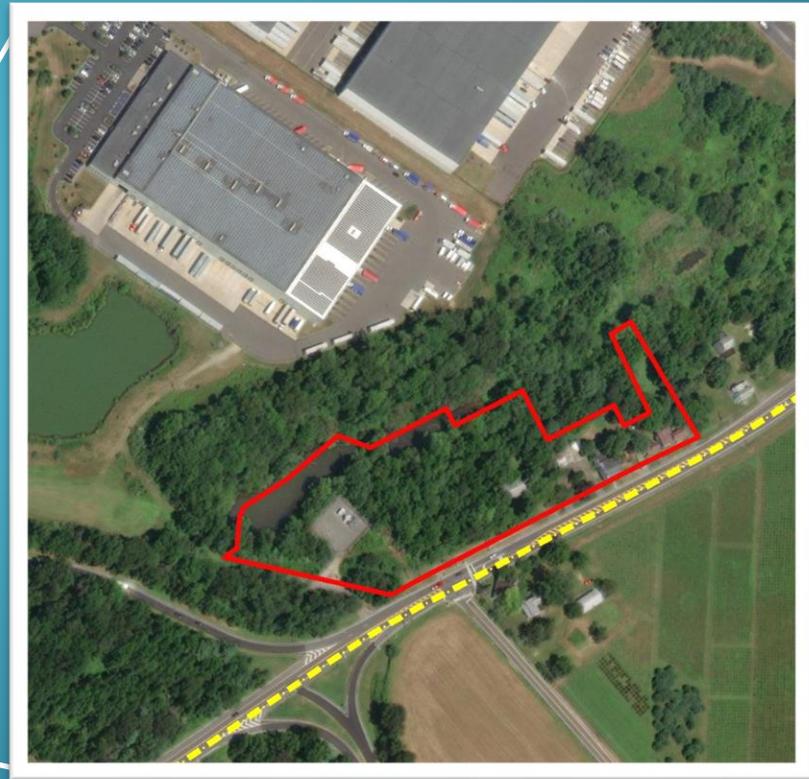


OLD YORK ROAD REDEVELOPMENT PLAN (AMENDED)

ROBBINSVILLE TOWNSHIP, MERCER COUNTY, NEW JERSEY



APPROVED MARCH 23, 2023 VIA ORDINANCE 2023-16
AMENDED FEBRUARY 23, 2024 VIA ORDINANCE 2024-02

ARH Project Number: 1500006.02





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- Michele Seigfried, Municipal Clerk
- Michael Herbert, Esq., Redevelopment Counsel

- Daniel J. 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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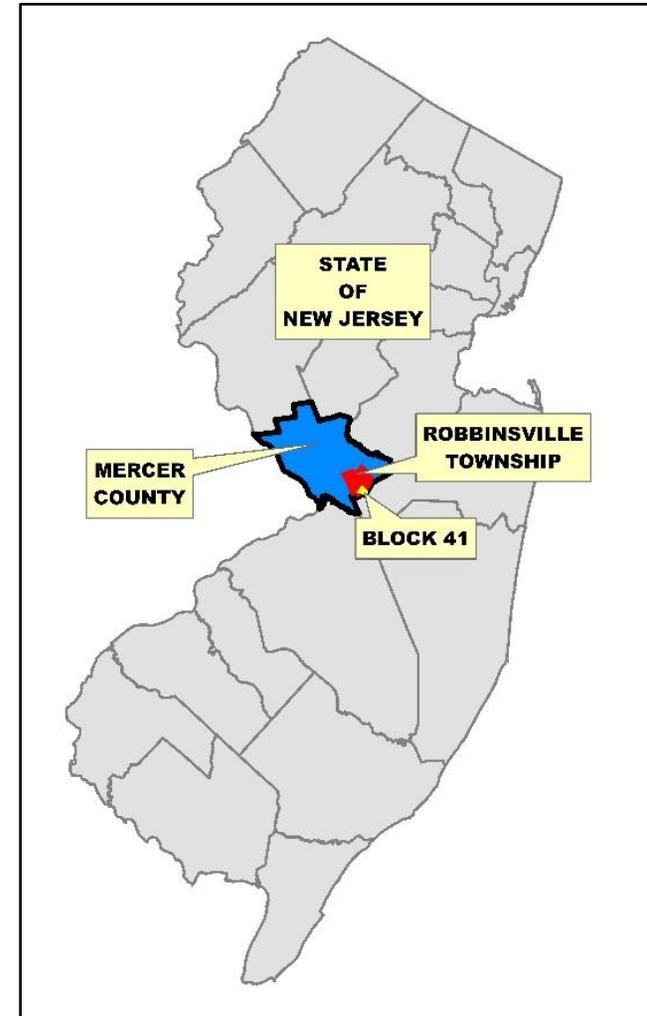
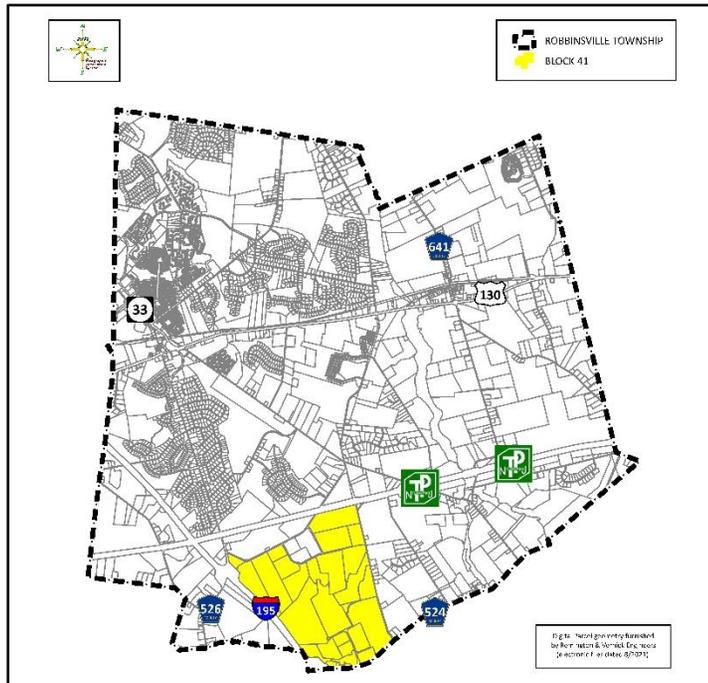
EXHIBITS



1.0 INTRODUCTION

1.1 BACKGROUND

There exists in the Township of Robbinsville, Mercer County, New Jersey¹, lands designated on the Township's Tax Maps as Block 41, the major defining characteristic of which is its proximity and connections to the New Jersey Turnpike and Interstate 95 (I-95), as well as its location of the Matrix Business Park at 7A and the Northeast Business Park at 7A.



¹ "Township"

1.1.1 2011 REDEVELOPMENT AREA

In February 2011, the Robbinsville Township Council² directed³ the Township’s [then] Planning Board⁴ to undertake what is termed a Preliminary Investigation to determine whether a 176-acre portion of Block 41 ~ consisting of Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012⁵ ~ met the statutory criteria for designation as an Area in Need of Redevelopment under New Jersey’s *Local Redevelopment & Housing Law*⁶.

The Planning Board accepted such directive and, after investigation and public hearing, recommended to Township Council⁷ that the 2011 Study Area qualified for Redevelopment Area designation. Council formally designated the Area to be In Need of Redevelopment in September 2011⁸. A Redevelopment Plan was adopted on or about November 2011⁹ and subsequently amended in March 2013.¹⁰



The intent of this process was to promote the build-out of the Matrix Business Park at 7A¹¹ by providing for greater flexibility in development provisions given [then] current market

² “Township Council”

³ Via Resolution No. 2011-45^{3A}.

^{3A} On file with the Township Clerk and/or the Planning Board Secretary.

⁴ The Planning Board was replaced by a combined Land Use Board in 2023.

⁵ “2011 Study Area”

⁶ N.J.S.A. 40A:12A-1 et seq. ~ “*Redevelopment Law*”.

⁷ Via Planning Board Resolution 2011-45^{3A}.

⁸ Via Resolution 2011-210^{3A}.

⁹ Redevelopment Plan for Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012, Township of Robbinsville, Mercer County, New Jersey. Prepared by the Cofone Consulting Group, LLC (dated October 2011) (Ordinance No. 2011-21)^{3A}.

¹⁰ Via Ordinance No. 2013-02^{3A}.

¹¹ in accordance with the underlying Planned Commercial Development (“PCD”) zoning and the existing General Development Plan (“GDP”) approval.

conditions. The Redevelopment Plan set forth standards for land use, circulation, open space, parking and design ~ some of which were fixed while others were flexible in keeping with overall Plan goals and objectives.

This process ultimately resulted in the Amazon Warehouse and distribution center at the corner of Old York Road and Gordon Road.

1.1.2 2017 REDEVELOPMENT AREA

In July 2017, Township Council directed¹² the Planning Board to conduct an Investigation and hold a public hearing to determine whether lands adjacent to the 2011 Redevelopment Area ~ namely Block 41, Lots 15.01, 15.02 and 15.03, inclusive of any and all streets, “paper” streets, private drives and rights-of-way ~ qualified for designation as an Area in Need of Redevelopment under the *Redevelopment Law*.

The Planning Board accepted such directive and, after investigation and public hearing, recommended to Township Council that the [then] 2017 Study Area qualified for



Redevelopment Area designation. Council formally designated the Lots to be In Need of Redevelopment in or about March 2018)¹³.

The Redevelopment Plan was amended to include the 2017 Redevelopment Area in April 2018¹⁴. The intent of the 2017 actions was again to promote the continued build-out of Matrix Business Park.

¹² Via Resolution No. 2017-177^{3A}.

¹³ Via Resolution No. 2018-111^{3A}.

¹⁴ Via Ordinance No. 2018-15^{3A}.

This process ultimately resulted in the expansion of the Amazon facility.

1.1.3 2022 REDEVELOPMENT AREA

A. For reasons beyond the scope of this Redevelopment Plan, there exists within Block 41 along Old York Road, 3 Lots hosting 4 single-family homes that were omitted from the 2011 and 2017 Redevelopment actions. Specifically:

- Lot 9 and Lot 10 which are under common, private ownership, host 3 single-family homes that were constructed in 1880, and are in various states of repair; and
- Lot 23, a Township-owned property that hosts a single-family home constructed in 1790 that is in disrepair.

As a result of the 2011 and 2017 Redevelopment actions, Lots 9, 10 and 23 are adjacent to *large-tract office, warehouse, light manufacturing and "flex" (office / warehouse) buildings*¹⁵, and are surrounded by lands under the jurisdiction of the Redevelopment Plan⁹.



B. In December 2020, Township Council directed the Planning Board¹⁶ to conduct the necessary investigations and undertake the necessary steps to determine whether Block 41, Lots 9, 10 and 23 qualified for designation as a Condemnation Area in Need of Redevelopment under the *Redevelopment Law*.

The Planning Board accepted such directive and, after investigation and public hearing, recommended to

¹⁵ §142-25

¹⁶ Via Resolution No. 2020-294^{3A}.

Township Council that Block 41, Lots 9, 10 and 23 qualified for Redevelopment Area designation. Council formally designated the Lots to be In Need of Redevelopment on August 25, 2022¹⁷.

- C. As required by N.J.S.A. 40A:12A-6, Township Resolution No. 2022-224 was transmitted to the Commissioner of the New Jersey Department of Community Affairs for approval of the designated Redevelopment Area. By letter dated September 20, 2022, the Township received such approval.

1.2 AUTHORIZATION & PURPOSE

- 1.2.1 Having declared Block 41, Lots 9, 10 and 23 to be In Need of Redevelopment, the next step in the Redevelopment Process is to prepare and adopt a Redevelopment Plan for these Lots.
- 1.2.2 This Redevelopment Plan encompasses Block 41, Lots 38.02, 38.03 and 38.07, which are included in the 2011 Redevelopment Area, and Block 41, Lots 9, 10 and 23, which are included in the 2022 Redevelopment Area.



- 1.2.3 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.

1.3 2024 REDEVELOPMENT PLAN AMENDMENT

This Redevelopment Plan was amended in February 2024 via Ordinance 2024-02.

¹⁷ Via Resolution No. 2022-224^{3A}.

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 Act¹⁸, 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** “Belt Course” shall mean a projecting horizontal band on an exterior wall marking the separation between floors or levels.
- 2.4** “Blank Wall” shall mean an undifferentiated exterior building wall with few or no openings, generally constructed of a single material and uniform texture, and constructed on a single plane.
- 2.5** “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.
- 2.6** “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.
- 2.7** “Building Envelope” or “Envelope” shall mean the area of a lot or Redevelopment Parcel within which a building may be sited.

¹⁸ U.S. Code Title 42, Ch. 126, Sect. 12101 et seq. and Title 47, Ch. 5.

The building need not fill the Envelope, and, unless otherwise indicated, may be placed anywhere within the Envelope.

- 2.8** “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.
- 2.9** “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.
- 2.10** “Context” shall mean the character of the buildings, streetscape and neighborhood which surround a given building or site.
- 2.11** “Cornice” shall mean the top part of an Entablature, usually molded and projecting.

- 2.12** “Cupola” shall mean a small roof tower, usually rising from the roof ridge.
- 2.13** “Elevation” shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.
- 2.14** “Entablature”¹⁹ 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.
- 2.15** “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.
- 2.16** “Façade” shall mean a building face or wall.

¹⁹ Originally defined as an elaborated beam supported by columns.

- 2.17** “Fascia” shall mean a projecting flat horizontal member or molding, also part of a classical Entablature.
- 2.18** “Fenestration” shall mean window and other openings on a building facade.
- 2.19** “Gable” shall mean the part of the end wall of a building between the eaves and a pitched or gambrel roof.
- 2.20** “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.
- 2.21** “Independent Component of a Project”: see “Redevelopment Project”.
- 2.22** “Land Use Board” shall mean the successor agency to the Robbinsville Planning Board²⁰, which was established in 2023 pursuant to N.J.S.A 40:55D-25.
- 2.23** “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.

- 2.24** “Linkage” shall mean a means of access ~ typically, but not exclusively, a pathway, arcade, bridge, or other similar element ~ linking areas or Parcels which are either distinct or separated by a railroad line, major arterial, drainageway or other man made or natural feature.
- 2.25** “Lintel” shall mean a structural or decorative horizontal beam over an opening in a masonry wall.
- 2.26** “*Local Redevelopment & Housing Law*” shall mean N.J.S.A. 40A:12A-1 et seq.
- 2.27** “Masonry” shall mean a wall or building material, such as brick or stone, which is laid up in small units.
- 2.28** “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width and depth).
- 2.29** “*Municipal Land Use Law*” shall mean N.J.S.A. 40:55D-1 et seq.

²⁰ §2.39 herein.



- 2.30** “NJDCA” shall mean the New Jersey Department of Community Affairs²¹
- 2.31** “NJDEP” shall mean the New Jersey Department of Environmental Protection²¹.
- 2.32** “NJDOT” shall mean the New Jersey Department of Transportation²¹.
- 2.33** "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.
- 2.34** “Old York Road Redevelopment Plan” shall mean this instant document entitled *Old York Road Redevelopment Plan 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.

- 2.35** "Old York Road Redevelopment Plan Area" mean the portions of the “2011 Redevelopment Area”²² and the “2022 Redevelopment Area”²³, which portions have been combined under this Redevelopment Plan.
- 2.36** “Parcel” shall have the same meaning as “Redevelopment Parcel”.
- 2.37** “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.38** “Pitch” shall mean the angle or slope of a roof or berm.
- 2.39** “Planning Board” shall mean the Robbinsville Township Planning Board, established pursuant to section 23 of the *Municipal Land Use Law* and operating pursuant to the

²¹ Including all divisions and agencies thereof.

²³ §1.1.3 herein.

²² §1.1.1 herein.



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

In 2023, the Planning Board was replaced by a combined Land Use Board pursuant to N.J.S.A 40:55D-25.

2.40 “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.

2.41 "Preliminary Investigation" shall mean the process by which the Old York Road Study Area was designated In Need of Redevelopment under the *Local Redevelopment & Housing Law* as detailed in §1.1.3 herein. See *Report of Findings*.

2.42 “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.

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

2.44 “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.

2.45 “Project Plan(s)” shall mean a detailed depiction of a Redeveloper’s proposed Project, or individual Phase or Subphase thereof, and shall include all submission requirements for making application to the Land Use Board pursuant to the Township’s existing Subdivision and Site Plan application procedures and this Redevelopment Plan.

2.46 “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.

2.47 “Public Open Space” shall mean a portion of a Redevelopment Parcel 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.

- 2.48** “Publication” shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Plan was finalized for printing.
- 2.49** "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.
- 2.50** "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.
- 2.51** “Redevelopment Agreement” shall mean a contract made by and between a designated Redeveloper (Candidate) and the Township²⁴, 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.

- 2.52** "Redevelopment Plan Area" shall have the same meaning as “Old York Road Redevelopment Plan Area”.
- 2.53** “Redevelopment Entity” shall mean the Governing Body of Robbinsville Township, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et seq.
- 2.54** “*Redevelopment Law*” shall have the same meaning as *Local Redevelopment & Housing Law*.
- 2.55** “Redevelopment Parcel” shall mean any of the designated

²⁴ Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.



sections of the Redevelopment Area created by §8.1 herein.

2.56 “Redevelopment Plan” shall have the same meaning as Old York Road Redevelopment Plan.

2.57 “Redevelopment Project” shall mean the construction of buildings and/or other improvements on the Redevelopment Plan Area by the designated Redeveloper in accordance with this Redevelopment Plan.

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

For the purposes of issuing a Certificate of Completion & Compliance²⁵, an “Independent Component of a Redevelopment Project” shall mean any portion of a Redevelopment Project, or Phase or Subphase thereof,

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

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

2.59 “*Report of Findings*” shall mean the document entitled *Report of Findings, Condemnation Preliminary Redevelopment Investigation, Old York Road Study Area, Robbinsville Township, Mercer County, New Jersey* prepared by **ARH Associates** (dated August 10, 2022)²⁶.

2.60 “Retail”: Pertinent to this Redevelopment Plan²⁷ 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

²⁵ §15.0 herein

²⁶ On file with the Township Clerk and/or the Planning Board Secretary.

²⁷ <https://www.merriam-webster.com/> (“Webster’s”)



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.

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

2.62 “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.

2.63 “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.²⁸

2.64 “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 line²⁹ 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;
- 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

²⁸ 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.

²⁹ Which may or may not coincide with a lot line.

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 (*).

2.65 “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.

2.66 "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.

2.67 “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.

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

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

2.70 “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.

2.71 “Street Furniture” shall mean the functional elements of the

streetscape, including, but not limited to, benches, trash receptacles, planters, kiosks, streetlights and bollards.

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

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

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

2.75 “Township Code” shall mean, unless otherwise cited, Chapter 142 of the Robbinsville Township Municipal Code,³⁰ as modified through this Redevelopment Plan and as may be amended from time-to-time.

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

2.77 “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.

2.78 “Zero-Emission Vehicle” means a vehicle certified as a zero-emission vehicle pursuant to the California Air Resources Board zero emission vehicle standards for the applicable model year, including but not limited to, battery electric-powered vehicles and hydrogen fuel cell vehicles.

2.79 “Zero-Emission Vehicle Fueling and Charging Infrastructure” shall mean infrastructure to charge or fuel zero-emission vehicles, including but not limited to, public electric vehicle charging stations and public hydrogen fueling stations.

2.80 “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 Land Use Board.

³⁰ On file with the Township Clerk or available via <http://www.robbinsville-twp.org/>

3.0 PREEXISTING CONDITIONS

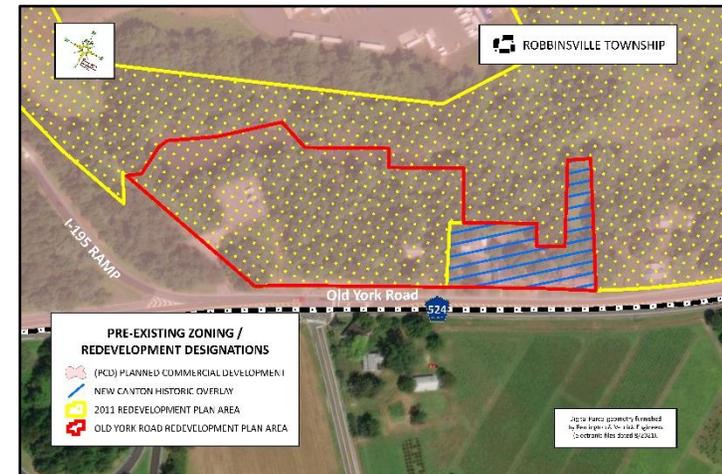
3.1 DELINEATION

As authorized by the Township Council, this Old York Road Redevelopment Plan encompasses the Lots as mapped.

3.2 ZONING

Prior to the adoption of this Redevelopment Plan:

1. Block 41, Lots 38.02 and 38.03 are zoned under the Redevelopment Plan for Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012, Township of Robbinsville, Mercer County, New Jersey³¹; and
2. Block 41, Lots 9, 10 and 23 are zoned (“PCD”) Planned Commercial Development. Development under PCD Zoning is governed by §142-25 of the Township Code³².
3. Block 41, Lots 9, 10 and 23 are also zoned under the Township’s Hamlet of New Canton Historic Overlay (H-O), and the locally-designated New Canton Historic Village.



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

3.3 SMART GROWTH & 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.

³¹ Prepared by the Cofone Consulting Group, LLC (dated October 2011). On file with the Township Clerk and/or the Planning Board Secretary.

³² Pertinent sections reprinted in Exhibit A and Exhibit B herein.

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.

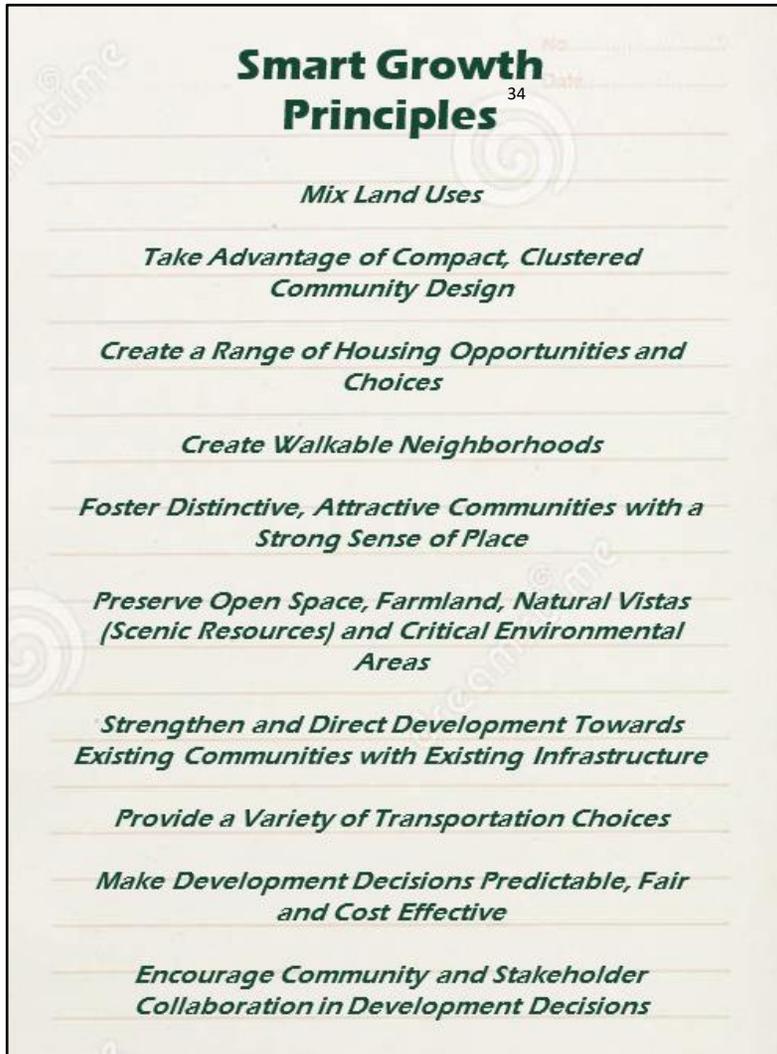
Families, perceiving their quality of life diminishing, began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban³³, exurbs became suburban, and the open space that heretofore separated communities vanished.

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.

³³ Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.



3.3.2 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*.³⁵

Promulgated by the State Planning Commission³⁶ 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 Jersey³⁷, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.

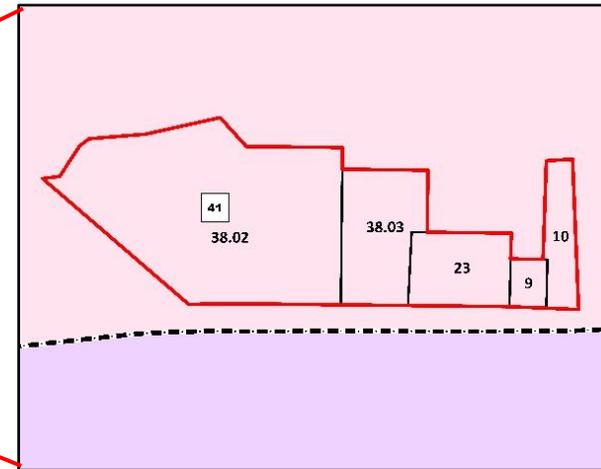
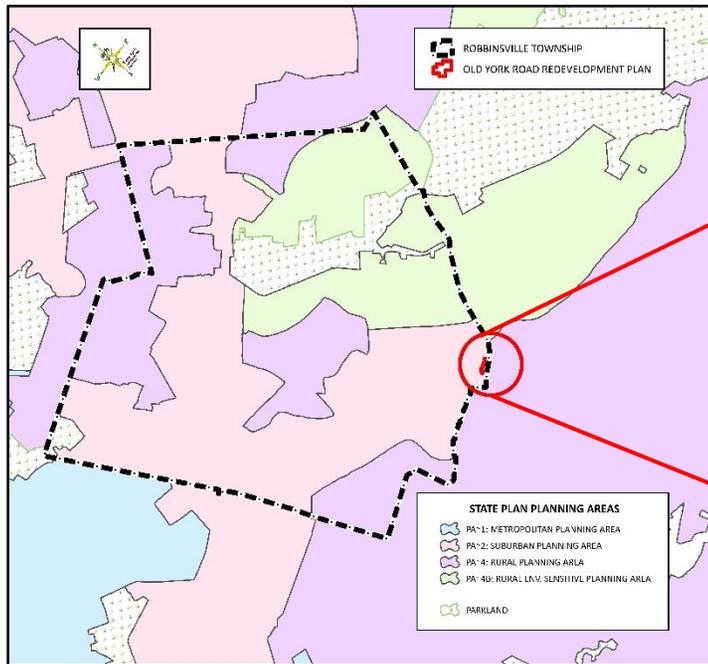
The *State Plan* classifies the lands under the jurisdiction of this Old York Road Redevelopment Plan as a (PA~2) Suburban Planning Area:

³⁴ <http://smartgrowth.org/smart-growth-principles/>

³⁵ "State Plan".

³⁶ In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

³⁷ Principally, but not exclusively, NJDCA and NJDEP.



PA~2 Planning Areas are designed³⁸:

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.³⁹

Pertinent to this Redevelopment Plan:

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

³⁸ State Plan: p. 186

³⁹ State Plan: pp. 198-199



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.

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.

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 transit facilities. Redevelop at transit-supportive densities, while creating pedestrian-oriented environments. Take full advantage of the opportunities available under the state’s redevelopment statutes to promote new Centers and retrofit existing areas with mixed-uses and higher densities.

Historic Preservation

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

PUBLIC FACILITIES & SERVICES:

Phase and program the extension of public facilities and services to support development in Centers and ensure adequate levels of

public and private services. Encourage jurisdictions to locate all public and private community facilities ~ schools, libraries, municipal buildings, government offices, post offices, civic, cultural and religious facilities, fire stations, etc. ~ in Centers or in proximity to (within walking distance of) Centers. Central facilities serving a wide population should be located in or near Cores.

INTERGOVERNMENTAL COORDINATION:

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

3.3.3 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, in the words of the State Plan Policy Objectives for PA~2 Planning Areas⁴⁰, is designed to:

LAND USE:

Guide redevelopment adjacent to and in support of the Matrix Business Park at 7A and the Northeast Business Park at 7A, which collectively are single-use developments that will effectively be restructured to accommodate a wider range of uses and users in order to achieve more balanced communities.

ECONOMIC DEVELOPMENT:

Guide opportunities for economic development into an existing transit-supportive single-use area and target new jobs to this location.

TRANSPORTATION:

Utilize an existing transportation system that links an existing large single-use area to major highway and transit corridors.

Emphasize the use of public transportation systems and alternative modes of transportation, 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...

⁴⁰ Policy Objectives related to Housing, Recreation, Agriculture and certain components of Objectives not related to the Old York Road Redevelopment Plan are omitted as not being relevant to this Redevelopment Plan.



NATURAL RESOURCE CONSERVATION:

Conserve continuous natural systems.

REDEVELOPMENT:

Encourage redevelopment in existing single-use areas which can be redeveloped into multi-use areas within walking distance of ... major public transit facilities.

Take full advantage of the opportunities available under the state's redevelopment statutes to retrofit existing areas with expanded uses.

Historic Preservation

Encourage the reuse of a historic district that⁴¹, despite such designation, does not contain historic or significant buildings, Historic and Cultural Sites, neighborhoods or districts in ways that will not compromise either the historic resource or the area's ability to develop or redevelop.

PUBLIC FACILITIES & SERVICES:

Ensure adequate levels of private services for this section of the Township.

INTERGOVERNMENTAL COORDINATION:

Create public / private partnerships to locate, facilitate, coordinate and implement new development and redevelopment.

Accordingly, this Redevelopment addresses the Smart Growth Policy Objectives embodied in the State Plan as appropriate to the Old York Road Redevelopment Plan Area.

3.4 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

NJDEP has identified the following environmental conditions and constraints for the lands under this Old York Road Redevelopment Plan.

3.4.1 SOILS, WETLANDS & BUFFERS⁴²

NJDEP has identified⁴³ Mixed Deciduous / Coniferous Brush / Shrubland within the lands under this Old York Road Redevelopment Plan, and Mixed Scrub / Shrub Wetlands (Deciduous Dom.) and an Artificial Lake along the northern edge of the Redevelopment Plan Area.

Additionally, Deciduous Wooded Wetlands have been identified⁴³ to the north of the Redevelopment Plan Area.

Depending on site-specific analyses and permitting from NJDEP, buffers can range from 50' to 150' from their sources.

⁴¹ As detailed in the *Report of Findings* (§2.59 herein).

⁴³ Mapped

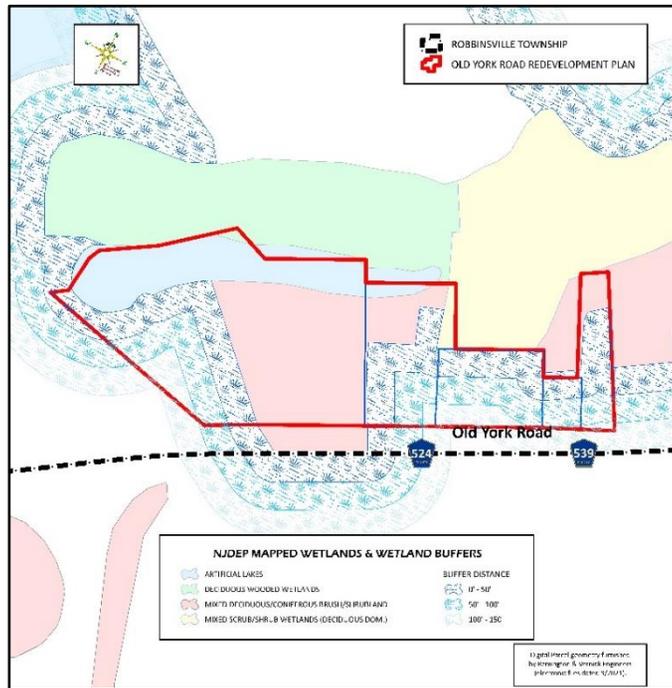
⁴² NJDEP GeoWeb



3.4.2 HABITAT / THREATENED & ENDANGERED SPECIES

A. NJDEP employs a 5-tiered species-based habitat methodology⁴⁴ to assign species sensitivity amid specific Land Use / Land Cover (“LULC”) classifications according to the habitat needs of the species.

NJDEP Mapping⁴⁵ has identified Rank 2 habitat-specific conditions for the Great Blue Heron⁴⁶ within the Redevelopment Plan Area and Rank 3 habitat-specific conditions for the American Kestrel⁴⁷ across Old York Road from the Redevelopment Plan Area.



⁴⁴ 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.

⁴⁵ NJDEP Landscape 3.3 Viewer:
(<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>)

⁴⁶ *Ardea Herodia*: with a Last Observation Year of 2005.

⁴⁷ *Falco sparverius*: with a Breeding and Sighting Observation Year of 2005.

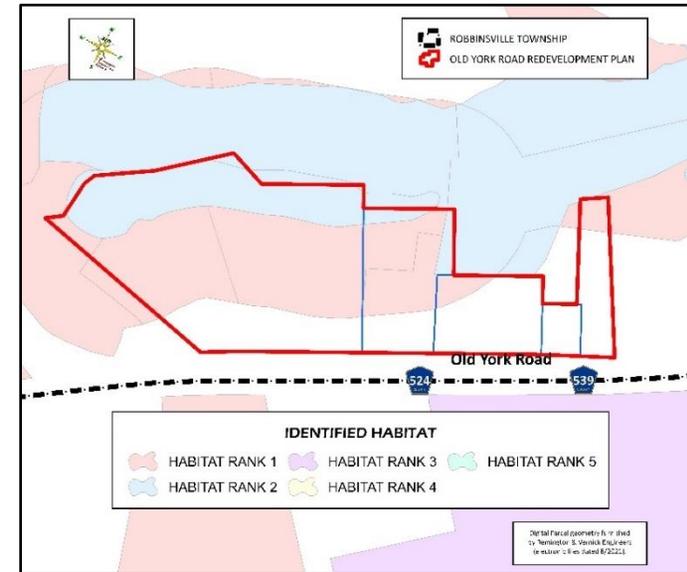
(While NJDEP has mapped Rank 1 Habitat within the Redevelopment Plan Area, such Habitat is attributed to the Lake / Pond waterbody north of the Redevelopment Plan Area. No species has been identified.)

- B. The U.S. Fish & Wildlife Service IPaC website⁴⁸ has identified the Northern Long-eared Bat⁴⁹, the Tricolored Bat⁵⁰, the Monarch Butterfly⁵¹ and the Bog Turtle⁵² in the Redevelopment Plan Area.

A Natural Heritage Database Request and application to the U.S. Fish & Wildlife Service are required to confirm the actual species presence within or in proximity to the Redevelopment Plan Area. Once confirmed, a buffer of 150' may be established.

3.5 GOVERNMENTAL APPROVALS

Based on the information available to the Township at Publication of this Redevelopment Plan, 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 Committee⁵³ prior to Council action;
- Robbinsville Land Use Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made by the TRC in accordance with standard operating procedure;

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

⁴⁹ *Myotis septentrionalis*.

⁵⁰ *Perimyotis subflavus*.

⁵¹ *Danaus plexippus*.

⁵² *Glyptemys muhlenbergii*

⁵³ "TRC"



- 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;
- Mercer County Engineer for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to County Routes 524 and 539;
- 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.

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 public / private partnership, for the creation of one or more Project(s) within the Old York Road Redevelopment Plan Area; 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 the Universal Group Company (“Universal”) as Redeveloper Candidate for the entire Redevelopment Plan Area.

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 Township Policymakers recognize the financial and planning realities related to the redevelopment of the Old York Road Redevelopment Plan 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;⁵⁴ 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.

4.1.4 Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to the Redevelopment Plan Area. Such issues may include, but need not be limited to, wetlands and threatened or endangered species.

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

Responsibility (financial or otherwise) for addressing any conditions found within, on or under the Redevelopment Plan Area, or for compliance with any State or Federal requirements related thereto, shall be addressed between the Redeveloper and the current property owner in accordance with applicable laws and regulations.

⁵⁴ 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.



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*⁵⁵ 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;
- 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 commercial uses, according to the 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;
- Encouraging planned ... development which will incorporate the best features of design and relate the type, design and layout of commercial and other development to the Redevelopment Plan Area;
- 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

⁵⁵ N.J.S.A. 40:55D-2

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*⁵⁶ which led the Township to designate the Redevelopment Plan Area as being In Need of 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 Maximize tax revenue, generate tax ratables or otherwise provide for a return to the public sector⁵⁷ by the (re)development and active (re)use of un/underutilized

and/or un/underproductive lands which, singularly or in combination, represent a lost opportunity for valuable contribution to the welfare of the community.

4.3.4 Stimulate development of the Redevelopment Plan Area while protecting, to the extent practicable, the surrounding built and natural environment.

4.3.5 Reorganize and replan the Redevelopment Plan Area via a combination of land consolidation, subdivision and other mechanisms in order to create one or more Redevelopment Parcels of appropriate size and shape to facilitate a market-driven Project designed to advance and achieve the Municipal Goals & Objectives detailed herein.

4.3.6 Stimulate, strengthen and enhance the Township's economic base and provide for increased employment and business opportunities ~ including opportunities for Township residents ~ resulting from the (re)development and operation of one or more Redevelopment Project(s); and, by so doing:

⁵⁶ §2.59 herein.

⁵⁷ via P.I.L.O.T. or other appropriate mechanisms.

- 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.

4.3.7 Institute provisions to promote a comprehensively planned Redevelopment Project in a mutually supportive environment consistent with Smart Growth Principles⁵⁸.

4.3.8 Provide for adequate parking to support the Redevelopment Project(s) anticipated.

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

4.3.10 Work with NJ Transit and adjacent land uses 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.

4.3.11 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.

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

4.3.13 Provide for appropriate aesthetics, visibility and security.

4.3.14 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.

⁵⁸ §3.3 herein.

4.3.15 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.
- Provision of open space buffers 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*.⁵⁹

Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to undertake such actions for the purposes of advancing the Municipal Goals & Objectives⁶⁰ detailed herein.

5.2 DESIGNATION OF REDEVELOPMENT ENTITY

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

⁵⁹ N.J.S.A. 40A:11-1 et. seq. and N.J.S.A. 40A:12-1 et. seq. respectively

⁶⁰ §4.0 herein.

⁶¹ “Universal”

5.3 REDEVELOPER CANDIDATE SELECTION

5.3.1 BACKGROUND

With the exception of Block 41, Lot 23, which is owned by the Township, the entire Redevelopment Plan Area is under a purchase agreement by the Universal Group Company of Philadelphia Pa⁶¹. Such agreement provides Universal with site control over the lands in question.

Universal has submitted an Expression of Interest⁶² to develop a 5,977 s.f. convenience store with fuel pumps and a 7,155 s.f. retail facility / Quick Serve Restaurant, along with associated parking and site improvements on the Redevelopment Plan Area.

Owing to Universal’s site control over the non-Township-owned lands within the Redevelopment Plan Area and its Expression of Interest, this Redevelopment Plan designates the Universal Group Company as Redeveloper Candidate⁶³ for this Redevelopment Plan.

⁶² §5.3.2 herein.

⁶³ “Redeveloper” designation shall be conferred by the Township only upon execution of a Redevelopment Agreement.

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 Universal detailing its proposed Project. Such Expression of Interest shall address Universal's:

- A. Project Concept(s) & Description of Project Elements⁶⁴.
- 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. Ability to comply with (extent to which the proposed Project achieves) the Municipal Goals & Objectives⁶⁰ and other provisions of this Redevelopment Plan.

- F. The anticipated Project Implementation schedule (with project milestones).
- G. Additional information as may be deemed by Universal as necessary or appropriate to convey its Project vision.

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 Universal.

5.4 REDEVELOPMENT AGREEMENT

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

⁶⁴ §2.44 herein.

- The Project Concept(s) & Description of Project Elements for the undertakings proposed;
- Details regarding compliance with the Municipal Goals & Objectives⁶⁵ of this Redevelopment Plan;
- Details regarding compliance with the Redevelopment Administration Escrow requirements⁶⁶ 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 Universal, and/or negotiated provisions that, in the sole opinion of the Township’s negotiators, may or may not be in the best interests of the Township and its taxpayers, but are deemed to be worthy of consideration by the Township Council in light of the totality of the negotiations.

In referring such draft Agreement 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;

⁶⁵ §4.0 herein.

⁶⁶ §5.5 herein.



- Adopt such Agreement with such modifications as it is able to negotiate with Universal 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 Universal as Redeveloper Candidate and execution of the Redevelopment Agreement.

Without limiting any terms or conditions to be negotiated as part of the Redevelopment Agreement, Universal 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*⁶⁷, and shall be used to reimburse the Township for in-house staff time and as-invoiced costs for such outside professionals⁶⁸ 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, Universal 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

⁶⁷ N.J.S.A. 40:55D-53.1

⁶⁸ including, but not limited to, planning and engineering services, environmental specialists, legal advisors, financial consultants, real estate appraisers and other third-party professional costs.



reserves the right to rescind Redeveloper Candidate designation from Universal; 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 & Compliance⁶⁹ for the final component of the Project). Such funding shall be for Township costs incurred outside of the Land Use 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 Land Use Board as part of the land use Review & Approval process, or by any other municipal or outside agency.

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

⁶⁹ \$15.0 herein.

6.0 ANTICIPATED REDEVELOPMENT ACTIONS

The Redevelopment Actions anticipated under this Redevelopment Plan consist of:

- A. Replanning the Redevelopment Plan Area 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 Plan⁷⁰;
- C. Identifying infrastructure improvements to be required to support the Redevelopment Project anticipated under this Redevelopment Plan⁷¹;
- 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 & Objectives⁷² of this Redevelopment Plan.

⁷⁰ §8.0 and §11.0 herein.

⁷¹ §9.0 and §10.0 herein.

6.1 ACQUISITION & CONVEYANCE

6.1.1 PROPERTY DESIGNATED NOT-TO-BE-ACQUIRED

Block 41, Lot 23 is owned by the Township. All remaining lots in the Redevelopment Plan Area under purchase agreement with Universal.

No “acquisition” is therefore required to effectuate this Redevelopment Plan.

6.1.2 CONVEYANCE

Upon adoption of this Redevelopment Plan, and subject to the terms of the executed Redevelopment Agreement, the Township will transfer title to Block 41, Lot 23 to Universal.

6.2 REDEVELOPER’S RESPONSIBILITIES

- 6.2.1 The Redeveloper Candidate or subsequently designated Redeveloper shall be responsible for all taxes which become due and owing on all property owned or acquired by such entity; for all demolition, site work and remediation; and for

⁷² §4.0 herein.



all planning, engineering, permitting and other activities necessary for the development of the Redevelopment Project in accordance with this Redevelopment Plan.

6.2.2 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.

6.3 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 Redevelopment Plan Area 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 Council, acting in its capacity as Redevelopment Entity for

⁷³ §4.0 herein.

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 Redevelopment Plan Area.

While the Township is not in the position to provide direct financial assistance to address 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 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 evolve from concept to final design, the following approval process is established:
 - 1. The acceptance of Universal'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 herein.

2. The action of entering into a Redevelopment Agreement with Universal⁷⁶ 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 Land Use 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 Land Use 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 Land Use 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

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 Land Use Board.

3. The Land Use Board shall retain authority for the review and approval of all site plans and subdivisions proposed under this Redevelopment Plan. Appeal of any interpretation or clarification made by the Land Use 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 Land Use 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 Land Use 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 Land Use 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 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, the Land Use Board may, at time of Review & Approval and without formal amendment to this Redevelopment Plan, approve departures from the Building Limit Controls and the quantifiable requirements of the Architectural Controls, Circulation, Parking & Loading Plan, Infrastructure Controls and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan as may be requested

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

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 Land Use Board, superior design and quality, and further provided that such departure(s) are, in the sole opinion of the Land Use 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 Land Use Board shall have the flexibility to consider the request on the totality of its merits and not on the rigid requirements of the Positive and Negative Criteria required for Variance relief.

- b. Requests beyond 10% shall require a formal Plan amendment.
- c. Requests of 10% or less ~ but which are deemed by the Land Use Board to be inconsistent with the intent of this Redevelopment Plan ~ shall require formal Plan amendment.

2. Design Waivers

- a. A Redeveloper Candidate may petition the Township Council for departure(s) from the non-quantifiable provisions of the Architectural Controls; Circulation, Parking & Loading Plan; Infrastructure Controls; and the Landscaping, Streetscaping & Lighting Provisions of this Redevelopment Plan in the form of Design Waivers requested either along with submission of an Expression of Interest⁸³ or as part of the Redevelopment Agreement negotiations process⁸⁴.

Any Design Waiver accepted by the Township Council shall explicitly be included as an exhibit to

⁸³ §5.3.2 herein.

⁸⁴ §5.4 herein.

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

Land Use Board, as the case may be, consistent with the intent of this Redevelopment Plan.

In reviewing any such request(s), the Township Council or Land Use Board, as the case may be, shall consider any individual request on the totality of its merits within the context of all 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, provided that such departure(s) are reviewed and accepted by the Land Use Board within the context of the affected Project element. Departure(s) not accepted by the Land Use Board shall require formal Plan Amendment.
- C. The Redevelopment provisions detailed herein are intended to work collectively to create a unified fabric of complimentary uses and structures within the



Redevelopment Plan Area. As a result of such interrelationships, any Deviation or Departure from a specific Plan provision will likely impact other Plan provisions. Accordingly, any request for Deviation or Departure shall be reviewed within the context of the entirety of the 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 Plan⁸⁵.

Permitted Uses are limited to the Permitted Principal and Ancillary Uses enumerated for each Redevelopment Parcel under §8.2 herein. Redevelopers may engage in such uses directly, 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**.
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**.

⁸⁵ §4.0 herein.



8.0 LAND USE PLAN

8.0.1 This Land Use Plan divides the Redevelopment Plan Area 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 & Objectives⁸⁶ of this Redevelopment Plan.

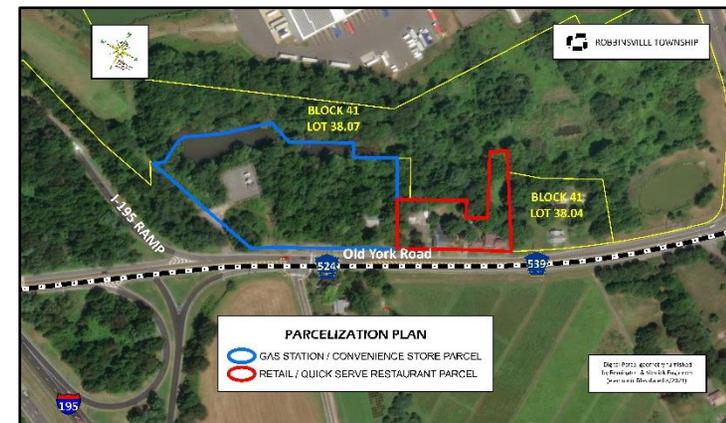
8.0.2 This Land Use Plan assumes that Old York Road⁸⁷ will generally remain in its current geometry, but may be modified to address ingress / egress and additional traffic to be generated by the Redevelopment Project. Specific improvements will be dependent on the Project proposed.

To the extent necessary, new accessways required to access the interior of a Redevelopment Parcel shall be addressed by the Redeveloper as part of the Project Concept(s) & Description of Project Elements submitted under the Expression of Interest process⁸⁸ and the Circulation Plan⁸⁹ of this Redevelopment Plan.

8.1 PARCELIZATION PLAN

8.1.1 This Parcelization Plan establishes Redevelopment Parcels of approximate sizes⁹⁰ as follows:

- Gas Station / Convenience Store Parcel: 4.06 acres;
- Retail / Quick Serve Restaurant Parcel: 1.15 acres;



⁸⁶ §4.0 herein.

⁸⁷ i.e., County Routes 524 and 539

⁸⁸ §5.3.2 herein.

⁸⁹ §9.1 herein.

⁹⁰ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.

8.1.2 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 commercial center for the Redevelopment Plan Area.

8.1.3 Subject to §8.1.4 and §8.1.5 herein, Parcel boundary lines following existing, improved rights-of-way shall be assumed to be fixed. Boundary lines following proposed rights-of-way, internal circulationways or geographic features shall be flexibly interpreted, and may be adjusted by a Redeveloper at time of Review & Approval to more accurately coincide with the desired geometry of a cartway and/or physical features as determined by (topographic or boundary) surveys, wetlands delineations or other similar mapping.

8.1.4 While this Parcelization Plan was crafted so that each Redevelopment Parcel could be developed separately, 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.

8.1.5 This Parcelization Plan recognizes that the design of the Redevelopment Project must address the wetlands and

buffers that exist in and around the Redevelopment Parcels.⁹¹ 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 physical features of the land.

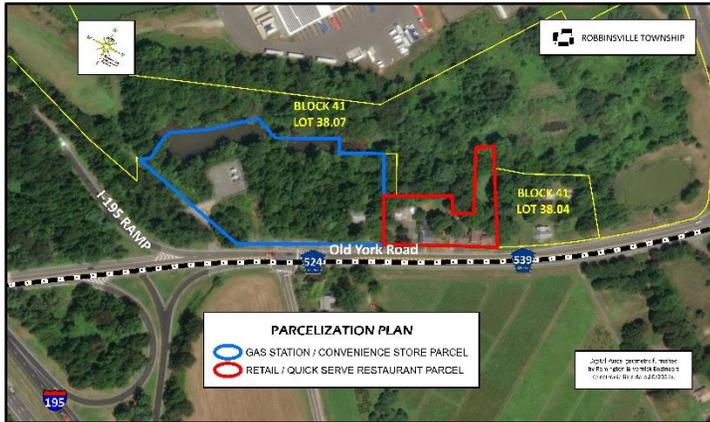
In cases where environmental mitigation requirements result in a relocation of certain wetlands or wetlands buffers, the boundary line for an impacted Redevelopment Parcel may be adjusted to follow such mitigation.

8.2 DEVELOPMENT REGULATIONS

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 land uses and building types in order to provide for complimentary Projects for the Old York Road Redevelopment Plan Area.

⁹¹ §3.4.1 herein.

8.2.1 GAS STATION / CONVENIENCE STORE PARCEL



- A. Permitted Principal Uses & Structures
 - Combined Motor Vehicle Fueling Station with canopy⁹² and Convenience Store.
- B. Permitted Ancillary Uses & Structures
 - 1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use.
 - 2. Exterior refuse and recycling storage.
 - 3. Interior Maintenance and Storage Structures.

- 4. 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.
- 5. Subject to the provisions of the Circulation, Parking & Loading Plan⁹³ herein, surface parking lots.

C. Building Limit Controls

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

Buildings abutting a right-of-way shall present an aesthetically pleasing elevation along each right-of-way.

CATEGORY	REGULATION
Minimum Parcel Area	No Minimum Established
Minimum Parcel Width	This Parcel shall be developed as a single Project site, with existing geometry constituting Area, Width & Depth.
Minimum Parcel Depth	

⁹² Gasoline and diesel pumps as well as Zero-Emission Vehicle Fueling and Charging Infrastructure as defined in §2.79 herein, subject to the provisions of §13.9 herein.

⁹³ §9.0 herein.

CATEGORY		REGULATION
Maximum Impervious Surface Coverage		No Regulation for Parcel. 60% for entire Redevelopment Plan Area ⁹⁴
Principal Structures		
Minimum Setbacks ⁹⁵	Old York Road	Convenience Store: 70'
		Fuel Station Canopy: 50'
	I-195 Ramp Parcel Line	Convenience Store: 200'
	Lot 38.07	100'
	Common Parcel Line	No Regulation
Maximum Building Height		20'
Minimum Distance between Buildings		30', unless otherwise permitted / directed by the Fire Official
Maximum Building Coverage		15%
Ancillary Structures		
Maximum Number		1
Maximum Combined Size		500 s.f.
Minimum Setbacks ⁹⁵	Old York Road	Prohibited
	I-195 Ramp Parcel Line	No Less than the Minimum Parking Setback from Same.
	Lot 38.07	10'
	Common Parcel Line	No Regulation
Minimum Distance between Buildings		As directed / permitted by the Fire Official

CATEGORY	REGULATION
Maximum Building Height	15'
	1 Story
Minimum Parking Setbacks⁹⁵	
Old York Road	5'
I-195 Ramp Parcel Line	100'
Lot 38.07	80'
Common Parcel Line	No Regulation

D. Additional Requirements

1. On-site automobile servicing, including fluids other than fuel, mechanical, autobody or electrical repair, whether by the operator of the Motor Vehicle Fueling Station and Convenience Store or by a patron thereof, is ***strictly prohibited***.
2. Vehicular entrances and exits shall be clearly visible from the highway or street upon which such use is located and shall be in accordance with the NJDOT Access Code §16:47-3.8.
3. No part of any facility may be used for residential or sleeping purposes.

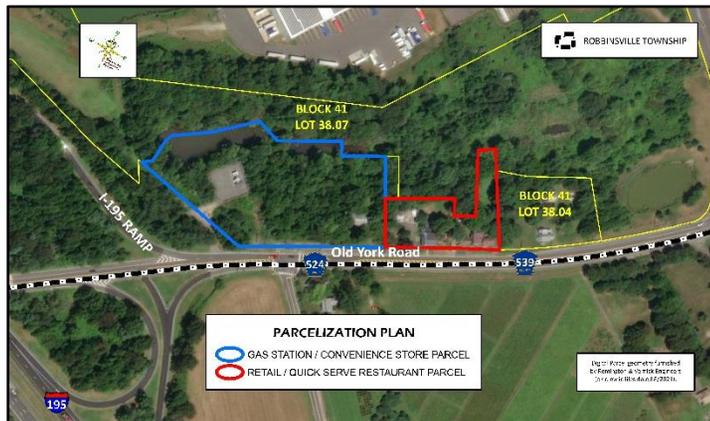
⁹⁴ Calculation shall include wetlands and wetlands buffers.

⁹⁵ Subject to whatever buffers may be required by the Relevant Permitting Agencies.

4. No junked motor vehicle or part or parts thereof, nor any unlicensed or unregistered motor vehicle, shall be permitted on the premises.
5. The exterior display and parking of motor vehicles or related parts or equipment for sale purposes is **strictly prohibited**.
6. No parking of vehicles shall be permitted on an unpaved area.

- A. Permitted Principal Uses & Structures
 1. Quick-Serve / drive-through restaurant;
 2. Retail Store.
- B. Permitted Ancillary Uses & Structures
 1. Such Ancillary Uses and Structures as are normally and customarily associated with a Permitted Principal Use, except that no automobile servicing is permitted.
 2. Exterior refuse and recycling storage.
 3. Interior Maintenance and Storage Structures.
 4. 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.
 5. Subject to the provisions of the Circulation, Parking & Loading Plan⁹⁶ herein, surface parking lots.

8.2.2 RETAIL & QUICK-SERVE RESTAURANT PARCEL



⁹⁶ §9.0 herein.



C. Permitted Conditional Uses

1. Cannabis Retail Establishments (with or without a Class 6 delivery license).

a. Cannabis Retail Establishments are permitted as a conditional use in accordance with the provisions of Chapter 88 of the Code of the Township of Robbinsville.

b. No person or entity may operate as a Cannabis Retail Establishment, as defined in Chapter 88, without first obtaining:

(1) Site Plan approval or Site Plan waiver from the Land Use Board;

(2) A municipal permit for the Cannabis Retail Establishment pursuant to Chapter 88, which shall not be issued until after Site Plan approval or Site Plan waiver has been granted by the Land Use Board, which municipal permit will not become effective until a municipal zoning permit has been issued for the operation; and

(3) A Cannabis Regulatory Commission-issued license or permit for the operation.

c. Any suspension, revocation or nonrenewal of the municipal permit pursuant to Chapter 88, or any suspension, revocation or nonrenewal of a Cannabis Regulatory Commission-issued license for the operation, or adjudication of felony criminal guilt by the operation or its principals shall constitute an automatic revocation of the municipal zoning permit for the operation, at which time the operation must cease. With respect to a suspension, revocation or nonrenewal of the municipal permit or the Cannabis Regulatory Commission-issued permit or license, the operation may not reinstate its municipal zoning permit until the Township and/or Cannabis Regulatory Commission permit or licenses are reinstated. A criminal conviction voids and prohibits any future reinstatement of Township permits.

d. Cannabis Retail Establishment shall be permitted, pursuant to this Redevelopment Plan, only if the following requirements are met:

- (1) The regulations of this section are subject to the enabling authority of the State of New Jersey, by and through the Cannabis Regulatory Commission, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its instrumentalities. If any provision of this section is inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall prevail.
- (2) Odor. Cannabis Retail Establishments shall have equipment to mitigate odor. The building shall be equipped with a ventilation system sufficient in type and capacity to mitigate cannabis odors emanating from the interior of the premises so as to make such odors undetectable by a person of reasonable sensitivity anywhere on the adjacent property, within public rights-of-way, or within any other unit located in the same building as the Cannabis Retail

Establishment, if the use only occupies a portion of a building.

- (3) Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- (4) Security. All Cannabis Retail Establishments shall be secured in accordance with State of New Jersey statutes and regulations; shall have a round-the-clock video surveillance system, 365 days a year; and shall have trained security personnel on site at all times during operating hours.
- (5) All Cannabis Retail Establishments located within the Township must provide the Robbinsville Police Division with access to security footage immediately upon request by the Division.



(6) No Cannabis Retail Establishment shall be located within 500’ measured from the closest point of any structure housing a Cannabis Retail Establishment to the property line of any park, public or nonpublic school or house of worship.

(7) Signage. In addition to the requirements of §142-48, signage design shall not include artistic or photographic renderings of cannabis plants.

D. Building Limit Controls

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

Buildings abutting a right-of-way shall present an aesthetically pleasing elevation along each right-of-way.

CATEGORY		REGULATION
Minimum Parcel Area		No Minimum Established
Minimum Parcel Width		This Parcel shall be developed as a single Project site, with existing geometry constituting Area, Width & Depth.
Minimum Parcel Depth		
Maximum Impervious Surface Coverage		
Principal Structures		
Minimum Setbacks ⁹⁵	Old York Road	Retail Store: 65’
	Lot 38.07	18’
	Lot 38.04	150’
	Common Parcel Line	No Regulation
Maximum Building Height		20’
Minimum Distance between Buildings		30’, unless otherwise permitted / directed by the Fire Official
Maximum Building Coverage		15%
Ancillary Structures		
Maximum Number		1
Maximum Combined Size		500 s.f.
Minimum Setbacks ⁹⁷	Old York Road	Prohibited
	Lot 38.07	10’
	Lot 38.04	10’
	Common Parcel Line	No Regulation
Minimum Distance between Buildings		As directed / permitted by the Fire Official
Maximum Building Height		15’
		1 Story

⁹⁷ Calculation shall include wetlands and wetlands buffers.



CATEGORY	REGULATION
Minimum Parking Setbacks⁹⁷	
Old York Road	5'
Lot 38.07	Easterly Side: 5'
	Northerly Side: 25'
Lot 38.04	15'
Common Parcel Line	No Regulation

D. Additional Requirements

The provisions of §8.2.1 D. herein shall apply to the Retail & Quick-Serve Restaurant Parcel

8.2.3 CONSTRUCTION STAGING

Subject to the jurisdiction of all Relevant Permitting Agencies, Construction Staging for a Redevelopment Project, including materials storage, trailers for office use, parking and all other activities normally associated with development, shall be permitted on either Redevelopment Parcel.

In addition to any conditions placed on a Construction Staging 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:

- A. Construction Staging 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 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 Area, construction fence or the storage of equipment or materials remain in place for longer than 1 week after issue of the last Certificate of Completion & Compliance⁹⁸ for the last

⁹⁸ §15.0 herein.



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 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 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 Land Use Board approval is required by this Redevelopment Plan or by the Township Code, activities under this §8.2.3 shall be approved by the Zoning Officer (in consultation with the Township Engineer or other officials as may be necessary), who may impose such restrictions and/or conditions as may be deemed reasonable and appropriate for the protection of Township infrastructure, the environmentally sensitive lands within or adjacent to the Redevelopment Plan Area, and adjacent properties and land uses ~ both

within and 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 §8.2.3 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 & Objectives⁹⁹ 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 and reflect overall design intent.

THEY ARE NOT INTENDED AS DESIGN MANDATES.

- D. The process from 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 Redevelopment Project character.

⁹⁹ §4.0 herein.

- B. Buildings may vary in terms of footprint, architectural elevations, window placement, roof type, height, entrances and finishes. Colors, materials and architectural detailing should relate and be architecturally and aesthetically compatible among and between Redevelopment Parcels.
- 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, LEED¹⁰⁰ 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. and §8.2.2 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.
- D. Buildings shall define the streetscape through the use of uniform setbacks and massing.



¹⁰⁰ "Leadership in Energy & Environmental Design"
(www.usgbc.org/DisplayPage.aspx?CategoryID=19).

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

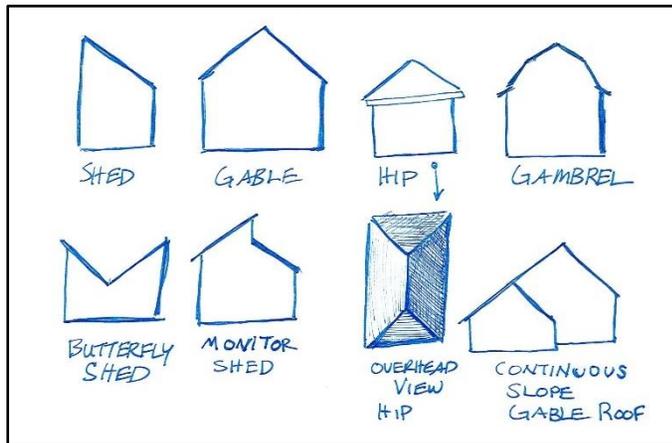
B. Corner buildings (on Corner Lots or on the corner of a Project), or buildings with more than one facade facing a Right-of-Way, internal open space or internal parking lot, are considered significant structures since they have at least 2 facades visibly exposed to the street. Such buildings shall be designed with enhanced facade treatments (architectural embellishments) to emphasize such locations.



C. Ancillary Structures shall be compatible with the Principal Structure.

8.3.5 ROOFS & ROOF MATERIALS

- A. Roof types shall be front or side gable, gambrel, 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. 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. Permitted roof materials for pitched roofs:
- Slate or Composite Tile;
 - Cedar or Wood Shingles;
 - Standing Seam Copper or Anodized Aluminum; or

- Dimensioned Asphalt (complementary colors).

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



H. Flat Roofs

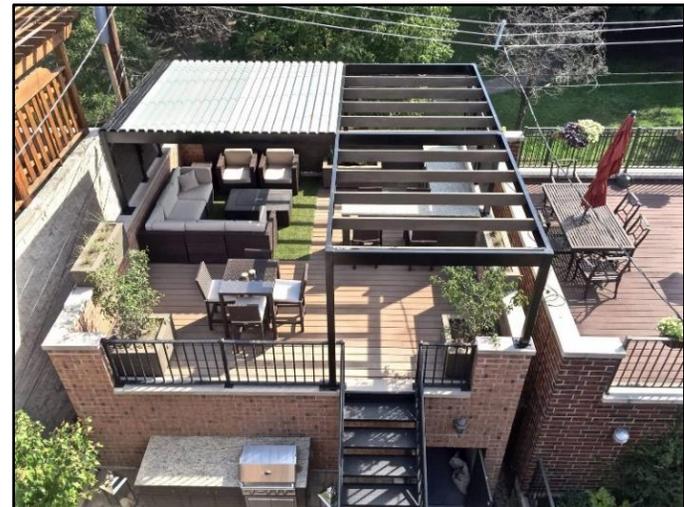
1. Flat roofs shall have articulated cornice lines that generally correspond to consistent cornice line on



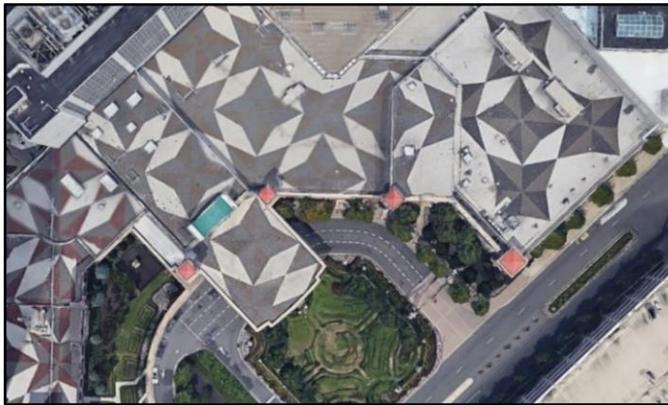
neighboring buildings (where they exist).

2. The exposed surface of flat roofs which are less than the Maximum Building Height under Chapter 142 or this Redevelopment Plan and therefore potentially visible from taller buildings shall be treated to create an aesthetic appearance from above.

Where surfaces are pedestrian accessible, rooftop seating areas are 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.



Solar roof installations are strongly encouraged.



8.3.6 FAÇADE TREATMENT & MATERIALS

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



- B. Solid, blank,¹⁰¹ 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 treated with windows, architecturally articulated masonry, or by recessed or projecting display window cases.

¹⁰¹ §2.4 herein.



Landscape screening may also be appropriate in certain circumstances.

- 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. Buildings should have a unified, coherent architectural style, vocabulary and color scheme for all elevations.
- E. Storefronts shall be integrally designed with balance of the 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.

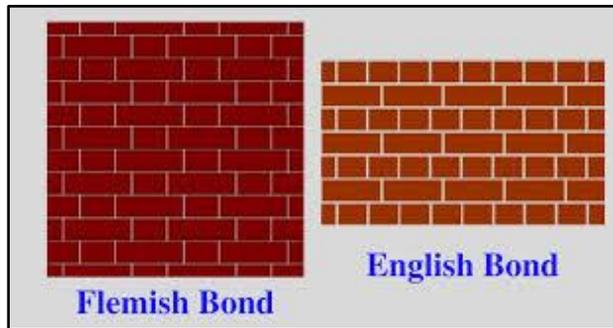


Buildings with multiple storefronts shall be unified through architecturally compatible materials, colors, details, awnings, signage and lighting fixtures.



E. Siding

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.
2. Where used, bricks should be laid in English or Flemish bond.



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



- A. Fenestration shall be architecturally compatible with the style, materials, colors and details of the building.
- B. Windows shall be vertically proportioned or square. As applicable, and 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.
- C. Windows shall be between 26" and 36" off the ground.
- D. Primary display windows should occupy between 60% and 75% of each ground floor facade.

- E. Transoms above ground floor display windows are recommended and may be elevated above awnings.
- F. Outer window glazing shall be set back a minimum of 3" from the outer plane of the wall. At minimum, there shall be a decorated lintel, face frame and drip mold over the doors and windows.
- G. Primary facade windows on the 2nd floor shall be a minimum of 24" from the building's corner.
- H. Divided lights should be a minimum of 2 over 2, with true divisions of natural or simulated wood (interior or exterior) mullions / inserts.
- I. Casement windows are permitted. Aluminum framed plate glass "storefronts" are discouraged.
- J. First- and second-story primary facade windows shall be proportioned vertical-to-square, except for gable windows which may be shaped.
- K. Shutters should be either louvered or paneled and sized to fit the actual window.

- L. 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.



M. Compatible awnings are encouraged.

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 as 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.

- C. Portico (Porte Cochere) styles may range from a simple shed roof to an ornate design.

8.3.9 BUILDING LIGHTING

- A. Where illuminated, facades shall be lit from the exterior, with lighting concealed through shielding or recessed behind architectural features. Mounting brackets and associated hardware shall be inconspicuous.
- 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.
- 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 encouraged in prominent positions lending to special architectural treatment. Height 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

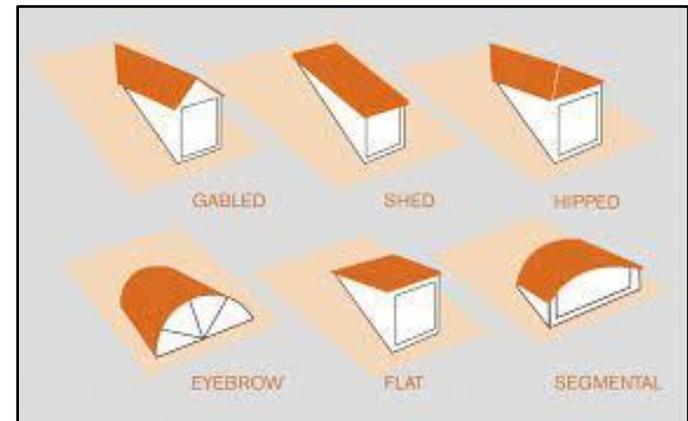
Fireplace or other chimneys shall be architecturally compatible with the style of the building and shall be located at gable ends or centrally. Chimney tops shall have decorative details (e.g., corbelling). Flues shall be painted the color of the roof.

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 Collection¹⁰² 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. Real or simulated clapboard shall match the paint colors as closely as possible.
- C. Roof colors shall be compatible with the color scheme used for the other building elements.

¹⁰² <https://www.benjaminmoore.com/en-us/color-overview/color-palettes/historical-collection>

- D. Ancillary Structure colors shall be compatible with those of the Principal Structure.
- E. Driveways 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.

Crosswalks 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

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. 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 Land Use Board for relief from Ordinance standards during the Review & Approval process. Redevelopers shall provide clear justification for all relief requested.

- C. The Land Use Board reserves the right to require modifications to the Signage Plan if necessary to balance the signage needs of 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 Redevelopment Plan Area 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,¹⁰³ 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.¹⁰⁴ Redevelopers are encouraged to establish a creative interior sign package consistent with the type and scope of Project proposed.

¹⁰³ e.g., theming for corporately-branded retail, food & beverage and/or other establishments.

¹⁰⁴ 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.

9.0 CIRCULATION, PARKING & LOADING PLAN

9.1 CIRCULATION

9.1.1 GENERAL

- A. This Circulation Plan assumes that Old York Road [CR 524 & 539] will generally remain in its current geometry, although certain improvements may be required to address ingress / egress and additional traffic to be generated by the Redevelopment Project. No changes to I-195 are anticipated.

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

- Improvements to permit access to the Project from Old York Road;
- Modifications in pavement striping and traffic signage;
- Dedicated acceleration / deceleration lanes and/or other mechanisms to regulate turning movements;
- At-grade pedestrian crosswalks, traffic signals and/or other physical and/or mechanical improvements to facilitate pedestrian and vehicular movement.



Township Policymakers recognize that Old York Road is also a County Road [CR 524 & 539] under the jurisdiction of Mercer County. Accordingly, any improvements to this Right-of-Way are beyond the control of the Township and therefore this Redevelopment Plan.

The Township is committed to working with the County 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 both Redevelopment Parcels shall be from Old York Road. No such access shall be from I-195.
- B. Subject to approval by the Mercer County Engineer, ingress to / egress from the Redevelopment Area may be from:
- One, two-way curb cut servicing the entire Redevelopment Area;
 - Two, one-way in / one-way out curb cuts servicing the entire Redevelopment Area; or
 - Two, two-way curb cuts, each servicing a Redevelopment Parcel.
- C. Such ingress- / egress-ways shall be identified by the Redeveloper as part of the Project Concept(s) & Description of Project Elements submitted under the Expression of Interest process.¹⁰⁵
- D. Existing but unused / obsolete curb-cuts shall be eliminated wherever possible.

- E. 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 CIRCULATION

- A. Internal access to each Redevelopment Parcel shall be made via one or more curb cuts pursuant to §9.1.2 herein.
- B. Circulation within the Redevelopment Area shall be made via such internal accessways as may be necessary and appropriate.
- C. Access across / between Redevelopment Parcels shall be effectuated via cross-easements, which shall work in conjunction with the internal accessways to interconnect the land uses and parking areas for each Redevelopment Project.¹⁰⁶ The language of such easements shall be submitted to the Land Use Board Solicitor as part of the Review & Approval process.

¹⁰⁵ §5.3.2 herein.

¹⁰⁶ §9.3 herein.

9.2 ADDITIONAL GUIDELINES

9.2.1 CURBING & SIDEWALKS

Requirements for curbing and sidewalks related to Old York Road [CR 524 & 539] shall be addressed by the Mercer County Engineer as part of the Highway Access Permitting process.

9.2.2 TRANSIT STOP

The Redeveloper, with the support of the Township, shall work with NJ Transit and other applicable entities to provide a Transit Stop at an appropriate location on Old York Road. Such Stop shall be outfitted with decorative shelters designed to match the adjacent architecture of the project.

9.3 PARKING

9.3.1 GENERAL REQUIREMENTS

- A. Surface parking lot(s) of sufficient size to accommodate the parking needs of the Project is/are required.
- B. Parking shall generally be located as close as is possible to the use(s) they are intended to serve, but may be permitted on an adjacent Redevelopment Parcel under a shared parking arrangement if required by the needs of the Project.

- C. Parking shall be guided by the schedules contained in the Township Code, which may be modified by the most recent edition of the Parking Generation manual published by the Institute of Transportation of Engineers (I.T.E.).¹⁰⁷

Consistent with the intent of this Redevelopment Plan to utilize Smart Growth Principals, Ordinance and I.T.E. schedules are expressly intended to serve as a guide. To the extent permitted by the Land Use Board and other Relevant Permitting Agencies, Redevelopers shall include provisions for such parking as may reasonably be necessary for a particular Project, and may increase parking supply beyond Ordinance / I.T.E. Standards, or may petition the Land Use 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.

¹⁰⁷ Commonly referred to as the "I.T.E. Parking Manual".

- D. 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.
- E. Off-street parking shall be sufficient to provide parking for the employees of all proposed uses, as well as for customers.
- F. No vehicle parked in a driveway or parking area shall encroach into the public Right-of-Way.

9.3.2 SURFACE PARKING LOTS

- A. Surface parking lots shall balance the functional requirements of parking with the provision of pedestrian amenities. Lots shall include pedestrian crosswalks distinguished by paint, textured paving or similar material, landscaping and street furniture. Transition areas between parking and land uses shall be similarly designed and integrated into the wider network of pedestrian walkways.

- B. Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct views of parked vehicles from streets; 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 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 treatment required by §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 Land Use 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.

3. Solar canopies above parking spaces is encouraged.



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 I.T.E. standards,¹⁰⁸ which shall include and address, at a minimum for the Redevelopment Plan Area ***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.

¹⁰⁸ Utilizing the most recent editions of the nationally accepted I.T.E. *Trip Generation Handbook* and the I.T.E. *Parking Manual*.

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

9.5.2 PARKING ANALYSIS

- A. Projections of the peak number of to-be-occupied parking spaces, taking into account a reasonable turnover rate to ensure an appropriate parking supply for the uses proposed.
- B. Identification of how parking spaces will be assured for 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 FINAL CIRCULATION, PARKING & LOADING PLANS

9.6.1 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.

9.6.2 Such Plan shall be approved by the Land Use Board at time of Review & Approval, and shall address, as appropriate:

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

9.6.3 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 Mercer County 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.

9.6.4 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 Land Use Board approval under the Review & Approval process.

9.6.5 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 services¹⁰⁹ to the Redevelopment Plan Area are available from Old York 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 REDEVELOPMENT PLAN AREA FEED FROM EXISTING LINES SERVICING OTHER USES IN THIS SECTION OF ROBBINSVILLE.

THE TOWNSHIP WILL PERMIT NO INTERRUPTION OF SERVICE TO THESE AREAS. THE REDEVELOPER SHALL COMPLY WITH THE REQUIREMENTS OF EACH INDIVIDUAL UTILITY TO INSURE UNINTERRUPTED SERVICE.

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

¹⁰⁹ Including electric, gas, water, communications (telephone) and cable television systems.

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 Land Use 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 (or Mercer County regulations) 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 Land Use 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,¹¹⁰ 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 Redevelopment Plan Area (whether public access is permitted or not), including all open space, walkways, 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

¹¹⁰ 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 environment of the Redevelopment Plan Area.

- A. Types, location and frequency of plantings shall be appropriate to the architecture they are intended to serve.
- B. Plant selection shall be varied to avoid a monoculture.
- C. 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 materials¹¹¹; benches and other street furniture; fountains or other water features; trellises, pergolas, gazebos; fences and walls; decorative lighting (both pedestrian and architectural); and like and similar features.

11.4 LIGHTING

11.4.1 A comprehensive Lighting Plan, addressing illumination of all public areas, parking lots, open spaces, and buildings, shall be submitted as part of the Review & Approval process.

¹¹¹ Including, but not be limited to, a combination of scored concrete, paver accents and such non-traditional landscape design as curvilinear or meandering (internal) sidewalks with enhanced planting beds, rain gardens and other similar aesthetic treatment.

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 use of flat rooftops, are encouraged when appropriate to the Redevelopment Project, and may be developed as café seating, pedestrian promenades and/or similar uses. Treatment may include gardens or other decorative elements to create an attractive setting. Such areas may be public open space or may be proprietary to a Permitted Use within the Redevelopment Plan Area.

Public art is also encouraged.

11.6 ENVIRONMENTAL PROTECTION MEASURES

11.6.1 It is the goal of this Redevelopment Plan to maximize build-out in the Redevelopment Plan Area in order to create the most productive Redevelopment Project possible; and thereby achieving the Municipal Goals & Objectives established herein¹¹². Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of this Plan will govern certain aspects of the Project.

¹¹² §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 Land Use 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

In September 2011, the Robbinsville Township Council, via Resolution No. 2011-210¹¹³, declared (among other lands) Block 41, Lots 38.02 and 38.03 to be a "Non-Condemnation Area in Need of Redevelopment" pursuant to the *Local Redevelopment and Housing Law*.

In August 2022, the Township Council, via Resolution No. 2022-224, declared Block 41, Lots 9, 10 and 23 to be a "Non-Condemnation Area in Need of Redevelopment" pursuant to the *Redevelopment Law*.

Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

13.2 REDEVELOPMENT PLAN

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 Block 41, Lots 9, 10, 23, 38.02 and 38.03 as follows:

13.2.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES¹¹⁴

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 Redevelopment Plan Area are detailed in §7.2.3 and the applicable subsections of §8.2 herein.

13.2.3 DENSITY OF POPULATION

This Redevelopment Plan provides for the removal of existing residential uses from the Redevelopment Plan Area, and their replacement with commercial uses. A discussion of Residential Density is therefore not applicable to this Redevelopment Plan.

¹¹³ On file with the Township Clerk

¹¹⁴ N.J.S.A. 40A:12A-7a(1)

13.2.4 PUBLIC TRANSPORTATION & TRAFFIC

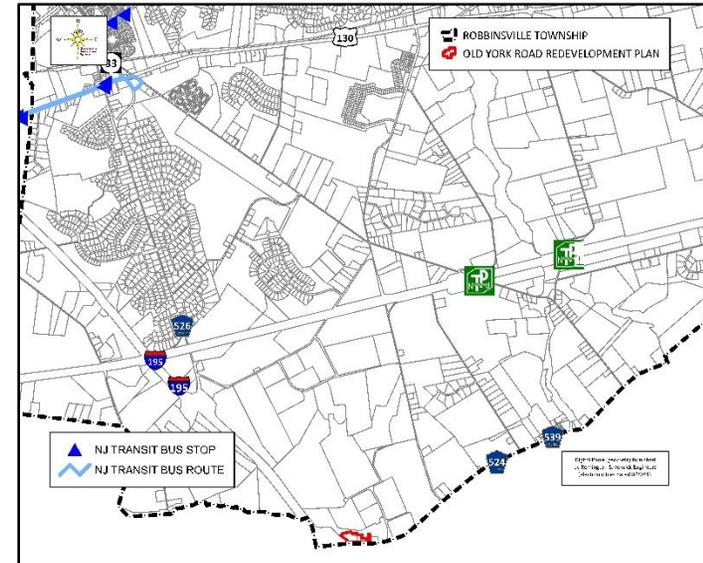
A. Public Transportation

1. The New Jersey Transit bus route closest to the Redevelopment Plan Area is Route 606, which, at its closest point to Block 41, services Route 130 south of Route 33 and Sharon Road, and Route 33 through the Robbinsville Town Center.

Bus Stops along this route are approximately 4 to 5 (vehicular) miles (6 to 8-minute drive) from the Redevelopment Plan Area.¹¹⁵

2. New Jersey Transit's Northeast Corridor Line provides passenger / commuter light rail service linking western New Jersey via various points north and south of Robbinsville.

The rail station closest to the Redevelopment Plan Area is the Hamilton Station, approximately 7 to 8 (vehicular) miles (15 to 20-minute drive) from the intersection of Old York Road and I-195.¹¹⁵



B. Traffic

As detailed in §9.1.1 and elsewhere in this Redevelopment Plan, the Township assumes that Old York Road [CR 524 & 539] will generally remain in its current geometry, but that certain improvements may be required to address ingress / egress and additional traffic to be generated by the Redevelopment Project. Further, no changes to I-195 are anticipated.

¹¹⁵ Depending on the Route taken
(Google Maps)

- 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)¹¹⁶ for its Redevelopment Project.

13.2.5 PUBLIC UTILITIES

Utility service and the Redevelopers' requirements relating thereto are outlined in the Infrastructure Controls¹¹⁷ herein.

13.2.6 RECREATIONAL & COMMUNITY FACILITIES

- A. There are no recreational or community facilities located or operating on the Redevelopment Plan Area. Absent their inclusion as may be required by a Relevant Permitting Agency, none are proposed.

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.

13.2.7 OTHER PUBLIC IMPROVEMENTS

- A. Public improvements anticipated by this Redevelopment Plan include:

- Improvements related to the roadway and infrastructure networks in and around the Redevelopment Plan Area;
- The remediation of any contamination found on the Redevelopment Plan Area; and
- 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 Redevelopment Plan Area. To the extent that such improvements benefit parties other than a Redeveloper, they may be considered *Other Public Improvements*.

¹¹⁶ §9.6 herein.

¹¹⁷ §10.0 herein.

- 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 Land Use 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 & Objectives¹¹⁸ of this Plan.

13.2.8 PROPOSED LAND USE & BUILDING REQUIREMENTS¹¹⁹

The Governing Regulations; Review Procedures, Interpretations & Responsibilities¹²⁰; Land Use Plan¹²¹; Circulation, Parking & Loading Plan; Infrastructure Controls;

and Landscaping, Streetscaping & Open Space Provisions / Environmental Mitigation Measures are detailed in §7.0 - §11.0 of this Redevelopment Plan.

13.3 PROVISION FOR TEMPORARY & PERMANENT RELOCATION

13.3.1 The *Redevelopment Law*¹²² 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 The 2011 process that designated Block 41, Lots 38.02 and 38.03 to be In Need of Redevelopment predated the 2013 amendments to the *Redevelopment Law* that established the concept of a "**Non-Condensation** Redevelopment Area" and the 2020 - 2022 process that designated Block 41, Lots 9,

¹¹⁸ §4.0 herein.

¹¹⁹ N.J.S.A. 40A:12A-7a(2)

¹²⁰ Approval Process; Variances, Departures, Deviations & Design Waivers; and Permitted & Prohibited Uses.

¹²¹ Parcelization Plan, Development Regulations for each Redevelopment Parcel and Architectural Controls.

¹²² N.J.S.A. 40A:12A-7a(3)



10 and 23 to be In Need of Redevelopment was undertaken as a "**Condemnation** Redevelopment Area".

Accordingly, the Township is empowered to exercise eminent domain to acquire private property in the Redevelopment Plan Area.

13.2.3 The Township owns Block 41, Lot 10, and there are no occupants in the building(s) thereon.

Universal’s purchase agreement evidences site control over the remaining Redevelopment Plan Area lots. Universal further advises that there are no occupants in the building(s) thereon.

No temporary or permanent relocation is therefore contemplated under this Redevelopment Plan.

13.3.3 The nature of the Redevelopment Plan Area designations notwithstanding, the Township’s March 2018 Housing Element & Fair Share Plan and the Court settlements

related thereto¹²³ contain information similar to that required under the *Redevelopment Law*. Accordingly, this Redevelopment Plan relies on such Fair Share Plan in satisfaction of this requirement.

13.3.4 Under the *Relocation Assistance Law of 1967*¹²⁴ and the *Relocation Assistance Act / 1971*,¹²⁵ prior to displacing any occupants as a result of eminent domain, a Workable Relocation Assistance Plan¹²⁶ must be filed with and approved by the New Jersey Department of Community Affairs. WRAPs are designed to ensure the equitable treatment of individuals, families, businesses (including non-profit organizations) and farm operations displaced by government action.¹²⁷

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.

¹²³ On file with the Township Clerk.

¹²⁴ N.J.S.A. 52:31B-1 et seq.

¹²⁵ N.J.S.A. 20:4-1 et seq.

¹²⁶ "WRAP"

¹²⁷ Defined as programs of building, housing, or health code enforcement, voluntary programs of rehabilitation, or the acquisition of land for a public use.





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 where it must 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 APPROVED¹²⁸.

13.4 IDENTIFICATION OF PROPERTY-TO-BE-ACQUIRED¹²⁹

Properties subject to this Redevelopment Plan designated as "To-Be-Acquired" and "Not-To-Be-Acquired" are detailed in §6.1.1 herein.

13.5 SIGNIFICANT RELATIONSHIPS TO OTHER PLANS¹³⁰

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

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

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

¹²⁸ Information about NJDCA’s Relocation Assistance Program is available from the N.J. Department of Community Affairs (<https://www.nj.gov/dca/divisions/codes/offices/relocation.html>)

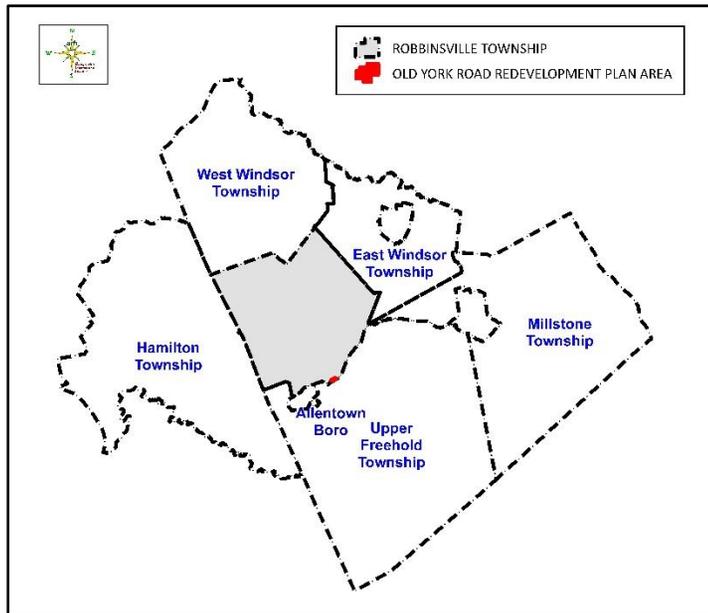
¹²⁹ N.J.S.A. 40A:12A-7a(4)

¹³⁰ N.J.S.A. 40A:12A-7a(5)



13.5.1 MASTER PLANS OF CONTIGUOUS MUNICIPALITIES

- A. 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 Redevelopment Plan Area vis-à-vis Robbinsville’s neighbors, the activities anticipated under this Redevelopment Plan may only be expected to impact Upper Freehold and Allentown.

- A. As detailed in §3.2 herein, prior to the adoption of this Redevelopment Plan:

1. Block 41, Lots 9, 10 and 23 are zoned Planned Commercial Development, which is governed by §142-25¹³¹. The stated purpose of the PCD Zone is to:

[recognize] the need for large tract development for office, warehouse, light manufacturing and "flex" (office / warehouse buildings) in the Township. Also permitted are uses which are intended to provide attendant services for employees, suppliers and visitors of the primary uses. Due to the nature of these uses, the same must be situated in proximity to major arterial roads and highways.¹³²

¹³¹ While also located in the New Canton Historic Overlay, such regulations are not pertinent to this discussion.

¹³² The “Purpose” section of for the PCD Zone “...also recognizes that there are several isolated residential properties physically located in the zone district, which residences are located in such a way as to preclude a separate zone district being created. The intent is to allow the existing residential properties to continue to exist as the same subject to certain bulk

requirements, which shall only be applicable to properties which exist as residences at the time of the adoption of this section.”

For reasons detailed in the Report of Findings (§2.59 herein), these residential properties are not intended to survive the adoption of this Redevelopment Plan. Their zoning is therefore not relevant to this discussion.

2. Block 41, Lots 38.02 and 38.03 are zoned under the 2011 Redevelopment Plan for Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012.
3. A comparison of the uses permitted under PCD Zoning, the 2011 Redevelopment Plan and this Old York Road Redevelopment Plan finds¹³³:
 - a. Retail and related uses for the convenience of the employees within the PCD Zone is permitted as a Type 1 Use in the PCD Zone and by the 2011 Redevelopment Plan. Retail is permitted under this Old York Road Redevelopment Plan.
 - b. Restaurants without drive-through or vehicle service is permitted as a Type 1 Use in the PCD Zone and by the 2011 Redevelopment Plan. Quick-Serve / drive-through restaurants are permitted under this Old York Road Redevelopment Plan.
 - c. Service stations with convenience stores are permitted as a Conditional Use in the PCD Zone

and by the 2011 Redevelopment Plan. Combined Motor Vehicle Fueling Station with canopy and Convenience Store. On-site automobile servicing is prohibited.

- d. Additionally, both the PCD Zone and the 2011 Redevelopment Plan permit:
 - General business, corporate and professional offices, including administrative, sales, executive, research and development, high technology and other general or corporate business uses.
 - General warehouse uses, warehouse showrooms, and retail outlets solely incidental to a warehouse use.
 - Research and development uses, computer centers and data processing facilities.
 - Hotel and conference centers
 - Sale and repair of office-related equipment.
 - Freight forwarding warehouse.
 - Light manufacturing and assembly uses.
 - Modular office-distribution uses.

¹³³ Reference Exhibit A and Exhibit B to this Redevelopment Plan

None of these uses are permitted under this Old York Road Redevelopment Plan.

4. A comparison of the development controls permitted under PCD Zoning, the 2011 Redevelopment Plan and this Old York Road Redevelopment Plan finds¹³⁴:
 - a. The 5.2-acre Old York Road Redevelopment Plan Area is larger than the 3.0-acre Minimum Lot Area under PCD Zoning and the 2011 Redevelopment Plan.
 - b. The Old York Road Redevelopment Plan Area's (approximately) 750' Lot Frontage conforms to the Minimum Lot Width requirements of the PCD Zone and the 2011 Redevelopment Plan.
 - c. While the Old York Road Redevelopment Plan Area's (approximately) 140' Lot Depth does not conform to the Minimum Lot Depth requirements of the PCD Zone or the 2011 Redevelopment Plan, the limiting factor is

wetlands to the north of the site, which would justify variance relief if sought.

- d. The 50' Old York Road setback under this Redevelopment Plan is less than the 80', 90' and 175' setbacks required under PCD Zoning and the 2011 Redevelopment Plan. Such nonconformity is ameliorated by the fact that Maximum Building Height under this Redevelopment Plan is 20', while a 45' building is permitted under PCD Zoning and the 2011 Redevelopment Plan.
- e. Conversely, this Old York Road Redevelopment Plan's 150' Side Yard Setback is considerably larger than the 25' setbacks required under PCD Zoning and the 2011 Redevelopment Plan.
- f. Rear Yard Setbacks under this Redevelopment Plan are 18' in more shallow locations and 100' where room permits. Such setbacks are 25' under PCD Zoning and the 2011 Redevelopment Plan.

¹³⁴ Reference Exhibit B to this Redevelopment Plan

With the exception of not limiting the type of retail and permitting drive-through restaurants, the uses permitted under this Old York Road Redevelopment Plan do not differ from ~ and in fact are less intense than ~ those in place prior to the adoption of this Plan.

And while certain specific development regulations under this Redevelopment Plan differ from those in place prior to the adoption of this Plan, the overall bulk standards required under this Old York Road Redevelopment Plan may be described as being generally less intense than those in place prior to the adoption of this Plan.

Accordingly, the overall character of development proposed under this Redevelopment Plan is less intense than the overall character of development envisioned for the PCD Zone and the lands under the 2011 Redevelopment Plan. As such, this Redevelopment Plan creates no change in the relationship(s) of Robbinsville to Upper Freehold and Allentown ~ and their Master Plans ~ from those that existed prior to the adoption of this Plan.

13.5.2 MERCER COUNTY MASTER PLAN

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

A. The 2016 Amendment takes a “3-Systems” approach to regional (County) planning by addressing Economic, Transportation and Environmental policies as follows:

1. Economy

- 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.¹³⁵ Such process ensured that Mercer County’s Master Plan Amendment was consistent with the individual Master Plans of each municipality in the County. While the Old York Road 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.

Significantly, service stations with convenience stores was added as a permitted use in the PCD Zone in 2013, and retail and restaurant uses were presumably permitted in the Zone since its inception.

As stated, the overall character of development proposed under this Redevelopment Plan is less intense than the overall character of development envisioned for the PCD Zone and the lands under the 2011 Redevelopment Plan. Accordingly, this Redevelopment Plan is deemed consistent with the Mercer County Master Plan.

13.5.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN¹³⁶

As addressed in §3.3.3 and §3.3.4 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.

¹³⁵ 2016 Mercer County Master Plan Amendment: Framework: I. Plan Purpose and Process (p. 8)

¹³⁶ “State Plan”

13.6 INVENTORY OF EXISTING AFFORDABLE HOUSING UNITS TO BE REMOVED

13.6.1 The *Redevelopment Law*¹³⁷ requires that a Redevelopment Plan include:

As of the date of the adoption of the resolution finding the area to be In Need of Redevelopment¹³⁸, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to ... C.52:27D-304, that are to be removed as a result of implementation of the Redevelopment Plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.

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

“Low Income Housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50% or less of the median gross household income for households

of the same size within the housing region in which the housing is located.¹³⁹

“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.¹⁴⁰

“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.¹⁴¹

¹³⁷ N.J.S.A. 40A:12A-7a(6)

¹³⁸ as of June 24, 2021 (the date of adoption of Resolution No. 2011-165)

¹³⁹ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$54,612.00 for a 4-person household.

¹⁴⁰ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$87,393.00 for a 4-person household.

¹⁴¹ At Publication of this Redevelopment Plan, such figure for Robbinsville was \$32,772.00 for a 4-person household.

13.6.2 As certified by the Township’s Affordable Housing Officer¹⁴², no housing unit affordable to low- and moderate-income households are to be removed as a result of implementation of this Redevelopment Plan.

13.7 PLAN FOR AFFORDABLE REPLACEMENT HOUSING

The *Redevelopment Law*¹⁴³ 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]

No residential units on lands subject to this Redevelopment Plan are or have been subject to affordability controls. The requirement of N.J.S.A. 40A:12A-7a(7) is not applicable to this Redevelopment Plan.

¹⁴² Certification on file with the Township Clerk.

¹⁴³ N.J.S.A. 40A:12A-7a(7)

¹⁴⁴ N.J.S.A. 40A:12A-7b

13.8 PROVISION OF AFFORDABLE HOUSING¹⁴⁴

13.8.1 In 2015, the New Jersey Supreme Court¹⁴⁵ 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 Court¹⁴⁶ 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 No housing, affordable or otherwise, is contemplated under this Redevelopment Plan.

Issues related to any obligation toward affordable housing arising from a Redevelopment Project under this Redevelopment Plan shall be negotiated within the context of the Redevelopment Agreement between the Township and Universal.

¹⁴⁵ *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").

¹⁴⁶ *In the Matter of the Township of Robbinsville, County of Mercer* (Docket No. MER-L-1457-15).

13.9 ZERO EMISSION CHARGING INFRASTRUCTURE

13.9.1 Prior to July 2021, the *Redevelopment Law*¹⁴⁷ required that a Redevelopment Plan include “[p]roposed locations for public electric vehicle charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network”.

A July 2021 amendment to the *Redevelopment Law* modified this requirement to read “[p]roposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network”.¹⁴⁸

Subsequent to the original regulation, the New Jersey Legislature adopted S-3223149, 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.

Such Model Ordinance adopted (published) by NJDCA in September 2022.¹⁵⁰

13.9.2 The provision of Zero-emission vehicle fueling and charging infrastructure is required for each Redevelopment Project in accordance with the *Redevelopment Law* and such Model Ordinance (as may be amended from time to time).

13.10 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS¹⁵¹

13.10.1 Prior to the adoption of this Redevelopment Plan,

- A. Block 41, Lots 38.02 and 38.03 are zoned under the Redevelopment Plan for Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04 and 38.012, Township of Robbinsville, Mercer County, New Jersey¹⁵²; and

¹⁴⁷ N.J.S.A. 40A:12A-7a(8)

¹⁴⁸ §2.78 & §2.79 herein.

¹⁴⁹ P.L.2021,c.171

¹⁵⁰ <https://www.nj.gov/dca/dlps/home/modelEVordinance.shtml#:~:text=The%20law%20requires%20that%20Electric,in%20New%20Jersey's%20565%20municipalities>

¹⁵¹ N.J.S.A. 40A:12A-7c

¹⁵² Prepared by the Cofone Consulting Group, LLC (dated October 2011). On file with the Township Clerk and/or the Planning Board Secretary.



B. Block 41, Lots 9, 10 and 23 are zoned (“PCD”) Planned Commercial Development. Development under PCD Zoning is governed by §142-25 of the Township Code¹⁵³.

The pertinent development regulations for the PCD Zone and the 2011 Redevelopment Plan are reprinted as Exhibits A. and B. to this Redevelopment Plan.

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.

As detailed in §13.5.1 A.3 herein:

A. With the exception of not limiting the type of retail and permitting drive-through restaurants, the uses permitted under this Redevelopment Plan do not differ from ~ and in fact are less intense than ~ those in place prior to the adoption of this Plan.

B. And while certain specific development regulations under this Redevelopment Plan differ from those in place prior to the adoption of this Plan, the overall bulk standards required under this Redevelopment Plan may be described as being generally less intense than those in place prior to the adoption of this Plan.

Accordingly, the overall character of development proposed under this Redevelopment Plan is less intense than the overall character of development envisioned for the PCD Zone and the lands under the 2011 Redevelopment Plan.

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

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

¹⁵³ While also zoned under the Township’s Hamlet of New Canton Historic Overlay (H-O), and the locally-designated New Canton Historic Village, such regulations are not pertinent to this discussion.



13.11 CONSISTENCY WITH MUNICIPAL MASTER PLAN

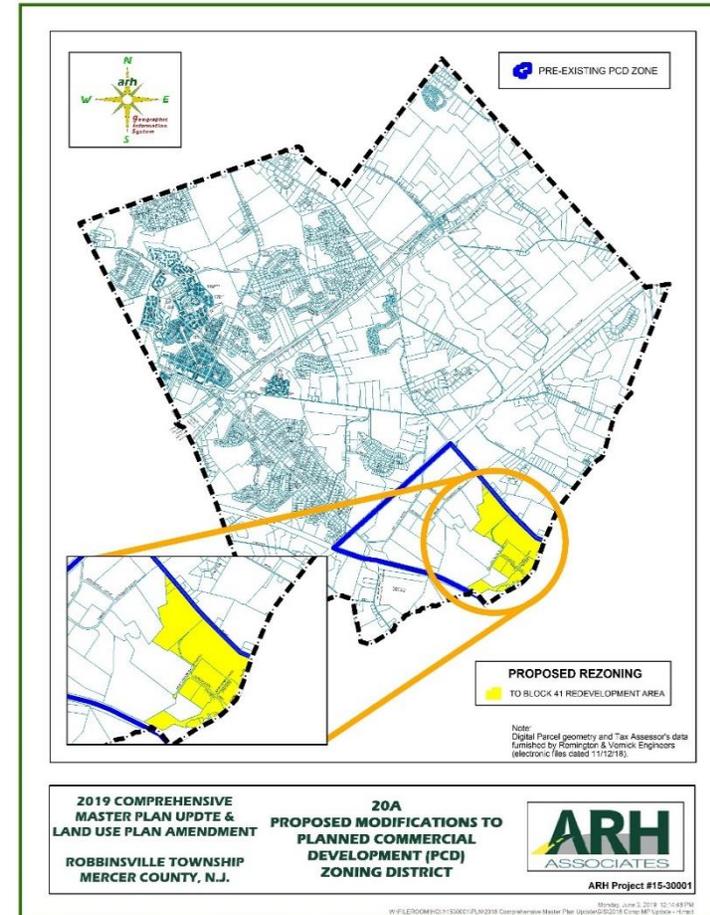
13.11.1 The *Redevelopment Law*¹⁵⁴ provides, in pertinent part, that

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 Plan¹⁵⁵ was adopted in June 2020. Pertinent to the PCD Zone and the Old York Road Redevelopment Plan Area, the Master Plan Update recommended:

- That the Old York Road Historic Overlay be eliminated¹⁵⁶; and
- That the PCD Zone be reduced in favor of the Block 41 Redevelopment Area¹⁵⁷.

These recommendations are graphically depicted on Master Plan Update Map 20A.



¹⁵⁴ N.J.S.A. 40A:12A-7d

¹⁵⁶ §6.5.12 E.1.

¹⁵⁵ “2020 Comprehensive Master Plan Update” (On file with the Township Clerk and/or Planning Board Secretary).

¹⁵⁷ §6.5.12 E.23.



While it was ultimately decided to utilize this Old York Road Redevelopment process in lieu of expanding the 2011 Redevelopment Plan, the outcomes are the same; the Historic Overlay is eliminated and the PCD Zone is reduced, with the lands therein being reprogrammed for productive use.

- A. The activities envisioned under this Redevelopment Plan further advance the Master Plan Update by supporting Master Plan Principles and Strategies to:

*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.*¹⁵⁸

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

¹⁵⁸ Master Plan Update Principal §5.3.1 K.



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 Township¹⁵⁹ 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 Land Use Board;¹⁶⁰ 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.

¹⁵⁹ acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

¹⁶⁰ Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.

15.2 Upon the issuance of 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 Redevelopment Plan Area 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 Regulations¹⁶¹, Architectural Controls¹⁶² and the Equal Opportunity provisions¹⁶³, 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 Plan¹⁶¹, which shall survive the expiration of this Plan.

¹⁶¹ §8.2 herein.

¹⁶² §8.3 herein.

¹⁶³ §12.0 herein.



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 Township¹⁶⁴, at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

¹⁶⁴ acting in its capacity as Redevelopment Entity for this Redevelopment Plan.





EXHIBITS

EXHIBIT A

	EXISTING REGULATIONS				2011 REDEVELOPMENT PLAN	PROPOSED REGULATIONS
	PCD ZONE			OLD YORK ROAD REDEVELOPMENT PLAN		
	TYPE 1 USES	TYPE 2 USES	CONDITIONAL USES			
Permitted Uses ¹⁶⁵	General business, corporate, and professional offices, including administrative, sales, executive, research and development, high technology and other general or corporate business uses.				Same as PCD Zone, except Offices shall be, subject to the bulk requirements for "Type 2" uses.	
		Office uses up to 2% of the gross square footage of a permitted Type 2 use. Office uses over 2% of the gross square footage of a permitted Type 2 building shall be deemed Type 1 uses.			The 2% cap on gross square footage for office uses for Type 2 uses shall be eliminated. Type 2 bulk requirements shall apply to office uses regardless of whether the office use is stand-alone or part of (or accessory to) another principal permitted Type 2 use.	
	Retail and related uses sited for the convenience of the employees within the PCD Zone ... limited to:				Same as PCD Zone.	Retail Store.
	Banks and financial institutions.					
	Barber / beauty shops.					
	Restaurants, without drive-through service or service in vehicles...					Quick-Serve / drive-through restaurant
	Pharmacies; Card & gift shops.					
	Video rental stores.					
Supermarkets, delicatessens & similar food service establishments.						

¹⁶⁵ Pertinent to this Redevelopment Plan and redacted for brevity.

EXHIBIT A

	EXISTING REGULATIONS			2011 REDEVELOPMENT PLAN	PROPOSED REGULATIONS
	PCD ZONE				OLD YORK ROAD REDEVELOPMENT PLAN
	TYPE 1 USES	TYPE 2 USES	CONDITIONAL USES		
Permitted Uses ¹⁶⁵	Dry-cleaning pickup / drop-off service.			Same as PCD Zone.	
	Post offices.				
	Florist shops.				
	Hotel & conference centers				
	Health clubs & racquet clubs.				
	Sale and repair of office-related equipment.				
	Municipal facilities, including municipal garages.				
	Public purpose recreation uses ... and associated public purpose uses.				
			Single-family clustered residences.		
		Freight forwarding warehouse.			
		Light manufacturing and assembly uses ¹⁶⁶ .			
		Modular office-distribution uses ¹⁶⁶ .			
	Research and development uses, including, but not limited to, computer centers and data processing facilities.			Research and Development uses, as a "Type 2" use.	
Mixed-use building. ¹⁶⁷			Data centers ¹⁶⁶ , as a "Type 2" use.		
			Mixed Uses – Any combination of permitted "Type 2" uses, as a "Type 2" use.		

¹⁶⁶ As defined.

¹⁶⁷ Within a mixed-use building, retail uses shall not exceed 5% of the floor area of any individual Type 1 use building. Plan averaging of retail floor area shall also be permitted as part of a general development plan; provided, however, that the total retail floor area shall not exceed 10% of the floor area of all Type 1 uses in the plan. All retail uses shall be integrated into the overall campus style design of the PCD development...

EXHIBIT A						
	EXISTING REGULATIONS				2011 REDEVELOPMENT PLAN	PROPOSED REGULATIONS
	PCD ZONE			OLD YORK ROAD REDEVELOPMENT PLAN		
	TYPE 1 USES	TYPE 2 USES	CONDITIONAL USES			
Permitted Uses ¹⁶⁵		General warehouse uses, warehouse showrooms, and retail outlets which are solely incidental to a warehouse use...		Same as PCD Zone.	Combined Motor Vehicle Fueling Station with canopy ¹⁶⁹ and Convenience Store. (On-site automobile servicing prohibited)	
			Service stations with convenience store ¹⁶⁸ .			
				Renewable energy facilities (e.g., solar farms, solar panels, etc.), specifically excluding wind turbines.		

¹⁶⁸ Subject to the following conditions:

- Vehicular entrances and exits shall be clearly visible from the highway or street upon which such use is located and shall be in accordance with the NJDOT Access Code §16:47-3.8 ...
- All gasoline filling pumps and air pumps shall be located at least 100' from any street right-of-way line or proposed future street right-of-way line as shown in the adopted traffic circulation plan.
- No part of any service station may be used for residential or sleeping purposes.
- No structure used as a service station, nor filling pumps, car lifts, greasing equipment or other service equipment used to service or supply motor vehicles, shall be erected within 150' of any residential zone boundary.
- All lifts, appliances, pits, storage areas, trash facilities and greasing equipment other than gasoline filling pumps or air pumps shall be located within an enclosed building.
- No gasoline, air or oil pump, and no other service appliances installed for use in connection with any service station, shall be so installed or located within 35' of any side or rear lot line.
- No junked motor vehicle or boat or part thereof or any unlicensed or unregistered motor vehicle shall be permitted on the premises of any service station. However, any motor vehicle awaiting repair may be located on the premises, provided that the vehicle shall be located in the rear or side yard and shall be screened from view with landscaping and a fence such that no stored vehicle shall be visible from the front of the premises or from any adjacent premises or from the road providing access to the facility. Fences, berms or landscaping forming a 100% visually impervious screen shall be required.
- The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale purposes shall not be permitted as part of a service station.
- No parking of vehicles shall be permitted on unpaved area.
- Landscaping shall be provided in the Front, Side and Rear Yard Area. The Front Yard shall be landscaped, within the area with a minimum depth of 25' from the right-of-way.
- ... body and mechanical repair shops shall be considered as service stations except that all outside work, parking or storage areas shall be enclosed with a masonry wall and landscaped.

¹⁶⁹ Gasoline and diesel pumps as well as Zero-Emission Vehicle Fueling and Charging Infrastructure as defined in §2.79 herein, subject to the provisions of §13.9 herein.

EXHIBIT B								
	EXISTING REGULATIONS						2011 REDEVELOPMENT PLAN	PROPOSED REGULATIONS
	PCD ZONE							
	GENERAL COMMERCIAL USES		PLANNED COMMERCIAL DEVELOPMENTS NON-GENERAL DEVELOPMENT PLAN		PLANNED COMMERCIAL DEVELOPMENTS UNDER GENERAL DEVELOPMENT PLAN			
	TYPE 1 USES	TYPE 2 USES	TYPE 1 USES	TYPE 2 USES	TYPE 1 USES	TYPE 2 USES		
Minimum Lot								
Area	3 acres			20 acres	3 acres		Same as PCD Zone.	No Minimum Established This Parcel shall be developed as a single Project site, with existing geometry constituting Area, Width & Depth.
	Hotel / Conference Center: 7 acres							
Width	300'			750'	300'			
Depth	300'			750'	300'			
Minimum Setbacks								
West Manor Way, Old York Road, Gordon Road				175'			Same as PCD Zone.	Old York Road: Convenience Store: 70' Fuel Station Canopy: 50' Retail Store: 65' I-195 Ramp Parcel Line: Convenience Store: 200' Lot 38.04: 150' Common Parcel Line: No Regulation Lot 38.07: Convenience Store Parcel: 100' Retail / Quick Serve Restaurant Parcel: 18'
Front Yard	80'			90'	80'			
Side Yard	25' each			25'	25' each			
Rear Yard	25'			25'	25'			
Maximum Building Height	3 Stories or 45'				3 Stories or 45'		Same as PCD Zone.	20'

EXHIBIT B								
	EXISTING REGULATIONS						2011 REDEVELOPMENT PLAN	PROPOSED REGULATIONS
	PCD ZONE							
	GENERAL COMMERCIAL USES		PLANNED COMMERCIAL DEVELOPMENTS NON-GENERAL DEVELOPMENT PLAN		PLANNED COMMERCIAL DEVELOPMENTS UNDER GENERAL DEVELOPMENT PLAN			
	TYPE 1 USES	TYPE 2 USES	TYPE 1 USES	TYPE 2 USES	TYPE 1 USES	TYPE 2 USES		
Maximum TRACT Coverage								
Building Coverage for Principal Buildings	18%	32%					Same as PCD Zone.	15%
Lot Coverage	50%	52%		62%	50%	52%		No Parcel-Specific Regulation. 60% for entire RDP Plan Area
Floor Area Ratio	18%	32%		42%	18%	32%	170	
Maximum with Averaging (No Lot Greater Than:)								
Floor Area Ratio	23%	42%					170	
Building Coverage	23%	42%					171	
Lot Coverage	55%	62%			55%	62%		
FAR and Building Coverage of Site					55%	62%	170 & 171	
Maximum (Hotel / Conference Center)								
Building Coverage	30% of Lot						170 & 171	
Lot Coverage	50% of Lot							
Floor Area Ratio	30% of Lot				30%		170	
Impervious Coverage					50%		171	
Building Height					6 stories or 80'		Same as PCD Zone.	

¹⁷⁰ FAR controls shall be eliminated for single lots. The underlying PCD zone contains a tract-wide maximum average requirement for FAR and this requirement shall continue to apply to the Redevelopment Area and shall not be increased as a result of this provision.

¹⁷¹ Impervious and building coverage controls shall be eliminated for single lots. The underlying PCD zone contains a tract-wide maximum average requirement for impervious and building coverage controls and these requirements shall continue to apply to the Redevelopment Area and shall not be increased as a result of this provision.



OLD YORK ROAD REDEVELOPMENT PLAN (AMENDED)
ROBBINSVILLE TOWNSHIP,
MERCER COUNTY, NEW JERSEY