

BLOCK 29

REDEVELOPMENT PLAN

ROUTE 130 SOUTH REDEVELOPMENT AREA

ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY



Prepared by:



OCTOBER 28, 2021

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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.

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TABLE OF CONTENTS

1.0 INTRODUCTION	1	5.0 REDEVELOPER SOLICITATION, SELECTION & DESIGNATION	42
1.1 Background.....	1	5.1 Expression of Interest.....	42
1.1.1 Authorizing Legislation.....	3	5.2 Redeveloper Candidate	43
1.1.2 Redevelopment Process	3	5.2.1 Selection	43
1.2 Authorization & Purpose.....	6	5.2.2 Designation.....	45
2.0 DEFINITIONS	8	5.3 Redevelopment Agreement	45
3.0 PREEXISTING CONDITIONS.....	23	5.4 Post Selection Requirements.....	47
3.1 Delineation	23	5.4.1 Redevelopment Administration Escrow	47
3.2 Zoning.....	23	5.4.2 Alternate Redeveloper	49
3.3 Land Uses	24	6.0 ANTICIPATED REDEVELOPMENT ACTIONS.....	50
3.4 Smart Growth, New Urbanism & the Regulatory Environment	24	6.1 Acquisition & Conveyance	50
3.4.1 Smart Growth.....	24	6.1.1 By the Township	50
3.4.2 New Urbanism.....	25	6.1.2 By a Redeveloper	51
3.4.3 State Development & Redevelopment Plan.....	27	6.1.3 Redeveloper’s Responsibilities Upon Acquisition.....	51
3.4.4 Implications for this Redevelopment Plan	30	6.1.4 Property Designated Not-To-Be-Acquired.....	51
3.5 Environmental Conditions & Constraints	30	6.2 Conveyance	52
3.5.1 Soils, Wetlands & Buffers	30	6.2.1 By the Township	52
3.5.2 Known Contaminated Sites	31	6.3 Financial Assistance	52
3.5.3 Habitat / Threatened & Endangered Species	32	6.4 Pre-Existing Approvals	52
3.6 Governmental Approvals	33	7.0 STANDARDS & CONTROLS OF GENERAL APPLICABILITY	54
3.7 Pre-Existing Approvals.....	33	7.1 Governing Regulations	54
4.0 MUNICIPAL GOALS & OBJECTIVES.....	34	7.2 Review Procedures, Interpretations & Responsibilities	55
4.1 General Statements.....	34	7.2.1 Approval Process	55
4.2 Municipal Land Use Law.....	36	7.2.2 Variances, Departures, Deviations & Design Waivers	58
4.3 Redevelopment Plan Goals & Objectives	37	7.2.3 Permitted & Prohibited Uses.....	62





**BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

7.3 Pre-Existing Uses / Structures 63

7.3.1 Background..... 63

7.3.2 Improvement Plans for Pre-Existing Uses / Structures 64

8.0 LAND USE PLAN 68

8.1 Parcelization Plan 68

8.2 Development Regulations 70

8.2.1 Block 29: Robbinsville – Allentown Road
Redevelopment Parcel 71

A. Permitted Principal Uses & Structures..... 72

B. Permitted Ancillary Uses & Structures..... 72

C. Building Limit Controls 73

8.2.2 Block 29: Route 130 Redevelopment Parcel 75

A. Permitted Principal Uses 75

B. Permitted Ancillary Uses & Structures..... 77

C. Building Limit Controls 77

8.2.3 Block 29: N. Gold Drive Redevelopment Parcel 79

A. Permitted Principal Uses 79

B. Permitted Accessory Uses..... 80

C. Building Limit Controls 80

8.2.4 Construction Staging & Sales Trailers..... 81

8.3 Architectural Controls 83

8.3.1 General 83

8.3.2 General Design Philosophy..... 84

8.3.3 Building Orientation 85

8.3.4 Building Massing & Style 86

8.3.5 Roofs & Roof Materials 90

8.3.6 Façade Treatment & Materials..... 93

8.3.7 Entryways, Doors & Windows 96

8.3.8 Porches, Stoops & Arcades..... 101

8.3.9 Building Lighting 101

8.3.10 Other Building Elements / Ornamentation 102

8.3.11 Cross Gables & Dormers..... 103

8.3.12 Gutters 103

8.3.13 Chimneys 103

8.3.14 Colors 104

8.3.15 Heating, Air Conditioning & Telecommunications 104

8.3.16 Fire Escapes 104

8.3.17 Ancillary Structures..... 104

8.3.18 Signage 104

9.0 CIRCULATION, PARKING & LOADING PLAN..... 108

9.1 Circulation..... 108

9.1.1 Route 130 & Robbinsville - Allentown Road [CR 526] 108

9.1.2 External Access 109

9.1.3 Internal Accessways..... 110

9.2 Additional Guidelines 110

9.2.1 Curbing 110

9.2.2 Sidewalks 110

9.3 Parking..... 111

9.3.1 General Requirements..... 111

9.3.2 Surface Parking Lots 113

9.3.3 Structured Parking 114

9.3.4 Off-Street Parking for Individual Residential Units..... 115

9.4 Loading 116

9.5 Traffic Impact Study & Parking Analysis 117

9.5.1 Traffic Impact Study..... 117

9.5.2 Parking Analysis 118

9.6 Project Coordination / Cost Sharing 119

9.7 Final Circulation, Parking & Loading Plans..... 119

10.0 INFRASTRUCTURE CONTROLS 121

10.1 Utility Services 121

10.2 Floodplain, Wetlands & Stormwater Management 122

10.3 Final Infrastructure Plan 122





11.0 LANDSCAPING, STREETSCAPING & OPEN SPACE PROVISIONS / ENVIRONMENTAL PROTECTION MEASURES 124

11.1 Landscaping & Streetscaping Plan..... 124

11.2 Landscaping..... 124

11.3 Streetscaping..... 125

11.4 Lighting..... 125

11.5 Open Space..... 126

11.6 Environmental Protection Measures 126

11.7 Final Landscaping, Streetscaping & Open Space / Environmental Mitigation Plan..... 127

12.0 EQUAL OPPORTUNITY 128

13.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS 130

13.1 Redevelopment Area Designation..... 130

13.2 Redevelopment Plan 130

13.2.1 Relationship to Definite Local Objectives..... 130

13.2.2 Appropriate Land Uses 130

13.2.3 Density of Population 130

13.2.4 Public Transportation and Traffic 130

13.2.5 Public Utilities..... 131

13.2.6 Recreational and Community Facilities 131

13.2.7 Other Public Improvements 132

13.2.8 Proposed Land Use & Building Requirements..... 133

13.3 Provision for Temporary & Permanent Relocation 133

13.4 Identification of Property-To-Be-Acquired..... 135

13.5 Significant Relationships to Other Plans 135

13.5.1 Master Plans of Contiguous Municipalities..... 135

13.5.2 Mercer County Master Plan 136

13.5.3 State Development & Redevelopment Plan..... 137

13.6 Inventory of Existing Affordable Housing Units to be Removed 138

13.7 Plan for Affordable Replacement Housing 139

13.8 Provision of Affordable Housing..... 139

13.9 Electric Vehicle Charging Infrastructure 140

13.10 Relationship to Pertinent Municipal Development Regulations 141

13.11 Consistency with Municipal Master Plan..... 141

14.0 EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENT PROVISIONS 144

14.1 Effective Date 144

14.2 Duration of Provisions 144

14.3 Procedures for Amending the Approved Redevelopment Plan..... 144

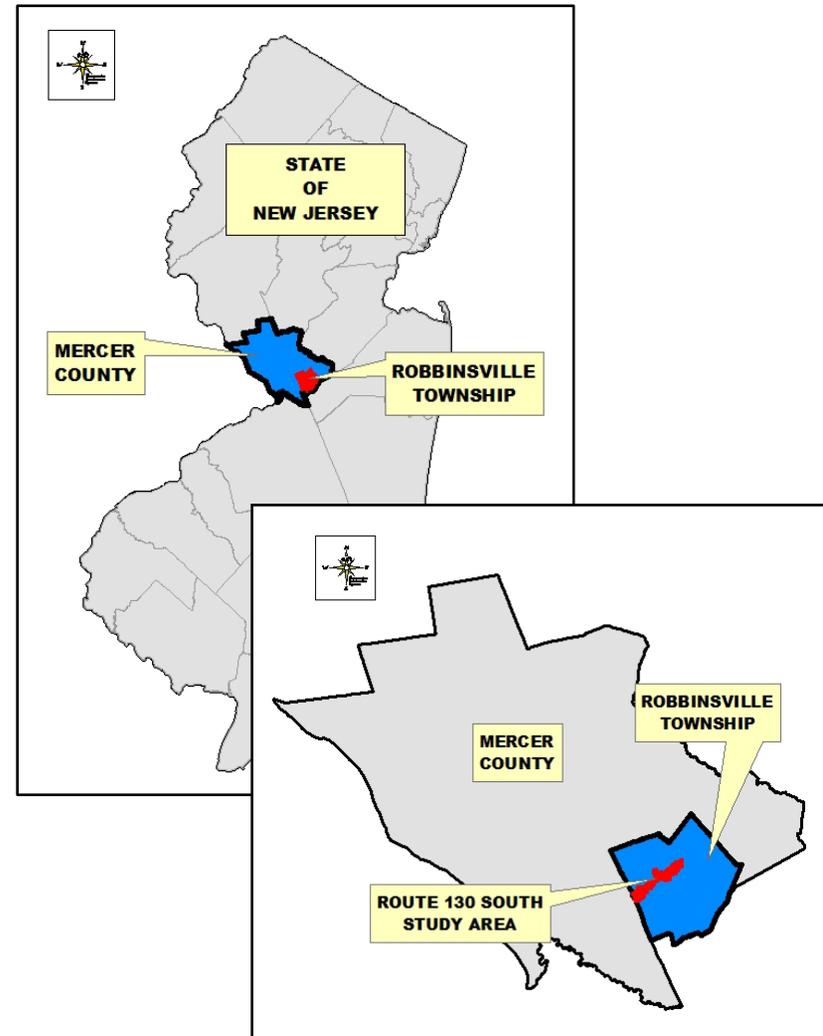
15.0 CERTIFICATE OF COMPLETION & COMPLIANCE..... 145

1.0 INTRODUCTION

1.1 BACKGROUND

There exists in the Township of Robbinsville, Mercer County, New Jersey¹, a 124 lot / (approximately) 430-acre (not including Rights-of-Way) area consisting of lots that either front on or are adjacent to U.S. Route 130² between the Township’s southern municipal boundary line and certain lots abutting the northerly line of Gordon Road.

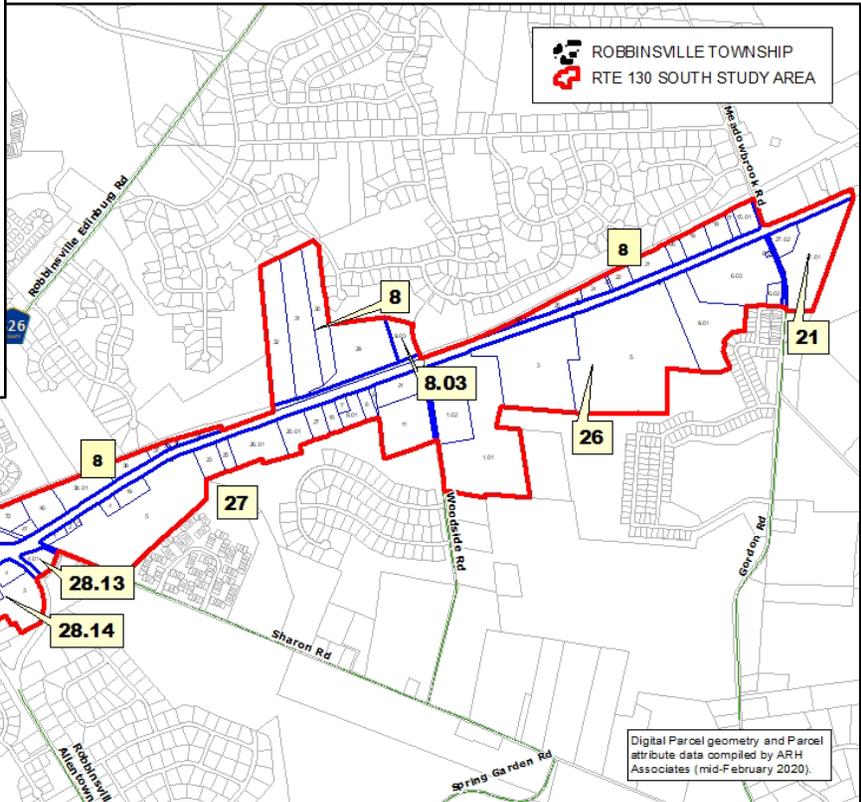
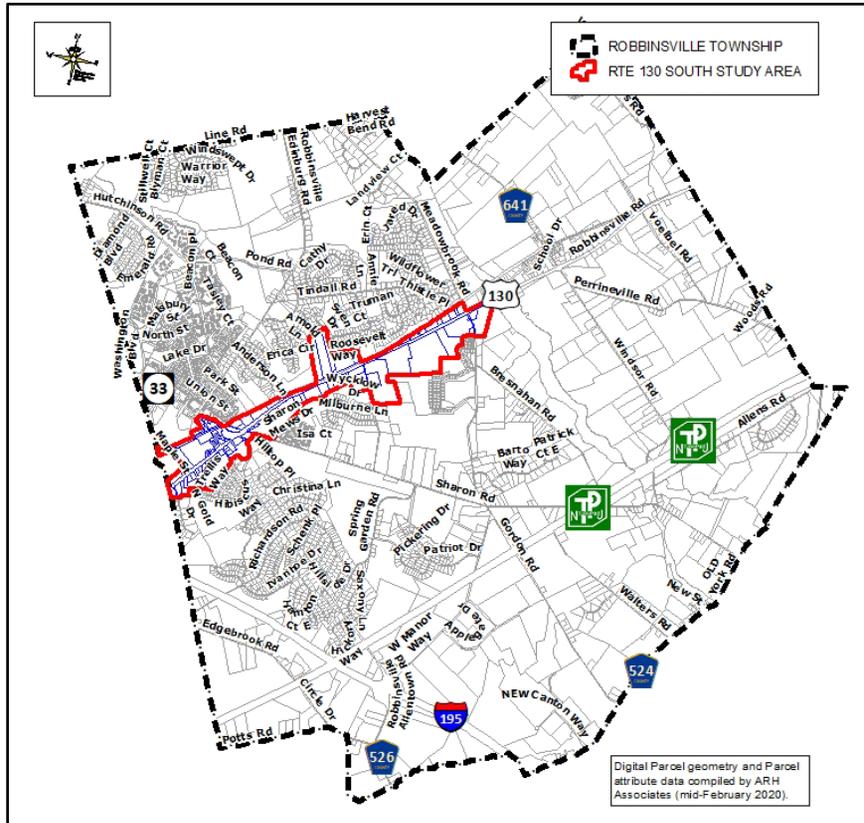
This area consists of unproductive and unutilized vacant lands as well as properties that appear to exhibit conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and a lack of proper development which result from forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.



¹ "Township"

² "Route 130"

The major defining characteristics of this area are its proximity to the commercial corridor of Route 130 and the connections between Route 130 and the New Jersey Turnpike and I-95.





1.1.1 AUTHORIZING LEGISLATION

In 1992, the New Jersey Legislature empowered municipalities to address conditions as described by adopting the *Local Redevelopment & Housing Law*³, the purpose of which is to provide local officials with the tools and powers necessary to arrest and reverse such conditions and to promote the advancement of community interests through programs of redevelopment and/or rehabilitation of such lands.

Utilizing the comprehensive set of tools and techniques available *only* under the *Redevelopment Law*, municipalities may modify land use and zoning controls; acquire property deemed necessary for *redevelopment*; clear or provide for the clearance of such lands; install infrastructure and/or other site improvements; provide favorable tax and other financial incentives to facilitate *redevelopment*; and solicit for, negotiate / enter into partnerships with and transfer lands to public and private entities in order to accomplish certain defined municipal goals and objectives.

1.1.2 REDEVELOPMENT PROCESS

The first step in the Redevelopment process is for a municipal Governing Body to direct the municipal Planning Board to undertake what the *Redevelopment Law* terms a “Preliminary Investigation” to determine if the conditions in a targeted area conform with any of the eight (8) Statutory Criteria under which lands may be declared to be “In Need of Redevelopment” under sections 5 and 6 of the *Redevelopment Law*.

On February 27, 2020, the Robbinsville Township Council adopted (and May 28, 2020 amended) Township Resolution No. 2020-68⁴; thereby authorizing and directing the Robbinsville Planning Board to conduct the necessary investigations and to undertake the necessary steps to determine whether or not lands then-designated as the Route 130 Study Area, more particularly described as:

BLOCK	LOT(S)
1	27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 37.01, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57.01, 58.01, 62 & 63.
2	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15.01, 15.02, 17.01 & 20.

³ N.J.S.A. 40A:12A-1 et seq. ~ “*Redevelopment Law*”

⁴ On file with the Township Clerk and/or the Planning Board Secretary.



BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.

BLOCK	LOT(s)
8	15.01, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 37, 38, 38.01, 46, 47, 48 & 72.
8.03	9.03
21	27.01 & 27.02.
26	1.01, 1.02, 3, 5, 6.02, 6.03, 6.04 & 9.01.
27	1, 2, 3, 4, 5, 7, 8, 8.01, 9, 11, 18, 19, 20.01, 21, 23, 25, 26.01 & 27.
28.13	4.01
28.14	1, 2, 3, 4, 59 & 60.
29	1.011, 1.19, 2.39, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12.

5

on the official tax map of the Township of Robbinsville, or any part of parts thereof, and including all bounding and internal Rights-of-Way, or any part or parts thereof, qualify for designation as an Area in Need of Redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.

Resolution No. 2020-68 further provided that, upon completion of the Preliminary Investigation and the public

hearing thereon, the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supportive documentation.

While not addressed in Resolution No. 2020-68, such action authorized the Township to use all those powers provided by the Legislature for use in a Redevelopment Area *except the use of eminent domain*. Accordingly, the Preliminary Investigation was in furtherance of a "**Non-Condemnation Redevelopment Area**" designation.

1.1.3 On May 20, 2020, the Robbinsville Planning Board adopted Planning Board Resolution No. PB2020-17⁴ (amended June 17, 2020 via Resolution No. PB2020-17A)⁴, accepting the directive of the Township Council embodied in Township Resolution No. 2020-68 and assigning **ARH Associates**,⁶ Licensed Professional Planners in the State of New Jersey and

⁵ A railroad Right-of-Way belonging to the United NJ Railroad & Canal Co. extends through Robbinsville in an east / west direction. What was believed to be the extent of this Right-of-Way within the Investigation was included in Resolution No. 2020-126 as Block 1, Lots 37 and 37.01 and Block 2, Lot 9. The rail line is located to the north (i.e., rear) of these Parcels.

During the course of the Investigation, it was discovered that a portion of this Right-of-Way ~ designated Block 8, Lot 14 ~ meanders to the front (i.e., south) of a cluster of properties designated as Block 8, Lots 29, 30, 31 & 32 and Block 8.03, Lot 9.03. Lot 14 is therefore geographically located within the area under investigation.

While inadvertently omitted as a **Lot** in Resolution No. 2020-126, the portion of Lot 14 within the study area is captured in Resolution No. 2020-126 as being part of an **internal Right-of-Way**.

⁶ "ARH"





the Planning Board’s appointed Planner, to undertake the Preliminary Investigation on the Board’s behalf.

In satisfaction of N.J.S.A. 40A:12A-6 b(1), Resolution No. PB2020-17A ~ setting forth the Township’s Basis for this Preliminary Investigation ~ and a map of the indicating all Blocks and Lots therein were placed on file with the Township Clerk.

1.1.4 ARH conducted its analysis and submitted a *Report of Findings* detailing the conditions in the Study Area^{4,7}.

Pursuant to N.J.S.A. 40A:12A-6b (2) and (3), the Planning Board held a duly noticed public hearing on this matter⁸ to determine whether all or part of the area under Investigation qualified as an Area in Need of Redevelopment in accordance with the *Redevelopment Law*. At the end of the public hearing, the Planning Board, on June 23, 2021 and after careful consideration of the *Report of Findings* and a presentation by **ARH**, as well as comments from members of the public in attendance who elected to speak, adopted Resolution No. PB2021-17(B)⁴; thereby finding and recommending to the

Township Council that the area under Investigation, with the exception of Block 1, Lot 56, qualifies and therefore should be designated as a Non-Condemnation 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, findings and recommendations of the Planning Board embodied in Resolution No. PB2021-17(B), the Township Council, on June 24, 2021, after due and careful deliberation, adopted Township Resolution No. 2021-165⁴; thereby designating the Route 130 South Study Area, with the exception of Block 1, Lot 56, to be an Area In Need of Redevelopment.

As required by N.J.S.A. 40A:12A-6, Township Resolution No. 2021-165 was transmitted to the Commissioner of the New Jersey Department of Community Affairs for approval of the designated Redevelopment Area. By letter dated July 8, 2021⁴, the Township received such approval.

⁷ Dated January 22, 2021 (“*Report of Findings*”) [§2.76 herein.]

⁸ February 24, 2021 and March 17, 2021

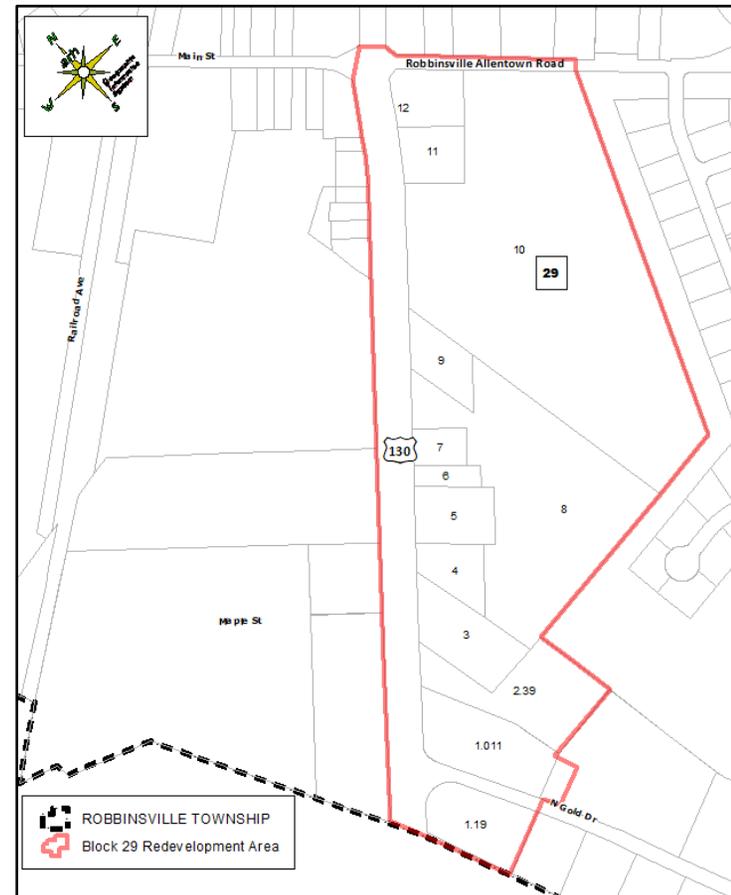


The New Jersey Department of Community Affairs noted that portions of Block 21, Lot 27.01 and Block 26, Lots 1.01 and 9.01 are in Rural and Environmentally Sensitive Rural Planning Areas and asked that the Township “ensure that any subsequent Redevelopment Plan gives due consideration to the sensitivity of the small portions of this area”.

1.2 AUTHORIZATION & PURPOSE

1.2.1 Having declared the Route 130 South Study Area to be In Need of Redevelopment, the next step in the Redevelopment Process is to prepare and adopt one or more Redevelopment Plan(s) for the Area.

Township Policymakers recognize the costs involved in attempting to develop a single, comprehensive Plan for an area as large and diverse as the Route 130 South Redevelopment Area, and further recognize the planning and market unknowns of our post-COVID economy. Accordingly, the Policymakers have elected to pursue separate Plans for individual sections of the Redevelopment Area, and to focus on both sides of the southern entrance to the Township as Initial Action Projects designed to create a redeveloped southern gateway into Robbinsville.



The purpose of this Redevelopment Plan is to provide a mechanism for the orderly (re)planning and (re)development of the Block 29 portion of the Redevelopment Area consistent with the Municipal Goals & Objectives⁹ established herein.

⁹ §4.0



BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.

1.2.2 This Redevelopment Plan satisfies all statutory requirements under the *Local Redevelopment & Housing Law* and, upon adoption by the Township Council, shall constitute the legal prerequisite for the Redevelopment Actions outlined herein.

2.0 DEFINITIONS

For the purpose of this 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 not defined herein shall have the meaning set forth in the Township Code.

Terms presented as singular or plural, masculine or feminine, shall be construed within the context in which they occur.

2.1 “Ancillary Use”, “Ancillary Building” or “Ancillary Structure” 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 an Ancillary Use, Building or Structure.

2.2 “ADA” shall mean the Americans with Disabilities Act¹⁰, along with all rules and regulations promulgated therefor.

2.3 “Age-Targeted Housing” shall mean market rate, independent living units designed for, but not limited to, active-seniors as defined by applicable Federal Housing legislation.

2.4 “Apartment” shall mean a residential unit within an Apartment Building as defined in §2.5 herein, wherein such units may be leased and/or sold under a condominium, cooperative or similar arrangement. Apartments shall be limited to one (1) and two (2) bedroom units, with a minimum unit size of 650 s.f. and a maximum unit size of 1,900 s.f. The precise bedroom mix shall be determined within the context of the Redevelopment Agreement to be negotiated between the Township and each individual Redeveloper Candidate.

Redevelopers’ obligations related to the provision of Affordable Housing and the percentage of units to be Affordable shall be addressed within the context of the Redevelopment Agreement(s) to be negotiated between the Township and each Redeveloper.¹¹

¹⁰ U.S. Code Title 42, Ch. 126, Sect. 12101 et seq. and Title 47, Ch. 5.

¹¹ §5.3 herein



2.5 “Apartment Building” shall mean a professionally-managed, multi-story, wholly-residential or Mixed-Use Building as defined in §2.42 herein, having no more than 4½ stories and a maximum height of 48’ (including architectural features), and having one or more common entrance(s), a common area lobby and elevator(s) to service the units therein.

Apartment Buildings shall be similar in scale and massing to the multi-story buildings fronting Route 33 in the Town Center North development.

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 few or no openings, generally constructed of a single material and uniform texture, and constructed on a single plane.

2.8 “Block 29” shall mean the portion of the Route 130 South Redevelopment Area that is subject to this Redevelopment Plan (more specifically described in §1.0 herein).

2.9 “Buffer” shall mean an area within a property or site, generally adjacent to and parallel with a property line or natural feature,

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.

2.10 “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.

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 Envelope, and, unless otherwise indicated, may be placed anywhere within the Envelope.

2.12 “Building Height” shall mean the vertical distance measured to the highest average point 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. This height limitation shall include 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”.

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, 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 individual lots intended for residential or non-residential buildings, including the 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 have the same meaning as Apartment, except that the dwellings therein shall be 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.

2.18 “Cooperative” shall have the same meaning as Apartment, except that the dwellings therein shall be 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 where such structures are constructed at one time. 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 non-conditioned construction.

2.23 “Elevation” shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.

2.24 “Entablature”¹² 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.

2.25 “Environmental Constraints” shall mean natural features, resources or land characteristics that require conservation 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 Redevelopment Plan, Environmental Constraints shall also include conditions placed on a property by a Relevant Permitting Agency.

2.26 “Façade” shall mean a building face or wall.

2.27 “Fascia” shall mean a projecting flat horizontal member or molding, also part of a classical Entablature.

2.28 “Fenestration” shall mean window and other openings on a building facade.

2.29 “Gable” shall mean the part of the end wall of a building between the eaves and a pitched or gambrel roof.

2.30 “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.

2.31 “Home-Based Business” and “Home Occupation” shall have the same meaning as in the Township Code, except that such uses must be conducted primarily by person(s) residing in such residence.

¹² Originally defined as an elaborated beam supported by columns.



- 2.32** “Home Office” shall mean an office that exists within a residential unit and is primarily used by persons residing in such residence.
- 2.33** “Impervious Coverage” shall mean that 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.
- 2.34** “Independent Component of a Project”: see “Redevelopment Project”.
- 2.35** “Lane” shall mean a narrow Right-of-Way located through the interior of a block and providing vehicular and service access to the side or rear of properties.
- 2.36** “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.
- 2.37** “Lintel” shall mean a structural or decorative horizontal beam over an opening in a masonry wall.

- 2.38** “Local Lands & Buildings Law” shall mean N.J.S.A. 40A:12-1 et seq.
- 2.39** “Local Redevelopment & Housing Law” shall mean N.J.S.A. 40A:12A-1 et seq.
- 2.40** “Masonry” shall mean a wall or building material, such as brick or stone, which is laid up in small units.
- 2.41** “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width and depth).
- 2.42** “Mixed-Use Building” shall mean a multi-story building containing both residential and non-residential uses and having one or more common entrance(s), a common lobby area and elevator(s) to service the dwelling units therein. Unless otherwise stated herein, dwellings in a Mixed-Use Building may be rental or under condominium or cooperative ownership.

Non-residential uses in a Mixed-Use Building shall be located on the ground floor and residential uses shall be located above the ground floor. Residential uses shall not be located on the ground floor.



Nothing in this definition shall preclude non-residential uses above the ground floor, provided that residential uses are also located above the ground floor. Multi-use buildings that do not contain both residential and non-residential uses shall not be considered Mixed-Use Buildings, regardless of the number of stories or uses therein.

Single-story buildings shall not be considered Mixed-Use Buildings, regardless of how many different uses are located therein.

- 2.43** “*Municipal Land Use Law*” shall mean N.J.S.A. 40:55D-1 et seq.
- 2.44** “NJCA” shall mean the New Jersey Department of Community Affairs¹³
- 2.45** “NJDEP” shall mean the New Jersey Department of Environmental Protection.¹³
- 2.46** “NJDOT” shall mean the New Jersey Department of Transportation.¹³

- 2.47** “Office of Planning Advocacy” (“OPA”) shall mean the successor to the New Jersey Office of Smart Growth (“OSG”) and the Office of State Planning (“OSP”); operating out of NJDCA under the Lieutenant Governor. As part of its Business Action Center, the OPA is charged with helping to spur economic growth in New Jersey.
- 2.48** “Parcel” shall have the same meaning as “Redevelopment Parcel”.
- 2.49** “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.
- 2.50** “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.51** “Pitch” shall mean the angle of slope of a roof or berm.
- 2.52** “Planning Board” shall mean the Robbinsville Township Planning Board, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the various

¹³ Including all divisions and agencies thereof.



regulations of the Township Code and other relevant statutes, including the *Local Redevelopment & Housing Law*.

2.53 “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.

2.54 “Portico” shall mean an open-sided structure attached to a building sheltering an entrance or serving as a semi-enclosed space.

2.55 "Preliminary Investigation" shall mean the process by which the Route 130 South Study Area was designated In Need of Redevelopment under the *Local Redevelopment & Housing Law* as detailed in §1.0 herein. See *Report of Findings*.

2.56 “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.

2.57 “Project” shall have the same meaning as “Redevelopment Project”.

2.58 “Project Concept(s)” shall mean the preliminary depiction of a proposed Redevelopment Project, 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.

2.59 “Project Elements” shall mean any component of a Redevelopment Project.

2.60 “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 Planning Board pursuant to the Township’s existing Subdivision and Site Plan application procedures and this Redevelopment Plan.

2.61 “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.



- 2.62** “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 community with or without payment of a membership fee or other charge.
- 2.63** “Public Open Space” shall mean a component of Common Open Space comprised of one or more lots adjoining a public Right-of-Way on at least one side, which is open to the Public as defined herein.
- 2.64** “Public Sidewalk” shall mean a paved 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.
- 2.65** “Publication” shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Plan was finalized for printing.
- 2.66** “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 Agreement for the purposes of advancing this Redevelopment Plan.¹⁴

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

- 2.67** “Redeveloper Candidate¹⁴” shall mean the corporation, partnership or other entity or entities selected by the Township to pursue negotiations leading a Redevelopment Agreement for the purposes of advancing this Redevelopment Plan, but whose Redevelopment Agreement has yet to be executed.
- 2.68** “Redevelopment Agreement” shall mean a contract made by and between a designated Redeveloper (Candidate) and the Township¹⁵, which shall detail the specific rights, responsibilities and obligations of both parties related to the development of a Redevelopment Project under this Redevelopment Plan.

¹⁴ References to “Redeveloper” and/or “Redeveloper Candidate” shall apply to “Alternate Redeveloper Candidate” pursuant to §5.5 herein.

¹⁵ Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.



Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit a Redevelopment Project from being developed as multiple components constructed in phases or subphases over time, and nothing herein shall limit an entity from being designated Redeveloper for more than one (or all) Redevelopment Parcels created hereunder.

2.69 "Redevelopment Area" shall have the same meaning as "Route 130 South Redevelopment Area".

2.70 "Redevelopment Entity" shall mean the Governing Body of Robbinsville Township, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.

2.71 "*Redevelopment Law*" shall have the same meaning as *Local Redevelopment & Housing Law*.

2.72 "Redevelopment Parcel" shall mean any of the designated sections of the Block 29 portion of the Route 130 South Redevelopment Area created by §8.1 herein.

2.73 "Redevelopment Plan" shall mean this instant document entitled *Block 29 Redevelopment Plan, Route 130 South Redevelopment Area, Robbinsville Township, Mercer County, N.J.*, prepared by ARH Associates (date indicated on the front cover of this document).

Upon adoption by the Governing Body, this Redevelopment Plan shall satisfy all statutory requirements of the *Local Redevelopment and Housing Law* and shall constitute a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.

2.74 "Redevelopment Project" shall mean the construction of buildings and/or other improvements on the Block 29 portion of the Redevelopment Area by the designated Redeveloper in accordance with this Redevelopment Plan.

Subject to the provisions of a Redevelopment Agreement, nothing in this Redevelopment Plan shall be construed to prohibit or in any way limit a Redevelopment Project from being developed in Phases or Subphases over time. Accordingly, the term "Redevelopment Project" shall be construed to include any Phases or Subphases thereof.



For the purposes of issuing a Certificate of Completion & Compliance¹⁶, 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.

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

2.76 “Report of Findings” shall mean the document entitled *Report of Findings, Non-Condemnation Preliminary Redevelopment Investigation, Route 130 South Study Area, Robbinsville Township, Mercer County, New Jersey* prepared by **ARH Associates** (dated January 22, 2021)¹⁷.

2.77 "Respondent" shall mean an entity submitting an Expression of Interest in accordance with §5.1 herein.

2.78 “Retail”: Pertinent to this Redevelopment Plan, Webster’s¹⁸ defines “Retail” 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.*

Accordingly, this Redevelopment Plan uses the generic term “Retail” to refer to any number of uses whereby individuals are able to purchase goods directly from establishments in a “cash-and-carry” manner. See also “Retail and Service Activities”.

2.79 “Retail & Service Activities” shall mean uses designed to provide the needs of the citizens of Robbinsville and the surrounding communities and include, without limitation: grocery stores, specialty food stores and supermarkets; pharmacies with or without drive-through facilities¹⁹; convenience stores without fuel dispensing facilities; banks and financial institutions, with or without drive-through

¹⁶ §15.0 herein

¹⁷ On file with the Township Clerk and/or the Planning Board Secretary.

¹⁸ <https://www.merriam-webster.com/> (“Webster’s”)

¹⁹ The permissibility of drive-through facilities is subject to NJDOT, the State Agency with jurisdiction over Route 130 and Mercer County, the Agency with jurisdiction of Robbinsville – Allentown Road [CR 526].



facilities¹⁹ ~ excluding Check Cashing businesses; non-“big box” retail²⁰; personal service including barber, beauty and nail salons; specialized day spas, fitness centers and other indoor recreational uses; retail dry cleaning with or without tailoring / clothing repair (no commercial cleaning on the premises); and like and similar activities.

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

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

²⁰ Including “Pet Shops”, defined as “a retail establishment where non-agricultural pet supplies are sold to the general public. For the purposes of this Redevelopment Plan, Pet Shop activities may include the sale of small animals which typically live in a glass tank or bowl such as fish, reptiles or amphibians no smaller than the human hand.

While the grooming of dogs, cats or similar type animals is permitted, the sale of such animals is prohibited.

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

2.82 “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 staff.²¹

2.83 “Robbinsville – Allentown Road” shall mean County Road 526.

2.84 “Route 130” shall mean U.S. Route 130.

2.85 “Route 130 South Redevelopment Area” shall mean the portion of Robbinsville Township that either front on or are

²¹ Within the context of the various sections of this Redevelopment Plan, the terms “Robbinsville”, Robbinsville Township”, “Township” and “Governing Body” shall mean the Governing Body of Robbinsville Township, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.



adjacent to Route 130 between the Township’s southern municipal boundary line and certain lots abutting the northerly line of Gordon Road, along with all bounding and internal Rights-of-Way, or any part or parts thereof, as declared to be In Need of Redevelopment by the Governing Body via Township Resolution No. 2021-165; as further described in §1.0 herein.

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

2.87 “Service” and “Services” shall mean useful labor that does not produce a tangible commodity or to perform any of the business functions auxiliary to production or distribution.²²

2.88 “Setback” shall mean clear, unoccupied and unobstructed space (unless otherwise specified) measured at right angles between a lot line, Right-of-Way line or Redevelopment Parcel boundary line²³ 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*; Flag / banner poles;
- Ornamental architectural features*;
- Pedestrian walkways, breezeways & atria;
- Tables for alfresco dining*, bicycle racks*, benches*, trash receptacles* & other street furniture*;
- Parking areas & access drives thereto;
- Signage & lighting;
- 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.

Other than these Rights-of-Way, 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 (*).

²² <https://www.merriam-webster.com/> (“Webster’s”)

²³ Which may or may not coincide with a lot line.



2.89 “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.

2.90 “Sidewalk” shall mean a paved path provided for pedestrian use and usually located at the side of a road within a Right-of-Way.

2.91 "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.

2.92 “Signable Area” shall mean the area or areas on a building façade 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.

2.93 “Sign, Fascia” shall mean the vertical surface over a storefront which is suitable for sign attachment.

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

2.95 “State Plan” shall mean the New Jersey *State Development and Redevelopment Plan*, authorized via the State Planning Act of 1985 and last adopted in March 2001.



- 2.96** “Street Furniture” shall mean the functional elements of the streetscape, including, but not limited to, benches, trash receptacles, planters, kiosks, streetlights and bollards.
- 2.97** “Streetscape” shall mean the built and planted element of a Right-of-Way which define its character.
- 2.98** “String Course” shall have the same meaning as “Belt Course.”
- 2.99** “Texture” shall mean the exterior finish of a surface, ranging from smooth to coarse.
- 2.100** “Town Center South” and “Town Center South Redevelopment Area” shall mean the approximately 90-acre, 70-lot area portion of Robbinsville located between Route 33 and the Township’s municipal boundary with Hamilton Township to the west of the Route South 130 Redevelopment Area; such Area having been designated In Need of Redevelopment in October 2010 via Township Resolution No. 2010-202.
- 2.101** “Town Center South Redevelopment Plan” shall mean the *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 adopted in March 2012 via Township Ordinance No. 2012-4 (as amended from time to time).*²⁴

- 2.102** “Town Center Plan” shall have the same meaning as “Town Center Zoning & Design Regulations”.
- 2.103** “Town Center Zoning & Design Regulations” shall mean the regulations adopted via Township Ordinance No. 97-9.
- 2.104** “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.
- 2.105** “Township” shall have the same meaning as Robbinsville Township.
- 2.106** “Township Code” shall mean, unless otherwise cited, Chapter 142 of the Robbinsville Township Municipal Code,²⁵

²⁴ On file with the Township Clerk and/or the Planning Board Secretary.

²⁵ On file with the Township Clerk or available via <http://www.robbinsville-twp.org/>



as modified through this Redevelopment Plan and as may be amended from time-to-time.

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

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

2.109 “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 for the exclusive use of the residents or guests thereof; 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, provided:

A. Such uses are incidental to the residential use of the premises and are not operated for gain;

B. Except for fences and walls, such uses are located in the Side or Rear Yard, and 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;

C. Any machinery used in connection with such use shall be visually screened and buffered to mitigate against sound;

D. 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.

2.110 “Zoning / Administrative Officer” shall mean the municipal official assigned to administratively approve land use applications not rising to the level of Review & Approval under this Redevelopment Plan and which would otherwise not require approval by the Planning Board or Zoning Board of Adjustment under the Township Code.

3.0 PREEXISTING CONDITIONS

3.1 DELINEATION

As authorized by the Township Council, the Block 29 Redevelopment Plan encompasses the Lots as mapped.

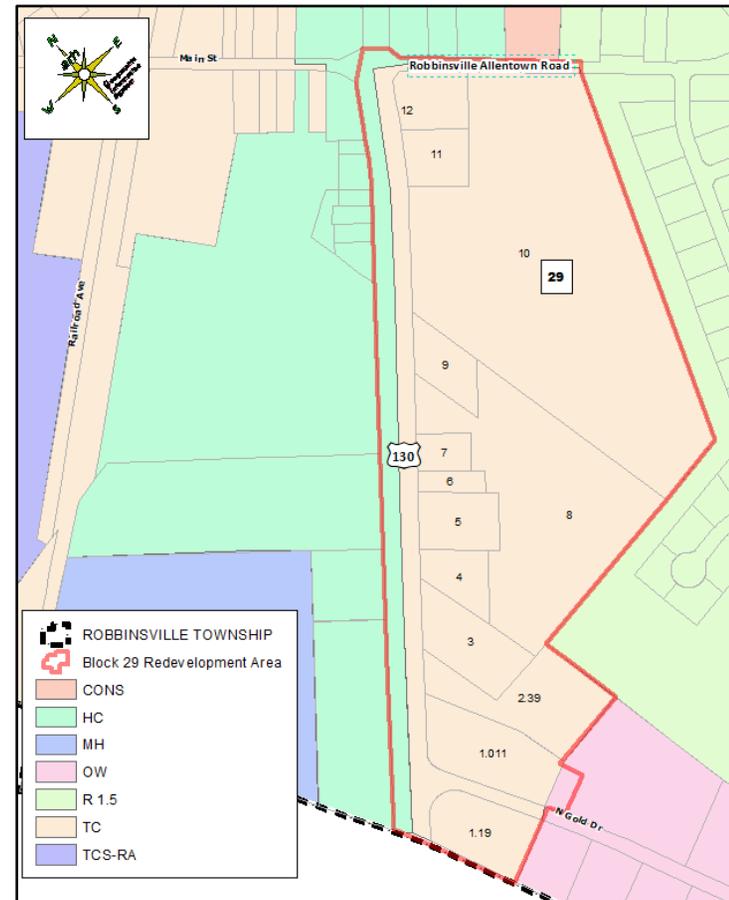
The Route 130 South Redevelopment Area includes the Route 130 and Robbinsville – Allentown Road Rights-of-Way. The jurisdiction of this Redevelopment Plan extends to the north side of Robbinsville – Allentown Road [CR 526] and the west side of Route 130. Accordingly, this Redevelopment Plan addresses 43.26 acres in the form of Tax Lots and 9.10 acres in the form of Rights-of-Way, for a total of 52.36 acres.²⁶

3.2 ZONING

Prior to the adoption of this Redevelopment Plan, the lands subject to this Plan were located in the Township’s Town Center (TC-2 / Special Condition F) Zoning Subdistrict. The Purpose, Permitted Uses and Bulk Standards for these Zones are included in Chapter 142 of the Township Code.

²⁶ Acreage calculations were developed from the Township’s electronic Tax Maps and Tax Assessment records. Information is therefore deemed accurate to the source material. A Boundary Survey of the individual Lots, performed by a licensed Land Surveyor, is required for precise measurements.

Upon adoption of this Redevelopment Plan, land uses and building controls will be as detailed under §8.0 herein.





3.3 LAND USES

The *Report of Findings* detailed the following Land Uses for the lands under this Redevelopment Plan:

LAND USE	PARCELS	% TOTAL
Residential	2	15.38
Commercial	5	38.46
Privately-Owned Vacant Land	6	46.15

LAND USE	ACRES	% TOTAL
Residential	1.37	3.18
Commercial	13.62	31.48
Privately-Owned Vacant Land	28.26	65.34

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 need to drive from ‘secluded’ communities to office parks, strip malls and regional shopping centers.

Families, perceiving their quality of life diminishing, began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban²⁷, exurbs became suburban, and the open space that heretofore separated communities vanished. The result came to be known as “**SPRAWL**”.

²⁷ Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.



To combat sprawl while recognizing the need to accommodate an ever-expanding population (especially in New Jersey), 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 the cities and other areas of existing infrastructure, and preserve green space while providing the new development required to service an expanding population.

Smart Growth principles are generally accepted by planners 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.

3.4.2 NEW URBANISM

Closely related to Smart Growth is the concept of New Urbanism, 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.

Smart Growth Principles²⁸

Mix Land Uses

Take Advantage of Compact, Clustered Community Design

Create a Range of Housing Opportunities and Choices

Create Walkable Neighborhoods

Foster Distinctive, Attractive Communities with a Strong Sense of Place

Preserve Open Space, Farmland, Natural Vistas (Scenic Resources) and Critical Environmental Areas

Strengthen and Direct Development Towards Existing Communities with Existing Infrastructure

Provide a Variety of Transportation Choices

Make Development Decisions Predictable, Fair and Cost Effective

Encourage Community and Stakeholder Collaboration in Development Decisions

New Urbanism Principles²⁹

Walkability

Connectivity

Mixed-Use & Diversity

Mixed Housing

Quality Architecture & Urban Design

Traditional Neighborhood Structure

Increased Density

Green Transportation Sustainability

Quality of Life

²⁸ <http://smartgrowth.org/smart-growth-principles/>

²⁹ <http://newurbanism.org/newurbanism/principles.html>

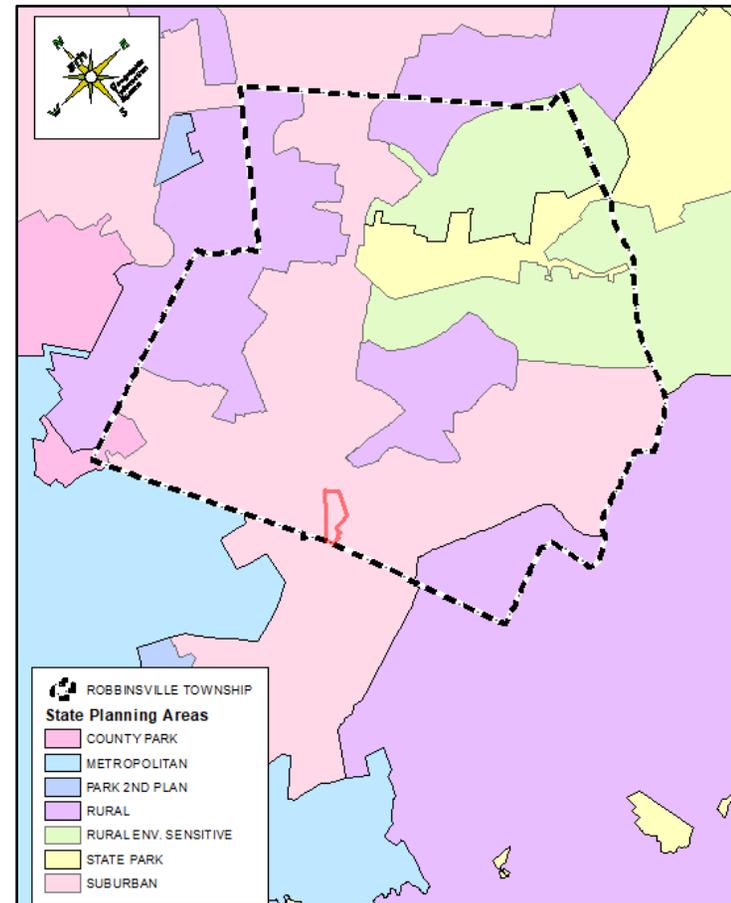
3.4.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*.³⁰ Promulgated by the State Planning Commission³¹ 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 Jersey³², the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

The *State Plan* classifies the section of the Township under this jurisdiction of this Redevelopment Plan as a ‘PA~2 (Suburban) Planning Area’. As detailed in the State Plan:

PA~2 SUBURBAN PLANNING AREAS are designed 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.*³³

³⁰ "State Plan".

³¹ In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

³² Principally, but not exclusively, NJDCA and NJDEP.

³³ State Plan: p. 186



**BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

To accomplish these goals, State Plan has established the following [pertinent] Policy Objectives:³⁴

LAND USE: 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 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. Preserve the Environs as park land, farmland, or partially developed low-density uses without compromising the Planning Area's capacity to accommodate future growth.

HOUSING: 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. Any housing in the Environs should be planned and located to maintain the existing character.

ECONOMIC DEVELOPMENT: Guide opportunities for economic development into Centers or existing pedestrian- and transit-supportive single-use areas and target new jobs to these locations.

TRANSPORTATION: 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 around existing and planned rail stations along transit corridors and ferry stations along waterfronts. Promote flexible (variable route) transit and support employer-operated shuttle services. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development, transportation intermodal hubs, and complementary uses for airport property such as business centers.

³⁴ State Plan: pp. 198-199





**BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

NATURAL RESOURCE CONSERVATION: Conserve continuous natural systems, strategically 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.

AGRICULTURE: Guide development to ensure the continued viability of agriculture and the retention of productive farmland in strategically located agricultural areas and in other adjacent Planning Areas. Actively promote more intensive, new-crop agricultural enterprises and meet the needs of agricultural industry for intensive packaging, processing, value-added operations, marketing, exporting and other shipping through development and redevelopment.

RECREATION: 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.

REDEVELOPMENT: Encourage redevelopment efforts in existing Centers and single-use areas which can be redeveloped into mixed-use areas, and areas within walking distance of train stations or other 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.

HISTORIC PRESERVATION: Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to develop or redevelop. Coordinate historic preservation with tourism efforts.

PUBLIC FACILITIES & SERVICES: 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.

INTERGOVERNMENTAL COORDINATION: 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.

3.4.4 IMPLICATIONS FOR THIS REDEVELOPMENT PLAN

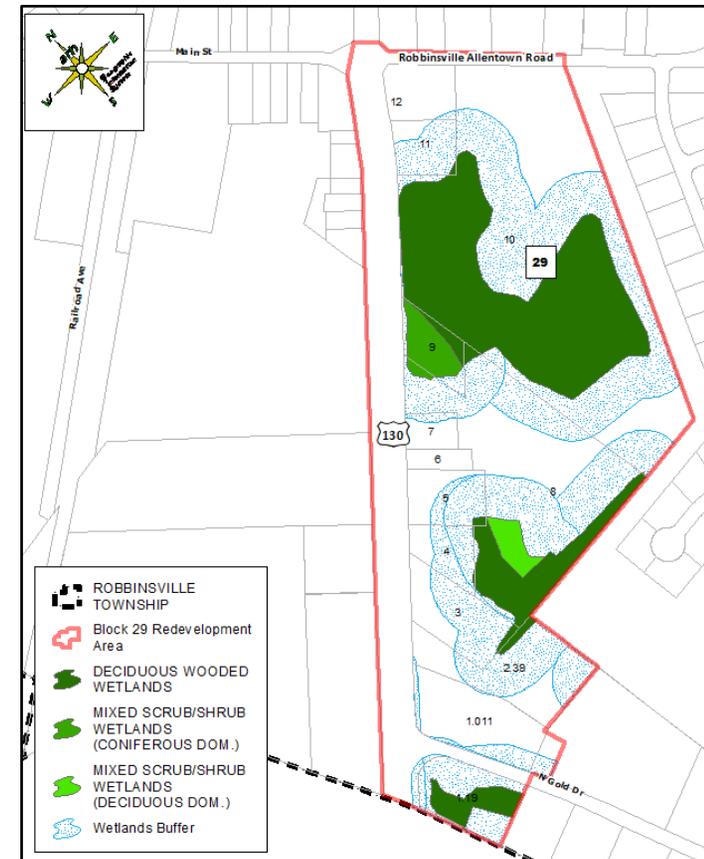
The Smart Growth Planning Principles adopted by the State Plan are largely design- and process-based guidelines which become operationalized in the form of land use regulations and building controls. This Redevelopment Plan addresses ~ to the maximum extent practicable ~ Smart Growth Policy Objectives embodied in the State Plan as appropriate to the Block 29 portion of the Route 130 South Redevelopment Area.

3.5 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

The Preliminary Investigation undertaken for the Route 130 South Redevelopment Area identified wetlands and wetlands buffers, and subsurface contamination as potential constraints on the portion of Block 29 subject to this Redevelopment Plan.

3.5.1 SOILS, WETLANDS & BUFFERS³⁵

NJDEP has identified (mapped) Deciduous Wooded Wetlands and Mixed Scrub Wetlands (Coniferous and Deciduous) within the portion of Block 29 subject to this Redevelopment Plan³⁶. Such wetlands are encumbered by associated buffers. Absent site-specific analyses and formal application to NJDEP, this Redevelopment Plan assumes a 150' buffer.

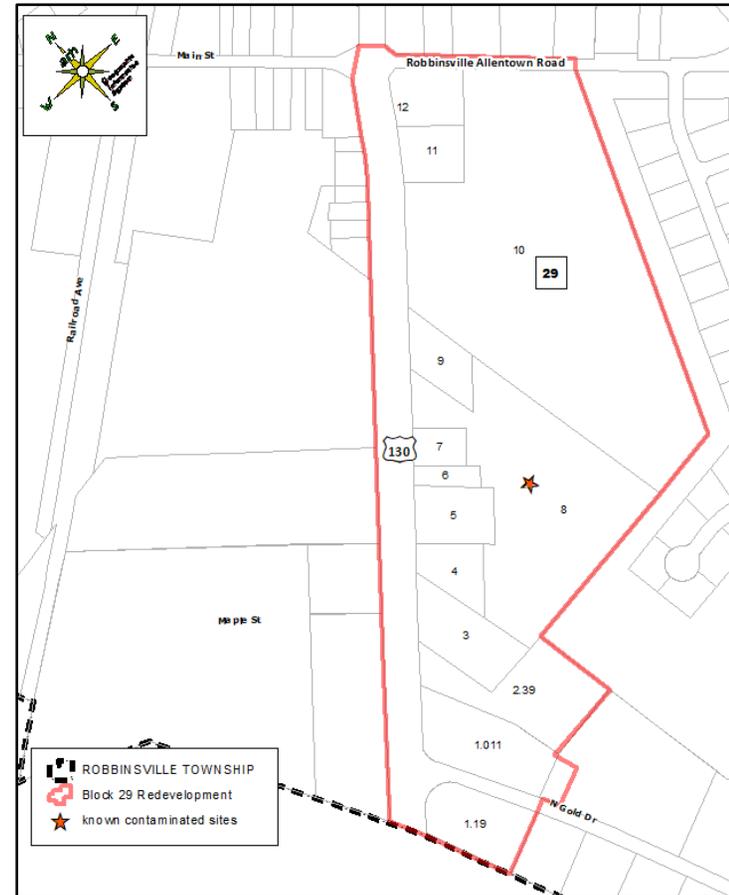


³⁵ NJDEP GeoWeb

³⁶ Wetlands and Buffers are not depicted in rights- of-way.

3.5.2 KNOWN CONTAMINATED SITES³⁵

NJDEP has identified one Known Contaminated Site within the portion of Block 29 subject to this Redevelopment Plan. Issues related to the remediation of such contamination are addressed in §4.1.5, §6.1.3 and §7.6.1 herein.



3.5.3 HABITAT / THREATENED & ENDANGERED SPECIES³⁵

While no threatened or endangered species have been *found* within the portion of Block 29 subject to this Redevelopment Plan, Rank 1 and Rank 2 habitat-specific conditions³⁷ have been identified.

³⁷ NJDEP employs a 5-tiered species-based habitat method designed to associate each species with a specific set of Land Use / Land Cover (“LULC”) classes according to the habitat needs of the species. Detailed 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.

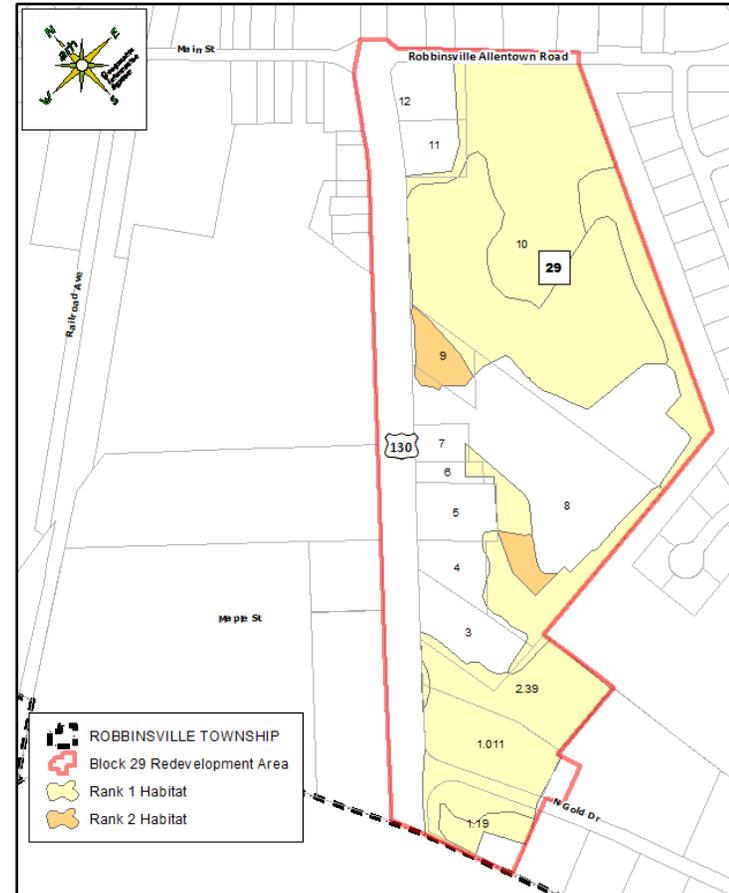
Each species-habitat association is developed by performing a review of scientific literature and/or from information obtained through research and expert opinion. In addition, a special analysis of the LULC for species and their feature label components was used to guide the selection of particular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





3.6 GOVERNMENTAL APPROVALS

Based on the information available to the Township at Publication, Governmental Approvals known or believed to be applicable to the Redevelopment Plan include, but may not be limited to:

- Robbinsville Township Council for determination of Redevelopment Plan Conformance. A review and recommendation will be made by the Township’s Technical Review Committee prior to Council action;
- Robbinsville Planning Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made by the Township’s Technical Review Committee in accordance with standard operating procedure;
- Robbinsville Environmental Commission in accordance with standard operating procedure;
- Robbinsville Department of Construction for a Construction Permit;
- Mercer County Conservation District for Soil Erosion and Sediment Control Plan certification;
- Mercer County Planning Board for Subdivision approval (if applicable) and Site Plan approval (or exemption) related to Robbinsville – Allentown Road [CR 526];
- Mercer County Utilities Authority and Robbinsville Division of Utilities for sanitary sewer permitting;
- NJDOT for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to Route 130;
- NJDEP for wetlands and other environmental permitting, sewer and water extension permitting, and such other permitting as may be required; and
- 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.

3.7 Pre-Existing Approvals

Prior approvals received for Block 29 lands and their implications for this Redevelopment Plan are addressed in §3.7, §6.4 and §7.3 herein.

4.0 MUNICIPAL GOALS & OBJECTIVES

4.1 GENERAL STATEMENTS

4.1.1 This document constitutes a Redevelopment Plan under the provisions of the *Local Redevelopment and Housing Law*. The purpose of this Plan is to provide the mechanism, via one or more public / private partnerships, for the creation of one or more single-use or Mixed-Use Project(s) within the Block 29 portion of the Route 130 South Redevelopment Area; thereby advancing the Goals & Objectives detailed herein.

Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to solicit for and negotiate and enter into Redevelopment Agreement(s) with selected (qualified) Redeveloper Candidate(s) for the purposes of advancing the Goals & Objectives articulated herein.

4.1.2 The Goals & Objectives articulated herein shall constitute the guiding principles for the activities anticipated under this Redevelopment Plan. Such activities may be undertaken by the Township or by one or more designated Redevelopers.

Township Policymakers 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 of the stated Goal or Objective, as well as their relative importance to the Township and thus this Redevelopment Plan, shall be determined exclusively by the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

Readers should attach no importance to the order in which these Goals and Objectives are presented.

4.1.3 This 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.



4.1.4 Township Policymakers recognize the financial and planning realities related to the redevelopment of Route 130, and are in a position to make available such assistance as may be at the Township’s disposal ~ through 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 mechanisms;³⁸ and amending this 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 to be negotiated between the Township and each individual Redeveloper Candidate.

Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the portion of Block 29 subject to this 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.

4.1.5 Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to the lands subject to this Redevelopment Plan. Such issues may include, but need not be limited to, wetlands, threatened or endangered species and/or subsurface contamination.

Other than the identification of issues as detailed herein, the Township makes no warranties regarding these or other conditions.

Responsibility (financial or otherwise) for the remediation of any conditions found within, on or under any Redevelopment

³⁸ i.e., 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.



Plan property, or for compliance with any State or 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 each impacted Redeveloper Candidate.

4.3 MUNICIPAL LAND USE LAW

This Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law* by³⁹:

- 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;
- Providing for Redevelopment Projects in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;

- Ensuring that the Redevelopment Projects will provide adequate light, air and open space;
- Ensuring that redevelopment in Robbinsville does not conflict with the development and general welfare of neighboring municipalities, the county and State as a whole;
- Establishing appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions while preserving the environment;
- Encouraging the appropriate and efficient expenditure of public funds by the coordination of public [and private] development with land use policies;
- Providing sufficient space in appropriate locations for residential and commercial uses, and open space, according to their respective environmental requirements in order to meet the needs of Township citizens;
- Promoting the free flow of traffic and avoid congestion and blight;

³⁹ N.J.S.A. 40:55D-2



- Promoting a desirable visual environment through creative development techniques and good civic design and arrangement;
- 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;
- 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;
- 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;
- Promoting the utilization of renewable energy resources;
- 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.

- 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 agricultural lands, open space, and historic sites.

4.4 REDEVELOPMENT PLAN GOALS & OBJECTIVES

4.4.1 Reverse or remove the conditions documented in the *Report of Findings*⁴⁰ which led the Township to include the identified Block 29 Lots within the Route 130 South Redevelopment Area under the *Redevelopment Law*.

4.4.2 Eliminate negative and/or blighting influences. Prevent the spread of such influences by the application of comprehensive Redevelopment Plan controls.

⁴⁰ §2.76 herein



- 4.4.3** Renovate and/or rehabilitate substandard and/or un/underproductive buildings or improvements which, singularly or in combination, represent conditions detrimental to the safety, health and welfare of the community.
- 4.4.4** Remove and replace substandard and/or un/underproductive 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 Redevelopment Plan.
- 4.4.5** Create decent, safe and sanitary housing; including both rental and ownership housing, and housing for a variety of age groups and affordability ranges.
- 4.4.6** Maximize tax revenue, generate tax ratables or otherwise provide for a return to the public sector⁴¹ by the (re)development and active (re)use of un/underdeveloped, un/underutilized and/or un/underproductive lands which, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.

Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the portion of Block 29 subject to this 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.

- 4.4.7** Stimulate development for the portion of Block 29 subject to this Redevelopment Plan by permitting flexibility in land use, project design and building regulations while protecting, to the extent practicable, the surrounding built and natural environment.
- 4.4.8** Reorganize and replan the portion of Block 29 subject to this Redevelopment Plan via a combination of land consolidation, subdivision and other mechanisms in order to create Redevelopment Parcels of appropriate size and shape to facilitate market-driven Projects designed to advance and achieve the Municipal Goals & Objectives detailed herein.

⁴¹ via P.I.L.O.T. or other appropriate mechanisms.



4.4.9 Provide for an appropriate mix of land uses in order to stimulate, strengthen and enhance the Township’s economic base and provide for increased employment and business opportunities ~ including opportunities for Township residents ~ resulting from the (re)development and operation of one or more significant Redevelopment Project(s) in the portion of Block 29 subject to this Redevelopment Plan; and, by so doing:

- Attract new businesses and retain and expand existing businesses in the Township; and by so doing create business opportunities by the purchase of goods and services by Redevelopment Projects; and
- Create direct employment opportunities and secondary employment by businesses providing goods and services to Redevelopment Projects.
- 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 operation of the Project(s) envisioned.

4.4.10 Institute provisions to promote compressively planned Redevelopment Project(s) in a mutually supportive environment consistent with Smart Growth / New Urbanism Principles⁴² and Neo-Traditional design.

4.4.11 Create as seamless a linkage as possible:

- Among and between the individual Block 29 Redevelopment Parcels; and
- Between the individual Block 29 Redevelopment Parcels and neighboring land uses; thereby using the Redevelopment Project(s) as a unifying anchor for this section of the Township.

Within the context of these objectives:

- Work with NJDOT, Mercer County and other Relevant Governmental Agencies as appropriate to facilitate traffic movement at the intersection of Route 130 and Robbinsville – Allentown Road [CR 526]; and
- Ensure appropriate external access to and internal circulation within each Redevelopment Parcel for passenger vehicles, delivery vehicles and pedestrians and other users.

⁴² §3.4 herein



4.4.12 Provide for adequate (surface and/or structured) parking to support the Redevelopment Project(s) anticipated.

4.4.13 Promote the efficient and effective provision of necessary infrastructure and related services for the Redevelopment Parcels while addressing economic, regulatory and permitting issues may impede infrastructure improvements.

4.4.14 Work with NJ Transit to maximize opportunities for mass transit, both as an amenity to the Redevelopment Projects anticipated and as a means to improve circulation for the Township and the region.

4.4.15 Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to Township residents which may result from the Redevelopment Project(s) anticipated under this Redevelopment Plan. Such impacts may include, but are not 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.

4.4.16 Utilize zoning, tax abatement and other financial and non-financial incentives and programs where appropriate, to achieve these Goals & Objectives.

4.4.17 Provide for appropriate aesthetics, visibility and security.

4.4.18 Provide for the reorganization, consolidation and, where necessary and practicable, relocation of existing land uses to suitable locations elsewhere in the Township; thereby coordinating form and function to ensure that uses are compatible with the built environment.

4.4.19 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 Redevelopment Plan is necessary, with or without change in their condition, for the effective Redevelopment of the portion of Block 29 under this Redevelopment Plan.⁴³

4.4.20 To the extent reasonably practicable, work with the designated Redeveloper(s) to minimize disruption of the land uses adjacent to a Redevelopment Project during and after construction.

⁴³ As permitted under N.J.S.A. 40A:12A-3 & 14



4.4.21 Establish, where required by the Relevant Permitting Agencies, such Environmental Protection Measures as may be necessary and appropriate to provide for, to the maximum extent practicable within the context of the Redevelopment Project(s) proposed:

- Preservation of high-quality undisturbed lands.
- Restoration of formerly environmentally sensitive lands which have been disturbed or spoiled by previous activity.
- provision of open space and recreation areas of appropriate size and function to compliment the Redevelopment Project(s) proposed.

5.0 REDEVELOPER SOLICITATION, SELECTION & DESIGNATION

Upon adoption of a Redevelopment Plan, and pursuant to N.J.S.A. 40A:12A-8 f. & g., designated Redevelopment Entities are empowered to solicit for and negotiate and enter into Redevelopment Agreements with one or more designated Redevelopers for the purposes of advancing the G municipality's goals and objectives as detailed in such Redevelopment Plan. Accordingly, the following actions are not subject to compliance with the *Local Public Contract Law* or the *Local Lands and Buildings Law*.⁴⁴

This Redevelopment Plan designates the Robbinsville Township Council as Redevelopment Entity for this Redevelopment Plan.

Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to undertake such actions for the purposes of advancing the Municipal Goals & Objectives⁴⁵ detailed herein.

5.1 EXPRESSIONS OF INTEREST

5.1.1 It is the intention of the Township, upon adoption of this Redevelopment Plan, to immediately accept Expressions of Interest from entities interested in developing one or more Redevelopment Projects under this Plan. Candidates for Redeveloper designation shall be selected solely from among those submitting Expressions of Interest.

The Township may, at its discretion, solicit for all or any of the Redevelopment Parcels described herein. The Parcels to be marketed, the order in which such Parcels are marketed, and the timing of such solicitation(s) shall be determined, by and at the sole discretion of the Township.

5.1.2 Expressions of Interest shall address and will be evaluated upon each Respondent's:

- A. Financial capability and ability to obtain the financing required for the Project(s) proposed.

⁴⁴ N.J.S.A. 40A:11-1 et. seq. and N.J.S.A. 40A:12-1 et. seq. respectively

⁴⁵ §4.0 herein.



- B. Ability to acquire / secure site control over the lands subject to the Expression of Interest.
- C. 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 and/or other appropriate mechanisms.
- D. Organizational strength, business reputation, professional capability and demonstrated success of the Respondent in developing, marketing and, as appropriate, managing / operating Project(s) similar to that proposed; including, but not limited to organizational and management structure and experience of the Respondent’s Team.
- E. Project Concept(s) and Description of Project Elements⁴⁶.
- F. The anticipated Project Implementation schedule (with project milestones).
- G. Ability to comply with (extent to which the proposed Project achieves) the Municipal Goals & Objectives⁴⁵ and other provisions of this Redevelopment Plan.

- H. Additional information as may be deemed by the Respondent as necessary or appropriate to convey its qualifications to be selected for this opportunity.

5.1.3 Expressions of Interest shall be accompanied by a non-refundable Expression of Interest Application Fee in the amount of \$1,100.00 per Lot⁴⁷ included in such submission⁴⁸.

5.2 REDEVELOPER CANDIDATE

5.2.1 SELECTION

- A. A Redevelopment Steering Committee shall be established and shall consist of:
 - The Mayor or his designee;
 - Members of the Township Council appointed by the Council President;
 - The Township Administrator;
 - The Township Director of Community Development;
 - The Township Engineer;
 - The Township Zoning Officer; and
 - A member of the Planning Board.

⁴⁶ §2.58 herein.

⁴⁸ §5.1 herein.

⁴⁷ Existing on the Robbinsville Tax Maps at the time this Redevelopment Plan was adopted.





This Steering Committee will be assisted by the Township’s staff and professionals as necessary.

- 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 §5.1.2 herein. Respondents may be asked to submit additional information and make a presentation to the Steering 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 §5.1.2 herein. 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 may be asked to submit additional information and make a presentation to the Committee.

Short-Listed Respondents shall be those entities whose Expression(s) of Interest, in the sole opinion of the Steering Committee, best reflect(s) Project(s) which are

designed to achieve the Municipal Goals & Objectives⁴⁵ of this Redevelopment Plan **AND** which provide the Township with demonstrated evidence of the Respondent’s superior ability, experience and 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 the Township Council that one or more Expression(s) of Interest, in the sole opinion of the Committee, satisfy the Selection Criteria contained in §5.1.2 herein and that the author(s) thereof be formally designated as Redeveloper Candidate.

Only one entity will be recommended for a piece of property.

Expressions of Interest will be evaluated based on the totality of the Selection Criteria and not solely on economic terms.



5.2.2 DESIGNATION

Upon receipt of the recommendation(s) from the Steering Committee, the Township Council may ask Respondents to make a presentation to the Council or submit additional information for consideration.

Once the Township Council, acting as the Redevelopment Entity for this Redevelopment Plan, has all the information it requires to make an informed decision, it may, at its sole discretion, designate one or more of the recommended entities as a Redeveloper Candidate⁴⁹ and authorize a specific period of time for the Steering Committee to negotiate, on behalf of the Township Council, a Redevelopment Agreement with each such Redeveloper Candidate.

Such Agreement(s) will define the rights and responsibilities of each party relating to the proposed Project(s).

Each Redeveloper Candidate shall be an entity whose Expression of Interest, in the sole opinion of the Township

Council, offers *the greatest net advantage* to the Township.

5.2.3 THE REDEVELOPMENT STEERING COMMITTEE AND THE TOWNSHIP COUNCIL, RESPECTIVELY, RESERVE THE RIGHT TO INTERPRET THE COMPONENTS OF AN EXPRESSION OF INTEREST AT THEIR DISCRETION, AND TO RANK RESPONDENTS AND RECOMMEND / DESIGNATE REDEVELOPER CANDIDATE(S) ACCORDINGLY BASED ON THE MUNICIPAL GOALS & OBJECTIVES (§4.0) OF THIS REDEVELOPMENT PLAN.

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

5.3 REDEVELOPMENT AGREEMENT

5.3.1 Upon designation of an entity as Redeveloper Candidate, the Steering Committee shall commence negotiations regarding a Redevelopment Agreement with such entity. Such Agreement

⁴⁹ “Redeveloper” designation shall be conferred by the Township only upon execution of a Redevelopment Agreement.



shall include, at a minimum:

- The Project Concept(s) and Description of Project Elements for the undertakings proposed;
- Details regarding compliance with the Municipal Goals & Objectives⁵⁰ of this Redevelopment Plan;
- Details regarding compliance with the Post Selection requirements⁵¹ of this Redevelopment Plan;
- 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 Redevelopment

Plan as being subject to such Agreement; and

- Such other provisions as may arise during the negotiations, or which may be required by law.

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

Such draft Agreement(s) 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 the Township Council in light of the totality of the negotiations.

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

⁵⁰ §4.0

⁵¹ §5.4





related to any such unresolved issues.

Upon receipt of each individual draft Redevelopment Agreement and Steering Committee recommendations related thereto, the 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.

Irrespective of any Steering Committee referral or recommendation, nothing herein shall be construed to imply that the Township Council shall be REQUIRED to adopt any proposed Redevelopment Agreement.

5.4 POST SELECTION REQUIREMENTS

5.4.1 REDEVELOPMENT ADMINISTRATION ESCROW

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.

- A. In addition to any Application Fees the Township requires of those submitting an Expression of Interest⁵², 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 \$15,000.00.

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*⁵³, and shall be used to reimburse the Township for in-house staff time and as-invoiced costs

⁵² §5.1. herein.

⁵³ N.J.S.A. 40:55D-53.1



for such outside professionals⁵⁴ 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 \$15,000.00.

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 Escrow shall be returned.

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

completion of the subject Project (signified by the issuance of the final Certificate of Completion & Compliance⁵⁵ for the final component of the Project).

Such funding shall be for Township costs incurred outside of the Planning Board land use Review & Approval process, 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.

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

C. The Redevelopment Administration Escrow shall not serve as a substitute for any fees or escrows required by

⁵⁴ including, but not limited to, planning and engineering services, environmental specialists, legal advisors, financial consultants, real estate appraisers and other third-party professional costs.

⁵⁵ §15.0 herein.



the Township’s Planning Board as part of the land use Review & Approval process, or by any other municipal or outside agency.

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.

5.5 ALTERNATE REDEVELOPER

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 Council 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 Municipal Goals & Objectives of this Redevelopment Plan⁵⁶ or materially departs from the Project Concept(s) and Description of Project Elements submitted with the Expression of Interest, or should the Township and Redeveloper Candidate otherwise not be able

to consummate a mutually-acceptable 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 §5.1 herein;
- B. Negotiate directly with a known development entity; or
- C. Rescind the Redevelopment opportunity and take no further action at such time.

⁵⁶ §4.0



6.0 ANTICIPATED REDEVELOPMENT ACTIONS

The Redevelopment Actions anticipated under this Redevelopment Plan consist of:

- A. Replanning the lands within the portion of Block 29 subject to this Redevelopment Plan into distinct Redevelopment Parcels as detailed in §8.1 herein;
- B. Establishing land use, building and other controls governing the form and function of the Redevelopment Project(s) anticipated under this Redevelopment Plan⁵⁷;
- C. Identifying infrastructure improvements to be required to support the Redevelopment Project(s) anticipated under this Redevelopment Plan⁵⁸;
- D. Voluntary acquisition by the designated Redeveloper of any privately-owned lands as may be required to effectuate

the Redevelopment Project(s) anticipated by this Redevelopment Plan⁵⁹;

- E. Design, permitting and construction of the approved Redevelopment Project(s); and
- F. Such other Actions as may be necessary and convenient to achieve the Municipal Goals & Objectives⁵⁶ of this Redevelopment Plan.

6.1 ACQUISITION & CONVEYANCE

6.1.1 By the Township

The *Redevelopment Law*⁶⁰ **specifically prohibits the Township from acquiring lands for Redevelopment Projects via eminent domain** in Non-Condensation Redevelopment Areas such as the Route 130 South Redevelopment Area.⁶¹

⁵⁷ §8.0 and §11.0 herein.

⁵⁸ §9.0 and §10.0 herein.

⁵⁹ §6.1.2 herein.

⁶⁰ N.J.S.A. 40A:12A-6 & 8

⁶¹ 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.



6.1.2 BY A REDEVELOPER

Nothing herein shall be construed to limit the private, voluntary acquisition of lands within the portion of Block 29 subject to this Redevelopment Plan by a designated Redeveloper for incorporation into a Redevelopment Project.

Similarly, nothing herein shall limit a Redeveloper, on its own account, from pursuing the voluntary acquisition of lands outside of the portion of Block 29 subject to this Redevelopment Plan and developing such lands as a component of or complement to a Redevelopment Project proposed under this Redevelopment Plan. ***It is expressly understood that the Township shall 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 shall be borne by the Redeveloper.***

6.1.3 REDEVELOPER'S RESPONSIBILITIES UPON ACQUISITION

A. Upon acquisition of any lands within or outside of the portion of Block 29 subject to this Redevelopment Plan, by whatever means, and subject to the provisions of the negotiated Redevelopment Agreement addressing same, each designated Redeveloper shall be responsible for all

taxes which become 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 the Redevelopment Project in accordance with this Plan.

B. Redevelopment Area designation does not relieve property owners of their responsibilities to maintain their property, regardless of how or when acquired, in a safe, healthful and aesthetically-acceptable condition. Such responsibility attaches to properties owned by each Redeveloper Candidate and designated Redeveloper, regardless of how or when their lands were acquired.

6.1.4 PROPERTY DESIGNATED NOT-TO-BE-ACQUIRED

A. All Lots under the jurisdiction of this Redevelopment Plan are subject to acquisition pursuant to this §6.1.

B. This Redevelopment Plan operates under a Non-Condemnation Area designation. Accordingly, no lands under the jurisdiction of this Plan may be acquired via eminent domain for transfer to a Redeveloper. All lands are



therefore classified as Not-To-Be-Acquired. Such classification notwithstanding, the Township reserves the right to work with NJDOT, Mercer County and the interested Redeveloper(s) to improve such Rights-of-Way as required to meet the needs of a Redevelopment Project.

6.2 CONVEYANCE

6.2.1 BY THE TOWNSHIP

- A. There are no Township-owned Lots within the portion of Block 29 subject to this Redevelopment Plan. No such conveyance is therefore necessary.

- B. Details related to the vacation of any Township-owned Rights-of-Way under the jurisdiction of this 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 between the Township and the interested Redeveloper(s).

6.3 FINANCIAL ASSISTANCE

Subject to the provisions of a negotiated Redevelopment Agreement, and pending availability of funds, the Township may agree to provide tax abatement, a P.I.L.O.T. arrangement

and/or other financial assistance should a particular Project merit and require such assistance.

6.4 PRE-EXISTING APPROVALS

The Township has not been able to confirm the existence of previously approved development applications for the portion of Block 29 subject to this Redevelopment Plan.

While it is not within the Township's power to negate ~ or even compel modifications to ~ such prior approvals, this Redevelopment Plan encourages those entities who previously received such approvals to explore new concepts and designs that are consistent with this Redevelopment Plan, and to seek amendments to their current approvals accordingly.

Township Policymakers recognize the investments made in obtaining the project approvals as granted, as well as the investments required to generate new concepts and amend such approvals to be consistent with this Redevelopment Plan. While the Township is limited as to how it might be able to defray such costs, it is open to discussing these issues within the context of the Expression of Interest and Redevelopment Agreement processes detailed in §5.0 herein.



BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.

Upon adoption of this Redevelopment Plan, each holder of a Pre-Existing Approval is invited to immediately submit an Expression of Interest to be designated Redeveloper Candidate for the area of such Approval. Within this context, while Expressions of Interest shall conform with the requirements of §5.1, they will be granted priority should multiple Expressions of Interest be submitted for the same lands.

Additionally, as a show of good faith, the Township herewith commits to waiving the Application Fees (but not Escrow deposits for Township professionals) otherwise required of submissions to the Planning Board for any such amended approvals.

7.0 STANDARDS & CONTROLS OF GENERAL APPLICABILITY

7.1 GOVERNING REGULATIONS

7.1.1 All activities within the portion of Block 29 subject to this Redevelopment Plan shall be governed by the provisions of this Plan, which were crafted to provide a setting within which Redevelopers and designers are encouraged to generate detailed plans to produce Projects of outstanding design and superior quality. Taken collectively, these provisions are intended to guide the use, massing and aesthetics of various building types in order to provide for multiple, complimentary Projects under this Plan. Within this framework, Redevelopers and designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives⁶² detailed herein.

7.1.2 The provisions of this 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.

7.1.3 Except where otherwise modified by this Redevelopment Plan, all property within the portion of Block 29 subject to this Plan, 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 Redevelopment Plan.

All property outside of the portion of Block 29 subject to this Redevelopment Plan, whether used or developed in conjunction with a Redevelopment Project or not, shall remain subject to the provisions of the Township Code.

7.1.4 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.

7.1.5 Interpretation or clarification of any conflicts or inconsistencies between provisions of the Township Code and

⁶² §4.0 herein.



this Redevelopment Plan shall be made by the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan. Unless clearly dictated by the circumstances involved, any such conflict or inconsistency shall be resolved in favor of the provisions of this Plan.

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

Property-owners and Redevelopers, 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 environmental (or other) conditions found to exist, Policymakers shall cooperate with and support Redevelopers in their 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 to be negotiated between the Township and each individual impacted Redeveloper Candidate.

7.2 REVIEW PROCEDURES, INTERPRETATIONS & RESPONSIBILITIES

7.2.1 APPROVAL PROCESS

- A. As part of the Redeveloper Solicitation, Selection & Designation process⁶³, the Township Council, acting in its capacity as the Redevelopment Entity for this Redevelopment Plan, shall review and approve the Project Concepts and Description of Project Elements proposed for each Redevelopment Project. Such approval shall both accept the Project for the community and ensure that the Project is consistent with this Redevelopment Plan.
- B. Understanding that Project(s) of the magnitude envisioned by this Redevelopment Plan necessarily

⁶³ §5.0 herein.



evolve from concept to final design, the following approval process is established:

1. The designation of a Respondent under the Expression of Interest process⁶⁴ as Redeveloper Candidate 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 Redevelopment Plan.
2. The action of entering into a Redevelopment Agreement with a Redeveloper Candidate⁶⁵ 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 Redevelopment Plan.

C. Consistent with its responsibilities under the *Redevelopment Law*⁶⁶, the Planning Board shall review and approve the Project Plans for each Redevelopment Project in accordance with the requirements for review

and approval of subdivisions and site plans set forth by the Township Code and the *Municipal Land Use Law*.

No application of a Redevelopment Project for Site Plan or Subdivision Approval shall be heard by the Planning Board unless and until the Township Council, acting as Redevelopment Entity for this Redevelopment Plan, has granted final approval of the Project Concepts and Description of Project Elements in accordance with §7.2.1 A.2. herein.

D. Within the context of §7.2.1 A., B. and C. herein, and subject to the requirements of the Relevant Permitting Agencies, as applicable:

1. The Township Council shall retain sole authority for the interpretation or clarification of the provisions of this Redevelopment Plan, including the permissibility of any use proposed. Such authority shall include whether or not any proposed use conforms with or

⁶⁴ §5.2 herein.

⁶⁵ §5.3 herein.

⁶⁶ N.J.S.A. 40A:12A-13



falls under any of the several categories of Permitted or Prohibited Uses enumerated in this Plan.

2. Consistent with standard operating procedure, the Township’s Technical Review Committee shall review all Project Plans prior to such Plans being released for Planning Board Review & Approval. In addition to Completeness under §142-80 of the Township Code, such review shall include a determination on behalf of the Township Council that the Project Plans are in conformance with the Project Concept(s) and Description of Project Elements agreed upon under the Redevelopment Agreement.

Appeal of a Technical Review Committee finding that the Project Plans are not in conformance with the Project Concept(s) and Description of Project Elements agreed upon under the Redevelopment Agreement shall be made to the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

Appeal of a Technical Review Committee finding related to Completeness shall be made to the Planning Board.

3. The Planning Board shall retain authority for the review and approval of all site plans and subdivisions proposed under the Redevelopment Plan. Appeal of any interpretation or clarification made by the Planning Board during the course of the Review & Approval process shall be made to the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan; or to the Relevant Permitting Agencies, as applicable.
4. The Planning Board shall retain the right, at time of Review & Approval, 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 particular Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Goals & Objectives⁶⁷ of this Plan.

⁶⁷ §4.0 herein.



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

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 Technical Review Committee.

- 5. Unless Planning Board approval is required by this Redevelopment Plan or by applicable sections of the Township Code and the Municipal Land Use Law, administrative land use approvals shall be governed by the procedures established in the Township Code.

7.2.2 VARIANCES, DEPARTURES, DEVIATIONS & DESIGN WAIVERS

The provisions of this Redevelopment Plan flow from the Township’s power to (re)plan designated Redevelopment Areas under the *Local Redevelopment & Housing Law*⁶⁸ and not from the Township’s power to zone under the *Municipal*

Land Use Law.⁶⁹ 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 Redevelopment Plan. Accordingly:

- A. This Redevelopment Plan does not recognize the ‘use (‘d’) variance’ process under the *Municipal Land Use Law*⁷⁰. Principal Uses proposed but not permitted by this Redevelopment Plan shall require formal Plan amendment.

Certain Ancillary Uses, or specific elements or components of a Principal Use proposed by a Redeveloper but not envisioned by this 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 & Objectives⁷¹ of this Plan.

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

⁶⁸ N.J.S.A. 40A:12A-7

⁷⁰ N.J.S.A. 40:55d-70d

⁶⁹ N.J.S.A. 40:55D-62

⁷¹ §4.0 herein.





B. This Redevelopment Plan does not recognize the 'bulk ('c') variance' process under the *Municipal Land Use Law*⁷². The processes for deviating from specific Building Limit Controls and other design regulations follows:

1. Deviation Allowance

- a. With the exception of regulations pertaining to Maximum Building Height and those which impact dwelling unit count and/or residential density⁷³, the Planning Board may, at time of Review & Approval and without formal amendment to this Redevelopment Plan, approve departures from the Building Limit Controls and the quantifiable requirements of the Architectural Controls, Circulation, Parking & Loading Plan, Infrastructure Controls and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan as may be requested by a Redeveloper ~ to a maximum of 20% Deviation from the subject regulation.

Deviations shall only be granted for a Project whose totality of architecture exhibits ~ in the sole opinion of the Planning Board, superior design and quality, and further provided that such departure(s) are, in the sole opinion of the Planning Board, consistent with the intent of this Redevelopment Plan.

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 this Redevelopment Plan. In reviewing such requests, the Planning 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.

⁷² N.J.S.A. 40:55d-70c

⁷³ i.e., deviations which, alone or collectively, would result in or permit an increase in the total number of dwelling units or the density of such units within a Redevelopment Project beyond what is permitted under the approved Redevelopment Agreement.



- b. Requests beyond 20% shall require a formal Plan amendment.
- c. Requests of 20% or less ~ but which are deemed by the Planning Board to be inconsistent with the intent of this Redevelopment Plan ~ 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 Controls; Circulation, Parking & Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan in the form of Design Waivers requested either along with submission of an Expression of Interest⁷⁴ or as part of the Redevelopment Agreement negotiations process⁷⁵.

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 Redevelopment Plan. Waivers not so included shall be considered invalid.

- b. A Redeveloper may petition the Planning Board for departure(s) from the non-quantifiable provisions of the Architectural Controls; Circulation, Parking & Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan in the form of Design Waivers requested at time of Review & Approval. 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 Planning Board of under subsection b. herein, superior design and

⁷⁴ §5.1 herein.

⁷⁵ §5.3 herein.





quality, and further provided that such departure(s) are, in the opinion of the Township Council or Planning Board, as the case may be, consistent with the intent of this Redevelopment Plan.

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

3. Departures Required by Relevant Permitting Agencies
The provisions of §7.2.2 B. herein notwithstanding, departure(s) from the requirements of this Redevelopment Plan necessitated to bring a Redevelopment 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 Planning Board within the context of the affected Project element. Departure(s) not

accepted by the Planning Board shall require formal Plan Amendment.

- C. The Redevelopment provisions detailed herein are intended to work collectively in order to create a unified fabric of complimentary uses and structures within the portion of Block 29 subject to this Redevelopment Plan. As a result of such interrelationships, any Deviation or Departure from a specific Redevelopment 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 Redevelopment provisions to insure that all such impacts are identified and, to the extent practicable, minimized.
- D. Pre-Existing Uses / Structures may retain, but shall not expand, any use or structural⁷⁶ nonconformity existing prior to the adoption of this Redevelopment Plan. New uses, new structures, and/or expansions of existing uses and structures shall conform to the Permitted Uses and Building Limit Controls established herein.

⁷⁶ Space, bulk, yard, coverage, height, etc.



7.2.3 PERMITTED & PROHIBITED USES

A. Permitted Uses under this Redevelopment Plan are designed to provide for a critical mass of diverse yet complementary activities in order to achieve the Municipal Goals & Objectives of this Plan⁷⁷.

1. Other than Pre-Existing Uses⁷⁸, Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated for each Redevelopment Parcel under §8.2 herein. Redevelopers may engage in such uses themselves, or may lease or sell a portion or portions of a Project to a third-party operator who will undertake such uses.
2. Multiple Permitted Uses are allowed as Principal or Ancillary Uses within a Redevelopment Project, provided that each such use is a Permitted Use under §8.2 herein, and further provided that each such Use is located within an independently-leased and separately-identifiable space (it being the Township’s intention to prohibit multiple uses within a single, undifferentiated space).

B. Prohibited Uses ensure that activities under this Redevelopment Plan are appropriate for the widest possible patron-base, and are instituted to maximize the market attractiveness of this Plan to the development community.

1. 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, modeling and like and similar uses meeting the spirit of this section, are **EXPRESSLY PROHIBITED**.
2. ***Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements within the portion of Block 29 subject to this 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.***

⁷⁷ §4.0 herein.

⁷⁸ §7.3 herein.



Such lands and improvements shall be permanently and irrevocably restricted against such construction, occupancy or use.

- 3. Subject to interpretation or clarification under §7.1.5 herein, ***uses not specifically enumerated*** in this Redevelopment Plan ***as Permitted are prohibited.***

7.3 Pre-Existing Uses / Structures

7.3.1 BACKGROUND

A. As detailed in the *Report of Findings*⁷⁹, the portion of Block 29 subject to this Redevelopment Plan contains a number of privately-owned properties that host active operations, although in buildings which are in various states of repair. Certain of the land uses on these properties are consistent with the Municipal Goals & Objectives⁸⁰ of this Redevelopment Plan while others are incompatible with the environment the Township is attempting to create.

This Redevelopment Plan acknowledges these as Pre-Existing Uses / Structures.

- B. While all privately-owned property under the jurisdiction of this Redevelopment Plan is subject to potential acquisition by the designated Redeveloper⁸¹, Township Policymakers recognize that the Projects envisioned by this Redevelopment Plan are likely to be accomplished in multiple phases over the course of several years.

Further, since the Route 130 South Redevelopment process does not permit the Township to compel the acquisition of property via eminent domain, there is no surety that all properties in the portion of Block 29 will be redeveloped, including those that were specifically identified in the *Report of Findings* as substandard, un/underproductive or un/underutilized.

- C. Recognizing that:
 - The success of this Redevelopment Plan will necessarily depend on replacing the negative conditions detailed in the *Report of Findings* with clean, safe and attractive buildings and open spaces;

⁷⁹ §1.1.4 & §2.8 herein.

⁸¹ §6.1.2 herein.

⁸⁰ §4.0 herein.





- Any element that does not contribute to the Township's vision will detract from the Township's efforts and inhibit the success of this Redevelopment Plan;
- The economics of structural renovation and adaptive reuse may necessitate the demolition of certain such Pre-Existing Structures; and
- Absent the ability to compel acquisition via eminent domain, municipalities are limited in how they may address such Pre-Existing Uses / Structures.

C. While the Township is able to compel the removal of **unlawful** Pre-Existing Uses / Structures and Pre-Existing Structures that are deemed a hazard to public health and safety, it is not empowered to remove lawfully Pre-Existing Uses or Structures that are not deemed a hazard.

The *Redevelopment Law*⁸² however, does permit a municipality, upon adoption of a Redevelopment Plan, to:

Make, consistent with the Redevelopment Plan: (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and (2) plans for the enforcement of laws, codes, and regulations relating to the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

7.3.2 IMPROVEMENT PLANS FOR PRE-EXISTING USES / STRUCTURES

In order to ensure the success of this Redevelopment process, this Redevelopment Plan requires that lands hosting Pre-Existing Uses / Structures be improved to Redevelopment Plan standards. To accomplish this goal:

A. The Township shall, upon adoption of this Redevelopment Plan, immediately dispatch its Code Enforcement, Health and Zoning personnel to each Pre-Existing Use / Structure with instructions to conduct a comprehensive inspection of each such property and to report back to the Redevelopment Steering Committee⁸³ with its findings.

⁸² N.J.S.A. 40A:12A-8 j.

⁸³ §5.2.1 herein.



Such findings shall immediately be shared with the owner of each Pre-Existing Use / Structure.

- B. Upon receipt of such report, the Steering Committee shall, as soon as is practicable, meet with each owner of a Pre-Existing Use / Structure to discuss the inspection findings and to invite each such owner to prepare an Improvement Plan to address such findings.

Such discussions shall include whether or not the building, or any part or parts thereof, must be vacated until conditions are remediated.

The deadline for submission of each such Improvement Plan shall be determined by the Steering Committee upon consultation with the owner of each respective Pre-Existing Use / Structure, but in no case shall exceed three (3) months from the date of such meeting.

- C. Improvement Plans shall address, at a minimum:
- Code-related improvements to structural elements and utility systems, as well as compliance with other pertinent regulations;

- Landscaping and other improvements to yards and open areas;
- Fencing, buffering and other improvements related to site arrangement, safety and security;
- Façade, signage and other aesthetic improvements; and
- A timetable for such improvements.

- D. Each Improvement Plan shall be reviewed by the Steering Committee, which is herewith empowered to negotiate with respective property owners to refine the Plan as appropriate.

Once refined and endorsed by the Steering Committee, the Improvement Plan shall be submitted for approval to the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

Once approved by the Township Council, property owners shall file the appropriate application(s) with the Township’s Zoning Officer and/or Construction Code Officials for all approvals and permitting necessary to



complete the improvements as quickly as possible, but in no case less than three (3) months after approval. The Redevelopment Steering Committee may grant a maximum of one, three (3) month extension if the property owner can demonstrate, in the sole opinion of the Committee, sufficient cause for such extension.

E. As detailed in §7.2.2 herein, this Redevelopment Plan does not recognize the variance process under the *Municipal Land Use Law*. In reviewing an Improvement Plan, the Steering Committee shall be guided as follows:

1. Improvement Plans whose uses and improvements fully conform to the provisions of this Redevelopment Plan may be immediately forwarded to the Township Council for approval.
2. Improvement Plans which include an existing use which does not conform to the Permitted Uses under this Redevelopment Plan may retain, but not expand, such use. In regulating existing uses, the Zoning requirements in place prior to the adoption of this Redevelopment Plan shall apply.

3. Improvement Plans which include a new use which does not conform to the Permitted Uses of this Redevelopment Plan shall require a formal Plan Amendment.
4. Improvement Plans which include a pre-existing physical element which does not conform to the Building Limit Controls of this Redevelopment Plan may be approved by the Township Council, provided that the Improvement Plan does not increase the degree of nonconformity of such physical element.
5. Improvement Plans which include a new physical element which does not conform to the Building Limit Controls of this Redevelopment Plan may be approved by the Township Council if such element is within the deviation allowance permitted by §7.2.2B. 1 of this Redevelopment Plan, and if such element would not otherwise require Site Plan Approval by the Planning Board. If Site Plan Approval is required, such element may be approved by the Planning Board in accordance with §7.2.2B. 1 herein.



Deviations beyond what is permitted by §7.2.2B. 1 shall require a formal Redevelopment Plan Amendment.

6. Should the Steering Committee / Township Council and the owner of a Pre-Existing Use / Structure be unable to agree on a mutually acceptable Improvement Plan within the time period allotted, the Township may elect to compel such improvement(s) by whatever means may lawfully be available, including, but not limited to, code enforcement or other actions as appropriate, including, but not limited to, ordering the termination of a use or the vacation of a building.

7. The provisions of this §7.3.2 shall apply only to Pre-Existing Uses / Structures and to remedial construction required to ensure public safety or to cure code-related deficiencies. ***All new uses and construction shall be in accordance with this Redevelopment Plan.***

Nothing herein shall be construed to limit a property-owner's ability to perform remedial construction required to ensure public safety or to cure code-related deficiencies.

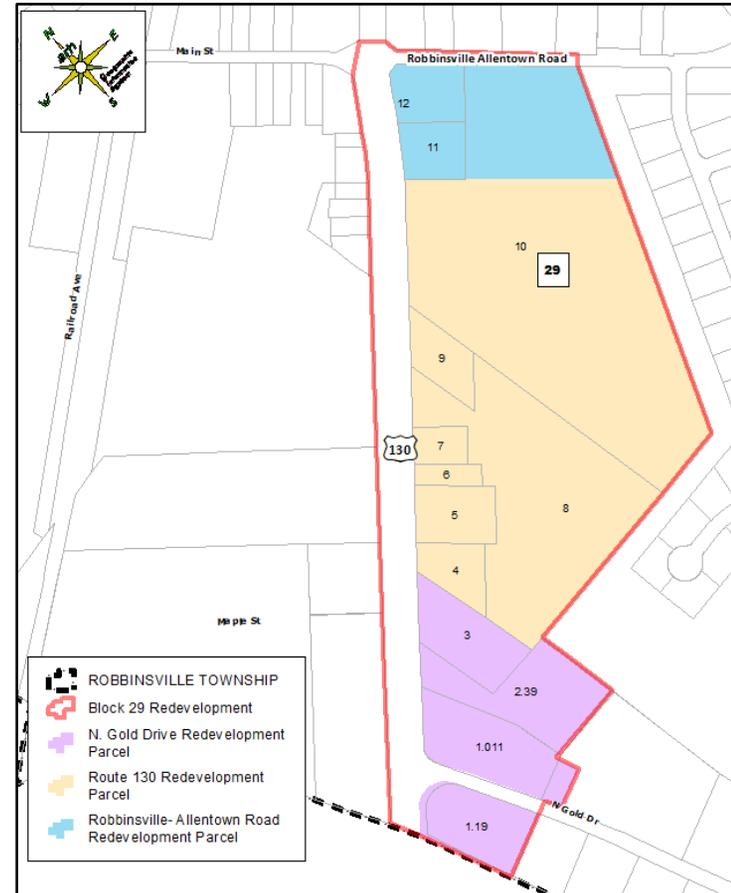
8.0 LAND USE PLAN

This Land Use Plan divides the portion of Block 29 subject to this Redevelopment Plan into Redevelopment Parcels based on the geometry and topography of the lands involved and uses anticipated. The Development Regulations establish specific use and building controls for the physical redevelopment of each such Parcel. Within this framework, Redevelopers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives⁸⁴ of this Redevelopment Plan.

8.1 PARCELIZATION PLAN

8.1.1 This Parcelization Plan establishes 3 Redevelopment Parcels of approximate sizes⁸⁵ as follows:

- Block 29: Robbinsville – Allentown Road Redevelopment Parcel: 21.86 acres;
- Block 29: Route 130 Redevelopment Parcel: 32.49 acres;
- Block 29: N. Gold Drive Redevelopment Parcel: 8.78 acres.



⁸⁴ §4.0 herein.

⁸⁵ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.

Acreage represents Tax Lots only.



8.1.2 Consistent with the Municipal Goals & Objectives⁸⁴ of this Redevelopment Plan, the intent of this Parcelization Plan is to provide a setting for specific land uses and building types in order to master plan a vibrant southern gateway for the Township along the Route 130 South Redevelopment Area; and, by so doing, promote economic development for this section of the Township while remaining sensitive to adjacent environmental conditions.

8.1.3 A. This Parcelization Plan assumes that Route 130 and Robbinsville – Allentown Road [CR 526] will generally remain in their current geometry, but may be modified in some form to improve traffic flow in this section of the Township. Specific improvements will naturally be dependent on the Redevelopment Projects proposed, and are therefore beyond the scope of this Redevelopment Plan.

B. To the extent necessary, new rights-of-way required to access the interior of a Redevelopment Parcel / Redevelopment Project shall be addressed by the

Redeveloper(s) as part of the Project Concept(s) submitted under the Expression of Interest process⁸⁶ and the Circulation Plan⁸⁷ of this Redevelopment Plan.

8.1.4 This Parcelization Plan further recognizes that the design of the Redevelopment Project(s) proposed must address the wetlands and buffers that exist in and around the portion of Block 29 subject to this Redevelopment Plan.⁸⁸ Accordingly, Parcel boundary lines shall be flexibly interpreted, and may be adjusted by the Township as part of the Redevelopment Agreement negotiations process based on the due diligence of each Redeveloper and/or the requirements of the Relevant Permitting Agencies, to more accurately coincide with the desired / required Right-of-Way improvements and/or the physical features of the land.

In cases where environmental mitigation requirements result in a relocation of certain wetlands or wetlands buffers, the boundary line for an impacted Redevelopment Parcel may be adjusted to follow such mitigation.

⁸⁶ §5.1 herein.

⁸⁷ §9.1 herein.

⁸⁸ §3.5.1 herein.



8.1.5 Parcel boundary lines following existing, improved rights-of-way shall be assumed to be fixed. 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 & Approval to more accurately coincide with the desired geometry of a cartway and/or the physical features of the land as determined by (topographic or boundary) surveys, wetlands delineations or other similar mapping.

8.1.6 Nothing herein shall prohibit a Redevelopment Parcel from being developed in Phases as conditions dictate. Such phasing shall be determined within the context of the Redevelopment Agreement.

8.1.7 While this Parcelization Plan was crafted so that each Redevelopment Parcel could be developed as a separate Project, the Township reserves the right to permit Projects on any combination of Parcels, or to permit the reconfiguration of one or more Parcels should a particular proposal so merit.

The Township reserves the right to permit an alternate Parcelization Plan should an Expression of Interest so merit.

8.2 DEVELOPMENT REGULATIONS

A. The following Development Regulations provide standards for the physical (re)development of each Redevelopment Parcel. Collectively, they are intended to guide the massing and aesthetics of the various land uses and building types in order to provide for multiple, complimentary Projects within the Block 29 portion of the Route 130 South Redevelopment Area.

Within this framework, Redevelopers and their designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives⁸⁹ of this Redevelopment Plan.

B. Permitted Uses and Building Limit Controls applicable to each Redevelopment Parcel shall follow Parcel boundary lines, as may be adjusted pursuant to §8.1 herein.

C. For Mixed-Use Projects, non-residential uses, whether in a single building or in multiple buildings, shall be developed in proportion to the number of dwelling units

⁸⁹ §4.0 herein.



BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.

approved for the entirety of the Project. For such purpose, each Apartment, regardless of size or number of bedrooms therein, shall be counted as 1 dwelling unit.

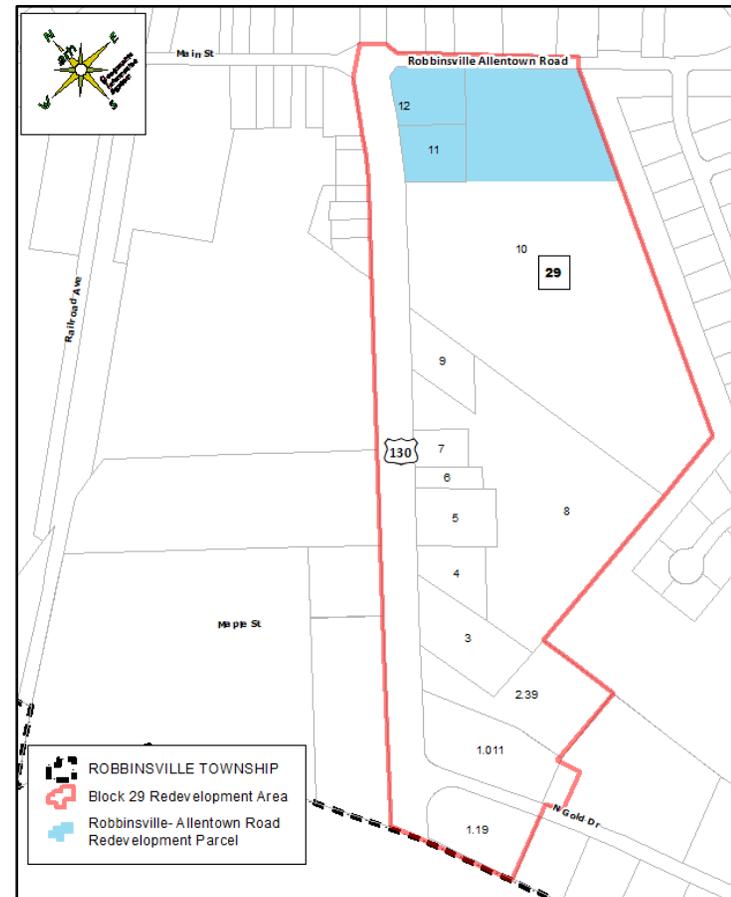
For such Projects, non-residential uses shall receive Certificate(s) of Occupancy for the entirety of such space(s) prior to the issue of Certificate(s) of Occupancy for final 25% of the dwelling units on a Parcel.

8.2.1 BLOCK 29: ROBBINSVILLE – ALLENTOWN ROAD REDEVELOPMENT PARCEL

The intent of the Block 29: Robbinsville – Allentown Road Redevelopment Parcel is to complement the existing development on the north side of Robbinsville – Allentown Road [CR 526] opposite this Parcel in terms of intensity of use and the scale and style of architecture.

As addressed in §3.5.1 herein, the geometry of the Robbinsville – Allentown Road Parcel includes mapped wetlands and wetlands buffers. Pending a jurisdictional determination by NJDEP, the ultimate design of the Redevelopment Project proposed for this Parcel shall respect these features.

Additionally, the Township has established a 150' buffer from the residential development to the east of this Parcel. To the maximum extent possible, the Redeveloper shall respect this buffer by excluding development from this area and by limiting clearance to that which is absolutely necessary.





A. Permitted Principal Uses & Structures

1. Designed Shopping Complexes⁹⁰, hosting:

- a. Retail & Service Activities⁹¹.
- b. Fully-enclosed eating and drinking establishments, including those which may serve alcoholic beverages, and specialty food and beverage outlets.⁹² Service may be dine-in or take-out, but fast-food and drive-through facilities are prohibited.
- c. General Business, Professional, Medical, Administrative or Consulting service offices and like and similar facilities, limited to the ground and 2nd floors.
- d. Retail liquor stores under license from the New Jersey Division of Alcoholic Beverage Control.
- e. Art galleries, studios, exhibition space, and like and similar uses.

2. Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.

B. Permitted Ancillary Uses & Structures

- 1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
- 2. Alfresco dining attendant to a permitted eating and drinking establishment.
- 3. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the building wall; it being the intent not to permit free-standing exterior ATM kiosks.
- 4. Electric Vehicle Charging Stations, subject to the provisions of §13.9 herein.
- 5. Interior Maintenance and Storage Areas.
- 6. Subject to the provisions of the Circulation, Parking & Loading Plan⁹³ herein, surface parking lots or structured parking garages to support uses within the portion of Block 29 subject to this Redevelopment Plan.

⁹⁰ As defined in §2.21 herein.

⁹¹ As defined in §2.79 herein.

⁹² Coffee houses / coffee bars, ice cream parlors and like and similar facilities.

⁹³ §9.0 herein.



C. Building Limit Controls

Buildings shall be oriented toward Robbinsville – Allentown Road [CR 526] and shall consist of the structural types detailed under §8.2.1A herein.

While buildings may vary in terms of footprint and architectural elevations, they shall generally be compatible, in scale, style and detailing to the buildings on the opposite side of Robbinsville – Allentown Road from this Redevelopment Parcel.

Site and building design shall employ mass, scale, layout, materials and architectural and other distinguishing features in order to establish a traditional civic character and prominence under a New Urbanism model⁹⁴.

Within the context of the foregoing, the following site and building controls shall be flexibly interpreted in order to achieve these design goals.

CATEGORY		REGULATION
Minimum Lot / Parcel Area		<p>No Minimum Established Each Lot may be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.</p> <p>Conversely, this Redevelopment Plan encourages the consolidation of smaller Lots to create one or more larger tracts within this Redevelopment Parcel.</p>
Minimum Lot / Parcel Width		
Minimum Lot / Parcel Depth		
Principal Structures		
Minimum Setback ⁹⁵	Robbinsville – Allentown Road	10' ⁹⁶
	Route 130	50' ⁹⁷
	Side Yard	10'
	Rear Yard	75'
Maximum Building Height		35'
		2½ Stories
Maximum Impervious Surface Coverage		80% ⁹⁸
Distance between Buildings		25', unless directed otherwise by the Fire Official

⁹⁴ §3.4.2 herein.

⁹⁵ In all cases, setbacks shall be sufficient room to permit on-site parking for the entirety of the Project.

⁹⁶ Plus whatever width is necessary to provide the sidewalks required under §9.2.2 herein, but in no case smaller than that provided on the north side of Robbinsville – Allentown Road.

⁹⁷ Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein, but in no case smaller than that provided on the north side of Robbinsville – Allentown Road.

⁹⁸ Calculation shall include wetlands, wetlands buffers and the lands reserved for the buffer from the residential development to the east of this Parcel.



BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.

CATEGORY		REGULATION
Accessory Structures		
Maximum Number		1
Maximum Combined Size		500 s.f.
Minimum Setbacks	Front Yard	Buildings Prohibited
	From Right-of-Way when not a Front Yard	$\frac{1}{3}$ of the Lot Depth or Width
	Side Yard	3'
	Rear Yard	3'
Distance between Buildings		As directed by the Fire Official
Maximum Building Height		15'
		1½ Stories

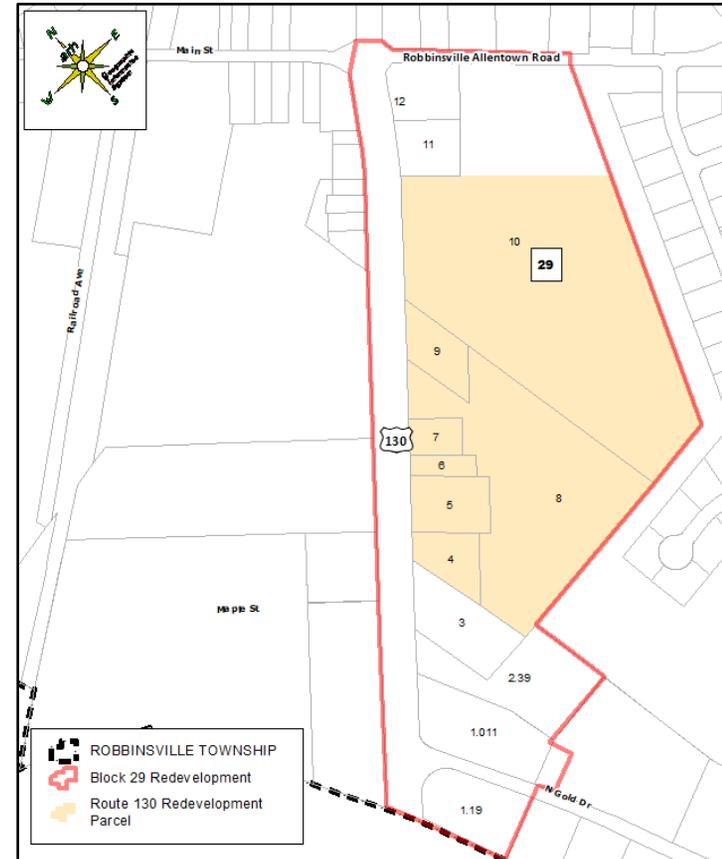
8.2.2 BLOCK 29: ROUTE 130 REDEVELOPMENT PARCEL

§6.5.19 E. 2 of the Township’s 2020 Comprehensive Master Plan Update provide the following recommendation for the TC-2 (Special Condition F) Zoning Subdistrict:

Recognizing the opportunities that the Township’s Route 130 entryways provide to define Gateways into Robbinsville, establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific architectural design standards to achieve this Principle §5.3.1 O. of this Master Plan Update and the strategies related thereto.

The intent of the Block 29: Route 130 Redevelopment Parcel is to permit village-scale commercial uses along Route 130 and residential uses between these commercial uses and the buffer described under §8.2.1 herein.

For the Block 29: Route 130 Redevelopment Parcel, such buffer shall be a minimum of 75’ for residential uses and a minimum of 150’ for all other uses. To the maximum extent possible, the Redeveloper shall respect this buffer by excluding development from this area and by limiting clearance to that which is absolutely necessary.



A. Permitted Principal Uses

1. All those Principal Uses permitted on the Robbinsville – Allentown Road Redevelopment Parcel⁹⁹. Restaurants (eating and drinking establishments) may include fast food and drive-through facilities.

⁹⁹ §8.2.1A herein.



General Business, Professional, Medical, Administrative or Consulting service offices and like and similar facilities, may be located on the ground, 2nd and 3rd floors.

Non-residential uses shall have Route 130 frontage and access.

2. Residential Duplex, Residential Townhouse and Apartment Buildings, located between the commercial uses and the buffer described above.

3. Hotels¹⁰⁰, provided they:

- a. Contain at least 100 guest room and a restaurant on the premises.
- b. Maintain one or more common public lobbies or registration (check in) and information stations (front desk) serving the guest rooms with in-house staff available on a 24-hour basis.
- c. Provide that access to all units be solely through one or more common public lobby areas via elevator or other conveyance system;

- d. Maintain full-time on-site staff and management;
- e. Maintain a linen closet, ice machine, beverage / snack-food vending area and coin-operated laundry facilities on each floor;
- f. Provide amenities such as restaurant(s), banquet room(s), conference room(s), swimming pools designed for year-round use, fitness facilities, room service, linen service and other elements normal and customary to a full-service Hotel;
- g. Maintain a published business phone number and advertise daily rentals and hotel-like services to the general public;
- h. In addition to requirements for Hotels in general, Hotel Units shall:
 - Contain, at a minimum, 1 bathroom, which shall be internal to the Hotel Unit but separate from the sleeping area; and

¹⁰⁰ Defined as a structure which contains, but is not necessarily solely comprised of, Hotel Units (subsection h. herein) which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up

without reservation, but in any case without lease, for occupancy in periods of not less than 1 night; except that resident management shall not be subject to the occupancy limitation.



- Contain not less than 400 s.f. of net habitable floor area without an in-room laundry facility and not less than 650 s.f. of net habitable floor area with an in-room laundry facility.

B. Permitted Ancillary Uses & Structures

1. All those Ancillary Uses permitted on the Robbinsville – Allentown Road Redevelopment Parcel.¹⁰¹
2. Outdoor recreational uses ancillary to Fitness Centers.

C. Building Limit Controls

Buildings shall be oriented toward Route 130 and shall consist of the structural types detailed under §8.2.2A herein.

Buildings may vary in terms of footprint and architectural elevations. Site and building design shall employ mass, scale, layout, materials and architectural and other distinguishing features in order to establish a traditional civic character and prominence under a New Urbanism model¹⁰².

Within the context of the foregoing, the following site and building controls shall be flexibly interpreted in order to achieve these design goals.

CATEGORY		REGULATION
Minimum Parcel Area		No Minimum Established This Redevelopment Parcel shall be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.
Minimum Parcel Width		Within this context, this Plan recognizes the locational requirements for the commercial and residential uses contemplated for this Parcel and permits a such subdivisions as may be required to create such separation.
Minimum Parcel Depth		
Principal Structures		
Minimum Lot Area	Duplexes	3,500 s.f.
	Townhouses	2,300 s.f.
	All other Principal Structures	10,000 s.f.
Minimum Lot Width	Duplexes	35'
	Townhouses	23'
	All other Principal Structures	100'

¹⁰¹ §8.2.1B herein

¹⁰² §3.4.2 herein.



BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.

CATEGORY		REGULATION
Minimum Lot Depth		100'
	Route 130	50' ¹⁰³
	Side Yard	10' ¹⁰⁴
	Rear Yard	75'
Maximum Building Height	Duplexes & Townhouses	35'
		2½ Stories
	Hotels & Apartment Buildings	48' + architectural features.
		4½ stories
All other Principal Structures	35'	
Maximum Building Coverage	Duplexes	50%
	Townhouses	68%
	All other Principal Structures	75%
Maximum Impervious Surface Coverage	Duplexes	70%
	Townhouses	80% ¹⁰⁵
	All other Principal Structures	
Minimum Distance between Buildings		25', unless permitted / directed otherwise by the Fire Official

CATEGORY		REGULATION
Maximum Residential Density		No Maximum Established Density shall be a product of the number of units achievable in the space permitted based on these Building Limit Controls and the minimum permitted unit sizes.
Accessory Structures		
Maximum Number		1
Maximum Combined Size	Duplex	500 s.f. per unit
	Townhouse	500 s.f. per unit
	All other Principal Structures	Subject to Review & Approval, the minimum size necessary to accomplish the required function.
Minimum Setbacks	Front Yard	Buildings Prohibited
	From Right-of-Way when not a Front Yard	½ of the Lot Depth or Width
	Side Yard	3'
	Rear Yard	3'
Minimum Distance between Buildings		As directed by the Fire Official
Maximum Building Height		15'
		1½ Stories

¹⁰³ Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein, but in no case smaller than that provided on the north side of Robbinsville – Allentown Road.

¹⁰⁴ Except interior setbacks for Duplex and Townhouse Structures, which shall be 0'.

¹⁰⁵ Calculation shall include wetlands, wetlands buffers and the lands reserved for the buffer from the residential development to the east of this Parcel.

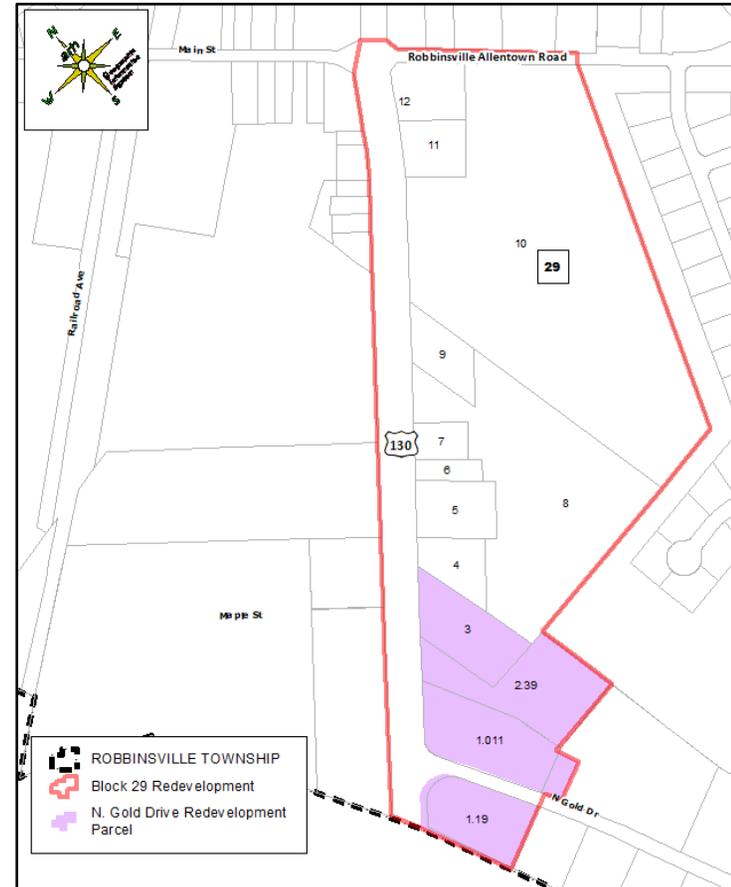
8.2.3 BLOCK 29: N. GOLD DRIVE REDEVELOPMENT PARCEL

The intent of the Block 29: N. Gold Drive Redevelopment Parcel is to complement the existing development on North Gold Drive in terms of intensity of use and the scale and style of architecture, while eliminating impediments to such development in this section of the Township.

The Redeveloper shall respect the existing 350' conservation easement north of Gold Drive between the property line of this Redevelopment Parcel and the residential uses to the northeast of the Parcel.

A. Permitted Principal Uses

1. Offices and office buildings.
2. Self-Storage Facilities, provided:
 - a. Such facilities shall provide for the storage of customers' goods and wares only. No business activity other than the rental of storage space shall be conducted on the premises by either the owner of the facility, a resident manager or a tenant of storage space.
 - b. No exterior yard storage of any kind is permitted.



- c. The site shall have direct access to Route 130.
- d. The minimum rental storage floor area shall be 60,000 s.f.
- e. An on-site manager shall be present at all times when public access to the facility is permitted.



One on-site dwelling unit is permitted, but limited to a resident manager and his/her immediate family. Such unit shall be accessory to the Principal Use and shall be designed as a second-floor dwelling above the manager's office.

3. Restaurants, exclusive of drive-through facilities.
4. Limited breweries as defined by N.J.S.A. 33:1-10(1)(b).
5. Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.

B. Permitted Accessory Uses

1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
2. Electric Vehicle Charging Stations, subject to the provisions of §13.9 herein.
3. Subject to the provisions of the Circulation, Parking & Loading Plan¹⁰⁶ herein, surface parking lots or structured parking garages to support uses within the portion of Block 29 subject to this Redevelopment Plan.

C. Building Limit Controls

Buildings shall be oriented toward Gold Drive and shall consist of the structural types detailed under §8.2.3A herein.

Buildings may vary in terms of footprint and architectural elevations. Site and building design shall employ mass, scale, layout, materials and architectural and other distinguishing features in order to establish a traditional civic character and prominence under a New Urbanism model¹⁰⁷.

Within the context of the foregoing, the following site and building controls shall be flexibly interpreted in order to achieve these design goals.

CATEGORY	REGULATION
Minimum Lot Size	No Minimum Established
Minimum Lot Width	Each Lot shall be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.
Minimum Lot Depth	

¹⁰⁶ §9.0 herein.

¹⁰⁷ §3.4.2 herein.



CATEGORY		REGULATION
Principal Structures		
Minimum Setback ¹⁰⁸	Route 130	100' ¹⁰⁹
	Gold Drive	100'
	Side Yard	1.5 times the height of the structure, but not less than 50'.
	Rear Yard	
Maximum Building Height		45' 3 Stories
Maximum Building Coverage		75%
Maximum Impervious Surface Coverage		80% ¹¹⁰
Accessory Structures		
Maximum Number		1
Maximum Size		500 s.f.
Minimum Setbacks	Front Yard	Buildings Prohibited
	Side Yard	10'
	Rear Yard	10'
Maximum Building Height		15' 1½ Stories
Minimum Distance between Buildings		As directed by the Fire Official

8.2.4 CONSTRUCTION STAGING & SALES TRAILERS

Subject to the jurisdiction of all Relevant Permitting Agencies,

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

¹⁰⁸ In all cases, setbacks shall be sufficient room to permit on-site parking for the entirety of the Project.

¹⁰⁹ Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein.

¹¹⁰ Calculation shall include wetlands, wetlands buffers and the lands reserved for the buffer from the residential development to the east of this Parcel.



construction is completed.

- C. Unless used for a subsequent Phase or Subphase of a Redevelopment Project, all Construction Staging / Sales 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 / Sales Trailer Area, construction fence or the storage of equipment or materials remain in place for longer than 1 week after issue of the last Certificate of Completion & Compliance¹¹¹ 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 / Sales 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.

In the event that the entity responsible for removing the Construction Staging / Sales 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 the portion of Block 29 under this Redevelopment Plan) shall be permitted, provided such construction directly relates to the portion of Block 29 under this Plan, including, but not limited to, traffic, infrastructure or parking-related improvements.

Staging for construction of an off-tract improvement not related to the portion of Block 29 under this Redevelopment Plan shall require approval of the Township Council, acting in its capacity as

¹¹¹ §15.0 herein.



Redevelopment Entity for this Redevelopment Plan.

- G. Unless Planning Board approval is required by this Redevelopment Plan or by the Township Code, activities under this §8.2.4 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 portion of Block 29 under this Redevelopment Plan, and adjacent properties and land uses ~ both within and outside of the portion of Block 29 under this Redevelopment Plan.

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.

8.3 ARCHITECTURAL CONTROLS

8.3.1 GENERAL

- A. In conceptualizing their Projects, Redevelopers and designers shall recognize the significance of this development opportunity for the Township and shall generate designs which will achieve the Municipal Goals & Objectives¹¹² of this Redevelopment Plan.
- B. These Architectural Controls address the overall detailing of the buildings within the portion of Block 29 under this Redevelopment Plan in order to provide a framework for development ~ while encouraging flexibility and diversity in design ~ to facilitate Projects while protecting the interests of the Township and its citizens. They are intended to serve as guidelines for Redevelopers, designers, builders and occupants of the portion of Block 29 under this Redevelopment Plan.
- C. The following written controls are enhanced by the graphics included throughout this section, which were

¹¹² §4.0 herein.

selected to illustrate the concepts at issue and reflect overall design intent.

They are not intended to depict actual design mandates.

Within this context, buildings may vary in terms of footprint, architectural elevations, window placement, roof type, height, entrances and finishes. Colors, materials and architectural detailing shall be compatible and repeated throughout the portion of Block 29 under this Plan.

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

8.3.2 GENERAL DESIGN PHILOSOPHY

A. New construction shall relate and be architecturally and aesthetically compatible to the existing developments when described under the intent section of each Redevelopment Parcel while avoiding a monotonous, cookie-cutter aesthetic.

B. As a general rule, buildings should reflect a continuity of treatment by:

- Maintaining building scale or subtly graduating changes;
- Maintaining base courses and extending horizontal lines of fenestration;
- Maintaining cornice lines in buildings of the same height; and
- Echoing architectural styles and details, design themes, building materials and colors as



recommended herein.

C. Redevelopers are encouraged to incorporate environmentally-friendly, LEED¹¹³ building and site systems

¹¹³ "Leadership in Energy & Environmental Design"
(www.usgbc.org/DisplayPage.aspx?CategoryID=19).

and technologies in all Projects.

8.3.3 BUILDING ORIENTATION

- A. Spatial relationships between buildings / structures should be geometrically logical and/or architecturally formal.



- B. Buildings shall front towards and relate to the public Right-of-Way, both functionally and visually. Buildings on corner lots shall front towards and relate to each Right-of-way.



- C. Multiple buildings within a Project or across Projects shall relate to one another functionally and visually, and are encouraged to be organized around courtyards, greens, quadrangles or Open Spaces.



- D. Buildings shall define the streetscape through the use of uniform setbacks and massing.

The streetscape shall be reinforced by lines of uniformly spaced street trees and a Parkway¹¹⁴, and may be further reinforced by walls, hedges or fences.

The streetscape shall be generally continued across side yards by landscaping.



8.3.4 BUILDING MASSING & STYLE

- A. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes and shall be architecturally emphasized through fenestration, entrance treatment

and detailing.

Building wall offsets, including projections, recesses and changes in floor level, shall be used in order to add architectural interest and variety, and to relieve the visual effect of a long, undifferentiated wall.



¹¹⁴ §2.49 herein.

B. Corner buildings (on Corner Lots or on the corner of a Project), or 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 at least 2 facades visibly exposed to the street. Such buildings shall be designed with enhanced facade treatments (architectural embellishments) to emphasize such locations.

C. Buildings located in the Block 29: N. Gold Drive Redevelopment Parcel are intended to demarcate the Route 130 entrance to Robbinsville and shall mark the transition via massing, height, materials and/or architectural embellishment to obtain the gateway effect.

Beyond the gateway, focal points or points of visual termination shall generally be occupied by more prominent buildings and structures that employ





enhanced height and/or massing, distinctive architectural treatment or other distinguishing features. Additional height for this purpose is permitted at the discretion of the Township Council, acting as Redevelopment Entity for this Redevelopment Plan.

- D. Where permitted by the size of the required setback, balconies, stoops, open porches, decks, bay windows, raised doorways, chimneys and awnings projecting from the facade may project into a Front Setback, provided such element is no closer than 10' 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 and like and similar features may project into a Side or Rear Yard Setback, but shall be no closer than 5' from a property line.

The foregoing dimensions may be adjusted based on actual setback requirements.

Permitted setback encroachments shall be included in the Maximum Impervious Coverage calculation for each Redevelopment Parcel.

E. Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed to enhance surrounding buildings and provide amenities for users in the form of landscaping, streetscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate.

Courtyards shall have recognizable edges defined on at least 3 sides by buildings, walls and elements of landscaping and streetscaping in order to create a strong sense of enclosure.



8.3.5 ROOFS & ROOF MATERIALS

- A. Roof types shall be front or side gable, gambrel, mansard, hipped, salt box, or any combination thereof. Roofline orientation shall vary to the highest extent possible.
- B. Roofline offsets shall be provided to add architectural interest and variety to the massing of a building and to relieve the effect of a long, undifferentiated roof.
- 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.
- D. Shed roofs are permitted only when attached to a principal principal roof or parapet wall.
- E. Architectural embellishments that add visual interest to



roofs (e.g., dormers, belvederes, masonry chimneys, cupolas, clock towers, etc.) are encouraged.



F. Both gable and hipped roofs shall provide overhang eaves on all sides that extend a minimum of 1' beyond the

building wall.

G. Permitted roof materials for pitched roofs:

- Slate;
- Composite Tile;
- Cedar;
- Wood Shingles;
- Dimensioned Asphalt (complementary colors);
- Standing Seam Copper;



stories in height. Other roof types shall be appropriate



- Anodized Aluminum.



H. Mansard roofs are discouraged on buildings less than 3

to the building's architecture.

I. Flat Roofs

1. While pitched roofs are encouraged for all Projects, flat roofs are permitted for buildings abutting Route 130.

Elsewhere, flat roofs are permitted at the discretion of the Township Council if dictated by the Project's architecture and that of neighboring buildings.



visible from taller buildings ~ including the rooftop decks of parking structures and decks and balconies when accessible as public open spaces ~ shall be treated with decorative materials to create an aesthetic appearance from above.

2. Flat roofs shall have articulated cornice lines that generally correspond to consistent cornice line on neighboring buildings (where they exist).
3. The exposed surface of flat roofs which are less than the Maximum Building Height under this Redevelopment Plan and therefore potentially

Where such surfaces are pedestrian accessible, a minimum of 35% of the total exposed surface area not developed as an active use (i.e., outdoor café area) shall be landscaped as roof gardens. Treatment may or may not include live vegetation.

The balance of all accessible flat roofs shall be

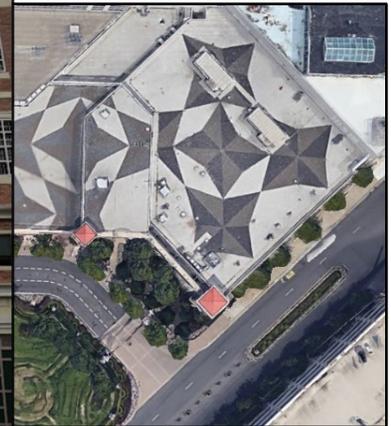
treated so as to blend with the roofscape in an aesthetically acceptable manner. Said areas shall be constructed of non-reflective material in order to secure an agreeable visual condition.

8.3.6 FAÇADE TREATMENT & MATERIALS

- A. All building elevations shall be designed to be consistent with regard to style, materials, colors and details. Major front façade architectural features shall be continued around all visibly-exposed sides of such buildings.



B. Solid, blank,¹¹⁵



¹¹⁵ §2.7 herein.

windowless walls or service areas visible from the public Right-of-Way or from internal Project open space are discouraged.



a recessed display window cases.

Intense landscaping may also be appropriate.



development on the north side of Robbinsville – Allentown Road, as applicable.

the kickplate or sill level of the 1st story.

D. Except where building materials reflect the existing

1. The above-grade foundation-to-sill height shall be covered with either brick, fieldstone, split face Concrete Masonry Units "CMU"), brick pattern concrete or other masonry solution appropriate to the architecture.

C. All visibly-exposed sides of buildings shall have an articulated base course, which should align with either

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

3. A cornice which terminates or caps the top of a



building wall may project horizontally from the vertical building wall plane and may be ornamented with moldings, brackets and/or other details.

E. Materials

Buildings shall be clad in natural or simulated-wood clapboard or shingles, brick, real or synthetic (E.I.F.S.) stucco, stone, or a combination thereof.

Bricks should be laid in English or Flemish bond.

1. Storefronts shall be integrally designed with the upper floors of a building so as to be compatible with overall façade character.

Ground floor retail, service and restaurant uses shall have large-pane display windows framed by the surrounding wall, and should not exceed 75% of the total ground level façade area.

Buildings with multiple storefronts shall be unified



through architecturally compatible materials, colors, details, awnings, signage and lighting fixtures.

2. In Mixed-Use buildings, the difference between ground floor commercial uses and entrances for upper-level uses shall be reflected by differences in facade treatment.

Storefronts and other ground floor entrances shall be accentuated through cornice lines. Further differentiation can be achieved through distinct but compatible exterior materials, signs, awnings and lighting.

3. One and 2 story buildings should have a unified, coherent architectural style, vocabulary and color scheme for all elevations.

E. Siding

1. Buildings using true or simulated clapboard should have between 3.5" to 6" exposure (reveal).

German siding should not exceed

8" exposure.

2. Corner boards should not be less than 4" or more than 8" and should protrude from the siding surface to create a shadow line.

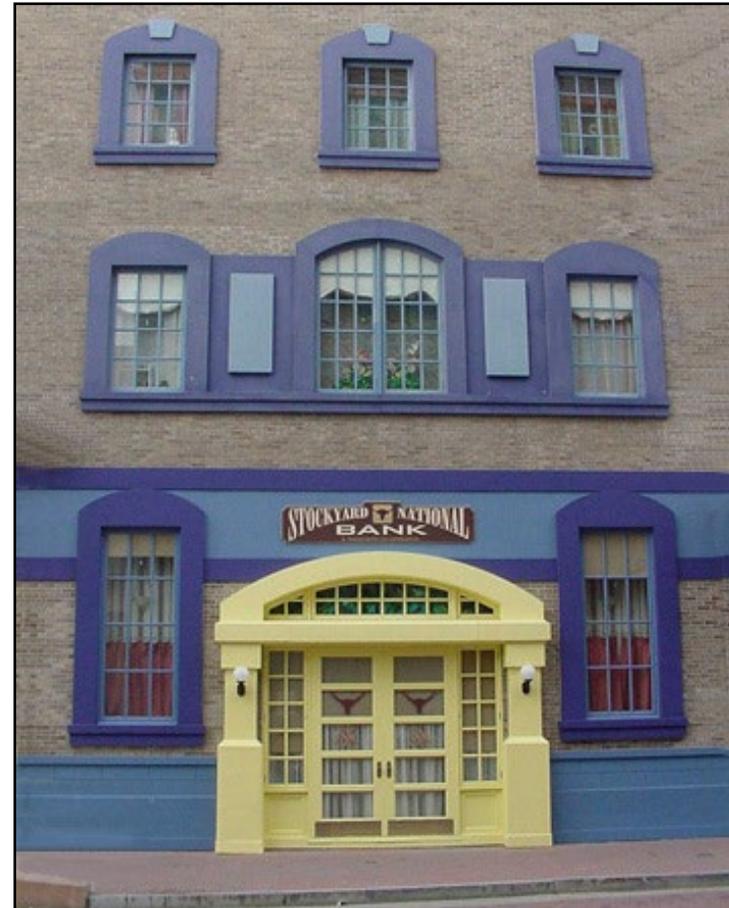
8.3.7 ENTRYWAYS, DOORS & WINDOWS

A. Building Entrances & Doors

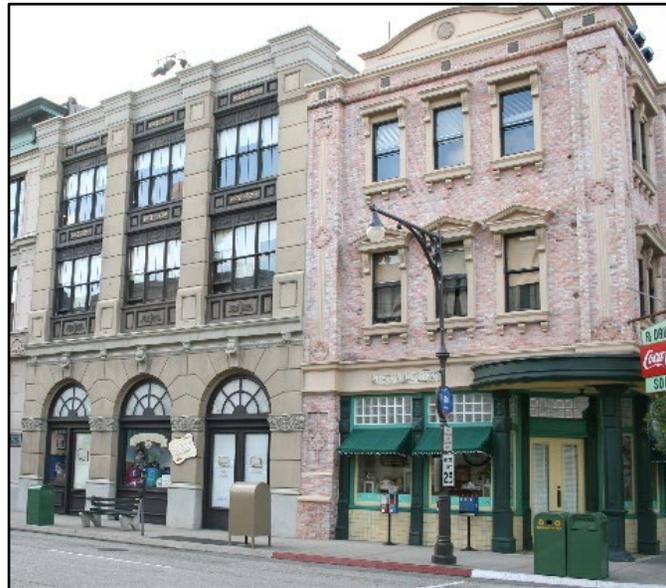
1. Shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, porticoes, porches, over-hangs, railings, balustrades, fanlights, transoms and sidelights where appropriate, which shall be architecturally compatible with the style, materials, colors and details of the building as a whole.
2. To the extent practicable, secondary doors should not be located on the primary street facade.
3. Sidelights, where employed, should not be less than 12" in width and are encouraged to have true divided lights. Fanlights or transom windows may be placed above doors.
4. French doors are encouraged for balconies. Sliding doors are discouraged.

B. Windows

1. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building.



2. Windows shall be vertically proportioned or square. To the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.



3. Windows shall be between 26" and 36" off the ground and architecturally compatible to and in proportion with the facade treatment.

4. Primary display windows shall occupy a minimum of 60% and a maximum of 75% of the ground floor facade.



5. Transoms above ground floor display windows are recommended and may be elevated above awnings.

6. Outer window glazing shall be set back a minimum of 3" from the outer plane of the wall. At minimum, there shall be a decorated lintel, face frame and drip mold over the doors and windows.

7. Primary facade windows on the 2nd floor shall be a minimum of 24" from the building's corner.

8. Divided lights should be a minimum of 2 over 2, with true divisions of natural or simulated wood (interior or exterior) mullions / inserts.

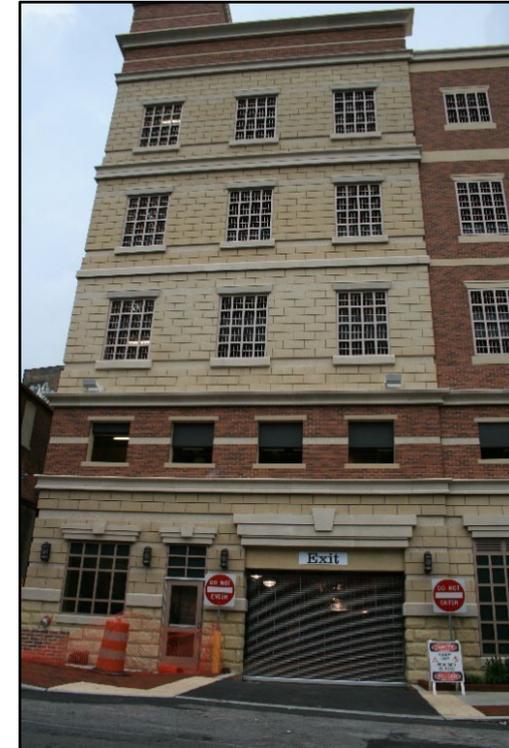
9. Casement windows are permitted. Aluminum framed plate glass "storefronts" are discouraged.

10. Again, solid, blank,¹¹⁶ windowless walls or service areas visible from the public Right-of-Way or from internal Project open space are discouraged.



Where such a wall is necessitated by the requirements of the Project, the effected facades should be articulated by false windows, architecturally articulated masonry, or, if the building is occupied by a commercial use, by recessed or projecting display window cases.

Intense landscaping may also be appropriate.



11. Low-rise Buildings

- a. Glazing on the primary facade should not exceed 30% of that facade. No more than 3 windows should be grouped together on the primary facade.

¹¹⁶ §2.7 herein.

- b. First- and second-story primary facade windows shall be proportioned vertical-to-square, except for gable windows which may be shaped.
- c. The outer glazing of the interior window should be set back 1" to 2" from the outer plane of the wall (actual dimension). At minimum, there should be a face frame, decorative lintel and drip mold around windows.

Casement windows are discouraged.

- d. Shutters should be either louvered or paneled and sized to fit the actual window.
12. Again, solid metal security gates or solid roll-down metal windows are prohibited where visible from the Right-of-Way or a neighboring property.

Link or grill-type security devices are permitted if installed from the inside, within the window or door frames.



Security grilles shall be recessed and concealed during hours of operation. Models which provide a sense of transparency, in light colors, are encouraged.

13. Compatible awnings are encouraged as a means of unifying structures.

Fixed or retractable awnings are permitted at ground floor level and on upper levels where appropriate, provided they complement building style, material, colors and details; do not conceal architectural features, such as 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 or aluminum awnings are discouraged.





8.3.8 PORCHES, STOOPS & ARCADES

Where and when appropriate, the primary street façade of a building shall include a porch, covered portico (Porte Cochere) or decorative entranceway. When employed:

- A. Front porches shall be located on the primary street façade of the building and may extend around the building into the Side Yard.

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

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

- 1. Porch roofs shall be supported by posts, piers or columns of classic proportions and correct entablature. Stone piers should be rough faced. Balusters shall have a minimum diameter of 2" and shall not be greater than 6" on center. Railing should be wood or wrought iron. All porch railing components shall be painted.

Chamfered or more complex styles posts with elaborate spindles, friezes or spandrel carvings are encouraged.

- 2. Porches may be enclosed with screens, provided the screen framing is architecturally compatible with the style of the porch.

- C. Optional Porte Cocheres or covered porticoes are permitted. Styles may range from a simple shed roof to an ornate Italianate design.

8.3.9 BUILDING LIGHTING

Buildings and display windows should be adequately lighted at night so as to insure pedestrian attention.

- A. Exterior, building-mounted light fixtures shall be architecturally compatible with the style, materials, colors and details of the building.

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.

- B. The type of light source used, and the light quality produced, shall be the same or compatible ~ both within and across Redevelopment Projects. 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.
- C. The use of low-pressure sodium, fluorescent or mercury vapor lighting is prohibited.

8.3.10 OTHER BUILDING ELEMENTS / ORNAMENTATION

- A. At a minimum, buildings shall be trimmed with gable and eave boards on all facades. Trim ornamentation may be:
 - Plain or decorated frieze;
 - Overhanging eaves;
 - Boxed cornice;
 - Denticulated cornice; and/or
 - Ornate Italianate bracketed cornice.

Tight eaves shall be finished by moldings. Windows shall have decorative lintels with sills and side trim. Doors shall be trimmed with decorative lintels and side edges. Non-masonry structures shall have corner boards.

- B. Decorative elements such as pergolas, cupolas and belvederes are encouraged as elements to provide architectural emphasis / embellishment.



- C. Towers or similar elements are recommended for the Block 29: N. Gold Drive Redevelopment Parcel and on buildings located in prominent positions requiring special architectural treatment. Towers should not extend more than 15' above the roof ridge line, and should be in character with the architectural style of the building.

Generally, towers should not exceed 15'x15'.



8.3.11 CROSS GABLES & DORMERS

Cross gables and dormers shall be used to distinguish one building from its neighbor. Dormers may be hipped, gabled, shed, pediment or eyebrow. These and other architectural features shall be used to give various Projects distinctive architectural quality.



8.3.12 GUTTERS

Gutters shall be architecturally compatible with the style of the building. Discharge spouts shall have splash guards or discharge underground.

8.3.13 CHIMNEYS

Fireplace chimneys shall be clad in either brick, stone, stucco or clapboard, and shall be located at gable ends or centrally. Chimney tops shall have decorative details (e.g., corbelling). Flues shall be painted the color of the roof.



8.3.14 COLORS

- A. Colors shall be from the Benjamin Moore Historical Color Collection or equivalent. Brick shall be in the brown and red ranges. Stucco, stone and masonry veneer shall be earthtones.
- B. Trim and shutters shall be painted a contrasting color(s) from the main body of the building.
- C. Simulated clapboard shall match the paint colors as closely as possible.
- D. Roof colors shall be compatible with the color scheme used for the other building element.
- E. Ancillary Structure colors shall be compatible with those of the Principal Structure.
- F. Driveways which directly access the street shall be constructed of colored asphalt, scored concrete or decorative stamped concrete or concrete pavers. Colors should complement the architecture of the Project.

8.3.15 HEATING, AIR CONDITIONING & TELECOMMUNICATIONS

Air-conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes and other telecommunications receiving devices shall be screened from the public Right-of-Way and from adjacent properties by use of walls, fencing, roof elements, penthouse-type screening devices and/or landscaping.

8.3.16 FIRE ESCAPES

External fire escapes are prohibited. Internal stairs or other routes are required where the Building Code mandates a second means of egress.

8.3.17 ANCILLARY STRUCTURES

Ancillary Structures are prohibited in the front yard. Such Structures shall be architecturally compatible with the Principal Structure and screened from view from the public Right-of-Way.

8.3.18 SIGNAGE

- A. 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



**BLOCK 29 REDEVELOPMENT PLAN
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

signage shall be submitted as part of the Review & Approval process. Such Plan shall include ~ to the extent known at the time ~ all text and iconographic elements proposed for all buildings, as well as for the entirety of the site surrounding each building within the Project.

- B. While the Signage Plan shall generally conform with the signage regulations under §142-48 of the Township Code, this Redevelopment Plan recognizes that such regulations may not be appropriate for all types of development envisioned. Accordingly, the requirements of §142-48 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 Planning Board for relief from Ordinance standards during the Review & Approval process. Redevelopers shall provide clear justification for all relief requested.

Within this context, the Redeveloper of the Block 29: N. Gold Drive Redevelopment Parcel is encouraged to recognize this location as an entranceway to the Township by installing a gateway entrance sign similar in scale and

style (if not specific architecture) as the existing gateway signs on Route 33 in the Robbinsville Town Center.



- C. The Planning Board reserves the right to require modifications to the Signage Plan if necessary to balance the signage needs of individual Projects with the aesthetic and other needs of this Redevelopment Plan and the Township as a whole.
- D. Upon completion of the final Redevelopment Project the portion of Block 29 subject to this Redevelopment Plan, a sign vocabulary for these lands will have been established. At that time, the Redevelopment Steering Committee shall produce a set of signage regulations based on the signage then existing for all Redevelopment Projects.



Such regulations shall be forwarded to the Planning Board for review and recommendation pursuant to N.J.S.A. 40:55D-64, and ultimately to the Township Council for incorporation into the Township Code.

Once adopted, such vocabulary, which shall survive the termination of this Redevelopment Plan¹¹⁷, shall serve as the ordained signage regulations for this section of the Township.

- E. Exterior signage shall identify uses, activities or functions of the Subject Project. No advertising of any product, use or activity outside of the portion of Block 29 subject to this Redevelopment Plan shall be permitted.
- F. To the extent practicable, signage for similar Project elements shall 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 necessary and appropriate, but rather that, absent specific

justification,¹¹⁸ sign design shall be complimentary and consistent.

- G. No vacant signs or sign boxes are permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general Project signage. Similarly, any sign which falls into a state of disrepair shall immediately be repaired or replaced.
- H. All signs shall be professionally designed and constructed. Homemade-type (plywood, cardboard, coroplast, or similar) signs, or home-computer generated-type signs are expressly prohibited.
- I. Signage featuring color and the use of dramatic corporate icons is encouraged, as is the use of neon lighting or similar material to create sculptural logo or iconographic images.
- J. No restrictions are established for Interior Project Signage.¹¹⁹ Redevelopers are encouraged to establish a creative interior sign package consistent with the type and scope of Project proposed.

¹¹⁷ §14.2 herein.

¹¹⁸ e.g., theming for corporately-branded retail, food & beverage and/or other establishments.

¹¹⁹ 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.



K. No exterior real estate sales or rental signs or sales or rental equipment¹²⁰ are permitted.

L. Mixed-Use / Multi-Use Buildings

1. Each building elevation abutting a Right-of-Way may have one (1) 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 cornice line of the wall supporting such sign, and shall have a total sign area not exceeding 5% of the total surface area of the building elevation on which it is affixed.

2. Each Permitted Principal Use (i.e., establishment) in a multi-use building may have 1 Identification Sign:

- Mounted above the storefront of such establishment or above the window of the entryway to a lobby servicing an above-ground-floor use;
- Applied to the window of the storefront of such establishment or to the window of the entryway to a lobby servicing an above-ground-floor use; or
- Applied to an awning or canopy above the storefront of such establishment or above the entryway to a lobby servicing an above-ground-floor use.

Such signage shall contain the name and logo or corporate icon of the establishment and any specialty information for such use.

3. 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.

¹²⁰ e.g., flier stands, lock boxes or related items.

9.0 CIRCULATION, PARKING & LOADING PLAN

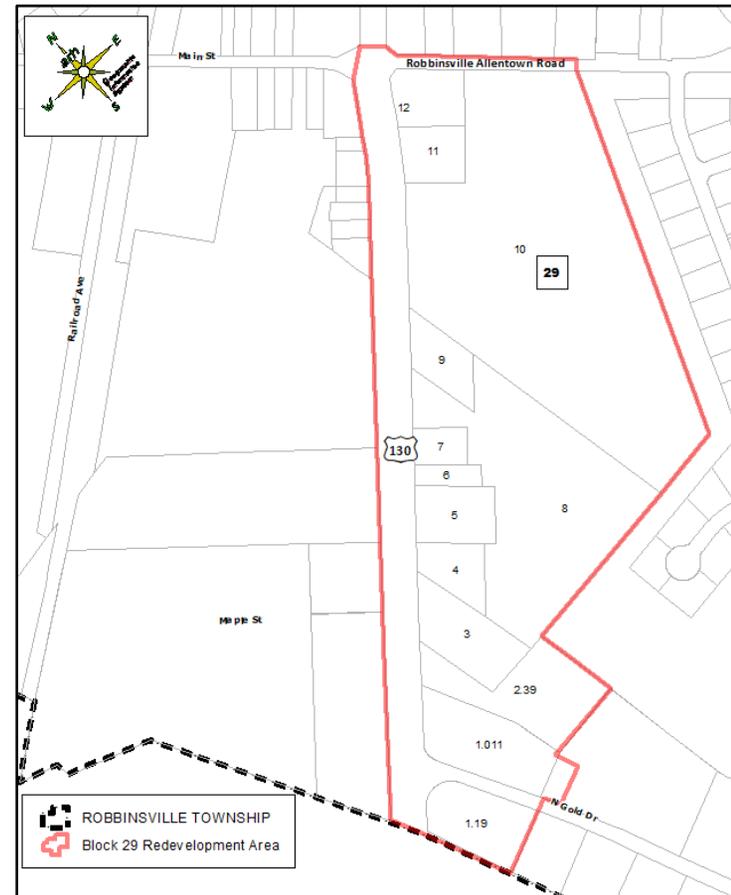
9.1 CIRCULATION

9.1.1 ROUTE 130 & ROBBINSVILLE – ALLENTOWN ROAD [CR 526]

A. This Circulation Plan generally maintains the Route 130 and Robbinsville – Allentown Road Rights-of-Way in their current geometry, although certain improvements may be required to address existing congestion as well as the additional traffic to be generated by the Redevelopment Projects anticipated.

While specific improvements will naturally be dependent on the Redevelopment Projects proposed, such improvements may include, but need not be limited to:

- An improved northbound (slip) turn at the intersection of Robbinsville – Allentown Road and Route 130;
- Improvements required to permit access to a Project from north-bound Route 130 and from Robbinsville – Allentown Road;





- Modifications in pavement striping and traffic signage;
- Dedicated acceleration / deceleration lanes and/or other mechanisms to regulate turning movements;
- At-grade pedestrian crosswalks, traffic signals and/or other physical and/or mechanical improvements to facilitate pedestrian and vehicular movement.

Township Policymakers recognize that Route 130 is a State Highway under the jurisdiction of NJDOT and Robbinsville – Allentown Road [CR 526] is a County Road under the jurisdiction of Mercer County. Accordingly, any such improvements are beyond the control of the Township and therefore this Redevelopment Plan.

The Township is committed to working with NJDOT, Mercer County and each individual Redeveloper to address the improvements required. Details related to this process shall be addressed within the context of the Redevelopment Agreements to be negotiated between the Township, and each individual Redeveloper.

9.1.2 EXTERNAL ACCESS

- A. Recognizing the need for the improvements detailed above, this Redevelopment Plan anticipates that Route 130 and Robbinsville – Allentown Road [CR 526] will generally remain in their existing geometry.
- B. Access to the interior of each Redevelopment Parcel shall be established utilizing Internal Accessways under §9.1.3 herein. Such Accessways shall be identified by the Redeveloper(s) as part of the Project Concept(s) and Description of Project Elements submitted under the Expression of Interest process.¹²¹
- C. Other than existing curb-cuts servicing Pre-Existing Uses / Structures, the number of curb-cuts on Route 130 and Robbinsville – Allentown Road shall be minimized. Existing curb-cuts shall be eliminated wherever possible.

Should a Pre-Existing Use / Structure be eliminated in favor of new construction, access to such Use / Structure shall be made via the Internal Accessways. Obsolete curb-cuts shall be eliminated.

¹²¹ §5.1 herein.



- D. In addition to the improvements detailed in herein, any repair or reconstruction of a public Right-of-Way necessitated by development of a Redevelopment Project shall be the responsibility of the Redeveloper of the Project creating such need.

9.1.3 INTERNAL ACCESSWAYS

- A. Internal access to each Redevelopment Parcel shall be made via centralized curb-cuts on Route 130 and/or Robbinsville – Allentown Road [CR 526]. Consistent with §9.1.2 B. herein, resultant excess curb-cuts shall be eliminated.
- B. In order to minimize curb-cuts as required, one or more internal circulationway(s) shall be established via cross-easements through each Redevelopment Parcel. Such cross-easements shall work in conjunction with the Internal Accessways to interconnect the centralized curb-cuts and the parking areas for each Redevelopment Project.¹²² The language of such easements shall be submitted to the Planning Board Solicitor as part of the Review & Approval process.

9.2 ADDITIONAL GUIDELINES

9.2.1 CURBING

- A. Curbing is required on all Rights-of-Way. Curb radii shall be as specified in the Township Code.
- B. Curb material may be granite (or equivalent) block, exposed gray concrete in a square section or Belgian Block. Curbing shall not extend more than 6” above the finished pavement.

9.2.2 SIDEWALKS

Subject to NJDOT and County Approvals where required, sidewalks are **mandatory** along Robbinsville – Allentown Road [CR 526] and all Township and Private Rights-of-Way.

- A. Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.
- B. Sidewalks on the south side of Robbinsville – Allentown Road shall be consistent in width and treatment as on the north side of the Right-of-Way. Elsewhere, residential sidewalks shall have a minimum width of 5’ and non-residential sidewalks shall have a minimum width of 10’.

¹²² §9.3 herein.



Additional width may be provided for streetscape treatment, alfresco dining or other uses.

- C. In order to delineate crosswalks, sidewalks shall be continued across circulationways surfaces by means of contrasting paving materials.
- D. All sidewalks shall have accessible curb ramps at corners and elsewhere where appropriate.

9.3 PARKING

9.3.1 GENERAL REQUIREMENTS

The intent of this Parking Plan is to balance the mix of uses permitted under this Redevelopment Plan with off-street and ~ where available ~ on-street parking opportunities while minimizing impervious coverage.

- A. Parking may be accomplished via any combination of surface parking lot(s) and/or structured parking garage(s).

- B. Redevelopers are encouraged to utilize shared parking and other innovative parking solutions as part of their Parking Plans.
- C. Parking lots or structures shall generally be located on the same Redevelopment Parcel as the use(s) they are intended to serve, but may be permitted on adjacent Redevelopment Parcels or on adjacent Blocks outside of the portion of Block 29 subject to this Redevelopment Plan if situated within 300' of the entrance(s) to the use(s) they are intended to serve.
- D. Residential parking under this Redevelopment Plan shall be governed by the New Jersey Residential Site Improvement Standards (RSIS). Non-residential parking shall be guided by the schedules contained in Parking Generation; 4th Edition published by the Institute of Transportation of Engineers (ITE).¹²³

Consistent with the intent of this Redevelopment Plan to utilize Smart Growth / New Urbanism Principals, RSIS / ITE schedules are expressly intended to serve as a guide.

¹²³ Commonly referred to as the "ITE Parking Manual".



To the extent permitted by the Planning Board and other Relevant Permitting Agencies, Redevelopers shall include provisions for such parking as may reasonably be necessary for a particular Project, and may increase parking supply beyond RSIS / ITE Standards or may petition the Planning Board (and other Agencies) for relief from such standards at time of Review & Approval.

Redevelopers requesting such relief shall provide clear justification as to why such standards should be relaxed.

- E. The total parking requirement for each Project shall be the sum total of the number of spaces required for each individual use therein. Where the calculation of total parking required results in a fraction of a parking space, such fraction shall be rounded to the higher whole number.
- F. Off-street parking for non-residential uses shall be sufficient to provide parking for the employees of all proposed uses as well as for customers.

- G. Where necessary in Mixed-Use Projects, the Planning Board may, in its discretion, permit parking spaces to be reserved either for residents, employees or specified non-residential uses; or may restrict the hours that certain spaces are to be used for non-residential purposes. Spaces so reserved shall be designated as such by means of striping and signage.

The Board shall minimize restrictions on the use and/or hours of parking spaces to those necessary to encourage shared parking.

- H. On-street parking, where otherwise permitted by the Township, NJDOT or the County, shall be provided as curbside, parallel parking located along both or alternating sides of the rights-of-Way.

On-street parking spaces shall not count toward a Project's parking requirement.

- I. No vehicle parked in a driveway or parking area shall encroach into the public Right-of-Way. On-street parking shall not be permitted within 25' of an intersection.



9.3.2 SURFACE PARKING LOTS

- A. Surface parking lots shall balance the functional requirements of parking with the provision of pedestrian amenities. Lots shall include pedestrian crosswalks distinguished by paint, textured paving or similar material, landscaping and street furniture. Transition areas between parking and land uses shall be similarly designed and integrated into the wider network of pedestrian walkways.
- 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 onto adjacent properties; 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 shall not interfere with clear sight triangle requirements.

When landscaping is employed in lieu of a wall, the width of the planting area shall be a minimum of 5'. Landscaping shall be of such type and density to achieve the desired screening.

- C. To the extent practicable, parking shall be to the side or rear of a building, preferably to the interior of a Parcel, and shall be accessed by means of common driveways detailed in §9.1.2 and §9.1.3 herein.

Off-street parking shall be prohibited between a building's front elevation and any public or private Rights-of-Way.

- D. No parked vehicle shall extend into a driveway or parking lot circulation aisle or encroach into a public or private Right-of-Way.
- E. The interior of all parking lots shall be landscaped to provide shade and visual relief by way of protected planting islands or peninsulas within the perimeter of the lot as follows:

1. Parking lots with 10 or fewer spaces may not require interior landscaping if the Planning 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, with shrubbery and flowering plants added as accent to provide color and visual interest.

Rows of parking spaces should be broken into groups of not more than 25 spaces by planter islands or peninsulas.

2. Plant material shall be appropriate to the Township's climatic zone and tolerant for the urban environment of the Redevelopment Parcels. Types, location and frequency of plantings shall be appropriate to the architecture of the Project(s) to which the parking lot is intended to serve.

9.3.3 STRUCTURED PARKING

- A. While structured parking is permitted under this Redevelopment Plan, traditional, open parking decks are prohibited. 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 Use¹²⁴ if such actual use is not practicable.

- B. To the extent practicable, entry- and exit-ways to structured parking garages shall be from the side or rear of the garage so as not to be visible from the public Right-of-Way. Where vehicular access must be provided from a street, front accessways shall be set back a minimum 10' further than the front wall of the building.

- C. Where exposed flat roofs are used as parking decks, pergolas, trellises, green roofs, solar panels or other screening elements above parked vehicles is required to break of the expanse of parked vehicles.

9.3.4 OFF-STREET PARKING FOR INDIVIDUAL RESIDENTIAL UNITS

Subject to RSIS requirements:

- A. Off-street parking is prohibited in the Front Yard Setback. Driveway parking pads and residential garages shall be located rearward of the dwelling's front façade.



¹²⁴ Window-like cutouts and/or other architectural elements so as to resemble offices or residential uses while providing for necessary garage ventilation.



- B. 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.

- C. Parking areas shall be set back a minimum of 20' from the rear of dwelling units.

The maximum width of a driveway throat shall not exceed 12' for a single-vehicle drive and 24' for a two-vehicle drive. Except for Townhouse development, there shall be no more than one driveway apron per lot.

- D. 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.

- E. 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 Right-of-Way.

To the extent applicable, internal circulation aisles, loop-roads accessed by end-unit driveways or other similar accessways shall be employed.

9.4 LOADING

- 9.4.1** Loading and deliveries, 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.

- 9.4.2** Loading areas shall be oriented in such a fashion as to create the least possible interference with traffic movement, both internal and external to a Redevelopment Project.

- 9.4.3** Loading areas shall be totally within the Project site such that the vehicle(s) being loaded / off-loaded shall be off of any public or private Right-of-Way.



9.4.4 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 public or private Rights-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' tall, shall be visually impervious, and shall generally conform with the provisions of §9.3.2B herein.

9.4.5 No external loading docks or at-grade storage structures are permitted. Delivery, loading and storage facilities shall be physically incorporated into the Project(s) as necessary and shall not be visible from the public or private Rights-of-Way or adjoining property.

This regulation shall not be interpreted to prohibit kiosks, food & beverage refrigerators, supply sheds or other similar facilities designed to service outdoor swimming pools, alfresco dining areas or other amenities.

9.4.6 Specific delivery, loading and trash and recycling removal programs for each Redevelopment Project or portion thereof shall be determined within the context of the site constraints existing for such at time of Review & Approval.

9.5 TRAFFIC IMPACT STUDY & PARKING ANALYSIS

As part of the Review & Approval process, each Redeveloper shall submit a Traffic Impact Study and Parking Analysis, conducted in accordance with [then] current RSIS and ITE standards,¹²⁵ which shall include and address, at a minimum and for the portion of Block 29 subject to this Redevelopment Plan **as well as surrounding lands not subject to this Plan:**

9.5.1 TRAFFIC IMPACT STUDY

- A. A site inspection and inventory of existing roadway and intersection characteristics, including roadway widths, traffic control devices, sight distances, and any other pertinent physical features of the roadway network.
- B. Collection of peak hour traffic count data for the weekday A.M. and P.M. periods at all appropriate intersections.

¹²⁵ Utilizing the most recent editions of the nationally accepted ITE *Trip Generation Handbook* and the ITE *Parking Manual*.



- C. Trip generation projections for the proposed Redevelopment Project, with distribution of Project traffic to the roadway network and proposed Project accesses.
- D. Projection of future "build-out year" traffic volumes, which will include background traffic growth.
- E. Future conditions analysis for the lands subject to this Redevelopment Plan and surrounding intersections and the proposed site driveways to determine if any improvements are required to mitigate the Project's traffic impact.

9.5.2 PARKING ANALYSIS

- A. Projections of the peak number of to-be-occupied parking spaces, taking into account a reasonable turnover rate to ensure an appropriate parking supply for the uses proposed.
- B. Identification of how parking spaces will be assured for residents, patrons and other occupants / users of the land uses proposed.

- C. 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 Institute ("ULI") and shall use the most current shared parking methodology published by ULI or ITE.

Projected parking demand may be adjusted based on an analysis of captured parking using procedures presented in the most recent version of the ITE *Trip Generation Handbook*, 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.

- D. Recommendations for supplemental parking, as necessary.



9.6 PROJECT COORDINATION / COST SHARING

9.6.1 The Township is committed to working with the various Redevelopers, NJDOT, the County and other Permitting Agencies having jurisdiction over the Route 130 and Robbinsville – Allentown Road [CR 526] Rights-of-Way. Details related to such coordination shall be addressed within the context of the Redevelopment Agreements to be negotiated between the Township and each individual Redeveloper.

9.6.2 Recognizing that certain required data collection and related analyses will be common to all Redevelopment Projects, the Township has no objection to Redevelopers joining forces to commission a single Traffic Impact Study or Parking Analysis, or specific components thereof, provided that the requirements and impacts of each Project are individually addressed.

While nothing herein shall prohibit Redevelopers from acting jointly, or from using data of such products commissioned by others, the Redevelopment Steering Committee, Zoning Officer or Planning Board Professionals, as the case may be, reserve the right to reject such products based on the relevance and timeliness of the data.

9.6.3 Similarly, the Township has no objection to Redevelopers sharing the costs of common on- or off-tract improvements that may be necessitated by multiple, individual Redevelopment Projects. Details related to such cost sharing shall be addressed by appropriate language in the individual Redevelopment Agreements.

9.6.4 Recognizing that changes in use occur over time, any Applicant proposing a change in use on lands subject to this Redevelopment Plan ~ including Pre-Existing Uses and/or Structures ~ after the initial Review & Approval process may be required to submit a Traffic Impact Study and/or Parking Analysis in accordance with this section if such change is, in the opinion of the Redevelopment Steering Committee, Zoning Officer or Planning Board Professionals, as the case may be, viewed as increasing the intensity of the use of the subject space.

9.7 FINAL CIRCULATION, PARKING & LOADING PLANS

9.7.1 A Final Circulation, Parking & Loading Plan for each Redevelopment Project, addressing all pertinent issues, shall be more fully developed as Redevelopers refine their Project Concepts and designs.



9.7.2 Each such Plan shall be approved by the Planning Board at time of Review & Approval, and shall address, as appropriate:

- Municipal dedications and vacations;
- Parking for residents, employees, patrons and visitors;
- Internal circulation of vehicles and pedestrians; and
- Other actions related to improved traffic and pedestrian circulation to, from and through this section of the Township.

9.7.3 Nothing herein shall prohibit a Redeveloper from pursuing circulation, parking or other improvements as off-tract improvements for a Redevelopment Project. Any such improvements will be, by definition, on lands outside of this Redevelopment Plan. Land use requirements will therefore fall under the jurisdiction of NJDOT, the County or the Township Code and not this Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.

9.7.4 Details related to specific actions under this Circulation, Parking & Loading Plan shall be included in the Redevelopment Agreement(s) between the Township and each individual

Redeveloper Candidate. Such Agreement(s) shall condition any municipal action related thereto upon Planning Board approval under the Review & Approval process.

9.7.5 Unless modified via specific provisions of a Redevelopment Agreement, the process of seeking Design Waivers from this Circulation, Parking & Loading Plan is addressed in §7.2.2B. 2 herein.

10.0 INFRASTRUCTURE CONTROLS

10.1 UTILITY SERVICES

10.1.1 Utility services¹²⁶ to the portion of Block 29 subject to this Redevelopment Plan are available from Route 130 and Robbinsville – Allentown Road. 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.

At Publication of this Redevelopment Plan, it is believed that there is available capacity in each system to accommodate the intensity of development anticipated by this Redevelopment Plan, the Township makes no warrants as to the adequacy of any existing utility service vis-à-vis any proposed Project.

Within this context, the Township makes no warrants regarding upgrades to existing systems that may be necessary for any particular Redevelopment Project.

10.1.2 The exact locations for utility lines and easements shall be established at time of Review & Approval.

10.1.3 Distribution lines for all utility systems feeding the Redevelopment Project(s) shall be placed underground. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of each Redevelopment Parcel as improvements are undertaken.

Redevelopers and their engineers are herewith put on notice that many, if not all, of the utilities servicing the portion of Block 29 subject to this Redevelopment Plan feed from existing lines servicing other sections of the Township.

This Redevelopment Plan 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

¹²⁶ Including electric, gas, water, communications (telephone) and cable television systems.



shall be inspected by the Township Engineer for compliance with such standards and shall be certified as compliant prior to municipal acceptance of same.

10.1.5 The Township has no objection to Redevelopers sharing the costs of common on- or off-tract improvements that may be necessitated by multiple, individual Redevelopment Projects. Details related to such cost sharing shall be addressed by appropriate language in the individual Redevelopment Agreements.

10.2 FLOODPLAIN, WETLANDS & STORMWATER MANAGEMENT

10.2.1 All designated floodplain areas and delineated wetlands shall comply with NJDEP requirements.

10.2.2 Stormwater management basins, headwalls, outlet structures, concrete flow channels, rip rap channels and other drainage improvements shall be screened with plant material and/or berms. Such facilities, as appropriate, shall be situated in the least visible location or, if visible, shall be incorporated into the natural topography of the land.

10.2.3 In lieu of peripheral fencing, basin edges shall be contoured and shaped to form low angles at the primary water line, thereby ensuring greater pedestrian safety.

10.3 FINAL INFRASTRUCTURE PLAN

10.3.1 A Final Infrastructure Plan for each Redevelopment Project, addressing all pertinent issues, shall be more fully developed as each Redeveloper refines its Project Concepts and designs.

10.3.2 Each such Plan shall be approved by the Planning Board at time of Review & Approval, and shall address, as appropriate:

- Exact locations for utility lines and easements;
- Storm water management;
- Sanitary sewer and potable water;
- Solid waste and recycling, and
- Other issues related to necessary infrastructure to, from and through the Redevelopment Area.

10.3.3 Nothing herein shall prohibit a Redeveloper from pursuing infrastructure improvements as off-tract improvements for a Redevelopment Project. Any such improvement will be, by definition, on lands outside of this Redevelopment Plan.



Land use requirements will therefore fall under the jurisdiction of the Township Code and not this Plan. However, all such improvements shall be consistent with these Infrastructure Controls.

10.3.4 Details related to specific actions under this Infrastructure Plan shall be included in the Redevelopment Agreement(s) between the Township and each individual Redeveloper Candidate. Such Agreement(s) shall condition any municipal action related thereto upon Planning Board approval under the Review & Approval process.

10.3.5 Unless modified via specific provisions of a Redevelopment Agreement, the process of seeking design waivers from these Infrastructure Controls is addressed in §7.2.2B. 2 herein.

11.0 LANDSCAPING, STREETSCAPING & OPEN SPACE PROVISIONS / ENVIRONMENTAL PROTECTION MEASURES

11.1 LANDSCAPING & STREETSCAPING PLAN

A Landscaping & Streetscaping Plan, prepared by a New Jersey Licensed Landscape Architect,¹²⁷ shall be submitted as part of the Review & Approval process. Such Plan shall be in sufficient scale and detail to clearly depict the placement, size, scope and quantity of all landscaping / streetscaping elements and materials, and shall address the aesthetic treatment for all publicly-visible sections of the portion of Block 29 subject to this Redevelopment Plan (whether public access is permitted or not), including all open space, sidewalks, parking lots and infrastructure elements.

11.1.1 Each such Landscaping Plan 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
- Other relevant issues as appropriate.

11.1.2 All lands subject to this Redevelopment Plan shall either retain their natural features ~ to the extent that any exist ~ 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 proposed. Such landscaping / streetscaping shall be provided in all areas not covered by buildings, parking lots or other improvements.

11.1.3 Landscape Architects shall consider suitability, maintenance and compatibility with site and Project features when establishing their landscape / streetscape design. Features between Redevelopment Projects should be compatible but sufficiently different to denote distinct Projects.

11.2 LANDSCAPING

11.2.1 Landscape elements may include, but need not be limited to, street trees, shade trees, shrubbery, hedges, ground covers

¹²⁷ Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.



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 Redevelopment Project.

11.2.2 To the extent practicable, 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. Species shall be appropriate to Robbinsville's climatic zone and tolerant for the urban environment of Route 130. Types, location and frequency of plantings shall be appropriate to the architecture of the Project(s) to which they are intended to serve.

- A. Plant selection shall be varied to avoid a monoculture.
- B. 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 Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.

11.3 STREETSAPING

11.3.1 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 natural and built environment. Elements shall be appropriate to the Project proposed and shall be constructed of non-reflective materials.

11.3.2 Streetscaping elements may include, but need not be limited to, such functional and ornamental elements as decorative (textured) paving materials¹²⁸; benches 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.

11.4 LIGHTING

11.4.1 A comprehensive Lighting Plan, addressing illumination of all public areas, parking lots, open spaces, and buildings, shall be submitted for each Redevelopment Project. Lighting shall be

¹²⁸ Including, but not be limited to, a combination of scored concrete, paver accents and such non-traditional / New Urbanist landscape design as curvilinear or meandering (internal) sidewalks with enhanced planting beds, rain gardens and other similar aesthetic treatment.



designed to provide security and safe movement of pedestrians and vehicles as well as to highlight Project elements in order to create an aesthetically-pleasing environment.

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.

11.4.2 Site and building lighting shall blend with the architecture of the element(s) such lighting is designed to highlight.

11.4.3 Lighting shall be shielded, buffered, and directed to prevent light spillover, glare, or reflection from impacting adjoining properties, including wetlands and other natural areas.

11.4.4 Security lighting shall illuminate all windows, doors, access drives to parking areas and other public spaces as required.

11.5 OPEN SPACE

Accessible Open Space areas, including flat rooftops, is encouraged when appropriate to the Redevelopment Project,

and 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.

Additional at-grade open space may be provided at the Redevelopers' discretion. Recreational facilities, paths and walkways and public art are also encouraged.

11.6 ENVIRONMENTAL PROTECTION MEASURES

11.6.1 It is the goal of this Redevelopment Plan to maximize build-out under this Redevelopment Area Plan order to create the most productive Redevelopment Project(s) possible; and thereby achieving the Municipal Goals & Objectives established herein¹²⁹. Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of this Plan will likely govern certain aspects of the Project(s).

11.6.2 It is anticipated that NJDEP may require certain Environmental

¹²⁹ §4.0



Protection Measures as a condition of its approvals.

Such Measures may include, but need not be limited to:

- A. Acquisition, conservation and preservation of wetlands and associated protective buffering as public open space;
- B. Acquisition of undeveloped uplands for open space preservation and/or active or passive recreation purposes; and/or
- C. Conversion of such uplands to wetlands for mitigation purposes.

11.6.3 The design of such Environmental Protection Measures, if required, shall be determined within the context of the governmental approvals granted by the Relevant Permitting Agencies.

11.6.4 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.

11.6.5 The provisions of this §10.6 do not relieve a Redeveloper or its 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 & OPEN SPACE / ENVIRONMENTAL MITIGATION PLAN

A Final Landscaping, Streetscaping & Open Space Plan for each Redevelopment Project, addressing all pertinent issues (including applicable Environmental Protection Measures), shall be more fully developed as Redevelopers refine their Project Concepts and designs, and shall be approved by the Planning Board at time of Review & Approval, as well as the relevant Permitting Agencies as part of the permitting process.

The process of seeking design waivers from these provisions is addressed in §7.2.2B. 2 herein.

12.0 EQUAL OPPORTUNITY

All activities in furtherance of this 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, or any successors in interest to any of the foregoing ~ collectively referred to herein as “Responsible Party” ~ shall conform with all mandatory Equal Employment Opportunity language pursuant to the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. and N.J.A.C. 17:27, as may be amended from time to time.

In furtherance thereof, and without limitation:

12.1 No Responsible Party engaged in activities under this 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.

12.2 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).

12.3 No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by a Redeveloper (or any successors in interest) whereby the land or improvements subject to this Redevelopment Plan are restricted, either by the Redevelopment Entity or such Redeveloper (or any successors in interest) 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.

12.4 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 Agreement(s) 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. 2021-165 (adopted June 24, 2021)¹³⁰, declared what was then termed the Route 130 South Study Area to be a "Non-Condemnation Area in Need of Redevelopment" pursuant to the *Local Redevelopment and Housing 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

Upon adoption by the Governing Body, this document shall constitute a Redevelopment Plan under the provisions of the *Redevelopment Law*. It includes an outline for the (re)planning and (re)development of the portion of Block 29 described herein as follows:

13.2.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES¹³¹

This Redevelopment Plan has been crafted to achieve the Municipal Goals & Objectives detailed under §4.0 herein.

13.2.2 APPROPRIATE LAND USES

Permitted and Prohibited land uses under this Redevelopment Plan are detailed in §7.2.3 and the applicable subsections of §8.2 herein.

13.2.3 DENSITY OF POPULATION

Residential Density for each Redevelopment Parcel is addressed in the applicable subsections of §8.2 herein.

13.2.4 PUBLIC TRANSPORTATION & TRAFFIC

A. Public Transportation

1. New Jersey Transit's bus route 606 runs on Route 130 and provides regional service to (from) Robbinsville to (from) various locations throughout Mercer County and, via connections, various points north, south and west.
2. New Jersey Transit's Northeast Corridor Line provides passenger / commuter light rail service linking western New Jersey via various points north and

¹³⁰ On file with the Township Clerk

¹³¹ N.J.S.A. 40A:12A-7a(1)



south of Robbinsville. The N.J.T. rail station closest to the lands subject to this Redevelopment Plan is the Hamilton Station, approximately 6.1 (vehicular) miles (12-minute drive) from the intersection of Route 130 and Robbinsville – Allentown Road.¹³²

B. Traffic

As detailed in §8.1.3 and elsewhere in this Redevelopment Plan, the Township assumes that Route 130 and Robbinsville – Allentown Road [CR 526] will generally remain in their current geometry, but will be modified in some form to improve traffic flow in this section of the Township.

C. Specific improvements will naturally be dependent on the Redevelopment Projects proposed and the agreement of the Relevant Permitting Agencies, and are therefore beyond the scope of this Redevelopment Plan. Issues related to traffic and vehicular circulation under this Redevelopment Plan shall therefore be addressed as each Redeveloper refines their Final Circulation, Parking & Loading Plan(s)¹³³ for their Redevelopment Project(s).

13.2.5 PUBLIC UTILITIES

Utility service and the Redevelopers’ requirements relating thereto are outlined in the Infrastructure Controls¹³⁴ herein.

13.2.6 RECREATIONAL & COMMUNITY FACILITIES

A. There are no recreation or community facilities located or operating within the portion of Block 29 subject to this Redevelopment Plan. The activities detailed herein will therefore not negatively impact existing recreation or community facilities within the Township.

Accordingly, this Redevelopment Plan causes no change to the recreational and community facilities servicing the Township from those which existed prior to the adoption of this Plan.

New recreational facilities necessitated by each Redevelopment Project, if any, will be developed as the Redeveloper finalizes its Project Concepts and Description of Project Elements attendant to the RFEI or Review & Approval processes.

¹³²http://www.njtransit.com/rg/rg_servlet.srv?hdnPageAction=TrainStationLookupFrom&selStation=32905

¹³³ §9.7 herein.

¹³⁴ §10.0 herein.





- B. It is not anticipated that a Redevelopment Project will require or result in development of any new community facilities. Redevelopers may elect, however, to create some form of active or passive recreation as an amenity to their Redevelopment Project(s).

- C. Details related thereto shall be addressed as each Redeveloper finalizes its Project Concepts and Description of Project Elements attendant to the RFEI or Review & Approval processes.

13.2.7 OTHER PUBLIC IMPROVEMENTS

- A. Public improvements anticipated by this Redevelopment Plan include:
 - Improvements related to the roadway and infrastructure networks in and around the various Redevelopment Parcels;
 - The remediation of any contamination found in the area; and
 - Any Environmental Protection Measures that may be required by the Relevant Permitting Agencies.

Traffic and infrastructure improvements will have the added benefit of providing upgraded service to properties outside ~ but in the vicinity of ~ the Block 29 lands subject to this Redevelopment Plan.

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 Redevelopment Plan permits such improvements as may be necessary to support a Redevelopment Project.

- C. Pursuant to §7.2.1.D. 4 herein, the Planning Board shall retain the right, at time of Review & Approval, 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 particular Redevelopment Project, and to otherwise ensure the effective implementation of this Redevelopment Plan



consistent with the Municipal Goals & Objectives¹³⁵ of this Plan.

13.2.8 PROPOSED LAND USE & BUILDING REQUIREMENTS¹³⁶

The Standards & Controls of General Applicability¹³⁷; Land Use Plan¹³⁸; Circulation, Parking & Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping & Open Space Provisions / Environmental Mitigation Measures are detailed in §7.0 through §11.0 of this Redevelopment Plan.

13.3 PROVISION FOR TEMPORARY & PERMANENT RELOCATION

13.3.1 The *Redevelopment Law*¹³⁹ 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”.

13.3.2 As detailed in §1.1.2 herein, the Route 130 South Redevelopment process is undertaken as a “**Non-Condemnation** Redevelopment Area”. Such areas do not permit municipalities to exercise the power of eminent domain to acquire private property. The requirement of N.J.S.A. 40A:12A-7a(3) is therefore, on its face, not applicable to this Redevelopment Plan.

The nature of the Route 130 South Redevelopment Area notwithstanding, the Housing Element & Fair Share Plan adopted by the Township in March 2018 and the Court settlements related to the Township’s obligation to provide a reasonable opportunity for the creation of low- and moderate-income housing¹⁴⁰ contain information similar to that required under the *Redevelopment Law*. Accordingly, this Redevelopment Plan shall rely on the Township’s Fair Share Plan in satisfaction of this requirement.

13.3.3 The nature of the Route 130 South Redevelopment Area again notwithstanding, municipalities in Non-Condemnation

¹³⁵ §4.0 herein.

¹³⁶ N.J.S.A. 40A:12A-7a(2)

¹³⁷ Governing Regulations; Review Procedures, Interpretations & Responsibilities; Variances, Departures, Deviations & Design Waivers; Permitted & Prohibited Uses; and provisions related to Pre-Existing Uses / Structures.

¹³⁸ Parcelization Plan, Development Regulations and Architectural Controls.

¹³⁹ N.J.S.A. 40A:12A-7a(3)

¹⁴⁰ On file with the Township Clerk.





Redevelopment Areas retain their power of eminent domain for *public uses* such as rights-of-way, parklands and other qualifying purposes¹⁴¹.

Under the *Relocation Assistance Law of 1967*¹⁴² and the *Relocation Assistance Act / 1971*,¹⁴³ prior to displacing any occupants as a result of eminent domain, a Workable Relocation Assistance Plan¹⁴⁴ must be filed with and approved by the New Jersey Department of Community Affairs. WRAPs are designed to ensure the equitable treatment of individuals, families, businesses (including non-profit organizations) and farm operations displaced by government action.¹⁴⁵

A WRAP is required to identify the number of people, businesses or farm operations impacted by the relocation plan and demonstrate that there are enough comparable replacement housing units or business sites in the area for the people to find new residences or business locations.

Once a WRAP has been approved, those impacted are notified of the pending action, and are informed that the municipality will assist them in finding new places to live or conduct business and that they have the right to appeal the municipality's actions.

Lawful, full-time, permanent occupants of such properties are entitled to certain Relocation Assistance or Moving Expenses.

Should the Township be 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.

Information about the Relocation Assistance Program is available from the N.J. Department of Community Affairs¹⁴⁶.

¹⁴¹ under the New Jersey *Local Lands & Buildings Law* (N.J.S.A. 40:60-1 et seq.) and the New Jersey *Public Parks & Playgrounds Law* (N.J.S.A. 40:61-1 et seq.)

¹⁴² N.J.S.A. 52:31B-1 et seq.

¹⁴³ N.J.S.A. 20:4-1 et seq.

¹⁴⁴ "WRAP"

¹⁴⁵ Defined as programs of building, housing, or health code enforcement, voluntary programs of rehabilitation, or the acquisition of land for a public use.

¹⁴⁶ <https://www.nj.gov/dca/divisions/codes/offices/relocation.html>



13.4 IDENTIFICATION OF PROPERTY-TO-BE-ACQUIRED¹⁴⁷

Properties subject to this Redevelopment Plan designated as "To-Be-Acquired" and "Not-To-Be-Acquired" are detailed in §6.1.4 herein.

13.5 SIGNIFICANT RELATIONSHIPS TO OTHER PLANS¹⁴⁸

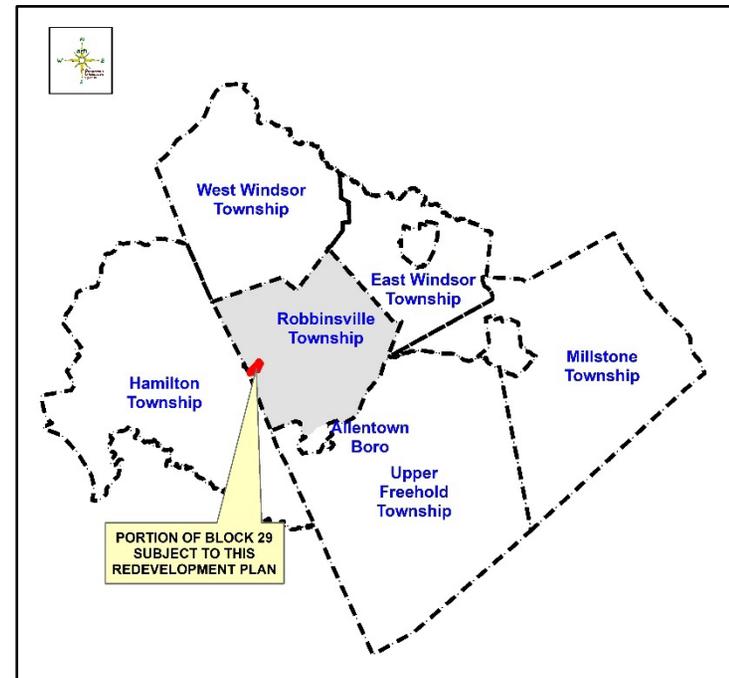
The *Redevelopment Law* requires a Redevelopment Plan to address any significant relationship of the Plan to the master plans of contiguous municipalities, the master plan of the county in which the municipality is located, and the State Development and Redevelopment Plan.

- A. Prior to the adoption of this Redevelopment Plan, the lands and buildings under this Redevelopment Plan were subject to:
- The Township’s 2020 Comprehensive Master Plan Update;
 - The Township Code;
 - The Mercer County Master Plan;
 - The State Plan; and
 - The regulations of all Relevant Permitting Agencies.

- B. Upon adoption of this Redevelopment Plan, the lands and buildings addressed herein shall be subject to the foregoing ***and this Redevelopment Plan***.

13.5.1 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.



¹⁴⁷ N.J.S.A. 40A:12A-7a(4)

¹⁴⁸ N.J.S.A. 40A:12A-7a(5)



Given the location of the portion of Block 29 subject to this Redevelopment Plan vis-à-vis Robbinsville’s neighbors, the activities anticipated under this Redevelopment Plan may, as a practical matter, only be expected to have a potential impact on Hamilton Township.

While certain specific uses and development regulations of this Redevelopment Plan differ from those in place prior to the adoption of this Plan, the overall character of development proposed under this Plan do not materially differ from the overall character of development envisioned for this section of the Township base zoning, which has been in place since 1987 (and amended from time to time).

Accordingly, this Redevelopment Plan creates no change in the relationship(s) of Robbinsville to the municipalities contiguous to Robbinsville ~ and their Master Plans ~ from those that existed prior to the adoption of this Plan.

13.5.2 MERCER COUNTY MASTER PLAN

The most recent Mercer County Master Plan was adopted September 2010 and amended in May 2016.

- A. The 2016 Amendment takes a “3-Systems” approach to regional (County) planning by addressing Economic, Transportation and Environmental policies as follows:
 - 1. Economy
 - Promote the appropriate location and design of new development with opportunities for transit, regional equity, and preservation.
 - Provide infrastructure and other incentives that promote growth.
 - Promote housing choice to meet the region’s needs.
 - 2. Transportation
 - Direct growth to transit corridors and centers.
 - Promote access management to enhance safety and capacity.
 - Promote compact design, walkable, mixed-use centers.
 - Match jobs to housing to reduce long auto commutes to work.



3. Environment

- Promote land use patterns that limit stormwater runoff and increase green infrastructure.
- Promote redevelopment of brownfields and grayfields.
- Prioritize open space acquisition to complete greenway networks, support compact development, and provide recreation opportunities to underserved populations.

B. The County’s Master Planning process involved a Regional Action Plan (“RAP”) and cross-acceptance process that included public stakeholder meetings with Municipal Liaisons, Mayors, Planning Board Chairs, municipal planners and administrators, RAP Advisory Group members, and members of the general public.¹⁴⁹

Such cross-acceptance / RAP process ensured that the County’s Master Plan Amendment was consistent with the individual municipal Master Plans. While the Route

130 South Redevelopment process occurred after the County’s efforts, the concept of Redevelopment had been discussed at the municipal level since at least the Township’s 2007 Mater Plan Reexamination. Accordingly, this Redevelopment Plan is deemed consistent with the Mercer County Master Plan.

While certain Land Uses and Building Limit Controls permitted by this Redevelopment Plan modify certain Land Uses and Building Limit Controls in place at time of adoption of this Plan, they do not substantially alter the underlying nature of such existing Uses and Controls.

Accordingly, the changes proposed herein remain generally consistent with the Mercer County Master Plan.

13.5.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN¹⁵⁰

As addressed in §3.4.3 and §3.4.4 herein, this Redevelopment Plan is consistent with, supports and is designed to effectuate the goals and objectives of the State Plan for PA~2 (Suburban Planning Areas).

¹⁴⁹ 2016 Mercer County Master Plan Amendment: Framework: I. Plan Purpose and Process (p. 8)

¹⁵⁰ “State Plan”



Similar to the Master Plans of contiguous municipalities, there is no change in the relationship of this Redevelopment Plan to the State Plan beyond that which existed prior to the adoption of this Plan.

13.6 INVENTORY OF EXISTING AFFORDABLE HOUSING UNITS TO BE REMOVED

13.6.1 The Redevelopment Law¹⁵¹ requires that a Redevelopment Plan include:

As of the date of the adoption of the resolution finding the area to be In Need of Redevelopment¹⁵², 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.

As defined under C.52:27D-304:

“Low Income Housing” means housing affordable according to federal Department of

Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households of the same size within the housing region in which the housing is located.¹⁵³

“Moderate Income Housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80% of the median gross household income for households of the same size within the housing region in which the housing is located.¹⁵⁴

“Very Low Income Housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30% or less of the

¹⁵¹ N.J.S.A. 40A:12A-7a(6)

¹⁵² as of June 24, 2021 (the date of adoption of Resolution No. 2011-165)

¹⁵³ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$54,612.00 for a 4-person household.

¹⁵⁴ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$87,393.00 for a 4-person household.





*median gross household income for households of the same size within the housing region in which the housing is located.*¹⁵⁵

13.6.2 The Preliminary Investigation conducted as part of this Redevelopment process¹⁵⁶ identified potential residential units on Block 29, Lots 4 and 6.

None of the residential units identified are subject to affordability controls, this provision is not applicable to this Redevelopment Plan.

13.7 PLAN FOR AFFORDABLE REPLACEMENT HOUSING

The *Redevelopment Law*¹⁵⁷ requires a Redevelopment Plan to include “[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”. [*emphasis added*]

¹⁵⁵ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$32,772.00 for a 4-person household.

¹⁵⁶ §1.0 herein.

¹⁵⁷ N.J.S.A. 40A:12A-7a(7)

Again, none of the residential units identified are subject to affordability controls, this provision is not applicable to this Redevelopment Plan.

13.8 PROVISION OF AFFORDABLE HOUSING¹⁵⁸

13.8.1 In 2015, the New Jersey Supreme Court¹⁵⁹ removed jurisdiction of affordable housing matters from the New Jersey Council on Affordable Housing and placed it with the state’s Superior Court. Subsequently, the Township sought a Declaration of Compliance from the Court¹⁶⁰ certifying that the municipality was compliant with its constitutional obligation to provide for a reasonable opportunity for low- and moderate-income housing under the “Mount Laure Doctrine” and the Fair Housing Act. Certification was issued in November 2018.

13.8.2 While Township Policymakers recognize that some form of affordable housing obligation may attach to a Block 29 Redevelopment Project, it is not possible to know, at this point in time, the form that such obligation might take.

¹⁵⁸ N.J.S.A. 40A:12A-7b

¹⁵⁹ *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").

¹⁶⁰ *In the Matter of the Township of Robbinsville, County of Mercer* (Docket No. MER-L-1457-15).





Accordingly, issues related to the provision of affordable housing under this Redevelopment Plan shall be negotiated within the context of the individual Redevelopment Agreement between the Township and each Redeveloper Candidate.

13.8.3 Nothing herein shall prohibit nor be interpreted as a signal to deter a Redeveloper Candidate from voluntarily including affordable housing within its Project Concept.

13.8.4 Nothing herein shall prohibit the obligations generated by a particular Redevelopment Project from being satisfied via negotiated agreement between the Township, the Redeveloper of such Project and the (Re)developer of another Project either within or outside of the lands subject to this Redevelopment Plan.

13.9 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

13.9.1 The *Redevelopment Law*¹⁶¹ requires 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 [a] ... public charging network”.

At Publication of this Redevelopment Plan, Electric Vehicle Charging Infrastructure in Robbinsville was limited to a single facility at the Robbinsville ~ Allentown Road [CR 526] QuickChek convenience store. Accordingly ~ as a practical matter ~ the Township has no public charging network with which to connect.

13.9.2 One publicly-accessible Electric Vehicle Charging Station is required as an accessory use for each Redevelopment Project on the Block 29: Route 130 Redevelopment Parcel and the Block 29, N. Gold Drive Redevelopment Parcel. Each such Station shall, at a minimum:

- Be ranked level 2 or higher under¹⁶² the then-current standards established by the Society of Automotive Engineers (“SAE”).

¹⁶¹ N.J.S.A. 40A:12A-7a(8)

¹⁶² <https://www.epa.gov/greenvehicles/plug-electric-vehicle-charging>:

— Level 1: Uses a 120-volt (common household) outlet. Slowest charging speed (2 - 5 miles of range per 1 hour of charging).

— Level 2: Requires specialized charging equipment and a 240-volt outlet (same as a household refrigerator or clothes dryer). Typically found at a home, the workplace, a shopping center and other public locations. Mid-level charging speed (10 - 20 miles of range per 1 hour of charging). Most commonly used charging method for daily EV charging.

— Level 3: Requires specialized charging equipment to provide the fastest type of charging available (60 miles of range per 20 minutes of charging). Most expensive charging system, so typically found in certain workplace or at shopping or other public locations.



- Be designated with clearly marked signage depicting such spaces and stating that non-electric / hybrid cars parked in such parking spaces shall be subject to being ticketed and/or towed at the owner’s expense.
- Provide for Title 40 provisions to effectuate such ticketing;
- Comply with such other standards set forth by the SAE.

13.9.3 Stand-alone charging stations are prohibited.

13.9.4 §5.3.1 of the Township’s 2020 Comprehensive Master Plan

Update includes, as Principle H:

Promote the use of Plug-In Electric Vehicles (“PEV”) in Robbinsville 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.*

Strategies associated with this Principle are:

1. *Review the policy document Guidance for Creating PEV Friendly Ordinances published by Sustainable Jersey¹⁶³ as a basis to address both charging stations and parking.*
2. *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.*
3. *Establish regulations to ensure the proper siting, lighting, design, signage, maintenance and safety of the PEV charging stations in various zones as appropriate.*
4. *Establish regulations for the appropriate number and location of PEV charging stations for non-residential uses.¹⁶⁴*

Include prohibitions for parking or leaving standing vehicles in a PEV charging station stall or space unless the vehicle is connected for charging purposes.
5. *Ensure that the Township’s Codes are updated to facilitate PEVs, PEV charging stations and related issues.*

¹⁶³ Version 1.0 (April 2017)

¹⁶⁴ Sustainable Jersey cites a minimum range of 2% to 6% of the total number of parking spaces in commercial and industrial Zoning Districts.





13.10 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS¹⁶⁵

13.10.1 Prior to the adoption of this Redevelopment Plan, the lands subject to this Plan were located in the Township’s TC-2 (Special Condition F) Zoning Subdistrict. Land Use and building regulations for this zone are found in Chapter 142 of the Township Code. Upon adoption of this Redevelopment Plan, the provisions of this Plan shall govern.

13.10.2 The relationship of this Redevelopment Plan to pertinent municipal development regulations is outlined in §8.0 - §11.0, §13.2.8 and this §13.10 herein.

While certain Land Uses, Building Limit Controls and development regulations / procedures of this Redevelopment Plan differ from those in place under the Township Code, they do not substantially alter the underlying nature of such existing provisions. Such modifications are deemed necessary and appropriate to achieve the Municipal Goals & Objectives¹⁶⁶ of this Redevelopment Plan.

Accordingly, the overall character planned for this section of the Township remains generally consistent with that planned prior to the adoption of this Redevelopment Plan.

13.10.3 Any Ordinance adopting this Redevelopment Plan shall contain language indicating that this Plan is an explicit amendment to the Township’s Zoning District Map and the land use and development provisions of the Township Code.

Upon adoption, the Township’s Zoning Map shall be immediately modified to reflect this Redevelopment Plan.

13.11 CONSISTENCY WITH MUNICIPAL MASTER PLAN

13.11.1 The *Redevelopment Law*¹⁶⁷ provides, in pertinent part, that

All provisions of [a] Redevelopment Plan [shall] be either substantially consistent with the municipal master plan or designed to effectuate the master plan;...

¹⁶⁵ N.J.S.A. 40A:12A-7c

¹⁶⁷ N.J.S.A. 40A:12A-7d

¹⁶⁶ §4.0 herein.





13.11.2The Township’s current Master Plan¹⁶⁸ was adopted in June 2020. The activities envisioned under this Redevelopment Plan advance this Master Plan Update by:

1. ¹⁶⁹Recognizing the opportunities that the Township’s Route 130 entryways provide to define Gateways into Robbinsville and establishing as Strategies to:

- Continue to pursue all lawful and appropriate means to promote a desirable visual environment and ensure the ongoing visual integrity of both the commercial and residential sections of the Township; and
- Establish within the Land Use Plan and Land Use Ordinance, as appropriate, specific architectural design standards to achieve this Principle.

and

B. ¹⁷⁰Recognizing the opportunities that the Township’s Route 130 entryways provide to define Gateways into Robbinsville, establish within the Land Use Plan and Land

Use Ordinance, as appropriate, specific architectural design standards to achieve ... Principle §5.3.1 O. of this Master Plan Update and the strategies related thereto.

Accordingly, this Redevelopment Plan is fully consistent with and designed to effectuate the Township’s 2020 Comprehensive Master Plan Update.

13.11.3While certain Land Uses and Building Limit Controls permitted by this Redevelopment Plan modify certain Land Uses and Building Limit Controls for the HC and TC Zones in place at time of adoption of this Plan, they do not substantially alter the underlying nature of such existing Uses and Controls.

¹⁶⁸ “2020 Comprehensive Master Plan Update” (On file with the Township Clerk and/or Planning Board Secretary).

¹⁶⁹ Principal 5.3.1 O.

¹⁷⁰ §6.5.19 2.c.(3)

14.0 EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENT PROVISIONS

14.1 EFFECTIVE DATE

The Effective Date of this Redevelopment Plan shall 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 Redevelopment Plan, as it may be amended from time-to-time, shall be in effect for a period of 10 years from the Effective Date; unless however, 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. In such case, this Redevelopment Plan shall remain in effect for any such area until the issuance of said Certificate of Completion & Compliance.

14.2.2 Nothing shall be construed to limit the ability of the Governing Body to extend the duration of this Redevelopment Plan beyond that described hereinabove upon adoption of an Ordinance authorizing same.

14.3 PROCEDURES FOR AMENDING THIS REDEVELOPMENT PLAN

14.3.1 This 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 13, 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 thereto 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 the Redeveloper, the Township¹⁷¹ 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 Redevelopment Plan, the Redevelopment Agreement and the Project Plans approved by the Planning Board as part of the Review & Approval process;¹⁷² and further certifying that all applicable provisions of the Redevelopment Agreement, including provisions related to N.J.S.A. 40A:12A-7 to 9, have been satisfied.

Each such request shall be accompanied by as-built plans of the 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.

¹⁷¹ acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

¹⁷² Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.

15.2 Upon the issuance of the final such Certificate of Completion & Compliance for the final Component of the Redevelopment Project, or at the expiration of this Redevelopment Plan pursuant to §14.2 herein, whichever shall occur last, the conditions determined to exist at the time the portion of Block 29 subject to this Redevelopment Plan was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan, with the exception of the Development Regulations¹⁷³, Architectural Controls¹⁷⁴ and the Equal Opportunity provisions¹⁷⁵, shall terminate and the subject portion of Block 29 shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

15.3 Unless otherwise addressed by an affirmative action of the Governing Body, the appropriate sections of the Township Code shall hereby be amended to include the Development

¹⁷³ §8.2 herein.

¹⁷⁴ §8.3 herein.

¹⁷⁵ §12.0 herein.



Regulations of this Redevelopment Plan¹⁷⁶, which shall survive the expiration of this Plan.

- 15.4** The 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 Township¹⁷⁷, at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

¹⁷⁶ §8.0 herein.

¹⁷⁷ acting in its capacity as Redevelopment Entity for this Redevelopment Plan.