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REPLY TO:

X NEW JERSEY
NEW YORK

*MEMBERS OF NJ & NY BARS

+MEMBERS OF NJ & PA BARS

January 13, 2023

via eCourts

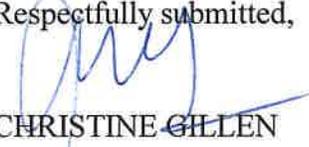
Hon. Peter G. Geiger, J.S.C.
Bergen County Justice Center
10 Main Street
Hackensack, New Jersey 07601

RE: Akerman, et als. v. Tp. of Teaneck, et al.
Docket No. BER-L-4361-22

Dear Judge Geiger:

The undersigned represents the Township of Teaneck in connection with the above-named matter. Pursuant to Your Honor's Scheduling Order dated December 1, 2022 and Rule 4:69-4, I have filed herewith Teaneck's Statement of Factual and Legal Issues as well as Ordinance 22-2022 and Ordinance 23-2022 which are the subject of the action. The Case Management Conference is scheduled on January 20, 2023.

Respectfully submitted,


CHRISTINE GILLEN

Enclosures

cc: Robert Simon, Esq. (via eCourts, w/enc)
Kevin Kelly, Esq. (via eCourts, w/enc)
Michael Klauder, Esq. (via email, mklauder@coleschotz.com, w/enc)
David Repetto, Esq. (via eCourts, w/enc)
John Shahdanian, Esq. (via email, jshahdanian@trenkisabel.law, w/enc)

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P.O. Box 2199
Cliffside Park, New Jersey 07010
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Attorneys for Defendant Township of Teaneck

MICHAEL AKERMAN; GEORGINA B. ASANTE; YAW ASANTE; DANIEL BELLIN; RENA DONIN SCHLUSSEL; YARON HIRSCHKORN; RACHEL KAYE; ASHIRA LOIKE; MERYL MARK; JOSEPH MARK; ALAN RUBINSTEIN; DAVID SCHLUSSEL; MARC SCHLUSSEL; and SHORANA SCHLUSSEL,

Plaintiffs,

vs.

TOWNSHIP OF TEANECK and TOWNSHIP OF TEANECK PLANNING BOARD,

Defendants.

X SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER- L-4361-22

CIVIL ACTION

**STATEMENT OF FACTUAL
AND LEGAL ISSUES and
EXHIBIT LIST
PURSUANT TO R. 4:69-4**

X

Defendant, TOWNSHIP OF TEANECK, makes the following submission pursuant to R. 4:69-4 in connection with the initial Case Management Conference in this action in lieu of prerogative writs.

FACTUAL AND PROCEDURAL BACKGROUND

AMENDMENT OF MASTER PLAN and ADOPTION OF ORDINANCE 9-2022

Township of Teaneck is the home to Holy Name Medical Center, a fully accredited, non-profit health care facility serving residents of Teaneck and the surrounding area. Existing hospital facilities are located within the H-Hospital Zone. Since 2007, the Township's Master Plan and

Reexamination Reports has acknowledged the community's need for a more modernized and expansive facility than presently exists. On August 11, 2020 the Township Council referred the issue to the Planning Board for study in connection with a Reexamination of the Township's Master Plan pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-28. In furtherance of this task, on the same date the Township Council authorized the Township Planner to make recommendations to the Planning Board for revision of the Township's Master Plan and zoning ordinance, including goals, parameters and criteria, to meet this important community need. (Resolution 159-2020 and Resolution 160-2020)

The Township Planner's recommendations were set forth in a report dated December 2021, proposed as an Amendment to the Land Use Element of the Township of Teaneck Master Plan. The proposed Amendment recommended: expansion of the boundaries of the H-Hospital zone to incorporate certain properties owned by Holy Name or its affiliates; vacating that portion of Chadwick Road situated within the expanded zone; amendment of the zone's use and bulk standards; and the establishment of design guidelines to govern the construction of new facilities within the zone. A public hearing on the proposal was conducted by the Planning Board on December 16, 2021 following which the proposed Amendment was approved.

On February 22, 2022 the Township Council introduced Ordinance 9-2022 amending and revising the Township's Development Regulations and Zoning Ordinance to rezone those properties within the Hospital H Zoning District expansion area identified in the Amendment to the Land Use Element. The Ordinance was considered by the Planning Board at a hearing conducted March 10, 2022 and found to be consistent with the Master Plan. This finding was reported to the Township Council by letter dated March 14, 2022.

On March 14, 2022 counsel representing a number of the individuals who would later be

named as plaintiffs in this action wrote to the Mayor and Council of Teaneck to assert his clients' contention that, due to alleged conflicts of interest, certain members of the Township Council must recuse themselves from voting on Ordinance 9-2022. The next day, March 15, 2022, a group identifying itself as Good Neighbors of Teaneck sought to protest adoption of Ordinance 9-2022 pursuant to the provisions of N.J.S.A. 40:55D-63 by filing petitions with the Township Clerk signed by a number of owners of real property in the Township.

The Township Council considered the matter at a public hearing conducted March 15, 2022 and voted to adopt Ordinance 9-2022. Six of the seven members of the Council voted in favor of adoption; the seventh member recused himself. Consequently, the Ordinance received a favorable vote by two-thirds of all council members, as would be required if a valid protest was made pursuant to N.J.S.A. 40:55D-63.

THE FIRST LAWSUIT (Akerman I)

The first suit against the Township and its Planning Board was filed by twelve individual plaintiffs on April 21, 2022 as an action in lieu of prerogative writs bearing Docket No. BER-L-2234-22. The Complaint also asserts certain civil rights violations. Plaintiffs seek to invalidate the December 2021 amendment to the Master Plan and Ordinance 9-2022 on several grounds. First, it is alleged that the proceedings were unlawfully tainted by the participation of certain members of the Planning Board and Township Council who were disqualified by conflicts of interest. Second, it is alleged that the protest petition was not properly acknowledged. Next, certain procedural deficiencies are alleged including violation of the Open Public Meetings Act. Substantive deficiencies are also alleged, including failure to meet the standards of the Municipal Land Use Law and the contention that vacation of Chadwick Road is an unlawful conveyance of property interests without consideration. Finally, plaintiffs assert violation of their right to due

process guaranteed by New Jersey's Constitution and Civil Rights Act.

Defendants duly answered the Complaint and Holy Name Medical Center successfully petitioned the Court for leave to intervene. Township of Teaneck has served requests for written discovery from plaintiff.

ORDINANCE 22-2022 and ORDINANCE 23-2022

On May 17, 2022 the Township Council introduced Ordinance 22-2022 and Ordinance 23-2022. Ordinance 22-2022 repealed Ordinance 9-2022 and replaced its provisions with those set forth in Ordinance 22-2022. The provisions of Ordinance 22-2022 amended and revised the Township's zoning ordinance and development regulations to expand the boundaries of the hospital zone consistent with the Amendment to the Land Use Element which had been adopted by the Planning Board on December 16, 2021. Ordinance 23-2022 vacated that portion of Chadwick Road situated within the expanded hospital zone.

Once again, the group identifying itself as Good Neighbors of Teaneck sought to protest adoption of Ordinance 22-2022 pursuant to the provisions of N.J.S.A. 40:55D-63. On June 24, 2022 the group filed Petitions with the Township Clerk signed by a number of owners of real property in the Township. Following a public hearing conducted June 28, 2022, Ordinance 22-2022 was adopted by vote of the Council. Five of the seven Council members voted in favor of the Ordinance; two members of the Council recused themselves. Consequently, the Ordinance received a favorable vote by two-thirds of all council members, as would be required if a valid protest was made pursuant to N.J.S.A. 40:55D-63.

Ordinance 23-2022 was likewise adopted following a public hearing conducted June 28, 2022. Five of the seven Council members voted in favor of the Ordinance; two members of the Council recused themselves.

THE SECOND LAWSUIT (Akerman II)

The second suit against the Township and its Planning Board was filed by the twelve individuals named as plaintiffs in the first suit, plus two newly named individual plaintiffs, on August 10, 2022 as an action in lieu of prerogative writs bearing Docket No. BER-L-4361-22. The Complaint in Akerman II asserts the same claims challenging the validity of Ordinance 9-2022 as were alleged in the Akerman I Complaint. In addition, the Complaint in Akerman II challenges the validity of Ordinance 22-2022 and Ordinance 23-2022 on substantially the same grounds previously asserted.

Defendants duly answered the Complaint and Holy Name Medical Center again successfully petitioned the Court for leave to intervene.

FACTUAL AND LEGAL ISSUES

Township of Teaneck identifies the following factual and legal issues, based upon its reading and understanding of the allegations and claims made in plaintiff's complaint. The right to advocate or respond to issues of fact or law not expressly stated herein, but which may be found to have been raised by the parties' pleadings, is expressly reserved.

1. Whether Akerman I and Akerman II ought to be consolidated for purposes of case management and trial.
2. Whether the claims and issues raised in Akerman I have been rendered moot by the enactment of Ordinance 22-2022 and Ordinance 23-2022 and, if not, whether adjudication of any of the claims and issues raised in Akerman I ought to await and abide adjudication of the claims and issues raised in Akerman II.
3. Whether any of plaintiffs' claims are time-barred.

3. Time for and scope of discovery as to the civil rights violation claim of plaintiffs and each of them.
4. Whether any member of the Planning Board and/or the Township Council who is challenged by plaintiff had a disqualifying conflict of interest which requires the invalidation of Ordinance 9-2022 or Ordinance 22-2022 or Ordinance 23-2022.
5. Whether plaintiffs are entitled to an order enjoining challenged members of the Planning Board and Township Council, or any of them, from participating in future official governmental proceedings pertaining to Ordinance 9-2022 or Ordinance 22-2022 or Ordinance 23-2022 or to the property owned by Holy Name Medical Center.
6. Whether plaintiffs or any of them suffered a compensable deprivation of legal and/or constitutional rights as a result of proceedings conducted and actions taken by the Township Council on June 28, 2022.
7. Whether Ordinance 9-2022, Ordinance 22-2022 and Ordinance 23-2022 and each of them was adopted in accordance with mandatory statutory standards and procedures.
8. Whether adoption of Ordinance 22-2022 or Ordinance 23-2022 was an *ultra vires* act.
9. Whether the doctrine of necessity stands as a bar to the claims made and/or relief sought by plaintiffs.

EXHIBIT LIST

Township of Teaneck identifies the following documentary exhibits based upon its reading and understanding of the allegations and claims made in plaintiff's complaint regarding the proceedings conducted by the Township Council and Planning Board. This list does not purport to include documents, if any, pertaining to plaintiffs' civil rights claim as discovery into such

matters has not yet been conducted. The right to supplement this list upon the conclusion of discovery is expressly reserved.

1. Ordinance 9-2022
2. March 14, 2022 letter from Planning Board to Township Mayor and Council.
3. March 14, 2022 letter from plaintiff's counsel to Township Mayor and Council.
4. March 15, 2022 letter from Good Neighbors of Teaneck to Township Clerk, with enclosures.
5. Township Master Plan, Reexamination reports and Amendments thereto.
6. Township Council Resolution 159-2020
7. Township Council Resolution 160-2020
8. Proposed Amendment to the Land Use Element of the Township of Teaneck Master Plan, for the H-Hospital Zone Expansion prepared by Phillips Preiss Grygiel Leheny Hughes LLC dated December 2021.
9. Minutes and transcript of meeting of Township of Teaneck Planning Board conducted March 10, 2022.
10. Ordinance 22-2022
11. Ordinance 23-2022
12. June 24, 2022 letter from Good Neighbors of Teaneck to Township Clerk, with enclosures.

ELECTRONIC COMMUNICATIONS

Counsel for Township of Teaneck has the capacity to transmit briefs and motions via email and to file such submissions via the eCourts electronic filing platform. Counsel's email addresses are as follows:

Christos J. Diktas, Esq.
Christine Gillen, Esq.

cdiktas@weblawnj.net
cgillen@weblawnj.net

Respectfully submitted,

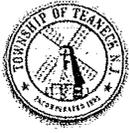
DIKTAS GILLEN, P.C.
Attorneys for Defendant Tp. of Teaneck

DATED: 1/13/23

BY:



CHRISTINE GILLEN, ESQ.



Township Council
c/o Township Clerk
Teaneck, NJ 07666

Meeting: 06/28/22 08:00 PM
Department: Township Clerk
Category: Authorize
DOC ID: 7236

ORDINANCE (ID # 7236)

Ordinance No. 23-2022 VACATING A PORTION OF CHADWICK ROAD, IN THE TOWNSHIP OF TEANECK BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #23-2022 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

VACATING A PORTION OF CHADWICK ROAD, IN THE TOWNSHIP OF TEANECK

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #23-2022 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

05/17/22 Township Council INTRODUCED

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 0]
MOVER:	James Dunleavy, Mayor
SECONDER:	Elie Y. Katz, Deputy Mayor
AYES:	Katz, Dunleavy, Rice, Kaplan, Pagan
RECUSED:	Mark J. Schwartz, Karen Orgen

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

ORDINANCE NO. 23-2022 VACATING A PORTION OF CHADWICK ROAD, IN THE TOWNSHIP OF TEANECK BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #23-2022 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.

WHEREAS, Chadwick Road has been dedicated as a public street, as shown on the current zoning and tax maps; and

WHEREAS, the Holy Name Real Estate Corp. (hereinafter "Holy Name") has requested that the Township of Teaneck vacate a portion of Chadwick Road, which portion is more particularly described in the "Description of a Portion of Chadwick Road to be Vacated" prepared by Jeffrey H. Kleine PLS (Exhibit A), and depicted on the "Partial Public Right-of-Way Vacation Plan of Chadwick Road", prepared by Lapatka Associates, Inc. dated March 7, 2022, and attached hereto as Exhibit B; and

WHEREAS, Chadwick Road is located within the Township of Teaneck, County of Bergen, and State of New Jersey; and

WHEREAS, Holy Name is the owner of Block 3002, Lots 2, 3, 5, 6, 7 and 9, and Block 3003 Lots 3, 4 and 14 as depicted on attached Exhibits A and B; and

WHEREAS, 45 Chadwick Road LLC is the owner of Block 3002, Lot 4 ("Lot 4 Owner"); and

WHEREAS, Ryan Kennedy LLC is the owner of Block 3002, Lot 8 ("Lot 8 Owner"); and

WHEREAS, the Lot 4 Owner, the Lot 8 Owner and Holy Name own the property located on the lots adjacent to both sides of the desired portion of Chadwick Road to be vacated, more commonly known as 70 Cedar Lane, 60 Cedar Lane 45 Chadwick Road, 53 Chadwick Road, 75 Chadwick Road, 83 Chadwick Road, 87 Chadwick Road, 88 Chadwick Road, 95 Chadwick Road, 100 Chadwick Road, 106 Chadwick Road and 718 Teaneck Road and more specifically referred to as Block 3002, Lots 2, 3, 4, 5, 6, 7, 8 and 9 ("3002 Lots") and Block 3003, Lots 3, 4 and 14 ("3003 Lots") on the Official Tax Map of the Township of Teaneck (the "Property"), a copy of the

Ordinance (ID # 7236)

Meeting of June 28, 2022

applicable Tax Map sheet is shown on Exhibit B; and

WHEREAS, Holy Name or its related entity operates Holy Name Medical Center located on Block 3003, Lot 4; and

WHEREAS, Holy Name, as the Owner of the Block 3002 Lots and the Block 3003 Lots, or with the authorization from the Lot 4 Owner and Lot 8 Owner in Block 3002, has requested that the public dedication for roadway purposes of a portion of Chadwick Road be vacated, as depicted on Exhibits A and B; and

WHEREAS, the vacation of a portion of Chadwick Road will reduce the pedestrian and vehicular traffic traversing to and from Grange Road onto Chadwick Road to access Holy Name Medical Center and Cedar Lane; and

WHEREAS, Holy Name will be creating a cul-de-sac at the southern terminus of the portion of Chadwick Road not being vacated in accordance with plans as approved by the Township's designated engineer and subject to such emergency access as required by the Teaneck Fire Department; and

WHEREAS, the portion of Chadwick Road being vacated is no longer necessary for general public use, and the rights of the public will not be injuriously or adversely affected by the requested partial street vacation; and the public interest will be served in that the partial street vacation and dedication will advance the public safety, convenience and welfare; and

WHEREAS, notice has been given of the intention of the Township Council to consider an ordinance vacating a portion of Chadwick Road from Cedar Lane to a point approximately 860.50 feet southwesterly therefrom, and a hearing thereon has been held as provided in *N.J.S.A. 40:67-1(b)*, *N.J.S.A. 40:67-6* and *N.J.S.A. 40:49-6*; and

WHEREAS, it appears to the Township Council that the public interest will be better served by vacating and releasing the aforesaid portion of Chadwick Road from the dedication to public use as a public street;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK, BERGEN COUNTY, NEW JERSEY, in accordance with the provision of *N.J.S.A. 40:67-1 et seq.*, as follows:

Section 1: The portion of Chadwick beginning from the southerly sideline of Cedar Lane and extending southwesterly approximately 860.50 feet, as more particularly described on

Schedules A and B, annexed hereto and made part hereof, is hereby vacated as a public street and the rights of the public therein are hereby released and extinguished, except all rights and privileges to maintain repair and replace existing facilities in, adjacent to, over or under the portion of the street to be vacated possessed by Public Utilities, as defined in R.S. 48:2-13, by any Cable Television Company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (N.J.S.A. 48:5A-1 et seq.), the Township of Teaneck, and the Bergen County Utilities Authority, and their successors or assigns.

Section 2. This ordinance shall be subject to and contingent upon Holy Name dedicating as a public roadway the land required for a cul-de-sac at the end of the unvacated portion of Chadwick Road, and the construction thereof by Holy Name or its related entity, to be approved by the Planning Board of the Township of Teaneck and the Township Engineer.

Section 3. The Township Clerk shall, within 60 days after the enactment of this ordinance and satisfaction of the contingency set forth in Section 2 hereof, file a copy of this ordinance, certified to be a true copy under the seal of the Township, together with a copy of the proof of publication of this ordinance. These documents shall be filed in the Bergen County Clerk's Office with proper index to be provided for the purpose of recording "vacations."

Section 4. The Mayor is hereby authorized and directed to execute, and the Township Clerk to attest, an Agreement between the Township of Teaneck and Holy Name releasing whatever right, title and interest the Township may have in the vacated portion of Chadwick Road, except as otherwise set forth in Section 1 hereof, of a form to be approved by the Township Attorneys.

Section 5. This Ordinance is intended to supersede and replace Ordinance No 13-2022, as introduced on March 15, 2022. All Ordinances or parts of Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional or invalid by any Court, the remaining parts of this Ordinance will remain in full force and effect.

Section 7. Subject to the contingency set forth in Section 2 hereof, this Ordinance shall take effect 20 days following final passage and publication, according to law.

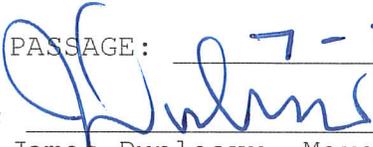
Ordinance (ID # 7236)

Meeting of June 28, 2022

FIRST READING: 5-17-22

SECOND READING: 6-28-22

PUBLICATION OF PASSAGE: 7-3-22

AS APPROVED BY: 
James Dunleavy, Mayor

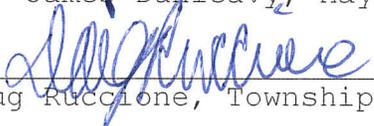
ATTEST: 
Doug Ruccione, Township Clerk

EXHIBIT A

LAPATKA ASSOCIATES, INC.
 12 Route 17 North, Suite 230
 Paramus, NJ 07652
 Telephone: (201) 587-1600

January 12, 2022
 Project # 01-160
 Page 1 of 2

RE: DESCRIPTION OF A PORTION OF CHADWICK ROAD TO BE VACATED, SITUATED
 IN THE TOWNSHIP OF TEANECK, BERGEN COUNTY, NEW JERSEY.

DEED DESCRIPTION

Beginning at a point in the southerly sideline of Cedar Lane (70' wide), said point being formed by the intersection of said southerly sideline of Cedar Lane with the southeasterly sideline of Chadwick Road (50' wide), and from said point proceeding, thence;

- 1). South 40 degrees and 00 minutes and 46 seconds west, along said southeasterly sideline of Chadwick Road, for a distance of 258.39 feet to a point of curvature, thence;
- 2). Still along said southeasterly sideline of Chadwick Road, along the arc of a curve bearing to the right, having a radius of 100.00 feet, and an interior angle of 63 degrees and 45 minutes and 05 seconds, and an arc length of 111.27 feet, the chord of which bears south 71 degrees and 53 minutes and 19 seconds west, for a distance of 105.62 feet to a point of compound curvature, thence;
- 3). Still along said southeasterly sideline of Chadwick Road, along the arc of a curve bearing to the right, having a radius of 1,050.00 feet, and an interior angle of 25 degrees and 47 minutes and 01 seconds, and an arc length of 490.84 feet, the chord of which bears north 62 degrees and 50 minutes and 39 seconds west, for a distance of 436.33 feet to a point on a curve, thence;
- 4). Still along said southeasterly sideline of Chadwick Road, along the arc of a curve bearing to the left, having a radius of 35.50 feet, and an interior angle of 23 degrees and 17 minutes and 47 seconds, and an arc length of 14.43 feet, the chord of which bears north 49 degrees and 48 minutes and 48 seconds west, for a distance of 14.34 feet to a point, thence;
- 5). North 38 degrees and 10 minutes and 02 seconds east, departing from said southeasterly sideline of Chadwick Road, for a distance of 35.88 feet to a point in the northwesterly sideline of said Chadwick Road, thence;
- 6). Along said northwesterly sideline of Chadwick Road, along the arc of a curve bearing to the left, having a radius of 1,000.00 feet, and an interior angle of 26 degrees and 44 minutes and 13 seconds, and an arc length of 466.65 feet, the chord of which bears south 62 degrees and 52 minutes and 04 seconds east, for a distance of 462.42 feet to a point of compound curvature, thence;
- 7). Still along said northwesterly sideline of Chadwick Road, along the arc of a curve bearing to the left, having a radius of 50.00 feet, and an interior angle of 63 degrees and 45 minutes and 05 seconds, and an arc length of 55.63 feet, the chord of which bears north 71 degrees and 53 minutes and 19 seconds east, for a distance of 52.81 feet to a point of tangency, thence;

Consulting Engineering - Landscape Architecture - Land Surveying

LAPATKA ASSOCIATES, INC.

12 Route 17 North, Suite 230

Paramus, NJ 07652

Telephone: (201) 587-1600

January 12, 2022

Project # 01-160

Page 2 of 2

- 8). North 40 degrees and 00 minutes and 46 seconds east, still along said northwesterly sideline of Chadwick Road, for a distance of 252.55 feet to a point, in the aforementioned southerly sideline of Cedar Lane, thence;
- 9). South 56 degrees and 38 minutes and 40 seconds east, for a distance of 50.34 feet to a point, said point also being the point or place of beginning.

Containing: 40,824 square feet (or) 0.937 acres more or less.

Subject to easements and restrictions of record.

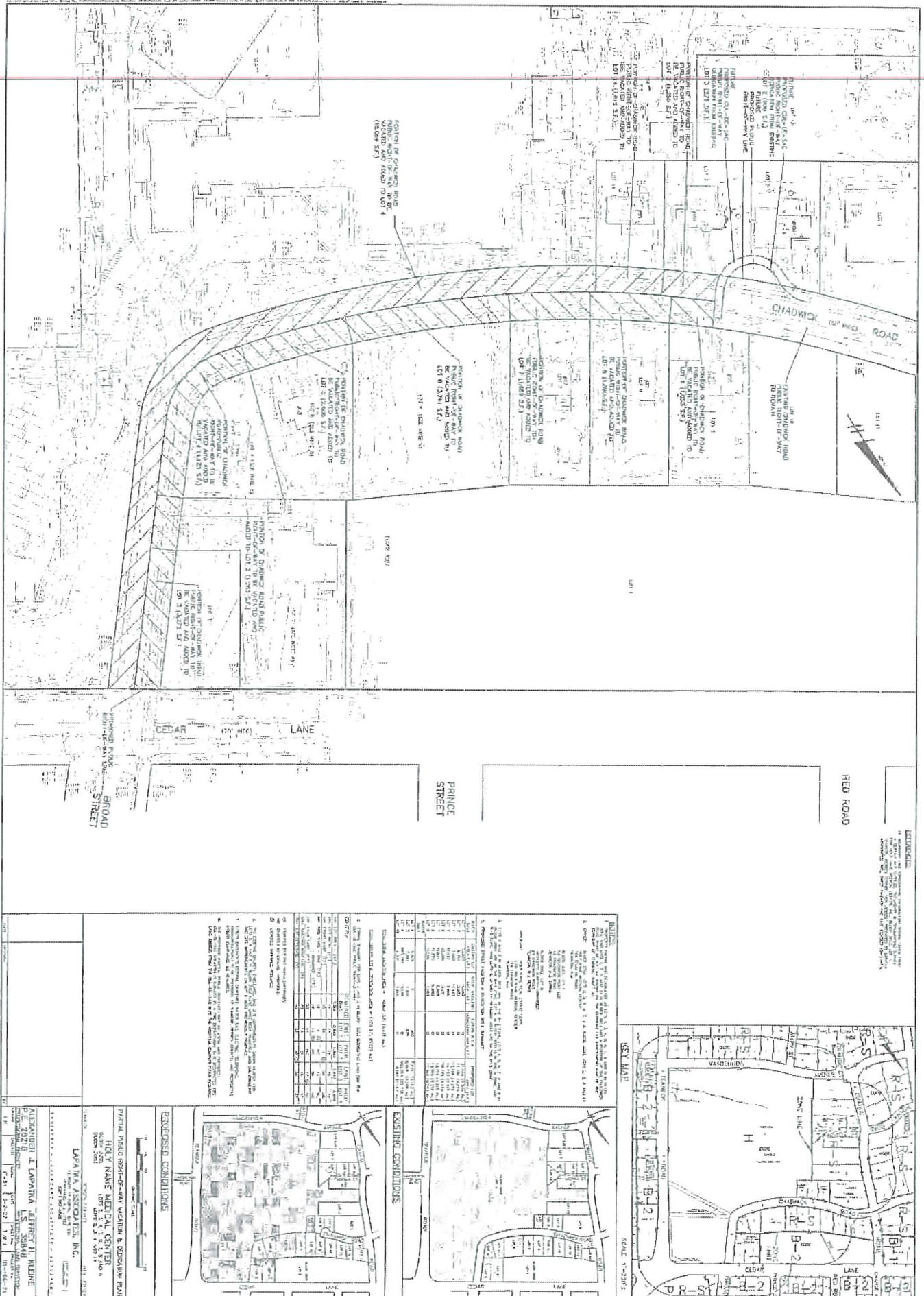


Jeffrey H. Klein, PLS
Professional Land Surveyor
N.J. Lic. # 35848

01-160, 2022-01-12 rev 10801 vnc ld.docx

Consulting Engineering – Landscape Architecture – Land Surveying

EXHIBIT B



EXPLANATION
 1. Proposed Building Footprint
 2. Proposed Parking Lot
 3. Proposed Driveway
 4. Proposed Easement
 5. Proposed Right-of-Way
 6. Proposed Public Right-of-Way
 7. Proposed Utility Easement
 8. Proposed Access Easement
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TABLE 1: PROPOSED LOT SIZES AND DIMENSIONS

Lot No.	Area (sq. ft.)	Dimensions (ft.)
1	1,200	30 x 40
2	1,500	30 x 50
3	1,800	30 x 60
4	2,100	30 x 70
5	2,400	30 x 80
6	2,700	30 x 90
7	3,000	30 x 100
8	3,300	30 x 110
9	3,600	30 x 120
10	3,900	30 x 130
11	4,200	30 x 140
12	4,500	30 x 150
13	4,800	30 x 160
14	5,100	30 x 170
15	5,400	30 x 180
16	5,700	30 x 190
17	6,000	30 x 200
18	6,300	30 x 210
19	6,600	30 x 220
20	6,900	30 x 230
21	7,200	30 x 240
22	7,500	30 x 250
23	7,800	30 x 260
24	8,100	30 x 270
25	8,400	30 x 280
26	8,700	30 x 290
27	9,000	30 x 300
28	9,300	30 x 310
29	9,600	30 x 320
30	9,900	30 x 330
31	10,200	30 x 340
32	10,500	30 x 350
33	10,800	30 x 360
34	11,100	30 x 370
35	11,400	30 x 380
36	11,700	30 x 390
37	12,000	30 x 400
38	12,300	30 x 410
39	12,600	30 x 420
40	12,900	30 x 430
41	13,200	30 x 440
42	13,500	30 x 450
43	13,800	30 x 460
44	14,100	30 x 470
45	14,400	30 x 480
46	14,700	30 x 490
47	15,000	30 x 500
48	15,300	30 x 510
49	15,600	30 x 520
50	15,900	30 x 530
51	16,200	30 x 540
52	16,500	30 x 550
53	16,800	30 x 560
54	17,100	30 x 570
55	17,400	30 x 580
56	17,700	30 x 590
57	18,000	30 x 600
58	18,300	30 x 610
59	18,600	30 x 620
60	18,900	30 x 630
61	19,200	30 x 640
62	19,500	30 x 650
63	19,800	30 x 660
64	20,100	30 x 670
65	20,400	30 x 680
66	20,700	30 x 690
67	21,000	30 x 700
68	21,300	30 x 710
69	21,600	30 x 720
70	21,900	30 x 730
71	22,200	30 x 740
72	22,500	30 x 750
73	22,800	30 x 760
74	23,100	30 x 770
75	23,400	30 x 780
76	23,700	30 x 790
77	24,000	30 x 800
78	24,300	30 x 810
79	24,600	30 x 820
80	24,900	30 x 830
81	25,200	30 x 840
82	25,500	30 x 850
83	25,800	30 x 860
84	26,100	30 x 870
85	26,400	30 x 880
86	26,700	30 x 890
87	27,000	30 x 900
88	27,300	30 x 910
89	27,600	30 x 920
90	27,900	30 x 930
91	28,200	30 x 940
92	28,500	30 x 950
93	28,800	30 x 960
94	29,100	30 x 970
95	29,400	30 x 980
96	29,700	30 x 990
97	30,000	30 x 1,000
98	30,300	30 x 1,010
99	30,600	30 x 1,020
100	30,900	30 x 1,030

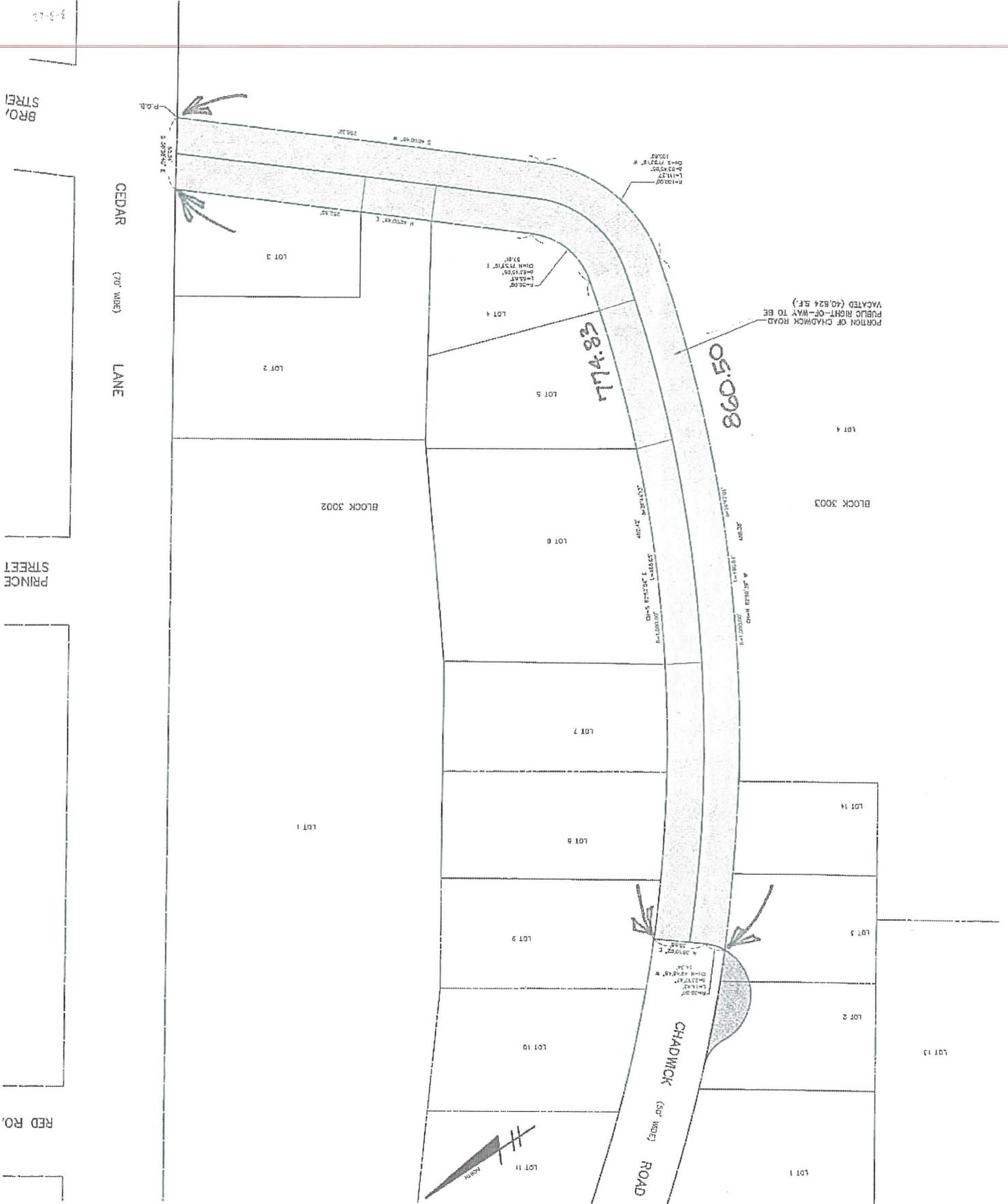


PROPOSED CONDITIONS

HOLY NAME MEDICAL CENTER
 1000 W. CEDAR LANE
 HOUSTON, TEXAS 77030

LEVIN & ASSOCIATES, INC.
 11111 WESTHELVEN DRIVE, SUITE 100
 HOUSTON, TEXAS 77036

ALEXANDER I. LAPATKA, ERFREY H. MEIER
 LEVIN & ASSOCIATES, INC.
 11111 WESTHELVEN DRIVE, SUITE 100
 HOUSTON, TEXAS 77036





Township Council
c/o Township Clerk
Teaneck, NJ 07666

Meeting: 06/28/22 08:00 PM
Department: Township Clerk
Category: Amend
DOC ID: 7235

ORDINANCE (ID # 7235)

Ordinance No. 22-2022 REPEALING ORDINANCE NO. 9-2022 AND AMENDING AND REVISING ATTACHMENT 1 AND SECTIONS 33-22 & 33-24 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF TEANECK, RESPECTING THE EXPANSION OF THE HOSPITAL H ZONING DISTRICT BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #22-2022 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

REPEALING ORDINANCE NO. 9-2022 AND AMENDING AND REVISING ATTACHMENT 1 AND SECTIONS 33-22 & 33-24 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF TEANECK, RESPECTING THE EXPANSION OF THE HOSPITAL H ZONING DISTRICT

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #22-2022 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

05/17/22 Township Council INTRODUCED

COMMENTS - Current Meeting:

The Town Clerk confirmed a valid, certified protest petition was submitted in regards to Ord. 22-2022. Attorney Shahdanian detailed what this means and confirmed this ordinance requires a super-majority vote of the Council.

- 1) Zafar Iqbar - Expressed support for this ordinance
- 2) Katie Katz - expressed disagreement with this ordinance.
- 3) Rob Simon - legal counsel for neighbors, expressed disagreement with this ordinance.
- 4) Karen McVoy - expressed support for this ordinance.
- 5) Paul Ostrow - expressed support for this ordinance.
- 6) Arie Burger - expressed support for this ordinance.

Ordinance (ID # 7235)

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- 7) Joseph Mark - expressed support for this ordinance

- 8) Hillary Goldberg - opined that both the hospital and neighbors could be satisfied if negotiations were honest between the two parties.
- 9) Michele Amundson - expressed support for this ordinance.
- 10) Howard Rose - agreed that Holy Name needs to expand, but opines that it should not be at the neighbor's expense.
- 11) Maurice Appelbaum - opined that Holy Name has more flexibility to negotiate than the neighbors.
- 12) Eli S - expressed support for this ordinance.
- 13) Ezra Katz - expressed disagreement with this ordinance.
- 14) Alan Sohn - expressed disagreement with this ordinance, and members of Council.
- 15) Fisch Bensigner - expressed support for the hospital
- 16) Art Degenholtz - read a statement into the record providing his opinion on the matter.
- 17) Debbie Eliyahu - opined that council and elected officials need to keep their promises
- 18) Pacha S - expressed support for this ordinance
- 19) Denise Belcher - expressed disagreement with this ordinance, and provided insights as to why and possible improvements
- 20) Paula Rogovin - expressed concern over this ordinance and the hospital's expansion. Opined that Council does not care about their residents near the hospital.
- 21) Benjamin Rosenbluth - expressed support for this ordinance
- 22) Edith Connor - expressed support for this ordinance and the hospital.
- 23) Douglas Segal - expressed disagreement with this ordinance

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- 24) Linda Durand - expressed support for this ordinance

- 25) Marie Martell - expressed support for this ordinance
- 26) Nick DelChopio - expressed support for this ordinance
- 27) Arthur Eis - expressed support for the hospital, but opined expansion should be opposite of the residential neighborhood
- 28) Joan Johnson - expressed support for the hospital and the ordinance
- 29) Hilda Ventenlia - expressed support for this ordinance
- 30) Nancy Yenot - expressed support for the hospital but disagreed with the ordinance
- 31) Phyllis Steeil - expressed disagreement with the ordinance
- 32) Meryl Merk - expressed support for the hospital but disagreed with the ordinance
- 33) Margot Fisher - expressed disagreement with this ordinance and particular council members
- 34) Linda Lawson - expressed support for this ordinance

Councilman Kaplan spoke on a comment he made during a BOE meeting. He shared his thoughts on the Holy Name matter and detailed Council will always have the legislative autonomy over the hospital.

Councilwoman Romney-Rice detailed that finding a common ground between two important stakeholders can be difficult. She detailed she plans to abstain on this vote.

Deputy Mayor Katz read a statement into the record expressing his support and logic for this ordinance.

Mayor Dunleavy shared his thoughts on the matter and detailed that compromise will always leave both parties feeling somewhat lost. He detailed that after a couple years of deliberation the time has come to make a decision.

At this time, Mayor Dunleavy requested a Point of Privilege and initiated a brief recess.

Ordinance (ID # 7235)

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At the conclusion of the Recess - before the vote takes place, Council invited the legal counsel of the Neighbors & HNMC to the podium to share their thoughts on the matter. The Mayor detailed that in order for Council to move forward, they need the Hospital & Neighbors to come to an agreement this evening that they will continue negotiations to try and find the best middle ground. Both parties agreed.

Mayor motioned to extend the meeting to 1130PM. Council agreed.

RESULT:	ADOPTED BY CONSENT VOTE [5 TO 0]
MOVER:	James Dunleavy, Mayor
SECONDER:	Elie Y. Katz, Deputy Mayor
AYES:	Katz, Dunleavy, Rice, Kaplan, Pagan
RECUSED:	Mark J. Schwartz, Karen Orgen

Ordinance (ID # 7235)

Meeting of June 28, 2022

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

ORDINANCE NO. 22-2022 REPEALING ORDINANCE NO. 9-2022 AND AMENDING AND REVISING ATTACHMENT 1 AND SECTIONS 33-22 & 33-24 OF ARTICLE V, ZONING ORDINANCE, OF CHAPTER 33, DEVELOPMENT REGULATIONS, OF THE CODE OF THE TOWNSHIP OF TEANECK, RESPECTING THE EXPANSION OF THE HOSPITAL H ZONING DISTRICT BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #22-2022 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.

WHEREAS, the Township Council is desirous of expanding the existing hospital zone to incorporate properties acquired by Holy Name Real Estate Corp. or its affiliates (“Holy Name Medical Center”) located along Chadwick Road, Norma Court, Grange Road and Cedar Lane within the Township of Teaneck; and

WHEREAS, the Township Council adopted Resolution 160-2020, entitled “A Resolution Requesting the Planning Board Of The Township Of Teaneck To Undertake A Master Plan Reexamination And Prepare A Report, Including Recommendations Of Proposed Development Regulations, Respecting The Hospital Zone Within The Township Of Teaneck,” on August 11, 2020; and

WHEREAS, the Township’s Planner, Phillips Preiss Grygiel Leheny Hughes, prepared a Proposed Amendment to the Land Use Element of the Township of Teaneck Master Plan for the H-Hospital Zone Expansion, Township of Teaneck, New Jersey, dated December, 2021; and

WHEREAS, the Planning Board of the Township of Teaneck held a public hearing thereon, following publication of a notice thereof, on December 16, 2021; and

WHEREAS, following the public hearing thereon, the Planning Board adopted the aforesaid amendment to the Township of Teaneck Land Use Element of the Master Plan for the

Ordinance (ID # 7235)

Meeting of June 28, 2022

H- Hospital zone expansion on December 16, 2021; and

WHEREAS, Ordinance No. 9-2022, An Ordinance to Amend and Revise Sections 33-22 & 24 of Article V, Zoning Ordinance, of Chapter 33, Development Regulations, of the Code of the Township of Teaneck, Respecting the Expansion of the Hospital H Zoning District, was introduced by the Township Council on February 22, 2022, and, following the review and recommendation of the Planning Board, was adopted on March 15, 2022; and

WHEREAS, allegations have been made concerning potential conflicts of interest respecting the review and enactment of Ordinance 9-2022; and

WHEREAS, to dispel any such allegations, the Township Council finds that it is in the best interest of the citizens of the Township of Teaneck to repeal Ordinance No. 9-2022 and to introduce a new ordinance respecting the expansion of the Hospital H Zoning District;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, New Jersey, as follows:

SECTION 1. Ordinance 9-2022, entitled “An Ordinance to Amend and Revise Sections 33-22 & 24 of Article V, Zoning Ordinance, of Chapter 33, Development Regulations, of the Code of the Township of Teaneck, Respecting the Expansion of the Hospital H Zoning District,” adopted on March 15, 2022, is hereby repealed.

SECTION 2. Paragraph (a) Section 33-22, “Establishment of Zoning Districts; Interpretation,” of Article V, Zoning Ordinance, of Chapter 33, Development Regulations, of the Code of the Township of Teaneck, is hereby amended to add the following sub-districts to the H Hospital Zoning District:

- Subdistrict - 1 H - 1
- Subdistrict - 2 H - 2
- Subdistrict - 3 H - 3
- Subdistrict - 4 H - 4

Ordinance (ID # 7235)

Meeting of June 28, 2022

SECTION 3. The Table of Zoning Map Amendments, as contained in Attachment 1 to Chapter 33, "Development Regulations," of the Code of the Township of Teaneck, is hereby amended to add thereto the following:

<u>Ordinance No.</u>	<u>Adoption Date</u>	<u>Change</u>
		Rezone Block 3003, Lots 4 (portion), 8, 9, 10 (portion), 11, 12 (portion) and 13 (portion) from R-1 Residential District to H-1 Hospital - 1 Subdistrict as shown on Attachment A.
		Rezone Block 3002, Lots 7 (portion) and 8 and Block 3003, Lots 2, 3, 4 (portion), 10 (portion), 12 (portion), 13 (portion) and 14 from R-1 Residential District to H-2 Hospital - 2 Subdistrict as shown on Attachment A.
		Rezone Block 3003, Lot 4 (portion) from H - Hospital District to H-2 Hospital - 2 Subdistrict as shown on Attachment A.
		Rezone Block 3002, Lots 2 and 3, from the B-2 Business District to the H-3 Hospital - 3 Subdistrict as shown on Attachment A.
		Rezone Block 3002, Lots 4, 5, 6 and 7 (portion) from the R-1 Residential District to the H-3 Hospital - 3 Subdistrict as shown on Attachment A.
		Rezone Block 3003, Lot 4 (portion) from the H - Hospital District to H-3 Hospital - 3 Subdistrict as shown on Attachment A.
		Rezone Block 3003, Lot 4 (portion) from H - Hospital District to H-4 Hospital - 4 Subdistrict as shown on Attachment A.

~~SECTION 4. Paragraph (b) Section 33-22 "Zoning Map" of Article V, Zoning Ordinance of Chapter 33, Development Regulations, of the code of the Township of Teaneck is hereby amended to include the above referenced Lots and Blocks within new H Hospital Zone Subdistricts (H-1, H-2, H-3 and H-4) within the boundaries of the zone districts as part of the zone map consistent with Attachment A.~~

SECTION 5. Paragraph (g) "Hospital District" of Article V, Zoning Ordinance, of Chapter 33-24, Development Regulations, of the Code of the Township of Teaneck is hereby amended to read in full as follows:

(g) H-Hospital Districts. The Hospital District (H) district is intended to provide a comprehensive development framework which supports the expansion and modernization of the Holy Name Medical Center hospital campus. The regulations set forth herein accommodate the long-term development of a modern hospital campus while providing substantial mitigation measures to address potential impacts to the surrounding area.

(1) General Requirements

a. Application requirements and phasing

Any application for development for all or any portion of the H zone shall be submitted as a phased development, or as separate development applications for each phase or for each building and / or improvements within each phase in the nature of a preliminary site plan application. Each such application shall describe how the proposed development relates to the phasing of development pursuant to the overall H district. The application for preliminary site plan approval may also include a request for final site plan approval with respect to the application for development or any phase thereof.

b. Terminology

Due to the complex nature of a comprehensive hospital campus, certain H District regulations draw a meaningful distinction between "existing" and "new" buildings and structures. For purposes of interpreting the H District regulations, "existing" buildings and structures are those in existence as of the date of the adoption of this ordinance. "New" buildings and structures are those to be constructed after the date of the adoption of this ordinance.

c. Prerequisite Requirements for Development by Subdistrict

1. Subdistrict 1

- [i] The existing access driveway from Grange Road that is located within Lot 4 of Block 3003 shall be closed at the issuance of a Temporary Certificate of Occupancy (TCO) with the first development application filed pursuant to the H district. Such application shall incorporate the conversion of the closed access driveway into vegetated lawn area or construction of a residential dwelling.
- [ii] A landscape buffer and fence per the requirements set forth in Section 5g.2 of this ordinance shall be installed as part of the site work required under the first development application filed pursuant to the H district.

2. Subdistrict 2

- [i] The landscape buffer and fence along the boundary between Subdistrict 1 and 2 shall be installed prior to or at the same time as any construction within Subdistrict 2.

3. Subdistrict 3

- [i] The existing driveway access point at Cedar Lane (where Chadwick Road currently intersects) shall remain in a similar location. Prior to completion of the first new building in Subdistrict 3 or 4, the developer shall, in coordination with the Township of Teaneck and the Bergen County Engineering Department, complete improvements to the pedestrian safety of this intersection, which may include bulb-outs along Cedar Lane, painted crosswalks on all four sides of the intersection and pedestrian signals.
- [ii] The existing driveway from Vandelinda Avenue within Subdistrict 2 shall be converted to an emergency services vehicle-only ingress driveway in connection with the construction of the loop road within Subdistrict 3.
- [iii] The existing driveway from Vandelinda Avenue within Subdistrict 3 shall be permanently eliminated pending review and approval of Township emergency services officials in connection with the construction of the loop road within Subdistrict 3.

d. Maximum net yield

The maximum net yield of new floor area within the H district shall not exceed one million (1,000,000) square feet (of which no more than 650,000 square feet shall be developed within Subdistrict 3). Net yield of floor area shall be measured as the gross floor area of new development, minus the gross floor area of any existing space that is demolished or otherwise removed. Floor area devoted to structured parking will not count towards the maximum gross floor area or building coverage.

d. Measurement of building height

1. For all buildings within the H district, "building height" shall be the vertical distance from the proposed average finished ground elevation around the foundation to the elevation of the deck of a flat roof or the midpoint of a sloped roof, exclusive of chimneys, cupolas, mechanical equipment and associated screening, elevator towers, parapets and other similar rooftop appurtenances. Such appurtenances shall not exceed the maximum building height by more than 12 feet, except parapets shall not exceed the maximum building height by more than 42 inches.
2. A "story" is that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any story that has at least half its height located below the average ground elevation of the building shall not constitute a "story" for purposes of calculating building height.

(2) Permitted Uses

a. Subdistrict 1

1. Principal uses

- [i] Single-family detached dwellings

2. Accessory uses and structures

- [i] Uses and structures customarily associated with detached single-family dwellings, provided that such uses or structures are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

b. Subdistrict 2

1. Principal uses

[i] Childcare centers

[ii] Adult daycare centers

[iii] Detached single-family dwellings

[iv] Surface parking lots

[v] Expanded lobby/entrance area connected to the existing main hospital building

2. Accessory uses and structures

[i] Maintenance and storage facilities

[ii] Boiler and Power Plants

[iii] Utility and mechanical facilities

[iv] Outdoor recreation area associated with a childcare center

[v] Uses and structures customarily associated with any principal use permitted within the H district, provided that such uses or structures are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

c. Subdistrict 3

1. Principal uses

[i] Hospital facilities, which shall include but not be limited to in-patient and out-patient treatment and therapy, labs and testing facilities, research facilities, medical education and training facilities, pharmacies, urgent care as well as a broad range of medical-related diagnostic, hospice, treatment, therapeutic, physical, health, dementia and rehabilitation uses.

[ii] Offices

[iii] Adult daycare centers

2. Conditional uses

[i] Public utility installations, subject to the provisions of Section 33-25, Conditional Use Criteria of the Township Code.

[ii] Wireless communications towers and antennas, subject to the provisions of Section 33-25, Conditional Use Criteria of the Township Code.

3. Accessory uses and structures

[i] Structured and surface parking facilities

[ii] Healing gardens and other outdoor gathering spaces

[iii] Uses and structures customarily associated with any principal use permitted within the H district, provided that such uses or structures are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

d. Subdistrict 4

1. Principal uses

[i] Hospital facilities, which shall include but not be limited to in-patient and out-patient treatment and therapy, labs and testing facilities, research facilities, medical education and training facilities, pharmacies, urgent care as well as a broad range of medical-related diagnostic, hospice, treatment, therapeutic, dementia and rehabilitation uses.

[ii] Offices

2. Conditional uses

[i] Public utility installations, subject to the provisions of Section 33-25, Conditional Use Criteria of the Township Code.

[ii] Wireless communications towers and antennas, subject to the provisions of Section 33-25, Conditional Use Criteria of the Township Code.

3. Accessory uses and structures

[i] Structured and surface parking facilities

[ii] Healing gardens and other outdoor gathering spaces

[iii] Uses and structures customarily associated with any principal use permitted within the H district, provided that such uses or structures are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

(3) Development Standards

a. Overall tract

1. Minimum tract area: 25 acres

-
2. Maximum coverage
 - [i] Building coverage: 45%
 - [ii] Lot coverage: 75%

 3. Minimum building setbacks
 - [i] Setback to primary circulation roads: 15 feet
 - [ii] Setback to secondary service roads, such as rear loading areas and parking lot driveways: 10 feet

 4. Accessory uses and structures (with exception of structured and surface parking lots, which are expressly addressed within the Subdistrict standards)
 - [i] Maximum height: 30 feet
 - [ii] Minimum setbacks: 10 feet from perimeter boundary of overall tract

 5. Separation between buildings
 - [i] In order to ensure light and air on the most prominent roadways within the H district, buildings in Subdistricts 3 and 4 located on opposite sides of the two major entry drives from Cedar Lane and Teaneck Avenue shall be separated horizontally by at least one hundred (100) feet at all points, except when connected by any aerial walkways.
 - [ii] Elsewhere in Subdistricts 3 and 4, new buildings have the option of being connected to the existing or new structured parking garages and other new hospital or medical office buildings.

 6. Maximum building footprints and area per floor: Any story of a new building that is at or above a height of five stories or 75 feet shall not exceed 40,000 square feet in gross floor area per story. New buildings or portions of new buildings lower than five stories and 75 feet shall have no limit on floor area per story, unless otherwise specified herein.

b. Subdistrict 1

1. Unless otherwise stated herein and/or specifically controlled by the overall tract requirements, development within Subdistrict 1 shall be subject to the requirements for the R-S district as set forth in Section 33-24(a)4.
-

c. Subdistrict 2

1. One new building containing a day care center is permitted south of the existing alignment of Chadwick Road, with a maximum building footprint of 8,000 square feet and maximum gross floor area of 16,000 square feet.
2. An expansion and modernization of the existing main entrance on the west façade of the existing main hospital building, which is contemplated for Subdistrict 3, shall be permitted to extend into Subdistrict 2 by no more than 20 feet.
3. Maximum building height: 2 stories or forty-two (42) feet, whichever is less
4. Minimum setbacks

[i] From Block 3003, Lot 1: 35 feet for new buildings

[ii] From Chadwick Road right-of-way: 20 feet for buildings

d. Subdistrict 3

1. Subdistrict 3 may contain up to four (4) new buildings, three (3) of which are to be north of the center of the existing main hospital building; and one (1) of which is to be south of the center of the existing main hospital building, in the general location of the existing School of Nursing wing.
2. After the School of Nursing wing is demolished, a new building may be built in the same general location on the south side of the existing main hospital building, subject to the following development standards:
 - [i] The maximum height of the building shall be 5 stories and in no case shall the height of the roof deck of the new building exceed the height of the top of the peaked roof of the highest existing building or buildings it replaces.
 - [ii] The new building shall have a step back at the top story of a minimum of 10 feet horizontally along its entire western facade in order to reduce the visibility of the full height and mass of the building as viewed from the west. The step back area shall be designed as a terrace or balcony and, if possible, should incorporate landscaping to help soften the appearance.
3. An expansion and modernization of the existing main entrance on the west façade of the existing main hospital building shall be permitted up to a maximum height of 35 feet. No other expansions or additions on the westerly side of the existing main hospital building are permitted.
4. Vertical additions to the two wings near the main entrance on the east façade of the existing main hospital building located within Subdistrict 3 are allowed but shall not exceed the height of the existing main hospital building.

5. Maximum building height

-
- [i] For the three buildings located north of the center of the existing principal hospital building, the maximum permitted building height is as follows:
 - [a] For one building to be located within 250 feet of the tract boundary along Cedar Lane: 5 stories and 75 feet
 - [b] For up to two buildings to be located more than 250 feet from the tract boundary along Cedar Lane: 9 stories and 135 feet

6. Minimum setbacks

- [i] From Cedar Lane: 25 feet for new buildings / 100 feet for surface parking lots
- [ii] From Vandelinda Avenue: 75 feet for new buildings / 75 feet for surface parking lots
- [iii] From Block 3002, Lot 1: 40 feet for new buildings / 10 feet for surface parking lots

e. Subdistrict 4

1. Flexibility is allowed within Subdistrict in terms of the number of new buildings that will be allowed.
2. Standalone structured parking facilities are permitted in Subdistrict 4, which may or may not be connected along one side to an existing or new building or structured parking facility.
3. Maximum building height
 - (1) Buildings located north of the existing entrance driveway from Teaneck Road: 8 stories and 115 feet
 - (2) Buildings located south of the existing entrance driveway from Teaneck Road: 5 stories and 75 feet
 - (3) Standalone structured parking facility: 5 stories and 60 feet
4. Minimum setbacks
 - (1) From Cedar Lane: 50 feet for new buildings / 100 feet for surface parking lots
 - (2) From Teaneck Road: 50 feet for new buildings and structured parking facilities / 100 feet for surface parking lots
 - (3) From Vandelinda Avenue: 75 feet for new buildings and structured parking facilities / 150 feet for surface parking lots

(4) Off-street Parking and Loading Requirements

- a. Parking within the H district shall be calculated and evaluated on a tract-wide basis. ~~Each application for development within the H district shall include a parking analysis that describes the proposed parking supply for the entire H district in comparison to the total parking requirement for all uses within the H district as calculated based on the following minimum requirements:~~
1. 0.8 parking space per employee/physician during peak shift for entire hospital campus
 2. 0.25 parking spaces per licensed bed
 3. 1.4 parking spaces per 1,000 square feet of outpatient medical office space
- b. Upon the vacation of a portion of Chadwick Road, there shall be a minimum of 100 unreserved parking spaces provided within the H district which shall be controlled by the Township Manager at his/her discretion at no charge. In addition, the same number of spaces shall be available to the public from 5pm-6am on weekdays and during all times on Saturday and Sunday to support the local business district.
- c. The total parking requirement for the H district may be based on a shared parking analysis prepared by a licensed Professional Engineer or Professional Planner based on a widely accepted methodology, such as the models published by the Urban Land Institute, Institute of Transportation Engineers or Victoria Transport Policy Institute. The shared parking analysis shall be subject to the review and approval of the Planning Board or Zoning Board of Adjustment in coordination with the Township's professionals.
- d. All of the required parking shall be provided within the H district. On-street parking is permitted and encouraged along internal circulation roads.
- e. Dedicated spaces for loading and deliveries shall be one dedicated loading / delivery space per each new building.
- f. Electric vehicle charging stations shall be provided in accordance with NJ State requirements per P.L. 2021, c.171 (C.40:55D-66.18 et al.).
- g. Bicycle parking
1. Indoor bicycle parking racks shall be provided for each new building. Racks shall be located within a secure, access-controlled room inside the building or within a connected or nearby garage.
 2. Outdoor bicycle racks shall also be provided within 50 feet of each new building's primary pedestrian entry, at a minimum ratio of one (1) outdoor bicycle parking space for every 20,000 square feet of net floor area. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured. If possible, outdoor racks should be sheltered by roofs or overhangs.

(5) Design Requirements and Guidelines

a. Terminology - any provision in this section activated by the word "shall" constitutes a requirement; a provision activated by the word "should" is a guideline that is strongly encouraged but not required.

b. Architecture

1. Active ground floors - The portions of the ground floor of new buildings facing required open spaces or major pedestrian walkways, important internal circulation streets or driveways, or public streets, should include active uses within the ground floor where appropriate in order to provide more of a connection between interior and exterior spaces and "eyes on the street" for informal safety. "Active uses" include such features as lobbies, lounge areas, and concierge desks; cafeterias, cafes, and indoor dining areas; and gift shops, pharmacies, and health club facilities, outpatient testing areas and other ambulatory clinical services.

2. Façade transparency

[i] Primary Pedestrian Entry Lobby - To provide an inviting presence, each building's primary pedestrian entry should be indicated by a large sheltered canopy or overhang and/or by a location within a bay having a different expression from the surrounding building mass. Portes-cochère and drop-off loops are permitted as well.

[ii] Secondary Pedestrian Entries - Where a building located next to one or more of the three major bounding public streets (Cedar Lane, Teaneck Road, and Vandelinda Avenue) has its primary pedestrian entry facing internal to the H district, the building should also provide a secondary pedestrian entry within one of the public street-facing facades. While secondary pedestrian entries do not need to be as prominently sited within the facade, they should be highlighted by such means as: a logical location within a bay, shelter from a projecting canopy or a recessed entry, fully glazed doors and a high proportion of glazing in the enframing bay, and wall-mounted lighting.

[iv] Garage / Parking Entries - Parking garage entries shall not exceed 40 feet in width. The garage entryway should be highlighted within the facade such as by a projecting sheltering flat canopy, wall-mounted lighting, and attractive signage. Garage doors, if provided, should have a high degree of visual permeability by means of glazed panels. To the extent that rolled down security or access-control gates are used at garage entry openings, only those which are visually-permeable rather than solid shall be permitted.

[v] Blank Walls - Areas of building facade facing a major bounding street (Cedar Lane, Teaneck Road and Vandelinda Avenue), an internal circulation street, or a major pedestrian path, shall not have long, blank, unarticulated walls in

excess of 30 feet in width within the first five (5) levels of the building. This applies as well to exposed parking garage facades.

[vi] Interior Light Spillage - Any facades of new buildings that face residential neighborhoods or homes shall include measures to reduce light spillage and glare from interior lighting. Interior lighting should be carefully chosen, placed, and directed so as to not create such issues in the first place. Where some light spillage and glare is unavoidable, external features such as vertical fins, perforated scrims, lattices, and shutters are encouraged; while internal features such as blinds and curtains should be included as well.

3. Articulation

[i] Vertical articulation

[a] The facades of each new building should be divided into a series of vertical bays such that each vertical bay does not exceed approximately sixty (60) feet in width. Each vertical bay shall be defined by a physical change in plane or by a substantial break in plane having a projection or recession proportionate to the scale, height, and mass of the building or structure. Differentiation based only on facade colors or materials is insufficient to define a bay. Each vertical bay's expression should encompass at least the building's lowest three to five levels, including any exposed parking garage and basement levels, in order to help break down the height of the building as viewed by pedestrians.

[b] In addition, for buildings exceeding 300 feet in length along any one side, significant massing breaks should be provided so that each resulting building mass is less than 300 feet wide. A "significant massing break" is a recess of at least ten (10) feet wide and five (5) feet deep, and which gives the impression that the building, when viewed obliquely, could be a series of smaller buildings.

[c] For stand-alone parking garages, architectural screening as described below in Structured parking section, is required.

[ii] Horizontal articulation

[a] The ground floor of new buildings should be distinguished with a higher degree of transparency, as discussed above under Transparency.

[b] On the tallest buildings, the top story or stories should have a different architectural expression that creates a visually-lighter appearance, such as by lighter-color and/or higher-transparency facades; stepbacks, varied heights, or other massing changes; and deep parapets, light shelves, or

other detailing.

4. Application of materials - Within the primary materials of each building's façade, variation in color, texture, and/or pattern may be employed to create further distinctions. Changes in materials, colors, texture, or pattern that occur across a horizontal line should be marked by a change in plane, dimensional band or belt cornice, a recessed channel, or similar horizontal feature. Materials should be extended around corners and extensions to a logical vertical break in plane, in order to avoid a "pasted on" appearance. The level of materials, detailing, and articulation should be consistent along all building facades, not just street-facing facades.

5. Green design - Where possible, building design should include architectural features to shade the building against solar gain, such as sunshades and deep overhangs. Solar panels are recommended on roofs to offset building energy usage. Gardens and terraces are encouraged on roof decks and stepback areas of buildings in order to provide quick access to outdoor space for hospital and office staff, patients, and visitors. Green roof areas are also recommended in order to absorb stormwaters and provide thermal insulation for floors below.

6. Structured parking - For all stand-alone parking garages, and where any portion of structured parking within a building extends to the facade along a public or major internal street, major pedestrian pathway, or required open space, architectural screening shall be provided as follows.
 - [i] The facade design of exposed parking levels shall be articulated and varied in a manner that references the massing and transparency of hospital or medical office buildings nearby or above, screens views of cars inside and eliminates headlight glare beyond the structure, and creates a visually-interesting facade composition. Examples include but are not limited to: punched window-style openings and decorative mesh grilles, particularly on facades facing residential properties; glazed or open-textured screens or scrims across large openings in parking facades; using a visually-richer material and texture on the ground level, such as brick or cast stone; and breaking down the parking facade mass into a series of bays that downplay the length and width of the garage. In all such cases, in-ground or raised-bed landscaping planters with a variety of year-round vegetation should be included along the garage facade to further soften the perimeter.

 - [ii] Vehicular access to all parking structures shall be from internal roadways and shall not have direct access from a public street.

7. Trash, loading and mechanical areas

-
- [i] All outdoor trash, recycling, and refuse storage and collection areas and all outdoor at-grade mechanical equipment shall be screened from public view on all sides with solid fencing and/or evergreen landscaping.
 - [ii] Where possible, new loading facilities should be internal to a building and accessed through a parking garage entry or located at the side or rear of a building. New Loading docks and similar service facilities with operable vehicular access doors or permanent openings in the facade should not be located in facades adjoining public streets nor along the site's pedestrian walkways with the highest activity levels. Any new loading facility or similar feature that is located in an exterior facade should be designed in a similar manner as vehicular entries, with glazed doors and/or attractive roll-up grates. If necessary, additional outdoor screening (fences or hedges) should be used to shield views of loading docks and similar areas from nearby pedestrian walkways, open spaces, and residential properties.
 - [iii] Rooftop mechanical equipment shall be screened from view using a material harmonious to that used in the façade of the building, or set back from the building edge so that it is not visible from any adjacent public sidewalk.

c. Roadways

1. A reconfiguration and extension of internal circulation routes within the H district is required in order to construct a complete loop road around the existing hospital buildings and any attached new buildings. The construction of the loop road shall be undertaken in coordination with the phased development of new buildings within the district, as follows:
 - [i] The westerly portion of the loop road shall be completed as part of the construction of a childcare center and/or reconfiguration and expansion of the surface parking lot within Subdistrict 2.
 - [ii] The northerly and easterly portions of the loop road shall be completed as part of the construction of one or more of the permitted new buildings to the north of the center of the main existing hospital building within Subdistrict 3.
 - [iii] The southerly portion of the loop road shall be completed as part of the construction of the new building that will replace the existing School of Nursing building within Subdistrict 3.
2. Designated pick-up/drop-off areas for for-hire vehicles and valet parking shall be provided adjacent to the entrances to all new medical buildings.

d. Pedestrian Circulation

1. Development shall provide direct and convenient pedestrian pathways between all building entries, open spaces, and parking areas.
2. Sidewalks shall be provided on both sides of the two primary entry drives (from Cedar Lane and Teaneck Road). All other new and existing internal roadways shall have sidewalks on at least one side, and on both sides wherever possible.
3. Where aerial walkways between buildings are provided, duplicate pathways between grade level doors shall also be provided.
4. All internal sidewalk improvements shall be completed as part of each phase of construction and shall at minimum tie into the existing sidewalk network on the hospital campus.

e. Open Space

1. General - Placement of new buildings within the H district should create a series of intentional, well-sited, well-proportioned, and usable open spaces. Modest-sized open spaces such as plazas, patios, pocket parks, and gardens framed by active, interesting building uses can be more attractive and inviting than larger but ill-defined areas located at the periphery of an area. Three specific required open spaces are described below. In addition, other, smaller open spaces should be located adjacent to or near building entries so as to provide convenient and pleasant outdoor access to hospital staff and visitors. In general, the principles of “defensible space” should be followed for open space design, including: convenient access to and highly visibility of building entries; fostering informal surveillance, “eyes on the street,” and a sense of “ownership” of open space areas through placement next to sidewalks and building facades and entries with a high degree of transparency and activity; visually-permeable landscaping; and site lighting that does not create unduly contrasting areas or dark spots.
2. Central Green - Site plan applications which contemplate improvements within Subdistrict 3 shall provide a “Central Green” open space in conformance with the following requirements.
 - [i] This open space shall measure at least 75 feet on all sides and shall have a minimum area of 10,000 square feet. It shall be located within Subdistrict 3.
 - [iii] Walkways shall also be provided along at least three sides or at least 75 percent of the perimeter, whichever is greater.
 - [iv] The open space shall include a terrace area with decorative hardscaping, lawn areas interspersed with plants in a variety of textures and heights, areas of sun and shade, and fixed and moveable seating.
3. Healing Garden - “Healing gardens” are quiet open space areas that provide a tranquil, green outdoor space for staff, patients, and visitors to meditate, rest,

reflect, and connect with nature. These types of natural, contemplative environments have been proven to have therapeutic benefits for patients and others. Site plan applications which contemplate improvements within Subdistricts 3 or 4 shall provide one Healing Garden in Subdistrict 3 or 4, subject to the following requirements.

- [i] It may be located on a portion of the required Central Green, in another area within 100 feet of a pedestrian entry to existing or new buildings, or on a roof deck of a building; in all cases in a location that is conveniently accessible to hospital patients.
 - [ii] The minimum size of the Healing Garden is 2,500 square feet; larger gardens are encouraged.
 - [iii] The healing garden shall include attractively-paved, meandering walkways. Seating, both fixed and moveable, should offer a choice of spots in sun and shade. Landscaping should be lush and varied, with different plants for all seasons. Sculptural elements such as artwork, interesting tree forms, and large boulders are encouraged. An attractive water feature that creates a soothing white noise is recommended. Taller landscaping should create visual buffers along any edges bordering roadways or busy pedestrian routes. Low walls or attractive fencing should be used to delineate this space as a separate, quieter area. Ideally, materials and plantings should have a rustic, naturalistic feel rather than appearing overly manicured or machine-made. Low-wattage ground lighting and pedestrian-scaled lamps are encouraged so that the space may be used in the evening.
4. Corner of Vandelinda Avenue and Teaneck Road- The existing green open space at the corner of Vandelinda Avenue and Teaneck Road includes lawn areas and trees. Site plan applications which contemplate improvements within Subdistrict 4 shall provide the following enhancements to this open space.
- [i] New internal walkways should be added through the open space, linking to Vandelinda Avenue and Teaneck Road, to enhance pedestrian access all the way into the open space.
 - [ii] Any new building adjacent to this space shall include a pedestrian entrance onto this open space, or alternately a connection via a prominent walkway around the building from a different door.
- f. Surface Parking Lots - The following parking lot requirements are intended to help visually soften the expanse of surface parking and reduce the environmental impacts of the urban heat island effect, impervious surfaces, and runoff.
- 1. Shade Tree Plantings
 - [i] Around the perimeter of surface parking areas, shade trees shall be planted, with an average spacing of no more than 50 feet on center.

[ii] Where a parking lot is more than one bay wide (a bay of parking is two rows of parking with a central access aisle, and is generally about 60 feet wide), one shade tree shall also be planted at each end of each parking bay, in a landscaped area having lawn or low groundcover.

[iii] Where a parking lot is more than one bay wide, interior tree plantings are also required in regularly-spaced landscaped islands between bays of parking at the rate of 1 tree per 16 parking stalls.

2. Green Design for Stormwater Management

[i] To the extent practical and in conformance with NJ DEP stormwater management regulations, landscaping and tree areas shall be depressed in grade compared to surrounding areas, curbsless or bordered with permeable edging or inlets, or otherwise designed so as to foster inflow and infiltration of stormwater runoff from surface parking areas. Hardy plantings that tolerate periodic flooding and contamination from parking lot runoff and icing salts should be used.

[ii] Porous paving, grass-crete, or similar paving materials are encouraged for parking areas that will be infrequently used.

3. Edge Buffering - The perimeter of larger surface parking lots, particularly where adjoining public street frontages or major pedestrian routes, should be softened and screened with some combination of evergreen hedge, stone wall, attractive fencing, and/or earthen berm. The height of such linear screening elements should not exceed three (3) feet.

g. Landscaping

1. General

[i] Existing vegetation, particularly mature trees, should be preserved wherever possible. Mature trees removed shall be replaced one-for-one, or if replacement is infeasible, a contribution shall be made to a tree fund for use by the Shade Tree Advisory Board.

[ii] New street tree selection and planting details shall comply with Township of Teaneck standards. All plantings should be primarily native and drought-tolerant species. In some cases, species that thrive in the variable conditions of a rain garden may be most appropriate.

[iii] Benches or other seating shall be provided in convenient locations throughout the H district area in Subdistricts 2, 3 and 4. Locations should include along primary walking paths, near building entries, and within landscaped open space areas.

[iv] Required building setback areas should include landscape planting areas, walkways, and/or patios or other decorative hardscape spaces between the

building and the back of curb of all adjoining streets and vehicular circulation areas.

2. Required buffer along boundary that separates Subdistricts 1 and 2
 - [i] A landscaped buffer shall be planted that includes a mix of evergreen and deciduous trees, to form a year-round visually impenetrable barrier between the existing residential uses and the hospital buildings to the east.
 - [ii] An attractive fence of a minimum six (6) feet in height shall be provided from Block 3003 Lot 1 to the northerly boundary of Block 3003 Lot 7.

3. Streetscape
 - [i] Teaneck Road -
 - [a] In connection with any new development within Subdistrict 4, the following landscape improvements shall be constructed along the site's boundary with Teaneck Road, from Cedar Lane to the northern edge of the existing open space that lies at the corner of Vandelinda Avenue.
 - [b] Additional deciduous shade trees shall be planted within the sidewalk public right-of-way and/or within the required street-facing setback along Teaneck Road (to the extent practical based on location of underground utilities and easements) such that the new and existing trees together loosely take the form of a double row of trees or "allée."
 - [c] A secondary walkway shall be constructed in a meandering fashion between the two rows of trees; alternately, this walkway may replace the existing public sidewalk, subject to Township approval. The remainder of the front setback shall be lawn, as it is now, and may be accented with clusters of low plantings.

 - [ii] Cedar Lane
 - [a] The existing sidewalk along Cedar Lane bordering the H district lies right next to the curb and is relatively narrow. To improve the safety and comfort of this sidewalk, it shall be rebuilt further inland, with a minimum clear width of five (5) feet, extending into the hospital's required setback lands if necessary.
 - [b] A grass planting strip of minimum six (6) feet shall be added between the new sidewalk and the curb within the public right-of-way. New street trees shall be planted within the grass strip, spaced on average no farther apart

than 40 feet on center subject to the approval of Bergen County and in coordination with utility providers. These improvements shall be completed before construction begins on a third new building within Subdistricts 3 and/or 4.

[iii] Vandelinda Avenue

[a] The existing sidewalk along Vandelinda Avenue includes a grass planting strip between sidewalk and curb. This planting strip shall be maintained.

[b] New street trees shall be planted along the planting strip, spaced on average no farther apart than 40 feet on center, as part of the final approvals for the building south of the main existing hospital building. Where clearance in the planting strip is insufficient to support healthy tree growth, the trees may be planted within the hospital lands bordering the public sidewalk, at the same average spacing.

[iv] Internal circulation roads - Existing and new circulation streets and driveways within the H district shall have street trees added where feasible, so that both sides of the street have trees spaced no more than 50 feet apart on center. Street trees are also encouraged along pedestrian pathways where feasible based on the location of utilities and easements.

h. Lighting

1. Pedestrian-scaled lighting shall be provided along all walkways. Ground-level and accent lighting is encouraged at required open space areas.
2. All new exterior site and building lighting shall be selected to minimize glare, light trespass, and light pollution, particularly with regards to adjoining residential neighborhoods. Lighting fixtures shall be selected from the International Dark Sky Association's Fixture Seal of Approval Program, which specifies fixtures that are directionally-downcast, full-cutoff, and that have a warm color temperature.

i. Signage

1. General - Signage shall be designed as a comprehensive and complementary system. All site signage should include common design elements, including the use of select colors, and materials. Signage design shall be driven by the need for simplicity and clarity in communication. Exterior signage shall be primarily for wayfinding purposes rather than advertising. Signage shall be only as large as functionally necessary. The size and placement of signs shall not obscure any

architectural features of a building. Ground-mounted signs shall not obstruct pedestrian paths nor intersection sight distances for drivers.

2. The following signs shall be permitted, subject to the requirements set forth herein.
3. Freestanding Monument Signs
 - [i] One monument sign is permitted along the Cedar Lane frontage and two along the Teaneck Road frontage.
 - [ii] Each monument sign shall be set back at least 10 feet from the back of the public right-of-way and at least 50 feet from the boundary of a residential district.
 - [iii] Maximum sign height above grade: 72 inches (six feet).
 - [iv] Maximum sign length: 180 inches (15 feet).
 - [v] Maximum sign depth: 36 inches (three feet).
 - [vi] Maximum height of fixed or digital lettering: 10 inches.
4. Facade Signs
 - [i] Facade signs are intended primarily for drivers and pedestrians along streets within and outside the tract area. Each new building may have two facade signs: one along a street-facing façade, and one along an internal street or walkway.
 - [ii] Facade signs shall be mounted at the top of the ground floor of the building, or within the lowest two levels.
 - [iii] Maximum sign area for each sign is three (3) feet high and 30 feet long.
5. Projecting Signs
 - [i] Projecting signs are defined as “any sign, other than a wall sign, suspended from or supported by a building or structure or sign structure and which extends more than six inches from a building.”
 - [ii] For the H district, “projecting signs” also include the style of sign made of channel-cut letters that are mounted atop flat metal canopies, typically over entry doors or garage entries.
 - [iii] One projecting sign is permitted for each new building, to be located over the primary pedestrian entry. An additional canopy sign is permitted over the main parking garage entry for each garage.
6. Tenant Directory Signs
 - [i] Tenant directory signs are smaller signs mounted on building facades near entryways, listing tenants, departments, or businesses inside a building.

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[ii] One sign is permitted at the main pedestrian entryway for each hospital or medical office building. Each sign shall not exceed 18 square feet.

7. Directional and Wayfinding Signs

[i] Ground-mounted signs for the purposes of identifying addresses, building tenants, particular building destinations, parking areas, and the like are permitted as needed throughout the tract area.

[ii] Such signs shall not each exceed eight (8) feet in height and ten (10) feet in width.

8. Illumination

[i] External signs may be internally-lit or rear halo-lit.

[ii] For sign boxes in which the entire box is internally-lit, dark color backgrounds are preferred over white or light colors. Alternately, signs may be externally-lit by upward-directed ground lights or by wall-mounted gooseneck lamps.

(6) Off-Tract improvements

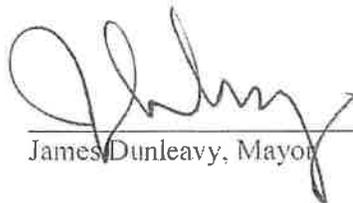
Off-Tract improvements shall be subject to Section 33-20 of the Township Code.

SECTION 6. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 8. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication, or as otherwise required by law, and upon filing with the Planning

Board of the County of Bergen.

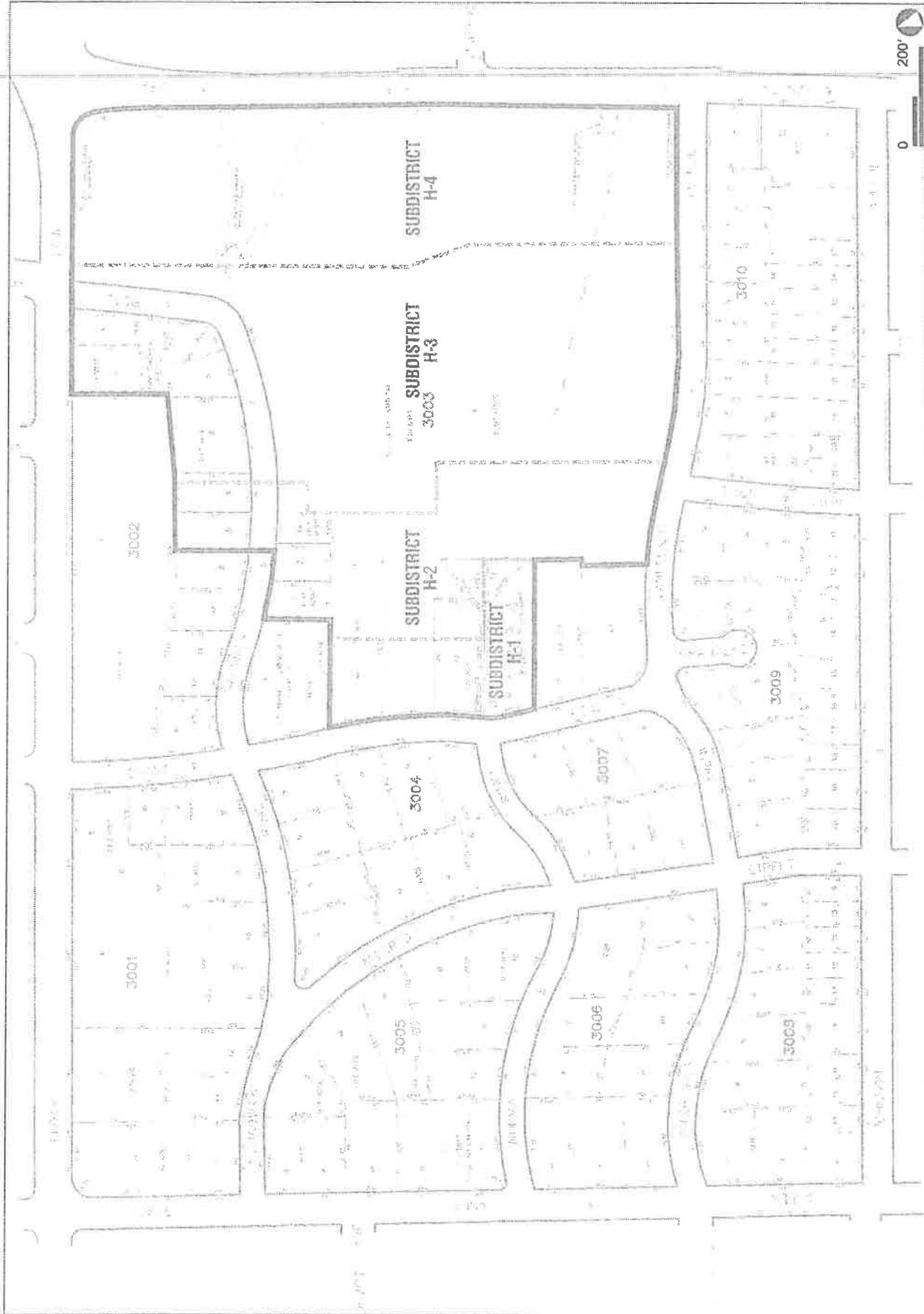

James Dunleavy, Mayor

ATTEST:


Doug Rucione, Township Clerk

Introduced: 5-17-22

Adopted: 6-28-22



Attachment A: Map of H-Hospital Zone | Township of Teareck

PHILLIPS PREISS GRYGIEL LEFENY HUGHES LLC | 2022