



Township Council

1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

http://www.bloomfieldtnj.com

Meeting: 06/17/13 07:00 PM

2013 ORDINANCE AMENDMENT

2013 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE I AND THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE II TO PROHIBIT DOLLAR STORES AND REQUIRE FISCAL IMPACT STATEMENTS FOR CERTAIN DEVELOPMENT PROJECTS.

SEE ATTACHED

......*

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on .

Louise M. Palagano
Municipal Clerk of the Township of Bloomfield
Raymond McCarthy
Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance 2796						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopt	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Deny	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> First Reading	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Table with no Vote	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						

✓ Vote Record - Ordinance 2796						
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<input type="checkbox"/> Approve						
<input type="checkbox"/> Veto by Mayor						
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						

APPROVED AS TO FORM AND PROCEDURE ON BASIS OF FACTS SET FORTH

Brian J. Moran
Director of Law - Township Attorney

2013 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE I AND THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE II TO PROHIBIT DOLLAR STORES AND REQUIRE FISCAL IMPACT STATEMENTS FOR CERTAIN DEVELOPMENT PROJECTS.

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), on August 19, 2002, the Mayor and Council (the "Mayor and Council") of the Township of Bloomfield (the "Township") adopted a Resolution designating all land within the municipal boundaries of the Township of Bloomfield as an area in need of rehabilitation (the Rehabilitation Area"); and

WHEREAS, pursuant to the Redevelopment Law, the Mayor and Council, by way of Resolution adopted on August 10, 2009, affirmed the 2002 designation of the entire Township as an "area in need of rehabilitation"; and

WHEREAS, pursuant to the Redevelopment Law, on December 5, 2000, the Mayor and Council adopted a Resolution determining that certain parcels within the Township encompassing sixty-seven (67) properties that comprise approximately 13.5 acres generally bordered by Bloomfield Avenue to the east, the New Jersey Transit lines to the west, Glenwood Avenue to the south and Ward Street to the north, more commonly known as Bloomfield Center, constituted an area in need of redevelopment, (the "Redevelopment Area"); and

WHEREAS, on October 14, 2003 the Mayor and Council approved Ordinance No 3-34, adopting the Bloomfield Station Redevelopment Plan, dated September 15, 2003, which has been amended from time to time (hereinafter the "Bloomfield Station Redevelopment Plan") to govern the redevelopment of the Redevelopment Area; and

WHEREAS, following a decision in the Superior Court of New Jersey, Essex County, invalidating the December, 2000 redevelopment designation without prejudice, on August 7, 2006, the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law confirming that the 67 properties in Bloomfield Center met the criteria for designation as an area in need of redevelopment and that a supplemental study of Bloomfield Center corrected the defects in the 2000 study identified by the Court; and

WHEREAS, by way of ordinance adopted on December 15, 2008 pursuant to the Redevelopment Law, the Mayor and Council adopted the “Bloomfield Center Redevelopment Plan – Phase I” (the “Phase I Plan”) encompassing most, but not all of the properties in the Redevelopment Area and additional properties within the Rehabilitation Area; and

WHEREAS, the Phase I Plan encompassed the following properties situated in the Redevelopment Area:

- Block 220, Lot 40;
- Block 225, Lots 1 and 9
- Block 227, Lots 1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 22, 24, 26, 30, 31, 32, 35;
- Block 228, Lots 1, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 24, 27, 28, 29, 30, 31, 33, 35; and
- Block 243, Lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 17, 18, 20; and

WHEREAS, the Phase I Plan encompassed the following properties within the Rehabilitation Area:

- Block 242, Lot 13;
- Block 243, Lots 22, 24, 25, 27, 28, 30, 31, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45;
- Block 255, Lot 1; and

WHEREAS, the area governed by the Phase I Plan shall hereinafter be referred to as the “Phase I Area;” and

WHEREAS, by way of ordinance adopted on November 9, 2009, the Mayor and Council adopted pursuant to the Redevelopment Law a redevelopment plan for certain properties within the Rehabilitation Area entitled the “Bloomfield Center Redevelopment Plan - Phase II” (the “Phase II Plan”); and

WHEREAS, the Phase II Plan encompassed the following properties within the Rehabilitation Area (the “Phase II Area”):

Block 153, Lots 1, 2, 4, 5, 6, 8, 10, 11, 13, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 31, 32, 41, 42, 43, 44, 47, 50;
Block 225, Lots 12 and 15;
Block 226, Lots 1, 3, 4, 6, 8, 10, 12, 13, 15, 18, 19, 20, 22, 24, 28, 29, 30, 31, 32;
Block 241, Lots 1, 5, 7, 9, 17, 19, 20, 21, 32, 33, 35, 37, 39, 41, 42, 43, 45, 47;
Block 244, Lots 1, 6, 8, 10, 19, 22, 24, 46, 47;
Block 253, Lots 1, 7, 8, 10, 12, 33;
Block 301, Lots 1, 8, 9, 10, 21, 22, 23, 27, 28, 29;
Block 302, Lots 1, 6, 38, 39, 40; and
Block 311, Lots 1, 4, 5, 6, 7, 8, 13, 27, 28, 29; and

WHEREAS, on January 19, 2010, following an investigation by and public hearing before the Township of Bloomfield Planning Board (the “Planning Board”), the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law designating the following properties in the Rehabilitation Area (except for Block 243, Lot 13, which was in the Redevelopment Area by virtue of the 2002 and 2006 redevelopment designations) and encompassed within the Phase I or II Plan as an area in need of redevelopment:

Block 243, Lots 13, 25, 27, 28, 30, 31, 32, 37, 38; and

WHEREAS, on August 13, 2012, the Mayor and Council adopted an Ordinance enacting a redevelopment plan for Block 243, Lots 13, 25, 27, 28, 30, 31, 32, 37, 38, thereby removing said Block and Lots from the Phase I and Phase II Plans; and

WHEREAS, on October 18, 2010, following a new investigation by and public hearing before the Planning Board, the Mayor and Council adopted a Resolution pursuant to the

Redevelopment Law designating all of Block 228 and Block 220, Lot 40 as an area in need of redevelopment; and

WHEREAS, on February 2, 2011, the Mayor and Council adopted an ordinance adopting the “Redevelopment Plan for Block 228 and Block 220, Lot 40”, thereby removing all of Block 228 and Block 220, Lot 40 from the Phase I Plan; and

WHEREAS, on July 11, 2011, the Mayor and Council adopted a Resolution which directed the Planning Board to review the Phase I Plan and the Phase II Plan and propose amendments to the Mayor and Council for their consideration pursuant to N.J.S.A. 40A:12A-7(f); and

WHEREAS, in addition to the July 11, 2011 Resolution, on July 25, 2011, the Mayor and Council referred to the Planning Board for review and recommendation in accordance with N.J.S.A. 40A:12A-7(e), a proposed ordinance amending the Phase II Plan which would authorize the Planning Board, when reviewing applications for properties encompassed within the Phase II Plan, to grant exceptions, design waivers and (c) variances, but which would continue to prohibit (d) variances; and

WHEREAS, the Planning Board held a public hearing to review the Phase II amendment authorizing the Planning Board to grant certain types of deviations from the Phase II Plan at which it considered public comments on the proposed Amendment and made recommendations to the Mayor and Council concerning the same; and

WHEREAS, on August 8, 2011, the Mayor and Council adopted an ordinance amending the Phase II Plan granting the Planning Board the authority to grant exceptions, design waivers and (c) variances; and

WHEREAS, at its meetings of September 13, 2011 and October 4, 2011, the Planning Board considered a proposed ordinance amending the Phase I Plan and further amending the Phase II Plan, and adopted a resolution recommending that the Mayor and Council adopt proposed amendments to the Phase I Plan and the Phase II Plan which, *inter alia*, clarified the redevelopment selection and agreement processes and modified the permitted use tables in both Plans; and

WHEREAS, on November 9, 2011, the Mayor and Council adopted the Ordinance amending the Phase I Plan and the Phase II Plan; and

WHEREAS, by Ordinance adopted on March 19, 2012, the Mayor and Council further amended the Phase II Plan to permit parking within the footprint of a building on most, but not all, of the street frontages in the Phase II Area; and

WHEREAS, the properties governed by the Phase I and Phase II Plans have seen an influx of tenants operating what are commonly known as “Dollar Stores,” and the Mayor and Council, in an effort to diversify the types of retail establishments in Bloomfield Center, have determined that a prohibition on any additional “Dollar Stores” is appropriate; and

WHEREAS, the Township is suffering from sever budge constraints and its public schools are experiencing overcrowded conditions, particularly in certain elementary schools, and thus, in order to determine the fiscal impact of any further residential development in the Phase I Area and the Phase II Area, the Mayor and Council desire that concept plans for substantial residential developments proposed for the Phase I and Phase II Areas be accompanied by a “Fiscal Impact Statement;” and

WHEREAS, the Mayor and Council therefore deem it necessary to amend the Phase I and Phase II Plans to accomplish these goals.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Bloomfield, New Jersey, as follows:

Section 1. The above WHEREAS paragraphs are hereby incorporated herein by reference as though specifically set forth herein below.

Section 2. The Phase I Plan shall be amended as follows (newly inserted text is underlined):

(a) "Table 1. Permitted Uses" in Section 4.1 on Page 22 of the Phase I Plan is hereby deleted in its entirety and replaced with the following:

Table 1. Permitted Uses

Bloomfield Center Redevelopment Plan Permitted Uses <i>Uses permitted by specific provisions of the Municipal Land Use Law are also permitted in the Redevelopment Plan Area.</i>	Commercial Corridor	Washington Street South	Main Street Campus
Single-use multi-unit residential buildings		√ (1)	
Townhouses		√ (1)	
Retail stores, service and financial establishments	√	√	√
Buildings containing a mixture of residential, office or commercial uses except that residential uses are prohibited on the ground floor	√ (2)	√ (2)	√ (2)
Office buildings	√		√
Specialty food markets (less than 30,000 SF)	√	√ (3)	
Hotels	√ (4)	√ (4)	√ (4)
Restaurants and cafes	√	√	√
Art Studios and galleries		√	√
Performing arts theaters	√	√	√
Schools and Educational Institutions			√
Conference and meeting facilities	√ (5)	√ (5)	√ (5)
Public plazas and recreation areas	√	√	√
Indoor recreation facilities	√	√	√
Organized open-air markets and festivals with temporary structures for retail sales and displays subject to all applicable state and local permits	√ (6)	√ (6)	√ (6)
Parking facilities operated by a governmental entity	√	√	√

- (1) Ground floor residential is only permitted for buildings fronting on Farrand Street, Ward Street and Conger Street. It is recommended that all ground floor units have private entrances with stoops on the street. Ground floor parking within the footprint of a residential building shall be enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building.
- (2) On Washington Street, offices are permitted on the second floor only. In all three districts, ground floor parking within the footprint of the building is prohibited.
- (3) Specialty food markets are recommended on Conger Street but not prohibited elsewhere.
- (4) Hotel rooms are not permitted on the ground floor. The ground floor area fronting on a street is restricted to the hotel lobby and retail and restaurant uses only, which shall have separate entrances from the street (in addition to any access from inside the hotel).
- (5) Conference facilities are permitted as an accessory use to a hotel but shall be prohibited from the ground floor.
- (6) It is recommended that this use be focused on Washington Street, south of Bloomfield Avenue, as a priority and be coordinated with current events hosted by the BCA.
- (7) "Dollar Stores" shall be prohibited in all Districts in the Phase I Area. For purposes of this Phase I Plan, the term "Dollar Stores" shall mean any store using a price amount in its name or which sells the vast majority of its goods at ten dollars (\$10.00) or less or at a single price point (e.g., \$0.99 or \$1.00).

(b) Section 9.5 on page 71 of the Phase I Plan, entitled "Project Approvals Process,"

is hereby amended as follows:

Project Approvals Process

The Mayor and Council have determined that only development projects of a certain scope and impact require a developer to be subject to the Redeveloper Selection process set forth in Section 9.1-3 on page 70 of this Plan. Other development projects may be of sufficient scope to warrant Planning Board review, but should be exempt from the Redeveloper Selection process. A third group of projects should need only to obtain construction permits to proceed, without Planning Board review. The intent is to streamline the approval process for low and medium impact projects which by their nature implicate few if any design standards set forth in Section 5 of this Plan, while ensuring that larger projects are consistent with the intent and purpose of this Plan and its vision.

Projects Subject to the Redeveloper Selection Process

Prior to the development of any vacant site, which shall include a site where buildings have been demolished either in whole or in part, or prior to the construction of any addition to an existing building which increases the existing floor area by more than 100%, the Mayor and Council, acting as the Redevelopment

Entity, shall review concept plans for such development at a public meeting to ensure that the proposed project is consistent with this Phase I Plan. The Mayor and Council may assign the initial review to a committee of the Governing Body, and may retain any experts it deems necessary and appropriate to advise it or the committee. The committee assigned the initial review shall make its recommendations to the Mayor and Council for discussion at a public meeting. Pursuant to Section 9.1-3 of the Phase I Plan, the Mayor and Council may, in its discretion, elect to enter into an interim redevelopment agreement and require the establishment of an escrow fund to cover its costs prior to its consistency review. For all projects subject to the redeveloper selection process involving the construction of more than four (4) new residential units, an interim redevelopment agreement and escrow fund shall be mandatory prior to the submission to the Mayor and Council of concept plans. In addition to covering the Township's costs for experts and for outside counsel, the escrow fund shall be sufficient to pay for the Township's retention of an expert to conduct a Fiscal Impact Statement, which shall include, without limitation, an analysis of the primary and secondary costs of the proposed project to the Township as measured against the financial benefits the Township is projected to receive from the Project. The Fiscal Impact Statement shall be an integral part of the Township's consistency review and may alone form the basis for the rejection of any proposed project. Designation of the developer as the redeveloper of the site and negotiation of a Redeveloper Agreement shall follow the consistency review if the Mayor and Council, in their unfettered discretion, deem such steps appropriate.

After the designated redeveloper and the Township have executed a Redeveloper Agreement, the developer shall submit its application for site plan and/or subdivision approval and any other necessary relief to the Township of Bloomfield Planning Board pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, *et seq.*

Any application for development which is subject to the Redeveloper Selection process shall be deemed incomplete if the developer and the Township have not executed a Redeveloper Agreement.

Projects Exempt from the Redeveloper Selection Process but Subject to Site Plan Review

Prior to the construction of any addition to an existing building which increases the floor area by 100% or less, or prior to any renovations to the front façade of a building which alters the character of the façade (including, without limitation, any change to the façade materials), a developer must submit an application to the Planning Board for site plan review. The developer of any such project shall be exempt from the Redeveloper Selection process.

Projects Exempt from the Redeveloper Selection Process and Site Plan Review

Any project limited to the rehabilitation of a building or site which does not involve alterations to the character of the front building façade or its materials, or in which only internal renovations and/or a change of use are proposed, shall be exempt from both the Redeveloper Selection process and site plan review, provided the proposed use of the building or site is permitted by this Plan. The developer of any such project may apply directly to the construction office and zoning official for permits.

Planning Board Review

In reviewing an application for site plan or subdivision approval, the Planning Board shall determine whether the development project is consistent with this Plan and meets the requirements for site plan or subdivision approval set forth in the Land Development Ordinance, Chapter 315 of the Township Code. The Planning Board shall be permitted to grant deviations from the terms and requirements of the Phase I Plan in the form of exceptions, design waivers and bulk ("c") variances. The Planning Board shall be permitted to grant such deviations upon an affirmative showing by the applicant that the requirements of N.J.S.A. 40:55D-70(c) have been met, that the granting of the deviations will advance and not violate the intent and purpose of the Redevelopment Plan or applicable redevelopment agreement and are not otherwise prohibited by law. The Planning Board shall not be permitted to grant variances pursuant to N.J.S.A. 40:55D-70(d).

Section 3. The Phase II Plan shall be amended as follows (newly inserted text is underlined):

(a) "Table 1. Permitted Uses" in Section 4.1 on Page 22 of the Phase II Plan is hereby

amended as follows:

Table 1. Permitted Uses

Bloomfield Center Redevelopment Plan Permitted Uses				
<i>Uses permitted by specific provision of the Municipal Land Use Law are also permitted in the Redevelopment Plan Area.</i>	Commercial Corridor	Washington Street South	Main Street Campus	Civic District
Single-use multi-unit residential buildings		√ (1)	√ (1)	√ (1)
Townhouses		√ (1)	√ (1)	√ (1)
Retail stores, service and financial establishments	√	√	√	√
Buildings containing a mixture of residential, office or commercial uses except that residential uses are prohibited on the ground floor	√ (2)	√ (2)	√ (2)	√ (2)
Office buildings	√		√	√
Specialty food markets (less than 30,000 SF)	√	√ (3)		
Hotels	√ (4)	√ (4)	√ (4)	
Restaurants & cafes	√	√	√	√
Art Studios and galleries		√	√	√
Performing arts theaters	√	√	√	
Schools and Educational Institutions	√	√	√	√
Conference and meeting facilities	√ (5)	√ (5)	√ (5)	
Public plazas and recreation areas	√	√	√	√
Indoor recreation facilities	√	√	√	√
Organized open-air markets and festivals with temporary structures for retail sales and displays subject to all applicable state and local permits	√ (6)	√ (6)	√ (6)	√ (6)
Houses of worship & related facilities (on parcels of 10,000 SF or greater)	√	√	√	√
Parking facilities operated by a governmental entity	√	√	√	√

- (1) Ground floor residential is only permitted for buildings fronting on Farrand Street, Ward Street and Conger Street. It is recommended that all ground floor units have private entrances with stoops on the street. Ground floor parking within the footprint of a residential building shall be enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building.
- (2) In all four districts, ground floor parking within the footprint of the building is prohibited, except in the westerly sector of the Washington Street South District, where ground floor parking within the footprint of the building shall be permitted provided that the parking is enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building.
- (3) Specialty food markets are recommended on Conger Street but not prohibited elsewhere.
- (4) Hotel rooms are not permitted on the ground floor. The ground floor area fronting on a street is restricted to the hotel lobby and retail and restaurant uses only, which shall have separate entrances from the street (in addition to any access from inside the hotel).
- (5) Conference facilities are permitted as an accessory use to a hotel but shall be prohibited from the ground floor.
- (6) It is recommended that this use be focused on Washington Street, south of Bloomfield Avenue, as a priority and be coordinated with current events hosted by the BCA.
- (7) "Dollar Stores" shall be prohibited in all Districts in the Phase I Area. For purposes of this Phase I Plan, the term "Dollar Stores" shall mean any store using a price amount in its name or which sells the vast majority of its goods at ten dollars (\$10.00) or less or at a single price point (e.g., \$0.99 or \$1.00).

(b) Section 8.5 on page 66 of the Phase II Plan, entitled "Project Approvals Process,"

is hereby amended as follows:

Project Approvals Process

The Mayor and Council have determined that only development projects of a certain scope and impact require a developer to be subject to the Redeveloper Selection process set forth in Section 8.1 of this Phase II Plan. Other development projects may be of sufficient scope to warrant Planning Board review, but should be exempt from the Redeveloper Selection process. A third group of projects should need only to obtain construction permits to proceed, without Planning Board review. The intent is to streamline the approval process for low and medium impact projects which by their nature implicate few if any design standards set forth in Section 5 of this Plan, while ensuring that larger projects are consistent with the intent and purpose of this Plan and its vision.

Projects Subject to the Redeveloper Selection Process

Prior to the development of any vacant site, which shall include a site where buildings have been demolished either in whole or in part, or prior to the construction of any addition to an existing building which increases the existing floor area by more than 100%, the Mayor and Council, acting as the Redevelopment Entity, shall review concept plans for such development at a public meeting to ensure that the proposed project is consistent with this Phase II Plan. The Mayor and Council may assign the initial review to a committee of the Governing Body, and may retain any experts it deems necessary and appropriate to advise it or the committee. The committee assigned the initial review shall make its recommendations to the Mayor and Council for discussion at a public meeting. Pursuant to Section 8.1 of the Phase II Plan, the Mayor and Council may, in its discretion, elect to enter into an interim redevelopment agreement and require the establishment of an escrow fund to cover its costs prior to its consistency review. For all projects subject to the redeveloper selection process involving the construction of more than four (4) new residential units, an interim redevelopment agreement and escrow fund shall be mandatory prior to the submission to the Mayor and Council of concept plans. In addition to covering the Township's costs for experts and for outside counsel, the escrow fund shall be sufficient to pay for the Township's retention of an expert to conduct a Fiscal Impact Statement, which shall include, without limitation, an

analysis of the primary and secondary costs of the proposed project to the Township as measured against the financial benefits the Township is projected to receive from the Project. The Fiscal Impact Statement shall be an integral part of the Township's consistency review and may alone form the basis for the rejection of any proposed project. Designation of the developer as the redeveloper of the site and negotiation of a Redeveloper Agreement shall follow the consistency review if the Mayor and Council, in their unfettered discretion, deem such steps appropriate.

After the designated redeveloper and the Township have executed a Redeveloper Agreement, the developer shall submit its application for site plan and/or subdivision approval and any other necessary relief to the Township of Bloomfield Planning Board pursuant to the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.

Any application for development which is subject to the Redeveloper Selection process shall be deemed incomplete if the developer and the Township have not executed a Redeveloper Agreement.

Projects Exempt from the Redeveloper Selection Process but Subject to Site Plan Review

Prior to the construction of any addition to an existing building which increases the floor area by 100% or less, or prior to any renovations to the front façade of a building which alters the character of the façade (including, without limitation, any change to the façade materials), a developer must submit an application to the Planning Board for site plan review. The developer of any such project shall be exempt from the Redeveloper Selection process.

Projects Exempt from the Redeveloper Selection Process and Site Plan Review

Any project limited to the rehabilitation of a building or site which does not involve alterations to the character of the front building façade or its materials, or in which only internal renovations and/or a change of use are proposed, shall be exempt from both the Redeveloper Selection process and site plan review, provided the proposed use of the building or site is permitted by this Plan. The developer of any such project may apply directly to the construction office for permits.

Planning Board Review

In reviewing an application for site plan or subdivision approval, the Planning Board shall determine whether the development project is consistent with this Plan and meets the requirements for site plan or subdivision approval set forth in the Land Development Ordinance, Chapter 315 of the Township Code. The Planning Board shall be permitted to grant deviations from the terms and requirements of the Phase II Plan in the form of exceptions, design waivers and bulk ("c") variances. The Planning Board shall be permitted to grant such deviations upon an affirmative showing by the applicant that the requirements of N.J.S.A. 40:55D-70(c) have been met, that the granting of the deviations will advance and not violate the intent and purpose of the Redevelopment Plan or applicable redevelopment agreement and are not otherwise prohibited by law. The Planning Board shall not be permitted to grant variances pursuant to N.J.S.A. 40:55D-70(d).

Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 5. All ordinances and resolutions or parts thereof inconsistent with the ordinance are hereby rescinded.

Section 6. This ordinance shall take effect in accordance with applicable law.

* * *

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on

Municipal Clerk of the Township of Bloomfield

I hereby approve the above Ordinance.

Mayor of the Township of Bloomfield