

**COUNTY OF BERGEN  
BOROUGH OF PARAMUS  
ORDINANCE 2021-40**

**AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR NURSERY PROPERTIES IN THE BOROUGH OF PARAMUS (BLOCK 7002, LOT 1.QQ; BLOCK 7701, LOT 3.Q; BLOCK 7701, LOT 4; BLOCK 7701, LOT 2 (2.Q); BLOCK 7003, LOT 1.QQ; BLOCK 7101, LOT 4.QQ (4.Q); BLOCK 2701, LOT 12; BLOCK 2801, LOT 1; BLOCK 4701, LOT 9.01) IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW**

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**WHEREAS**, pursuant to N.J.A.C. 5:93-4.2(d), nurseries are amongst the properties to be included in sites most likely to be developed for low and moderate income housing; and

**WHEREAS**, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), by Resolution 18-07-469 amended by Resolution 19-03-224 and by Resolution 19-08-511, the Mayor and Council of the Borough of Paramus directed the Paramus Planning Board (the "Planning Board") to undertake a preliminary investigation to determine whether certain nursery property designated as Block 7002, Lot 1.QQ; Block 7701, Lot 3.Q; Block 7701, Lot 4; Block 7701, Lot 2 (2.Q); Block 7003, Lot 1.QQ; Block 7101, Lot 4.QQ (4.Q); Block 2701, Lot 12; Block 2801, Lot 1; Block 4701, Lot 9.01 on the Tax Map of the Borough (hereinafter the "Nursery Properties") qualify as areas in need of rehabilitation as defined in N.J.S.A. 40A:12A-14; and

**WHEREAS**, at the conclusion of its preliminary investigations in accordance with the Redevelopment Law, by Resolution 2019-17 adopted June 6, 2019 and by Resolution 2019-36 adopted December 5, 2019, the Planning Board determined the Nursery Properties to be areas in need of redevelopment, and recommending that the Mayor and Council of the Borough of Paramus designate the areas as such; and

**WHEREAS**, the Mayor and Council adopted Resolution 19-06-409 on June 11, 2019 and Resolution 19-12-709 on December 3, 2019 concurring with the Planning Board's findings and designated the Nursery Properties as areas in need of rehabilitation as defined in N.J.S.A. 40A:12A-14; and

**WHEREAS**, pursuant to the resolutions designating the Nursery Properties as areas in need of rehabilitation, the Borough authorized the Borough's Planners, DMR Architects, to prepare a Redevelopment Plan for the Nursery Properties dated March 2020, a copy of which is attached hereto and made part of this Ordinance (the "Redevelopment Plan") and which was referred to the Planning Board for its review and consideration pursuant to N.J.S.A. 40A:12A-7 and 15; and

**WHEREAS**, the Mayor and Council of the Borough of Paramus previously identified the property known as, Joy Farm, located on Pascack Road and designated as Lots 2, 3 & 4 in Block 7701 and Lot 1 in Block 7703 on the Tax Map of the Borough of Paramus ("Joy Farms") as appropriate for development in furtherance of the Borough's obligation to provide its fair share of a regional need for affordable housing as mandated by the New Jersey Supreme Court;

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**WHEREAS**, JK Farm and Realty, LLC ("JK Farm") is the owner of Joy Farms and designated conditional redeveloper pursuant to Resolution 20-09-496, has requested that the Borough amend the Redevelopment Plan adopted by the Borough pursuant to Ordinance 2020-4, said amendments set forth in the planning report prepared by Burgis and Associates dated July 21, 2021, supplementing a prior report dated April 26, 2021, which is attached hereto and made part of this Ordinance; and

**WHEREAS**, the Borough Planner, DMR Architects, issued a memorandum dated August 20, 2021 highlighting JK Farm's requested amendments to the Redevelopment Plan with recommendations, which is attached hereto and made part of this Ordinance;

**WHEREAS**, prior to the adoption of the amendments to the Redevelopment Plan, the Mayor and Council passed Resolution No. 2021-, authorizing the Planning Board to conduct a review and issue a report regarding the proposed amendments;

**WHEREAS**, the Planning Board, shall within 45 days after referral by the Borough Council, transmit to the Borough Mayor and Council, a report containing its recommendation concerning the redevelopment plan pursuant to N.J.S.A. 40A:12A-7 & 15; and

**WHEREAS**, upon receipt of the Planning Board's recommendation or if the Planning Board fails to transmit a recommendation within 45 days after referral, the Borough Mayor and Council shall act upon this Ordinance adopting the Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7; and

**WHEREAS**, the Planning Board recommended that the Mayor and Council adopt the Redevelopment Plan; and

**WHEREAS**, it is in the best interests of the Borough that the Nursery Properties be redeveloped in accordance with the amended Redevelopment Plan; and

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

1. Adoption of Redevelopment Plan.

The Mayor and Council of the Borough of Paramus hereby adopt the Redevelopment Plan as the redevelopment plan for Nursery Properties.

2. Amendment of Zoning Map.

The Zoning Map of the Borough of Paramus, adopted as Ordinance 16-10 referred to in Section 429-17 of the Zoning Ordinance, is hereby amended to reflect the Redevelopment Plan and to provide for the Nursery Properties.

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3. Redevelopment Entity.

The Mayor and Council hereby declares that it, without the designation of any other redevelopment entity as defined in the Redevelopment Law, shall exercise all of the powers and discharge all of the duties of the redevelopment entity for purposes of clearance, re-planning, development and redevelopment of the Nursery Properties and, without limiting the generality of the foregoing, shall be the sole body empowered by the Borough to enter into redevelopment agreements with redevelopers, subject to such limitations and requirements as are prescribed by the Redevelopment Law.

4. Procedures for Amendment of Redevelopment Plan.

This Redevelopment Plan may be amended from time to time, by the Mayor and Council, upon the compliance with all requirements of all applicable law.

5. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which such judgment is rendered.

6. Inconsistent Ordinances Repealed.

All other ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

7. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

**ATTEST:**



ANNEMARIE KRUSZNIS, RMC  
Borough Clerk

**BOROUGH OF PARAMUS**



RICHARD A. LABARBIERA  
Mayor

Introduced: August 25, 2021  
Final: September 29, 2021

# *Basile Birchwale and Pellino, LLP*

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September 27, 2021

**BY EMAIL AND  
REGULAR MAIL**

Mayor and Council  
Borough of Paramus  
1 Jockish Square  
Paramus, New Jersey 07652-2772

**Re: Proposed Amendment to the Redevelopment Plan of an Area  
In Need of Rehabilitation for the Various Nursery Sites**

To the Honorable Mayor and Council of the Borough of Paramus:

I write to you in my capacity as the Attorney to the Paramus Planning Board. You have referred to the Planning Board for review and comment the above-listed proposed amendment to the redevelopment plan captioned above. Pursuant to the provisions of *N.J.S.A. 40:55D-26(a)*, this amendment to the redevelopment plan was considered at the Planning Board's regular meeting of September 23, 2021 held via teleconference.

After significant discussion, the Planning Board has directed me to write to you to indicate that the Planning Board finds the proposed amendments to the redevelopment plan are not inconsistent with the master plan, and the Planning Board recommends the adoption of the proposed amended redevelopment plan with the following exception.

The Planning Board recommends that the redevelopment plan be amended to provide that peak roofs on stand-alone assisted living facilities be required and that flat roofs be prohibited.

Mayor and Council, Borough of Paramus  
September 27, 2021  
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Should you have any questions, please do not hesitate to contact me. Thank you.

Respectfully submitted,

*Stephen F. Pellino*

Stephen F. Pellino

SFP:cas

cc: Paramus Planning Board, c/o Maryellen Parente, Board Secretary, By Email  
Daniel Lagana, Esq., Borough Attorney, By Email  
Annemarie Krusznis, Borough Clerk, By Email and Regular Mail