

Redevelopment Plan for the Area in Need of Rehabilitation

**Block 1504, Lots 1-2
Block 1901, Lot 13
Block 1903, Lots 1-6
Block 2100, Lot 8**

Bloomfield Avenue & Kirkpatrick Lane

**Township of West Caldwell
Essex County, New Jersey**

**Recommended by the West Caldwell Planning Board: March 5, 2018
Adopted by the West Caldwell Township Council: March 6, 2018**

March 6, 2018

MC Project No: WCT-033



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as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that:

- (1) a significant portion of structures therein are in a deteriorated or substandard condition;
- (2) more than half of the housing stock in the delineated area is at least 50 years old;
- (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area;
- (4) there is a persistent arrearage of property tax payments on properties in the area;
- (5) environmental contamination is discouraging improvements and investment in properties in the area; or
- (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

On December 2, 2014, the West Caldwell Township Council considered and adopted Resolution 9564 requesting that the Township's Planning Board study the area in order to determine whether it qualifies as an "Area in Need of Rehabilitation," in accordance with the criteria specified at N.J.S.A. 40A:12A-14.

The Township retained Omland Engineering Associates, Inc. ("Omland") to conduct an Area in Need of Rehabilitation

1.0 Introduction

This Redevelopment Plan has been prepared for the designated Area in Need of Rehabilitation "Rehabilitation Area" within the Township of West Caldwell, Essex County, New Jersey. The Rehabilitation Area is a 65.81 acre area encompassing lands on both sides of Bloomfield Avenue (Essex County Route 506), including Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, Block 2100, Lot 8, a portion of the Bloomfield Avenue right-of-way, and a portion of the Kirkpatrick Lane right-of-way (Essex County Route 613 Spur). (See Map 1 - Location on page 5.)

This Redevelopment Plan is prepared in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A et seq. ("LRHL"), which states that no redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located within an area in need of rehabilitation, according to criteria set forth in section 14 of the LRHL.

Section 14 of the LRHL outlines the criteria that can be considered in evaluating a Study Area. The LRHL was amended by the Legislature through the adoption of Chapter 159 of the Laws of 2013. L. 2013, c. 159 (approved September 6, 2013) and Section 14 now reads as follows:

"14. a. A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation,

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investigation. Omland issued a report to the Township entitled "Area in Need of Rehabilitation Study" dated November 14, 2014. The November 14, 2014 Omland Report found that the Study Area meets the conditions for an Area in Need of Rehabilitation pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-14 (a)(5) and (6) because a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the community; and the majority of the water and sewer infrastructure in the delineated area far exceeds the minimum infrastructure age of 50 years old and is in need of repair or substantial maintenance.

The 2014 Omland Report determined that there are 4,611 linear feet of sanitary sewer and water main within the Rehabilitation Area, of which 74 percent is at least 50 years old. According to Omland, the water system was developed in stages, with the initial installations within Bloomfield Avenue taking place prior to 1933, with additional installations off those mains in 1935 (Richard Avenue) and 1936 (St. Charles Avenue). The Omland Report found that the water mains are "severely tubercled and are exhibiting loss of pipe wall thickness" (Omland, Page 7).

Omland cites the 1986 Water System Master Plan for the Township of West Caldwell, which states that "the fire flow deficiencies in the West Caldwell system are attributable to the fact that the transmission capability of the existing distribution system is inadequate". The Township has overcome these fire flow deficiencies by utilizing higher water pressure to increase the water volumes. The higher water pressure in turn stressed

the aged water infrastructure, resulting in increased number of breaks. (Omland, Page 8)

Public hearings on the investigation were then held by the Planning Board on December 8, 2014 and December 22, 2014, which recommended by resolution that the study area qualified as an Area in Need of Rehabilitation.

Based on the findings of the November 14, 2014 Omland Report and the December 22, 2014 resolution from the Planning Board, the Township Council adopted Resolution 9630 on January 20, 2015 designating the area as an Area in Need of Rehabilitation. (See Appendix.)

On or about February 5, 2015, GR/SS Caldwell, LLC and The Stop & Shop Supermarket Company, LLC ("Stop & Shop"), filed a lawsuit challenging the Township's designation of the Rehabilitation Area as an area in need of rehabilitation. On January 10, 2017, the Superior Court issued an order and opinion that dismissed the lawsuit with prejudice.

Pursuant to N.J.S.A. 40A:12A-7(f), the Township Council adopted Resolution 17-081 on February 21, 2017, requesting the Planning Board to prepare the Redevelopment Plan for the Area in Need of Rehabilitation, and submit such Redevelopment Plan to the Township Council for its adoption. (See Appendix.)

On February 27, 2017, the Township of West Caldwell Planning Board adopted a resolution granting the professional planning services of the Township Planner, Maser Consulting, P.A., to assist the Board in the preparation of the Rehabilitation Plan for the Rehabilitation Area, consisting of the properties

Redevelopment Plan Area in Need of Rehabilitation

identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8.

This Redevelopment Plan for the designated Area in Need of Rehabilitation provides a framework for the rehabilitation of the public water and sanitary sewer infrastructure as well as the redevelopment of a number of properties in proximity to such infrastructure. This Redevelopment Plan sets forth standards and guidelines for land use and design of such improvements.

1.1 Required Redevelopment Plan Components

This document has been prepared in accordance with Section 40A:12A-7a, which requires the redevelopment plan to include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. The Redevelopment Plan's relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities; the master plan of the county in which the municipality is located; the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18A-196 et al.).
6. Description of the plan relationship to pertinent municipal development regulations as defined in the Municipal Land Use Law (hereafter "MLUL"). The plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the study area.
7. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
8. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of

Redevelopment Plan Area in Need of Rehabilitation

the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the Rehabilitation Area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

A redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.

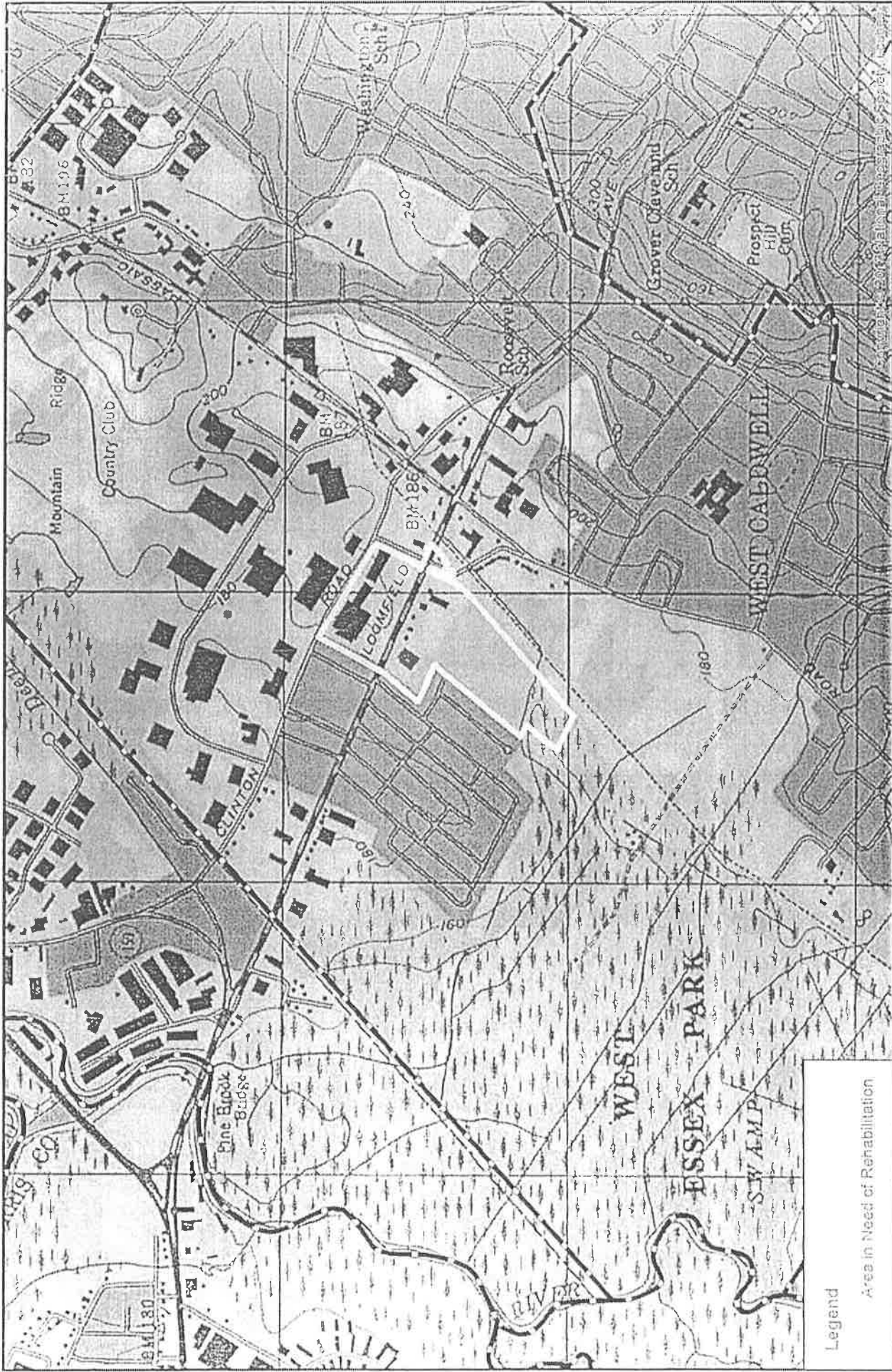
All provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

A rehabilitation declaration affords the Township all of the powers of redevelopment (40A:12A-8), including adoption of a redevelopment plan, enter into redevelopment agreements, transfer public property without public bidding, adopt land use controls, apply for public funding, and authorize five-year tax abatements. Through the rehabilitation declaration, the Township is not afforded the powers of eminent domain or the authority to grant long-term tax abatements.

2.0 The Rehabilitation Area

The designated Rehabilitation Area encompasses properties located on both sides of Bloomfield Avenue. The Rehabilitation Area includes the following parcels of land:

- Block 1504, Lots 1-2
- Block 1901, Lot 13
- Block 1903, Lots 1-6
- Block 2100, Lot 8
- A portion of the Bloomfield Avenue right-of-way, beginning at Kirkpatrick Lane and ending at the traffic signal adjacent to Block 1903, Lot 6
- A portion of the Kirkpatrick Lane right-of-way, from Bloomfield Avenue to the Kirkpatrick Lane Sewer Station.



Map 1

Location Map

Area in Need of Rehabilitation
 Township of West Caldwell
 Essex County, New Jersey



Legend

Area in Need of Rehabilitation





Map 2

Study Area
 Area in Need of Rehabilitation

Township of West Caldwell
 Essex County, New Jersey

Legend
 Area in Need of Rehabilitation



1 inch = 350 feet



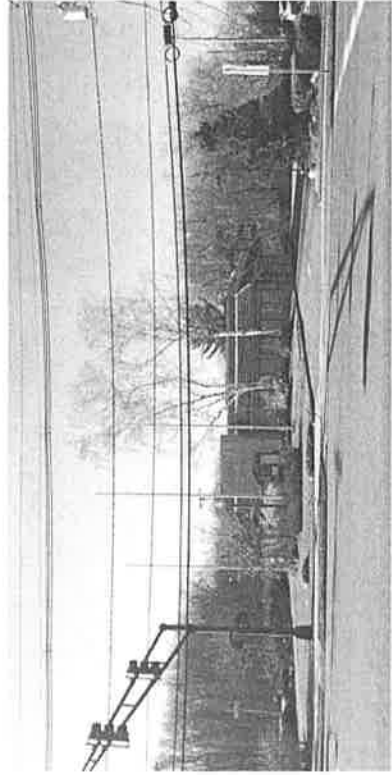
Redevelopment Plan Area in Need of Rehabilitation

2.1 Property Descriptions

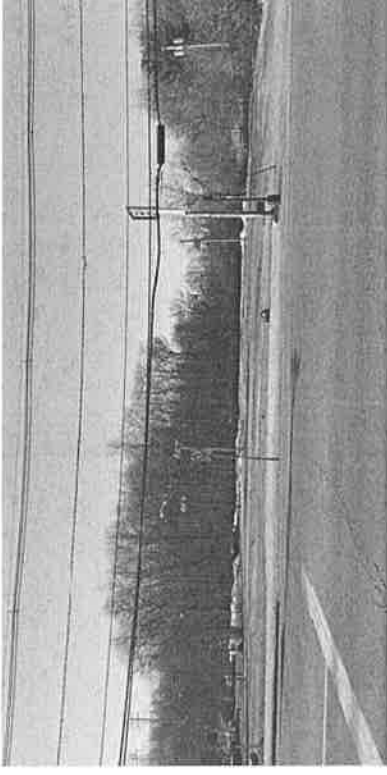
Block 1901, Lot 13, located at 950 Bloomfield Avenue, is a 5.23-acre parcel situated on the south side of Bloomfield Avenue. The property is owned by AID Realty Associates and occupied by the Konners Chevrolet automobile dealership.



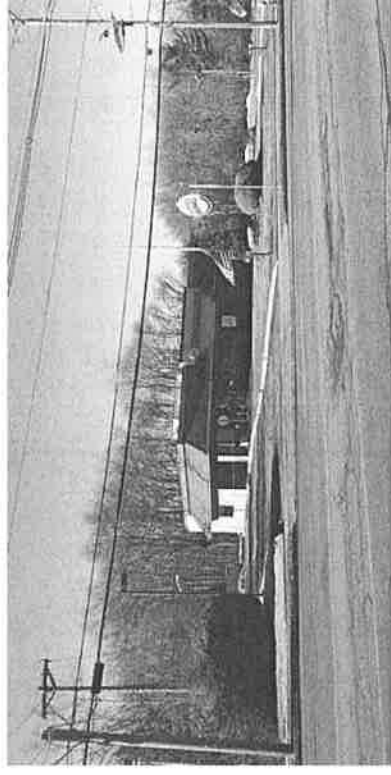
Block 1903, Lot 1, located at 940 Bloomfield Avenue, is a 1.4-acre parcel owned by Mundelein Development Corp., comprising approximately 1.4 acres. The site is developed with a vacant drive-thru restaurant formerly occupied by Taco Bell. The site was recently approved for development of a new McDonald's drive-thru restaurant.



Block 1903, Lot 2, located at 924 Bloomfield Avenue, is a 0.57-acre parcel situated on the south side of Bloomfield Avenue. The parcel is currently vacant and owned by SR Bloomfield Properties LLC. The former gas station was demolished in approximately 2013.

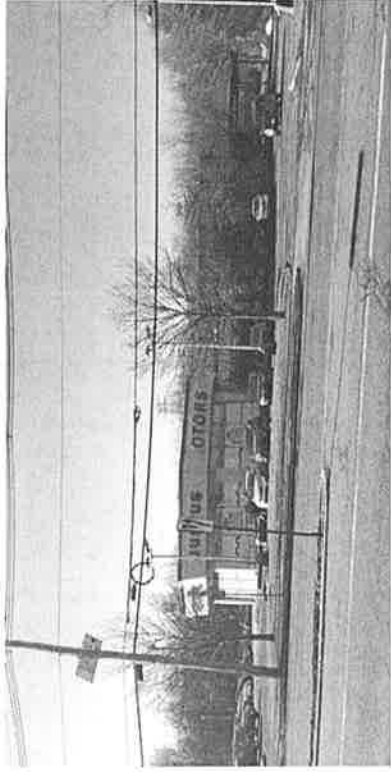


Block 1903, Lot 3, located at 900 Bloomfield Avenue and owned by Dominate WC LLC, comprising approximately 1.5-acres, is improved with an operating Burger King restaurant.

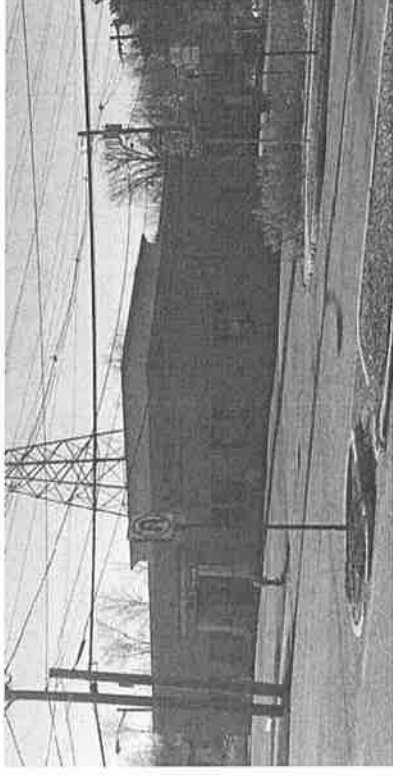


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Block 1903, Lot 4, located at 880 Bloomfield Avenue, is a 3.87-acre parcel located on the south side of Bloomfield Avenue. The property is owned by Sunrise Realty, LLC and is currently occupied by the Justice Motors automobile dealership.



Bridge, Inc. which now operates an office for a private, nonprofit community agency that provides youth and family counseling.



Block 1504, Lot 1, located on Bloomfield Avenue and commonly known as the Essex Mall, is a 17.9-acre parcel situated on the north side of Bloomfield Avenue. Lot 1 has frontages on Bloomfield Avenue, Kirkpatrick Lane and Clinton Road. The property is owned by GR/SS Caldwell (Goodrich Associates) and is developed with a commercial shopping center with Stop & Shop, Marshalls, and formerly the Sears Appliance and Hardware, as the anchor tenants.



Block 1903, Lot 5, located south of Lot 4 and having an address of Bloomfield Avenue Rear, is a 6.69-acre, vacant parcel owned by SR Bloomfield Properties LLC. Lot 5 is landlocked with no street frontage.

Block 1903, Lot 6 is a 20.43-acre flag lot located on Bloomfield Avenue south of Lots 1, 2 and 3. Lot 6 is owned by West Caldwell Township and is currently used by the Township's Department of Public Works ("DPW") for leaf composting and material stockpiling. Lot 6 has direct access to Bloomfield Avenue, between Lots 1 and 2.

Block 2100, Lot 8, located at 860 Bloomfield Avenue, is a 0.54-acre parcel with frontage on Bloomfield Avenue and Kirkpatrick Lane. Lot 8 was formerly owned by Laval Property, LLC, and formerly occupied by Executive Car until approximately 2010 when the site was vacated. In 2014, the property was sold to The

Redevelopment Plan Area in Need of Rehabilitation

Block 1504, Lot 2, located at 909 Bloomfield Avenue and owned by PNC Realty Services, is improved with a free-standing PNC Bank with drive-thru services. Lot 2 abuts Lot 1 on three sides and essentially functions as an outparcel of the Essex Mall.



2.2 Land Use Setting

The Study Area is situated along Bloomfield Avenue near the center of the Township, just west of the intersection with Passaic Avenue. Surrounding land uses include the following:

- The Bloomfield Avenue corridor is the Township's primary commercial retail corridor with a wide variety of retail and service business along both side of the street.
- To the north, along Clinton Road, there are several industrial buildings situated within the M-2 Limited Industry and Research Laboratory Zone District.
- To the east, the Rehabilitation Area is bounded by the PSE&G utility right-of-way.
- To the south, the Rehabilitation Area is adjacent to the Hatfield Swamp lands which are preserved open space

Table 1: Properties Designated as Area in Need of Rehabilitation

Block	Lot	Property Location	Owner	Facility Name	Year Built	Acres
1504	1	875-975 Bloomfield Avenue	GR/SS Caldwell % Goodrich Assoc.	Essex Mall (Stop & Shop)	1971	17.90
1504	2	909 Bloomfield Avenue	PNC Realty Services	PNC Bank	1972	0.69
1901	13	950 Bloomfield Avenue	Aid Realty Associates	Konner Chevrolet	1971	5.23
1903	1	940 Bloomfield Avenue	Mundelein Development Corp.	Former Taco Bell	1977	1.36
1903	2	924 Bloomfield Avenue	SR Bloomfield Properties, LLC	Vacant (Former Gas Station)		0.57
1903	3	900 Bloomfield Avenue	Dominate WC, LLC	Burger King	1975	1.45
1903	4	880 Bloomfield Avenue	Sunrise Realty, LLC	Justice Motors	1970	3.87
1903	5	Bloomfield Avenue Rear	SR Bloomfield Properties, LLC	Vacant		6.69
1903	6	Bloomfield Avenue	Township of West Caldwell	Township Owned		20.43
2100	8	860 Bloomfield Avenue	The Bridge, Inc.	Office Building	1949	0.54

owned by the Township and Essex County.

- To the west, the Rehabilitation Area is adjacent to a medium density single-family neighborhood, commonly known as 'the Gardens'.

2.3 Existing Zoning

As shown on Map 3 – Existing Zoning, the Rehabilitation Area encompasses lands within three different zoning districts. On the south side of Bloomfield Avenue, the B-3 General Business Zone District includes all lands within 500 feet of the Bloomfield Avenue centerline. This includes Block 2100, Lot 8; Block 1901, Lot 13; Block 1903, Lots 1-4, and a portion of Lot 6. To the south of the B-3 Zone lies the OS Open Space District, which includes Block 1903, Lot 5 and the rear portion of Lot 6. The Essex Mall and PNC Bank properties (Block 1504, Lots 1 & 2) on the north side of Bloomfield Avenue are situated within the B-2 Planned Shopping Center Zone District.

B-3 General Business Zone:

The following section represents the land use and bulk standards presently regulated by the B-3 Business Zone:

Permitted Principal Uses:

- Retail sale, display or rental of commodities or services predominantly to the ultimate consumer
- Office and professional buildings

Permitted Accessory Uses:

- Private garages

- Satellite dish antennas
- Off-street parking areas
- Signs
- Accessory uses, buildings or other structures that are normally and customarily incident to the permitted principal uses and conditional uses

Permitted Conditional Uses:

- Schools
- Restaurants
- Houses of worship
- Motor vehicle service stations
- Public garages
- Personal communications antennas
- Automobile laundries (car washes)
- Commercial communication antenna mounted on existing high-tension electric towers

Prohibited Uses:

- Uses set forth in Section 20-20
- Industrial and manufacturing uses

Bulk Requirements:

- Lot area, minimum: 20,000 square feet
- Lot depth, minimum: 200 feet
- Lot width, minimum: 100 feet
- Yard dimensions, minimums:
 - Front - 75 feet

Redevelopment Plan

Area in Need of Rehabilitation

- Rear - 60 feet
- Side - 15 feet each side
- Combined Side - 35% lot width
- Buffer depth - 15 feet
- Building height, maximum:
 - 28 feet
 - 2 stories
- Lot coverage, maximum: 25%
- Minimum distance from principal building to residential zone line: 50 feet

B-2 Planned Shopping Center Zone:

The following section represents the land use and bulk standards presently regulated by the B-2 Planned Shopping Center Zone:

Permitted Principal Uses:

- Retail sale, display or rental of commodities or services predominantly to the ultimate consumer
- Office and professional buildings

Permitted Accessory Uses:

- Private garages
- Satellite dish antennas
- Off-street parking areas
- Signs
- Accessory uses, buildings or other structures that are normally and customarily incident to the permitted principal uses and conditional uses

Permitted Conditional Uses:

- Multiple-family residences
- Restaurants
- Game rooms
- Motor vehicle service stations
- Public garages
- Personal communications antennas
- Automobile laundries (car washes)
- Mixed occupancies

Prohibited Uses:

- Uses set forth in Section 20-20
- Bowling establishments
- Funeral homes
- Industrial and manufacturing uses, laundries, bakeries, printing shops, dry-cleaning establishments, and other businesses in which a product is manufactured where more than ten (10) persons are employed directly related to such product manufacture, or use machinery of more than ten (10) horsepower
- It is not intended that a retail store or a service such as a department store or bank shall be limited in the number of its employees

Bulk Requirements:

- Lot area, minimum: 15 acres
- Lot depth, minimum: 500 feet

Redevelopment Plan Area in Need of Rehabilitation

- Lot width, minimum: 500 feet
- Yard dimensions, minimums:
 - Front - 150 feet
 - Rear - 100 feet
 - Side - 50 feet each side
 - Combined Side – 25% lot width
 - Buffer depth – 30 feet
- Building height, maximum:
 - 28 feet
 - 2 stories
- Lot coverage, maximum: 30%
- Minimum distance from principal building to residential zone line: 50 feet

OS Open Space Zone:

The following section represents the land use and bulk standards presently regulated by the OS Open Space Zone:

Permitted Principal Uses:

- The retention and use of areas which shall remain in their natural state or developed as parks or natural areas

Permitted Accessory Uses:

- Accessory uses, buildings or other structures that are normally and customarily incident to the permitted principal uses and conditional uses

Permitted Conditional Uses:

- Crop farms
 - Commercial communications antennas mounted on existing high-tension electric towers
 - Country clubs
 - Golf courses
- Prohibited Uses:**
- Uses set forth in Section 20-20
- Bulk Requirements:**
- None



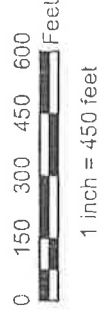
Map 3

Existing Zoning
Area in Need of Rehabilitation

Township of West Caldwell
 Essex County, New Jersey

Legend

- Zoning Boundaries
- Area in Need of Rehabilitation



Redevelopment Plan Area in Need of Rehabilitation

3.0 Vision, Goals and Objectives

3.1 Vision

The intent of the Redevelopment Plan for the Rehabilitation Area is to provide a framework for the rehabilitation of the aging public water and sanitary sewer infrastructure, as well as the redevelopment of a number of properties in proximity to such infrastructure.

The Rehabilitation Plan seeks to improve and upgrade the existing water and sewer infrastructure in the area to service the Rehabilitation Area and the Township without negatively impacting the surrounding properties. In accordance with the recommendations from the 1986 Water System Master Plan, the improvements to the water system shall include the replacement of the 6-inch water line along the Rehabilitation Area's Bloomfield Avenue frontage with a new 12-inch water line. Monetary contributions by redevelopers within the Rehabilitation Area shall be required for the study, installation and/or upgrade of water and sewer infrastructure, as necessary.

Removal of the older buildings and renovation of the overall site improvements will rehabilitate the area and ensure the economic viability of the Rehabilitation Area. This Redevelopment Plan envisions an overlay zone that would expand the commercial corridor along Bloomfield to encourage new commercial development. Sufficient paved parking and loading will be incorporated into the development, while the majority of the environmentally sensitive areas will be maintained as open space.

The Rehabilitation Plan envisions improvements to the Bloomfield Avenue streetscape, improvements to the adjacent Kirkpatrick Lane bus station to service the Rehabilitation Area and surrounding community, and the construction of a crosswalk across Bloomfield Avenue at the traffic signal adjacent to Block 1903, Lot 6. The redeveloper(s) shall contribute their proportional share towards these off-tract improvements, subject to the Redevelopment Agreement.

The vision of the Rehabilitation Plan is to facilitate the upgrade of the existing water and sewer infrastructure, which are antiquated and in need of repair and substantial rehabilitation, while also encouraging the appropriate infill development along the Bloomfield Avenue corridor.

As noted above, all future Redevelopers will contribute their proportional share to the study, installation and/or upgrade of water and sewer infrastructure within the Rehabilitation Area. The amounts of any such contributions shall be set forth in the Redevelopment Agreement between the Township and the Redeveloper. The study, installation and/or upgrade of water and sewer infrastructure will be undertaken in accordance with the Redevelopment Agreement and the time frame determined by the Township and will include any temporary measures necessary to accomplish the desired improvements to the water and sewer infrastructure without detrimentally impacting the surrounding properties.

Redevelopment Plan Area in Need of Rehabilitation

3.2 Goals and Objectives

This section provides the goals of the Redevelopment Plan, which are as follows:

- To facilitate the replacement and upgrade of the antiquated water and sewer infrastructure within the Rehabilitation Area.
- To encourage the redevelopment of certain properties within the Rehabilitation Area to stimulate the economic vitality of the area.
- To expand the commercial area along Bloomfield Avenue to provide additional shopping options and job opportunities to serve the needs of the community and the region.
- To ensure safe ingress and egress from the overall Rehabilitation Area.
- To provide for adequate parking with a comprehensive parking plan that meets the needs of the user(s) as well as the requirements of the Zoning Ordinance.
- To strengthen the existing commercial nature of the Bloomfield Avenue corridor.
- To establish site and building design standards that foster a visually appealing environment within the Rehabilitation Area.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangements or principal buildings and accessory

structures that will be in keeping with appearance of other areas of West Caldwell Township.

- To enhance the Bloomfield Avenue streetscape.
- To renovate and rehabilitate the overall site improvements within the Rehabilitation Area.
- To provide adequate light, air and open space within the Rehabilitation Area.
- To provide sufficient space in an appropriate location for a variety of commercial uses within the Rehabilitation Area along the Bloomfield Avenue corridor in order to meet the needs of the residents of West Caldwell Township and the greater region.
- To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- To provide adequate transportation facilities for pedestrian, bicycle and transit accommodations, such as accessible sidewalks, curb ramps, crosswalks, countdown pedestrian signals, signs, curb extensions, pedestrian scale lighting, bike lanes, and shoulders, as appropriate.
- To promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.
- To promote utilization of renewable energy resources.

Redevelopment Plan Area in Need of Rehabilitation

4.1 1978 Master Plan (as amended in 1982 and readopted in 1988)

The following policy statements from the Township of West Caldwell's 1978 Master Plan are relative to the Rehabilitation Area:

General Goal:

It is the goal of West Caldwell to maintain its suburban residential character with a strong regional employment base as well as adequate shopping to serve both the Township and surrounding communities. This requires an orderly allocation of land uses to preclude incompatible development and potential blighting influences. Living areas, working areas and leisure-time areas are to be coordinated and integrated to provide a balanced community development pattern.

General Objectives:

- To design new developments to support and enhance the existing character of the Borough and the neighborhoods within which the new uses are located.
- To ensure that adjacent land uses are compatible with regard to such factors as noise, traffic, odor, activity and appearance.
- To provide through land development legislation the standards and the design flexibility to encourage mutually compatible and supportive development.

- To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment the municipal recycling program.

4.0 Relationship to Local Objectives

In addition to the Rehabilitation Area-specific goals and objectives, the LRHL requires that the Redevelopment Plan indicate its relationship to definite local objectives regarding land uses, population density, traffic and public transportation, public utilities, recreational and community facilities, and other public improvements. This will ensure that the goals and objectives of the Redevelopment Plan are consistent with or will support the broader community-wide goals of the Master Plan.

The Master Plan provides the basis for the long range planning and zoning efforts for the Township. The Township of West Caldwell prepared a comprehensive Master Plan in 1964. Revisions to elements of the Master Plan were prepared in 1978. A reexamination of the 1978 Master Plan was conducted in 1982. The 1978 Master Plan, as amended in 1982, was readopted in August 1988. A Water System Master Plan was prepared in July 1986. A reexamination of the Master Plan was conducted in 1989 and the Master Plan, as amended, was adopted on May 23, 1994 and May 15, 2000. Most recently, the Master Plan was modified by Addendum A, adopted May 5, 2003.

The information provided in these documents provides insight into the study area with both specific and general recommendations.

Redevelopment Plan Area in Need of Rehabilitation

Commercial Goals:

The existing commercial (shopping) base of the Township must be protected and strengthened. This can best be accomplished by concentrating, rather than dispersing shopping areas.

Commercial Objectives:

- To concentrate major shopping activities on Bloomfield Avenue.
- To avoid strip shopping development along Bloomfield Avenue and Passaic Avenue.
- To avoid retail establishments unrepresentative of the Township's character.

The Township's Master Plan also specifically provides that retail uses should be concentrated in the area of the Bloomfield Avenue/Passaic Avenue intersection.

This Redevelopment Plan is in keeping with these policies. It encourages commercial development in a compact area of the Township, along the Bloomfield Avenue commercial corridor. The Redevelopment Plan encourages new, vibrant and aesthetically pleasing shops and services that will serve as a draw to the immediate area and create jobs for the Township and the surrounding area.

4.2 1986 Water System Master Plan

The purpose of the 1986 Water System Master Plan was to identify deficiencies in the water supply system and distribution system, provide guidelines for the orderly correction of these deficiencies, and develop a plan for the expansion of the system

to meet the anticipated future needs of the Township. The Water System Master Plan identified deficiencies in the Bloomfield Avenue water main that restricted flows to 44 percent of the required flows for fire suppression. This Redevelopment Plan recommends that the 6-inch water main within the Rehabilitation Area be replaced with a new 12-inch water main, in accordance with the recommendations of the 1986 Water System Master Plan.

5.0 Relationship to Other Plans

This section of the report discusses any significant relationship of the Redevelopment Plan to the master plans of contiguous municipalities, the master plan of Essex County, and the State Development and Redevelopment Plan. This is a requirement of the LRHL intended to link redevelopment planning to the regional planning goals and objectives.

5.1 Plans of Adjacent Communities

The Rehabilitation Area is located at the center of West Caldwell Township, where it is not directly adjacent to any other municipality. The nearest border to an adjacent municipality is Fairfield Township approximately 0.5 miles to the west and 1.15 mile to the north, Caldwell Borough 0.67 miles to the east, and Roseland 1.1 miles to the south. This wide separation of the Rehabilitation Area from adjacent municipalities mitigates any potential impact that the Redevelopment Plan would have on those communities.

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5.2 Essex County Master Plan

Essex County prepared its Master Plan/Growth Management Plan in the 1980s and has not updated it in many years. As such, the 2004 Essex County Cross Acceptance Report is the latest County planning document. The Redevelopment Plan is consistent with a number of the recommendations of the Cross Acceptance Report. Specifically, the Cross Acceptance Report supports redevelopment within existing developed municipalities within the County. In addition, the proposed upgrade to the Kirkpatrick Lane Bus Station with improved access across Bloomfield Avenue is consistent with the report's recommendation to promote alternate transportation methods. The upgraded Station will provide better access to the Rehabilitation Area and the surrounding area for workers, customers and residents. Finally, the Redevelopment Plan is consistent with the stated need to upgrade aging infrastructure to support redevelopment within the County.

The County adopted a Complete Streets Policy in 2012 and focused its attention on a Comprehensive Transportation Plan, which was completed in 2013. In 2014, the County obtained a Local Capacity Grant from Together North Jersey to compile a Complete Streets Plan to implement the Policy by integrating Complete Streets recommendations of the Comprehensive Transportation Plan into its land use regulations and design standards.

The Essex County Comprehensive Transportation Plan was developed to meet mobility and transportation safety needs across Essex County through the year 2035. The Plan outlines a vision for a more comprehensive County-wide transportation

system that maximizes investments, promotes efficiency and safety and promotes the use of travel mode alternatives to driving alone. Recommendations that were developed for the Plan reflect the priorities of local, state, and regional stakeholders to support economic development, environmental sustainability and mobility throughout the County.

The Transportation Plan does not make any recommendations that would impact the Rehabilitation Area. Pedestrian safety improvements are recommended for the Passaic Avenue corridor in West Caldwell but no recommendations are provided for the Bloomfield Avenue corridor in West Caldwell.

5.3 New Jersey State Plan

2001 State Development and Redevelopment Plan

The Township of West Caldwell, including the Rehabilitation Area, is designated within the Metropolitan Planning Area ("PA-1") of the 2001 State Development and Redevelopment Plan ("SDRP"). The intent of PA-1 is to provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. The Redevelopment Plan has a significant relationship to the SDRP by advancing many of the objectives for PA-1 Metropolitan Planning Area, including:

- 1. Land Use:** Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning

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efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

2. Economic Development: Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

4. Transportation: Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

8. Redevelopment: Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

10. Public Facilities and Services: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

11. Intergovernmental Coordination: Regionalize as many public services as feasible and economical to enhance the cost-effective delivery of those services. Establish multijurisdictional policy and planning entities to guide the efforts of state, county and municipal governments to ensure compatible and coordinated redevelopment.

Secondly, the Redevelopment Plan has the potential to advance three of the eight goals of the SDRP:

- **Revitalize the State's Cities and Town Centers** – Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals.

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- **Conserve the State's Natural Resources and Systems** – Conserve the State's natural resources and systems by planning the location and intensity of growth in ways to maintain natural resources and systems capacities and make the necessary infrastructure investments to protect natural resources and systems in ways that guide growth and development that are consistent with the State Plan's vision and goals.

- **Promote Beneficial Economic Growth** – Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents. Provide infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards. Encourage partnerships and collaborative planning with the private sector and capitalize on the State's strategic location, and economic strengths including its existing business enterprises, entrepreneurship, the research and development capacity of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.

2012 Draft Final State Strategic Plan

The 2012 State Strategic Plan ("SSP") is New Jersey's revised State Development and Redevelopment Plan designed to meet the statutory charges of the State Planning Act. The SSP was intended to be adopted by the State Planning Commission in

November 2012, but was postponed due to Super Storm Sandy. The State Planning Commission is revising the SSP to incorporate disaster planning goals in light of Super Storm Sandy.

The overall goal of the SSP is to guide future growth by balancing development and conservation objectives best suited to meet the needs of New Jersey.

Goal 2 of the SSP is to "guide and inform regional planning, enabling each region of the State to experience appropriate growth, preservation and protection based on its assets and desires." The SSP no longer relies on the 2001 SRPR Policy Map. Instead, the SSP has developed a system of Investment Areas to identify areas for the growth, agriculture, open space conservation and other appropriate designations.

Priority Growth Investment Areas are where more significant development and redevelopment is preferred and where public and private investment to support such development and redevelopment will be prioritized. Priority Growth Investment Areas include former PA1 areas, transfer of development ("TDR") receiving areas, urban enterprise zones, designated areas in need of rehabilitation or redevelopment, foreign trade zones, transit villages, urban transit hubs, and other identified areas. The Goal 2 objectives and strategies direct various state agencies to focus their investments and planning efforts into the Priority Growth Investment Areas. This site meets two of the 11 criteria outlined in the plan:

1. Former State Plan Policy Map Metropolitan Planning Area (PA1)
2. Designated Area in Need of Rehabilitation

Redevelopment Plan Area in Need of Rehabilitation

Therefore, it is considered a Priority Growth Investment Area by the draft document.

The draft final State Strategic Plan has four overarching goals along with ten "Garden State Values". This Redevelopment Plan has the ability to advance six of the ten values:

1. **Concentrate development** – Promote development in Priority Growth Investment Areas that are compact, conserves land and offers shopping and services within convenient walking distance of home and jobs.
2. **Prioritize redevelopment, infill and existing infrastructure** - Strengthen cities, towns and neighborhoods by prioritizing redevelopment, the reuse and remediation of existing sites and structures, and construction on infill sites that are compatible with surrounding uses. Upgrade existing infrastructure where needed, before adding new capacity. Encourage sustainable development that incorporates green design and construction principles and opportunities for renewable energy and efficiency.
3. **Increase Job and Business Opportunities in Priority Growth Investment Areas** - Provide opportunities for investment near housing, infrastructure and transportation. Support economic growth by addressing the land use and infrastructure needs of targeted industries and areas, consistent with these principles.
4. **Create high-quality, livable places** – Ensure each community offers an environmentally healthy place to live, work and play. Enhance community character and design,

especially in historic areas, by reusing significant buildings, reinforcing architectural styles and providing pedestrian-friendly streetscapes. Improve community plazas and parks and connections to waterfront areas.

5. **Provide Transportation Choice & Efficient Mobility of Goods** – Maintain and enhance transportation options that improve access, safety, affordability and air quality for all users: walkers, bikers, transit-users, ride-shares and drivers. Improve strategic freight and public transportation infrastructure that supports sound economic growth. Encourage options for low emission and alternate fuel vehicles.
6. **Advance Equity** - Consider the equity of property owners during planning and implementation. Improve access to opportunity, housing, jobs and schools for all New Jersey residents.

6.0 Redevelopment Plan

This chapter of the Redevelopment Plan provides the land use requirements for the redevelopment of the Rehabilitation Area.

6.1 Land Use & Development Requirements

The specific land use and development requirements, including design standards that are applicable to the entire Rehabilitation Area, are outlined in the following sections.

This Plan establishes the RAO Rehabilitation Area Overlay Zone to encompass the entire Rehabilitation Area. Overlay zoning provides for additional development options to the

Redevelopment Plan Area in Need of Rehabilitation

Redeveloper(s) without affecting the underlying zoning. The underlying B-2, B-3 and OS zoning will remain in effect within the Rehabilitation Area. Should a Redeveloper wish to develop a portion of the Rehabilitation Area with a use or uses permitted in the RAO Rehabilitation Area Overlay Zone, the Redeveloper must meet the applicable provisions and standards of this Redevelopment Plan.

RAO Rehabilitation Area Overlay Zone

Permitted Principal Uses:

1. Planned shopping centers shall be permitted on tracts with a minimum of 15 acres, which shall consist of a group of permitted retail and commercial establishments that is planned, developed, owned and managed as a single entity containing one or more principal structures with appurtenant common areas to accommodate the needs of the consumer.
2. Stores and shops for the conduct of any retail business, including specialty and gift shops and boutiques.
3. Pharmacies, including drive-through facilities.
4. Personal service establishments (e.g., tailor, barbershop or beauty salon).
5. Offices for professional services (e.g., physicians, lawyers, financial advisors or architects); small commercial offices (e.g., realtors or travel agencies); small governmental offices (e.g., post office branch); and offices incidental to uses permitted in this section.

6. Restaurants, cafes, luncheonettes and delicatessens, excluding curb service establishments and drive-through facilities but not excluding walk-up services and outdoor dining.
7. Indoor recreation facilities, including instructional studios and fitness centers.
8. Childcare facilities licensed by the New Jersey Department of Children and Families.
9. Banks and similar financial institutions, including drive-through facilities and walk-up automated teller machines (ATM), provided that such are compatible with the design of the building.
10. Parks and plazas.
11. Buildings and uses for municipal purposes owned or operated by West Caldwell Township or not-for-profits designated by the Township.

Permitted Accessory Uses:

1. Shopping cart enclosures, also referred to as "cart corrals," or "corrals," shall be a permitted accessory structure in any yard, and, notwithstanding the provisions of subsection 20-19.1.f, may be located no closer than forty (40) feet to any property line, subject to the standards of Section 20-11.2.c.
2. Above ground or below ground structures for stormwater detention and retention, including related piping, headwalls, fencing and weirs.
3. Recreational and/or open space facilities, including, but not limited to, walkways, courtyards and plazas.

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4. Off-street parking.
5. Loading located to the rear of principal buildings and appropriately screened from public view.
6. Signs.
7. Street furnishings, planters, street lights, and exterior, garden type, shade structures (gazebos).
8. Fences and walls, which shall complement the architectural style, type and design of the building and the overall project design.
9. Decks, patios and terraces, which shall complement the architectural style, type and design of the building and the overall project design.
10. Community bulletin or message boards, including electronic signs with changeable type only for the purpose of conveying information about community events. However, animated-type signs shall not be permitted.
11. Public service facilities.
12. Accessory uses customarily incidental to permitted principal uses.

Conditional Uses:

1. Fast-food restaurants, subject to the following conditions:
 - Minimum dining area of at least fifteen (15) square feet shall be provided for each patron seat.
 - Drive-up window stacking lanes shall be separate and distinct from parking lot aisles and driveways.

- Stacking lanes shall have sufficient length for a minimum of six (6) vehicles in total and each lane shall have a minimum width of ten (10) feet.
- The entire length of the stacking lane or lanes shall be behind the front yard limit line and shall not block any parking space, aisle, driveway or loading area when the stacking lane is occupied with the maximum number of vehicles.
- If multiple stacking lanes are provided, they shall merge into one (1) drive-up window lane prior to reaching any window or windows.
- The drive-up window stacking lane may end after the last window and merge with the exit driveway of the property.
- The drive-up window lane shall not be used as an exit driveway from the property.
- The drive-up windows and stacking lane or lanes shall be designed to prevent uncontrolled conflicting movements between any on-site vehicles and pedestrian traffic and shall also be designed to allow safe ingress and egress from the site at all times.
- There shall be no front yard parking on any property where a drive-up window or windows are located unless developed as part of a planned shopping center.
- One or more drive-up windows may be used for payment and/or pickup of product, said window or windows shall be an integral part of the principal building and shall face the side or the rear of the parcel.

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- Fast-food restaurants shall have a minimum of fifty (50) patron seats.
- 2. Outdoor dining shall be permitted as an accessory use to any duly licensed restaurant, subject to the following conditions:
 - The area for outdoor dining shall not impinge upon any public sidewalk or right-of-way or with the approved internal site circulation, nor shall it occupy or render unusable any parking space.
 - The outdoor seating shall be limited to 15% of the establishment's existing interior seating or 20 seats, whichever is greater.
 - No food or refreshment preparation shall be permitted within the outdoor dining area.
 - Outdoor dining areas shall be delineated by planters, a fence, wall or other aesthetically-pleasing mechanism, which shall define the seating area without creating a full barrier to viewing the area.
 - The outdoor seating area shall be counted in the calculation of off-street parking spaces at the rate of one (1) space per two and a half (2.5) patron seats.
 - Tables, chairs and other furniture must be strong, durable, waterproof, weather-resistant and of sufficient mass as to not be easily blown about. Umbrellas shall be designed with mechanisms to secure them against the effects of wind and shall not display any advertising.
 - The outdoor dining area shall be kept clean and free of garbage and trash. No dumpster, enclosure or receptacle

for the storage of garbage shall be placed in or adjacent to the outdoor dining area. Hours of operation of the outdoor dining area shall not be greater than the hours of operation of the restaurant; provided, however, that if the outdoor dining area is within 200 feet of a residential district, the outdoor dining area shall not operate between the hours of 11:00 p.m. and 8:00 a.m.

Bulk Requirements:

1. Lot area, minimum: 20,000 square feet
2. Lot depth, minimum: 200 feet
3. Lot width, minimum: 100 feet
4. Yard dimensions, minimums:
 - Front - 75 feet
 - Rear - 50 feet
 - Side - 20 feet each side
 - Combined Side - 25% lot width
5. Landscape Buffer:
 - A landscape buffer area with a width of 30 feet shall be provided along the entire length of any property line that abuts a residence zone district. Dense plantings shall be provided throughout the buffer area consisting of trees, evergreens and shrubbery; and/or landscaped earthen berms of such width and height as may be deemed necessary by Planning Board. The buffer area, if wooded, shall remain wooded. A fence, if deemed necessary by the Planning Board, shall be included in the

buffer, which may be chain link with redwood or similar wood slats or other approved material, six (6) feet in height along the property line.

- The buffer area, as required herein, shall be considered a part of the yard or yards in which located. No land use whatsoever, and particularly no parking of vehicles or storage of materials of any kind, nature or description, shall be permitted within any buffer area.

6. Building height, maximum:

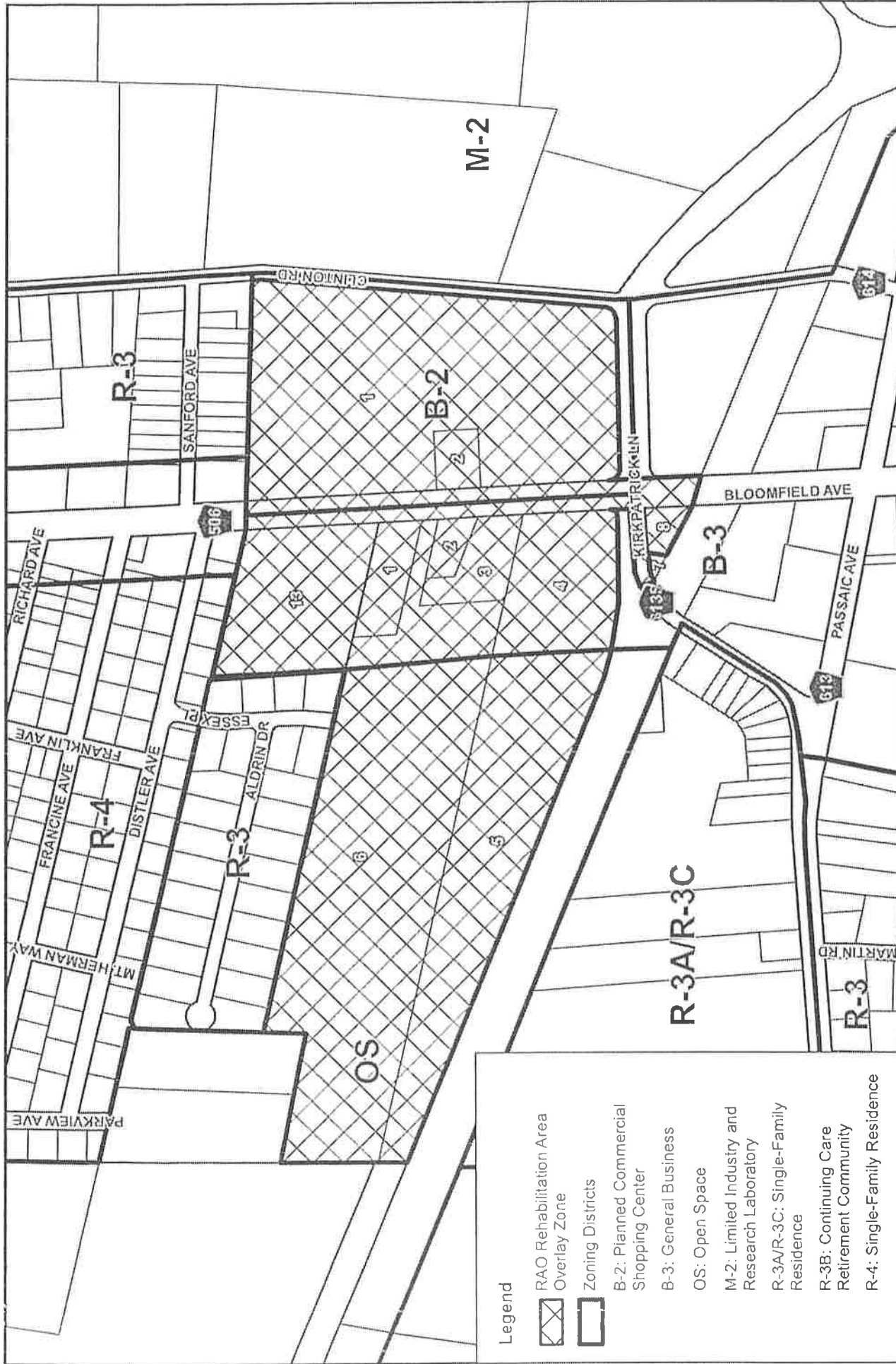
- 28 feet (with the provision that the building height permitted shall be allowed to increase by one foot for each additional 25 feet that the building is setback from the right-of-way to a maximum building height of 35 feet)

- 2 stories



7. Building coverage, maximum: 30%. Building coverage shall include the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot. Building coverage does not include decks or patios. In computing building coverage, cornices, eaves, gutters, steps and balconies are excluded.

8. Lot coverage, maximum: 90%. Lot coverage shall include the portion of the lot that is covered by buildings, paved surfaces such as parking lots and driveways, sidewalks, patios and decks.

9. Minimum distance from principal building to residential zone line: 50 feet.



Legend

-  RAO Rehabilitation Area Overlay Zone
-  Zoning Districts
- B-2: Planned Commercial Shopping Center
- B-3: General Business
- OS: Open Space
- M-2: Limited Industry and Research Laboratory
- R-3A/R-3C: Single-Family Residence
- R-3B: Continuing Care Retirement Community
- R-4: Single-Family Residence



Map 4

**Proposed Zoning
Area in Need of Rehabilitation**
Township of West Caldwell
Essex County, New Jersey



Redevelopment Plan Area in Need of Rehabilitation

6.2 Off-Street Parking and Traffic Circulation

General Provisions

1. All parking spaces within any parking area shall be clearly marked and maintained to show the parking arrangement within said parking area.
2. On-site parking and service access shall be designed to avoid the backing in and out of vehicles onto street rights-of-way and driveways.
3. All required parking shall be provided on a paved area on the same lot with the building or use it serves and at least 80 percent of all parking spaces shall be located within four hundred (400) feet of an entrance to such building or use.
4. No on-site outdoor overnight parking shall be permitted for any vehicle more than 30 feet in overall length or having more than four wheels.
5. No commercial repair work or service of any kind shall be conducted in any off-street parking area.
6. Curbing shall be required around the entire perimeter of the parking area and along both sides of all access driveways.
7. No vehicle shall be parked closer than 10 feet to any principal building, except for trucks parked at an approved loading dock, nor 10 feet to any property line, except that 5 feet shall be permitted where a parking area abuts a separate, conforming parking area on an adjoining property.
8. Where a property is located in a flood hazard area, the developer shall supply sufficient information and data, as

required by the Planning Board, to substantiate that such parking areas conform to all provisions of Chapter XXI of the West Caldwell Township Code.

9. Where an applicant can clearly demonstrate to the Planning Board that, because of the nature of the proposed use, the parking requirement of the particular zone district is unnecessary or excessive, the township agency may approve parking plans showing less paved parking area or fewer parking spaces than required. In such event, a landscaped area shall be reserved that can readily be converted to off-street parking if the conditions for allowing the lesser paved parking area or number of spaces ever change.
10. All off-street parking areas shall be designed to provide for through circulation on all driveways and parking aisles. Dead end aisles shall be prohibited.
11. Cross-access easements for adjacent lots and any subdivision of the Rehabilitation Area shall be required.
12. Interconnected parking lots shall be required to promote internal circulation and reduce the amount of traffic entering Bloomfield Avenue.

Number of Parking Spaces

Provision shall be made to conform with the following parking regulations, whichever shall be the greatest applicable requirement:

1. A minimum of 1 parking space for each 350 square feet of floor area.

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2. A minimum of 1.1 parking spaces for each employee on the maximum shift
3. The minimum number of parking spaces required for a particular applicable use as hereinafter set forth, except that in no case shall there be less than 4 parking spaces for any nonresidential uses:
 - Retail business, shopping center – 1 space per 200 square feet of building floor area
 - Retail business, individual – 1 space per 350 square feet of building floor area
 - Personal service establishments – 1 space per 200 square feet of building floor area
 - Offices for professional services – 1 space per 200 square feet of building floor area
 - Restaurants – 1 space per 2.5 patron seats
 - Indoor recreation facilities – 1 space per 1.5 peak hour patrons, plus 1 space per employee on the maximum shift
 - Childcare facilities – 1 space per 350 square feet of building floor area
 - Banks and similar financial institutions – 4 spaces per interior walk-up teller station, plus 5 stacking spaces for each exterior drive-up teller station, exclusive of driveways and parking aisles, as applicable
4. In the event the number of required parking spaces results in a fraction of a space, the number shall be rounded up to next higher number of whole spaces.
5. In the event of a mixed use on the same lot, required off-street parking shall be the sum of the required off-street parking for each use.
6. Nothing herein shall be construed to prevent collective provision of off-street parking areas on adjacent lots, provided that the total area of such parking areas shall not be less than the sum of the requirements for each such lot computed separately in accordance with the provisions herein. Such contiguous parking areas shall provide for direct, safe and unencumbered access, either by physical encumbrances or restrictions established by deed, easement or other instrument, between and through the adjacent properties.
7. The applicable parking requirement may be reduced where it can be demonstrated to the satisfaction of the Planning Board that such reductions are justified by reason of proximity to public transportation and/or documented arrangements for shared parking supported by analyses consistent with the Urban Land Institute's Shared Parking Analysis or such other generally accepted standards applicable to shared parking.
8. The number, location, size and marking of spaces shall conform to the design requirements required for such spaces by the State of New Jersey [barrier-free design (N.J.S.A. 52:32-12)] and the Americans with Disabilities Act of 1990.

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Loading Areas

1. Loading spaces as required herein shall be located so as to limit visibility from the roadway to the greatest extent possible. No loading is permitted in the front yard or front half of the side yard of any property. For buildings greater than ninety thousand (90,000) square feet in floor area, all loading and unloading shall occur in the rear yard, except for pickups or deliveries by retail customers.
2. A minimum of one loading space is required for each use, and additional space shall be provided as follows:

Building Floor Area (square feet)	Number of Berths
Up to 10,000	1 loading space
10,000 to 25,000	1 loading berth
25,000 to 50,000	2 loading berths
Each additional 25,000 or major fraction thereof	1 additional berth

3. **Loading area.** A loading area need not be necessarily a full berth, but shall have a minimum plan dimension of at least 10 feet over/oad clearance. Off-street loading spaces shall have a minimum width of 10 feet and a minimum length of 25 feet. The Township Engineer shall determine the sufficiency of the off-street loading area(s) based upon the land and amount of loading and unloading operation required by the proposed use. In no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

4. **Loading berth.** Each required loading berth shall be at least 12 feet wide, 33 feet long and 14 feet high.
5. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading areas or berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any loading area or berth shall be located within 50 feet of any street intersection. No off-street loading berth or area shall be located in any front yard.
6. All areas for the loading and unloading of vehicles and for the servicing of establishments or shops shall have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, fire lanes or sidewalks.
7. Loading area shall be of such size as to permit the safe and efficient movement of trucks and vehicles without interference with any parking areas, and to prevent the necessity for any vehicle to back into or out of a public street.

Parking and Loading Design Criteria

All parking and loading areas shall be designed in accordance with the following design criteria and to the satisfaction of the Township Engineer, and such designs shall be certified by a licensed professional engineer:

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are located in contiguous areas and, to the extent practicable, at or near the perimeter of the property. No reduction in the aisle width shall be permitted.

5. In addition, parking spaces in any parking area adjacent to a landscaped area or pedestrian walkway and where the parking angle is 45 degrees or greater may be reduced to 17-1/2 feet in length, provided the width of the landscaped area or pedestrian walkway shall be increased by a 3 foot wide transition area to permit vehicle overhang without disturbing landscaping or without affecting pedestrian safety, as applicable, and further provided that any such overhang transition areas shall not encroach on the required 10 foot setback from the principal building.

6. Driveways shall be designed to permit safe and efficient ingress and egress from a public street. Any vertical curve shall be sufficiently flat to prevent the dragging of any vehicle undercarriage.

7. All parking spaces shall be marked with a double line 2 feet on center and the width of such parking spaces shall be measured as the distance between the midpoints of such double lines. Lines shall be 4 inches wide of white or yellow reflective paint.

8. The maximum grade permitted shall be 4 percent in a direction parallel to the parking spaces and 6 percent perpendicular to the parking spaces.

1. All off-street parking areas shall be paved with bituminous concrete in accordance with the following minimum standards:

- Areas serving only automobiles and light duty trucks shall be paved with a 4-inch quarry process sub-base, a 3-inch New Jersey Mix No. 1 Base Course and a 2-inch New Jersey Mix No. 5 Surface Course, unless a lighter design is substantiated by the applicant's engineer.

- A truck parking or loading area and all driveways serving same shall be paved with a 6-inch quarry process sub-base, a 5-inch New Jersey Mix No. 1 Base Course and a 2-inch New Jersey Mix No. 4 or No. 5 Surface Course, unless a lighter design is substantiated by the applicant's engineer.

2. The perimeter of all parking areas shall be bounded by granite block curb with a minimum face height of 6 inches.

3. Parking space and aisle dimensions shall be as follows:

<u>Parking Angle</u>	<u>Min. Space Width</u>	<u>Min. Space Length</u>	<u>Min. Aisle Width</u>
90 Degrees	10 feet	20 feet	25 feet
60 Degrees	10 feet	20 feet	18 feet
45 Degrees	10 feet	20 feet	15 feet
30 Degrees	10 feet	20 feet	15 feet
Parallel	9 feet	25 feet	15 feet

4. At least 75 percent of all parking provided shall comply with the minimum parking space and aisle dimensions set forth herein: the remainder may be reduced by up to 10 percent in either width or length, but not both, provided such spaces

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Pedestrian Facilities

1. A continuous sidewalk shall be provided along both sides of Bloomfield Avenue and Kirkpatrick Lane.
2. A complete network of sidewalks shall be provided between parking areas and principal structures, along aisles and driveways, connecting to the Bloomfield Avenue frontage, and wherever pedestrian traffic shall occur. Sidewalks shall be provided with a minimum width of 4 feet of passable area and be raised 6 inches or more above the parking area, except when crossing streets or driveways. At points of intersection between pedestrian and motorized lines of travel and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually so as to provide an uninterrupted line of travel. Guide rails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of 2 1/2 feet is provided to accommodate such overhang.
3. All sidewalks should be durably paved and smoothly surfaced to provide for the free movement of pedestrians.
4. All sidewalks and pathways must be designed to provide access for the physically disabled. Access ramps shall be conveniently placed and sloped to provide easy connection to streets and sidewalks, in conformance with the Americans with Disabilities Act.

Bicycle Parking

1. Facilities for the secure and convenient parking of bicycles shall be provided. A minimum of one bicycle space shall be provided for each 20 vehicle parking spaces.
2. Bicycle parking facilities shall be of such a type and quantity so as to encourage and facilitate the use of the bicycle as a means of transportation by the employees and customers of the proposed use requiring site plan approval.
3. Outdoor bicycle parking facilities shall be located in convenient locations close to building entrances or pedestrian walkways leading to building entrances. Such facilities shall be clearly marked and separated from automobile access by landscaping, raised curbs or similar devices. Indoor bicycle parking facilities shall be provided in a secure and safe area.
4. Bicycle parking facilities shall be located close to major entrances to buildings or other areas they serve, in view of working personnel on-site or close to high activity areas to minimize chances of theft or vandalism. Parking facilities shall provide for padlock, chain or cable attachment and shall allow for both wheels and the frame of a bicycle to be secured to it with a standard six-foot cable or chain. Devices such as lockers or those that support the bicycle by its frame or handlebars shall be used rather than slotted concrete slab or vertical bar type racks or other devices that support the bicycle by a wheel and could cause damage to wheel rims.

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6.3 Landscaping

1. The entire lot (except for areas covered by buildings or surfaced as parking, recreation or service areas) shall be seeded, sodded or planted with ground cover and suitably landscaped in accordance with an overall landscape plan consistent with the natural surroundings. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing trees or landscaping located within 20 feet of any street line, lot or zoning district line shall not be removed, except upon written approval by the Township Agency, nor shall the existing grade within that space be disturbed without such approval.

2. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area.

3. Parking viewed from the public right-of-way or from any property used for residential purposes shall be suitably shielded.

4. All plants, trees and shrubs shall be installed in accordance with a landscape plan and schedule provided by the developer, subject to the approval of the Planning Board. The Planning Board may request comments from the Environmental Commission.

5. Within parking areas, 1 shade tree with foliage no lower than a height of 7 feet shall be provided for each 20 parking spaces. Each shade tree shall be planted in an area with a minimum of 125 square feet.

6. Landscaping shall be provided throughout the Rehabilitation Area to create spatial definition or separation, shade, visual interest, seasonal color, visual buffering, microclimatic enhancement, and habitat and to improve safety.
7. Any landscaping which is not resistant to the environment, or that dies within five years of planting, shall be replaced by the developer.
8. In public spaces, use passive systems such as cisterns and water gardens that collect rainwater for irrigation to the extent feasible.
9. Soil moisture-sensing irrigation systems shall be used.

6.4 Lighting

1. The light intensity provided at ground level shall average a maximum of 0.5 foot candles over the entire area with a maximum of 1.0 foot candles at any point. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed 7.5 percent of the total quantity of light emitted from the light source.

13. All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and residential buildings.

2. Lighting for off-street parking shall be designed to reflect downward away from adjoining buildings, properties and streets, and shall not cause glare in excess of 0.5 foot-candle

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over adjoining non-residence property or streets or more than 0.25 foot-candle over adjoining residence areas.

3. All parking areas shall be lighted to provide a minimum of 3.0 footcandles at driveway intersections with main roads and a total average illumination of 0.5 foot-candle throughout the parking area.
4. Pedestrian scale street lights shall be installed along Bloomfield Avenue. Street lights shall match the existing fixtures located along Bloomfield Avenue. Street lights shall be installed according to the specifications established by the Township Engineer.
5. Lighting levels along paved portions of public walks shall be an average of no less than 1.0 foot-candle.
6. Solar and LED lighting shall be used whenever feasible.
7. All lighting shall be extinguished by 10:30 p.m., or one hour past the established closing time, whichever is later. Lighting proposed for security purposes, when so indicated on the site plan, may be left on from dusk to dawn.
8. All lighting shall provide translucent fixtures with shields around the light so as not to create a hazard or nuisance to the adjoining properties or the traveling public.
9. All outdoor lighting shall be shown on the site plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences, and overhead sky glow. No lighting source shall be visible from windows, streets and driveways nor shall lighting shine directly into or reflect into windows or onto streets and driveways such as to interfere with driver vision.

10. The intensity of light, shielding, direction and reflection of lighting and similar characteristics shall be subject to site plan approval by the Planning Board.

11. Parking area lighting shall be cut-off style energy efficient fixtures that are 'dark sky' compliant. Ornamental pedestrian scale (lower height) shall be utilized along the Bloomfield Avenue streetscape and within pedestrian corridors within the Rehabilitation Area.

6.5 Stormwater Management

1. Any new development shall provide features to reduce stormwater runoff rates by detaining stormwater on site and allowing for groundwater infiltration consistent with New Jersey Department of Environmental Protection ("NJDEP") regulations.
2. Recommended features include: porous pavement, green sidewalk planting strips, infiltration strips within roadway sections, and use of parks, swales and other grassy areas for stormwater detention. NJDEP Stormwater Best Management practices ("BMP") are encouraged.

6.6 Tree Preservation

1. Where possible, the rehabilitation shall preserve existing trees. A tree preservation plan shall be prepared by the Redeveloper subject to review and approval from the West Caldwell Planning Board and the West Caldwell Environmental Commission.

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6.7 Solid Waste

1. Each new building shall be designed to provide adequate solid waste disposal, including provisions for recycled materials. Screening of solid waste areas shall be consistent in material and design with building and street feature designs.
2. Trash enclosures shall be located in the rear yard only and shall be constructed of masonry walls on three sides with a solid durable gate.

6.8 Signage

Every sign constructed, reconstructed, erected, altered, replaced, located, relocated, maintained, displayed or used within the Rehabilitation Area shall be authorized and valid only upon the issuance of a sign permit in accordance with the provisions of Section 20-24.1 of the Township Code. All signs shall conform to the following provisions:

1. All signs other than those signs permitted herein shall be prohibited, except such signs as may be required by county, state or federal regulations, laws or ordinances.
2. All signs shall pertain to an existing, approved use or occupancy on the premises where such signs are located.
3. All permanent, outdoor signs shall be constructed of synthetic, weather-resistant materials, which shall not include unprotected painted signs or those with facing of unprotected wood, canvas, oil cloth, fabric, cloth, paper or similar materials. No permanent sign shall consist of more than four (4) colors, excluding shading thereof and including

black and white. Said color restrictions shall not apply to sign supporting members provided such members are used solely for such purpose and provided the color thereof is fully compatible with, and secondary to, the color(s) of the sign itself. No sign shall be architecturally or aesthetically incompatible with other signs and structures on the same property.

Wall Signage

1. One identification sign shall be permitted per each existing, approved use or occupancy within a building, subject to the following conditions:
 - a. Each wall sign shall be attached to and parallel with, but not painted on, the front wall of a principal building.
 - b. A principal building located on a lot having frontage on two or more streets may have an additional identification sign on the wall facing such additional street or streets. In designated shopping centers, the same shall apply to applicable business establishments located at the corners of the principal building.
 - c. Buildings served by a rear or side entrance opening on an approved, off-street public parking area, may have additional identification signs and logos attached to the wall of the building fronting on the parking area, subject to the same size limitations as those on the front building wall.

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- d. In no event shall there be more than three identification signs per business.
2. A street number sign may be separate from the principal identification sign. The height of such number sign shall not exceed the maximum height permitted on wall mounted identification signs on the same premises.
3. For principal uses with less than 20,000 square feet of building floor area, the maximum height of any identification sign attached to the front wall of a principal building shall not exceed 3 feet when measured vertically from its lowest point to the highest point. The maximum width of such sign shall not exceed 85 percent of the width of the building wall or 30 feet, whichever is less. The maximum sign area shall be equal to 15 percent of the building wall on which it is attached.
4. For principal uses with 20,000 square feet of building floor area or greater, may have one wall-mounted identification sign and one logo on the front wall of the building identifying each approved business use within said building, subject to the following conditions:
 - a. Sign/logo height shall not greater than 70 percent of the height of the sign mounting surface façade.
 - b. Each individual sign shall not be greater than 10 feet in height or greater than 50 feet in width.
 - c. Each individual logo shall not be greater than 10 feet in height or greater than 10 feet in width.
- d. The total width of all signs and logos combined shall not be greater than 75 percent of the width of the sign mounting surface façade.
- e. A principal use served by a rear or side entrance opening on an approved, off-street public parking area, may have additional identification signs and logos attached to the wall of the building fronting on the parking area, subject to the same size limitations as those on the front building wall.
- f. No color restrictions shall apply to logos.
- g. For the purpose of this section, "Sign Mounting Surface Façade" shall mean a flat vertical portion of the building wall which is unbroken by any vertical or horizontal elements, whether or not said elements are structural or architectural in nature, and whether or not said elements protrude or do not protrude from the wall surface. Expansion joints, construction joints, and seams which are the same color as the façade shall not be considered vertical or horizontal elements.
5. A complete signage plan detailing quantity, size, location and color of all signs shall be submitted to the appropriate Township Agency as part of any site plan approval request. In the event of any signage changes to an approved site plan, an amended site plan approval shall be required.
6. Notwithstanding the various provisions contained herein, a sign may include a symbol depicting a registered trademark (logo) provided that said symbol is within the permitted

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Freestanding Signs

height and width of the sign itself, and further provided that the width of the symbol is no greater than the permitted height of the sign. Said symbol need not conform to any color requirements for the main body of the sign or any color limits. The total area of the symbol shall be included in the calculation for total allowable sign area, and shall not be in addition to said allowable area.

7. To maintain the attractive uniformity, wall-mounted identification signs shall comply with the following conditions:
 - a. All wall signs shall have substantially the same rectangular configuration and color scheme and shall be substantially the same height and width.
 - b. Each such sign shall be located so that it is centered, horizontally, within that portion of the business's storefront façade on which the sign is affixed; each sign shall be substantially in line, vertically, with identification signs affixed to contiguous business establishments; and, in the event the roof line is irregular in shape or other special circumstances exist, the location of the sign shall be as specified by the Sign Committee.
 - c. The exposed molding, trim or casing of the sign and the sign face shall be plastic, aluminum or other metal.
8. A pylon or freestanding sign, detached from the building in a planned shopping center containing a minimum floor area of 20,000 square feet shall be permitted subject to the following conditions:
 - a. There may be one such sign for the planned shopping center identifying the name of the center and having annexed thereto signs listing occupants in the shopping center area, which may be illuminated, and shall be box type.
 - b. The area of the shopping center sign, including the name of the center and all occupant sign inserts, shall not exceed one hundred fifty (150) square feet. The top of the sign shall not exceed the height of the highest building in the shopping center or twenty-eight (28) feet, whichever is less. The sign shall not be within twenty-five (25) feet of any street right-of-way.
9. Except for planned shopping centers, one (1) pylon or freestanding identification sign per principal building to identify all existing, approved uses or occupancies on the lot and/or the name and/or the street number of the building(s) shall be permitted. Such sign shall be located in the rear half of the front yard setback required for the principal building or set back twenty-five (25) feet, whichever is less, and shall be subject to the following conditions:
 - a. If the lot frontage is less than one hundred (100) feet, the sign area shall not exceed twenty (20) square feet

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2. Such sign shall be permitted in addition to other identification signs permitted.
3. Awnings shall be aesthetically compatible with the building and consistent with each other.
4. Awning shall be kept in good order and repair.
5. All awnings shall be made of canvas, cloth or durable architectural standing seam metal.

and the top of the sign shall be not more than ten (10) feet above the ground surface.

- b. If the lot frontage is between one hundred (100) feet and two hundred (200) feet, the sign area shall not exceed one-fifth (1/5) square feet per foot of frontage and the top of the sign shall be not more than one-tenth (1/10) feet above the ground surface per foot of frontage.
- c. If the lot frontage is between two hundred (200) feet and five hundred (500) feet, the sign area shall not exceed forty (40) square feet and the top of the sign shall not be more than twenty (20) feet above the ground surface.
- d. If the lot frontage is over five hundred (500) feet, the sign area shall not exceed one hundred fifty (150) square feet and the top of the sign shall be not more than twenty (20) feet above the ground surface.

Signage for Fast-food Restaurants

The following signs are permitted for a fast-food restaurant:

1. Wall sign
 - a. One (1) wall sign shall be permitted per public street frontage.
 - b. The maximum sign area shall be eighty-five (85%) percent of the linear business frontage, with a maximum area of forty (40) square feet.
 - c. The top edge of the wall sign shall not be installed more than fourteen (14) feet above the sidewalk or ground.
 - d. The sign may be internally or externally illuminated.
2. Freestanding identification sign
 - a. One (1) freestanding identification sign shall be permitted per public street frontage.
 - b. The sign shall be set back at least ten (10) feet from all property lines.

Awnings

1. One sign with lettering per business shall be permitted on an awning and logos shall be permitted on all awnings, provided that:
 - a. The letter and logo height does not exceed 50 percent of the diagonal portion of the awning.
 - b. The letter and logo located on the vertical flap does not exceed 8 inches in height.
 - c. The signage shall only be on first-floor awnings.

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- c. The maximum sign area shall be twenty (20) square feet for lots with a frontage less than one hundred (100) feet.
 - d. The maximum sign area shall be thirty-five (35) square feet for lots with a frontage one hundred (100) feet or greater.
 - e. The maximum sign height, including structure and sign area, shall be ten (10) feet above existing grade.
 - f. The sign may be internally illuminated.
3. Instructional sign
- a. On-site instructional signs, not exceeding three (3) square feet in area and three (3) feet in height shall be permitted as needed.
 - b. The sign may be internally illuminated.
4. Drive-up menu board
- a. One (1) drive-up menu board shall be permitted per stacking lane.
 - b. The board shall be separated from vehicular traffic by means of curbing and shall be suitably landscaped. The board shall be located in the side or rear yard.
 - c. The maximum sign area shall be thirty-two (32) square feet and shall be architecturally compatible with the building.
 - d. The board may be internally illuminated, but the board shall not be visible from a public street.

- Boards shall not be illuminated when the establishment is closed.
- e. Screening shall be provided between the board and any adjacent residential zone. Screening shall include evergreen trees installed at a minimum height of five (5) feet.
5. Product display board
- a. One (1) product display board shall be permitted per parcel.
 - b. The maximum sign area shall be twenty (20) square feet.
 - c. The board may be externally illuminated, but the board shall not be visible from a public street. Boards shall not be illuminated when the establishment is closed.
 - d. Screening shall be provided between the board and any adjacent residential zone. Screening shall include evergreen trees installed at a minimum height of five (5) feet.

6.9 Building, Streetscape, and Landscape Architectural Guidelines

The following are architectural and streetscape standards for all new construction and renovations within the Rehabilitation Area.

1. New buildings within the Rehabilitation Area should be considered an integral part of the overall site design and

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developed with appropriate consideration for both proposed and existing buildings with respect to height, mass, siting, location, materials, orientation, signs, lighting and use. New buildings should be of materials, scale and colors to harmonize with the general look and feel desired for the Bloomfield Avenue commercial corridor.

2. Buildings shall be designed so as to be attractive from all vantage points.
3. Unless the redeveloper proposes a specific use that requires a unique building architecture, buildings should be designed utilizing base, middle and top forms as the primary method relating buildings to each other.
4. The base shall be considered the first story of the facade facing a public street, depending on the overall heights of the building. The design of the base, as well as the quality and durability of its materials, should be emphasized to create visual interest and support pedestrian activity. The building's base should be presented to the Planning Board at a larger scale of drawing and greater detail than the remainder of the facade to ensure it meets the building design objectives.

5. In addition to the base, the exterior design shall include a middle field section and a cap on the top. The middle of the building shall be differentiated from the base by a horizontal transition line. The transition line's specific location shall be determined primarily by the overall height of the building and that of any adjacent buildings. If adjacent buildings are lower than the proposed building, then the transition line should relate to such adjacent building.

6. A horizontal transition line should be established separating the middle field from the cap or top of the buildings. Transition lines may consist of a continuous, shallow balcony, a shallow recess, an articulated trim course cornice, a water table, fenestration or other appropriate means. The transition should be supported by a change of window rhythm or size and a change in material, color or texture.
7. All materials and colors shall be approved by the Planning Board.
8. The predominant material of all street walls on primary and secondary streets shall be brick, precast, wood and finished masonry block, or curtain wall. Stucco or EFIS may be used as an accent.
9. Continuous covered walkways shall be provided to the extent feasible. All awnings and canopies shall be securely attached to the building so that the lowest part of the awning or canopy is mounted a minimum of 8 feet and a maximum of 12 feet above the sidewalk at the storefront.
10. Large areas of glass curtain walls or strip windows of more than 15 feet in length are discouraged, as are tinted and highly reflective glass.
11. Mechanical equipment located on building roofs shall be screened so as not to be visible from the ground level from adjacent developments and from public streets and spaces. Mechanical equipment at ground level shall be screened and located to the rear of the building.
12. Street furnishings should be provided that serve the anticipated occupants or users of all exterior spaces,

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- including, but not limited to: benches, gazebos, trash and recycling receptacles, bicycle racks, bird houses, drinking fountains, kiosks, sculptural elements, decorative fountains, bollards, decorative fences, seat walls, and pedestrian-scale lighting.
13. Green roof planting on flat roofing of multistory buildings and solar photovoltaic systems on roofs and parking areas are encouraged.
14. Outdoor cafes, where permitted by the land use regulations, shall be delineated from the public walkway by planters and metal fencing with no more than two entrances to the cafe seating area. A clear width of at least 4 feet shall be maintained between any outward portion of the cafe and the closest street furniture and equipment.
15. Blank walls in excess of 25% or 50 continuous feet of the frontage of the property shall not be used at the street level. Blank walls must contain architectural relief such as expressive details, blind windows, murals, etc.
16. All buildings shall provide scale-defining architectural elements, such as windows, spandrels, awnings, porticos, pediments, cornices, pilasters, columns and balconies.
17. Ground-floor retail, services, and restaurant uses shall have large transparent windows, preferably divided-light. Such windows shall be framed by the surrounding wall and shall be a minimum of 75% of the total ground-level facade area. The window wall facade area may be reduced if, due to a particular use or settings, the provision of windows will present concerns for aesthetic design or security. However,
- the facade design should employ an arrangement of materials that reflects the required window area and/or lines to be compatible with the intent of these guidelines.
18. A minimum of one facade element shall align horizontally with adjacent buildings. Facade elements include, but are not limited to, rooftops, cornices, signs, storefront windows, windows above the first floor and awnings. There should be a balance between variety and harmony of building facades.
19. Maintain the similarity in the building width. New or larger buildings on parcels shall incorporate architectural elements which reflect the width of adjacent buildings. Successful methods for achieving this include, but are not limited to, window pattern and detail placement.
20. The design for a proposed facade must consider the appearance of the building in the evening and develop an exterior lighting plan that includes display window lighting, building lighting, and pedestrian-scaled lighting for both buildings and pedestrian areas within the site. Lighting shall be warm in color, with control of glare for the pedestrian.
21. Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior. Long, monotonous, uninterrupted walls or roof planes shall be avoided. Building wall offsets, including projections such as balconies, canopies, awnings, and signs, recesses, and changes in floor level shall be used in order to add architectural interest and variety and to relieve the visual effect of a simple, long wall. Similarly, roofline offsets, dormers, or gables shall be provided in order to provide

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architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

22. The architectural treatment of the front facade shall be continued in its major features around all visibly exposed sides of a building. All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. Blank wall or service area treatment of side and/or rear elevations visible from public view shall be avoided.

23. The exteriors of all buildings in the Rehabilitation Area, including any permitted accessory buildings, shall be architecturally compatible and be constructed of complementary materials.

24. All entrances to a building, except service and emergency egress doors, shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, overhangs, railings, balustrades and other elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of the building as a whole, as shall the doors.

6.10 Development Fees

Utility Infrastructure Improvement Fees

1. Imposed fees
 - a. Within the designated Rehabilitation Area, the developer for any new construction, addition,

alteration, or change in use shall be required to contribute utility infrastructure improvement fees in accordance with the fee schedule below.

b. The utility infrastructure improvement fees shall only apply to the increase in water usage and sanitary sewer flows resulting from the proposed development. The existing water usage and sewer flows shall be subtracted from the projected water usage and sewer flows to determine the increase.

c. Infrastructure improvement fees shall be imposed and collected when an existing structure is demolished and replaced. The infrastructure improvement fee shall be calculated based on the increase in water demand and sanitary sewer flows for the new development less the existing water demand and sanitary sewer flows. If the calculation required under this section results in a negative number, the infrastructure improvement fee shall be zero. If a building has been vacant for a period of 12 months or greater, the existing water and sewer flows shall be assumed to be zero for the purposes of this calculation.

2. Fee Schedule

- a. The infrastructure improvement fee for water use consumption shall be an amount equal to \$12.00 per gallon per day of increased water demand, as calculated in accordance with N.J.A.C. 7:10, Safe Drinking Water Act Rules respectively

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- b. The infrastructure improvement fee for sanitary sewer flows shall be an amount equal to \$12.00 per gallon per day of increased sanitary sewer flows, as calculated in accordance with N.J.A.C. 7:14A Subchapter 23, Technical Requirements for Treatment Works Approval Application.
3. Collection procedures
 - a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the municipal official responsible for the issuance of a building or zoning permit, whichever shall be applicable.
 - b. The municipal official responsible for the issuance of a building or zoning permit shall notify the Township Engineer of the application for permit for a development which is subject to a utility infrastructure improvement fee.
 - c. Within 30 days of receipt of that notice, the Township Engineer, based on the plans filed, shall provide an estimate of the utility infrastructure improvement fee.
 - d. The municipal official responsible for the issuance of a final certificate of occupancy shall notify the Township Engineer of any and all requests for the scheduling of a final inspection on property which is subject to an infrastructure improvement fee.
- e. Within 10 business days of a request for the scheduling of a final inspection, the Township Engineer shall confirm or modify the previously estimated infrastructure improvement fee.
- f. Fifty percent (50%) of the infrastructure improvement fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy.
- g. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of a certificate of occupancy.
- h. If the development does not require a certificate of occupancy, the developer shall pay 100 percent of the utility improvement fee prior to the issuance of the building or zoning permit.
- i. All funds will be deposited in an interest bearing account by the Township of West Caldwell to be used for utility infrastructure improvement activities, including but not limited to the planning, study, design, construction and/or repair of the utility infrastructure system within the Rehabilitation Area.

Non-Residential Development Fees

1. Imposed fees
 - a. Within the Rehabilitation Area, non-residential developers, except for developers of the types of

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development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

b. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for non-residential development

a. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

b. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

c. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

d. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of West Caldwell as a lien against the real property of the owner.

3. Collection procedures

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- a. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 - f. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
 - g. Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
 - h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
4. Affordable Housing Trust Fund
 - a. All funds will be deposited in the Township of West Caldwell's Affordable Housing Trust Fund to be used

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for approved affordable housing activities, in accordance with the Township's Development Fee Ordinance.

7.0 Implementation

7.1 General Provisions

Utility Infrastructure Rehabilitation

The existing water main in the rehabilitation area is undersized and its age has diminished its serviceability. As set forth in the Area in Need of Rehabilitation Study dated, November 14, 2014, 84 percent of the water lines in the Area in Need of Rehabilitation are at least fifty years old. The water main is a 6" DIP main, which is insufficient pursuant to current design standards and provides substandard service. The deficiencies of the 6" DIP main have caused poor water flow, interrupted service, fire flow deficiencies and water main breaks. With the continued development in this area and within this water system's service zone, the water flow will continue to be exhausted. A 12" PVC main will increase the available water flow and alleviate, if not eliminate, the poor water flow, interrupted service, fire flow deficiencies and water main breaks presently experienced in the Area in Need of Rehabilitation. A 12" PVC main will also provide the necessary water flow capacity to support continued development in the Area in Need of Rehabilitation and neighboring properties.

The existing sanitary sewer main is aged and no longer functions as desired. As documented in the Area in Need of Rehabilitation

Study, 66 percent of the sanitary sewer lines in the Area in Need of Rehabilitation are at least fifty years old and constructed of clay and transite. The age of the sewer main has resulted in pipe deflection, cracking and joint separation; and such conditions are expected to continue to deteriorate if not addressed. The age and condition of the sewer piping is also contributing to high flows recorded at the Kirkpatrick Lane Sanitary Sewer Pump Station during and following rain events, which may occur from inflow and infiltration. Replacing the clay and transite sanitary sewer main in this area with a 12" PVC sewer main will eliminate the characteristics of aged pipe as cited in the Area in Need of Rehabilitation Study, while also reducing or alleviating infiltration and allowing for the identification and elimination of elicit connections. A 12" PVC sewer main will also provide the transmission capacity to support continued and anticipated development in the Area in Need of Rehabilitation and neighboring residential properties.

Properties to be Acquired

This Redevelopment Plan intends to encourage a redeveloper to acquire a proprietary interest in the properties to be rehabilitated pursuant to this Plan. As this Plan is based upon an Area In Need of Rehabilitation designation, Section 14 of the Local Redevelopment and Housing Law provides that the redevelopment powers, except for acquisition of private property through the use of Eminent Domain, are available with the adoption of a redevelopment plan. Therefore no private property is identified for acquisition other than through private sale between a willing buyer and seller.

Redevelopment Plan Area in Need of Rehabilitation

Waivers from Redevelopment Plan Requirements

Variation from one or more of the specific development requirements set forth in this Redevelopment Plan may be necessary in certain circumstances for the effective redevelopment of the Rehabilitation Area, or to meet state or federal permit requirements. In such an instance, the Township of West Caldwell Planning Board may waive specific bulk, parking, sustainability or design requirement, if specifically authorized to do so by the Redevelopment Entity (Township Council or other Redevelopment Entity that it might create or designate), or any committee that the Redevelopment Entity to which it may delegate such authority, provided the designated Redeveloper demonstrates that such waiver is necessary for the feasibility of the project, will not substantially impair the intent of the Redevelopment Plan, and will not present any detriment to the public health, safety and welfare.

Review Procedures

- a. The Township of West Caldwell Mayor and Council, acting as the Redevelopment Entity, shall review all proposed redevelopment projects within the Rehabilitation Area to ensure that such project(s) is consistent with the Redevelopment Plan and relevant Redevelopment Agreement(s). Such review shall occur prior to the submission of the redevelopment project(s) to the Planning Board for site plan approval.
- b. As part of its review, the Redevelopment Entity may require the Redeveloper(s) to submit proposed site plan applications to a subcommittee of the Redevelopment Entity prior to the

submission of such applications to the Planning Board. Such Subcommittee may include members of the Redevelopment Entity and any other Township staff and/or professionals as determined necessary and appropriate by the Mayor and Council. Such Committee shall make its recommendations to the full Redevelopment Entity for formal authorization to proceed to the Planning Board for development approval.

- c. In undertaking its review, the Redevelopment Entity shall determine whether the proposal is consistent with this Redevelopment Plan and relevant Redevelopment Agreement(s). In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of the Plan.
- d. Following this determination, all development applications shall be submitted to the Township of West Caldwell Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq.
- e. The Planning Board shall deem any application for site plan approval subject to this Redevelopment Plan incomplete if the proposed project is required by this Redevelopment Plan to be addressed through a redevelopment agreement with a designated Redeveloper and the applicant has not been so designated by the Redevelopment Entity. Additionally, the Planning Board shall deem any application for redevelopment subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Redevelopment Committee or any committee that it may designate for such purpose, stating that the application is

Redevelopment Plan Area in Need of Rehabilitation

consistent with the Redevelopment Plan and redevelopment agreement.

- f. Neither the Planning Board nor the Zoning Board of Adjustment shall grant any deviations from the use provisions of this Redevelopment Plan. Any proposed changes to the Redevelopment Plan involving specific permitted or conditionally permitted land uses shall be in the form of an amendment to the Redevelopment Plan adopted by the Mayor and Council, in accordance with the procedures set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

7.2 Relocation Plan

No temporary or permanent relocation of residents is contemplated, as this plan envisions that private developers will purchase properties within the Area. Furthermore, since Area 1 is within a designated Rehabilitation Area, no eminent domain is permitted. Therefore, no relocation assistance is necessitated by the Redevelopment Plan.

7.3 Superseding Provisions

Effect of Plan

Where a Redeveloper elects to develop a portion of the Redevelopment Area in accordance with the RAO Rehabilitation Area Overlay Zone, the Redevelopment Plan shall supersede the applicable provisions of Chapter 18A Land Use Procedures, Chapter 19 Subdivision of Land, and Chapter 20 Zoning of the Township of West Caldwell Code. In all other instances, the

Redevelopment Plan shall be inapplicable and the underlying B-2, B-3 and OS zoning shall apply. The Redevelopment Plan also incorporates Design Guidelines, including signage, landscaping and architectural standards, which shall not change regardless of subsequent amendments, revisions, additions or deletions to the West Caldwell Code. All other provisions of the Township Code not superseded by this Redevelopment Plan shall remain in effect.

Final adoption of this Redevelopment Plan by the Township shall be considered an amendment to the Township Zoning Map as it relates to the RAO Rehabilitation Area Overlay Zone and OSO Open Space Overlay Zone within the Rehabilitation Area.

Terms and Definitions

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Township of West Caldwell.

Other Applicable Design and Performance Standards

Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the West Caldwell Township Code.

Conflict

Any word, phrase, clause, section or provision of this Plan, found by a court and other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, section or provision shall be

Redevelopment Plan Area in Need of Rehabilitation

deemed servable and the remainder of the Redevelopment Plan shall remain in full force and effect.

Zoning Map Revision

The Official Zoning Map of the Township of West Caldwell is hereby amended to designate the RAO Rehabilitation Area Overlay Zone and OSO Open Space Overlay Zone.

Amendments to the Redevelopment Plan

This plan may be amended from time to time in accordance with the procedures of the LRHL. To the extent that any such amendment materially affects the terms and conditions of duly executed redevelopment agreements between one or more Redevelopers and the Township of West Caldwell, the provisions of the Redevelopment Plan amendment will be contingent upon the amendment of the Redevelopment Agreement to provide for the Plan amendment.

Recommended Provisions for Redevelopment Agreement

While this Redevelopment Plan provides an outline for the redevelopment of the Rehabilitation Area, the details of how the redevelopment will be implemented will need to be specified in a Redevelopment Agreement that is negotiated between the Township and the Redeveloper(s). No development shall proceed to the Planning Board for subdivision or site plan approval until after a Redevelopment Agreement is executed by the Township Council in accordance with Section 9 of the Local Redevelopment and Housing Law. The Redevelopment

Agreement shall conform to the provisions of this Redevelopment Plan.

The Redevelopment Agreement shall provide for the type and amount of performance and maintenance guarantee required, the amount of inspection fee deposit, a preconstruction conference, a timeline for the phasing of redevelopment, traffic control, a summary of improvements to be installed by the redeveloper and the itemized cost estimate for same and, in accordance with N.J.S.A. 40:55D-42, any off-tract improvements which shall be constructed by the redeveloper and the calculation of the redeveloper's fair share of costs as well as any other such matters as the Township shall determine to be necessary to effectuate this Redevelopment Plan or to protect public health, welfare and safety.

Certificates of Completion & Compliance

Upon the inspection and verification by the Mayor and Council that the redevelopment of a parcel subject to a Redevelopment Agreement has been completed, a Certificate of Completion and Compliance will be issued to the Redeveloper and such parcel will be deemed no longer in need of redevelopment.

This Redevelopment Plan will remain in effect until Certificates of Completion have been issued for the designated Area In Need of Rehabilitation, or until the Redevelopment Plan is deemed no longer necessary for the public interest and repealed by Ordinance of the Mayor and Council.

Redevelopment Plan Area in Need of Rehabilitation

Selection of Redeveloper(s)

In order to assure that the vision of the Redevelopment Plan will be successfully implemented in an effective and timely way in order to promptly achieve the public purpose goals of the Plan, the Mayor and Council, acting as the Redevelopment Entity, will designate the Redeveloper(s) for any redevelopment project in the area governed by this Redevelopment Plan. All Redeveloper(s) will be required to execute a redevelopment agreement satisfactory to the Mayor and Council as one of the requirements to be designated as the Redeveloper(s).

It is anticipated that the implementation of this Redevelopment Plan may designate existing owners of one or more of the property owners within the Rehabilitation Area as the Redeveloper of their own properties, or utilize a process for the competitive selection of one or more Redeveloper(s). The intent of this section of the Plan is to set forth the procedural standards to guide Redeveloper selection. The Mayor and Council, acting as the Redevelopment Entity may, at any time, proactively solicit potential Redevelopers by utilizing appropriate methods of advertisement and other forms of communication, or may, in its discretion, entertain an unsolicited proposal from a prospective Redeveloper(s) for redevelopment of one or more redevelopment parcels.

The selection of a Redeveloper by the Mayor and Council, acting as the Redevelopment Entity for the Rehabilitation Area, may be based on a competitive selection process. Under a competitive selection process, which may be undertaken from time to time in the discretion of the Mayor and Council, an applicant for selection as a Redeveloper will be required to submit materials

to the Mayor and Council that specify their qualifications, financial resources, experience and design approach to the property in question. The competitive selection process will likely include the submission of some or all of the following materials (additional submission materials may be requested by the Mayor and Council as deemed appropriate to the lands in question):

- Conceptual plans and elevations sufficient in scope to demonstrate that the design, architectural concepts, scope and nature of development, parking, traffic circulation, landscaping and other elements are consistent with the objectives and standards of this Redevelopment Plan. A review of redevelopment and construction details for compliance with this Redevelopment Plan shall be required at conceptual, preliminary and final design phases of project development.
- Anticipated construction schedule, including estimated pre-construction time period to secure permits and approvals.
- Documentation evidencing the financial responsibility and capability with respect to carrying out site environmental remediation, the proposed redevelopment and/or rehabilitation including but not limited to: type of company or partnership, disclosure of ownership interest, list of comparable projects successfully completed, list of references with name, address and phone information, list of any general or limited partners, and financial profile of the Redeveloper entity.

The following provisions regarding redevelopment are hereby included in connection with the implementation of this

Redevelopment Plan Area in Need of Rehabilitation

Redevelopment Plan and the selection of a Redeveloper(s) for any property included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations to the contrary:

- The Redeveloper shall carry out site environmental remediation as may be required by NJDEP and as certified by a NJ Licensed Site Remediation Professional (LSRP). The Redeveloper shall complete the specified improvements and remediation in accordance with the Redevelopment Plan, applicable Redevelopment Agreement, and any approved site plans. The Redeveloper shall secure the financial mechanism(s) for funding and performing the remediation, and for providing future oversight of the engineering and institutional controls that become part of the remediation (to inspect and maintain in good repair the soil and groundwater remediation controls into the future), all as determined by the LSRP and NJDEP.
- The Redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
- Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the Redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any Redevelopment Agreement, lease, deed or other instrument shall remain in full force and effect.
- The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial

guarantees of the Redeveloper(s) and any other provisions to assure the successful completion of the project.

- The designated Redeveloper(s) shall be responsible for any installation or upgrade of infrastructure related to their project whether on-site or off-site. Infrastructure items include, but are not limited to gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees or other improvements. The extent of the designated Redeveloper's responsibility will be outlined in the Redevelopment Agreements with the Township. All utilities shall be placed underground.
- All infrastructure improvements shall comply with applicable local, state and federal law and regulations, including the Americans with Disabilities Act and the Prevailing Wage Law, where applicable.
- In addition to the provision of the infrastructure items set forth herein, the redevelopment agreement may provide that the Redeveloper(s) will agree to provide amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed

Redevelopment Plan
Area in Need of Rehabilitation

severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

Redevelopment Plan Area in Need of Rehabilitation

APPENDIX

Resolution No. 9630 – Designating The Area in Need of Rehabilitation

Resolution

Resolution No. 9630 By: Councilman Dostrow

RESOLUTION – DESIGNATING THE PROPERTIES IDENTIFIED AS BLOCK 1504, LOTS 1 AND 2, BLOCK 1901, LOT 13, BLOCK 1903, LOT 1, 2, 3, 4, 5 AND 6, BLOCK 2100, LOT 8, TO BE AN AREA IN NEED OF REHABILITATION.

For the Month of January 20 in the Year of 2015

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, ESSEX COUNTY, NEW JERSEY

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. sets forth the procedures for the Township to determine whether certain properties are areas in need of rehabilitation, along with the development and enforcement of a redevelopment plan for such properties; and

WHEREAS, specifically pursuant to N.J.S.A. 40A:12A-14, the Township may determine an area to be in need of rehabilitation, by resolution, if there exists in that area conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent shortage of property tax payments thereon or (2) more than half of the housing stock in the area is in need of rehabilitation, or (3) the area is in need of rehabilitation, or (4) a program of rehabilitation, as defined in N.J.S.A. 40A:12A-3, may be expedited to prevent further deterioration and promote the overall development of the community; and

WHEREAS, prior to the adoption of the resolution, the Township Council shall submit such resolution to the Township Planning Board for its review and recommendation, if any; and

WHEREAS, on behalf of the Township, Ombard Engineering Associates, Inc. ("Ombard"), has performed a study of the properties in the area of Bloomfield Avenue and Kogalshick Lane to determine if same need the criteria to be an area in need of rehabilitation; and

WHEREAS, Ombard has submitted its report to the Township entitled "Area in Need of Rehabilitation Study" dated November 14, 2014 (the "Study") which identifies the following properties as being in need of rehabilitation: Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8 (the "Study Area"), to be an area in need of rehabilitation, which study is attached hereto and made a part hereof; and

WHEREAS, by Resolution #9624, dated December 2, 2014, the Township Council referred a copy of the Study to the Township Planning Board for its review and recommendation (the "Planning Board") for review and comment in compliance with N.J.S.A. 40A:12A-14; and

WHEREAS, based on its review of the Study and this Resolution at its public hearing on December 8, 2014, the Planning Board determined that the Study Area satisfies the statutory criteria to be designated as an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-14, and that the Township Council's designation, and adoption of Resolution dated December 22, 2014, memorializing same; and

WHEREAS, based on its review of the Study, and recommendation of the Planning Board, the Township Council of the Township of West Caldwell has determined that the Study Area is an area in need of rehabilitation.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Caldwell, in the County of Essex, State of New Jersey, that the Study Area, consisting of the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8, are hereby designated as an area in need of rehabilitation according to the criteria set forth in N.J.S.A. 40A:12A-14.

BE IT FURTHER RESOLVED that the Township shall be authorized to utilize as powers provided by the Legislature to rehabilitate the Study Area, including the preparation and adoption of a redevelopment plan for lots in a rehabilitation area, pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

BE IT FURTHER RESOLVED that all Township officials and professionals are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this Resolution to the County Clerk for filing and to the County Clerk for review in accordance with New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

It is hereby certified that at a regular meeting of the Board and Council of the Township of West Caldwell, New Jersey being held on the 01/20/2015, the foregoing Resolution was duly adopted.

Mary Dostrow
Township Clerk

The foregoing Resolution, having been duly presented to me on 01/21/2015, I hereby approve the same.

Joseph Tompsett
Mayor

MEMBERS OF THE GOVERNING BODY	RECORDED VOTE		
	YES	NO	ABSTAIN
THOMAS OMBARD	X		
JOSEPH TOMPSETT	X		
ELIZABETH WILSON	X		
STEFAN WILSON	X		
MICHAEL LOCKE-BEROFF	X		
KATHY CANALE			X
DAVID TENGERS (OFFICER)			

Area in Need of Rehabilitation

Resolution No. 17-081 - Requesting the Redevelopment Plan for the Area in Need of Rehabilitation

Resolution

By: Councilman Hakkio

Resolution No. 17-081

RESOLUTION – DIRECTING THE PLANNING BOARD OF THE TOWNSHIP OF WEST CALDWELL TO PREPARE A REHABILITATION PLAN FOR THE PROPERTIES IDENTIFIED AS BLOCK 1504, LOTS 1 AND 2, BLOCK 1901, LOT 13, BLOCK 1903, LOT 1, 2, 3, 4, 5 AND 6, BLOCK 2100, LOT 8, HAVING BEEN DECLARED TO BE AN AREA IN NEED OF REHABILITATION.

For the Meeting of February 21 in the Year of 2017

A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, ESSEX COUNTY, NEW JERSEY

WHEREAS the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, contains provisions for areas in need of rehabilitation, and the Planning Board of the Township of West Caldwell is authorized to prepare a rehabilitation plan for such properties; and

WHEREAS the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, requires that a study of the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lot 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8 in the area of Blueridge Avenue and Parkwood Lane in Essex County, New Jersey, be conducted to determine if such area meets the criteria to be an area in need of rehabilitation; and

WHEREAS the Township Council has received a report to the Township Council dated November 14, 2014 (the "Study") in which it is recommended that the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lot 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8 be declared to be an area in need of rehabilitation, which Study is attached hereto and made a part hereof; and

WHEREAS the Township Council, adopted on December 2, 2014, the Township Council Ordinance of the Township Planning Board (Planning Board) to review and all resolution of the Township Council regarding an area in need of rehabilitation, along with the Study supporting the rehabilitation designation; and

WHEREAS the Planning Board held a public hearing on its review of the proposed rehabilitation area on December 10, 2014, at which time the Planning Board determined that the Rehabilitation Area, the properties located in the area in need of rehabilitation on its agenda with N.J.S.A. 40A:12A-1, and

WHEREAS the Planning Board determined and recommended that the Township Council designate the Rehabilitation Area as an area in need of rehabilitation and adopted a rehabilitating resolution on December 22, 2014 meeting; and

WHEREAS the Township Council, on resolution adopted Resolution No. 06-30 at its public meeting on January 20, 2015, designating the area as in need of rehabilitation; and

WHEREAS, on or about February 5, 2015, GRASS CALDWELL, LLC and The Shop & Shop Supermarket Company, LLC ("Shop & Shop"), filed a lawsuit challenging the Township's designation of the Rehabilitation Area as an area in need of rehabilitation ("Lawsuit"); and

WHEREAS the Order and Citation dated January 10, 2017, the Lawsuit was dismissed with prejudice; and

WHEREAS pursuant to N.J.S.A. 40A:12A-7(f), the Township Council wishes to direct the Planning Board to prepare the rehabilitation plan for the Rehabilitation Area, and submit such rehabilitation plan to the Township Council for its approval; and


WHEREAS, based on its review of the Study, the Township Council has determined that the Study Area may be an area in need of rehabilitation and desires the Planning Board of the Township of West Caldwell (the "Planning Board") to prepare a rehabilitation plan pursuant to the Redevelopment Law, utilizing the assistance of Mayer Consulting, P.A.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Caldwell, in the County of Essex, State of New Jersey, that the Planning Board of the Township of West Caldwell is hereby directed to prepare a rehabilitation plan for the Study Area, consisting of the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lot 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8, and to submit such rehabilitation plan to the Township Council for approval.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this Resolution to the Planning Board.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

It is hereby certified that at a regular meeting of the Mayor and Council of the Township of West Caldwell, New Jersey being held on the 02/21/17, the foregoing Resolution was duly accepted.


 Joseph Tompazich
 Mayor

The foregoing Resolution, having been duly presented to me on 02/23/17, I hereby approve the same.

MEMBERS OF THE GOVERNMENT BODY	RECORDED VOTE		
	YES	NO	ABSENT
JOHN P. CANTERBURY	X		
JOHN J. COLEMAN	X		
STEPHEN CHADWELL	X		
STEPHEN WOLBY	X		
MARY CAHILL			X
DAVID CAHILL			X
MAVOR TAVASTIA (P.T.E.)	X		

Area in Need of Rehabilitation

Planning Board Resolution Directing Maser Consulting, P.A. to Assist the Planning Board in the Preparation of the Rehabilitation Plan for Certain Properties along Bloomfield Avenue and Kirkpatrick Lane

PLANNING BOARD
TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY

Resolution Directing Maser Consulting, P.A. to Assist the Planning Board in the Preparation of the Rehabilitation Plan for Certain Properties along Bloomfield Avenue and Kirkpatrick Lane.

WHEREAS, on January 20, 2015, the Governing Body of the Township of West Caldwell adopted Resolution No. 9630 designating the properties identified as Block 1504, Lots 1 and 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 and 6, and Block 2100, Lot 8, as an area in need of rehabilitation (the "Rehabilitation Area") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, the Governing Body adopted Resolution No. 17-081 on February 21, 2017, directing the Planning Board to prepare a Rehabilitation Plan for the Rehabilitation Area, pursuant to N.J.S.A. 40A:12A-7(f) utilizing the assistance of Maser Consulting, P.A., the Township Planner; and

WHEREAS, in connection with its preparation of the Rehabilitation Plan, the Planning Board requires the assistance of a professional planning services and wishes to utilize the assistance of Maser Consulting, P.A. for same.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of West Caldwell, Essex County, New Jersey, finds and agrees to utilize the professional planning services of the Township Planner, Maser Consulting, P.A., to assist the Board in the preparation of the Rehabilitation Plan for the Rehabilitation Area, consisting of the properties identified as Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5 & 6, and Block 2100, Lot 8.

BE IT FURTHER RESOLVED that by utilizing the services of the Township Planner under the general planning professional services agreement with the Township, all invoices for the costs of such work shall be subject to the approval of the Township Council.

BE IT FURTHER RESOLVED that the Planning Board shall submit the Rehabilitation Plan to the Township Council for adoption upon the completion of same.

3/7/1966-1

Area in Need of Rehabilitation

Planning Board Resolution Recommending Adoption of the Redevelopment Plan

RESOLUTION OF THE TOWNSHIP OF WEST CALDWELL PLANNING BOARD

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), the Township of West Caldwell (the "Township"), by way of Resolution No. 9630 adopted on January 20, 2015, designated Block 1504, Lots 1 & 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5, & 6, and Block 2100, Lot 8 (the "Rehabilitation Area") as an area in need of rehabilitation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(f), the Township Council directed the Planning Board to arrange for the preparation of and to consider a redevelopment plan to govern the Rehabilitation Area; and

WHEREAS, consistent with the Redevelopment Law, and specifically N.J.S.A. 40A:12A-7(f), the Planning Board adopted a Resolution on February 27, 2017 directing Maser Consulting, P.A. to assist the Planning Board in the preparation of a rehabilitation plan for the Rehabilitation Area ("Redevelopment Plan"); and

WHEREAS, at a meeting held on July 24, 2017, the Redevelopment Plan was presented to the Planning Board by Andrew Dipoliti, a New Jersey licensed professional engineer and professional planner employed by Maser Consulting, P.A.; and

WHEREAS, the Planning Board reviewed the proposed Redevelopment Plan for the Rehabilitation Area and heard public comment regarding the redevelopment plan; and

WHEREAS, this Resolution shall constitute the report of the Planning Board for the Rehabilitation Area.

NOW, THEREFORE, be it resolved by the Planning Board of the Township of West Caldwell, on this 24th day of July, 2017, by a vote of 7 in favor and 0 opposed, that the Redevelopment Plan be transmitted to the Township Council for its adoption, pursuant to N.J.S.A.

40A:12A-8f and that no provisions in the Redevelopment Plan are inconsistent with the Township's Master Plan.

7 Members Present
7 Affirmative
0 Negative
0 Absent

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Township of West Caldwell on July 24, 2017.


Lynn Krifflin, Planning Board Secretary

Area in Need of Rehabilitation

Ordinance No. 180 | Adopting Redevelopment Plan

ORDINANCE NO. 180

By: Councilman Hardik

AN ORDINANCE TO ADOPT A REHABILITATION PLAN FOR BLOCK 1, LOTS 1, 2, 3, 4, 5 AND 6 AND BLOCK 2100, LOT 8 ALONG BLOOMFIELD AVENUE AND KIRKPATRICK LANE, WEST CALDWELL, ESSEX COUNTY, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), sets forth the procedures for the Township of West Caldwell (the "Township") to determine whether certain properties are areas in need of rehabilitation, filing with the State a plan of rehabilitation for such properties; and

WHEREAS, on behalf of the Township, Omland Engineering Associates, Inc. ("Omland"), has performed a study of the properties identified as Block 1, Lots 1 & 2, Block 1100, 1 lot 13, Block 1500, 1 lot 1, 2, 3, 4, 5, 6, and Block 2100, Lot 8 to determine if some meet the criteria to be an area in need of rehabilitation; and

WHEREAS, Omland issued a report in the Township entitled "Area in Need of Rehabilitation Study" dated November 14, 2014 (the "Study"), in which it recommended the properties identified as Block 1, Lots 1 & 2, Block 1100, 1 lot 13, Block 1500, 1 lot 1, 2, 3, 4, 5 and Block 2100, Lot 8 to be an area in need of rehabilitation, and that Study's attached maps and maps a part hereto; and

WHEREAS, by Resolution No. 9554, adopted on December 2, 2014, the Township Council of West Caldwell Township Planning Board ("Planning Board") to review a draft report of the West Caldwell Township Planning Board ("Township Planning Board") regarding a rehabilitation area along with the Study supporting the rehabilitation designation; and

WHEREAS, the Planning Board held a public hearing on its review of the proposed rehabilitation designation at its public meeting on December 8, 2014, at which time the Planning Board determined that the rehabilitation area satisfied the statutory criteria to be designated as an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-1; and

WHEREAS, the Planning Board therefore recommended that the Township Council designate the Rehabilitation Area as an area in need of rehabilitation and adopted a memorializing resolution on December 22, 2014 meeting; and

WHEREAS, the Township Council thereafter adopted Resolution No. 9620 on the subject meeting on January 20, 2015, the subject Rehabilitation Area as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-1; and

WHEREAS, Resolution No. 9630, adopted on February 10, 2015, by the Township Council of the County of Essex, New Jersey, Department of Community Affairs on February 3, 2015, and the area in need of rehabilitation subject to the Rehabilitation Plan in the same date pursuant to N.J.S.A. 40A:12A-1 and approved by the County Superior Court dated February 17, 2015; and

WHEREAS, on February 6, 2015, Omland, LLC and The Shop & Shop Corporation Company LLC ("Shop & Shop") filed a lawsuit in the Superior Court of Essex County, New Jersey, asking for the dissolution of the Rehabilitation Area as an area in need of rehabilitation; and

WHEREAS, the Superior Court concluded a trial and on January 10, 2017, issued an order affirming the Rehabilitation Area as an area in need of rehabilitation; and

WHEREAS, based on the review of the Study, the Township Council has determined that the Rehabilitation Area is an area in need of rehabilitation; and

WHEREAS, on February 27, 2017, the Township Council, pursuant to N.J.S.A. 40A:12A-1, adopted Resolution No. 17-081, directing the Planning Board to consider and arrange for the preparation of a redevelopment plan to govern the Rehabilitation Area and to submit such redevelopment plan to the Township Council for its consideration and adoption; and

WHEREAS, consistent with the Redevelopment Law, and specifically, N.J.S.A. 40A:12A-7(f), the Planning Board adopted a resolution on February 27, 2017, authorizing and directing Misor Consulting, P.A., to assist the Planning Board in the preparation of a Redevelopment Plan for the Rehabilitation Area; and

WHEREAS, at a meeting held on July 24, 2017, the Redevelopment Plan, dated June 30, 2017, ("Redevelopment Plan"), was presented to the Planning Board by Andrew Hippoli, a New Jersey licensed professional engineer and professional planner employed by Misor Consulting, P.A.; and

WHEREAS, on July 24, 2017, meeting, the Planning Board reviewed the proposed Redevelopment Plan for the Rehabilitation Area and heard public comment regarding items and issues raised; and it appeared, constituting its Report for the Redevelopment Plan; and

WHEREAS, the Planning Board's July 24, 2017, resolution further determined that no provisions in the Redevelopment Plan are inconsistent with the Township's Master Plan and transmitted the Redevelopment Plan to the Township Council for its adoption pursuant to N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Township Council has reviewed and carefully considered the Redevelopment Plan and has found it to be satisfactory and now desires to adopt this Ordinance formally adopting the aforesaid Redevelopment Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Caldwell, County of Essex and State of New Jersey, as follows:

Section 1. The Redevelopment Plan, a copy of which is a mixed photo and made a part of this Ordinance, is adopted in accordance with N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law.

Section 2. This Ordinance constitutes an amendment to the zoning district map included in the Township's zoning ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and enforceable.

Section 5. This Ordinance shall take effect upon (i) filing with the Essex County Planning Board in accordance with the Municipal Land Use Law; and (ii) adoption and publication in the manner required by New Jersey law.

It is hereby certified that at a regular meeting of the Mayor and Council of the Township of West Caldwell, New Jersey, being held on the 5th day of September, 2017, the foregoing Ordinance was duly adopted.

Andrew Hippoli
 Andrew Hippoli, P.E.
 Professional Engineer
 Misor Consulting, P.A.

The foregoing Ordinance, having been duly presented to me on September 6, 2017, I hereby approve the same.

Joseph J. Tompkins, Jr.
 Joseph J. Tompkins, Jr., Mayor

Resolution No. 18-069 Referring the Amendment to the Redevelopment Plan to the Planning Board

Resolution

Resolution No. 18-069
 By: Councilman Hadick
RESOLUTION REFERRING THE AMENDMENT TO THE REDEVELOPMENT PLAN FOR BLOCK 1504, LOTS 1 AND 2, BLOCK 1901, LOT 18, BLOCK 1901, LOTS 1, 2, 3, 4, 5 AND 6 AND BLOCK 2100, LOT 8 TO THE PLANNING BOARD OF THE TOWNSHIP OF WEST CALDWELL.

For the Meeting of February 20th of the Year of 2018
 A RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF WEST CALDWELL, ESSEX COUNTY, NEW JERSEY

WHEREAS the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq. (the "Redevelopment Law"), sets forth the procedures for the Township of West Caldwell, Essex County, New Jersey, to take into consideration certain parcels and areas in need of rehabilitation, and the creation, amendment and approval of a redevelopment plan for such properties; and

WHEREAS the Township Council is considering adopting an amendment to the Redevelopment Plan for Block 1504, Lots 1 and 2, Block 1901, Lot 18, Block 1901, Lots 1, 2, 3, 4, 5 and 6, and Block 2100, Lot 8, which was enacted by Ordinance No. 1501 on September 5, 2017; and

WHEREAS the Township Council desires the Planning Board to review and make a report and/or recommendation regarding the amendment to the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of West Caldwell, County of Essex and State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length; and
2. The Planning Board shall review and make a report and/or recommendation regarding the amendment to the Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7 that addresses the above Mayor Plan consistency; and
3. This Resolution is in full force immediately.

It is hereby certified that at a regular meeting of the Mayor and Council of the Township of West Caldwell, New Jersey, being held on the date of 02/20/18, the foregoing Resolution was duly adopted.

Michael J. DeLeon
 Planning Clerk

The foregoing Resolution, having been duly presented to me on 02/21/18, I hereby approve the same.

Joseph Tompato
 Mayor

MEMBERS OF THE SEVENTH BOARD	SECURE VOTE	
	YES	NO
STANLEY HADICK	X	
CHRISTOPHER BROWN	X	
ALAN W. GIBSON	X	
THEODORE W. GIBSON	X	
WALTER J. GIBSON	X	
ARCHIE CHARLES	X	
MAYOR STEPHEN J. PATE	X	

Planning Board Resolution Recommending Adoption of the Amendment to the Redevelopment Plan

PLANNING BOARD
TOWNSHIP OF WEST CALDWELL
ESSEX COUNTY, NEW JERSEY

For the Special Meeting of March 5, 2018

Resolution Submitting Planning Board Recommendations to the
Governing Body of the Township of West Caldwell Regarding
Amendment to the Redevelopment Plan for Block 1504, Lots 1
and 2, Block 1901, Lot 13, Block 1903, Lots 1, 2, 3, 4, 5, and 6
and Block 2100, Lot 5

WHEREAS, the Governing Body of the Township of West Caldwell adopted Resolution
No. 18-069 on February 20, 2018 pursuant to which it forwarded to the Planning Board a copy of
proposed Ordinance 1807, an Ordinance to Adopt an Amendment to the Redevelopment Plan for
Block 1504, etc., which was introduced on February 20, 2018 and which contains certain
revisions to Ordinance 1801 enacted on September 5, 2017 for review and reporting pursuant to
N.J.S.A. 40A:12A-7c; and

WHEREAS, on March 5, 2018, the Planning Board considered the proposed Ordinance
1807.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of
West Caldwell, Essex County, New Jersey, that:

1. This resolution shall constitute the Planning Board's report pursuant to
N.J.S.A. 40A:12A-7;

2. The proposed redevelopment plan contained within proposed Ordinance 1807 has no
provisions which are inconsistent with the Master Plan.

3. The Planning Board has no other recommendations concerning Ordinance 1807.

4. Members Present
4 Affirmative
0 Negative
0 Abstention

The foregoing is a true copy of a Resolution
adopted by the Planning Board of the Township
of West Caldwell


Lynda Koyfman, Planning Board Secretary

