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REDEVELOPMENT PLAN FOR BLOCK 41, LOTS 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, AND 38.012

TOWNSHIP OF ROBBINSVILLE, MERCER COUNTY, NEW JERSEY

October 2011

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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1 Introduction

BASIS FOR THE PLAN

This Redevelopment Plan has been prepared for an assemblage of properties designated as Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, and 38.012, within or adjacent to Matrix Business Park at 7A, in the Township of Robbinsville, Mercer County, New Jersey. In this Plan, the subject properties will generally be referred to as the “Redevelopment Area” or “Plan Area.”

Matrix Business Park at 7A (sometimes referred to herein as the “Business Park”) consists of approximately 434 acres of land, most of which is vacant. The Business Park is currently operating under a General Development Plan (“GDP”) to ultimately accommodate approximately 5.3 million square feet of distribution and light industrial space.

The Redevelopment Area is zoned Planned Commercial District (“PCD”) and located in the southeastern portion of the Township. The Plan Area generally consists of a significant amount of vacant land west of Old York Road and south of Gordon Road, two commercially zoned residential parcels fronting on Old York Road, and a vacant commercial parcel encumbered by an easement for a JCP&L substation adjacent to the Interstate 195 westbound on ramp and Old York Road.

The Township of Robbinsville Governing Body adopted Resolution No. 2011-45, titled “Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether a Planned Commercial Development Zoned Area in the Southeastern Area of the Township Meets the Criteria for Designation as an Area in Need of Redevelopment,” in accordance with the criteria specified at N.J.S.A. 40A:12A-5. Resolution No 2011-45 defines the Study Area as Block 41, Lots 14, 36, 37.01, 37.02, 37.03, 38.02, 38.03, 38.04, and 38.012. The Township of Robbinsville Planning Board accepted responsibility to undertake a redevelopment study pursuant to Resolution No. PB2011-01 in accordance with the Governing Body’s mandate pursuant to Resolution No. 2011-45.

The Township retained the Cofone Consulting Group to conduct the Redevelopment Area Investigation. Based upon a comprehensive analysis of the Study Area and the application of the requisite statutory criteria pursuant to the LRHL to each parcel within the Study Area, there was sufficient evidence to conclude that the Study Area should be designated as an Area in Need of Redevelopment. The Planning Board held a public hearing on the investigation on July 27, 2011, and the Board recommended that the study area be designated as an Area in Need of Redevelopment as memorialized by Resolution dated September 21, 2011. The Governing Body, as memorialized by Resolution dated September 22, 2011, designated the Redevelopment Area as an Area in Need of Redevelopment in accordance with the LRHL.

OVERVIEW OF PLAN

The intent of the Plan is to allow for the continued build-out of Matrix Business Park at 7A in accordance with the existing requirements of the Plan Area's underlying zoning classification, the PCD ("Planned Commercial Development") Zone (a copy of which is attached hereto as Appendix A), and the existing GDP approval, while allowing greater flexibility to develop the Park in current market conditions. Accordingly, the Plan incorporates the requirements of the PCD Zone, as well as the design standards of the Township's Land Development Ordinance except where explicitly stated in this Plan to the contrary, in which case this Plan shall supersede the requirements of the PCD Zone and the Township's Land Development Ordinance.

The Plan aims to facilitate economic development within the remainder of the Matrix Business Park through the use of zoning techniques to increase the usability and therefore competitiveness of the Plan Area, including, but not limited to, further enabling the development of renewable energy facilities, data centers and research and development uses, eliminating intensity controls for single lots (applying tract wide standards instead), and allowing for greater lighting intensities and parking within internal roadways, among other elements.

The Plan sets forth standards for land use, circulation, open space, parking, and design. Some Plan elements are fixed, while others are flexible in keeping with overall Plan goals and objectives.

LOCATION OF REDEVELOPMENT AREA

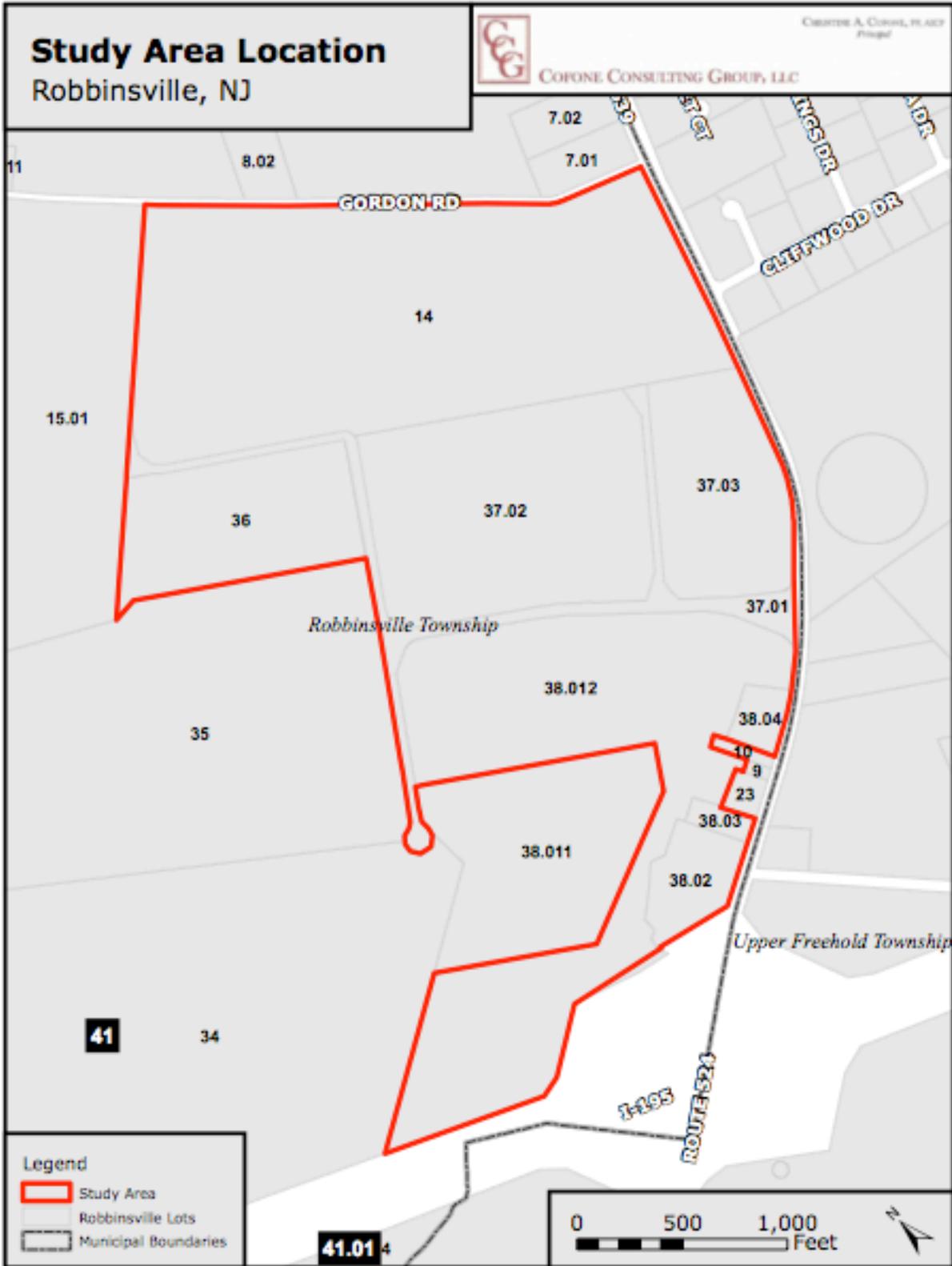
The Township of Robbinsville contains a total area of 20.5 square miles within the southeastern portion of Mercer County. It is bordered by Upper Freehold, East Windsor, and Millstone to the east; Allentown and Upper Freehold to the south; Robbinsville and West Windsor to the west; and West Windsor and East Windsor to the north.

The general area is dominated by the Matrix Business Park at 7A, which contains a few warehousing, office, and light industrial buildings generally to the south of Gordon Road, west of Old York Road, and north of Interstate 195. The Matrix Business Park at 7A consists of approximately 434 acres of land, most of which is vacant. The property is currently operating under a General Development Plan ("GDP") to ultimately accommodate approximately 5.3 million square feet of distribution and light manufacturing space.

Existing Land Uses

There are also a few scattered residential properties along the western portion of Old York Road. Along the eastern portion of Old York Road, across from the northern portion of the Study Area, is a residential development, and across from the southern portion of the Study Area exists residential uses and agricultural uses. On the northern portion of Gordon Road, there are scattered residential parcels and agricultural lands.

See Figure 2, Regional Perspective.



Matrix Redevelopment Plan

Regional Perspective

Robbinsville, NJ



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2 Vision, Goals, & Context

REDEVELOPMENT PLAN VISION

The following is a summary of the key Redevelopment Plan goals and objectives.

- Provide for the type of redevelopment that can reignite economic development within the Matrix Business Park and further serve as a stimulus for future revitalization efforts within the community.
- Establish an appropriate scheme for redevelopment that will hasten the revitalization of the Plan Area.
- Implement the vision of the Plan Area as articulated in the Township's historical master planning documents.
- Recognize the importance of the Plan Area as an economic engine for the larger community.
- Create a unified business park that recognizes the locational attributes of its placement within the Township.
- Develop a mixture of non-residential uses that will serve as a catalyst for increased activity and interest in the general area, in addition to being consistent with smart growth principles and important for potential employment opportunities and tax ratable and economic growth.
- Allow flexibility in bulk and design standards to provide a stabilizing influence to justify the redevelopment of the Plan Area; and
- Promote the siting of renewable energy facilities throughout the Plan Area.

3 Land Use, Bulk, and Parking

LAND USES

PERMITTED PRINCIPAL USES

The land uses currently permitted in the underlying PCD Zone shall continue within the Plan Area, subject to the following:

- Offices shall be permitted as subject to the bulk requirements for “Type 2” uses
- Data centers shall be permitted as a “Type 2” use
- Research and Development uses shall be permitted as a “Type 2” use
- Mixed Uses – Any combination of permitted “Type 2” uses shall be permitted in a building as a permitted “Type 2” use
- Renewable energy facilities (e.g., solar farms, solar panels, etc.), specifically excluding wind turbines.

PERMITTED CONDITIONAL USES

The land uses permitted conditionally in the underlying PCD Zone shall continue within the Plan Area.

PERMITTED ACCESSORY USES

The accessory uses currently permitted in the underlying PCD Zone shall continue with in the Plan Area, subject to the following:

- Renewable energy facilities (e.g., solar farms, solar panels, etc.) shall be permitted as accessory uses

DEFINITIONS

As used herein, the term “Data Center” shall mean a centralized repository for the storage, management, and dissemination of data and information. It houses critical computer systems and associated components for companies and organizations. Often data centers referred to as “collocation data centers,” which means that several businesses may rent space to house their servers and in a common location. However, each company’s equipment is generally secured within a delineated area. A data center generally includes environmental controls (air conditioning, fire suppression, etc), redundant/backup power supplies, redundant data communications connections, and high security. A data center may include office space for the temporary accommodation of workers displaced from their primary place of business.

BULK REQUIREMENTS

Except as provided below, all bulk requirements of the PCD Zone shall apply, including standards for both Type 1 and Type 2 uses, as applicable.

Floor Area Ratio (FAR)

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

Impervious and Building Coverage

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

Gross Square Footage Cap on Office Uses

The 2% cap on office uses for Type 2 uses shall be eliminated. Type 2 bulk requirements shall apply to office uses regardless of whether the office use is stand-alone or part of (or accessory to) another principal permitted Type 2 use.

Uses Per Lot

Multiple buildings on single lots shall be allowed and the minimum distances between individual buildings shall be in accordance with the 2006 International Fire Code, New Jersey Edition, which requires at least a 30-foot separation between buildings. However, in the event that an applicant is seeking to reduce building separation, an increase in the fire resistance rating of walls may be sufficient, subject to review by the Township Fire Marshall. Covered walkways that are either closed or not enclosed shall not be subject to the minimum distance requirements.

Frontage

Lots within the Redevelopment area need not front on a public or private street.

Requirements for Renewable Energy Facilities

The minimum setback for renewable energy facilities from lot lines shall be 25 feet from internal business park lot lines and 80 feet from any residential zone district. Notwithstanding the foregoing, the setback along any lot line that abuts a state or federal highway shall be 10 feet. Pursuant to the Municipal Land Use Law (MLUL) at NJSA 40:55D-4, renewable energy facilities are deemed as "inherently beneficial

uses.” Solar panels are also exempt from the calculation of an impervious surface or impervious cover under the MLUL at NJSA 40:55D-38.1.

PARKING AND LOADING

Unless otherwise noted, the requirements in the Township’s Land Development Ordinance shall apply.

Parking and Loading Requirements

- Data Center: 1 space per 2,500 square feet of gross floor area.
- Shared parking and loading across lot lines is permitted.

Parking and Loading Location

- Parking is permitted along all internal driveways.
- Parking and loading setbacks from internal lot lines are not required.
- Truck parking and loading areas do not need to be separate from automobile parking areas but the project engineers must consider safety during the design phase.

4 Site Planning and Design

INTENT

Recognizing the completely non-residential nature of the Plan Area and need for flexibility and safety, this section sets forth standards for the Plan Area that are designed to foster a functional and aesthetically-pleasing site. Unless otherwise noted, the site planning and design standards as contained within the Township's Land Development Ordinance shall apply.

SIGNAGE

General Signage Requirements

The following signage requirements shall apply within the Plan Area:

- Three (3) freestanding signs shall be permitted for each building.
- Two (2) façade signs, at a maximum of 200 square feet each, shall be permitted for each tenant within a building.

LIGHTING

General Lighting Requirements

- The permitted lighting intensity shall be increased to an average of not more than two (2) foot candles throughout parking lots and access drives.
- The maximum permitted foot candles at any property line shall be increased to .5 foot candles.

FENCES

- The maximum height for fences in all yards shall be six (6) feet.

5 Plan Consistency Review

RELATIONSHIP TO ROBBINSVILLE ZONING CODE

This Redevelopment Plan incorporates all provisions of the Land Development Code of the Township of Robbinsville regulating development in the area addressed by this Redevelopment Plan except where explicitly stated in this Plan to the contrary, in which case this Plan shall supersede the requirements of the Township's Land Development Code. Final adoption of this Plan by the Township Council shall be considered an amendment of the Township of Robbinsville Zoning Map.

RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS

The Township last adopted a comprehensive Master Plan in 2000. The 2000 Master Plan recognizes the need to balance economic development and land preservation, although it states the policy is dictated by a number of salient factors, including "growth trends, infrastructure needs, and real estate markets" (2000 Master Plan, Page 1). Since the adoption of the 2000 Master Plan, the Township also adopted two Master Plan Reexamination Reports in 2007 and 2009.

The 2000 Master Plan contains a variety of goals and objectives to guide the future development of the Township. Specific to the context of the Redevelopment Area, certain goals and objectives are as follows:

Take all steps that are available to direct growth in a way that discourages sprawl type of development (Page I-1).

Encourage the development of new businesses, and the expansion of existing businesses, in appropriate areas, which result in jobs that can be filled by the residents of the Township (Page I-2).

The Land Use Plan Element of the 2000 Master Plan identifies the Redevelopment Area as within one of the six commercial areas in the Township. The "Exit 7A/PCD District" is described as follows:

The PCD District, located near Exit 7A of the Turnpike, has been established for office/warehouse use, due to that proximity to the interstate highways and to its separation from the residential community (Page II-26).

The Exit 7A/PCD District use category is further defined as the area "situated in the area east of the N.J. Turnpike, south of Gordon Road and west of Old York Road, and north of the Allentown border" (Page II-36). The 2000 Master Plan recognizes that at the time of the drafting of the report, development had begun on the "Northeast Business Park" by way of a General Development Plan for the approximately 350 acre western portion of the Exit 7A/PCD District use category (Id). The 2000 Master Plan also recognizes that the "remaining 400 +/- acres in the district currently has no development approvals" (Id).

The Township Planning Board granted a general development plan approval via Resolution PA2002-28 for development on 434.36 acres of land. The 2000 Master Plan recognizes the “400 +/- acres” of land within the Exit 7A/PCD District, which currently encapsulates the Redevelopment Area, accordingly:

This area is viewed as an appropriate location for future economic development, given the availability of such a large tract of undeveloped land, with well-established regional highway connections to the N.J. Turnpike and 1-195, and with the recent extension of sewer and water to the area. The absence of significant development limitations in the form of environmental features and adjacent land uses also suggests commercial suitability (Id).

The Township adopted a Periodic Reexamination of the Master Plan and Land Use Element Amendment in 2007, which reexamined all elements of the 2000 Master Plan. Among the global findings within the 2007 Master Plan Reexamination, a major need identified is to continue the need to balance residential and commercial development, since there was a growing disconnect between the uses between 2000 and 2005:

While residential development surged over the past five years, the amount of nonresidential development decreased by approximately 92% between 2000 and 2005.
(Pages 13/14)

The 2007 Master Plan Reexamination recognizes the ongoing redevelopment efforts in the Township as helping to offset the residential surge in the future.

The most recent Periodic Reexamination of the Master Plan was completed in 2007 (revised to January 2009). The document focuses specifically on two areas within the Township, does not suggest any changes to the 2000 document, and lastly does not reference any of the parcels within the study area.

For the foregoing reasons, this Plan is consistent with, and designed to effectuate the Township Master Plan.

RELATIONSHIP TO ADJACENT MUNICIPALITIES

The Redevelopment Area is situated in the eastern section of the County of Mercer. The nearest border to an adjacent municipality, Upper Freehold, is directly across from Old York Road. Given the Plan Area's physical separation from the properties within Upper Freehold, the Redevelopment Plan will have little or no impact on said community.

RELATIONSHIP TO THE MERCER COUNTY MASTER PLAN

In the Mercer County Master Plan, the area is shown as commercial. Therefore, there is no conflict with the County Master Plan.

RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The entire Study Area is located within the Suburban Planning Area (PA-2), as defined by the New Jersey State Development and Redevelopment Plan (“SDRP”). The redevelopment of the area into an active warehousing and office park, inclusive of renewable energy, within an area proximate to highways, meets the intent of the Suburban Planning Area:

- 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 trends towards future sprawl; and
- Revitalize cities and towns.

6 Redevelopment Actions/General Provisions

PROPERTIES TO BE ACQUIRED

The Township of Robbinsville shall not acquire, by the use of eminent domain or otherwise, any privately owned land within the Plan Area in order to effectuate this Redevelopment Plan.

RELOCATION

Implementation of the Redevelopment Plan does not require the displacement or relocation of any residents or businesses within the Plan Area.

DEFINITIONS

Except for those words defined with this Redevelopment Plan, words that appear in this document shall be defined in accordance with the definitions that appear in the Township's land use ordinances, or, where these ordinances do not provide a definition, in accordance with the definitions in the Municipal Land Use Law.

SITE PLAN AND SUBDIVISION REVIEW

Prior to commencement of site plan construction, a site plan, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the Robbinsville Planning Board.

Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Township of Robbinsville.

DEVIATION REQUESTS

The Robbinsville Planning Board may grant deviations from the provisions of this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any provision of this Redevelopment Plan would result in practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Robbinsville Planning Board may also grant deviations from the provisions of this Redevelopment Plan if the purposes of this Redevelopment Plan would be advanced by such deviation and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment

to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12.a. and b.

BONDING AND DEVELOPER'S AGREEMENT

- The posting of a restoration bond shall satisfy the performance guaranty requirement set forth in Ordinance Section 142-89.
- A Developer's Agreement shall not be required pursuant to Ordinance Section 142-89.M.

7 Other Provisions

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

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- Privately owned lots within the Redevelopment Area are not subject to acquisition by the Township of Robbinsville as part of the redevelopment effort.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Township of Robbinsville. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.
- If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.
- As of the date of the adoption of the resolution finding the area to be in need of redevelopment, there are no housing units affordable to low and moderate income households that are to be removed as a result of implementation of the redevelopment plan.

8 Appendix A

142-25 PCD Planned Commercial Development Zone

Amended by Ord. No. 91-21; Ord. No. 95-26; Ord. No. 96-29; 6-18-2003 by Ord. No. 2003-17]

A. Preamble. This zone recognizes the need for large tract development for office, warehouse, light manufacturing and "flex" (office/warehouse buildings) in the Township. Also permitted are uses which are intended to provide attendant services for employees, suppliers and visitors of the primary uses. Due to the nature of these uses, the same must be situated in proximity to major arterial roads and highways. The zone also recognizes that there are several isolated residential properties physically located in the zone district, which residences are located in such a way as to preclude a separate zone district being created. The intent is to allow the existing residential properties to continue to exist as the same subject to certain bulk requirements, which shall only be applicable to properties which exist as residences at the time of the adoption of this section.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

AVERAGING

The development regulation which permits the developer the right to develop portions of the planned development at ratios greater than the overall permitted coverage ratios and floor area ratios so long as the development of the entire area of the planned development does not exceed the overall permitted coverage and floor area ratios.

COLLECTOR STREET

A street which is proposed as a collector street and which meets the standards set forth and the procedures for dedication in Subsection **G(2)(a)** for collector streets.

FLOOR AREA RATIO (FAR)

The sum of the area of all floors of buildings compared to the total area of the site.

GENERAL DEVELOPMENT PLAN

A plan containing the elements set forth in Subsection **H(2)(b)** of this section.

Editor's Note: The former definition of "improvement coverage," which immediately followed this definition, was repealed 5-10-2007 by Ord. No. 2007-26.

LIGHT MANUFACTURING AND ASSEMBLY

The manufacturing of products by the assembly or fabrication of components, including the incidental machining, painting, finishing, testing or packaging prior to wholesale or retail distribution; excluding, however, any outdoor light manufacturing or assembly.

MODULAR OFFICE-DISTRIBUTION

A multitenanted office-distribution structure with components not less than 5,000 square feet per modular unit. The office component of any module shall not be less than 10% nor greater than 50% of any module.

PLANNED COMMERCIAL DEVELOPMENT ZONE

That area designated on the Robbinsville Township Zoning Map as "PCD Zone." The PCD Zone shall include the area bounded on the west by the New Jersey Turnpike, on the north by Gordon Road, on the east by the Monmouth/Mercer County border and on the south by I-195. An applicant meeting the requirements of this section may develop its property located within the PCD Zone as a planned development pursuant to a general development plan application, or by an application for site plan approval, with or without an application for general development plan approval.

PLANNED COMMERCIAL DEVELOPMENT

A minimum tract area as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate those uses specified in this section.

SECTION 1 TRACT AREA

The gross area of land within the planned development tract area which consists of or is designated to consist of the Type 1 uses as set forth in Subsection **D** of this section.

SECTION 2 TRACT AREA

The gross area of land within the planned development tract area which consists of or is designated to consist of the Type 2 uses as set forth in Subsection **D** of this section.

TECHNICAL COORDINATING COMMITTEE

The Technical Coordinating Committee as contemplated in N.J.S.A. 40:55D-45, and shall be deemed to be the Technical Review Committee as defined and established in § **142-80**, Technical Review Committee.

TRACT AREA

The gross area of land which consists of lots having one or more common boundaries. The intent of this section is that separation of lots or portions of the tract by dedicated streets shall not be deemed to destroy the continuity of the acreage which is the subject of an application for planned development.

C. General provisions.

(1) PCD Zone criteria. Within those areas specifically designated on the Zoning Map of Robbinsville Township as within the PCD Zone, any application for development shall be made in accordance with the regulations and procedures detailed in this chapter, provided the proposal meets with all of the criteria of Type 1 or Type 2 uses as defined in Subsection **D** of this section. Development of Type 1 uses, Type 2 uses, or a combination of Type 1 and Type 2 uses, may be approved pursuant to an application for site plan approval, with or without an application for general development plan approval.

(2) PCD alternate criteria. Planned development within the PCD Zone shall be a permitted alternate form of development on tracts with a gross area of at least 350 acres. Application for this alternative shall be made in accordance with the regulations and procedures described in Subsection **H** of this section pertaining to a planned development, provided that the proposal meets all of the following minimum criteria:

(a) The area of the tract upon which planned development is proposed is 350 acres or larger.

(b) The tract is located within an existing sewer service area and is served or is capable of being served by public sewer.

(c) The tract is served or is capable of being served by public water.

(d) The tract is to be developed according to a general development plan as a single entity to accommodate nonresidential uses as permitted in Subsection **D** of this section and is proximate to regional interstate highways.

D. Permitted uses. Only the following building types or uses shall be permitted within the PCD Zone:

(1) Principal permitted uses.

(a) Type 1 principal permitted uses:

[1] General business, corporate, and professional offices, including administrative, sales, executive, research and development, high technology and other general or corporate business uses.

[2] Retail and related uses sited for the convenience of the employees within the PCD Zone in conjunction with a general development plan for a planned commercial development. Such retail uses shall be limited to:

[a] Banks and financial institutions.

[b] Restaurants, provided there is no drive-through service or service in vehicles. An employee cafeteria or lunch room whose location is within a building and whose operation is solely

accessory to a permitted nonretail use shall not be construed to be a restaurant under this section.

[c] Supermarkets, delicatessens and similar food service establishments.

[d] Video rental stores.

[e] Dry-cleaning pickup/dropoff service only. Actual dry cleaning of garments shall not be conducted within the PCD.

[f] Pharmacies.

[g] Card and gift shops.

[h] Barber/beauty shops.

[i] Post offices.

[j] Florist shops.

[3] Hotel and conference centers, including professional meeting and training facilities (i.e., classrooms, auditoriums, amphitheaters), recreational and athletic facilities, dining and banquet facilities and accessory retail or other service facilities incidental to said use.

[4] Fully enclosed establishments for the sale and repair of office-related equipment.

[5] Research and development uses, including, but not limited to, computer centers and data processing facilities.

[6] Municipal facilities, including municipal garages.

[7] Day-care facilities associated with permitted uses.

[8] Public purpose recreation uses including facilities for cultural activities and associated public purpose uses.

[9] Health clubs and racquet clubs.

[10] Agricultural uses.

[11] Mixed-use building. Within a mixed-use building, retail uses shall not exceed 5% of the floor area of any individual Type 1 use building. Plan averaging of retail floor area shall also be permitted as part of a general development plan; provided, however, that the total retail floor area shall not exceed 10% of the floor area of all Type 1 uses in the plan. All retail uses shall be integrated into the overall campus style design of the PCD development. The Planning Board shall have the power to limit the extent and location of freestanding and all other retail uses.

(b) Type 2 principal permitted uses:

[1] General warehouse uses, warehouse showrooms, and retail outlets which are solely incidental to a warehouse use. This section shall not be construed so as to permit retail-warehouse or warehouse-type uses whose primary function is direct on-site retail sales to the public.

[2] Light manufacturing and assembly uses.

[3] Office uses up to 2% of the gross square footage of a permitted Type 2 use. Office uses over 2% of the gross square footage of a permitted Type 2 building shall be deemed Type 1 uses.

[4] Modular office-distribution uses.

[5] Public purpose recreation uses, including facilities for cultural activities and associated public purpose uses.

[6] Health clubs and racquet clubs.

[7] Agricultural uses.

[8] Freight forwarding warehouse.

[Added 11-13-2008 by Ord. No. 2008-37]

(2) Accessory uses.

(a) Parking decks and/or garages and loading facilities incidental to and supportive of the principal uses in this zone, not to exceed three stories.

(b) Recreational facilities for use of the tenants or employees of the principal uses.

(c) All uses which are customarily incidental to and supportive of the principal uses, or combination thereof, listed in Subsection **D(1)** above.

(d) Signs and directories.

(e) Note: Accessory uses, except for parking areas, shall not occupy a floor area greater than 30% of the floor area dedicated to the principal use or combination of principal uses to which the accessory use or uses relate. Accessory uses may be located within the same building as the principal use or in a separate accessory structure.

E. Conditional uses.

(1) Single-family residences; see § 142-63J.

F. Development standards. Notwithstanding any provisions elsewhere in this section or in any ordinance of Robbinsville Township, planned commercial developments are subject only to the standards and provisions contained in this Subsection F.

(1) Bulk standards, general commercial uses.

(a) Lot dimensions, minimum required.

[1] Area:

[a] Type 1 uses: three acres; seven acres for a hotel or conference center.

[b] Type 2 uses: three acres.

[2] Width: 300 feet.

[3] Depth: 300 feet.

(b) Yard dimensions, minimum required principal building setbacks.

[1] Front yard: 80 feet.

[2] Side yard: 25 feet each.

[3] Rear yard: 25 feet.

(c) Height of buildings, maximum permitted.

[1] Three stories or 45 feet.

[2] Note: Rooftop screening of utilities shall not be included in the measurement of maximum height. The use of rooftop penthouses shall be limited to passive commercial uses such as the housing of equipment.

(d) Maximum coverage.

[1] Type 1 uses as part of the planned development with general development plan approval:

[Amended 5-10-2007 by Ord. No. 2007-26]

[a] Building coverage for principal buildings shall be permitted to a maximum of 18% of the total Section 1 tract area of the planned development. Total lot coverage shall be permitted to a maximum of 50% of the total Section 1 tract area of the planned development. Total floor area ratio shall be permitted to a maximum of 18% of the Section 1 tract area of the planned development.

[b] Averaging of building coverage, total floor area ratio and total lot coverage over the total Section 1 tract area of a planned development shall be permitted; provided, however, that no one lot of the planned development shall exceed an FAR of 23%, a maximum building coverage of 23% and a maximum lot coverage of 55%.

[c] Building coverage for hotel or conference center uses shall be permitted to a maximum of 30% of the lot. Total lot coverage shall be permitted to a maximum of 50% of a lot used for hotel or conference center development. Total floor area ratio for a lot used for hotel or conference center shall be permitted to a maximum of 30%.

[2] Type 2 uses as part of a planned development with general development plan approval:

[a] Building coverage for principal buildings shall be permitted to a maximum of 32% of the total Section 2 tract area of the planned development. Total lot coverage shall be permitted to a maximum of 52% of the total Section 2 tract area of the planned development. Total FAR shall be permitted to a maximum of 32% percent of the total Section 2 tract area of the planned development.

[Amended 5-10-2007 by Ord. No. 2007-26]

[b] Averaging of building coverage, total lot coverage and FAR shall be permitted over the total Section 2 tract area of a planned development; provided, however, that no one lot of the planned development shall exceed an FAR of 42%, maximum building coverage of 42% and maximum total lot coverage of 62%.

[Amended 5-10-2007 by Ord. No. 2007-26]

[c] Notwithstanding the above, no more than 42% of the Section 2 tract area may be developed as modular office-distribution uses.

(e) Following are the bulk and coverage standards applicable to planned commercial developments in the PCD Zone with general development plan approval:

[Amended 5-10-2007 by Ord. No. 2007-26]

	Uses		
	Type 1	Type 2	
Lot area	3 acres	3 acres	
Lot width	300 feet	300 feet	
Lot depth	300 feet	300 feet	
Front yard setback	80 feet	80 feet	
Side yard setback	25 feet each	25 feet each	
Rear yard setback	25 feet	25 feet	
Building height	3 stories or 45 feet	3 stories or 45 feet	
Maximum lot coverage of tract	50%	52%	(f) Bulk standards for Type 1 uses for non-general development plan approval properties shall be the same as those set forth in Subsection F(1)(a) through (e) .
Floor area ratio for tract	18%	32%	
Maximum FAR and building coverage of site with averaging	55%	62%	
Maximum lot coverage of site with averaging	55%	62%	(g) Bulk standards, Type 2 uses for non-general development plan approval properties:
Hotel/conference center FAR	30%		
Hotel/conference center MIC	50%		
Hotel/conference center building height	6 stories or 80 feet	6 stories or 80 feet	

[1] Lot area: 20 acres.

[2] Lot width: 750 feet.

[3] Lot depth: 750 feet.

[4] Building setback (West Manor Way, Old York Road or Gordon Road): 175 feet.

[5] Front yard setback (interior road): 90 feet.

[6] Side yard setback: 25 feet.

[7] Rear yard setback: 25 feet.

[8] Maximum FAR: 42%.

[9] Maximum lot coverage: 62%.

(h) A building transition setback of not less than 150 feet, as specified herein, and measured from the property line shall be established adjacent to any residential zone district, except along a line that coincides with state or federal highway, the New Jersey Turnpike or an approved preservation area. No building shall be located within the transition setback. The transition setback shall include a minimum landscaped width of 80 feet between the property line and any parking area.

(i) Vehicular access points to the surrounding road system shall be limited to West Manor Way and Old York Road. All driveways and/or internal roads shall be designed to direct traffic (particularly truck traffic) to and from the I-195 interchanges.

(j) Traffic calming elements shall be installed to discourage speeding or inappropriate truck traffic along West Manor Way, Gordon Road, and Old York Road.

(k) Each site plan shall contribute its pro rata share to all traffic infrastructure improvements necessary to promote the Master Plan goals and objectives for the development of the PCD Zone District.

(l) The maximum limitation on FAR and MIC set forth in the regulations for the planned commercial development option may be increased in accordance with § 142-26.

(m) Any planned commercial development plan, with general development plan approval, or major subdivision plan that is not part of a general development plan approval, which proposes FAR, lot coverage, and building coverage averaging shall vest that authority as provided to the Planning Board by virtue of N.J.S.A. 40:55D-39c(5) to require the appropriate restrictions as to preservation of open space so as to preserve the average density reflected in the proposed plan.

[Amended 5-10-2007 by Ord. No. 2007-26]

G. Design standards.

(1) Minimum off-street parking and loading requirements.

Nonresidential Land Uses	Required Off-Street Parking Spaces Per Indicated Area
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Assembly operations	1 per 800 square feet GFA
Bar	1 per 2 seats
Bowling alley	4 per alley
Car wash	10 per washing lane
Church/synagogue	1 per 3 seats
Fiduciary institutions	1 per 300 square feet GFA
Finishing operations	1 per 800 square feet GFA
Hotel	7 per guest room plus 10 per 1,000 square feet GFA
Industrial	1 per 800 square feet GFA
Library	1 per 300 square feet GFA
Manufacturing	1 per 800 square feet GFA
Medical center	1 per 250 square feet GFA
Neighborhood convenience center:	
Under 400,000 square feet GFA	4 per 1,000 square feet GFA
<i>Matrix Redevelopment Plan</i>	
Nightclub	1 per 3 seats

(a) Site plans can include provisions for shared parking facilities with other sites, so long as the aggregate parking provided meets the standards set out in Subsection **G(1)** above.

(b) The size of a parking space shall be nine feet by 18 feet.

(c) Areas provided for loading and unloading of delivery trucks and other vehicles, and for servicing of buildings by refuse collection, and other service vehicles shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of accessways or automobile parking facilities. Size, number and other criteria regarding loading and unloading areas for delivery trucks and other vehicles shall be as set forth in this chapter.

(d) All parking, loading, access and service areas shall be adequately illuminated at night. All lighting, including sign lighting, shall be arranged so as to protect the highway and adjoining property and roads from direct glare or hazardous interference of any kind. Lighting shall be designed with regard to height and illumination so as to minimize the impact on the residents of any surrounding dwelling units. Areas provided for truck parking shall be visually screened by landscaping from collector streets.

(e) The Planning Board may permit a thirty-percent reduction of the required number of parking spaces required to be constructed in connection with any individual site plan if the applicant can prove that it is unlikely that there will be a sufficient parking demand to warrant full compliance and the site plan contains an area reserved for future parking expansion if and when needed.

(f) No street side parking shall be permitted on internal roads in the area of a planned development.

(g) Parking shall be permitted in setback areas; provided, however, that any parking within a setback area shall be located no more than 40 feet from the interior building setback line. Parking setbacks shall be as follows:

[1] Interior street line: 40 feet.

[2] Side/rear lot line: 20 feet.

[3] Exterior street lines (along Gordon Road, Old York Road, West Manor Way): 80 feet.

(2) Streets.

Matrix Redevelopment Plan

(a) Collector streets shall be designed to accommodate through traffic in the planned development to and from surrounding areas.

(b) Minor streets shall be so planned and identified so as to discourage through traffic.

(c) The right-of-way width on all streets shall be measured from lot line to lot line and shall meet the following minimum widths:

[1] Collector streets: 66 feet.

[2] Streets other than collector streets: 60 feet.

[3] Right-of-way widths for internal roads and alleys in a planned development may be proposed at less than 60 feet, but not less than 50 feet, but shall in all cases be of sufficient width and design to safely accommodate the reasonably anticipated traffic, parking, and loading needs where applicable, as well as access for fire-fighting equipment.

(d) All improvements which are not both proposed for dedication and accepted by Robbinsville Township shall be regarded as nonpublic improvements. The maintenance or improvement of nonpublic improvements shall be the responsibility of the developer or its successors in interest.

(e) Street intersections shall be as nearly at right angles as is possible and in no case shall be less than 80°.

(f) A cul-de-sac shall be no more than 2,000 feet in length.

(g) The pavement standard for streets within a PCD shall be in accordance with the standards set forth in this chapter.

(h) T-type intersections shall be offset a minimum of 150 feet.

(i) Sidewalks shall be required where necessary and appropriate to provide adequate pedestrian access from parking facilities to proposed buildings, and curbing shall be required for all paved areas.

(j) Access to minor arterial roads and collector streets identified in the Township Master Plan shall be arranged to minimize the disturbance of the traffic flow by limiting access locations.

(3) Drainage. Storm drainage standards shall be as set forth in this chapter.

(4) Landscaping. Landscaping standards shall be as set forth in this chapter.

(5) Recycling. Recycling shall be provided in accordance with Chapter **220**, Article **I**, Recycling, of the Robbinsville Township Code.

(6) Planned commercial development tract layout. The tract shall be designed utilizing a campus style layout. The developer shall employ design techniques to create an integrated, park-like development having a desirable visual environment.

(7) All other design standards. Any design standards or criteria other than those specifically enumerated herein shall be as set forth in this chapter.

(8) Architectural standards.

(a) The design of warehouse development(s) should integrate the disciplines of landscape architecture, architecture and engineering.

(b) Strong site development identity should be unified by a consistent treatment; in particular, extensive landscape treatment should be used.

(c) Building orientation should be consistent throughout whole site development and favor streets and the public right-of-way.

(d) General architectural treatment of buildings should be complementary as to materials, texture and color, in particular for adjacent structures.

(e) Building structures should follow design guidelines noted as part of these standards.

(f) Architectural feature(s) and focal points should be easily discernible from the street and/or public right-of-way. They should not be concealed or obscured by parking or ancillary structures.

(g) Extensive parking areas, truck yards, and loading docks should be screened from view from the street/public right-of-way by use of landscape, architecture feature(s) or fence(s). Fence(s) should complement design of building and be consistent with the general architectural character.

(h) If proposed, picnic areas and other recreational facilities shall be properly integrated into the design of the site development or individual lot. Consideration should be made to locate such areas/facilities away from the main entrance(s) to the building. Roofed shelters as part of these areas shall be encouraged when appropriate.

(9) Building design standards.

(a) Main entrance and feature(s) should be placed (arranged) to create focal points oriented toward corner(s) and/or the center of street facade.

(b) Facades facing a street or public right-of-way should be segmented by offsets, reliefs, and/or features of appropriate scale to visually break long elevations into a series of favorable scaled elements in relation to a normal urban scale. These elevations should not extend beyond a maximum of 300 feet between reliefs. Blank wall segments without relief or discernible pattern treatment should be not greater than 30 feet. Specifically designed landscape treatment(s) along blank wall segments can be considered an acceptable option to a discernible pattern treatment on the wall.

(c) Each facade of the building should be designed to complement adjoining facades in close proximity. Preferred facade materials and combinations can include concrete (tilt-up/precast), brick and/or architectural textured concrete masonry units. Other exterior products may be used, assuming the composition of the design and materials create a unique facade treatment which reflect an honest expression of the use and size of the project. For example, architectural insulated metal panels may be used as a limited design treatment, but must be used carefully to create a compatible composition with the major facade material(s).

(d) Material color and texture range must be considered in the facade composition. The color and texture range (field, bands and accents) provides an opportunity to segment the facades and soften the scale of large buildings; therefore, they should be used with care and purpose. Color can be applied to the surface of the facade material or be integral to that material, but it is important that consideration should be given to the wearability of any finish(es). Color compatibility in glass, frames, doors, etc., are also an important consideration for the final design. Color can also be used to enhance the three-dimensionality and apparent depth of facade treatments. Texture treatment should be clearly discernible from curbside through its composition and shadow effect. It should add to the sculptural composition of the wall and accent its three-dimensionality. Joint treatment that is part of the architectural composition of the facade should also be clearly visible from such a distance and may need to be treated architecturally to create such an effect.

(e) Rooftop equipment should be placed away from all facades in an effort to minimize its visual impact as seen from the adjoining street or public right-of-way. Careful attention should be given to its orientation and color when locating rooftop equipment. Rooftop equipment should be considered as part of the architectural composition of the building. If inevitable, rooftop equipment located close to building facade should be screened. Such screen should completely block the equipment from the adjoining street or public right-of-way view and be consistent and integral to the architectural composition of the building.

(f) Signage and logo(s) placement should be considered in the concept phase of the project as part of the architectural composition of the building. Signage and logo(s) need to identify the project, be subtle and provide visitor/fire department clear direction to the primary and secondary points of entry.

H. Application and review procedure.

(1) PCD Zone, general development plan.

(a) Application for development within the PCD Zone may, in accordance with N.J.S.A. 40:55D-45.3, be made as a planned commercial development in accordance with the regulations and procedures described in this chapter pertaining to general development plan.

(b) The Planning Board may require, in addition to those elements of the general development plan as enumerated in Subsection **H(2)(b)[2]** hereof, a plan or plans showing the interrelationship of the proposed general development plan to all other properties located within or adjacent to the PCD Zone taking into consideration the future development capabilities of those properties.

(2) Procedure for approval of the general development plan.

(a) Planning Board review. The Planning Board shall review an application for general development approval of a planned development within the PCD Zone in the following manner:

[1] Notice. Public notice of a hearing of an application for planned development shall be given as required by statute in accordance with N.J.S.A. 40:55D-12.

[2] Time for action. Upon submission to the administrative officer of a complete general development plan application for planned development, the Planning Board shall grant or deny general development plan approval within 95 days of the date of submission or within such further time as may be consented to by the applicant pursuant to N.J.S.A. 40:55D-45 et seq. Failure of the Board to act within the prescribed time shall constitute approval.

(b) Required submissions; complete application. An application for approval of the general development plan shall be deemed complete, as per the provisions of N.J.S.A. 40:55D-10.3, upon submission by the applicant of the following:

[1] A complete application in a form established by the Planning Board, containing the following minimum information:

[a] The name of the developer.

[b] A signed statement of the developer affirming compliance with the minimum criteria for planned development contained in this chapter.

[c] Proof that the property taxes pertaining to the subject property have been paid to date.

[d] A corporate or partnership disclosure statement, where applicable, in accordance with the provisions of N.J.S.A. 40:55D-48.1 and 40:55D-48.2.

[e] Application and escrow fees as may be established by ordinance of Robbinsville Township.

[f] The site is located within an approved sewer service area.

[g] A general development plan consisting of all items required in Subsection **H(2)(b)[2]** as set forth below.

[2] A general development plan consisting of the following:

[a] A land use plan indicating the total tract area and the general location of the land uses to be included in the planned development. A planned development shall contain a reasonable mix of Type 1 and Type 2 uses in accordance with the overall general development plan. The tract area devoted to Type 1 and Type 2 uses shall be specified in the land use plan. The amount of nonresidential floor area to be provided and proposed land area to be devoted to nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a nonresidential floor area ratio shall be provided.

[b] A development and timing plan, setting forth the amount of nonresidential floor space and the nonresidential floor area ratio for the general development plan, according to a schedule, which generally sets forth the sequencing of any sections of the development and the procedure for establishing the timing of the development. The development and timing plan shall not set forth fixed dates or specific improvements or developments since the timing of such is at the discretion of the applicant. The development and timing plan shall establish a period within which the various types of uses and

subgroups thereunder and any related improvements will be developed. Approval of said time periods by the Planning Board shall be a part of the overall general development plan approval.

[c] A circulation plan, indicating the general location and types of transportation facilities within the planned development, including facilities for pedestrian access and any proposed improvements to the existing transportation system outside the planned development proposed by the applicant pursuant to a traffic impact study.

[d] A stormwater management plan, indicating the proposed method of controlling and managing stormwater on site.

[e] An open space plan, indicating the approximate major land areas to become open space, a description of the intended improvements within said area, and the allocation of responsibility for maintenance of the open space.

[f] An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site.

[g] A utility plan, indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities.

[h] A local service plan, indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.

[i] A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality or school districts as a result of the completion of the planned development. The fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided for under this and following the completion of the planned development in its entirety. The fiscal report shall be submitted for informational and municipal planning purposes only; nothing in this report shall serve as a basis for the Board to delay or deny an approval.

[j] A municipal development agreement, which shall mean a written agreement between the municipality and the developer relating to the planned development.

[k] A preservation map if the applicant intends at the time of general development plan approval to qualify for application of a preservation factor pursuant to the Preservation Ordinance (§ **142-26**).

[3] The general development plan may also include, if appropriate, a community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.

[4] The items listed in Subsection **H(2)(b)[2]** above shall constitute the submissions required to be enumerated on a checklist supplied to the applicant as per the provisions of N.J.S.A. 40:55D-10.3.

[5] The TCC shall be designated as the municipal agency which shall be responsible for determining completeness of an application pursuant to this section.

(c) Technical analysis. Upon submission of a complete application for general development plan approval to the Planning Board, the applicant shall submit a copy of the application to the Planning Board Secretary for review by the Technical Coordinating Committee (TCC). The TCC shall meet with the developer and the developer's experts within such reasonable time thereafter as shall be agreed upon between the Planning Board (or its subcommittee) and the developer, for the purpose of reviewing:

[1] The circulation plan;

[2] The stormwater management plan;

[3] The environmental inventory; and

[4] The utility plan.

(d) Technical report submitted to Planning Board. The TCC Subcommittee shall submit a report of its technical analysis to the full Planning Board within 30 days of submission of a complete application by the applicant. The review of the TCC shall be based upon the design standards set forth in this section and any other applicable recognized professional engineering standards.

(e) Planning Board review. The Planning Board shall schedule hearings on the application for general development plan approval at the time the application is deemed complete by the Board.

[1] The Planning Board shall begin its review with an analysis of:

[a] The land use element of the overall development plan;

[b] The development and timing plan;

[c] The open space element of the overall development plan;

[d] The fiscal report; and

[e] The preservation map.

[2] Upon receipt of the report of the Technical Coordinating Committee, the Planning Board shall review the recommendations contained in the report in connection with:

[a] The circulation plan;

[b] The stormwater management plan;

[c] The environmental inventory;

Matrix Redevelopment Plan

[d] The utility plan; and

[e] The preservation map.

(3) Findings of Planning Board; action by the Planning Board. The Planning Board shall, prior to approving any planned development as provided herein, make the necessary findings and conclusions pursuant to N.J.S.A. 40:55D-45.

(4) Effect of general development plan approval.

(a) General development plan approval shall confer upon the applicant the following rights and obligations until the entire planned development is fully developed:

[1] That the general terms and conditions upon which approval has been granted, including but not limited to on-site or off-site improvements requirements, shall not be changed, unless application for modification is made by the applicant and approved by the Planning Board pursuant to the terms of this section;

[2] That the provisions of this section effective on the date of approval with respect to permitted uses, permitted densities, parking requirements and layout and design standards shall not be changed.

(b) The term of the effect of any general development plan approval shall be determined by the Planning Board using the guidelines set forth in this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development. In making its determination regarding the duration of the effect of approval of the general development plan, the Planning Board shall consider the amount of nonresidential floor area to be constructed, prevailing economic development and the likelihood of its fulfillment, the developer's capability of completing the proposed development, and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

(c) Approval of preliminary and final site plan and/or subdivision applications (which may be submitted from time to time for portions of the general development plan or simultaneously with the general development plan application) shall be granted upon proof of compliance with the approved overall

development plan and with the permitted uses, densities and development standards set forth in this section as of the date of approval of the planned development. No separate environmental impact statement shall be required for subsequent site plan or subdivision applications upon compliance with the standards referred to above. Notwithstanding the above, the applicant may be required by the Planning Board to post any performance or maintenance guarantees and pay any inspection fees permitted by statute in accordance with N.J.S.A. 40:55D-53 and required by ordinance.

(d) If a preservation map has been submitted showing preservation lands to be preserved within the preservation area, approval of the general development plan, subdivisions and preliminary and final site plans shall set out the preservation factor applicable to the general development plan, subdivisions and site plans and shall contain an express condition that preservation dedication shall be completed before the issuance of a building permit for development pursuant to site plan.

(e) Modification of timing schedule. In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, the availability and capacity of public facilities to accommodate the proposed development.

(5) General development approval revisions.

(a) Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or the floor area ratio of nonresidential development in any section of the planned development.

(b) Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.

[1] A developer, without violating the terms of the approval pursuant to this section, may, in undertaking any section of the planned development, reduce the amounts of nonresidential floor space by no more than 15% or reduce the nonresidential floor area ratio by no more than 15%.

(6) Termination of general development approval.

Matrix Redevelopment Plan

(a) In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

(b) Notification of completion; failure to complete; hearing.

[1] Upon the completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan. If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

[2] If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if at any time the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

(c) In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval.

(7) The consultants to the Planning Board will conduct an annual review within the first quarter of each year of the status of the approvals and development in the PCD Zone and will prepare a report for the Planning Board.

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