

BOROUGH OF HILLSDALE
RESOLUTION 20249

**RESOLUTION OF THE BOROUGH OF HILLSDALE,
COUNTY OF BERGEN, NEW JERSEY OVERRIDING THE
MAYOR'S VETO OF PORTIONS OF ORDINANCE NO. 20-15
ADOPTING THE HILLSDALE-PATTERSON STREET
REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute "areas in need of redevelopment," as such term is defined in the Redevelopment Law, and to adopt redevelopment plans for areas so designated; and

WHEREAS, pursuant to the Redevelopment Law, the Borough Council ("**Borough Council**") of the Borough of Hillsdale, in the County of Bergen, New Jersey (the "**Borough**"), duly adopted Resolution #19225 on September 10, 2019 designating the properties identified on the tax maps of the Borough as Block 1207, Lots 8, 9 and 10; Block 1208, Lots 1, 2, 3, 4 and 5; Block 1209, Lots 2, 3 and 4; Block 1210, Lots 8, 9, 10 and 11; and Block 1211, Lots 1 and 2 as an "area in need of redevelopment" (the "**Redevelopment Area**"); and

WHEREAS, pursuant to the Redevelopment Law, on December 8, 2020, by Ordinance No. 20-15 (together with all exhibits thereto, the "**Ordinance**"), the Borough Council adopted a redevelopment plan for the Redevelopment Area entitled, "Hillsdale-Patterson Street Redevelopment Plan" (the "**Redevelopment Plan**"); and

WHEREAS, *N.J.S.A. 40A:60-5(d)* provides that every ordinance adopted by a municipal council shall, within five days after its passage, Sundays excepted, be presented to the mayor by the borough clerk, and the mayor shall, within ten days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the municipal council by delivering the ordinance to the borough clerk together with a statement setting forth his objections thereto or any item or part thereof; and

WHEREAS, on December 9, 2020, the Clerk of the Borough (the "**Borough Clerk**") presented the Ordinance to the Mayor of the Borough (the "**Mayor**"); and

WHEREAS, on December 18, 2020, the Mayor delivered to the Borough Clerk a statement, a copy of which is attached hereto as *Exhibit A*, setting forth his objections to those portions of the Ordinance permitting prospective redevelopers of portions of the Redevelopment Area to apply to the Borough Council for increased residential density or building height in exchange for providing community benefit(s) pursuant to a redevelopment agreement with the Borough; and

WHEREAS, *N.J.S.A. 40A:60-5(d)* provides that the Borough Council may override the Mayor's veto if, upon consideration of the ordinance following its return, the Borough Council resolves to override the veto, with no less than two-thirds of its membership concurring,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, NEW JERSEY (NO LESS THAN TWO-THIRDS OF ITS MEMBERSHIP AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Borough Council, in accordance with the statute, hereby overrides the Mayor's veto of the Ordinance, and the Ordinance shall become effective in accordance with applicable law.

Section 3. This resolution shall take effect immediately.

Council Member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John		X	X				
Horvath, Zoltan				X			
Lundy, Abby	X		X				
Pizzella, Frank			X				
Trochimiuk, Janetta			X				
Ruocco, John							

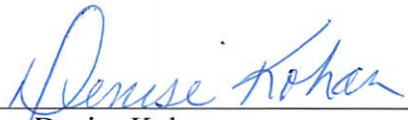
Attest: 
 Denise Kohan
 Municipal Clerk

EXHIBIT A
MAYOR'S VETO STATEMENT



Borough of Hillsdale

380 Hillsdale Avenue • Hillsdale, New Jersey 07642
201-666-4800x1520 • Fax: 201-358-5002 • Email: jruocco@hillsdalenj.org
John J. Ruocco, Mayor

December 18, 2020

To: Borough Clerk Denise Kohan &
Hillsdale Borough Council

Re: Ordinance No. 20-15 Adopting the Hillsdale-Patterson Street Redevelopment Plan ("the Redevelopment Plan")

Pursuant to NJ Statute 40A:60-5, I hereby return Ordinance No. 20-15 to the Borough Clerk and Borough Council **unsigned** within 10 days after it having been presented to me on December 9, 2020 by the Borough Clerk for signature, Sundays excepted. In so doing, I wish to make clear my objections to any and all parts of the Ordinance that call for or allow density/height bonuses as defined in Section VII (A) of the Redevelopment Plan and therefore veto all those parts, as permitted to me by law, while approving all the remaining parts of the Ordinance. Those parts of the Ordinance I veto include:

1. The 7th and 8th Whereas clauses in the Ordinance No.20-15
2. Comments in Exhibit A that reject the Planning Board's recommendations
3. Section III (A), 4th paragraph of the Redevelopment Plan, which is Exhibit B
4. Section VI(A), 3rd paragraph, items #2 and #3 of the Redevelopment Plan which is Exhibit B
5. Section VII (A) Density/Height Bonus definition of the Redevelopment Plan which is Exhibit B
6. Section IX (A)(2) of the Redevelopment Plan which is Exhibit B
7. Maps 4 & 5 of the Redevelopment Plan which is Exhibit B.

I am fully aware of and support the attainment of benefits that adopting a Redevelopment Plan might bring to the Borough of Hillsdale. Among those is the fulfillment of certain terms of our Affordable Housing Settlement Agreement dated September 27, 2017, executed on October 10, 2017, and subsequently approved by the courts on February 12, 2018. That Agreement required the Borough to adopt a Redevelopment Plan for the Patterson Street industrial area within three years of the court approval. The Redevelopment Plan was to permit a variety of uses, including inclusionary housing at a **maximum** density of 28 units to the acre. However, Ordinance 20-15 permits the Council to award density/height bonuses far in excess of that amount, potentially resulting in 60 units to the acre and buildings of 64 feet in height, and five stories. I veto all parts of the Ordinance that permit such bonus densities on the grounds that it would result in over-development to the community, allowing for approximately 561 apartment units. This potentially translates into an additional 1100-1700 new residents or about a 10%-16% increase in the Borough's population. This would unreasonably strain the

services that the Borough can provide to the community at large and reduce any resultant financial gain. I do not believe that it would be in Hillsdale's best interest to agree to such density/height bonuses in future negotiations with potential developers in exchange for "community benefits." The latter can be achieved in more straightforward and less harmful ways. Moreover, I believe that permitting such density/height bonuses is imprudent given how it might affect future affordable housing negotiations in 2025, and in view of the fact that neighboring towns have not had to agree to such terms with developers in satisfying their own affordable housing and/or redevelopment efforts. My veto is also a reflection of the lack of cost/benefit analysis included in the Plan or in any accompanying documentation that would inform the residents on the effects of the aforementioned over-development.

(signed) *John J. Ruocco*

A handwritten signature in blue ink that reads "John J. Ruocco". The signature is written in a cursive style with a long, sweeping underline that extends to the right.