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the State of New Jersey, Department of Treasury, Division of Purchase and Property website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>

Bidders must review this list prior to completing the below certification. Failure to complete the certification will render a bidder's proposal non-responsive. If the Authority finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party.

### PLEASE CHECK THE APPROPRIATE BOX:

☐ I certify, pursuant to Public Law 2012 c. 25, that neither the bidder listed above nor any of the bidder's Parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012 c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. I will skip Part 2 and sign and complete the Certification below.

**OR**

☐ I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

---

### PART 2

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the box below.

|                                                                 |                                 |
|-----------------------------------------------------------------|---------------------------------|
| Name: _____                                                     | Relationship to Proposer: _____ |
| Description of Activities: _____                                |                                 |
| Duration of Engagement: _____ Anticipated Cessation Date: _____ |                                 |
| Proposer Contact Name: _____ Contact Phone Number: _____        |                                 |

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the Authority is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Authority to notify the Authority in writing of any changes to the answers or information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the Authority and the Authority at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): \_\_\_\_\_ Signature: \_\_\_\_\_

TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_



## State of New Jersey

DEPARTMENT OF THE TREASURY  
DIVISION OF PURCHASE AND PROPERTY  
OFFICE OF THE DIRECTOR  
33 WEST STATE STREET  
P. O. Box 039

TRENTON, NEW JERSEY 08625-0039  
<https://www.njstart.gov>  
Telephone (609) 292-4886 / Facsimile (609) 984-2575

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

FORD M. SCUDDER  
*Acting State Treasurer*

JIGNASA DESAI-MCCLEARY  
*Director*

**The following list represents entities determined, based on credible information available to the public, to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25"):**

|     |                                                                     |
|-----|---------------------------------------------------------------------|
| 1.  | Bank Markazi Iran (Central Bank of Iran)                            |
| 2.  | Bank Mellat                                                         |
| 3.  | Bank Melli Iran                                                     |
| 4.  | Bank Tejarat                                                        |
| 5.  | National Iranian Tanker Company (NITC)                              |
| 6.  | Amona                                                               |
| 7.  | Bank Saderat PLC                                                    |
| 8.  | Bank Sepah                                                          |
| 9.  | Belaz                                                               |
| 10. | Belneftkhim (Belarusneft)                                           |
| 11. | China International United Petroleum & Chemicals Co., Ltd. (Unipet) |
| 12. | China National Offshore Oil Corporation (CNOOC)                     |
| 13. | China National Petroleum Corporation (CNPC)                         |
| 14. | China National United Oil Corporation (ChinaOil)                    |
| 15. | China Petroleum & Chemical Corporation (Sinopec)                    |
| 16. | China Precision Machinery Import-Export Corp. (CPMIEC)              |
| 17. | Grimley Smith Associates                                            |

|     |                                             |
|-----|---------------------------------------------|
| 18. | Indian Oil Corporation                      |
| 19. | Kingdream PLC                               |
| 20. | Maire Tecnimont SpA                         |
| 21. | Naftiran Intratrade Company (NICO)          |
| 22. | Oil and Natural Gas Corporation (ONGC)      |
| 23. | Oil India Limited                           |
| 24. | Persia International Bank                   |
| 25. | PetroChina Company, Ltd.                    |
| 26. | Petroleos de Venezuela (PDVSA Petróleo, SA) |
| 27. | Sameh Afzar Tajak Co. (SATCO)               |
| 28. | Shandong FIN CNC Machine Company, Ltd.      |
| 29. | Sinohydro                                   |
| 30. | SK Energy                                   |
| 31. | SKS Ventures                                |
| 32. | Som Petrol AS                               |
| 33. | Zhuhai Zhenrong Company                     |

**List Date: February 5, 2016**



**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
**101 SOUTH BROAD STREET**  
**PO Box 800**  
**TRENTON, NJ 08625-0800**  
**(609) 292-6420**

**CHRIS CHRISTIE**  
*Governor*

**KIM GUADAGNO**  
*Lt. Governor*

**CHARLES A. RICHMAN**  
*Commissioner*

May 30, 2017

The Honorable Thomas Hannen  
Mayor  
Township of Cranford  
8 Springfield Avenue  
Cranford, New Jersey 07016

Dear Mayor Hannen:

We are in receipt of Tara Rowley's letter of April 26, 2017 and Resolution 2017-188A designating Block 291, Lot 15.01 and Block 292, Lot 2 as an Area in Need of Redevelopment.

The Department of Community Affairs has identified these areas situated in the Metropolitan Planning Area (PA1). In accordance with N.J.S.A. 40A: 12A-6, the municipality's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the Department to effectuate your designation. Please kindly forward a copy of your Redevelopment Plan once completed.

The Township or redeveloper may also find the New Jersey Business Action Center (BAC), located in the Department of State, helpful in identifying other sources of State financing that might be available to facilitate the redevelopment of these properties. You may contact the BAC by calling (866) 534-7789.

This designation is a tribute to the work the Township of Cranford has done. Please feel free to contact Robert Tessier at (609) 292-1547 or Tom Stanuikynas at (609) 984-4584 if you need any further assistance.

Sincerely,

Charles A. Richman  
Commissioner

cc: Municipal Clerk  
Gerard Scharfenberger, Office of Planning Advocacy  
Sean Thompson, Local Planning Services

**RECEIVED**

JUN 08 2017

**OFFICE OF MAYOR**







# Township of Cranford

8 Springfield Avenue • Cranford, New Jersey 07016-2199

(908) 709-7200 • Fax (908) 276-7664

[www.cranford.com/township](http://www.cranford.com/township)

**TO:** Kathleen Murray  
Chairperson, Cranford Planning Board

**FROM:** Tara Rowley, RMC *Tara Rowley*  
Township Clerk

**RE:** RESOLUTION DIRECTING THE PLANNING BOARD  
OF THE TOWNSHIP OF CRANFORD TO ADOPT A  
RESOLUTION AUTHORIZING PREPARATION OF A  
REDEVELOPMENT PLAN FOR THE PROPERTY  
LOCATED AT 215 AND 235 BIRCHWOOD AVENUE  
(BLOCK 291, LOT 15.01 AND BLOCK 292, LOT 2) IN  
THE TOWNSHIP OF CRANFORD, UNION COUNTY

**DATE:** June 14, 2017

---

Enclosed please find a copy of Resolution No. 2017-239, directing the Planning Board to adopt a resolution authorizing preparation of a Redevelopment Plan for the Birchwood Avenue Property. Said resolution was adopted by the Township Committee at a meeting held June 13, 2017.

Thank you for your consideration in this matter.

cc: Township Committee  
Township Administrator  
Township Attorney  
Zoning Officer

**TOWNSHIP OF CRANFORD  
CRANFORD, NEW JERSEY**

**RESOLUTION NO. 2017-239**

**RESOLUTION DIRECTING THE PLANNING BOARD OF THE  
TOWNSHIP OF CRANFORD TO ADOPT A RESOLUTION  
AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN  
FOR THE PROPERTY LOCATED AT 215 AND 235 BIRCHWOOD  
AVENUE (BLOCK 291, LOT 15.01 AND BLOCK 292, LOT 2) IN THE  
TOWNSHIP OF CRANFORD, UNION COUNTY**

**WHEREAS**, by Resolution No. 2017-393, dated December 14, 2016, and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"), the Township Committee of the Township of Cranford ("Township Committee") directed the Planning Board of the Township of Cranford ("Planning Board") to conduct a preliminary investigation and public hearing to determine whether all or part of the area known and designated on the Tax Map of the Township of Cranford as Block 291, Lot 15.01, and Block 292, Lot 2 (collectively the "Property") is an Area in Need of Redevelopment in accordance with N.J.S.A. 40A:12A-6; and

**WHEREAS**, the Planning Board, following an initial review of the proposed area for redevelopment, directed that a map be prepared depicting the boundaries of the Property, pursuant to N.J.S.A. 40A:12A-6(b)(1); and

**WHEREAS**, the firm of Maser Consulting submitted a report dated February 6, 2017 to the Planning Board entitled "Redevelopment/Rehabilitation Study Area Determination of Need, Birchwood Avenue Study Area" ("Preliminary Investigation"); and

**WHEREAS**, as required by N.J.S.A. 40A:12A-6, the Planning Board held a public hearing on April 20, 2017, to determine whether all or part of the Property is an area in need of redevelopment in accordance with the Redevelopment Law and determined that conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present at the Property; and

**WHEREAS**, following the public hearing of April 20, 2017, the Planning Board issued a Resolution dated April 20, 2017 recommending that the Township Committee adopt a resolution designating the Property a Non-Condensation Area in Need of Redevelopment; and

**WHEREAS**, at its Official Meeting on April 25, 2017, the Township Committee evaluated the Preliminary Investigation of the Property and the testimony presented by Kristin J. Russell, the Planner from Maser Consulting, who prepared the Preliminary Investigation, in accordance with the requirements of N.J.S.A. 40A:12A-6; and



**WHEREAS**, by Resolution No. 2017-188A, dated April 26, 2017 ("Redevelopment Resolution"), the Township Committee designated the Property as a Non-Condensation Area in Need of Redevelopment, as provided in N.J.S.A.40A:12A-5; and

**WHEREAS**, the Redevelopment Resolution was transmitted to the Commissioner of the New Jersey Department of Community Affairs ("DCA") via overnight delivery on April 26, 2017, in accordance with N.J.S.A. 40A: 12A-6; and

**WHEREAS**, the DCA had 30 days to respond to the Redevelopment Resolution and did not respond to the Township Committee, the Resolution is deemed approved as of May 26, 2017, in accordance with N.J.S.A. 40A:12A-6(b)(5)(c); and

**WHEREAS**, by Resolution No. 2017-182 dated April 18, 2017, the Township authorized the issuance of a Request for Proposal ("RFP") to elicit proposals for purchase and redevelopment of the Property; and

**WHEREAS**, a redevelopment project located in an Area in Need of Redevelopment must be undertaken in accordance with a Redevelopment Plan, in accordance with N.J.S.A. 40A:12A-7.

**NOW, THEREFORE, BE IT RESOLVED**, on this 13<sup>th</sup> day of June 2017:

1. The Township Committee directs the Planning Board to adopt a resolution and authorize preparation of a Redevelopment Plan for the Township Committee to review in furtherance of the sale and redevelopment of the Property, in accordance with N.J.S.A. 40A:12A-7(f).
2. After the Planning Board receives the Redevelopment Plan, the Planning Board shall submit the Redevelopment Plan to the Township Committee for review.

Certified to be a true copy of a resolution adopted by the Township Committee of the Township of Cranford at a meeting held June 13, 2017.

*Tara Rowley*

Tara Rowley, RMC  
Township Clerk

Dated: 6/14/17

**TOWNSHIP OF CRANFORD  
CRANFORD, NEW JERSEY**

**RESOLUTION NO. 2017-285C**

**RESOLUTION DESIGNATING BIRCHWOOD DEVELOPERS ASSOCIATES, LLC AS THE DEVELOPER OF PROPERTY, CONDITIONED AS SET FORTH HEREIN, FOR THE PROPERTY LOCATED AT 215 AND 235 BIRCHWOOD AVENUE (BLOCK 291, LOT 15.01 AND BLOCK 292, LOT 2) IN THE TOWNSHIP OF CRANFORD, UNION COUNTY**

**WHEREAS**, the Township of Cranford ("Township") owns property designated on the Tax Map of the Township of Cranford as Block 291, Lot 15.01, and Block 292, Lot 2 (collectively the "Birchwood Property"); and

**WHEREAS**, by Resolution No. 2017-188A, dated April 26, 2017 ("Redevelopment Resolution"), the Township Committee of the Township of Cranford ("Township Committee") designated the Property as a Non-Condemnation Area in Need of Redevelopment, as provided in N.J.S.A.40A:12A-5; and

**WHEREAS**, the Redevelopment Resolution was transmitted to the Commissioner of the New Jersey Department of Community Affairs ("DCA") via overnight delivery on April 26, 2017, in accordance with N.J.S.A. 40A: 12A-6; and

**WHEREAS**, the DCA had 30 days to respond to the Redevelopment Resolution and did not respond to the Township Committee, the Resolution is deemed approved as of May 26, 2017, in accordance with N.J.S.A. 40A:12A-6(b)(5)(c); and

**WHEREAS**, the DCA also approved the Redevelopment Resolution by letter dated May 30, 2017; and

**WHEREAS**, a redevelopment project located in an Area in Need of Redevelopment must be undertaken in accordance with a Redevelopment Plan, in accordance with N.J.S.A. 40A:12A-7; and

**WHEREAS**, by Resolution No. 2017-239 dated June 14, 2017, the Township directed the Planning Board of the Township of Cranford ("Planning Board") to authorize preparation of a Redevelopment Plan; and



**WHEREAS**, by Resolution No. 2017-182 dated April 18, 2017, the Township authorized the issuance of a Request for Proposal ("RFP") to solicit proposals for purchase and redevelopment of the Property; and

**WHEREAS**, on June 19, 2017 and in accordance with the RFP, the Township received a proposal in response to the RFP from Birchwood Developers Associates, LLC.

**NOW, THEREFORE, BE IT RESOLVED**, on this 18<sup>th</sup> day of July 2017:

The Township designates Birchwood Developers Associates, LLC ("Designated Developer") as the designated developer of the Birchwood Property, conditioned on the items set forth below:

1. Completion of the Redevelopment Plan by the Planning Board and adoption of the Redevelopment Plan by the Township pursuant to N.J.S.A. 40A:12A-7;
2. Execution of a Purchase and Sale Agreement between the Township and Designated Developer, which agreement shall have substantially the same terms set forth in the Designated Developer's proposal, as revised or amended as agreed by the parties;
3. Execution of a Redevelopment Agreement, between the Township and Designated Developer, which agreement shall have substantially the same terms set forth in the Designated Developer's proposal, as revised or amended as agreed by the parties;
4. Execution of an agreement for Payments in Lieu of Taxes, if applicable, and any other agreement deemed necessary and appropriate by the parties; and
5. With the above items being completed and approved by the Township Committee within 120 days of the date of this Resolution, which timeframe may be extended by the mutual consent of the Township and the Designated Developer, which consent shall not be unreasonably withheld.

Certified to be a true copy of a resolution adopted by the Township Committee of the Township of Cranford at a meeting held July 18, 2017.

  
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Tara Rowley, RMC  
Township Clerk

Dated: 7/18/17

**RESOLUTION OF THE  
PLANNING BOARD OF THE TOWNSHIP OF CRANFORD**

**RESOLUTION NO. 2017-006**

**RESOLUTION AUTHORIZING PREPARATION OF A REDEVELOPMENT PLAN IN FURTHERANCE OF THE REDEVELOPMENT OF CERTAIN PROPERTIES LOCATED AT 215 and 235 BIRCHWOOD AVENUE (Block 291, Lot 15.01 and Block 292, Lot 2) IN THE TOWNSHIP OF CRANFORD, WHICH HAVE BEEN DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, by Resolution No. 2017-393, dated December 14, 2016, and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. (the "Redevelopment Law"), the Township Committee of the Township of Cranford ("Township Committee") directed the Planning Board of the Township of Cranford ("Planning Board") to conduct a preliminary investigation and public hearing to determine whether all or part of the area known as 215 and 235 Birchwood Avenue and designated on the Tax Map of the Township of Cranford as Block 291, Lot 15.01, and Block 292, Lot 2 (collectively the "Property") is an Area in Need of Redevelopment in accordance with N.J.S.A. 40A:12A-6; and

**WHEREAS**, as required by N.J.S.A. 40A:12A-6, the Planning Board held a public hearing on April 20, 2017, to determine whether all of part of the Property is an area in need of redevelopment in accordance with the Redevelopment Law and determined that conditions as set forth in N.J.S.A. 40A:12A-5 are found to be present at the Property; and

**WHEREAS**, following the public hearing of April 20, 2017, the Planning Board issued a Resolution dated April 20, 2017 recommending that the Township Committee of the Township of Cranford adopt a resolution designating the Property a Non-Condemnation Area in Need of Redevelopment; and

**WHEREAS**, by Resolution No. 2017-188A ("Redevelopment Resolution"), dated April 26, 2017, the Township Committee designated the Property as a Non-Condemnation Area in Need of Redevelopment, as provided in N.J.S.A.40A:12A-5; and

**WHEREAS**, the Redevelopment Resolution was transmitted to the Commissioner of the Department of Community Affairs ("DCA") via overnight delivery on April 26, 2017, in accordance with N.J.S.A. 40A: 12A-6; and

**WHEREAS**, the DCA approved the Redevelopment Resolution by letter dated May 30, 2017; and

**WHEREAS**, by Resolution No. 2017-182 dated April 18, 2017, the Township authorized the issuance of a Request for Proposal ("RFP") to solicit proposals for purchase and redevelopment of the Property; and

**WHEREAS**, a redevelopment project located in an Area in Need of Redevelopment must be undertaken in accordance with a Redevelopment Plan, in accordance with N.J.S.A. 40A:12A-7; and



**WHEREAS**, by Resolution No. 2017-239, dated June 14, 2017, the Township Committee of the Township of Cranford directed the Planning Board to authorize preparation of a Redevelopment Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 19 day of July 2017:


1. The Planning Board hereby authorizes Harbor Consultants to prepare, in collaborative with the developer designated by the Township Committee, a Redevelopment Plan for the Property in accordance with the requirements of the Redevelopment Law.
2. Upon completion of the Redevelopment Plan for the Property, the Planning Board will transmit the Redevelopment Plan, along with its recommendations regarding the Redevelopment Plan, to the Township Committee of the Township of Cranford for adoption of the Redevelopment Plan in accordance with the requirements of the Redevelopment Law.

## ROLL CALL VOTE


On July 19, 2017, the following members of the Planning Board of the Township of Cranford voted in favor of this Resolution Ms. Murray, Ms. Anderson, Ms. Steinbach, Ms. Feder, Dr. Chapman, Mayor Hannen, Ms. Peddle and Mr. Aschenbach.

The foregoing is a Resolution duly adopted by the Planning Board of the Township of Cranford at its meeting held July 19, 2017.

Dated: 7-19-17

  
Signature  
Kathleen M. Murray  
Printed Name  
Chairperson of the Planning Board

Dated: 7-19-17

  
Signature  
Ann Steinbach  
Printed Name  
Secretary of the Planning Board