

**TO:** Town of Harrison, Planning Board

**CC:** Michael Pichowicz, Esq  
Mary Gaines, Planning Board Secretary

**FROM:** M. McKinley Mertz, PP, AICP, LEED Green Associate  
Susan S. Gruel, PP

**RE:** Amended Consistency Memo  
Ordinance 1434: An Ordinance Adopting Amendments to the Redevelopment Plan for the Vo-Toys Redevelopment Area

**DATE:** March 23, 2021 – reissued

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The Planning Board has received a copy of **Ordinance 1434** of the Town of Harrison that proposes amendments to the Vo-Toys Redevelopment Plan. The Ordinance was introduced at the Town Council's March 2, 2021 meeting and discussed in further detail at the March 16, 2021 Council meeting.

**Requirements Pursuant to the Municipal Land Use Law (MLUL)**

Pursuant to N.J.S.A. 40:55D-64, prior to the hearing on adoption of a zoning ordinance or amendment, the governing body shall refer the proposed ordinance/amendment to the Planning Board to review for consistency with the municipality's Master Plan.

Pursuant to N.J.S.A. 40:55D-26a, prior to the adoption of a development regulation, revision, or amendment, the Planning Board shall review said revision or amendment and provide a report to the governing body reviewing the revision or amendment for consistency with the Master Plan. The report shall identify any provisions that are inconsistent with the Master Plan and provide recommendations concerning these inconsistencies and any other matters the Board deems appropriate.

The Municipal Land Use Law requires that every zoning ordinance must "either be substantially consistent with the land use plan element and the housing plan element of the master plan, or designed to effectuate such plan element." (N.J.S.A 40:55D-62a). In *Manalapan Realty v. Township Committee*, the Court determined that some inconsistency is permitted "provided it does not substantially or materially undermine or distort the basic provisions and objectives of the Master Plan." (140 N.J. 366, 384 (1995)).

The Town of Harrison's Planning Board adopted a Master Plan Reexamination Report on December 14, 2017 and a second Master Plan Reexamination Report November 10, 2020. The most recent Housing Element and Fair Share Plan ("2020 HEFSP") was adopted on May 11, 2020. The 2020 HEFSP effectuates the executed amended settlement agreement between the Town and Fair Share Housing Center and is a component of the Town's efforts to address its constitutional obligation to provide for its fair share of very low-, low-, and moderate-income housing.

### History of the Vo-Toys/RCA Redevelopment Area

- The Vo-Toys Redevelopment Area (also referred to as the RCA Redevelopment Area) was originally designated as an area in need of redevelopment pursuant to the statutory criteria found in the Local Redevelopment and Land Use Law (N.J.S.A. 40A:12A-1 et seq.) by the Mayor and Council on July 17, 2012. As a reminder to the Board, the Vo-Toys Redevelopment Area is completely different and separate from the Waterfront Redevelopment Area, and encompasses Block 156 Lot 1 and Block 131 Lot 17:



- The Redevelopment Plan for the Area was originally adopted on April 6, 2012 and amended June 25, 2014. A Redevelopment Agreement between the Redeveloper and the Harrison Redevelopment Agency was originally executed on October 9, 2013.
- The site received preliminary and final site plan approval from the Planning Board in 2013 and amended site plan approvals in 2015. The final 2015 approval (Case No. 13-05(b)) included the following:
  - Block 156 Lot 1:
    - 345 residential units
    - Reuse of the existing structures on Block 156 Lot 1:

- Building A, along the Sussex Street frontage, was approved with a +/- 35-foot addition on top of the three existing stories, to create a total height of +/- 84 feet from the Sussex Street sidewalk. A 5-foot stepback was proposed at the addition.
- Building B, at the southeast corner of the block at the intersection of S. 6<sup>th</sup> Street and Bergen Street, was approved with a +/- 25-foot addition on top of the three existing stories, to create a total building height of +/- 78 from the Bergen Street sidewalk. A 5-foot stepback was proposed at the addition.
- Building C, at the southwest corner of the block at the intersection of S. 5<sup>th</sup> Street and Bergen Street, was approved to maintain its existing three stories, for a total height of +/- 50 feet from the Bergen Street sidewalk.
  - Block 131 Lot 17:
    - A 5-story 279-parking space structured garage was approved.
- Significant environmental issues were later discovered in the Area that prohibited the development from moving forward as approved. The Redeveloper and the Environmental Protection Agency entered into discussions and negotiations, and additional investigation of the site occurred. It was ultimately determined that the three existing buildings on Block 156 could not be adaptively reused for any use and required demolition followed by site remediation.
- An Amended and Restated Redevelopment Agreement was executed by the Redeveloper (BRG) and the Harrison Redevelopment Agency on March 9, 2020 that permitted the demolition of the existing buildings and the construction of a new building consisting of up to 525 residential units, ground floor commercial space, and associated parking.

#### **Summary of Ordinance 1434**

- The Amended Redevelopment Plan includes two land use districts: the Mixed-Use District on Block 156; and the Flex District, on Block 131.
- The Mixed-Use District (Block 156) allows for residential and retail/commercial development. The building is permitted to be 9 stories (+/- 101 feet) on the Sussex Street frontage and 8 stories (+/- 91 feet) on the Bergen Street frontage. The ground floor consists of residential amenity/retail or commercial space as well as structured parking, the second floor consists of structured parking, and the upper floors consist of residential dwelling units. In summary, there are 2 levels of parking,

7 stories of residential on the Sussex Street side and 6 levels of residential on the Bergen Street side. Residential amenity space is provided on the rooftop of the Bergen Street frontage.

- Comparison from 2015 approval:

	<b>2015 Approval</b>	<b>2021 Plan Permits</b>
Building Height Sussex Street Frontage Bergen Street Frontage	+/- 83 feet +/- 75 feet	+/- 101 +/- 91 feet
Number of Units	345	525
Number of Parking Spaces on Block 156	66 garage spaces. The additional required parking was proposed to be provided on the other site in a parking deck.	416 garage spaces. The additional required parking is proposed to be provided on the other site in a parking deck.

- The Flex District (Block 131) allows for a variety of non-residential uses, including retail, restaurants, offices, recreational uses, and structured parking within a maximum building height of 7 stories.

- Comparison from 2015 approval:

	<b>2015 Approval</b>	<b>2021 Plan Permits</b>
Building Height	5 stories	7 stories
Number of Parking Spaces on Block 131	279 garage spaces	78 spaces to support Block 156

- The Plan allows for cellular/wireless communication towers on the rooftop of any building with a maximum antenna height not to exceed 10 feet above the roof. Antenna shall be designed, located, and screened to blend with and into the surrounding architecture and design so as to eliminate, to the maximum extent practical, adverse visual impacts.
- The Plan also provides design guidelines, sustainability standards, and safety recommendations for post COVID living. A concept plan for the Mixed-Use District is included as a component of the Plan and is attached to the RDA. For your information, the Concept Plan is attached at the end of this memo.

## **Master Plan Considerations**

The most recent 2020 Master Plan Reexamination Report sets forth the following goals, objectives, and recommendations that are relevant to Ordinance 1434:

### *Land Use Objectives:*

- Encourage a balanced development pattern, which will preserve and improve the character of the community, protect and enhance long term economic and social interests of present and future residents, and enhance the Town's overall quality of life.
- Respond to regional development trends, residential as well as industrial and commercial, in a manner responsive to the community's well-being.
- Ensure that future development is aesthetically pleasing and is compatible with and/or enhances the character of the area.

### *Circulation and Parking Objectives:*

- Provide a supply of parking that meets the needs of, and is convenient to, the Town's commercial and residential areas.

### *Housing Objectives:*

- Preserve the character and stability of established residential neighborhoods.
- Maintain and improve the existing quality of housing.

## **Consistency Analysis**

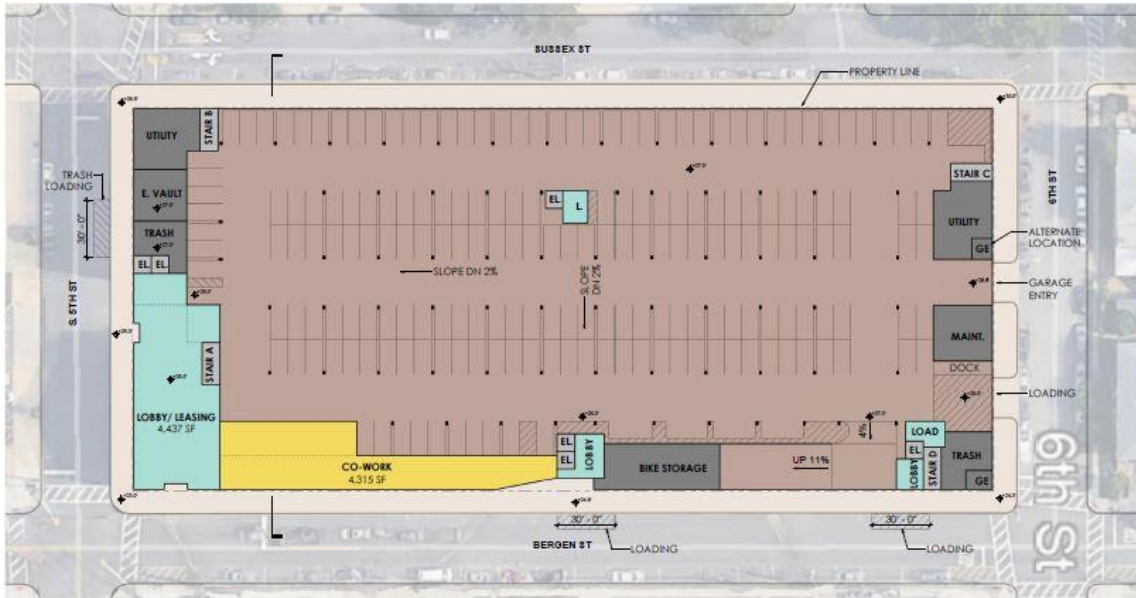
There is some concern as to the height permitted in the Amended Redevelopment Plan for the Mixed-Use District, specifically relating to the portion of the building that fronts on Sussex Street. Across the street from the Redevelopment Area is two-family zoning developed with two-family dwellings. These units will now be across the street from a 9-story, 101-foot building. We recommend exploring options to mitigate the height, specifically on this side of the building. Such options could include shifting the 9<sup>th</sup> story massing to the Bergen Street frontage and providing an 8- to 10-foot step back at the upper floors on the Sussex Street frontage.

Ordinance 1434 is not inconsistent with the 2020 HEFSP as it does not undermine any of the recommendations, each of which include provisions for affordable housing within certain sections of the Town that are not within the Redevelopment Area.



**Concept Plan Prepared by Minno Wasko and Included in Redevelopment Plan and RDA**

*First Floor:*



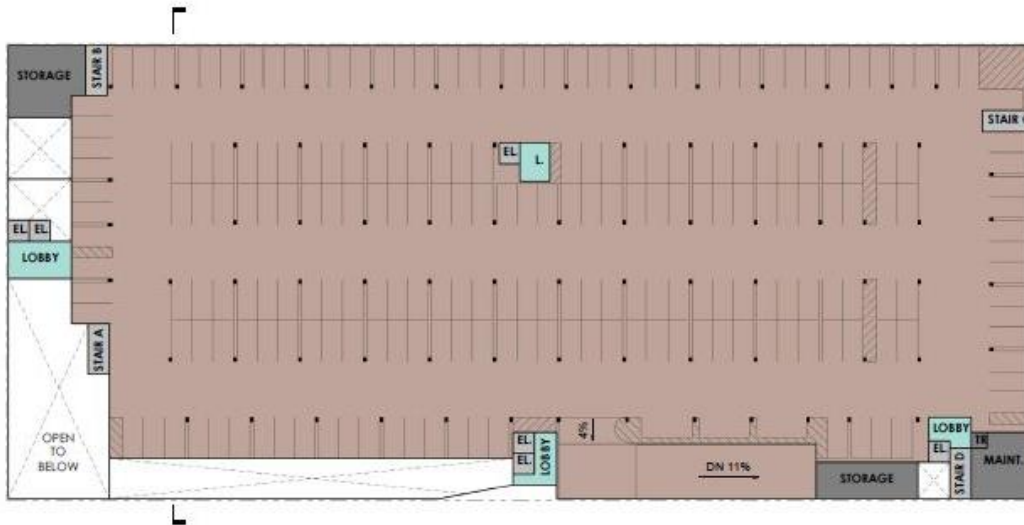
1ST FLOOR PLAN  
 SCALE: 1" = 20'-0"

PARKING STALL TYPE	COUNT	PARKING STALL TYPE	COUNT
<b>FIRST FLOOR</b>			
ADA STALL	5	ADA STALL	4
PARALLEL STALL	4	PARALLEL STALL	3
STANDARD STALL	185	STANDARD STALL	215
	194		222
<b>TOTAL</b>		<b>TOTAL</b>	416

520 UNITS TOTAL  
 494 TOTAL PARKING SPACES REQUIRED W/ 5% WAIVER  
 78 SPACES PROVIDED OFF-SITE

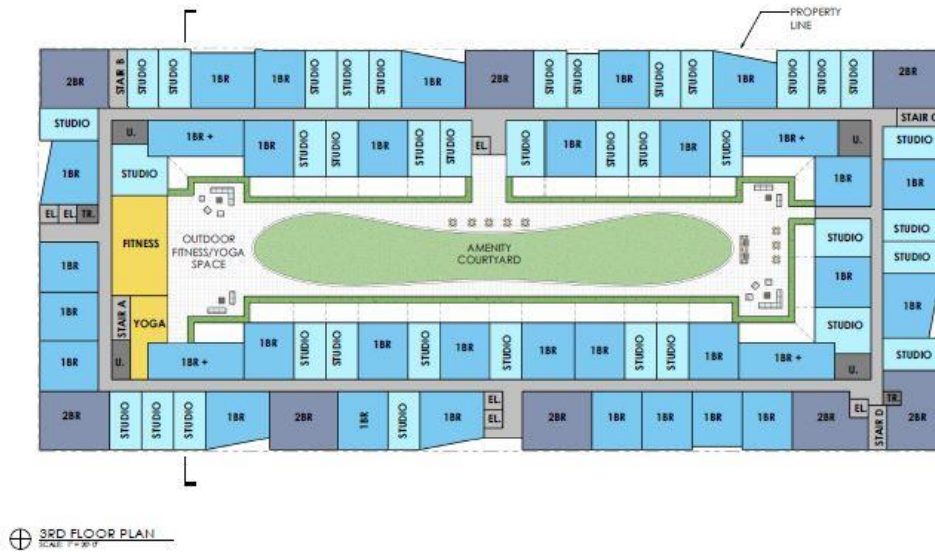
A-101  
 1ST FLOOR PLAN  
DATE: 11/18/2016

*Second Floor:*



2ND FLOOR PLAN  
 SCALE: 1" = 20'-0"

Third Floor:

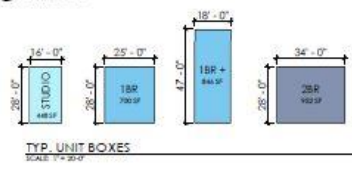
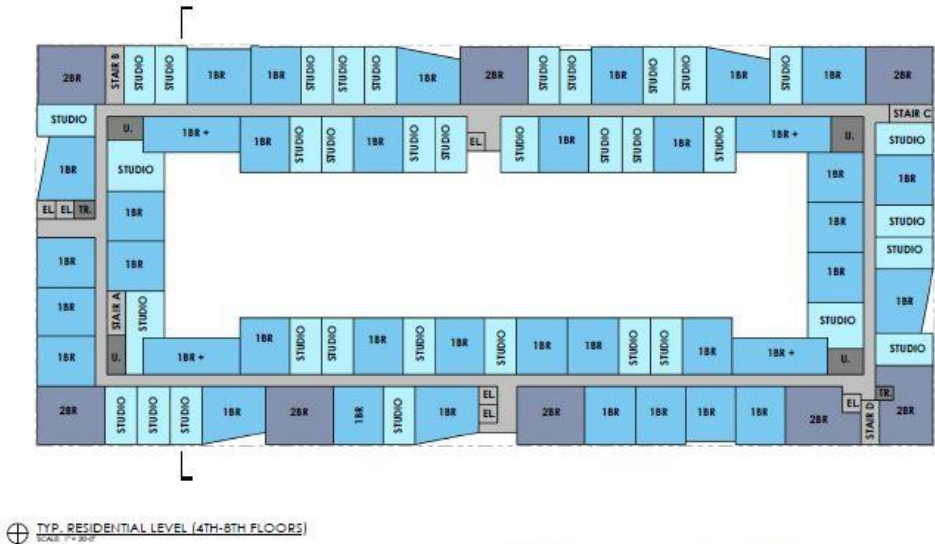


PROGRAM	AREA	RATIO
AMENITY	10,384 SF	2.4%
COMMON	80,124 SF	18.6%
RENTABLE STORAGE	1,737 SF	0.4%
RESIDENTIAL	338,438 SF	78.6%
TOTAL	430,682 SF	

**RESIDENTIAL PROGRAM:**  
 INCLUDES POLYMER FINISH OF EXTERIOR (E.D.) WALL, CORRIDOR FINISH OF CORRIDOR WALL, STAIRWELL FINISH, STAIRWELL FINISH, WALK-IN CLOSET.  
**COMMON PROGRAM AREA:**  
 INCLUDES CORRIDOR, STAIR, ELEVATOR, LOBBY, AND MECHANICAL ROOMS.  
**RENTABLE STORAGE:**  
 BASED ON SPECIFIC SQUARE FOOTAGE BASED ON GROSS BUILDING SQUARE FOOTAGE.  
 STORAGE IS RESIDENTIAL, AMENITY, OFFICE, AND BICYCLE STORAGE.

A-103  
 3RD FLOOR PLAN  
 DATE: 11/18/2020

Upper Floors:

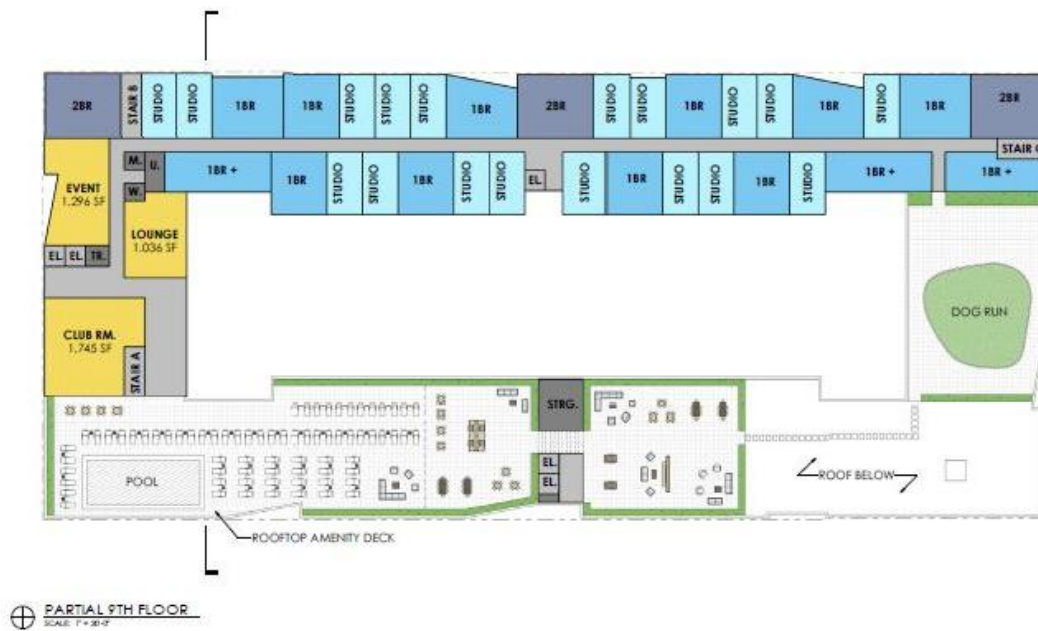


PROJECT UNIT MIX		
UNIT TYPE	COUNT	UNIT MIX
1BR	210	40%
1BR +	27	5%
2BR	33	10%
STUDIO	233	45%
TOTAL	503	100%

PROJECT UNIT COUNT BY LEVEL	
LEVEL	COUNT
3RD FLOOR	80
4TH FLOOR	83
5TH FLOOR	83
6TH FLOOR	83
7TH FLOOR	83
8TH FLOOR	78
9TH FLOOR	34
TOTAL	520

A-104  
 TYP. RESIDENTIAL PLAN  
 DATE: 11/18/2020

*Partial 9<sup>th</sup> Floor and Rooftop:*



*Building and Site Section:*

