

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1414

**AN ORDINANCE OF THE TOWN OF HARRISON, COUNTY OF HUDSON, STATE OF NEW JERSEY ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE WATERFRONT REDEVELOPMENT AREA**

WHEREAS, the Mayor and Council of the Town of Harrison (“Town”) desires to adopt amendments to the Waterfront Redevelopment Plan prepared by Heyer, Gruel, & Associates PA; and

WHEREAS, the Town previously established a Redevelopment Area, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq), which area is commonly referred to as the “Waterfront Redevelopment Area”; and

WHEREAS, a Redevelopment Plan for the redevelopment area, entitled “Harrison Waterfront Redevelopment Plan,” was prepared by Heyer, Gruel, & Associates and adopted by Ordinance Number 1077 on July 23, 2003; and

WHEREAS, an Amended Redevelopment Plan for the redevelopment area entitled, “Amended Harrison Waterfront Redevelopment Plan 2012,” was prepared by Heyer, Gruel, & Associates and adopted by Ordinance Number 1262 on April 24, 2012; and

WHEREAS, since the adoption of the Amended Redevelopment Plan (hereinafter the “Plan”), several supplemental amendments have been adopted; and

WHEREAS, since the adoption of the Plan and the supplemental amendments, there have been changes in conditions and circumstances; and

WHEREAS, one of such changes includes the Town’s current efforts to address its constitutional obligation to provide for its fair share of very low-, low-, and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 et seq.; and

WHEREAS, Redevelopment Plans are permitted to require the provision of affordable housing units per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.b); and

WHEREAS, pursuant to that obligation, the Town entered into an amended settlement agreement with Fair Share Housing Center (“FSHC”), which was signed by the Town on November 12, 2019, which provides for inclusionary development within certain portions of the Waterfront Redevelopment Area; and

WHEREAS, a Housing Element and Fair Share Plan was prepared by the Town Planner and adopted by the Planning Board on December 14, 2017 (“2017 HEFSP”); and

WHEREAS, subsequent to the adoption of the 2017 HEFSP, revisions were made to the Plan and on December 17, 2019 the Planning Board adopted an amended HEFSP (“2019 HEFSP”) recommending the implementation of inclusionary development within certain portions of the Waterfront Redevelopment Area; and

WHEREAS, the amendments will not compromise the core principles and goals of the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HARRISON AS FOLLOWS:

THAT: The “PLAN GOALS” shall be amended to include the following new goal:

“Address a portion of the Town’s affordable housing obligation by redeveloping a portion of the Area for residential inclusionary development.”

THAT: The Purpose of the “Residential District” section of the “LAND USE PLAN” shall be amended to read as follows:

“To provide opportunities for residential development, both market rate and affordable (on two blocks as indicated below), that will serve the needs of the Area in a neighborhood setting that will be integrated with the other Districts in the Area. In accordance with the Town’s Settlement Agreement and pursuant to the sections below, 116 family rental affordable units will be produced in the Residential District.”

THAT: The first paragraph of the Principal Permitted Uses of the “Residential District” section of the “LAND USE PLAN” shall be amended to read as follows:

“Multi-family and single-family attached housing, Offices, Retail sales and service, Restaurants, Financial institutions, Child care, Fitness centers, School, Parks, Public uses, Structured parking, Mixed-use development, and Inclusionary residential development (either within multi-family or mixed-use development) pursuant to the provisions of the “Affordable Housing” section below. Private social events such as weddings shall be permitted on the roof of the parking garage subject to approval of the Harrison Redevelopment Agency.”

THAT: The “Residential District” section of the “LAND USE PLAN” shall be amended to include the following subsection, entitled “Affordable Housing”:

*“Affordable Housing:*

The block bound by Burlington Street to the north, Second Street to the east, the railroad right-of-way to the south, and the proposed extension of First Street to the west (portion of Block 86 Lot 1.03) is required to be developed with multi-family inclusionary development at a maximum density of 110 units per acre with a required 15% affordable set-aside. A minimum of 70 affordable family rental units shall be generated on site.

The block bound by Burlington Street to the north, Third Street to the east, the railroad right-of-way to the south, and Second Street to the west (Block 103 Lot 1) is required to be developed with multi-family inclusionary development at a density of 110 units per acre with a required 15% affordable set-aside. A minimum of 46 affordable family rental units shall be generated on site.

In conformance with the Amended Settlement Agreement, residential development within the Residential District is required to provide 116 affordable family rental units. Residential units shall be developed in conformance with the approved Amended Settlement Agreement and all affordable housing units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation, with the exception that in lieu of 10% of affordable units in rental projects being required to be affordable households earning at or below 35% of the regional median household income, a minimum of 13% of affordable units in such projects within each bedroom size is required to be affordable to households earning at or below 30% of the regional median household income. The proposed affordable units will comply with UHAC regulations, the FHA, applicable COAH regulations, the Harrison municipal affordable housing ordinance, and all other applicable laws.

The residential units in any redevelopment agreement that includes affordable housing shall comply with N.J.A.C. 5:97-6.6 and 6.4, including the phasing requirements of N.J.A.C. 5:97-6.4(d).”

THAT: The first paragraph of the Purpose of the “Planned Office District” section of the “LAND USE PLAN” shall be amended to read as follows:

“To provide for large-scale non-residential, comprehensively planned development on the 20-acre PSE&G site south of the PATH station. The District is envisioned to consist of towers, 10 to 25 stories in height, designed as signature buildings. The ground floors may contain restaurants and other uses that will provide amenities to the occupants of the buildings. The upper floors may contain offices, hotel space, and health clubs. Additionally, in accordance with the Town’s Amended Settlement Agreement and pursuant to the sections below, approximately 8 acres of the site shall be developed for inclusionary residential development, which shall generate a minimum of 120 family affordable units on site.”

THAT: The “Planned Office District” section of the “LAND USE PLAN” shall be amended to amend the Principal Permitted Uses subsection and add an additional subsection, entitled “Affordable Housing”:

*“Principal Permitted Uses:*

Office, Retail sales and service, Fitness centers, Wellness centers, Hotels (minimum 110 rooms), Financial institutions, Restaurants, Mixed-use development, Childcare facilities, Public spaces, Parks, Public uses and Structured parking. Telecommunications antennae are permitted on buildings but must be below the roofline and painted the color of the building. Inclusionary residential development within a mixed-use project is permitted pursuant to the provisions of the “Affordable Housing” section below. Drive-thru uses are not permitted.

*“Affordable Housing:*

A maximum of eight (8) acres of the Planned Office District are required to be developed with multi-family inclusionary development at a density of 100 units per acre with a required 15%

affordable set-aside. A minimum of 120 affordable family rental units shall be generated on site.

In conformance with the Amended Settlement Agreement, residential development within the Planned Office District is required to provide 120 affordable family rental units. Residential units shall be developed in conformance with the approved Settlement Agreements and all affordable housing units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation, with the exception that in lieu of 10% of affordable units in rental projects being required to be affordable households earning at or below 35% of the regional median household income, a minimum of 13% of affordable units in such projects within each bedroom size is required to be affordable to households earning at or below 30% of the regional median household income. The proposed affordable units will comply with UHAC regulations, the FHA, applicable COAH regulations, the Harrison municipal affordable housing ordinance, and all other applicable laws.

The residential units in any redevelopment agreement that includes affordable housing shall comply with N.J.A.C. 5:97-6.6 and 6.4, including the phasing requirements of N.J.A.C. 5:97-6.4(d)."

BE IT FURTHER ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HARRISON:

THAT: All prior Ordinances, which are inconsistent with the provisions of this Ordinance, as well as any prior versions of the above referenced maps, are hereby repealed to the extent of such inconsistency.

THAT: This Ordinance shall become effective immediately upon final passage and publication as requires by law.

*/s/ Ellen Mendoza*

Councilwoman Ellen Mendoza

Introduced: 04-07-2020

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on April 7, 2020 the foregoing Ordinance passed on first reading.

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. CAMANO			X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
E. MENDOZA			X			
F. NASCIMENTO			X			
E. VILLALTA			X			
J. FIFE			X			

Adopted: 05-26-2020

Approved:

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Mayor James A. Fife*

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on May 26, 2020 the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT			X			
M. CAMANO	X		X			
M. DOLAGHAN			X			
J. DORAN			X			
J. HUARANGA			X			
E. MENDOZA		X	X			
F. NASCIMENTO			X			
E. VILLALTA			X			
J. FIFE			X			