

111 & 181 Howard Boulevard

## REDEVELOPMENT PLAN

Borough of Mount Arlington

Morris County, New Jersey

Block 61.02, Lots 23.08 & 23.02

February 2, 2021



**J Caldwell  
& Associates, LLC**

Community Planning Consultants

145 Spring Street, Suite E  
Newton, New Jersey 07860

**111 & 181 HOWARD BOULEVARD REDEVELOPMENT PLAN  
BOROUGH OF MOUNT ARLINGTON  
Morris County, New Jersey**

Michael Stanzilis, Mayor  
Jack Delaney, Council President  
Andrew Cangiano, Council Member  
Maria Farris, Council Member  
Melissa Fostle, Council Member  
Nita Galate, Council Member  
Lee Loughridge, Council Member

**MOUNT ARLINGTON BOROUGH LAND USE BOARD**

Mayor Michael Stanzilis, Class I Member  
Carolyn Rinaldi, Class II Member  
Melissa Fostle Class III Member  
Rob Van den Hende, Chair, Class IV Member  
Fran Hallowich, Class IV Member  
Tom Foley, Class IV Member  
John Driscoll, Class IV Member  
Dave BaRoss, Class IV Member  
Joseph Lang, Class IV Member  
Eric Green, Alternate Member 1  
Karen Meehan, Alternate Member 2  
David Karpman, Alternate Member 3  
Heidi Roldan, Alternate Member 4

**FEBRUARY 2, 2021**

The original of this document was signed and sealed  
in accordance with N.J.S.A. 45:14A-12.

**Prepared by:**



---

**Jessica C. Caldwell, P.P., A.I.C.P., Borough Planner    License No. 5944**

## Table of Contents

<b>INTRODUCTION .....</b>	<b>1</b>
<b>PLAN CONTEXT .....</b>	<b>2</b>
<b>PURPOSE .....</b>	<b>2</b>
<b>PLAN CONSISTENCY REVIEW .....</b>	<b>3</b>
Consistency with Municipal Master Plan .....	3
Local, Regional, and State Plan Consistency .....	3
Roxbury Township Master Plan .....	3
Morris County Master Plan .....	4
New Jersey State Development and Redevelopment Plan & Highlands Region Plan Conformance.....	5
<b>HOWARD BOULEVARD MIXED-USE RESIDENTIAL OVERLAY ZONE .....</b>	<b>6</b>
Howard Boulevard Mixed-Use Residential Overlay Zone Map .....	7
<b>MIXED-USE RESIDENTIAL OVERLAY ZONE REGULATIONS.....</b>	<b>8</b>
Principal Permitted Uses .....	8
Permitted Accessory Uses .....	8
Conditional Uses .....	8
Area and Bulk Requirements.....	9
Affordable Housing Requirements .....	9
Parking Standards .....	9
Buffer and Screening Requirements.....	10
Landscaping Requirements.....	11
Street Trees.....	11
Mobility Regulations .....	11
Building Design Standards .....	12
Lighting.....	12
Signage .....	13
Design Standards for Site Plans .....	14
Submittal Requirements.....	14
<b>LEGAL PROVISIONS .....</b>	<b>15</b>

The Validity of the Plan .....	15
Zoning Map Revisions .....	15
Amendment to the 111 & 181 Howard Boulevard Redevelopment Plan .....	15
Variations in Site Plan Design .....	15
<b>ACQUISITION PLAN .....</b>	<b>16</b>
<b>RELOCATION PLAN.....</b>	<b>16</b>

## INTRODUCTION

The 111 & 181 Howard Boulevard Redevelopment Plan (“the Plan”) governs a portion of the Area in Need of Redevelopment (Block 61.02, Lots 23.08 & 23.02 - “the Plan Area”) designated by Resolution #2020-109 adopted by the Mayor and Council of the Borough of Mount Arlington on July 9, 2020 pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“the Redevelopment Law”). This Plan is proposed to effectuate redevelopment of the Plan Area.



## PLAN CONTEXT

The Plan Area occupies approximately 17.66 contiguous acres and includes two (2) tax lots (Block 61.02, Lot 23.08 and Lot 23.02) located at 111 and 181 Howard Boulevard. The Plan Area is bound by Howard Boulevard to the east, Hillside Drive to the north and Seasons Drive to the south, making the Plan Area somewhat rectangular in shape. The Plan Area is in the southern section of the Borough and is developed with a commercial strip mall consisting of 17 commercial spaces and an office building with an underutilized/vacant former parking area. The Plan Area is currently located in the Planned Unit Development (PUD) Zone.

The primary goal of this Redevelopment Plan is to promote vibrancy along Howard Boulevard. The Redevelopment Plan is designed to revitalize and improve the visual appearance of the Plan Area. The Plan will provide an overlay zone to allow mixed-use and inclusionary residential uses over the existing PUD Zone.

## PURPOSE

The purpose of this Redevelopment Plan is to provide for a mixed-use and inclusionary residential overlay zone for the Area, to provide guidelines for new construction in the Plan Area and establish permitted land uses and building requirements for the Plan Area. The Plan calls for mixed-use development consisting of retail, service and office uses with residential above as well as standalone residential structures to enliven these underutilized parcels. The redevelopment should include an inviting streetscape, wide sidewalks, street furniture, landscaping and attractive buildings to create an engaging public realm. Furthermore, the Plan is designed to encourage the integration of building, parking, landscape and signage elements in order to improve the appearance of the Area and to support the specific goals and policy statements set forth in the Borough Master Plan.

Existing development may continue to utilize PUD Zone standards. Future development that includes residential uses and/or is redeveloped according to the Redevelopment Law shall utilize the standards of this Plan.



## PLAN CONSISTENCY REVIEW

### Consistency with Municipal Master Plan

The Borough of Mount Arlington adopted an updated Master Plan in December 2015. The Borough's Master Plan enumerates a number of specific goals and objectives which form the basis for the Plan's land use and economic development recommendations. Those goals and objectives that are pertinent to the Redevelopment Plan are as follows:

- a) As Mount Arlington has developed, distinctive neighborhoods have formed, not just around Lake Hopatcong, but in other areas of the Borough, forming the need for more neighborhood-based approaches to planning.
- b) Promote non-residential development in the Village Center and along Howard Boulevard near the Route 80 interchange. Any such development should not generate substantial off-tract environmental impacts that would be incompatible with the overwhelmingly residential character of the Borough;
- c) Ensure compatibility of diverse land uses and developments by enforcing regulations addressing intensity of development and buffers; and
- d) Concentrate commercial development in the Village Center commercial areas and the Howard Boulevard/Route 80 Interchange area;
- e) Comply with current and future COAH requirements, where feasible.
- f) Preserve and enhance the commercial tax base.

Redevelopment Law requires that the Redevelopment Plan define the relationship of the Plan to the local Master Plan goals and objectives such as appropriate land use, population densities, improvements to traffic, public utilities, recreational and community facilities and other improvements. This Redevelopment Plan is consistent with these goals and objectives of the Borough's Master Plan.

### Local, Regional, and State Plan Consistency

The relationship of the Redevelopment Plan with surrounding communities' Master Plans is also reviewed to determine if any significant relationship exists. The relationship of the Morris County Master Plan and the State Development and Redevelopment Plan must also be reviewed for consistency.

### Roxbury Township Master Plan

Due to Mount Arlington's unique geographic shape, the Borough is almost completely surrounded by Roxbury Township. The Plan Area is located in the southerly section of Mount Arlington along Howard Boulevard across from a commercial and hotel area located in Roxbury Township. Mount Arlington's eastern border with Roxbury Township is developed with similar commercial and residential uses and zoned accordingly to ensure future compatible land use patterns across municipal boundaries. To Mount Arlington's west, Roxbury Township has similar residential developments. Development along Mount Arlington's western border is focused on residential development and providing services situated along Howard Boulevard. Commercial

development along Howard Boulevard is designed with adequate buffer zones creating a compatible land use pattern. Existing and future land use patterns along the border of Mount Arlington and Roxbury Township are generally compatible.

The Township of Roxbury adopted its Master Plan in 1958. It was last updated in 2017 and reexamined in 2005, 2012 and 2017. The Township's Master Plan incorporates the general purposes of the Municipal Land Use Law. (MLUL) as set forth in Section 40-55D-2 and enumerates a number of specific goals and objectives which form the basis for the Plan's land use recommendations. Those objectives that are pertinent to the Redevelopment Area are as follows:

- a) By siting commercial development along specified highway corridors and by arranging such development on sites in a manner which best protects nearby residential areas from potential conflicts, avoids environmentally sensitive areas and provides adequate landscape and setback areas from adjacent roadway;
- b) By regulating the appearance and functioning of new and redeveloped commercial development through enhanced landscaping, architecture and site layout, thus promoting an improved visual environment making the Township a more desirable place to live and work;
- c) By ensuring the intensity of development does not result in traffic, which exceeds the capacity of the adjoining roadway to reasonably accommodate it safely and within an acceptable level of service; and
- d) By developing regulations to promote a scale, type, design and intensity of commercial development in appropriate locations, which is compatible with the protection of surface and groundwater, quality and the minimizing of negative impacts to these critical recharge areas, as well as other environmental resources and sensitive area.

This Redevelopment Plan is consistent with Roxbury Township's Master Plan.

#### [Morris County Master Plan](#)

The Morris County Master Plan was adopted in 1975 and is currently being updated. The County's Master Plan incorporates the general purposes of the Municipal Land Use Law. (MLUL) as set forth in Section 40-55D-2 and enumerates a number of specific goals and objectives which form the basis for the Plan's land use recommendations. Those objectives that are pertinent to the Redevelopment Area are as follows:

- a) Balanced and diversified economic growth, coordinated with transportation, utilities and environmental limitations;
- b) Maintenance of "human" standards in housing, employment, income and education;
- c) Provision for a variety of individual choices in life styles and living spaces; and
- d) Maintenance at both the local and County levels of a physical and social sense of community.



This Redevelopment Plan is consistent with these goals and objectives of the Morris County Master Plan.

#### [New Jersey State Development and Redevelopment Plan & Highlands Region Plan Conformance](#)

The New Jersey State Development and Redevelopment Plan designated the Borough of Mount Arlington as a Suburban Planning Area 2 (PA2) and Environmentally Sensitive Planning Area (PA5). The Plan Area is in the PA2, which is considered an appropriate area for growth including new development and redevelopment.

The Borough is in the Highlands Region, with the majority of the Borough in the Planning Area. The Borough has conformed to the Highlands Regional Master Plan in the Preservation Area of the Borough. The Plan Area is located in the Planning Area of the Highlands Region. The Redevelopment Plan is consistent with the State Development and Redevelopment Plan and the Highlands Regional Master Plan.

## HOWARD BOULEVARD MIXED-USE RESIDENTIAL OVERLAY ZONE

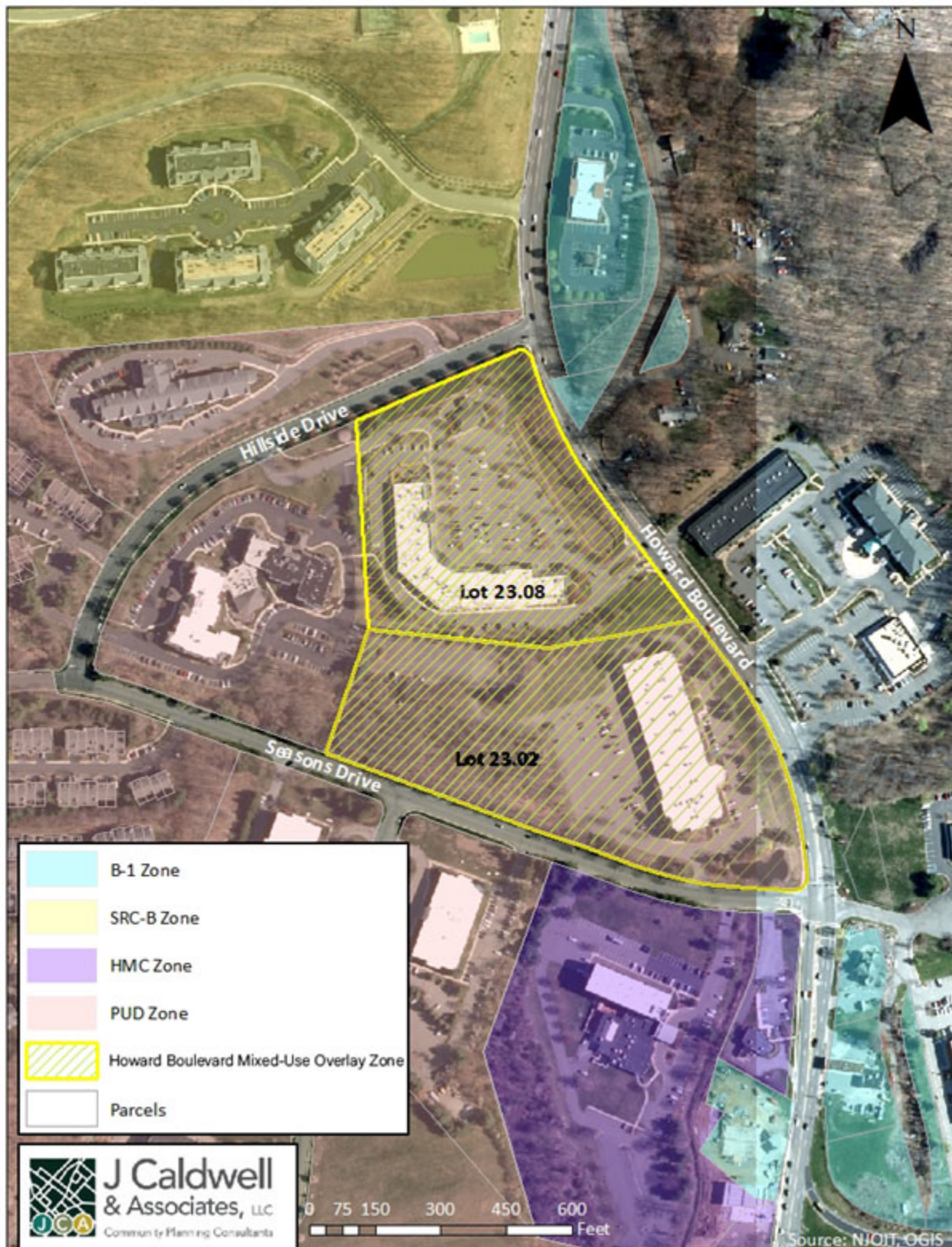
This Redevelopment Plan creates the Mixed-Use Residential Overlay (MURO) Zone which allows for retail, service and office uses mixed with inclusionary residential uses that provide for both market rate units and units affordable to low- and moderate-income level households. The MURO Zone applies to Block 61.02, Lot 23.08 and 23.02 and is intended to create a realistic opportunity for the construction of low- and moderate-income housing in Mount Arlington on land that is available for development, thereby addressing the Borough's fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing.

The Howard Boulevard Mixed-Use Residential Overlay (MURO) Zone District seeks to accomplish the following objectives:

- A. To encourage redevelopment of Block 61.02, Lot 23.08 pursuant to, and consistent with the recommendations of this Redevelopment Plan, which would include adaptive re-use of existing structures as well as development of new structures;
- B. To encourage redevelopment of Block 61.02, Lot 23.02 pursuant to, and consistent with the recommendations of this Redevelopment Plan, which would include maintenance of, rehabilitation of, or redevelopment of the existing office building on the site and development of new compatible development on the underutilized portion of the lot.
- C. To facilitate adaptive re-use and new construction in the Plan Area with a unified design and approach to the location and relationship of buildings, access to the surrounding roadway network, vehicular and pedestrian circulation and on-site parking, architectural design elements, recreation amenities and consideration of environmental features; and
- D. To create visually compatible development along Howard Boulevard that encourages development of new or expansion of existing businesses and residential uses in the community, supporting businesses, providing jobs and services for the area, enhancing the economy and vitality of Mount Arlington.

With the close proximity of Howard Boulevard to Route 80 and the Mount Arlington Train Station, the area is well-poised for additional residential, retail, office and compatible commercial uses. The Plan Area is an important focal point along Howard Boulevard and the Redevelopment Plan promotes redevelopment of the site to beautify the area. Additionally, being located within the PUD Planned Unit Development Zone, residential uses could increase potential customers for existing businesses in the zone district. This Redevelopment Plan encourages quality design that is compatible with the surrounding area, while improving the area and providing an attractive focal point in the community.

Howard Boulevard Mixed-Use Residential Overlay Zone Map



## MIXED-USE RESIDENTIAL OVERLAY ZONE REGULATIONS

The Borough will seek a Redeveloper for all or portions of the Plan Area based on developer interest and specialization. The Redeveloper will acquire, or work with the Borough to acquire the property in the Plan Area in order to redevelop the Area according to the following land use regulations. Multiple uses and multiple principal structures are permitted. Principal structures may be attached or detached from other principal structures. Special consideration will be given to relaxing development standards when redevelopment is proposed to maintain a significant portion of the existing buildings and/or site improvements.

### Principal Permitted Uses

The following uses are permitted in the Plan Area:

- All retail trade, retail services and professional services.
- Business and professional offices.
- Medical and dental offices.
- Hotels.
- Childcare, daycare and nursery schools.
- Assisted living facilities as controlled and regulated in § 17-31.8.
- Senior citizen housing as controlled and regulated in § 17-31.9.
- Multi-Family dwelling units with a maximum density of 15 du/acre and an affordable housing set-aside of 15% for rentals and 20% for owner-occupied units subject to Article XVII Affordable Housing Obligations of the Borough's Ordinances.
- Mixed-use with permitted non-residential uses on the ground floor and residential above. Residential dwelling units shall have a maximum density of 15 du/acre and an affordable housing set-aside of 15% for rentals and 20% for owner occupied units subject to Article XVII Affordable Housing Obligations of the Borough's Ordinances.

### Permitted Accessory Uses

- Accessory uses and structures customary and incidental to permitted principal uses.
- Residential amenities such as recreational uses, gyms, community rooms, model units and work from home offices, lounges and meeting rooms.
- Off-street parking and loading facilities as provided in Article VII.
- Signs as provided in § 17-24.8.

### Conditional Uses

- Essential services as provided in § 17-33.6
- Churches and other places of worship including parish houses, Sunday school buildings and other similar uses as provided in § 17-33.1.

### Area and Bulk Requirements

Howard Boulevard Mixed-Use Residential Overlay Zone		
Block 61.02, Lots 23.08 & 23.02		
Minimum Lot Size	43,560 SF 1.0 Acre	
Minimum Lot Width	100 Ft	
Minimum Front Yard Setback	25 Ft	
Minimum Side Yard Setback	10 Ft	
Minimum Rear Yard Setback	25 Ft	
Maximum Lot Coverage	75 %	
Maximum Building Height	Lot 23.02 4 Stories/ 50 Ft	Lot 23.08 5 Stories/ 62 Ft <sup>1</sup>
Maximum Residential Density	15 Units / Acre 15% Set Aside (Rentals) 20% Set Aside (Owner-Occupied)	

### Affordable Housing Requirements

Any residential development within the Plan Area located in the Howard Boulevard Mixed-Use Residential Overlay Zone (Block 61.02, Lot 23.08, 23.02) is subject to inclusionary affordable housing standards pursuant to Article XVII Affordable Housing Obligations of the Borough's Ordinances found in Section 17-68 through Section 17-89 of the Borough Code.

### Parking Standards

The following parking standards apply for the uses listed below. Uses not listed shall comply with Section 17-24.3. The standards listed below are designed to apply to this Plan Area and do not apply to other zone districts. Residential improvements shall comply with the Residential Site Improvement Standards (RSIS), except with respect to the minimum number of parking spaces required as shown below.

Use	Minimum Space Requirement
Office, business or professional (other than medical or dental)	1 space for every 250 SF of gross floor area
Retail trade and services	1 space for each 250 SF of gross floor area
Restaurants	1 space for each 250 SF of gross floor area
Residential	1.5 spaces per unit

<sup>1</sup> Subject to review by the Borough Council and Redeveloper's Agreement as noted under Submittal Requirements, page 14 of this Plan.



- A. Size of parking spaces:
  - 1. Standard off-street parking spaces must be at least nine (9) feet in width by eighteen (18) feet in length.
  - 2. If the parking space is less than nine (9) feet in width, it must be labeled a “compact” space.
  - 3. Compact parking spaces shall not constitute more than 30 percent of the parking provided on any one site.
- B. Pedestrian circulation within parking lots:
  - 1. Pedestrian circulation within parking lots must be taken into consideration. Pedestrian crossings and amenities must be installed where deemed necessary by the Land Use Board and the Land Use Board Engineer and Planner.
  - 2. A plan describing how parking will be controlled on the site for residential uses and commercial uses shall be provided.
- C. Parking Lot Landscaping and Screening:
  - 1. Parking lots visible from Howard Boulevard, Hillside Drive and Seasons Drive shall be screened by hardy, low-maintenance shrub plantings with a minimum of three (3) feet in height or landscaping hedge with a minimum of four (4) feet in height at planting. A decorative wall may be provided with a minimum height of 3.5 feet and maximum height of 4 feet. A berm with screening plantings may also be provided.
  - 2. For outdoor parking lots with fifty (50) or more spaces, not less than 7.5% of the parking area shall be suitably landscaped to minimize noise, glare, and other nuisance characteristics, as well as to enhance the aesthetics, environment and ecology of the site and surrounding area.
  - 3. One (1) shade tree shall be planted for every ten (10) parking spaces within or surrounding the parking area.
  - 4. Landscape islands having a minimum width of twelve (12) feet shall be provided between abutting bays of parking.
  - 5. No more than 20 parking stalls may be developed in a continuous row without introduction of a landscaped island with a minimal dimension of nine (9) feet by eighteen (18) feet.

#### Buffer and Screening Requirements

- A. Fences and walls shall not exceed four (4) feet in height in front yards and six (6) feet in height other locations.
- B. The finished side of a fence must face adjoining properties. Fence posts that are unfinished and any other structural component of the fence must be installed facing the subject property rather than the adjoining property.
- C. Dumpsters located in parking lots must be fully enclosed and screened from view with a screening fence or wall from both the parking lot and adjoining residential properties.

### Landscaping Requirements

Landscaping must be provided to promote a desirable and cohesive natural environment for residents, patrons and employees, and passing motorists and recreators. Landscaping must also be utilized to screen parking and loading areas, provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A. Ornamental trees should be provided throughout the Plan Area, particularly at key locations such as site entrances and along existing roadway frontages;
- B. Hedges, shrubs, and ground cover must be used to define space and provide privacy. Foundation plantings should include evergreen and deciduous shrubs; and
- C. All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.
- D. Use of native plant species is encouraged. Invasive species are prohibited.

### Street Trees

- A. Street trees shall be required along roadway frontages spaced a minimum distance of 40 feet on center. Flowering trees or types consistent with other street trees along Howard Boulevard shall be provided by the redeveloper.
- B. All landscape must have a two-year maintenance guarantee. If any planting material dies within two years of planting, they must be replaced the following planting season.
- C. All trees shall have a minimum caliper of 2.5 to 3 inches measured 5 feet from grade in accordance with standards established by the American Association of Nurserymen. Trees shall be nursery- grown, free of disease substantially uniform in size and shape and have straight trunks. The minimum branch height at planting shall be 6 feet, except where planting is on a sight triangle in which case no branches shall be below 8 feet.

### Mobility Regulations

Thoroughfares are an important aspect of public space. Streets and their surrounding development form our primary sense of place. The design of the Plan Area plays a key role in forming this sense of place for the neighborhood and the nearby central business district.

- A. Access and automobile circulation
  - 1. Access configurations shall be designed to meet projected vehicular traffic and circulation needs of the area.
  - 2. Primary access points shall be from Howard Boulevard and Hillside Drive.
  - 3. As part of the site plan application, the redeveloper shall provide a traffic study for site focusing on traffic, access onto Howard Boulevard and adequacy of parking.
  - 4. Off-street parking areas shall not block principal entrances to a building.
- B. Electric vehicle charging stations are encouraged to be located in both the residential parking areas and the commercial parking areas.
- C. Pedestrian and bicycle access and circulation



1. Sidewalks must be provided along all streets and must be a minimum of six (6) feet wide (including a two-foot paver strip) to provide safe and convenient movement for pedestrians.
2. Pedestrian-only walkways must be at least four (4) feet wide.
3. All building entrances must provide pedestrian access to adjacent streets and parking areas.

#### Building Design Standards

- A. Retail/Commercial Buildings shall incorporate two (2) story façade elements while usable space may remain one (1) story.
- B. Buildings shall feature articulated roof designs in the form of cornices, dormers, gables, flared eaves, clock towers, or other appropriate design features. Peaked roof elements on the exterior shall be three (3)-dimensional so that they do not appear flat from the side.
- C. Buildings shall incorporate multiple façade materials. Vertical articulations of façade themes shall be used to break up long buildings.
- D. Exterior mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened if on the building and screened by landscaping if on the ground.
- E. Secondary entries, such as a side or rear entry, must not be more architecturally prominent or larger than the front entry and must be architecturally related to the front entry.
- F. Side and rear facades shall receive architectural treatments comparable to front facades when abutting a public street or when public access and parking is provided next to the building. This excludes building facades that do not abut public streets and primarily serve as a delivery, loading and/or a refuse transport areas.

#### Lighting

- A. Street lighting is required along Howard Boulevard. Street lighting and streetscape amenities shall match the standards of the Borough.
- B. A lighting plan providing a maximum of 0.5 footcandle for streets, sidewalks and parking areas shall be provided and consistent with the Borough Lighting Standards in Code Section 17-24.3(l).
- C. Lighting shall be shielded to prevent glare and off-site light pollution.
- D. The use of creative lighting schemes to highlight building facades and related areas of a site is encouraged.

### Signage

- A. Signs for multi-use developments, shopping centers, planned developments or multi-tenanted structure uses shall be governed by the following regulations:
  - 1. Each such development shall submit a sign plan to the Land Use Board for approval. Such sign plan shall include details on:
    - a. Letter style and height.
    - b. Lighting.
    - c. Color.
    - d. Construction and materials.
    - e. Height of sign.
    - f. Height above grade or below roof line.
    - g. Locations.
    - h. Standards.
- B. The signing plan shall be based on an integrated theme to include all of the elements of (1) [a] through [h] above. All of the above elements shall be designed to be in harmony and consistent with each other, the architecture and materials of principal structure and the landscaping plan.
- C. The total area of all signs affixed to a structure shall not exceed 5% of the building facade of the structure including second stories. The Land Use Board may permit in total sign area up to 7% of the building facade, if, in the Land Use Board's judgement, such additional area shall assist in developing a harmonious and integrated sign plan.
- D. Freestanding signs:
  - 1. Are to be located on poles, kiosks, stanchions, or similar supports, which shall not project above 12 feet. Such signs shall have an area not in excess of 75 square feet. The Land Use Board may permit a total sign area of up to 100 square feet if in the Land Use Board's judgement it is appropriate.
  - 2. Only one (1) such freestanding sign per access drive shall be permitted. The freestanding sign shall be located a minimum of 5 feet from the right-of-way line except that it may not be located within any site triangle. Existing freestanding signs may be retained in addition to the one (1) per access provided that said signage is modified to reflect the character of the redevelopment. Such signage does not need to be located at the access drive and may be located where it is more visible to the traveling public.
- E. General Sign Regulations
  - 1. The area surrounding ground signs shall be kept neat, clean and landscaped. The tenant, owner or occupant, to which the sign applies, shall be responsible for maintaining the condition of the area.
  - 2. Directional signs having less than three (3) square feet are exempt from area and location regulations but shall be shown on an approved site plan provided that they do not constitute a hazard to the traveling public.
  - 3. All signs shall be kept in good repair which shall include replacement or repair of broken structural elements, casings, or faces, maintenance of legibility and all lighting elements working.

4. No sign or any part of a sign, except publicly owned or authorized signs, shall be placed in or extend into or over the public right-of-way if same impedes traffic or obscures the ability of persons traversing the public streets and sidewalks.
5. No sign shall be affixed to any roof, tree, fence, utility pole or other similar structure nor placed upon moto vehicles which are continually or repeatedly parked in a conspicuous location to serve as a sign. Signs painted on pavement surfaces shall be restricted to traffic control markings only.
6. Any signs not regulated by this Plan shall be regulated by the Section 17-24.8 of the Borough Code.

### Design Standards for Site Plans

Features of the site design not addressed by the Redevelopment Plan shall be regulated by Article VII, Design Standards Development, of the Mount Arlington Borough Land Development Ordinance. Where conflicts between the Plan and the Borough Ordinance exist, the Plan shall supersede the Borough's Ordinances.

### Submittal Requirements

A redeveloper who wants to develop within the Plan Area in accordance with this Plan shall enter into a redevelopment agreement with the Borough to effectuate the goals and requirements of this Plan (the "Redevelopment Agreement"). The Redevelopment Agreement will stipulate the precise nature and extent of the improvements to be made and their timing and phasing. The Redevelopment Agreement will also contain the terms, conditions, specifications, and description of required performance guarantees pertaining to the redeveloper's obligation to provide the necessary infrastructure and improvements. A Redevelopment Agreement must be fully executed prior to submission of a development application to the Borough Land Use Board. The Borough Land Use Board shall deem any application for redevelopment subject to this Plan incomplete if the applicant has not entered into a Redevelopment Agreement with the Borough.

After entering into a Redevelopment Agreement with the Borough, a redeveloper shall submit to the Borough Land Use Board a development application for all, or a portion of, the Plan Area. The development application must be consistent with this Redevelopment Plan and the Redevelopment Agreement. The approval process for the development application will proceed in accordance with the Borough Land Use Board's rules and requirements.

## LEGAL PROVISIONS

### The Validity of the Plan

If any section, subsection, paragraph, division, subdivision, clause, or provision of this Plan is deemed by a court of competent jurisdiction to be invalid, such adjudication will only apply to the particular section, subsection, paragraph, division, subdivision, clause, or provision in question, and the balance of the Plan will be adjudged valid and effective.

### Zoning Map Revisions

Upon final adoption of this Redevelopment Plan by the Borough Council, the Zoning Map of the Borough of Mount Arlington is hereby amended and must be revised to show the boundaries of the 111 & 181 Howard Boulevard Redevelopment Area and identify the district as the “111 & 181 Howard Boulevard Redevelopment Area.” All provisions of this Plan apply, and upon final adoption of this Redevelopment Plan by the Borough Council, this Redevelopment Plan will supersede all provisions of the Mount Arlington Zoning Ordinance for the Plan Area. Any zoning-related issue that is not addressed herein will refer to the Mount Arlington Zoning Ordinance for guidance.

### Amendment to the 111 & 181 Howard Boulevard Redevelopment Plan

The 111 & 181 Howard Boulevard Redevelopment Plan may be amended from time to time in compliance with the requirements of the Local Redevelopment & Housing Law.

As development occurs within the Plan Area, development priorities and market demands may change. This Plan should have the adaptability to meet the changing needs of market demand, the Borough of Mount Arlington, and its citizens. Amendments may be required in order to accommodate these changes.

### Variations in Site Plan Design

Modifications from standards that are expressly stated to be “mandatory” under the Land Use Regulations of this Plan, may be approved by the Land Use Board only by formal grant of a deviation as provided. No variances that would be considered “d” variances pursuant to N.J.S.A. 40:55D-70d(1)-(6) are permitted. The Land Use Board will have the authority to grant deviations from the requirements of this Plan that are cognizable as variances pursuant to N.J.S.A. 40:55D-70c(1) and (2) as outlined below or that would be considered a design standard waiver or exception pursuant to N.J.S.A. 40:55D-51.

The Land Use Board may grant deviations from the regulations contained within this 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 Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property. The Land Use Board may also grant a deviation from the regulations contained within

this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan, and the benefits of granting the deviation would outweigh any detriments. The Land Use Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan.

An application requesting a deviation from the requirements of this Plan must provide public notice of such application in accordance with the public notice requirements set forth in N.J.S.A. 40:55D-12.a. & b.

Any party seeking a deviation from this Plan which cannot be granted by the Land Use Board as set forth above may apply to the Governing Body to request an amendment to this Plan.

## ACQUISITION PLAN

There is no property acquisition by the Borough of Mount Arlington anticipated by this plan.

## RELOCATION PLAN

There is no property acquisition by the Borough of Mount Arlington anticipated by this Plan and no residential or occupied uses on the site, so a Relocation Plan is not necessary.