



TOWNSHIP OF
EAST HANOVER

2019 MASTER PLAN AMENDMENT

For Block 42, Lots 37, 38, and 41

Known as 100 & 112 Deforest Avenue & 188 River Road

Adopted by the Land Use Planning Board on July 31, 2019

July 12, 2019



2019 Master Plan Amendment

For Block 42, Lots 37, 38, and 41

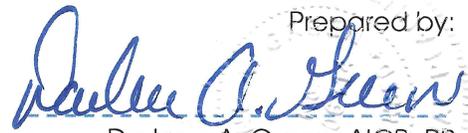
Known as 100 & 112 Deforest Avenue & 188 River Road

Township of East Hanover

Morris County, New Jersey

July 12, 2019

Prepared by:



Darlene A. Green, AICP, PP

NJ License # 33LI0061-1400

Assisted by: Austin Bejin



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

MC Project # EHT-017B

TABLE OF CONTENTS

I.	Introduction	3
II.	History of Subject Site.....	3
III.	Need to Modify the 2005 Master Plan.....	6
IV.	Planning Justifications for Multi-family Residential	6
V.	Zoning Recommendations	7
VI.	Conclusion	7

I. INTRODUCTION

The purpose of this 2019 Master Plan Amendment (hereinafter “2019 Amendment”) is to set forth a proposed framework to guide the rezoning of three contiguous parcels within the Township of East Hanover. The tract, Lots 37, 38, and 41 in Block 42 (hereinafter “Subject Site”), comprises approximately 75 acres and is developed with the Eagle Building and its associated parking, which are part of the Mondelez International campus.

The map on page 4 illustrates the three lots that comprise the Subject Site. Lot 37 is the largest of the three parcels, at 71 acres and contains the Eagle Building, two parking garages, surface parking and associated improvements. According to the tax records, Lot 38 is 2.84 acres, while Lot 41 is 0.54 acres. Lot 38 is located along River Road and is lawn and landscaping. Lot 41 is located along Deforest Avenue and is wooded.

This Amendment to the Township’s 2005 Master Plan contemplates rezoning the Subject Site to permit inclusionary multi-family residential development. The following chapters of this 2019 Amendment detail the history of the Subject Site, the need to modify the Township’s 2005 Master Plan, the planning justifications for a multi-family residential use of the properties, and the zoning recommendations to facilitate said use.

II. HISTORY OF SUBJECT SITE

The Subject Site is located at the intersection of River Road and Deforest Avenue in the Research Laboratories and Office (R-L) District (see map on page 5). The R-L District includes six parcels (Lots 37, 37.02, 38, 39, 40, and 41 in Block 42), which is the totality of the entire Mondelez Campus and two single-family homes. However, Lots 37.02, 39, and 40 are not included in this 2019 Amendment. The greater site operated as the Valley View Golf Club from 1937 to 1973, which is when the property was purchased by Nabisco to be used as their corporate headquarters.¹ According to the tax records, the Eagle Building was constructed in 1974 on Lot 37. Tax records also indicate that Lot 37.02 was developed in 1984 as Nabisco’s technology center.²

In 2012, Nabisco’s parent company, Kraft Foods, Inc., divided into two companies, a grocery company and a snack food company, the latter being known as Mondelez International.³ The Nabisco corporate campus in East Hanover became the North American region and U.S. business headquarters and global Research and Development Center for biscuits of Mondelez International.⁴ In October of 2017, Mondelez consolidated its operations into the Technology Center on Lot 37.02 and vacated the Eagle Building. Mondelez then began to market the Eagle Building to developers.

¹ <https://www.nytimes.com/1973/01/04/archives/nabisco-leaving-city-for-jersey-golf-course-bought-in-east-hanover.html>

² <https://oprs.co.monmouth.nj.us/oprs/External.aspx?iid=12>

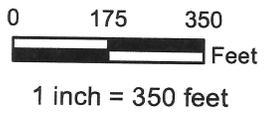
³ <http://phx.corporate-ir.net/phoenix.zhtml?c=129070&p=irol-newsArticle&ID=1593014>

⁴ <https://us.mondelezinternational.com/about-us>



Legend

-  Parcels
-  Mondelez Property part of the 2019 Master Plan Amendment



AERIAL MAP
EAGLE BUILDING SITE
BLOCK 42, LOTS 37, 38 & 41
TOWNSHIP OF EAST HANOVER
MORRIS COUNTY, NEW JERSEY



JULY 2019

R:\A\IO\files\RedBank\GIS\PROJECTS\Municipal\E-H\180711\app_\Mondelez_Aerial.mxd



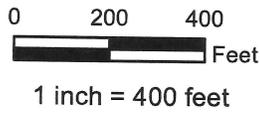
Legend

-  Parcels
-  Mondelez Property part of the 2019 Master Plan Amendment

Zoning Districts

-  R-10 One-Family, Residential
-  R-15 One-Family, Residential
-  R-20 One-Family, Residential
-  R-L Research Laboratories & Office
-  I-1 Light Industry
-  CEM Cemeteries

R:\A\I\files\RedBank\GIS\PROJECTS\Municipal\IE-HIE\THE10-17B190711\app_Mondelez_Zoning.mxd



ZONING MAP
Block 42, Lots 37, 38 & 41
TOWNSHIP OF EAST HANOVER
MORRIS COUNTY, NEW JERSEY



Meanwhile, on July 7, 2015, East Hanover filed a Declaratory Judgment Action in response to the March 10, 2015 New Jersey Supreme Court ruling commonly referred to as "Mount Laurel IV". In the March decision, the Court rendered the Council on Affordable Housing "moribund" and created a transitional process for trial courts to review and process applications for review of plans to ensure constitutional compliance. Communities were given two options – file a Declaratory Judgment Action seeking to voluntarily comply with the Constitutional requirement to provide affordable housing or do nothing and risk a Builder's Remedy lawsuit. Hence, the Township's filing on July 7, 2015. Thereafter, East Hanover attended case management sessions, mediation, etc. in an attempt to satisfy its affordable housing obligation and resolve the case.

However, Kushner Real Estate Acquisition Corporation (hereinafter "KRE") filed a motion to intervene in the Township's Declaratory Judgment Action on March 28, 2018 and subsequently was granted intervention by Order, dated April 13, 2018. As noted in the motion papers, KRE is the contract purchaser of the Subject Site. Numerous mediation sessions were held between the Township, KRE, Fair Share Housing Center (hereinafter "FSHC"), the Court-appointed Special Master, and others. On June 3, 2019, the Township settled with FSHC to resolve the Township's Round 3 compliance globally. The FSHC Settlement Agreement calls for the Township to enter into an Agreement with KRE for the production of 548 residential units with a 17.5% set-aside of 96 affordable units on the Subject Site.

III. NEED TO MODIFY THE 2005 MASTER PLAN

As noted in Chapter II, on June 3, 2019, the Mayor and Council authorized the execution of the FSHC Settlement Agreement, which permits the construction of an inclusionary housing development consisting of a maximum of 548 units, including 96 affordable housing units on the Subject Site. As a result, the Township will have to introduce an ordinance that will permit the development of the Subject Site consistent with the Settlement Agreement. Therefore, the Settlement Agreement with FSHC has created the need to modify the 2005 Master Plan.

IV. PLANNING JUSTIFICATIONS FOR MULTI-FAMILY RESIDENTIAL

As noted above, a Settlement Agreement with FSHC has been executed in order to facilitate the Township's voluntary compliance with its affordable housing obligations. That agreement permits KRE to construct a 548-unit inclusionary development including 96 affordable housing units. The suitability of an inclusionary development on the Eagle Building site is based on the similar residential densities of surrounding development.

The Subject Site will encompass roughly 74 to 75 acres, 548 units on Lots 37, 38, and 41, which equates to a residential density of 7.4 units per acre. Similarly, on Lot 47 of Block 96, located to the southeast of the Subject Site, is the 370-unit inclusionary development, commonly known as Hanover Park. This development is zoned RAH-1 and contains approximately 40.7 acres. Therefore, the density of Hanover Park is 9.1 units per acre, 1.7 units per acre **more** than the Subject Site.

Comparing the proposed density to the surrounding single-family zones, the Subject Site has a similar density. The R-20 Zone is located to the east and south, across River Road and Deforest Avenue. The R-20 Zone permits single-family dwellings on 20,000 square foot lots, or approximately

2.2 units per acre. The R-15 Zone is located to the southwest, across Deforest Avenue, and permits single-family dwellings on 15,000 square foot lots, or approximately 2.9 units per acre. Lastly, the R-10 Zone is located to the southeast, across River Road. The R-10 Zone permits single-family dwellings on 10,000 square foot lots, or approximately 4.4 units per acre.

Based on the information above, the proposed 7.4 units per acre density on the Subject Site is between the R-10 Zone and the Hanover Park inclusionary development density. As discussed with KRE, the site will be designed with a buffer area along River Road and along roughly half of Deforest Avenue. This will provide both a visual and spatial buffer between the existing residential neighborhood and the proposed development. As a result of this physical separation, there will not be any detrimental impacts to light or air flow of the existing adjacent single-family homes.

V. ZONING RECOMMENDATIONS

A new zone, called Residential Multi-Family Zone, is recommended for the Subject Site, which would permit duplex dwellings, stacked townhouse dwellings, townhouse dwellings, multi-family residential units, and public and private open space uses. The new zone should:

- Require a minimum tract area of 70 acres and specify a minimum required lot area for open space and residential parcels.
- Allow a maximum density of 7.4 units per acre, with a maximum of 548 units.
- Require 96 units to be deed restricted as affordable units.
- Permit a maximum height of 40 feet for duplex, stacked townhomes, and townhomes and 55 feet for multi-family dwellings.
- Limit building length and set minimum distances between buildings.
- Require at least 5% of the tract area to be open space for resident use.
- Restrict building and impervious coverage on the Subject Site.

The new zone should also include standards for bulk requirements, architectural design, lighting, landscaping, signage, circulation, parking, and trash. A detailed list of permitted accessory uses should also be included in the ordinance. New definitions will likely need to be added to Section 95-3 as well to provide specificity.

VI. CONCLUSION

This Amendment to the 2005 Master Plan is necessary to implement the Settlement Agreement with FSHC and to establish a foundation for rezoning the Subject Site, consistent with the Settlement Agreement. Although the Subject Site is larger than nearby Hanover Park, the proposed development on the Subject Site is **less dense** than the existing inclusionary condominium community. In conclusion, the establishment of a Residential Multi-Family Zone is recommended.