

AMENDED & RESTATED REDEVELOPMENT PLAN

TOWN CENTER SOUTH REDEVELOPMENT AREA

Robbinsville Township,
Mercer County, New Jersey

September 11, 2025
ARH Project No. 1500020.02

PREPARED BY:



PREPARED FOR:





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The original of this document has been signed and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:

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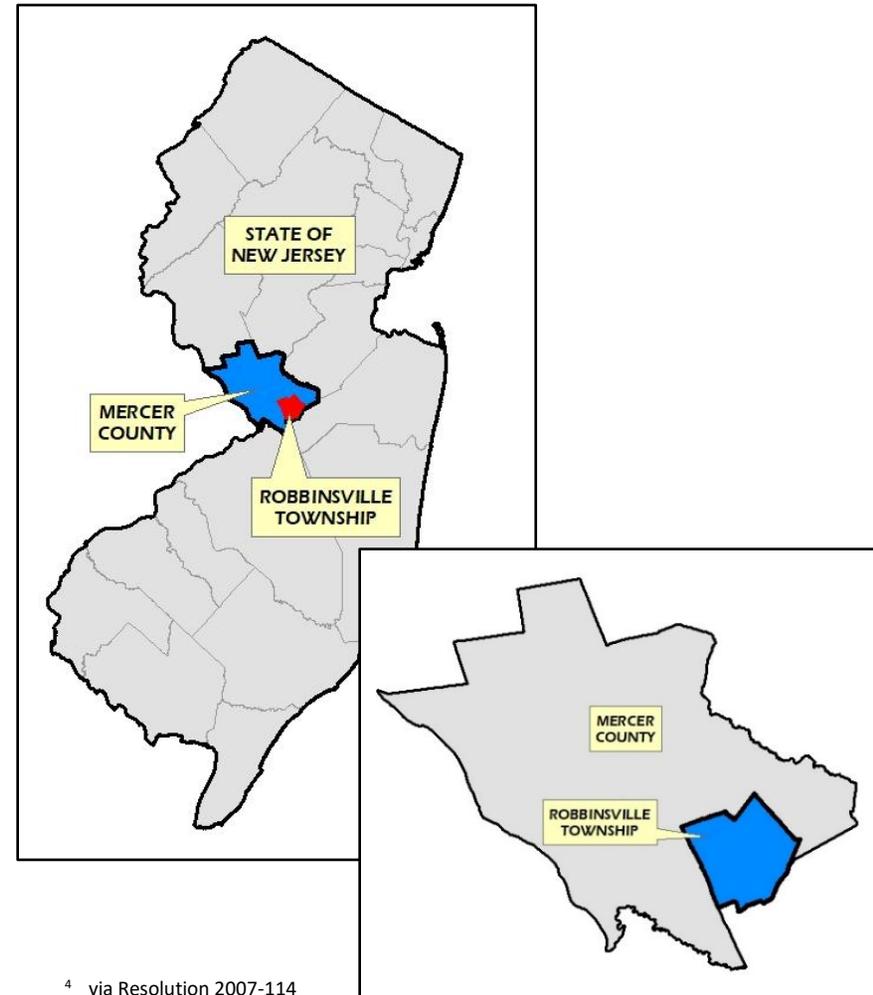
1.0 INTRODUCTION

1.1 BACKGROUND & HISTORY

1.1.1 There exists in the Township of Robbinsville, Mercer County, New Jersey¹, an approximately 90-acre, 70-lot area located between State Highway 33² and the Township’s municipal boundary with Hamilton Township; known locally as Town Center South.

In 2007, the [then Washington³] Township Council expressed concern^{4,5} about the *“physical conditions and lack of economic activity”* in a portion of the Township then described as Block 1, Lots 17 - 33, 41, 62 and 65 on the Township’s [then] official tax map⁶ caused by a *“lack of resources to create and provide certain regional improvements and infrastructure”*.

Township Council described the area as *“blighted”*, and noted that the Township’s attempts to resolve these delays *“through traditional means [had] been unsuccessful”*⁴.



¹ “Township”

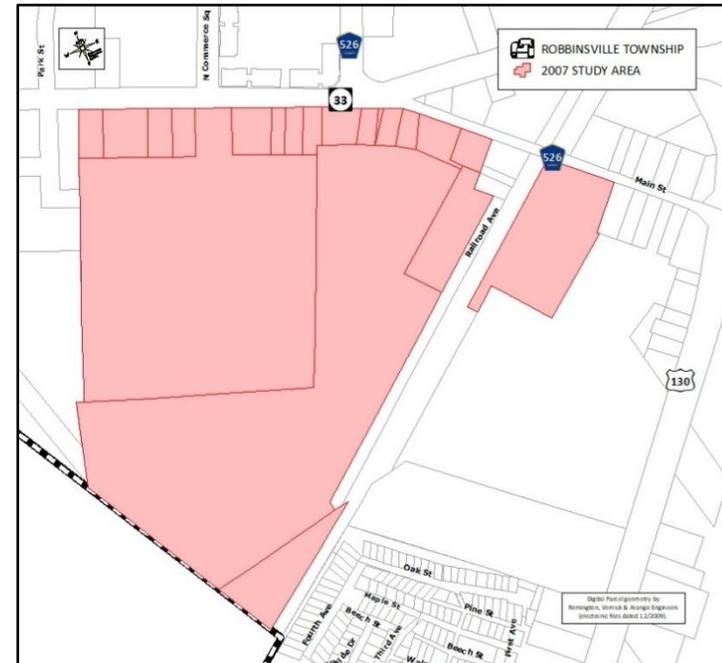
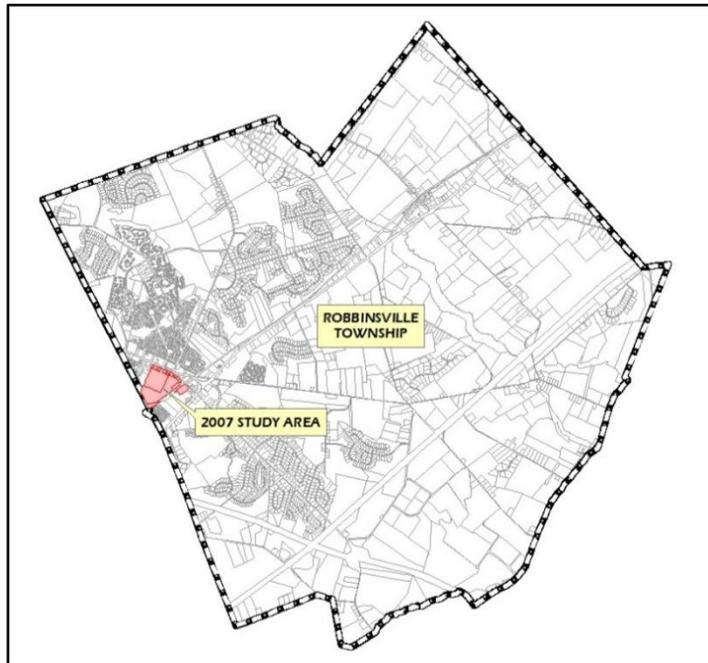
² “Route 33”

³ Washington Township was formally renamed Robbinsville Township on January 1, 2008.

⁴ via Resolution 2007-114

⁵ on file with the Township Clerk.

⁶ “2007 Study Area.



1.1.2 AUTHORIZING LEGISLATION

In 1992, the New Jersey Legislature empowered municipalities to address conditions as described by adopting the *Local Redevelopment & Housing Law*⁷; the purpose of which is to provide municipalities with the tools and powers necessary to (re)plan and actively (re)develop such areas in order to transform

them into productive assets for the community. Such tools include the ability to modify land use and other zoning controls, to acquire property deemed necessary to effectuate redevelopment⁸, to provide for the clearance of said lands,

⁷ N.J.S.A. 40A:12A-1 et seq. ("*Redevelopment Law*")

⁸ In 2013, the Legislature amended the *Redevelopment Law* to provide for "Condemnation Redevelopment Areas" and "Non-Condemnation Redevelopment Areas", whereby municipalities could elect whether to assume the power to acquire lands via eminent domain (i.e., Condemnation) for public purposes ~ a choice not included in the 1992 version of the Law.

Since the Redevelopment Plan was adopted prior to such amendments, the Township was then ~ and remains ~ permitted to acquire lands in the Town Center South Redevelopment Area via eminent domain.



install infrastructure and/or other site improvements, provide favorable tax and other financial incentives for redevelopment, and solicit for, negotiate with and enter into partnerships with public and private entities in order to accomplish certain defined municipal goals and objectives.

In July 2007, the Governing Body directed the Township’s Planning Board to undertake what the *Redevelopment Law* terms a ‘Preliminary Investigation’ to determine whether or not the 2007 Study Area met the statutory criteria under which an area may be determined to be In Need of Redevelopment.

1.1.3 Shortly before the Township adopted Resolution No. 2007-114, the New Jersey Supreme Court issued its decision in Gallenthin Realty Development, Inc. v. Township of Paulsboro⁹ in which the Court (re)interpreted certain of the procedures and legal standards for the designation of areas as being In Need of Redevelopment.

In February 2008, the Superior Court ~ Appellate Division issued a decision in Harrison Redevelopment Agency (Harrison

Township) v. DeRose et al.¹⁰ in which the Court mandated an increased level of public notice to property owners in areas determined to be In Need of Redevelopment before the power of eminent domain may be exercised to acquire private property.

In light of the uncertainty injected into the process by these and other decisions as well as the declining real estate market at the time, the Township paused the redevelopment process until the Redevelopment Community (planners and land use attorneys) could digest these rulings and determine how to proceed; and until the economic climate improved.

1.2 TOWN CENTER SOUTH

1.2.1 Township Council resumed the Redevelopment process in January 2010 by adopting Resolution No. 2010-11¹¹; thereby directing the Planning Board to conduct a Preliminary Investigation to determine if a revised Study Area consisting of the following Blocks and Lots on the [then] current Township Tax Map, as well as the intervening rights-of-way ~ or any portion thereof¹² ~ met the statutory criteria for

⁹ 191 N.J. 344 (2007). (“Gallenthin”)

¹⁰ 398 N.J. Super 361 (App. Div. 2008) (“Harrison”)

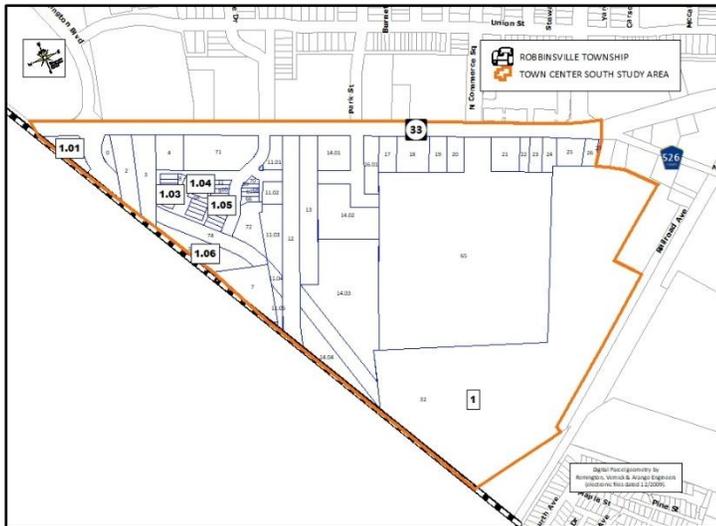
¹¹ on file with the Township Clerk.

¹² “Town Center South Study Area”.



designation as an Area in Need of Redevelopment under N.J.S.A. 40A:12A-5:

BLOCK	LOT(S)
1	1.01, 2 - 4, 7, 8, 11.01 - 11.05, 12, 13, 14.01, 14.02, 14.03, 14.04, 16.01, 17 - 27, 32 & 65 - 74;
1.01	1;
1.03	1-8;
1.04	1-8;
1.05	1-11; and
1.06	1



1.2.2 In January 2010, the Township Council adopted Resolution No. 2010-11¹³, thereby directing the Robbinsville Planning Board to undertake what the *Redevelopment Law* terms a “Preliminary Investigation” to determine if the Study Area met any of the 8 Statutory Criteria under which an area may be determined to be “In Need of Redevelopment”.

1.2.3 In April 2010 via Resolution No. PB2010-06¹¹, the Planning Board assigned the Investigation to its Professional Planner. At the conclusion of the analysis, the Board’s Planner submitted his recommendations in the form of a Report of Findings¹⁴.

1.2.4 In October 2010, the Planning Board held a duly-noticed public hearing on this matter, at which time it reviewed the Report of Findings, heard a presentation from its Planner, and heard from all persons in attendance who elected to speak.

At the end of the hearing, the Planning Board, after due and careful deliberation, adopted Resolution No. PB2010-11¹¹; thereby finding and determining that the Town Center South Study Area exhibited conditions which conform with, Criterion

¹³ Amended in April 8, 2010 via Resolution No. 2010-64 to corrected certain inadvertent omissions in Resolution No. 2010-11¹¹.

¹⁴ *Report of Findings, Preliminary (Redevelopment) Investigation, Town Center South Study Area, Robbinsville Township, Mercer County, New Jersey.* Prepared by Remington, Vernick & Arango Engineers (September 8, 2010)¹¹.

'b', Criterion 'c', and 'h' of the *Redevelopment Law*, and recommended that the Township Council designate the Town Center South Study Area as an Area In Need of Redevelopment.

The Township Council received the Resolution and recommendations of the Planning Board, along with the Report of Findings and all relevant exhibits and materials. After carefully considering the analyses and findings and recommendations of the Planning Board embodied in Resolution No. PB2010-11, the Township Council, in October 2010, after due and careful deliberation, adopted Township Resolution No. 2010-202¹¹, thereby declaring the Town Center South Study Area to be an Area In Need of Redevelopment.

As required by N.J.S.A. 40A:12A-6, Township Resolution No. 2010-202 was transmitted to the Commissioner of the New Jersey Department of Community Affairs for approval of the designated Redevelopment Area. By letter dated October 29, 2010¹¹, the Township received such approval.

1.3 REDEVELOPMENT PLAN¹⁵

In March 2012, via Ordinance No. 2012-4¹¹, Township Council adopted a Redevelopment Plan¹⁶ for what was named the Town Center South Redevelopment Area¹⁷. Under such Plan, interested developers were required to submit proposals ~ in the form of Expressions of Interest ~ to be considered by the Township as eligible to develop in the Redevelopment Area.

Since adoption of the Redevelopment Plan, the Township has approved a number of Expressions of Interest for Projects that resulted Redevelopment Plan Amendments as follows:



¹⁵ All referenced Resolutions or Ordinances are on file with the Township Clerk and/or Land Use Board Secretary.

¹⁶ "Redevelopment Area"

¹⁷ *Redevelopment Plan, Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*. Prepared by Remington, Vernick & Arango Engineers (dated February 7, 2012). ("*Redevelopment Plan*")¹¹.

1.3.1 FERBER/WALGREENS

In or about July 2012, the Township received an Expression of Interest from The Ferber Company, Inc.¹⁸ for a 14,820 s.f. Walgreens Pharmacy and Convenience Store with drive-through, parking and stormwater management facilities on Block 1, Lots 1.01, 2 and 3 in the Redevelopment Area.

Such Expression of Interest reflected a Project which was designed to achieve the Municipal Goals & Objectives of the Redevelopment Plan, and provided the Township with demonstrated evidence of Ferber's experience and qualifications in developing the type, size and scope of Project proposed.

The Township designated Ferber as a Redeveloper Candidate for the property in September 2012, subject to the negotiation and execution of a Redevelopment Agreement setting forth the respective rights and obligations of the parties in connection with such redevelopment.

In undertaking their due diligence, Ferber and the Township identified certain revisions to the Redevelopment Plan as

necessary and appropriate to the development. Such revisions were adopted as the "Parcel A. Amendments" to the Redevelopment Plan.

In October 2012, Ferber submitted an application to Township's Planning Board for Preliminary and Final Major Site Plan and Subdivision approvals with Certification of Redevelopment Plan Conformance for the Walgreens. Such approvals were granted in November 2012. Construction commenced immediately thereafter, and the Walgreens opened in November 2013.



Subsequently, Ferber submitted a request for and was issued a Certificate of Completion & Compliance for the Project, certifying, in pertinent part:

¹⁸ d.b.a. 2012 Robbinsville Associates, LLC ("Ferber")



- A. That construction of the Walgreens pharmacy and convenience store and associated improvements were completed in accordance with the applicable provisions of the Redevelopment Plan, the Parcel A. Amendments, the Redevelopment Agreement by and between the Township and Ferber, and Planning Board approvals for the Project;
- B. That the conditions determined to exist at the time Block 1, Lot 1.02 (formerly Block 1, Lots 1.02, 2, and 3) was declared to be In Need of Redevelopment no longer exist;
- C. That the controls contained in the Redevelopment Plan and Parcel A. Amendments, with the exception of the Development Regulations (Redevelopment Plan §7.4), Architectural Controls (Redevelopment Plan §7.5) and the Equal Opportunity provisions (Redevelopment Plan §11.0) were terminated; and
- D. That the Development Regulations and Architectural Controls remain in effect.

The Development Regulations and Architectural Controls for this property are retained and reaffirmed by this Amended & Restated Redevelopment Plan at §7.4 and 8.0 herein.

1.3.2 JP PROPERTIES

In or about February 2012, J.P. Property Investment, LLC.¹⁹ submitted an application to the Township's Planning Board for Preliminary and Final Site Plan Approval in order to construct a 4-story mixed use building on Block 1, Lot 17 within the Redevelopment Area. At such time, the Township was in the process of finalizing ~ but had not yet adopted ~ the Redevelopment Plan.

After consultation with the Township, JP suspended its Application and, in December 2012 resubmitted the Application under the [then] newly-adopted Redevelopment Plan.

In undertaking their due diligence, JP and the Township identified certain revisions to the Redevelopment Plan as being necessary and appropriate to the development. Such revisions were adopted as the "Parcel B. Amendments" to the Redevelopment Plan.

¹⁹ "JP"



The project was approved by the Planning Board in or about June 2014. Construction never began and the approvals have expired.

The Parcel B. Amendments are hereby repealed in favor of the provisions of this Amended & Restated Redevelopment Plan at §7.4.6 herein.

1.3.3 SHARBELL / SOUTHSIDE LOFTS @ TOWN CENTER

In or about June 2014, Washington Village, LLC,²⁰ acting in furtherance of a pre-Redevelopment Plan approval, submitted an application to the Planning Board for Preliminary and Final Site Plan approval with Redevelopment Plan Conformance for a 64-unit Garden Apartment complex in the form of two, identical, 32 unit, 4-story buildings around a common courtyard on Block 1, Lots 66-70, 72-74 and 11.03-11.05; Block 1.03, Lots 1-8; Block 1.04, Lots 1-8; Block 1.05, Lots 1-11, Block 1.06, Lot 1 and certain Rights-of-Way within the Redevelopment Area.

Given the pre-existing approval and the fact that the Project generally conformed with the Goals & Objectives and Development Regulations of the Redevelopment Plan with no specific Plan amendments were required, WV was not



required to submit a formal Expression of Interest. The Project was approved in February 2015.

Subsequently, the Project was sold to the Sharbell Building Co., LLC,²¹ a developer with a long and successful history of development in the Township.

In August 2016, the Planning Board approved an application for Amended Final Site Plan Approval, Minor Subdivision (Lot Consolidation) Approval and architectural revisions to the Project by the Sharbell. Such amendments made minor adjustments to the footprints of the 2 buildings, modified the building architecture and added Project amenities.

²⁰ "WV"

²¹ "Sharbell"

Subsequently, Sharbell made application to the Planning Board for Amended Preliminary and Final Site Plan Approval and Minor Subdivision Approval in order to relocate the previously approved underground detention basin to an above-ground basin at the rear of the Site and to better align the connection between Liberty Street and Washington Boulevard. The Board granted these approvals in or about June 2017.

Construction commenced in March, 2019 and the development opened in November, 2021.

The Development Regulations and Architectural Controls for this property are retained and reaffirmed by this Amended & Restated Redevelopment Plan at §7.4 and 8.0 herein.

1.3.4 SHARBELL / MALVERN CHILDCARE & STARBUCKS

In January 2015, the Township received an Expression of Interest from a partnership of Sharbell Washington, Inc. and Brentwood Holdings, LLC, for the development of a 2-story Childcare Center and a single-story Coffee House on Block 1, Lot 71 in the Redevelopment Area, with additional improvements possible on Block 1, Lot 11.02 and a realignment of the proposed Lake Drive south of Route 33 (collectively "Parcel C").



Such Expression of Interest reflected a Project which was designed to achieve the Municipal Goals & Objectives of the Redevelopment Plan, and provided the Township with demonstrated evidence of Sharbell's experience and qualifications in developing and, as appropriate, operating the type, size and scope of Project proposed.



The Township designated Sharbell as a Redeveloper Candidate for the property in February 2015,²² subject to the negotiation and execution of a Redevelopment Agreement setting forth the respective rights and obligations of the parties in connection with the Project.

In undertaking their due diligence, Sharbell and the Township identified certain revisions to the Redevelopment Plan as necessary and appropriate to the development. Such revisions were adopted as the "Parcel C. Amendments" to the Redevelopment Plan.

In or about October 2015, Sharbell submitted an application to the Township's Planning Board for Preliminary and Final Major Site Plan approval with Certification of Redevelopment Plan Conformance for a 8,640 s.f., 2-story Malvern Childcare center and a separate, 2,300 s.f. Food & Beverage Outlet with drive-through service, as well as parking, vehicular access and stormwater management facilities on Block 1, Lots 71 and 11.02 in the Redevelopment Area.

The Board granted Preliminary and Final approvals for the Malvern facility and Preliminary approvals for the Food & Beverage Outlet in or about November 2015.

In or about November 2016, Sharbell submitted an application to the Planning Board for Final Site Plan Approval with Certification of Redevelopment Plan Conformance for the Food & Beverage Outlet, which had by then been identified as a Starbucks Cafe. Such approvals were granted in or about December 2016.

Construction on the Malvern Center commenced in June 2016 and the facility opened in May 2017.

Construction on the Starbucks commenced in February 2017 and the cafe opened in September 2017.

1.3.5 PROJECT FREEDOM / FREEDOM VILLAGE

A. In July 2017, in response to litigation related to its constitutional obligation to provide for a reasonable opportunity for low- and moderate-income housing,

²² Brentwood transferred its interest in the Project to Sharbell in or about May 2015, leaving Sharbell to proceed as the sole Redeveloper Candidate for the Project.

the Township included lands on municipally-owned lands then designated as Block 1, Lot 65 [since redesignated Lot 65.01] in its court-mandated Housing Element & Fair Share Plan; thereby reserving such lands for the provision of Affordable Housing.

- B. After a number of attempts to develop large, profit-driven projects in the Redevelopment Area proved unsuccessful, the Township, in November 2017, solicited Project Freedom, Inc. to provide low- moderate-income housing on a portion of the Redevelopment Area.

Project Freedom, Inc. is a not-for-profit²³ New Jersey corporation dedicated to developing, supporting and operating / managing independent living opportunities for persons with disabilities and for income-eligible families. Their communities provide supportive services such as recreation, training and advocacy in order to empower individuals with disabilities to live independently in a non-medical environment. They have developed and operate a number of successful such



projects in the region, including the 30-unit Project Freedom Robbinsville at 223 Hutchinson Road.

²³ 501(c)(3)



As proposed, the Project Freedom development²⁴ was to be a 72-unit community for families and persons with disabilities, as well as non-disabled families, on Township-owned Block 1, Lots 32 and 65 within the Redevelopment Area.²⁵ The Project was to consist of four, 3-story residential buildings totaling 14 one-bedroom units, 40 two-bedroom units and 18 three-bedroom units. Eighteen of the units were “Supportive Housing Units”, with the remaining 54 units being family rentals. All units were to meet the income and other restrictions of New Jersey’s Uniform Housing Affordability Controls²⁶, and were therefore affordable to “very-low-income,” “low-income” or “moderate-income” households.

C. In January 2018, the Township entered into a Development Agreement with Project Freedom, Inc. for the development of Freedom Village. Such Agreement designated Project Freedom, Inc. as “Developer” for these lands²⁷.

The Township donated the land to the Project for \$1.00²⁵ and provide \$600,000 from the Township’s Affordable Housing Trust Fund.to cover pre-development costs.

D. As the Township and Project Freedom, Inc. worked to finalize details related to the Project, they identified certain revisions to the Redevelopment Plan as being necessary and appropriate to achieve the project concept as proposed. Such revisions were adopted as the “Freedom Village Amendments” to the Redevelopment Plan.

E. In March 2018, the Planning Board approved an application by Project Freedom Inc. to subdivide portions of Block 1, Lots 32 and 65 in order to create new Lot 65.01 for the Freedom Village Project and new Lot 65.02 as the remaining lands from the original lots.

In April 2018, Freedom Village, Inc. made application to the Planning Board for Preliminary and Final Major Site Plan Approvals with Certification of Redevelopment Plan

²⁴ “Freedom Village”

²⁶ N.J.A.C. 5:80-26.1 et seq. (“UHAC”)

²⁵ Additionally, the Township agreed to include Township-owned Block 1, Lot 25.02 within the donation in order to provide emergency access to the development.

²⁷ Such “Developer” designation has the same force and effect as “Redeveloper” designation under the Redevelopment Plan.





Conformance in order to construct Freedom Village. Such approvals were granted in May 2018.

Construction commenced in August 2019, and the community opened in June 2021.

1.3.6 MAIN STREET LIVING LLC.

- A. When the Redevelopment Plan was adopted, Township-Owned Block 1, Lots 32 and 65 were situated on the easterly side of the Redevelopment Area, south of the Route 33-fronting properties.

At the time, the concept of a Route 33 / 130 connector was contemplated, but the actual roadway geometry had not been defined. As such, the portion of Lots 32 and 65 west of the connector were programmed for (re)development, with the lands closer to Route 33 being designated as the Redevelopment Plan's Northern Tract and the lands to the south thereof as the Plan's Southern Tract.

The portion of Lot 32 to the east of the connector (see arrow) was [then] viewed a landlocked parcel and was therefore not programmed for (re)development.

As detailed in §1.3.5 herein, the Township, in 2017, contracted with Project Freedom, Inc. to provide low- and moderate-income housing on portions of Lots 32 and 65.

In March 2018, the Planning Board approved a subdivision for Lots 32 and 65 in order to create a new Lot 65.01 for the Project Freedom development, and the remaining portions of Lots 32 and 65 became new Lot 65.02.

While the Redevelopment Plan was amended to accommodate Freedom Village, no changes were made to address Lot 65.02. As such, the portion of Lot 65.02 to the east of the connector remained unprogrammed for (re)development.

- B. In June 2021, the Township designated approximately 123 lots that either front on or are adjacent to U.S. Route 130 between the Township's southern municipal boundary line and certain lots abutting the northerly line of Gordon Road as the Route 130 South Redevelopment Area. The western boundary of the Block 1 portion of this Redevelopment Area matched the eastern boundary of the Town Center South Redevelopment Area.



In May 2022, the Township adopted a Redevelopment Plan for the Block 1 portion of the Route 130 South Redevelopment Area. Such Plan established 3 Redevelopment Parcels for the Block, with the Main Street Redevelopment Parcel being contiguous with the Town Center South Redevelopment Area.

- C. In January 2024, Main Street Living LLC, the owner of Block 1, Lot 33 (located within the Route 130 South Redevelopment Area and under the jurisdiction of the Block 1 Redevelopment Plan) was in the process of purchasing 2.7-acres of the unprogrammed portion of Block 1, Lot 65.02 here-to-fore described (located within the Town Center South Redevelopment Area and under the jurisdiction of the Town Center South Redevelopment Plan) from the Township for a Redevelopment Project that was to span both Redevelopment Areas.

In order to streamline the planning and (re)development process, the Township, via Ordinance 2024-04²⁸, adjusted the boundary line(s) of the Town Center South Redevelopment Area and the Block 1 Redevelopment

Area such that the subdivided portion of Lot 65.02 was relocated to the Main Street Redevelopment Parcel under the Block 1 Redevelopment Plan.

Subsequently, Main Street Living LLC. made application to the Township's Land Use Board for a Minor Subdivision to effectuate the Lot 65.02 (2.7-acres) land transfer. Approval was granted in April 2024.

1.3.7 NON-PROJECT AMENDMENTS

- A. Ordinance No. 2014-27

In order to insure the preservation of open space in the Redevelopment Area, the Township, in November 2014, dedicated 22± acres of Township-owned Block 1, Lots 32 and 65 within the Redevelopment Area as well as Robbinsville-owned Block 1961, Lot 203 in neighboring Hamilton Township, as *“open space to be used for active and/or passive recreational purposes.”*

- B. December 2014 Amendments

Responding to a number of issues brought to the Township's attention since the adoption of the

²⁸ On file with the Township Clerk.





Redevelopment Plan, the Township, in December 2024, made a number of pro-development amendments to the Redevelopment Plan.

C. Ordinance No. 2017-13

In order to better address its Affordable Housing Obligations, the Township replaced the Affordable Housing requirements contained in Redevelopment Plan §12.8.6 with new language requiring a minimum of 15% of the total number of *rental units* and a minimum of 20% of the total number of *for sale units* in a project be affordable.

Since that time, the Township adopted a new Housing Element & Fair Share Plan²⁸ both as a component to its municipal Master Plan and as a means to address its constitutional requirement to provide a reasonable opportunity for affordable housing under New Jersey’s “Mount Laurel Doctrine”²⁹.

Issues related to the provision of Affordable Housing under this Amended & Restated Redevelopment Plan are addressed at §13.10 herein.

1.3.8 CANCELLATION OF THE ROUTE 33 BYPASS

Township Resolution 2002-61, adopted by the then Washington Township Committee in February 2002, requested that the New Jersey Department of Transportation proceed with the design of a southerly bypass connecting Route 33 with Route 130 as a critical component of the development of the Town Center. At the time, it was anticipated that the Route 33 Bypass would be constructed in concert with the developers of the portion of the Town Center that eventually became the Redevelopment Area.

For a myriad of reasons, including but not limited to the inability of the developers of these lands to work cooperatively, it became apparent that the Route 33 Bypass would not be constructed. As a result, in an effort to provide for continued economic viability to the Town Center section of the Township and to address future traffic concerns, the Township began to pursue circulation improvements within the Redevelopment Area as an alternative to the Bypass.

²⁹ *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97* (221 N.J. 1 [2015] ~ a.k.a. "Mount Laurel IV").



In order for the development of the Redevelopment Area to continue and to allow for the internal improvements to proceed, the Township, in February 2017, formally requested that NJDOT abandon and cancel the proposed Route 33 Bypass. It is believed that Hamilton Township adopted and transmitted a similar Resolution to NJDOT at or about the same time and for similar reasons.

1.3.9 PRE-EXISTING APPROVALS

The Redevelopment Plan recognized certain development projects in the Redevelopment Area that had received land use approvals prior to the adoption of the Redevelopment Plan but had ~ at that time ~ not commenced.

With no meaningful activity since (at least) 2012, the Township considers such projects as abandoned. Accordingly, any prior approvals are hereby repealed in favor of the provisions of this Amended & Restated Redevelopment Plan.

1.4 AMENDED & RESTATED REDEVELOPMENT PLAN

1.4.1 AUTUMN @ ROBBINSVILLE

A. In January 2024, the Township received an Expression of Interest from the Capodagli Property Company, LLC. of

Linden, New Jersey³⁰, proposing a residential community on a portion of Block 1, Lot 65.02 in the Redevelopment Area.



Capodagli's Expression of Interest³¹ highlights its position as a premier real estate company with extensive experience in developing and managing properties since 1970. With in-excess of \$1 billion dollars in projects statewide, its focus is on mixed-use, redevelopment designed to take advantage of walkable downtowns. Their developments contain a mix of housing options, commercial and retail components, Ancillary uses, pedestrian-friendly design, and connectivity to and

³⁰ "Capodagli".

³¹ On file with the Township Clerk.



**AMENDED & RESTATED REDEVELOPMENT PLAN
Town Center South Redevelopment Area
Robbinsville Township,
Mercer County, New Jersey**

inclusion with the surrounding community. Its experience provides an understanding of market research, planning, real estate development, design and construction.

The Project envisioned for Robbinsville ~ named Autumn @ Robbinsville ~ is to be developed under Capodagli’s “Autumn” division, which specializes in real estate developments tailored for individuals aged 55 and older.

Autumn @ Robbinsville will be a luxury, age restricted rental community with a freestanding clubhouse. The Project is anticipated to consist of 136 one-bedroom market rate units and 75 two-bedroom market rate units, for a total of 212 market rate units. An additional 38 one-bedroom units (15% of the unit total) will be set aside as affordable housing³². Indoor and outdoor amenities may include, but need not be limited to:

INTERIOR	EXTERIOR
Indoor Fitness Center(s)	Pickleball Court
Game Room(s)	Bocce Courts
Business Center(s)	Fitness Center

INTERIOR	EXTERIOR
Yoga Studio(s)	In-Ground Pool
Community Room / Lounge(s)	Dog Park
Mailroom	Outdoor lounges
Bicycle and General Storage	Courtyards with BBQ equipment and firepits
Covered Parking	

- B. Capodagli’s Expression of Interest reflects a Project which is designed to achieve the Municipal Goals & Objectives of the Redevelopment Plan, and provides the Township with demonstrated evidence of its experience and qualifications in developing the type, size and scope of Project proposed. Accordingly, the Township Council believes that Capodagli has the demonstrated experience and qualifications to successfully construct and operate the type, size and scope of Project proposed, and designated Capodagli as a Redeveloper Candidate for the property in April 2024³³. The Township and Capodagli subsequently entered into a Redevelopment Agreement setting forth the respective rights and obligations of the parties in connection with such redevelopment.

³² One superintendent’s suite is also proposed.

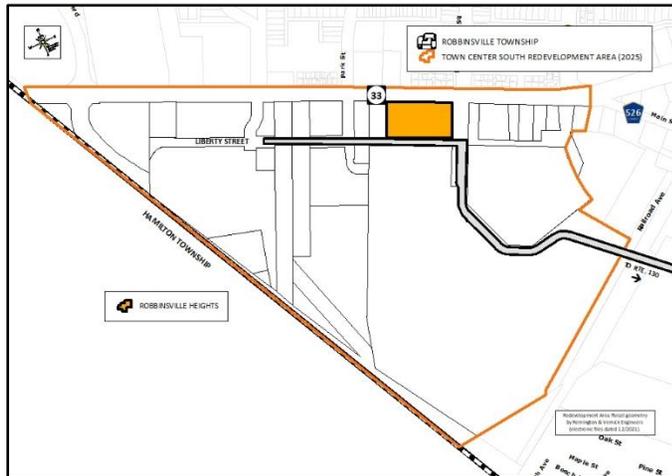
³³ Resolution No. 2024-129



- C. In undertaking their due diligence, Capodagli and the Township identified revisions to the Redevelopment Plan as being necessary and appropriate to achieve the Project Concept as submitted. Such revisions are contained in this Amended & Restated Redevelopment Plan.

1.4.2 ROBBINSVILLE HEIGHTS

- A. In July 2025, the Township received an Expression of Interest from Robbinsville Heights, LLC of Edison, New Jersey³⁴, proposing a Mixed-Use Redevelopment Project on the (approximately 1.7-acre) Route 33-fronting Block 1, Lots 18, 19 and 20 in the Redevelopment Area.



Robbinsville Heights’ Expression of Interest highlights its position as “dynamic and results-oriented real estate investors / developers with more than 8 years of experience in identifying, acquiring, developing, managing and optimizing real estate investment properties ... Their Project Leaders and business strategists [have] over 15 years of experience leading global teams in project management, workforce planning, and operations optimization”. Past Projects include small to mid-sized residential developments in Edison, North Bergen, New Brunswick, North Brunswick, East Windsor ~ all in New Jersey.

- B. The Project as proposed will consist of an (approximately) 15,000 s.f., 4-story building hosting 28 residential units³⁵ on the upper floors over ground floor retail, along with associated parking and site amenities. A 4th floor bar / lounge with potential outdoor seating is also anticipated.
- C. Robbinsville Heights’ Expression of Interest reflects a Project which is designed to achieve the Municipal Goals & Objectives of the Redevelopment Plan³⁶, and provides

³⁴ “Robbinsville Heights”

³⁶ §4.0 herein.

³⁵ 5 one bedroom units, 40 two bedroom units and 11 three bedroom units.



the Township with demonstrated evidence of its experience and qualifications in developing the type, size and scope of Project proposed.

Township Council designated Robbinsville Heights as Redeveloper Candidate for the property in August 2025, subject to the negotiation and execution of a Redevelopment Agreement setting forth the respective rights and obligations of the parties in connection with such redevelopment.

In undertaking its due diligence, Robbinsville Heights and the Township identified certain revisions to the Redevelopment Plan as necessary and appropriate to the development. Such revisions, to the extent known, are addressed at §7.4.6 herein.

1.4.3 ADDITIONAL PROVISIONS

A. Liberty Street

This Amended & Restated Redevelopment Plan³⁷ realigns Liberty Street to facilitate a seamless connection:

- From the existing, improved Liberty Street at the General Commercial Parcel; then
- Extending east to the Freedom Village Parcel at South Commerce Square; then
- South of the Freedom Village Parcel to the eastern boundary of the Redevelopment Area (a.k.a., the western boundary of the Route 130 South Redevelopment Area); then
- Through an existing easement on Block 1, Lot 53 to U.S. Route 130.

B. Public Recreation

This Amended & Restated Redevelopment Plan provides for a public active and passive recreation area to the northwest of Autumn @ Robbinsville and to the south of Robbinsville Heights. This area is to be owned, constructed, operated, and maintained by the Township³⁸.

At Publication of this Plan, amenities are thought to be a combination of open lawn, a gazebo, pickleball courts, public parking, a gym a dog park, an outdoor pavilion and bocce courts.

³⁷ §8.0 herein.

³⁸ Reserved





1.5 AUTHORIZATION & PURPOSE

1.5.1 Having adopted and subsequently amended a Redevelopment Plan for the Town Center South Redevelopment Area, the purpose of this Amended & Restated Redevelopment Plan is to consolidate the various iterations into a single document as a mechanism for the orderly (re)planning and (re)development of Town Center South consistent with the Municipal Goals & Objectives³⁹ established herein.

1.5.2 The Redevelopment Plan and amendments thereto satisfied all statutory requirements then in place for a Redevelopment Plan under the *Local Redevelopment & Housing Law*. Upon adoption by the Township Council, this Amended & Restated Redevelopment Plan shall continue to satisfy all requirements and constitute the legal prerequisite for the Redevelopment Actions outlined herein.

³⁹ §4.0 herein.

2.0 DEFINITIONS

For the purpose of this Amended & Restated Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section. Terms adopted as part of any prior Redevelopment Plan Amendment⁴⁰ are incorporated herein as when adopted. Terms not defined herein shall have the meaning set forth in the Township Code and the Town Center Plan. Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

2.1 “Amended & Restated Redevelopment Plan” shall mean this instant document entitled *Amended & Restated Redevelopment Plan, Town Center South Redevelopment Area Robbinsville Township, Mercer County, New Jersey*. Prepared by **ARH ASSOCIATES** (date indicated on cover).

2.2 “Ancillary Use”, “Ancillary Building” or “Ancillary Structure”⁴¹ shall mean an Accessory Use, Building or Structure as defined

in the Township Code, except that an Ancillary Use, Building or Structure need not be on the same lot as the Principal Use, Building or Structure it supports. A building containing living space shall never be considered Ancillary.

2.3 “ADA” shall mean the Americans with Disabilities Act⁴² along with all rules and regulations promulgated therefor.

2.4 “Apartment” [formerly Urban Apartment] shall mean a residential unit within a corporately managed Apartment Building⁴³, whether leased or sold under a condominium, cooperative or similar arrangement, limited to one (1), two (2) and three (3) bedroom units with a minimum size of 650 s.f. and a maximum size of 2,500 s.f.

The ratio of unit sizes and bedroom counts shall be determined within the context of the negotiated Redevelopment Agreement⁴⁴.

⁴⁰ §1.3 herein.

⁴¹ Formerly “Accessory Use” or “Accessory Building”.

⁴² U.S. Code Title 42, Ch. 126, Sect. 12101 et seq. and Title 47, Ch. 5.

⁴³ §2.5 herein.

⁴⁴ §2.75 herein.

2.5 “Apartment Building” [formerly Urban Apartment Building] shall mean a multistory building having no more than 5 stories and a maximum height of 70’⁴⁵ (plus architectural features), and having one or more common entrance(s), a common area lobby and elevator(s) to service the Apartments therein.

Apartment Buildings should be similar in scale and massing to the multi-story buildings fronting Route 33 in the Town Center North development, and may have their common entrance(s) designed around courtyard feature(s).

Apartments fronting (abutting) Route 33 shall be located above ground floor commercial space.

2.6 “Belt Course” shall mean a projecting horizontal band on an exterior wall marking the separation between floors or levels.

2.7 “Blank Wall” shall mean an undifferentiated exterior building wall with no openings, generally constructed of a single material and uniform texture, and constructed on a single plane.

2.8 “Buffer” shall mean an area within a property or site, generally adjacent to and parallel with a property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sounds to or from the subject property.

2.9 “Build-To Line” shall have the same meaning as “Setback Line”⁴⁶.

2.10 “Building Coverage” shall mean the area of a lot or Redevelopment Parcel upon which the Principal Structure and any Ancillary Structure requiring a foundation is situated. Building Coverage is typically expressed as a percentage of lot area.

2.11 “Building Envelope” or “Envelope” shall mean the area of a lot or Redevelopment Parcel within which a building may be sited. The building need not fill the entire Envelope, and, unless otherwise indicated, may be placed anywhere within the Envelope.

⁴⁵ As measured pursuant to §2.12 herein.

⁴⁶ §2.95 herein.



2.12 “Building Height” shall mean the vertical distance measured:

- For Flat Roofs: to the highest point,
- For Pitched or Sloping Roofs: to the midpoint,

from the mean elevation of the finished grade along the side(s) of the building facing a street or to the street line.

On a Corner Lot as defined in the Township Code, Building Height shall be measured on the street having the greatest slope.

Where height limitations reference both height in feet and number of stories, both shall apply. Unless otherwise specified, this height limitation shall not include roof parapet walls, chimneys, cupolas, steeples or similar architectural elements.

2.13 “Building Scale” shall mean the relationship between the mass of a building and its surroundings, including the width of street, open space and mass of surrounding buildings.

2.14 “Bus Stop” shall have the same meaning as “Transit Stop”⁴⁷.

2.15 “Common Open Space” shall mean a general plot or amount of land, an area of water or combination of land and water,

including floodplains and wetland areas, within a development site designed and intended for the use and enjoyment of residents of the development and, if designated, the community at large. Common Open Space shall not include:

- A. The land area of lots allocated for residential or non-residential buildings, including Front, Side and Rear Yards of such buildings, as well as Interior Yards for multi-structural development on a single lot.
- B. Public or private Rights-of-Way and off-street parking facilities.
- C. The land area intended for public use, including active or passive open space.

2.16 “Condominium” shall mean a divisible portion of a building under a Condominium form of ownership pursuant to *N.J.S.A. 46:8B-1 et seq. (Condominium Act)*.

2.17 “Context” shall mean the character of the buildings, streetscape and neighborhood which surround a given building or site.

⁴⁷ §2.120 herein.



- 2.18** “Cooperative” shall mean a divisible portion of a building under a Cooperative form of ownership pursuant to *N.J.S.A. 46:8D-1 et seq. (Cooperative Recording Act)*.
- 2.19** “Cornice” shall mean the top part of an Entablature, usually molded and projecting.
- 2.20** “Cupola” shall mean a small roof tower, usually rising from the roof ridge.
- 2.21** “Designed Shopping Complex” shall mean a building or group of abutting buildings designed to be utilized by more than one permitted use. The area and yard requirements shall be applied to the development as a single structure.
- 2.22** “Detached Garage” shall mean a garage constructed on a lot which is not attached to the principal structure except by a pergola or similar construction.
- 2.23** “Directional Emphasis” shall mean the combination of building height and width, together with the placement of fenestration, structural elements and architectural details,

which convey a predominant horizontal or vertical directional emphasis to a building facade.

- 2.24** “Elevation” shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.
- 2.25** “Entablature”⁴⁸ shall mean an elaborated horizontal band along the exterior of a building, used primarily just beneath the roofline or on a building façade between floors.
- 2.26** “Environmental Constraints” shall mean natural features, man-made land characteristics and/or contamination that require conservation or remediation measures or creative development techniques to prevent their degradation. In certain instances, such constraints may result in limited development or may preclude development on all or portions of a lot.

For the purposes of this Amended & Restated Redevelopment Plan, Environmental Constraints shall also include conditions placed on a property by a Relevant Permitting Agency⁴⁹.

⁴⁸ Originally defined as an elaborated beam supported by columns.

⁴⁹ §2.83 herein.



- 2.27** “Façade” shall mean a building face or wall.
- 2.28** “Fascia” shall mean a projecting flat horizontal member or molding, also part of a classical Entablature.
- 2.29** “Fenestration” shall mean window and other openings on a building facade.
- 2.30** “Frontage” or “Lot Frontage” shall mean a lot line abutting a public or private Right-of-Way. Lots abutting more than one such Right-of-Way shall have multiple Frontages.
- 2.31** “Front Yard” shall mean the area between the Lot Frontage and the facade of a building. Lots and buildings with more than one Lot Frontage shall have multiple Front Yards. See the Township Code for treatment of Side and Rear Yards for lots with multiple Front Yards.
- 2.32** “Gable” shall mean the part of the end wall of a building between the eaves and a pitched or gambrel roof.

- 2.33** “Garage Linkage” shall mean a structural link between the primary wall of a Principal Structure and an otherwise detached garage which shall be constructed as a one-story breezeway or conditioned space with a maximum width of 24’ and made of materials compatible with the exterior wall of the Principal Structure and the garage.
- 2.34** “Governing Body” shall mean the Robbinsville Township Council⁵⁰.
- 2.35** “Home-Based Business” and “Home Occupation” shall have the same meaning as in the Township Code, except that such uses must be conducted by person(s) residing in such residence.
- 2.36** “Home Office” shall mean an office that exists within a residential unit and is used by persons living in such residence.
- 2.37** “Horizontal Course” shall have the same meaning as “Belt Course”⁵¹.

⁵⁰ Within the context of the various sections of this Amended & Restated Redevelopment Plan, the terms “Robbinsville”, Robbinsville Township”, “Township”, “Township Council” and “Governing Body” shall mean the Governing Body of Robbinsville Township, acting in its capacity as Redevelopment Entity for the Town Center South Redevelopment Area.

⁵¹ §2.6 herein.

2.38 “Impervious Coverage” shall mean that area of a lot or Parcel upon which all structures and materials that are highly resistant to water infiltration, inclusive of permitted setback encroachments, are located.

Impervious Coverage is typically expressed as a percentage of lot area.

2.39 “Independent Component of a Project” shall have the same meaning as “Redevelopment Project”⁵².

2.40 “Internal Open Space” shall mean a component of Common Open Space comprised of one or more lots or portions of a lot providing for passive or active recreation within a Redevelopment Project.

2.41 “Land Use Board” shall mean the successor to the Robbinsville Township Planning Board, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various regulations of the Township Code and other relevant statutes, including the *Local Redevelopment & Housing Law*⁵³.

2.42 “Lane” shall mean a narrow Right-of-Way located through the interior of blocks and providing vehicular and service access to the side or rear of properties.

2.43 “Linkage” shall mean a means of access ~ typically, but not exclusively, a pathway, arcade, bridge, or other similar element ~ linking areas or Parcels which are either distinct or separated by a railroad line, major arterial, drainageway or other man made or natural feature.

2.44 “Lintel” shall mean a structural or decorative horizontal beam over an opening in a masonry wall.

2.45 “*Local Redevelopment & Housing Law*” shall mean N.J.S.A. 40A:12A-1 et seq.

2.46 “Lot Coverage” shall have the same meaning as “Impervious Coverage”⁵⁴.

2.47 “Masonry” shall mean a wall or building material, such as brick or stone, which is laid up in small units.

⁵² §2.81 herein.

⁵⁴ §2.38 herein.

⁵³ The Planning Board was reconstituted as a Land Use Board as of January 2023.



2.48 “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width and depth).

2.49 “Mixed-Use Building” shall mean a building containing more than one use, e.g., retail on ground floor and offices and/or residential above.

2.50 “Municipal Land Use Law” shall mean N.J.S.A. 40:55D-1 et seq.

2.51 “Neo-Traditional Neighborhood” shall mean a pedestrian-oriented neighborhood with variable lot widths and sizes, a mix of dwelling unit types, on-street parking and nonresidential uses generally, but not exclusively located in the center core of the neighborhood. Such an area may contain a Main Street-type commercial district or front on a community green.

The maximum size of the neighborhood is intended to be a five-minute walk from the core.

2.52 “NJDCA” shall mean the New Jersey Department of Community Affairs⁵⁵.

2.53 “NJDEP” shall mean the New Jersey Department of Environmental Protection⁵⁵.

2.54 “NJDOT” shall mean the New Jersey Department of Transportation⁵⁵.

2.55 “Office of Planning Advocacy (“OPA”)” shall mean the New Jersey Office of Planning Advocacy, successor to the Office of Smart Growth (“OSG”), which itself was the successor to the Office of State Planning (“OSP”), operating out of the New Jersey Department of State.

As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.

2.56 “Parcel” shall have the same meaning as “Redevelopment Parcel”⁵⁶.

2.57 “Parkway” shall mean a planting area located within the public Right-of-Way, typically between the curb and sidewalk, and planted with ground cover and trees.

⁵⁵ and shall include all divisions and agencies thereof.

⁵⁶ §2.79 herein.



- 2.58** “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.59** “Pitch” shall mean the angle of slope of a roof or berm.
- 2.60** “Planning Board” shall have the same meaning as “Land Use Board”⁵⁷.
- 2.61** “Port Cochere” shall mean a cover roof extending from a building facade which allows a vehicle to park under and passengers to access the structure via a side stair.
- 2.62** “Portico” shall mean an open-sided structure attached to a building sheltering an entrance or serving as a semi-enclosed space.
- 2.63** “Principal Use” or “Principal Building” shall mean the Use which is the main or primary activity on the Property or the Building in which such Use takes place.
- 2.64** “Project” shall have the same meaning as “Redevelopment Project”⁵⁸.

- 2.65** “Project Concept(s)” shall mean the preliminary depiction of a proposed Redevelopment Project⁵⁸, or individual Phase or Subphase thereof, and shall include, at a minimum, a conceptual site plan, color renderings of all building elevations, floor plans, budgetary information and associated narrative Description of Project Elements sufficient to provide the Township with an understanding of the proposed Project, or Phase or Subphase thereof.
- 2.66** “Project Elements” shall mean any component of a “Redevelopment Project”⁵⁸.
- 2.67** “Project Plan(s)” shall mean a detailed depiction of a Redeveloper’s proposed Project, or individual Phase or Subphase thereof, and shall include all submission requirements for making application to the Land Use Board pursuant to the Township’s existing Subdivision and Site Plan application procedures and this Amended & Restated Redevelopment Plan.
- 2.68** “Proportion” shall mean the relationship, or ratio, between two dimensions, e.g., width of street to height of building wall, or width to height of window.

⁵⁷ §2.41 herein.

⁵⁸ §2.81 herein.





2.69 "Public" shall mean a use or facility that is constructed, owned and/or operated by a governmental or quasi-governmental agency and is available for use to all members of the general public with or without payment of a membership fee or other charge.

2.70 "Public Open Space" shall mean a component of Common Open Space comprised of one or more lots adjoining one or more public Rights-of-Way on at least one side, and is open to the Public as defined herein.

2.71 "Public Sidewalk" shall mean a paved or hardscaped path provided for pedestrian use and usually, but not exclusively, located at the side of a road within a Right-of-Way, and which is open to the Public as defined herein.

2.72 "Publication" shall mean the date printed on the cover of this Amended & Restated Redevelopment Plan, which shall signify the date this Plan was finalized for printing.

2.73 "Redeveloper" shall mean the corporation, partnership or

other entity or entities designated by the Township as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et seq., and having entered into a Redevelopment Agreement⁵⁹ with the Township for the purposes of advancing the Redevelopment Plan, the various Amendments thereto⁶⁰, and/or this Amended & Restated Redevelopment Plan⁶¹.

Previously designated Redevelopers are outlined in §1.3 herein.

Nothing herein shall prohibit the Township from designating multiple Redevelopers for various Redevelopment Parcels under this Amended & Restated Redevelopment Plan, or from acting as Redeveloper if and when appropriate or convenient.

2.74 "Redeveloper Candidate" shall mean the corporation, partnership or other entity or entities selected by the Township to pursue negotiations leading a Redevelopment Agreement⁵⁹ for the purposes of advancing the Amended & Restated Redevelopment Plan, but whose Redevelopment Agreement has yet to be executed⁶¹.

⁵⁹ §2.75 herein.

⁶⁰ §1.3 herein.

⁶¹ References to "Redeveloper" / "Redeveloper Candidate" shall apply to Alternate Redeveloper Candidate pursuant to §5.5 herein.





2.75 “Redevelopment Agreement” shall mean a contract made by and between a designated Redeveloper (Candidate) and the Township⁶², which shall detail the specific rights, responsibilities and obligations of both parties related to the development of a Redevelopment Project under this Amended & Restated Redevelopment Plan.

2.76 "Redevelopment Area" shall have the same meaning as “Town Center South Redevelopment Area”⁶³.

2.77 “Redevelopment Entity” shall mean the Robbinsville Township Council, acting as the implementing agent for this Amended & Restated Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.⁶⁴

2.78 “Redevelopment Law” shall have the same meaning as *Local Redevelopment & Housing Law*⁶⁵.

2.79 “Redevelopment Parcel” [formerly “Redevelopment Tract”] shall mean any of the designated portions of the Town Center South Redevelopment Area created by the Redevelopment Plan, the various Amendments thereto⁶⁶, and/or this Amended & Restated Redevelopment Plan.

2.80 “Redevelopment Plan” shall mean the duly adopted *Redevelopment Plan for the Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (dated February 27, 2012), and shall include all Amendments thereto.

Upon adoption by the Governing Body, the Redevelopment Plan and Amendments thereto satisfied all then-applicable statutory requirements of the *Local Redevelopment and Housing Law* and constituted a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.

⁶² Acting in its capacity as Redevelopment Entity for this Amended & Restated Redevelopment Plan.

⁶³ §2.112 herein.

⁶⁴ Within the context of the various sections of this Amended & Restated Redevelopment Plan, the terms “Robbinsville”, Robbinsville Township”, “Township”, “Township Council” and “Governing Body” shall mean the Governing Body of Robbinsville Township, acting in its capacity as Redevelopment Entity for the Town Center South Redevelopment Area.

⁶⁵ §2.45 herein.

⁶⁶ §1.3 herein.





2.81 “Redevelopment Project” shall mean the construction of buildings and/or other improvements in the Redevelopment Area by the designated Redeveloper in accordance with the Redevelopment Plan, the various Amendments thereto⁶⁶, and/or this Amended & Restated Redevelopment Plan.

Subject to the provisions of a Redevelopment Agreement, nothing in this Amended & Restated Redevelopment Plan shall be construed to prohibit or in any way limit a Redevelopment Project from being developed as multiple buildings constructed in phases or Subphases over time. Accordingly, the term “Redevelopment Project” shall be construed to include any Phases or Subphases thereof.

Similarly, subject to the provisions of a Redevelopment Agreement, nothing herein shall limit an entity from being designated Redeveloper for more than one (or all) Redevelopment Parcels⁶⁷ created hereunder.

For Certificate of Completion & Compliance⁶⁸ purposes, an “Independent Component of a Redevelopment Project” shall

mean any portion of a Redevelopment Project, or Phase or Subphase thereof, which can stand alone and be considered complete without completion of any connecting or non-connecting portion of such Project, Phase or Subphase thereof.

2.82 “Redevelopment Tract” as used in the Redevelopment Plan is replaced with the term “Redevelopment Parcel”⁶⁹.

2.83 “Relevant Permitting Agencies” shall mean any combination of Federal, State and/or County agencies having jurisdiction over the Redevelopment Area or a Redevelopment Project.

2.84 “*Report of Findings*” shall mean the *Report of Findings, Preliminary (Redevelopment) Investigation, Town Center South Study Area, Robbinsville Township, Mercer County, New Jersey*. Prepared by Remington, Vernick & Arango Engineers (September 8, 2010).

2.85 “Respondent” shall mean an entity submitting an Expression of Interest in accordance with section 5.2 herein.

⁶⁷ §2.79 & §7.3 herein.

⁶⁸ §15.0 herein.

⁶⁹ §2.79 herein.



2.86 “Retail & Service Activities”:

Websters⁷⁰ defines “Retail”, in pertinent part, as:

n. the sale of commodities or goods in small quantities to ultimate consumers. The industry of such selling.

v. to sell in small quantities directly to the ultimate consumer.

adv. in small quantities: from a retailer.

See §2.93 for Webster’s definition of “Service”.

In light of Webster’s definitions and the types of uses permitted under the Town Center Plan⁷¹, it is clear that Township Policymakers have made a public policy decision to support a “cash-and-carry”⁷², traditional Main Street economy for this section of the municipality. Accordingly, this Amended & Restated Redevelopment Plan uses the generic terms “Retail” to refer to any number of uses whereby individuals are able to purchase goods and

services directly from establishments in a “cash-and-carry” manner and “Service” to refer to useful labor that does not produce a tangible commodity.

Within this context, “Retail & Service Activities” shall mean uses designed to provide the needs of the citizens of Robbinsville and the surrounding communities and includes, without limitation: supermarkets, grocery stores and specialty food stores⁷³; pharmacies with or without drive-through facilities⁷⁴; convenience stores without fuel dispensing facilities; banks and financial institutions, with or without drive-through facilities⁷⁴, excluding Check Cashing businesses; non-“big box” retail or hardware stores; non-“big box” furniture, appliance or home goods / home improvement stores; sporting goods shops; hobby shops; book and/or stationary stores; apparel shops and boutiques; gift shops and boutiques; pet shops⁷⁵; barber, beauty and nail salons; specialized day spas and fitness centers

⁷⁰ <https://www.merriam-webster.com/> (“Webster’s”)

⁷¹ §2.111 herein.

⁷² Defined to include dine-in Restaurants.

⁷³ Including liquor stores.

⁷⁴ The permissibility of drive-through facilities shall be subject to NJDOT, the entity with jurisdiction over Route 33.

⁷⁵ Defined as “a retail establishment where non-agricultural pet supplies are sold to the general public. For the purposes of this Amended & Restated Redevelopment Plan, Pet Shop activities may include the sale of small animals which typically live in an enclosed environment, such as fish, reptiles or amphibians no larger than the human hand. The sale dogs, cats or similar type animals is prohibited.

The grooming of dogs, cats or similar type animals is permitted.



and other indoor recreational uses; jewelry stores; retail dry cleaning with or without tailoring / clothing repair (provided that no actual cleaning is done on the premises); and like and similar activities.

Retail & Service Activities explicitly exclude uses requiring storage or display of goods outside a fully enclosed building; motor vehicle sales or service operations; lumberyards or construction materials staging or storage; adult bookstores or peep shows; auction markets; pawn shops; and the breeding of animals.

2.87 “Review & Approval” shall mean the review and approval by the Land Use Board of an application for Site Plan Approval, Subdivision Approval and/or Redevelopment Plan Conformance as may be required to effectuate a Redevelopment Project.

2.88 “Rhythm” shall mean the effect obtained through repetition of architectural elements such as building footprints, building height and roof lines, Front or Side Yard setbacks, and façade

treatments; streetscape elements such as decorative lamp posts and placement of street furniture; or of natural elements such as street trees.

2.89 “Right-of-Way” or “ROW” shall mean privately- or publicly owned lands used or intended to be used for vehicular and/or pedestrian travel ways (cartways), public infrastructure and community amenities, and shall be construed to include all lands and improvements between the property lines of opposing Blocks and/or Lots.

2.90 “Robbinsville” and “Robbinsville Township” shall mean the Township of Robbinsville, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff⁷⁶.

2.91 “Route 33” shall mean State Highway 33.

2.92 “R.S.I.S.” shall mean the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21).

⁷⁶ Within the context of the various sections of this Amended & Restated Redevelopment Plan, the terms “Robbinsville”, Robbinsville Township”, “Township”, “Township Council” and “Governing Body” shall mean the Governing Body of Robbinsville Township, acting in its capacity as Redevelopment Entity for the Town Center South Redevelopment Area.

2.93 “Service”:

Websters⁷⁷ defines “Service”, in pertinent part, as:

n. the occupation or function of serving in active service;

employment as a servant entered his service;

the work performed by one that serves;

useful labor that does not produce a tangible commodity —usually used in plural.

see “Retail & Service Activities”⁷⁸.

2.94 “Setback” shall mean clear, unoccupied and unobstructed space (unless otherwise specified) measured at right angles between a lot line, public or private Right-of-Way line or Redevelopment Parcel boundary line⁷⁹ and a building envelope; and extending from grade to sky, except for the following permitted encroachments (***provided that such encroachments do not inhibit the free flow of pedestrian or vehicular traffic***):

- Awnings*, canopies*, porte-cocheres*;
- Breezeways & atria;

- Flag / banner poles, signage & lighting;
- Ornamental architectural features*;
- Pedestrian walkways,
- Tables for alfresco dining*,
- Bicycle racks*, benches*, trash receptacles* and other street furniture*.
- Parking areas & access drives thereto.
- Fences & landscaping*; and
- Like and similar features.

Such permitted encroachments shall apply to at-grade setbacks as well as any building envelope regulations associated with Maximum Building Height.

Unless otherwise specified, Setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by asterisk (*).

⁷⁷ <https://www.merriam-webster.com/> (“Webster’s”)

⁷⁹ Which may or may not coincide with a lot line.

⁷⁸ §2.86 herein.

- 2.95** “Setback Line” shall mean the alignment which dictates the Front, Side or Rear Yard Setbacks from a public or private Right-of-Way, to be followed by buildings or structures fronting thereon.
- 2.96** “Shared Parking” shall mean the concept of parking which recognizes that uses in proximity to one another may have parking demands which permit such uses to share the same marginal parking spaces provided to accommodate peak parking conditions in a common parking facility.
- 2.97** “Sidewalk” shall mean a paved path provided for pedestrian use and usually located at the side of a road within a public or private Right-of-Way.
- 2.98** "Sign" shall mean an object, device, display, building or structure, or portion thereof, which is located outdoors, or which is located indoors but is visible to the general public from outdoors, on which is affixed, painted or otherwise represented, directly or indirectly, words, letters, figures, designs, symbols, fixtures, colors, insignia, illumination or projected images forming a name, identification, description, display or illustration, or combination thereof,

which is designed or intended to advertise, announce, declare, demonstrate, display, direct, attract attention to, identify, illuminate or otherwise visually communicate or promote the interest of an object, person, institution, organization, business, product, service, activity, event or location by any means.

Lighting used to highlight or outline part of a building but not communicate a visual message, as well as works of art which do not communicate a visual message (other than the art itself) shall not be considered a Sign. Graffiti shall never be considered a Sign.

- 2.99** “Signable Area” shall mean the area or areas on a building facade where signs may be placed without disrupting facade composition. Signable Area will often include panels at the top of windows or transoms, over entry doors and windows, sign boards on fascia and areas between the support portion of a building and the sills of 2nd story windows.
- 2.100** “Sign, Fascia” shall mean the vertical surface over a storefront which is suitable for sign attachment.



2.101 “Sign, Icon” shall mean a sign that illustrates, by its shape and graphics, the nature of the business conducted within.

2.102 “State Plan” shall mean the New Jersey *State Development & Redevelopment Plan*, authorized via the State Planning Act of 1985 and last adopted in March 2001, **and** the Preliminary Draft of the State Plan Revision, which was approved by the relevant State authorities in December 2024 and is, at Publication of this Amended & Restated Redevelopment Plan, under public review (the Final document is tentatively scheduled for distribution in late-Fall 2025).

2.103 “Street Furniture” shall mean the functional elements of the streetscape, including, but not limited to, benches, trash receptacles, planters, kiosks, streetlights and bollards.

2.104 “Streetscape” shall mean the built and planted element of a street which define its character.

2.105 “String Course” shall have the same meaning as “Belt Course”⁸⁰.

2.106 “Supportive Housing” and “Supportive Housing Units” shall mean housing designed for people with special needs, including those with mental, physical and developmental disabilities, as well as their families, and which provides permanent, affordable housing with access to support services so that individuals can live as independently as possible in communities of their choice.

2.107 “Texture” shall mean the exterior finish of a surface, ranging from smooth to coarse.

2.108 “Town Center Master Plan” shall have the same meaning as “Town Center Plan”⁸¹.

2.109 “Town Center North” shall mean the existing development constructed under the Town Center Plan north of Route 33.

2.110 “Town Center South” shall have the same meaning as Town Center South Redevelopment Area”⁸².

2.111 “Town Center Plan” shall have the same meaning as “Town Center Zoning & Design Regulations”⁸³.

⁸⁰ §2.6 herein.

⁸¹ §2.111 herein.

⁸² §2.112 herein.

⁸³ §2.114 herein.





2.112 “Town Center South Redevelopment Area” shall mean the approximately 90-acre portion of Robbinsville Township located between State Route 33 and the Township’s municipal boundary with Hamilton Township, as further described in §1.0 herein; such Area being designated as an Area In Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et seq. via Township Resolution No. 2010-202.

2.113 “Town Center South Redevelopment Plan” shall have the same meaning as Redevelopment Plan⁸⁴.

2.114 “Town Center Zoning & Design Regulations” shall mean the regulations adopted via Ordinance 97-9, which, before adoption of the Redevelopment Plan, regulated land use and design of the Town Center.

2.115 “Townhouse” shall mean a side-by-side attached group of single-family units having a minimum of 3 and a maximum of 8 units per building. In the case of an end unit, a Townhouse is attached on one side to a series of units of the same type.

2.116 “Township” shall have the same meaning as “Robbinsville”⁸⁵.

2.117 “Township Code” shall mean, unless otherwise cited, Chapter 142 of the Robbinsville Township Municipal Code⁸⁶, as has been or may be amended from time-to-time, including modifications made by the Redevelopment Plan, the various Amendments thereto⁸⁷, and/or this Amended & Restated Redevelopment Plan.

Since the 2012 adoption of the Redevelopment Plan and the subsequent Amendments thereto, the Township has made various amendments to Chapter 142. The versions of Chapter 142 current at the time of a Redeveloper’s submission of an application to the Planning Board / Land Use Board for Review & Approval⁸⁸ shall govern ~ *to the extent that such regulations are not modified by this Amended & Restated Redevelopment Plan.*

2.118 “Township Clerk” shall mean the municipal Clerk for Robbinsville Township, who is the statutorily-mandated custodian for the Township’s records.

⁸⁴ §2.80 herein.

⁸⁵ §2.90 herein.

⁸⁷ §1.3 herein.

⁸⁸ as defined in Redevelopment Plan §2.82.

⁸⁶ On file with the Township Clerk or available via <http://www.robbinsville-twp.org/>





2.119 “Tract” shall have the same meaning as “Redevelopment Tract”⁸⁹.

2.120 “Transit Stop” shall mean an identifiable location with adequate pedestrian amenities where a bus, train or other means of mass transit can safely stop to load or discharge passengers.

2.121 “Typical Residential Amenities” shall mean such Ancillary Structures and Uses which are normal and customary to a residential use, including, but not limited to; private automobile garages; greenhouses; tool sheds; playhouses or play sets; fences and walls, satellite dish antennae; solar energy systems; tennis, basketball or similar court games and residential swimming pools and pool houses, provided:

- Such uses are incidental to the residential use of the premises, are for the exclusive use of the residents or guests thereof and are not operated for gain;
- Such uses shall be located in the Side or Rear Yard, and then, except for fences and walls, shall conform to the setbacks required hereby for Ancillary Structures. In the case of a Corner Lot, the regulations regarding Front and Side Yards shall apply;

- Any machinery used in connection with such use shall be housed in a soundproofed structure;
- Any safety or other lighting to illuminate any such use shall be designed and located so that it does not project any light or glare on contiguous properties. All bare incandescent light sources shall be shielded from view.

Additionally, for Apartment Buildings or residential uses with a Clubhouse, Typical Residential Amenities may include:

- Specialty or convenience food stores;
- Restaurants or specialty food and beverage outlets;
- Business centers;
- Barber, beauty and nail salons;
- Community rooms, game rooms and lounges;
- Laundry facilities and dry cleaning drop-off services;
- Courtyards with gazebos, BBQ equipment and firepits;
- Dog park and pet spa room/area for residents to bathe their pets;
- Indoor storage facilities;
- Fitness centers and other indoor and outdoor recreational facilities; and
- Like and similar uses and structures.

⁸⁹ §2.82 herein.



2.122 “Zoning / Administrative Officer” shall mean the municipal official assigned to administratively approve land use applications not rising to the level of Review & Approval⁹⁰ under this Amended & Restated Redevelopment Plan, and which would otherwise not require approval by the Land Use Board under the Township Code.

⁹⁰ §2.87 herein.

3.0 REDEVELOPMENT AREA PROFILE

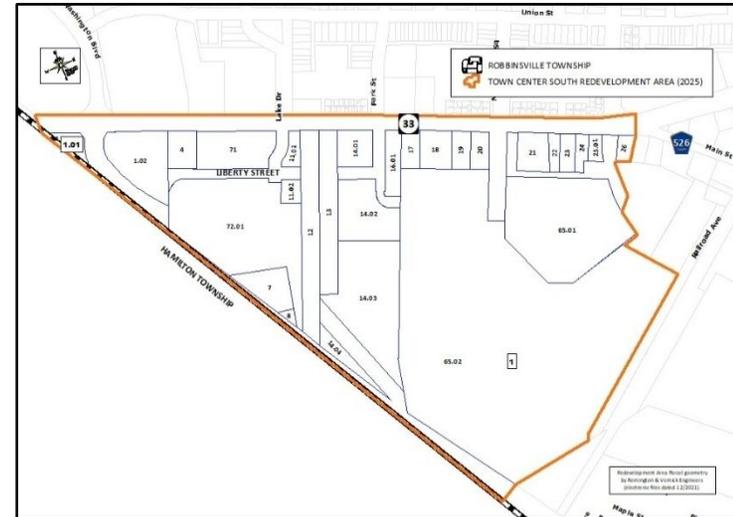
3.1 DELINEATION

At time of adoption of the Redevelopment Plan, the Redevelopment Area consisted of the Blocks, Lots and Rights-of-Way detailed therein.

Since that time, revisions to the Township’s Tax Maps⁹¹ and subdivisions and consolidations attendant to the Projects detailed in §1.3 herein have resulted in the Redevelopment Area consisting of:

BLOCK	LOT(s)
1	1.02, 4, 7, 8, 11.01, 11.02, 12, 13, 14.01, 14.02, 14.03, 14.04, 16.01, 17, 18, 19, 20, 21, 22, 23, 24, 25.01, 26, 27, 65.01, 65.02 & 65.03
1.01	1

The Redevelopment Area contained 73.5 acres in the form of (29) Tax Lots and (approximately) 10.4 acres in the form of municipal and other rights-of-way for a total of (approximately) 83.9 acres.



3.2 ZONING

Prior to the adoption of the Redevelopment Plan, the Redevelopment Area was located in the Township’s (TC-2) Town Center (2) Zoning District. The Purpose, Permitted Uses and Bulk Standards for this Zone are included in Chapter 142 of the Township Code.

⁹¹ The most recent Maps are current through 12/2021. Lot geometry manually adjusted to reflect subsequent subdivisions and consolidations.

Upon adoption of the Redevelopment Plan and the various Amendments thereto, the Development Regulations and other provisions of these documents govern.

Upon adoption of this Amended & Restated Redevelopment Plan, the Land Use Plan detailed in §7.0 herein shall govern.

3.3 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

NJDEP maintains a number of subject-specific, statewide and regional (georeferenced) maps and associated databases to determine the environmental sensitivity of a location. Pertinent to the Redevelopment Area:

3.3.1 SOILS, WETLANDS & BUFFERS⁹²

The Deciduous Wooded Wetlands within the Redevelopment Area remain relatively unchanged from those identified in the Redevelopment Plan. Typically, wetlands are accompanied by associated buffers based on the resource value of the wetland.

Such mapping relies on satellite and aerial imagery and does not necessarily confirm the *actual presence* of wetlands or buffers

in any particular location. Confirmation of the location and type of wetland and extent of buffer requires a site specific analysis and formal application to NJDEP⁹³.

Absent such analysis and application, this Amended & Restated Redevelopment Plan assumes a 150' buffer.



3.3.2 KNOWN CONTAMINATED SITES

NJDEP has not identified (mapped) any Known Contaminated Sites within the Redevelopment Area. Issues related to the

⁹² Sources:

- Wetlands: NJDEP 2020 Land Use / 2015 Land Cover dataset
- Streams: NJDEP Streams data updated 2020
- Waterbodies: NJDEP Waterbody data updated 2020

⁹³ This Amended & Restated Redevelopment Plan recognizes that Redevelopment Projects have been constructed within the mapped wetlands and buffers. Such Projects received approvals from NJDEP.

remediation of any contamination that might be discovered in the future are addressed in §4.1.5 and §4.1.6 herein.

3.3.3 HABITAT / THREATENED & ENDANGERED SPECIES

To determine the likelihood that threatened or endangered species may be present in a given area, NJDEP employs a 5-tiered species-based habitat method designed to associate each species with a specific set of Land Use / Land Cover classes according to the habitat needs of the species⁹⁴.

NJDEP Species Mapping⁹⁵ has identified the following habitat-specific conditions in the Redevelopment Area:



⁹⁴ Detailed Land Use / Land Cover (“LULC”) class delineations allow for an accurate representation of imperiled and special concern species habitat by providing biologists with the ability to designate a specific set of LULC classes for each individual species-feature label combination.

Each species-habitat association is developed by performing a review of scientific literature and/or from information obtained through research and expert opinion. In addition, a special analysis of the LULC for species and their feature label components was used to guide the selection of particular LULC classes for the creation of species-specific patches of habitat.

Habitat is valued only if it is appropriate for the species.

(www.nj.gov/dep/gis/landscape.html)

- **Rank 1:** species-specific habitat that meets habitat-specific suitability requirements such as minimum size or core area criteria for endangered, threatened or special concern wildlife species, but that do not intersect with any confirmed occurrences of such species. Rank 1 habitat without documented occurrences are not necessarily absent of imperiled or special concern species. Thus, the Rank 1 designation is used for planning purposes, such as targeting areas for future wildlife surveys.

Imperiled species are typically not abundant across the landscape, a single occurrence may therefore represent a significant portion of the local population and often indicates the presence of a larger population.

- **Rank 2:** species-specific habitat containing 1 or more occurrences of species considered to be “of special concern”.
- **Rank 3:** species-specific habitat containing 1 or more occurrences of State threatened species.
- **Rank 4:** species-specific habitat with 1 or more occurrences of State endangered species.
- **Rank 5:** species-specific habitat containing 1 or more occurrences of wildlife listed as endangered and threatened under the Federal Endangered Species Act of 1973.

⁹⁵ NJDEP Landscape 3.3 Viewer:
(<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>)



- A. Rank 1 habitat has been mapped but no threatened or endangered species or species of specific concern have been identified ^(96,97,98);
- B. Rank 2 habitat has been identified for Great Blue Heron⁹⁹ _(100,101).

While the site-specific analyses necessary to determine the **actual presence** of species is beyond the scope of this Amended & Restated Redevelopment Plan, habitat may limit the developability of the Area.

3.4 SMART GROWTH, NEW URBANISM & THE REGULATORY ENVIRONMENT

3.4.1 SMART GROWTH

SMART GROWTH is a term given to planning theories and practices designed to combat the suburban sprawl experienced in New Jersey (and other states) in the post-World War II era.

Prior to the War, the nation’s population generally lived in compact neighborhoods where people could walk from their homes to work, to shop, or to go to school, or could take advantage of public transportation for these needs. The post-War emergence of the American middle-class, the privately-owned automobile and the interstate highway system provided the ability for people to retreat from cities to suburbia, with its larger lot sizes and cul-de-sac communities.

Over the decades, once-new suburbs became old and tired. Simultaneously, the reliance on the automobile caused increased traffic congestion, as public transportation was replaced by the need to drive from ‘secluded’ communities to office parks, strip malls and regional shopping centers.

As families perceived their quality of life diminishing, they began to flee these older, congested suburbs for the less-

⁹⁶ Reserved

⁹⁷ Reserved

⁹⁸ Reserved

⁹⁹ *Ardea herodias*: Species of “Special Concern” (Foraging)
Contiguous riparian corridor. Most Recent Observation Year: **2008**.

¹⁰⁰ Reserved

¹⁰¹ Reserved



dense, ever-greener hinterland. Suburbs became urban¹⁰², exurbs became suburban, and the open space that heretofore separated communities vanished.

The result came to be known as “SPRAWL”.

To combat sprawl while recognizing the need to accommodate an ever-expanding population, planners have developed a series of principles known as **SMART GROWTH**. It is hoped that the application of these principles will redirect (re)development to cities and other areas of existing infrastructure, and preserve green space while providing the new development required to service an expanding population.

Defining Sprawl often depends on your point of view, but most definitions focus on the random outgrowth of suburbs and a dependency on the automobile. Images of highway strip development, large lot subdivisions, and sophisticated G.I.S. mapping of lost farmland are used to explain Sprawl.

Paul M. Drake, PP/AICP¹⁰⁴

In areas determined to be suitable, New Jersey’s State Development & Redevelopment Plan¹⁰³ recommends that (re)development be based on equitable smart growth principles (i.e., encouraging design that enhances public safety and pedestrian activity, prioritizing redevelopment in lieu of greenfield development, and reducing dependency on the automobile).

The following Smart Growth principles^{103, 104} are generally accepted by planners, the development community and lawmakers as guidelines for effective land use and design. They have been incorporated, explicitly or implicitly, into the body of state and local regulations adopted to combat sprawl.

While by no means an exhaustive list, these principles underscore the fundamentals of Smart Growth planning.

¹⁰² Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.

¹⁰³ Draft 2024 State Plan: p. 121 (§2.102 & §3.4.3 herein).

¹⁰⁴ <http://smartgrowth.org/smart-growth-principles/>

SMART GROWTH PRINCIPLES¹⁰⁵

Mix Land Uses
(residential, commercial & business)

Create a Range of Housing Opportunities
and Choices that Diversify Housing Stock
(including Affordable Housing)

Take Advantage of Compact, Clustered
Community Design that maximizes
walkability and minimizes automobile
vehicle miles traveled

Create Walkable Neighborhoods, with
residential development generally within .5
miles for pedestrians and 1 mile for other
multimodal transportation

Foster Distinctive, Attractive Communities
with a Strong Sense of Place, with small
commercial pockets that provide necessary
services, such as, but not limited to, eateries,
medical facilities, convenience stores and
personal services

Preserve Open Space, Farmland, Natural
Vistas (Scenic Resources) and Critical
Environmental Areas; limit development on
lands critical to providing ecosystem
services

Provide a Variety of Transportation Choices

Strengthen and Direct Development
Towards Existing Communities with Existing
Infrastructure

Encourage buildings that include green
design principles, such as green roof and
LEED principles.

Make Development Decisions Predictable,
Fair and Cost Effective, emphasize
equitable, environmentally just
development

Encourage Community and Stakeholder
Collaboration in Development Decisions

¹⁰⁵ <http://smartgrowth.org/smart-growth-principles/>

3.4.2 NEW URBANISM / NEO-TRADITIONAL DESIGN¹⁰⁶

Closely related to Smart Growth is the concept of **NEW URBANISM** ~ also known as Neo-Traditional Design, which is a return to the principals that historically made neighborhoods successful as communities ~ when neighbors knew one another, and the street corner and front porch were venues for friendly interaction.

While all elements may not be appropriate for every application, they should be viewed as guides for good civic design.

NEW URBANISM PRINCIPLES	NEO-TRADITIONAL DESIGN
Walkability	Complicated Roofs with Gables or Parapets
Connectivity	Towers, Cupolas & Weathervanes
Mixed-Use & Diversity	Awnings & Shutters
Mixed Housing	Ornamental Brackets & Half-Timbering
Quality Architecture & Urban Design	Stained Glass Windows
Traditional Neighborhood Structure	Palladian, Arched & Round Windows
Increased Density	Embossed Tin Ceilings
Green Transportation Sustainability	Matching, Decorative Lampposts
Quality of Life	

¹⁰⁶ <http://newurbanism.org/newurbanism/principles.html>

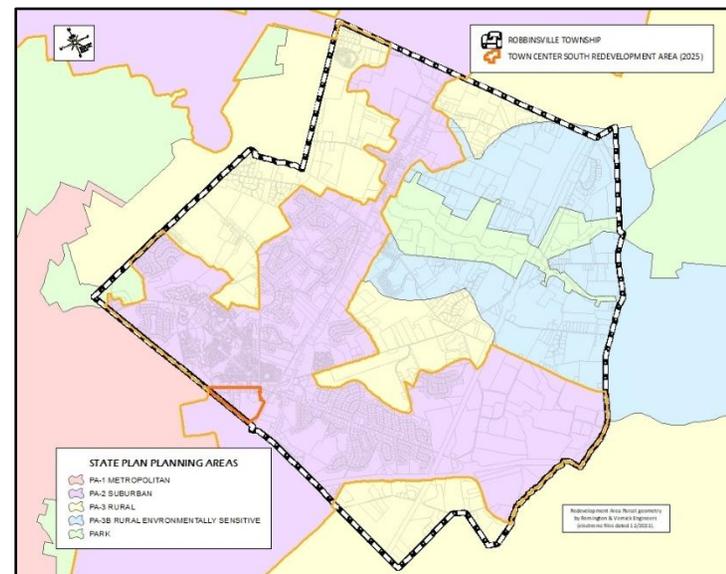
3.4.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN

A. In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*¹⁰⁷. Promulgated IN 2001 by the State Planning Commission¹⁰⁸ as the equivalent of a statewide master plan to guide development and investment, this document is an outline of the State’s policies related to Smart Growth and general planning principles. Prepared as an interdepartmental effort between various State offices charged with managing growth in New Jersey¹⁰⁹, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

A Preliminary Draft of the State Plan Revision was approved in December 2024 and is currently under public review. The Final document is tentatively scheduled for distribution in Late Fall 2025. Pertinent sections of both the 2001 State Plan and the draft State Plan Revision are presented below.

Both the 2001 and draft 2025 State Plan classify Study Area as a **(PA~2) SUBURBAN PLANNING AREA**.

While the 2001 State Plan designated and endorsed the Washington Town Center as a Town Center¹¹⁰, such Town Center designation expired in 2022.



¹⁰⁷ "State Plan".

¹⁰⁸ In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

¹⁰⁹ Principally, but not exclusively, NJDCA and NJDEP.

¹¹⁰ The 2001 State Plan Glossary defines:

Centers as a compact form of development with one or more Cores and residential neighborhoods surrounded by a Center Boundary distinguishing the Center from its Environs.

Town Centers are Centers that have a high investment in public facilities and service several neighborhoods with a highly diverse housing stock and a central core of retail, office and community facilities.



As detailed in the 2001 State Plan¹¹¹, the intent of the Suburban Planning Area is to:

- *provide for much of the state's future development;*
- *promote growth in Centers and other compact forms;*
- *protect the character of existing stable communities;*
- *protect natural resources;*
- *redesign areas of sprawl;*
- *reverse the current trend toward further sprawl; and*
- *revitalize cities and towns.*

As detailed in the draft State Plan Revision¹¹², the intent of the Suburban Planning Area is to:

- *provide for a portion of the state's future growth in compact development and redevelopment in Centers and other appropriate areas;*
- *protect and enhance the character of existing stable communities;*
- *protect and enhance natural resources and promote increased biodiversity, reforestation and habitat restoration;*

- *promote walkability and multi-modal transportation options;*
- *redesign auto-oriented areas and promote traffic calming and other forms of pedestrian countermeasures;*
- *reverse any further sprawl development, including warehouse sprawl; and*
- *revitalize and enhance towns and other traditional settlements.*

To accomplish these goals, the State Plans have established the following [pertinent] Policy Objectives [all Objectives need not be appropriate in every circumstance]¹¹³. Objectives that clearly do not apply to this Amended & Restated Redevelopment Plan have been omitted for brevity¹¹⁴.

LAND USE

2001 State Plan: Guide development and redevelopment into more compact forms—Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and

¹¹¹ State Plan p. 186.

¹¹² Draft State Plan Revision: p. 72.

¹¹³ 2001 State Plan: pp. 198-199 & Draft State Plan Revision: pp. 69-71.

¹¹⁴ Environs, Historic Preservation and Farmland Preservation.





cultural amenities. Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses, and remove or mitigate physical barriers between them. Encourage densities capable of supporting transit...

Draft State Plan Revision: Plan and zone to promote a variety of land uses that create balanced communities. Guide development and redevelopment in or near appropriately located Centers, and Nodes to accommodate growth based on smart growth principles. Encourage densities that support public transit, where appropriate. Preserve the character of ... prime soils, open space, and environmentally sensitive areas, with appropriate scaling of public facilities and services, without compromising the planning area's capacity to accommodate future growth... Clustered and compact development should also avoid environmental features and areas that are vulnerable to natural hazards.

HOUSING

2001 State Plan: Provide a full range of housing choices primarily in Centers at appropriate densities to accommodate the area's projected growth. Ensure that housing in general ~ and in particular affordable, senior citizen, special needs

and family housing ~ is developed with maximum access to a full range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers.

Draft State Plan Revision: Provide a full range of housing choices to accommodate projected growth. Development should occur primarily in or near Centers and at Appropriate Densities through new construction, redevelopment, and adaptive reuse. Provide an adequate supply of diverse housing types particularly for affordable units, senior citizen developments, accessory dwelling units, for residents with special needs, and cohousing and that wherever feasible, it is developed with maximum access to a full range of commercial, cultural, educational, recreational, health, and transportation services and facilities. Any housing outside the Center should be planned to maintain or enhance the existing character. Location of any type of housing in vulnerable areas is not consistent with the State Development and Redevelopment Plan.

ECONOMIC DEVELOPMENT

2001 State Plan: Guide opportunities for economic development into Centers or



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existing pedestrian- and transit-supportive single-use areas and target new jobs to these locations.

Draft State Plan Revision: Encourage new businesses, private sector investment, and tourism where appropriate and based on smart growth principles. Revise outdated zoning restrictions to promote flexible workplaces that recognize the changing needs of the contemporary workplace. Any economic development occurring outside the center should be planned and designed to maintain or enhance the area's qualities with minimum impact on ... environmentally sensitive resources. Development should aim to diversify the local economy and achieve more sustainable year-round models.

TRANSPORTATION

2001 State Plan: Maintain and enhance a transportation system that links Centers and existing large single-use areas to each other, to Metropolitan Planning Areas and to major highway and transit corridors. Emphasize the use of public transportation systems and alternative modes of transportation where appropriate and feasible, and maximize circulation and mobility options (including pedestrian and bicycle connections between developments) throughout. Encourage significant

redevelopment and intensification ... along transit corridors ... Promote flexible (variable route) transit and support employer-operated shuttle services ...

Draft State Plan Revision: Encourage a variety of public transportation modes, including pedestrian, bicycle, and micro-mobility, over the single-occupancy vehicle to maximize circulation and mobility options. Accommodate seasonal demands of travel and tourism. Implement a vigorous traffic calming program. Emphasize the use of public transportation systems and alternative modes of transportation where appropriate and feasible. Maximize circulation and mobility options (including pedestrian and bicycle connections between developments) throughout the transportation systems. Encourage significant redevelopment and intensification ... along transit corridors ... Promote flexible (variable route) transit and support employer-operated shuttle services...

NATURAL RESOURCE CONSERVATION

2001 State Plan: ... [S]trategically locate open space, and buffer Critical Environmental Sites. Use open space to reinforce neighborhood and community identity, and protect natural linear





systems, including regional systems that link into other Planning Areas.

Draft State Plan Revision: ... [S]trategically locate open space, and buffer Critical Environmental Sites. In ... Suburban Planning areas use open space to reinforce neighborhood and community identity and protect natural linear systems ... Minimize conflicts between development / redevelopment ... and sensitive environmental resources ... Protect and preserve large, contiguous tracts and corridors of ... forests, or other open space land that protect natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems ... and other significant Environmentally Sensitive Features ...

RECREATION

2001 State Plan: Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels, by concentrating on the maintenance and rehabilitation of existing parks and open space, while expanding and linking the system through redevelopment and reclamation projects. In the undeveloped portions of this Planning Area, acquire and improve neighborhood and

municipal parkland within Centers, and regional park land and open space either in or within easy access of Centers.

Draft State Plan Revision: Promote maximum active and passive recreational and tourism opportunities at the neighborhood, local, and regional levels by targeting the rehabilitation and development of parks within half a mile of residential neighborhoods with an appropriate density. Target parkland acquisitions and improvements, especially those that enhance large contiguous open space systems and link to other networks through redevelopment, reclamation, or restoration projects ...

REDEVELOPMENT

2001 State Plan: Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, and areas within walking distance of ... major public transit facilities. Redevelop at transit-supportive densities, while creating pedestrian-oriented environments. Take full advantage of the opportunities available under the state's redevelopment statutes to promote new Centers and retrofit existing areas with mixed-uses and higher densities.



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Draft State Plan Revision: Encourage environmentally appropriate redevelopment in existing Centers and in developed areas that are or have the potential to become Centers. This can accommodate growth that would otherwise occur in the Environs and in ways that supports Center-based development. Redevelop with a broad range of uses, efficient use of infrastructure, and at sufficient densities to support transit with physical design features that enhance public safety, facilitate pedestrian and bicycle activity, and reduce auto-dependency. Redevelop or repurpose obsolete commercial buildings. Amend zoning provisions to eliminate barriers that diversify existing building stock. For existing structures located in flood prone areas, elevate buildings and critical infrastructure to reduce the impacts of natural hazards.

PUBLIC FACILITIES & SERVICES

2001 State Plan: Phase and program the extension of public facilities and services to support development in Centers and ensure adequate levels of public and private services. Encourage jurisdictions to locate all public and private community facilities ~ schools, libraries, municipal buildings, government offices, post offices, civic, cultural and religious

facilities, fire stations, etc. ~ in Centers or in proximity to (within walking distance of) Centers. Central facilities serving a wide population should be located in or near Cores.

Draft State Plan Revision: Program and phase the extension / expansion of existing systems or new public facilities and services to support planned development and redevelopment in appropriate areas while safeguarding ... open spaces. Locate central facilities that serve a sizeable population in or near dense populations. Encourage private investments and public-private partnerships to provide necessary facilities and services, particularly wastewater systems. Advocate for public utilities that are designed to withstand the impacts of climate change and its hazards and invest in the hardening of public infrastructure systems to prevent failures during dangerous weather conditions.

INTERGOVERNMENTAL COORDINATION

2001 State Plan: Establish regional approaches to the planning and provision of facilities and services. Create public / public and public / private partnerships to locate, facilitate, coordinate and implement new development and redevelopment in Centers.





Draft State Plan Revision: Coordinate efforts of various Federal and State agencies, county and municipal governments, and regional, and intra / interstate agencies to support regional approaches to planning and implementation of their Master Plans. Foster partnerships between public and private sectors to attract, locate, and facilitate coordinated development and redevelopment. Policies and programs should support economic development and environmental protection efforts by examining the effects of financial lending, government policies and regulations, and tax implications.

B. Implications for the Redevelopment Process

The Smart Growth Planning Principles adopted by the State Plan are largely design- and process-based guidelines which become operationalized in the form of land use regulations and building controls. The Redevelopment Plan and the various Amendments thereto established processes and regulations designed ~ to the maximum extent practicable ~ to advance the Smart Growth Policy Objectives embodied in the State Plan as appropriate to the Redevelopment Area.

This Amended & Restated Redevelopment Plan continues this approach.

3.5 GOVERNMENTAL APPROVALS

Governmental Approvals known or believed to be applicable to the Projects anticipated under this Amended & Restated Redevelopment Plan include, but may not be limited to:

- A. Robbinsville Township Council for determination of Redevelopment Plan Conformance. A review and recommendation will be made by the Township's Technical Review Committee¹¹⁵ prior to Council action.
- B. Robbinsville Land Use Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made by the TRC in accordance with standard operating procedure.
- C. Robbinsville Environmental Commission in accordance with standard operating procedure.
- D. Robbinsville Department of Construction for a Construction Permit.

¹¹⁵ "TRC"



- E. Mercer County Conservation District for Soil Erosion and Sediment Control Plan certification.

- F. Mercer County Planning Board for Subdivision approval (if applicable) and Site Plan approval (or exemption) related to Main Street.

- G. Mercer County Utilities Authority and Robbinsville Division of Utilities for sanitary sewer permitting.

- H. NJDOT for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to Route 33.

- I. NJDEP for wetlands and other environmental permitting, sewer and water extension permitting, and such other permitting as may be required; and

- J. United States Army Corps of Engineers, U.S. Environmental Protection Agency and/or the U.S. Fish & Wildlife Service for Federal regulations which may be applicable.

4.0 MUNICIPAL GOALS & OBJECTIVES

4.1 GENERAL STATEMENTS

4.1.1 The (2012) Redevelopment Plan constituted a “Redevelopment Plan” under the provisions of the *Local Redevelopment and Housing Law*¹¹⁶. Its purpose was to provide the mechanism, via a public / private partnership, for the creation of one or more single-use or mixed-use Project(s) within the Town Center South Redevelopment Area.

Upon its adoption, the Township was statutorily empowered to engage in all activities permitted under the *Redevelopment Law* for the purposes of advancing the Municipal Goals & Objectives of such Plan. Such Goals & Objectives constituted the guiding principles for the activities anticipated under the Redevelopment Plan, which were to be undertaken by the Township or by one or more designated Redevelopers.

4.1.2 This Amended & Restated Redevelopment Plan updates the Municipal Goals & Objectives adopted in 2012 as necessary and appropriate for the Redevelopment Area in its current context.

4.1.3 Township Policymakers continue to recognize that it may be necessary to subordinate a particular Goal or Objective, or certain aspects of a particular Goal or Objective, in order to achieve other, more imperative, Goals or Objectives. Within this context, the quantitative or qualitative value of any stated Goal or Objective, as well as their relative importance to the Township and thus this Amended & Restated Redevelopment Plan, shall be determined exclusively by the Governing Body, acting in its capacity as Redevelopment Entity for this Plan.

READERS SHOULD ATTACH NO IMPORTANCE TO THE ORDER IN WHICH THESE GOALS AND OBJECTIVES ARE PRESENTED.

4.1.4 This Amended & Restated Redevelopment Plan does not attempt to anticipate every possible Project Concept or land use solution. The provisions of this Plan have been crafted to provide qualified Redevelopers the flexibility necessary to develop Project(s) which advance(s) these Goals & Objectives.

¹¹⁶ N.J.S.A. 40A:12A-3.



4.1.5 Township Policymakers recognize the financial and planning realities related to the redevelopment of the Town Center South, and are in a position to make available such assistance as may be at the Township’s disposal ~ via the powers of the *Redevelopment Law* and/or other pro-development agencies and programs ~ should a particular Project so merit.

Such assistance may include, but need not be limited to, endorsing and/or ~ with the designated Redeveloper(s) ~ making joint application for state and federal grant funds; endorsing and/or ~ with the designated Redeveloper(s) ~ making joint application for state / federal environmental / other permits required to advance a Project, negotiating favorable property tax mechanisms¹¹⁷; and further amending this Amended & Restated Redevelopment Plan should such actions, in the sole opinion of the Township, be reasonably necessary to produce a superior product.

Any such assistance shall be addressed within the context of the Redevelopment Agreement(s) to be negotiated between the Township and each individual Redeveloper Candidate¹¹⁸.

OTHER THAN AS AUTHORIZED VIA A NEGOTIATED REDEVELOPMENT AGREEMENT, LANDS AND IMPROVEMENTS SUBJECT TO THIS AMENDED & RESTATED REDEVELOPMENT PLAN SHALL BE PERMANENTLY AND IRREVOCABLY RESTRICTED AGAINST BEING CONSTRUCTED, OCCUPIED OR USED IN A MANNER THAN RENDERS THEM EXEMPT FROM PAYMENT OF MUNICIPAL PROPERTY TAXES. SUCH LANDS AND IMPROVEMENTS SHALL BE PERMANENTLY AND IRREVOCABLY RESTRICTED AGAINST SUCH CONSTRUCTION, OCCUPANCY OR USE.

4.1.6 Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to the Redevelopment Area. Such issues may include, but need not be limited to, wetlands, threatened or endangered species, underground storage tanks and/or subsurface contamination. Other than the identification of potential issues herein, the Township makes no warranties regarding these or other conditions.

Responsibility (financial or otherwise), for the remediation of any such condition, or for compliance with any State or

¹¹⁷ Including, but not limited to, the granting of tax abatement, Payment-In-Lieu-of-Tax (P.I.L.O.T.) Agreements, Economic Redevelopment & Growth Grant (ERGG) funding and Redevelopment Area bonds under applicable programs.

¹¹⁸ §2.74 & §5.3 herein.





Federal requirements related thereto, shall be addressed between the Redeveloper and the current property owner in accordance with applicable laws and regulations.

To the extent pertinent, such issues shall be recognized and addressed within the context of the Redevelopment Agreement to be negotiated between the Township and the affected Redeveloper Candidate¹¹⁸.

4.2 TOWN CENTER PLAN¹¹⁹

The Redevelopment Plan was crafted to be consistent with and advance the Legislative Intent and Policy Statements embodied in the Town Center Plan.

While remaining supportive of the Town Center Plan, Township Policymakers recognize that such Intent and Policies were adopted in 1997, and therefore reflect very different economic conditions, municipal priorities and regulatory regimes than those in place at time of adoption of the Redevelopment Plan and at Publication of this Amended & Restated Redevelopment Plan. Accordingly, such Intent and Policies are herewith revised for the Redevelopment Area as follows:

4.2.1 LEGISLATIVE INTENT

Institute standards, requirements and guidelines for the Redevelopment Area in order to create a mixed use district comprised of a variety of housing stock; commercial; public and quasi-public uses; and open space areas designed to serve as both passive and active amenities for the community.

4.2.2 POLICY STATEMENTS

Recognizing the synergies among and between the Redevelopment Area and the non-Redevelopment portions of the Town Center:

- A. Create a unified Town Center which reflects the traditional character of the Township as it transitions from a rural to suburban community while permitting new types of market-driven development to achieve the overall goals and objectives of the Township.
- B. Encourage innovative mixed-use / multiple-use plans in order to accommodate housing demand for varying age groups and income levels via a variety of unit type, design and layout. Toward this end, provide for lot sizes to

¹¹⁹ §2.111 herein.



accommodate single-family detached units, duplexes, townhouses and apartments / residential flats, as well as larger lots for other types of development scenarios.

- C. Provide for the conservation and efficient use of open space.
- D. Require, where practicable, the interconnection of existing and proposed uses so as to create integrated neighborhoods and a greater sense of community by using design techniques that provide for modified deflected street patterns with radial and axial streets.
- E. Provide a layout of streets and open space edges which encourage pedestrian interconnections to the Town Center's civic and commercial uses.
- F. Provide a clearly articulated and rationally designed open space system which consists of both integrated and peripheral active and passive parks, and which advances Policies C. D. and E. above.
- G. Extend greater opportunities for housing, commercial and recreation facilities to all residents of the Township.
- H. Encourage a more efficient use of land and public services by directing development in a pattern that resembles a traditional, mixed use / multiple use Town Center while permitting non-traditional design for projects that achieve significant municipal priorities.
- I. Direct development to the Town Center in an effort to preserve the remaining rural, historic and agricultural character of the larger community.
- J. Institute land development practices which will promote the public health, safety and welfare by creating a Town Center as an alternative to conventional, modern, use-segregated developments such as larger lot suburban subdivisions and strip commercial development.
- K. Establish a circulation network which accommodates an integrated multi-modal transportation system with the intent of providing safe pedestrian connections.
- L. Address traffic congestion by reducing excessive sprawl and the segregation of land uses which result in the inefficient use of land, and by discouraging use and design patterns which contribute to traffic congestion.



- R. Promote the creation of places which are oriented to the pedestrian and promote security and social interaction.
- S. Establish community "greens" which act as focal points of activity and interaction for both commercial and residential neighborhoods and the community at large.
- T. Promote development with the visual and spatial characteristics expressed in the Town Center's Design Regulations while allowing sufficient flexibility to permit non-traditional design for projects that achieve significant municipal priorities.
- U. Promote development where physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible site and architectural design elements which relate the design characteristics of an individual structure or development to other existing and/or planned structures or developments in a harmonious manner; thereby resulting in a coherent overall development pattern and streetscape.

Within this context, avoid too heavy a reliance on a single design vocabulary that will result in a "cookie cutter" aesthetic.

- V. Create, as practicable, identifiable neighborhoods and districts which are surrounded by or incorporate open space and are sensitive to the preservation of natural features.

To achieve these ends while permitting flexibility as desired, this Amended & Restated Redevelopment Plan retains the Town Center Plan's underlying planning and design philosophy applicable to the TC-2 Zone within the Redevelopment Area, but will entertain Project Concept(s) which embody different design aesthetics ~ provided that such approaches retain the Town Center Plan's mandate of quality design.

4.3 MUNICIPAL LAND USE LAW

In addition to the Legislative Intent and Policy Statements of the Town Center Plan, this Amended & Restated Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law*¹²⁰ by, to the extent practicable and appropriate to the setting:

¹²⁰ N.J.S.A. 40:55D-2





- 4.3.1 Constituting municipal action to guide the appropriate use and redevelopment of lands in a manner which will promote the public health, safety, morals and general welfare;
- 4.3.2 Providing for Redevelopment Projects in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;
- 4.3.3 Ensuring that the Redevelopment Projects will provide adequate light, air and open space;
- 4.3.4 Ensuring that redevelopment in Robbinsville does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- 4.3.5 Establishing appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions while preserving the environment;
- 4.3.6 Encouraging the appropriate and efficient expenditure of public funds by the coordination of public [and private] development with land use policies;
- 4.3.7 Providing sufficient space in appropriate locations for a variety of residential, recreational and commercial uses, and open space, according to their respective environmental requirements in order to meet the needs of Township citizens;
- 4.3.8 Locating and designing transportation routes which will promote the free flow of traffic and avoid congestion and blight;
- 4.3.9 Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;
- 4.3.10 Promoting the conservation of open space, energy resources and valuable natural resources while preventing [sub]urban sprawl and degradation of the environment through improper use of land;
- 4.3.11 Encouraging planned unit development which will incorporate the best features of design and relate the type, design and layout of residential, commercial and other development to the Town Center;
- 4.3.12 Encouraging senior citizen community housing construction;



4.3.13 Encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

4.3.14 Promoting the utilization of renewable energy resources;

4.3.15 Promoting the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs; and

4.3.16 Providing the Township with the flexibility to offer alternatives to traditional development through the use of equitable and effective planning tools in order to concentrate development in areas where growth can best be accommodated and maximized while preserving open space and historic sites.

4.4 AMENDED & RESTATED REDEVELOPMENT PLAN

4.4.1 Reverse or remove the conditions documented in the *Report of Findings*¹²¹ which led the Township to designate Town

Center South as being In Need of Redevelopment under the *Redevelopment Law*.

4.4.2 Stabilize the Town Center by eliminating negative and/or blighting influences. Prevent the spread of such influences by the application of comprehensive Redevelopment Plan controls.

4.4.3 Renovate and/or rehabilitate substandard and/or underproductive buildings or improvements in the Redevelopment Area which, singularly or in combination, represent conditions detrimental to the safety, health and welfare of the community.

4.4.4 Remove and replace substandard buildings or improvements where renovation / rehabilitation is not practicable or desirable, including where such buildings or improvements do not lend themselves to reuse in a manner consistent with this Amended & Restated Redevelopment Plan.

4.4.5 Utilize (re)zoning, tax abatement and other financial and non-financial incentives where appropriate to reorganize and replan the Redevelopment Area ~ via a combination of

¹²¹ §2.84





land consolidation, subdivision and other mechanisms ~ in order to facilitate Projects designed to achieve these Municipal Goals & Objectives.

4.4.6 Replace substandard residential units with decent, safe and sanitary housing, which may include rental and ownership housing and housing for a variety of age groups and affordability ranges.

4.4.7 Provide, in accordance with applicable law, for the relocation of existing land uses, residents, businesses and occupants within the Redevelopment Area which may be required to effectuate this Amended & Restated Redevelopment Plan. Relocation resources may be within the Redevelopment Area or, where necessary and appropriate, elsewhere in the Township.

4.4.8 Protect and enhance lands and buildings which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which under this Amended & Restated Redevelopment Plan is necessary, with or without change in their condition, for the effective redevelopment of Town Center South¹²².

4.4.9 Generate revenue for the municipality in the form of new or enhanced tax rates or other mechanisms¹²³ that provide for substantial return to the public sector by (re)introducing to productive use, undeveloped Township-owned and other un/underutilized lands which, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.

WITHIN THIS CONTEXT, AND OTHER THAN AS AUTHORIZED VIA A NEGOTIATED REDEVELOPMENT AGREEMENT, LANDS AND IMPROVEMENTS SUBJECT TO THIS AMENDED & RESTATED REDEVELOPMENT PLAN SHALL BE PERMANENTLY AND IRREVOCABLY RESTRICTED AGAINST BEING CONSTRUCTED, OCCUPIED OR USED IN A MANNER THAN RENDERS THEM EXEMPT FROM PAYMENT OF MUNICIPAL PROPERTY TAXES. SUCH LANDS AND IMPROVEMENTS SHALL BE PERMANENTLY AND IRREVOCABLY RESTRICTED AGAINST SUCH CONSTRUCTION, OCCUPANCY OR USE.

4.4.10 Stimulate private development by allowing maximum maximize flexibility in land use, project design and building regulations while protecting, to the maximum extent

¹²² As permitted under N.J.S.A. 40A:12A-3.

¹²³ via P.I.L.O.T. or other appropriate means.





practicable, the intent of the Town Center Plan to create a mixed-use community, as well as to protect and preserve the built and natural environments both within and adjacent to the Redevelopment Area.

4.4.11 Provide for the creation ~ by the Township alone or in partnership a designated Redeveloper ~ of appropriate recreation and community facilities which will serve as amenities not only for the Redevelopment Area, but for the greater Town Center area and Robbinsville as a whole.

4.4.12 Institute Review & Approval procedures to ensure that Redevelopment Projects relate type, design and layout to the context of their environs; and to the Township's goal of encouraging neo-traditional mixed-use development, while permitting non-traditional design for projects that achieve significant municipal priorities.

4.4.13 Provide for flexibility in otherwise applicable Town Center Plan regulations in order to maximize the development potential of Town Center South in a manner that is mutually supportive with Town Center North. Within this context.

- A. Provide for an appropriate mix of commercial, office, residential and other uses as necessary to achieve these Municipal Goals & Objectives.
- B. Encourage and promote Redevelopment Projects which are consistent with Smart Growth / New Urbanism Principles and Neo-Traditional design¹²⁴.
- C. Create as seamless a linkage as possible:
 - Among and between the individual Redevelopment Parcels within the Redevelopment Area;
 - Between the Redevelopment Area and the balance of the Town Center;
 - Between the Redevelopment Area and adjacent Redevelopment Areas; and
 - Between the Redevelopment Area and the balance of the Township.

By so doing, use the Redevelopment Project(s) as a unifying anchor for achieving the Town Center Plan.

¹²⁴ §3.4 herein.



Within this context:

1. Ensure appropriate external access to and internal circulation within the Redevelopment Area for passenger vehicles, delivery vehicles, pedestrians, recreational users¹²⁵, pedestrians, and other users;
 2. Provide for adequate (surface and/or structured) parking to support the Project(s) anticipated;
 3. Work with NJDOT, Mercer County and other Relevant Governmental Agencies as appropriate to facilitate traffic movement on Route 33 and its intersecting Rights-of-Way; and
 4. Work with NJ Transit to develop opportunities for mass transit, both as an amenity to the Redevelopment Area and as a means to improve circulation for the Township and the region.
- D. Promote the efficient and effective provision of necessary infrastructure and related services for the Redevelopment Area while addressing economic, regulatory and permitting

issues which have heretofore impeded the development of common infrastructure elements.

- E. Provide for appropriate aesthetics, visibility and security while remaining consistent with similar elements established in Town Center North.

THIS SHALL NOT BE CONSTRUED TO MEAN THAT DESIGN AND TREATMENT MUST BE *THE SAME* AS TOWN CENTER NORTH, BUT RATHER THAT SUCH ELEMENTS SHALL DISPLAY EQUIVALENT ATTENTION TO DETAIL AND QUALITY APPROPRIATE TO A PROMINENT FACADE OF A TOWN CENTER / ROUTE 33-FRONTAGE DEVELOPMENT.

4.4.14 Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to Township residents which may result from one or more substantial Project(s) in the Redevelopment Area. Such impacts may include, but need not be limited to, provision of municipal services and increase in school district taxes related to an increase in the number of students enrolled in the Township’s school system arising from a Redevelopment Project.

¹²⁵ Bicycles, rollerbladers and like and similar uses.





4.4.15 Stimulate, strengthen and enhance the Township’s economic base and provide for increased employment and business opportunities ~ including opportunities for Township residents ~ resulting from development and operation of significant Redevelopment Project(s) in the Redevelopment Area; and by so doing:

- Attract new businesses and retain and expand existing businesses in the Township;
- Create business opportunities by the purchase of goods and services by the Redevelopment Project(s);
- Create jobs targeting the full spectrum of skill-levels; thereby supporting the widest possible employment base for Township and non-Township residents during construction and (as applicable) operation of the Redevelopment Project(s).

In order to ensure that local individuals and businesses are afforded a realistic opportunity for participation in the Redevelopment Project(s), this Amended & Restated Redevelopment Plan establishes a **ROBBINSVILLE 1ST INITIATIVE**, whereby such opportunities are prioritized for local residents and businesses as follows:

1. Robbinsville-based;
2. Mercer County-based;
3. New Jersey-based; and
4. Others.

4.4.16 To the extent reasonably practicable, work with the designated Redeveloper(s) to minimize disruption of the residential and business communities both within and adjacent to the Redevelopment Area during and after construction.

4.4.17 To the maximum extent reasonably practicable during and after construction, avoid and protect the undisturbed lands that may exist within or adjacent to the Redevelopment Area.

4.4.18 Establish, where required by the Relevant Permitting Agencies, such Environmental Protection Measures as may be necessary and appropriate to allow for preservation of high quality undisturbed lands as may exist within the Redevelopment Area, restoration of formerly environmentally sensitive lands which have been disturbed or spoiled by previous activity, and provision of open space and recreation areas of appropriate size and function to compliment the Redevelopment Project(s).

5.0 REDEVELOPER SOLICITATION, SELECTION & DESIGNATION

5.1 STATUTORY AUTHORITY

5.1.1 EXISTING REDEVELOPERS

Upon adoption of the Redevelopment Plan, and pursuant to N.J.S.A. 40A:12A-8 f. & g., the Township was empowered to solicit for and negotiate and enter into Redevelopment Agreements with one or more designated Redevelopers for the purposes of advancing the Goals & Objectives of the Redevelopment Plan¹²⁶.

The Redeveloper Solicitation and Selection processes that resulted in the existing Town Center South developments are summarized in §1.3 herein.

5.1.2 PROSPECTIVE REDEVELOPERS

Upon adoption of this Amended & Restated Redevelopment Plan, the Township continue to be empowered to undertake such actions for the purposes of advancing the Goals & Objectives detailed herein.

Accordingly, the following actions are not subject to compliance with the *Local Public Contract Law*¹²⁷ or the *Local Lands and Buildings Law*.¹²⁸

5.2 DESIGNATION OF REDEVELOPMENT ENTITY

The Redevelopment Plan designated the Robbinsville Township Council as Redevelopment Entity for such Redevelopment Plan. This Amended & Restated Redevelopment Plan retains such designation.

5.3 DESIGNATION OF REDEVELOPER CANDIDATE(S) / REDEVELOPER(S)

5.3.1 EXPRESSIONS OF INTEREST

- A. It is the intention of the Township, upon adoption of this Amended & Restated Redevelopment Plan, to continue to accept Expressions of Interest from entities interested

¹²⁶ §4.0 herein.

¹²⁷ N.J.S.A. 40A:11-1 et. seq.

¹²⁸ N.J.S.A. 40A:12-1 et. seq.



in (re)developing the undeveloped lands in the Redevelopment Area.

In addition, the Township may, at its discretion, elect to actively solicit Redevelopers for such undeveloped lands. The portion(s) of the Redevelopment Area to be marketed, the order in which such portion(s) are marketed, and the timing of such solicitation(s) shall be determined by and at the sole discretion of the Township.

B. Whether actively solicited or not, Expressions of Interest submitted to the Township shall address and will be evaluated upon each Respondent's:

1. Financial capability and ability to obtain the financing required for the Project(s) proposed.
2. Proposed financial return to the Township and its taxpayers in the form of tax ratables, P.I.L.O.T. payments, in-lieu-of contributions, facilities and/or other appropriate mechanisms.
3. Project Concepts and Description of Project Elements¹²⁹.

4. Ability to acquire / secure site control over the lands subject to the Expression of Interest.
5. Organizational strength, business reputation, professional capability and demonstrated success in developing, marketing and, as appropriate, managing / operating Project(s) similar to that proposed; including, but not limited to organizational & management structure and experience of the Project Team.
6. Ability to comply with (extent to which the proposed Project achieves) the Goals & Objectives and other provisions of this Amended & Restated Redevelopment Plan¹²⁶.
7. The anticipated development schedule (with project milestones).
8. Additional information as may be deemed by the Respondent as necessary or appropriate to convey its qualifications to be selected for this opportunity.

¹²⁹ §2.65 & §2.66 herein.





- 9. A non-refundable Expression of Interest Application Fee in the amount of \$7,500.00.

Candidates for Redeveloper designation shall be selected from among those submitting Expressions of Interest.

5.3.2 EXPRESSIONS OF INTEREST EVALUATION

- A. A Redevelopment Steering Committee consisting of the Mayor or his representative, Redevelopment Subcommittee of Township Council, Township Attorney, Township Director of Community Development, Township Engineer and Township Zoning Officer, assisted by the Township’s professionals as necessary, shall evaluate and rank each Expression of Interest received based upon Selection Criteria contained in §5.3.1 herein.
- B. Where a single Expression of Interest is received for a piece of property, the Steering Committee shall evaluate such submission based upon the Selection Criteria contained in §5.3.1 herein. Respondents may be asked to submit additional information and make a presentation to the Committee.

- C. Where more than one Expression of Interest is received for a piece of property, the Steering Committee shall evaluate and rank each such submission based upon Selection Criteria contained in §5.3.1 herein. From such ranking, a limited number of entities representing one or more of the best qualified Respondents (“Short-List”) will be generated.

From such ranking, a limited number of entities representing one or more of the best qualified Respondents (“Short-List”) will be generated. Short-Listed Respondents shall be asked to submit additional information and make a presentation to the Steering Committee; and may be asked to make a presentation to the Township Council.

Short-Listed Respondents shall be those whose Expression(s) of Interest, in the sole opinion of the Steering Committee, best reflect Project(s) which are designed to achieve the Municipal Goals & Objectives of this Amended & Restated Redevelopment Plan¹³⁰, **AND** which provide the Township with demonstrated evidence of the Respondent’s superior ability, experience and

¹³⁰ §4.0 herein.





qualifications in developing and, as appropriate, operating the type, size and scope of the Project(s) proposed.

- D. Upon completion of the Expression of Interest evaluation process, the Steering Committee may recommend to Township Council that one or more Expression(s) of Interest, in the sole opinion of the Committee, satisfy(ies) the Selection Criteria contained in §5.3.1 herein, and that the author(s) thereof be formally designated as Redeveloper Candidate.

5.3.3 REDEVELOPER CANDIDATE DESIGNATION

- A. Upon receipt of the recommendation(s) from the Steering Committee, the Township Council may ask Respondents to make a presentation to Council or to submit additional information for consideration.
- B. Once Township Council¹³¹, has all the information it requires to make an informed decision, it may, at its

sole discretion, designate the recommended entity as a Redeveloper Candidate¹³², and authorize a specific period of time for negotiations of a Redevelopment Agreement with such Candidate¹³³.

Such Agreement will define the rights and responsibilities of each party relating to the proposed Project. Only one entity will be designated as Redeveloper for a property.

5.3.4 RIGHTS RESERVED

THE STEERING COMMITTEE AND TOWNSHIP COUNCIL, RESPECTIVELY, RESERVE THE RIGHT TO INTERPRET THE COMPONENTS OF AN EXPRESSION OF INTEREST AT THEIR DISCRETION, AND TO RANK RESPONDENTS AND RECOMMEND AND DESIGNATE REDEVELOPER CANDIDATE(S) ACCORDINGLY BASED ON THE MUNICIPAL GOALS & OBJECTIVES OF THIS AMENDED & RESTATED REDEVELOPMENT PLAN¹³⁴.

THROUGHOUT THIS PROCESS, EXPRESSIONS OF INTEREST WILL BE EVALUATED BASED ON THE TOTALITY OF THE

¹³¹ acting as the Redevelopment Entity for this Amended & Restated Redevelopment Plan.

¹³² "Redeveloper" designation shall be conferred by the Township only upon execution of a Redevelopment Agreement.

¹³³ Depending on the nature of the Redevelopment opportunity and the number and quality of the Expressions of Interest received, the Steering Committee may elect to designate more than one Respondent as Conditional Redeveloper, and enter negotiations with multiple entities in order to generate the best Project for the Township.

¹³⁴ §4.0 herein.





SELECTION CRITERIA AND NOT SOLELY ON ECONOMIC TERMS. EACH REDEVELOPER CANDIDATE SHALL BE AN ENTITY WHOSE EXPRESSION OF INTEREST, IN THE SOLE OPINION OF TOWNSHIP COUNCIL, OFFERS THE GREATEST NET ADVANTAGE TO THE TOWNSHIP.

NOTHING HEREIN SHALL BE CONSTRUED TO IMPLY THAT THE STEERING COMMITTEE SHALL BE REQUIRED TO RECOMMEND, OR THAT TOWNSHIP COUNCIL SHALL BE REQUIRED TO DESIGNATE, ANY RESPONDENT AS REDEVELOPER CANDIDATE.

5.4 REDEVELOPMENT AGREEMENT

5.4.1 Upon designation of a Redeveloper Candidate(s)¹³³, the Steering Committee shall commence negotiations leading to a Redevelopment Agreement with (each) such entity. Such Agreement shall include, at a minimum:

- The Project Concept(s) and Description of Project Elements¹³⁵ for the undertakings proposed;
- Details regarding compliance with the Municipal Goals & Objectives of this Amended & Restated Redevelopment Plan;

- Details regarding compliance with the Redevelopment Administration Escrow requirements of this Amended & Restated Redevelopment Plan¹³⁶;
- Anticipated schedule for the commencement and completion of Project improvements, including design, permitting, construction and opening;
- Environmental and other indemnification and insurance requirements;
- Affordable Housing obligations;
- Provisions for termination of Redeveloper status in the event of default by the Redeveloper;
- Issues identified within the body of this Amended & Restated Redevelopment Plan as being subject to such Agreement;
- Such other provisions as may arise during the negotiations, or which may be required by law.

5.4.2 Upon completion of negotiations, the Steering Committee shall refer such Agreement, in draft form, to Township Council for consideration of adoption.

¹³⁵ §2.65 herein.

¹³⁶ §2.65 & §2.66 herein.



Such draft Agreement may include issues that could not be resolved to the satisfaction of the Steering Committee and/or Redeveloper Candidate, and/or negotiated provisions that, in the sole opinion of the Steering Committee, may or may not be in the best interests of the Township and its taxpayers, but are deemed to be worthy of consideration by Township Council in light of the totality of the negotiations.

In referring such draft Agreement to Township Council, the Steering Committee shall provide such recommendations regarding adoption as the Committee may deem necessary and appropriate, including recommendation(s) related to any such unresolved issues.

Upon receipt of each individual draft Redevelopment Agreement and Steering Committee recommendations related thereto, Township Council may, at its sole and absolute discretion:

- Adopt such Agreement as received;
- Adopt such Agreement with such modifications as it is able to negotiate with the Redeveloper Candidate directly; or

- Return the draft Agreement to the Steering Committee along with direction as to how to proceed, including direction to terminate negotiations should an issue be deemed unresolvable.

Notwithstanding any referral or recommendation from the Steering Committee, **NOTHING HEREIN SHALL BE CONSTRUED TO IMPLY THAT TOWNSHIP COUNCIL SHALL BE REQUIRED TO ADOPT ANY PROPOSED REDEVELOPMENT AGREEMENT.**

5.5 REDEVELOPMENT ESCROWS

It is anticipated that this Redevelopment process will generate the need for Township funding between designation of a Redeveloper Candidate and execution of a Redevelopment Agreement.

5.5.1 REDEVELOPMENT ADMINISTRATION ESCROW

In addition to any Application Fees the Township requires of those submitting an Expression of Interest, and without limiting any terms or conditions to be negotiated as part of the Redevelopment Agreement, the Redeveloper Candidate shall, within one (1) month of such designation, deposit with the Township, a Redevelopment Administration Escrow in the amount of \$25,000.00.



Such Escrow shall function analogous to an escrow associated with an application before a municipal Planning Board or Zoning Board of Adjustment under the New Jersey *Municipal Land Use Law*¹³⁷, and shall be used to reimburse the Township for in-house staff time and as-invoiced costs for such outside professionals¹³⁸ as the Township, in its sole discretion, may find necessary and convenient during the Redevelopment Agreement negotiations process.

If at any time the balance of the Redevelopment Administration Escrow is reduced below 33% of the required posting, the Redeveloper Candidate shall replenish the account in an amount sufficient to pay all submitted invoices outstanding at that time plus an additional \$25,000.00.

Should the parties fail to enter into a Redevelopment Agreement within the time period allotted, the Township reserves the right to rescind Redeveloper Candidate designation from such entity; whereby, after a final

accounting of all costs incurred by the Township, any unused balance in such Redevelopment Administration Escrow shall be returned.

5.5.2 POST AGREEMENT ESCROW

It is further anticipated that this Redevelopment process will generate the need for some form of Township funding between execution of a Redevelopment Agreement and completion of the subject Project¹³⁹.

Such funding shall be for Township costs incurred outside of the Land Use Board Review & Approval process¹⁴⁰, including costs associated with the Certificate of Completion & Compliance process.

Accordingly, any unspent funds in a Redevelopment Administration Escrow on account at time of execution of the Redevelopment Agreement shall be rolled into a similar escrow to be negotiated as part of such Agreement.

¹³⁷ N.J.S.A. 40:55D-53.1

¹³⁸ Including, but not limited to, planning and engineering services, environmental specialists, legal advisors, financial consultants, real estate appraisers and other third party professional costs.

¹³⁹ Signified by the issuance of the final Certificate of Completion & Compliance for the final component of the Project (\$15.0 herein).

¹⁴⁰ \$2.87 herein.





Any unused Escrow balance shall be returned to the Redeveloper upon issuance of the final Certificate of Completion & Compliance for the final component of the Project associated with such Escrow.

5.5.3 The Redevelopment Administration Escrow shall not serve as a substitute for any fees or escrows required by the Township’s Land Use Board as part of the Review & Approval process, or by any other municipal or outside agency.

5.5.4 Fees and other responsibilities arising after execution of the Redevelopment Agreement shall be specified within such Agreement or shall remain as established under standard operating procedures.

5.6 ALTERNATE REDEVELOPER CANDIDATE

While it is the Township’s intention to negotiate in good faith with each Redeveloper Candidate to address all planning, engineering, financial and other issues which may become part of the Redevelopment Agreement, the Township reserves the right ~ should a Project Concept evolve to the point where, in the sole opinion of the Township Council, it no longer meets the

Goals & Objectives of this Amended & Restated Redevelopment Plan¹⁴¹, or should the Township and Redeveloper Candidate otherwise not be able to consummate a mutually-acceptable Redevelopment Agreement ~ to rescind Redeveloper Candidate status from such entity and to identify and enter into negotiations with an Alternate Redeveloper Candidate.

In such event, the Township reserves the right, at its sole discretion, to:

- A. Designate such Alternate from among those parties who submitted an Expression of Interest pursuant to §5.3 herein;
- B. Undertake a competitive, public solicitation process as detailed under §5.3 herein;
- C. Negotiate directly with a known development entity; or
- D. Rescind the Redevelopment opportunity and take no further action at such time.

¹⁴¹ §4.0 herein.

6.0 ANTICIPATED REDEVELOPMENT ACTIONS

6.1 GENERAL

6.1.1 The Actions anticipated under the Redevelopment Plan ~ as modified by this Amended & Restated Redevelopment Plan ~ consist of the following (steps may not be sequential, and each step may not be required in every instance):

- A. Replanning the lands within the Redevelopment Area into distinct Redevelopment Parcels¹⁴²;
- B. Establishing land use, building and other controls governing the form and function of the Redevelopment Project(s) anticipated¹⁴³;
- C. Identifying infrastructure improvements to be required to support the Redevelopment Project(s) anticipated¹⁴⁴;
- D. Soliciting for and/or otherwise identifying Redeveloper Candidates, negotiating and entering into Redevelopment

Agreement(s) therewith and designating successful Candidates as Redevelopers¹⁴⁵;

- E. Acquisition by a designated Redeveloper of privately-owned lands as may be required to effectuate a Redevelopment Project¹⁴⁶;
- F. Conveyance of Township-owned lands (including any vacated Rights-of-Way) to the designated Redeveloper(s)¹⁴⁷ via sale or lease;
- G. Township acquisition and subsequent conveyance of privately-owned lands as may be required for a Redevelopment Project; including acquisition by the Township via eminent domain where a Redeveloper's attempts at voluntary acquisition are not successful¹⁴⁷;

¹⁴² formerly Redevelopment Tracts §2.82 herein.

¹⁴³ §7.0 & §8.0 herein.

¹⁴⁴ §10.0 & §11.0 herein.

¹⁴⁵ §5.3 herein.

¹⁴⁶ §2.81 herein.

¹⁴⁷ §6.2 herein.



- H. Activities required by Redeveloper(s) to effectuate a Redevelopment Project, Including design, permitting and construction;
- I. Issuance of Certificate(s) of Occupancy and Certificate(s) of Completion & Compliance¹⁴⁸ for a Redevelopment Project; and
- J. Such other Actions as may be necessary and convenient to achieve the Municipal Goals & Objectives¹⁴⁹ of the Amended & Restated Redevelopment Plan.

6.2 ACQUISITION & CONVEYANCE¹⁵⁰

Upon adoption of the Redevelopment Plan, acquisition and conveyance of lands within the Redevelopment Area was statutorily permitted as follows:

6.2.1 BY THE TOWNSHIP

Subject to the terms of a negotiated Redevelopment Agreement, the Township was permitted to, in furtherance of an approved Redevelopment Project:

- A. Convey, via sale or lease, its lands in the Redevelopment Area to a Redeveloper.
- B. Acquire privately-owned lands within the Redevelopment Area via voluntary sale and convey such lands to a Redeveloper.
- C. Acquire privately-owned lands within the Redevelopment Area via eminent domain (a.k.a. condemnation) and convey such lands to a Redeveloper.

Such acquisition, if at all, was to be determined by Project necessity pursuant to the Redeveloper’s Expression of Interest and the terms and conditions of the Redevelopment Agreement, and by the success of the private negotiations between the Redeveloper and the owners of such lands. ***Such negotiations were to precede any involvement by the Township.***

- D. The Township was not permitted to acquire or convey any lands unless and until a Redeveloper was designated and a

¹⁴⁸ §15.0 herein.

¹⁵⁰ N.J.S.A. 40A:12A-8b, c & g and 40A:12A-15

¹⁴⁹ §4.0 herein.





Redevelopment Agreement therewith executed. All costs associated with any such acquisition and conveyance was to be borne by the Redeveloper; ***it being the intent that no Township / taxpayer funds be used for such purposes.***

6.2.2 BY A DESIGNATED REDEVELOPER

- A. Designated Redevelopers were permitted to acquire lands within the Redevelopment Area via voluntary negotiations and purchase.
- B. Nothing in the Redevelopment Plan limited a Redeveloper, on its own account, from pursuing the ***voluntary acquisition*** of lands not in the Redevelopment Area and developing such lands as a component of or complement to a Redevelopment Project.
- C. **IT WAS EXPRESSLY UNDERSTOOD THAT THE TOWNSHIP WAS TO HAVE NO RESPONSIBILITY, FINANCIAL OR OTHERWISE, REGARDING ANY SUCH ACQUISITION OR REGARDING ANY RELOCATION OF PERSONS, BUSINESSES OR PUBLIC UTILITIES RESULTING THEREFROM. ALL COSTS RELATED THERETO WERE TO BE BORNE BY A REDEVELOPER.**

6.2.3 REDEVELOPER RESPONSIBILITIES UPON ACQUISITION

- A. Regardless of the method of acquisition, all property within the Redevelopment Area was to be subject to the provisions of the Redevelopment Plan. All property outside of the Redevelopment Area remained subject to the zoning and land use provisions of the Township Code.
- B. Upon acquisition of any lands within or outside of the Redevelopment Area, by whatever means, and subject to the provisions of the negotiated Redevelopment Agreement(s), Redeveloper(s) were responsible for all taxes which became due and owing on all property so owned or acquired; for all demolition, site work and remediation; and for all planning, engineering, permitting and other activities necessary for the development of a Redevelopment Project in accordance with the Redevelopment Plan.

6.2.4 THIS AMENDED & RESTATED REDEVELOPMENT PLAN

The provisions of the foregoing §6.2.1 through §6.2.3 are retained under this Amended & Restated Redevelopment Plan. Additionally:

A. A property's location within the Redevelopment Area and its inclusion under this Amended & Restated Redevelopment Plan does not relieve property owners of their responsibilities to maintain their property in a safe, healthful and aesthetically-acceptable condition. Such responsibility attaches to properties owned prior to the adoption of the Redevelopment Plan, by a Redeveloper Candidate or by a designated Redeveloper, regardless of how or when the lands were acquired.

B. Details related to the vacation of any Township-owned Rights-of-Way under the jurisdiction of this Amended & Restated Redevelopment Plan and subsequent conveyance to a Redeveloper, or the conveyance of any Township air or subsurface rights, shall be negotiated as part of the Redevelopment Agreement(s) between the Township and (each) Redeveloper Candidate.

Redevelopers' responsibilities under this §6.0 shall be addressed within the context of the Redevelopment Agreement(s) to be negotiated between the Township and (each) Redeveloper Candidate.

6.3 PROPERTY DESIGNATED NOT-TO-BE-ACQUIRED

6.3.1 Under the Redevelopment Plan, all Township-owned land and municipally-owned Rights-of-Way within the Redevelopment Area were subject to conveyance in furtherance of a Redevelopment Project and therefore needn't have been "acquired" to effectuate the Redevelopment Plan.

All other lands within the Redevelopment Area were subject to acquisition pursuant to §6.1.2 therein.

6.3.2 With the exception of Township-owned lands subject to conveyance in furtherance of a Redevelopment Project and therefore need not be "acquired", and lands dedicated to active (or completed) Redevelopment Projects as described in §1.3 herein, all Lots under the jurisdiction of this Amended & Restated Redevelopment Plan are subject to acquisition pursuant to this §6.2 herein.

6.4 FINANCIAL ASSISTANCE

Subject to the provisions of a negotiated Redevelopment Agreement, the Township may agree to provide tax abatement, a P.I.L.O.T. arrangement and/or other appropriate assistance should a particular Project merit and require such assistance.

7.0 LAND USE PLAN

7.1 OVERVIEW

7.1.1 All activities within the Town Center South Redevelopment Area shall be governed by the provisions of this Amended & Restated Redevelopment Plan, which were crafted to provide a setting within which Redeveloper(s) and designers are encouraged to exercise maximum ingenuity and creativity in order to generate detailed plans of outstanding design and superior quality.

7.1.2 The Ordinance adopting the Redevelopment Plan repealed and replaced the Town Center Zoning & Design Regulations *as applied to the Redevelopment Area*. Upon adoption of the Redevelopment Plan, such Zoning & Design Regulations were to be interpreted not as *standards* or *requirements* but as *guidelines*; the intent being to ensure that the controls governing Redevelopment Projects within the Redevelopment Area maintain the quality and integrity of the Town Center Plan while permitting the flexibility necessary for development in the [then] current economic climate.

Within this context, the Redevelopment Plan, as modified via certain of the Redevelopment Plan Amendments:

- A. Eliminated the Introduction (§1A.) and How to Use This Document (§1B.) of the Town Center Zoning & Design Regulations in favor of the provisions of the Redevelopment Plan and/or Plan Amendments.
- B. Retained the Definitions (§1C.) of the Town Center Zoning & Design Regulations except where specifically modified by the Redevelopment Plan and/or Plan Amendments.
- C. Retained the concepts embodied in the Street Regulating Plan (§2) and the Block Layout (§4D.) of the Town Center Zoning & Design Regulations as examples of the types of circulation elements that might be employed. Redevelopers were encouraged to review these concepts within the context of the Redevelopment Plan's Circulation, Parking & Loading Plan¹⁵¹, as modified via the Plan Amendments.

¹⁵¹ §8.0 therein.



- D. Permitted Site Layouts and design aesthetics that differed from those in the Town Center Plan.
- E. Eliminated Town Center Zoning & Design Regulations (§3A.) in favor of the provisions of the Redevelopment Plan and/or Plan Amendments.
- F. Eliminated the Housing Unit Count (§3B. 1) requirements of the Town Center Zoning & Design Regulations in favor of the provisions of the Redevelopment Plan and/or Plan Amendments.
- G. Eliminated the Transfer of Development Rights regulations (§3B. 2) of the Town Center Zoning & Design Regulations in favor of provisions to be negotiated within the context of the Redevelopment Agreements between the Redeveloper Candidates and the Township.
- H. Retained the concepts embodied in the General Residential Standards (§3B. 3) and the Design Regulations (§5) of the Zoning & Design Regulations as examples of the types of building design elements that might be employed. Redevelopers were encouraged to maximize the use of

these concepts within the context of the Redevelopment Plan’s Building Limit Controls and Architectural Controls, as modified via certain Plan Amendments.

- I. Retained the concepts embodied in the Commercial Standards (§3C.) and the Design Regulations (§5) of the Town Center Zoning & Design Regulations as examples of the types of building design elements to be employed. Redevelopers were to employ a land use and design vocabulary consistent with and designed to complement the existing Town Center development north of Route 33.

THIS SHALL NOT BE CONSTRUED TO MEAN THAT DESIGN AND TREATMENT MUST BE *THE SAME* AS TOWN CENTER NORTH, BUT RATHER THAT SUCH ELEMENTS SHALL DISPLAY EQUIVALENT ATTENTION TO DETAIL AND QUALITY APPROPRIATE TO A PROMINENT FACADE OF A TOWN CENTER / ROUTE 33-FRONTAGE DEVELOPMENT.

- J. Eliminated the Public and Semi-public Uses and Community Facilities section (6A) of the Town Center Zoning & Design Regulations in favor of the Active and Passive Open Space and Clubhouse provisions for certain Projects.



- K. Retained the Open Space concepts embodied in the Site Planning Regulations (§4A.) of the Town Center Zoning & Design Regulations as examples of the types of site design elements to be employed. Redevelopers were encouraged to maximize the use of these concepts.

- L. Retained the Floodplain and Wetlands Control concepts (§4B.) and the Detention Basin concepts (§4C.) of the Town Center Zoning & Design Regulations as examples of the types of site design elements to be employed. Redevelopers were encouraged to maximize the use of these concepts, along with other NJDEP requirements.

- M. Eliminated the regulations for loading, service and off-street and on-street parking embodied in sections 4E and 4F of the Town Center Zoning & Design Regulations in favor of the requirements of §8.0 of the Redevelopment Plan and/or Plan Amendments.

- N. Retained the landscaping concepts embodied in §4G. and §4H. of the Town Center Zoning & Design Regulations as examples of the types of elements to be employed. Redevelopers were encouraged to maximize their use.

This Amended & Restated Redevelopment Plan retains the guiding philosophy and flexibility of the Redevelopment Plan and Plan Amendments and extends such modifications for the undeveloped portions of the Redevelopment Area.

7.1.3 The provisions of this Amended & Restated Redevelopment Plan are those of the Township of Robbinsville and do not substitute for any law, code, rule or regulation established by any County, State or Federal agency. All development under this Plan shall comply with such laws, codes, rules and regulations as applicable.

Should a County, State or Federal code or regulation contain comparable but less restrictive provisions than set forth herein, the standards set forth herein shall govern.

Except where otherwise modified by the Redevelopment Plan, prior Redevelopment Plan Amendments and this Amended & Restated Redevelopment Plan, all property within the Redevelopment Area, regardless of the method or time-period of acquisition, shall be governed by the standards and regulations contained in the Township Code.



By reference, such provisions are included in and adopted by this Amended & Restated Redevelopment Plan.

All property outside of the Redevelopment Area, whether used or developed in conjunction with a Redevelopment Project or not, shall remain subject to the provisions of the Township Code or, where applicable, Redevelopment Plan for the Block 1 portion of the Route 130 South Redevelopment Area¹⁵².

7.1.4 Interpretation or clarification of any conflict or inconsistency between any provision of the Township Code and this Amended & Restated Redevelopment Plan shall be made by the Township Council, acting in its capacity as Redevelopment Entity for this Plan. Unless clearly dictated by the circumstances involved, any such conflict or inconsistency shall be resolved in favor of the provisions of this Plan.

7.1.5 Township Policymakers recognize that certain environmental issues may exist on, in, under or adjacent to properties in the Redevelopment Area. Such issues may include, but need not be limited to, underground (fuel) storage tanks and soils or groundwater contamination.

Property owners and Redeveloper(s), at their sole cost and expense, shall comply with all State and Federal regulations for the treatment and/or remediation of such issues, and shall be responsible for all actions and costs related thereto.

While the Township is not in the position to provide direct financial assistance for the remediation of any such conditions, Policymakers shall cooperate with and support Redeveloper(s) in efforts to obtain such assistance as may be available through appropriate State and Federal Brownfield and/or related programs.

Any such cooperation and/or financial or other assistance shall be addressed within the context of the Redevelopment Agreement(s) to be negotiated between the Township and Redeveloper Candidate(s).

7.2 REVIEW PROCEDURES, INTERPRETATIONS & RESPONSIBILITIES

7.2.1 REVIEW PROCEDURES

A. As part of the Redeveloper Solicitation, Selection & Designation process¹⁵³, the Township Council, acting in

¹⁵² On file with the Township Clerk.

¹⁵³ §5.0 herein.





its capacity as the Redevelopment Entity for this Amended & Restated Redevelopment Plan, shall review and approve the Project Concepts and Description of Project Elements¹⁵⁴ proposed for the Redevelopment Project(s). Such approval shall both accept the Project(s) for the community and ensure that the Project(s) is/are consistent with this Amended & Restated Redevelopment Plan.

B. Understanding that Redevelopment Projects typically evolve from concept to final design, the following approval process is established:

1. The action of designating a Respondent under the Expression of Interest process as Redeveloper Candidate¹⁵⁵ shall serve as the Township Council’s approval of such Respondent’s Project Concepts and Description of Project Elements, and as conditional certification of the Project’s consistency with this Amended & Restated Redevelopment Plan.

2. The action of entering into a Redevelopment Agreement with a Redeveloper Candidate¹⁵⁶ shall serve as the Township Council’s final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project’s consistency with this Amended & Restated Redevelopment Plan.

C. Consistent with its responsibilities under the *Redevelopment Law*¹⁵⁷, the Land Use Board shall review and approve Project Plans for the Redevelopment Project(s) in accordance with the requirements for review and approval of site plans and subdivisions set forth by the Township Code and the *Municipal Land Use Law*.

No application for land use approval shall be heard by the Land Use Board unless and until the Township Council, acting as Redevelopment Entity for this Amended & Restated Redevelopment Plan, has granted final approval of the Project Concepts and Description of Project Elements in accordance with §7.2 herein.

¹⁵⁴ §2.65 & §2.66 herein.

¹⁵⁶ §2.74, §5.3 & §5.4 herein.

¹⁵⁵ §2.85, §5.3 & §5.4 herein.

¹⁵⁷ N.J.S.A. 40A:12A-13.





Appeal of any interpretation or clarification made by the Land Use Board during the Review & Approval process¹⁵⁸ shall be made to the Township Council, acting in its capacity as Redevelopment Entity for this Amended & Restated Redevelopment Plan; or to the Relevant Permitting Agencies, as applicable.

- D. The Land Use Board shall retain the right, at time of Review & Approval¹⁵⁸, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and welfare arising from a Redevelopment Project, and to otherwise ensure the effective implementation of this Amended & Restated Redevelopment Plan consistent with the Municipal Goals & Objectives¹⁵⁹ established herein.

Appeal of a Land Use Board interpretation of “necessary” and “proportionate” shall be made by the Township Council, acting in its capacity as Redevelopment Entity for this Amended & Restated Redevelopment Plan.

- E. Consistent with standard operating procedure, the Township’s Technical Review Committee shall review all Project Plans prior to such Plans being released for Land Use Board Review & Approval.

In addition to Completeness under N.J.S.A. 40:55D-10.3 and §142-80 of the Township Code, such review shall include a determination on behalf of the Township that the Project Plans are in conformance with the Project Concepts and Description of Project Elements¹⁵⁴ agreed upon under the Redevelopment Agreement.

Appeal of a TRC finding related to Completeness shall be made to the Land Use Board.

Appeal of a TRC finding that Project Plans are not in conformance with the Project Concepts and Description of Project Elements agreed upon under a Redevelopment Agreement shall be made to the Township Council, acting in its capacity as Redevelopment Entity for this Amended & Restated Redevelopment Plan.

¹⁵⁸ §2.87 herein.

¹⁵⁹ §4.0 herein.





7.2.2 VARIANCES, DEPARTURES, DEVIATIONS & DESIGN WAIVERS

The provisions of the Redevelopment Plan and this Amended & Restated Redevelopment Plan flow from the Township’s power to (re)plan designated Redevelopment Areas under a Redevelopment Plan pursuant to the *Redevelopment Law*¹⁶⁰ and not from the Township’s power to zone under the *Municipal Land Use Law*.¹⁶¹ It is therefore within the context of the *Redevelopment Law* and not the *Municipal Land Use Law* that the Township has adopted the Land Use and other provisions of this Amended & Restated Redevelopment Plan, including the components of the Township Code. Accordingly:

A. ‘d’ Variances

1. This Amended & Restated Redevelopment Plan does not recognize the (‘d-1’) “use” Variance process under the *Municipal Land Use Law*¹⁶². Principal Uses proposed but not permitted under this Plan shall require formal Plan amendment.

Certain Ancillary Uses or elements or components of a Principal Use proposed by a Redeveloper but not

envisioned by this Amended & Restated Redevelopment Plan, may be permitted upon petition to the Township Council and the Council’s determination, in its sole and absolute discretion, that such use is consistent with the Municipal Goals & Objectives¹⁶³ of this Amended & Restated Redevelopment Plan.

Prior to rendering any such determination, the Township Council shall seek, but shall not be bound by, a recommendation from the Township Planner.

2. This Amended & Restated Redevelopment Plan does not recognize the ‘d-2’ through ‘d-5’ Variance process under the *Municipal Land Use Law*¹⁶⁴. Expansions of nonconforming uses, deviations from specifications or standards pertaining to Conditional Uses, and increases in Floor Area Ratio shall require formal Plan amendment.

¹⁶⁰ N.J.S.A. 40A:12A-7

¹⁶¹ N.J.S.A. 40:55D-62

¹⁶² N.J.S.A. 40:55d-70d(1)

¹⁶³ §4.0 herein.

¹⁶⁴ N.J.S.A. 40:55d-70d(2), d(3), d(4) & d(5)





3. This Amended & Restated Redevelopment Plan does not recognize the 'd-6' (height) Variance process or the related 'c' Variance process for building height under the *Municipal Land Use Law*¹⁶⁵. Building height beyond that permitted herein shall require formal Plan amendment.

B. 'c' Variances

This Amended & Restated Redevelopment Plan does not recognize the 'bulk ('c') Variance' process under the *Municipal Land Use Law*¹⁶⁵. The processes for deviating from specific Building Limit Controls and other design regulations follows:

1. Deviation Allowance

a. With the exception of a departure from this Amended & Restated Redevelopment Plan which would otherwise require a variance under N.J.S.A. 40:55d-70d if not proposed under the Redevelopment process, and unless otherwise

specified herein, the Land Use Board may, at time of Review & Approval¹⁶⁶ and without formal amendment to this Amended & Restated Redevelopment Plan, approve departures from the Building Limit Controls¹⁶⁷ and the *quantifiable* requirements of the Architectural Controls¹⁶⁸, Circulation, Parking & Loading Plan¹⁶⁹, Infrastructure Controls¹⁷⁰ and Landscaping, Streetscaping, Lighting & Open Space Provisions,¹⁷¹ of this Amended & Restated Redevelopment Plan and the Township Code, as may be requested by a Redeveloper ~ to a maximum of 20% Deviation from the subject regulation.

Such Deviations shall only be granted for a Project whose totality of architecture exhibits ~ in the sole opinion of the Land Use Board, superior design and quality, and further provided that such departure(s) are, in the sole

¹⁶⁵ N.J.S.A. 40:55d-70d(6) & N.J.S.A. 40:55d-70c

¹⁶⁶ §2.87 herein.

¹⁶⁷ §7.4 herein.

¹⁶⁸ §8.0 herein.

¹⁶⁹ §9.0 herein.

¹⁷⁰ §10.0 herein.

¹⁷¹ §11.0 herein.





opinion of the Land Use Board, consistent with the intent of this Amended & Restated Redevelopment Plan.

By way of clarification, "*quantifiable*" requirements / regulations shall mean the spatial standards¹⁷² established herein.

Requests for such relief shall require clear justification as to why the standard should be relaxed. Such justification shall generally conform with the requirements for Variance relief under N.J.S.A. 40:55D-70c., which otherwise would be required were the Project not developed under the Redevelopment Process.

In reviewing such requests, the Land Use Board shall have the flexibility to consider the request on the totality of its merits and not on the rigid requirements of the Positive and Negative Criteria required for Variance relief.

- b. Requests beyond 20% shall require a formal Plan amendment.
- c. Requests of 20% or less ~ but which are deemed by the Land Use Board to be inconsistent with the intent of this Amended & Restated Redevelopment Plan ~ shall not be approved by the Land Use Board and shall require formal Plan amendment.

2. Design Waivers

- a. A Redeveloper Candidate may petition the Township Council for departure(s) from the *non-quantifiable* provisions of the Architectural Controls¹⁶⁸; Circulation, Parking & Loading Plan¹⁶⁹; Infrastructure Controls¹⁷⁰; Landscaping, Streetscaping, & Open Space Provisions¹⁷¹ of this Amended & Restated Redevelopment Plan and the *non-quantifiable* regulations of the Township Code, in the form of Design Waivers requested either along with submission of an Expression of

¹⁷² i.e., area (s.f.), distance, volume, etc.



Interest¹⁷³ or as part of the Redevelopment Agreement negotiations process¹⁷⁴.

Any Design Waiver accepted by the Township Council shall explicitly be included as an exhibit to the executed Redevelopment Agreement, upon which it shall be treated as being consistent with this Amended & Restated Redevelopment Plan. Waivers not so included must be addressed via subsection b. hereinbelow.

- b. A Redeveloper may petition the Land Use Board for departure(s) from the non-quantifiable provisions of the Architectural Controls¹⁶⁸; Circulation, Parking & Loading Plan¹⁶⁹; Infrastructure Controls¹⁷⁰; and the Landscaping, Streetscaping, Lighting & Open Space Provisions¹⁷¹ of this Amended & Restated Redevelopment Plan and the *non-quantifiable* regulations of the Township Code, in the form of Design Waivers requested at time of Review & Approval¹⁷⁵.

Requests for such relief shall require clear justification as to why the standard should be relaxed.

- c. Design Waivers shall only be granted for a Project whose totality of architecture exhibits ~ in the sole opinion of the Township Council if under subsection a. herein or the Land Use Board if under subsection b. herein, superior design and quality, and further provided that such departure(s) are, in the opinion of the Township Council or Land Use Board, as the case may be, consistent with the intent of this Amended & Restated Redevelopment Plan.

In reviewing any such request(s), the Township Council or Land Use Board, as the case may be, shall consider any individual request on the totality of its merits within the context of all such Waivers being requested.

¹⁷³ §5.3.1 herein.

¹⁷⁵ §2.87 herein.

¹⁷⁴ §5.3 herein.



3. Departures Required by Relevant Permitting Agencies

The provisions of §7.2.2 B. herein notwithstanding, departure(s) from the requirements of this Amended & Restated Redevelopment Plan necessary to bring a Project into conformance with the regulations of any Relevant Permitting Agency may be permitted without formal Plan amendment, regardless of the percentage departure required, provided that such departure(s) are reviewed and accepted by the Land Use Board within the context of the affected Project element.

Departure(s) not accepted by the Land Use Board shall require formal Plan Amendment.

- C. The provisions detailed herein are intended to work collectively in order to create a unified fabric of complimentary uses and structures within the Redevelopment Area. As a result of such interrelationships, any Deviation or Departure from a specific Plan provision will likely impact other Plan provisions. Accordingly, any request for Deviation or Departure shall be reviewed within the context of the entirety of the provisions contained

herein to insure than all such impacts are identified and, to the extent practicable, minimized.

- D. Pre-Existing Structures may retain, but shall not expand, any use or structural¹⁷⁶ nonconformity existing prior to the adoption of the Redevelopment Plan. New uses, new structures, and expansions of existing uses and structure shall respect the Permitted Uses and Building Limit Controls established by the Redevelopment Plan or this Amened & Restated Redevelopment Plan.

7.2.3 INTERPRETATIONS & CLARIFICATIONS

Within the context of §7.2.1 herein, and subject to the requirements of all Relevant Permitting Agencies:

- A. The Township Council shall retain sole authority for the interpretation or clarification of the provisions of this Amended & Restated Redevelopment Plan, including the permissibility of any use proposed. Such authority shall include whether any use conforms with or falls under any of the several categories of Permitted or Prohibited Uses enumerated herein.

¹⁷⁶ Space, bulk, yard, coverage, height, etc.



- B. Prior to rendering a decision on any such interpretation or clarification, the Township Council shall seek, but shall not be bound by, a recommendation from the Township Planner and/or Township Engineer.
- C. Unless Land Use Board approval is required by this Amended & Restated Redevelopment Plan or by applicable sections of the Township Code or the *Municipal Land Use Law*, administrative land use approvals shall be governed by the procedures established in the Township Code.

7.2.4 PERMITTED & PROHIBITED USES

- A. Permitted Uses are designed to provide for a critical mass of diverse yet complementary activities in order to achieve the Goals & Objectives of the Amended & Restated Redevelopment Plan¹⁵⁹.
- B. Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated under §7.3 herein. A Redeveloper may engage in such uses itself, or may contract with, lease or ~ with the written consent of Township Council, acting as Redevelopment Entity for

this Amended & Restated Redevelopment Plan ~ sell a portion or portions of a Project to a third-party operator who will undertake such uses.

- C. Multiple Uses are allowed as Principal or Ancillary Uses within a Redevelopment Project, provided that each such use is a Permitted Use under this Amended & Restated Redevelopment Plan, and further provided that each such Use is located within an independently-leased (or contracted) and separately-identifiable space (it being the Township’s intention to prohibit an entity from leasing, contracting for or using a portion of an otherwise undifferentiated space within a larger commercial area).
- D. Prohibited Uses ensure that activities within the Redevelopment Area are appropriate for the widest possible patron-base, and are instituted to maximize the market attractiveness of the Redevelopment Area to the development community.

Within this context, Tattooing, Body Piercing and Sexually-Oriented Land Uses, including, but not limited to, parlors, salons, arcades, the sale of books and videos, cabarets,



motels, motion-picture or live-performance theaters (or booths or kiosks), commercial displays, non-therapeutic massage, and like and similar uses as specifically defined in the Township Code or, if not so defined, then meeting the spirit of this section, are **EXPRESSLY PROHIBITED**.

- E. **SUBJECT TO INTERPRETATION OR CLARIFICATION UNDER §7.2.3 HEREIN, USES NOT SPECIFICALLY ENUMERATED HEREIN AS PERMITTED ARE PROHIBITED.**

7.2.5 PRE-EXISTING USES / STRUCTURES

- A. The Redevelopment Area contains certain privately-owned buildings that are in active operation. The Redevelopment Plan acknowledged ~ and this Amended & Restated Redevelopment Plan continues to acknowledge ~ these as Pre-existing Uses / structures.

Some of these buildings are in excellent condition while others are in various states of disrepair. Similarly, land uses at these Pre-Existing Structures vary, with some uses being acceptable in the Town Center while others are incompatible with such an environment.

While all privately-owned properties within the Redevelopment Area are subject to acquisition¹⁷⁷, the Redevelopment Plan recognized ~ and this Amended & Restated Redevelopment Plan continues to recognize ~ that the economics of development in the Redevelopment Area may permit certain Pre-Existing Use / Structures to remain.

- B. The Redevelopment Plan further recognized ~ and this Amended & Restated Redevelopment Plan continues to recognize ~ that the Redevelopment Actions anticipated are likely to be accomplished in multiple phases, over the course of several years.

Rather than acquire property, demolish buildings *and then* seek Redevelopers to undertake Projects, sound redevelopment planning counsels the approach outlined in §5.0 of this Amended & Restated Redevelopment Plan; namely the solicitation of qualified Redevelopers *prior* to the acquisition of property.

¹⁷⁷ §6.2 herein.





As a result of this approach, certain properties within the Redevelopment Area may remain unacquired for an unspecifiable period of time.

Rather than allowing such buildings to sit idle until a Redeveloper is designated and the land acquired, the Township permitted ~ and will continue to permit ~ existing buildings in the Redevelopment Area to continue to be used until acquired.

- C. In regulating such Pre-Existing Uses / Structures, and subject to the provisions of §7.2.3 D. herein, the requirements of Township Code Chapter 142 ~ existing prior to the adoption of the Redevelopment Plan ~ shall remain in place.

The provisions of this §7.2.5 shall apply only to Pre-Existing Uses / Structures and to remedial construction required to insure public safety or to cure code-related deficiencies. All new construction shall be in accordance with this Amended & Restated Redevelopment Plan.

Nothing herein shall be construed to limit a property-owner’s ability to perform normal maintenance on an existing structure.

7.3 PARCELIZATION PLAN¹⁷⁸

7.3.1 REDEVELOPMENT PLAN

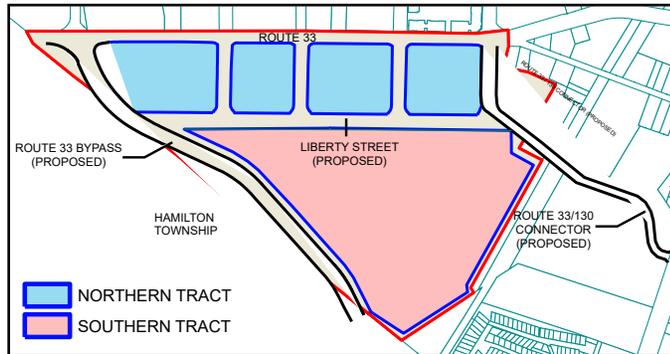
Consistent with the Goals & Objectives of the Redevelopment Plan¹⁷⁹, the intent of the Parcelization Plan was ~ and remains ~ to divide the Redevelopment Area into specific planning units within which specified land uses and building types were established in order to master plan a vibrant mixed-use community with such commercial and recreational amenities as deemed appropriate while remaining sensitive to the environmental conditions surrounding the area.

- A. The Parcelization Plan adopted under the Redevelopment Plan divided the Redevelopment Area into an approximately 26 gross acre Northern Tract and an approximately 36.8 gross acre Southern Tract; with each Tract programmed for specific land uses and building controls detailed in Redevelopment Plan §7.4.

¹⁷⁸ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.

¹⁷⁹ §4.0 therein





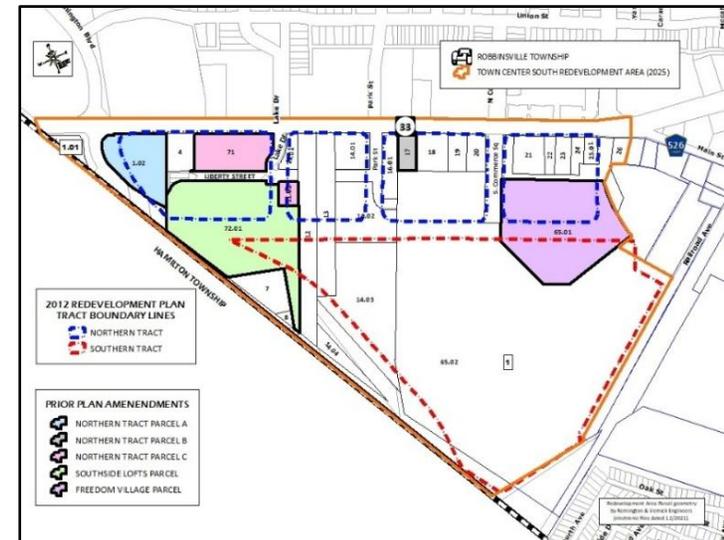
The Development Regulations of the Redevelopment Plan¹⁸⁰ provided standards for the physical (re)development of each Redevelopment Tract. Within their framework, Redevelopers were encouraged to exercise maximum ingenuity and creativity in order to achieve the Goals & Objectives of such Plan¹⁸¹.

7.3.2 REDEVELOPMENT PLAN AMENDMENTS

In order to address the needs of the Redevelopment Projects proposed since the adoption of the Redevelopment Plan without impacting lands beyond the specific Project properties, the Township adopted the various Redevelopment Plan Amendments, which modified the

Parcelization Plan to establish¹⁸²:

- Northern Tract: Parcel A;
- Northern Tract: Parcel B;
- Northern Tract: Parcel C;
- Washington Village Project (Southside Lofts); and
- The Freedom Village Parcel.



Specific Development Regulations were enacted for each such Parcel.

¹⁸⁰ §7.4 therein.

¹⁸¹ §4.0 therein.

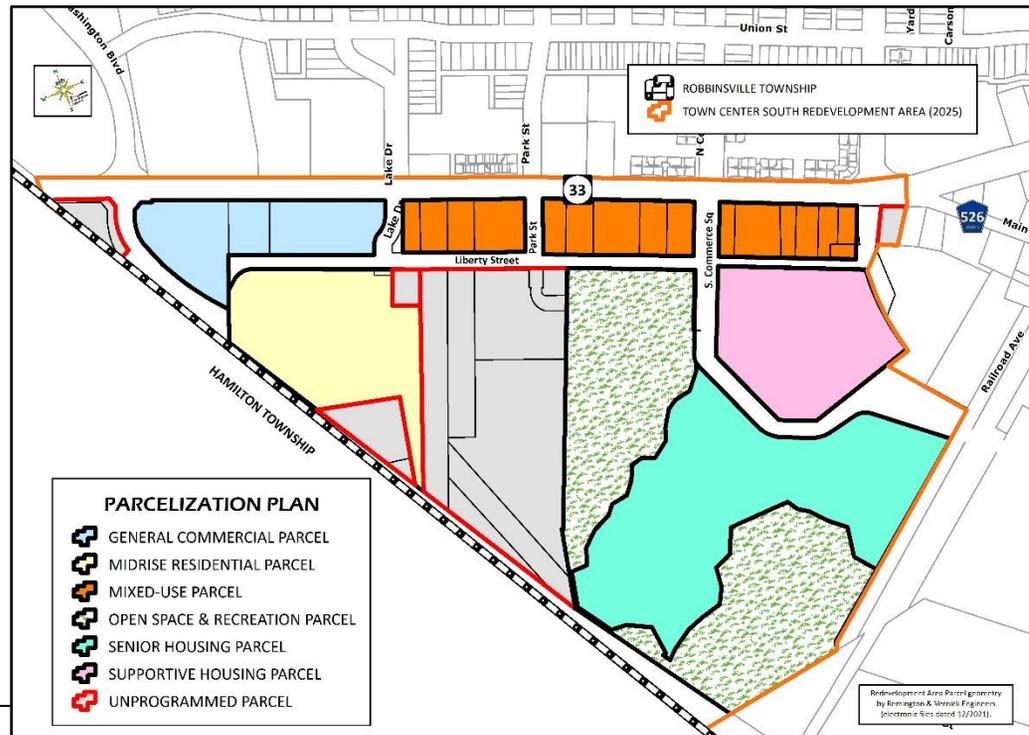
¹⁸² §7.3 herein.

7.3.3 AMENDED & RESTATED PARCELIZATION PLAN

A. This Amended & Restated Redevelopment Plan replaces the adopted Parcelization Plan with the following, which:

- Replaces the phrase “Redevelopment Tracts” and “Tracts” with “Redevelopment Parcels” and “Parcels”;
- Reflects existing Parcel geometry and renames the Parcels to reflect the land uses established thereon;

- Updates the Parcel geometry to better coincide with lot lines established by the most recent elect version of the Township’s Tax Maps;
- Revises the Redevelopment Area Boundary Line to reflect the Main Street Living subdivision and boundary line adjustment¹⁸³; and
- Establishes new Parcels for anticipated future Redevelopment Projects.



¹⁸³ §1.3.6 herein.

- B. Parcel Boundary Lines following existing, improved Rights-of-Way shall be assumed to be fixed. Parcel Boundary Lines following proposed Rights-of-Way or geographic features shall be flexibly interpreted, and may be adjusted by a Redeveloper at time of Review & Approval¹⁸⁴ to more accurately coincide with the desired geometry of a cartway and/or the physical features of the land as determined by (topographic) surveys, wetlands delineations or other similar mapping. Where environmental mitigation requirements result in a relocation of wetlands or wetlands buffers, the boundary line for an impacted Redevelopment Parcel may be adjusted to follow such mitigation.

Parcel Boundary Lines following Lot Lines may be modified via the Review & Approval process.

- C. Permitted Uses and Building Limit Controls applicable to each Redevelopment Parcel shall follow any adjusted Parcel Line.
- D. Nothing shall prohibit a Redevelopment Parcel from being developed in Phases. Such phasing shall be determined within the context of the Redevelopment Agreement.

- E. The Township reserves the right to permit an Alternate Parcelization Plan should a particular Expression of Interest merit such action.

7.4 DEVELOPMENT REGULATIONS

The Development Regulations contained in the Redevelopment Plan were grounded in the Zoning & Design Regulations for the TC-2 Zone and were intended to guide use, massing and aesthetics of various building types in order to provide for multiple, complimentary Projects and thereby achieve the Municipal Goals & Objectives¹⁸⁵ of the Redevelopment Plan.

As detailed in Redevelopment Plan §4.2, the Township recognized that the Town Center Zoning & Design Regulations reflected very different economic times and municipal priorities than were in place at the time of adoption of the Redevelopment Plan. Accordingly, the Redevelopment Plan was crafted to be consistent with and advance the Legislative Intent of, and Policy Statements embodied in, the Town Center Plan, but allowed the relaxation of certain Town Center Plan regulations in order to permit the flexibility required to develop significant projects in the [then] current economic climate.

¹⁸⁴ §2.86 herein.

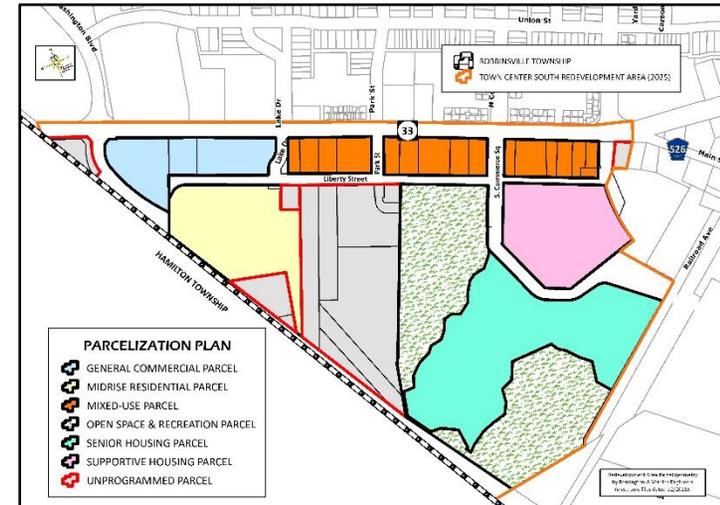
¹⁸⁵ §4.0 therein.

At Publication of this Amended & Restated Redevelopment Plan, such conditions continue to impact the Township and Redevelopment Area. Accordingly, in addition to consolidating the prior Redevelopment Plan Amendments¹⁸⁶ into a single document, this Amended & Restated Redevelopment Plan updates the Development Regulations for the undeveloped portion of the Redevelopment Area in order to provide an appropriate setting for the continued buildout of such Area.

The Redevelopment Projects existing in Town Center South at adoption of this Amended & Restated Redevelopment Plan¹⁸⁶ were approved by the Planning Board. Any inconsistencies between the land uses and physical development of these Projects and the Permitted Uses and Building Limit Controls under this Amended & Restated Redevelopment Plan are therefore Pre-existing Nonconformities and thus grandfathered.

Any modifications to these existing Projects upon adoption of this Amended & Restated Redevelopment Plan shall conform to detailed herein.

7.4.1 GENERAL COMMERCIAL PARCEL



A. Permitted Principal Uses

1. Private Childcare Centers providing daycare services for children.
2. Commercial / Office / Retail / Apartment Buildings as multistory, mixed-use structures or single-story or multi-story, but single-use buildings, with:
 - a. Neighborhood- & Regionally-oriented Retail & Service Activities,¹⁸⁷ limited to the ground floor,

¹⁸⁶ §1.3 herein.

¹⁸⁷ Defined in §2.86 & §2.93 herein.



except that multi-story Retail uses may extend above the ground floor if a component of a ground-floor use.

Included shall be retail liquor stores under a (C) Plenary Retail Consumption License issued by the New Jersey Division of Alcoholic Beverage Control.

- b. Fully-enclosed or open-air eating and drinking establishments¹⁸⁸ and specialty food and beverage outlets, including those which may serve alcoholic beverages,¹⁸⁹ permitting service in a dine-in or take-out manner. Limited to the ground and 2nd floors.

In addition to a Class C Plenary Retail Consumption License, included in this use shall be the manufacture and service of alcoholic beverages under and subject to the provisions of N.J.S.A. 33 (Intoxicating Liquors)¹⁹⁰.

- A (1b) Limited Brewery License;
- A (1c) Restricted Brewery License;
- A (2f) Cidery and Meadery License;
- A (3a) Plenary Distillery License;
- A (3b) Limited Distillery License;
- A (3c) Supplementary Limited Distillery License;
- A (3d) Craft Distillery License;
- A (4) Rectifier and Blender License; and
- A Craft Manufacturer's license pursuant to N.J.S.A. 33:1-10b.

- c. General Business, Professional, Medical, Administrative or Consulting service offices and like and similar facilities, limited to the ground and 2nd floors.

- d. Apartments within one or more Apartment Buildings¹⁹¹.

Non-residential uses are mandatory and shall receive Certificate(s) of Occupancy for the

¹⁸⁸ Including Bars, Taverns and Nightlife Establishments (provided that food is served).

¹⁹⁰ Specifically N.J.S.A. 33:1-10

¹⁸⁹ Coffee houses / coffee bars, ice cream parlors and like and similar facilities.

¹⁹¹ §5.3, §2.4, & 2.5 herein.





entirety of such spaces prior to the issue of Certificate(s) of Occupancy for final 25% of the dwelling units in the building.

If build-out is phased, non-residential space shall be developed in proportion to the number of residential units approved for that phase. For such purpose, each Apartment shall be counted as 1 dwelling unit.

- e. Museums¹⁹² and performing and fine arts space, including galleries, studios, exhibition space, auditoriums [sic] and like and similar uses.
- f. Administrative offices and related facilities as may be necessary and convenient to the provision of municipal services by the Township.
- g. Public and Private Utility Facilities as may be required to service this section of the Township.

B. Permitted Ancillary Uses

1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
2. Typical infrastructure and amenities as are normally and customarily associated with a Permitted Principal Use.
3. Typical Residential Amenities¹⁹³.
4. Alfresco dining attendant to a permitted eating and drinking establishment.
5. Home-Based Businesses as permitted and regulated via the Township Code.
6. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.
7. Internal Maintenance and Storage Areas.

¹⁹² Cultural or popular.

¹⁹³ §2.121 herein.





- 8. Zero-Emission Vehicle Fueling and Charging Stations, subject to the provisions of §13.9 herein.
- 9. Subject to the provisions of the Circulation, Parking & Loading Plan¹⁹⁴ herein, surface parking lots or structured parking garages to support uses within the Redevelopment Area.

D. Building Limit Controls

- 1. The following Building Limit Controls are designed to work in concert with the Parcelization Plan and the existing and proposed Rights-of-Way detailed under the Circulation Plan of this Amended & Restated Redevelopment Plan¹⁹⁴.
- 2. Site and building controls shall be flexibly interpreted in order to achieve the desired effect. Unless otherwise indicated, such Controls shall be applicable to both Principal and Ancillary Structures.
- 3. Multi-story buildings shall consist of commercial / retail uses on the ground level and, if mixed-use, shall have apartments or offices on the upper levels.

- 4. Building orientation toward Route 33 is encouraged for buildings abutting that Right-of-Way.

Where buildings are not oriented toward Route 33, the Route 33 façade shall generally be comparable in style and detailing to the Town Center buildings fronting the north side of Route 33.

This shall not be construed to mean that design and treatment must be the same as Town Center North, but rather that such elements shall display equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.

- 5. Building orientation toward Liberty Street is encouraged for buildings abutting that Right-of-Way.

CATEGORY	REGULATION
Minimum Parcel Size	No Minimum Established The geometry of this Parcel shall constitute the Minimum Parcel Size, Width and Depth.
Minimum Parcel Width	
Minimum Parcel Depth	

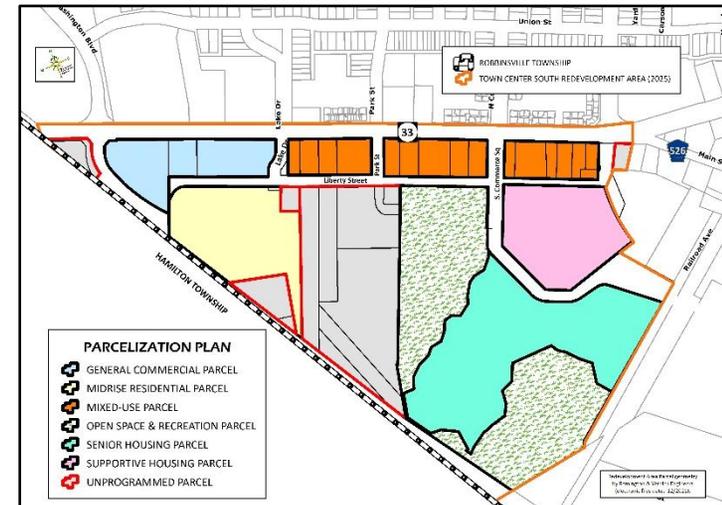
¹⁹⁴ §8.0 herein.



CATEGORY		REGULATION
Maximum Impervious Surface Coverage		80%
Principal Buildings		
Minimum Setbacks	Route 33	0' ¹⁹⁵
	Washington Boulevard	50'
	Liberty Street	30', provided buildings are functionally and architecturally oriented to Liberty Street. Otherwise: 40'
	Remaining Property Lines	30'
Maximum Building Height		2½ Stories 40' + architectural features
Maximum FAR		1.3
Minimum Dwelling Unit Size		650 s.f.
Maximum Residential Density		No Maximum Established Residential Density shall be as agreed upon by the Redeveloper and the Township as part of a negotiated Redevelopment Agreement ¹⁹⁶ .
Ancillary Structures (Does not include Trash Enclosures)		
Maximum Number		1 per Building
Maximum Area		500 s.f.

CATEGORY		REGULATION
Minimum Setbacks	Route 33	No closer than the rear-most wall or portion of such wall of the Principal Building fronting these Rights-of-Way, if projected to the property line.
	Washington Boulevard	
	Liberty Street	10'
	Remaining Property Lines	
Maximum Building Height		15' 1 Story

7.4.2 MIDRISE RESIDENTIAL PARCEL



¹⁹⁵ Sidewalks servicing commercial Projects on the south side of Route 33 shall be consistent in width and treatment as on the north side of Route 33.

¹⁹⁶ §5.3 herein.



- A. Permitted Principal Uses
 - Apartments within one or more Apartment Buildings¹⁹⁷.

- B. Permitted Ancillary Uses
 - 1. Typical Residential Amenities¹⁹⁸.

 - 2. Home-Based Businesses as permitted and regulated via the Township Code.

 - 3. Maintenance and Storage sheds.

 - 4. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.

 - 5. Public and Private Utility Facilities as may be required to service this section of the Township.

 - 6. Subject to the provisions of the Circulation, Parking & Loading Plan¹⁹⁹ herein, surface parking lots or structured

parking garages to support uses within the Redevelopment Area.

- C. Building Limit Controls
 - 1. The following Building Limit Controls are designed to work in concert with the Parcelization Plan and the existing and proposed Rights-of-Way detailed under the Circulation Plan of this Amended & Restated Redevelopment Plan¹⁹⁹.

 - 2. Site and building controls shall be flexibly interpreted in order to achieve the desired effect. Unless otherwise indicated, such Controls shall be applicable to both Principal and Ancillary Structures.

CATEGORY	REGULATION
Minimum Parcel Size	No Minimum Established The geometry of this Parcel shall constitute the Minimum Parcel Size, Width and Depth.
Minimum Parcel Width	
Minimum Parcel Depth	
Maximum Impervious Surface Coverage	80%

¹⁹⁷ §2.4 & §2.5 herein.

¹⁹⁹ §8.0 herein.

¹⁹⁸ §2.121 herein.



CATEGORY		REGULATION
Principal Buildings		
Minimum Setbacks	Liberty Street	20'
	Side Yards	15'
	Rear Yard	35', but in all cases sufficient room to permit on-site parking for the entirety of the building.
Maximum Building Height	4½ Stories	
	48' + architectural features	
Maximum Building Coverage	75%	
Minimum Dwelling Unit Size	650 s.f.	
Maximum FAR	1.3	
Maximum Residential Density	No Maximum Established Residential Density shall be as agreed upon by the Redeveloper and the Township as part of a negotiated Redevelopment Agreement ²⁰⁰ .	
Ancillary Structures (Does not include Trash Enclosures)		
Maximum Number	1 per Building	
Maximum Area	500 s.f.	
Minimum Setbacks	Liberty Street	10'
	Side & Rear Yards	

CATEGORY	REGULATION
Maximum Building Height	15'
	1 Story

7.4.3 MIXED-USE PARCEL



A. Permitted Principal Uses

All Principal Uses permitted for the General Commercial Parcel²⁰¹ except Private Childcare Centers providing daycare services for children. Apartments may be, but need not be, limited to Age-Targeted housing.

²⁰⁰ §5.3 herein.

²⁰¹ §7.4.1 A. herein.



B. Permitted Ancillary Uses

All Ancillary Uses permitted for the General Commercial Parcel²⁰².

C. Building Limit Controls

1. The following Building Limit Controls are designed to work in concert with the Parcelization Plan and the existing and proposed Rights-of-Way detailed under the Circulation Plan of this Amended & Restated Redevelopment Plan²⁰³.

2. Site and building controls shall be flexibly interpreted in order to achieve the desired effect. Unless otherwise indicated, such Controls shall be applicable to both Principal and Ancillary Structures.

CATEGORY	REGULATION
Minimum Parcel Size	No Minimum Established
Minimum Parcel Width	The geometry of this Parcel shall constitute the Minimum Parcel Size, Width and Depth.
Minimum Parcel Depth	

CATEGORY		REGULATION
Maximum Impervious Surface Coverage		90%
Principal Buildings		
Minimum Setbacks	Route 33	0' ²⁰⁴
	Liberty Street	40'
	Remaining Property Lines	15'
Maximum Building Height		4½ Stories 60' + architectural features
Maximum FAR		1.3
Minimum Dwelling Unit Size		650 s.f.
Maximum Residential Density		No Maximum Established Residential Density shall be as agreed upon by the Redeveloper and the Township as part of a negotiated Redevelopment Agreement ²⁰⁵ .
Ancillary Structures (Does not include Trash Enclosures)		
Maximum Number		1
Maximum Area		500 s.f.
Minimum Setbacks	Route 33	No closer than the rear-most wall or portion of such wall of the Principal Building fronting these Rights-of-Way, if projected to the property line.

²⁰² §7.4.1 B. herein.

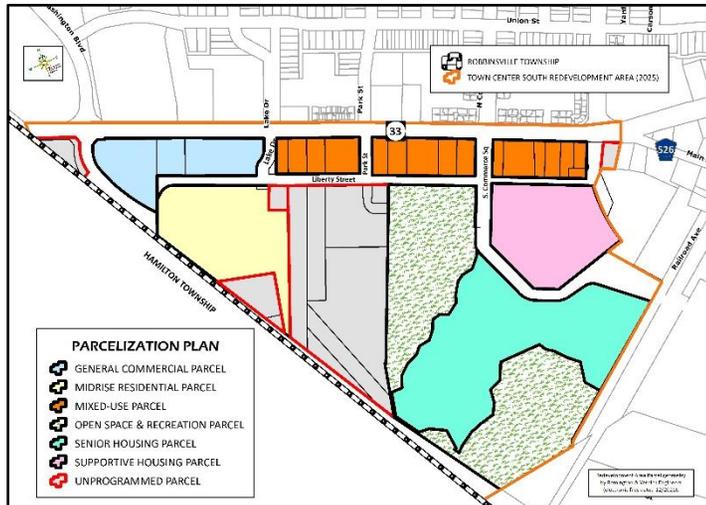
²⁰³ §8.0 herein.

²⁰⁴ Sidewalks servicing commercial and Mixed-Use Projects on the south side of Route 33 shall be consistent in width and treatment as on the north side of Route 33.

²⁰⁵ §5.3 herein.

CATEGORY		REGULATION
Minimum Setbacks	Liberty Street & Remaining Property Lines	10'
Maximum Building Height		15'
		1 Story

7.4.4 OPEN SPACE & RECREATION PARCEL



A. Permitted Principal & Ancillary Uses

- Such public active and passive recreational uses and structures as are appropriate for community recreation in the Redevelopment Area.

- Natural open space and such pedestrian walkways, scenic overlooks and other passive recreational uses and structures as are appropriate to the setting.

While the Town Center Plan encourages “the preservation of undeveloped open space in its natural state”, the Township recognizes that such “natural state” in the Redevelopment Area is largely cleared, unattractive graveled lands or scrub brush, and not the “attractive or unique natural features such as streams, creeks, ponds, wetlands, woodlands, specimen trees and other areas of mature vegetation worthy of preservation”.

Accordingly, while the Township’s intent is to respect and maintain natural conditions where appropriate, the improvement of the Open Space in this Parcel via sculpted contours, new vegetation and like and similar features is encouraged.

- Such stormwater outfalls and other utilities to support Redevelopment Projects in the Redevelopment Area.

B. Building Limit Controls

No Building Limit Controls are established. Improvements shall be designed to provide such recreational amenities as are appropriate to the setting, and to support the conservation and enhancement of the open space as an amenity to the Township and the Redevelopment Area.

Details related to specific treatments shall be determined within the context of the Redevelopment Agreement to be negotiated between the Township and the Redeveloper Candidate, as well as the Land Use Board during the Review & Approval²⁰⁶ process.

7.4.5 SENIOR HOUSING PARCEL



A. Permitted Principal Uses

1. Age-restricted Apartments²⁰⁷ within one or more Apartment Buildings²⁰⁸.

B. Permitted Ancillary Uses

1. Typical Residential Amenities²⁰⁹.
2. Home-Based Businesses as permitted and regulated via the Township Code.
3. Maintenance and Storage sheds.
4. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.
5. Public and Private Utility Facilities as may be required to service this section of the Township.

²⁰⁶ §2.87 herein.

²⁰⁷ §2.4 herein.

²⁰⁸ §2.5 herein.

²⁰⁹ §2.121 herein.



6. Subject to the provisions of the Circulation, Parking & Loading Plan²¹⁰ herein, surface parking lots or structured parking garages to support uses within the Redevelopment Area.

C. Building Limit Controls

1. The following Building Limit Controls are designed to work in concert with the Parcelization Plan and the existing and proposed Rights-of-Way detailed under the Circulation Plan of this Amended & Restated Redevelopment Plan²¹⁰.

2. Site and building controls shall be flexibly interpreted in order to achieve the desired effect. Unless otherwise indicated, such Controls shall be applicable to both Principal and Ancillary Structures.

CATEGORY	REGULATION
Minimum Parcel Size	No Minimum Established The geometry of this Parcel shall constitute the Minimum Parcel Size, Width and Depth.
Minimum Parcel Width	
Minimum Parcel Depth	
Maximum Impervious Surface Coverage	80%

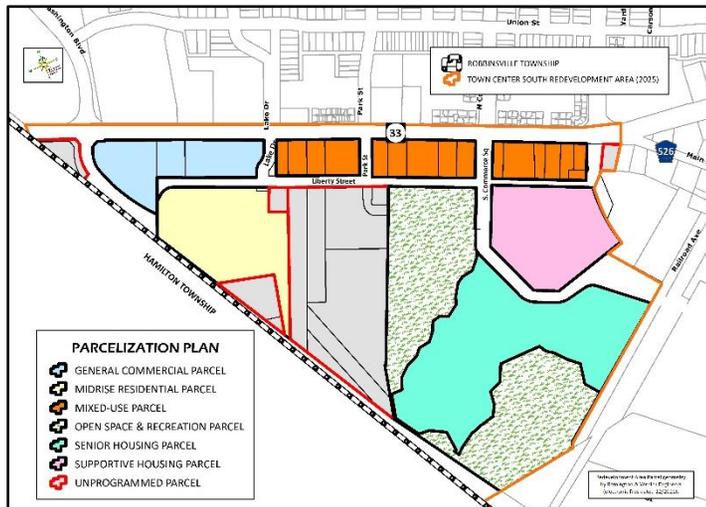
CATEGORY		REGULATION
Principal Buildings		
Minimum Setbacks	Northern Property Line	80'
	Eastern Property Line	70'
	Western Property Line	100'
	Southern Property Line	70'
Maximum Building Height		5 Stories 70' + architectural features
Maximum Building Coverage		75%
Minimum Dwelling Unit Size		650 s.f.
Maximum FAR		0.35
Maximum Residential Density		No Maximum Established Residential Density shall be as agreed upon by the Redeveloper and the Township as part of a negotiated Redevelopment Agreement ²¹¹ .
Ancillary Structures (Does not include Trash Enclosures)		
Maximum Number		10
Maximum Area		5,000 s.f. (each)
Minimum Setbacks	Northern Property Line	10'
	Eastern Property Line	

²¹⁰ §8.0 herein.

²¹¹ §5.3 herein.

CATEGORY		REGULATION
Minimum Setbacks	Western Property Line	10'
	Southern Property Line	
Maximum Building Height		15'
		1 Story

7.4.6 SUPPORTIVE HOUSING²¹² PARCEL



A. Permitted Principal Uses

1. Apartments within one or more Apartment Buildings²¹³.

2. Such professional, medical, administrative and other services as are normal and customary for a multi-service Supportive Housing community.

Nothing herein shall be construed to prohibit individuals or families that do not reside in the Supportive Housing Parcel from receiving the supportive services offered at such Parcel.

3. Active & Passive Public Open Space, including parks, playgrounds, programmed recreation areas, and like and similar uses.
4. Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.

B. Permitted Ancillary Uses

1. Infrastructure and amenities as are normally and customarily associated with a multi-service Supportive Housing community, including, but not necessarily limited to, a separate Clubhouse building

²¹² §2.106 herein.

²¹³ §2.4 & §2.5 herein.



for resident recreation, the provision of support services and community events.

2. Home-Based Businesses as permitted and regulated via the Township Code.
3. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks.
4. Maintenance and Storage Sheds.
5. Mailboxes and mailbox banks for multi-unit postal delivery, provided that, if exterior to a building, mailbox banks shall be enclosed in a decorative kiosk.
6. Subject to the provisions of the Circulation, Parking & Loading Plan²¹⁴, structured or surface parking facilities.

C. Building Limit Controls

1. The following Building Limit Controls are designed to work in concert with the Parcelization Plan and the existing and proposed Rights-of-Way detailed under the Circulation Plan of this Amended & Restated Redevelopment Plan²¹⁴.
2. The following site and building controls shall be flexibly interpreted in order to achieve the desired effect. Unless otherwise indicated, such Controls shall be applicable to both Principal and Ancillary Structures.

CATEGORY	REGULATION
Minimum Parcel Size	No Minimum Established The Supportive Housing Parcel was designed to meet the needs of the Freedom Village Project in order to create an efficient and effective site layout with appropriate accessways while respecting the natural and built environment of the Redevelopment Area.
Minimum Parcel Width	
Minimum Parcel Depth	
Maximum Impervious Surface Coverage	80%

²¹⁴ §8.0 herein.





CATEGORY		REGULATION
Principal Structures		
Minimum Setbacks	S. Commerce Square	15'
	Northern Property Line	10'
	Internal Rights-of-Way / Drive Aisles ²¹⁵	10'
	Remaining Parcel Perimeter	45'
Maximum Building Height		4½ Stories 48' + architectural features
Maximum Building Coverage		75%
Minimum / Maximum Dwelling Unit Size		650 s.f. / 2054 s.f.
Maximum FAR		1.3
Maximum Residential Density		No Maximum Established Residential Density shall be as agreed upon by the Redeveloper and the Township as part of a negotiated Redevelopment Agreement ²¹⁶ .
Minimum Distance between Buildings		50'
Clubhouse²¹⁷		
Maximum Number		1

CATEGORY		REGULATION
Maximum Total Area		5,500 s.f.
Minimum Setbacks	S. Commerce Square	N/A
	Southern Property Lines (3)	50'
Minimum Setbacks	Internal Rights-of-Way / Drive Aisles ²¹⁵	10'
Maximum Building Height		1½ Stories 25' + architectural features
Minimum Distance to other Buildings		50'
Ancillary Structures (Does not include Trash Enclosures)		
Maximum Number		2
Maximum Total Area		550 s.f.
Minimum Perimeter Setbacks	Less than 5' in Height	5'
	5' – 15 in Height	10'
Maximum Building Height		15' 1 Story

7.4.7 CONSTRUCTION STAGING & MARKETING TRAILER AREAS

Construction Staging and/or Marketing Trailers for the construction and/or marketing of a Redevelopment Project,

²¹⁵ Public or Private. Measured to curbline of cartway / sidewalk or parking stall.

²¹⁷ For the purposes of these Building Limit Controls, the Clubhouse is treated as a distinct component of the Project.

²¹⁶ §5.4 herein.





including materials storage, trailers for office use, parking and all other activities normally associated with development shall be permitted on all Redevelopment Parcels.

In addition to any conditions placed on a Construction Staging / Marketing Trailer Area by any Relevant Permitting Agency, or any terms or conditions addressed within the context of the Redevelopment Agreement, any such use shall be conditioned upon the following:

- A. Construction Staging / Marketing Trailer Areas shall be enclosed by a lockable fence, which shall be removed upon completion of the Project, or Phase or Subphase thereof, for which the Area is intended.
- B. Any and all property belonging to any contractor shall be removed upon the completion of the work by said contractor, regardless of whether the totality of construction is completed.
- C. Unless used for a subsequent Phase or Subphase of a Project, all Construction Staging / Marketing Trailer Areas

shall be returned to their pre-construction condition upon completion of the Project, or Phase or Subphase thereof, for which Area is intended, or shall be otherwise addressed as a finished component of the Project.

- D. In no case shall a Construction Staging / Marketing Trailer Area, construction fence or the storage of equipment or materials remain in place for longer than 1 month after issue of the last Certificate of Completion & Compliance²¹⁸ for the last Phase or Subphase of the Project for which the Area, fence, equipment or materials are intended.
- E. To effectuate the foregoing, each Redeveloper or entity responsible for a Construction Staging / Marketing Trailer Area shall post a bond, performance guarantee or other surety with the Township, in an amount to be established by the Township Engineer, sufficient to compensate the Township for any costs incurred by the municipality in returning the Area to its pre-development condition, or to otherwise address the Area as a finished component of the Project.

²¹⁸ §15.0 herein.





In the event that the entity responsible for removing the Construction Staging / Marketing Trailer Area and returning such Area to its pre-development (or finished) condition fails to do so as required herein, the Township shall claim payment under the bond, performance guarantee or other surety, as the case may be, for the cost of the actions required to remove the Area and return it to its pre-development (or finished) condition, including all legal and administrative costs related thereto.

- F. Staging for construction of an off-tract improvement (i.e., construction outside of the Redevelopment Parcel on which the Project is located) shall be permitted, provided such construction directly relates to the Redevelopment Project, including, but not limited to, traffic, infrastructure or parking-related improvements.

Staging for construction of an off-tract improvement not related to a Redevelopment Project shall require approval of the Township Council, acting in its capacity as Redevelopment Entity for this Amended & Restated Redevelopment Plan.

- G. Unless Land Use Board approval is required by this Amended & Restated Redevelopment Plan or by the Township Code, activities under this §7.4.10 shall be approved by the Zoning Officer (in consultation with the Township Engineer or other officials as may be necessary), who may impose such restrictions and/or conditions as may be deemed reasonable and appropriate for the protection of Township infrastructure, the environmentally sensitive lands within or adjacent to the Redevelopment Area, and adjacent properties and land uses ~ both within and outside of the Redevelopment Area. Such conditions may include, but need not be limited to, buffering and screening, provisions concerning hours of operation, vehicular and delivery access, and site lighting.
- H. Interpretation of any provision of this section shall be made by the Zoning Officer, which shall be exercised in accordance with the standards set forth herein for the protection of the public and the natural environment.

Appeal of a decision of the Zoning Officer shall be made to the Township Council, acting in its capacity as Redevelopment Entity for the Redevelopment Area.

8.0 ARCHITECTURAL CONTROLS

8.1 OVERVIEW

8.1.1 In conceptualizing their Redevelopment Projects, Redevelopers and designers shall recognize the significance of this (re)development opportunity for the Township, and shall employ superior design elements in order to achieve the Municipal Goals & Objectives²¹⁹ of this Amended & Restated Redevelopment Plan.

8.1.2 As detailed throughout the Redevelopment Plan and this Amended & Restated Redevelopment Plan, Township Policymakers recognize the public resources (human and financial) that were invested the Town Center planning process and the success of the Town Center North, and are committed to maintaining the quality of development for the Redevelopment Area.

Township Policymakers also recognize that economic factors necessarily influence project design, that the economic climate for (re)development projects is less attractive than it was when the Town Center Plan was adopted and the Town

Center North²²⁰ developed, and that this condition is likely to continue into the foreseeable future.

As such, the following Architectural Controls are grounded in Design Regulations and Design Vocabulary of the Town Center Plan, but have been modified in order to provide the level of flexibility described herein.

8.1.3 These Architectural Controls address the overall orientation, massing and detailing of the site(s) and buildings within the Redevelopment Area, and are intended to work in conjunction with the Design Vocabulary of the Town Center Plan. Collectively, they are intended to provide a framework for design ~ while encouraging sufficient diversity to avoid a monotonous, cookie-cutter aesthetic. They are intended to serve as **guidelines** for Redeveloper designers, builders and residential and non-residential occupants of the Redevelopment Area.

²¹⁹ §4.0 herein.

²²⁰ §2.109 herein.



8.1.4 The following written controls are enhanced by the graphics selected to illustrate the concepts at issue and overall design intent. **THEY ARE NOT DESIGN MANDATES.**

8.1.5 The process from seeking design waivers from these Architectural Controls is addressed in §7.2.2 B.2 herein.

8.1.6 The Redevelopment Projects existing in Town Center South at adoption of this Amended & Restated Redevelopment Plan²²¹ were approved by the Planning Board. Any inconsistencies between the design of these Projects and the these Architectural Controls are therefore Pre-existing Nonconformities and thus grandfathered.

Any modifications to these existing Projects upon adoption of this Amended & Restated Redevelopment Plan shall continue to be governed by the Architectural Controls under which each Project was approved.

8.2 GENERAL DESIGN PHILOSOPHY

8.2.1 Site and building design shall employ mass, scale, layout, materials and architectural and other distinguishing features

in order to continue the traditional civic character established north of Route 33.

8.2.2 Spatial relationships between buildings and other structures should be geometrically logical and/or architecturally formal.

8.2.3 New construction fronting Route 33 shall relate and be architecturally and aesthetically compatible with the Route 33-fronting buildings in Town Center North. New construction for the balance of the Redevelopment Area generally relate to the Design Vocabulary established herein.

8.2.4 Building designs may vary in terms of footprint, architectural elevations, window placement, roof type, height, entrances and finishes. Elevations within a specific building or building type should be consistent with regard to style, materials, colors and details to the extent architecturally appropriate.

TO THE EXTENT APPLICABLE, THERE SHALL BE NO DISCERNABLE EXTERIOR DIFFERENCE BETWEEN BUILDINGS HOSTING AFFORDABLE HOUSING UNITS AND BUILDINGS HOSTING MARKET-RATE UNITS.

²²¹ §1.3 herein.

8.2.5 Buildings should reflect a continuity of treatment by maintaining building scale, or by subtly graduating changes; maintaining base courses; maintaining cornice lines in buildings of the same height; extending horizontal lines of fenestration; and echoing architectural styles and details, design themes, building materials and colors recommended herein.

8.2.6 Redeveloper(s) is(are) strongly-encouraged to incorporate environmentally-friendly, LEED²²² and U.S. Green Building Council²²³ building and site systems and technologies in order to minimize carbon footprint and operating costs and showcase the selective adoption of technology, environmental stewardship and innovative architecture.

8.3 BUILDING ORIENTATION

8.3.1 Redeveloper(s) shall create a setting where Redevelopment Project(s) and the existing built environment surrounding the Redevelopment Area integrate as seamlessly as possible.

8.3.2 Buildings are encouraged to front (functionally and visually) toward public Rights-of-Way.

8.3.3 Multiple buildings within a Project should front towards and relate to one another functionally and visually, and be organized around courtyards, breezeways or other urban open spaces which encourage pedestrian activity and incidental social interaction.

8.3.4 Buildings shall define the streetscape through the use of uniform setbacks and massing. Streetscapes shall be reinforced by lines of uniformly spaced street trees, which shall be generally continued across side yards (where present) by landscaping.



²²² "Leadership in Energy & Environmental Design"
(www.usgbc.org/DisplayPage.aspx?CategoryID=19).

²²³ <https://www.usgbc.org/>

8.4 BUILDING MASSING, STYLE & FAÇADE TREATMENTS

8.4.1 Buildings shall have a unified, coherent architectural style, vocabulary and color scheme for all elevations. To the extent practicable, building architecture shall be consistent with the neighboring, built environment.

8.4.2 Corner buildings and buildings with more than one facade facing a Right-of-Way, internal open space or internal parking lot, are considered significant structures since they have more than 1 visibly-exposed facade. Such buildings should be designed with enhanced facade treatments (architectural embellishments) to emphasize such locations. Major front façade architectural features shall be continued around all visibly-exposed sides of buildings. Additional height is permitted at the discretion of the Township Council.

8.4.3 Similarly, focal points or points of visual termination should generally be occupied by more prominent buildings that employ enhanced height and/or massing, distinctive architectural treatment or features, including additional height at the discretion of the Township Council.



8.4.4 Buildings shall avoid long, monotonous, uninterrupted walls, roof planes or service areas visible from the public Right-of-Way or from internal Project open space.



Where the construction of a blank wall is unavoidable, the effected facades should be articulated by building wall offsets, fenestration, and enhanced treatment and detailing, including, but not limited to, faux windows, architecturally articulated masonry (projections, recesses and changes in floor level) and recessed or projecting display window cases, all designed to add architectural interest and variety, and to relieve the visual effect of an undifferentiated wall.

Decorative elements such as cupolas, belvederes, exterior façade treatments (frieze), and decorative cornices are encouraged to provide architectural emphasis / embellishment. Landscape screening may also be employed.



8.4.5 Balconies, stoops, open porches, decks, bay windows, raised doorways, chimneys and awnings projecting from the front facade may project into the Front Yard Setback to a maximum of 3' and, except for Townhouses, should be no closer than 10' from the property line.

Such elements projecting from the side facade may project 3' into the Side Yard Setback no closer than 3' from the property line.

Front steps may project into the Front Yard Setback no closer than 5' from the property line.

Garages, decks, Port Cocheres, pergolas, porches, patios, arbors and balconies may project into the Side and Rear Yards no closer than 3' from the side property line and 7' from the rear property line.

8.4.6 Storefronts and similar ground-floor uses shall be integrally designed with the upper floors of a building so as to be compatible with overall façade character.

8.5 MATERIALS

8.5.1 Buildings shall be clad in any combination of natural or simulated-wood clapboard or shingles, brick, real or synthetic stucco (E.I.F.S.), stone, or a combination thereof appropriate to the architecture. Glass curtain wall construction is discouraged except for accent elements.

8.5.2 Ancillary Structures shall be compatible with the Principal Structure.

8.5.3 All visible facades should have an articulated base course, which should align with either the kickplate or sill level of the 1st story.

Unless otherwise mandated by the Building Code, the above-grade foundation-to-sill height shall be brick, fieldstone, split face Concrete Masonry Units ("CMU"), brick pattern concrete or other masonry solution appropriate to the overall building architecture.

The middle section of a building may be horizontally divided at the floor, lintel or sill levels with belt or string courses.

A cornice which terminates or caps the top of a building may project horizontally from the vertical wall plane and may be ornamented with moldings, brackets and/or other details.

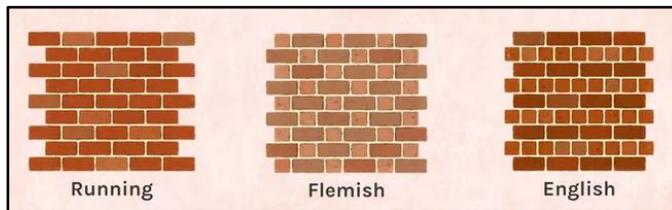
Lower buildings should have a unified, coherent architectural style, vocabulary and color scheme for all building elevations.



8.5.4 SIDING

A. Buildings using clapboard or simulated clapboard should have between 3.5" to 6" exposure (reveal). German siding should not exceed 8" exposure.

- B. Corner boards should not be less than 4" or more than 8" and should protrude from the siding surface to create a shadow line.
- C. Brick finishes should be laid in English or Flemish or running bond. Mortar joints should be struck and not exceed 0.5".



8.5.5 BUILDING TRIM

- A. Buildings should be, at a minimum, trimmed with gable and eave boards where appropriate. Trim ornamentation may be elaborated to:
- Plain or decorated frieze;
 - Overhanging eaves;
 - Boxed or denticulated cornice; and/or
 - Ornate Italianate bracketed cornice.
- B. Tight eaves should be finished by molding. Windows should have decorative lintel with sill and side trim. Doors should be trimmed with decorative lintel and side edges.

Non-masonry structures should have corner boards.

8.6 ENTRYWAYS, DOORS & WINDOWS

8.6.1 ENTRANCES & DOORS

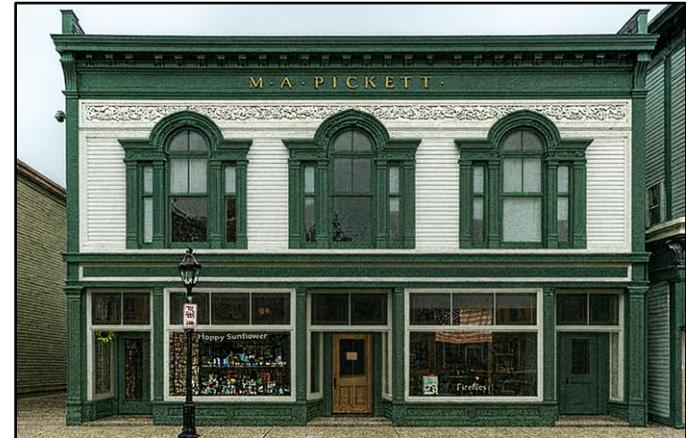
- A. Each ground floor commercial space in mixed-use buildings shall have an independent entryway which shall be **directly accessible from the street** without the patron having to enter the building lobby or other space.
- B. Entrance doors shall be defined and articulated by architectural elements such as lintels, pediments, columns, pilasters, over-hangs, railings, balustrades, fanlights, transoms and sidelights where appropriate, which shall be architecturally compatible with the style, materials, colors and details of the building as a whole.
- C. Buildings with multiple ground-floor entryways shall be unified through architecturally compatible materials, colors, details, awnings, signage and lighting fixtures.
- D. Streetside entry doors to upper-floor residential uses in mixed-use buildings should, to the extent possible, not be located on the primary street facade. If this is not

possible, such doors shall be architecturally differentiated from the doors to ground floor commercial uses. Treatment shall be architecturally consistent with the building's style.



8.6.2 WINDOWS

- A. Windows shall be architecturally compatible to and in proportion with the facade treatment. Fenestration shall be architecturally compatible with the style, materials and details of the building.
- B. Buildings occupied by ground floor commercial uses shall have recessed or projecting display windows framed by the surrounding wall or may have windows with divided lights.



- C. As applicable to building architecture, windows should be vertically proportioned or square, with upper story windows vertically aligned with the location of windows and doors on the ground level, including storefront display windows.



- D. Primary display windows should occupy a minimum of 60% and a maximum of 75% of the total ground floor facade.
- E. Aluminum framed plate glass "storefronts" are discouraged.
- F. Primary facade windows above the ground floor should be a minimum of 24" from the building corners, between 26" and 36" off the ground and should be architecturally compatible to and in proportion with the facade treatment.
- G. The outer glazing should be set back 1" to 3" from the outer plane of the wall. At minimum, there should be a face frame, decorative lintel and drip mold around windows.
- H. Sidelights, fanlights and transoms are recommended above ground floor display windows. Transoms may be elevated above awnings.

Where employed, sidelights should not be less than 12" in width. Such elements are encouraged to have true divided lights.

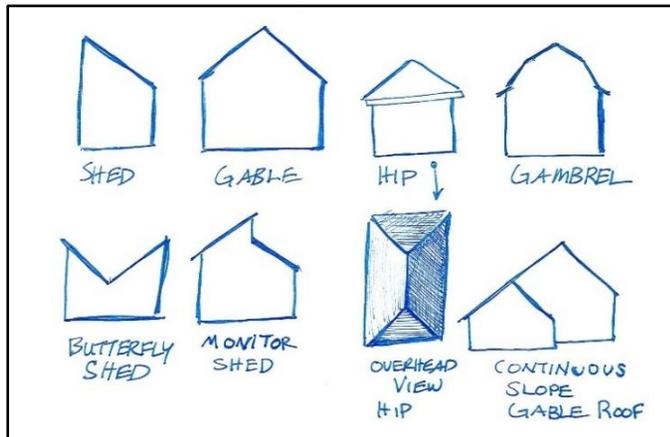
- I. Divided lights should be a minimum of 2 over 2, with true divisions of natural or simulated wood (interior or exterior) mullions / inserts.
- J. Shutters, where employed, should be either louvered or paneled and sized to fit the actual window.



8.7 ROOF TYPES & MATERIALS

8.7.1 PITCHED ROOFS

- A. Pitched roofs may be front or side gable, gambrel, hipped, salt box or any combination thereof depending on the application.



- B. Roofline offsets should be provided to add architectural interest and variety to the massing of a building and to relieve the effect of a long, undifferentiated roof.

Architectural Embellishments that add visual interest to pitched roofs (e.g., dormers, masonry chimneys, cupolas, belvederes, etc.) are encouraged.

Rooflines should vary to the highest extent possible based on the architecture of the building(s).



- C. The recommended pitch for the Principal roof is 9/12 (6/12 for hipped roofs). The principal roof pitch may be lowered if there are overhanging eaves that are either bracketed or have exposed rafters.

Both gable and hipped roofs should provide overhanging eaves on all sides that extend a minimum of 1' beyond the building wall.

Shed roofs are permitted only when attached to a principal roof or parapet wall.

D. Mansard roofs are discouraged on buildings less than three (3) stories in height. Other roof types should be appropriate to the building's architecture.

E. Permitted roof materials for pitched roofs:

- Slate;
- Composite Tile;
- Cedar or other Wood Shingles;
- Standing Seam Copper or Anodized Aluminum;
- Dimensioned Asphalt (complementary colors).

8.7.2 FLAT ROOFS

While pitched roofs are preferred, Flat roofs are permitted if dictated by Building architecture.

A. Flat roofs should be limited to 4-story (or taller) buildings and buildings abutting Route 33, and shall have articulated cornice lines that generally correspond to consistent cornice line on neighboring buildings (where they exist).

B. The exposed (visible) surface of flat roofs which are less than the Maximum Building Height within the Redevelopment Area or surrounding sections of the Township and therefore visible from taller buildings (whether existing or not), shall be aesthetically treated so as to avoid an unsightly appearance from above.

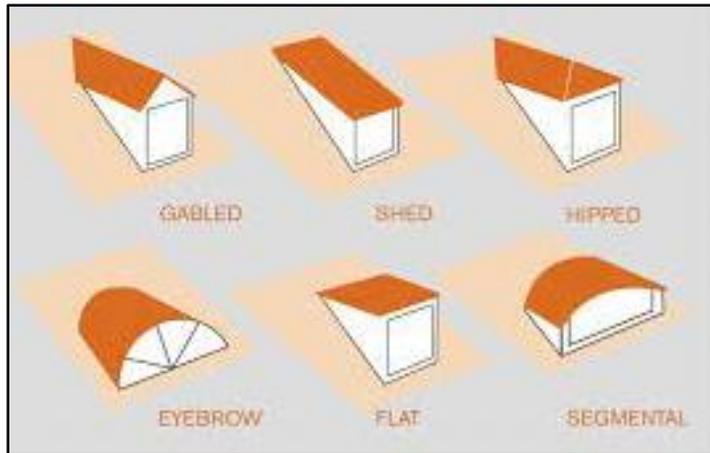


Where surfaces are pedestrian accessible, active or passive rooftop recreation space and/or rooftop seating areas are encouraged. While roof gardens and green roofs are encouraged, treatment need not include live vegetation.

All rooftop treatment shall employ non-reflective materials in order to secure an agreeable visual condition.

8.7.3 CROSS GABLES & DORMERS

Cross gables, dormers and other architectural features are encouraged to give buildings distinctive architectural quality. Dormers may be hipped, gabled, shed, pediment or eyebrow.



8.8 PORCHES, STOOPS & ARCADES

Where and when appropriate, buildings may include a porch, stoop arcade, balcony, portico (Porte Cochere) and/or decorative entryway on the streetside facade. Styles shall be appropriate to the architecture of the building.

8.8.1 PORCHES & STOOPS

A. Porches should be located on the facade facing the sidewalk and may be wrapped around the side wall of a

building. The scale of the porch shall be appropriate to the building's architecture.

Open or covered stoops are recommended where appropriate to the architecture of the building.

B. Porch superstructures should, as appropriate to the building's architecture, be faced with natural or simulated wood, rusticated- (rough-) faced stone, stucco or brick.

Stoops and steps should be faced in masonry, brick, slate, stucco or stone. Brick should be used for walls and risers, with concrete or stone treads.

C. Porches and Stoops may include chamfered posts or more complex styles, with elaborate spindle work, frieze and spandrel carving.

D. Porch or Stoop roofs should be supported by posts, piers or columns of classic proportions and correct entablature.

Stone piers should be rough faced. Railing and banisters should be wood or wrought iron. with architectural corners and newel posts. Components should be painted or otherwise appropriately finished.

- E. Optional Porticoes or Porte Cocheres are permitted as an extension of the porch. Covered porticoes are permitted in order to provide surface texture. Styles may range from a simple shed roof to an ornate Italianate design.
- F. Porches used for alfresco dining may be enclosed with temporary screens or translucent weather-blocking elements, provided the screen / element framing is architecturally compatible with the style of the porch.

Portable heating torchieres (or similar items) are permitted.

8.8.2 PATIOS / TERRACES, DECKS & REAR YARDS

- A. All dwelling units, except Apartments, should have a private yard or patio having a minimum of 400 s.f. in area. Rear steps and landings are permitted, but may not encroach into the minimum required yard or patio area by more than 20 s.f.

- B. Decks in rear yard areas are permitted, provided they are constructed no more than 21" above grade. In no case should rear steps and landings in excess of 21" high be closer than 15' to side and rear property lines.
- C. The yard or patio should be within an area enclosed by a masonry wall, wooden fence, trellis or lattice, evergreen hedge, vines or combination thereof.
- D. Property owners may not alter existing property grade without Township approval.

8.9 COLORS

- 8.9.1** Colors shall be from the Benjamin Moore Historical Color Collection or equivalent.
- 8.9.2** Trim and shutters should be painted a contrasting color(s) from the main body of the building.
- 8.9.3** Exposed brick shall be in the brown and red ranges. Stucco, stone and masonry veneer should be earthtones.
- 8.9.4** Simulated clapboard shall match the paint colors as closely as possible.



8.9.5 Roof colors shall be compatible with the color scheme used for the other building elements. Roofs visible from a neighboring property shall be compatible with the color scheme of the building or the roofs of neighboring buildings.

Where not visible, or where otherwise appropriate, roof colors should follow LEED or other Green Building standards.

8.9.6 Colors for Ancillary Structure shall be compatible with those of the Principal Structure.

8.10 AWNINGS

Compatible awnings are encouraged as a means of unifying structures. Fixed or retractable awnings are permitted at the ground floor level and on upper levels where appropriate, provided they complement building style, material, colors and details; do not conceal architectural features (i.e., cornices, columns, pilasters or decorative details); do not impair facade composition; and are designed as an integral part of the facade.



Canvas is the preferred material, although other waterproofed fabrics may be used. Metal awnings are discouraged.

8.11 SECURITY ELEMENTS

- A. Solid metal security grates or solid roll-down metal windows protectors are prohibited where visible from a Right-of-Way or a neighboring property.



- B. Link or grill-type security devices are permitted if installed from the inside, within the window or door frames.
- C. Security grilles shall be recessed and concealed during hours of operation. Models which provide a sense of transparency, in light colors, are encouraged.



8.12 BUILDING LIGHTING

- 8.12.1 Where illuminated, facades shall be lit from the exterior, with lighting concealed through shielding or recessed behind architectural features.

Mounting brackets and associated hardware shall be inconspicuous.

- 8.12.2 Fixtures should be architecturally compatible with the style, materials, colors and details of the building.

- 8.12.3 Lighting shall be adequate to the use while minimizing light pollution. Light shields shall be provided to minimize adverse impacts (glare, overhead sky glow) on adjacent properties.

8.12.4 The type of light source used, and the light quality produced, should be the same or compatible within a Redevelopment Project and throughout the Redevelopment Area.

The use of low-pressure sodium, fluorescent or mercury vapor lighting, either attached to buildings or to light the exterior of buildings, is prohibited. Light temperature shall be determined by the Land Use Board Engineer at time of Review & Approval²²⁴.

8.13 GUTTERS

Gutters shall be architecturally compatible with the style of the building. Discharge spouts shall have splash guards or be discharged underground.

8.14 CHIMNEYS

Fireplace or other chimneys shall be architecturally compatible with the style of the building and shall be located at the roof ends or centrally. Chimney tops shall have decorative details (e.g., corbelling). Flues shall be painted the color of the roof.

8.15 HEATING, AIR CONDITIONING & TELECOMMUNICATIONS

Heating, Ventilation and Air Conditioning (HVAC) systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be so located or otherwise screened so as not to be visible from the public Right-of-Way or from adjacent properties by use of walls, fencing, roof elements, penthouse-type screening devices and/or landscaping.

8.16 FIRE ESCAPES

External fire escapes are prohibited. Internal stair towers or other code-compliant routes are required where a second means of egress is required.

8.17 ANCILLARY FEATURES

8.17.1 Ancillary structures and other features shall be architecturally compatible with the Principal Structure.

8.17.2 Ancillary structures are prohibited in the Front or Side Yards, must be located no closer to the street as the rear wall of the

²²⁴ §2.87 herein.



buildings they are intended to serve and screened from view from the public Right-of-Way.

8.18 SIGNAGE

A Signage Plan, in sufficient scale and detail to clearly depict the size, placement, height, style, lettering, color, illumination and method of installation for all Project signage, shall be submitted as part of the Review & Approval process²²⁴. Such Plan shall include ~ to the extent known at the time ~ all text and iconographic elements proposed for all signs, as well as for the entirety of the site surrounding each building within the Project.

While the Signage Plan shall generally conform with the requirements of §5A.19 of the Town Center Plan, the Redevelopment Plan recognized that such signage regulations had not proven adequate for the type of development constructed on Town Center North and may not provide adequate for the needs of the Redevelopment Area.

This Amended & Restated Redevelopment Plan continues to recognize this situation.

Accordingly, the requirements of §5A.19 of the Town Center Plan are expressly intended to serve as a guide. Redevelopers shall feel free to propose a signage package that is considered appropriate to the Project as envisioned, and may petition the Land Use Board for relief from Town Center standards and the provisions of this §8.18 during the Review & Approval process.

When requesting such relief, the Redeveloper shall provide clear justification as to why such standards should be relaxed.

The Land Use Board reserves the right to require modifications to the Signage Plan if necessary to balance the signage needs of the individual Projects with the aesthetic and other needs of the Redevelopment Area and the Town Center as a whole.

8.18.1 GENERAL

- A. Exterior signage shall identify uses, activities and/or functions of the portion of the Redevelopment Project to which it relates. No sign may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or use conducted within the Redevelopment Area.

B. To the extent practicable, signage for similar Project elements should be coordinated and similarly themed to provide a unifying style. This regulation shall not be construed to mean that all signs must be **identical** or to prohibit unique sign designs where appropriate, but rather that, absent specific justification,²²⁵ sign design should be complimentary and consistent.

C. Sign Area shall be measured as the smallest regular geometric shape around the outside edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background, whether open or enclosed, but said area shall not include any supporting framework and bracing incidental to the display itself.

The area of signs with 2 exposures shall be measured by using the surface areas of **1 side of the sign only**.

D. Signage featuring color and the use of dramatic corporate icons is encouraged, as is the use of neon, LED or similar technology to create sculptural logo or iconographic images.

E. Except for warning or safety signs, animated, flashing and illusionary signs and signs using mechanical or electrical devices that revolve, flash, flicker or display movement or the illusion of movement, or which change sign messaging by any movement or rotation or give the visual impression of such movement or rotation are prohibited. Digital message board signs are prohibited.

Signs using words such as "warning", "stop," "look", "danger" or similar messaging, and signs posting "private property," "no hunting" or similar messaging, are prohibited.

Signs with red, green or blue illumination in a beam, beacon or flashing form resembling traffic or emergency lights are prohibited.

F. Sign illumination shall be arranged to reflect the light and glare away from adjoining premises and Rights-of-Way, and shall comply with all appropriate state and Federal codes and regulations.

²²⁵ e.g., branding / theming requirements for themed retail outlets or food & beverage outlets.

- G. No Sign shall project into or hang over a street Right-of-Way, or project beyond a building in a manner placing it above an area traversed by motor vehicles, such as but not limited to driveways and parking areas. Where signs project beyond a building facade or wall, the lowest portion of the sign shall be at least 8' above grade.
- H. No vacant signs or sign boxes are permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general Project or other appropriate signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.
- I. All signs shall be professionally designed and constructed of durable materials. Plywood, cardboard, coroplast, vinyl, or similar signs, or homemade / home-computer generated - type signs, are **EXPRESSLY PROHIBITED**.
- J. No restrictions are established for Interior Project Signage.²²⁶ Redevelopers are encouraged to establish a

creative interior sign package consistent with the type and scope of Redevelopment Project proposed.

- K. With the exception of signage located at a Construction Staging and/or Marketing Trailer²²⁷, no exterior real estate signs or equipment²²⁸ is permitted within the Redevelopment Area. All such signage / equipment shall be limited to centrally-located Project-wide elements coordinated through Project management.
- L. No sign of any type shall be permitted to obstruct doors, fire escapes, walkways or stairs, driving vision, traffic signals, traffic direction and identification signs, other places of business or other signs or windows of the buildings on which they are located.

Signs and sign structures shall be located to allow a clear, unobstructed line of sight (i.e. sight triangle) of any intersection of streets and/or driveways as required by the Township, Mercer County and/ or the American Association of State Highway and Transportation Officials²²⁹.

²²⁶ Defined as the interior areas of a Redevelopment Project, whether within an enclosed structure or on the inward-facing facades of a building internal to the Project.

²²⁸ e.g., flier stands, lock boxes or related items

²²⁹ AASHTO

²²⁷ §7.4.10 herein.

**8.18.2 MID-RISE (APARTMENT, MIXED-USE & COMMERCIAL)
BUILDINGS**

- A. Each building elevation may have 1 building-mounted Project Identification Sign showing the name of the Project as well as appropriate branding iconography (i.e., logo).

While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be located at the upper-most section of the building, but shall be no higher than the roofline of the wall supporting such sign, and shall have a total sign area not exceeding 25% of the total surface area of the building elevation on which it is affixed.

- B. Projects with multiple buildings shall be limited to a single building-mounted sign on the most prominent building per compass direction (it being the intention not to have repetitive signs facing the same direction on each building).
- C. Each Permitted Principal Use (i.e. operation) in a building, including the host use (e.g., the name of the Apartment use in a mixed-use building), may have 1 Identification Sign mounted above the storefront of such

use (or the entryway to the host use), containing the name of the operation, the logo or corporate icon of the operation and any specialty information for such use. Such signage may be building mounted or may be part of an awning or canopy.

- D. Building-mounted directional signage indicating entrances to porte-cocheres, parking garages, loading and delivery areas and other locations as required may be cantilevered from the building if necessary for visibility.

9.0 CIRCULATION, PARKING & LOADING PLAN

9.1 BACKGROUND

9.1.1 TOWN CENTER PLAN

The Town Center Plan established 11 Right-of-Way Types for the Town Center, with design specifications for each, in order to promote flexibility in developing the character of each block within the Town Center.

Design elements included the following components, to be employed in conjunction with one another:

- A. A street grid with varying block configurations designed to accommodate a variety of lot sizes and types;
- B. Curvilinear streets that bend at strategic locations to promote flexibility and character by creating varied site vistas while maintaining the integrity of the street grid; and
- C. Varying lot sizes, setbacks and position of structure regulations.

Utilizing these and other concepts, the Town Center Plan established a Street Regulating Plan, specifying the locations, widths and design standards for the Right-of-Way Types.

9.1.2 REDEVELOPMENT PLAN

- A. The Township's experience with the Town Center North development revealed certain shortcomings in the Street Regulating Plan as to cartway width and parking requirements. Additionally, the intricate network of Rights-of-Way required by the Street Regulating Plan was viewed as impracticable given the [then] current economic conditions.

Accordingly, the Redevelopment Plan included a Circulation, Plan which, while not abandoning the Town Center's Street Regulating Plan, revised the circulation grid for the Redevelopment Area's Northern Tract but deferred roadway geometry for the Southern Tract to the Tract's eventual Redeveloper(s).

- B. Circulation for residential Redevelopment Projects remained subject to the applicable provisions of the New Jersey Residential Site Improvement Standards, the requirements of all Relevant Permitting Agencies and Review & Approval by the [then] Planning Board.
- C. Parking and loading requirements were also specified.

- 2. The southern curbline of Route 33 was to remain as a uniform curbline throughout the Redevelopment Area.
- 3. Curbcuts on Route 33 were to be minimized. A centralized system of ingress and egress points to the Northern and Southern Tracts was established. Excess curbcuts were to be eliminated.

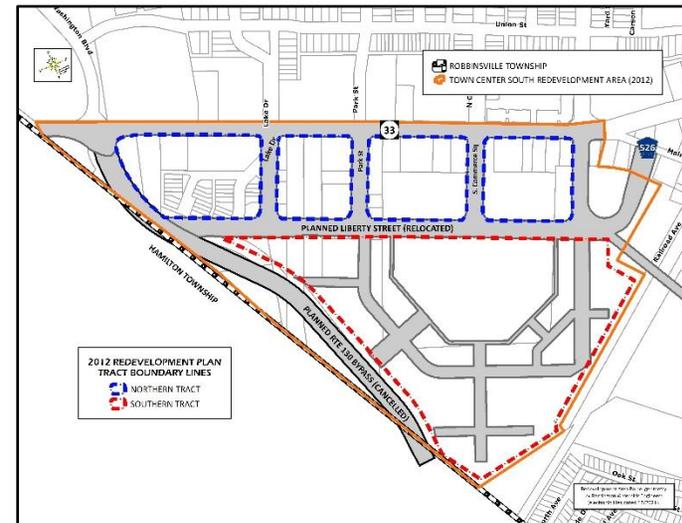
9.2 CIRCULATION PLAN

9.2.1 REDEVELOPMENT PLAN

A. Route 33

- 1. The Circulation Plan maintained the existing Route 33 Right-of-Way in its [then] current geometry, although certain improvements were permitted if required by the Redevelopment Project(s) proposed. Potential improvements included the widening of the cartway along the southern side of the street; modifications in pavement striping and traffic signage; mechanisms to regulate left-turn movements; and installation of at-grade pedestrian crosswalks, traffic signals and/or other physical and/or mechanical elements to regulate pedestrian and traffic movement.

B. Northern & Southern Tracts



As detailed in §7.3.1 herein, the intent of the Redevelopment Plan when adopted was for the boundary lines of the Redevelopment Area’s Northern and Southern

Tracts to generally mirror the geometry of Town Center North, with Liberty Street mirroring Union Street. Access to the Redevelopment Area was to be from Route 33 via extensions of the existing Rights-of-Way providing access from Route 33 to Town Center North.

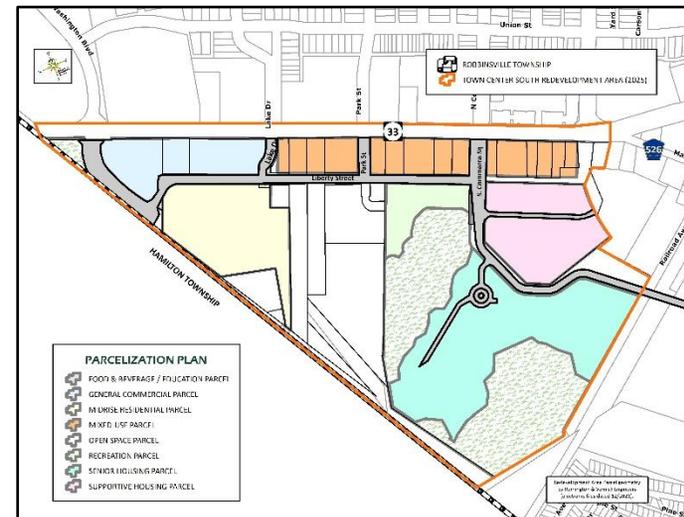
- C. Cross-access easements and parallel transportation routes which alleviate traffic pressures on otherwise congested Rights-of-Way are encouraged.

9.2.2 AMENDED & RESTATED CIRCULATION PLAN

This Amended & Restated Redevelopment Plan replaces the adopted Circulation Plan as follows:

- A. As detailed in §1.3.8 herein, the concept of the Route 33 Bypass has been abandoned.
- B. The concept of a jug-handle connecting Route 33 with Main Street via the Robbinsville-Edinburg Road been abandoned.
- C. Modifications to the roadway network to reflect the various Redevelopment Projects developed since the adoption of the Redevelopment Plan have been formalized²³⁰.

- D. Liberty Street has been relocated from its planned location to the current alignment.
- E. The alignment for the Liberty Street / Route 130 connector has been formalized.
- F. The conceptual roadway network for the Southern Tract has been replaced with the network servicing the Projects anticipated under this Amended & Restated Redevelopment Plan.



²³⁰ §1.3 herein.

9.3 PARKING

9.3.1 GENERAL

- A. Off-street parking for a Redevelopment Project may be accomplished via any combination of surface parking lot(s) or structured parking garage(s).

- B. All parking within the Redevelopment Area shall be governed by the New Jersey Residential Site Improvement Standards²³¹ and the schedules contained in Parking Generation (most recent edition) published by the Institute of Transportation of Engineers²³².

- C. Consistent with the intent of this Amended & Restated Redevelopment Plan to utilize Smart Growth Principals, R.S.I.S. and I.T.E. figures are expressly intended to serve as a guide. To the extent permitted by R.S.I.S., the Land Use Board and Relevant Permitting Agencies, Redevelopers shall provide for such parking as may reasonably be necessary for a particular Project, and may increase parking supply beyond R.S.I.S. and I.T.E. standards or may petition the Land Use Board (and other Agencies) for relief

from such standards during the Review & Approval process²³³. Redevelopers requesting relief from R.S.I.S. and I.T.E. standards shall provide clear justification as to why such standards should be relaxed.

- D. The total parking requirement for a Project shall be the sum total of the number of spaces required for each individual use within such Project. Where the calculation of total parking results in a fraction of a parking space, such fraction shall be rounded to the higher number.

- E. Off-street parking for commercial uses shall be sufficient to provide for the employees and customers of all uses. Spaces reserved for employees shall be designated as such by means of striping and signage.

- F. Redevelopers are encouraged to utilize shared parking and other innovative parking solutions as part of their

²³¹ R.S.I.S.

²³³ §2.87 herein.

²³² commonly referred to as the "I.T.E. Parking Manual".

Parking Plans, provided that such arrangements do not result in a reduction of parking to the detriment of the residents and businesses within the Town Center.

Where necessary, the Land Use Board may, in its discretion, permit parking spaces to be reserved either for residential or specified commercial uses; or may restrict the hours that certain spaces are to be used for commercial uses.

Such discretion shall be exercised in favor of encouraging shared parking.

- G. No vehicle parked in a driveway or parking area shall encroach into the public Right-of-Way.
- H. With the exception of the south side of Route 33, where on-street parking is not permitted:
 - 1. On-street parking shall be provided as curbside parallel, or angle parking located along both or alternating sides of the streets.
 - 2. Diagonal head-in parking may be permitted along the front of commercial uses and/or public open space.

- 3. Curbside parking shall not be permitted within 25' of an intersection.

9.3.2 OFF-STREET PARKING: INDIVIDUAL (SINGLE-FAMILY, DUPLEX & TOWNHOUSE) UNITS

- A. Off-street parking is prohibited in the Front Yard Setback.
- B. Garages shall be located toward the rear of the dwelling.
- C. Parking access from the rear of the dwelling is encouraged so that driveways and driveway access is not visible from any Front Yard, except in the case of corner lots, wherein driveways are permitted direct access to the side street. In such case, the entrance to the garage must be setback 10' further than the side wall of the dwelling.
- D. Parking areas shall be set back a minimum of 20' from the rear of dwelling units.
- E. Driveways that are accessed through the Front Yard shall be no wider than 10'. The maximum width of a driveway throat shall not exceed 12' for a single-vehicle drive and 24' for a two-vehicle drive. There shall be no more than one driveway apron per lot.

- F. Garages, driveways and parking areas shall have a minimum setback of 3' from any side property line or side of a dwelling, except where the garage, driveway or parking area is shared by dwellings on two adjacent lots (i.e., townhouse and duplex lots), in which case the garage, driveway or parking area may be located with the driveway center line on the common side lot line.
- G. Driveways may be constructed of concrete, grass block, or brick or stone pavers.
- H. For Townhouse Projects, individual unit driveways and associated parking garages, common building (multi-car) surface parking lots and/or structured parking garages shall be located to the rear of or internal to the site(s) and shall therefore not be visible from the public Rights-of-Way.

To the extent applicable, internal circulation aisles, loop-roads accessed by end-unit driveways or other similar accessways shall be employed.

- I. Cross-access easements for adjacent lots with interconnected parking are encouraged. The language of such easement shall be submitted to the Land Use Board attorney as part of the Review & Approval process²³³.

9.3.3 OFF-STREET PARKING: MID-RISE (APARTMENT, MIXED-USE & COMMERCIAL) BUILDINGS

- A. Required parking may be located in common parking lots or structured parking garages located on the same lot as the use the parking is intended to serve or on a lot if located within 300' of the entrance to the building hosting such use.
- B. Off-street parking is prohibited in the Front Yard Setback, shall be located at the rear of buildings on interior of lots when possible, and shall be accessed by means of common driveways, preferably from side streets or Lanes²³⁴.

9.3.4 SURFACE PARKING LOTS

- A. Surface parking lots Shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial, recreational or residential uses

²³⁴ §2.87 herein.

shall be designed with textured paving, landscaping and street furniture.

- B. Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct views of parked vehicles from streets and sidewalks; avoid spillover light, glare, noise, or exhaust fumes from the parking areas; and provide the parking area with a reasonable measure of shade.

In order to achieve these objectives, parking lots exposed to view shall be surrounded by a minimum of a 4½'-high, year-round visually impervious screen, hedge or wall, the height of which shall decrease where driveways approach sidewalks or walkways in order to provide adequate visibility of pedestrians from motor vehicles, and not interfere with clear sight triangle requirements.

- C. The interior of all parking lots shall be landscaped to provide shade and visual relief by way of protecting planting islands or peninsulas within the perimeter of the lot.

Parking lots with 10 or fewer spaces may not require interior landscaping if the Land Use Board determines that there is adequate perimeter landscaping.

Parking lots with 11 or more spaces require 1 deciduous shade tree per 5 parking spaces. A 6' planting diamond, or equivalent planter, is required for each tree. Choice of plant materials, buffer width, type of screening, location and frequency of tree planting shall be appropriate to the architecture of the Project to which the parking lot is intended to serve.

- D. Parking lot layout shall include pedestrian crosswalks, distinguished by textured paving, pavers or similar material, or by paint, and shall be integrated into the wider network of pedestrian walkways.
- E. Cross-access easements for adjacent lots with interconnected parking are encouraged. The language of such easement shall be submitted to the Planning Board Solicitor as part of the Review & Approval process²³⁴.

9.3.5 PARKING STRUCTURES

A. While structured parking is permitted under this Amended & Restated Redevelopment Plan, traditional, open parking decks and solid, blank, windowless walls are prohibited.



B. With the exception of ground-floor garage entry- and exit-ways, the ground-floor facades of parking structures shall be devoted to active Permitted Uses. Above the ground-floor, elevations should present the illusion of an active Permitted Use²³⁵ if such actual use is not practicable.



C. To the extent practicable, entry- and exit-ways shall be from the side or rear of the garage so as not to be visible from the public Right-of-Way. Unless made part of the

²³⁵ Window-like cutouts and/or other architectural elements so as to resemble offices or residential uses while providing for necessary garage ventilation.

Principal Building, the garage shall be set back a minimum of 3' from the Side and 5' from Rear property line.

- D. Where vehicular access must be provided from a front facade, accessways shall be set back 10' from the front wall of the building and shall be decoratively treated to present an aesthetically pleasing environment.
- E. Pergolas, trellises, green roofs or other screening elements above parked vehicles is required on the top floor of a parking structure or where exposed flat roofs are used as parking decks in order to break of the expanse of parked vehicles.



9.4 PARKING ANALYSIS

9.4.1 As part of the Review & Approval process²³⁴, Redeveloper shall submit a Parking Analysis, conducted in accordance with I.T.E. standards, to determine the number of on-street and off-street parking spaces required to accommodate peak parking demand for their Redevelopment Project.

(Recognizing that changes in use occur over time, any Applicant proposing a change in use within the Redevelopment Area that is viewed by the Land Use Board as increasing the intensity of the use of the subject space shall submit a Parking Study in accordance with this Amended & Restated Redevelopment Plan.)

9.4.2 In calculating peak parking demand, the Parking Analysis shall, at a minimum:

- A. Project the peak number of occupied parking spaces using formulas and procedures presented in the I.T.E. Parking Manual.
- B. Calculate the number of parking spaces needed by expanding the number of occupied parking spaces by an

accepted factor to assure a reasonable number of vacant parking spaces to permit turnover of the parking supply.

- C. Identify how these parking spaces will be assured to future occupants and customers of the proposed land uses.
- D. Where shared parking is proposed, the Parking Analysis shall utilize the procedures presented in the most recent version of the report Shared Parking published by the Urban Land Institute²³⁶ and shall use the most current shared parking methodology published by the U.L.I. or I.T.E.
- E. The Parking Analysis may also adjust projected parking demand based on an analysis of captured parking using procedures presented in the most recent version of the Trip Generation Handbook published by the ITE, calculating:
 - 1. The projected peak parking demand for each land use that will be sharing the available parking supply.
 - 2. The extent to which parking demand will be mitigated as a result of trips captured from adjoining land uses and therefore occurring without the use of a vehicle.

- 3. The peak parking accumulation for the Project, making use of traditionally-accepted shared parking procedures.
- 4. Expand the peak parking accumulation by an accepted factor to determine the needed supply of parking spaces.
- 5. Determine the number of on-site parking spaces that will be supplied.
- 6. Determine whether additional parking spaces will be needed and if so how they will be supplied.
- 7. Propose additional methods for additional parking, as necessary, including, but not limited to, the use of satellite parking lots (with or without shuttle bus service), the provision of transit sub-sites to employees in-lieu-of assurance of a parking space or the establishment of a valet parking service making use of an identified off-street parking lot.

²³⁶ "U.L.I."

9.5 LOADING

9.5.1 All loading and deliveries for the Redevelopment Area, including removal of refuse and recycling material, shall be accommodated via loading areas of such size and number of spaces as may be appropriate for the uses such spaces are intended to serve.

9.5.2 Loading areas shall be oriented in such a fashion as to create the least possible interference with traffic movement, both internal and external to the Redevelopment Project.

9.5.3 Loading areas shall be totally within the Project site such that the vehicle(s) being loaded / off-loaded shall be off of the public Right-of-Way.

9.5.4 At-grade loading areas and their driveways or other access points shall be appropriately screened and landscaped from view so as to be aesthetically pleasing and minimize direct views from adjacent properties or from the public Right-of-Way, and to minimize spill-over glare, noise, exhaust fumes or other nuisance.

Screening and buffering shall be achieved through walls, fence, and landscaping. Screening shall be a minimum of 5' feet tall and shall be visually impervious.

9.5.5 No external loading docks or at-grade storage structures are permitted. Delivery, loading and storage facilities shall be physically incorporated into the Redevelopment Project as necessary and shall not be visible from the public Right-of-Way or adjoining property.

This regulation shall not be interpreted to prohibit cabanas, food & beverage refrigerators, supply sheds or other similar facilities designed to service outdoor swimming pools, outdoor cafés or other amenities.

9.5.6 Specific delivery, loading and trash and recycling removal programs for each portion of the Redevelopment Project shall be determined within the context of the site constraints existing for such at time of Review & Approval²³⁷.

²³⁷ §2.87 herein.

9.6 CURBING

9.6.1 Curbing is required along all public rights-of-way and is encouraged along all internal circulation-ways.

Curb radii is specified in the individual Street Type descriptions of the Town Center Street Regulating Plan, but in all cases shall be as required by the Township Engineer.

9.6.2 Material may be granite (or equivalent) block, exposed 6" gray concrete in a square section or Belgian Block, and shall not extend more than 6" above the finished pavement.

9.6.3 ADA-compliant curb ramps are required at corners and elsewhere where appropriate.

9.7 SIDEWALKS

9.7.1 Sidewalks are mandatory along all paved public or private Rights-of-Way and is encouraged along unpaved internal circulation-ways.

9.7.2 Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.

9.7.3 Sidewalks servicing commercial and Mixed-Use Projects on the south side of Route 33 shall be consistent in width and treatment as on the north side of Route 33.

Elsewhere, such sidewalks shall have a minimum width of 10'.

9.7.4 Sidewalks servicing solely residential Projects shall have a minimum width of 5'.

9.7.5 All sidewalks shall have ADA-compliant curb ramps at corners and elsewhere where appropriate.

9.7.6 New sidewalks shall match existing design at the edges of the Redevelopment Project, and transition to the above requirements as engineering and landscape design permits.

9.7.7 In order to delineate crosswalks, sidewalks shall be continued across external and internal circulationways to by means of contrasting paving materials or paint.

9.8 FINAL CIRCULATION, PARKING & LOADING PLAN

9.8.1 A Final Circulation, Parking & Loading Plan for each Redevelopment Project shall be more fully developed as the

Redevelopers refine their Project Concepts and designs, and shall be approved by the Land Use Board at time of Review & Approval²³⁷. Such Plan shall address, at a minimum:

- Municipal dedications and vacations;
- Parking for employees, patrons and visitors;
- Internal circulation of vehicles and pedestrians; and
- Other actions related to improved traffic and pedestrian circulation to, from and through the Town Center.

9.8.2 Nothing herein shall prohibit a Redeveloper from pursuing circulation, parking or other improvements as off-tract improvements for its Redevelopment Project. Any such improvements within the Redevelopment Area shall be subject to this Amended & Restated Redevelopment Plan.

Any such improvements outside of the Redevelopment Area will fall under the jurisdiction of the Township Code and not this Amended & Restated Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.

9.8.3 Details related to specific actions under this Circulation, Parking & Loading Plan shall be included in the

Redevelopment Agreement(s) between the Township and each Redeveloper Candidate.

Such Agreement(s) shall condition any municipal action related thereto upon Land Use Board approval under the Review & Approval²³⁷ process.

9.8.4 The process of seeking Design Waivers from this Circulation, Parking & Loading Plan is addressed in §7.2.2 B. 2 herein.

10.0 INFRASTRUCTURE CONTROLS

10.1 UTILITY SERVICES

10.1.1 Utility services²³⁸ to the Redevelopment Area are generally available from Route 33. A Utilities Survey, performed by a licensed Land Surveyor, is required for precise locations of subsurface elements and to locate at-grade or overhead lines.

While it is believed that there is available capacity in each system to accommodate the intensity of development anticipated by this Amended & Restated Redevelopment Plan, the Township makes no warranties as to the adequacy of any existing utility service vis-à-vis any proposed Project, or the need for upgrades to existing systems that may be necessary for any particular Project.

10.1.2 The exact locations for utility lines and easements shall be established at time of Review & Approval²³⁹.

10.1.3 Distribution lines for all utility systems feeding the Redevelopment Area shall be placed underground.

Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area or Redevelopment Parcel, as the case may be, as improvements are undertaken.

REDEVELOPERS AND THEIR ENGINEERS ARE HEREWITH PUT ON NOTICE THAT MANY, IF NOT ALL, OF THE UTILITIES SERVICING THE REDEVELOPMENT AREA FEED FROM EXISTING LINES SERVICING OTHER USES IN THIS SECTION OF THE TOWNSHIP. THE TOWNSHIP WILL PERMIT NO INTERRUPTION OF SERVICE TO THESE AREAS. REDEVELOPERS SHALL COMPLY WITH THE REQUIREMENTS OF EACH INDIVIDUAL UTILITY TO INSURE UNINTERRUPTED SERVICE.

10.1.4 All infrastructure improvements and related easements shall comply with Township standards. All such improvements shall be inspected by the Township Engineer for compliance with such standards and shall be certified as compliant prior to municipal acceptance of same.

²³⁸ Including electric, gas, water, communications (telephone) and cable television systems.

²³⁹ §2.87 herein.

10.2 FLOODPLAINS, STORMWATER MANAGEMENT

10.2.1 GENERAL

All development shall comply with NJDEP requirements regarding floodplain areas and Stormwater Management Best Management Practices.

10.2.2 BASINS

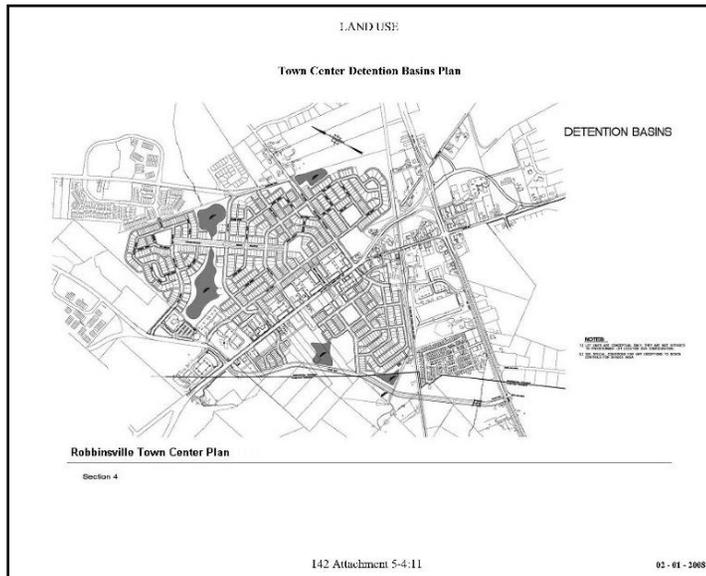
A. The Town Center Plan required common detention facilities be designed and installed for the entirety of the Town Center under a “Master Drainage Plan”, with costs to be prorated to each developer based on the calculated amount of runoff generated by each development.

Unfortunately, the timing of Town Center projects necessary to make such common facilities economically practicable (i.e., financeable) and certain pre-conditions related to NJDEP permitting did not permit this concept.

Accordingly, the Redevelopment Plan permitted storm water facilities to be constructed individually ~ on a project-by-project basis ~ as is traditional development practice.

This Amended & Restated Redevelopment Plan retains this traditional practice. Design of all such systems shall comply with the requirements of all Relevant Permitting Agencies.

B. Basins and other stormwater management improvements shall be screened with plant material and/or other appropriate elements to the extent practicable. Such facilities, as appropriate, shall be situated in the least visible location or, if visible, incorporated into the Project’s Landscape / Streetscape Plans or the natural topography of the land.



- C. Basin embankments and the basins themselves shall be extensively landscaped with wet-site tolerant plant materials ~ it being the intention to recreate a seasonal and high-water wet ecosystem. The detention facility shall be sized to accommodate the future growth of vegetation planted in the basin.
- D. In lieu of peripheral fencing, basin edges may be contoured and shaped to form low angles at the primary water line, thereby insuring greater pedestrian safety.

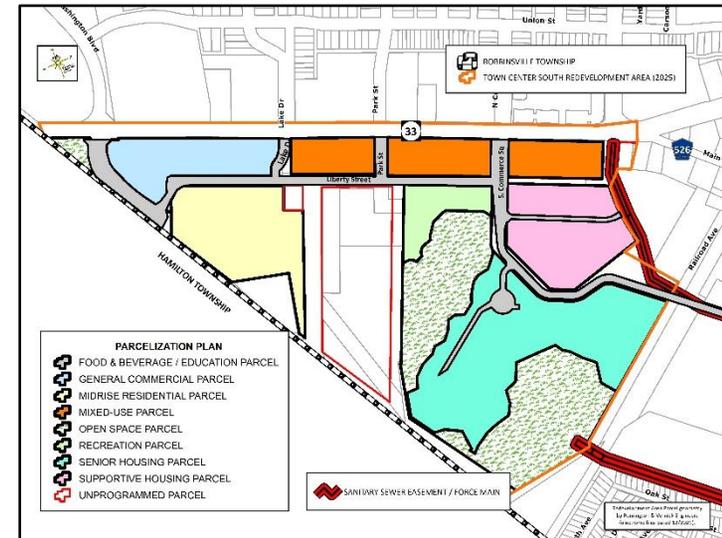
10.3 WETLANDS PROVISIONS

All delineated wetlands and wetland buffers shall comply with NJDEP requirements.

10.4 SANITARY SEWER

10.4.1 At time of Publication of this Amended & Restated Redevelopment Plan, the Township had created an easement and was in the process of installing a sanitary sewer force main in the Block 1 portion of the Route 103 South Redevelopment Area.

The easement extends into the Town Center South Redevelopment Area and the force main was designed to service both Redevelopment Areas.



10.4.2 Capacity and details related to the interconnection with this force main by any particular Redevelopment Project shall be addressed within the context of the Redevelopment Agreement between the Township and impacted Redeveloper Candidate. Design shall be addressed as part of the Review & Approval process²⁴⁰.

²⁴⁰ §2.87 herein.

10.5 FINAL INFRASTRUCTURE PLAN

10.5.1 A Final Infrastructure Plan for each Redevelopment Project shall be more fully developed as the Redeveloper(s) refine(s) their Project Concepts and designs, and shall be approved by the Land Use Board at time of Review & Approval²⁴⁰. Such Plan shall address, at a minimum:

- Exact locations for utility lines and easements;
- Stormwater management;
- Sanitary sewer and Potable water;
- Solid waste and recycling, and
- Other issues related to necessary infrastructure to, from and through the Redevelopment Area.

10.5.2 Nothing herein shall prohibit a Redeveloper from pursuing infrastructure improvements as off-tract improvements for its Redevelopment Project. Any such improvement within the Redevelopment Area shall be subject to this Amended & Restated Redevelopment Plan. Any such improvements outside of the Redevelopment Area will fall under the jurisdiction of the Township Code and not this Amended & Restated Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment these Infrastructure Controls.

10.5.3 Details related to specific actions under this Infrastructure Plan shall be included in the Redevelopment Agreement(s) between the Township and impacted Redeveloper Candidate(s). Such Agreement(s) shall condition any municipal action related thereto upon Land Use Board approval under the Review & Approval process.

10.5.4 The process of seeking design waivers from these Infrastructure Controls is addressed in §7.2.2 B. 2 herein.

11.0 LANDSCAPING, STREETS CAPING, LIGHTING & OPEN SPACE PROVISIONS

11.1 GENERAL

11.1.1 A Landscaping, Streetscaping, Lighting and Open Space Plan, prepared by a New Jersey Licensed Landscape Architect,²⁴¹ shall be submitted as part of the Review & Approval process²⁴².

Such Plan shall be in sufficient scale and detail to clearly depict the location, placement, size, scope and quantity of all landscaping / streetscaping elements and materials, and open spaces, and shall address the aesthetic treatment for all publicly-visible portions of each Redevelopment Parcel (whether public access is permitted or not), including all open space, sidewalks, parking lots and stormwater management elements.

11.1.2 All lands within the Redevelopment Area not covered by buildings, parking lots or other improvements shall either retain their natural features or be extensively landscaped and/or streetscaped with such natural and manmade materials as may be appropriate to the type and scale of the Redevelopment Project(s) proposed.

11.1.3 Landscape Architects shall consider suitability, survivability, maintenance and compatibility with site and Project features when establishing their design.

Features should be compatible with those installed in Town Center North in order to unify the different sections of the Town Center, but may be sufficiently different to denote Town Center South, and the various Projects therein as distinct developments as appropriate.

11.2 LANDSCAPING

11.2.1 This Amended & Restated Redevelopment Plan retains the general philosophy of the Town Center Plan's Landscaping provisions, but permits the modification of specific regulations in order to provide the flexibility and economy of development detailed in the Municipal Goals & Objectives²⁴³ detailed herein.

²⁴¹ Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.

²⁴³ §4.0 herein.

²⁴² §2.87 herein.

Within this context, and except as detailed herein, issues related to landscaping within the Redevelopment Area shall be as detailed in the Town Center Plan²⁴⁴ as well as the applicable sections of the Township Code.

The process of seeking design waivers from these provisions is addressed in §7.2.2 B. 2 herein.

11.2.2 Landscaping Plans shall include:

- Common name, botanical name, size at planting and appropriate planting notes for all landscape elements;
- Number, locations and appropriate notes for other Project elements; and
- Appropriate graphic details; and
- Other relevant issues as appropriate.

11.2.3 Landscape elements may include, but need not be limited to, street trees, shade trees, shrubbery, hedges, ground covers and/or grasses, perennial and annual flowers and other plant materials. Design shall feature repetition, structured patterns

and complimentary textures and colors in order to create an overall character for each Project element.

11.2.4 PLANT MATERIAL

- A. To the extent practicable, natural vegetation shall be preserved, and may be augmented with new plant material. Plant material shall consist of native species as well as those species traditionally found in the Mercer County / Robbinsville region. Non-native species may be employed to enhance aesthetic appeal.
- B. Plant selection shall be varied to avoid a monoculture. Species shall be appropriate to the Township's climatic zone and tolerant for the Town Center's environment.
- C. Types, location and frequency of plantings shall be appropriate to the architecture they are intended to serve.
- D. Only nursery-grown plant materials are acceptable. All plant material shall be grown and installed in compliance with the current edition of the American Standard for

²⁴⁴ Specifically, but not exclusively:

- sections 4G and 4H for Landscaping Elements; and
- section 5A12 for Walls, Fences and Hedges.

Nursery Stock²⁴⁵ published by the American Horticulture Industry Association.

- E. In addition to the provisions of Town Center Plan 4G and H, schedules for acceptable and discouraged plant species are contained in Appendix C to Chapter 142.

11.3 STREETS CAPING

11.3.1 This Amended & Restated Redevelopment Plan retains the general philosophy of the Town Center Plan’s Streetscaping provisions, but permits the modification of specific regulations in order to provide the flexibility and economy of development detailed in the Municipal Goals & Objectives²⁴³ detailed herein.

Within this context, and except as detailed herein, issues related to landscaping within the Redevelopment Area shall be as detailed in the Town Center Plan²⁴⁶ as well as the applicable sections of the Township Code.

²⁴⁵ ANSI Z60.1

²⁴⁶ Reference Town Center Plan:

- section 5A12 for Walls, Fences and Hedges;
- section 5A16 for Paving Materials;
- sections 5A20 and 5A21 for Street and Park Furniture

The process of seeking design waivers from these provisions is addressed in §7.2.2 B. 2 herein.

11.3.2 Streetscaping shall address the decorative treatment of all impervious surfaces, both internal to a Redevelopment Project and within any public or private Right-of-Way adjacent to a Project, in order to demarcate public spaces and help the Project blend in with the surrounding built ~ and where appropriate, natural ~ environment. Elements shall be appropriate to the Project proposed and shall be constructed of non-reflective materials.

11.3.3 Streetscaping elements may include, but need not be limited to, such functional and ornamental elements as decorative (textured) paving materials;²⁴⁷ benches, trash and recycling receptacles, and other street furniture; fountains or other water features; trellises, pergolas, gazebos; fences and walls; decorative lighting (both pedestrian and architectural); and like and similar features.

²⁴⁷ Including, but not be limited to, a combination of scored concrete, paver accents and such non-traditional / New Urbanist landscape design as enhanced planting beds, rain gardens and other similar aesthetic treatment.

Recreational facilities, paths and walkways, and public art are also encouraged.

11.3.4 Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.

11.3.5 Open-air gathering places are strongly encouraged throughout the Redevelopment Area. Exterior public and semi-public open spaces, such as courtyards or plazas, are encouraged to enhance surrounding buildings and provide amenities for users.



Courtyards shall have recognizable edges defined by buildings, walls, and landscaping and streetscaping in order to create a sense of enclosure. Additional encouraged elements include breezeways / pathways / walkways, and public art.



11.3.6 Alfresco dining / café seating is encouraged where open space and/or sufficiently-wide sidewalks abut restaurants.

11.3.7 Accessible open spaces may be developed as café seating, pedestrian promenades and/or active or passive recreation

areas. Treatment may include gardens or other decorative elements to create an attractive setting. Such areas may be common open space or may be proprietary to a Permitted Use within a Project.

The exposed surface of all flat roofs, including the rooftop decks of parking structures, which are less than the Maximum Building Height within the Redevelopment Area or surrounding sections of the Township and therefore visible from taller buildings, shall be similarly be treated in order to create an aesthetic appearance from above.

Treatment may or may not include live vegetation, and all elements shall blend in an aesthetically acceptable manner. Said areas shall be constructed of non-reflective material in order to secure an agreeable visual condition.

Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks.



Solar canopies over parked vehicles are also encouraged.



11.4 LIGHTING

11.4.1 A comprehensive Lighting Plan, generally consistent with Town Center Plan section 5A18, shall be submitted for as part of the Review & Approval²⁴⁸ process.

Such Plan shall address all public areas, parking lots, open spaces and buildings in order to provide security and safe movement of pedestrians and vehicles as well as to highlight Project elements in order to provide for an aesthetically-pleasing environment.

²⁴⁸ §2.87 herein.



11.4.2 The Lighting Plan shall depict the location, type and wattage of all luminaries, with i.s.o. footcandle radii and light cutoff angles indicated. Where pole mounted lighting is employed, pole design, height, foundation and support information is required.

11.4.3 Site and building lighting shall blend with the architecture of the element(s) such lighting is designed to highlight.

11.4.4 Lighting shall be shielded, buffered and directed to prevent light spillover, glare or reflection from impacting adjoining properties, including all natural areas.

11.4.5 Security lighting shall illuminate all windows, doors, access drives to parking areas and other public spaces as required.

11.5 OPEN SPACE

11.5.1 This Amended & Restated Redevelopment Plan retains the general philosophy and regulatory scheme of the Town Center Plan's Open Space Plan ~ which was designed to connect the Town Center to the Mercer County Park and the Assunpink Wildlife Management Area ~ but permits the modification of such regulations in order to provide the

flexibility and economy of development detailed in the Municipal Goals & Objects herein.

Within this context, and except as detailed herein, issues related to Open Space within the Redevelopment Area shall be as detailed in Town Center Plan section 4, as well as the applicable sections of the Township Code.

The process of seeking design waivers from these provisions is addressed in §7.2.2 B. 2 herein.

11.6 ENVIRONMENTAL PROTECTION MEASURES

11.6.1 It was the goal of the Redevelopment Plan and remains the goal of this Amended & Restated Redevelopment Plan to maximize build-out in the Redevelopment Area in order to create the most productive Redevelopment Project(s) possible; thereby achieving the Municipal Goals & Objectives established²⁴⁹. Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of the Redevelopment process will govern certain aspects of the Project(s).

²⁴⁹ §4.0 herein.



Within this context, it is anticipated that the various governmental agencies with jurisdiction over the Project may require certain Environmental Protection Measures as a condition of their approvals. Such Measures may include, but need not be limited to:

- Acquisition, conservation and preservation of wetlands and associated protective buffering as public open space; and/or
- Acquisition of undeveloped uplands for open space preservation and/or active or passive recreation purposes; conversion of such uplands to wetlands for mitigation purposes;

11.6.2 The design of such Environmental Protection Measures, if required, shall be determined within the context of the approvals granted by the Relevant Permitting Agencies.

11.6.3 Such mandated Environmental Protection Measures notwithstanding, areas at or near wetlands or wetlands buffers shall be sensitively treated. Any disruption of or damage to the natural vegetation system caused during construction or operation of a Redevelopment Project shall be repaired / replaced as required by the Relevant Permitting Agencies.

The foregoing does not relieve a Redeveloper or his contractors of any requirement related to environmental preservation and mitigation measures which may be imposed by any Relevant Permitting Agency during the permitting process.

11.7 FINAL LANDSCAPING, STREETSCAPING, LIGHTING & OPEN SPACE PLAN

A Final Landscaping, Streetscaping, Lighting & Open Space Plan for each Redevelopment Project, addressing all pertinent issues, shall be more fully developed as the Redeveloper(s) refine(s) their Project Concepts and designs, and shall be approved by the Planning Board at time of Review & Approval²⁴⁸.

The process of seeking design waivers from these provisions is addressed in §7.2.2 B. 2 herein.

12.0 EQUAL OPPORTUNITY

All activities in furtherance of this Amended & Restated Redevelopment Plan, whether by the Redevelopment Entity, a respondent to a Redeveloper Solicitation, a Redeveloper Candidate, any contractor or subcontractor to a Redeveloper Candidate, a designated Redeveloper, any contractor or subcontractor to a Redeveloper, or any successor in interest to any of the foregoing²⁵⁰ shall conform with all mandatory Equal Employment Opportunity language pursuant to N.J.S.A. 10:5-31 et seq. and/or N.J.A.C. 17:27, as may be amended from time to time. In furtherance thereof, and without limitation:

No Responsible Party engaged in activities under this Amended & Restated Redevelopment Plan shall discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

Responsible Parties shall ensure that equal employment opportunity is afforded to applicants in recruitment and employment, and that employees are treated during employment without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

Such equal employment opportunity shall include, but not be limited to: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training (including apprenticeship).

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by a Responsible Party whereby the land or improvements in the Redevelopment Area are restricted, either by the Redevelopment Entity or such

²⁵⁰ collectively referred to herein as "Responsible Party".



Responsible Party upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex in the sale, lease, use or occupancy thereof.

The provisions of this §12.0, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redevelopment Agreements and/or disposition instruments as covenants running with the land.

13.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

13.1 REDEVELOPMENT AREA DESIGNATION

The Robbinsville Township Council, via Resolution No. 2010-202²⁵¹ declared the Town Center South Redevelopment Area to be an "Area in Need of Redevelopment" pursuant to the *Redevelopment Law*. Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

13.2 REDEVELOPMENT PLAN / AMENDED & RESTATED REDEVELOPMENT PLAN

13.2.1 Upon adoption by Township Council, the Redevelopment Plan constituted a Redevelopment Plan under the provisions of the *Local Redevelopment & Housing Law*.

13.2.2 Upon adoption of this Amended & Restated Redevelopment Plan Amendment by Township Council, this document shall constitute an outline for the (re)planning and (re)development of the Redevelopment Area as follows:

13.3 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES²⁵²

The Redevelopment Plan was crafted to achieve the Municipal Goals & Objectives detailed under §4.0 therein. This Amended & Restated Redevelopment Plan has been crafted to achieve the Municipal Goals & Objectives detailed under §4.0 herein.

12.3.1 APPROPRIATE LAND USES

Permitted and Prohibited land uses for the various Redevelopment Parcels are detailed in the applicable subsections of §7.0 herein.

12.3.2 DENSITY OF POPULATION

Residential Density for the various Redevelopment Parcels are detailed in the applicable subsections of §7.0 herein.

12.3.3 PUBLIC TRANSPORTATION AND TRAFFIC

A. Public Transportation

1. New Jersey Transit²⁵³ provides local and regional bus service vis Bus Route 606 to (from) Robbinsville to

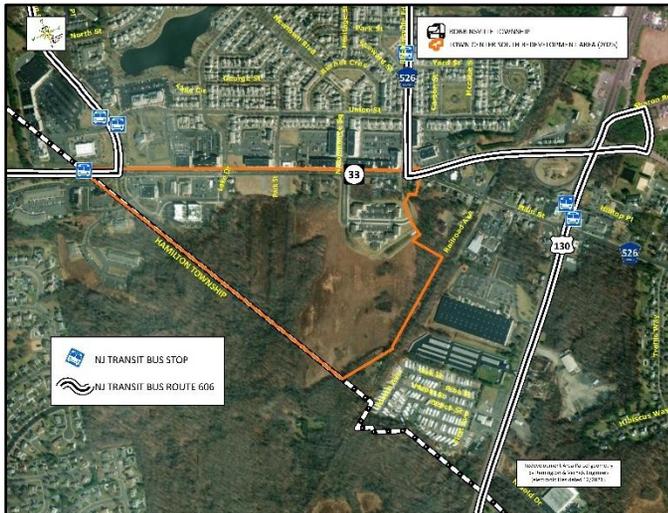
²⁵¹ On file with the Township Clerk.

²⁵² N.J.S.A. 40A:12A-7a(1)

²⁵³ "N.J.T."

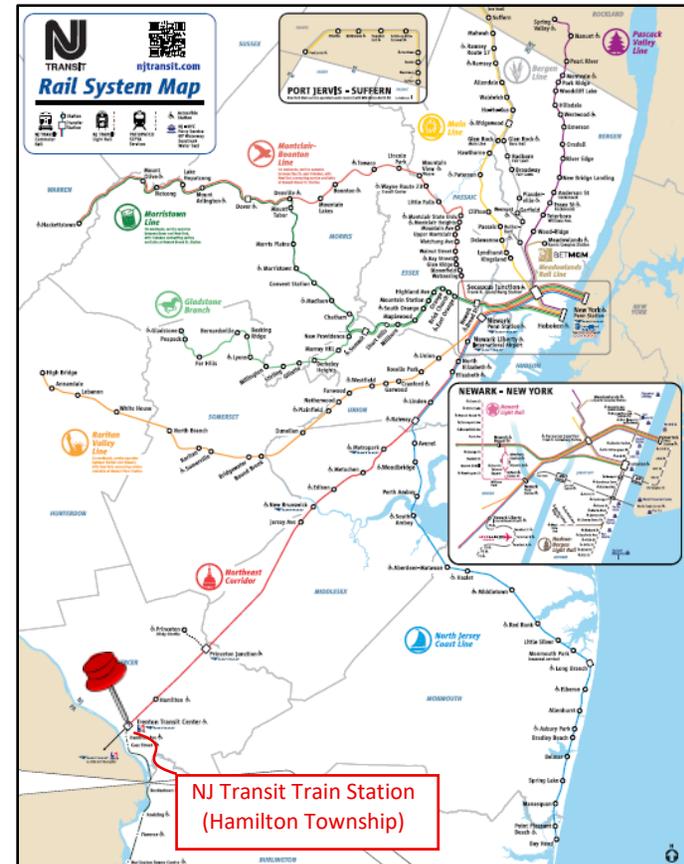
(from) locations throughout Mercer County and, via connections, various points north, south and west.

Route 606 runs on Route 33 for the length of the Redevelopment Area, but, at Publication of this Amended & Restated Redevelopment Plan, does not have a Bus Stop in the Redevelopment Area.



2. New Jersey Transit's Northeast Corridor Line provides passenger / commuter light rail service linking western New Jersey via various points north and south of Robbinsville. As detailed in the Redevelopment Plan, the N.J.T. rail station closest to

the Redevelopment Area is the Hamilton Station, approximately 5.6 (vehicular) miles (13 minutes) from the Town Center.





B. Traffic

In 2017, the Township Commissioned a Traffic Feasibility Study related to a proposed Redevelopment Project in the Redevelopment Area²⁵⁴. The purpose of this analysis was, in pertinent part, to determine the roadway capacity and thus buildout limitations for the [then] remaining lands within Town Center South.

Among its findings and recommendations, this analysis confirmed the need for the Route 33 / 130 connector²⁵⁵, and informed the negotiations for the unit count for Autumn @ Robbinsville.

C. Issues related to traffic circulation for each Redevelopment Project shall be addressed as the individual Redevelopers refine their Final Circulation, Parking & Loading Plans for their Projects²⁵⁶.

12.3.4 PUBLIC UTILITIES

Utility service and the Redevelopers’ requirements relating thereto are outlined in §10.0 herein.

12.3.5 RECREATIONAL & COMMUNITY FACILITIES

A. At time of adoption of the Town Center Plan and the Redevelopment Plan, there were no recreation or community facilities located or operating within the Redevelopment Area.

B. The intent of the Town Center Plan was to create in the Town Center a community focal-point / gathering area (what Planners call a **SENSE OF PLACE**) for the residents of Robbinsville as well as others in the region, consisting of a central core of civic facilities surrounded by specialized Retail, residential, cultural and recreation uses.

The Redevelopment Plan carried forward this intent for the Redevelopment Plan Area, contemplating a public community center and active and passive public open space.

In furtherance of the intent of the Town Center Plan, the Township constructed a new Administrative office building at 2298 Route 33 on the north side of Route 33 opposite the Redevelopment Area. The office opened in 2017.

²⁵⁴ Traffic Feasibility Study, Town Center South, Robbinsville Township, Mercer County, New Jersey prepared by Master Consulting PA (dated December 19, 2017). On file with the Township Clerk.

²⁵⁵ §9.2.2 E. herein.

²⁵⁶ §9.8 herein.





Having outgrown this building, the Township, in 2024, entered into a sublease with the owners of the former Investors / Roman Bank at 2300 Route 33 and was, at Publication of this Amended & Restated Redevelopment Plan, in the process of renovating the building for municipal use. Occupancy is anticipated in April 2026. Upon such occupancy, the existing Administrative building will be marketed for use.

- C. At time of adoption of the Redevelopment Plan, there were no recreation facilities located or operating within the Redevelopment Area.

Since adoption of the Redevelopment Plan, the residential Redevelopment Projects developed in Town Center South²⁵⁷ each provide their own recreational amenities for the residents of these communities. As existing facilities, the activities anticipated by this Amended & Restated Redevelopment Plan will not negatively impact these recreational opportunities.

- D. At Publication of this Amended & Restated Redevelopment Plan, no community facilities are contemplated for the Redevelopment Area. Public recreation facilities are contemplated for the Open Space & Recreation Parcel²⁵⁸.

12.3.6 OTHER PUBLIC IMPROVEMENTS

- A. Public improvements contemplated by the Redevelopment Plan and this Amended & Restated Redevelopment Plan include:

- Improvements related to the roadway and infrastructure networks²⁵⁹ in and around the Redevelopment Area;
- Landscaping and streetscaping improvements;
- Remediation of any contamination found; and
- Environmental Protection Measures as may be required by the Relevant Permitting Agencies.

Traffic and infrastructure improvements will have the added benefit of providing upgraded service to properties both within and outside of the Redevelopment Area.

²⁵⁷ §1.3 herein.

²⁵⁹ §10.0 & §11.0 herein.

²⁵⁸ §7.4.7 herein.





To the extent that such improvements benefit parties other than a Redeveloper, they may be considered *Other Public Improvements*.

- B. While no other public improvements are contemplated, this Amended & Restated Redevelopment Plan permits such improvements as may be necessary to support a Redevelopment Project.
- C. The Land Use Board shall retain the right, at time of Review & Approval²⁶⁰, to require such off-site and/or off-tract improvements as may be necessary for the effective implementation of a Redevelopment Project.

13.4 PROPOSED LAND USE & BUILDING REQUIREMENTS²⁶¹

Provisions of this Amended & Restated Redevelopment Plan related to Review Procedures, Interpretations and Responsibilities; Parcelization, Development Regulations,

Architectural Controls, Circulation, Parking and Loading; Infrastructure Controls; and Landscaping, Streetscaping, Lighting and Open Space are detailed in §7.0 through §11.0 herein.

13.5 PROVISION FOR TEMPORARY & PERMANENT RELOCATION²⁶²

13.5.1 At the time the Redevelopment Plan was adopted, municipalities were statutorily permitted²⁶³ to acquire real property in a Redevelopment Area through good-faith negotiations with the owners of such property or, upon failure of such good-faith negotiations, through condemnation (eminent domain), and to convey such lands to a Redeveloper in furtherance of an approved Redevelopment Project.

In 2013, the *Redevelopment Law* was amended to provide for “Condemnation” and “Non-Condemnation” Redevelopment Area designations. As the names imply, municipal acquisition of land via eminent domain is only authorized under a Condemnation Redevelopment Area designation²⁶⁴.

²⁶⁰ §2.87 herein.

²⁶¹ N.J.S.A. 40A:12A-7a(2)

²⁶² N.J.S.A. 40A:12A-7a(3)

²⁶³ N.J.S.A. 40A:12A-8b, c & g and 40A:12A-15

²⁶⁴ The Township retains the powers of eminent domain for public uses such as Rights-of-Way, parkland and other qualifying purposes under the New Jersey *Local Lands & Buildings Law* (N.J.S.A. 40:60-1 et seq.), *Public Parks & Playgrounds Law* (N.J.S.A. 40:61-1 et seq.) or other related legislation.





The Town Center South was designated In Need of Redevelopment prior to the 2013 amendments to the *Redevelopment Law*. As such, the Township retains the power of eminent domain for Redevelopment purposes.

13.5.2 The *Redevelopment Law*²⁶² requires that a Redevelopment Plan include “adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market”.

The Housing Element & Fair Share Plan adopted by the Township in June 2025 contains information similar to that required under the *Redevelopment Law*. Accordingly, this Amended & Restated Redevelopment Plan shall rely on the Township’s Fair Share Plan in satisfaction of this requirement.

13.5.3 The above notwithstanding, pursuant to applicable New Jersey Statutes regarding the use of eminent domain,²⁶⁵

owners of properties taken by such action are entitled to Fair Market Value for their property. Full-time, permanent occupants of such properties are entitled to certain Relocation Assistance or Moving Expenses.

Prior to displacing any occupants as a result of eminent domain action, a Workable Relocation Assistance Plan²⁶⁶ must be filed with and approved by the New Jersey Department of Community Affairs. Accordingly, if and when the Township is in a position to exercise its powers of eminent domain in such a way as to affect an eligible occupant of a property to be acquired, a WRAP will be prepared and filed with NJDCA.

NO ACTION TO DISPLACE ANY SUCH ELIGIBLE OCCUPANT SHALL OCCUR UNTIL SUCH WRAP HAS BEEN APPROVED.

13.5.4 THE ABOVE FURTHER NOTWITHSTANDING, THE TOWNSHIP SHALL TAKE NO ACTION TO ACQUIRE ANY PROPERTY THAT HAS BEEN REDEVELOPED UNDER THE REDEVELOPMENT PLAN OR ANY AMENDMENT THERETO.

²⁶⁵ C. 20:3-1 et seq.

²⁶⁶ “WRAP”



13.6 IDENTIFICATION OF PROPERTY-TO-BE-ACQUIRED²⁶⁷

With the exception of property that has been Redeveloped under the Redevelopment Plan or any Amendment thereto, all Township-owned property and all municipal Rights-of-Way within the Redevelopment Area need not be “acquired” for a Redevelopment Project.

All remaining properties within the Redevelopment Area are subject to acquisition in order to achieve the Municipal Goals & Objectives²⁶⁸ of this Amended & Restated Redevelopment Plan.

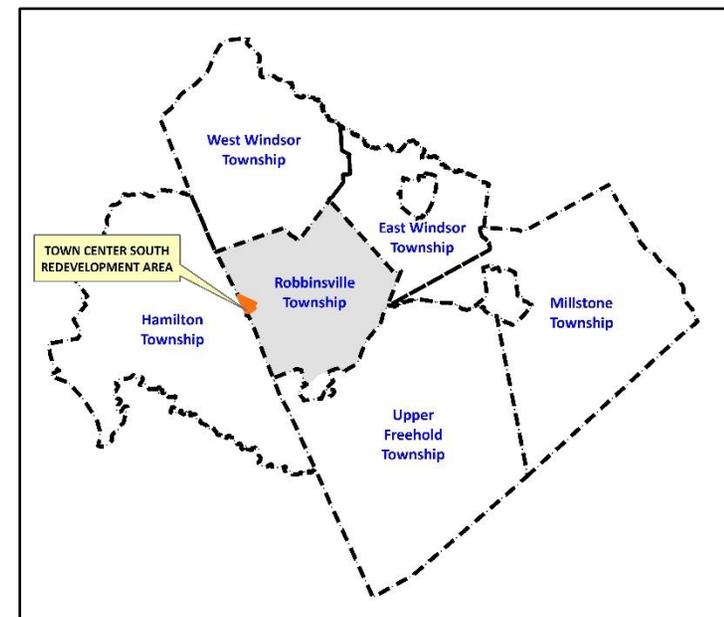
13.7 SIGNIFICANT RELATIONSHIPS TO OTHER PLANS²⁶⁹

The *Redevelopment Law* requires a Redevelopment Plan to address any significant relationship of the Plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development & Redevelopment Plan.

13.7.1 MASTER PLANS OF CONTIGUOUS MUNICIPALITIES

Municipalities continuous to Robbinsville are Allentown Borough, East Windsor Township, Hamilton Township, Millstone Township, Upper Freehold Township and West Windsor Township.

Given the location of the Redevelopment Area and the geometry of the Township, as a practical matter, the activities anticipated under this Amended & Restated Redevelopment Plan may only be expected to have a material impact on Hamilton Township.



²⁶⁷ N.J.S.A. 40A:12A-7a(4)

²⁶⁸ §4.0 herein.

²⁶⁹ N.J.S.A. 40A:12A-7a(5)



As detailed in Redevelopment Plan §12.7.1, while certain specific land uses and development regulations of the Redevelopment Plan differed from those in place under the Town Center Plan, the overall character of development proposed for the Redevelopment Area did not materially differ from the overall character of development envisioned for this section of the Township under TC-2 zoning, was in place since 1997.

This Amended & Restated Redevelopment Plan does not materially alter the land uses and development regulations of the Redevelopment Plan. Accordingly, there is no change in the relationship of this Amended & Restated Redevelopment Plan to the Master Plan of Hamilton Township beyond that which existed prior to the adoption of this Plan.

13.7.2 MERCER COUNTY MASTER PLAN

As detailed in Redevelopment Plan §3.1.5 and §8.1.4 A., Mercer County was a signatory to the July 2000 Memorandum of Understanding endorsing the Town Center concept.

Again, while certain specific land uses and development regulations of the Redevelopment Plan differed from those in

place under the Town Center Plan, the overall character of development proposed for the Redevelopment Area did not materially differ from the overall character of development envisioned for this section of the Township under TC-2 zoning.

This Amended & Restated Redevelopment Plan does not materially alter the land uses and development regulations of the Redevelopment Plan. Accordingly, there is no change in the relationship of this Amended & Restated Redevelopment Plan to the Mercer County Master Plan beyond that which existed prior to the adoption of this Plan.

13.7.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN

A. The State Plan²⁷⁰ recognizes the Township's efforts in creating and developing the Town Center as follows:

Washington Township has utilized a continuing, cooperative and comprehensive planning process in developing a Town Center for its Robbinsville section.

Continuing

- *Town Center idea first conceived in 1985 as a goal of the Washington Township Master Plan.*

²⁷⁰ State Plan: p. 99





**AMENDED & RESTATED REDEVELOPMENT PLAN
Town Center South Redevelopment Area
Robbinsville Township,
Mercer County, New Jersey**

- *Concept reiterated in the 1990 Master Plan update.*
- *Town Center Development Plan developed and incorporated into the Township Master Plan in 1992.*
- *Township ordinances are amended in 1997 to incorporate the Town Center.*
- *Ground was broken for the Town Center in 2000 and initial sales have been brisk.*

Cooperative

- *The Town Center plan has been the subject of numerous meetings of the township planning board and governing body, as well as many public hearings.*
- *Landowners and developers have been involved in the planning process and have indicated support for the Town Center concept.*
- *Visioning workshops were held to develop a community consensus of what the Town Center should be and what it should look like.*
- *State agencies have also been involved in the planning process. NJDOT and NJDEP have partnered with Washington*

Township, particularly with regard to roadway proposals.

- *The Town Center concept has been discussed with, and endorsed by, Hamilton Township and the Mercer County Division of Planning.*
- *Office of State Planning staff has provided technical assistance and interagency coordination to promote the Town Center.*
- *The State Planning Commission designated the town center in 1998.*

Comprehensive

- *The master plan has been amended to incorporate the Town Center concept.*
- *The zoning ordinance has been amended to incorporate a Town Center zone.*
- *The location of development in the Town Center will be guided by a street regulating plan.*
- *Compact, mixed-use design guidelines specific to the Town Center have been developed.*
- *Traffic impacts have been addressed through the study funded by NJDOT.*



- *Growth management mechanisms, such as density transfers into the Town Center, are being established.*

As detailed, while certain specific land uses and development regulations of the Redevelopment Plan differed from those in place under the Town Center Plan,, the overall character of development proposed for the Redevelopment Area did not materially differ from the overall character of development envisioned for this section of the Township under TC-2 zoning.

This Amended & Restated Redevelopment Plan does not materially alter the land uses and development regulations of the Redevelopment Plan. Accordingly, there is no change in the relationship of this Amended & Restated Redevelopment Plan to the Mercer County Master Plan beyond that which existed prior to the adoption of this Plan.

13.8 INVENTORY OF EXISTING AFFORDABLE HOUSING UNITS TO BE REMOVED²⁷¹

The *Redevelopment Law* requires that a Redevelopment Plan include:

As of the date of the adoption of the resolution finding the area to be In Need of Redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to ... C.52:27D-304, that are to be removed as a result of implementation of the Redevelopment Plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

At time of adoption of the resolution finding Town Center South to be In Need of Redevelopment, there were no residential uses existing in the Area. Any affordable housing now existing has been the result of the Redevelopment activities under the Redevelopment Plan and the various Amendments thereto. Such units are not to be removed under this Amended & Restated Redevelopment Plan.

This requirement is therefore not applicable.

13.9 PLAN FOR AFFORDABLE REPLACEMENT HOUSING²⁷²

The *Redevelopment Law* requires that Redevelopment Plan include:

²⁷¹ N.J.S.A. 40A:12A-7a.(6)

²⁷² N.J.S.A. 40A:12A-7a.(7)





[a] plan for the provision of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan.

At time of adoption of the Redevelopment Plan, there were no residential uses existing in the Redevelopment Area. Any affordable housing now existing has been the result of the Redevelopment activities under the Redevelopment Plan and the various Amendments thereto. Such units are not to be removed under this Amended & Restated Redevelopment Plan.

This requirement is therefore not applicable.

13.10 PROVISION OF AFFORDABLE HOUSING²⁷³

In March 2024, Governor Murphy signed an array of new affordable housing legislation which overhauled the Fair Housing Act²⁷⁴ and replaced the [then current] processes

²⁷³ N.J.S.A. 40A:12A-7b.

²⁷⁴ N.J.S.A. 52:27D-301 et seq.

²⁷⁵ *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97* (221 N.J. 1 [2015] ~ a.k.a. "Mount Laurel IV").

with a new body of regulations attendant to municipal obligations for the realistic provision of affordable housing under New Jersey’s “Mount Laurel Doctrine”²⁷⁵.

In June 2025, the Township adopted an amended Housing Element & Fair Share Plan²⁷⁶, which established rules and procedures for Robbinsville’s “Round IV” affordable housing obligation. The approved HE&FSP was then filed for certification (approval) by NJDCA.

Issues related to the provision of affordable housing in the Redevelopment Area shall be negotiated within the context of the Redevelopment Agreement between the Township and each Redeveloper Candidate.

13.11 ZERO-EMISSION VEHICLE FUELING & CHARGING INFRASTRUCTURE²⁷⁷

The *Redevelopment Law* requires that Redevelopment Plan include:

²⁷⁶ “HE&FSP”

²⁷⁷ N.J.S.A. 40A:12A-7a(8)

For the purposes of this Redevelopment Plan, Zero Emission Fueling and Charging Stations shall have the same meaning as Electric Vehicle Charging Stations.





[p]roposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with [a] ... public charging network”.

- A. At time of adoption of the Redevelopment Plan, there was no requirement for a Redevelopment Plan to include Electric Vehicle, Zero Emission or other vehicle fueling or charging infrastructure.
- B. In 2018, the *Redevelopment Law* was amended to require that a Redevelopment Plan include:

[p]roposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.

In 2021, the *Redevelopment Law* was further amended to require that a Redevelopment Plan include:

...[p]roposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network”.

- C. In July 2021, Governor Phil Murphy signed an act²⁷⁸ establishing numerical requirements and zoning standards for installation of electric vehicle supply equipment and Make-Ready parking spaces, including the elimination of the need for Use Variance²⁷⁹ relief for the installation of electric vehicle supply equipment or Make-Ready parking spaces; considering them “*a permitted accessory use and permitted accessory structure in all zoning or use districts of a municipality*”.

Such Act further required that the Commissioner of the Department of Community Affairs promulgate and “*publish a Model Land Use Ordinance to address installation, sightline, and setback requirements and other health- and safety-related specifications for electric vehicle supply equipment and Make-Ready parking spaces*”.

Such Model Ordinance was promulgated and published as required, and became effective in September 2021. Pursuant to P.L. 2021, c.171, all sections of the Model Ordinance became effective ***in each municipality*** upon its publication on the DCA’s Internet website. Municipalities

²⁷⁸ S-3223 (P.L.2021,c.171)

²⁷⁹ Under N.J.S.A. 40:55D-70(d)(1)





may make certain changes to the reasonable standards in the Model Ordinance through the normal Ordinance amendment process. However, municipalities may not make changes to the legislatively mandated requirements contained in Model Ordinance sections C., D. and E.

- D. This Amended & Restated Redevelopment Plan adopts such Model Ordinance (as may be amended from time to time) by reference as if included herein in full.

Within this context, Zero-Emission Vehicle Fueling and Charging Infrastructure is required as an Ancillary Use for each Redevelopment Project in accordance with the *Redevelopment Law* and such Model Ordinance

- E. Stand-alone charging stations as a Principal Use are not permitted under this Redevelopment Plan.

13.12 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS²⁸⁰

13.12.1 Prior to the adoption of the Redevelopment Plan, the Redevelopment Area was located in the Township’s (TC-2)

Town Center (2) Zoning District. The Purpose, Permitted Uses and Bulk Standards for this Zone are included in Chapter 142 of the Township Code.

13.12.2 Upon adoption of the Redevelopment Plan and the various Amendments thereto, the Development Regulations and other provisions of these documents govern.

13.12.3 Upon adoption of this Amended & Restated Redevelopment Plan, the Land Use Plan detailed in §7.0 herein shall govern.

13.12.4 The relationship of this Amended & Restated Redevelopment Plan to pertinent municipal development regulations is outlined in §7.0 through §11.0 herein.

Again, while certain specific land uses and development regulations of the Redevelopment Plan differed from those in place under the Town Center Plan, the overall character of development proposed for the Redevelopment Area did not materially differ from the overall character of development envisioned for this section of the Township under TC-2 zoning. Such provisions were deemed necessary and

²⁸⁰ N.J.S.A. 40A:12A-7c





appropriate to achieve the Municipal Goals & Objectives²⁸¹ of the Redevelopment Plan.

This Amended & Restated Redevelopment Plan does not materially alter the land uses and development regulations of the Redevelopment Plan. Accordingly, the overall character planned for this section of the Township remains generally consistent with that planned prior to the adoption of the Redevelopment Plan and this Amended & Restated Redevelopment Plan.

13.12.5 The Ordinance adopting the Redevelopment Plan contained language indicating that such Plan was an explicit amendment to the Township’s Zoning District Map and the land use and development provisions of the Township Code and, upon such adoption, the Township’s Zoning Map was to be immediately modified to reflect the Redevelopment Plan.

The Ordinance adopting this Amended & Restated Redevelopment Plan shall contain these same requirements.

13.13 CONSISTENCY WITH MUNICIPAL MASTER PLAN²⁸²

The *Redevelopment Law* requires that Redevelopment Plan include:

[a]ll provisions of [a] Redevelopment Plan ... be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a Redevelopment Plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the Redevelopment Plan.

13.13.1 The Redevelopment Plan was found to be fully consistent with and designed to effectuate the Township’s 2000 Master Plan, the 2007 Periodic Master Plan Reexamination, the 2008 / 2009 Periodic Reexamination Amendment and the Town Center Plan (if not certain specific TC Zoning and Design Regulations).

13.13.2 Robbinsville’s current Master Plan²⁸³ was adopted in June 2020. The document recites the procedural and development history of the Redevelopment Area²⁸⁴, and stated that “No

²⁸¹ §4.0 therein.

²⁸² N.J.S.A. 40A:12A-7d

²⁸³ “2020 Comprehensive Master Plan Update” (On file with the Township Clerk and/or Planning Board Secretary).

²⁸⁴ Master Plan §6.5.22.





changes to the Town Center South Redevelopment Plan [were] recommended”.

13.13.3 Additionally, the Master Plan²⁸⁵ promoting the use of Plug-In Electric Vehicles (“PEV”) as a means to:

- *Reduce air pollution, greenhouse gas emissions and stormwater runoff contaminants.*
- *Contribute to 'Placemaking' efforts; and*
- *Demonstrate the Township’s commitment to sustainability.*

Pertinent strategies associated with this Principle are:

1. *Permit residential-scale charging stations as accessory uses in all zones where single-family residential uses are permitted, and higher-capacity stations as accessory uses in all zones where multi-family and commercial / industrial uses are permitted.*
2. *Establish regulations to ensure the proper siting, lighting, design, signage, maintenance and safety of the PEV charging stations in various zones as appropriate.*

3. *Establish regulations for the appropriate number and location of PEV charging stations for non-residential uses.*
4. *Ensure that the Township’s Codes are updated to facilitate PEVs, PEV charging stations and related issues.*

13.13.4 This Amended & Restated Redevelopment Plan is fully consistent with and designed to effectuate the Township’s 2020 Comprehensive Master Plan Update.

²⁸⁵ Principal §5.3.1 H.



14.0 EFFECTIVE DATE, DURATION & AMENDMENT PROVISIONS

14.1 EFFECTIVE DATE

14.1.1 The Effective Date of the Redevelopment Plan was April 16, 2012, which was the date the Ordinance adopting the Plan became effective.

14.1.2 The effective date of the various Redevelopment Plan Amendments are detailed in each such Amendment.

14.1.3 The Effective Date of this Amended & Restated Redevelopment Plan will be the date the Ordinance adopting this Plan becomes effective.

14.2 DURATION OF PROVISIONS

14.2.1 Subject to the provisions of §15.0 herein, this Amended & Restated Redevelopment Plan, as may be amended from time-to-time, shall be in effect for a period of ten (10) years from the Effective Date.

14.2.2 The duration of any Redevelopment Plan Amendment shall remain as provided for in such Amendment.

14.2.3 Where there is a portion of a Redevelopment Project or Independent Component thereof which has commenced construction but has yet to receive a Certificate of Completion & Compliance, this Amended & Restated Development Plan shall remain in effect until the issuance of said Certificate of Completion & Compliance.

14.2.4 Nothing shall be construed to limit the ability of the Township Council to extend the duration of this Amended & Restated Redevelopment Plan beyond that described herein upon adoption of an Ordinance authorizing same.

14.3 PROCEDURES FOR AMENDING THIS AMENDED & RESTATED REDEVELOPMENT PLAN

14.3.1 This Amended & Restated Redevelopment Plan may be amended from time-to-time upon compliance with all applicable laws and statutes and upon approval of the Governing Body.



14.3.2 In addition to any other requirements, including but not limited to those imposed by N.J.S.A. 40A:12A-9, and any applicable provisions of a Redevelopment Agreement, mutual agreement between the Township and a Redeveloper is required where a Redevelopment Agreement is in place and where any amendment to this Amended & Restated Redevelopment Plan would change the controls governing the use of lands under said Agreement.

15.0 CERTIFICATE OF COMPLETION & COMPLIANCE

15.1 Upon completion of construction of a Redevelopment Project or any Independent Component thereof, and at the request of a Redeveloper, the Township²⁸⁶ shall issue the Redeveloper a Certificate of Completion & Compliance for said Project or said Independent Component thereof, certifying that the Project, or the Independent Component thereof, was completed in accordance with this Amended & Restated Redevelopment Plan, the Redevelopment Agreement and the Project Plans approved by the Land Use Board as part of the Review & Approval process^{287 & 288}, and further certifying that all applicable provisions of the Redevelopment Agreement, including provisions related to N.J.S.A. 40A:12A-9, have been satisfied.

Each such request shall be accompanied by as-built plans of the Redevelopment Project or Independent Component thereof which is subject of the request, prepared, signed and sealed by the appropriate design professional, depicting the

final constructed configuration of the Project or Independent Component thereof.

15.2 Upon the issuance of the final Certificate of Completion & Compliance for the final Component of a Redevelopment Project, or at the expiration of this Amended & Restated Redevelopment Plan pursuant to §14.2 herein, whichever shall occur last, the conditions determined to exist at the time the specific portion of the Redevelopment Area was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Amended & Restated Redevelopment Plan for such portion of the Redevelopment Area, with the exception of the Development Regulations²⁸⁹, Architectural Controls²⁹⁰ and Equal Opportunity provisions²⁹¹, shall terminate, and the subject portion of the Redevelopment Area shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

²⁸⁶ acting in its capacity as Redevelopment Entity for the Redevelopment Plan.

²⁸⁷ §2.87 herein.

²⁸⁸ Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.

²⁸⁹ §7.4 herein.

²⁹⁰ §8.0 herein.

²⁹¹ §12.0 herein.



15.3 Similarly, upon the issuance of the final Certificate of Completion & Compliance for the final Component of the final Redevelopment Project in the Redevelopment Area ~ i.e., upon buildout of the Redevelopment Area, or at the expiration of this Amended & Restated Redevelopment Plan pursuant to §14.2 herein, whichever shall occur last, the conditions determined to exist at the time the entirety of the Town Center South Redevelopment Area was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Amended & Restated Redevelopment Plan, with the exception of the Development Regulations²⁸⁹, Architectural Controls²⁹⁰ and the Equal Opportunity provisions²⁹¹, shall terminate, and the entirety of the Redevelopment Area shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

15.4 The Redeveloper, at its discretion, may waive the procedure described in §15.2 herein in favor of the procedure described in §15.3 herein.

15.5 Unless otherwise addressed by an affirmative action of the

Governing Body, the appropriate sections of the Township Code and the Town Center Plan shall hereby be amended to include the Land Use Plan²⁹² and Architectural Controls²⁹⁰ of this Amended & Restated Redevelopment Plan, which shall survive the expiration of this Plan.

15.6 This Certificate of Completion & Compliance process shall be independent of, and shall not substitute for, the standard municipal Certificate of Occupancy process. Within this context, the Township²⁹³, at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

²⁹² §7.0 herein.

²⁹³ acting in its capacity as Redevelopment Entity for this Redevelopment Plan.