

Master Plan Reexamination Report/ Master Plan Revision

Town of Kearny
Hudson County, New Jersey

ADOPTED
December 3, 2008

Prepared by

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Community Planning Consultants
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New Brunswick, New Jersey 08901
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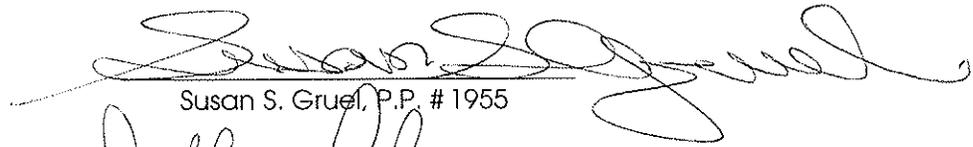
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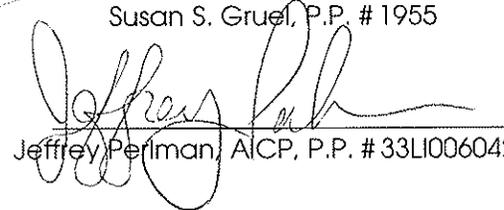
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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.



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Town of Kearny
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Introduction

This report constitutes a Master Plan Reexamination Report for the Town of Kearny as defined by the New Jersey Municipal Land Use Law (N.J.S.A.40:55D-89). The purpose of the Reexamination Report is to review and evaluate the local Master Plan and Development Regulations on a periodic basis in order to determine the need for update and revisions. The Town last adopted a Reexamination Report in February 2004. The Town of Kearny adopted its last Master Plan revision in October 1990 as revised March 11, 1991. This report also serves as an amendment to the 1991 Master Plan Revision.

Section A of this report identifies the goals and objectives which were established in the 2004 Master Plan Reexamination Report, Sections B and C describe what changes have occurred in the Town, the County and the State since the adoption of the 2004 Master Plan Reexamination Report. Finally, Sections D and E discuss recommended actions to be addressed by the Town in the future.

Periodic Reexamination

The New Jersey Municipal Land Use Law (NJSA 40:55D-89) requires that the Reexamination Report contain the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

A. Major Issues and Objectives Since 2004

The 1991 Master Plan Revision for the Town of Kearny identified the Town as “a developed municipality with well established housing, commercial and industrial patterns”. The 1991 Master Plan Revision identified the following goals, which formed the basis for the plans, policy statements and proposals of the 1991 Master Plan Revision. The 2002 and 2004 Reexamination Reports affirmed these goals.

2004 Goals and Objectives

Residential

- To protect the character and value of residential neighborhoods by regulating the type and intensity of land uses within residential areas.

Commercial

- To retain and encourage the development of commercial uses in various locations in the Town.

Industrial

- To maintain a consistent buffer between heavy industrial and residential sections of the community.
- To reclassify the area along Harrison Avenue, presently zoned for heavy industrial use, to light industrial.
- To rezone the South Kearny Industrial area into two distinct districts (i.e. SKM-1 and SKM-2) so as to create a better planned balance between pure trucking terminal uses and other uses.
- To encourage redevelopment in South Kearny which maximizes as built tax ratables and readjust a land use imbalance, which exists between the South Kearny area, which contains a dominance of trucking terminals.

Public

- To ensure the retention of Town owned parkland for public use.

Kearny Meadowlands

- To encourage planned, controlled growth within the Kearny Meadowlands.

Circulation Plan Element

The Bergen Avenue Extension which connects Bergen Avenue to Harrison Avenue was completed in 2006. This connection significantly improves one of the key east-west connections in Town as well as providing opportunities for additional connections between the Town and the Meadowlands.

- To maintain and improve the street and circulation system and provide access to all segments of the town, where feasible.
- To relieve the congested parking situation along Kearny Avenue, Midland Avenue and in neighborhood shopping areas.
- To improve the safety of pedestrian and vehicular traffic flows.
- To guide the location of regional highway facilities to avoid negative impacts to residents and the local economy.

Housing Plan Element

- To preserve and enhance the existing residential character of the Town through maintenance and conservation of its housing stock.
- To promote objectives for future residential development which are consistent with community goals.
- To provide for development of alternative housing resources and housing types in the Town to meet the needs of residents.

Utility Plan Element

- To pursue the improvement of the South Kearny sewage treatment system.
- To maintain and improve the storm drainage system serving Kearny.
- To maintain adequate water service to the Town.

Community Facilities Plan Element

- To maintain a high standard of community services in the Town of Kearny by improving and consolidating community facilities such that the Town is efficiently and adequately served.
- To insure that public education is provided in facilities, which are functionally adequate and structurally sound.

Recreation Plan Element

- To provide additional active and passive recreation areas in the Town and expand existing sites where feasible.
- To improve existing recreation areas to serve community residents efficiently and adequately.

Conservation Plan Element

- To preserve the environmental resources of the Town by:
 - Limiting development in environmentally sensitive areas.
 - Encouraging general landscaping and preservation of the Town's natural elements.
 - Promoting an attractive appearance for new development in Kearny.

2007 Goals and Objectives

The Town adopted a Strategic Vision Plan in 2007 which set forth updated goals and objectives based upon an extensive public outreach process. The following goals and objectives were adopted as a part of the Strategic Vision Plan and replace the goals and objectives identified in the 1991 Master Plan and 2002/2004 Reexamination Reports.

Goals

- Provide a balance of land uses in appropriate locations to preserve the character of the community, encourage economic development, increase parks and recreation facilities, accommodate community facilities and facilitate local and regional circulation.
- Preserve and protect the established residential character, provide for compatible infill residential development in appropriate locations and encourage a broad range of housing choices for residents.
- Encourage a balanced development pattern which will protect and enhance long term economic and social interests of present and future residents in order to maintain and improve the Town's overall quality of life.
- Encourage the development of a diversified economic base that generates employment growth, provides increased tax ratables, and increases income levels.
- Provide for the economic revitalization of the Town's commercial and industrial base.

- Utilize redevelopment as a tool for Kearny's revitalization.
- Improve and enhance connections throughout Town.
- Establish the Town as an attractive shopping/entertainment/recreation destination.
- Promote South Kearny as an intermodal business center.
- Promote the revitalization of the Kearny Avenue commercial corridor.
- Continue to improve and enhance the Town's transportation network.
- Capitalize on regional redevelopment efforts around Port Newark and within the Meadowlands, including investments in the regional transportation network and reclamation of contaminated sites.
- Enhance connections between the Town and the Meadowlands and between the Town's recreation areas.
- Develop strategies to ensure municipal participation regarding large-scale intergovernmental projects such as redevelopment within the Meadowlands and construction of the Portway.
- Encourage expansion of the public transit system, and promote walking and alternative modes of transportation.
- Maintain and upgrade the existing system of community facilities in order to provide a high level of public services and to accommodate growth as well as the changing needs of the population.
- Coordinate land uses with transportation investments to promote intermodal connections and encourage alternatives to driving such as mass transit and bicycle/pedestrian facilities.
- Preserve the existing system of parks and recreation facilities and ensure that there is a balance between the number of active and passive recreation facilities within the Town.
- Continue to promote and encourage sustainable design.
- Promote the Town's cultural diversity.
- Promote the history of Kearny as part of the Town's redevelopment and revitalization efforts.
- Continue to improve the quality of life for all residents within the Town.
- Improve the aesthetic appearance of the Town through a Town-wide "clean-up" initiative, a crackdown on littering, and the provision of more trash receptacles throughout Town.
- Increase the Town's tax base.

Objectives

Land Use Objectives

- Preserve and continue the promotion of a balanced variety of residential, commercial, public, recreation and conservation land uses.
- Maintain the established, primarily residential, character of the Town.
- Protect the Town's stable, diverse and attractive residential neighborhoods.
- Protect existing residential neighborhoods from infill development of incompatible structures that are out of scale with the predominant neighborhood pattern.
- Guide future development and/or redevelopment of land within Kearny so as to incorporate new construction without undue disruption of the established character of the Town.
- Continue to monitor and address the issue of residential conversions (i.e. one-family to two-family, two-family to three-family, etc.) in order to protect the established residential character of neighborhoods.
- Continue to review bulk and design standards in residential zones in order to effectively address the continuing issue of incompatible infill development. Revise bulk and design standards where necessary to ensure that new development is compatible with existing homes.
- Comprehensively revitalize the Kearny Avenue commercial corridor in order to establish the corridor as a retail destination.
- Establish a comprehensive parking strategy to address parking issues in commercial and residential areas.
- Preserve and enhance existing parks throughout the Town.
- Create attractive gateways at the principal and secondary entrances into the Town through upgraded land uses, streetscape improvements and signage.
- Continue to encourage new retail commercial and mixed-use developments consistent with the Town's redevelopment plans.
- Revise and update redevelopment plans as necessary.
- Continue to work with developers to implement redevelopment plans.
- Conserve and enhance the community's parklands and environmental resources.
- Develop a comprehensive revitalization plan for South Kearny to capitalize upon expansion of Port Newark, regional transportation improvements like

Portway and the consolidation of CSX, and the inclusion of portions of South Kearny within a Foreign Trade Zone.

- Identify and support specific initiatives to improve the functionality and appearance of industrial areas.
- Promote conservation and preservation through best management practices on new development that limit environmental impact on sensitive areas through buffers, siting, limiting impervious coverage and non-point source pollution from transportation uses.
- Provide an optimal system of community services and facilities.

Housing Objectives

- Preserve the character and stability of established residential neighborhoods.
- Maintain and improve the existing quality of housing.
- Encourage the continued development of a variety of housing ranging from affordable to middle income and market rate units.
- Explore the development of higher density transit-oriented housing in close proximity to the potential new station area on Bergen Avenue.
- Fully integrate affordable housing throughout the Town both within projects and geographically throughout Kearny.
- Meet the Town's affordable housing obligation in a manner that is compatible with the Town's other planning objectives.

Economic Objectives

- Focus economic activity in the Town's major economic centers, especially the redevelopment areas, Kearny Avenue, and South Kearny. Recognize the unique character of each area and promote development that will strengthen and reinforce niche markets.
- Pan for continued economic viability by strengthening the tax base through the encouragement of continued private investment and tax-producing uses, which are consistent with community needs, desires, and existing development.
- Encourage and promote economic development and revitalization through new investment, maintenance and reinvestment in existing commercial and industrial activities within the Town in areas suitable for such development.
- Capitalize on South Kearny's competitive advantages for economic development purposes such as its excellent road, rail, and water

transportation linkages, including direct access to the New Jersey Turnpike, Route 280 and the national freight network.

- Continue to partner with Port Authority of New York and New Jersey to promote the benefits of Foreign Trade Zone-status to businesses within South Kearny.
- Ensure that transportation, business and economic development retain a healthy relationship with the residential character of the Town.
- Continue to promote revitalization and improved aesthetic appearance within the Kearny Urban Enterprise Zone (KUEZ), particularly along the Kearny Avenue corridor.
- Ensure that KUEZ funds are used efficiently and productively to support existing businesses and attract new businesses within the KUEZ.
- Consider hiring a Director of Economic Development and possibly a Kearny Avenue "Main Street" Coordinator.

Circulation Objectives

- Promote and encourage the use of mass transit in order to alleviate congested circulation and parking conditions within Town.
- Work with NJ Transit on the prospective reactivation of the Kingsland Line and a potential new commuter rail station; more immediately, work with NJ Transit to improve bus access within Kearny and to points beyond (i.e. Harrison PATH Station.)
- Continue to coordinate with NJDOT to successfully implement the Portway project (Route 1&9 T).
- Work to successfully implement the construction of an access road within the Schuyler Avenue Redevelopment Area.
- Provide additional bicycle/pedestrian routes to promote and improve alternative circulation within the Town.
- Continue to evaluate and implement methods of providing adequate parking to serve existing development and proposed redevelopment.
- Improve the circulation system by incorporating the needs of pedestrians and bicyclists in addition to other modes (autos, trucks, buses and rail), including adapting existing infrastructure to better accommodate biking and walking.
- Reduce dependence on automobiles, especially for short trips within Town.
- Provide linkages between origins and destinations within Kearny and points beyond.

- Promote continued maintenance and improvement of existing streets.

Conservation Objectives

- Improve public access to the Passaic waterfront through successful implementation of the Passaic Avenue Redevelopment Plan; coordinate with adjacent municipalities (e.g. East Newark and North Arlington) to connect finished portions of the waterfront walkway.
- Protect and preserve environmentally sensitive natural features through sound planning and land use regulations.
- Encourage the remediation of contaminated sites to enhance the local environment, protect residents and return vacant sites to productive use.
- Work with the NJMC to remediate contaminated sites within the Kearny Meadowlands (i.e. Kearny Green Space Initiative).
- Protect waterways from pollution and retain, and maintain and restore the natural appearance of these areas.

Recreation Objectives

- Provide Kearny residents with outstanding active and passive recreation programs and facilities throughout the year.
- Preserve and enhance existing park and recreation facilities within Kearny.
- Work to establish a balance of active and passive open spaces and parks.
- Efficiently utilize and connect existing parks.
- Improve non-motorized access to parks.
- Acquire more open space.
- Seek to add new active recreation facilities wherever possible.
- Establish green linkages between existing Town recreational facilities and planned facilities.
- Coordinate with the County and NJMC to establish linkages between Town and County/Meadowlands facilities, and capitalize on planned projects such as the East Coast Greenway and the Meadows Path.
- Work with the Board of Education to maximize the use of school recreational and playground facilities, and to decrease blacktop and increase green space on school campuses.

Community Facilities, Utilities and Services Objectives

- Provide community services which address all demographic sectors of the population (e.g. schools, day care facilities, recreation facilities, senior centers).
- Provide an effective array of recreation and cultural programs and opportunities for all segments of the community.
- Explore potential locations for a new community center.
- Improve the existing utility infrastructure including public water, sanitary sewer and storm water facilities.
- Address known issues areas (i.e. flooding in Schuyler Avenue area).
- Plan for infrastructure improvements within the Passaic and Schuyler Avenue Redevelopment Areas.
- Take advantage of best available technology for sewage treatment and stormwater management.
- Expand library services provided to Town residents.

B. The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased Since 2004

The Town adopted a Strategic Vision Plan in October 2007. The purpose of the Plan is “to provide a framework for the coordination of key planning initiatives, to coordinate redevelopment and revitalization with economic growth, to coordinate the Town’s planning efforts with regional planning entities and State agencies, and to provide recommendations for enhancing existing connections and creating new connections.” The Strategic Vision Plan provides a unified, long-term and Town-wide strategic vision and plan that reinforces the continued implementation of Smart Growth principles in the Town.

This plan seeks to integrate the following planning initiatives.

- Open space redevelopment in the Meadowlands District.
- New, large-scale commercial opportunities in the adjacent Kearny Area Redevelopment Area (NJMC) and Schuyler Avenue Redevelopment Area (Kearny).
- Expansion and modernization of logistical/intermodal/industrial facilities supporting Port Newark/Elizabeth located in South Kearny and the Kearny Area Redevelopment Area, Belleville Turnpike Redevelopment Area (NJMC) and Schuyler Avenue Redevelopment Area.
- New open spaces created via redevelopment along the Passaic River and development of a publicly accessible Passaic River open space network running from North Arlington through Kearny to East Newark and Harrison.
- Ensuring connections between planned open space/recreation areas in the Meadowlands and the existing open space/recreational network in the Town.
- New mixed-use commercial, residential and entertainment development along Passaic Avenue in Kearny.
- Assessing transit connections to emerging development nodes and centers to replace the vacated Boonton line and the potential for rail service as identified in NJ Transit’s ARC plan for the new rail tube to be constructed for improved access into New York City.
- Preservation of established residential neighborhoods against incompatible infill development.

Identified Issues

The following were identified as key planning issues during the public outreach process:

- General
 - Need more ratables in town
 - Need more Town-wide events, and events that celebrate diversity of the Town
 - Kearny's history is an asset and needs to be emphasized
 - Kearny has old infrastructure – any new development should help deal with replacement of infrastructure
 - Museum on second floor of library – waning interest – needs rebuilding
 - Fire buildings need restoration and improvements
 - Underutilized public buildings – need for senior/community centers throughout the town
 - Library building needs improvements – needs more parking – only open weekdays and Saturday morning
 - Passaic redevelopment area needs to connect to residential area – have open space/access to the river
 - Passaic redevelopment needs good mixed use with open space/restaurants.

- Residential Areas
 - Getting too dense
 - Kearny is losing “hometown feel” - too many conversions (1 to 2 family, 2 to 3 family, etc.) - do not want to become more urban
 - Loss of single family homes – need to preserve residential neighborhoods
 - Need to recognize changing demographics
 - Lack of available parking

- Kearny Avenue
 - Concerns regarding appearance (façade appearance, trash on street)
 - Need for more niche retail, specialty shops, more restaurants
 - Too many nail salons, dollar stores, and Laundromats
 - Need to extend streetscape treatment to at least Belleville Turnpike
 - Need to make landlords responsible for the maintenance of stores
 - Need to make the existing façade grant program more user friendly
 - Need for large anchor stores – stores in town are very small

- South Kearny
 - Needs to capitalize on Foreign Trade Zone status
 - Concerns regarding appearance (i.e. trash on streets, trash in Franks Creek)
 - Need for more/better municipal services
 - Need to develop more, attract national retailers
 - Emergency access issues
 - Traffic issues – need for more public transportation
 - Need better enforcement (traffic, speeding, littering, etc.)

- Parks and Recreation
 - Need for more “greening” of the Town
 - Need more pocket parks
 - Need to make better, more active use of existing parks, e.g. active recreation for older youths in town
 - Not a need for any more tot lots
 - Capital improvements needed to parks throughout the town
 - Most parks in Kearny are seen as dead space – no more passive recreation needed
 - Town needs to be smarter with output of money for recreation improvement
 - Need for recreation center in town – possibly Bunny Hill
 - Schools need more green space, less blacktop
 - Possible rails to trails on the Newark and Boonton lines through Kearny
 - Need to preserve open space – Boystown/seminary
 - Walkway along river needs improvements
 - Bunny Hill Park – needs improvement – just open green space
 - Need public golf course
 - Arlington Players Club
 - Need to preserve it and open space around it
 - Club is “hidden” in a residential neighborhood – needs to be better promoted

- Schools
 - Need for new facilities – many schools are old and in need of repair
 - Classrooms are filled to maximum or more – no real room to expand facilities/classrooms
 - Have completed some rehabilitation work but more work needed

- Circulation
 - Bumper to bumper traffic on Belleville Turnpike
 - Town needs gateway improvements/wayfinding signage/interpretive signage
 - Fishhouse Road needs improvements – constant flooding
 - Flooding a serious problem near Barczewski Street. Army Corps of Engineers looking at this issue
 - Need for more public transit – train line would benefit town
 - Need bike/pedestrian improvement along Route 1& 9

The Passaic Avenue Redevelopment Plan, originally adopted in 2001, was amended in 2008 in order to address changing conditions. Subsequent to the Plan amendment, DVL was designated by the Town as Redeveloper of the existing K Mart Shopping Center and the adjacent Toch Park area. The Planning Board recently granted the redeveloper preliminary site plan approval.

There has also been significant interest in the Schuyler Avenue Redevelopment Area. The Redevelopment Plan was adopted in 2002. The potential reactivation of the Kingsland rail line is currently under discussion by NJ Transit as an operational improvement that will supplement the Access to the Region's Core (ARC) project. The Kingsland line runs parallel to Schuyler Avenue and forms part of the eastern boundary of the Redevelopment Area. The Town and representatives from NJ Transit have had preliminary discussion regarding the potential location of a new rail station on Bergen Avenue. NJ Transit, in coordination with the Town, is currently undertaking a Transit-Oriented Development (TOD) planning study to determine the feasibility of locating a station at Bergen Avenue and its impact on the surrounding area.

Originally a recommendation of the 1983 Master Plan, the Bergen Avenue extension was finally completed in June of 2006. After years of planning and engineering, the half mile extension was completed through Federal EDA funds as well as New Jersey Urban

Enterprise Zone funds. The \$3 million dollar project was successfully completed as the result of intergovernmental coordination (Town, County and New Jersey Meadowlands Commission), and was a key element in the planning and development of the Wal-Mart of Harrison Avenue. The extension connects two vital Hudson County roads (Schuyler Avenue and the Newark-Jersey City Turnpike) and is a key component of the implementation of the Schuyler Avenue Redevelopment Plan. Based upon the recommendations contained in the 2002 Reexamination Report, South Kearny has been rezoned in 2004 into two separate districts.

In 2004, the Town adopted Ordinance – (O) – 64, which established the SKI-N and SKI-S zones. The major distinction between the two zones is that the SKI-N allows trucking facilities while the SKI-S does not. Ordinance – (O) – 64 was upheld through legal challenge both at the law and appellate levels. In 2007 the Town amended the standards of the SKI-N and SKI-S zones (e.g., conditional uses, outdoor uses, landscaping), a change from maximum to minimum yard requirements, etc.)

South Kearny's key location near ports, rail, and highways will be further enhanced in the near future by significant projects such as Portway, a dedicated truck route that will facilitate the movement of containers between the ports and surrounding intermodal facilities; nationwide increases in port activity due to increased imports (particularly manufactured products from China); the dredging of Newark Bay to accommodate large container ships; the dissolution of Conrail into privately held CSX and Norfolk Southern; and the recent inclusion of portions of South Kearny into Foreign Trade Zone 49. Planned improvements and anticipated growth will generate increased demand for industrial-related uses (i.e. manufacturing, value added manufacturing and warehousing) as well as increased intermodal activity.

The Town of Kearny is one of a growing number of communities who have adopted "green" building ordinances. In its proactive efforts to become a more sustainable community, the Town of Kearny adopted a green building ordinance in June 2007, one of the first New Jersey communities to do so. Kearny's green building ordinance was developed in accordance with the LEED (Leadership in Energy and Environmental Design) green building rating system developed by the U.S. Green Building Council. The LEED rating system involves four levels of certification – Platinum, Gold, Silver, and Certified; each level is reached by obtaining points from the LEED rating system.

Kearny's green building ordinance includes the following key components:

- Requires that Town-funded facility projects and Town-owned facilities meet a minimum LEED "Silver" rating.
- Encourages all projects within Town to consider implementing LEED Rating System criteria.
- Provides density and floor area ratio incentives for projects within formally designated redevelopment areas which meet various LEED Rating system criteria.

Utilities

The Hudson County Comprehensive Brownsfield Redevelopment Plan provides a summary of brownfield redevelopment in Hudson County. The Plan uses an "Areawide" approach, or an approach that coordinates brownfield remediation with comprehensive reuse planning. The draft Plan includes case studies of three Hudson County municipalities, including Kearny.

The Town of Kearny has an aging infrastructure and a combined sewer system in portions of the Town. Together, these conditions create a number of problems, including significant flooding, water main breaks, inflated sewer treatment costs, potholes and settlement in roads and numerous heavy rainfall overflows into effluent water bodies. The Town is aware of these issues and continues to make improvements.

- The Town recently completed several sewer separation projects, including sewer separation along portions of Washington Avenue, Alpine Place, Tappan Street, Hoyt Street, Devon Terrace, Wilson Avenue, Devon Street, Davis Avenue, Marshall Street and a small portion of Passaic Avenue near the Shop Rite and near Washington Avenue.
- The Town recently completed combined sewer projects, which constructed netting chambers at the ends of the Stewart Avenue, Johnston Avenue, Nairn Avenue, and Ivy Street combined sewer outfalls. These netting chambers will reduce pollution into the effluent water bodies.
- Watermain and hydrant upgrades were recently completed on portions of King Street, Hickory Street, Schuyler Court, Seeley Avenue, the Arthur Jones Memorial

Bridge, Johnston Avenue, Highland Avenue Tappan Street and Hoyt Streets. Upcoming watermain improvements are scheduled for Davis Avenue, Bergen Avenue, Ivy Street and Magnolia Avenue.

- The Town's engineer is currently researching construction alternative solutions for water main improvements along portions of Central Avenue that will minimize any soil excavation.

Streetscape Improvements

The Town is continuing its streetscape improvement program on Kearny Avenue. The current phase (Phase 4) which is under construction is concentrated on the Kearny Avenue "Gateways." Phase 4 includes:

- Kearny Avenue from the Belleville Turnpike to Elizabeth Avenue
- Kearny Avenue from the Town Line to Woodland Avenue
- Kearny Avenue from Woodland Avenue to Hoyt Street

Once Phase 4 is completed, the final remaining portion of Kearny Avenue to receive streetscape improvements will be the section from Elizabeth Avenue south to Midland Avenue. There is currently no timetable for the implementation of the final phase of the streetscape program, although it is planned as a future project.

Parks and Recreation

- Skateboard Facility- the Town received NJDEP Green Acres approval for a skateboard facility to be constructed in Gunnel Oval south and east of the existing basketball court. The park has recently opened.
- Belgrove Drive Playground- Rehabilitation of the existing playground has recently been completed.

C. Significant Changes Impacting the Master Plan

Since the Town adopted its 2004 Reexamination Report, there have been several significant changes on the State, County and municipal levels affecting the assumptions, policies and objectives forming the basis of the Master Plan. These include the following:

2005 State Plan Cross Acceptance

The Town participated in the latest round of Cross Acceptance which was included in Hudson County's Cross Acceptance Report submitted to the Office of Smart Growth. The Cross-Acceptance Report indicates that the planning efforts of the Town are consistent with the goals and objectives of the preliminary Plan as well as the Policy Objectives of the Metropolitan Planning Area (PA1).

COAH

The Town adopted its most recent Housing Element and Fair Share Plan in October 2006. The Town subsequently filed the adopted Plan with the Council on Affordable Housing (COAH). COAH adopted new rules in May 2008 in response to the Appellate Division's January 2007 decision which remanded aspects of the original Third Round regulations for revised rulemaking. These adopted rules took effect June 2, 2008. Additionally, COAH proposed amendments in response to the comments about these adopted rules. These amendments are designed to remedy many of the issues identified during the comment period and were published June 16, 2008. COAH is requiring revised Housing and Fair Share Plans be submitted by December 31, 2008. As such, COAH is advising communities to begin planning now using the June 16, 2008⁷ rule amendments as a guide. It is recommended that the Town revise its 2006 Plan and consider submitting the revised Plan to COAH by the end of the year.

Kearny Strategic Vision Plan

In October 2007, the Planning Board adopted the Strategic Vision Plan as an amendment to the Master Plan. The Plan was prepared through a NJDCA Smart Growth grant that was awarded to the Town of Kearny. The Plan was the result of a consensus based process.

D. Recommended Changes for the Town's Master Plan and Land Development Regulations

Preserving Neighborhood Character

One of the key land use issues facing the Town in recent years has been maintaining the character of existing residential neighborhoods. The 2004 Master Plan Reexamination Report summarized the issue as follows: "In many stable, older suburbs such as Kearny, increased development pressure has manifested itself in the form of tear-downs of older homes and the construction of new homes that are out of scale and character with the existing neighborhoods." The teardown of older homes and construction of incompatible infill homes is an issue that the Town continues to address. In many cases, the incompatibility of infill homes relates to both the massing and design of the homes.

Kearny is a fully built-out community with established residential neighborhoods. As of the 2000 Census, the median age of housing in the Town was 1943, and 86 percent of the housing stock in Town was built prior to 1960. New construction is, for the most part, being built in accordance with applicable zone standards. However, issues arise due to the current trend of "maxing out" the development potential of lots (e.g. height, setbacks, lot coverage). Although the new homes meet zone standards, they appear out-of-scale with older, existing homes because, historically, people did not build the biggest house possible on a lot. The resulting "monster" homes look out of place and generally dwarf smaller, older existing dwellings. It is evident that there is now a mismatch between what the existing ordinance permits and what is appropriate from a planning perspective.

More recently, the issue of teardowns and incompatible infill housing has been occurring in certain R-2 zoned neighborhoods in Kearny. The R-2 zone permits single-family homes on minimum 3,500 square foot lots, and two-family homes on minimum 5,000 square foot lots (as well as multi-family affordable age-restricted housing on 10,000 square foot lots). In certain R-2 zoned areas which are predominantly single-family neighborhoods, single-family homes are being demolished and (provided the lot is large enough) replaced with new two-family homes that are out of scale and character with surrounding homes. A planning analysis was completed in order to identify areas within R-2 zones which were predominantly single-family on lots large enough for a two-family dwelling (5,000 square feet.) Following is a summary of the research process, analysis and recommendations. These recommendations were also detailed in the 2007 Strategic Vision Plan.

Process

1. Based on GIS and MODIV data, R-2 zoned areas with concentrations of lots large enough to develop with two-family dwellings were identified (residential lots 5,000 square feet or greater, as well as lots just below 5,000 square feet.) The analysis revealed 7 multi-block areas throughout the R-2 zone where there are concentrations of lots 4,500 square feet or greater. (See Map 1). Map 2 highlights only those lots greater than 4,500 square feet.
2. After identifying the potential 'problem' areas based on lot area, a map was generated showing the lot widths within the 7 identified areas. The lot width map (Map 3) was used to confirm that many of the lots within the identified areas were at least 50 feet in width, the minimum width for a two-family dwelling in the R-2 zone.
3. Records in the Town's Construction Code office were researched in order to determine whether the 7 identified areas were predominantly single-family or two-family areas. Based on the research, a map was produced which shows whether the properties within the identified areas contain one or two-family dwellings (Map 4).
4. Recent two-family constructions were reviewed – specifically, properties where single-family homes were recently demolished and new two-family homes were constructed. Research indicated 7 recent single-family teardowns/new two-family constructions within the identified areas of the R-2 zone. Five of the teardowns/new construction were on conforming lots and received permits. Two of the teardowns were on lots slightly smaller than 5,000 square feet, and those two applications received approval from the Zoning Board. Two other new two-family dwellings were constructed on conforming lots as the result of a subdivision granted by the Planning Board.
5. Field research was conducted in order to observe and photograph the recent two-family constructions and how they relate to surrounding development.

Analysis

- Research and mapping indicated that there are two R-2 zoned areas which are predominantly single-family *and* where the majority of lots are at least 5,000 square feet in size. The areas are located:
 - Along Hickory and Ivy Streets within a portion of "Area 6". (Area 6 is roughly bounded by Schuyler Avenue to the east, Franklin School to the south, Davis Avenue to the west, and Quincy Avenue to the north.)



(Residential Parcels in R-2 Zone)

Area in sf

- 3499 and under
- 3500 - 3999
- 4000 - 4499
- 4500 - 4999
- 5000 - 6999
- 7000 - 9999
- 10000 and above
- selected areas

1:16,000
 1 inch equals 1,333.33333 feet

 Data Source: MOD IV Data and Town Records

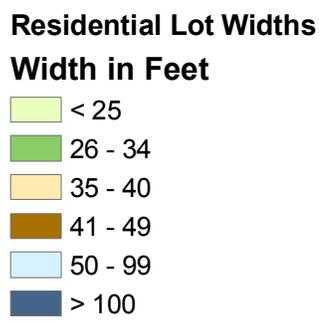
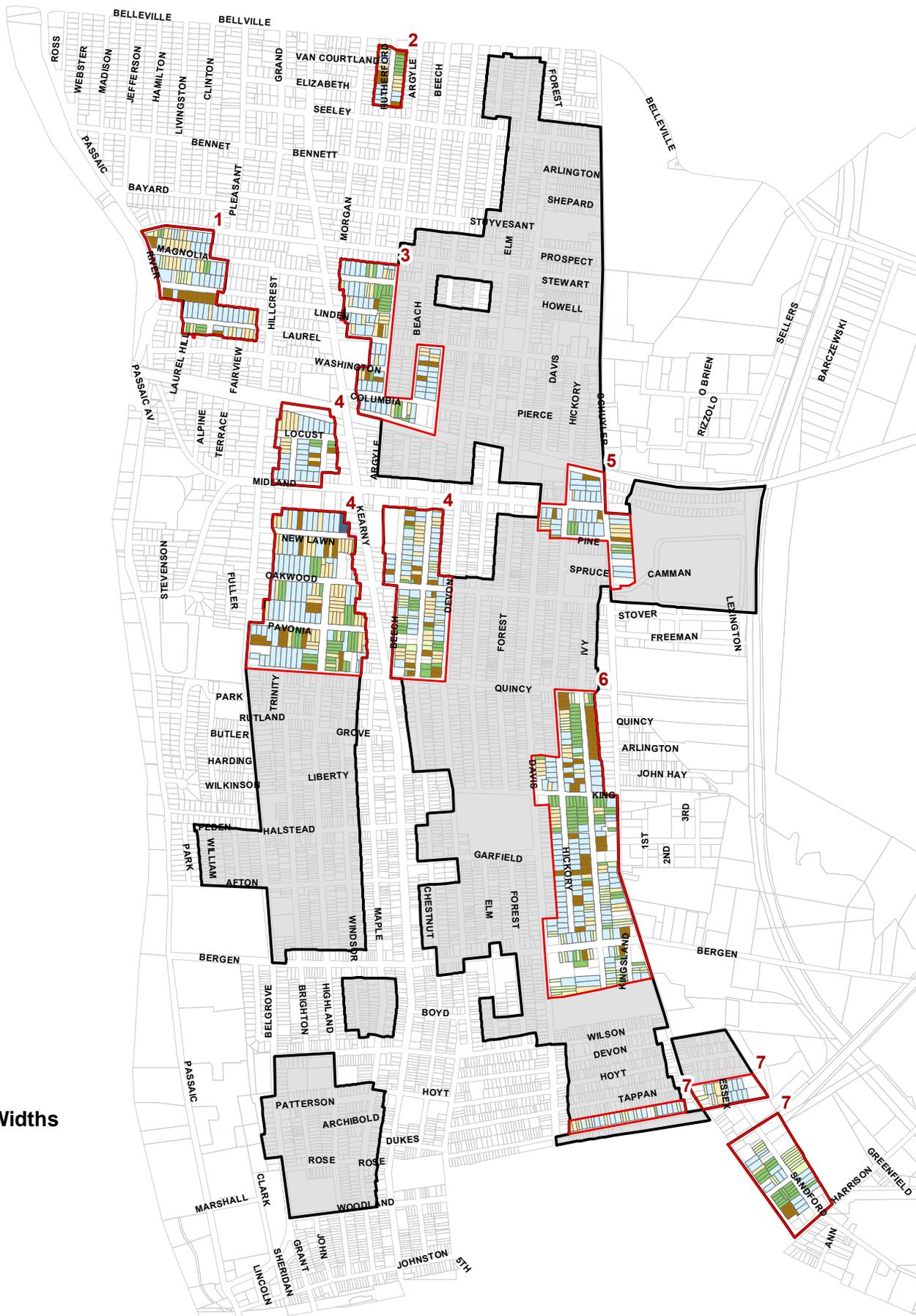
Map 1: Lot Sizes, Kearny
 Hudson County, New Jersey

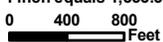


Residential Parcels in R-2 Zone
Area in sf
 4500 and above

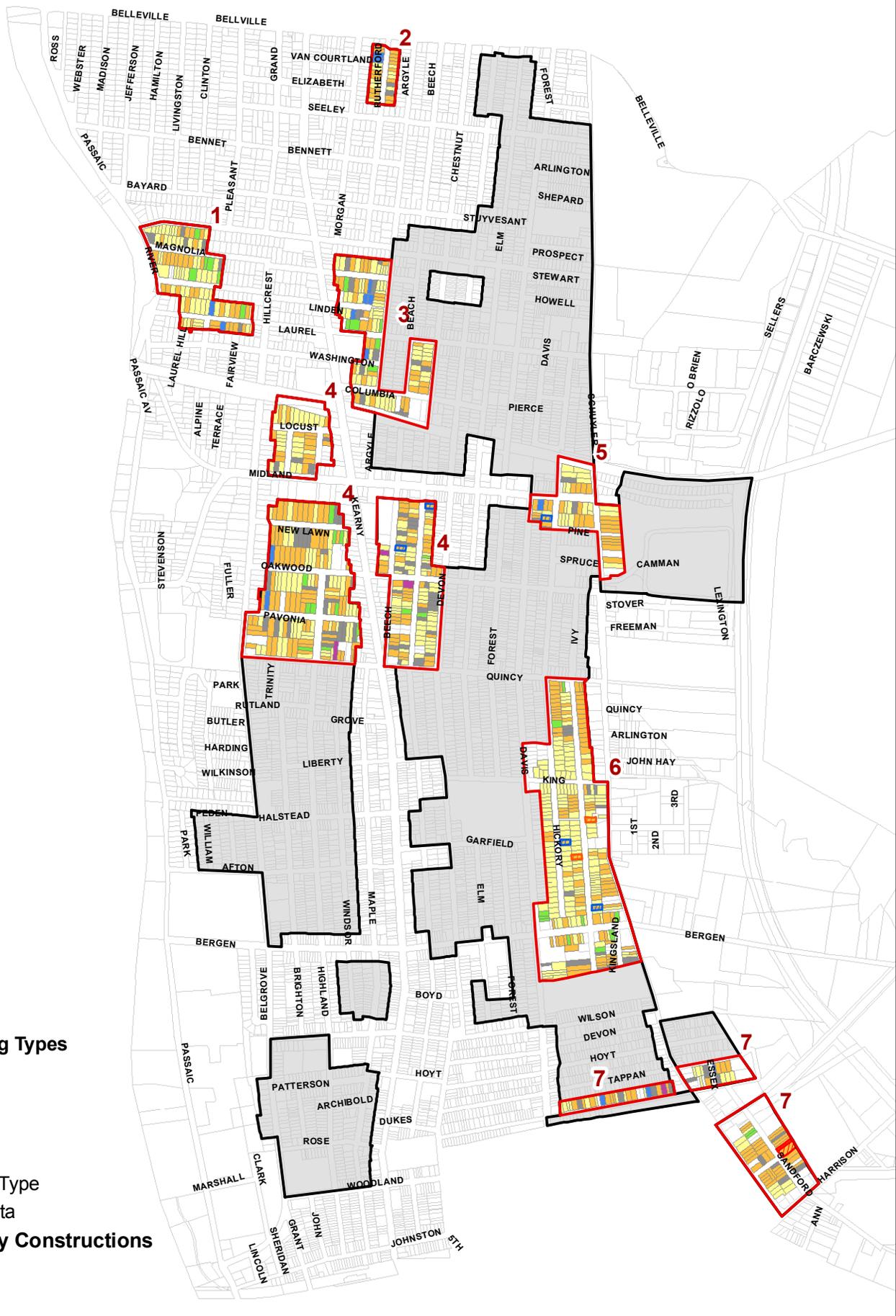
1:16,000
 1 inch equals 1,333.333333 feet
 0 400 800 Feet
 Data Source: MOD IV Data and Town Records

Map 2: Lots Greater Than 4,500 sft., Kearny
 Hudson County, New Jersey




 1:16,000
 1 inch equals 1,333.333333 feet

 0 400 800 Feet
 Data Source: MOD IV Data and Town Records

Map 3: Residential Lot Widths, Kearny
 Hudson County, New Jersey

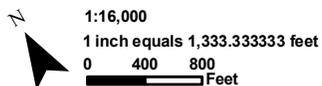


Residential Dwelling Types

- One Family
- Two Family
- Three Family
- Four Family
- More than One Type
- Unknown/NoData

Recent Two-Family Constructions

- Permit Issued
- ZBA Variance



Data Source: MOD IV Data and Town Records

Map 4: Residential Dwelling Types, Kearny

Hudson County, New Jersey

HEYER, GRUEL & ASSOCIATES
COMMUNITY PLANNING CONSULTANTS

June 2007

- Along Locust Avenue and Lafayette Place within a portion of "Area 4". (Area 4 is roughly bounded by Kearny Avenue to the east, Midland Avenue to the south, Belgrove Drive to the west, and the rail right-of-way to the north.)
- Research also showed that Area 6 is where the concentration of recent single-family teardowns and two-family construction has occurred. One of the new two-family homes is on a conforming lot on Hickory; there are three other new two-family homes on Ivy Street, one on a conforming lot where a permit was issued, and two on substandard lots where the Zoning Board granted variances.
- Field work revealed that, in addition to the basic issue of new two-family construction in predominantly single-family neighborhoods, the scale of the new two-family homes is a problem. As shown on the accompanying photos, many of the new two-family homes are out of scale and out of character with the surrounding single-family homes.

It is recommended that the Town revise its land development ordinance in order to address the trend of out-of-scale homes that is occurring in the R-1 and R-2 zones. In developed communities such as Kearny, the "incompatibility" issue must be addressed through the evaluation and refinement of several different bulk standards (e.g. building coverage, setbacks, height, how a "half" story is defined, and counting garages as a story). In order to appropriately balance maintaining neighborhood character with modest expansion/modernization/upgrading of homes that may be over 50 years old, it is recommended that the Town consider revising certain bulk standards to ensure that future infill development is appropriate, compatible, and contextually sensitive. The following recommendations recognize the established prevailing pattern of development in R-1 and R-2 neighborhoods. Recommendations include:

Recommendations Specific to the R-2 Zone

- Consider rezoning the following portions of the R-2 zone to R-1 One Family Residential:
 - *Area along Hickory Street and Ivy Street.*
 - *Area along Locust Avenue and Lafayette Place.*

The proposed R-1 areas are identified on the Proposed Rezoning Map (Map 5). The proposed R-1 areas are predominantly single-family and a large portion of the lots are 5,000 square feet. It is anticipated that rezoning the identified areas to R-1 will preserve the character of these predominantly single-family neighborhoods.

- Revise the definition of "Story, First" to count any above grade floor as a story including the garage space. The current maximum height in the R-2 district is 2.5

stories/35 feet. New construction has taken advantage of the fact that garages do not count as a story in one and two-family dwellings, and the result is massive-looking homes that are out of scale with surrounding residences. It is recognized that garages are important in Kearny due to the lack of availability of on-street parking. As such, it is not suggested that garages be eliminated, only that they be counted toward the overall story limitation (as they are in the R-1 Zone). Although this recommendation requires further review, it is anticipated that counting garages toward the story limitation would help to ensure that new construction is more compatible in scale with surrounding dwellings.

- Revise Section 38-5.8 "General Landscaping Requirements", section d "Front Yards in R-1 Residential Zones" to read "Front Yards in R-1 and R-2 Residential Zones." (This section of the ordinance requires a minimum of 70% of the front yard area to be landscaped, and prohibits trees located on street frontages to be removed to provide for driveway access.)

General Recommendations

- Reduce the maximum permitted height in the R1 and R2 zones from 35 feet to 33 feet.
- Revise the definition of "Story, Half" to read as follows: "That portion of the uppermost story with a floor to ceiling height of 5 feet or more, not exceed 50 percent of legally permitted lower floor. A minimum roof pitch of 5 on 12 is required." (Currently, the definition contains no relationship between the size of the half story and the floor below. The current definition also does not address roof pitch.)
- Increase side yard setbacks in the R-1 and R-2 zones, as follows:
 - On minimum 5,000 square foot lots: Minimum side yard setback of 8 feet on one side, 6 feet on the other side, and a combined minimum of 16 feet. (Town currently requires a minimum of 8 feet on one side and 4 feet on the other side.)
 - On minimum 3,500 square foot lots: Minimum side yard setback of 5 feet on both sides, with a minimum combined setback of 12 feet. (Town currently requires a minimum of 5 feet on one side and 4 feet on the other side.)
- Reduce maximum building coverage on minimum 5,000 square foot lot in R-1 and R-2 zones from 35% to 30%. (On these lots, building coverage should include the principal structure only, so that accessory structures such as detached structures are not counted toward the principal building coverage. In this way, an incentive is created to construct detached garages, which will assist in maintaining the streetscape.)

It is also recommended that new architectural design standards be established which will also help to ensure that new infill development is compatible in character and appearance with surrounding homes. Design standards could be established as part of a comprehensive revision of the Town's land development ordinance.

Based on how the above recommendations address the "incompatibility" issue, the Town may want to consider further refining the concept of using more of a neighborhood-based approach by doing an in-depth analysis of distinct neighborhood patterns.

As stated above, the incompatibility issue is primarily focused in R-1 and R-2 neighborhoods. However, in the future, the Town may wish to evaluate the bulk standards of the R-3 Zone if scale and compatibility become an issue in the R-3 Zone.

Strengthening the Kearny Avenue Central Business District

The primary commercial district within the Town of Kearny is located along Kearny Avenue, the entirety of which is located within the C-3 Community Business zone district; the Kearny Avenue corridor is also located within the Kearny Urban Enterprise Zone (KUEZ).

The Kearny Avenue commercial corridor has experienced many of the same challenges as other older central business districts and downtowns across the country over the last several decades. Changing consumer tastes toward national retailers and the development of big-box 'category killers' like Home Depot and Target with easy highway access and plentiful parking has left traditional downtown anchor stores such as hardware stores, 5 & 10's and smaller department stores unable to effectively compete. Kearny's downtown suffered an additional blow when the local factories began to close in the 1970's and reduced local buying power and municipal assets. This 'double punch' initiated a gradual cycle of disinvestment for downtown Kearny with businesses like dollar stores and nail salons replacing traditional anchors, and landlords deferring maintenance or making insufficient improvements.

Past KUEZ efforts promoting a clean, safe environment have provided the physical infrastructure necessary to support additional revitalization efforts. Increased police presence, regular street-cleaning, and streetscape improvements have improved the

appearance and atmosphere of the Kearny Avenue commercial corridor. While these efforts need to be continued and refined, future revitalization efforts will need to focus on economic development issues such as business development, marketing and promotion. These efforts are intended to create businesses, activities and events that will bring people to the Area.

An additional challenge in revitalizing the Kearny Avenue CBD is the availability of parking. There is a continuing shortage of on-street parking along Kearny Avenue, and a shortage of public parking facilities. The lack of available downtown parking presents another challenge to revitalization of the corridor, as potential patrons of downtown businesses may be more likely to instead patronize businesses, such as the new Wal-Mart, with plentiful parking and easy access. The lack of available on-street parking and traditional downtown layout (i.e. small lots with little to no on-site parking) also may serve as an impediment to prospective businesses owners, who may be reluctant to open a new business, such as a restaurant, knowing that they cannot provide the required parking on-site.

Kearny Avenue possesses many of the same opportunities for revitalization as has been demonstrated by hundreds of similar "Main Streets" across the country. While older downtowns cannot directly compete with large-scale regional shopping areas and big box outlet stores, they can thrive by providing an alternative. Large-scale shopping centers succeed by offering a consistent, predictable product. Increasingly, shoppers are seeking greater variety, diversity and authenticity in their shopping experience, and are discovering this experience in smaller downtowns.

Small business development in a downtown or "Main Street" environment begins with the establishment of a distinct identity and proceeds with the development of a business/activity mix to support this identity. Downtowns need to focus on creating a business mix that attracts local residents and is also able to draw destination visitors. West Hudson residents are underserved in many specialty dining and shopping opportunities and are forced to travel outside of the immediate area to experience them, such as dining in the Ironbound or Hoboken.

An additional consideration in the revitalization of Kearny Avenue is the addition of mixed-use buildings as a principal permitted use along select portions of the Kearny Avenue corridor. Mixed-use buildings are currently permitted as a conditional use within

the C-3 zone. Mixed-use development is a key component of any successful downtown. While certain key factors would have to be considered (e.g. parking), the concept of permitting and encouraging mixed-use development along Kearny Avenue, or portions of Kearny Avenue, could be an important factor in the revitalization of Kearny's central business district.

Finally, strategies to address parking issues in the CBD must be developed in order for the Kearny Avenue corridor to realize its full potential.

Kearny Avenue needs to capitalize on its inherent downtown character by being revitalized as a 21st century, mixed-use "Main Street" with smaller, niche businesses serving the local community and destination customers. The key to competing with regional malls and power centers is to offer a completely different shopping experience. The scale of regional malls precludes smaller boutique shops, restaurants and entertainment venues. Nevertheless, there is a strong demand for these businesses. This Plan recommends identifying specific types of these businesses and developing specific strategies to attract and develop them. Overall recommendations include:

- Establish a Kearny Avenue "Main Street" Coordinator whose responsibility is to coordinate small business development in the Area. Small business development involves a specific set of skills to be effective. An ideal candidate will possess a firm grasp of real estate, finance and marketing. The "Main Street" Coordinator would work closely with the Director of Economic Development, another position recommended by this Plan to be established in Kearny.
- Develop a Kearny Avenue small business development plan that identifies core businesses to build around, and targets clusters of complementary businesses to attract or grow.
- Develop a diversified series of smaller specialty stores, entertainment uses, and restaurants. Create specific niche cluster activities that serve the immediate population as well as destination shoppers. For instance, the northern section of Kearny Avenue could be developed with clusters of small, ethnic BYOB restaurants and feature outdoor dining where sidewalks are wide enough.

- Develop businesses and services directed to fill underserved specialty regional markets. While mass marketers continue to hold a large percentage of market share, there is an increasing demand for more diverse specialty goods and services.
- Retain and improve existing businesses. It is easier to keep existing businesses than to attract new ones. Many local businesses require improved business skills and financial resources to improve their businesses.
- Further enhance an attractive/functional physical environment conducive to shopping. Malls succeed because they promote a clean, safe, convenient and vibrant shopping experience in contrast to many disinvested downtowns.
- Capitalize on regional redevelopment and changing demographics. The entire northern New Jersey region is undergoing redevelopment on a massive scale as it transitions toward a post-industrial economy and land use pattern. Older industrial centers like Harrison and Jersey City are being redeveloped as mixed-use communities with thousands of new residents. As these prime areas become redeveloped, adjacent communities like Kearny are becoming more desirable living and shopping areas. Additionally, the region has experienced a significant influx of new residents, particularly of Latin descent. This is also a relatively underserved population.
- Investigate amending the C-3 zone to permit mixed-use buildings, or establishing a new or overlay district that would permit mixed-use buildings along the core area of Kearny Avenue.
- Consider removing single and two-family dwellings as permitted uses in the C-3 zone.
- Develop a comprehensive parking strategy to maximize parking opportunities along Kearny Avenue.
- Establish job training business development skill workshops and provide start-up grants to assist local residents in creating businesses for specific types of

businesses. Partner with Hudson County Community College in restaurant development.

- Continue Kearny Avenue streetscape improvements.
- Establish focal points and gateways.
- Add wayfinding signage to assist visitors in locating attractions and parking.
- Develop and implement stronger design standards to improve the appearance of facades along Kearny Avenue and to complement KUEZ existing façade improvement efforts. Provide additional technical and financial resources to implement them.
- Evaluate whether current enforcement efforts are sufficient to address the upgrade of the business district.
- Study and improve the Façade Grant Program process to make it more user-friendly.
- Provide display guidelines as well as providing businesses technical and financial resources to implement them.
- Explore public spaces for programmed events.
- Continue promotional events.
- Consider implementing a Town-wide “cleanup” initiative to ensure a clean, safe environment.

The Kearny Enterprise Zone Development Corporation (KEZDC), management entity of the Kearny Urban Enterprise Zone, administers several programs including a Façade Grant Program, Loan Program, and Marketing Program. It is recommended that the KEZDC continue to administer these programs and that, as noted above, that the process for obtaining a façade grant be reviewed in order make it more “user-friendly”.

Continued and increased KEZDC involvement will help to increase and improve the quantity and quality of businesses within Kearny's UEZ.

Design Guidelines

Currently, the Kearny land development ordinance does not contain design standards. It is recommended that the Town, as part of a comprehensive ordinance revision, establish strong design standards in order to help ensure that new development and redevelopment in Kearny be contextually and historically sensitive. It is recommended that the Town establish a set of general design standards that would apply throughout the Town and a set of more specific standards that would be applied in commercial districts.

General design standards should include:

- Architecture (facades, rooflines, materials etc.)
- Landscaping and buffering
- Circulation
- Lighting
- Signage

Commercial district design standards should include:

- Facades
- Storefronts and street level facades
- Entrances
- Materials
- Color
- Windows
- Lighting
- Awnings
- Displays
- Landscaping
- Signage

Comprehensive Ordinance Revision

Kearny's land development ordinance has not been comprehensively revised for many years. It is recommended that the Town ordinance be revised to incorporate the many ordinances which have been adopted over the years, to eliminate cross-referencing,

and to clarify and/or specify other portions of the ordinance where appropriate. The following are also specifically recommended:

- Building on the generalized design guidelines above, establish new design standards (general, residential, and commercial) which will assure that new development in Kearny is contextually and historically sensitive. Strong design standards can help to improve the appearance of storefronts along Kearny Avenue, and can help to ensure that new residential infill development is in keeping with the character of the existing neighborhood.
- Uses within the two C-4 General Commercial zones on the west side of Schuyler Avenue should be evaluated in light of continuing redevelopment efforts in the Schuyler Avenue area. These C-4 zones should be studied in more detail determine whether the “redevelopment” of Schuyler Avenue should continue to include industrial-type uses.

Green Building

It is recommended that the Town monitor state and federal legislation regarding the development of green buildings. Further, the Town should consider incentives and other measures to promote sustainability for the purpose of reducing energy consumption, conserving resources and maximizing the generation of energy from renewable sources. For example, it is recommended that the Town should consider incentives to promote sustainable planning and design, and sustainable construction and maintenance of buildings, including but not limited to fee waivers, expedited reviews, and density bonuses.

E. Recommendations of the Planning Board Concerning the Incorporation of Redevelopment Plans into the Land Use Element of the Master Plan

The Town has utilized State Redevelopment Statutes in the designation of the Passaic Avenue, Schuyler Avenue Redevelopment Areas. The New Jersey Meadowlands Commission has designated the Belleville Turnpike Redevelopment Area and Kearny Redevelopment Area in the portion of Town under its jurisdiction.

It is recommended that the Schuyler Avenue Redevelopment Plan be reviewed and revised, where appropriate, to reflect changing circumstances such as the potential reaction of the rail station in the vicinity of Bergen Avenue. It is not recommended that any new Redevelopment Areas be investigated or created at this time. However, the recommendation from the 2002 and 2004 Reexamination Reports to review the South Kearny Area as a potential Area in Need of Rehabilitation remains valid.