



BOROUGH OF BLOOMINGDALE

101 HAMBURG TURNPIKE • BLOOMINGDALE, NEW JERSEY 07403
(TEL) 973-838-0778 (FAX) 973-838-5115

July 25, 2016

TO: Passaic County Contiguous Municipalities
Passaic County Planning Board
Borough of Bloomingdale Planning Board
Property Owners Within 200'
New Jersey Commissioner of Transportation
State Planning Commission
Highlands Commission

Enclosed is a copy of Ordinance #20-2016*: ***AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, ESTABLISHING SECTION 92-61.1 OF THE BOROUGH CODE KNOWN AS THE "AH-1 (AFFORDABLE HOUSING) OVERLAY ZONE"***. This zoning amendment relates to the property known as Block 5105; Lot 14 (formerly Block 105; Lot 14) on the Official Tax Map of the Borough of Bloomingdale, which was introduced at an Official Meeting of the Governing Body of the Borough of Bloomingdale on Tuesday, July 19, 2016, and is scheduled for second and final reading and Public Hearing at a Special Meeting of the Governing Body to be held on Tuesday, August 9, 2016 at 7:00 p.m. in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ.

**This is a new ordinance as the prior ordinance #18-2016; same title was defeated and this ordinance #20-2016 was introduced.*


Jane McCarthy, RMC
Municipal Clerk

C: Mayor and Council
Borough Attorney

Cert. Mail/R.R.R. & Regular Mail

**ORDINANCE NO. 20-2016
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF
PASSAIC AND STATE OF NEW JERSEY ESTABLISHING SECTION 92-61.1
OF THE BOROUGH CODE KNOWN AS THE "AH-1 (AFFORDABLE HOUSING)
OVERLAY ZONE"**

WHEREAS, the Borough of Bloomingdale recognizes the importance of complying with its Affordable Housing obligation; and

WHEREAS, the Borough presently has an "AH" (Affordable Housing) Zone which was implemented with the purpose to effectuate a Superior Court Order in the matter of DR Horton Venture v. Borough of Bloomingdale and Planning Board of the Borough of Bloomingdale, pursuant to §92-61 of the Borough Code, which pertains to the development of 32 acres of land to be utilized for the construction of an inclusionary development site; and

WHEREAS, the Borough seeks to comply with the Court Order and provide Affordable Housing consistent with same, however it is also important that the Borough establish a realistic opportunity for the development of this site which has a contour that necessitates significant site preparation in order to achieve an economically feasible and realistic development; and

WHEREAS, the Borough also seeks to achieve the goals and objectives of its Master Plan and the Borough Reexamination Report; and

WHEREAS, the Mayor and Council also seek to continue to encourage economic growth and development in the Borough in a manner that is consistent with these plans and the overall goals and objectives of these planning documents; and

WHEREAS, the Borough recognizes that quarrying on Federal Hill has existed since the early 1900s; and

WHEREAS, with appropriate land use controls, the Borough is considering the expansion of such quarry operations, as long as it is in conjunction with the goal of achieving the Borough's Affordable Housing obligation and complying with existing Court Orders to obtain such compliance. In order to achieve this goal, the Borough seeks to provide an incentive to adjacent, adjoining or the existing property owner of the Affordable Housing site if they were to provide site preparation in order to achieve a realistic development opportunity for inclusionary Affordable Housing in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Bloomingdale that the Borough Code is hereby amended to establish an "AH-1 (Affordable Housing) Overlay Zone" as follows:

SECTION ONE. The Code of the Borough of Bloomingdale is hereby amended to establish the following Section:

Section 92-61.1.

A. Background: It is the purpose and intent of this section to provide for necessary Court ordered Affordable Housing by providing zoning incentives to establish a realistic opportunity to develop such housing.

B. Purpose of AH-1 Overlay Zone. The AH-1 Overlay Zone shall provide, after meeting the requirements of such Overlay Zone, for quarry and mining operations due to the presence of resources suitable for mining, but at the same time also recognizes the necessity for appropriate regulation of the excavation of these resources. Accordingly, the permitted uses for property located in the AH-1 Overlay Zone shall be those set forth in §92-58 entitled M-1-Q Light Industrial and Quarry Zone, subject to the property owner first obtaining site plan approval to insure that such properties shall be operated in a manner that properly and adequately addresses issues of erosion, drainage, and possible dangers associated with steep mining faces, while facilitating the reclamation of the site for ultimate development in a manner consistent with the underlying zoning, upon completion of the quarrying and mining operations.

C. Requirements of AH-1 Overlay Zone. The AH-1 Overlay Zone provides for an incentive for the development of the property known as Block 5105 Lot 14 (formerly Block 105 Lot 14), commonly referred to as the "Meer Tract" as such incentives benefit the adjacent tract which is Block 5105 Lot 84 commonly referred to as the "Bloomingdale Quarry Tract".

(i) Block 5105, Lot 14, commonly known as the "Meer Tract", consists of 180 acres of vacant land of which 35 acres have been Court Ordered and approved for a multi-family inclusionary development containing 360 residential units. Accordingly, approximately 145 acres of land remains on the Meer Tract. Due to the significant site development cost, and the inability to develop this site for the past ten years, this AH-1 Overlay Zone provides for contiguous property owners, or the owners of the tract, to the 35 acres of inclusionary development to engage in the use of mining and quarrying, providing that, as a prerequisite, the use includes extensive site preparation of the 35 acres in an expedited manner for the Affordable Housing development of the Meer Tract. Such site preparation, which is defined as extraction and grading, must be in accordance with a commitment to develop the Affordable Housing as to the Meer Tract and the corresponding site preparation must be completed in order to qualify for this AH-1 Overlay Zone.

(ii) The aforesaid site preparation work shall be the equivalent to the extent of rock extraction and levelling that would have otherwise been required as part of the site preparation work contemplated by the preliminary and final site plan approval granted to D.R. Horton, Inc. – New Jersey and Bloomingdale Joint Venture by the Bloomingdale Planning Board pursuant to its Resolution #618 memorialized on June 19, 2008.

(iii) So long as the owner of the Bloomingdale Quarry Tract, provides site preparation to the 35 acres of the Meer Tract property as set forth above, to the satisfaction of the Borough Engineer, the remaining portion of this Zone as it pertains to Block 5105, Lot 14 shall qualify for this "Affordable Housing Overlay Zone" and the zoning district and development standards, except as noted in this Section, §92-58 entitled M-1-Q, Light Industrial and Quarry Zone, shall apply.

D. The AH-1 Overlay District is established as an overlay zone to the AH Affordable Housing Zone. The AH-1 Overlay District is shown on the Zoning Map attached hereto as Exhibit A and made a part of this Chapter which is Block 5105, Lot 14. Any development standards not expressly provided in the AH-1 Overlay District shall be governed by the

standards in the M-1-Q District. Where there is a conflict between the development standards provided for in the AH-1 Overlay District and the development standards provided for in the underlying zoning district, then the development standards of the AH-1 Overlay District shall apply.

E. Development Standards.

When a land owner complies with the requirements of this AH-1 Overlay Zone, the provisions of the M-1-Q, Light industrial and Quarry Zone, Borough Code §92-58 and the provisions contained therein shall apply to land located within this zone subject to the following restrictions or limitations

1. The existing quarry operations provides for shipping and transportation of materials and products to and from the quarry. Such existing hours of operation would remain the same and not eligible for extension until such time that a new access road onto Union Avenue from Wanaque is established whereby vehicles would utilize Union Ave for a short distance before intersecting with entrance ramps for interstate 287.

F. The existing quarry and material processing are buffered by quarry walls to the North, West and South, and to the East Route 287. The AH-1 Overlay requires that the primary material processing operation must be maintained on property that is located in the M-1-Q zone and adjacent to the AH-1 Overlay in order to minimize disturbance and benefit from the present location of the process operations and the existing buffers of a quarry wall on Route 287. This overlay zone shall provide that the property owner may only conduct quarrying and mining operations. The ancillary and support functions shall not generate noise which would be perceptible outside of the quarry. In accordance with a phasing of the project that is marked on the map referenced as Exhibit B with Phase 1, Phase 2 and Phase 3. Quarrying and mining operations may not proceed to a succeeding phase until the quarrying and mining in the preceding phase has been completed. All quarrying and mining is subject to Federal and State laws and regulations, including but not limited to New Jersey Department of Environmental Protection's rules and regulations and notwithstanding anything else referenced in this Ordinance or the Borough's Code, all activity on the site in the AH-1 Overlay Zone is subject to site plan approval from the Borough Planning Board. The principal structures utilized in the crushing and processing operations shall be located within the Bloomingdale Quarry Tract and may not be located on the Meer Tract.

G. With respect to access as to the AH-1 Overlay Zone, there shall be no access provided with respect to the AH-1 Overlay Zone except from the adjoining quarrying operation and site. Any other access to the Overlay Zone will only be for the purposes of emergencies and permission by the Borough.

H. Additional Requirements and Regulations.

- (1) All quarrying operations shall be subject to the requirements of §92-25, as amended, with the exception that hours of operation shall be governed by the AH-1 Overlay District restrictions only.
- (2) All quarrying operations shall be subject to the requirements of §32-2, as amended, with the exception that (i) hours of operation and (ii) backfill and quarrying operations shall be governed by the AH-1 Overlay District restrictions only,.
- (3) Where a proposed use abuts a residential zone boundary line, the set-back for quarrying activity shall be 300 feet which shall be a planted buffer with sufficient

height to provide reasonable year-round screening, as approved by the Borough Engineer, will be required where vegetative screening does not exist.

I. Setbacks and Restrictions:

- (1) This Zone provides that where the boundaries of the properties adjoin or abut a residential zone, reasonable year-round screening, as approved by the Borough Engineer, will be required where vegetative screening does not exist. An overall 300 foot undisturbed buffer and conservation easement shall be provided for additional screening from adjoining residential districts.
- (2) All quarrying operations must comply with all Federal, State and Local guidelines.
- (3) The access to the property shall be permitted from an adjoining property so long as the contiguous owner consents to such access and which is approved by the Planning Board in the form of a Site Plan Approval. There shall be no other ingress or egress access to the property except for emergency uses.
- (4) As long as the access to the site is from Union Avenue, Wanaque, the hours of operation of this site shall be:
 - Shipping and transportation are permitted at all hours.
 - Ancillary and support functions, such as material movement within the site and maintenance activities, may operate at all hours.
 - Drilling is permitted between the hours of 7:00 a.m. and 5:00 p.m., not including Saturday, Sunday and legal holidays.
 - Blasting may operate between the hours of 8:00 a.m. and 5:00 p.m., not including Saturday, Sunday and legal holidays.

All operations activity must be in compliance with all noise regulation provisions of N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29-1 et seq.

- (5) An escrow of \$5,000 shall be established on an annual basis to provide for the Borough conducting appropriate and necessary inspections of the operation of the site to confirm compliance and areas of disturbance are in accordance with approvals.

SECTION 2. All ordinances of the Borough of Bloomingdale, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

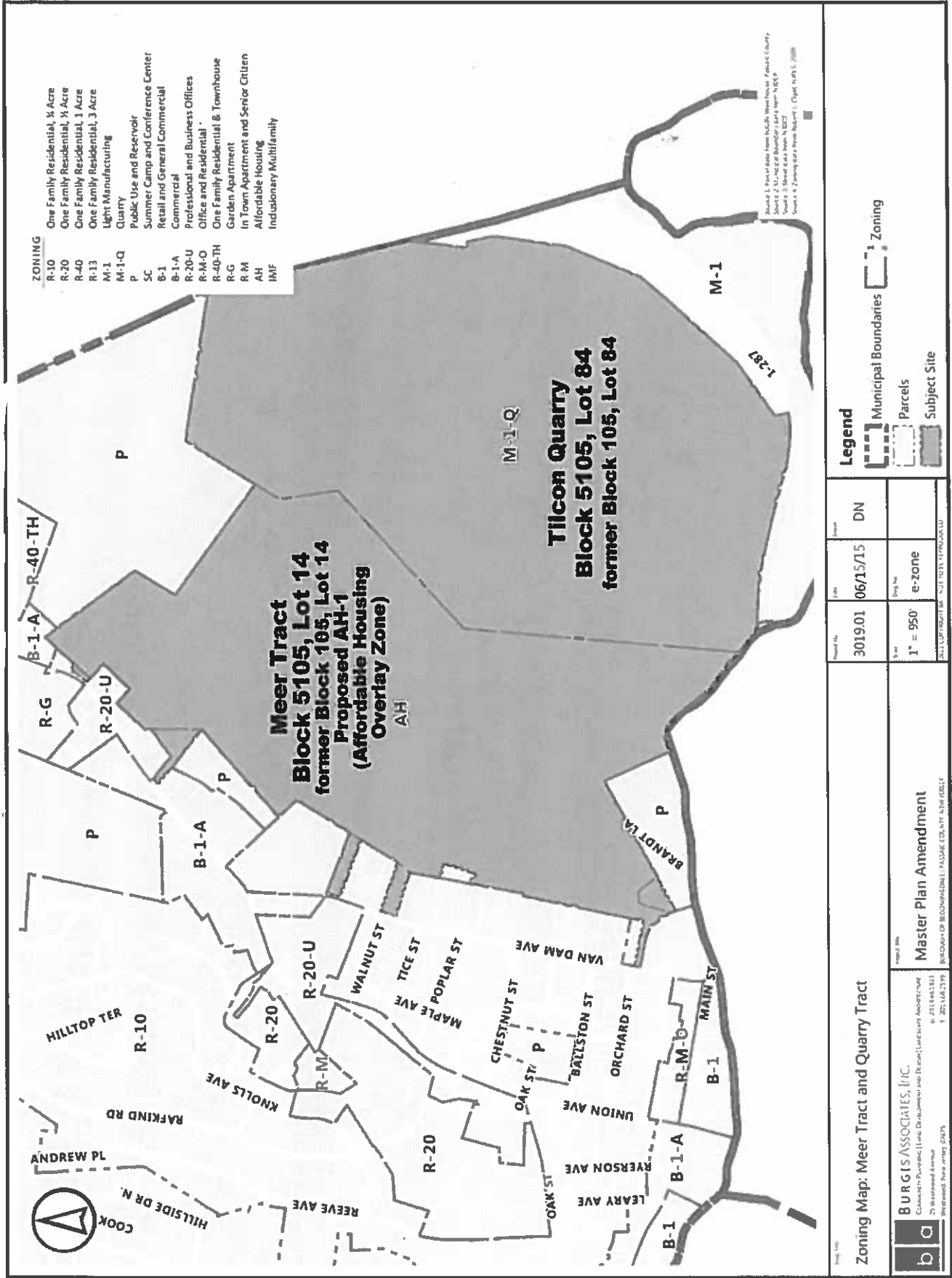
SECTION 4. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Business Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 19th day of July, 2016, and the same shall come up for final passage at a Special Meeting of the Governing Body to be held on the 9th day of August 2016, at 7:00 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

***Jane McCarthy, Municipal Clerk
Borough of Bloomingdale***

ORDINANCE NO. 20-2016 - EXHIBIT "A"



Zoning Map: Meer Tract and Quarry Tract

Project Info:
 Project No: 3019-01
 Date: 06/15/15
 Status: DN

Map Info:
 Scale: 1" = 950'
 Date: 06/15/15
 Zone: e-zone

Master Plan Amendment
 BOROUGHS OF BELMONT, PASADENA, PALM BEACH COUNTY, WEST PALM BEACH

BURGIS ASSOCIATES, INC.
 CONSULTING PLANNERS (LAND DEVELOPMENT AND DESIGN) / LANDSCAPE ARCHITECTS
 25 Westwood Avenue
 West Palm Beach, Florida 33411
 Phone: 561.833.2379

ORDINANCE NO. 20-2016 - EXHIBIT "B"





BOROUGH OF BLOOMINGDALE

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LEGAL NOTICE

MAYOR AND COUNCIL
BOROUGH OF BLOOMINGDALE

***IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT,
PLEASE TAKE NOTICE*** that the Mayor and Council of the Borough of Bloomingdale will hold a Special Meeting on **TUESDAY, AUGUST 9, 2016 at 7 p.m.** in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, New Jersey for the following purpose:

- Second and final reading and Public Hearing of Ordinance #20-2016: AH1 Overlay Zone
- Introduction of Ordinance amending MQ-1 Zone
- Introduction of Ordinance for Quarry License Fee

ACTION WILL BE TAKEN

Jane McCarthy, RMC
Municipal Clerk

Mayor and Council
Borough Attorney
News Media
Post
Webmaster