

Introduced <u>J. CURVILLO</u>	Date of Introduction <u>January 6, 2005</u>
Seconded <u>M. SARGENTI</u>	Public Hearing <u>January 27, 2005</u>
	Date of Adoption <u>January 27, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE# 2005-1

**AN ORDINANCE AMENDING CHAPTER 90, SECTION 2, OF THE BOROUGH OF FORT LEE CODE, ENTITLED "POLICE DEPARTMENT FORMATION AND RANK"**

WHEREAS, the Mayor and Council desires to amend the Police Department Table of Organization,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE AS FOLLOWS:

**Section I.** Chapter 90-2 of the Fort Lee Code, entitled "Police Department - Formation and Rank" be and is hereby amended as follows:

90-2A. The Police Department Table of Organization shall consist of the following positions:

- (1) Police Chief (2) Deputy Chief (0) Inspectors
- (5) Captains (9) Lieutenants (12) Sergeants
- (83) Police Officers

**Section II.** All other parts, portions or provisions of Chapter 90 of the Fort Lee Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms and provisions of this Ordinance shall be deemed to govern.

**Section III.** The terms and provisions hereof are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision of this Ordinance.

**Section IV.** This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant  
Neil Grant, Borough Clerk

Jack Alter, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>February 10, 2005</u>
Seconded	<u>A. PENAN</u>	Public Hearing	<u>February 24, 2005</u>
		Date of Adoption	<u>February 24, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-2

**AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14  
ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE  
COLLAR EMPLOYEES AND NON-UNION EMPLOYEES**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2002-14 is hereby amended as follows:

SECTION I White Collar Personnel Schedule "A" shall be amended to include the following titles, minimum salary and salary range for the following positions for 2005.

<u>Titles</u>	<u>Salary</u>	<u>Salary Range</u>
Administrative Secretary	\$52,924	\$45,000 - \$60,000
Housing Inspector/Hotels and Multiple Dwelling Inspector	\$57,380	\$50,000 - \$60,000
Deputy Court Administrator	----	\$40,000 - \$65,000

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

*[Signature]*  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	J. Cervieri	Date of Introduction	February 10, 2005
Seconded	A. Pennan	Public Hearing	February 24, 2005
		Date of Adoption	February 24, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-3

**AN ORDINANCE AMENDING SALARY ORDINANCE #2002-51 AND ESTABLISHING SALARIES AND WAGES FOR DEPARTMENT HEADS, BOROUGH CLERK AND BOROUGH ADMINISTRATOR (SCHEDULES A&B)**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2002-51 is hereby amended as follows:

SECTION I Department Head Personnel Schedule "A" shall be amended to include the salary and salary range for the following position for 2005.

<u>Title</u>	<u>2005 Salary</u>	<u>Salary Range</u>
Supervisor of Senior Citizen Activities	\$63,303	\$50,000 - \$65,000

SECTION II: Non-Union Personnel Schedule "B" shall be amended to include the salary and salary range for the following positions for 2005.

<u>Title</u>	<u>2005 Salary</u>	<u>Salary Range</u>
Borough Clerk	\$98,545	\$75,000 - \$100,000
Borough Administrator	\$146,095	\$120,000 - \$150,000

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

*Neil Grant*

Neil Grant  
Borough Clerk

*Jack Alter*  
Jack Alter, Mayor

Introduced	<u>J. CAVALIERE</u>	Date of Introduction	<u>March 10, 2005</u>
Seconded	<u>M. VILLANO</u>	Public Hearing	<u>April 14, 2005</u>
		Date of Adoption	<u>April 14, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-4

**CALENDAR YEAR 2005  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of Fort Lee in the County of Bergen finds it advisable and necessary to increase its CY2005 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$296,436.92 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Fort Lee, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2005 budget year, the final

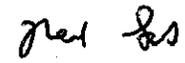
appropriations of the Borough of Fort Lee shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.50% amounting to \$1,037,529.22, and that the CY 2005 municipal budget for the Borough of Fort Lee be approved and adopted in accordance with this ordinance; and

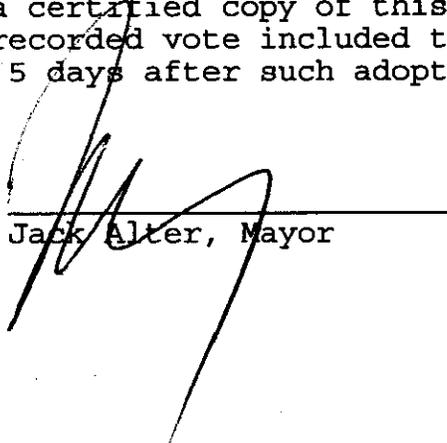
BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Attest:

  
\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	M. VILLANO	Date of Introduction	March 10, 2005
Seconded	M. SARGENTI	Public Hearing	March 31, 2005
		Date of Adoption	March 31, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-5

**AN ORDINANCE TO AMEND THE REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 5**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee authorized the Planning Board of the Borough of Fort Lee, by Resolution of May 27, 2004, to conduct an investigation and hearing, in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, to determine if a certain area located in the Borough of Fort Lee should be determined to be an area in need of redevelopment; and

**WHEREAS**, the area considered by the Planning Board was designated as Redevelopment Area 5 and consists of Tax Block 4801, Lot 1 and Block 4801, Lot 3, as further defined within this Ordinance; and

**WHEREAS**, the Planning Board did conduct a hearing pursuant to notice and review the investigation report obtained for that purpose and did further, at the conclusion of the said hearing held on June 21, 2004, recommend to the Mayor and Council of the Borough of Fort Lee that Area 5 be determined to be an area in need of redevelopment; and

**WHEREAS**, by Resolution of July 1, 2004, the Mayor and Council of the Borough of Fort Lee did review and accept the recommendation of the Planning Board that Redevelopment Area 5 be considered an area in need of Redevelopment as the said area met the statutory criteria of N.J.S.A. 40A:12A-5 b, d and e and the Mayor and Council did further direct that all other necessary notices be provided in accordance with N.J.S.A. 40A:12A-6(5); and

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee did also review a proposed Redevelopment Plan for Redevelopment Area 5 pursuant to the provisions of N.J.S.A. 12A-7 and submit the said proposed Redevelopment Plan to the Planning Board for its review and comment; and

**WHEREAS**, the Planning Board did review the Redevelopment Plan and on August 4, 2004, the Mayor and Council at second reading adopted Ordinance #2004-29 which included the adoption of a Redevelopment Plan for Redevelopment Area 5; and

**WHEREAS**, subsequent to the adoption of the Redevelopment Plan for Redevelopment Area 5, the Mayor and Council, and the Planning Board did further review provisions of the Redevelopment Plan as adopted and the Mayor and Council did determine that certain revisions to the Redevelopment Plan as adopted were desirable to decrease the intensity of the uses within Redevelopment Area 5 such that both the traffic generated and the parking requirements would be

decreased; and

**WHEREAS**, the proposed changes to the Redevelopment Plan for Redevelopment Area 5 are intended to decrease both the amount of the hotel use permitted and the amount of office and commercial space required by the Plan and to increase the residential construction permitted and thereby further benefit the public health and welfare; and

**WHEREAS**, the Mayor and Council have arranged for a proposed revised Redevelopment Plan for Redevelopment Area 5 addressing certain specific changes to the maximum density requirements for residential uses located west of Martha Washington Way, addressing the minimum and maximum floor area ratios (FAR) for the hotel use, the maximum total floor area ratio and permitted adjustments thereto for non-residential uses on the west side of the Redevelopment Area and also addressing a change in the mixed uses permitted on the central block on the west side of the Redevelopment Area to include six story residential buildings as opposed to mixed uses; and

**WHEREAS**, the provisions of the Local Housing and Redevelopment Law require that prior to the adoption of a revision or amendment to a redevelopment plan that all such revisions or amendments be first considered by the Planning Board and a recommendation provided to the Mayor and Council from the Planning Board for their consideration,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fort Lee in the County of Bergen, State of New Jersey, as follows:

Article 1. That the recitals contained in this Ordinance be deemed included herein.

Article 2. That Redevelopment Area 5 consisting of Tax Block 4801, Lot 1 (2818 to 2038 Lemoine Avenue) and Tax Block 4801, Lot 3 (181 Main Street), being formerly known as Block 4801, Lots 1, 3, 7, 8, 9, 10 and 11; Block 4802, Lot 1; Block 4803, Lot 1, and as further depicted on the excerpt of the Tax Map attached hereto as Exhibit A, shall be deemed subject to the Revisions to the Redevelopment Plan for Redevelopment Area 5 revised February 2005 ("the Revised Plan"), a true copy of which is attached hereto as Exhibit B, subject to the provisions of the this Ordinance.

Article 3. The specific revisions included in the Revised Plan, as previously set forth in the recitals, to decrease the intensity of uses within Redevelopment Area 5 and to thereby decrease the traffic generated and the parking required based on such changed development regulations, are specifically, as follows:

I. Article III Land Use and Development Plan Section C3 Bulk Requirements

A. Changes affecting subsection B Density and Intensities:

- (a) Changing the maximum number of residential units located west of Martha Washington Way from the existing 7 units per acre to the revised 14 units per acre;
- (b) Changing the minimum FAR for business, professional and medical offices from .25 to a revised .10;
- (c) Changing the existing minimum floor area ratio (FAR) for a hotel from .35 to the revised. 30;
- (d) Further addressing the maximum FAR for all non-residential uses on

the west side of the development to be changed from the existing maximum of 1.05 FAR to a new FAR of .81, which new FAR of .81 may be increased to a maximum of 1.05 FAR provided that for each reduction of one residential unit per acre on the west side (from a maximum of 14 units/acre) .03 FAR may be added to the revised FAR of .81 up to a maximum adjusted FAR of 1.05 FAR

B. Changes affecting Section C Building Height

- (a) The existing provision for a 19-story hotel shall be revised to permit a 19-story tower containing both hotel rooms and residential units.

II. Article IV Redevelopment Actions

A. Changes affecting Section A2 New Construction

- (a) Providing that the existing provision for a 19-story hotel be revised to permit a 19-story hotel/residential building;
- (b) Providing that the central block on the west side of the Redevelopment Area will be revised to permit six-story residential buildings and deleting the existing requirement for offices in the existing six-story building structures permitted.

III. The remainder of the original Redevelopment Plan for Redevelopment Area 5 shall remain unchanged.

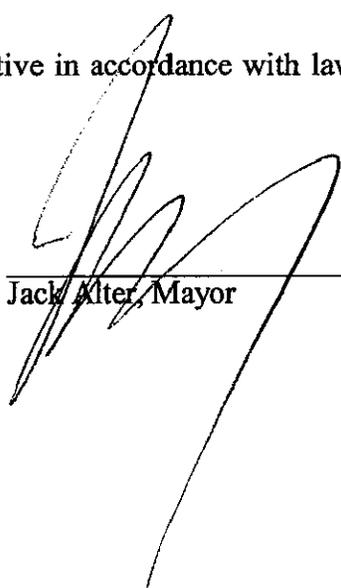
Article 4. That Revisions to the Redevelopment Plan for Redevelopment Area 5 as included in Exhibit B attached hereto as the Revised Plan be and the same is hereby adopted as and for a complete replacement for the prior Redevelopment Plan for Redevelopment Area 5, subject to compliance with N.J.S.A. 40A:12A-7e and the additional requirement for referral to the Planning Board having been satisfied prior to presentation for final adoption and hearing on this Ordinance.

Article 5: This Ordinance shall be effective in accordance with law subsequent to its adoption and publication.

ATTEST:

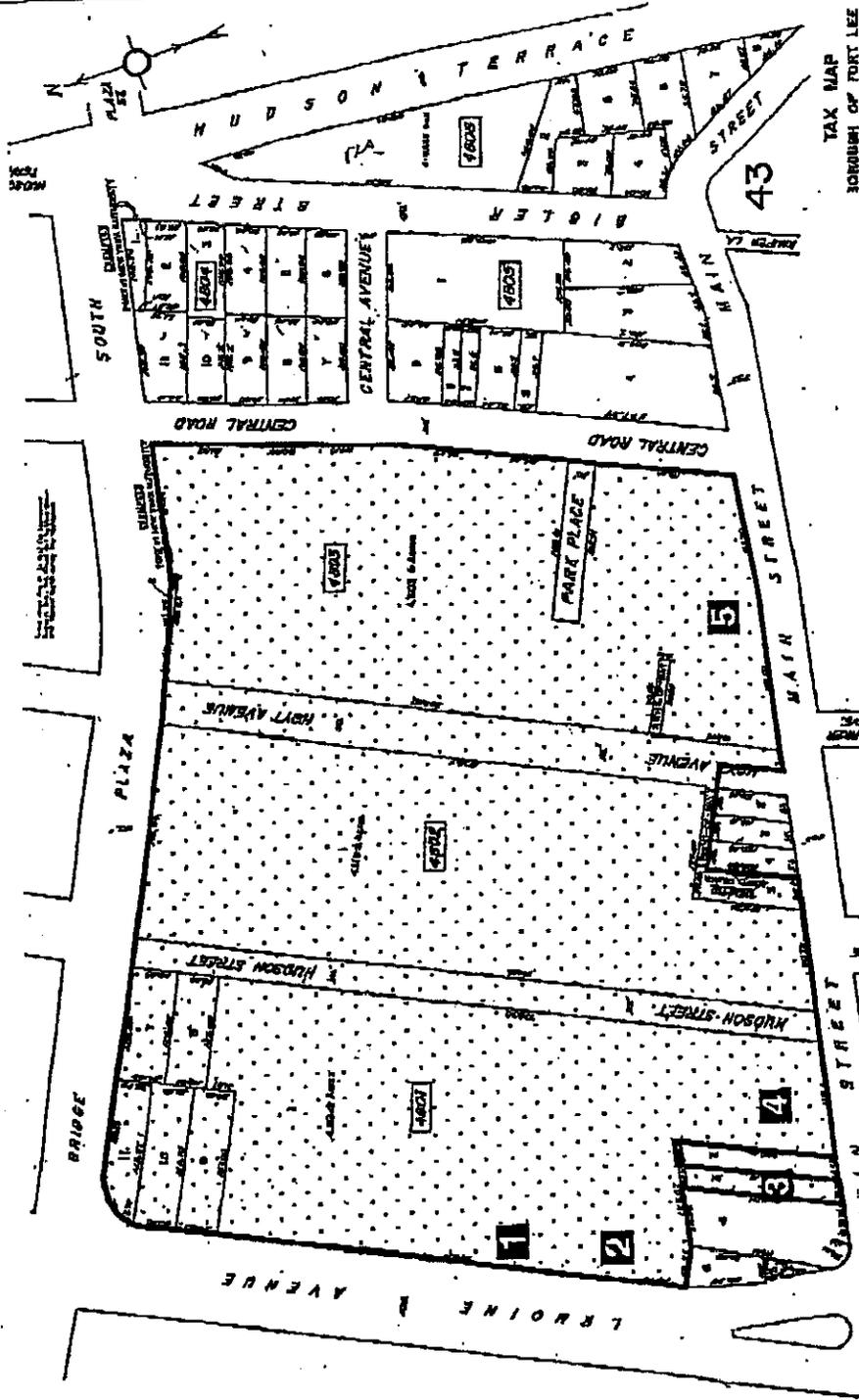
*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

# **EXHIBIT A**

EXHIBIT A

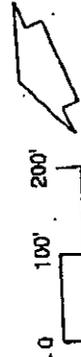


Study Area  
Building Location

1

Figure 3: Building Locations within the Study Area

Primer Presses Shapiro Associates, Inc., 2004



Introduced	<u>M. VILLANO</u>	Date of Introduction	<u>March 10, 2005</u>
Seconded	<u>J. CERVISI</u>	Public Hearing	<u>March 31, 2005</u>
		Date of Adoption	<u>March 31, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-6

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 43, SCHEDULE I, OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO PARKING"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 43, Schedule I, entitled "No Parking," be and the same is hereby amended as follows:

Name of Street	Side:	Location
Kaufer's Lane	Both Sides East & West	Entire Length

**Section II.** All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

**Section III.** The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

*[Signature]*  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CENSARI</u>	Date of Introduction	<u>March 31, 2005</u>
Seconded	<u>M. VILANO</u>	Public Hearing	<u>April 28, 2005</u>
		Date of Adoption	<u>April 28, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-7

AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY LOCATED IN THE BOROUGH OF FORT LEE AND APPROPRIATING \$525,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$498,750 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$525,000 including the sum of \$26,250 as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$498,750 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the acquisition of property at 2029 Center Avenue, specifically Block 4601, Lot 10 in the Borough, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the

reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$498,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

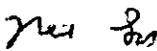
Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

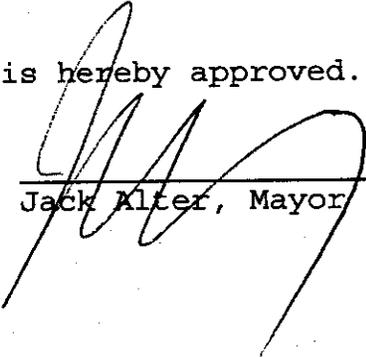
Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

Attest:

  
\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	J. Cervino	Date of Introduction	March 31, 2005
Seconded	M. Villano	Public Hearing	April 28, 2005
		Date of Adoption	April 28, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-8

AN ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS IMPROVEMENTS TO CUMBERMEAD ROAD AND RELATED SANITARY SEWER AND RELATED EXPENSES IN AND FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$525,000 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$498,750 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$525,000 and including the sum of \$26,250 as the down payment for the improvement or purpose required by the Local Bond Law and including \$405,000 in grants expected to be received from the State of New Jersey Department of Transportation. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$498,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the reconstruction of and improvements to Cumbermead Road and related sanitary sewer systems, all as shown on and in accordance with the plans and specifications therefor on file in the Clerk's Office, and including all structures, work, equipment and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$498,750, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than those identified in Section 8 hereof) shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. As a portion of the total appropriation of \$525,000 made in Section 1 hereof, there is herein appropriated for the improvement or purpose described in Section 3(a) hereof the sum of \$405,000 constituting the amount payable to the Borough from an anticipated grant from the State of New Jersey Department of Transportation.

Section 9. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

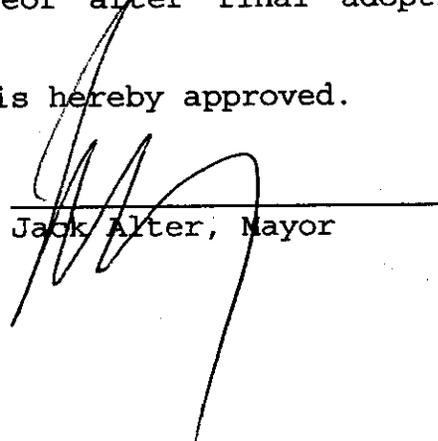
Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing bond ordinance is hereby approved.

Attest:

Neil Grant  
Neil Grant, Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>M. Villano</u>	Date of Introduction	<u>March 31, 2005</u>
		Public Hearing	<u>April 14, 2005</u>
Seconded	<u>J. Cervieri</u>	Date of Adoption	<u>April 14, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-9

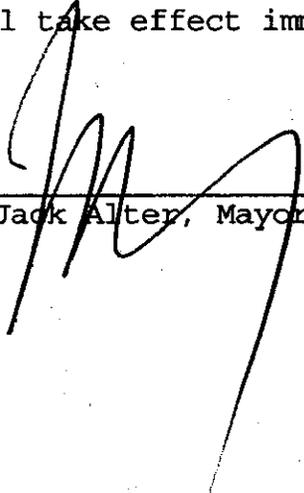
**AN ORDINANCE AMENDING SALARY ORDINANCE #2004-37 AND PROVIDING SALARY FOR THE CHIEF OF POLICE**

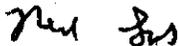
BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, as follows:

SECTION I: The Chief of Police shall receive a salary of \$157,320 during the period retroactive to January 1, 2005 through December 31, 2005.

SECTION II: This Ordinance shall take effect immediately upon passage and publication.

Attest:

  
 \_\_\_\_\_  
 Jack Alter, Mayor

  
 \_\_\_\_\_  
 Neil Grant  
 Borough Clerk

Introduced	<u>M. Villano</u>	Date of Introduction	<u>March 31, 2005</u>
Seconded	<u>M. Senculich</u>	Public Hearing	<u>April 28, 2005</u>
		Postponed to:	<u>May 12, 2005</u>
		Date of Adoption	<u>May 12, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-10

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 345, "SITE PLAN REVIEW," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE AND CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE.**

WHEREAS, the Borough of Fort Lee Planning Board adopted a reexamination of the Borough's Master Plan and Development Regulations on June 21, 2004; and

WHEREAS, the Borough of Fort Lee desires to implement certain recommendations set forth in this reexamination report; and

WHEREAS, the existing development regulations are contained in Chapter 261, "Land Use Procedures," Chapter 345, "Site Plan Review," Chapter 365, "Subdivision Of Land," and Chapter 410, "Zoning," of the Revised General Ordinances of the Borough of Fort Lee; and

WHEREAS, amendments to Chapter 345, "Site Plan Review" and Chapter 410, "Zoning" are necessary to implement certain recommendations of the reexamination report,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

**Section I. Chapter 345, "Site Plan Review," of the General Ordinances of the Borough of Fort Lee be and is hereby amended by modifying the following section of Chapter 345.**

**§ 345-20. Off-street parking requirements.**

Delete Subsections A (Number of parking spaces required) and B (Location of parking spaces) in their entirety.

**Section II. Chapter 410, "Zoning," of the General Ordinances of the Borough of Fort Lee be and is hereby amended as follows:**

**A. Replace the following sections of Chapter 410 with the text below.**

**§ 410-40. Off-street parking requirements.**

A. Maintenance of off-street parking and loading areas. Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavements, areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guard rails, markings, signs, landscaping and other improvements shall be maintained in workable, safe and good condition.

B. Number of parking spaces required. The number of off-street parking spaces required shall be as set forth in Table 1, except as noted in § 410-40B(3) below.

(1) If computation of the required number of parking spaces results in a fractional space, such fractional space shall be rounded up to the next full space. Where the required number of parking spaces requires a multiple-step computation, the results of which are then added together (e.g., where the required number of parking spaces is based in part on floor area and in part on the number of employees), the results of each step in the computation shall first be computed and added together before rounding the final result to the next full space in accordance herewith.

(2) Where the required number of parking spaces is computed based partly or entirely on the number of employees engaged in the proposed use or activity, the reviewing board shall, as a condition of approval, restrict the number of employees so as to ensure that the use or activity will remain in compliance with the applicable parking standard. However, failure of the reviewing board to impose such a condition shall not operate to invalidate any approval.

(3) Parking Standards for the Central Business District.

(a) The following standards shall apply to non-residential land uses in the Borough's C-1 Central Business District Zone and the portion of the C-2 Neighborhood Business Zone located to the south of Main Street and generally along Lemoine Avenue, Palisade Avenue and Parker Avenue which is more particularly designated as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Block 3301, Lots 1, 2, 3, 4, 5, 6 and 7 in Block 3907, Lots 7 through 29 in Block 4202, Lots 6 through 36 in Block 4301, Lots 25, 26, 27 and 28 in Block 4302, Lots 1, 2, 3, 4, 27 and 28 in Block 4303 and all of Lots 1, 20 and 21 and portions of Lots 2, 22 and 23 in Block 4304:

Restaurants, eating and drinking establishments      One space for every 4 seats

All other non-residential uses      One space for each 400 square feet of gross floor area

(b) No on-site parking spaces are required for the first 1,000 square feet of floor area of an individual use in the areas indicated in § 410-40B(3)(a).

**Table 1 Off-Street Parking Requirements  
Borough of Fort Lee, New Jersey**

<b>Use</b>	<b>Required Parking Spaces</b>
Banks and savings institutions	1 for each 300 square feet of floor area, plus 3 for each 4 employees in the maximum work shift
Churches and places of worship	1 for each 3.5 seats in an auditorium; where benches are provided, each 20 inches of bench shall be considered one seat
Community buildings, assembly hall, auditorium, meeting places	1 for each 200 square feet of floor area or 1 for each 3 seats, whichever is greater
Golf course and clubs	10 for each tee
Motels, hotels, motor lodges	1 for each bedroom unit plus 3 for each 4 employees in the maximum work shift; where a restaurant or meeting rooms are provided, see "mixed uses"
Funeral home, mortuary	15 for each parlor or slumber room
Hospital, nursing or convalescing home	1 for each 2 beds plus 1 for each employee or volunteer worker in the maximum work shift
Manufacturing and industrial uses	1 for each 400 square feet of floor area or 3 for each 4 employees in the maximum work shift, whichever is greater
Offices, business and professional	1 for each 250 square feet of floor area
Medical or dental clinics or offices	7 for each medical practitioner, plus 1 for each employee in the maximum work shift or 1 for every 150 square feet, whichever is greater
Restaurants, eating and drinking establishments	1 for each 2½ seats plus 1 for each 2 employees in the maximum work shift
Take-out restaurants	6 for each 1,000 square feet of floor area
Retail stores, store groups, service business—200,000 square feet or less of floor area	6 for each 1,000 square feet of floor area
Retail stores, store groups, service business—200,000 square feet or more of floor area	5½ for each 1,000 square feet of floor area

**Table 1 (continued)**

<b>Use</b>	<b>Required Parking Spaces</b>
Wholesale establishments or warehouses	1 for each 600 square feet of floor area or 3 for each 4 employees in the maximum work shift, whichever is greater
Residences and apartment houses	2 for each dwelling unit
Bowling alley	5 for each bowling lane
Laboratory and research uses	1 for each 400 square feet of floor area or 3 for every 4 employees in the maximum work shift, whichever is greater
Schools	3 for every 2 teaching stations in elementary and intermediate grades; 3 for every 2 teaching stations plus 1 for every 4 students of legal driving age for high school grades
Theaters	1 for every 3 seats
Mixed uses	Mixed uses in the same building shall be calculated as the sum of the individual uses, unless the applicant can demonstrate to the Planning Board's satisfaction that the parking characteristics of the individual uses are such that the total needs of the development are less than the sum of the individual uses and that the number of parking spaces to be provided will satisfy the lesser need
Other uses not included herein	To be determined by the Planning Board

**C. Location of parking spaces.**

- (1) The municipal agency shall approve the location of all proposed parking spaces on the site and shall take into consideration the size and topography of the site, visibility from the site to the adjoining street as well as within the parking areas, conditions of safety relating to the movement of people and vehicles and the elimination of nuisance factors, including glare, noise, dust and other similar considerations.
- (2) Subject to other conditions as specified herein, no off-street parking areas shall be located in a required front yard. An off-street parking area shall not be located closer than five feet to a side or a rear lot line and shall be suitably landscaped and screened. These conditions shall apply to all surface and above grade parking facilities but shall not be applicable to subsurface enclosed parking

facilities. Where the side or rear property line abuts a residential use or a residential zone, a public school, park or other similar place of public assembly or for other good and sufficient reason, the Planning Board shall have the right to increase the setback to a maximum of 10 feet.

- (3) No surface or above grade parking facility shall be constructed within the sight triangle as defined in § 345-5 herein.

**B. Replace the following sections of Chapter 410 with the text below.**

**§410-42. Off-site parking facilities.**

- A. Except as specified in § 410-42B below, all permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 250 feet from that lot and provided further that required spaces are provided off the site in accordance with the provisions set forth herein and that such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in the office of the County Clerk in Bergen County, binding the owner and his heirs and/or assigns to maintain the required number of spaces available throughout the life of such use and such spaces shall conform to all regulations of the district in which they are located.
- B. The regulations of § 410-42A shall not apply to properties located in the Borough's C-1 Central Business District Zone and the portion of the C-2 Neighborhood Business Zone located to the south of Main Street and generally along Lemoine Avenue, Palisade Avenue and Parker Avenue which is more particularly designated as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in Block 3301, Lots 1, 2, 3, 4, 5, 6 and 7 in Block 3907, Lots 7 through 29 in Block 4202, Lots 6 through 36 in Block 4301, Lots 25, 26, 27 and 28 in Block 4302, Lots 1, 2, 3, 4, 27 and 28 in Block 4303 and all of Lots 1, 20 and 21 and portions of Lots 2, 22 and 23 in Block 4304. Parking for properties in these areas may be provided on- or off-site, and may be located within a radius of no greater distance than 800 feet of the property. Such parking may be provided in public parking facilities operated by the Borough of Fort Lee Parking Authority.

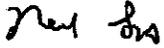
**Section III. The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.**

**Section IV. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be determined to govern. All other parts, portions and provisions of Chapters 345 and 410 of the Revised General Ordinances of the Borough of Fort Lee are hereby ratified and confirmed, except where inconsistent with the terms hereof.**

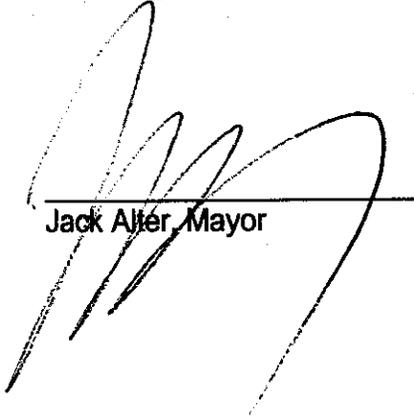
**Section V. This Ordinance shall take effect immediately upon final passage and publication according to law.**

**Section VI. A certified copy of the Ordinance upon adoption shall be sent to the Bergen County Planning Board and to all surrounding municipalities.**

Attest:



\_\_\_\_\_  
Neil Grant  
Borough Clerk



\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. Converse</u>	Date of Introduction	<u>April 28, 2005</u>
Seconded	<u>M. Villano</u>	Public Hearing	<u>May 26, 2005</u>
		Date of Adoption	<u>May 26, 2005</u>
		Date of Re-Adoption:	<u>August 18, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-11

**AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, APPROPRIATING \$215,000 TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF THE TREASURY FOR CONSTRUCTION OF A RECREATION CENTER IN AND BY THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF all members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. The \$215,000 to be received as a grant from the State of New Jersey Department of the Treasury is hereby appropriated for the purpose of providing funds for construction of a Recreation Center located in the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") and including all work and materials necessary therefor and incidental thereto, as more fully described in the plans and specifications on file with the Borough Clerk.

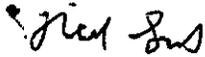
Section 2. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any

**CAPITAL ORDINANCE COMMUNITY CENTER**

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

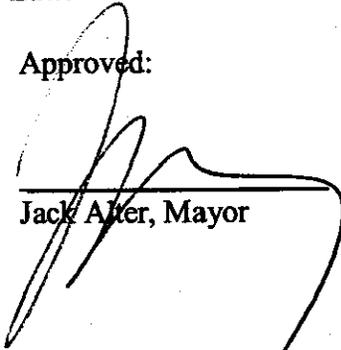
Section 3. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Attest:



Neil Grant, Borough Clerk

Approved:



Jack Alter, Mayor

Introduced	<u>J CURVIERE</u>	Date of Introduction	<u>April 28, 2005</u>
Seconded	<u>M VILLANO</u>	Public Hearing	<u>May 12, 2005</u>
		Date of Adoption	<u>May 12, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-12

**AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEDICATION OF A SANITARY SEWER EASEMENT FROM REDUCE CONSTRUCTION CORP. OVER A PORTION OF LANDS KNOWN AS 2458 THIRD STREET, ALSO REFERRED TO AS LOT 26 IN BLOCK 7005 ON THE TAX MAP OF THE BOROUGH OF FORT LEE, COUNTY OF BERGEN AND STATE OF NEW JERSEY**

WHEREAS, pursuant to The Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., a municipality has the power to acquire and/or sell any real property or interests therein for a public purpose; and

WHEREAS, Reduce Construction Corp. is the owner of property known as 2458 Third Street, also referred to as Lot 26 in Block 7005, on the official tax map of the Borough of Fort Lee, Bergen County, State of New Jersey (the "Property") which is under development pursuant to Final Site Plan Approval granted by the Planning Board of the Borough of Fort Lee by Resolution dated October 25, 2004 (the "Resolution") and for which a Developer Agreement was entered into between the Borough of Fort Lee and Developer dated March 14, 2005 ("Developer Agreement"); and

WHEREAS, it is a condition of the Developer Agreement that Reduce Construction Corp., dedicate a sanitary sewer easement over, under and through a portion of the Property to the Borough of Fort Lee ("Sanitary Sewer Easement"); and

WHEREAS, the Borough has determined that it is in the public interest for the public health, safety and welfare to accept the dedication of the aforesaid Sanitary Sewer Easement for the installation and maintenance of a sanitary sewer line,

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey that:

1. The dedication of a Sanitary Sewer Easement (as more fully described on the legal description attached hereto and made a part hereof as Exhibit "A") over a

portion of the aforesaid Property to the Borough of Fort Lee for the installation and maintenance of a sanitary sewer line be and hereby is authorized for nominal compensation.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute a Deed in substantially the same form as that attached hereto and made a part hereof as Exhibit "B" and any other documents which may be required to convey the aforesaid interests.

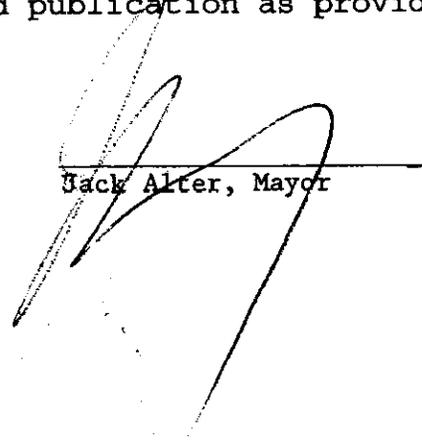
BE IT FURTHER ORDAINED, that any ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency; and

BE IT FURTHER ORDAINED, that if any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions; and

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

  
\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CREVELL</u>	Date of Introduction	<u>May 12, 2005</u>
Seconded	<u>M. SIKOLICH</u>	Public Hearing	<u>May 26, 2005</u>
		Date of Adoption	<u>May 26, 2005</u>

## BOROUGH OF FORT LEE

ORDINANCE # 2005-13

**AN ORDINANCE AMENDING SALARY ORDINANCE #2004-22,  
ESTABLISHING SALARIES FOR WHITE COLLAR EMPLOYEES  
AND CERTAIN NON-UNION EMPLOYEES**

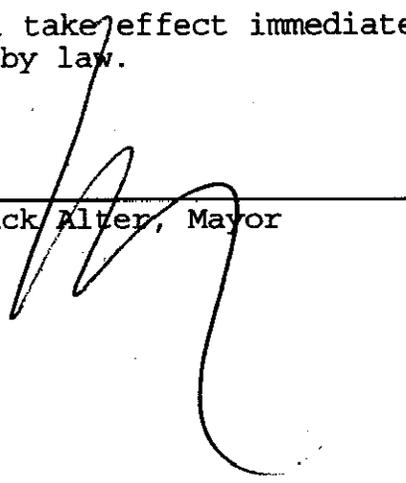
BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance # 2004-22 is hereby amended as follows:

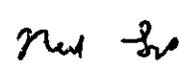
SECTION I: Non-Union Personnel Schedule "B" shall be amended to reflect the following titles and salaries for 2005 as indicated below:

<u>Name</u>	<u>Title</u>	<u>Salary</u>
J. Sheldon Cohen	Borough Attorney	\$124,673
J. Sheldon Cohen	Labor Attorney	\$95,000

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

  
\_\_\_\_\_  
Jack Alter, Mayor

  
\_\_\_\_\_  
Neil Grant  
Borough Clerk

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 9, 2005</u>
Seconded	<u>I. KASGASKY</u>	Public Hearing	<u>June 23, 2005</u>
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-14

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AMENDING CHAPTER 55, AND ESTABLISHING SECTION 55-26 INSTITUTING A REIMBURSEMENT PROGRAM FOR MEMBERS OF THE FORT LEE FIRE DEPARTMENT**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, AS FOLLOWS:**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee believe that it is necessary to institute a reimbursement program to replace, repair and/or clean the personnel garments and accessories of the members of the Fort Lee Fire Department worn during Fire Department activity; and

**WHEREAS**, the Mayor and Council believe that the Fort Lee Fire Department members are entitled to a reimbursement program both in light of their dedication and performance for the people of the Borough

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fort Lee that a reimbursement program to replace, repair and/or clean the personnel garments and accessories of the members of the Fort Lee Fire Department worn during Fire Department activity be instituted under the following terms and conditions:

1. The reimbursement program is predicated upon the replacement, repair and/or cleaning of member's personnel garments and accessories worn only during Fire Department activity.
2. In order to encourage members of the Volunteer Fire Department to continue education and training, each member shall be eligible for reimbursement so long as the annual mandated classes have been completed during the first quarter of the **year**.

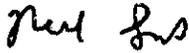
3. In order to receive reimbursement for personnel garments or accessories, any member not having twenty-five (25) years of service at the time of reimbursement shall have a minimum response percentage of ten (10%) percent in accordance with the stipend program for the period of January 1<sup>st</sup> through September 30<sup>th</sup>.

**BE IT FURTHER ORDAINED**, that any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

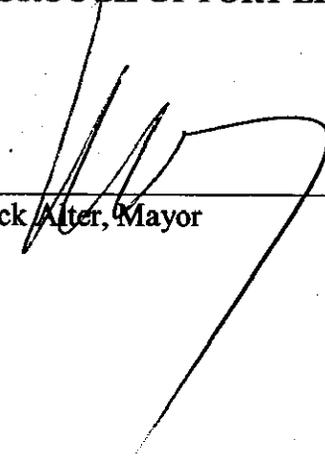
**ATTEST:**

**BOROUGH OF FORT LEE**



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Neil Grant  
Borough Clerk



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Jack Alter, Mayor

Introduced	<u>J. Cervoni</u>	Date of Introduction	<u>June 9, 2005</u>
Seconded	<u>I. Kasetsky</u>	Public Hearing	<u>June 23, 2005</u>
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE #2005-15

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING  
CHAPTER 388, SECTION 58, VEHICLES AND TRAFFIC, OF THE  
CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-58, Schedule XIV: No Left Turns, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-58, Schedule XIV: No Left Turn, is hereby revised and supplemented to add an additional street as follows:

§388-58 Schedule XIV: No Left Turns

<i>Name of Street</i>	<i>Limits</i>
Harvard Place at Route 5 (Glen Road)	North on Harvard Place to west on Route 5

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

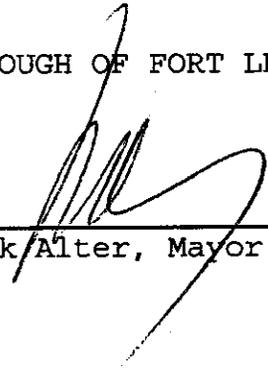
Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF FORT LEE

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>June 9, 2005</u>
Seconded	<u>J. KASOFSKY</u>	Public Hearing	<u>June 23, 2005</u>
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-16

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING  
CHAPTER 388, SECTION 51, VEHICLES AND TRAFFIC, OF  
THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-51, Schedule VII: One-Way Streets, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-51, Schedule VII: One-Way Streets, is hereby revised and supplemented to add an additional street as follows:

§388-51 Schedule VII: One-Way Streets

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
Hazlitt Avenue	West	Maple Street to Route 1/9 North

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF FORT LEE

*Neil Grant*

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Neil Grant  
Borough Clerk

*[Signature]*

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Jack Alter, Mayor

Introduced	<u>J. CRIVIERI</u>	Date of Introduction	<u>June 9, 2005</u>
Seconded	<u>A. PUGHAN</u>	Public Hearing	<u>June 23, 2005</u>
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-17

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 65, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-65, Schedule XIX: Vehicle Movement on Private Property Open to the Public, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-65, Schedule XIX: Vehicle Movement on Private Property Open to the Public, is hereby revised and amended as follows:

§388-65 Schedule XIX: Vehicle Movement on Private Property Open to the Public

- f. Whitman Mall, a/k/a/ 1605 Lemoine Avenue, west side, between Whitman Avenue and Hoym Street

Left turns from exit driveways onto Lemoine Avenue northbound are prohibited.

North opening from Lemoine Avenue shall be used only for egress from the property.

South opening onto Lemoine Avenue shall be used only for ingress onto the property.

Section 2. Signage shall be erected to face vehicular traffic on Lemoine Avenue to prohibit usage of the opening for

entering and exiting the lot as set forth in Section 1. Such signage shall be erected over sign R5-1a.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF FORT LEE

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

*[Signature]*  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 9, 2005</u>
Seconded	<u>A. PENNA</u>	Public Hearing	<u>June 23, 2005</u>
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-18

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING  
CHAPTER 388, SECTION 63, VEHICLES AND TRAFFIC, OF THE  
CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-63, Schedule XVII: Lane Use Reservations, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-63, Schedule XVII: Lane Use Reservations, is hereby revised and amended as follows:

§388-63 Schedule XVII: Lane Use Reservations

Main Street and Center Avenue. The eastern approach of Main Street shall be divided into two lanes, wherein the left lane shall be for left turns only. The right lane of the eastern approach of Main Street shall be for traffic proceeding straight only.

Section 2. The traffic controller shall be reprogrammed to include a lead green indication arrow for eastbound approach signal facings on Main Street.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such

holding shall not affect the validity of the remaining portions thereof.

Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

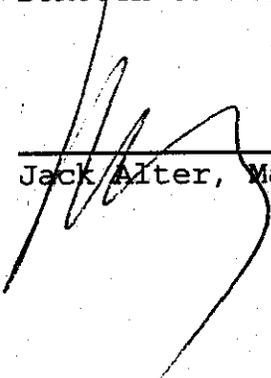
Section 5. This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF FORT LEE

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. Cervini</u>	Date of Introduction	<u>June 9, 2005</u>
			<u>June 23, 2005</u>
Seconded	<u>A. Pohan</u>	Public Hearing	
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-19

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING  
CHAPTER 388, SECTION 59, VEHICLES AND TRAFFIC, OF THE  
CODE OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-59, Schedule XIV-A: Right Turn Only, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-59, Schedule XIV-A: Right Turn Only, is hereby revised and supplemented to add an additional street as follows:

§388-59 Schedule XIV-A: Right Turn Only

Slocum Way at Palisade Avenue

Section 2. Signage shall be posted to display "Right Turn Only" and pavement markings indicating same shall be placed on the roadway surface.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication as provided by law.

**ATTEST:**

**BOROUGH OF FORT LEE**

*Neil Grant*

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Neil Grant  
Borough Clerk

*[Signature]*

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Jack Alter, Mayor

Introduced	<u>J. Cervieri</u>	Date of Introduction	<u>June 9, 2005</u>
Seconded	<u>M. Sirolich</u>	Public Hearing	<u>June 23, 2005</u>
		Date of Adoption	<u>June 23, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-20

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF  
THE BOROUGH OF FORT LEE, IN THE COUNTY OF  
BERGEN, NEW JERSEY, ESTABLISHING CHAPTER 310,  
PRIOR NOTICE OF UTILITY WORK**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 310, Prior Notice of Utility Work, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

**Section 1.** The Code of the Borough of Fort Lee is hereby amended by adding Chapter 310, to read as follows:

**CHAPTER 310      Prior Notice of Utility Work**

**§310-1.      Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**UNDERGROUND FACILITY** - One or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power or for the providing of water service, or for the furnishing of telephone or other telecommunications service.

**POLE** - In addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.

**HOT PATCH** - The installation of a mixture of asphalt to restore property within the right of way to its previous condition subsequent to the construction or excavation of a site required for the placement, replacement of a pole or an underground facility pursuant to this section.

**§310-2.      Notice and consent required.**

Before a public utility places, replaces or removes a pole or an underground facility located in the Borough of Fort Lee, the public utility shall notify both the Borough Engineer and the Borough Code Official in writing, which may be by fax or e-mail, at least, but not less than 24 hours before undertaking any excavation related to the replacement or removal of the utility pole or underground facility, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of water service or telephone or other telecommunications service on or below a public right of way in the Borough. The Borough Clerk of the Borough of Fort Lee shall notify any public utility that provides service in the Borough of the application of the provisions of this ordinance.

§310-3. Removal and restoration.

A. After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility shall remove from such right of way any pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property including, but not limited to, the installation of a hot patch as needed to restore the property within the right of way to its previous condition as much as possible.

B. In the case of removal or replacement of a pole utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration.

§310-4. Emergency conditions.

Under emergency conditions which significantly impact the placement of a pole or underground facility resulting from natural forces or human activities beyond the control of the public utility, or which pose an imminent or existing threat of loss of electrical, water, power, telephone, or other telecommunication service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility to prevent bodily harm or substantial property damage from occurring, the provisions of subsection 310-3 of this section shall not apply when a public utility undertakes any construction or excavation related to the placement, replacement or removal of a pole or an underground facility in response to such an emergency, provided that the public utility undertaking such construction or excavation notifies the Borough Engineer and the Borough Code Official of the Borough of Fort Lee at the earliest reasonable opportunity and that all reasonable efforts are taken by the public utility to comply with the removal and restoration requirements of subsection 310-3 of this section after responding to the emergency.

§310-5. Violation and penalties.

In the event a public utility does not meet the requirements of subsection 310-3 of this section concerning the removal of debris and the restoring of property including, but not limited to, the installation of a hot patch, within a right of way to its previous condition within 90 days of placement, replacement or removal of a pole or an underground facility, said public utility will be fined up to an amount not to exceed \$100 each day until the requirements of subsection 310-3 are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November through April, the public utility shall not be required to complete the hot patch installation until 60 days immediately following the end of the November through April period.

**§310-6. Notice of violation and penalties.**

At least 5 business days prior to the end of the 90-day period established by this subsection, the Borough shall notify the public utility that the penalties authorized by this subsection shall begin to be assessed against the utility after the end of the 90-day period unless the utility complies with the requirements of subsection 310-3 of this section. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "The Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et. seq. The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under subsection 310-3 of this section, unless a written agreement between the public utilities provides otherwise.

**§310-7. Appeal.**

If a public utility is fined pursuant to Section 310-5 and the public utility believes such fine was issued in error, it may appeal such fine to the Borough Engineer in writing within 30 days of notice of the violation. The Borough Engineer shall review the documentation submitted by the public utility pursuant to Section 310-6 and the Borough Clerk adjust the fine as necessary. If the parties are not satisfied after such determination, either party may seek an appeal to the municipal court or the Superior Court of New Jersey.

**Section 2.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 3.** Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

**Section 4.** This ordinance shall take effect after final passage and publication as provided by law.

**ATTEST:**

**BOROUGH OF FORT LEE**

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

*[Signature]*  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CERVIERA</u>	Date of Introduction	<u>June 23, 2005</u>
Seconded	<u>A. PUGHAN</u>	Public Hearing	<u>July 21, 2005</u>
		Date of Adoption	<u>July 21, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-21

AN ORDINANCE OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$1,746,750 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,659,411 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$1,746,750, including the aggregate sum of \$87,339 as the down payments for the improvements or purposes pursuant to the Local Bond Law. The down payments have been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

- (3) Purpose: Purchase of vehicles and equipment for the Departments of Public Works, Buildings and Grounds, General Services, Parks, Communications and the Fire Prevention Bureau, as per a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$267,325
<u>Maximum Amount of Bonds or Notes:</u>	\$253,959
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 13,366

- (4) Purpose: Purchase of furniture for the Department of Recreation, including, but not limited to, folding chairs and folding tables, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$4,500
<u>Maximum Amount of Bonds or Notes:</u>	\$4,275
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 225

- (5) Purpose: Purchase of items for the Ambulance Corps including, but not limited to, Flex Chair-Cot Stretchers and pagers, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$20,000
<u>Maximum Amount of Bonds or Notes:</u>	\$19,000
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,000

- (6) Purpose: Allocation for projects including, but not limited to, Emergency Sewer Repairs and storm water regulations engineering, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$57,700
<u>Maximum Amount of Bonds or Notes:</u>	\$54,815
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 2,885

- (7) Purpose: Repairs and renovations to pump stations, a complete list of which is on file in the Borough Clerk's Office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$160,450  
Maximum Amount of Bonds or Notes: \$152,427  
Period or Average Period of Usefulness: 15 years  
Amount of Down Payment: \$ 8,023

- (8) Purpose: Reconstruction of various roads, a complete description of which is on file in the Borough Clerk's Office, including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$196,200  
Maximum Amount of Bonds or Notes: \$186,390  
Period or Average Period of Usefulness: 10 years  
Amount of Down Payment: \$ 9,810

- (9) Purpose: Purchase various equipment, including, but not limited to a backhoe and a spreader hanger for the Department of Public Works, a lawn mower trailer for the Parks Department and installation of various signs in the Borough, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$197,950  
Maximum Amount of Bonds or Notes: \$188,052  
Period or Average Period of Usefulness: 15 years  
Amount of Down Payment: \$ 9,898

- (10) Purpose: Improvements by the Parks Department, including but not limited to the improvement of various recreation fields, fencing replacement, tree replacement, sidewalk replacement and pool replacement, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$29,200  
Maximum Amount of Bonds or Notes: \$27,740  
Period or Average Period of Usefulness: 15 years  
Amount of Down Payment: \$ 1,460

- (11) Purpose: Acquisition of computer upgrades and networking improvements for the Bureau of Fire Prevention, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$10,175
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,666
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 509

- (12) Purpose: Purchase of pagers for the Fire Department, LED lightbars for the Police Department and LED upgrade for traffic signals at Main St. and John St., including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$97,000
<u>Maximum Amount of Bonds or Notes:</u>	\$92,150
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 4,850

- (13) Purpose: Purchase of various equipment for the Fire Department, including, but not limited to, replacement hoses, new fire house generator, automatic transfer switches for fire house generators, hydrant markers, a personnel alarm safety system and Physio Control Lifepaks and safety rope and harness systems, including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$200,000
<u>Maximum Amount of Bonds or Notes:</u>	\$190,000
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 10,000

- (14) Purpose: Purchase of various equipment for the Borough's Police Department as per a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$250,000
<u>Maximum Amount of Bonds or Notes:</u>	\$237,500
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 12,500

- (15) Purpose: Improvements to the Municipal Court, including, but not limited to, the purchase of computers, furniture and law books, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$15,000
<u>Maximum Amount of Bonds or Notes:</u>	\$14,250
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 750

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any

inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 9.333 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,659,411 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Borough reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

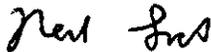
Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use,

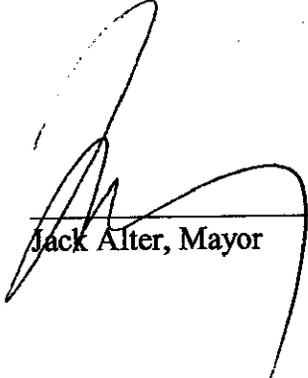
expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Approved:

  
\_\_\_\_\_  
Neil Grant, Municipal Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 23, 2005</u>
		Public Hearing	<u>July 21, 2005</u>
Seconded	<u>M. VILLANO</u>	Date of Adoption	<u>July 21, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-22

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CHAPTER 388, SECTION 51, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-51, Schedule VII: One-Way Streets, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-51, Schedule VII: One-Way Streets, is hereby revised and supplemented to add an additional street as follows:

§388-51 Schedule VII: One-Way Streets

<i>Name of Street</i>	<i>Direction</i>	<i>Limits</i>
Edsall Boulevard	West	Inwood Terrace to 16 <sup>th</sup> Street

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon passage and publication as provided by law.

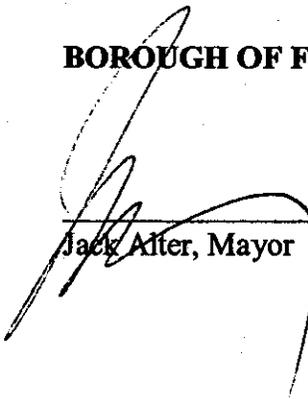
**ATTEST:**

**BOROUGH OF FORT LEE**

*Neil Grant*

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Neil Grant  
Borough Clerk



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Jack Alter, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>June 23, 2005</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>July 21, 2005</u>
		Date of Adoption	<u>July 21, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-23

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING  
CHAPTER 388, SECTION 53, VEHICLES AND TRAFFIC, OF THE  
CODE OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-53, Schedule IX: Stop Intersections, of the Code of the Borough of Fort Lee, is hereby amended, revised and supplemented as follows:

Section 1. That Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-53, Schedule IX: Stop Intersections, is hereby revised and supplemented to add an additional street as follows:

§388-53 Schedule IX: Stop Intersections

Edsall Boulevard at 16<sup>th</sup> Street.

Section 2. Signage shall be posted to display "Stop" and pavement markings indicating same shall be placed on the roadway surface.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication as provided by law.

*Neil Grant*

Neil Grant  
Borough Clerk

*Jack Alter*  
Jack Alter, Mayor

Introduced	<u>J Cervigni</u>	Date of Introduction	<u>June 29, 2005</u>
Seconded	<u>M Villano</u>	Public Hearing	<u>July 21, 2005</u>
		Date of Adoption	<u>July 21, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-24

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE.**

WHEREAS, the Borough of Fort Lee Planning Board adopted a reexamination of the Borough's Master Plan and Development Regulations on June 21, 2004; and

WHEREAS, the Borough of Fort Lee desires to implement the recommendations set forth in this reexamination report; and

WHEREAS, the existing development regulations are contained in Chapter 261, "Land Use Procedures," Chapter 345, "Site Plan Review," Chapter 365, "Subdivision Of Land," and Chapter 410, "Zoning," of the Revised General Ordinances of the Borough of Fort Lee; and

WHEREAS, amendments to Chapter 410, "Zoning" are necessary to implement certain recommendations of the reexamination report,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

**Section I. Chapter 410, "Zoning," of the General Ordinances of the Borough of Fort Lee be and is hereby amended as follows:**

**A. Replace the following sections of Chapter 410 with the text below.**

**§ 410-8. Designation of zones.**

For the purpose of this chapter, the Borough of Fort Lee is hereby divided into 34 zones differentiated according to use and building regulations and to be designated as follows:

- R-1 One-Family Residential Zone
- R-1A One-Family Residential Zone
- R-2 One-Family Residential Zone
- R-2A One-Family Residential Zone
- R-3 One- and Two-Family Residential Zone
- R-3A One- and Two-Family Residential Zone
- R-4 One- and Two-Family Residential Zone
- R-5 Garden Apartment Residential Zone

R-5A	Low-Rise Residential Zone
R-6	Six-Story Apartment Residential Zone
R-6A	Age-Restricted Apartment Residential Zone
R-7	Eight-Story Apartment Residential Zone
R-7A	Mid-Rise Residential Zone
R-8	Moderate-Density Apartment Residential Zone
R-8A	Moderate-Density Residential Zone
R-9	High-Rise Apartment Residential Zone
R-10	High-Rise Apartment Residential Zone
R-10A	High-Rise Apartment Residential Zone
R-11	High-Rise Apartment Residential Zone
R-12	High-Rise Apartment Residential Zone
C-1	Central Business District Zone
C-1A	Planned Business District Zone
C-1B	Mixed-Use Zone
C-2	Neighborhood Business Zone
C-3	Limited Business Zone
C-4	Special Business Zone
C-5	Highway Development Zone
C-6	Planned Commercial Zone
C-7	Special Limited Business Zone
I-1	Light Industrial Office Zone
PCR-1	Planned Commercial/Residential Zone
D-1	Redevelopment Overlay District
D-5	Redevelopment District
Park	Park District

**Zoning Schedule IV-2  
Area, Bulk and Yard Requirements**

The bulk regulations for the C-3 Zone Limited Business District shall be modified by changing the maximum permitted floor area ratio for Office Buildings and for Banks and Financial Institutions from 2.5 to 1.5.

**B. Add the following sections to Chapter 410.**

**§ 410-9. Zoning Map.**

K. The area bounded generally by Federspiel Street and Kaufer Lane which is currently located within the limits of the R-10A Zone, and more particularly designated as Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 in Block 4302; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 in Block 4303; Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 in Block 4304; and Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 4305 on the Fort Lee Tax Maps, is hereby rezoned to the R-5A Low-Rise Residential Zone.

L. The area generally located between Main Street and Kaufer Lane which is currently located within the limits of the R-10A Zone, and more particularly designated as Lots 10, 11, 12, 13, 14, 15, 16, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39

and 40 in Block 4305 on the Fort Lee Tax Maps, is hereby rezoned to the R-7A Mid-Rise Residential Zone.

- M. The area generally bounded by Lemoine Avenue on the west and Palisade Avenue on the east which is currently located within the limits of the C-2 Zone, and more particularly designated as Lots 5, 6, 7, 8, 9, 10, 11, 12, 30, 55, 56, 57 and 58 in Block 4202 on the Fort Lee Tax Maps, is hereby rezoned to the C-1 Central Business District Zone.
- N. The area generally located along Main Street between Federspiel Street and Bigler Street on the west and Hudson Terrace on the east which is currently located in the R-10A Zone and the C-2 Zone, and more particularly designated as Lots 2, 3, 4, 5, 6, 7 and 8 in Block 4806; Lots 10 and 11 in Block 4302 and Lots 19, 20, 21 and 22 in Block 4305 on the Fort Lee Tax Maps, is hereby rezoned to the C-1B Mixed-Use Zone.

#### **Article XVII**

##### **D-5 Redevelopment District**

##### **§ 410-82. District criteria.**

The regulations for development in this district shall be in accordance with "Redevelopment Plan for Redevelopment Area 5 in the Borough of Fort Lee, New Jersey," dated July 2004, as amended through February 2005.

#### **Article XVIII**

##### **R-5A Low-Rise Residential Zone**

##### **§ 410-83. District criteria.**

- A. Principal permitted uses:
  - (1) One-family detached dwelling.
  - (2) Two-family detached dwelling.
  - (3) Townhouses or row houses.
  - (4) Multi-family apartments.
- B. Permitted accessory uses:
  - (1) Private garages and off-street parking subject to Article X.
  - (2) Private swimming pools subject to § 410-35A(2).
  - (3) Signs.
  - (4) Professional offices as provided in § 410-35A(3).
  - (5) Greenhouses subject to § 410-35A.

(6) Other accessory uses customarily incidental to a permitted principal use.

C. Permitted conditional uses: none.

D. Bulk standards:

(1) One-family detached dwellings:

- (a) Minimum lot area: 2,500 square feet.
- (b) Minimum lot width: 25 feet.
- (c) Maximum building height: 35 feet/2½ stories.
- (d) Maximum lot coverage: 40%.
- (e) Minimum front yard: 20 feet.
- (f) Minimum side yard: none required. If one is provided, 5 feet.
- (g) Minimum rear yard: 25% of lot depth or 30 feet, whichever is less.

(2) Two-family detached dwellings and multi-family apartments:

- (a) Minimum lot area: 5,000 square feet
- (b) Minimum lot width: 40 feet.
- (c) Maximum building height:
  - [1] Two-family detached dwellings and multi-family residential buildings without ground floor parking: 35 feet/2½ stories.
  - [2] Multi-family residential buildings with ground floor parking: 40 feet/3 residential stories above parking level.
- (d) Maximum lot coverage: 30%.
- (e) Minimum front yard: 20 feet.
- (f) Minimum side yard (one): 8 feet.
- (g) Minimum side yard (both): 15 feet.
- (h) Minimum rear yard: 40 feet.
- (i) Ground floor parking within multi-family residential buildings must be screened from view from the street and from neighboring properties.
- (j) Maximum curb cuts:

- [1] Properties with 50 feet or less of lot frontage: one per property.
- [2] Properties with over 50 feet of lot frontage: one for every 50 feet of lot frontage.
- (3) Townhouses or row houses:
  - (a) Minimum lot area: 2,500 square feet.
  - (b) Minimum lot area per unit: 2,500 square feet.
  - (c) Minimum lot width: 25 feet.
  - (d) Maximum building height: 35 feet/3 stories.
  - (e) Maximum lot coverage: 40%.
  - (f) Minimum front yard: 0 feet if parking is provided to the rear of the dwelling. 20 feet if parking is provided in front of the dwelling.
  - (g) Minimum side yard: none required for interior dwelling units within a cluster of townhouses or rowhouses. For units at the end of a cluster of townhouses or rowhouses, 15 feet.
  - (h) Minimum rear yard: 25% of lot depth or 25 feet, whichever is less.

**Article XIX**  
**R-7A Mid-Rise Residential Zone**

**§ 410-84. District criteria.**

- A. Principal permitted uses:
  - (1) One-family detached dwelling.
  - (2) Two-family detached dwelling.
  - (3) Townhouses or row houses.
  - (4) Multi-family apartments.
- B. Permitted accessory uses:
  - (1) Private garages and off-street parking subject to Article X.
  - (2) Private swimming pools subject to § 410-35A(2).
  - (3) Signs.

- (4) Professional offices as provided in § 410-35A(3).
- (5) Greenhouses subject to § 410-35A.
- (6) Other accessory uses customarily incidental to a permitted principal use.

C. Permitted conditional uses: none.

D. Bulk standards:

(1) One- and two-family detached dwellings:

(a) Minimum lot area:

[1] One-family: 5,000 square feet.

[2] Two-family: 6,000 square feet.

(b) Minimum lot area per unit:

[1] One-family: 5,000 square feet.

[2] Two-family: 3,000 square feet.

(c) Minimum lot width:

[1] One-family: 50 feet.

[2] Two-family: 60 feet.

(d) Maximum lot coverage: 30%.

(e) Maximum building height: 35 feet/2½ stories.

(f) Minimum front yard: 20 feet.

(g) Minimum side yard (one): 6.5 feet.

(h) Minimum side yard (both): 14.5 feet.

(i) Minimum rear yard: 25 feet.

(2) Townhouses or row houses:

(a) Minimum lot area: 3,000 square feet.

(b) Minimum lot area per unit: 3,000 square feet.

(c) Minimum lot width: 30 feet.

(d) Maximum building height: 35 feet/3 stories.

- (e) Maximum lot coverage: 40%.
  - (f) Minimum front yard: 0 feet if parking is provided to the rear of the dwelling. 20 feet if parking is provided in front of the dwelling.
  - (g) Minimum side yard: none required for interior dwelling units within a cluster of townhouses or rowhouses. For units at the end of a cluster of townhouses or rowhouses, 15 feet.
  - (h) Minimum rear yard: 25% of lot depth or 25 feet, whichever is less.
- (3) Multi-family apartments – for lots less than 21,780 square feet in area:
- (a) Maximum building height:
    - [1] Buildings without ground floor parking: 40 feet/3 stories.
    - [2] Buildings with ground floor parking: 50 feet/3 residential stories above parking level.
  - (b) Maximum lot coverage: 40%.
  - (c) Minimum front yard: 25 feet.
  - (d) Minimum side yard (one): 8 feet.
  - (e) Minimum side yard (both): 15 feet.
  - (f) Minimum rear yard: 30 feet.
  - (g) Ground floor parking within buildings must be screened from view from the street and from neighboring properties.
  - (h) Maximum curb cuts:
    - [1] Properties with 50 feet or less of lot frontage: one per property.
    - [2] Properties with over 50 feet of lot frontage: one for every 50 feet of lot frontage.
- (4) Multi-family apartments – for lots between 21,780 square feet and 43,559 square feet in area:
- (a) Maximum building height: 70 feet/6 stories.
  - (b) Maximum lot coverage: 40%.
  - (c) Minimum front yard: 30 feet.
  - (d) Minimum side yard: 15 feet.

- (e) Minimum rear yard: 40 feet.
  - (f) Ground floor parking within buildings must be screened from view from the street and from neighboring properties.
- (5) Multi-family apartments – for lots 43,560 square feet or greater in area:
- (a) Maximum building height: 100 feet/9 stories, measured from the elevation of intersecting center lines of Kaufer Lane and Cedar Street.
  - (b) Maximum lot coverage: 40%.
  - (c) Minimum front yard: 40 feet.
  - (d) Minimum side yard: 25% of building height.
  - (e) Minimum rear yard: 50% of building height.
  - (f) Ground floor parking within buildings must be screened from view from the street and from neighboring properties.

**Article XX**  
**C-1B Mixed-Use Zone**

**§ 410-85. District criteria.**

**A. Principal permitted uses:**

- (1) Business and professional offices.
- (2) Restaurants
- (3) Eating and drinking establishments.
- (4) Retail and service commercial uses.
- (5) Residential uses.
- (6) Mixed-use developments containing uses permitted within this zone.
- (7) One or more of the following uses are required to be provided at street level along the Main Street frontage of any building in the C-1B Zone:
  - (a) Restaurants.
  - (b) Eating and drinking establishments.
  - (c) Retail or service commercial uses.

- B. Permitted accessory uses: uses customarily incidental to a permitted principal or conditional uses.
- C. Bulk standards for permitted principal uses:
- (1) Minimum lot area: 5,000 square feet
  - (2) Minimum lot area per unit: 660 square feet. This requirement shall apply only to residential uses or the residential portion of a mixed-use development.
  - (3) Maximum building height: six stories/70 feet. However, the maximum permitted building height shall be five stories/60 feet within 50 feet of the right-of-way line of Bigler Street or Federspiel Street.
  - (4) Maximum improved lot coverage: 85%.
  - (5) Minimum front yard:
    - (a) First through fourth stories (above street level): 0 feet.
    - (b) Fifth story (above street level): 10 feet.
    - (c) Sixth story (above street level): 20 feet.
  - (6) Minimum side yard: 10 feet.
  - (7) Minimum rear yard: 20 feet.
  - (8) Maximum floor area ratio: 1.5. This requirement shall apply only to floor area occupied by non-residential uses, but shall not apply to enclosed parking areas.
  - (9) Ground floor parking within buildings must be screened from view from the street and from neighboring properties.

**Section II.** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be determined to govern. All other parts, portions and provisions of Chapter 410 of the Revised General Ordinances of the Borough of Fort Lee are hereby ratified and confirmed, except where inconsistent with the terms hereof.

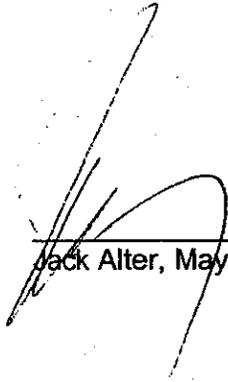
**Section IV.** This Ordinance shall take effect immediately upon final passage and publication according to law.

**Section V.** A certified copy of the Ordinance upon adoption shall be sent to the Bergen County Planning Board and to all surrounding municipalities.

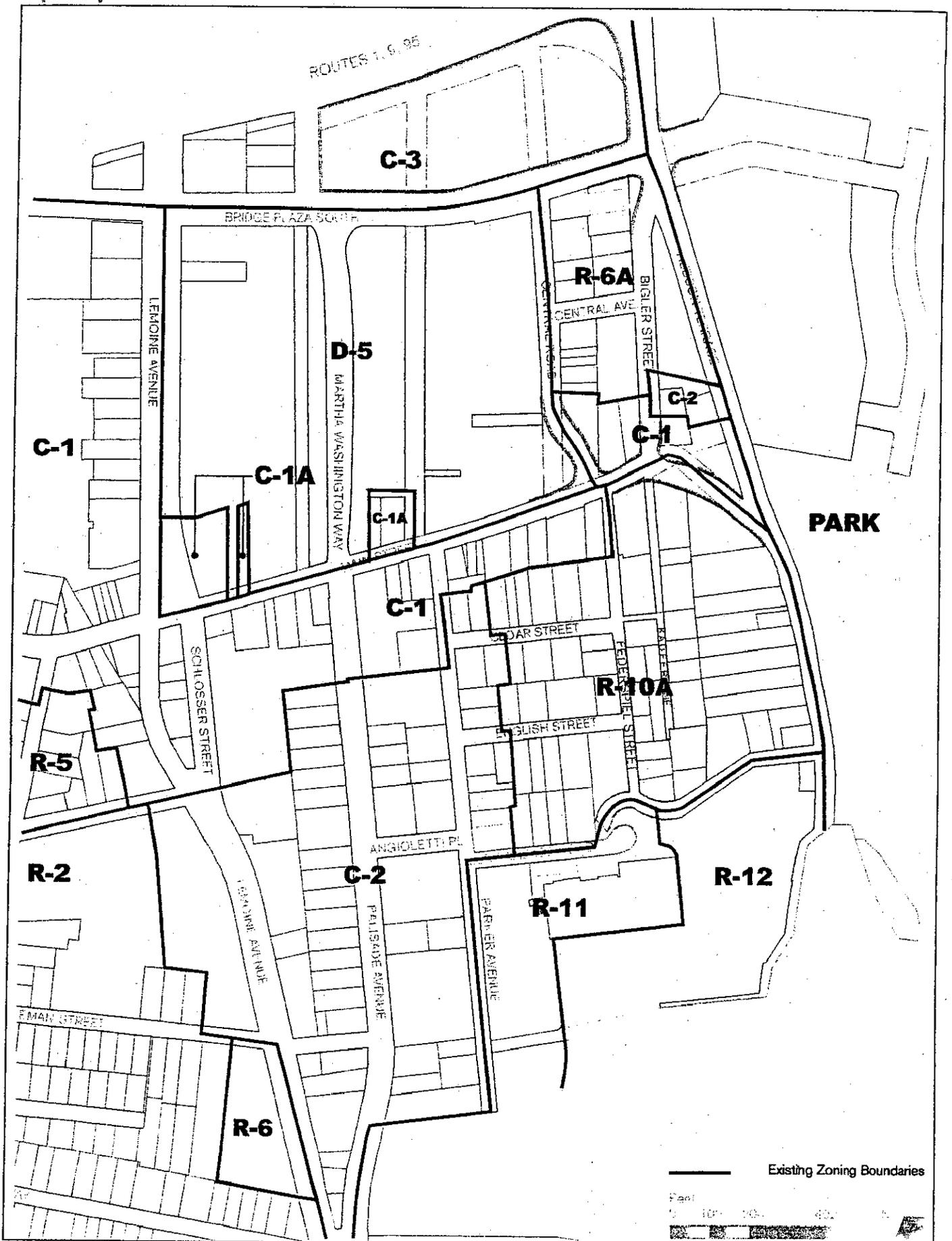
Attest:

*Neil Grant*

Neil Grant  
Borough Clerk

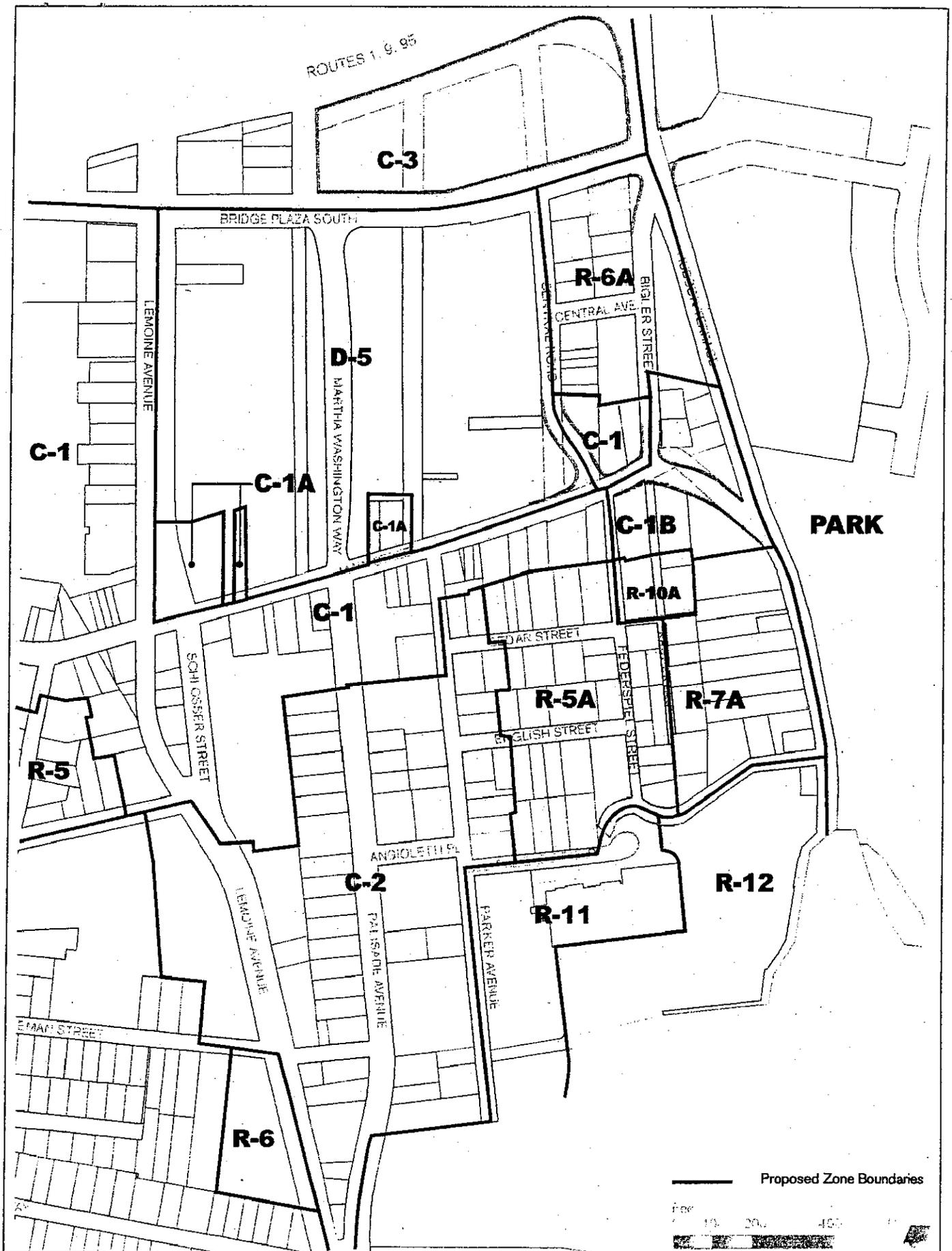


Jack Alter, Mayor



**Map 1: Existing Zoning**

Philips Preiss Shapiro Associates, Inc. 2005



**Map 2: Proposed Zoning Amendments**

Introduced	<u>D. CURVIERI</u>	Date of Introduction	<u>June 29, 2005</u>
		Public Hearing	<u>July 21, 2005</u>
Seconded	<u>M. VILLANO</u>	Postponed to Tabled:	<u>August 18, 2005</u> <u>August 18, 2005</u>
		Date of Adoption	<u></u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-25

**AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA D-4 AND TO AMEND THE ZONING MAP OF THE BOROUGH OF FORT LEE**

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee authorized the Planning Board of the Borough of Fort Lee, by Resolution of March 27, 2003, to conduct an investigation and hearing, in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, to determine if a certain area located in the Borough of Fort Lee should be determined to be an area in need of redevelopment; and

**WHEREAS**, the area considered by the Planning Board was designated as Redevelopment Area 4 and consists of Tax Block 5902, Lots 17 and 18, as further defined within this Ordinance; and

**WHEREAS**, the Planning Board did conduct a hearing pursuant to notice and review the investigation report obtained for that purpose and did further, at the conclusion of the said hearing held on June 9, 2003, recommend to the Mayor and Council of the Borough of Fort Lee that Area 4 be determined to be an area in need of redevelopment; and

**WHEREAS**, by Resolution of June 26, 2003, the Mayor and Council of the Borough of Fort Lee did review and accept the recommendation of the Planning Board that Redevelopment Area 4 be considered an area in need of Redevelopment as the said area met the statutory criteria of N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Mayor and Council of the Borough of Fort Lee, in accordance with the provisions of N.J.S.A. 40A:12A-7 did further review a proposed Redevelopment Plan for Redevelopment Area 4; and

**WHEREAS**, the Mayor and Council have preliminarily approved the Redevelopment Plan attached hereto as Exhibit B to this Ordinance and in accordance with N.J.S.A. 40A:12A-7, it is required to submit the proposed Redevelopment Plan for Redevelopment Area 4 to the Planning Board for its review and

report prior to taking final action on the adoption of this Ordinance to adopt the Redevelopment Plan for Redevelopment Area 4,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Fort Lee in the County of Bergen, State of New Jersey, as follows:

Article 1. That Redevelopment Area 4 consisting of Tax Block 5902, Lots 17 and 18, and as further depicted on the excerpt of the Tax Map attached hereto as Exhibit A, (available in the Office of the Borough Clerk) shall be deemed subject to the Redevelopment Plan for Redevelopment Area 4, a true copy of which is attached hereto as Exhibit B, (available in the Office of the Borough Clerk, subject to the provisions of the this Ordinance.

Article 2. That Redevelopment Area 4 shall constitute a new and separate zoning district which shall be known as the D-4 Redevelopment Area 4 District, and the official Zoning Map of the Borough of Fort Lee shall be amended to designate Block 5902, Lots 17 and 18 as D-4, as shown on Exhibit A attached hereto, as permitted pursuant to N.J.S.A. 12A:40A-7(c).

Article 3. That the Redevelopment Plan for Redevelopment Area 4 attached hereto as Exhibit B be and the same is hereby adopted, subject to compliance with N.J.S.A. 40A:12A-7(e) and the requirement for referral to the Planning Board having been satisfied prior to presentation for final adoption and hearing on this Ordinance. The Borough Clerk shall provide a copy of Exhibit B to the Planning Board for review upon first reading of this Ordinance.

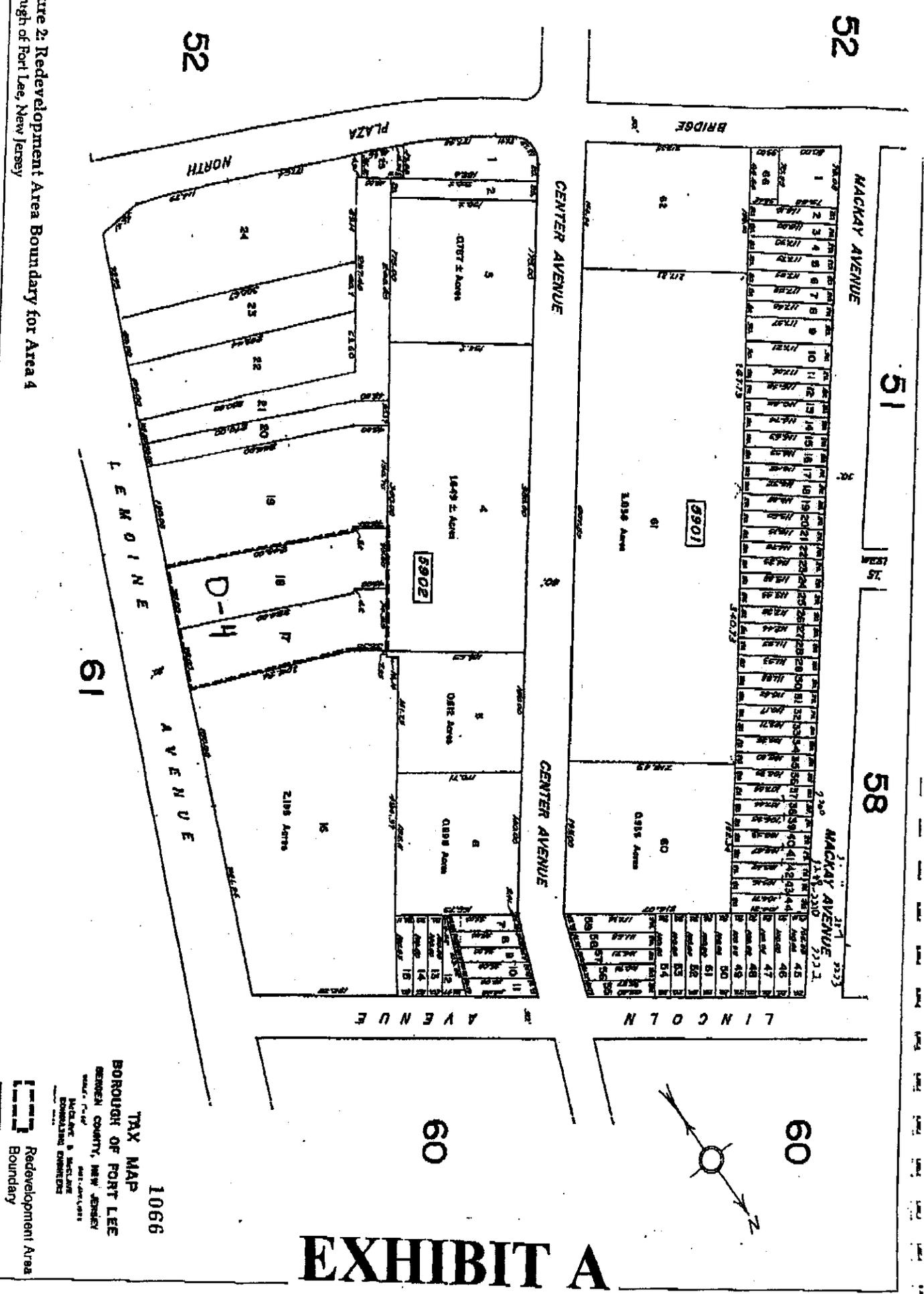
Attest:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

\_\_\_\_\_  
Jack Alter, Mayor

Figure 2: Redevelopment Area Boundary for Area 4  
Borough of Fort Lee, New Jersey

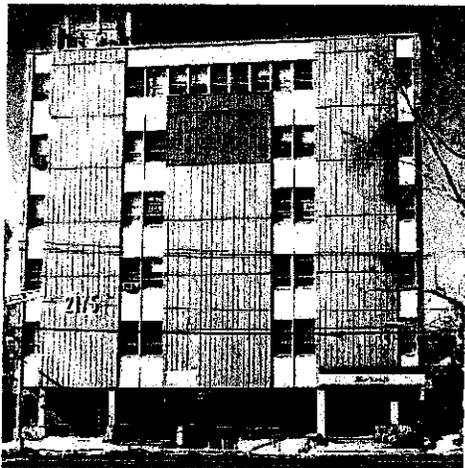


**TAX MAP**  
1066  
BOROUGH OF FORT LEE  
BERGEN COUNTY, NEW JERSEY  
PLANNING & ENGINEERING  
REDEVELOPMENT DIVISION

**Legend:**  
 Redevelopment Area Boundary  
 Lot Number

# EXHIBIT A

# **Redevelopment Plan for Redevelopment Area 4 in the Borough of Fort Lee, New Jersey**



Prepared for the Borough of Fort Lee

**Phillips Preiss Shapiro Associates, Inc.**  
Planning & Real Estate Consultants

June 2005

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## I. INTRODUCTION

### A. Statutory Basis

This redevelopment plan has been prepared for an area located immediately north of the George Washington Bridge within the Borough of Fort Lee in Bergen County, New Jersey. The property is located in the northern section of Fort Lee on the west side of Lemoine Avenue between Bridge Plaza North and Lincoln Avenue, as shown in Figure 1. The area that is the subject of this plan is known as "Area 4." However, for purposes of this plan, Area 4 shall heretofore be referred to as the "redevelopment area."

The Mayor and Council of the Borough of Fort Lee adopted a resolution on March 27, 2003, directing the Planning Board to study the area in order to determine whether it was in need of redevelopment in accordance with the criteria specified in the Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Planning Board subsequently directed its consulting planners, Phillips Preiss Shapiro Associates, Inc., to conduct this study. The consultants submitted their report, titled *Redevelopment Area Investigation for Area 4 Located in the Northerly Portion of the Borough of Fort Lee*, to the Planning Board and a public hearing was then held by the Planning Board to determine whether the area should be designated in need of redevelopment pursuant to the LRHL. On June 9, 2003 the Planning Board adopted a resolution finding the area to be in need of redevelopment. The Mayor and Municipal Council of the Borough of Fort Lee subsequently approved the Planning Board's determination, and declared the area in need of redevelopment pursuant to NJSA 40A:12-6. The Mayor and Council then directed the Planning Board to prepare a redevelopment plan for the area in question. For this plan to be put into effect, it must be adopted by the Mayor and Council by ordinance as stipulated at N.J.S.A. 40A:12A-7.

### B. Description of Redevelopment Area Boundaries

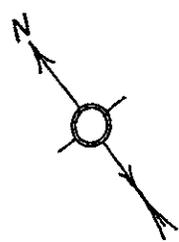
As described, the redevelopment area is located on Lemoine Avenue immediately north of the George Washington Bridge in the northerly portion of the Borough of Fort Lee, as shown on Figure 1. The redevelopment area encompasses two contiguous tax lots, which are designated as Block 5902, Lots 17 and 18 on the Borough's official tax maps. It is bounded by Lemoine Avenue to the east; a residential property consisting of an eight-story apartment house to the north; the George Washington Plaza shopping center to the south; and a residential lot consisting of a six-story apartment house to the west. The property to the east across Lemoine Avenue is improved with a shopping center. In general, the areas immediately to the south and east of the redevelopment area are characterized by a variety of commercial and retail development. The areas immediately to the north and west of the redevelopment area are characterized by mid- and high-rise residential development. The specific redevelopment area boundaries are shown in Figure 2.



**Figure 1: Area 4 Locational Context**  
 Borough of Fort Lee, New Jersey



60



60

1066

TAX MAP

BOROUGH OF FORT LEE  
BERGEN COUNTY, NEW JERSEY

WILLIAM P. WY  
MCKELVEY & MCKELVEY  
CONSULTING ENGINEERS

Redevelopment Area  
Boundary

5902

Block Number

18

Lot Number

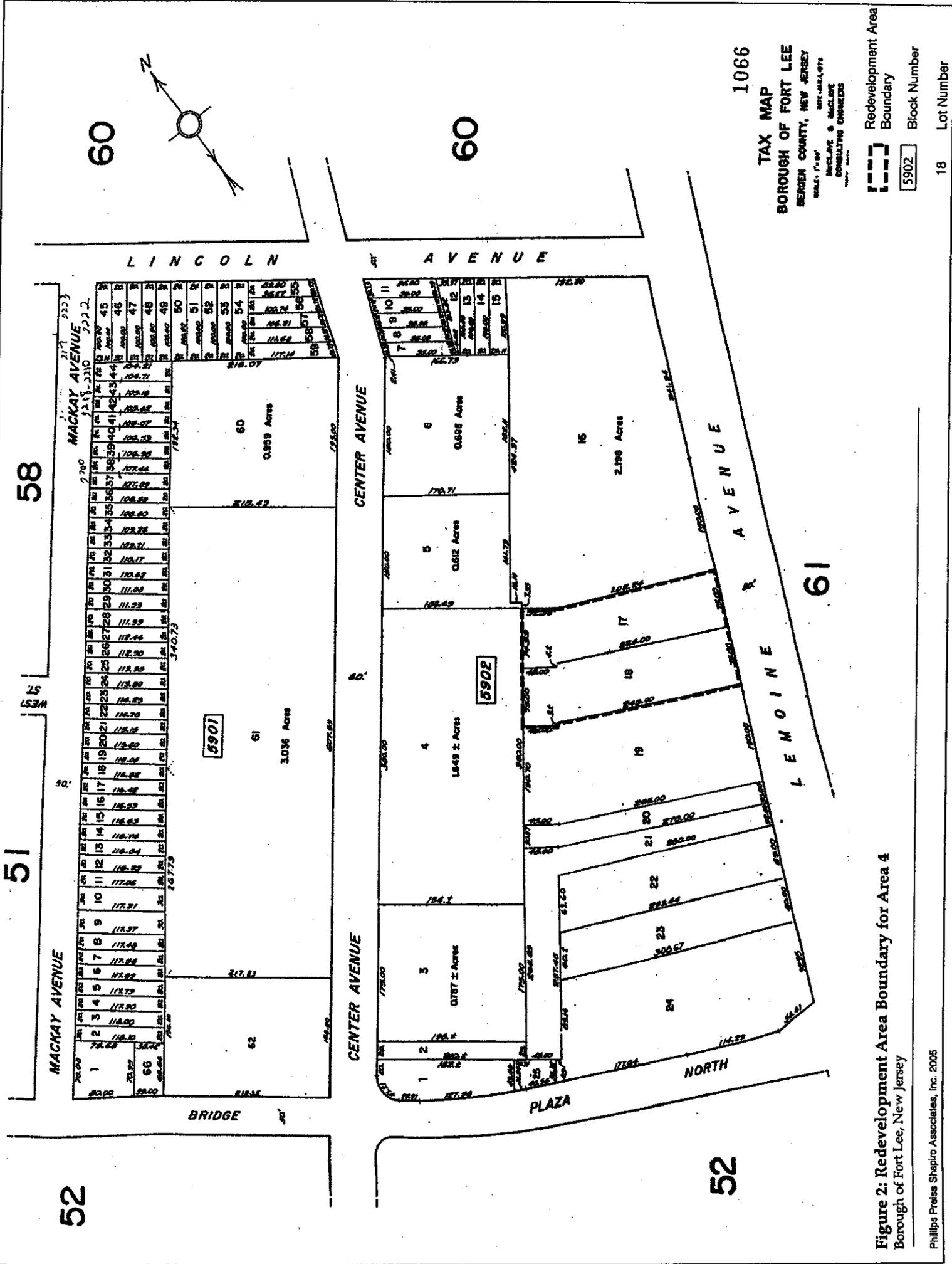


Figure 2: Redevelopment Area Boundary for Area 4  
Borough of Fort Lee, New Jersey

## II. DESCRIPTION OF EXISTING CONDITIONS AND PROPOSED REDEVELOPMENT PLAN

As described, the redevelopment area is located on the west side of Lemoine Avenue between Bridge Plaza North and Lincoln Avenue. The redevelopment area is comprised of two contiguous tax lots, both of which are currently developed.

Block 5902, Lot 17, which is the northerly of the two parcels, is  $\pm 0.4$  acres in area. A vacant six-story office building that is in poor condition is located on this lot. A deteriorating, partially demolished parking deck is located to the west of the office building. These buildings have been the subject of various building and fire code violations within the last decade.

The southerly parcel, Block 5902, Lot 18, is  $\pm 0.5$  acres in area. It is currently improved with an older residential dwelling that has been converted to office use. A one-story commercial building is attached to the dwelling and located between the dwelling and Lemoine Avenue. An approximately 200-foot deep area to the west of these buildings has no buildings on it, although a parking area is located on this portion of the property.

It is the intention of the redevelopment plan to promote more productive use of the entire redevelopment area. More specifically, the redevelopment plan encourages the renovation of the existing six-story building on Lot 17 for residential use, and possible commercial use along Lemoine Avenue on the ground floor. Additional development is intended to occur on this lot to the west, or rear, of the existing building. The new construction would match the height of the existing six-story building, and also be designed for residential use. A new parking deck would also be constructed to provide accessory parking for the uses on this lot. With regard to Lot 18, the redevelopment plan envisions the removal of the existing improvements on this parcel, which would be redevelopment in a manner consistent with the redevelopment of Lot 17. Alternatively, either parcel could be redeveloped in accordance with the regulations of the Borough's C-3 Zone, with the exception of building height, which would be limited to six stories consistent with the height of the existing building on Lot 18.

### **III. GOALS OF THE REDEVELOPMENT PLAN AND RELATIONSHIP TO LOCAL OBJECTIVES**

#### **A. Redevelopment Plan Goals and Objectives**

The specific goals and objectives of the Redevelopment Plan are as follows:

1. To provide for appropriate land uses that will eliminate blight, promote economic development and growth opportunities, and serve the needs of the community.
2. To provide for an increase in the economic base of the redevelopment area and entire Borough by redeveloping underutilized and non-productive properties.
3. To minimize the negative impact of existing dilapidated commercial and residential uses in the redevelopment area on the surrounding neighborhood.
4. To encourage the revitalization of the redevelopment area in a manner that is compatible with the character of adjacent properties and land uses.
5. To capitalize on the existing strengths of the redevelopment area, including the presence of adjacent residential, office and retail development and the proximity to major highways and the George Washington Bridge.
6. To promote new residential development, as well as office, retail and other commercial uses in the redevelopment area in a manner that will benefit the community.

#### **B. Relationship to the Intent and Purpose of the Master Plan**

The Borough of Fort Lee's objectives with respect to the redevelopment of the Borough as a whole are expressed in the Master Plan adopted in 1988, and the Master Plan Reexaminations of 1995, 2001 and 2004.

Among the specific goals and objectives of the 1988 Master Plan was development of highway business-oriented uses, including offices, restaurants, hotels, in a compact centralized and well accessible manner to encourage reduction in traffic and congestion. In keeping with this objective, the Master Plan further stated that zoning should provide for medium density office buildings near the George Washington Bridge approaches, where such development already existed. The 1988 Master Plan further proposed a zoning revision to increase permitted building height in the portion of the Borough that included the redevelopment area in an effort to encourage new development compatible with the existing office development. Specifically, the Master Plan proposed redesignating the existing C-3 zone as C-3-M; for the purpose of increasing the maximum permitted height from the C-3 maximum of 40 feet. Finally, the Master Plan also recognized that the Fort Lee was essentially "built-out," with effectively has no undeveloped land available for new development.

Reexaminations of the Master Plan were adopted in June 1995, April 2001 and June 2004. The 1995 reexamination report reiterated the Master Plan objective of promoting highway business oriented uses in a manner that will reduce traffic congestion. The 2001 reexamination report recommended that highway regional businesses be developed in a comprehensively planned manner, and that this continued to be a "key planning objective." It also stated that avoiding

low-rise strip development along the Borough's major highways was a goal of the Master Plan. The 2004 reexamination report focused primarily on downtown Fort Lee and adjacent areas.

The Redevelopment Plan supports the objectives and recommendations of the 1988 Master Plan and subsequent reexaminations. It provides for the redevelopment of deteriorated and underutilized portions of the existing commercial/office area along Lemoine Avenue near I-95 and the George Washington Bridge, including the redevelopment of an abandoned structure. The Redevelopment Plan is cognizant that Fort Lee is effectively "built-out," and recognizes that redevelopment of unproductive land areas—particularly those located in its central commercial areas—is critical to the continued viability of the Borough. The Redevelopment Plan also generally supports appropriate land uses, densities of population, improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.

The Redevelopment Plan advances the objectives and recommendations of the 1988 Master Plan, as well as the 1995, 2001 and 2004 Master Plan reexaminations as follows:

- Promoting development in areas with highway access to minimize traffic impacts on the Borough.
- Furthering redevelopment of the redevelopment area in a manner compatible with existing development.

### **C. Relationship to the Intent and Purpose of the Zoning Ordinance**

The redevelopment area is currently zoned C-3 Limited Business District, as per the Fort Lee Zoning Ordinance. The C-3 district permits business and professional offices, banks and other financial institutions, as well as municipal buildings, schools and parks. Permitted conditional uses include hotels, retail and service businesses, gas stations, and planned commercial and mid-rise residential development. Accessory uses include off-street parking. Permitted building heights vary from 40 feet to 150 feet depending on use; with a 100-foot maximum height permitted for office buildings and financial institutions and a 150-foot maximum height for hotels. Floor area ratios vary from 0.6 to 2.5 depending on use; with offices and hotels permitted floor area ratios of 2.5 and 1.5, respectively. Yard requirements are based on formulas that consider right-of-way width and building height. The redevelopment area's north and west boundaries abut an R-7 Eight-Story Apartment residential zone.

Upon the adoption by ordinance of this Redevelopment Plan, the Borough's official zoning map will be thereby amended to include the redevelopment area in a new zoning district, to be known as the D-4 Redevelopment Area 4 District. Following such map amendment, the regulations of the C-3 District will no longer apply to the subject property. Where there is a conflict between specific use, bulk or other development provisions of the Redevelopment Plan and the C-3 zoning, the provisions of the Redevelopment Plan shall apply.

#### **IV. LAND USE AND DEVELOPMENT PLAN**

##### **A. Existing Land Uses**

The Redevelopment Plan recognizes that there is an opportunity to promote the redevelopment of the abandoned and underutilized commercial properties in question and to return these properties to productive use and ensure they contribute fairly to the tax base of the Borough. The redevelopment area consists of two tax lots, located in the center of tax block 5902, with frontage on Lemoine Avenue; and bounded on the remaining three sides by privately owned tax lots on Block 5902. The adjoining lots to the north and to the west of the redevelopment area are developed with mid- and high-rise residential development. These apartment houses are in good condition. The lots adjoining the redevelopment area to the south are developed with a shopping center consisting of retail and some offices uses. Directly across from the redevelopment area is the recently renovated Food Emporium shopping center, as well as auto-related commercial uses along Lemoine Avenue. All of these uses are in generally good condition.

##### **B. Specific Land Use and Development Requirements**

It is the goal of the Redevelopment Plan to: (1) to encourage redevelopment in a manner that is compatible with the commercial character of existing uses to the south; and (2) to provide for the appropriate redevelopment of the northernmost portion of the district for multi-family residential use. The Redevelopment Plan specifically envisions the following: (1) residential and office uses; (2) retail, office and service commercial uses of types that service the surrounding residential and office development, including convenience and daily needs shopping; and (3) off-street parking.

##### **C. Targeted Redevelopment Actions**

Specific actions are targeted by the Redevelopment Plan to address certain deficiencies within the redevelopment area. A portion of the redevelopment area is currently occupied by an abandoned six-story office building (Block 5902, Lot 17); and a portion is occupied by a converted residence and single-story retail building. Under the Redevelopment Plan, it is proposed that the existing structure on Block 5902, Lot 17 be renovated (for multi-family residential apartments with some ground floor commercial use) with an addition constructed to the rear, while Block 5902, Lot 18 be redeveloped in accordance with existing C-3 Zone regulations. Redevelopment would include adequate off-street parking to service these uses.

##### **D. Specific Land Use Provisions for the Redevelopment Area**

###### **1. Development Regulations**

A development applicant shall choose from one of the following two options.

###### **Option A**

Principal permitted uses:

- Residential apartments
- General and professional offices, located on the ground floor.
- Retail sales and service, located on the ground floor.

- Banks, excluding drive-in facilities.
- Mixed use of any of the above.

Permitted accessory uses:

- Structured off-street parking located within buildings.
- Open lot off-street parking.
- Off-street loading and unloading.

Bulk Standards:

- Bulk standards for new construction or additions to existing buildings shall be according to the following:
  - Minimum setback from a principal building to a residential zone or use: 3.5 feet.
  - Minimum principal building height: 30 feet/2 stories.
  - Maximum principal building height: 85 feet/six stories.
  - Rooftop mechanical equipment is permitted, subject to §410-33.1 of the Fort Lee Zoning Ordinance.
  - Front yard setback: five feet.
- Side yard setback: zero feet.
- Minimum rear yard setback: 35 feet.
- The above setback regulations shall not apply to accessory structures, including parking garages, the top of which do not exceed the floor height of the second story above grade of the principal building on the lot.
- Maximum number of dwelling units: 30.
- The bulk standards provided herein shall supercede all bulk, density, area and height provisions of the Borough of Fort Lee Zoning Ordinance.

Signage:

- Regulations pertaining to signs shall be pursuant Article XII of the Borough of Fort Lee Zoning Ordinance.

Parking and Loading:

- Off-street parking located at or above the grade of Lemoine Avenue shall not be located within 60 feet of the front lot line of the property.
- Regulations pertaining to off-street parking and loading shall be pursuant to Article VI of the Borough of Fort Lee Site Plan Review Ordinance and Article X of the Borough of Fort Lee Zoning Ordinance, except that off-street loading spaces shall not be required when the reuse of an existing building presents practical difficulties to providing such spaces.

Option B

- Development shall be regulated in accordance with the standards established for the Borough's C-3 Zone, with the exception of building height. The maximum building height shall be 85 feet/six stories.
- The maximum improved lot coverage as defined in the Borough of Fort Lee Zoning Ordinance shall be 85 percent.

2. Additional Provisions Applicable to the Entire Redevelopment Area

- All new construction and rehabilitation of existing buildings shall be designed so as to be compatible with the character of the surrounding area.

- Building facades and ornamentation shall be provided on all sides of a building and shall be compatible in terms of architectural treatment, color and materials so as to enhance the visual character of development. Windows and doorways shall be provided at street level on all sides of a building facing a street so as to enhance visual interest.
- A minimum of 25 percent of any building elevation fronting on a public street shall consist of windows or doorways.
- The redevelopment area shall be designated as a “streetscape improvement district” for the purposes of compliance with the streetscape improvement requirements set forth in § 345-22C of the Borough of Fort Lee Site Plan Review Ordinance.
- The exterior of any parking structures shall be clad with one or more of the same materials as utilized on the exterior of any principal buildings on the same lot.
- One driveway connection to a public street shall be permitted for every 75 feet of street frontage.

## **V. REDEVELOPMENT ACTIONS**

The Redevelopment Plan provides for a number of actions in support of the overall plan objectives, as follows:

### **A. Properties to be Acquired**

All privately owned lots within the redevelopment area are subject to acquisition by the Borough of Fort Lee as part of the redevelopment effort.

### **B. Other Actions**

In addition to the demolition, new construction and acquisition described above, several other actions may be taken to further the goals of this plan. These may include, but shall not be limited to:

- Consolidation of tax lots acquired into a single tax lot.
- Clearance of abandoned, deteriorated, obsolete structures or uses or structures on underutilized land areas, where necessary.
- Construction of new structures or other improvements.
- Provisions for public infrastructure necessary to service and support new development.
- Environmental remediation.
- Vacation of public utility easements as may be necessary for redevelopment.

### **C. Relocation**

Implementation of the Redevelopment Plan may require the displacement and relocation of businesses and residents located within the redevelopment area. At the time of property acquisition the actual extent of displacement will be determined and a Workable Relocation Assistance Plan (WRAP) will be prepared and submitted to the NJ Department of Community Affairs for approval. The Borough will comply with the requirements of the New Jersey State relocation statutes and regulations as applicable, and will provide all benefits and assistance required under the statute.

### **D. Linkages**

The plan recognizes that the redevelopment area provides opportunities to develop supportive linkages to areas of Fort Lee surrounding the redevelopment area. Adjacent to the north and west are multi-family residential uses, with areas of apartment houses and single-family homes beyond. To the south is a shopping center consisting of retail and offices uses. To the east across Lemoine Avenue, are areas of retail uses along Lemoine Avenue including the Food Emporium shopping center, with multi-story offices beyond. Finally, one-half block to the south are Interstate Route 95 and the George Washington Bridge approach ramps, which provide regional access to the redevelopment area. The proximity of the redevelopment area to regional highways will enhance the attractiveness of the proposed development.

## **VI. RELATIONSHIP TO OTHER PLANS**

### **A. Relationship to Master Plans of Adjacent Municipalities**

The Borough of Fort Lee is bordered to the east by the Borough of Edgewater and the Hudson River, to the south by the Borough of Cliffside Park and the Borough of Ridgefield, to the west by the Borough of Palisades Park, the Borough of Leonia and the City of Englewood and to the north by the Borough of Englewood Cliffs. None of these communities directly abuts the redevelopment area. Redevelopment of the area consistent with Redevelopment Plan goals will not have any adverse impact on adjacent municipalities.

### **B. Relationship to the Bergen County Master Plan**

The Borough of Fort Lee is located in Bergen County. The Bergen County Comprehensive Plan was last revised in the early 1970s. Although 30 years old, the Comprehensive Plan's Future Land Use Report, dated September 1971, recognized that there was a diminishing supply of open land available for development. It stated "any future development policies within the County—municipal, county or state—should strive to optimize the use of the remaining open land." Further, although the County plan stated that future development should be concentrated at regional centers and sub-centers, it recognized that "other areas will still need neighborhood and community facilities."

In summary, the Bergen County Comprehensive Plan, although three decades old, remains substantially consistent with the Borough's efforts to revitalize the redevelopment area, as expressed in the Redevelopment Plan.

### **C. Relationship to the State Development and Redevelopment Plan**

Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the redevelopment area is located in the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. By virtue of its excellent access and prominent location, the area is by all measures an appropriate location for new growth. The redevelopment plan will facilitate growth in this area.

The purpose of the Redevelopment Plan is to redevelop a small, but nonetheless underutilized and stagnant portion of Fort Lee. It is the goal of the Redevelopment Plan to place into productive use less than fully productive lands and structures. In particular, the redevelopment effort will focus on the redevelopment of an abandoned office structure consistent with the goals, strategies and policies of the State Plan.

## **VII. GENERAL PROVISIONS**

### **A. Easements**

No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Borough of Fort Lee.

### **B. Site Plan and Subdivision Review**

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the redevelopment area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Planning Board of the Borough of Fort Lee so that compliance with the Redevelopment Plan can be determined.

Any subdivision of lots and parcels of land within the redevelopment area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Borough of Fort Lee.

No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

### **C. Adverse Influences**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

### **D. Non-Discrimination Provisions**

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council of the Borough of Fort Lee or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Borough Council of the Borough of Fort Lee, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of race, creed, color or national origin.

### **E. Duration of the Plan**

The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of 40 years from the date of approval of this plan by the Mayor and Council of the Borough of Fort Lee.

### **F. Deviation Requests**

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a

specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

## VIII. OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- In the event that businesses in the redevelopment area must be displaced by the condemnation and/or acquisition of property by the Borough of Fort Lee, adequate provision for the permanent relocation of such businesses, as necessary, shall be made in accordance with all applicable state and federal regulations.
- All privately owned lots within the redevelopment area are subject to acquisition by the Borough of Fort Lee as part of the redevelopment effort.
- As indicated in Chapter 2, this Redevelopment Plan is consistent with the Master Plan for the Borough of Fort Lee. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Fort Lee regulating development in the area addressed by this Redevelopment Plan. In all situations where zoning issues are not specifically addressed herein, the Fort Lee Zoning Ordinance shall, however, remain in effect. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein. Final adoption of this Plan by the Borough Council of the Borough of Fort Lee shall be considered an amendment of the Borough of Fort Lee Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

**IX. PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A fee of \$500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Planning Board, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.

Introduced	J. CERVIERI	Date of Introduction	June 29, 2005
Seconded	M. VILLANO	Public Hearing	July 21, 2005
		Date of Adoption	July 21, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-26

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 410, "ZONING," OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE**

WHEREAS, the Borough of Fort Lee Planning Board adopted a reexamination of the Borough's Master Plan and Development Regulations on June 21, 2004; and

WHEREAS, the existing development regulations are contained in Chapter 261, "Land Use Procedures," Chapter 345, "Site Plan Review," Chapter 365, "Subdivision of Land," and Chapter 410, "Zoning," of the Revised General Ordinances of the Borough of Fort Lee; and

WHEREAS, the Borough of Fort Lee recently has implemented certain recommendations set forth in the June 21, 2004 reexamination report regarding parking regulations in Fort Lee's central business district by enacting amendments to Chapter 345 and Chapter 410 modifying the Borough's parking regulations; and

WHEREAS, the Borough of Fort Lee desires to expand the geographic area of the amended parking regulations consistent with this reexamination report; and

WHEREAS, amendments to Chapter 410, "Zoning" are necessary to implement certain recommendations of the reexamination report,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

**Section I.** Chapter 410, "Zoning" of the General Ordinances of the Borough of Fort Lee be and is hereby amended as follows:

**A. Modify the following section of Chapter 410 as described below:**

Add the following text to Chapter 410-40B (3) (a) after "Lots 1,2,3,4,5,6 and 7 in Block 3907,": "Lot 1 in Block 4201,"

**B. Modify the following section of Chapter 410 as described below:**

Add the following text to Chapter 410-42B after "Lots 1,2,3,4,5,6 and 7 in Block 3907," "Lot 1 in Block 4201,"

**Section II.** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section III.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be determined to govern. All other parts, portions and provisions of Chapter 410 of the Revised General Ordinances of the Borough of Fort Lee are hereby ratified and confirmed, except where inconsistent with the terms hereof.

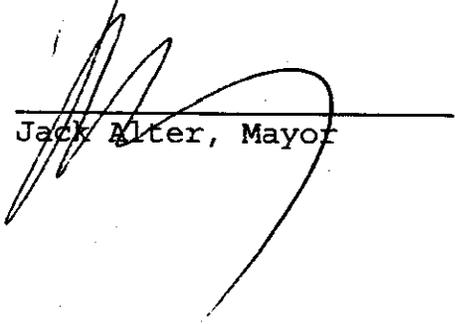
**Section IV.** This Ordinance shall take effect immediately upon final passage and publication according to law.

**Section V.** A certified copy of the Ordinance upon introduction and adoption shall be sent to the Bergen County Planning Board and to all surrounding municipalities.

Attest:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CURVINI</u>	Date of Introduction	<u>July 21, 2005</u>
Seconded	<u>M. VILLANO</u>	Public Hearing	<u>August 18, 2005</u>
		Date of Adoption	<u>August 18, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-27

AN ORDINANCE OF THE BOROUGH OF FORT LEE IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR THE PURCHASE OF DOMESTIC PREPAREDNESS EQUIPMENT FOR THE FIREFIGHTERS SAFETY PROGRAM FOR THE BOROUGH OF FORT LEE AND APPROPRIATING \$121,800 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$11,571 IN BONDS OR NOTES OF THE BOROUGH OF FORT LEE TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FORT LEE, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Fort Lee, in the County of Bergen, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of money therein stated as the appropriation made for the improvement or purpose, such sum amounting to \$121,800 and including the sum of \$609 as the down payment for the improvement or purpose required by the Local Bond Law and including the \$109,620 grant expected to be received from the United States Department of

BOND ORD 2005-27 FIRE EQUIPMENT GRANT

Homeland Security. The down payment has been made available by virtue of provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$11,571 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the acquisition of equipment for the domestic preparedness for firefighter's safety program, a complete list of which is on file with the Borough Clerk, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The

chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$11,571, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$1,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (other than those identified in Section 8 hereof) shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The

amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. As a portion of the total appropriation of \$121,800 made in Section 1 hereof, there is herein appropriated for the improvement or purpose described in Section 3(a) hereof the sum of \$109,620 constituting the amount payable to the Borough from an anticipated grant from the United States Department of Homeland Security.

Section 9. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. The Borough Council of the Borough hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

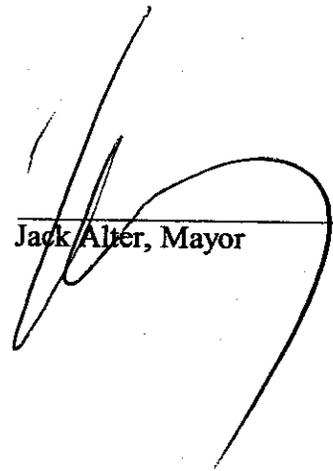
Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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The foregoing bond ordinance is hereby approved.

Attest:

*Neil Grant*  
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Neil Grant, Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. Cervantes</u>	Date of Introduction	<u>July 21, 2005</u>
Seconded	<u>M. Villano</u>	Public Hearing	<u>August 18, 2005</u>
		Date of Adoption	<u>August 18, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-28

**AN ORDINANCE AMENDING SALARY ORDINANCE #98-1  
OF THE BOROUGH OF FORT LEE TO ABOLISH THE SALARIED  
POSITION OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR,**

WHEREAS, the Borough of Fort Lee has reviewed the staffing and organization of the Office of Emergency Management as part of its on-going reorganization effort concerning its Public Safety Department; and

WHEREAS, the Director of Public Safety has recommended to abolish the salaried position of Deputy Emergency Management Coordinator based upon the Director of Public Safety's written report of March 22, 2005 and the Director of Public Safety's discussions with the governing body at the July 21, 2005 meeting of Mayor and Council; and

WHEREAS, the Borough of Fort Lee has determined that the current staffing in the Office of Emergency Management is not cost effective and efficient; and

WHEREAS, the Borough of Fort Lee has accepted the recommendation of the Director of Public Safety and Director of the Office of Emergency Management in this regard; and

WHEREAS, it is determined for reasons of economy and efficiency to be in the best interest of the Borough of Fort Lee to abolish the salaried position of Deputy Emergency Management Coordinator; and

WHEREAS, it is further determined to be in the best interests of the Borough of Fort Lee to assign all of the duties of the salaried Deputy Emergency Management Coordinator to the Emergency Management Coordinator and the Police Department; and

WHEREAS, the Borough of Fort Lee adopted salary ordinance #98-1 for the paid position of Deputy Emergency Management Coordinator; and

WHEREAS, the Mayor and Council, upon the recommendation of the Borough Administrator wish to amend salary ordinance #98-1 to abolish the salaried position of Deputy Emergency Management Coordinator and assign the duties of the Deputy Emergency Management Coordinator to the Emergency Management Coordinator; and

WHEREAS, based upon the above stated evidence and recommendations, the Mayor and Council have concluded that the Office of Emergency Management does not require both an Emergency Management Coordinator and a paid, full-time Deputy Emergency Management Coordinator; and

WHEREAS, the Mayor and Council having considered its options and in the best interest of the Borough of Fort Lee, seek to abolish the salaried position of Deputy Emergency Management Coordinator, to more effectively utilize its funding resources; and

WHEREAS, the Borough administration and professionals are hereby authorized to take any and all steps necessary to effectuate and implement this ordinance,

NOW, THEREFORE BE IT ORDAINED by the Mayor and the Council of the Borough of Fort Lee as follows:

Section I. Ordinance #98-1 is hereby amended as follows:

- (a) The salaried position of Deputy Emergency Management Coordinator shall and is hereby abolished;
- (b) The duties of the salaried position of Deputy Emergency Management Coordinator shall be assigned to the Emergency Management Coordinator or his/her designee as the Emergency Management Coordinator shall deem desirable;

Section II. SEVERABILITY

The provisions of this ordinance are hereby declared severable. Should any provision or part of the ordinance be deemed invalid, to the extent possible, the ordinance's basic intent shall be maintained. Such finding shall not affect any other provision or part hereof.

Section III. INCONSISTENT ORDINANCES

In the event of any inconsistency between any provisions of this ordinance and any other ordinance, the terms hereof shall be deemed to govern.

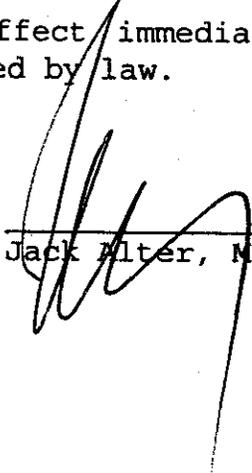
Section IV. EFFECTIVE DATE

This Ordinance shall take effect immediately after final adoption and publication as required by law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Municipal Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	J. Cervigni	Date of Introduction	August 18, 2005
Seconded	A. Pagan	Public Hearing	September 8, 2005
		Date of Adoption	September 8, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-29

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

1. "388-69: Along the west curb line of 1625 Ponsi Street, beginning at a point 85 feet north of the apex of the northwest corner of Ponsi Street and Hazlitt Avenue and continuing north along the same line extending an additional 20 feet north.

**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

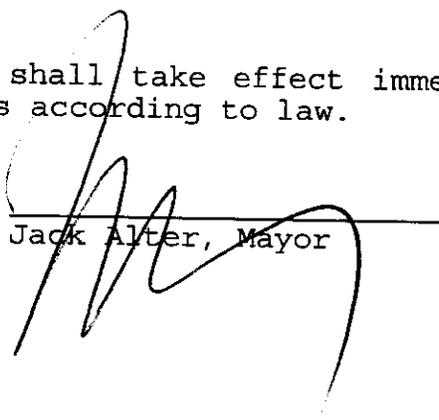
**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

*Neil Grant*

Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	M. SCHOLLEN	Date of Introduction	August 18, 2005
Seconded	M. VILANO	Public Hearing	September 8, 2005
		Date of Adoption	September 8, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-30

**AN ORDINANCE RESCINDING ORDINANCE #2005-17 WHICH AMENDED, REVISED AND SUPPLEMENTED CHAPTER 388, VEHICLES AND TRAFFIC, SCHEDULE XIX: VEHICLE MOVEMENT ON PRIVATE PROPERTY OPEN TO THE PUBLIC OF THE CODE OF THE BOROUGH OF FORT LEE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey as follows:

Section 1. On June 23, 2005, Ordinance #2005-17, amending, revising and supplementing Chapter 388, Vehicles and Traffic, Article V. Schedules, Section 388-65, Schedule XIX: Vehicle Movement on Private Property Open to the Public, was adopted by the governing body of the Borough of Fort Lee to control the ingress and egress of Whitman Mall, a/k/a 1605 Lemoine Avenue, west side, between Whitman Avenue and Hoym Street.

Section 2. NOW, THEREFORE BE IT ORDAINED that Ordinance #2005-17, enacted on June 23, 2005 be and hereby is rescinded in its entirety.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

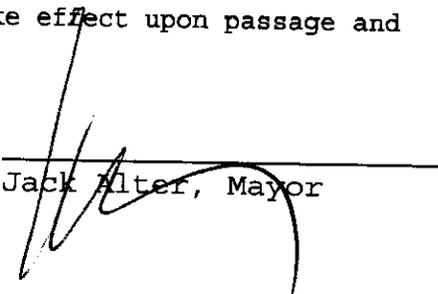
Section 4. Any ordinance or part thereof inconsistent with this ordinance is repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

*Neil Grant*

Neil Grant  
Borough Clerk

  
Jack Alter, Mayor

Introduced	<u>J. CURVENS</u>	Date of Introduction	<u>August 18, 2005</u>
Seconded	<u>A. PORDAN</u>	Public Hearing	<u>September 8, 2005</u>
		Date of Adoption	<u>September 8, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-31

**AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14  
AND #2002-36 ESTABLISHING TITLES, SALARIES AND WAGES  
FOR WHITE COLLAR EMPLOYEES AND NON-UNION EMPLOYEES**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #'s 2002-14 and 2002-36 are hereby amended as follows:

SECTION I White Collar Personnel Schedule "A" shall be amended to include titles, salary range and salary for the following positions for 2005.

<u>Titles</u>	<u>Salary Range</u>	<u>Salary</u>
Purchasing Assistant, Typing	\$25,000 - \$45,000	\$27,351
Principal Clerk Typist	\$27,000 - \$55,000	Various
Electrical Sub-Code Official	\$30,000 - \$55,000	\$50,000

SECTION II Non-Union Personnel Schedule "B" shall be amended to eliminate the following title from Schedule "B".

Electrical Inspector

SECTION III This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

*[Signature]*  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. Cravens</u>	Date of Introduction	<u>August 18, 2005</u>
Seconded	<u>M. Villano</u>	Public Hearing	<u>September 8, 2005</u>
		Date of Adoption	<u>September 8, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-32

**AN ORDINANCE AMENDING SALARY ORDINANCE #2002-15  
ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR  
EMPLOYEES**

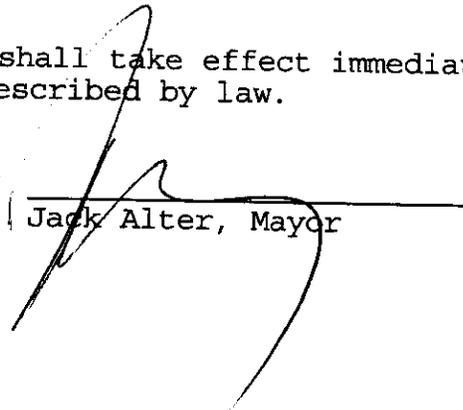
BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

SECTION I Blue Collar Personnel Schedule "A-4" for 2005 shall be amended to include the following title, grade, step and salary.

<u>Title</u>	<u>Grade</u>	<u>Step</u>	<u>Salary</u>
Road Superintendent	17	G	\$82,896

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

  
\_\_\_\_\_  
Jack Alter, Mayor

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

Introduced	J. CURVINS	Date of Introduction	September 8, 2005
Seconded	M. VILLANO	Public Hearing	September 29, 2005
		Date of Adoption	September 29, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-33

**AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE TO INCLUDE AND DELETE A BUS STOP IN THE BOROUGH OF FORT LEE**

WHEREAS, the Mayor and Council of the Borough of Fort Lee in the County of Bergen has received a proposal to consider certain prohibitions along State Highway Route 67,

Section I: NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Fort Lee that in accordance with the provisions of s.78, c.23L. 1951 (c.39:4-138.1), that certain parts of State Highway Route No. 67 described herein below shall be, and hereby are, designated and established as no parking zones where parking is prohibited at all times, and in accordance hereby requested to erect appropriate signs at the following established bus stops, and the Commissioner of Transportation be requested to adopt a regulation to effect the following:

1. Along Palisade Avenue, southbound on the westerly side thereof at:
  - m. Riverdale Drive (near side)  
Beginning at the northerly curb line of Riverdale Drive and extending 105 feet northerly therefrom;

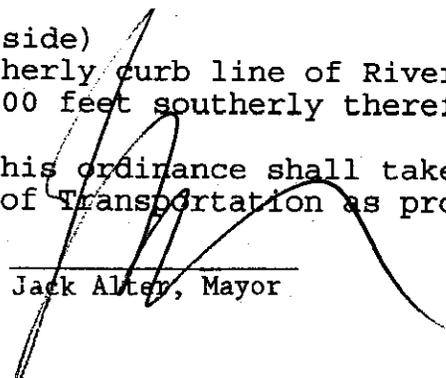
and

Section II: The following bus stop shall be deleted in the Borough of Fort Lee.

- 2: Along Palisade Avenue, southbound on the westerly side thereof at:
  - m: Riverdale Drive (far side)  
Beginning at the southerly curb line of Riverdale Drive and extending 100 feet southerly therefrom

BE IT FURTHER ORDAINED that this ordinance shall take effect upon approval of the Commissioner of Transportation as provided by law.

ATTEST: Neil Grant  
Borough Clerk

  
Jack Alter, Mayor

Introduced	<u>J. Cervantes</u>	Date of Introduction	<u>September 8, 2005</u>
Seconded	<u>M. Villano</u>	Public Hearing	<u>September 29, 2005</u>
		Date of Adoption	<u>September 29, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-34

**AN ORDINANCE AMENDING SALARY ORDINANCE #2002-15  
ESTABLISHING SALARIES AND WAGES FOR BLUE COLLAR  
EMPLOYEES**

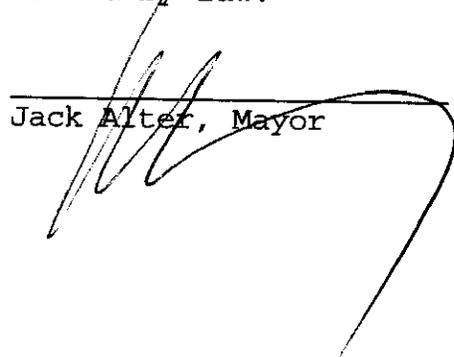
BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee as follows:

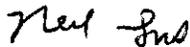
SECTION I Blue Collar Personnel Schedule "A-4" shall be amended to include the following title, grade, step and salary for 2005.

<u>Title</u>	<u>Grade</u>	<u>Step</u>	<u>Salary</u>
Senior Park Maintenance Worker	12	E	\$59,084

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

  
\_\_\_\_\_  
Jack Alter, Mayor



\_\_\_\_\_  
Neil Grant  
Borough Clerk

Introduced	J. Conventi	Date of Introduction	September 8, 2005
Seconded	M. Villano	Public Hearing	September 29, 2005
		Date of Adoption	September 29, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-35

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388, SECTION 62, SCHEDULE XVI-A OF THE CODE OF THE BOROUGH OF FORT LEE, ENTITLED "NO TURN ON RED"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 62, Schedule XVI-A, entitled "No Turns on Red," be and the same is hereby amended to include the following:

Riverdale Drive eastbound in the Borough of Fort Lee, to Palisade Avenue southbound in the Borough of Fort Lee at any time

**Section II.** All other parts, portions and provisions of Chapter 388 of the Code of the Borough of Fort Lee not inconsistent with the terms hereof be and the same are hereby ratified and confirmed. In the event of any inconsistency, the terms and provisions hereof shall govern.

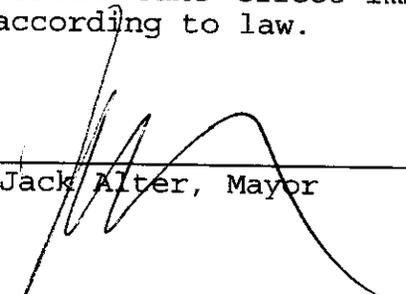
**Section III.** The terms of this ordinance are hereby declared to be severable; should any part, portion or provision be deemed invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

**Section IV.** This ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

*Neil Grant*

Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	M. VILANO	Date of Introduction	September 29, 2005
Seconded	A. PUGHAN	Public Hearing	October 27, 2005
		Date of Adoption	October 27, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-36

**AN ORDINANCE CREATING A LIMITED TAX EXEMPTION FOR REDEVELOPMENT AREA 1, BLOCK 6101, LOTS 13,14,15,20**

**WHEREAS**, the Borough of Fort Lee, in accordance with the Local Redevelopment Housing Law, N.J.S.A. 40A:12A-1, et seq. (hereafter "LRHL"), has, sought to address deterioration in commercial and industrial installations and facilities within the Borough of Fort Lee to promote the advancement of community interests through programs of redevelopment and to consider the offering of incentives for the improvement of commercial, industrial and other facilities that have been determined subject to the designation of being areas in need of redevelopment; and

**WHEREAS**, in furtherance of its goals of benefitting the public health, safety and welfare, the Borough of Fort Lee has determined that through the use of incentives such as short-term tax exemption, the redevelopment of industrial and commercial properties can be accomplished through the efforts of private investment whereby the net effect to the Borough of Fort Lee is to return to the tax rolls debilitated and blighted areas which will now, as a result of redevelopment, generate appropriate tax revenues for the economic benefit of the Borough of Fort Lee; and

**WHEREAS**, the Borough of Fort Lee has identified a section of Redevelopment Area 1 as and for an area requiring incentives to redevelopment based upon the unique character of the designated portion of Redevelopment Area 1 which includes a partially finished structure that has been abandoned in place and deteriorating for in excess of 10 years,

**NOW, THEREFORE, BE IT ORDAINED:**

**Commercial and Industrial Improvement Tax Exemption**

1. **Establishment of tax exemption area:** The Borough Council does hereby establish within the Borough of Fort Lee, a portion of Redevelopment Area 1 as eligible for tax exemption in accordance with the provisions of this Ordinance and the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. ("the Act"). The area of Redevelopment Area 1 that shall be eligible pursuant to this Ordinance consists of Block 6101, Lots 13, 14, 15, and 20 as shown on the Tax Map of the Borough of Fort Lee.

2. Projects subject to other regulations. All redevelopment projects which may be subject to a tax exemption agreement as provided for herein and in the Act shall be subject to all applicable federal, state and local laws and regulations, including but not limited to environmental protection, pollution control, work safety, discrimination in employment, housing provision, zoning, planning, building code requirements and such other codes or regulations as may in the future be applicable

3. Application for exemption: recording.

A. Applicants for tax exemption for improvements to existing commercial or industrial structures or for the construction of commercial or industrial structures shall provide the Borough Council with an application setting forth:

- (1) A general description of the project for which exemption is sought.
- (2) A legal description of all real estate necessary for the project.
- (3) Plans, drawings and other documents as may be required by the Borough Council to demonstrate the structure and design of the proposed project.
- (4) A description of the number, classes and type of employees to be employed at the project site within two (2) years of completion of the project.
- (5) A statement of the reasons for seeking tax exemption on the project and a description of the benefits to be realized by the applicant if a tax exemption is granted.
- (6) Estimates of the cost of completing said project.
- (7) A statement showing:
  - (a) The real property taxes currently being assessed at the project site.
  - (b) Estimated tax payments that would be made annually by the applicant on the project during the period of the agreement.
  - (c) Estimated tax payments that would be made by the applicant on the project during the first full year following termination of the tax exemption agreement.
- (8) A description of any lease agreement between the applicant and proposed users of the project and a history and description of the users business.
- (9) Such other pertinent information as may be required by the Borough Council.

B. Applicants shall be encouraged to submit applications for exemptions prior to the commencement of construction, however, all applications must be submitted within 30 days of substantial completion of the improvement, conversion, alteration, or construction for which the exemption is sought. Following receipt of a completed application as set forth above, the Borough Council shall review the application to determine whether an exemption for improvements or new construction shall be granted. The Borough Council shall review and determine whether to grant or deny any application for exemption within 30 days of receipt of a completed application and any failure of the Borough Council to do so shall be deemed an automatic denial of the application. An exemption of real property taxes pursuant to the Act and this Ordinance shall apply to property taxes levied for municipal purposes, school purposes, county government purposes and for the purposes of funding any other property tax exemptions or abatements.

C. No exemption shall be granted pursuant to the Act except upon written application by an applicant with the Assessor and the Director of Economic Planning and Development and subsequent review and approval by the Borough Council. Each application shall be on a form prescribed by the Director of the Division of the Treasury and provided for the use of applicants by the Borough Council. The granting of an exemption or the exemption agreement itself shall be recorded and made a permanent part of the official tax records of the Borough, which records shall contain a notice of the termination date thereof.

4. Exemption agreement; amount of exemption; term. All tax exemption agreements shall be applied for and granted on an individual project basis and the Borough Council shall be required, following review, evaluation and subsequent approval of each application, to adopt by ordinance authorization to enter into a tax exemption agreement for a particular project. Any tax exemption agreement entered into between the Borough Council and an applicant shall provide for the applicant to pay to the municipality, in lieu of full property tax payments, an amount annually to be computed by the tax phase-in formula, all as defined in Section 10 of the Act (N.J.S.A. 40A:21-10(c)) and incorporated by reference herein as if set forth fully. All tax exemptions applied for and granted pursuant to the Act and this Article shall be in effect for a period of no more than five (5) full years following the date of completion of the project.

5. Delinquent taxes. No exemption shall be granted or tax exemption agreement entered into pursuant to this Ordinance with respect to any property for which property taxes are delinquent or remain unpaid or for which penalties for nonpayment of taxes are currently then due and owing.

6. Copies of agreement. Within thirty (30) days following execution of a tax exemption agreement pursuant to the Act and this Ordinance, the Borough shall forward a copy of said agreement to the Director of the Division of Local Government Services in the Department of Community Affairs.

7. Termination of agreement. Upon termination of a tax exemption agreement referenced hereunder either pursuant to the expiration of the term of the agreement, or for cause as set forth in N.J.S.A. 40A:21-12, a project shall be subject to all applicable real property taxes as provided by state law and regulation, as well as local ordinances. However, nothing herein shall prohibit a project, upon termination of a tax exemption agreement, from qualifying for and receiving the full benefits of any other tax preferences provided by law.

All tax exemption agreements shall mandate that if any beneficiary of a tax exemption agreement files a local property tax appeal for the property that is the subject of the exemption agreement while the agreement is in force, then the tax exemption agreement and the tax exemption provided pursuant to that agreement shall immediately terminate and the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption had been granted, and in the manner set forth in N.J.S.A. 40A:21-12.

8. Notice. Pursuant to the Act, during the first year following adoption of this Ordinance, the Borough shall include an appropriate notice of the adoption of this Ordinance in the

mailing of annual property tax bills to each owner of property located in an area in which exemptions may be allowed.

9. Severance Provisions: In the event any portion of this Ordinance shall be deemed illegal or void, then the remainder of the Ordinance shall continue in full force and effort as though the said illegal or void section was not contained herein.

10. Expiration of Ordinance: No application for exemptions to take effect for the eleventh full tax year or any tax year occurring thereafter shall be filed or approved under this Ordinance unless this Ordinance shall have been re-adopted by the Borough of Fort Lee in accordance with the requirements of the Act.

ATTEST:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	J. CERVIERI	Date of Introduction	September 29, 2005
Seconded	A. POWAN	Public Hearing	October 27, 2005
		Date of Adoption	October 27, 2005

BOROUGH OF FORT LEE

ORDINANCE # 2005-37

**AN ORDINANCE AMENDING CHAPTER 388, SECTION 57, SCHEDULE XIII, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FORT LEE TO INCLUDE A NEW BUS STOP IN THE BOROUGH OF FORT LEE**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey.

That pursuant to N.J.S.A. 39:4-8(e) the following describe location is designated as a bus stop:

**Along Anderson Avenue, southbound on the westerly side thereof at:**

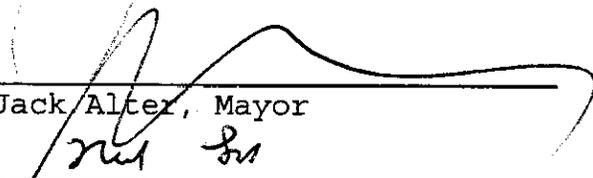
1. Sixteenth Street (Near side)

Beginning at the northerly curb line of Sixteenth Street and extending 105 feet northerly therefrom.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee, County of Bergen, State of New Jersey.

That the Mayor and Council of the Borough of Fort Lee will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public; and

BE IT FURTHER ORDAINED that this ordinance shall take effect upon approval of the Commissioner of Transportation as provided by law.

  
 \_\_\_\_\_  
 Jack Alter, Mayor  
  
 \_\_\_\_\_  
 Neil Grant, Borough Clerk

Attest:

\_\_\_\_\_  
 Chairman, Bergen County Board of Freeholders

Attest:

\_\_\_\_\_  
 Secretary, Bergen County Board of Freeholders

Introduced	<u>M. VILLANO</u>	Date of Introduction	<u>September 29, 2005</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>October 27, 2005</u>
		Date of Adoption	<u>October 27, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-38

**AN ORDINANCE AMENDING CHAPTER 372, TAXICABS AND LIMOUSINES, ARTICLE I, TAXICABS AND ARTICLE II, LIMOUSINES, OF THE CODE OF THE BOROUGH OF FORT LEE**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Fort Lee, County of Bergen and State of New Jersey, that Chapter 372, Taxicabs and Limousines, Article I, Taxicabs and Article II, Limousines, of the Code of the Borough of Fort Lee, are hereby amended as follows:

Article I

**Taxicabs**

**Section 1.** Section 372-1, Definitions, is hereby amended as follows:

As used in this article, the following terms shall have the meanings indicated:

**APPLICANT** - An individual, partnership, joint venture, family (i.e., related by blood or marriage to the third degree of consanguinity), union, entity or corporation seeking a license for a taxicab.

**BOROUGH** - The Borough of Fort Lee.

**COUNCIL** - The Mayor and Council of the Borough of Fort Lee.

**DRIVER** - Any person, corporation, or association in whose name title to any taxicab is registered with the New Jersey Department of Motor Vehicles, or who appears in such records to be the conditional vendee or lessee thereof.

**LICENSED** - Licensed in accordance with the appropriate section of this article unless otherwise stated.

**LOG BOOK** - A bound volume or computer printout, with pages numbered in sequence, containing an Owner's daily record of the dispatch of taxicabs.

**MAILING ADDRESS OF OWNER** - The address designated by the Owner for the mailing of all notices and correspondences from the Borough Clerk and for the service of summonses. In the case of an individual, this shall be the individual's home address. In the case of a partnership, it shall be the home address of one of the partners. In the case of a Joint Venture, family, union or entity, it shall be the home address of one of the members of the joint venture. In the case of the corporation, it shall be an address of the secretary of the corporation. However, an Owner may also designate a post office box number address as a mailing address.

**OFFICE OF RECORD** - A place designated by a fleet or mini fleet for maintaining log books.

**OPERATION OF A TAXICAB** - Consists of transporting in such taxicab one or more persons for hire along any of the streets of this Borough. Accepting a passenger to be transported for hire within this Borough or from a point within this Borough to a point outside of the Borough limits or discharging a passenger transported for hire from a point outside of the Borough limits to a point within the Borough limits shall be deemed to be operation of a taxicab within the meaning thereof. The operation of a taxicab in any of the above described manners by one other than the Owner shall be deemed operation by the Owner thereof as well as by the person actually driving the same. The transportation of any person other than the Owner or driver in any motor vehicle bearing sign therein or thereon using the words "taxi," "taxicab," "cab," or "hack" shall be prima facie evidence of operation.

**OWNER** - an individual, family (i.e., related by blood or marriage to the third degree of consanguinity), partnership, joint venture, union, entity, limited liability company or corporation licensed by the Borough to own and operate a taxicab. As of the effective date of this Code, no new Owner shall be issued or possess more than one (1) license. The Borough shall issue not more than eight (8) Taxicab Owner Licenses.

**PASSENGER** - Any individual seated in a taxicab for travel for hire to a given destination.

**PROSPECTIVE PASSENGER** - A person who has hailed or sought to hire a taxicab for the purpose of being transported to a destination, or one who is awaiting the arrival of a radio dispatched taxicab and who is not seated in a taxicab.

**RENEWAL APPLICANT** - An Owner seeking a renewal of a valid taxicab license.

**TAXICAB** - Any automobile or motor car, commonly called "taxi," engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run or which is operated or run over any of the streets within the Borough and which particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the Borough.

**TAXICAB DRIVER'S LICENSE** - The authority granted by the Director of Public Safety to an individual to drive taxicabs in the Borough of Fort Lee.

**TAXICAB FLEET** – A business entity:

- A. Which is organized for the Ownership or operation of 10 or more taxicabs;
- B. Which are dispatched from a single location and serves as both garage and office of record, which has been approved by the Director of Public Safety as adequate for the storage, maintenance, repair and dispatch of the fleet taxicabs;
- C. Which has a dispatcher on the premises at least 18 hours every day, who is responsible for assigning drivers to fleet taxicabs.

**TAXICAB OWNER'S LICENSE** – The authority granted by the Director of Public Safety to an Owner to own or lease a designated vehicle as a taxicab in the Borough.

**TAXICAB MINI FLEET** – An Owner licensed by the Borough to own and operate 2 or more taxicabs, provided that said Owner operates fewer than 8 taxicabs.

**TAXIMETER** – An instrument or device approved by the Borough Clerk by which the charge to a passenger for hire of a licensed taxicab is automatically calculated and on which such charge is plainly visible.

**TAXICAB VEHICLE LICENSE** – The authority granted by the Director of Public Safety to an Owner and/or Driver to operate a vehicle designated as a taxicab in the Borough.

**TRIP RECORD** – A document also known as a “trip sheet” carried by a driver, setting forth the origin and destination of each trip, as well as other information required by the Borough Clerk. Such records shall not be destroyed for one year from the date of the trip and shall be kept within the Borough in readily accessible form and shall be accessible at all reasonable hours for inspection by the Borough Clerk

**TWO-WAY RADIO COMMUNICATION SYSTEM** – A communications system used by an Owner in dispatching taxicabs or communicating with drivers of taxicabs.

**Section 2.** Section 372-2, Licensing of taxicabs required, is hereby amended as follows:

**Section 372-2, Licensing of taxicabs required.**

1. No person shall operate any taxicab from within this Borough unless both the taxicab and the driver thereof are licensed pursuant to this article and conform to all the provisions hereof.

2. Applicants for a taxicab driver's license shall be made to the Chief of Police upon forms provided by the Fort Lee Police Department. Applicants shall meet the following qualifications:

- a. Be over 18 years of age.
- b. Be a United States Citizen, or legal resident with work privileges.
- c. Possess a valid New Jersey driver's license.
- d. Be in good health.
- e. Be of good moral character.
- f. Be able to read and write the English language.
- g. Be fingerprinted by the Police Department, with a report therein received from the State Police or Federal Bureau of Investigation.
- h. Have a good knowledge of the Borough and State traffic laws and regulations.
- i. Be investigated by the Chief of Police or a police officer designated by the Chief which shall be reported to the Mayor and Council within a reasonable time. The report shall include a recommendation that the License be granted or denied and the reasons therefore.

3. No taxicab license shall be issued to or renewed for a Taxicab Fleet, Taxicab Mini Fleet or individual Taxicab Owner unless and until such proof shall have been given to the Director of Public Safety that such Taxicab Fleet, Taxicab Mini Fleet or individual Taxicab Owner has adequately provided for the safe transportation of children up to the age of 8 or 80 pounds in weight who are passengers in a taxicab operated by them. In the case of a Taxicab Fleet or Taxicab Mini Fleet, such proof shall consist of a written policy and posted notice at the place of operation and in all Taxicabs, conspicuous to drivers and passengers, setting forth the following policy, said policy to be strictly enforced by the Driver and Car Owner:

- a. Children up to 18 months of age or younger who are passengers in a Taxicab shall be seated in a federally approved child restraint rear-facing seat in the rear set of the Taxicab;
- b. Children over the age of 18 months but under the age of 5 must be placed in a federally approved child restraint front-facing car seat if riding in the rear seat of a Taxicab.
- c. Children over the age of 5 or up to 80 pounds in weight must be placed in a car or booster seat in the rear seat of the licensed vehicle.
- d. Children under the age of 8 who weigh more than 80 pounds in weight must wear a seat and shoulder belt while riding in the licensed vehicle.

4. A Taxicab Fleet or Taxicab Mini Fleet must at all times keep and maintain in fleet or mini fleet vehicles or at the base of operation a total number of 1 safety seat for every 4 fleet vehicles, which shall at all times be available for use by drivers of the Taxicabs. In the case of an individual Owner, such proof shall consist of proof that the Owner keeps and maintains a federally approved child restraint seat in the passenger compartment or trunk at all times.

5. Filing.

a. If the Owner is a partnership, it shall file with its license application a certified copy of the partnership certificate from the Clerk of the County where the principal place of business is located.

b. If the Owner is a joint venture, it shall file with its license application a copy of the joint venture agreement.

c. If the Owner is a corporation, it shall file with its license application a certified copy of its certificate of incorporation. A list of its officers and shareholders and a certified copy of the minutes of the meetings in which they were elected shall also be provided.

d. No newly issued and no current licensee with one license individual, partnership, joint venture, family (as previously defined), unity, entity, corporation or any person having a 10% percent or greater interest in another partnership, joint venture, family (as previously defined), unity, entity, corporation may possess more than one (1) license.

e. All other types of Owners shall file the approved license application and a written explanation of the nature of the Ownership.

6. Any material falsification or omission contained in an original or renewal application for a taxicab license, any failure to notify the Director of Public Safety of any attempt by an Owner or applicant to conceal the identity of a party having an interest in the Ownership of a Taxicab License or Taxicab shall be cause for denial of such application and revocation or suspension of such license, in addition to disbarment/licensure or taxi driving for up to 3 years.

**Section 3.** Section 372-3, Classes of licenses, is hereby amended as follows:

**Section 372-3.** Classes of licenses.

There are hereby established three classes of taxicab licenses to be known as "Taxicab Driver's license," "Taxicab Owner's License" and "Taxicab Vehicle License," respectively.

A. Taxicab Driver's License shall entitle the person named therein to operate within this Borough any Taxicab duly licensed hereunder until the License either expires or is surrendered, suspended or revoked and [the License] shall not be transferable without making application to the Mayor and Council, paying a transfer fee equal to 50% of the license fee, and obtaining approval from the Mayor and Council.

**B. Taxicab Owner's License.**

1. A Taxicab Owner's License shall entitle the holder thereof to engage in the business of carrying passengers for hire within the Borough until the license either expires or is surrendered, suspended or revoked and shall not be transferable without the approval of the Mayor and Council of the Borough.

2. An existing Taxicab Owner's License may be transferred upon the transferee filing the applications and performing all the other actions and attaining the same approvals required for Owner's license, as required herein.

**C. Taxicab Vehicle License.** A Taxicab Vehicle License shall entitle the Taxicab therein described to be operated in the Borough by a driver duly licensed hereunder until the license either expires or is surrendered, suspended or revoked and shall not be transferable.

**Section 4. Section 372-4, Expiration of license, is hereby amended as follows:**

**Section 372-4. Expiration of license.**

A. No change

B. Any license issued pursuant to the terms of this article and not renewed by payment of the appropriate fee within 30 days of the expiration date shall be deemed abandoned and revoked.

C. Notification of expiration or need to renew a Taxicab License shall be sent to the Owners of all Taxicab Licenses by the Borough Clerk by certified mail 30 days prior to the expiration date of all taxicab licenses. If no return receipt is received or the license is not renewed within 15 days after the expiration date, a second and final notice shall be sent notifying the Owner of the Borough's intention to deem abandoned and revoked any and all Licenses which have not been renewed within 30 days after the expiration date.

D. Any licensee who does not actively utilize a License for a period of one year shall forfeit such license. A copy of this subsection shall be forwarded to each current licensee within 10 days of the date of final adoption. Further, in the event that the Borough Clerk ascertains that any license is not being utilized, he shall notify the licensee, in writing, of the fact of the forfeiture provision contained in this subsection. Any appeal of the determination of the Borough Clerk that the license has been forfeited shall be heard by the Mayor and Council or their designee and decided by the Mayor and Council on the record. Added 2-8-2001 by Ord. No. 2001-05

E. Any license issued pursuant to the terms of this article may not be automatically renewed. Each licensee must show proof of compliance with the code, and in the event such license is not renewed, the licensee may contest at the non-renewal hearing.

F. In no event shall the Borough be required to grandfather renewed, issued and outstanding Licenses in the amount of taxicabs currently operating.

**Section 5.** Section 372-5, Taxicab Owner's licenses limited, is hereby amended as follows:

**Section 372-5.** Taxicab Owner's license limited.

The total number of Taxicab Owner's licenses that may be issued and outstanding at any one time is hereby fixed at eight (8).

**Section 6.** Section 372-14, License fees, is hereby amended as follows:

**Section 372-14,** License fees, is hereby amended as follows:

A. The annual fee for each Taxicab Driver's License hereafter issued or for any renewal thereof shall be \$25 for each year or portion of a year for which the License is issued or renewed, and all of such licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all vehicles so licensed to him.

B. The annual fee for each Taxicab Owner's License hereafter issued or for any renewal thereof shall be \$250 for each year or portion of a year for which the License is issued or renewed, and all of such Licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all vehicles so licensed to him.

C. The annual fee for each Taxicab Vehicle License hereafter issued or for any renewal thereof shall be \$50 for each year or portion of a year for which the License is issued or renewed, and all of such Licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all vehicles so licensed to him.

**Section 7.** Section 372-15, Refusal to issue, revocation, or suspension of Licenses, is hereby amended as follows:

**Section 372-15.** Refusal to issue, revocation, or suspension of Licenses.

The Mayor and Council may, in its discretion, refuse to issue or renew or may, after notice and hearing, if required, revoke or suspend:

A. Any License of any class if the Owner or applicant has been once convicted of a crime in this or any other jurisdiction of being a disorderly person, or have committed a crime as defined under the law of New Jersey, or of a serious violation of Title 39, Motor Vehicles and Traffic Regulation, of the Revised Statutes of New Jersey, or who has been dishonorably discharged from the armed forces of the United States of America, or who violated any provision of this ordinance or has any judgment unsatisfied of record against him arising out of an automobile accident, who has made false or evasive or incomplete answers in his application for any License or any renewal thereof, or who has failed or fails to render reasonably prompt, safe,

courteous, and adequate Taxicab service, or who has not complied fully with all requirements of this ordinance for such class of License or who is not possessed of good moral character;

B. Any Taxicab Driver's License if the licensee or Applicant has in any degree contributed to any injury to person or damage to property arising out of negligent operation of a motor vehicle, or has any communicable or contagious disease; or

C. Any Taxicab Vehicle License if the motor vehicle licensed or to be licensed, by reason of unsafe or unsanitary conditions, is dangerous to the safety or health of the occupants or others, or if the policy of insurance or bond or power of attorney required by N.J.S.A. 48:16-3, 48:16-4, and 48:16-5 aforementioned has not been furnished or kept in force, or if terms or conditions imposed by the Borough Council or any law of this state have not been met.

D. Hearing.

An Owner or Applicant who, in writing, requests a hearing hereunder, not later than ten (10) days after a denial of a License or suspension or revocation thereof, be advised of the date, time and location of a scheduled hearing either in the summons, which also shall briefly describe the alleged violation and the rule claimed to have been violated, in a separate notice of hearing or in the written charges and specifications, at least 15 days prior to the date of the hearing.

E. If the Owner or Applicant wishes to plead not guilty to a summons which requires his/her personal appearance, he/she must appear at the hearing with his/her rate card and any relevant documents or evidence. If the Owner or Applicant is a partnership, family, union, entity or joint venture, any principal may appear on its behalf, and if the Owner is a corporation, any officer thereof may appear. At the hearing, the Owner or Applicant may be represented by an attorney.

**Section 8.** **Section 372-22**, Equipment requirements, is hereby amended as follows:

**Section 372-22.** Equipment requirements.

A. All vehicles herein required to be licensed, used or operated for the carrying of passengers within the scope of this [ordinance] shall be lawfully licensed sedans, mini-vans or sport utility vehicles (suv's) with a minimum of three doors and, where applicable, a trunk lid, at least two of which shall be for the exclusive use of the passengers. The vehicles shall at all times be kept clean and in good repair and in a safe operating condition. Each vehicle shall be equipped with an interior ceiling light which shall be activated upon pickup and discharge of passengers.

B. Each and every Taxicab operating in the Borough shall have installed therein, approved by the Borough, of standard make, on which the fare or charge for hire of the Taxicab is mechanically and accurately calculated and registered, and on which taximeter the charge is plainly indicated. The Taximeter is to be so placed in the Taxicab that the charge thereof may be plainly seen by the passengers.

C. No person shall use or permit to be used upon any Taxicab a Taximeter which shall be in such a condition as to be over 5% incorrect to the prejudice of any passenger.

D. After sundown the face of every taximeter shall be illuminated by a suitable light so arranged as to throw a continuous steady light thereon while in operation and carrying a passenger, so that the meter will be clearly discernible and can be read by a passenger in the rear seat.

E. Every Taxicab shall be equipped with a top light or domelight which shall be so connected with the Taximeter that while the Taximeter is in operation and carrying a passenger the top light or domelight shall be extinguished.

F. The Taximeter shall be sealed and a colored paster different in color at each inspection shall be placed on the Taximeter after inspection.

G. No person shall use or permit to be used or drive for hire a Taxicab equipped with a Taximeter the case of which is unsealed or the seal broken.

H. Every Taxicab shall be equipped with a yellow emergency signal light, visible when lit in the daytime, operable by the driver, at least 3 inches in diameter, and affixed to the rear of the Taxicab, above the vehicle's bumper.

I. Child passenger restraint system.

1. Every Taxicab which is transporting children up to 80 pounds in weight on roadways, streets or highways of the Borough shall be responsible for the protection of the children by properly using a child passenger restraint system that complies with federal vehicle safety standards.

2. No Driver shall operate a Taxicab in which a child up to 80 pounds in weight is a passenger unless a child 18 months of age or younger is secured in a federally approved car seat. A child passenger, as defined, be transported and secured as set forth in § Section 3 hereof.

J. Every Taxicab Fleet, Taxicab Mini Fleet or individual Taxicab Owner shall be equipped with at least 2 weighted triangle safety reflectors and an up-to-date Class B and C metal fire extinguisher of not less than 2.5 lbs capacity, mounted adjacent to and easily accessible to the Taxicab Driver.

K. Vehicle Inspection.

1. All Taxicabs shall be inspected annually, or more often if the Mayor and Council so requires by resolution. In addition, any police officer may inspect any Taxicab at any reasonable time to determine if it is clean, sanitary operating condition and equipped with the equipment required herein, in good operating order.

2. Any Taxicab which fails to pass inspection shall be immediately taken out of service and shall not be operated again within the Borough until the defects which led to its rejection are corrected. In the case of minor defects which do not constitute an immediate danger to the health safety of the public, the Taxicab may continue to be operated for a period of one week, at the end of which time it shall be re-inspected. If the defect has not by then been corrected, the vehicle shall immediately be taken out of service and remain out of service until the defect is corrected.

**Section 9.** Section 372-23, Dispute in fare or safety violation, is hereby amended as follows:

**Section 372-23.** Dispute in fare or safety violation.

A. Any dispute as to the fare shall be initially determined by the police officer in charge of the police station at the time of the dispute or his/her designee.

B. Every Driver of a Taxicab shall, when requested, give a passenger a receipt for the fare paid.

C. No person other than the licensed Driver of the Taxicab shall ride or sit in the compartment of the Taxicab reserved for the Driver.

D. The ranking police officer on any tour of duty may, in his/her reasonable discretion, for the purpose of protecting the public health or safety may temporarily suspend a Taxicab Owner's License, Taxicab Driver's License, the premises of a Taxicab operation or change order that a Taxicab(s) be taken out of service. In the event of such an emergency or suspension, the Director of Public Safety or his designee shall hold an emergency suspension hearing if so requested, within five (5) days of the action taken and he/she shall have the authority to continue, modify or end the said suspension pending a hearing by the Mayor and Council under the terms and conditions set forth herein.

**372-24.**No change

**372-25.**No change

**372-26.** No change

**372-27.** No change

## Article II

### Limousines

**Section 10.** Section 372-28, Definitions, is hereby amended as follows:

**Section 372-28. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**APPLICANT** - An individual, partnership, joint venture or corporation seeking a license for a limousine.

**BOROUGH** - The Borough of Fort Lee.

**COUNCIL** - The Mayor and Council of the Borough of Fort Lee.

**DRIVER** - Any person who drives a limousine within the Borough of Fort Lee.

**LICENSED** - Licensed in accordance with the appropriate section of this article unless otherwise stated.

**LIMOUSINE** - Any automobile or motor, with the capacity of four passengers but less than 10 passengers plus a driver, engaged in the business of carrying passengers for hire, whether or not said hire be from public or private property, and which is hired by charter or for a particular contract, or by the day or hour or other fixed period, or to transport passengers to a specified place or places, or which charges a fare or price agreed upon in advance between the operation and the passenger; provided, however, that the term "limousine" shall not include taxicabs, or autobuses which are subject to the jurisdiction of the Board of Public Utility Commissioners or interstate autobuses required by federal or state law or the rules of the Board of Public Utility Commissioners to carry insurance against loss from liability imposed by law in account of bodily injury or death.

**LOG BOOK** - A bound volume or computer printout, with pages numbered in sequence, containing an Owner's daily record of the dispatch of Limousines.

**LIMOUSINE DRIVER'S LICENSE** - The authority granted by the Director of Public Safety to an individual to drive limousines in the Borough of Fort Lee.

**LIMOUSINE FLEET** - A business entity:

- A. Which is organized for the ownership or operation a maximum of 10 limousines;
- B. Which are dispatched from a single location services as both garage and office of record, which has been approved by the Director of Public Safety as adequate for the storage, maintenance, repair and dispatch of the fleet limousines;

- C. Which has a dispatcher on the premises at least 18 hours every day, who is responsible for assigning drivers to fleet limousines.

**LIMOUSINE OWNER'S LICENSE** – The authority granted by the Borough Clerk to an Owner to operate designated vehicle as a Limousine in the Borough.

**LIMOUSINE MINI FLEET** – An Owner licensed by the Borough to own and operate two (2) or more limousines, provided that said individual, partnership, joint venture or corporation operates fewer than eight (8) limousines.

**LIMOUSINE VEHICLE LICENSE** - The authority granted by the Director of Public Safety to an Owner and/or Driver to operate a vehicle designated as a Limousine in the Borough.

**MAILING ADDRESS OF OWNER** - The address designated by the Owner for the mailing of all notices and correspondences from the Borough Clerk and for the service of summonses. In the case of an individual, this shall be the individual's home address. In the case of a partnership, it shall be the home address of one of the partners. In the case of a joint venture, family (as previously defined), union or entity, it shall be the home address of one of the members of the joint venture. In the case of the corporation, it shall be an address of the secretary of the corporation. However, an Owner may also designate a post office box number address as a mailing address.

**OFFICE OF RECORD** – A place designated by a Fleet or Mini Fleet for maintaining log books.

**OPERATION OF THE LIMOUSINE** – Accepting and transporting in such limousine one or more persons for hire, from a point within the Borough or from a point or points outside the Borough to a point within the Borough. Operation shall not include accepting and/or transporting one or more passengers from one point within the Borough to any other point or points within the Borough, unless the purpose for such trip is for a social function, funeral, wedding, or such other purposes as are commonly associated with a limousine and not a taxicab.

**OWNER** – any individual, partnership, joint venture, family (as previously defined), union, entity limited liability company or corporation in or whose name title is registered with the New Jersey Department of Motor Vehicles, or who appears in such records to be the conditional vendee or lessee thereof. As of the effective date of this Code, no newly licensed Owner shall possess more than one (1) license. The Borough shall not issue more than twelve (12) licenses.

**PASSENGER** – Any individual seated in a limousine for hire to a given destination.

**PROSPECTIVE PASSENGER** – A person sought to hire a limousine for the purpose of being transported to a destination, or one who is awaiting the arrival of a radio dispatched limousine and who is not seated in a limousine.

**RENEWAL APPLICANT** – An Owner seeking a renewal of a valid limousine license.

**TRIP RECORD** – A document also known as a “trip sheet” carried by a driver, setting forth the origin and destination of each trip, as well as other information required by the Borough Clerk. Such records shall not be destroyed for one year from the date of the trip and shall be kept within the Borough in readily accessible form and shall be accessible at all reasonable hours for inspection by the Borough Clerk

**TWO-WAY RADIO COMMUNICATION SYSTEM** – A communications system used by an Owner in dispatching Limousines or communicating with drivers of Limousines.

**Section 11.** Section 372-29, Licensing of Limousines required, is hereby amended as follows:

**Section 372-29.** Licensing of Limousines required.

1. No person shall operate any Limousines from within this Borough unless both the Limousine and the Driver thereof are licensed pursuant to this article and conform to all the provisions hereof.

2. Applicants for a Limousine Driver’s License shall be made to the Chief of Police upon forms provided by the Fort Lee Police Department. Applicants shall meet the following qualifications:

- a. Be over 18 years of age.
- b. Be a United States Citizen or legal resident with work privileges.
- c. Possess a valid New Jersey driver’s license.
- d. Be in good health.
- e. Be of good moral character.
- f. Be able to read and write the English language.
- g. Be fingerprinted by the Police Department, with a report therein received from the State Police or Federal Bureau of Investigation.
- h. Have a good knowledge of the Borough and State traffic laws and regulations.
- i. Be investigated by the Chief of Police or a police officer designated by the Chief which shall be reported to the Mayor and Council within a reasonable time. The report shall include a recommendation that the license be granted or denied and the reasons therefore.

3. No Limousine License shall be issued to or renewed for Limousine Fleet, Limousine Mini Fleet or individual Limousine Owner unless and until such proof shall have been given to the Director of Public Safety that such Limousine Fleet, Limousine Mini Fleet or individual Limousine Owner has adequately provided for the safe transportation of children up to the age of 8 or 80 pounds in weight who are passengers in a Limousine operated by them. In the case of a limousine fleet or mini fleet, such proof shall consist of a written policy and posted notice at the place of operation and in all limousines, conspicuous to drivers and passengers, setting forth the following policy, said policy to be strictly enforced by the Driver and Car Owner:

- a. Children up to 18 months of age or younger who are passengers in a Limousine shall be placed in a federally approved child restraint rear-facing seat in the rear seat;
- b. Children over the age of 18 months but under the age of 5 must be placed in a federally approved child restraint front-facing car seat if riding in the rear seat of Limousine.
- c. Children over the age of 5 or up to 80 pounds in weight must be placed in a car or booster seat in the rear seat of the licensed vehicle.
- d. Children under the age of 8 who weigh more than 80 pounds must wear a seat and shoulder belt while riding in the licensed vehicle.

4. A Limousine Fleet or Mini Fleet must at all times keep and maintain in fleet or mini fleet vehicles or at the base of operation a total number of 1 safety seat for every 4 fleet vehicles, which shall at all times be available for use by drivers of the fleet Limousines. In the case of an individual Owner, such proof shall consist of proof that the individual Owner keeps and maintains a federally approved car seat in the passenger compartment or trunk at all times.

5. Filing.

a. If the Owner is a partnership, it shall file with its license application a certified copy of the partnership certificate from the Clerk of the County where the principal place of business is located.

b. If the Owner is a joint venture, it shall file with its license application a copy of the joint venture agreement.

c. If the Owner is a corporation, it shall file with its license application a certified copy of its certificate of incorporation. A list of its officers and shareholders and a certified copy of the minutes of the meetings in which they were elected shall also be provided.

d. No newly licensed individual, partnership, joint venture, family (as previously defined), union, entity, corporation or any person having a 10 percent or greater

interest in another partnership, joint venture or corporation may own more than one Limousine Owners License with more than 10 limousine vehicles.

e. All other types of Owners shall file the approved License application and a written explanation of the nature of the ownership.

6. Any material falsification contained in an original or renewal application for a Limousine license, any failure to notify the Borough Clerk of any attempt by an Owner or Applicant to conceal the identity of a party having an interest in the ownership of a Limousine License or Limousine shall be cause for denial of such application or revocation or suspension of such license, in addition to disbarment from ownership, licensure or limousine driving for up to 3 years.

**Section 12.** Section 372-30, Classes of licenses, is hereby amended as follows:

**Section 372-30.** Classes of licenses.

There are hereby established three classes of limousine licenses to be known as "Limousine Driver's License," "Limousine Owner's License" and "Limousine Vehicle License," respectively.

A. Limousine Driver's License.

1. A Limousine Driver's License shall entitle the person named therein to operate within this Borough any Limousine duly licensed hereunder until the License either expires or is surrendered, suspended or revoked and shall not be transferable without making application to the Mayor and Council, paying a transfer fee equal to 50% of the license fee, and obtaining approval from the Mayor and Council.

B. Limousine Owner's license.

1. A Limousine Owner's license shall entitle the holder thereof to engage in the business of operating a maximum of eight (8) limousines within the Borough, pursuant to the provisions set forth herein, until the license either expires or is surrendered, suspended or revoked and said license shall not be transferable without the approval of the Council of the Borough.

2. The total number of limousine Owner licenses that may be issued and outstanding at any one time is hereby fixed to be twelve (12).

3. In the event said licenses are not renewed and the license fees therefore paid within 30 days of the expiration date of the previous license, then and in that event said licenses shall be deemed to be abandoned and revoked.

C. Limousine Vehicle License.

1. A Limousine Vehicle License shall entitle the Limousine therein described to be operated in the Borough by a driver duly licensed hereunder until the License either expires or is surrendered, suspended or revoked and shall not be transferable.

2. In the event said licenses are not renewed and the license fees therefore unpaid within 30 days of the expiration date of the previous license, then and in that event said licenses shall be deemed to be abandoned and revoked.

**Section 13.** Section 372-31, Expiration of license, is hereby amended as follows:

**Section 372-31.** Expiration of license.

A. No change

B. Any license issued pursuant to the terms of this article and not renewed by payment of the appropriate fee within 30 days of the expiration date shall be deemed abandoned and revoked.

C. Notification of expiration and need to renew a Limousine License shall be sent to the Owners of all limousine licenses by the Borough Clerk by certified mail 30 days prior to the expiration date of all Limousine Licenses. If no return receipt is received or the license is not renewed within 15 days after the expiration date, a second and final notice shall be sent notifying the Owner of the Borough's intention to deem abandoned and revoked any and all Licenses which have not been renewed within 30 days after the expiration date.

D. Any licensee who does not actively utilize a License for a period of one year shall forfeit such license. A copy of this subsection shall be forwarded to each current licensee within 10 days of the date of final adoption. Further, in the event that the Borough Clerk ascertains that any license is not being utilized, he shall notify the licensee, in writing, of the fact of the forfeiture provision contained in this subsection. Any appeal of the determination of the Borough Clerk that the license has been forfeited shall be heard by the Mayor and Council or other designee and decided by the Mayor and Council on the record.

E. Any License issued pursuant to the terms of this ordinance may not be automatically renewed. Each licensee must show proof of compliance with the code, and in the event such license is not renewed, the licensee may contest the nonrenewal before the Mayor and Council or its designee with the Mayor and Council deciding the matter on the record.

F. In no event shall the Borough be required to grandfather renewed, issued and outstanding Licenses in the amount of limousines currently operating.

**Section 14.** Section 372-36, License fees, is hereby amended as follows:

**Section 372-36.** License fees, is hereby amended as follows:

A. The annual fee for each Limousines Driver's License hereafter issued or for any renewal thereof shall be \$25 for each year or portion of a year for which the license is issued or renewed, and all of such licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all vehicles so licensed to him.

B. The annual fee for each Limousine Owner's License hereafter issued or for any renewal thereof shall be \$250 for each year or portion of a year for which the License is issued or renewed, and all of such Licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all vehicles so licensed to him.

C. The annual fee for each Limousine Vehicle License hereafter issued or for any renewal thereof shall be \$50 for each year or portion of a year for which the License is issued or renewed, and all of such Licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all vehicles so licensed to him.

**Section 15. Section 372-37, Refusal to issue, revocation, or suspension of Licenses, is hereby amended as follows:**

**Section 372-37. Refusal to issue, revocation, or suspension of Licenses.**

The Mayor and Council may, in its discretion, refuse to issue or renew or may, after notice and hearing, if requested, revoke or suspend:

A. Any License of any class if the Owner or Applicant has been once convicted of a crime in this or any other jurisdiction of being a disorderly person, or to have committed a crime as defined under the laws of New Jersey, or of a serious violation of Title 39, Motor Vehicles and Traffic Regulation, of the Revised Statutes of New Jersey, or who has been dishonorably discharged from the armed forces of the United States of America, or who violated any provision of this ordinance or has any judgment unsatisfied of record against him arising out of an automobile accident, or who has made false or evasive or incomplete answers in his application for such License or any renewal thereof, or who has failed or fails to render reasonably prompt, safe, courteous, and adequate Limousine service, or who has not complied fully with all requirements of this ordinance for such class of License or who does not possess good moral character;

B. Any Limousine Driver's License if the License or Applicant has in any degree contributed to any injury to person or damage to property arising out of negligent operation of a motor vehicle, or has any communicable or contagious disease; or

C. Any Limousine Vehicle License if the motor vehicle licensed or to be licensed, by reason of unsafe or unsanitary conditions, is dangerous to the safety or health of the occupants or others, or if the policy of insurance or bond or power of attorney required by N.J.S.A. 48:16-3, 48:16-4, and 48:16-5 aforementioned has not been furnished or kept in force, or if terms or conditions imposed by the Borough Council or any law of this state have not been met.

D. Hearing.

An Owner or Applicant who will, in writing, request a hearing hereunder, not later than ten (10) days after a denial of a License, or suspension or revocation thereof, be advised of the date, time and location of a scheduled hearing either in the summons, which also shall briefly describe the alleged violation and the rule claimed to have been violated, in a separate notice of hearing or in the written charges and specifications, at least 15 days prior to the date of the hearing.

E. If the Owner or Applicant wishes to plead not guilty to a summons which requires his/her personal appearance, he/she must appear at the hearing with his/her rate card and any relevant documents or evidence. If the Owner or Applicant is a partnership, family, union, entity or joint venture, any principal may appear on its behalf, and if the Owner is a corporation, any officer thereof may appear. At the hearing, the Owner or Applicant may be represented by an attorney.

**Section 16.** This ordinance shall take effect following adoption and approval in a time and manner provided by law.

**ATTEST:**

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

**BOROUGH OF FORT LEE**

*[Signature]*  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>J. CERVIERI</u>	Date of Introduction	<u>September 29, 2005</u>
Seconded	<u>M. SARGENTI</u>	Public Hearing	<u>October 27, 2005</u>
		Date of Adoption	<u>October 27, 2005</u>

BOROUGH OF FORT LEE  
2005-39  
ORDINANCE # \_\_\_\_\_

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388,  
SECTION 53, OF THE BOROUGH OF FORT LEE CODE ENTITLED  
"VEHICLES AND TRAFFIC - SCHEDULE IX: STOP INTERSECTIONS"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, AS FOLLOWS:

**Section I.** Chapter 388, Section 53, of the Fort Lee Code Entitled "Vehicles and Traffic - Schedule IX: Stop Intersections", be and the same is hereby amended and supplemented by the addition thereto of the following:

Edgewood Lane northbound on the south side of Columbia Avenue

A STOP sign shall be installed on Edgewood Lane for northbound traffic

**Section II.** All other parts, portions and provisions of Chapter 388 of the Fort Lee Code entitled "Vehicles and Traffic - Schedule IX: Stop Intersections" be and the same are hereby ratified and confirmed, except where inconsistent herewith. In the event of any such inconsistency, the terms and provisions of this Ordinance shall be deemed to govern.

**Section III.** The provisions of this Ordinance are hereby declared to be severable; should any section or portion thereof be held invalid or unconstitutional, such decision shall not affect the validity of any remaining sections hereof.

**Section IV.** This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

Neil Grant

Neil Grant, Borough Clerk

Jack Alter, Mayor

Introduced	<u>M. VILLANO</u>	Date of Introduction	<u>November 10, 2005</u>
Seconded	<u>M. SHERMAN</u>	Public Hearing	<u>December 15, 2005</u>
		Date of Adoption	<u>December 15, 2005</u>

BOROUGH OF FORT LEE  
ORDINANCE # 2005-40

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 388,  
SECTIONS 14 AND 69 OF THE CODE OF THE BOROUGH OF FORT  
LEE, ENTITLED "HANDICAPPED PARKING SPACES"**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF  
FORT LEE as follows:

**Section I:** Chapter 388, Section 69, Schedule XXIII, is hereby amended and supplemented so as to add the following as a handicapped parking space:

1. "388-69: Along the west curb of Edwin Avenue, beginning at a point 45 feet north of its intersection with prolongation of the north curb line of Park Place and extending another 25 feet north.

**Section II:** The provisions of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

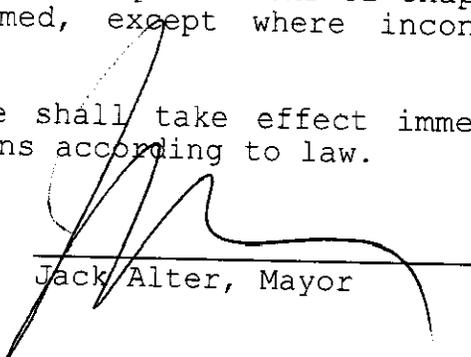
**Section III:** In the event on any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fort Lee, the provisions hereof shall be deemed to govern. All other parts, portions, and provisions of Chapter 388 are hereby ratified and confirmed, except where inconsistent herewith.

**Section IV:** This Ordinance shall take effect immediately upon final passage and publications according to law.

ATTEST:

*Neil Grant*

Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

Introduced	<u>M. SOKOLICH</u>	Date of Introduction	<u>November 10, 2005</u>
Seconded	<u>M. VILLANO</u>	Public Hearing	<u>December 15, 2005</u>
		Date of Adoption	<u>December 15, 2005</u>

**COPY**

BOROUGH OF FORT LEE

ORDINANCE # 2005-41

**AN ORDINANCE VACATING A PAPER STREET KNOWN AS PARK PLACE IN ITS ENTIRETY**

WHEREAS, the Borough of Fort Lee and Town & Country Developers at Fort Lee, Inc. entered into a Redevelopment Agreement dated September 30, 2004, with respect to property known as Block 4801, Lots 1, 3, 7, 8, 9, 10 and 11; Block 4802, Lot 1 (including former Lot 5); and Block 4803, Lot 1; commonly known as the Helmsley Tract; and

WHEREAS, pursuant to prior resolution adopted December 2, 1985, approval was granted by the Borough of Fort Lee to develop the Helmsley Tract to include the construction of the street known as Martha Washington Way; and

WHEREAS, Martha Washington Way was heretofore dedicated by Deed of Easement and accepted by the Borough of Fort Lee; and

WHEREAS pursuant to Ordinance #95-27 dated September 14, 1995, the Borough of Fort Lee vacated portions of Hoyt Street and Hudson Street within the Helmsley Tract; and

WHEREAS, the Borough of Fort Lee acknowledges that Ordinance #95-27 inadvertently failed to vacate the street known as Park Place and now intends to vacate same as required pursuant to the Redevelopment Agreement with Town & Country Developers at Fort Lee, Inc.; and

WHEREAS, it appears that the public interest would be best served by vacating in its entirety the described street known as Park Place,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FORT LEE, BERGEN COUNTY, NEW JERSEY, in accordance with N.J.S.A. 40:67-1, et seq., as follows:

Section 1. Park Place, in its entirety, lying within the Borough of Fort Lee, more particularly described in Schedule A, annexed hereto and made a part hereof, is hereby vacated as a public street, and the rights of the public therein are hereby

released and extinguished, except all rights and privileges then possessed by Public Utilities, and defined in N.J.S.A. 48:2-13, and by any Cable Television Company, as defined in the "Cable Television Act", P.L. 1972, C. 186 (N.J.S.A. 48:5A-1, et seq.), the Borough of Fort Lee, the Bergen County Utilities Authority and their successors, to maintain, repair and replace existing facilities in, adjacent to, over or under the portion of Park Place to be vacated.

Section 2. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

ATTEST:

Neil Grant  
Neil Grant  
Borough Clerk

Jack Alter, Mayor

**I HEREBY CERTIFY THAT the foregoing is a true copy of a ordinance adopted by the Mayor and Council of the Borough of Fort Lee on:**

DECEMBER 15, 2005

Neil W Grant  
**BOROUGH CLERK**

RECORD + RETURN to  
BOROUGH CLERK  
NEIL GRANT  
309 MAIN STREET  
FORT LEE NJ 07024

SCHEDULE (A)

November 7, 2005  
OEA Proj. 030203

DESCRIPTION OF PARK PLACE ROAD VACATION SITUATED IN THE BOROUGH  
OF FORT LEE, BERGEN COUNTY, NEW JERSEY.

BEING Park Place 30 feet wide, in Block 4802 as delineated on map entitled "Centuria – Fort Lee, Final Plat, Block 4701, Lot 5; Block 4801, Lot 1, 3, 7-11; Block 4802, Lot 1; Block 4803, Lot 1, Borough of Fort Lee, Bergen County, New Jersey", dated August 3, 2005 and prepared by Omland Engineering Associates, Inc. and filed in the Bergen County Clerk's office on October 19, 2005 as Map No. 9421, more particularly described as follows:

BEGINNING at a point in the northwesterly sideline of Central Road, 50 feet wide, where same is intersected by the southwesterly sideline of said Park Place, said point being distant North  $23^{\circ} 47' 23''$  East, 175.00 feet from a point where said northwesterly sideline of Central Road is intersected by the northeasterly sideline of Main Street (formerly Fort Lee Road and Hackensack Turnpike), 49.5 feet wide, and running thence;

- 1) Along said sideline of Park Place, North  $66^{\circ} 12' 37''$  West, 182.91 feet to an angle point in same; Thence
- 2) Along the southwesterly terminus of said Park Place, North  $25^{\circ} 14' 27''$  East, 30.01 feet to an angle point in same; Thence
- 3) Along the northeasterly sideline of said Park Place, South  $66^{\circ} 12' 37''$  East, 182.15 feet to a point where same is intersected by the said northwesterly sideline of Central Road; Thence
- 4) Along said sideline, South  $23^{\circ} 47' 23''$  West, 30.00 feet to a point where same is intersected by the southwesterly sideline of said Park Place and the place of BEGINNING

Containing 5476 Square Feet or 0.1257 Acres more or less. Subject to easements and restrictions of record. All in accordance with a map entitled "Centuria – Fort Lee, Final Plat, Block 4701, Lot 5; Block 4801, Lot 1, 3, 7-11; Block 4802, Lot 1; Block 4803, Lot 1, Borough of Fort Lee, Bergen County, New Jersey", dated August 3, 2005 and prepared by Omland Engineering Associates, Inc. and filed in the Bergen County Clerk's office on October 19, 2005 as Map No. 9421.

This description was prepared by:

David B. Dixon, PLS, Lic. 27282  
Omland Engineering Associates

P:\Documents\OEA Projects\030203\DESCRIPTIONS\Desc-Park-Place-vacation.doc

26

Deed Bk. 5836  
Pg. 399

**LOT 1**  
310,462 SQ. FT.  
OR  
7.1273 AC.

Deed Bk. 5731  
Pg. 399 **INCLUDES PARK PLACE VAC**

FORMERLY HOYT AVENUE  
(VACATED AS PER ORDINANCE 95-27)

Deed Bk. 578  
Pg. 61  
**S25°14'27"W**  
**30.01'**

Deed Bk. 5836  
Pg. 399  
**TO BE VACATED**  
5476 SQ. FT. or 0.1257 AC.

Deed Bk. 5755  
Pg. 45

Deed Bk. 5836  
Pg. 443

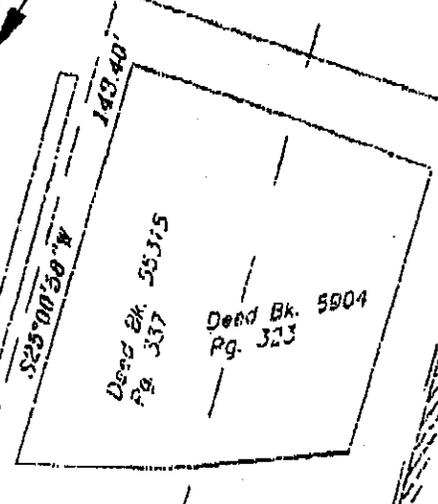
**S04°59'02"E 00.00'**  
(R.O.W. VACATED)

**S25°00'58"W**  
**13.80'**

**LOT LINE TO REMAIN**

Deed Bk. 5  
Pg. 220

**113.44'**



Deed Bk. 5836  
Pg. 392

Deed Bk. 5818  
Pg. 158

**1.00'** **N80°07'09"W 167.01'**

**N82°54'55"W**

**1.0'**  
**BLDG.**

ATION)

Deed Bk. 5927  
Pg. 293

S21°01'26"W  
**CENTRAL ROAD**  
(30' R.O.W.)

105.88'

310.88'

S°12'37"W

**PARK PLACE**

(30' R.O.W. AS PER TAX MAP)  
(NOT VACATED)

2'37"E

182.15'

**PLACE**

182.91'

Deed Bk. 5317  
Pg. 467

31.9'

175.00'

N 88°47'48"E

Deed Bk. 5083  
Pg. 493

Deed Bk. 5846  
Pg. 449

179.43'

N 73°07'22"E  
E 24°02'18.67"E

in the title of the  
on map hereby consent  
jen County Clerk's

day of \_\_\_\_\_, 2004, before  
personally appeared \_\_\_\_\_

named in the within instrument,  
tenths thereof, and he thereupon  
and delivered the same as his  
and purposes therein expressed.

Sworn and subscribed  
to before me the day  
and year aforesaid.

Date

.ee. Inc.

at a regular meeting of the  
borough of Fort Lee, Bergen County,

filed in the Bergen County Clerk's  
in accordance with Chapter  
ended by Chapter 141 P.L. 1960.

Date \_\_\_\_\_

Date \_\_\_\_\_

DATE: 8/05/05  
PROJ.: 030203  
SCALE:  
1" = 40'  
CHKD:

34 Newark Road  
Cedar Knolls, New Jersey 07927  
Phone: 973-356-8490  
Fax: 973-356-8455  
E-mail: omland@omland.com  
NJ Certificate of Authorization  
No. 24028043700

**OMLAND**  
ENGINEERING ASSOCIATES, INC.

STABILITY I. OMLAND, P.E., Professional Engineer, U.C. 30626  
RAYD B. OUNON, N.J. Professional Land Surveyor, U.C. 27283

PRELIMINARY AND FINAL MAJOR SUBDIVISION PLANS FOR  
**CENTURIA - FORT LEE**  
**FINAL PLAT**  
BLOCK 4701 LOT 5; BLOCK 4808 LOT 1, 3, 7-11; BLOCK 4802 LOT 1; BLOCK 4813 LOT 1  
BOROUGH OF FORT LEE, BERGEN COUNTY, NEW JERSEY

SHEET NO.  
1  
OF 1

Introduced	<u>J. Cervino</u>	Date of Introduction	<u>November 10, 2005</u>
Seconded	<u>M. Smerling</u>	Public Hearing	<u>December 15, 2005</u>
		Date of Adoption	<u>December 15, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-42

**AN ORDINANCE AMENDING SALARY ORDINANCE #2002-14  
ESTABLISHING TITLES, SALARIES AND WAGES FOR WHITE  
COLLAR EMPLOYEES AND NON-UNION EMPLOYEES**

BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee that Ordinance #2002-14 is hereby amended as follows:

SECTION I White Collar Personnel Schedule "A" shall be amended to include the following title, salary and salary range for the following position for 2005.

<u>Titles</u>	<u>Salary</u>	<u>Salary Range</u>
Recreation Supervisor	\$30,000	\$27,000 - \$35,000

SECTION II This ordinance shall take effect immediately upon passage and publication as prescribed by law.

ATTEST:

Neil Grant

Neil Grant  
Borough Clerk

Jack Alter, Mayor

Introduced	<u>J CURVIER</u>	Date of Introduction	<u>December 1, 2005</u>
Seconded	<u>A POKAN</u>	Public Hearing	<u>December 15, 2005</u>
		Date of Adoption	<u>December 15, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-43

**AN ORDINANCE TO ADOPT A REDEVELOPMENT PLAN FOR  
REDEVELOPMENT AREA 3 AND TO AMEND THE ZONING MAP  
TO DELINEATE REDEVELOPMENT AREA 3**

WHEREAS, the Mayor and Council of the Borough of Fort Lee authorized the Planning Board of the Borough of Fort Lee, by Resolution of March 27, 2003, to conduct an investigation and hearing, in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6, to determine if a certain area located in the Borough of Fort Lee should be determined to be an area in need of redevelopment; and

WHEREAS, the area considered by the Planning Board was designated as Redevelopment Area 3 and consists of Tax Block 4006, Lots 1, 2, 3, 21 and 22 and Block 3606, Lot 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, as further defined within this Ordinance; and

WHEREAS, the Planning Board did conduct a hearing pursuant to notice and reviewed the investigation report prepared for that purpose and did further, at the conclusion of the said hearing held on June 9, 2003, recommend to the Mayor and Council of the Borough of Fort Lee that Area 3 be determined to be an area in need of redevelopment; and

WHEREAS, thereafter, and by way of resolution of the Mayor and Council of the Borough of Fort Lee, the municipal governing body did review and accept the recommendation of the Planning Board that Redevelopment Area 3 be considered an area in need of Redevelopment as the said area met the statutory criteria of N.J.S.A. 40A:12A-5 b, d and e and the Mayor and Council did further direct that all other necessary notices be provided in accordance with N.J.S.A. 40A:12A-6(5); and

WHEREAS, the Mayor and Council of the Borough of Fort Lee, in accordance with the provisions of N.J.S.A. 40A:12A-7 did further review a proposed Redevelopment Plan for Redevelopment Area 3; and

WHEREAS, the Mayor and Council have reviewed the Redevelopment Plan attached hereto as Exhibit B to this Ordinance and in accordance with N.J.S.A. 40A:12A-7, and hereby submits the proposed Redevelopment Plan for Redevelopment Area 3 to the Planning Board for its review and report prior to taking final action on the adoption of this Ordinance to adopt the Redevelopment Plan for Redevelopment Area 3 and to amend the official Zoning Map of the Borough to designate Redevelopment Area 3 as Redevelopment Zone D-3,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Fort Lee in the County of Bergen, State of New Jersey, as follows:

Article 1. That Redevelopment Area 3 consisting of Tax Block 4006, Lots 1, 2, 3, 21 and 22 and Block 3606, Lot 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and as further depicted on the excerpt of the Tax Map attached hereto as Exhibit A, shall be deemed subject to the Redevelopment Plan for Redevelopment Area 3, a true copy of which is attached hereto as Exhibit B, subject to the provisions of the this Ordinance.

Article 2. That Redevelopment Area 3 be shown as a Redevelopment Zone D-3 on the official Zoning Map of the Borough of Fort Lee, and the official Zoning Map of the Borough of Fort Lee is hereby amended as illustrated on the attached Exhibit C to this Ordinance.

Article 3. That the Redevelopment Plan for Redevelopment Area 3 attached hereto as Exhibit B be and the same is hereby adopted, subject to compliance with N.J.S.A. 40A:12A-7e and the additional requirement for referral to the Planning Board having been satisfied prior to presentation for final adoption and hearing on this Ordinance.

Article 4. If any section or provision of this ordinance shall be held invalid in any court the same shall not affect the other sections or provisions of this ordinance except insofar as the section or provision declared invalid shall be inseparable from the remainder or any portion thereof.

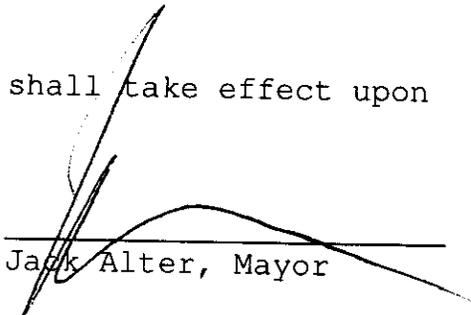
Article 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Article 6. This ordinance shall take effect upon publication as provided by law.

Attest:

*Neil Grant*

\_\_\_\_\_  
Neil Grant  
Borough Clerk

  
\_\_\_\_\_  
Jack Alter, Mayor

34

33

HAZLET STREET

BLK	LOT	ACRES	ASSESSED VALUE
1	1	0.23	24,475
2	2	0.23	24,475
3	3	0.23	24,475
4	4	0.23	24,475
5	5	0.23	24,475
6	6	0.23	24,475
7	7	0.23	24,475
8	8	0.23	24,475
9	9	0.23	24,475
10	10	0.23	24,475
11	11	0.23	24,475
12	12	0.23	24,475
13	13	0.23	24,475
14	14	0.23	24,475
15	15	0.23	24,475
16	16	0.23	24,475
17	17	0.23	24,475
18	18	0.23	24,475
19	19	0.23	24,475
20	20	0.23	24,475
21	21	0.23	24,475
22	22	0.23	24,475
23	23	0.23	24,475
24	24	0.23	24,475
25	25	0.23	24,475
26	26	0.23	24,475
27	27	0.23	24,475
28	28	0.23	24,475
29	29	0.23	24,475
30	30	0.23	24,475
31	31	0.23	24,475
32	32	0.23	24,475
33	33	0.23	24,475
34	34	0.23	24,475
35	35	0.23	24,475
36	36	0.23	24,475
37	37	0.23	24,475
38	38	0.23	24,475
39	39	0.23	24,475
40	40	0.23	24,475
41	41	0.23	24,475
42	42	0.23	24,475
43	43	0.23	24,475
44	44	0.23	24,475
45	45	0.23	24,475
46	46	0.23	24,475
47	47	0.23	24,475
48	48	0.23	24,475
49	49	0.23	24,475
50	50	0.23	24,475

EXEMPTED FLDW

2340 Acres

3601

0.927 Acres

EXEMPTED FLDW

0.994 Acres

3605

0.992 AC.

34

1375 Acres

3602

1005 Acres

JOHN STREET

37

CATHERINE STREET

ANN STREET

40

JANE STREET

JOHN STREET

MAIN ST

FLETCHER AVE

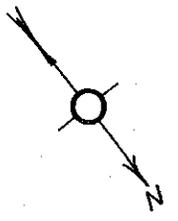
EDWIN AVE

STREET

MAIN

44

44



**TAX MAP**  
**BOROUGH OF FORT LEE**  
 BERGEN COUNTY, NEW JERSEY

MADE BY: M. J. MCGEE  
 DATE: 11/1/81  
 CONSULTING ENGINEERS

EXHIBIT A

1043

37

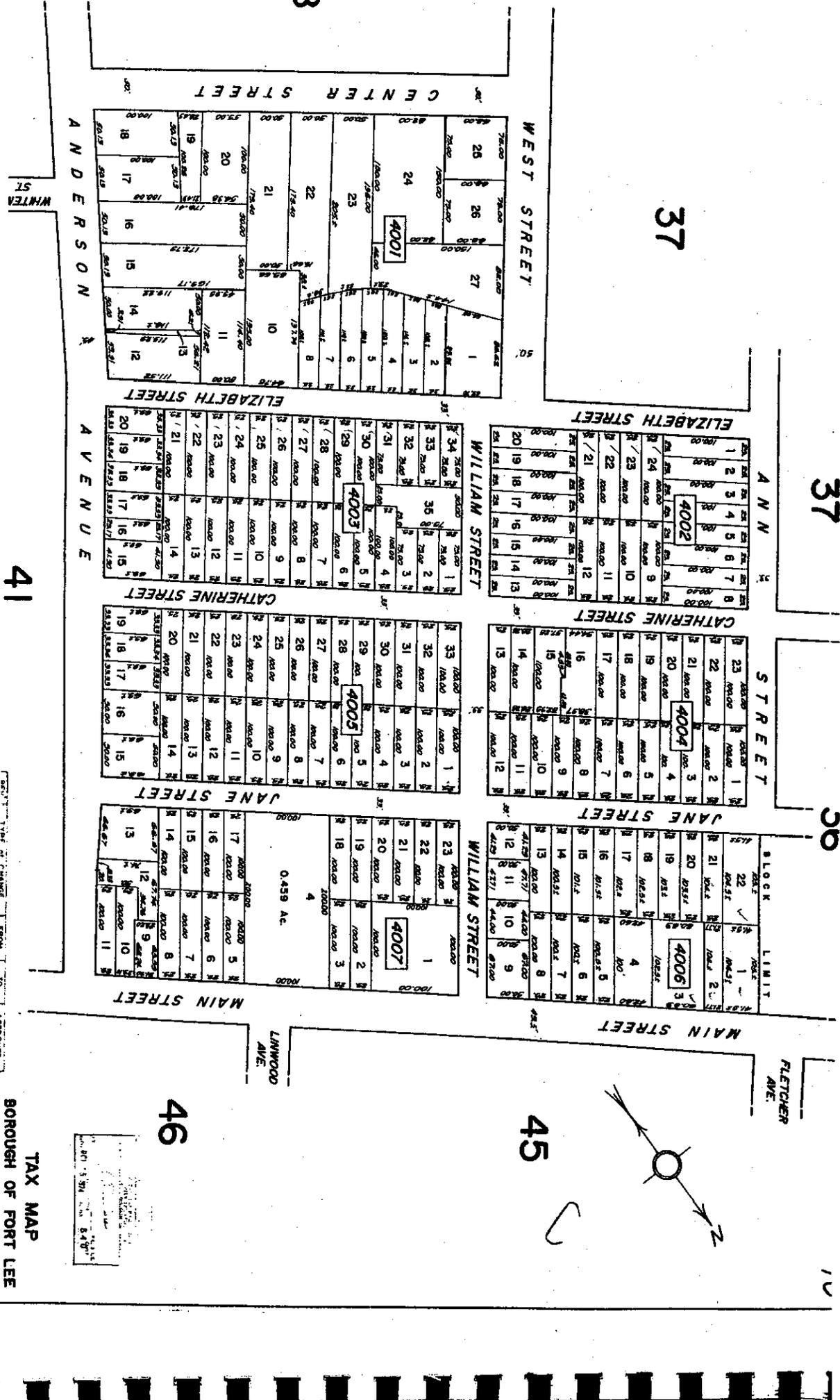
30

37

41

46

TAX MAP  
BOROUGH OF FORT LEE



ANNA STREET

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24

4002

STREET

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24

4004

JANE STREET

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24

4006

WEST STREET

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32

4001

WILLIAM STREET

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40

4003

CATHERINE STREET

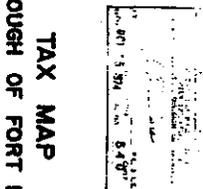
1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32

4005

JANE STREET

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32

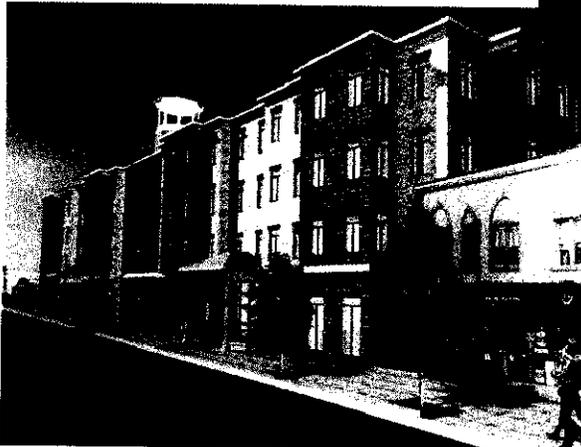
4007



0 100 200 300 400 500  
FEET

**REDEVELOPMENT PLAN**  
*for*  
**REDEVELOPMENT AREA 3**  
*in the Borough of Fort Lee, New Jersey*

December 1, 2005



*Prepared for the Mayor and Council of  
the Borough of Fort Lee*

*by*  
**Phillips Preiss Shapiro Associates, Inc.**  
434 Sixth Avenue  
New York, NY 10011  
  
54 Shrewsbury Avenue  
Red Bank, NJ 07701

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# I. INTRODUCTION

## A. Statutory Basis

---

This redevelopment plan has been prepared for an area located near the western end of Main Street within the Borough of Fort Lee in Bergen County, New Jersey. The property is located in the western section of Fort Lee on the south side of Main Street and the north side of Jane Street as shown in Figure 1. The area that is the subject of this plan is known as "Area 3." For purposes of this plan, Area 3 shall heretofore be referred to as the "redevelopment area."

The Mayor and Council of the Borough of Fort Lee adopted a resolution on March 27, 2003, directing the Planning Board to study the area in order to determine whether it was in need of redevelopment in accordance with the criteria specified in the Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The Planning Board subsequently directed its consulting planners, Phillips Preiss Shapiro Associates, Inc., to conduct this study. The consultants submitted their report, titled *Redevelopment Area Investigation for Area 3 Located in the Northwestern Portion of the Borough of Fort Lee*, to the Planning Board and a public hearing was then held by the Planning Board to determine whether the area should be designated in need of redevelopment pursuant to the LRHL. On June 9, 2003 the Planning Board adopted a resolution finding the area to be in need of redevelopment.

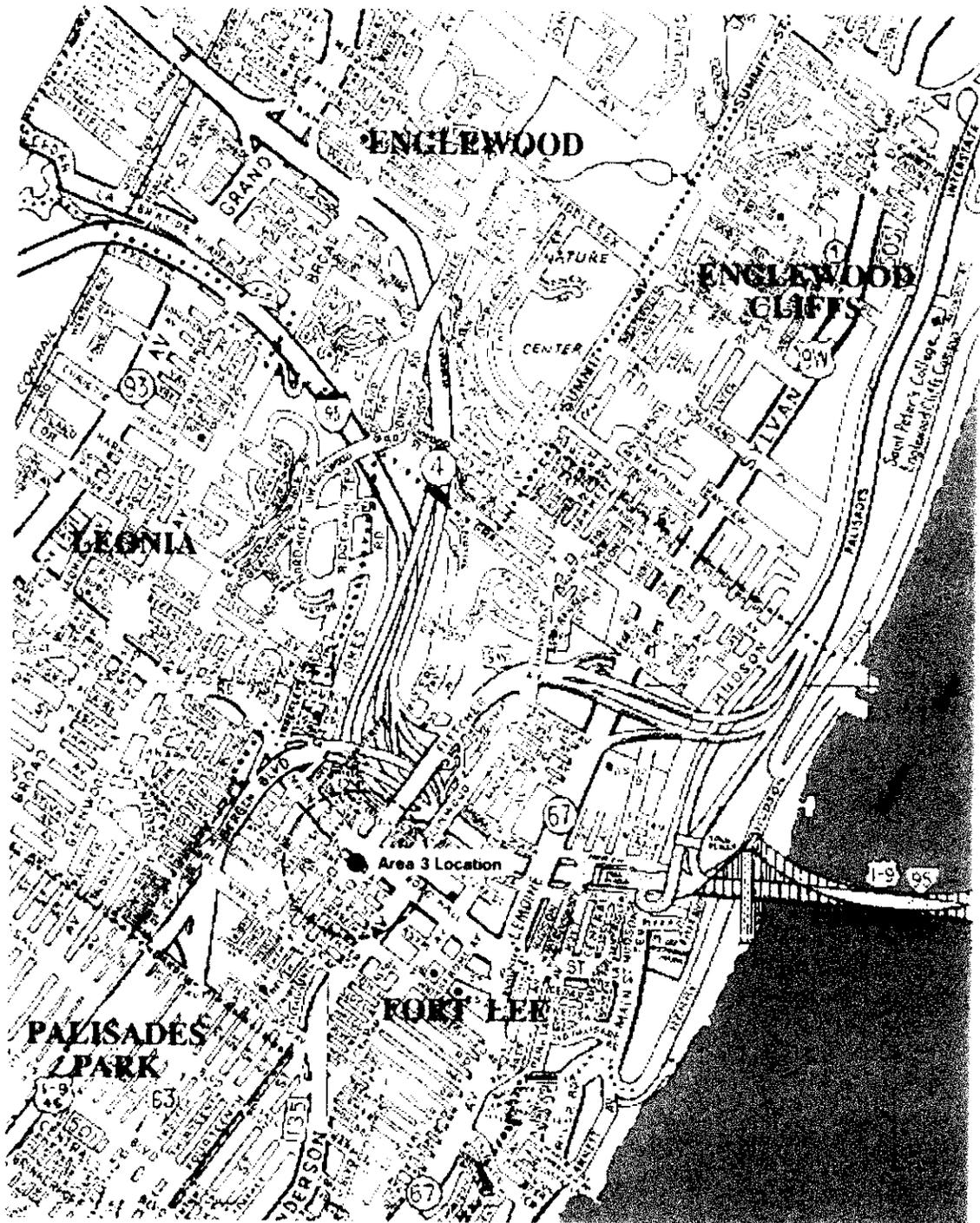
The Mayor and Municipal Council of the Borough of Fort Lee subsequently approved the Planning Board's determination, and declared the area in need of redevelopment pursuant to NJSA 40A:12-6. The Mayor and Council then directed the Planning Board to prepare a redevelopment plan for the area in question. This plan is written pursuant to the LRHL at N.J.S.A. §40A:12A-7 of the Local Redevelopment and Housing Law, which provides that no redevelopment projects shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body upon its finding that the specifically delineated project area is located in an area in need of redevelopment or an area in need of rehabilitation, or in both, as appropriate.

## B. Description of Redevelopment Area Boundaries

---

As described, the redevelopment area is located at the western end of Main Street near the Borough of Leonia border, as shown on Figure 1. The redevelopment area encompasses two contiguous tax blocks (Block 3606 and Block 4006) and 15 tax lots. The redevelopment area is bounded on the north by Main Street and on the south by Jane Street. It is bounded on the east by a series of commercial and residential properties in Block 4006 that front on Main and Jane Streets; and on the west it is bounded by retail and residential properties in Block 3606 that front on Main and John Streets. The nearest cross streets to the east and west are William Street and John Street, respectively. Fletcher Avenue "dead-ends" at Main Street adjacent to the redevelopment area.

**Figure 1: Area 3 Location & Context**



**Figure 1: Area 3 Locational Context**  
Borough of Fort Lee, New Jersey

Maple Press, Dayton, Ohio, 1998, 100, 101



An 18-story residential building is located across Main Street to the north and west of Fletcher Avenue. Retail buildings occupy most of the lots to the north and east of Fletcher Avenue across Main Street. The properties on the south side of Jane Street are exclusively single-family residential. In general, the areas immediately to the north, northeast and northwest of the redevelopment area are characterized by a variety of commercial and retail development (with the exception of the residential tower). The areas immediately to the south, southeast and southwest of the redevelopment area are characterized by single-family residential development. The redevelopment area includes Lots 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 on Block 3606; and Lots 1, 2, 3, 21 and 22 on Block 4006. The specific redevelopment area boundaries are shown in Figure 2.

**Figure 2: Redevelopment Area Boundary for Area 3**

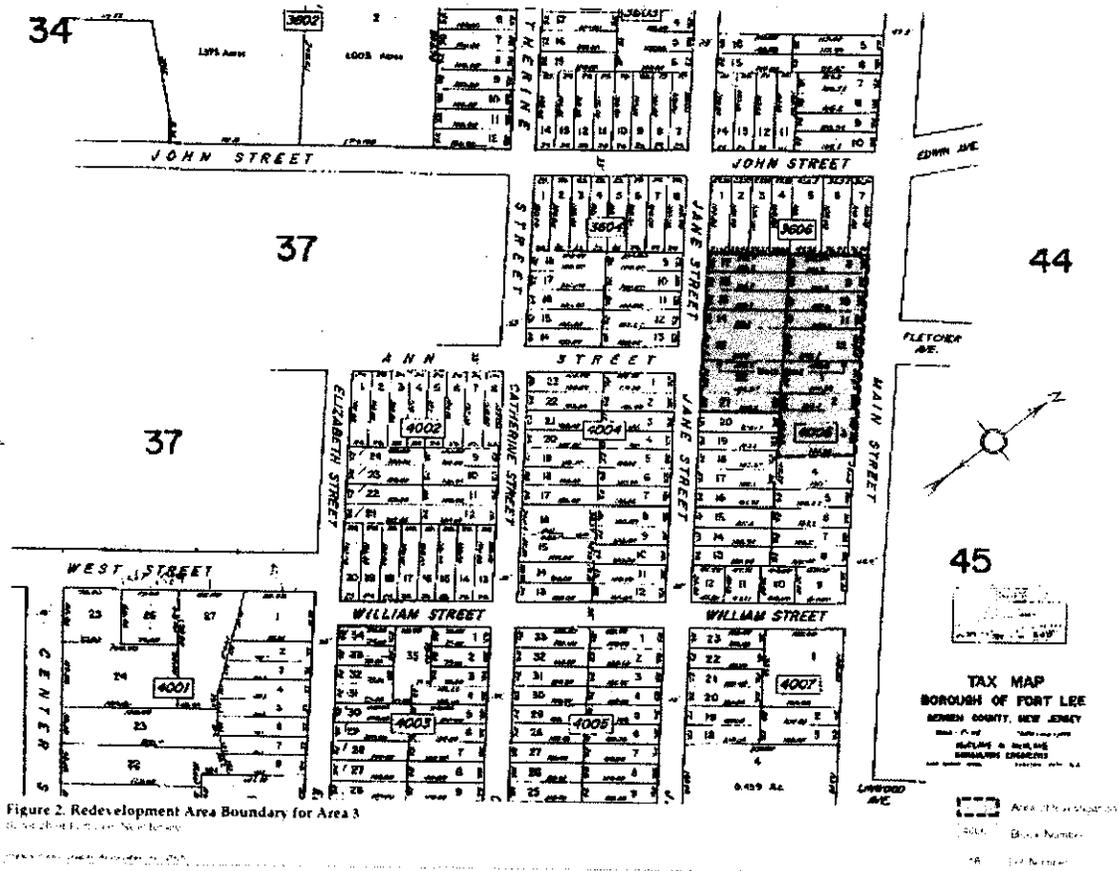


Figure 2. Redevelopment Area Boundary for Area 3  
 Borough of Fort Lee, New Jersey

## II. DESCRIPTION OF EXISTING CONDITIONS AND PROPOSED REDEVELOPMENT PLAN

As described, the redevelopment area is located between Main Street and Jane Street, in an area between John and William Streets. The redevelopment area is comprised of contiguous tax lots. The lots are described as three separate parcels below based on the three separate owners of the assembled lots.

### **A. Block 3606, Lots 8, 9, 10, 13, 14, 15, 16 and 17**

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This "L"-shaped property is located on the south side of Main Street between William Street and John Street. It extends from Main Street through the block to Jane Street and consists of eight tax lots totaling  $\pm 0.5$  acres. The entire property is at the grade of Jane Street, and as such is significantly below the grade of Main Street. It has 75 feet of frontage on Main Street and 141 feet of frontage on Jane Street, with a depth of approximately 215 feet.

The portion of the property fronting on Main Street (Lots 8, 9, and 10) was previously improved with a commercial building, which has been demolished.

The rear lots are open and utilized for parking by customers of the Metropolitan Plant and Flower Exchange located across Main Street. The parking lot is in reasonably good condition and is improved with paving and fencing on its Jane Street frontage. The only other structure on the property is an open wooden staircase leading up from the rear lots to adjoining Lot 1 on Block 4006, which is at the grade of Main Street. This stair appears to be utilized by Metropolitan Plant and Flower Exchange to access the parking lots at the rear of the property.

### **B. Block 3606, Lots 11 and 12 and Block 4006, Lots 1, 2, 21 and 22**

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This "L"-shaped parcel is located on the south side of Main Street between William Street and John Street. It extends from Main Street through the block to Jane Street, and consists of six tax lots totaling  $\pm 0.46$  acres. It has  $\pm 129$  feet of frontage on Main Street and  $\pm 67$  feet of frontage on Jane Street, with a depth of  $\pm 208$  feet. The property is at two grades; with almost three-quarters of the acreage fronting on and at grade of Main Street (consisting of Lots 1, 2, 11 and 12). Meanwhile, the remaining property (Lots 21 and 22) slopes steeply down to Jane Street.

The "upper" Main Street lots are predominantly open and paved, with a small open shed at the east end. The shed is utilized for storage of materials and equipment by the Metropolitan Plant and Flower Exchange, which is located across Main Street. The property is fenced and signed for Metropolitan Plant and Flower Exchange parking only. The "lower" portion of the property is sloped and partially terraced, and is unimproved and fenced. This portion of the property is utilized for storage of materials and plants.

### **C. Block 4006, Lot 3**

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The property is located on the south side of Main Street, between John Street and William Street. It consists of a single tax lot fronting on Main Street. It is  $\pm 6,000$  square feet in size and is improved with a single-story garage structure occupying almost the entire lot. The garage is located along or close to the front property line and is constructed of masonry with a cast concrete facade. It is currently occupied by "A-1 Fort Lee Auto Body."

It is the intention of the redevelopment plan to promote more productive use of the entire redevelopment area. More specifically, the redevelopment plan encourages the redevelopment of Block 3606, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 and Block 4006, Lots 1, 2, 21, and 22 for residential use with retail use along Main Street. A new parking garage would also be constructed below grade on Main Street to provide accessory parking for the uses on this lot. With regard to Block 4006, Lot 3, the redevelopment plan envisions the removal of the existing improvements on this parcel, which would be replaced by new development consistent with the regulations of the Borough's C-2 Zone.

### III. GOALS OF THE REDEVELOPMENT PLAN AND RELATIONSHIP TO LOCAL OBJECTIVES

#### **A. Redevelopment Plan Goals and Objectives**

The specific goals and objectives of the Redevelopment Plan are as follows:

1. To provide for appropriate land uses that will eliminate blight, promote economic development and growth opportunities, and serve the needs of the community.
2. To provide for an increase in the economic base of the redevelopment area and entire Borough by redeveloping underutilized and non-productive properties.
3. To minimize the negative impact of existing land uses in the redevelopment area on the surrounding neighborhood.
4. To encourage the revitalization of the redevelopment area in a manner that is compatible with the character of adjacent properties and land uses.
5. To capitalize on the existing strengths of the redevelopment area, including the presence of adjacent residential and commercial development and the proximity to major highways and the George Washington Bridge.
6. To promote new residential development, as well as street level retail commercial uses, in the redevelopment area in a manner that will benefit the community.
7. To provide for affordable housing in satisfaction of the Borough's fair share housing obligation, with the majority of such units being set aside for age-restricted housing.

#### **B. Relationship to the Intent and Purpose of the Master Plan**

The Borough of Fort Lee's objectives with respect to the redevelopment of the Borough as a whole are expressed in the Master Plan adopted in 1988, and the Master Plan reexamination reports of 1995, 2001 and 2004.

Among the specific goals and objectives of the 1988 Master Plan were designating the bulk of the redevelopment area for neighborhood commercial uses consistent with the portion of the redevelopment area zoned C-2 (Neighborhood Business).

The 1988 Master Plan also recognizes the importance of maintaining general and local business activities. It states as an objective "...to maintain existing general business uses including local business activities, local service activities and office buildings..." Further, among the Master Plan land use recommendations, it is the recognition, in the section entitled "Recommended Land

Uses,” of the importance of off-street parking along Main Street in the C-2 zone. It states that the “The Main Street business areas could benefit greatly by the coordinated development of new off-street parking facilities...”

With regard to residential development, the 1988 Master Plan states as its purpose “...to assist in achieving the goal of access to affordable housing to meet present and prospective needs, with particular attention to low and moderate income housing.”

The Redevelopment Plan supports the objectives and recommendations of the 1988 Master Plan and subsequent reexaminations. It provides for the redevelopment of underutilized portions of the existing commercial area along Main Street at the western end of the Borough, including the redevelopment of previously developed but abandoned land areas. The Redevelopment Plan is cognizant that Fort Lee is effectively “built out,” and recognizes that redevelopment of unproductive land areas is critical to the continued viability of the Borough. The Redevelopment Plan also generally supports appropriate land uses, densities of population, improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements.

The Redevelopment Plan advances the objectives and recommendations of the 1988 Master Plan, as well as the 1995, 2001 and 2004 Master Plan reexaminations as follows:

- Maintaining existing general business uses, including local business activities and office building.
- Furthering redevelopment of the redevelopment area in a manner compatible with existing development.
- Promoting new residential development.

### **C. Relationship to the Intent and Purpose of the Zoning Ordinance**

The redevelopment area is mapped over two contiguous zoning districts as per the Fort Lee Zoning Ordinance: the C-2 Neighborhood Business zone and the R-2 One-Family Residential zone.

The C-2 zone permits retail and personal service uses including supermarkets and stores, eating and drinking establishments, movie theaters and indoor amusements, business and professional offices, and public buildings. Permitted conditional uses include planned commercial development, restaurants, clubs, churches, outdoor storage, and essential services. Accessory uses include off-street parking and indoor storage accessory to permitted principal uses.

In terms of C-2 bulk provisions, allowable floor area ratios vary from 0.5 to 1.5 depending on use. Permitted building heights are 30 feet for all uses. Yard requirements are based on formulas that consider fronting roadway width and building height. The maximum lot coverage permitted in the C-2 zone is 85 percent. There is no minimum lot area requirement in the C-2 zone. There are R-5 and R-10 residential zones abutting the redevelopment area’s north boundary and the portion of the redevelopment area in the C-2 zone.

The R-2 zone permits single-family homes, day schools, public buildings and churches. Permitted conditional uses include outdoor recreational facilities and cemeteries. Accessory uses include garages, off-street parking, swimming pools, professional offices and greenhouses related to principal permitted uses.

In terms of R-2 bulk provisions, allowable floor area ratio is 0.75 and lot coverage is a maximum of 40%. Lot area requirements are a minimum of 5,000 square feet, with minimum 50-foot frontage and 100-foot depth. Minimum setbacks are 20 feet and 6.5 feet for front and sides respectively. The rear setback requirement is 25% of the lot depth. Finally, building heights are limited to 28 feet or 2½ stories.

The development standards of the Redevelopment Plan shall supersede the provisions of the C-2 and R-2 zoning unless otherwise indicated. Where there is a conflict between specific use, bulk or other development provisions of the Redevelopment Plan and the C-2 and R-2 zoning, the provisions of the Redevelopment Plan shall apply.

## IV. LAND USE AND DEVELOPMENT PLAN

### **A. Existing Land Uses**

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The Redevelopment Plan recognizes that there is an opportunity to promote the redevelopment of the underutilized properties in question and to return these parcels to productive use and ensure they contribute fairly to the tax base of the Borough. The redevelopment area consists of 15 tax lots, located on two contiguous tax blocks. The adjoining tax lots to the west of the redevelopment area are developed with retail and single-family residential development, with apartments located over stores on Main Street. The lots adjoining the redevelopment area to the east fronting on Main Street are developed with retail and offices uses. The lots adjoining the redevelopment area to the east fronting on Jane Street are developed with single-family residences; as are the areas across Jane Street to the south of the redevelopment area. Directly across from the redevelopment area to the north on the east side of Fletcher Avenue is the Metropolitan Plant and Flower Exchange; and on the west side of Fletcher Avenue is an 18-story residential tower. All of these uses are in generally good condition.

### **B. Specific Land Use and Development Requirements**

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The Redevelopment Plan is intended to accomplish the following objectives: (1) to encourage redevelopment in a manner that is compatible with the mixed commercial and residential character of the surrounding area; (2) to provide for the appropriate redevelopment of the majority of the properties in the redevelopment area for multi-family residential use with commercial and other non-residential uses at street level; (3) to provide for the appropriate number of affordable units to assist the Borough in meeting its fair share housing obligation; and (4) to provide adequate off-street parking that will benefit the community.

The Redevelopment Plan specifically envisions the following: (1) retail uses of types that service the surrounding residential community as well as the regional market, including convenience and daily needs shopping; (2) restaurants; (3) other commercial uses that may include medical offices and other professional offices; (4) residential apartments; and (5) off-street parking.

### **C. Targeted Redevelopment Actions**

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Specific actions are proposed by the Redevelopment Plan to address certain deficiencies within the redevelopment area. A portion of the redevelopment area is currently unoccupied (Block 3606, Lots 8, 9, 10); another portion (Block 4006, Lot 3) is currently occupied by an auto body shop; and the remainder of the redevelopment area is occupied by privately owned, open parking lots and outdoor storage areas. Under the Redevelopment Plan, it is proposed that these uses be removed and redeveloped. On part of Block 3606 (Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17) and part of Block 4006 (Lots 1, 2, 21 and 22), apartment residences are proposed for upper floors of buildings. Retail service uses are proposed for the ground floors, with off-street parking provided to address the parking requirements of these uses. The redevelopment of Block 4006, Lot 3 is encouraged in accordance with the standards established for the Borough's C-2 Zone.

## **D. Specific Land Use Provisions for the Redevelopment Area**

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BLOCK 3686, LOTS 2, 9, 10, 11, 12, 13, 14, 15, 16 AND 17;  
BLOCK 4006, LOTS 1, 2, 21 AND 22

### ***Permitted Uses***

#### Principal Permitted Uses

- Residential apartments shall be provided on all building floors located above the ground floor level of the Main Street frontage.
- Residential apartments may be located on the ground floor level (as measured in relation to Main Street), but shall not be located within 50 feet of the right-of-way of Main Street.
- One or more of the following non-residential uses shall be provided within the ground floor along Main Street:
  - Retail sales and retail services.
  - Banks, excluding drive-in facilities.
  - Restaurants, excluding take-out restaurants and/or restaurants with drive-through facilities.

#### Permitted Accessory Uses

- Structured off-street parking located within buildings, but not fronting on Main Street.
- Off-street loading and unloading.

#### Specific Use Regulations by Area and by Floor

- Retail uses shall be provided in at least fifty (50) percent of the building frontage at the ground floor along Main Street. Retail sales space must have a minimum 11-foot internal clear height. Storage and other support space associated with the retail may have a lower ceiling height.
- Apartment building entries, lobbies, meeting rooms, and related features are allowed along the ground-level Main Street frontage.
- Residential uses are permitted on all levels along Jane Street, but not required.

### ***Prohibited Uses***

Prohibited uses include, but are not limited to:

- Offices, including medical and government offices
- Drive-in or drive-through businesses such as bank ATMs, restaurants and pharmacies

### ***Allowable Development Yield***

- Maximum number of dwelling units: 85.
- A minimum of 45 dwelling units shall be designated as low-income and moderate-income units in accordance with the Borough of Fort Lee's Housing Plan Element and Fair Share Plan, and/or NJ Council on Affordable Housing regulations. No more than 41 of these dwellings shall comprise age-restricted units.
- Minimum amount of retail: 4,000 square feet

## ***Bulk Standards***

Bulk standards for new construction shall be according to the following criteria. The bulk standards provided herein regulate the building envelope and shall supersede all bulk, density, area and height provisions of the Borough of Fort Lee Zoning Ordinance.

### Height

- Maximum building height shall be 50 feet and four (4) stories, as measured from the average grade of the property along its Main Street frontage.
- Rooftop mechanical equipment is permitted to exceed the permitted building height, subject to §410-33.1 of the Fort Lee Zoning Ordinance.

### Lot Coverage and Impervious Coverage

- The maximum improved lot coverage as defined in the Borough of Fort Lee Zoning Ordinance shall be 85 percent.
- The maximum impervious coverage shall be 90 percent of the lot area.

### Setbacks

- The minimum setback from street-facing property lines shall be five feet along Main Street and 10 feet along Jane Street.
- The maximum setback from any street-facing property line shall be 20 feet.
- The minimum side setback from any internal lot line shall be 20 feet.

### Projections and Encroachments

The following uses are permitted to project or encroach into the required setbacks:

- Loading and unloading areas, docks, and trash facilities may be located in side setbacks, provided they are screened from view of public streets and plazas, well-lit, and secure.
- Outdoor dining, seating areas and benches may be located anywhere within front setbacks and within the front twenty (20) feet of side setbacks.
- Overhangs and light shelves may project up to five (5) feet into setbacks, and are permitted and encouraged at residential and retail entries.
- Awnings may project up to five (5) feet into front setbacks, and are encouraged along retail storefronts and building lobbies. Awnings shall be straight with open sides, not fluted or curved.
- Bay windows on upper stories may project up to three (3) feet into front and side setbacks
- Residential decks and balconies are prohibited on building facades along Main Street.

## ***Building Massing and Articulation***

### Focal Points

Where the building aligns with the axis of intersecting streets, the building shall provide a massing focal point such as a tower, projecting or recessed bay, pedestrian building entrance, or distinctive roofline element to provide a focal point to terminate the vista from the intersecting streets. Specifically:

- Along the Main Street frontage, the portion of the building which aligns with the axis of Fletcher Avenue;
- Along the Jane Street frontage, the portion of the building which aligns with the axis of Ann Street.

### Base, Middle and Top

In order to minimize the impacts of building bulk and height on neighborhood, building facades adjacent to a public street shall provide for a differentiated building mass consisting of a base, middle, and top, as follows.

- **Base**
  - The base of the building shall be defined on the first one or two levels. Where the building is four levels tall at the street, the base shall be the first level. Where the building is five or six levels at the street, the base shall be the first two levels.
  - The lower-level garage along Jane Street shall be included in the base design.
  - The base of the building shall be detailed through texture and/or material to create visual interest for pedestrians on the sidewalk.
  - To visually ground the building, the base of the building should appear heavier than the upper levels, through materials and material dimensions. For example, stone or masonry block appear heavier than brick or wood.
  - To further define the base, overhangs, light shelves or straight awnings are encouraged along storefronts and over building entrances.
- **Middle**
  - The middle of the building shall be distinguished from the base and top by horizontal belt courses or cornices; and/or changes in material, masonry or fenestration pattern.
  - The middle floors of a building shall have uniform story heights and uniform, vertically-proportioned windows along each street.
- **Top**
  - The roofline of the building along each street shall be emphasized with a parapet wall and/or balustrade or deep cornice with a minimum 8-inch projection.

### Vertical Bays

The horizontal facade plane of the building shall be broken into 20 to 40 foot-wide vertical bays.

- Bays should be distinguished through elements such as columns, pilasters, gutters or expansion joints, changes in facade plane, size and rhythm of window spacing or variation in surface material and pattern.
- The vertical bays should extend through all above-ground stories of the building, including parking levels, but may exclude any upper stories that are set back at least ten feet from the primary facade plane.

- The pattern of retail storefronts and lobbies within the base along Main Street should relate to the building's vertical bay pattern.

### ***Building Transparency***

#### Entries

- Primary residential entryway(s) shall face Main Street, be clearly visible, and be highlighted within the front facade through projections, recessions or lobby glazing. The massing of the entryway should be vertically articulated through all levels of the building. Tacked-on porch-style structures, protruding from the building, are prohibited along Main Street.
- Primary entries to individual retail businesses shall be provided at-grade on street-facing facades, or at-grade within an open-air courtyard fronting a street-facing facade. Entries to individual retail business, off an internal corridor or lobby, are prohibited.

#### Windows

- Residential upper-level units shall have windows occupying at least 25 percent of the residential portion of the facade area. Residential windows shall be operable.
- Windows openings should be recessed from the building façade plane to create shadows and a sense of depth in the façade.
- All upper-story residential windows should be vertically-proportioned. Separate, vertically-proportioned windows may be clustered to create larger, horizontally-proportioned expanses of windows for residences.
- Ground-floor retail space shall have storefront-style plate glass windows occupying at least 70 percent of the retail storefront area.

### ***Building Materials***

- Stone, masonry, brick, cast stone, glass block, cast iron, brushed steel or aluminum and other types of metal are preferred primary materials for façades. However, no more than three different materials should be used as primary materials on the building facade.
- Security grates, access panels, and garage window grilles should be enlivened with ornamental metalwork where possible.
- Sills of ground-floor facades should be enlivened with artwork or decorative tiling where possible.
- Materials should be extended around corners and extensions in order to avoid a "pasted-on" appearance. All building facades adjacent to or easily visible from a public street, walkway, or open space should exhibit the same degree of architectural detailing as the building's adjacent facade.
- Reflective or tinted glass is prohibited.

### ***Building Signage***

- Building design shall provide a logical space above storefronts for retail signage along Main Street. Signage should be placed so as not to obscure the structural or architectural elements of the building.
- Building-mounted signs shall only display information about the businesses or residences located on the property.
- Internally illuminated signs shall not have a white or light-colored background or signboard.
- Sign illumination shall not cast light into residential windows or above the highest elevation of the front wall of the building.
- Freestanding signs are prohibited.
- Other regulations pertaining to signs shall be pursuant to Article XII of the Borough of Fort Lee Zoning Ordinance, as specifically provided for the C-2 zone.

### ***Lighting and Landscaping***

- Side setbacks shall be well-lit with pedestrian-scale streetlamps or wall-mounted sconces along their length, for security. Lighting shall be downcast and meet "dark sky" standards.
- Excluding loading and service areas, side setbacks shall be attractively landscaped within 50 feet of public streets, using high-quality pavers, plantings and benches to provide a pedestrian "pocket plaza" amenity.

### ***Parking and Access***

#### Amount

- Regulations pertaining to off-street parking and loading shall be pursuant to Article VI of the Borough of Fort Lee Site Plan Review Ordinance and Article X of the Borough of Fort Lee Zoning Ordinance, except that off-street parking shall be provided in accordance with the following requirements:
  - The number of spaces for residential uses shall be provided as per the requirements for mid-rise apartments as contained in the New Jersey Residential Site Improvement Standards at NJAC 5:21-1 et seq.
  - The number of spaces for non-residential uses shall be one space for every 400 square feet of gross floor area.
- The use of shared parking between retail and residential uses is encouraged in order to reduce the amount of parking required above. For any shared parking proposal to qualify, the redeveloper must submit a written analysis prepared by a qualified expert.
- Public parking may be provided within the same facility providing accessory parking required for the uses on the site.

#### Location

- Off-street parking shall be located below the grade of Main Street.
- Primary ingress and egress to off-street parking shall be located only on the Main Street frontage of the property.
- Emergency ingress and egress shall be permitted from Jane Street, but shall normally be closed by use of an attractive, decorative gate or grill.

### Design

- The maximum driveway and garage entry width facing public streets is 24 feet for two-way drives and 13 feet for one-way drives.
- The function, appearance and mass of above-grade parking garages shall be downplayed with the following techniques:
  - Detail garage levels along Jane Street with the same material types and applications as used on the retail levels along Main Street.
  - Design the garage levels to read as a base to the building along Jane Street.
  - Continue the pattern and spacing of residential windows into the garage ventilation openings.
  - Provide decorative security grilles over the garage openings at the Jane Street level.
- Along street-facing facades, the pattern of above-ground garage openings should align vertically with the pattern and/or spacing of residential windows above.

### Deck atop Parking Area

- Any exposed structured parking areas shall be covered with a deck which is paved, tiled, and/or landscaped to provide an attractive visual amenity for the residents overlooking such area. Residential access to this deck as a courtyard is encouraged, but not required.

### ***Trash, Service and Loading Areas***

- Loading and service areas shall be provided within the parking garage or within side setbacks along Main Street (not along Jane Street).
- Trash storage shall be set back from public streets at least 20 feet, and completely secured and screened from view of public streets by attractive fencing.
- Outdoor service and loading areas shall not exceed 50 feet in depth (perpendicular to the street).
- Only one curb cut to loading areas is allowed on each public street.

### **I. BLOCK 4006, LOT 3**

The following regulations apply to Block 4006, Lot 3:

- All development shall be regulated in accordance with the standards established for the Borough's C-2 Zone.
- The maximum improved lot coverage as defined in the Borough of Fort Lee Zoning Ordinance shall be 85 percent.
- Building facades and ornamentation shall be provided on all sides of a building and shall be compatible in terms of architectural treatment, color and materials so as to enhance the visual character of development. Windows and doorways shall be provided at street level on all sides of a building facing a street so as to enhance visual interest.
- A minimum of 25 percent of any building elevation fronting on a public street shall consist of windows or doorways.

### **II. PROVISIONS APPLICABLE TO THE ENTIRE REDEVELOPMENT AREA**

The following provisions apply to the entire redevelopment area:

- All new construction and rehabilitation of existing buildings shall be designed so as to be compatible with the character of the surrounding area.
- The redevelopment area shall be designated as a "streetscape improvement district" for the purposes of compliance with the streetscape improvement requirements set forth in § 345-22C of the Borough of Fort Lee Site Plan Review Ordinance.
- The exterior of any parking structures shall be clad in the same manner and with the same materials as utilized on the exterior of any principal buildings on the same lot.
- One curb cut (to parking or loading/service areas) to a public street shall be permitted for every 100 feet of adjacent street frontage.

## **V. REDEVELOPMENT ACTIONS**

The Redevelopment Plan provides for a number of actions in support of the overall plan objectives, as follows:

### **A. Properties to be Acquired**

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As part of the redevelopment effort, the following parcels within the redevelopment area are subject to acquisition by the Borough of Fort Lee through the power of eminent domain: Block 3606, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17; Block 4006, Lots 1, 2, 21 and 22.

### **B. Other Actions**

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In addition to the demolition, new construction and acquisition described above, several other actions may be taken to further the goals of this plan. These may include, but shall not be limited to:

- Consolidation of tax lots acquired into one or more tax lot(s).
- Clearance of abandoned, deteriorated, obsolete structures or uses or structures, or remains of structures, on underutilized land areas, where necessary.
- Construction of new structures or other improvements.
- Provisions for public infrastructure necessary to service and support new development.
- Environmental remediation.
- Vacation of public utility easements as may be necessary for redevelopment.

### **C. Relocation**

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Implementation of the Redevelopment Plan may require the displacement and relocation of businesses located within the redevelopment area. At the time of property acquisition the actual extent of displacement will be determined and a Workable Relocation Assistance Plan (WRAP) will be prepared and submitted to the NJ Department of Community Affairs for approval. The Borough will comply with the requirements of the New Jersey State relocation statutes and regulations as applicable, and will provide all benefits and assistance required under the statute.

### **D. Linkages**

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The plan recognizes that the redevelopment area provides opportunities to develop supportive linkages to areas of Fort Lee surrounding the redevelopment area. Adjacent to the north are multi-family residential and commercial uses. To the east and west are retail and office uses, as well as some residential uses. To the south are single-family residential uses. Finally, the redevelopment area fronts on the Main Street corridor providing access to downtown Fort Lee. These areas will provide services for the residents of the new development, as well as residential and worker populations that will potentially utilize the commercial uses proposed for the redevelopment area. The proximity of the redevelopment area to public transportation and regional highways will enhance the attractiveness of the proposed development.

## **VI. RELATIONSHIP TO OTHER PLANS**

### **A. Relationship to Master Plans of Adjacent Municipalities**

The Borough of Fort Lee is bordered to the east by the Borough of Edgewater and the Hudson River, to the south by the Borough of Cliffside Park and the Borough of Ridgefield, to the west by the Borough of Palisades Park, the Borough of Leonia and the City of Englewood and to the north by the Borough of Englewood Cliffs. None of these communities directly abuts the redevelopment area. Redevelopment of the area consistent with Redevelopment Plan goals will not have any adverse impact on adjacent municipalities.

### **B. Relationship to the Bergen County Master Plan**

The Borough of Fort Lee is located in Bergen County. The Bergen County Comprehensive Plan was last revised in the early 1970s. Although 30 years old, the Comprehensive Plan's Future Land Use Report, dated September 1971, recognized that there was a diminishing supply of open land available for development. It stated "any future development policies within the County—municipal, county or state—should strive to optimize the use of the remaining open land." Further, although the County plan stated that future development should be concentrated at regional centers and sub-centers, it recognized that "other areas will still need neighborhood and community facilities."

In summary, the Bergen County Comprehensive Plan, although three decades old, remains substantially consistent with the Borough's efforts to revitalize the redevelopment area, as expressed in the Redevelopment Plan.

### **C. Relationship to the State Development and Redevelopment Plan**

Among the State Plan's intentions is to revitalize the state's existing urban areas by directing growth and development to those areas. On the State Plan Policy Map, the redevelopment area is located in the Metropolitan Planning Area, which is identified in the State Plan as an appropriate location for much of the State's new growth. By virtue of its excellent access and prominent location, the area is by all measures an appropriate location for new growth. The redevelopment plan will facilitate growth in this area.

The purpose of the Redevelopment Plan is to redevelop a small, but nonetheless underutilized and stagnant portion of Fort Lee. It is the goal of the Redevelopment Plan to place into productive use less than fully productive lands and structures. In particular, the redevelopment effort will focus on the redevelopment of an underutilized area consistent with the goals, strategies and policies of the State Plan.

## VII. GENERAL PROVISIONS

### **A. Easements**

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No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Borough of Fort Lee.

### **B. Site Plan and Subdivision Review**

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Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the redevelopment area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Planning Board of the Borough of Fort Lee so that compliance with the Redevelopment Plan can be determined.

Any subdivision of lots and parcels of land within the redevelopment area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Borough of Fort Lee.

No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

### **C. Adverse Influences**

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No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

### **D. Non-Discrimination Provisions**

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No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council of the Borough of Fort Lee or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Borough Council of the Borough of Fort Lee, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of race, creed, color or national origin.

## **E. Duration of the Plan**

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The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of 40 years from the date of approval of this plan by the Mayor and Council of the Borough of Fort Lee.

## **F. Deviation Requests**

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The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

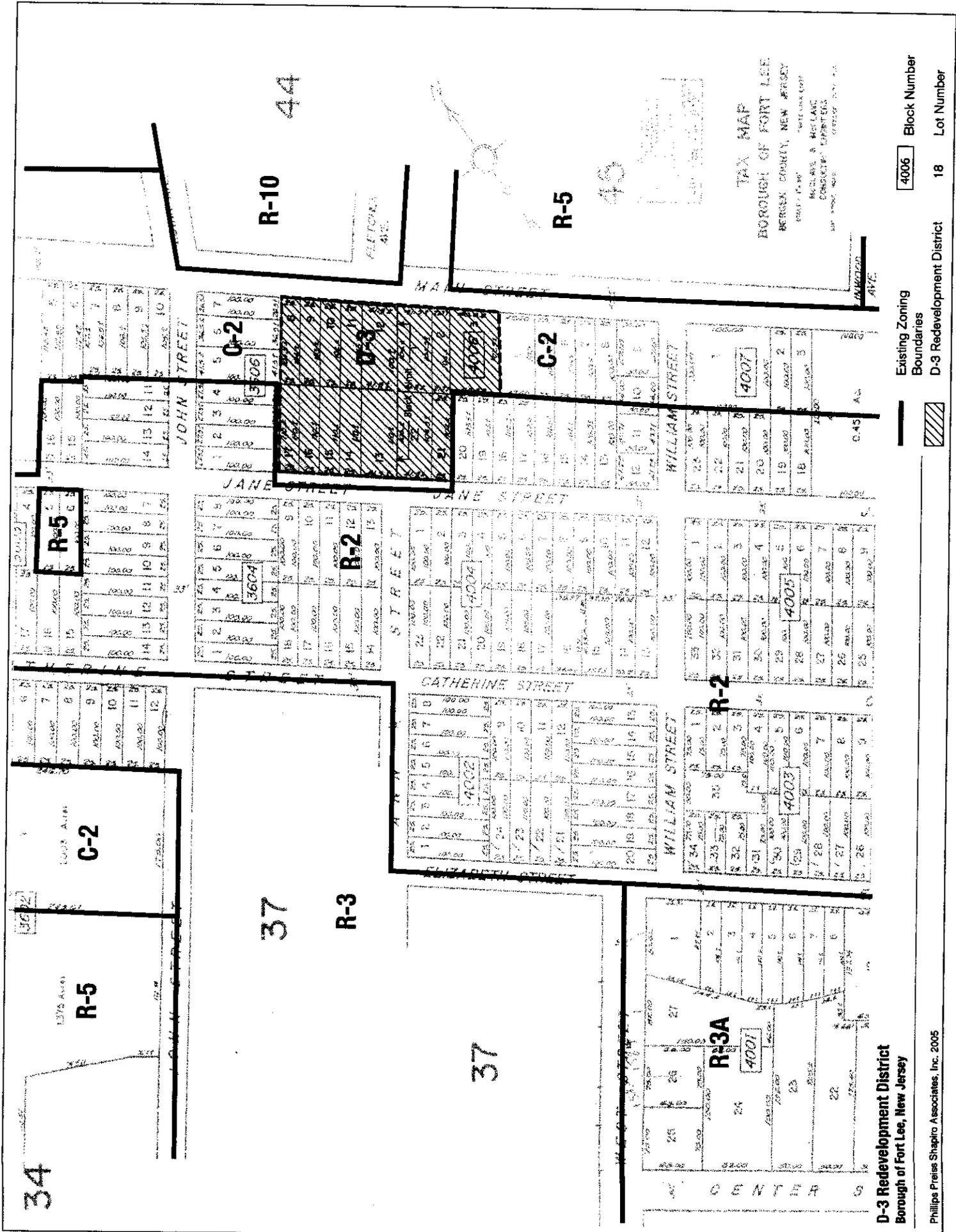
## VIII OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- In the event that businesses in the redevelopment area must be displaced by the condemnation and/or acquisition of property by the Borough of Fort Lee, adequate provision for the permanent relocation of such businesses, as necessary, shall be made in accordance with all applicable state and federal regulations.
- All privately owned lots within the redevelopment area are subject to acquisition by the Borough of Fort Lee as part of the redevelopment effort.
- As indicated in Chapter III, this Redevelopment Plan is consistent with the Master Plan for the Borough of Fort Lee. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning Ordinance of the Borough of Fort Lee regulating development in the area addressed by this Redevelopment Plan. In all situations where zoning issues are not specifically addressed herein, the Fort Lee Zoning Ordinance shall, however, remain in effect. No variance from the requirements herein shall be cognizable by the Zoning Board of Adjustment. The Planning Board alone shall have the authority to grant deviations from the requirements of this Plan, as provided herein. Final adoption of this Plan by the Borough Council of the Borough of Fort Lee shall be considered an amendment of the Borough of Fort Lee Zoning Map.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

## **XX. PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A fee of \$500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Planning Board, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.



**D-3 Redevelopment District**  
 Borough of Fort Lee, New Jersey

Phillips Preiss Shapiro Associates, Inc. 2005

Existing Zoning Boundaries  
 D-3 Redevelopment District  
 Block Number 4006  
 Lot Number 18

Introduced	<u>M. VILLANO</u>	Date of Introduction	<u>December 1, 2005</u>
		Public Hearing	<u>December 15, 2005</u>
Seconded	<u>M. SARGENT</u>	Date of Adoption	<u>December 15, 2005</u>

BOROUGH OF FORT LEE

ORDINANCE # 2005-44

**ORDINANCE TO AUTHORIZE TAX AGREEMENT  
FOR A PORTION OF REDEVELOPMENT AREA 1,  
BLOCK 6101, LOTS 13, 14, 15 AND 20**

WHEREAS, the Borough of Fort Lee, in accordance with the provisions of the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. (the "Act"), adopted Ordinance 2005-36 creating limited tax exemptions for a portion of Redevelopment Area 1; and

WHEREAS, pursuant to the Act and Ordinance 2005-36, the Borough of Fort Lee is required to adopt an additional ordinance to authorize the Borough to enter into a tax agreement with the owner of the property for which a tax exemption or abatement is to be granted and to specify the procedures necessary for entering into the tax agreement; and

WHEREAS, the Borough of Fort Lee has determined to enter into a tax agreement with COM Office Developers, LLC, the owner of Lots 13, 14, 15 and 20 in Block 6101 in Redevelopment Area 1,

**NOW THEREFORE, BE IT ORDAINED:**

1. Definitions for the purpose of this Ordinance. The following definitions shall apply:
  - (a) "Applicant" means COM Office Developers, LLC, having an address at 411 Hackensack Avenue, Hackensack, New Jersey 07601

- (b) "Borough" means the Borough of Fort Lee
- (c) "Agreement" means a tax agreement as required by Ordinance 2005-36 and the Act.
- (d) The "Act" means the Five Year Exemption and Abatement Law, N.J.S.A. 40:21-1, et seq.
- (e) "Exemption" means that portion of the assessor's full and true value of any improvement, conversion, alteration, or construction not regarded as increasing the taxable value of a property pursuant to the Act, and specifically does not include the land upon which the improvement, conversion, alteration, or construction is located.
- (f) The "Ordinance" means Ordinance 2005-36.
- (g) The "Project" means the 39,000 square foot office building located on Lots 13, 14, 15 and 20 in Block 6101 having an address of 173 Bridge Plaza North and owned by the Applicant.

2. Application Requirements: The Applicant shall comply with all application requirements of Ordinance 2005-36 and the Act. The Applicant shall further comply with all reasonable accelerated deadlines established by the Borough or the Tax Assessor to facilitate the timely adjustment to the tax rolls of the Borough for the tax year beginning January 1, 2006, and to ensure that the Agreement is effective for the tax year 2006.

Approval of the Application shall be provided by the Borough through its Tax Assessor and its Director of Economic Development.

3. Exemptions Permitted: The Exemptions permitted for the project, which shall be reflected in the Agreement, shall be as follows:

(a) Term. The Exemptions shall be in effect for five (5) full tax years in accordance with the Act and Ordinance 2005-36 it being understood that substantial completion of the Project will occur in 2005. The Exemptions shall commence on January 1, 2006, and shall continue until midnight of December 31, 2010, hereafter the "Exemption Period".

(b) Portions of the Project Subject to Exemption: The Exemption shall be based on the tax phase-in basis of the Act at section N.J.S.A. 40A:21-10(c) and shall apply only to those portions of the Project defined by the term Exemption in this Ordinance. The assessed value of the land upon which the Project is built shall be subject to full payment of real property taxes during each of the five years that the Exemptions are in place.

(c) Tax Phase In Basis. Pursuant to section (b) of this Ordinance, the tax phase-in basis shall provide for tax payments to be made, in addition to tax payments for the land, as follows:

- (i) In 2006, the first full tax year after completion, no payment for the taxes otherwise due on the full value of the project subject to Exemption (which value includes all improvements, conversion, alterations and construction).
- (ii) In the second tax year, a payment of 20% of the tax otherwise due on the portion of the Project subject to Exemption
- (iii) In the third tax year, a payment of 40% of the tax otherwise due on the portion of the Project subject to Exemption.
- (iv) In the fourth tax year, a payment of 60% of the taxes otherwise due on the portion of the Project subject to Exemption.
- (v) In the fifth tax year, a payment of 80% of the taxes otherwise due on portions of the Project subject to Exemption.

4. Approval of Form and Content of Agreement, Authorization for Signature of Mayor by December 31, 2005. The form of Agreement negotiated with the Applicant shall be approved as to form and content by Borough Counsel and Special Redevelopment Counsel and shall include such additional provisions as such counsel deem necessary or desirable to protect the interests of the Borough. The Agreement, approved as to form and content, shall be signed by the Mayor of the Borough and attested by the Clerk and effective according to its terms without further formal action by the Borough. The Agreement shall be signed by both the Applicant and the Mayor no later than December 31, 2005.

5. Amendment to the Act, Ordinance 2005-36, or this Ordinance; Changes to the Agreement: The Act is currently subject to consideration for amendment by the legislature. In the event that the Act is amended by the legislature and the amendments to the Act require a change or modification to the Agreement in order for the Agreement to continue to be effective and valid, then the Agreement shall be so modified and all such amendments to the Agreement may be made and subsequently approved by the Borough by resolution.

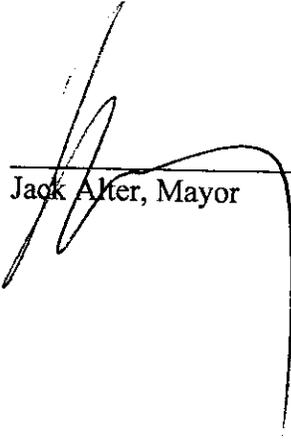
In the event that Ordinance 2005-36 of this Ordinance is amended by the Borough and the amendments either require that the Agreement be modified or that the Borough, in its discretion, determines to alter the tax relief afforded by the Agreement based upon any amendments to Ordinance 2005-26 or this Ordinance, all such amendments to the Agreement may be made and subsequently approved by the Borough by Resolution.

6. Severance Provisions: In the event that any portions of this Ordinance shall be deemed illegal or void, then the remainder of the Ordinance shall continue in full force and effect as though such illegal or void section was not contained herein.

7. Effective Date: This Ordinance shall be effective upon final adoption by the

Borough.

Attest:

  
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Jack Alter, Mayor

*Neil Grant*

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Neil Grant, Borough Clerk