

**BOROUGH OF BERGENFIELD  
COUNTY OF BERGEN, STATE OF NEW JERSEY**

**ORDINANCE 24-2625**

**AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY  
ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 122, LOTS 1-14 – 60-90 WEST CHURCH STREET, 11-43  
TYSON PLACE, 22-24 NORTH FRONT STREET, AND 31 NORTH DEMAREST AVENUE**

**WHEREAS**, by Resolution No. R-22-385 adopted on December 6, 2022 the Mayor and Council of the Borough of Bergenfield authorized the Bergenfield Planning Board to undertake a preliminary investigation to determine whether certain properties known as Block 122, Lots 1-14 (hereinafter “West Church Street Redevelopment Plan”) on the Official Tax Map of the Borough of Bergenfield qualified as an Area in Need of Redevelopment without condemnation in accordance with the criteria set forth on the Local Redevelopment and Housing Law, N.J.S.A. 40a:12a-1 et seq. (hereinafter “Redevelopment Law”). For the reasons stated therein: and,

**WHEREAS**, by Resolution No. R-22-398 adopted on December 20, 2022 authorized the Neglia Group to investigate the area as an “Area in Need of Redevelopment” pursuant to N.J.S.A. 40a:12a-6a; and

**WHEREAS**, by Resolution No. R-23-113 adopted on March 21, 2023, the Mayor and Council determined Block 122, Lots 1 - 14 qualified as “an area in need of redevelopment” without condemnation in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5; and

**WHEREAS**, notice of the determination was served within 10 days after the determination upon all record owners of property located within the delineated areas whose names are listed on the tax assessor’s records, and the Commissioner of the Department of Community Affairs; and,

**WHEREAS**, in May of 2024 a redevelopment plan entitled “West Church Street Redevelopment Plan” was prepared by the Borough’s redevelopment planning consultant, Neglia Group and presented to the Mayor and Council; and

**WHEREAS**, the redevelopment plan provides a broad overview for the planning, development, redevelopment, and rehabilitation of the Borough for purposes of revitalizing these portions of the Borough of Bergenfield Township; and

**NOW, THEREFORE BE IT ORDAINED, that**

**Article II (Definitions) §18-2 (Words and Terms Defined)** is hereby amended and supplemented to add the following new definitions:

**NEIGHBORHOOD RETAIL:** A commercial use providing convenience goods and services for residents of the surrounding area.

**PARKING STRUCTURE / STRUCTURED PARKING:** A building or structure consisting of more than one level and used to park motor vehicles.

**REDEVELOPER:** Any person, firm, corporation or public entity that shall voluntarily seek and be designated as a Redeveloper by the City Council or Redevelopment Entity and shall enter into a Redevelopment

Agreement as set forth in Section 5 of this Rehabilitation Plan, all in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**BE IT FURTHER ORDAINED, that**

**Article VI** Chapter 186 (Land Development) is hereby added as follows:

**168-52 West Church Street Redevelopment Area**

**A. Purpose/Vision**

The Redevelopment Plan sets standards for construction of buildings and other improvements in the Redevelopment Area. The Redevelopment Plan is intended to stimulate re-utilization of the area in a manner more conducive to the needs of the municipality and its residents and address the Master Plan with sound planning practices. The Plan allows the municipality to have increased control over development patterns, enter a contractual agreement with a private developer to stimulate revitalization of the area, apply for grant funding specific to the area, and revise municipal ordinances and regulations to reflect the intent of the redevelopment plan.

**1. Permitted Uses**

1. Permitted Principal Uses.

- Residential - Multi-family and mixed-use buildings, with apartments located on any level;
- Mixed- Use – Residential units above ground floor permitted uses;
- Live Work / Studios;
- Neighborhood Retail; and
- Offices, business, professional and medical.

2. Permitted Accessory Uses.

- Off-street parking facilities, including parking garages.
- One residence per building for a maintenance or supervisory employee.
- Other uses that are customarily accessory to the permitted principal use, provided that they are subordinate to the principal use, do not change the character of the principal use, and serve only the principal use, including but not limited to:
  - i. Amenity spaces such as fitness centers, recreation or community rooms, game rooms, business centers, swimming pools and hot tubs, and locker rooms.
  - ii. Indoor storage facilities and mail rooms.
  - iii. Offices for leasing, marketing, and management of the building.
  - iv. Electric vehicle charging stations as required by the New Jersey Municipal Land Use Law.
  - v. External utility infrastructure including electrical transformers and water meter vault/hot box assemblies.

**2. Bulk and Yard Requirements**

## **A. TOTAL YIELD**

### *Maximum Yield*

Developments located on Block 122 Lots 4 and 5 shall have a maximum of 69 units between the two lots. The remainder of the redevelopment area may have a maximum permitted yield of 50 units per acre.

### *Affordable Units*

A total of 20 percent of units within the building are required to be set aside as affordable units, with the income and bedroom distribution to be in accordance with New Jersey Uniform Housing Affordability Controls.

## **B. LOT STANDARDS**

### *Maximum Coverage*

Maximum building coverage: 86 percent

Maximum impervious coverage: 95 percent

### *Setbacks*

- 1) Along West Church Street the minimum street-facing setback along street frontage shall be seventeen (17) feet from the curb to the first floor façade. All floors above shall be setback ten (10) feet along West Church Street.
- 2) Along North Demarest Avenue, the minimum street-facing setbacks along street frontage, shall be fifteen (15) feet at all floors.
- 3) Along Tyson Place, minimum setbacks along street frontages shall be zero (0) feet at all floors
- 4) Along North Front Street the minimum street-facing setbacks along street frontage shall be three (3) feet at all floors.
- 5) Minimum side yard setbacks shall be eight (8) feet from the property line to the building. Egress stairs used for fire safety purposes may encroach within the setback. However, no habitable space shall be located within the setback.

## **C. MAXIMUM BUILDING HEIGHT**

- 1) 4 stories, maximum of 45 feet
  - a. Rooftop structures are not to exceed 12 feet above roof, provided they can be screened from the public ROW by parapets not taller than 15 feet above roof beam.
  - b. A rooftop pergola is permitted to exceed the maximum roof height by 15 feet.

## **3. PARKING STANDARDS**

### **A. VEHICULAR PARKING RATIOS**

The minimum number of parking spaces shall be 1.55 spaces per residential unit.

Retail parking shall be provided off-street, at a minimum of 3 spaces per 1,000 square feet of gross floor area. If necessary, additional retail parking is permitted through shared parking arrangements with residential users within the building garage but it is not permitted to include tandem spaces. A parking management plan is required for review by the Planning Board.

When the formula for parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required.

#### **B. ZERO EMISSION VEHICLE FUELING AND CHARGING STATIONS**

In accordance with P.L. 2021, c. 171, all parking spaces with Electric Vehicle Supply/Service Equipment and Make-Ready equipment shall be included in the calculation of minimum required parking spaces and shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10% of the total required parking.

#### **C. PARKING SPACE AND DRIVEWAY AISLE SIZE**

Standard parking sizes shall be 9 feet x 18 feet with a minimum of 24-foot aisles. Required quantity and dimensional requirements of handicap spaces shall conform to Federal Regulations. Parallel parking spaces shall be 8 feet x 22 feet.

This Plan shall allow a maximum of 30% of the required parking spaces to be tandem spaces. In addition, 45% of the spaces may be compact spaces.

#### **D. SETBACK MANEUVERING**

No surface parking or maneuvering space is permitted within any required setback, or between the permitted use and the required setback, except driveways providing access to the parking and loading area may be installed across these areas.

#### **E. BICYCLE PARKING**

Outdoor bicycle racks shall also be provided within 50 feet of a primary pedestrian entry of a multi-family development. Bicycle racks must be securely anchored to the ground and designed to allow the bicycle frame and one wheel to be secured

#### **F. PARKING AND LOADING ACCESS**

All garage access shall be from one end and loading shall be from one entry / exit. The building entrances shall have a covered drop-off area for vehicles with one entry curb cut and one exit curb cut along the right-of-way.

The cartway of each garage driveway shall not exceed 24 feet in width. Curb cuts and depressed curbs may be wider as needed for safe vehicular access and egress. Where a driveway crosses a public sidewalk, textured paving shall be installed to warn drivers of pedestrians.

### **4. PEDESTRIAN ENTRIES**

#### **A. RESIDENTIAL ENTRIES**

The building shall provide one (1) primary pedestrian entrance adjacent to the covered drop-off area. The entry shall be connected to the public sidewalk on the closest public street by a walkway.

The primary entry should be highlighted in the façade by means of logical location within a bay, shelter from a projecting canopy or a recessed entry, fully glazed doors or adjoining windows providing views into the building, or wall-mounted lighting.

## 5. BUILDING DESIGN

### A. TRANSPARENCY

Street-level facades of active uses shall have a high proportion of glazing, between 50 and 75 percent. Windows should occupy at least 25 percent of the facade area of each of the upper floors (i.e., floors that are above the street-level floor as defined for each street). Areas of blank, windowless wall shall not exceed 10 feet in width on all street-facing upper floors.

### B. PARKING GARAGE LOCATION AND SCREENING

Structured parking shall only have access from one street.

Where a parking level is exposed along a street frontage, an attractive, pedestrian-friendly facade shall be maintained through visual screening and articulation by the following measures:

- Vehicular garage entries should be located within a bay that is dimensionally-distinct from adjoining bays via a change in plane, rather than being punched openings within a wider, flat facade. The garage entryway should be further highlighted within the facade such as by a projecting sheltering flat canopy, wall-mounted lighting, and attractive signage. Any roll-down grates over garage entries should be visually permeable rather than solid, and should be recessed relative to the garage facade, to de-emphasize the garage and create shadow lines.
- Parking structures shall be screened with decorative architectural details such as building materials, windows, window treatments. These details shall be in similar size, scale and design as the residential portion of the building.
- Vehicle ramps shall be screened with architectural details.
- Driveway and garage openings should not exceed 24 feet in width and should include traffic calming measures and a change in surface materials where driveways cross the sidewalk to help ensure pedestrian and bike safety.
- To soften garage facades, raised planter beds are encouraged. Raised planters should have a planting area at least three (3) feet deep (i.e., measured horizontally outwards from the facade) and one (1) to two (2) feet high (i.e., above grade). The outer edge of the planter bed should incorporate a wide, flat top that can serve as a seating wall.
- Landscaping along the Church Street parking garage façade shall be screened with robust landscaping. A landscape plan shall be submitted with the site plan illustrating the proposed screening.

## 6. MASSING AND ARTICULATION

### A. VERTICAL BAYS

The residential floors (the top four of six floors) shall be divided into a series of vertical bays along all street-facing facades. Each bay shall not exceed approximately 50 feet in width and shall be defined by a physical change in plane of at least one (1) foot relative to adjacent bays. Differentiation based only on facade colors or materials is insufficient to define a bay; and similarly, a flat facade area distinguished only

by projecting balconies is not sufficiently differentiated in plane to be considered a distinct bay. Each bay's expression should encompass all residential floors, or should extend to a horizontal break in plane, such as at a top floor stepback.

## **B. BUILDING BASE**

The building base shall not extend beyond the second floor with an emphasis on providing design elements that enhance the pedestrian environment. Where appropriate to the architectural style of the building, the base should be further emphasized with decorative trim or tilework, contrasting, visually-weightier materials, and/or a greater level of articulation.

## **C. BUILDING TOP**

Architectural differentiation of the upper floor or floors of the buildings is encouraged to help break up the building height and mass. Approaches such as a greater proportion or a different pattern of glazing, variation in façade colors or materials to create a feeling of lightness, and stepped-back façade areas with roof terraces are all encouraged. The height and shape of the roofline should relate to the bays below.

# **7. MATERIALS**

## **A. FAÇADE MATERIALS**

All buildings shall be constructed with high quality materials that reinforce pedestrian scale. Primary permitted façade materials include, but are not limited to: brick, stone, natural stone veneer; fiber cement siding; metal panels; anodized aluminum cladding and storefront window framing, and glass.

Stucco, EIFS, vinyl siding, and polymer-based faux veneer stone are prohibited. No more than three different primary materials should be employed within each bay. Within the chosen primary materials, variation in color, texture, and/or pattern may be employed to create further distinctions.

## **B. APPLICATION OF MATERIALS**

Changes in materials, colors, texture, or pattern that occur across a horizontal line should be marked by a change in plane, dimensional band or belt cornice, a recessed channel, or similar horizontal feature. Changes in materials, color, texture, or pattern that occur across a vertical line should be extended around corners and extensions to a logical vertical break in plane, in order to avoid a "pasted on" appearance. The material palette, level of detail, and architectural style should generally be the same on all street-facing building façades.

# **8. SERVICE AND MECHANICAL AREAS**

## **A. MECHANICAL ROOMS**

Where possible, mechanical, storage, and other utilitarian rooms should be located at the interior or along interior lot lines of the building, rather than adjoining public streets. Where they must be located along a street-facing wall, their expression should be integrated into the overall pattern of bays and windows openings. Window and door glazing for mechanical and related rooms may be translucent (admitting light but not views) or opaque (such as spandrel glass). Exterior pad mounted transformers

and generators, utility meters, and other utility equipment are permitted to be located exterior to the building, but are prohibited from being visible from any street frontage.

#### **B. TRASH, REFUSE, AND LOADING AREAS**

Building trash and recycling collection areas shall be fully contained within the building; no exterior dumpsters or similar containers are permitted.

#### **C. ROOFTOP MECHANICAL EQUIPMENT**

All rooftop mechanical equipment shall be screened from view on the adjacent right of ways or faced in a material harmonious to that used in the façade of the building.

### **9. OPEN SPACE AND LANDSCAPING**

#### **A. PRIVATE OPEN SPACE FOR BUILDING RESIDENTS**

##### *1) Shared Courtyard / Terrace*

At least one courtyard or terrace shall be provided for shared resident use above the garage. The space should include fixed and moveable seating, landscaping, decorative hardscape, and lighting.

##### *2) Individual Balconies*

To create visual variety and private open spaces in the upper floors of a building, balconies and terraces are permitted and encouraged.

#### **B. BUFFERS AND LANDSCAPING**

##### *1) Street-facing Setback Areas*

Landscaping shall be provided within the building setback along the Portland Avenue frontage and around the vehicular drop-off loop and walkway leading from West Main Street. Landscaping should include a variety of plantings, such as low woody and flowering plants, tall native grasses, lawn areas, and ornamental trees. The plantings shall primarily be of hardy, native species with a mix of deciduous and evergreen plantings for year-round visual interest.

##### *2) Side Lot Line Buffers*

Along interior lot lines adjoining Lot 13, a buffer shall be provided within the required minimum setback. If sunlight and growing conditions allow, the buffer should include a mixture of deciduous and evergreen plantings. Where vegetation cannot be expected to survive, an attractive fence or masonry wall should be provided to serve as a year-round visual screen.

##### *3) Street Trees*

Street trees shall be planted in the public rights-of-way near the curb, supplementing any existing street trees, at spacing not to exceed 50 feet on center. Where above ground or underground utility conflicts restrict the ability to provide street trees at the required spacing, additional trees may be placed at closer intervals as long as the required number of trees, calculated by dividing the length of street frontage by 50 feet, is satisfied.

### **10. SIGNAGE**

Wall-mounted signage shall be permitted for building identification purposes, conforming to the Borough signage standards in Borough **§186-48, Signs and Billboards**.

## 11. LIGHTING

In order to minimize glare, trespass, and light pollution, all new external lighting should be selected from the International Dark Sky Association's Fixture Seal of Approval Program.

## 12. PUBLIC ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Public electric vehicle charging station(s) shall be provided for the uses on the lots within the Redevelopment Area. These charging stations shall be made publicly available on a permanent basis. The Redeveloper shall be responsible for the continued maintenance and functional operation of the public electric vehicle charging station(s) in accordance with the New Jersey State mandate and local ordinances.

**SEVERABILITY.** If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

**REPEALER.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon final passage and publication as required by law.

**INTRODUCED May 7, 2024**

**ADOPTED May 21, 2024**

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**ATTEST:**  
Marie Quiñones-Wilson, Borough Clerk

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**APPROVED:**  
Arvin Amatorio, Mayor