

# Kearny Area Redevelopment Plan

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Town of Kearny



NEW JERSEY MEADOWLANDS COMMISSION



Adopted by NJMC Resolution 00-29 on May 24, 2000  
Amended by NJMC Resolution 02-08 on March 27, 2002  
Amended by NJMC Resolution 04-49 on July 14, 2004  
Amended by NJMC Resolution 11-38 on September 28, 2011  
Amended by NJMC Resolution 14-28 on June 25, 2014

# KEARNY AREA REDEVELOPMENT PLAN AMENDMENT

2014



Prepared by

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It is certified that all copies this document are in conformance with the one that was signed and sealed by Sara J. Sundell, New Jersey Professional Planner, License No. 5527.

A handwritten signature in black ink, appearing to read 'Sara J. Sundell', followed by a long horizontal line extending to the right.

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# KEARNY AREA REDEVELOPMENT PLAN AMENDMENT

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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. This subchapter 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(a), redevelopment plans shall include the following information:

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

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

#### **1. Site Description**

This redevelopment plan is for Block 205, Lots 18, 19.02, 24, 25, 26.01, 26.02, 27-33; Block 253, Lots 5.01, 5.02; Block 275, Lot 1; Block 284, Lots 2.01, 3.01, 4.01, 7, 7.02, 9.01, 9.03, 9.05, 11.01, 11.02, 11.04; Block 285, Lots 1.01, 2, 3, 14, 15; Block 286, Lots 4, 4.01, 5, 6.01, 6.02, 7, 9, 16, 47, 47.01, and 48 in the Town of Kearny. The Kearny Redevelopment Area totals approximately 445 acres and is situated at the southwest corner of the Hackensack Meadowlands District (HMD). The redevelopment area is located to the south of New Jersey Transit's Kingsland Line, to the north of the Port Authority Trans-Hudson (PATH) line, and to the west of the New Jersey Turnpike western spur. The redevelopment area is bisected by Interstate 280, Newark-Jersey City Turnpike (Route 508), a Conrail freight line, and PSE&G right-of-way. Harrison and Bergen Avenues are the primary connections to the regional highway system, which includes the roads previously mentioned, as well as Route 21, Route 17, and Routes 1&9.

Uses in the vicinity of the redevelopment area consist of commercial, industrial, and warehouse uses, as well as three former landfills that pose unique challenges to development of the area. The redevelopment area is bisected by Frank's Creek, which flows to the Passaic River, and an unnamed creek.

Historically, the main obstacles to the development of the area include the existence of three landfills and a USEPA Superfund site, which cover much of the redevelopment

area. Landfills within the boundaries of the redevelopment area include the 95-acre Municipal Sanitary Landfill Authority (MSLA) 1-D Landfill; the 110-acre Keegan Landfill (formerly MSLA 1-B); and the 40-acre 15W Landfill.

The Keegan Landfill (Block 285, Lots 18, 19.02, 24, 27, 28, 29, 30, 31, 32 and 33) is currently operational. Future post-closure plans for the landfill include a large recreation area. The 1-D Landfill (Block 285, Lot 2), owned by the Town of Kearny, is currently being remediated by NJDEP. This process is expected to continue for the foreseeable future, and the site will not be buildable post-remediation. The 15W Landfill (Block 286, Lots 47 and 47.01) is also not a buildable site.

Where development is proposed on landfilled areas, developers shall be responsible for the evaluation of any potential structural and safety issues. For example, engineering controls may be necessary to address building settlement and methane venting.

There are approximately 145 acres of wetlands in the Kearny Redevelopment Area, including a small portion of the Kearny Fresh Water Marsh along the northern boundary and other areas along the southern and eastern boundaries of the redevelopment area. Additional wetland areas are located in the interior portion of the redevelopment area.

## **2. Previous Redevelopment Plans**

In January 1999, the Commission authorized staff to conduct a preliminary in need of redevelopment investigation to determine whether certain conditions existed in the southwest corner of the Meadowlands District in the Town of Kearny. The study area included Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33; Block 253, Lots 4, 5A, 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 13, 14, 14A, 14AB; Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17; Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48. The investigation revealed that the area met the criteria to be deemed in need of redevelopment, and the Commission authorized the preparation of the Kearny Area Redevelopment Plan in May 1999. The Kearny Urban Enterprise Zone boundary was expanded to include the proposed redevelopment area. The Commission adopted the Kearny Area Redevelopment Plan in May 2000. A portion of Block 205, Lot 19 and all of Block 205, Lot 20, comprising the Kearny Marsh, were not included in the redevelopment area.

The Kearny Area Redevelopment Plan was amended in March 2002, in response to a market study which demonstrated the viability of industrial warehouse distribution centers in the area. The Harrison Avenue Retail Center was eliminated and renamed the Light Industrial Center, permitting light industrial uses and allowing hotels, motels, restaurants, and retail and office uses as special exceptions. This area included Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, & 13; and Block 285, Lots 1A, 3, 14 & 15.

In April 2004, the Commission authorized staff to investigate several additional parcels not previously identified as being in-need of redevelopment. The study assessed Block 284, Lots 8, 12 and 15A (portion). In June 2004, the Commission deemed these lots to be

in-need of redevelopment. The plan was amended in July 2004 to include Block 284, Lots 8, 12 & 15A (portion) into the Redevelopment Plan, and to reinstate, with modifications, the use, bulk, and design standards of the former Harrison Avenue Retail Center for Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 8, 12 13 & 15A (portion) and Block 285, Lots 1A, 3, 14 & 15. The Kearny Area Redevelopment Plan adopted in July 2004 included the following parcels: Block 205, Lots 18, 19 (portion), 24, 25, 26A, 26B, 27 & 28-33; Block 253, Lots 4, 5A & 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 8, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AD, 11AE, 11B, 12, 13, 14, 14A, 14AB & 15A (portion); Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9 & 14-17; and Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A & 48.

### **3. Transportation Infrastructure**

The redevelopment area is easily accessed from several major highways, including the NJ Turnpike and Interstate 280. Harrison Avenue, which becomes Newark Turnpike, is an arterial that runs east-west and bisects the redevelopment area. Schuyler Avenue, a county road outside of the redevelopment area, serves as a major north-south roadway through Kearny, connecting Harrison Avenue to Belleville Turnpike/Route 7. Bergen Avenue is a north-south roadway connecting Harrison Avenue to Schuyler Avenue. Bergen Avenue was rebuilt in 2006; however, a height limitation at NJ Transit's Kingsland Line overpass restricts truck traffic over 12'6" in height. The Kingsland Line serves as the western boundary of the redevelopment area.

### **4. Public Utilities**

PSE&G provides gas and electric service to Kearny, and the North Jersey District Water Supply Commission (NJDWSC) supplies Kearny's water. The Passaic Valley Sewerage Commission (PVSC) receives wastewater from Kearny, but line maintenance and pumping are the responsibility of the Kearny Municipal Utilities Authority (KMUA).

### **5. Recreation Facilities**

There are no public recreation facilities currently located within the redevelopment area. An extension of Meadows Path has been proposed for this area to link the existing trail system north of the site with Hudson Meadows Park in Kearny (outside of the Meadowlands District). The Kearny Marsh was purchased by the NJMC for preservation in 2002. Future recreational facilities are contemplated on the Keegan landfill. Gunnell Oval and Harvey Field are two municipal recreation facilities located outside of the District on Schuyler Avenue.



## **6. Community Services**

The development scenarios proposed for the redevelopment area are non-residential uses; they are not expected to increase the demand for educational or cultural facilities. The demand for municipal police, fire, and emergency medical services shall be identified in any Project Impact Assessment (PIA) required at the time of development application.

## **7. Land Use**

In creating potential land use options for the area, the NJMC focused on creating uses that could be achieved in a reasonable time frame while advancing the development objectives. The NJMC determined that retail, light industrial, and heavy industrial land uses are the most appropriate for the area.

The following general assumptions were made in the selection of the land uses for the redevelopment 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. A redeveloper shall be required to submit a Project Impact Assessment (PIA) in accordance with N.J.A.C. 19:4-10.
- c. A detailed traffic impact study, as set forth in N.J.A.C. 19:4-7.10 *et seq.*, shall be prepared identifying mitigating measures to be performed by the developer, if required.
- d. For any proposal that requires an improvement to mitigate an impact identified in the PIA in accordance with N.J.A.C. 19:4-10.10, the developer shall enter into an agreement with the NJMC within 60 days of issuance of a zoning certificate for the project.
- e. Appropriate buffers shall be provided adjacent to wetlands and/or environmentally sensitive areas.
- f. It is the sole responsibility of the developer to perform due diligence in order to determine 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, in accordance with New Jersey Department of Environmental Protection requirements.

## **8. Significant Relationship To Municipal and State Plans**

Kearny completed a *Strategic Vision Plan* in 2007 and a *Master Plan Reexamination Report/Master Plan Revision* in 2008. The planning concepts embodied in these documents are compatible with the goals of the NJMC and this redevelopment plan. The Vision Plan outlines many goals and objectives for the future development of Kearny, which

were adopted as part of the 2008 Reexamination Report. Goals include encouraging the development of a diversified economic base, utilizing redevelopment as a tool for Kearny's revitalization, enhancing connections between the Town and the Meadowlands, and promoting sustainable design.

The redevelopment plan is also consistent with the 2008 *Hudson County Reexamination of the Master Plan and Hudson County Regional Comprehensive Economic Development Strategy 2010-2014 (CEDS)*. The CEDS is a five-year plan to guide economic growth in Hudson County. The CEDS outlines goals, objectives and strategies for Hudson County which are closely aligned with those for the redevelopment plan.

The Town of Kearny has previously undertaken a number of economic initiatives to help promote and retain economic development. The Kearny Urban Enterprise Zone (UEZ) was established pursuant to P.L. 1983, c. 303 (C.52-27H-60 et seq.), and a 1999 Town Ordinance (1999 (O) 19) authorized tax exemptions for qualified properties under the Environmental Opportunity Zone Act (N.J.S.A. 54:4-3.150 et seq.).

The NJMC supports the goals and objectives of the State Development and Redevelopment Plan (SDRP), including smart growth, strong connections between transportation and land use, and capacity-based planning. The NJMC believes that any redevelopment plan having as its objectives viable land uses, continuity with surrounding land uses where appropriate, protection of environmentally sensitive lands is in accordance with the goals of the SDRP.

## **9. Relationship To NJMC Master Plan and Regulations**

The 1972 Hackensack Meadowlands Comprehensive Land Use Plan (original master plan) and the District's first Official Zoning Map designated the majority of the redevelopment area as Special Use 1 & 3, Transportation Center 2, Highway Commercial and Heavy Industrial. Recommended uses for the area included a community shopping district; distribution, warehousing and manufacturing; and, rail and truck terminals. A portion of the area was also set aside as a special use area intended to capitalize on existing and proposed transportation infrastructure.

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 Kearny Area Redevelopment Area develop with logistics, intermodal, and industrial uses.

Both the original and updated Master Plans are consistent with the Commission's objective for this area, which is to promote the development of uses to enhance the character of the area. Redevelopment of this area also enables the NJMC to promote economic development while preserving environmentally sensitive areas.

The implementation tool for land use in the District is based upon mapped zones established by NJMC statutes at N.J.S.A. 13:17 *et seq.* and N.J.S.A. 19:13-1 *et seq.* The NJMC is authorized to adopt codes and standards with regards to the zoning and rezoning of lands within the Meadowlands District. The NJMC Regulations also address redevelopment criteria. N.J.A.C. 19:3-5.1 *et seq.* sets forth zoning and planning requirements applicable to the redevelopment area. It is noted that any zoning or planning standard not specifically addressed within this redevelopment plan is subject to the NJMC Regulations for the appropriate review and regulatory criteria.

## **10. Smart Growth and Sustainability**

The NJMC draws upon the State of New Jersey's principles of smart growth to guide land use decisions and develop strategies to address conservation challenges. In the District, smart growth principles such as economic growth and redevelopment are practiced, along with comprehensive planning, quality and range of land uses, and maintenance of an aesthetic environment. The adoption of smart growth principles in the District will facilitate decision making while keeping intact the NJMC's underlying zoning.

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 green building practices or alternative green building components. The NJMC supports these practices with a recognized green building certification program, including the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) certification. Alternative certification system programs that promote green building practices may be considered on a case-by-case basis.

## II. POTENTIAL IMPLEMENTATION STRATEGIES

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### A. Powers of Redevelopment Agency

In conjunction with the proposed land use discussion above, the following is a description of possible techniques, authorized by N.J.S.A. 13:17-21, that the NJMC can 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. Clear or reclaim any area so acquired and install, construct or reconstruct projects therein necessary to prepare such area for development;
  - c. Relocate or arrange or contract with public or private agencies for the relocation of residents, industry or commerce displaced from the renewal area;
  - 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. Study the recommendations of any planning board for redevelopment of any area and make its own investigations as to current trends and blighting factors in the District, or any area thereof;
  - f. 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;
  - g. 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; and

- h. 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.

## **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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#### **A. Selection of Recommended Land Uses**

The redevelopment area has been divided into six sections, described below, in order to facilitate planning objectives for the area:

##### **Harrison Avenue Retail Center**

*Block 284, Lots 2.01, 3.01, 4.01, 7, 7.02 and Block 285, Lots 1.01, 3, 14, 15.*

The Harrison Avenue corridor benefits from the most prominent visibility and accessibility in the redevelopment area, with proximity to both residential and light industrial uses. Therefore, retail and commercial uses are the recommended land uses for the specified properties. The USEPA Diamondhead Superfund site falls within this area.

##### **Light Industrial Center**

*Block 205, Lots 25, 26.01, 26.02; Block 253, Lots 5.01, 5.02; Block 275, Lot 1; and Block 286, Lots 4, 4.01 5, 6.01, 6.02, 7, 9, 16.*

Appropriate land uses for this area include the expansion of existing industrial uses. This area is well suited to light industry due to its proximity to highway and rail infrastructure. This land use option is also consistent with the objectives of the Belleville Turnpike Redevelopment Plan, located north of the Kearny Redevelopment Area, which permits large-scale distribution facilities.

##### **Heavy Industrial Center**

*Block 284, Lots 9.01, 9.03, 9.05, 11.01, 11.02, 11.04.*

It is recommended that heavy industrial uses be developed in this portion of the redevelopment area. These uses are most appropriate, given the heavy industrial nature of surrounding properties and the extensive transportation infrastructure in this area.

##### **Landfill Reclamation Area**

*Block 285, Lot 2; and Block 286, Lots 47 and 47.01*

The 1-D Landfill is currently being remediated by NJDEP and is not slated for future development. The 15W Landfill has not been remediated and currently has a methane recovery system in place.

##### **Keegan Landfill Center**

*Block 205, Lot 18, Lot 19.02, and Lots 24, 27, 28, 29, 30, 31, 32 and 33*

These lots comprise a portion of the Keegan Landfill, which is currently operational. Future post-closure plans for the landfill include opportunities for passive and active recreation.

##### **Environmental Preservation Area**

*Block 286, Lot 48*

This non-buildable wetland parcel is owned by the NJMC and covers 6.6 acres.

## **B. Redevelopment Standards**

### **1. Definitions**

All words not defined in this redevelopment plan shall have the definitions as listed in the NJMC Regulations, or in absence of such, in the most recent edition of Merriam-Webster's Collegiate Dictionary

- a. "Bank" means facility offering financial services that is open to the public and engages in deposit banking and related financial services, such as making loans and investments.
- b. "Methane recovery system" means a facility or equipment system primarily designed to recover methane gas from landfills for utilization as an energy source.
- c. "Public utility maintenance operation" means existing public utility equipment and appurtenances, including operating, maintaining, reconstructing, inspection, testing, and removing such equipment.
- d. "Renewable and/or sustainable energy systems" means a system utilizing renewable and/or sustainable energy systems, such as wind energy, hydropower, or geothermal system installations, recognized under the New Jersey Energy Master Plan.
- e. "Solar farm" means a facility composed of a system of photovoltaic cells utilized to convert sunlight into energy.
- f. "Sports training facility" means a facility designed and used primarily for training in team sports programs, consisting of outdoor/indoor athletic fields and related facilities, including but not limited to gymnasiums, equipment and training rooms, offices, locker rooms and retail concession areas that are ancillary to such training facilities. The use shall allow multiple structures and multiple accessory uses as required to support day to day team training and competition or club operations.
- g. "Training center" means a specialized instructional establishment that provides on-site training of business, commercial and/or trade skills.
- h. "Vocational center" means a facility for the instruction of specific skills, which meets the state and/or federal requirements to be accredited as such.
- i. "Water-oriented recreation" means public access to water features, including trails, boat/canoe launches, water crossings, site furnishings, signage and structures that facilitate wildlife observation.

- j. “Wildlife habitat creation, enhancement, or restoration” means enhancement of natural features to provide improved habitat value for wildlife.

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

The standards contained within this redevelopment plan shall supersede existing regulations contained in N.J.A.C. 19:4-1 *et seq.* Existing NJMC regulations at N.J.A.C. 19:3, 19:4, 19:5, 19:6, and 19:7 shall be consulted for any requirements or standards not specifically set forth herein.



## **IV. LAND USE STANDARDS**

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### **A. Purpose**

The purpose of the Kearny Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Town of Kearny, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land.

### **B. Land Uses**

#### **1. Harrison Avenue Retail Center**

##### **a. Permitted Uses**

- i. Automobile repair facilities minor, when developed in conjunction with a retail use of three (3) acres or greater;
- ii. Banks;
- iii. Commercial recreation, indoor;
- iv. Essential public services;
- v. Fuel service stations, when developed in conjunction with a retail use of three (3) acres or greater;
- vi. Hotels and motels;
- vii. Movie theaters;
- viii. Personal services;
- ix. Public utility uses, light;
- x. Retail;
- xi. Restaurants; and
- xii. Self-storage facilities.

##### **b. Special Exceptions**

- i. Automobile sales;
- ii. Communications transmission towers; and
- iii. Day care facilities.

##### **c. Use Limitations**

All operations, activities and storage shall be conducted within completely enclosed buildings, unless otherwise specified herein. The following outdoor operations, activities and storage shall be permitted when conforming to all other requirements:

- i. Outdoor display facilities shall be permitted in conjunction with automobile sales;
- ii. Accessory outdoor storage areas shall be permitted only in connection with a permitted retail use. Said storage area shall be located immediately adjacent to the building and its area shall be

included within the permitted floor area of the site. Accessory outdoor storage areas shall not exceed 10 percent of the floor area of the building. Accessory outdoor storage areas shall be fenced and screened. Materials within accessory outdoor storage areas shall not exceed the height of the screening.

- iii. Accessory outdoor display areas shall be permitted only in connection with a permitted retail use. Said display areas shall be located immediately adjacent to the building and its area included within the permitted floor area of the site. Accessory outdoor display areas shall not exceed 20 percent of the floor area of the building. Accessory display areas shall be fenced and screened.
- iv. For purposes of ii and iii above, the term “building” is established as any structure having a roof and completely enclosed by walls.
- v. Accessory outdoor seating areas for restaurants shall not exceed 15% of the number of seats in the interior seating area, not including bar and cocktail lounge seating. Outdoor seating must be located in areas that do not impede pedestrian traffic or vehicular traffic.
- vi. Drive-through facilities shall be permitted as accessory uses to restaurants only when the restaurant is developed in conjunction with a retail use of three (3) acres or greater within the Center. A maximum of 2 (two) restaurants with drive-through facilities shall be permitted within the Harrison Avenue Retail Center.
- vii. Outdoor play areas are permitted in association with licensed day care facilities.

## **2. Light Industrial Center**

### **a. Permitted Uses**

- i. Automobile repair facilities, minor;
- ii. Automobile rental facilities;
- iii. Automobile sales;
- iv. Business support services;
- v. Car washes;
- vi. Commercial recreation, indoor;
- vii. Contractor’s office;
- viii. Essential public services;
- ix. Fuel service stations;
- x. Institutional uses;
- xi. Light industry;
- xii. Office;
- xiii. Public utilities, light;
- xiv. Research and development facilities;
- xv. Self-storage facilities;
- xvi. Sports training facilities;
- xvii. Training center;
- xviii. Truck sales;

- xix. Truck rental facilities;
- xx. Truck repair facilities;
- xxi. Vocational center;
- xxii. Warehouse and distribution facilities; and
- xxiii. Wholesale establishments.

**b. Special Exceptions**

- i. Communications transmission towers;
- ii. Day care facilities; and
- iii. Public utilities, heavy.

**c. Use Limitations**

- i. All operations, activities and storage (except off-street parking and loading; parking of empty, registered and operational vehicles, enclosed trailer-mounted equipment as limited below, and/or roadworthy trailers; and auto and truck sales/rental yards) shall be conducted within completely enclosed buildings.
- ii. Outdoor storage of containers shall not be permitted.
- iii. Outdoor storage of freestanding or trailer-mounted equipment shall not be permitted with the following exception:
  - 1. A maximum of 10,000 square feet of outdoor storage of enclosed trailer-mounted equipment shall be permitted on lots exceeding 25 acres.
- iv. All truck/trailer and equipment repairs shall take place within completely enclosed buildings.
- v. Outdoor play areas are permitted in association with licensed day care centers.
- vi. The yard fronting on a railroad right-of-way shall not be considered a front yard within the Light Industrial Center.

**3. Heavy Industrial Center**

**a. Permitted Uses**

- i. Automobile repair facilities, major;
- ii. Building material yards and facilities;
- iii. Bus garages
- iv. Class A recycling facilities;
- v. Class B recycling facilities;
- vi. Construction equipment sales, rental and repair;
- vii. Contractor's yard or facilities;

- viii. Essential public services;
- ix. Fuel service stations;
- x. Heavy industry;
- xi. Institutional uses;
- xii. Intermodal facilities;
- xiii. Outdoor storage;
- xiv. Public utilities, heavy;
- xv. Public utilities, light;
- xvi. Railroad terminals and yards;
- xvii. Research and development facility;
- xviii. Resource recovery facilities;
- xix. Truck terminals;
- xx. Truck washes; and
- xxi. Warehouse and distribution facilities.

**b. Special Exceptions**

- i. Communications transmission towers; and
- ii. Helistops.

**c. Use Limitations**

- i. Outdoor storage of containers shall be limited to a total of two containers per stack or a maximum height of 25 feet above grade level, whichever is less, and shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.
- ii. Outdoor storage of products and materials shall be limited to a maximum height of 25 feet above grade level and shall be heavily screened in accordance with N.J.A.C. 19:4-8.9.

**4. Keegan Landfill Center**

**a. Permitted Uses**

- i. Park or recreation facility;
- ii. Renewable and/or sustainable energy systems;
- iii. Solar farm;
- iv. Water-oriented recreation;
- v. Wildlife habitat creation, enhancement or restoration; and
- vi. Structures and improvements essential for and used solely in conjunction with other permitted uses in the Center.

**b. Use Limitations**

- i. No use shall be operated, conducted or maintained that may impair the quality and character of the Center.

**5. Landfill Reclamation Center**

**a. Permitted Uses**

- i. Methane recovery system;
- ii. Public utility light;

- iii. Renewable and/or sustainable energy systems;
- iv. Solar farm; and
- v. Structures and improvements essential for and used solely in conjunction with other permitted uses in the Center.

**b. Use Limitations**

- i. No use shall be operated, conducted or maintained that may impair the quality and character of the Center.

**6. Environmental Preservation Area**

**a. Permitted Uses**

- i. Park or recreation facility;
- ii. Water-oriented recreation;
- iii. Wildlife habitat creation, enhancement or restoration; and
- iv. Structures and improvements essential for and used solely in conjunction with other permitted uses in the Area.

**b. Use Limitations**

- i. No use shall be operated, conducted or maintained that may impair the quality and character of the Area.

### C. Bulk Requirements

Bulk requirements within the redevelopment area shall be as listed in Table 1 below.

**Table 1- Bulk Requirements**

	<b>Harrison Avenue Retail Center</b>	<b>Light Industrial Center</b>	<b>Heavy Industrial Center</b>	<b>Landfill Reclamation Center, Keegan Landfill Center, and Environmental Preservation Area</b>
<b>Bulk Requirements</b>				
Maximum Lot Coverage	40%	50%	50%	N/A
Minimum Open Space	15%	15%	15%	N/A
Minimum Front Yard - Structures	50 ft.	50 ft.	35 ft.	N/A
Minimum Front Yard - Parking	25 ft.	25 ft.	25 ft.	N/A
Minimum Side Yards	40 ft.	30 ft.	20 ft.	N/A
Minimum Rear Yard	40 ft.	30 ft.	20 ft.	N/A
FAR	0.4	0.5	0.5	N/A
Maximum Building Height	N/A	N/A	N/A	1 story
<b>Lot Size Requirements</b>				
Minimum Lot Area	3 acres	3 acres	1 acre	N/A

### D. Design Criteria

Unless specifically addressed in this redevelopment plan, the design of all improvements shall be in compliance with NJMC site plan requirements, as set forth in N.J.A.C. 19:4-8. Existing NJMC regulations at N.J.A.C. 19:3, 19:4, 19:5, 19:6, and 19:7 shall be consulted for any requirements or standards not specifically set forth herein.

#### 1. Circulation, Parking and Loading

Unless altered herein, parking and loading requirements shall conform to N.J.A.C. 19:4-8.2 through 8.4.

The following additional requirements may apply:

##### a. Shared Parking

Mixed-use development has been recognized to improve efficiency with respect to the utilization of parking spaces. Several of the land uses

within the Harrison Avenue Retail Center may be able to share parking depending on their peak hours of operation. The efficiencies created through a blend of land uses tend to reduce automobile dependency below that which is precipitated by a single-use, standalone development. As a result, a shared parking study, in accordance with NJMC regulations, may be submitted for projects within the Harrison Avenue Retail Center.

Any land-banked parking areas created as per NJMC land-banked parking and shared parking requirements at N.J.A.C. 10:4-8.2 *et seq.*, shall be permitted to be converted to usable parking in accordance with the approved site plan when determined by the developer that such parking is needed, upon notice to the NJMC and without further study.

**b. Pedestrian Circulation**

A pedestrian circulation plan shall be submitted as part of any zoning certificate application for property within the Harrison Avenue Retail Center. Pedestrian routes between uses shall be separated from vehicular and truck traffic where appropriate. Sidewalks shall use complementary materials and design elements. Where necessary, pedestrian protection devices such as bollards or buffer vegetation shall be provided. Clear and identifiable pedestrian pathways to mass transit locations shall be provided.

**c. Parking Management Plan**

For sports training facilities, applicants are required to submit a Parking Management Plan at the time of Zoning Certificate application. This plan shall address parking demand resulting from patrons, occupants, team members, employees, and spectators; parking management; and traffic management related to the operation of the sports training facility. Strategies to lessen the impacts of traffic on the site, including shared parking, captive parking, and off-site parking and shuttles, may be included. The Parking Management Plan shall be subject to NJMC review and approval.

**d. Meadows Path**

Linkages to Meadows Path shall be provided to the extent practicable in the Keegan Landfill Center, and are encouraged within the remainder of the redevelopment area.

**2. Sustainable Design**

Within the redevelopment area, an important goal of the NJMC is to encourage developers to incorporate sustainable design. Employing green building methods from the onset of a project provides environmental, economic, and social benefits. Benefits of building with sustainable methods include the reduction in energy costs and waste.

Green building incentives within the NJMC zoning regulations are provided at N.J.A.C. 19:4-6.6 and promote sustainable green building practices in the Meadowlands District. In addition, the NJMC's *Guidelines for Green Development and Redevelopment, Part 1- Low Impact Development* provide a reference of permissible low impact design guidelines.

### **3. Utilities**

The developer is responsible for providing and obtaining all applicable permits and easements where necessary for the installation of all required utilities. There shall be no overhead utilities within the front yard of any property. To the extent practicable, all utilities shall be located underground.

### **4. Signage**

- a.** All development shall be controlled by the standards and comprehensive sign plan requirements outlined in N.J.A.C. 19:4-8.14. Signage for each redevelopment center shall conform to the following standards:
  - i. Harrison Avenue Retail Center: Highway Commercial
  - ii. Light Industrial Center: Light Industrial A
  - iii. Heavy Industrial Center: Heavy Industrial
  - iv. Keegan Landfill Center: Parks and Recreation
  - v. Landfill Reclamation Center: Intermodal A
- b.** Billboards shall conform to the standards of the billboard requirements outlined in N.J.A.C. 19:4-8.14(h)7ii, with the following exceptions:
  - i. Notwithstanding the provisions of Table 8-5, billboards in the Landfill Reclamation Center shall only be permitted within 150 feet of a ROW having a posted speed limit of 55 mph or higher.
  - ii. The maximum permitted number of billboards in the Landfill Reclamation Center is two (2) per lot.
  - iii. The maximum permitted height for billboards in the Landfill Reclamation Center shall be 65 feet above the grade level of the adjacent roadway surface.
- c.** Signage for Sports Training Facilities shall conform to the standards of the Light Industrial A zone with the following exceptions:
  - i. One freestanding sign at the development entrance, identifying the principal use, limited to an area no greater than 25 square feet and a height no greater than eight feet above the ground.
  - ii. Signs commonly associated with and limited to information and directions typically used for the convenience of site users and visitors shall be limited to an area no greater than 20 square feet, and a height of no greater than six feet above the ground.



- iii. One wall-mounted sign on each building, other than covered athletic fields, limited to an area no greater than 150 square feet.
- iv. On covered athletic fields, up to two sign panels but not more than one per wall, identifying the principal use and a corporate sponsor, limited to an area no greater than 1,200 square feet per sign.
- v. On covered athletic fields, up to eight signs, but not more than two per wall, used to display schedules, upcoming events, programs, pictures and other information, limited to an area no greater than 24 square feet per sign.
- vi. All of the foregoing signs may include the logo of the principal use.

## **5. Drainage**

Drainage plans, including maintenance provisions, shall be prepared in accordance with NJMC regulations. All drainage ways shall be properly maintained and planted, and designed in accordance with the *NJMC Green Guidelines for Development and Redevelopment*, where appropriate. Drainage designs shall not include permanent standing water.

## **6. Minimum Lowest Floor Elevation**

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).

## **7. Lighting**

The following shall apply to lighting associated with sports training facilities:

- a. The height of lighting poles for outdoor athletic fields shall not exceed 90 feet above the ground.
- b. Lighting poles in all other areas shall not exceed 25 feet in height.
- c. Illumination levels for outdoor athletic fields shall maintain a maximum to minimum uniformity ratio not exceeding 4:1.
- d. Glare shall be minimized in accordance with the performance standards at N.J.A.C. 19:4-7.7.

## **8. Fences**

The following shall apply to fences and netting associated with sports training facilities:

- a. Fences surrounding athletic fields shall not exceed 10 feet in height.
- b. Netting surrounding athletic fields may be provided at an adequate height to provide for the health, safety and welfare of site users and adjacent property owners.

## **9. Environmental Performance Standards**

- a. The following environmental performance standards shall apply:
  - i. Harrison Avenue Retail Center: Category B standards
  - ii. Light Industrial Center: Category B standards
  - iii. Heavy Industrial Center: Category C standards
  - iv. Keegan Landfill Center: Category A standards, except Category B standards shall apply for glare.
- b. Proof of submittal to other agencies having jurisdiction and copies of all other agency approvals, such as the NJDEP, shall be obtained by the applicant and shall accompany the zoning certificate application.

## **10. Building Façades**

All façades visible from public rights of way shall consist of architecturally finished, high quality, decorative material.

## **11. Landscaping**

All landscaping shall be provided in accordance with N.J.A.C. 19:4-8.9 and shall follow the *NJMC Landscape Design Guidelines* to the extent practicable.

## **12. Transit**

Any proposed development in the Kearny Redevelopment Area shall coordinate with NJ Transit early in the development process for the potential accommodation of transit facilities.

## **E. 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 improvements required.

## **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); 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 correspondence and information regarding the requested financial assistance. The NJMC staff

shall provide any of the aforementioned entities with information about the project upon request. The NJMC shall 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 shall 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 shall 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 shall 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 shall 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 shall include, but is not limited to, attendance at meetings with the redeveloper and the regulatory entity.

## **F.      Parcels Removed from Redevelopment Area**

A number of parcels have been removed from the Kearny Redevelopment Area. Parcels removed were designated as right-of-way or were owned by utilities. The following parcels were removed:

Block 253, Lot 4

Block 281, Lot 1.01

Block 284, Lots 9.02, 9.04, 9.07, 10.04, 10.05, 13, 14, 14.01 and 14.02

Block 285, Lots 1.02, 1.03, 2.01, 9, and 17

Block 286, Lots 8.01, 10.01, 17.01 and 17.02

## **V. SELECTED REDEVELOPMENT PLAN**

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### **A.      Implementation Strategy**

This redevelopment plan shall be the regulatory instrument for the Kearny Redevelopment Area, along with the NJMC Regulations, where applicable, and shall supersede all redevelopment plans and prior zoning for parcels of land contained within this redevelopment area.

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 time of adoption of this plan.

## VI. APPENDIX

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### A. Map depicting Kearny Area Redevelopment Area



# Town of Kearny

## Kearny Area Redevelopment Area

### LEGEND

-  District Boundary
-  Municipal Boundary
-  Block Limit
-  Lot Limit
- Kearny Area Redevelopment Area**
  -  Environmental Preservation Area
  -  Harrison Avenue Retail Center
  -  Heavy Industrial Center
  -  Keegan Landfill Center
  -  Landfill Reclamation Area
  -  Light Industrial Center

**Units:** US Survey Feet  
**Datum:** North American Datum 1983  
**Coordinate System:** NJ State Plane  
**Data Source(s):** NJMC GIS, Town of Kearny  
**Map Created:** July 2011 by A.O.

0 400 800 1,600  
 Ft  
 1 inch = 1,100 feet

**Disclaimer:**  
 This map was created using New Jersey Meadowlands Commission Geographic Information System digital data. The information provided on this map are provided "as is" with no warranty of any kind. This is neither an official state map nor state authorized; it is for information and representation purposes only.

Parcel configurations on this map reflect lot lines taken from municipal tax maps. Some areas may not show current subdivisions. For further information, please contact the office of the NJMC.

