

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1313

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, amended Harrison Waterfront Redevelopment Plan 2012 (the “Plan”) was prepared by Heyer, Gruel, & Associates and adopted by Ordinance No 1262 on April 24, 2012, which Plan has been amended by Ordinance No’s 1286 and 1302; and

WHEREAS, the Plan included the following language in the section titled **Relationship of the Plan to the Town Land Development Regulations**:

“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 from permitted use standards, height of a principal structure standards, or expansion of a nonconforming use shall be addressed as an amendment to the Plan. Neither the Planning board nor the Board of Adjustment shall have authority to allow deviations from the permitted use, height standards or expansion of a nonconforming use. The Planning Board shall have power to grant relief from other bulk and dimensional requirements of the Plan to the same extent as the Board may grant relief from 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 requirements for site plan or subdivision approval if approved shall be granted by the Harrison Redevelopment Agency. To the extent that an exception may be required in the alignment or profile of streets, the exception shall be permitted only if it is recommended by the Town’s engineer.

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;” and

WHEREAS, since the Plan was adopted there have been changes in conditions and circumstances; and

WHEREAS, these changed conditions relate to the procedures for granting relief for exceptions, and design waivers from the requirements for site plan and subdivision approval; and

WHEREAS, it is no longer prudent to place the authority for granting such waivers and exceptions with the Harrison Redevelopment Agency (the “Agency”); and

WHEREAS, the granting of exceptions and design waivers related to the requirements for site plan and subdivision approval would be more practical if granted in conjunction with the site plan and/or subdivision approval by the Planning Board rather than separately by the Agency; and

WHEREAS, due to these changes it is necessary to further amend the Plan; and

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Harrison, that, the section of the Plan titled “Relationship of the Plan to the Town Land Development Regulations” should be amended to place the authority to grant exceptions and waivers related to design standards for site plan and subdivision approval with the Harrison Planning Board, and shall read 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 from permitted use standards, height of a principal structure standards, or expansion of a nonconforming use shall be addressed as an amendment to the Plan. Neither the Planning board nor the Board of Adjustment shall have authority to allow deviations from the permitted use, height standards or expansion of a nonconforming use. The Planning Board shall have power to grant relief from other bulk and dimensional requirements of the Plan to the same extent as the Board may grant relief from 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 requirements 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 or profile of streets, the exception shall be permitted only if it is recommended by the Town's engineer.

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."

BE IT FURTHER ORDAINED that all prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

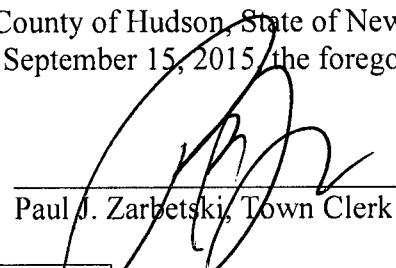
BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law.

/s/ James P. Doran

Councilman James P. Doran

Introduced: 09-15-2015

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 September 15, 2015, 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. DOLAGHAN						X
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO					X	
A. MILLAN			X			
F. NASCIMENTO			X			
V. VILLALTA					X	
J. FIFE			X			

Adopted: 10-06-2015

Approved: /s/ James A. Fife
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 October 6, 2015 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. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO		X	X			
A. MILLAN			X			
F. NASCIMENTO						X
V. VILLALTA						X
J. FIFE			X			