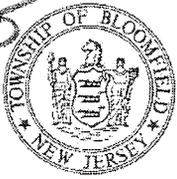


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11-55



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 11/09/11 07:30 PM

2011 ORDINANCE AMENDMENT

2011 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY APPROVING AMENDMENTS TO THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE I AND THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE II

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

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

Brian J. Florio
of Law-Township Attorney

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 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, 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:

- 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 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, among other things, 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 (the "Phase II Amendment"); and

WHEREAS, the Planning Board held a public hearing to review the Phase II Amendment, consider public comments on the Amendment and make recommendations to the Mayor and Council concerning the same; and

WHEREAS, the Mayor and Council adopted a Resolution on August 8, 2011, outlining its determinations with regard to the recommendations of the Planning Board; and

WHEREAS, on August 8, 2011, the Mayor and Council adopted the Phase II Amendment; and

WHEREAS, at its meetings of September 13, 2011 and October 4, 2011, the Planning Board considered this 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 the proposed amendments to the Phase I Plan and Phase II Plan as set forth below.

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:

(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

<i>Uses permitted by specific provisions of the Municipal Land Use Redevelopment Plan Area.</i>	<i>Farrand Street</i>	<i>Washington Street</i>	<i>Conger Street</i>
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.

(b) In Section 4.2 of the Phase I Plan, on page 23, entitled “Parking Schedule,” the subsection

entitled "Parking Provisions" is hereby deleted in its entirety and replaced with the following:

Parking Provisions

1. Only those projects which require the developer to be designated as a redeveloper and to enter into a Redeveloper Agreement pursuant to Sections 9:1-3 and 9.4-5 on pages 70 and 71 of this Plan shall be subject to these Parking Schedule provisions. All other projects shall have no parking requirement, although the provision of off-street parking is encouraged for all development projects where feasible.
2. For all projects for which these parking provisions apply, 100% of the parking supply shall be provided within 400 feet of an entrance to the proposed buildings served by the parking spaces. The developer shall comply with the parking standards set forth in "Table 2. Base Parking Calculation" and, if it can demonstrate the appropriateness of a shared parking arrangement, "Table 3. Occupancy Rate Calculation."
3. The developer may secure the required number of spaces either through construction of parking stalls as an accessory use on the property to be developed or by leasing spaces in an existing parking lot within the 400 foot radius, or a combination of the two.
4. If the developer cannot provide the required number of parking spaces within the 400 foot radius, the developer shall make a contribution to a parking fund which shall be utilized by the Township to develop, improve or maintain public parking in Bloomfield Center. The amount of the contribution shall be based on the deficiency between the number of spaces required by either Table 2 or the shared parking analysis in Table 3 and the number provided for the development, multiplied by an amount to be negotiated between the Mayor and Council and the developer. The contribution amount shall be set forth in the Redevelopment Agreement. Any deficiency shall be subject to the developer obtaining variance relief from the Planning Board.
5. The Planning Board, in reviewing a site plan application, shall determine whether a shared parking arrangement is appropriate for the proposed development and may grant a variance from the number of parking stalls required by Table 2 or Table 3. The final contribution amount required by paragraph 4, above, shall be a function of the deficiency approved by the Planning Board.

(c) Section 9.5 on page 71 of the Phase I Plan, entitled "Project Approvals Process," is hereby deleted in its entirety and replaced with the following:

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. 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 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:

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

Table 1. Permitted Uses

Permitted Uses	Commercial District	West Side Street Corridor	High Street Corridor	Public Center
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.

- (b) In Section 4.2 of the Phase II Plan, on page 23, entitled "Parking Schedule," the subsection entitled "Parking Provisions" is hereby deleted in its entirety and replaced with the following:

Parking Provisions

1. Only those projects which require the developer to be designated as a redeveloper and to enter into a Redeveloper Agreement pursuant to Sections 8.1 and 8.4 of the Phase II Plan, shall be subject to these Parking Schedule provisions. All other projects shall have no parking requirement, although the provision of off-street parking is encouraged for all development projects where feasible.
2. For all projects for which these parking provisions apply, 100% of the parking supply shall be provided within 400 feet of an entrance to the proposed buildings served by the parking spaces. The developer shall comply with the parking standards set forth in "Table 2. Base Parking Calculation" and, if it can demonstrate the appropriateness of a shared parking arrangement, "Table 3. Occupancy Rate Calculation."
3. The developer may secure the required number of spaces either through construction of parking stalls as an accessory use on the property to be developed or by leasing spaces in an existing parking lot within the 400 foot radius, or a combination of the two.
4. If the developer cannot provide the required number of parking spaces within the 400 foot radius, the developer shall make a contribution to a parking fund which shall be utilized by the Township to develop, improve or maintain public parking in Bloomfield Center. The amount of the contribution shall be based on the deficiency between the number of spaces required by Table 2 or the shared parking analysis in Table 3 and the number provided for the development, multiplied by an amount to be negotiated between the Mayor and Council and the developer. The contribution amount shall be set forth in the Redevelopment Agreement. Any deficiency shall be subject to the developer obtaining variance relief from the Planning Board.
5. The Planning Board, in reviewing a site plan application, shall determine whether a shared parking arrangement is appropriate for the proposed development and may grant a variance from the number of parking stalls required by Table 2 or Table 3. The final contribution amount required by paragraph 4, above, shall be a function of the deficiency approved by the Planning Board.

(c) The outline delineating the section numbers and titles of Chapter 8 on page 64 of the Phase

II plan is hereby deleted in its entirety and replaced with the following:

- 8.1 Redeveloper Selection
- 8.2 Affordable Housing Requirement
- 8.3 Public Financing and Incentives

8.4 Project Approvals Process

(d) The Sections on pages 65 and 66 of this Phase II Plan, entitled: "Projects That May Proceed Directly to the Planning Board;" "Substantial Rehabilitation Projects;" "Role of Township;" and "Redeveloper Selection" are hereby deleted in their entirety and replaced with the following:

Redeveloper Selection

The entire Township of Bloomfield has been designated as an Area in Need of Rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("LRHL"). This Plan governs properties within Bloomfield Center which fall within the rehabilitation designation, but does not govern any properties which have been designated as an area in need of redevelopment pursuant to the LRHL. Since the LRHL permits the use of eminent domain only for properties within a redevelopment area, and specifically prohibits the use of eminent domain for properties within a rehabilitation area, the Mayor and Council hope and expect that this Phase II Plan will spur property owners in the Phase II Area to rehabilitate and redevelop their parcels. The Mayor and Council nonetheless believe that larger development projects, as articulated in Section 8.2, entitled "Project Approval Process," should be subject to the redeveloper selection process set forth herein to ensure compliance with the goals and standards set forth in this Plan.

Thus, for any development which falls within the criteria set forth in the subsection of Section 8.2 entitled "Projects Subject to the Redeveloper Selection Process" the Mayor and Council, acting as the Redevelopment Entity, may, in its discretion, make interim redeveloper selections, subject to the negotiation and execution of an interim redevelopment agreement, and may require the interim redeveloper to establish a separate escrow to reimburse the Township for all expenses in connection therewith.

In order to assure that the vision of the Phase II Plan will be successfully implemented in an effective and timely way to achieve the goals of this Plan, the Redevelopment Entity will designate the redeveloper of any project subject to the Redeveloper Selection Process. All redevelopers so designated shall be required to execute as Redeveloper Agreement satisfactory to the Mayor and Council prior to filing an application with the Planning Board seeking development approvals.

The Redeveloper Agreement required for all such projects shall include, along with any other provisions deemed necessary by the Mayor and Council, the following requirements:

1. The redeveloper will be obligated to carry out the specified improvements in accordance with this Phase II Plan;

2. The redeveloper and its successor or assigns shall develop the property in accordance with the uses and building requirements specified in this Phase II Plan;
3. Until the required improvements are completed and a Certificate of Completion is issued by the Redevelopment Entity, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any Redeveloper Agreement, lease, deed or other instrument shall remain in full force and effect;
4. The obligation, if any, of the redeveloper to provide for any affordable housing obligation resulting from the development;
5. Provisions to ensure the timely construction of the project, the qualifications, financial capability and financial guarantees of the redeveloper and any other provisions to assure the successful completion of the project;
6. Provisions detailing the installation or upgrade of infrastructure related to the project, either on-site, on-tract, off-site or off-tract. Infrastructure items include, without limitation, gas, electric, water, sanitary and storm sewers, telecommunications, recreation or open space, streets, curbs, sidewalks, street lighting and street trees;
7. A provision requiring all utilities to be placed underground;
8. The extent to which the project will qualify for LEED certification and a requirement that all costs related to achieving such certification will be the responsibility of the redeveloper;
9. All infrastructure improvements shall comply with applicable local, state and federal law and regulations; and
10. Any other obligations of the redeveloper, which may include amenities, benefits, fees and payments in addition to those authorized under the Municipal Land Use Law.

(e) Section 9.5 on page 71 of the Phase I Plan, entitled "Project Approvals Process," is hereby deleted in its entirety and replaced with the following:

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 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. 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 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 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 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.

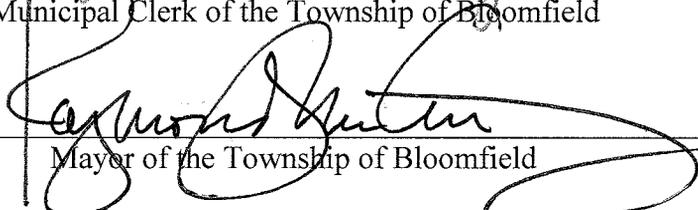
Section 6. This ordinance shall take effect in accordance with applicable law.

* * * * *

I hereby certify that the above resolution 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



 Mayor of the Township of Bloomfield

✓ Vote Record -		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt	Janice Litterio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	Robert Ruane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Approve					

✓ Vote Record -		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt	Janice Litterio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	Robert Ruane	<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 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					