

First Reading:	08-16-2018
Publication:	08-23-2018
Second Reading:	09-06-2018
Publication:	09-13-2018

ORDINANCE NO. 2544

ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION, NEW JERSEY, ADOPTING THE "10 WEST WESTFIELD AVENUE REDEVELOPMENT PLAN BLOCK 610, LOTS 1 AND 3" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and,

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6* of the Redevelopment Law, the Council (the "**Borough Council**") of the Borough of Roselle Park, in the County of Union, New Jersey (the "**Borough**") must authorize the Land Use Board of the Borough (the "**Land Use Board**") to conduct an investigation of the area and make recommendations to the Borough Council; and,

WHEREAS, the Borough Council, by Resolution #156-17, adopted May 18, 2017 pursuant to the Redevelopment Law, authorized and directed the Land Use Board to undertake a preliminary investigation to determine if a specific area located at Block 610, Lots 1 and 3 on the tax map of the Borough (together, the "**Study Area**") constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and,

WHEREAS, the aforesaid resolution authorized the Land Use Board to investigate the Study Area as a Condemnation Redevelopment Area (as defined in *N.J.S.A. 40A:12A-6(a)* of the Redevelopment Law), within which the Borough may use all of those powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and,

WHEREAS, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Land Use Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and,

WHEREAS, the Land Use Board properly noticed a public hearing on the preliminary investigation of the Study Area which conforms to the Redevelopment Law; and,

WHEREAS, on October 16, 2017, the Land Use Board conducted a public hearing in accordance with the Redevelopment Law and after due consideration of the preliminary investigation and the comments and objections from the public made part of the public record and after consulting appropriate municipal departments and counsel, adopted a resolution recommending the Borough Council designate the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law, including the power of eminent domain; and,

WHEREAS, the Borough Council accepted the recommendation of the Land Use Board and on October 19, 2017, adopted Resolution #293-17 designating the Study Area as an area in need of redevelopment under the Redevelopment Law, such designation authorizing the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain (the "**Redevelopment Area**"); and,

WHEREAS, Benecke Economics prepared a redevelopment plan for the Redevelopment Area entitled: “10 West Westfield Avenue Redevelopment Plan Block 610, Lots 1 and 3” (the “**Redevelopment Plan**”) attached hereto as **Exhibit A**, providing the development standards for the Redevelopment Area; and,

WHEREAS, pursuant to the Redevelopment Law, the Land Use Board must review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Borough Council in accordance with the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law; and,

WHEREAS, on May 17, 2018 the Borough Council adopted Resolution #173-18 directing the Land Use Board to review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Borough Council in accordance with the Redevelopment Law; and,

WHEREAS, on June 11, 2018 the Land Use Board reviewed the Redevelopment Plan and adopted Resolution #2018-005 recommending the adoption of the Redevelopment Plan pursuant to *N.J.S.A. 40A:12A-7e*, subject to certain recommendations, to wit: 1) omit the option of a “supermarket” as a Permitted Use in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #201-18 (“**LUB Recommendation 1**”); 2) omit the option of “auto retail” as a Permitted Use in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #202-18 (“**LUB Recommendation 2**”); 3) omit the 15% Affordable Housing Obligation in Section 7 of the Redevelopment Plan as set forth in proposed Resolution #203-18 (“**LUB Recommendation 3**”); 4) change the requirement of impervious coverage to 90% (from 95%) in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #204-18 (“**LUB Recommendation 4**”); and 5) set minimal Retail/Professional Office/Bank/Restaurant space to 1750 sq. ft. in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #205-18 (“**LUB Recommendation 5**” and together with LUB Recommendation 1, LUB Recommendation 2, LUB Recommendation 3 and LUB Recommendation 4, the “**LUB Recommendations**”); and,

WHEREAS, the Borough Council considered the LUB Recommendations at the Borough Council meeting held June 21, 2018 and considered and voted upon the LUB Recommendations at the Borough Council meeting held July 19, 2018 and, in accordance with *N.J.S.A. 40A:12A-7(e)*, the Borough Council addresses same as follows:

1. LUB Recommendation 1: The Borough Council desires to maintain flexibility in the types of uses permitted within the Redevelopment Area to promote business development and as such declined to amend the Redevelopment Plan with LUB Recommendation 1 and did not adopt proposed Resolution #201-18.
2. LUB Recommendation 2: The Borough Council desires to maintain flexibility in the types of uses permitted within the Redevelopment Area to promote business development and as such declined to amend the Redevelopment Plan with LUB Recommendation 2 and did not adopt proposed Resolution #202-18.
3. LUB Recommendation 3: The Borough Council desires to maintain the option to require the inclusion of up to 15% of affordable units within the Redevelopment Area and as such declined to amend the Redevelopment Plan with LUB Recommendation 3 and did not adopt proposed Resolution #203-18.
4. LUB Recommendation 4: The Borough Council accepted LUB Recommendation 4 and revised Section 4(2)(a)(3) the Redevelopment Plan providing for maximum impervious coverage of 90% and adopted Resolution #204-18.
5. LUB Recommendation 5: The Borough Council desires to maintain flexibility in the area requirements to encourage business development within the Redevelopment Area and as such declined to amend the Redevelopment Plan with LUB Recommendation 5 and did not adopt proposed Resolution #205-18.

WHEREAS, the Borough Council believes the adoption of the Redevelopment Plan is in the best interests of the Borough with the Borough Council's consideration of the LUB Recommendations as noted herein.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Roselle Park, in the County of Union, New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Redevelopment Plan, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7*.
3. The zoning district map included in the zoning ordinance of the Borough is hereby amended to reference and delineate the property described and governed by the Redevelopment Plan. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Borough's municipal code, as and where indicated.
4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.
6. This Ordinance shall take effect in accordance with all applicable laws.

Introduced: August 16, 2018

Adopted: September 6, 2018



 Mayor

Attest: 

 Borough Clerk

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Shipley	X			
Fahoury	X			
Connelly	X			
Negron	X			
Deforio	X			

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Shipley	X			
Fahoury	X			
Connelly	X			
Negron	X			
Deforio		X		

Copy To: **MLUB, K. Blum, F. Genova, J. Baumann, R. Benecke, R. Belluscio, B. Macdonald**

BOROUGH OF ROSELLE PARK
UNION COUNTY
NEW JERSEY

10 West Westfield Avenue
Redevelopment Plan
Block 610, Lots 1 and 3

Final-July 23, 2018

Previous drafts:

May 14, 2018

March 28, 2018

December 8, 2017

November 30, 2017

Prepared by

BENECKE ECONOMICS
55 Wanaque Avenue, Pompton Lakes, N.J. 07442

The original of this report was signed and sealed in accordance with Chapter 41 of Title 13 of the
New Jersey State Board of Professional Planners.

Fred F. Suljic, P.P. # 1599

1. 10 Westfield Avenue Redevelopment Plan Parameters.

On May 18, 2017 the Borough Council of the Borough of Roselle Park, Union County, adopted Resolution # 156-17 authorizing the Roselle Park Land Use Board (Planning Board) to study Block 610 Lots 1 (.5623 ac.) and 3 (3.28 ac.) having a street address of 10 West Westfield Avenue as a potential area in need of redevelopment ("ANR"). The study was completed and adopted by the Borough Land Use Board after holding a public hearing on October 16, 2017. The Borough Council has designated the parcels as an ANR.

The lots have a combined area of approximately 3.85 acres located along the eastbound side of West Westfield Avenue, where lot 3 has 605 ft. of frontage along West Westfield Avenue while Lot 1 (flag shaped) has 20 feet of frontage along Locust Street. The two parcels meet the underutilized, abandoned, vacant and dilapidated/obsolete criterion of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-5. This is the law governing the implementation of redevelopment projects in New Jersey.

The redevelopment area is located in the central business district area of Roselle Park and these two lots comprise one cohesive large parcel. The two parcels are situated along an arterial street in the central business area which are underutilized, abandoned properties in an area featuring a disparate mixture of small businesses located among an array of other commercial, industrial, residential properties as well as some vacant land.

The following photo shows the property's location along West Westfield Avenue.



2. Redevelopment Plan Purpose & Objective. The Redevelopment Plan objective is to promote a mixed-use development of retail and multi-family residential housing consistent with a comprehensive strategy creating commercial and residential opportunities to take advantage of mass transit access through a sustainable commercial and residential development supporting the population of the surrounding area.

The ground, or first, floor shall be used (zoned for) retail uses as defined in § 40-601 of the General Ordinances of the Borough of Roselle Park- "Terms Defined", and shall include both Retail Services and Retail Trades, as specified therein. A "Supermarket" having greater than 5,000 square feet as defined in this section of the Ordinance is also permitted. Gas stations as well as new and used car lots are prohibited. Professional offices, including medical office space shall be limited to one-third (33%) of the non-residential space located on the ground (or first) floor. Outdoor dining, national and regional retail establishments and bistros are encouraged so as to provide a pleasant outdoor pedestrian experience.

Residences shall be prohibited from being located on ground-floor levels but are permitted on upper floors, except that the Project plans may allow for a

minimum of 1,200 square feet of dedicated public office space on the ground floor or the second floor. Said public office space shall be leased to the Borough for a period of fifty (50) years for Borough use.

The proximity to the train station and bus transit makes this area prime for young individuals and empty-nesters alike to reside and walk to nearby shops and travel to work anywhere in the New York/New Jersey metropolitan area. The density of use will help create a neighborhood and generate economic activity by having a younger, active population taking advantage of the retail opportunities along the central business district.

All definitions contained in the Zoning Ordinance and Land Use Regulations of Chapter 40 of the Borough of Roselle Park Code shall apply to the Redevelopment Plan as herein described, except as modified herein.

However, one of the important exceptions to the Zoning Ordinance provisions is that no use provision stipulated in the Redevelopment Plan may be changed, or a variance thereto be granted, by the Land Use Board. No use variance from this Redevelopment Plan, as may be permitted under § 40-206 or any other Roselle Park Ordinance provision, may be considered by the Land Use Board.

Further, no building height variance may be granted, as either permitted or contemplated under § 40-107 or § 40-206, or any other provision of the Zoning Ordinance, or any other provision of law. The only available method to modify the use stipulated in the Redevelopment Plan, Section 4-1, or height provision, Section 4-2-4, of this Redevelopment Plan, is for the Borough Council to amend this Redevelopment Plan.

It is the desire and policy of the governing body, upon adoption of this Redevelopment Plan, that the Land Use Board be allowed to determine any modification known as a deviation, other than use and building height, to the Zoning Ordinance relating and pertaining to this Redevelopment Plan as the Board may deem fit and in the best interest of the citizens and property owners of the Borough of Roselle Park.

An additional objective of this Redevelopment Plan is to reverse the conditions found in the Redevelopment Area which represent a detriment to the

safety, health and welfare of the community. Further, where appropriate, the Plan has as its objective to utilize redevelopment financial and non-financial incentives and programs to attract appropriate development to the Redevelopment Area.

3. Master Plan and Zoning Context. The November 1999 zoning map of the Borough of Roselle Park indicates that the subject property is located in the B-2 "Business Arterial Zone", in the area located along Westfield Avenue just east of Locust Street.

The state database indicates the current zoning is B-3. While this zone is indicated on the zoning map, just west of Locust Street along Westfield Avenue, the B-3 zone is not listed in the appendix to the Zoning Ordinance identifying the zones. However, the B-3 is zone is described in the Zoning Ordinance.

The June 1997 Roselle Park Master Plan specified the need for redevelopment of the central business district (CBD). The 1997 Goals and Objectives section indicated a goal to "Enhance and support the Central Business District (CBD) by encouraging the redevelopment of underutilized properties..."

Further, the 2003 Master Plan Reexamination Report suggested that "the CBD be expanded to include underutilized properties to encourage redevelopment of commercial spaces". Accordingly, this Redevelopment Plan is consistent with these provisions of the Borough of Roselle Park Master Plan.

Rezoning, as part of a redevelopment strategy, is a responsible method of repurposing inactive parcels, such as the parcels in this Redevelopment Plan, into utilized properties. The Borough of Roselle Park will significantly benefit from the increased tax base generated by a new mixed-use development along the West Westfield Avenue corridor. The Borough will also benefit from the increased commerce and employment opportunities enabled by this redevelopment. The Redevelopment Plan is consistent with the goals, objectives and recommendations of the Master Plan of the Borough. The Redevelopment Plan as presented shall supplement, and where applicable shall supersede, any and all provisions of the Borough Zoning Ordinance which will regulate development in the West Westfield Avenue redevelopment area as approved by the Borough.

The Roselle Park Zoning Ordinance shall be applicable if a zoning provision is not specifically addressed in this Redevelopment Plan. The adoption of this

Redevelopment Plan by the Borough shall constitute an amendment to the Zoning Ordinance and Zoning Map of the Borough of Roselle Park, by adding to Article XXIV, B-3 Arterial Business District, the B-3 Arterial Business Redevelopment District at § 40-2406 (this may be referred to as the B-3R zone).

Accordingly, § 40-1601 Purpose; Zoning Districts is hereby amended to include the B-3R zoning district, which shall include Block 610, Lots 1 and 3.

4. Land Use and Bulk Regulations.

The new B-3R zoning district hereby stipulates that in the following new section of the Borough Code these provisions are made:

§ 40-2406 "Properties having a combined minimum of three (3) acres located in the area in need of redevelopment at Block 610, Lots 1 and 3, shall be developed in accordance with the development regulations listed below. Otherwise, any adjacent or surrounding properties having less than three (3) acres in size shall conform to the applicable B-2 or B-3 zoning district regulations.

1. Permitted Uses.

A. The following uses are permitted on the first or ground floor as a mixed-use development and as found in § 40-2402:

- 1.) Retail Sales and Services-including Supermarket(s), but specifically **excluding** hair, nail, and skin care services as defined in § 40-2402 A, 8. Professional office space, including medical office space, shall be limited to one-third of the total ground (or first) floor space in any Redevelopment Project in the B-3R zone.
- 2.) Restaurants (excluding any use excluded as a permitted use in § 40-2302, 8.). Bistros, coffee establishments employing Barista's (who serve specialty espresso type beverages to customer's order and a wide assortment of beverages and food) and casual dining establishments are encouraged.
- 3.) Business and Professional Offices. Professional office space, including medical office space, shall be limited to one-third of the total ground (or first) floor space in any Redevelopment Project in the B-3R zone.
- 4.) Banks and Financial Institutions.
- 5.) Accessory uses, as defined in § 40-601 which shall be incidental, or directly related, to the principal permitted use (such as storage uses for use by the residential unit occupants) not having greater than 20% of the first floor or **10%** of any other floor included anywhere on the premises).

Another example is amenity space providing active and passive recreational opportunities.

- 6.) Residential units are permitted on any floor above the first floor.
 - 7.) An entrance to the residences, including a lobby of not greater than 900 square feet, which may have a staircase or elevator, may be located on the first floor.
- B. Gas stations, auto repair shops (but not retail auto parts stores), and new and/or used car sale lots are expressly prohibited.
- C. Conditional uses. The following are uses conditioned upon other land use conditions occurring:
- i.-A parking structure (or parking structures) is a conditional use. The inclusion of such a use is conditioned upon: 1-an approved site plan application for a project consistent with this Redevelopment Plan; 2-a Redevelopment Agreement being entered into with the Borough; and, 3-a parking area security plan must be presented and approved by the Land Use Board. Particular attention shall be paid to the security provisions applicable to any parking structure built on Lot 1 (a flag lot, or "panhandle"). The security provisions shall include adequate lighting, appropriate security personnel and other appropriate security measures (such as camera/video monitoring). These three conditions must be satisfied prior to a parking structure being built in the B-3R zone, also referred to as the Redevelopment Plan area.
 - ii. A "bonus" of ten (10) residential units is conditioned upon the dedication of a minimum of 1,200 square feet of public office type space to the Borough. This will allow the maximum number of units permitted in the project area to be increased from 370 residential units to 380 residential units.

2. Bulk and Area Regulations.

a. General:

MULTI-FAMILY, RESIDENTIAL UNITS SHALL NOT BE BUILT ON THE GROUND OR FIRST FLOOR.

- 1.) Minimum lot area (entire project area): 3 acres
- 2.) Maximum building coverage: 80 %
{There shall be an open-air courtyard representing open space for passive recreation use, which shall support pedestrian (population) circulation in and about the property.}
- 3.) Maximum impervious coverage: 90 %
- 4.) Maximum height: 75 ft. (6 stories)
- 5.) Minimum front yard setback: 0 ft.
- 6.) Minimum side yard setback: 5 ft.
- 7.) Minimum rear yard setback: 10 ft.
- 8.) Maximum residential **density**: 100 units/acre, OR,

9.) Maximum number of residential units: 370. Should the redeveloper build a minimum of 1,200 square feet of public office space on the ground or second floor, then the maximum number of residential units shall be 380 units. Said public office space shall be either dedicated in fee simple, or similar title conveyance, free of charge to the Borough, or leased to the Borough for a nominal sum, for a minimum of fifty (50) years.

b. Retail/ Professional Office/ Bank/ Restaurant Minimum area per use:

- 1.) Retail-permitted retail businesses: 1,000 s.f.
- 2.) Professional/Business Office: 1,200 s.f.
(This use is limited to a maximum of 33% of the ground floor space.)
- 3.) Bank: 1,200 s.f.
- 4.) Restaurant: 1,200 s.f.

3. Parking Requirements.

- a. Residential: 1.25 spaces per unit*
- b. Retail/Office: 4 spaces per 1,000 s.f.
- c. Restaurant: 1 space per 3 seats (table/bar)

* This deviation from the New Jersey R.S.I.S is justified because the redevelopment area under consideration is within walking distance (or via bus service) to a nearby rail transit line.

4. Design Standards. Design standards of any development located in the B-3R zone shall comply with § 40-1201 of the Borough's Ordinance (Article XII-Design Standards). In addition, the following design standards shall apply to the B-3R zone:

1. Building Façade.

Building façade material shall include a mix of brick veneer, concrete/stucco, or other attractive architectural materials and features which highlight the difference between the ground floor of retail use(s) and the remaining floors of residential space. The façade of each structure along the street shall include building offsets and design variations which allows for an interrupted façade.

The highest two floors (or stories) shall have an offset. The top floor shall have a set back of a minimum of twenty feet from the front of the first floor (the ground floor fronting ("closest") to W. Westfield Avenue). The floor below the top floor shall have a set back of a minimum of ten feet from the front of the first floor (the ground floor fronting ("closest") to W. Westfield Avenue).

Horizontal facades shall be broken with vertical treatments which highlight the visual features of each retail entity and each floor of residential. Architectural highlights are encouraged along each floor of residential.

Balconies may be permitted at the sole discretion of the Land Use Board.

2. Pedestrian Access.

A central concourse separating major structures comprising ground floor retail and residential housing units shall be provided to identify the main entry point of the project. The concourse shall serve as the focal point of the site and shall include handicap parking and ornamental landscaping to highlight the entrance way. Concrete or paved sidewalks shall be provided along public streets. These walkway areas shall be a minimum of 15 feet wide.

All other sidewalks including interior sidewalks shall have a minimum width of four (4) feet. Adequate lighting shall be provided to help ensure pedestrian safety. However, the height of freestanding lights shall not exceed twenty-five (25) feet.

3. Landscaping.

Landscaping is required of any area not occupied by buildings, surface parking areas, driveways and/or sidewalks. Planting of trees and shrubs shall be installed along any building front and side façade. All pedestrian walkways shall be surrounded by evergreen and deciduous plantings to enhance the visual environment. Street trees shall be provided along the West Westfield Avenue pedestrian corridor. Flowering and non-fruit producing varieties are highly encouraged.

4. Signage.

Branding signs: One sign indicating the name of the project is permitted. Signs shall have text or messages exclusively devoted to and involving either the project in general or retail entities located on the property. Community service announcements may also be displayed which shall be approved by the Borough's zoning officer as pertinent to the community, and shall not include political, campaign, foul or inappropriate language. Disputes between the property owner, or retail proprietor, and the Borough's zoning officer over the content of community service announcements shall be referred to the governing body for final interpretation and implementation. All non-community service announcements, not relating to the project, are prohibited. All other sign regulations shall be regulated by the Roselle Park Zoning Ordinance, § 40-3002.

Further, the Borough of Roselle Park Land Use Board shall approve the initial signage plan as part of the site plan approval process and shall approve all sign initially installed upon the property.

One (1) free-standing sign measuring a maximum of 8 ft. in height shall be permitted at the entrance to the central concourse entry to the project site. The project shall utilize a design theme which reflects the architectural design of the structure(s) situated along the West Westfield Avenue area. Flashing or neon illumination signs or devices are not permitted. Electronic messaging signs are permitted subject to

a limit of four (4) lines where messages shall have less than a 15 second interval.

5. Public Utilities.

Any and all utility distribution/service connections to building within the redevelopment area shall be located underground.

Utility metering devices shall be replaced with remote readers to avoid protruding devices on the façade of any building facing West Westfield Avenue. Fire hydrants shall be placed strategically around the property to enhance the firefighting capabilities of the local fire department. Fire lanes are required to allow for unrestricted fire vehicles access to each building.

6. Adverse Influences.

No redevelopment project shall be permitted which will produce corrosive or toxic fumes or create waste that is not disposed of within twelve hours of creating such waste, including construction debris and unused building materials to be discarded.

5. Plan Deviations. Any deviation request from the provisions of this Redevelopment Plan may be approved by the Borough Land Use Board, except for the permitted use provisions, including limitations thereto, and the maximum height provisions. Any consideration by the Board to approve a deviation from the Redevelopment Plan standards, or, in other words, grant relief in the form of a deviation (or “variance”) from this Redevelopment Plan, shall be dependent upon the applicant’s ability to show that there is a substantial detriment to the implementation of the proposed redevelopment project and the public good will be served by approving the Plan deviation without substantial impairment of the intent and purpose of this redevelopment plan. Any deviation must be justified in terms of the benefits to be derived from granting the deviation or relief.

6. Designation of Redeveloper. As a condition of the Land Use Board approving a final site plan application for any redevelopment project proposed to be built pursuant to this Redevelopment Plan the applicant shall be designated as redeveloper by the Borough Council. The Redeveloper shall demonstrate that they own the property, or are the bona fide contract purchaser of the property, upon which the redevelopment project shall be built upon. Further, as a further condition of site plan approval, the Redeveloper shall enter into a redevelopment agreement (sometimes referred to as a Redeveloper’s Agreement) with the Borough as

contemplated in N.J.S.A. 40A:12A-9. This redevelopment agreement shall provide for a schedule of the completion of the improvements to be undertaken in the ANR. The designated redeveloper shall be required to obtain all pertinent government permits and approvals and shall provide copies to the Borough Clerk.

7. Specific Redevelopment Provisions. In accordance with N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law, the following policy statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land use consistent with existing zoning and infrastructure improvements.
- This Redevelopment Plan, and the Ordinances of the Borough, provides for the proposed land uses and building requirements for the redevelopment area (Block 610, Lot 1 and Lot 3).
- As indicated in Section 4 hereof, this Redevelopment Plan is substantially consistent with the Master Plan of the Borough of Roselle Park. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supplement the provisions of the Borough of Roselle Park zoning ordinance regulating development in the area addressed by this Redevelopment Plan.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.
- The requirements of all government building and fire codes and sub-codes as well as any best practices required by the Borough of Roselle building, construction code, or fire department offices (the fire official as an example) shall be complied with. This shall include a review of the techniques used to construct any building containing up to six stories. Further, energy savings methods (solar systems, energy efficient appliances, etc.) and electric car charging stations shall be explored by the property owner, and

the Borough of Roselle Park Land Use Board shall be satisfied that energy savings efforts have been sufficiently explored.

- If an affordable housing obligation is generated by a proposed project in the Redevelopment Plan area, then said obligation shall be addressed in the Redevelopment Agreement. Unless otherwise adjudicated, or determined to be legally modified, the affordable housing obligation, if any, shall be provided at the maximum rate of 15% of the total number of residential units. Preference shall be given to veterans housing. However, the residential density, Section 4.2.a 8 hereof, shall not be altered or in any way modified unless this Redevelopment Plan is amended.

8. Procedure for Amending the Approved Plan. This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and only upon approval of the governing body.

In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the Borough and a Redeveloper is required where a Redevelopment Agreement, or redeveloper's agreement, is in place and where an amendment would change the controls governing the use of land under said Agreement.

Any appeal for interpretation for of any section of this Redevelopment Plan shall be made to the governing body, acting in its capacity as Redevelopment Entity, for the Redevelopment Area and this Redevelopment Plan.

9. Duration of the Redevelopment Plan. This Redevelopment Plan shall terminate on December 31, 2058, unless this time period is extended by the governing body.

BENECKE ECONOMICS