

TOWN OF KEARNY PASSAIC AVENUE REDEVELOPMENT PLAN

Town of Kearny
Hudson County, New Jersey

November 2007

Prepared by

Heyer, Gruel & Associates
Community Planning Consultants
63 Church Street, 2nd Floor
New Brunswick, New Jersey 08901
732-828-2200

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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.

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Introduction

One of the goals of the Kearny Urban Enterprise Zone is the revitalization of the area in the vicinity of Passaic Avenue. The 86-acre (including rights-of-way) Passaic Avenue Redevelopment Area was the site of waterfront manufacturing in the early part of the 20th century and has become home to several commercial activities in subsequent years. Today, the Passaic Avenue Area contains an inefficient mix of residential, commercial, and industrial uses. In response to the physical and economic conditions of the Area, the Town Council initiated the redevelopment process by authorizing a study in January of 2000 to determine if the Area was in need of redevelopment. In December of 2000, the Town Council formally declared the Passaic Avenue Area (the 'Area') as an "area in need of redevelopment". The original Passaic Avenue Redevelopment Plan was adopted by the Town Council in 2001. This Plan supercedes the 2001 Plan to reflect a refined and updated vision.

This Plan is intended to serve as a long-range planning document which establishes a vision for the transformation of the Area and provides implementation strategies to realize that vision. Towards achieving that end, the Passaic Avenue Redevelopment Plan:

- Details the history and character of the Area;
- Outlines the opportunities and constraints of the Area;
- Establishes the goals of the Plan;
- Establishes zoning districts within the Area;
- Establishes permitted uses, bulk standards and design standards within the districts;
- Establishes general design standards for the entire Area;
- Sets long-term and short-term implementation strategies; and
- Identifies potential funding sources.

Statutory Requirements

The Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.) is a proven tool for urban revitalization. According to the statute, the Redevelopment Plan shall indicate an outline for the planning, development, redevelopment or rehabilitation of the Area sufficient to indicate:

1. Its relationship to definitive local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;

3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan;
5. Any significant relationship between the Redevelopment Plan and the Master Plans of contiguous municipalities, the Master Plan of the County in which the Plan is located, and the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act: PL 1985. C398 (C52:18A-196-et al.).

Planning Context

The Passaic Avenue Redevelopment Plan was developed within the context of several large-scale economic, social and planning trends that are occurring within the Town of Kearny, the northern New Jersey-New York City metropolitan region and the State of New Jersey. These trends, including brownfield redevelopment, waterfront development and industrial reorganization, are substantially changing the physical and economic landscape surrounding the Passaic Avenue Area and present significant opportunities and constraints to redevelopment. This Plan acknowledges these trends and activities and seeks to create a distinctive economic niche for the Area within the greater economic and social transformation.

The Passaic Avenue Redevelopment Plan is based upon large-scale economic and physical changes that are taking place within the Town, the region and the State. These include:

- *The economic and physical ramifications of the deindustrialization and the evolution of services and distribution as major employers.* Buildings and districts that once housed manufacturing centers have become obsolete and must be adapted and retooled to become productive to meet new economic opportunities.
- *The trend towards reclaiming former industrial waterfronts into places to live, work and play.* The waterfront areas along the Hudson and Passaic Rivers represent some of the State's most desirable land with a high degree of development potential. Waterfront areas have locational advantages because of natural amenities and proximity to employment centers and transportation routes. Waterfront redevelopment is being used across the country to revitalize

urban areas and improve local economies with new jobs, better housing, improved community amenities and added tourism opportunities.

- *The redevelopment of the Passaic Riverfront.* The neighboring Town of Harrison and the City of Newark are both experiencing significant reinvestment and redevelopment in transforming the Passaic Riverfront. This redevelopment will generate new housing, restaurants, offices and a wide variety of new economic activity. This plan seeks to secure Kearny's place within this overall transformation.
- *Restructuring of the economy of the Town of Kearny.* The consolidation of Kearny's industrial base and the reorganization of the Town's economy help existing businesses remain competitive and profitable and encourage new investment.
- *The impact of the New Jersey State Development and Redevelopment Plan.* Broadly speaking, the State Plan seeks to channel new development into existing developed areas, brownfields and centers. The Plan provides numerous financial and regulatory incentives to invest in cities and urban areas.
- *The impact upon the free market due to changing consumer tastes.* A significant segment of the population increasingly prefers to live in urban areas for the convenience and amenities it offers. The building industry is seeking to capitalize upon this trend and is beginning to "rediscover" the real estate within urban areas as the next wave of housing occurs.
- *Lifestyle choices for urban areas.* Urban residents prefer to participate in residential and employment opportunities with reduced automobile use. Because people work longer hours, they desire more efficient live/work arrangements that maximize their leisure time and reduce unnecessary travel between activities.

Vision

The Passaic Avenue Redevelopment Plan seeks to transform the redevelopment area into a vibrant area that is economically profitable and physically accessible to all residents of the Town of Kearny.

The history of the Town of Kearny is intertwined with its relationship with the Passaic and Hackensack Rivers. The industrial prosperity of the 20th century was largely derived from locating manufacturing and distribution activities along the banks of the rivers. The post-industrial success of the Town of Kearny will be significantly determined by how well the riverfronts can be adapted to the new demands of the 21st century, which require clean industries, safe neighborhoods and physical amenities. The Passaic Avenue Redevelopment Plan is a vital step in the post-industrial transformation of the Town of Kearny.

To achieve the vision of Passaic Avenue as a vibrant, mixed-use, waterfront destination, the Plan seeks to build upon the existing strengths and assets of the Town and the Area, while capitalizing upon several economic and social trends which are taking place within the region. This Plan recognizes the inherent value and great potential of the Passaic waterfront to become an economic generator and social asset to the Town of Kearny.

Plan Goals

The core of the Plan is to establish a comprehensive, long-range framework that leads to the redevelopment of the Passaic Avenue Redevelopment Area. This will improve the Town's tax base, provide new job opportunities, create new housing, and open up the waterfront for public enjoyment. More specifically, the Plan seeks to:



- Reclaim the Passaic Waterfront for active and passive use by all residents of Kearny;
- Stimulate economic investment in the Area;
- Develop new economic generating activities that benefit the Town;
- Create new jobs;
- Upgrade existing shopping centers;
- Create new shopping and entertainment activities in Town;
- Provide a variety of new residential opportunities;
- Improve the physical appearance of the Area;
- Improve the functionality of the Area;
- Establish new and improve existing pedestrian linkages between the Area and Town;
- Establish the Passaic Riverfront as a destination for public recreation and enjoyment; and
- Create spaces for Town related public events along the Passaic Waterfront.

Area

Geography

The 9.3 square mile Town of Kearny is located in the northwestern corner of Hudson County in northeastern New Jersey. The Borough of North Arlington and the Town of Lyndhurst border the Town to the north. The Towns of East Newark and Harrison form the southwestern border of the Town. The Hackensack River forms the Town's eastern border, the Passaic River forms the western border, and the southeastern border of the Town is formed by the confluence of the two Rivers into Newark Bay. The

Context Map

-  Passaic Avenue Redevelopment Area
-  Municipal Boundary

Newark City

Kearny Town

East Newark Borough

Harrison Town

Passaic Avenue Redevelopment Area

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1 inch equals 1,000 feet

0 500 1,000
Feet



Redevelopment Area Map

 Passaic Avenue Redevelopment Area

 Municipal Boundary

Town can be divided into three distinct geographic areas: Uplands, Kearny Meadows, and the South Kearny Peninsula.

The Uplands contain the predominantly developed residential and commercial areas of the Town. The Uplands are located between the eastern bank of the Passaic River and the western boundary of the Kearny Meadows. This area is traversed by several important north-south transportation corridors including Passaic Avenue, Schuyler Avenue, and Kearny Avenue. The Uplands are immediately adjacent to the central business districts of the Towns of Harrison and East Newark and the Borough of North Arlington.

The South Kearny Peninsula is an isolated landmass that is formed by the confluence of the Hackensack and Passaic Rivers. Its isolated location from residential areas, waterfront access, and situation along major transportation routes has contributed to developing South Kearny as an industrial center.

The Kearny Meadows occupies 59% of the land of the Town. The Meadows are located between the Hackensack River and the Uplands section of the Town. The Kearny Meadows are recognized as a unique ecosystem and make up the southern portion of the Hackensack Meadowlands. Due to the presence of wetlands and associated flora and fauna, the Meadowlands has severe constraints for development. Wetlands have restricted buildable sites and have limited transportation access. The Meadows has served as the location of several waste disposal sites over the years. This has placed further environmental constraints upon development of the area. This area is under the jurisdiction of the New Jersey Meadowlands Commission (NJMC), a state agency that is entrusted with both developing and conserving the Meadows. In May of 2000 the NJMC published a Redevelopment Plan for the Kearny Meadows which seeks to preserve and conserve the majority of the Kearny Meadows and targets three separate sites for retail, light industrial, and heavy industrial development.

Transportation

The location of Kearny within the northern New Jersey-New York metropolitan region presents numerous opportunities for economic development. The Town is situated in close proximity to several major transportation routes, including the New Jersey Turnpike, Interstate 280, US Routes 1&9, 3, 7, 17 and 21. Many important freight and passenger rail lines connecting New York City with the continental United States traverse the Town. Additionally, Kearny is located within several miles of the busy ports of Elizabeth and Newark, as well as Newark Airport.

The Passaic Avenue Redevelopment Area is located in a region that is easily accessible to and from major roadways in the surrounding region, including Route 21 and Bergen Avenue. Passaic Avenue is the primary collector street serving the Redevelopment Area.

Passaic Avenue

Passaic Avenue is a major north/south County collector street that parallels the Passaic River. In general, Passaic Avenue has two lanes, one northbound and one southbound. Along the section fronting the PathMark property, Passaic Avenue has been improved to provide two lanes in each direction, and center left turn lanes at key intersections and driveways. The road is approximately 60 feet between curbs in the widened section and 36 feet where it is striped for two lanes. Within the Redevelopment Area there are three traffic signals: at the Belgrove Drive/Passaic Avenue intersection, at the PathMark/K-mart driveways, and at the Bergen Avenue/Passaic Avenue intersection. On-street parking is prohibited.

Bergen Avenue

Bergen Avenue runs from Passaic Avenue through the intersection with Schuyler Avenue and has recently been extended to connect to Harrison Avenue. Between Passaic Avenue and Schuyler Avenue, Bergen Avenue is a two-lane road with one lane in each direction. Bergen Avenue measures approximately 42 feet from curb to curb. On-street parking is generally permitted except the section within the Redevelopment Area, from Lindsey Lane to Passaic Avenue. Bergen Avenue intersects Passaic Avenue forming a signalized T intersection at the north end of the redevelopment area. At the intersection, Bergen Avenue has three lanes – one eastbound and two westbound lanes approaching the intersection with Passaic Avenue. One is a left turn lane and the other is a right turn lane onto Passaic Avenue.

Clark Avenue

Clark Avenue is a one-way street running from south to north and parallel to Belgrove Drive. It begins at Johnston Avenue and runs to the north where it dead-ends north of the intersection with Marshall Street. On-street parking is permitted and the roadway measures approximately 30 feet from curb to curb.

Marshall Street

Marshall Street is an east-west street which terminates at Passaic Avenue forming an unsignalized T intersection. Marshall Street connects Clark Avenue with Passaic Avenue. It also provides access to the

Shop Rite shopping center parking lot and to the industrial buildings on both Marshall Street and Clark Avenue. Marshall Street measures approximately 30 feet from curb to curb. Marshall Street is two-way from its intersection with Passaic Avenue to just past its connection to the Shop Rite parking lot; from its intersection with Clark Avenue to the parking lot entrance it is one-way (west) only. On-street parking is permitted.

Belgrove Drive

Belgrove Drive also intersects with Passaic Avenue. This T intersection is located at the southern end of the redevelopment area. Belgrove Drive is a two-lane road with one lane in each direction, and extends from Passaic Avenue to the east where it changes alignment parallel to Passaic Avenue and intersects Bergen Avenue, forming a four-way unsignalized intersection. Along the easterly end of the redevelopment area, Belgrove Drive measures approximately 40 feet from curb to curb. The bordering land uses are mostly residential with some modest commercial businesses. On-street parking is generally permitted.

Kearny Urban Enterprise Zone

Kearny is one of the designated Urban Enterprise Zone (UEZ) communities within the State. Kearny was selected as one of the ten original Urban Enterprise Zones in 1985 largely to help offset the economic impact of deindustrialization and the closing of the Western Electric facility in South Kearny. The KUEZ covers 20% of the town's 9.3 sq. miles (1,193 acres) including some 97% of its major business districts. The Kearny Urban Enterprise Zone (KUEZ) is unique in that it includes both retail and industrial sales sectors. The KUEZ gives the Kearny business community several competitive advantages that reduce operating costs, including reduced sales tax, state priority funding, and professional organization and coordination. Benefits include a 50% reduction in the amount of NJ Sales tax charged to customers and, for retailers, sales tax exemptions on most capital purchases and tangible personal property as well as corporate employee tax credits for most businesses.

To secure a balanced approach to continued economic development, funds have also been used to assist with small business growth and business development. There is also an ongoing public relations and marketing drive underway.

Built Environment

Present Land Use

The majority of land within the Area is currently used for commercial or industrial activities. There are also several multi-story apartment buildings located in the southeastern section along Belgrove Drive. The Redevelopment Area contains a mix of industrial, residential, and commercial buildings that were built during the first half of the 20th century when the Passaic River and riverfront railroads were the primary transportation routes. The Area also contains several commercial buildings, such as supermarkets, shopping centers and gas stations, that developed as Passaic Avenue became a primary roadway.

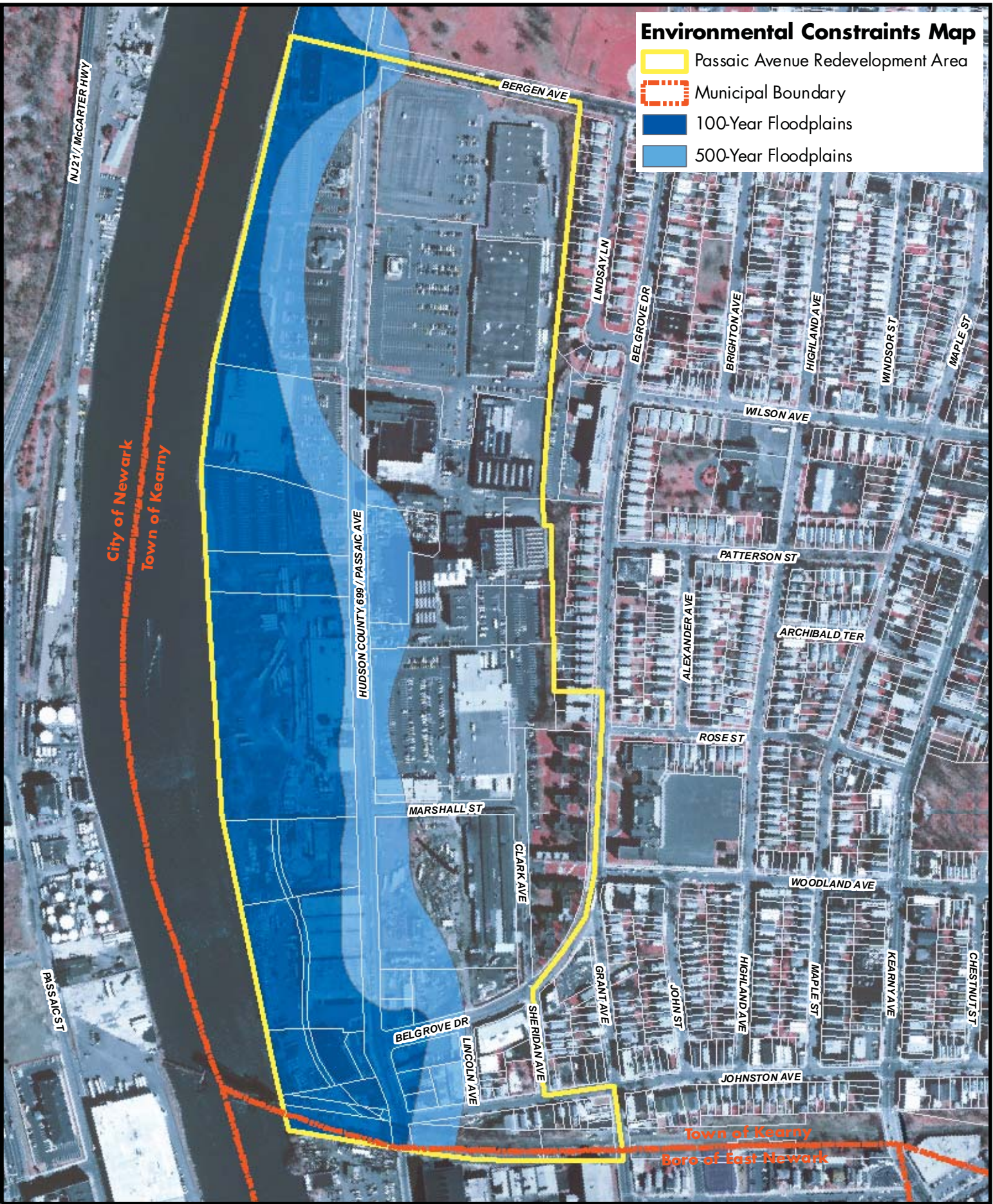
Many parcels are vacant, underutilized or overutilized. As the aerial photograph indicates, the Area is characterized by sections of dense development and large open parking areas. As presently constituted the Area lacks cohesion between different land uses.

Constraints





- Presence within 100 and 500-year floodplains
- Contaminated sites
- Poor connectivity within and between sites
- Isolated pad sites without connection to surrounding commercial activity
- Limited public access to the waterfront
- Difficult pedestrian connections
- Lack of gateways defining area
- Unlandscaped parking areas
- "Big-box" architecture with expansive, windowless walls
- Lack of pedestrian amenities

Opportunities

- Waterfront location
- Improved connectivity
- Improved circulation patterns
- Improved aesthetic appearance
- Enhanced pedestrian connections between the Town and the waterfront



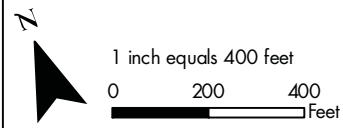
Environmental Constraints Map

-  Passaic Avenue Redevelopment Area
-  Municipal Boundary
-  100-Year Floodplains
-  500-Year Floodplains

Passaic Avenue Redevelopment Area

Town of Kearny, Hudson County
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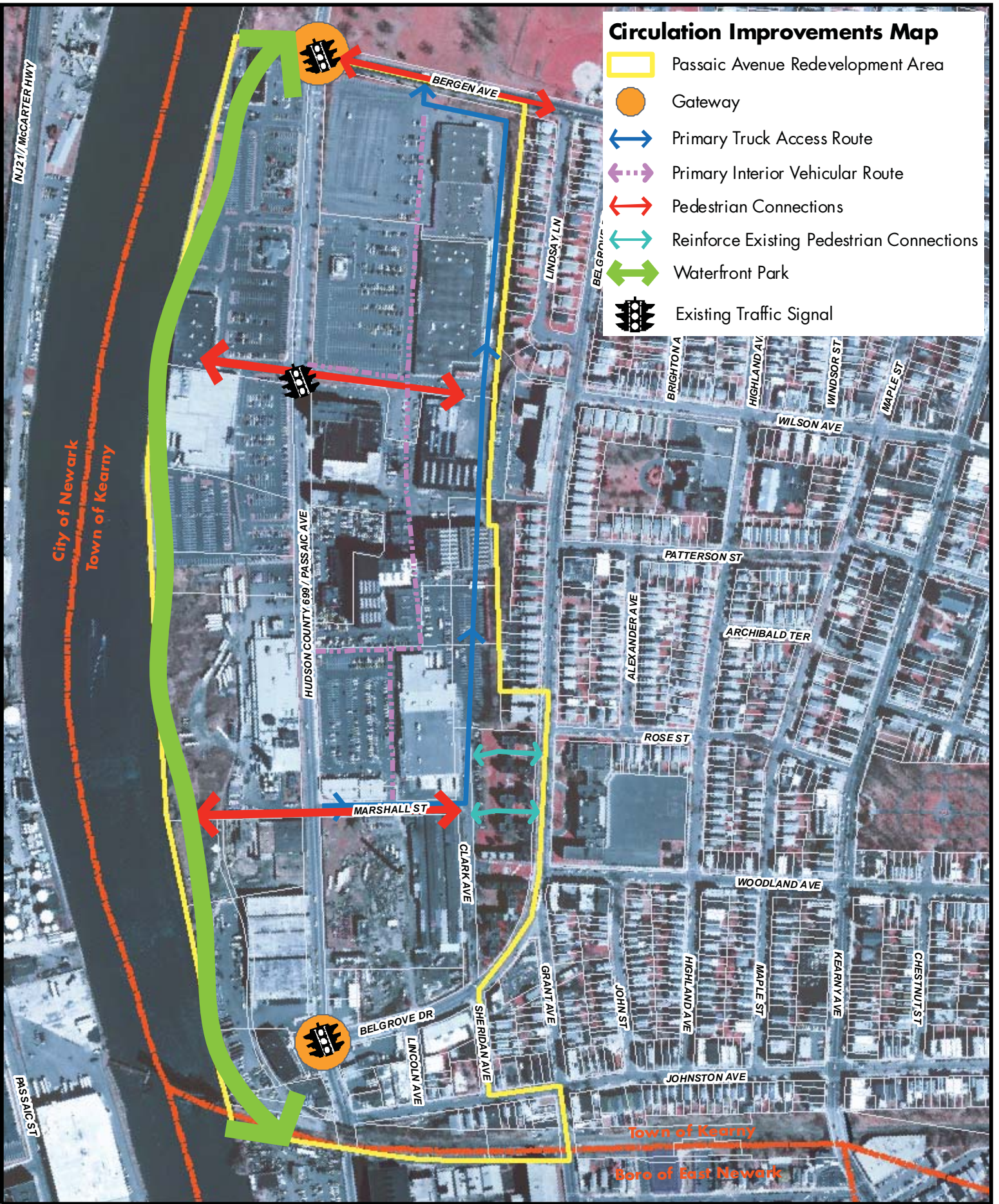
- New pedestrian amenities
- Strong potential gateway locations
- Renovated storefronts
- Architecture of existing industrial buildings
- Potential adaptive reuse of buildings
- Reconfiguration of parking lots

Features of the Plan

Circulation Improvements

One of the goals of the Passaic Avenue Redevelopment Plan is to improve the functionality and physical appearance of the Area. Passaic Avenue is a complex system that transports trucks, buses, automobiles, bicycles, pedestrians and utilities to, from and through the Redevelopment Area. The physical location and linear nature of the road make Passaic Avenue an important visual corridor through the Town of Kearny. Overall traffic flow along Passaic Avenue will be improved by consolidating access points to commercial areas and by allowing increased access from Bergen Avenue and Belgrove Drive. With regard to vehicular circulation, the Plan also seeks to improve connectivity between and within sites, to establish clear and logical internal circulation patterns, and to separate truck and vehicular traffic. The Plan also encourages a shared parking concept for uses that generate traffic at off-peak hours.

While Passaic Avenue is the primary vehicular “spine” through the area, it must also be pedestrian-friendly. As such, pedestrian circulation is a key element of the Plan. In addition to enhanced pedestrian connections between the Town and the Area, the Plan calls for strong pedestrian linkages between the development on the east and west sides of Passaic Avenue to be implemented through strong physical and psychological linkages. There should be clearly identified opportunities for crossings of Passaic Avenue at key locations. These intersections should be designed to enhance pedestrian comfort and safety through the use of crosswalks and pedestrian activated signals. Streetscape amenities will further enhance pedestrian crossings. In addition, the Plan requires that utilities be placed underground in order to “clean up” the visual clutter along Passaic Avenue. The Plan also calls for the widening and improvement of the sidewalks along Passaic Avenue. Wide sidewalks will allow for improved pedestrian circulation and amenities such as street trees and street furniture will provide an enhanced pedestrian environment.



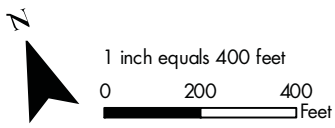
Circulation Improvements Map

- Passaic Avenue Redevelopment Area
- Gateway
- Primary Truck Access Route
- Primary Interior Vehicular Route
- Pedestrian Connections
- Reinforce Existing Pedestrian Connections
- Waterfront Park
- Existing Traffic Signal

Passaic Avenue Redevelopment Area

Town of Kearny, Hudson County
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The Plan also calls for the establishment of gateways within the Redevelopment Area, particularly at the northern and southern ends of the Area. Gateways help to establish a sense of arrival for motorists and pedestrians alike and add to the character of an area.

Finally, although there are no rail opportunities within or adjacent to the redevelopment area, it is recommended that a jitney bus service be considered to link to the Harrison PATH Station. There may also be opportunities to expand the existing bus service within the area after redevelopment occurs. It is also recommended that the Town partner with NJDOT in exploring the concept of a Passaic River water taxi that would connect to the Harrison waterfront as well as Newark Penn Station.

Waterfront Walkway/Plaza

The 1999 Hudson County Urban Complex Strategic Revitalization Plan encourages all new development to provide access to waterfront areas. This Redevelopment Plan meets that goal by establishing a walkway along the entire length of the Passaic River within the Area boundaries. The walkway is planned to be 30 feet wide to accommodate both active and passive recreation. The walkway will open up a valuable natural amenity for public enjoyment. It is intended that this walkway will connect with other Passaic Riverfront walkway improvements, both north and south of the Area, in the coming years.

Waterfront Park/Plaza

One of the goals of the Plan is to reclaim the Passaic waterfront for the use and enjoyment of the residents of Kearny. To meet this goal, the plan proposes to create a park along the riverfront. This park will provide enough space for passive recreation as well as active recreation. Opportunities should be explored to create a park/plaza along the waterfront. The park is envisioned to contain pedestrian and landscape amenities.

Waterfront Conservation Area

The Plan recognizes the value of the Passaic River to the Town and surrounding communities. To this end, the Plan makes provisions in the Bulk Standards for properties along the River to set aside lands for waterfront conservation. Developers are encouraged to dedicate this area for natural open space or explore imaginative storm water control solutions.

Possible Renovation of Toch Park into a Mixed-Use Loft Area with Live/ Workspaces, Retail, Office Space, and Night Clubs

The former industrial buildings that currently make up the Toch Park Complex represent Kearny's industrial past. If this area does not develop as an extension of the shopping center area, their architecture potentially lends itself to adaptive reuse as is being seen across the region in Hoboken and Jersey City and across the county as in Baltimore, Portland and Boston. Loft conversions create a progressive image for communities and attract adventurous new residents to town.

New Housing Opportunities

The Town of Kearny has been essentially built out since 1940. New housing opportunities have largely consisted of rehabilitation and conversion. The Plan allows for a variety of new housing opportunities, including loft, market rate apartments and senior housing. The residential component will connect Passaic Avenue with the Town. Shared activities such as shopping, schools and other community services will intertwine the two areas together. It is intended that Passaic Avenue and the residential area will blend together as a unified town center.

New Shopping Opportunities

Because of its size and availability of parking, Passaic Avenue will always remain a distinct shopping area within the Town. It is intended that Passaic Avenue will complement Kearny Avenue and other upland shopping areas by hosting larger scale shopping facilities like supermarkets and chain stores. This will allow Kearny residents to meet most, if not all, of their shopping needs without leaving town.

Parking

The expansive parking areas that currently characterize the commercial lots within the Area can be perceived as both an asset and a liability to redevelopment. Presently, the Area has an excess capacity of parking and the lots lack landscaping. While parking is an essential component of commercial development, it needs to be integrated into the overall design of the shopping area. Well designed parking areas with coordinated lighting, signage, and landscaping function better and present a more positive image to consumers and travelers along Passaic Avenue. The Plan seeks to establish a comprehensive parking program to renovate existing parking to immediately improve the perception of the Area and to provide parking for the long-term growth of the Area.

It is envisioned that the Area will develop over time into an increasingly vibrant and active commercial/residential district with the new uses. Many of these uses are complementary and will share parking needs, but as the Area develops there will be the need for increased capacity. At projected build-out, the surface lots will reach capacity and land values will become too high to warrant use as surface lots. Construction of structured parking is recommended at projected buildout.

Transit Connections

The redevelopment of Passaic Avenue is one component of the overall restructuring of business and industry being undertaken within the Town of Kearny. Passaic Avenue represents but one district within the larger business community represented by the KUEZ. Transportation is a crucial element to the success of not only Passaic Avenue but also the entire Kearny business community. It is proposed to establish bus or jitney linkages with the Harrison Path Station. A small bus loop would provide access for new residents to commute to office jobs in Newark, Harrison, or New York City. The transit service could also provide linkages to visitors to Passaic Avenue who do not have access to automobiles. The transit service is envisioned to link the shopping areas of Kearny (Kearny Avenue and Passaic Avenue) together along with regional mass transit stops. The idea is to strengthen the neighborhood connection within Kearny by allowing residents easy access to shopping and community services.

Connections to the Community

The Plan establishes numerous linkages to integrate the Town of Kearny into the new shopping, entertainment, and recreational activities being created by the Plan. The Plan's success will be determined by how well the commercial activities included in the Plan are able to capitalize on the proximity of the neighborhoods within the Town. To this end a Circulation Improvements Map has been developed to identify key pedestrian routes to, from, and through the Area.

Connections Across Passaic Avenue

Just as Passaic Avenue unifies the Area as a linear transportation corridor, it also act physical barrier keeping pedestrian from accessing the waterfront. The circulation map establishes key pedestrian crossing points to facilitate pedestrian movement across Passaic Avenue.

Relationship of Plan to Town Land Development Regulations

The Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. The Plan supercedes the use, bulk and design standard provisions of the Town Land Development

Regulations unless specifically referenced. Other standards and submission requirements relating to all zones in the Town not specifically enumerated within as detailed in the Town Land Development Ordinance shall apply.

Any deviation from standards of this Plan that results in a "d" variance pursuant to NJSA 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Town Zoning Board of Adjustment. "C" variance relief pursuant to NJSA 40:55D-70d may be addressed by the Planning Board through the development application process. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedure as identified by NJSA 40:55D, et seq.

DISTRICT USE, BULK & DESIGN STANDARDS

Shopping Center District

The 46 acre Shopping Center District is intended to establish standards to upgrade the existing shopping centers and to provide additional commercial opportunities. Passaic Avenue contains the three shopping centers currently anchored by the Shop Rite, Pathmark, and K-Mart. Standards are included to increase the landscaping and buffering of the parking areas, to provide for an aesthetic upgrade of the buildings, to comprehensively reorganize the area, to provide for public access to the Passaic River, and to allow for an enhanced pedestrian environment.

Principal Permitted Uses

- Retail
- Health Clubs
- Cinemas
- Public Uses
- Restaurants
- Office
- Financial Institutions
- Family entertainment.

Accessory Uses

- Incidental and accessory to principal uses
- Structured parking

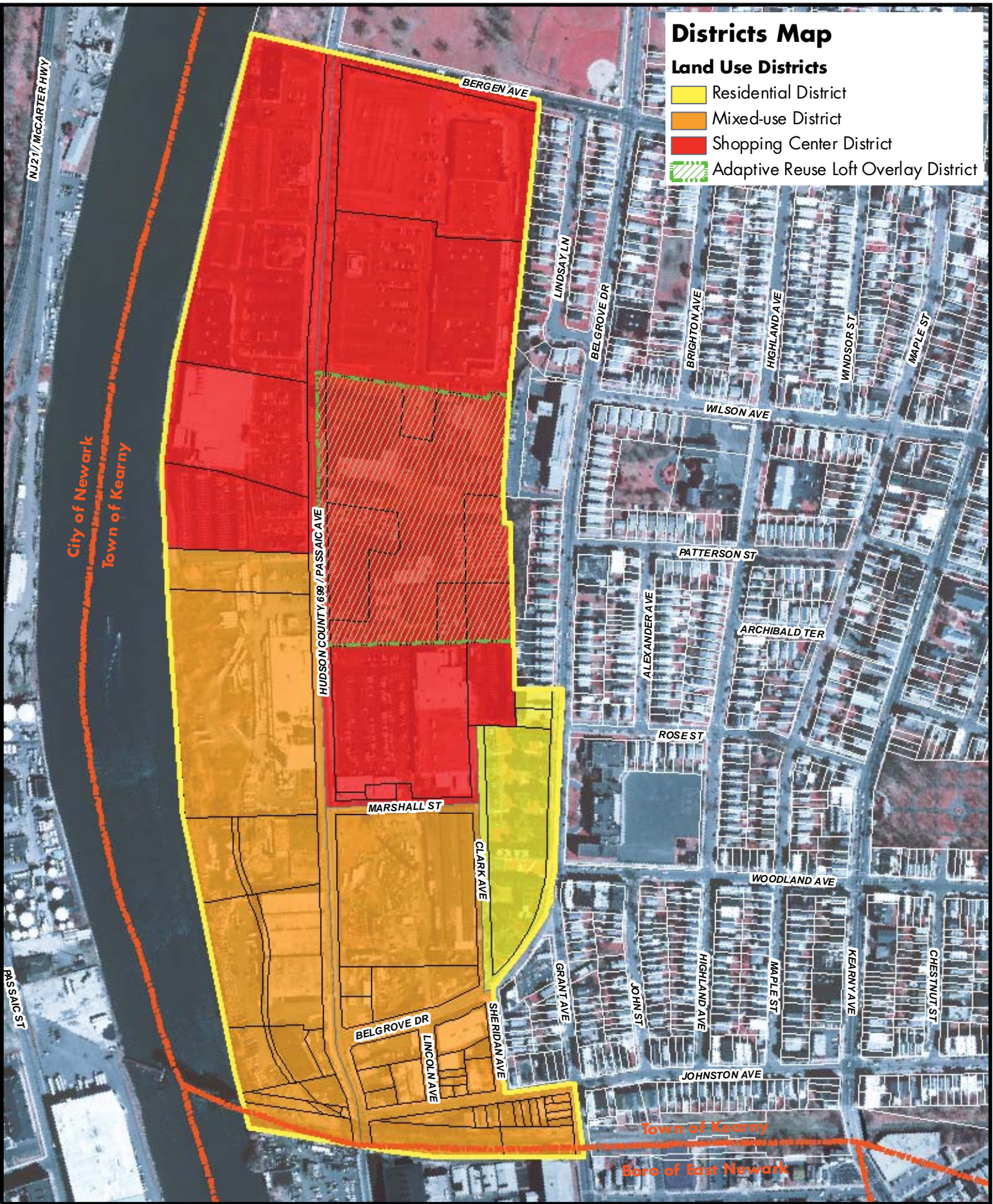
Drive Through Uses

Drive through uses are prohibited.

Bulk Standards

- *Maximum Lot Coverage:*
 - Area east of Passaic Avenue: 90%
 - Area west of Passaic Avenue: 85%
- *Maximum Building Height:* 50 feet for single story buildings; 65 feet for two story buildings
- *Maximum Square Footage per new single retail user:* 40,000 square feet for single story tenant; 120,000 square feet for two story tenant

- *Minimum Building Setbacks from public ROW:*
 - Passaic Avenue: 15 feet
 - Bergen Avenue: 15 feet
 - Passaic River: 20 feet from Riverwalk Easement
- Minimum Building setback from internal driveways: 10 feet
- Surface parking shall be set back a minimum of 10 feet from the public right-of-way (ROW). The 10 foot setback area shall contain a combination of decorative walls and/or landscaping sufficient to screen vehicles from the public ROW.
- In addition to the required onsite 10 foot parking setback, there shall be a continuous 8 foot wide sidewalk and 5 foot wide planting strip along the entire length of Passaic Avenue within the Shopping Center District which may be located within the right-of-way. The planting strip shall contain street trees with a minimum caliper of 3 inches spaced 30 feet on center. To the extent possible, existing street trees shall be preserved.
- A decorative wall a minimum of 2.5 feet in height shall be located along the entire Passaic Avenue frontage of the Shopping Center District. Height of wall shall be measured from finished grade of the adjacent public sidewalk.
- The existing buffer including trees shall be maintained along Bergen Avenue.
- Minimum Parking Requirements
 - Retail and Family Entertainment Uses: Four (4) spaces per 1,000 square feet
 - Restaurants: One (1) space per every four (4) seats
 - Cinemas: One (1) space per every three (3) seats
 - Office and Health Clubs: Three (3) spaces per 1,000 square feet
- A minimum of 10% of all surface parking areas shall be landscaped and shall include a minimum of 1 shade tree per 20 parking stalls.
- Parcels which have frontage along the Passaic River must include a thirty (30) foot wide public access easement for the Passaic River walkway.



Districts Map

Land Use Districts

- Residential District
- Mixed-use District
- Shopping Center District
- Adaptive Reuse Loft Overlay District

Passaic Avenue Redevelopment Area

Town of Kearny, Hudson County
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Design Standards

Note: All Shopping Center District design standards as well as General Design Standards shall apply to new development as well as the renovation or redevelopment of existing buildings.

Architectural

- Linear development is discouraged. However, if it is unavoidable, the development should incorporate design elements that significantly mitigate the linear effect.
 - Front facades greater than 100 feet in length shall incorporate recesses and projections a minimum of 3 feet in depth and a minimum of 20 contiguous feet within each 100 foot segment. Windows, awnings, entry areas, and arcades shall total at least 60 percent of the facade length facing a public street.
 - Building facades shall include a repeating pattern that shall include no less than three of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plan no less than 12 inches in width, such as an offset. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
 - Predominant exterior building materials shall be of high quality. These include brick, wood, limestone, other native stone, and tinted/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels are prohibited as exterior building materials.
 - Building façade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim may feature brighter colors than façade colors, but neon tubing is prohibited.
- Each principal building or tenant space shall have a clearly defined, highly visible customer entrance with a minimum of three of the following features: canopies, porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details such as tile work and moldings which are integrated into the building structure and design, integral planters or wing walls that incorporate landscaped areas and/or sitting areas.

- o All sides of a principal structure that abut any public street shall feature at least one public entrance or have a sidewalk that directly connects the sidewalks along the public ROW to the building entrance.
- New and renovated/redeveloped commercial developments should minimize generic and corporate images. Standard franchise design elements or corporate architectural design plans for buildings and signs shall be modified, where necessary, to conform to these standards to ensure that such elements are unobtrusive and secondary to the overall architectural design.
- Windows shall be recessed and should include visually prominent sills, shutters or other forms of framing.
- Roof lines shall provide variations to add visual interest. Roof lines shall have a change in height approximately every 100 linear feet in the building length, subject to individual tenant entrances. Parapets, mansard roofs, gable roofs, hip roofs, cornice elements or dormers shall be incorporated to conceal flat roofs and rooftop mechanical equipment from public view.

Circulation - Vehicular

- Internal vehicle circulation patterns should be treated as an extension of the existing road network and therefore efficiently connect pad sites and parking areas.
- An internal circulation road parallel to Passaic Avenue shall be created to connect the entire Shopping Center District in a clear and efficient manner (see Circulation Improvements Map).
- A clear system of circulation containing no parking spaces, unless parallel, that directly access the main drives must be established to carry the highest volumes of traffic within the site.
- On-site truck traffic shall be separated from general vehicular traffic by the use, where feasible, of separate dedicated entrances and exits as depicted on the Circulation Improvements Map.
- There shall be a continuous loading service driveway allowing trucks to access the rears of buildings without interfering with vehicular circulation.
- Common or shared service and delivery access should be provided, where feasible, between adjacent parcels and/or buildings.

Circulation - Pedestrian

- Pedestrian circulation must be provided from the perimeter of the site to all buildings and all sidewalk areas designated to accommodate pedestrian activity.
- Internal pedestrian walkways within a parking lot or drive area must be distinguished from the driving surface by use of pavers, brick, integrally colored, or scored concrete.

- A continuous internal pedestrian walkway at least 6 feet in width shall be provided from the perimeter public sidewalk to the principal customer entrance. This internal walkway must feature landscaping, benches, and other such materials/facilities.
- Sidewalks a minimum of 8 feet in width shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least 6 feet from the façade of the building to provide planting beds for foundation landscaping.

Signage

- A total of one (1) ground identification sign is permitted at each signalized intersection. Such ground sign shall not exceed 10 feet in height and shall not exceed 75 square feet in size, shall be located no closer than 5 feet to any property line, and shall not be located within the sight triangle of any intersection or access drive with a public street. The sign shall incorporate design and materials that match the architecture of the development and be landscaped.
- Wall sign – One wall sign is permitted per tenant which shall not exceed 5 percent of the primary building façade or 200 square feet, whichever is less.
- A comprehensive signage plan shall be submitted for each site which clearly indicates the location, dimension, area, color and materials of all existing and proposed permanent signs and provides a detail of each proposed sign.

Lighting

- Parking lot lights shall not exceed 18 feet in height and shall contain decorative fixtures. Any existing lights which do not conform to these requirements shall be replaced.

Adaptive Reuse Loft Overlay District

This 11 acre overlay district is located on the east side of Passaic Avenue within the Shopping Center District. The goal of the overlay district is the renovation of the majority of the existing loft buildings combined with public amenities to create a distinctive mixed-use entertainment area if this area does not develop as part of the shopping center area. It is envisioned that this overlay district will establish the image of Passaic Avenue as a vibrant place to live, work and play. To this end, developers are encouraged to adaptively reuse the existing industrial buildings, to the extent feasible into a combination of artist live/work space, nightclubs, offices, and retail spaces.

The unique architecture of the existing buildings (i.e. large open spaces and high windows) combined with their commanding views will create several exciting opportunities for development. It is envisioned that the upper floors of several of the buildings will contain nightclubs, restaurants and other entertainment activities. This overlay district is intended to draw a variety of people to the Area throughout the day and evening. The standards are intended to preserve and enhance the existing loft structures, where feasible, and allow for a 24 hour/ 7 day mixed use experience.

Principal Permitted Uses

- Artist live/work space and apartments are permitted above ground level
- Nightclubs and other Entertainment Oriented Uses
- Galleries
- Health Clubs
- Restaurants
- Bars
- Offices
- Structured Parking
- Retail
- Financial Institutions
- Public Uses

Accessory Uses

Uses incidental and accessory to principal uses

Drive Through Uses

Drive through uses are prohibited.

Bulk Standards

Note: All existing structures within the District are exempt from the following bulk Standards. Additional construction shall not exceed prevailing yard setbacks or height.

- *Floor Area Ratio (FAR): 2.0*
- *Minimum Parking Requirements*
 - Artist Live/Work Space: One (1) space per unit.
 - Residential: One (1) space per dwelling unit

- Office/Retail: Three (3) spaces per 1,000 square feet.
 - Restaurants: One space per four (4) seats
- If buildings are adaptively reused, a shared parking concept shall be encouraged.

Mixed – Use District

This 28 acre District is envisioned to contain a variety of mixed-use activities in new and renovated buildings. The mixed-use buildings are intended to provide flexible space to house a variety of economic opportunities and to be responsive to changing economic market demands. This physical appearance of the buildings is intended to create an impression of the Area as a vital, creative area to live, work, and play. These buildings will continue the architectural continuity of the renovated factories across the municipal boundary in East Newark and, potentially, renovated lofts throughout the Redevelopment Area.

Principal Permitted Uses

- Residential above ground level
- Nightclubs and other Entertainment Oriented Uses
- Galleries
- Health Clubs
- Restaurants
- Offices
- Structured Parking
- Neighborhood and Service-Oriented Retail
- Public Uses
- Cinemas
- Financial Institutions
- Bars

Accessory Uses

Uses incidental and accessory to principal uses

Drive Through Uses

Drive through uses are prohibited.

Bulk Standards

Note: Buildings that are adaptively reused are exempt from bulk standards.

- *Floor Area Ratio (FAR):* 1.5
- *Maximum Height:* Four (4) habitable stories/ Fifty (50) feet
- *Minimum Height:* Twenty five (25) feet
- *Maximum Lot Coverage:* 75 percent
- *Minimum Setbacks:*
 - Passaic Avenue and Belgrove Drive: Fifteen (15) feet
 - Sheridan Drive: Fifteen (15) feet
 - Johnson Avenue and Lincoln Avenue: Ten (10) feet
 - Marshall Street: Ten (10) feet
 - Clark Avenue: Ten (10) feet
 - Passaic River: Ten (10) feet from River walk
- *Minimum Parking Requirements:*
 - Office/Retail: Three (3) spaces per 1,000 square feet
 - Residential: One and a half (1.5) space per dwelling unit
 - Restaurants: One (1) space per four (4) seats
 - Cinemas: One (1) space per every three (3) seats
 - Health Clubs/Family Entertainment Uses: Three (3) spaces per 1,000 square feet
- Parking is not permitted between the building line and the street line along Passaic Avenue and Belgrove Drive.
- Shared parking is encouraged.
- There shall be a continuous 8 foot wide sidewalk and 5 foot wide planting strip along the entire length of Passaic Avenue within the Mixed-Use District which may be located within the right-of-way. The planting strip shall contain street trees with a minimum caliper of 3 inches spaced 30 feet on center.
- Parcels which have frontage along the Passaic River must include a thirty (30) foot wide public access easement for the Passaic River walkway.

Design Standards

- All streets shall be designed to facilitate pedestrian activity.
- Strong pedestrian connections from the Residential District through the Mixed-Use District shall be created.

- Public spaces should also be created throughout the District.

Residential District

The 3 acre Residential District, located off of Belgrove Drive, is intended to create opportunities for senior housing to serve the needs of the Town and immediate community. It is envisioned that the Residential District will provide a location for independent and/or assisted living senior facilities. The Residential District creates an opportunity for the redevelopment and modernization of the existing residential complexes.

Principal Permitted Uses

Senior Housing and/or Assisted Living Facilities

Accessory Uses

Incidental and accessory to principal uses such as structured parking, laundry facilities, gyms, spas and wellness centers.

Bulk Standards

- *Floor Area Ratio FAR:* 1.5
- *Maximum Height:* Fifty (50) feet
- *Minimum Height:* Three (3) stories
- *Setbacks*
 - Belgrove Drive: Ten (10) feet
 - Clark Avenue: Ten (10) feet
- *Parking:*
 - Senior Housing: One (1) space per dwelling unit
 - Assisted Living: 0.3 spaces per unit

General Design Standards

Architectural

Careful design of new buildings and imaginative renovation of existing buildings within the Redevelopment Area is crucial to attracting initial investment and realizing the established vision. The architectural standards are intended to establish a unifying design theme for the Area that will enhance

and reinforce the image of the Passaic Avenue waterfront. Architectural design should establish continuity between mixed-use, commercial, residential and public spaces throughout the Area.

- Multiple buildings within a development must maintain a consistent style/architectural theme, utilizing common color schemes and materials.
- All facades visible from adjoining properties or public streets shall include pleasing scale features of the building and encourage community integration by featuring characteristics similar to a front façade.
- Entranceways shall be in keeping with the architectural character of the structure, and shall be clearly marked and framed architecturally. Entranceways are encouraged to receive design emphasis including marquees, awnings, decorative lighting, and signage.
- Buildings shall be designed to as to prevent exterior elevations from containing large expanses of blank or featureless walls.
- Blank facades are prohibited. Murals and artistic wall treatments are encouraged.
- The type, shape, pitch, feature and color of a roof shall be architecturally compatible with the building style, material, colors and details.
- Awnings are anticipated to be incorporated into retail and residential design. Awnings may contain appropriate lettering that is consistent with the theme and architecture of the Area. Angled awnings are encouraged. Waterfall awnings are prohibited.

Parking

The Plan seeks to incorporate surface parking into the Area by requiring generous landscaping and screening.

- Shared parking between various uses and constructing structured decks is encouraged.
- To reduce the scale of surface parking areas, the total amount of parking provided shall be broken up into parking 'blocks', separated from each other by landscaping, access drives, public streets, pedestrian walkways, or buildings.
- Off-street parking and loading areas should be coordinated with the public street system serving the Area to reduce conflicts with through traffic, obstruction with pedestrian circulation, and vehicle thoroughfares.
- All surface parking areas must be screened from public view with a combination of low walls, decorative fencing, flowering trees, ornamental trees, evergreen shrubs, deciduous shrubs, ornamental grasses, perennials, annuals, bulbs, and groundcovers.

- All right angled parking spaces shall be nine (9) feet in width and eighteen (18) feet in depth.
- Aisles accommodating two-way traffic shall be a minimum of twenty two (22) feet in width.
- Twenty (20) percent of required parking spaces may be compact spaces measuring eight (8) feet by fifteen (15) feet.
- Dead-end aisles are prohibited.
- No blank walls of parking structures shall front any street.
- All structured parking facilities located adjacent to the public right-of-way shall be 'wrapped' with active uses at the ground floor level and/or architecturally treated to screen the facility from view.
- Structured parking shall include decorative lighting to be compatible with on site lighting.

Circulation

- It is recommended that, to the extent feasible, driveway access points to Passaic Avenue be eliminated and consolidated. In particular, it is recommended that the existing northern driveway to the Shop Rite site be closed and coordinated with the Circulation Improvements Map as contained in this plan.
- Crosswalks shall serve as an extension of the sidewalk, and shall be differentiated from roadways through the use of different textures, materials and colors such as decorative pavers.
- Strong pedestrian circulation must be created to facilitate access between uses, districts, surrounding neighborhoods and the Passaic River (see Circulation Improvements Map).

Loading

- Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Screening materials must be the same as, or of equal quality to, the materials used for the primary building and landscaping. All service areas must be screened with a combination of low walls, decorative fencing and landscaping.
- Loading and delivery facilities must be separate from customer parking and pedestrian areas.
- Loading areas, outside storage, and service areas shall be located in areas of low visibility such as at the side or rear (non-street side) of buildings.

Signage

Signage is a crucial design element in creating the perception of the Passaic Avenue Waterfront as a vibrant, active destination. Signage should be designed to attract visitors to the Area and to orient them once they have arrived. Signage should be integrated with the overall architectural design of the buildings. Signage should be consistent throughout the Redevelopment Area to contribute to unifying the diverse elements of a mixed-use development.

- Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building and surroundings.
- There shall be consistent sign design throughout a particular project. The design elements include style of lettering, construction material, size and illumination.
- No sign shall extend or project above the highest elevation of the wall to which it is attached or above the lowest part of the roofline of the building, whichever is less.
- Wayfinding signage to direct visitors toward parking areas and activity centers is encouraged.
- Wayfinding signage, banners, and promotional signage should be consistent throughout the Area.
- Externally illuminated signs are permitted.
- Internally illuminated signs are prohibited.

Lighting

- Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on building or landscape walls shall be used to light pedestrian walkways.
- Accent lighting on buildings is encouraged.
- Lighting shall be shielded to prevent glare on adjacent properties.
- Exterior light fixtures shall be compatible and relate to the architectural character of the buildings on a site. Site lighting shall be provided at the minimum level to accommodate safe pedestrian and vehicular movements, without causing any off-site glare.

Landscape Design and Screening

Landscape and streetscape improvements are critical elements of overall project design. The landscape and streetscape design is intended to unify the entire project and present a vibrant, clean, and safe image to the Area. All districts contain setback areas, which will require landscaping.

- All setback areas fronting public roadways, promenades, or plazas not containing entranceways should be defined by a combination of low walls and decorative fencing. The landscape area within should contain a variety of flowering trees, shrubs, perennials, annuals, and bulbs to complement the architecture and provide seasonal interest.
- Landscape areas may also contain public art, decorative lighting, and signage, which should be designed to complement the overall buffer design.
- Space within setbacks should be devoted to providing locations for additional landscaping, public art, and other visually stimulating activities.
- Landscape design should be integrated into overall site design and plans should include a watering and maintenance schedule for each area.

Gateways

The creation of 'gateways' is strongly encouraged, particularly at the northern (Passaic/Bergen intersection) and southern (Passaic/Belgrove intersection) ends of the redevelopment area. Gateways should include features that create a sense of arrival, such as public art and landscaping; building placement may also be considered in the design of gateways.

Street Furniture

Street furniture is an important component of the streetscape. Street furniture includes benches, trash, receptacles, light poles, bus shelters, newspaper, boxes, bike racks, bollards, and directional signage. Coordinated design of street furniture is essential to creating the upscale progressive image that is desired of the Area.

- Street furniture should be selected to complement the design motif of the Area and should be integrated into the overall streetscape and landscape plans.
- Trash receptacles should include provisions for glass and paper recycling throughout the Area.

Balconies and Rooftop Gardens

- Balconies and rooftop gardens are permitted and may be integrated into the overall architecture of the building.
- Rooftop gardens are encouraged. Rooftop gardens must be enclosed with high quality, railings similar to those enclosing balconies.

Green Buildings

- All buildings are encouraged to be LEED-qualified buildings.
- Any development within the Area shall comply with Ordinance 2007-(O)-42 of the Town code.

Utilities

All utilities shall be located underground. Project design should integrate utility easements into overall site design to provide access with minimal site disturbance. Substations shall be relocated outside of the area if feasible. If located within the area, the substation shall be screened to conceal the facility from activity areas.

Storm Water Management

Parcels which have frontage along the Passaic River, may include storm water recharge areas within setbacks. Recharge areas are intended to also function as a conservation area for the Passaic River and should be designed according to best management practices for wet basins. Recharge areas should be designed to function as a visual amenity to the Passaic River walk and should feature a combination of trees, shrubs, grasses, perennials, and bulbs that are visually stimulating and encourage the presence of birds and butterflies. Turf areas are not permitted within setbacks.

Due to the proximity of the Area to the Passaic River, best management practices should be incorporated into landscape design to reduce the runoff of chemical fertilizers and pesticides into the River. To this end, integrated pest management (IPM) should be incorporated into landscape design. Because of the large amounts of chemicals required for successful maintenance, turf and grass is not permitted, except in designated park areas.

Property to be Acquired

This Redevelopment Plan authorizes the Town to exercise its condemnation powers on all properties in the Redevelopment Area, to acquire property or to eliminate any restrictive covenants, easements or similar property interests which may undermine the implementation of the Plan.

The Town plans, however, to continue working with affected property owners and businesses to promote private redevelopment, where appropriate, of the parcels within the Redevelopment Area.

Relocation

The Town of Kearny will provide all displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law, should relocation be necessary. Such

assistance will be provided through an appropriately designated office which will assist in any relocation of persons, businesses, or other entities. The local housing market, including Kearny and surrounding communities, contains an ample supply of comparable replacement housing to absorb the residents of Kearny who may be displaced by the redevelopment process. Further, Kearny and the surrounding area contain sufficient land and buildings which would be appropriate for relocation of existing businesses from the Redevelopment Area. If relocation is not directly caused by the Redevelopment Plan, the Town assumes no responsibility for relocation of people and businesses.

Plan Relationship to Definitive Local Objectives

The Redevelopment Plan is consistent with the following goals and objectives of the 1991 Master Plan Revision, which was reiterated in the 2002 and 2004 Master Plan Reexamination Reports:

Land Use Plan Element

- To protect the character and value of residential neighborhoods by regulating the type and intensity of land uses within residential areas.
- To retain and encourage the development of commercial uses in various locations in the Town.
- To ensure the retention of Town owned parkland for public use.

Circulation Plan Element

- To maintain and improve the street and circulation system and provide access to all segments of the town, where feasible.
- To improve the safety of pedestrian and vehicular traffic flows.

Relationship to Master Plans

The proposed Redevelopment Plan is substantially consistent with the Master Plan of adjacent municipalities, the Hudson County Master Plan and the State Development and Redevelopment Plan.

Adjacent Municipalities

Kearny lies adjacent to the Towns of Harrison and Lyndhurst, the Boroughs of East Newark and North Arlington and the City of Newark. The Redevelopment Area is located on the border of East Newark and is consistent with the Borough's Master Plan. The Area is not contiguous with the other municipalities.

The City of Newark and the Town of Harrison, although not contiguous to the Redevelopment Area boundary are currently undergoing significant waterfront planning efforts. Both municipalities have developed Waterfront Plans, which detail the proposed uses and planned amenities along the waterfront, including new mixed use development and waterfront entertainment centers. Waterfront amenities include parks and walkways.

The Kearny Plan, which also proposes a waterfront walkway and waterfront amenities, is consistent with both the City of Newark and the Town of Harrison. Current planning efforts are transforming the immediate area and are revitalizing the Passaic River waterfront. The redevelopment of the waterfront areas in both municipalities will complement each other and are anticipated to significantly improve the area.

Hudson County Master Plan

The Hudson County Master Plan was adopted in 2002. The Redevelopment Plan is consistent with the following goals of the Land Use Plan of the Master Plan:

- To maintain and improve areas that provide centers for employment, education, entertainment facilities, services, shopping and other resources.
- To provide for a full range of retail businesses and personal services in suitable locations to serve the needs of the County.
- To relate land use planning to transportation capacity and to promote development intensities that will support mass transit.

The Redevelopment Plan is consistent with the following objectives of the Land Use Plan of the Master Plan:

General

- Encourage redevelopment that utilizes transit friendly design practices and capitalizes on existing and planned transportation improvements.
- Consider the established character of existing neighborhoods as a factor in the evaluation of new development and redevelopment projects.
- Encourage municipalities to consider design standards for new construction that creates a sense of unity and order in the design of buildings, signs and other structures and separate standards for unified streetscape improvements in downtown areas.

Waterfront Areas

- Encourage the construction of a coordinated waterfront walkway along the County's waterfronts.
- Integrate waterfront development with adjacent neighborhoods by assuring strong physical linkages and appropriate infill development.

Commercial Areas

- Encourage convention, cultural and entertainment activities within the core areas of the County.
- Encourage municipalities to provide creative solutions to parking and loading problems.
- Promote the viability of commercial districts by retaining first floor retail sales and services.
- Encourage the development of complementary land uses in proximity to commercial areas.
- Establish design and aesthetic controls in commercial areas to create and maintain attractive shopping areas.
- Identify and create financial and technical assistance programs available to businesses from the County, State and federal governments.

State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) places the Town of Kearny in the Metropolitan Planning Area 1 (PA1). The Redevelopment Plan is consistent with the planning goals and objectives of the SDRP as a whole ("to revitalize the State's urban centers and areas") and of PA1 in particular. In terms of Land Use, the proposed Plan emphasizes the efficient use of infrastructure and public facilities. The Plan is committed to preservation and rehabilitation of housing stock. Public/private partnerships are a priority for the Town when considering the redevelopment program. The Plan makes great efforts to encourage efficient transportation and circulation in the Redevelopment Area, including promotion of pedestrian walkways and use of public transit. Finally, the Redevelopment Plan is consistent with the surrounding municipalities and the County.

One of the planning concepts which was recognized in the State Plan is the urban complex. An urban complex is defined in the SDRP as "an urban center and two or more municipalities within the surrounding Metropolitan Planning Area that exhibit a strong intermunicipal relationship based on socioeconomic factors and public facilities and services that is defined and coordinated through a strategic revitalization plan. Urban complexes are nominated jointly by a county or counties and the affected municipalities and are coterminous with municipal boundaries but not necessarily with county boundaries."

The Hudson County Strategic Revitalization Plan, which was endorsed by the State Planning Commission in 1999, outlines a coordinated approach to community and economic development for the Hudson County Urban Complex, which includes the twelve constituent municipalities in the County. The waterfront area in Kearny is recognized as a “development activity node” in the Strategic Plan due to its redevelopment potential. The Redevelopment Plan is consistent with the following goals of the 1998 County Strategic Revitalization Plan:

General

- To improve the overall quality of life in Hudson County
- To provide for the economic revitalization of the County’s commercial and industrial base.
- To improve the transportation network.
- To increase the tax base.

Land Use

- To maintain and improve areas that provide centers for employment, education, entertainment facilities, services, shopping and other resources.
- To provide for a full range of retail businesses and personal services in suitable locations to serve the needs of the County.
- To relate land use planning to transportation capacity and to promote development intensities that will support mass transit.

Circulation

- To provide transportation improvements which support economic activity.
- To promote transit and use of alternative transportation modes.
- To coordinate land use activities with the transportation network.
- To support system coordination, efficiency and safety.
- To protect and improve quality of life.

Economic

- To develop a diversified economy to maintain full employment.
- To develop an equitable distribution of jobs, support services and facilities consistent with the needs of the population.
- To provide for the economic revitalization of the County’s commercial and industrial base.

- To retain existing businesses and attract new industries.
- To reduce the tax burden on residential uses by encouraging additional development that generates significant tax benefits.
- To encourage cleanup of contaminated sites through various programs such as loans and technical assistance.

Housing

- To increase the production of a variety of housing opportunities in Hudson County.
- To provide additional affordable housing opportunities for the elderly.

Community Facilities

- To provide recreational and park facilities that are accessible to all residents and provide a variety of amenities.

Utilities

- To provide new infrastructure systems where necessary to encourage new development.

Conservation

- To encourage the cleanup and reuse of contaminated sites.
- To preserve existing scenic vistas.
- To reduce pollution and maintain a healthy environment.

Administrative and Procedural Requirements

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Mayor and Council of the Town of Kearny may amend, revise and modify this Redevelopment Plan, as circumstances may make such changes appropriate.

Duration of Redevelopment Plan

The Redevelopment Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Mayor and Council.

Conveyance of Land

The Mayor and Council may sell, lease, or otherwise convey to a redeveloper for redevelopment, subject to the restrictions, controls and requirements of this Redevelopment Plan, all or any portion of the land within the Redevelopment Area which becomes available to disposal by the municipality as a result of public action under this Plan. The Town reserves the right to formulate an agreement under any of the above referenced arrangements and to enforce resale covenants.

Criteria and Procedures for Redeveloper Selection and Implementation of Redevelopment Plan

The following restrictions and controls on redevelopment are hereby imposed in connection with the selection of a redeveloper and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force. The following shall be implemented by appropriate covenants or other provisions in redeveloper agreements and/or disposition instruments.

1. The redeveloper will be obligated to carry out the specified improvements in accordance with the Redevelopment Plan.
2. The redeveloper, its successors or assigns shall devote land within the Redevelopment Area to the uses specified in this Redevelopment Plan.
3. The redeveloper shall begin and complete the development of said land for the use(s) required in this Redevelopment Plan within a period of time which the Mayor and Council fixes as reasonable.
4. Until the completion of the improvements, the redeveloper will not be permitted to sell, lease, or otherwise transfer or dispose of property within the Redevelopment Area without prior written consent of the Mayor and Council.
5. Upon completion of the required improvements, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment shall be deemed to no longer be subject to eminent domain as a result of those determinations.
6. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redevelopers, the Mayor and Council, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease or occupancy upon the basis of race, creed, religion, ancestry, national origin, sex or marital status.
7. Neither the redeveloper nor the Mayor and Council, nor the successors, lessees, or assigns or either of them shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or

improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.

Incentives and Project Funding

The success of implementing the Redevelopment Plan will be the establishment of collaborative partnerships. The Town will rely on these partnerships to provide the technical expertise and financial incentives to construct the public infrastructure improvements and to redevelop the individual projects.

The following entities have been identified which can potentially provide technical expertise and/or financial incentives. This list highlights the key resources that can be coordinated to maximize the leveraging of private investment.

- *New Jersey Economic Development Authority* - NJ EDA offers an array of programs and services for businesses seeking to locate, expand and remain in New Jersey.
- Redevelopment Area Bond Financing: The Investment Banking Division offers bond financing for municipalities seeking to fund needed infrastructure improvements as well as land acquisition, demolition and brownfield remediation to support new development projects that are located within a formally designated Redevelopment Area and are part of an approved Redevelopment Plan. EDA may issue long-term, low-cost bonds on behalf of municipalities seeking to fund infrastructure improvements and other pre-development costs.
- EDA Bond Financing: Through the Investment Banking Division bonds are issued to provide long-term loans at attractive rates for real estate acquisitions, equipment, machinery, building construction, and renovations. Working capital and debt refinancing are permitted uses for taxable bonds and may be permitted for certain activities as tax exempt for nonprofits. Funds available for manufacturing, public airports, docks, wharves, water, sewer, solid waste disposal and many other facilities including certain assisted living rental facilities.
- The Community Development and Small Business Lending Division offers technical assistance and technical assistance (including training programs and consultations) for start-up and micro-businesses.

- Revenue Allocation Districts: For municipalities seeking to encourage revenue generating development projects in a Revenue Allocation District as part of a redevelopment plan approved by the local governing body. A municipality may designate a Revenue Allocation District of up to 15% of the total taxable property assessed in the community within an established Redevelopment Area. It may designate the EDA to act on its behalf as a redeveloper and district agent for redevelopment projects with responsibilities for, among other things, land and property acquisition, demolition, renovations or improvements.

- *New Jersey Redevelopment Authority* - NJRA was created in 1996 to spearhead the economic development efforts in New Jersey's urban communities. NJRA partners with community-based organizations, developers and businesses to leverage its resources to formulate and develop redevelopment projects to increase economic opportunities in 67 eligible communities to spur neighborhood-based redevelopment projects. Kearny is an eligible community. It provides low and no interest loans, equity investments, loan guarantees and technical assistance.

- *Hudson County Economic Development Corporation* - Hudson EDC provides services to the business community of Hudson County and works to attract businesses from outside the County. Its core services include business loan programs, site location services, government liaison services and market research.

- *Hudson County Improvement Authority* - Under New Jersey law, Improvement Authorities provide a variety of services:
 - Developer of public facilities for any type of governmental agency.
 - Developer of facilities for recreation and tourism, convention halls, hotels and similar facilities; developer of public transportation.
 - Provision of financial assistance and/or development of housing for low- and moderate-income families.
 - Provision of financial assistance for the acquisition of capital equipment, or for acquisition or construction of capital facilities by public or non-profit entities.

- *Transportation Improvement Funds* - The New Jersey Department of Transportation and New Jersey Transit, under the federal Transportation Equity Act for the 21st Century, provide grants for various

transportation projects that improve safety, increase intermodal, protect the environment and create economic opportunity. These programs include:

- Transportation Enhancement grants for transportation projects that improve communities' cultural, aesthetic and environmental qualities.
 - The Sustainable Communities program establishes a pilot program to help state and local governments plan environmentally friendly development.
 - Bicycle and Pedestrian Paths programs expand funding provisions to make bicycling and walking safer and more viable ways of travel.
-
- *NJDEP Green Acres Matching Grants Program* – For municipalities with an Open Space levy and an approved Open Space and Recreation Plan, provide a matching grant for up to 50% of the purchase price.
 - *US Department of Housing and Urban Development* - HUD provides Community Development Block Grant (CDBG) monies that can be used in a number of different ways, and has recently developed an Economic Development Initiative Program.
 - *New Jersey Housing and Mortgage Finance Agency* - NJ HMFA provides low interest loans to qualified developers of low- and moderate-income housing, including senior housing.
 - *Historic Preservation* - A variety of State and federal funds are available for historic preservation, rehabilitation and adaptive reuse efforts. These programs include those run by the New Jersey Historic Trust and the National Trust, as well as the federal income tax credit program that is run through the State Historic Preservation Office.
 - *Payments in Lieu of Taxes (PILOTs)* - PILOTs incentives for developers can be considered by the municipality.

The Town, in partnership with Hudson County, has already successfully leveraged public funds in order to address one constraint to redevelopment in the Area - the existence of contaminated sites. Kearny is one of four communities in the County that participated in a US EPA Brownfields Demonstration Pilot program. The grant administered by the US EPA was being used to inventory and plan for the

revitalization or reuse of potentially contaminated properties. To achieve the goals of clean up and redevelopment of sites, the following resources and programs are available:

- *NJDEP Brownfield Development Area* - Under the Brownfields Development Area (BDA) approach, NJDEP works with selected communities affected by multiple Brownfields to design and implement remediation and reuse plans for these properties simultaneously. of the site remediation in connection with the Hazardous Discharge Site Remediation Fund, while NJDEP administers the site remediation aspects of applications to the fund.
- *US EPA Brownfields Program Tax Incentive* - The Brownfields Tax Incentive allows environmental cleanup costs to be deducted in the year incurred, rather than capitalized over time.
- *NJDEP Brownfields- Hazardous Discharge Site Remediation Fund* - Grants and low interest loans are available to businesses, municipalities and homeowners for various remedial activities.