

REDEVELOPMENT PLAN  
FOR BLOCK 16.01, LOTS 24 and 25.01  
IN THE  
BOROUGH OF NETCONG, NEW JERSEY

*Prepared for:*

The Borough of Netcong, New Jersey

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## Table of Contents

I	INTRODUCTION .....	1
I.A	Statutory Basis for the Redevelopment Plan .....	1
I.B	Description of Plan Area Boundaries .....	1
I.C	Existing Land Use .....	1
II	PLAN VISION AND OBJECTIVES .....	5
II.A	Redevelopment Plan Goals and Objectives .....	5
II.B	Relationship to Local Objectives .....	5
III	LAND USE & DEVELOPMENT PLAN .....	7
III.A	Note on Plan Terminology .....	7
III.B	Conceptual Illustrations and Development Plans .....	7
III.C	Land Uses & Bulk Standards.....	7
III.D	Building Lot and Yard Requirements .....	8
III.E	Parking .....	8
III.F	Design Standards .....	9
III.G	Landscaped Buffers and Fences.....	10
IV	RELATIONSHIP TO DEVELOPMENT REGULATIONS AND OTHER PLANS .....	12
IV.A	Relationship to the Borough of Netcong Zoning Ordinance.....	12
IV.B	Relationship to Master Plans of Adjacent Municipalities .....	12
IV.C	Relationship to the Morris County Master Plan .....	12
IV.D	Relationship to the State Development and Redevelopment Plan .....	12
IV.E	Relationship to NJDOT Transit Initiative Program .....	13
V	REDEVELOPMENT ACTIONS.....	14
V.A	Outline of Proposed Actions .....	14
V.B	Provision of Improvements.....	14
V.C	Properties to be Acquired.....	14
V.D	Easements.....	14
V.E	Demolition .....	14
V.F	New Construction .....	14
V.G	Relocation .....	14
V.H	Other Actions .....	14
VI	GENERAL PROVISIONS.....	15
VI.A	Site Plan & Subdivision Review .....	15

VI.B	Adverse Influences.....	15
VI.C	Non-Discrimination Provisions.....	15
VI.D	Duration of the Plan.....	15
VI.E	Deviation Requests .....	15
VII	PROCEDURE FOR AMENDING THE APPROVED PLAN .....	17
VIII	OTHER PROVISIONS.....	18
IX	APPENDIX: CONCEPTUAL ILLUSTRATIONS AND DEVELOPMENT PLANS .....	19

## Table of Figures

FIGURE 1.	PLAN AREA LOCATION .....	3
FIGURE 2.	AERIAL OF PLAN AREA .....	4
FIGURE 3.	CONCEPTUAL SITE PLAN .....	20
FIGURE 4.	RESIDENTIAL BUILDING ELEVATIONS .....	21
FIGURE 5.	RESIDENTIAL BUILDING FLOOR PLANS .....	22

## I INTRODUCTION

### I.A Statutory Basis for the Redevelopment Plan

This Redevelopment Plan has been prepared for Block 16.01, Lots 24 and 25.01 within the Borough of Netcong (“Borough”) in Morris County, New Jersey (the “Plan Area”). The Plan Area is part of a larger Redevelopment Area located within the northwesterly portion of the Borough of Netcong which is bounded by Flanders Road, Furnace Pond, Main Street and Route 46 (the “Redevelopment Area”). Bank Street runs in an east-west direction through the northern portion of the Redevelopment Area. The Plan Area occupies the northernmost part of the Redevelopment Area and is bound by Furnace Pond, Jenny Lind Street, Bank Street and Flanders Road, as shown in Figure 1, Plan Area Location.

In 2004, the Mayor and Council of the Borough of Netcong directed the Planning Board to determine whether an area in the northwesterly portion of the Borough qualified as an area in need of redevelopment in accordance with the criteria specified at N.J.S.A. 40A:12A-5. The area under consideration included Block 16.01, Lots 24 and 25.01. The Planning Board directed Phillips Preiss Shapiro Associates, Inc., to conduct the Redevelopment Area investigation. The study entitled Redevelopment Area Investigation for an area bounded by Flanders Road, Furnace Pond, Bank Street, Main Street, and Route 46 in the Borough of Netcong, New Jersey, was submitted in March 2004. As part of the investigation, it was concluded that Block 16.01, Lots 24 and 25.01, together with numerous other properties within the study area, qualified for “area in need of redevelopment” status. In particular, Block 16.01, Lots 24 and 25.01 met criteria “d” and “e” under N.J.S.A. 40A:12A-5.

Based on the findings of the report, the Borough Planning Board recommended that the area be designated for redevelopment area status. Thereafter, the Borough Council took official action to designate the area as “in need of redevelopment.” Subsequently, in 2005, the Borough adopted a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7 for a portion of the Redevelopment Area that did not include the Plan Area. This Redevelopment Plan focuses solely on Block 16.01, Lots 24 and 25.01, i.e., the Plan Area.

### I.B Description of Plan Area Boundaries

The boundary of the Plan Area is shown in Figure 2, Aerial of Plan Area. This property is located on the north side of Bank Street, south of Furnace Pond and the Musconetcong River. It is irregularly shaped and bounded to the northeast by the Kings View residential development and the Jenny Lind Street right-of-way. The property consists of two contiguous tax lots totaling ±4.8 acres. The bulk of the property is level with the grade of Bank Street. The northwest portion of the property (and Bank Street) descends to the Musconetcong River. The property has ±620 feet of frontage on Bank Street and ±250 feet of frontage on Jenny Lind Street. The Borough tax maps indicate that the property is bisected by a 33 foot undeveloped right-of-way that extends from Bank Street to Furnace Pond. This right-of-way will be vacated per Section V.H below.

### I.C Existing Land Use

The Plan Area is currently owned by Quirk Realty, LLC and is occupied by Quirk Moving & Storage, a moving/rigging and storage business. Improvements cover the bulk of the property and consist of a combination of older industrial structures. A group of adjacent single-story metal structures are located in the center of the property set back from Bank Street. On the southwestern portion of the property along Bank Street (in the area of the Flanders Road intersection) there are several concrete block

industrial structures. These structures have little or no setback from Bank Street. On the northeastern end of the property (Lot 24 and portions of Lot 25.01) there are significant areas devoted to open storage of trailers and stacks of wooden pallets. The trailers are lined up along the property's northeastern boundary and along its Jenny Lind Street frontage.

FIGURE 1. PLAN AREA LOCATION

FIGURE 2. AERIAL OF PLAN AREA

## II PLAN VISION AND OBJECTIVES

### II.A Redevelopment Plan Goals and Objectives

This Redevelopment Plan provides a framework for the redevelopment of a property in the northwestern portion of the Borough in proximity to Furnace Pond. The Redevelopment Plan sets forth standards and guidelines for land use, parking, and urban design. Some Plan elements are fixed while other standards are flexible and are to be used as a guideline for creating development proposals that meet the Plan's goals and objectives described below.

The specific goals and objectives of the Redevelopment Plan are as follows:

- To construct high-quality, higher-density housing to bring activity and a sense of place to the area which will attract new residents due to its convenient location in close proximity to Netcong's Main Street commercial corridor and the existing New Jersey Transit rail station.
- To improve the aesthetics of the property and establish more varied site and building design standards that foster a high-quality building design within the Redevelopment Area.
- To provide for a variety of housing types, including both market-rate and affordable housing which complements and expands the housing options and choices in the Borough.
- To provide for the revitalization of an area with an unpleasant and uninviting streetscape.
- To foster appropriate relationships between buildings, streets, parking areas, walkways and landscaped areas within the development and in the context of the surrounding area.

### II.B Relationship to Local Objectives

#### II.B.1 Borough of Netcong Master Plan

This Redevelopment Plan is consistent with the Borough's Master Plan. The Borough's Master Plan and its amendments throughout the years have recognized the importance of the Plan Area/larger Redevelopment Area, and especially its historic significance as part of a transportation hub within the downtown, as well as its suitability for commercial and residential uses. Through the Master Plan and its amendments, the existing industrial uses in the area have been deemed inappropriate for the area and in conflict with its goals.

The Master Plan for the Borough was completed in 1978 and amended through reexamination in 1988 and 1998. An amendment to the Land Use Plan Element occurred in 2003 in regard to the annexation of a portion of Roxbury Township. In 2005, the Borough adopted a master plan revision in the form of a Stormwater Management Plan. Most recently, in 2008, the Borough adopted a Master Plan Reexamination Report. The 2008 Reexamination Report acknowledged the designation of the Plan Area as an area in need of redevelopment. It also reiterated the recommendations and conclusions of the 1998 Reexamination Report, specifically that the Borough should reevaluate potential uses for vacant land in the I and B zones in the vicinity of Furnace Pond with the recognition that industrial zoning is no longer appropriate, and that higher-density residential development is now the preferred land use alternative in the vicinity of Furnace Pond. This Redevelopment Plan complies with this recommendation.

This Redevelopment Plan further complies with the intent of the Master Plan and its amendments, specifically to “maintain and enhance the variety and balance of residential housing options and to maintain the quality and appearance of the Borough’s housing supply.”

#### II.B.2 Borough of Netcong Zoning Ordinance

The entirety of the Plan Area resides within Netcong’s B Commercial Business zone. The B zone permits retail and service facilities, including shops, financial institutions, hotels, eating and drinking establishments; as well as business and professional offices. Also permitted are car and truck sales, gas stations and car washes. In addition, public garages are permitted as a conditional use. In terms of the B zone bulk provisions, minimum required lot size is 6,000 square feet, with a minimum lot width and depth of 60 feet and 100 feet, respectively. Minimum floor area is 1,000 square feet and maximum height is 2 stories or 30 feet. Minimum yard requirements are 25 feet for the front and rear yards, and 5 feet for the side yards (with 15 feet for both). Off-street parking is required at a ratio of one square foot of parking (exclusive of drive-ways) for each square foot of floor area.

This Redevelopment Plan will supersede the existing zoning for the Plan Area. There is no zoning district within Netcong that provides for the type of multi-family residential development (and specific design parameters for same) envisioned for the Plan Area.

## III LAND USE & DEVELOPMENT PLAN

### III.A Note on Plan Terminology

Throughout this Redevelopment Plan, a meaningful distinction is made in the regulations between “shall” and “should.”

“Shall” or “must” means that a developer is required to comply with the specific regulation, without deviation.

“Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Planning Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

### III.B Conceptual Illustrations and Development Plans

The Appendix includes conceptual illustrations (i.e., conceptual site plan rendering, façade elevations, and floor plans) that show the intended site layout / configuration and building massing / architectural detailing. While some of these design elements are fixed, as set forth in ensuing sections of the Plan, others are flexible and allow for changes to occur based on more complete site information and more detailed architectural and engineering plans.

### III.C Land Uses & Bulk Standards

#### III.C.1 Overview of Development

The intent of the Redevelopment Plan is to redevelop the Plan Area for high quality, moderate-density multi-family housing. Existing structures and parking lots on the site will be demolished, and the site will be wholly redeveloped in accordance with the requirements of this Plan.

#### III.C.2 Principal Permitted Uses

Multi-family residential buildings subject to the standards in this Redevelopment Plan.

#### III.C.3 Permitted Accessory Uses

The following accessory uses are permitted:

- A community clubhouse integrated into a residential building and containing multi-purpose space, a fitness center, leasing offices, a kitchen, restroom facilities, and/or a billiards/game room.
- Individual attached parking garages.
- Off-street surface parking lots.
- Any use which is customarily incidental to principal permitted uses and on the same tract.

#### III.C.4 Maximum Permitted Residential Yield

The maximum permitted residential yield in the Plan Area shall be 126 multi-family units.

#### III.C.5 Affordable Housing

At least ten (10) percent of the total residential units shall be designated as affordable units. Affordable units shall be integrated with the market rate units. The provision of such affordable units shall be consistent with all applicable rules of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq and any other applicable affordable housing laws. As such, the number of one-bedroom units shall

be no greater than 20 percent of the affordable units; at least 30 percent of all affordable units shall be two-bedroom units; and at least 20 percent of all affordable units shall be three-bedroom units.

### III.C.6 Residential Unit Mix

Market rate units shall be either one or two bedrooms only.

### III.C.7 Building Height

Building height shall be measured both in terms of stories and number of feet. Only pitched roofs are permitted. Flat roofs are prohibited. The building height shall be measured from the average ground elevation around the foundation to both the highest eave height and the highest ridge height. Building height shall not include rooftop mechanicals.

The maximum building height of residential buildings shall be four stories and 48 feet measured at the highest eave height and 70 feet measured at the highest point of the roof ridgeline. The space below a peaked roof may be used as attic space or for a vaulted ceiling to the floor below, but shall not be used to create a finished living space.

## III.D Building Lot and Yard Requirements

### III.D.1 Minimum Lot Size

The minimum lot size shall be 4 acres.

### III.D.2 Minimum Yard Setbacks

The minimum setback between any structure and a property lot line shall be 10 feet, except that the minimum setback between any building and the rear property lot line along Furnace Pond shall be 25 feet.

### III.D.3 Impervious Coverage

The maximum impervious coverage shall be 70 percent and the maximum building coverage shall be 30 percent.

### III.D.4 Minimum Distance Between Buildings

The minimum distance between buildings shall be 20 feet.

## III.E Parking

### III.E.1 Parking Ratios

The following parking ratios shall apply: a minimum of 1.70 parking spaces for each unit. The spaces shall be provided in garages, driveways associated with a garage, or surface lots. Note that the ratios included within this section are meant to better reflect local conditions consistent with the methodology contained in N.J.A.C. 5:21-4.14(c) of the Residential Site Improvement Standards (RSIS). That section states that factors affecting minimum number of parking spaces include household characteristics, availability of mass transit, urban versus suburban location, and available off-site parking resources.

Off-street parking spaces shall comply with the standards of the Americans with Disabilities Act (ADA).

### III.E.2 Parking

All parking spaces stalls shall have a minimum width of 9 feet and a minimum depth of 18 feet. The minimum parking aisle width shall be 24 feet. All garage parking spaces shall have a minimum width of 11 feet and a minimum depth of 18 feet.

### III.E.3 Driveways

Two curb cuts for a two-way access drive shall be permitted on the Bank Street lot frontage. The western curb cut should be located a minimum of 90 feet from the western property line. The eastern curb cut should be located a minimum of 150 feet from the intersection of Bank Street and Jenny Lind Street. The eastern curb cut should have textured paving.

## III.F Design Standards

### III.F.1 Building Massing and Articulation

#### *III.F.1.a Vertical Façade Differentiation*

##### Base

The base of the building is the lowest level of the building. The base of a building façade shall be highlighted architecturally and differentiated from upper floors in order to visually ground the building. The base of each building's front and side facades shall be highlighted architecturally and differentiated from upper floors in order to visually ground the building. Suggested means are unique materials and variations in window pattern and proportion. Materials heavier in appearance are typically appropriate for the base of a building.

##### Middle

The middle of the facade should be distinguished from the base and top trim cornices by changes in material, and/or other appropriate means.

##### Top and Roof

The top of the building should be defined and differentiated at the top floor and the roof-line. The building should be side-gable in shape with a roof overhang. Cross-gable of varying sizes or multi-faceted roof shapes are encouraged to break up the roof line. The eave line should be emphasized by a cornice. The cornice should be varied in style such as unadorned, dentil, modillion or bracketed molding.

#### *III.F.1.b Horizontal Façade Differentiation*

##### Bays

Each facade plane should be broken into vertical bays with a minimum width of 8 feet and a maximum width of 30 feet. The design and dimensions of bays along a building façade should create a varied articulation; a monotonous repetition of the same bay along a very wide façade should be avoided. Bays should be defined through elements such as changes in façade plane, and spacing and/or variation in surface material and pattern. Bay definition should extend through all levels of the building.

##### Balconies

Balconies are permitted and encouraged along the front and rear facades. Balcony railings and fenestration shall be an integral part of the building façade design.

### III.F.2 Building Transparency

#### III.F.2.a Pedestrian Entries

Multiple pedestrian entries to buildings shall be located on the front façade. Each entry shall be clearly visible and highlighted within the facade. This should take the form of a prominent one-story portico. The porch should be at-grade, fully covered, supported by columns and topped by an entablature portico. Building entries should face a parking area. Entry doors should be multi-paneled.

#### III.F.2.b Residential Garage Entries

Single-car garages shall be located on the front façade of each residential building. The garages shall each have a roll-up vehicular door.

#### III.F.2.c Windows

Blank façade walls are prohibited. All windows should be operable and single hung, multi-paned windows with muntins. Windows should be hung individually or in pairs. The pattern of fenestration should be consistent on each vertical bay. Decorative circular windows may be incorporated on a building below the peak of a gable roof.

### III.F.3 Materials

Building facades and ornamentation shall be provided on all sides of a building and shall be compatible in terms of architectural treatment, color and materials so as to enhance the visual character of the development. Materials should be extended around corners and extensions in order to avoid a “pasted-on” appearance. All building facades should exhibit the same degree of architectural detailing as the adjacent façade(s).

Preferred primary materials for façade include: natural stone or a manufactured stone veneer such as cultured stone; hardi-plank or vinyl siding intended to look like wood shingle. The roof should be composed of asphalt shingles. The roofs shielding the balconies should be of wood with vinyl soffits.

A Magic Pak natural gas thru-the-wall HVAC system shall be placed within a logical portion of the unit and should be of a material and/or color to blend into the surrounding setting.

### III.F.4 Screening of Mechanical Equipment

The screening of roof-mounted and ground-mounted mechanical equipment (e.g. air conditioning, heating, ventilation ducts and exhaust vents, elevator overruns, transformers and generators, and similar equipment, but excluding solar collectors and related equipment) is required.

Roof-top mechanical equipment shall be screened in roof wells recessed below the roof line or by solid and permanent roof-mounted screens. Screening shall be compatible with the architectural style, materials, and color of the building.

### III.F.5 Utilities

All utilities must be buried underground. Overhead utility lines are prohibited.

## III.G Landscaped Buffers and Fences

Buffers consisting of fencing, trees, lawns, shrubbery and/or other appropriate landscaping shall be provided along the perimeter property lines as follows:

- A minimum buffer of 10 feet along the Bank Street, Jenny Lind Street and side property lines.

- A minimum buffer of 25 feet along Furnace Pond.

Trees and shrubbery shall be provided along the side and rear elevations of the buildings.

Landscaped islands consisting of trees and grassy areas should be provided at the ends of each off-street surface parking area as well as on traffic islands.

Outdoor trash and recycling areas shall be located away from pedestrian areas, and screened on all sides. Screening enclosures shall match the materials and design elements of the residential structures.

## IV RELATIONSHIP TO DEVELOPMENT REGULATIONS AND OTHER PLANS

### IV.A Relationship to the Borough of Netcong Zoning Ordinance

This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Netcong, except where specific provisions of the Zoning Ordinance are expressly indicated as being applicable.

In all situations where zoning issues are not specifically addressed herein, the Netcong Zoning Ordinance shall, however, remain in effect. No “d” variance from the requirements herein in accordance with N.J.S.A. 40:55D-70 shall be cognizable by the Zoning Board of Adjustment. Adoption of this Plan by the Borough Council shall be considered an amendment to the Borough of Netcong Zoning Map.

### IV.B Relationship to Master Plans of Adjacent Municipalities

The Borough of Netcong is bordered to the south and east by the Township of Roxbury; to the south and west by Mount Olive Township; and the Borough of Stanhope to the north. None of these municipalities abut the Plan Area.

### IV.C Relationship to the Morris County Master Plan

#### IV.C.1 Future Land Use Element

As demonstrated in the over 40-year old Morris County Plan’s Future Land Use Element (1975), the Borough of Netcong has long been seen as the logical location for continued growth in Morris County. The Future Land Use Element states that Mount Olive Township, in which Netcong resides, has been experiencing dramatic growth. The Element proposes that the growth in the Township should be located in “one well-defined town center, where necessary future municipal services and mass transportation may be efficiently and economically provided.” The Element references Netcong’s good rail and highway access and plentiful water and sewer capacity to justify an eventual “Netcong Center” of 30,000 to 40,000 people “at densities necessary to yield a fairly compact urban unit,” and about 12,000 jobs. Today, the population and employment are far less than projected in 1975; however, the goal of using Netcong as a center for the County and the region remains valid.

#### IV.C.2 Transportation Element

The Morris County Plan’s Transportation Element (1992) includes Goal I., to ensure that adequate public transportation is available in Morris County, with Objective I.A. to support and encourage efficient, reliable, safe, and convenient passenger rail service. Another important goal which this Redevelopment Plan supports is VI.C, to integrate land use and transportation planning.

### IV.D Relationship to the State Development and Redevelopment Plan

The State is in the process of updating its 2001 Development and Redevelopment Plan. Among the 2001 State Plan’s intentions is to revitalize the state’s existing urban areas by directing growth and development to those areas. Netcong is listed as a designated Regional Town Center in the State Plan. The entire Borough is located within Planning Area 2 (PA2), the Suburban Planning Area, an area slated to receive much of the State’s redevelopment, promoting growth in Centers and other compact forms while preserving the character of residential communities. The Suburban Planning Area should also protect natural resources, redesign areas of sprawl, reverse the current trend toward sprawl, and revitalize cities and towns. By virtue of its excellent access and prominent location, the Study Area is by all measures an appropriate location for new growth. The redevelopment plan will facilitate growth in

this area. Another of the State Plan’s goals is to provide adequate housing at a reasonable cost particularly for those most in need.

This redevelopment plan proposes to replace deteriorated, stagnant and underutilized land uses with housing—including for low and moderate income households—at densities which support transit and reduce commuting time and costs, and at locations easily accessible to employment, retail, services, cultural, civic and recreational opportunities. Its objectives are therefore consistent with the goals, strategies and policies of the State Plan.

#### IV.E Relationship to NJDOT Transit Initiative Program

Netcong Borough is one of 17 designated Transit Villages in New Jersey . As stated on the NJDOT Transit Initiative Program:

- A designated Transit Village is a municipality that has been recommended for designation by the interagency Transit Village Task Force. These municipalities have demonstrated a commitment to revitalizing and redeveloping the area around their transit facilities into compact, mixed-use neighborhoods with strong residential components.
- A municipality can be designated a Transit Village only after much of the planning and background work has already been done on the municipal level. It may only be designated a Transit Village after the Transit Village Criteria have been met.
- Being designated a Transit Village provides a municipality with the following benefits:
  - State of New Jersey commitment to the municipality's vision for redevelopment.
  - Coordination among the state agencies that make up the Transit Village Task Force.
  - Priority funding from some state agencies.
  - Technical assistance from some state agencies.
  - Eligibility for grants from the New Jersey Department of Transportation (NJDOT).

As the Redevelopment Area is within one-half mile of the Netcong train station, it falls within the area of focus for the Transit Village program. Therefore, this Redevelopment Plan espouses principles of transit-friendly development to create a neighborhood that enhances the possibility of walking to the train station and to downtown.

## V REDEVELOPMENT ACTIONS

### V.A Outline of Proposed Actions

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. Other actions that may need to be undertaken to implement the Redevelopment Plan may include the clearance of dilapidated, deteriorated, obsolete or underutilized structures or uses; provisions for infrastructure necessary to service and support new development; and the creation and/or vacation of easements as may be necessary for redevelopment.

### V.B Provision of Improvements

The designated redeveloper or other party responsible for redevelopment will be responsible for the installation or upgrade of infrastructure related to the project, whether on-site or off-site. Infrastructure items include, but are not limited to, gas, electric, water, sanitary and storm sewers, pumping stations, traffic control devices, telecommunications, streets, curbs, sidewalks, street lighting, street trees, and street furniture. The extent of the redeveloper's responsibility will be outlined in the redeveloper's agreement with the Borough of Netcong. All improvements will comply with applicable federal, state and local law.

### V.C Properties to be Acquired

The Borough does not intend to use municipal funds to acquire any properties as part of this Redevelopment Plan.

### V.D Easements

No building shall be constructed over a public easement in the Plan Area without prior written approval of the Engineer of the Borough of Netcong. See Section I.B above and Section V.H below.

### V.E Demolition

It is proposed that the site be completely cleared of existing buildings and parking lots and largely cleared of vegetation. The plan proposes a significant upgrade of the structures and landscape, and there is no reason to retain the existing structures. The parking and paved areas can also be removed.

### V.F New Construction

It is proposed that the Plan Area be developed with a series of residential buildings up to 4-stories in height with a maximum of 126 residential units with off-street parking. The site will be accessed via two entry/exit connections on Bank Street.

### V.G Relocation

No relocation actions will be required to implement the Redevelopment Plan.

### V.H Other Actions

In addition to the demolition and new construction described above, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to: (1) provisions for infrastructure necessary to service new development; (2) environmental remediation; (3) creation and/or vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

## VI GENERAL PROVISIONS

### VI.A Site Plan & Subdivision Review

Prior to commencement of construction, site plans for the construction of improvements within the redevelopment area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Site Plan Ordinance of the Borough of Netcong, shall be submitted by the applicant for review and approval by the Planning Board of the Borough of Netcong so that compliance with the Redevelopment Plan can be determined.

Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Redevelopment Plan and the Subdivision Ordinance of the Borough of Netcong.

No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

### VI.B Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

### VI.C Non-Discrimination Provisions

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

### VI.D Duration of the Plan

The provisions of this Plan specifying the redevelopment of the Plan Area and the requirements and restrictions with respect thereto shall be in effect for a period of fifteen (15) years from the date of approval of this plan by the Mayor and Council of the Borough of Netcong.

### VI.E Deviation Requests

The Planning Board may grant variances allowing deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without

substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a variance from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area or any change requiring a “d” variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough governing body, and only upon a finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

## VII PROCEDURE FOR AMENDING THE APPROVED PLAN

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. If the designated redeveloper requests such amendment that redeveloper shall pay a fee of \$500, as well as reimburse the Borough for reasonable costs, fees and expenses to undertake such amendment, unless the request is issued from an agency of the Borough. The Planning Board, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey. In addition, the Borough, at its sole discretion, may require the party requesting the amendments establish an escrow account with the municipality adequate to allow the Borough to retain a Professional Planner, licensed in the State of New Jersey, to review any proposed amendments to confirm that the intent of the Plan will not be compromised.

## VIII OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- No relocation actions are contemplated as part of this Redevelopment Plan.
- No acquisition by the Borough of Netcong is contemplated as part of this Redevelopment Plan.
- As indicated in Chapter 2, this Redevelopment Plan is consistent with the Master Plan for the Borough of Netcong. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Netcong regulating development in the area addressed by this Redevelopment Plan. In all situations where zoning issues are not specifically addressed herein, the Netcong Zoning Ordinance shall, however, remain in effect. No “d” variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. Adoption of this Plan by the Borough Council shall be considered an amendment of the Borough of Netcong Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.
- Any designated redeveloper must have a fully executed Redevelopment Agreement with the Borough prior to making any applications to the Planning Board.

IX APPENDIX: CONCEPTUAL ILLUSTRATIONS AND DEVELOPMENT PLANS

FIGURE 3. CONCEPTUAL SITE PLAN

FIGURE 4. RESIDENTIAL BUILDING ELEVATIONS

FIGURE 5. RESIDENTIAL BUILDING FLOOR PLANS

