

# REDEVELOPMENT PLAN

## BLOCK 8, LOT 31

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



Prepared by:



**JUNE 8, 2023**

ARH Project Number: P2023.0342

Prepared for:





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

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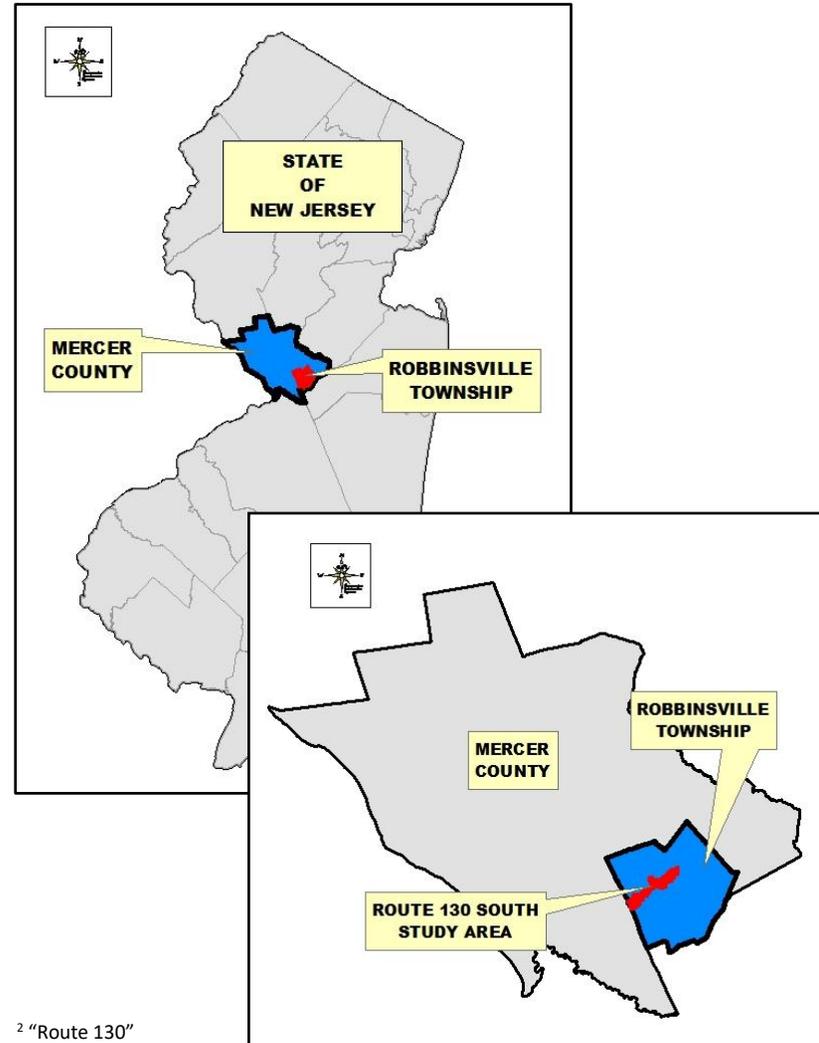
## 1.0 INTRODUCTION

### 1.1 BACKGROUND

**1.1.1** There exists in the Township of Robbinsville, Mercer County, New Jersey<sup>1</sup>, a 124 lot / (approximately) 430-acre (not including Rights-of-Way) area consisting of lots that either front on or are adjacent to U.S. Route 130<sup>2</sup> between the Township’s southern municipal boundary line and certain lots abutting the northerly line of Gordon Road.

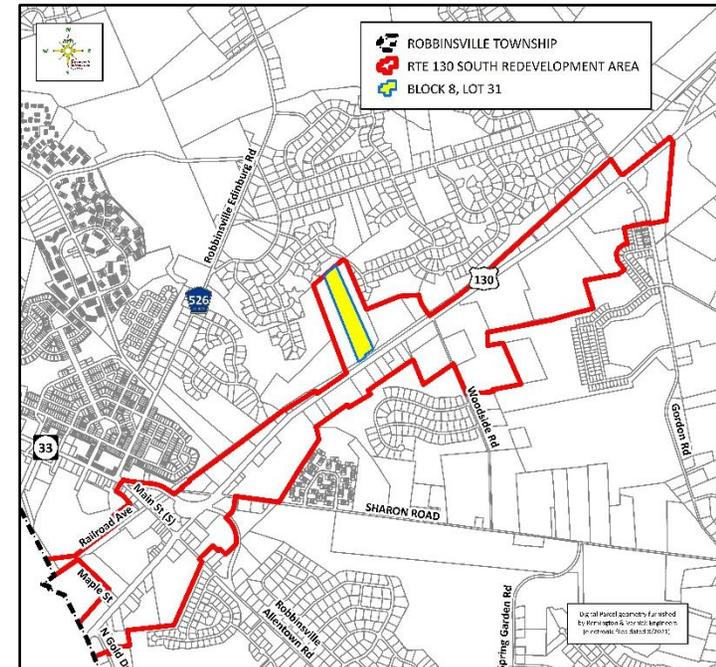
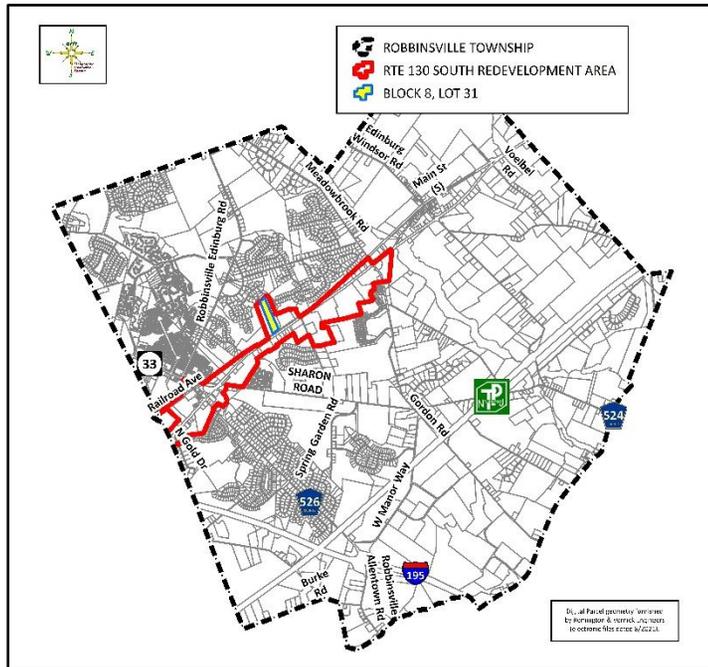
This area consists of unproductive and unutilized vacant lands as well as properties that appear to exhibit conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and a lack of proper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

One of the major defining characteristics of this area is its proximity to the commercial corridor of Route 130.



<sup>1</sup> "Township"

<sup>2</sup> "Route 130"



## 1.4 REDEVELOPMENT PROCESS

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

Utilizing the comprehensive set of tools and techniques available *only* under the *Redevelopment Law*, municipalities may modify land use and zoning controls; acquire property deemed necessary for redevelopment; clear or provide for the clearance of such lands; install infrastructure and/or other site improvements; provide favorable tax and other financial incentives to facilitate redevelopment; and solicit

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



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for, negotiate / enter into partnerships with and transfer lands to public and private entities in order to accomplish certain defined municipal goals and objectives.

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

**1.2.2** On February 27, 2020, the Robbinsville Township Council adopted (and May 28, 2020, amended) Township Resolution No. 2020-68<sup>4</sup>; thereby authorizing and directing the Robbinsville Planning Board<sup>5</sup> to conduct the necessary investigations and to undertake the necessary steps to

determine whether or not lands then-designated as the Route 130 South Study Area, more particularly described as:

BLOCK	LOT(S)
1	27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 37.01, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57.01, 58.01, 62& 63.
2	1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15.01, 15.02, 17.01 & 20.
8	15.01, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 37, 38, 38.01, 46, 47, 48 & 72.
8.03	9.03
21	27.01 & 27.02.
26	1.01, 1.02, 3, 5, 6.02, 6.03, 6.04 & 9.01.
27	1, 2, 3, 4, 5, 7, 8, 8.01, 9, 11, 18, 19, 20.01, 21, 23, 25, 26.01 & 27.
28.13	4.01
28.14	1, 2, 3, 4, 59 & 60.
29	1.011, 1.19, 2.39, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12.

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on the official tax map of the Township of Robbinsville, or any part of parts thereof, and including all bounding and internal Rights-of-Way, or any part or parts thereof, qualified for

<sup>4</sup> On file with the Township Clerk and/or the Land Use Board<sup>5</sup> Secretary.

<sup>5</sup> Reconstituted as a Land Use Board as of January 2023 (§2.25 herein).

<sup>6</sup> A railroad Right-of-Way belonging to the United NJ Railroad & Canal Co. extends through Robbinsville in an east / west direction. What was believed to be the extent of this Right-of-Way within the Investigation was included in Resolution No. 2020-126 as Block 1, Lots 37 and 37.01 and Block 2, Lot 9. The rail line is located to the north (i.e., rear) of these lots.

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

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





designation as an Area in Need of Redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, et seq.

Resolution No. 2020-68 further provided that, upon completion of the Preliminary Investigation and the public hearing thereon, the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supportive documentation.

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

On May 20, 2020, the Robbinsville Planning Board adopted Planning Board Resolution No. PB2020-17<sup>4</sup> (amended June 17, 2020 via Resolution No. PB2020-17A)<sup>4</sup>, accepting the directive of the Township Council embodied in Township

Resolution No. 2020-68 and assigning **ARH Associates**,<sup>7</sup> Licensed Professional Planners in the State of New Jersey and the Planning Board’s appointed Planner, to undertake the Preliminary Investigation on the Board’s behalf.

**ARH** conducted its analysis and submitted a *Report of Findings* detailing the conditions in the Study Area<sup>4,8</sup>.

Pursuant to N.J.S.A. 40A:12A-6b (2) and (3), the Planning Board held a duly noticed public hearing on this matter<sup>9</sup> to determine whether all or part of the area under Investigation qualified as an Area in Need of Redevelopment in accordance with the *Redevelopment Law*. At the end of the public hearing, the Planning Board, on June 23, 2021 and after careful consideration of the *Report of Findings* and a presentation by **ARH**, as well as comments from members of the public in attendance who elected to speak, adopted Resolution No. PB2021-17(B)<sup>4</sup>; thereby finding and recommending to the Township Council that the area under Investigation, with the exception of Block 1, Lot 56, qualifies and therefore should be designated as a Non-Condernnation Area in Need of Redevelopment.

<sup>7</sup> “ARH”

<sup>9</sup> February 24, 2021, and March 17, 2021

<sup>8</sup> Dated January 22, 2021 (“*Report of Findings*”) [§2.59 herein.]



Township Council received the Resolution and recommendations of the Planning Board, along with the *Report of Findings* and all relevant exhibits and materials. After carefully considering the analyses, findings and recommendations of the Planning Board embodied in Resolution No. PB2021-17(B), the Township Council, on June 24, 2021, after due and careful deliberation, adopted Township Resolution No. 2021-165<sup>4</sup>; thereby designating the Route 130 South Study Area, with the exception of Block 1, Lot 56, to be an Area In Need of Redevelopment.

As required by N.J.S.A. 40A:12A-6, Township Resolution No. 2021-165 was transmitted to the Commissioner of the New Jersey Department of Community Affairs for approval of the designated Redevelopment Area. By letter dated July 8, 2021<sup>4</sup>, the Township received such approval.

### 1.3 AUTHORIZATION & PURPOSE

#### 1.3.1 OVERVIEW

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

Recognizing the costs involved in attempting to develop a single, comprehensive Redevelopment Plan for an area as large and diverse as the Route 130 South Redevelopment Area, as well as planning and market unknowns of our post-COVID economy, Township Policymakers elected to pursue separate Plans for individual sections of the Redevelopment Area.

#### 1.3.2 THIS REDEVELOPMENT PLAN

A. There exists in the Route 130 South Redevelopment Area, an (approximately) 13.35-acre Route 130-fronting Lot designated as Block 8, Lot 31 and known locally as 1170 Route 130.





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Lot 31 consists of unproductive and unutilized vacant lands as well as a residence. The Lot was determined during the Route 130 South Preliminary Redevelopment Investigation process to exhibit conditions of faulty arrangement or design, obsolete layout and a lack of proper utilization lands which is a lost opportunity (and therefore a detriment) to the welfare of the community. These conditions were determined to be the result of forces which are amenable to correction and amelioration by the concerted effort of responsible public bodies, and without this public effort are not likely to be corrected or ameliorated by private effort.

B. Having declared Block 8, Lot 31 to be In Need of Redevelopment, the next step in the Redevelopment Process is to prepare and adopt a Redevelopment Plan for this property as a mechanism for the orderly (re)planning and (re)development of Lot 31 consistent with the Municipal Goals & Objectives<sup>10</sup> established herein.

C. 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.

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<sup>10</sup> §4.0 herein.



## 2.0 DEFINITIONS

For the purpose of this Redevelopment Plan, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section. Terms not defined herein shall have the meaning set forth in the Township Code.

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

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

**2.2** “ADA” shall mean the Americans with Disabilities Act<sup>11</sup>, along with all rules and regulations promulgated therefor.

**2.3** “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.

**2.4** “Block 8, Lot 31” shall mean the portion of the Route 130 South Redevelopment Area that is subject to this Redevelopment Plan (more specifically described in §1.0 herein).

**2.5** “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 upon which the Principal Structure and any Ancillary Structure requiring a foundation is situated.

<sup>11</sup> U.S. Code Title 42, Ch. 126, Sect. 12101 et seq. and Title 47, Ch. 5.

- 2.7** “Building Envelope” or “Envelope” shall mean the area of a lot within which a building may be sited. The building need not fill the Envelope, and, unless otherwise indicated, may be placed anywhere within the Envelope.
- 2.8** “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. Where height limitations reference both height in feet and number of stories, both shall apply. This height limitation shall include chimneys, cupolas, steeples or similar architectural elements.
- 2.9** “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** “Detached Garage” shall mean a garage constructed on a lot which is not attached to the principal structure except by a pergola or similar non-conditioned construction.
- 2.14** “Elevation” shall mean an exterior facade of a structure, or its head-on view, or representation thereof drawn with no vanishing point.
- 2.15** “Entablature”<sup>12</sup> 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.
- 2.16** “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,

<sup>12</sup> Originally defined as an elaborated beam supported by columns.



Environmental Constraints shall also include conditions placed on a property by a Relevant Permitting Agency.

- 2.17** “Façade” shall mean a building face or wall.
- 2.18** “Fascia” shall mean a projecting flat horizontal member or molding, also part of a classical Entablature.
- 2.19** “Fenestration” shall mean window and other openings on a building facade.
- 2.20** “Gable” shall mean the part of the end wall of a building between the eaves and a pitched or gambrel roof.
- 2.21** “Garage Linkage” shall mean a structural link between the primary wall of a Principal Structure and an otherwise detached garage which shall be constructed as a one-story breezeway or conditioned space, and made of materials compatible with the exterior wall of the Principal Structure and the garage.
- 2.22** “Governing Body” shall have the same meaning as Township Council.<sup>13</sup>

- 2.23** “Impervious Coverage” shall mean that that area of a lot upon which all structures and materials that are highly resistant to water infiltration, inclusive of permitted setback encroachments, are located.
- 2.24** “Independent Component of a Project” shall have the same meaning as “Redevelopment Project”.
- 2.25** “Land Use Board” shall mean the Robbinsville Township Land Use Board, established pursuant to the *Municipal Land Use Law* and operating pursuant to the various regulations of the Township Code and other Relevant statutes, including the *Local Redevelopment & Housing Law*.
- 2.26** “Linkage” shall mean a means of access ~ typically, but not exclusively, a pathway, arcade, bridge, or other similar element ~ linking areas which are either distinct or separated by a railroad line, major arterial, drainageway or other man made or natural feature.
- 2.27** “Lintel” shall mean a structural or decorative horizontal beam over an opening in a masonry wall.

<sup>13</sup> Within the context of various sections of this document, the terms “Township”, “Governing Body”, and “Robbinsville” shall mean the Robbinsville Township Council.

- 2.28** “Local Redevelopment & Housing Law” shall mean N.J.S.A. 40A:12A-1 et seq.
- 2.29** “Lot 31” shall have the same meaning as Block 8, Lot 31<sup>14</sup>.
- 2.30** “Masonry” shall mean a wall or building material, such as brick or stone, which is laid up in small units.
- 2.31** “Massing” shall mean the three-dimensional bulk of a structure (i.e., its height, width and depth).
- 2.32** “Municipal Land Use Law” or “MLUL” shall mean N.J.S.A. 40:55D-1 et seq.
- 2.33** “NJDCA” shall mean the New Jersey Department of Community Affairs<sup>15</sup>
- 2.34** “NJDEP” shall mean the New Jersey Department of Environmental Protection.<sup>15</sup>
- 2.35** “NJDOT” shall mean the New Jersey Department of Transportation.<sup>15</sup>
- 2.36** “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.
- 2.37** “P.I.L.O.T.” shall mean a program of Payment-In-Lieu-of-Taxes as permitted under applicable law.
- 2.38** “Planning Board” shall have the same meaning as Land Use Board.
- 2.39** “Port Cochere” or “Portico” shall mean an open-sided / roofed structure extending from a building facade and sheltering an entrance or serving as a semi-enclosed space under which a vehicle may park and passengers embark.
- 2.40** “Preliminary Investigation” shall mean the process by which the Route 130 South Study Area was designated In Need of Redevelopment under the *Local Redevelopment & Housing Law* as detailed in §1.0 herein.

<sup>14</sup> §2.5 herein.

<sup>15</sup> Including all divisions and agencies thereof.



- 2.41** “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.
- 2.42** “Project” shall have the same meaning as “Redevelopment Project”.
- 2.43** “Project Concept(s)” shall mean the preliminary depiction of a proposed Redevelopment Project, or individual Phase or Subphase thereof, and shall include, at a minimum, a conceptual site plan, color renderings of all building elevations, floor plans, budgetary information and associated narrative Description of Project Elements sufficient to provide the Township with an understanding of the proposed Project, or Phase or Subphase thereof.
- 2.44** “Project Elements” shall mean any component of a Redevelopment Project.
- 2.45** “Project Plan(s)” shall mean a detailed depiction of the 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** “Publication” shall mean the date printed on the cover of this Redevelopment Plan, which shall signify the date this Plan was finalized for printing.
- 2.48** "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.
- 2.49** "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.



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**2.50** “Redevelopment Agreement” shall mean a contract made by and between a designated Redeveloper (Candidate) and the Township<sup>16</sup>, 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.

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

**2.52** “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.

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

**2.54** “Redevelopment Plan” shall mean this instant document entitled *Redevelopment Plan, Block 8, Lot 31, Route 130 South Redevelopment Area, Robbinsville Township, Mercer County, N.J.*, prepared by **ARH ASSOCIATES** (date indicated on the front cover of this document).

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

**2.55** “Redevelopment Project” shall mean the construction of buildings and/or other improvements on Block 8, Lot 31 by the designated Redeveloper in accordance with this Redevelopment Plan.

- A. For the purposes of this Redevelopment Plan, the Redevelopment Project shall consist of a facility for the rental and open-air storage of:
- Office trailers / stock modular buildings;
  - Office containers;

<sup>16</sup> Acting in its capacity as Redevelopment Entity for this Redevelopment Plan.





- Modular / portable Classrooms;
- Ground-level, climate-controlled storage containers;
- Modular and custom concession / ticket booth stands;
- Security / guard booths; and
- Like and similar units<sup>17</sup>.

Ancillary Uses shall include offices to support the Project and facilities for routine cleaning, maintenance and repair required to return the leased units to serviceable (rentable) condition upon the end of their lease period.

- B. 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 & Compliance<sup>18</sup>, 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.

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

**2.57** “Report of Findings” shall mean the document entitled *Report of Findings, Non-Condensation Preliminary Redevelopment Investigation, Route 130 South Study Area, Robbinsville Township, Mercer County, New Jersey* prepared by **ARH Associates** (dated January 22, 2021)<sup>19</sup>.

**2.58** “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.

<sup>17</sup> Interpretation and determination of what constitutes a “like and similar unit” shall be made by the Township Council, acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

<sup>18</sup> §16.0 herein.

<sup>19</sup> On file with the Township Clerk and/or the Land Use Board Secretary.





**2.59** “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.

**2.60** “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.<sup>20</sup>

**2.61** “Route 130” shall mean U.S. Route 130.

**2.62** “Route 130 South Redevelopment Area” shall mean the portion of Robbinsville Township that either front on or are adjacent to Route 130 between the Township’s southern municipal boundary line and certain lots abutting the northerly line of Gordon Road, along with all bounding and internal Rights-of-Way, or any part or parts thereof, as

declared to be In Need of Redevelopment by the Governing Body via Township Resolution No. 2021-165; as further described in §1.0 herein.

**2.63** “Setback” shall mean clear, unoccupied and unobstructed space (unless otherwise specified) measured at right angles between a lot lines 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\*, port cocheres<sup>21\*</sup>; flag / banner poles;
- Ornamental architectural features\*;
- Walkways, breezeways & atria;
- Tables for alfresco dining\*, bicycle racks\*, benches\*, trash receptacles\* & other street furniture\*;
- Parking areas & access drives thereto;
- Signage & lighting;
- Fences & landscaping\*; and
- Like and similar features.

<sup>20</sup> 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.

<sup>21</sup> §2.39 herein.

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

Other than these Rights-of-Way, setbacks shall be construed as minimum distances. Greater setbacks are permitted, provided that the specific distances and design relate to the architecture of the subject building elevation, and further provided that the setback area is heavily treated with a combination of elements designated by asterisk (\*).

**2.64** "Sign" shall mean an object, device, display, building or structure, or portion thereof, which is located outdoors, or which is located indoors but is visible to the general public from outdoors, on which is affixed, painted or otherwise represented, directly or indirectly, words, letters, figures, designs, symbols, fixtures, colors, insignia, illumination or projected images forming a name, identification, description, display or illustration, or combination thereof, which is designed or intended to advertise, announce, declare, demonstrate, display, direct, attract attention to, identify, illuminate or otherwise visually communicate or promote the interest of an object, person, institution, organization, business, product,

service, activity, event or location by any means.

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

**2.65** "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 2<sup>nd</sup> story windows.

**2.66** "Sign, Fascia" shall mean the vertical surface over a storefront which is suitable for sign attachment.

**2.67** "Sign, Icon" shall mean a sign that illustrates, by its shape and graphics, the nature of the business conducted within.

**2.68** "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.



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- 2.69** “Street Furniture” shall mean the functional elements of the streetscape, including, but not limited to, benches, trash receptacles, planters, kiosks, streetlights and bollards.
  
- 2.70** “Streetscape” shall mean the built and planted element of a Right-of-Way which define its character.
  
- 2.71** “Texture” shall mean the exterior finish of a surface, ranging from smooth to coarse.
  
- 2.72** “Township” shall have the same meaning as Robbinsville Township.
  
- 2.73** “Township Clerk” shall mean the municipal Clerk for Robbinsville Township, who is the statutorily-mandated custodian for the Township’s records.
  
- 2.74** “Township Code” shall mean, unless otherwise cited, Chapter 142 of the Robbinsville Township Municipal Code,<sup>22</sup> as modified through this Redevelopment Plan and as may be amended from time-to-time.

- 2.75** “Township Council” shall mean the legislative body for Robbinsville. The Township Council is herewith designated the Redevelopment Entity for this Redevelopment Plan.
  
- 2.76** “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 under the Township Code.

<sup>22</sup> On file with the Township Clerk or available via <http://www.robbinsville-twp.org/>



## 3.0 PREEXISTING CONDITIONS

### 3.1 DELINEATION

As authorized by Township Council, this Redevelopment Plan addresses Block 8, Lot 31.

In addition to Lot 31, the Route 130 South Redevelopment Area includes the entirety of the Route 130 Right-of-Way abutting Lot 31 and the CONRAIL Right-of-Way<sup>23</sup> between Lot 31 and Route 130.

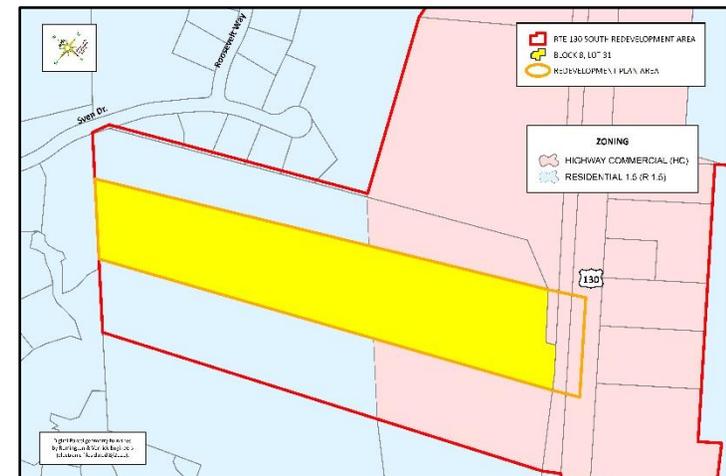


The jurisdiction of this Redevelopment Plan extends to the centerline of Route 130 in order to appropriately address issues

related to the CONRAIL Right-of-Way and to allow Route 130 improvements, if any, to be eligible for grant funding tied to a Redevelopment Area designation and/or an adopted Redevelopment Plan.

### 3.2 ZONING

Prior to the adoption of this Redevelopment Plan, Lot 31 was split between the Township’s Highway Commercial (HC) Zoning District and the Low Density Residential (R1.5) Zone.



<sup>23</sup> a.k.a. Block 8, Lot 14



The Purpose, Permitted Uses and Bulk Standards for these Zones are addressed in the Township Code<sup>24</sup>.

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

### **3.3 SMART GROWTH & REGULATORY ENVIRONMENT**

#### **3.3.1 SMART GROWTH**

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

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

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

Families, perceiving their quality-of-life diminishing, began to flee these older, congested suburbs for the less-dense, ever-greener hinterland. Suburbs became urban<sup>25</sup>, 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.

<sup>24</sup> §142-23 for HC Zone & §142-16 for R1.5 Zone.

<sup>25</sup> Meanwhile, the traditional urban environment continued to deteriorate and decline, resulting in population flight, economic disinvestment and general physical decay.

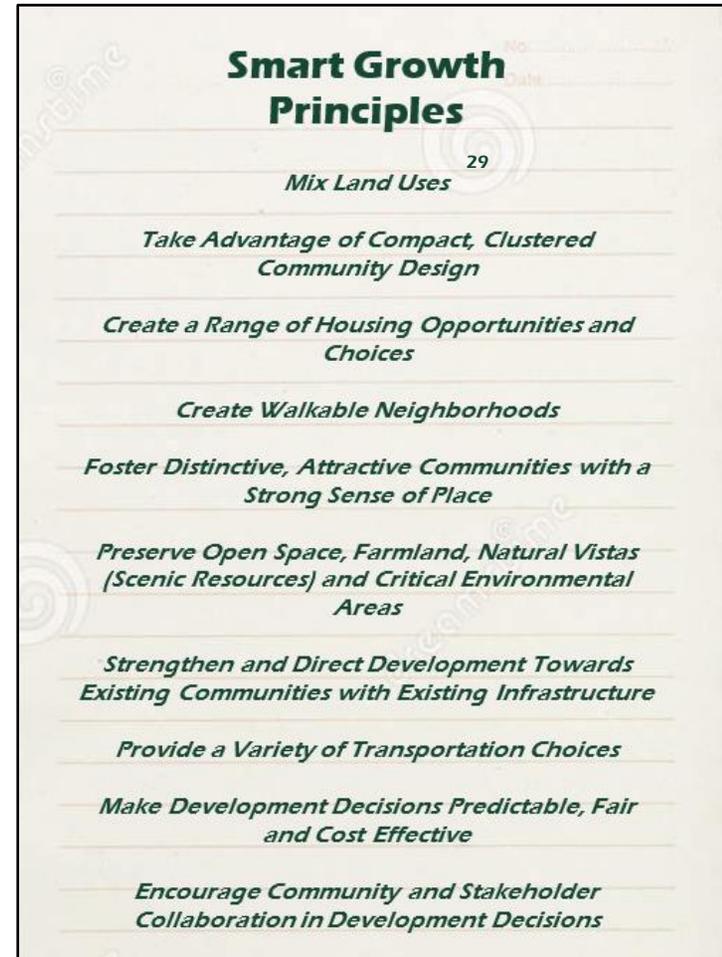


Smart Growth principles are generally accepted by planners and lawmakers as guidelines for effective land use and design. They have been incorporated, explicitly or implicitly, into the body of state and local regulations adopted to combat sprawl.

### 3.3.2 STATE DEVELOPMENT & REDEVELOPMENT PLAN

In New Jersey, Smart Growth principles are embodied in the *State Development & Redevelopment Plan*.<sup>26</sup> Promulgated by the State Planning Commission<sup>27</sup> 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 Jersey<sup>28</sup>, the *State Plan* is the controlling policy guide regarding growth-related issues on a statewide level.



<sup>26</sup> "State Plan".

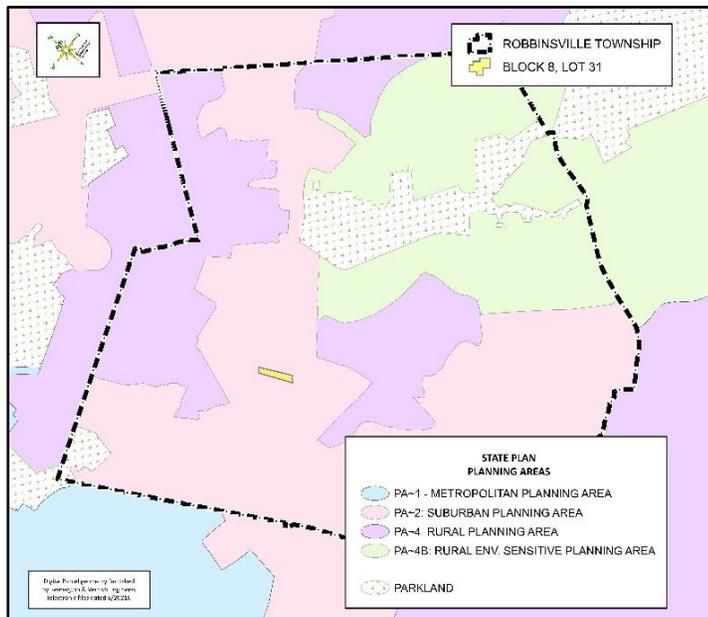
<sup>27</sup> In conjunction with the New Jersey Office of State Planning (now entitled the Office of Planning Advocacy).

<sup>28</sup> Principally, but not exclusively, NJDCA and NJDEP.

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



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



As detailed in the State Plan:

*PA~2 SUBURBAN PLANNING AREAS* are designed to provide for much of the State’s future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl;

*reverse the current trend toward further sprawl; and revitalize cities and towns.*<sup>30</sup>

To accomplish these goals, State Plan has established the following [pertinent] Policy Objectives:<sup>31</sup>

**LAND USE**

*Guide development and redevelopment into more compact forms ~ Centers and former single-use developments that have been retrofitted or restructured to accommodate mixed-use development, redevelopment, services and cultural amenities. Plan and zone for a wide range of land uses and users, in order to achieve more balanced communities. Seek to better integrate different land uses, and remove or mitigate physical barriers between them. Encourage densities capable of supporting transit. Preserve the Environs as park land, farmland, or partially developed low-density uses without compromising the Planning Area’s capacity to accommodate future growth.*

**HOUSING**

*Provide a full range of housing choices primarily in Centers at appropriate densities to accommodate the area’s projected growth. Ensure that housing in general ~ and in particular affordable, senior citizen, special needs and family housing ~ is developed with*

<sup>30</sup> State Plan: p. 186

<sup>31</sup> State Plan: pp. 198-199



*maximum access to a full range of commercial, cultural, educational, recreational, health and transportation services and facilities. Focus multi-family and higher-density, single-family housing in Centers. Any housing in the Environs should be planned and located to maintain the existing character.*

**ECONOMIC DEVELOPMENT**

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

**TRANSPORTATION**

*Maintain and enhance a transportation system that links Centers and existing large single-use areas to each other, to Metropolitan Planning Areas and to major highway and transit corridors. Emphasize the use of public transportation systems and alternative modes of transportation where appropriate and feasible, and maximize circulation and mobility options (including pedestrian and bicycle connections between developments) throughout. Encourage significant redevelopment and intensification around existing and planned rail stations along transit corridors and ferry stations along waterfronts. Promote flexible (variable route) transit and support employer-operated shuttle services...*

**NATURAL RESOURCE CONSERVATION**

*Conserve continuous natural systems, strategically locate open space, and buffer Critical Environmental Sites. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link into other Planning Areas.*

**AGRICULTURE**

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

**RECREATION**

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



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

**REDEVELOPMENT**

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

**HISTORIC PRESERVATION**

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

**PUBLIC FACILITIES & SERVICES**

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

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

**INTERGOVERNMENTAL COORDINATION**

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

**3.3.3 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 addresses ~ to the maximum extent practicable ~ Smart Growth Policy Objectives embodied in the State Plan as appropriate to Lot 31.

### 3.4 ENVIRONMENTAL CONDITIONS & CONSTRAINTS

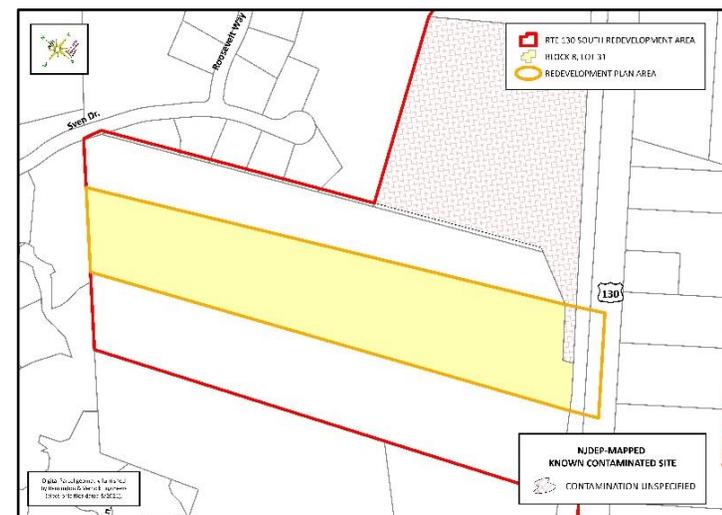
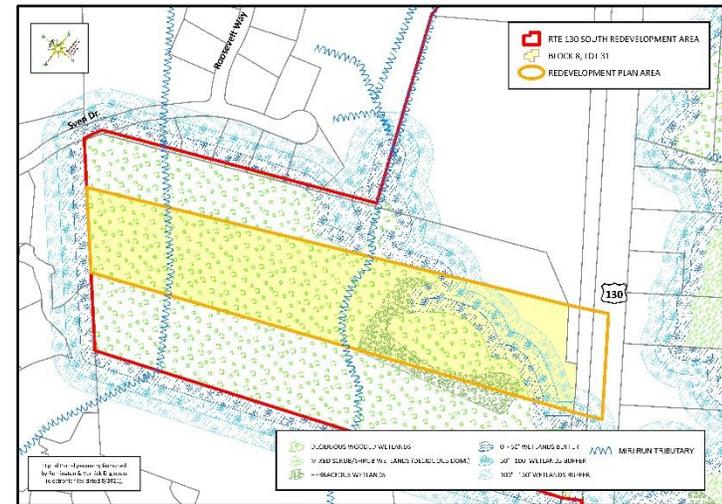
#### 3.4.1 SOILS, WETLANDS & BUFFERS<sup>32</sup>

NJDEP has identified (mapped) Deciduous Wooded Wetlands and Herbaceous Wetlands within the portions of Block 8 lot 31 subject to this Redevelopment Plan. Such wetlands are encumbered by associated buffers. Absent site-specific analyses and formal application to NJDEP, this Redevelopment Plan assumes a 150' buffer.

Additionally, the Miry Run Tributary flows through Lot 31 as well as lots on the southerly side of Route 130. This Tributary is a designated FW2-NT stream<sup>33</sup>. While a 50' buffer from FW2-NT streams are typical, an application for a Flood Hazard Area Verification is required to conclusively determine the buffer (which may range from 50' to 300').

#### 3.4.2 CONTAMINATION<sup>34</sup>

NJDEP has identified the lot to the immediate west of Lot 31 as a Known Contaminated Site. The nature of the contamination is not specified.



<sup>32</sup> NJDEP GeoWeb

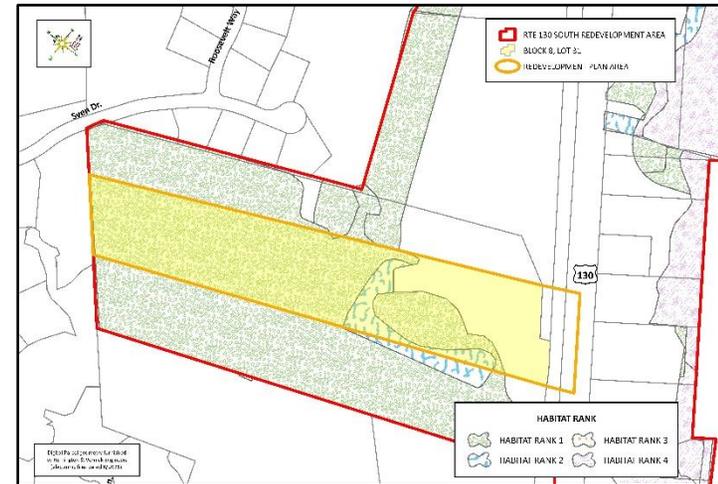
<sup>33</sup> Non-trout waters, not considered suitable for trout, but may be suitable for other fish species.

<sup>34</sup> <https://www13.state.nj.us/DataMiner>

### 3.4.3 HABITAT / THREATENED & ENDANGERED SPECIES<sup>35</sup>

- A. NJDEP mapping<sup>36</sup> at Lot 31 finds potential Rank 1 habitat-specific conditions but no documented species sightings and Rank 2 habitat-specific conditions for Great Blue Heron<sup>37, 38</sup>.

A Threatened & Endangered Species analysis and application to NJDEP is required to confirm actual presence of species.



<sup>35</sup> NJDEP employs a 5-tiered species-based habitat method designed to associate each species with a specific set of Land Use / Land Cover (“LULC”) classes according to the habitat needs of the species. Detailed LULC class delineations allow for an accurate representation of imperiled and special concern species habitat by providing biologists with the ability to designate a specific set of LULC classes for each individual species-feature label combination.

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

Habitat is valued only if it is appropriate for the species.  
([www.nj.gov/dep/gis/landscape.html](http://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.

<sup>36</sup> NJDEP Landscape 3.3 Viewer:  
(<https://njdep.maps.arcgis.com/apps/webappviewer/index.html?id=0e6a44098c524ed99bf739953cb4d4c7>)

<sup>37</sup> *Ardea Herodias*: Foraging Habitat for Species of Special Concern. Most Recent Observation Year: **2013**

<sup>38</sup> Such mapping additionally finds Rank 4 habitat-specific conditions for Bobcat (*Lynx rufus*: State Endangered [Live Individual Sighting - Most Recent Observation Year: 2008]), Great Blue Heron<sup>37</sup> and Wood thrush (*Hylocichla mustelina* [Breeding Sighting of Species of Special Concern. Most Recent Observation Year: 2008]) to the rears of Block 27, Lots 7, 8, 8.01, 9 18 & 27 (on the southerly side of Route 130).



B. The U.S. Fish & Wildlife Service IPaC website<sup>39</sup> has identified the Northern Long-eared Bat<sup>40</sup>, Tricolored Bat<sup>41</sup> and the Bog Turtle<sup>42</sup> in this area.

A Natural Heritage Database Request and a request to the U.S. Fish & Wildlife Service are required to confirm the actual presence of species within or in proximity to Lot 31.

C. Development within habitat is subject to site-specific analyses and formal application to the Relevant Permitting Agencies. Once the presence of species is confirmed, a buffer of up to 150' may be required.

### 3.5 GOVERNMENTAL APPROVALS

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

- Robbinsville Township Council for determination of Redevelopment Plan Conformance. A review and

recommendation will be made by the Township's Technical Review Committee prior to Council action;

- Robbinsville Land Use Board for Subdivision and Site Plan approvals. Determination of Completeness shall be made by the Technical Review Committee in accordance with standard operating procedure;
- Robbinsville Environmental Commission in accordance with standard operating procedure;
- Robbinsville Department of Construction for a Construction Permit;
- Mercer County Conservation District for Soil Erosion and Sediment Control Plan certification;
- Mercer County Planning Board for Subdivision approval (if applicable) and Site Plan approval (or exemption) related to Route 130;
- Mercer County Utilities Authority and Robbinsville Division of Utilities for sanitary sewer permitting;
- NJDOT for Highway Access Permitting, traffic signalization, roadway geometry and other issues related to Route 130;

<sup>39</sup> <https://ipac.ecosphere.fws.gov/location/index>

<sup>40</sup> *Myotis septentrionalis*: Endangered Species

<sup>41</sup> *Perimyotis subflavus*: Proposed Endangered Species

<sup>42</sup> *Clemmys muhlenbergii*: Threatened Species





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- 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 a public / private partnership, for the creation of a Redevelopment Project on the Block 8, Lot 31 portion of the Route 130 South Redevelopment Area; thereby advancing the Goals & Objectives detailed herein.

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

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

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

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

**4.1.3** This Redevelopment Plan does not attempt to anticipate every possible Project Concept or land use solution. The provisions of this Plan have been crafted to provide the qualified Redeveloper the flexibility necessary to develop a Project which advances these Goals & Objectives.



4.1.4 Township Policymakers recognize the financial and planning realities related to the redevelopment of Route 130 and are in a position to make available such assistance as may be at the Township’s disposal ~ through the powers of the *Redevelopment Law* and/or other pro-development agencies and programs ~ should a particular Project so merit.

Such assistance may include, but need not be limited to, endorsing and/or ~ with the designated Redeveloper ~ 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;<sup>43</sup> 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 within Lot 31 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. Such lands and improvements shall be permanently and irrevocably restricted against such construction, occupancy or use.***

4.1.5 Township Policymakers further recognize that certain environmental issues may exist within, on, under or adjacent to Lot 31. Such issues may include, but need not be limited to, wetlands, threatened or endangered species and/or subsurface contamination.

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

Responsibility (financial or otherwise) for the remediation of any conditions found within, on or under Lot 31, or for

<sup>43</sup> 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.



compliance with any State or Federal requirements related thereto, shall be addressed by the Redeveloper in accordance with applicable laws and regulations.

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

## 4.2 MUNICIPAL LAND USE LAW

This Redevelopment Plan has been crafted to advance the purposes of the New Jersey *Municipal Land Use Law* by<sup>44</sup>:

- Constituting municipal action to guide the appropriate use and redevelopment of lands in a manner which will promote the public health, safety, morals and general welfare;
- Providing for Redevelopment Projects in a manner which will secure safety from fire, flood, panic and other natural and man-made disasters;
- Ensuring that the Redevelopment Project will provide adequate light, air and open space;

- Ensuring that redevelopment in Robbinsville does not conflict with the development and general welfare of neighboring municipalities, the county and the State;
- 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 and industrial uses, and open space, according to their respective environmental requirements in order to meet the needs of Township, County and New Jersey citizens;
- Utilizing a transportation route which will promote the free flow of traffic while discouraging location of facilities and routes which result in congestion or 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

<sup>44</sup> N.J.S.A. 40:55D-2



type, design and layout of development to the Route 130 Redevelopment 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 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*<sup>45</sup> which led the Township to include the identified

Block 8, Lots 31 within the Route 130 South Redevelopment Area under the *Redevelopment Law*.

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

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

**4.3.4** Maximize tax revenue, generate tax ratables or otherwise provide for a return to the public sector<sup>46</sup> by the (re)development and active reuse of underdeveloped, underutilized and/or underproductive lands which represent a lost opportunity for valuable contribution to the welfare of the community.

<sup>45</sup> §2.59 herein.

<sup>46</sup> via P.I.L.O.T. or other appropriate mechanisms.





***Other than as permitted via a negotiated Redevelopment Agreement, lands and improvements on Block 8, Lot 31 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. Such lands and improvements shall be permanently and irrevocably restricted against such construction, occupancy or use.***

**4.3.5** Stimulate development for Lot 31 by permitting flexibility in land use, project design and building regulations while protecting, to the extent practicable, the surrounding built and natural environment.

**4.3.6** Reorganize and replan Lot 31 in order to create a tract of appropriate size and shape to facilitate a market-driven Project designed to advance and achieve the Municipal Goals & Objectives detailed herein.

**4.3.7** Provide for appropriate land uses in order to stimulate, strengthen and enhance the Township’s economic base and provide for increased employment and business opportunities ~ including opportunities for Township residents ~ resulting

from the (re)development and operation of a significant Redevelopment Project on Lot 31; and, by so doing:

- Attract new businesses and retain and expand existing businesses in the Township; and by so doing create business opportunities by the purchase of goods and services by the Redevelopment Project; and
- Create direct employment opportunities and secondary employment by businesses providing goods and services to the Redevelopment Project.
- Create jobs targeting the full spectrum of skill-levels; thereby supporting the widest possible employment base for Township and non-Township residents during construction and operation of the Project envisioned.

**4.3.8** Institute provisions to promote a comprehensively planned Redevelopment Project in a mutually supportive environment consistent with Smart Growth Principles<sup>47</sup>.

**4.3.9** Provide for adequate parking to support the Redevelopment Project anticipated.

**4.3.10** Promote the efficient and effective provision of necessary infrastructure and related services for the Redevelopment

<sup>47</sup> §3.3.1 herein.





Project while addressing economic, regulatory and permitting issues that may impede infrastructure improvements.

**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.

**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** Where necessary and practicable, provide for the relocation of existing land uses to suitable locations elsewhere in the Township; thereby coordinating form and function to ensure that uses are compatible with the built environment.

**4.3.15** To the extent reasonably practicable, work with the designated Redeveloper to minimize disruption of the land uses adjacent to Lot 31 during and after construction.

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

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

**4.3.17** To the extent reasonably practicable, Redevelopment Projects are encouraged to incorporate environmentally-friendly, LEED<sup>48</sup> building and site systems and technologies in all Projects.

<sup>48</sup> "Leadership in Energy & Environmental Design"  
([www.usgbc.org/DisplayPage.aspx?CategoryID=19](http://www.usgbc.org/DisplayPage.aspx?CategoryID=19)).

## 5.0 REDEVELOPER SOLICITATION, SELECTION & DESIGNATION

### 5.1 OVERVIEW

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*.<sup>49</sup>

Upon adoption of this Redevelopment Plan, the Township will be statutorily empowered to undertake such actions for the purposes of advancing the Municipal Goals & Objectives<sup>50</sup> detailed herein.

### 5.2 DESIGNATION OF REDEVELOPMENT ENTITY

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

### 5.3 REDEVELOPER

#### 5.3.1 BACKGROUND

Block 8, Lot 31 is under a purchase agreement by an entity related to the Cassone Family of Companies of Ronkonkoma (Long Island) New York<sup>51</sup>. Such agreement provides Cassone with site control over the property.

In February 2023, Cassone submitted an Expression of Interest to the Township for the development and operation of a facility for the rental and open-air storage of stock and custom modular trailers (more particularly described as the Redevelopment Project in §2.55 herein).

Cassone is an award-winning, family-owned and operated certified women’s business enterprise founded in 1976 providing innovative and cost-effective solutions for permanent or temporary space need.

<sup>49</sup> N.J.S.A. 40A:11-1 et. seq. and N.J.S.A. 40A:12-1 et. seq. respectively

<sup>50</sup> §4.0 herein.

<sup>51</sup> Cassone Leasing Inc., Cassone Truck & Equipment Sales, Inc., American Transportation Services, Inc., and the Kunz Family Limited Partnership (collectively, “Cassone”)



Owing to Cassone’s site control over Block 8, Lot 31 and the contents of its Expression of Interest, this Redevelopment Plan designates Cassone Leasing Inc.<sup>52</sup> as Redeveloper Candidate<sup>53</sup> for this Redevelopment Plan.

**5.3.2 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 Cassone Leasing.

**5.4 REDEVELOPMENT AGREEMENT**

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

- The Project Concept(s) & Description of Project Elements for the undertakings proposed;
- Details regarding compliance with the Municipal Goals & Objectives<sup>54</sup> of this Redevelopment Plan;
- Details regarding compliance with the Redevelopment Administration Escrow requirements<sup>55</sup> 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.

<sup>52</sup> “Cassone Leasing”

<sup>54</sup> §4.0 herein.

<sup>53</sup> “Redeveloper” designation shall be conferred by the Township only upon execution of a Redevelopment Agreement.

<sup>55</sup> §5.5 herein.





**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 Cassone Leasing, 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;

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

Without limiting any terms or conditions to be negotiated as part of the Redevelopment Agreement, Cassone Leasing 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*<sup>56</sup>, and shall be used to reimburse the Township for in-house staff time and as-invoiced costs for such outside professionals<sup>57</sup> 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, Cassone Leasing 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 allotted, the Township reserves the right to rescind Redeveloper Candidate designation from Cassone Leasing; 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 the Redevelopment Agreement and completion of the Project (signified by the issuance of the final Certificate of Completion & Compliance<sup>58</sup> for the final component of the Project). Such funding shall be for Township costs incurred outside of the Land Use Board 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.

<sup>56</sup> N.J.S.A. 40:55D-53.1

<sup>58</sup> §16.0 herein.

<sup>57</sup> including, but not limited to, planning and engineering services, environmental specialists, legal advisors, financial consultants, real estate appraisers and other third-party professional costs.



**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.

## 6.0 ANTICIPATED REDEVELOPMENT ACTIONS

### 6.1 OVERVIEW

The Redevelopment Actions anticipated under this Redevelopment Plan consist of:

- Establishing land use, building and other controls governing the form and function<sup>59</sup> of the Redevelopment Project<sup>60</sup>;
- Identifying infrastructure improvements to be required to support the Redevelopment Project<sup>61</sup>;
- Completion of the acquisition process for Lot 31 by the designated Redeveloper;
- Design, permitting and construction of the approved Redevelopment Project; and
- Such other Actions as may be necessary and convenient to achieve the Municipal Goals & Objectives<sup>62</sup> of this Redevelopment Plan.

<sup>59</sup> §8.0 - §12.0 herein.

<sup>60</sup> §2.55 herein.

<sup>61</sup> §9.0 and §10.0 herein.

<sup>62</sup> §4.0 herein

### 6.2 ACQUISITION & CONVEYANCE

#### 6.2.1 BY THE TOWNSHIP

- A. The *Redevelopment Law*<sup>63</sup> ***specifically prohibits*** the Township from acquiring lands for Redevelopment Projects via eminent domain in Non-Condensation Redevelopment Areas such as the Route 130 South Redevelopment Area.
- B. While the Township retains the power of eminent domain for public uses such as Rights-of-Way, parkland and other qualifying purposes under the *Local Lands & Buildings Law*<sup>64</sup>, the *Public Parks & Playgrounds Law*<sup>65</sup> or other related legislation, no such acquisition is contemplated.

#### 6.2.2 BY THE REDEVELOPER

- A. Other than completion of the acquisition process for Lot 31, no acquisition is contemplated.

<sup>63</sup> N.J.S.A. 40A:12A-6 & 8

<sup>64</sup> N.J.S.A. 40:60-1 et seq.

<sup>65</sup> N.J.S.A. 40:61-1 et seq.



- B. Nothing herein shall limit the Redeveloper, on its own account, from pursuing the voluntary acquisition of lands outside of Block 8, Lot 31 and developing such lands as a component of or complement to the Redevelopment Project proposed herein.

***It is expressly understood that the Township shall have no responsibility, financial or otherwise, regarding any such acquisition or regarding any relocation of persons, businesses or public utilities resulting therefrom. All costs related thereto shall be borne by the Redeveloper.***

### **6.2.3 REDEVELOPER'S RESPONSIBILITIES UPON ACQUISITION**

- A. Upon acquisition of Block 8, Lot 31 or any lands outside of Block 8, Lot 31, by whatever means, and subject to the provisions of the negotiated Redevelopment Agreement addressing same, the designated Redeveloper shall be responsible for all taxes which become due and owing on all property so acquired; for all demolition, site work and remediation; and for all planning, engineering, permitting and other activities necessary for the development of the Redevelopment Project in accordance with this Redevelopment Plan.

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

### **6.2.4 PROPERTY DESIGNATED NOT-TO-BE-ACQUIRED**

This Redevelopment Plan operates under a Non-Condemnation Redevelopment Area designation. Accordingly, no lands under the jurisdiction of this Plan may be acquired via eminent domain for transfer to the Redeveloper. All lands are therefore classified as Not-To-Be-Acquired.

Such classification notwithstanding, the Township reserves the right to work with NJDOT, Mercer County and the interested Redeveloper to improve such Rights-of-Way as required to meet the needs of the Redevelopment Project.

## **6.3 CONVEYANCE**

There are no Township-owned Lots subject to this Redevelopment Plan. No conveyance is therefore necessary.



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

#### **6.4 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 Block 8, Lot 31 shall be governed by the provisions of this Redevelopment Plan, which were crafted to provide a setting within which the Redeveloper and its designers are encouraged to generate detailed plans to produce a Project of outstanding design and superior quality. Taken collectively, these provisions are intended to guide use, massing and aesthetics for the Redevelopment Project. Within this framework, the Redeveloper and its designers are encouraged to exercise maximum ingenuity and creativity to achieve the Municipal Goals & Objectives<sup>66</sup> detailed herein.

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

**7.1.3** Except where otherwise modified by this Redevelopment Plan, all property within Block 8, Lot 31 shall be governed by the

standards and regulations contained in the Township Code. By reference, such provisions are included in and adopted by this Redevelopment Plan.

All property outside of Lot 31, whether used or developed in conjunction with the 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 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.

<sup>66</sup> §4.0 herein.



**7.1.6** Township Policymakers recognize that certain environmental issues may exist on, in, under or adjacent to Lot 31. Such issues may include, but need not be limited to, underground (fuel) storage tanks and soils or groundwater contamination.

The property-owner and Redeveloper, at their sole cost and expense, shall comply with all State and Federal regulations for the treatment and/or remediation of such issues, and shall be responsible for all actions and costs related thereto.

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

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

## **7.2 REVIEW PROCEDURES, INTERPRETATIONS & RESPONSIBILITIES**

### **7.2.1 APPROVAL PROCESS**

- A. As part of the Redeveloper selection and designation process<sup>67</sup>, the Township Council, acting in its capacity as the Redevelopment Entity for this Redevelopment Plan, shall review and approve the Project Concepts and Description of Project Elements proposed for the Redevelopment Project. Such approval shall both accept the Project for the community and ensure that the Project is consistent with this Redevelopment Plan.
- B. Understanding that Projects necessarily evolve from concept to final design, the following approval process is established:
  - 1. The designation of the Redeveloper Candidate under the Expression of Interest process<sup>68</sup> as shall serve as the Township Council's approval of such Candidate's Project Concepts and Description of Project Elements, and as conditional certification of the Project's consistency with this Redevelopment Plan.

<sup>67</sup> §5.0 herein.

<sup>68</sup> §5.3.1 herein.



**REDEVELOPMENT PLAN  
BLOCK 8, LOT 31  
ROUTE 130 SOUTH REDEVELOPMENT AREA  
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

2. The action of entering into a Redevelopment Agreement with the Redeveloper Candidate<sup>69</sup> shall serve as the Township Council’s final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project’s consistency with this Redevelopment Plan.

C. Consistent with its responsibilities under the *Redevelopment Law*<sup>70</sup>, the Land Use Board shall review and approve the Project Plans for the Redevelopment Project in accordance with the requirements for review and approval of subdivisions and site plans set forth by the Township Code and the *Municipal Land Use Law*.

No application of a Redevelopment Project for Site Plan or Subdivision Approval shall be heard by the Land Use Board unless and until the Township Council, acting as Redevelopment Entity for this Redevelopment Plan, has granted final approval of the Project Concepts and Description of Project Elements in accordance with §7.2.1 B. 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 Uses enumerated herein.
2. Consistent with standard operating procedure, the Township’s Technical Review Committee<sup>71</sup> shall review all Project Plans prior to such Plans being released for Land Use Board Review & Approval. In addition to Completeness under §142-80, such review shall include a determination on behalf of the Township Council that the Project Plans are in conformance with the Project Concept(s) and Description of Project Elements agreed upon under the Redevelopment Agreement.

<sup>69</sup> §2.50 & §5.3.1 herein.

<sup>70</sup> N.J.S.A. 40A:12A-13.

<sup>71</sup> “TRC”





**REDEVELOPMENT PLAN  
BLOCK 8, LOT 31  
ROUTE 130 SOUTH REDEVELOPMENT AREA  
ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

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

Appeal of a 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 the 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 & Objectives<sup>72</sup> 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 TRC.

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.

<sup>72</sup> §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*<sup>73</sup> and not from the Township’s power to zone under the *Municipal Land Use Law*.<sup>74</sup> 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*<sup>75</sup>. Principal Uses proposed but not permitted by this Redevelopment Plan shall require formal Redevelopment Plan amendment.

Certain Ancillary Uses, or specific elements or components of a Principal Use proposed by the Redeveloper but not envisioned by this Redevelopment Plan, may be permitted upon petition to the Township Council and the Council’s

determination, in its sole and absolute discretion, that such use is consistent with the Municipal Goals & Objectives<sup>76</sup> 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*<sup>77</sup>. 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

<sup>73</sup> N.J.S.A. 40A:12A-7

<sup>74</sup> N.J.S.A. 40:55D-62

<sup>75</sup> N.J.S.A. 40:55d-70d

<sup>76</sup> §4.0 herein.

<sup>77</sup> N.J.S.A. 40:55d-70c





Controls and the quantifiable requirements of the Architectural Controls, Circulation, Parking & Loading Plan, Infrastructure Controls and the Landscaping & Streetscaping Provisions of this Redevelopment Plan as may be requested by the Redeveloper ~ to a maximum of 20% Deviation from the subject regulation.

Deviations shall only be granted for a Project whose totality of architecture exhibits ~ in the sole opinion of the 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 20% shall require a formal Plan amendment.
  - c. Requests of 20% or less ~ but which are deemed by the Land Use Board to be inconsistent with the intent of this Redevelopment Plan ~ shall require formal Plan amendment.
2. Design Waivers
- a. The 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 Provisions of this Redevelopment Plan in the form of Design Waivers requested either along with submission of an Expression of



**REDEVELOPMENT PLAN  
BLOCK 8, LOT 31  
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ROBBINSVILLE TOWNSHIP, MERCER COUNTY, N.J.**

Interest<sup>78</sup> or as part of the Redevelopment Agreement negotiations process<sup>79</sup>.

Any Design Waiver accepted by the Township Council shall explicitly be included as an exhibit to the executed Redevelopment Agreement, upon which it shall be treated as being consistent with this Redevelopment Plan.

Waivers not so included shall be considered invalid.

- b. The 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 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 such Waivers requested.

- 3. Departures Required by Relevant Permitting Agencies  
The provisions of §7.2.2 B. herein notwithstanding, departure(s) from the requirements of this Redevelopment Plan necessitated to bring the

<sup>78</sup> §5.3.1 herein.

<sup>79</sup> §5.4 herein.





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 uses and structures within Block 8, Lot 31. As a result of such interrelationships, any Deviation or Departure from a specific Redevelopment Plan provision will likely impact other Plan provisions. Accordingly, any request for Deviation or Departure shall be reviewed within the context of the entirety of the Redevelopment provisions to insure that all such impacts are identified and, to the extent practicable, minimized.

### 7.2.3 PERMITTED & PROHIBITED USES

- A. Permitted Uses under this Redevelopment Plan are designed to provide for a critical mass of complementary activities to achieve the Municipal Goals & Objectives of this Plan<sup>80</sup>.
  - 1. Permitted Uses shall be limited to the Permitted Principal and Ancillary Uses enumerated under §8.2 herein. The Redeveloper may engage in such uses itself or may lease or sell a portion or portions of a Project to (or otherwise arrange for) a third-party operator to undertake such uses.
  - 2. Multiple Permitted Uses are allowed as Principal or Ancillary Uses within the Redevelopment Project, provided that each such use is a Permitted Use under §8.2 herein.
- B. ***Uses not specifically permitted are prohibited.***

<sup>80</sup> §4.0 herein.

## 8.0 LAND USE PLAN

### 8.1 Overview

This Land Use Plan establishes specific use and building controls for the physical redevelopment of Lot 31. Within this framework, the Redeveloper is encouraged to exercise maximum ingenuity and creativity in order to achieve the Municipal Goals & Objectives<sup>81</sup> of this Redevelopment Plan.

### 8.2 DEVELOPMENT REGULATIONS

#### 8.2.1 Permitted Principal Uses & Structures

A facility for the rental and open-air storage of office trailers and stock modular buildings, as more particularly described in §2.55 herein.

#### 8.2.2 Permitted Ancillary Uses & Structures

A. Such Ancillary Uses and Structures as are normally and customarily associated with the Permitted Principal Use, as more particularly described in §2.55 herein.

B. Interior Maintenance and Storage Areas.

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

D. Zero Emission Vehicle Fueling and Charging Stations, subject to the provisions of §14.9.2 herein.

E. Subject to the provisions of the Circulation, Parking & Loading Plan<sup>82</sup> herein, surface parking lots or structured parking garages to support the uses permitted herein.

#### 8.2.3 Building Limit Controls

A. Buildings shall be oriented toward Route 130.

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

<sup>81</sup> §4.0 herein.

<sup>82</sup> §9.0 herein.

CATEGORY		REGULATION
Minimum Lot Area		<b>No Minimum Established</b> Lot 31 shall be developed as a single Project site, with existing Geometry constituting Area, Width & Depth.
Minimum Lot Width		
Minimum Lot Depth		
Maximum Impervious Surface Coverage		65%
<b>Principal Structures</b>		
Minimum Setback	Route 130	50'
	Side Yard	30'
	Rear Yard	30'
Maximum Building Height		35'
		2½ Stories
Maximum Building Coverage		50%
<b>Ancillary Structures</b>		
Maximum Number		1
Maximum Combined Size		500 s.f.
Minimum Setbacks	Route 130	Buildings Prohibited
	Side Yard	10'
	Rear Yard	10'
Distance between Buildings		As directed by the Fire Official
Maximum Building Height		15'
		1½ Stories
Maximum Building Coverage		10%

## 8.3 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 & Objectives<sup>83</sup> of this Redevelopment Plan.
- B. These 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 the Redeveloper and its designers, builders and occupants of Lot 31.
- C. The following written controls are enhanced by graphics selected to illustrate the concept(s) at issue and overall intent. **THEY ARE NOT INTENDED AS DESIGN MANDATES.**
- D. The process from seeking design waivers from these Architectural Controls is addressed in §7.2.2B.2 herein.

<sup>83</sup> §4.0 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 Project character.
- 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 the buildings.
- 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, LEED<sup>84</sup> building and site systems and technologies in all Projects.

### 8.3.3 BUILDING ORIENTATION

- A. Buildings visible from Route 130 shall be visually oriented toward that Right-of-Way.
- B. Spatial relationships between buildings / structures should be geometrically logical and/or architecturally formal.
- C. Multiple buildings within the Project shall relate to one another functionally and visually.
- D. Buildings shall define the streetscape through the use of uniform setbacks and massing.

The streetscape shall be reinforced by lines of uniformly spaced street trees, and may be further reinforced by walls, hedges or fences, and shall be generally continued across side yards by landscaping.

<sup>84</sup> "Leadership in Energy & Environmental Design"  
([www.usgbc.org/DisplayPage.aspx?CategoryID=19](http://www.usgbc.org/DisplayPage.aspx?CategoryID=19)).

**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. Buildings with more than one facade facing Route 130 or visible from neighboring properties are considered significant structures since they have at least 2 exposed facades. Such buildings shall be designed with enhanced facade treatments (architectural embellishments) for those elevations.

- 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.

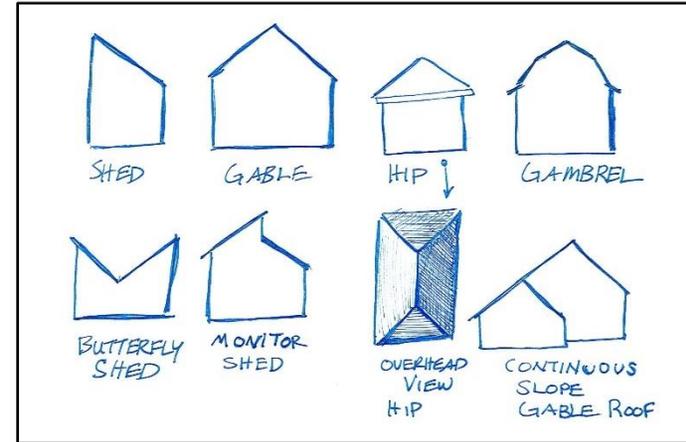
While pitched roofs are encouraged, flat roofs are permitted. Encouraged elements for Flat Roofs are addressed in §8.3.5 G. herein.

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.

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.

C. Both gable and hipped roofs shall provide overhang eaves on all sides.



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

E. Mansard roofs are discouraged.

F. Permitted roof materials for pitched roofs:

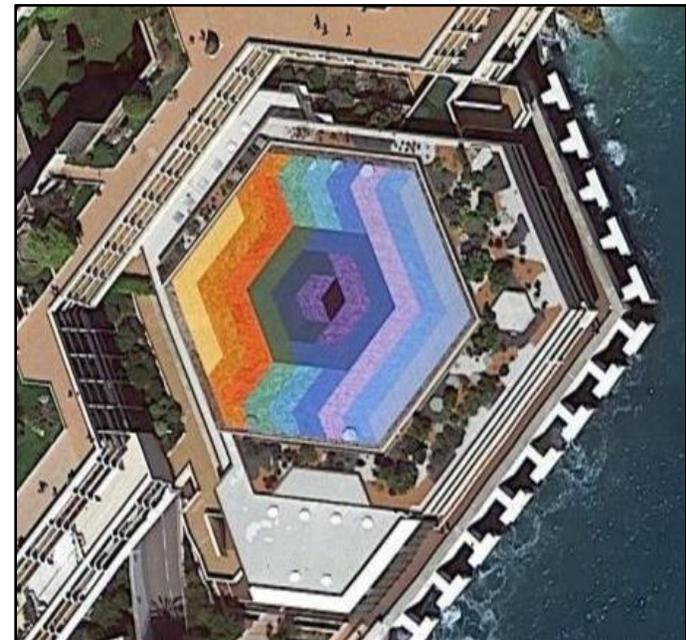
- Slate or Composite Tile;
- Cedar or other Wood Shingles;
- Standing Seam Copper or Anodized Aluminum;
- Dimensioned Asphalt (complementary colors).

G. 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.



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. All visibly-exposed sides of buildings shall have an articulated base course, which should align with either the kickplate or sill level of the 1<sup>st</sup> story.

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

- C. Solid, blank,<sup>85</sup> windowless walls, service areas or loading bays visible from Route 130 or neighboring properties are prohibited.



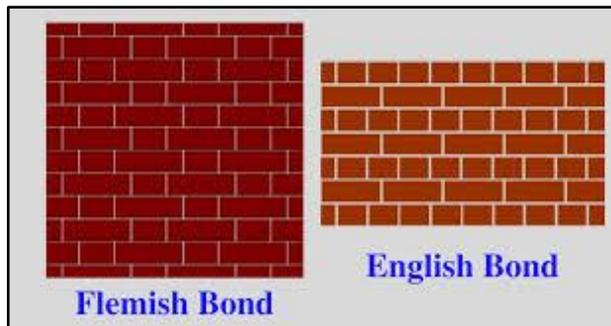
<sup>85</sup> §2.3 herein.

Where such elements are 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.

Landscape screening may also be appropriate in certain circumstances.

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 lain 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

The following regulations are intended for windows as applicable to the project and not for glass wall construction.

- 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 windows and doors on the ground level, including storefront or display windows.
- C. Divided lights should be a minimum of 2 over 2, with true divisions of natural or simulated wood (interior or exterior) mullions / inserts.
- D. Windows should be between 26" and 36" off the ground. 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 2<sup>nd</sup> floor shall be a minimum of 24" from the building's corner.

- H. Casement windows are permitted. Aluminum framed plate glass "storefronts" are discouraged.
- I. First- and second-story primary facade windows shall be proportioned vertical-to-square, except for gable windows which may be shaped.
- J. Shutters should be either louvered or paneled and sized to fit the actual window.
- K. Solid or almost solid metal security gates and roll-down metal windows are prohibited where visible from Route 130 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.



L. 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.





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

### 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.

- 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.

Buildings with glass wall construction may be lit internally.

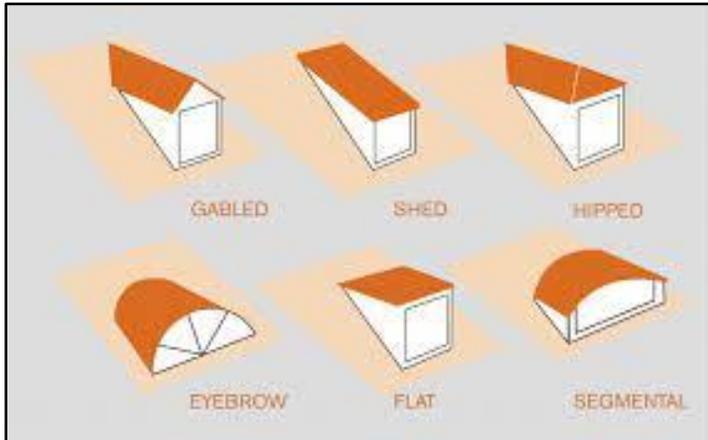
- B. Fixtures shall be architecturally compatible with the style, materials, colors and details of the building.
- C. Lighting shall be adequate to the use while minimizing light pollution. Light shields shall be provided to minimize adverse impacts (glare, overhead sky glow) on adjacent properties.
- 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 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.

**8.3.11 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.
- B. Tight eaves shall be finished by moldings. Non-masonry structures shall have corner boards.
- 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.
- D. Decorative elements such as pergolas, cupolas and belvederes are encouraged as elements to provide architectural emphasis / embellishment.

### 8.3.12 COLORS

- A. Colors shall be from the Benjamin Moore Historical Color Collection<sup>86</sup> 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.
- D. Ancillary Structure colors shall be compatible with those of the Principal Structure.

### 8.3.13 CHIMNEYS

Fireplace or other chimneys shall be architecturally compatible with the style of the building and shall be located at gable ends



<sup>86</sup> <https://www.benjaminmoore.com/en-us/color-overview/color-palettes/historical-collection>



or centrally. Chimney tops shall have decorative details (e.g., corbelling). Flues shall be painted the color of the roof.

#### **8.3.14 GUTTERS**

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

#### **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 Route 130 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. The Redeveloper 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.

The Redeveloper 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 the 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 Block 8, Lot 31 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,<sup>87</sup>

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.<sup>88</sup> The Redeveloper is encouraged to establish a creative interior sign package consistent with the type and scope of Project proposed.

<sup>87</sup> e.g., theming for corporately-branded establishments.

<sup>88</sup> 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.



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## 9.0 CIRCULATION, PARKING & LOADING PLAN

### 9.1 CIRCULATION

#### 9.1.1 EXTERNAL ACCESS

A. This Circulation Plan generally maintains Route 130 in its current geometry, although certain improvements may be required to address access required by the Redevelopment Project. While specific improvements will naturally be dependent on the needs of the Project and are therefore beyond the scope of this Redevelopment Plan, improvements may include, but need not be limited to:

- A southbound deceleration lane / slip turn at the entrance to Lot 31;
- Modifications in pavement striping, traffic signage and/or other mechanisms to regulate turning movements;
- Improvements related to the CONRAIL railroad Right-of-Way necessary for access to Lot 31<sup>89</sup>.

B. Township Policymakers recognize that Route 130 is a State Highway under the jurisdiction of NJDOT and that CONRAIL owns Block 8, Lot 14. While a Highway Access Permit is required from NJDOT and some form of easement or other permission is required from CONRAIL to gain access to Lot 31, these issues are beyond the control of the Township and therefore this Redevelopment Plan.



<sup>89</sup> §9.1.1 B. herein.



The Township is committed to working with NJDOT, CONRAIL and the Redeveloper to address these issues and other pertinent issues.

- C. The number of curb-cuts on Route 130 shall be minimized. Obsolete curb-cuts shall be eliminated.
- D. In addition to the improvements detailed herein, any repair or reconstruction of a public Right-of-Way necessitated by development of the Redevelopment Project shall be the responsibility of the Redeveloper.

Details related to this §9.1.1 shall be addressed within the context of the Redevelopment Agreement to be negotiated between the Township and Redeveloper.

### **9.1.2 INTERNAL CIRCULATION**

Circulation through the interior of the Redevelopment Project shall be made via internal accessways as necessary. Such accessways shall be identified by the Redeveloper as part of the Project Concept(s) and Description of Project Elements submitted under the Expression of Interest process.<sup>90</sup>

<sup>90</sup> §5.3.1 herein.

## **9.2 PARKING & OUTDOOR STORAGE**

### **9.2.1 GENERAL REQUIREMENTS**

- A. Parking may only be accomplished via surface lot(s). Structured parking is prohibited.
- B. Parking may be permitted on Lots contiguous to Lot 31 if situated within 300' of the entrance(s) to the use(s) they are intended to serve. If so located, such lots shall be subject to the requirements of the Township Code and not this Redevelopment Plan.

### **9.2.2 SURFACE PARKING LOTS**

- A. Surface parking lots shall include pedestrian crosswalks distinguished by paint, textured paving or similar material, landscaping and street furniture.
- B. Parking lot layout, landscaping, buffering and screening shall be provided to minimize direct views of parked or stored vehicles or trailers from Route 130 or neighboring properties; avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties; and provide the parking and storage area(s) with a reasonable measure of shade.



In order to achieve these objectives, parking lots and outdoor storage areas 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 or addition to a wall, the width of the planting area shall be a minimum of 5'. Landscaping shall be of such type and density to achieve the desired screening.

- C. To the extent practicable, customer parking shall be in the front of the building.
- D. No parked vehicle or stored trailer shall extend into a driveway or parking lot circulation aisle or encroach into a public or private Right-of-Way.
- E. The interior of all parking lots and outdoor storage areas 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 and outdoor storage areas less than 2,000 s.f. may not require interior landscaping if the Land Use Board determines that there is adequate perimeter landscaping.

Parking lots larger than 10 spaces and outdoor storage areas greater than 2,000 s.f. require 1 deciduous shade tree per 5 parking spaces or 1,000 s.f. of outdoor storage area. 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.

2. Plant material shall be appropriate to the Township's climatic zone and tolerant for the urban environment of Lot 31. Types, location and frequency of plantings shall be appropriate to the architecture of the Project(s) to which the parking lot or outdoor storage area is intended to serve.

## 9.3 LOADING

**9.3.1** 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.

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

**9.3.3** 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.

**9.3.4** 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 §9.2.2 B. herein.

**9.3.5** No external loading docks are permitted. Delivery, loading and storage facilities shall be physically incorporated into the Project 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 supply sheds or other similar facilities as are normally and customarily associated with the Permitted Principal Use, as more particularly described in §2.55 herein.

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

## 9.4 TRAFFIC IMPACT STUDY

As part of the Review & Approval process, the Redeveloper shall submit a Traffic Impact Study utilizing the [then] most recent editions of the nationally accepted ITE *Trip Generation*



*Handbook*, which shall include and address, at a minimum for Lot 31 **as well as surrounding lands not subject to this Redevelopment Plan**:

- 9.4.1** 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.
- 9.4.2** Collection of peak hour traffic count data for the weekday A.M. and P.M. periods at all appropriate intersections.
- 9.4.3** Trip generation projections for the proposed Redevelopment Project, with distribution of Project traffic to the roadway network and proposed Project accesses.
- 9.4.4** Projection of future "build-out year" traffic volumes, which will include background traffic growth.
- 9.4.5** Future conditions analysis for the surrounding intersections and the proposed site driveways to determine if any improvements are required to mitigate the Project's traffic impact.

## **9.5 PROJECT COORDINATION / COST SHARING**

- 9.5.1** The Township is committed to working with the various Redevelopers, NJDOT and other Permitting Agencies having jurisdiction over the Route 130 and surrounding Rights-of-Way. Details related to such coordination shall be addressed within the context of the Redevelopment Agreements to be negotiated between the Township and the Redeveloper.
- 9.5.2** Recognizing that certain required data collection and related analyses will be common to Redevelopment and non-Redevelopment Projects in this section of Robbinsville, the Township has no objection to Redevelopers or developers joining forces to commission a single Traffic Impact Study, or specific components thereof, provided that the requirements and impacts of each Redevelopment or non-Redevelopment Project are individually addressed.

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



**9.5.3** Similarly, the Township has no objection to Redevelopers or developers sharing the costs of common on- or off-tract improvements that may be necessitated by multiple, individual Redevelopment or non-Redevelopment Projects. Details related to such cost sharing shall be addressed by appropriate language in the Redevelopment Agreement under this Redevelopment Plan or a Development Agreement pursuant to §142-85, §142-90 and §142-92. herein.

**9.5.4** Recognizing that changes in use occur over time, any Applicant proposing a change in use on lands subject to this Redevelopment Plan after the initial Review & Approval process may be required to submit a Traffic Impact Study in accordance with this section if such change is, in the opinion of the Redevelopment Steering Committee, Zoning Officer or Land Use Board Professionals, as the case may be, viewed as increasing the intensity of the use of the subject space.

## **9.6 FINAL CIRCULATION, PARKING & LOADING PLANS**

**9.6.1** A Final Circulation, Parking & Loading Plan, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its Project Concepts 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/or
- Other actions related to improved circulation to, from and through this section of the Township.

**9.6.3** Nothing herein shall prohibit the Redeveloper from pursuing circulation, parking or other improvements as off-tract improvements for the Project. Any such improvements will be, by definition, on lands outside of this Redevelopment Plan. Development requirements will therefore fall under the jurisdiction of NJDOT 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 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 §7.2.2B.2 herein.

## 10.0 INFRASTRUCTURE CONTROLS

### 10.1 UTILITY SERVICES

**10.1.1** Utility services<sup>91</sup> to Lot 31 are available from Route 130. A Utilities Survey, performed by a licensed Land Surveyor, is required for precise locations of subsurface elements and to locate at-grade or overhead lines.

While, at Publication of this Redevelopment Plan, it is believed that there is available capacity in each system to accommodate the intensity of development anticipated, the Township makes no warrants as to the adequacy of any existing utility service vis-à-vis the proposed 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 Lot 31 as improvements are undertaken.

*The Redeveloper and its engineers are herewith put on notice that many, if not all, of the utilities servicing Lot 31 feed from existing lines servicing other sections of the Township. This Redevelopment Plan will permit **NO INTERRUPTION OF SERVICE** to these areas. Redevelopers shall comply with the requirements of each individual utility to insure **UNINTERRUPTED SERVICE.***

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

**10.1.5** The Township has no objection to Redevelopers or developers sharing the costs of common on- or off-tract improvements that may be necessitated by multiple, individual Redevelopment or non-Redevelopment Projects.

<sup>91</sup> Including electric, gas, water, communications (telephone) and cable television systems.



Details related to such cost sharing shall be addressed by appropriate language in the Redevelopment Agreement where such improvements are constructed for a Project under this Redevelopment Plan or a Development Agreement where such improvements are constructed for a Project not under this Redevelopment Plan pursuant to §142-85, §142-90 and §142-92. herein.

## **10.2 FLOODPLAIN, WETLANDS & STORMWATER MANAGEMENT**

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

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

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

## **10.3 FINAL INFRASTRUCTURE PLAN**

**10.3.1** A Final Infrastructure Plan, addressing all pertinent issues, shall be more fully developed as the Redeveloper refines its Project Concepts 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 this section of the Township.

**10.3.3** Nothing herein shall prohibit the Redeveloper from pursuing infrastructure improvements as off-tract improvements for the Project. Any such improvement will be, by definition, on lands outside of this Redevelopment Plan. Development requirements will therefore fall under the jurisdiction of the Township Code and not this Redevelopment 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 Redeveloper Candidate. Such Agreement(s) 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 §7.2.2B.2 herein.

## 11.0 LANDSCAPING & STREETSCAPING PROVISIONS

### 11.1 LANDSCAPING & STREETSCAPING PLAN

A Landscaping & Streetscaping Plan, prepared by a New Jersey Licensed Landscape Architect,<sup>92</sup> 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 Lot 31 (whether public access is permitted or not), including all open space, sidewalks, parking and outdoor storage areas, and infrastructure elements.

#### 11.1.1 Each such Landscaping Plan shall include:

- Common name, botanical name, size at planting and appropriate planting notes for all landscape elements.
- Number, locations, and appropriate notes for other Project elements; and
- Other relevant issues as appropriate.

**11.1.2** All lands subject to this Redevelopment Plan shall either retain their natural features ~ to the extent that any exist or are retained ~ or be extensively landscaped and/or streetscaped with such natural and manmade materials as may be appropriate to the type and scale of the Project proposed. Such landscaping / streetscaping shall be provided in all areas not covered by buildings, parking lots or other improvements.

**11.1.3** Landscape Architects shall consider suitability, maintenance and compatibility with site and Project features when establishing their landscape / streetscape design.

### 11.2 LANDSCAPING

**11.2.1** Landscape elements shall include, but need not be limited to, street trees, shade trees, shrubbery, hedges, ground covers and/or grasses, perennial and annual flowers, and other plant materials. Design shall feature repetition, structured

<sup>92</sup> Augmented by a New Jersey Licensed Civil and/or Electrical Engineer, as appropriate.



patterns and complimentary textures and colors to create an overall character for the Redevelopment Project.

**11.2.2** To the extent practicable, plant material shall consist of native species as well as those species traditionally found in the Mercer County / Robbinsville region. Non-native species may be employed to enhance aesthetic appeal. Species shall be appropriate to Robbinsville's climatic zone and tolerant for the urban environment of Route 130. Types, location, and frequency of plantings shall be appropriate to the architecture of the Project(s) to which they are intended to serve.

- A. Plant selection shall be varied to avoid monoculture.
- B. Only nursery-grown plant materials are acceptable. All plant material shall be grown and installed in compliance with the current edition of the American Standard for Nursery Stock (ANSI Z60.1) published by the American Horticulture Industry Association.

### **11.3 STREETSCLAPING**

**11.3.1** Streetscaping shall address the decorative treatment of all impervious surfaces, both internal to the Redevelopment Project and within any public or private Right-of-Way adjacent to the Project, to 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 materials<sup>93</sup>; 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 parking lots, open spaces, and buildings shall be submitted. Lighting shall be designed to provide security

<sup>93</sup> 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.



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, and access drives to parking areas and other spaces as required.

## **11.5 FINAL LANDSCAPING & STREETSCAPING PLAN**

A Final Landscaping & Streetscaping Plan, addressing all pertinent issues, shall be more fully developed as the

Redeveloper refines its Project Concepts and designs, and shall be approved by the Land Use Board at time of Review & Approval, as well as the relevant Permitting Agencies as part of the permitting process.

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

## 12.0 ENVIRONMENTAL MITIGATION MEASURES

### 12.1 ENVIRONMENTAL MITIGATION MEASURES

**12.1.1** It is the goal of this Redevelopment Plan to maximize build-out of Lot 31 in order to create the most productive Redevelopment Project possible; and thereby achieving the Municipal Goals & Objectives established herein<sup>94</sup>. Within this context, Township Policymakers recognize that environmental regulations outside the jurisdiction of this Plan will likely govern certain aspects of the Project.

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

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

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

**12.1.4** Such mandated Environmental Mitigation 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 the Redevelopment Project shall be repaired / replaced as required by the Relevant Permitting Agencies.

**12.1.5** The provisions of this §12.1 do not relieve the 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.

<sup>94</sup> §4.0 herein.



## **12.2 FINAL ENVIRONMENTAL MITIGATION PLAN**

A Final Environmental Mitigation Plan shall be more fully developed as the Redeveloper refine its Project Concepts and designs, and shall be approved by the Land Use Board at time of Review & Approval, as well as the relevant Permitting Agencies as part of the permitting process.

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

## 13.0 EQUAL OPPORTUNITY

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

In furtherance thereof, and without limitation:

- 13.1** No Responsible Party engaged in activities under this Redevelopment Plan shall discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.
- 13.2** 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).

- 13.3** No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or 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.



**13.4** The provisions of this §13.0, as well as the provisions of N.J.S.A. 40A:12A-9, shall be implemented by appropriate covenants or other provisions in the Redevelopment Agreement as covenants running with the land.

## 14.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

### 14.1 REDEVELOPMENT AREA DESIGNATION

The Robbinsville Township Council, via Resolution No. 2021-165 (adopted June 24, 2021)<sup>95</sup>, declared what was then termed the Route 130 South Study Area to be a "Non-Condemnation Area in Need of Redevelopment" pursuant to the *Local Redevelopment and Housing Law*. Redevelopment Area designation is a prerequisite for the promulgation of a Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

### 14.2 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 8, Lot 31 as follows:

#### 14.2.1 RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES<sup>96</sup>

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

#### 14.2.2 APPROPRIATE LAND USES

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

#### 14.2.3 DENSITY OF POPULATION

The existing single-family home on Lot 31 is to be removed and replaced by the Redevelopment Project. No residential uses are proposed. Residential Density is therefore not applicable to this Redevelopment Plan.

#### 14.2.4 PUBLIC TRANSPORTATION & TRAFFIC

##### A. Public Transportation

1. New Jersey Transit's bus route 606 runs on Route 130 and provides regional service to (from) Robbinsville to (from) various locations throughout Mercer County and, via connections, various points north, south and west. The nearest bus stop to Lot 31 is approximately 0.8 miles south of the Lot.

<sup>95</sup> On file with the Township Clerk

<sup>96</sup> N.J.S.A. 40A:12A-7a(1)

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 N.J.T. rail station closest to Lot 31 is the Hamilton Station, approximately 7.0 (vehicular) miles (12-minute drive) from the Lot.<sup>97</sup>

B. Traffic

As detailed in §9.1.1 and elsewhere in this Redevelopment Plan, the Township assumes that Route 130 will generally remain in its current geometry, but will be modified in some form to improve traffic flow in this section of the Township.

C. Specific improvements will naturally be dependent on the Redevelopment Project and agreement by 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<sup>98</sup> for the Redevelopment Project.

#### 14.2.5 PUBLIC UTILITIES

Utility service and the Redeveloper’s requirements relating thereto are outlined in the Infrastructure Controls<sup>99</sup> herein.

#### 14.2.6 RECREATIONAL & COMMUNITY FACILITIES

A. There are no recreation or community facilities located or operating within Lot 31. No recreation or community facilities 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.

B. It is not anticipated that the Redevelopment Project will include any community facilities. The Redeveloper may elect, however, to create some form of recreation amenity for the employees of the Project.

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

<sup>97</sup> <https://www.mapquest.com/directions/from/us/new-jersey/robbinsville/08691-1107/1170-us-130-40.22645,-74.60993/to/us/new-jersey/hamilton-station-park-ride-465398493>

<sup>98</sup> §9.6 herein.

<sup>99</sup> §10.0 herein.



### 14.2.7 OTHER PUBLIC IMPROVEMENTS

A. Public improvements anticipated by this Redevelopment Plan include:

- Improvements related to the roadway and infrastructure networks in and around Lot 31;
- The remediation of any contamination found in the area; and
- Any Environmental Mitigation Measures that may be required by the Relevant Permitting Agencies.

Traffic and infrastructure improvements will have the added benefit of providing upgraded service to properties outside ~ but in the vicinity of ~ Lot 31. To the extent that such improvements benefit parties other than the Redeveloper, they may be considered *Other Public Improvements*.

B. While no *Other Public* improvements are contemplated, this Redevelopment Plan permits such improvements as may be necessary to support the 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, and to otherwise ensure the effective implementation of this Redevelopment Plan consistent with the Municipal Goals & Objectives<sup>100</sup> of this Plan.

### 14.2.8 PROPOSED LAND USE & BUILDING REQUIREMENTS<sup>101</sup>

The Standards & Controls of General Applicability<sup>102</sup>; Land Use Plan<sup>103</sup>; Circulation, Parking & Loading Plan; Infrastructure Controls; the Landscaping & Streetscaping Provisions; and Environmental Mitigation Measures are detailed in §7.0 through §12.0 of this Redevelopment Plan.

<sup>100</sup> §4.0 herein.

<sup>101</sup> N.J.S.A. 40A:12A-7a(2)

<sup>102</sup> Governing Regulations; Review Procedures, Interpretations & Responsibilities; Variances, Departures, Deviations & Design Waivers; Permitted & Prohibited Uses.

<sup>103</sup> Development Regulations and Architectural Controls.



### 14.3 PROVISION FOR TEMPORARY & PERMANENT RELOCATION

**14.3.1** The *Redevelopment Law*<sup>104</sup> requires that a Redevelopment Plan include “adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market”.

The single residential dwelling on Lot 31 at Publication of this Redevelopment Plan is not occupied. The relocation provisions of the *Redevelopment Law* are therefore not applicable to this Redevelopment Plan.

### 14.4 IDENTIFICATION OF PROPERTY-TO-BE-ACQUIRED<sup>105</sup>

As detailed in §5.3.1 herein, Block 8, Lot 31 is under a purchase agreement by an entity related to Cassone. No properties therefore need be “acquired” to effectuate this Redevelopment Plan.

### 14.5 SIGNIFICANT RELATIONSHIPS TO OTHER PLANS<sup>106</sup>

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, Lot 31 shall be subject to the foregoing **and this Redevelopment Plan**.

<sup>104</sup> N.J.S.A. 40A:12A-7a(3)

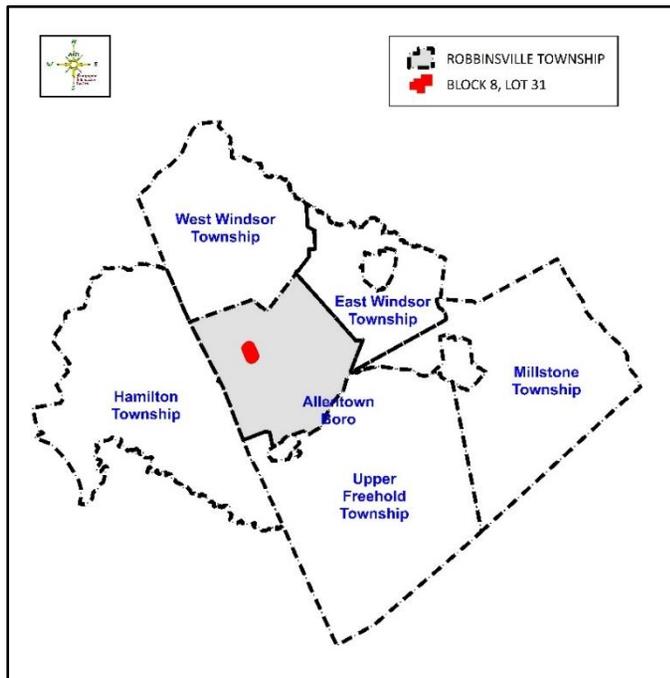
<sup>105</sup> N.J.S.A. 40A:12A-7a(4)

<sup>106</sup> N.J.S.A. 40A:12A-7a(5)



**14.5.1 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.



- B. While the Principal Permitted Use and certain development regulations under this Redevelopment Plan differ from those in place prior to the adoption of this Plan, the overall character of development proposed

under this Redevelopment Plan is less intense than the overall character of development envisioned for the Route 130-frontage portion of Lot 31 under base (Highway Commercial) zoning, which has been in place since 1987 (and amended from time to time).

And while the overall character of development proposed under this Redevelopment Plan is considerably more intense than under the base (R1.5) zoning for the rear portion of Lot 31, the tone of development would, whether under base zoning or this Redevelopment Plan, be set by the portion of the Project fronting Route 130.

Given these factors, and considering the location of Lot 31 vis-à-vis Robbinsville’s neighbors, the activities anticipated under this Redevelopment Plan will create no significant change in the relationship(s) of Robbinsville to the municipalities contiguous to Robbinsville ~ and their Master Plans ~ from those that existed at time of adoption of this Plan.



### 14.5.2 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. Pertinent to this Redevelopment Plan:

- Economy
  - Promote the appropriate location and design of new development with opportunities for transit, regional equity, and preservation.
  - Provide infrastructure and other incentives that promote growth.
- Transportation
  - Direct growth to transit corridors and centers.
  - Promote access management to enhance safety and capacity.
- Environment
  - Promote land use patterns that limit stormwater runoff and increase green infrastructure.
  - Promote redevelopment of brownfields and grayfields.

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.<sup>107</sup>

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

Accordingly, this Redevelopment Plan is deemed consistent with the Mercer County Master Plan.

For the reasons detailed in §14.5.2 herein, the activities anticipated under this Redevelopment Plan will create no significant change in the relationship of Robbinsville to

<sup>107</sup> 2016 Mercer County Master Plan Amendment: Framework: I. Plan Purpose and Process (p. 8)



Mercer County and its Master Plan from those that existed at time of adoption of this Plan.

### 14.5.3 STATE DEVELOPMENT & REDEVELOPMENT PLAN<sup>108</sup>

As addressed in §3.3.2 and §3.3.3 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).

## 14.6 INVENTORY OF EXISTING AFFORDABLE HOUSING UNITS TO BE REMOVED

14.6.1 The *Redevelopment Law*<sup>109</sup> requires that a Redevelopment Plan include:

*As of the date of the adoption of the resolution finding the area to be In Need of Redevelopment<sup>110</sup>, 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.<sup>111</sup>*

*“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.<sup>112</sup>*

*“Very Low Income Housing” means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and*

<sup>108</sup> “State Plan”

<sup>109</sup> N.J.S.A. 40A:12A-7a(6)

<sup>110</sup> June 24, 2021 (the date of adoption of Resolution No. 2021-165)

<sup>111</sup> At Publication of this Redevelopment Plan, such figure for Robbinsville was \$54,612.00 for a 4-person household.

<sup>112</sup> At Publication of this Redevelopment Plan, such figure for Robbinsville was \$87,393.00 for a 4-person household.





*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.*<sup>113</sup>

*[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]*

**14.6.2** The Preliminary Investigation conducted as part of this Redevelopment process<sup>114</sup> identified a renter-occupied single-family home on Block 8, Lot 31. At that time the property was posted for sale.

Again, the residence identified on Lot 31 was not subject to affordability controls pursuant to C.52:27D-304 when the Township declared the Route 130 South Study Area to be In Need of Redevelopment<sup>110</sup>. This provision is therefore not applicable to this Redevelopment Plan.

This residence, which is now vacant, was not subject to affordability controls pursuant to C.52:27D-304 when the Township declared the Route 130 South Study Area to be In Need of Redevelopment<sup>110</sup>. This provision is therefore not applicable to this Redevelopment Plan.

## 14.8 PROVISION OF AFFORDABLE HOUSING<sup>116</sup>

## 14.7 PLAN FOR AFFORDABLE REPLACEMENT HOUSING

The *Redevelopment Law*<sup>115</sup> requires a Redevelopment Plan to include:

**14.8.1** In 2015, the New Jersey Supreme Court<sup>117</sup> reassigned jurisdiction of affordable housing matters from the New Jersey Council on Affordable Housing to the state’s Superior Court. Subsequently, the Township sought a Declaration of

<sup>113</sup> At Publication of this Redevelopment Plan, such figure for Robbinsville was \$32,772.00 for a 4-person household.

<sup>116</sup> N.J.S.A. 40A:12A-7b

<sup>114</sup> §1.1 herein.

<sup>117</sup> *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").

<sup>115</sup> N.J.S.A. 40A:12A-7a(7)





Compliance from the Court<sup>118</sup> 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.

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

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

**14.8.3** Nothing herein shall prohibit the obligations generated by the Redevelopment Project on Lot 31 from being satisfied via a negotiated agreement between the Township, Cassone Leasing and a (Re)developer of another Project outside of Lot 31.

## **14.9 ZERO EMISSION VEHICLE FUELING & CHARGING INFRASTRUCTURE**

**14.9.1** The *Redevelopment Law*<sup>119</sup> requires that a Redevelopment Plan include:

*[p]roposed locations for zero-emission vehicle fueling and charging infrastructure within the project area in a manner that appropriately connects with an essential public charging network.*

At Publication of this Redevelopment Plan, zero-emission vehicle fueling and charging infrastructure in Robbinsville was limited to a single facility at the Robbinsville ~ Allentown Road [CR 526] QuickChek convenience store. Accordingly ~ as a practical matter ~ the Township has no public charging network with which to connect.

**14.9.2** One zero-emission vehicle fueling and charging station is required as an Accessory Use for the Redevelopment Project proposed for Lot 31. Such station shall conform to all New Jersey requirements.

**14.9.3** Stand-alone charging stations are prohibited.

<sup>118</sup> *In the Matter of the Township of Robbinsville, County of Mercer* (Docket No. MER-L-1457-15).

<sup>119</sup> N.J.S.A. 40A:12A-7a(8).



14.9.4 §5.3.1 of the Township’s 2020 Comprehensive Master Plan

Update includes, as Principle H:

*Promote the use of Plug-In Electric Vehicles (“PEV”) in Robbinsville as a means to:*

- *Reduce air pollution, greenhouse gas emissions and stormwater runoff contaminants;*
- *Contribute to 'Placemaking' efforts; and*
- *Demonstrate the Township’s commitment to sustainability.*

Strategies associated with this Principle are:

1. *Review the policy document Guidance for Creating PEV Friendly Ordinances published by Sustainable Jersey<sup>120</sup> as a basis to address both charging stations and parking.*
2. *Permit residential-scale charging stations as accessory uses in all zones where single-family residential uses are permitted, and higher-capacity stations as accessory uses in all zones where multi-family and commercial/ industrial uses are permitted.*

3. *Establish regulations to ensure the proper siting, lighting, design, signage, maintenance and safety of the PEV charging stations in various zones as appropriate.*

4. *Establish regulations for the appropriate number and location of PEV charging stations for non-residential uses.<sup>121</sup>*

*Include prohibitions for parking or leaving standing vehicles in a PEV charging station stall or space unless the vehicle is connected for charging purposes.*

5. *Ensure that the Township’s Codes are updated to facilitate PEVs, PEV charging stations and related issues.*

## 14.10 RELATIONSHIP TO PERTINENT MUNICIPAL DEVELOPMENT REGULATIONS<sup>122</sup>

**14.10.1** Prior to the adoption of this Redevelopment Plan, Block 8, Lot 31 was split between the Highway Commercial and Low Density Residential Zoning Districts. Land Use and building regulations for these Zones are found in the Township Code<sup>123</sup>.

<sup>120</sup> Version 1.0 (April 2017)

<sup>122</sup> N.J.S.A. 40A:12A-7c

<sup>121</sup> Sustainable Jersey cites a minimum range of 2% to 6% of the total number of parking spaces in commercial and industrial Zoning Districts.

<sup>123</sup> §3.2 herein.





Upon adoption of this Redevelopment Plan, the provisions of this Plan shall govern.

**14.10.2** The relationship of this Redevelopment Plan to pertinent municipal development regulations is outlined in §8.0 - §12.0 and this §14.10 herein.

While certain Land Uses, Building Limit Controls and development regulations / procedures of this Redevelopment Plan differ from those in place under the Township Code, they do not substantially alter the underlying nature of such existing provisions. Such modifications are deemed necessary and appropriate to achieve the Municipal Goals & Objectives<sup>124</sup> of this Redevelopment Plan.

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

**14.10.3** 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.

### 14.11 CONSISTENCY WITH MUNICIPAL MASTER PLAN

**14.11.1** The *Redevelopment Law*<sup>125</sup> 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;...*

The Township’s current Master Plan<sup>126</sup> was adopted in June 2020. The activities envisioned herein advance such Master Plan Update (in pertinent part) by:

**14.11.2** Land Use Policy (Principles & Strategies)<sup>127</sup>

- Establishing a regulatory approach which addresses the Township’s need to limit the pressure on its tax base.

<sup>124</sup> §4.0 herein.

<sup>125</sup> N.J.S.A. 40A:12A-7d

<sup>126</sup> “2020 Comprehensive Master Plan Update” (On file with the Township Clerk and/or Land Use Board Secretary).

<sup>127</sup> Master Plan Update §5.3.1.



- Supporting economic activity along Route 130 where Federal and State actions have established transportation corridors for the movement of people, goods and services and, within this context:
  - Establishing pro-growth zoning to encompass lands in proximity to these rights-of-way.
  - Reviewing and revising existing land use regulations to maximize development potential.
  - Encouraging the development of “flex” uses<sup>128</sup>, albeit in an area where access to the general public may be appropriate.
- Supporting compact (re)development instead of Sprawl<sup>129</sup>.
  - Pursuing lawful and appropriate means to direct growth in a way that discourages Sprawl.
  - Employing Smart Growth principles.
  - Encouraging the use of environmentally-friendly, LEED<sup>130</sup> building systems and technologies.

- Promoting the use of Plug-In Electric Vehicles<sup>131</sup>.
- Maximizing the use of State Plan classifications<sup>132</sup> in order to support and advance the Principles, Strategies and Recommendations of the Master Plan Update.
- Establishing architectural design standards for Lot 31 to contribute to the aesthetics of the Township<sup>133</sup>.

Accordingly, this Redevelopment Plan advances several of the Land Use Policies adopted under the Township’s 2020 Comprehensive Master Plan Update.

#### 14.11.3 Redevelopment<sup>134</sup>

Master Plan Principle §5.3.1 K. provides:

*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.*

<sup>128</sup> “buildings with open or undefined floorplans that are capable of housing light industrial, warehouse and office uses.

Such Strategy specifies flex uses “where access to the general public is not appropriate or practicable”, and calls for “general commercial (accessory retail, personal service and publicly-oriented office) uses where access to the general public is appropriate and practicable”.

<sup>129</sup> §3.3 herein.

<sup>130</sup> “Leadership in Energy & Environmental Design” (<http://www.usgbc.org/DisplayPage.aspx?CategoryId=19>).

<sup>131</sup> The concept of *Zero Emission Vehicle Fueling and Charging* (§14.9.2 herein) was enacted by the State after adoption of the 2020 Master Plan Update.

<sup>132</sup> §3.3.2 herein.

<sup>133</sup> Promoting a desirable visual environment through creative development techniques and good civic design and arrangement is one of the purposes of by the *Municipal Land Use Law*.

<sup>134</sup> Master Plan Update §6.7.



The 2020 Comprehensive Master Plan Update recognized that, at time of adoption, the Township had commissioned an analysis to determine whether any of approximately 258 Route 130-fronting / adjacent lots that appeared to exhibit conditions of deterioration in housing, commercial and industrial installations, public services and facilities and other physical components and supports of community life, and improper, or lack of proper, development, qualified as being In Need of Redevelopment under the *Redevelopment Law*.

The results of this analysis had not been completed at the time of Publication of the Master Plan Update.

Subsequently, the activities described under §1.2 herein were undertaken, the area which includes Block 8, Lot 31 was declared to be In Need of Redevelopment, and this Redevelopment Plan was authorized.

Accordingly, this Redevelopment Plan effectuates the Redevelopment recommendations under the Township's 2020 Comprehensive Master Plan Update.

## 15.0 EFFECTIVE DATE, DURATION, & AMENDMENT PROVISIONS

### 15.1 EFFECTIVE DATE

The Effective Date of this Redevelopment Plan shall be the date the Ordinance adopting this Plan becomes effective.

### 15.2 DURATION

**15.2.1** Subject to the provisions of §16.0 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.

**15.2.2** 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.

### 15.3 PROCEDURES FOR AMENDING THIS REDEVELOPMENT PLAN

**15.3.1** 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.

**15.3.2** 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 the 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.

## 16.0 CERTIFICATE OF COMPLETION & COMPLIANCE

**16.1** Upon completion of construction of the Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper, the Township<sup>135</sup> 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 as part of the Review & Approval process;<sup>136</sup> 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.

<sup>135</sup> acting in its capacity as Redevelopment Entity for this Redevelopment Plan.

<sup>136</sup> Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.

**16.2** 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 §15.2 herein, whichever shall occur last, the conditions determined to exist at the time the portion of Block 8, Lot 31 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 Regulations<sup>137</sup>, Architectural Controls<sup>138</sup> and the Equal Opportunity provisions<sup>139</sup>, shall terminate and Block 8, Lot 31 shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

**16.3** 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

<sup>137</sup> §8.2 herein.

<sup>138</sup> §8.3 herein.

<sup>139</sup> §13.0 herein.



Regulations of this Redevelopment Plan<sup>140</sup>, which shall survive the expiration of this Plan.

**16.4** 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 Township<sup>141</sup>, at its discretion, may issue a Certificate of Completion & Compliance either before, simultaneous with or after issue of a Certificate of Occupancy.

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<sup>140</sup> §8.2 herein.

<sup>141</sup> acting in its capacity as Redevelopment Entity for this Redevelopment Plan.