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**Redevelopment Plan**  
**Block 8, Lots 22 & 23**  
(1202 and 1204 US Route 130)  
Township of Robbinsville, New Jersey

June 2023

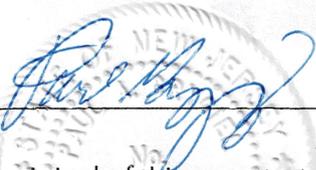
**Prepared for the:**

The Township of Robbinsville Council

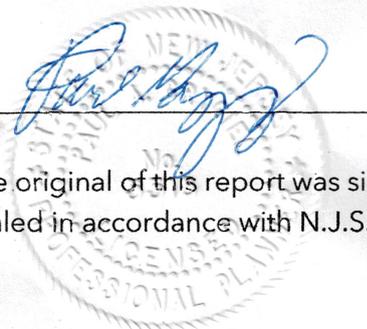
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The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2



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## I INTRODUCTION

### I.A Statutory Basis

This redevelopment plan (the “Redevelopment Plan” or “Plan”) has been prepared for the property (the “Redevelopment Plan Area”) comprised solely of Block 8, Lots 22 & 23 on the Robbinsville Township Tax Map (1202 and 1204 US Route 130) in the Township of Robbinsville (“Township”), which is included in a larger redevelopment area designated pursuant to N.J.S.A. 40A:12A-5.

This Redevelopment Plan has been authorized by the Township of Robbinsville in accordance with the criteria specified in the Local Redevelopment and Housing Law (LRHL). The Robbinsville Township Council adopted Township Resolution No. 2020-68 on February 27, 2020, directing the Robbinsville Planning Board<sup>1</sup> to conduct the necessary investigations to undertake the necessary stope to determine whether or not the lands then designated as the Route 130 Study Area qualify for designation as an Area in Need of Redevelopment in accordance with the criteria specific in N.J.S.A 40A:12A-1, et seq. The Robbinsville Planning Board adopted Planning Board Resolution No. PB2020-17 on May 20, 2020, accepting the Township Council’s directive and assigning ARH Associates, the Planning Board’s appointed planner, to undertake the preliminary investigation on behalf of the Board.

ARH Associated submitted its report, titled *Report of Findings Non-Condemnation Preliminary Redevelopment Investigation Route 130 South Study Area* on to the Planning Board, dated January 22, 2021. A public hearing was held by the Planning Board on February 24, 2021 to determine whether it should recommend that the area be designated as a redevelopment area pursuant to N.J.S.A 40A:12A-1, et seq. On June 23, 2021, the Planning Board recommended that the Study Area be declared and Area in Need of Redevelopment. The Township Council adopted the recommendation of the Planning Board and on June 24, 2021, designated the Route 130 South Study Area an Area in Need of Redevelopment.

### I.B Description of Redevelopment Plan Boundaries

The Redevelopment Plan area consists of two parcels designated as Block 8, Lots 22 and 23. The Redevelopment Plan area is located in the central portion of the Township, along the northwestern side of US Route 130, between Woodside and Gordon Roads.

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<sup>1</sup> The Robbinsville Township Planning Board existed until December 31, 2022. Formation of the Land Use Board to combine the former Planning Board and Zoning Board of Adjustment was approved by voter referendum on November 8, 2022, with its provisions taking effect on January 1, 2023.

## **I.C Description of Existing Conditions**

The Redevelopment Plan area consists of two existing parcels, Lots 22 and 23 in Block 8.

Lots 22 and 23 were jointly assessed in the Non-Condemnation Preliminary Redevelopment Investigation for Route 130 South. The lots are currently undeveloped vacant land, totaling 1.65 acres. The redevelopment designation study found that there was no evidence that the lots had been developed within the ten-year threshold. The redevelopment study further determined that given the available area, and existing regulations, the lots were unlikely to be developed solely through the instrumentality of private capital. The lots were also found to lie within the PA-2 Suburban Planning Area.

The investigation conducted found that the redevelopment criteria “c”, vacant for more than ten years and not likely to be developed through the instrumentality of private capital, and “h”, consistent with smart growth planning principles, applied to Lots 22 and 23, and both were recommended for inclusion in the designated redevelopment area.

## **I.D Surrounding Land Uses**

The Redevelopment Plan area is located along Route 130, which is a four-lane divided highway. The lots are across from a farm and garden center, and are surrounded on the east, north, and west by undeveloped forested land. Southwest of the lots along Route 130 is a single-story commercial use. The lots are bordered on their rear by the R1.5 Low Density Residential District. This zone is intended to serve as a transition from medium to low-density residential uses; the area behind the Redevelopment Plan area is developed with single-family detached residences.

## II GOALS AND RELATIONSHIP TO LOCAL OBJECTIVES

### II.A Redevelopment Plan Goals and Objectives

The specific goals of this Redevelopment Plan are as follows:

- To provide for the redevelopment of the parcel without the use of public funds.
- To provide for growth in areas with existing infrastructure.
- To provide for economic development that is responsive to the needs of the surrounding region.

### II.B Relationship to Local Objectives

#### II.B.1 Township of Robbinsville Master Plan

In 2020 The Township adopted a Comprehensive Master Plan Update and Land Use Element. This Planning process was more extensive and detailed than the statutorily required Master Plan Reexamination process, and was adopted by the Township to better address the needs of the township at this time. The prior Master Plan was adopted in 2000, with Reexaminations conducted in 2007 and 2008 (revisions adopted 2009).

The 2020 Master Plan Update provides only minor technical adjustments to the HC Zone and does not lay out an updated or revised vision for the Zone. No specific discussion occurs regarding the Redevelopment Site, and none of the few technical changes impact the Redevelopment Site.

Some of the general goals stated in the 2020 Master Plan Update are relevant to the Redevelopment Plan area. §5.3.1 B 6 describes the strategy, "Support economic activity along... Route 130... where Federal and State actions have established transportation corridors for the movement of people, goods, and services." The Redevelopment Plan Area is an isolated, small parcel on Route 130, and this Plan provides an automotive based use that creates economic activity along the Route 130 corridor in furtherance of this Master Plan objective.

The following strategy, §5.3.1 B 7 recommends that the Township establish "pro-growth zoning" along the above rights of way, and that existing land use regulations within the Township should be reviewed and revised to "maximize development potential." This Plan maximizes the development potential of the Redevelopment Plan Area by permitting the development of the project permitted by this Plan.

In addition, this Redevelopment Plan furthers Master Plan Principle §5.3.1 K: "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."

The Circulation Policy of the Master Plan Update (§5.3.3) notes that the roadway network within the Township is established, and is unlikely to change significantly in the near future. The Master Plan Update classifies US Route 130 as a principal arterial, and notes that it is considered a Regional Arterial.

## **II.B.2 Municipal Land Use Law Purposes**

This plan advances the following three purposes of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. for the following reasons:

Purpose a. - To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare - The development of the Redevelopment Plan Area in accordance with this Plan promotes the general welfare by creating well planned commercial development where such development would not otherwise occur.

Purpose g. - To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens - This Plan provides sufficient space in appropriate locations for the development of an autobody repair shop, a commercial use, in an appropriate location, the Route 130 corridor and the autobody repair shop will meet the needs of New Jersey citizens by providing a needed service.

Purpose m. - To encourage 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 - The Township is using its redevelopment powers to permit the redevelopment of Redevelopment Plan Area, thus lessening the cost of the redevelopment of Redevelopment Plan Area.

## **II.B.3 Township of Robbinsville Zoning Ordinance**

The Redevelopment Plan Area is located in the Township's HC Highway Commercial zone, which runs along US Route 130 in Robbinsville, between Hamilton and East Windsor Townships, pursuant to the Development Regulations of the Township of Robbinsville.

The stated purpose of the HC zone is "to improve the primary commercial corridors within the Township and help to achieve a better balance between residential and commercial development" and to "facilitate and stimulate commercial development along Route 130." The HC zone is designed to "provide commercial uses that serve Township residents as well as residents of the surrounding municipalities."

The HC zone permits a variety of commercial uses, including designed shopping complexes, retail stores, service activities, business offices, restaurants, recreational uses, and certain hotels. Convenience stores of certain sizes and houses of worship are conditional uses within the zone.

The HC bulk regulations require a minimum lot area of 40,000 square feet, 150 foot minimum lot width and frontage, and a minimum lot depth of 250 feet. Setbacks are 35 feet, 20 feet, and 30 feet for front, side, and rear yards, respectively.

Nearby properties located along the northwest side Route 130 are all included within the HC Zone. Nearby lots with frontage on Route 130's southeast side are either zoned HC or are located in the Mixed-Use / Age-Restricted Conservation Development (MU-ARCD) Zone. Lands north of the Redevelopment Plan area are zoned Low Density Residential (R 1.5).

### **III LAND USE AND DEVELOPMENT PLAN**

#### **III.A Notes on Plan Terminology**

Throughout this Redevelopment Plan, a meaningful distinction is made in the regulations between “shall” and “should.” “Shall,” “must,” or “is required to” means that a developer is required to comply with the specific regulation, without deviation. “Should” means that a developer is encouraged to comply with a specific regulation or guideline but is not required to do so. If the exact recommendation cannot be met, the Land Use Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

The words “may” or “is permitted to” indicate where the developer has the option of a particular approach.

#### **III.B Development Regulations**

This Plan supersedes the Development Regulations of the Township of Robbinsville in the Redevelopment Plan Area with the exception of Section 142-7, Articles I, VII through X and as otherwise expressly provided in the Plan.

#### **III.C Permitted Uses**

##### **III.C.1 Principal Permitted Uses**

The following principal use shall be permitted in the Redevelopment Plan Area:

- a. Automobile repair shop, including garages for auto body repair and office space for the repair shop use.

##### **III.C.2 Permitted Accessory Uses**

The following accessory uses shall be permitted:

- a. Off-street parking and loading areas.
- b. Outdoor short-term vehicle storage spaces for parking of vehicles that are to be or have been repaired on site.
- c. Zero emission vehicle fueling & charging stations.
- d. Signs.
- e. Retail sales of automotive-related items, such as, but not limited to, auto parts, tires and accessories.
- f. Other uses customarily accessory to the principal use.

#### **III.D Area, Yard, and Bulk Requirements**

The bulk regulations for the Redevelopment Plan Area shall be as follows:

<b>Standard</b>	<b>Requirement</b>
Min. Lot Area	40,000 square feet
Min. Lot Width	150 feet
Min. Lot Frontage	150 feet
Min. Lot Depth	200 feet
Min. Principal Building Setbacks	
Front Setback	35 feet
Side (each) Setback	25 feet
Rear Setback	30 feet
Min. Accessory Structure Setbacks	10 feet to side or rear property line, 35 feet to front property line
Max Impervious Surface Ratio	0.80
Max. Floor Area Ratio	0.30
Min. Parking Setbacks	Front: 15 feet, Side: 5 feet, Rear: 5 feet
Min. Driveway Side Yard Setback	10 feet
Max. Building Height	36 feet

### **III.E Parking and Access**

#### **III.E.1 Parking Requirements**

The minimum required parking is one space per 800 square feet of gross floor area. Short-term vehicle storage spaces may also be provided for parking of vehicles that are to be or have been repaired on site.

#### **III.E.2 Parking Space Dimensions**

Parking spaces shall be a minimum of nine feet wide and 18 feet deep. Short-term vehicle storage spaces for parking of vehicles that are to be or have been repaired on site may be designed as tandem spaces. Accessible parking spaces shall comply with dimensional requirements of the Americans with Disabilities Act (ADA).

#### **III.E.3 Parking Location and Access**

Vehicular parking and storage areas may be provided in any required yard area.

#### **III.E.4 Zero-Emission Vehicle Fueling and Charging Infrastructure**

Zero emission vehicle fueling and charging stations shall be provided in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-66.18 through 66.21 as a condition of preliminary site plan approval.

### **III.F Signage**

Signage shall comply with the regulations of § 142-48 of the Development Regulations of the Township of Robbinsville, except that the freestanding signs shall be permitted to be 16 feet in height.

## IV PLAN CONSISTENCY REVIEW

### IV.A Township of Robbinsville Development Regulations

This Redevelopment Plan provides the development regulations for the Redevelopment Plan Area and supersedes the Township of Robbinsville Development Regulations, except as otherwise expressly set forth in this Plan. No “d” variance from the requirements herein in accordance with N.J.S.A. 40:55D-70 shall be cognizable by the Zoning Board of Adjustment. The ordinance adopting this Redevelopment Plan shall include language that it is an amendment to the Township of Robbinsville Zoning Map and directing the Township Planner to so amend the Zoning Map.

### IV.B Relationship to Master Plans of Adjacent Municipalities

The Township of Robbinsville is contiguous to six other municipalities: Allentown Borough, East Windsor Township, Hamilton Township, Millstone Township, Upper Freehold Township and West Windsor Township.

Considering that the Redevelopment Plan area is not located near the other adjacent municipalities, this Redevelopment Plan will not affect these municipalities or their master plans.

### IV.C Relationship to the Mercer County Master Plan

The most recent Mercer County Master Plan was adopted September 2010 and amended in May 2016. The 2016 Amendment takes a “3-Systems” approach to regional (County) planning by addressing Economic, Transportation and Environmental policies. 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.

The cross-acceptance / RAP process ensured that the County’s Master Plan Amendment was consistent with the individual municipal Master Plans. While the Route 130 South Redevelopment process occurred after the County’s efforts, the concept of Redevelopment had been discussed at the municipal level since at least the Township’s 2007 Master Plan Reexamination. Accordingly, this Redevelopment Plan is deemed consistent with the Mercer County Master Plan.

### IV.D Relationship to the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

*Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation,*

*urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.*

The Redevelopment Plan Area is located within Suburban Planning Area 2 ("PA2"). This Redevelopment Plan is consistent with, supports and is designed to effectuate the goals and objectives of the State Plan for PA2, as it provides for development of a vacant site on a commercial highway corridor already served by utilities and other infrastructure. Similar to the Master Plans of contiguous municipalities, there is no change in the relationship of this Redevelopment Plan to the State Plan beyond that which existed prior to the adoption of this Plan. As such, it is consistent with the goals of the State Development and Redevelopment Plan.

## V REDEVELOPMENT ACTIONS

This Redevelopment Plan provides for several actions in support of the overall plan objectives, as follows.

### V.A Construction of Project and Implementation of this Redevelopment Plan

The construction of new structures and other improvements ("Project") embodied in this Redevelopment Plan will take place as proposed in **Section III, Land Use and Development Plan** of this Redevelopment Plan. To implement this Redevelopment Plan, the Township shall designate a redeveloper ("Redeveloper") of the Project. The Redeveloper must adhere to the overall parameters for development presented in **Section III** of this Redevelopment Plan.

### V.B Redeveloper's Agreement

To further implement the Project in accordance with this Redevelopment Plan, the Redeveloper shall enter into a redeveloper's agreement ("RDA") with the Township that stipulates the precise nature and extent of the improvements to be made and their timing as set forth in the RDA. The Township shall, within thirty (30) days after completion or substantial completion of the Project, and receipt of a written request from the Redeveloper, issue a certificate of completion ("Certificate of Completion"), provided that the Redeveloper is not then in default of the RDA. The Certificate of Completion shall constitute a recordable, conclusive determination of the satisfaction (in accordance with the terms of this Redevelopment Plan, the RDA and applicable law) and termination of the RDA, and of all of Redeveloper's agreements and covenants in the RDA. If the Township determines that the Redeveloper is not entitled to a Certificate of Completion, the Township shall, at the written request of the Redeveloper, within thirty (30) days of receipt of the written request, provide the Redeveloper with a written statement of the reasons the Township refused or failed to furnish a Certificate of Completion. Notwithstanding the foregoing, if the Project is substantially complete, the Township will issue its Certificate of Completion upon the posting of a bond (or other reasonably satisfactory security) by the Redeveloper with the Township in an amount representing one hundred twenty-five percent (125%) of the value of the work not yet completed less the amount of any completion guaranty posted for such work in accordance with the Municipal Land Use Law.

### V.C No Acquisition

There are no properties which need to be acquired to implement this Redevelopment Plan.

### V.D No Relocation

As undeveloped, vacant land there are no businesses to displace or relocate within the Redevelopment Plan Area.



## VI GENERAL PROVISIONS

### VI.A Site Plan and Subdivision Review

Any construction, reconstruction or rehabilitation shall require the prior approval of the Township Land Use Board and shall be in accordance with the requirements of this Redevelopment Plan and Articles VII through X of the Development Regulations of the Township of Robbinsville. Where a provision of this Redevelopment Plan conflicts with a provision of the Development Regulations, the Redevelopment Plan shall control. The Redeveloper shall consolidate the two lots which comprise the Redevelopment Plan Area into one lot.

No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Land Use Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

### VI.B Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Council of the Township of Robbinsville or by a developer or any of his/her successors or assignees, whereby land within the Redevelopment Plan area is restricted by the Township Council of the Township of Robbinsville, or the developer, 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. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the redevelopment area on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

### VI.C Duration of the Plan

The provisions of this Plan specifying the redevelopment of the Redevelopment Plan Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this Plan by the Township Council of the Township of Robbinsville, except that the criteria set forth in **Section III, Land Use and Development Plan** shall continue to act as overlay zoning on the Redevelopment Plan area until such time as amended or repealed by the Township Council.

## **VI.D Deviation Requests**

The Land Use Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Land Use Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment to the intent and purpose of the Redevelopment Plan. Any deviation that would require "d" variance in accordance with the Municipal Land Use Law, NJSA 40:55D-70d shall require an amendment to this Redevelopment Plan by the Township Council. An applicant for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b

## VII OTHER PROVISIONS

In accordance with N.J.S.A. 40A:12A-1 et seq., known as The Local Redevelopment and Housing Law, the following statements are made:

1. The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses and development regulations, as it provides for development of a vacant site consistent with its setting on a commercial corridor. Given the limited size of the Redevelopment Plan Area and scale of development, the Redevelopment Plan does not have any impacts on the density of population, the development of public zero emission vehicle fueling & charging infrastructure in appropriate locations, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
2. The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Plan area.
3. As undeveloped, vacant land, there are no residences or businesses to displace or relocate.
4. This Redevelopment Plan does not identify any property within the Redevelopment Plan area which is proposed to be acquired in accordance with this Redevelopment Plan. Condemnation or use of eminent domain is not permitted to occur within the Redevelopment Plan Area. As there are no existing affordable housing units that are set aside for low- and moderate-income households in the Redevelopment Plan Area, no such units are proposed to be removed from the Redevelopment Plan Area and no replacement housing is proposed. Further no affordable housing units are proposed in connection with this Plan.
5. As discussed in **Section II.B: Goals and Relationship to Local Objectives**, this Redevelopment Plan is consistent with and furthers a number of principles and objectives of the Master Plan for the Township of Robbinsville.
6. The ordinance adopting this Redevelopment Plan is an amendment to the Zoning Map of the Township of Robbinsville and said ordinance shall direct the Township Planner to amend the Zoning Map of the Township of Robbinsville to show the Redevelopment Plan Area.
7. If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

## **VIII PROCEDURE FOR AMENDING THE APPROVED PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law. The party requesting the amendments shall be required to post an escrow to defray the Township's costs in connection with the requested amendment. The Robbinsville Township Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.