

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1371

**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; 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 Waterfront 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 (hereinafter the “Redevelopment Plan”); and

WHEREAS, since the adoption of the Redevelopment Plan, subsequent amendments have been adopted; and

WHEREAS, due to questions regarding the interpretation of the Redevelopment Plan it is prudent to further amend the Redevelopment Plan to clarify certain provisions; and

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

WHEREAS, the Mayor and Council desires to amend the Redevelopment Plan as set forth below.

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

THAT: The subsection of the Redevelopment Plan entitled “**ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS—*Review Process—Harrison Redevelopment Agency Review of Proposed Development Plans***,” is hereby amended to read in its entirety as follows:

“Before a site plan can be submitted to the Planning Board for review the Harrison Redevelopment Agency must determine that it is consistent with the Redevelopment Plan and the Redeveloper’s Redevelopment Agreement, if one exists at the time of conceptual review. If the Harrison Redevelopment Agency has conditionally designated the Redeveloper and a Redevelopment Agreement does not exist at the time of conceptual approval by the Harrison Redevelopment Agency, the approved conceptual plans shall be incorporated in the Redevelopment Agreement when it is executed. If the Harrison Redevelopment Agency determines that the plans are non-conforming, the Harrison Redevelopment Agency shall advise the Redeveloper of the issues that give rise to such non-conformance. The Redeveloper shall then revise the plans and resubmit them as many times as necessary to receive approval from the Harrison Redevelopment Agency.”

THAT: The section of the Redevelopment Plan entitled “**RELATIONSHIP OF PLAN TO THE TOWN LAND DEVELOPMENT REGULATIONS**,” is hereby amended to read in its entirety as follows:

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

Any deviation that would result in “d” variance pursuant to N.J.S.A. 40:55D-70(d) shall be addressed as an amendment to the Plan. To eliminate any doubt, deviations to the road alignment in the Plan, including the elimination of any portion of a proposed street on the Plan’s

Roadway Network Map, shall not require an amendment to the Plan, subject to the provisions of the next paragraph. If any portion of a street shown in the Plan is eliminated, the permitted uses of the area of the street so eliminated shall be the same as the area adjacent to such eliminated street. Any valet parking proposed in order to address permanent residential parking requirements of a development shall require a Plan amendment. A deficiency of 5% or greater of the required permanent residential off-street parking shall also require a Plan amendment. Deviations of less than 5% shall be considered a “c” variance and, therefore, may be approved by the Planning Board in connection with a site plan. Neither the Planning Board nor the Board of Adjustment shall have authority to allow deviations which would result in a “d” variance and/or Plan amendment. The Planning Board shall have power to grant relief from other bulk and dimensional requirements pursuant to the Municipal Land Use Law. The Planning Board shall consider the comments of the Harrison Redevelopment Agency when evaluating relief from the bulk requirements. All exceptions or waivers from design standards from the requirement for site plan or subdivision approval if approved shall be granted by the Harrison Planning Board.

To the extent that an exception may be required in the alignment, profile or elimination of any streets shown on the Plan’s Roadway Network Map, the exception shall be permitted as part of the Planning Board site plan review process if it is approved by the Town’s engineer or consulting engineer. Nothing herein shall be deemed to give the Planning Board the power to alter any portion of a street where the portion of the street before the Planning Board has already been dedicated and accepted by the Town.

All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq. No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12a. & b.”

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

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

*/s/ James P. Doran*  
Councilman James P. Doran

Introduced: 07-25-2018

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 July 25, 2018, the foregoing Ordinance passed on first hearing.

Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO					X	
A. MILLAN					X	
F. NASCIMENTO					X	
E. VILLALTA			X			
J. FIFE			X			

Adopted: 08-07-2018

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 August 7, 2018 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.

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Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA						X
C. MANDAGLIO						X
A. MILLAN			X			
F. NASCIMENTO						X
E. VILLALTA			X			
J. FIFE			X			