

ORDINANCE NO. 3655-23

**ORDINANCE ADOPTING FURTHER AMENDMENT TO THE
“THEATER DISTRICT REDEVELOPMENT PLAN AREA A SYLVAN-
WALKWAY/SPRING DELL/GLEN ROAD/ORIENT WAY & ETTRICK
TERRACE PARKING AREA” FOR THE THEATER DISTRICT
REDEVELOPMENT AREA**

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

WHEREAS, on August 22, 2016, the Mayor and Council (the “**Mayor and Council**”) of the Borough of Rutherford (the “**Borough**”), following the recommendation of the Borough Planning Board (the “**Planning Board**”), duly adopted Resolution No. 182-2016 designating the properties identified as Block 128, Lots 1, 2.01, 2.02, 2.03, and 5, Block 145, Lots 10 and 10.01, Block 146, Lots 1, 1.02, 2, 3, 4, and 5, and Block 147, Lots 1, 4, 9, 10, 14, 15, 16, 17.02, 19.01, 20 and 21, on the Borough’s tax map and otherwise known as the “Theater District Redevelopment Area” (collectively, the “**Redevelopment Area**”) as a “non-condemnation area in need of redevelopment/rehabilitation” pursuant to the Redevelopment Law, with the condition that any rehabilitation of the Williams Center Site (Block 147) is to include a theatre aspect; and

WHEREAS, by Ordinance No. 3562, adopted on June 28, 2021, as amended by ordinance adopted on June 27, 2022, the Mayor and Council approved and adopted a redevelopment plan for the Redevelopment Area, entitled “Theater District Redevelopment Plan Area A Sylvan-Walkway/Spring Dell/Glen Road/Orient Way & Ettrick Terrace Parking Area” (as amended, the “**Redevelopment Plan**”); and

WHEREAS, by Resolution No. 148-2021, adopted on August 9, 2021, Native Center Development, LLC (“**Native**”) was designated as the “conditional redeveloper” of that portion of the Redevelopment Area consisting of 15 Sylvan Street, Block 147, Lot 1 (formerly Lots 1, 1.01, 2 & 3) (the “**Williams Center Property**”); and

WHEREAS, Native owns the Williams Center Property; and

WHEREAS, Native, through itself or an affiliate, proposes to redevelop and rehabilitate the Williams Center Property with a project consisting of residential units, retail space and the preservation and operation of a black box theatre, a cinema complex and the Williams Center Theatre, all in a seven (7) story building, with related rooftop amenities (the “**Project**”); and

WHEREAS, the Borough now proposes to amend the Redevelopment Plan to clarify certain provision relating to parking and provide that restaurant use is permitted on the rooftop (the “**Redevelopment Plan Amendment**”, attached hereto as **Exhibit A**); and

WHEREAS, the Planning Board reviewed the Redevelopment Plan Amendment and determined that same is consistent with the Borough's Master Plan; and


WHEREAS, the Borough finds that adoption of the Redevelopment Plan Amendment will serve the best interests of the Borough and now desires to adopt same.


NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rutherford, County of Bergen, State of New Jersey, as follows:

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.
2. The Redevelopment Plan Amendment is hereby approved and adopted.
3. Neglia is authorized and directed to prepare a revised version of the Redevelopment Plan to incorporate the Redevelopment Plan Amendment therein.
4. The sections of the Zoning Map of the Borough that relate to the Redevelopment Area are hereby amended to incorporate the provisions of the Redevelopment Plan Amendment.
5. This Ordinance shall take effect in accordance with applicable law.

ATTEST:

BOROUGH OF RUTHERFORD


Margaret M. Scanlon, Borough Clerk


Frank Nunziato, Mayor

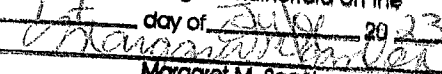
I hereby certify that this is a true and exact copy
of an ordinance adopted by the Mayor and
Council of the Borough of Rutherford on the
17 day of July, 2023

Margaret M. Scanlon
Borough Clerk

Exhibit A

Proposed Redevelopment Plan Amendment

Prepared For:

Borough of Rutherford

176 Park Avenue

Rutherford, New Jersey 07070

**2022 Revised
2020**

Theater District Redevelopment Plan

Area A

Sylvan-Walkway/Spring Dell/Glen Road/Orient
Way & Ettrick Terrace Parking Area

BOROUGH OF RUTHERFORD



Exhibit A
ordinance
3655-23

Prepared By:

Neglia Engineering Associates

34 Park Avenue, Lyndhurst NJ 07071

Theater District Redevelopment Plan
Area A
Sylvan-Walkway/Spring Dell/Glen
Road/Orient Way & Ettrick Terrace Parking
Area

Prepared for:
Borough of Rutherford
Bergen County, New Jersey

Revised November 8, 2022
December 2020

Prepared by

Neglia Engineering Associates
34 Park Avenue, Lyndhurst, NJ 07071

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

Brian A. Intindola , P.E., P.P.
NJ Planning License No. 6475

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RESOLUTION NO. 182-2016
 Theater District Referral to the Planning Board

Public Session I and II

- LIST OF FIGURES**
 REDEVELOPMENT ZONING DISTRICT OVERVIEW
 AREA IN NEED OF REHABILITATION
 REDEVELOPMENT AREA A and B
 REDEVELOPMENT AREA A
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 WILLIAMS CENTER BOUNDARY SURVEY

I. INTRODUCTION

BASIS FOR THE PLAN

This Redevelopment Plan has been prepared for an area comprised of twenty-four (24) tax lots, totaling 3.43 +/- acres within the Borough of Rutherford Bergen County, NJ (the "Redevelopment Area") as per the latest Borough Tax Maps.

The subject area has been designated by the Borough of Rutherford as the Theater District by way of Resolution 182-2016 (Appended for reference) that describes the District as follows:

- (i) The block bounded by Park Avenue, Spring Dell Avenue, and Sylvan Street (now Sylvan Way) as well as.*
- (ii) (ii) the block bounded by Glenn Road, Spring Dell Avenue, Sylvan Street/Walk, and Orient Way;*
- (iii) (iii) the adjoining block bounded by Spring Dell Avenue, Ettrick Terrace, and Orient Way; and also*
- (iv) (iv) the stand alone parking lot parcel found in the south side of Ettrick Terrace at the confluence with Spring Dell Avenue, as well as, the privately held parcel immediate to the south and east of the parking lot.*

Hereafter referred to as "the Property" satisfies the criteria for designation as a non-condemnation area in need of redevelopment/and or rehabilitation pursuant to the LHRHL.

Per the Preliminary Investigation, dated February 2015 by Remington Vernick & Arango Engineers the Area in Need totals 3.43 acres.

The Redevelopment Plan will be described and separated into two sections based on the geographic groupings of properties on separate blocks and the interdependence to provide for parking with the Williams Center as the important aspect of the Redevelopment Plan.

Since the December 2020 Redevelopment Plan and the update contained herein we note the following:

- The Williams Center had been owned by the County of Bergen
- The Williams Center is currently owned by a private development team: Native Center Development
- Native Center Development has been performing engineering tasks in preparation of a Site Plan application
- Native Center Development has been designated by the Borough as the Area A Conditional Redeveloper
- Native Center Development has requested and presented to the Planning Board modifications to the Redevelopment Plan to reflect current project concepts
- Planning Board has memorialized their findings by way of a letter dated May 25, 2022.
- The revisions to the Area A Redevelopment Plan contained herein reflect the requested modifications and per input of the Planning Board.

Please refer to the appended Figures for Reference:



General Area View

PURPOSE/VISION

The Redevelopment Plan sets standards for construction of buildings and other improvements in the Redevelopment Area. The Redevelopment Plan is intended to promote the creation of a revamped Theater Space with new multi-family housing, mixed use with multi-family housing and boutique hotel use in accordance with a comprehensive plan that takes advantage of the Borough's proximity to the train station and access to mass transit and integrates the development with the surrounding neighborhood through building scale, location, pathways, and landscaping to provide new residential options and new businesses in the Borough of Rutherford.

Public Input Sessions:

The Borough of Rutherford had conducted two public input sessions of which feedback sheets were solicited and collected and attached for reference. There was wide range of opinions offered at the input sessions. We note that the following was recurring theme distilled from the input sessions held in October at Borough Hall and in January at the Williams Center

- An adaptable theater for the performing arts is desirable
- Movie Theater use should go forward
- Public gathering area with liquor license desirable
- Parking for the theater space should be convenient
- The Williams Center is cherished community asset
- Recognition that there will be changes coming to the Williams Center
- Future use should be complimentary to the Rutherford Downtown businesses

NOTES ON PLAN TERMINOLOGY

For the purposes of this Redevelopment Plan, a conscious distinction is made in the regulations between "shall" and "should."

- "Shall" means that a developer is required to comply with the specific regulation, without any deviation.
- "Should" means that a developer is encouraged to comply but is not required to do so.

DEFINITIONS

The definitions set forth in the Zoning and Land Use Regulations of the Borough of Rutherford shall apply to this Redevelopment Plan. If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance of the Borough of Rutherford, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply.

II. CONTEXT

SURROUNDING AREA CONTEXT

The Redevelopment Area includes 24 tax lots within Blocks 128, 145, 146 and 147 as identified on the official tax maps of the Borough of Rutherford. The Redevelopment Area A is described as Block 147 encompassing the Williams Center, the Verizon Building and a mix of retail and residential uses on Glen Road. The associated parking area is on Ettrick Terrace and located on Block 145

The Redevelopment Area's locational context within the Borough is shown on the appended figures.

The Redevelopment Area in relation to the official Borough Tax Maps is indicated on the appended figures.

RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES

The 2007 Master Plan was Rutherford's first comprehensive planning update in 30 years. The Plan includes a myriad of components including general planning objectives, land use elements, economic development planning, historic preservation, and circulation elements. Together these components establish the foundation for the Borough's policy, regulatory and investment decisions, and serve as an alternative to site-by-site decision-making processes. The Plan brought forth the goal to capitalize on the downtown's growing role as a transportation hub and provide for an attractive, vibrant and easily accessible downtown that will support quality mixed-use and business enterprises that contribute to the Borough's economic base and quality of life. It also set land use objectives to encourage a mix of quality commercial uses, retail, entertainment, dining, and upper story residences in the downtown area to create vibrancy and to serve local and regional markets.

The 2018 Master Plan Reexamination Report reiterated that the downtown should be a vibrant hub that capitalizes on the NJTRANSIT connection to the north.

Another land use objective was to identify appropriate boundaries, land uses and standards for the B-1, B-2, and B-3 districts particularly for transitional areas separating the business districts from adjoining residential neighborhoods.

This Redevelopment Plan is generally consistent with the above goals and recommendations of the Master Plan.

RELATIONSHIP TO ZONING ORDINANCE

This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Rutherford regulating development in the Redevelopment Area. In any situation where zoning issues are not specifically addressed herein, the Borough of Rutherford Zoning Ordinance shall be applicable. Final adoption of this Plan by the Borough Council of the Borough of Rutherford shall be considered an amendment of the Borough of Rutherford Zoning Map.

III. USE AND BULK REGULATIONS

Development in the Redevelopment Area shall be regulated by the requirements of this chapter. The underlying zoning districts for the Redevelopment Area A are the B-3 Three Story Office-Retail District, B1 Three Story Office District and the R4 Multi-Family (5-stories max) residential district.

PERMITTED USES B3

1. Principal permitted uses

The following uses, or any combination thereof, are permitted:

- a. Residential Multi-Family Apartments;
- b. Townhouses
- c. Senior citizen housing;

The following uses, or any combination thereof, are also permitted, mixed with residential multi-family building:

- d. Retail and commercial trade / Restaurant;
- e. Banks and financial institutions;
- f. Professional, business, and administrative offices;
- g. Accessory and supportive uses that are customarily incidental to a principal permitted use;

2. Permitted Accessory Uses:

1. Parking structures;
2. Pedestrian Plazas, Courtyards, Patios with Pools
3. Rooftop Passive Recreational Uses;
4. Landscaped areas;
5. Natural areas;
6. Open Space areas;
7. Pedestrian walkways;

PERMITTED USES B1

1. Business offices, including employment agencies, medical or dental clinics and laboratories, photographers' or artists' studios and galleries, schools for music or dance, telephone offices, travel bureaus and ticket offices
2. Banks and financial institutions, excluding drive-in facilities
3. Professional offices limited to architects, dentists, doctors, engineers, insurance brokers, lawyers, real estate agents or similar professional uses
4. Any other similar use which is in keeping with the described character of the district and in harmony with surrounding uses as determined by the Planning Board
5. Public facilities

PERMITTED USES R4

1. Single-family detached dwellings
2. 2-family dwellings
3. Garden apartment multifamily dwellings
4. Multifamily dwellings
5. Parks, playgrounds
6. Public facilities
7. Schools

AREA A WILLIAMS CENTER & PARKING, YARD, BULK AND PARKING REGULATIONS

Hotel Use

1. Minimum lot area: 0.6 acres
2. Maximum building coverage: 90%
3. Maximum impervious coverage: 90%
4. Maximum Building height: Seven (7) Stories/85 feet
5. Maximum Height Extension of Parapets & Architectural Elements: 10 feet max
6. Minimum front yard setback: none
7. Minimum side yard setback: none
8. Minimum rear yard setback: none
9. Residential Zone Setback: 20 feet for the first floor;
20 feet to parking;
10. Maximum Density: 100 Units-Rooms
11. Parking requirement for Hotel Use
 - a. One space for guest sleeping room plus one space per two employees and plus the general requirements for a restaurant use. (if the development entity can establish lower parking calculations and the Borough finds them acceptable then a negotiated payment for parking improvements elsewhere for the difference could be applied)
12. Open Space/Outdoor Recreational Area: 10 percent
 - a. Open Space and Outdoor Recreation shall include passive recreation areas that include but are not limited to the following, at and above grade terraces, pedestrian plazas, landscaped areas, pool, resident gym, community garden, etc.

Multifamily Use

1. Minimum lot area: 0.6 acres
2. Maximum building coverage: 90%
3. Maximum impervious coverage: 100%
4. Maximum Building height (with setbacks): Seven (7) Stories/ 85 feet
5. Maximum Height Extension of Parapets & Architectural Elements: 10 feet max
6. Minimum front yard setback: none
7. Minimum side yard setback: none
8. Minimum rear yard setback: none
9. Maximum Density: 40 Units
10. Bedroom Distribution - No more than 45% of the project shall include 2 bedrooms. The remainder of the project may include studios, and 1 bedrooms. **3 Bedroom units are prohibited for market rate units.**
11. Parking requirement for residential
 - a. Multi-family apartments
 - i. 1.0 spaces per unit with offset fee charge for parking rate below 0.85 spaces per dwelling unit see notes (1)
 - b. The parking requirement for residential may be met by parking in the Ettrick Terrace parking lot/structure or shall also be permitted off-site within the Kip garage and secondarily within 1500ft walking distance of the subject property. Nothing shall prohibit the developer from utilizing a combination of the above-mentioned parking facilities to meet the parking requirement.
12. Open Space/Outdoor Recreational Area: 10 percent

Performing Arts Theater Use

- 1. Located at street level in residential multifamily apartments and the hotel use.
- 2. Performing Arts Theater Use is to meet the current theater design standards for: performing arts, live music, equity theatrical productions, and movie screenings
- 3. Seat Capacity
 - i. 250 seat minimum, flexible layout for a variety of productions
 - ii. Lobby/concessions/restrooms
 - iii. Overall Room Dimensions: 50'w x 65'l x 25' clear overhead height. Stage area within room: 25' x 50'
 - iv. Backstage: Men/Women Chorus dressing rooms for 16 total; Star dressing room with toilet/shower facilities; Green room, kitchenette, storage; general restrooms/showers
 - v. Dimmer and AV rack rooms
 - vi. Control booth
 - vii. Stage lighting system with integrated house/stage dimming
 - viii. Permanent AV system with DCI system and surround sound for movies
 - ix. Entire floor should be sprung for dance and other similar events
- 4. Parking guidance see Newman Theater bonus shared parking requirements

Examples: Avenel Arts Center, Woodbridge, NJ; Little Haiti Cultural Center, Miami, FL; Hamilton Stage, Rahway, NJ

Retail/Commercial/Restaurant/Banks/Office/Licensed Liquor Establishments

- 1) Located at all levels of any building with a theater including any rooftop level and throughout the theater property with allowance to have a bar with up to 10 seats
- 2) All other bulk requirements established in subsection a. above shall apply
- 3) Licensed liquor would be permitted as allowed by the State Statutes for theater seat minimums.
- 4) Parking for uses other than proposed residential uses listed herein shall be as specified for the underlying zone in accordance with the individual zone district regulations, Article IV 131-7A, table of General Use Regulations.

Performing Arts Theater Use with The Newman Theater bonus:

The intent of this section is to incentivize a redevelopment entity to preserve and restore The Newman Theater for resumption of the theater use that may require an extensive reconstruction to address longstanding building deficiencies.

- a. Seat capacity as is at 650 seats and in lieu of the seat 250 seat minimum
- b. Parking in the event that the redevelopment entity preserves the Newman Center then parking would be per the following:

- i. The redevelopment entity is required to provide an inventory of the existing area parking supply including the Kipp Garage and 1,000 feet in the surrounding area.
 - ii. Shared parking justification to be provided that narrates the temporal parking demands of the residential use and the theater use.
 - iii. Specific to the theater parking: in the event that a 650 seat theater is reconstituted then the parking would be provided as shared supply and no specific parking rate would be applied.
- c. The preservation of The Newman Theater provides the following incentives for the Hotel Use:
 - i. The number of rooms would be increased to 130 rooms
 - ii. The number of floors would increase to 9 stories with maximum height of 100 feet (not including a potential amenities level).
- d. The preservation of The Newman Theater provides the following incentives for the Multi-Family Use:
 - i. The number of units would increase from 40 to 90
 - ii. The number of floors would increase to 9 stories with maximum height of 100 feet (not including a potential amenities level)

Theater District Area A, Parking Lots and Structures (Etrick Terrace)

The Etrick Terrace parcels that are in Area A would be provided an additional parking space supply with the construction of a new parking lot/structure. The bulk requirements for the Etrick Lot are as follows:

- | | |
|---|---------------------|
| 1. Minimum Lot Area: | 0.6 acres |
| 2. Maximum Building Coverage: | 90% |
| 3. Maximum Impervious Coverage: | 100% |
| 4. Maximum Building Height: | 5 stories / 60 feet |
| 5. Maximum Height Extension of Parapets & Architectural Elements: | 10 feet |
| 6. Minimum Front Yard Setback: | None |
| 7. Minimum Side Yard Setback: | None |
| 8. Minimum Rear Yard Setback: | None |
| 9. Residential Zone Setback: | None |
| 10. Open Space/Outdoor Recreational Area: | None |
| 11. Tandem parking shall be permitted and shall be utilized to satisfy any parking requirement. | |

Theater District Area A, Yard, and Bulk Requirement Notes

- 1. This deviation from the New Jersey Residential Site Improvement Standards is warranted due to the Redevelopment Area's accessibility to transit service and the presence of stores and services within a reasonable walking distance.
 - a. The redevelopment entity will contribute a minimum of \$25,000.00 per parking space(s) not provided under the 1.0 parking space per dwelling unit. The parking contribution will be subject to negotiation with the Borough of Rutherford.

2. Open Space and Outdoor Recreation shall include passive recreation areas that include but are not limited to the following, at and above grade terraces, pedestrian plazas, landscaped areas, pool, resident gym, community garden, etc.
3. Redevelopment plan shall maintain sight distance at all street intersections and driveways in accordance with Bergen County sight distance criteria
4. Tandem/Stacked parking shall be permitted. Parking/tandem parking shall be utilized to satisfy any parking requirement set forth in the Redevelopment Plan.

IV. BUILDING AND SITE DESIGN

LANDSCAPING, BUFFERS, AND OPEN SPACE

All portions of the Redevelopment Area not devoted to buildings, surface parking areas, driveways or sidewalks shall be landscaped. On properties to be developed, the total landscaped area shall not be less than 10 percent of the overall site area.

Street trees shall be provided along the existing street frontages of the Redevelopment Area.

Foundation plantings, including trees and shrubs, shall be provided at the base of each building on the side of the front facades in the area between the building and the pedestrian walkways. Foundation plantings should also be provided along other portions of buildings where possible.

Buffer areas may be required along lot and street lines of all lots within the Redevelopment Area where said property lines or the center line of adjacent streets abut residential uses or residential zoning district lines. Each permitted use shall provide and maintain attractively landscaped grounds and suitable screening in order to safeguard the character of adjacent districts. The width of the buffer area shall be 20 feet. Buffer areas shall be measured horizontally and be either perpendicular to straight lot and street lines or radial to curved lot and street lines. Buffer areas shall be maintained and kept clear of all debris, rubbish, weeds and tall grass. No structure, activity, storage of materials or parking of vehicles shall be permitted in the buffer area, and all buffer areas shall consist of dense planting, evergreen bushes, deciduous shrubs, deciduous trees, earthen berms, grass, ground cover or fences or any combination thereof deemed sufficient to provide adequate buffering. All buffer areas shall meet the following requirements:

- Plant materials used in screen planting shall be at least six feet in height when planted and be of such density that all the glare of automobile headlights emitted from the premises are obscured throughout the full course of the year. The plant materials shall be of a species common to the area, be of nursery stock and shall be free of insects and disease.
- Landscaped areas shall be permanently maintained, and plant material which does not live shall be replaced within one year or one growing season.
- The screen planting shall be so placed that at maturity the plant material will be no closer than three feet from any street or property line.
- Landscaped areas should be properly irrigated through the use of a permanent, automatic irrigation system.
- The landscaped areas shall not be broken unless specifically approved by the Planning Board or Board of Adjustment.

The redevelopment project may include, but is not limited to, the following open space and amenities as accessory uses: a club room, exercise and health area, business office area, storage, and similar non-residential uses designed to support the residential uses.

1. Courtyards and above grade terraces shall be attractively and uniformly designed with plantings, furniture, lighting, and hardscape improvements.
2. Open space and outdoor recreation, which may include at grade courtyards, and other elements as designed on a Landscape Plan prepared by a Licensed Landscape Architect, shall be provided in accordance with the Bulk Requirements.

The Redeveloper will prepare a landscaping and open space plan for review by the Planning Board specifically addressing and demonstrating how each of the objectives of this redevelopment plan will be achieved.

LIGHTING

Adequate lighting shall be provided for all parking areas and pedestrian walkways. All lighting shall comply with Section 131-13 of the Borough of Rutherford Zoning Ordinance, which sets forth the lighting and design standards for off-street parking areas and walkways. Namely, all lighting shall be installed such that it will not be visible from neighboring properties through the proper design of lighting intensity and proposed light shielding. The use of Dark Sky Compliant, full cut-off, LED fixtures with shielding and backlight control is recommended where the Redevelopment Area abuts the residential zoning district. All proposed lighting is subject to review by the Borough and its professionals.

SIDEWALKS, PEDESTRIAN ACCESS AND STREETSCAPE IMPROVEMENTS

The Redevelopment Plan shall include streetscape improvements aimed at providing adequate pedestrian connections both within and around the site. This Redevelopment Plan presents the opportunity to create pedestrian walking paths within the site to serve residents, as well as an improved streetscape at the perimeter of the site to serve the neighborhood as a whole, that all serve to promote safety and walkability in the area. Streetscapes shall be attractively and uniformly designed with pavement, plantings, and lighting. Streetscape Improvement Plans shall be designed by a Licensed Landscape Architect and shall encompass all street frontages. The Streetscape Improvement Plans shall be submitted as part of the site plan drawings.

Sidewalks shall be provided along all public streets, and shall have a minimum width of six feet.

An interior network of sidewalks and pedestrian facilities shall be provided in order to facilitate safe pedestrian access throughout the site, parking areas and public sidewalks. The minimum width of interior sidewalks shall be four (4) feet clear (where there is no head on parking) and (6) feet where there is head on parking.

RECYCLING AND REFUSE AREAS

One or more designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or enclosure.

SIGNAGE

For sites in the Redevelopment Area, one (1) free-standing monument sign measuring a maximum of five (5) feet in height shall be permitted at any entrance driveway to a site. Other signage regulations shall be governed by Section 131-18 of the Borough of Rutherford Zoning Ordinance. A unified design theme shall be provided for identification signs and directional signs throughout the site, which integrates the architectural design, colors and/or materials of the primary structure.

UTILITIES

All new utility distribution lines and utility service connections from such lines to buildings in the Redevelopment Area shall be located underground. To the extent possible, existing utility lines should also be relocated underground. Remote readers for all utilities, in lieu of external location of the actual metering devices, are preferred.

BUILDING FACADE DESIGN

Buildings with expansive blank walls facing the public right of way are prohibited. Large horizontal buildings shall be broken into segments having vertical orientation. Architectural elements and design variation, including building offsets, shall be integrated to preclude a continuous uninterrupted facade.

Side and rear building elevations should receive architectural treatments comparable to front facades when visible from a public right of way.

GREEN DESIGN ELEMENTS AND SUSTAINABILITY

Any measures taken during demolition and reconstruction are encouraged to incorporate principles of green building into all aspects of the project design. Green building design goals include reduced energy consumption through the use of energy efficient products, reduced water consumption through the use of water efficient fixtures and produces, the use of sustainable and renewable building products and an overall design that is environmentally conscious.

As part of this Redevelopment Plan, it is encouraged that “green” development standards are incorporated and that the project is designed in conformance with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. It is not a requirement that this project obtain LEED certification, however it is recommended that this redevelopment project is designed to satisfy a number of the goals and objectives of the LEED rating system. Likewise, it is encouraged that the project reduces impervious surface areas and encourages the use of “green” roofs, as well as encourages a transit, pedestrian, bicycle-friendly development on the site. The minimum required bicycle parking shall be as 0.25 spaces per residential unit and 0.25 spaces per 1,000 sf of non-residential/commercial building area.

V. PLAN CONSISTENCY REVIEW

RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

This Redevelopment Plan provides for the redevelopment of previously developed sites in an area already served by infrastructure and transit. The only municipality within close proximity to the Redevelopment Area is the Borough of East Rutherford. The Redevelopment Area is separated from the Borough of East

Rutherford by the existing Railroad Right of Way. The adjacent development to the east in the Borough of East Rutherford is characterized as mixed use with multi-family housing and retail commercial uses. This Redevelopment Plan will be consistent with the development patterns of adjacent municipalities.

RELATIONSHIP TO THE BERGEN COUNTY MASTER PLAN

The May 2011 Visioning Component of the Bergen County Master Plan explains that because Bergen County is a mature county in terms of its development pattern, future growth will need to primarily occur through redevelopment. This report indicates that underutilized lands with available transit service are prime areas that may benefit from redevelopment. The general objectives of the County Master Plan are as follows:

1. To protect the health, safety and welfare of Bergen County residents.
2. To improve the overall quality of life in Bergen County.
3. To provide for the economic revitalization of the County's commercial and industrial base.
4. To preserve the character of existing well established neighborhoods.
5. To provide a safe and efficient transportation system.
6. To increase the tax base.
7. To expand recreational opportunities for County residents.
8. To preserve and protect the natural environment.
9. To preserve historic sites and cultural resources throughout the County.

The overall objectives and policies of this Redevelopment Plan are consistent with these goals.

RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN (SDRP)

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

“Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 23 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP but has not been adopted as of late 2014.

This Redevelopment Plan is consistent with the SDRP and the draft SSP, as it represents the smart growth principles set forth and detailed in both documents. In particular, this Redevelopment Plan promotes the redevelopment and reuse of previously developed properties in a previously developed area well served by infrastructure and transit. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

VI. REDEVELOPMENT ACTIONS

OUTLINE OF PROPOSED ACTIONS

Demolition

The intent of the Redevelopment Plan is to repurpose the Williams Center and the Newman Theater therefore demolition at best should be selective and as needed to construct residential and hotel uses above the existing structure.

New Construction and Environmental Remediation

Construction of new structures and other improvements will take place as proposed in Chapters 3 and 4 of this Redevelopment Plan. Environmental remediation would take place as necessary to effectuate the plan. Infrastructure will be constructed as determined by the Borough's professional consultants for the project. The redeveloper(s) must adhere to the overall parameters for development presented in Chapters 3 and 4 of this Plan.

Redeveloper's Agreement

Once a redeveloper is selected, the redeveloper(s) will be required to enter into a redeveloper's agreement with the Borough that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

PROPERTIES TO BE ACQUIRED

Although not anticipated, property acquisition may be undertaken by the Borough of Rutherford to complete the redevelopment project.

OTHER ACTIONS

In addition to the demolition and new construction described above, the Borough Council may undertake other actions to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development; (2) environmental remediation; (3) vacation of public streets, utility easements and other easements and rights of way as may be necessary for redevelopment. See subsection 7 l. of this plan for requirements for the provision of infrastructure to serve the Redevelopment Area.

In order to provide additional recreation facilities and open space for residents of new housing created in the Redevelopment Area, the redeveloper(s) shall create adequate facilities on site and/or contribute to the creation of such facilities in the vicinity of the Redevelopment Area, as determined by the Borough Council.

VII. GENERAL PROVISIONS

EASEMENTS

No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Engineer of the Borough of Rutherford.

SITE PLAN AND SUBDIVISION REVIEW

Prior to commencement of construction, a site plan for the construction and/or rehabilitation of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the redeveloper(s) for review and approval by the Borough of Rutherford Municipal Land Use Board.

Any subdivision or consolidation of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Borough of Rutherford, except that where this Redevelopment Plan contains provisions that differ from those in the subdivision ordinance, this plan shall prevail.

IMPACTS FROM CONSTRUCTION

The redeveloper(s) shall make every effort to minimize impacts from construction and other redevelopment actions on existing uses, parking and circulation patterns in the vicinity of the Redevelopment Area. The redeveloper(s) shall work with the Borough of Rutherford to develop a plan for staging of equipment, vehicles and materials and/or for the parking of employee vehicles in such locations to minimize impacts on the residential communities to the east and south of the site.

APPROVALS BY OTHER AGENCIES

The redeveloper(s) shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper(s) and the Borough.

NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough Council, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color or national origin.

DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the Borough Council.

DEVIATION REQUESTS

The Borough of Rutherford Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Borough of Rutherford Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area or changes to the bulk requirements listed in Chapter 3 of this Redevelopment Plan shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough governing body, and only upon a finding that such deviation be would be consistent with and the furtherance of the goals and objectives of this Plan.

ESCROWS

The redeveloper(s) shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Borough to review the proposed redevelopment project and advise the Township on any and all aspects of the redevelopment process.

INFRASTRUCTURE

The redeveloper(s), at its cost and expense, shall provide all necessary engineering and traffic studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The re-developer(s) shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, street trees, street lighting and its pro rata share of on- and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project.

REDEVELOPER'S AGREEMENT

The Borough and the redeveloper(s) shall enter into a redeveloper's agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9 either prior to submission of any site plan application to the Planning Board or as an express condition of any site plan approval by the Planning Board. The redeveloper's agreement shall contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project.

VIII. OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- As described in Chapter 2, this Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Rutherford. As described in Chapter 5, the Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan and the draft State Strategic Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Rutherford regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Borough of Rutherford Zoning Ordinance shall, however, remain in effect. Final adoption of this Plan by the Borough Council shall be considered an amendment of the Borough of Rutherford Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.
- If an affordable housing obligation is generated by a proposed project in the Redevelopment Plan Area, then said obligation shall be addressed in the Redevelopment Agreement. Unless otherwise adjudicated, or determined to be legally modified, the affordable housing obligation, if any, shall be provided at a maximum rate of 15% of the total number of residential units. However, the residential density stated within this Redevelopment Plan shall not be altered or in any way modified unless this Redevelopment Plan is amended.

IX. PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended subject to full compliance with all requirements of all applicable New Jersey state laws. A non-refundable application fee of \$5,000 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough of Rutherford. The party requesting the amendments also shall be required to post an escrow to defray the Borough's costs in connection with the requested amendment. The Borough of Rutherford Borough Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.