4. Land Use and Zoning

4.1. Chapter Overview

4.1.1. Introduction

This chapter discusses the changes to the Preferred Alternative and the resulting potential for incompatibility with the land use and zoning of the study area’s communities. The SDEIS changes with potential to affect land use and zoning include:

- **Change in project terminus**: the revised Preferred Alternative terminates in Englewood and would not affect Tenafly.
- **North Bergen Vehicle Base Facility (VBF) option**: the option for a VBF in North Bergen was eliminated.
- **West Side Avenue alignment and substation**: the SDEIS Preferred Alternative proposes to align the Northern Branch within the right-of-way of West Side Avenue in North Bergen, removing a travel lane from the roadway. Previously, the Northern Branch was proposed to run on the west side but within the existing CSX North Bergen Yard located between the CSX River Line and West Side Avenue.
- **85th Street Viaduct and 85th Street Extension**: the DEIS Preferred Alternative described the extension of 85th Street to West Side Avenue via a new underpass through the elevated CSX River Line embankment. This project element included the closure of 83rd Street. The 85th Street extension is the same as proposed in the DEIS; but interacts with the Northern Branch rail connection in the SDEIS and is included as a change for this reason. Furthermore, a viaduct is proposed from West Side Avenue, rising at approximately 79th Street, passing over the freight rail facilities and the CSX River Line embankment, and then returning to grade on the east side of the CSX River Line in the vicinity of 90th Street.
- **Relocation of Leonia Station and parking deck**: the SDEIS Preferred Alternative relocates the Leonia Station parking deck from Willow Tree Road, above the parking lot of an existing building, to the Leonia South Area of Overpeck County Park.
- **Development of the Leonia Pedestrian Overpass**: to provide a safe crossing of the Northern Branch for Leonia High School students accessing the park’s athletic fields, a pedestrian overpass would be constructed between Overpeck County Park and Willow Tree Road.
- **Englewood Route 4 Station parking deck and VBF**: the proposed Englewood Route 4 Station and VBF would be co-located on the east side of the Northern Branch alignment. Previously, the Englewood VBF facility was optional and the parking deck was proposed on the west side of the alignment.
- **Englewood Town Center Station and reconfigured parking**: the revised Preferred Alternative would include the acquisition of public and private properties in the vicinity of the Englewood Town Center Station in order to accommodate a widened double track rail right-of-way and to create a new park for mitigation. Additionally the parking located to the east of the station would be reconfigured to maintain the same number of parking spaces and to improve circulation.
- **Englewood Hospital and Medical Center Station shared use parking and pedestrian overpass**: the existing parking deck at the northwest corner of the hospital lot would be shared with the hospital and Northern Branch commuters. A pedestrian overpass would be added to provide a safe crossing of North Dean Street for the commuters.

Public comments submitted in response to the DEIS Preferred Alternative focused on visual impacts, citing concerns over the change in the viewshed and sense of place resulting from the construction of the previously-proposed Leonia parking deck and other visible changes. The loss of on-street parking spaces in Englewood and Tenafly was also raised as an issue. Although the concerns were related more directly
to traffic (refer to Chapter 9: Traffic), the potential impact of constrained parking availability on businesses was cited as a concern. Land use and sense of place concerns were also raised by residents of Tenafly who opposed the DEIS Preferred Alternative.

Tenafly’s concerns were addressed through the revision of the northern terminus of the SDEIS Preferred Alternative. Loss of parking spaces in downtown Englewood was addressed through changes to the traffic mitigation, which originally displaced many on-street parking spaces, as well as the reconfiguration of surface parking areas in the town center area. The visual impacts concerns were a factor in the development of mitigation measures for projects elements such as parking decks and catenary, particularly as they apply to historic resources, as described in Chapter 23: Historic Properties and Resources.

4.1.2. Summary of Findings of the DEIS and SDEIS

In terms of land use and zoning, the SDEIS does not substantially alter the scenario analyzed by the DEIS. The majority of the project improvements repurpose the existing Northern Branch track, upgrading the track to support light rail service in addition to freight service and installing passenger rail stations within the existing rail right-of-way. For the most part, this re-use/upgrade of existing infrastructure does not result in land use changes or substantially alter the land use patterns adjacent to the existing right-of-way. The improvements confined to the right-of-way are also consistent with existing zoning as the Northern Branch is either zoned “transportation” or not zoned but acknowledged by the study area municipalities as an existing transportation use.

The development of station sites, although within the right-of-way, would introduce a destination drawing cars where no such destination exists today; however, the station sites are small and parking areas are compatible with existing uses. The traffic analysis (refer to Chapter 9: Traffic and Parking) found that traffic generated by the proposed station locations would not alter the land use context or force a change in land use.

New improvements proposed by the Preferred Alternative would result in some changes in land use beyond the right-of-way of the Northern Branch; however, the changes would be compatible with the existing land use pattern or zoning:

- Land use
  - In North Bergen, the development of the West Side Avenue alignment would occur within the existing right-of-way of West Side Avenue. The adjacent uses are zoned industrial and are either industrial in use or undeveloped marshland. No conflict with existing land use or zoning is anticipated.
  - The 85th Street viaduct and 85th Street extension would cross through the southeastern corner of the North Bergen Municipal Pool parcel. This development would necessitate the change in land use of a portion of the North Bergen Municipal Pool parcel from recreational use to transportation use. The land to be acquired is not used for recreational purposes, is over-grown, located between two freight rail lines, and of uneven topography not conducive to future development as a recreational resource. The land use change is compatible with adjacent uses. The implications of the conversion of the use of a portion of the parcel are addressed in Chapters 7 and 25 of this SDEIS.
  - The closure of 83rd Street and the construction of the 85th Street extension would occur within an industrial area. The construction of the underpass does not present a land use conflict; however, due to the presence of the existing vocational-technical high school, safety measures would be installed to improve safe access between the high school and the nearby associated recreational facility.
North of 91st Street, project corridor improvements would occur primarily within the existing rail right-of-way. As the majority of the right-of-way work would be confined to the existing right-of-way, the reactivation of the passenger rail service would not introduce a new land use (railroad) where one currently does not exist. As such, the improvement of the rail right-of-way for the purposes of re-establishing passenger rail service is consistent with the existing land uses within the railroad right-of-way and land uses immediately adjacent to the right-of-way. The one location north of 91st Street where right-of-way work would occur outside of the existing right-of-way is in Englewood Town Center where the right-of-way must be widened to accommodate a second track. Because this represents a slight widening of an existing land use, this project component would continue to be consistent with surrounding land uses.

- The development of the stations and the VBF are compatible with the surrounding land uses.

- **Zoning**
  - The corridor itself is either zoned industrial or transportation, or is not zoned, left instead as right-of-way, similar to the manner in which roads are identified on zoning maps. Consequently, the operation of light rail on the existing rail right-of-way does not conflict with existing zoning.

### 4.2. Methodology

Land use and zoning data was collected and the DEIS was updated, as necessary, to reflect zoning changes and redevelopment projects that occurred subsequent to the DEIS. These changes were considered the new baseline condition and are described in the Existing Conditions section below. Data was derived from municipal code and master plan texts, aerial photo analysis, and windshield surveys at the street level.

### 4.3. Environmental Review

#### 4.3.1. Existing Conditions

The overall pattern of development and zoning in the Northern Branch study area is consistent with that described for the DEIS. The study area contains a mixture of residential, commercial, and industrial uses. Uses adjacent to the Northern Branch alignment are industrial and commercial through much of the corridor, with the exception of a portion of Leonia, where the tracks are bordered by Overpeck County Park on the west and residential uses on the east. The land use pattern in Englewood also places some residential uses adjacent to the Northern Branch alignment in the vicinity of Englewood Hospital and Medical Center. Through the remainder of the community, commercial and industrial uses abut the rail line.

North Bergen has experienced some redevelopment along Tonnelle Avenue anchored by the Super Walmart shopping center. During the development of the DEIS, this complex was not completely occupied by retailers. Most shop space has been rented by major retail and name-brand tenants. The area is still zoned as industrial by North Bergen.

No changes to land use or zoning were found during the update to DEIS baseline data for Fairview.

On the west side of the right-of-way across from the proposed Ridgefield Station, a five-acre electric substation has been constructed replacing a warehouse facility present when the DEIS was developed. The substation is consistent with the industrial use and zoning described by the DEIS and does not result in a change in existing conditions requiring reanalysis. The retail use presently occupying the proposed
Ridgefield Station site was newly developed at the time of the DEIS. The use continues to operate as commercial although the zoning for Ridgefield continues to indicate that the use is located in an industrial zone.

No changes to land use or zoning were found during the update to DEIS baseline data for Palisades Park.

Through Leonia, no substantial land use changes occurred, although the zoning adjacent to the right-of-way near the northeast quadrant of the intersection of Fort Lee Road and the Northern Branch has been changed from Industrial to Commercial. This change has no effect on the context of the study area as the existing use (research and development) has not changed and is unlikely to change in the near future as it is a major job generator for Leonia.

Englewood experienced some notable redevelopment and rezoning supportive of redevelopment. Near Route 4, on the west side of the right-of-way, a zone that was previously identified as office industrial has been rezoned to medical/research with a Planned Unit Development (PUD) overlay anticipating development of an office park. For this reason, Figure 4-11 depicts this zone as commercial, as the uses are closer in nature to office and commercial than industrial as it is known in the remainder of the study area.

New office, commercial, and mixed-use development north of Route 4 on the west side of the right-of-way that was under construction during the development of the DEIS has been completed and is now occupied. The downtown area has been rezoned with several “Downtown” zones, previously identified as “Central Business District” in the DEIS. The changes in zoning clarify specific use types allowable within the new zones, enable more mixed-use, and provide design standards for downtown. These changes may facilitate the development of uses that are traditionally more complicated to site, such as mixed use, but the downtown development pattern would continue to be dominated by commercial uses, as described in the DEIS.

Figure 4-1 shows the generalized land use within the one-half-mile study area and Figures 4-2 through 4-11 illustrate the land use and zoning within each study area municipality.

4.3.2. Potential Impacts and Mitigation

4.3.2.1. No Build Alternative

The No Build Alternative does not propose changes to the land use or zoning within the Northern Branch study area. However, while no changes are proposed and no impacts would result from direct action, the No Build Alternative would not improve mobility between associated land uses within the study area. The No Build Alternative also works against local plans as codified in new zoning, particularly in the City of Englewood, whose new zoning anticipates more mixed use and greater dependence on transit use for mobility (refer to Chapter 6: Local Plans).

4.3.2.2. Preferred Alternative

The analysis for potential conflicts with existing land use and zoning used the updated existing conditions as the baseline. Project elements that changed location between the DEIS and SDEIS and new elements were analyzed for potential conflict. There were no changes to the land use and zoning of the study area in the vicinity of DEIS improvements that remain unchanged in the SDEIS; all zoning and land use changes occurred in the vicinity of a new or relocated SDEIS element. As a result, the following discussion addresses both the SDEIS improvements and the project’s potential for impact on the revised baseline.
Figure 4-1

Northern Branch Study Area Land Use

Half-Mile Study Area
• Proposed Stations
• Proposed Alignment
• HBLR Stations

Land Use Classification
- Residential
- Commercial
- Industrial/Warehouse
- Mixed Use
- Mixed Residential
- Transitional Areas
- Open Space & Undeveloped Land
- Transportation
- Open Water

Source: FEMA, National Flood Hazard Layer. Updated 06/14/2011

NJTRANSIT
The Way To Go.
Northern Branch
Land Use
North Bergen

Figure 4-2

<table>
<thead>
<tr>
<th>Land Use Classification</th>
</tr>
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<tr>
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</tr>
<tr>
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<td>Transitional Areas</td>
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<tr>
<td>Open Space &amp; Undeveloped Land</td>
</tr>
<tr>
<td>Transportation</td>
</tr>
<tr>
<td>Open Water</td>
</tr>
</tbody>
</table>

Sources: Hudson and Bergen Counties
Figure 4-3

Northern Branch Local Zoning North Bergen

Half-Mile Study Area
Proposed Stations
Proposed Alignment
Municipality
Zoning Designation
Commercial
Industrial
Mixed Use
Multi-Family Residential
Open Space
Single Family Residential

Source: Hudson and Bergen Counties
Northern Branch Land Use Ridgefield

Figure 4-4

- Half-Mile Study Area
- Proposed Stations
- Proposed Alignment
- Municipality
- Land Use Classification
  - Residential
  - Commercial
  - Industrial/Warehouse
  - Mixed Use
  - Mixed Residential
  - Transitional Areas
  - Open Space & Undeveloped Land
  - Transportation
  - Open Water

Sources: Hudson and Bergen Counties

NJ TRANSIT
The Way To Go.

JACOBS
Figure 4-5

Northern Branch Local Zoning Ridgefield

Half-Mile Study Area
Proposed Stations
Proposed Alignment
Municipality
Zoning Designation
Commercial
Industrial
Mixed Use
Multi-Family Residential
Open Space
Single Family Residential

Source: Hudson and Bergen Counties

Area

The Way To Go.

NJ TRANSIT

JACOBS
Northern Branch
Land Use
Palisades Park

Figure 4-6

Land Use Classification
- Residential
- Commercial
- Industrial/Warehouse
- Mixed Use
- Mixed Residential
- Transitional Areas
- Open Space & Undeveloped Land
- Transportation
- Open Water

Half-Mile Study Area
- Proposed Stations
- Proposed Alignment
- Municipality

Source: Hudson and Bergen Counties
Northern Branch Local Zoning Palisades Park

Figure 4-7

Half-Mile Study Area
- Proposed Stations
- Proposed Alignment
- Municipality

Zoning Designation
- Commercial
- Industrial
- Mixed Use
- Multi-Family Residential
- Open Space
- Single Family Residential

Source: Hudson and Bergen Counties
Northern Branch
Land Use
Leonia

Figure 4-8

Half-Mile Study Area
• Proposed Stations
- Proposed Alignment
= Municipality

Land Use Classification
- Residential
- Commercial
- Industrial/Warehouse
- Mixed Use
- Mixed Residential
- Transitional Areas
- Open Space & Undeveloped Land
- Transportation
- Open Water

Source: Hudson and Bergen Counties
Northern Branch
Local Zoning
Leonia

Figure 4-9

Half-Mile Study Area
Proposed Stations
Proposed Alignment
Municipality
Zoning Designation
Commercial
Industrial
Mixed Use
Multi-Family Residential
Open Space
Single Family Residential

Source: Hudson and Bergen Counties
Figure 4-10

Northern Branch
Land Use
Englewood

Half-Mile Study Area
Proposed Stations
Proposed Alignment
Municipality

Land Use Classification
- Residential
- Commercial
- Industrial/Warehouse
- Mixed Use
- Mixed Residential
- Transitional Areas
- Open Space & Undeveloped Land
- Transportation
- Open Water

Sources: Hudson and Bergen Counties

NJ TRANSIT
The Way To Go.

JACOBS
Northern Branch
Local Zoning
Englewood

Figure 4-11
**North Bergen**
The development of the West Side Avenue alignment would occur within the right-of-way of West Side Avenue. The adjacent uses are zoned industrial and are either industrial in use or undeveloped marshland. No conflict with existing land use or zoning is anticipated.

The extension of 85th Street to West Side Avenue would require the partial acquisition of one private industrial property, an easement across Conrail property, and the acquisition and use conversion of a portion of the North Bergen Municipal Pool site. The use of the private parcel and Conrail easement would not represent a change in land use or a land use conflict. The private parcel is presently used for parking and is an industrial use. The Conrail parcel is a transportation use.

The conversion of a portion of the North Bergen Municipal Pool property from recreational to transportation use represents a change in land use, but in practice, the land to be converted is not used for recreation, is located between two active freight rail lines, and is of uneven and steep topography, making it difficult and costly to develop for additional recreational activity. Given the bordering transportation uses, the conversion of this section of the parkland is consistent with adjacent uses and presents greater compatibility in uses than the present use. The conversion of the parkland to transportation use is discussed more thoroughly in Chapters 7 and 25. Chapter 25, in particular, assesses the impact of the potential loss of recreational land on existing and future recreational opportunities in North Bergen pursuant to Section 4(f) of the USDOT Act of 1966, and finds that the development of the identified portion of the North Bergen Municipal Pool site is the most feasible and prudent alternative with no impact on recreational land use availability in North Bergen.

The viaduct connection between West Side Avenue and the existing Northern Branch running track would require easements over railroad and private property on the west side of the CSX River Line embankment for the placement of footings for the elevated structure. The exact location and total area of the easement will be determined during final design. As the existing uses are industrial and transportation, the placement of footings for the viaduct would not conflict with existing uses. On the east side of the embankment, the viaduct would be located within the same area of the North Bergen Municipal Pool site described above for the 85th Street extension.

The relocation of the platforms for 91st Street Station from the south side of 91st Street to the north side is a minor change occurring within the Northern Branch right-of-way and did not necessitate the relocation of the 91st Street Station parking area. The analysis prepared for the DEIS, which found no conflict with land use or zoning, still applies to this location. This station location would support the new shopping center anchored by Walmart and BJ’s, providing access for both shoppers and employees. As such, this station complements existing land use and zoning (refer to Figures 4-2 and 4-3).

**Ridgefield**
The development of the new electrical substation on the west side of the Northern Branch does not change the land use type (industrial) or present a conflicting use as compared to the land use described in the DEIS. The minor relocation of the station platform location did not necessitate the relocation of the Ridgefield Station parking area. The analysis prepared for the DEIS which found no conflict with land use or zoning still applies to this location (refer to Figures 4-4 and 4-5).

**Palisades Park**
No changes to land use or zoning were found in Palisades Park. No changes to the DEIS Preferred Alternative occurred in Palisades Park, either. The SDEIS Preferred Alternative therefore would present no conflicts with the existing land use or zoning in Palisades Park (refer to Figures 4-6 and 4-7).
**Leonia**

The SDEIS Preferred Alternative proposes two changes to the DEIS Preferred Alternative: the relocation of Leonia Station and parking deck, and the development of a pedestrian overpass located near Leonia High School. The existing land use and zoning of the area is substantially the same as described for the DEIS. The development of the Leonia Station parking deck would convert a portion of Overpeck County Park from a recreational use (zoned for open space) to a transportation use. As described in the parkland analysis and Section 4(f) analysis (refer to Chapter 7: Community Facilities and Chapter 25: Section 4(f)), the development of the parking deck is supportive of the parkland use, supplementing existing parking for users of Overpeck County Park on the weekends and evenings when Northern Branch commuter parking demand is lowest and park user demand is greatest.

Bergen County, which has jurisdiction over Overpeck County Park, supports the development of the parking deck. Loss of the parkland acreage would be mitigated in accordance with the New Jersey Department of Environmental Protection’s Green Acres Program.

Similarly, residents would benefit from enhanced park access as a result of the development of the Leonia pedestrian overpass. Currently, students from Leonia High School cross the Northern Branch at grade to access athletic fields located in the Henry Hoeble Area of Overpeck County Park. The restoration of passenger service on the Northern Branch would effectively create a barrier between the high school and the fields, which are associated uses that currently experience little interference in access. The proposed overpass would be located between Overpeck County Park and the high school, near Willow Tree Road and Christie Heights Road, to provide grade-separated access between the high school and the fields. The overpass would be available for use by the general public as well, further facilitating park access. The overpass therefore mitigates potential land use impacts associated with the Northern Branch light rail service and complements and supports existing land use (refer to Figures 4-8 and 4-9).

**Englewood**

The City of Englewood recently implemented sweeping zoning changes associated with a Master Plan update (refer to Chapter 6: Local Plans). The changes re-characterized the downtown area zoning, facilitating the development of mixed use and providing design criteria for the downtown. These changes were implemented in anticipation of a livable, vibrant downtown that is valued for its transit access.

The land use and zoning changes are supportive of and anticipate the development of the Northern Branch light rail or a similar transit service that would reduce auto dependence and attract residents to the downtown. Consequently, while the zoning changed, the Northern Branch project in its entirety complements the revisions, and specifically these changes support the development of Englewood Town Center Station and Englewood Hospital and Medical Center Station. The SDEIS improvements maintain parking capacity and better harmonize new commuter use of the corridor with existing commercial use of the downtown.

Zoning in the vicinity of the Englewood Route 4 Station changed slightly, but does not present a conflict with the proposed Englewood Route 4 Station and VBF. Existing medical and research uses on the west side of the right-of-way previously located in an “Office Industrial” zone have been rezoned as “Research, Industry, and Medical” with a PUD overlay. The PUD overlay anticipates the development of an office park. The site proposed for the Englewood Route 4 Station and VBF remains Light Industrial. New mixed uses across Route 4 were under construction and described in the DEIS. The proposed Englewood Route 4 Station complements the existing and potential future development by providing a passenger station within walking distance of both employment (PUD office park) and mixed-use residential/commercial (refer to Figures 4-10 and 4-11).
4.4. Summary of Potential Environmental Effects of the DEIS and SDEIS

The Northern Branch corridor within walking distance of the proposed station sites is largely commercial, industrial, and mixed use. The Preferred Alternative generally complements existing land use and zoning by providing transportation options for accessing these adjacent uses. In Leonia, Northern Branch improvements directly complement existing land use by improving access to Overpeck County Park and providing additional parking capacity for park users during the non-peak commuter periods. The City of Englewood undertook substantial rezoning of the downtown area in anticipation of the improved transit access and transportation options. The proposed Northern Branch service is directly complementary to and supportive of the City’s land use and zoning changes. Consequently, as the majority of the proposed Northern Branch improvements occur within an existing corridor, and those that occur outside are either indirectly or specifically complementary to existing land use and zoning, the proposed project is not anticipated to result in adverse land use or zoning impacts within the study area.