

ORDINANCE #1563

AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR A PORTION OF THE BOROUGH OF NORTH ARLINGTON , KNOWN AS THE PORETE AVENUE REDEVELOPMENT AREA

WHEREAS, pursuant to Ordinance No. 1464 entitled an Ordinance creating a North Arlington Redevelopment Authority which was adopted by the Mayor and Council on June 13, 1989, the planning firm of Harvey S. Moskowitz was retained to prepare a Blight Determination Report for the Porete Avenue Industrial Area; and

WHEREAS, the Blight Determination Report dated August 15, 1989 was the basis for submission of an application for the creation of a Redevelopment Authority to the State of New Jersey Division of Local Government Services; and

WHEREAS, pursuant to NJSA 48:5A-4 the Local Finance Board at it's October 16, 1990 public meeting granted the approval of the application submitted by the Borough of North Arlington; and

WHEREAS, the Planning Board held a public hearing on November 12, 1990 and by resolution adopted the Blight Study prepared by Harvey S. Moskowitz and recommended the Mayor and Council undertake similar action; and

WHEREAS, pursuant to Resolution R-313-90 the Mayor and Council of the Borough of North Arlington adopted the Blight Study Report as prepared by Harvey S. Moskowitz, Professional Planners; and

WHEREAS, pursuant to Borough of North Arlington Resolution R-303-90 dated November 20, 1990; and pursuant to the actions of the Local Finance Board; and Borough of North Arlington Ordinance 1464, entitled an Ordinance Creating a North Arlington Redevelopment Authority; the North Arlington Redevelopment Authority was authorized, created and established; and


WHEREAS, the North Arlington Redevelopment Authority retained Harvey S. Moskowitz to aid in the preparation of a Redevelopment Plan for the Porete Avenue Redevelopment authority; and

WHEREAS, on Wednesday, April 22, 1992 the North Arlington Redevelopment Authority adopted a Redevelopment Plan dated April 1992 for the Porete Avenue redevelopment area at a public meeting and hearing and forwarded the plan to the North Arlington Planning Board; and

WHEREAS, on Tuesday, May 26, 1992 the North Arlington Planning Board accepted the Porete Avenue Redevelopment Plan dated April 1992 and forwarded the plan to the Mayor and Council of the Borough of North Arlington;

NOW THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of North Arlington adopt the Porete Avenue Redevelopment Plan dated April 1992 which is attached hereto and made a part hereof.

APPROVED: 
LEONARD R. KAISER, MAYOR

ATTEST: 
CONSTANCE M. MEEHAN, BOROUGH CLERK

DATED: JUNE 23, 1992

FIRST READING

INTRODUCED BY <u>Councilwoman King</u>				
SECOND BY <u>Councilman Whittles</u>				
Council	Aye	Nay	Abstain	Absent
Caputo	✓			
King	✓			
Belmonte	✓			
Whittles	✓			
Renshaw	✓			
Ward	✓			
TOTAL	6			

SECOND READING

INTRODUCED BY <u>Councilman Ward</u>				
SECOND BY <u>Councilman Belmonte</u>				
Council	Aye	Nay	Abstain	Absent
Caputo				✓
King	✓			
Belmonte	✓			
Whittles	✓			
Renshaw	✓			
Ward	✓			
TOTAL	5			1

THIRD READING

INTRODUCED BY <u>Councilwoman King</u>				
SECOND BY <u>Councilman Whittles</u>				
Council	Aye	Nay	Abstain	Absent
Caputo				✓
King	✓			
Belmonte	✓			
Whittles	✓			
Renshaw	✓			
Ward	✓			
TOTAL	5			1

ORDINANCE NUMBER 1768

AN ORDINANCE AMENDING PORETE AVENUE REDEVELOPMENT PLAN

BE IT ORDAINED, by the Borough Council of the Borough of North Arlington, in the County of Bergen, New Jersey, that the Porete Avenue Redevelopment Plan is amended as follows:

INTRODUCTION

During the past ten years, the Borough of North Arlington has focused its efforts on the redevelopment of the Porete Avenue area, which is located in the meadowlands portion of the Borough. The Mayor and Borough Council have determined that one of the most effective planning and implementation strategies is the use of the redevelopment process in accordance with the Local Redevelopment & Housing Law (N.J.S.A. 40A:12A-1 et seq.) The first step in the process was the designation of "an area in need of redevelopment." In the Fall of 1990, the Governing Body adopted a resolution which formally declared the 91 acre Porete Avenue area as an area in need of redevelopment.

This Plan is an amendment to the Porete Avenue Redevelopment Plan which was adopted by the Borough Council on July 7, 1992.

CONTENTS OF REDEVELOPMENT PLAN

The Redevelopment Plan is the formal planning document for the redevelopment of the Redevelopment Area. According to State statute, 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 land 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.).

PROJECT AREA DESCRIPTION

The Borough of North Arlington is a 2.5 square mile community located at the southern tip of Bergen County. It is bordered to the north by Lyndhurst, to the south by Kearny, to the east by the Hackensack Meadowlands and to the west by the Passaic River.

The 91 acre Porete Avenue Redevelopment Area is located in the meadowlands portion of North Arlington in the southeast corner of the Borough. The area is bordered on the east by the Harrison-Kingsland railroad line, on the south by the Bayonne and Jersey City Water supply easement, on the west by a steep ridge line, and on the north by the Bergen County Utilities Authority (BCUA) transfer station. Map 1 shows the location of the Redevelopment Area. The majority of the Area consists of a mix of vacant land, underutilized parcels and various industrial establishments.

PLAN OVERVIEW

The Redevelopment Area presents significant development opportunity because of its proximity to major market centers, primary transportation arteries and a large labor pool. The 1992 Redevelopment Plan was directed towards two forms of development: encouraging planned industrial development on the two large vacant parcels, and encouraging in fill development, rehabilitation and adaptive reuse of the existing industrial buildings and lots on Porete Avenue. Since 1992, a 327,000 square foot cosmetics distribution center has been developed on an 18 acre parcel which was one of the Redevelopment Area's significant vacant parcels.

This Plan continues to promote the two forms of development identified in the 1992 Plan, however, expands the first category to include planned commercial development as an option. (See Map 2)

Rehabilitation and Adaptive Reuse

In general, many properties along Porete Avenue contain older, obsolete buildings which are in need of extensive rehabilitation or replacement. Rehabilitation and adaptive reuse of older industrial areas are rapidly changing the landscape of many urban and suburban areas throughout the country. This phenomenon is taking many forms, including the following:

- Upgrading of "low-tech", light-industrial buildings to keep them competitive with newer light-industrial facilities.
- Redevelopment of "low-tech," light-industrial buildings for "higher-tech" research and development (R&D) and office use.
- Rehabilitation of existing older industrial parks into contemporary industrial parks.
- Removal of heavy industrial facilities and reuse of the land for industrial parks.
- Adaptive use of obsolete urban warehouse and manufacturing buildings for a myriad of non-industrial uses.

Many older industrial buildings are being retained and upgraded because developers and tenants are able to reduce construction costs without sacrificing program requirements. However, not every light-industrial building is suitable for upgrading. In many locations, demand for low-tech, light-industrial uses remains strong and existing facilities meet a demand where low cost is the prime tenant requirement.

Suitability for rehabilitation depends on several factors other than demand, including the structural soundness of the building, the availability of space for additional parking requirements, and the condition of the utility systems and rooftop equipment such as HVAC systems. In addition,

drawbacks often must be overcome. It is essential that the rehabilitated buildings be given an identity that differentiates its present use from previous uses. For effective and successful rehabilitation, as many features as possible should be retained to keep costs low, but new features should be encouraged, such as increased percentage of exterior glass, particularly along parking lots and entrances; a more impressive entrance; landscaping around buildings and parking areas; removal and/or screening of excess loading docks and storage areas; and recladding of portions of the building skin that are outdated and unattractive.

Planned Industrial Development

One land use option for the remaining vacant 41-acre tract east of Porete Avenue is planned industrial development. This type of development typically includes a variety of uses, including research and development, warehouse, light manufacturing and office uses. The variety of uses permitted in planned industrial developments are flexible enough to allow land uses reflective of changing market conditions. This type of zone provides the planned industrial developer with flexibility in land use controls that can mix land uses, such as commercial and office buildings with light manufacturing, research and development and warehouse facilities in the same development. It should be noted that trucking terminals and large outdoor storage areas are not envisioned as part of any development.

The following section summarizes national trends in planned industrial development.

Light Industrial

New demand in light industrial has centered on "clean" light manufacturing based on high and low technologies. These light industrial uses have found planned industrial development locations to be compatible with their operational requirements because in many cases they can be co-located with their offices, warehouses, and research facilities. They have none of the noxious side effects that limited the location of older heavy industries, and they are good neighbors to other business park activities. Many of these industries are undergoing fundamental technological changes that favor less floor space and fewer employees. These changes include reduced production time, robotics, and other advanced space and labor-saving technologies that increase their productivity and competitiveness.

Warehouse and Distribution

Many planned industrial developments are still dominated by warehousing and distribution activities. Warehouse and distribution activities usually do not generate nuisances such as noise, odor and smoke that are characteristic of certain older industrial processes. Warehousing and distribution functions are characterized by low ratios of employment to building coverage. While warehouses generate truck traffic, careful site planning makes possible the accommodation of truck traffic without detrimental impacts. Well-planned warehouse facilities often separate truck access from employee and visitor access. The bulky appearance of warehouses, although difficult to disguise, has been significantly improved in some developments to make them more compatible with other office and industrial uses, and to improve their marketability.

Research and Development and High Technology

A growing component of many planned industrial developments is high-technology industries which are typically involved in research, product development, product testing, assembly and distribution. The recent growth in both the number of high-tech companies and their size has fueled the demand for research and development space. Many of these firms are small, startup operations that have become the fastest growing segment of American business; others are separate divisions of major U.S. corporations.

Low-Technology Activities

Predominant in many planned industrial developments, both old and new, are a wide range of "low-tech" activities that are difficult to categorize. These include business services, wholesale/retail product sales and services, professional offices and incubator businesses. Many of these uses require lower-cost space, but in an environment that is suitably controlled and "upscale". Low-tech facilities for these activities are low-rise (one floor) and long and narrow with leasable side-by-side modules, each with private, front and rear entrances. A roll-up door is provided in a screened rear service yard for truck/van loading/unloading. Modules are planned in sizes from about 10,000 square feet to 40,000 thousand square feet. These modules can be easily combined into larger leasable space, depending on tenant requirements.

Planned Commercial Development

Planned commercial development is another land use option for the remaining vacant 41 acre tract. This type of development may be either a community center or a power center. Community centers typically contain between 100,000 square feet and 300,000 square feet of gross leasable area (gla). They are anchored by superstores such as super drugstores, supermarkets, furniture stores and cinemas. A minimum site size ranges from 10 to 30 acres.

According to the Urban Land Institute, power centers are described as a type of super community shopping center that contains at least one super anchor store, multiple off-price category specific anchors and only a small number of side-space tenants. Power centers typically range in size from 250,000 square feet of gla to over 1 million square feet of gla. The minimum lot size for a power center ranges from 10 to 60 acres.

RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

The general goal of the Plan is to strengthen the Borough's economic base and create locations for new job opportunities. The following objectives are specifically related to the Redevelopment Plan. These objectives relate to appropriate land uses, density of population, improved traffic and public transportation, public utilities and other public improvements.

1. To promote the effective use of all Redevelopment Area property to increase local tax revenues.
2. To accommodate the reasonable needs and interests of existing business and property owners within the Redevelopment Area.
3. To improve the functional and physical layout of the Redevelopment Area.
4. To improve business opportunities through promotion of new and diverse economic activities.
5. To provide for an attractive, well-designed planned industrial/commercial development on the larger vacant parcel which will stimulate redevelopment of the existing Porete Avenue area.
6. To encourage rehabilitation and development of land occupied by vacant and/or obsolete buildings.
7. To improve the visual image of the existing Porete Avenue streetscape.
8. To remediate environmentally contaminated sites as part of the redevelopment process.
9. To improve transportation access to the Porete Avenue Redevelopment Area and create a circulation pattern that will serve the uses in the Redevelopment Area.
10. To improve stormwater management in the Porete Avenue Redevelopment Area.

PUBLIC/PRIVATE IMPROVEMENTS

Circulation

Street design requirements within the Redevelopment Area are based on the anticipated amount and type of traffic generated when development of the area is completed to its maximum allowable density. Streets are the front door, or at least the approach, for most individual developments. The main entrance should receive special treatment because the image of the area has become more important to tenants.

Street Network

The Porete Avenue Redevelopment Area is currently accessed via a paved surface over the Bayonne and Jersey City water supply easement. The road descends at a 20 percent grade into the industrial area, making it difficult for large trucks carrying raw materials into the Area. The intersection of the road with Belleville Turnpike is inadequate, with limited sight distance and no left-turn lane to enter the Area.

Existing Porete Avenue is narrow, with a 30 foot cartway and a right-of-way width which ranges from 30 feet south of the *Bethlehem Steel* property to 50 feet north of the *Bethlehem Steel* property. The narrow cartway width on Porete Avenue creates substantial difficulties for truck maneuvering. In addition, several buildings on Porete Avenue are located on or within the right-of-way line, making

future road widenings infeasible.

A new access road is proposed at the southeastern corner of the Redevelopment Area, as shown on Map 3. This road would traverse the Bethlehem Steel site in a northerly direction and intersect Porete Avenue at two points: where the Bethlehem Steel lot intersects with Porete Avenue, and at the 18 acre parcel located in the northern end of the Redevelopment Area. [deleted The existing entrance to Porete Avenue along the water easement would be blocked and used only for emergency purposes.]

Significant progress has occurred with respect to improving access to the Redevelopment Area. The access road and associated bridge are in design. The new road accessing the Redevelopment Area would operate as a major collector, with a proposed right-of-way width of 50 feet. [deleted It is expected that the Borough will go out to bid on the access road and bridge by the end of the year] The primary design costs will be borne by the Redevelopment Area property owners through special assessment.

The intersection at Belleville Turnpike (i.e. access road and bridge) is anticipated to be funded by the State, which includes hard costs and acquisition. Further, a new connector road within the Redevelopment Area will be primarily funded through a Community Development Block Grant.

The remaining roads within the Redevelopment Area would operate as minor collectors, also with a right-of-way width no greater than 50 feet. Hull Avenue, which currently operates as a driveway to adjacent properties, may be considered for vacation.

The proposed improvements result in a looped circulation system which provides alternative access routes should one of the existing internal roadways be blocked. This looped system is necessary to ensure adequate and proper public safety circulation in the Redevelopment Area.

Parking and Loading

One of the major problems on Porete Avenue is parking. Many of the buildings on Porete Avenue do not have adequate off-street parking, which results in cars and trucks parking in the street. This problem is a direct result from buildings which were originally built for low-intensity use with minimal parking demand being adapted to a higher intensity use which requires more parking than is available on the site. To alleviate the parking and circulation problems along Porete Avenue, it may be appropriate in the future to provide additional parking through a public parking area. Parking areas, truck access roads, and loading/service areas should be screened with landscaping or a planted berm. Design of off-street parking should be integrated with the site planning and landscaping program. Where parking will be permitted in front yards, appropriate screening requirements should be established; these might include landscaping, low walls, or earth berms. Landscaping requirements should also extend to the interiors of parking lots. Car overhang dimensions should dictate the placement of plantings so they are not damaged. Truck loading and maneuvering depths from the edge of the dock to the edge of the maneuvering area can vary depending on anticipated traffic. Successful warehousing operations can occur with as little as 85 feet of truck docking and maneuvering depths, whereas the recommended terminal depth for larger trucks (45-foot trailer length) is as much as 129 feet. A minimum of 100 feet is recommended to ensure that adequate maneuvering area is provided in the long run, regardless of individual uses.

Truck loading areas should be positioned along the rear property line or between industrial buildings that have been placed back to back. In both cases, the areas should be screened from view of the rest of the park and neighboring properties. Hedges, tree rows, fences, berms, grade changes and backs of buildings commonly are used to screen truck loading areas. Provisions should be made in the site plan for separating uses that involve truck traffic from other uses so that the noise associated with loading, unloading, and operating them does not interfere with research and development or office activities.

Sewer Plan

The lack of a public sewer service in the Redevelopment Area was identified as a significant constraint to development when the Redevelopment Plan was adopted in 1992. Property owners operated on-site septic systems, with many of these systems experiencing problems because of a fairly high water table. It was determined that for any substantial development to occur in the Redevelopment Area, a public sewer system must be provided.

Since 1992, a wastewater collection system has been constructed which includes a pump station and trunk line connecting the Redevelopment Area to the North Arlington/Lyndhurst Joint Meeting pump station. The trunk line extends approximately 9,000 feet with a separate collection system serving

individual property owners. (See Map 3)

A regional joint approach has been established to implement the financing and construction of the pump station and trunk line. The sewer system includes several areas which were in need of public sewer service, including 145 acres in the Town of Kearny and the Porete Avenue Redevelopment Area tract. The Joint Wastewater Collection Plan map illustrates the location of each area. The Borough negotiated and executed a Regional Sewer Agreement with the Town of Kearny for the construction of a force main and pump station which relies on a proportionate cost sharing approach. The Borough also received a low interest loan from the State Wastewater Trust fund.

Finally, a new collection sewer system on Porete Avenue has been installed and was primarily funded through the use of Community Development Block Grant Funds. ~~[deleted and through]~~. Special assessment of the property owners will be utilized to fund the remaining costs.

Storm Water Management Plan

There is no official stormwater management system for the Redevelopment Area, and flood conditions occur fairly frequently. A significant amount of stormwater runoff currently drains into a drainage swale located on the western edge of Bethlehem Steel property. The southern part of the drainage swale drains south into the Belleville Turnpike drainage ditch and then flows east towards the HMDC. The northern part of the drainage swale drains north into a pond located in the HMDC.

It is proposed that stormwater management will be the responsibility of the developers and will be controlled by the standards of the Borough.

Water

A 16 inch water main has been installed in Porete Avenue which was paid through Borough utility bonds.

RELATIONSHIP OF 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 supersedes the use, bulk and design standards provisions of the Borough Land Development Regulation unless specifically referenced. Other standards and submission requirements relating to all zones in the Borough not specifically enumerated herein as detailed in the Borough's Land Development Regulations 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 herein. Any deviation from standards of this Plan that result 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 Zoning Board of Adjustment. "C" variance relief pursuant to Section N.J.S.A. 40:55D-70c may be addressed by the Planning Board through the development application process. All development must be approved by the Borough 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.

DISTRICT STANDARDS

Principal Permitted Uses

Principal permitted uses in the Redevelopment Area include the following:

- Light industrial.
- Warehouse and distribution.
- General, business and professional offices.
- Public uses.

For parcels 10 acres or more in size:

- Planned industrial development which may include light industrial, warehousing and distribution and office.

- Planned commercial development, including entertainment, retail power centers, indoor recreation uses and community retail centers; however, adult entertainment uses shall not be permitted.

Accessory Uses

Uses customary and incidental to the principal use including but not limited to:

- Parking and garages for storage of company vehicles. Maintenance structures incidental to the maintenance of buildings, structures and equipment used on the site.
- Heating and power facilities for furnishing heat and energy to the structures on the site only.
- Sewerage, water, fire protection, drainage and other similar utility facilities.
- Signs.

Building Site Coverage and Gross Floor Area

The maximum building coverage of all buildings, including accessory buildings but not including parking structures, interior loading areas, or surface parking, shall not exceed 60 percent of the lot area, without regard to municipal boundary lines. Lot area shall not include any public right-of-way. Minimum building coverage shall be 35 percent of the lot area without regard to municipal boundary lines.

Landscape Coverage

A minimum of at least 15 percent of an individual lot shall be devoted to landscape materials (for additional landscape requirements, see Landscape Design Standards), provided that at least 30 percent of the front yard area of an individual lot is devoted to landscape materials. For those lots with parking in the front yard, (exclusive of visitor and executive parking) a minimum of 20 percent of the front yard area must be devoted to landscape materials. This landscaped area must include a landscaped area along the right-of-way exclusive of access drives. No area on the site shall remain unimproved.

Building Height

Structures up to 35 feet in height are permitted in accordance with the provisions of the plan. Structures may exceed 35 feet but are not to exceed 50 feet, provided that the following are provided:

1. The required streetside setbacks for Belleville Turnpike and the primary access road servicing the Porete Avenue Redevelopment Area should be increased by one (1) foot for each one (1) foot of building height in excess of 35 feet.
2. The required streetside setback for any other local streets in the Porete Avenue Redevelopment Area or any interior setback should be increased by one-half (1/2) foot for each one (1) foot of building height in excess of 35 feet.
3. In order to encourage variation in setbacks and building heights, these increased setbacks shall apply only to building elements exceeding 35 feet. Thus, a low-rise element could observe the original setbacks, and taller elements have increased setbacks.

Street Setback

1. No building shall be permitted within twenty (20) feet nor any parking within ten (10) feet of a street right-of-way within the Porete Avenue Redevelopment Area.
2. Planters, walls, and sign elements not exceeding six (6) feet in height may be permitted in streetside setback areas. Roof overhangs may extend a maximum of six (6) feet into setback areas.
3. The remaining setback area shall be fully landscaped in accordance with the Landscape Standards.

Other Setbacks

1. No building shall be permitted to be constructed closer than twenty-five (25) feet to an adjacent building.
2. No building shall be permitted to be constructed closer than twenty (20) feet to any railroad right-of-way or property line. All applicants must prove that the turning radius necessary for emergency vehicles to access the rear yard area is provided.
3. All setback areas shall be fully landscaped in a manner in accordance with the Landscape Standards.

Parking and Loading Areas

1. Adequate off-street parking shall be provided to accommodate all parking needs for the site. The intent is to eliminate the need for any on-street parking. Required off-street parking shall be provided on the site or on a contiguous site, for the uses served.
2. Parking areas shall be clearly delineated and separated from loading areas. All parking stalls shall have a minimum paved width of 9 feet and a length of 18 feet.
3. No parking shall be permitted in the front yard except visitor and executive parking, equal to no more than 15 percent of the total parking requirement, is permitted in the front yard. "Front Yard" shall mean a space extending the full width of a lot between the front lot line and a line parallel to the front lot line and measured perpendicularly from the front lot line to the closest point of the building.
4. No parking, other than automobile overhangs, shall be permitted to be constructed closer than five (5) feet from any property line. No parking shall be permitted within ten (10) feet of any building, except for loading areas.
5. Parking requirements for specific sites shall be based upon the following parking criteria. For warehouse and distribution uses, adequate landscaped open space to meet the manufacturing parking requirement must be provided for future reserve parking. All parking shall be determined based upon building type and the area within allotted to the following functions:
 - a. General Business and Professional Offices: One (1) space for each three hundred (300) square feet of gross floor area.
 - b. Light Industrial: One (1) parking space for each seven hundred fifty (750) square feet of gross floor area.
 - c. Warehousing and Distribution: One (1) space for each three thousand (3,000) square feet of gross floor area.
 - d. Restaurants: One (1) space per 100 square feet of gross floor area.
 - e. Retail : One (1) space for each 250 square feet of gross floor area.

Storage, Service, and Loading Areas

Storage, service, maintenance, and loading areas must be constructed, maintained, and used in accordance with the following conditions:

1. One (1) loading space for each ten thousand (10,000) square feet of gross floor area.
2. Loading areas are permitted in rear yard, centralized courtyards, or side yard areas, provided that they are screened from public view.
3. No materials, supplies, or equipment, including trucks or other motor vehicles, shall be stored upon a site except inside a closed building or behind a durable material wall not less than six (6) feet in height screening such materials, supplies, or vehicles from adjacent sites so as not to be visible from neighboring properties and streets. Any outdoor storage areas shall be located within the rear portions of a site. No storage areas may extend into a setback area.
4. Provisions shall be made on each site for any necessary vehicle loading, and no on-street vehicle loading shall be permitted.

5. Loading areas shall be screened from public and private streets.

Sidewalks

1. On-site pedestrian circulation systems shall be provided to meet the circulation needs of on-site users.
2. Sidewalks shall be a minimum of four (4) feet in width, exclusive of car overhang areas, and shall be set back a minimum of five (5) feet from all buildings.

Refuse and Recycling Collection Areas

1. All outdoor refuse and recycling containers shall be visually screened within a durable enclosure, six (6) feet or higher, so as not to be visible from adjacent lots or sites, neighboring properties or streets. No refuse and recycling collection areas shall be permitted between a street and the front of a building.
2. Refuse and recycling collection enclosures should be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.
3. Refuse and recycling collection areas should be so located upon the lot as to provide clear and convenient access to refuse collection vehicles and thereby minimize wear and tear on on-site and off-site developments.
4. Refuse collection area should be designed and located upon the lot as to be convenient for the deposition of refuse generated on site.

Screening of Exterior Mechanical Equipment

1. Refuse and recycling collection areas should be effectively designed to contain all refuse generated on site and deposited between collections. Deposited refuse should not be visible from outside the refuse enclosure.
2. Conventional mechanical and electrical equipment which is part of the building space, heating, ventilating and air conditioning system and lighting and general power, where ground mounted shall be screened from view with evergreen landscaping. Roof mounted equipment shall be painted to match the roof. If such rooftop equipment is visible from the public road, it shall be finished to match the facade of the building. Particular attention shall be paid to the visual impact to adjacent residential areas.
3. Electrical equipment shall be mounted on the interior of a building wherever possible. When interior mounting is not practical, electrical equipment shall be mounted in a location where it is substantially screened from public view. In no case shall exterior electrical equipment be mounted on the street side or primary exposure side of any building.
4. Process equipment such as stacks, hoppers, bins, storage vessels, blowers, compressors, piping, ducting, conveyors and the like, which are ground mounted, shall be enclosed with screen walls to match the principal building. Rooftop process equipment shall be painted to match the roof. Where such equipment is visible from the public road, it shall be screened with screening devices or walls to match the walls and facade of the building.
5. Transformers that may be visible shall be screened with either plantings or a durable noncombustible enclosure. Where possible, it is recommended that refuse containers and transformers be integrated into the same enclosure. Transformer enclosures should be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.

Fences and Walls

1. All fences and walls shall be designed as integrated parts of the overall architectural and site design. All materials shall be durable and finished in textures and colors complementary to the overall architectural design.
2. No fence or wall shall be permitted in the front yard.

Utilities

All exterior on-site utilities, including but not limited to drainage systems, sewers, gas lines, waterlines, and electrical telephone and communication wires, shall be installed and maintained underground.

Performance Standards

All uses in the Porete Avenue Redevelopment Area are subject to the performance standards and procedures as detailed in Article IV of the North Arlington Zoning Code.

Supplemental Regulations

More than one structure may be located on one (1) lot, more than one (1) use may occupy one building, and separate structures on the same lot may abut one another, provided that the following conditions are met

1. Adequate parking space meeting the parking standards set forth in the Redevelopment Plan is provided for each building.
2. Adequate loading areas meeting the loading area standards set forth in the Redevelopment Plan is provided for each building.
3. Identifiable entrance areas to each tenant is provided.
4. Each building and lot meets all other standards set forth in the Redevelopment Plan.

DESIGN STANDARDS

The following design standards are applicable to the Porete Avenue Redevelopment Area.

Architectural Design StandardsObjectives

To provide overall high quality and complementary design within the Porete Avenue Redevelopment Area. Special emphasis is placed upon methods that tend to reduce the large-scale visual impact of buildings and to encourage imaginative design for individual buildings.

General Design Criteria

1. Minimum conflict shall exist between trucks, service vehicles, private automobiles, and pedestrians within the site.
2. Visitor building entries shall be readily identifiable and accessible to the first-time visitor.
3. Building Massing and Form: Building exterior walls shall be visually reduced to human scale by:
 - a. Fragmenting into smaller or multiple structures.
 - b. Mature landscaping and berms.
 - c. Wall texture placement.
 - d. Clustering small-scale elements such as planter walls around the major form.
 - e. Varied effects of building facades.
4. Materials: Choice of building exterior wall materials, shall consider the following:
 - a. One dominant material should be selected and maintained through each building.
 - b. Low maintenance should be a major consideration.
 - c. Metal or wood materials are not permitted as dominant building materials. Painted or coated metal or wood materials may only be used as accessory materials.

- d. Roof design should be as aesthetically pleasing as possible (e.g. color, material, grouping) to minimize visual impact to adjacent residential neighborhoods.
5. Color and Texture:
 - a. Simple and uniform texture patterns are encouraged to create shadow patterns which will reduce the high visibility of the building.
 - b. Variations in color shall be kept to a minimum.
 - c. Colors shall be subdued in tone.
 - d. Accent colors may be used to express corporate identity.

Landscape Standards

Objectives

The landscape standards are provided to complement and enhance the visual character of the Porete Avenue Redevelopment Area. Two distinct landscape areas are created: the streetscape area and the interior area, with different landscape requirements applying to each area.

Streetscape Area Landscape Standards

The streetscape is the primary image-setting area and includes all public and private streets. The first 10 feet inward from the curbs are designated streetscape landscape areas, with the remaining distance to the edge of parking or building variable depending on type of street and building height.

The following principles shall apply:

1. An attempt should be made to create an attractive streetscape using berms, street trees and landscaping plants. A streetscape can be defined as all the elements that constitute the physical makeup of a street and which, as a group, define its character.
2. Where possible, street trees shall be planted not more than 40 feet apart and located between the setback line and street right-of-way line. The street trees shall not be closer than 15 feet from any existing or proposed street light or street intersection. The trees shall be planted so as not to interfere with utilities, roadways or sidewalks. Trees should be nursery-grown stock of not less than 2 to 2-1/2 inches in caliper.

Interior Area Landscape Standards

The interior area encompasses all site features from the setback line to the property lines of each parcel. This zone is subject to the needs of each individual tenant and thus is meant to have a greater degree of flexibility than the streetscape area. Landscaping in this area should be focused on:

5. Parking areas.
6. Accent planting around buildings.
7. As a buffer for storage, loading, and for refuse collection areas.

Any additional area between the streetscape area and building frontages.

The following principles shall apply:

1. Landscaping shall be used to accent and complement buildings. For example, groupings of tall trees to break up long, low buildings and lower plantings for tall buildings.
2. Landscaping shall be provided in public areas, parking areas, and adjacent to buildings.
3. Vines and climbing plants shall be considered for large expanses of wall.
4. Massing trees shall be considered at critical points rather than in a straight line at predetermined intervals along streets.

5. Ground cover shall be used to prevent erosion.
6. A variety and mixture of landscaping shall be provided for. Consider susceptibility to disease, colors, season, textures, shapes, blossom and foliage in selecting species.
7. Local soil conditions and water availability shall be considered in the choice of landscaping.
8. The impact of any proposed landscaping plan at various time intervals shall be considered. Shrubs may grow and eventually block sight distances. Foundation plants may block buildings.
9. It is preferable to have fewer larger specimens than more smaller ones.
10. Deciduous trees shall have at least a two-inch caliper at planting, and evergreens shall be at least four (4) feet tall. Shrubs shall be at least two (2) feet at planting. All trees shall be balled and burlapped.
11. Entrances to lots deserve special landscaping treatment.
12. In outdoor parking lots of more than ten (10) spaces, at least ten (10) percent of the parking area shall be landscaped. The parking area landscaping shall be counted toward the landscape coverage requirement (See Landscape Coverage above). The landscaping shall be located in protected areas along walkways, center islands and at the end of bays. In narrow islands, low spreading plants, such as creeping juniper, English ivy, myrtle and pachysandra are appropriate.
13. All landscaping in parking areas shall be carefully located so as not to obstruct vision. A variety of different types of trees shall be grouped to break up the mass of cars.
14. Certain trees shall be avoided because of problems. Maples, for example, shed large leaves which clog drains. The female ginkgo has messy fruit. Willows have shallow roots.
15. Trees that can stand an urban environment shall be picked. These include, but are not limited to, the London plane, male ginkgo and certain oaks.
16. Evergreens can be used as buffers. An evergreen buffer requires one (1) or two (2) rows of staggered plantings. Rows shall be approximately five (5) feet apart and the evergreens planted five (5) feet on center. Where two rows are proposed, trees shall be planted ten (10) feet on center in each row, staggered so that it is equivalent to one row on five (5) foot centers.

Graphics and Signage Standards

Objective

To ensure that the exterior signs for each facility contribute to the aesthetic integrity of the Porete Avenue Redevelopment Area.

General Standards

1. Signs shall be restricted to industrial/commercial identification, tenant identification, and directional signs, either wall-mounted or freestanding.
2. No rooftop signs shall be permitted.
3. Signs visible from the exterior of any building, if illuminated, shall be internally illuminated without a halo, but no signs or any other contrivances shall be devised or constructed so as to rotate, gyrate, blink, move, or appear to move in any fashion.
4. Public service devices such as clocks and temperature indicators shall be devoid of advertising.
5. No sign shall be attached to exterior glass.
6. Color shall be subdued in tone. Contrasting primary colors are not encouraged. All colors and materials shall be selected from a low-maintenance point of view.

Building Signs

1. One (1) wall sign per tenant is permitted, with a maximum sign area of twenty (20) square feet per tenant.
2. All building signs shall have a single sign surface that shall be parallel to the face of the building.

Freestanding Signs

If the building on a lot sets back at least twenty (20) feet from the street right-of-way, one (1) freestanding sign is permitted which is accessory to the business or businesses conducted on the premises. Any freestanding sign must meet all of the following requirements:

1. Only one (1) such sign shall be permitted regardless of the number of establishments.
2. The area of the freestanding sign shall not exceed thirty (30) square feet and the maximum height of the sign shall not exceed eight (8) feet.
3. One (1) freestanding general identification sign is permitted for the Planned Industrial/Commercial Development. A maximum sign area of one hundred (100) square feet is permitted.

Temporary Identification Signs

1. One temporary identification sign, not to exceed fifteen (15) square feet in area, will be permitted.

Directional Signs

1. Directional signs, not to exceed six (6) square feet in area, are permitted to identify entrance areas, loading areas and circulation patterns on a site.

Lighting StandardsObjective

To contribute to the safe and efficient use of the Porete Avenue Redevelopment Area and to complement the architecture and site design character.

The following design standards shall be followed:

1. The style of the light and light standard shall be consistent with the architectural style of the principal building.
2. The maximum height of freestanding lights shall be the same as the principal building, but not exceeding twenty-five (25) feet.
3. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
4. Where lights will be visible to adjacent residents, the lights shall be appropriately shielded.
5. Freestanding lights shall be so located and protected to avoid being easily damaged by vehicles.
6. Lighting shall be located along streets, parking areas, at intersections and where various types of circulation systems merge, intersect or split.
7. Service area lighting shall be contained within the service yard's boundaries and enclosure walls. No light spillover should occur outside the service area. The light source should not be visible from the street.
8. The following intensity in footcandles shall be maintained: (a) Parking lots: an average of six-tenths (.6) footcandles throughout.

9. Street lights shall be installed at street intersections, along vertical and horizontal curves and at the end of dead-end streets. Light output shall be appropriate for the specific location in accordance with standards recommended in the current edition of the Illuminating Engineering Society, IES Lighting Handbook.

RELOCATION

There is no relocation that will be necessary to implement the Redevelopment Plan. However, should relocation be necessary, the Borough of North Arlington will provide all displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law. Such assistance will be provided through an appropriately designated office which will assist in any relocation of businesses or entities. If relocation is not caused by the Redevelopment Plan, the Borough is not responsible for relocation of businesses.

PROPERTY TO BE ACQUIRED

This Redevelopment Plan authorizes the Borough/Redevelopment Agency to exercise its condemnation powers on all properties in the Redevelopment Area to acquire property or to eliminate any restrictive covenants, easements or similar property interests which may undermine the implementation of the redevelopment project. This includes property needed for access and utility facilities.

It is not expected, however, that it will be necessary for the Redevelopment Agency to acquire title interest to any of the properties within the Redevelopment Area. Although the Redevelopment Agency is authorized to acquire title interests when necessary, the Redevelopment Agency shall nonetheless endeavor to cooperate with present owners or contract buyers to encourage and promote appropriate development by such private parties in accordance with the Redevelopment Agency.

The general policy with respect to property acquisition shall be as follows:

1. The Redevelopment Agency shall not seek to acquire title interest in any property which is to be affected by the Redevelopment Plan, unless it has made a good faith effort to cause for the present property owner or contract purchaser (other than the Borough of North Arlington) to develop the property in a manner consistent with the Redevelopment Plan and within a reasonable period of time relative to market conditions and to the concurrent development of other parcels within the Redevelopment Area.
2. If, in order to facilitate the completion of the Redevelopment Plan within a reasonable period of time, it appears necessary or prudent for the Redevelopment Agency to acquire title interest in any property, then it may proceed to do so either by negotiation or by eminent domain proceedings in accordance with applicable statute.

PLAN RELATIONSHIP TO DEFINITE LOCAL, REGIONAL AND STATE PLANS

Borough Master Plan

The objectives of the Redevelopment Plan seek to achieve the goals and objectives contained within the 1995 Borough Master Plan and Reexamination Report. The following goals of the Master Plan are met:

1. To upgrade the older industrial areas of the Borough in order to maintain jobs and preserve the non-residential tax base.
2. To improve streets in the Meadowlands portion of North Arlington which is under the Borough's jurisdiction.
3. To maintain and enhance community appearance through proper attention to design standards.

The Land Use Plan identifies the Redevelopment Area as industrial which is generally consistent with the Redevelopment Plan. The 1995 Master Plan recognizes the Porete Avenue redevelopment Plan and describes the specific site design improvements which are required to improve the appearance and function of the Redevelopment Area. It also identifies the need for infrastructure improvements in the Area.

Kearny Master Plan

Properties in Kearny which are adjacent to the Redevelopment Area and front on Belleville Turnpike are zoned Manufacturing (M) district and CEM Cemetery district. These districts are substantially consistent with the Redevelopment Plan.

Hackensack Meadowlands Development District (HMDC)

The Redevelopment Plan is consistent with the adjacent HMDC zoning and land use. The area to the east of the Redevelopment Area is located in the North Arlington portion of the HMDC. The HMDC area which is zoned Public Utilities coincides with the HMDC baler facility and the remaining area is zoned Park and Recreation. The adjacent HMDC area in Kearny (Sellers Street) is zoned Research Distribution Park.

Bergen County

The Porete Avenue Redevelopment Plan is substantially consistent with the Land Use Element of the Bergen County Comprehensive Plan. The goals of the County Plan are to direct future growth toward the achievement of a system of related centers of development. Major new development is to be directed to regional centers and subregional centers and to discourage the continuation of "spread patterns" of development on vacant lands and along highways.

State Development and Redevelopment Plan (SDRP)

The SDRP places the Redevelopment Area in Metropolitan Planning Area 1 (PA1). The proposed Redevelopment Plan is consistent with the planning goals and objectives of the SDRP as a whole and of PA1 in particular. In terms of land use, the proposed Plan emphasizes the efficient use of infrastructure and public facilities. Public/private partnerships are a priority for the Borough when considering the redevelopment program. The proposed Plan makes great efforts to encourage efficient transportation and circulation in the Redevelopment Area. The State Plan promotes redevelopment opportunities of underutilized areas that may be contaminated and to improve road access to areas that are designated for redevelopment.

ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS**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.

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.

Redevelopment Agency

The Borough has created North Arlington Redevelopment Agency which was approved by the Local Finance Board. The Agency will continue to assist the Borough in implementing the Plan.

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.

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 on contiguous lots in similar ownership 10 acres or more in size, 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 stormwater management plan setting forth the proposed method of controlling and managing storm water on the site.

In addition, the following information shall be submitted by the owner or developer to assist in preparation of the Redevelopment Agreement:

1. 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.
2. 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.
3. 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.
4. 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.
5. The Redevelopment Agency shall negotiate a formal Redevelopment Agreement with (each) developer or owner.
6. The final form of a Redevelopment Agreement with each Developer or owner will be subject to approval by formal action of the Borough Council.
7. 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.

The following procedure shall be required for development applications on contiguous parcels in similar ownership under 10 acres in size:

1. 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.

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.

Redeveloper(s) Agreement

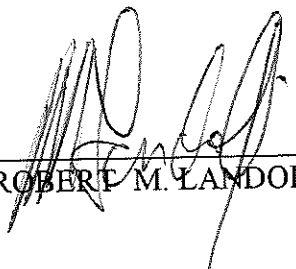
All agreements with redeveloper(s) shall contain the following provisions:

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 within 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 or marital status.
7. Neither the redeveloper(s) nor the Mayor and Council, nor the successors, lessees or assigns or either of them, shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex 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.

APPROVED:


LEONARD R. KAISER, MAYOR

ATTEST:


ROBERT M. LANDOLFI, ACTING BOROUGH CLERK

DATED: SEPTEMBER 28, 1999

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON TUESDAY, SEPTEMBER 7, 1999 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING AND THAT THE 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 TUESDAY, SEPTEMBER 28, 1999 AT 7:00 PM 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.

CERTIFICATION

I, ROBERT M. LANDOLFI, ACTING BOROUGH CLERK OF THE BOROUGH OF NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY DO HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY ADOPTED AT A REGULAR MEETING HELD ON SEPTEMBER 28, 1999, SIGNED BY THE MAYOR, RECORDED IN THE ORDINANCE BOOK AFTER PUBLICATION AS REQUIRED BY LAW

ROBERT M. LANDOLFI, ACTING BOROUGH CLERK

FIRST READING:

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
SPANOLA			✓			
YAMPAGLIA			✓			
MASSA					✓	
FERRIERO	✓	✓				
TANELLI					✓	
ROCHE	✓		✓			
PITMAN		+				
TOTAL			4		2	
ON CONSENT AGENDA? _____ YES <input checked="" type="checkbox"/> NO						

SECOND READING:

COUNCIL/ MAYOR	INTRODUCED	SECONDED	YES	NO	ABSTAIN	ABSENT
SPANOLA	✓		✓			
YAMPAGLIA			✓			
MASSA				✓		
FERRIERO	✓	✓				
TANELLI				✓		
ROCHE			✓			
PITMAN		✓				
TOTAL			4	2		
ON CONSENT AGENDA? _____ YES <input checked="" type="checkbox"/> NO						

ORDINANCE #1948

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH ARLINGTON, COUNTY OF BERGEN, STATE OF NEW JERSEY AMENDING THE REDEVELOPMENT PLAN FOR THE PORETE AVENUE REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

BE IT ORDAINED by the Borough Council of the Borough of North Arlington, in the County of Bergen and State of New Jersey, as follows:

SECTION I

Pursuant to the "Local Redevelopment and Housing Law," N.J.S.A. 40A:12A-1 et seq.), by an ordinance approved on June 23, 1992, the Borough Council of the Borough of North Arlington ("Borough Council"), adopted a Redevelopment Plan for the Porete Avenue Area ("Redevelopment Plan"), which

Redevelopment Plan was amended by the Borough Council on September 28, 1999.

SECTION II

During the negotiations on a redevelopment agreement between the Borough of North Arlington and Cherokee Porete, LLC, the designated redeveloper for the redevelopment of the Porete Avenue Redevelopment Area, it was determined that certain provisions of the Redevelopment Plan should be amended.

SECTION III

In furtherance of redeveloping the Porete Avenue Redevelopment Area, the Borough Council has prepared the Amended Redevelopment Plan for the Porete Avenue Redevelopment Area, attached hereto and made part of this Ordinance and which shall be referred to the Planning Board for its consideration.

SECTION IV

Prior to the adoption of the Amended Redevelopment Plan, the Planning Board shall within 45 days after referral, transmit to the Borough Council, a report containing its recommendation concerning the Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

SECTION V

Upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the Borough Council shall act upon this Ordinance amending the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

SECTION VI

Upon adoption of this Ordinance, the Amended Redevelopment Plan shall supersede and replace the current Redevelopment Plan for the Porete Avenue Redevelopment Area.

SECTION VII

Upon adoption, the Amended Redevelopment Plan shall supersede the Borough's Land Development Regulations and Zoning Code unless otherwise noted and as such, the zoning map of the Borough of North Arlington shall be amended to indicate that the Amended Redevelopment Plan is applicable to the Porete Avenue Redevelopment Area.

SECTION VIII

This Ordinance shall take effect twenty (20) days after publication in accordance with applicable law.

ATTEST:


MARTIN A. GOBBO, BOROUGH

APPROVED:


RUSSELL L. PITMAN, MAYOR

FIRST READING:

November 10, 2005

SECOND READING:

First Reading

INTRODUCED BY: Councilman Bianchi				
SECONDED BY: Councilman Hughes				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Tanelli				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
BIANCHI	X			
HUGHES	X			
JOHNSON	X			
KEARNEY	X			
TANELLI	X			
YAMPAGLIA	X			
MASSA				
TOTAL				

ORDINANCE NO. 2063
 BOROUGH OF NORTH ARLINGTON
 BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO ADOPT AN AMENDED 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 created 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 and 2005; and

WHEREAS, the Governing Body last amended said Redevelopment Plan for the Porete Ave Redevelopment Area by Ordinance No. 1948 approved and adopted by the Borough on December 8, 2005; and

WHEREAS, the Governing Body retained the services of Heyer, Gruel and Associates to prepare an Amended Porete Avenue Redevelopment Plan which was dated June, 2010 and presented to the Governing Body by Heyer, Gruel and Associates at a special meeting held on August 9, 2010; and

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

WHEREAS, the Planning Board passed a Resolution Adopting Report of Recommendation on September 29, 2010 with regard to the Amended Porete Avenue Redevelopment Plan; and

WHEREAS, upon receipt of the Planning Board's Resolution and Report of Recommendation, the Governing Body gave due consideration to each and every comment and recommendation contained therein; and

WHEREAS the Governing Body, acknowledging that the recommendations and comments of the Planning Board may again be taken into consideration with regard to future amendments to the Plan, but having determined that such recommendations and comments do not give rise, **at this time**, to the need to modify the Amended Porete Avenue Redevelopment Plan as presented by Heyer, Gruel and Associates on August 9, 2010, and that said June 2010 Amended Porete Avenue Redevelopment Plan represents the most reasonable and advantageous plan for the development of the Porete Avenue Redevelopment Area; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that the Amended Redevelopment Plan for the Porete Avenue Redevelopment Area dated June 2010 is hereby adopted and that the Porete Avenue Redevelopment Ordinance shall be amended in accordance with the Amended 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.)

SECTION 2- Purpose

(A) Vision

The Porete Avenue Area has been a home to industry for more than half a century. The Mayor and Council of the Borough of North Arlington recognize the importance of maintaining the character of the area. The Redevelopment Area presents significant development opportunity because of its proximity to major market centers, primary transportation arteries and a large labor pool.

This Amended Redevelopment plan envisions enhancing the Area to create a regional light industrial center, encouraging infill development and rehabilitation of the existing industrial buildings and lots on Porete Avenue. The proposed concepts for the Bethlehem Steel and BCUA sites envision an attractive campus setting with landscape buffers that will not detract from the views of the New York skyline from the residents on the ridge.

(B) Goals and Objectives

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

1. To redevelop land occupied by obsolete structures and uses.
2. To stimulate economic investment in the Area.
3. To promote the effective non-residential use of all the Redevelopment Area property and to increase the property tax base.
4. To provide improved access to the Area.
5. To ensure that new development is compatible with the surrounding development in building mass and visual quality.
6. To encourage the use of innovative techniques to reduce the impervious coverage created by development.
7. To utilize “green” building standards and sustainable design techniques to the extent feasible.

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 Porete Avenue 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.

(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 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 process 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.

(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 or result in an expansion of the current use of the property. Any deviation from standards of this Plan that results in a “d” variance pursuant to N.J.S.A. 40:55D-70d or an expansion of the current use of the property shall be addressed as an amendment to the Plan and presented to the Redevelopment Authority 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- 12a & 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”.

SECTION 4- District Use and Bulk Standards

The district standards contain information pertaining to the purpose of the district; the permitted and accessory uses; bulk standards; and other district-specific standards.

The Redevelopment Area has been subdivided into three districts: the Porete Avenue Area, the Bethlehem Steel Site, and the BCUA Site (See the Amended Porete Avenue Redevelopment Plan adopted herewith for map identifying and describing the districts).

(A) Porete Avenue Area

1. Principal Permitted Uses
 - (a) Light Industry
 - (b) Warehouse and Distribution Facility
 - (c) General, business and professional offices
 - (d) Public uses
2. Accessory Uses

Uses customary and incidental to the principal use such as parking and signage.
3. Bulk Standards

Minimum lot size – 1 acre
Maximum lot coverage – 80 percent
Maximum building height – 60 feet
Minimum floor area – 5,000 square feet in the principal structure
Minimum building setbacks from all property lines – 20'

(B) Bethlehem Steel Site

1. Principal Permitted Uses
 - (a) Light Industry
 - (b) Warehouse and Distribution Facility
 - (c) Wholesale establishment
 - (d) Data Center
 - (e) Research laboratories
 - (f) Flex space
2. Accessory Uses

Uses customary and incidental to the principal use including but not limited to:

 - (a) Parking lots and garages for storage of company vehicles.
 - (b) Loading docks.
 - (c) Cooling towers for HVAC and emergency back-up generation systems
 - (d) Fuel oil tanks for HVAC and emergency back-up generating systems
 - (e) Emergency generators
3. Bulk Standards

Minimum lot size – 4 acres
Maximum lot coverage – 60%
Maximum building height – 60 feet
Minimum floor area – 40,000 square feet in the principal structure
Minimum building setbacks from all property lines – 30'

(C) BCUA Site

1. Principal Permitted Uses
 - (a) Flex space
 - (b) Warehouse and Distribution Facility
 - (c) Self-storage facility
 - (d) Modular Housing Manufacturing
 - (e) Studio
 - (f) Commercial recreation, indoor
 - (g) Commercial recreation, outdoor
 - (h) Public Uses
2. Permitted Accessory Uses

Uses customary and incidental to the principal use such as showrooms, parking, and signage.
3. Bulk Standards

Minimum lot size – 3 acres

Maximum lot coverage – 60 %
Maximum building height – 60 feet
Minimum floor area – 40,000 square feet in the principal structure
Minimum building setbacks from all property lines – 30'

SECTION 5- General Design Standards

These design standards shall be applied with the use and bulk requirements detailed in this Plan. The design standards are intended to reinforce the physical, visual and spatial characteristics of the Redevelopment Area. The following standards shall apply:

(A) Access and Circulation

1. Driveways: minimum of 24 feet wide. Maximum width of driveway, exclusive of curb-to-curb return radii, shall not exceed 40 feet. Curb return radius shall be a minimum of 50 feet.
2. Cul-de-sacs: Minimum turn-around radius shall be 70 feet.
3. Curb Cuts: The minimum distance between any two driveway-road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of two public roads. Curb cuts shall be located at least 10 feet from abutting property line. Curb cuts for any two driveways serving the same property shall be at least 50 feet apart.
4. Driveways and/or travel aisles shall provide unobstructed access for vehicles and personnel in conformance with building code requirements for emergency access, building maintenance, and garbage collection access and clearance.
5. Internal pedestrian walkways within a parking lot must be distinguished from the driving surface by use of pavers, brick, integrally colored, or scored concrete.
6. Internal roadways within the property shall not be closer than 10 feet to any property line except in the front.

(B) Parking

1. Minimum parking space - perpendicular; 9 feet by 18 feet
2. Minimum aisle width: 24 feet wide for two-way perpendicular parking, 16 feet wide for one-way sixty-degree parking, 13 feet wide for one-way forty five-degree parking
3. Number of spaces:
 - (a) Light Industrial: One (1) parking space for each one thousand (1,000) square feet of gross floor area.
 - (b) Warehousing and Distribution: One (1) space for each fifteen hundred (1,500) square feet of gross floor area.
 - (c) Manufacturing, Assembly and Fabrication: 1 parking space for each employee employed at one time on the maximum shift, plus 10% of employee spaces for visitors. One additional parking space for each commercial vehicle operated by the facility shall be provided.
 - (d) Computer and Data processing centers: 1 parking space per 5,000 square feet of gross floor area.
 - (e) General Business and Professional Offices: One (1) space for each three hundred (300) square feet of gross floor area.
4. Off-street parking and loading areas should be coordinated with the public street system serving the Area to reduce conflicts with through traffic, obstruction with pedestrian circulation, and vehicle thoroughfares.
5. If, upon credible testimony, it is determined that a specific use requires less than the number of stalls required above, a parking plan showing the requisite number of stalls must be provided. However, the number of spaces installed shall be in accordance with the user's requirement. All remaining space shall be appropriately landscaped. Stormwater management shall be sized for maximum parking build-out.

(C) Loading and Unloading

1. Minimum size of loading spaces: 12 feet in width by 60 feet in length with 15 feet minimum vertical clearance. Additional space for maneuvering, depending on the arrangement of the loading/unloading facilities, shall be provided.
2. Minimum number of spaces:

- (a) Light Industrial: Two (2) loading spaces (12 feet by 60 feet) for structures up to and including 40,000 sq. ft.; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per each additional 100,000 sq. ft. over 100,000 sq. ft.
 - (b) Warehousing and Distribution: Two (2) loading spaces (12 feet by 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per each additional 100,000 sq. ft. over 100,000 sq. ft.
 - (c) General Business and Professional Offices: one (1) loading space (12 feet by 60 feet).
3. Location: Loading areas, outside storage, and service areas shall be located in areas of low visibility.
 4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. All service areas must be screened with a combination of low walls, decorative fencing, and landscaping. Screening materials must be the same as, or of equal quality to, the materials used for the primary building.

(D) Buffering and Screening

1. A minimum 10-foot landscaped buffer shall be required along public streets.
2. A minimum of 5% of all parking areas shall be landscaped and shall include a minimum of 1 shade tree per 20 parking stalls.
3. Any outdoor storage or display of goods, materials and/or equipment shall be screened from view from any public right-of-way to the satisfaction of the Planning Board using a combination of fencing, coniferous and deciduous plantings and/or berming.

(E) Storage of Materials

1. All other exterior storage of materials shall be in sturdy weather and rustproof containers which are covered, secured, and maintained in good condition.
2. Storage for flammable materials shall be in nonflammable containers.

(F) Graphics and Signage

1. Signs shall be restricted to industrial/commercial identification, tenant identification, and directional signs, either wall-mounted or freestanding.
2. No rooftop signs shall be permitted.
3. Signs visible from the exterior of any building, if illuminated, shall be internally illuminated without a halo, but no signs or any other contrivances shall be devised or constructed so as to rotate, gyrate, blink, move, or appear to move in any fashion.
4. Public service devices such as clocks and temperature indicators shall be devoid of advertising.
5. No sign shall be attached to exterior glass.
6. Color shall be subdued in tone. Contrasting primary colors are not encouraged. All colors and materials shall be selected from a low-maintenance point of view.
7. Building Signs
 - (a) One (1) wall sign per tenant is permitted, with a maximum sign area of twenty (20) square feet per tenant.
 - (b) All building signs shall have a single sign surface that shall be parallel to the face of the building.
8. Freestanding Signs
 If the building on a lot sets back at least twenty (20) feet from the street right-of-way, one (1) freestanding sign is permitted which is accessory to the business or businesses conducted on the premises. Any freestanding sign must meet all of the following requirements:
 - (a) Only one (1) such sign shall be permitted regardless of the number of establishments.
 - (b) The area of the freestanding sign shall not exceed thirty (30) square feet and the maximum height of the sign shall not exceed eight (8) feet.

- (c) One (1) freestanding general identification sign is permitted for the Planned Industrial/Commercial Development. A maximum sign area of one hundred (100) square feet is permitted.

9. Temporary Identification Signs

One temporary identification sign, not to exceed fifteen (15) square feet in area, will be permitted.

10. Directional Signs

Directional signs, not to exceed six (6) square feet in area, are permitted to identify entrance areas, loading areas and circulation patterns on a site.

(G) Lighting

1. Uniformly-spaced street lights should be provided throughout the development along all internal streets, driveways, parking lots, and loading and service areas.
2. Lighting shall be shielded to prevent glare on adjacent properties.
3. Site lighting shall be provided at the minimum level to accommodate safe pedestrian and vehicular movements, without causing any off-site glare.
4. Parking lot lights shall not exceed 25 feet in height.
5. It is encouraged that all site lighting utilize LED- Light Emitting Diode technology, where feasible.

(H) Landscaping

1. All setback areas fronting public roadways should be defined by a combination of low walls, decorative fencing and/or landscaping. The landscape area within should contain a variety of flowering trees, shrubs, perennials, annuals, and bulbs to complement the architecture and provide seasonal interest.
2. Landscape areas may also contain decorative lighting, and signage, which should be designed to complement the overall buffer design.
3. Landscape design should be integrated into overall site design and plans should include a watering and maintenance schedule for each area.

(I) Site Design

1. No accessory buildings shall be permitted in the front yards.
2. Building types that are least industrial in appearance and function (such as offices, R&D, and flex-spaces) shall be located on the most visible part of the property, close to major roads.
3. Secondary entrances, where practical, should be provided to avoid conflicts between visitor and employee traffic.
4. All buildings are encouraged to be LEED-qualified buildings.
5. Utilities shall be located underground to the extent possible.

(J) Additional Standards

1. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
2. Noise levels shall conform to The New Jersey Department of Environmental Protection (NJDEP) noise regulations pertaining to stationary commercial and industrial sources, pursuant to the Noise Control Act of 1971, N.J.S.A. 13:1G-1 et seq.

(K) Sustainability "Green"

1. To the extent feasible, all redevelopment projects within the Area are encouraged to incorporate sustainable design measures into the development. For all building projects pursuing LEED-accreditation, a LEED-accredited professional, or equivalent, shall serve as a principal member of the design team from the beginning of the project.
2. All new buildings are encouraged to meet the following requirements:
 - (a) Restore the natural hydrology and increase on-site infiltration of stormwater runoff by implementing a stormwater management that reduces impervious coverage, promotes infiltration, and captures and treats stormwater runoff from 90% of the average annual rainfall using NJDEP best management practices. Potential technologies and techniques include vegetated roofs,

pervious paving, grid pavers, rain gardens, vegetated swales, and rainwater recycling.

- (b) Reduce the heat island effect, defined as the increase of local temperatures associated with structures and paved surfaces by utilizing roofing materials that have a Solar Reflectance Index (SRI) equal to or greater than 78 for a low-sloped or flat roof (less than or equal to 2:12), and 29 for a steep-sloped roof (greater than 2:12) for a minimum of 75% of the roof area of all buildings within the redevelopment area; or install a vegetated roof for at least 50% of the roof area of all buildings within the redevelopment area.
- (c) Reduce the use of potable water consumption and generation of wastewater by 50% for the project by utilizing high-efficiency fixtures and dry fixtures for water closets, urinals, bathroom and kitchen sinks, captured rainwater, recycled wastewater, and/or onsite wastewater treatment.
- (d) It is encouraged that all site lighting utilize LED- Light Emitting Diode technology, where feasible.
- (e) Buildings are encouraged to increase energy performance levels by at least 15% compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004, in order to reduce environmental and economic impacts associated with excessive energy use.
- (f) Buildings are encouraged to provide on-site renewable energy systems that meet a minimum of 2.5% of the project's annual energy cost and provide at least 35% of the project's electricity from renewable sources by engaging in at least a two-year renewable energy contract.
- (g) Reduce construction waste by at least 50% by implementing a construction waste management plan that identifies the materials to be diverted from disposal, including recycling cardboard, metal, brick, tile, concrete plastic, wood, glass, gypsum wallboard, carpet and insulation.
- (h) Reuse building materials and products, for at least 5% of the cost of materials on the project, in order to reduce demand for virgin materials by incorporating salvaged materials into building design such as beams and posts, flooring, paneling, doors, and frames, cabinetry and furniture, brick and decorative items.
- (i) Increase demand for building products that incorporate recycled content and are extracted or manufactured within the region for at least 10% of the cost of materials for the project, thereby reducing the environmental impacts associated with the extraction, processing, and transportation of construction materials.

SECTION 6- Acquisition & Relocation

(A) Property Identified for Acquisition

No eminent domain shall be used.

(B) Relocation Plan

The redevelopment area does not contain any existing residential units and therefore will not require any relocation.

SECTION 7- Relationship to Other Local, Regional and State Plans

(A) Borough Master Plan

The objectives of the Redevelopment Plan seek to achieve the goals and objectives contained within the 2003 Borough Master Plan Reexamination Report. The following goals of the Master Plan are met:

1. To upgrade the older industrial areas of the Borough in order to maintain jobs and preserve the non-residential tax base.
2. To improve streets in the Meadowlands portion of North Arlington which is under the Borough's jurisdiction.
2. To maintain and enhance community appearance through proper attention to design standards.

The Land Use Plan identifies the Redevelopment Area as industrial which is generally consistent with the Redevelopment Plan. The Master Plan also recommends an evaluation of the Redevelopment Area as the uses surrounding the area change.

(B) Master Plans of Adjacent Municipalities

Properties in Kearny which are adjacent to the Redevelopment Area and front on Belleville Turnpike are zoned Manufacturing (M) district and CEM Cemetery district. These districts are substantially consistent with the Redevelopment Plan.

(C) New Jersey Meadowlands Commission

The Redevelopment Plan is consistent with the adjacent NJMC zoning and land use. The area to the east of the Redevelopment Area is located in the North Arlington portion of the NJMC District and is zoned RA-Redevelopment Area and EC – Environmental Conservation.

(D) Bergen County

Bergen County's last Master Plan was written and formally adopted on December 10, 1962 and amended March 14, 1966. Since that time, there have been 26 reports on particular elements of the Master Plan and several Cross Acceptance reports to the State Planning Commission. The County is currently undertaking a Master Plan Update expected to be completed sometime this year.

The Porete Avenue Redevelopment Plan is substantially consistent with the current Land Use Element of the Bergen County Comprehensive Plan. The goals of the County Plan are to direct future growth toward the achievement of a system of related centers of development. Major new development is to be directed to regional centers and subregional centers and to discourage the continuation of "spread patterns" of development on vacant lands and along highways.

(E) State Development and Redevelopment Plan (SDRP)

The SDRP places the Redevelopment Area in Metropolitan Planning Area 1 (PA1). The proposed Redevelopment Plan is consistent with the planning goals and objectives of the SDRP as a whole and of PA1 in particular. In terms of land use, the proposed Plan emphasizes the efficient use of infrastructure and public facilities. The proposed Plan makes great efforts to encourage efficient transportation and circulation in the Redevelopment Area. The State Plan promotes redevelopment opportunities of underutilized areas that may be contaminated and to improve road access to areas that are designated for redevelopment.

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 on

contiguous lots of 3 acres or more in size 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 contiguous parcels of under 5 acres in 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 that were 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 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 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) 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.

(G) 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.

(H) 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, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.

(I) 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 9- Definitions

Light Industry – Any production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, but not including the storage of flammable or combustible materials as a principal use.

Warehouse and Distribution Facility – Any establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking and value-added services. Such facilities may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility. This definition shall not include truck terminals or container storage.

Wholesale establishment – Any facility engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers buying merchandise for, or selling merchandise to, such individuals or companies, and not to the public.

Data Center – A centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations. Often data centers are referred to as “colocation data centers” which means that several businesses may rent space to house their servers and in a common location. However, each company’s equipment is usually secured within a delineated area. A data center generally includes environmental controls (air conditioning, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and high security. A data center may include office space for the temporary accommodation of workers displaced from their primary place of business.

Research laboratories – A facility engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients or patrons where no tangible or physical product for general marketing is directly produced therein and where no danger, hazard or nuisance shall extend beyond the borders of any lot which exceeds that created by such similar activities as are permitted as education-research uses.

Flex space - A low rise structure with high ceilings containing an open floor plan that can be modified to accommodate individual needs of its tenants. Individual areas can be leased for uses such as personal services, and retail and office or showroom space in combination with warehouse, research and distribution facilities and other light industrial uses. The structure may contain general loading accommodations.

Self-storage facility – A facility solely used for the storage of goods and materials within self-contained compartments by various users, and may include an accessory residential unit for a facility employee responsible for facility operations and security.

Studio – A facility utilized for the filming, recording, photographing, broadcasting, performance, production, and or editing of videos, films, motion pictures, television and radio shows, commercials, and/or music.

Commercial recreation, indoor – A commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly within an enclosed building. Examples of such uses include, but are not limited to, fitness centers, indoor play areas, training studios (dance, gymnastics, martial arts, etc.), video arcades, bowling alleys, skating rinks, and all accessory uses generally associated therewith, such as food services, equipment rental and repairs, and pro-shops.


Commercial recreation, outdoor – A commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly or partially outside of any building or structure. Examples of such use include but are not

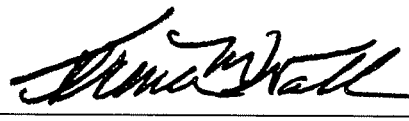
limited to driving ranges, miniature golf facilities, amusement parks, go-cart tracks, paintball fields, and all accessory uses generally associated therewith such as food services, equipment rental and repairs, and pro-shops.

Modular Housing Manufacturing - Any establishment primarily used for the fabrication, assembly, storage or sales of any modular housing. Modular housing is defined as a housing unit that is prefabricated as a single unit or several large components and transported to the job site, The unit is attached to a permanent foundation or anchored to a concrete pad.

SECTION 10- 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 Amended Porete Avenue Redevelopment Plan adopted herewith, the provisions of this Ordinance shall control.
3. Upon adoption, this Ordinance and the Amended Porete Avenue Redevelopment Plan shall supersede and replace the current Redevelopment Plan/Ordinance for the Porete Avenue Redevelopment Area.
4. Upon adoption, this Ordinance and the Amended Porete Avenue Redevelopment Plan shall supersede the Borough's Land Development Regulations and Zoning Code in the Porete Avenue 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 Porete Avenue Redevelopment Area.
5. This Ordinance shall take effect immediately upon passage and publication as required by law.

APPROVED: 
Peter C. Massa, Mayor

ATTEST: 
Terence M. Wall
Borough Clerk

DATED: December 9, 2010

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON MONDAY, NOVEMBER 15, 2010 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 DECEMBER 9, 2010 PM 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 CLERKS OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Terence M. Wall, RMC
Borough Clerk

First Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Granell				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
GRANELL	X			
PRONTI	X			
CRUZ	X			
ZAMMATORE	X			
FITZHENRY				X
HUGHES	X			
BIANCHI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Hughes				
SECONDED BY: Councilman Pronti				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
GRANELL				X
PRONTI	X			
CRUZ	X			
ZAMMATORE	X			
KARCIC			X	
HUGHES	X			
BIANCHI				
TOTAL				

ORDINANCE NO. 2166
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

**AN ORDINANCE TO ADOPT AN AMENDED 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 created 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 and 2010; and

WHEREAS, the Governing Body last amended said Redevelopment Plan for the Porete Ave Redevelopment Area by Ordinance No. 2063 approved and adopted by the Borough on December 9, 2010; and

WHEREAS, the Governing Body retained the services of Heyer, Gruel and Associates to prepare an Amended Porete Avenue Redevelopment Plan which was dated September 2015 and presented to the Governing Body by Heyer, Gruel and Associates at a special meeting held on September 10, 2015; and

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

WHEREAS, the Planning Board reviewed the Amended Porete Avenue Redevelopment Plan on September 21, 2015 and advised the Mayor and Council that it fully endorsed the proposed changes; and

WHEREAS, said September 2015 Amended Porete Avenue Redevelopment Plan represents the most reasonable and advantageous plan for the development of the Porete Avenue Redevelopment Area; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that the Amended Redevelopment Plan for the Porete Avenue Redevelopment Area dated September 2015 is hereby adopted and that the Porete Avenue Redevelopment Ordinance shall be amended in accordance with the Amended 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 Porete Avenue Area has been a home to industry for more than half a century. The Mayor and Council of the Borough of North Arlington recognize the importance of maintaining the character of the area as an industrial area. The Redevelopment Area presents significant development opportunity because of its proximity to major market centers, primary transportation arteries, and a large labor pool. This Amended Redevelopment plan envisions enhancing the Redevelopment Area by creating a regional industrial center, encouraging infill development and rehabilitation of the existing industrial buildings and lots on Porete Avenue. The Borough has worked for many years in an attempt to redevelop the Bethlehem Steel site located east of Porete Avenue but has encountered a number of issues including environmental clean-up and accessibility to the site.

The Bethlehem Steel site is now envisioned to consist of a freight distribution operation with an initial employment base of 150 people and improved access to the site and the entire Redevelopment Area. The proposed Bethlehem Steel site will address access through the construction of a public roadway that connects the site to Belleville Turnpike as well as to the businesses on Porete Avenue. The proposed development will also include a stormwater management system with runoff basins.

(B) Goals and Objectives

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

1. To redevelop land occupied by obsolete structures and uses.
2. To stimulate economic investment in the Area.
3. To promote the effective non-residential use of all the Redevelopment Area property and to increase the property tax base.
4. To improve access to the Area by providing a public right-of-way to Belleville Turnpike (State Route 7).
5. To ensure that new development is compatible with the surrounding development in building mass and visual quality.
6. To foster environmental clean-up of the Area.
7. To encourage the use of innovative techniques to reduce the impervious coverage created by development.
8. To utilize "green" building standards and sustainable design techniques to the extent feasible.

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 Porete Avenue 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.

(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 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 process 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- 12a & 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- District Use and Bulk Standards

The district standards contain information pertaining to the purpose of the district; the permitted and accessory uses; bulk standards; and other district-specific standards.

The Redevelopment Area has been subdivided into three districts: the Porete Avenue Area, the Bethlehem Steel Site, and the BCUA Site (See the Amended Porete Avenue Redevelopment Plan adopted herewith for map identifying and describing the districts).

Adult uses are prohibited in all districts.

(A) Porete Avenue Area

1. Principal Permitted Uses

- (a) Light Industry
- (b) Warehouse
- (c) General, business and professional offices
- (d) Public uses

2. Accessory Uses

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

3. Bulk Standards
Minimum lot size – 1 acre
Maximum lot coverage – 80 percent
Maximum building height – 60 feet
Minimum floor area – 5,000 square feet in the principal structure
Minimum building setbacks from all property lines – 20'

(B) Bethlehem Steel Site

1. Principal Permitted Uses

- (a) Light Industry
- (b) Warehouse
- (c) Wholesale establishment
- (d) Data Center
- (e) Research laboratories
- (f) Flex space
- (g) Distribution center/ cross-docking facility/transshipment
- (h) Stormwater management facility

2. Accessory Uses

Uses customary and incidental to the principal use including but not limited to:

- (a) Parking lots and garages for storage of company vehicles.
- (b) Loading docks.
- (c) Cooling towers for HVAC and emergency back-up generation systems
- (d) Fuel oil tanks for HVAC and emergency back-up generating systems
- (e) Emergency generators
- (f) Vehicle maintenance facility

3. Bulk Standards

Minimum lot size – 2 acres (minimum lot size does not apply to lots containing stormwater management infrastructure such as retention basins)

Maximum lot coverage – 70%

Maximum building height – 60 feet

Minimum floor area – 40,000 square feet in the principal structure

Minimum building setbacks from all property lines – 30 feet

(C) BCUA Site

1. Principal Permitted Uses

- (a) Flex space
- (b) Warehouse
- (c) Self-storage facility
- (d) Modular Housing Manufacturing
- (e) Studio
- (f) Commercial recreation, indoor
- (g) Commercial recreation, outdoor
- (h) Public Uses

2. Permitted Accessory Uses

Uses customary and incidental to the principal use such as showrooms, parking, and signage.

3. **Bulk Standards**
Minimum lot size – 3 acres
Maximum lot coverage – 60 %
Maximum building height – 60 feet
Minimum floor area – 40,000 square feet in the principal structure
Minimum building setbacks from all property lines – 30 feet

SECTION 5- General Design Standards

These design standards shall be applied with the use and bulk requirements detailed in this Plan. The design standards are intended to reinforce the physical, visual and spatial characteristics of the Redevelopment Area. Any elements not covered by these design standards shall be subject to the appropriate provisions of the Borough of North Arlington Land Development Ordinance. The following standards shall apply:

(A) Access and Circulation

1. Driveways: Driveways that are solely used for passenger vehicles shall not exceed 25 feet in width.
2. The minimum distance between any two driveway-road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of two public roads. Curb cuts shall be located at least 10 feet from abutting property line. Curb cuts for any two driveways serving the same property shall be at least 50 feet apart. The provisions shall not apply to driveways used solely for emergency access purposes.
3. Driveways and/or travel aisles shall provide unobstructed access for vehicles and personnel in conformance with building code requirements for emergency access, building maintenance, and garbage collection access and clearance.

(B) Parking

1. Minimum parking space - perpendicular; 9 feet by 18 feet
2. Minimum aisle width: 24 feet wide for two-way perpendicular parking, 16 feet wide for one-way sixty-degree parking, 13 feet wide for one-way forty five-degree parking
3. Number of spaces:
 - (a) Light Industrial (including wholesale establishments and modular housing use): One (1) parking space for each one thousand (1,000) square feet of gross floor area.
 - (b) Warehousing: One (1) space for each fifteen hundred (1,500) square feet of gross floor area.
 - (c) Computer and Data processing centers: 1 parking space per 5,000 square feet of gross floor area.
 - (d) General Business, Professional Offices, research laboratories, flex space, studios, and commercial recreation: One (1) space for each three hundred (300) square feet of gross floor area.
 - (e) Distribution Center: One (1) space per 1,500 square feet of gross floor area.
 - (f) Vehicle Maintenance Facility: One (1) space per employee.
4. Off-street parking and loading areas should be coordinated with the public street system serving the Area to reduce conflicts with through traffic, obstruction with pedestrian circulation, and vehicle thoroughfares.
5. If upon credible testimony, it is determined a specific use requires less than the number of stalls required above, a parking plan showing the requisite number of stalls must be provided, however the number of spaces installed shall be in accordance with the user's requirement. All remaining

space shall be appropriately landscaped. Stormwater management shall be sized for maximum parking build-out.

6. A minimum 3 foot clearance from vehicle overhang shall be provided that will be delineated by offsetting wheel stops or where applicable 5 foot sidewalks from back of curb that is adjacent to head on parking at the property line.
7. In the case of secured and/or gated parking areas no acceleration or deceleration lane is required.

(C) Loading and Unloading

1. Minimum size of loading spaces: 11 feet in width x 60 feet in length with 15 feet minimum vertical clearance. Additional space for maneuvering, depending on the arrangement of the loading/unloading facilities, shall be provided.
2. Minimum number of spaces:
 - (a) Light Industrial: Two (2) loading spaces (11 feet x 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per additional 100,000 sq. ft. over 100,000 sq. ft.
 - (b) Warehousing: Two (2) loading spaces (12 feet x 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per additional 100,000 sq. ft. over 100,000 sq. ft.
 - (c) General Business and Professional Offices: one (1) loading space (11 feet x 60 feet)
 - (d) Distribution Center: Two (2) loading spaces (11 feet x 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per additional 100,000 sq. ft. over 100,000 sq. ft.
3. Location: Loading areas, outside storage, and service areas shall be screened from public view.
4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. All service areas must be screened with a combination of low walls, decorative fencing, and landscaping. Screening materials must be the same as, or of equal quality to, the materials used for the primary building.

(D) Buffering and Screening

1. A minimum 4-foot landscaped buffer shall be required along public streets.
2. A minimum of 5% of all parking areas shall be landscaped and shall include a minimum of 1 shade tree per 20 parking stalls.
3. Any outdoor storage or display of goods, materials and/or equipment shall be screened from view from any public right-of-way to the satisfaction of the Planning Board using a combination of fencing, coniferous and deciduous plantings and/or berming.

(E) Storage of Materials

1. Baled, palletted, or otherwise consolidated materials stored outdoors shall not be permitted in the front yard.
2. All other exterior storage of materials shall be in sturdy weather and rustproof containers which are covered, secured, and maintained in good condition.
3. Storage for flammable materials shall be in nonflammable containers.

(F) Graphics and Signage

1. Signs shall be restricted to industrial/commercial identification, tenant identification, and directional signs, either wall-mounted or freestanding.
2. No rooftop signs shall be permitted.
3. Signs visible from the exterior of any building, if illuminated, shall be internally illuminated without a halo, but no signs or any other contrivances shall be devised or constructed so as to rotate, gyrate, blink, move, or appear to move in any fashion.
4. Public service devices such as clocks and temperature indicators shall be devoid of advertising.
5. No sign shall be attached to exterior glass.

6. Building Signs

- (a) One (1) wall sign per tenant is permitted, with a maximum sign area of fifty (50) square feet per tenant.
- (b) All building signs shall have a single sign surface that shall be parallel to the face of the building.

7. Freestanding Signs

If the building on a lot sets back at least twenty (20) feet from the street right-of-way, two (2) freestanding signs are permitted, which is accessory to the business or businesses conducted on the premises. Any freestanding sign must meet all of the following requirements:

- (a) Only one (1) such sign shall be permitted regardless of the number of establishments.
- (b) The area of the freestanding sign shall not exceed one hundred (100) square feet and the maximum height of the sign shall not exceed eight (8) feet.
- (c) One (1) freestanding general identification sign is permitted for the Planned Industrial/Commercial Development. A maximum sign area of one hundred (100) square feet is permitted.

8. Temporary Identification Signs

One temporary identification sign, not to exceed fifteen (15) square feet in area, will be permitted.

9. Directional Signs

Directional signs, not to exceed six (6) square feet in area, are permitted to identify entrance areas, loading areas and circulation patterns on a site.

(G) Sidewalks and Cartway Widths for Distribution Facilities

1. Four (4) foot sidewalks shall be provided on one side of the street. If not feasible, then a minimum of graded area of 2 feet in width shall be provided on one side.
2. Cartways shall be no less than 24 feet wide.

(H) Lighting

1. Uniformly-spaced street lights should be provided throughout the development along all internal streets, driveways, parking lots, and loading and service areas.
2. Lighting shall be shielded to prevent glare on adjacent properties.
3. Site lighting shall be provided at the minimum level to accommodate safe pedestrian and vehicular movements, without causing any off-site glare.
4. Parking lot lights shall not exceed 25 feet in height except for distribution centers / cross-docking / transshipment facilities where pole lights shall not exceed 40 feet in height.
5. It is encouraged that all site lighting utilize LED- Light Emitting Diode technology, where feasible.

(I) Landscaping

1. All setback areas fronting public roadways should be defined by a combination of low walls, decorative fencing and/or landscaping. The landscape area within should contain a variety of flowering trees, shrubs, perennials, annuals, and bulbs to complement the architecture and provide seasonal interest.

2. Landscape areas may also contain decorative lighting, and signage, which should be designed to complement the overall buffer design.
3. Landscape design should be integrated into overall site design and plans should include a watering and maintenance schedule for each area.
4. If right-of-way width is insufficient to provide street trees they shall be provided on the adjacent property.

(J) Site Design

1. Building types that are least industrial in appearance and function (such as offices, R&D, and flex-spaces) shall be located on the most visible part of the property, close to major roads.
2. Secondary entrances, where practical, should be provided to avoid conflicts between visitor and employee traffic.
3. All buildings are encouraged to be LEED-qualified buildings.
4. Utilities shall be located underground to the extent possible.

(K) Stormwater Management

The provisions of Ordinance Section 205-130B(3)(c) shall apply. The Board may waive this standard and permit a steeper slope. In this case the applicant's engineer shall provide engineering justification with respect to embankment washout due to stormwater and provide soil reinforcement per standard engineering practice.

(L) Additional Standards

1. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
2. Noise levels shall conform to The New Jersey Department of Environmental Protection (NJDEP) noise regulations pertaining to stationary commercial and industrial sources, pursuant to the Noise Control Act of 1971, N.J.S.A. 13:1G-1 et seq.

(M) Sustainability/"Green"

1. To the extent feasible, all redevelopment projects within the Area are encouraged to incorporate sustainable design measures into the development. For all building projects pursuing LEED-accreditation, a LEED-accredited professional, or equivalent, shall serve as a principal member of the design team from the beginning of the project.
2. All new buildings are encouraged to meet the following requirements:
 - (a) Restore the natural hydrology and increase on-site infiltration of stormwater runoff by implementing a stormwater management that reduces impervious coverage, promotes infiltration, and captures and treats stormwater runoff from 90% of the average annual rainfall using NJDEP best management practices. Potential technologies and techniques include vegetated roofs, pervious paving, grid pavers, rain gardens, vegetated swales, and rainwater recycling.
 - (b) Reduce the heat island effect, defined as the increase of local temperatures associated with structures and paved surfaces by utilizing roofing materials that have a Solar Reflectance Index (SRI) equal to or greater than 78 for a low-sloped or flat roof (less than or equal to 2:12), and 29 for a steep-sloped roof (greater than 2:12) for a minimum of 75% of the roof area of all buildings within the redevelopment area; or install a vegetated roof for at least 50% of the roof area of all buildings within the redevelopment area.
 - (c) Reduce the use of potable water consumption and generation of wastewater by 50% for the project by utilizing high-efficiency fixtures and dry fixtures for water closets, urinals, bathroom and kitchen sinks, captured rainwater, recycled wastewater, and/or onsite wastewater treatment.

- (d) It is encouraged that all site lighting utilize LED- Light Emitting Diode technology, where feasible.
- (e) Buildings are encouraged to increase energy performance levels by at least 15% compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004, in order to reduce environmental and economic impacts associated with excessive energy use.
- (f) Buildings are encouraged to provide on-site renewable energy systems that meet a minimum of 2.5% of the project's annual energy cost and provide at least 35% of the project's electricity from renewable sources by engaging in at least a two-year renewable energy contract.
- (g) Reduce construction waste by at least 50% by implementing a construction waste management plan that identifies the materials to be diverted from disposal, including recycling cardboard, metal, brick, tile, concrete plastic, wood, glass, gypsum wallboard, carpet and insulation.
- (h) Reuse building materials and products, for at least 5% of the cost of materials on the project, in order to reduce demand for virgin materials by incorporating salvaged materials into building design such as beams and posts, flooring, paneling, doors, and frames, cabinetry and furniture, brick and decorative items.
- (i) Increase demand for building products that incorporate recycled content and are extracted or manufactured within the region for at least 10% of the cost of materials for the project, thereby reducing the environmental impacts associated with the extraction, processing, and transportation of construction materials.

SECTION 6- Acquisition & Relocation

(A) Property Identified for Acquisition

No eminent domain shall be used.

(B) Relocation Plan

The redevelopment area does not contain any existing residential units and therefore will not require any relocation.

(C) Affordable Housing

There is no existing or proposed housing in the Area.

SECTION 7- Relationship to Other Local, Regional and State Plans

(A) Borough Master Plan

The objectives of the Redevelopment Plan seek to achieve the goals and objectives contained within the 2003 Borough Master Plan Reexamination Report. The following goals of the Master Plan are met:

1. To upgrade the older industrial areas of the Borough in order to maintain jobs and preserve the non-residential tax base.
2. To improve streets in the Meadowlands portion of North Arlington which is under the Borough's jurisdiction.
2. To maintain and enhance community appearance through proper attention to design standards.

The Land Use Plan identifies the Redevelopment Area as industrial which is generally consistent with the Redevelopment Plan. The Master Plan also recommends an evaluation of the Redevelopment Area as the uses surrounding the area change.

(B) Master Plans of Adjacent Municipalities

Properties in Kearny which are adjacent to the Redevelopment Area and front on Belleville Turnpike are zoned Manufacturing (M) district and CEM Cemetery district. These districts are substantially consistent with the Redevelopment Plan.

(C) New Jersey Meadowlands Commission

The Redevelopment Plan is consistent with the adjacent NJMC zoning and land use. The area to the east of the Redevelopment Area is located in the North Arlington portion of the NJMC District and is zoned RA-Redevelopment Area and EC – Environmental Conservation. The New Jersey Meadowlands Commission merged into the New Jersey Sports and Exposition Authority in February 2015.

(D) Bergen County

Bergen County's last Master Plan was written and formally adopted on December 10, 1962 and amended March 14, 1966. Since that time there have been 26 reports on particular elements of the Master Plan and several Cross Acceptance reports to the State Planning Commission. The County is currently undertaking a Master Plan Update. The Visioning Component of the Bergen County Master Plan was released in 2011.

The Porete Avenue Redevelopment Plan is substantially consistent with the current Land Use Element of the Bergen County Comprehensive Plan. The goals of the County Plan are to direct future growth toward the achievement of a system of related centers of development. Major new development is to be directed to regional centers and subregional centers and to discourage the continuation of "spread patterns" of development on vacant lands and along highways.

(E) State Development and Redevelopment Plan (SDRP)

The SDRP places the Redevelopment Area in Metropolitan Planning Area 1 (PA1). The proposed Redevelopment Plan is consistent with the planning goals and objectives of the SDRP as a whole and of PA1 in particular. In terms of land use, the proposed Plan emphasizes the efficient use of infrastructure and public facilities. The proposed Plan makes great efforts to encourage efficient transportation and circulation in the Redevelopment Area. The State Plan promotes redevelopment opportunities of underutilized areas that may be contaminated and to improve road access to areas that are designated for redevelopment.

(F) State Strategic Plan

The Final State Strategic Plan, released in October of 2011, outlines goals and principles for targeting investment and growth in the State of New Jersey. This Redevelopment Plan is consistent with the stated goals and objectives of the State plan. This Plan emphasizes Goal 1 by targeting economic growth in a strategic location that will encourage the advancement of industries. The State Plan notes that New Jersey is ideally located for distribution capabilities, and this Redevelopment Plan capitalizes on that advantage by supporting the development of such facilities within the Area.

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 on contiguous lots of 5 acres or more in size 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 contiguous parcels of under 5 acres in 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 that were 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 or marital status.
7. Neither the redeveloper(s) nor the Mayor and Council, nor the successors, lessees or assigns or either of them, shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex 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) 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.

(G) 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.

(H) 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, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.

(I) 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 9- Definitions

Light Industry – Any production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, but not including the storage of flammable or combustible materials as a principal use.

Warehouse – Any establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking and value-added services. Such facilities may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility. This definition shall not include truck terminals or container storage.

Wholesale establishment – Any facility engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers buying merchandise for, or selling merchandise to, such individuals or companies, and not to the public.

Data Center – A centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations. Often data centers are referred to as “collocation data centers” which means that several businesses may rent space to house their servers and in a common location. However, each company’s equipment is usually secured within a delineated area. A data center generally includes environmental controls (air conditioning, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and high security. A data center may include office space for the temporary accommodation of workers displaced from their primary place of business.

Research laboratories – A facility engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients or patrons where no tangible or physical product for general marketing is directly produced therein and where no danger, hazard or nuisance shall extend beyond the borders of any lot which exceeds that created by such similar activities as are permitted as education-research uses.

Flex space - A low rise structure with high ceilings containing an open floor plan that can be modified to accommodate individual needs of its tenants. Individual areas can be leased for uses such as personal services, and retail and office or showroom space in combination with warehouse, research and distribution facilities and other light industrial uses. The structure may contain general loading accommodations.

Self-storage facility – A facility solely used for the storage of goods and materials within self-contained compartments by various users, and may include an accessory residential unit for a facility employee responsible for facility operations and security.

Studio – A facility utilized for the filming, recording, photographing, broadcasting, performance, production, and or editing of videos, films, motion pictures, television and radio shows, commercials, and/or music.

Commercial recreation, indoor – A commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly within an enclosed building. Examples of such uses include, but are not limited to, fitness centers, indoor play areas, training studios (dance, gymnastics, martial arts, etc.), video arcades, bowling alleys, skating rinks, and all accessory uses generally associated therewith, such as food services, equipment rental and repairs, and pro-shops.

Commercial recreation, outdoor – A commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly or partially outside of any building or structure. Examples of such use include but are not limited to driving ranges, miniature golf facilities, amusement parks, go-cart tracks, paintball fields, and all accessory uses generally associated therewith such as food services, equipment rental and repairs, and pro-shops.

Distribution center – An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials. Retail sales, assembly or product processing are not considered part of the distribution process.

Cross-docking facility – A cross-docking facility is a distribution docking terminal in which materials are unloaded from an incoming semi-trailer truck and loaded directly onto an outbound truck with little or no storage in between.

Transshipment – The act of transferring freight from long-haul trucks to local delivery vehicles.

Vehicle maintenance facility – A facility used for the maintenance and repair work of commercial vehicles.

Modular Housing Manufacturing - Any establishment primarily used for the fabrication, assembly, storage or sales of any modular housing. Modular housing is defined as a housing unit that is prefabricated as a single unit or several large components and transported to the job site. The unit is attached to a permanent foundation or anchored to a concrete pad.

SECTION 10- 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 Amended Porete Avenue Redevelopment Plan adopted herewith, the provisions of this Ordinance shall control.
3. Upon adoption, this Ordinance and the Amended Porete Avenue Redevelopment Plan shall supersede and replace the current Redevelopment Plan/Ordinance for the Porete Avenue Redevelopment Area.
4. Upon adoption, this Ordinance and the Amended Porete Avenue Redevelopment Plan shall supersede the Borough's Land Development Regulations and Zoning Code in the Porete Avenue 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 Porete Avenue Redevelopment Area.
5. This Ordinance shall take effect immediately upon passage and publication as required by law.

APPROVED: Joseph P. Bianchi
Joseph P. Bianchi, Mayor

ATTEST: Kathleen Moore
Kathleen Moore
Acting Borough Clerk

DATED: November 12, 2015

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 8, 2015 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 12, 2015 AT 7:00 PM 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 CLERKS OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Acting Borough Clerk

AMENDED PORETE AVENUE/BCUA REDEVELOPMENT PLAN

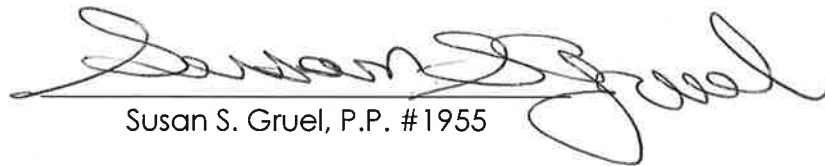
Bergen County, New Jersey

September 2015

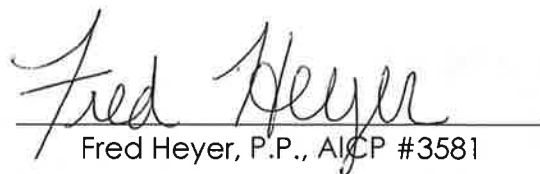
Prepared by

Heyer, Gruel & Associates
Community Planning Consultants
236 Broad Street
Red Bank, New Jersey 07701
732-741-2900

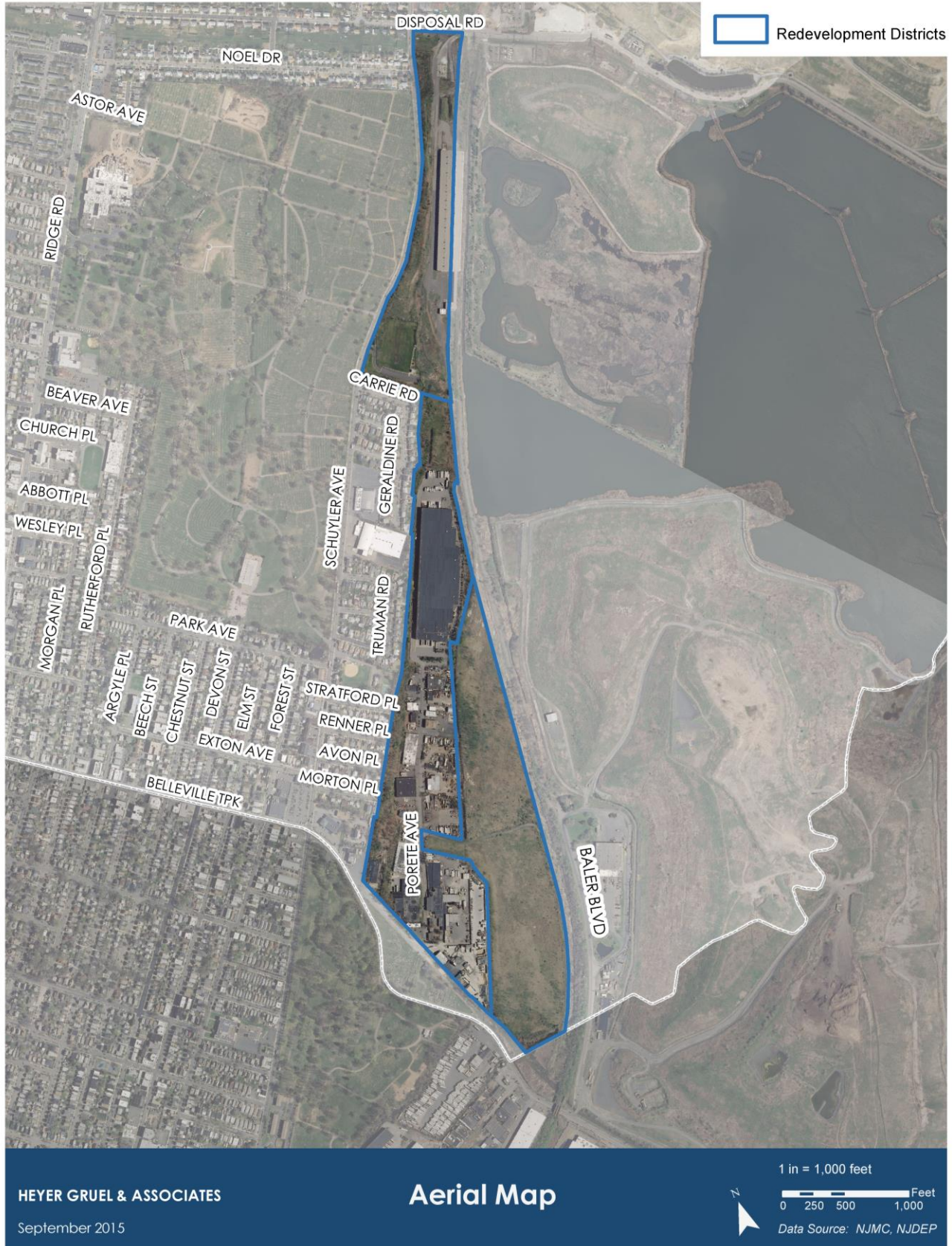
The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12



Susan S. Gruel, P.P. #1955



Fred Heyer, P.P., AICP #3581



INTRODUCTION

During the past twenty-five years, the Borough of North Arlington has focused its efforts on the redevelopment of the Porete Avenue area, which is located along the southeastern corner of the Borough bordering the New Jersey Meadowlands District. The Mayor and Borough Council have determined that one of the most effective planning and implementation strategies is the use of the redevelopment process in accordance with the Local Redevelopment & Housing Law (N.J.S.A. 40A:12A-1 et seq.) The first step in the process was the designation of “an area in need of redevelopment.” In the fall of 1990, the Governing Body adopted a resolution which formally declared the 91 acre Porete Avenue area as an area in need of redevelopment. The Redevelopment Plan was amended in 1992, 1999, 2003, 2005, and 2010 to include new development options and reflect changes to development policy for the Area. This Plan supersedes the previous plans to reflect a refined and updated vision.

This Plan is intended to serve as a long-range planning document which establishes a vision for the transformation of the Area and provides implementation strategies to realize that vision. Towards achieving that end, the Porete Avenue/BCUA Redevelopment Plan:

- Details the history and character of the Area;
- Outlines the opportunities and constraints of the Area;
- Establishes the goals of the Plan;
- Establishes zoning districts within the Area;
- Establishes permitted uses, bulk standards and design standards within the districts;
- Establishes general design standards for the entire Area

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 land 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.

VISION

The Porete Avenue Area has been a home to industry for more than half a century. The Mayor and Council of the Borough of North Arlington recognize the importance of maintaining the character of the area as an industrial area. The Redevelopment Area presents significant development opportunity because of its proximity to major market centers, primary transportation arteries, and a large labor pool.

This Amended Redevelopment plan envisions enhancing the Redevelopment Area by creating a regional industrial center, encouraging infill development and rehabilitation of the existing industrial buildings and lots on Porete Avenue. The Borough has worked for many years in an attempt to redevelop the Bethlehem Steel site located east of Porete Avenue but has encountered a number of issues including environmental clean-up and accessibility to the site.

The Bethlehem Steel site is now envisioned to consist of a freight distribution operation with an initial employment base of 150 people and improved access to the site and the entire Redevelopment Area. The proposed Bethlehem Steel site will address access through the construction of a public roadway that connects the site to Belleville Turnpike as well as to the businesses on Porete Avenue. The proposed development will also include a stormwater management system with runoff basins.

PLAN PRINCIPLES

The Porete Avenue Redevelopment Area presents significant development opportunity due to the Area's proximity to:

Major market centers - The location of North Arlington within the northern New Jersey-New York metropolitan region presents numerous opportunities for economic development. Although the economy has not improved as quickly as hoped for, people who live in the New York Metro region still rely on staple products and services such as clothing, food and entertainment. The nearby Meadowlands industrial sub market is one of the strongest industrial real estate markets in the NY/NJ Metropolitan region. Average industrial direct asking rent in Bergen County was \$7.00 per square foot in the second quarter of 2015, down \$0.16 from the previous quarter and \$1.57 more per square foot than in nearby Passaic County (Source: NAI James E. Hanson). Average asking rates for Warehouse/Distribution in the second quarter are \$6.74 per square foot per year. (Source: Cushman & Wakefield)

Primary transportation arteries - A network of highways and rail lines connect North Arlington to the New York major metropolitan area. The Borough is situated in close proximity to several major transportation routes, including the New Jersey Turnpike, US Routes 1 & 9, 3, 7, 17 and 21. Route 17 has become a major truck connection between the New Jersey Turnpike and New York State Thruway to northern destinations providing a more direct route than 287. Many important freight and passenger rail lines connecting New York City with the continental United States traverse the Borough. North Arlington is also located within several miles of the busy ports of Elizabeth and Newark, as well as Newark International Airport and Teterboro Airport. Its position near so many major transportation routes makes the Porete Avenue Redevelopment Area ideal for distribution centers.

Large labor pool – Bergen County has a large employment base and supports residents both in and out of the County. In 2013 roughly 82 percent of the county's employed population was employed in the private sector.

Rehabilitation and Adaptive Reuse

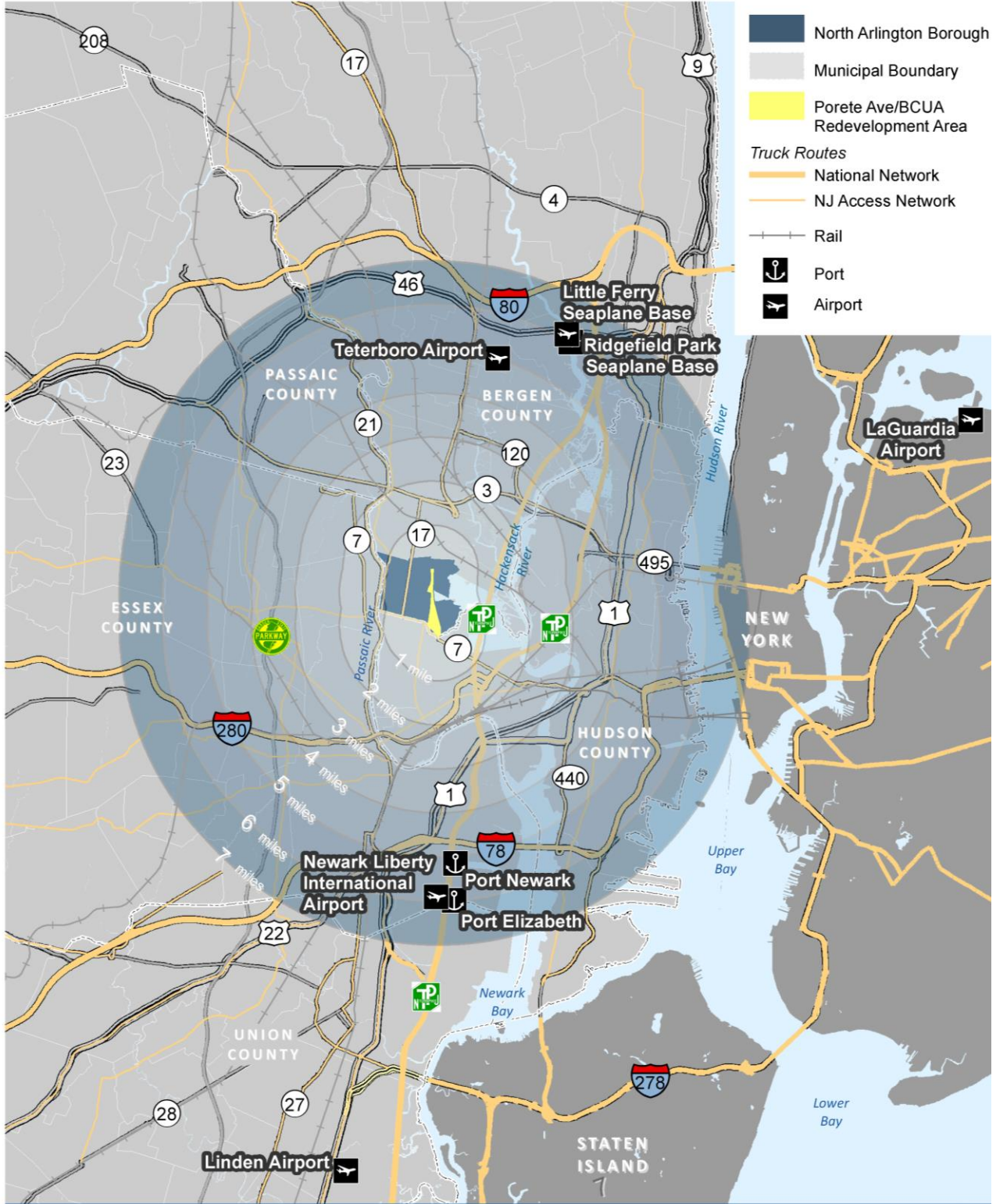
In general, many properties along Porete Avenue contain older, obsolete buildings which are in need of extensive rehabilitation or replacement. Rehabilitation and adaptive reuse of older industrial areas are rapidly changing the landscape of many urban and suburban areas throughout the country. This phenomenon is taking many forms, including the following:

- Upgrading of "low-tech", light-industrial buildings to keep them competitive with newer light-industrial facilities.
- Redevelopment of "low-tech," light-industrial buildings for "higher-tech" research and development (R&D) and office use.
- Rehabilitation of existing older industrial parks into contemporary industrial parks.
- Removal of heavy industrial facilities and reuse of the land for industrial parks.
- Adaptive use of obsolete urban warehouse and manufacturing buildings for a myriad of non-industrial uses.

Many older industrial buildings are being retained and upgraded because developers and tenants are able to reduce construction costs without sacrificing program requirements. However, not every light-industrial building is suitable for upgrading. In many locations, demand for low-tech, light-industrial uses remains strong and existing facilities meet a demand where low cost is the prime tenant requirement.

Suitability for rehabilitation depends on several factors other than demand, including the structural soundness of the building, the availability of space for additional parking requirements, and the condition of the utility systems and rooftop equipment such as HVAC systems. In addition, drawbacks often must be overcome. It is essential that the rehabilitated buildings be given an identity that differentiates its present use from previous uses. For effective and successful rehabilitation, as many features as possible should be retained to keep costs low, but new features should be encouraged, such as increased percentage of exterior glass, particularly along parking lots and entrances;

more impressive entrances; landscaping around buildings and parking areas; removal and/or screening of excess loading docks and storage areas; and recladding of portions of the building skin that are outdated and unattractive.



HEYER GRUEL & ASSOCIATES

September 2015

Opportunities Map

Proximity to Major Markets and Primary Transportation

1 in = 3 miles

0 0.5 1 2 3 Miles

Data Source: NJMC, NJDEP, NJDOT

GOALS AND OBJECTIVES

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

1. To redevelop land occupied by obsolete structures and uses.
2. To stimulate economic investment in the Area.
3. To promote the effective non-residential use of all the Redevelopment Area property and to increase the property tax base.
4. To improve access to the Area by providing a public right-of-way to Belleville Turnpike (State Route 7).
5. To ensure that new development is compatible with the surrounding development in building mass and visual quality.
6. To foster environmental clean-up of the Area.
7. To encourage the use of innovative techniques to reduce the impervious coverage created by development.
8. To utilize "green" building standards and sustainable design techniques to the extent feasible.

DESCRIPTION OF THE REDEVELOPMENT AREA

Regional Context

The Borough of North Arlington is a 2.5 square mile community located at the southern tip of Bergen County. It is bordered to the north by Lyndhurst, to the south by Kearny, to the east by the Hackensack Meadowlands and to the west by the Passaic River. The Borough is divided by a ridge into two major land area: the uplands and the meadowlands. Approximately 320 acres of the meadowlands are under the jurisdiction of the New Jersey Meadowlands Commission (NJMC).

Major roadways located within one mile of the Redevelopment Area include the New Jersey Turnpike, I-280, NJ Route 7, NJ Route 17, and NJ Route 21. The Garden State Parkway and I-78 are within three miles of the Area.

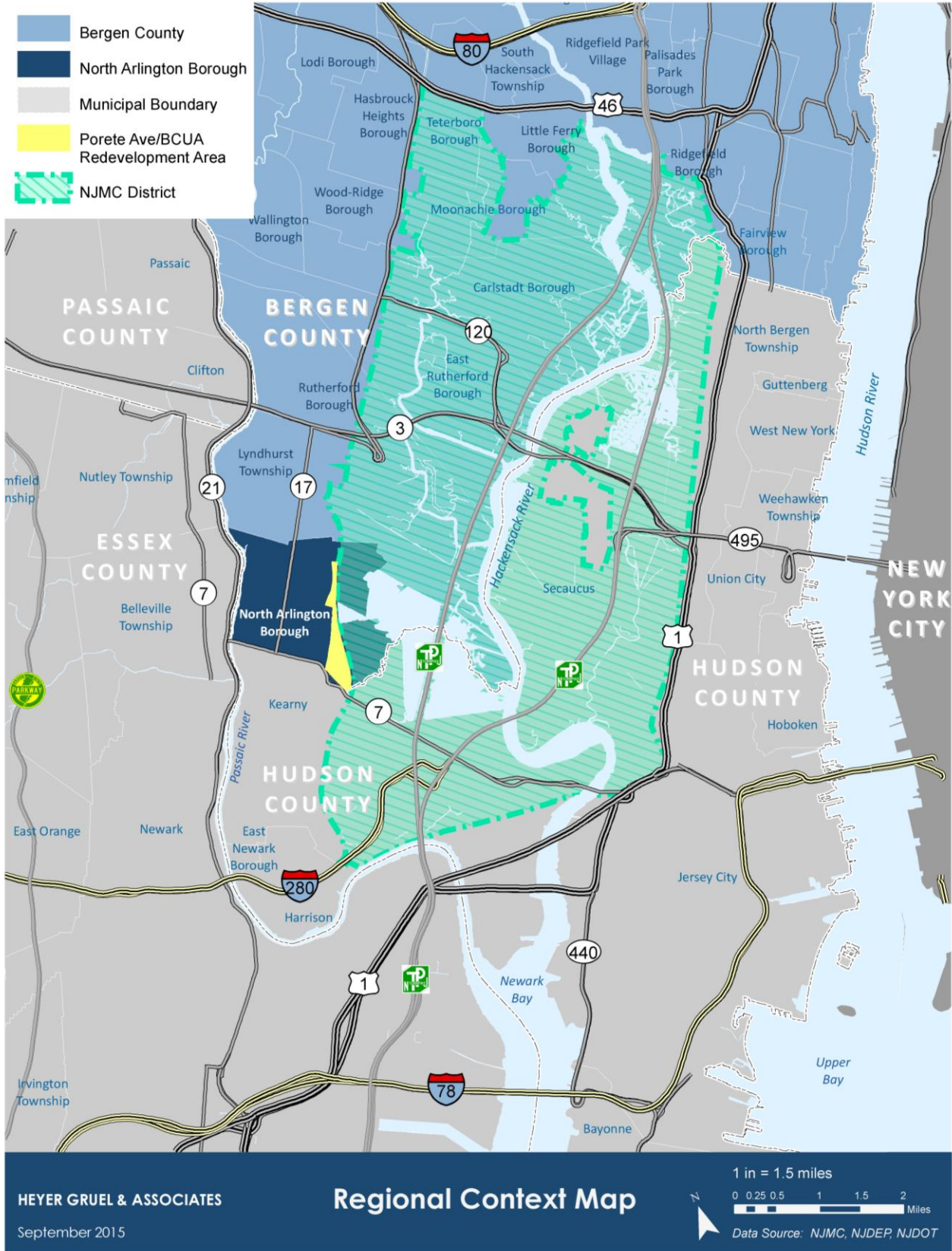
Area and Location

The Porete Avenue/BCUA Redevelopment Area (the "Area") consists of a total of fifty-five (55) parcels on approximately 120 acres within blocks 154, 168, 169, 170, 171.01, 172, 173.04, 174 and 300 in the southeastern corner of the Borough as shown on the Context Map. The area is generally defined by the Harrison-Kingsland railroad line to the east, the Bayonne and Jersey City Water supply easement to the south, the ridge line and Schuyler Avenue to the west and Disposal Road to the north. The majority of the Area consists of a mix of vacant land and underutilized parcels.

History of the Area

In the past, the Porete Avenue area contained several heavy manufacturing industries including several foundries, a cement manufacturing company and a pipe coating facility. Businesses along Porete Avenue included warehouses, truck terminals, automotive services and construction services.

The site referred to as the Bethlehem Steel Site was originally the location of a pipe coating facility owned by the Encoat Company of Lukens General Industries in the early 1950s. The land surrounding the facility was contaminated with polychlorinated biphenyls (PCBs), organic compounds that were widely used as liquid coolants and insulators in industrial equipment. The area north of Porete



Avenue was formerly owned by the Bergen County Utilities Authority and used as a solid waste transfer station.

The 1992 and 1999 Redevelopment Plans were directed towards encouraging planned industrial development on the large vacant parcels and infill development, rehabilitation and adaptive reuse of the existing industrial buildings and lots along Porete Avenue. A distribution center now occupied by H&M was developed on 14 acres in the northern section of the original redevelopment area. These original plans did not include the BCUA Transfer Station site in the redevelopment area.

In 2003, Cherokee Porete, an affiliate company of Cherokee Investment Partners, proposed plans to convert 115 acres of industrial area in North Arlington into a new neighborhood with 1,600 homes called "Arlington Valley". The development was part of a larger overall plan introduced in 2000 by EnCap Golf Holdings, the lead developer and a subsidiary of Cherokee Investment Partners, to develop a resort complex with golf courses, a hotel, marina and office building on hundreds of acres of landfills in Rutherford, Lyndhurst and North Arlington. The plan required the purchasing of lands from sixteen existing businesses along Porete Avenue, with eminent domain as a last resort. The Borough entered into litigation with EnCap to stop the housing development. The case was settled in 2009.

As part of the settlement with Cherokee Investment partners, the ownership of the lands known as the Bethlehem Steel and BCUA Transfer Station sites reverted to the former New Jersey Meadowlands Commission (the NJMC merged into the New Jersey Sports and Exposition Authority in February 2015). Upon acquisition of the two properties, the former NJMC intended to sell the properties and found a buyer in Meadowlands Ventures, LLC. The BCUA property was purchased by Meadowlands Ventures, LLC in 2012 and the Bethlehem Steel site in 2013. Soon after the purchase of the Bethlehem Steel site, Meadowlands Ventures, LLC approached the Council with a proposal to bring FedEx Freight into the Area. The following year Meadowlands Ventures, LLC entered into a lease agreement with Porette Development, LLC for the Bethlehem Steel site. Porette Development, LLC will act as the redeveloper for the site and has entered a sub-lease agreement with FedEx Freight. Porette Development, LLC will build a public two-way road on the property, which connects to Porete Avenue.

The Bethlehem Steel Site contains approximately 41.2 acres. There is one existing structure on the site, a wastewater pumping station built in 1996 located on the southern portion of the site.

The BCUA Site contains approximately 30 acres. The property is irregular in shape, with frontage along Schuyler Avenue. The site contains the former BCUA Transfer Station which has been out of operation since 2002 and the James Zadroga Soccer Field, located on portions of Block 174 Lots 1 and 2. The existing structure on the transfer station portion of the property is approximately 35 feet high and contains approximately 166,000 square feet of floor area.

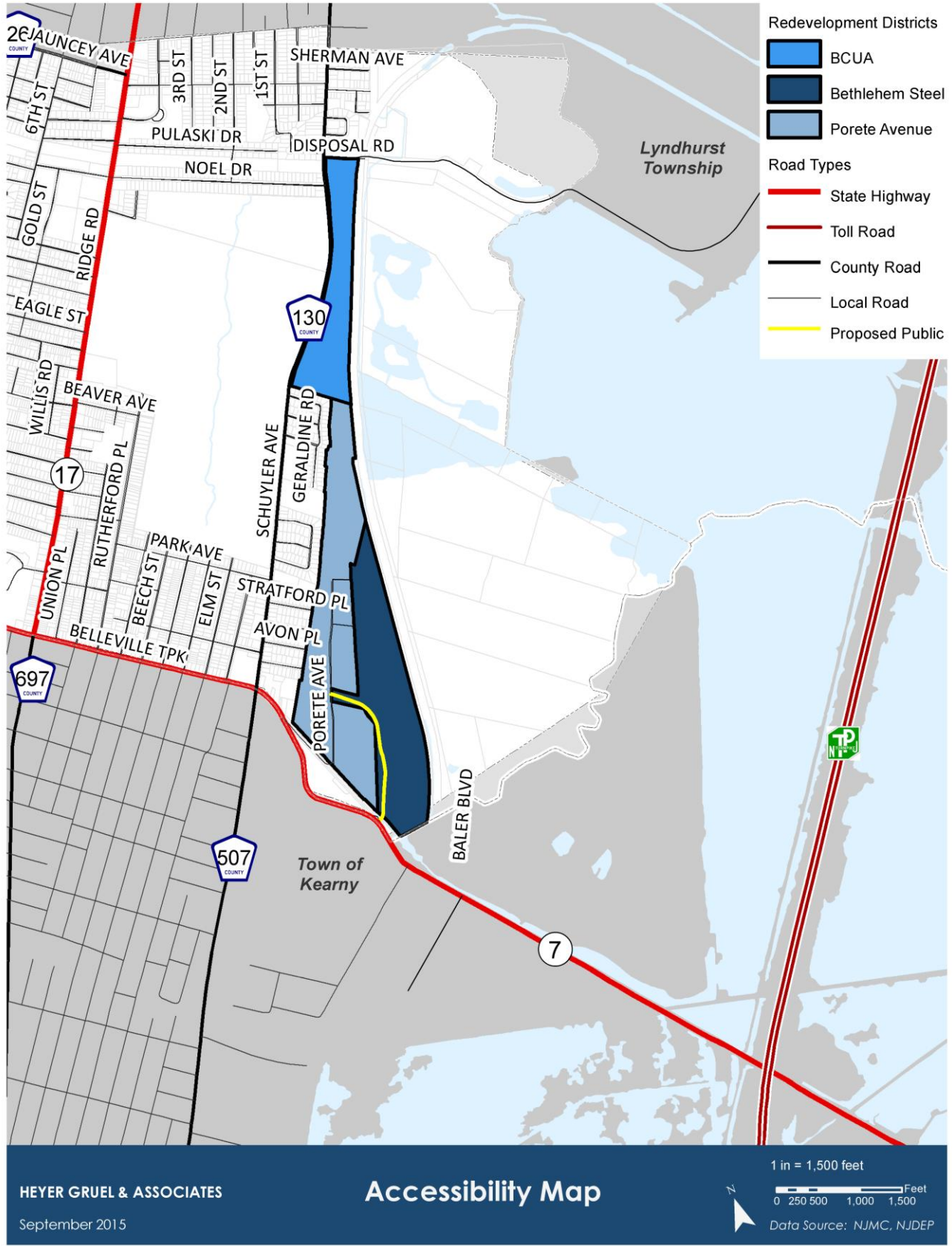
Accessibility

The Area is currently accessed via Porete Avenue, a narrow 30 foot cartway with a varying right-of-way width between 30 and 50 feet. Porete Avenue currently connects to Belleville Turnpike (Route 7) via a paved surface over the Bayonne and Jersey City water supply easement. The undedicated road descends at a 20 percent grade onto Porete Avenue, making it difficult for large trucks carrying raw materials into the site. In addition to the narrow cartway, slope issue, limited sight distance, and no left-turn lane makes this access point inadequate for proper development of the Area.

The BCUA site is currently accessed from Schuyler Avenue via a thirty foot roadway easement known as Disposal Road or Amvets Way. Schuyler Avenue (Route 130) is a county road classified as an Urban Minor Arterial. Disposal road also has slope issues as an access road. An unimproved gravel driveway of varying width connects the BCUA Transfer Station to the Baler facility and Baler Boulevard which leads to the Belleville Turnpike.

As a component of the redevelopment of the Bethlehem Steel site, the redeveloper is proposing to construct a public two-way public roadway, which will connect Belleville Turnpike with the proposed development as well as the other existing businesses on Porete Avenue. The current entrance to Porete Avenue off Belleville Turnpike will remain as an emergency entrance only. The proposed signalized intersection with Belleville Turnpike will have a left-hand turn lane and will be located in the southwest corner of the Bethlehem Steel site. The

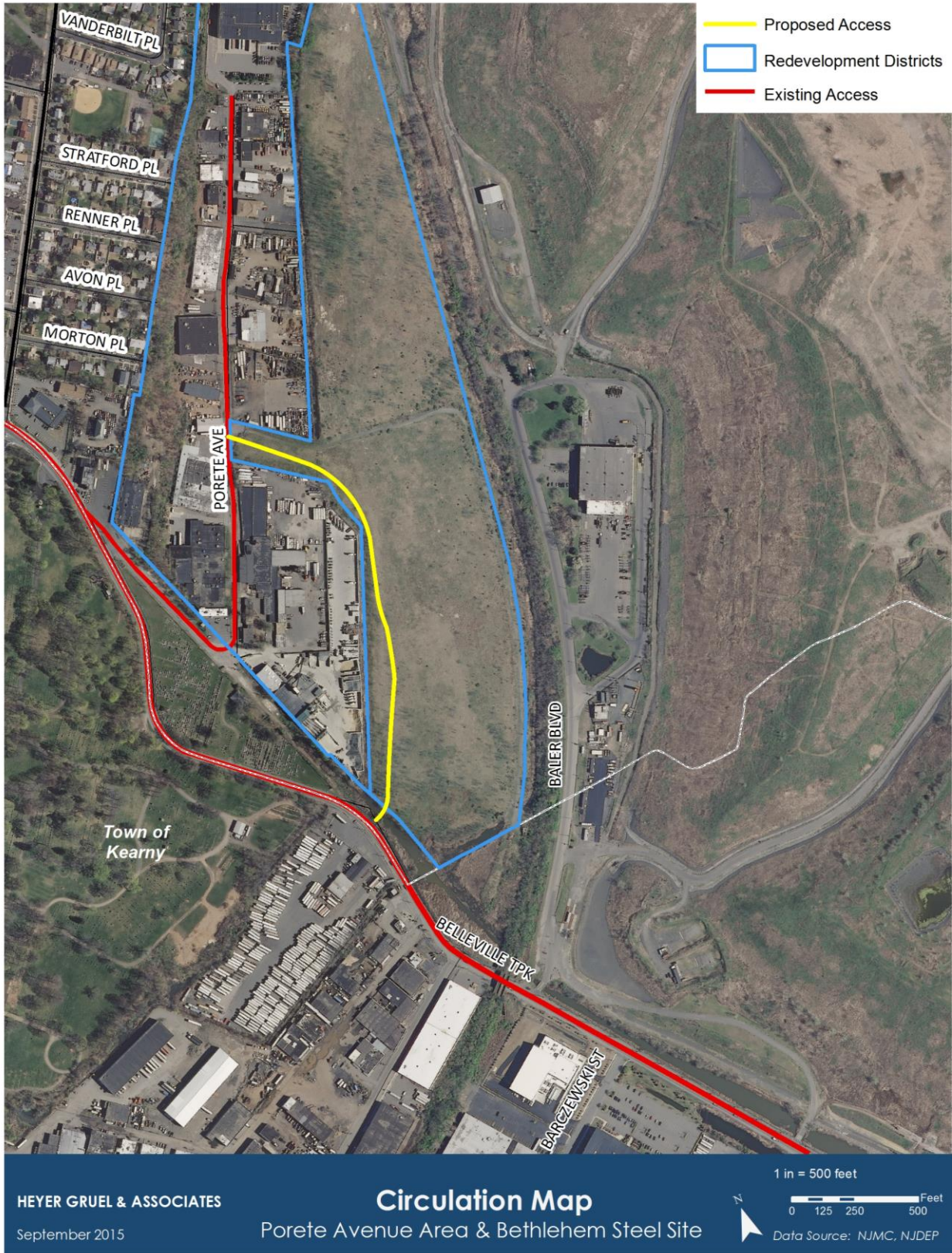
right-of-way will be paved and curbed with a cartway ranging from 24 feet wide to 45 feet wide. This two-way roadway will provide a safer access point and will eliminate the dependence on the current inadequate Porete Avenue entrance. The Bethlehem Steel site will also have an emergency fire access off Porete Avenue, adjacent to the proposed public road.



HEYER GRUEL & ASSOCIATES

September 2015

Accessibility Map

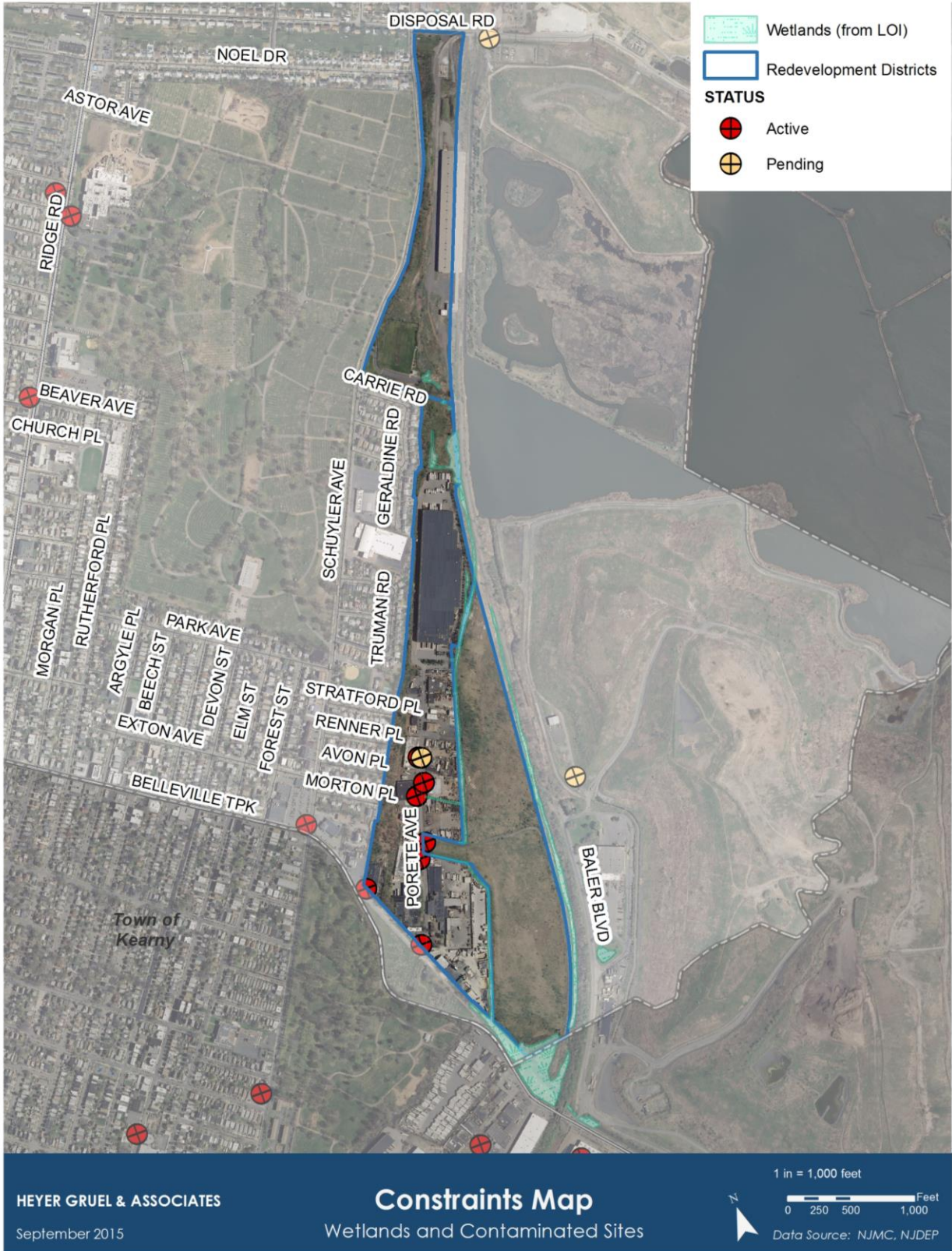


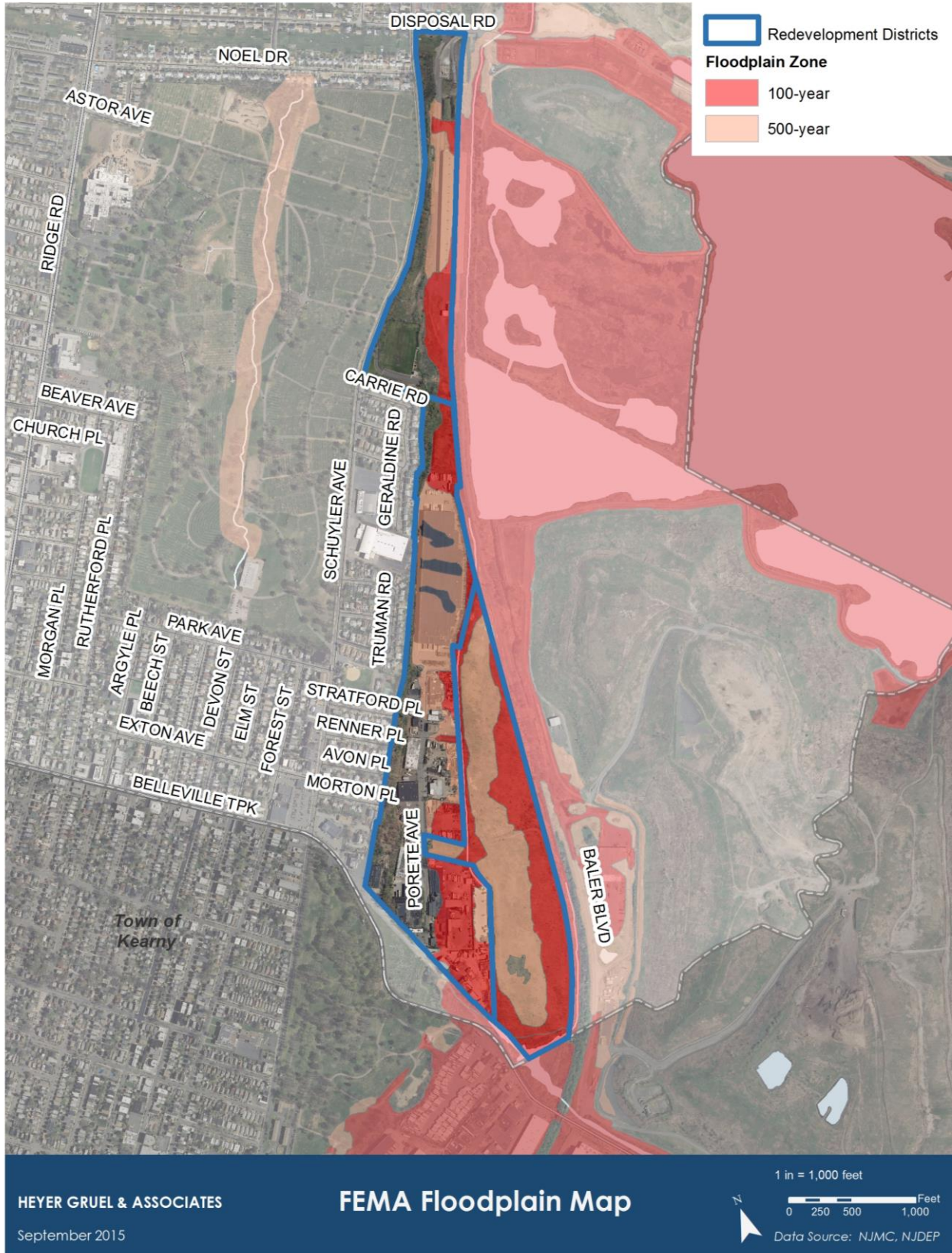
Present Land Use

The majority of the land within the Area is currently vacant and underutilized; however, most of the properties directly adjacent to Porete Avenue are still in operation. The existing businesses include auto body, construction, plumbing, masonry, chemical coating, concrete, automobile storage, and clothing distribution.

Constraints and Challenges

- The Area has a presence of the 100 year and 500 year floodplains. The Bethlehem Steel site is nearly entirely covered by the 100 year floodplain.
- A number of sites are contaminated.
- There is poor connectivity between the Redevelopment Area and nearby major roadways.
- There are geotechnical issues present on the Bethlehem Steel site.
- The Bethlehem Steel site is located within the 100-year floodplain and tidal ditches are present along the south and east sides of the property. Therefore, permits are required by the DEP, and the Porette Development, LLC is required to make a \$45,000 contribution to be used for waterfront improvements within the Borough.
- A permit is required from the DOT for the proposed access road and traffic light.





RELATIONSHIP OF THE PLAN TO THE 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 supersedes 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.

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.

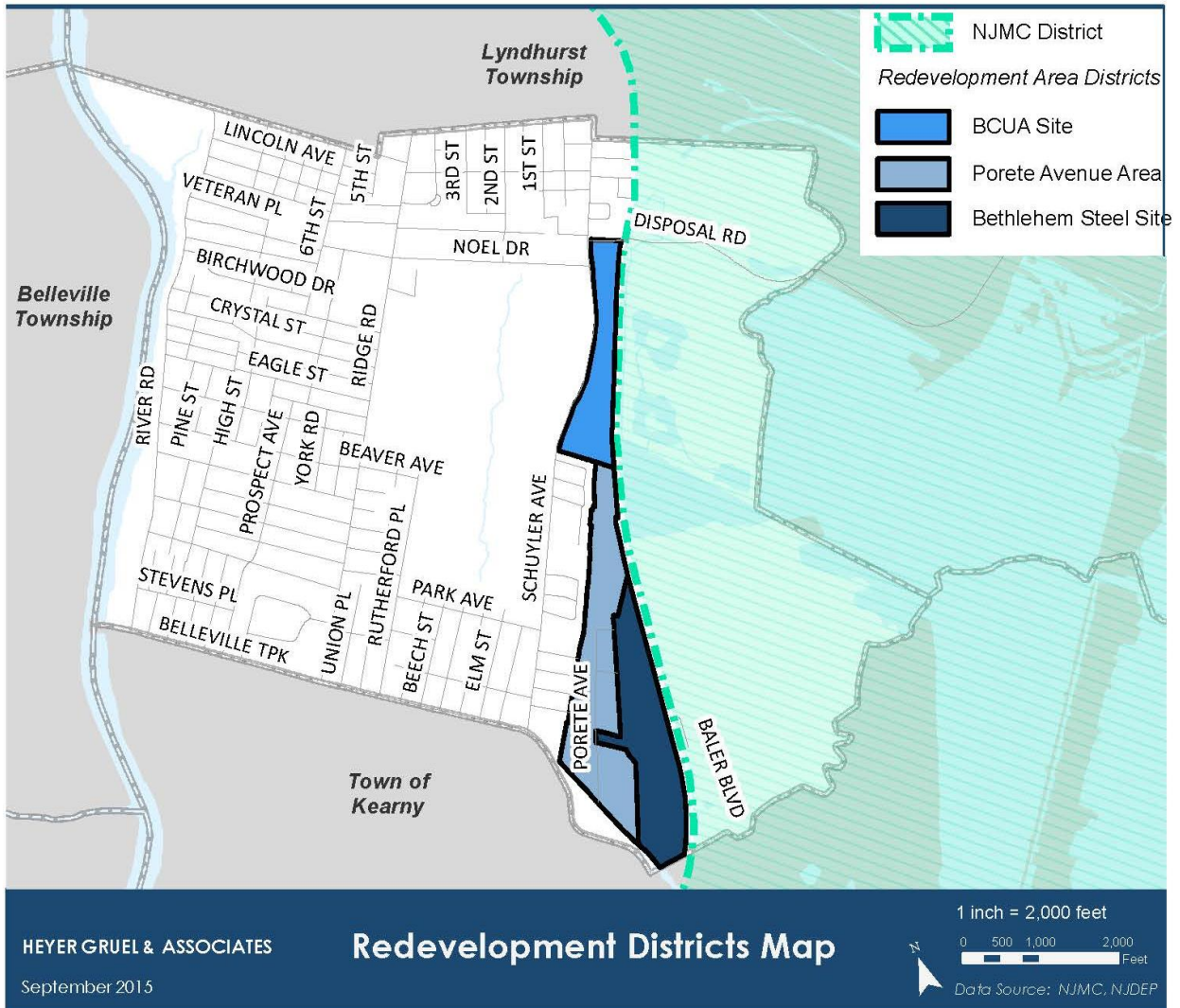
The Planning Board may grant exceptions or waivers from design standards from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within the Plan, if the literal enforcement 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.

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. 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- 12a & b. 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.

DISTRICT USE AND BULK STANDARDS

The district standards contain information pertaining to the purpose of the district; the permitted and accessory uses; bulk standards; and other district-specific standards. The evaluation of any proposal submitted under the Redevelopment Plan shall be based upon the section of this Redevelopment Plan entitled Relationship of Plan to the Borough Land Development Regulations including District Standards and general design standards.

The Redevelopment Area has been subdivided into three districts: the Bethlehem Steel Site, BCUA Transfer Station Site, and the Porete Avenue Area. Adult uses are prohibited in all districts.



Porete Avenue Area

Principal Permitted Uses

Principal permitted uses in the Redevelopment Area include the following:

1. Light Industry
2. Warehouse
3. General business and professional offices
4. Public uses

Accessory Uses

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

Bulk Standards

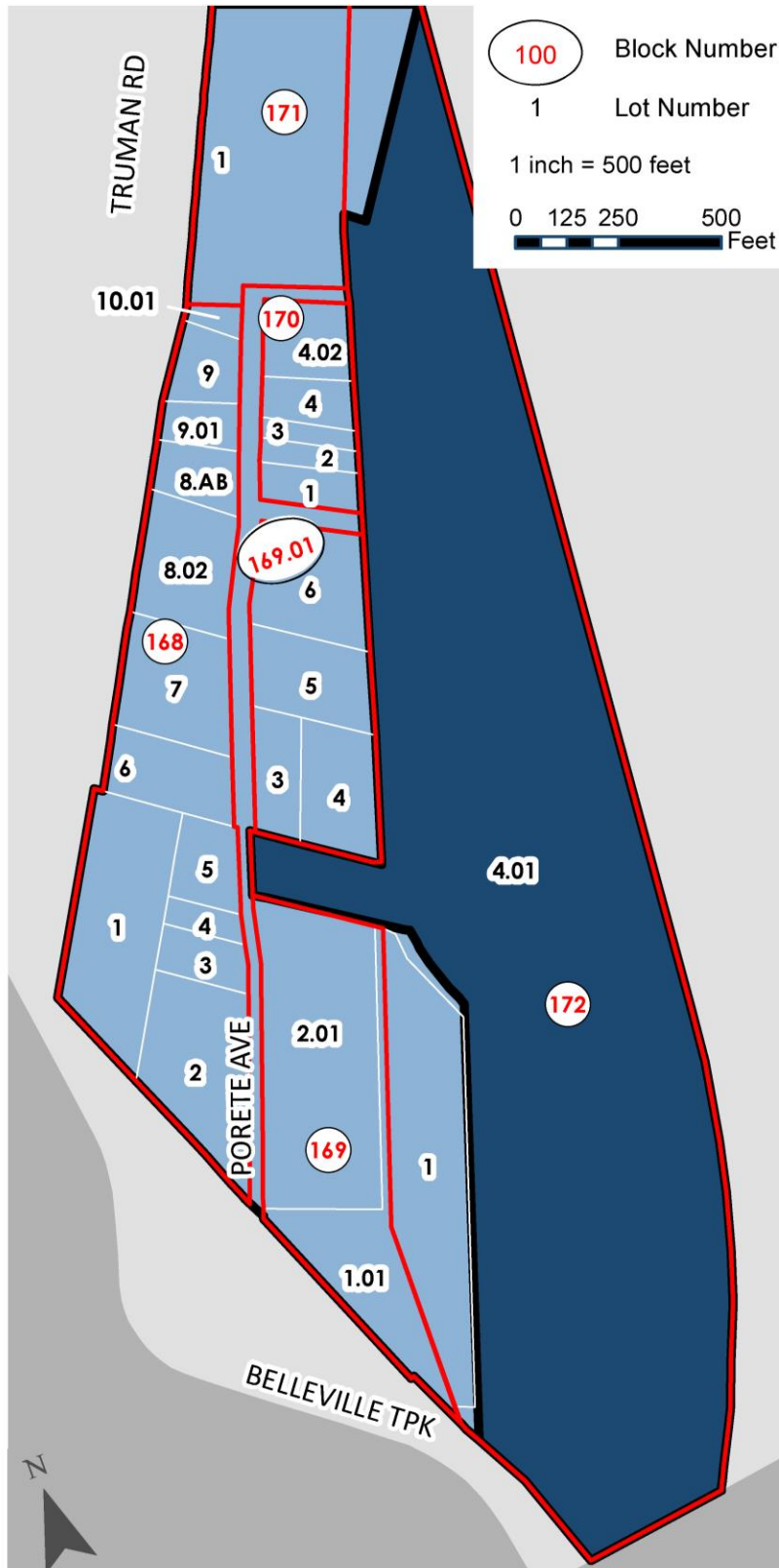
Minimum lot size – 1 acre

Maximum lot coverage – 80 percent

Maximum building height – 60 feet

Minimum floor area – 5,000 square feet in the principal structure

Minimum building setbacks from all property lines – 20'



Bethlehem Steel Site

Principal Permitted Uses

Principal permitted uses in the Redevelopment Area include the following:

1. Light Industry
2. Warehouse
3. Wholesale establishment
4. Data Center
5. Research laboratories
6. Flex space
7. Distribution center/ cross-docking facility/transshipment
8. Stormwater management facility

Accessory Uses

Uses customary and incidental to the principal use including but not limited to:

1. Parking lots and garages for storage of company vehicles.
2. Loading docks.
3. Cooling towers for HVAC and emergency back-up generation systems
4. Fuel oil tanks for HVAC and emergency back-up generating systems
5. Emergency generators
6. Vehicle maintenance facility

Bulk Standards

Minimum lot size – 2 acres

Minimum lot size does not apply to lots containing stormwater management infrastructure such as retention basins.

Maximum lot coverage – 70%

Maximum building height – 60 feet

Minimum floor area – 40,000 square feet in the principal structure

Minimum principal and accessory building setbacks from all property lines – 30 feet

BCUA Transfer Station Site

Principal Permitted Uses

Principal permitted uses in the Redevelopment Area include the following:

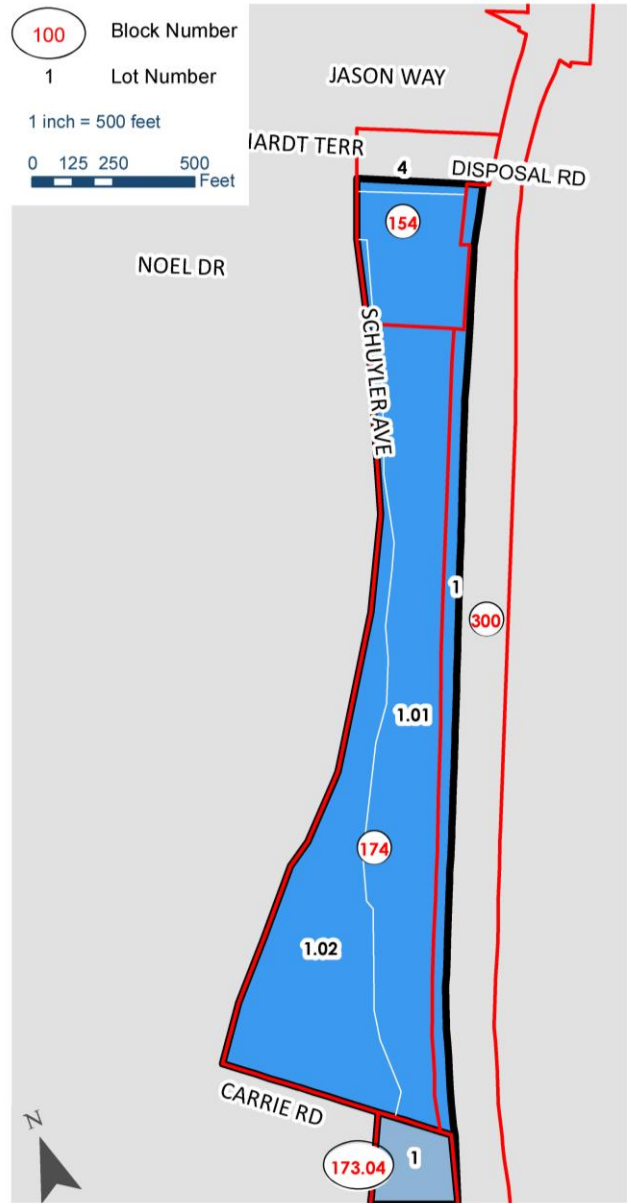
1. Flex space
2. Warehouse
3. Self-storage facility
4. Modular Housing Manufacturing
5. Studio
6. Commercial recreation, indoor
7. Commercial recreation, outdoor
8. Public Uses

Permitted Accessory Uses

Uses customary and incidental to the principal use such as showrooms, parking, and signage.

Bulk Standards

- Minimum lot size – 3 acres
- Maximum lot coverage – 60 %
- Maximum building height – 60 feet
- Minimum floor area – 40,000 square feet in the principal structure
- Minimum building setbacks from all property lines – 30 feet



GENERAL DESIGN STANDARDS

These design standards shall be applied with the use and bulk requirements detailed in this Plan. The design standards are intended to reinforce the physical, visual and spatial characteristics of the Redevelopment Area. Any elements not covered by these design standards shall be subject to the appropriate provisions of the Borough of North Arlington Land Development Ordinance. The following standards shall apply:

Access and Circulation:

1. Driveways: Driveways that are solely used for passenger vehicles shall not exceed 25 feet in width.
2. The minimum distance between any two driveway-road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of two public roads. Curb cuts shall be located at least 10 feet from abutting property line. Curb cuts for any two driveways serving the same property shall be at least 50 feet apart. The provisions shall not apply to driveways used solely for emergency access purposes.
3. Driveways and/or travel aisles shall provide unobstructed access for vehicles and personnel in conformance with building code requirements for emergency access, building maintenance, and garbage collection access and clearance.

Parking:

1. Minimum parking space - perpendicular or angled: 9 feet x 18 feet
2. Minimum aisle width: 24 feet wide for two-way perpendicular parking, 16 feet wide for one-way sixty-degree parking, 13 feet wide for one-way forty five-degree parking
3. Number of spaces:
 - o Light Industrial (including wholesale establishments and modular housing use): One (1) parking space for each one thousand (1,000) square feet of gross floor area.
 - o Warehousing: One (1) space for each fifteen hundred (1,500) square feet of gross floor area.

- Computer and Data processing centers: 1 parking space per 5,000 square feet of gross floor area.
 - General Business, Professional Offices, research laboratories, flex space, studios, and commercial recreation: One (1) space for each three hundred (300) square feet of gross floor area.
 - Distribution Center: One (1) space per 1,500 square feet of gross floor area.
 - Vehicle Maintenance Facility: One (1) space per employee.
4. Off-street parking and loading areas should be coordinated with the public street system serving the Area to reduce conflicts with through traffic, obstruction with pedestrian circulation, and vehicle thoroughfares.
 5. If upon credible testimony, it is determined a specific use requires less than the number of stalls required above, a parking plan showing the requisite number of stalls must be provided, however the number of spaces installed shall be in accordance with the user's requirement. All remaining space shall be appropriately landscaped. Stormwater management shall be sized for maximum parking build-out.
 6. A minimum 3 foot clearance from vehicle overhang shall be provided that will be delineated by offsetting wheel stops or where applicable 5 foot sidewalks from back of curb that is adjacent to head on parking at the property line.
 7. In the case of secured and/or gated parking areas no acceleration or deceleration lane is required.

Loading and Unloading:

Minimum loading requirements –

1. Minimum size: 11 feet in width x 60 feet in length with 15 feet minimum vertical clearance. Additional space for maneuvering, depending on the arrangement of the loading/unloading facilities, shall be provided.
2. Number of spaces:
 - Light Industrial: Two (2) loading spaces (11 feet x 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000

- sq. ft.; and one (1) loading space per additional 100,000 sq. ft. over 100,000 sq. ft.
- o Warehousing: Two (2) loading spaces (11 feet x 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per additional 100,000 sq. ft. over 100,000 sq. ft.
 - o General Business and Professional Offices: one (1) loading space (11 feet x 60 feet)
 - o Distribution Center: Two (2) loading spaces (11 feet x 60 feet) for structures up to and including 40,000 sq. ft. ; three (3) loading spaces for structures over 40,000 sq. ft. and up to including 100,000 sq. ft.; and one (1) loading space per additional 100,000 sq. ft. over 100,000 sq. ft.
3. Location: Loading areas, outside storage, and service areas shall be screened from public view.
 4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. All service areas must be screened with a combination of low walls, decorative fencing, and landscaping. Screening materials must be the same as, or of equal quality to, the materials used for the primary building.

Buffering and Screening:

1. A minimum 4-foot landscaped buffer shall be required along public streets.
2. A minimum of 5% of all parking areas shall be landscaped and shall include a minimum of 1 shade tree per 20 parking stalls.
3. Any outdoor storage or display of goods, materials and/or equipment shall be screened from view from any public right-of-way to the satisfaction of the Planning Board using a combination of fencing, coniferous and deciduous plantings and/or berming.

Storage of Materials:

1. Baled, palletted, or otherwise consolidated materials stored outdoors shall not be permitted in the front yard.
2. All other exterior storage of materials shall be in sturdy weather and rustproof containers which are covered, secured, and maintained in good condition.
3. Storage for flammable materials shall be in nonflammable containers.

Graphics and Signage:

1. Signs shall be restricted to industrial/commercial identification, tenant identification, and directional signs, either wall-mounted or freestanding.
2. No rooftop signs shall be permitted.
3. Signs visible from the exterior of any building, if illuminated, shall be internally illuminated without a halo, but no signs or any other contrivances shall be devised or constructed so as to rotate, gyrate, blink, move, or appear to move in any fashion.
4. Public service devices such as clocks and temperature indicators shall be devoid of advertising.
5. No sign shall be attached to exterior glass.

Building Signs

1. One (1) wall sign per tenant is permitted, with a maximum sign area of fifty (50) square feet per tenant.
2. All building signs shall have a single sign surface that shall be parallel to the face of the building.

Freestanding Signs

If the building on a lot sets back at least twenty (20) feet from the street right-of-way, two (2) freestanding signs are permitted, which is accessory to the business or businesses conducted on the premises. Any freestanding sign must meet all of the following requirements:

1. Only one (1) such sign shall be permitted regardless of the number of establishments.

2. The area of the freestanding sign shall not exceed one hundred (100) square feet and the maximum height of the sign shall not exceed eight (8) feet.
3. One (1) freestanding general identification sign is permitted for the Planned Industrial/Commercial Development. A maximum sign area of one hundred (100) square feet is permitted.

Temporary Identification Signs

1. One temporary identification sign, not to exceed fifteen (15) square feet in area, will be permitted.

Directional Signs

1. Directional signs, not to exceed six (6) square feet in area, are permitted to identify entrance areas, loading areas and circulation patterns on a site.

Sidewalks and Cartway Widths for Distribution Facilities:

1. Four (4) foot sidewalks shall be provided on one side of the street. If not feasible, then a minimum of graded area of 2 feet in width shall be provided on one side.
2. Cartways shall be no less than 24 feet wide.

Lighting:

1. Uniformly-spaced street lights should be provided throughout the development along all internal streets, driveways, parking lots, and loading and service areas.
2. Lighting shall be shielded to prevent glare on adjacent properties.
3. Site lighting shall be provided at the minimum level to accommodate safe pedestrian and vehicular movements, without causing any off-site glare.
4. Parking lot lights shall not exceed 25 feet in height except for distribution centers / cross-docking / transshipment facilities where pole lights shall not exceed 40 feet in height.
5. It is encouraged that all site lighting utilize LED- Light Emitting Diode technology, where feasible.

Landscaping:

1. All setback areas fronting public roadways should be defined by a combination of low walls, decorative fencing and/or landscaping. The landscape area within should contain a variety of flowering trees, shrubs, perennials, annuals, and bulbs to complement the architecture and provide seasonal interest.
2. Landscape areas may also contain decorative lighting, and signage, which should be designed to complement the overall buffer design.
3. Landscape design should be integrated into overall site design and plans should include a watering and maintenance schedule for each area.
4. If right-of-way width is insufficient to provide street trees they shall be provided on the adjacent property.

Site Design:

1. Building types that are least industrial in appearance and function (such as offices, R&D, and flex-spaces) shall be located on the most visible part of the property, close to major roads.
2. Secondary entrances, where practical, should be provided to avoid conflicts between visitor and employee traffic.
3. All buildings are encouraged to be LEED-qualified buildings.
4. Utilities shall be located underground to the extent possible.

Stormwater Management:

1. The provisions of Ordinance Section 205-130B(3)(c) shall apply. The Board may waive this standard and permit a steeper slope. In this case the applicant's engineer shall provide engineering justification with respect to embankment washout due to stormwater and provide soil reinforcement per standard engineering practice.

Additional Standards:

1. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
2. Noise levels shall conform to The New Jersey Department of Environmental Protection (NJDEP) noise regulations pertaining to

stationary commercial and industrial sources, pursuant to the Noise Control Act of 1971, N.J.S.A. 13:1G-1 et seq.

Sustainability/"Green"

To the extent feasible, all redevelopment projects within the Area are encouraged to incorporate sustainable design measures into the development. For all building projects pursuing LEED-accreditation, a LEED-accredited professional, or equivalent, shall serve as a principal member of the design team from the beginning of the project.

All new buildings are encouraged to meet the following requirements;

1. Restore the natural hydrology and increase on-site infiltration of stormwater runoff by implementing a stormwater management that reduces impervious coverage, promotes infiltration, and captures and treats stormwater runoff from 90% of the average annual rainfall using NJDEP best management practices. Potential technologies and techniques include vegetated roofs, pervious paving, grid pavers, rain gardens, vegetated swales, and rainwater recycling.
2. Reduce the heat island effect, defined as the increase of local temperatures associated with structures and paved surfaces by utilizing roofing materials that have a Solar Reflectance Index (SRI) equal to or greater than 78 for a low-sloped or flat roof (less than or equal to 2:12), and 29 for a steep-sloped roof (greater than 2:12) for a minimum of 75% of the roof area of all buildings within the redevelopment area; or install a vegetated roof for at least 50% of the roof area of all buildings within the redevelopment area.
3. Reduce the use of potable water consumption and generation of wastewater by 50% for the project by utilizing high-efficiency fixtures and dry fixtures for water closets, urinals, bathroom and kitchen sinks, captured rainwater, recycled wastewater, and/or onsite wastewater treatment.
4. It is encouraged that all site lighting utilize LED- Light Emitting Diode technology, where feasible.
5. Buildings are encouraged to increase energy performance levels by at least 15% compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004, in order to reduce

environmental and economic impacts associated with excessive energy use.

6. Buildings are encouraged to provide on-site renewable energy systems that meet a minimum of 2.5% of the project's annual energy cost and provide at least 35% of the project's electricity from renewable sources by engaging in at least a two-year renewable energy contract.
7. Reduce construction waste by at least 50% by implementing a construction waste management plan that identifies the materials to be diverted from disposal, including recycling cardboard, metal, brick, tile, concrete plastic, wood, glass, gypsum wallboard, carpet and insulation.
8. Reuse building materials and products, for at least 5% of the cost of materials on the project, in order to reduce demand for virgin materials by incorporating salvaged materials into building design such as beams and posts, flooring, paneling, doors, and frames, cabinetry and furniture, brick and decorative items.
9. Increase demand for building products that incorporate recycled content and are extracted or manufactured within the region for at least 10% of the cost of materials for the project, thereby reducing the environmental impacts associated with the extraction, processing, and transportation of construction materials.

ACQUISITION & RELOCATION

Property Identified for Acquisition

No eminent domain shall be used.

Relocation Plan

The Redevelopment Area does not contain any existing residential units and therefore will not require any relocation.

Affordable Housing

There is no existing or proposed housing in the Area.

PROPOSED CONCEPT PLANS

The concept plans are intended to be illustrative, actual lot sizes and buildings may vary.

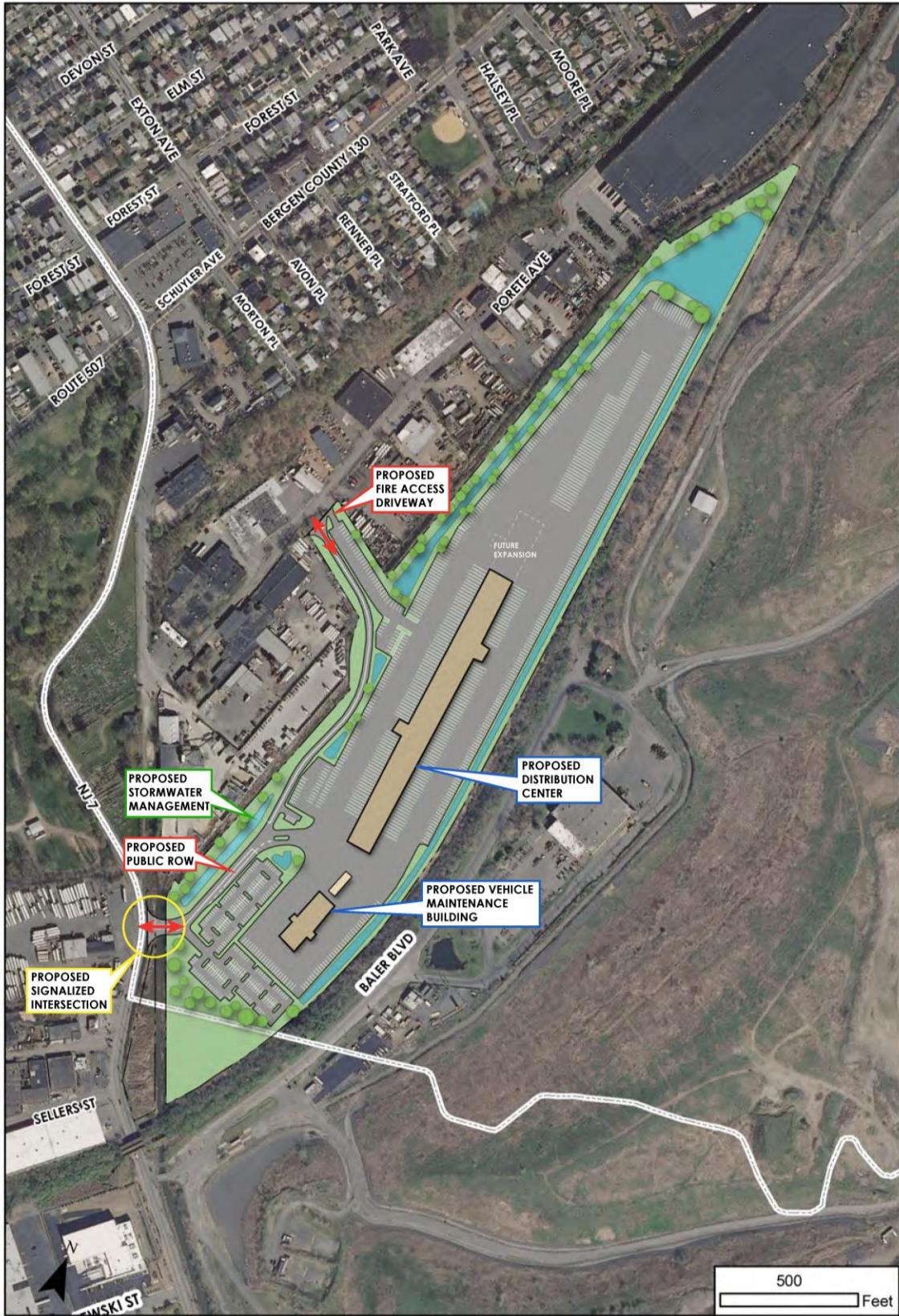
The Concept Plans shall not be binding on either the Borough Council or the Planning Board. The evaluation of any proposal submitted under the Redevelopment Plan shall be based upon the Section of this Redevelopment Plan entitled "Relationship of Plan to the Borough Land Development Regulations" including "District Standards" and "General Design Standards".

The concept plan for the Bethlehem Steel site proposes the development of a distribution center. The plan proposes a 140,000 square foot building with 158 loading docks, a 24,000 square foot vehicle maintenance building, office space, and parking for 258 employees. The proposed distribution building will function as a cross-docking facility for transshipment by trucks throughout the region.

The distribution building is a long and narrow building, measuring only 100 feet in width. Because of the foundation constraints made present by the compressible clay soil, the site does not lend itself to the kind of building originally envisioned for the property. As a result, the proposed narrow building is better suited for the site.

The proposed buildings are positioned toward the center of the site with parking around their perimeter. There is room for a future 23,000 square foot expansion of the distribution center. A new two-way public right-of-way is proposed to traverse the site on its southwest edge and connect Belleville Turnpike with Porete Avenue. The new intersection at Belleville Turnpike will be constructed with a traffic light and left-hand turn lane. In the current state, vehicles coming out of Porete Avenue cannot turn left onto Belleville Avenue and are forced to make a U-turn at another intersection.

The following concept plan for the Bethlehem Steel site is intended to be illustrative and does not determine final or permanent locations of buildings or uses.



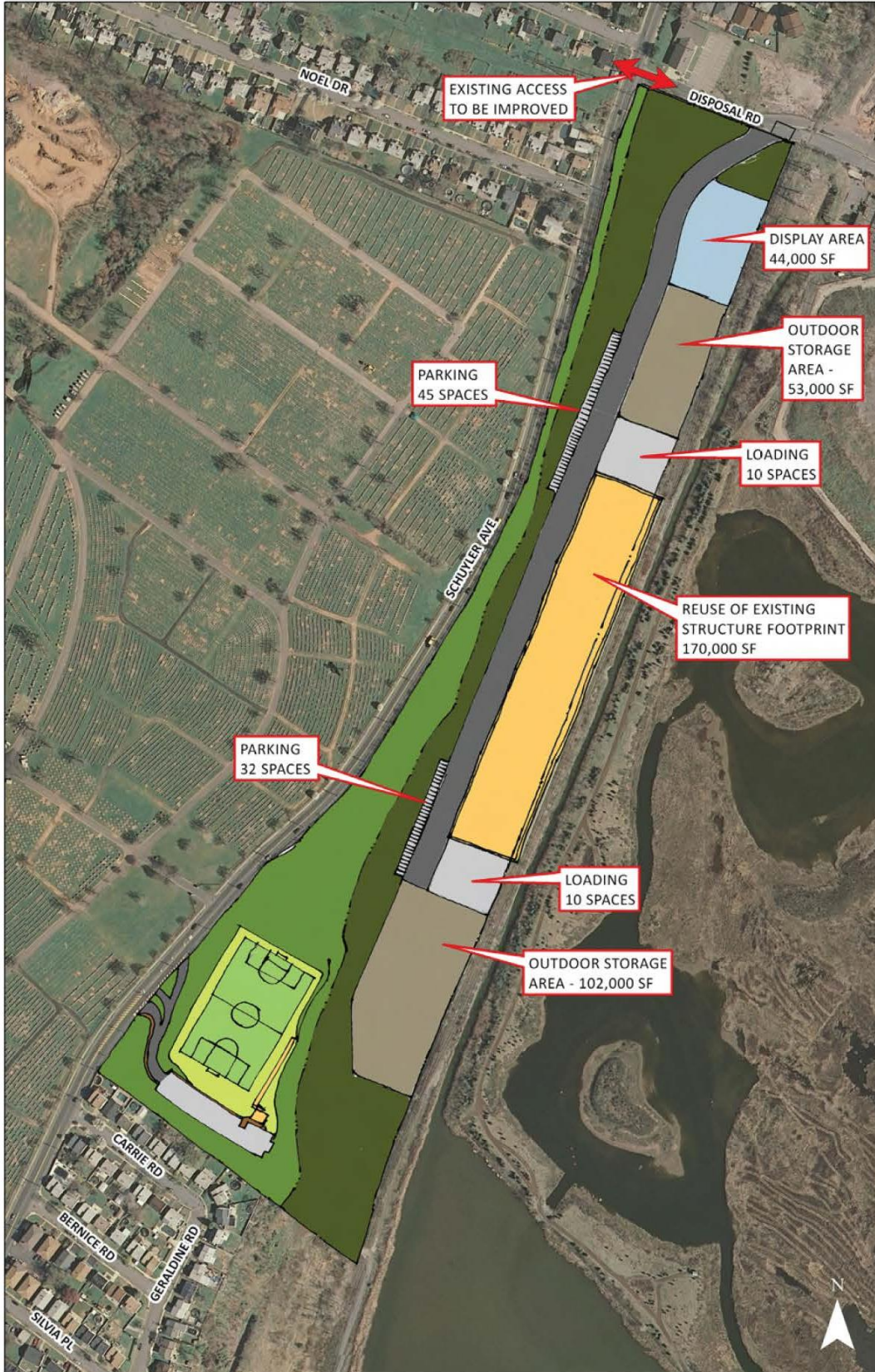
Concept Plan for Bethlehem Steel Site

Two concept plans were created for the BCUA Transfer Station site. Both concepts make use of the existing internal driveway that connects to Disposal Road.

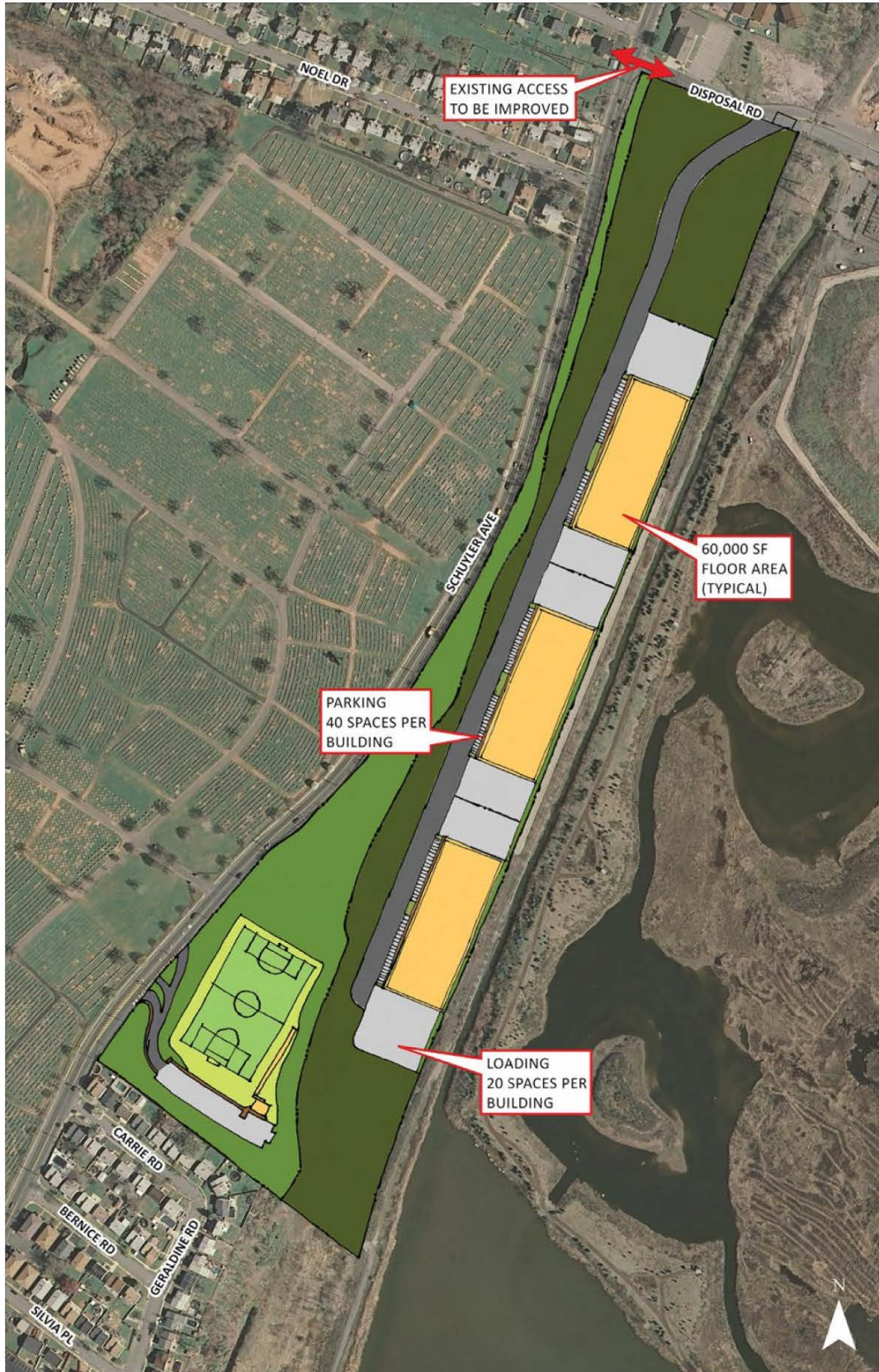
The first concept utilizes the same footprint and foundation as the existing 170,000 square foot structure. The intent of this concept is for the area to be occupied by one user such as a modular home manufacturer or other space intensive user and allows space for outdoor storage in the rear, a showcase area at the entrance to the site, two loading areas and required parking.

The second concept has been subdivided into three lots containing a building with 60,000 square foot floor area, two (2) loading areas with 20 spaces each and the required parking per building. This option is typical of smaller food distribution centers, data centers and other flex space uses.

Both concepts seek to maximize the available space on the site at the base of the ridge.



Concept Plan 1 for BCUA Site



Concept Plan 2 for BCUA Site

RELATIONSHIP TO OTHER LOCAL, REGIONAL AND STATE PLANS

Borough Master Plan

The objectives of the Redevelopment Plan seek to achieve the goals and objectives contained within the 2003 Borough Master Plan Reexamination Report. The following goals of the Master Plan are met:

- To upgrade the older industrial areas of the Borough in order to maintain jobs and preserve the non-residential tax base.
- To improve streets in the Meadowlands portion of North Arlington, which is under the Borough's jurisdiction.
- To maintain and enhance community appearance through proper attention to design standards.

The Land Use Plan identifies the Redevelopment Area as industrial which is generally consistent with the Redevelopment Plan. The Master Plan also recommends an evaluation of the Redevelopment Area as the uses surrounding the area change.

Master Plans of Adjacent Municipalities

Properties in Kearny which are adjacent to the Redevelopment Area and front on Belleville Turnpike are zoned Manufacturing (M) district and CEM Cemetery district. These districts are substantially consistent with the Redevelopment Plan.

New Jersey Meadowlands Commission

The Redevelopment Plan is consistent with the adjacent NJMC zoning and land use. The area to the east of the Redevelopment Area is located in the North Arlington portion of the NJMC District and is zoned RA-Redevelopment Area and EC – Environmental Conservation. The New Jersey Meadowlands Commission merged into the New Jersey Sports and Exposition Authority in February 2015.

Bergen County

Bergen County's last Master Plan was written and formally adopted on December 10, 1962 and amended March 14, 1966. Since that time there have been 26 reports on particular elements of the Master Plan and several Cross Acceptance reports to the State Planning Commission. The County is

currently undertaking a Master Plan Update. The Visioning Component of the Bergen County Master Plan was released in 2011.

The Porete Avenue Redevelopment Plan is substantially consistent with the current Land Use Element of the Bergen County Comprehensive Plan. The goals of the County Plan are to direct future growth toward the achievement of a system of related centers of development. Major new development is to be directed to regional centers and subregional centers and to discourage the continuation of "spread patterns" of development on vacant lands and along highways.

State Development and Redevelopment Plan (SDRP)

The SDRP places the Redevelopment Area in Metropolitan Planning Area 1 (PA1). The proposed Redevelopment Plan is consistent with the planning goals and objectives of the SDRP as a whole and of PA1 in particular. In terms of land use, the proposed Plan emphasizes the efficient use of infrastructure and public facilities. The proposed Plan makes great efforts to encourage efficient transportation and circulation in the Redevelopment Area. The State Plan promotes redevelopment opportunities of underutilized areas that may be contaminated and to improve road access to areas that are designated for redevelopment.

State Strategic Plan

The Final State Strategic Plan, released in October of 2011, outlines goals and principles for targeting investment and growth in the State of New Jersey. This Redevelopment Plan is consistent with the stated goals and objectives of the State plan. This Plan emphasizes Goal 1 by targeting economic growth in a strategic location that will encourage the advancement of industries. The State Plan notes that New Jersey is ideally located for distribution capabilities, and this Redevelopment Plan capitalizes on that advantage by supporting the development of such facilities within the Area.

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 with the Borough. The proposed standards in the Redevelopment Plan will be implemented through the site plan and subdivision review process. As applications are processed before the Borough's Planning Board of Adjustment, the standards in the Redevelopment Plan will be applied through the same process in which the existing site plan and subdivision standards are implemented.

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.

Conformity to the Master Plan and Zoning Ordinance

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

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 on contiguous lots of 5 acres or more in size 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.
 - c. 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.
 - d. 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.
 - e. A stormwater management plan setting forth the proposed method of controlling and managing storm water on the site.

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.
2. The Redevelopment Agency shall negotiate a formal Redevelopment Agreement with (each) developer or owner.
 3. The final form of a Redevelopment Agreement with each Developer or owner will be subject to approval by formal action of the Borough Council.
 4. 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.

The following procedure shall be required for development applications on contiguous parcels of under 5 acres in size as of the date of adoption of this Plan.

1. 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.

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.

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 within 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 or marital status.
7. Neither the redeveloper(s) nor the Mayor and Council, nor the successors, lessees or assigns or either of them, shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex 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.

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 brought before it pursuant to Section 7.4.1 to ensure that such project(s) is consistent with the redevelopment plan and relevant redeveloper(s) agreement.

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.

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.

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 affected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.

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.

DEFINITIONS

1. Light Industry – Any production, processing, assembly or fabrication of goods, materials or products, including any incidental cleaning, servicing, testing, repair or storage of those same goods, materials or products, but not including the storage of flammable or combustible materials as a principal use.
2. Warehouse – Any establishment primarily used for the storage, loading, unloading, and/or distribution of goods, products, or materials, which may include accessory consolidation, repacking and value-added services. Such facilities may include accessory parking and storage of trucks and trailers, and accessory maintenance of trucks owned by the facility. This definition shall not include truck terminals or container storage.
3. Wholesale establishment – Any facility engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users; to other wholesalers; or acting as agents or brokers buying merchandise for, or selling merchandise to, such individuals or companies, and not to the public.
4. Data Center – A centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations. Often data centers are referred to as "collocation data centers" which means that several businesses may rent space to house their servers and in a common location. However, each company's equipment is usually secured within a delineated area. A data center generally includes environmental controls (air conditioning, fire suppression, etc.), redundant/backup power supplies, redundant data communications connections and high security. A data center may include office space for the temporary accommodation of workers displaced from their primary place of business.
5. Research laboratories – A facility engaged in scientific investigation, testing or the production of factual information for industrial, commercial or institutional clients or patrons where no tangible or physical product for general marketing is directly produced therein and where no danger, hazard or nuisance shall extend beyond the borders of any lot which exceeds that created by such similar activities as are permitted as education-research uses.

6. Flex space - A low rise structure with high ceilings containing an open floor plan that can be modified to accommodate individual needs of its tenants. Individual areas can be leased for uses such as personal services, and retail and office or showroom space in combination with warehouse, research and distribution facilities and other light industrial uses. The structure may contain general loading accommodations.
7. Self-storage facility – A facility solely used for the storage of goods and materials within self-contained compartments by various users, and may include an accessory residential unit for a facility employee responsible for facility operations and security.
8. Studio – A facility utilized for the filming, recording, photographing, broadcasting, performance, production, and or editing of videos, films, motion pictures, television and radio shows, commercials, and/or music.
9. Commercial recreation, indoor – A commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly within an enclosed building. Examples of such uses include, but are not limited to, fitness centers, indoor play areas, training studios (dance, gymnastics, martial arts, etc.), video arcades, bowling alleys, skating rinks, and all accessory uses generally associated therewith, such as food services, equipment rental and repairs, and pro-shops.
10. Commercial recreation, outdoor – A commercial establishment designed and equipped for the conduct of sports, leisure activities, and other recreational activities wholly or partially outside of any building or structure. Examples of such use include but are not limited to driving ranges, miniature golf facilities, amusement parks, go-cart tracks, paintball fields, and all accessory uses generally associated therewith such as food services, equipment rental and repairs, and pro-shops.
11. Distribution center – An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials. Retail sales, assembly or product processing are not considered part of the distribution process.
12. Cross-docking facility – A cross-docking facility is a distribution docking terminal in which materials are unloaded from an incoming semi-trailer truck and loaded directly onto an outbound truck with little or no storage in between.

13. Transshipment – The act of transferring freight from long-haul trucks to local delivery vehicles.
14. Vehicle maintenance facility – A facility used for the maintenance and repair work of commercial vehicles.
15. Modular Housing Manufacturing - Any establishment primarily used for the fabrication, assembly, storage or sales of any modular housing. Modular housing is defined as a housing unit that is prefabricated as a single unit or several large components and transported to the job site. The unit is attached to a permanent foundation or anchored to a concrete pad.

First Reading

INTRODUCED BY: Councilwoman Sheedy				
SECONDED BY: Councilman Yampaglia				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
PRONTI	X			
SHEEDY	X			
KARCIC	X			
WILLIAMS	X			
FITZHENRY	X			
BIANCHI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilwoman Sheedy				
SECONDED BY: Councilman Fitzhenry				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
YAMPAGLIA	X			
PRONTI	X			
SHEEDY	X			
KARCIC	X			
WILLIAMS	X			
FITZHENRY	X			
BIANCHI				
TOTAL				

ORDINANCE NO. 2240
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND THE
PORETE AVENUE REDEVELOPMENT ORDINANCE

WHEREAS, the Local Redevelopment and Housing Law at N.J.S.A 40A:12A-1 et. seq (LRHL), provides that a municipality may declare an area within the municipality as an area-in-need-of redevelopment and approve a redevelopment plan for the development thereof; and

WHEREAS, the Borough of North Arlington declared the Porete Avenue area as an area-in-need-of-redevelopment; and

WHEREAS, by duly adopted Resolution, the Borough Council (the "Borough Council") of the Borough of North Arlington (the "Borough") designated the properties known as Block 168, Lots 1, 2, 3, 4, 5, 6, 7, 8.02, 8.AB, 9 and 9.01; Block 169, Lots 1.01 and 2.01; Block 169.01, Lots 3, 4, 5, and 6; Block 170, Lots 1, 2, 3, 4, and 4.02; Block 171, Lot 1; an Block 172, Lots 1 and 4.01; Block 173.04, Lot 1; Block 174, Lots 1, 1.01, and 1.02; and Block 154, Lot 4 on the Borough's tax map (collectively, the "Redevelopment Area") as an area in need of redevelopment under the LRHL; and

WHEREAS, a Porete Avenue Redevelopment Plan was prepared by Heyer, Gruel & Associates, PA., Community Planning Consultants; and

WHEREAS, pursuant to the LRHL, 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 Avenue Area (“Redevelopment Ordinance); 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 Governing Body is permitted to amend, from time to time, the Redevelopment Plan/Ordinance pursuant to the LRHL 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

WHEREAS, a development has been proposed by **Public Service Electric & Gas, Co.** (“Petitioner”) with regard to the property located at Block 174, Proposed Lot 1.03 (the “Property”) on the Tax Assessment Maps of the Borough and located within the Porete Avenue Redevelopment Area which would require a use variance to permit utility infrastructure use at the property and a “d” variance pursuant to N.J.S.A. 40:55D-70d for maximum building height; and

WHEREAS, the Governing Body has determined that there is a need to amend the Redevelopment Plan; and

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

WHEREAS, the Planning Board reviewed and discussed the proposed amendment to the Porete Avenue Redevelopment Ordinance at its February 19, 2018 meeting and determined that the amendment is consistent with the Master Plan and agreed with the proposed amendment as drafted and voted unanimously, without any changes or comments, to refer the proposed amendment back to the Governing Body for further action and implementation; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that Section 4 of the Porete Avenue Redevelopment Ordinance is hereby amended as follows:

SECTION 4

District Use and Bulk Standards

[NEW SECTION]

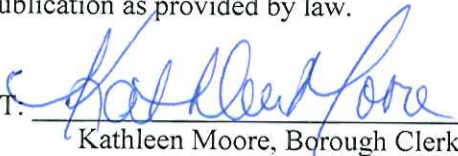
Development Standards related to the Proposed Redevelopment of Block 174 Proposed Lot 1.03 on the official tax map of the Borough of North Arlington, County of:

- 1. Principal Permitted Uses:**

- a. Public Utility Facilities
- 2. **Bulk Standards**
 - a. Maximum building height – 125 feet
- 3. **Relationship to Ordinance.** Unless specifically set forth herein, all sections of the Porete Avenue Redevelopment Ordinance related to bulk standards, design standards and other guidelines shall be adhered to as set forth elsewhere herein. Notwithstanding the foregoing, the Planning Board shall be permitted to grant waivers and variances to the standards and requirements during the site plan hearing as required.

ADDITIONAL PROVISIONS

- 1. All other sections of the Porete Avenue Redevelopment Ordinance shall remain unchanged and in full force and effect.
- 2. 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.
- 3. This amendment to the Porete Avenue Redevelopment Ordinance shall take effect upon publication as provided by law.

ATTEST: 
Kathleen Moore, Borough Clerk

APPROVED: 
Joseph P. Bianchi, Mayor

DATED: April 12, 2018

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, March 8, 2018, 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 April 12, 2018, 7:00 PM 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, RMC
Borough Clerk

First Reading

INTRODUCED BY: Councilman Fitzhenry				
SECONDED BY: Councilwoman Bocchino				
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 Bocchino				
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. 2300
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 created 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/BCUA Redevelopment Plan was amended by the Governing Body in 1999, 2003, 2005, 2010 and 2015; and

WHEREAS, pursuant to Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e) the Governing Body prepared an Amendment to the Porete Avenue/BCUA Redevelopment Plan and referred it to the Planning Board for its comments and recommendations by way of Resolution No: 104-20 dated May 14, 2020; and

WHEREAS, the Planning Board reviewed the Amendment to the Porete Avenue/BCUA Redevelopment Plan on May 18, 2020 and advised the Mayor and Council that it fully endorsed the proposed changes; and

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

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that the Amendment to the Porete Avenue/BCUA Redevelopment Plan is hereby adopted and that the Porete Avenue/BCUA Redevelopment Ordinance shall be amended as set forth herein; and

BE IT FURTHER ORDAINED THAT Section 4 of the Porete Avenue/BCUA Redevelopment shall be amended as follows (deletions marked by “—“ and additions in **bold**):

(A) Porete Avenue Area

1. Principal Permitted Uses

- (a) Light Industry
- (b) Warehouse
- (c) General, business and professional offices
- (d) Public uses

2. Prohibited Uses

Any use that is not explicitly permitted is prohibited, including without limitation, Heavy Industry.

3. Accessory Uses

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

4. Bulk Standards
Minimum lot size – 1 acre Maximum
lot coverage – 80 percent Maximum
building height – 60 feet
Minimum floor area – 5,000 square feet in the principal structure **or 25% of the lot area (defined as the square footage of the principal structure divided by the lot size), whichever is greater.**

Minimum building setbacks from all property lines – 20'

(B) Bethlehem Steel Site

1. Principal Permitted Uses
 - (a) Light Industry
 - (b) Warehouse
 - (c) Wholesale establishment
 - (d) Data Center
 - (e) Research laboratories
 - (f) Flex space
 - (g) Distribution center/ cross-docking facility/transshipment
 - (h) Stormwater management facility

2. Accessory Uses
Uses customary and incidental to the principal use including but not limited to:
 - (a) Parking lots and garages for storage of company vehicles.
 - (b) Loading docks.
 - (c) Cooling towers for HVAC and emergency back-up generation systems
 - (d) Fuel oil tanks for HVAC and emergency back-up generating systems
 - (e) Emergency generators
 - (f) Vehicle maintenance facility

3. Bulk Standards
Minimum lot size – 2 acres (minimum lot size does not apply to lots containing stormwater management infrastructure such as retention basins)
Maximum lot coverage – 70%
Maximum building height – 60 feet
Minimum floor area – 40,000 square feet in the principal structure **or 45% of the lot area (defined as the square footage of the principal structure divided by the lot size), whichever is greater**

Minimum building setbacks from all property lines – 30 feet

(C) BCUA Site

1. Principal Permitted Uses

- (a) Flex space
- (b) Warehouse
- (c) Self-storage facility
- (d) Modular Housing Manufacturing
- (e) Studio
- (f) Commercial recreation, indoor
- (g) Commercial recreation, outdoor
- (h) Public Uses

2. Permitted Accessory Uses

Uses customary and incidental to the principal use such as showrooms, parking, and signage.

3. Bulk Standards

Minimum lot size – 3 acres

Maximum lot coverage – 60 %

Maximum building height – 60 feet

Minimum floor area – 40,000 square feet in the principal structure or **30% of the lot area (defined as the square footage of the principal structure divided by the lot size), whichever is greater**

Minimum building setbacks from all property lines – 30 feet

BE IT FURTHER ORDAINED THAT Section 5(D), entitled “Buffering and Screening,” shall be amended as follows:

Add a new paragraph as 5(D)(4) which shall read as follows:

4. **For the purposes of this paragraph 4 and its sub-paragraphs, the planted buffer area on a site shall be understood to extend from the redevelopment area boundary to the nearest improvement on the site, which includes any building, paved/gravel surface, or lawn/turf surface existing within the redevelopment area at the time of this amendment or a distance of 100 feet from the boundary, whichever is closer.**
- (a) **Removal of trees or shrubs shall be prohibited within the existing planted buffer areas along the edges of the Redevelopment Area except as otherwise provided in this paragraph 4.**
 - (b) **In the event that any trees in the buffer area are substantially damaged or removed as a result of development or other human activity occurring on a site, such trees shall be replaced at a 1 for 1 rate by caliper. The replacement tree(s) must be of a type that can reach the same mature height as the lost tree(s). For example, if an 18 inch caliper tree is removed, the trees planted to replace that tree must have a combined caliper of no less than 18 inches at the time of planting.**
 - (c) **Replacement trees must be planted within the buffer area on the same**

property as the tree(s) removed. If an applicant demonstrates that such replacement is not feasible without harming other trees on the property, the Board shall have the right to determine the most appropriate solution to ensure that the visual screening and sound absorbing benefits of the buffer are preserved.

- (d) **Land Disturbance in any portion of the buffer area where slopes are in excess of 15% shall be identified on any submitted site plan. No more than 25% of the area where slopes are 15% to 20% shall be disturbed. Land Disturbance is prohibited on any part of the buffer area where slopes are in excess of 20%.**

BE IT FURTHER ORDAINED THAT Section 8(C), entitled “Development Review and Procedures,” shall be amended as follows:

Add a new paragraph as 8(C)(1)(e) which shall read as follows:

A traffic impact analysis which should forecast additional traffic associated with the proposed development and taking into account all approved projects that would impact the roadway (even if such projects have not yet been developed). The study should determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and reasonable traffic conditions and reduce the negative impacts created by the development.

Add new paragraph as 8(C)(8)

Road Widening Easement. Based on the traffic impact analysis provided by the redeveloper, a determination shall be made by the municipal engineer to determine if a road widening easement is necessary for future conditions on any portion of the proposed development. Any approval shall be contingent upon dedication of the road widening easement to the Borough along the existing roadway which shall be included in the Redevelopment Agreement.

BE IT FURTHER ORDAINED THAT Section 8(F), entitled “Amending the Redevelopment Plan” shall be amended to read as follows (additions in **bold**):

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. **If a designated redeveloper requests such amendment, said redeveloper shall pay an additional application fee of \$5,000 and shall further reimburse the Borough for all reasonable costs, fees and expenses to undertake such amendment.**

BE IT FURTHER ORDAINED THAT Section 9, entitled “Definitions,” shall be amended to add the definition of “Heavy Industry” and replace the definition of “Light Industry” as follows:

HEAVY INDUSTRY – any industrial use that is not defined herein as Light Industry, which include, but are not limited to, the following, and which are prohibited in the Redevelopment Area:

- (a) Slaughterhouses; stockyards; fat rendering; soap manufacture; glue manufacture; tannery; paper manufacture; wool scouring and cleaning; cotton textile sizing, scouring, bleaching, dyeing and similar uses; varnish manufacture; and creosote and creosote products manufacture;
- (b) The production of corrosive and noxious chemicals including, but not limited to, acids, acetylene gas, ammonia, chlorine, and bleaching compound;
- (c) The production and processing of coal and coal tar, the processing of petroleum and petroleum products, the aboveground storage of petroleum products, and petroleum refining;
- (d) The extraction, preparation, and processing of mineral products, including, but not limited to, abrasives, cement, concrete, brick, paver block, lime, fertilizer, plaster, crushed stone, and the mining of sand, gravel, or topsoil;
- (e) The smelting and reduction of metallic ores including, but not limited to, blast furnaces; open hearth, electrical furnaces; Bessemer converters; and nonferrous metal smelters;
- (f) The manufacture and storage of explosive products, including, but not limited to, dynamite and commercial explosives, TNT, military explosives, and fireworks; and
- (g) Auto wrecking yards and the storage of junk.

LIGHT INDUSTRY — Warehousing, wholesaling, distribution, shipping and receiving, light manufacturing, assembly, processing, research, laboratory testing service, professional and governmental offices, public and quasi-public uses and other operations, which do not include the production and storage of goods or products that involve a physical or chemical process that changes the nature of the product or raw material. Light Industry uses shall not produce any corrosive, toxic, noxious fumes, glare, electromagnetic disturbances, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety, or general welfare. Light Industry uses shall also not include the parking of trucks as a primary use.

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 Amended Porete Avenue/BCUA Redevelopment Plan adopted in 2015, the provisions of this Ordinance shall control.
3. All other sections of the Porete Avenue/BCUA Redevelopment Plan Ordinance 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.

ATTEST: 
Kathleen Moore, Borough Clerk

APPROVED: 
Daniel H. Pronti, Mayor

DATED: July 16, 2020

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, JUNE 11, 2020 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 JULY 16, 2020, 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 CLERKS OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore
Borough Clerk

First Reading

INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilman Del Russo				
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 Bocchino				
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. 2320
BOROUGH OF NORTH ARLINGTON
COUNTY OF BERGEN, NEW JERSEY

**AN ORDINANCE TO AMEND THE
PORETE AVENUE REDEVELOPMENT ORDINANCE**

WHEREAS, the Local Redevelopment and Housing Law at N.J.S.A 40A:12A-1 *et. seq.*, provides that a municipality may declare an area within the municipality as an area-in-need-of redevelopment and approve a redevelopment plan for the development thereof; 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, 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 Avenue Area (Porete Avenue Redevelopment Plan); 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, a development has been proposed by **Seagis Property Group** (hereinafter, the “Petitioner”) at the properties located at Block 129, Lot 15 and Block 168, Lot 1 on the official tax map of the Borough of North Arlington, County of Bergen (hereinafter “the Property”), which are more commonly known as 500 Belleville Turnpike, North Arlington; and

WHEREAS, the Governing Body has been designated as the North Arlington Redevelopment entity and, as such, is empowered to address and deal with any and all issues relating to the Redevelopment in the Borough; and

WHEREAS, the Governing Body, acting as the redevelopment entity, reviewed the plan for the redevelopment project proposed by the Petitioner and determined that it was consistent with the Porete Avenue Redevelopment Plan; and

WHEREAS, Block 168, Lot 1 was previously designated as a non-condemnation redevelopment area in accordance with the relevant provisions of N.J.S.A. 40A:12A-1, et seq. and is already included in the Porete Avenue Redevelopment Plan; and

WHEREAS, Block 129, Lot 15 was previously designated as a non-condemnation redevelopment area in accordance with the relevant provisions of N.J.S.A. 40A:12A-1, et seq. by way of Resolution 85-17 dated March 9, 2017 and was included in the Belleville Pike Redevelopment Plan which was adopted by Ordinance No. 2236 dated February 8, 2018; and

WHEREAS, it has been determined that it is appropriate that Block 168, Lot 1 and Block 129, Lot 15, having the same physical address of 500 Belleville Pike, no longer be in separate Redevelopment Areas and that both lots be included in the Porete Avenue Redevelopment Area so as to properly facilitate the development of the Property consistent with the redevelopment goals of the Borough; and

WHEREAS, it has been determined that it is appropriate to amend the Porete Avenue Redevelopment Plan/Ordinance to add Block 129, Lot 15 to the Porete Avenue Redevelopment Area, since such action is essential to the Property and the proposed development and consistent with the goals and objectives of the Porete Avenue Redevelopment Plan/Ordinance and the overall redevelopment goals of the Borough; and

WHEREAS, as a result of the addition of Block 129, Lot 15 to the Porete Avenue Redevelopment Area, the terms of the Porete Avenue Redevelopment Plan/Ordinance, rather than the Belleville Pike Redevelopment Plan, will apply to the Lot and the Property as a whole; and

WHEREAS, pursuant to Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e) the Governing Body prepared an Amendment to the Porete Avenue Redevelopment Plan and referred it to the Planning Board for its comments and recommendations by way of Resolution No.: 53-21 dated February 11, 2021; and

WHEREAS, the Planning Board reviewed the Amendment to the Porete Avenue

Redevelopment Plan on March 15, 2021 and advised the Mayor and Council that it fully endorsed the proposed changes; 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

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that the Porete Avenue Redevelopment Ordinance is hereby amended to include the property located at Block 129, Lot 15 which shall hereafter be included in the Redevelopment Area and subject to the terms of the Porete Avenue Redevelopment Plan/Ordinance; and

BE IT FURTHER ORDAINED as follows:


ADDITIONAL PROVISIONS

1. The foregoing provision shall be added to the Porete Avenue Redevelopment Plan/Ordinance.
2. All other sections of the Porete Avenue Redevelopment Plan/Ordinance shall remain unchanged and in full force and effect.
3. 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.
4. This amendment to the Porete Avenue Redevelopment Plan/Ordinance shall take effect upon publication as provided by law.

APPROVED:


Daniel H. Pronti, Mayor

ATTEST:


Kathleen Moore, Borough Clerk

DATED: May 13, 2021

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, April 8, 2021 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 May 13, 2021, 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, RMC
Borough Clerk

COPIED

NOV 14 2022

TO Robert K.
Lynn C. / Colleen V.

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.

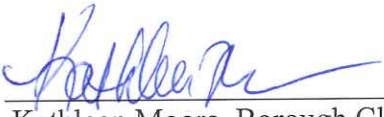
VII. SIGNAGE

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