HARRISON AVENUE REDEVELOPMENT PLAN

(Block 107, Lots 1, 3, 5, 7-11)
Borough of Waldwick, Bergen County, New Jersey

Prepared for the Borough of Waldwick by

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC
Planning and Real Estate Consultants

Adopted December 10, 2024

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The original of this report was signed and
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I. INTRODUCTION

A. Purpose and Statutory Basis

This Redevelopment Plan has been prepared for a portion of a Redevelopment Area that includes Block 107, Lots 1, 3, 5, 7, 8, 9, 10 and 11 within the Borough of Waldwick ("Borough"), which was designated pursuant to N.J.S.A. 40A:12A-5.

The Mayor and Council of the Borough of Waldwick adopted Resolution #2024-113 on March 26, 2024 directing the Planning Board to study the area consisting of Block 107, Lots 1, 3, 5, 7, 8, 9, 10, 11, 13, and 17 (the "Study Area") in order to determine whether it should be deemed a condemnation area in need of redevelopment in accordance with the criteria specified in the Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Planning Board subsequently directed its consulting planners, Phillips Preiss Grygiel Leheny Hughes LLC, to conduct the study. The planners submitted their report, titled Area in Need of Redevelopment Investigation Block 107, Lots 1, 3, 5, 7-11, 13, & 17 ("AINR report") to the Planning Board and a public hearing was held on September 4, 2024 by the Planning Board to determine whether it should recommend that the study area be designated a condemnation area in need of redevelopment pursuant to the LRHL at N.J.S.A. 40A:12A-6. The Planning Board recommended that the entire Study Area be designated as a condemnation area in need of redevelopment.

The Mayor and Council concurred with the Planning Board's recommendation and adopted Resolution # 2024-229 on September 10, 2024, declaring the Study Area as a condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5. The Borough Council then directed Phillips Preiss Grygiel Leheny Hughes LLC to prepare a Redevelopment Plan for eight of the ten lots in the study area: Block 107, Lots 1, 3, 5, 7, 8, 9, 10 and 11 (the "Plan Area"). This Redevelopment Plan is authorized pursuant to the LRHL at N.J.S.A. 40A:12A-7, which provides that "no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body upon its finding that the specifically delineated project area is located in an area in need of redevelopment or an area in need of rehabilitation, or in both, as appropriate."

B. Description of the Plan Area

The Plan Area consists of eight tax lots in Block 107 with a combined area of 1.278 acres. It has frontage on three streets: 348 feet on Harrison Avenue, 182 feet on West Prospect Street and 136 feet on Frederick Street. Existing development in the Plan Area includes a mix of residential, commercial and vacant properties. The Plan Area is located in the central portion of the Borough of Waldwick, approximately one block east of the NJ Transit commuter rail station. The location of the Plan Area within the Borough of Waldwick is shown on Figure 1. The Plan Area's tax lot designations are identified in Figure 2 and an aerial photograph is provided in Figure 3.

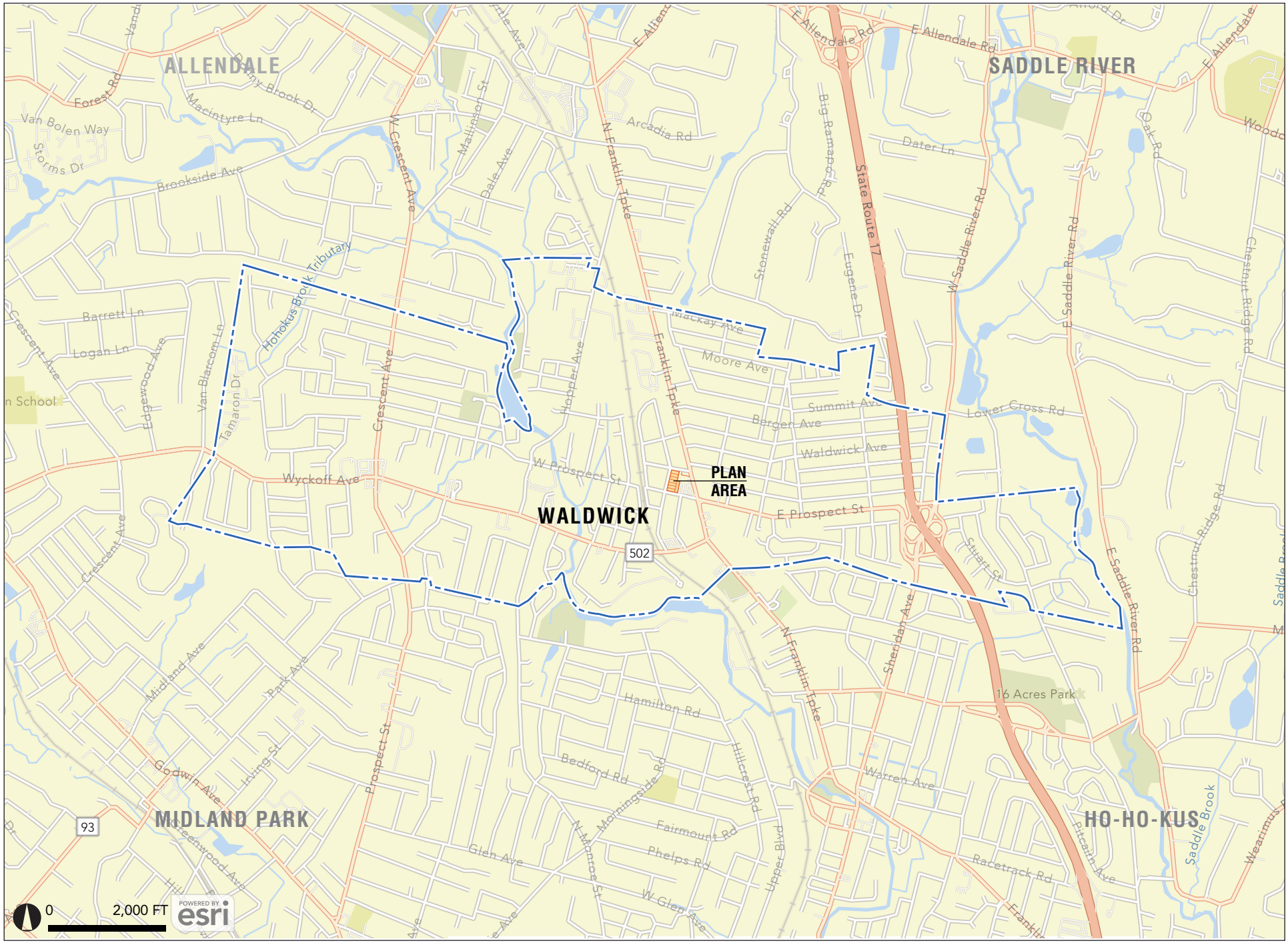

FIGURE 1: AREA LOCATION

Harrison Avenue Redevelopment Plan
Block 107, Lots 1, 3, 5, 7-11 | Borough of Waldwick, New Jersey
PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2024

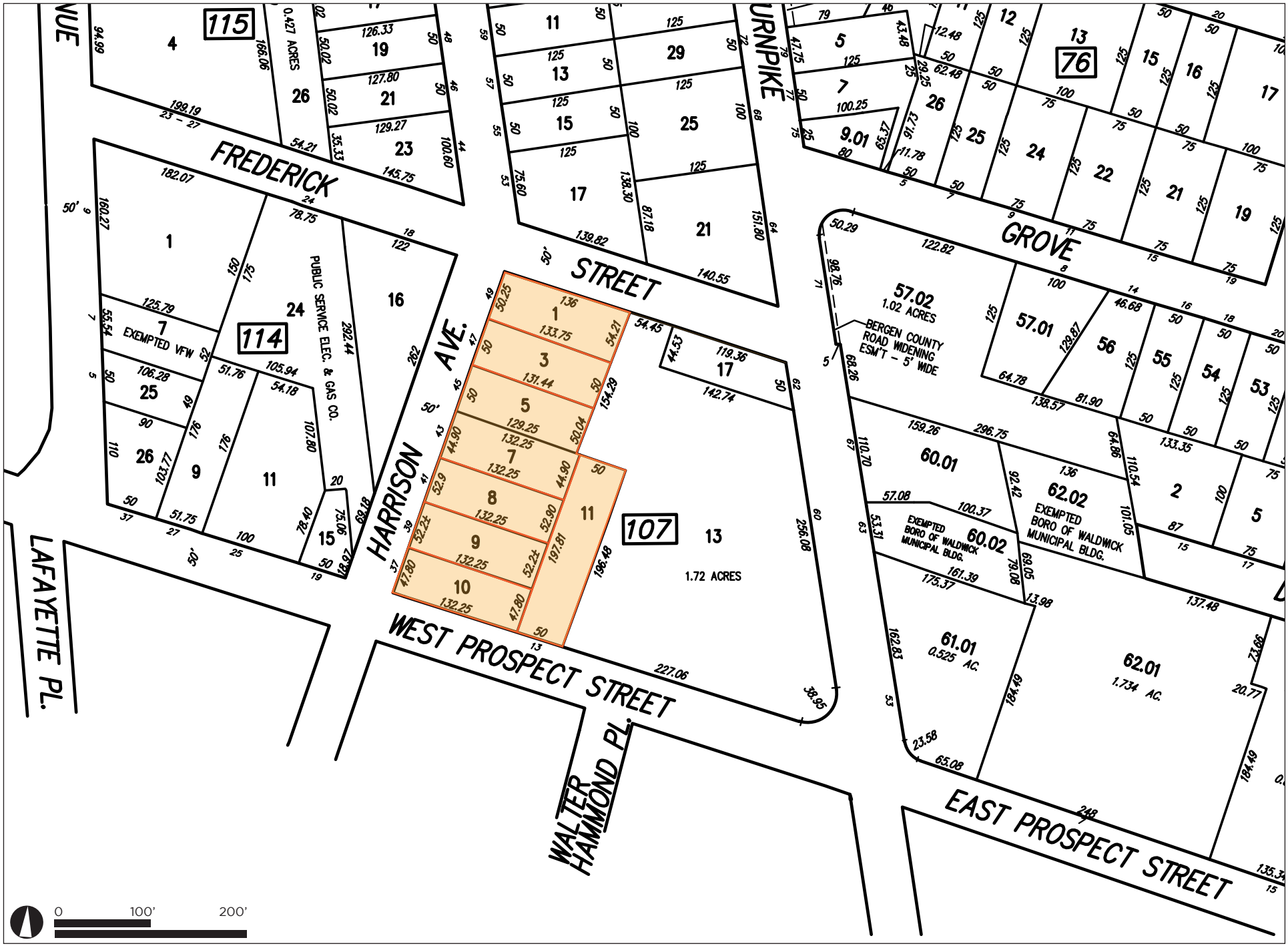

FIGURE 2: TAX MAP

Harrison Avenue Redevelopment Plan
Block 107, Lots 1, 3, 5, 7-11 | Borough of Waldwick, New Jersey
PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2024

FIGURE 3: AERIAL CONTEXT

Harrison Avenue Redevelopment Plan
Block 107, Lots 1, 3, 5, 7-11 | Borough of Waldwick, New Jersey
PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2024

II. GOALS OF THE REDEVELOPMENT PLAN AND RELATIONSHIP TO LOCAL OBJECTIVES

A. Redevelopment Plan Goals and Objectives

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

- To provide land uses that support Waldwick's central business district and take advantage of a transit-oriented location.
- To add new commercial space along West Prospect Street.
- To provide new housing that complies with code requirements.
- To help address the Borough's affordable housing obligations.

The land use plan outlined in the following section is intended to implement the above goals and objectives.

B. Relationship to Local Objectives

1. Borough of Waldwick Master Plan

The Borough of Waldwick completed its last comprehensive master plan in 1976. A reexamination of the 1976 Master Plan was undertaken in 1982, and subsequent master plan reexamination reports were prepared and adopted in 1988, 1995, 2003, 2013, and 2018.

The 2018 Master Plan Reexamination reiterated the goals and objectives from the 2013 Reexamination Report. The following goals and objectives from these documents are relevant to the Plan Area and its potential for redevelopment:

- Encourage compatible land use development while maintaining the residential character of the Borough.
- Reinforce the Borough's economic base and promote policies to counter the loss of tax ratables.
- Enhance building and site aesthetics throughout the Borough and encourage consistent architectural themes within neighborhoods.
- Promote the Borough's New Jersey Transit rail station as an important asset to residents, businesses, and economic growth.

The redevelopment planning process can allow a municipality to ensure new development is compatible with surrounding land uses and aesthetics through the ability to control design and exact off-site improvements. Redevelopment of the Plan Area would support the Borough's downtown and rail station by adding residents, businesses and economic activity to the area.

2. Borough of Waldwick Zoning Ordinance

The study area is located in the C-1 Village Commercial District. It is not located within any of the Borough's affordable housing overlay zones.

The C-1 Zone permits the following **principal uses**:

1. Retail trade stores.
    a. General merchandise, food, apparel, and accessories.
    b. Furniture, home furnishings, and appliances.
    c. Liquor.
    d. Hardware and paint.
    e. Variety stores, drugstores, florists and other retail trade stores but not including fuel oil.
2. Service uses.
    a. Business services.
    b. Repair services other than automotive.
    c. Professional services.
    d. Printing and news services.
3. Business and professional offices.
4. Personal services.
    a. Barber.
    b. Hairdresser.
    c. Tailors and dressmakers.
    d. Nail salon.
    e. Licensed massage therapy.
    f. Tanning salon.
5. Laundry and dry cleaning, including self-service but not commercial laundries.
6. Assembly halls, theaters, bowling alleys, tennis courts, racquet ball courts, health/fitness centers, gymnasiums, and similar recreational uses, provided that their activities occur entirely within an enclosed building.
7. Governmental buildings and uses other than storage yards for the maintenance and service of equipment.
8. Public transit stations and terminals.
9. Shopping centers.
10. Parking lots or structures for private passenger vehicles.
11. Schools for art, music and dance.
12. Nonprofit clubs, lodges, social and fraternal organizations.
13. Child day care centers.
14. Brewery/winery/distillery.

Permitted **accessory uses** in the C-1 Zone include:

1. Fences and walls (see § 97-123.3).

2. Off-street parking (see § 97-123.7).
3. Signs (see § 97-123.9).
4. Other customary accessory uses, buildings and structures which are clearly incidental to the principal use and building.

Permitted **conditional uses** in the C-1 Zone are as follows:

1. Automotive service stations.
2. Churches and places of worship and religious instruction.
3. Restaurants and taverns.
4. Private preschools and public and private schools.
5. Public utilities.
6. Funeral parlors.
7. Mixed-use developments.
8. Animal hospitals.

The C-1 Zone does not have lot area or dimensional requirements. The required minimum yard area is 15 feet for front yards, 10 feet for side yards, 20 feet for combined side yards, and 35 feet for rear yards. Side yards and rear yards are subject to the aforementioned buffer requirements. Principal building height is limited to 2½ stories or 35 feet. The maximum improved lot coverage is 85 percent, and the maximum floor area ratio (FAR) is 0.75. Non-residential parking requirements are listed in the Zoning Ordinance.

III. LAND USE AND DEVELOPMENT STANDARDS

This Redevelopment Plan shall supersede all provisions of the Zoning, Land Use and Development Code of Borough of Waldwick ("the Zoning Ordinance"), except where the provisions of the Zoning Ordinance are indicated as being applicable.

A. Definitions and Terminology

Throughout this Redevelopment Plan, a meaningful distinction is made in the regulations between "shall" and "should." "Shall," "must," or "is required to" means that a developer is required to comply with the specific regulation, without deviation. "Should" means that a developer is encouraged to comply with a specific regulation or guideline 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. The words "may" or "is permitted to" indicate where the redeveloper has the option of a particular approach.

Except as otherwise provided herein, words that appear in this Redevelopment Plan shall be interpreted in accordance with the "Definitions and Word Usage" section in the Borough's Zoning Ordinance as set forth in § 97-118.

B. Use, Area, Yard, and Bulk Requirements

1. Permitted Principal Uses

- Multifamily residential, including townhouse-style buildings and apartments in mixed-use buildings.
- Retail trade stores.
- Service uses.
- Business and professional offices.
- Personal services.
- Restaurants and taverns.
- Snack shops.
- Brewery/winery/distillery.
- Mixed-use developments. Mixed-use buildings shall only be permitted within 100 feet of West Prospect Street.

2. Permitted Accessory Uses and Structures

- Off-street parking and loading.
- Electric Vehicle Service Equipment (EVSE) and Make-Ready parking spaces.
- Bicycle parking.
- Residential lobby areas, common spaces, and amenities.
- Roof terraces for residential uses.

- Any use or structure that is customarily incidental and subordinate to a permitted principal use.

3. Area, Yard, and Bulk Requirements

Bulk requirements for the Plan Area shall be as set forth in the following table.

Standard	Requirement
Minimum Lot Area	1.0 acre
Minimum Building Setbacks – Mixed-Use Building	
Street-Facing Wall of Building	0 feet
Side or Rear Wall of Building	10 feet
Minimum Building Setbacks – Townhouse-Style Residential	
Street-Facing Wall of Building	20 feet
Side or Rear Wall of Building	10 feet*
Minimum Separation Between Buildings	5 feet
Maximum Building Height	4 stories / 50 feet**
Maximum Improved Lot Coverage	80%
Maximum Residential Density	33 units per acre

* Where a side property line is not parallel to the wall of a building, a minimum setback of 10 feet shall be provided for the portion of the building closest to the street and may be reduced towards the rear of a building, but shall be not less than 7 feet at any point.

** In a mixed-used building, a minimum stepback of five feet shall be provided above the second story on street-facing building facades.

4. Exceptions to Setback Requirements

Setback requirements shall not apply to existing buildings within the Plan Area.

Bays on the front wall of townhouse-style buildings shall be permitted to encroach up to three feet into street-facing setbacks, as long as such bays are located on the second floor and above and do not exceed 14 feet in width.

Roof overhangs for townhouse-style buildings shall be permitted to encroach up to three feet into street-facing setbacks.

Front steps, landings and porches for townhouse-style buildings shall be permitted to encroach up to eight feet into street-facing setbacks.

5. Rooftop Terraces and Other Structures

Rooftop terraces shall be permitted on mixed-use and townhouse-style buildings. Common amenity terraces for residents and their guests on mixed-use buildings shall be permitted on any

roof level and shall not cover more than 50 percent of the roof area. Any terrace located on a roof above the top story of a mixed-use building shall be set back a minimum of ten feet from the edge of a facade facing a public street and five feet from any other facade.

Rooftop terraces for individual dwelling units shall have a maximum area of 250 square feet per terrace. No setback shall be required from a building facade for terraces for individual dwelling units.

Rooftop structures and appurtenances, other than roof terraces, shall not cover more than 25% of the total of the area of the roof on which they are located.

Rooftop structures and appurtenances shall not exceed a height of 10 feet above the roof. Rooftop structures and appurtenances other than elevator shafts and stair bulkheads and shall be reasonably screened.

6. Affordable Housing

A minimum of 15 percent of all rental units or 20 percent of all ownership units within the Redevelopment Plan Area shall be set aside for low- and moderate-income residents. Income and bedroom distribution for the affordable units shall be provided in accordance with the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), and the New Jersey Housing and the Mortgage Finance Agency's Qualified Allocation Plan (N.J.A.C. 5:80-33.1 et. seq.).

In calculating the affordable housing obligations, the set aside requirements shall be rounded to the nearest whole number (i.e., if the percentage of units yields a number less than 0.5, then it is rounded down, and if it yields a number of 0.5 or above, then it rounds up to the next whole number).

C. Parking and Access

1. Minimum Parking Spaces

The minimum number of off-street parking spaces shall be as follows:

Use	Requirement
Multifamily Residential – Townhouse-style Units	2.0 spaces per dwelling unit
Multifamily Residential in Mixed-Use Building	1.5 spaces per dwelling unit
Nonresidential Uses in Mixed-Use Building	One space per 400 square feet

The parking requirements are lower than set forth in the New Jersey Residential Site Improvement Standards and the Waldwick Zoning Ordinance due to the Plan Area's proximity to transit service, stores, services and other amenities.

2. Parking Space Dimensions

Full-size parking spaces in a parking lot shall be a minimum of 9 feet wide and 18 feet deep. Accessible parking spaces shall comply with dimensional requirements of the Americans with Disabilities Act (ADA). Townhouse-style units shall provide one space per unit in a garage and a second space with a minimum depth of 18 feet in a driveway.

The placement of a curb-stop up to two feet within the required parking space depth is permitted, provided that there is adequate area for an automobile occupying the parking space to overhang said curb-stop a like distance without infringing on required landscaping or pedestrian areas.

3. Drive Aisles

The minimum drive aisle width abutting parking spaces shall be 24 feet for two-way traffic. The minimum drive aisle width not abutting parking spaces shall be 12 feet for one-way traffic and 20 feet for two-way traffic.

4. Sidewalks

Sidewalks shall be provided along street frontages for safe and convenient access to and around the Plan Area. The sidewalks shall be properly sized and with slopes that meet all required municipal, state and federal regulations.

5. Bicycle Parking

Indoor bicycle parking facilities shall be provided for residential uses in a mixed-use building within a secure, access-controlled room inside the building or within a parking garage. The minimum required indoor bicycle parking spaces shall be one (1) bicycle parking space per two (2) dwelling units.

6. Electric Vehicle Charging Infrastructure

Electric vehicle charging stations shall be provided in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-66.18 through 66.21. These requirements may allow for a lower parking ratio.

D. Site and Building Design Standards for Mixed-Use Buildings

1. Access

Pedestrian Entries

The primary pedestrian entry to residential units in a mixed-use building shall be on West Prospect Street.

Driveway Entries

One driveway entry with ingress and egress to a parking lot is permitted on West Prospect Street. The frontage width of a garage entrance shall not exceed 30 feet. Individual driveways for townhouse-style units shall be permitted on Frederick Street and Harrison Avenue.

2. Massing & Articulation

The ground floor of street-facing facades of a mixed-use building shall be divided into a series of bays, each not to exceed 30 feet wide.

On ground-floor street-facing frontages, materials and architectural detailing should be used to provide visual interest at the building base, for example: highly textured materials, contrasting and visually heavier materials compared to upper floors, canopies over entryways and over large expanses of windows, wall-mounted sconce lighting, decorative tilework, and dimensional building signage.

The roofline should be defined with lightshelves or overhangs, parapets, copings, and/or cornices. Variation in roofline height and detailing is encouraged.

3. Transparency

Where a street-facing frontage includes active uses (including lobbies and other common areas with higher pedestrian activity, such as resident fitness centers, mail rooms, meeting rooms, offices, and lounges), the ground floor facade shall have a high degree of transparency in order to make a more open and inviting street presence.

Street-facing facade areas enclosing utility or mechanical rooms should have translucent or spandrel glazing to bring light and a feeling of connection to the street and/or create variation in the facade. Large areas of blank wall are prohibited along street-facing facades.

On upper residential levels along all frontages, windows should occupy at least 25 percent of the facade area.

4. Building Materials

Primary permitted façade materials include, but are not limited to: brick, stone, natural stone veneer; fiber cement siding; metal panels; anodized aluminum cladding and storefront window framing, and glass. EIFS and polymer-based faux veneer stone are prohibited. No more than three different primary materials should be employed within each bay. Within the chosen primary materials, variation in color, texture, and/or pattern may be employed to create further distinctions.

Changes in materials, colors, texture, or pattern that occur across a horizontal line should be marked by a change in plane, dimensional band or belt cornice, a recessed channel, or similar horizontal feature. Changes in materials, color, texture, or pattern that occur across a vertical line

should be extended around corners and extensions to a logical vertical break in plane, in order to avoid a "pasted on" appearance.

The material palette, level of detail, and architectural style should generally be the same on all street-facing building facades.

5. Service and Mechanical Areas

Trash, Refuse, and Loading Areas

Trash and recycling collection areas shall be contained within a building or located in a parking lot in the interior of a property.

Rooftop Mechanical Equipment

All major mechanical equipment located on the roof shall be screened from view of sidewalks along adjoining public streets, using a material harmonious to that used in the façade of the building.

IV. REDEVELOPMENT ACTIONS

A. Outline of Proposed Actions

1. Demolition and Site Work

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 include: the clearance of dilapidated, deteriorated, obsolete or underutilized structures or uses; installation of utility infrastructure necessary to service and support new development; and creation and/or vacation of other easements as may be necessary for redevelopment.

2. New Construction and Environmental Remediation

Construction of new structures and other improvements will take place as proposed in Chapter III of this Redevelopment Plan. Environmental remediation will take place as necessary to effectuate the plan. Infrastructure will be constructed as determined by the Borough's professional consultants for the project. The redeveloper(s) must adhere to the overall parameters for development presented in Chapter III of this Redevelopment Plan. The redeveloper will be required to enter into a redeveloper's agreement with the Borough of Waldwick that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

B. Easements

No building shall be constructed over a public easement in the Plan Area without prior written approval of the Borough of Waldwick.

C. Properties to be Acquired

It has not been determined if any properties will be acquired by eminent domain by the Borough of Waldwick to complete the redevelopment project.

D. Relocation

Implementation of this Redevelopment Plan is not anticipated to require the involuntary displacement and/or relocation of residents or businesses within the Plan Area. In the event the relocation of residents and/or businesses in the Plan Area is necessary, the redeveloper shall comply with all applicable laws and regulations governing temporary and permanent relocation of residents.

E. Other Actions

In addition to the demolition and new construction described above, the Borough of Waldwick Council may undertake other actions to further the goals of this plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service and support new development and/or environmental remediation.

V. RELATIONSHIP TO LOCAL, REGIONAL, AND STATEWIDE PLANNING POLICIES

A. Borough of Waldwick Development Regulations

This Redevelopment Plan shall supersede all provisions of the Borough of Waldwick Zoning, Land Use and Development Code, except where the provisions of the Zoning, Land Use and Development Code are indicated as being applicable.

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 Redevelopment Plan by the Borough Council shall be further considered an amendment to the Borough of Waldwick Zoning Map.

B. Relationship to Master Plans of Adjacent Municipalities

The Borough of Waldwick is surrounded by five municipalities, including the Borough of Allendale, the Borough of Ho-Ho-Kus, the Borough of Midland Park, the Village of Ridgewood and the Township of Wyckoff. The Plan Area is approximately 1/3-mile from the nearest municipality, the Borough of Ho-Ho-Kus. Therefore, assessment of this Plan's relationship to adjacent municipalities is not warranted.

C. Bergen County Master Plan

Bergen County adopted its new Master Plan in April 2023, its first comprehensive master planning effort since 1962. Significant regional changes have occurred in this 60-year period, and the County Master Plan accordingly addresses existing conditions, emerging trends, future visioning, goals and objectives, and best practices moving forward. The Master Plan covers numerous topical elements, which include, Arts, History and Historic Resources; Land Use and Housing; Economic Vitality; Environment and Natural Resources; Open Space, Agriculture, Parks, and Recreation; Public Facilities and Services; Transportation and Mobility; and Sustainability. Many, if not all these elements, have significant crossover with others, illustrating the need for coordination across the various planning sectors.

This Plan aims to coordinate future growth, development/redevelopment, and preservation of existing resources across all municipalities in the county, and encourages inter-municipal collaboration to achieve a "smarter, more efficient future."

Much of the County Master Plan focuses on the ideas of diversity, access, and improved health outcomes, whether it be in land use and housing, open space/recreation, or transportation. It is a common theme throughout the various topical elements that there is no "one size fits all" solution,

which is an important message to remember as no municipality or its challenges are the same. The following goals and objectives of the Master Plan are relevant to this redevelopment plan.

Land Use & Housing

1. Become the model for smart growth and sustainable development both in New Jersey and in the region.
2. Encourage a wide variety of housing types, range of densities, and price points.
    a. Encourage municipalities to welcome more mixed-use projects.
    b. Help municipalities identify how to seamlessly integrate a more diverse housing stock into a community.

Economic Vitality

1. Maximize job creation and investment by facilitating economic development.
    a. Revitalize downtown areas and make transit a priority.

This Redevelopment Plan is consistent with the Bergen County Master Plan, as it envisions the redevelopment of properties in downtown Waldwick close to a passenger railroad station into a mixed-use and inclusionary multifamily residential development.

D. State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

> *Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.*

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023.

This Redevelopment Plan is consistent with the SDRP and the draft SSP, as it is located within PA1 - Metropolitan Planning Area. The goal of PA1 is to "provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." In particular, this Redevelopment Plan furthers the SDRP policy to "provide for much of the state's

future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities."

VI. GENERAL PROVISIONS

A. Amendment to the Borough Zoning Map

Adoption of the Redevelopment Plan shall constitute an amendment to the Borough Zoning Map.

B. Subdivision and Site Plan Review

Any construction, reconstruction or rehabilitation shall require the prior approval of the Waldwick Planning Board and shall be in accordance with the requirements of this Redevelopment Plan and the site plan requirements set forth in the Borough's Zoning, Land Use and Development Code. Where a provision of the Redevelopment Plan conflicts with a provision of the Zoning, Land Use and Development Code, the Redevelopment Plan shall control.

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.

C. 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.

D. Deviation Requests

The Planning Board may grant 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 to the intent and purpose of the Redevelopment Plan. Any deviation that would require a "d" variance in accordance with the Municipal Land Use Law, NJSA 40:55D-70d et seq., shall require an amendment to the Redevelopment Plan by the Borough Council. An

application for a deviation 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.

E. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council of the Borough of Waldwick or by a developer or any of his successors or assignees, whereby land within the Plan Area is restricted by the Borough Council of the Borough of Waldwick, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Plan Area on the basis of race, creed, color or national origin.

F. Severability

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.

G. Procedures for Amending the Plan

This Redevelopment Plan may be further amended from time to time upon compliance with the requirements of State law. Any party requesting a future amendment shall submit such request to the Council of the Borough of Waldwick and, unless the request is issued by an agency of the Borough, shall pay a fee of $2,500. The Borough Council and/or Planning Board may require that the party requesting the amendment prepare a study of the impact of such amendments, which study shall be prepared by a professional planner licensed in the State of New Jersey, together with such other professionals licensed in the State of New Jersey (e.g., traffic engineer) as may be appropriate. In addition, the Borough Council in its sole discretion may require that the party requesting the amendment establish an escrow account with the Borough adequate to allow the Borough and/or Planning Board to use the services of a professional planner and other necessary professionals licensed in the State of New Jersey to identify, review and/or prepare proposed further amendments that might be needed, together with any and all necessary documentation related thereto.

VII. 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, population, off-street parking, the development of public electric vehicle charging infrastructure in appropriate locations, and other improvements. The Plan has laid out various requirements 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 Plan Area.

- No involuntary displacement and/or relocation of residents in the Redevelopment Plan Area is anticipated on the part of the Borough of Waldwick. In the event the relocation of residents in the Plan Area is necessary, the redeveloper shall comply with all applicable laws and regulations governing temporary and permanent relocation of residents.

- There are no existing affordable housing units that are set aside for low- and moderate-income households in the Plan Area, and therefore none are proposed to be removed.

- This Redevelopment Plan is consistent with the site's designation in the Master Plan for the Borough of Waldwick. As indicated in Chapter V, this Redevelopment Plan is also consistent with the goals and objectives of the New Jersey State Development and Redevelopment Plan and the draft State Strategic Plan.

- This Redevelopment Plan provides proposed locations for electric vehicle charging infrastructure within the Plan Area in a manner that appropriately connects with an essential public charging network.

- 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.