

REDEVELOPMENT PLAN

FOR THE

GORDON ~ SIMPSON TRACT

ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY



Prepared by:



ADOPTED MARCH 9, 2023
VIA ORDINANCE 2023-13
ARH Project Number: 1500005.01

Prepared for:





**REDEVELOPMENT PLAN FOR THE GORDON ~ SIMPSON TRACT
ROUTE 130 SOUTH REDEVELOPMENT AREA
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

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Paul Renaud, Esq., Director of Community Development
Dan Rafferty, Zoning Officer / Community Development Coordinator
John Nunziato, P.E., P.P., Township / Board Engineer
Jerry Dasti, Esq. & Michael Herbert, Esq., Board Solicitors
Stuart B. Wiser, PP/AICP, Board Planner

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

Respectfully Submitted:

ARH ASSOCIATES

By:

Stuart B. Wiser, P.P., AICP

NJ Professional Planners License # LI005598



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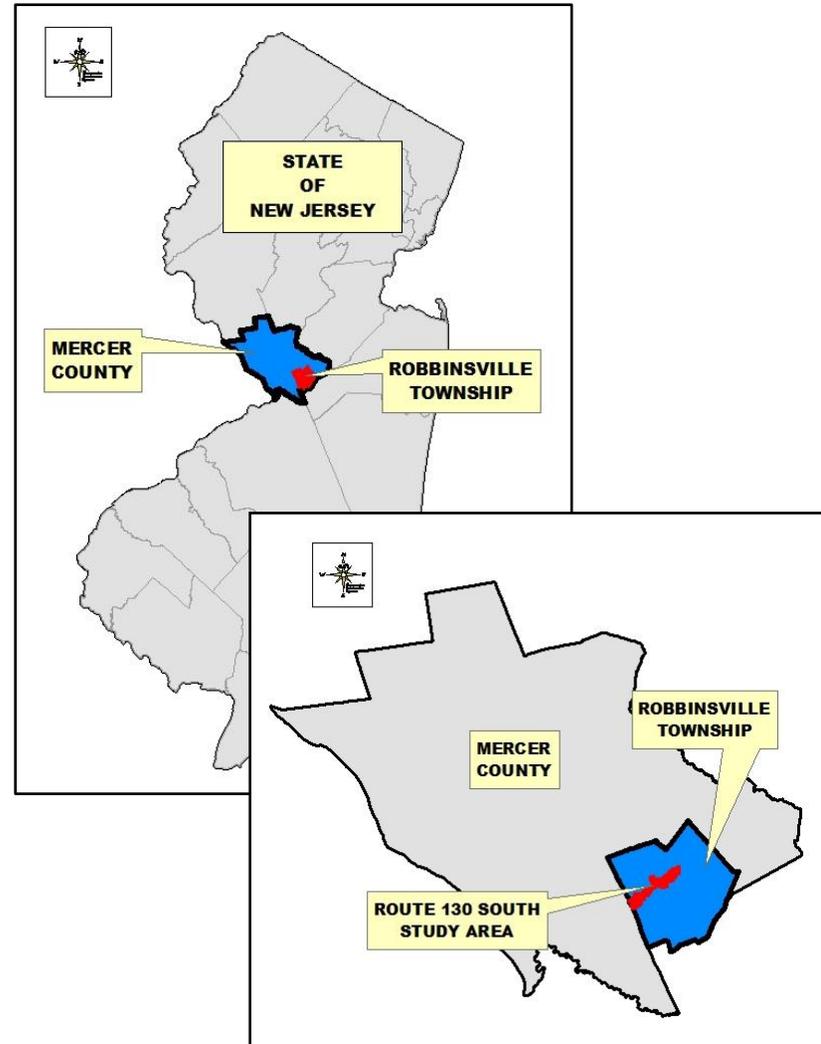


1.0 INTRODUCTION

1.1 BACKGROUND

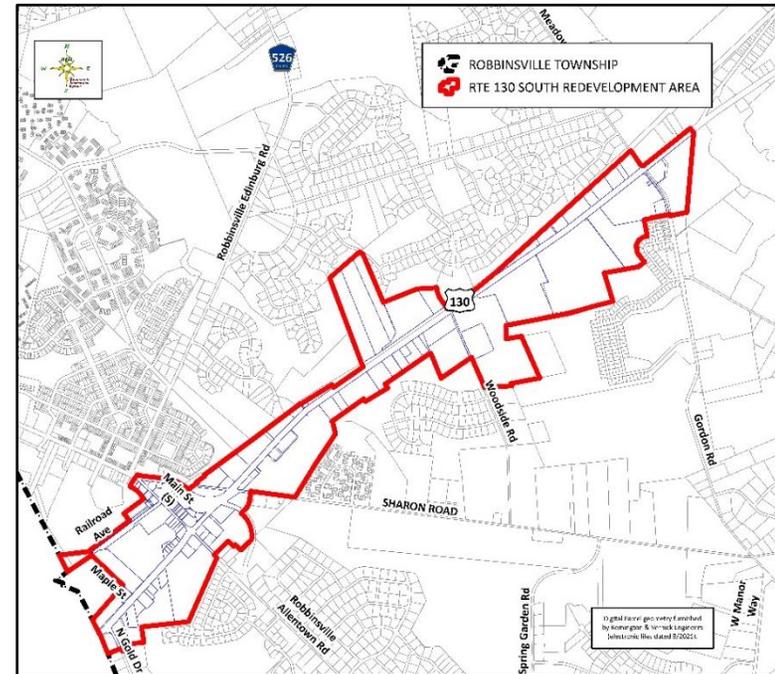
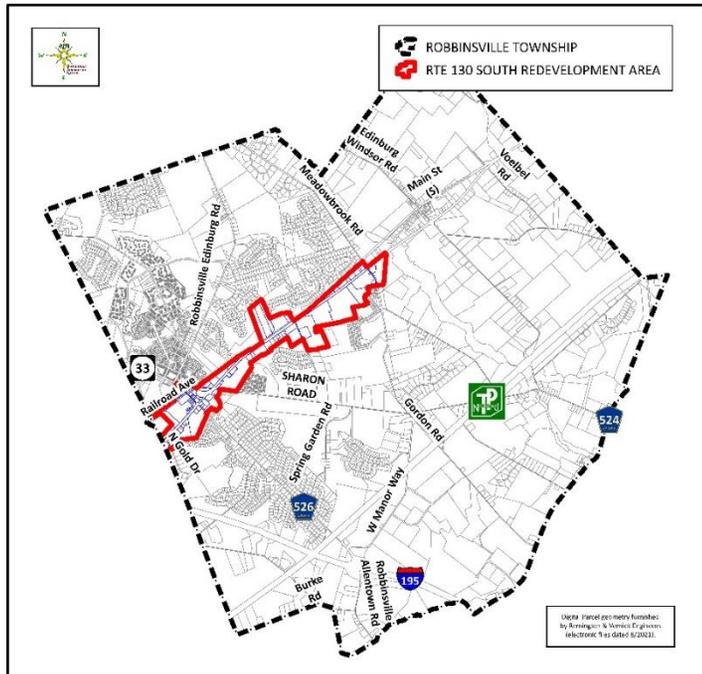
There exists in the Township of Robbinsville, Mercer County, New Jersey¹, a 124 lot / (approximately) 430-acre (not including Rights-of-Way) area consisting of lots that either front on or are adjacent to U.S. Route 130² between the Township's southern municipal boundary line and certain lots abutting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

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



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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.
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.

on the official tax map of the Township of Robbinsville, or any part or 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

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





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criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.⁵

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 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 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

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”

⁷ Dated January 22, 2021 (“*Report of Findings*”) [§2.69 herein.]

⁸ February 24, 2021, and March 17, 2021.





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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)⁹; 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 considering the analyses, findings and recommendations of the Planning Board embodied in Resolution No. PB2021-17(B), the Township Council, on June 24, 2021, upon 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 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, 2021⁹, the Township received such approval.

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

⁹ On file with the Township Clerk and/or the Planning Board Secretary.



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. The purpose of this Redevelopment Plan is to provide a mechanism for the orderly (re)planning and (re)development of the Gordon ~ Simpson Tract portion of the Redevelopment Area consistent with the Municipal Goals & Objectives¹⁰ established herein.¹¹

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.



¹⁰ §4.0 herein.

¹¹ The mapping attendant to the 2021 Report of Findings was current through mid-February 2020. Since that time, the Township has revised its Tax Maps, with the current mapping being August 2021. This Redevelopment Plan employs the August 2021 maps.

The mapping for the Report of Findings and this Redevelopment Plan is deemed accurate to the source material available at the time.

The map revisions show a discrepancy between the lot lines mapped in 2020 and those mapped in 2021. Such discrepancy is presumed to be due to increased accuracy, and does not impact the findings of the Preliminary Investigation, the Redevelopment Area designation or the lands subject to this Redevelopment Plan.

A Boundary Survey of the individual Lots, performed by a licensed Land Surveyor, is required for precise measurements.

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 “ADA” shall mean the Americans with Disabilities Act¹², along with all rules and regulations promulgated therefor.

2.2 “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.

2.3 “Apartment” shall mean a residential unit within an Apartment Building as defined in §2.4 herein, wherein such units may be leased and/or sold under a condominium, cooperative or similar arrangement.

Apartments in the Gordon ~ Simpson Tract may be owner-occupied or renter-occupied. The mix of owner-occupied vs. renter-occupied Apartment units shall be determined within the context of the Redevelopment Agreement to be negotiated between the Township and the Redeveloper.

Market rate Apartments shall be limited to one (1) and two (2) bedroom units (as defined herein), with a minimum unit size of 650 s.f. and a maximum unit size of 1,300 s.f.

The bedroom mix for Apartments that qualify under the Township’s Affordable Housing Fair Share Plan shall be controlled by the appropriate Unified Housing Affordability Controls.¹³ All units that qualify under such Affordable Housing Fair Share Plan shall be Age Restricted.

¹² U.S. Code Title 42, Ch. 126, Sect. 12101 et seq. and Title 47, Ch. 5.

¹³ N.J.A.C 5:80-26.1 et seq.

The overall unit affordability and bedroom mix shall be determined within the context of the Redevelopment Agreement to be negotiated between the Township and the Redeveloper Candidate.

In addition to the requirements of this Redevelopment Plan, 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 to be negotiated between the Township and the Redeveloper.¹⁴

2.4 "Apartment Building" shall mean a professionally-managed, multi-story, wholly-residential Building (with Typical Residential Amenities¹⁵), having no more than 4½ stories and a maximum height of 65' (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.



With the exception of amenities located within a clubhouse, Typical Residential Amenities are mandatory for each individual building.

2.5 "Bedroom" shall mean a room occupied or intended to be occupied for sleeping purposes, which also contains a closet or other permanently-installed area to be used for storage purposes and having access to a bathroom without passing through another bedroom.

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.

¹⁴ §5.4 herein.

¹⁵ §2.97 herein.



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2.8 “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.

2.9 “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.

2.10 “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.

2.11 “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. Height limitations shall include chimneys, cupolas, steeples or similar architectural elements.

2.12 “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.

2.13 “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:

- 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.
- Public or private Rights-of-Way and off-street parking facilities.
- The land area intended for Public use, including active or passive open space.

- 2.14** “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).
- 2.15** “Context” shall mean the character of the buildings, streetscape and neighborhood which surround a given building or site.
- 2.16** “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).
- 2.17** “Cornice” shall mean the top part of an Entablature, usually molded and projecting.
- 2.18** “Cupola” shall mean a small roof tower, usually rising from the roof ridge.
- 2.19** “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.

- 2.20** “Elevation” shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.
- 2.21** “Entablature”¹⁶ 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.
- 2.22** “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.
- 2.23** “Façade” shall mean a building face or wall.
- 2.24** “Fascia” shall mean a projecting flat horizontal member or molding, also part of a classical Entablature.

¹⁶ Originally defined as an elaborated beam supported by columns.



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- 2.25** “Fenestration” shall mean window and other openings on a building facade.
- 2.26** “Gable” shall mean the part of the end wall of a building between the eaves and a pitched or gambrel roof.
- 2.27** “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.
- 2.28** “Gordon ~ Simpson Tract” 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).
- 2.29** “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.¹⁷

- 2.30** “Home Office” shall mean an office that exists within a residential unit and is primarily used by persons residing in such residence.¹⁷
- 2.31** “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.
- 2.32** “Independent Component of a Project”: see “Redevelopment Project”.
- 2.33** “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.
- 2.34** “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.

¹⁷ For the purposes of permitted uses, Home-Based Businesses, Home Occupations and Home Offices shall be considered permitted as Ancillary Uses for all residential uses.





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- 2.35** “Lintel” shall mean a structural or decorative horizontal beam over an opening in a masonry wall.
- 2.36** “*Local Redevelopment & Housing Law*” shall mean N.J.S.A. 40A:12A-1 et seq.
- 2.37** “Masonry” shall mean a wall or building material, such as brick or stone, which is laid up in small units.
- 2.38** “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width and depth).
- 2.39** “*Municipal Land Use Law*” shall mean N.J.S.A. 40:55D-1 et seq.
- 2.40** “NJDCA” shall mean the New Jersey Department of Community Affairs¹⁸
- 2.41** “NJDEP” shall mean the New Jersey Department of Environmental Protection.¹⁸
- 2.42** “NJDOT” shall mean the New Jersey Department of Transportation.¹⁸

- 2.43** “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.

- 2.44** “Parcel” shall have the same meaning as “Redevelopment Parcel”.
- 2.45** “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.
- 2.46** “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.47** “Pitch” shall mean the angle or slope of a roof or berm.
- 2.48** “Planning Board” shall mean the Robbinsville Township Planning Board, established pursuant to section 23 of the

¹⁸ Including all divisions and agencies thereof.





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Municipal Land Use Law and operating pursuant to the various regulations of the Township Code and other relevant statutes, including the *Local Redevelopment & Housing Law*.

- 2.49** “Portico” and “Port Cochere” shall mean a semi-enclosed (open-sided) roofed structure attached to and extending from a building facade allowing a vehicle to park underneath and providing passengers shelter from which to access the building.
- 2.50** "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*.
- 2.51** “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.
- 2.52** “Project” shall have the same meaning as “Redevelopment Project”.
- 2.53** “Project Concept(s) & Description of Project Elements” 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.

- 2.54** “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.
- 2.55** “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.
- 2.56** “Public Open Space” shall mean a component of Common Open Space comprised of one or more lots, or portions thereof, adjoining a public Right-of-Way on at least one side, which is open to the Public as defined herein.



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- 2.57** “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.
- 2.58** “Publication” shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Plan was finalized for printing.
- 2.59** "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.
- 2.60** "Redeveloper Candidate" 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.

- 2.61** “Redevelopment Agreement” shall mean a contract made by and between a designated Redeveloper (Candidate) and the Township¹⁹, which shall detail the specific rights, responsibilities and obligations of both parties related to the development of a Redevelopment Project under 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.

- 2.62** "Redevelopment Area" shall have the same meaning as “Route 130 South Redevelopment Area”.
- 2.63** “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.

¹⁹ Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.





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- 2.64** “*Redevelopment Law*” shall have the same meaning as *Local Redevelopment & Housing Law*.
- 2.65** “Redevelopment Parcel” shall mean any of the designated sections of the Gordon ~ Simpson Tract portion of the Route 130 South Redevelopment Area created by §8.1 herein.
- 2.66** “Redevelopment Plan” shall mean this instant document entitled *Redevelopment Plan for the Gordon ~ Simpson Tract, 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.
- 2.67** “Redevelopment Project” shall mean the construction of buildings and/or other improvements on the Gordon ~ Simpson Tract 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 & Compliance²⁰, an “Independent Component of a Redevelopment Project” shall mean any portion of a 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.

- 2.68** “Relevant Permitting Agencies” shall mean any combination of Federal, State and/or County agencies having jurisdiction over the Redevelopment Area or a Redevelopment Project.
- 2.69** “*Report of Findings*” shall mean the document entitled *Report of Findings, Non-Condemnation Preliminary Redevelopment Investigation, Route 130 South Study Area,*

²⁰ §15.0 herein





Robbinsville Township, Mercer County, New Jersey prepared by **ARH Associates** (dated January 22, 2021)²¹.

2.70 “Retail”: Pertinent to this Redevelopment Plan²² defines:

- 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 & Service Activities”.

2.71 “Retail & Service Activities” shall mean uses designed to provide for the retail and service needs of the residents of the communities proposed under this Redevelopment Plan as well as neighboring residences and include, without limitation:

grocery stores, specialty food stores; pharmacies with or without drive-through facilities; banks and financial institutions, with or without drive-through facilities ~ excluding Check Cashing businesses; boutique retail²³; 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.

2.72 “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.

²¹ On file with the Township Clerk and/or the Planning Board Secretary.

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

²³ 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.





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- 2.73** “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.
- 2.74** “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.²⁴
- 2.75** “Route 130” shall mean U.S. Route 130.
- 2.76** “Route 130 South Redevelopment Area” shall mean the portion of Robbinsville Township that either front on or are 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.

- 2.77** “R.S.I.S.” shall mean the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21).
- 2.78** “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
- 2.79** “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 line²⁵ 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*, Porticos (Porte Cocheres)*;
 - Flag / banner poles; fences & landscaping*;
 - Ornamental architectural features*;
 - Pedestrian walkways, breezeways & atria;

²⁴ 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.

²⁵ Which may or may not coincide with a lot line.

- Tables for alfresco dining*, bicycle racks*, benches*, trash receptacles* & other street furniture*;
- Parking areas & access drives thereto;
- Signage & lighting; 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.

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 (*).

2.80 “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.

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

2.82 “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, and 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.

2.83 “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.

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

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

2.86 “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.

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

2.88 “Streetscape” shall mean the built and planted element of a Right-of-Way which define its character.

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

2.90 “Stacked Townhouse / Condominium” shall mean a Townhouse as defined in §2.92 herein where units may be vertically positioned one-over-the-other (or partially-over-the-other) Stacked Townhouse buildings may have a maximum of 12 units per building.

UNIT B	UNIT B	UNIT B	UNIT B
UNIT B	UNIT B	UNIT B	UNIT B
UNIT A	UNIT A	UNIT A	UNIT A

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

2.92 “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.





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All Townhouses, whether or not stacked, shall be owner-occupied.

2.93 “Township” shall have the same meaning as Robbinsville Township.

2.94 “Township Code” shall mean, unless otherwise cited, Chapter 142 of the Robbinsville Township Municipal Code,²⁶ as modified through this Redevelopment Plan and as may be amended from time-to-time.

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

2.96 “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.

2.97 “Typical Residential Amenities” shall mean such Ancillary Structures and Uses which are normal and customary to a residential use, e.g., 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.

²⁶ On file with the Township Clerk or available via <http://www.robbinsville-twp.org/>





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2.98 “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 Gordon ~ Simpson Tract Redevelopment Plan encompasses the Lots as mapped.

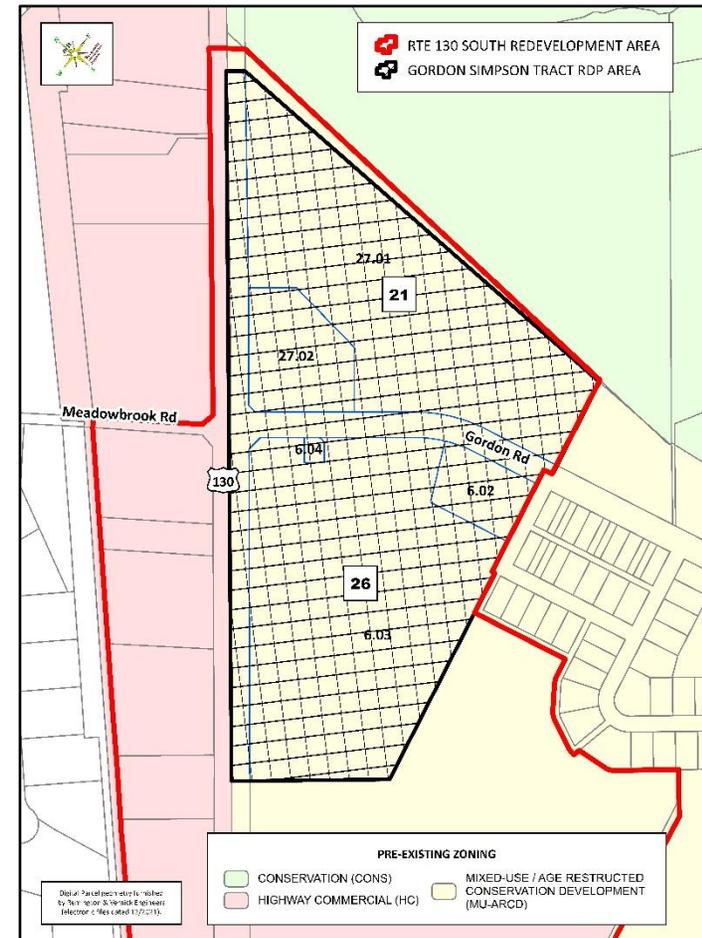
While the Route 130 South Redevelopment Area includes the entirety of the Route 130 Right-of-Way in the vicinity of the Gordon ~ Simpson Tract, the jurisdiction of this Redevelopment Plan extends to the centerline of Route 130. This Redevelopment Plan therefore encompasses 32.39 acres in the form of Tax Lots and 4.95 acres in the form of Rights-of-Way, for a total of 37.34 acres.²⁷

3.2 ZONING

Prior to the adoption of this Redevelopment Plan, the Gordon ~ Simpson Tract was located in the Township's Mixed-Use / Age Restricted Conservation Development Zoning District. The Purpose, Permitted Uses and Bulk Standards for the MU/ARCD Zone are addressed in §142-20.1 of the Township Code.

²⁷ 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 SMART GROWTH, NEW URBANISM & THE REGULATORY ENVIRONMENT

3.3.1 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 urban²⁸, exurbs became suburban, and the open space that heretofore separated communities vanished. The result came to be known as "**SPRAWL**".

To combat sprawl while recognizing the need to accommodate an ever-expanding population (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.

²⁸ Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.

Smart Growth Principles²⁹

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

3.3.2 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.

New Urbanism Principles³⁰

Walkability

Connectivity

Mixed-Use & Diversity

Mixed Housing

Quality Architecture & Urban Design

Traditional Neighborhood Structure

Increased Density

Green Transportation

Sustainability

Quality of Life

²⁹ <http://smartgrowth.org/smart-growth-principles/>

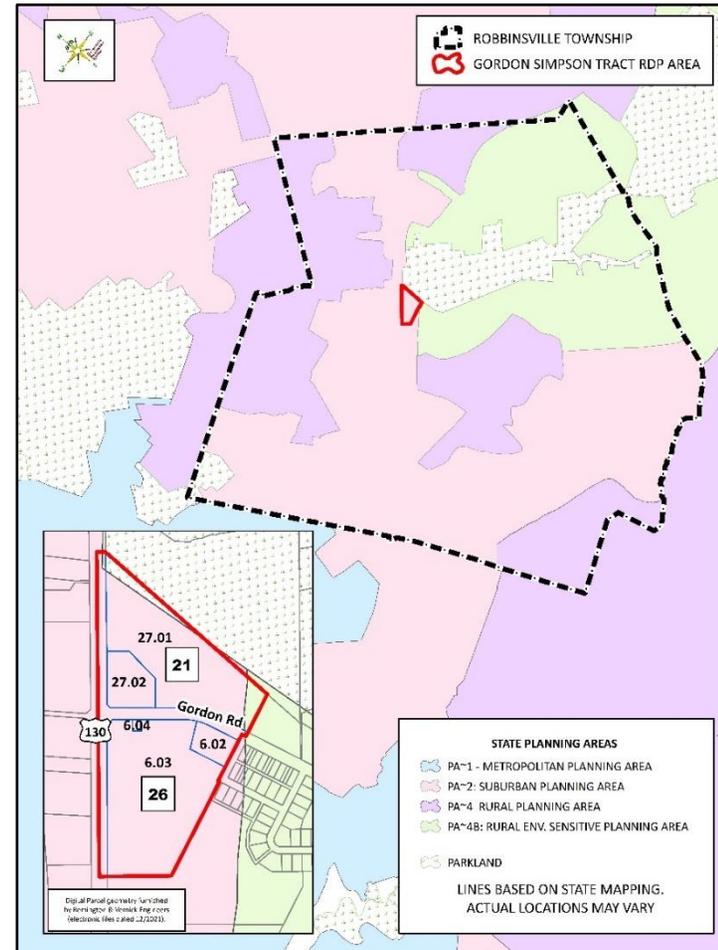
³⁰ <http://newurbanism.org/newurbanism/principles.html>

3.3.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*.³¹ Promulgated by the State Planning Commission³² 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 Jersey³³, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

The *State Plan*³⁴ classifies what it terms the “Gordon ~ Simpson Estate” as an “Identified [i.e., not Designated] Town Center”, with the lands abutting Route 130 as a (PA~2) Suburban Planning Area and the lands more distant from Route 130 to the east as a (PA~4B) Rural / Environmentally Sensitive Planning Area.



³¹ "State Plan".

³² In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

³³ Principally, but not exclusively, NJDCA and NJDEP.

³⁴ P. 301



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A. The State Plan defines a Center, in pertinent part, as³⁵:

a compact form of development with one or more Cores and residential neighborhoods. Centers range in scale from an Urban Center to a Regional Center, Town Center, Village and Hamlet. Centers in ... Rural and Environmentally Sensitive Planning Areas must be surrounded by a Center Boundary distinguishing the Center from its Environs ... Centers in the Suburban Planning Area are encouraged to have a Center Boundary.

and Town Centers as³⁶:

a Center that has a high investment in public facilities and services several neighborhoods with a highly diverse housing stock and a central core of retail, office and community facilities ... Towns are New Jersey's traditional Centers of commerce and government...

B. As detailed in the State Plan³⁷:

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.

To accomplish these goals, State Plan established a series of specific Policy Objectives for PA~2 Planning Areas.³⁸

Pertinent to this Redevelopment Plan³⁹:

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.

³⁵ State Plan: p. 319

³⁶ State Plan: pp. 335 – 336

³⁷ State Plan: p. 186

³⁸ State Plan: pp. 198-199

³⁹ Policy Objectives related to Agriculture and Historic Preservation and certain components of Objectives not related to the Gordon ~ Simpson Tract are omitted as not being relevant to this Redevelopment Plan.





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

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.

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 ... major public



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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.

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.

C. As detailed in the State Plan⁴⁰:

PA~4B Rural / Environmentally Sensitive Planning Areas are designed to Maintain the Environs as large contiguous areas of farmland and other lands; revitalize cities and towns; accommodate growth in Centers; promote a viable agricultural industry; protect the character of existing stable communities; and confine programmed sewers and public water services to Centers.

To accomplish these goals, State Plan established a series of specific Policy Objectives for PA~4B Planning Areas.⁴¹

Pertinent to this Redevelopment Plan⁴²:

LAND USE:

Protect natural systems and environmentally sensitive features by guiding development and redevelopment into Centers and establishing Center Boundaries and buffers and greenbelts around these boundaries. Maintain open space networks, critical habitat and large contiguous tracts of land in the Environs by a variety of land use techniques. Development and redevelopment should use creative land use and design techniques to ensure that it does not exceed the capacity of natural and

⁴⁰ State Plan: p. 186

⁴¹ State Plan: pp. 214, 218 – 219

⁴² Policy Objectives related to Historic Preservation and certain components of Objectives not related to the Gordon ~ Simpson Tract are omitted as not being relevant to this Redevelopment Plan.





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infrastructure systems and protects areas where public investments in open space preservation have been made. Development and redevelopment in the Environs should maintain and enhance the natural resources and character of the area.

HOUSING:

Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general ~ and in particular affordable, senior citizen, special needs and family housing ~ is developed with access to a 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 or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

ECONOMIC DEVELOPMENT:

Support appropriate recreational and natural resource-based activities in the Environs and locate economic development opportunities that are responsive to the needs of the surrounding region ... in Centers. Any economic development in the Environs should be planned and located to maintain or enhance the cultural and scenic qualities and with minimum impacts on environmental resources.

TRANSPORTATION:

Maintain and enhance a transportation system that protects the Environs from scattered and piecemeal development and links Centers to each other within and between Planning Areas. Encourage alternatives to the single-occupancy vehicle whenever feasible ... In Centers, emphasize the use of public transportation systems and alternatives to private cars where appropriate and feasible and maximize circulation and mobility options throughout.

NATURAL RESOURCE CONSERVATION:

Protect and preserve large, contiguous tracts and corridors of recreation, forest or other open space land that protects natural systems and sensitive natural resources, including endangered species, ground and surface water resources, wetland systems, natural landscapes of exceptional value, critical slope areas, scenic vistas and other significant environmentally sensitive features.

AGRICULTURE:

Promote agricultural practices that prevent or minimize conflicts with sensitive environmental resources. Guide development to ensure the viability of agriculture and the retention of farmland in agricultural areas. Encourage farmland retention and minimize conflicts between agricultural practices and the location of Centers. Ensure the availability of adequate water resources and large,



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contiguous tracts of land with minimal land use conflicts...

RECREATION:

Provide maximum active and passive recreational ... opportunities at the neighborhood and local levels by targeting the acquisitions and development of neighborhood and municipal parkland within Centers...

REDEVELOPMENT:

Encourage environmentally appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers or in ways that support Center-based development to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a range of uses broad enough to encourage activity beyond the traditional workday, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile to attract growth otherwise planned for the Environs.

PUBLIC FACILITIES AND SERVICES:

Phase and program... for construction as part of a dedicated capital improvement budget or as part of a public / private development agreement the extension or establishment of public facilities and services, particularly

wastewater systems, to establish adequate levels of capital facilities and services to support Centers; to protect large contiguous areas of environmentally sensitive features and other open spaces; to protect public investments in open space preservation programs; and to minimize conflicts between Centers and the Environs. Encourage private investments and facilitate public / private partnerships to provide adequate facilities and services, particularly wastewater systems, in Centers. Make community wastewater treatment a feasible and cost-effective alternative.

INTERGOVERNMENTAL COORDINATION:

Coordinate efforts of state agencies, county and municipal governments to ensure that state and local policies and programs support environmental protection by examining the effects of financial institution lending practices, government regulation, taxation and other governmental policies and programs.

3.3.4 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 Gordon ~ Simpson Tract.

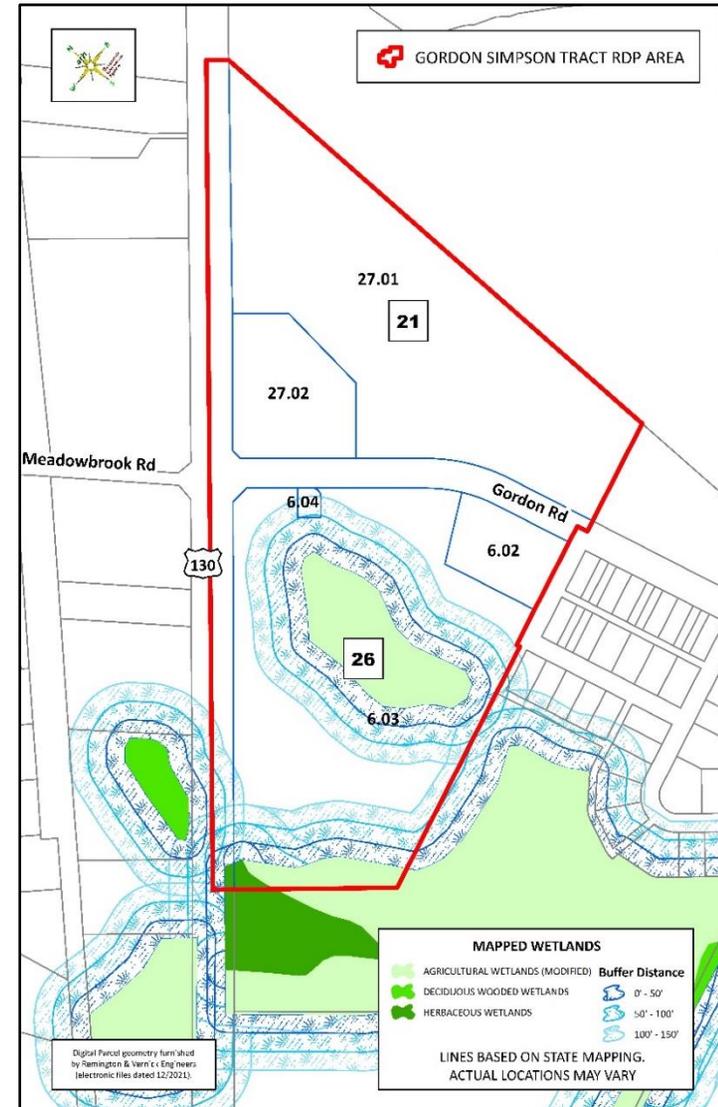
3.4 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

The Preliminary Investigation undertaken for the Route 130 South Redevelopment Area identified wetlands and wetlands buffers, and habitat as potential constraints on the Gordon ~ Simpson Tract.

3.4.1 SOILS, WETLANDS & BUFFERS⁴³

NJDEP has identified (mapped) Modified Agricultural Wetlands, Deciduous Wooded Wetlands and Herbaceous Wetlands within and adjacent to the Gordon ~ Simpson Tract. Such wetlands are encumbered by associated buffers.

Development within the wetlands and buffer are subject to site-specific analyses and formal application to NJDEP.



⁴³ NJDEP GeoWeb

3.4.2 HABITAT / THREATENED & ENDANGERED SPECIES⁴³

NJDEP Mapping⁴⁴ identified Rank 1 and Rank 4 habitat-specific conditions⁴⁵ within the Gordon ~ Simpson Tract for Wood Turtle⁴⁶ and Bobcat⁴⁷ (Block 21, Lot 27.01 & Block 26, Lot 6.03) and for Bobcat⁴⁷ (Block 26, Lot 9.01).

⁴⁴ NJDEP Landscape 3.3 Viewer:
(<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>)

⁴⁵ 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”.
- **Rank 3:** species-specific habitat containing 1 or more occurrences of State threatened species.
- **Rank 4:** species-specific habitat with 1 or more occurrences of State endangered species.



- **Rank 5:** species-specific habitat containing 1 or more occurrences of wildlife listed as endangered and threatened under the Federal Endangered Species Act of 1973.

⁴⁶ *Glyptemys insculpta*: listed as an occupied habitat observed **in 2003**.

⁴⁷ *Lynx rufus*: listed as a live individual sighting **in 2008**.



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The U.S. Fish & Wildlife Service IPaC website⁴⁸ identified Northern Long-eared Bat⁴⁹ Bog Turtle⁵⁰ at this location.

Development within habitat is subject to site-specific analyses and formal application to the Relevant Permitting Agencies.

3.5 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 Committee⁵¹ prior to Council action;
- Robbinsville Planning Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made by the TRC 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);
- 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.

⁴⁸ <https://ipac.ecosphere.fws.gov/location/index>

⁴⁹ *Myotis septentrionalis*.

⁵⁰ *Clemmys muhlenbergii*.

⁵¹ "TRC"



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 Project(s) within the Gordon ~ Simpson Tract; thereby advancing these Goals & Objectives.

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

As detailed in §5.3 herein, this Redevelopment Plan designates Sharbell Gordon LLC as Redeveloper Candidate for the entire Gordon ~ Simpson Tract.

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 the designated Redeveloper.

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 the Redeveloper the flexibility necessary to develop a Project which advances these Goals & Objectives.



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4.1.4 Township Policymakers recognize the financial and planning realities related to the redevelopment of the Route 130 South Redevelopment Area, 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 ~ making joint application for state and federal grant funds; endorsing and/or ~ with the designated Redeveloper ~ making joint application for state / federal environmental / other permits required to advance a Project, negotiating favorable property tax mechanisms;⁵² 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 the Redeveloper Candidate.

OTHER THAN AS PERMITTED VIA A NEGOTIATED REDEVELOPMENT AGREEMENT, LANDS AND IMPROVEMENTS SUBJECT TO THIS REDEVELOPMENT PLAN SHALL BE PERMANENTLY AND IRREVOCABLY RESTRICTED AGAINST BEING CONSTRUCTED, OCCUPIED OR USED IN A MANNER THAT RENDERS THEM EXEMPT FROM PAYMENT OF MUNICIPAL PROPERTY TAXES.

4.1.5 Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to the Gordon ~ Simpson Tract. Such issues may include, but need not be limited to, wetlands, threatened or endangered species and/or subsurface contamination.

Other than identifying 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 the Gordon ~ Simpson Tract, or for compliance with any State or Federal requirements related thereto, shall be addressed between the

⁵² 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.



Redeveloper and the current property owner in accordance with applicable laws and regulations.

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

4.2 MUNICIPAL LAND USE LAW

This Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law*⁵³ by:

- 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 a Redevelopment Project in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;
- Ensuring that the Redevelopment Project 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;
- 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;

⁵³ N.J.S.A. 40:55D-2



- 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 Gordon ~ Simpson Tract;
- Encouraging senior citizen community housing construction;
- 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.

4.3 REDEVELOPMENT PLAN GOALS & OBJECTIVES

- 4.3.1 Reverse or remove the conditions documented in the *Report of Findings*⁵⁴ which led the Township to include the Gordon ~ Simpson Tract within the Route 130 South Redevelopment Area under the *Redevelopment Law*.
- 4.3.2 Eliminate negative and/or blighting influences. Prevent the spread of such influences by the application of comprehensive Redevelopment Plan controls.
- 4.3.3 Create decent, safe and sanitary housing; including both rental and ownership housing, and housing for a variety of age groups and affordability ranges.
- 4.3.4 Maximize tax revenue, generate tax ratables or otherwise provide for a return to the public sector⁵⁵ by the (re)development and active (re)use of undeveloped, unutilized and/or unproductive lands which, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.

⁵⁴ §2.69 herein.

⁵⁵ via P.I.L.O.T. or other appropriate mechanisms.

4.3.5 Stimulate development of the Gordon ~ Simpson Tract by permitting flexibility in land use, project design and building regulations while protecting, to the extent practicable, the surrounding built and natural environment.

4.3.6 Reorganize and replan the Gordon ~ Simpson Tract via a combination of land consolidation, subdivision and other mechanisms in order to create Redevelopment Parcels of appropriate size and shape to facilitate a market-driven Project designed to advance and achieve the Municipal Goals & Objectives detailed herein.

4.3.7 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 a significant Redevelopment Project on the Gordon ~ Simpson Tract; 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 the Redevelopment Project; and

- Create direct employment opportunities and secondary employment by businesses providing goods and services to the Redevelopment Project.
- 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 envisioned.

4.3.8 Institute provisions to promote a comprehensively planned Redevelopment Project in a mutually supportive environment consistent with Smart Growth / New Urbanism Principles⁵⁶.

4.3.9 Create as seamless a linkage as possible:

- Among and between the individual Gordon ~ Simpson Tract Redevelopment Parcels; and
- Between the individual Gordon ~ Simpson Tract Redevelopment Parcels and neighboring land uses; thereby using the Redevelopment Project as a unifying anchor for this section of the Township.

Within the context of these objectives:

⁵⁶ §3.3 herein



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- Work with NJDOT and other Relevant Governmental Agencies as appropriate to facilitate traffic movement at the intersection of Route 130 and Gordon Road; and
- Ensure appropriate external access to and internal circulation within each Redevelopment Parcel for passenger vehicles, delivery vehicles, emergency vehicles, pedestrians and other users.

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

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

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

4.3.13 Minimize, to the maximum extent practicable and appropriate, fiscal and operational impacts to Township residents which may result from the Redevelopment Project 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 Project.

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

4.3.15 Provide for appropriate aesthetics, visibility and security.

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

4.3.17 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 proposed:

- Preservation of high-quality undisturbed lands.
- Restoration of formerly environmentally sensitive lands which have been disturbed or spoiled by previous activity.



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- Provision of open space and recreation areas of appropriate size and function to complement the Redevelopment Project proposed.

5.0 REDEVELOPER SELECTION & DESIGNATION

5.1 AUTHORIZATION

Upon adoption of a Redevelopment Plan, and pursuant to N.J.S.A. 40A:12A-8 f. & g., designated Redevelopment Entities are empowered to negotiate and enter into Redevelopment Agreements with one or more designated Redevelopers for the purposes of advancing the 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*.⁵⁷

Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to undertake such actions for the purposes of advancing the Municipal Goals & Objectives⁵⁸ detailed herein.

5.2 DESIGNATION OF REDEVELOPMENT ENTITY

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

5.3 REDEVELOPER CANDIDATE SELECTION

5.3.1 BACKGROUND

With the exception of Block 26, Lot 6.04, which is a sanitary sewer pump station owned by the Township, the entire Gordon ~ Simpson Tract is owned by Sharbell Gordon LLC, a subsidiary of the Sharbell Development Corporation⁵⁹.

Sharbell is well-known to Robbinsville, having been the master developer for the Town Center mixed-use development, the Southside Lofts in the Town Center South Redevelopment Area and the Springside at Robbinsville residential project directly adjacent to the Gordon ~ Simpson Tract.

Sharbell has expressed an interest in developing a project on the Gordon ~ Simpson Tract, consisting of:

- approximately 100 (owner-occupied) Stacked Townhomes;
- Up to 4 apartment buildings consisting of (approximately),
 - 100 non-age restricted rental units;

⁵⁷ N.J.S.A. 40A:11-1 et. seq. and N.J.S.A. 40A:12-1 et. seq. respectively

⁵⁹ Collectively, “Sharbell”

⁵⁸ §4.0 herein.



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- 50 age restricted rental units; and
- 56 age-restricted, income restricted⁶⁰ rental units.

as well as associated residential amenities and an unspecified amount of commercial space in standalone buildings.

Owing to Sharbell’s ownership of the undeveloped lands within Gordon ~ Simpson Tract and its track record of developing superior projects in Robbinsville (and elsewhere), this Redevelopment Plan designates Sharbell Gordon, LLC. as Redeveloper Candidate⁶¹ for this Redevelopment Plan.

5.3.2 EXPRESSION OF INTEREST

It is the intention of the Township, upon adoption of this Redevelopment Plan, to immediately receive an Expression of Interest from Sharbell detailing its proposed Project. Such Expression of Interest shall address Sharbell’s:

- A. Project Concept(s) & Description of Project Elements⁶².

- B. Financial capability and ability to obtain the financing required for the Project.
- 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 and management structure and experience of the proposed development and operational Team.
- E. The anticipated Project Implementation schedule (with project milestones).
- F. Ability to comply with (extent to which the proposed Project achieves) the Municipal Goals & Objectives⁵⁸ and other provisions of this Redevelopment Plan.
- G. Additional information as may be deemed by Sharbell as necessary or appropriate to convey its Project vision.

⁶⁰ as defined by the New Jersey Council on Affordable Housing.

⁶² §2.53 herein.

⁶¹ “Redeveloper” designation shall be conferred by the Township only upon execution of a Redevelopment Agreement.



5.3.3 DESIGNATION

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, by Resolution, formally accept such Expression of Interest and authorize a specific period of time for the negotiations of a Redevelopment Agreement with Sharbell.

5.4 REDEVELOPMENT AGREEMENT

5.4.1 Upon designation of Sharbell as Redeveloper Candidate, the Township shall commence negotiations regarding a Redevelopment Agreement, which will define the rights and responsibilities of the Township and Sharbell relating to the proposed Project. Such Agreement shall include, at a minimum:

- The Project Concept(s) & Description of Project Elements for the undertakings proposed;
- Details regarding compliance with the Municipal Goals & Objectives⁶³ of this Redevelopment Plan;
- Details regarding compliance with the Redevelopment Administration Escrow requirements⁶⁴ of this Redevelopment Plan;

- Environmental and other Indemnification and insurance requirements;
- Anticipated schedule for the commencement and completion of Project improvements, including design, permitting, construction and opening;
- Provisions for termination of Redeveloper status in the event of default by the Redeveloper;
- Affordable Housing obligations;
- 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.

5.4.2 Upon completion of negotiations, the draft Agreement shall be referred to the Township Council for consideration of adoption.

Such draft Agreement may include issues that could not be resolved to the satisfaction of the Township's negotiators and/or Sharbell, and/or negotiated provisions that, in the sole opinion of the Township's negotiators, may or may not

⁶³ §4.0 herein.

⁶⁴ §5.5 herein.



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 to the Township Council, the negotiators shall provide such recommendations regarding adoption as they may deem necessary and appropriate, including recommendations related to any such unresolved issues.

Upon receipt of such draft Redevelopment Agreement and negotiator's 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 Sharbell directly; or
- Return the draft Agreement to the negotiators along with direction as to how to proceed, including direction to terminate negotiations should an issue be deemed unresolvable.

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

5.5 REDEVELOPMENT ADMINISTRATION ESCROWS

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

Without limiting any terms or conditions to be negotiated as part of the Redevelopment Agreement, Sharbell shall, within one (1) month of such designation as Redeveloper Candidate, 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*⁶⁵, and shall be used to reimburse the Township for in-house staff time and as-invoiced costs for

⁶⁵ N.J.S.A. 40:55D-53.1



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such outside professionals⁶⁶ 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, Sharbell 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 Sharbell; whereby, after a final accounting of all costs incurred by the Township, any unused balance in such Escrow shall be returned.

5.5.2 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 & Compliance⁶⁷ 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 the Redeveloper upon issuance of the final Certificate of Completion & Compliance for the final component of the Project associated with such Escrow.

5.5.3 The Redevelopment Administration Escrows shall not serve as a substitute for any fees or escrows required by the Township's Planning Board as part of the land use Review & Approval process, or by any other municipal or outside agency.

⁶⁶ including, but not limited to, planning and engineering services, environmental specialists, legal advisors, financial consultants, real estate appraisers and other third-party professional costs.

⁶⁷ §15.0 herein.





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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.

6.0 ANTICIPATED REDEVELOPMENT ACTIONS

The Redevelopment Actions anticipated under this Redevelopment Plan consist of:

- A. Replanning the lands within the Gordon ~ Simpson Tract 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 anticipated under this Redevelopment Plan⁶⁸;
- C. Identifying infrastructure improvements to be required to support the Redevelopment Project anticipated under this Redevelopment Plan⁶⁹;
- D. Design, permitting and construction of the approved Redevelopment Project; and
- E. Such other Actions as may be necessary and convenient to achieve the Municipal Goals & Objectives⁷⁰ of this Redevelopment Plan.

6.1 ACQUISITION

6.1.1 BY THE TOWNSHIP

The *Redevelopment Law*⁷¹ **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.⁷² No Township acquisition is therefore contemplated.

6.1.2 BY THE REDEVELOPER

With the exception of the Township-owned sanitary sewer pump station on Block 26, Lot 6.04, the entire Gordon ~ Simpson Tract is owned by Sharbell. No “acquisition” is therefore required to effectuate this Redevelopment Plan.

⁶⁸ §8.0 and §11.0 herein.

⁶⁹ §9.0 and §10.0 herein.

⁷⁰ §4.0 herein.

⁷¹ N.J.S.A. 40A:12A-6 & 8

⁷² 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.



6.1.3 REDEVELOPER’S RESPONSIBILITIES

- A. The Redeveloper Candidate or subsequently 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 the Redeveloper Candidate / Redeveloper, regardless of how or when the lands were acquired.

6.1.4 PROPERTY DESIGNATED NOT-TO-BE-ACQUIRED

All Lots in the Gordon ~ Simpson Tract are owned by the Township or Sharbell. No “acquisition” is therefore required to effectuate this Redevelopment Plan.

6.2 CONVEYANCE

It is anticipated that the sanitary sewer pump station on Block 26, Lot 6.04 will remain Township owned. All remaining Gordon ~ Simpson Lots are owned by Sharbell. No “conveyance” is therefore required to effectuate this Redevelopment Plan.

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.

7.0 STANDARDS & CONTROLS OF GENERAL APPLICABILITY

7.1 GOVERNING REGULATIONS

7.1.1 All activities within the Gordon ~ Simpson Tract shall be governed by the provisions of this Redevelopment Plan, which were crafted to provide a setting within which Redevelopers and designers are encouraged to generate detailed plans to a produce Project 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 & Objectives⁷³ 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 herein, all property subject to this Redevelopment 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 Plan.

All property outside of the lands 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 this Redevelopment Plan shall be made by the Township

⁷³ §4.0 herein.



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 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 any soils or groundwater contamination related to the Gordon ~ Simpson Tract.

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 the Redeveloper Candidate.

7.2 REVIEW PROCEDURES, INTERPRETATIONS & RESPONSIBILITIES

7.2.1 APPROVAL PROCESS

- A. As part of the Redeveloper Selection & Designation process⁷⁴, the Township Council, acting in its capacity as the Redevelopment Entity for this Redevelopment Plan, shall review and approve the Project Concept(s) & Description of Project Elements proposed. Such approval shall both accept the Project for the community and ensure that the Project is consistent with this Redevelopment Plan.

- B. Understanding that Projects of the magnitude envisioned by this Redevelopment Plan necessarily evolve from concept to final design, the following approval process is established:
 - 1. The acceptance of Sharbell's Expression of Interest⁷⁵ shall serve as the Township Council's approval of its Project Concept(s) & Description of Project Elements, and as conditional certification of the Project's consistency with this Redevelopment Plan.

⁷⁴ §5.0 herein.

⁷⁵ §5.3.2 herein.



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2. The action of entering into a Redevelopment Agreement with Sharbell⁷⁶ shall serve as the Township Council's final approval of the Project Concept(s) & 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*⁷⁷, the Planning Board shall review and approve the Project Plans for the Redevelopment Project, or Phase or Subphase thereof, 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 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 Concept(s) & Description of Project Elements in accordance with §7.2.1 A. 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 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) & Description of Project Elements agreed upon under the Redevelopment Agreement.

⁷⁶ §5.4 herein.

⁷⁷ N.J.S.A. 40A:12A-13





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Appeal of a TRC finding that the Project Plans are not in conformance with the agreed upon Project Concept(s) & Description of Project Elements shall be made to the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan. Appeal of a TRC 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 & Objectives⁷⁸ of this Plan.

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.

⁷⁸ §4.0 herein.



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*⁷⁹ and not from the Township’s power to zone under the *Municipal Land Use Law*.⁸⁰ 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*⁸¹. 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 & Objectives⁷⁸ of this Plan.

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

B. This Redevelopment Plan does not recognize the ‘bulk (‘c’) variance’ process under the *Municipal Land Use Law*⁸². 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 density⁸³, the Planning Board may, at time of Review & Approval and without formal amendment to this Redevelopment Plan,

⁷⁹ N.J.S.A. 40A:12A-7

⁸⁰ N.J.S.A. 40:55D-62

⁸¹ N.J.S.A. 40:55d-70d

⁸² N.J.S.A. 40:55d-70c

⁸³ 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.





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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 10% 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.

- b. Requests beyond 10% shall require a formal Plan amendment.
 - c. Requests of 10% 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



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Waivers requested either along with submission of an Expression of Interest⁸⁴ or as part of the Redevelopment Agreement negotiations process⁸⁵.

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 if under subsection b. herein, superior design and quality, and further provided that such departure(s) are, in the opinion of the Township Council or 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 Waivers requested.

- 3. The provisions of this §7.2.2 B. 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,

⁸⁴ §5.3.2 herein.

⁸⁵ §5.4 herein.





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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 to create a unified fabric of complimentary uses and structures within the Gordon ~ Simpson Tract. As a result of such interrelationships, any Deviation or Departure from a specific Plan provision will likely impact other Plan provisions. Accordingly, any request for Deviation or Departure shall be reviewed within the context of the entirety of the Redevelopment provisions to insure that all such impacts are identified and, to the extent practicable, minimized.

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 Plan⁸⁶.

Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated for each Redevelopment Parcel under §8.1 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.

- 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**.

⁸⁶ §4.0 herein.





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2. **OTHER THAN AS PERMITTED VIA A NEGOTIATED REDEVELOPMENT AGREEMENT, LANDS AND IMPROVEMENTS SUBJECT TO THIS REDEVELOPMENT PLAN SHALL BE PERMANENTLY AND IRREVOCABLY RESTRICTED AGAINST BEING CONSTRUCTED, OCCUPIED OR USED IN A MANNER THAT RENDERS THEM EXEMPT FROM PAYMENT OF MUNICIPAL PROPERTY TAXES.**

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

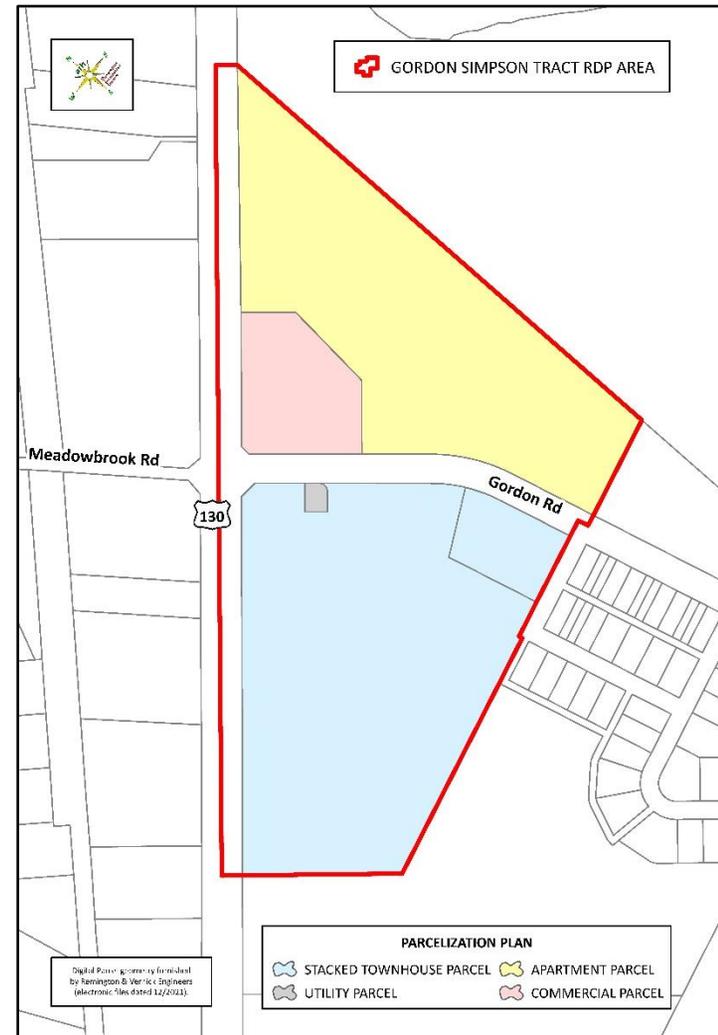
8.0 LAND USE PLAN

This Land Use Plan divides the Gordon ~ Simpson Tract 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 & Objectives⁸⁷ of this Redevelopment Plan.

8.1 PARCELIZATION PLAN

8.1.1 This Parcelization Plan establishes Redevelopment Parcels of approximate sizes⁸⁸ as follows:

- Stacked Townhouse Redevelopment Parcel: 16.81 acres;
- Utility Redevelopment Parcel: 0.11 acres;
- Apartment Redevelopment Parcel: 12.90⁸⁹ acres;
- Commercial Redevelopment Parcel: 2.58 acres.



⁸⁷ §4.0 herein.

⁸⁸ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.

⁸⁹ Includes wetlands and wetland buffers.



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8.1.2 Consistent with the Municipal Goals & Objectives⁸⁷ 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 community for the Gordon Simpson Tract.

8.1.3 A. This Parcelization Plan assumes that Route 130 and Gordon Road 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 as part of the Project Concept(s) & Description of Project Elements submitted under the Expression of Interest process⁹⁰ and the Circulation Plan⁹¹ of this Redevelopment Plan.

8.1.4 This Parcelization Plan further recognizes that the design of the Redevelopment Project proposed must address the wetlands and buffers that exist in and around the various Redevelopment Parcels.⁹² Accordingly, Parcel boundary lines may be adjusted by the Township as part of the Redevelopment Agreement negotiations process based on the Redeveloper’s due diligence 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.

8.1.5 Subject to §8.1.3 A. herein, 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

⁹⁰ §5.3.2 herein.

⁹¹ §9.1 herein.

⁹² §3.4.1 herein.





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cartway and/or physical features 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 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 for the Gordon ~ Simpson Tract. Within this framework, Redevelopers and designers are encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives⁹³ 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 §8.1.7 herein.
- C. Non-residential uses, specifically commercial uses in freestanding “pad” buildings, are subject to specific tenant requirements, and as such, can only be built once a tenant / user for the respective space is secured. In order to attract tenants / users for the non-residential Redevelopment Parcels as early in the process as possible, the Redeveloper shall, as part of the first phase infrastructure for any component in the Redevelopment Project, perform the following work relative to the non-residential Parcels:

⁹³ §4.0 herein.





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- Clear and grade such Parcels to within 0.25' of the anticipated rough grade;
- Install all water, sewer and storm drainage pipe serving the Parcels to a minimum of 10' inside the perimeter of the Parcel;
- Install all curbing into the Parcels from Gordon Road and Route 130, such that no off-tract work will be required to complete the vehicular access into and out of the respective Parcels.

D. With respect to marketing the non-residential Redevelopment Parcels for prospective tenants / users, the Redeveloper shall, ***within 30 days after the execution of a mutually acceptable, non-appealable Redevelopment Agreement***, commence a marketing campaign using a commercial brokerage firm with significant experience in the local and regional market, which will include periodic electronic marketing (eblasts, social media), direct mail and temporary promotional signage, including temporary billboards. This marketing program shall continue until tenants / users for the Parcels are secured.

The Redeveloper shall provide the Township with periodic (not less than once every 90 days) updates on

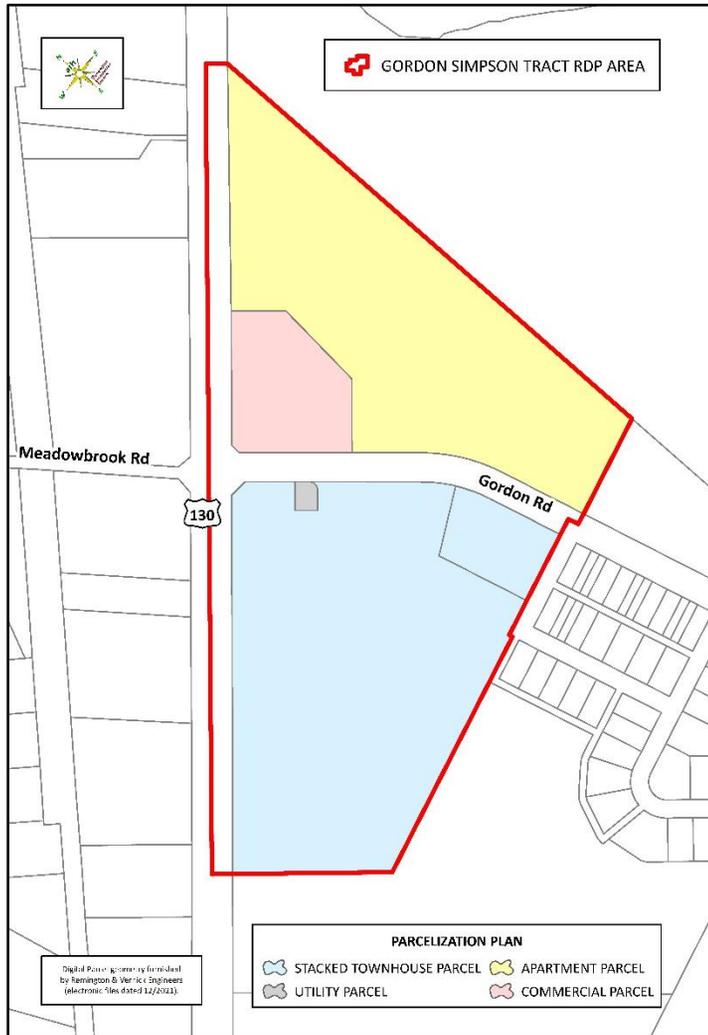
commercial marketing activity, including a list of prospective tenants / users who show interest in developing the non-residential sites.

- E. With respect to the non-residential uses included within any residential Project component (clubhouse, swimming pools, support buildings, etc.), the Redeveloper shall complete these specific uses within each of the residential components of the Project prior to completion of 66% of the residential units in such residential component.
- F. Similarly, 100% of the Project's Affordable housing units shall receive Certificate(s) of Occupancy prior to the issue of Certificate(s) of Occupancy for the final 25% of the Project's Market Rate units in the portion of the project containing the affordable units.

8.2.1 STACKED TOWNHOUSE REDEVELOPMENT PARCEL

The intent of the Stacked Townhouse Parcel is to provide the setting for a residential Stacked Townhouse Project with such amenities as are necessary and appropriate to such a community.





- A. Permitted Principal Uses & Structures
 - Residential Stacked Townhouses⁹⁴
- B. Permitted Ancillary Uses & Structures
 1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use, including, but not limited to, Clubhouses, swimming pools, playgrounds / tot lots and athletic courts for the use of the residents.
 2. A mail / parcel building for receipt and posting of letters, packages and like and similar items.
 3. Electric Vehicle Charging Stations, subject to the provisions of §13.9 herein.
 4. Interior Maintenance and Storage Structures.
 5. Automated Teller Machines (ATMs) as part of a Clubhouse, 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.

⁹⁴ As defined in §2.90 & §2.92 herein.



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6. Subject to the provisions of the Circulation, Parking & Loading Plan⁹⁵ herein, surface parking lots to support the Stacked Townhouses and related amenities on the Stacked Townhouse Redevelopment Parcel.

C. Building Limit Controls

Buildings shall generally be functionally and visually oriented toward each other. Buildings abutting Gordon Road or any bounding right-of-way, or buildings on corner lots, shall present an aesthetically pleasing elevation along each right-of-way.

The following site and building controls shall be flexibly interpreted in order to achieve the design goals of this Redevelopment Plan.

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	
Minimum Parcel Depth	

CATEGORY	REGULATION	
Maximum Impervious Surface Coverage	25% ⁹⁶	
Principal Structures (Stacked Townhouses)		
Minimum Lot Area	2,300 s.f.	
Minimum Lot Width	23'	
Minimum Lot Depth	100'	
Minimum Setback	Route 130	50'
	Gordon Road	25' ⁹⁷
	Unit Front Yards internal to Parcel	No Less Than Minimum Distance between Buildings ⁹⁸
	Side Yard	15'
	Rear Yard	75'
Maximum Building Height	45'	
	3½ Stories	
Maximum Residential Density	100 units / 31.44 acres = 3.18 du/ac	
Minimum Distance between Buildings	25', unless permitted / directed otherwise by the Fire Official	
Maximum Building Coverage	15%	
Clubhouse, Pool & Recreation Amenities⁹⁹		
Minimum Lot Area	8,000 s.f.	
Minimum Lot Width	100'	
Minimum Lot Depth	100'	

⁹⁵ §9.0 herein.

⁹⁶ Calculation shall include wetlands and wetlands buffers.

⁹⁷ Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein. May be reduced to 20' to accommodate curvilinear geometry of the right-of-way.

⁹⁸ Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein and parking under §9.3 herein.

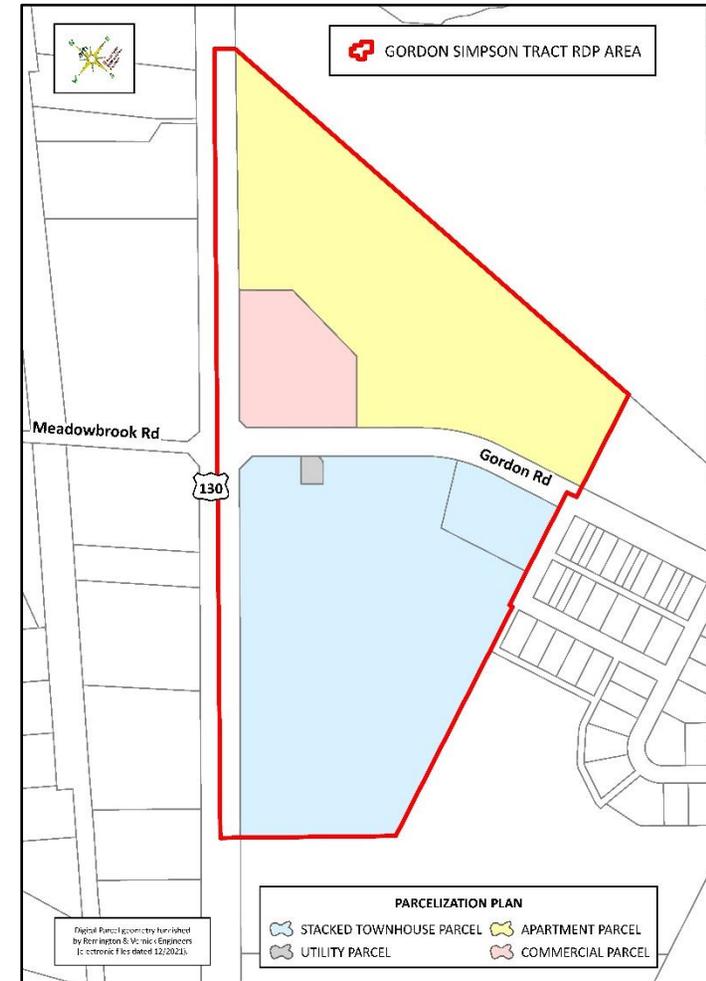
⁹⁹ May be located on one or more Lots within a Redevelopment Parcel.



CATEGORY		REGULATION
Minimum Building Size		1,000 s.f.
Maximum Building Height		25'
		1½ Stories
Minimum Distance between Buildings		Same as for Principal Structures
Ancillary 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	⅓ of the Lot Depth or Width
	Side Yard	3'
	Rear Yard	3'
Distance between Buildings		As directed / permitted by the Fire Official
Maximum Building Height		15'
		1½ Stories

8.2.2 UTILITY REDEVELOPMENT PARCEL

The intent of the Utility Parcel is to provide for the existing Township-owned sanitary sewer pump station on Block 26, Lot 6.04 without impacting the balance of the Redevelopment Parcels.



A. Permitted Principal Uses

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

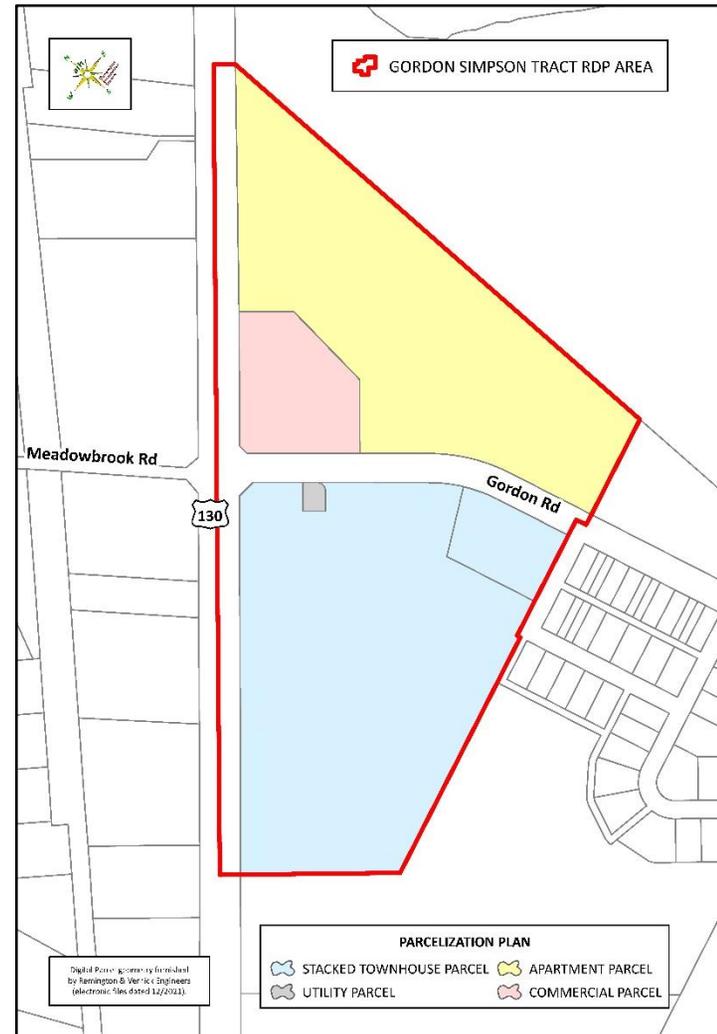
B. Permitted Ancillary Uses & Structures

Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.

C. Building Limit Controls

CATEGORY		REGULATION
Minimum Parcel / Lot Area		No Minimum Established This Redevelopment Parcel shall be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.
Minimum Parcel / Lot Width		
Minimum Parcel / Lot Depth		
Principal & Ancillary Structures		
Minimum Setback	Gordon Road	No Minimum Established Setbacks shall be as existing at time of Publication of this Redevelopment Plan
	Side Yard	
	Rear Yard	
Maximum Building Height		No Minimum Established Height shall be as existing at time of Publication of this Redevelopment Plan
Maximum Building Coverage		No Minimum Established Coverage shall be as existing at time of Publication of this Redevelopment Plan.
Maximum Impervious Surface Coverage		
Minimum Distance between Buildings		
		As directed / permitted by the Fire Official

8.2.3 APARTMENT REDEVELOPMENT PARCEL





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The intent of the Apartment Parcel is to provide a setting for an Apartment complex designed for ~ and with such amenities as are necessary and appropriate to ~ meet the needs of the Township’s existing and prospective senior residents.

A. Permitted Principal Uses

1. Age-Restricted and Non-Age-Restricted Apartment Buildings¹⁰⁰.
2. Public, Semi-Public and/or Private Utility Facilities as may be required to service this section of the Township.

B. Permitted Ancillary Uses

1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
2. Electric Vehicle Charging Stations, subject to the provisions of §13.9 herein.
3. Subject to the provisions of the Circulation, Parking & Loading Plan¹⁰¹ herein, surface parking lots to support uses within the Apartment Redevelopment Parcel.

C. Building Limit Controls

Buildings shall generally be oriented toward Gordon Road or toward each other. Corner buildings shall present an aesthetically pleasing elevation along each right-of-way.

The following site and building controls shall be flexibly interpreted in order to achieve the design goals of this Redevelopment Plan.

CATEGORY		REGULATION
Minimum Parcel Size		No Minimum Established This Redevelopment Parcel shall be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.
Minimum Parcel Width		
Minimum Parcel Depth		
Maximum Impervious Surface Coverage		50%
Principal Structures		
Minimum Setback	Route 130	50'
	Gordon Road	30' ¹⁰²
	Side Yard	30'
	Rear Yard	40'
Maximum Building Height		65' (including rooftop amenities & architectural features)
		4½ stories

¹⁰⁰ As defined in §2.4 herein.

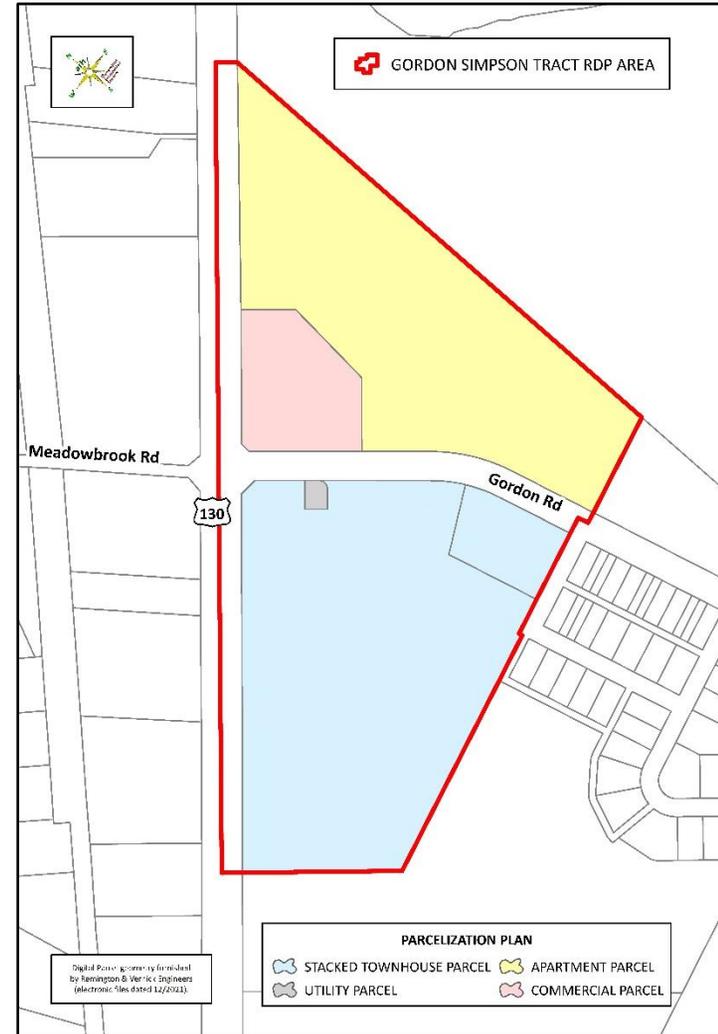
¹⁰² Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein.

¹⁰¹ §9.0 herein.



8.2.4 COMMERCIAL REDEVELOPMENT PARCEL

CATEGORY		REGULATION
Maximum Residential Density		206 units / 11.45 acres = 18 du/ac
Minimum Distance between Buildings		40', unless permitted / directed otherwise by the Fire Official
Maximum Building Coverage		20%
Clubhouse, Pool & Recreation Amenities¹⁰³		
Minimum Lot Area		10,000 s.f.
Minimum Lot Width		100'
Minimum Lot Depth		100'
Minimum Building Size		3,000 s.f.
Maximum Building Height		25'
		1½ Stories
Minimum Distance between Buildings		Same as for Principal Structures
Ancillary Structures		
Maximum Number		1
Maximum Size		1,500 s.f.
Minimum Setbacks	Route 130	Buildings Prohibited
	Gordon Road	
	Side Yard	10'
	Rear Yard	10'
Maximum Building Height		15'
		1½ Stories
Minimum Distance between Buildings		As directed / permitted by the Fire Official



¹⁰³ May be located on one or more Lots within a Redevelopment Parcel.



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The intent of the Commercial Parcel is to provide for Retail & Service Activities to support the development proposed under this Redevelopment Plan as well as neighboring residential uses; and to provide for larger economic development opportunities for the Township.

A. Permitted Principal Uses & Structures

1. Retail & Service Activities¹⁰⁴.
2. Fully-enclosed eating and drinking establishments, including those which may serve alcoholic beverages, and specialty food and beverage outlets.¹⁰⁵ Service may be dine-in or take-out.
3. Hotels with a 100-room minimum and a restaurant on the premises or adjacent thereto.
4. Hotels¹⁰⁶ with Conference Centers, including multi-use complexes consisting of any combination of professional meeting and training facilities (i.e., classrooms, auditoriums, theaters, amphitheaters);

recreational and athletic facilities; restaurants, dining and banquet facilities; and accessory retail or other service facilities incidental to said use.

5. Retail liquor stores under license from the New Jersey Division of Alcoholic Beverage Control.
6. 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. Interior Maintenance and Storage Structures.
4. Automated Teller Machines (ATMs), provided that, if accessed from the exterior of a building, such machines

¹⁰⁴ As defined in §2.71 herein.

¹⁰⁶ As provided for in §8.2.4 A.3 herein.

¹⁰⁵ Coffee houses / coffee bars, ice cream parlors and like and similar facilities.





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shall be installed within the building wall; it being the intent not to permit free-standing exterior ATM kiosks.

5. Electric Vehicle Charging Stations, subject to the provisions of §13.9 herein.
6. Subject to the provisions of the Circulation, Parking & Loading Plan¹⁰⁷ herein, surface parking lots to support uses within the Commercial Redevelopment Parcel.

C. Building Limit Controls

Buildings shall be oriented toward Gordon Road. Buildings located at corners of the Redevelopment Parcel shall present an aesthetically pleasing elevation along each right-of-way.

While buildings may vary in terms of footprint and architectural expression, elevations within a specific building type shall be designed to be consistent with regard to style, materials, colors and details. Elevations across building types shall reflect consistency to the extent architecturally appropriate.

The following site and building controls shall be flexibly interpreted in order to achieve the design goals of this Redevelopment Plan.

CATEGORY		REGULATION
Minimum Lot / Parcel Area		No Minimum Established Each Lot may be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.
Minimum Lot / Parcel Width		
Minimum Lot / Parcel Depth		
Maximum Impervious Surface Coverage		60%
Principal Structures		
Minimum Setback	Route 130	50'
	Gordon Road	30' ¹⁰⁸
	Side Yard	30'
	Rear Yard	30'
Maximum Building Height		35'
		2½ Stories
Hotels		65'
		4½ Stories
Distance between Buildings		25', unless directed / permitted otherwise by the Fire Official
Maximum Building Coverage		50%
Ancillary Structures		
Maximum Number		1
Maximum Combined Size		500 s.f.

¹⁰⁷ §9.0 herein.

¹⁰⁸ Including whatever width is necessary to provide the sidewalks required under §9.2.2 herein.





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CATEGORY		REGULATION
Minimum Setbacks	Route 130	Buildings Prohibited
	Gordon Road	
	Side Yard	10'
	Rear Yard	10'
Distance between Buildings		As directed by the Fire Official
Maximum Building Height		15'
		1½ Stories
Maximum Building Coverage		10%

8.2.5 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 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 the 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 month after issue of the last Certificate of Completion & Compliance¹⁰⁹

¹⁰⁹ §15.0 herein.





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for the last Phase or Subphase of the Project for which the Area, fence, equipment or materials are intended.

- E. To effectuate the foregoing, the Redeveloper or entity or entities 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 Redeveloper or entity or entities 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 on lands not under the jurisdiction of this Redevelopment Plan) shall be permitted, provided such construction directly relates to lands under the jurisdiction of 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 lands under the jurisdiction of this Redevelopment Plan shall require approval of the Township Council, acting in its capacity as 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 §8.2.5 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 Gordon ~ Simpson Tract, and adjacent properties and land uses ~ both within and



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outside of the lands under the jurisdiction of 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 §8.2.5 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 the Project, the Redeveloper and its designers shall recognize the significance of this (re)development opportunity for the Township and shall generate designs which will achieve the Municipal Goals & Objectives¹¹⁰ of this Redevelopment Plan.
- B. These Architectural Controls address the overall detailing of the buildings under this Redevelopment Plan in order

to provide a framework for design ~ while encouraging flexibility and diversity ~ in order to facilitate the Project 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 lands under the jurisdiction of this Redevelopment Plan.

- C. The following written controls are enhanced by graphics selected to illustrate the concept(s) at issue. They reflect overall design intent and **NOT DESIGN MANDATES**.
- D. The process for seeking design waivers from these Architectural Controls is addressed in §7.2.2 B.2. herein.

8.3.2 GENERAL DESIGN PHILOSOPHY

- A. Site and building design shall employ mass, scale, layout, materials and architectural and other distinguishing features in order to establish a traditional civic character.
- B. Buildings may vary in terms of footprint, architectural elevations, window placement, roof type, height, entrances and finishes. Colors, materials and architectural

¹¹⁰ §4.0 herein.



detailing should relate and be architecturally and aesthetically compatible among and between the Apartment and Commercial Redevelopment Parcels.

A different aesthetic is permitted for the Stacked Townhouse Redevelopment Parcel, provided that such aesthetic avoids a monotonous, cookie-cutter appearance.

THERE SHALL BE NO DISCERNABLE EXTERIOR DIFFERENCE BETWEEN BUILDINGS HOSTING AFFORDABLE UNITS AND BUILDINGS HOSTING MARKET-RATE UNITS.

- C. 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.
- D. The Redeveloper is encouraged to incorporate environmentally-friendly, LEED¹¹¹ building and site systems and technologies in all Projects.

8.3.3 BUILDING ORIENTATION

- A. Building orientation to rights-of-way is addressed in §8.2.1 C., §8.2.3 C. and §8.2.4 C. herein.
- B. Spatial relationships between buildings / structures should be geometrically logical and/or architecturally formal.
- C. Multiple buildings within a Project or across Projects shall relate to one another functionally and visually, and



¹¹¹ "Leadership in Energy & Environmental Design"
(www.usgbc.org/DisplayPage.aspx?CategoryID=19).

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 Parkway¹¹², 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.



¹¹² §2.45 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. 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. Ancillary Structures shall be compatible with the Principal Structure.

- E. Where permitted by the size of the required setback and the type of development proposed, 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 building type and setback requirements.

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



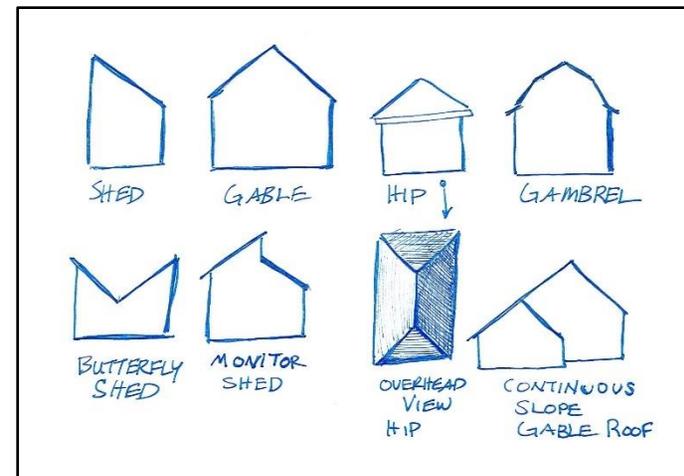
- F. Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed to enhance surrounding buildings and provide amenities for users in the form of landscaping, streetscaping, lighting, street trees, benches, trash receptacles and other items of street furniture, as appropriate.

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

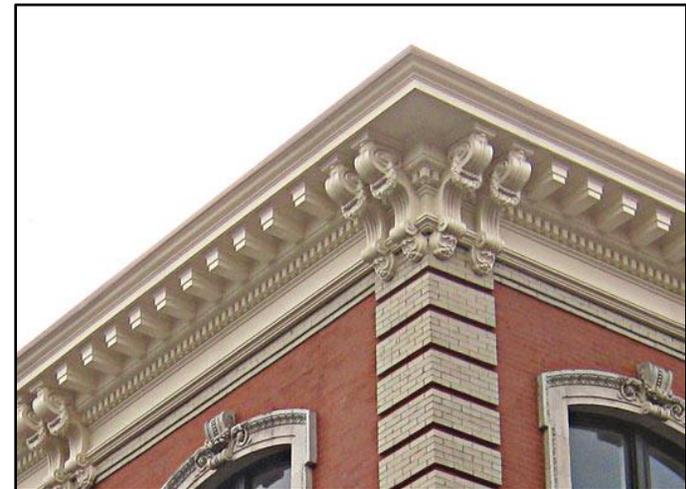
- A. Roof types shall be front or side gable, gambrel, mansard, hipped, salt box, or any combination thereof. Roofline orientation shall vary to the highest extent possible.



While pitched roofs are encouraged, 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. Encouraged elements for Flat Roofs are addressed in §8.3.5 H. herein.

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

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



- E. Architectural embellishments that add visual interest to roofs (e.g., dormers, belvederes, masonry chimneys, cupolas, clock towers, etc.) are encouraged.



- F. Mansard roofs are discouraged on buildings less than 3 stories in height. Other roof types shall be appropriate to the building's architecture.



G. Permitted roof materials for pitched roofs:

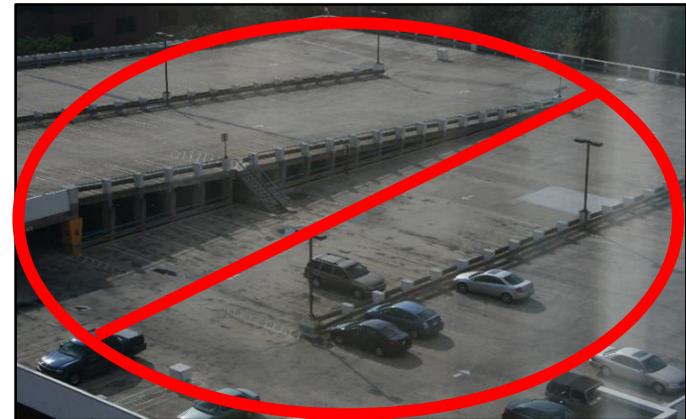
- Slate;
- Composite Tile;
- Cedar;
- Wood Shingles;
- Dimensioned Asphalt (complementary colors);
- Standing Seam Copper;
- Anodized Aluminum.

H. Flat Roofs

1. Flat roofs shall have articulated cornice lines that generally correspond to consistent cornice line on neighboring buildings (where they exist).



2. The exposed surface of flat roofs which are less than the Maximum Building Height under this Redevelopment Plan and therefore potentially visible from taller buildings ~ including decks and balconies when accessible as public open spaces ~ shall be treated to create an aesthetic appearance from above.



Where surfaces are pedestrian accessible, active or passive rooftop recreation space is appropriate. Where not accessible, such spaces shall be treated in an aesthetically acceptable manner.

Solar roof installations are strongly encouraged. And while roof gardens and green roofs are similarly encouraged, treatment need not include live vegetation.



3. The balance of all accessible flat roofs shall be treated so as to blend with the roofscape in an aesthetically acceptable manner. All such areas shall be constructed of non-reflective material in order to secure an agreeable visual condition.



8.3.6 FAÇADE TREATMENT & MATERIALS

- A. Building elevations within a specific building type shall be designed to be consistent with regard to style, materials, colors and details. Elevations across building types shall reflect consistency to the extent architecturally appropriate.

To the extent practicable, building architecture shall be consistent with the neighboring built environment.

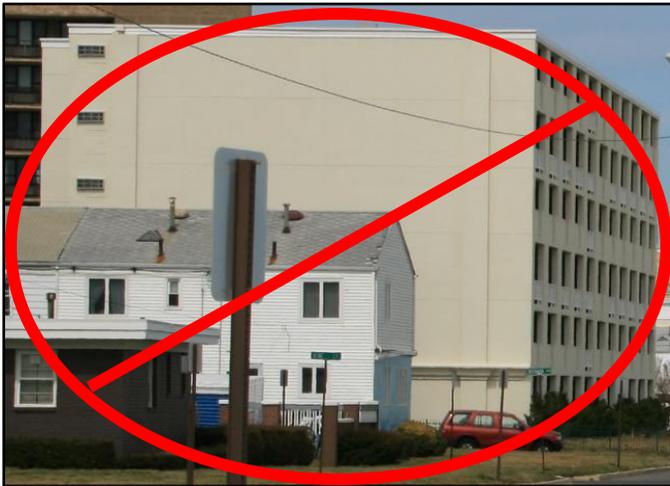
Major front façade architectural features shall be continued around all visibly-exposed sides of buildings when visible from a public or private Right-of-Way or open space area.



Ancillary Structures shall be compatible with the Principal Structure.



- B. Solid, blank,¹¹³ 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 shall 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.

Landscape screening may also be appropriate in certain circumstances.



¹¹³ §2.7 herein.

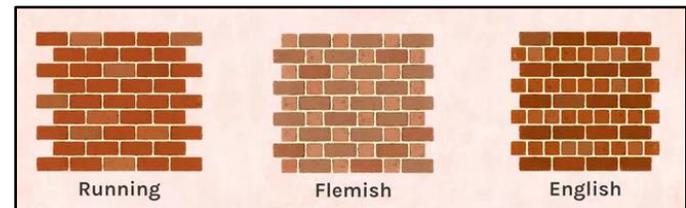
- C. All visibly-exposed sides of buildings shall have an articulated base course, which should align with either the kickplate or sill level of the 1st story.
- D. Except where building materials reflect the existing development on the south side of Gordon Road, as appropriate:
 - 1. The above-grade 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.
 - 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

- 1. 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 or running bond.



2. 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.



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



F. 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.

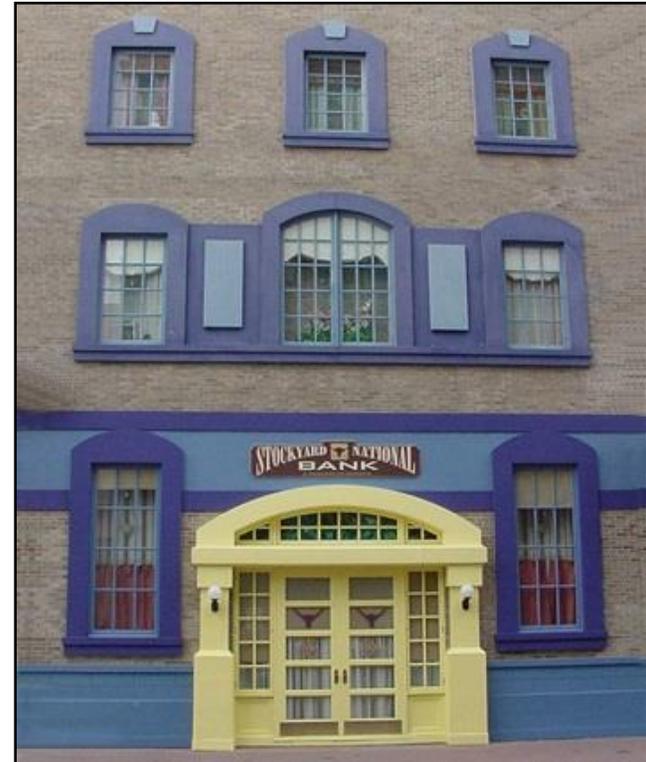
8.3.7 ENTRYWAYS, DOORS & WINDOWS

A. Building Entrances & Doors

1. Shall be defined and articulated by architectural elements such as lintels, pediments, columns, pilasters, porticoes, over-hangs, porches, 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.
4. French doors are encouraged for balconies. Sliding doors are discouraged.

B. Windows

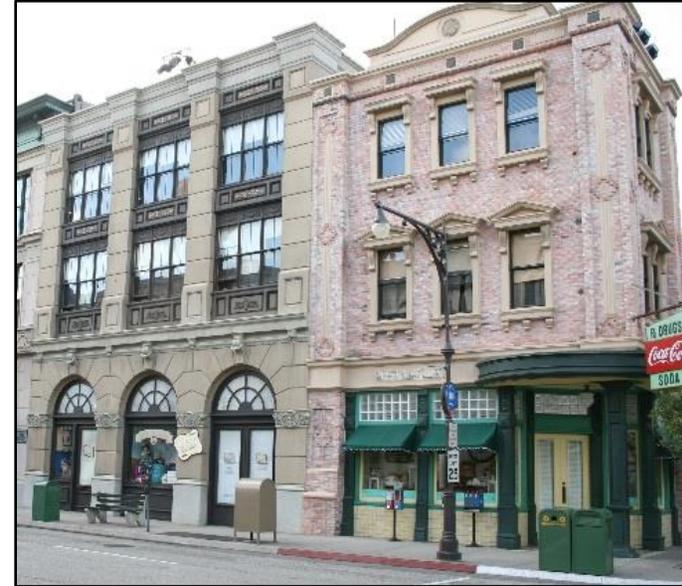
1. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building.



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. Divided lights should be a minimum of 2 over 2, with true divisions of natural or simulated wood (interior or exterior) mullions / inserts.
7. Casement windows are permitted. Aluminum framed plate glass "storefronts" are discouraged.
8. 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.
 - b. First- and second-story primary facade windows shall be proportioned vertical-to-square, except for gable windows which may be shaped.



- c. Shutters should be either louvered or paneled and sized to fit the actual window.



- 9. 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.



10. 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, building façades may include a porch, 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 should have a minimum diameter of 2" and should not be greater than 6" on center. Railing should be wood or wrought iron.

All porch components shall be painted or otherwise suitably finished.

Chamfered or more complex style 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. Porticos (Porte Cocheres) are permitted. Styles may range from a simple shed roof to an ornate design.

8.3.9 BUILDING LIGHTING

- A. If illuminated, facades shall be lit from the exterior, with lighting concealed through shielding or recessed behind architectural features. Mounting brackets and associated hardware shall be inconspicuous.
- B. Fixtures shall be architecturally compatible with the style, materials, colors and details of the building.
- C. 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.

- D. The type of light source used, and the light quality produced, shall be the same or compatible ~ both within and across Project components. 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.

- E. 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 should be trimmed on all facades. Trim ornamentation may be:
 - Gable and eave boards;
 - Plain or decorated frieze;
 - Overhanging eaves;
 - Boxed, denticulated and/or ornate bracketed cornice.

Tight eaves shall be finished by moldings. 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 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.

8.3.11 GUTTERS

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

8.3.12 CHIMNEYS

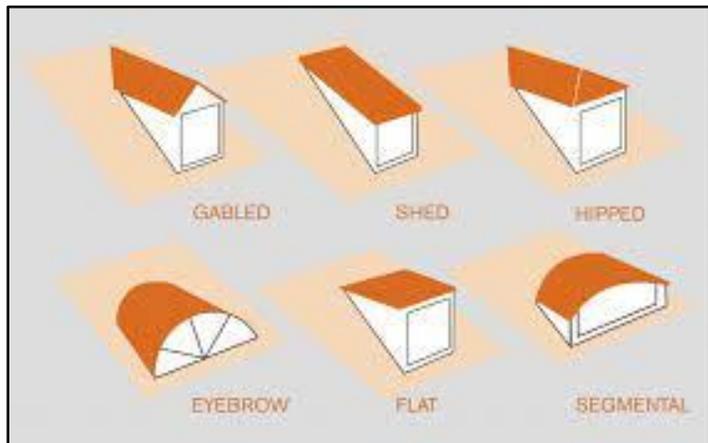
Fireplace or other chimneys shall be architecturally compatible with the style of the building and shall be located at gable ends or centrally. Chimney tops shall have decorative details (e.g., corbelling). Flues shall be painted the color of the roof.

8.3.13 CROSS GABLES & DORMERS

Cross gables, dormers and other architectural features are encouraged to give buildings distinctive architectural quality.



Dormers may be hipped, gabled, shed, pediment or eyebrow.



8.3.14 COLORS

- A. Colors shall be from the Benjamin Moore Historical Color Collection¹¹⁴ 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. Access roads to each Redevelopment Parcel which directly access the street should be constructed of scored or decorative stamped concrete or concrete pavers. Colors should complement the architecture of the Project.

¹¹⁴ <https://www.benjaminmoore.com/en-us/color-overview/color-palettes/historical-collection>

Crosswalks along Gordon Road shall contrast from the background paving color.

8.3.15 FIRE ESCAPES

External fire escapes are prohibited. Internal stair towers or other code-compliant routes are required where a second means of egress is required.

8.3.16 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.

8.3.17 ANCILLARY STRUCTURES

Ancillary Structures are prohibited in the front yard.

Such Structures in the Side or Rear Yards 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 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.



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- C. The Planning Board reserves the right to require modifications to the Signage Plan if necessary to balance the signage needs of Redevelopment Project with the aesthetic and other needs of this Redevelopment Plan and the Township as a whole.
- D. Exterior signage shall identify uses, activities or functions of the Subject building. No advertising of any product, use or activity outside of the Gordon ~ Simpson Tract is permitted.
- E. 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,¹¹⁵ sign design shall be complimentary and consistent.
- F. 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.

- G. All signs shall be professionally designed and constructed. Homemade-type (plywood, cardboard, coroplast, vinyl or similar) signs, or home-computer generated-type signs, are expressly prohibited.
- H. No restrictions are established for Interior Project Signage.¹¹⁶ Redevelopers are encouraged to establish a creative interior sign package consistent with the type and scope of Project proposed.
- I. With the exception of signage located at a Sales Trailer, no exterior real estate sales or rental signs or sales or rental equipment¹¹⁷ are permitted. All such signage shall be limited to centrally-located Project-wide elements coordinated through Project management.

¹¹⁵ e.g., theming for corporately-branded retail, food & beverage and/or other establishments.

¹¹⁷ e.g., flier stands, lock boxes or related items.

¹¹⁶ 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.





J. Apartment Buildings

1. Each building elevation abutting a Right-of-Way may have one (1) wall-mounted Project Identification Sign showing the name of the Project as well as appropriate branding iconography (i.e., logo).

While the size, location and configuration of such signage shall be appropriate to the elevation on which such sign is located, such sign shall be 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. Building-mounted directional signage indicating entrances to Porticos (Porte-cocheres), parking, loading and delivery areas and other locations as required may be cantilevered from the building if necessary for visibility.

9.0 CIRCULATION, PARKING & LOADING PLAN

9.1 CIRCULATION

9.1.1 GENERAL

A. This Circulation Plan generally maintains the Route 130 and Gordon 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 Project anticipated.

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

- Improvements to permit access to the Project from north-bound Route 130 and/or Gordon 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.





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Township Policymakers recognize that Route 130 is a State Highway under the jurisdiction of NJDOT. Accordingly, any improvements to Route 130 are beyond the control of the Township and therefore this Redevelopment Plan.

The Township is committed to working with NJDOT and the 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 the Redeveloper.

9.1.2 EXTERNAL ACCESS

- A. Access to / from the Stacked Townhouse and Apartment Redevelopment Parcels shall be from Gordon Road.
- B. Access to the interior of each Redevelopment Parcel shall be established utilizing Internal Accessways described under §9.1.3 herein. Such Accessways shall be identified by the Redeveloper as part of the Project Concept(s) & Description of Project Elements submitted under the Expression of Interest process.¹¹⁸

- C. The number of curb-cuts on Route 130 and Gordon Road shall be minimized. Existing but unused / obsolete curb-cuts shall be eliminated wherever possible.
- D. In addition to the improvements detailed 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.

9.1.3 INTERNAL ACCESSWAYS / CIRCULATION

- A. Internal access to each Redevelopment Parcel shall be made via centralized curb-cuts on Route 130 and/or Gordon Road.
- B. Circulation within the various Redevelopment Parcels shall be made via such internal loop roads as may be necessary and appropriate.
- C. Consistent with §9.1.2 D. herein, resultant excess curb-cuts shall be eliminated.
- D. In order to minimize curb-cuts as required, one or more internal circulationway(s) shall be established via cross-

¹¹⁸ §5.3.2 herein.





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.¹¹⁹

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 approvals where required, sidewalks are **mandatory** along Gordon Road and all Private Rights-of-Way.

All such sidewalks shall conform to Township and/or R.S.I.S. standards. Where Township standards conflict with the following, these standards shall apply.

- A. Sidewalks shall be pedestrian friendly and shall be lined with street trees to provide shade, aesthetics and cohesion.
- B. Sidewalks on the north side of Gordon Road shall be a minimum 6' in width and, to the extent permitted by the 6' width, shall be consistent in treatment with the sidewalks at the Springside Apartment development on the south side of the Right-of-Way.

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

- C. Sidewalks on the south side of Gordon Road shall be a minimum 10' in width and consistent in treatment with the sidewalks at the Springside Apartment development. Additional width may be provided for streetscape treatment or other uses.

¹¹⁹ §9.3 herein.





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

9.2.3 TRANSIT STOP

The Redeveloper, with the support of the Township, shall work with NJ Transit and other applicable entities to provide Transit Stops in appropriate locations in the new community. Where provided, such Stops shall be outfitted with decorative shelters designed to match the adjacent architecture of the project.

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 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 in their Parking Plans.
- C. Parking lots or structures shall generally be located as close as is possible to the use(s) they are intended to serve, but may be permitted on adjacent Redevelopment Parcels 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. Non-residential parking shall be guided by the schedules contained in the most recent edition of the Parking Generation manual published by the Institute of Transportation of Engineers (I.T.E.).¹²⁰

Consistent with the intent of this Redevelopment Plan to utilize Smart Growth / New Urbanism Principals, R.S.I.S. / I.T.E. schedules are expressly intended to serve as a guide. To the extent permitted by the Planning Board and other Relevant Permitting Agencies, Redevelopers shall include

¹²⁰ Commonly referred to as the "I.T.E. Parking Manual".





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provisions for such parking as may reasonably be necessary for a particular Project, and may increase parking supply beyond R.S.I.S. / I.T.E. 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 building or component thereof 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. 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 may minimize restrictions on the use and/or hours of parking spaces to those necessary to encourage shared parking.

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

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



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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'-wide. Landscaping shall be of such type and density to achieve the desired screening.

- C. No parked vehicle shall extend into a driveway or parking lot circulation aisle or encroach into a public or private Right-of-Way.
- D. In addition to the screen, hedge, wall or landscaping required under §9.3.2 B. herein, 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 10 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 environment of the Redevelopment Area. Types, location and frequency of plantings shall be appropriate to the architecture of the Project component 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 and solid, blank, windowless walls are prohibited.



With the exception of ground-floor garage entry- and exit-ways, the facades of parking structures shall be devoted to

active Permitted Uses or should present the illusion of an active Permitted Use¹²¹ if such actual use is not practicable.



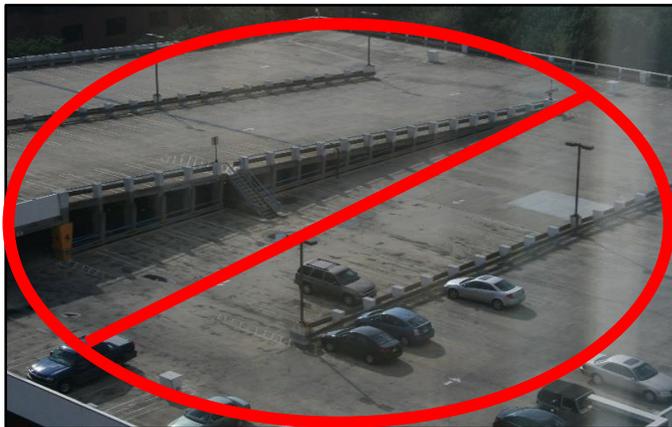
- B. To the extent practicable, entry- and exit-ways to structured parking garages shall be from the side or rear of the garage so as not to be visible from the public Right-of-Way.

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 or shall be decoratively treated as the balance of the facade.

¹²¹ Window-like cutouts and/or other architectural elements so as to resemble offices or residential uses while providing for necessary garage ventilation.



- 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 R.S.I.S. 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.

- 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. For Stacked Townhouses, individual unit driveways and associated parking garages, common building (multi-car) surface parking lots and/or structured parking garages are encouraged to 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 §9.3.2 B. 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 buildings 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 and beverage refrigerators, supply sheds or other similar facilities designed to service outdoor amenities.

9.4.6 Specific delivery, loading and trash and recycling removal programs for each component of the Redevelopment Project 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, the Redeveloper shall submit a Traffic Impact Study and Parking Analysis, conducted in accordance with [then] current R.S.I.S. and I.T.E. standards,¹²²

which shall include and address, at a minimum for the Gordon ~ Simpson Tract ***and surrounding lands not subject to this Redevelopment 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.
- 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

¹²² Utilizing the most recent editions of the nationally accepted I.T.E. *Trip Generation Handbook* and the I.T.E. *Parking Manual*.



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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, employees, 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 (“U.L.I.”) and shall use the most current shared parking methodology published by U.L.I. or I.T.E.

Projected parking demand may be adjusted based on an analysis of captured parking using procedures presented in the most recent version of the I.T.E. *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 Redeveloper, NJDOT and other Permitting Agencies having jurisdiction over the Route 130 and Gordon Road Rights-of-Way. Details related to such coordination shall be addressed within the context of the Redevelopment Agreement to be negotiated between the Township and the Redeveloper.

9.6.2 The Township has no objection to the Redeveloper and non-Redevelopment Area developers sharing the costs of common on- or off-tract improvements that may be necessitated by



multiple, individual developments. Details related to such cost sharing shall be addressed by appropriate language in the individual Redevelopment and/or Development Agreements.

9.6.3 Recognizing that changes in use occur over time, any proposed change in use on lands subject to this Redevelopment Plan 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 Zoning Officer or Planning Board Professionals, 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 the Redevelopment Project, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its project concept and designs.

9.7.2 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 the Gordon ~ Simpson Tract.

9.7.3 Nothing herein shall prohibit the Redeveloper from pursuing circulation or other improvements as off-tract improvements for the 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 and/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 between the Township and the Redeveloper Candidate. Such Agreement 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 §7.2.2 B.2 herein.

10.0 INFRASTRUCTURE CONTROLS

10.1 UTILITY SERVICES

10.1.1 Utility services¹²³ to the Gordon ~ Simpson Tract are available from Route 130 and Gordon 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. However, the Township makes no warranties as to the adequacy of any existing utility service vis-à-vis any proposed Project or the need for upgrades to existing systems that may be necessary for any particular 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 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.

THE REDEVELOPER AND ITS ENGINEERS ARE HEREWITH PUT ON NOTICE THAT MANY, IF NOT ALL, OF THE UTILITIES SERVICING THE GORDON ~ SIMPSON TRACT FEED FROM EXISTING LINES SERVICING OTHER DEVELOPMENTS IN THIS SECTION OF ROBBINSVILLE.

WITH THE EXCEPTION OF SERVICE DOWNTIME REQUIRED FOR THE INSTALLATION AND/OR CONNECTION OF PROJECT UTILITIES, THE TOWNSHIP WILL PERMIT NO INTERRUPTION OF SERVICE TO THESE AREAS. THE REDEVELOPER SHALL COMPLY WITH THE REQUIREMENTS OF EACH INDIVIDUAL UTILITY TO ENSURE UNINTERRUPTED SERVICE.

¹²³ Including electric, gas, water, communications (telephone) and cable television systems.



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10.1.4 All infrastructure improvements and related easements shall comply with Township standards. All such improvements shall be inspected by the Township Engineer for compliance with such standards and shall be certified as compliant prior to municipal acceptance of same.

10.1.5 The Township has no objection to Redevelopers and non-Redevelopment Plan developers sharing the costs of common on- or off-tract improvements that may be necessitated by multiple, individual developments. Details related to such cost sharing shall be addressed by appropriate language in the individual Redevelopment and/or Development 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 may 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 the Redevelopment Project, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its project concept and designs.

10.3.2 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 the 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 between the Township and the Redeveloper Candidate. Such Agreement 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 §7.2.2 B.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,¹²⁴ 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 Gordon ~ Simpson Tract (whether public access is permitted or not), including all open space, sidewalks, parking lots and infrastructure elements.

11.1.1 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 not covered by buildings, parking lots or other improvements 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.

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

11.2 LANDSCAPING

11.2.1 Landscape elements may include, but need not be limited to, street trees, shade trees, shrubbery, hedges, ground covers and/or grasses, perennial and annual flowers and other plant

¹²⁴ Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.

materials. Design shall feature repetition, structured patterns and complimentary textures and colors in order to create an overall character for each Project element.

11.2.2 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 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 STREETSCLAPING

11.3.1 Streetscaping shall address the decorative treatment of all impervious surfaces, both internal to the Redevelopment Project and within any public or private Right-of-Way adjacent to the 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 materials¹²⁵; 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,

¹²⁵ 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.

shall be submitted as part of the Review & Approval process. Lighting shall be 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, including flat rooftops, are 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 Redeveloper's 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 in the Gordon ~ Simpson Tract in order to create the most productive Redevelopment Project possible; and thereby achieving the Municipal Goals & Objectives established herein¹²⁶. Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of this Plan will govern certain aspects of the Project.

¹²⁶ §4.0 herein.



11.6.2 It is anticipated that NJDEP may require certain Environmental Protection Measures as a condition of its approvals. Such Measures may include, but need not be limited to:

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

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

11.6.4 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 §11.6 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 the Redevelopment Project, addressing all pertinent issues (including applicable Environmental Protection Measures), shall be more fully developed as the Redeveloper refines its project concept and designs, and shall be approved by the Planning Board at time of Review & Approval, as well as by the relevant Permitting Agencies as part of the permitting process.

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

12.0 EQUAL OPPORTUNITY

All activities in furtherance of this Redevelopment Plan, whether by the Redevelopment Entity, 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 “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 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 the 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 and N.J.S.A. 40A:12A-9 shall be implemented by appropriate covenants or other provisions in the Redevelopment Agreement 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)¹²⁷, 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 Gordon ~ Simpson Tract as follows:

13.2.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES¹²⁸

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 uses for the Gordon ~ Simpson Tract 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 ("N.J.T.") Northeast Corridor Line provides passenger / commuter light rail service linking western New Jersey via various points north and south of Robbinsville. The N.J.T. rail station

¹²⁷ On file with the Township Clerk

¹²⁸ N.J.S.A. 40A:12A-7a(1)



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closest to the Gordon ~ Simpson Tract is the Hamilton Station, approximately 7 to 8 (vehicular) miles (15 to 20-minute drive) from the intersection of Route 130 and Gordon Road.¹²⁹

B. Traffic

As detailed in §8.1.3 A. and elsewhere in this Redevelopment Plan, the Township assumes that Route 130 and Gordon Road 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 Project 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 the Redeveloper refines its Final Circulation, Parking & Loading Plan(s)¹³⁰ for its Redevelopment Project.

13.2.5 PUBLIC UTILITIES

Utility service and the Redevelopers' requirements relating thereto are outlined in the Infrastructure Controls¹³¹ herein.

13.2.6 RECREATIONAL & COMMUNITY FACILITIES

A. There are no recreational or community facilities located or operating on the Gordon ~ Simpson Tract. 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.

B. New *recreational facilities* necessitated by the Redevelopment Project will be developed as the Redeveloper finalizes its Project Concept(s) & Description of Project Elements attendant to the Expression of Interest and Review & Approval processes.

C. No new *community facilities* are anticipated.

¹²⁹ Depending on the Route taken (Google Maps)

¹³⁰ §9.7 herein.

¹³¹ §10.0 herein.





13.2.7 OTHER PUBLIC IMPROVEMENTS

A. Public improvements anticipated by this Redevelopment Plan include:

1. Improvements related to the roadway and infrastructure networks in and around the various Redevelopment Parcels;
2. The remediation of any contamination found on the Gordon ~ Simpson Tract; and
3. Any Environmental Protection Measures that may be required by the Relevant Permitting Agencies.

Traffic and infrastructure improvements may have the added benefit of providing upgraded service to properties outside, but in the vicinity of, the Gordon ~ Simpson Tract. 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 the Redevelopment Project envisioned, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Goals & Objectives¹³² of this Plan.

13.2.8 PROPOSED LAND USE & BUILDING REQUIREMENTS¹³³

The Governing Regulations; Review Procedures, Interpretations & Responsibilities¹³⁴; Land Use Plan¹³⁵; Circulation, Parking & Loading Plan; Infrastructure Controls; and Landscaping, Streetscaping & Open Space Provisions / Environmental

¹³² §4.0 herein.

¹³³ N.J.S.A. 40A:12A-7a(2)

¹³⁴ Approval Process; Variances, Departures, Deviations & Design Waivers; and Permitted & Prohibited Uses.

¹³⁵ Parcelization Plan, Development Regulations for each Redevelopment Parcel and Architectural Controls.



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*¹³⁶ 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 designation notwithstanding, the Township’s March 2018 Housing Element & Fair Share Plan and the Court settlements related thereto¹³⁷ 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 designation again notwithstanding, municipalities in Non-Condemnation Redevelopment Areas retain their power of eminent domain for *public uses* such as rights-of-way, parklands and other qualifying purposes under the *New Jersey Local Lands & Buildings Law* and the *New Jersey Public Parks & Playgrounds Law*¹³⁸.

Under the *Relocation Assistance Law of 1967*¹³⁹ and the *Relocation Assistance Act / 1971*,¹⁴⁰ prior to displacing any occupants as a result of eminent domain, a Workable Relocation Assistance Plan¹⁴¹ must be filed with and approved

¹³⁶ N.J.S.A. 40A:12A-7a(3)

¹³⁷ On file with the Township Clerk.

¹³⁸ N.J.S.A. 40:60-1 et seq. and N.J.S.A. 40:61-1 et seq. respectively.

¹³⁹ N.J.S.A. 52:31B-1 et seq.

¹⁴⁰ N.J.S.A. 20:4-1 et seq.

¹⁴¹ “WRAP”





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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.¹⁴²

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 Affairs¹⁴³.

13.4 IDENTIFICATION OF PROPERTY-TO-BE-ACQUIRED¹⁴⁴

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 PLANS¹⁴⁵

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.

¹⁴² Defined as programs of building, housing, or health code enforcement, voluntary programs of rehabilitation, or the acquisition of land for a public use.

¹⁴⁴ N.J.S.A. 40A:12A-7a(4)

¹⁴⁵ N.J.S.A. 40A:12A-7a(5)

¹⁴³ <https://www.nj.gov/dca/divisions/codes/offices/relocation.html>



- 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**.

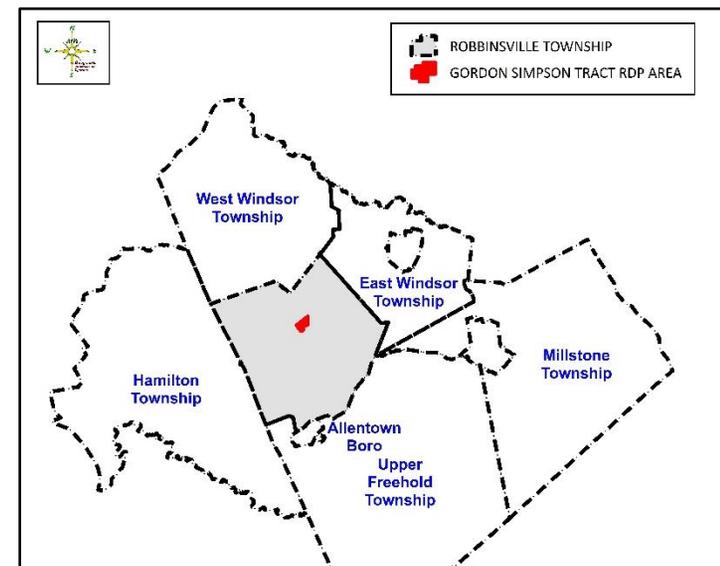
While certain specific uses and development regulations of this Redevelopment Plan differ from those in place prior to the adoption of this Plan, the overall character of development proposed under this Plan do not materially differ from the overall character of development envisioned for this section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

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.

13.5.1 MASTER PLANS OF CONTIGUOUS MUNICIPALITIES

Municipalities contiguous to Robbinsville are Allentown Borough, East Windsor Township, Hamilton Township, Millstone Township, Upper Freehold Township and West Windsor Township.

Given the location of the Gordon ~ Simpson Tract vis-à-vis Robbinsville’s neighbors, the activities anticipated under this Redevelopment Plan are not expected to impact any neighboring municipality.





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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

- Provide infrastructure and other incentives that promote growth.
- Promote the appropriate location and design of new development with opportunities for transit, regional equity, and preservation.
- 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.¹⁴⁶

¹⁴⁶ 2016 Mercer County Master Plan Amendment: Framework: I. Plan Purpose and Process (p. 8)





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Such 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 County Master Plan.

13.5.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN¹⁴⁷

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.

Similar to the Master Plans of contiguous municipalities, there is no change in the relationship of this Redevelopment Plan to the State Plan from 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 Law*¹⁴⁸ requires that a Redevelopment Plan include:

As of the date of the adoption of the resolution finding the area to be In Need of Redevelopment¹⁴⁹, 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.

¹⁴⁷ “State Plan”

¹⁴⁹ as of June 24, 2021 (the date of adoption of Resolution No. 2011-165)

¹⁴⁸ N.J.S.A. 40A:12A-7a(6)





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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.¹⁵⁰

“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.¹⁵¹

“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 median gross household income for households of the same size within the housing region in which the housing is located.¹⁵²

13.6.2 The Preliminary Investigation conducted as part of this Redevelopment process¹⁵³ did not identify any residential units on Block 21, Lots 27.01 or Lot 27.02 or on Block 26, Lots 6.03, Lot 6.04 or Lot 9.01. The requirement of N.J.S.A. 40A:12A-7a(6) is therefore not applicable to this Redevelopment Plan.

13.7 PLAN FOR AFFORDABLE REPLACEMENT HOUSING

The *Redevelopment Law*¹⁵⁴ 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**]

¹⁵⁰ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$54,612.00 for a 4-person household.

¹⁵¹ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$87,393.00 for a 4-person household.

¹⁵² At Publication of this Redevelopment Plan, such figure for Robbinsville was \$32,772.00 for a 4-person household.

¹⁵³ §1.0 herein.

¹⁵⁴ N.J.S.A. 40A:12A-7a(7)





Again, no residential units were identified on Block 21, Lots 27.01 or Lot 27.02 or on Block 26, Lots 6.03, Lot 6.04 or Lot 9.01. The requirement of N.J.S.A. 40A:12A-7a(7) is not applicable to this Redevelopment Plan.

13.8 PROVISION OF AFFORDABLE HOUSING¹⁵⁵

13.8.1 In 2015, the New Jersey Supreme Court¹⁵⁶ 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 Court¹⁵⁷ 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 will be constructed as part of the Redevelopment Project constructed on the Gordon ~

Simpson Tract, it is not possible to know, at this point in time, the form that such Project might take.

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

13.9 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

13.9.1 The *Redevelopment Law*¹⁵⁸ 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”.

Subsequent to the adoption of such regulation, the New Jersey Legislature adopted S-3223 (P.L.2021,c.171), establishing numerical requirements and zoning standards for installation of electric vehicle supply equipment and Make-Ready parking spaces, and requiring NJDCA to develop a Model Ordinance for such infrastructure.

¹⁵⁵ N.J.S.A. 40A:12A-7b

¹⁵⁶ *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").

¹⁵⁷ *In the Matter of the Township of Robbinsville, County of Mercer* (Docket No. MER-L-1457-15).

¹⁵⁸ N.J.S.A. 40A:12A-7a(8)





Such Model Ordinance adopted (published) by NJDCA in September 2022.¹⁵⁹

13.9.2 The provision of Electric Vehicle Charging infrastructure is required for each Redevelopment Project in accordance with such Model Ordinance (as may be amended from time to time).

13.9.3 Stand-alone charging stations ~ the equivalent to traditional gas stations but for electric vehicles ~ are prohibited.

13.10 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS¹⁶⁰

13.10.1 Prior to the adoption of this Redevelopment Plan, the Gordon ~ Simpson Tract was located in the Township’s Mixed-Use / Age Restricted Conservation Development Zoning District. The Purpose, Permitted Uses and Bulk Standards for the MU/ARCD Zone are addressed in §142-20.1 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 §7.0 - §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 & Objectives¹⁶¹ 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.

¹⁵⁹<https://www.nj.gov/dca/dlps/home/modelEVordinance.shtml#:~:text=The%20law%20requires%20that%20Electric,in%20New%20Jersey's%20565%20municipalities>

¹⁶⁰ N.J.S.A. 40A:12A-7c

¹⁶¹ §4.0 herein.





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*¹⁶² 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;...

13.11.2 The Township’s current Master Plan¹⁶³ was adopted in June 2020. The activities envisioned under this Redevelopment Plan advance this Master Plan Update by supporting Master Plan Principles and Strategies to:

Encourage the redevelopment of specific areas along Route 130¹⁶⁴;

and

Employ the Local Redevelopment & Housing Law where applicable and appropriate in order to support and advance the Policies, Principles, Strategies and Recommendations of this Comprehensive Master Plan Update.¹⁶⁵

Further, the 2020 Master Plan Update recognizes the Township’s efforts then underway to explore whether approximately 258 Route 130-fronting / adjacent lots would potentially qualify for Redevelopment Area designation¹⁶⁶. The Gordon ~ Simpson Tract was included in this Study.

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

While certain Land Uses and Building Limit Controls permitted by this Redevelopment Plan modify certain Land Uses and Building Limit Controls for the Mixed-Use / Age Restricted Conservation Development Zoning District in place at time of adoption of this Plan, they do not substantially alter the underlying nature of such existing Uses and Controls.

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

¹⁶² N.J.S.A. 40A:12A-7d

¹⁶³ “2020 Comprehensive Master Plan Update” (On file with the Township Clerk and/or Planning Board Secretary).

¹⁶⁴ Comprehensive Master Plan Update p. 28

¹⁶⁵ Comprehensive Master Plan Update p. 58

¹⁶⁶ Comprehensive Master Plan Update p. 280



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 Township¹⁶⁷ 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;¹⁶⁸ 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.

15.2 Upon the issuance of 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 Gordon ~ Simpson Tract 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 Regulations¹⁶⁹, Architectural Controls¹⁷⁰ and the Equal Opportunity provisions¹⁷¹, shall terminate and the property 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 Regulations of this Redevelopment Plan¹⁶⁹, which shall survive the expiration of this Plan.

¹⁶⁷ acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

¹⁶⁸ Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.

¹⁶⁹ §8.2 herein.

¹⁷⁰ §8.3 herein.

¹⁷¹ §12.0 herein.



**REDEVELOPMENT PLAN FOR THE GORDON ~ SIMPSON TRACT
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ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

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 Township¹⁷², at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

¹⁷² acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

