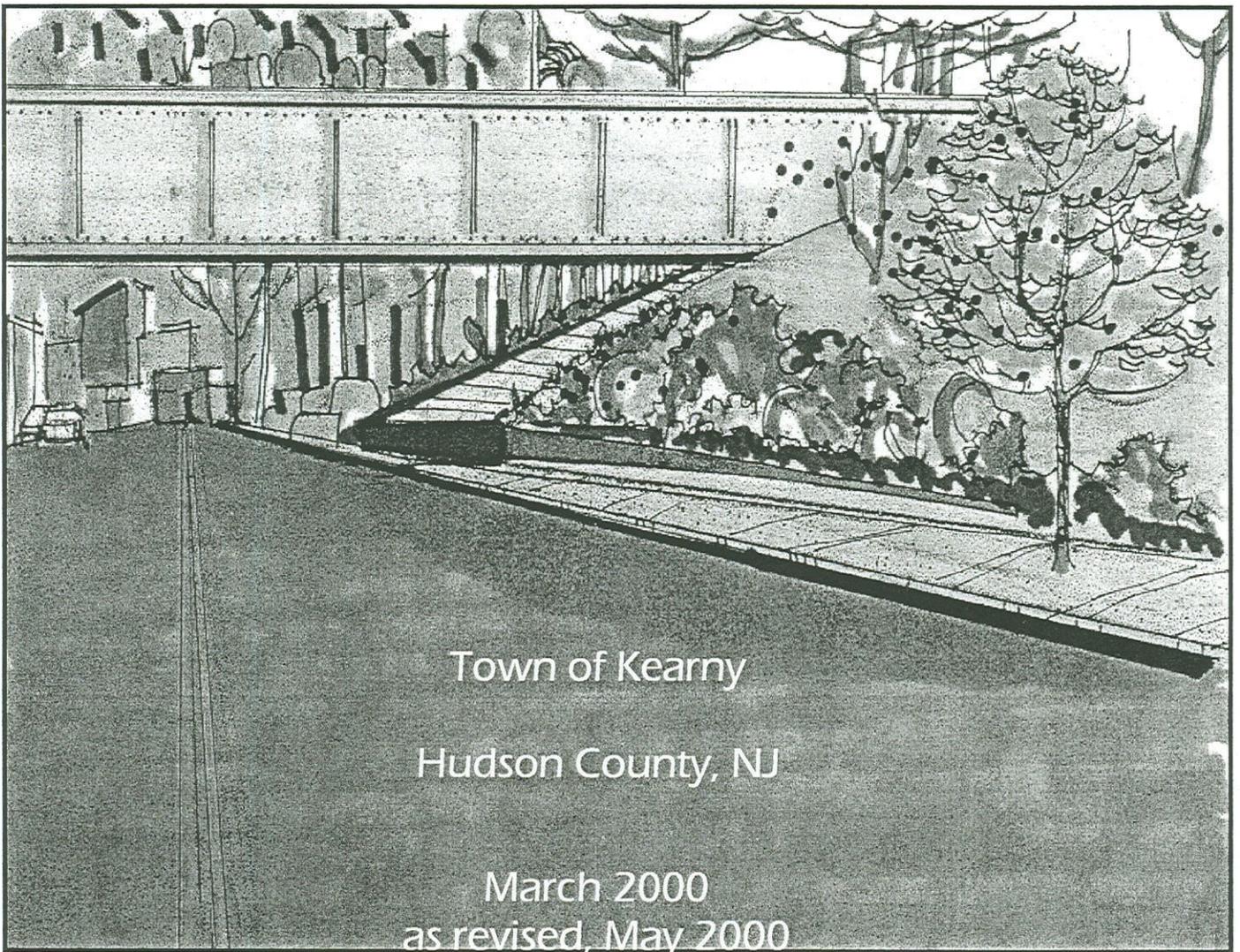


Hackensack Meadowlands Development Commission

KEARNY AREA REDEVELOPMENT PLAN



Town of Kearny

Hudson County, NJ

March 2000
as revised, May 2000

Kearny Redevelopment Plan

**March 2000
as revised, May 2000**

**Hackensack Meadowlands Development Commission
2000**

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I. Redevelopment Plan Statutory Criteria

A. REQUISITE PLAN INFORMATION

Upon a finding that an area is a renewal area, or is in need of redevelopment, or rehabilitation, N.J.S.A. 13:17-21 (a) states that, "The Commission is authorized to prepare and adopt redevelopment plans for areas in the District determined by the Commission to be renewal areas."

While the HMDC enabling legislation authorizes the Commission to "prepare and adopt redevelopment plans," it is important to note that it does not require the HMDC to do so. The Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12 specifically states that, "No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan...upon...finding that the specifically delineated project area is located in an area in need of redevelopment or in an area of rehabilitation, or in both..." The HMDC is not governed by the LRHL, but has decided to look to this law's evaluation criteria for general guidance purposes. It must be recognized, that given the unique nature and statutory power given to the HMDC, not all of the LRHL criteria are relevant to the formulation of a redevelopment plan, and the criteria must be adapted to the HMDC's goals and objectives.

The LRHL specifically states the information to be included in the redevelopment plan, where it states that, "The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate: (The sections that are not applicable to the HMDC have been deleted, and others have been adapted to reflect the Hackensack Meadowlands District.)

1. Its relationship to HMDC 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. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan;
4. Any significant relationship of the redevelopment plan to:
 - a. The master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan adopted pursuant to the State Planning Act, P.L. 1985, c. 398 (C.52:18A-196 et al.).
 - b. The redevelopment plan shall describe its relationship to pertinent HMDC development. This redevelopment plan shall supersede applicable provisions of these development regulations. (HMDC zoning maps published subsequent to the adoption of this redevelopment plan shall indicate the HMDC redevelopment area to which this development plan applies.)

B. SPECIFIC PLAN REQUIREMENTS RELATED TO TRACT

1. Site Description

This redevelopment plan is proposed for **Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48** in the Town of Kearny. The Kearny Redevelopment Area totals approximately 860 acres and is situated at the southwest corner of the Hackensack Meadowlands District (HMD). The study area is located to the south of New Jersey Transit's Kingsland Line, to the north of the Port Authority Trans-Hudson (PATH) line, and to the west of the New Jersey Turnpike western spur. The study area is bisected by Interstate 280, Newark-Jersey City Turnpike (Route 508), a Conrail freight line, and PSE&G right-of-way. Harrison and Bergen Avenues are the primary connections to the regional highway system, which includes the roads previously mentioned, as well as Route 21, Route 17, and Routes 1&9. (See Existing Infrastructure map.)

Uses in the vicinity of the study area consist of commercial, industrial, and warehouse uses, as well as three former landfills that pose unique challenges to development of the area. The study area is bisected by Frank's Creek, which flows to the Passaic River, and an unnamed creek.

2. Redevelopment Challenges

The main obstacles to the development of the area include the existence of three landfills, which cover the majority of the redevelopment area, and a lack of roadway access to interior portions of the redevelopment area. Landfills within the boundaries of the redevelopment area include (see Landfill Location map):

1. Municipal Sanitary Landfill Authority (MSLA) 1-D landfill - 95 acres
2. Keegan (formerly MSLA 1-B) landfill - 110 acres
3. 15W landfill - 40 acres



Figure 1 – Abandoned trailers on Bergen Avenue (paper street).

None of these landfills have been formally closed. [The New Jersey Department of Environmental Protection (NJDEP) is in the early stages of preparing a closure plan for the MSLA 1-D landfill and expects to complete closure by the year 2003.] Since the discontinuance of use, little more has been done than the spreading of topsoil on the landfills. Since that time, some field-type vegetation has grown, including weeds, shrubs, and trees common to disturbed areas. There is evidence of illegal dumping including: cardboard waste, construction debris, landscape debris, household refuse, abandoned tires, and automobiles on vacant portions of the redevelopment area.

In areas where development is to take place on landfilled areas, developers shall evaluate the structural and safety issues inherent in such development. For example, engineering controls such as ramps may be necessary around structures in order to accommodate settling buildings, and methane venting will likely be needed to protect building occupants.

There are relatively few roadways extending into the redevelopment area; those which do are low-lying and in a state of disrepair. Bergen Avenue, which connects to Schuyler Avenue in the west, is crossed by the New Jersey Transit Kingsland rail viaduct, restricting truck access beyond that point due to the viaduct's low elevation. Beyond the railroad viaduct, Bergen Avenue becomes a dead-end paper street and does not make a connection to Harrison Avenue.

There are approximately 425 acres of wetlands in the redevelopment area (see NJDEP Wetlands map). However, approximately 332 acres consists of the Kearny Marsh, which has been purchased by the HMDC for the purposes of enhancement and preservation. No development is being proposed for this area, and in the future, may be available for passive recreation uses. Another significant wetland area lines the southern and eastern boundaries of the redevelopment area. In addition, some highly disturbed and contaminated wetland areas exist in the interior portion of the redevelopment area.

3. Plan Relationship to Local Objectives

a. Appropriate Land Uses

The 1972 HMDC Master Plan and Zone Plan designated the majority of the study area Special Use 1 & 3, Transportation Center 2, Highway Commercial and Heavy Industrial (see Existing Zoning map).

Review of the original HMDC Master Plan reveals that the drafters were of the opinion that the proximity to transportation infrastructure made this area suitable for uses that would best capitalize on nearby infrastructure, while taking surrounding land uses into consideration. Recommended uses for the area included a community shopping district; distribution, warehousing and manufacturing; and, rail and truck terminals. A portion of the area was also set aside as a special use area intended to capitalize on existing and proposed transportation infrastructure.

The Commission's objective for this area is to improve linkages to surrounding roadways and to promote the development of uses consistent with the character of the area. Redevelopment of this area also enables the HMDC to steer development away from environmentally sensitive wetland areas. Since the majority of the properties in the redevelopment area are classified as former landfills or have had some form of development on them before, the environmental impacts of developing these sites are significantly less than the development of "greenfield" sites. Furthermore, the redevelopment area encompasses a portion (approximately 332 acres) of the Kearny Freshwater Marsh. This marsh has been purchased by the HMDC for preservation, thus removing development pressures on this sensitive environmental area.

The goal of this redevelopment plan is not far from the goals of the original HMDC Master Plan for the area. The transportation infrastructure considered so valuable by the drafters of the original HMDC Master Plan still exists, and the character of surrounding land uses has not changed significantly. Therefore, it is the goal of this plan to investigate uses that would capitalize on this.

b. Improved Traffic and Public Transportation

The relationship between traffic impacts resulting from the redevelopment of this area and existing development will need to be analyzed to ensure that impacts on area roadways can be accommodated. To ensure that adequate circulation improvements result from development of the site, a traffic study may be required as part of site development proposals.

A particular area of concern is Schuyler Avenue, the roadway closest to the redevelopment area. This is a two-lane roadway serving a mixed use residential/commercial area. Due to the nature of the uses served by this roadway, truck traffic originating from or destined to the redevelopment area shall utilize Harrison Avenue as opposed to Schuyler Avenue.

Bergen Avenue is the most promising access point to the majority of the redevelopment area. Currently, this roadway is in a state of disrepair and requires significant improvements if it is to serve large scale development. Specifically, the following deficiencies need to be addressed: (1) The elevation of Bergen Avenue is currently below the required 10' elevation and experiences flooding during periods of heavy rain or high tide; and (2) the Kingsland rail viaduct passes over Bergen Avenue at an elevation that restricts access beyond this point.



Figure 2 – Substandard conditions apparent by unmarked at-grade rail crossing on Bergen Ave.

c. Public Utilities



Figure 3 – Leachate running off the 1-D landfill.

PSE&G provides gas and electric service to Kearny, and the North Jersey District Water Supply Commission (NJWSC) supplies Kearny's water. The Passaic Valley Sewerage Commission (PVSC) receives wastewater from Kearny, but line maintenance and pumping are the responsibility of the Kearny Municipal Utilities Authority (KMUA).

Any development on former landfills will require the proper closure measures, including leachate collection. This will affect the wastewater treatment capacity of utility providers. Any development application must assess the impact of both the development's demands on District utilities, as well as any additional impact of leachate collection and treatment, where applicable.

d. Recreational Facilities

An extension of Meadows Path has been proposed for this area to link the existing trail system north of the site with Hudson Meadows Park in Kearny (out of HMD). The Kearny Marsh has been purchased by the HMDC for preservation. While no recreation facilities are proposed for this area, it will offer opportunities for passive recreation, such as nature observation and education.

Gunnell Oval and Harvey Field are two existing recreation facilities proximate to the redevelopment area, located out of the District along Schuyler Avenue. It is not anticipated that they will be impacted in any negative manner.

e. Community Services

The development scenarios proposed for the site are non-residential uses; they are not expected to increase the demand for educational or cultural facilities. The proposed uses may potentially impact police, fire, and ambulance services. However, all negative impacts will be properly addressed and mitigated at the time of development.

4. Land Use Assumptions, Policies, and Options

a. Assumptions

HMDC staff has determined that the industrial character of existing uses is suitable for the majority of this historically industrial area. However, the area is inconsistent with current zoning; the haphazard site layout has become obsolete, contributing to the lack of development interest in this area. Therefore, this plan will clarify zoning designations, address the closure of the landfills, and plan the remediation of infrastructure deficiencies.

In creating potential land use options for the tract, HMDC staff focused on creating uses that could be achieved in a reasonable time frame while advancing land use objectives. Staff has also made the following assumptions:

1. Any environmental cleanup determined to be necessary will be conducted in an approved manner prior to site development.
2. If necessary, appropriate wetland mitigation plans/agreements shall be made by the developer to the permitting authorities.
3. Appropriate buffer zones shall be used around wetlands and surface water to intercept soil and nutrient runoff.
4. Industrial activities taking place within the redevelopment area shall be in compliance with progressive industry environmental quality standards.

b. Policies

Any plan for the tract must advance HMDC policies, and be consistent with the Special Area Management Plan (SAMP) when completed. Proposed development must offer a benefit to the region and satisfy a public need. The land use pattern must be compatible with surrounding properties, and enhance surrounding industry where possible. It is important that development be permitted only to the extent so as not to exceed the ability of utility and transportation infrastructure necessary to support it. If any improvements are needed in these areas, the development must provide for them.

c. Options

Based upon the aforementioned considerations, assumptions, and policies, the following potential redevelopment scenarios have been evaluated for the tract:

1. Warehouse/Distribution - Site use for a warehouse operation is consistent with surrounding land uses, which are primarily of an industrial nature. In the Meadowlands District, space of this nature has historically been leased by tenants seeking locations proximate to Manhattan. Furthermore, a central location in the Boston - Washington corridor, proximity to several airports and seaports, and accessibility to an extensive highway and rail transportation network, are positive factors leading to the growth of warehousing/distribution in the Meadowlands District. Demand for this type of space is high in both the state and in the HMD, evidenced by declining vacancy rates and higher asking rents (Cushman and Wakefield). There are several large-sized upland parcels in this area that could accommodate a significant amount of warehouse/distribution space.

2. Office - Historically, the Meadowlands office market has been concentrated in Carlstadt, Moonachie, East Rutherford, Lyndhurst, Rutherford, Teterboro, North Bergen, and Secaucus. However, declining vacancy rates have opened new areas to office development as demand for space rises. Tenants looking for space in close proximity to Manhattan, the world's largest office market, have spurred this demand for office space in northern New Jersey. Due to its location, office space in the Meadowlands is especially suited to capturing this market. Office space in the District also offers convenient access to public transportation, regional highways, and an abundance of nearby cultural and recreational opportunities, including the Meadowlands Sports Complex (Cushman and Wakefield). The Kearny redevelopment area offers all of the aforementioned attributes; however, office development is likely to require screening from surrounding land uses and clearly marked access points to achieve maximum visibility and accessibility from surrounding roadways.

3. Retail - Existing and expanding residential and business activity in the region has led to increased demand for retail space in and around the HMD. Increased daytime and nighttime populations and higher income levels have led to increased demand for goods and services. Current and proposed retail space in the HMD is concentrated in Secaucus, where there are many opportunities for outlet center and mall shopping. There has also been a recent trend toward retail with a recreation or entertainment component. Some freestanding and neighborhood retail is also present; however, these types of retail are more dependent on visibility and a high concentration of residents nearby.

As jobs are created in the Meadowlands, the demand for retail space is also expected to increase. This demand may partially be fulfilled by properties in the Kearny Redevelopment Area. However, it should be noted that this area does not have the benefit of compatible surrounding land uses, and portions of the area suffer from access and/or visibility problems. Therefore, retail development would need to be concentrated or of a significant scale to attract shoppers to the site. A great deal of competition for development of this size is also likely to exist due to the amount of regional shopping space proposed for the District (Camp Dresser and McKee).

4. Park and Recreation - Park and recreation space is a non-income producing option for the site that could capitalize on and improve the aesthetics of this area. In the HMD, there are a number of recreation areas offering passive and active (non-motorized) recreation opportunities. The backbone of these recreation areas is Meadows Path, a 21-mile trail with segments in ten municipalities. In recent years, the District has become well known for its natural education and recreation opportunities.

An expansion of these opportunities is a possibility in this area. Due to the size of the Kearny Redevelopment Area, the scope of any recreational development would depend mainly on the availability of funds. In the event that uses of this nature are developed, a link to Meadows Path is strongly encouraged.

5. Commercial Recreation - Commercial recreation uses take the concept of recreation one step further, offering facilities and activities on a "pay as you play" basis. Commercial recreation uses are constantly evolving, each seeking to capitalize on trends and technology. Therefore, it is difficult to rigidly define these uses and the types of facilities they require.

The Kearny Redevelopment Area is of an adequate size to support a variety of these types of uses. Possibilities include a motorized dirt-bike track, health club, batting cages, driving range, arcades,

interactive entertainment, tennis, and skating rink. As jobs are created in the Meadowlands, the demand for commercial recreation is also expected to increase. This demand may partially be fulfilled by properties in the Kearny Redevelopment Area. However, it should be noted that this area does not have the benefit of compatible surrounding land uses, and portions of the area suffer from access and/or visibility problems.

6. Outdoor Amusements – There is a lack of outdoor amusement opportunities in the northern New Jersey market. These uses typically require large parcels of land to accommodate the use and parking for visitors, as well as convenient highway access. Furthermore, outdoor amusements require excessive amounts of power and water. The Kearny redevelopment area may be suitable for these uses due to the large amount of undeveloped landfill property. The abundance of impervious surface that would result from such a use may serve as a landfill cap. Furthermore, the existence of former landfills in this area and the methane (a byproduct of waste decomposition) associated with these landfills may be a potential source of inexpensive power for this type of facility. There is also an abundance of surface water in the area, possibly suitable for irrigation and cooling purposes.

5. Identification of Property to be Acquired

No determination has been made at this time as to whether the HMDC will acquire any of the subject properties other than a portion of the Kearny Marsh, which was purchased by the HMDC prior to the adoption of this plan.

6. Significant Relationships to Master Plans and Development Regulations

a. Relationship to Master Plans

A study of the Kearny Master Plan, 1991 Kearny Master Plan Revisions and 1998 Master Plan Re-Examination Report does not reveal any apparent inconsistencies or negative impacts. Kearny's master plan does not fully address the redevelopment area because it is within the zoning jurisdiction of the HMDC. It does contain some goals for the town that are embodied in this redevelopment plan. Specifically, the plan calls for the promotion of orderly development, regulation of use intensity, and prohibition of incompatible uses. There is also an emphasis on controlled growth, especially for larger properties located in the "meadows." The planning concepts embodied in the Kearny Master Plan and subsequent documents are compatible with the goals of the HMDC and this redevelopment plan. Redevelopment of this area is designed to promote consistent, orderly development as a means to remediate the deficiencies that led to the area's designation as "an area in need of rehabilitation." This redevelopment plan's emphasis on ensuring adequate roadway and utility capacity is consistent with the town's objective of controlled growth.

The Town of Kearny has also undertaken a number of other initiatives that should be considered when planning the redevelopment of this area. Of particular importance are the Kearny Urban Enterprise Zone (UEZ), established pursuant to P.L. 1983, c. 303 (C.52-27H-60 et seq.), and a recent Town Ordinance (1999 (O) 19) authorizing tax exemptions for qualified properties under the Environmental Opportunity Zone Act (N.J.S.A. 54:4-3.150 et seq.). These initiatives were undertaken by the Town of Kearny to help promote and retain economic development in the town. These objectives are consistent with the redevelopment plan and it is anticipated that they will play a role in the implementation of the plan.

In the 1972 HMDC Master Plan, the subject properties are designated Heavy Industrial; Highway Commercial; Special Use 1 & 3 Specially Planned Areas; and Transportation Center 2 Specially Planned Area (see Kearny Redevelopment Area Existing Zoning map). These uses were designed to accommodate industrial activities that are dependent on convenient access to the regional highway network. The Specially Planned Area designation was intended to facilitate development of the site for a large-scale facility served by the regional highway network and proposed passenger rail transit improvements (these improvements never materialized). The preferred land use option is consistent with the goal of promoting industrial activities but has moved away from the promotion of a large specially planned "destination."

This redevelopment plan is also consistent with the January 1999 Hudson County Strategic Revitalization Plan, which designates a portion of the redevelopment area as a development activity node. Hudson County's planning strategies for this area include balancing environmental preservation with economic development, which are two Commission mandates this redevelopment plan embodies.

The State Planning Commission relies on the plans and regulations of the HMDC to implement the objectives of the State Development and Redevelopment Plan (SDRP) for lands under HMDC jurisdiction. The HMDC supports the SDRP goals and objectives, and believes that any redevelopment plan which has as its objectives viable land uses, continuity with surrounding land uses where appropriate, and protection of environmentally sensitive lands, would be in accordance with the goals of the SDRP and advance its intentions for this planning area.

b. Relationship to HMDC Regulations

Any redevelopment plan must address relevant development regulations of the HMDC, including subdivision and site improvement requirements. It is important to note that this redevelopment plan, if adopted, would supersede the existing zoning regulations applied to the redevelopment area according to a rule adopted by the HMDC on May 18, 1995.

II. Potential Implementation Strategies

A. POWERS OF REDEVELOPMENT AGENCY

In conjunction with the proposed land use discussion above, the following is a description of possible techniques, authorized by N.J.S.A. 13:17-21, that the HMDC can utilize to implement this redevelopment plan.

1. The Commission is authorized to prepare and adopt redevelopment plans for areas in the District determined by the Commission to be renewal areas.
2. In undertaking projects pursuant to any redevelopment plan, the HMDC may:
 - a. Acquire, by condemnation, or otherwise, real or personal property, or any interest therein, including such property as it may seem necessary or proper, although temporarily not required for such purposes, in a renewal area and in any area within the District designated by it as necessary for relocation of residents, industry or commerce displaced from a renewal area;
 - b. Clear or reclaim any area so acquired and install, construct or reconstruct projects therein necessary to prepare such area for development;
 - c. Relocate, arrange or contract with public or private agencies for the relocation of residents, industry or commerce displaced from the renewal area;
 - d. Dispose of real property so acquired by sale, lease or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;
 - e. Study the recommendations of any planning board for redevelopment of any area and make its own investigations as to current trends and in need factors in the District, or any area thereof;
 - f. By contract or contracts with public agencies or redevelopers or by its own employees or consultants plan, replan, construct, reconstruct, operate, maintain and repair any redevelopment or other project or any part thereof;
 - g. Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements and to the control over the pollution of water and air and the disposal of solid waste; and
 - h. Prepare and adopt from time to time a workable program, representing an official plan of action for effectively dealing with the problem of urban renewal areas within the District and for the establishment and preservation of well-planned communities with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life; for utilizing appropriate private and public resources to eliminate and prevent the spread of blight and deterioration; to encourage needed conservation or rehabilitation; to provide for the redevelopment of renewal areas; or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

B. HMDC INVOLVEMENT

The HMDC has wide ranging powers to effectuate a redevelopment plan advancing any of the redevelopment alternatives described, ranging from a rezoning of property for private development, up to and including condemnation, ownership, and public development of the tract. The following is a brief description of each applicable power.

1. Zoning

In accordance with the powers stated above, the HMDC can designate an appropriate land use pattern, adopt applicable redevelopment standards, and allow the redevelopment goals to be achieved through private sector development. The subdivision or consolidation of lots within the study area could be left to private actions. Designation of the area as a zoning lot-of-record is also a possibility. This would help maximize site utilization while facilitating compliance with site regulations. Redevelopment standards would supersede zoning and could encourage greater intensity of use while still "regulating" the anticipated development.

2. Financial Support

The HMDC can reduce project development costs in the redevelopment area by offering financial incentives:

a. In House Financial Incentives

"Zoning process" type incentives that the HMDC could undertake without the need for financial institution involvement would include zoning process application fee reduction/elimination, streamlining of the permit process, the undertaking of required environmental studies, a reduction of public infrastructure requirements or construction thereof, completion of requisite traffic studies, prior obtaining of DEP permits, or other integral site development concerns. An undertaking of some of these, such as environmental or traffic issues, could necessitate the hiring of outside consultants.

b. Other Financial Incentives

Other incentives the HMDC could undertake would involve financial institutions or the resources of the State of New Jersey. Assistance could possibly be offered for obtaining New Jersey Economic Development Authority (EDA) grant and loan guarantees, as well as Community Development Block Grant (CDBG) funding. The pursuit of these state/federal programs could require considerable administrative resources.

c. HMDC as Developer

The above delineation of powers also includes a provision allowing the HMDC to act as the actual developer of the tract. Such an undertaking would first involve public acquisition of the area. The necessary funds to purchase the property would have to be obtained either through the procurement of bonds or obtaining of loans from such agencies as the New Jersey Economic Development Authority. Professionals would then prepare site and building plans and obtain all necessary permits. A contractor would be hired to construct the approved structures and a construction manager would most likely be required to oversee the work. An operational/cash flow budget would need to be developed. A decision would have to be made as to retaining ownership of the properties and becoming a landlord or liquidating the properties after development. Progression along these lines would represent the ultimate involvement of the HMDC in the redevelopment project.

d. Joint Venture of Sale With Redeveloper

Another option is to enter into a joint venture with a private developer at any time during this process. The statute allows many different kinds of arrangements between the HMDC and a private developer toward the redevelopment of a tract designated as a renewal area. The property could be purchased in accordance with the options discussed above, with a private developer arranging all plan preparation, permit approval, and construction; or some other kind of phased or structure arrangement could be entered into with a private entity deemed to be proper and in accordance with the above statute provisions. The marketing and property sale/retention scenarios discussed above would also be involved in this strategy.

III. Redevelopment Plan

A. SELECTION OF RECOMMENDED LAND USE OPTION

The redevelopment area has been divided into five sections, described below, in order to facilitate planning objectives for the area (see Corridor Delineation Map):

I. Harrison Avenue Retail Center

Block 284 - Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7AB and Block 285 - 1A, 3, 14, 15

The Harrison Avenue corridor benefits from the most prominent visibility and accessibility in the redevelopment area, with proximity to both residential and light industrial uses. Therefore, retail usage is the recommended redevelopment option for the specified properties.

To reduce traffic impacts from retail uses in this area, development should be laid out as a core retail center with shared parking arrangements. The goal is to minimize multiple single-user vehicular trips within the center by encouraging site layout in a pedestrian-friendly manner that requires a minimum of vehicular trips between locations. The reduction of vehicular trips will minimize traffic impact and reduce the safety concerns normally involved when passenger vehicles enter and exit roads heavily traveled by larger commercial vehicles. Furthermore, this type of setting should utilize similar architectural and design elements to improve the overall aesthetic quality of the area.

II. Light Industrial Center

Block 205 - Lot 18, a portion of Lot 19(see IV. Kearny Marsh below), and Lots 24, 25, 27, 28, 29, 30, 31, 32, 33, 26A, 26B; Block 253 - Lots 4, 5A, 5B; Block 275 - Lot 1; and Block 286 - Lot 4, 5, 7, 9, 16, 47, 48, 17A, 17AB, 47A, 4A, 6A, 6B, 8A

The most appropriate redevelopment option for this area is the continuation of the industrial land use pattern characteristic of surrounding properties. Given the proximity of transportation infrastructure (New Jersey Turnpike, Interstate Route 280, Route 7, Harrison Avenue, freight rail line), this area is well suited to light industry. This land use option is also consistent with the objectives of the adjacent Belleville Turnpike Redevelopment Plan, located north of the Kearny Redevelopment Area, which permits large-scale distribution facilities.

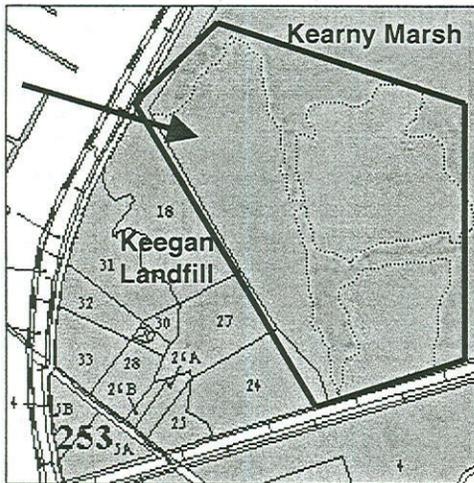
III. Heavy Industrial Center

Block 281 - Lots 2, 3, 6; Block 284 - Lots 14, 11AA, 11AB, 11AD, 14AB, 9A, 9CA, 9CB, 9CC; and Block 285 - Lots 9, 17, 1C

It is recommended that distribution and industrial service uses be developed in this portion of the redevelopment area. These uses are the most appropriate when evaluating the industrial nature of surrounding properties and the extensive transportation infrastructure in this area.

IV. Kearny Marsh

Contiguous delineated wetland areas located within Block 205 - Lots 19 and 20



The Kearny Marsh portion of the redevelopment area is hereby removed from consideration for redevelopment and shall follow current HMDC zoning regulations. This property has been purchased by the HMDC for the purposes of enhancement and preservation. It is strongly recommended by this redevelopment plan that this property be rezoned to Marshland Preservation.

The southwestern portion of Block 205, Lot 19 contains a significant upland portion of approximately 60 acres of the Keegan Landfill, which is pending a subdivision from the Kearny Marsh portion. This upland portion, outlined in red on the adjacent map, shall remain in the redevelopment area, and development shall be permitted as per the Light Industrial Center standards.

V. Landfill Reclamation Area

Block 285 – Lots 1C and 2

The 1-D Landfill portion of the redevelopment area shall be a dedicated open space area. NJDEP has made the closure of this landfill a state priority, and has targeted this area as open space. Thus, no development may occur in this area, except for the purposes of closure.

B. DISMISSAL OF OTHER OPTIONS

The selected land use options have been determined to be the best uses for their respective zone. It would be impractical to dismiss any option, except that of large-scale office development and outdoor amusement, since land uses that may be developed in one area are not necessarily suitable for another. Rather, the combination of these uses, each restricted to their particular zone, contribute to the redevelopment potential of this area. Office development is inappropriate due to incompatibility with surrounding industry, poor access and visibility, and heavy truck volume. Outdoor amusements are inappropriate in the redevelopment area due to public nuisance factors such as noise and glare associated with such uses.

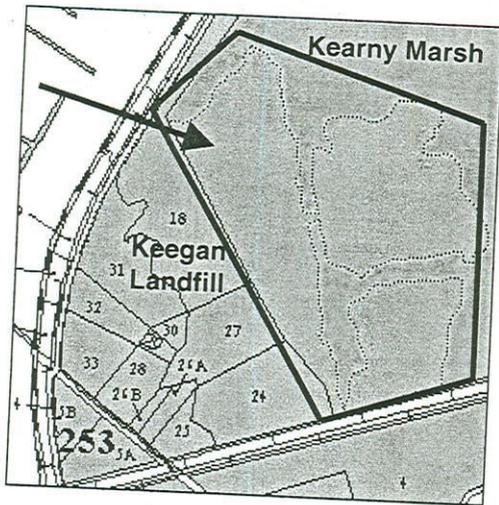
C. REDEVELOPMENT STANDARDS

1. Definitions and Other Standards Not Discussed Herein

Unless specifically superceded in this redevelopment plan, the design standards outlined in N.J.A.C. 19:4-6.18 shall be complied with. Existing HMDC regulations shall be consulted for guidance for any site requirements or other standards not specifically set forth herein for properties within the HMD. All words not defined in this redevelopment plan shall have the definitions as listed in the HMDC District Zoning Regulations N.J.A.C. 19:4-2.2 unless otherwise noted.

IV. Kearny Marsh

Contiguous delineated wetland areas located within Block 205 - Lots 19 and 20



The Kearny Marsh portion of the redevelopment area is hereby removed from consideration for redevelopment and shall follow current HMDC zoning regulations. This property has been purchased by the HMDC for the purposes of enhancement and preservation. It is strongly recommended by this redevelopment plan that this property be rezoned to Marshland Preservation.

The southwestern portion of Block 205, Lot 19 contains a significant upland portion of approximately 60 acres of the Keegan Landfill, which is pending a subdivision from the Kearny Marsh portion. This upland portion, outlined in red on the adjacent map, shall remain in the redevelopment area, and development shall be permitted as per the Light Industrial Center standards.

V. Landfill Reclamation Area

Block 285 - Lots 1C and 2

The 1-D Landfill portion of the redevelopment area shall be a dedicated open space area. NJDEP has made the closure of this landfill a state priority, and has targeted this area as open space. Thus, no development may occur in this area, except for the purposes of closure.

B. DISMISSAL OF OTHER OPTIONS

The selected land use options have been determined to be the best uses for their respective zone. It would be impractical to dismiss any option, except that of large-scale office development and outdoor amusement, since land uses that may be developed in one area are not necessarily suitable for another. Rather, the combination of these uses, each restricted to their particular zone, contribute to the redevelopment potential of this area. Office development is inappropriate due to incompatibility with surrounding industry, poor access and visibility, and heavy truck volume. Outdoor amusements are inappropriate in the redevelopment area due to public nuisance factors such as noise and glare associated with such uses.

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2. Use Standards

I. Harrison Avenue Retail Center

A. Permitted Uses

1. Retail
2. Retail services;
3. Restaurants;
4. Banks, savings and loan associations and similar financial institutions;
5. Personal services;
6. Automobile service stations, when developed in conjunction with a retail use of five (5) acres or greater;
7. Auto maintenance facilities, when developed in conjunction with a retail use of five (5) acres or greater;
8. Hotels and motels;
9. Theaters;
10. Self-storage facilities;
11. Essential public services;
12. Indoor recreation;
13. Light public utility uses; and
14. Governmental uses.

B. Special Exceptions

1. Automobile showrooms, including outdoor display facilities;
2. Towers which support an antenna; and
3. Child care centers.

C. Use Limitations

1. Drive-through facilities shall be permitted accessory uses to restaurants only when the restaurant is developed in conjunction with a retail use of five (5) acres or greater.
2. All business establishments shall be retail or service establishments dealing directly with consumers.
3. All permitted uses shall be located within enclosed buildings, except for antennas, permitted as a light public utility use, outdoor display facilities accessory to automobile showrooms, and the following outdoor uses: accessory storage areas, accessory display areas, seating accessory to a restaurant and play areas, as regulated below.
4. Accessory outdoor storage areas shall be permitted only in connection with a permitted retail use. Said storage area shall be located immediately adjacent to the building and its area shall be included within the permitted floor area of the site. Accessory outdoor storage areas shall not exceed 10 percent of the floor area of the building. Outdoor storage areas shall be fenced and screened.
5. Accessory outdoor display areas shall be permitted only in connection with a permitted retail use. Said display areas shall be located immediately adjacent to the building and its area included within the permitted floor area of the site. Accessory outdoor display areas shall not exceed 20 percent of the floor area of the building. Accessory display areas shall be fenced and screened.

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6. For purposes of (2) and (3) above, the term "building" is established as any structure having a roof and completely enclosed by walls.
7. Outdoor seating is only allowed as an accessory use to a restaurant. The number of seats located outdoors shall not exceed 15% of the maximum number of interior seats, not including bar and cocktail lounge seating, for each respective restaurant. Outdoor seating must be located in areas which do not impede pedestrian traffic or vehicular traffic.
8. Outdoor play areas are permitted in association with licensed child care centers.

II. Light Industrial Center

A. Permitted Uses

1. Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, and business office accessory thereto, but not including the storage of flammable or explosive materials as a principal use;
2. Establishments for scientific research and development, and business offices accessory thereto, where the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods and products is incidental and accessory to the principal user of scientific research and development;
3. Automobile service stations;
4. Vehicle laundries;
5. Automobile and truck leasing and sales;
6. Warehouses, wholesale establishments and other storage facilities;
7. Light public utility uses;
8. Auto maintenance facilities;
9. Bus terminals;
10. Class A recycling facilities;
11. Freight forwarding facilities;
12. Self-storage facilities;
13. Business services;
14. Essential public services;
15. Indoor recreation;
16. Governmental uses; and
17. Accessory office, not to exceed 15 percent of gross floor area.

B. Special Exceptions

1. Heavy public utility uses;
2. Helistops;
3. Television and microwave transmission towers;
4. Class B recycling facilities;
5. Towers which support an antenna; and
6. Child care centers.

6. For purposes of (2) and (3) above, the term "building" is established as any structure having a roof and completely enclosed by walls.
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3. Automobile service stations;
4. Vehicle laundries;
5. Automobile and truck leasing and sales;
6. Warehouses, wholesale establishments and other storage facilities;
7. Light public utility uses;
8. Auto maintenance facilities;
9. Bus terminals;
10. Class A recycling facilities;
11. Freight forwarding facilities;
12. Self-storage facilities;
13. Business services;
14. Essential public services;
15. Indoor recreation;
16. Governmental uses; and
17. Accessory office, not to exceed 15 percent of gross floor area.

B. Special Exceptions

1. Heavy public utility uses;
2. Helistops;
3. Television and microwave transmission towers;
4. Class B recycling facilities;
5. Towers which support an antenna; and
6. Child care centers.

C. Use Limitations

1. All operations, activities and storage (except landing areas for helistops, off street parking and loading, parking of empty, registered and operational vehicles, auto sales/rental yards, and recycling areas) shall be conducted within completely enclosed buildings.
2. No motor freight facilities or trucking operations shall be permitted, except as incidental and accessory to a permitted or special exception use.
3. No slaughtering of animals shall be permitted.
4. Accessory retail sales are permitted in accordance with other provisions in HMDC District Zoning Regulations.
5. Temporary warehouse sales are permitted for a maximum of 12 days per year. No warehouse sale shall exceed four consecutive days. The Office of the Chief Engineer may limit the number of sales permitted on any day; thus, applications will be approved on a first come, first served basis.
6. Professional offices are not permitted uses in this zone.
7. Outdoor play areas are permitted in association with licensed child care centers.
8. Outdoor seating areas, accessory to a permitted or special exception use, not exceeding 15 percent of the principal use, are permitted. In the case of a restaurant, the outdoor seating area shall not be greater than 15 percent of the interior seating area.

III. Heavy Industrial Center

A. Permitted Uses

1. Establishments for scientific research and development, and business offices accessory thereto, including the manufacturing, fabrication, production, repair, storage, sale and resale of materials, goods, and products;
2. Any production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products and business offices accessory thereto;
3. Meat and produce markets for sale at wholesale or retail, including the processing of dress meat products, provided no slaughtering shall be done on the premises;
4. Construction equipment sales, service, and rental;
5. Contractor and construction offices, shops, and yards;
6. Buildings materials yards and facilities;
7. Cartage and express facilities;
8. Motor freight terminals;
9. Railroad terminals and yards;
10. Auto garage;
11. Light public utility uses;
12. Heavy public utility uses;
13. Automobile service stations;
14. Vehicle laundries;
15. Resource recovery systems;
16. Class A and B recycling facilities;
17. Bus terminals;
18. Freight forwarding facilities;
19. Governmental uses;

C. Use Limitations

1. All operations, activities and storage (except landing areas for helistops, off street parking and loading, parking of empty, registered and operational vehicles, auto sales/rental yards, and recycling areas) shall be conducted within completely enclosed buildings.
2. No motor freight facilities or trucking operations shall be permitted, except as incidental and accessory to a permitted or special exception use.
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15. Resource recovery systems;
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17. Bus terminals;
18. Freight forwarding facilities;
19. Governmental uses;

- 20. Intermodal facilities; and
- 21. Essential public services.

B. Special Exceptions

- 1. Helistops;
- 2. Child care centers; and
- 3. Towers which support an antenna.

C. Use Limitations

- 1. Trailers/containers shall not be stacked more than two high on top of one another.

3. Bulk Standards

A. Harrison Avenue Retail Center

- 1. Minimum lot area - 5 acres
- 2. Minimum open space - 20 percent; or 15 percent if the entire zone is developed under a coordinated plan as a single entity.
- 3. Maximum lot coverage - 40 percent
- 4. Minimum front yard setback - 50 feet
- 5. Minimum side yard setback - 40 feet
- 6. Minimum rear yard setback - 40 feet
- 7. Gross building floor area shall not exceed 13,000 square feet per acre of land, exclusive of any wetland areas for which no fill permit has been issued.

B. Light Industrial Center

- 1. Minimum lot area - 3 acres
- 2. Minimum open space - 15 percent
- 3. Maximum lot coverage - 50 percent
- 4. Minimum front yard setback - 50 feet, or 100 feet from NJ Turnpike right-of-way
- 5. Minimum side yard setback - 30 feet
- 6. Minimum rear yard setback - 30 feet
- 7. Gross building floor area shall not exceed 21,780 square feet per acre of land, exclusive of any wetland areas for which no fill permit has been issued.

C. Heavy Industrial Center

- 1. Minimum lot area - 1 acre
- 2. Minimum open space - 15 percent
- 3. Maximum lot coverage - 50 percent
- 4. Minimum front yard setback - 35 feet
- 5. Minimum side yard setback - 20 feet, or 100 feet from NJ Turnpike right-of-way
- 6. Minimum rear yard setback - 20 feet, or 100 feet from NJ Turnpike right-of-way
- 7. Gross building floor area shall not exceed 21,780 square feet per acre of land, exclusive of any wetland areas for which no fill permit has been issued.

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- 7. Gross building floor area shall not exceed 21,780 square feet per acre of land, exclusive of any wetland areas for which no fill permit has been issued.

4. Architectural Standards

All facades visible from public rights of way shall be of finished and decorative material. Variations in color, material, and height are strongly encouraged.

5. Parking

Unless altered herein, all parking shall conform to N.J.A.C. 19:4-6.18(d), (e), and (g). The design of all parking areas shall be in accordance with N.J.A.C 19:4-6.18(h).

In addition:

- a. Parking may be permitted within the required front yard setback, but in no case shall such parking be closer to the ROW line than 25 feet therefrom, except in which case the properties front yard is the New Jersey Turnpike, in such case parking shall not be permitted in the required front yard.
- b. Parking may be permitted in side and rear yards, but in no case shall such parking be closer to the property line than five feet therefrom.
- c. Harrison Avenue Retail Center: In instances when a shared parking plan is utilized, the construction of up to five percent of total required parking may be deferred. This deferral may remain in effect until such time it is determined by the Office of the Chief Engineer that parking demand exceeds supply.

6. Circulation/Public Improvements

The Kearny Master Plan and subsequent revisions call for the extension of Bergen Avenue eastward to the point where a connection with Harrison Avenue is possible. The feasibility of this proposal is addressed in this redevelopment plan.

- a. To promote access to interior portions of the redevelopment area, it is recommended that Bergen Avenue, which currently becomes a paper street east of the Kingsland rail line, be improved eastward to create a connection between Harrison and Schuyler Avenues.
A comprehensive traffic study, including trip generation and distribution data, may be required at the discretion of the Office of the Chief Engineer where proposed development is expected to have a significant impact on circulation and/or where any improvements are proposed or necessary. The developer shall be responsible for a portion of the costs of off-site transportation improvements.

Harrison Avenue Retail Center: A pedestrian circulation plan shall be submitted. This plan must include plans for signage and lighted and landscaped sidewalks with minimal vehicular crossings. Architectural elements, such as pavers and street furniture, are highly desirable.

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These nodes were primarily selected based on their size, location, and development potential. Due to the large-scale development potential of these areas, it is anticipated that the redevelopers of these nodes will be actively involved in solving the challenges associated with redevelopment.

B. Potential Financial Incentives

Development taking place within the town of Kearny may be applicable for financial incentives under the New Jersey Urban Enterprise Zone Act (N.J.S.A. 55:19-20 et. seq.) or the New Jersey Environmental Opportunity Zone Act (N.J.S.A. 54:4-3.150 et. seq.). A discussion of these programs follows:

Urban Enterprise Zone (UEZ) - To help promote investment and economic development in "areas of economic distress," the New Jersey legislature established the New Jersey Urban Enterprise Zones Act. This Act authorizes the declaration of 29 enterprise zones in qualifying municipalities throughout the state. Retail sales by businesses located in designated UEZ may qualify for a 50 percent reduction in sales tax under the Sales and Use Tax Act (N.J.S.A. 52:27H-80). Qualified businesses located within UEZ may also qualify for certain credits and exemptions from the corporation business tax (N.J.S.A. 52:27H-76, -77, -78).

The Town of Kearny has been selected as a qualifying municipality. At the present time, approximately 20 percent of the municipality has been designated an UEZ (the statute specifies that no more than 30 percent of the total land area of a municipality may be designated an UEZ). (See Kearny UEZ map.) There is possibility for expansion of the UEZ to areas that are not currently designated as such. Expansion can be accomplished in one of two ways.

1. A five-year review of the boundaries is scheduled to take place in March 2003. At this time the UEZ may be reconfigured or expanded to include areas of new development.
2. For areas where large development is proposed, an application may be made to the New Jersey Urban Enterprise Zone Commission for an emergency expansion of the UEZ boundaries.

Environmental Opportunity Zone Act (EOZA) - This tax incentive measure is designed to promote brownfield redevelopment. The program offers tax exemptions and abatements of up to fifteen years for commercial and industrial property owners provided they agreed to clean up contamination on the site.

The Town of Kearny passed Ordinance 1999 (O) 19 on April 27, 1999 (APPENDIX D) officially certifying its intention to permit the use of this tax incentive. This program is a potential opportunity to help facilitate redevelopment of the Kearny redevelopment area.

There are several other financial incentives designed to promote the development of landfilled and/or brownfield areas in the state. The HMDC encourages the use of these incentive programs and will work with developers to locate and apply for these incentives.

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V. Appendix

- A. Sources
- B. Commission Resolution # 99-3 – Resolution to Investigate Redevelopment Opportunities in Kearny
- C. Commission Resolution # 99-38 – Authorizing Preparation of Redevelopment Plan
- D. Town of Kearny Ordinance 1999 (O) 19
- E. Response to Comments, March 23, 2000 Public Hearing

V. Appendix

- A. Sources
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A. Sources

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Appraisal: Keegan Landfill [and surrounding properties], Kearny, New Jersey. March 1995, Appraisal Consultants Corporation.

Hudson County Strategic Revitalization Plan. January 1999, Heyer, Gruel & Talley, PA.

Land Use Feasibility Study: Keegan Landfill, Kearny, New Jersey. July 1998, Camp Dresser and McKee, Inc.

Ordinance 1999 (O) 19. *An Ordinance Regarding Tax Exemption of Qualified Real Property for Environmental Opportunity Zones in the Town of Kearny.* April 27, 1999, Town of Kearny.

Redevelopment Plan for the Belleville Turnpike Tract in Kearny, New Jersey. February 1996, Hackensack Meadowlands Development Commission.

Town of Kearny, New Jersey: Master Plan. 1983, Candeub, Flessig, and Associates, Inc.

Town of Kearny: Master Plan Revision. Revised March 1991, Michael E. Kauker Associates.

Town of Kearny: Master Plan Re-Examination Report. December 1998, The Nelson Consulting Group.

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APPENDIX B
RESOLUTION TO INVESTIGATE
REDEVELOPMENT OPPURTUNITIES IN AND AROUND THE
KEEGAN LANDFILL IN KEARNY, NEW JERSEY

WHEREAS, N.J.S.A. 13:17-20 provides for the procedure declaring a renewal area within the Hackensack Meadowlands District for the purpose of redevelopment; and

WHEREAS, N.J.S.A. 13:17-20 requires the Commission, prior to declaring any portion of the District a renewal area, to adopt a resolution providing for a preliminary investigation of the site; and

WHEREAS, the statute requires HMDC staff to prepare maps showing the boundaries of the area to be investigated, prepare a statement detailing the reasons for the redevelopment investigation and to convene a public hearing to obtain comments on the matter; and

WHEREAS, upon completion of the procedures above, the HMDC staff must determine whether the site meets the criteria to be deemed "in need of rehabilitation" and provide a recommendation to the Commission regarding whether the site should be designated a renewal site for the purpose of redevelopment and

WHEREAS, the HMDC staff believes the area in and around the Keegan Landfill in the Town of Kearny meets the guidelines for a redevelopment area. The area is more specifically described as Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48.

NOW THEREFORE IT BE RESOLVED by the Hackensack Meadowlands Development Commission that the HMDC staff is hereby authorized to conduct an investigation of the site designated herein and hold public hearings to determine if the area is in need of rehabilitation.

BE IT FURTHER RESOLVED the Keegan landfill is removed from the HMDC Open Space Plan dated April 1997.

The foregoing Resolution was adopted by Commission vote.



Jane Kenny, Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Hackensack Meadowlands Development Commission at their meeting of January 27, 1999.



Alan J. Steinberg Esq., Secretary

RESOLUTION TO INVESTIGATE
REDEVELOPMENT OPPURTUNITIES IN AND AROUND THE
KEEGAN LANDFILL IN KEARNY, NEW JERSEY

WHEREAS, N.J.S.A. 13:17-20 provides for the procedure declaring a renewal area within the Hackensack Meadowlands District for the purpose of redevelopment; and

WHEREAS, N.J.S.A. 13:17-20 requires the Commission, prior to declaring any portion of the District renewal area, to adopt a resolution providing for a preliminary investigation of the site; and

WHEREAS, the statute requires HMDC staff to prepare maps showing the boundaries of the area to be investigated, prepare a statement detailing the reasons for the redevelopment investigation and to convene a public hearing to obtain comments on the matter; and

WHEREAS, upon completion of the procedures above, the HMDC staff must determine whether the area meets the criteria to be deemed "in need of rehabilitation" and provide a recommendation to the Commission regarding whether the site should be designated a renewal site for the purpose of redevelopment and

WHEREAS, the HMDC staff believes the area in and around the Keegan Landfill in the Town of Kearny meets the guidelines for a redevelopment area. The area is more specifically described as Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48.

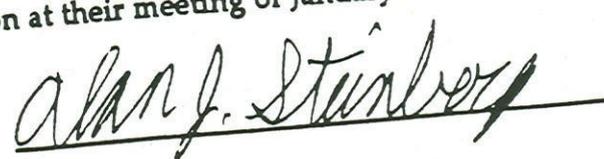
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The foregoing Resolution was adopted by Commission vote.


Jane Kenny, Chairman

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Alan J. Steinberg Esq., Secretary

APPENDIX C

RESOLUTION TO AUTHORIZE THE PREPARATION OF A REDEVELOPMENT PLAN
FOR AN AREA IN KEARNY, NEW JERSEY

WHEREAS, N.J.S.A. 13:17-20 provides for the procedure declaring a renewal area within the Hackensack Meadowlands District for the purpose of redevelopment; and

WHEREAS, the Commission has authorized a preliminary investigation of the site which includes Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48 in the Town of Kearny, which report was completed by staff; and

WHEREAS, a public hearing was held on April 20, 1999 concerning the preliminary investigation and evidence of "in need of rehabilitation" conditions in the area; and

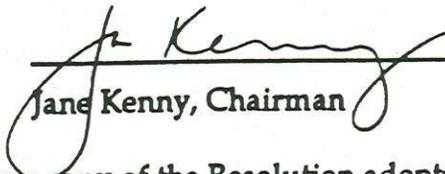
WHEREAS, comments were received in support of the proposed designation; and

WHEREAS, the HMDC staff, having reviewed all comments made at the public hearing, recommends that the Commission declare the referenced area "in need of rehabilitation" as specified in the report dated March 24, 1999;

NOW THEREFORE BE IT RESOLVED by the Hackensack Meadowlands Development Commission that the above identified area in Kearny is declared a renewal area "in need of rehabilitation" within the scope of N.J.S.A. 13:17-20 et. seq.; and

BE IT FURTHER RESOLVED, that the HMDC staff is hereby authorized to proceed with the preparation of a redevelopment plan for the area and hold the necessary public hearings in accordance with the above statutory guidelines.

The foregoing Resolution was adopted by Commission vote.



Jane Kenny, Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Hackensack Meadowlands Development Commission at their meeting of May 26, 1999.



Alan J. Steinberg, Secretary

APPENDIX C

RESOLUTION TO AUTHORIZE THE PREPARATION OF A REDEVELOPMENT PLAN
FOR AN AREA IN KEARNY, NEW JERSEY

WHEREAS, N.J.S.A. 13:17-20 provides for the procedure declaring a renewal area within the Hackensack Meadowlands District for the purpose of redevelopment; and

WHEREAS, the Commission has authorized a preliminary investigation of the site which includes Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48 in the Town of Kearny, which report was completed by staff; and

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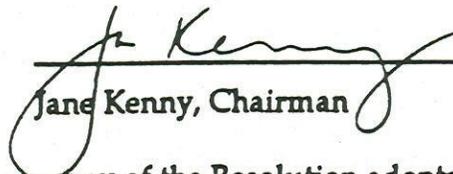
WHEREAS, comments were received in support of the proposed designation; and

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BE IT FURTHER RESOLVED, that the HMDC staff is hereby authorized to proceed with the preparation of a redevelopment plan for the area and hold the necessary public hearings in accordance with the above statutory guidelines.

The foregoing Resolution was adopted by Commission vote.



Jane Kenny, Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the Hackensack Meadowlands Development Commission at their meeting of May 26, 1999.



Alan J. Steinberg, Secretary

APPENDIX D

1999 (O) 19
ORDINANCE

**AN ORDINANCE REGARDING TAX EXEMPTION OF
QUALIFIED REAL PROPERTY FOR ENVIRONMENTAL
OPPORTUNITY ZONES OF THE TOWN OF KEARNY**

BE IT ORDAINED by the Mayor and Council of the Town of Kearny, in the County of Hudson, and State of New Jersey, as follows:

Section 1. Purpose:

WHEREAS there are numerous properties in the Town of Kearny that are underutilized or that have been abandoned and that are not being utilized for commercial use because of contamination that exists on these properties;

WHEREAS these abandoned contaminated properties harm the Town of Kearny and its residents by causing a burden on municipal services while failing to contribute to the funding of those services;

WHEREAS it is in the best interest of the Town of Kearny to encourage the remediation of these properties so that they can be reused or fully used for commercial properties; and

WHEREAS the Town of Kearny, pursuant to N.J.S.A. 54:4-3.150, ~~et seq.~~, makes known its intention to utilize the tax exemption provision authorized by the New Jersey State legislature to provide for exemptions of real property taxes for environmental opportunity zones for terms of up to fifteen years.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF KEARNY, NEW JERSEY:

Section 2. Definitions:

- (a) "Contamination" or "contaminant" means any discharged hazardous substance as defined pursuant to section 3 of P.L. 1976, c. 141 (N.J.S.A. 58:10-23.11b), hazardous waste as defined pursuant to section 1 of P.L. 1976, c. 99 (N.J.S.A. 13:1E-38), or pollutant as defined pursuant to section 3 of P.L. 1977, c. 74 (N.J.S.A. 58:10A-3).
- (b) "Engineering controls" means any mechanism to contain or stabilize

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- (b) "Engineering controls" means any mechanism to contain or stabilize

contamination or ensure the effectiveness of remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences and access controls.

- (c) "Environmental opportunity zone" means any qualified real property that has been designated by the governing body of the Town of Kearny as an environmental opportunity zone pursuant to section 4 of P.L. 1977, c. 413 (N.J.S.A. 54:4-3.153).
- (d) "Institutional controls" means a mechanism used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a contaminated site in levels or concentrations above the applicable remediation standard that would allow unrestricted use of that property. Institutional controls may include, without limitation, structure, land, and natural use restrictions, well restriction areas, and deed notices.
- (e) "Limited restricted use remedial action" means any remedial action that requires the continued use of institutional controls but does not require the use of an engineering control.
- (f) "Qualified real property" means any parcel of real property that is now vacant or underutilized, which is in need of a remediation due to discharge or threatened discharge of a contaminant, and which is listed in the most recent Department of Environmental Protection publication of known hazardous discharge sites in New Jersey prepared pursuant to P.L. 1982, c. 202 (N.J.S.A. 58:10-23.15 et seq.).
- (g) "Remediation" means all necessary action to investigate and clean up or respond to any known, suspected or threatened discharge of contaminants, including, as necessary, the preliminary assessment, site investigation, remedial investigation, and remedial action.
- (h) "Remediation cost" means cost associated with the implementation of a remediation, including all direct and indirect legal, administrative and capital costs, engineering costs, and annual operation, maintenance, and monitoring costs.
- (i) "Tax Assessor" means the tax assessor for the Town of Kearny appointed pursuant to the provisions of chapter 9 of Title 40A of the New Jersey Statutes.
- (j) "Taxes otherwise due" means the amount determined by using the assessed valuation of the environmental opportunity zone at the time of the approval by

contamination or ensure the effectiveness of remedial action. Engineering controls may include, without limitation, caps, covers, dikes, trenches, leachate collection systems, signs, fences and access controls.

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- (j) "Taxes otherwise due" means the amount determined by using the assessed valuation of the environmental opportunity zone at the time of the approval by

the tax assessor of the exemption, regardless of any improvement made to the environmental opportunity zone thereafter and as if the designation of the environmental opportunity zone had not occurred.

- (k) "Unrestricted use remedial action" means any remedial action that does not require the continued use of engineering or institutional controls in order to meet the established health risk or environmental standards.

Section 3. Application Procedure:

The following conditions shall apply to all applications for tax exemption of the environmental opportunity zone at the time of the application:

- (a) The application shall be filed with the tax assessor on a form prescribed by the Director of the Division of Taxation, in the Department of the Treasury, State of New Jersey.
- (b) The application shall contain all information required by this Ordinance.

Section 4. Authorization for Tax Exemption:

Each approved exemption shall be evidenced by a financial agreement between the Town of Kearny and the applicant approved by Ordinance of the Town Council authorizing an agreement for tax exemption for a particular environmental opportunity zone for a period of ten (10) years, except that a tax exemption may be extended up to fifteen (15) years, at the Town of Kearny's option, if the qualified real property is to be remediated with a limited restricted use remedial action or an unrestricted use remedial action. The property tax exemption shall end if (a) the difference between the real property taxes otherwise due and payments made in lieu of those taxes equals the total remediation cost for the qualified real property or (b) once remediated, the qualified real property is not used for a commercial, residential or industrial purpose during the time period for which said property tax exemption is given.

Section 5. Financial Agreement:

Each approved exemption shall be evidenced by a financial agreement between the Town of Kearny and the applicant. The agreement shall be in a form prepared by the applicant and shall contain the representations that are required by this Ordinance together with such other information as may be required by the Town Attorney. The agreement shall provide for the applicant to pay the Town of Kearny an amount in lieu of real property taxes in accordance with Section 6 of this Ordinance. The form of the agreement shall be approved by the Town Attorney and shall be on file in the offices of the Town Clerk and the Tax Assessor.

Every application for an exemption may be approved and allowed by the Town Council

the tax assessor of the exemption, regardless of any improvement made to the environmental opportunity zone thereafter and as if the designation of the environmental opportunity zone had not occurred.

- (k) "Unrestricted use remedial action" means any remedial action that does not require the continued use of engineering or institutional controls in order to meet the established health risk or environmental standards.

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Every application for an exemption may be approved and allowed by the Town Council

to the degree that the application is consistent with the provisions of this enabling Ordinance. The exemption shall not be granted by the Town Council until the owner of the property enters into a memorandum of agreement or administrative consent order with the Department of Environmental Protection, of the State of New Jersey, for the remediation. An exemption that is granted shall take effect upon the approval by the Town Council and it shall be recorded and made a permanent part of the official tax records of the Town of Kearny, which record shall contain a notice of the termination date of the exemption. The owner of the property shall deliver a copy of the approved exemption application to the Division of Local Government Services in the Department of Community Affairs, State of New Jersey.

Section 6. Payment In Lieu Of Taxes:

Payments in lieu of real property taxes may be computed as a portion of the real property taxes otherwise due, according to the following schedule:

1. In the first tax year following execution of a memorandum of agreement or administrative consent order, no payment in lieu of taxes otherwise due;
2. In the second tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 10% of taxes otherwise due;
3. In the third tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 20% of taxes otherwise due;
4. In the fourth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 30% of taxes otherwise due;
5. In the fifth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 40% of taxes otherwise due;
6. In the sixth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 50% of taxes otherwise due;
7. In the seventh tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 60% of taxes otherwise due;
8. In the eighth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 70% of taxes otherwise due;
9. In the ninth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 80% of taxes otherwise due;
10. In the tenth and all subsequent tax years following execution of a memorandum of agreement or administrative consent order, the exemption shall expire

to the degree that the application is consistent with the provisions of this enabling Ordinance. The exemption shall not be granted by the Town Council until the owner of the property enters into a memorandum of agreement or administrative consent order with the Department of Environmental Protection, of the State of New Jersey, for the remediation. An exemption that is granted shall take effect upon the approval by the Town Council and it shall be recorded and made a permanent part of the official tax records of the Town of Kearny, which record shall contain a notice of the termination date of the exemption. The owner of the property shall deliver a copy of the approved exemption application to the Division of Local Government Services in the Department of Community Affairs, State of New Jersey.

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8. In the eighth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 70% of taxes otherwise due;
9. In the ninth tax year following execution of a memorandum of agreement or administrative consent order, an amount not less than 80% of taxes otherwise due;
10. In the tenth and all subsequent tax years following execution of a memorandum of agreement or administrative consent order, the exemption shall expire

and the full amount of the assessed real property taxes, taking into account the value of the real property in its remediated state, shall be due.

Notwithstanding the foregoing, where a property tax exemption has been extended beyond ten (10) years because of the proposed implementation of a limited restricted use remedial action or unrestricted use remedial action, the Town of Kearny may provide for a different schedule for payment in lieu of real property taxes, which payments may not exceed the length of the property tax exemption.

The payments required pursuant to this Ordinance shall be made in quarterly installments according to the same schedule as real property taxes are due and payable. Failure to make these payments shall result in the termination of the exemption. In addition to the remedy set forth herein, the requirements imposed pursuant to Section 7 of P.L. 1995, c. 413 (N.J.S.A. 54:4-3.156) shall be enforced in the same manner as is provided for in real property taxes.

Section 7. Termination Of Memorandum Of Agreement:

Notwithstanding any provision in P.L. 1995, c. 413 (N.J.S.A. 54:4-3.150, *et al.*), the period of property tax exemption for an environmental opportunity zone shall end if at any time the governing body of the municipality finds that (a) the memorandum of agreement for remediation of said environmental opportunity zone has been terminated at the option of the applicant and an administrative consent order is not issued in its place, or (b) any of the conditions in the Ordinance as required by subsection (c) of Section 5 of P.L. 1995, c. 413 (N.J.S.A. 54:4-3.154) is not met with respect to said environmental opportunity zone.

Section 8. Completion Of Remediation:

Each financial agreement pursuant to Section 5 of this Ordinance shall require that: (a) the environmental opportunity zone will be remediated in compliance with the remediation standards adopted by the Department of Environmental Protection pursuant to P.L. 1993, c. 139 (N.J.S.A. 58:10B-1, *et al.*); and (b) the owner of the environmental opportunity zone will complete the remediation pursuant to the memorandum of agreement or administrative consent order with the Department of Environmental Protection.

Section 9. Tax Delinquencies:

No tax exemption shall be granted pursuant to this Ordinance with respect to any property for which property taxes are delinquent or remain unpaid or for which penalties for nonpayment of taxes are due.

Section 10. Ineligibility:

Any tax exemption authorized and granted under the provisions of P.L. 1995, c. 413

and the full amount of the assessed real property taxes, taking into account the value of the real property in its remediated state, shall be due.

Notwithstanding the foregoing, where a property tax exemption has been extended beyond ten (10) years because of the proposed implementation of a limited restricted use remedial action or unrestricted use remedial action, the Town of Kearny may provide for a different schedule for payment in lieu of real property taxes, which payments may not exceed the length of the property tax exemption.

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Any tax exemption authorized and granted under the provisions of P.L. 1995, c. 413

(N.J.S.A. 54:4-3.150 to -158), as amended and supplemented, shall not be granted or applied in conjunction with any other exemption or abatement authorized under other State Law or statute.

Section 11. Severability:

If any sentence, paragraph or section of this Ordinance or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 12. Repealer:

All prior Ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 13. Effective Date:

This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

ADOPTED: April 27, 1999

I hereby certify that the foregoing Ordinance was introduced and passed by the Council on first reading on April 13, 1999, duly published according to law, and passed on second reading and final passage on April 27, 1999.


DORREEN CALL
TOWN CLERK

I hereby approve the foregoing Ordinance this 27 day of April, 1999.


PETER J. MC INTYRE
MAYOR

(N.J.S.A. 54:4-3.150 to -158), as amended and supplemented, shall not be granted or applied in conjunction with any other exemption or abatement authorized under other State law or statute.

Section 11. Severability:

If any sentence, paragraph or section of this Ordinance or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this Ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this Ordinance.

Section 12. Repealer:

All prior Ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 13. Effective Date:

This Ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey.

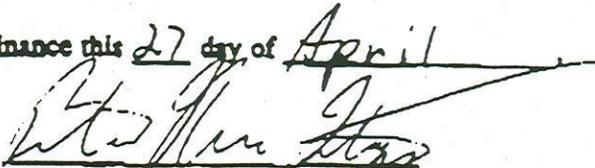
ADOPTED: April 27, 1999

I hereby certify that the foregoing Ordinance was introduced and passed by the Council on first reading on April 13, 1999, duly published according to law, and passed on second reading and final passage on April 27, 1999.


DORREEN CALL
TOWN CLERK

1999.

I hereby approve the foregoing Ordinance this 27 day of April


PETER J. MC INTYRE
MAYOR

APPENDIX E

Response to Comments

March 23, 2000 Public Hearing

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March 23, 2000 Public Hearing

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

One DeKorte Park Plaza • Lyndhurst, New Jersey 07071-3799
Administrative Offices: (201) 460-1700 Environment Center: (201) 460-8300
Fax: (201) 460-1722



JANE KENNY
Chairman

ALAN J. STEINBERG, ESQ.
Executive Director

RESPONSE TO COMMENTS

RE: KEARNY REDEVELOPMENT PLAN AT PUBLIC HEARING HELD MARCH 23, 2000

A public hearing regarding a redevelopment plan for the Kearny Redevelopment Area in the Town of Kearny was held before HMDC staff on March 23, 2000 at 10:00 AM at the offices of the HMDC. HMDC staff present to hear comment on the plan included Robert Bratt, Chief Engineer; Darren Davidowich, Assistant Planner; and Mia Alpos, Assistant Planner.

The redevelopment plan was proposed for the following properties: **Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48** in the Town of Kearny. These properties are entirely within HMDC jurisdiction.

The following are comments entered onto the record at the public hearing or submitted in writing by noon on March 27, 2000, and responses to the concerns expressed:

COMMENT 1

There was an objection expressed to the reopening of any former landfills in the redevelopment area, and a request for a confirmation by the HMDC that these landfills would not be reactivated.

Response: The HMDC is committed to the closure of orphan landfills in the District. There are no plans at this time to reopen any of the landfills in the redevelopment area. However, potential closure measures, such as capping of landfill areas, may effectively be construed as a reactivation. It would thus be inappropriate for the redevelopment plan to prohibit reactivation of landfill areas.

COMMENT 2

There was a request to consider office development as a permitted use in the proposed Light Industrial Center.

Response: The redevelopment plan evaluated several land use options for the redevelopment of the area, including office development. While primary office space was not considered an appropriate redevelopment option, HMDC staff agrees to permit office when accessory to an industrial use, and the redevelopment plan will be amended accordingly.



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COMMENT 2

There was a request to consider office development as a permitted use in the proposed Light Industrial Center.

Response: The redevelopment plan evaluated several land use options for the redevelopment of the area, including office development. While primary office space was not considered an appropriate redevelopment option, HMDC staff agrees to permit office when accessory to an industrial use, and the redevelopment plan will be amended accordingly.



COMMENT 3

An objection to the proposed Heavy Industrial Center zone was expressed.

Response: HMDC staff reevaluated this zone in light of this comment. The Heavy Industrial Center is proposed in an area with limited accessibility and significant development constraints. For instance, numerous rail spurs traverse the lots, creating small and irregularly shaped areas where development could potentially take place. Due to these hard barriers, it is unlikely that these properties could meet the site specifications required of light industrial development.

However, the heavy industrial zoning was reevaluated for the 1-D landfill. The New Jersey Department of Environmental Protection (NJDEP) is completing a closure plan for this landfill and is targeting the area as open space. Therefore, the redevelopment plan will be amended to designate the 1-D landfill as dedicated open space. The remaining properties in the Heavy Industrial Center will retain the proposed zoning.

COMMENT 4

Objections were expressed to the following uses as either permitted or special exceptions:

1. Towers which support an antenna;
2. Intermodal facilities;
3. Heavy public utility uses; and
4. Recycling facilities.

Response:

1. Antennas are a light public utility, and would thus be permitted uses in the redevelopment area. The towers on which they are placed, however, would require a special exception hearing for approval, including opportunities for public comment.
2. One of the Kearny Redevelopment Area's greatest advantages is the presence of numerous rail lines. The plan seeks to capitalize on this available infrastructure by including intermodal facilities as permitted uses in the proposed Heavy Industrial Center only. Intermodal development may spur new jobs and new development in other areas of Kearny, perhaps fueling the need for new warehouse and distribution facilities.
3. Heavy public utilities include uses such as methane recovery facilities, which are viable uses on former landfills. Therefore, it would be inappropriate to exclude this use from the redevelopment area.
4. All solid waste facilities (i.e., recycling facilities) in the State of New Jersey are exempt from local zoning. However, there is a two-step process in order for a solid waste facility to be approved. First, the proposed facility must hold a public hearing pursuant to public notice requirements and Impreveduto notification. Then, an amendment to the solid waste plan would be required to include the facility. The Commissioner of the New Jersey Department of Environmental Protection would then issue the ultimate determination for approval.

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COMMENT 5

It was requested that HMDC inquire of NJ Transit and Port Authority to assess the possibility of extending commuter rail service to the Kearny redevelopment area.

Response: The HMDC does not have authority over commuter rail lines in the District. However, the HMDC may act as facilitator to coordinate such discussions between the Town of Kearny and relevant transportation agencies. This would be a function separate from any redevelopment planning processes.

COMMENT 6

There was a concern expressed that raising the Kingsland rail viaduct over Bergen Avenue to provide truck access through the roadway could open the area as an alternate route for New York City garbage trucks going to the transfer station.

Response: The proposal to improve Bergen Avenue was to facilitate access to the interior portions of the redevelopment area, and therefore more inviting for development. Any adverse side effects of these improvements, such as alternate truck traffic, could be mitigated through enforcement actions.

COMMENT 7

There was a concern expressed that improvements to Bergen Avenue would interfere with the drainage functions of Frank's Creek.

Response: The proposed improvements to Bergen Avenue would include a box culvert at Frank's Creek in order to avoid any adverse effect on the creek and its drainage function. In addition, the installation of sewers and the elevation of the roadway above flood level will alleviate existing flooding in the area.

COMMENT 8

It was requested that the proposed Harrison Avenue Retail Center permit light industrial-type uses in addition to the proposed uses.

Response: HMDC staff believes in the viability of the current proposal for the proposed Harrison Avenue Retail Center. Including industrial uses in a retail center would not fulfill the goals of the redevelopment plan.

COMMENT 9

There was a request to clarify when the new bulk and zoning regulations would take effect, and the result on applications already approved under existing HMDC zoning regulations.

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Response:

The redevelopment plan regulations supercede existing zoning regulations immediately upon approval of the redevelopment plan by the Commission. Existing applications deemed complete and approved by the Commission may proceed according to existing HMDC zoning regulations.

In instances when a previously issued zoning certificate has expired, a new zoning certificate application may be submitted as per N.J.A.C. 19:4-4.133 before the redevelopment plan is adopted by the Commission in order to be considered under the existing zoning regulations for the site. This process would be separate from any redevelopment planning processes.

COMMENT 10

There were several concerns raised about properties proximate to the New Jersey Turnpike, including:

1. There were concerns expressed about "ramps" and methane venting.
2. It was requested that any development plan recognize the potential for dualizing the Turnpike's western alignment, and that there be sufficient property reserved for this.
3. Concerns were expressed about Meadows Path.
4. It was requested that development proximate to the Turnpike take into account views from the Turnpike.
5. There was a concern expressed that helistops be located sufficient distance from the Turnpike.
6. It was requested that no signs be directed at motorists on the mainline of the roadway, ramps, or toll plazas.
7. There was a concern expressed that HMDC consider emergency access to all areas to fight fires.
8. There were concerns expressed that uses in the heavy industrial zone would produce smoke/fog/steam, which would affect motorists' visibility.
9. It was requested that the Turnpike Authority receive notice of all development plans.
10. The Turnpike Authority hereby reserves 100' of property on either side of the Turnpike's right of way in the area of proposed development.

Response:

1. "Ramps" and methane venting are engineering controls regarding development on former landfills. Ramps are not roadway structures, but a type of building support used in the construction process to accommodate any settling that may occur over time. Methane is a byproduct of decomposition of the materials within the landfill, and venting or collection measures would be required for safety and air quality purposes. Neither measure would impact any functions of the Turnpike.
2. There is no development proposed at this time. This comment period pertained only to the applicable redevelopment plan regulations. This comment is therefore moot.
3. Meadows Path is not being developed in conjunction with this redevelopment plan. This comment is therefore moot.
4. The proposed redevelopment standards include architectural standards.
- 5-8. Development plans are consistently reviewed by the HMDC in a manner promoting public health, safety, and interest.
9. This comment has been taken under advisement.
10. The redevelopment plan will be amended to maintain adequate setbacks from NJ Turnpike rights-of-way.

Response:

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COMMENT 11

It was requested that the following properties be included in the redevelopment area: Block 205 – Lots 23 and 34; Block 286 – Lot 31; and Block 150A – Lot 32.

Response: The inclusion of new properties in the redevelopment area would necessitate reverting to the “in need of rehabilitation” stage of the redevelopment process. The HMDC is not inclined to proceed at this time.

COMMENT 12

It was requested that the proposed zoning in the Harrison Avenue Retail Center include drive-through facilities in conjunction with restaurants. It was also requested that convenience stores and car washes be permitted accessory uses in conjunction with the permitted automotive service station.

Response: The proposed Harrison Avenue Retail Center is envisioned to be developed as a coordinated power center. This would entail limited access points from Harrison Avenue in order to prevent traffic from repeatedly entering and exiting onto the roadway. However, HMDC staff realizes that drive-through facilities are an important function of some restaurant operations. These two issues may be reconciled in order to realize the goals of this redevelopment plan and promote the viability of restaurants by permitting restaurants with drive-through facilities only as accessory to a retail use of five acres or greater. The redevelopment plan will be amended accordingly.

The redevelopment plan regulations state automobile service stations are permitted only when developed in conjunction with a retail use of five acres or greater. After these conditions are fulfilled, convenience stores may be permitted. However, HMDC staff believes that a car wash would not be an appropriate use in the proposed Harrison Avenue Retail Center. There are provisions for such uses in other parts of the redevelopment area.

COMMENT 13

It was requested that billboards be permitted on properties adjacent to Route 280 and the New Jersey Turnpike. It was expressed that income from billboards could create the necessary cash flow to contribute to redevelopment activities in the area.

Response: The Kearny Redevelopment Plan includes signage standards as per existing regulations. Advertising signs are permitted to the extent outlined in the applicable sections of N.J.A.C. 19:4-6.18(j). No further signage than currently permitted elsewhere in the District shall be permitted. However, it should be noted that there are numerous financial incentives available through state and local agencies to promote redevelopment of this area.

COMMENT 14

It was requested that properties in the proposed Heavy Industrial Center zone be removed from the redevelopment area, since they are currently zoned Heavy Industrial in existing HMDC zoning regulations.

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Response: The properties in question were found to meet of the criteria rendering them “in need of rehabilitation” in a report dated March 24, 1999 and adopted by the Commission on May 26, 1999. In addition, the standards in the Heavy Industrial Center differ from existing HMDC zoning for the area.

COMMENT 15

There was a request to include Block 205 – Lot 19 in the proposed Light Industrial Center, as it may have been mistakenly omitted under the proposed regulations.

Response: The redevelopment plan will be amended to include Block 205 – part of Lot 19 in the Light Industrial Center. The Kearny Marsh portion of Lot 19 will be removed from consideration for redevelopment pending the completion of a subdivision from the upland portion. This upland portion will then be included in the proposed Light Industrial Center zone, and it is anticipated that the Kearny Marsh portion will be rezoned to Marshland Preservation.

COMMENT 16

A comment was expressed regarding the Kearny Redevelopment Area Map with NJDEP Wetlands, which indicated the presence of a “natural lake” on Block 284, Lot 9A. The commenter expressed this area is actually a drainage ditch, and requested the map be amended to reflect this.

Response: Although the HMDC recognizes that this area is in fact a drainage ditch, the map was created using NJDEP wetlands data, which is proprietary data that cannot be altered by HMDC staff.

Dated: May 9, 2000

Response: The properties in question were found to meet of the criteria rendering them “in need of rehabilitation” in a report dated March 24, 1999 and adopted by the Commission on May 26, 1999. In addition, the standards in the Heavy Industrial Center differ from existing HMDC zoning for the area.

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There was a request to include Block 205 – Lot 19 in the proposed Light Industrial Center, as it may have been mistakenly omitted under the proposed regulations.

Response: The redevelopment plan will be amended to include Block 205 – part of Lot 19 in the Light Industrial Center. The Kearny Marsh portion of Lot 19 will be removed from consideration for redevelopment pending the completion of a subdivision from the upland portion. This upland portion will then be included in the proposed Light Industrial Center zone, and it is anticipated that the Kearny Marsh portion will be rezoned to Marshland Preservation.

COMMENT 16

A comment was expressed regarding the Kearny Redevelopment Area Map with NJDEP Wetlands, which indicated the presence of a “natural lake” on Block 284, Lot 9A. The commenter expressed this area is actually a drainage ditch, and requested the map be amended to reflect this.

Response: Although the HMDC recognizes that this area is in fact a drainage ditch, the map was created using NJDEP wetlands data, which is proprietary data that cannot be altered by HMDC staff.

Dated: May 9, 2000

7. Landscape

All landscaping standards shall be as outlined in N.J.A.C. 19:4-6.18(k), and shall comply with HMDC Landscape Design Guidelines, which may be updated from time to time.

8. Signage

All development shall be controlled by the standards and comprehensive sign plan requirements outlined in N.J.A.C. 19:4-6.18(j). Signage standards for each redevelopment zone shall be as follows:

- a. Harrison Avenue Retail Center: Service Highway Commercial
- b. Light Industrial Center: Light Industrial and Distribution – A
- c. Heavy Industrial Center: Heavy Industrial

Any sign fronting on the New Jersey Turnpike shall be set back a minimum of 100 feet therefrom.

9. Environmental Performance Standards

- a. Harrison Avenue Retail Center: Category B standards shall be in effect.
- b. Light Industrial Center: Category B standards shall be in effect.
- c. Heavy Industrial Center: Category C standards shall be in effect.

Prior to the approval of any development plan, the applicant shall demonstrate that property meets appropriate NJDEP standards for the proposed use.

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Prior to the approval of any development plan, the applicant shall demonstrate that property meets appropriate NJDEP standards for the proposed use.

IV. Selected Redevelopment Plan Implementation Strategy

HMDC involvement shall consist of working with developers to facilitate obtainment of the necessary permits. Additionally, the HMDC shall work with developers and property owners to locate available funding sources that may be useful in funding all or a portion of remediation and/or public improvements. The HMDC is committed to the closure of 'orphan landfills' in the District and is currently working with the NJDEP Division of Solid Waste on options for landfill closure. Closure of the landfills in and around the redevelopment area is a high priority of these agencies.

The HMDC has been communicating with the owners of properties within the redevelopment area, the majority of which have expressed a willingness to develop vacant parcels. However, access into the undeveloped portion of the redevelopment area is a major challenge to the development of this area. The HMDC is currently investigating options for improving Bergen Avenue, including removal/raising of the Kingsland rail line bridge, paving the entire length between Harrison and Schuyler Avenues, and installing sewers, sidewalks, curbs, and street lights. The attached Bergen Avenue concept plan illustrates the HMDC's vision of the improved roadway.

A primary objective of this plan is to change the character of the neighborhood by improving the aesthetics, safety, and functionality of the area. Therefore, it is strongly encouraged that properties currently nonconforming to redevelopment standards and applicable HMDC regulations voluntarily upgrade their properties to the maximum extent possible.

A. Development Nodes

HMDC staff has identified four main development nodes that have the highest new development potential in the Kearny Redevelopment Area (see Development Node Map). They include:

Node 1: Industrial

This node is located in the vicinity of the Keegan landfill, west of the Kearny Marsh. Utilizing the redevelopment standards, it was determined that approximately 1.9 million s.f. of development could be accommodated in this area.

Node 2: Industrial

This node is located north of Harrison Avenue and east of Bergen Avenue. Utilizing the redevelopment standards, it was determined that approximately 797,000 s.f. of development could be accommodated in this area.

Node 3: Industrial

This node is located in the vicinity of the 15-W landfill. Utilizing the redevelopment standards, it was determined that approximately 675,000 s.f. of development could be accommodated in this area.

Node 4: Retail

This node is located within the Harrison Avenue Retail Center zone. Utilizing the redevelopment standards, it was determined that approximately 628,000 s.f. of development could be accommodated in this area.

IV. Selected Redevelopment Plan Implementation Strategy

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HMDC staff has identified four main development nodes that have the highest new development potential in the Kearny Redevelopment Area (see Development Node Map). They include:

Node 1: Industrial

This node is located in the vicinity of the Keegan landfill, west of the Kearny Marsh. Utilizing the redevelopment standards, it was determined that approximately 1.9 million s.f. of development could be accommodated in this area.

Node 2: Industrial

This node is located north of Harrison Avenue and east of Bergen Avenue. Utilizing the redevelopment standards, it was determined that approximately 797,000 s.f. of development could be accommodated in this area.

Node 3: Industrial

This node is located in the vicinity of the 15-W landfill. Utilizing the redevelopment standards, it was determined that approximately 675,000 s.f. of development could be accommodated in this area.

Node 4: Retail

This node is located within the Harrison Avenue Retail Center zone. Utilizing the redevelopment standards, it was determined that approximately 628,000 s.f. of development could be accommodated in this area.