

BOROUGH OF ELMWOOD PARK FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

PREPARED BY DMR ARCHITECTS MAY 2025

ADOPTED BY THE ELMWOOD PARK PLANNING BOARD

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EXECUTIVE SUMMARY

This Fourth Round Housing Element and Fair Share Plan ("HEFSP" or "Plan") has been prepared for the Borough of Elmwood Park ("Borough" or "Elmwood Park") in Bergen County, New Jersey, in order to comply with its affordable housing obligation in accordance with the Fair Housing Act of 1985 (*N.J.S.A.* 52:27D-301 et seq.) ("FHA") as amended by the bill known as A4/S50 or P.L. 2024 c.2, signed in March of 2024.

An HEFSP is a document required by the FHA to be adopted by each municipality in the state to identify and address their respective, allocated need for safe and adequate housing for low- and moderate-income households. The HEFSP establishes the manner and means by which the Borough of Elmwood Park will satisfy its State-mandated affordable housing or fair share obligation as that obligation is established in the Settlement Agreement. The Fair Share obligation is comprised of three components:

- The Present Need obligation, which reflects the estimated number of housing units in the Borough which are occupied by low- and moderate-income households and are in deteriorated condition that can be corrected through rehabilitation. This obligation is also known as the "Rehabilitation Share", and the Borough's obligation for this component is 154 units.
- The "Fourth Round Prospective Need" obligation, which reflects the number of affordable units the Borough must create to address its share of the projected "regional" need for low- and moderate-income housing for the period running from July 1, 2025 to June 30, 2035. That number is 145 units.
- A "review" of the Borough's satisfaction of its Prospective Need obligations from the First, Second, and Third Rounds.

WHAT IS AFFORDABLE HOUSING

In 1975, the New Jersey Supreme Court ("Supreme Court") ruled in the case of <u>Southern Burlington</u> <u>County NAACP v. The Township of Mount Laurel</u>, now simply referred to as "<u>Mount Laurel I"</u>, that every "developing" municipality in the State of New Jersey has a constitutional obligation to provide a reasonable opportunity for the construction of housing that is affordable to low- and moderateincome households. Eight years later, in 1983, the Supreme Court decided in what is known as "<u>Mount Laurel II"</u> that every municipality, regardless if its stage of development, must provide that opportunity for construction of affordable housing.

Two years after the Mount Laurel II decision, the New Jersey State Legislature adopted the Fair

Housing Act which, among other things, created the Council on Affordable Housing ("COAH") to:

- Establish housing regions for calculation of housing need, qualifying incomes, housing cost, and other factors;
- Estimating low- and moderate-income housing needs;
- Establishing the rules and means by which each municipality may address its need; and
- Create a process for reviewing and "certifying" that need has been met.

The Fair Housing Act, when first adopted, identified only the

income categories of "low" and "moderate" income households, but was updated to include the category of "very-low" income in 2008 as part of the legislation known as the "Roberts Bill", which made a number of changes to the Act. The three categories are defined in Figure 1 - "Fair Housing

Figure 1. Fair Housing Act Income Categories

Very-Low Income Household: Earns 30% or less of regional median income

Low-Income Household: Earns 30% to 50% of Regional Median Income

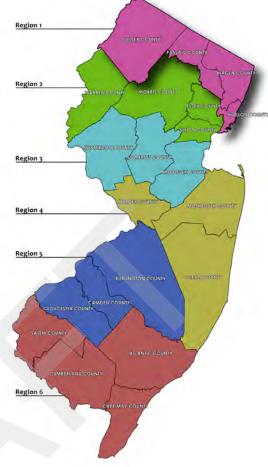
Moderate Income Household: Earns 50% to 80% of Regional median Income

Elmwood Park Borough Housing Element and Fair Share Plan June 2025

Act Income Categories" .

The values for what constitute very-low, low, or moderate income are based on the median incomes in COAHdefined "Regions". The Fair Housing Act tasked COAH with the delineation of these "Regions" having between two and four counties each which have "significant social, economic, and income similarities and which constitute to the greatest extent practicable the primary metropolitan statistical areas" reflected by the U.S. Census. Map 1 - "COAH Region Map" shows the current housing regions.

The Fair Housing Act defers to HUD and other "recognized" standards to define what makes housing "affordable". HUD has, since the 1980s, considered housing to be affordable where the cost of such housing is less than 30% of the household's income. This rate has also been adopted by banks and other institutions as the threshold for "affordability". In practice, affordable housing in New Jersey must adhere to the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq, which uses the 30% threshold for renterhousehold income and a 28% threshold for homeownerhousehold income. The UHAC also establishes additional standards to ensure that affordable housing units are available to households of various sizes and incomes and priced affordably, as shown in Figure 2 - "Required Distributions" and Figure 3 - "Affordability Standards"



NEW JERSEY MOUNT LAUREL Map 1. COAH Region Map, with Region 1 highlighted, HISTORY

consisting of Bergen, Hudson, Passaic, and Sussex Counties

FIRST AND SECOND ROUNDS

COAH published what has come to be known as its "first round" rules (N.J.A.C. 5:92-1 et seq.) to calculate the affordable housing need which municipalities would be required to address between 1987 and 1993, and established the acceptable means to address that need. The rules included a calculation of an existing need based on an estimate of substandard housing that was occupied by low- and moderate-income households (commonly referred to as "present need", as well as a projection of future demand for housing opportunities by low- and moderate-income households (commonly referred to as "prospective need" or "new construction obligation"). The income classifications were based on the income metrics established by the U.S. Department of Housing and Urban Development. The present need would be addressed by rehabilitating existing substandard housing and the prospective need would be addressed by creating new housing.

In 1994, COAH adopted N.J.A.C. 5:93-1 et seq. which retroactively recalculated the present and prospective needs for 1987 to 1993 and provided new calculations of those needs for the period of 1993 to 1999. While the rules at the time were considered to be COAH's "second round" of rules, the obligations calculated through those rules are referred to today as the "Prior Round" because the Second Round need numbers recalculated and included the need calculated for 1987 to 1993.

THIRD ROUND RULES

While the Fair Housing Act required COAH to adopt new rules in 1999, COAH did not adopt its Third Round rules until 2004, meaning there had been a five year gap following the effective period of the Second Round rules and the creation of new rules and need calculations. The 2004-adopted rules, located at <u>N.J.A.C.</u> 5:94-1 and 5:95-1 et seq., calculated a need period extending from 1999 to 2014 in order to capture the five years when rules were not in place and to project Prospective Need over the next 10 years (In 2001 the Fair Housing Act was amended to extend the effective time frame of any future-adopted COAH rules from the original 6 years used in Rounds 1 and 2 to a period of 10 years).

The 2004-adopted Third Round rules used a new method called "Growth Share" for calculating municipal new-construction obligation. Growth Share tied each municipality's affordable housing obligation to actual residential and non-residential growth between 2004 to 2014. The New Jersey Appellate Court invalidated substantial portions of the Third Round rules, including the Growth Share methodology, in the January 25, 2007 decision In re Adoption of *N.J.A.C.* 5:94 and 5:95, and ordered COAH to adopt amendments to the rules within six (6) months.

COAH *did* adopt amended rules more than 15 months later on June 2, 2008 (*N.J.A.C.* 5:96 and 5:97), which used a modified Growth Share methodology establishing a need for the period of 1999-2018, which had to be addressed by 2018,

Figure 2. <u>Required Distributions</u>

Within and across all developments addressing the Borough's Prospective Need, the following ratios must be met:

Income Distribution: Income Categories as a % of affordable units

- Moderate Income: 50% or less
- Low Income: 37% or more
- Very-Low Income: 13% or more

Bedroom Distribution: Unit type as a % of affordable units (non-age-restricted development)

- One-Bedroom or Studios: 20% or less
- Two-Bedroom: At least 30%
- Three-Bedroom: At least 20%

Figure 3. <u>Affordability Standards</u> Rentals Units:

- Maximum Rent: Affordable to 60% of RMI
- Average Rent: Affordable to 52% of RMI

For-Sale Units

- Maximum Rent: Affordable to 70% of RMI
 - Average Rent: Affordable to 55% of RMI

and recalculating the Prior Round obligations and the means of addressing those obligations. Once again, however, the new rules were challenged and largely invalidated in 2010 due to the continued use of the Growth Share methodology to calculate municipal obligations despite the methodology being struck down in 2007.

COAH once more attempted to adopt Third Round rules in 2014. Draft rules were published in April 30 of that year and scheduled for a decision on adoption on October 20, 2014. At that October 20 meeting, COAH deadlocked in its vote to adopt the rules and did not reschedule to consider the rules again, effectively failing to adopt the new rules.

MOUNT LAUREL IV

After COAH failed to adopt its 2014 draft rules, Fair Share Housing Center, a prominent advocacy organization for the creation of affordable housing in New Jersey, filed with the New Jersey Supreme Court a motion in aid of litigant's rights. On March 10, 2015, the Supreme Court issued a ruling on that Motion In re Adoption of *N.J.A.C.* 5:96 & 5:97, which is now commonly referred to as "Mount Laurel IV", which transferred COAH's responsibilities to designated Mount Laurel trial judges. These responsibilities primarily consist of reviewing and approving municipal Housing Elements and Fair Share Plans. Additionally, the Mount Laurel IV decision directed municipalities to file Declaratory Judgments with those judges to seek to find themselves in compliance with their fair share obligations, and to prepare Housing Element and Fair Share Plans based on COAH's Second Round rules and those portions of COAH's 2008-adopted Third Round rules that were upheld by the Appellate Division in 2010.

Given that the Supreme Court did not establish the affordable housing obligations that each

municipality would be required to address, there had been much debate in the years following the <u>Mount</u> <u>Laurel IV</u> decision as to how to calculate municipal present and prospective need obligations in a manner that complies with that decision as well as Appellate Division decisions that had invalidated earlier versions of the Third Round rules. Numbers had been offered by experts recruited by Fair Share Housing Center, a consortium of municipalities, and even the Courts.

As an intervenor recognized by the Courts in the affordable housing matters, Fair Share Housing Center

Figure 4. Builder's Remedy

Defined at N.J.S.A. 52:27D-328 as "a court imposed remedy for a litigant who is an individual or a profit-making entity in which the court requires a municipality to utilize zoning techniques such as mandatory setasides or density bonuses which provide for the economic viability of a residential development by including housing which is not for low and moderate income households."

(FSHC) has played a key role in municipalities' Declaratory Judgment actions to be certified as compliant with their affordable housing obligation. As a result, municipalities have been required to enter into Settlement Agreements with FSHC as part of their compliance actions.

On March 8, 2018, The Honorable Judge Mary Jacobson of the Superior Court of New Jersey Law Division in Mercer County published her opinion in the Matters of the Municipality of Princeton and the Township of West Windsor settling on a methodology for establishing the affordable housing obligations of municipalities in the vicinage containing Mercer County. Judges across New Jersey have since accepted and adopted her opinion and it has served as the basis for affordable housing settlement agreements since that time. Up until that point, most Settlement Agreements sought to find a middle ground between the affordable housing obligation calculations offered by the various "numbers" experts.

Historically, a municipality that prepared a Housing Element and Fair Share Plan for compliance with the Fair Housing Act would prepare and submit a Plan to COAH pursuant to COAH's rules and seek "substantive certification", a documented determination by COAH that a municipality's HEFSP complies with COAH's regulations and the FHA. Substantive certification would have the affect of protecting municipality's from "builder's remedy" lawsuits, defined in Figure 4 - "Builder's Remedy". Rather than seeking substantive certification, a municipality currently participating in the affordable housing compliance process is seeking a Judgment of Compliance from the Court stating that the municipality has adopted an HEFSP and any ordinances and resolutions required to implement that HEFSP according to the Supreme Court's Mount Laurel IV decision, which has the same affect as substantive certification.

FOURTH ROUND RULES

On March 20, 2024, Governor Phil Murphy signed into law the bill known as A4/S50, which amended the Fair Housing Act ("FHA" or "Act") to abolish the Council on Affordable Housing ("COAH") and set forth the processes by which municipal affordable housing obligations will be determined and satisfied for the Fourth Affordable Housing Round (beginning on July 1, 2025 and terminating on June 30, 2035) and beyond.

The Bill tasked the New Jersey Department of Community Affairs ("DCA") with determining municipal affordable housing obligations for the Fourth Round by October 20, 2024, and required municipalities to declare their affordable housing obligations by binding resolution no later than January 31, 2025, and to adopt their HEFSPs by June 30, 2025, along with draft implementing ordinances, adopted resolutions, and supporting documents. Ordinances are to be adopted by March 16, 2026.

The Bill also created a new body called the Affordable Housing Dispute Resolution Program (Program) which will be responsible for reviewing plans for consistency with the Fair Housing Act and handling challenges to municipalities' stated housing obligations or to their affordable housing plans.

THE AFFORDABLE HOUSING OBLIGATION

The Borough's obligation consists of two components:

- The "Prospective Need" new construction obligation reflecting the need for affordable housing projected between 2025 and 2035; and
- The "Present Need" or "Rehabilitation" obligation, reflecting the number of estimated housing units in the municipality that are substandard and occupied by low- and moderate-income households.

The Plan must also review the Borough's satisfaction of its new construction obligation for the previous three rounds.

DETERMINING PROSPECTIVE NEED

Prospective Need obligations are calculated at the housing Region level and allocated to the municipalities within the region based on household income, non-residential property values, and land use factors that reflect the municipality's wealth, job opportunities, and land availability. These obligations are required to be addressed through the creation of new affordable units, the renewal of affordability controls on existing affordable housing units (Figure 6 - "Affordability Controls"), or the creation of zoning or redevelopment plans that provide for a realistic opportunity create affordable housing units.

The NJ DCA published its non-binding calculations of the Prospective and Present Needs for every municipality in New Jersey on October 18, 2024, based upon the methodology prescribed in A4/S50. The DCA determined that the Borough had a 154-unit unit Present Need, meaning that the Borough is obligated to fund a lowincome housing rehabilitation program between 2025 and 2035. The DCA also estimated the Borough's Prospective Need obligation at 145 units, representing the number of affordable units the Borough must plan to create by 2035. The Borough Council passed a resolution on January 14, Figure 5. 4th Round Housing Plan Ratios

The affordable housing development and units addressing the Borough's Prospective Need Obligation must also comply with the following ratios:

Family Unit: Affordable units that are available to families (i.e. units that are not age-restricted or for persons with special needs) must comprise at least half of:

- All affordable units
- All rental units
- All very-low income units

Rental Minimum: At least 25% of affordable units shall be rentals;

Age-Restricted Maximum: Not more than 30% of affordable units

Transitional Housing: Not more than 10% of the <u>obligation</u>

Very-Low Income Units: At least 13% of affordable units

Figure 6. Affordability Controls

Controls by deed restriction, contract, or other legal or binding means which ensure that housing units remain affordable to lowand moderate-income households over a certain period of time in accordance with the Fair Housing Act and applicable regulations.

2025 accepting the numbers published by the DCA. However, the Borough is entitled to request adjustments of these obligations based upon analyses of on-the-ground conditions.

SATISFACTION OF THE PROSPECTIVE NEED

Satisfaction of the Prospective Need is subject to certain restrictions and minimum requirements, some of which are detailed in Figure 5 - "Housing Plan Ratios".

The Fourth Round Rules allow municipalities to a number claim a number of bonus credits equal to not more than 25% of the Prospective Need for the units from the types of projects listed below. Bonuses are per unit falling into the respective category:

- Special Needs/Supportive Housing 1 bonus credit per bedroom
- Non-Profit Partnership 0.5 bonus credits per affordable unit
- Transit Oriented (0.5 mile from public transit stop) 0.5 bonus credits per affordable unit

- Age-Restricted Units 0.5 bonus credits per age-restricted affordable unit available for up to 10% of the age-restricted units.
- Surplus Very-Low Income Units 0.5 bonus credits per affordable unit
- Surplus Three-Bedroom Units 0.5 bonus credits per surplus 3-BR unit
- Redevelopment of commercial properties 0.5 bonus credits per affordable unit
- Extension of Affordability Controls 1 bonus credit per affordable unit with extended controls
- Municipally-Sponsored Development (contribute lands or funds equal to at least 10% of cost of constructing a 100% affordable development 1 bonus credits per affordable unit with extended controls
- Market-to-Affordable Program 1 bonus credit per affordable unit

WHAT IS A HOUSING ELEMENT AND FAIR SHARE PLAN

A Housing Element and Fair Share Plan is a document required by the New Jersey Fair Housing Act of 1985 ("FHA") to be adopted by each municipality in the state to identify and address their respective, allocated need for safe and adequate housing for low- and moderate-income households.

As the next section of this report discusses, the "need" and the manner in which that "need" can be addressed had historically been promulgated by the Council on Affordable Housing (COAH), an entity created by the Fair Housing Act in 1985.

However, A4/S50 (P.L. 2024, c.2.) amended the Fair Housing Act and other statutes such that it disbanded COAH, restructured the jurisdictional regime for the administration of the affordable housing process, and established the Fair Housing Act as the regulatory document for calculating addressing the affordable housing and obligation. Where the amended Fair Housing Act falls short in outlining the means of determining and satisfying a municipality's responsibilities, permits municipalities, the Courts, and it developers to rely on previously accepted and upheld practice and rules to fill in the gaps in the statute. See "Figure 8. Section 24 of P.L. 2024, c.2 (Section 311.m of the Fair Housing Act)" on page 10.

The affordable housing "need" identified and addressed in this Plan is comprised of the Present Need and Fourth Round Prospective Need for 2025 to 2035, and is based on the methodology detailed in A4/S50, which largely codifies the methodology approved by the Honorable Mary C. Jacobson of Mercer County in 2018 to resolve disputes over the methodology to determine Third Round housing needs in the absence of COAH or legislative intervention.

Figure 7. <u>Required HEFSP Contents</u>

- Inventory of municipal housing stock and occupant characteristics;
- Demographic analysis;
- Analysis of existing and 10-year projected employment characteristics;
- 10-year housing stock projection;
- Determination of municipal present and prospective needs for low- and moderateincome housing;
- Consideration of lands most appropriate for the construction of low- and moderateincome housing and/or identification of existing structures appropriate to convert to low- and moderate-income housing;
- Analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity;
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission

Figure 8. <u>Section 24 of P.L. 2024, c.2 (Section</u> 311.m of the Fair Housing Act)

 All parties shall be <u>entitled</u> to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L.2024, c.2 (C.52:27D-304.1 et al.), or binding court decisions.

WHAT IS "AFFORDABLE" IN ELMWOOD PARK

Elmwood Park is located in Housing Region 1, which includes Bergen, Hudson, Passaic, and Sussex Counties. Whereas COAH has historically had the responsibility of annually publishing "income limits" establishing the maximum very-low, low-, and moderate-income household incomes based on household size in each region, as well as the maximum value of assets qualifying households may own, that responsibility now falls with the New Jersey Housing and Mortgage Finance Agency ("HMFA"). Income limits are generally calculated based on HUD's methodology for calculating its own income limits.

Chart 1 - "2025 Region 1 Income Limits" summarizes the maximum incomes for very-low, low, and moderate income households in Region 1 by household size as published for the year 2025 by AHPNJ.

Chart 1. 2025 Region 1 Income Limits

HOUSEHOLD INCOME CATEGORY	1-PERSON	2-PERSON	3-PERSON	4-PERSON	5-PERSON
MODERATE	\$71,280	\$81,440	\$91,600	\$101,760	\$109,920
LOW	\$44,550	\$50,900	\$57,250	\$63,600	\$68,700
VERY-LOW	\$26,730	\$30,540	\$34,350	\$38,160	\$41,220

Source: Affordable Housing Professionals of NJ/FSHC 2024 Affordable Housing Regional Income Limits

Based on the Uniform Housing Affordability Controls (UHAC) at *N.J.A.C.* 5:80-26.3, the "gross" rent for affordable units, which means the rents and any utilities and services (example: trash, gas, electric, water/sewer) included therein, cannot exceed 30% of gross incomes at the 30% of regional median income level for very-low income units, 50% of regional median income level for low-income units, or 60% of regional median income for moderate income units.

The UHAC limits the highest affordable-unit sales price to that which is affordable to moderate income households earning 70% of regional median income. Affordability for for-sale / homeowner units are more variable than rental units as they depend upon current mortgage rates, homeowner insurance rates, and homeowner association or condominium fees, but are not affected by utilities. Additionally, unlike affordable rents, which are based upon 30% of gross household income, sales prices are considered to be affordable when the costs of the mortgage, insurance, and HOA/Condo fees are less than or equal to 28% of gross household income.

As of the writing of this Plan, the HMFA has not yet published calculators, like those previously provided by COAH or the Affordable Housing Professionals of New Jersey, to assist in calculating affordable rents or sales prices. However, based on the guidelines for affordability as a percentage of household income, affordable monthly renter and homeowner costs for a 1, 2, or 3 bedroom unit would be as follows. See Chart 2 - "2025 Region 2 Affordable Rents" and Chart 3 - "2025 Region 2 Affordable Monthly Costs for Homeowners".

enantz. 2020 Region 17			
HOUSEHOLD INCOME CATEGORY	1-BEDROOM (1.5-PERSON H.H.)	2-BEDROOM (3-PERSON H.H.)	3-BEDROOM (4.5-PERSON H.H.)
MODERATE (60% RMI)	\$1,432	\$1,718	\$1,985
LOW	\$1,193	\$1,431	\$1,654
VERY-LOW	\$716	\$859	\$992

Chart 2. 2025 Region 1 Affordable Rents

Source: NJHMFA 2025 UHAC Affordable Regional Income Limits

Chart 3. 2025 Region 1 Affordable Monthly Costs for Homeowners

HOUSEHOLD INCOME CATEGORY	1-BEDROOM (1.5-PERSON H.H.)	2-BEDROOM (3-PERSON H.H.)	3-BEDROOM (4.5-PERSON H.H.)
MODERATE (70% RMI)	\$1,559	\$1,870	\$2,161
LOW	\$1,114	\$1,336	\$1,544
VERY-LOW	\$668	\$802	\$926

Source: NJHMFA 2025 UHAC Affordable Regional Income Limits

CONSIDERATION OF LANDS

The Fair Housing Act requires the HEFSP to include "A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing".

In identifying lands appropriate for construction of low- and moderate-income housing to address its Fourth Round Obligation, the Borough considered lands proposed for inclusionary development by their owners or interested developers. All development opportunities brought to the attention of the Borough's Affordable Housing counsel and consulting planner are included in this plan.

VACANT LAND ADJUSTMENT

The rules for conducting an analysis of vacant land to request a vacant land adjustment ("VLA") are located at N.J.S.A. 52:27D-310.1. The analysis begins with an identification of vacant public and private land, based upon the criteria identified in the rules. Properties or portions thereof may then be shown to be unavailable or undevelopable based on the presence of deed restrictions, designation of land for open space purposes, the presence of environmental constraints, and other conditions. The municipality then calculates what is called a "Realistic Development Potential" (RDP) by applying an appropriate density to the available vacant lands to calculate the total number of units that can be created, and assuming that 20% of those units could be affordable based on standard set-asides.

The analysis is a theoretical exercise; none of the lands identified as vacant are required to provide for affordable housing, as long as a suitable mechanism to create the affordable housing units is provided for. The difference between the Prospective Need and the RDP is historically called the "Unmet Need".

In the Third Round, the Borough received an adjustment that reduced the Borough's Prospective Need from 328 units to 78 units based upon the rules in place at the time, which were derived from COAH's second round rules at *N.J.A.C.* 5:93.

Figure 9. Vacant Land Adjustment

Vacant land is previously defined in the rules of the now defunct Council on Affordable housing as "undeveloped and unused land area" which has clear title and is free of encumbrances which preclude development for low- and moderate-income housing.

The following categories of land can be excluded from the inventory of vacant land (*N.J.S.A.* 52:27D-310.1):

- a. Local government owned land restricted by resolution prior to 1/1/1997 for public purposes other than housing;
- b. Land listed in the municipal master plan as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement;
- c. Any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate housing densities;
- d. Sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan;
- e. Preserved agricultural lands;
- f. Sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and
- g. Environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

The Amended FHA, specifically *N.J.S.A.* 52:27D-310.1, added a new requirement for towns seeking a VLA. The statute now requires towns to "identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so".

The actual meaning and intent of "the prospective need obligation that has been adjusted" is not clear or universally agreed upon. The predominant interpretation of this language is that a municipality must adopt a plan that satisfies, at a minimum, the RDP plus 25% of the Unmet Need by adopting zoning on lands that have a realistic probability of being redeveloped. Elmwood Park's analysis of its vacant land resulted in an RDP of 8 units, making its Unmet Need 137 units (145-8=137). A quarter of 137 is 35, rounded up to the nearest whole number. while the Borough does not agree with this interpretation of the rules for vacant land adjustments, this Plan satisfies the 8-unit RDP and the 35-unit Unmet Need with a total of 43 credits.

FAIR SHARE PLAN

Elmwood Park's Fourth Round Housing Element and Fair Share Plan lays out the Borough's plan to satisfy its adjusted **145-unit Prospective Need** (new construction obligation) for the years 2025 to 2035. The Fair Housing Act allows municipalities to seek an adjustment to their prospective need based upon an analysis of available vacant land, commonly referred to as a "vacant land adjustment".

PRIOR ROUND & THIRD ROUND PLANS & MECHANISMS

The Borough adopted a Third Round Housing Element and Fair Share Plan in 2022 pursuant to a Settlement Agreement with Fair Share Housing Center. The Plan addressed the means by which the Borough would satisfy an Prospective Need of 54 affordable units calculated for the period of 1987-1999 and a Prospective need of 328 units for the period of 1999 to 2025. The Settlement acknowledged that, due to a lack of available land, the Borough had and RDP of 78 units.

During the documentation period following the adoption of the 2022 Housing Element and Fair Share Plan, some of the projects identified in the plan to address the Prior and Third Round obligations were misidentified and, in some cases, were not eligible for bonus credits. Notwithstanding, the Borough had sufficient units and credits to comply with its obligation, as shown in at the end of this section. All projects and units in the plan exist or are substantially complete as of this writing.

FOURTH ROUND PROSPECTIVE NEED

The Borough has identified its Fourth Round Realistic Development Potential as **eight (8) units**. Under the interpretation of the statutory language espoused by Fair Share Housing Center, which Elmwood Park does not agree with, this Plan is required to demonstrate a means of creating eight (8) units within the next 10 years and providing projects or zoning on sites likely to redevelop over the next 10 years or beyond sufficient to create an opportunity for 25% of the "Unmet Need" (the difference between the Prospective Need of 145 units and the RDP of 8 units), which equals 35 units, for a total of 43 units that must be planned for. The Borough is eligible for two (2) bonus credits from projects addressing the RDP (25% of 8 = 2).

The Borough proposes to meet this minimum obligation through the mechanisms identified in this section.

The rules of the Council on Affordable Housing (COAH) at *N.J.A.C.* 5:97-5.3(b) required fair share plans to demonstrate that sites intended for inclusionary development are "available, suitable, developable and approvable, as defined in *N.J.A.C.* 5:93-1". Operating on the presumption that those rules continue to be valid, the "suitability analysis", as it has historically been referred, for each site is below. All sites in the plan are believed to meet the suitability criteria.

"Available site" means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.

There are no known encumbrances that would preclude the creation of affordable housing on any of the sites identified in this plan.

"Suitable site" means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The sites in the plan are adjacent to compatible land uses, including office buildings, multi-family housing, commercial uses, and two family homes, front upon appropriate streets, and are not known to have environmental constraints that would obstruct development or have detrimental impacts on the environment or human health.

"Developable site" means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP.

The sites are served by public water and sewer and in approved sewer service areas.

 "Approvable site" means a site that may be developed for low and moderate income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low and moderate income housing.

The sites are developable consistent with the Residential Site Improvement Standards, *N.J.A.C.* 5:21.

ROYAL WARSAW REDEVELOPMENT - 871 RIVER DRIVE - BLOCK 1602, LOTS 2, 3, 4, & 26

The Borough designated the former Royal Warsaw property at the above listed address as an area in need of redevelopment on October 21, 2021 and adopted a redevelopment plan for the property on February 16, 2023. The Borough is finalizing redevelopment agreements with Meridia Elmwood Park 871, Urban Renewal, LLC, to redevelop the site with 149 units, of which 23 (15%) will be affordable family rental units. The Borough's Third Round Spending Plan committed to spending \$900,000 from the affordable housing trust fund to the developer to make the project financially feasible, with the requirement that the payment be repaid over 10 years or fully repaid at such time that the project is sold. That commitment is restated in the spending plan accompanying this housing plan.

ELMPARK - 401-407 ROUTE 46 WEST - BLOCK 1808, LOT 7 & 9

The property was designated as an area in need of redevelopment by the Borough Council in 2021, and a redevelopment plan was adopted for the site in May of 2023. The Borough is finalizing redevelopment agreements with Elm Park Development, LLC, to redevelop the property with 58 units, of which nine (9) would be family affordable rental units.

689 RIVER DRIVE - BLOCK 1202, LOT 21

The property was designated as an area in need of redevelopment on May 19, 2022, and a redevelopment plan was adopted for the site in 2023. The Borough has received conceptual plans from the likely redeveloper of the property to create 16 stacked townhouse units, of which three (3) units would be affordable family rentals.

EAST 54TH AND MAIN - BLOCK 1103, LOTS 3, 7

The site was desingated as an area in need of redevelopment and a draft redevelopment plan was prepared. The Borough has received conceptual plans from the likely redeveloper of the property to create 14 duplex units, of which three (3) units would be affordable family sale units.

TRUST FUND EXPENDITURE

The preliminary spending plan prepared with this Housing Element and Fair Share Plan anticipates a substantial surplus in affordable housing trust funds which the Borough will utilize to either increase the set-aside on one of the projects in the plan or to assist a special needs housing provider to acquire and operate a deed restricted group home for income-qualified special needs adults to address any gap between the units identified in the above four projects and the cumulative 43-unit Fourth Round RDP and unmet need.

BOROUGH-WIDE SET-ASIDE MANDATE

The Borough passed ordinance #23-31 on September 21, 2023 to amend the Borough's affordable housing ordinance to include a Borough-wide mandatory set-aside requirement (Section 37-1.4.a.1) which requires any development that results in a net increase of five (5) dwellings at a density of six (6) or more units per acre to set aside 15% of rentals and 20% of for-sale units for low- and moderate-income households. Consequently, any multi-family development approved in an area of the Borough where inclusionary zoning standards are not in place, such as through "d" variance relief, will be required to provide affordable housing. This ordinance continues to remain in effect through the Fourth Round.

FOURTH ROUND PRESENT NEED / REHABILITATION OBLIGATION (APPENDIX 5)

The NJ DCA's affordable housing calculations published on October 18, 2024, and accepted by the Borough on January 14, 2025, estimated the Borough's Present Need at 154 units. The Borough is entitled to reduce its Present Need by conducting a Structural Conditions Survey according to the rules and rubric created by COAH in the Prior Rounds. Such a survey was conducted by the Borough's construction official in March of 2025, which found that the Borough had only 48 "deficient" housing units. COAH's rules for conducting this survey then allow the municipality to multiply the number identified by a "deterioration ratio", which is meant to reflect the percentage of deficient units that are likely to be occupied by low- and moderate-income households. In previous affordable housing rounds, COAH published deficiency ratios at the region or county level. In this Round, the percentages of low- and moderate-income households in deficient housing were calculated at the municipal level. According to the Present Need calculation sheet provided by NJ DCA, 54.2% of overcrowded housing in Elmwood Park is estimated to be occupied by low- and moderate-income households. If this is the appropriate deterioration ratio to apply, **the Borough will provide funding to rehabilitate 54.2% of 48 units, or 27 units.** Qualified Borough residents are also eligible for for housing rehabilitation assistance through the Bergen County HIP Home Improvement Program.

Chart 4. Fourth R	ound Compli	ance Mech	nanisms										
					PRIOR ROUND 54		54	ROUND 3 RDP		78	ROUN UNMET	D 3 NEEDS	250
PROJECT	ΤΥΡΕ	TENURE	TOTAL UNITS	AFF. UNITS	UNITS	BONUS	TOTAL	UNITS	BONUS	TOTAL	UNITS	BONUS	TOTAL
RIVER DRIVE	Family	Rental		24	24	14	38			0			0
CENTER FOR FAMILY SUPPORT	Supportive	Rental	5	5	5		5			0			0
SPECTRUM	Supportive	Rental	6	6	6		6			0			0
ARC OR BERGEN/ PASSAIC	Supportive	Rental	6	6	6		6			0			0
UJA	Supportive	Rental	6	6	6		6			0			0
DEVEREAUX	Supportive	Rental	6	6	6		6			0			0
PRIOR SURPLUS	Supportive	Rental	336	37				13		13			o
RIVERFRONT APARTMENTS	Family	Rental	54	22				37	20	57			0
RIVERFRONT APARTMENTS	Senior	Rental	149	23				8		8	14		14
BOROUGH- WIDE SET- ASIDE ORD	Mix	Mix	16	3									
TOTAL CREDIT AND UNMET N		RDP	419	112	53	14	67	58	20	78	14	0	14

Chart 5. Fourth Round Comp	liance Mecha	anisms								
						ROUND 4 RDP		ROUND 4 UNMET NEEDS		35
PROJECT	TYPE	TENURE	TOTAL UNITS	AFFORDABLE. UNITS	UNITS	BONUS	TOTAL	UNITS	BONUS	TOTAL
ROYAL WARSAW ALT OPTION	Family	Rental	149	23			0	23		23
RIVER ROAD TOWNHOUSES*	Family	Rental	16	3			0	3		3
RT 46 REDEVELOPMENT PROJECT	Family	Rental	58	9	9	2	11	3		3
DEMASE NURSERY TOWNHOMES	Family	Sale	14	3			0	3		3
TRUST FUND SUBSIDY	Family	TBD						3+		3+
TOTAL CREDITS TOWAR	D RDP AND	UNMET	237	35	9	2	11	32+	0	32+

0
2
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OTHER HEFSP REQUIREMENTS

ADMINISTRATION AND MARKETING OF AFFORDABLE HOUSING

The Elmwood Park amended its Affordable Housing and Development Fee Ordinances in 2023 as part of its Third Round compliance, and additional amendments will be made to the Ordinance to reference the applicable sections of the Fair Housing Act, P.L. 2024, c.2, as well as the draft rules under consideration by the NJ DCA and the NJ HMFA at *N.J.A.C.* 5:99-1 et seq. and 5:80-26.1 et seq, at such time that those draft regulations are finalized and adopted.

The Borough has an Administrative Agent to administer affordable housing units created by inclusionary or municipally-sponsored housing development. In certain

Figure 10. Specific Entities for Marketing

- The Fair Share Housing Center
- The New Jersey State Conference of the NAACP,
- Bergen County Housing Coalition
- Urban League of Bergen County
- The Latino Action Network
- ► Housing Resource Center @ NJHMFA
- ► The Supportive Housing Association

An Affirmative Marketing Plan can be found in the Appendices

.....

cases, a developer may have an in-house Agent who will coordinate with the Borough's Agent and its Municipal Housing Liaison. Facilities serving adults with special needs are typically administered by the NJ Division of Developmental Disabilities.

COST GENERATION

The Fair Housing Act requires the Fair Share Plan to detail efforts by the municipality to eliminate features of municipal land use ordinances and regulations that generate unnecessary or prohibitive costs on builders of inclusionary or affordable housing. The Borough has or will facilitate the creation of the affordable housing units identified in this Plan by adopting zoning ordinances and redevelopment plans (for eligible sites) which reasonably accommodate the developments conceptually agreed upon between the parties.

MULTIGENERATIONAL FAMILY HOUSING CONSISTENCY

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in *N.J.S.A.* 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas." As of the date of this HEFSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations to .

STATE DEVELOPMENT & REDEVELOPMENT PLAN CONSISTENCY

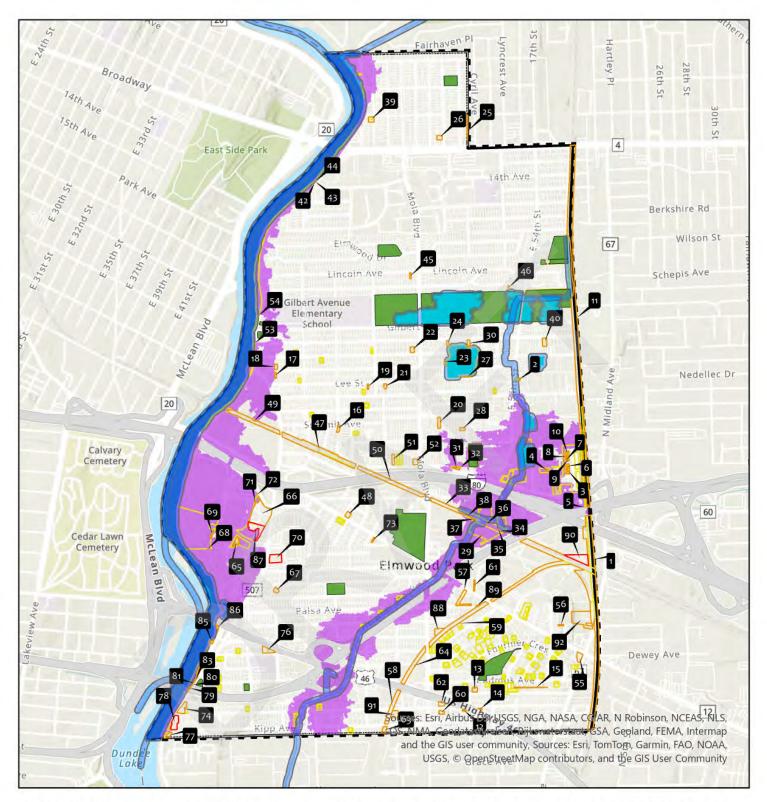
The sites included and proposed to satisfy the Fourth Round Prospective Need are located in Planning Area 1 - Metropolitan Planning Area, which is the priority area for the creation of inclusionary housing through redevelopment of non-residential development. Some of the sites are in proximity to public transit, supporting multi-modal transportation, and all of the sites are located outside of environmentally constrained or sensitive areas, or will be designed in accordance with NJ DEP regulations to mitigate environmental concerns. All of the sites are in approved sewer service areas.

CONCLUSION

This 2025 Fourth Round Housing Element and Fair Share Plan prepared for and adopted by the Borough of Elmwood Park, Bergen County, New Jersey, complies with P.L. 2024, c.2, the Fair Housing Act of New Jersey, and all applicable regulations. It also maintains consistency and compliance with the Settlement Agreement entered into between the Borough and Fair Share Housing Center in the Third Round.

The Plan provides a realistic opportunity for the creation of affordable housing in Elmwood Park through 2035 and beyond, through zoning, redevelopment planning, and cooperation with developers interested in providing their fair share of affordable housing. The Plan addresses the 8-unit Realistic Development Potential claimed through a vacant land adjustment, as well as more than 25% of the 137-unit unmet need, or 35 units. The Borough also continues to comply with its Affordable Housing obligation for the years 1987 to 2025.

APPENDIX 1 VLA



ELMWOOD PARK 2024 VACANT LAND ADJUSTMENT

Vacant and Available
 Not Vacant and Available
 All lots assessed as vacant, zero
 improvement value, or with no data
 Elmwood Park Boundary



Site Reference Number



SITE ID	NetAcre	Density	Yield	SetAside	NOTE	Exclude?	RDP
1	15.6172242	10	156	32	ROW	1	
2	0.03650863	10	0	0		0	0
3	0.12786949	10	1	0	DWELLINGS	1	
4	0.02755292	10	0	0		0	0
5	1.3977E-05	10	0	0		0	0
6	0.08803728	10	0	0	DWELLINGS	1	
7	0.01369603	10	0	0	DWELLINGS	1	
8	0.0302776	10	0	0	DWELLINGS	1	
9	0.03180399	10	0	0	DWELLINGS	1	
10	0.12896732	- 10	1	0	DWELLINGS	1	
11	11.3332497	10	113	23	ROW	1	1
12	0.03786425	10	0	0		0	0
13	0.17810591	10	1	0		0	0
14	0.03261058	10	0	0		0	0
15	0.08054125	10	0	0	12	0	0
16	0.13249548	10	1	0	1	0	0
17	0.07319828	10	0	0		0	0
18	0.12258064	10	1	0		0	0
19	0.05276976	10	0	0	DWELLING	1	
20	0.229486	10	2	0	DWELLING	1	
21	0.09730606	10	0	0		0	0
22	0.17295863	10	1	0	built	1	
23	0.01644634	10	0	0		0	0
24	0.08756239	10	0	0		0	0
25	0.08692609	10	0	0		0	0
26	0.1771077	10	1	0	PARKING	1	
27	0.02354966	10	0	0		0	0
28	0.1127966	10	1	0		0	0
29	0.00229611	10	0	0		0	0
30	0.14140435	10	1	0	·	0	0
31	0.08451578	10	0	0	×.	0	0
32	1.4211E-06	10	0	0	1	0	0
33	0.8125253	10	8	2) -	1	0
34	0.00034773	10	0	0		0	0
35	0.0026096	10	0	0		0	0
36	0.00229607	10	0	0		0	0
37	0.02748681	10	0	0	<u>.</u>	0	0
38	0.00601095		0	0	A	0	0
39	0.21807914		2	0	PARKING	1	
40	0.26015573		2	0		0	0
41	0.00010564		0	0		0	
42	5.131E-05		0	0		0	0
43			-	0		0	

SITE ID	NetAcre	Density	Yield	SetAside	NOTE	Exclude?	RDP
44	1.5798E-05	10	0	0	1	0	0
45	0.06788959	10	0	0		0	0
46	0.02335145	10	0	0		0	0
47	3.19815281	10	31	7	ROW	1	
48	0.19240719	10	1	0	BUILT	1	L
49	1.54368411	10	15	3	ROW	1	
50	1.99945046	10	19	4	ROW	1	
51	0.20034151	10	2	0	BUILT	1	
52	0.21466079	10	2	0	PARKING	- 1	· · · · · · · · · · · · · · · · · · ·
53	0.00051421	10	0	0		0	0
54	0.00032291	10	0	0		0	0
55	0.32411397	10	3	0		0	0
56	0.05237318	10	0	0		0	0
57	0.5110895	10	5	1	parking	1	
58	1.00432089	10	10	2	Rail ROW	1	
59	2.0545254	10	20	4	Rail ROW	1	
60	0.13962227	10	1	0		0	0
61	0.10342264	10	1	0	ROW	1	
62	0.17034389	10	1	0		0	0
63	0.19162421	10	1	0	Rail ROW	1	
64	1.16556545	10	11	3	Rail ROW	1	
65	0.21446293	10	2	0		0	0
66	2.84526701	10	28	6	PARKING	1	0
67	0.15934146	10	1	0	DWELING	1	
68	0.00649357	10	0	0		0	0
69	0.07263935	10	0	0		0	0
70	0.75013629	10	7	2		0	2
71	0.00376836	10	0	0		0	0
72	0.00056392	10	0	0		0	0
73	0.05311374	10	0	0	BUILT	1	-
74	0.45255006	10	4	0	1.00.0	0	0
75	0.25069562	10	2	0		0	0
76	0.3989198	10	3	0	GAS STAION	1	
77	0.1502744	10	1	0	DWELLING	1	
78	0.61043417	10	6	2	PLAYGROUND	0	2
79	0.03134531	10	0	0		0	0
80	0.00124722	10	0	0		0	0
81	0.00222413	10	0	0		0	0
82	0.00348192	10	0	0	1	0	0
83	0.00114782	10	0	0		0	0
84	0.00540453	10	0	0		0	0
85	0.07426442	10	0	0	1	0	0
86	0.05430964	10	0	0		0	0

SITE ID	NetAcre	Density	Yield	SetAside	NOTE	Exclude?	RDP
87	0.91969575	10	9	2		0	2
88	0.30955111			0		0	0
89	0.02906016	10	0	0		0	0
90	1.04050995	10	10	2		0	2
91	0.37463064	10	3	0		0	0
92	2.032595	10	20	4	GRAVEL PARKI	1	
Total	54.7134081	1. U	514	99			8

SITE_ID	NOTE	BLOCK	LOT
	1 ROW	1508	13
	1 ROW	1411	5
	1 ROW	324	5
	1 ROW	324	6
	1 ROW	1412	2
	1 ROW	609	4
-	1 ROW	324	4
	1 ROW	324	7
	2	804	18.01
-	3 DWELLINGS	1105	1.4140
-	3 DWELLINGS	1105	1.4124
	3 DWELLINGS	1105	1.4129
3	3 DWELLINGS	1105	1.4130
	3 DWELLINGS	1105	1.4147
	3 DWELLINGS	1105	1.4139
	3 DWELLINGS	1105	1.4141
-	3 DWELLINGS	1105	1.4133
	3 DWELLINGS	1105	1.4138
	3 DWELLINGS	1105	1.4150
	3 DWELLINGS	1105	1.4142
	3 DWELLINGS	1105	1.4149
	3 DWELLINGS	1105	1.4148
	3 DWELLINGS	1105	1.4131
3	3 DWELLINGS	1105	1.4132
	4	1106	12
	5	324	2
	6 DWELLINGS	1105	1.4145
-	6 DWELLINGS	1105	1.4128
	6 DWELLINGS	1105	1.4135
	6 DWELLINGS	1105	1.4136
	6 DWELLINGS	1105	1.4134
	6 DWELLINGS	1105	1.4137
	6 DWELLINGS	1105	1.4144
	6 DWELLINGS	1105	1.4146
	6 DWELLINGS	1105	1.4143
	6 DWELLINGS	1105	1.4125
	6 DWELLINGS	1105	1.4126
	6 DWELLINGS	1105	1.4127
	7 DWELLINGS	1105	1.3106
	7 DWELLINGS	1105	1.3115
	8 DWELLINGS	1105	1.3116
	8 DWELLINGS	1105	1.3108
2	8 DWELLINGS	1105	1.3107

SITE_ID	NOTE	BLOCK	LOT
	BDWELLINGS	1105	1.3117
	9 DWELLINGS	1105	1.3123
	9 DWELLINGS	1105	1.3114
	DWELLINGS	1105	1.3105
10	DWELLINGS	1105	1.3104
10	DWELLINGS	1105	1.3102
1	DWELLINGS	1105	1.3100
10	DWELLINGS	1105	1.3101
-1	DWELLINGS	1105	1.3103
1	DWELLINGS	1105	1.3109
1	DWELLINGS	1105	1.3110
1	DWELLINGS	1105	1.3118
1	DWELLINGS	1105	1.3121
1	DWELLINGS	1105	1.3111
10	DWELLINGS	1105	1.3113
1	DWELLINGS	1105	1.3112
1	DWELLINGS	1105	1.3119
10	DWELLINGS	1105	1.3122
1	DWELLINGS	1105	1.3120
1	1 ROW	324	1
1	1 ROW	324	3
1	2	1805	5
1	3	1801	14.02
14	4	1807	1
1	5	1802	30
1	6	719	4
1	7	603	23
1	3	603	22
- 19	DWELLING	710	11
20	DWELLING	1114	5
2	1	709	2
2	2 built	703	16
2	3	810	13
2	4	809	7
2.	5	111	15
2.	5	111	13
2.	5	111	16
2.	5	111	12
2.	5	111	17
2.	5	111	10
2	5	111	14
2	5	111	11
2	5 PARKING	126	20

v1

SITE_ID	NOTE	BLOCK	LOT
2	7	812.01	14
2	7	812.01	15
2	7	812.01	16
28	3	1114	16
25)	1407	3
3()	807	1
3(807	9
3		1112	39
3:	2	1112	39
33	3	609	4
34	1	609	4
3.	5	609	4
30	5	609	4
3	7	609	4
3	3	609	4
39	PARKING	121	12.01
39	PARKING	121	12
4(803	9
4		209	7.02
4	2	209	7.02
4	3	209	7.02
44	1	209	7.02
4!	5	404	16.02
40		507	31
4	ROW	1001	18
4	ROW	609	31
	ROW	609	2
	BUILT	1015	9
49	ROW	609	1
-	ROW	609	3
	BUILT	1003	20.01
~~~~~	PARKING	1003	15
5		415	1
54		415	1
5.		1511	6
50		1508	4.02
	7 parking	1410	8
	7 parking	1410	3
	Rail ROW	1717	1

# APPENDIX 2 RESOLUTION OF INTENT TO FUND

# APPENDIX 3 RESOLUTIONS OF ADOPTION & ENDORSEMENT

# APPENDIX 4 SEWER/WATER CAPACITY LETTER

# APPENDIX 5 REHABILITATION PROGRAM OPERATING MANUAL

# **Home Improvement Program**

# Policies and Procedures Manual

# Elmwood Park

# New Jersey

Created March 11, 2024

Prepared by:



1249 South River Road, Suite 301 Cranbury, NJ 08512-3633 609/664-2769 www.cgph.net

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# **Home Improvement Program**

Polices & Procedures Manual

## I. INTRODUCTION

The purpose of this document is to establish policies, guidelines and procedures which will govern the Home Improvement Program (HIP). The HIP was created by the Borough of Elmwood Park to assist properties occupied by very low, low and moderate-income households to correct all existing interior and exterior health, safety and code violations in conformity with the standards of the New Jersey State Housing Code, N.J.A.C. 5:28 and the Rehabilitation Subcode, N.J.A.C. 5:23-6. The HIP is guided by N.J.A.C. 5:93-5.2 and is subject to all laws, regulations, ordinances, and codes of the New Jersey Department of Community Affairs (DCA) and the Borough of Elmwood Park¹. The Borough of Elmwood Park contracted with Community Grants, Planning & Housing LLC (CGP&H), a private consulting firm specializing in the implementation of publicly-funded housing rehabilitation programs, to manage and administer the HIP. The Program's funding source will be municipal affordable housing trust funds. If the funding source changes, the manual will be updated to reflect the change as well as changes to regulation requirements, if any.

### **A. Fair Housing and Equal Housing Opportunities**

It is unlawful to discriminate against any person making application to participate in the housing rehabilitation/home improvement programs or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual prioritation, familial status, disability, pationality, say, gonder identity, or expression of



orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or http://www.state.nj.us/lps/dcr/index.html. Fair Housing and Equal Housing Opportunities apply to both owner and tenant applications.

# **II. ELIGIBLE PARTICIPANTS**

# A. Program Area

The HIP is a Borough wide program currently aimed at scattered site housing rehabilitation of housing occupied by very low, low and moderate-income households throughout the Borough of Elmwood Park.

# **B.** Categories of Participants

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be income eligible, the units are determined to be substandard and for primary residency only. Owners of rental properties do not have to be income eligible households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit, funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households.

For housing units which received past affordable housing state credit, the following rules for repeat assistance shall apply.

- An owner of a previously rehabbed unit may apply for current rehab assistance if the unit was rehabbed prior to 2010 and the affordability period has expired.
- An owner of an existing affordable deed restricted ownership unit with an active deed restriction that is currently meeting a Round 1 or Round 2 credit may apply for current rehab assistance for the municipality to obtain a Round 3 present need credit, unless the affordable housing deed restriction received a new affordable housing credit during Round 3 due to extended controls.
- Housing units which the municipality received an affordable housing credit in Round 3 in any category are not eligible for additional assistance from the Borough's housing rehabilitation program during Round 3.

Basically, a municipality cannot double dip credits on a unit within the same affordable housing Round.

# C. Income Limits

Household income is defined as the combined annual income of all family members over 18 years of age including wages, Social Security, disability insurance, unemployment insurance, pensions, dividend/interest income, alimony, etc. Each unit's total household income must fall within or below the State's moderate-income limits based on family size.

Since the 2015 NJ Supreme decision declaring COAH nonfunctioning, it is now left to the local court vicinages to approve income, sales and rental increases using similar methodologies that were employed by COAH.

The income limits and applicable methodology are in Appendix B, and the plan for properly amending median incomes and rental increases every year going forward until or unless COAH or another state entity becomes functional again is also included in Appendix B at the end of this manual. The Program Administrator will ensure that the annual chart in Appendix B is updated whenever updates become available.

If at any time, COAH (or a successor administrative agency duly empowered by an amendment to the Fair Housing Act) begins to issue updated annual income limits and rules for increasing sales prices and rent levels each year, said updated income limits and rules for increasing sales prices and rent levels each year may be used instead of the methodology set forth herein.

# **D.** Application Selection

At program start-up, and if and when the homeowner intake demand exceeds the number of openings, applications may be prioritized based on the reported income of the household as a percentage of the maximum allowable income for households of that size. This will give priority to the lowest income applicants and assist the municipality in reaching its goal of providing assistance to a minimum of 50% of the properties comprising of low income households. Otherwise, the Program will process new applicants added to the waiting list/applicant pool on a first-come, first served basis, to qualified applicants. If and when there is a waiting list, priority will be given to homeowners with less than \$300,000 in liquid assets. Assets in federally recognized retirement accounts do not apply to the liquid asset limit. The HIP will establish the waiting list from the program marketing efforts identified in Section IX of this manual.

# **Emergency Processing Order**

Properties with safety and/or health hazards, confirmed/certified as an emergency by the municipal Construction Official or Health Department, can by-pass the first-come, first served process however they must meet all the other program requirements including income eligibility and bringing the unit up to code.

The Program Administrator shall determine that an emergency situation exists based on the following:

- A. The repair problem is an immediate and serious threat to the health and safety of the building's residents
- B. The problem has been inspected and the threat verified by the appropriate local building inspector, program inspector and/or health official

Depending on the type and extent of the emergency and with the homeowner's permission, the Program may by-pass the standard bid process outlined in *Section V sub-section N* to expedite the bid/contractor selection process. Instead, the Program may have a proven qualified contractor familiar with the Program present at the initial property inspection with the homeowner to count as the contractor's site visit. This will allow for a quick turn-around on emergency scope of work to be contracted on a single quote basis. To be awarded the emergency work, the contractor 's quote must be determined to be a reasonable cost based on the Program Inspector's cost estimate and the contractor must commit to a tight timeline to resolve the emergency situation. This emergency process may apply to heavily leaking roofs, inoperable heating systems during the winter months, immediately hazardous electrical systems and/or blocked sewer lines unresolvable to unclog via a simple service call for under \$1,000.

Please note that the loan agreement will state that if the homeowner takes the emergency funds to abate the safety/health hazards and then subsequently decides to voluntarily remove themselves from participation in the Municipality's Home Improvement Program to complete the non-emergency substandard code violation components of their project, essentially negating any opportunity for the municipality to gain credit for a fully rehabilitated home for this unit, those public funds used for the emergency shall be immediately due and payable back to the Municipality.

To address this potential, any homeowner receiving emergency funds will also be required to execute a statement indicating that the Municipality will place a lien on the property assisted for the Municipality to recapture the emergency funds, to be repaid with interest, based on the monthly average mortgage loan commitment rates at the time of closing in the event of noncompliance.

# **III. ELIGIBLE ACTIVITIES**

#### A. Eligible Improvements

The purpose of the program is to bring substandard housing up to code. In order to qualify for participation in the program, the condition of each home must be certifiable as being "substandard" as defined in N.J.A.C. 5:93-1.3.

In other words, at least one of the following major systems must be in need of replacement or substantial repair:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Lead paint remediation
- Interior trim work
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Interior stair repair
- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

#### **B.** Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are upgrades/higher than mid-grade and/or strictly cosmetic), carpets, additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools, landscaping, solar panels and generators. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited.

Rehabilitation work performed by property owners shall not be funded under this program.

#### C. Rehabilitation Standards

Funds are to be used for work and repairs required to make the unit standard and abate all interior and exterior violations of the New Jersey State Housing Code (N.J.A.C. 5:28), the Rehabilitation Subcode (N.J.A.C. 5:23-6), and the Borough's local property maintenance code (of which the more restrictive requirements will apply), conserve energy and remove health and/or safety hazards; and any other work or repairs, including finishing and painting, which are directly related to the above listed objectives. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

Municipal rehabilitation investment for hard costs shall average at least \$10,000 per unit, and include the rehabilitation of at least one major system, as previously defined under eligible improvements.

#### D. Certifications of Substandard/Standard

The Program Building Inspector will inspect the property to determine which systems, if any, are substandard in accordance with sub-section A above and issue a Certification of Substandard. Upon program construction completion, all code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a municipal certificate of completion/approval.

# IV. FUNDING TERMS FOR OWNER OCCUPIED AND INVESTOR OWNED UNITS

Funding will be provided on the following terms:

# A. Terms and Conditions for Owner Occupied Units

Owner-Occupied Single Family Unit Terms and Conditions of Loan				
Minimum Loan Amount	The municipality may rehabilitate substandard units that require less than \$10,000 of work, provided the municipal rehabilitation activity shall average at least \$10,000 per unit.			
Maximum Loan Amount	\$20,000 per unit			
Interest Rate	0% (No monthly payments)			
Payment Terms:	100% forgivable if homeowner maintains occupancy and title during the 10-year period. Original Principal is due if house is sold and/or title/occupancy changes years 1 through 10 except for <i>Exceptions to Loan Repayment Terms</i> section below.			
Mechanism for Securing Loan	Mortgage and Mortgage Note recorded against property			

#### Table 1 Owner-Occupied Single Family Home Terms & Conditions

If the owner decides to sell the property, transfer title, or if the owner should die before the terms of the lien expire, the owner, heirs, executors or legal representatives must repay 100% of the original loan per the schedule above upon a title change. Rental of house is allowable under certain conditions subject to approval by the Administrative Agent.

Exceptions to Loan Repayment Terms above during the lien period:

- 1. If the loan transfers due to inheritance by a Class A beneficiary who will take occupancy upon death of Program mortgagee/Borrower and assume the lien (income eligibility not a requirement); or if by inheritance by a qualified income eligible non-Class A beneficiary, or
- 2. If the house is sold at an affordable price pursuant to UHAC to someone who can be qualified as income eligible, takes occupancy and agrees to assume the program lien, or
- 3. If the house is sold at an affordable price pursuant to UHAC to an investor who assumes the lien and also signs a deed restriction for the remaining duration of the affordability period to rent the dwelling at the affordability controls restricted rental rate and according to the affirmative marketing requirements for re-rentals. When this occurs, the Borough's Administrative Agent will be responsible for monitoring compliance over that unit.

When a trustee of a trust deed ownership of a single-family property is the applicant occupant of the property, the owner-occupied category terms apply.

# B. Terms and Conditions on Owner-Occupied Multi-Family Rental Units

Owner-Occupied Multi-Family Including Tenant Unit(s)						
Terms and Conditions of Loan						
Minimum Loan Amount Minimum L						
Maximum Loan Amount	\$20,000 per unit					
Interest Rate	0% (No monthly payments)					
Payment Terms	100% forgivable if homeowner maintains occupancy and title during the 10 year period. Original Principal is due if not in compliance with affordability controls. Rental restrictions transfer with property. See Restrictions below.					
Mechanism for Securing Loan	Mortgage, Mortgage Note and Deed Restriction recorded on property					

Table 2 Owner-Occupied Multi-Family Home Terms & Conditions

The assisted housing unit(s) must be occupied by and affordable to a household that is certified as an income eligible household as per either the latest Income Limits by Region, or in compliance with the municipality's Settlement Agreement and Court Order, whichever is applicable

The owner will execute a Mortgage, Mortgage Note, and Deed Restriction, the latter which guarantees the continued availability of the rental unit to low or moderate-income households for the terms of the ten-year deed restricted affordability period. The affordability terms for the rental units do not expire even if the owner sells the property, transfers title to the property, or dies within the ten-year program deed restricted affordability period.

Moreover, if Program funds were expended on the owner-occupied unit, and the homeowner sells, transfers title, dies or is not in compliance during the ten-year deed restricted affordability period, unless ownership is transferred to another low or moderate-income homeowner, any Program funds expended on work done on the owner's individual unit along with a pro-rata

portion of the shared improvements must be fully repaid to the Municipality and used to rehabilitate another housing unit.

#### Additionally, for rental units in a multi-family owner-occupied home:

For tenant units, the maximum permitted rent is pursuant to UHAC and subject to annual adjustment. If a unit is vacant upon initial rental subsequent to rehabilitation, or if a renteroccupied unit is re-rented prior to the end of controls on affordability, the Deed Restriction shall require the unit to be rented to a low- or moderate- income household at an affordable rental price and will be affirmatively marketed by the Borough's designated Administrative Agent, in accordance with the Borough of Elmwood Park Affordable Housing Affirmative Marketing Plan. Landlords are responsible to pay income certification fees and affirmative marketing cost for re-rentals.

For information regarding future rental increases: Please refer to Section VIII C of this manual.

When a trustee of a trust deed ownership of a multi-family property is the applicant occupant of the property, the multi-family category terms apply.

#### C. Terms and Conditions on Investor-Owned Single and Multi-Family Rental Units

#### Table 3 Investor-Owned Terms & Conditions

Investor-Owned Single and Multi-Family Units					
Terms and Conditions of Loan					
Minimum Loan Amount	Per N.J.A.C. 5:93-5.2, the municipality may rehabilitate substandard units that require less than \$8,000 of work, provided the municipal rehabilitation activity shall average at least \$10,000 per unit.				
Maximum Loan Amount	\$17,000 per rental unit				
Interest Rate	0% (No monthly payments)				
Payment Terms	Owner pays 50% of rehab cost at construction agreement signing. 50% balance forgiven if in compliance with rental restrictions. The 50% rehab cost is waived for non-profit corporation rentals, if any. Rental restrictions transfer with property. See restrictions below.				
Mechanism for Securing Loan	Mortgage, Mortgage Note and Deed Restriction recorded against property				

The ten-year affordability controls against the property will be recorded in a Deed Restriction. The property owner agrees to abide by the rental affordability controls for the life of the Deed Restriction. Additionally, the following conditions apply:

The assisted housing unit(s) must be occupied by and affordable to a household that is certified as an income eligible household as per either the latest Income Limits by Region, or in compliance with the municipality's Settlement Agreement and Court Order, whichever is applicable and as designated by unit in the Deed Restriction. The maximum permitted rent is determined by the Borough's Administrative Agent and is pursuant to UHAC and subject to annual adjustment. A copy of the income figures current at time of manual creation, and the methodology for going forward, until the reinstitution of COAH or another state entity performing this function is included in Appendix B of this document.

Throughout the ten-year affordability controls, if a rental unit is vacant upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the Deed Restriction shall require the unit to be rented to a low- or moderate-income household(as designated by unit in the Deed Restriction) at an affordable price and will be affirmatively marketed in accordance with the Borough of Elmwood Park Affordable Housing Affirmative Marketing Plan by the Borough's current Administrative Agent at the rates and terms defined within that Agreement. Landlords are responsible to pay income certification fees and affirmative marketing costs for re-rentals.

The owner will execute a Mortgage, Mortgage Note and Deed Restriction, the latter which will guarantee the continued availability of the unit to income eligible households for the terms of the ten-year lien affordability period.

Throughout the ten-year deed restrictive period, the affordability terms do not expire even if the owner sells the property, transfers title to the property, dies, or rents to other than low or moderate-income renters, before the terms of the lien expire.

Life estate deed ownership falls under the investor category. Additionally, when a trustee of a trust deed ownership is not the applicant occupant of the property, the investor terms apply.

# D. Special Needs Waivers for Higher Cost Rehabilitation Projects

In cases of housing rehabilitation costs exceeding the program maximum loan amounts listed in applicable Tables 1, 2 and 3 above:

- The Program will attempt to negotiate with lowest qualified bidding contractor to lower bid price.
- The Program will review scope of work to omit work items without jeopardizing code status.
- The Program will get confirmation of whether or not the homeowner can contribute personal funding. It will be mandatory for households with more than \$30,000 in liquid assets to contribute personal funding for the difference rather than obtain a special needs waiver.
- If needed, the Program will attempt to partner with other possible funding sources such as the Low Income Home Energy Assistance Program (LIHEAP) or a County program.
- The Program/Municipality reserves the right to consider other situations to make an
  exception and allow additional expenditure to address code violations via a special needs
  waiver. Individual files will be reviewed on a case-by-case basis. Upon Program and
  Borough approval, a Special Needs Funding Limit Waiver may be issued.
- If no viable options, the case will have to be terminated.

# E. Use of Recaptured Program Funds

All recaptured funds will be deposited into an Elmwood Park affordable housing trust fund in accordance with N.J.A.C. 5:93-8.15

# **V. IMPLEMENTATION PROCESS**

# A. Application/Interview

For each prospective applicant, this process starts with a homeowner either submitting an online preliminary application or the Housing Rehabilitation Specialist pre-qualifies the interested homeowner by phone, whichever is the homeowner's preference. The information is entered in the program applicant pool/waiting list. If the homeowner passes the preliminary criteria review, program information, guidelines, and an application package will be mailed or emailed to the applicant when their name is reached in the program's waiting list. Each prospective applicant is to complete the application and return it to the Housing Rehabilitation Specialist, along with the required verification documents. Upon receipt of the completed application package, a case file will be opened for the applicant and a case file number will be assigned to the unit. The Housing Rehabilitation Specialist will be available via a direct phone line to assist applicants during this and all other phases of the process. Additionally, as needed, a Housing Rehabilitation Specialist will be available for face-to-face prescheduled appointments. Once a case is assigned a number, the cases are processed in the order of receipt of completed applications.

# **B. Eligibility Certification**

To be eligible for assistance, households in each unit to be assisted must be determined to be income eligible. All adult members, 18 years of age and older, of both the owner household and tenant household (if any) must be fully certified as income-eligible before any assistance will be provided by the Program. The HIP will income qualify applicant, and when applicable tenant, households in accordance with N.J.A.C. 5:93-9 and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-16.1 et seq., except for the asset test.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

# C. What is Considered Income

The following income sources are considered income and will be included in the income eligibility determination:

- Wages, salaries, tips, commissions
- Alimony
- Regularly scheduled overtime
- Pensions
- Social security
- Unemployment compensation (verify remaining eligible number of weeks)
- TANF (Temporary Assistance For Needy Families)
- Verified regular child support
- Disability
- Net income from business or real estate
- Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
- Imputed interest (using a current average annual rate of two percent) from nonincome producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
- Rent from real estate is considered income
- Any other forms of regular income reported to the Internal Revenue Service

### D. What is Not Considered Income

The following income sources are not considered income and will not be included in the income eligibility determination:

- Rebates or credits received under low-income energy assistance programs
- Food stamps
- Payments received for foster care
- Relocation assistance benefits
- Income of live-in attendants
- Scholarships
- Student loans
- Personal property such as automobiles
- Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
- Part-time income of dependents enrolled as full-time students
- Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

# E. How to Verify Income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- 1. Four current consecutive pay stubs, including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- 2. A signed copy of regular IRS Form 1040 (Tax computation form), 1040A or 1040EZ (as applicable) and state income tax returns filed for the last three years prior to the date of interview or notarized tax waiver letter for respective tax year(s)- A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- 3. If applicable, a letter or appropriate reporting form verifying monthly benefits such as:
  - Social Security or SSI Current award letter or computer printout letter

- Unemployment verification of Unemployment Benefits
- Welfare -TANF current award letter
- Disability Worker's compensation letter or
- Pension income (monthly or annually) a pension letter
- 4. A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court (includes separation agreement or divorce papers) or education scholarship/stipends – current award letter;
- 5. Reports from the last two consecutive months that verify income from assets to be submitted by banks or other financial institutions managing savings and checking accounts (bank statements and passbooks), trust funds, money market accounts, certificate of deposit, stocks or bonds (In brokerage accounts most recent statements and/or in certificate form photocopy of certificates), whole life insurance. Examples include copies of all interest and dividend statements for savings accounts, interest and non-interest bearing checking accounts, and investments;
- 6. Evidence or reports of income from directly held assets, such as real estate or businesses owned by any household member 18 years and older.
- 7. Interest in a corporation or partnership Federal tax returns for each of the preceding three tax years.
- Current reports of assets Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

# F. Additional Income Verification Procedures

# 1. Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

# 2. Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner

insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Program Housing Rehabilitation Specialist should determine the imputed interest from the value of the property. The Program Housing Rehabilitation Specialist should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

# **G.** Other Eligibility Requirements

Applicant to submit the following in the application package:

- Copy of current Homeowner's insurance declarations page (not the policy or receipt);
- Proof of flood insurance, if property is located in a flood zone;
- Copy of recorded deed to the property to be assisted;
- If deed co-holder resides at another location, provide proof of same (driver's license, etc);
- If widow or widower, copy of spouse's Death Certificate;
- Proof that all mortgage payments and, when applicable, Homeowner Association (HOA) Fees are paid current;
- Copy of any and all other liens recorded against the property;
- Personal identification (a copy of any of the following: Driver's License, Passport, Birth Certificate, Social Security Card, Adoption Papers, Alien Registration Card, etc.); and
- Original of signed Eligibility Release form.

Properties for sale are ineligible for program assistance as well as any property the homeowner plans to sell within the next two years.

# H. Requirements of Property Taxes and Municipal Utilities Paid Current

Each applicants' property tax (which includes sewer) account, must be paid current. Individual files will be reviewed on a case-by-case basis. Upon approval by the appropriate municipal officials and the Program, a Special Needs Eligibility Requirements Waiver may be issued.

# I. Sufficient Equity and Carrying Cost

Additionally, to be determined eligible, there must be sufficient equity in the home to cover the program lien. In other words, the market value of the house must be greater than the total of the existing liens and anticipated program lien combined. For the sake of this rule, the market value of the home will be calculated using the Municipality's assessed value divided by the equalization ratio. All existing property liens (mortgage, home equity loan, etc.) are then

deducted from the calculated house value to determine the current property equity. The Municipality may consider a Special Needs Waiver approved by the municipality on a case-by-case basis for limited equity, but not for negative equity. Additionally, the applicant's income shall be sufficient to meet the carrying costs of the unit or the homeowner is to demonstrate how the unit's carrying costs are funded. This will be reviewed on a case-by-case basis.

# J. House Conditions:

All areas of the house must be readily accessible, uncluttered, and clean. This is in anticipation of the Program Inspector and contractors needs of proper and sanitary access for inspections and construction work progress.

If there are any repairs or renovations currently being undertaken on the home by others or the homeowner or done within the last few years that require or required municipal permits, the work must be completed and the permits closed out prior to the homeowner applying to the Program.

# K. Eligibility Scenarios of Multi-Family Structures

Several possibilities exist concerning the determination of eligibility in a multi-family structure.

**Scenario 1.** The Program Administrator determines that the owner is income eligible and the renters in each unit are income eligible. In this case, all of the units are eligible for rehabilitation.

**Scenario 2.** The Program Administrator determines that the owner is income eligible, but the renters are not. In this case, only the landlord's unit is eligible for rehabilitation. If a home improvement is undertaken which affects all the units in the house (e.g., replacement of a roof), the HIP will only cover a prorated percentage of the cost. For example, in a two-family home with units of approximately equal size, only 50% of the cost of roof replacement will be covered. Where units differ by more than 10% in size, the proration should be based on percentage of square footage within each unit compared to the total interior square footage of all other units in the structure. Shared common areas should not be counted in the denominator for the pro rata calculation.

**Scenario 3**. The Program Administrator determines that the owner is not income eligible, but the renters are. In this case, the rental units are eligible for rehab, but the owner's is not. If a rehab activity is undertaken which affects all of the units in the house (e.g., replacement of roof), the HIP will only cover a prorated percentage of the cost. For example, in a four-family home, only 75% of the cost of roof replacement would be covered. Where units differ in size, the proration is based on percentage of square footage.

If any of the conditions above apply to a particular applicant's case, CGP&H sends a letter that explicitly identifies which of the units is eligible for rehabilitation, as well as specifies any applicable percentage of the hard costs of rehabilitation between the Program and the homeowner. The homeowner's monetary contribution is to be paid prior to the start of construction at the preconstruction conference in the form of a money order or certified check made payable to the contractor. The payment is held by the Program until the work is satisfactorily completed, at which time the Program will release the payment to the contractor.

#### L. Eligibility Certification

After the Program Administrator has determined that the household is income eligible and meets all other eligible requirements, the Program Manager will complete and sign the Eligibility Certification. This certification is valid for 180 days starting from date of eligibility certification. A Construction Agreement must be signed within this time period. If not, the Program Administrator must reevaluate the household's eligibility.

After the household is certified as income eligible, the Homeowner/Program Agreement will be executed between the owner and the program.

If an applicant is determined ineligible, for any reason, the Program will issue a Notice of Ineligibility explaining the reason for the ineligibility determination and case termination.

# M. Housing Inspection/Substandard Certification/Work Write Up/Cost Estimate

The Program Inspector will perform a comprehensive inspection to determine what work items are necessary to bring the home up to code, as identified in section III C. Photos will be taken at the comprehensive inspection to document existing conditions. As a result of the comprehensive inspection, the Program Inspector will prepare a work write-up and cost estimate. All repairs needed to bring the home up to code will be identified. To the extent that the budget may permit, home weatherization will also be included. This work write-up will include a breakdown of each work item by category and by location in the house. The work write-up will contain information as to the scope of work and specifics on materials such as type, quantity and cost. A total cost estimate will be calculated for each housing unit. Improvements approved under the Program shall be based on the cost of mid-grade fixtures and materials. No upgrades from this standard shall be allowed. Only eligible rehab work will be funded by the Program. In the event that not all items can be accomplished due to program funding caps, the Program Inspector will establish a priority repair system which addresses the code violations before the non-code violations. The HIP's policy is to create Work Write-Ups and Cost Estimates that fall within the HIP funding caps. In unusual hardship cases and when the cost to correct all code violations exceeds the program funding limit, the HIP will seek the homeowner's monetary contribution. If the

homeowner is unable to contribute funds or obtain funds from another funding source, the HIP will request additional funds from Elmwood Park.

For houses built prior to 1978, refer to Section VII Lead Base Paint (LBP).

# N. Contractor Selection

The homeowner, with the approval of the Program Inspector, will select the contractor. The Housing Rehabilitation Specialist will provide the homeowner with a copy of the work write up and the Program Contractor List. The homeowner will complete the Work Write-Up Review Form indicating review and approval of the work write-up and advising of any contractors currently on the Program Contractor List that the homeowner does not wish to have notified of the availability of the bid package. If the homeowner wishes to solicit a bid from a contractor not currently on the Program Contractor List, the homeowner will provide the contractor's name, address and telephone number on the Work Write-Up Review Form. Any contractors that have not been previously qualified are eligible to participate but must submit their qualifications as well as their bid in the bid package.

The Housing Rehabilitation Specialist will notify at least three (3) currently active contractors that a bid package for the property is available. Each contractor must contact the Housing Rehabilitation Specialist to obtain a full bid package and the contractor must submit a bid to the Housing Rehabilitation Specialist by the submission deadline (usually within three (3) weeks of the date of the bid notification letter). All submitted bids will be opened and recorded by the Program Administrator at a meeting open to all interested parties.

The submitted bids will be reviewed by the homeowner and the Program Inspector. Generally, the lowest responsible bid from a qualified contractor will be chosen. If the homeowner selects a higher bid, he/she must pay the difference between the chosen and the lowest responsible bid.

The Housing Rehabilitation Specialist will email the following documentation to the Borough:

- Bid Tabulation sheet of all bids received
- Awarded contractor's bid including completed Contractor Award Checklist
- For each contractor's first award in a calendar year, will also include awarded contractor Business Registration Certificate (BRC) and W-9

Contractor award is passed via a Resolution by Borough Council. The Borough will provide the Housing Rehabilitation Specialist with a copy of the Resolution for placement in the case file.

#### **O. Pre-Construction Conference/Contract Signing**

The Program Inspector will conduct a pre-construction conference with the homeowner and contractor. Prior to the pre-construction conference the homeowner will be provided with copies of the loan documents and the Construction Agreement and the contractor will be provided with a copy of the Construction Agreement for review. At the time of the pre-construction conference, the scope of work will once again be reviewed. The homeowner and contractor responsibilities will also be reviewed, as well as the Program's construction procedures and program limitations. The homeowner and contractor will each sign the Construction Agreement and receive copies. The homeowner will sign and receive copies of the Mortgage and Mortgage Note in the amount of the HIP subsidy. For rental properties, the property owner will also sign the Deed Restriction (COAH form Appendix E-3).

If the homeowner is providing any funds for the rehabilitation of his/her home, those funds must be provided at the time of the pre-construction conference in the form of a certified check or money order made payable to the contractor. The check will be held by the Program and will be applied towards the contractor's first progress payment.

The contractor will be provided with information regarding the Lead-Based Paint Poisoning Prevention Act (4a.USC 483 1 (b)). The homeowner will be advised of the hazards of lead base paint in houses built prior to 1978 and provided with the EPA booklet Renovate Right. Both contractor and homeowner will each sign the respective Certifications. Additionally, for houses built prior to 1978, Section VII Lead Base Paint (LBP) applies.

Following the pre-construction conference, the Housing Rehabilitation Specialist will provide the Municipality with a copy of the Construction Agreement which includes an itemized price list of the work.

It is the contractor's responsibility to ensure all required permits are applied for prior to the start of construction and, if applicable, at the time of any change orders.

The construction permitting process is handled by the municipality's Construction office.

#### P. Initiate Municipal Voucher

Upon contractor award decision, the Municipality will provide the Housing Rehabilitation Specialist with a blanket purchase order to create two purchase orders for each case for the contractor to sign at the pre-construction conference at time of contract signing. The contractor's signed purchase orders will be held by the Housing Rehabilitation Specialist until construction progress is sufficient to submit to the municipality. The Municipal voucher will be separated into two potential payments. The Program staff will match the payment request up with the Municipal voucher issued at the pre-construction conference and adjust the payment amount as per the inspection results. Ultimately upon construction completion, the payments will equal the full voucher amount plus or minus any change orders.

For each contractor's first award in a calendar year, the Housing Rehabilitation Specialist will provide the municipal applicable staff with the awarded contractor Business Registration Certificate (BRC) and W-9 form.

# **Q. Progress Inspections**

The Program Inspector will make the necessary inspections of the progress of property improvements. Inspections are necessary to ensure that the ongoing improvements coincide with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Program Inspector when a minimum of 40% of the total contract work is completed. The Program Inspector will schedule the inspection with the homeowner, at which time the Program Inspector will also obtain verbal confirmation from the homeowner that the work is ready for inspection.

If work passes the satisfactory progress inspection, the Housing Rehabilitation Specialist will follow the procedures spelled out in Section V subsection T *Payment Structure and Process* to process a contractor's progress payment request.

The Program Inspector will notify the contractor and the homeowner in writing of any work deficiencies discovered during the progress inspection. Work deficiencies must be corrected prior to the contractor's request for the next inspection.

For houses built prior to 1978, a work item marked EPA RRP Rule cannot be paid for until the contractor provides a post renovation report to the Program. Refer to Section VII Lead Base Paint (LBP) for the EPA regulation.

# R. Change Orders

If it is determined during rehabilitation that a change from the original work write-up is required, a Program Change Order Authorization form must be completed and approved by the homeowner, the contractor, the Program, and the Municipality.

The Housing Rehabilitation Specialist will forward the executed change order to the Municipality for approval via Resolution by Municipal Council. If the change order work discovery is urgent, such as during roof tear off and cannot wait until the next Council meeting, it will be submitted for Municipality's preliminary special needs approval prior to Resolution at upcoming Council meeting.

The contractor will be notified by the Housing Rehabilitation Specialist of the results, and no change order work should be undertaken by the contractor until he has received a copy of the fully executed Change Order Authorization or the contractor risks non-payment for the change order work.

# S. Final Inspection

Prior to requesting a final inspection, it is the contractor's responsibility to:

- Properly close out all the permits and to provide proof of closed out permits to the Housing Rehabilitation Specialist via the municipal Certificate of Approval;
- Deliver to the homeowner a complete release of all liens arising out of the Construction Agreement, a receipt in full covering all labor, materials and equipment for which a lien could be filed or a bond satisfactory to the owner indemnifying owner against any lien; and;
- Provide the homeowner with all applicable warranties for items installed and work completed during the course of the rehabilitation.

Once the contractor has provided the Housing Rehabilitation Specialist with all required job closeout forms, the contractor will be responsible to request the Program's final inspection. The Program Inspector will schedule the final inspection with the homeowner, at which time the Program Inspector will also obtain verbal confirmation from the homeowner that the rehabilitation work has been completed and is ready for inspection. The Program Inspector will then conduct a final inspection to certify that the required property improvements are complete. The homeowner will be present during the final inspection and the contractor will be present if there are issues to resolve.

Construction progress on work line items will be inspected and considered for payment. If the work passes satisfactory final inspection, the Housing Rehabilitation Specialist will follow the procedures spelled out in Section V subsection T. *Payment Structure and Process* to process the contractor's final payment request.

For houses built prior to 1978, a work item marked EPA RRP Rule cannot be paid for until the contractor provides a post renovation report to the program. Refer to Section VII Lead Base Paint (LBP) for the EPA regulation.

If the Program Inspector identifies any work deficiencies during the final inspection, the Program Inspector will notify the contractor and the homeowner of the deficiencies in writing and the value of said deficiencies will be deducted from the final payment request. Work deficiencies discovered during the final inspection will require the Program Inspector to conduct a subsequent inspection upon contractor's correction of deficiencies. The Rehabilitation Program reserves the right to hold the contractor responsible to pay the cost of any additional inspections beyond the final inspection at a rate per inspection determined by the program administrative contract current at that time, for prematurely requesting the final inspections are those in excess of the one progress inspection and the final inspection which are needed to inspect corrected deficiencies. The contractor must issue the failed final inspection penalty payment directly to the Program Administrator, CGP&H, via a check prior to the Program Inspector scheduling and repeating the final inspection process. CGP&H will notify the municipality each time a penalty is levied.

The Program lien period will commence upon satisfactory completion of the final inspection. Photographs will be taken of the rehabilitated housing unit by the Program Inspector at the time of the satisfactory final inspection.

# T. Payment Structure and Process

The Municipality will issue all payments, which will be made according to the following schedule:

One progress payment (representing a minimum of 40% of total contract work completed) will be paid. Upon completion of one hundred percent (100%) of the rehabilitation work, the contractor is eligible for final payment of the contract price.

Upon a satisfactory program inspection, and confirmation from the Housing Rehabilitation Specialist that all contractor's documents have been submitted according to program procedures, the Housing Rehabilitation Specialist will submit to the Municipality:

- Program's Request for Payment form with Owner's and Program's written approval
- The Municipal voucher signed by the contractor and adjusted to match the current payment amount and thereby subject to the normal course municipal payment process
- Copy of change order, if one occurred

The Municipality retains the right to make payments to the contractor without homeowner approval should the homeowner become unavailable to sign the Program contractor payment form due to illness or absence. In such instance, the Program shall make reasonable attempts to contact the homeowner. If such efforts are not successful within a two-week period from the final inspection date, the Program shall advise the Municipality, provide documentation of efforts to obtain homeowner approval, and may authorize contractor payment without homeowner sign-off, to not hold up payment rightfully due to the contractor.

The Housing Rehabilitation Specialist is to submit the contractor payment request to the applicable municipal staff and, if acceptable, the payment request will be placed on the upcoming Bill List agenda. The Municipality will forward to the Housing Rehabilitation Specialist a copy of the executed payment to the contractor for case file records.

Upon job completion, the combined Municipality payments will total the Construction Agreement, including all applicable change order(s) if any, and minus owner contribution, if any. The combined Municipality payments will also match the final Municipal Voucher amount. Progress and final payments will be made payable to the contractor.

# **U. Standard Certification**

A Certificate of Approval issued by the municipal construction official at the time the contractor closes out the rehabilitation construction permits, will confirm the scope of rehabilitation work has been completed and that the housing unit is now up to code standard. The contractor is to provide the Certificate of Approval to the Housing Rehabilitation Specialist when requesting the final inspection. The Housing Rehabilitation Specialist will ensure that a copy of the Certificate of Approval is placed in the case file.

# V. Record Mortgage Documentation

At construction completion, the Housing Rehabilitation Specialist will forward the executed mortgage to the Municipality's Attorney for recording. The Municipality will immediately file the mortgage with the County Clerk. For rental properties, the Deed Restriction will also be recorded.

# W. File Closing

The Housing Rehabilitation Specialist will close the homeowner's file after the final payment is made and the mortgage, and when applicable, Deed Restriction is/are returned from the County with recorded date, book and page.

The Housing Rehabilitation Specialist will send the homeowner a case closeout letter explaining the warranty period, importance of program documents for personal record keeping, explaining the homeowner's responsibility to continue to maintain the home, providing the homeowner with a home maintenance checklist as guidance, thanking the owner for program participation, and encouraging him/her to recommend the program to other households in the community and, when applicable, reminding owner of the affordable housing rental requirements listed in the program lien documents and deed restriction.

# X. Requests for Subordination or Program Loan Payoff

Elmwood Park may agree to subordination of its lien if the mortgage company supplies an appraisal showing that the new loan plus the balance(s) on all unpaid loans (including the value of the rehabilitation assistance) does not exceed ninety-five (95%) of the appraised value of the unit. If the homeowner is simply refinancing their primary mortgage to a lower interest rate and not "cashing out" any equity, Elmwood Park will subordinate up to 100% of the appraised value. The subordination request is subject to municipal resolution approval.

The fee to process program loan subordination requests will be paid by the homeowner directly to the Program Administrator in accordance with the fee set forth in the yearly program administration contract.

# VI. CONTRACTOR REQUIREMENTS AND RECRUITMENT

### A. Marketing

The Program will coordinate with the Municipality to advertise the availability of construction work on the Municipality's website and display a contractor outreach poster and handouts in the municipal building, including the local construction office. Additionally, CGP&H will reach out to home improvement contractors registered with Consumer Affairs who are geographically near or in Elmwood Park. If determined needed, additional outreach will be conducted in the local newspapers and through the posting of community notices. As necessary, the Program will advertise the availability of construction work by posting information at local building supply dealers. All interested contractors will have the opportunity to apply for inclusion on the Program Contractor List, which will be made available for the homeowner's use in selecting rehabilitation contractors. The contractor outreach material will also be posted on CGP&H's website.

#### **B.** Contractor Qualifications

To qualify, contractors must meet the following minimum requirements:

- Contractors must carry at least \$1,000,000 in general liability insurance. The Contractor shall carry full workmen's compensation coverage including Employer's Liability limits of at least \$500,000 and statutory state coverage for all his/her employees and those of his/her subcontractors engaged in program rehab work. The Contractor must provide the Housing Rehabilitation Specialist with a certificate of insurance naming the Program as Certificate Holder, and naming the Municipality and CGP&H as additional insureds at time of Program job award; and
- At least three favorable references on the successful completion of similar work; and

- The Contractor's State Business Registration Certificate; and
- Current Consumer Affairs Home Improvement Contractor license; and
- Applicable lead certifications for contractors working on houses built prior to 1978. As identified in the scope of work, the contractor must comply with the EPA Renovation, Repair and Painting (RRP) Rule regarding certification; and
- If claiming prior experience with local, state or federally funding housing rehabilitation programs, a record of satisfactory performance in a neighborhood rehabilitation program or other federal/state programs; and
- Appropriate licenses; e.g. plumbing, electrical.

Contractors must also complete a Contractor Qualification Form. The contractor's qualifications will be reviewed and the references cited will be checked by the Program Inspector before the contractor is awarded a job.

Additionally, CGP&H will also conduct periodic contractor orientation sessions via Zoom. Contractors who are new to the program are required to attend an orientation session either via Zoom or one-on-one with the Program Inspector.

# VII. Lead Based Paint (LBP):

For houses built prior to 1978, contractors must comply with the Environmental Protection Agency Renovation, Repair and Painting Rules (40 CFR Part 745) when any work item is marked with (EPA-RRP Rule) in the work specifications. The requirements are spelled out in the General Conditions of the work specifications.

The Program may refer homeowners of houses built prior to 1978 to the NJ Department of Community Development Lead-Safe Home Remediation Program and HUD Lead-Based Paint Hazard Reduction Program for lead-based paint hazards remediation needs.

# **VIII. Rental Procedures:**

Rental units are subject to the Uniform Housing Affordability Controls (UHAC) at N.J.A.C.5-80:26.1 et. seq. once the rental units are rehabilitated. In addition to the mortgage and mortgage note, the controls on affordability shall be in the form of a deed restriction.

 If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit be rented to an income eligible household at an affordable rent and affirmatively marketed pursuant to UHAC.

- If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to UHAC.
- Rental Increases: See section VIII C, below.

The municipality's Administrative Agent will administer the rental affordability controls during the 10-year affordability period for each rental property assisted. Landlords are responsible to pay income certification fees for re-rentals.

# A. Determining Initial Affordable Rents

The initial maximum affordable rent for a rehabilitated unit is determined by the program staff based on several NJ rules and regulations. The Administrative Agent will make every attempt to price initial rents to average fifty-two percent (52%) of the median income for the household size appropriate to the sized unit within each individual project (N.J.A.C. 5:80-26.3 (d)). Thirty percent (30%) (N.J.A.C. 5:80-26-12 (a)) of that figure is considered the "maximum base rent." Subtracted from the maximum base rent is the cost of all tenant-paid utilities as defined and calculated by the HUD Utilities Allowance figures (updated annually). The remainder becomes the maximum initial rent for that unit. The Home Improvement Program staff can provide potential applicants/landlords with a reasonable estimate of what the maximum base rent will be on their rental unit if they elect to participate in the program.

# B. Pricing by Household Size

Initial rents are based on the number of legal bedrooms in each unit. Initial rents must adhere to the following rules.

Size of Unit	Household Size Used to Determined Max Rent		
Studio/Efficiency	1		
1 Bedroom	1.5		
2 Bedrooms	3		
3 Bedrooms	4.5		
4 Bedrooms	6		

# Table 4 Initial Rental Pricing by Housing Size

- A studio shall be affordable to a one-person household;
- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial rents.

# C. Determining Rent Increases

Rents for rehabilitated units may increase annually based on the standards in Appendix B, entitled "Approved Calculation of Annual Increases to Income Limits, Resale Prices and Rents" and only upon written notification from the Administrative Agent.

In addition, the Borough's Administrative Agent must be used by the Landlord to ensure that all appropriate affirmative marketing and all other affordable housing compliance procedures are followed and will continually oversee compliance for these affordable rental units throughout their restrictive term.

These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. Rents may not be increased more than once a year, may not be increased by more than one approved calculated increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

# **IX. MARKETING STRATEGY**

In coordination with the Municipality, the Program Administrator will employ a variety of proven strategies to advertise the program within Elmwood Park to establish the Program's applicant pool/waiting list. The marketing strategy/plan possibilities include but are not limited to:

- Creation and distribution of Program homeowner outreach posters, flyers and handouts
- Place Program outreach material on the Municipal website and, of available, social media
- Place Program outreach material on CGP&H's website and social media
- Municipal E-newsletter and paper newsletter (if available)

- Appending announcements and/or flyers to other municipal mailings as they become available (tax, etc.) or direct mailing, if approved by the municipality
- Municipal email blasts
- Program marketing will be distributed to local community organizations and major employers including religious organizations, civic groups, senior group, ethnic organizations, etc.
- Free local cable TV advertising (when available)
- Periodic Press releases
- Program group presentations to community organizations or at the Municipal Building to prospective homeowners and even to local contractors
- Paid newspaper advertisements (last resort) when deemed necessary and appropriate
- The order of method used will be analyzed to implement the most effective combination of strategies. Extensive marketing efforts are essential for all successful housing rehabilitation programs to meet their productivity objectives.

Available rental units assisted via the HIP will be affirmatively marketed in accordance with the Borough of Elmwood Park Affordable Housing Affirmative Marketing Plan.

# X. MAINTENANCE OF RECORDS AND CLIENT FILES

# A. Programmatic Recording

The Program files will include:

- The policies and procedures manual, which will also be updated when applicable.
- An applicant pool will be maintained by the Program staff to track intake of the people interested in the program and the corresponding outgoing application invites.
- A rehabilitation log will be maintained by the Program staff that depicts the status of all applications in progress.

# **B.** Participant Record Keeping

The Program will be responsible for ensuring that individual files for each unit are established, maintained and then submitted to the municipality upon completion. Each completed file will contain a minimum of the following:

- Checklist
- Application form
- Tenant Application form (Rental Units Only) including rental lease
- Proof of ownership
- Income verification (for all households)
- Proof of currency of property tax and water/sewer accounts
- Proof of homeowner extended coverage/hazard insurance (Declaration Page)
- Proof that the municipal lien plus the total of other liens does not exceed the market value of the unit.
- Certification of Eligible Household or Notice of Ineligible Household (whichever is applicable)
- Homeowner/Program Agreement
- Certificate of Substandard
- Work Specifications/Cost Estimate aka Work Write-Up
- Bid Notice
- Contractor bids
- Bid Tabulation
- Construction Agreement
- Mortgage and Mortgage Note, and for rental properties, Deed Restriction
- Notice of Right of Rescission
- Homeowner Confirmation of Receipt of EPA Lead Information Pamphlet
- Contractor Confirmation of Receipt of Lead Paint Notice
- Copies of all required permits
- Change orders, if any

- Work progress and final inspection reports
- Copies of contractor payment documentation
- Photographs (Before and After)
- Close-out documents
- Certification of Approval

# C. State Reporting

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs.)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

The Program Administrator will provide each completed unit's data for annual monitoring.

# D. Financial Recordkeeping

Financial recordkeeping is the responsibility of the Municipal Housing Liaison, with assistance from the Administrative Agent, as may be requested from time to time.

# XI. HOUSING ADVISORY COMMITTEE AND APPEALS PROCESS

The Program staff is skilled in effectively achieving resolution of homeowner/contractor disputes, in a fair and documented manner.

If a homeowner refuses to pay the contractor and work has been done to work specification and to the satisfaction of the Program, it may authorize payment to the contractor directly. However, the Program will make a reasonable attempt to resolve the differences before taking this step.

However, on the rare occasion if a homeowner or contractor decides to dispute a Program staff decision, the Program will refer the matter to the Municipality for further resolution. It is recommended the Municipality forms a Housing Advisory Committee to mediate and resolve the differences. Homeowners or contractors involved in a dispute will be instructed to submit their concerns in writing. The homeowner or contractor may request a hearing conducted by the Housing Advisory Committee. All Housing Advisory Committee decisions are final. The Housing Advisory Committee formation may occur when the first need arises.

# **XII. CONCLUSION**

If the procedures described in this manual are followed, the Borough of Elmwood Park's Home Improvement Program should operate smoothly and effectively. Where it is found that a new procedure will eliminate a recurring problem, that procedure may be incorporated into the program operation. In addition, this manual may be periodically revised to reflect changes in local, state and federal policies and regulations relative to the Home Improvement Program.

# **APPENDIX A - LIST OF PROGRAM FORMS**

- Application Transmittal Letter
- Program Information Handout
- Application for Assistance- Homeowner
- Application for Assistance- Landlord (Investor)
- Application for Assistance- Tenant
- Eligibility Release Form
- Checklist
- Special Needs Waiver (Eligibility Requirements)
- Special Needs Waiver (Exceed Program Limit)
- Certification of Eligible Household
- Eligibility Determination Form
- Notification of Eligibility
- Notification of Ineligibility
- Homeowner/Program Agreement
- Certificate of Substandard
- Certificate of Substandard Emergency Situation
- Letter: forward work write-up and contractor list to homeowner
- Work Write-Up Review form
- Request for Rehabilitation Bid
- Affidavit of Contractor
- Subcontractor Bid Sheet
- Bid Tabulation/Contractor Selection
- Construction Agreement
- Mortgage
- Mortgage Note single family, multi family, investor versions
- Notice of Right of Rescission
- COAH Deed Restriction (when applicable)
- Homeowner Confirmation of Receipt of EPA Lead Information Pamphlet
- Contractor Confirmation of Receipt of Lead Paint Notice
- Notice to Proceed
- Contractor's Request for Final Inspection
- Change Order Authorization
- Certificate and Release
- Closeout Statement

# APPENDIX B – Approved Calculation of Annual Increases to Income Limits, Resale Prices and Rents

# Methodology for Calculating Regional Income Limits and Rental Increase:

Income limits for all units that are part of the municipality's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the municipality annually within 30 days of the publication of determinations of median income by HUD as follows:

- a. Regional income limits shall be established for the region that the municipality is located within, based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the municipality's housing region. This guotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached are the result of applying the percentages set forth in paragraph
   (a) above to HUD's determination of median income for the most recent year and shall be utilized until the municipality updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. If at any time, COAH (or a successor administrative agency duly empowered by an amendment to the Fair Housing Act) begins to issue updated annual income limits and

rules for increasing sales prices and rent levels each year, said updated income limits and rules for increasing sales prices and rent levels each year may be used instead of the methodology set forth herein.

In establishing sale prices and rents of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing.

# Maximum Income Limits (2023):

Region 1: Bergen, Hudson, Passaic, Sussex

Household Size	Very-Low Income	Low Income	Moderate Income	Median Income
1 Person	\$25,286	\$42,144	\$67,431	\$84,288
2 Person	\$28,899	\$48,165	\$77,064	\$96,329
3 Person	\$32,511	\$54,185	\$86,697	\$108,371
4 Person	\$36,124	\$60,206	\$96,329	\$120,412
5 Person	\$39,013	\$65,022	\$104,036	\$130,045
6 Person	\$41,903	\$69,839	\$111,742	\$139,678
7 Person	\$44,793	\$74,655	\$119,449	\$149,311
8+ Person	\$47,683	\$79,472	\$127,155	\$158,944

# APPENDIX 6 ADMINISTRATIVE AGENT AND MUNICIPAL HOUSING LIAISON

# APPENDIX 7 AFFORDABLE HOUSING OPERATING MANUAL

# APPENDIX 8 AFFIRMATIVE MARKETING PLAN

# APPENDIX 9 ROYAL WARSAW



# 871 River Drive 7, 9, 15 Norris Street Redevelopment Plan

Block 1602; Lots: 2, 3, 4, 26

BOROUGH OF ELMWOOD PARK, BERGEN COUNTY, NEW JERSEY

July 2022

Prepared by: DMR Architects 777 Terrace Avenue Hasbrouck Heights, NJ 07604

#### **ACKNOWLEDGEMENTS:**

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**871 RIVER DRIVE** 

**REDEVELOPMENT PLAN** 



Figure 1.0: Borough of Elmwood Park - Redevelopment Area Location

# **1.0: BACKGROUND INFORMATION:**

The Borough of Elmwood Park recognizing the importance of continued growth within the Borough have expressed great interest and support for redevelopment projects in certain areas of the community. With the continued efforts for future growth and development the Borough has recognized the tool of Redevelopment Planning to map and guide these redevelopment efforts.

The Mayor and Council for the Borough of Elmwood Park adopted Resolution # 125-21 designating the properties at Block 1602, Lots 2, 3, 4 and 26 having a street address of 7, 9 and 15 Norris Street and 871 River Drive as an area in need of redevelopment for non-condemnation purposes.

Elmwood Park represents a premier location in Bergen County that supports residential and mixed use development. The Borough has transportation access with Route 80, Garden State Parkway and Route 46 road network transversing through the Borough.

As part of the on-going initiatives to promote revitalization, the Borough has directed DMR Architects to craft this redevelopment plan for **7**, **9** and **15** Norris Street and 871 River Drive to support the goals and vision for redevelopment opportunities within the Borough.

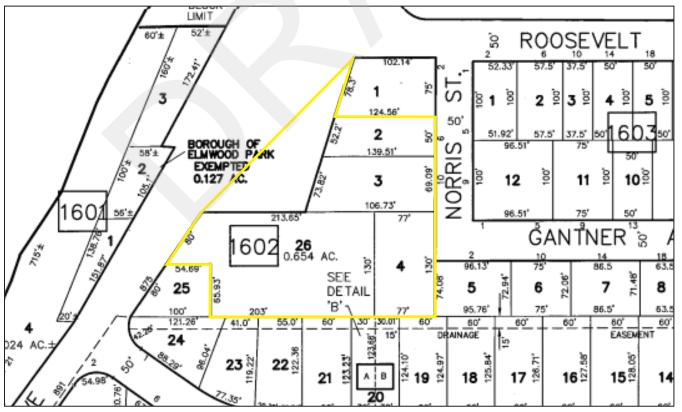


Figure 1.1: Tax Map- Redevelopment Plan Area outlined in yellow.

**Background Information** 

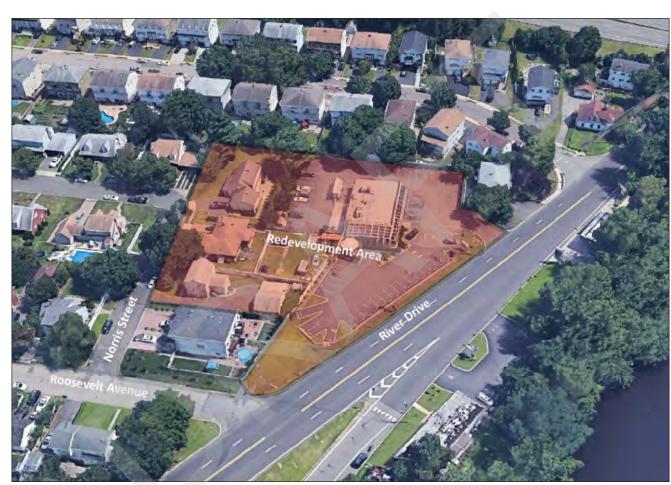


Figure 1.2: Google Earth Image of Redevelopment Plan Area

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# 2.0: INTRODUCTION:

# A. BASIS FOR THE PLAN:

This Redevelopment Plan has been prepared for Block 1602; Lots: 2, 3, 4 and 26 located at 7, 9, 15 Norris Street and 871 River Drive.

On March 17th, 2021 the Mayor and Council requested the Planning Board undertake a preliminary investigation to determine if whether the delineated area of Block 1602, Lots 2, 3, 4 and 26, located at 7, 9 and 15 Norris Street and 871 River Drive, met the criteria for designation as an area in need of redevelopment for Non-Condemnation purposes by Resolution #125-21.

As per resolution R-402-21, the Governing Body for the Borough of Elmwood Park voted to approve that the above mentioned properties met the criteria of an Area in Need of Redevelopment with non condemnation under the New Jersey Local and Redevelopment Housing Law (LRHL).

By resolution R-398-21, the Mayor and Council authorized DMR Architects to prepare this redevelopment plan in accordance with the LRHL.

# B. SURROUNDING AREA CONTEXT:

The properties are located within the R-18 Medium Density Housing. The surrounding uses of the subject properties include but are not limited to single family residential uses on Garden Drive, Norris Street and Roosevelt Avenue. Across from 871 River Drive is a gas station and a liquor store. The surrounding zoning districts are the R-18 and Local Commerce (C-L) Zones.

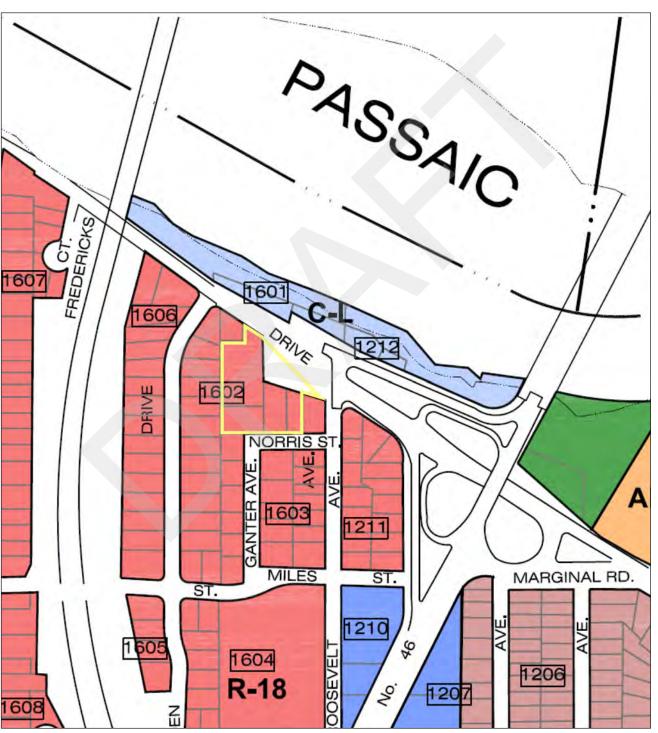
# C. PROPERTY INFORMATION:

The Study Area consists of four (4) tax parcels comprised of approximately 1.34 acres or 56,802 square feet (SF). The four (4) properties are identified as:

- <u>Block 1602, Lot 26 / 871 River Drive</u>: A one (1) story stucco building occupied by the Royal Warsaw Restaurant. There is associated parking on the front, side and rear of the property. The property is accessed through a curb cut off River Drive. There is a grade change from River Drive to the Royal Warsaw Restaurant. On the rear of the property, there is a wooden fence separating the residential homes on Norris Street from the property and on the southern side there is a fence separating the residential homes on Garden Drive from the property;
- <u>Block 1602, Lot 2: / 7 Norris Street</u>: A two (2) story brick facade single family home that abuts to the rear of 871 River Drive, Block 1602, Lot 26;
- <u>Block 1602, Lot 3: / 9 Norris Street</u>: A one (1) story vinyl sided facade single family home that abuts to the rear of 871 River Drive, Block 1602, Lot 26;
- <u>Block 1602, Lot 4: / 15 Norris Street</u>: A one (1) story vinyl sided facade single family home with a garage that abuts to the rear of 871 River Drive, Block 1602, Lot 26.

Introduction





Introduction

# 3.0: GENERAL PROVISIONS:

# A. COMPLIANCE REQUIRED:

No board, agency, officer or employee of the Borough shall issue, grant or approve any permit, license, certificate or other authorization, including variances and other authorizations by the Board of Adjustment, for any construction, reconstruction, alteration, enlargement or moving of any building or for any use of any land or building that would not be in full compliance with the provisions of this chapter. Any such permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of this chapter shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or other authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the Borough purporting to validate any such violation.

#### **B. 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.

## C. NON-DISCRIMINATION PROVISIONS:

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by the developer or any of his/her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. Any contractor or subcontractor engaged to perform work within the Redevelopment Area shall, where applicable, state in all solicitations or advertisements for employees placed by or on behalf of the contractor, or subcontractor, that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability or sex.

There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof.

## D. DURATION OF THE PLAN:

The provisions of this Redevelopment Plan and the restrictions with respect thereto shall be in effect for a period of thirty (30) years from the date of approval by the Borough Council.

# E. DEVIATION REQUESTS:

In accordance with N.J.S.A. 40:55D-70 c(1), the Planning Board may grant variances allowing 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 such 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.

In accordance with N.J.S.A. 40:55c(2), the Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the Plan and the benefits of the deviation would substantially 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 this Redevelopment Plan. An application for a variance from 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, any deviation from any of the Conditional Uses or any change requiring a "d" variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Council and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

# F. PROCEDURE FOR AMENDING THE APPROVED PLAN:

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of State law. If the designated redeveloper requests such amendment said redeveloper shall pay an application fee of \$3,500 and shall further reimburse the Borough for reasonable consulting costs, fees and expenses to undertake such amendment.

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# 4.0: REDEVELOPMENT PLAN COMPONENTS:

# A. REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN:

N.J.S.A. 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, or redevelopment, of the Redevelopment Area sufficient to indicate the following:

- 1. Its relationship to definite local objectives as to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- 2. Proposed land uses and building requirements in the project area.
- 3. Adequate provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of which decent, safe, and sanitary dwelling units affordable to displace residents will be available to them in the existing local housing market.
- 4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with this plan.
- 5. Any significant relationship of the redevelopment plan to:
  - The master plans of contiguous municipalities;
  - The master plan of the county in which the municipality is located;
  - The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, c.398 (C.52:18A-196 et al.).
- 6. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- 7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
- 8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
- 9. The redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
- 10. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the

redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

All provisions of a redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

# B. NOTE ON PLAN TERMINOLOGY:

Throughout this Redevelopment Plan, a distinction is made between "shall" and "should."

"Shall" means that a developer is required to comply with the specific regulation, without deviation. "Should" means that a developer is encouraged to comply but is not required to do so.

# C. TEMPORARY AND PERMANENT RELOCATION:

The Local Redevelopment and Housing Law requires that any redevelopment plan make adequate provision for temporary or permanent relocation of any resident in the project area.

# D. IDENTIFICATION OF PROPERTY TO BE ACQUIRED:

The Local Redevelopment and Housing Law requires that any redevelopment plan identify any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. The area has been designated as a non-condemnation Redevelopment Area. As such the Borough is not authorized to use eminent domain to acquire any properties with the redevelopment area.

## E. AFFORDABLE HOUSING:

The developer shall either construct affordable housing units within the development or contribute to the Borough's affordable trust fund to assist the Borough in meeting its COAH obligations.

# F. LONG TERM FINANCING CONSIDERATIONS:

Due to the size, scale, vital location and anticipated nature of the potential projects contemplated under this plan, the Borough anticipates that it would be eligible for a PILOT if the project commences within five (5) years of plan adoption. After that time, the specific economic conditions would have to be reevaluated to determine the duration of an exemption that would be deemed financially feasible and appropriate. The actual entry of any financial agreements for a long term tax exemption are subject to governing body approval under the processes required by law. In order for the Borough to determine if a PILOT is necessary the developer would be required to submit a preliminary fiscal impact analysis as part of the process.

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# G. TRAFFIC STUDY:

A traffic study shall be provided as a part of any site plan submission to the Planning Board. The study should determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and reasonable traffic conditions and reduce the negative impacts created by the development for existing intersections within the vicinity of the project. If the Planning Board deems the impacts have a negative impact, the applicant shall take necessary steps to rectify such impacts.

## H. SHADOW STUDY:

A shadow study shall be provided as part of any site plan application pertaining to this redevelopment in order to determine if there are any impacts to the adjacent property owners.

## I. SEWER, WATER, AND STORMWATER SYSTEM IMPROVEMENTS:

The developer is fully responsible for the cost to upgrade any required utilities including but not limited to sewer, water, and/or stormwater infrastructure servicing the property where such upgrades are necessary to support the new development.

# J. PUBLIC ELECTRIC VEHICLES:

This Redevelopment Plan shall comply with State regulation P.L. 2021, c 171 an ordinance pertaining to elec tric vehicle supply/service equipment (EVSE) and make ready parking spaces.

## K. PROJECT SIGNAGE:

The Redeveloper shall erect signage at locations to be determined by the Redeveloper and Borough within 30 days of receiving approval from the Planning Board that contains a rendering or renderings of the finished Project and other details concerning the Project that shall be agreed to by the Redeveloper and Borough Manager.

## L. EXISTING ZONING:

The properties are located in the R-18 Medium/High Density Zone, which is superseded by this Redevelopment Plan within the boundaries of the redevelopment area.

## M. MASTER PLAN CONSISTENCY:

This plan is consistent with the State Plan, County Plan and the Borough of Elmwood Park's Master Plan and Re-examination Studies as identified in Section 9.0 of this report.

# 5.0: DEFINITIONS:

#### A. DEFINITIONS:

It is the intention of this Redevelopment Plan to supersede existing zoning (except as noted herein) as provided under the Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1, et seq. However, this plan adopts the definitions of the Borough's Zoning Ordinance Section 34-3 by reference.

The definitions of the Borough's Zoning Ordinance shall apply to this plan, unless this plan provides a superseding definition. The definitions defined in Section 34-3 apply to the redevelopment area with the exception of the following terms:

**AGE RESTRICTED RESIDENTIAL UNIT:** Refers to a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of the household is a minimum age of 55 years and meets the provisions of the 42 U.S.C. §3601 et seq., except that due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

**BUILDING HEIGHT:** The vertical distance in the case of flat roofs to the level of the highest point of the roof, and in case of pitched roofs, to the mean level between the eaves and the highest point of the roof, measured from the curb level fronting the public street.

**COMMERCIAL RECREATION:** Uses that are sport oriented facilities used for a variety of health, recreational, or social activities. Activities are primarily by and for participants; spectators are incidental and present on a non-recurring basis. Activities may be conducted within an enclosed building.

**FENCE:** An artificial barrier constructed of durable materials including brick, stone, or other masonry material, wood posts and planks, metal or other materials designed for fencing with a maximum height of six feet. (A chain link fence of any type does not satisfy the definition of a fence)

**HEALTH CLUB:** An establishment that houses exercise equipment and space for the purpose of physical exercise

**MULTI-FAMILY:** Housing accommodations that are designed principally for residential use, conform to standards satisfactory to the Secretary of Housing and Urban Development, and consist of not less than five (5) units on 1 site. These units may be detached, semidetached, row house, or multifamily structures.

**PARKING STRUCTURE / STRUCTURED PARKING:** A building or structure consisting of one or more enclosed levels and used to park motor vehicles.

**POP-OUT / PROTRUSION:** A portion of the primary building facade that projects into the building setback at the ground level.

**PRIMARY FACADE:** The exterior building facade as measured from the face of curb not including any popout or protrusions.

**REDEVELOPER:** Any person, firm, corporation or public entity that shall voluntarily seek and be designated as a Redeveloper by the Borough Council or Redevelopment Entity and shall enter into a Redevelopment

Definitions

Agreement as set forth in Section 5 of this Rehabilitation Plan, all in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**ROOFTOP / COURTYARD:** The outer surface of a rooftop used for recreational purposes by residents only.

**STORY, GROUND:** Also, first story, ground floor. The first story of a building other than a basement or cellar.

**STORY, UPPER:** All stories and floors above the first story.

**STREET FURNITURE:** The elements of streetscape, including but not limited to benches, bollards, news-racks, trash receptacles, tree grates, hardscape, seat-walls, street lights, and street trees.

# 6.0: ZONING:

#### A. PERMITTED USES:

- 1. **Purpose:** This section establishes the uses permitted within the Redevelopment Area including accessory uses. These standards aim to promote, mixed-use development consisting of multi-family residential dwellings above commercial uses on the ground floor.
- 2. Permitted Principal Uses: The following uses are permitted:
  - a. Residential:
    - i. Multi-family (apartments/condominiums) above parking and ground-level commercial uses;
    - ii. Age Restricted Residential units.
  - b. Commercial: The following uses are permitted at the ground level, fronting on River Drive only:
    - i. Any commercial use permitted in any of the Commercial districts per §34-7.3, except those which are prohibited at Section 6.0.A.3, below;
- **3. Prohibited Uses:** Any use not expressly stated as a permitted or accessory use is considered a prohibited use for this Redevelopment Plan. In addition, the following uses are explicitly prohibited:
  - a. Cell phone tower / antennas;
  - b. Any uses or business categories explicitly prohibited in Chapter 34 of the Borough Code;
  - c. Cannabis related uses;
  - d. Drive-through establishments;
  - e. Childcare establishments;
  - f. Commercial uses fronting upon any street other than River Drive.
- 4. All building facades facing a public street shall be designed as a primary building facade and shall be designed to include all of the required components of the Building Architectural Materials & Character within Section 8.0 the Design Development Standards of this Redevelopment Plan;

## **B. ACCESSORY USES:**

- 1. Any uses which are clearly or customarily ancillary and incidental to a principal or conditional permitted use on the same property including but not limited to;
  - a. Lobby, sales, management, leasing offices;
  - b. Conference center, meeting rooms, business center, billiards, pool, game, arcade, simulator, spa, lounge (for tenant use only);
  - c. Community kitchen (for tenant use only);
  - d. Drop off / package delivery area, loading spaces and docks, recycling and refuse storage areas;
  - e. Recreational facilities (indoor / outdoor) including but not limited to active or passive amenity courtyard space and/or terraces, rooftop, pool, fitness center and multipurpose rooms (for tenant use only);
  - f. Pet boarding (for tenant use only);
  - g. Lockers and storage including for mail parcels and packages (for tenant use only);
  - h. Fitness room (for tenant use only);
  - i. Co-Working space (for tenant use only);
  - j. Storage (for tenant use only);

- k. Laundry room (for tenant use only);
- I. Parking (structured, sheltered, or surface), subject to the standards at Section 6.0, and Section 8.0 of this Redevelopment Plan.
- 2. Accessory structures shall comply in all respects with the requirements of the principal structure;
  - a. No accessory structure shall be located in any front yard;
  - b. No portion of an accessory structure shall include living quarters;
  - c. Accessory structures below grade shall have a minimum rear or side yard of five feet when not abutting a street;
  - d. No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking (structured or surface), which may be constructed prior to the primary use;
  - e. In no event shall the height of an accessory structure exceed the permitted height of the principal building.
  - f. All structured parking shall be architecturally screened so that no vehicles can be directly seen from any public street or adjacent dwellings with the exception of the garage entrance per the Development and Place Making Design Standards of this Redevelopment Plan;
  - g. Rooftop (courtyard) amenities are permitted as long as they are reserved for residents of the building.

# C. BULK STANDARDS: DENSITY, AREA, YARD AND HEIGHT REQUIREMENTS:

The following requirements apply to all development projects which shall meet the following criteria:

- 1. Minimum Lot Area: 1 acre / 43,560 square feet
- 2. <u>Dwelling Unit Size:</u>
  - a. Minimum unit size for studio unit is 500 square feet;
  - b. Minimum unit size for a one (1) bedroom unit is 650 square feet;
  - c. Minimum unit size for a two (2) bedroom units is 750 square feet.
- 3. <u>Minimum Building Front Yard Setback:</u> The minimum building setback at the ground level shall be 10'-0" feet from River Drive.
  - a. Projections such as retaining walls, horizontal awnings are not subject to this setback requirement and shall meet all building department requirements;
  - b. Internal drives / aisles are not considered public street frontages;
  - c. Utility structures, backflow preventers, or other similar devices when located above grade, must be located behind the setback, be screened and should not be located on River Drive;
  - d. Utility structures located below grade may be located within the setback and on River Drive.
- 4. Minimum Side Yard Building Setback: 25'-0";
  - b. Note: There is a 15'0" drainage easement to single family homes to the south of the subject property with frontage on Garden Drive. There is to be no encroachment within this 15'0" easement. Accounting the drainage easement there is a 40'0" setback to the single family homes with frontage on Garden Drive.

**Use and Bulk Requirements** 

#### 5 Minimum Building Setback on Norris Street / Gantner Avenue: 5'0";

- 6. Maximum Number of Units:
  - a. Maximum Market Rate units: 112 units
  - b. Minimum Age Restricted Residential units: 40 units

#### 7. <u>Maximum Number of Stories/Building Height:</u>

- a. Five (5) Stories (Max.- 64'-0") for building fronting on River Drive, except that;
- b Four (4) Stories (Max.- 49'-6") for buildings or portions thereof within 5'0" feet of the Norris Street or Gantner Avenue rights-of-way;

152 units

- c. See Section 8.0 Development / Place-Making Design Standards for all building design requirements;
- d. Rooftop equipment and structures are not to exceed 12'0" above roof, provided they can be screened by public ROW by parapets not taller than 5'0" above roof beam.

#### 8. Maximum Combined Building and Impervious Coverage: 90%

#### 9. Flood Mitigation / Storm-water Management Requirements:

a. The proposed development shall comply with the Borough's and NJ DEP Stormwater Regulations.

#### 10. Infrastructure Improvements:

- a. Any redevelopment project shall provide adequate potable water, storm water, sanitary sewer and other necessary utility infrastructure to the site, to the satisfaction of the Municipal Engineer;
- b. All costs necessary for the infrastructure improvements (including off-site and off-tract) associated with a development project are the responsibility of the redeveloper;
- c. The project shall be responsible for an impact fee as part of an overall utility plan if required by the Borough of Elmwood Park;
- d. The costs may be paid by the redeveloper for off-site or off-tract improvements if they are associated with a larger municipal capital project which shall be negotiated as part of a Redevelopment Agreement.

#### 11. Other Requirements:

- a. Ingress and egress to the subject property shall meet the requirements of the Bergen County Engineering Department for access.
  - Any required road improvements to River Drive are the sole responsibility of the developer;
- b. All project fencing shall meet the Borough of Elmwood Park's Ordinance Section 34-4.6;
- c. Streetscape improvements are required along the property frontage of all public streets in the entire redevelopment area and shall meet the Borough Engineers requirements, including but not limited to sidewalks, street trees and lighting;
- d. All project signage shall either meet the Borough of Elmwood Park's Ordinance Section 34-30 Signs, or submit a separate sign package to the Planning Board for review and approval;
- e. Project shall comply with requirements of the Borough's Fire Official.

Use and Bulk Requirements

# **D. PARKING AND CIRCULATION STANDARDS:**

## Parking Requirements:

The minimum parking requirements for the Redevelopment Area are as follows:

Use	Parking Ratio		
Multi family / Markot / Sonior	1 25 cp par dwalling unit		

- Multi-family / Market / Senior 1.25 sp per dwelling unit - Commercial / Retail / Office
  - 1.0 sp per 400 square feet

# Notes:

- a. A maximum of 1.0 space is permitted per studio and 1 bedroom unit;
- b. A minimum of 2.0 spaces is permitted per 2 bedroom unit;
- c. When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required;
- d. Up to 20% of the required parking stalls may be designated for compact cars;
- e. All parking shall be screened based on the Design Standards indicated in this Redevelopment Plan.
- 2. Parking Space and Driveway Aisle Dimensions: Shall be based on §34-44.3 of the Municipal Code of Elmwood Park, NJ with the following exceptions:
  - a. Parking spaces are permitted to be 9'-0" x 18'-0" and drive aisles are permitted to be 23'-0".
- 3. Setback Maneuvering: No surface parking or maneuvering space is permitted within any yard, except as follows:
  - a. Driveways providing access to parking areas may pass through all yards provided they are at least 5 feet from any lot line;
  - b. Surface parking is permitted within the River Drive front yard provided that all parking spaces and maneuvering areas are at least 5 feet from the right-of-way line. Additionally, any parking space within the River Drive front yard must be accessed from a dedicated aisle, and no parking space may be accessed directly from River Drive.
- 4. Zero-emission Vehicle Fueling and Charging Stations: The plan shall comply with State regulation P.L. 2021, c 171 an ordinance authorizing electric vehicle supply/service equipment (EVSE) and make ready parking spaces.
- 5. <u>Bicycle Parking:</u> The developer shall provide bicycle parking at one bicycle parking space for every 20 vehicle parking spaces.
- 6. Handicapped Accessible Parking Requirements: Refer to American Disabilities Act (ADA) for Handicapped Parking requirements.
- 7. Additional Off-Street Parking Regulations: For all parking standards not covered in this section refer to Article X, Section 34-44, "Off Street Parking and Loading" of the Borough's Zoning ordinance.
- 8. <u>Driveway Orientation</u>: Ingress and egress driveways shall be angled perpendicular to the street.
- 9. Parking Area Dead Ends: Parking aisles ending in dead ends shall include maneuvering bump outs or circles to allow vehicles to turn around.

**Use and Bulk Requirements** 

- **10.** <u>Shared Parking</u>: A determination of the actual parking requirement for the project shall be based upon the shared parking opportunities provided by the mixed-use nature of the projects. The Applicant shall be required to submit a shared parking analysis as part of the site plan application before either the Planning Board. The shared parking analysis must be prepared by a qualified parking expert or licensed professional planner based on the anticipated hours of operation and specific operational characteristics of the anticipated users in the proposed development. The shared parking study should include the following steps:</u>
  - a. Determine the minimum parking requirement for the individual uses in the development project. The minimum number of parking spaces that are to be provided for each use shall be based on the parking ratios included in the Borough Zoning Ordinance;
  - b. Adjust for shared parking- The minimum parking requirement for each use shall be multiplied by the "occupancy rate" as indicated in the table below. The applicant and it's professionals shall provide documentation to the Board for any land uses not included in the table that are proposed for inclusion in the project. Absent documentation, which is subjective to review and approval by the Board, 100% of the required parking shall be included in the Shared Parking Study;
  - c. Tabulate the minimum parking requirement for each time period- Sum of the adjusted minimum parking requirements for each land use for each of the six time periods shall be calculated to determine an overall project minimum parking requirement for each time slot;
  - d. Total minimum parking requirement- The highest of the six time periods total shall be the minimum parking requirement for the mixed use development project;
  - e. In the event there is a change in the size, distribution or use of any of the project components than the property.

TABLE No Parking Occupancy Rates										
	Time Period									
	Weekdays			Saturday & Sunday						
Land Use	8am-6pm	6pm- Midnight	Midnight- 8am	8am-6pm	6pm- Midnight	Midnight- 8am				
Education	100%	20%	5%	10%	10%	5%				
Entertainment	40%	100%	10%	80%	100%	50%				
Hotel	80%	100%	100%	80%	100%	100%				
Institutional	100%	20%	5%	10%	10%	5%				
Office	100%	20%	5%	10%	10%	5%				
Theater	40%	80%	10%	80%	100%	10%				
Religious	20%	40%	5%	100%	50%	5%				
Residential	60%	100%	100%	80%	100%	100%				
Restaurant	70%	100%	10%	70%	100%	20%				
Retail/Commercial	90%	80%	5%	100%	70%	5%				

# 7.0: CONCEPTUAL SITE PLANS:

The following Figures represent conceptual plans for the proposed redevelopment area and are intended to only provide context. The written requirements of this redevelopment plan supercede any conceptual site plans or elevations shown within this report.



Figure 7.0: Perpective Renering Courtesy of Mistry Design



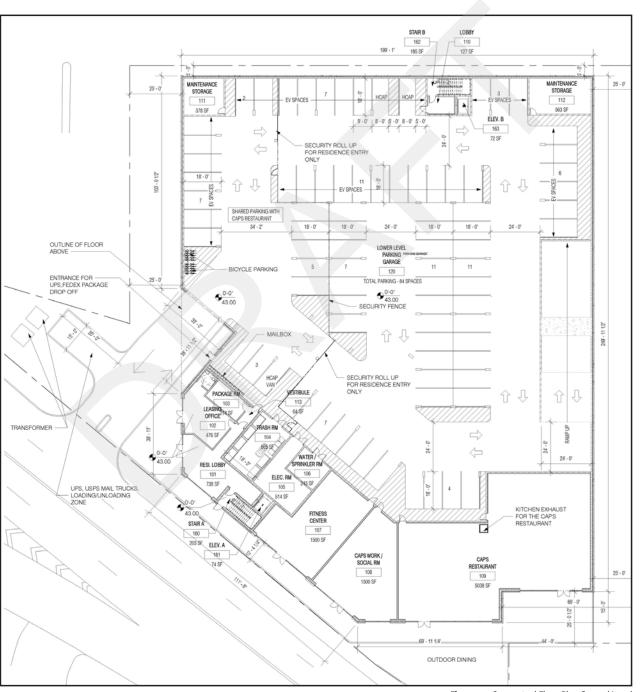


Figure 7.1: Conceptual Floor Plan Ground Level Courtesy of Mistry Design BOROUGH

OF



PARK

ELMWOOD

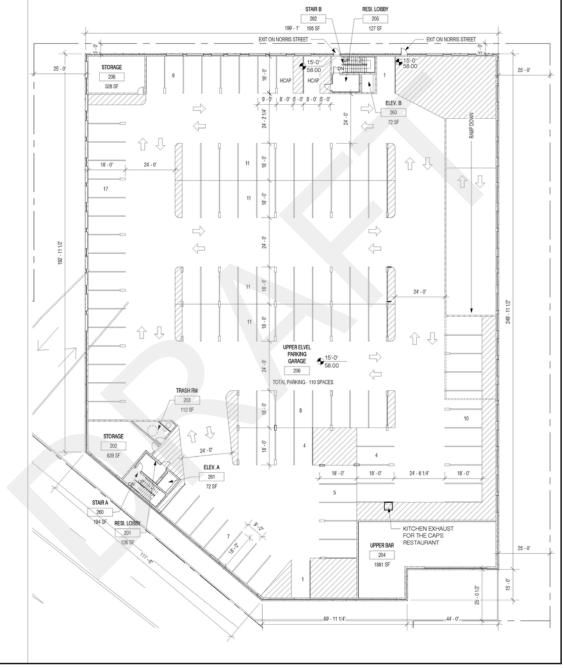


Figure 7.2: Conceptual Floor Plan Upper Parking Level Courtesy of Mistry Design



Figure 7.3: Conceptual Floor Plan Residential Levels Typ. Courtesy of Mistry Design

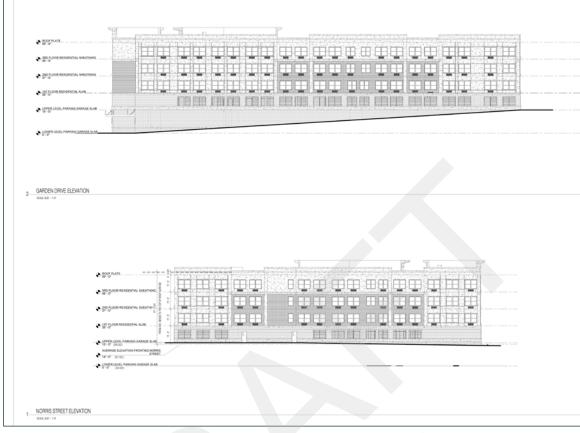


Figure 7.4: Conceptual Building Elevartions Courtesy of Mistry Design

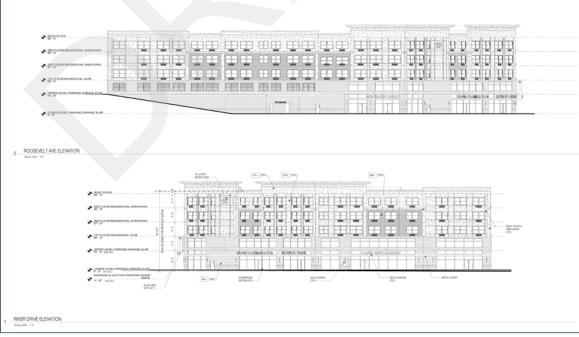


Figure 7.5: Conceptual Building Elevations Courtesy of Mistry Design



Figure 8.0: Mid-rise Building with pop out protrusions



Figure 8.1: Mid-rise mixed use building



Figure 8.2: Mid-rise Building with base, middle and top

# A. ARCHITECTURAL DESIGN STANDARDS:

The design standards in this section provide the criteria for the redevelopment area. Any future development is subject to these provisions and shall be built in accordance with the minimum design standards specified in this section.

- 1. Building Architectural Materials & Character:
  - a. All buildings shall be constructed with high quality materials that reinforce pedestrian scale;
  - All new structures shall take into consideration the relationship to other existing or proposed buildings, in terms of light air, usable open space, height and massing;
  - c. Primary building materials shall include: brick, stone, hard stucco, thin brick, and/or glass which cover a minimum of 60% of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 25% for each building façade;
    - Vinyl siding of any type or grade is strictly prohibited on any portion of building façade in the redevelopment area;
    - ii. Synthetic stucco materials such as EIFS are prohibited on any facade along a public street.
  - d. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are strongly recommended and should be provided to add special interest;
  - e. Special attention must be given to the design of windows at the base of buildings. Ribbon windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.

f. Buildings shall be broken up horizontally into a base, a middle and a top and vertically into bays, through the use of building articulation or change in materials. The base should not extend beyond the second level with an emphasis on providing design elements which enhance the pedestrian environment particularly at the street level.

## 2. Building Orientation:

- a. The building shall be oriented toward River Drive;
- b. The first floor of the building, including structured parking, must be designed to encourage and complement pedestrian scale and activity (See "Structured Parking" Requirements, below).

#### 3. Building Entrances:

- a. Building entrances should be easily identifiable with unique and interesting signage for each individual use through the use of canopies and individual retail, commercial and residential signage;
- b. Entrances for residential uses should be separate and distinct from retail / commercial uses.

#### 4. Structured Parking:

- a. Parking structures shall be screened on all sides with building uses or shall include, at a minimum, architectural materials, elements and treatments that are consistent with the design and quality of the residential building it services;
  - i. Structures shall include decorative architectural details such as building materials, windows, window treatments and detailing that are similar in size, scale and design to the residential buildings;
  - ii. Window openings alone do not comply with this requirement;
  - iii. Vehicles ramp shall be screened with architectural treatment.
- b. Ramps shall not be directly visible from any public street or adjacent residential use;
- c. Parking structures shall be screened from River Drive with, at a minimum, building materials and architectural treatment complementary to that of the residential facades above. These elements shall include decorative architectural details such as building materials, windows and detailing;
  - i. Cabling or exposed concrete alone does meet the screening requirement.
- d. Driveway and garage openings should not exceed 28'-o" in width and should include traffic calming measures and a change in surface materials where driveways cross the sidewalk to help ensure pedestrian and bike safety.

## 5. Mechanical Equipment Screening:

- a. Screening of ground floor mechanical equipment is required;
- b. Screening of rooftop mechanical equipment is required;
- c. All rooftop mechanical equipment, shall be screened from view from all adjacent public streets, open spaces and parks in all directions and elevations to minimize the negative impact.
- d. Screening materials shall be consistent with the architectural detail, color and materials of the building; Wire mesh screening is not permitted;
- e. Any roof and HVAC systems must meet the building code requirements and at minimum be set back from the building edge a minimum of 15'-0" from any street or public open space and screened as to not be visible from any adjacent public street or public property;
- f. If wall pack ventilation units are being used they are required to compliment the building material color.

**Design Standards** 

#### 6. Openings / Ventilation:

- a. Any openings for ventilation, service, or emergency access located at the first floor level must be decorative and must be an integral part of the overall building design.
- b. Openings as well as pedestrian and vehicular entrances must be designed so that cars parked inside are not directly visible from the street.

#### 7. Signage Design Standards:

a. The signage standards for the redevelopment area shall be subject to the requirements identified in §34-30 et seq. in the Borough's zoning ordinance.

#### **B. STREETSCAPE DESIGN STANDARDS:**

A successful neighborhood is not complete until its parks, open space, sidewalks and streetscape have been designed and "furnished". The items that are referred to as streetscape elements include street lights, sidewalks, benches, trash receptacles flagpoles and other street furniture which reinforce the character of the street and the neighborhoods.

The following section addresses an overall approach for the design of streetscape elements that are to be considered as part of the redevelopment plan. These standards are meant to establish the minimum criteria that will be required for the design and implementation of streetscape, parks and open space improvements.

- **1. Street Trees:** Street trees shall be planted at an equivalent to 30'-0" on center along all public street frontage.
  - a. Trees should be installed at a 3.5" caliper;
  - b. Prior to installation a 4'-o" by 8'-o" minimum area should be treated and prepared for tree root growth;
  - c. A minimum 2 year watering plan should be put into place (Gator bags);
  - d. Trees planted in open landscape areas shall have a minimum 4' x 8' landscape area;
  - e. Street trees shall be trimmed up to 8'-o" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

#### 2. Planting Pots & Planters:

- a. Pots and planters may be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety;
- b. Pots and planters may be placed in such a way that pedestrian or vehicular traffic is not disturbed, and may function as a separation between pedestrians and vehicles.

#### 3. Bicycle Racks:

a. Bicycle racks should be permanently mounted and placed in convenient locations to encourage bicycle use, so as not to obstruct views.

# 4. Utility Accessories:

- a. Utility boxes, meters, man hole covers and fire hydrants should be coordinated with other streetscape accessories;
- b. Utilities should be readily accessible and placed so as not to obstruct pedestrian movement;
- c. Utility locations should minimize visual and physical impact as much as possible.

# 9.0 RELATIONSHIP OF THE REDEVELOPMENT PLAN TO STATE / COUNTY / LOCAL MASTER PLAN STUDIES:

A. State Development and Redevelopment Plan (SDRP):

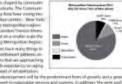
In reviewing the New Jersey State Development and Redevelopment Plan Volumes 1 - 4 the following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

- 1. Volume II State Plan Goals and Policies include the following:
  - a. <u>Revitalize the State's Cities and Town Centers:</u> Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals.
  - b. <u>Conserve the State's Natural Resources and Systems</u>: Conserve the State's natural resources and systems by planning the location and intensity of growth to maintain natural resource and systems capacities and make the necessary infrastructure investments to protect natural resources and systems in ways that guide growth and development in ways that are consistent with the State Plan's vision and goals.
  - c. Promote Beneficial Economic Growth: Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents by providing infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards, by encouraging partnerships and collaborative planning with the private sector and by capitalizing on the State's strategic location, economic strengths including its existing business enterprises, entrepreneurship, the research and development of the Borough of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.
  - d. <u>Protect the Environment, Prevent and Clean up Pollution</u>: Protect the environment, prevent and clean up pollution by planning for growth in compact forms at locations, densities and intensities that protect land, air and water quality, allow expeditious regulatory reviews and encourage multi-modal transportation alternatives to the automobile to help achieve and maintain acceptable air quality standards.
  - e. <u>Provide Adequate Public Facilities and Services at Reasonable Cost:</u> Provide adequate public facilities and services by supporting investments based on comprehensive planning and by providing financial incentives for jurisdictions that cooperate in providing public infrastructure and shared services. Encourage the use of infrastructure needs assessments and life-cycle costing. Provide adequate public facilities in ways that are consistent with the State Plan's vision and goals.
  - f. <u>Provide Adequate Housing at Reasonable Cost</u>: Provide adequate housing at reasonable cost

#### The State Plan Pedroy Map (SPPM) National Artists

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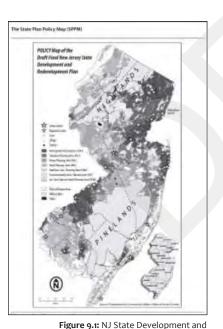
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Figure 9.0: NJ SDRP State Plan Map Metropolitan Area 1



Redevelopment Plan Policy Map

through public/private partnerships that create and maintain a full range of attractive, affordable, and environmentally sensitively-designed and developed housing, particularly for those New Jersey State Development and Redevelopment Plan most in need, at densities and locations that provide greater efficiencies and serve to support public transportation alternatives and reduce commuter time and expense and easily accessible to employment, retail, cultural, civic and recreational opportunities to reduce housing and commuting costs in ways that are consistent with the State Plan's vision and goals.

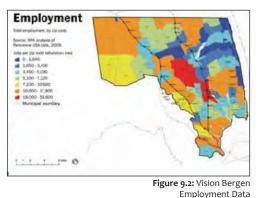
- g. Preserve and Enhance Areas with Historic, Cultural, Scenic Open Space, and Recreational Value: Preserve, enhance, and use historic, cultural, scenic and recreational assets by collaborative planning, design, investment and management techniques. Locate and design development and redevelopment and supporting infrastructure to improve access to and protect these sites. Support the important role of the arts in contributing to community life, civic beauty and redevelopment in ways that are consistent with the State Plan's vision and goals.
- Ensure Sound, Coordinated and Integrated Statewide Planning:
   Ensure sound, coordinated and integrated statewide planning by using the State Plan as a guide to planning and growth related decisions at all levels of government in ways that are consistent with the State Plan's vision and goals.
- i. Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions: Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions by promoting the improved coordination and integration of transportation planning and land-use planning and decision-making to reduce vehicle miles traveled (VMT); and by the citing, development, design and use of greenbuilding construction materials and techniques in ways that are consistent with the State Plan's vision and goals.
- 2. The State Planning Act (N.J.S.A. 52:18A-196 et. seq.) states:
  - a. "Among the goals of the act is the following: ... conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate

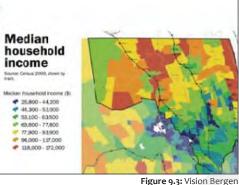
public services at a reasonable cost while promoting beneficial economic growth, development and renewal."

- b. "It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state." (N.J.S.A. 52:18A-196 (d))
- 3. The State Plan Policy Map (SPPM)
  - Recognizes that New Jersey requires different approaches in its Metropolitan, Suburban, Rural and Environmentally Sensitive Planning Areas. The New Jersey State Development and Redevelopment Plan adopted by the State Planning Commission, places the Borough of Elmwood Park in Planning Area 1 - the Metropolitan Planning Area and states:
  - b. The Metropolitan Planning Area: This Planning Area includes a variety of municipalities that range from large Urban Centers to 19th century towns shaped by commuter rail and post-war suburbs. The Communities in this Planning Area have strong ties to major metropolitan centers

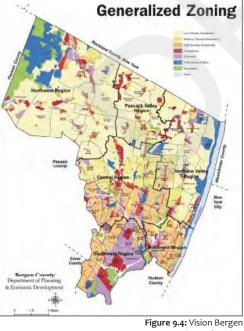
     New York/Newark/Jersey Borough metropolitan region; the Philadelphia/Camden/Trenton Metropolitan Region; and on a smaller scale the Easton/Phillipsburg Metropolitan Region.
  - c. These municipalities have many things in common: mature settlement patterns; infrastructure systems that are approaching their reasonable life expectancy; an aging housing stock in need of rehabilitation; recognition that redevelopment will be the predominant form of growth; and a growing realization of the need to regionalize services and systems. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has attracted significant immigration, resulting in noticeable changes in demographic characteristics overtime.
  - d. In the Metropolitan Planning Area, the State Plan's intent is to do the following:
    - Provide for much of the State's future development and redevelopment;
    - Revitalize Cities and Towns;
    - Take advantage of increased densities and compact building design;
    - Encourage distinctive, attractive neighborhoods with a strong sense of place;
    - Provide for mixed-use concentrations of residential and commercial activity;
    - Create a wide range of residential housing opportunities and choices with income mix;
    - Provide for a variety of multi-modal transportation alternatives;
    - Prioritize clean-up and redevelopment of brownfields and greyfields sites;
    - Create cultural centers of state-wide significance;
    - Re-design any existing areas of low-density sprawl;

**Relationship of Redevelopment Plan** 





Medium Household Income



#### General Zoning

#### B. Bergen County Master Plan:

The Bergen County Master Plan was last adopted in 1962, and the most recent Land Uses Element was adopted in 1973. In June of 2011 the county completed the Vision Bergen Plan, which is the visioning component of the Bergen County Master Plan, and is the most up-to-date review of conditions in the County. The following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

- Bergen County Master Plan Overview: 1.
  - a. The Bergen County Department of Planning and Economic Development is undertaking a county-wide planning effort that will result in the first County Master Plan in some time.
  - b. The Master Plan will create a unifying vision for the County's 70 municipalities and help them plan for sustainable growth while protecting environmental resources. Development of the Master Plan will be a collaborative process involving the County, municipalities, regional agencies, public and private sector stakeholders and Bergen County citizens.
- 2. Draft Report:
  - a. The Draft Report provided on the Bergen County Master Plan website includes the following descriptions:
    - Future growth will primarily occur through redevelopment and infill;
    - Redevelopment provides opportunities to create new public spaces and green areas in places that have none;
    - Redevelopment on a large scale using green guidelines has the potential over time to significantly ameliorate many of the county's storm water run-off and water quality issues;
    - Redevelopment can occur spontaneously and be privately driven, or it can take place as a result of a public initiative, usually under the jurisdiction of a local redevelopment agency.

- C. Borough of Elmwood Park's 2010 Master Plan Study and 2020 Re-examination Report Supporting Redevelopment Plan General Objectives from the 2010 Master Plan:
  - 7. To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial and industrial uses and open space both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey Citizens;
    - Response: The project provides 25 foot setbacks along all existing residential property lines which is consistent with the existing zoning.
  - 11. To encourage senior citizen housing;
    - Response: The project requires 40 age restricted residential units.
  - 2010 Master Plan Goals
  - 6. 2010 Goal: To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations, to serve the Borough and region.
    - Response: The project permits up to a maximum 152 residential units in an area that would support the existing commercial uses along River Drive.
  - 14. 2010 Goal: To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule.
    - Response: The project meets the goals and objectives for Planning Area 1 per the State Objectives..
  - 2010 Goal: To provide affordable housing consistent with the regulations set forth by the Council on Affordable Housing (COAH)
    - Response: The project requires the developer to either provide, pay for or negotiate with the Borough to meet COAH requirements.
  - 23. 2010 Land Use Recommendations: Add specific design guidelines addressing topics such as architecture, parking, streetscape, lighting, and circulation to the LDO as part of the



Figure 9.5: 2020 Elmwood Park Master Plan Re-examination

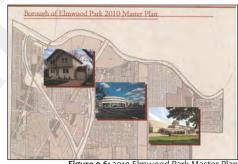
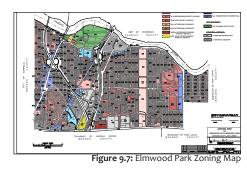


Figure 9.6: 2010 Elmwood Park Master Plan



Central Business District regulations and encourage mixed use land uses.

- Response: The project includes design standards and regulations beyond typical zoning.
- 36. 2010 Recommended Zoning Amendment: Includes the following language: RSIS should not be utilized to calculate parking standards for multi-family residential projects. Requirements for these projects should be informed by market-based parking projections. General, parking in excess of the anticipated demand should not be provided, and shared parking is strongly encouraged. Tandem parking should be permitted in circumstances where valet services are employed, or for two-bedroom units.
  - Response: The project permits lower parking ratios based on comparable projet types throughout Bergen County.

The Master Plan report noted that:

- 2. The Borough's 2020 Master Plan Re-examination Report contains the following goals and objectives to support the proposed redevelopment:
  - Policy Recommendation 9: Increase maximum coverage ratios for multi-family and townhouse/ two-family building typologies;
  - **Policy Recommendation 10:** Develop standards for mixed use buildings and incorporate them into the zoning ordinance;
  - Policy Recommendation 11: Reevaluate parking requirements and consider alternative parking strategies;
  - Policy Recommendation 14: Modernize bulk standards for multi-family and townhouse uses;
  - **Policy Recommendation 15:** Simplify multi-family zoning regulations.
  - **Policy Recommendation 17:** Review street and sidewalk requirements to allow businesses to bring goods to sidewalks and permit outdoor dining.
  - Response: The project permits increased maximum coverage ratios, provides development standards, permits more appropriate parking ratios and requires streetscape and sidewalk improvements.
- D. Neighboring Community Master Plans:

Information for the Master Plans of the adjacent municipalities have been included as stated in the 2020 Master Plan Re-examination Report which includes the following information:

- <u>Township of Saddle Brook:</u> The Township of Saddle Brook's Master Plan is from 2004 and the latest Master Plan Re-examination from 2014. The 2004 Master Plan Goals and Objectives related to this redevelopment plan is to retain the residential character and develop multi-family development in the appropriate locations. The proposed redevelopment project will not have an impact on the Township.
- 2. <u>City of Garfield:</u> The City of Garfield's Master Plan was adopted in 2002 and their Master Plan Reexamination in 2014. Sections and the goals and objectives of the Master Plan that are consistent

#### ELMWOOD BOROUGH OF PARK

with this Redevelopment Plan are utilizing redevelopment for continued growth due to the developed nature of the City and the lack of vacant land, to promote the continued maintenance and rehabilitation of the City's housing stock, to maintain and enhance areas of stability in the community by encouraging the proper relationship between land uses and establishing areas with a uniformity of purpose, and continue efforts to promote the revitalization of the commercial corridors by defining their functional role in the City through an appropriate mixture of activities and facilities to serve the community. The proposed redevelopment project will not have an impact on the City.

- 3. <u>City of Clifton:</u> The City's latest Master Plan Re-examination is from 2008. The goals from the City's Re-examination include maintaining and enhancing its housing stock, affirmatively addressing its low and moderate income housing obligation, reusing and rehabilitating commercial and industrial uses, and revitalizing older business areas and its Main Avenue into pedestrian-friendly downtown business districts. The proposed redevelopment project will not have an impact on the City.
- 4. Borough of Fair Lawn: The Borough of Fair Lawn adopted a new Master Plan in 2014. The Borough seeks to enhance its commercial areas through effective design, promote sustainable land use, preserve the integrity and value of existing residential neighborhoods, and promote walkability, mass transit use and safe circulation. The proposed redevelopment project will not have an impact on the Borough.
- E. Neighboring Passaic County Community Master Plans:
  - 1. <u>City of Paterson:</u> The City of Paterson's Master Plan titled "Looking Forward" was adopted in March of 2014. The general goals of the plan include to revitalize the City of Paterson, to guide the future development of the City, to the improve the quality of life for all residents of the City within the present and future, to coordinate previously fragmented plans for the City, to improve public safety throughout the City, to embrace the urban character of the City, to respect and enhance the rich, and diverse culture and history of the City, and to increase resilience to storms and flood events. The proposed redevelopment project will not have an impact on the City.
- F. Passaic County Master Plan:
  - 1. Passaic County Master Plan Overview:
    - a. The Passaic County Master Plan is comprised of several elements including, the Transportation Element, Corridor Enhancement Program, Green Stormwater Infrastructure Element, Highlands Element and Regional Master Plan, Parks, Recreation and Open Space Master Plan and Sustainability Element.
    - b. The Transportation Element includes the following descriptions:
      - Redevelopment of older central business and industrial districts is a growing priority, with new interest in housing near transit stations;
      - The potential to accommodate growth industries in transit oriented redevelopment sites should be explored.

Relationship of Redevelopment Plan

# APPENDIX 10 ELM PARK 401-407 RT 46 W.



# 401 - 407 Route 46 Redevelopment Plan

Block 1808; Lots: 7 & 9

BOROUGH OF ELMWOOD PARK, BERGEN COUNTY, NEW JERSEY May 2023

> Prepared by: DMR Architects 777 Terrace Avenue Hasbrouck Heights, NJ 07604

Date: May 2023 License #: Ll00616700

Francis Reiner, LLA - PP

#### **ACKNOWLEDGEMENTS:**

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#### **Planning Board**

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i.

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DMR Architects

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Figure 1.0: Borough of Elmwood Park - Redevelopment Area Location

#### **1.0: BACKGROUND INFORMATION:**

The Borough of Elmwood Park recognizing the importance of continued growth within the Borough have expressed great interest and support for redevelopment projects in certain areas of the community. With the continued efforts for future growth and development the Borough has recognized the tool of Redevelopment Planning to map and guide these redevelopment efforts.

The Mayor and Council for the Borough of Elmwood Park adopted Resolution # 303-21 designating the properties at Block 1808, Lots 7 and 9 having a street address of 401-407 Route 46 as an area in need of redevelopment for non-condemnation purposes, based on the criteria at N.J.S.A. 40A-12A-5, also known as the Local Redevelopment and Housing Law (LRHL).

As per Resolution # 105-22 the Borough's Mayor and Council approved the Study prepared by DMR Architects as an area in need of redevelopment for non-condemnation purposes.

Elmwood Park represents a premier location in Bergen County that supports residential and mixed-use development. The Borough has transportation access with Route 80, Garden State Parkway and Route 46 road network transversing through the Borough.

As part of the on-going initiatives to promote revitalization, the Borough has directed DMR Architects to craft this redevelopment plan for 401-407 Route 46 to support the goals and vision for redevelopment opportunities within the Borough.

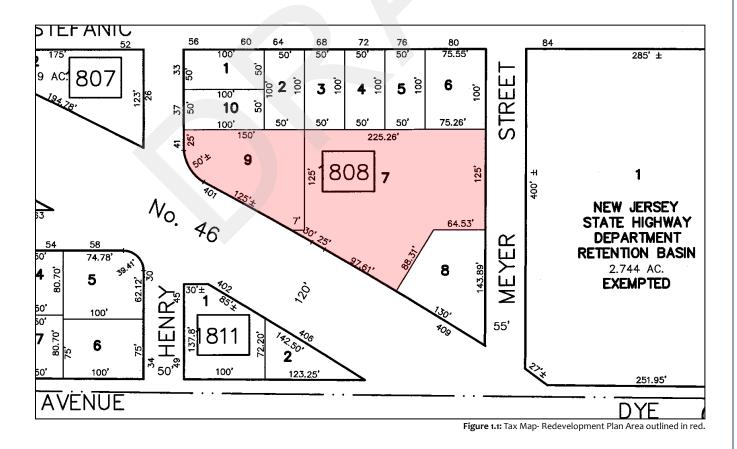




Figure 1.2: Google Earth Image of Redevelopment Plan Area

#### 2.0: INTRODUCTION:

#### A. BASIS FOR THE PLAN:

This Redevelopment Plan has been prepared for Block 1808, Lots 7 and 9, located at 401-407 Route 46.

On August 8th 2021 as per Resolution 303-21 the Mayor and Council requested the Planning Board undertake a preliminary investigation to determine if the delineated area of Block 1807, Lots 7 and 9, located at 401-407 Route 46, meets the criteria for designation as a "non-condemnation" area in need of redevelopment.

As per resolution R-105-22, the Governing Body for the Borough of Elmwood Park voted to approve that the above mentioned properties meet the criteria of an Area in Need of Redevelopment with non condemnation under the New Jersey Local and Redevelopment Housing Law (LRHL) at N.J.S.A. 40A-12A-5.

By resolution R-105-22, the Mayor and Council authorized DMR Architects to prepare this redevelopment plan in accordance with the LRHL.

#### B. SURROUNDING AREA CONTEXT:

The properties are located within the C-G General Commerce Zone. The surrounding uses of the subject properties include but are not limited to commercial uses to the east and west including a gas station on Route 46, single-family homes to the north and commercial and single-family homes to the south. The surrounding zoning districts are the C-G the R-5 (Low/Medium Density Housing) and the R-18 (Medium/ High Density Housing).

#### C. PROPERTY INFORMATION:

The Study Area consists of two (2) tax parcels having a combined area of approximately 1.34 acres or 56,802 square feet (SF). The two (2) properties are identified as:

- <u>Block 1808, Lot 7: / 407 Route 46 West</u>: The property is a 0.65 acre, 28,314 square foot irregular shaped lot. Existing on the property is a one (1) story stucco building with a pitched roof previously occupied The Victorian, a banquet hall use. Associated with the property is a parking lot with approximately 77 parking spaces. There are two (2) curb cuts off Route 46 West for ingress and egress to the property and one (1) curb cut off Meyer Street. The property is currently vacant.
- <u>Block 1808, Lot 9: / 401 Route 46 West</u>: The property is a 0.17 acre, 7,405 square foot corner lot. Existing on the property is a two (2) story brick and shingled single family home. The property's frontage is on Route 46 West. The parking area for the single family home is to the east, adjacent to The Victorian.



Figure 2.1: Redevelopment Plan Area outlined in yellow

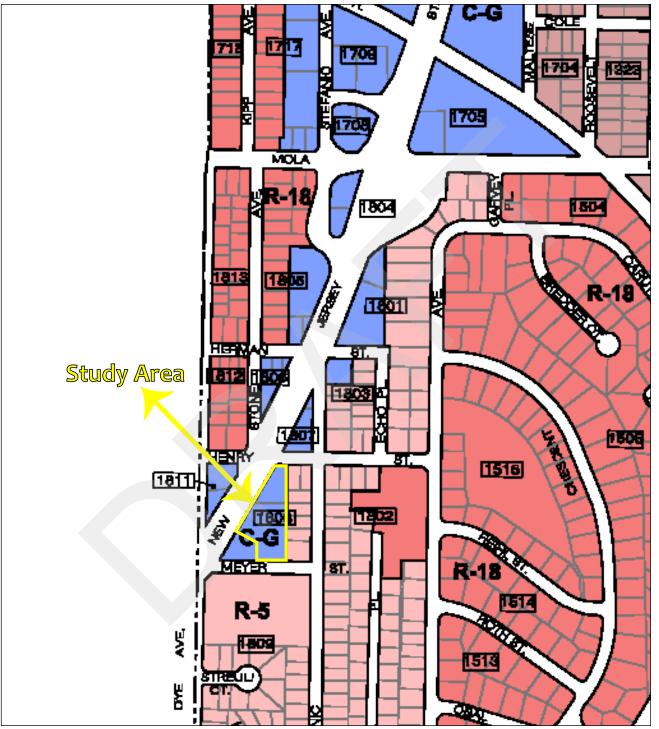


Figure 2.1: Existing Zoning Map - Redevelopment Plan Area outlined in yellow

#### 3.0: GENERAL PROVISIONS:

#### A. COMPLIANCE REQUIRED:

No board, agency, officer or employee of the Borough shall issue, grant or approve any permit, license, certificate or other authorization, including variances and other authorizations by the Board of Adjustment, for any construction, reconstruction, alteration, enlargement or moving of any building or for any use of any land or building that would not be in full compliance with the provisions of this chapter. Any such permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of this chapter shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or other authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the Borough purporting to validate any such violation.

#### B. 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.

#### C. NON-DISCRIMINATION PROVISIONS:

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by the developer or any of his/her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. Any contractor or subcontractor engaged to perform work within the Redevelopment Area shall, where applicable, state in all solicitations or advertisements for employees placed by or on behalf of the contractor, or subcontractor, that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability or sex.

There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof.

#### D. DURATION OF THE PLAN:

The provisions of this Redevelopment Plan and the restrictions with respect thereto shall be in effect for a period of thirty (30) years from the date of approval by the Borough Council.

#### E. DEVIATION REQUESTS:

In accordance with N.J.S.A. 40:55D-70 c(1), the Planning Board may grant variances allowing 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 such 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.

In accordance with N.J.S.A. 40:55c(2), the Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the Plan and the benefits of the deviation would substantially 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 this Redevelopment Plan. An application for a variance 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, any deviation from any of the Conditional Uses or any change requiring a "d" variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Council and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

#### F. PROCEDURE FOR AMENDING THE APPROVED PLAN:

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of State law. If the designated redeveloper requests such amendment said redeveloper shall pay an application fee of \$3,500 and shall further reimburse the Borough for reasonable consulting costs, fees and expenses to undertake such amendment.

#### G. REDEVELOPER DESIGNATION REQUIREMENT:

Only redevelopers designated by the Borough by resolution of the Governing Board and having executed a Redevelopment Agreement with the Borough may proceed to implement the redevelopment projects set forth in this Redevelopment Plan before the Planning Board of the Borough. In order to ensure the vision of this Redevelopment Plan will be successfully implemented in an effective, comprehensive, and timely way, and in order to promptly achieve the public purpose goals of the Plan, the Borough will select the redeveloper in all areas governed by this Redevelopment Plan. Any party not specifically designated as the "redeveloper" as set forth above shall not have the standing to proceed before the Planning Board for site plan approval."

#### 4.0: REDEVELOPMENT PLAN COMPONENTS:

#### A. REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN:

N.J.S.A. 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, or redevelopment, of the Redevelopment Area sufficient to indicate the following:

- 1. Its relationship to definite local objectives as to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- 2. Proposed land uses and building requirements in the project area.
- 3. Adequate provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of which decent, safe, and sanitary dwelling units affordable to displace residents will be available to them in the existing local housing market.
- 4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with this plan.
- 5. Any significant relationship of the redevelopment plan to:
  - The master plans of contiguous municipalities;
  - The master plan of the county in which the municipality is located;
  - The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, c.398 (C.52:18A-196 et al.).
- 6. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- 7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
- 8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
- 9. The redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
- 10. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice

beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

All provisions of a redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

#### B. NOTE ON PLAN TERMINOLOGY:

Throughout this Redevelopment Plan, a distinction is made between "shall" and "should."

"Shall" means that a developer is required to comply with the specific regulation, without deviation. "Should" means that a developer is encouraged to comply but is not required to do so.

#### C. TEMPORARY AND PERMANENT RELOCATION:

The Local Redevelopment and Housing Law requires that any redevelopment plan make adequate provision for temporary or permanent relocation of any resident in the project area. The property includes an existing residence, none of which are deed restricted affordable. The developer shall assist in identifying housing opportunities within the Borough of Elmwood Park for the relocation of any residents prior to start of construction.

#### D. IDENTIFICATION OF PROPERTY TO BE ACQUIRED:

The Local Redevelopment and Housing Law requires that any redevelopment plan identify any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. The area has been designated as a non-condemnation Redevelopment Area. As such the Borough is not authorized to use eminent domain to acquire any properties with the redevelopment area.

#### E. AFFORDABLE HOUSING:

The developer shall either construct affordable housing units within the development, contribute to the Borough's affordable trust fund or negotiate through a redevelopers agreement to assist the Borough in meeting its COAH obligations.

#### F. LONG TERM FINANCING CONSIDERATIONS:

Due to the size, scale, vital location and anticipated nature of the potential projects contemplated under this plan, the Borough anticipates that it would be eligible for a PILOT if the project commences within five (5) years of plan adoption. After that time, the specific economic conditions would have to be reevaluated to determine the duration of an exemption that would be deemed financially feasible and appropriate. The actual entry of any financial agreements for a long term tax exemption are subject to governing body approval under the processes required by law. In order for the Borough to determine if a PILOT is necessary the developer would be required to submit a preliminary fiscal impact analysis as part of the process.

#### G. TRAFFIC STUDY:

A traffic study shall be provided as a part of any site plan submission to the Planning Board. The study should determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and reasonable traffic conditions and reduce the negative impacts created by the development for existing intersections within the vicinity of the project. If the Planning Board deems the impacts have a negative impact, the applicant shall take necessary steps to rectify such impacts.

#### H. SHADOW STUDY:

A shadow study shall be provided as part of any site plan application pertaining to this redevelopment in order to determine if there are any impacts to the adjacent property owners.

#### I. SEWER, WATER, AND STORMWATER SYSTEM IMPROVEMENTS:

The developer is fully responsible for the cost to upgrade any required utilities including but not limited to, sewer, water, and/or stormwater infrastructure servicing the property where such upgrades are necessary to support the new development.

#### I. PUBLIC ELECTRIC VEHICLES:

This Redevelopment Plan shall comply with State regulation P.L. 2021, c 171 an ordinance pertaining to electric vehicle supply/service equipment (EVSE) and make ready parking spaces.

#### J. PROJECT SIGNAGE:

The Redeveloper shall erect signage at locations to be determined by the Redeveloper and Borough within 30 days of receiving approval from the Planning Board that contains a rendering or renderings of the finished Project and other details concerning the Project that shall be agreed to by the Redeveloper and Borough Manager.

#### K. EXISTING ZONING:

The properties are located in the C-G General Commercial Zone. The standards for the existing zoning as they relate to this property are superseded by the standards of this Redevelopment Plan, within the boundaries of the Redevelopment Area.

#### L. MASTER PLAN CONSISTENCY:

This plan is consistent with the State Plan, County Plan and the Borough of Elmwood Park's Master Plan and Re-examination Studies identified in Section 9.0 of this report specifically:

- 1. 2010 Master Plan Goals and Objectives:
  - a. **Goal 6**: To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations, to serve the Borough and region.
    - Response: The proposed multi-family development provides housing that supports this goal along with supporting existing commercial uses along the Route 46 corridor.
  - b. **Goal 8:** To preserve and enhance the Borough's commercial areas, located along Market Street, Broadway, and Route 46, by defining their functional role in the community.

**Redevelopment Plan Components** 

- Response: The proposed multi-family development enhances the Route 46 corridor by replacing a vacant building and single family home and in turn developing a new building that will support and enhance the Route 46 commercial corridor.
- c. **Goal 14:** To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule.
  - Response: The property is located in Planning Area 1 which includes the stated goals and objectives outlined in Section 9 of this plan.
- d. **2010 Land Use Recommendations:** Add specific design guidelines addressing topics such as architecture, parking, streetscape, lighting, and circulation to the LDO as part of the Central Business District regulations and encourage mixed use land uses.
  - Response: The Redevelopment Plan includes architectural and streetscape design standards that meet the intent of the land use recommendation.
- e. **2010 Recommended Zoning Amendment:** Includes the following language: RSIS should not be utilized to calculate parking standards for multi-family residential projects. Requirements for these projects should be informed by market-based parking projections. General, parking in excess of the anticipated demand should not be provided, and shared parking is strongly encouraged. Tandem parking should be permitted in circumstances where valet services are employed, or for two-bedroom units.
  - Response: The Redevelopment Plan includes parking standards that are consistent with other multi-family residential developments within the Bergen County area.
- f. Revised the C-G Zone for Conditional Use. The C-G Zone should be revised to permit apartments as conditional uses in order to encourage the improvements of the use and appearance of these areas with future development.
  - *Response:* The proposed multi-family development will improve the use and appearance of the Route 46 corridor and the C-G Zone.
- g. In addition, the Master Plan report noted the following Policy Recommendations:
  - Policy Recommendation 9: Increase maximum coverage ratios for multi-family and townhouse/ two-family building typologies;
  - Policy Recommendation 10: Develop standards for mixed use buildings and incorporate them into the zoning ordinance;
  - Policy Recommendation 11: Reevaluate parking requirements and consider alternative parking strategies;
  - Policy Recommendation 14: Modernize bulk standards for multi-family and townhouse uses;
  - Policy Recommendation 15: Simplify multi-family zoning regulations.
  - Policy Recommendation 17: Review street and sidewalk requirements to allow businesses to bring goods to sidewalks and permit outdoor dining.

#### 5.0: DEFINITIONS:

#### **M. DEFINITIONS:**

It is the intention of this Redevelopment Plan to supersede existing zoning (except as noted herein) as provided under the Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1, et seq. However, this plan adopts the definitions of the Borough's Zoning Ordinance Section 34-3 by reference. The definitions of the Borough's Zoning Ordinance shall apply, unless this plan provides a superseding definition. The definitions defined in Section 34-3 apply to the redevelopment area with the exception of the following terms:

**MULTI-FAMILY:** Housing accommodations that are designed principally for residential use, conform to standards satisfactory to the Secretary of Housing and Urban Development, and consist of not less than five (5) units on 1 site. These units may be detached, semidetached, row house, or multifamily structures.

**PARKING STRUCTURE / STRUCTURED PARKING:** A building or structure consisting of one or more enclosed levels and used to park motor vehicles.

**POP-OUT / PROTRUSION:** A portion of the primary building facade that projects into the building setback at the ground level.

**PRIMARY FACADE:** The exterior building facade as measured from the face of curb not including any popout or protrusions.

**REDEVELOPER:** Any person, firm, corporation or public entity that shall voluntarily seek and be designated as a Redeveloper by the Borough Council or Redevelopment Entity and shall enter into a Redevelopment Agreement as set forth in Section 5 of this Rehabilitation Plan, all in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**ROOF TOP AMENITY SPACE:** An indoor or outdoor space on a lot or building that is communal and available for use by the occupants of a building on the lot for recreational or social activities.

**STORY, GROUND:** Also, first story, ground floor. The first story of a building other than a basement or cellar.

**STORY, UPPER:** All stories and floors above the first story.

**STREET FURNITURE:** The elements of streetscape, including but not limited to benches, bollards, news-racks, trash receptacles, tree grates, hardscape, seat-walls, street lights, and street trees.

#### 6.0: ZONING:

- PERMITTED USES: Δ.
- Purpose: This section establishes the uses permitted within the Redevelopment Area including accessory 1. uses.
- Permitted Principal Uses: The following uses are permitted: 2.

#### a. Residential:

- i. Multi-family (apartments/condominiums)
- Prohibited Uses: Any use not expressly stated as a permitted or accessory use is considered a prohibited use 3. for this Redevelopment Plan. In addition, the following uses are explicitly prohibited:
  - a. Any uses or business categories explicitly prohibited in Chapter 34 of the Borough Code;
  - b. Cell phone tower / antennas;
  - c. Cannabis related uses;
  - d. Childcare establishments;
  - e. Drive-through establishments.
- 4. All building facades facing a public street shall be designed as a primary building facade and shall be designed to include all of the required components of the Building Architectural Materials & Character within Section 8.0 the Design Development Standards of this Redevelopment Plan;
- ACCESSORY USES: R.
- Any uses which are clearly or customarily ancillary and incidental to a principal or conditional permitted use 1. on the same property including but not limited to;
  - a. Lobby, sales, management, leasing offices;
  - b. Conference center, meeting rooms, business center, billiards, pool, game, arcade, simulator, spa, lounge (for tenant use only);
  - c. Community kitchen (for tenant use only);
  - d. Drop off / package delivery area, loading spaces and docks, recycling and refuse storage areas (for tenant use only);
  - e. Recreational facilities (indoor / outdoor) including but not limited to active or passive amenity courtyard space and/or terraces, roof top, pool, fitness center and multipurpose rooms (for tenant use only);
  - f. Pet boarding (for tenant use only);
  - g. Lockers and storage including for mail parcels and packages (for tenant use only);
  - h. Fitness room (for tenant use only);
  - i. Co-Working space (for tenant use only);
  - j. Storage (for tenant use only);
  - k. Laundry room (for tenant use only);
  - I. Parking (structured, sheltered, or surface), subject to the standards at Section 6.0, and Section 8.0 of this Redevelopment Plan.
- Accessory structures shall comply in all respects with the requirements of the principal structure; 2.
  - a. No accessory structure shall be located in any front yard with the exception of a transformer, which shall

Use and Bulk Requirements

be screened with landscape planting;

- b. No portion of an accessory structure shall include living quarters;
- c. Accessory structures below grade shall have a minimum rear or side yard of twenty feet when not abutting a street;
- d. No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking (surface / sheltered / structural), which may be constructed prior to the primary use;
- e. In no event shall the height of an accessory structure exceed the permitted height of the principal building;
- f. All parking shall be architecturally screened so that no vehicles can be directly seen from any public street or adjacent dwellings with the exception of the garage entrance per the Development and Place Making Design Standards of this Redevelopment Plan;
- g. Rooftop amenities are permitted as long as they are reserved for residents of the building.
- C. BULK STANDARDS: DENSITY, AREA, YARD AND HEIGHT REQUIREMENTS:

The following requirements apply to all development projects which shall meet the following criteria:

- 1. Minimum Lot Area: 0.75 AC
- 2. <u>Dwelling Unit Size:</u>
  - a. Minimum unit size for a one (1) bedroom unit is 650 square feet;
  - b. Minimum unit size for a two (2) bedroom units is 750 square feet.
  - c. Three bedroom units are not permitted unless required to meet affordable housing requirements.
- 3. Minimum Building Front Yard Setback: Route 46 / Meyers Street / Henry Street: 10'-0"
  - a. Projections such as retaining walls, horizontal awnings are not subject to this setback requirement and shall meet all building department requirements;
  - b. Internal drives / aisles are not considered public street frontages;
  - c. Parking for the proposed development may be within the front yard setback;
  - d. Fire protection access shall be provided on the east side of the proposed building from Meyers Street;
  - e. Utility structures, backflow preventers, or other similar devices when located above grade, must be screened;
  - f. Utility structures located below grade may be located within the setback and on Route 46.
- 4. Minimum Building Rear Yard Setback: 20'-0"
  - a. A minimum 10'-0" clear zone area shall be provided between the building and the property line;
  - b. A minimum 5'-o area shall be provided for landscape planting / buffer between the building and the property line;
- 5. Minimum Parking Setbacks: Route 46 / Meyers Street / Henry Street: 5'-0"
- 6. Maximum Number of Units: 58 units
- 7. Maximum Number of Stories/Building Height: 4 Stories / 50'-0"
  - a. Building shall be a maximum of 3 stories of residential above ground floor parking and lobby. Rooftop

Use and Bulk Requirements

equipment and structures are not to exceed 12'0" above roof, provided they can be screened by public ROW by parapets not taller than 5'0" above roof beam. b. See Section 8.0 Development / Place-Making Design Standards for all building design requirements;

- 8. Maximum Building Coverage: 50%
- 9. Maximum Impervious Coverage: 90%

#### 10. Flood Mitigation / Storm-water Management Requirements:

- a. The proposed development shall comply with the Borough's and NJ DEP Stormwater Regulations.
- 11. Infrastructure Improvements:
  - a. Any redevelopment project shall provide adequate potable water, storm water, sanitary sewer and other necessary utility infrastructure to the site, to the satisfaction of the Municipal Engineer, Fire Code Officer and Fire Protection Official;
  - b. All costs necessary for the infrastructure improvements (including off-site and off-tract) associated with a development project are the responsibility of the redeveloper;
  - c. The project shall be responsible for an impact fee as part of an overall utility plan if required by the Borough of Elmwood Park;
  - d. The costs may be paid by the redeveloper for off-site or off-tract improvements if they are associated with a larger municipal capital project which shall be negotiated as part of a Redevelopment Agreement.

#### 12. Other Requirements:

- a. See Section 8.0 Development / Place-Making Design Standards for all building design requirements;
- b. All project signage shall either meet the Borough of Elmwood Park's Ordinance Section 34-30 Signs, or submit a separate sign package to the Planning Board for review and approval;
- c. A fire hydrant shall be located on the property;
- d. The project is required to have an NFPA 13 sprinkler system installed for fire protection;
- e. Turning radiuses shall meet the Fire Department requirements for ingress and egress for fire protection;
- f. All egress from the property is to Route 46 and no left turn lane is permitted onto Meyers Street from the development;
- g. The plan is required to comply with all comments and recommendations from the Borough's Fire Official and Police Traffic Division;
- h. Trash pick-up shall be located within the property line and shall be privately hauled.
- i. A minimum 4 foot masonry wall shall be provided in the following locations
  - Along the Route 46 frontage to shield headlights from the development to the public right of way.
  - Along the rear property line between the proposed parking and the adjacent residential properties.

#### D. PARKING AND CIRCULATION STANDARDS:

#### 1. <u>Parking Requirements:</u>

The minimum parking requirements for the Redevelopment Area are as follows:

Use	Parking Ratio	
- Multi-family	1.6 sp per dwelling unit	

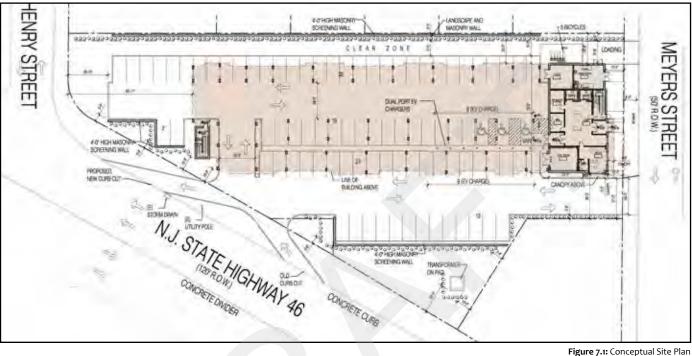
#### Notes:

- a. When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required;
- b. Up to 20% of the required parking stalls may be designated for compact cars;
- c. All parking shall be screened based on the Design Standards indicated in this Redevelopment Plan.
- 2. Parking Space and Driveway Aisle Dimensions: Shall be based on §34-44.3 of the Municipal Code of Elmwood Park, NJ.
  - a. Parking spaces are permitted to be 9'-0" x 18'-0" and drive aisles are permitted to be 23'-0".
- 3. Zero-emission Vehicle Fueling and Charging Stations: The plan shall comply with State regulation P.L. 2021, c 171 for electric vehicle supply/service equipment (EVSE) and make ready parking spaces.
- 4. <u>Bicycle Parking</u>: The developer should consider providing bicycle parking at one bicycle parking space for every 20 vehicle parking spaces. Bicycle parking can be either within the property building or outside.
- 5. <u>Handicapped Accessible Parking Requirements</u>: Refer to American Disabilities Act (ADA) for Handicapped Parking requirements.
- 6. <u>Additional Off-Street Parking Regulations</u>: For all parking standards not covered in this section refer to Article X, Section 34-44, "Off Street Parking and Loading" of the Borough's Zoning ordinance.
- 7. <u>Driveway Orientation</u>: Egress driveways and "left turn in" ingress driveways shall be angled perpendicular to the street.
- 8. <u>Parking Area Dead Ends</u>: Parking aisles ending in dead ends shall include maneuvering bump outs or circles to allow vehicles to turn around.

# 401 - 407 ROUTE 46 **REDEVELOPMENT PLAN**

### 7.0: CONCEPTUAL SITE PLANS:

The following Figures represent conceptual plans for the proposed redevelopment area and are intended to only provide context. The written requirements of this redevelopment plan supercede any conceptual site plans or elevations shown within this report.



(Mistry Design)



Figure 7.2: Conceptual Floor Plans (Mistry Design) **Conceptual Site Plans** 

401 - 407 ROUTE 46 REDEVELOPMENT PLAN

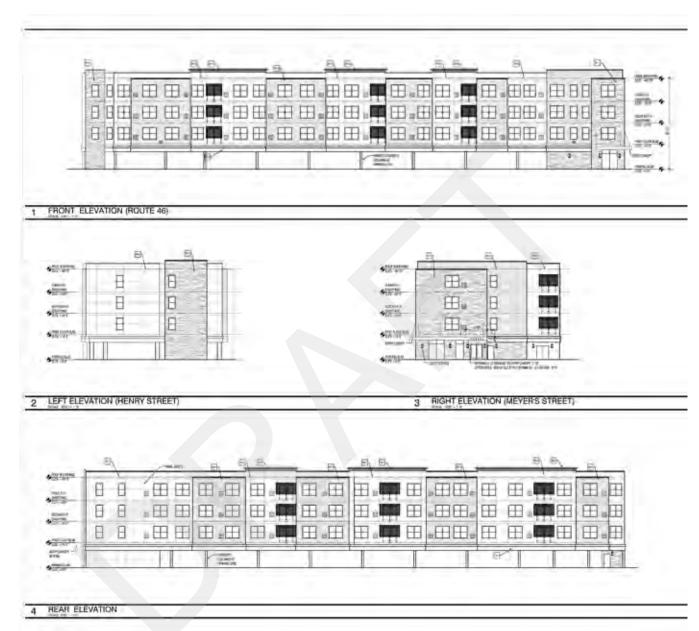


Figure 7.3: Conceptual Building Elevations (Mistry Design)

## 8.0 DEVELOPMENT / PLACE-MAKING DESIGN STANDARDS:

### A. ARCHITECTURAL DESIGN STANDARDS:

The design standards in this section provide the criteria for the redevelopment area. Any future development is subject to these provisions and shall be built in accordance with the minimum design standards specified in this section.

#### 1. Building Architectural Materials & Character:

- a. All buildings shall be constructed with high quality materials that reinforce pedestrian scale;
- b. All new structures shall take into consideration the relationship to other existing or proposed buildings, in terms of light air, usable open space, height and massing;
- c. **Primary building materials shall include:** brick, stone, hard stucco, thin brick, and/or glass which cover a minimum of 60% of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 25% for each building façade;
  - i. Vinyl siding of any type or grade is strictly prohibited on any portion of building façade in the redevelopment area;
  - ii. Synthetic stucco materials such as EIFS are prohibited on any facade along a public street.
- d. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are strongly recommended and should be provided to add special interest;
- e. Special attention must be given to the design of windows at the base of buildings. Ribbon windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.
- f. Buildings shall be broken up horizontally into a base, a middle and a top and vertically into bays, through the use of building articulation or change in materials. The base should not extend beyond the second level with an emphasis on

providing design elements which enhance the pedestrian environment particularly at the street level.

#### 2. Building Orientation:

- a. The building shall be oriented toward Route 46;
- b. The first floor of the building, including structured parking, must be designed to encourage and complement pedestrian scale and activity (See "Structured Parking" Requirements, below).



Figure 8.0: Mid-rise Building with pop out protrusions



Figure 8.1: Mid-rise building with balconies and flat roof



Figure 8.2: Mid-rise Building with base, middle and top

401 - 407 ROUTE 46

**REDEVELOPMENT PLAN** 

#### 3. Building Entrances:

a. Building entrances should be easily identifiable with unique and interesting signage for the residential use through the use of canopies;

#### 4. Structured Parking:

a. Parking shall be screened on the rear and along Route 46 with a minimum 4'-o" masonry wall that includes architectural materials, elements and treatments that are consistent with the design and quality of the residential building it services;

#### 5. Mechanical Equipment Screening:

- a. Screening of ground floor and rooftop mechanical equipment is required;
- b. All rooftop mechanical equipment, shall be screened from view from all adjacent public streets, open spaces and parks in all directions and elevations to minimize the negative impact;
- c. Screening materials shall be consistent with the architectural detail, color and materials of the building; Wire mesh screening is not permitted;
- d. All roof and HVAC systems must meet the building code requirements and at minimum be set back from the building edge a minimum of 15'-0" from any street or public open space and screened as to not be visible from any adjacent public street or public property;
- e. If wall pack ventilation units are being used they are required to compliment the building material color.

#### 6. Signage Design Standards:

a. The signage standards for the redevelopment area shall be subject to the requirements identified in §34-30 in the Borough's zoning ordinance.



Figure 8.3: Mid-rise Building with different facade materials



Figure 8.4: Mid-rise Building with different facade materials



Figure 8.5: Mid-rise Building with a brick base

#### **B. STREETSCAPE DESIGN STANDARDS:**

A successful neighborhood is not complete until its parks, open space, sidewalks and streetscape have been designed and "furnished". The items that are referred to as streetscape elements include street lights, sidewalks, benches, trash receptacles flagpoles and other street furniture which reinforce the character of the street and the neighborhoods.

The following section addresses an overall approach for the design of streetscape elements that are to be considered as part of the redevelopment plan. These standards are meant to establish the minimum criteria that will be required for the design and implementation of streetscape, parks and open space improvements.

- 1. Street Trees: Street trees shall be planted in landscape areas equivalent to 30'-0" on center along all public street frontage.
  - a. Trees should be installed at a 3.5" caliper;
  - b. Prior to installation a 4'-o" by 8'-o" minimum area should be treated and prepared for tree root growth;
  - c. A minimum 2 year watering plan should be put into place (Gator bags);
  - d. Trees planted in open landscape areas shall have a minimum 4' x 8' landscape area;
  - e. Street trees shall be trimmed up to 8'-o" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

#### 2. Planting Pots & Planters:

- a. Pots and planters may be used in addition to landscape planting areas to complement the surrounding streetscape by adding color and variety;
- b. Pots and planters may be placed in such a way that pedestrian or vehicular traffic is not disturbed, and may function as a separation between pedestrians and vehicles.

#### 3. Bicycle Racks:

a. Bicycle racks should be permanently mounted and placed in convenient locations to encourage bicycle use, so as not to obstruct views.

#### 4. Utility Accessories:

- a. Utility boxes, meters, man hole covers and fire hydrants should be coordinated with other streetscape accessories;
- b. Utilities should be readily accessible and placed so as not to obstruct pedestrian movement;
- c. Utility locations should minimize visual and physical impact as much as possible.

# 9.0 RELATIONSHIP OF THE REDEVELOPMENT PLAN TO STATE / COUNTY / LOCAL MASTER PLAN STUDIES:

#### A. STATE DEVELOPMENT AND REDEVELOPMENT PLAN (SDRP):

In reviewing the New Jersey State Development and Redevelopment Plan Volumes 1 - 4 the following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

- 1. Volume II State Plan Goals and Policies include the following:
  - a. <u>Revitalize the State's Cities and Town Centers</u>: Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals.
  - b. Conserve the State's Natural Resources and Systems: Conserve the State's natural resources and systems by planning the location and intensity of growth to maintain natural resource and systems capacities and make the necessary infrastructure investments to protect natural resources and systems in ways that guide growth and development in ways that are consistent with the State Plan's vision and goals.
  - c. **Promote Beneficial Economic Growth:** Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents by providing infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards, by encouraging partnerships and collaborative planning with the private sector and by capitalizing on the State's strategic location, economic strengths including its existing business enterprises, entrepreneurship, the research and development of the Borough of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals.
  - d. **Protect the Environment, Prevent and Clean up Pollution:** Protect the environment, prevent and clean up pollution by planning for growth in compact forms at locations, densities and intensities that protect land, air and water quality, allow expeditious regulatory reviews and encourage multi-modal transportation alternatives to the automobile to help achieve and maintain acceptable air quality standards.
  - e. **Provide Adequate Public Facilities and Services at Reasonable Cost:** Provide adequate public facilities and services by supporting investments based on comprehensive planning and by providing financial incentives for jurisdictions that cooperate in providing public infrastructure and shared services. Encourage the use of infrastructure needs assessments and life-cycle costing. Provide adequate public facilities in ways that are consistent with the State Plan's vision and goals.
  - f. **Provide Adequate Housing at Reasonable Cost:** Provide adequate housing at reasonable cost through public/ private partnerships that create and maintain a full range of attractive, affordable, and environmentally sensitively-designed and developed housing, particularly for those New Jersey State Development and Redevelopment Plan most in need, at densities and locations that provide greater efficiencies and serve to support public transportation alternatives and reduce commuter time and expense and easily accessible to employment, retail, cultural, civic and recreational opportunities to reduce housing and commuting costs in ways that are consistent with the State Plan's vision and goals.
  - g. Preserve and Enhance Areas with Historic, Cultural, Scenic Open Space, and Recreational Value: Preserve,

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Figure 9.0: NJ SDRP State Plan Map Metropolitan Area 1

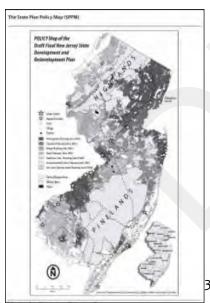


Figure 9.1: NJ State Development and Redevelopment Plan Policy Map

enhance, and use historic, cultural, scenic and recreational assets by collaborative planning, design, investment and management techniques. Locate and design development and redevelopment and supporting infrastructure to improve access to and protect these sites. Support the important role of the arts in contributing to community life, civic beauty and redevelopment in ways that are consistent with the State Plan's vision and goals.

- h. Ensure Sound, Coordinated and Integrated Statewide Planning: Ensure sound, coordinated and integrated statewide planning by using the State Plan as a guide to planning and growth related decisions at all levels of government in ways that are consistent with the State Plan's vision and goals.
- i. Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions: Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions by promoting the improved coordination and integration of transportation planning and land-use planning and decision-making to reduce vehicle miles traveled (VMT); and by the citing, development, design and use of green-building construction materials and techniques in ways that are consistent with the State Plan's vision and goals.
- 2. The State Planning Act (N.J.S.A. 52:18A-196 et. seq.) states:
  - a. "Among the goals of the act is the following: ... conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal."
  - b. "It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state." (N.J.S.A. 52:18A-196 (d))

#### The State Plan Policy Map (SPPM)

a. Recognizes that New Jersey requires different approaches in its Metropolitan, Suburban, Rural and Environmentally Sensitive Planning Areas. The New Jersey State Development and Redevelopment Plan adopted by the State Planning Commission, places the Borough of Elmwood Park in Planning Area 1 - the Metropolitan Planning Area and states:

- b. The Metropolitan Planning Area: This Planning Area includes a variety of municipalities that range from large Urban Centers to 19th century towns shaped by commuter rail and post-war suburbs. The Communities in this Planning Area have strong ties to major metropolitan centers New York/Newark/ Jersey Borough metropolitan region; the Philadelphia/Camden/Trenton Metropolitan Region; and on a smaller scale the Easton/Phillipsburg Metropolitan Region.
- c. These municipalities have many things in common: mature settlement patterns; infrastructure systems that are approaching their reasonable life expectancy; an aging housing stock in need of rehabilitation; recognition that redevelopment will be the predominant form of growth; and a growing realization of the need to regionalize services and systems. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has attracted significant immigration, resulting in noticeable changes in demographic characteristics overtime.
- d. In the Metropolitan Planning Area, the State Plan's intent is to do the following:
  - Provide for much of the State's future development and redevelopment;
  - Revitalize Cities and Towns;
  - Take advantage of increased densities and compact building design;
  - Encourage distinctive, attractive neighborhoods with a strong sense of place;
  - Provide for mixed-use concentrations of residential and commercial activity;
  - Create a wide range of residential housing opportunities and choices with income mix;
  - Provide for a variety of multi-modal transportation alternatives;
  - Prioritize clean-up and redevelopment of brownfields and greyfields sites;
  - Create cultural centers of state-wide significance;
  - Re-design any existing areas of low-density sprawl;

#### B. BERGEN COUNTY MASTER PLAN:

The Bergen County Master Plan was last adopted in 1962, and the most recent Land Uses Element was adopted in 1973. In June of 2011 the county completed the Vision Bergen Plan, which is the visioning component of the Bergen County Master Plan, and is the most up-to-date review of conditions in the county. The following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

- 1. Bergen County Master Plan Overview:
  - a. The Bergen County Department of Planning and Economic Development is undertaking a county-wide planning effort that will result in the first County Master Plan in some time.
  - b. The Master Plan will create a unifying vision for the County's 70 municipalities and help them plan for sustainable growth while protecting environmental resources. Development of the Master Plan will be a collaborative process involving the County, municipalities, regional agencies, public and private sector stakeholders and Bergen County citizens.
- 2. Draft Report:

Relationship of Redevelopment Plan

- a. The Draft Report provided on the Bergen County Master Plan website includes the following descriptions:
  - Future growth will primarily occur through redevelopment and infill;

Employment Terrere With Market Bar Part Market Bar Par

Figure 9.2: Vision Bergen Employment Data

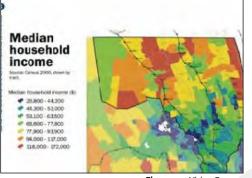


Figure 9.3: Vision Bergen Medium Household Income

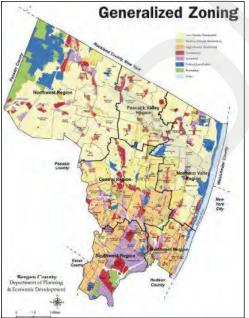


Figure 9.4: Vision Bergen General Zoning

- Redevelopment provides opportunities to create new public spaces and green areas in places that have none;
- Redevelopment on a large scale using green guidelines has the potential over time to significantly ameliorate many of the county's storm water run-off and water quality issues;
- Redevelopment can occur spontaneously and be privately driven, or it can take place as a result of a public initiative, usually under the jurisdiction of a local redevelopment agency.

#### C. NEIGHBORING COMMUNITY MASTER PLANS:

Information for the Master Plans of the adjacent municipalities have been included as stated in the 2020 Master Plan Reexamination Report which includes the following information:

- 1. <u>Township of Saddle Brook:</u> The Township of Saddle Brook's Master Plan is from 2004 and the latest Master Plan Re-examination from 2014. The 2004 Master Plan Goals and Objectives related to this redevelopment plan is to retain the residential character and develop multi-family development in the appropriate locations. The proposed redevelopment project will not have an impact on the Township.
- 2. <u>City of Garfield:</u> The City of Garfield's Master Plan was adopted in 2002 and their Master Plan Re-examination in 2014. Sections and the goals and objectives of the Master Plan that are consistent with this Redevelopment Plan are utilizing redevelopment for continued growth due to the developed nature of the City and the lack of vacant land, to promote the continued maintenance and rehabilitation of the City's housing stock, to maintain and enhance areas of stability in the community by encouraging the proper relationship between land uses and establishing areas with a uniformity of purpose, and continue efforts to promote the revitalization of the City through an appropriate mixture of activities and facilities to serve the community. The proposed redevelopment project will not have an impact on the City.
- 3. <u>City of Clifton</u>: The City's latest Master Plan Re-examination is from 2008. The goals from the City's Re-examination include maintaining and enhancing its housing stock, affirmatively

addressing its low and moderate income housing obligation, reusing and rehabilitating commercial and industrial uses, and revitalizing older business areas and its Main Avenue into pedestrian-friendly downtown business districts. The proposed redevelopment project will not have an impact on the City.

4. <u>Borough of Fair Lawn</u>: The Borough of Fair Lawn adopted a new Master Plan in 2014. The Borough seeks to enhance its commercial areas through effective design, promote sustainable land use, preserve the integrity and value of existing residential neighborhoods, and promote walkability, mass transit use and safe circulation. The proposed redevelopment project will not have an impact on the Borough.

# D. NEIGHBORING PASSAIC COUNTY COMMUNITY MASTER PLANS:

1. <u>City of Paterson:</u> The City of Paterson's Master Plan titled "Looking Forward" was adopted in March of 2014. The general goals of the plan include to revitalize the City of Paterson, to guide the future development of the City, to the improve the quality of life for all residents of the City within the present and future, to coordinate previously fragmented plans for the City, to improve public safety throughout the City, to embrace the urban character of the City, to respect and enhance the rich, and diverse culture and history of the City, and to increase resilience to storms and flood events. The proposed redevelopment project will not have an impact on the City.



Figure 9.5: 2020 Elmwood Park Master Plan Re-examination

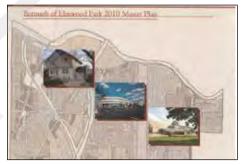


Figure 9.6: 2010 Elmwood Park Master Plan



Figure 9.7: Elmwood Park Zoning Map

# APPENDIX 11 DEMASE NURSERY E 54TH & MAIN

Report of

# Preliminary Investigation for Determination of an Area in Need of Redevelopment

Block 1103, Lots 3 and 7



Prepared By: DMR Architects

Francis Reiner, LLA - PP License #: LI00616700

**Prepared For:** Borough Elmwood Park Bergen County, New Jersey April 20th, 2021

Gabe Bailer, PP, AICP License #: LI00599900

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STATUTORY CRITERIA FOR AN "AREA IN NEED OF REDEVELOPMENT" DESIGNATION:	5

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SUMMARY OF FINDINGS AND RECOMMENDATIONS:

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# Acknowledgements:

# **Mayor and Council**

Mayor Robert Colletti Councilwoman Sandra Balistrieri Councilman Chakib Fakhoury Councilman Francesco Fasolo Councilman Daniel Golabek Councilwoman Lorraine Pellegrine Councilwoman Doris Wechtler

## **Borough of Elmwood Park**

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# **Borough Consultants**

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# **Planning Board**

Jeffrey Freitag - Chairman Joseph Beniamini - Member Antonio Castelbuono - Member Romano Intrieri - Member Joseph Mulligan - Member Malgorzata Pyrka - Member Haris Shakoo - Member Robert Colletti, Mayor - Carl Roberts (Mayor's Delegate) Francesco Fasolo, Council Rep. Class III Myles Garvey, Alt. #1 Vincent Ferraro, Alt. #2

> **Planning Board Attorney** John Conte, Esq.

# **Planning Board Consultants**

Suburban Consulting Engineers, Board Engineer Francis Reiner, PP, LLA, DMR Architects, Redevelopment Planner



Map 1: Study Area

## **PURPOSE:**

The Borough's Mayor and Council adopted Resolution No. 124-21 on March 17, 2021, which directed the Borough's Planner, DMR Architects, to undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law (LRHL), to determine whether the properties on the parcels known as Block 1103, Lots 3 and 7 (the "Area of Investigation" or "Study Area"), constitutes an "area in need of redevelopment" without condemnation in accordance with the criteria set forth in N.J.S.A. 40A:12A-5.

# INTRODUCTION:

This report is written pursuant to Section 6 of the LRHL, serving as the "statement setting forth the basis for investigation." The LRHL requires the following procedures:

- a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c.79 (C:40:12A-5). The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b. After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

# AREA OF INVESTIGATION OVERVIEW AND CONTEXT:

The Borough of Elmwood Park has a land area of 2.73 square miles and a population of 20,059 persons according to the 2019 Population Estimate published by the US Census Bureau. From the Census 2019 American Community Survey (5-Year Estimate), the median age is 38.6 years old and the median household income is \$77,344. For educational attainment (66%) of residents have a post-secondary education (including some college education but no degree). There are approximately 7,120 housing units at an average density of 2,608 units per square mile.

As per the 2010 Census, the racial makeup of the city is 75.4% White, 5.2% African American, 10.72% Asian, 0.33% Native American, 5.47% from other races, and 2.83% from two or more races. Hispanic or Latino of any race represents 21.22% of the population.

Elmwood Park is located at the eastern border of Passaic County. The Borough is north of the City of Garfield, west of the Township of Saddle Brook and south of the Borough of Fair Lawn which are all in Bergen County. Across the Passaic River to the west is the City of Clifton and Paterson. **PROPERTY DESCRIPTION:** 

The Study Area is comprised of two (2) lots. One (1) lot is located mid-block on Main Avenue in

between Spruce Street and E. 54th Street. The other lot is an irregular shaped lot with a portion fronting on E. 54th Street and the remaining portion of the parcel being landlocked and is a flag lot. This tax lot is surrounded by Main Avenue, Spruce Street and Jan Court. (Tax Map is located in Appendix 2).

- Block 1103, Lot 3 / 22 Main Avenue: A one story single family home with driveway access to block 1103 lot 7;
- <u>Block 1103, Lot 7: / 356 E. 54th Street</u>: A two story single family home with a garage with frontage on E. 54th Street. On the rear are approximately seven (7) greenhouses with associated outdoor storage, construction equipment and storage tanks. The previous use on the rear of the property was De Mase Greenhouse, a greenhouse and nursery business. The business closed in June of 2017 and vacated the property. The existing greenhouses are still on the property are vacant, in poor condition and in a state of disrepair. There is an access driveway off of 22 Main Avenue, Block 1103, Lot 3. The greenhouses are adjacent to the back yards of the surrounding residential homes.

The Study Area is in the vicinity of Fleischer Brook and is currently in the zone x flood zone hazard area.

# MASTER PLAN / RE-EXAMINATION RELATIONSHIP TO SUBJECT PROPERTIES

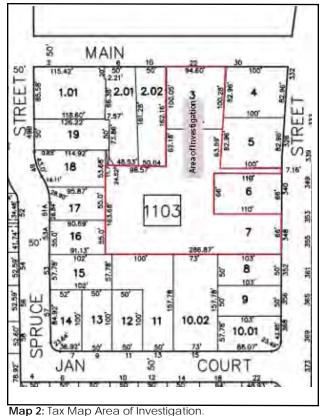
The Borough's latest Master Plan is from 2010 and the Re-examination from 2020. The following goals and objectives from these plans relate to the existing conditions of the subject properties.

1. **2010 Goal:** To maintain and enhance the existing areas of stability in the community; to encourage a land use pattern which establishes areas which have their own uniform development characteristics. A principal goal of this plan is to preserve and protect residential character and existing density of the community and reinforce the Borough's established commercial and industrial areas.

**Relationship to Plans:** The existing greenhouses and outdoor storage conflict with the residential character of the block, and interfere with the residential development pattern.

2. 2010 Goal: To encourage and provide buffer zones to separate incompatible uses.

**Relationship to Plans:** There is no existing buffer to separate the greenhouses and outdoor storage to the residential component of the block.



# INTRODUCTION



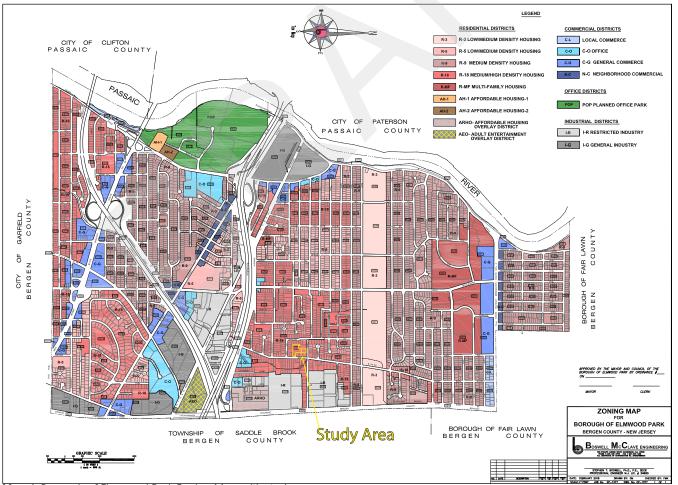
Map 3: Borough-wide map with Study Area highlighted in yellow.

# **CURRENT ZONING:**

Lot 3 and 7 on Block 1103 are located in the R-18 Medium/High Density Housing Zone. The full use and bulk standards can be found in Appendix 5 of this Report.

The R-18 Zone covers the group of parcels to the east, west and south of the subject properties. On the eastern side of E. 54th Street bordering Saddle Brook, portions of this area is Zoned for R-18, I-R Restricted Industry, and ARHO-Affordable Housing Overlay District.

The R-18 Zone permits detached one family dwellings, semi-detached and two family dwellings, conversions of existing one (1) family dwelling to accommodate two (2) or more families, and public parks. Conditional uses are one (1) family attached townhouse, nursing homes, other clubs, social halls, lodges and fraternal organizations. The existing greenhouses and outdoor storage are not a principally permitted or conditional use. They are an existing nonconforming use. As per section 34-48.2 Non Conforming uses, Buildings, Lots and Structures / Abandonment. A nonconforming use shall be considered abandoned: a. if it is terminated by the owner; b. if a nonconforming use involving a building or structure is discontinued for twelve (12) consecutive months.



Map 4: Borough of Elmwood Park Zoning Map with study area.

# STATUTORY CRITERIA FOR AN "AREA IN NEED OF REDEVELOPMENT" DESIGNATION:

The laws governing redevelopment by municipalities in New Jersey are set forth in the LRHL, which is codified at <u>N.J.S.A.</u> 40A:12A-1 et seq. This statute grants the governing body of a municipality the power to authorize the Planning Board to conduct a study to determine whether an area is in need of redevelopment; to make such a determination following the completion of the study; and to adopt a redevelopment plan for the designated area.

An "delineated area" may be determined to be in need of redevelopment only if, after an investigation by the Planning Board and a public hearing for which notice has been given, it is found that the area meets one or more of the following criteria:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or other improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the areas has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Enterprise Zones Act," P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the

# **STATUTORY CRITERIA**

provisions of P.L. 1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

h. The description of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

Additionally, a redevelopment area "may include lands, buildings or improvements which of themselves area not detrimental to the public health safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part". See <u>N.J.S.A.</u> 40A:12A-3.

# SITE ANALYSES

# 22 MAIN AVENUE BLOCK 1103, LOT 3



**Owner:** 

Tony De Mase

Property Use: Single Family Home

Property Acreage: 0.34 Acres

Zone District: R-18

Permitted Use: Yes

### **PROPERTY VALUE:**

According to the Borough of Elmwood Park the assessed value for the delineated area in 2021 is:

Land:	\$240,400
Improvements:	\$119,800
Total:	\$360,200

### **PROPERTY DESCRIPTION:**

The property is an approximately 94-foot wide by 100-foot deep lot, which is occupied by a one story ± 1,500 sf single family house which includes a rear deck. The property which is located at 22 Main Avenue is surrounded by other single family homes on both sides and across the street between Spruce Street and E 54th Street. The roof appears to be in average to poor condition in comparison to the adjacent single family homes. This appears to be consistent with normal wear and tear for the neighborhood.

As part of this study, DMR did not access the interior portions of the building to determine if there was any water penetration issues associated with the condition of the roof. In addition, the report was not able to determine if there are any interior or structural issues.

The property does include a gravel driveway along the western side of the single family residence next to the existing garage. The gravel driveway provides the only access into a parking area of Block 1103 Lot 7 (other property being investigated). This report notes there are no gates, signage or lighting either on this property or leading to the adjacent block and lot within the investigation area. In addition, there is no fence or gate preventing access to this driveway. In addition, there area no NJ DEP records associated with this property. This represent a

# 22 MAIN AVENUE BLOCK 1103, LOT 3

faulty arrangement and design in that the only access to the existing parking area on the adjacent lot is through this property. Although this represents a faulty arrangement and design this issue does not in the opinion of this report does not create a detriment to the public, health, safety or welfare of the community.

It is the determination of this report this property does not meet any of the statutory criteria as an area in need of redevelopment. However, N.J.S.A 40A:12A-3, states, "A redevelopment area may include lands, buildings or improvements which of themselves are not detrimental to the public health safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part".

# Case studies indicate:

Blight determinations are not viewed in a piecemeal fashion. "62-64 Main St., 221 N.J. at 161 (citing Levin, 57 N.J. at 539); see also, Gallenthin, 191 N.J. at 372 ("[N]on-blighted parcels may be included in a redevelopment plan if necessary for rehabilitation of a larger blighted area[.]"); Vineland Constr. Co. v. Twp. of Pennsauken, 395 N.J. Super. 230, 251 (App.A-0613-18T38 Div. 2007) ("[I]t is not necessary that every property within the area designated for redevelopment be substandard provided that the 'area as a whole qualifies' for redevelopment." (quoting N.J.S.A. 40A:12A-3)).

Whenever the challenge is to the inclusion of non-blighted properties within a delineated redevelopment area, the Court has clearly circumscribed the scope of our review: The fact that such an area includes some sound homes or buildings, or even that incorporated therein as an integral part and necessary to the accomplishment of the redevelopment plan, is a portion of the municipality containing structures which are not substandard, is not sufficient to provoke a judicial pronouncement that the Legislature unreasonably surrendered its prerogatives and duties. And [,] moreover, where[]as in this instance the guides for the subordinate agency action are adequate, the courts will not interfere with the boundary lines adopted in the absence of palpable abuse of discretion. [Wilson v. City of Long Branch, 27 N.J. 360, 379 (1958) (citing City of Newark v. N.J. Turnpike Auth., 7 N.J. 377, 385 (1951)).]

# BOROUGH RECORDS CONCERNING ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Police Reports from 2011 to 2020:

• Since 2011 there have been thirteen (13) police reports including but not limited to the following complaints. Fireworks, motor vehicle impound, parking complaint, request for Police Officer, disorderly person, C.D.S. arrest, community policing, welfare check, dispute, transport and harassment.

For a full description of the violations described above, refer to the attached exhibits in appendix 3.

# CONCLUSION:

Although there are some issues with the building and the site layout, this Report does not conclude that the severity of the individual issues affecting the site or the combination of those issues are great enough to constitute a detriment to the public health, safety, and welfare. This finding does not preclude the designation of the property as part of an area or group of properties as an area in need of redevelopment per N.J.S.A 40A:12A-3.

# 22 MAIN AVENUE BLOCK 1103, LOT 3



Figure 1: Block 1103, Lot 7, from across Main Avenue.



Figure 2: Unsecured, gravel driveway providing access to the rear of the property where greenhouses and outdoor storage are located.



Figure 3: Unsecured gravel driveway with no lighting.



Figure 5: Front of house.



Figure 4: Front of house.



Figure 6: Side of house.



#### Owner:

Tony De Mase

**Property Uses:** Single Family Home Greenhouses Outdoor Storage

**Property Acreage:** 0.74 Acres

Zone District: R-18

**Permitted Uses:** Yes - Single Family Home No - Greenhouses No - Outdoor Storage

### **PROPERTY VALUE:**

According to the Borough of Elmwood Park the assessed value for the delineated area in 2021 is:

Land:	\$306,100
Improved:	\$89,600
Total:	\$395,700

## **PROPERTY DESCRIPTION:**

The property is an irregular shaped and is a flag lot. Direct access to the property is from a gravel driveway from 22 Main Avenue (the other property in the investigation study). The block and lot does have frontage on E 54th Street. On E. 54th Street, existing is a two (2) story shingle single family home, with an asphalt driveway, and a one car garage. To the rear of the property are approximately seven (7) vacated greenhouses, which are in a state of disrepair as evidenced by some of the structures are without roofs, exposing the metal roof lines, broken, deteriorated and falling apart. On the rear of the property, there is outdoor storage of construction materials, equipment, and three (3) above ground storage tanks. Upon review of NJ DEP resources, there were no documented NJ DEP records associated with this property.

DMR was not able to enter the single family building but did access the rear of the property and the greenhouses during the site visits to the Study Area. DMR noted the following conditions:

• <u>Single Family Home Exterior Wall Condition</u>: The single family home has evidence of wear and tear to the exterior of the walls. The structure is in poor condition, evidenced by the condition of the exterior facade of the structure, deterioration of the overhangs. From inspection there is water damage on the base

of the building with cracking and exposure to rainwater. The roof leader lines drain directly onto the asphalt parking area which creates dangerous conditions during rain and freezing events. In addition, there does not appear to be any measures taken to maintain the exterior of the existing building.

- <u>Single Family Foundation</u>: The foundation wall of the single family home has evidence of cracking. This condition is substandard and if no protective measures are taken this can lead into an unsafe living condition.
- <u>Single Family Home Steps</u>: The brick steps to the front entrance are in poor condition as evidenced by the cracking and gap formation. DMR observed added gaps forming between bricks that comprise the safety of the front entrance and will require additional repair. The condition of the steps constitutes a safety hazard. The front step is not ADA compliant. Though it does not have to be ADA compliant, the front step down from the doorway is a dangerous condition especially as there no light at the stoop. In addition, it does not appear that any measures have been taken to address the source of the repeated damage to the steps by reducing their exposure to rainwater or replacing the bricks with materials that are more resistent to the freeze-thaw effect.
- <u>Single Family Windows</u>: The windows are generally in poor condition as evidenced by the deterioration of the wood within the sills. The window panes upon observation have not been cleaned in an extended period of time, thus affecting the amount of light that is able enter the house.
- <u>Single Family Home Roof Line</u>: The roof line is in poor condition as evidenced by the cracking of roof boards. This creates a substandard living condition, and creates detrimental conditions to the community with potential of falling debris from the house. In addition, it does not appear that any protective measures have been taken to maintain the roof line. This condition will worsen and create a building condition that impairs safety of the community.
- <u>Parking Area Condition</u>: The parking lot condition is poor as evidence of the cracking along the asphalt. The roof leader lines drain directly to the asphalt resulting in water infiltration leading to cracking of the asphalt driveway. Unless protective measures are taken, this condition will worsen creating unsafe and dangerous conditions.
- <u>Parking Area Drainage</u>: There is water staining and cracks in the pavement of the parking area. This indicates areas where stormwater frequently pools-up. Additional storm sewer inlets are necessary to effectively collect stormwater in the parking area. Failure to address drainage will cause further deterioration of the parking area, which will make affected parking spaces unsafe for use and create dangerous conditions.
- <u>Flag Lot</u>: The property is a flag lot creating a faulty arrangement. There is only one way of ingress and egress into the commercial property accessed by a gravel driveway from 22 Main Avenue (other property that is investigated). By having only one way of ingress and egress, this creates circulation and access issues for fire safety. By having this obsolete layout this is detrimental to the safe and welfare of the property and surrounding residential properties.
- <u>Non Permitted Uses:</u> The previous commercial greenhouses and outdoor storage are not a permitted or conditional use within the R-18 Zone. These uses conflict with the residential character of the neighborhood and the intentions of the R-18 Zone. DeMase Greenhouse operated as a commercial use on the Study Area until closing in 2017. As the commercial use has been not been operational for more than 12 months it is an abandoned use as per definition of a non-conforming use in Elmwood Park's Zoning Code.

- <u>Greenhouses</u>: There are approximately seven (7) green house buildings on the rear of the property. The greenhouses were previously used as a commercial property by DeMase Greenhouse. The business closed in 2017. The greenhouses are in poor condition and in a state of disrepair as evidenced by several of the greenhouses without roofs, exposing the metal frames, and are broken and falling apart. Within the greenhouse buildings, there is garbage and debris left inside creating access and fire issues. The existing conditions make these structures untenable and will only continue to fall into disrepair. As there are no safety control measures, gates or fencing, these conditions are detrimental to the safety, health of the community.
- <u>Outdoor Storage</u>: DMR observed several outdoor storage materials, vehicles and trailers on the rear of the property. There were two (2) parked trucks, two (2) trailers one (1) covered with a tarp. Several plastic barrels and other associated gardening and construction materials were scattered throughout the site. Some construction materials were placed on the adjoining fence of the single family home. By having the storage of these materials outside, with no protection and in an area surrounded by residential uses creates a condition that is detrimental to the safety and health of the community.
- <u>Discontinuance of Use</u>: The previous use DeMase Greenhouse, was a nursery business operating on the rear of the property until it closed in 2017. The business abandoned the property, leaving the greenhouse buildings, nursery and construction materials on the site. As evidenced by the current conditions of the greenhouse buildings with the rooflines exposed, building materials being broken and in disrepair creates a condition where these greenhouse buildings are untenable.

# BOROUGH RECORDS CONCERNING ENFORCEMENT ACTIONS AT THE SUBJECT PROPERTY:

The following information is an outline of Building Department and Police Department information and violations for this property:

- A permit was issued to the subject property on 10/26/2000 to the contractor Lombardo Environmental. It is unknown what environmental actions took place with this permit.
- The property was the subject of a police report for a noise complaint.

Documentation of this violations can be found in the Appendices to this Report.

# **REDEVELOPMENT DESIGNATION:**

The nature of the property meets criteria "a" and "d" of the LRHL, specifically:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.

d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.

DMR recommends that the Borough designate this property as an area in need of redevelopment in accordance with the above referenced criteria for the reasons described in the preceding paragraphs and summarized below.

- <u>"a" Substandard or Obsolescent Buildings</u>: The single family building has elements of substandard and dilapidated conditions. This is evidenced by the cracking in the foundation walls, the cracking and gap formation of the brick in the front stoops, the formation of cracks along the roof boards, and the cracking on the window sills. The greenhouse buildings have been abandoned and are in a state of disrepair. This is evident with several of the greenhouses having no roofs, exposing the metal framing of the structures and pieces of the structure in disrepair. These conditions are conducive to unwholesome living or working conditions.
- <u>"b" Discontinuance use of a building or buildings used for commercial purposes with significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable:</u> DeMase Greenhouse, the nursery business used the greenhouse buildings until they closed their business in 2017 as identified on their Facebook Page. The business abandoned the property with the greenhouse buildings remaining on the property. The commercial operation also left several vehicles and materials and equipment used for this business. The greenhouse buildings have fallen into a state of disrepair as evidenced by several of the buildings having no roofs exposing the metal roof lines, pieces of the building are broken and are deteriorating. These conditions make the greenhouse buildings untenable.
- <u>"d" Faulty Arrangement/Design, Obsolescence, Dilapidation, Deleterious Land Use:</u> The property is a flag lot creating a faulty arrangement. The only direct access to the commercial property is through a gravel driveway from the adjacent property 22 Main Avenue (the other property in the study). This lack of access creates circulation issues. The greenhouses and outdoor storage are not a permitted use in the R-18 Zoning District. With limited access, combined with the poor conditions of the greenhouse buildings this creates a safety hazard to the surrounding residential homes. The greenhouse buildings are dilapidated as they have been abandoned since 2017, and have fallen into a state of disrepair. The condition of the previous commercial property buildings and site, combined with the commercial uses being a non-permitted use makes this a deleterious land use. Upon inspection, DMR noticed several outdoor storage and construction materials located in close vicinity to the fence lines of the adjoining residential properties and one instance where materials were leaning against a fence. All the existing conditions are detrimental to the safety, health and morals or welfare of the community.
- <u>"d" Drainage:</u> The lack of proper drainage in the parking lot poses a hazard by deteriorating conditions on the parking lot such that affected sections of the lot will become unsafe for circulation, walking, or parking.



Figure 1: Side of single family home, garage and parking area.



Figure 3: Deterioration of front steps.



Figure 5: Evidence of cracking to the roof line.



Figure 2: Side of house with evidence of cracking on foundation wall.



Figure 4: Existing conditions of windows with cracking to the window sills.



Figure 6: Drainage and cracking to the driveway.



Figure 7: Above ground storage tank with visible rusting



Figure 9: Greenhouse with no roof canopy and exposed metal framing.



Figure 8: Exposed greenhouse with no roof line. Parked vehicles and trailers. Construction materials placed on fence.



Figure 10: Inside of greenhouse with debris scattered.



Figure 11: Construction equipment, trucks and debris stored outside.



Figure 12: Vacant greenhouse in poor condition.

# INCLUSION OF LOTS NOT MEETING CRITERIA

The definition of a "redevelopment area" at N.J.S.A. 40A:12A-3 permits a municipality to include properties that do not meet the redevelopment criteria at N.J.S.A. 40A:12A-5 in a redevelopment area with properties that do meet one or more of those criteria if the municipality believes such inclusion is necessary for the proper redevelopment of those lots meeting the criteria.

# SUMMARY OF FINDINGS AND RECOMMENDATIONS

The investigation study finds that 356 E. 54th Street (Block 1103, Lot 7) meets the "a", "b" and "d" criteria at N.J.S.A. 40A:12A-5 based on conditions of the generality of buildings are substandard, unsanitary, and dilapidated, the obsolete layout, circulation issues, lack of drainage, site conditions, discontinuance of use and non-conforming uses that are incompatible with their surrounding uses or location. The combination of all these conditions makes the property at 356 E. 54th Street (Block 1103, Lot 7) deterimental to the safety, health and morals or welfare to the community.

The investigation study finds that although there are notable issues with the building and site layout, for 22 Main Avenue (Block 1103, Lot 3) this report does not conclude that the severity of the individual issues affecting the site or the combination of those issues are great enough to constitute a detriment to the public health, safety, and welfare. However, this finding does not preclude the designation of the property as part of an area or group of properties as an area in need of redevelopment per section N.J.S.A 40A:12A-3.

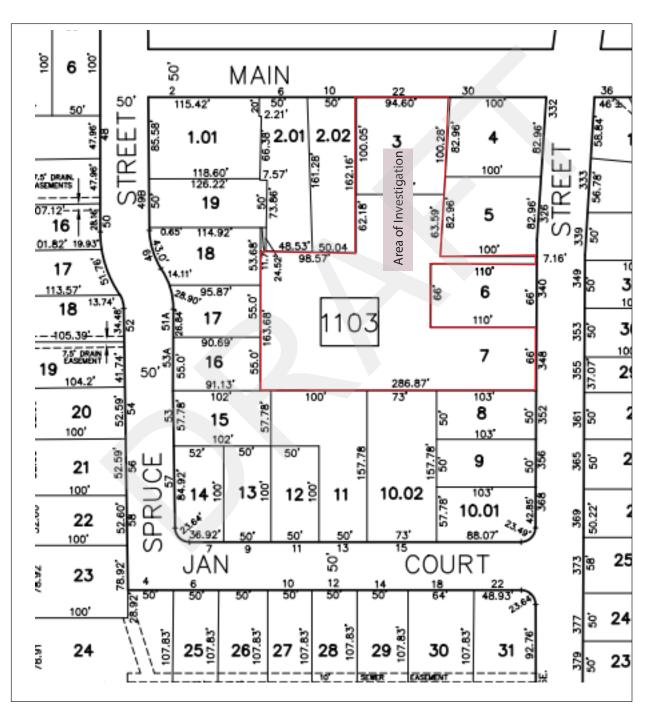
It is DMR's opinion that 22 Main Avenue (Block 1103, Lot 3) is necessary to be included for the proper redevelopment of the Study Area. The property at 22 Main Avenue represents the only access point to the commercial gardens. This fact ties in why that property has been included in the investigations study, in that historically it was part of the greenhouse operations. Also, as 356 E. 54th Street (Block 1103, Lot 7) is a flag lot, the irregular layout makes it prohibitive for a redevelopment project to be built in conformance with bulk and setback regulations of the R-18 Zone. Without including 22 Main Avenue (Block 1103, Lot 3), there will not be any access points to the property. To create a comprehensive redevelopment project in an orderly fashion, not impairing the intent of the zoning ordinance, Master Plan, and not causing detriments to the surrounding residential uses it is necessary to include both properties 22 Main Avenue (Block 1103, Lot 3) and 356 E. 54th Street (Block 1103, Lot 7).

# **Appendices**

of

# **Preliminary Investigation Report**

for Block 1103, Lots 3 and 7



# **APPENDIX 1**

**Council Resolution** 

## APPENDICES

#### BOROUGH OF ELMWOOD PARK BERGEN COUNTY, NEW JERSEY RESOLUTION R-124-21

#### CONSENT AGENDA

#### **RESOLUTION BY: COUNCIL PRESIDENT WECHTLER SECONDED BY: COUNCILMAN FASOLO**

#### AUTHORIZING BOROUGH SPECIAL PLANNER OF THE BOROUGH OF ELMWOOD PARK TO CONDUCT A PRELIMINARY REDEVELOPMENT INVESTIGATION STUDY FOR BLOCK 1103 LOTS 3 AND 7 – EAST 54TH & MAIN

**WHEREAS**, the Mayor and Council of the Borough of Elmwood Park have determined that there is a need for a redevelopment study to determine if the subject area, Block 1103 Lots 3 and 7, generally located between East 54th and Main, is an area in need of redevelopment; and

WHEREAS, the Borough's Special Planner has provided a proposal dated January 13, 2021 detailing the steps to be completed as part of the preliminary redevelopment investigation study; and

**NOW, THEREFORE, BE IT RESOLVED;** by the Governing Body of the Borough of Elmwood Park, in the County of Bergen, State of New Jersey as follows:

- The Borough Special Planner, DMR Architects, is hereby authorized and directed to conduct a preliminary redevelopment investigation study in accordance with its January 13, 2021 proposal to determine if the area between East 54th and Main is an area in need of redevelopment; and
- 2. The fees authorized for this contact shall be \$11,590 and any additional services requested by the Owner must be presented to the Mayor and Council for approval
- 3. The Borough Special Planner shall complete this project no later than 90 days from the date hereof.
- 4. Notice of this action to be published according to law.

Resolution to take effect upon certification of this Resolution by the Borough Chief Financial Officer that sufficient funds are available for this resolution.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

Dated

March 17, 2021

Erin Delaney, MPA, RMC

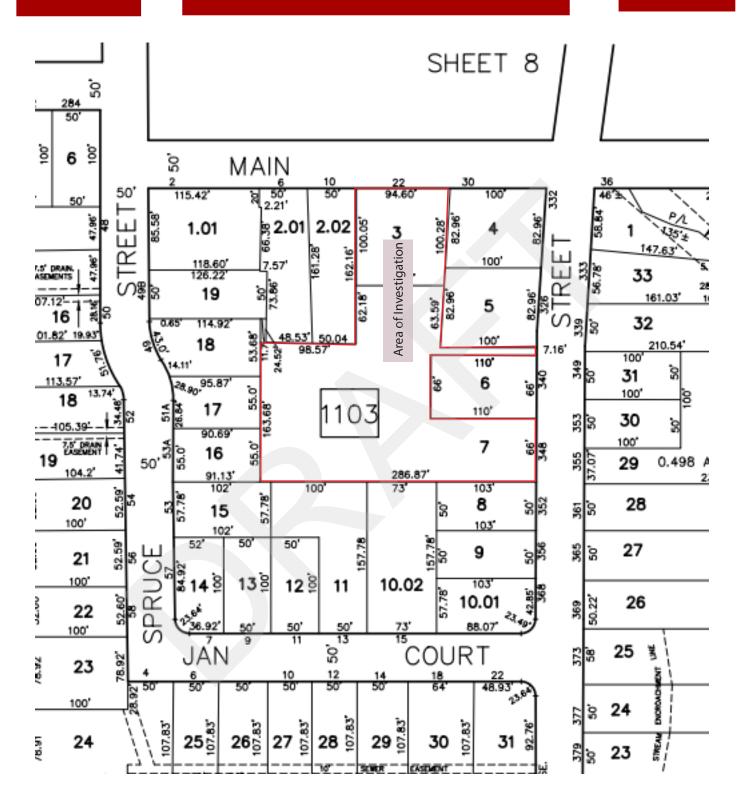
March 18, 2021 but Collet

Robert Colletti, Mayor

# **APPENDIX 2**

# Tax Map and Tax Assessor Property Record Cards In Order of Lot Number

# APPENDICES



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# APPENDICES

# Borough of Elmwood Park

# APPENDICES

# April 2021

U32 F-4;U8 F5	B A 4 512 18/PBAM 40 F0 U32 F16 18/PBAM 40 F0 U32 F16 19/PBAM 432 F16 512 512 512 512 512	³ 1S/CRAWL ³ 1S/CRAWL ³ 1S/B ³ 2S	19,000 Location: 95 90 Land Value: 300 BUILDING SKETCH REAR LOT	Card:         M         Units         Rate         Site         Cond         Value           Neigh:         7         17         0         SF         2000         100         100         100         134000           VCS:         0701         16         0         SF         2000         100         100         100         32000           Auto:         N         1         0         SF         2000         100         100         100         32000	AND CALCULATIONS IEqF Rate Site Cond Value 86 2000 0 100 172000	00k/Page Price Nu# 20 /246 100 10	Lot:     7     Bldg Desc: F2S     Street Address:       Qual:     AddI Lots:     City & State:       Acct#:     (#1 of 1)     Acreage:     0.436       Class:     2     Property Location       SALES HISTORY     1
3 Fixt Bath       2 Fixt Bath       2 Fixt Bath       Single Fixt       Bed Room       Rec Room       Den/Office       Dold B: 1103	ROO       B       Living Rm       Dining Rm       Kitchen       Kitchen       Extra Kitchen       4 Fixt Bath	Roof Type: GABLE Roof Material: ASPHALT Foundation: BLOCK/CONCRETE Electric: ADEQUATE	Type and Use: ONE FAMILY Story Height: TWO STORY Design & Style: CONVENTIONAL Exterior Wall:	Curbs YES Sidewalk YES BILLI DING	Road PAVED	Year         Land           1996         151600           1997         151600	Street Address: 763 WYNETTA PL City & State: PARAMUS, NJ Property Location: 356 EAST 54TH STREET
1         1         1           1         2         3           1         1         1           1         1         1           1         1         1           1         1         1           1         1         1           1         1         1           1         1         1           1         1         1           1         1         1	OLD KITCHEN       B     I     2     3/A       1     1     1     1       1     1     1     1	Livable Area: 1633 SF Heat Source: 01L Improvements: 0LD BATH	MILY     17       MILY     17       MILY     17       Ieight:     Condition:       TORY     NORMAL       82 Style:     Year Built/EffA:       MILY     1890 / 99 (Y)       Wall:     Func/Econ Rsn:	Neigh Type: TypICAL Info By: OMMER	SITE INFORMATION Utilities:	1 Impr 41400 193000 41400 193000	ETTA PL Bank: 00000 , NJ Zip: 07652 7 54TH STREET Zone: R18 ASSESSMENT LISTORY
Detached Items:	Garage/Misc Base Cost: 134157 Phys Depr: 44.00 (N) Economic: 5.00	Fireplace Attic Deck/Patio ENCLOSED PORCH	HW BASEBOARD HW BASEBOARD Plumbing 3 FIXTURE BATH 2 FIXTURE BATH 2 FIXTURE BATH	Main Bldg FIRST STORY UPPER STORY	Basement BASEMENT	Totate 11/18/03 REPA 10/25/00 ABANI	Impr: 89, Total: 395,
lmpr: 89 600	7 7 CCF: 126 CLA:100 0 (N) Func Obs: 0.00	40 x 26.840 + 1092	1633 x 3.250 + 1200 1- 2 x2595.000 + ( 0- 1 x1895.000 + (	1121 x 58,980 +27060 512 x 42,180 + 797	RESIDENTIAL COST APPROACH	Work Description 3 HEPAIR GARAGE 3 ABANDON OIL TANK 2	Code: Value: 0 Map:
Total: 305 700	Cost New: 169038 Net Cond: 53.00 Bldg Value: 89590	1092 x1.15 x1.00= 2490	1200 x1.12 x1.00= 7288 0 x1.12 x1.00= -2906 0 x1.12 x1.00= -2122	58.980 +27060 x1.00 x1.00= 93177 42.180 + 7975 x1.00 x1.00= 29571	EMP         STRUCTURE         1500         100/00/00           LCOST         APPROACH		Arec Laxable Value Deductions 395,700 Cd No-Ow ELMNOOD PARK

# **APPENDIX 3**

Police Records In Order of Lot Number

182 MARKET STREET ELMWOOD PARK, NJ 07407

# **GIS Result**

Incident #Call TypeCall DateLocationI-2020-024774FIREWORKS06/27/2020 02:0022 MAIN AVENUE, ELMWOOD PARK NJ 07407I-2020-023983MV IMPOUND06/22/2020 13:0422 MAIN AVENUE, ELMWOOD PARK NJ 07407I-2020-023983TIRES06/20/2020 09:4322 MAIN AVENUE, ELMWOOD PARK NJ 07407I-2020-021322COMMUNITY06/05/2020 15:1522 MAIN AVENUE, ELMWOOD PARK NJ 07407I-2020-019366REQUEST05/23/2020 01:2822 MAIN AVENUE, ELMWOOD PARK NJ 07407I-2019-035444PARKING09/03/2019 12:3722 MAIN AVENUE, ELMWOOD PARK NJ 07407	Department Case #	EPPD	EPPD	EPPD	EPPD	EPPD	EPPD		EPPD	EPPD	EPPD EPPD	EPPD EPPD EPPD	EPPD EPPD	EPPD EPPD EPPD EPPD	EPPD EPPD EPPD EPPD
Call Date 06/27/2020 02:00 06/22/2020 13:04 06/05/2020 05:43 06/05/2020 15:15 05/23/2020 01:28 05/23/2019 12:37 06/29/2019 12:37 06/28/2017 14:14	Incident #	1-2020-024774	1-2020-023983	1-2020-023638	1-2020-021322	1-2020-019366	I-2019-035444	1-2019-034813	1-2019-034506	1-2017-029952		1-2017-016646	I-2017-016646 I-2017-003789	I-2017-016646 I-2017-003789 I-2017-003617	-2017-016646  -2017-003789  -2017-003617  -2015-042394
Call Date 06/27/2020 02:00 06/22/2020 03:43 06/05/2020 05:43 06/05/2020 15:15 06/05/2020 01:28 05/23/2020 01:28 09/03/2019 12:37 08/29/2019 14:55 08/27/2019 14:55 08/27/2019 14:51 08/28/2017 14:14 05/08/2017 04:13 01/29/2017 16:30	Call Type (Final)	FIREWORKS	MV IMPOUND	TIRES MARKED	POLICING	REQUEST FOR P.O.	PARKING ENFORCEME NT	PARKING COMPLAINT	PARKING COMPLAINT		TRANSPORT	REQUEST FOR P.O.	DISORDERLY		Ņ
	Call Date	06/27/2020 02:00		06/20/2020 09:43	06/05/2020 15:15	05/23/2020 01:28	09/03/2019 12:37	08/29/2019 14:55	08/27/2019 12:51	08/28/2017 14:14	05/08/2017 04:13	01/29/2017 16:30		11/03/2015 19:01	DISORDERLY 06/10/2015 20:31
	Location	22 MAIN AVENUE, ELMWOOD PARK NJ 07407 105	22 MAIN AVENUE, ELMWOOD PARK NJ 07407 122	22 MAIN AVENUE, ELMWOOD PARK NJ 07407	22 MAIN AVENUE, ELMWOOD PARK NJ 07407										
	Disposition	CLO	CLO	CLO	cro	CLO	CLO	.CLO							
Disposition CLO CLO CLO CLO CLO CLO CLO CLO CLO	Call Taker	lbertoldi	sabdullah	sabdullah	RKOOZ	dcarrone	karenv	josephb	sabdullah	Coryr	michaelke	deloresc	Coryr	karenv	Coryr

APPENDICES

line of the stands		Location	Call Time	Report Count
2014-021632	C.D.S. ARREST	22 MAIN AVENUE		2
2014-014034	REQUEST FOR P.O.	22 MAIN AVENUE	04/17/2014 21:55	0
2013-017187	WELFARE CHECK	22 MAIN AVENUE	05/16/2013 22:17	0
2012-031438	WELFARE CHECK	22 MAIN AVENUE	11/10/2012 16:19	0
2012-026143	DISPUTE	22 MAIN AVENUE	09/18/2012 18:45	0
2012-024353	DISPUTE	22 MAIN AVENUE	09/01/2012 00:05	0
2012-013288	TRANSPORT	22 MAIN AVENUE	and the second se	0
2012-011975		22 MAIN AVENUE		1
2011-034337		22 MAIN AVENUE	the second se	1
2011-034111		22 MAIN AVENUE	a built condition of the state	<u> </u>
2011-017805		22 MAIN AVENUE	and the second	1
Count=11				

Incident Number	Final Call Type	Location	Call Time	Report Count
2013-033183	NOISE COMPLAINT	356 EAST 54TH STREET	08/31/2013 22:41	0
Count=1				

# **APPENDIX 4**

# Building Department Records In Order of Lot Number

I hereby certify that I am the (agent of) owner of record and am authorized to make this application and perform the work listed on this application. C. CERTIFICATION IN LIEU OF OATH SUBCODE APPROVAL for CERTIFICATE Applicant's Signature/Contractor's seal and Signature PLAN REVIEW Demolition \$0.00 **B. ELECTRICAL CHARACTERISTICS** Contractor License No.: Exp Date: U.C.C.F120(nev. 11/09) approved by: Electric Plans Approved Job Summary(Office Use Only) 1. New Building \$0.00 Building Occupied as Use Group: Home Improvement Registration No. or Exemption Reason; E-mail: Contractor: Work Site Location: 22 MAIN AVENUE Bewugh of Elmwood Park Date: UBCODE APPROVAL for PERMIT Jate: Address: E-mail: Address: Owner in Fee: DEMASE Block: <u>1103</u> Lot: <u>3</u> Qualification Code: A. IDENTIFICATION APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000 value: pproved by: oint Plan Review Required ate: [elephone: ] Building ] Partial-Underslab Utilities Approved ] Fire 8 | No Plans Required ]Pole/Pad # ] Licensed Electrical Contractor [ ] CCO Present 3-04 RIVER ROAD FAIR LAWN NJ TJ LOMBARDO ELECTRIC ATTN: ELMWOOD PARK NJ 07407-22 MAIN AVENUE Approved by: [ ] Plumbing Approved by: ] Elevator [ ]CA ELECTRICAL SUBCODE TECHNICAL SECTION R-3 [ ] Certified Landscape Irrigation Contractor [ ] Exempt Applicant ]Temporary 2. Rehabilitation \$300.00 Est.Cost of Elec.Work (1+2+3) \$300.00 Annual Pool Inspection Final Cut-in-Card Date Issue Final Other TCO Rough Certification Date of Grounding and Bonding Temp Cut-in-Card Date Issued Service Constr.Serv Trench Type: Temp.Serv Barrier-Free Barrier-Free INSPECTIONS Proposed Utility Co. ] Other Fax: Failure felephone: 0.-Federal Emp. No.: Dates(Month/Day) 103-3 Failure Approval Print Name 22-2491844 Applicant: When submitting this form to your Local Construction Code Enforcement Office, please provide one original and three photocopies. Initial Date Received: Control #: QTY. D. TECHNICAL SITE DATA 02/09/1999 3956 SIZE KW Elec. Sign/Outline Light AMP Subpanels Other 9: Other 8: Other 7: Other 6: Other 5: Other 4: Other 3: KW Photovoltaic Systems AMP Motor Control Center KW Transformer/Generator KW Baseboard Heat AMP Service HP Motors 1/+HP HP/KW Space Htr./Air Handler KW Central A/C Unit HP Garbage Disposal KW Dishwasher KW Elec. Dryer/Receptacle KW Elec. Water Heater KW Oven/Surface Unit KW Elec. Range/Receptacle Storable Pool/Spa/Hot Tub Pool Permit/with UW Lights Other 2: Other 1: Alarm Devices/F.A.C. Panel TOTAL NUMBER Communication Points Emergency&Exit Lights Motor-Fract.HP Light Poles Switches Detectors Receptacles Lighting Fixtures ITEMS State Permit Surcharge Fee Minimum Fee Administrative Surcharge TOTAL FEE Date Issued: Permit #: 02/09/1999 19990057 FEE (Office Use Only) \$46.00 \$46.00

**Borough of Elmwood Park** 

APPENDICES

J.C.C.F110(nev. 11/09) Date: Date: SUBCODE APPROVAL for PERMIT Approved by: SUBCODE APPROVAL for CERTIFICATE Approved by: Joint Plan Review Required: PLAN REVIEW JOB SUMMARY (Office Use Only) [ ] Elec. [ ] Plumb. Max. Occupancy Load Max. Live Load Volume of New Structure Height of Structure E-mail: Total Land Area Disturbed New Bldg. Area/All Floors No. of Stories Constr. Class Use Group B. BUILDING CHARACTERISTICS Name: Work Site Location: 340 EAST 54TH STREET Block: 1103 Lot: 7 Qualification Code: Area - Largest Floor Telephone: () Address: <u>Uwner Details</u> 8 Borough of Elmwood Park CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000 A. IDENTIFICATION-APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN ]Other ]Exterior ]Structural/Framework [Interior [Footings/Foundations **J**Ali ]No Plans Required [ ]000 DEMASE ELMWOOD PARK NJ 07407-340 EAST 54TH STREET Present: Present: R-3 ]CA ] Fire [ Date ] Elev. Initial 0 Ft. Sq. Ft. Sq. Ft. Cu. Ft. Sq. Ft. Proposed: Proposed: Home Improvement Registration No. or Exemption Reason: Type: Final Other Slab TCO Finishes - Final Footing Mechanical Energy Finishes - Base Layer nsulation frame Foundation Footing Bonding Barrier-Free Barrier-Free Truss Sys./Bracing INSPECTIONS E-mail: Telephone: Contractor: Contractor Details Federal Emp. No: Address: 4. Total (1+2+3) 3. Demolition Rehabilitation Est. Cost of Bldg. work: 1. New Building If Industrialized Building Lic No. or Bldrs Reg. No.: State Approved BUILDING SUBCODE TECHNICAL SECTION Failure Dates(Month/Day) Failure Approval 103-7 Fax: HUD \$600.00 600.00 Expiration Date: 0.00 0.00 Applicant: When submitting this form to your Local Construction Code Enforcement Office, please provide one original and three photocopies. Initial D. TECHNICAL SITE DATA record and am authorized to make this application C. CERTIFICATION IN LIEU OF OATH **DESCRIPTION OF WORK:** I hereby certify that I am the (agent of) owner of X] Rehabilitation Print name here: TYPE OF WORK: ] New Building Pool Siding Roofing | Addition Demolition Other 3: Other 2: Other 1: Ground or Wall Sign Sq. Ft. Fence 0 Retaining Wall Sq. Ft. Pylon Sign 0 Sq. Ft. Radon Remediation Lead Haz. Abatement NJAC 5:17 Asbestos Abatement Subchapter 8 Sign here: Date Received: 08/03/1999 State Permit Surcharge Fee TOTAL FEE Minimum Fee Administrative Surcharge Control #: 4406 Height (exceeds 6') FEE (Office Use Only) Date Issued: 08/03/1999 Permit #: 19990469 \$18.00\$30.00

APPENDICES

U.C.C.F110(rev. 11/09) Use Group Constr. Class Date: Date: Max. Occupancy Load Name: SUBCODE APPROVAL for CERTIFICATE SUBCODE APPROVAL for PERMIT PLAN REVIEW JOB SUMMARY (Office Use Only) Max. Live Load Work Site Location: 340 EAST 54TH STREET Approved by: Approved by: New Bldg. Area/All Floors Area - Largest Floor No. of Stories **B. BUILDING CHARACTERISTICS** E-mail: Block: 1103 Lot: 7 Qualification Code: []CO []CCO []CA Total Land Area Disturbed Volume of New Structure Height of Structure Address: <u>Owner Details</u> oint Plan Review Required: Telephone: () ] Elec. [ ] Phumb. Borough of Elmwood Park CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000 A. IDENTIFICATION-APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN ]Other **]No Plans Required** Interior Footings/Foundations A Exterior Structural/Framework 340 EAST 54TH STREET ELMWOOD PARK NJ 07407-DEMASE Present: Present: U ] Fire [ Date ] Elev. Initial 0 Sq. Ft. Ft Sq. Ft. Sq. Ft. Cu. Ft. Proposed: Proposed: Home Improvement Registration No. or Exemption Reason: Type: Other Slab TCO Finishes - Base Layer Foundation Footing Bonding Final Mechanical Energy Finishes - Final Insulation Footing rame Barrier-Free Barrier-Free Truss Sys./Bracing INSPECTIONS Contractor: LOMBARDO ENVIRONMENTAL Contractor Details Federal Emp. No: 22-3548562 E-mail: Address: Telephone: 4. Total (1+2+3) 3. Demolition 2. Rehabilitation If Industrialized Building New Building Est. Cost of Bldg. work: Lic No. or Bldrs Reg. No.: State Approved BUILDING SUBCODE TECHNICAL SECTION P <u>PO BOX 62</u> ATTN: ELMWOOD PARK NJ Failure Dates(Month/Day) Failure Approval Fax: \$4,000.00 HUD 2,000.00 2,000.00 Expiration Date: 0.00 Applicant: When submitting this form to your Local Construction Code Enforcement Office, please provide one original and three photocopies. Initial D. TECHNICAL SITE DATA record and am authorized to make this application I hereby certify that I am the (agent of) owner of C. CERTIFICATION IN LIEU OF OATH DESCRIPTION OF WORK: X ] Demolition Print name here: TYPE OF WORK: Siding New Building Other 3: Other 1: Pool Ground or Wall Sign Sq. Ft. Rehabilitation Addition Other 2: Radon Remediation Asbestos Abatement Subchapter 8 Retaining Wall Sq. Ft. Pylon Sign 0 Sq. Ft. Fence 0 Roofing Lead Haz. Abatement NJAC 5:17 Sign here: Date Received: 10/26/2000 Control #: 5597 State Permit Surcharge Fee Minimum Fee TOTAL FEE Administrative Surcharge Height (exceeds 6') FEE (Office Use Only) Date Issued: 10/26/2000 Permit #: 20000733 \$75.00 \$75.00

Borough of Elmwood Park

APPENDICES

APPENDICES Date: E-mail: SUBCODE APPROVAL for PERMIT PLAN REVIEW Joint Plan Review Required: Max. Occupancy Load Max. Live Load New Bldg. Area/All Floors Area - Largest Floor No. of Stories Use Group Approved by: JOB SUMMARY (Office Use Only) Total Land Area Disturbed Volume of New Structure Height of Structure Constr. Class **B. BUILDING CHARACTERISTICS** ] Elec. [ ] Plumb. ]Other **]No Plans Required** Interior ]Exterior Structural/Framework Footings/Foundations All Present: Present: R-3 ] Fire [ Date ] Elev. Initial

U.C.C.F110(rev. 11/09) Work Site Location: 340 EAST 54TH STREET SUBCODE APPROVAL for CERTIFICATE Block: <u>1103</u> Lot: <u>7</u> Qualification Code: Approved by: **Owner** Details Telephone: () Borough of Elmwood Park CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000 A. IDENTIFICATION-APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN []CCO []CA 340 EAST 54TH STREET ELMWOOD PARK NJ 07407-DEMASE Sq. Ft. Ft Sq. Ft. Sq. Ft. Cu. Ft. Proposed: Proposed: Home Improvement Registration No. or Exemption Reason: Type: TCO Other Slab Final Mechanical Energy Finishes - Final Finishes - Base Layer Footing Bonding Foundation Footing Insulation rame Barrier-Free Barrier-Free Truss Sys./Bracing INSPECTIONS Federal Emp. No: Contractor: Contractor Details E-mail: Telephone: Address: 4. Total (1+2+3) Demolition 2. Rehabilitation Est. Cost of Bldg. work: If Industrialized Building New Building Lic No. or Bldrs Reg. No.: State Approved BUILDING SUBCODE TECHNICAL SECTION Failure Dates(Month/Day) Failure Approval Fax: \$3,000.00 anH Expiration Date: 3,000.00 0.000.00 Applicant: When submitting this form to your Local Construction Code Enforcement Office, please provide one original and three photocopies. Imitial D. TECHNICAL SITE DATA record and am authorized to make this application [ X] Rehabilitation DESCRIPTION OF WORK: I hereby certify that I am the (agent of) owner of C. CERTIFICATION IN LIEU OF OATH Print name here: ] New Building TYPE OF WORK: ] Siding ] Addition Roofing Pool Demolition Ground or Wall Sign Sq. Ft. Other 3: Other 2: Other 1: Radon Remediation Lead Haz. Abatement NJAC 5:17 Asbestos Abatement Subchapter 8 Retaining Wall Sq. Ft Pylon Sign 0 Sq. Ft. Fence 0 Sign here: State Permit Surcharge Fee Minimum Fee Administrative Surcharge TOTAL FEE Control #: 8744 Height (exceeds 6') FEE (Office Use Only) Date Issued: 11/18/2003 Permit #: 20030939 \$49.00<u>\$4.00</u> <u>\$4.00</u>

**Borough of** Elmwood Park

Date:

8

Address: Name:

Date Received: 11/18/2003

U.C.C.F110(nev. 11/09) Approved by: Date: Approved by: Date: SUBCODE APPROVAL for PERMIT Joint Plan Review Required: JOB SUMMARY (Office Use Only) Max. Occupancy Load Max. Live Load Volume of New Structure E-mail: Name: SUBCODE APPROVAL for CERTIFICATE PLAN REVIEW New Bldg. Area/All Floors Constr. Class Block: 1103 Lot: 7 Qualification Code: [ ] Elec. [ ] Plumb. [ ] Fire [ Total Land Area Disturbed Height of Structure No. of Stories Use Group <u>Owner Details</u> Work Site Location: 340 EAST 54TH STREET Area - Largest Floor B. BUILDING CHARACTERISTICS Telephone: ()_ Address: 8 Borough of Elmwood Park CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO: 1-800-272-1000 A. IDENTIFICATION-APPLICANT: COMPLETE ALL APPLICABLE INFORMATION. WHEN ]Other ΙA No Plans Required Interior Structural/Framework Footings/Foundations Exterior []CCO []CA ELMWOOD PARK NJ 07407-340 EAST 54TH STREET DEMASE Present: Present: R-3 Date ] Elev. Initial Sq. Ft. Sq. Ft. Sq. Ft. Cu. Ft. Ŧ Proposed: Proposed: Home Improvement Registration No. or Exemption Reason: Type: Other TCO Final Mechanical Finishes - Final Finishes - Base Layer Slab Footing Insulation Foundation Footing Bonding Energy Frame Barrier-Free Barrier-Free Truss Sys./Bracing INSPECTIONS Federal Emp. No: E-mail: Contractor Details Telephoue: Address: Contractor: 4. Total (1+2+3) 3. Demolition Est. Cost of Bldg. work: Rehabilitation 1. New Building If Industrialized Building Lic No. or Bldrs Reg. No.: State Approved BUILDING SUBCODE TECHNICAL SECTION Failure Dates(Month/Day) Failure Approval \$1,500.00 Fax: 1,500.00 HUD Expiration Date: 0.00 0.00 Applicant: When submitting this form to your Local Construction Code Enforcement Office, please provide one original and three photocopies. Initial **D. TECHNICAL SITE DATA** record and am authorized to make this application. I hereby certify that I am the (agent of) owner of [ X] Rehabilitation **DESCRIPTION OF WORK:** C. CERTIFICATION IN LIEU OF OATH X] Other 1: ALT Print name here: ] New Building TYPE OF WORK: ] Siding Other 2: Pool Ground or Wall Sign Sq. Ft. Demolition Other 3: Radon Remediation Fence <u>0</u> Heij Pylon Sign <u>0</u> Sq. Ft. Roofing Addition Asbestos Abatement Subchapter 8 Retaining Wall Sq. Ft. Lead Haz. Abatement NJAC 5:17 Sign here: Date Received: 07/26/2006 Control #: 11997 ALT Minimum Fee State Permit Surcharge Fee Administrative Surcharge TOTAL FEE Height (exceeds 6') FEE (Office Use Only) Date Issued: 07/26/2006 Permit #: 20060647 \$60.00 \$60.00 \$2.00

Borough of Elmwood Park

APPENDICES

## **APPENDIX 5**

### Relevant Zoning and Land Use Requirements

3/10/2021

Borough of Elmwood Park, NJ Ecode360

Borough of Elmwood Park, NJ Wednesday, March 10, 2021

#### Chapter 34. Zoning and Site Plan Review

#### Article VI. Use Regulations

#### § 34-6. DISTRICT LAND USE REGULATIONS.

§ 34-6.1. General.

#### [1969 Code § 88-19; Ord. No. 1978-6]

Uses of land and buildings permitted in the districts established under Subsection 34-5.1 are tabulated in § 34-7. In these tables, "P" shall denote a use permitted by right; "C" shall denote a use permitted only by conditional use approval granted in accordance with § 34-31 of this chapter; and "-" (a dash) shall denote a use that is prohibited in the district. Other uses not listed shall be prohibited.

#### § 34-7. TABLE OF USE REGULATIONS.

[1] Editor's Note: See Subsection 34-6.1 for explanation of symbols.

#### § 34-7.1. Residential Uses.

[1969 Code § 88-20.1; Ord. No. 1978-6; Ord. No. 78-10; Ord. No. 85-1; Ord. No. 85-21; Ord. No. 98-13; Ord. No. 02-23 § 7; Ord. No. 03-10 § 1; Ord. No. 10-14 § 3]

34-7.1, Residential Uses.											
LAND USE	R-3	R-5	R-9	R-18	R-MF	C-L	C-G	C-0	I-R	I-G	POP
Detached one-family dwelling	Ρ	Ρ	Ρ	Ρ	Р	Ρ	-	—	-	-	-
Semi-detached and two- family dwelling	7	Ρ	-	Ρ	Ρ	Ρ	-	—			
Townhouse (one-family attached)	-	-	-	С	Ρ	Ρ	-	- <u></u>	-		-
Multi-family dwelling or apartment house	-	_	-	-	Ρ		-	-	8 <del>77</del> 8	-	-
Dwelling in a permitted commercial building	-	-	-	-	-	С	-	—	-	-	-
Rooming, lodging, or boarding house	-	-	-	-	-	С	-	-	-	-	-

3/10/2021

Borough of Elmwood Park, NJ Ecode360

34-7.1, Residential Uses.											
LAND USE	R-3	R-5	R-9	R-18	R-MF	C-L	C-G	C-0	I-R	I-G	POP
Conversion of existing one-family dwelling to accommodate 2 or more families	-	-	-	Ρ	С		1	-	-	-	-
Conversion of existing one-family dwellings to accommodate 3 or more families	-		-	-	С	1. 	-	-		-	-

a. No person shall rent, lease, solicit, advertise for, offer, permit, allow for rent or allow the use or occupancy of any dwelling unit for a period of 28 days or less. Nothing shall prevent lawful rental and occupancy of a dwelling unit for a rental period of more than 28 days. [Added 3-19-2020 by Ord. No. 20-06]

#### § 34-7.2. Public, Recreational and Institutional Uses.

						2	Zoning	Districts	13				
LA	ND USE	R-3	R-5	R-9	R-18	R-MF	C-L	N-C	C-G	C-0	I-R	I-G	POP
a.	Public park, playground	Ρ	-	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Ρ	Р	Р	Ρ
b.	Cemeteries	-	-			-			—	-	-	_	-
C.	Municipal offices, (municipal) facilities, community centers, libraries, fire stations	10 10		T	-	T.	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ
d.	Church			-			Р	Р	-	-	_	-	_
e.	Nursing care home	с	-	С	С	С			-	-	<u></u>	-	-
f.	Public or private schools, day nurseries	-	-		हाल	-	Ρ	Ρ	-	-	-	-	-
g.	Gymnasium, health club, swim club, tennis club	-	-	-	-	-	-	-	Ρ	-	Ρ	-	Ρ

[1969 Code § 88-20.2; Ord. No. 1978-6; Ord. No. 85-1; Ord. No. 98-13; Ord. No. 2015-13]

1					Borou	ugh of Elm	wood P	ark, NJ E	code360				
34	4-7.2, Public, Recreati	onal an	d Institu	tional L	lses.								
						2	Zoning	Districts					
L	AND USE	R-3	R-5	R-9	R-18	R-MF	C-L	N-C	C-G	C-0	I-R	I-G	POP
h.	Definition of the second secon	С	-	С	С	С	Ρ	Ρ	Ρ	Ρ	-		-
i.	Commercial marina for the sale, mooring, and rental of boats	-	-	_	-	-	1	-	Ρ		-	Ρ	c

#### § 34-7.3. Commercial Uses.

[1969 Code § 88-20.3; Ord. No. 1978-6; Ord. No. 79-4; Ord. No. 85-1; Ord. No. 85-21; Ord. No. 88-10; Ord. No. 98-13; Ord. No. 10-10; Ord. No. 14-06 § 2; Ord. No. 2015-13]

							Zoning	Districts	5				
LA	AND USE	R-3	R-5	R-9	R-18	R-MF	C-L	N-C	C-G	C-0	I-R	I-G	POP
a.	Hotel or motel	-		-	-	-	-		Р	_	_	22	С
b.	Home occupation or home professional office	Ξ	-		-	Ρ	Ρ	Ρ	-	Ρ	-	-	-
C.	Retail establishment serving local area needs including, but not limited to, drug, grocery, and baked goods store												
	1. Up to 5,000 square feet of floor area per establishment	-	-	-	-		Ρ	Ρ	Ρ	-	-	-	-
	2. Exceeding 5,000 square feet of floor area per establishment	-		Η	-		2		-	-	-	-	-
d.	Other retail establishments	-	-	—	-		Ρ	Р	Ρ	_	-	-	-

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# 34 Attachment 1

# Borough of Elmwood Park 34-17 TABLE OF LOT AND BUILDING REGULATIONS Vo. 82-4: Ord. No. 85-11: Ord. No. 85-21: Ord. N

; NN P ć 1070 2 ċ 33. (1969 Code § 88-

0. 03-11 \$ 7;	2	
Drd. No. 91-10; Ord. N	d. No. 19-17)	Maximum
Code § 88-22; Ord. No. 1978-6; Ord. No. 82-4; Ord. No. 83-14; Ord. No. 85-1; Ord. No. 85-21; Ord. No. 87-3; Ord. No. 91-10; Ord. No. 03-11	Ord. No. 03-21§ II; Ord. No. 10-14 § 3; Ord. No. 11-05 § 5; Ord. No. 2015-13; 12-19-2019 by Ord. No. 19-17)	Minimum Yards
. No. 85-1; Ord. No. 8	05 § 5; Ord. No. 2015	Mir
Jrd. No. 83-14; Ord.	14 § 3; Ord. No. 11-(	
+6; Urd. No. 82-4; C	21§ II; Ord. No. 10-1	
5-22; Urd. No. 1978	Ord. No. 03-	
(1969 Code § 88		

						Minimum Yards	Yards		Maximum		
		MINIMUM	Minimum	Minimum		Both	Min		Lot		Floor
1		Lot Size	Lot Area	Lot Width	Front	Sides	Side	Rear	Coverage	Max. Bldg.	Area
District	Principal Use	(s.f.)	D.U. (s.f.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(%)	Height	Ratio
R-3	one-family	15,000	N.A.	100	40	35	15	30	20	25' or 2 1/2 stories ***	N.A.
R-5	one-family	5,000	5,000	50	25	15	S	20	25	25' or 2 1/2 stories ***	N.A.
	semi-detached	7,500	3,750	75	25	ī	*	20	25	25' or 2 1/2 stories ***	N.A.
	two-family	7,500	3,750	75	25	15	5	20	25****	25' or 2 1/2 stories ***	N.A.
R-9	one-family	5,000	N.A.	50	25	15	5	20	25	25' or 2 1/2 stories ***	N.A.
R-18	one-family	5,000	N.A.	50	25	15	s	20	25	25' or 2 1/2 stories ***	N.A.
	semi-detached	7,500	3,750	75	25	I	*	20	25	25' or 2 1/2 stories ***	N.A.
	two-family	7,500	3,750	75	25	15	5	20	30	25' or 2 1/2 stories ***	N.A.
	townhouse	30,000	3,750	125	25	ł	**	20	35	25' or 2 1/2 stories ***	N.A.
	multi-family	30,000	2,000-1 bedroom								
			2,700-2 bedroom 3,400-3 bedroom	125	25	1	20	20	35	25' or 2 1/2 stories ***	N.A.
R-MF	one-family	5,000	N.A.	50	25	15	5	20	25	25' or 2 1/2 stories ***	N.A.
	semi-detached	7,500	3,750	75	25	1	*	20	25	25' or 2 1/2 stories ***	N.A.
R-MF	two-family	7,500	3,750	75	25	15	5	20	25	25' or 2 1/2 stories ***	N.A.
	townhouse	15,000	3,750	100	25	J	* *	20	35	25' or 2 1/2 stories ***	N.A.
			34	34 Attachment 1:1	1:1					Publication	Publication, Mar 2020

Borough of

Elmwood Park

	Minimum	Minimum	Minimum		Minimum Yards Both Min	Yards Min		Maximum Lot		Floor
Principal Use family	Lot Size (s.f.) 15,000	Lot Area D.U. (s.f.) 2,000-1 bdrm	Lot Width (ft.)	Front (ft.)	Sides (ft.)	Side (ft.)	Rear (ft.)	Coverage (%)	Max. Bldg. Height	Area Ratio
		2,700-2 bdrm	100	25	Ľ,	10	20	35	25' or 2 1/2 stories ***	N.A.
All		3,400-3 bdrm	Same as le	act restricti	Same as least restrictive adjacent residential district	idential dis	triot			20
As permitted in Section 34-7 Table of Use Regulations	5,000	2,500	50	5	17	5	47	20	2/35	C'0
As permitted in Section 34-7 Table of Use Regulations	10,000	2,500	100	\$	17	5	47	25	3/43	
All	15,000	N.A.	100	25	25% of lot width	10	25	40	30' or 2 stories	0.6
All	7,500	N.A.	75	25	25% of lot width	5	20	25	50' or 4 stories	0.5
****	22,500	N.A.	125	35	25% of lot width	15	25	25	30' or 2 stories	0.4
ЛI	22,500	N.A.	125	25	1	10	25	40	55' or 4 stories	0.5
office research and aboratory hotel/motel	7 Ac.	N.A.	350	50	60	30	60	40	55' or 4 stories	N.A.
	7 Ac.	N.A.	350	50	60	30	60	40	55' or 4 stories	N.A.
	10 Ac.	N.A.	400	50 feet or 0.50 x height (each)	50 feet or 0.50 x height (each)		60	44	85' or 6 stories	N.A.
				See sub	See subsection 34-10.7	L				
				See 3	See Section 34-14					

*A semi-detached dwelling shall have one side yard with a minimum width of 10 feet.
**No side yards are required for town houses, except that an end unit shall have one side yard with a minimum width of 10 feet.
***In on event shall any building exceed 25 feet in height.
***Those uses as are permitted in subsection 34-7.4 shall be the only uses permitted in the IR Zoning District.
****Provided that a two-family dwelling that is designed with garages that separate the garages for each dwelling by a fire wall may have a maximum lot coverage of 27.5 percent.

34 Attachment 1:2

Publication, Mar 2020

3/10/2021

Borough of Elmwood Park, NJ Ecode360

Borough of Elmwood Park, NJ Wednesday, March 10, 2021

#### Chapter 34. Zoning and Site Plan Review

#### Article XII. Nonconformance

## § 34-48. NONCONFORMING USES, BUILDINGS, LOTS AND STRUCTURES.

§ 34-48.1. Generally.

#### [1969 Code § 88-34; Ord. No. 1978-6]

The lawful use of land, buildings, or structures existing when this chapter was adopted may be continued although they may not conform to this chapter provided, however, that none shall be enlarged, extended, relocated, converted to another use, or altered, except in conformity with this chapter, except as permitted below. Land on which a nonconforming use or structure is located shall not be reduced in size, nor shall any lot already nonconforming be made more nonconforming in any manner.

#### § 34-48.2. Abandonment.

#### [1969 Code § 88-35; Ord. No. 1978-6]

A nonconforming use shall be considered abandoned: a. if it is terminated by the owner; b. if a nonconforming use involving a building or structure is discontinued for 12 consecutive months; or c. if a nonconforming use of land not involving a building or structure is discontinued for a period of six months. The subsequent use of the abandoned building, structure and/or land shall be in conformity with this chapter.

#### § 34-48.3. Conversion to Permitted Use.

#### [1969 Code § 88-36; Ord. No. 1978-6]

Any nonconforming building, structure, or use may be changed to conform to this chapter, but shall not be changed back to a nonconforming status.

#### § 34-48.4. Restoration.

[1969 Code § 88-37; Ord. No. 1978-6]

a. Any nonconforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm, or act of God, shall be examined by the following three people: a. the Construction Official; b. the owner or an architect or engineer selected by the owner; and c. a third person agreed to by the Construction Official and the owner whose fee shall be agreed to and shall be paid in equal portions by the Borough and the owner. If in the opinion of the majority of the above three people, the value of repairing the condition is greater than 50% of the value of

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3/10/2021

#### Borough of Elmwood Park, NJ Ecode360

replacing the entire structure, it shall be considered completely destroyed and may be rebuilt to the original specifications only upon approval of a use variance as provided by State statues.

- b. Where the value of repairing the condition is determined to be less than 50% of the value of replacing the entire structure, the nonconforming structure or use may be rebuilt and used for the same purpose as before, provided it does not exceed the height, area and volume of the original structure.
- c. The percent damaged shall be the current replacement costs of the portion damaged or condemned computed as a percentage of the current total replacement cost of the entire structure, neither to include the cost of the foundation.

#### § 34-48.5. Repairs and Maintenance.

#### [1969 Code § 88-38; Ord. No. 1978-6]

Repairs and maintenance may be made to a nonconforming use, structure, or lot provided the repair and maintenance work do not change the use, expand the building or the functional use of the building, increase the area of a lot used for a nonconforming purpose, or increase the nonconformity in any manner.

#### § 34-48.6. Sale.

#### [1969 Code § 88-39; Ord. No. 1978-6]

Any nonconforming use, structure or lot may be sold and continue to function in the same nonconforming manner.

## § 34-48.7. Nonconforming Lots and Structures: Additions or Accessory Building.

#### [1969 Code § 88-40; Ord. No. 1978-6]

Any structure on a nonconforming lot or a structure on a conforming lot which violates any yard requirements may have additions to the principal building and/or construct an accessory building without an appeal to the Board of Adjustment provided the total permitted building coverage is not exceeded and the accessory building and/or the addition to the principal building do not violate any other requirements of this chapter.

## § 34-48.8. Violation and Penalty; Compliance with Residency Requirements.

#### [1969 Code § 88-40.1; Ord. No. 1978-6]

No person, firm or corporation who is the owner of any lands and premises located in any residential district in the Borough of Elmwood Park who permits the same to be used or occupied in excess of the residency requirements of the zone in which the lands and premises are located shall be subject to a fine in the Municipal Court of the Borough of Elmwood Park for the first offense of \$100; for a second offense, in the sum of \$500 and/or imprisonment in the County Jail for a term not to exceed 30 days; and for a third and subsequent offense, a fine of \$500 and imprisonment in the County jail for a term not to exceed 30 days.

§ 34-48.9. Nonconforming Lots in the R-5 Zone.

3/10/2021

Borough of Elmwood Park, NJ Supplementary Regulations

- a. Satellite or dish antennas shall be permitted as accessory structures in all zones. Every satellite or dish antenna shall have a receiving surface not exceeding three meters in diameter and shall be permitted in the rear yard only at least 15 feet from the rear and side yard property line. All such antenna shall be enclosed by a wall or fence having a height of six feet in order to prevent unauthorized persons from gaining access to the antenna. In addition all such antennas shall be ground mounted on a foundation, in conformance with the requirements of the BOCA Code, and shall be reasonably screened to minimize the view of the antenna from public thoroughfares and the ground level of adjacent properties. No antenna and its foundation shall exceed 72 inches in height. The screen and enclosure required by this subsection may be one and the same if appropriate for both purposes. Screening may consist of trellis, latticework, decorative block, basketweave fencing, open artistic block, or other similar material. In lieu thereof, screening may be provided by plantings of at least four feet in height of such kind, proximity and density of growth as shall effectively screen the antenna and mount in all seasons of the year. The screening and enclosure required hereinabove shall be such as is approved by the Construction Official in the event installation of the antenna is to be made in connection with a detached one- or two-dwelling unit principal structure, and by the Planning Board in all other cases upon site plan review. All screening and enclosures required by this subsection shall comply in all respects with all other provisions of this and other Borough ordinances.
- b. The construction, erection, maintenance or outdoor storage of any dish antenna or other similar antenna or device with a diameter of more than 24 inches for the purpose of which is to receive television, radio, microwave or other electromagnetic signals is prohibited except as hereinabove set forth.

#### § 34-28 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT.

[1969 Code § 88-25; Ord. No. 1978-6; Ord. No. 96-5]

No recreational equipment or vehicle as defined in this chapter shall be parked or stored in an "R" District, except in an enclosed building or a carport or portion of a driveway located in the rear or side yard. In no case shall such equipment or vehicle be parked or stored in the front yard or within five feet of any property line. Living, sleeping or housekeeping purposes in any such equipment or vehicle while parked or located in a residential area shall be prohibited.

#### § 34-29 SCREENING.

#### § 34-29.1 Conflicting Uses.

[1969 Code § 88-26; Ord. No. 1978-6]

At the time of occupancy of any lot in an I-G or C-G District, there shall be a screen along each boundary which adjoins an "R" or C-O District. This screen shall consist of a solid fence or wall, compact evergreen hedge, combination thereof, or equivalent not less than five feet and not more than six feet in height.

#### § 34-29.2 Open Storage.

[1969 Code § 88-26; Ord. No. 1978-6]

Areas used for open storage of materials under Subsection 34-7.4e and f shall be enclosed within a solid fence or wall, or compact evergreen hedge at least six feet in height.

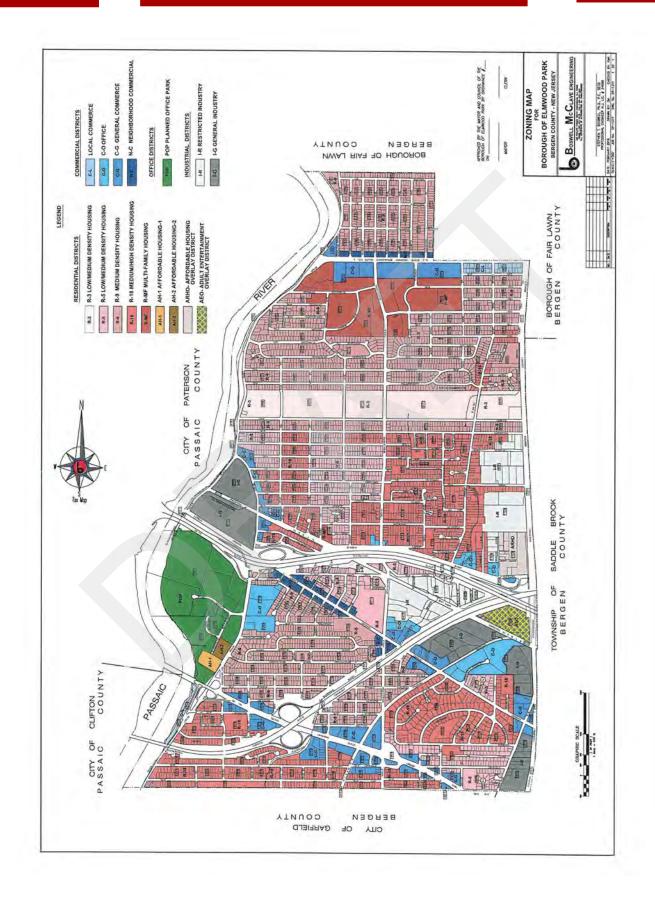
#### § 34-30 SIGNS.

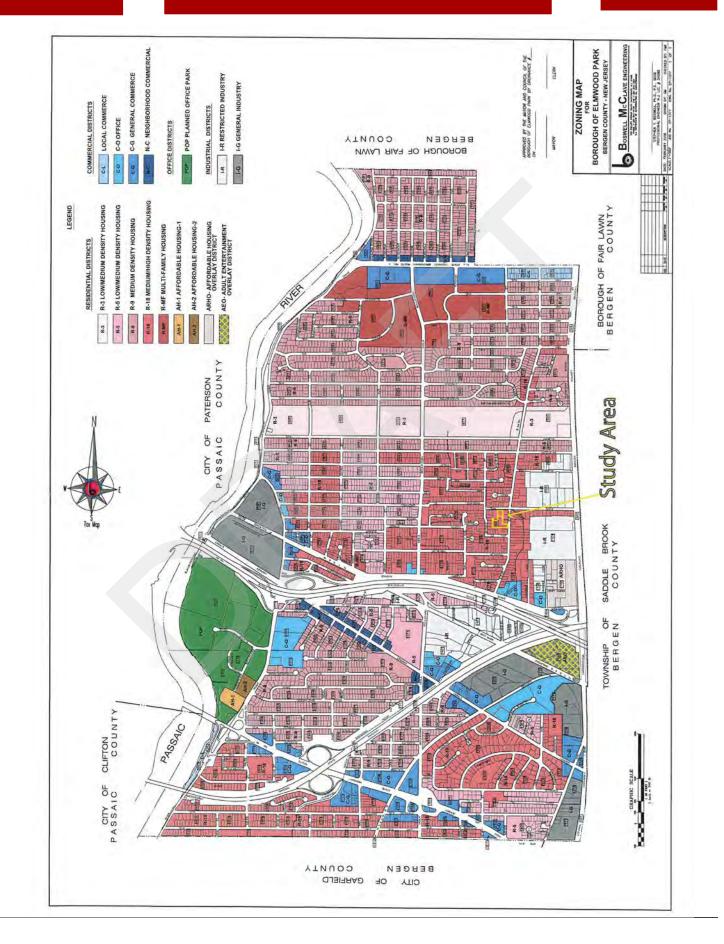
#### § 34-30.1 Signs Permitted in "R" Districts.

[1969 Code § 88-27; Ord. No. 1978-6; Ord. No. 06-13]

- a. One sign identifying the address and/or occupant of a dwelling unit not exceeding one square foot in area.
- b. One unlighted real estate sign advertising a premises for sale or rent, provided that such sign shall not exceed six square feet in area and shall be set back at least 1/2 the required front yard depth.
- c. One temporary sign identifying the building, owner, architect, contractor, or engineer during construction, provided such sign shall be removed promptly after completion of the building and shall be set back at least 1/2 the required front yard

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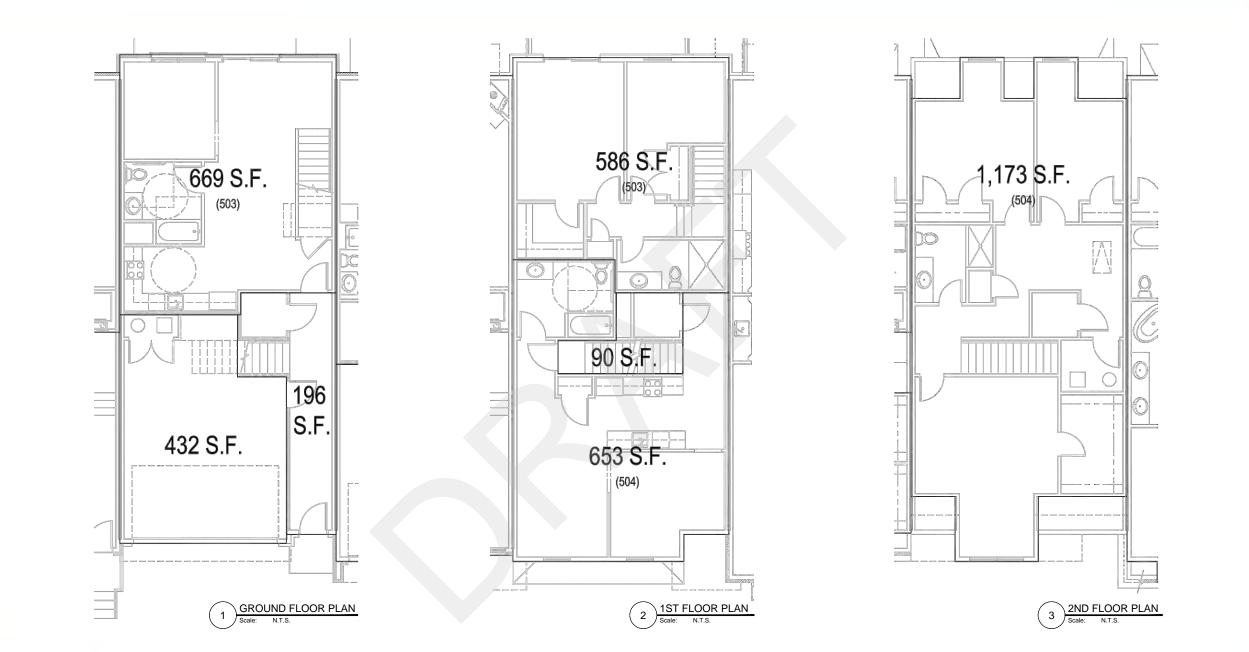




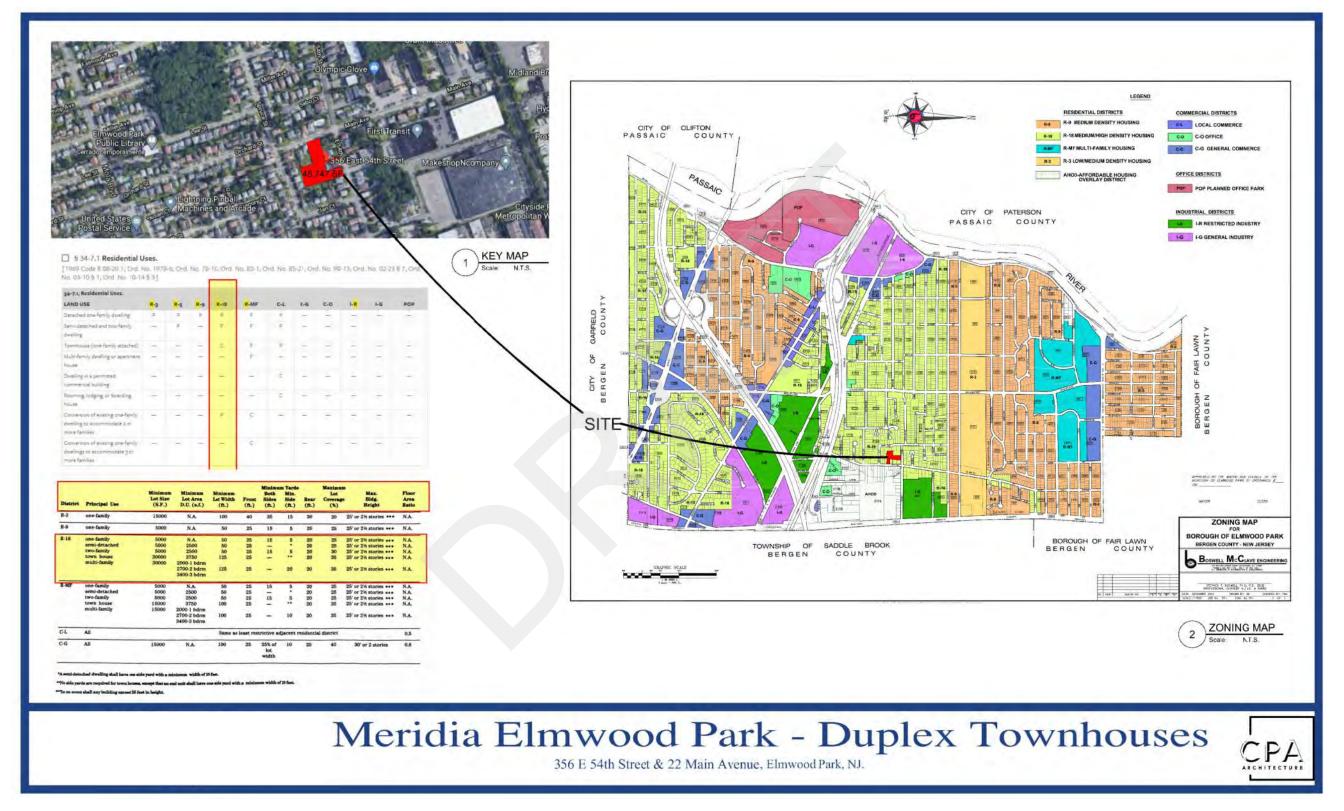




Schematic Site Plan







## APPENDIX 12 689 RIVER DRIVE



## 689 River Drive Redevelopment Plan

Block 1202; Lot: 21

BOROUGH OF ELMWOOD PARK BERGEN COUNTY, NEW JERSEY February 2023

> Prepared by: DMR Architects 777 Terrace Avenue Hasbrouck Heights, NJ 07604

> > Date: February, 2023

Francis Reiner, LLA - PP License #: Ll00616700

#### **ACKNOWLEDGEMENTS:**

#### **Mayor and Council**

Mayor Robert Colletti Councilwoman Sandra Balistrieri Councilwoman Tanisha Dennis Councilman Francesco Fasolo Councilman Daniel Golabek Councilwoman Lorraine Pellegrine Councilwoman Theresa Sheridan

#### **Borough of Elmwood Park**

Michael Foligno, Borough Administrator Lori Sproviero, Planning Board Secretary Anthony Ambrogio, Construction Official Roy Riggitano, Certified Municipal Financial Officer / Treasurer

#### **Borough Consultants**

Francis Reiner, PP, LLA, DMR Architects, Planner Daniel Hauben, PP, AICP, DMR Architects Planner Suburban Consulting Engineers, Board Engineer

#### **Planning Board**

Jeffrey Freitag - Chairman Joseph Beniamini - Member Antonio Castelbuono - Member Romano Intrieri - Member Joseph Mulligan - Member Myles Garvey - Member Robert Elder - Member Robert Colletti, Mayor - Carl Roberts (Mayor's Delegate) Francesco Fasolo, Council Rep. Class III Andrew Tisellano, Alt. #1 Eric Saimson, Alt. #2

**Planning Board Attorney** 

John Conte, Esq.

#### **Planning Board Consultants**

Suburban Consulting Engineers, Board Engineer Francis Reiner, PP, LLA, DMR Architects, Redevelopment Planner

i.

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**689 RIVER DRIVE REDEVELOPMENT PLAN** 

**DMR** Architects

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#### **1.0: BACKGROUND INFORMATION:**

The Borough of Elmwood Park recognizing the importance of continued growth within the Borough have expressed great interest and support for redevelopment projects in certain areas of the community. With the continued efforts for future growth and development the Borough has recognized the tool of Redevelopment Planning to map and guide these redevelopment efforts.

On May 19th, 2022 the Mayor and Council for the Borough of Elmwood Park adopted Resolution # 502-22 designating the properties at Block 1202, Lot 21 having a street address of 689 River Drive as an area in need of redevelopment for non-condemnation purposes.

Elmwood Park represents a premier location in Bergen County that supports residential development. The Borough has transportation access with Route 80, Garden State Parkway and Route 46 road network traversing through the Borough.

As part of the on-going initiatives to promote revitalization, the Borough has put together this redevelopment plan for 689 River Drive to support the goals and vision for redevelopment opportunities within the Borough and consistency with the Master Plan.

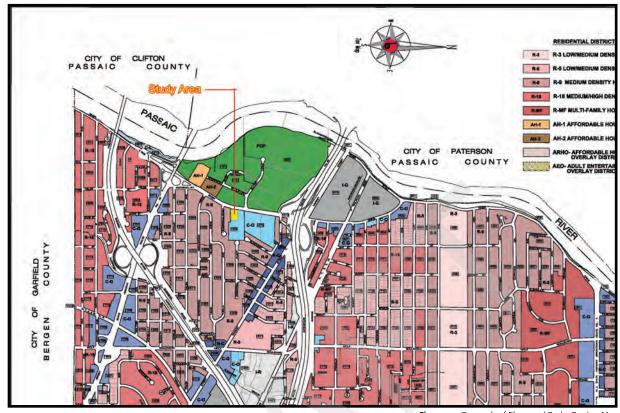


Figure 1.0: Borough of Elmwood Park - Zoning Map

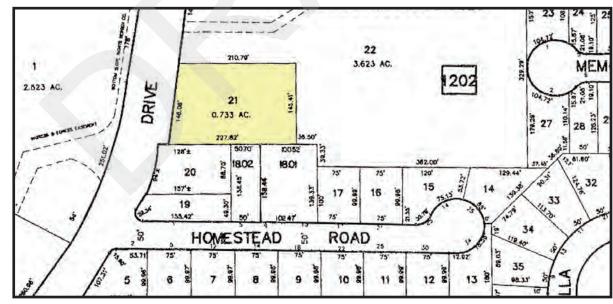


Figure 1.1: Elmwood Park Lot 21 Tax Map

#### 2.0: INTRODUCTION:

#### A. BASIS FOR THE PLAN:

This redevelopment plan has been prepared for Block 1202; Lot 21 located at 689 River Drive.

On May 19th, 2022, the Mayor and Council requested the Planning Board undertake a preliminary investigation to determine if whether the delineated area of Block 1202, Lot 21, located at 689 River Drive, met the criteria for designation as an area in need of redevelopment for Non-Condemnation purposes by Resolution # R-206-22. By Resolution # R-502-22, the Mayor and Council approved the area in need of redevelopment study on October 21st, 2021. By Resolution #R- 440-22 the Mayor and Council authorized DMR to prepare this redevelopment plan pursuant to the Local Redevelopment and Housing Law (LRHL).

#### **B. SURROUNDING AREA CONTEXT:**

The properties are located within the C-O Office zone. The properties surrounding the subject area consist of single family homes along Homestead way to the South, and office buildings to the North.

#### C. PROPERTY INFORMATION:

The Study Area is comprised of one (1) lot located on River Drive. The property is located in the C-O Zone and is bound by an office park to the north and east and Medium Density Residential to the south.

• <u>Block 1202, Lot 21 / 689 River Drive</u>: A two (2) story abandoned former residential structure. The property is a rectangularly shaped lot that is located in the C-O Office zone. The property fronts River Drive and is surrounded by a large office complex to the north and east and abuts single family residents to the south. In addition, the property is across the street from the Hanaim Church as well as a mixed use project of between three and four story structures.

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Figure 2.0: Redevelopment Plan Area

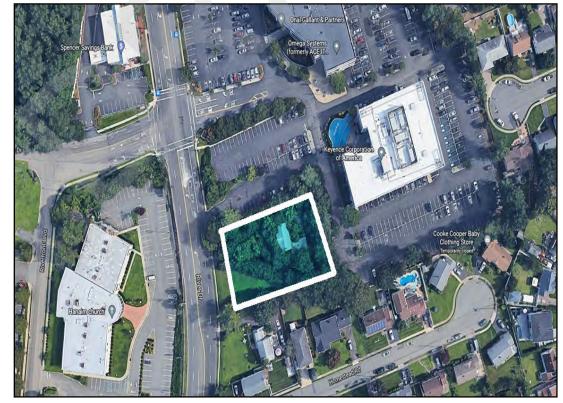


Figure 2.1: Google Earth of Redevelopment Plan Area

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#### 3.0: GENERAL PROVISIONS:

#### A. COMPLIANCE REQUIRED:

No board, agency, officer or employee of the Borough shall issue, grant or approve any permit, license, certificate or other authorization, including variances and other authorizations by the Board of Adjustment, for any construction, reconstruction, alteration, enlargement or moving of any building or for any use of any land or building that would not be in full compliance with the provisions of this chapter. Any such permit, license, certificate or other authorization issued, granted or approved in violation of the provisions of this chapter shall be null and void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or other authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the Borough purporting to validate any such violation.

#### B. 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.

#### C. NON-DISCRIMINATION PROVISIONS:

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by the developer or any of his/her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. Any contractor or subcontractor engaged to perform work within the Redevelopment Area shall, where applicable, state in all solicitations or advertisements for employees placed by or on behalf of the contractor, or subcontractor, that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability or sex.

There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale, lease, use or occupancy thereof.

#### D. DURATION OF THE PLAN:

The provisions of this Redevelopment Plan and the restrictions with respect thereto shall be in effect for a period of thirty (30) years from the date of approval by the Borough Council.

#### E. DEVIATION REQUESTS:

In accordance with N.J.S.A. 40:55D-70 c(1), the Planning Board may grant variances allowing deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional

**General Provisions** 

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 such 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.

In accordance with N.J.S.A. 40:55c(2), the Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the Plan and the benefits of the deviation would substantially 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 this Redevelopment Plan. An application for a variance 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, any deviation from any of the Conditional Uses or any change requiring a "d" variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough Council and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

#### F. PROCEDURE FOR AMENDING THE APPROVED PLAN:

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of State law. If the designated redeveloper requests such amendment said redeveloper shall pay an application fee of \$3,500 and shall further reimburse the Borough for reasonable consulting costs, fees and expenses to undertake such amendment.

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#### BOROUGH OF ELMWOOD PARK

#### 4.0: REDEVELOPMENT PLAN COMPONENTS:

#### A. REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN:

N.J.S.A. 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, or redevelopment, of the Redevelopment Area sufficient to indicate the following:

- 1. Its relationship to definite local objectives as to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- 2. Proposed land uses and building requirements in the project area.
- 3. Adequate provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of which decent, safe, and sanitary dwelling units affordable to displace residents will be available to them in the existing local housing market.
- 4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with this plan.
- 5. Any significant relationship of the redevelopment plan to:
  - The master plans of contiguous municipalities;
  - The master plan of the county in which the municipality is located;
  - The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.L. 1985, c.398 (C.52:18A-196 et al.).
- 6. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- 7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan.
- 8. Proposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.
- 9. The redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
- 10. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district

7

map included in the zoning ordinance. The zoning district map as amended shall indicate the redevelopment area to which the redevelopment plan applies. Notwithstanding the provisions of the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or of other law, no notice beyond that required for adoption of ordinances by the municipality shall be required for the hearing on or adoption of the redevelopment plan or subsequent amendments thereof.

All provisions of a redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

#### B. NOTE ON PLAN TERMINOLOGY:

Throughout this Redevelopment Plan, a distinction is made between "shall" and "should."

"Shall" means that a developer is required to comply with the specific regulation, without deviation. "Should" means that a developer is encouraged to comply but is not required to do so.

#### C. TEMPORARY AND PERMANENT RELOCATION:

The Local Redevelopment and Housing Law requires that any redevelopment plan make adequate provision for temporary or permanent relocation of any resident in the project area.

#### D. IDENTIFICATION OF PROPERTY TO BE ACQUIRED:

The Local Redevelopment and Housing Law requires that any redevelopment plan identify any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan. The area has been designated as a non-condemnation Redevelopment Area.

#### E. AFFORDABLE HOUSING:

The developer shall either construct affordable housing units within the development or contribute to the Borough's affordable trust fund to assist the Borough in meeting its COAH obligations.

#### F. LONG TERM FINANCING CONSIDERATIONS:

Due to the size, scale, vital location and anticipated nature of the potential projects contemplated under this plan, the Borough anticipates that it would be eligible for a PILOT if the project commences within five (5) years of plan adoption. After that time, the specific economic conditions would have to be reevaluated to determine the duration of an exemption that would be deemed financially feasible and appropriate. The actual entry of any financial agreements for a long term tax exemption are subject to governing body approval under the processes required by law. In order for the Borough to determine if a PILOT is necessary the developer would be required to submit a preliminary fiscal impact analysis as part of the process.

#### G. TRAFFIC STUDY:

A traffic study shall be provided as a part of any site plan submission to the Planning Board. The study should determine vehicular and pedestrian improvements necessary to accommodate the proposed development to help ensure safe and reasonable traffic conditions and reduce the negative impacts created by the development for existing intersections within the vicinity of the project. If the Planning Board deems the impacts have a negative impact, the applicant shall take necessary steps to rectify such impacts.

#### H. SHADOW STUDY:

A shadow study should be provided as part of any site plan application pertaining to this redevelopment in order to determine if there are any impacts to the adjacent property owners.

#### I. PUBLIC ELECTRIC VEHICLES:

The plan shall comply with State regulation P.L. 2021, c 171 an ordinance authorizing and encouraging electric vehicle supply/service equipment (EVSE) and make ready parking spaces.

#### J. PROJECT SIGNAGE:

The Redeveloper shall erect signage at locations to be determined by the Redeveloper and Borough within 30 days of receiving approval from the Planning Board that contains a rendering or renderings of the finished Project and other details concerning the Project that shall be agreed to by the Redeveloper and Borough Manager.

#### K. EXISTING ZONING:

The properties are located in the C-O Office Zone, which is superseded by this Redevelopment Plan within the boundaries of the Redevelopment Area.

#### L. MASTER PLAN CONSISTENCY:

This plan is consistent with the State Plan, County Plan and the Borough of Elmwood Park's Master Plan and Re-examination Studies identified in Section 9.0 of this report and based on the following:

- 1. 2010 Master Plan Goals and Objectives:
  - a. **Goal 6**: To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations, to serve the Borough and region.
    - Response: The proposed townhome development provides housing that supports this goal by providing townhomes between the adjacent single family homes and the existing office buildings.
  - b. **Goal 14:** To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule.
    - Response: The property is located in Planning Area 1 which includes the stated goals and objectives

outlined in Section 9 of this plan.

- c. 2010 Land Use Recommendations: Add specific design guidelines addressing topics such as architecture, parking, streetscape, lighting, and circulation to the LDO as part of the Central Business District regulations and encourage mixed use land uses.
  - Response: The Redevelopment Plan includes architectural and streetscape design standards and represents mixed use development when taking in context to River Drive that meet the intent of the land use recommendation.
- d. **2010 Recommended Zoning Amendment:** Includes the following language: RSIS should not be utilized to calculate parking standards for multi-family residential projects. Requirements for these projects should be informed by market-based parking projections. General, parking in excess of the anticipated demand should not be provided, and shared parking is strongly encouraged. Tandem parking should be permitted in circumstances where valet services are employed, or for two-bedroom units.
  - Response: The Redevelopment Plan includes parking standards that meet RSIS Standards. in addition the project is located adjacent to a large office complex with surface parking that could support overflow parking during nights, weekends, and holidays.

#### e. In addition, the Master Plan report noted the following Policy Recommendations:

- Policy Recommendation 9: Increase maximum coverage ratios for multi-family and townhouse/ two-family building typologies;
- Policy Recommendation 11: Reevaluate parking requirements and consider alternative parking strategies;
- Policy Recommendation 14: Modernize bulk standards for multi-family and townhouse uses;
- Policy Recommendation 17: Review street and sidewalk requirements to allow businesses to bring goods to sidewalks and permit outdoor dining.

#### 5.0: DEFINITIONS:

#### A. DEFINITIONS:

It is the intention of this Redevelopment Plan to supersede existing zoning (except as noted herein) as provided under the Local Redevelopment and Housing Law, N.J.S.A 40A:12A-1, et seq. However, this plan adopts the definitions of the Borough's Zoning Ordinance Section 34 by reference.

The definitions of the Borough's Zoning Ordinance shall apply to this plan, unless this plan provides a superseding definition. The definitions defined in Section 34-3 apply to the redevelopment area with the exception of the following terms:

**BUILDING HEIGHT:** The vertical distance in the case of flat roofs to the level of the highest point of the roof, and in case of pitched roofs, to the mean level between the eaves and the highest point of the roof, measured from the curb level if the building is not more than 10 feet distant from the front lot line, and from the average ground level at the sides of the building in all other cases.

**FRONT LOT LINE:** Any lot line separating a lot from a street right of way, except where otherwise designated or defined in this Redevelopment Plan or the Borough Ordinance.

**GREEN SPACE:** Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park.

**MULTI-FAMILY:** Housing accommodations that are designed principally for residential use, conform to standards satisfactory to the Secretary of Housing and Urban Development, and consist of not less than five (5) units on 1 site. These units may be detached, semidetached, row house, or multifamily structures.

**PRIMARY FACADE:** The exterior building facade as measured from the face of curb not including any popout or protrusions.

**REAR LOT LINE:** The lot line furthest and most opposite any front lot line, except where otherwise designated or defined in this Redevelopment Plan or the Borough Ordinance.

**REDEVELOPER:** Any person, firm, corporation or public entity that shall voluntarily seek and be designated as a Redeveloper by the Borough Council or Redevelopment Entity and shall enter into a Redevelopment Agreement as set forth in Section 5 of this Rehabilitation Plan, all in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**SIDE LOT LINE:** Any lot line that is not a front or rear lot line.

**STORY, GROUND:** Also, first story, ground floor. The first story of a building other than a basement or cellar.

**STORY, UPPER:** All stories and floors above the first story.

**TOWNHOUSE:** A one or two family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, and each unit is separated from any other unit by one or more vertical common fire resistant walls

#### 6.0: ZONING:

#### A. PERMITTED USES:

1. **Purpose:** This section establishes the uses permitted within the Redevelopment Area including accessory uses.

#### 2. Permitted Principal Uses: The following uses are permitted:

#### a. Residential:

- i. Townhouses.
- **3. Prohibited Uses:** Any use not expressly stated as a permitted or accessory use is considered a prohibited use for this Redevelopment Plan. In addition, the following are also considered prohibited uses:
  - a. Any uses explicitly prohibited in Chapter 34 of the Borough Code;
  - b. Cell phone tower / antennas;

#### **B. ACCESSORY USES:**

- a. Any uses which are clearly or customarily ancillary and incidental to a principal or conditional permitted use on the same property including but not limited to;
  - i. Recreational facilities (outdoor) including but not limited to active or passive amenity courtyard space and/or terraces, pool, fitness center and multipurpose rooms:
  - ii. Sales/Leasing Offices
- b. Parking;
- c. Accessory structures shall comply in all respects with the requirements of the principal structure;
  - i. No accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal use with the exception of visitor parking;
  - ii. No portion of an accessory structure shall include living quarters;
  - iii. Accessory structures below grade shall have a minimum rear or side yard, when not abutting a street, of five feet;
  - iv. No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot, with the exception of parking facilities, which may be constructed prior to the primary use;
  - v. In no event shall the height of an accessory structure exceed the permitted height of the principal building.

#### C. BULK STANDARDS: DENSITY, AREA, YARD AND HEIGHT REQUIREMENTS:

The following requirements apply to all development projects which shall meet the following criteria:

- 1. <u>Minimum Project Lot Area:</u> 28,000 sq ft
- 2. <u>Minimum Project Lot Width:</u> 120 ft
- 2. Minimum Front Setback: Buildings shall be setback a minimum of 25 ft from the property line
  - a. Utility structures, backflow preventers, or other similar devices when located above grade, must be located behind the setback, be screened and should not be located on River Drive;

#### BOROUGH OF ELMWOOD PARK

b. Utility structures are not permitted within the front yard. c. Driveway parking is permitted within the required front yard building setback. d. Parking stalls located within the front setback must be screened from River Drive 3. Minimum Side Yard Setback: 15 ft 4. Minimum Rear Yard Setback: 7.5 ft a. Utility structures and rooms may be located within the rear yard setback of the lot so long as they are screened from the rear property line. b. Additional visitors parking spaces may also be placed within the rear yard setback so long as they are properly screened. 5. Maximum Number of Townhouses: 18 un a. Maximum Number of Townhouses in a Group: 10 un b. Minimum Unit Square Footage: 1,250 sf

#### 6. Maximum Number of Stories/Building Height:

a. See Section 8.0 Development / Place-Making Design Standards for all building design requirements.

3 st / 35 ft

40%

#### 7. Maximum Building Coverage:

- 8. Flood Mitigation / Storm-water Management Requirements:
  - a. The proposed development shall comply with the Borough's and NJ DEP Stormwater Regulations.

#### 9. Infrastructure Improvements:

- a. Any redevelopment project shall provide adequate potable water, storm water, sanitary sewer and other necessary utility infrastructure to the site, to the satisfaction of the Municipal Engineer;
- b. All costs necessary for the infrastructure improvements (including off-site and off-tract) associated with a development project are the responsibility of the redeveloper;
- c. The project shall be responsible for an impact fee as part of an overall utility plan if required by the Borough of Elmwood Park;
- d. The costs may be paid by the redeveloper for off-site or off-tract improvements if they are associated with a larger municipal capital project which shall be negotiated as part of a Redevelopment Agreement.

#### 10. Other Requirements:

- a. See Chapter 8.0, Development / Place-Making Design Standards for all building design requirements;
- b. **<u>Building Facades</u>**: End units located along River Drive shall include windows along the sides facing the public right of way.
- c. <u>Streetscape Improvements:</u> Streetscape improvements are required along the property frontage and shall meet the Borough engineers requirements and Section 8.0.b of this Redevelopment Plan;
- d. Signage: All project signage shall either meet the Borough of Elmwood Park's Ordinance Section 34-30

# Use and Bulk Requirements

Signs, or submit a separate sign package to the Planning Board for review and approval;

- e. **Refuse Disposal:** Waste collection areas including dumpsters and recycling containers shall be enclosed by fences or walls composed of materials consistent with or complementing those comprising the principal buildings on the property;
  - i. The enclosure shall not occupy any required parking spaces, and shall be separated from any parking spaces by a curb.
  - ii. The enclosure shall not be located within any rear yard.
  - iii. Trash pick-up shall be by private hauler.
- f. **Screening:** Any side or rear yard shall be screened from adjacent properties with a fence that is not less than six (6) feet tall, and shall have trees planted along the perimeter at an average interval of one (1) tree per 40 feet;
- g. <u>Fire Suppression</u>: Fire hydrants and other fire suppression mechanisms shall be installed if and where requested by the Borough's fire official.

#### **D. PARKING & CIRCULATION STANDARDS:**

#### 1. Parking Requirements:

The minimum parking requirements for the Redevelopment Area are as follows:

Use Parking Ratio	

#### Townhouses: 2.0 sp per Townhouse

#### Notes:

- a. When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required;
- b. A minimum of 7 additional parking spaces shall be provided for visitor parking on-site and may be permitted in the front yard.
- c. Up to 20% of the required parking stalls may be designated for compact cars;
- 2. **Parking Dimensions:** Parking space size is a minimum of 8.5 feet by 18 feet, with 24'-0" wide access aisle
  - a. Parking spaces, including front-loaded driveway spaces, shall fit entirely within the property lines.
- 3. Zero-emission Vehicle Fueling and Charging Stations: The plan shall comply with State regulation P.L. 2021, c 171 an ordinance authorizing and encouraging electric vehicle supply/service equipment (EVSE) and make ready parking spaces.
- 4. Handicapped Accessible Parking Requirements: Refer to American Disabilities Act (ADA) for Handicapped Parking requirements.
- 5. <u>Stacked/Tandem Parking Spaces</u>: Parking spaces shall be assigned so that vehicles in driveways shall only ever be parked behind vehicles associated with the same dwelling unit.
- 6. <u>Additional Off-Street Parking Regulations</u>: For all parking standards not covered in this section refer to Article X Off-Street Parking and Loading Requirements Section 34-44 Off Street Parking Requirements.

#### 7.0: CONCEPTUAL SITE PLAN:

The following represents the conceptual site plan for the proposed redevelopment area and is intended to only provide context. The written requirements of this redevelopment plan shall apply.



Figure 7.1: Townhouses Concept Site Plan

#### BOROUGH OF ELMWOOD PARK

### 8.0 DEVELOPMENT / PLACE-MAKING DESIGN STANDARDS:



Figure 8.0: Townhouses with different building materials



Figure 8.1: Townhouses with different roof lines and dormers



Figure 8.2: Townhouses with variation of building entrances

#### A. ARCHITECTURAL DESIGN STANDARDS:

The design standards in this section provide the criteria for the redevelopment area. Any future development is subject to these provisions and shall be built in accordance with the minimum design standards specified in this section.

- 1. Building Architectural Materials & Character:
  - a. All buildings shall be constructed with high quality materials that reinforce pedestrian scale;
  - Architectural elements and variations shall not be restricted to a single facade. All sides of building shall display a similar level of quality and architectural interest;
  - c. All new structures shall take into consideration the relationship to other existing or proposed buildings, in terms of light air, usable open space, height and massing;
  - d. Primary building materials shall include brick, stone, hardiplank, stucco, thin brick, and/or glass which cover a minimum of 60% of each building façade, exclusive of windows and doors
    - i. Vinyl siding is permitted as long as it does not cover more than 40% of each building facade;
    - ii. Synthetic stucco materials such as EIFS are prohibited on any facade along a public street.
  - e. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, porches, gables, bay windows and other sculpturing of the base are strongly recommended and should be provided to add special interest;
  - f. Special attention must be given to the design of windows. Windows shall provide relief, detail and variation on the facade through the use of significant trim and architectural styling that lends human scale to the facade.

#### 2. <u>Windows:</u>

a. Windows shall be required on facades facing any streets, or common areas. Garage door windows and

block style windows which distort visibility between the interior and exterior will not count toward this requirement;

- b. At least one (1) of the following requirements for a window shall be met:
  - i. Window shall be accented with a drip cap, sill, and trim. The drip cap shall be a minimum of three (3) inches in height and one (1) inch in depth; sills shall be a minimum of three (3) inches in depth. Trim shall be a minimum of two (2) inches in width and one (1) inch in depth;
  - ii. Windows shall be accented through use of multiple panes;
  - iii. Windows shall be accented through the use of contrasting trim color or other detail.

#### 3. <u>Roofs:</u>

- a. Roof forms shall be either hip, gable, shed or mansard. Roofs shall incorporate at least one (1) of these architectural elements
  - i. Vertical or horizontal changes in roof lines; and/or
  - ii. Varied roof forms.
- b. The proposed townhouse roofs shall incorporate at least one (1) of the following architectural elements
  - i. Dormers;
  - ii. Deep roof overhangs. To qualify, the overhang shall be at least twenty-four (24) inches;
  - Rafter tails, brackets, corbels, or other decorative supports; and/or;
  - iv. Prominent cornice, soffit, or fascia detail.

#### 4. Building Orientation:

a. Buildings will be oriented to face inwards toward the lot facing each other.

#### 5. Building Entrances:

a. Building entrances should be easily identifiable. Each unit shall feature a main entry which includes architectural features such as porticos that provide weather protection and visual interest to the structure.

#### 6. Facade Articulation:

a. Facades shall use combinations of vertical modulation and horizontal articulation to add visual interest and to avoid solid



Figure 8.3: Corbel example



Figure 8.4: Rafter tail example



Figure 8.5: Dormer example

expanses of wall. Modulation should avoid variations in excess of two feet;

b. Buildings shall be broken up into bays, through the use of building articulation or change in materials.

#### 7. <u>Mechanical Equipment Screening:</u>

- a. Screening of mechanical equipment is required;
- All mechanical equipment, shall be screened from view from all adjacent public streets, open spaces and parks, and adjacent residential properties in all directions and elevations to minimize the negative impact;
- c. Screening materials shall be consistent with the architectural detail, color and materials of the building; Wire mesh screening is not permitted;
- d. All roof and HVAC systems must meet the building code requirements.
- e. If wall pack ventilation units are being used they are required to compliment the building material .

#### 8. Openings / Ventilation:

a. Any openings for ventilation, service, or emergency access located at the first floor level must be decorative and must be an integral part of the overall building design.

#### 9. Signage Design Standards:

a. The signage standards for the redevelopment area shall meet the requirements identified in §34-30 in the Borough's zoning ordinance.

#### **B. STREETSCAPE DESIGN STANDARDS:**

The following section addresses an overall approach for the design of streetscape elements that are to be considered as part of the redevelopment plan. These standards are meant to establish the minimum criteria that will be required for the design and implementation of streetscape, parks and open space improvements.

- 1. Street Trees: Street trees shall be planted equivalent to 30' on center along all public street frontage.
  - a. Trees should be installed at a 3.5" caliper;
  - b. Prior to installation a 4'-o" by 8'-o" minimum area should be treated and prepared for tree root growth;
  - c. A min. 2 year watering plan should be put into place (Gator bags);
  - d. Street trees shall be trimmed up to 8'-o" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen.

# 9.0 RELATIONSHIP OF THE REDEVELOPMENT PLAN TO STATE / COUNTY / LOCAL MASTER PLAN STUDIES:

#### A. State Development and Redevelopment Plan (SDRP):

In reviewing the New Jersey State Development and Redevelopment Plan Volumes 1 - 4 the following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

- 1. Volume II State Plan Goals and Policies include the following:
  - a. <u>Revitalize the State's Cities and Town Centers:</u> Revitalize New Jersey's cities and towns by investing wisely and sufficiently in improvements in their infrastructure systems, public spending programs, tax incentives and regulatory programs to leverage private investment and to encourage infill and redevelopment in ways that are consistent with the State Plan's vision and goals;
  - b. <u>Conserve the State's Natural Resources and Systems:</u> Conserve the State's natural resources and systems by planning the location and intensity of growth to maintain natural resource and systems capacities and make the necessary infrastructure investments to protect natural resources and systems in ways that guide growth and development in ways that are consistent with the State Plan's vision and goals;
  - c. <u>Promote Beneficial Economic Growth:</u> Promote beneficial economic growth in locations and in ways that improve the quality of life and the standard of living for all New Jersey residents by providing infrastructure in advance of, or concurrent with, the impacts of new development sufficient to maintain adequate facility standards, by encouraging partnerships and collaborative planning with the private sector and by capitalizing on the State's strategic location, economic strengths including its existing business enterprises, entrepreneurship, the research and development capabilities of Borough of its institutions of higher learning, skilled workforce, cultural diversity and logistic facilities in ways that are consistent with the State Plan's vision and goals;
  - d. <u>Protect the Environment, Prevent and Clean up Pollution</u>: Protect the environment, prevent and clean up pollution by planning for growth in compact forms at locations, densities and intensities that protect land, air and water quality, allow expeditious regulatory reviews and encourage multi-modal transportation alternatives to the automobile to help achieve and maintain acceptable air quality standards;
  - e. <u>Provide Adequate Public Facilities and Services at Reasonable Cost:</u> Provide adequate public facilities and services by supporting investments based on comprehensive planning and by providing financial incentives for jurisdictions that cooperate in providing public infrastructure and shared services. Encourage the use of infrastructure needs assessments and life-cycle costing. Provide adequate public facilities in ways that are consistent with the State Plan's vision and goals;

#### The State Plan Policy Map (SPPM

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Figure 9.0: NJ SDRP State Plan Map Metropolitan Area 1

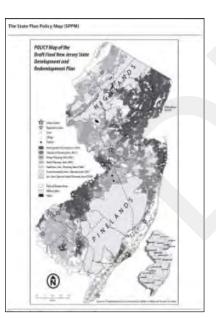


Figure 9.1: NJ State Development and Redevelopment Plan Policy Map

- f. Provide Adequate Housing at Reasonable Cost: Provide adequate housing at reasonable cost through public/private partnerships that create and maintain a full range of attractive, affordable, and environmentally sensitively-designed and developed housing, particularly for those New Jersey State Development and Redevelopment Plan most in need, at densities and locations that provide greater efficiencies and serve to support public transportation alternatives and reduce commuter time and expense and easily accessible to employment, retail, cultural, civic and recreational opportunities to reduce housing and commuting costs in ways that are consistent with the State Plan's vision and goals;
- g. Preserve and Enhance Areas with Historic, Cultural, Scenic Open Space, and Recreational Value: Preserve, enhance, and use historic, cultural, scenic and recreational assets by collaborative planning, design, investment and management techniques.
  Locate and design development and redevelopment and supporting infrastructure to improve access to and protect these sites. Support the important role of the arts in contributing to community life, civic beauty and redevelopment in ways that are consistent with the State Plan's vision and goals;
- h. Ensure Sound, Coordinated and Integrated Statewide Planning: Ensure sound, coordinated and integrated statewide planning by using the State Plan as a guide to planning and growth related decisions at all levels of government in ways that are consistent with the State Plan's vision and goals;
- i. Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions: Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions by promoting the improved coordination and integration of transportation planning and land-use planning and decision-making to reduce vehicle miles traveled (VMT); and by the citing, development, design and use of greenbuilding construction materials and techniques in ways that are consistent with the State Plan's vision and goals.
- 2. The State Planning Act (N.J.S.A. 52:18A-196 et. seq.) states:

- a. "Among the goals of the act is the following: ... conserve its natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal."
- b. "It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this state." (N.J.S.A. 52:18A-196 (d))
- 3. The State Plan Policy Map (SPPM)
  - Recognizes that New Jersey requires different approaches in its Metropolitan, Suburban, Rural and Environmentally Sensitive Planning Areas. The New Jersey State Development and Redevelopment Plan adopted by the State Planning Commission, places the Borough of Elmwood Park in Planning Area 1 - the Metropolitan Planning Area and states:
  - b. The Metropolitan Planning Area: This Planning Area includes a variety of municipalities that range from large Urban Centers to 19th century towns shaped by commuter rail and post-war suburbs. The Communities in this Planning Area have strong ties to major metropolitan centers

     New York/Newark/Jersey Borough metropolitan region; the Philadelphia/Camden/Trenton Metropolitan Region; and on a smaller scale the Easton/Phillipsburg Metropolitan Region;
  - c. These municipalities have many things in common: mature settlement patterns; infrastructure systems that are approaching their reasonable life expectancy; an aging housing stock in need of rehabilitation; recognition that redevelopment will be the predominant form of growth; and a growing realization of the need to regionalize services and systems. In addition, the wide and often affordable choice of housing in proximity to New York and Philadelphia has attracted significant immigration, resulting in noticeable changes in demographic characteristics overtime;
  - d. In the Metropolitan Planning Area, the State Plan's intent is to do the following:
    - Provide for much of the State's future development and redevelopment;
    - Revitalize Cities and Towns;
    - Take advantage of increased densities and compact building design;
    - Encourage distinctive, attractive neighborhoods with a strong sense of place;
    - Provide for mixed-use concentrations of residential and commercial activity;
    - Create a wide range of residential housing opportunities and choices with income mix;
    - Provide for a variety of multi-modal transportation alternatives;

#### BOROUGH OF ELMWOOD PARK

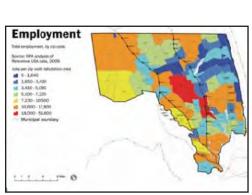


Figure 9.2: Vision Bergen Employment Data

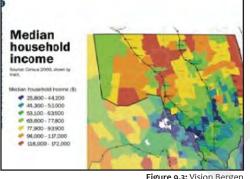


Figure 9.3: Vision Bergen Medium Household Income

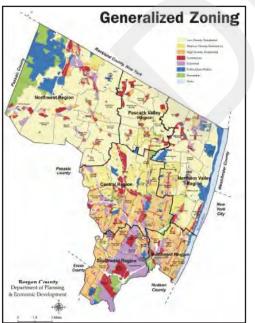


Figure 9.4: Vision Bergen General Zoning

- Prioritize clean-up and redevelopment of brownfields and greyfields sites;
- Create cultural centers of state-wide significance;
- Re-design any existing areas of low-density sprawl.

#### B. Bergen County Master Plan:

The Bergen County Master Plan was last adopted in 1962, and the most recent Land Uses Element was adopted in 1973. In June of 2011 the county completed the Vision Bergen Plan, which is the visioning component of the Bergen County Master Plan, and is the most up-to-date review of conditions in the county. The following information pertains to goals and policies for a program of rehabilitation which discuss the development and redevelopment policies for urban areas.

- 1. Bergen County Master Plan Overview:
  - The Bergen County Department of Planning and Economic Development is undertaking a county-wide planning effort that will result in the first County Master Plan in some time;
  - b. The Master Plan will create a unifying vision for the County's 70 municipalities and help them plan for sustainable growth while protecting environmental resources. Development of the Master Plan will be a collaborative process involving the County, municipalities, regional agencies, public and private sector stakeholders and Bergen County citizens.

C. Borough of Elmwood Park's 2010 Master Plan Study and 2020 Re-examination Report Supporting this Redevelopment Plan

The Master Plan report noted that:

- 1. Goals and Objectives stated in the 2010 Master Plan Reports excerpts include:
- 2. The Borough's 2020 Master Plan Re-examination Report contains the following goals and objectives to support

redevelopment:

- Policy Recommendation 9: Increase maximum coverage rations for multi-family and townhouse/two-family building typologies;
- Policy Recommendation 11: Reevaluate parking requirements and consider alternative parking strategies;
- Policy Recommendation 14: Modernize bulk standards for multi-family and townhouse uses;

#### D. Neighboring Community Master Plans:

Information for the Master Plans of the adjacent municipalities have been included as stated in the 2020 Master Plan Re-examination Report which includes the following information:

- <u>Township of Saddle Brook:</u> The Township of Saddle Brook's Master Plan is from 2004 and the latest Master Plan Reexamination from 2014. The 2004 Master Plan Goals and Objectives related to this redevelopment plan is to retain the residential character and develop multi-family development in the appropriate locations. The proposed redevelopment project will not impact the Township.
- 2. <u>City of Garfield:</u> The City of Garfield's Master Plan was adopted in 2002 and their Master Plan Re-examination in 2014. Sections and the goals and objectives of the Master Plan that are consistent with this Redevelopment Plan are utilizing redevelopment for continued growth due to the developed nature of the City and the lack of vacant land, to promote the continued maintenance and rehabilitation of the City's housing stock, to maintain and enhance areas of stability in the community by encouraging the proper relationship between land uses and establishing areas with a uniformity of purpose, and continue efforts to promote the revitalization of the commercial corridors by defining their functional role in the City through an appropriate mixture of activities and facilities to serve the community. The proposed redevelopment project will not impact the City.



Figure 9.5: 2020 Elmwood Park Master Plan Re-examination

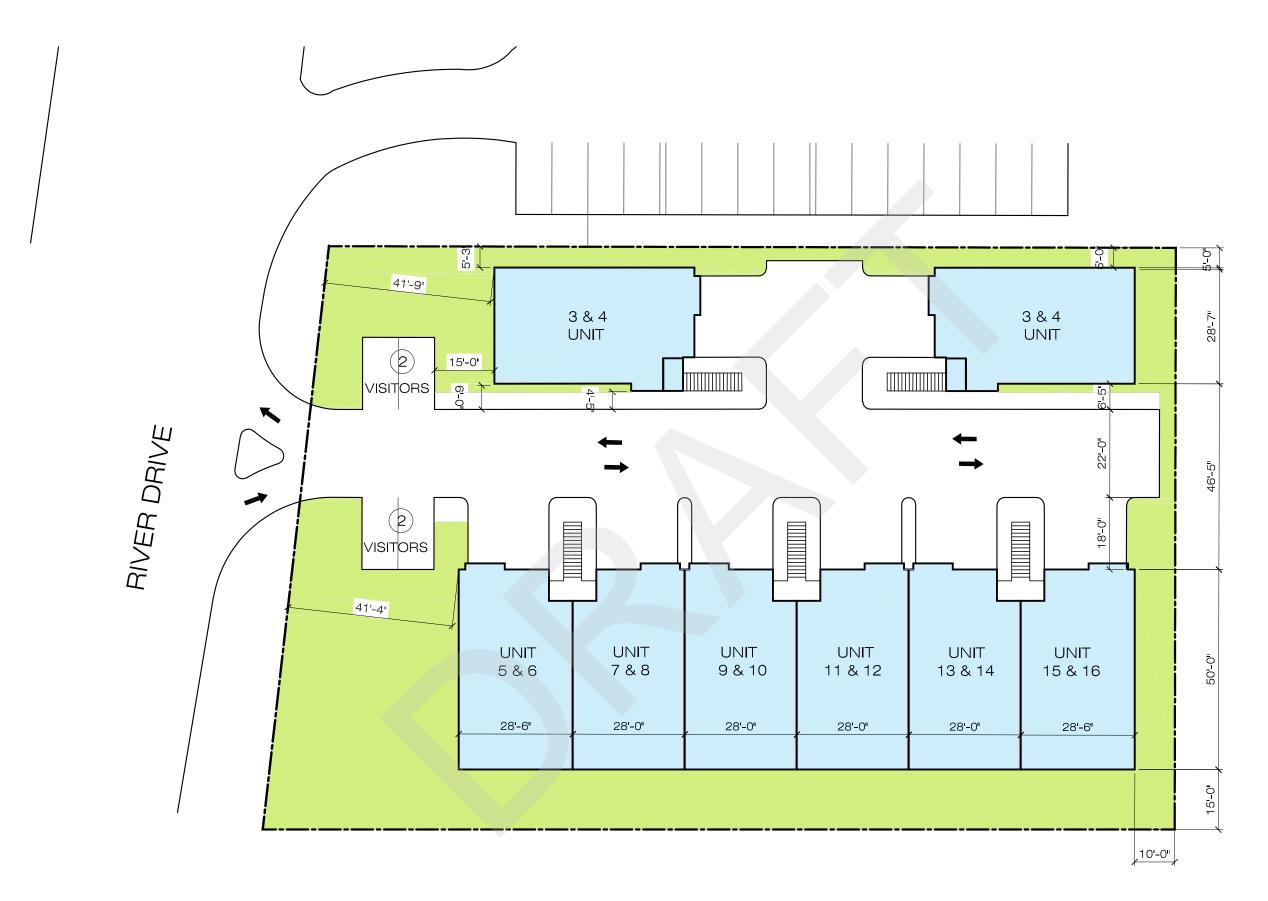


Figure 9.6: 2010 Elmwood Park Master Plan



Figure 9.7: Elmwood Park Zoning Maj

- 3. <u>City of Clifton:</u> The City's last Re-examined its Master Plan in 2008. The goals from the City's Reexamination include maintaining and enhancing its housing stock, affirmatively addressing its low and moderate income housing obligation, reusing and rehabilitating commercial and industrial uses, and revitalizing older business areas and its Main Avenue into pedestrian-friendly downtown business districts. The proposed redevelopment project will not impact the City.
- 4. <u>Borough of Fair Lawn</u>: The Borough of Fair Lawn adopted a new Master Plan in 2014. The Borough seeks to enhance its commercial areas through effective design, promote sustainable land use, preserve the integrity and value of existing residential neighborhoods, and promote walkability, mass transit use and safe circulation. The proposed redevelopment project will not impact the Borough.
- E. Neighboring Passaic County Community Master Plans:
  - 1. <u>City of Paterson:</u> The City of Paterson's Master Plan titled "Looking Forward" was adopted in March of 2014. The general goals of the plan include to revitalize the City of Paterson, to guide the future development of the City, to the improve the quality of life for all residents of the City, to coordinate previously fragmented plans for the City, to improve public safety throughout the City, to make the City more sustainable, economically, socially and environmentally friendly, to embrace the urban character of the City, to respect and enhance the rich, and diverse culture and history of the City, and to increase resilience to storms and flood events. The proposed redevelopment project will not impact the City.





## PROPOSED RESIDENTIAL DEVELOPMENT - ELMWOOD PARK, NJ 12.16.2024

## SCHEMATIC SITE PLAN - A1





PROPOSED RESIDENTIAL DEVELOPMENT - ELMWOOD PARK, NJ

# 12.16.2024

## **SCHEMATIC SITE PLAN - A2**

# APPENDIX 13 STRUCTURAL CONDITIONS SURVEY

Municipality:	Elmwood Park
County:	Bergen
Date of Survey:	
Performed By:	Nick Boragine
Title:	Building Inspector
License Number:	
Areas of municipalit	y surveyed:
<u>All</u>	
Areas of municipalit	y not surveyed:
<u>N/A</u>	
Reason(s) for not su	urveying these areas:
<u>N/A</u>	

The Council on Affordable Housing (COAH) has devised this structural conditions survey as an alternative mechanism to present data to COAH to estimate the rehabilitation need in a municipality. The survey requires an exterior inspection to determine if a housing unit is substandard. COAH then uses Census data to estimate the number of substandard units occupied by low- or moderate-income households.

In developing the exterior survey, COAH has divided the exterior structure of a building into seven components: (1) foundation; (2) rails, steps, stairs, porch; (3) siding and walls; (4) windows and doors; (5) eaves, soffets, gutters, leaders; (6) roof and chimney; and (7) fire escape. The foundation, siding and walls and roof and chimney are considered major systems. The remaining components are considered minor systems. Each system is to be ranked as good/excellent or fair/poor.

If one major system is determined to be fair/poor, the structure and all housing units within it are considered substandard. If two or more minor systems are determined to be fair/poor, the structure and all the units within the structure are considered substandard.

The survey can be conducted from the street, and, in most cases, there will be no need to step onto the property. A view of the front of the structure, its two sides (one side if it is semi-detached) and a portion of the roof should provide sufficient information to complete the survey.

The structural conditions survey shall be performed by individuals who are licensed to perform building and/or housing inspections.

There may be some areas of a municipality that can be excluded from the survey. Subdivisions constructed after 1980, areas of very expensive homes, and neighborhoods that the local building/housing inspector believes are trouble free are examples of such areas. All surveys will be reviewed by COAH staff for eligibility in accordance with COAH criteria and for accuracy of completeness.

The exterior survey report should yield an estimate of substandard units within the municipality. To estimate the number of substandard units occupied by low- and moderate-income households, the Council will rely on Census information that is available from the Public Use Micro-Data Sample (PUMS). This data allows COAH to match household income to the Census information COAH uses to estimate the rehabilitation need. The PUMS data has been configured to COAH regions to determine regional percentages used to calculate the rehabilitation share in each municipality by applying the "Low-Moderate Deterioration Share" number found in Appendix B of <u>N.J.A.C.</u> 5:94.

As an example, let us assume that a municipality in Atlantic County conducts an exterior survey and finds 100 substandard units. The "Low-Moderate Deterioration Share" for Atlantic County is .715. Multiplying 100 by .715 would result in 72 low- or moderate-income households living in substandard housing units.

#### DEFINITIONS FOR STRUCTURAL CONDITIONS

The following relates to structural components of a residential building. Refer to the attached diagram for component identification.

**Excellent to Good** – The condition of the component is like new or requires standard maintenance.

#### Examples:

**Foundation** – The component may need minor re-pointing and/or paint or the removal of shrubs or vines to protect it from deterioration.

**Handrails, Steps, Stairs, Porch** – A component or components may need paint and/or re-nailing or tightening.

**Siding and Walls** – the components may need light scraping and painting and/or re-nailing of loose siding.

**Windows and Doors** – The components may need light scraping and painting and appear to be operational.

**Eaves, Soffets, Gutters, Leaders** – The components may need light scraping and painting. Gutters may need realignment. Leaders may need re-attachment.

**Roof and Chimney** – No immediate repair is needed on the roof. The chimney is straight but may need minor re-pointing.

**Fire Escape** – The component may need scraping and painting and is properly functioning.

**Fair to Poor** – The condition of the component requires immediate maintenance, repair or replacement. Further deterioration may adversely affect other exterior and/or interior components.

#### Examples:

**Foundation (major system)** – The component needs re-pointing, replacement of some stones, brick or blocks or some rebuilding due to: loose, broken or missing bricks or block; missing mortar; excessive cracks in the masonry; deterioration of the masonry surface; pargeting pulling away; sinking; or being out-of-plumb.

Handrails, Steps, Stairs, Porch (minor system) – The components need replacement of boards, risers, joists, rafters, and/or beams, etc. due to: sagging; broken or unsound supports; a sinking or structurally unsound foundation; broken, missing or rotted boards; missing or unsound railings or balusters; broken or missing trim; missing mortar in the masonry or the masonry being generally deteriorated; excessive cracks in the masonry; or worn steps.

#### Siding and Walls (major system)

**Brick** – The component needs repainting, spot replacement, reconstruction, etc. due to: sagging; bowing; being out-of-plumb; excessive cracks in the masonry; missing bricks or missing mortar.

**Stucco** – The component needs patching, spot replacement, or reconstruction and painting due to deteriorated surface, cracks, holes, water damage, or bowing.

**Wood** – The component needs patching, spot replacement, or reconstruction and painting due to sagging, bowing, being out-of-plumb, rot, water damage, loose boards, cracked or broken boards.

**Siding** – The component needs spot, area or total replacement due to broken or missing siding.

# Windows and Doors and Related Trim (Exclusive of Storm Doors and Windows) (minor system)

**Windows** – The component needs putty or new glass. Other indicators of a fair/poor component include: missing or broken trim; missing or broken sill; a frame or sash out of square; rotted wood; and/or inoperable windows.

**Doors** – Indicators of a fair/poor door include: broken glass; a frame out of square; missing or broken trims; interior grade doors being used as exterior doors; rotted wood.

**Eaves, Soffets, Gutters, Leaders** – Indicators of a fair/poor component include: broken or hanging sections; holes, rot leakage and/or missing sections, significant deterioration; or animal infestation.

#### Roof and Chimney (major system)

**Roof** – The component needs moderate scattered shingle replacement, area replacement or total replacement due to: sagging; exposed paper or sheathing; hole(s); curling of shingles; blistering of rolled roofing; cracked shingles; missing shingles; rusted metal roof; and/or leakage.

**Chimney** – The component needs partial or total reconstruction due to: sinking; being out-of-plumb; excessive cracks; loose, broken or missing bricks; missing mortar; deteriorated surface and/or lack of a flue.

**Fire Escape** – The component needs significant physical repairs or replacement and/or is not fully operational.

^{*} Excessive cracks can mean multiple cracks affecting structural integrity or a crack or cracks as wide as 1/4 inch.

#### SURVEYOR: <u>Nick Boragine</u>

#### DATE: <u>2/13/2025</u>

(print or type name)

GOOD/EXCELLENT = 0

RATE COMPONENT:

FAIR/POOR = X

STREET							COM	PONENTS			
			One "X" and	Structure is	s Deficient				Two	"Xs" and Struct	ure is Deficient
Address	Block/ Lot	Number of Dwelling Units	Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"	COMMENTS
124 Willow St.	110/ 19	1	0	0	х	0	0	0		Yes	Chimney has cracking
19 Florence Pl	110/ 15	1	0	0	x	0	0	0		Yes	Roof is degraded
54 Florence Pl	112/ 27	1	0	0	0	0	0	x		No	Porch is sagging and steps are cracked and degraded
84 Florence Pl	112/ 34.0 1	1	0	0	0	x	0	0		No	Copper roofing over front windows is degraded
28 Rosedale Ave	106/ 18	1	0	х	0	0	0	0		Yes	Siding is degraded
105 Parkview Ave	122/ 2	2	0	0	0	0	0	х		No	Porch is sagging
70 Bellevue Ave	114/ 17	1	0	x	X	0	х	0		Yes	Roof is degraded, roof exposed and missing section near electrical service
14 Elmwood Terr	204/ 6	1	0	0	X	0	0	0		Yes	Slate roof shingles are lifting
1 Russel Ct	401/ 10	1	0	0	0	0	0	х		No	Railing rotted falling over
65 Lincoln Ave	403/ 43	1	0	X	0	0	0	0		Yes	Shingles are buckling with water damage
91 Falmouth Ave	413/ 11	1	0	0	х	0	0	0		Yes	Front roof missing gutter, water damaged and missing shingles

I verify that I conducted the structural conditions survey for <u>Elmwood Park</u> (municipality/county) on <u>2/13/2025</u> (date) according to COAH criteria.

Signature: Nick Boragine

Title: Building Inspector

SURVEYOR: <u>Nick Boragine</u> (print or type name)

#### DATE: <u>2/13/2025</u>

**RATE COMPONENT:** 

GOOD/EXCELLENT = 0

STREET							СОМ	PONENTS			
			One "X" and	Structure is	s Deficient				Two	"Xs" and Struct	ure is Deficient
Address	Block/ Lot	Number of Dwellin g Units	Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"	COMMENTS
164 Falmouth Ave	703/2	1	0	0	0	0	0	Х		No	Railing missing from one side, falling over on other side
55 Linden	110/1 5	2	0	0	х	0	0	0		Yes	Roof is degraded
26 Summit	607/5	2	0	0	х	0	0	0		Yes	Weathered and degraded roof on front section of house
Building 1 Iozia Terr 29 apartments 110-134	301/1	29	x	0	0	0	0	0		Yes	Multiple large foundation cracks at rear of the building
127 Palsa Ave	1312/ 13	1	0	0	x	0	0	0		Yes	Buckling roof and missing shingles
50 Ray Street	1208/ 11	1	0	0	X	0	0	0		Yes	Buckling roof and missing shingles

I verify that I conducted the structural conditions survey for _

_ (municipality/county) on __

FAIR/POOR = X

__ (date) according to COAH criteria.

Signature: Nick Boragine

Title: Building Inspector

SURVEYOR: ___Nick Boragine_

#### DATE: <u>2/18/2025</u>

**RATE COMPONENT:** 

GOOD/EXCELLENT = 0

(print or type name)

Block/ Lot 321/ 4 505/ 13	Number of Dwelling Units	One "X" and Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Two Fire Escape	"Xs" and Structu Deficient structure mark "Yes"	comments
Lot 321/ 4 505/ 13	of Dwelling		and Walls			Soffets Gutters/	Stairs Steps/		structure mark "Yes"	COMMENTS
4 505/ 13	1	0	0						or "No"	
505/ 13	1	0	0							
13			0	Х	0	0	0		Yes	Weathered and buckling shingles
	1	0	0	0	0	0	Х		No	Bricks on steps and platform cracked and separated
/19	1	х	0	х	0	0	Х		Yes	Hole in roof, buckling shingles foundation cracking
1715 /5	2	0	0	х	0	x	0		Yes	Large areas of siding missing, no facias or gutters and open soffits
1716 /2	2	Х	0	0	0	0	Х	0	Yes	Cracking in plaster and foundation
1323 /2	1	0	0	x	X	х	Х		Yes	Weathered and cracking roof, windows, doors and steps in bad condition
	1609 /19 1715 /5 1716 /2 1323	1609         /19       1         1715       2         1716       2         1716       2         1323       1	1609     X       /19     1       1715     0       /5     2       1716     X       /2     2       1323     X	1609     X     0       1715     X     0       1715     0     0       1716     X     0       1323     X     0	1609       1       X       0       X         1715       0       0       X         1715       0       0       X         1716       0       0       X         122       2       X       0       0         1323       0       0       0       0	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	1609       1       X       0       X       0       0       X         1715       0       0       X       0       X       0       X         1715       0       0       X       0       X       0       X       0         1716       X       0       0       0       X       0       0       X       0         1323       1323       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1       1	1609 /19         1         X         0         X         0         X         Yes           1715 /5         2         0         0         X         0         X         Yes           1715 /5         2         0         0         X         0         X         Yes           1716 /2         2         X         0         0         0         X         0         Yes           1323

I verify that I conducted the structural conditions survey for _

_ (municipality/county) on _____

FAIR/POOR = X

___ (date) according to COAH criteria.

Signature: Nick Boragine

Title: Building Inspector

#### DATE: <u>3/4/2025</u>_

SURVEYOR: <u>Nick Boragine</u>

(print or type name)

**RATE COMPONENT:** 

GOOD/EXCELLENT = 0

STREET							COM	PONENTS			
			One "X" and	Structure is	s Deficient				Two	"Xs" and Struct	ure is Deficient
Address	Block/ Lot	Number of Dwelling Units	Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Soffets Gutters/ Leader	Rails/ Stairs Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"	COMMENTS
	1107										
449 E 54 th Street	/2	1	Х	0	Х	0	0	Х		Yes	Deterioration and large foundation crack
	1103										Ŭ Ŭ
340 E 54 th Street	/7	1	Х	Х	Х	X	X	Х		Yes	Whole house is a mess
	504/										
181 E 54 th Street	32	1	0	0	0	0	X	Х		No	
	1106										Front and side steps cracked and
45 Chobot Lane	/3.01	2	0	0	0	0	0	Х		No	weathered
26 Codmus	1801 /9	1	0	0	X		x	Х		Yes	Siding and roof degraded and steps not
36 Cadmus		1	0	0	<b>^</b>	0	^	^		res	stable
96 Echo Place	1803 /5	1	0	0	Х	0	х	0		No	Weathered and degraded roof
4 Obal Ave	1513 /7	2	0	0	X	0	х	0		No	Weathered and degraded roof
56 Obal Ave	1507 /17	2	0	0	0	0	0	Х		No	Porch is sagging
11 Streuli	1809 /31	1	0	0	0	0	0	Х		No	Front and side steps falling apart

I verify that I conducted the structural conditions survey for _____

_ (municipality/county) on _____

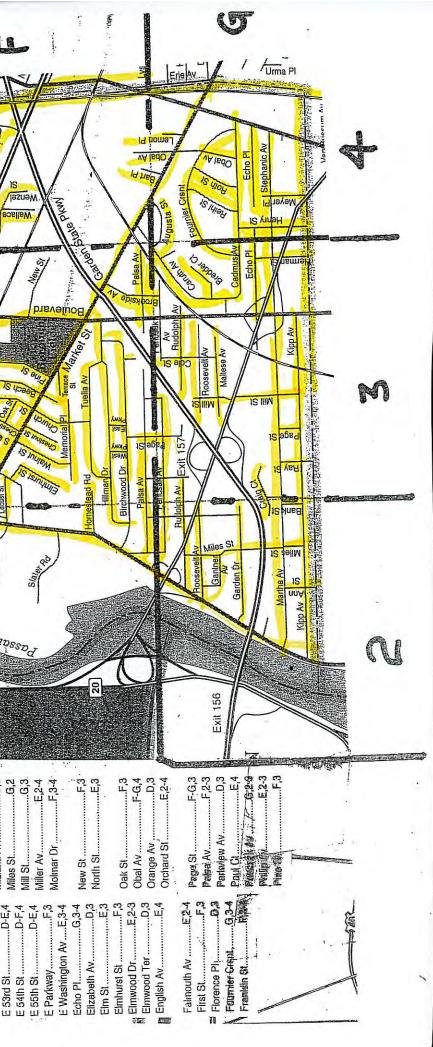
FAIR/POOR = X

___ (date) according to COAH criteria.

Signature: Nick Boragine

Title: Building Inspector

Relist St.       G.4         Relist St.       G.4         Relist St.       G.4         Rosewelt Av.       G.2-3         Rosemont Av.       D.3         Rosemont Av.       G.4         Rudolpti Av.       G.2-3         Rosemont Av.       G.4         Rudolpti Av.       G.2-3         Stoposevell Av.       G.3-4         Stoposever Red       E.7-3         Stoposever Red       E.7-3         Rudolpti Av.       G.3-4         Stopoldel Av.       E.7-3         Speidel Av.       E.7-5         Speidel Av.       E.7-6         Struce St.       E.7-7         Structos St.       E.7-7         Structos St.       E.7-7         Structos St.       E.7-7         Structos St.       E.3-4         Stummit Av.       F.3         Van Riper Av.       F.3-4         Viviney St.       F.3-4	Gall Av
	Gall Av     Ethera       Ganthor' Av     Ethera       Gantor Av     Ethera       Ganvood Av     D-Ea       Grove St     E,2-3       Hamilton Av     E,3-4       Henry St     Gato       Henry St     Gato       James CL     F,3-3       James CL     F,3-3       Kipp Av     G,2-3



# APPENDIX 14 SPENDING PLAN