

# **BOROUGH OF LODI**

**Bergen County, New Jersey**

## **MASTER PLAN REEXAMINATION REPORT**

**Prepared for**

**Lodi Planning Board**

**February 11, 2010**

**Prepared by**

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

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## REEXAMINATION REPORT OVERVIEW

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The purpose of the Master Plan Reexamination Report is to review and evaluate the local master plan and development regulations on a periodic basis in order to determine the need for updates and revisions. The Borough of Lodi adopted its last Comprehensive Master Plan in 1994 and conducted a reexamination of its Master Plan in 2002. The Borough has maintained its proactive planning program through ongoing attention to appropriate planning initiatives, including development of a new Land Use and Circulation Element and a new Sustainability Plan Element, both of which were adopted in 2009. The Borough also developed a new Draft Housing Element and Fair Share Plan in 2009, which to date has not been adopted. The Municipal Land Use Law (MLUL) requires that municipalities conduct a general reexamination of their master plans at least every six years and that the review be conducted by the Planning Board.

A Reexamination Report must include five key elements, which include:

- a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last Reexamination Report;
- b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
- c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revisited, with particular regard to the density and distribution of population and land use, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition and recycling of designated recyclable material, and changes in state, county and municipal policies and objectives;
- d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared;
- e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Housing and Redevelopment Law," into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Borough of Lodi established a Master Plan Reexamination Committee to conduct a reexamination of the Borough's Master Plan by reviewing the May 2002 Reexamination Report. The membership of the Subcommittee included representatives from the Planning Board and Municipal Council. Master planning was a key focus for the membership as three new Master Plan elements were crafted in 2009 in a process that included all members of the Reexamination Committee.

This Reexamination Report has been prepared to meet the statutory requirement as specified under the MLUL (N.J.S.A. 40-55D-89).

## **MAJOR PROBLEMS AND OBJECTIVES IN 2002 AND HOW THEY HAVE BEEN REDUCED OR INCREASED**

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In order to better structure the report, the required contents “a” and “b” are combined into one section to describe the overall objectives, issues identified in the previous master plan reexamination report, and the extent to which such issues have been reduced or have increased in the last six years.

### **Overall Objectives in the 2002 Master Plan Reexamination Report**

The guiding principles of the 1994 Lodi Master Plan were the 15 purposes of the NJ Municipal Land Use Law (MLUL, also known as N.J.S.A. 40:55D-1 et seq.). This Reexamination Report hereby continues to embrace these planning principles as the foundation for its planning and land use regulations for the next six-year period.

### **Major Problems/Objectives**

A reexamination report is required by MLUL to identify the major land use problems and planning objectives that are outlined in the most recently adopted master plan or reexamination report. The Borough’s major issues in the 1994 Master Plan and re-iterated in the 2002 Master Plan Reexamination Report are shown below. Below each issue/objective is a description of the extent to which such issues have been reduced or have increased since the adoption of the 2002 Master Plan Reexamination Report.

### **Flooding**

The 2002 Master Plan Reexamination Report identifies flooding, especially in the downtown area, as a major ongoing concern. The segment of North Main Street within the Downtown Redevelopment Area is a delineated floodway on FEMA’s Flood Insurance Rate Maps. A floodway is where flood water has lateral velocity that can damage or destroy structures. A recent severe storm event caused extensive damage in the area, further underscoring the need to address this problem. Even minor flooding events wreak havoc on mobility as flooding of North Main Street under Route 46 causes severe traffic disruption by limiting north-south mobility.

*The State of New Jersey Department of Transportation received Federal economic stimulus funding in 2009 to carry out its plan for re-constructing the Route 46 interchange at Main Street. This project, currently under construction, made national headlines as Vice President Biden attended the ribbon-cutting ceremony for the nation’s first designed-but-unfunded public works project to be “jump-started” with funding appropriated under the American Recovery and Reinvestment Act (ARRA). The construction, which is expected to be completed in 2011, will raise the height of the Route 46 overpass above Main Street, thereby eliminating an acute depression in the roadway that is typically submerged under stormwater following heavy precipitation.*

*Unfortunately, no additional progress was made in the region relative to addressing the recurrent flooding of the Saddle River and its tributaries in Lodi. Flooding of Main Street in the Borough’s Downtown Redevelopment Area has required redevelopment to*

*be designed well above the sidewalk level of Main Street and prevented new construction from being built close to the sidewalk, thereby reducing pedestrian accessibility and street-level interaction that is highly desirable in a downtown setting.*

*Nonetheless, redevelopment has been proceeding with designs that prevent recurrent property damage due to flooding of the Saddle River. While much of the Main Street frontage in the Redevelopment Area has been designed for re-use or actually redeveloped, the east-side segment of Main Street north of the Shop-Rite could be more pedestrian-oriented if flooding of the Saddle River along Main Street was prevented.*

*The limits of the delineated Flood Hazard areas in Lodi are shown on the Environmental Constraints Map at the end of this section.*

## **Redevelopment**

### Downtown

The 2002 Reexamination Report identified concerns about redevelopment of the Borough's three trailer parks and the Downtown Redevelopment Area.

*As noted above, the Downtown area has ongoing, but not prohibitive, limitations due to recurrent flooding of the Saddle River. Successful redevelopment has continued in the area, including remediation of contamination and construction of a modern superstore (Shop-Rite), approval of a new commercial complex featuring retail space, a restaurant and a bank (150 Main Street), and approval of a new Kohl's department store just north of Shop-Rite (205 Main Street). Signalized access to the new Kohl's will be facilitated by the Rte 46 interchange improvements now under construction. Many of the older structures in the redevelopment area east of the Saddle River have been demolished. Environmental remediation at the Kohl's site is ongoing.*

The 2002 Reexamination Report identified the need to revisit the Downtown Redevelopment Plan to revise its provisions for the area to the west of the Saddle River.

*This need remains as stated in 2002.*

### Trailer Parks

*Redevelopment of the trailer parks in the Borough has not been actively pursued since the Court overturned the Borough's designation of a trailer park on Route 46 as an Area in Need of Redevelopment. However, the nonconforming use (per the MLUL) of the subject land for trailer parks continues a pattern of economic underutilization of land that could be more productive if developed for uses permitted in the respective zoning districts.*

## **Plan Updates**

The 2002 Reexamination Report recommended that the Borough should amend its Master Plan to include the following:

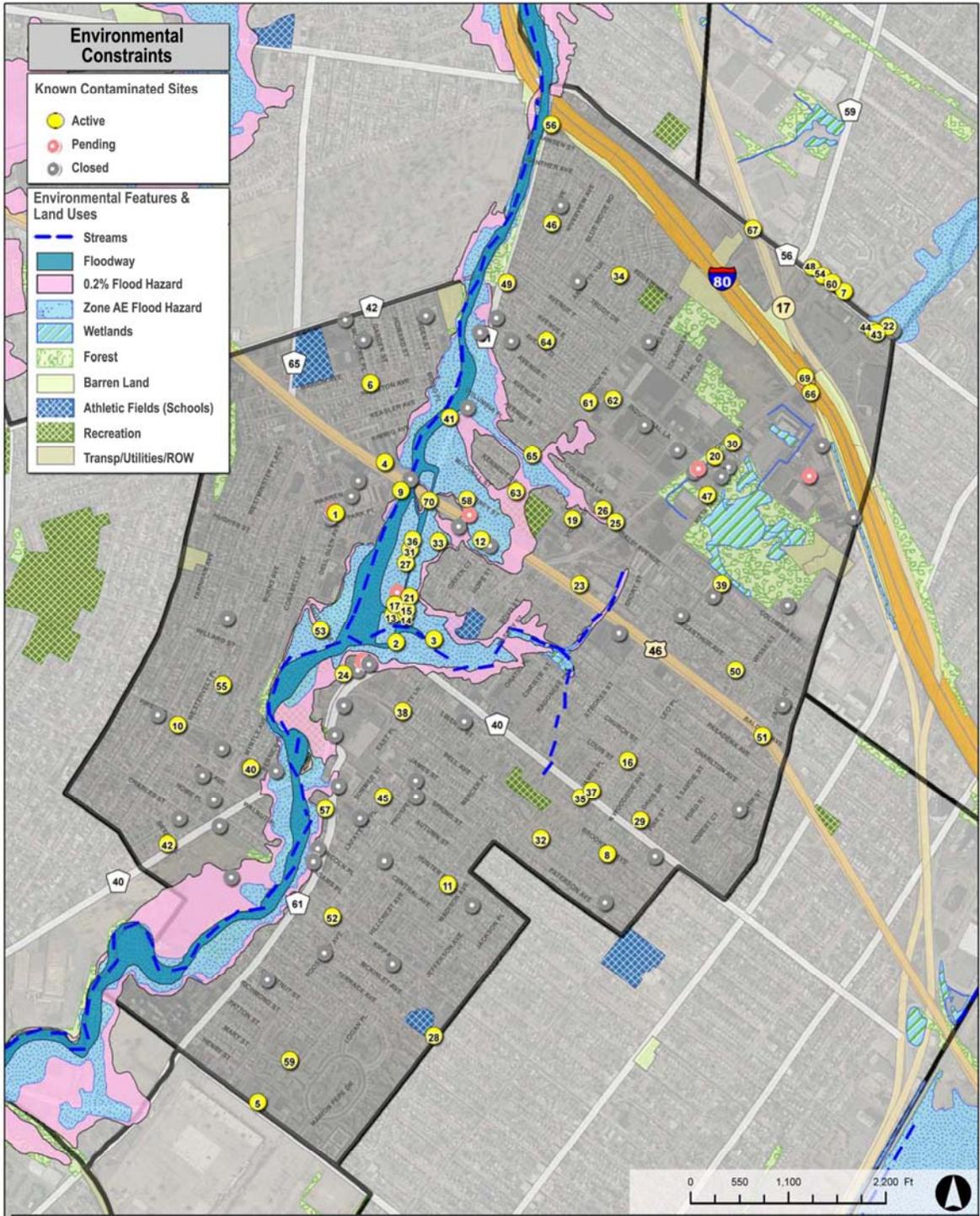
1. An updated Land Use Plan – *While the Borough adopted its first ever Land Use and Circulation Plan Element in 2009, the focus of this effort, as required by the Office of Smart*

*Growth grant that funded it, was on improved mobility. To this end, the Plan conceptually identifies the land use modifications that would be needed to reduce reliance on automobile travel and reduce the related congestion and pollution. The implementation of such concepts will require a more detailed examination of the issues and approaches through an update of the Borough's land use element, which should include specific recommendations for land use plan changes and recommend development regulations to implement them. The Land Use Plan update should also include a detailed review of the Borough's current development regulations to identify regulatory revisions needed to achieve the Borough's land use objectives.*

2. A new Parks and Recreation Plan – *There has been no action on this recommendation since 2002. This need is elevated due to the increased population the Borough now has. A focused community outreach and participation program will be needed to identify the facility needs of the current population.*
3. A new Economic Plan – *One of the greatest needs in 2002 and the present is for the Borough to realize greater productivity from its nonresidential land inventory. Shifts in industries, markets and business needs continue to occur. The Borough should take stock of its current position in the greater market area, identify its strengths, and set forth a strategic action plan to capture the market potential realistically within its reach. A longer-term plan for economic enhancement should also be developed to supplement and support the strategic plan initiative.*
4. A new Stormwater Management Plan – *The Borough has adopted a Stormwater Management Plan and implementing development regulations since 2002. This objective has been addressed.*
5. Revisions to the Downtown Redevelopment Plan – *As noted above, this has not yet been addressed.*
6. Zoning Ordinance Revisions – *It was recommended in 2002 that the Borough's Zoning Ordinance be reviewed to reduce the potential for overcrowding on residential lots and clarify the application of development regulations to corner lots.*

*The Zoning Ordinance was revised to limit the ability to establish two-family houses on lots with less than 75 feet of street frontage. This regulation has been challenged by an applicant for a minor subdivision who was denied approval due to insufficient frontage. This case is still pending before the Court. Additional review of this issue is needed.*

As noted above in the introduction, the Borough has adopted two new elements of its master Plan: Land Use and Circulation Plan Element and Sustainability Plan Element. The Borough has also developed a new Draft Housing Element and Fair Share Plan. These critically important initiatives have laid a valuable foundation for further planning and implementation that will ultimately lead Lodi to a more positive and balanced future.



### Environmental Constraints Map

BOROUGH OF LODI, BERGEN COUNTY, NJ

Source: Bergen County Planning Dept., NJDEP Known Contaminated Sites (2008), Land Use/Land Cover (2002), US Fish & Wildlife Wetlands data

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## Key to Active Contaminated Sites on Environmental Constraints Map

Known Contaminated Sites (KCS) in Lodi Borough, NJ  
(NJDEP March 2009 Update)

## ACTIVE SITES

MAP #	SITE ID	PI NUMBER	SITE NAME	ADDRESS	STATUS	HOME
0	80934	G000009258	LOWER SADDLE RIVER FLOOD CONTR	VARIOUS LOCATIONS	Active	No
1	58198	G000025769	ACADEMY AUTO RECYCLERS	1 PARK PL	Active	No
2	11768	001620	GETTY 56102	1 UNION ST	Active	No
3	14246	022252	RENNIE REAL ESTATE CO	10 14 RENNIE PL	Active	No
4	56373	030998	BAR SAN CONTRACTORS INC	101 RT 46	Active	No
5	120670	158740	SEVAN ASSOC	101 TERHUNE AVE	Active	No
6	367388	454420	107 HAMILTON AVENUE	107 HAMILTON AVE	Active	Yes
7	14247	006689	HESS STATION 30236	110 ESSEX ST	Active	No
8	87456	G000061119	114 118 LAWRENCE AVE	114 118 LAWRENCE AVE	Active	Yes
9	44350	009823	LBK INC	120 RT 46	Active	No
10	175535	230104	125 WESTERVELT PLACE	125 WESTERVELT PL	Active	Yes
11	144557	191425	126 HUNTER STREET	126 HUNTER ST	Active	Yes
12	11771	006673	HESS STATION 30242	138 RT 46	Active	No
13	54292	023369	RELLIM PROPERTIES	139 161 MAIN ST	Active	No
14	63606	G000000418	MALLINCKRODT CHEMICAL	150 MAIN ST	Active	No
15	94396	133125	LODI LUMBER (FORMER)	160 MAIN ST	Active	No
16	158064	208016	163 SAINT JOSEPH BLVD	163 ST JOSEPH BLVD	Active	Yes
17	56976	032141	FORTUNATO PROPERTY	165 167 MAIN ST	Active	No
18	157350	207143	LODI MARKETS LLC REDEVELOPMENT	165 175 MAIN ST	Active	No
19	11812	011489	MATHE DIV THE NORAC CO INC	169 KENNEDY DR	Active	No
20	11819	014341	BERGEN CABLE TECHNOLOGIES INC	170 GREGG ST	Active	No
21	371381	459557	170 172 MAIN STREET	170 172 MAIN ST	Active	No
22	11823	000669	LODI ARMORY & OMS	178 ESSEX ST	Active	No
23	11770	001818	LODI NJPO LLC	179 RT 46	Active	No
24	65989	G000033316	ARNOT STREET BRIDGE	ARNOT ST	Active	No
25	21043	G000001073	DUX PAINTS & CHEMICALS INCORPO	18 MILL ST	Active	No
26	11815	000775	INTERPLAST UNIVERSAL INDUSTRIE	199 GARIBALDI AVE	Active	No
27	36698	032889	NAPP TECHNOLOGIES INC	199 201 MAIN ST	Active	No
28	57682	033236	ST NICHOLAS CEMETERY	2 TERRACE AVE	Active	No
29	362633	447894	20 DAVIS DRIVE	20 DAVIS DR	Active	Yes
30	11809	001357	BASF CORP INMONT DIVISION	200 GREGG ST	Active	No
31	11813	005821	FINE ORGANICS CORP	205 MAIN ST	Active	No
32	180071	235882	218 BELL AVENUE	218 BELL AVE	Active	Yes
33	371131	459246	22 JOHN STREET	22 JOHN ST	Active	Yes
34	193982	254748	22 WHITE OAK DRIVE	22 WHITE OAK DR	Active	Yes
35	42484	002869	MENDON LEASING	224 UNION ST	Active	No
36	371376	459552	VINCENZOS RESTAURANT	231 MAIN ST	Active	No
37	384825	480436	231 233 UNION STREET	231 233 UNION ST	Active	Yes
38	52067	018418	25 WASHINGTON STREET	25 WASHINGTON ST	Active	No
39	354833	438048	264 COLUMBIA AVENUE	264 COLUMBIA AVE	Active	Yes
40	371109	459221	31 FIRST STREET	31 1ST ST	Active	Yes
41	20004	192551	PAN GRAPHICS INC	339 MAIN ST	Active	No
42	85223	G000043305	365 PASSAIC AVENUE	365 PASSAIC AVE	Active	No
43	11814	014384	LODI GETTY	366 ESSEX ST	Active	No
44	65409	G000029240	KAYS HOME CENTER	RT 17 N	Active	No
45	187498	246460	40 AUTUMN STREET	40 AUTUMN ST	Active	Yes
46	386257	482457	40 CALVIN AVENUE	40 CALVIN AVE	Active	Yes
47	14254	030941	FLEXWRAP CORP	40 META LN	Active	No
48	11820	010594	ONYX CLEANERS	42 ESSEX ST	Active	No
49	11796	008965	NOREIKA SERVICE STATION	460 MAIN ST	Active	No
50	170383	223951	50 MAC ARTHUR AVENUE	50 MACARTHUR AVE	Active	Yes
51	11802	019045	MAL'S PIT STOP INC	500 BALDWIN AVE	Active	No
52	179988	235776	54 KIPP AVENUE	54 KIPP AVE	Active	No
53	65365	G000028860	VISTA GARDEN APARTMENTS	5800 BEL VISTA CT	Active	No
54	11821	030587	LODI GULF	60 ESSEX ST	Active	No
55	196904	258495	65 BURNS AVENUE	65 BURNS AVE	Active	Yes

Known Contaminated Sites (KCS) in Lodi Borough, NJ  
(NJDEP March 2009 Update)

**ACTIVE SITES**

MAP #	SITE ID	PI NUMBER	SITE NAME	ADDRESS	STATUS	HOME
56	11806	002845	AVO-JACK CAR SERVICE INC	660 MAIN ST	Active	No
57	11799	033425	NUTCHIE'S SERVICE STATION	72 S MAIN ST	Active	No
58	42127	002014	VITO STAMATO AND COMPANY INC	76 SIDNEY ST	Active	No
59	11775	027236	CEDAR WRIGHT GARDENS	77 MARY ST	Active	Yes
60	11822	001377	BP SERVICE STATION 708	80 ESSEX ST	Active	No
61	11793	022011	AIRCO WELDING SUPPLY	80 HANCOCK ST	Active	No
62	41602	014981	FLINT INK CORPORATION	80 INDUSTRIAL RD	Active	No
63	170489	224076	VITO STAMATO & CO INC	88 MONEY ST	Active	No
64	167280	219910	93 AVENUE D	93 AVE D	Active	Yes
65	178311	233676	97 GARIBALDI AVENUE	97 GARIBALDI AVE	Active	Yes
66	84818	G000041397	NJ DOT ROUTE 17 ESSEX ST DRAIN	RT 17	Active	No
67	83418	G000034711	NJ DOT ROUTE 17 ESSEX ST INTER	RT 17 & ESSEX ST	Active	No
68	11795	026147	LODI SUNOCO	RT 17 N	Active	No
69	14230	012358	NJDOT LODI MAINTENANCE FACILIT	RT 17 & GREGG ST	Active	No
70	123037	161885	NJDOT ROUTE 46 OVER MAIN STREE	RT 46 & MAIN ST OVERPA	Active	No

## ISSUES CURRENTLY FACING THE BOROUGH OF LODI

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A master plan reexamination provides an opportunity to discuss new issues currently facing the Borough and provide recommendations with respect to the manner in which such issues and concerns may be addressed. The following represents a list of new issues and concerns since the adoption of the 2002 Master Plan.

1. Residential Overdevelopment – While not necessarily a new issue, excessive residential density without adequate facilities continues to be an important planning concern for the Borough of Lodi. The negative impacts of such conditions are especially acute in areas where insufficient parking exists. Parking resources, both off-street and on-street have been historically deficient. The increase in neighborhood population through unauthorized conversions of one and two-family buildings to higher-capacity structures has further strained the limited supply of parking. The additional population density also contributes to overcrowding due to limited open space on individual lots.
2. Traffic Congestion – The Land Use and Circulation Plan identifies priority problem areas and recommends approaches to improve circulation and mobility for automobile, truck, bicycle and pedestrian travel.

The Land Use and Circulation Plan contains an extensive matrix of recommended actions and projects, together with a suggested implementation timeframe (i.e. short-term, intermediate-term and long-term) and the responsible entity. The matrix is meant to be an evolving agenda for the Borough. Schedules of projects may shift as funding and other opportunities appear. Commencement of matrix implementation is needed as soon as possible.

3. Senior Citizen and Other Affordable Housing – The Borough’s existing stock of subsidized housing is largely dedicated to very low income and senior citizen populations. In addition, this housing supply is in need of renovation or replacement. The Borough needs to provide a diverse mix of affordable housing to serve all economically disadvantaged populations more evenly. Thus, additional family and workforce housing should be encouraged when new construction or rehabilitation affordable housing is being considered.
4. Sustainability – The 2009 Sustainability Plan Element contains a great variety of actions along with sustainability targets and indicators that will need focused and sustained attention to bring about the desired results of Lodi becoming an economically, socially and environmentally sustainable community.
5. Improved revenue from private property – The Borough needs to continue its exploration of ways to improve the productivity of certain residential and nonresidential lands without creating significantly more demand for municipal services or negative impacts on established, stable neighborhoods.

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## **SIGNIFICANT CHANGES IN ASSUMPTIONS, POLICIES, AND OBJECTIVES**

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Since the adoption of the 2002 Master Plan, several new laws, programs, and planning initiatives have been adopted at the state level. This section examines how these changes affect municipal land use planning and whether it is necessary for the Borough to prepare new plans or regulations.

### **New Jersey State Development and Redevelopment Plan**

The New Jersey State Planning Commission released a preliminary NJ State Development and Redevelopment Plan (SDRP) in April 2004. The SDRP establishes five planning areas (plus two sub areas) and outlines a number of goals and objectives related to the future development and redevelopment of the state. Lodi is entirely located within the PA-1, Metropolitan Planning Area, which is characterized by mature settlement patterns, infrastructure systems that are approaching their reasonable life expectancy, the need to rehabilitate housing, the recognition that redevelopment will be the predominant form of growth, and a growing revitalization of the need to regionalize services and systems. According to the SDRP, the PA-1, Metropolitan Planning Area intends to:

- Provide for much of the State's future development;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities.

Municipal Plan Endorsement is a voluntary review process among local, county, and State governments to develop coordinated planning mechanisms that are consistent with the goals, policies, and strategies of the SDRP. Once a plan is endorsed by the State Planning Commission, state agencies will provide benefits in the form of technical assistance, state capital investments, priority for state grants and loans and regulatory changes to implement the endorsed plan. Although the State Planning Rules state that a municipal plan endorsement is a voluntary process, COAH rules require that municipalities obtain Initial Plan Endorsement within three years of receiving substantive certification. Therefore, participation in the Plan Endorsement process is necessary, to the extent that the Borough decides to petition COAH for third round substantive certification. Lodi is not currently proceeding with Municipal Plan Endorsement.

### **New Jersey Council on Affordable Housing**

In November 2004, the Council on Affordable Housing (COAH) adopted its Third Round Regulations, which became effective on December 20, 2004. The new regulations utilize a "growth share" approach to determine each municipality's new construction affordable housing obligation for the third housing cycle. Under Growth Share, one affordable unit must be provided for every eight market units built, and one affordable unit for every 25 jobs created

between 2004 and 2014. This is a significant change from the previous COAH methodologies in which numbers were assigned based on formulas and other variables.

Lodi did not prepare a housing element and fair share plan following the release of the 2004 COAH rules.

On January 25, 2007, the New Jersey Appellate Division issued its ruling on the challenges brought against the Third Round substantive regulations. The Court invalidated certain aspects of the growth share methodology, including the calculation and allocation of the affordable housing need and the compliance mechanisms. The Court remanded these issues back to COAH for further rulemaking, which was to be completed within six months. COAH requested the Court to allow an extension for rulemaking, and subsequently issued its revised third round rules in 2008, and updated through April 6, 2009. The revised rules actually increased the requirements for providing affordable housing in connection with residential growth between 2004 and 2018 (the new third round target date). While the original rules required that one affordable unit be created for every eight market units built, the revised rules require a one in five ratio. In other words, 20% of new housing units must be affordable per COAH guidelines. One affordable unit is also required for every 16 new jobs created by nonresidential growth.

However, the revised rules required that for nonresidential development, a payment of 2.5% of equalized assessed value of new nonresidential construction was required to be paid to an Affordable Housing Fund (the State's fund where no local fund is authorized, such as in Lodi). In 2009, the NJ version of the Economic Stimulus package, also known as Assembly Bill 4048, was enacted. This bill established a temporary moratorium on the collection of nonresidential COAH fees for certain approved new development, in an attempt to reduce obstacles to economic development in New Jersey. This moratorium is set to time out in 2010 with an additional three years for projects with site plan approval to obtain building permits.

Lodi needs to decide if it will seek substantive certification of its Housing Element and Fair Share Plan by COAH.

### **New Jersey Stormwater Management Rules**

The New Jersey Stormwater Management Rules were adopted on January 4, 2004 and took effect on February 2, 2004. This program requires all municipalities, counties and many State and Federal agencies to obtain permits for their storm sewer systems and undertake efforts to minimize pollutants entering their systems. Under the new rules, each municipality has to apply to the New Jersey Department of Environmental Protection for a New Jersey Pollutant Discharge Elimination System (NJPDES) permit for stormwater management. With this new regulations being adopted by the DEP, all municipalities in New Jersey are required to prepare a municipal stormwater management plan pursuant to the Municipal Land Use Law (MLUL) section 40:55D-93.

The Borough's Stormwater Management Plan was prepared in 2006 and was approved by the Bergen County Planning Board in 2006. As part of the Bergen County approval process, the Borough also adopted a Stormwater Management Ordinance and related water quality regulations between April 17, 2006 and May 15, 2006. This planning objective has been addressed.

### **New Jersey Flood Mitigation Rules**

On November 5, 2007, the New Jersey Department of Environmental Protection adopted the new rules for the Flood Hazard Area Control rules (N.J.A.C. 7:13). The new rules incorporate more stringent standards for development in flood hazard areas and areas adjacent to surface waters in order to mitigate the adverse impacts to flooding and the environment that can be caused by such development.

A large number of significant changes were made to the rules. For example, under the new rules, any flood storage that is lost due to most new construction activities must be compensated by the creation of an equal volume of flood storage either onsite or in close proximity to the development. This will preserve existing flood storage and help mitigate increases in flooding over time. Furthermore, the 25-foot and 50-foot stream buffers under the former rules were expanded to 50-foot, 150-foot, and 300-foot buffers, depending on the environmental resources of each stream. Many other changes were also made to protect the public from the hazards of flooding, prevent unnecessary impacts to stream corridors, and facilitate projects that would benefit the environment and not contribute to flooding.

## **SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS**

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This section provides a list of recommended amendments to the current master plan. In response to the new planning issues identified in this report, additional recommendations to the current master plan are also provided.

### **Recommended Amendments to the Current Master Plan**

1. The **Land Use Element** should be updated. The update should include by reference the Downtown Redevelopment Plan. It should also include a detailed review of the Borough's current development regulations to identify regulatory revisions needed to achieve the Borough's land use objectives.
2. An **Economic Plan Element** should be prepared concurrently with the Land Use Plan update. Economic potential, not fully realized under the current land use scheme, will likely require adjustment to the Borough's land use and zone plans. The primary objective of the Economic Plan should be the development of a strategic action plan to capture the market potential realistically within its reach. To arrive at the optimum action plan, the Borough's opportunities and assets should be identified and explored for their potential to increase tax revenue from nonresidential and even certain residential development. A longer-term plan for economic enhancement and stabilization should also be developed to supplement and support the strategic plan.
3. An **Open Space, Parks and Recreation Plan Element** should be prepared. Recreation opportunities are essential to a good quality of life. This initiative should include a focused community outreach and participation component to identify the facility and program needs of the current population, which may have changed significantly since the 2000 US Census.

### **Additional Recommendations**

1. Explore the potential designation of additional areas for rehabilitation and redevelopment. Rehabilitation designation is less costly and less controversial than declaring an area blighted and acquiring properties through eminent domain. However, certain situations warrant the latter approach. Thus, both should be considered as useful approaches in upgrading areas of the Borough.

Redevelopment and rehabilitation for enhanced property utilization, economic development, smart growth development, and/or to facilitate provision of new affordable housing should be considered in various locations throughout the Borough. Appropriate development for the Borough to further these objectives includes compact, mixed-use development in the form of commercial, office, hotel (Appendix A), or retail, as well as mid-to-high rise density housing. In each area under consideration, the uses, building arrangement and site design should maximize the areas assets, including access and visibility, and be compatible with and complement adjacent areas. Through coordinated

redevelopment, areas throughout Lodi can be improved and made more physically attractive.

Prior to submission for approval, projects should include a market analysis and development plan that illustrates how the project will be economically viable and how it will be compatible with the Borough's long-term vision and Master Plan objectives. Specific areas that should be evaluated further for such redevelopment and rehabilitation opportunity in Lodi include:

- a. Industrial properties along Gregg Street, Meta Lane, Industrial Road to Route 17 South and Garibaldi Avenue.
  - b. Redevelopment of the Cedar Wright complex that is compatible with the type of uses to be built in adjoining Wood-Ridge.
  - c. Vacant or substandard properties, including housing areas which do not meet Borough codes and standards.
  - d. Areas of higher elevation bordering the City of Garfield along the Borough's westerly border to maximize attractive views to New York City.
  - e. Areas along Terhune Avenue which spans Lodi's border with Wood-Ridge Borough that will complement the proposed large-scale redevelopment of Wood-Ridge Industrial Park.
  - f. The site of the former BASF property, between Route 17 and Industrial Avenue to take advantage of potential access and visibility from Route 17.
  - g. Areas of Route 17 near Hasbrouck Heights, including underutilized parking lots.
  - h. Properties along Route 46 East, between Main Street to John Street and Boyd Street.
2. The Borough's Downtown Redevelopment Plan should be revised to address the west side of the Saddle River, the overall split of commercial and residential use and the integration of the Saddle River with redevelopment to west of the River.
  3. The recommendations contained in the Action Plan Matrix of the 2009 Land Use and Circulation Plan and action on the targets and indicators in the 2009 Sustainability Plan Element should be implemented as soon as resources become available for these purposes.
  4. A prioritized implementation strategy should be developed for all recently adopted master plan elements.
  5. The issue of overdevelopment of residential uses without adequate facilities remains a concern. A careful exploration of available approaches should be undertaken prior to development of new ordinances.

6. Measures to produce additional family and workforce housing should be encouraged when new construction or rehabilitation of affordable housing is being considered.

## **STATUTORY PROVISIONS REGARDING THE LOCAL REDEVELOPMENT AND HOUSING LAW**

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A reexamination of the municipal master plan requires the Planning Board to consider incorporating the Borough's Downtown Redevelopment Plan into the Land Use Plan Element of the Lodi Master Plan.

This reexamination Report hereby recommends inclusion, by reference, of the June 1998 Downtown Redevelopment Plan into the Borough's Land Use Plan Element. It is further recommended that the Borough's development regulations be amended to incorporate, to the extent needed for consistency, the redevelopment plan's development regulations into the Borough's Zoning Ordinance and Site Plan Regulations.

## APPENDIX

SEP 15 2003

OCT 20 2003

	AYE	NAY	ABSTAINED	ABSENT
J.C. PIPARO	✓			
B. McCASKEY	✓			
M.N. SCHRIEKS				✓
K. VISCANA	✓			
MAYOR PAPAROZZI	✓			

	AYE	NAY	ABSTAINED	ABSENT
J.C. PIPARO	✓			
B. McCASKEY	✓			
M.N. SCHRIEKS	✓			
K. VISCANA	✓			
MAYOR PAPAROZZI	✓			

**BOROUGH OF LODI  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**ORDINANCE NO. 404-11**

**AN ORDINANCE OF THE BOROUGH OF LODI AUTHORIZING THE IMPOSITION OF A MUNICIPAL HOTEL AND MOTEL OCCUPANCY TAX AS AUTHORIZED BY P.L. 2003, c. 114.**

**WHEREAS**, the Senate and General Assembly of the State of New Jersey have enacted legislation authorizing a municipality to adopt an ordinance imposing a hotel and motel occupancy tax at a uniform percentage rate not to exceed 1% on charges of rent for every occupancy on or after July 1, 2003, but before July 1, 2004, and not to exceed 3% on charges of rent for every occupancy on or after July 1, 2004, and

**WHEREAS**, the Governing Body has determined that adoption of this ordinance would provide the municipality with some revenue to offset the expenses which the Borough will incur arising out of municipal services necessitated by transient or other hotel and motel occupancy.

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

**Section 1.**

1. Purpose. It is the purpose of ordinance to implement the provisions of P.L. 2003, c. 114, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed 1% on charges of rent for every occupancy on or after July 1, 2003, but before July 1, 2004, and not to exceed 3% on charges of rent for every occupancy on or after July 1, 2004, of a room or rooms in a hotel or motel subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3) which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.

2. There is hereby established a Hotel and Motel Room Occupancy Tax in the Borough of Lodi which shall be fixed at a uniform percentage rate of 1% on charges of rent for every occupancy of a hotel or motel room in the Borough of Lodi on or after July 1, 2003, but before July 1, 2004, and 3% on charges for every occupancy of a hotel or motel room in the Borough of Lodi on or after July 1, 2004, of a room of rooms in a hotel or motel subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax).

3. The Hotel and Motel Room Occupancy Tax shall be in addition to any other tax or fee

imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.

4. In accordance with the requirement of P.L. 2003, c. 114:

- a. All taxes imposed by this Ordinance shall be paid by the purchaser.
- b. A vendor shall not assume or absorb any tax imposed by this Ordinance.
- c. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.
- d. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.
- e. The penalty for violation of the foregoing provisions shall be \$100 for each offense.

5. **Section 2.** A copy of this Ordinance shall be transmitted to the State Treasurer and to each hotel or motel located within the municipality.

6. **Section 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of this Ordinance as a whole or any part thereof.

7. **Section 4.** All ordinances or parts of ordinances if the Borough of Lodi heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

8. **Section 5.** This Ordinance shall take effect upon passage and publication pursuant to law. The tax provisions of this Ordinance shall take effect on the first day of the first full month occurring 30 days after the transmittal to the State Treasurer. Notice of adoption shall be published as provided by law.