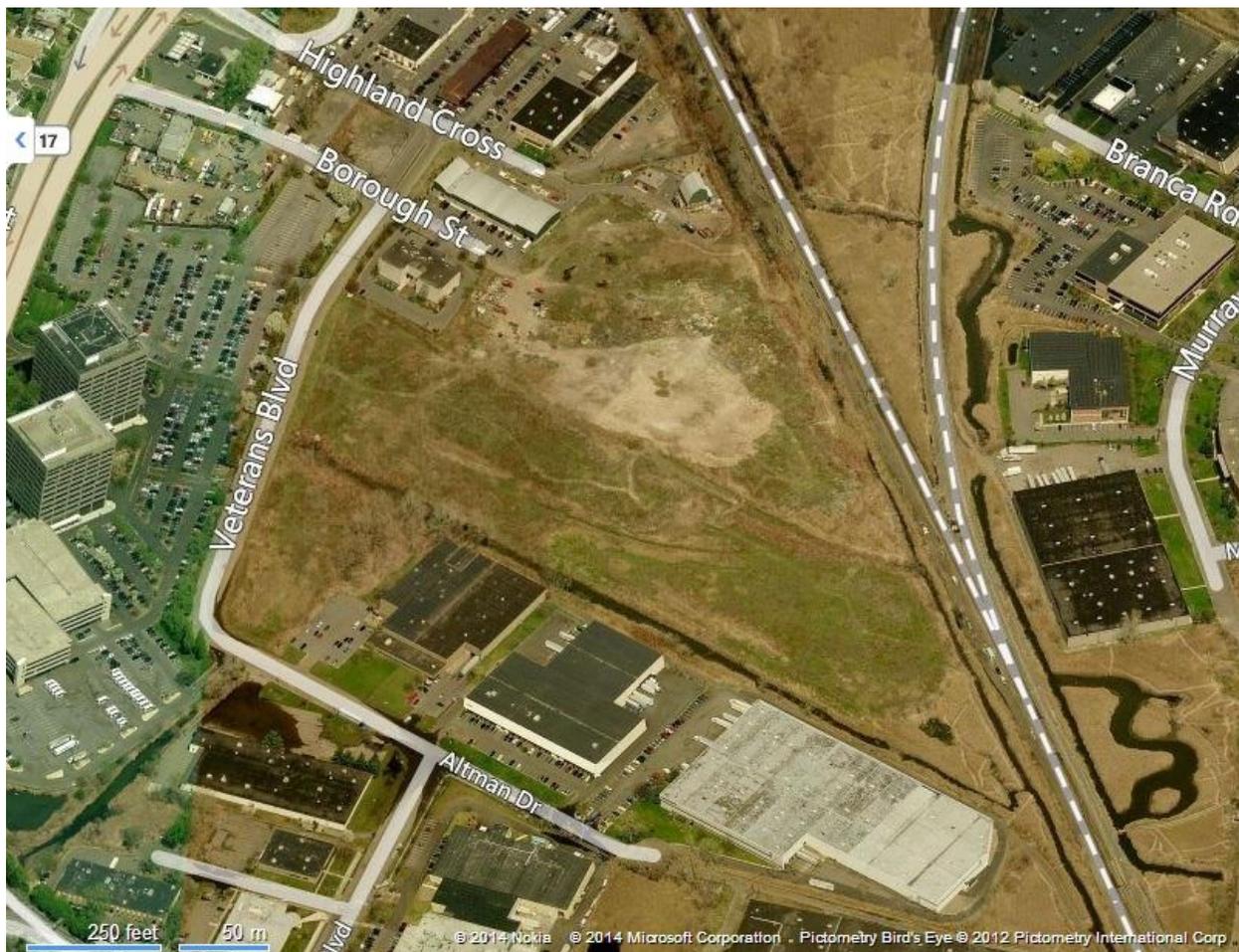


# Highland Cross Redevelopment Plan

Borough of Rutherford, New Jersey

New Jersey Meadowlands Commission



Adopted by NJMC Resolution No. 98-67 on November 25, 1998  
Amended by NJMC Resolution No. 01-17 on March 28, 2001  
Amended by NJMC Resolution No. 14-38 on September 24, 2014

# Highland Cross Redevelopment Plan

## New Jersey Meadowlands Commission 2014

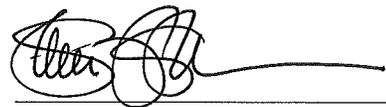
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Sara Sundell, P.E., P.P.  
Professional Planner # 5527

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## **I. REDEVELOPMENT PLAN STATUTORY CRITERIA**

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### **A. Requisite Plan Information**

The New Jersey Meadowlands Commission's (NJMC) enabling legislation authorizes the Commission to prepare and adopt redevelopment plans. N.J.S.A. 13:17-21 provides general guidelines for the elements of such a plan. The detailed criteria for the preparation of the redevelopment plan are set forth in N.J.A.C. 19:3-5.1 *et seq.* This section of the NJMC regulations states the framework for the identification of areas in need of redevelopment and provides the procedure to carry out and effectuate the redevelopment of an area.

As set forth in N.J.A.C. 19:3-5.8, redevelopment plans shall include the following information:

1. An outline for the development, rehabilitation or redevelopment of the subject area, accounting for area-specific planning objectives relating to land uses, population density, improved traffic and public transportation improvements, public utilities, recreational and community facilities, and other public improvements;
2. The proposed land uses and building requirements in the redevelopment area; and
3. The relationship of the redevelopment plan to the NJMC Master Plan.

### **B. Specific Plan Requirements**

#### **1. Site Description and History**

In 1998, the NJMC and the Borough of Rutherford conducted a study of properties fronting on Highland Cross and those generally fronting on Borough Street to determine their potential as being areas in-need of redevelopment. The *Investigation of the Proposed Highland Cross Redevelopment Area* resulted in an in-need of redevelopment designation of an approximately 30-acre area, primarily located within the Hackensack Meadowlands District (HMD). The Highland Cross Redevelopment Plan was initially adopted by the NJMC in November 1998 and later amended in March 2001.

The Highland Cross Redevelopment Area is located in the eastern section of the Borough of Rutherford and is surrounded by a mix of office, commercial, and warehouse uses. It is generally bounded by Veterans Boulevard to the north, light industrial uses to the northeast, NJ Transit's Bergen and Pascack Valley railroad lines to the east, and office and warehouse uses to the south. The Meadows Office Complex, located between Route 17 northbound and Veterans Boulevard and just

outside of the HMD, is one of the more visible office buildings in the area. State Highways Route 17 and Route 3 are located to the west and south of the site and provide access to and from the area.

Since the last amendment of the redevelopment plan, a major subdivision was undertaken within a portion of the redevelopment area that divided it into several large development parcels. New block and lot designations were assigned when the subdivision was approved. The Highland Cross Redevelopment Area includes the following parcels located in the Borough of Rutherford within the HMD:

<b>Block/Lot designation</b>	<b>Total Area (acres)</b>	<b>Rutherford Lot Area* (acres)</b>	<b>HMD Lot Area (acres)</b>
219.04/ 1	22.72	0.59	22.13
219.04/ 2.01	1.56	0.87	0.69
219.04/ 2.02	0.93	0	0.93
219.04/ 3	2.31	0	2.31
219.02/ 61	0.94	0.60	0.34
219.02/ 65.05	0.69	0	0.69
219.02/ 65.06	0.39	0	0.39
219.02/ 65.07	0.50	0	0.50
<b>Total</b>	<b>30.04</b>	<b>2.06</b>	<b>27.98</b>

*Source: MERI GIS*

\* These portions of the properties that are located outside of the HMD are not included in redevelopment plan.

Linque-H.C. Partners, LLC (Linque) is the designated developer for the Highland Cross Redevelopment Area and is responsible for the environmental remediation of the subject properties prior to construction. Linque received NJMC zoning certificate approval for the development of the area in phases, including approvals for the municipal DPW garage and salt barn in October 2001 and a 216-room hotel in May 2002. In May 2003, Linque also received zoning certificate approval for two 461,488 square foot office buildings, for a total of approximately 923,000 square feet, and two parking garages, one with 1,204 spaces and the other with 1,493 spaces. Due to market conditions in the region, the approved development was not constructed with the exception of a municipal DPW garage and salt barn and the foundation of the 216-room hotel.

Linque submitted a petition for a new proposed redevelopment plan for the subject property in May 2008. In addition, Linque also requested a determination that the subject property be deemed suitable for residential use. In March 2009, the NJMC Board of Commissioners passed Resolution No. 09-32 stating that the redevelopment

area is suitable for housing, as determined by the criteria in the “Interim Policies Governing Affordable Housing Development in the Meadowlands District” (Interim Policies), which became effective on July 24, 2008, subject to the following conditions:

1. Suitability of the subject properties for housing shall be contingent upon the approval of Redevelopment Plan amendments that, as proposed, permit a mixed-use development including residential uses.<sup>1</sup>
2. If approved, the amended Redevelopment Plan shall include a reference to the deed notice and the conditions therein specific to the engineering and institutional controls that must be integrated into the site prior to NJDEP-approval of any residential use of the property.
3. NJDEP-approval of the institutional and engineering controls to permit residential uses on the subject properties is required.
4. The developer shall submit to the NJMC proof of NJDEP-approval for residential uses within the Redevelopment Area prior to NJMC’s issuance of a zoning certificate for any residential development. After receipt of this NJDEP-approval, the NJMC, and/or its qualified consultant, shall independently evaluate the proposed remediation methodology and/or engineering controls in order to verify that they are appropriate to bring the site into conformity with either the NJDEP Residential Direct Contact Soil Remediation standards or NJDEP standards or approvals for multi-family residential use, as appropriate. The cost of the independent evaluation shall be borne by the developer. The developer shall address any and all concerns identified by the NJMC, or its consultant, prior to the issuance of a zoning certificate for any residential development.
5. After the developer has completed remediation of the property in accordance with the NJDEP-approved engineering and institutional controls, the NJMC, and/or its qualified consultant, may evaluate the remediation, including on-site independent sampling and testing in order to confirm the adequacy of the remediation effort. The cost of the independent evaluation, sampling and testing shall be borne by the developer. The developer shall be responsible to resolve any

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<sup>1</sup> Condition No. 1 above is satisfied by the current plan redevelopment amendment, adopted by Resolution No. 14-XX on \_\_\_, 2014, which permits mixed-use development including a mandatory residential component.

issues regarding areas of the site that are determined by the independent testing to fail to meet the NJDEP approvals, including institutional and engineering controls, prior to the issuance of any Certificate of Completion and/or Occupancy Certification for development on the site or additional zoning certificates for residential uses within the Redevelopment Area.

6. The developer shall provide for safe pedestrian circulation and access to the portion of the Rutherford community located west of Route 17, including provisions for accessibility, for the diverse residents and users of the Redevelopment Area.
7. Zoning certificate approval for residential development shall not be issued until the transportation issues determined in condition no. 6<sup>2</sup> above, have been appropriately addressed through a developer's agreement with the NJMC.

Upon the conclusion of the site suitability process, public hearings were held on March 31 and April 1, 2009, regarding proposed amendments to the redevelopment plan. The proposed amended plan was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on May 26, 2009. At their June 30, 2009, meeting, the HMMC conditionally rejected the proposed amendment to the redevelopment plan.

The NJMC Board of Commissioners passed Resolution 10-92 on December 16, 2010, which rejected the proposed amendments to the plan as proposed. The resolution directed NJMC staff to revisit the redevelopment plan amendment in order to establish development densities within the redevelopment plan whose impacts could be reasonably mitigated so as not to have a detrimental impact on the community and the surrounding roadway network. NJMC staff were further directed to consult with both the developer and the municipality in the establishment of the development densities for the redevelopment area, resulting in the current plan.

## **2. Traffic & Pedestrian Improvements**

The redevelopment area is located within a highly-developed regional transportation network. Route 17, a major north-south highway in the area, is located to the west of the tract and provides connections to Route 3, Route 46, and Route 80, which connect to the New Jersey Turnpike and Hudson River crossings to New York City. The eastern portion of the tract abuts NJ Transit's Bergen line.

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<sup>2</sup> Typographical error in Resolution 09-32 has been corrected from referencing "conditions no. 4 and 5" to "condition no. 6."

The redevelopment area is accessible from Route 17 via both Highland Cross and the Route 3 Service Road North. Veterans Boulevard, which runs parallel to Route 17, provides access to the redevelopment area from Highland Cross, Borough Street, and the Route 3 Service Road North. Veterans Boulevard's wide roadway width was designed to accommodate tractor trailers. The roadway has no sidewalks and only contains on-street parking south of Altman Drive.

Several roadway construction projects in the area have been completed including additional Route 17 northbound and southbound travel lanes in the immediate vicinity of each traffic signal north of Route 3. Improvements to widen a portion of Route 3 near the Passaic River Bridge, located to the west of the site, are underway. Other improvements to the portion of Route 3 located to east of the subject property and near the intersections with the New Jersey Turnpike and Route 120 have been completed in recent years.

Despite the tract's proximity to these highways, access and circulation issues on adjoining ramps and roadways are a significant concern. Route 17 and Route 3 both experience significant congestion during peak periods of travel. Additionally, all redevelopment area traffic must travel through the intersections of Route 17 and Highland Cross, Route 17 and Borough Street, or Route 3 Service Road North and Veterans Boulevard in order to access the site. The current configurations of these intersections have limited capacity and rights-of-way. Specific roadway design characteristics and limitations will further hinder potential mitigation measures. A comprehensive traffic and circulation study of the area and all associated mitigation shall be required of the developer of the redevelopment area at the time of zoning certificate application.

The subject property is isolated from the rest of the Rutherford community by its location east of Route 17. Safe passage of pedestrians between the proposed development and the greater Rutherford community is of utmost importance. As a condition of the Site Suitability determination, the developer is required to provide for safe pedestrian circulation and access to the portion of the Rutherford community located west of Route 17, including provisions for accessibility.

### **3. Public Utilities**

Within the Borough of Rutherford, United Water Company provides potable water and Public Service Electric and Gas Company provides both gas and electricity. The Bergen County Utilities Authority provides sanitary sewerage treatment to the area.

#### **4. Recreation Facilities**

According to the Borough's Master Plan, adopted December 20, 2007, municipal parkland and open space areas account for approximately 47 acres in the Borough. The largest park in Rutherford, Memorial Park, comprises over 39 acres and affords baseball, softball, basketball, tennis, a football stadium, and an all-weather track to its residents. A smaller municipal park, Wall Field, is located on the northwest corner of the intersection of Highland Cross/Route 17/Meadow Road. There are no recreation facilities immediately adjacent to the redevelopment area within the HMD, and, as such, the proposed Master Plan for the development should include planning for recreation areas, including, but not limited to, walking paths and bikeways.

#### **5. Community Services**

The Rutherford Police Department, located at 184 Park Avenue, employs approximately 35 uniformed officers. The Rutherford Volunteer Fire Department maintains fire houses and equipment at three locations within the Borough, 348 Union Avenue, 40 Ames Avenue, and 400 Mortimer Avenue. The Borough's volunteer squad includes 75 firefighters and the department is a member of the South Bergen Zone 1 Mutual Aid Association. At the time of development, the demand for police, fire, and emergency medical services shall be identified in the Project Impact Assessment (PIA). The required elements of the PIA are set forth in N.J.A.C. 19:4-10.1 *et seq.*

#### **6. Land Use**

The following general land use assumptions were contemplated in the selection of the mixed-use development option for the area:

- a. Within the limits outlined in this plan, development shall be permitted only to the extent that existing utility, transportation, and municipal infrastructure can support it or to the extent that the developer is willing to provide improvements that will support it.
- b. For a development proposal that requires an improvement to mitigate an impact identified in a Project Impact Assessment, the developer shall enter into an agreement with the NJMC prior to the issuance of a zoning certificate for the project.
- c. Appropriate buffers shall be provided adjacent to wetlands and/or environmentally sensitive areas.

- d. It is the sole responsibility of the developer to perform due diligence in determining if there is any contamination remaining from a former use of any site or from any other activity that may have occurred on a site. The developer shall perform any environmental clean-up deemed necessary for the proposed uses, pursuant to the approved methodology of the New Jersey Department of Environmental Protection.

## **7. Identification of Property to be Acquired**

NJMC does not intend to acquire any of the properties within the redevelopment area at this time.

## **8. Significant Relationships to NJMC Master Plan and Development Regulations**

The 1972 Hackensack Meadowlands Comprehensive Land Use Plan (original master plan) and the District's first Official Zoning Map designated the subject area as Light Industrial and Distribution B. The purpose of this zone was to accommodate a wide range of industrial, distribution and commercial uses that generated a minimum of detrimental environmental effects.

The first major revision to the original Hackensack Meadowlands Comprehensive Land Use Plan was adopted as the NJMC Master Plan, in January 2004. The 2004 Master Plan provided an updated vision for the Meadowlands District, reflecting smart growth principles and sustainable development objectives, and recommended that the Highland Cross Redevelopment Area be designated as an Employment Center, including a mix of land uses such as office, warehouse-distribution, and industrial facilities.

A recent downturn in the economy has resulted in a need to consider incorporating additional permitted land uses that would be consistent with the existing uses listed in the Redevelopment Plan. In addition, several important housing policy events have taken place, between July 2008 and the present, regarding affordable housing, including revisions and supplements to various sections of State statutes concerning affordable housing by means of the adoption of P.L. 2008, Ch. 46 and the October 2008 adoption of revised third round rules by the Council on Affordable Housing (COAH). The need to address and provide for housing in addition to hotel, retail, office, and commercial land uses has, therefore, become apparent.

## **9. Smart Growth and Sustainability**

The NJMC draws upon the State of New Jersey's principles of smart growth to guide land use decisions, including redevelopment, and develop strategies to address conservation challenges.

The NJMC adopted N.J.A.C. 19:4-6.6 to promote sustainable green building practices. Applicants to the NJMC are encouraged, but not required, to comply with the green building practices of programs such as the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) certification or alternative green building certification system programs.

## II. POTENTIAL IMPLEMENTATION STRATEGIES

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### A. Powers of the Redevelopment Agency

The following is a description of possible techniques, authorized by N.J.S.A. 13:17-21, that the NJMC may utilize to implement this redevelopment plan:

1. The Commission is authorized to prepare and adopt redevelopment plans for areas in the District determined by the Commission to be renewal areas.
2. In undertaking projects pursuant to any redevelopment plan, the NJMC may:
  - a. Acquire, by condemnation, or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in a renewal area and in any area within the District designated by it as necessary for relocation of residents, industry or commerce displaced from a renewal area;
  - b. By contract or contracts with public agencies or redevelopers or by its own employees or consultants plan, replan, construct, reconstruct, operate, maintain and repair any redevelopment or other project or any part thereof;
  - c. Clear or reclaim any area so acquired and install, construct or reconstruct projects therein necessary to prepare such area for development;
  - d. Dispose of real property so acquired by sale, lease or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;
  - e. Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements and to the control over the pollution of water and air and the disposal of solid waste;
  - f. Prepare and adopt from time to time a workable program, representing an official plan of action for effectively dealing with the problem of urban renewal areas within the District and for the establishment and preservation of well-planned communities with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life; for utilizing

appropriate private and public resources to eliminate and prevent the spread of blight and deterioration; to encourage needed conservation or rehabilitation; to provide for the redevelopment of renewal areas; or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program;

- g. Relocate, arrange or contract with public or private agencies for the relocation of residents, industry or commerce displaced from the renewal area; and
- h. Study the recommendations of any planning board for redevelopment of any area and make its own investigations as to current trends and in need factors in the District, or any area thereof.

## **B. NJMC Involvement**

The NJMC has wide ranging powers to effectuate a redevelopment plan, ranging from the rezoning of property for private development, up to and including condemnation, ownership, and public development of the tract. The authority of the NJMC in undertaking redevelopment projects is enumerated under N.J.S.A. 13:17-1 *et seq.*

### **III. SELECTED LAND USE OPTION**

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This redevelopment plan recommends the establishment of a mixed-use commercial and residential development in the redevelopment area. The comprehensive planning of the redevelopment tract will result in a cohesive mixed-use development in the Hackensack Meadowlands District, including provisions for improved vehicular and pedestrian circulation and sustainable practices.

#### **A. Redevelopment Standards**

##### **1. Definitions**

All words not described in this redevelopment plan shall have the definitions as listed in the adopted NJMC District Zoning Regulations, or in the absence of such, in the dictionary.

##### **2. Other Standards Not Discussed Herein**

The standards contained within this redevelopment plan shall supersede existing regulations as contained in N.J.A.C. 19:4-1 *et seq.* and N.J.A.C. 19:5-1 *et seq.* Existing NJMC regulations shall be consulted for any site requirements or standards not specifically set forth herein.

## **IV. LAND USE STANDARDS**

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### **A. Purpose**

The purpose of the Highland Cross Redevelopment Plan is to accommodate multi-family residential development as well as retail, hotel, and office uses within the context of an integrated mixed-use development design. The design of this development shall be consistent with the overall redevelopment concept expressed herein and will facilitate new construction on the site, with a unified approach regarding the location, orientation, and relationship of buildings, parking, landscape amenities, architectural elements, and pedestrian circulation. The implementation of this redevelopment plan will provide new development that offers enhanced housing opportunities and an expanded ratable base for the community with the ability to provide uses that complement existing businesses in the Rutherford business district.

### **B. Land Uses**

#### **1. Required Uses**

- a. A residential use permitted within Section 2 below, inclusive of affordable residential units based on the applicable laws, policies and/or regulations in effect at the time of Zoning Certificate application; and
- b. A minimum of two additional non-residential uses permitted in Section 2. below, located in one or more free-standing structures not attached to the residential structure(s).

#### **2. Permitted Uses**

- a. Banks;
- b. Day care facilities;
- c. Essential public services;
- d. Health centers;
- e. Hotels;
- f. Institutional uses;
- g. Multi-family dwellings;
- h. Offices;
- i. Parks or recreation facilities;
- j. Personal services;
- k. Public utility uses, light;
- l. Restaurants;
- m. Retail;
- n. Senior housing; and
- o. Townhome dwellings.

**2. Special Exception Uses**

- a. Commercial recreation, indoor.

**3. Use Limitations**

- a. A maximum of 450 hotel rooms, located in a maximum of two (2) hotels, shall be permitted.
- b. A maximum of 500 dwelling units, inclusive of affordable units, may be developed on-site.
- c. In conjunction with any proposed market-rate residential units, the developer shall provide on-site affordable housing units in accordance with the requirements of the entity assuming the legal responsibilities of enforcing the Fair Housing Act and the NJMC. All affordable units shall be subject to the applicable affordability rules as prescribed by law and in effect at the time of the Zoning Certificate application.
- d. Non-residential development shall comply with State of New Jersey statutes and regulations governing payment of non-residential development fees.

**C. Design Criteria**

**1. Site Layout**

- a. The site shall be redeveloped as to promote efficient site circulation and vehicular and pedestrian movement, accommodate the traffic generated by the mixed-use redevelopment project, and function as a logical mixed-use community.
- b. Minimum lot area: 1 acre

**2. Development Phases**

- a. A Master Plan for the subject property shall be submitted to the NJMC for approval prior to, or concurrently with, the submission of a zoning certificate application for an individual phase, proposed structure and/or use and shall be updated by the applicant as appropriate.
- b. The Master Plan shall include:
  - i. Building layout, including the required uses;
  - ii. Site circulation, including vehicular and pedestrian movement;
  - iii. Traffic Impact Assessment;
  - iv. Landscaping, open space and recreation areas;

- v. Parking and loading areas; and
  - vi. Conceptual stormwater management.
- c. The NJMC shall forward a copy of the proposed Master Plan, as submitted for each proposed or updated phase, structure or use, to the municipality. The municipality shall have 30 days to provide written comments to the NJMC.

### **3. Bulk Regulations**

- a. Setbacks
  - i. The minimum front yard setback shall be 25 feet.
  - ii. The minimum side and rear yard setbacks shall be 20 feet.
  - iii. The minimum distance from a building to a surface parking lot shall be 10 feet.
  - iv. NJ Transit's Bergen Line right-of-way shall not be considered a front yard for the purposes of this redevelopment plan.
- b. Maximum lot coverage: 55 percent;
- d. Minimum open space: 20 percent;
- e. Maximum Floor Area for Non-Residential Permitted Uses: 150,000 square feet, excluding hotels, municipal structures and parking structures;
- f. Minimum lowest floor elevations for structures within designated 100-year flood zones shall be established one foot above the applicable 100-year base flood elevations determined from the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

### **4. Height Limitations**

The maximum building height shall be 210 feet, provided that in no event shall any building be higher than the adjacent Meadows Office Complex. The maximum height of parking decks shall be limited to five stories.

### **5. Design Standards**

- a. Sustainable Design

Developers are encouraged to incorporate sustainable design principles in the Highland Cross Redevelopment Area. Employing green building methods

from the onset of a project provides environmental, economic, and social benefits. Benefits of building with sustainable methods include reductions in energy costs and waste.

b. General Standards

- i. Large horizontal buildings, i.e. buildings with a linear dimension of more than 300 feet, should have a façade plane whose horizontal dimension is broken into segments through the use of an offset or vertical element located at a minimum of every 100 linear feet.
- ii. Retail buildings with expansive blank walls are prohibited. Retail buildings are encouraged to incorporate architectural elements to provide a visually attractive environment that is integrated with the overall design of the redevelopment area.
- iii. The use of ornamental features and street furniture such as benches, tables, trash receptacles, etc., shall be encouraged throughout the development.

**6. Façade Treatment**

- a. Façade treatments at grade and along street frontages should utilize element such as windows, doors, columns, awnings and canopies.
- b. Façade elevations of parking decks should receive architectural treatment that complements the adjacent buildings façades. For example, window cut-outs, framing, and other architectural detailing should be used to reinforce the complementary appearance of the parking deck, integrating its design into the overall project.
- c. Side and rear elevations should receive architectural treatments comparable to front façades when public access or public parking is provided next to the buildings.
- d. All façades visible from public rights of way shall be of finished and decorative material. Architectural techniques shall be utilized to project variations in material, height and color.

**7. Landscape/Open Space**

- a. Comprehensive Landscape Plan
  - i. Landscaping shall be conceived as part of a comprehensive integrated plan for the entire site, integrating the various elements that comprise the site design. Prior to the submission

of a zoning certificate application for a proposed structure, a Comprehensive Landscape and Open Space Plan shall be submitted for the overall redevelopment area.

- ii. The comprehensive landscape plan shall include a pedestrian circulation plan.

b. Landscape Features

- i. Parking rows longer than 30 parking spaces should have a six foot wide landscaped island to break up the expanse of the pavement. This section does not apply to parking spaces in parking garages.
- ii. All loading, utility connections, auto parking and truck/trailer parking areas shall be screened from public rights-of-way in accordance with the requirements contained in the NJMC District Zoning Regulations.

c. General Landscaping

- i. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking and loading areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings.
- ii. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment.
- iii. Street trees shall be required along the roadway frontage. Such street trees shall be installed within the right-of-way between the sidewalk and curb along a uniform distance from and parallel to the street right-of-way line. The spacing of street trees shall be no farther than 60 feet on center.

d. Open Space

Open space opportunities shall be provided within the redevelopment area. These opportunities can include from pedestrian plazas with seating areas that encourage public gatherings, walkways that encourage active recreation, landscaped areas for viewing and/or passive recreation. These areas shall be designed as safe, attractive, and naturally sustainable open space environments.

**8. Pedestrian Circulation**

- a. Sidewalks shall be provided in accordance with the following minimum requirements:

- i. Minimum width of sidewalks on Veterans Boulevard: 6 feet
  - ii. Minimum width for sidewalks located along the frontage of retail structures: 6 feet
  - iii. Minimum width of all other sidewalks: 4 feet
- b. In order to provide for pedestrian and vehicular movement, appropriate traffic calming measures shall be implemented. Such measures may include, but are not necessarily limited to, the following:
  - i. Crosswalks should be provided at all intersections and should be constructed of a different paving material than the rest of the street.
  - ii. At locations where pedestrian circulation intersects with site driveways, traffic calming techniques such as speed bumps, speed tables and bump outs may be utilized to slow traffic, as needed.
  - iii. Provisions for safe pedestrian circulation and movement to access the portion of the Rutherford community located west of Route 17 shall be provided. Timing of traffic signals along Route 17 near the site shall be evaluated and adjusted to ensure sufficient time for pedestrians to cross the roadway. Appropriate signage and crosswalks, along with provisions for accessibility, shall be provided at locations where pedestrian movements occur.
- c. Developers are encouraged to provide a shuttle service between the subject site and other key locations (e.g., Rutherford train station, Rutherford downtown, etc.) to advance alternate means of transportation and pedestrian circulation in the region.

**9. Public Improvements**

All public rights-of-way shall be constructed and/or improved to be consistent with the applicable NJMC and Borough standards as to pavement, curbing, width, depth, drainage, street trees and sidewalks.

**10. Parking and Loading Requirements.**

Parking and loading requirements shall be in conformance with NJMC District Zone Regulations, N.J.A.C. 19:4-8.4, Table 8-1, Parking and Loading Requirements.

**11. Drainage**

All stormwater runoff shall be directed to stormwater drainage facilities for eventual subsurface or stream disposal. All drainage ways shall be properly maintained and planted. All drainage plans approved shall be prepared in accordance with NJMC and Borough zoning regulations, as applicable.

**12. Utilities**

- a. The developer is responsible for obtaining all applicable permits and coordinating the provision of utility service to the site.
- b. All utilities shall be underground to the extent practicable.
- c. Rooftop mechanical equipment shall be minimized from view from adjacent access ways and properties.

**13. Signs**

For the purpose of signage, all development within the redevelopment area shall be treated as multi-tenanted structures or multi-structure developments, and be designed in accordance with the requirements of N.J.A.C. 19:4-8.14.

**14. Environmental Performance Standards**

All uses shall comply with the Category A environmental performance standards at N.J.A.C. 19:4-7. All water quality standards contained in N.J.A.C. 19:4-7.9 *et seq.* shall apply as applicable.

**15. Site Remediation**

- a. The developer shall provide the NJMC with all relevant correspondence and information regarding remediation of the subject property, including all plans, reports, and correspondence to and from the NJDEP and the developer's professionals, including their Licensed Site Remediation Professional (LSRP).
- b. The developer shall submit to the NJMC proof of approval from the NJDEP, or the entity responsible for the remediation of the property, for residential uses within the Redevelopment Area, prior to NJMC's issuance of a zoning certificate for any residential development.
- c. The developer shall submit to the NJMC a copy of any required deed notice(s) regarding engineering and/or institutional controls with

respect to site remediation on the subject property(s), prior to issuance by the NJMC of any temporary or final Certificate of Completion and/or Occupancy Certification within the Redevelopment Area.

- d. After NJDEP approval regarding the use of the subject property for residential use is received, or equivalent from an LSRP, the NJMC, and/or its qualified consultant, may independently evaluate the proposed remediation methodology and/or engineering controls in order to verify that they are appropriate to bring the site into conformity with either the current NJDEP standards or approvals for multi-family residential use.
  - i. The cost of the independent evaluation shall be borne by the developer.
  - ii. The developer shall address any and all concerns identified by the NJMC, or its consultant, prior to the issuance of a zoning certificate for any residential development.
  
- e. After the developer has completed remediation of the property in accordance with the approved engineering and institutional controls, the NJMC, and/or its qualified consultant, may evaluate the remediation, including on-site independent sampling and testing in order to confirm the adequacy of the remediation effort.
  - i. The cost of the independent evaluation, sampling and testing shall be borne by the developer.
  - ii. The developer shall be responsible to resolve any issues regarding areas of the site that are determined by the independent testing to fail to meet the approval criteria, including institutional and engineering controls, prior to the issuance of any temporary or final Certificate of Completion and/or Occupancy Certification for development on the site or additional zoning certificates for residential uses within the Redevelopment Area.

## **16. Prior Agreements**

All prior agreements between the Borough of Rutherford and the designated developer for the Highland Cross Redevelopment Area shall remain in full force and in effect. Any amendments to such agreements that may be necessary shall be subject to the approval of the NJMC, pursuant to the agreement dated May 13, 1999, between the Borough of Rutherford and Linque-H.C. Partners, LLC.

## **D. Additional Development Requirements**

### **1. Project Impact Assessment**

All projects shall prepare a Project Impact Assessment (PIA) in accordance with N.J.A.C. 19:4-10.1 *et seq.* The PIA shall provide information to allow the NJMC to assess the probable effects of a proposed project.

- a. Any development proposed in phases shall assess the impacts for each individual phase and the project as a whole.
- b. For a development proposal that requires an improvement to mitigate an impact identified in a PIA, the developer shall enter into an agreement with the NJMC prior to the issuance of a zoning certificate for the project.

### **2. Traffic Impact Assessment**

All projects shall prepare a Traffic Impact Assessment (TIA) in accordance with N.J.A.C. 19:4-7.10 *et seq.* The TIA shall assess the traffic and circulation impacts of a proposed development and identify required improvements and mitigation, which shall be the responsibility of the applicant. In addition, all projects shall be required to meet the requirements of N.J.A.C. 19:7, "District Transportation Plan Rules."

In light of traffic concerns in and around the redevelopment area, the developer shall undertake a traffic impact analysis and circulation study in order to analyze both pedestrian and vehicular movement and the impacts any proposed development will have upon traffic and circulation in the area. In particular, at the time of application for a zoning certificate, the applicant shall conduct a detailed traffic and circulation analysis for both the Master Plan for the redevelopment area and for each separate phase or group of phases submitted concurrently, including, but not limited to, Route 17 within the immediate vicinity of the Highland Cross intersection, Highland Cross, Meadow Road, Veterans Boulevard, Borough Street, the Route 17/Route 3 Service Road, and the intersections of Orient Way/Route 3 Service Road and Meadow Road/Hackensack Street and other locations as determined necessary by the NJMC, as approved by the NJMC.

### **3. Riparian Rights**

Riparian grants shall be secured for any land subject to the State's riparian interest pursuant to NJMC zoning regulations.

#### **4. Affordable Housing Considerations**

With regard to affordable housing, the developer shall comply with the applicable requirements of the NJMC; the New Jersey Council on Affordable Housing (COAH) or any future entity assuming the legal responsibilities of the Fair Housing Act; and P.L. 2008, Chapter 46, an act concerning affordable housing, revising and supplementing various parts of the statutory law, effective July 17, 2008, and any applicable laws of other agencies having jurisdiction.

#### **5. Redeveloper Requirements**

- a. If the NJMC elects to contract with a prospective redeveloper, pursuant to its authority under N.J.S.A. 13:17-6(j), 20(g), and or 21(b)6, prior to entering such contract, the redeveloper shall provide a financial report to the NJMC assessing the financial viability of the redeveloper and/or redevelopment project. Such report shall contain, at a minimum, the following information:
  - i. Identification of each financial and/or equity partner having any financial contribution to, ownership of, or like interest in, the project.
  - ii. Identification of each member of the redevelopment team and major consultants, including, but not limited to, attorneys, engineers, architects, planners, project and construction managers, financial consultants, lobbyists, and public relations consultants. Resumes and/or curricula vitae and a statement clearly identifying the roles of each member shall be provided.
  - iii. The composition of the redeveloper's current real estate portfolio, including details regarding the type of project and number of square feet or units developed, owned and/or managed.
  - iv. Details regarding the redeveloper's history of securing financing for real estate development projects within the past 10 years, at a minimum, detailing the type of project; financing method(s), source(s) and amounts committed; and proposed and actual completion dates of projects.
  - v. A description of all pending real estate development projects by the redeveloper, under development pursuant to enforceable contracts, including project type, status, development schedule, and the financial commitment required by the redeveloper, including a description of the financing method(s), source(s) and amounts committed.
  - vi. Audited financial statements, including balance sheets and operating statements, prepared by a Certified Public

Accountant (CPA) in accordance with Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board (FASB), 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116, <http://www.fasb.org>, for the five most recent fiscal years, for the redeveloper and any financial and/or equity partner(s). Such statements shall evidence the ability to financially perform, including the value of assets each participant would contribute to the project and verification that such assets are available.

- vii. A statement describing the methods and anticipated and committed sources for financing the project, including its construction, and identifying the expected equity requirements and anticipated sources of working capital.
  - viii. For the redeveloper, including both the corporate or business entity and the principals of the corporate or business entity and each member of the development team, a statement and complete listing regarding any debarments, suspensions, bankruptcy or loan defaults, legal proceedings, and/or adverse judgments, regarding any real estate development project and/or government contract regardless of the date of such occurrence.
  - ix. A fiscal impact analysis for the proposed redevelopment project pursuant to the requirements of N.J.A.C. 19:4-10.4(a)14.
  - x. Such other information as may be deemed necessary by the NJMC staff.
- b. The redeveloper shall provide the following to the NJMC, which shall be updated, at a minimum, every three months, beginning from the contract date, including any amendments:
- i. The project pro-forma statement, prepared by a CPA in accordance with GAAP, which shall include, at a minimum, an income statement, balance sheet, and statement of cash flows.
  - ii. The projected development timeline.
  - iii. Any change in the financial report required in 5a above.
- c. Any redeveloper applying to any federal, state, county, or municipal government entity for financial assistance, including, but not limited to, loans, grants, or bonds, shall notify the NJMC of such application in writing and shall provide copies to the NJMC of all applications, formal correspondence and government actions regarding the requested financial assistance. The NJMC staff shall provide any of the aforementioned entities with information about the project upon request. The NJMC may make a request to the applicable government entity to participate in the process for the evaluation of financial

assistance to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and the government entity from whom financial assistance is requested.

- d. Any redeveloper of a project within a redevelopment area for which municipal payment-in-lieu-of-taxes (PILOT) bonds are sought shall notify the NJMC contemporaneously with the commencement of discussions with municipal officials regarding PILOT bonds and shall provide copies to the NJMC of all correspondence and information regarding the PILOT bonds. The NJMC staff shall provide the municipality with information about the project upon request. The NJMC may make a request to the applicable government entity to participate in the process for the evaluation of PILOT bonds to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and municipality. The fiscal impact analysis required above shall evaluate the impact of PILOT bond financing on municipal tax rates and the Intermunicipal Tax Sharing Formula.

## **6. Approvals of Other Governmental Entities**

- a. Prior to the redevelopment of any property within the redevelopment area, the redeveloper shall procure any and all necessary permits and approvals from any federal, state, county, local, or municipal agency having jurisdiction.
- b. Any redeveloper filing an application with any other State entity for any permit related to the redevelopment project shall provide a copy of such permit application to the NJMC contemporaneously with its filing and shall provide copies to the NJMC of all correspondence and information regarding the permit application. The NJMC staff shall provide the regulatory entity with information about the project upon request. The NJMC may make a request to the regulatory entity to participate in the permitting process to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and the regulatory entity.

- c. The applicant shall provide, to the NJMC, proof of compliance with any requirements and/or restrictions from other regulatory agencies associated with the intended use(s) of the site. Additionally, copies of any future requirements and/or restrictions shall be submitted to the NJMC by the designated developer immediately upon receipt.

**7. Compliance with Executive Order #118**

The Redeveloper shall be required to comply with the terms and conditions of Executive Order #118 (Corzine).

## V. SELECTED REDEVELOPMENT PLAN

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### A. Implementation Strategy

This redevelopment plan shall be the regulatory instrument for the Highland Cross Redevelopment Area, along with the NJMC District Zoning Regulations where applicable, and shall supersede all redevelopment plans and prior zoning for parcels of land contained within the portion of the redevelopment area under the jurisdiction of the NJMC.

No actions, other than the adoption of this plan and review of applications submitted by the private sector to implement this plan, are proposed or contemplated by the NJMC at this time.

**VI. APPENDICES**

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## APPENDIX A<sup>3</sup>

### Developer Selection and Redevelopment Agreement

In pursuit of a developer, the HMDC and/or the Borough will request submission of a proposal consistent with the objectives of this Redevelopment Plan.

The proposal will include an artist's rendering illustrating the elements of the project and will specifically indicate the developer's plans for:

- (a) General land use
- (b) Off-site improvements as required
- (c) Parking
- (d) Traffic and Pedestrian circulation
- (e) Open space and amenities

In selecting the designated developer, the HMDC and/or the Borough will consider the developer's qualifications, including experience in development of comparable size, complexity and quality, and if the proposal properly reflects the plan in terms of scale and intensity of development, mixture of uses within the development, and quality of construction.

Upon designation of the developer by the Commission and/or the Borough Council, a Redevelopment Agreement will be entered into between the HMDC and/or the Borough of Rutherford and the designated developer.

The Redevelopment Agreement will incorporate the pertinent aspects of the selected developer's proposal and will address acquisition, clearance, planning, phasing, development and/or redevelopment, and such other issues as deemed appropriate and/or as required according to state law in order to implement the Redevelopment Plan.

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<sup>3</sup> This appendix was included in the Highland Cross Redevelopment Plan, adopted by the NJMC with modifications on November 25, 1998 and the subsequent amendment dated March 28, 2001.

## APPENDIX B<sup>4</sup>

### Development Review

During the time that the Redevelopment Plan is in effect, any party seeking to act as a redeveloper (as defined in the Redevelopment Agencies Law, N.J.S.A. 40:55C-5 and HMDC enabling legislation N.J.S.A. 13:17-20(g)) must be so designated by the HMDC and/or the municipal governing body, acting pursuant to the powers exercisable by it under the Redevelopment Agencies Law (N.J.S.A. 40:55C-37), before proceeding to develop the area or any part thereof. Review of proposed developments plans; including concept plans, subdivision applications, site plans and/or other applications for development; shall be conducted by the HMDC or the Borough Planning Board, depending on the jurisdiction of properties located within, which shall also determine the consistency of the proposed development plans with the Redevelopment Plan.

Prior to submission of a preliminary site plan for any parcel or phase within the Redevelopment Area, the designated developer shall submit an overall concept plan to the HMDC or Borough Planning Board, depending on the jurisdiction the property is located within, for review. The concept plan shall be derived from the successful proposal, as amended by the designated developer based upon the results of the marketing studies, topographic surveys and other physical studies of the area and the developer's increased familiarity with the site and the HMDC and/or Borough's objectives relative thereto.

The Concept Plan shall indicate the general location, size and scale of office, hotel, retail, parking and other structures; traffic and pedestrian circulation systems; other permitted uses and open space; and include a phasing plan and timing schedule and such other items as appropriate for the HMDC and/or Planning Board to make an informed decision. Prior to submission of the Concept Plan, the developer shall provide the HMDC and/or Planning Board with an environmental assessment report. The report will address the Redevelopment Plan's impact on such items as utilities, municipal services, traffic and transportation, etc.

For properties located within the Borough's zoning jurisdiction, Preliminary and Final Site Plans, with details sufficient to comply with the Municipal Land Use Law and local ordinance, will be submitted for Planning Board review and approval for each development parcel, pursuant to N.J.S.A. 40:55D-1 et. seq. Such site plans shall be in general conformance with the Concept Plan as previously submitted and/or amended. For properties located within the HMDC's zoning jurisdiction, site plans shall contain all details to comply with the applicable HMDC District Zoning Regulations pursuant to N.J.A.C. 19:4

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<sup>4</sup> This appendix was included in the Highland Cross Redevelopment Plan, adopted by the NJMC with modifications on November 25, 1998 and the subsequent amendment dated March 28, 2001.

et. seq. and the provisions detailed in the Redevelopment Plan.

The HMDC and/or Planning Board may require the developer to provide a bond or other appropriate financial instrument of sufficient size and duration to guarantee the completion of the various phases of the project in compliance with the requirements of law to the extent that the provisions of the Redeveloper Agreement make the developer responsible for the costs of such improvements. However, to the extent that the Redeveloper Agreement provides that the HMDC and/or the Borough is responsible for the cost of certain improvements, no bond shall be required in that instance.

The objectives, standards and requirements contained in this Redevelopment Plan, shall regulate development within the Redevelopment Area and take precedent over the HMDC District Zoning Regulations and the Rutherford Zoning Ordinance.

## APPENDIX C<sup>5</sup>

### Acquisition Plan

The Highland Cross Redevelopment Area is comprised of a compact and defined area within the Borough of Rutherford. The Area is important to the community and the Meadowlands District as an area of higher density commercial development compatible with the surrounding land uses. Incompatible land uses, vacant land, dilapidated buildings and other impediments to proper development must be removed. As such, all properties within the Study Area must be assembled in order to create a properly planned and developable parcel of land for Phase 1.

The role of the HMDC and/or the Borough may vary from property to property. However, it is the intention of the plan that the developer will seek to assemble the majority of individual properties by negotiated purchase in Phase 1. The HMDC and/or the Borough may also identify additional properties for possible acquisition. The HMDC and/or the Borough may invoke its powers of eminent domain to complete the required land assembly process.

The Redevelopment Plan proposes to redevelop certain properties which are indicated as being publicly owned. To the extent that such properties, or others, may be subject to title problems; such as restrictions, reverters and the like; the HMDC and/or the Borough may relieve those properties of the title problems by the exercise of its condemnation power to permit the development contemplated in the Redevelopment Plan.

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<sup>5</sup>This appendix was included in the Highland Cross Redevelopment Plan, adopted by the NJMC with modifications on November 25, 1998 and the subsequent amendment dated March 28, 2001.

## APPENDIX D<sup>6</sup>

### Relocation Plan

In accordance with the requirements of State law, all persons (including business concerns and others displaced by project activities) shall be assisted in finding other locations and facilities.

The required amount of relocation to fully implement the Redevelopment Plan is expected to be rather moderate given the size of the redevelopment area and the amount of commercial development to be generated. This is the result of the high proportion of vacant and/or underutilized land within the study area. The process of relocating the affected businesses will nonetheless receive the careful attention of local officials.

The Borough of Rutherford shall make relocation payments to persons (including business concerns and others) displaced by redevelopment, for moving expenses and direct losses of certain personal property for which reimbursement or compensation is not otherwise made. Such relocation payments shall be made to the extent required by applicable law and regulations and from funds made available for those specific purposes by the federal government or other sources.

Any and all relocation within the Redevelopment Area will be undertaken by the Borough. However, the developer and the HMDC may assist the Borough of Rutherford in this regard as appropriate; and only in compliance with all federal, state, and local regulations.

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<sup>6</sup> This appendix was included in the Highland Cross Redevelopment Plan, adopted by the NJMC with modifications on November 25, 1998 and the subsequent amendment dated March 28, 2001.

