

Adopted

West Fort Lee Road Redevelopment Plan
Borough of Bogota, New Jersey

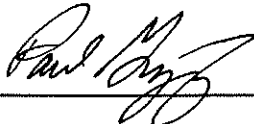
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Prepared for:
Borough of Bogota

Prepared by:
Phillips Preiss Grygiel LLC
Planning and Real Estate Consultants

33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030

The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2



Paul Grygiel, AICP, PP
New Jersey Professional Planner License # 5518

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1 Introduction

A. BASIS FOR THE PLAN

This Redevelopment Plan has been prepared for an area located in the west central portion of the Borough of Bogota, Bergen County, New Jersey on West Fort Lee Road as described further below.

On May 23, 2013, the Borough of Bogota's Mayor and Council passed Resolution 13-11 providing for a preliminary investigation to be made to determine whether Block 72, Lots 1.01 and 1.02 qualifies as an "area in need of redevelopment" in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Planning Board authorized then-Borough Planner Lisa Phillips to conduct a preliminary investigation and she prepared a report entitled Preliminary Investigation for Determination of an Area in Need of Redevelopment, River Development Site, Block 72, Lots 1.01 and 1.02, 250-300 West Fort Lee Road, Borough of Bogota, Bergen County, New Jersey, dated October 18, 2013. After holding a public hearing on the study on November 24, 2013, the Planning Board determined Block 72, Lots 1.01 and 1.02 met the criteria for designation as an area in need of redevelopment. Parcels currently designated as Block 72, Lots 1, 1.03, 1.04 and 1.05 are included within the designated redevelopment area as well.

On December 10, 2013 the Planning Board adopted Resolution 2013-09 memorializing its decision. The Board subsequently noted that the resolution inadvertently omitted a recommendation to the Governing Body and the Planning Board adopted Resolution 2014-02 on January 15, 2014 clarifying the recommendation to the Mayor and Council that the delineated property be determined a redevelopment area under the Local Housing and Redevelopment Law. On April 17, 2014 Borough Council passed Resolution 14-104 indicating the Borough Council has reviewed the Planning board recommendations and finds that the Property qualifies as an area in need of redevelopment under the Redevelopment Law; and the Property is hereby designated as a Non-Condensation Redevelopment Area in accordance with the relevant provisions of the Redevelopment Law.

On October 16, 2014, the Borough of Bogota's Mayor and Council passed Resolution 14-204 providing for a preliminary investigation to be made to determine whether Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01 and Block 3, Lots 3, 4, 7, 8 and 9 qualifies as an "area in need of redevelopment." The Planning Board authorized Borough Planner Paul Grygiel to conduct a preliminary investigation and he prepared a report entitled Area in Need of Redevelopment Study, West Fort Lee Road, Borough of Bogota, NJ, dated February 2015. After holding a public hearing on the study on April 14, 2015, the Planning Board determined Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 & 7.01 and Block 3, Lots 3, 4, 7, 8 and 9 met the criteria for designating an area in need of redevelopment.

On April 14, 2015 the Planning Board adopted Resolution 2015-06 memorializing its decision that the delineated property be determined a redevelopment area under the Local Housing and Redevelopment Law. On May 21, 2015 Borough Council passed 15-88 indicating the Borough Council has reviewed the Planning Board recommendations and finds that the Property qualifies as an area in

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need of redevelopment under the Redevelopment Law; and the Property is hereby designated as a Non-Condemnation Redevelopment Area in accordance with the relevant provisions of the Redevelopment Law.

Taken together, all of the properties described above, and shown in Figure 1, constitute the "redevelopment area" for the purposes of this plan. This Redevelopment Plan provides the development regulations and other standards to guide the redevelopment of the redevelopment area.

B. NOTE ON PLAN TERMINOLOGY

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

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

C. DEFINITIONS

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth below. Terms not defined herein shall have the meaning set forth in the Borough of Bogota Land Development Ordinance. If a term used in this Redevelopment Plan is not defined in the Borough of Bogota Land Development Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply. Terms presented in singular or plural, masculine or feminine, shall be construed within the context in which they occur.

"Borough" shall mean the Borough of Bogota, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Bogota, acting in its capacity as "Redevelopment Entity."

"Development Ordinance" shall mean Borough of Bogota Land Development Ordinance.

"Governing Body" shall mean the Mayor and Council of the Borough of Bogota. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Bogota, acting in its capacity as "Redevelopment Entity."

"Municipal Land Use Law" shall mean N.J.S.A. 40:55D-1 et seq.

"Planning Board" shall mean the Borough of Bogota Planning/Zoning Board.

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“Project Plan” shall mean a detailed depiction of a Redevelopment Project proposed by a Redeveloper and shall include all submission requirements for making application to the Borough for development pursuant to the Borough’s existing development application procedures.

“Redeveloper” shall mean the Corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redeveloper’s Agreement with the Redevelopment Entity for the purposes of advancing this Redevelopment Plan. Similarly, nothing herein shall prohibit a team comprised of more than one affiliated entities from combining to form a Redeveloper for the purposes of effectuating this Redevelopment Plan.

“Redeveloper’s Agreement” shall mean a contract made by and between a designated Redeveloper and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Borough and said Redeveloper related to the construction and operation of a Redevelopment Project.

“Redevelopment Area” shall mean that area within the Borough of Bogota described in Chapter 3 and having been determined to be An Area In Need of Redevelopment pursuant to a Borough of Bogota Resolution.

“Redevelopment Entity” shall mean the Governing Body of the Borough of Bogota, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq. Within the context of the various sections of this document, the terms “Borough” and “Governing Body” shall mean the Governing Body of the Borough of Bogota, acting in its capacity as “Redevelopment Entity.”

“Redevelopment Parcel” shall mean any of the specific development tracts created within the Redevelopment Area pursuant to the Parcel Plan in Chapter 4 of this Redevelopment Plan.

“Redevelopment Plan” shall mean this instant document entitled West Fort Lee Road Redevelopment Plan, as may be amended from time to time.

“Redevelopment Project” shall mean the construction, rehabilitation, renovation and operation of buildings and/or other improvements in the Redevelopment Area in accordance with this Redevelopment Plan. For the purposes of a Certificate of Completion and Compliance pursuant to Section 8F herein, an “Independent Component of a Redevelopment Project” shall mean any portion of a Redevelopment Project which can stand alone and be considered complete.

“State” shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

2 Purpose/Vision

A. PURPOSE

The Redevelopment Plan sets standards for the construction of buildings and other improvements in the redevelopment area. The purpose of this Redevelopment Plan is to replace existing vacant former industrial and commercial properties at the western gateway to Bogota with appropriate new uses with attractive building and site design. Upon adoption, the Borough will be statutorily empowered to enter into a Redeveloper's Agreement with the Redeveloper for the purposes of advancing the Public Policy Goals and Redevelopment Plan Objectives described herein.

B. PUBLIC POLICY GOALS

- 1) Provide the mechanism for a public/private partnership designed to promote economic development in the Redevelopment Area.
- 2) Generate new tax ratables and create tax revenue by providing for the development of lands currently occupied by obsolete former industrial and commercial uses with new housing and other uses.
- 3) Generate new tax ratables and create tax revenue by providing for the development of lands currently undeveloped or underdeveloped, thus increasing their assessed value.
- 4) Prevent the spread of blight by the application of comprehensive Redevelopment Plan controls.
- 5) Reverse the conditions in the Redevelopment Area which represent a detriment to the safety, health and welfare of the community.
- 6) Where appropriate, utilize redevelopment, tax abatement and other financial and non-financial incentives and programs to attract new development to the Redevelopment Area.

C. REDEVELOPMENT PLAN OBJECTIVES

- 1) Subdivide and/or consolidate existing lots within the Redevelopment Area into Redevelopment Parcels of appropriate size and shape to facilitate market-driven Redevelopment Projects.
- 2) Provide land for and thus promote the growth of new private sector development in the form of specialized and other land uses to increase opportunities and strengthen and enhance the Borough's overall economic base and stimulate new tax ratables.
- 3) Enact such elements and controls which will allow for the redevelopment of lands within the Redevelopment Area consistent with the Purpose and Intent of this Redevelopment Plan.

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- 4) Enact such elements and controls as may be necessary and appropriate to allow lands formerly used for industrial and commercial uses or other purposes to be redeveloped; and to ensure that any such use will conform to the character of the Redevelopment Area envisioned by this Redevelopment Plan.
- 5) Ensure appropriate vehicular and pedestrian access to land uses throughout the Redevelopment Area.
- 6) To the extent reasonably practicable, work with the designated Redeveloper(s) to minimize disruption of the community both within and adjacent to the Redevelopment Area during construction activities.
- 7) Establish Redevelopment Plan elements and controls which allow for planned development in a mutually supportive environment consistent with Smart Growth principles.

3 Context

A. SURROUNDING AREA CONTEXT

The Redevelopment Area is located at 250 West Fort Lee Road; 172 West Fort Lee Road; and 229 West Fort Lee Road and includes 27 lots consisting of approximately 13.125 acres. The parcels making up the Redevelopment Area are now or formerly known as lots described here.

Block	Lots	Acres	Address	Owner
72	1, 1.01, 1.02, 1.03, 1.04, & 1.05	7.77	250 West Fort Lee Road	BR Colony Holdings Co, LLC
72	2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 & 7.01	4.5	172 West Fort Lee Road	Amerada Hess Corp
3	3, 4, 7, 8 & 9	0.855	229 West Fort Lee Road	Hess Corp

There are noted differences in the identified lot numbers appearing in various sources and every effort has been made to include all possible lots in the above table. The differences may be attributed to consolidation, title exchanges or other factors. Geographically, the areas appear to be the same. The redevelopment area's boundaries are shown in Figure 1 and its location within the Borough is shown on Figure 2.

The redevelopment area is located in an area of the Borough characterized by industrial uses, including an auto body shop, a metal fabrication establishment and a concrete plant. Land use within the greater vicinity of the study area, generally to the east of the New York Susquehanna and Western Railroad right-of-way, is made up of open space and recreational facilities (e.g., Oscar E. Olsen Park, Bogota Racquet Club). Traveling further east into the Borough, land use is predominantly single-family residential in nature with multi-family apartments scattered throughout. The redevelopment area's setting in the immediate surrounding area is shown on Figure 3.

B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES

The Borough of Bogota's current Master Plan was adopted by the Bogota Planning Board in 2005, and a Master Plan Reexamination was adopted in February 2015 (the "2015 Reexamination"). The 2015 Reexamination provides recommendations for various areas within the Borough. A number of goals of the 2015 Reexamination are relevant to this Redevelopment Plan, including the following:

3. Promote the rehabilitation of areas in need of improvement through assistance programs and private efforts, as well as by utilizing the planning tools of the Local Redevelopment and Housing Law where appropriate.

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4. Provide housing opportunities and a variety of housing for various income levels of the population including senior citizen housing.
5. Improve the quantity, quality and availability of parks and open space including active and passive recreational facilities, neighborhood parks and environmentally sensitive areas and promote the establishment of a publicly accessible linear greenway park along the Hackensack River, wherever possible.

In addition, the 2015 Reexamination includes the following discussion regarding the redevelopment area and vicinity:

The former Hess and Sifford Pontiac sites and nearby properties on both sides of West Fort Lee Road between the Hackensack River and the New York Susquehanna & Western Railroad represent a significant opportunity for Bogota. This area provides an opportunity to address a number of planning issues through redevelopment. Potential benefits from the redevelopment of this area include environmental remediation, upgrades and expansion of infrastructure and reclaiming a significant portion of Bogota's waterfront that was formerly blocked from public view and use by industrial operations. The plan for this area should provide for an appropriate mix of uses and public amenities, including a waterfront walkway along the Hackensack River and additional open space. Potential uses could include multi-family residential as well as commercial and/or office. Other guiding principles that should be considered in planning for this area include improving circulation through this section of the Borough for vehicles as well as pedestrians and bicyclists, providing attractive building and site design, and enhancing the Borough's economic base.

This Redevelopment Plan is very consistent with the above goals and recommendations.

C. RELATIONSHIP TO ZONING ORDINANCE

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

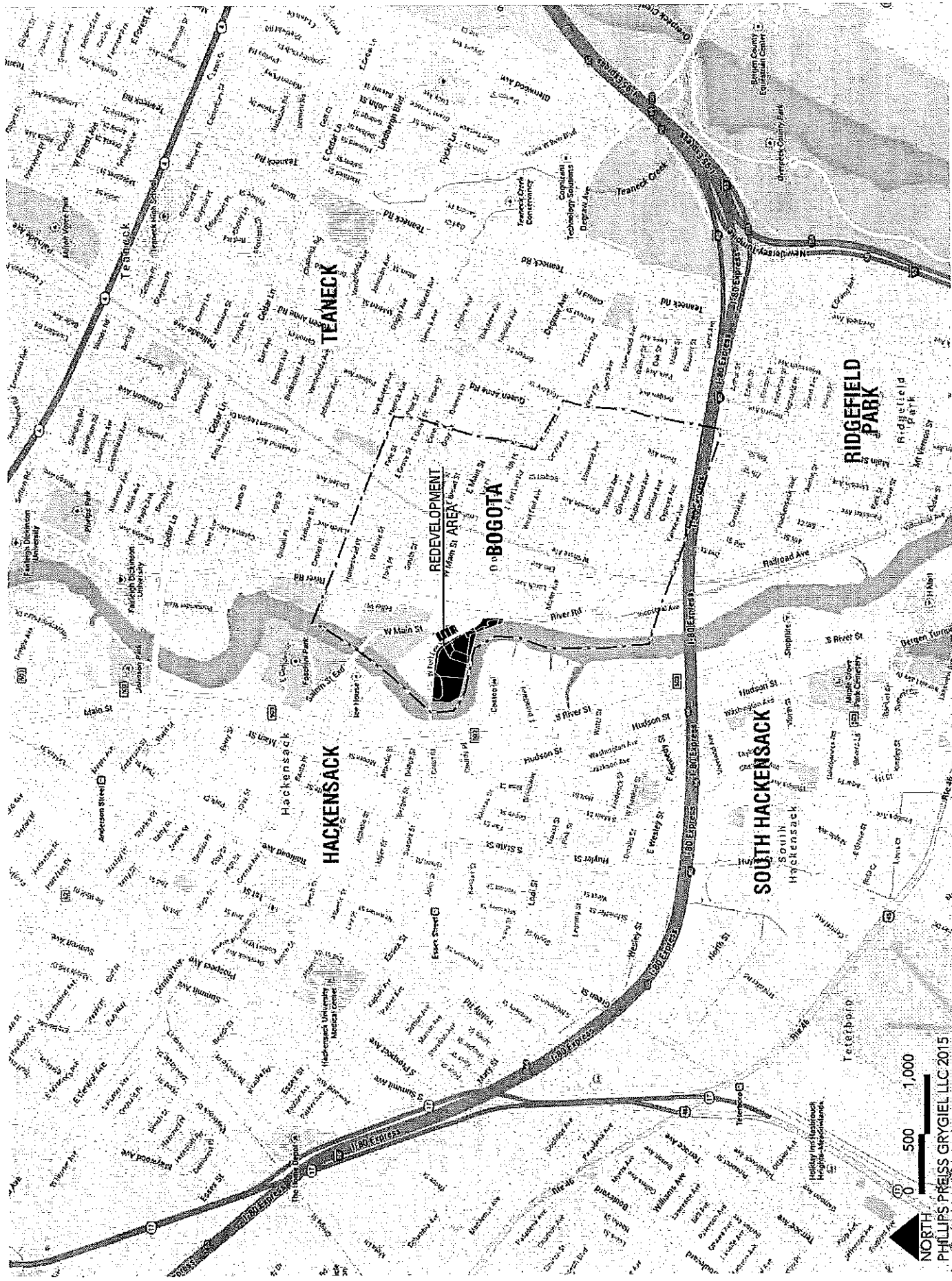


Figure 2: Redevelopment Area Location | WEST FORT LEE ROAD REDEVELOPMENT PLAN



0 50 100 200 FEET
NORTH
PHILLIPS PREISS GRYGIEL LLC 2015

Figure 3: Redevelopment Area Context | WEST FORT LEE ROAD REDEVELOPMENT PLAN

4 Use and Bulk Regulations

A. STANDARDS AND CONTROLS OF GENERAL APPLICABILITY

- 1) The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the purpose, goals and objectives of this Redevelopment Plan. As such, they are intended to provide a setting within which the Redeveloper and their designers are encouraged to generate detailed plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- 2) Upon approval of the Redeveloper's Agreement, the Governing Body shall have found the Project Concepts consistent with the Redevelopment Plan.
- 3) Except where otherwise required by this Redevelopment Plan, the Redevelopment Area shall be governed by Site Plan Submission Requirements and Subdivision Submission Requirements of the Bogota Borough Land Development Ordinance. By reference herewith, said provisions are included in and adopted by this Redevelopment Plan.
- 4) Project Plans for all Redevelopment Projects shall be reviewed by the Planning Board in accordance with the requirements for review and approval of subdivisions and site plans as per the terms of this Redevelopment Plan and as set forth by the Municipal Land Use Law.
- 5) Applicability of Other Regulations
 - a. The provisions of this Redevelopment Plan are those of the Borough of Bogota and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as applicable.
 - b. The above notwithstanding, whenever a code or regulation contains comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
 - c. The Borough recognizes that certain environmental issues may exist within Redevelopment Area lands, including, but not limited to, wetlands, underground (fuel) storage tanks, soils contamination and asbestos contamination. The Redeveloper shall comply with all State and Federal regulations and shall be responsible for all actions related thereto.

B. PARCEL PLAN

The Parcel Plan divides the Redevelopment Area into two tracts of differing size and character. The

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intent of this Parcel Plan is to permit specific land uses and building types on each Redevelopment Parcel in order to provide for Redevelopment Projects which promote economic development consistent with the Goals and Objectives of this Redevelopment Plan. The two Redevelopment Parcels are as follows:

- Waterfront Parcel: Block 72, Lots 1, 1.01, 1.02, 1.03, 1.04, 1.05, 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01.
- East Side Parcel: Block 3, Lots 3, 4, 7, 8 and 9.

C. GENERAL REGULATIONS

- 1) Building Setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line or Redevelopment Parcel Boundary Line and the building envelope, and shall extend from grade to sky, except for the following permitted obstructions: awnings; canopies; flag poles; ornamental architectural features including balconies; elevator tower; equipment room; mechanical room; street furniture; fences; signage; landscaping; lighting; and other similar features.
- 2) Setbacks may include pedestrian walkways, necessary access drives to parking areas, surface parking, fences and amenities of a Redevelopment Project.
- 3) Maximum Building Height shall be measured from finished grade immediately adjacent to a building to the highest point of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof. Parapets and ornamental architectural features; mechanical equipment; screening, elevator tower; equipment room; and mechanical room; may exceed Maximum Building Height.
- 4) One or more multiple permitted principal uses shall be permitted to be located on a single lot, including within the same building. Separate entrances shall be provided for residential and commercial uses located in the same building.
- 5) There may be a need to subdivide individual lots around various buildings for ease of financing or lender required purposes which may occur without regard to the Building Limit Controls and site improvements such as parking, driveways, trash/recycling enclosures, landscaping, lighting, etc. Shared facilities will be accommodated with legal instruments such as cross easements.

D. STANDARDS FOR REDEVELOPMENT PARCELS

- 1) Waterfront Parcel:
 - a. Permitted Uses

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- i. Multifamily Residential
- ii. Retail and Service Commercial Uses
- b. Accessory Uses
 - i. Surface parking to support any Permitted Use on this Redevelopment Parcel. Parking may also be contained in open carports or enclosed garages.
 - ii. Uses customarily associated with residential communities including but not limited to club house with community room and fitness center, swimming pool all in a centralized location providing convenient access for all residents; sanitary sewage pump house, residential storage units, park and recreation areas and dog park.
- c. Building Limit Controls – Building Limit Controls shall apply to a comprehensive development and shall not apply to subdivision of lots found necessary for financing purposes as described in Section 4C.
 - i. Minimum Lot Size: 2.0 acres
 - ii. Lot Width: 100 feet
 - iii. Lot Depth: 100 feet
 - iv. Building Setbacks
 - a) Front Yard (West Fort Lee Road): five feet; architectural features and balconies may extend into the required front yard
 - b) Side Yard (New York Susquehanna & Western Rail Road): five feet; architectural features and balconies may extend into the required side yard
 - c) Side Yard and Rear Yard (Hackensack River): 30 feet (This may include any River Walk easement); architectural features and balconies may extend no more than five feet into the required rear yard
 - v. Maximum Height: four stories/60 feet, except that an additional story and 10 feet shall be permitted for a residential building that includes or is attached to the clubhouse serving the development
 - vi. Mix of Unit Types: studio, 1 bedroom, 2 bedroom
 - vii. Maximum Building Coverage: 35%

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- viii. Maximum Impervious Coverage: 90%. Additional impervious coverage shall be permitted if required for environmental remediation purposes. However, such areas shall be landscaped to the extent possible.
 - ix. Maximum Gross Residential Density: 32 dwelling units per acre. Density shall be calculated using the total area of the Waterfront Parcel.
 - x. Permanent Open Space: A 30 foot wide easement shall be created along the Hackensack River waterfront for use as permanent open space. This area which shall be known as River Walk shall be accessible to the general public from dawn to dusk. A 12 foot wide walkway shall be improved along with benches, landscaping and lighting. Architectural features and balconies may extend into the required permanent open space.
- 2) East Side Parcel:
- a. Permitted Uses
 - i. Multifamily Residential
 - ii. Retail and Service Commercial Uses
 - iii. Restaurant
 - iv. Governmental uses
 - b. Accessory Uses. Surface parking to support any Permitted Use on this Redevelopment Parcel.
 - c. Building Limit Controls – Building Limit Controls shall apply to a comprehensive development and shall not apply to subdivision of lots found necessary for financing purposes as described in Section 4C.
 - i. Minimum Lot Size: 0.8 acres
 - ii. Lot Width: 100 feet
 - iii. Lot Depth: 100 feet
 - iv. Building Setbacks
 - a) Front Yard: five feet; architectural features and balconies may extend into the required front yard
 - b) Side Yard: five feet; architectural features and balconies may extend into the required side yard

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- c) Rear Yard: five feet; architectural features and balconies may extend into the required rear yard
- v. Maximum Height: four stories/60 feet
- vi. Mix of Unit Types: studio, 1 bedroom, 2 bedroom
- vii. Maximum Building Coverage: 50%
- viii. Maximum Impervious Coverage: 90%. Additional impervious coverage shall be permitted if required for environmental remediation purposes. However, such areas shall be landscaped to the extent possible.
- ix. Maximum Gross Residential Density: 32 dwelling units per acre, which may be increased to 50 dwelling units per acre if affordable dwelling units are provided on this parcel. Density shall be calculated using the total area of the East Side Parcel.

E. AFFORDABLE HOUSING

All development in the redevelopment area that results in the creation of new dwelling units shall be required to provide a set aside of affordable dwelling units. The minimum affordable housing set-aside shall be 10 percent of the total number of dwelling units and shall be addressed within the redevelopment area through the construction of affordable units.

Affordable dwelling units shall comply with the applicable rules of the Council on Affordable Housing, or other entity as applicable.

5 Building and Site Design

A. **BALCONIES**

Balconies are permitted on all residential facades. Balconies shall not project beyond the property line.

B. **BICYCLE FACILITIES**

Indoor bicycle storage areas shall be provided for building residents. Outdoor bicycle parking shall be provided to accommodate visitors to the uses in the redevelopment area and the waterfront walkway.

C. **BUILDING DESIGN AND MATERIALS**

Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations. Elevations and specific architectural details shall be on plans that are part of the exhibits included in the original Redevelopment exhibits.

Desirable features (as may be utilized by a design professional) that may be incorporated in the design may include: cast stone or brick at the base of the buildings with Hardieplank/Hardiepanel or fiber cement siding, or similar approved material/finishes above; elevators in all multistory buildings; balconies for some residential units; washer/dryer in dwelling units; central trash and recycling in each building; and mechanical features inside each building. Any mechanical equipment above the roofline shall be painted or screened.

Buildings shall be broken up vertically into a base, a middle and a top, and horizontally into bays, through the use of building articulation or change in materials. Material changes shall occur at logical points, delineated by a change in building plane and/or a corniceline.

D. **BUS STOP**

A bus stop shall be provided along the West Fort Lee Road frontage of the Waterfront Tract and shall include a shelter with a seating area. A turn-out shall be provided to allow buses to pull outside the travel lane of West Fort Lee Road to pick up and drop off passengers.

E. **FENCES**

Fences may be installed along the site perimeter or where may be deemed necessary by the developer. Maximum fence height shall be six feet, but may be increased where additional height is required for security and/or safety reasons. Opaque fences shall not be permitted within the required front yard setback.

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F. LANDSCAPING

Landscaping shall be utilized to complement and accent buildings, at points such as, but not limited to, site driveways and building entries. Landscaping shall be provided in public areas, parking areas and recreation areas. All areas not covered by buildings, roadways, parking areas or pedestrian walkways shall be landscaped with natural materials. Landscape plantings shall incorporate indigenous vegetation and may introduce accent features such as beach grasses.

Street trees shall be provided along the West Fort Lee Road street frontages in the redevelopment area.

G. LIGHTING

Adequate lighting shall be provided for all parking areas and pedestrian walkways. Lighting shall be designed to provide for safe movement of pedestrians and vehicles and provide security lighting to illuminate all building entry points and other areas as required by the Planning Board. All outdoor lighting shall be downcast and illuminate only the intended areas.

The maximum height of free standing lights shall not exceed 25 feet, except where greater height is required for safety or security reasons, in which case the maximum height shall not exceed 40 feet.

Lighting plans shall be prepared by a licensed architect or engineer.

H. OFF-STREET PARKING AND LOADING

The minimum number of off-street parking spaces shall be as set forth in the table below:

Use	Parking Requirement
Retail and service commercial uses	1 space per 250 square feet of gross floor area
Restaurants	1 space for every 3 seats
Multi-family residential units: ¹	
Studio and one-bedroom units	1.5 spaces per unit
Two-bedroom units	1.8 spaces per unit

A parking area with a minimum of 25 parking spaces shall be reserved for public use of the river walk in close proximity to the Hackensack River frontage.

Adequate space shall be provided to permit off-street loading and unloading by trucks and service vehicles.

¹ These ratios are lower than required by the New Jersey Residential Site Improvement Standards due to the redevelopment area's accessibility to transit service (e.g., bus service on West Fort Lee Road and a train station and bus depot within one mile) and the presence of parks, stores and services within reasonable walking distance.

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Circulation shall be controlled with landscape islands at the end of parking bays. All landscaping shall be maintained to avoid obstruction of sight triangles. Curbs shall be installed around all parking areas and along driveways unless waived by recommendation of the Planning Board's Engineer.

I. RECREATION FACILITIES

The Redevelopment Project on the Riverfront Parcel shall provide for the recreational needs of residents. A clubhouse or community building, a swimming pool and outdoor sitting areas shall be provided. Other recreational amenities, such as a fenced-in dog park, may be provided.

A river walk or path shall be provided along the Hackensack River, which shall be accessible to the public at a minimum from dawn to dusk, and improved with a walkway, benches, lighting and landscaping. The minimum width of the walkway shall be 12 feet. Where bulkheading is not present the banks of the river shall be stabilized and planted as permitted by the New Jersey Department of Environmental Protection.

J. RECYCLING AND REFUSE AREAS

Designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or within a screened enclosure.

K. SECURITY AND SAFETY

Security and safety elements shall be incorporated in the site and building design. A gated and/or manned guard house shall be permitted at the main entrance to the development. Electronic access may be used to all residential buildings and common buildings. Monitoring shall be coordinated at the guard house or onsite office.

L. SIDEWALKS

Sidewalks shall be provided along the frontage of West Fort Lee Road. The minimum width of sidewalks shall be four feet.

M. SIGNAGE

- 1) Two freestanding signs identifying the development on the Riverfront Parcel shall be permitted subject to the following controls.
 - a. Maximum height: 8 feet
 - b. Maximum sign area: 100 square feet per side; the sign area calculation shall not include the property address.
 - c. Minimum setback from property line: 5 feet

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- 2) Buildings on the Riverfront Parcel may be identified by name or number. The top of the sign shall not exceed 15 feet above ground and the sign area shall not exceed 30 square feet.
- 3) Signs for nonresidential uses shall comply with the requirements for signs in the Business Districts in Section 21A-13h of the Bogota Land Development Ordinance.
- 4) Signs for traffic direction or safety, or signs required for identification of site features such as the river walk, community center and/or dog park shall be reviewed by the Planning Board as part of site plan approval.

N. SUSTAINABLE DESIGN

The Borough of Bogota encourages the use of sustainable design to improve community and environmental health and to enhance the environmental and economic performance of buildings. It is recognized that as the proposed redevelopment would remediate a formerly industrial site in a built up area it is consistent with smart growth principles.

O. UTILITIES

All new utility distribution lines and utility service connections from such lines to buildings in the redevelopment area shall be located underground. To the extent possible, existing utility lines should also be relocated underground. Locations for utility lines and easements shall be established at the time of Planning Board Site Plan Review and Approval for individual Redevelopment Projects. Utility lines and locations may be relocated pursuant to individual utility company requirements at any time.

All Redevelopment Projects shall be connected to the public sewer system.

6 Plan Consistency Review

A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The Redevelopment Plan provides for the redevelopment of a previously developed site in an area already served by infrastructure and transit. The closest municipality to the redevelopment area, the City of Hackensack, has a number of active redevelopment projects in the vicinity of the Borough of Bogota that promote redevelopment similar to that proposed by this Redevelopment Plan. Therefore the Redevelopment Plan would not impact the master plan of any municipality adjoining Bogota.

B. RELATIONSHIP TO THE BERGEN COUNTY MASTER PLAN

The Land Use Element of the Bergen County Master Plan has not been updated since 1973. The land use conditions in the County have changed so much since that time that its goals and policies are very much outdated. This Redevelopment Plan does not conflict with the County Master Plan.

C. RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

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

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

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 23 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP but has not been adopted as of mid 2015.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the reuse of developed property in an area well served by infrastructure and transit. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

7 Redevelopment Actions

A. OUTLINE OF PROPOSED ACTIONS

1) Demolition

It is proposed that the site be completely cleared of existing buildings, parking lots and other improvements, as well as existing trees and other plantings. The Plan proposes a significant change in use over the current conditions, and there is no reason to retain any of the existing structures or vegetation.

2) New Construction and Environmental Remediation

Construction of new structures and other improvements will take place as proposed in Chapters 4 and 5 of this Redevelopment Plan. Environmental remediation will take place as necessary to effectuate the plan. Infrastructure will be constructed as determined by the Borough's professional consultants for the project. The redeveloper must adhere to the overall parameters for development presented in Chapters 4 and 5 of this Redevelopment Plan and is encouraged to otherwise refine the design concepts presented therein in developing a unique and high-quality project proposal. Once a redeveloper is selected, the redeveloper will be required to enter into a redeveloper's agreement with the Borough that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

B. PROPERTIES TO BE ACQUIRED

This is a non-condemnation redevelopment area and the Borough of Bogota will not be exercising its powers of eminent domain. In the event there is a need for right-of-way vacation or conveyance of municipally owned land, the Borough may take any action necessary to accommodate the redevelopment of the site. This accommodation may also include any easements necessary to accommodate the anticipated development.

C. RELOCATION

The Redevelopment Area is vacant ground or vacant buildings and structures with no existing occupants, therefore relocation is not required.

D. OTHER ACTIONS

In addition to the demolition and new construction described above, the Mayor and Council may undertake other actions to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental remediation, (3) vacation of public utility easements and other easements and rights of

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way as may be necessary for redevelopment. See subsection 8J of this plan for requirements for the provision of infrastructure to serve the redevelopment area.

In order to stimulate private sector investment and maximize Redeveloper interest, the Borough recognizes certain financial and planning realities related to the redevelopment of the Redevelopment Area. Accordingly, the Borough may make available such assistance as may be reasonably necessary to aid development, including participating, either alone or with a Redeveloper, in state and federal grant programs and granting of tax incentives. This is a non-condemnation redevelopment area and the Borough will not be exercising its powers of eminent domain. All such assistance shall be addressed within the context of the Redeveloper's Agreement to be negotiated between the Borough and the Redeveloper.

8 General Provisions

A. ADVERSE INFLUENCES

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

B. APPROVALS BY OTHER AGENCIES

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

C. CONSTRUCTION STAGING

Staging for construction conducted within the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted on all Redevelopment Parcels.

D. DEVIATION REQUESTS

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

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

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E. DURATION OF THE PLAN

This Redevelopment Plan shall be in effect for a period of 15 years from the date of initial adoption or if amended, it shall be in effect for a period of 15 years from the amendment date.

Upon completion of construction of a Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper, the Borough shall issue the Redeveloper a Certificate of Completion and Compliance for said Redevelopment Project or said Independent Component thereof, certifying that the Redevelopment Project or the Independent Component thereof was completed in accordance with this Redevelopment Plan and the plans approved by the Planning Board as part of the Site Plan Review and Approval process and further certifying that the applicable provisions of the Redeveloper's Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

F. EASEMENTS

No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Borough of Bogota.

G. ESCROWS

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

H. INFRASTRUCTURE

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

I. INTERPRETATION

Any appeal for interpretation for of any section of this Redevelopment Area shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

J. NON-DISCRIMINATION PROVISIONS

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or im-

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improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any successors in interest) upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy thereof.

The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

K. REDEVELOPER DESIGNATION AND AGREEMENT

- 1) The owner of land in the Redevelopment Area shall be required to submit documentation to demonstrate compliance with the goals and objectives of the Redevelopment Plan as well as compliance with the Development Regulations. To achieve Redeveloper designation, items to be addressed at a minimum should include:
 - a) The ability to comply with and achieve the Public Policy Goals and Redevelopment Plan Objectives specified herein.
 - b) Show Redevelopment Project concept(s).
 - c) Additional information as may be deemed necessary and appropriate.

- 2) Upon Redeveloper Plan approval, the Borough shall commence negotiations leading to a Redeveloper's Agreement. The Borough and the redeveloper shall enter into a redeveloper's agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9. The redeveloper's agreement shall contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project as permitted under the Municipal Land Use Law. Redeveloper designation shall only be conferred by the Borough upon execution of a Redeveloper's Agreement. Redeveloper's Agreements shall include, at a minimum:
 - a) The Project Concept(s) and description of project elements for the undertakings proposed.
 - b) A schedule for the commencement and completion of improvements.
 - c) A statement regarding compliance with the Goals and Objectives of this Redevelopment Plan.
 - d) Provisions for termination of Redeveloper's status in the event of default by the Redeveloper.
 - e) Such provisions as may be required by law.

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L. SITE PLAN AND SUBDIVISION REVIEW

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

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

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9 Other Provisions

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

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- As indicated in Chapter 6, this Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Bogota. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan and the draft State Strategic Plan.
- This Redevelopment Plan shall supersede all provisions of the Borough of Bogota Land Development Ordinance regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Land Development Ordinance shall, however, remain in effect. Final adoption of this Plan by the Mayor and Council shall be considered an amendment of the Borough of Bogota Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

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10 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the Borough and a Redeveloper is required where a Redeveloper's Agreement is in place and where an amendment would change the controls governing the use of land under said Agreement. The party requesting the amendments also shall be required to post an escrow to defray the Borough's costs in connection with the requested amendment, unless the request is issued from an agency of the Borough.

BOROUGH OF BOGOTA RESOLUTION

COUNCIL	YES	NO	ABSENT	ABSTAIN
D. Fede	✓			
L. Kohles			✓	
J. Mitchell	✓			
T. Napolitano	✓			
J. Nunez	✓			
R. Robbins			✓	

DATE: 9-17-15
 RESOLUTION #: 15-127
 MOTION BY: J. Nunez
 SECOND BY: T. Napolitano

Referral of Draft Redevelopment Plan for West Fort Lee Road
 Redevelopment to Planning Board for Review and Comment

WHEREAS, on May 23, 2013, the Borough of Bogota’s Mayor and Council passed Resolution 13-11 providing for a preliminary investigation to be made to determine whether Block 72, Lots 1.01 and 1.02 qualify as an area in need of redevelopment in accordance with Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-5; and

WHEREAS, on November 24, 2013, the Planning Board determined Block 72, Lots 1.01 and 1.02 met the criteria for designation as an area in need of redevelopment; and

WHEREAS, on October 16, 2014, the Borough of Bogota’s Mayor and Council passed resolution 14-204 providing for a preliminary investigation to be made to determine whether Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01 and Blocks 3, 4, 7, 8, and 9 qualify as an area in need of redevelopment; and

WHEREAS, on April 14, 2015, the Planning Board determined Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01 and Blocks 3, 4, 7, 8, and 9 met the criteria for designation as an area in need of redevelopment; and

WHEREAS, On May 21, 2015 the Borough of Bogota determined Block 3, Lots 3, 4, 7, 8, and 9, which are now designated on the Borough’s Tax Map as Block 3, Lot 3 and more commonly identified as 229 West Fort Lee Road and any or all of the properties that were formerly designated on the Borough’s Tax Map as Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01 which are now designated on the Borough’s Tax Map as Block 72, Lots, 2, 3, 4, 5, 6 and 7 and more commonly identified as 172 West Fort Lee Road to be an area in need of redevelopment (“Redevelopment Area”); and

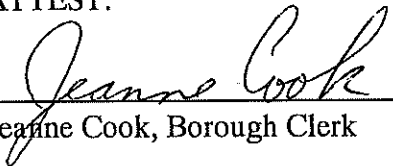
WHEREAS, thereafter the Borough’s Planner and Governing Body have prepared the West Fort Lee Road Redevelopment Plan (“Redevelopment Plan”) for the area in need of redevelopment; and

15-127

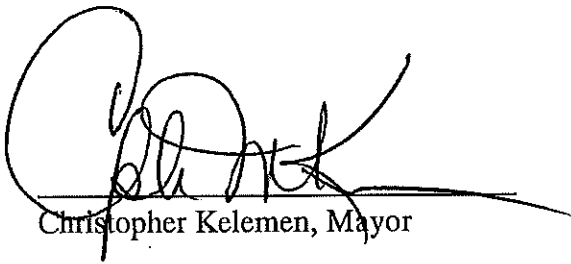
WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Council hereby transmits the proposed Redevelopment Plan to the Planning Board for review and comment.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Bogota, County of Bergen State of New Jersey, that the Redevelopment Plan be referred to the Planning Board for comment and review.

ATTEST:

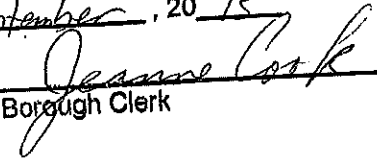


Jeanne Cook, Borough Clerk



Christopher Kelemen, Mayor

I hereby certify that this is a true copy of an Resolution adopted by the Mayor and Council of the Borough of Bogota at a Public Meeting held on the _____ day of September, 2015



Borough Clerk

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West Fort Lee Road Redevelopment Plan
Borough of Bogota, New Jersey

September 2015

Prepared for:
Borough of Bogota

Prepared by:
Phillips Preiss Grygiel LLC
Planning and Real Estate Consultants

33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030

The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2

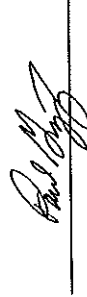

Paul Grygiel, AICP, PP
New Jersey Professional Planner License # 5518

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1 Introduction

A. BASIS FOR THE PLAN

This Redevelopment Plan has been prepared for an area located in the west central portion of the Borough of Bogota, Bergen County, New Jersey on West Fort Lee Road as described further below.

On May 23, 2013, the Borough of Bogota's Mayor and Council passed Resolution 13-11 providing for a preliminary investigation to be made to determine whether Block 72, Lots 1.01 and 1.02 qualifies as an "area in need of redevelopment" in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Planning Board authorized then-Borough Planner Lisa Phillips to conduct a preliminary investigation and she prepared a report entitled Preliminary Investigation for Determination of an Area in Need of Redevelopment, River Development Site, Block 72, Lots 1.01 and 1.02, 250-300 West Fort Lee Road, Borough of Bogota, Bergen County, New Jersey, dated October 18, 2013. After holding a public hearing on the study on November 24, 2013, the Planning Board determined Block 72, Lots 1.01 and 1.02 met the criteria for designation as an area in need of redevelopment. Parcels currently designated as Block 72, Lots 1, 1.03, 1.04 and 1.05 are included within the designated redevelopment area as well.

On December 10, 2013 the Planning Board adopted Resolution 2013-09 memorializing its decision. The Board subsequently noted that the resolution inadvertently omitted a recommendation to the Governing Body and the Planning Board adopted Resolution 2014-02 on January 15, 2014 clarifying the recommendation to the Mayor and Council that the delineated property be determined a redevelopment area under the Local Housing and Redevelopment Law. On April 17, 2014 Borough Council passed Resolution 14-104 indicating the Borough Council has reviewed the Planning Board recommendations and finds that the Property qualifies as an area in need of redevelopment under the Redevelopment Law; and the Property is hereby designated as a Non-Condemnation Redevelopment Area in accordance with the relevant provisions of the Redevelopment Law.

On October 16, 2014, the Borough of Bogota's Mayor and Council passed Resolution 14-204 providing for a preliminary investigation to be made to determine whether Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01 and Block 3, Lots 3, 4, 7, 8 and 9 qualifies as an "area in need of redevelopment." The Planning Board authorized Borough Planner Paul Grygiel to conduct a preliminary investigation and he prepared a report entitled Area in Need of Redevelopment Study, West Fort Lee Road, Borough of Bogota, NJ, dated February 2015. After holding a public hearing on the study on April 14, 2015, the Planning Board determined Block 72, Lots 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 & 7.01 and Block 3, Lots 3, 4, 7, 8 and 9 met the criteria for designating an area in need of redevelopment.

On April 14, 2015 the Planning Board adopted Resolution 2015-06 memorializing its decision that the delineated property be determined a redevelopment area under the Local Housing and Redevelopment Law. On May 21, 2015 Borough Council passed 15-88 indicating the Borough Council has reviewed the Planning Board recommendations and finds that the Property qualifies as an area in

need of redevelopment under the Redevelopment Law; and the Property is hereby designated as a Non-Condemnation Redevelopment Area in accordance with the relevant provisions of the Redevelopment Law.

Taken together, all of the properties described above, and shown in Figure 1, constitute the "redevelopment area" for the purposes of this plan. This Redevelopment Plan provides the development regulations and other standards to guide the redevelopment of the redevelopment area.

B. NOTE ON PLAN TERMINOLOGY

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

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

C. DEFINITIONS

For the purposes of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth below. Terms not defined herein shall have the meaning set forth in the Borough of Bogota Land Development Ordinance. If a term used in this Redevelopment Plan is not defined in the Borough of Bogota Land Development Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply. Terms presented in singular or plural, masculine or feminine, shall be construed within the context in which they occur.

"Borough" shall mean the Borough of Bogota, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff. Within the context of various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Bogota, acting in its capacity as "Redevelopment Entity."

"Development Ordinance" shall mean Borough of Bogota Land Development Ordinance.

"Governing Body" shall mean the Mayor and Council of the Borough of Bogota. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Bogota, acting in its capacity as "Redevelopment Entity."

"Municipal Land Use Law" shall mean N.J.S.A. 40:55D-1 et seq.

"Planning Board" shall mean the Borough of Bogota Planning/Zoning Board.

"Project Plan" shall mean a detailed depiction of a Redevelopment Project proposed by a Redeveloper and shall include all submission requirements for making application to the Borough for development pursuant to the Borough's existing development application procedures.

"Redeveloper" shall mean the Corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redeveloper's Agreement with the Redevelopment Entity for the purposes of advancing this Redevelopment Plan. Similarly, nothing herein shall prohibit a team comprised of more than one affiliated entities from combining to form a Redeveloper for the purposes of effectuating this Redevelopment Plan.

"Redeveloper's Agreement" shall mean a contract made by and between a designated Redeveloper and the Redevelopment Entity which shall detail the specific rights, responsibilities and obligations of the Borough and said Redeveloper related to the construction and operation of a Redevelopment Project.

"Redevelopment Area" shall mean that area within the Borough of Bogota described in Chapter 3 and having been determined to be An Area In Need of Redevelopment pursuant to a Borough of Bogota Resolution.

"Redevelopment Entity" shall mean the Governing Body of the Borough of Bogota, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq. Within the context of the various sections of this document, the terms "Borough" and "Governing Body" shall mean the Governing Body of the Borough of Bogota, acting in its capacity as "Redevelopment Entity."

"Redevelopment Parcel" shall mean any of the specific development tracts created within the Redevelopment Area pursuant to the Parcel Plan in Chapter 4 of this Redevelopment Plan.

"Redevelopment Plan" shall mean this instant document entitled West Fort Lee Road Redevelopment Plan, as may be amended from time to time.

"Redevelopment Project" shall mean the construction, rehabilitation, renovation and operation of buildings and/or other improvements in the Redevelopment Area in accordance with this Redevelopment Plan. For the purposes of a Certificate of Completion and Compliance pursuant to Section 8F herein, an "Independent Component of a Redevelopment Project" shall mean any portion of a Redevelopment Project which can stand alone and be considered complete.

"State" shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.

2 Purpose/Vision

A. PURPOSE

The Redevelopment Plan sets standards for the construction of buildings and other improvements in the redevelopment area. The purpose of this Redevelopment Plan is to replace existing vacant former industrial and commercial properties at the western gateway to Bogota with appropriate new uses with attractive building and site design. Upon adoption, the Borough will be statutorily empowered to enter into a Redeveloper's Agreement with the Redeveloper for the purposes of advancing the Public Policy Goals and Redevelopment Plan Objectives described herein.

B. PUBLIC POLICY GOALS

- 1) Provide the mechanism for a public/private partnership designed to promote economic development in the Redevelopment Area.
- 2) Generate new tax rates and create tax revenue by providing for the development of lands currently occupied by obsolete former industrial and commercial uses with new housing and other uses.
- 3) Generate new tax rates and create tax revenue by providing for the development of lands currently undeveloped or underdeveloped, thus increasing their assessed value.
- 4) Prevent the spread of blight by the application of comprehensive Redevelopment Plan controls.
- 5) Reverse the conditions in the Redevelopment Area which represent a detriment to the safety, health and welfare of the community.
- 6) Where appropriate, utilize redevelopment, tax abatement and other financial and non-financial incentives and programs to attract new development to the Redevelopment Area.

C. REDEVELOPMENT PLAN OBJECTIVES

- 1) Subdivide and/or consolidate existing lots within the Redevelopment Area into Redevelopment Parcels of appropriate size and shape to facilitate market-driven Redevelopment Projects.
- 2) Provide land for and thus promote the growth of new private sector development in the form of specialized and other land uses to increase opportunities and strengthen and enhance the Borough's overall economic base and stimulate new tax rates.
- 3) Enact such elements and controls which will allow for the redevelopment of lands within the Redevelopment Area consistent with the Purpose and Intent of this Redevelopment Plan.

- 4) Enact such elements and controls as may be necessary and appropriate to allow lands formerly used for industrial and commercial uses or other purposes to be redeveloped, and to ensure that any such use will conform to the character of the Redevelopment Area envisioned by this Redevelopment Plan.
- 5) Ensure appropriate vehicular and pedestrian access to land uses throughout the Redevelopment Area.
- 6) To the extent reasonably practicable, work with the designated Redeveloper(s) to minimize disruption of the community both within and adjacent to the Redevelopment Area during construction activities.
- 7) Establish Redevelopment Plan elements and controls which allow for planned development in a mutually supportive environment consistent with Smart Growth principles.

3 Context

A. SURROUNDING AREA CONTEXT

The Redevelopment Area is located at 250 West Fort Lee Road; 172 West Fort Lee Road; and 229 West Fort Lee Road and includes 27 lots consisting of approximately 13.125 acres. The parcels making up the Redevelopment Area are now or formerly known as lots described here.

Block	Lots	Acres	Address	Owner
72	1, 1.01, 1.02, 1.03, 1.04, & 1.05	7.77	250 West Fort Lee Road	BR Colony Holdings Co, LLC
72	2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 & 7.01	4.5	172 West Fort Lee Road	Amerada Hess Corp
3	3, 4, 7, 8 & 9	0.855	229 West Fort Lee Road	Hess Corp

There are noted differences in the identified lot numbers appearing in various sources and every effort has been made to include all possible lots in the above table. The differences may be attributed to consolidation, title exchanges or other factors. Geographically, the areas appear to be the same. The redevelopment area's boundaries are shown in Figure 1 and its location within the Borough is shown on Figure 2.

The redevelopment area is located in an area of the Borough characterized by industrial uses, including an auto body shop, a metal fabrication establishment and a concrete plant. Land use within the greater vicinity of the study area, generally to the east of the New York Susquehanna and Western Railroad right-of-way, is made up of open space and recreational facilities (e.g., Oscar E. Olsen Park, Bogota Racquet Club). Traveling further east into the Borough, land use is predominantly single-family residential in nature with multi-family apartments scattered throughout. The redevelopment area's setting in the immediate surrounding area is shown on Figure 3.

B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES

The Borough of Bogota's current Master Plan was adopted by the Bogota Planning Board in 2005, and a Master Plan Reexamination was adopted in February 2015 (the "2015 Reexamination"). The 2015 Reexamination provides recommendations for various areas within the Borough. A number of goals of the 2015 Reexamination are relevant to this Redevelopment Plan, including the following:

- 3. Promote the rehabilitation of areas in need of improvement through assistance programs and private efforts, as well as by utilizing the planning tools of the Local Redevelopment and Housing Law where appropriate.

- 4. Provide housing opportunities and a variety of housing for various income levels of the population including senior citizen housing.

- 5. Improve the quantity, quality and availability of parks and open space including active and passive recreational facilities, neighborhood parks and environmentally sensitive areas and promote the establishment of a publicly accessible linear greenway park along the Hackensack River, wherever possible.

In addition, the 2015 Reexamination includes the following discussion regarding the redevelopment area and vicinity:

The former Hess and Sifford Pontiac sites and nearby properties on both sides of West Fort Lee Road between the Hackensack River and the New York Susquehanna & Western Railroad represent a significant opportunity for Bogota. This area provides an opportunity to address a number of planning issues through redevelopment. Potential benefits from the redevelopment of this area include environmental remediation, upgrades and expansion of infrastructure and reclaiming a significant portion of Bogota's waterfront that was formerly blocked from public view and use by industrial operations. The plan for this area should provide for an appropriate mix of uses and public amenities, including a waterfront walkway along the Hackensack River and additional open space. Potential uses could include multi-family residential as well as commercial and/or office. Other guiding principles that should be considered in planning for this area include improving circulation through this section of the Borough for vehicles as well as pedestrians and bicyclists, providing attractive building and site design, and enhancing the Borough's economic base.

This Redevelopment Plan is very consistent with the above goals and recommendations.

C. RELATIONSHIP TO ZONING ORDINANCE

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

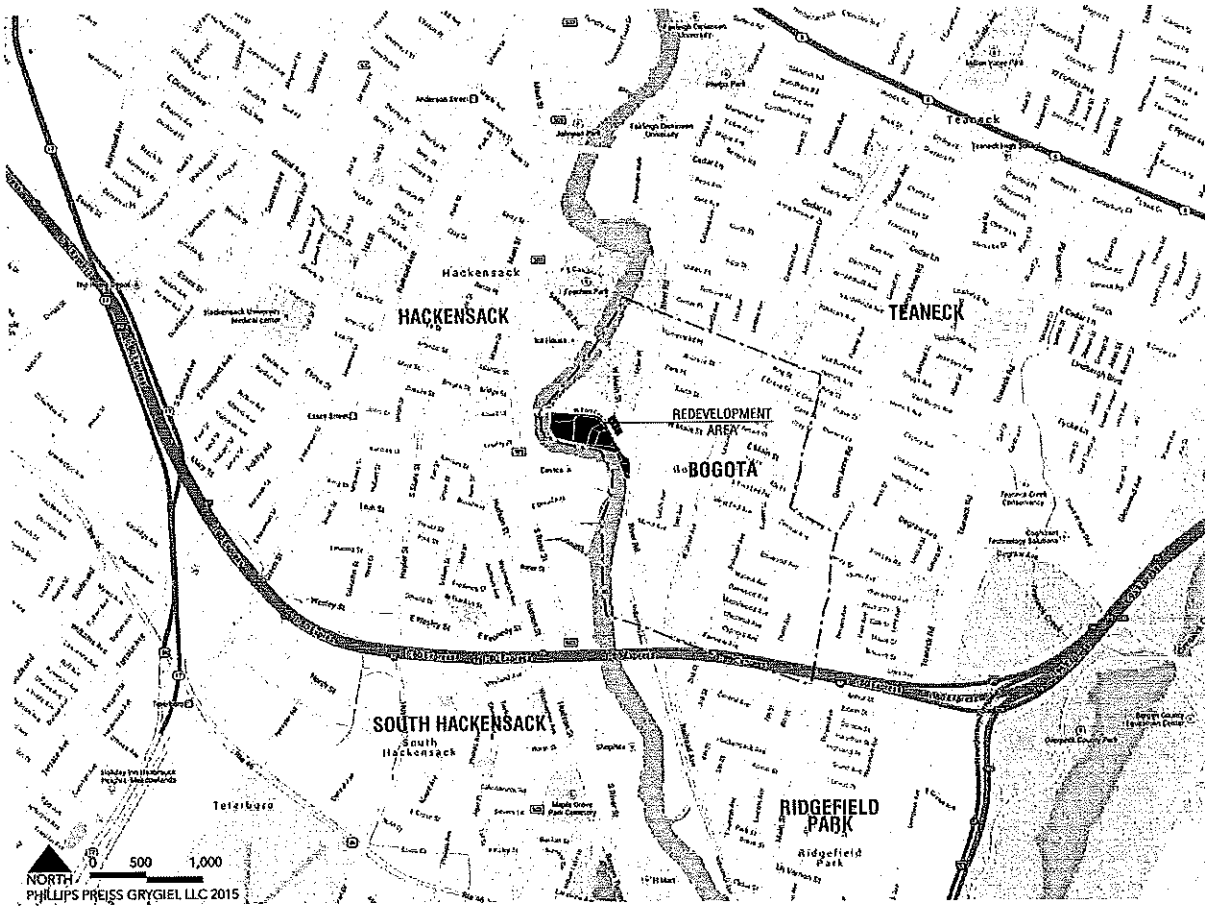


Figure 2: Redevelopment Area Location | WEST FORT LEE ROAD REDEVELOPMENT PLAN

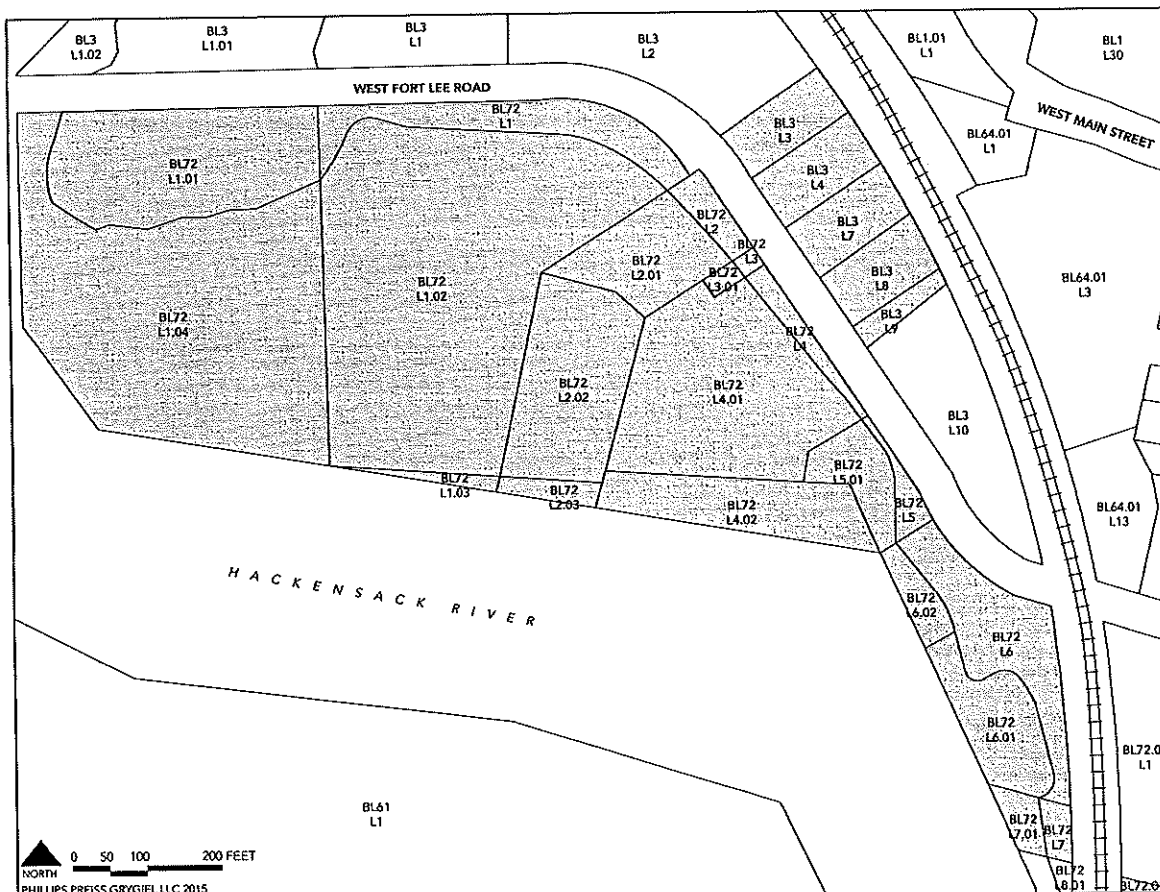


Figure 1: Redevelopment Area Boundaries | WEST FORT LEE ROAD REDEVELOPMENT PLAN

4 Use and Bulk Regulations

A. STANDARDS AND CONTROLS OF GENERAL APPLICABILITY

- 1) The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the purpose, goals and objectives of this Redevelopment Plan. As such, they are intended to provide a setting within which the Redeveloper and their designers are encouraged to generate detailed plans in order to produce a Redevelopment Project of outstanding design and superior quality.
- 2) Upon approval of the Redeveloper's Agreement, the Governing Body shall have found the Project Concepts consistent with the Redevelopment Plan.
- 3) Except where otherwise required by this Redevelopment Plan, the Redevelopment Area shall be governed by Site Plan Submission Requirements and Subdivision Submission Requirements of the Bogota Borough Land Development Ordinance. By reference herewith, said provisions are included in and adopted by this Redevelopment Plan.
- 4) Project Plans for all Redevelopment Projects shall be reviewed by the Planning Board in accordance with the requirements for review and approval of subdivisions and site plans as per the terms of this Redevelopment Plan and as set forth by the Municipal Land Use Law.
- 5) Applicability of Other Regulations
 - a. The provisions of this Redevelopment Plan are those of the Borough of Bogota and do not substitute for any law, code, rule or regulation established by any State or Federal agency. All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as applicable.
 - b. The above notwithstanding, whenever a code or regulation contains comparable but less restrictive provisions or requirements than set forth in this Redevelopment Plan, the standards set forth herein shall govern.
 - c. The Borough recognizes that certain environmental issues may exist within Redevelopment Area lands, including, but not limited to, wetlands, underground (fuel) storage tanks, soils contamination and asbestos contamination. The Redeveloper shall comply with all State and Federal regulations and shall be responsible for all actions related thereto.

B. PARCEL PLAN

The Parcel Plan divides the Redevelopment Area into two tracts of differing size and character. The



Figure 3: Redevelopment Area Context | WEST FORT LEE ROAD REDEVELOPMENT PLAN

intent of this Parcel Plan is to permit specific land uses and building types on each Redevelopment Parcel in order to provide for Redevelopment Projects which promote economic development consistent with the Goals and Objectives of this Redevelopment Plan. The two Redevelopment Parcels are as follows:

- Waterfront Parcel: Block 72, Lots 1, 1.01, 1.02, 1.03, 1.04, 1.05, 2, 2.01, 2.02, 2.03, 3, 3.01, 4, 4.01, 4.02, 5, 5.01, 6, 6.01, 6.02, 7 and 7.01.
- East Side Parcel: Block 3, Lots 3, 4, 7, 8 and 9.

C. GENERAL REGULATIONS

- 1) Building Setbacks shall be clear, unoccupied and unobstructed space measured at right angles between a lot line or Redevelopment Parcel Boundary Line and the building envelope, and shall extend from grade to sky, except for the following permitted obstructions: awnings; canopies; flag poles; ornamental architectural features including balconies; elevator tower; equipment room; mechanical room; street furniture; fences; signage; landscaping; lighting; and other similar features.
- 2) Setbacks may include pedestrian walkways, necessary access drives to parking areas, surface parking, fences and amenities of a Redevelopment Project.
- 3) Maximum Building Height shall be measured from finished grade immediately adjacent to a building to the highest point of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof. Parapets and ornamental architectural features, mechanical equipment, screening, elevator tower; equipment room; and mechanical room; may exceed Maximum Building Height.
- 4) One or more multiple permitted principal uses shall be permitted to be located on a single lot, including within the same building. Separate entrances shall be provided for residential and commercial uses located in the same building.
- 5) There may be a need to subdivide individual lots around various buildings for ease of financing or lender required purposes which may occur without regard to the Building Limit Controls and site improvements such as parking, driveways, trash/recycling enclosures, landscaping, lighting, etc. Shared facilities will be accommodated with legal instruments such as cross easements.

D. STANDARDS FOR REDEVELOPMENT PARCELS

- 1) Waterfront Parcel
 - a. Permitted Uses

- i. Multifamily Residential
 - ii. Retail and Service Commercial Uses
- b. Accessory Uses
- i. Surface parking to support any Permitted Use on this Redevelopment Parcel. Parking may also be contained in open carports or enclosed garages.
 - ii. Uses customarily associated with residential communities including but not limited to club house with community room and fitness center, swimming pool all in a centralized location providing convenient access for all residents; sanitary sewage pump house, residential storage units, park and recreation areas and dog park.
- c. Building Limit Controls -- Building Limit Controls shall apply to a comprehensive development and shall not apply to subdivision of lots found necessary for financing purposes as described in Section 4C.
- i. Minimum Lot Size: 2.0 acres
 - ii. Lot Width: 100 feet
 - iii. Lot Depth: 100 feet
 - iv. Building Setbacks
 - a) Front Yard (West Fort Lee Road): five feet; architectural features and balconies may extend into the required front yard
 - b) Side Yard (New York Susquehanna & Western Rail Road): five feet; architectural features and balconies may extend into the required side yard
 - c) Side Yard and Rear Yard (Hackensack River): 30 feet (This may include any River Walk easement); architectural features and balconies may extend no more than five feet into the required rear yard
 - v. Maximum Height: four stories/60 feet, except that an additional story and 10 feet shall be permitted for a residential building that includes or is attached to the clubhouse serving the development
 - vi. Mix of Unit Types: studio, 1 bedroom, 2 bedroom
 - vii. Maximum Building Coverage: 35%

- vii. Maximum Impervious Coverage: 90%. Additional impervious coverage shall be permitted if required for environmental remediation purposes. However, such areas shall be landscaped to the extent possible.
- ix. Maximum Gross Residential Density: 32 dwelling units per acre. Density shall be calculated using the total area of the Waterfront Parcel.
- x. Permanent Open Space: A 30 foot wide easement shall be created along the Hackensack River waterfront for use as permanent open space. This area which shall be known as River Walk shall be accessible to the general public from dawn to dusk. A 12 foot wide walkway shall be improved along with benches, landscaping and lighting. Architectural features and balconies may extend into the required permanent open space.

2) East Side Parcel:

a. Permitted Uses

- i. Multifamily Residential
- ii. Retail and Service Commercial Uses
- iii. Restaurant
- iv. Governmental Uses

b. Accessory Uses. Surface parking to support any Permitted Use on this Redevelopment Parcel.

c. Building Limit Controls - Building Limit Controls shall apply to a comprehensive development and shall not apply to subdivision of lots found necessary for financing purposes as described in Section 4C.

- i. Minimum Lot Size: 0.8 acres
- ii. Lot Width: 100 feet
- iii. Lot Depth: 100 feet
- iv. Building Setbacks
 - a) Front Yard: five feet; architectural features and balconies may extend into the required front yard
 - b) Side Yard: five feet; architectural features and balconies may extend into the required side yard

- c) Rear Yard: five feet; architectural features and balconies may extend into the required rear yard
- v. Maximum Height: four stories/60 feet
- vi. Mix of Unit Types: studio, 1 bedroom, 2 bedroom
- vii. Maximum Building Coverage: 50%
- viii. Maximum Impervious Coverage: 90%. Additional impervious coverage shall be permitted if required for environmental remediation purposes. However, such areas shall be landscaped to the extent possible.
- ix. Maximum Gross Residential Density: 32 dwelling units per acre, which may be increased to 50 dwelling units per acre if affordable dwelling units are provided on this parcel. Density shall be calculated using the total area of the East Side Parcel.

E. AFFORDABLE HOUSING

All development in the redevelopment area that results in the creation of new dwelling units shall be required to provide a set aside of affordable dwelling units. The minimum affordable housing set-aside shall be 10 percent of the total number of dwelling units and shall be addressed within the redevelopment area through the construction of affordable units.

Affordable dwelling units shall comply with the applicable rules of the Council on Affordable Housing, or other entity as applicable.

5 Building and Site Design

A. BALCONIES

Balconies are permitted on all residential facades. Balconies shall not project beyond the property line.

B. BICYCLE FACILITIES

Indoor bicycle storage areas shall be provided for building residents. Outdoor bicycle parking shall be provided to accommodate visitors to the uses in the redevelopment area and the waterfront walkway.

C. BUILDING DESIGN AND MATERIALS

Exterior building architecture shall coordinate form, materials, color and detailing to achieve design harmony and continuity for all building elevations. Elevations and specific architectural details shall be on plans that are part of the exhibits included in the original Redevelopment exhibits.

Desirable features (as may be utilized by a design professional) that may be incorporated in the design may include: cast stone or brick at the base of the buildings with Hardieplank/Hardiepanel or fiber cement siding, or similar approved material/finishes above; elevators in all multistory buildings; balconies for some residential units; washer/dryer in dwelling units; central trash and recycling in each building; and mechanical features inside each building. Any mechanical equipment above the rooftop shall be painted or screened.

Buildings shall be broken up vertically into a base, a middle and a top, and horizontally into bays, through the use of building articulation or change in materials. Material changes shall occur at logical points, delineated by a change in building plane and/or a cornice line.

D. BUS STOP

A bus stop shall be provided along the West Fort Lee Road frontage of the Waterfront Tract and shall include a shelter with a seating area. A turn-out shall be provided to allow buses to pull outside the travel lane of West Fort Lee Road to pick up and drop off passengers.

E. FENCES

Fences may be installed along the site perimeter or where may be deemed necessary by the developer. Maximum fence height shall be six feet, but may be increased where additional height is required for security and/or safety reasons. Opaque fences shall not be permitted within the required front yard setback.

F. LANDSCAPING

Landscaping shall be utilized to complement and accent buildings, at points such as, but not limited to, site driveways and building entries. Landscaping shall be provided in public areas, parking areas and recreation areas. All areas not covered by buildings, roadways, parking areas or pedestrian walkways shall be landscaped with natural materials. Landscape plantings shall incorporate indigenous vegetation and may introduce accent features such as beach grasses.

Street trees shall be provided along the West Fort Lee Road street frontages in the redevelopment area.

G. LIGHTING

Adequate lighting shall be provided for all parking areas and pedestrian walkways. Lighting shall be designed to provide for safe movement of pedestrians and vehicles and provide security lighting to illuminate all building entry points and other areas as required by the Planning Board. All outdoor lighting shall be downcast and illuminate only the intended areas.

The maximum height of free standing lights shall not exceed 25 feet, except where greater height is required for safety or security reasons, in which case the maximum height shall not exceed 40 feet.

Lighting plans shall be prepared by a licensed architect or engineer.

H. OFF-STREET PARKING AND LOADING

The minimum number of off-street parking spaces shall be as set forth in the table below:

Use	Parking Requirement
Retail and service commercial uses	1 space per 250 square feet of gross floor area
Restaurants	1 space for every 3 seats
Multi-family residential units: ¹	
Studio and one-bedroom units	1.5 spaces per unit
Two-bedroom units	1.8 spaces per unit

A parking area with a minimum of 25 parking spaces shall be reserved for public use of the river walk in close proximity to the Hackensack River frontage.

Adequate space shall be provided to permit off-street loading and unloading by trucks and service vehicles.

¹ These ratios are lower than required by the New Jersey Residential Site Improvement Standards due to the redevelopment area's accessibility to transit service (e.g., bus service on West Fort Lee Road and a train station and bus depot within one mile) and the presence of parks, stores and services within reasonable walking distance.

Circulation shall be controlled with landscape islands at the end of parking bays. All landscaping shall be maintained to avoid obstruction of sight triangles. Curbs shall be installed around all parking areas and along driveways unless waived by recommendation of the Planning Board's Engineer.

I. RECREATION FACILITIES

The Redevelopment Project on the Riverfront Parcel shall provide for the recreational needs of residents. A clubhouse or community building, a swimming pool and outdoor sitting areas shall be provided. Other recreational amenities, such as a fenced-in dog park, may be provided.

A river walk or path shall be provided along the Hackensack River, which shall be accessible to the public at a minimum from dawn to dusk, and improved with a walkway, benches, lighting and landscaping. The minimum width of the walkway shall be 12 feet. Where bulkheading is not present the banks of the river shall be stabilized and planted as permitted by the New Jersey Department of Environmental Protection.

J. RECYCLING AND REFUSE AREAS

Designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or within a screened enclosure.

K. SECURITY AND SAFETY

Security and safety elements shall be incorporated in the site and building design. A gated and/or manned guard house shall be permitted at the main entrance to the development. Electronic access may be used to all residential buildings and common buildings. Monitoring shall be coordinated at the guard house or onsite office.

L. SIDEWALKS

Sidewalks shall be provided along the frontage of West Fort Lee Road. The minimum width of sidewalks shall be four feet.

M. SIGNAGE

- 1) Two freestanding signs identifying the development on the Riverfront Parcel shall be permitted subject to the following controls.
 - a. Maximum height: 8 feet
 - b. Maximum sign area: 100 square feet per side; the sign area calculation shall not include the property address.
 - c. Minimum setback from property line: 5 feet

- 2) Buildings on the Riverfront Parcel may be identified by name or number. The top of the sign shall not exceed 15 feet above ground and the sign area shall not exceed 30 square feet.

- 3) Signs for nonresidential uses shall comply with the requirements for signs in the Business Districts In Section 2.1A-13h of the Bogota Land Development Ordinance.

- 4) Signs for traffic direction or safety, or signs required for identification of site features such as the river walk, community center and/or dog park shall be reviewed by the Planning Board as part of site plan approval.

N. SUSTAINABLE DESIGN

The Borough of Bogota encourages the use of sustainable design to improve community and environmental health and to enhance the environmental and economic performance of buildings. It is recognized that as the proposed redevelopment would remediate a formerly industrial site in a built up area it is consistent with smart growth principles.

O. UTILITIES

All new utility distribution lines and utility service connections from such lines to buildings in the redevelopment area shall be located underground. To the extent possible, existing utility lines should also be relocated underground. Locations for utility lines and easements shall be established at the time of Planning Board Site Plan Review and Approval for Individual Redevelopment Projects. Utility lines and locations may be relocated pursuant to individual utility company requirements at any time.

All Redevelopment Projects shall be connected to the public sewer system.

6 Plan Consistency Review

A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The Redevelopment Plan provides for the redevelopment of a previously developed site in an area already served by infrastructure and transit. The closest municipality to the redevelopment area, the City of Hackensack, has a number of active redevelopment projects in the vicinity of the Borough of Bogota that promote redevelopment similar to that proposed by this Redevelopment Plan. Therefore the Redevelopment Plan would not impact the master plan of any municipality adjoining Bogota.

B. RELATIONSHIP TO THE BERGEN COUNTY MASTER PLAN

The Land Use Element of the Bergen County Master Plan has not been updated since 1973. The land use conditions in the County have changed so much since that time that its goals and policies are very much outdated. This Redevelopment Plan does not conflict with the County Master Plan.

C. RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

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

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

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 23 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP but has not been adopted as of mid 2015.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the reuse of developed property in an area well served by infrastructure and transit. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

7 Redevelopment Actions

A. OUTLINE OF PROPOSED ACTIONS

1) Demolition

It is proposed that the site be completely cleared of existing buildings, parking lots and other improvements, as well as existing trees and other plantings. The Plan proposes a significant change in use over the current conditions, and there is no reason to retain any of the existing structures or vegetation.

2) New Construction and Environmental Remediation

Construction of new structures and other improvements will take place as proposed in Chapters 4 and 5 of this Redevelopment Plan. Environmental remediation will take place as necessary to effectuate the plan. Infrastructure will be constructed as determined by the Borough's professional consultants for the project. The developer must adhere to the overall parameters for development presented in Chapters 4 and 5 of this Redevelopment Plan and is encouraged to otherwise refine the design concepts presented therein in developing a unique and high-quality project proposal. Once a developer is selected, the developer will be required to enter into a developer's agreement with the Borough that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

B. PROPERTIES TO BE ACQUIRED

This is a non-condemnation redevelopment area and the Borough of Bogota will not be exercising its powers of eminent domain. In the event there is a need for right-of-way vacation or conveyance of municipally owned land, the Borough may take any action necessary to accommodate the redevelopment of the site. This accommodation may also include any easements necessary to accommodate the anticipated development.

C. RELOCATION

The Redevelopment Area is vacant ground or vacant buildings and structures with no existing occupants, therefore relocation is not required.

D. OTHER ACTIONS

In addition to the demolition and new construction described above, the Mayor and Council may undertake other actions to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental remediation, (3) vacation of public utility easements and other easements and rights of

way as may be necessary for redevelopment. See subsection 8J of this plan for requirements for the provision of infrastructure to serve the redevelopment area.

In order to stimulate private sector investment and maximize Redeveloper interest, the Borough recognizes certain financial and planning realities related to the redevelopment of the Redevelopment Area. Accordingly, the Borough may make available such assistance as may be reasonably necessary to aid development, including participating, either alone or with a Redeveloper, in state and federal grant programs and granting of tax incentives. This is a non-condemnation redevelopment area and the Borough will not be exercising its powers of eminent domain. All such assistance shall be addressed within the context of the Redeveloper's Agreement to be negotiated between the Borough and the Redeveloper.

8 General Provisions

A. ADVERSE INFLUENCES

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

B. APPROVALS BY OTHER AGENCIES

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

C. CONSTRUCTION STAGING

Staging for construction conducted within the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted on all Redevelopment Parcels.

D. DEVIATION REQUESTS

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

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

E. DURATION OF THE PLAN

This Redevelopment Plan shall be in effect for a period of 15 years from the date of initial adoption or if amended, it shall be in effect for a period of 15 years from the amendment date.

Upon completion of construction of a Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper, the Borough shall issue the Redeveloper a Certificate of Completion and Compliance for said Redevelopment Project or said Independent Component thereof, certifying that the Redevelopment Project or the Independent Component thereof was completed in accordance with this Redevelopment Plan and the plans approved by the Planning Board as part of the Site Plan Review and Approval process and further certifying that the applicable provisions of the Redeveloper's Agreement. Including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

F. EASEMENTS

No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Borough of Bogota.

G. ESCROWS

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

H. INFRASTRUCTURE

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

I. INTERPRETATION

Any appeal for interpretation for any section of this Redevelopment Area shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

J. NON-DISCRIMINATION PROVISIONS

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or in-

provements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any successors in interest) upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability or sexual preference in the sale, lease, use or occupancy thereof.

The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

K. REDEVELOPER DESIGNATION AND AGREEMENT

1) The owner of land in the Redevelopment Area shall be required to submit documentation to demonstrate compliance with the goals and objectives of the Redevelopment Plan as well as compliance with the Development Regulations. To achieve Redeveloper designation, items to be addressed at a minimum should include:

- a) The ability to comply with and achieve the Public Policy Goals and Redevelopment Plan Objectives specified herein.
- b) Show Redevelopment Project concept(s).
- c) Additional information as may be deemed necessary and appropriate.

2)

Upon Redeveloper Plan approval, the Borough shall commence negotiations leading to a Redeveloper's Agreement. The Borough and the redeveloper shall enter into a redeveloper's agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9. The redeveloper's agreement shall contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to the redeveloper's obligation to provide the infrastructure and improvements required for the project as permitted under the Municipal Land Use Law. Redeveloper designation shall only be conferred by the Borough upon execution of a Redeveloper's Agreement. Redeveloper's Agreements shall include, at a minimum:

- a) The Project Concept(s) and description of project elements for the undertakings proposed.
- b) A schedule for the commencement and completion of improvements.
- c) A statement regarding compliance with the Goals and Objectives of this Redevelopment Plan.
- d) Provisions for termination of Redeveloper's status in the event of default by the Redeveloper.
- e) Such provisions as may be required by law.

L. SITE PLAN AND SUBDIVISION REVIEW

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

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

9 Other Provisions

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

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- As indicated in Chapter 6, this Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Bogota. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan and the draft State Strategic Plan.
- This Redevelopment Plan shall supersede all provisions of the Borough of Bogota Land Development Ordinance regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Land Development Ordinance shall, however, remain in effect. Final adoption of this Plan by the Mayor and Council shall be considered an amendment of the Borough of Bogota Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

10 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body. In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-13, mutual agreement between the Borough and a Redeveloper is required where a Redeveloper's Agreement is in place and where an amendment would change the controls governing the use of land under said Agreement. The party requesting the amendments also shall be required to post an escrow to defray the Borough's costs in connection with the requested amendment, unless the request is issued from an agency of the Borough.