

KEARNY AREA REDEVELOPMENT PLAN

DRAFT

Town of Kearny, New Jersey



2024

Adopted by NJMC Resolution 00-29 on May 24, 2000,
Amended by NJMC Resolution 02-08 on March 27, 2002,
Amended by NJMC Resolution 04-49 on July 14, 2004,
Amended by NJMC Resolution 11-38 on September 28, 2011,
Amended by NJMC Resolution 14-28 on June 25, 2014, and
Amended by NJSEA Resolution XX-XXX on Month Date, 2024.

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza ▪ PO Box 640 ▪ Lyndhurst, New Jersey 07071
www.njsea.com

KEARNY AREA REDEVELOPMENT PLAN 2024

TOWN OF KEARNY

DRAFT

Block 205, Lots 18, 19.02, 24, 25.01, 25.02, 26.01, 26.02, 27-33;

Block 253, Lots 5.01, 5.02;

Block 275, Lot 1;

Block 284, Lots 2.01, 3.01, 4.01, 7, 7.02, 9.01, 9.03, 9.05, 11.01, 11.02, 11.03, 11.04;

Block 285, Lots 1.01, 2, 3, 14, 15;

Block 286, Lots 4.01, 4.02, 4.03, 4.04, 4.06, 5, 6.01, 6.02, 7, 9, 16, 47, 47.01, and 48



NEW JERSEY SPORTS & EXPOSITION AUTHORITY

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Amended by Resolution 23-XX on Month, Date, 2024.

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

*Sara J. Sundell, P.E., P.P.
N.J. Professional Planner #5527*

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I. REDEVELOPMENT PLAN STATUTORY CRITERIA

A. REQUISITE PLAN INFORMATION

The New Jersey Sports and Exposition Authority's (NJSEA) enabling legislation authorizes the NJSEA to prepare and adopt redevelopment plans within the Hackensack Meadowlands District (District), pursuant to N.J.S.A. 5:10A-24. The redevelopment criteria are set forth in N.J.A.C. 19:3-5. This subchapter of the NJSEA regulations states the framework for the identification of areas in need of redevelopment and provides the procedure to carry out and effectuate the redevelopment of an area.

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

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

B. SPECIFIC PLAN REQUIREMENTS

1. Introduction













This plan is intended to provide for the implementation of the Kearny Area Redevelopment Area, identified as the following parcels:

- Block 205, Lots 18, 19.02, 24, 25.01, 25.02, 26.01, 26.02, 27-33;
- Block 253, Lots 5.01, 5.02;
- Block 275, Lot 1;
- Block 284, Lots 2.02, 3.002, 3.003, 3.004, 4.021, 4.022, 7, 7.02, 9.01, 9.03, 9.05, 11.01, 11.02, 11.03, 11.04;
- Block 285, Lots 1.01, 2, 3, 14, 15;
- Block 286, Lots 4.01, 4.02, 4.03, 4.04, 4.06, 5, 6.01, 6.02, 7, 9, 16, 47, 47.01, and 48

The redevelopment area totals approximately 445 acres and is located to the south of New Jersey Transit's Kingsland Line, to the north of the Port Authority Trans-Hudson (PATH) line, and to the west of the New Jersey Turnpike western spur. The redevelopment area is bisected by Interstate 280, Newark-Jersey City Turnpike (Route 508), a Conrail freight line, and PSE&G right-of-way. Harrison and Bergen Avenues are the primary connections to the regional highway system, which includes the roads previously mentioned, as well as Route 21, Route 17, and Routes 1&9. Land uses in the vicinity of the redevelopment area consist of commercial, industrial, and warehouse uses, as well as three former landfills that pose unique challenges to development of the area. The redevelopment area is bisected by Frank's Creek, which flows to the Passaic River, and an unnamed creek. The redevelopment area parcels and location within the District may be found on the Redevelopment Area Map in **Figure 1**. Acreage and zoning information for each parcel can be found in **Figure 2**.

Town of Kearny

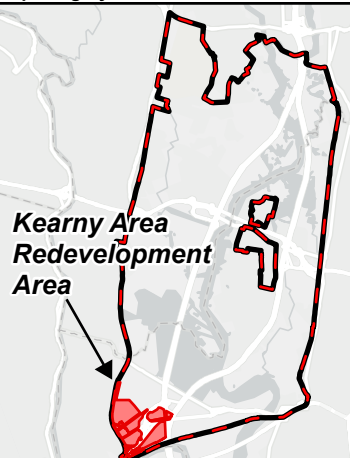
Kearny Area Redevelopment Area

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

0 500 1,000 2,000
Ft

Scale: 1:15,000

Units: US Survey Feet
Datum: North American Datum 1983
Coordinate System: NJ State Plane
Data Source(s): MRRI, NJSEA,
Town of Kearny
Map Created: May 2023
Map Imagery: 2020



Disclaimer: This map was created using the NJ Sports and Exposition Authority's Geographic Information System digital data. The information provided on this map are provided "as is" with no warranty of any kind. This is neither an official state map nor state authorized; it is for information and representation purposes only.

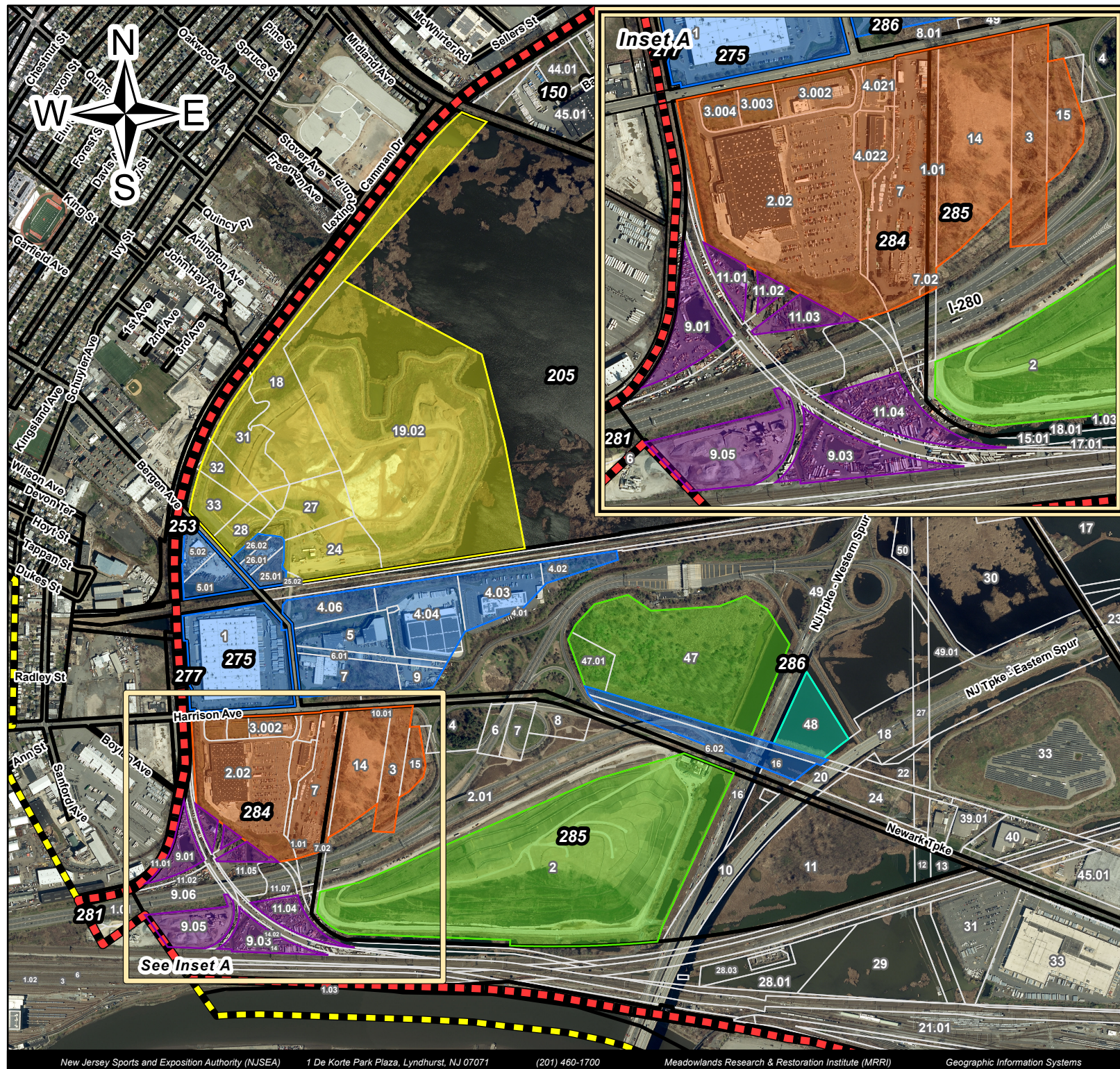


Figure 2: Properties within the Kearny Area Redevelopment Area

Block	Lot	Property Address	Land Use	Map Acres	Tax Acres	Property Owner
205	18	KEARNY MARSH	Wetlands	25.038	20.5	NJSEA
205	19.02	780 BELLEVILLE TPKE	Altered Lands	86.585	85.86	Town Of Kearny
205	24	BERGEN AVE-REAR	Altered Lands	8.968	8.42	Town of Kearny
205	25.01	BERGEN AVE	Altered Lands	1.727	2.48	John P. Keegan
205	25.02	BERGEN AVE	Altered Lands	0.260	0.00	NJSEA
205	26.01	425 BERGEN AVE	Industrial	1.536	1.68	J-Sons Equipment Overhaul Inc.
205	26.02	BERGEN AVE	Industrial	0.817	0.71	Bergen Ave Development LLC
205	27	BERGEN AVE-REAR	Altered Lands	7.472	7.00	Town of Kearny
205	28	BERGEN AVE	Altered Lands	2.975	3.12	NJSEA
205	29	BERGEN AVE-REAR	Altered Lands	0.705	0.58	Town of Kearny
205	30	BERGEN AVE-REAR	Altered Lands	0.837	0.8	Town of Kearny
205	31	KEARNY MARSH	Altered Lands	8.098	7.021	NJSEA
205	32	BERGEN AVE	Altered Lands	3.046	3.051	NJSEA
205	33	BERGEN AVE	Altered Lands	4.068	3.751	NJSEA
253	5.01	BERGEN AVE	Industrial	3.516	3.5	Larkins Assoc, LP
253	5.02	450 BERGEN AVE	Industrial	2.259	2.28	YKY View Realty Corp
275	1	1200 HARRISON AVE	Public/Quasi Public Services	20.377	20.011	Terrier Associates LLC
284	2.02	150 HARRISON AVE	Commercial Retail	19.634	19.766	Walmart Real Estate Business Trust
284	3.002	200 HARRISON AVE	Commercial Retail	2.084	2.091	VCC 200 Harrison Avenue LLC
284	3.003	190 HARRISON AVE	Transitional Lands	0.993	0.983	VCC Harrison Avenue LLC
284	3.004	170 HARRISON AVE	Transitional Lands	1.002	0.993	VCC Harrison Avenue LLC
284	4.021	220 HARRISON AVE	Vacant Lands	1.086	1.052	Vineland Construction Co
284	4.022	220 HARRISON AVE	Commercial Retail	2.354	2.241	Vineland Construction Co
284	7	252-268 HARRISON AVE	Industrial	7.941	6.273	Campbell Foundry Company
284	7.02	I-280	Vacant Lands	0.084	0.136	Campbell Foundry Co.
284	9.01	I-280	Industrial	3.047	3.18	Faulk, Harold C % Sharon R Mark, Esq
284	9.03	I-280	Wetlands	3.564	4.211	Faulk, Harold C % Sharon R Mark, Esq
284	9.05	1100 HARRISON AVE	Industrial	5.522	5.651	Weldon Quarry Co, LLC
284	11.01	I-280	Industrial	0.966	0.00	Linde-Griffith, Construction

284	11.02	I-280	Industrial	0.444	0.471	Linde-Griffith Construction
284	11.03	I-280	Industrial	1.160	1.281	Linde-Griffith Construction
284	11.04	I-280	Industrial	3.145	4.051	Faulk, Harold C % Sharon R Mark
285	1.01	270 HARRISON AVE	Altered Lands	1.53	1.512	Campbell Foundry Company
285	2	538-572 HARRISON AVE	Altered Lands	91.71	93.82	Penn Landfill Gas, Co NJ 2
285	3	308-324 HARRISON AVE	Altered Lands	5.327	3.884	Hudson Meadows Urban Renewal Corp
285	14	272-306 HARRISON AVE	Altered Lands	10.015	11.632	Town of Kearny
285	15	I-280	Altered Lands	2.208	3.49	Town of Kearny
286	4.01	NEWARK TPKE	Industrial	0.013	0.278	Hartz Kearny LLC
286	4.02	BERGEN AVE	Industrial	2.437	5	Hartz Mt. Industries Inc.
286	4.03	BERGEN AVE	Vacant Lands	7.673	5	Hartz Kearny LLC
286	4.04	BERGEN AVE	Industrial	11.711	5	Hartz Kearny Urban Renewal LLC
286	4.06	BERGEN AVE	Commercial Retail	4.945	5	Town of Kearny
286	5	433 BERGEN AVE	Industrial	6.303	6.09	Supor Properties Bergen Avenue LLC
286	6.01	433 BERGEN AVE	Industrial	2.152	4.99	Supor Properties Bergen Avenue LLC
286	6.02	BERGEN AVE	Wetlands	3.527	5.306	Town of Kearny
286	7	265 HARRISON AVE	Industrial	7.248	7.08	Carol Clifton, Inc.
286	9	433 BERGEN AVE	Transportation	1.888	0.00	Supor, Joseph
286	16	I-95	Transportation	6.231	613	NJSEA
286	47	I-95	Altered Lands	39.612	40.77	Town of Kearny
286	47.01	NEWARK TPKE	Altered Lands	3.164	1.572	NJ Turnpike Authority
286	48	I-95	Wetlands	6.632	6.88	NJSEA

Historically, the main obstacles to the development of the area included the existence of three landfills and a USEPA Superfund site, which cover much of the redevelopment area. Landfills within the boundaries of the redevelopment area include the 95-acre Municipal Sanitary Landfill Authority (MSLA) 1-D Landfill; the 110-acre Keegan Landfill (formerly MSLA 1-B); and the 40-acre 15W Landfill.

The Keegan Landfill (Block 285, Lots 18, 19.02, 24, 27, 28, 29, 30, 31, 32 and 33) ceased operations in 2019. Leachate and landfill gases are collected to prevent off-site environmental issues. Once the capping of the landfill is complete, the site will be used for passive recreation geared primarily toward the Kearny Marsh. It will also continue to provide valuable habitat for migrating birds and resident fauna. The 1-D Landfill (Block 285, Lot 2), owned by the Town of Kearny, has been closed by the NJDEP and the site will not be buildable. The 15-W Landfill (Block 286, Lots 47 and 47.01) is also not a buildable site.

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

2. Context

In January 1999, the Commission authorized staff to conduct a preliminary in need of redevelopment investigation to determine whether certain conditions existed in the southwest corner of the Meadowlands District in the Town of Kearny. The study area included the following parcels:

- Block 205, Lots 18, 19, 20, 24, 25, 26A, 26B, 27, 28-33
- Block 253, Lots 4, 5A, 5B;
- Block 275, Lot 1;
- Block 281, Lot 1;
- Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AC, 11AD, 11AE, 11B, 13, 14, 14A, 14AB;
- Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9, 14-17;
- Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A, and 48.

The investigation revealed that the area met the criteria to be deemed in need of redevelopment, and the Commission authorized the preparation of the Kearny Area Redevelopment Plan in May 1999. The Kearny Urban Enterprise Zone boundary was expanded to include the proposed redevelopment area. The Commission adopted the Kearny Area Redevelopment Plan in May 2000. A portion of Block 205, Lot 19 and all of Block 205, Lot 20, comprising the Kearny Marsh, were not included in the redevelopment area.

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

In April 2004, the Commission authorized staff to investigate several additional parcels not previously identified as being in-need of redevelopment. The study assessed Block 284, Lots 8, 12 and 15A (portion). In June 2004, the Commission deemed these lots to be in-need of redevelopment. The plan was amended in July 2004 to include Block 284, Lots 8, 12 & 15A (portion) into the Redevelopment Plan, and to reinstate, with modifications, the use, bulk, and design standards of the former Harrison Avenue Retail Center for Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 8, 12 13 & 15A (portion) and Block 285, Lots 1A, 3, 14 & 15. The Kearny Area Redevelopment Plan adopted in July 2004 included the following parcels: Block 205, Lots 18, 19 (portion), 24, 25, 26A, 26B, 27 & 28-33; Block 253, Lots 4, 5A & 5B; Block 275, Lot 1; Block 281, Lot 1; Block 284, Lots 2A-3B-3BA, 3A, 4.01, 4.02, 5, 6, 7, 7A, 8, 9A, 9B, 9CA, 9CB, 9CC, 9CD, 10E, 11A, 11AA, 11AB, 11AC, 11AD, 11AE, 11B, 12, 13, 14, 14A, 14AB & 15A (portion); Block 285, Lots 1A, 1B, 1C, 2, 2A, 3-9 & 14-17; and Block 286, Lots 4, 4A, 5, 6A, 6B, 7, 8A, 9, 10A, 16, 17A, 17AB, 47, 47A & 48. The Plan was amended in September 2011 and June 2014.

3. Goals and Objectives

This redevelopment plan is predicated on the following goals and objectives:

- a. To promote the public health, safety, and general welfare through the NJSEA's redevelopment powers.
- b. To promote economic development and create job opportunities in the District.
- c. To support opportunities for properties deemed in need of redevelopment to meet current environmental standards.
- d. To accommodate regional demand for modern industrial development and e-commerce logistics.
- e. To promote safe and efficient circulation for both vehicles and pedestrians within, and in the vicinity of, the redevelopment area.

4. Land Uses

The following general assumptions were made in the selection of the land uses for the redevelopment area:

- a. Within the limits outlined in this plan, development shall be permitted only to the extent that existing utility, transportation, and municipal infrastructure can support it or to the extent that the developer is willing to provide improvements that will support it.
- b. A redeveloper shall be required to submit a Project Impact Assessment (PIA) in accordance with N.J.A.C. 19:4-10.1.
- c. A detailed traffic impact study, as set forth in N.J.A.C. 19:4-7.10 *et seq.*, shall be prepared identifying mitigating measures to be performed by the developer, if required.
- d. For any proposal that requires an improvement to mitigate an impact identified in the PIA in accordance with N.J.A.C. 19:4-7.10 *et seq.*, the developer shall enter into an agreement with the NJSEA within 60 days of issuance of a zoning certificate for the project.
- e. Appropriate buffers shall be provided adjacent to wetlands and/or environmentally sensitive areas.
- f. It is the sole responsibility of the developer to perform due diligence in order to determine if there is any contamination remaining from a former use of any site or from any other activity that may have occurred on a site. The developer shall perform any environmental clean-up deemed necessary, in accordance with New Jersey Department of Environmental Protection requirements.

5. Transportation Infrastructure

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

6. Public Utilities

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

7. Recreation Facilities

There are no public recreation facilities currently located within the redevelopment area. Meadows Path is planned as a 25.5-mile District-wide trail system. When complete, the Meadows Path system will follow the western bank of the Hackensack River from Losen Slote Creek Park in Little Ferry to West Hudson Park in Kearny (outside of the redevelopment area) to connect population centers and provide access to wildlife areas, scenic overlooks, ballfields, bus stops, boating facilities, and restaurants.

The Greenway, a nine-mile linear State park, is planned for the inactive NJ Transit Boonton Line, adjacent to the northern boundary of the redevelopment area. The Greenway spans Essex and Hudson Counties, connecting the communities of Montclair, Glen Ridge, Bloomfield, Belleville, Newark, Kearny, Secaucus and Jersey City. The New Jersey Department of Environmental Protection acquired the railroad right-of-way from Norfolk Southern on August 19, 2022. Planning and design work is currently underway.

The Kearny Marsh was purchased by the NJMC for preservation in 2002. Future opportunities for passive recreation are contemplated on the Keegan Landfill, geared primarily toward the Kearny Marsh. It will also continue to provide valuable habitat for migrating birds and resident fauna. Gunnell Oval and Harvey Field are two municipal recreation facilities located outside of the District on Schuyler Avenue.

8. Relationship to Hackensack Meadowlands District Master Plan and Regulations

Relationship to Master Plan

The current Master Plan for the Hackensack Meadowlands District was adopted in February 2020. The Land Use Plan of the Hackensack Meadowlands District Master Plan Update 2020 designates 12 Planning Areas in the District. Commercial Center, Logistics/Industrial Center, Sustainable Uplands Reserve, and Preserve areas are represented within the redevelopment area.

The *Commercial Center* Planning Area classification accommodates regional commercial retail opportunities, generally along major transportation corridors. In addition to recognizing existing commercial centers, this designation promotes the development of a range of commercial uses, including community commercial centers, highway commercial development, big box retail, theme retail, commercial recreation facilities, and office/hotel development.

The *Logistics/Industrial Center* Planning Area classification encompasses properties that are traditionally associated with heavy industry in the Meadowlands. They include heavy industrial and logistics facilities, warehouse and distribution facilities, public utility uses, and intermodal rail facilities. Logistics uses involve the combination of transportation, assembly, processing and delivery of goods, and often require multiple transportation modes to get goods from manufacturers to the consumer market. Intermodal uses have a particular reliance on the trucking industry.

The *Preserve* Planning Area classification is comprised of the Hackensack River, its tributary network, and adjoining lands in the District. The Hackensack River system is recognized as a defining attribute of the Meadowlands District, and this category includes most of the existing wetland areas in the District. The Preserve Planning Area permits uses that are consistent with the preservation of open space and habitat protection and enhancement. Wildlife management areas are encouraged. The plan promotes the formulation of a habitat enhancement program for the Preserve Planning Area, as well as edge parks and waterfront park areas for the public. Preserve Planning Areas also accommodate existing public utilities and radio towers. Wetland restoration and/or mitigation is provided in connection with programs and regulations of other State and Federal agencies. The Preserve area classification will promote the protection of wetlands remaining in the District, with the intent of full public ownership.

The *Sustainable Uplands Reserve* Planning Area designation is associated with landfill areas including the Keegan Landfill and the former Viola, Avon, Rutherford, Kingsland, Erie, 1-A, 1-D, 1-E, Mall, and Malanka Landfills. The principal objectives of this area classification are to properly close the landfills using techniques that are proven to protect the environment, and, thereafter, to allow for uses that promote economic development in a manner that avoids negative impacts to the environment. Landfills in the Sustainable Uplands Reserve Planning Area may be utilized for the installation of renewable energy facilities, such as the NJSEA's photovoltaic installation atop the former 1-A Landfill in Kearny, along with other forms of environmentally sound development that can reasonably be accommodated on landfill areas given site constraints while preserving the integrity of remedial/closure measures. The plan also envisions the conversion of landfills and adjacent areas to open space and/or recreation areas. Former landfill areas also present an opportunity to create upland habitats in synergy with adjoining wetlands ecosystems. Landfill areas, with their history of scarring the Meadowlands landscape, will be repurposed to benefit the Meadowlands environment and the economy.

The District Zoning Regulations and Official Zoning Map serve as the implementation tool for the land use planning objectives of the master plan. Pursuant to the NJSEA statute at N.J.S.A. 5:10A-1 et seq., the NJSEA is authorized to adopt codes and standards with regards to the zoning and rezoning of lands within the Meadowlands District, and to conduct redevelopment activities. Regulations specific to the planning and zoning of redevelopment areas are provided in N.J.A.C. 19:3-5.1 et seq.

Since the adoption of the Kearny Area Redevelopment Plan in May 2000, and amendments in March 2002, July 2004, September 2011, and June 2014, portions of the area have been developed with regional distribution uses consistent with the redevelopment plan.

The Kearny Town Master Plan (2021-2030) was adopted in January 2022. Planning concepts proposed in the plan, including its goals and objectives, are consistent with those of the Hackensack Meadowlands District Master Plan Update 2020 and this redevelopment plan.

This amended Redevelopment Plan supersedes the existing zoning regulations and/or prior redevelopment plan(s) applicable to the redevelopment area, per N.J.A.C. 19:3-5.11(a) and 5.15(i). Any zoning or planning standard not specifically addressed within this redevelopment plan will be subject to the District Zoning Regulations for appropriate review and regulatory criteria. Any redevelopment project must address relevant development regulations of the NJSEA.

9. Smart Growth and Sustainability

The NJSEA recognizes the State of New Jersey's use of Smart Growth principles to guide land use decisions and develop strategies to address conservation challenges. In the District, Smart Growth principles such as economic growth and redevelopment are promoted in the planning and zoning activities of the NJSEA.

The District's regulations also promote Smart Growth through sustainability initiatives, including the adoption of regulations encouraging sustainable green building practices. N.J.A.C. 19:4-6.6 provides incentives for applicants to the NJSEA to utilize green building practices or install alternative green building components, such as those recognized in green building certification programs, including the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) certification.

II. POTENTIAL IMPLEMENTATION STRATEGIES

A. Powers of Redevelopment Agency

The following provides the statutory provisions, pursuant to N.J.S.A. 5:10A-24, which the NJSEA may utilize to implement this redevelopment plan:

1. The NJSEA shall prepare and adopt a redevelopment plan for each area in the District determined by the NJSEA to be an area in need.
2. A municipality which has land subject to the jurisdiction of the NJSEA and adopts the NJSEA's redevelopment plan shall have the authority to approve or reject an application for a permit. The municipality shall provide the NJSEA all documentation, plans, and information regarding all applications. All fees generated by these applications and approvals shall be retained by the municipality. Any approval of any plan review or subdivision application by a municipality pursuant to this subsection shall be limited by, and based upon, the rules, regulations, and standards in a resolution adopted by the NJSEA and the municipality. All fees generated by these applications and approvals shall be retained by the municipality.
3. For those municipalities that do not adopt the NJSEA's redevelopment plan, the NJSEA may issue the permit for the proposed construction or alteration as being in conformity with the redevelopment plan. Any variations and modifications of the redevelopment plan shall be the responsibility of the NJSEA. A permit shall not be issued without a certificate from the Chief Engineer, or equivalent official of the NJSEA, that the proposal is in conformity with the NJSEA's redevelopment plan.
4. In undertaking projects pursuant to any redevelopment plan, the NJSEA may:
 - i. Acquire by condemnation or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in an area in need and in any area within the District designated by the NJSEA as necessary for relocation of residents, industry or commerce displaced from a redevelopment area;
 - ii. Clear or reclaim any area so acquired and install, construct or reconstruct projects therein necessary to prepare such area for development;
 - iii. Relocate or arrange or contract with public or private agencies for the relocation of residents, industry, or commerce displaced from the area in need;
 - iv. Dispose of real property so acquired by sale, lease or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;
 - v. Study the recommendations of the constituent municipality's planning board impacted by the redevelopment plan for redevelopment of any area within that municipality and make its own investigations as to current trends in the area in need, as established by the NJSEA;

- vi. By contract or contracts with public agencies or redevelopers or by its own employees' or consultants' plan, plan, construct, reconstruct, operate, maintain and repair any redevelopment or other project or any part thereof;
- vii. Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements and to the control over the pollution of water and air and the disposal of solid waste.

B. NJSEA Involvement

The NJSEA has wide ranging powers to effectuate a redevelopment plan, ranging from the rezoning of property for private development, up to and including condemnation, ownership, and public development of the tract. The authority of the NJSEA in undertaking redevelopment projects is enumerated under N.J.S.A. 5:10A-1 *et seq.*

No condemnation by the NJSEA is anticipated to be necessary to implement this redevelopment plan. The role of the NJSEA is to provide the zoning that will enable the redevelopment of the subject properties.

III. SELECTED LAND USE OPTION

A. Selection of Recommended Land Uses

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

Harrison Avenue Retail Center

Block 284, Lots 2.02, 3.002, 3.003, 3.004, 4.021, 4.022, 7, 7.02 and Block 285, Lots 1.01, 3, 14, 15

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

Light Industrial Center

Block 205, Lots 25.01, 26.01, 26.02; Block 253, Lots 5.01, 5.02; Block 275, Lot 1; and Block 286, Lots 4.01, 4.02, 4.03, 4.04, 4.06, 5, 6.01, 6.02, 7, 9, 16

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

Heavy Industrial Center

Block 284, Lots 9.01, 9.03, 9.05, 11.01, 11.02, 11.03, 11.04

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

Keegan Landfill Center

Block 205, Lot 18, Lot 19.02, and Lots 24, 25.02, 27, 28, 29, 30, 31, 32 and 33

These lots comprise a portion of the Keegan Landfill, which ceased operations in 2019. It continues to collect leachate and landfill gases to prevent any off-site environmental issues. Once the capping of the landfill is complete, the site will be used for passive recreation geared primarily toward the Kearny Marsh. It will also continue to provide valuable habitat for migrating birds and resident fauna.

Landfill Reclamation Area

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

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

Environmental Preservation Area

Block 286, Lot 48

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

IV. REDEVELOPMENT PLAN STANDARDS

A. REDEVELOPMENT STANDARDS

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

B. PURPOSE

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

The land use standards in the plan have been designed to:

1. Encourage the improvement of properties consistent with the overall redevelopment plan goals and standards expressed herein;
2. Encourage a symbiotic relationship among buildings, parking and landscaped areas, and vehicular and pedestrian circulation;
3. Encourage the development of green technologies;
4. Promote for the creation of positive tax ratables; and
5. Provide economic development opportunities through complementary land uses in order to create a high quality distribution complex.

V. LAND USE AND BULK STANDARDS

A. DEFINITIONS

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

“Bank” means facility offering financial services that is open to the public and engages in deposit banking and related financial services, such as making loans and investments.

“E-commerce delivery vehicle parking” means the use of a site or a building for the provision of parking spaces as a principal use, including associated driveways, aisles, turning and maneuvering areas, clearances, and similar features.

“Methane recovery system” means a facility or equipment system primarily designed to recover methane gas from landfills for utilization as an energy source.

“Public utility maintenance operation” means existing public utility equipment and appurtenances, including operating, maintaining, reconstructing, inspection, testing, and removing such equipment.

“Renewable and/or sustainable energy systems” means a system utilizing renewable and/or sustainable energy systems, such as wind energy, hydropower, or geothermal system installations, recognized under the New Jersey Energy Master Plan.

“Solar farm” means a facility composed of a system of photovoltaic cells utilized to convert sunlight into energy.

“Sports training facility” means a facility designed and used primarily for training in team sports programs, consisting of outdoor/indoor athletic fields and related facilities, including but not limited to gymnasiums, equipment and training rooms, offices, locker rooms and retail concession areas that are ancillary to such training facilities. The use shall allow multiple structures and multiple accessory uses as required to support day to day team training and competition or club operations.

“Training center” means a specialized instructional establishment that provides on-site training of business, commercial and/or trade skills.

“Vocational center” means a facility for the instruction of specific skills, which meets the state and/or federal requirements to be accredited as such.

“Water-oriented recreation” means public access to water features, including trails, boat/canoe launches, water crossings, site furnishings, signage and structures that facilitate wildlife observation.

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

B. LAND USES

Six zoning districts have been established in order to meet the stated planning objectives for the redevelopment area. The zones are as follows:

1. Harrison Avenue Retail Center

Block 284, Lots 2.02, 3.002, 3.003, 3.004, 4.021, 4.022, 7, 7.02 and Block 285, Lots 1.01, 3, 14, 15

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

a. Permitted Uses

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

b. Special Exceptions

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

c. Use Limitations

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

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

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

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

2. Light Industrial Center

Block 205, Lots 25.01, 26.01, 26.02; Block 253, Lots 5.01, 5.02; Block 275, Lot 1; and Block 286, Lots 4.01, 4.02, 4.03, 4.04, 4.06, 5, 6.01, 6.02, 7, 9, 16

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

a. Permitted Uses

- i. Automobile repair facilities, minor;
- ii. Automobile rental facilities;
- iii. Automobile sales;
- iv. Business support services;
- v. Car washes;
- vi. Commercial recreation, indoor;
- vii. Contractor’s office;
- viii. E-commerce delivery vehicle parking;
- ix. Essential public services;
- x. Fuel service stations;
- xi. Institutional uses;
- xii. Light industry;
- xiii. Office;

- xiv. Public utilities, light;
- xv. Research and development facilities;
- xvi. Self-storage facilities;
- xvii. Sports training facilities;
- xviii. Training center;
- xix. Truck sales;
- xx. Truck rental facilities;
- xxi. Truck repair facilities;
- xxii. Vocational center;
- xxiii. Warehouse and distribution facilities; and
- xxiv. Wholesale establishments.

b. Special Exceptions

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

c. Use Limitations

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

3. Heavy Industrial Center

Block 284, Lots 9.01, 9.03, 9.05, 11.01, 11.02, 11.03, 11.04

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

a. Permitted Uses

- i. Automobile repair facilities, major;
- ii. Building material yards and facilities;
- iii. Bus garages
- iv. Class A recycling facilities;
- v. Class B recycling facilities;

- vi. Construction equipment sales, rental and repair;
- vii. Contractor's yard or facilities;
- viii. E-commerce delivery vehicle parking;
- ix. Essential public services;
- x. Fuel service stations;
- xi. Heavy industry;
- xii. Institutional uses;
- xiii. Intermodal facilities;
- xiv. Outdoor storage;
- xv. Public utilities, heavy;
- xvi. Public utilities, light;
- xvii. Railroad terminals and yards;
- xviii. Research and development facility;
- xix. Resource recovery facilities;
- xx. Truck terminals;
- xxi. Truck washes; and
- xxii. Warehouse and distribution facilities.

b. Special Exceptions

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

c. Use Limitations

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

4. Keegan Landfill Center

Block 205, Lot 18, Lot 19.02, and Lots 24, 25.02, 27, 28, 29, 30, 31, 32 and 33

These lots comprise a portion of the Keegan Landfill, which ceased operations in 2019. It continues to collect leachate and landfill gases to prevent any off-site environmental issues. Once the capping of the landfill is complete, the site will be used for passive recreation geared primarily toward the Kearny Marsh. It will also continue to provide valuable habitat for migrating birds and resident fauna.

a. Permitted Uses

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

b. Use Limitations

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

5. Landfill Reclamation Center

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

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

a. Permitted Uses

- i. Methane recovery system;
- ii. Public utility light;
- iii. Renewable and/or sustainable energy systems;
- iv. Solar farm; and
- v. Structures and improvements essential for and used solely in conjunction with other permitted uses in the Center.

b. Use Limitations

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

6. Environmental Preservation Area

Block 286, Lot 48

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

a. Permitted Uses

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

b. Use Limitations

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

C. BULK REQUIREMENTS

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

Table 1- Bulk Requirements

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

D. DESIGN CRITERIA

Unless superseded in this redevelopment plan, all improvements shall be in compliance with the Site Plan Requirements of the District Zoning Regulations, as set forth in N.J.A.C. 19:4-8.1 *et seq.*, except as noted herein.

1. Circulation, Parking and Loading

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

The following additional requirements may apply:

a. Shared Parking

Mixed-use development has been recognized to improve efficiency with respect to the utilization of parking spaces. Several of the land uses within the Harrison Avenue Retail Center may be able to share parking depending on their peak hours of operation. The efficiencies created through a blend of land uses tend to reduce automobile dependency below that which is precipitated by a single-use, standalone development. As a result, a shared parking study, in accordance with

District Zoning Regulations, may be submitted for projects within the Harrison Avenue Retail Center.

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

b. Pedestrian Circulation

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

c. Parking Management Plan

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

d. Meadows Path

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

2. Site Service Improvements

a. The provisions of N.J.A.C. 19:4-8.15, governing site service improvements, shall apply.

b. With the exception of utility-related uses, a refuse and/or recycling area in accordance with N.J.A.C 19:4-8.15(f) shall be provided.

c. Generators shall be located in side or rear yards, shall meet required setbacks, and shall be screened in accordance with N.J.A.C. 19:4-8.9(d)6iv and 8.10. District Environmental Performance Standards Category B shall apply to generators.

d. The installation of electric vehicle charging stations for employee, visitor and fleet vehicles is encouraged. Rideshare drop-off locations incorporated into the site circulation plan are also encouraged.

3. Sustainable Design

The NJSEA encourages developers to incorporate sustainable design within the redevelopment area. Employing green building methods from the onset of a project provides environmental, economic, and social benefits, including increased efficiency and reduction in energy costs. The NJSEA's green building regulations at N.J.A.C. 19:4-6.6 provide zoning and fee incentives to promote sustainable green building practices in the Meadowlands District.

4. Signage

- a. All development shall be controlled by the standards and comprehensive sign plan requirements outlined in N.J.A.C. 19:4-8.14. Signage for each redevelopment center shall conform to the following standards:
 - i. Harrison Avenue Retail Center: Highway Commercial
 - ii. Light Industrial Center: Light Industrial A
 - iii. Heavy Industrial Center: Heavy Industrial
 - iv. Keegan Landfill Center: Parks and Recreation
 - v. Landfill Reclamation Center: Intermodal A
- b. Billboards shall conform to the standards of the billboard requirements outlined in N.J.A.C. 19:4-8.14(h)7ii, with the following exceptions:
 - i. Notwithstanding the provisions of Table 8-5, billboards in the Landfill Reclamation Center shall only be permitted within 150 feet of a ROW having a posted speed limit of 55 mph or higher.
 - ii. The maximum permitted number of billboards in the Landfill Reclamation Center is two (2) per lot.
 - iii. The maximum permitted height for billboards in the Landfill Reclamation Center shall be 65 feet above the grade level of the adjacent roadway surface.
- c. Signage for Sports Training Facilities shall conform to the standards of the Light Industrial A zone with the following exceptions:
 - i. One freestanding sign at the development entrance, identifying the principal use, limited to an area no greater than 25 square feet and a height no greater than eight feet above the ground.
 - ii. Signs commonly associated with and limited to information and directions typically used for the convenience of site users and visitors shall be limited to an area no greater than 20 square feet, and a height of no greater than six feet above the ground.
 - iii. One wall-mounted sign on each building, other than covered athletic fields, limited to an area no greater than 150 square feet.
 - iv. On covered athletic fields, up to two sign panels but not more than one per wall, identifying the principal use and a corporate sponsor, limited to an area no greater than 1,200 square feet per sign.
 - v. On covered athletic fields, up to eight signs, but not more than two per wall, used to display schedules, upcoming events, programs, pictures and other information, limited to an area no greater than 24 square feet per sign.
 - vi. All of the foregoing signs may include the logo of the principal use.

5. Drainage

Drainage plans, including maintenance provisions, shall be prepared in accordance with NJSEA regulations at N.J.A.C. 19:4-8.6. All drainage ways shall be properly maintained and planted, and designed in accordance with the NJSEA's *Guidelines for Green Development and Redevelopment, Part 1-Low Impact Development*, where appropriate. Drainage designs shall not include permanent standing water.

6. Floodplain Management

For structures within designated 100-year flood zones, the provisions of N.J.A.C. 19:4-5.2(a)3 and N.J.A.C. 19:4-9.1 et seq. shall apply.

7. Lighting

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

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

8. Fences

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

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

9. Environmental Performance Standards

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

10. Building Façades

All façades visible from public rights-of-way shall consist of a finished decorative material. Architectural techniques shall be utilized to project variations in material, height, and color.

11. Landscaping

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

12. Transit

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

E. ADDITIONAL DEVELOPMENT REQUIREMENTS

1. Project Impact Assessment

All projects are subject to the requirements of N.J.A.C. 19:4-10.1 *et seq.* The Project Impact Assessment (PIA), if required, shall provide information to allow the NJSEA to assess the probable effects of a proposed project.

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

2. Traffic Impact Assessment

All projects are subject to the requirements of N.J.A.C. 19:4-7.10 *et seq.* The Traffic Impact Assessment (TIA), if required, shall assess the traffic and circulation impacts of a proposed development and identify improvements required. The scope of the TIA shall be determined in consultation with the Chief Engineer.

3. Riparian Rights

Pursuant to District zoning regulations, riparian instruments shall be secured for any land subject to the State's riparian interest.

4. Affordable Housing Considerations

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

5. Redeveloper Requirements

- a. If the NJSEA elects to contract with a prospective redeveloper, pursuant to its authority under N.J.S.A. 13:17-6(j), 20(g), and or 21(b)6, prior to entering such contract, the redeveloper shall provide a financial report to the NJSEA assessing the financial viability of the redeveloper and/or redevelopment project. Such report shall contain, at a minimum, the following information:
 - i. Identification of each financial and/or equity partner having any financial contribution to, ownership of, or like interest in, the project.

- ii. Identification of each member of the redevelopment team and major consultants, including, but not limited to, attorneys, engineers, architects, planners, project and construction managers, financial consultants, lobbyists, and public relations consultants. Resumes and/or curricula vitae and a statement clearly identifying the roles of each member shall be provided.
 - iii. The composition of the redeveloper's current real estate portfolio, including details regarding the type of project and number of square feet or units developed, owned and/or managed.
 - iv. Details regarding the redeveloper's history of securing financing for real estate development projects within the past 10 years, at a minimum, detailing the type of project; financing method(s), source(s) and amounts committed; and proposed and actual completion dates of projects.
 - v. A description of all pending real estate development projects by the redeveloper, under development pursuant to enforceable contracts, including project type, status, development schedule, and the financial commitment required by the redeveloper, including a description of the financing method(s), source(s) and amounts committed.
 - vi. Audited financial statements, including balance sheets and operating statements, prepared by a Certified Public Accountant (CPA) in accordance with Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board (FASB), 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116, <http://www.fasb.org>, for the five most recent fiscal years, for the redeveloper and any financial and/or equity partner(s). Such statements shall evidence the ability to financially perform, including the value of assets each participant would contribute to the project and verification that such assets are available.
 - vii. A statement describing the methods and anticipated and committed sources for financing the project, including its construction, and identifying the expected equity requirements and anticipated sources of working capital.
 - viii. For the redeveloper, including both the corporate or business entity and the principals of the corporate or business entity and each member of the development team, a statement and complete listing regarding any debarments, suspensions, bankruptcy or loan defaults, legal proceedings, and/or adverse judgments, regarding any real estate development project and/or government contract regardless of the date of such occurrence.
 - ix. A fiscal impact analysis for the proposed redevelopment project pursuant to the requirements of N.J.A.C. 19:4-10.4(a)14.
 - x. Such other information as may be deemed necessary by the NJSEA staff.
- b. The redeveloper shall provide the following to the NJSEA, which shall be updated, at a minimum, every three months, beginning from the contract date, including any amendments:
- i. The project pro-forma statement, prepared by a CPA in accordance with GAAP, which shall include, at a minimum, an income statement, balance sheet, and statement of cash flows.
 - ii. The projected development timeline.
 - iii. Any change in the financial report required in 5a above.
- c. Any redeveloper applying to any federal, state, county, or municipal government entity for financial assistance, including, but not limited to, loans, grants, or bonds, shall notify the NJSEA of such application in writing and shall provide copies to the NJSEA of all correspondence and information regarding the requested financial assistance. The NJSEA staff shall provide any of the aforementioned entities with information about the project upon request. The NJSEA shall make a request to the applicable government entity to participate in the process for the evaluation of financial assistance to facilitate communication among public entities involved in the project.

Such participation shall include, but is not limited to, attendance at meetings with the redeveloper and the government entity from whom financial assistance is requested.

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

6. Approvals of Other Governmental Entities

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

F. PARCELS REMOVED FROM REDEVELOPMENT AREA

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

- Block 253, Lot 4
- Block 281, Lot 1.01
- Block 284, Lots 9.02, 9.04, 9.07, 10.04, 10.05, 13, 14, 14.01 and 14.02
- Block 285, Lots 1.02, 1.03, 2.01, 9, and 17
- Block 286, Lots 8.01, 10.01, 17.01 and 17.02

V. SELECTED REDEVELOPMENT PLAN IMPLEMENTATION STRATEGY

This redevelopment plan shall be the regulatory instrument for the development of the Kearny Area Redevelopment Area, along with the District Regulations at N.J.A.C. 19:3, 19:4, 19:5, 19:6 and 19:7, where applicable, and shall supersede all redevelopment plans and prior zoning for parcels of land contained within this redevelopment area. Any zoning or planning standard not specifically addressed within this redevelopment plan is subject to the District Zoning Regulations for the appropriate review and regulatory criteria.

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