

DOWNTOWN REDEVELOPMENT PLAN

For 23 properties.

Borough of Demarest
Bergen County, New Jersey



Engineering
& Design

June 23, 2021

Amendment #2

DOWNTOWN REDEVELOPMENT PLAN

BOROUGH OF DEMAREST

Bergen County, New Jersey

For the following properties:

- | | |
|----------------------------------|-----------------------------|
| Block 23, Lot 9 | Block 46, Lot 39.01 |
| Block 23, Lot 10 | Block 46, Lot 40.01 & 41.02 |
| Block 23, Lot 12 | Block 46, Lot 41.01 |
| Block 23, Lot 13 & 14 | Block 46, Lot 50 |
| Block 23, Lot 15 | Block 46, Lot 51 |
| Block 23, Lot 16 | Block 46, Lot 52 |
| Block 23, Lot 17.01 | Block 49.01, Lot 43.01 |
| Block 23, Lot 17.02, 19, 20 & 23 | Block 49.01, Lot 43.02 |
| Block 23, Lot 21 | Block 49.01, Lot 44 |
| Block 46, Lot 664 | Block 49.01, Lot 45 |
| Block 46, Lot 760 | Block 49.01, Lot 47.02 |
| Block 46, Lot 764 | |

Recommended by the Planning Board: October 2, 2019
Amendment #1 Recommended by the Planning Board: February 5, 2020
Amendment #2 Recommended by the Planning Board: July 7, 2021

Adopted by the Mayor and Council: November 25, 2019
Amendment #1 Adopted by the Mayor and Council: February 24, 2020
Amendment #2 Adopted by the Mayor and Council: July 25, 2021

Prepared by:

Darlene A. Green, AICP, PP



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1. INTRODUCTION

In February of 2017, the Mayor and Council requested that Maser Consulting undertake a study to determine if certain block and lots along Hardenburgh Avenue could qualify as an Area in Need of Rehabilitation, pursuant to the New Jersey Local Redevelopment and Housing Law (hereafter “LRHL”), N.J.S.A. 40A:12A-1 et seq. The Mayor and Council and the Planning Board received a report dated March 7, 2017 and revised through March 15, 2017 from Maser Consulting, which indicated that more than half of the housing stock in the Study Area is greater than 50 years old and that the Study Area can be deemed an Area in Need of Rehabilitation.

Based on Maser Consulting’s report, the Planning Board found that the Study Area satisfied the statutory criteria to be designated as an Area in Need of Rehabilitation. However, they adopted a Resolution on July 10, 2017 recommending the Mayor and Council designate only designate Block 23, Lots 9, 10, 12, 13, 14, 16, 16, 17.01, 17.02, 19, 20, 21 and 23; Block 49, Lots 50, 51 and 52; and Block 49.01, Lots 42, 43.01, 43.02, 44, 45, 47.01 and 47.02. Then on July 24, 2017, the Mayor and Council adopted a Resolution, which rejected the recommendation of the Planning Board and designated all 23 tax lots within the Study Area as an Area in Need of Rehabilitation. The reason outlined in the Resolution was that an asymmetrical zone boundary was impractical and inefficient.

This Redevelopment Plan is essentially a master plan with “teeth” – a planning document that merges the vision of a master plan with the authority of a zoning ordinance. The required components of a Redevelopment Plan are described in the following section.

1.1. REQUIRED PLAN COMPONENTS

This document has been prepared in accordance with Section 40A:12A-7a of the LRHL, which requires redevelopment plans to include an outline for the planning, development, redevelopment or rehabilitation of the designated parcels. Specifically, the following components are required:

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. (See Chapter 4.)

2. Proposed land uses and building requirements in the project area. (See Chapter 6.)
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. (See Chapter 6.)
4. An identification of any property within the area, which is proposed to be acquired in accordance with the redevelopment plan. (See Chapter 6.)
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.). (See Chapter 5.)
6. 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. (See Chapter 6.)
7. 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 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 that 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.), of 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 redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for the provision of comparable, affordable replacement housing required pursuant to this section. (See Chapter 6.)

8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network. (See Chapter 6.)

2. STUDY AREA

The Rehabilitation Area totals 11.23 acres and is centered along Hardenburgh Avenue. The Rehabilitation Area, shown on the following page, is bound by Borough-owned property and residences. The eastern boundary is located along Park Street and the railroad right-of-way, while Christie Street creates the western boundary.

Currently, the Rehabilitation Area contains 23 tax lots which are occupied by a variety of uses. It should be noted that there are 23 tax lots according to the tax records, but the County MOD-IV GIS tax data indicates there are 28 “parcels” within the Rehabilitation Area. Where more than one parcel is located on a tax card, the parcels are listed on the same line below. The following tax lots comprise the Study Area:

- Block 23, Lot 9 – 109 Hardenburgh Ave.
- Block 23, Lot 10 – 119 Hardenburgh Ave.
- Block 23, Lot 12 – 123 Hardenburgh Ave.
- Block 23, Lot 13 & 14 – 127 Hardenburgh Ave.
- Block 23, Lot 15 – 129 Hardenburgh Ave.
- Block 23, Lot 16 – 39-41-43 Park St.
- Block 23, Lot 17.01 – 27 Park St.
- Block 23, Lots 17.02, 19, 20 & 23 – 118 Serpentine Rd.
- Block 23, Lot 21 – 110 Serpentine Rd.
- Block 46, Lot 664 – 2 Christie St.
- Block 46, Lot 760 – 108 Hardenburgh Ave.
- Block 46, Lot 764 – 112 Hardenburgh Ave.
- Block 49, Lot 39.01 – 3 Wakelee Dr.
- Block 49, Lot 40.01 & 41.02 – 7 Wakelee Dr.
- Block 49, Lot 41.01 – 15 Wakelee Dr.
- Block 49, Lot 50 – 122 Hardenburgh Ave.
- Block 49, Lot 51 – 118 Hardenburgh Ave.
- Block 49, Lot 52 – 114 Hardenburgh Ave.
- Block 49.01, Lot 43.01 – Wakelee Dr.
- Block 49.01, Lot 43.02 – 126-132 Hardenburgh Ave.
- Block 49.01, Lot 44 – 140 Hardenburgh Ave.

¹ [http://demarestnj.net/Borough/Ordinances/Borough%20Code%20-%20Part%20I%20-%20General%20Legislation%20-%202020\(3-7-17\).pdf](http://demarestnj.net/Borough/Ordinances/Borough%20Code%20-%20Part%20I%20-%20General%20Legislation%20-%202020(3-7-17).pdf)

- Block 49.01, Lot 45 – 134 Hardenburgh Ave.
- Block 49.01, Lot 47.02 – Wakelee Dr.

2.1. THE PARCELS

The following pages provide information on each parcel and its current zoning designation.¹

BLOCK 23, LOT 9

Lot 9 is situated at 109 Hardenburgh Avenue. This lot is located in the Residence D District. A church currently occupies the parcel.

BLOCK 23, LOT 10

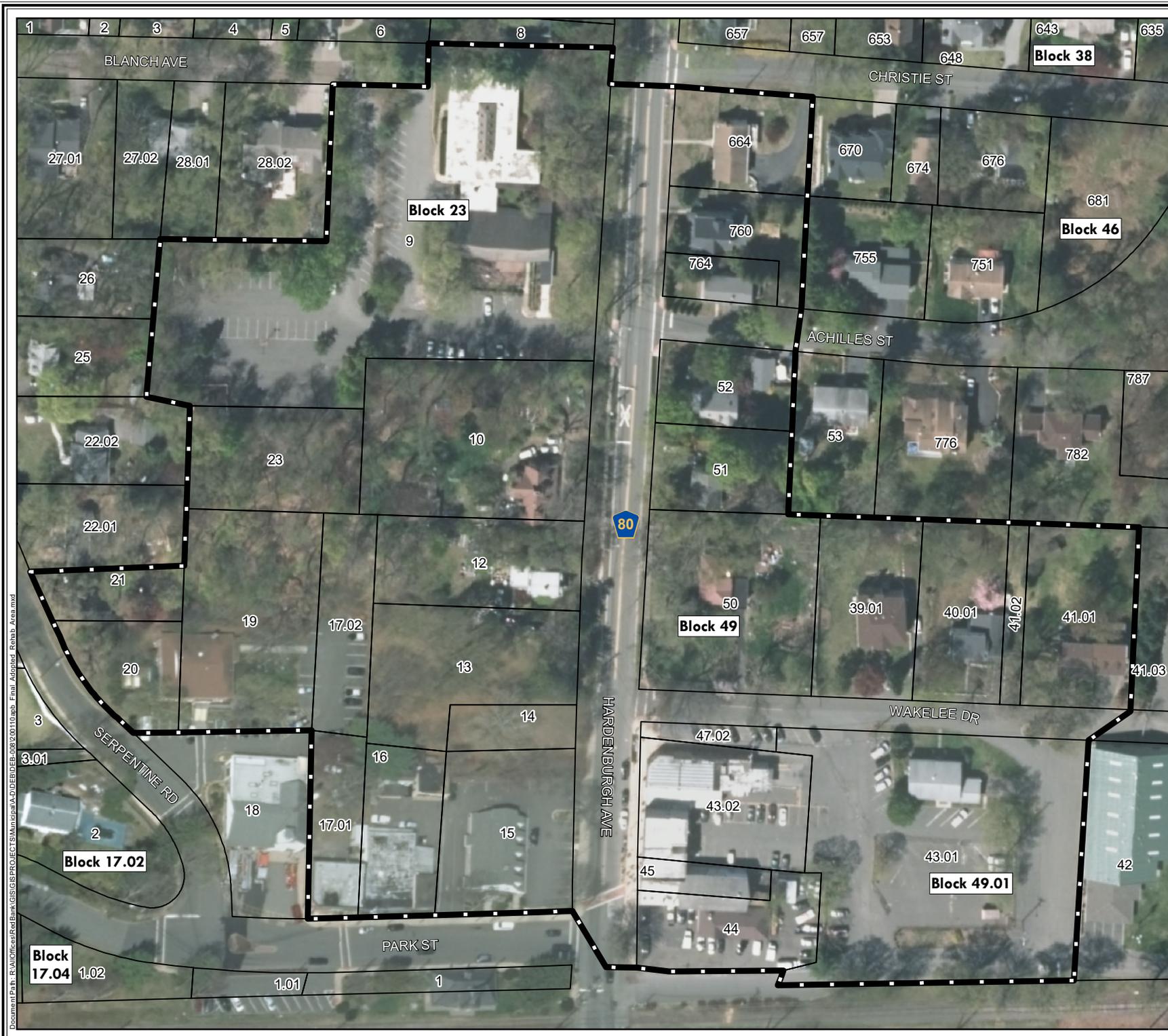
Lot 10 is located at 119 Hardenburgh Avenue. This parcel is located in the Residence D District. The parcel contains a single-family detached home.

BLOCK 23, LOT 12

This parcel is located at 123 Hardenburgh Avenue and is located in the Residence D District. The parcel contains a two-family home.

BLOCK 23, LOTS 13 & 14

According to tax records, Lot 13 and 14 is a Borough-owned property located in the Residential D District. The lots are vacant.



**FINAL AND
ADOPTED
REHABILITATION
AREA**

**BOROUGH
OF
DEMAREST**

BERGEN COUNTY
NEW JERSEY

- Legend**
-  Rehabilitation Area
 -  Borough Parcels



This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



January 10, 2020

Document Path: R:\AI\Office\RedBank\GIS\BPROJECT\S\Map\MapAA-D\DEB-08\201101\Map_Final_Adopted_Rehab_Area.mxd

BLOCK 23, LOT 15

Lot 15 is located at 129 Hardenburgh Avenue and situated on the corner of Hardenburgh Avenue and Park Street. It is located in the Community Business District1 (hereafter “CB-I”). The property houses the Bank of America building. See photo below.



BLOCK 23, LOT 16

This lot is situated at 39, 41 and 43 Park Street. It is located within the CB-I District. This property contains a two-family home according to the tax card.

BLOCK 23, LOT 17.01

This parcel is situated at 27 Park Street and located within the CB-I District. A one-story commercial building currently occupies the parcel, which contains multiple tenants. See photo top right.



BLOCK 23, LOT 17.02, 19, 20 AND 23

This combination of four Borough-owned parcels totals 1.39 acres in size and is located at 118 Serpentine Road. Lots 17.02, 19 and 20 are located in the CB-I District while Lot 23 is located in the Residence D District. Lot 23 is undeveloped and has no street frontage. The municipal building straddles Lots 19 and 20. A portion of the parking lot is on Lot 17.02.

BLOCK 23, LOT 21

This property located at 110 Serpentine Road and is located in the Residence D District. The parcel contains a single-family detached home owned by the Borough.

BLOCK 46, LOT 664

Located at 2 Christie Street, on the northeast corner of Hardenburgh Avenue and Christie Street, Lot 664 sits in the Residence D District. A single-family detached home occupies the parcel. (See the image on the following page.)



BLOCK 46, LOT 760

Lot 760 is located at 108 Hardenburgh Avenue within the Residence D District. A single-family detached home sits on the lot.

BLOCK 46, LOT 764

This parcel is located at 112 Hardenburgh Avenue, on the corner of Hardenburgh Avenue and Achilles Street. Lot 764 is located in the Residence D District. The property contains a single-family detached home.

BLOCK 49, LOT 39.01

Lot 39.01 is situated at 3 Wakelee Drive in the Residence D District. A single-family detached home occupies the property.

BLOCK 49, LOT 40.01 & 41.02

Lots 40.01 and 41.02 are located at 7 Wakelee Drive in the Residence D District. The property is occupied by a single-family detached home.

BLOCK 49, LOT 41.01

Lot 41.01 is located at 15 Wakelee Drive in the Residence D District. A single-family detached home sits on the lot. See photo below.



BLOCK 49, LOT 50

This property is located on the corner of Hardenburgh Avenue and Wakelee Drive in the Residence D District and is situated at 122 Hardenburgh Avenue. The lot has a single-family detached home.

BLOCK 49, LOT 51

Located at 118 Hardenburgh Avenue, Lot 51 is located in the Residence D District. The property contains a single-family detached home.

BLOCK 49, LOT 52

Lot 52 is located at 114 Hardenburgh Avenue and is a corner lot on Achilles Street. This single-family detached home is located in the Residence D District.

BLOCK 49.01, LOT 43.01

This lot is located along Wakelee Drive. It is 58,370 square feet, or 1.34 acres, in area. This parcel is located in the CB-I District. The lot contains an ambulance building, some accessory structures and a parking lot.

BLOCK 49.01, LOT 43.02

Lot 43.02 is located in the CB-I District at 126-132 Hardenburgh Avenue. The lot contains a one- and three-story building with commercial uses on the first floor and residential units above. See photo top right.



BLOCK 49.01, LOT 44

Lot 44 is located within the CB-I District at 140 Hardenburgh Avenue. The site contains a one-story commercial building.

BLOCK 49.01, LOT 45

Lot 45 is a small lot located at 134 Hardenburgh Avenue and is within the CB-I District. The parcel contains a two-story mixed-use building with commercial on the first floor and residential units above.

BLOCK 49.01, LOT 47.02

This parcel is the smallest within the Study Area. It is located at the intersection of Hardenburgh Avenue and Wakelee Drive. It has roughly 14 feet of frontage on Hardenburgh Avenue and 126 feet on Wakelee Drive and an area of approximately 2,336 square feet. The lot is used as on-street parking for the post office.

3. PLAN GOALS

This chapter provides the goals of the Hardenburgh Avenue Redevelopment Plan, which are as follows:

1. To encourage redevelopment within the Rehabilitation Area that is in keeping with the village-style “downtown”.
2. To improve the aesthetics of the village center and to create an inviting atmosphere that is pedestrian-friendly.
3. To expand the retail and service offerings within the Borough.
4. To create the opportunity for apartments and condominiums, within the Rehabilitation Area, to diversify the Borough’s housing stock.
5. To fulfill a portion of the Borough’s affordable housing obligation.

The pictures below and to the right are illustrative photos of the vision for the Rehabilitation Area.



4. RELATIONSHIP TO LOCAL OBJECTIVES

This chapter analyzes the relationship of the Downtown Redevelopment Plan to local objectives, specifically existing master plan goals, objectives and recommendations. Demarest has three planning documents from 1959, 2001 and 2010, which have been examined. Also reviewed is the Redevelopment Plan's relationship to the Borough's existing zoning.

4.1. 1959 MASTER PLAN

Page 4 of the 1959 Master Plan lists Principles and Objectives for the Borough to follow. Two of the eight Objectives listed would be advanced by the development and/or redevelopment of the Rehabilitation Area:

- 4) Confine business development to that type which will serve the resident population of the Borough with local day-to-day goods and services.
- 5) Assure that business development will be located in convenient and harmonious relation to residential development, with adequate off-street parking and with emphasis on good design.

Additionally, the report contains a section entitled "Public Facilities Plan". Within this text is a sub-section entitled "Civic Center". The Civic Center section recommends the development of a civic center at the existing location of the Borough Hall. The 1959 plan envisioned a center that provides a space for all governmental functions that would be connected to Hardenburgh Avenue via a "shopper's mall" that would have businesses fronting upon the mall with parking facilities at the rear of the stores.² The municipal building would be the visual terminus of the "shopper's mall" looking south from Hardenburgh Avenue.

This Redevelopment Plan concurs with the concept of stores along the street and parking in the rear to create a pedestrian-friendly atmosphere within the village core.

² 1959 Master Plan received from the Borough Clerk.

4.2. 2001 MASTER PLAN

In 2001 Demarest adopted a Master Plan: Housing Plan Element and Fair Share Plan. Due to the ongoing litigation surrounding affordable housing and the substantial changes that have occurred since 2001, this document is no longer valid.

4.3. 2010 MASTER PLAN REEXAMINATION

The Borough's most recent master plan reexamination document is entitled 2010 Master Plan Reexamination Report. Page 17 of the 2010 Master Plan Reexamination Report does not contain any recommendations which pertain to the Rehabilitation Area. However, due to the increased use of pervious surfaces by applicants, such as pervious pavers, the Planning Board was concerned that over time, such surfaces would become impervious from lack of maintenance. It was recommended that a control be put in place to limit the total improved lot coverage. Such regulation has not yet been established.

In response to this recommendation, this report does include a limitation on the total improved (impervious) lot coverage.

4.4. ZONING ORDINANCE

The 23 tax lots are located in one of two zones, the Residence D District or the CB-I District. A total of 14 lots are located in the Residence D District while nine are located in the CB-I District. The permitted uses and bulk standards for each of these zones is outlined below.

Permitted principal uses in the Residence D District include:

- One-family dwelling and associated accessory buildings
- Professional or business practices within a dwelling, confined to one floor of the dwelling

Conditional uses permitted in the Residence D District include:

- Churches or houses of worship

- Parks, playgrounds and open space areas with associated improvements

Bulk regulations for the Residence D District are as follows:

- Minimum lot area – 10,000 square feet
- Minimum lot width – 100 feet
- Minimum lot depth – 100 feet
- Minimum front yard setback – 25 feet
- Minimum side yard setback – 10 feet
- Minimum rear yard setback – 30 feet
- Maximum number of families per building - 1
- Maximum building coverage – 20%
- Maximum permitted building height – 30 feet
- Maximum livable floor area – 30%
- Maximum permitted impervious coverage – 30%

Permitted principal uses in the CB-I District include:

- Uses permitted within Residence Districts
- Retail shops
- Personal service shops
- Banking, commercial, professional or governmental offices
- Laundry and/or dry-cleaning services

The ordinance does not require a minimum lot area, width, depth or front yard setback requirement for this zone. Bulk regulations for the CB-I District are as follows:

- Minimum side yard setback – 15 feet
- Minimum rear yard setback – 30 feet
- Maximum number of families per building – None
- Maximum building coverage – 50%
- Maximum permitted building height – 30 feet and 2 stories
- Maximum livable floor area – None
- Maximum permitted impervious coverage – 90%

This document has utilized the bulk standards found in the CB-1 District as a springboard in crafting the dimensional regulations for this Redevelopment Plan.

4.5. PLAN RELATIONSHIP TO ZONING

This Redevelopment Plan supersedes the underlying zoning for the 23 parcels noted in this document. The vision for the Rehabilitation Area is to expand the village-style “downtown” and upgrade existing commercial buildings.

The bulk standards proposed for these 23 properties may not precisely conform to the standards prescribed in the current zoning, but have utilized the CB-I District’s bulk standards as a basis in developing the Rehabilitation Area’s bulk standards.

4.6. CONCLUSION

The Downtown Redevelopment Plan as proposed is consistent with Demarest’s two master plan documents. It implements the vision to create a “downtown” with shops and facilities that serve the Borough’s residents.

5. RELATIONSHIP TO OTHER PLANS

This chapter of the report describes the relationship to the master plans of adjacent communities and Bergen County as well as the report's relationship to the State Development and Redevelopment Plan.

5.1. PLANS OF ADJACENT COMMUNITIES

There are no adjacent municipalities that abut the Rehabilitation Area. The proposed Redevelopment Plan, because of its location and limited nature, will have little to no impact on adjacent municipalities.

5.2. BERGEN COUNTY MASTER PLAN

The most recent Bergen County Master Plan is over 40 years old and is considered outdated. A new plan is in the process of being prepared. As part of this process a visioning component of the Master Plan was prepared in June 2011 and a document entitled "Vision Bergen" was released. This document notes that "Because Bergen is a mature county in terms of its development pattern, future growth will primarily occur through redevelopment and infill".³ The proposed Redevelopment Plan is consistent with this trend.

5.3. NEW JERSEY STATE PLAN

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012, but was postponed due to Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals in light of Super Storm Sandy.

³<http://togethernorthjersey.com/wp-content/uploads/2012/12/Bergen-County-Master-Plan-Visioning-Component.pdf>, page 24.

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

- **Prioritize redevelopment, infill and existing infrastructure** – prioritize redevelopment and the reuse of existing sites and structures.
- **Create high-quality, livable places** – create healthy places to live, work and recreate. Enhance community character and design.
- **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.
- **Diversity housing opportunities** – support construction and rehabilitation of homes that meet the needs of households of all sizes and income levels.⁴

⁴http://nj.gov/state/planning/final-plan/final_spp_november%208_pub.pdf, pages 8-9.

6. REDEVELOPMENT PLAN

This chapter of the Downtown Redevelopment Plan provides the general provisions, including review process, as well as land use and design requirements for the potential development/redevelopment of the 23 parcels.

6.1. GENERAL PROVISIONS

RELOCATION

There are 15 residential units between the one- and two-family dwellings located within the Rehabilitation Area. There are also six multi-family units in mixed-use buildings. It is the intention of this Plan that the redevelopment of the Rehabilitation Area will occur over time between an agreeable buyer and seller contract. Therefore, no relocation assistance is necessitated by the Downtown Redevelopment Plan.

PROPERTIES TO BE ACQUIRED

This Redevelopment Plan does not propose the acquisition of any property through eminent domain. Following this document's approval, a property may be developed by its current owner or a designated redeveloper. Additionally, the Borough does not have the power of eminent domain since the area was designated an Area in Need of Rehabilitation.

AFFORDABLE HOUSING

Within the Rehabilitation Area there are no deed-restricted affordable housing units. Therefore, this document does not need to provide for any replacement of affordable housing units or relocation of affordable households.

CHARGING INFRASTRUCTURE

The LRHL was recently amended to require redevelopment plans to identify locations of public electric vehicle charging infrastructure within the Rehabilitation Area in a manner that appropriately connects with an essential

public charging network. This Downtown Redevelopment Plan does not require the installation of electric vehicle charging stations.

DEVIATIONS FROM REDEVELOPMENT PLAN REQUIREMENTS

The Planning Board of the Borough of Demarest may, after review of a site plan that is in one or more aspects inconsistent with the Redevelopment Plan, grant deviations from the strict application of the regulations contained in this Redevelopment Plan in accordance with the provisions for bulk variances in N.J.S.A. 40:55D-70c. Notwithstanding the above, no deviations shall be granted that would permit any of the following:

- a use or principal structure that is not otherwise permitted by this Redevelopment Plan;
- an increase in the maximum permitted floor area ratio; or
- an increase in the maximum permitted height of a principal structure by more than 10 feet or 10%, whichever is less.

PARKING AUTHORITY

Due to the small size of many of the parcels within the Rehabilitation Area, the creation of a Parking Authority is necessary. The Borough owns Block 49.01, Lot 43.01, which can be reorganized and transformed into a public parking lot. This plan envisions that property owners who cannot locate all or a portion of their required parking on-site, would obtain parking from the Parking Authority in charge of Lot 43.01.

6.2. LAND USE & DEVELOPMENT REQUIREMENTS

This section of the report is divided into three categories:

- Definitions
- Use and Bulk Requirements
- Architectural Standards

DEFINITIONS

Adult daycare – a non-residential facility that supports the health, nutritional, social and daily living needs of adults in a professionally staffed facility. No overnight facilities are provided.

Awning – a roof-like covering of canvas or cloth that is attached to a frame, which projects from the wall of a building and is supported entirely by the building.

Building coverage – the area of a lot or site which is occupied or proposed to be occupied by a building.

Child care center - any facility which is maintained for the care, development or supervision of six or more children under six years of age who attend for less than 24 hours per day and which is licensed by the New Jersey Department of Human Services.

Community Residence - a facility licensed pursuant to P.L. 1977, c.448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance under such supervision as required, to no more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of Health Care Facilities Planning Act, P.L. 1971, c.136 (C. 26:2H-1 et al.)

Gas station - an establishment used for the retail dispensing or sales of vehicular fuels.

Half story - a space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with head room of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Impervious surface - any material which generally reduces or prevents absorption of stormwater into previously undeveloped land. Retention and detention basins and dry wells allowing water to percolate directly into the ground shall not be considered as "impervious surfaces."

Instructional use - uses for the teaching and practice of dance, drama, art, language, martial arts, music, aerobics, sports, fitness, photography and the like. These uses may, from time to time, hold group events, such as birthday parties.

Linear business frontage - the frontage measured in feet along a business' street-facing façade.

Logo - any symbol, shape, graphic or picture that a company uses to represent itself as a branding tool.

Lot coverage - that portion of one lot or more than one lot which is improved or is proposed to be improved with the buildings and structures, including but not limited to driveways, parking lots, pedestrian walkways, signs and other man-made improvements on the ground surface which are more impervious than the natural surface.

Medical office - the office of a licensed medical or health care practitioner providing health care services to a person for the purpose of maintaining or restoring a person's physical or mental health, including but not limited to a physician, dentist, chiropractor, podiatrist, osteopath, acupuncturist, optometrist, orthotist, occupational or speech therapist and psychologist. The term "licensed" is defined in the New Jersey Administrative Code.

Multi-family residential – a building on one lot, containing separate living units for two or more families, having separate or joint entrances, which includes apartments and condominiums.

Neighborhood retail – establishments engaged in selling goods or merchandise to the surrounding neighborhood for personal or household consumption and rendering services incidental to the sale of such goods.

Professional office – a room or group of rooms used for conducting the affairs of a business, profession, industry or government and generally furnished with desks, tables, files and communication equipment.

Restaurant – an establishment where food and drink are prepared, served and consumed primarily within the principal building.

Outdoor dining – a designated area of a restaurant, but outside the principal building, and where patrons may sit at tables while consuming food and beverages.

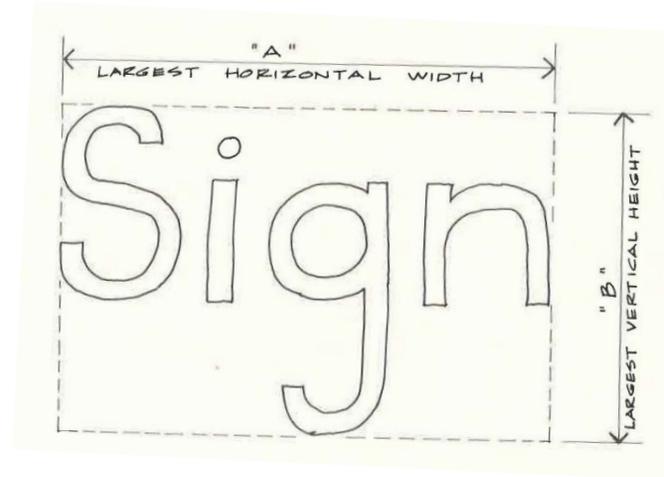
Parapet - a short vertical extension of a wall that rises above roof level, hiding the roof's edge and any roof-mounted mechanical equipment.

Personal service – establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Examples include dry cleaners, salons, barber shops, travel agencies and the like.

Tavern – an establishment used primarily for the serving of liquor to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Sign - any object, device, display or structure, or part thereof, situated outdoors or indoors, permanent or temporary in nature, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, logos, fixtures, colors, illumination or projected images.

Sign area - the entire space within a single continuous perimeter enclosing the extreme limits of a sign or where a sign consists of individual letters or logos, the space bounded by the maximum horizontal and vertical dimensions of the lettering/logo. For double-sided identical signs, only one side constitutes total sign area. See example to the upper right:



Sign, Directional – On-site signage that provides direction or information to pedestrians or vehicular traffic that is related to the movement of pedestrians and/or vehicular traffic on the premises (e.g. “entrance”, “exit”, “one-way”, and the like).

Sign, Directory - a sign, parallel and attached to the building that contains listings of one or more commercial establishments located on the upper floors of a building that share a common entrance.

Sign, Hanging - a sign that is wholly or partly supported by a building wall and projects perpendicularly 12 or more inches from the building wall.

Sign, Street Address – a sign denoting the street address of the premises on which it is attached or located.

Sign, Wall - all flat signs of solid-face construction and/or individual letters which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure, so that the display surface is parallel with the plane of the wall. Signs painted on an exterior wall shall be deemed to be wall signs subject to all applicable requirements.

Sign, Window - a window sign is any sign temporarily or permanently affixed to the glass of a window or door of a business or that is visible through a

window or door and placed on a permanent basis within two (2) feet of the glass.

USE & BULK REQUIREMENTS

A. Principal Permitted Uses

1. Neighborhood retail.
2. Personal services.
3. Professional or medical offices.
4. Banks, which many include drive-through facilities.
5. Restaurants and taverns.
6. Instructional uses.
7. Child care center.
8. Adult daycare.
9. Municipal offices and uses.
10. Multi-family residential limited to the upper floors.
11. Single-family detached homes.
12. Community residence.
13. Two or more of the aforementioned uses in one building.

B. Permitted Accessory Uses

1. Open space facilities, including, but not limited to walkways, courtyards and plazas.
2. Off-street parking and loading.
3. Parking incorporated into the building design.
4. Signs.
5. Outdoor dining associated with permitted restaurants.
6. Fences and walls.

C. Permitted Conditional Uses

1. First floor multi-family residential, subject to the following conditions:
 - (a) A maximum of one residential unit shall be permitted on the first floor.
 - (b) The unit shall be situated in the rear half of the building.

⁵ Parcels containing more than 30,000 square feet shall have a maximum impervious coverage of 80%.

- (c) The unit shall be accessed from the side or rear of the building.
- (d) The residential unit shall comprise no more than 30% of the total ground floor area.

2. Stand-alone multi-family residential, subject to the following conditions:

- (a) Minimum lot area – 0.50 acres
- (b) Maximum front yard setback – 26 feet
- (c) Minimum side yard setback – 10 feet
- (d) Minimum rear yard setback – 30 feet
- (e) Maximum building coverage – 70%
- (f) Maximum impervious coverage – 90%⁵
- (g) Maximum permitted density– 40 units per acre.
- (h) A minimum of 50% of the units shall be reserved for affordable households and meet the requirements of Section L. below.
- (i) Surface parking may be located under the building or on the ground floor of the building. If parking is located on the ground floor of the building, it shall be screened from public view in accordance with Section F.6(a).

D. Prohibited Uses

1. Any use not specifically permitted shall be prohibited.
2. Automobile repair stations.
3. Gas stations.
4. New or used car lots.
5. Tattoo parlors.
6. Adult uses.
7. Drive-through facilities associated with retail or restaurant uses.

E. Area and Bulk Regulations

1. Minimum lot area – 3,500 square feet
2. Minimum front yard setback – 0 feet
3. Maximum front yard setback – 10 feet
4. Minimum side yard setback (commercial or mixed-use) – 0 feet⁶
5. Minimum side yard setback (residential only) – 10 feet

⁶ However, a setback of 10 feet shall be required along the boundary of a Residence B or D District.

6. Minimum rear yard setback – 30 feet
7. Maximum building coverage – 60%
8. Maximum impervious coverage – 90%, but for lots containing more than 20,000 square feet, 85%
9. Maximum Density
 - (a) Lots containing less than 12,000 square feet – 25 units per acre
 - (b) Lots between 12,000 and 20,000 square feet – 30 units per acre
 - (c) Lots containing more than 20,000 square feet – 35 units per acre
10. Maximum Height - 3 stories and 35 feet

F. Off-Street Parking

1. General Provisions
 - (a) All parking spaces shall measure no less than nine (9) feet in width by eighteen (18) feet in length and be delineated by hairpin striping.
 - (b) 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.
 - (c) Parking lot lighting shall provide a maintained minimum average of 0.5 footcandles.
2. Parking Ratios. The following off-street parking shall be provided:
 - (a) Neighborhood retail uses - 1 space per 350 square feet of gross floor area
 - (b) Personal service uses - 1 space per 200 square feet of gross floor area
 - (c) Medical and dental office - 1 space per 142 square feet of gross floor area
 - (d) Office uses other than medical and dental - 1 space per 250 square feet of gross floor area
 - (e) Banks – 1 space per 400 square feet of gross floor area
 - (f) Restaurants and taverns - 1 space per 3 seats and 1 space per 2 employees during the peak shift
 - (g) Instructional uses – 1 space for each 120 square feet of public area for uses with less than 5,000 square feet of public area. For uses with 5,000 or more square feet of public area, the

parking requirement shall be determined based maximum fire occupancy

- (h) Child care center and adult daycare – 1 space per 300 square feet of gross floor area
 - (i) Residential units – RSIS. However, licensed group homes shall only be required to provide three (3) parking spaces, supportive housing units shall only be required to provide 0.25 spaces per unit, and senior units shall only be required to provide one (1) space per unit.
3. Shared parking. Nothing in the above requirements or in this subsection shall be construed to prevent the employment of shared parking, which may be implemented in one of two manners:
 - (a) On-site shared parking. For parcels containing a mixed-use building, on-site shared parking maybe implemented.
 - (1) A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building. Office and retail uses are considered to be weekday uses, while residential and restaurant uses are considered to be evening/weekend uses.
 - (2) 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building contains office space that requires 30 parking spaces and residential units that require 16 parking spaces. The residential parking is permitted to be reduced by 50% or 8 parking spaces. Therefore, the development would only be required to construct 38 parking spaces instead of 46.
 - (b) Off-site shared parking. For parcels that cannot accommodate all or a portion of their required parking spaces, the differential parking requirement is exempted if there is a Borough-owned public parking lot within the Rehabilitation Area and the property owner contributes \$2,000 per space per year to a fund dedicated by the Borough for the purpose of constructing and maintaining public parking facilities.
 4. Access. Interconnected parking lots and cross-access easements for adjacent lots are encouraged.
 5. Location
 - (a) Off-street parking shall be provided in the side or rear yard.

(b) Off-street parking may be located under the building on the ground floor.

6. Screening

(a) Off-street parking that is located under the building or on the ground floor shall be designed in such a manner to be screened from public view or from adjacent residential uses by use of the building or landscaping. If landscaping is utilized, it shall consist of a 10-foot-wide buffer with two rows of staggered evergreen shrubs, which are a minimum of 6 feet high.

(b) Surface off-street parking shall be screened from public view by installing evergreen shrubs, which are a minimum of 3 feet high.

(c) Surface off-street parking shall be screened from any existing residential uses by:

(1) A six-foot-tall solid fence, or

(2) A landscape buffer 10 feet wide with two rows of staggered deciduous shrubs, which are a minimum of 6 feet high. Said buffer shall effectively form a screen.

7. Landscaping

(a) Within surface parking lots 1 landscape island shall be provided for every 15 parking spaces.

(b) Said landscape island shall contain a minimum of 160 square feet.

(c) Half of the landscape islands shall contain a shade trees and other landscaping; the other half shall contain shrubs.

G. Loading

1. Facilities for loading shall be provided on the property in other than the front yard. Each parcel shall demonstrate the adequacy of the proposed loading area(s) to meet the requirements of the proposed use. Alternatively, if no loading area is proposed, the applicant/owner shall provide testimony and/or proof to the Planning Board that the use can function without a dedicated loading area.
2. Loading areas shall be buffered from existing residential uses by:
 - (a) A six-foot-tall solid fence, or
 - (b) A landscape buffer 10 feet wide with two rows of staggered deciduous shrubs, which are a minimum of 6 feet high. Said buffer shall effectively form a screen.

H. Pedestrian Accessibility

1. Sidewalks shall be provided to connect all new development with existing development along the public rights-of-way.
2. All sidewalks shall be a minimum of 4 feet wide and shall be durably paved and smoothly surfaced to provide for the free movement of pedestrians.
3. All sidewalks 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.
4. The Borough is encouraged to utilize Block 23, Lot 23 to create a pedestrian pathway that would parallel Hardenburgh Avenue and link the two ends of the Rehabilitation Area.

I. Trash

1. Trash receptacles shall be located in the rear yard and shall be enclosed with a solid fence. No trash receptacle shall be visible from any public street.
2. Such facilities shall be designed so that they fit within an overall project design.
3. Provisions for the collection, disposition and recycling of recyclable materials shall be subject to any other applicable ordinances of the Borough of Demarest
4. Trash may be alternatively stored inside the building.

J. Stormwater. All applications for development shall conform to the stormwater regulations contained in the Borough of Demarest's code.

K. Signage. The following standards shall apply to all signs in the Rehabilitation Area. No sign type other than those identified below shall be permitted.

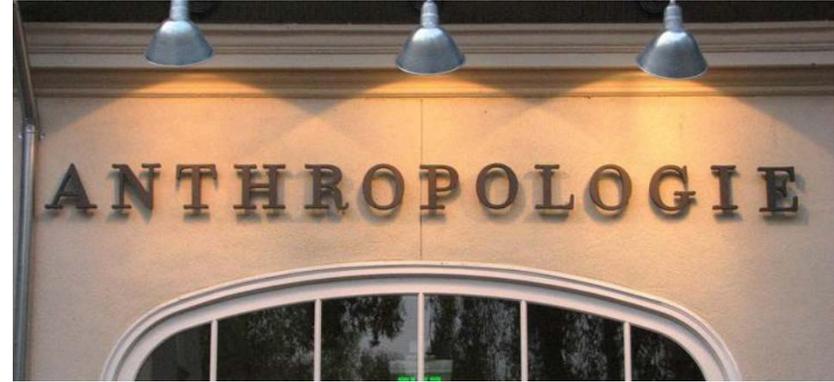
1. Wall signage
 - (a) One wall sign shall be permitted per ground floor business per public street frontage.
 - (b) The following types of wall signs shall be permitted:
 - (1) Back-lit raised letters with concealed ballast. Example on the following page.



(2) Signage board with or without gooseneck lighting. Example on below.



(3) Individual cut letters with gooseneck lighting. Example to the upper right.



- (c) The maximum sign area shall be 95% of the linear business frontage, with a maximum area of 30 square feet. For example, if the linear business frontage is 20 feet, the maximum sign area shall be 19 square feet.
 - (d) The horizontal dimension of the sign shall not exceed 80% of the width of the building frontage occupied by the use.
 - (e) Wall signs shall not be permitted above the roofline or the bottom of any second-floor windows, whichever is lower.
2. Street address signage
 - (a) Street address signage shall be provided on each building or for each individual tenant.
 - (b) Street address number shall have a maximum height of 8 inches.
 3. Hanging signage
 - (a) One hanging sign shall be permitted for each business on the first floor of a commercial building.
 - (b) The maximum sign area shall be 6 square feet.
 - (c) The lower edge of a hanging sign shall be at least 8 feet above the sidewalk or grade.
 - (d) Hanging signs may be externally illuminated, but are prohibited from being internally illuminated.
 4. Directory signage
 - (a) Where a building has upper story non-residential uses, 1 directory sign shall be permitted per entrance to said upper story establishments
 - (b) The maximum sign area shall be 4 square feet.

- (c) Directory signage shall be located next to the exterior entrance to the upper story establishment(s). The top edge of the sign shall be no higher than 7 feet above the sidewalk or grade.
- 5. Directional signage
 - (a) Directional signage shall be permitted at driveways that abut public streets.
 - (b) The maximum sign area shall be 3 square feet.
 - (c) The maximum sign height shall be 3 feet from grade.
 - (d) Directional signage may be internally illuminated.
- 6. Temporary window signage advertising special sales or events shall be permitted, subject to the following limitations:
 - (a) One or more temporary window signs may be displayed at the same time.
 - (b) Temporary window signs shall not cover more than 25% of the glass surface.
 - (c) Temporary window signs shall not be displayed for a period longer than 20 days.
- 7. Temporary grand opening signs, subject to the following limitations:
 - (a) One temporary grand opening or coming soon sign may be displayed for the grand opening of a business, relocation of a business or to announce the approaching arrival of a new business.
 - (b) Said sign shall not exceed a maximum of 20 square feet.
 - (c) Said sign shall be located within the window of the commercial establishment or on the exterior of the building no higher than the roofline.
 - (d) A temporary grand opening sign shall not be displayed for a period longer than 45 days.
- 8. Temporary real estate signage
 - (a) For each parcel, 1 temporary real estate sign for each street frontage may be displayed.
 - (b) Temporary real estate signs shall be removed within 7 days following the closing or settlement of a sale, lease or rental of the real estate that was offered for sale, lease or rent.

L. Affordable Housing Standards

- 1. Any application within the Rehabilitation Area providing for five or more residential units shall be required to provide affordable

housing. The following affordable housing set-asides shall be provided:

- (a) 20% for for-sale units
- (b) 15% for rental units
- 2. Affordable housing units shall meet the bedroom distribution requirements contained in the Uniform Housing Affordability Controls.
- 3. The units shall meet the low/moderate income distribution requirement contained in the Uniform Housing Affordability Controls. At least 13% of the units shall be reserved for very-low-income units.
- 4. All units shall be deed restricted for a minimum of 30 years.
- 5. The developer shall be responsible for retaining a qualified Administrative Agent to administer the units, subject to the Borough's approval.
- 6. Non-residential development shall be subject to the State-wide Non-Residential Development Fee Act.

ARCHITECTURAL DESIGN STANDARDS

M. Purpose

- 1. The purpose of the architecture design standards is to establish a set of principles and requirements to guide future redevelopment. These principles will enhance the Rehabilitation Area and encourage redevelopment at a scale that is pedestrian-oriented. The guidelines work to provide standards that allow for flexibility and creativity while encouraging high-quality development. High-quality development is long-lasting and will increase property values. The goal is to create buildings that are attractive and enliven the streetscape.

N. Massing

- 1. Building wall offsets, including both projections and recesses, shall be provided along any street-facing building wall measuring greater than 50 feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long wall.

2. The maximum spacing between such vertical offsets shall be 36 feet. The minimum projection or depth of any individual vertical offset shall not be less than 8 inches.
3. Vertical offsets can include pilasters, projecting bays, changes in façade materials and balconies.

O. Articulation

1. All street-facing building walls shall have a clearly defined base, body and cap.
2. The base of the building shall align with either the kickplate or sill level of the first story.
3. The body section of a building may be horizontally divided at floor, lintel or sill levels with belt courses.
4. The architectural treatment of a façade shall be completely continued around all street facing façades of a building. All sides of a building shall be architecturally designed to be consistent regarding style, materials, colors and details.

P. Roof

1. The maximum building height shall be as stated in E.10 above, except that this specified height shall not apply to church steeples and chimneys. The height of elevator shafts, ventilators, air conditioning and any other apparatus which may be carried on the roof level shall be screened and shall be no higher than 5 feet above the permitted height. Said roof-top equipment shall not be visible from surrounding properties or streets.
2. The shape, pitch and color of a roof shall be architecturally compatible with the style, materials and colors of such building.
3. If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice shall project out horizontally from the façade and shall be ornamented with moldings, brackets or other details.
4. Pitched roofs are encouraged to have dormers, chimneys, cupolas and other similar elements to provide architectural interest. These elements shall be compatible with the style, materials, colors and details of the building.

5. Roofline offsets shall be provided along any gable roof measuring more than 40 feet in length to provide architectural interest and articulation to a building.
6. Roof top heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be inconspicuous as viewed from the street and adjacent properties.

Q. Transparency

1. Ground floor non-residential uses in the Rehabilitation Area shall have large pane display windows. Such windows shall be framed by the surrounding wall and shall be a minimum of 70% of the total ground level facade area. A building's "ground level façade area" is the area bounded by the side edges of the building and the plane coincident with the internal floor of the building and the internal ceiling of the building.
2. Transoms above display windows in the Rehabilitation Area are encouraged.
3. Windowsills shall not be more than 3 feet above the sidewalk in the Rehabilitation Area. Base panels or bulkheads are encouraged between the sidewalk and the windowsills.
4. Windows shall be vertically proportioned (taller than wider) where possible.
5. Buildings of architectural styles that normally have windows with muntins (vertical dividers) or divided lights shall utilize those types of windows.
6. Glass blocks are not permitted on façades that abut a public street.
7. Exterior security grates are prohibited.

R. Entrances

1. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, columns, porticos, porches, overhangs, railings, balustrades and other such elements, where appropriate.

S. Materials

1. Building façades visible from a public street shall consist of durable, long-lasting materials.
2. Appropriate materials include brick, stone, cast stone, Hardieplank or other high-quality material.

7. RELATIONSHIP TO ZONING

7.1. ZONING PROVISIONS

EFFECT OF PLAN

The Downtown Redevelopment Plan supersedes the existing zoning for all 23 tax parcels and the applicable provisions of the Borough of Demarest's Land Use Ordinance as provided in Chapter VI above.

TERMS & DEFINITIONS

Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in Chapter 175, Zoning Ordinance.

OTHER APPLICABLE DESIGN & 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 Chapter 175, Zoning Ordinance.

CONFLICT

If any word, phrase, clause, section or provision of this plan, is found by a court or other jurisdiction to be invalid, illegal or unconstitutional; such word, phrase, section or provision shall be deemed severable and the remainder of the Redevelopment Plan shall remain in full force and effect.

7.2. ZONING MAP REVISION

This Redevelopment Plan supersedes the underlying zoning, which requires the Official Zoning Map to be amended for all 23 tax parcels. The Zoning Map is hereby amended to illustrate the following block and lots as the "Downtown Redevelopment Plan" or "DRP" District:

- Block 23, Lot 9
- Block 23, Lot 10
- Block 23, Lot 12
- Block 23, Lots 13 & 14
- Block 23, Lot 15
- Block 23, Lot 16
- Block 23, Lot 17.01
- Block 23, Lots 17.02, 19, 20 & 23
- Block 23, Lot 21
- Block 46, Lot 664
- Block 46, Lot 760
- Block 46, Lot 764
- Block 49, Lot 39.01
- Block 49, Lot 40.01 & 41.02
- Block 49, Lot 41.01
- Block 49, Lot 50
- Block 49, Lot 51
- Block 49, Lot 52
- Block 49.01, Lot 43.01
- Block 49.01, Lot 43.02
- Block 49.01, Lot 44
- Block 49.01, Lot 45
- Block 49.01, Lot 47.02

8. AMENDMENTS & DURATION

8.1. 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 Borough of Demarest, the provisions of the redevelopment plan amendment will be contingent upon the amendment of the redeveloper agreement to provide for the plan amendment.

8.2. RECOMMENDATIONS FOR REDEVELOPMENT AGREEMENT PROVISIONS

While this Redevelopment Plan provides an outline for the rehabilitation and redevelopment of the designated 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 Borough and the redeveloper(s). No development shall proceed to the Demarest Planning Board for subdivision or site plan approval until after a redevelopment agreement is executed by the Borough of Demarest in accordance with Section 9 of the LRHL. The redevelopment agreement shall conform to the provisions of this Redevelopment Plan. The only exception to this would be an application related to a single or two-family home.

8.3. CERTIFICATES OF COMPLETION & COMPLIANCE

Upon the inspection and verification by the Mayor and Council that the redevelopment of a parcel subject to a redeveloper 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 rehabilitation.

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

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

8.5. SELECTION OF REDEVELOPER(S)

In order to assure that the vision of the Downtown Redevelopment Plan will be successfully implemented in an effective and timely way and in order to promptly achieve the 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 utilize a process for the competitive selection of one or more redeveloper(s). The intent of this section of the Redevelopment 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 the Rehabilitation Area.

The selection of a redeveloper by the Mayor and Council, acting as the Borough of Demarest's 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 at 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 approach, architectural concepts, number and type of development, parking, traffic circulation, landscaping and other elements are consistent with the objectives and standards of this Redevelopment Plan.
- 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 any necessary 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 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:

1. The redeveloper, its successor or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
2. 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 redeveloper agreement, lease, deed or other instrument shall remain in full force and effect.
3. 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.

4. 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 redeveloper's agreements with the Borough. All utilities shall be placed underground.
5. 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.
6. 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.

ORDINANCE NO. 1094-21

**ORDINANCE OF THE BOROUGH OF DEMAREST
ADOPTING THE AMENDED REDEVELOPMENT PLAN PRODUCED BY COLLIERS
ENGINEERING (FORMERLY MASER CONSULTING) ON BEHALF OF THE
BOROUGH OF DEMAREST**

WHEREAS, the Borough of Demarest (hereinafter 'the Borough') filed a complaint for declaratory and injunctive relief seeking a judgment of compliance and repose on July 8, 2015 under Docket number BER-L-6301-15 (hereinafter the 'Litigation'); and

WHEREAS, the Borough of Demarest agreed to settle the said Litigation with all parties through a negotiated Settlement Agreement (hereinafter the 'Agreement') on December 27, 2017, executed by the Borough on January 27, 2018; and

WHEREAS, as part of the Agreement, in Section 12c, the Borough agreed to adopt a Redevelopment Plan for the Downtown Area previously designated an Area in Need of Rehabilitation as that term is defined by statute; and

WHEREAS, the Council by resolution dated July 24, 2017, designated the following tax lots as an area in need of rehabilitation: Block 23, Lots 9, 10, 12, 13, 14, 15, 16, 17.01, 17.02, 19, 20, 21 and 23, Block 46, Lots 39.01, 40.01, 41.02, 41.01, 50, 51, 52, 664, 760 and 764, Block 49.01, Lots 43.01, 43.02, 44, 45 and 47.02, and

WHEREAS, the Borough Council authorized Maser Consulting to prepare a Redevelopment Plan for the Rehabilitation Area; and

WHEREAS, Maser Consulting developed and delivered a Redevelopment Plan for the aforementioned area dated September 12, 2019, and

WHEREAS, said plan was adopted by the Borough Council, after a public hearing, on December 16, 2019; and

WHEREAS, the plan was previously amended by Ordinance #1075-20, adopted by the Borough Council, after a hearing, on February 22, 2020; and

WHEREAS, having reconsidered the Redevelopment Plan, the Borough Council has concluded that the Redevelopment Plan requires revisions and amendments to conform to the agreed upon terms of the Settlement Agreement, and

WHEREAS, a revised and amended Downtown Redevelopment Plan dated June 23, 2021, has been drafted and submitted by Colliers Engineering & Design; and

WHEREAS, the revised Redevelopment Plan conforms to the Borough's Master Plan and Housing Element Fair Share Plan, which has been previously adopted and will provide realistic opportunity for the construction of affordable unrestricted family dwellings units in the above referenced area.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Demarest, Bergen County, State of New Jersey, hereby adopt the revised and amended Redevelopment Plan dated June 23, 2021, prepared by Colliers Engineering & Design on behalf of the Borough; and

BE IT FURTHER ORDAINED, that a copy of this Ordinance, and the Redevelopment Plan, shall be served upon the Planning Board of the Borough of Demarest for review and comment after introduction on first reading hereof; and

BE IT FURTHER ORDAINED, that upon adoption, this Ordinance, and the Redevelopment Plan shall be served upon the Commissioner of Community Affairs.

Borough of Demarest

BY: 
MELINDA J. IANNUZZI, MAYOR

Attest:


Susan Crosman-Borough Clerk

Introduced: June 28, 2021

Adopted: July 26, 2021