

**TOWNSHIP OF NORTH BERGEN
ORDINANCE**

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 4 (Undedicated Street), 8 (7800 River Road), 9 (7800 Marine Road), BLOCK 438.01, LOT 2 (7701 River Road/1 Marine 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 Redevelopment Investigation for Block 438, Lots 4, 4.01, 8 & 9, Block 438.01, Lots 1 & 2, Township of North Bergen, New Jersey* prepared by Paul Grygiel, AICP, PP dated March 24, 2022 was prepared and submitted to the Planning Board; and

WHEREAS, the Planning Board recommended to the Board of Commissioners that Block 438, Lots 4 (Undedicated Street), 8 (7800 River Road), and 9 (7800 Marine Road), and Block 438.01, Lot 2 (7701 River Road/1 Marine Road) as more specifically delineated in the redevelopment study prepared by Paul Grygiel of Phillips Preiss Grygiel Leheny Hughes, LLC be determined by the Board of Commissioners to be a redevelopment area, excluding Block 438, Lot 4.01 (5 East 80th Street) as it is a portion of the waterfront walkway and Block 438.01, Lot 1 (7700) River Road) as it was being reutilized and put to productive use; 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 June 22, 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 September 7, 2022 which was reviewed by the Planning Board at the meeting of October 4, 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, the Redevelopment Area includes Block 438, Lots 4 (Undedicated Street), 8 (7800 River Road), and 9 (7800 Marine Road), and Block 438.01, Lot 2 (7701 River Road/1 Marine Road) on the Tax Map of the Township of North Bergen. The area consists of 4 parcels totaling 2.81 acres, is located in the northeast section of the Township, on the east side of River Road. The area is bordered by a one-story commercial building to the southwest, a hospital complex to the south and east, a high-rise multifamily residential development and River View Park to the west across River Road, a high-rise multifamily residential development to the north and a townhouse development and the Hudson River to the east. Lots 8 and 9 are separated from Lot 4 by Lot 10 which consists of an electrical substation. The existing conditions are described as follows:

- Block 438, Lot 4 (Undedicated Street) consists of 0.5 acres, is T-shaped and consists of two undedicated private streets called 77th Street and Marine Road, as well as the Hudson River Waterfront Walkway. 77th

Street is an east/west street and is perpendicular to River Road. It is 70 feet in width and runs 310 feet to Marine Road. Marine Road is a north/south street and is generally perpendicular to 77th Street and parallel to River Road. Marine Road is 50 feet in width and runs 400 feet to the south along Lot 2 and 272 feet to the north, including along the Waterfront Walkway. These streets have been in existence since at least 1987. The 77th Street portion of the property consists of two-way travel lanes, including egress right turn and left turn only lanes to exist onto River Road. The intersection of 77th Street and River Road is signalized. Lot 4 also provides 90 degree parking spaces along the north side of the street near the intersection with River Road and in front of an adjacent electrical substation. Signage is posted in front of the parking spaces near the intersection indicating "office parking only". These parking spaces are accessed directly from 77th Street. The portion of Marine Road south of 77th Street consists of a long row of angled, two-sided parking for the adjacent Palisades Medical Center. The access aisle is narrow with a width of +/- 15 feet and there is limited maneuvering space for vehicles to turn around. There is a barrier at the southern end of the aisle that blocks through traffic necessitating exiting vehicles to turn around in a narrow access aisle or reverse their vehicle against the direction of the angled parking spaces. This property consists of a portion of the Hudson River Waterfront Walkway which includes an asphalt path, benches, trash receptacles, landscaping and shoreline along the Hudson River waterfront. This area meets the criteria for designation as a redevelopment area due to faulty arrangement or design of the streets, excessive land coverage, and deleterious land use all of which are detrimental to the safety, health, morals and welfare of the community.

- Block 438, Lot 8 (7800 River Road) consists of 0.91 acres which includes two supplemental tax lot designations (T01 and T02) for telecommunications uses. The property is a corner lot and is generally rectangular in shape and has 219.99 feet of frontage along River Road and 143 feet of frontage on 77th Street. It is developed with a two-story brick office building that is surrounded on three sides by surface parking. The building is occupied by several office tenants on two upper floors accessed from the main entrance on the south side and a daycare that occupies space in the basement accessed on the north side and the top floor. There is an enclosed outdoor play area on the north side of the building. The building is in good condition with an unadorned brick design and roof structures for telecommunications use. Access to the site include a two-way driveway from 77th Street and a shared driveway with adjacent Lot 9 to the north. Striped surface parking areas surround the building on the north, south and east sides and ADA accessible parking spaces are located in the south parking area. The River Road ingress is in poor condition with damaged pavement in need of repair. There is

landscaped buffering along River road and 77th Street. The property is identified by the NJDEP as an active Known Contaminated Site with a RAP from 2012. Most of this lot is within a Zone X flood hazard area and subject to a Tidelands Claim by the State of New Jersey and does not meet any of the redevelopment designation criteria. While this property does not meet any of the redevelopment designation criteria, it is necessary to be included in the area in need of redevelopment for the effective redevelopment of the area given that this lot is bounded on one side by 77th Street (Lot 4) in the study area which meet redevelopment criteria and, therefore, can be included in accordance with Section 3 of N.J.S.A. 40A:12A.

- Block 438, Lot 9 (7800 Marine Road) consists of 0.40 acres trapezoidal in shape with 116.16 feet of frontage on River Road and a depth up to 144.77 feet. The property is improved with a one-story restaurant which is elevated several feet above grade. The interior and exterior of the building are generally in good condition. There is surface parking in the front yard of the building. The property shares a +/- foot wide two-way driveway from River Road with adjacent Lot 8 which is damaged and in need of repair. There is a narrow row of small plantings along the sidewalk. The property is primarily within the Zone AE flood hazard area. This property does not meet any of the redevelopment designation criteria. While the restaurant is a permitted use in the P-1 Zone, the lot is undersized and almost entirely impervious and the property lacks modern stormwater management infrastructure. While this property does not meet any of the redevelopment designation criteria, it is necessary to be included in the area in need of redevelopment for the effective redevelopment of the area given that this lot is adjacent to Lot 8 within the study area and, therefore, can be included in accordance with Section 3 of N.J.S.A. 40A:12A.
- Block 438.01, Lot 2 (7701 Marine Road/1Marine Road) consists of 1.00 acre and includes a separate tax lot (T)1 for a telecommunications use. The property is a rectangular corner lot with 160 feet of frontage on 77th Street and 295 feet of frontage on Marine Road, both private roads. This lot does not have any frontage or direct access from a public street. The property is developed with a three-story building with multiple office tenants and a child care tenant. Surface parking surrounds the building on all sides. The child care center is located on the first floor and utilizes a fenced-in play area and a separate entrance at the southern side of the building. The office entrance is under a section of the building where the second and third floors are supported by a column. The parking areas are in fair condition and vehicular access is provided from 77th Street via three separate curb cuts. The eastern curb cut provides one-way ingress to the site which wraps around the rear of the building and provides egress

through the wester curb cut which is shared by Lot 1. The central curb cut provides two-way access to central rows of parking spaces in front of the building, but is a dead-end aisle with no turnaround area provided. There are small planting areas between curb cuts on 77th Street and an area of lawn along the property line adjoining the hospital. NJDEP identifies this property as an active Known Contaminated Site with a RAP which means a remediation action has cleaned the site to the lowest practical levels of contamination and is primarily within a Zone X flood hazard area. The property is subject to a Tidelands Claim by the State of New Jersey. The property exceeds the permitted lot coverage for the P-1 Zone of 75 percent. The property lacks stormwater drainage inlets and some pooling of water is visible on the western parking lot. There have been several fire prevention violations in recent years, some of which have been abated and some due for abatement and there have been ongoing alarm activations over the past 5 years, many of which were false alarms from the office and daycare tenants. Various features of the property are damage and in need of repaid including pavement on the western side of the building and areas of cosmetic wear on the exterior walls of the building. There is substantial evidence of ongoing maintenance issues on this property. The layout of vehicular circulation routes are a faulty arrangement or design. The presence of traffic cones at the building entrance appears to be intended to prevent vehicular access underneath the building. There is no curbing, wheel stops or other protective features provided on the building's perimeter, even where parking spaces are directly adjacent to the exterior walls. The faulty arrangement of the parking lot and circulation aisles is detrimental to the safety and general welfare of the community, as are the property's excessive lang coverage and delapidation of the building and improvement. Therefore this property can be designated under criterion "d" of the LRHL as an area in need of redevelopment.

WHEREAS, the aforementioned area is located entirely in the P-1 Riverside Zone; and

WHEREAS, the Board of Commissioners found it in the best interest of the Township to allow the development of this property as a 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 4 (Undedicated Street), 8 (7800 River Road), and 9 (7800 Marine Road), and Block 438.01, Lot 2 (7701 River Road/1 Marine Road) Redevelopment Project on the Tax Map of the Township of North Bergen, 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, Lots 4 (Undedicated Street), 8 (7800 River Road), and 9 (7800 Marine Road), and Block 438.01, Lot 2 (7701 River Road/1 Marine Road) Redevelopment Project.

Section 3. Redevelopment Plan. A Redevelopment Plan dated September 7, 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 existing P-1 Zone District is to enhance the waterfront of the Township through encouragement of water related uses and other low intensity uses such as residential and recreational ones; to ensure visual and physical access to the water through coordination with applicable programs and regulations of state and federal agencies and the application of view

corridors for buildings over 50 feet in height; to encourage mixture of uses of high design standards 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, retail and service uses, professional offices, parking lots and garages and any combination of the foregoing.

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 four tax parcels known as Block 438, Lots 4 (Undedicated Street), 8 (7800 River Road), and 9 (7800 Marine Road), and Block 438.01, Lot 2 (7701 River Road/1 Marine Road) on the Tax Map of the Township of North Bergen.

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, recreational 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, Lots 4 (Undedicated Street), 8 (7800 River Road), and 9 (7800 Marine Road), and Block 438.01, Lot 2 (7701 River Road/1 Marine 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
- Retail and service uses
- Professional offices
- Parking lots and garages
- 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 | 40,000 square feet |
| b. | Maximum Building Height: | 12 stories/135 feet |
| c. | Minimum Yard Setbacks: | |
| | Front Yard | 10 feet |
| | Side Yard | 10 feet |
| | Rear Yard | 5 feet |
| d. | Maximum Building Coverage: | 75 percent |
| e. | Maximum Density: | 175 units per acre |

Other Standards:

a. Parking Requirements:

Multifamily residential - Studio or one-bedroom unit: 0.8 spaces per unit; Two-bedroom unit: 1.3 spaces per unit

b. Parking Space Dimensions: Full-size parking spaces shall be a minimum of 8 feet wide and 18 feet deep. Accessible parking spaces shall comply with dimensional requirements of the Americans with Disabilities Act (ADA) . Compact parking spaces shall be a minimum of 8 feet wide and 16 feet deep, and shall not make up more than 10% of the total provided parking. No more than 10% of parking spaces shall be in tandem. 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.

c. Drive Aisles and Curb Cuts: The minimum drive aisle width shall be 24 feet for two-way traffic. Access shall be safely situated and shall be coordinated to avoid significant changes in existing traffic patterns.

d. Sidewalks: Sidewalks shall be provided along the street frontage of the property for safe and convenient access to and around the Redevelopment Area. The sidewalks shall be properly sized and with slopes that meet all required municipal, state and federal regulations. Sidewalks shall be properly illuminated and landscaped as required.

- e. **Bicycle Parking:** Indoor bicycle parking facilities shall be provided for residential uses within a secure, access-controlled room inside the building or within one or more areas of the parking garage. The minimum required indoor bicycle parking spaces shall be one (1) bicycle parking space per two (2) dwelling units.
- f. **Electric Vehicle Charging Infrastructure:** Electric vehicle charging stations shall be provided in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-66.18 through 66.21. Public electric vehicle (EV) charging stations are encouraged within the Redevelopment Area, when feasible. 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. The Redeveloper is permitted to charge a fee to the public for their use and can impose a non-resident time limit on their use.
- g. **Building Design and Performance Objectives and Requirements:**
 - 1. Structures within the Redevelopment 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.
 - 2. Buildings shall be designed so as to have an attractive, finished appearance when viewed from all vantage points within and outside the Redevelopment Area.
 - 3. All rooftop mechanical equipment shall be placed on the rear half of buildings and screened so as to be out of street view.

- I. Landscaping and Lighting Objectives and Requirements:
 1. In accordance with the Township of North Bergen Zoning Ordinance, appropriate landscaping shall include screening comprised of plantings, fences and/or walls along both River Road frontages and on nonresidential side property lines bordering residential or mixed-use properties.
 2. All proposed site plans shall include plans for landscaping indicating the location, size and quantity of various species to be used.
 3. Where feasible, low maintenance, drought tolerant and native species are encouraged.
 4. Where appropriate, 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.
 5. 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.
 6. Lighting shall be sufficient to provide safe and adequate outdoor illumination in all areas. 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 appropriate to the type of development.
 7. 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, alternate heights may be acceptable up to six (6') feet in height.

- j. Stormwater Management:
 - 1. 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.
 - 2. Roof Leaders - Roof leaders as designed will be handled through an on-site stormwater management system, and ultimately discharged to the Hudson River.
- k. Signage: Signs shall be permitted in accordance with the applicable provisions of the Township of North Bergen Zoning Ordinance.
- l. 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.

Section 8. Should any section, part or provision of this ordinance be held 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: **October 12, 2022**

Published: October 15, 2022
November 1, 2022
Adopted: October 26, 2022

<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>

Attest: Erin Barillas
Township Clerk