

**BOROUGH OF EMERSON
NOTICE OF ADOPTION
ORDINANCE NO. 1394-10**

Introduced: April 13, 2010

Adopted: May 4, 2010

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 4th day of May, 2010. A copy of Ordinance 1394-10 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN,
STATE OF NEW JERSEY, AMENDING, SUPPLEMENTING AND
REAFFIRMING THE 2006 CBD REVELOPMENT PLAN**

WHEREAS, pursuant to *N.J.S.A. 40A:12A-1, et seq.* (the "Local Redevelopment and Housing Law" or "LRHL"), a municipal Governing Body may undertake the redevelopment of a portion of the municipality and designate a property or properties as being "in need of redevelopment" and otherwise exercise the powers set forth in the LRHL; and

WHEREAS, in 2005 and 2006, pursuant to *N.J.S.A. 40A:12A-4b*, the Planning Board conducted the appropriate studies, prepared the boundaries of an "area in need of redevelopment," held public hearings, and made recommendations that certain properties within the Borough fall within an area in need of redevelopment; and

WHEREAS, the Governing Body accepted said recommendations; and

WHEREAS, the Governing Body authorized the preparation of a Redevelopment Plan, and charged the Planning Board with undertaking the preparation of said Plan and assuring that same is consistent with the municipal Master Plan; and

WHEREAS, the Planning Board engaged the services of Burgis Associates, Inc. (hereinafter "Burgis") to prepare the 2006 CBD Redevelopment Plan that applies to the approximately 19.7 acre area designated as an area in need of redevelopment (hereinafter the "Redevelopment Plan"); and

WHEREAS, the Planning Board recommended that the Governing Body adopt the Redevelopment Plan and Ordinances to implement said Plan; and

WHEREAS, the Governing Body, by and through the adoption of Ordinance No. 1305-06, adopted and implemented the Redevelopment Plan; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7e* and *-7f*, the Governing Body is authorized to request that the Planning Board prepare revisions or amendments to an existing Redevelopment Plan; and

WHEREAS, pursuant to the requests of the Governing Body and the Planning Board, Burgis has reviewed the existing Redevelopment Plan and has proposed modifications to the Redevelopment Plan; and

WHEREAS, after passage on first reading, this Ordinance shall be referred to the Planning Board for its recommendations concerning the Redevelopment Plan modifications, to be submitted within 45 days hereof.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Emerson, that the following modifications to the Redevelopment Plan are hereby expressly adopted and approved for the CBD Redevelopment Area:

Section 1. Page 3, Section 3.2 of the Redevelopment Plan, Item #1 shall be AMENDED as follows:

Work with New Jersey Transit to improve access to mass transit and to eliminate the blockage of Kinderkamack Road during train stops.

Section 2. Page 5, the last paragraph of Section 4.0 is amended to read as follows:

In addition, the redevelopment plan shall include the provision of affordable housing in accordance with the “Fair Housing Act”. All development within the designated redevelopment area shall provide for the appropriate number of affordable dwellings. The number of affordable units shall be provided pursuant to the State of New Jersey Council on Affordable Housing third round rules ~~that mandate a minimum of one affordable housing unit for every eight units of market rate housing and one affordable housing unit for every twenty-five jobs created.~~ The redevelopment plan encourages the use of age-restricted housing, to the extent feasible and in accordance with COAH rules, to address the borough’s affordable obligation.

Section 3. Section 5.0 is amended to read as follows:

The Borough of Emerson Redevelopment Plan for the Kinderkamack Road corridor calls for the physical redevelopment of the existing structures, the area’s redevelopment with a variety of retail and service commercial uses and residential uses, the redesign of the exiting circulation and parking designs and the provisions of new streetscape elements. ~~The plan provides for a two-fold approach for the redevelopment of the district. In one instance, it sets forth a plan that provides for a comprehensive design for the entire corridor that enables redevelopment, and in some cases redevelopment that is couples with expansion of existing development where it is warranted. It provides for phasing to allow for the relocation of businesses within the central business district. In the second instance, it also provides an opportunity to enable a more comprehensive redevelopment of the entire district that is to be imposed where existing conditions are not to be retained. Both~~ This approaches includes the required components of a redevelopment plan as set forth in the LRHL. The borough’s adopted 2003 Central Business District Plan was utilized as a basis for many of the redevelopment plan’s design principles, because it provides for efficient circulation patterns, new streetscape designs and more appropriately scaled structures for the entire area, in contract to the area’s existing conditions. The following sections of this report illustrate the proposed planning for the entire

area that was designated as the area in need of redevelopment. It further details specific sample plans for different blocks in the area.

Section 4. The first paragraph of Page 7, continued from the prior page, is amended to read as follows:

...the commercial corridor through appropriate design elements and create a more pedestrian-friendly and aesthetically pleasing environment. ~~The second design concept maintains the same overall goals with respect to improving the physical character of the district, but enables a more substantive and comprehensive approach to redevelopment.~~

Furthermore, the third paragraph of Page 7 is amended to read as follows:

The redevelopment plan is designed to encourage and accommodate a unified, compact commercial area focused around shops, restaurants and residential development. The scale and design of the buildings proposed for the redevelopment area seek to create a critical mass of development that includes dwellings. In this regard, the plan calls for the development of multi-family residences above retail establishments, and in some cases, where lots are farthest from the central portion of the cbd, residential development without at-grade retail make also be allowed. The redevelopment plan permits 2 and 3 story buildings, ~~and in some cases 4 stories~~, that may be occupied by residential and/or office uses. This will provide additional support for the local stores. The specific scale and the design of the buildings permitted in the redevelopment area are established by the area and bulk regulations set forth below.

Section 5. Remove numbers 3.3 and 3.f on Page 17, and also remove notation 4 on Page 16.

Section 6. Section 290-67C(1)g is amended as follows:

All outdoor equipment must be removed from the sidewalk at the end of each business day except where it does not block a public sidewalk.

Section 7. Page 25, Section 6.5 of the Redevelopment Plan is amended as follows:

The ~~first~~ plan approach is developed around the phasing plan in order to reduce the ~~number of properties that would have to be acquired~~ need for property acquisition in order to implement the plan. However the two residential parcels noted above may need to be acquired in order to complete the redevelopment plan. These structures are located on Block 419 Lots 1 & 2. In addition, Block 419 Lot 10 is may be needed to be acquired for access to the proposed parking area called for on Block 419 in the plan. This lot currently is occupied by a commercial structure. Additionally, Block 422 Lots 1, 12, and 13-18 are also identified as sites that may be acquired if, within a period of one year from the date of the approval of the redevelopment plan, the property owners do not come forward with a plan for the effective redevelopment of these lots pursuant to the provisions of this plan. ~~In the implementations of the second alternative plan approach, the plan calls for the entire area to be identified as property to be acquired.~~

Section 8. Page 25 of the Redevelopment Plan shall be amended to include a new section 6.6, which shall be reflected in the Table of Contents. The existing sections 6.6 and 6.7 shall be renumbered 6.7 and 6.8 respectively. The new section is as follows:

Section 6.6: Municipal Forfeiture of Eminent Domain Power

Once a parcel has been improved in accordance with the Redevelopment Plan’s requirements for streetscape, lighting and parking orientation and access, the property owner may seek recognition by the Mayor and Council that the site has been improved pursuant to the Plan’s streetscape, lighting, and parking requirements and, therefore, will no longer be susceptible to eminent domain procedures. Existing sites that are already consistent with the Redevelopment Plan may also seek such recognitions by the Mayor and Council. This stipulation is only applicable to the sites listed below.

<u>BLOCK</u>	<u>LOT</u>
412	5
422	10, 11
603	2, 3, 4, 5, 6
606	3, 4
610	5.01, 5.02, 6
610	7, 9.02, 10
613	1, 2
615	1
616	19, 22, 23, 24
213	2, 3
405	3.01

All other components stipulated in the Redevelopment Plan shall remain in place for any parcel deemed to be in compliance with the Plan.

Section 9. The map shown on Page 32 of the Redevelopment Plan shall be removed from the Plan.

Section 10. All other Sections and provisions of the Redevelopment Plan not herein modified, amended, deleted, or otherwise revised, shall remain in full force and effect.

Section 11. Burgis Associates, Inc. is hereby authorized to prepare a modified Redevelopment Plan, consistent with the revisions and amendments expressly adopted herein.

Section 12. All prior ordinances or resolutions or portions thereof the Borough Council of the Borough of Emerson inconsistent herewith be and are hereby repealed.

Section 13. If any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed separate, distinct and independent and shall not affect the validity of the remaining portion hereof.

Section 14. This ordinance shall take effect upon adoption and publication as required by law.

BY ORDER OF THE BOROUGH COUNCIL OF THE BOROUGH OF EMERSON

LOUIS J. LAMATINA, Mayor

ATTEST:

CAROL DRAY, RMC, CMC
Borough Clerk

INTRODUCED: April 13, 2010

ADOPTED: May 4, 2010

SUMMARY: Pursuant to N.J.S.A. 40A:12A-1 et seq, this amending ordinance modifies sections of the Redevelopment Plan adopted by the Borough of Emerson in 2006. The changes that have been made were discussed by the Governing Body of the Borough of Emerson and forwarded to the Borough Planner for his professional review who provided a report on same. The modifications amend numerous sections of the original zoning ordinance including but not limited to: Scale and Structure, Roof Line/Building Height, Purpose, § 290-68. Permitted Uses, Accessory Uses, Prohibited Uses, Area and Bulk Requirements; § 290-70 Design Standards; § 290-71. Off-Street Parking Requirements.