

ORDINANCE NO. 04-2024

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 155 “VEHICLES AND TRAFFIC” ARTICLE VII “REGULATION OF SEMI-PUBLIC PLACES” SECTION §155-17 “PROVISIONS APPLICABLE TO CERTAIN PREMISES”

WHEREAS, KRE Acquisition Corp. (“KRE”), as contract purchaser obtained approvals and variances for the construction of a 548-unit residential development with amenities, and site improvements on the Property commonly known as 100 Deforest Avenue, Block 42, Lots 37, 37.02, 38, and 41 in the Township of East Hanover (the “Property”). The Approvals included (A) Minor subdivision approval to merge Lots 38 and 41 into and with Lot 37 to create greater Lot 37 (“Greater Lot 37”), and to adjust the lot line between Greater Lot 37 and Lot 37.02 to create new Lot 37 (“New Lot 37”), approximately 74.462 acres in size and new Lot 37.02 (“New Lot 37.02”), approximately 46.118 acres in size; (B) Major Subdivision Approval to subdivide New Lot 37 into two hundred sixty-eight (268) separate parcels of real property which lots consist of: (i) One (1) parcel to be developed as a multifamily apartment complex and identified as Block 42, Lot 37.001 (the “Apartment Portion”) including roads serving the Apartment Portion, drainage facilities, common facilities and, (ii) Two-hundred-sixty-seven (267) parcels, to be developed as a residential townhome development and identified as Block 42, Lots 37.002 to 37.268 (the “Townhouse Portion”) that utilizes the roads, drainage facilities servicing the Apartment Portion of the Approved Development (as hereinafter defined), which responsibilities between and among the Apartment Portion and Townhouse Portion are set forth in the Declaration of Easements and Covenants by Mondelez Global, LLC that has been or is to be recorded; and (C) for several variances; and

WHEREAS, all of the foregoing is specifically set forth in the East Hanover Land Use Planning Board Resolution No.: 19-2021, adopted on August 17, 2021 (the “Resolution”), which Resolution, including all conditions set forth therein (the “Approved Development”), and including the correspondence issued by Township Planner Darlene A. Green of Colliers Engineering & Design dated June 1, 2021 detailing the conditions of approval, as resolved in the Resolution, and any other correspondence issued by the Township Planner detailing the conditions of approval identified in Exhibit B of the Developer’s Agreement (as hereinafter defined), as resolved in the Resolution; correspondence issued by the Township Engineer Ralph Tango of Colliers Engineering & Design dated June 2, 2021 detailing the conditions of approval, as resolved in the Resolution, and any other correspondence issued by the Township Engineer detailing the conditions of approval identified in Exhibit B of the Developer’s Agreement (as hereinafter defined), as resolved in the Resolution; and correspondence identified in Exhibit B of the Developer’s Agreement (as hereinafter defined) issued by the East Hanover Fire Chief and the East Hanover Chief of Police as resolved in the Resolution; and

WHEREAS, KRE assigned its interest in the Property as contract purchaser to Deforest Avenue Owner, LLC, which is an affiliate of KRE; and

WHEREAS, Deforest Avenue Owner LLC, is the developer and will be the owner of the Apartment Portion of the Approved Development, comprising certain portions of the Property which has been consolidated and subdivided into Lot 37.001; and

WHEREAS, US HOME, LLC, (d/b/a Lennar), or its designated assignee, is the developer and owner of the Townhouse Portion of the Approved Development comprising certain Property which has been consolidated and subdivided into Lots 37.002 through and including 37.268; and

WHEREAS, Deforest Avenue Owner LLC and Lennar shall be hereinafter referred to as the “Developer”; and

WHEREAS, in accordance Condition No.: 23 of the Resolution, the Developer is required to apply to the Township Governing Body for approval to make the Property subject to Title 39 of the New Jersey Revised Statutes; and

WHEREAS, in addition to the powers conferred to a municipality under section 39:4-197 of the Revised Statutes, the governing body of every municipality may make, amend, repeal and enforce ordinances to regulate vehicular and pedestrian traffic and the parking of vehicles in parking yards and parking places, which are open to the public or to which the public is invited, whether maintained or operated separately or in conjunction with any business or enterprise pursuant to N.J.S.A. 40:48-2.46; and

WHEREAS, N.J.S.A. 39:4-197(1) and (3) further provide, *inter alia*, that a municipality may pass, without the approval of the Commissioner of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways, ordinances altering speed limitations as provided in R.S.39:4-98, ordinances designating one-way streets, ordinances regulating the entrances to and exits from parking yards and parking places which are open to the public or to which the public is invited, and ordinances designating restricted parking spaces for use by handicapped persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L.1949, c.280 and section 1 of P.L.1977, c.202; and

WHEREAS, the Developer has applied to the Township Council of the Township of East Hanover requesting that the provisions of Title 39, Subtitle 1 of the Revised Statutes be made applicable to the semi-public and private roadways, driveways, parking areas and other areas used for vehicular traffic on the Property; and

WHEREAS, the Township Engineer has reviewed the application and has recommended that Subtitle 1 of Title 39 be made applicable as provided herein; and

WHEREAS, Chapter 155 of the Township of East Hanover Municipal Code titled “Vehicles and Traffic” needs to be amended and supplemented accordingly.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council that:

SECTION 1. Chapter 155 of the Township of East Hanover Municipal Code titled “Vehicles and Traffic”, Article VII “Regulation of Semi-Public Places”, §155-17 “Provisions Applicable to Certain Premises”, shall be amended and supplemented to include the following:

- (12) There is hereby created, ratified and adopted a new subsection of the Township Code of the Township of East Hanover, entitled "Applicability of Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey to the property designated as Block 42, Lots 37.001 and Lots 37.002 – 37.268 on the tax map of the Township of East Hanover County of Morris, State of New Jersey, which property is commonly known as Valley View Park at East Hanover.

- (a) Applicability. Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey be and are hereby applicable to the premises designated as Block 42, Lots 37.001 and Lots 37.002 – 37.268 on the tax map of the Township of East Hanover, County of Morris, State of New Jersey, which property is commonly known as Valley View Park at East Hanover including but not limited to the following streets located throughout the Property:
1. Astoria Place
 2. Morris Place
 3. Condor Drive
 4. Ventura Drive
 5. Eastwood Terrace
 6. Biltmore Avenue
 7. Dorchester Lane
 8. Bedford Way
- (b) Enforcement. Enforcement of Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey, as well as all regulations set forth in this subsection, shall be enforced by the Township of East Hanover Police Department.
- (c) Violations and penalties. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of any provision of this subsection, or any supplement thereto, shall be punished by a fine of not more than \$1,000 and/or imprisonment for a term not exceeding 15 days, or both.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall be a part of the Code of the Township of East Hanover as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of East Hanover in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION 5. This Ordinance shall take effect twenty days after final passage by Council and approval by the Mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

Attest:

TOWNSHIP OF EAST HANOVER


Nicolette J. Riggi, RMC, Township Clerk


Joseph Pannullo, Mayor

Introduced: March 4, 2024
Adopted: April 1, 2024

I, Nicolette J. Riggi, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on April 1, 2024.


Nicolette J. Riggi, RMC, Township Clerk

