

ORDINANCE NO. 11 - 15

**BOROUGH OF MT. ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY
ORDINANCE ADOPTING A REDEVELOPMENT PLAN
FOR BLOCK 8, LOT 3 IN THE BOROUGH OF
MOUNT ARLINGTON.**

WHEREAS, in accordance with the provisions of the New Jersey Local Redevelopment Housing Law (“LRHL”), N.J.S.A. 40A:12A-1, *et seq.*, the Borough of Mount Arlington (“Borough”) in the County of Morris in the State of New Jersey previously designated property identified as Block 8, Lot 3 (“Property”), on the Tax Map of the Borough as an area in need of redevelopment; and

WHEREAS, in accordance with the provisions of the LRHL, the Governing Body of the Borough authorized the preparation of a redevelopment plan for the Property; and

WHEREAS, the planning consultant for the Borough, Jessica J. Caldwell, PP, AICP, LEED GA, has prepared the Mount Arlington Landfill Redevelopment Plan for the Property, dated September 1, 2015 (“Redevelopment Plan”), a copy of which shall be maintained in the offices of the Mt. Arlington Borough Clerk and is attached hereto and incorporated by reference herein; and

WHEREAS, the Redevelopment Plan shall be referred to the Planning Board for review and recommendation concerning same in accordance with the provisions of N.J.S.A. 40A:12A-7 prior to the final adoption of the within ordinance and Redevelopment Plan; and

WHEREAS, the Governing Body hereby determines that the Redevelopment Plan for the Property is necessary and appropriate; is in compliance with the dictates of the LRHL; and will result in the successful redevelopment of the subject Property, which has been declared to be an “area in need of redevelopment.”

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Mt. Arlington, County of Morris and State of New Jersey, that the Redevelopment Plan is hereby adopted for the Property.

BE IT FURTHER ORDAINED that the Borough of Mt. Arlington Zoning Map is hereby amended to identify the Property as being an area in need of redevelopment, as identified in the Redevelopment Plan.

BE IT FURTHER ORDAINED that any prior Ordinances, or parts thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law, as the "Ordinance Adopting a Redevelopment Plan for Block 8, Lot 3, Borough of Mt. Arlington."

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, introduced on September 1, 2015 and will be further considered after a Public Hearing held on October 6, 2015 at the Municipal Building at 7:00 p.m.

ATTEST:


LINDA DeSANTIS, RMC


ARTHUR ONDISH, Mayor

DATED: 10/06/15

ADOPTED: 10/06/15

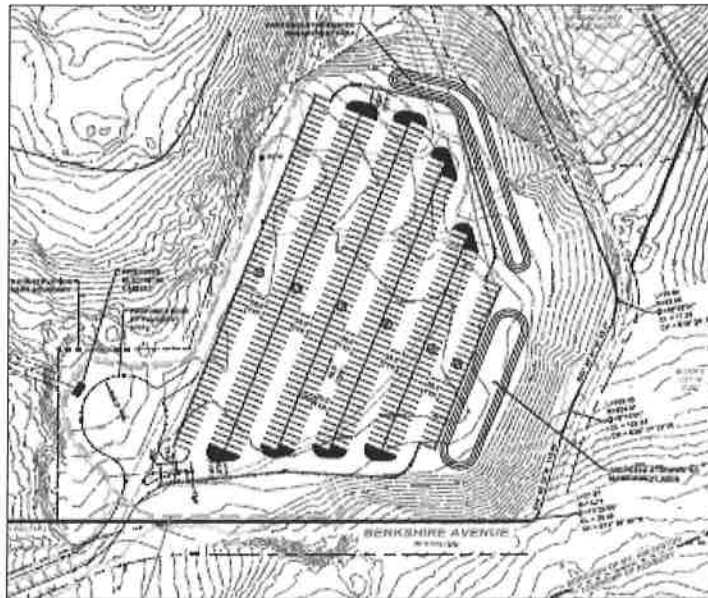
MOUNT ARLINGTON LANDFILL REDEVELOPMENT PLAN

BLOCK 8, LOT 3

BOROUGH OF MOUNT ARLINGTON

MORRIS COUNTY, NEW JERSEY

SEPTEMBER 1, 2015



PLANNING CONSULTING SERVICES

**122 MAIN STREET, SUITE 104
NEWTON, NJ 07860**

Jessica Caldwell, P.P., A.I.C.P., Borough Planner, P.P. # 5944

The original of this document was signed and sealed in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

LANDFILL REDEVELOPMENT PLAN

BOROUGH OF MOUNT ARLINGTON, MORRIS COUNTY

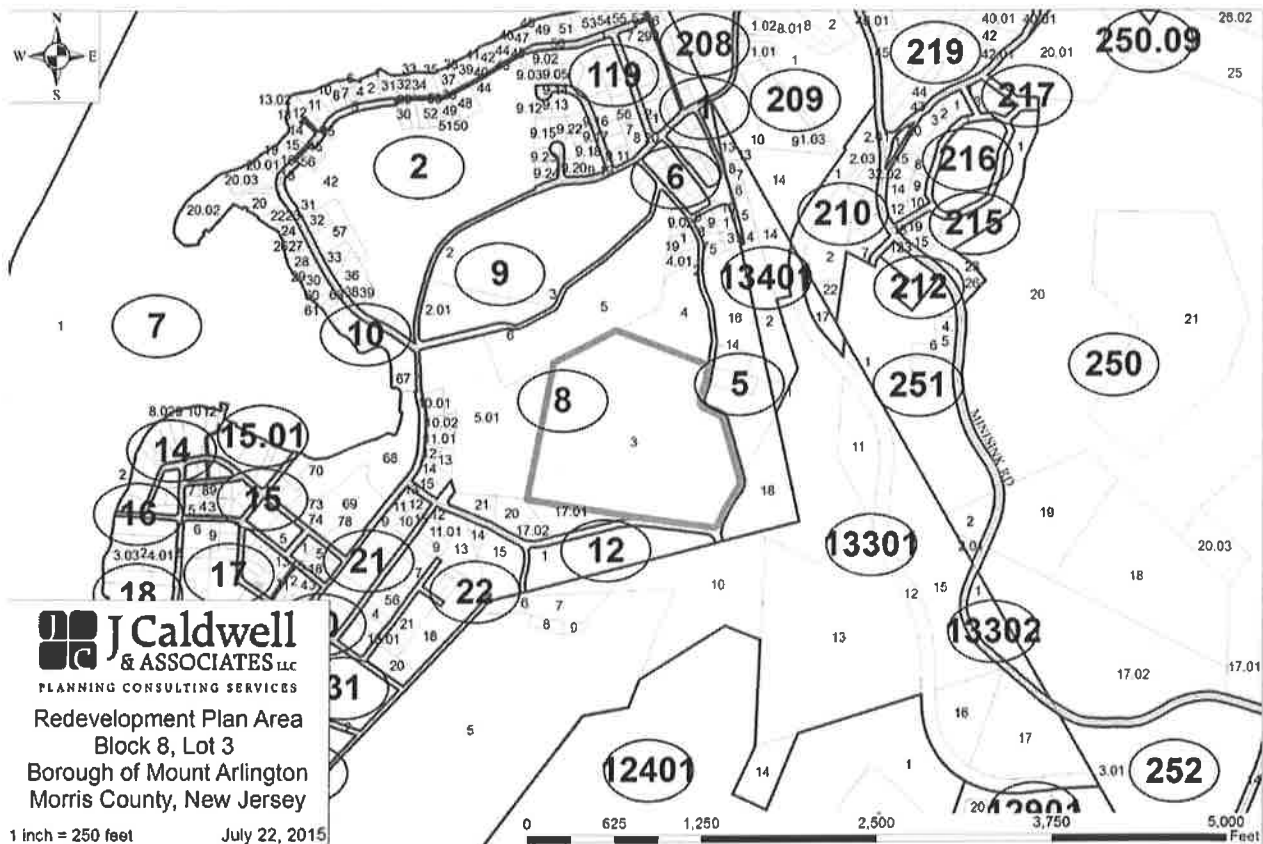
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INTRODUCTION

The Landfill Redevelopment Plan (the “Plan”) governs the Landfill Redevelopment Area (“the Area”) of the Borough of Mount Arlington designated by the Borough Council pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) on July 7, 2015, including Block 8, Lot 3. This Plan is proposed to effectuate the redevelopment of the area shown below.

Redevelopment Plan Area



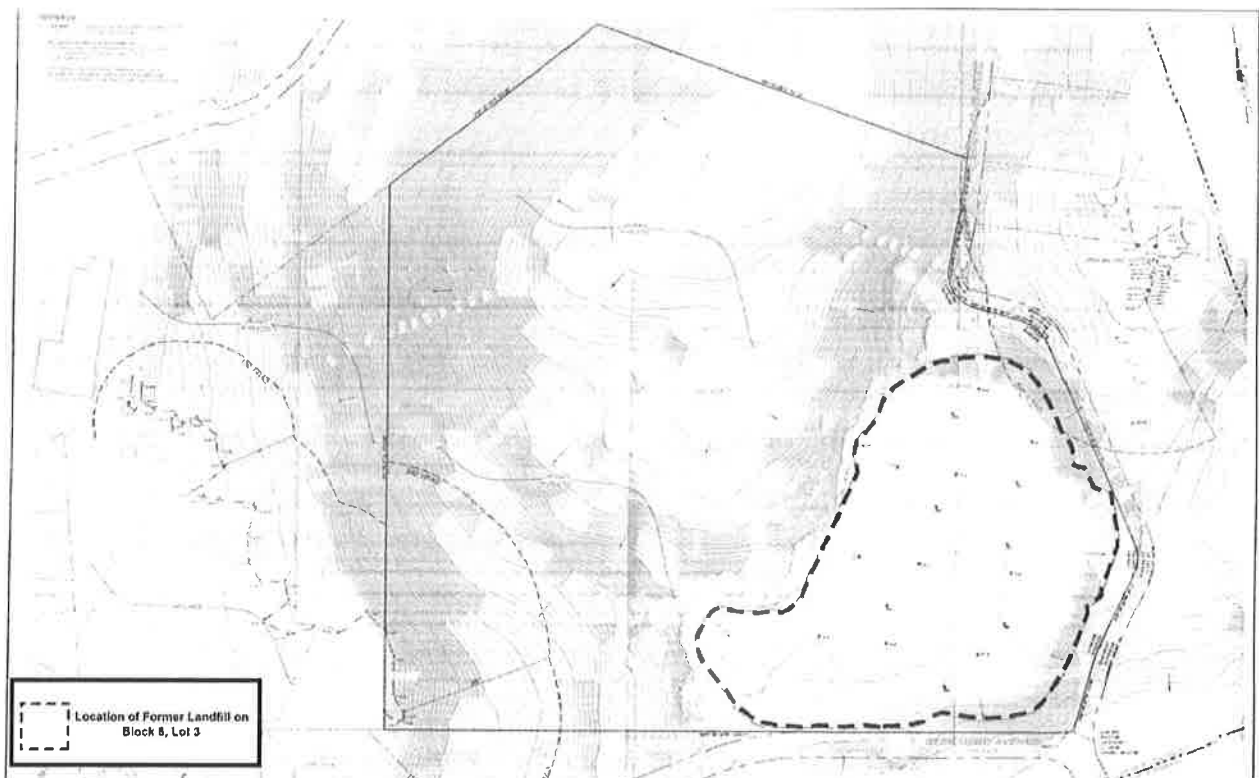
PLAN CONTEXT

The Plan Area covers approximately 35.64 acres and includes one tax lot, Block 8, Lot 3, which is located in the northeastern section of Mount Arlington and is part of the Highlands Preservation Area. The site is accessed by Berkshire Avenue, which is a local road that connects to Mount Arlington's main thoroughfare, Howard Boulevard, a County road. The Plan Area is bordered to the east by a preserved natural area, Minisink County Park; to the south by Berkshire Valley State Wildlife Management Area; and to the north by individual residential lots. Edith M. Decker Elementary School lies to the west of the study area.

The Plan Area is 35.64 acres with approximately ten (10) acres being occupied by the former landfill, while the remaining 25.64 acres are undeveloped forested land. The landfill was in operation for several decades during the latter half of the 20th century and ceased operation in 1989. Monitoring for ground water contamination and methane gas are ongoing on the site.

Berkshire Avenue is a dead-end local road that terminates at the property line of the Plan Area. The majority of traffic on Berkshire Avenue is local traffic from homes located along the road. Howard Boulevard, which provides access to Berkshire Avenue, is a County road running north to south through the Borough, connecting to Jefferson Township to the north and Roxbury Township to the south. The intersection of Berkshire Avenue and Howard Boulevard is surrounded by single family residential uses, open space, as well as some commercial and institutional uses.

Location of Former Landfill on Block 8, Lot 3

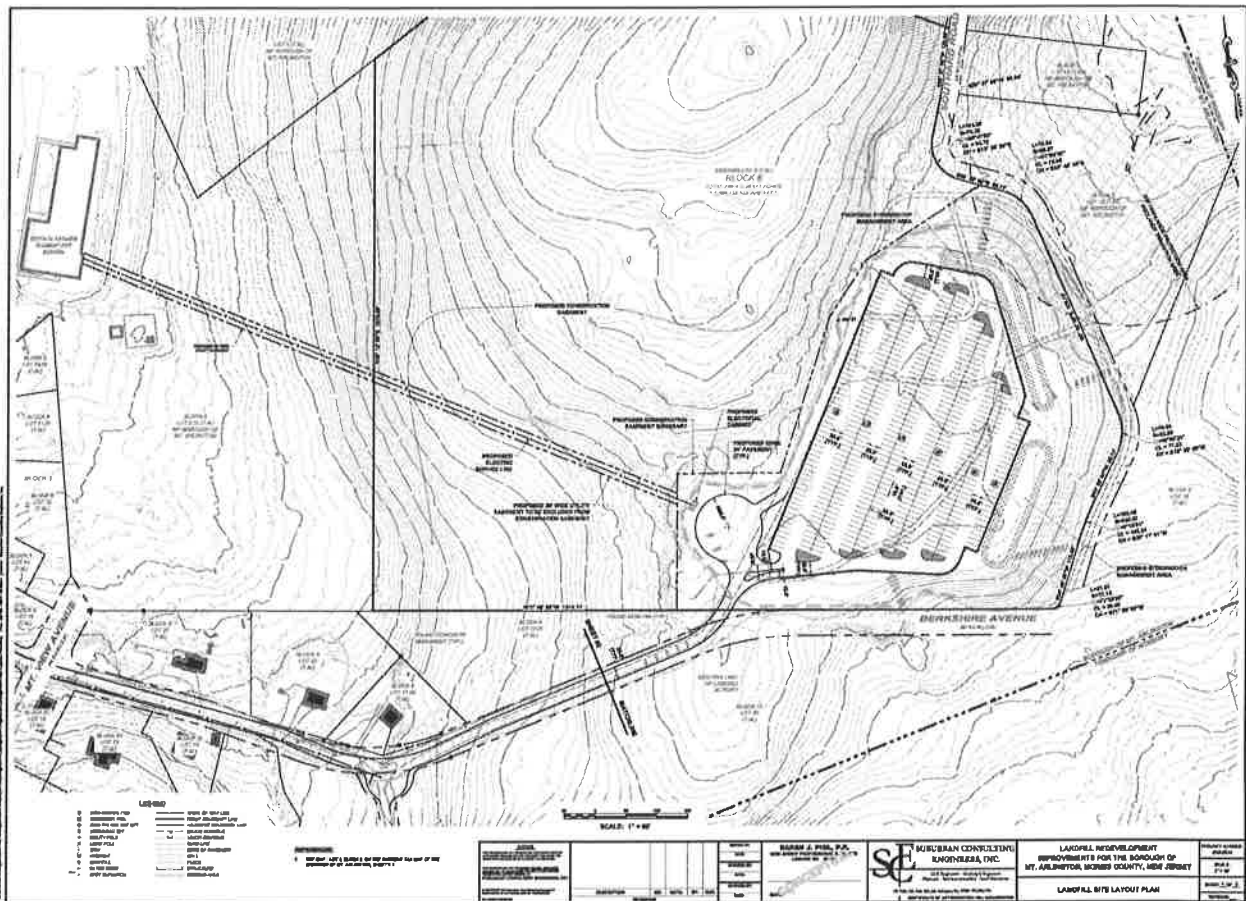


PURPOSE

This Redevelopment Plan is designed to serve as the basis for redevelopment in the Plan Area and establishes permitted land uses and building requirements for the site. The Plan calls for a portion of the Redevelopment Area to be developed with a solar energy generating facility to be installed over a parking/storage area for boats and other recreational vehicles. Proposed redevelopment shall be limited to the existing disturbed area of the former landfill and shall not disturb the large area of adjacent forest sharing the lot, with the exception of a utility easement connecting the alternative energy system to the Edith Decker Elementary School.

Other uses suitable to the property are also contemplated. Due to ongoing environmental monitoring of the site and the presence of the property in the Highlands Preservation Area, development options are limited.

Conceptual Redevelopment Plan



STATUTORY REQUIREMENTS

The New Jersey Local Redevelopment and Housing Law 40A:12A-7A requires that the Redevelopment Plan include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to:
 - The Master Plans of contiguous municipalities;
 - The Master Plan of the County in which the municipality is located; and
 - The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" PL 1985, C398 (C52:18A-196 et al.).

PLAN CONSISTENCY REVIEW

Borough Master Plan

As stated above, the Redevelopment Plan is required to define the plan's relationship to local master plan goals and objectives such as appropriate land uses, population densities, improvements to traffic, public utilities, recreational, community facilities and other improvements. The Redevelopment Law also requires the Redevelopment Plan to be substantially consistent with the municipal master plan or designed to effectuate the master plan.

Mount Arlington Borough's Master Plan contains a Highlands Preservation Area Element, adopted on May 27, 2015, which identifies the Plan Area for potential redevelopment projects and/or activities in accordance with all applicable regulatory requirements. The Highlands Master Plan Element Goal 7, "to promote Brownfield remediation and redevelopment, where applicable," is consistent with this Plan.

The Borough Master Plan also contains a Land Use Element, which identifies the property for designation as the Open Space Government Use (OSGU) Zone. The main portion of the property identified for redevelopment under this Plan is the former landfill area, consisting of approximately ten (10) acres. The remainder of the property is conceptualized to remain as open space. Therefore, the proposed uses of a municipal parking facility, alternative energy production for Borough facilities and open space is consistent with the Master Plan goals for designation of the property for Open Space and Government Use.

This Redevelopment Plan is consistent with these goals and objectives of the Borough's Master Plan.

Master of Plan of Contiguous Municipalities

The Plan Area is located in the northwest corner of the Borough, near the municipal border with Roxbury Township. However, the section of Roxbury Township closest to the landfill is comprised predominately of forest, parkland and wildlife management areas. Because the proposed Redevelopment Area on the site is surrounded by an open space and tree buffer, the Redevelopment Plan does not create any potential for conflict with Roxbury Township's master plan.

Morris County Master Plan

The Open Space Element of the Morris County Master Plan identifies Mount Arlington and its open space areas and recommends that the locations and purposes of existing open space be included in all land use ordinances. It further recommends that the acquisition of open space to provide protection for essential municipal and county needs should be actively pursued. While no acquisition is necessary for the redevelopment of the Plan Area, proposed redevelopment would provide for essential municipal and county needs for natural resource protection, brownfield redevelopment and sustainable energy production.

Highland Regional Master Plan

As noted above, the Plan Area is also located entirely within the Preservation Area of the Highlands Region, and therefore, is subject to the Highlands Regional Master Plan (RMP). Mount Arlington submitted a Petition for Plan Conformance for the Preservation Area, which was approved by the Highlands Council on December 1, 2011.

The Redevelopment Plan conforms to the following policies of the Highlands RMP:

- Policy 6J1: To encourage Preservation Area redevelopment of sites with 70% or greater impervious surfaces or a brownfield in area designated by the Highlands Council as Highlands Redevelopment Areas in accordance with N.J.A.C. 7:38-6.6 and 6.7.
- Policy 6C1: To limit new human development in the Protection Zone to redevelopment, exempt activities, and environmentally compatible low density new land uses, in accordance with RMP resource protection needs and water quality and quantity capacity constraints and to ensure that the impacts of development sing exemptions under the Highlands Act are considered in regional protection measures.
- Policy 6H1: To protect, restore or enhance sensitive environmental resources of the Highlands Region, including but not limited to Forests, Critical Habitat, Highlands Open Waters and their buffers, Riparian Area, Steep Slopes, Prime Ground Water Recharge Area, Wellhead Protection Area, and Agricultural Resource Area.

State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) guides state-level development and redevelopment policy as well as local and regional planning efforts. This Plan is consistent with the following statewide goals in the SDRP:

- Revitalize the State's cities and towns.
- Conserve the State's Natural Resources and Systems
- Promote beneficial economic growth, development and renewal for all residents of New Jersey.
- Protect the environment, prevent and clean up pollution.
- Provide adequate public facilities and services at a reasonable cost.
- Preserve and enhance areas with historic, cultural, scenic, open space, and recreational value.
- Increase Energy Efficiencies and Reduce Greenhouse Gas Emissions

This Redevelopment Plan is also consistent with the "Economic Development" goals of the SDRP as follows:

Policy 34 – Revitalization for Sustainable Use

Use redevelopment and rehabilitation projects that improve and protect the environment and contribute to the sustainability of revitalizing communities by:

- Promoting the reuse of vacant and transitional lands for community gardens and ecologically sound intensive farming;
- Using rooftops for gardens, and solar-electric and thermal-collection systems;
- Reducing heat islands; and
- Maintaining existing trees and forested areas and planting new trees.

The SDRP also includes a State Plan Policy Map, which divides the state into regions, known as Planning Areas, and includes specific goals for each area. The State Development and Redevelopment Plan designates the portion of Mount Arlington containing the Redevelopment Area as a Highlands Management "Protection Area."

The Redevelopment Plan is consistent with the Highlands Regional Master Plan, the Morris County Master Plan and the State Development and Redevelopment Plan.

APPLICATION OF REGULATIONS

The Borough will seek a Redeveloper or Redevelopers for all or portions of the site as deemed appropriate in order to redevelop the site according to the following land use regulations:

Permitted Uses

The following uses are permitted in the Plan Area; uses not identified below are prohibited.

A. Principal Permitted Uses:

- a. Solar energy systems
- b. Off-street parking and loading facilities
- c. Boat/boat trailers and recreational vehicle parking and storage
- d. Motor vehicles parking and storage
- e. Parks and Playgrounds
- f. Government uses and structures

B. Conditional Uses: none.

C. Accessory Uses:

- a. Signs
- b. Fences and walls
- c. Outdoor storage
- d. Solar energy collectors, parking canopies for mounting solar systems, storage tanks and equipment or other solar equipment appurtenant to a solar energy system
- e. Utility lines and easements

Area and Bulk Requirements

The following regulatory controls apply to properties located within the Plan Area:

Minimum Lot Area	80,000 square feet
Minimum Lot Width	225 feet
Minimum Front Yard	60 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	50 feet
Maximum Building Height	2 ½ stories/35 feet
Maximum Impervious Coverage	30%

Additional Zoning Regulations

The following additional regulations are applicable to the Plan Area:

- A. Multiple principal uses shall be permitted on one lot.
- B. No portion of any building or structure shall be used for human habitation or living quarters.
- C. Solar energy systems have additional regulations enumerated below.
- D. Boat/boat trailer and recreational vehicle parking and storage have additional regulations enumerated below.

Parking Standards

All parking spaces shall be useable and safely and conveniently arranged and adequately marked. These standards are designed to apply to this Plan Area and do not apply to other zone districts.

- A. Minimum number of off-street parking spaces: None
- B. Location of Parking Spaces.
 - i. Parking spaces shall not block the driveway.
 - ii. Parallel curb parking spaces shall not be permitted.
- C. Size of Parking Spaces.
 - i. Each off-street parking space shall measure no less than nine (9) feet in width by eighteen (18) feet in length.
 - ii. Parking spaces for boats and recreational vehicles shall be “oversized” and measure no less than ten (10) feet in width by forty (40) feet in length.
- D. Access.
 - i. Markings and access. Parking stalls, driveways and aisles shall be clearly marked and delineated.
 - ii. The width of all aisles providing direct access to the individual parking stalls shall be in accordance with the following:

Parking Angle	Aisle Width
30 °	12 ft.
45 °	12 ft.
60 °	18 ft.
90 °	24 ft.

E. Maintenance.

- i. The portion of the Plan Area used for off-street parking shall be maintained in good condition, free of hazards and deterioration.
- ii. All paved areas, pedestrian facilities, curbs, drainage facilities, lighting, guardrails, markings, signs, landscaping and other improvements shall be maintained in good, safe and workable condition.

F. Parking Lot Landscaping.

- i. Landscaping in and around parking areas shall not be required in the Plan Area, due to its largely forested location and the unique site needs of the solar energy system.
- ii. Where landscaping is provided, it shall be located so as not to obstruct vision.

G. Pedestrian circulation within parking lots.

- i. Pedestrian circulation within parking lots shall be taken into consideration. Pedestrian crossings and amenities shall be installed where deemed necessary by the Land Use Board and the Land Use Board Engineer and Planner.
- ii. A minimum aisle of 24 feet shall be maintained.

H. Miscellaneous.

- i. Outdoor parking of automobiles, recreational vehicles and boats shall be permitted.
- ii. No vehicles exceeding 10,000 pounds or over 30 feet in length shall be permitted on-site.

Buffer and Landscaping Requirements

- A. Where feasible, existing natural vegetation and wooded areas shall be retained and remain undeveloped to minimize headlights of vehicles, noise, and the movement of people and vehicles, and to shield activities from adjacent properties.
- B. Proposed fences and walls shall conform to standards found in the Mount Arlington Borough Land Use Ordinance.

Pedestrian and Vehicular Traffic Movement

Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on adjoining roads and to permit vehicles a safe ingress and egress to the site.

- A. The main access shall be from Berkshire Avenue.
- B. The minimum driveway width is 24 feet for two-way traffic operation.
- C. Appropriate traffic control signs shall be installed to ensure the safe flow of traffic into and through the development site.

Lighting

Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting shall be arranged so as to minimize glare and reflection on adjacent properties.

- A. Lighting shall only be provided on that part of the site with improvements. No open space or park land is required to have lighting.
- B. Lighting shall be provided that prevents light spillage off the site using techniques such as lights focused downward, translucent fixtures and shielding.
- C. The light intensity provided at ground level shall be a minimum of 0.3 foot-candles anywhere and shall average a maximum of 0.5 foot-candles over the entire area. At no point shall the illumination over the property line exceed 0.2 foot-candles. Mounting heights shall not exceed 25 feet.

Signage

Signs shall be designed so as to be aesthetically pleasing and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.

- A. A comprehensive wayfinding and directional signage package for any proposed parking area should be provided that will complement the natural setting and existing environment.
- B. Directional signs having areas less than three (3) square feet are exempt from area and location regulations but shall be shown on an approved site plan.
- C. Additional signage standards specific to solar energy systems are identified in "Additional Standards for Solar Energy Systems" below.

D. Signs accessory to parking areas.

- i. Signs designating entrance or exit to or from a parking area shall be limited to one (1) sign for each exit or entrance with a maximum of four (4) square feet per sign. One (1) sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum of six (6) square feet shall be permitted.

E. Ground Mounted Signs.

- i. A maximum of one (1) ground mounted sign is permitted for the Plan Area, in addition to any signs for Borough forest or parkland. Ground mounted signs shall be no larger than twenty-four (24) square feet with a maximum height of ten (10) feet.
- ii. The base of each ground sign shall be landscaped.
- iii. One (1) downward facing or upward facing light source is permitted.
- iv. Ground signs shall be setback a minimum of three (3) feet from any right of way.

F. No sign shall be placed in any required sight triangle.

G. No billboard or general advertising signs shall be permitted.

H. No signs placed above the roofline shall be permitted.

Additional Standards for Solar Energy Systems

The following standards shall apply for all solar energy systems located in the Plan Area:

A. Mounting. The following mounting arrangements shall be permitted:

- i. Building Integrated Photovoltaics (BIPV) Mount: A solar collector system that is integrated into the structure of a building, including but not limited to carports, roofing materials, windows, walls, skylights, and awnings, or passive systems that are designed to capture direct solar heat.
- ii. Ground Mount: A solar collector system where an array is mounted onto the ground.
 - a. When mounted on the ground, solar panels shall not exceed a height of twenty feet (20') above grade
 - b. A buffer of 200 feet is required between any ground-mounted solar panel apparatus and the property line.
- iii. Roof Mount: A solar collector system with an array of solar panels located on the roof of a structure.
 - a. When mounted on a roof, solar panels shall not exceed a height of six feet (6') from the surface of the rooftop.
 - b. Panels installed in a rooftop configuration must be installed within the actual boundaries or edges of the roof area and cannot overhang any portion of the edge of roof.

- B. Design. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend into the natural setting and existing environment.
- C. Signs. There shall be no signs posted on a solar energy system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification. Solar energy systems shall not be used for displaying any advertising except for small and reasonable identification of the manufacturer or operator of the system. In no case shall any identification sign be visible from a property line.
- D. Labeling requirements.
 - i. A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels on the interconnection cabinet of the solar energy system:
 - a. The maximum power output of the system.
 - b. Nominal voltage and maximum current.
 - c. Manufacturer's name, address and telephone number, serial number and model number.
 - d. Emergency and normal shutdown procedures.
 - ii. Should the solar energy system interconnection cabinet be located on the inside of a structure, a sign notifying the existence of a solar energy system shall be placed on the outside of the building, near the electrical and/or gas meter, in order to notify emergency personnel of the solar energy system.
- E. Construction.
 - i. Solar energy system construction shall be in accordance with the appropriate sections of the Basic Building Code as adopted and as currently amended, by the State of New Jersey, and any future amendments and/or revisions to same.
 - ii. The structural design of any solar energy system shall be signed and sealed by a professional engineer, licensed in the State of New Jersey, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of New Jersey and all sections referred to hereinabove.
 - iii. Utility company notification. Jersey City Power and Light, its successors and assigns, and/or as designated by state authority, shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform to any legislated requirements governing installations of solar energy conversion systems so as to comply with the utility tariff specifications. A copy of said notification shall be submitted at time of application.
 - iv. The property owner and/or installer of the solar panel installation must receive approvals from any outside agencies having jurisdiction over the project prior to the installation.

F. Miscellaneous.

- i. All electric lines/utility wires leading down the side of the structure from rooftop installations shall be placed and tacked as aesthetically as possible.
- ii. When a building or cabinet is necessary for storage cells, it may not exceed 120 square feet in area nor eight feet in height and must be located at least the number of feet equal to the accessory building setback requirements of the Redevelopment Plan from any property line. Any mechanical equipment associated with and necessary for operation, including any building or cabinet for batteries and storage cells, shall be equipped with a lock and posted with a small sign notifying the existence of solar energy system batteries and storage cells on the outside of the building or cabinet, in order to notify emergency personnel.
- iii. A solar energy system shall not contribute to or be calculated to cause an increase in the maximum impervious coverage of the property.

Additional Standards for Boat and Recreational Vehicle Parking and Storage

- A. At no time will boats or recreational vehicles be used for living or housekeeping purposes.
- B. Boats and recreational vehicles will not have fixed connections to electricity, water, gas, or sanitary sewer facilities.
- C. Boats, boat trailers and recreational vehicles will be kept in good repair and carry a current year's license and registration.

Design Standards for Site Plans

Features of site design not addressed by this Redevelopment Plan shall be regulated by Article VII, Design Standards for Development, of the Mount Arlington Borough Land Use Ordinance.

Development Standards for Site Plans

Features of development standards not addressed by this Redevelopment Plan shall be regulated by Article VI, Development Standards, of the Mount Arlington Borough Land Use Ordinance.

Submittal Requirements

The Redeveloper(s) shall submit a site plan for all, or a portion of, the Plan Area pursuant to the Development Procedures outlined in Article IV of the Borough's Land Development Code. If the redevelopment is undertaken by the Borough or other public agency, the Redeveloper shall submit to the Land Use Board for a review under N.J.S.A 40:55D-31.

ACQUISITION PLAN

Pursuant to the New Jersey Local Redevelopment and Housing Law 40A:12A-7(a), the Redevelopment Plan must identify any property within the Plan Area, which is proposed to be acquired. The Redevelopment Area is owned in its entirety by the Borough; therefore, no land acquisition is necessary.

RELOCATION PLAN

Similarly, the Redevelopment Plan must indicate the temporary and permanent re-location of residents, if applicable. The Redevelopment Area does not contain any dwelling units or residents. Therefore, no-relocation is necessary.