

**COUNTY OF BERGEN  
BOROUGH OF PARAMUS  
ORDINANCE 2021-48**

**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 among 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 Rehabilitation, 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**, following the Planning Board's Review and recommendation, by Ordinance 202-08, the Mayor and Council of the Borough of Paramus adopted the Redevelopment Plan for Various Nurseries prepared by DMR Architects dated April 30, 2020 (the "Redevelopment Plan"); and

**WHEREAS**, the redevelopment of the various nursery sites within the Redevelopment Plan was a part of the Settlement Agreement dated February 6, 2020, between the Borough of Paramus and Fair Share Housing Center (the "Settlement Agreement") in the Borough's affordable housing Declaratory Judgment litigation bearing Docket No. BER-L-6227-15 (the "DJ Action"); and

**WHEREAS**, as the various nurseries that were designated as Areas in Need of Rehabilitation are of different topographic and physical characteristics, the Governing Body retained exclusive jurisdiction to consider amendments to the Redevelopment Plan for a specific project at a specific nursery on a case-by-case basis;

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**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, as indicated 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;

**WHEREAS**, JK Farm and Realty, LLC ("JK Farm") is the owner of Joy Farms and was 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, as was subsequently revised by Ordinance 2021-40, said amendments set forth in the planning memorandum prepared by Burgis and Associates dated April 26, 2021, subsequently revised on July 21, 2021, and a sample redline Redevelopment Plan dated October 15, 2021; and

**WHEREAS**, Ordinance 2021-40 memorialized an amendment to the Redevelopment Plan to permit a Continuum of Care Campus where the site would be developed with both age restricted housing and an assisted living facility;

**WHEREAS**, JK Farms seeks a further amendment to the Redevelopment Plan to permit the four-story assisted living facility with frontage on Pascack Road to be constructed with a roof height of 56 feet so as to accommodate a sloped roof that seeks to promote a residential design to the building, said roof design was set forth in a planning report with visual exhibits prepared by Burgis and Associates dated October 21, 2021;

**WHEREAS**, the Mayor and Council of the Borough previously identified the property known as Revicki Farms, located at 337 Spring Valley Road, otherwise known as, Lot 9.01 in Block 4701, as indicated on the Tax Map of the Borough of Paramus ("Revicki 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;

**WHEREAS**, Revicki Farms, LLC is the owner of Revicki Farms and was designated conditional redeveloper pursuant to Resolution 20-12-633, has requested that the Borough amend the Redevelopment Plan adopted by the Borough pursuant to Ordinance 2020-4, as subsequently revised by Ordinance 2021-40;

**WHEREAS**, Revicki Farms seeks various site-specific amendments to the Redevelopment Plan, including rounding the permitted density upward when the site's acreage results in a fraction, increasing the permitted curb-cut for the ingress/egress to 75 feet, permit building overhangs of 2 feet to encroach into the setback requirements, permit the reduction of the buffer requirement when a fence is proposed in order to preserve existing vegetation, permit a "hot box" to be located in the front yard, and to permit offset intersections, said amendments set forth in the planning report prepared by Kathryn M. Gregory, PP, AICP, of Gregory Associates, LLC., dated May 25, 2021, last revised October 20, 2021; and;

**WHEREAS**, the Borough Planner, DMR Architects, issued a memorandum dated July 20, 2021, subsequently revised on September 30, 2021 and November 5, 2021, and provided professional recommendations regarding the same, which are attached hereto and made part of this Ordinance, said November 5, 2021 memorandum addressed the amendments to Redevelopment Plan proposed by both Joy's Farm and Revicki Farm;

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**WHEREAS**, the Borough Engineer, Boswell Engineering, issued a memorandum dated October 4, 2021, highlighting the requested amendments to the Redevelopment Plan by Revicki Farm only and provided professional recommendations regarding the same, which is attached hereto and made part of this Ordinance;

**WHEREAS**, after review of all professional reports and comments, the Borough Planner has provided a draft of its proposed amendments to the Redevelopment for Plan;

**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, which is attached hereto and made part of this Ordinance as an exhibit; 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 amended 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.

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

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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

Approved:



RICHARD A. LABARBIERA  
Mayor

Introduced: November 9, 2021

Adopted: November 23, 2021