

TOWN OF HARRISON

COUNTY OF HUDSON

ORDINANCE NO. 1362

AN ORDINANCE OF THE TOWN OF HARRISON, COUNTY OF HUDSON, STATE OF NEW JERSEY ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE WATERFRONT REDEVELOPMENT AREA

WHEREAS, the Mayor and Council of the Town of Harrison (“Town”) desires to adopt amendments to the Waterfront Redevelopment Plan prepared by Heyer, Gruel, & Associates PA; and

WHEREAS, the Town previously established a Redevelopment Area, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et. seq.), which area is commonly referred to as the “Waterfront Redevelopment Area”; and

WHEREAS, a Redevelopment Plan for the redevelopment area entitled Harrison Waterfront Redevelopment Plan was prepared by Heyer, Gruel, & Associates and adopted by Ordinance Number 1077 on July 23, 2003; and

WHEREAS, an Amended Redevelopment Plan for the redevelopment area entitled Amended Harrison Waterfront Redevelopment Plan 2012 was prepared by Heyer, Gruel, & Associates and adopted by Ordinance Number 1262 on April 24, 2012; and

WHEREAS, since the adoption of the Amended Redevelopment Plan (hereinafter the “Plan”), several supplemental amendments have been adopted via Ordinance Numbers 1302, 1304, 1313, 1319, and 1326; and

WHEREAS, since the adoption of the Plan and the supplemental amendments, there have been changes in conditions and circumstances; and

WHEREAS, due to the changes, it is necessary to further amend the Plan; and

WHEREAS, the amendments will not compromise the core principles and goals of the Plan; and

WHEREAS, these changes are necessary to execute the Plan; and

WHEREAS, these changed conditions relate to the Land Use Plan; and

WHEREAS, the changes in conditions and circumstance relate to the expansion of wireless communication facilities within the Town and a need for standards relating to such facilities.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Harrison that the Land Use Plan shall be amended and supplemented to include provisions for wireless communication equipment to read as follows:

“Cellular/Wireless Communication Towers, Antennas, and Associated Facilities and Devices (herein after collectively referred to as “wireless communication facilities”).

The Redevelopment Plan acknowledges the inherent benefits that can be derived from the construction and operation of wireless communication facilities and acknowledges that certain state and/or federal laws and /or regulations specifically address such antennas and towers on which they are located. The purpose of this section is to provide sound land use policies, procedures, and regulations for the location and placement of wireless communication towers and antennas in order to protect the community from visual and other adverse impacts.

General Standards

- a. Wireless communication facilities shall be permitted on the rooftop or flush against the exterior building wall of hotel uses within the Redevelopment Area.
- b. Any equipment shelter associated with the wireless communication facilities shall be located internally within the building or on the rooftop.

- c. Wireless communication facilities are required to be structurally sound and not create any hazards to the general public.
- d. Wireless communication facilities 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 through the use of color, camouflaging, architectural treatment, and other means.
- e. Antennas must be spaced and positioned in such a way as to not interfere with the buildings architecture or design features.
- f. All wiring and/or cable tray devices must be positioned in a way that is not visible to the public.
- g. The maximum height of an antenna on an existing structure is 10 feet above the roof of the building to which it is attached.
- h. Operators of wireless communication facilities shall notify the Town when the use of such equipment is discontinued. Antennas that are not in use for wireless communication purposes for 6 months shall be removed by the provider at its cost. This removal shall occur within 90 days of the end of such 6-month period.

Site Plan Application Requirements

- a. The applicant must submit a report from a qualified expert certifying that the wireless communication facilities comply with the latest structural and wind loading requirements as set forth in the International Building Code and the Electronic Industries Association (EIA) and for the Telecommunication Industry Association (TIA), as it may include a description of the number and type of antennas any proposed tower is designed to accommodate.
- b. The applicant shall provide a certified statement from a qualified expert indicating the projected effective radiated power of all transmitted signals, and the probable radiation pattern with an analysis of any potential reception interference by electronic receiving devices. This statement must attest to the project's compliance with all Federal and State requirements for human and animal exposure to radio frequency emissions.
- c. The applicant must provide evidence that there is an existing gap in service that can only be closed by the installation of a new or additional antenna at the proposed location.
- d. The applicant must provide a report illustrating all existing and proposed wireless communication facilities in the Town, any such antennas or towers in the abutting towns within 2 miles of the proposed location that provide service to areas within the Town, and any changes known to the applicant to be proposed within the following twelve-month period, including the discontinuance or relation of existing antennas or towers.
- e. The applicant must provide photographic simulations of the site showing all public rights-of-way of the site as it would appear with the proposed equipment.
- f. Every modification to wireless communication antennas shall be subject to site plan review and approval unless exempted by federal regulation. A modification constitutes an increase in the number or size of wireless communication antennas or an alteration in the placement of wireless communication antennas in such a manner as to increase their visibility in any way.

BE IT FURTHER ORDAINED by the Mayor and Town Council of the Town of Harrison that Hotel District shall be amended to include the following Principal Permitted Uses:

Principal Permitted Uses:

- Hotels (minimum of 110 rooms)
- Retail
- Sales and Services
- Restaurants
- Public Spaces
- Health Clubs
- Wireless Communication Facilities
- No drive-thru uses shall be permitted

BE IT FURTHER ORDAINED that all prior Ordinances which are inconsistent with the provisions of this Ordinance, as well as any prior versions of the above referenced Maps or Zoning Map, are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon final passage and publication as required by law.

/s/ James P. Doran
 Councilman James P. Doran

Introduced: 03-06-2018

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council held on March 6, 2018, the foregoing Ordinance passed on first reading.

Paul J. Zarbetski
 Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO			X			
A. MILLAN			X			
F. NASCIMENTO			X			
E. VILLALTA			X			
J. FIFE			X			

Adopted: 04-10-2018

Approved: James A. Fife
 Mayor James A. Fife

I, Paul J. Zarbetski, Town Clerk of the Town of Harrison, County of Hudson, State of New Jersey, hereby certify that at a Meeting of the Mayor and Council duly held on April 10, 2018 the foregoing Ordinance, previously published according to law, was adopted on second reading, approved by the Mayor, spread in full in the ordinance book, and published according to law.

Paul J. Zarbetski
 Paul J. Zarbetski, Town Clerk

Town Council	Moved	Seconded	Yes	No	Abstain	Absent
L. BENNETT		X	X			
M. DOLAGHAN			X			
J. DORAN	X		X			
J. HUARANGA			X			
C. MANDAGLIO			X			
A. MILLAN						X
F. NASCIMENTO			X			
E. VILLALTA			X			
J. FIFE			X			