First Reading

INTRODUCED BY: Councilman Del Russo				
SECONDED BY: Councilwoman Sheedy				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				X
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilwoman Cavadas				
SECONDED BY: Councilwoman Sheedy				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO				X
PRONTI				
TOTAL				

ORDINANCE NO. 2351
BOROUGH OF NORTH ARLINGTON
COUNTY OF BERGEN, NEW JERSEY

AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR THE HUGHES REDEVELOPMENT AREA

WHEREAS, the Redevelopment Agency of the Borough of North Arlington was established by Ordinance 1464 on June 13, 1989 and was subsequently dissolved pursuant to N.J.S.A. 40A:12A-24 and all duties and obligations of the Redevelopment Agency were transferred to the Mayor and Council of the Borough of North Arlington by Ordinance 1909 dated March 11, 2004; and

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq. ("LRHL"), provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment and adopt Redevelopment Plans for areas designated as being in need of redevelopment; and

WHEREAS, the Governing Body designated certain real properties located in the area of Sherman Avenue, Canterbury Avenue and Schuyler Avenue designated on the Borough's Tax Map as Block 165, Lots 1, 2, 3, 4, 5.02 and 14, commonly known as 602-604 Schuyler Avenue, 612 Schuyler Avenue, 614 Schuyler Avenue, 11 Sherman Avenue, 18 Sherman Avenue and 194 Canterbury Avenue (referred to herein as the "Hughes Redevelopment Area" or the "Area") as a non-condemnation redevelopment area in accordance with the relevant provisions of N.J.S.A. 40A:12A-l, et seq. by way of Resolution 88-22 dated March 10, 2022; and

WHEREAS, the Governing Body retained the services of DMR Architects to prepare a Redevelopment Plan ("Hughes Area Redevelopment Plan") which is dated March 2022 and revised on May 10, 2022; and

WHEREAS, pursuant to Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e), the Governing Body referred the Hughes Area Redevelopment Plan to the Planning Board for its comments and recommendations; and

WHEREAS, the Planning Board reviewed the Hughes Area Redevelopment Plan and advised the Mayor and Council, by way of Resolution dated May 9, 2022, that it fully endorsed the proposed Redevelopment Plan; and

WHEREAS, said Hughes Area Redevelopment Plan represents the most reasonable and advantageous plan for the development of the Hughes Redevelopment Area; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that the Hughes Area Redevelopment Plan for the Hughes Redevelopment Area dated February 2022 is hereby adopted and that the Hughes Redevelopment Ordinance shall be adopted in accordance with the Hughes Area Redevelopment Plan to read as follows:

SECTION 1- Statutory Requirements

According to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.), 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 definitive local objectives as to appropriate 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" PL 1985, C398 (C52:18A-196 et al.)
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L. 1985 c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions listed by affordability level, number of bedrooms, and tenure;
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.

(A) Vision

The North Arlington Borough Council is promoting economic development within the Borough in a manner consistent with the Borough's master plan and ongoing goals and objectives. The statutory redevelopment process allows the Council to promote adaptive reuse and flexible development opportunities in targeted locations throughout the Borough. The Hughes Redevelopment Area is located next to Schuyler Avenue, which is a main entry and exit point into and out of the Borough.

The Area is located in the northeast portion of the Borough of North Arlington, in Bergen County. North Arlington is bordered by Kearny to the south and Lyndhurst to the north. It is bound by the Passaic River to the west (Belleville being across the river) and the Meadowlands to the east. Most of the Borough's developable land area is devoted to residential land uses in neighborhoods of varying density. Commercial land uses are concentrated along major transportation corridors, the Belleville Turnpike, River Road, and Ridge Road. There are additional commercial and light industrial use areas in the northeast portion of the borough, such as on Sherman Avenue and Ewing Avenue. To the north and east, the Area is adjacent to

industrial and commercial uses, including automobile repair and distribution uses. To the south and east, the Area is adjacent to residential dwellings with one or more units.

The Hughes Redevelopment Area has been designated by the Borough to offer potential developers an opportunity to pursue projects that will enhance the economic vitality of the Hughes Redevelopment Area.

(B) Goals and Objectives

The following goals have been established based on the stated vision:

1. To enhance the Hughes Redevelopment Area in an economically viable and attractive way.
2. To improve traffic safety and access to the Area.
3. To promote new uses on underutilized parcels.
4. To enable economically viable development of the entire Area.
5. To improve the physical appearance of the Area through appropriate site design and land use.

SECTION 3- Relationship of the Plan to Borough Land Development Regulations

The Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. In order to implement the Redevelopment Plan consistent with the goals and objectives of this Plan, the Plan shall **not** overlay the existing Land Development Regulations in the Hughes Redevelopment Area but rather, the Plan shall supersede the use, bulk and design standards provisions of the Borough Land Development Regulations, unless specifically referenced. Other standards and submission requirements which are not specifically addressed in this Plan shall apply. The definition of any word, phrase or term in the Borough Land Development Ordinance shall apply in this Redevelopment Plan, unless otherwise defined in this Plan. The Borough Zoning Map included in the Land Development Regulations Ordinance shall be amended to identify this redevelopment area.

(A) General Approval Powers

The provisions of this redevelopment plan change the process by which approvals for the development of land are typically granted whereby a property owner submits plans and an application to the Planning Board or Zoning Board of Adjustment and the appropriate Board schedules a hearing on the application. In order to ensure maximum compliance with the redevelopment plan, however, the following procedures will be followed for all properties in the Redevelopment Area:

1. Projects that consist solely of repair, renovation, or façade improvements of existing buildings, and do not alter the footprint of the building may proceed directly to the Planning Board in accordance with standard application procedures.

2. New construction involving less than 5,000 gross square feet of non-residential space may proceed directly to the Planning Board in accordance with standard application procedures.
3. All other projects must proceed to the Borough Council acting as the redevelopment entity pursuant to Sections 3(B) and 3(C) below.

These procedures notwithstanding, all projects in the Redevelopment Area must adhere to the requirements of the redevelopment plan.

(B) Borough Council

The Borough Council, acting as the redevelopment entity, shall review all proposed redevelopment projects within the Redevelopment Area brought before it pursuant to Section 3(A) to ensure that such project(s) is consistent with the redevelopment plan and relevant redeveloper 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 Borough Council may require the redeveloper(s) to submit proposed site plan applications to a subcommittee of the Borough Council prior to the submission of such application to the Planning Board. Such committee may include members of the Borough Council and any other members and/or professionals as determined necessary and appropriate by the Borough Council. Such committee shall make its recommendations to the Borough Council.

In addition to determining whether the proposal is consistent with this redevelopment plan and relevant redeveloper agreement(s), the Borough Council may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the redevelopment plan and make recommendations for improvement to the proposed development.

(C) Planning Board

All development applications shall be submitted to the North Arlington Planning Board, either directly or through the Borough Council as outlined in Sections 3(A) and 3(B), in accordance with the normal site plan and subdivision procedures outlined in N.J.S.A. 40:55-1 et seq.

The Planning Board shall deem an application for redevelopment and/or rehabilitation for any property subject to this redevelopment plan incomplete if the applicant has not been designated by the Borough Council as a designated redeveloper(s) or has not otherwise successfully met the procedural requirements of Section 3(A). Additionally, the Planning Board shall deem any application for redevelopment and/or rehabilitation for any property subject to this redevelopment plan incomplete if the applicant has not received approval from the Borough Council in accordance with Section 3(B), stating that its application is consistent with the redevelopment plan and redevelopment agreement.

In connection with site plan or subdivision applications, the Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions, pre-existing structures and physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon, the developer or redeveloper of such property. The Planning Board may also grant a deviation from the regulations contained within this Redevelopment Plan related to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by such deviation from the strict application of the requirements of this Plan and the benefits of granting the deviation would outweigh any detriments.

The Planning Board may grant exceptions or waivers from design standards from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within the Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to this site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

(D) "d" Variances and Expansion of Current Uses

No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Plan that results in a "d" variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Borough's Zoning Board of Adjustment.

(E) Notice of Application

An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirement set forth in N.J.S.A. 40:55D- 12(a) & (b).

(F) Evaluation of Proposals

The evaluation of any proposal submitted under the Redevelopment Plan shall be based upon the sections of this Redevelopment Plan entitled "Relationship of Plan to the Borough Land Development Regulations", "District Use and Bulk Standards" and "General Design Standards".

All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq.

SECTION 4- <u>District Use and Bulk Standards</u>

(A) Purpose

The purpose of the plan is to encourage the development of appropriate residential and commercial uses. This plan also aims to address site emergency access issues, options for parking, and topographic constraints, specific to the lots within the Area.

(B) Definitions

ASSISTED LIVING RESIDENCE FACILITY– A facility licensed by the New Jersey Department of Health to provide apartment–style housing, dining and assisted living services when needed. Apartment units offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

FIRE LANE – A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

SELF STORAGE FACILITIES – An establishment in which indoor storage space (such as rooms or lockers) is rented to tenants, usually on a short-term basis.

SENIOR / ACTIVE ADULT HOUSING – Multi-family residential development composed of private dwelling units available for sale or for rent, along with customarily incidental accessory uses and amenities, exclusively for residents above age 55.

SHARED PARKING - Shared parking is defined as parking areas or spaces that are used to serve two or more individual land-uses. This arrangement occurs when individual land-uses, either on the same site or from nearby sites, form an agreement to share available parking spaces and/or land developable for parking.

(C) Principally Permitted Uses

1. Single-Family Attached (e.g. townhouses, rowhouses)

2. Single-Family Semi-Detached – Two dwellings separated by an unpierced wall extending from the ground to the roof

3. Restaurant use on Lot 3: La Venera Ristorante, provided that it remains in operation on Lot 3 at the time that an application is submitted for redevelopment in accordance with the Hughes Area Redevelopment Plan, shall remain on Lot 3 and continue to operate and expand within that lot as a permitted use, subject to the current C-1 Zone Standards. The following exceptions shall apply;

   i. If the restaurant use extinguishes at any time or if the owner of Lot 3 conveys the property to a Redeveloper that has assembled the remainder of the lots in the Hughes Redevelopment Area, the uses identified in subsection (C)(1) and (C)(2), above, shall be permitted on Lot 3.

(E) Permitted Accessory Uses

1. Any uses which are clearly or customarily ancillary and incidental to a principal or conditional permitted use on the same property are permitted accessory uses. Examples include;
   a. Lobby, sales, management and leasing offices;
   b. Structures and uses for the use and enjoyment of residents and their guests or for maintenance of the property, including;
      i. Swimming pools;
      ii. Sheds and detached garages;
      iii. Playgrounds, swing-sets and back yard play sets;
      iv. Private parks or gardens

2. Accessory structures and uses shall comply in all respects with the requirements of the principal structure. Additionally:

a. No accessory structure may be located in any required front yard, except that common accessory structures or uses such as parking areas, recreation areas and refuse pick-up areas may be located between any building and Sherman Avenue;
b. No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking facilities, which may be constructed prior to the primary use;
c. No on-site shared recreation area such as a shared playground, swimming pool or basketball court may be located with 15 feet of any existing residential property and in any case shall be screened from such a property

3. No portion of an accessory structure shall include living quarters.

(F) Existing Non-Conforming Uses

Existing nonconforming uses or structures are permitted to continue within the Hughes Redevelopment Area, as per N.J.S.A. 40:55D-68, however, the renovation or restoration of a nonconforming use structure shall be accomplished as per the Rehabilitation Standards of the 2012 Downtown Rehabilitation Plan.

(G) Prohibited Uses:

Any use not expressly listed above as a permitted use is prohibited by the Hughes Area Redevelopment Plan

(H) Height, Yard, and Area Requirements

Height, yard, and area requirements shall be as specified:

Minimum lot size	0.75 acres
Minimum front yard setback	10', except that 20' shall be required between the front building wall and the inner sidewalk edge where front-loaded driveway parking is proposed along the public right-of-way.
Minimum side yard setback	10'
Minimum rear yard setback	10'
Maximum building coverage	35%
Maximum impervious coverage	65%
Maximum height	2.5 stories (pitched roof) or 3 stories (flat) / 35'
Maximum density	14 dwelling units per acre

(G) Parking and Circulation Standards:

1. Parking Ratio
   (a) Residential – two (2) parking spaces per dwelling unit, plus 10% for guest parking
   (b) Restaurant – See Borough Code at Chapter 205, Article XII, §205-70
   (c) When the formula for required parking spaces results in a fraction of a space exceeding 0.49, a full space shall be required;
   (d) Electronic vehicle parking and "make-ready" parking spaces shall be provided in accordance with New Jersey statutes and/or any Borough parking standards that codify such statutes;
   (e) Accessory uses do not require parking;
   (f) Handicapped accessible parking requirements are as set forth in the following

(g) chart:

Total Number of Parking Spaces in Parking Facility (Lot or Garage)	Minimum Total Number of Accessible Parking Spaces Required	Minimum Number of Van Accessible Parking Spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	2
301-400	8	2
401-500	9	2
501-1000	2% of total	
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000	

2. Parking Dimensions

Parking spaces and aisles shall be designed in accordance with Borough Code, Chapter 205, Article XII, §205-70.

3. Access and Curb Openings:
   (a) Front-loaded parking for any dwelling unit is prohibited on Schuyler Avenue and discouraged on Sherman Avenue;
   (b) Driveways providing parking for individual dwelling units shall be no wider than 20 feet, and there shall at least two (2) feet of spacing between the pavement edges of any two driveways;
   (c) Interior roadways at least 22 feet wide (two-way) or 11 feet wide (one-way) shall be permitted to connect to any street right-of-way, but shall be no closer than 50 feet to any other driveway or street intersection on the same side of the street, as measured from the edges of the driveway and roadway;
      i. Permitted internal roadways shall be for private circulation and shall not be designed so as to offer or encourage public access between two public streets, except as may be necessary or appropriate to provide emergency vehicle access;
      ii. Sidewalks at least four (4) feet wide shall be provided on one or both sides of any interior roadway;
      iii. Parking assigned to dwelling units may be permitted on internal roadways, provided that the stretch of the road where parallel parking is to be provided is at least 31 feet wide for two-way circulation or 20 feet wide for one-way circulation to accommodate a parallel parking space meeting the requirements at Borough Code, Chapter 205, Article XII, §205-71.A(1).

4. Parking and Circulation Setbacks

Parking areas and interior roads are permitted no closer than 5 feet to any side or rear lot line, except that where the adjacent property is occupied by an existing single-family dwelling the parking area or road shall comply with the principal building setback requirements.

5. Parking Area Locations

Other than driveways providing parking for adjacent dwelling units, parking areas shall not be located in any front yard.

6. Shared Parking Lot

Where the restaurant on Lot 3 is preserved or rebuilt, the restaurant and redeveloper may enter into an agreement to share a parking lot which shall meet the following requirements:

   a. There shall be no parking reduction for the two uses; the parking lot shall contain all required parking spaces for the restaurant use as well as the balance of required parking spaces for the residential use after accounting for parking spaces provided elsewhere on site;

b. Signage or visible markings clearly delineate which parking spaces are dedicated to each use.

7. Electric Vehicle Spaces

To the extent that Electrical Vehicle Charging and "Make Ready" parking spaces may be required pursuant to P.L. 2021, C.171, such spaces shall be installed in a manner consistent with that law and with the model ordinance published by the New Jersey Department of Community Affairs.

SECTION 5- General Design Standards

These design standards are to be used in conjunction with the land use and bulk standards that are established in this Redevelopment Plan.

The following design standards shall be considered site plan standards, and any deviations shall be considered design standard waivers. The standards are meant to encourage design that is consistent with the residential character of the Hughes Redevelopment Area while also promoting modern and sustainable site plan design.

(A) Landscaping, Screening and Buffering

1. Generally

The standards provided at §205-63 with respect to landscaping, screening, and buffering, including walls and lighting standards, shall apply except where superseded herein.

a. Buffers: Planted buffers shall be required within the required side yard and rear yard setbacks for buildings, parking areas, or driveways, as applicable, at a density of one (1) tree with typical mature height of around 25 feet and five (5) shrubs with typical mature heights of around five (5) feet for every 30 linear feet of yard length or 500 square feet of yard area. Planted buffers are recommended within the required front yard setbacks on Sherman Avenue;
b. Screening: Closed fences six (6) feet in height shall be erected along side and rear property lines. Chain link and similar fences that are open or semi-open in nature and use mesh slats to block cross visibility shall not be permitted;
c. Garden walls and fences are not required in any street-facing front yard.

2. Street Trees:

Trees shall be planted in the Schuyler Avenue and Canterbury Avenue front yards, within six (6) feet of the front lot line, based on the following standards:

a. Trees shall be planted at a spacing of approximately 40 feet on center, and installed at a 3.5 inch caliper;
b. Prior to installation, a 4-foot by 4-foot minimum area should be treated and prepared for tree root growth;
c. A minimum 2 year watering plan should be put into place (Gator bags);
d. Street trees shall be trimmed up to 8 feet and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

(B) Lighting, Utilities and Refuse Collection

1. All development shall comply with the standards set forth in Borough Code, Chapter 205, Article X, §205-63.C, G, and H.

(C) Stormwater Management

All development shall comply with the requirements in Borough Code, Chapter 205, Article XVII, §205-124.

SECTION 6 – Development and Place-Making Design Standards

(A) Architectural Design Standards

1. General: Any development in this redevelopment plan area shall comply with the design standards at §205-63 except where superseded by this or any other section of the Redevelopment Plan.

2. Building Architectural Materials & Character:

   a) All buildings shall be constructed with high quality materials that reinforce pedestrian scale.
   b) Architectural elements and variations shall not be restricted to a single building dwelling facade. All sides of building shall display a similar level of quality and architectural interest;
   c) Primary building materials shall include: brick, stone, hard stucco, wood and fiber cement siding, thin brick, and/or glass which cover a minimum of 60% of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 25% for each building façade. Vinyl siding is permitted as long as it does not cover 40% of each building facade; Synthetic stucco materials such as EIFS are prohibited on any facade along a public street.
   d) Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, porches, gables, bay windows, accent corner boards, and other sculpturing of the base are strongly recommended and should be provided to add special interest;
   e) Special attention must be given to the design of windows. Windows shall provide relief, detail and variation on the facade through the use of distinctive trim and architectural styling that lends human scale to the facade;
   f) All new structures shall take into consideration the relationship to other existing or proposed buildings, in terms of light air, usable open space, height and massing.

3. Windows

   a) Windows shall be required on facades facing any streets, or common areas. Garage door windows and block style windows which distort visibility between the interior and exterior will not count toward this requirement;
   b) The vertical dimension of any window shall be between 1.5 and 2 times the width of the window;
   c) At least two (2) of the following requirements for a window shall be met:
      i. Window should be accented with a drip cap, sill, and trim. The drip cap shall be a minimum of three (3) inches in height and one (1) inch in depth; sills shall be a minimum of three (3) inches in depth. Trim shall be a minimum of two (2) inches in width and one (1) inch in depth;
      ii. Windows should be accented through use of multiple panes;
      iii. Windows should be accented through the use of contrasting trim color and other detail.

4. Roofs:

   a) Roof forms shall be hip, gable, flat, shed or mansard. Roofs shall incorporate at least one (1) of these architectural elements:
      i. Vertical or horizontal changes in roof lines; and/or
      ii. Varied roof forms.
   b) The proposed townhouse roofs shall incorporate at least two (2) of the following architectural elements:
      i. Dormers;
      ii. Deep roof overhangs. To qualify, the overhang shall be at least twenty-four (24) inches;
      iii. Rafter tails, brackets, corbels, or other decorative supports; and/or;

iv. Prominent cornice, soffit, or fascia detail;
v. Balconies (e.g. Juliet) or rooftop-terraces not projecting beyond the front wall of the applicable dwelling unit.

5. Building Orientation:

a) The buildings with frontage on Schuyler Avenue and Canterbury Avenue shall be oriented towards these streets

6. Building Entrances:

a) Building entrances should be easily identifiable. Each unit shall feature a main entry which includes architectural features such as porticos that provide weather protection and visual interest to the structure;
b) Each dwelling shall have its own separate entrance from the building exterior.

7. Facade Articulation:

a) Facades shall use combinations of vertical modulation and horizontal articulation to add visual interest and to avoid solid expanses of wall. Modulation should avoid depth variations in excess of two feet;
b) Buildings shall be visually broken up horizontally into a base, a middle and a top and vertically into bays, through the use of building articulation or change in materials. The base should not extend beyond the second level with an emphasis on providing design elements which enhance the pedestrian environment particularly at the street level;
c) Semi-attached dwelling units shall be visually separate and distinct from the unit to which they are attached, in order to mitigate the visual bulk of the building from the street. This should be done with at least two of the following:
   i. Different colors or materiality on each half;
   ii. Placement of gutter downspouts down the middle of the building;
   iii. Fire-wall or chimney projections which separate the two units and are visible from the street;
   iv. Distinct and separate sloped roofs or parapets for each unit;
   v. Distinctively bright or dark corner boards;
   vi. Step backs or projections not in excess of two feet;
   vii. Any other similar design choices that create the appearance of two separate but attached dwellings.

8. Porch element:

a) Porches can have gable ends or shed roof forms, extending up into the main house roof form with chamfered or turned posts and often have gingerbread around the porches, eaves and windows.

9. Balconies:

a) Balconies (excluding those projecting from roofs) are permitted above the first story on facades facing internal roadways provided they do not project more than six (6) feet from the dwelling facade;
b) There shall not be more than one balcony on one dwelling facade nor shall there be a balcony and a porch on the same facade, except that stacked flat buildings may provide a balcony to a second level unit and a porch to a ground level unit where the balcony serves as the porch roof.

10. Mechanical Equipment Screening:

a) The standards at §205-63.G shall apply, except where superseded hereinafter;
b) Screening of mechanical equipment is required;

c) All rooftop and ground level mechanical equipment shall be screened from view from all adjacent public streets, open spaces and parks, and adjacent residential properties in all directions and elevations to minimize the negative impact;
d) Screening materials shall be consistent with the architectural detail, color and materials of the building; Wire mesh screening is not permitted;
e) All roof and HVAC systems must meet the building code requirements and at minimum be set back from the building edge a minimum of 15 feet from any street or public open space and screened as to not be visible from any adjacent public street or public property;
f) If wall pack ventilation units are being used, they are required to compliment the building material color.

11. Openings and Ventilation:

a) Any openings for ventilation or service located at the first-floor level and facing any public street must be decorative and must be an integral part of the overall building design.

12. Signage Design Standards:

a) The signage standards for the redevelopment area shall meet the requirements identified in §205-63.D in the Borough's zoning ordinance.

(B) Streetscape Design Standards

1. Utility Accessories:

a) Utility boxes, meters, man hole covers and fire hydrants should be coordinated with other streetscape accessories;
b) Utilities should be readily accessible and placed so as not to obstruct pedestrian movement;
c) Utility locations should minimize visual and physical impact as much as possible.

2. Pedestrian Rights of Way: Within the portion of the public right-of-way between the front lot line and the cartway on Schuyler Avenue and Canterbury Avenue, there shall be maintained, in good condition, a four (4) foot wide paved sidewalk and a grass or otherwise landscaped curb strip at least three (3) feet in width.

SECTION 7- <u>Acquisition & Relocation</u>

(A) Property Identified for Acquisition
No eminent domain shall be used.

(B) Relocation Plan
The Local Redevelopment and Housing Law requires that any redevelopment plan make adequate provision for temporary or permanent relocation of any resident in the project area. The Redevelopment Area includes at least three (3) existing residential units, none of which are deed restricted affordable. The developer shall assist in identifying housing opportunities within the Borough of North Arlington for occupants of the existing units prior to start of construction. Such housing units identified for temporary or permanent relocation shall be decent, safe, sanitary, and affordable for the occupants.

(C) Affordable Housing
No affordable housing units would be removed by redevelopment of this site.

SECTION 8- Relationship of the Redevelopment Plan to State / County / Local Master Plan Studies

(A) State Development and Redevelopment Plan (SDRP)

In reviewing the New Jersey State Development and Redevelopment Plan Volumes 1 – 4, the following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

1. Volume II – State Plan Goals and Policies include the following:
   a. Revitalize the State's Cities and Town Centers by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals.
   b. Conserve the State's Natural Resources and Systems by planning the location and intensity of growth to maintain natural resource and systems capacities and make the necessary infrastructure investments to protect natural resources and systems in ways that guide growth and development in ways that are consistent with the State Plan's vision and goals.
   c. Promote Beneficial Economic Growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents by providing infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards, by encouraging partnerships and collaborative planning with the private sector and by capitalizing on the State's strategic location, economic strengths including its existing business enterprises, entrepreneurship, the research and development capacity of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.
   d. Protect the Environment, Prevent and Clean up Pollution by planning for growth in compact forms at locations, densities and intensities that protect land, air and water quality, allow expeditious regulatory reviews and encourage multi-modal transportation alternatives to the automobile to help achieve and maintain acceptable air quality standards.
   e. Provide Adequate Public Facilities and Services at Reasonable Cost by supporting investments based on comprehensive planning and by providing financial incentives for jurisdictions that cooperate in providing public infrastructure and shared services. Encourage the use of infrastructure needs assessments and life-cycle costing. Provide adequate public facilities in ways that are consistent with the State Plan's vision and goals.
   f. Provide Adequate Housing at Reasonable Cost through public/private partnerships that create and maintain a full range of attractive, affordable, and environmentally sensitively-designed and developed housing, particularly for those New Jersey State Development and Redevelopment Plan most in need, at densities and locations that provide greater efficiencies and serve to support public transportation alternatives and reduce commuter time and expense and easily accessible to employment, retail, cultural, civic and recreational opportunities to reduce housing and commuting costs in ways that are consistent with the State Plan's vision and goals.
   g. Preserve and Enhance Areas with Historic, Cultural, Scenic Open Space, and Recreational Value and assets by collaborative planning, design, investment and management techniques. Locate and design development and redevelopment and supporting infrastructure to improve access to and protect these sites. Support the important role of the arts in contributing to community life, civic beauty and redevelopment in ways that are consistent with the State Plan's vision and goals.
   h. Ensure Sound, Coordinated and Integrated Statewide Planning by using the State Plan as a guide to planning and growth related decisions at all levels of government in ways that are consistent with the State Plan's vision and goals.
   i. Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions by promoting the improved coordination and integration of transportation

planning and land-use planning and decision-making to reduce vehicle miles traveled (VMT); and by the citing, development, design and use of green-building construction materials and techniques in ways that are consistent with the State Plan's vision and goals.

2. The State Planning Act (N.J.S.A. 52:18A-196, et seq.) states:

   a. "Among the goals of the act is the following: ...conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal."
   b. "It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state." (N.J.S.A. 52:18A-196 (d))

3. The State Plan Policy Map (SPPM)

   a. Recognizes that New Jersey requires different approaches in its Metropolitan, Suburban, Rural and Environmentally Sensitive Planning Areas. The New Jersey State Development and Redevelopment Plan adopted by the State Planning Commission, places the Borough of North Arlington in Planning Area 1 - the Metropolitan Planning Area and states:
   b. The Metropolitan Planning Area: This Planning Area includes a variety of municipalities that range from large Urban Centers to 19th century towns shaped by commuter rail and post-war suburbs. The Communities in this Planning Area have strong ties to major metropolitan centers – New York/Newark/Jersey City metropolitan region; the Philadelphia/Camden/Trenton Metropolitan Region; and on a smaller scale the Easton/Phillipsburg Metropolitan Region.
   c. These municipalities have many things in common: mature settlement patterns; infrastructure systems that are approaching their reasonable life expectancy; an aging housing stock in need of rehabilitation; recognition that redevelopment will be the predominant form of growth; and a growing realization of the need to regionalize services and systems. 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 overtime.
   d. In the Metropolitan Planning Area, the State Plan's intent is to do the following:
      - Provide for much of the State's future development and redevelopment;
      - Revitalize Cities and Towns;
      - Take advantage of increased densities and compact building design;
      - Encourage distinctive, attractive neighborhoods with a strong sense of place;
      - Provide for mixed-use concentrations of residential and commercial activity;
      - Create a wide range of residential housing opportunities and choices with income mix;
      - Provide for a variety of multi-modal transportation alternatives; Prioritize clean-up and redevelopment of brownfields and greyfields sites;
      - Create cultural centers of state-wide significance;
      - Re-design any existing areas of low-density sprawl;

This Redevelopment Plan meets several of the goals and objectives and the intent of the Metropolitan Planning Area, including enabling infill development that promotes mixed housing types that may provide more affordable housing options for families in the Borough without altering the character of the neighborhoods surrounding the Redevelopment Area.

(B) Bergen County Master Plan

The Bergen County Master Plan was last adopted in 1962 and the most recent Land Uses Element was adopted in 1973. In June 2011, the County completed the Vision Bergen Plan, which is the visioning component of the Bergen County Master Plan and is the most up-to-date review of conditions in the County. Encouraged in the Bergen Vision Plan were:

1. Density: Vision Bergen encourages a deviation away from low-density single-family detached development, as a way to reduce car-oriented transportation and improve housing affordability

2. Infill: Vision Bergen encourages infill in a manner which protects residential neighborhoods from existing or new industrial or commercial uses.

The Hughes Area Redevelopment Plan meets both these goals of density and infill specified in the Vision Bergen Plan.

(C) Borough of North Arlington Master Plan and Re-Examination Reports

This plan is consistent with the Borough's Master Plan and Reexamination Report as it pertains to the goals and objectives:

1. The 2016 Re-examination Report recommends using the Redevelopment process to redevelop properties along Schuyler Avenue (page 37)

2. The 2016 Re-examination Report recommends interpreting permitted "dwellings" in the C-1 district to include a variety of residential types;

3. The 2016 Re-examination Report recommends rezoning areas as R-2 districts where two-family dwellings are a common occurrence. The Study Area and dwellings in the surrounding neighborhoods contain two-family dwellings.

4. The 2003 Master Plan identifies Townhouses as a housing type that could improve affordability in the Borough (page 49).

5. Goals and objectives include "To protect North Arlington's residential neighborhoods and maintain them as desirable living environments." and "To preserve the present business areas of the Borough, maintaining sufficient retail, service, and office facilities to meet the needs of North Arlington's residents"

While the Redevelopment Plan proposes attached and semi-detached housing on properties zoned for industrial and commercial use, the properties affected have been underutilized in such a manner and to such a degree as to be an eyesore and to degrade the quality of life for surrounding residents. The Redevelopment Plan also strives to preserve the one legally existing business in the designated Redevelopment Area - the restaurant on Lot 3 - which is well known in the Borough. Therefore, the Redevelopment Plan is consistent with the Master Plan Goals and Objectives pertaining to promoting desirable living environments, housing affordability, and protecting existing businesses.

(D) Neighboring Community Master Plans:

The relationship between this Redevelopment Plan and the Neighboring municipalities' Master Plans are expected to be as follows:

1. Town of Kearny: Kearny is directly south of North Arlington and is also traversed by NJ-17 (Ridge Road in North Arlington and Kearny Avenue in Kearny). The Study Area is on the opposite side of North Arlington from the border with Kearny and will have no impact on the Town's development or on the goals and objectives of the Town's Master Plan.

2. Township of Lyndhurst: The Redevelopment Area is located one (1) block south of the border with Lyndhurst - specifically its light and heavy industrial zone districts, the latter of which is a Meadowlands (New Jersey Sports and Exposition Authority) zone district. The Redevelopment Area is also located two (2) blocks south from the RA residential zone district. Given the scale of the Redevelopment Area and Plan (less than one acre and no more than 12 possible dwelling units), any development on the subject property will not have a substantial impact on traffic, noise, and use patterns in Lyndhurst, nor are there any goals, objectives, or concerns in the Lyndhurst Master Plan that would be affected by this Redevelopment Plan.

3. Belleville Township: Belleville Township is west of North Arlington, on the other side of the Passaic River. As with the Town of Kearny, the distance between the Redevelopment Area and Belleville Township is such that no impact on the Township is expected from the Redevelopment Plan.

4. New Jersey Sports and Expositions Authority (f. k. a. Meadowlands Commission): The Redevelopment Area is just west of the part of the Borough that is located in the Meadowlands District, which is under the Jurisdiction of the NJSEA. The nearby NJSEA lands are located within the NJSEA's Redevelopment Area 4, also known as the "Kingsland" Redevelopment Area. Currently, the NJSEA lands closest to the Redevelopment Area are undeveloped, but the goal as stated in the NJSEA 2020 Master Plan is to permit mixed-use and industrial development, as well as renewable energy development. Given the lack of any street connections from the redevelopment area to the NJSEA lands, the Redevelopment Plan will not affect the NJSEA Master Plan or the Kingsland Redevelopment Plan.

SECTION 8- Implementation Plan of the Redevelopment Area

This section summarizes the implementation process for a successful redevelopment plan. These standards are not retroactive and will not be applied to existing businesses until a development application is submitted to the Borough. The proposed standards in the Redevelopment Plan will be implemented through the site plan and subdivision review process.

(A) Phasing

The project may be developed in phases. The phasing may include phased start and completion dates among the various land use components as well as internal phasing schedules with sections. Any phasing of sites requiring Industrial Site Recovery Act (ISRA) plans must be phased in accordance with the timetable approved by the NJDEP.

(B) Conformity to the Master Plan and Zoning Ordinance

The Borough's Master Plan and Zoning Ordinance should be consistent with the Redevelopment Plan. The zoning map shall be amended to include all of the parcels identified as part of the Redevelopment Area.

(C) Development Review and Procedures

Any proposal for development must be consistent with the requirements and objectives of this Redevelopment Plan. The following procedures for development applications as of the date of adoption of this Plan shall be required in the order indicated.

1. A concept plan for the overall development of all contiguous lots shall be prepared by the developer or owner and submitted to the Borough. The concept plan shall provide a basis for negotiation of a Redevelopment Agreement. The concept plan shall indicate the following:

(a) A general land use plan indicating the tract area and general locations of the land uses to be included. The amount and location of the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated.

(b) A circulation plan showing the general location and types of transportation facilities, including any facilities for pedestrian access and any proposed improvements to the existing transportation system outside the planned development.

(c) A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site,

proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities.
(d) A storm water management plan setting forth the proposed method of controlling and managing storm water on the site.

2. In addition, the following information shall be submitted by the owner or developer to assist in preparation of the Redevelopment Agreement:
(a) An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site.
(b) A fiscal impact report describing the anticipated demand on municipal services to be generated by the development and any other financial impacts to be faced by the municipality or school district as a result of the completion of the planned development. The fiscal impact report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under the following subsection and following the completion of the planned development in its entirety.
(c) A proposed construction phasing plan and timing schedule, including an estimated timetable for start and completion and any terms or conditions which are intended to protect the interest of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
(d) A proposed financial plan detailing the financial costs and benefits to be realized by the Borough of North Arlington. The Plan shall include the method and estimated amount of payment to the Borough for land purchase, estimated annual tax revenues and costs, including all supporting documentation and any other benefits either through cash payments or contribution.

3. The Redevelopment Agency shall negotiate a formal Redevelopment Agreement with (each) developer or owner.

4. The final form of a Redevelopment Agreement with each Developer or owner will be subject to approval by formal action of the Borough Council.

5. For subdivision and site plans for which a Redevelopment Agreement has been negotiated, the subdivision and site plans shall be in general conformance with the Redevelopment Agreement as approved and/or amended by the Borough Council.

6. The following procedure shall be required for development applications on all parcels in the Hughes Redevelopment Area, regardless of size, as of the date of adoption of this Plan.
(a) Preliminary and final subdivision and site plans for each development parcel shall be submitted to the Planning Board for review and approval pursuant to N.J.S.A. 40:55D-1 et seq. The developer may request an informal review by the Planning Board pursuant to N.J.S.A. 40:55D-10.1.

7. The Planning Board shall require the developer to provide a bond or bonds of sufficient size and duration to guarantee the completion of the various phases of the project in compliance with the requirements of law and planning approvals.

(D) Redeveloper(s) Agreement
All agreements with redeveloper(s) shall contain the following provisions:
1. The redeveloper(s) will be obligated to carry out the specified improvements in accordance with the Redevelopment Plan.
2. The redeveloper(s), its successors or assigns shall devote land within the Redevelopment Area to the uses specified in this Redevelopment Plan.
3. The redeveloper(s) shall begin and complete the development of said land for the use(s) required in this Redevelopment Plan within a period of time which the Mayor and Council fixes as reasonable.
4. The redeveloper(s) will not be permitted to sell, lease or otherwise transfer or dispose of property within the Redevelopment Plan without prior written consent of the Mayor and Council.
5. Upon completion of the required improvements, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment shall be deemed to no longer exist, and the land and improvements thereof shall no longer be subject to eminent domain as a result of those determinations.

6. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), the Mayor and Council, or the successors, lessees or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex, sexual preference or marital status.
7. Neither the redeveloper(s) nor the Mayor and Council, nor the successors, lessees or assigns of either of them, shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex, sexual preference or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.
8. Any other provision as may be deemed necessary to effectuate the purposes of the Local Redevelopment and Housing Law.

(E) Designation of Redevelopment Entity
The Borough Council will act as the entity to implement this Plan and shall review all proposed redevelopment projects within the redevelopment area to ensure that such project(s) is consistent with the redevelopment plan and relevant redeveloper(s) agreement.

(F) Conveyance of Land
The Governing Body of the Borough of North Arlington may sell, lease or otherwise convey to a redeveloper for redevelopment, subject to the restrictions, controls, and requirements of this Redevelopment Plan, all or any portion of the land within the Redevelopment Area, which becomes available to disposal by the municipality.

(G) Amending the Redevelopment Plan
Upon compliance with the requirements of applicable law, the Mayor and Council of the Borough of North Arlington may amend, revise or modify this Redevelopment Plan as circumstances may make such changes appropriate.

(H) Duration of Redevelopment Plan
The Redevelopment Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval by the Mayor and Council.

(I) Affirmative Action Statement
All designated redevelopers shall agree that, to the extent prohibited by law, no covenant, conveyance, agreement or other instrument relating to the property shall be effected or executed on the basis of race, creed, sex, sexual preference, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.

(J) Severability
The provisions of this Plan shall be severable. In the event that any portion of this Plan is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Plan actually adjudged invalid and shall not be deemed to affect the operation of any other portion, which shall remain in full force and effect

SECTION 10- <u>Additional Provisions</u>

(A) All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

(B) In the event that any provisions of this Ordinance are inconsistent with the provisions of the Hughes Area Redevelopment Plan adopted herewith, the provisions of this Ordinance shall control.

(C) Upon adoption, this Ordinance and the Hughes Area Redevelopment Plan shall supersede the Borough's Land Development Regulations and Zoning Code in the Hughes Redevelopment Area unless otherwise noted and, as such, the zoning map of the Borough of North Arlington shall be amended to indicate that this Ordinance is applicable to the Hughes Redevelopment Area.

(D) This Ordinance shall take effect immediately upon passage and publication as required by law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: June 9, 2022

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, May 12, 2022, THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE EUGENE MADDEN SENIOR CENTER, REAR OF THE NORTH ARLINGTON HEALTH DEPARTMENT BUILDING, 10 BEAVER AVENUE, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON June 9, 2022 7:00PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk