First Reading

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

ORDINANCE NO. 2362
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO ADOPT AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORETE AVENUE REDEVELOPMENT AREA

WHEREAS, pursuant to the "Local Redevelopment and Housing Law", N.J.S.A. 40A:12A-1, et. seq., by Ordinance of June 23, 1992, the Mayor and Council of the Borough of North Arlington ("Governing Body") adopted a Redevelopment Plan for the Porete Ave Area (initial Redevelopment Plan); and

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 Borough is permitted to amend, from time to time, the Redevelopment Plan/Ordinance pursuant to the Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e); and

WHEREAS, the initial Porete Avenue Redevelopment Plan was amended by the Governing Body in 1999, 2003, 2005, 2010 and 2015, and was amended in 2020 pursuant to Ordinance No. 2300 adopted on July 16, 2020 (as amended, the "Original Redevelopment Plan"); and

WHEREAS, pursuant to Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e) the Governing Body prepared a further Amendment to the Porete Avenue/BCUA Redevelopment Plan (the "Amendment") and referred it to the Planning Board for its comments and recommendations by way of Resolution No.:195 dated August 11, 2022; and

WHEREAS, on September 29, 2022, the Planning Board sent a letter to the Mayor

and Council of the Borough of North Arlington recommending several changes to the Amendment to the Redevelopment Agreement; and

WHEREAS, said Amendment to the Porete Avenue Redevelopment Plan represents the most reasonable and advantageous plan for the development of the Porete Avenue Redevelopment Area; and

WHEREAS, capitalized terms used herein, but not defined herein, shall have the meanings given to such terms in the Original Redevelopment Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that this Amendment to the Porete Avenue Redevelopment Plan is hereby adopted and that the Porete Avenue Redevelopment Ordinance shall be amended as follows:

I. DEFINITIONS

Section 9 is amended to add the following new definition thereto which shall read as follows:

Rooftop Parking – parking, on the rooftop of a building that can be used for a separate principal permitted use, for vehicles no larger in size than a 30-foot, single unit vehicle (also known as an "SU-30"). This definition specifically excludes tractor trailer parking, which shall be prohibited in any rooftop parking area within the Redevelopment Area.

Rooftop Parking Area – any portion of a building on which Rooftop Parking is permitted.

II. PERMITTED USES

Section 4(A)(1) is amended to add a new subsection (e) which shall read as follows:

Rooftop Parking is specifically permitted on Block 168, Lot 2 of the Redevelopment Area only, and shall not be permitted at any other location within the Redevelopment Area.

III. ACCESSORY USES

Section 4(A)(3) is revised as follows:

(a) Uses customary and incidental to the principal use such as parking and signage.

(b) Rooftop Parking is specifically permitted as an accessory use on Block 168, Lot 2 of the Redevelopment Area, but shall not be permitted at any other location within the Redevelopment Area.

IV. ROOFTOP APPURTENANCES

Section 4(A)(4) is revised to add the following language at the end of said section to read as follows:

For any building on which Rooftop Parking is permitted pursuant to Section 4(A)(1)(e) or Section 4(A)(3)(b), the maximum building height limitation set forth in this Section shall not apply in Rooftop Parking Areas to rooftop structures or equipment or other rooftop appurtenances or improvements, including, but not limited to light poles, light fixtures, signs permitted pursuant to Section 5(F)(2), solar arrays and canopies, exhaust ducts, and ventilation systems. Said rooftop structures, equipment, other rooftop appurtenances and improvements shall be limited to 12 feet in height, as measured from the surface of the rooftop, except for lighting which may be up to 20 feet in height from the surface of the rooftop. In addition, access to the rooftop parking shall be limited to vehicles that are less than 12 feet in height. The access driveway shall include a permanent steel structure that will not allow any vehicle to access the rooftop parking that is greater than 12 feet in height.

V. LOADING AND UNLOADING

Section 5(C)(4) is revised to reflect that the screening requirement for service areas shall not apply to any Rooftop Parking Areas.

VI. BUFFERING AND SCREENING

Section 5(D)(2) is revised to reflect that the requirement to landscape and plant shade trees in parking areas shall not apply to any Rooftop Parking Areas.

Section 5(D) is amended to add a new subsection (5) which shall read as follows:

Any building on which Rooftop Parking is permitted pursuant to Section 4(A)(1)(e) or Section 4(A)(3)(b), shall have a four foot parapet on each side of the building fronting on Porete Avenue.

VII. SIGNAGE

Section 5(F)(2) is revised to reflect that directional and informational signage associated with Rooftop Parking permitted pursuant to Section 4(A)(1)(e) or Section 4(A)(3) is permitted.

VIII. ADDITIONAL PROVISIONS

1. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

2. In the event that any provisions of this Ordinance are inconsistent with the provisions of the Original Redevelopment Plan, the provisions of this Ordinance shall control.

3. All other sections of the Original Redevelopment Plan shall remain unchanged and in full force and effect.

4. If any section or provision of this Ordinance shall be held to be invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except insofar as the section or provision declared invalid shall be inseparable from the remainder or any portion thereof.

5. 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: November 10, 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, October 13, 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 COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON November 10, 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