

TOWNSHIP OF NORTH BERGEN
ORDINANCE NO.

#551-22

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE TOWNSHIP OF NORTH BERGEN TO ACT AS THE REDEVELOPMENT ENTITY FOR THE REDEVELOPMENT PLAN FOR BLOCK 438, LOTS 16, 17, 17.01, 18 AND A PORTION OF LOT 1, 8200 RIVER ROAD AND AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN TO ESTABLISH SPECIFIC DEVELOPMENT REGULATIONS IN THIS AREA.

WHEREAS, a redevelopment area designation analysis entitled *Area in Need of Redevelopment Investigation for Block 438, Lots 16, 17, 17.01, 18 and a Portion of Lot 1, Township of North Bergen, New Jersey* prepared by Paul Grygiel, AICP, PP dated December 2, 2021 was prepared and submitted to the Planning Board; and

WHEREAS, the Planning Board recommended to the Board of Commissioners that Block 438, Lots 16, 17, 17.01, 18 and a portion of Lot 1 as more specifically delineated in the redevelopment area designation analysis prepared by Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes, LLC be determined by the Board of Commissioners to be a redevelopment area; and

WHEREAS, the North Bergen Board of Commissioners accepted the recommendation of the Planning Board and designated the area an area in need of redevelopment memorialized by Resolution adopted March 9, 2022, which directed the Planning Board to prepare a redevelopment plan which would set standards for construction of buildings and other improvements in the redevelopment area; and

WHEREAS, a redevelopment plan has been prepared by Phillips Preiss Grygiel, Leheny Hughes, LLC dated April 21, 2022 which was been reviewed by the Planning Board at the meeting of May 3, 2022; and

WHEREAS, thereafter a recommendation was made to address the redevelopment of the site and the redevelopment plan provides a guide to the development regulations and other standards; and

WHEREAS, a redevelopment plan was submitted, reviewed and recommended by the Planning Board;

WHEREAS, Block 438, Lots 16, 17, 17.01, 18 and a portion of Lot 1 on the Tax Map of the Township of North Bergen, known as 8200 River Road, North Bergen. The lots have been consolidated into one lot known as Lot 17. The area is described as one tax lot bounded by River Road on the west and the Hudson River on the east between 82nd Street and the Borough of Edgewater border. The lot has 1,141 feet of frontage on River Road consisting of approximately 36.45 acres. The property is undeveloped other than a small asphalt parking area in the southwestern corner, chain link fencing along the River Road sidewalk and the parking area and remnants of former bulkheads and piers. Development approval was previously granted but the area remains vacant. Block 438, Lots 16, 17, 17.01, 18 and a portion of Lot 1 has been declared by the Board of Commissioners, following a hearing and recommendation thereon by the Planning Board of the Township of North Bergen as an area in need of redevelopment; and

WHEREAS, the aforementioned block and lot is currently zoned as P-1 Riverside Zone

pursuant to the Zoning Ordinance Township of North Bergen; and

WHEREAS, the Board of Commissioners found it in the best interest of the Township to allow the development of this property as a non-condemnation area in need of redevelopment.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq. as follows:

Section 1. Designation of Block 438, Lots 16, 17, 17.01, 18 and a portion of Lot 1. Redevelopment Project on the Tax Map of the Township of North Bergen, and generally described as one tax lot, having been merged into one lot known as Lot 17, whose boundaries are formed by the property lies of Block 438, Lot 17, is hereby declared and determined to be located within an area in need of redevelopment in accordance with the provisions of N.J.S.A. 40A:12A-6.

Section 2. Designation of Redevelopment Entity. Pursuant to the authority granted by N.J.S.A. 40A:12A-4c, the Township of North Bergen is hereby designated to exercise the powers of a redevelopment entity for the Block 438, Lot 17, 8200 River Road Redevelopment Project.

Section 3. Redevelopment Plan. A Redevelopment Plan dated April 21, 2022 prepared by Phillips Preiss Grygiel Leheny Hughes LLC is incorporated in its entirety herein by reference. The Plan includes the following:

A. Relationship to Local Objectives. The purpose of the Block 438, Lot 17, 8200 River Road Redevelopment Project is to enhance and increase a necessary need for the Township, foster the proper utilization of existing resources, develop stagnant and unproductive land so as to render it useful and valuable for contributing to and servicing the public health, safety and

welfare, providing for appropriate standards for buildings and other improvements to capitalize on the strengths of the redevelopment area, including its prime location, convenient road access and proximity to transit service and otherwise promote the public health, safety and welfare.

B. Proposed Land Uses. Land use proposed in the redevelopment plan shall consist of multifamily residential development, among other uses.

The proposed development shall be designed so as to

1. Maximize appropriate land usage;
2. Provide adequate off-street parking;
3. Create an attractive visual environment;
4. Provide other public improvements to carry out the foregoing purposes.

C. Identification of Property and Redevelopment Area. The proposed redevelopment project consists of one tax parcel known as Block 438, Lot 17 on the Tax Map of the Township of North Bergen, and is generally described as one tax lot whose boundaries are formed by the property lines of Block 438, Lot 17.

D. Relocation. Provisions for the temporary and permanent relocation of businesses and persons, if any, located within the redevelopment area shall be made in accordance with the New Jersey Relocation Assistance Law (*N.J.S.A. 52:31B-1 et seq.*) and the regulations adopted thereunder (*N.J.S.A. 5:11-1.1 et seq.*). The Township of North Bergen shall provide a workable relocation assistance plan for residents and businesses displaced as a result of the redevelopment plan. To the extent required by law, such workable relocation assistance plan

shall include efforts to identify the persons and businesses displaced, determining the needs of relocation, providing assistance in relocating new places of residence and business within the Township of North Bergen and vicinity, provisions for the temporary and permanent relocation of persons living in the redevelopment area by arranging for decent, safe and sanitary dwelling units at rents within the means of persons displaced from said area, and financial assistance for relocation and moving expenses.

E. Relationship with Master Plan and Zoning Ordinance.

1. With respect to the proposed land use and building requirements, the redevelopment plan is in conformity with the following provisions of the Township of North Bergen Master Plan and Re-Examination Reports:

- a. To expand the tax base to promote the economic well being of North Bergen and its residents.
- b. To promote safe and efficient circulation.
- c. To promote the full economic potential of the land where commercial development is appropriate.

2. The Land Use Plan of the Master Plan designates the redevelopment area for residential and commercial land uses. By providing for the redevelopment area in this manner, the use is consistent with the Land Use Plan of the Master Plan.

3. The Board of Commissioners finds that the redevelopment plan is either substantially consistent with the master plan or it is designed to effectuate the master plan. To the extent that any portion of the redevelopment plan is inconsistent with or not designed

to effectuate the master plan. The reasons therefor are set forth above.

F. Powers of Redevelopment Entity. Subject to the approval of the Board of Commissioners, the Township of North Bergen may proceed with the acquisition, clearance, redevelopment, planning, reconstruction, renewal and redevelopment of the Block 438, Lot 17, 8200 River Road Redevelopment Project and in order to carry out and effectuate said purposes, the Township of North Bergen may:

- a. Acquire or contract to acquire from any person, firm, or corporation, public or private by contribution, gift, grant, bequest, devise, purchase, or otherwise, real or personal property or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in the redevelopment area and in any area designated by the Board of Commissioners as necessary for carrying out the relocation of the residents, industry and commerce displaced from the redevelopment zone.
- b. Clear any area owned or acquired and install, construct or reconstruct streets, facilities, utilities and site improvement essential to the preparation of sites for use in accordance with the redevelopment plan.
- c. Lease, exchange or convey property or improvements to any such party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange or conveyance is made in conjunction with the redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the

contrary.

- d. Make, consistent with the redevelopment plan: (1) plans for carrying out a program of voluntary repair and redevelopment of buildings and improvements; and (2) plans for the enforcement of law, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, redevelopment, demolition, or removal of buildings and improvements.
- e. Dispose of land so acquired at its fair value for the uses specified in the redevelopment plan as determined by it to any person, firm, or corporation or to any public agency by sale, lease, or exchange.
- f. Request the Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or redevelopment and to make recommendations for such redevelopment or redevelopment of such areas.
- g. To study the recommendations of the Planning Board for redevelopment of any area and to make its own investigations and recommendations as to current trends in the Township, blighted areas and blighted factors.
- h. To publish and disseminate information.
- i. To prepare or arrange by contract for the provisions of professional service and the preparation of plans by registered architects or licensed professional engineers or planners or other consultants for the carrying out of the redevelopment project.

- j. To arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or development work, on any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area.
- k. To arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of the redevelopment area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas.
- l. To enter upon any building or property in the redevelopment area in order to conduct investigations or make surveys, soundings, or test borings necessary to carry out the purpose of this ordinance.
- m. To arrange or contract with a public agency for the relocation of residents, industry or commerce displaced from the redevelopment area.
- n. To conduct examinations and investigations, hear testimony and make proof,

under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance.

- o. To authorize a committee designated by it consisting of one or more members, or counsel, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths, take affidavits and issue subpoenas or commission.
- p. To do all things necessary or convenient to carry out its powers.
- q. To negotiate with redevelopers for the private sale of real property within the redevelopment area; and
- r. To do and perform all powers authorized by Law to carry out the foregoing purposes not otherwise specifically limited herein.

Section 4. Miscellaneous Provisions

A. The Mayor is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance, all of a form approved by the Special Counsel.

Section 5. The Zoning Ordinance of the Township of North Bergen is hereby amended and supplemented to implement the redevelopment plan to establish an overlay zone as follows:

Principal Permitted Uses:

- Multifamily residential
- Parking lots and garages
- Commercial uses that serve the needs of the residents
- Any combination of the above uses

Accessory Uses:

- Off-street parking and loading areas
- Amenities customarily incidental to multi-family residential use, including recreations facilities, pools and rooftop amenities
- Other uses customarily accessory to the principal use

Area, Yard and Bulk Regulations:

- | | | |
|----|---------------------------------------|-----------------|
| a. | Minimum Lot Area | Five Acres |
| b. | Maximum Building Height: | 80 feet to roof |
| c. | Minimum Yard Setbacks: | |
| | Front Yard | 75 feet |
| | Side Yard | 25 feet |
| | Rear Yard | 25 feet |
| d. | Maximum Building Coverage: 50 percent | |
| e. | Maximum Lot Coverage: 75 percent | |

Other Standards:

- a. Relationship of Buildings: Structures within the Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air and usable open space, access to public rights-of-way and off-street parking, height and bulk.
- b. Views: The Redevelopment Area shall be subject to the provisions of Section 11.4 of the Township of North Bergen Zoning Ordinance and of this plan. The site should be developed in such a way as to maximize views wherever possible with design elements such as view opportunities at the river's edge and view corridors throughout the development.
- c. Orientation: The Redevelopment Area shall be subject to the provisions of Section 11.2.d of the Township of North Bergen Zoning Ordinance and this plan, such that only the portion of buildings located atop the garage structure and which are in excess of 50 feet shall be required to comply with the building orientation requirement.
- d. Finishing: Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside the Area.
- e. Rooftop Mechanical Equipment: All rooftop mechanical equipment shall be placed and screened so as to be out of street view at heights as established in the Redevelopment Plan.

- f. Landscaping Location: In accordance with the Township of North Bergen Zoning Ordinance, appropriate landscaping shall be required for the building foundation, within the outside parking areas and on building roofs.
- g. Landscaping Plan Requirements: All proposed site plans shall include plans for landscaping indicating the location, size and quantity of various species to be used.
- h. Landscaping: No minimum landscaping shall be required within the side yard setback.
- i. Species: Where feasible, low maintenance, drought tolerant and native species are encouraged.
- j. Street Trees: Street trees shall be planted along the property frontage. Existing street trees in healthy condition shall be preserved where feasible and would count toward the total required street tree count. Sidewalks and pedestrian paths shall be designed to accommodate plantings and allow for rain water to get to the root system.
- k. Maintenance: All plant material used must be able to withstand the urban environment and shall be planted consistent with standards as established by the American Association of Nurserymen. A landscaping schedule shall be provided and any plant that dies within one year of the development shall be replaced accordingly.
- l. Public Access: The redevelopment shall include a public access walkway

along the Hudson River, designed in accordance with any State of New Jersey Department of Environmental Protection requirements.

- m. **Lighting:** Lighting shall be sufficient to provide safe and adequate outdoor illumination in all areas, but its design should avoid over illuminating the area in terms of both intensity of spillage over property lines. Lighting shall include shields to minimize glare. Entrances should be adequately illuminated. Proposed light fixtures, pole mounted or bollard, shall be in keeping with a residential character.
- n. **Chain Link Fencing:** Chain-link fencing shall be prohibited along all street frontages within the Redevelopment Area except during construction. Decorative style fences are encouraged. Preference shall be given to fencing that does not exceed three (3) feet in height, however in certain circumstances and where appropriate for safety or privacy, alternative heights may be acceptable up to six (6) feet in height.
- o. **Parking:** One parking space is required per unit. This deviation from the New Jersey Residential Site Improvement Standards is warranted due to the redevelopment area's accessibility to transit service.
- p. **Parking Space Dimensions:** Automobile parking spaces must be a minimum of 8 feet wide by 18 feet deep.
- q. **Exceptions:** Compact spaces and stacked spaces shall be permitted, provided they each make up no more than 10% of the total provided parking.

- r. Curb Stops: The placement of a curb-stop, up to two feet within the required parking space depth is permitted provided that there is adequate area for an automobile occupying the parking space to overhang said curb-stop a like distance without infringing on required landscaping or pedestrian areas.
- s. Drive Aisles: Driving aisles must be 24 feet in width to provide adequate space for maneuverability of an automobile. Access shall be safely situated and shall be coordinated to avoid significant changes in existing traffic patterns.
- t. Sidewalks: Sidewalks along the street frontage of the property shall be provided for safe and convenient access to and around the site. The sidewalks must be properly sized and with adequate slopes that meet all required municipal, state and federal regulations. Walks should be properly illuminated and landscaped as required above.
- u. Curb Cuts: Maximum aggregate curb cuts shall not exceed 125 feet.
- v. Public Electric Vehicle Charging Infrastructure: Electric vehicle (EV) charging stations are required to reduce the tailpipe emissions from residents of the building, contributing to cleaner air and reducing greenhouse gas emissions. The EV requirements may allow for a lower parking ratio. Public electric vehicle charging station(s) shall be provided for within the Redevelopment Area. These charging stations shall be made publicly available on a permanent basis. The Redeveloper shall be

responsible for the continued maintenance and functional operation of the public electric vehicle charging station(s) in accordance with the New Jersey Municipal Land Use law as required for all Redevelopment Plans. There is no room for deviation from this requirement; however, the host (the redeveloper) is permitted to charge the public for their use and can impose a non-resident time limit on their use. It may be possible through the site plan application to claim up to a 10 percent reduction in the parking requirement if the required EV service equipment is provided on site. Relevant sections of S3223, Electric Vehicle Charging Law apply to residential developments with greater than five units, including, but not limited to the following:

- 3a.(1)(a) [The developer shall] prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of Make-Ready parking spaces;
- 3a.(1)(b) [The developer shall] within three years following the date of issuance of the certificate of occupancy, install electric vehicle supply equipment in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
- 3a.(1)(c) [The developer shall] within six years following the date of issuance of the certificate of occupancy, install electric vehicle supply equipment in the final one-third of the original 15 percent of Make-Ready parking spaces; and
- 3a.(2) Throughout the installation of electric vehicle supply equipment in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
- 3e. A parking space prepared with electric vehicle supply equipment or Make-Ready equipment pursuant to this section shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This subsection shall result in a

reduction of no more than 10 percent of the total required parking.

- w. **Adverse Effects:** All necessary stormwater management designs and calculations must be sufficient to prove that there are no adverse effects from additional runoff on adjacent, neighboring lots.
- x. **Roof Leaders:** Roof Leaders as designed will be handled through an on-site stormwater management system, and ultimately discharged to the Hudson River.
- y. **Signage:** Signs shall be permitted in accordance with the applicable provisions of the Township of North Bergen Zoning Ordinance.
- z. **Trash and Recycling:** Trash receptacles and enclosures shall be appropriately located, adequately sized and shall be secured and screened.

Section 6. This ordinance shall take effect after publication and passage according to law.

Section 7. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Hudson County Planning Board, and to all others entitled thereto pursuant to the provisions of *N.J.S.A. 40:55D-15*. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Hudson County Planning Board as required by *N.J.S.A. 40:55D-16* and with the Township Tax Assessor.

unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 9. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 10. This ordinance shall take effect immediately upon publication and final passage according to law.

Introduced: **May 25, 2022**

Published: **May 31, 2022**
June 14, 202

Adopted: **June 8, 2022**

Attest: **Erin Barillas**
Township Clerk

<u>Comm. Cabrera</u>	<u>YES</u>
<u>Comm. Marengo</u>	<u>YES</u>
<u>Comm. Gargiulo</u>	<u>YES</u>
<u>Comm. Pascual</u>	<u>YES</u>
<u>Mayor Sacco</u>	<u>YES</u>