

Borough of Somerville, NJ
Redevelopment Plan
West Main Street Area

Adopted February 17, 2004

Amended December 6, 2004

Amended September 2007

Amended May 2010

Introduction

In October 2003, the Somerville Planning Board recommended to the Borough Council that an area located at the western end of Main Street (Block 117, Lot 1 and Block 118, Lot 21) be designated as an "Area in Need of Redevelopment", according to the New Jersey Local Redevelopment and Housing Law (LRHL).

The Borough Council approved this recommendation at its November 3, 2003 meeting and requested the Planning Board to prepare a Redevelopment Plan for the area, in accordance with the LRHL.

On March 24, 2010, the Somerville Planning Board recommended to the Borough Council that properties known as Block 117, Lots 1.01 and 2 bounded by Division Street, South Street and Veterans Memorial Drive and located adjacent to Block 117, Lot 1 and Block 118, Lot 21 be designated as an "Area in Need of Redevelopment", according to the New Jersey Local Redevelopment and Housing Law (LRHL). The Borough Council approved this recommendation by adopting a resolution at its April 5, 2010 meeting.

This Redevelopment Plan was originally adopted by the Borough Council on February 17, 2004 and amended on December 6, 2004, and in September 2007. This Redevelopment Plan is further amended to include Block 117, Lots 1.01 & 2, however the requirements set forth herein shall not be applicable to these properties until such time as specific requirements for the redevelopment of these properties have been determined, unless otherwise stated herein.

The West Main Street Redevelopment Area

The Redevelopment Area as designated by the governing body includes four properties:

1. Block 118, Lot 21 is owned by the Borough of Somerville. It is approximately 19,890 s.f. in size or .46 acres. The property currently functions as a metered surface parking lot available to the public, with no structures on site. This property also includes a roadway, which acts as an extension of Union Street; however it is not a dedicated public street nor is it intended to be a public street.
2. Block 117, Lot 1 is owned by JSM at Somerville, LLC, (hereinafter "JSM"), the designated redeveloper for this property. Formerly known as the Landmark Shopping Center (the "Landmark Site"), it totals approximately 13.553 acres and previously contained a one-story shopping center of several buildings with of approximately 139,452 s.f. of gross leasable area with the rest of the site being surface parking. The property is currently vacant land after demolition of most of the one-story shopping center by JSM at Somerville, LLC, except for one building of approximately 59,000 square feet, which housed the former Pathmark Supermarket. The former supermarket space is currently vacant.
3. Block 117, Lots 1.01 & 2 is owned by Somerville T.I.C., I, L.L.C. The property is approximately 2 acres and contains a five story office building, which is currently occupied and a two level parking structure providing parking for the office building. (See Attachment A, Map of Area.)

Background and Project Objectives

Since at least 1990, there has been a growing consensus among Somerville leaders that the Landmark Site has the potential to function as the downtown's "western anchor" but that it was not meeting this potential in its then (and now) current state. Organized discussion and analysis at the time resulted in the 1991 "Downtown Vision Plan". Participant shapers of the plan included Somerville's then-Mayor and Borough Council members, the Borough Planning Board, Somerset Alliance for the Future, the District Management Corporation, the Somerville Business and Professional Association, the Borough's Parking and Traffic Committee, the Architectural Review Board, the

County Board of Freeholders, the County Planning Board and the County Department of Economic Development.

On October 23, 1991 the Somerville Planning Board approved the Vision Plan and stated that it "...establishes goals, objectives and policies for the central business district and transitional areas and should be adopted as an integral part of the Master Plan."

Specific to this Redevelopment Plan's limited area of concentration, the 1991 Vision Plan recognized that the Landmark Site was not being properly utilized, stating:
Larger development sites (such as the Eastern Gateway site and the Landmark site) should be intensely developed in keeping with the scale and character of Main Street.

Going into more detail in its discussion of downtown anchors, the Vision Plan stated:

Two major mixed-use development sites are identified at either end of Main Street offering the potential to establish major activity anchors in conjunction with the governmental sectors. [Note: one of the two development sites is identified as the Landmark site, the "Western Anchor".] ...The development program for the mixed-use developments should include: office, retail, cultural/entertainment, conference, hotel and residential uses...the mixed-use developments provide the greatest potential for major new economic investment.

Summing up its recognition of the Landmark Site's lack of proper utilization, the 1991 Vision Plan made two points:

- *Value can be created on the Landmark property immediately through preparation of this action plan and commencing implementation of the first construction phase during 1992.*
- *The productivity of retail space in the center and on the street can be increased through renovation in conjunction with newly constructed facilities.*

Eleven years later, at the time of the Landmark property's sale to its current owner, the Courier-News carried an article entitled "Shopping Center Sold to Developer: Improvements Probable for Landmark at Somerville". The staff writer, Kara L. Richardson, stated that "The center, which has pedestrian access on West Main Street but opens to traffic on Veterans Memorial Drive, has

long been on borough officials' list of properties to revamp." The writer reported that "Township officials have been hoping the shopping center, which was built in the 1970s, would be taken over and redeveloped." And: "Borough officials have been chomping at the bit to redevelop the Landmark."

In 2004, Somerville's Mayor and Council proposed working together with the Landmark Site's new owner to convert the property into a modern, mixed use project with greater density aimed at truly making the site Main Street's "Western Anchor".

On November 3, 2005, JSM was designated as redeveloper by the Borough Council to construct a mixed use development and entered into a Redevelopment Agreement with the Borough on May 31, 2005. JSM received site plan and subdivision approval from the Planning Board on April 13, 2005 for the construction of:

- Up to 272 Residential Units
- 147,000 s.f. Retail
- 74,600 s.f. Office
- Residential Parking Deck
- Public Parking Deck
- Surface Parking

Due to litigation related to removal of tenants, JSM was prevented from proceeding with construction of the approved mixed use development. The subsequent change in market conditions further affected JSM's ability to proceed with the project. As a result, the Borough and JSM have been negotiating certain changes to the project and amendments to the Redevelopment Agreement in order for the project to proceed. The currently proposed project remains a mixed use development, however, the maximum number of residential units and retail space is not likely to exceed, 272 & 175,000 square feet respectively and the retail space includes a supermarket. No office space will be constructed nor will JSM construct any parking structures. Surface parking will be provided to meet the project's parking requirements.

As a result of the expansion of the Redevelopment Area, on April 5, 2010, the Borough designated Plaza Redevelopment, LLC as redeveloper of Block 117, Lots 1.01 and 2 (hereinafter referred

to as "Plaza Redevelopment"), which entity is affiliated with the owner of these properties (Somerville T.I.C., I, L.L.C.).

Plaza Redevelopment has proposed the construction of up to 80,000 square feet of office space with ground floor retail on the site of the two-story parking structure currently located on Block 117, Lot 1.01. The parking for the Plaza Redevelopment and the replacement of parking lost as a result of the project is proposed to be provided through the construction of a parking structure on the location of the current South Street public parking lot.

The Borough and JSM shall enter into an Amended and Restated Redevelopment Agreement and any changes to the current design and approval shall require site plan approval by the Planning Board.

The Borough and Plaza Redevelopment shall also enter into a Redevelopment Agreement and the Plaza Redevelopment project shall require further amendments to this redevelopment plan, and site plan approval by the Planning Board.

Relationship to Local Objectives

As mentioned earlier, the 1991 Vision Plan, incorporated into the Master Plan, recommended the type of mixed use development now envisioned in this Redevelopment Plan. Succinctly, the "local objective" at stake here is the revitalization of Main Street's western end. The Redevelopment Plan is intended to assist in accomplishing this objective.

Consistent with State, County and local objectives, this Redevelopment Plan aims to achieve a better balance between local consumers and commercial opportunities. This concentration near the heart of the commercial district will:

- a. Add purchasing demand that benefits shops, services and restaurants, thus building more job opportunities and enhanced business opportunities. The result will also add amenities serving the entire population of the Borough.
- b. Improve the balance of commutation, putting a higher proportion of Borough commuters within walking distance of the Raritan Valley Line NJ Transit Station. In addition, improved traffic movement will result from

this planned connection of the commercial center to the vacant area south of the railroad right of way. The extension of Davenport Street will also serve this need for improved vehicular circulation.

The mixed use feature of the plan will add pedestrian walking opportunities for recreation, shopping and dining. The result will be a business district that is actively used by pedestrians. Moreover, the business district will be better served by the proposed public parking structure. This facility will help compress destinations in the downtown by eliminating the vast wasted space occupied by surface parking, further encouraging more shopping.

To facilitate a quick and timely response to day-to-day construction, site and finish issues; any proposed change (field change) to the site plan as approved by the borough Planning Board may be reviewed by a committee established by the Planning Board for this purpose.

Relationship to Other Plans

This Redevelopment Plan is consistent with the 1991 Vision Plan which was incorporated into the Borough's Master Plan.

This Redevelopment Plan is solely concerned with a portion of the central business district. Its adoption will not impact other communities or their master plans. The Plan is not expected to have any significant effect on County roads or utilities and is not in conflict with the County Master Plan which favors growth of designated centers.

Somerville is a regional center and has "center designation" by the State Planning Commission, a decision intended to facilitate population and commercial growth in this location. Further, this State designation reflects decisions made in the Cross Acceptance process in which adjacent municipalities and the County government participated. This Redevelopment Plan is not in conflict with the State Plan. In fact, it represents a noteworthy example of State Plan implementation.

The Borough has adopted a redevelopment plan for the Somerville Station and Landfill Redevelopment Area, which contemplates a mixed use development anchored by the New Jersey Transit rail station with the goal of linking the redevelopment of the West Main Street Redevelopment Area to the Station and Landfill Redevelopment Area through pedestrian and vehicular connections.

Proposed Land Uses

This Redevelopment Plan creates a new central business district zone called the "Redevelopment Zone District" which includes Block 117, Lot 1, Block 118, Lot 21 and Block 117, lots 1.01 and 2, as shown in Attachment A. This Redevelopment Plan supersedes all applicable provisions of the Borough's Zoning Regulations. This Redevelopment Plan will be amended for Block 117, Lots 1.01 and 2 as requirements for these properties are determined. All other land development regulations shall remain applicable, unless otherwise stated and provided for herein.

The proposed land uses residential, retail, office, parking; are all permitted in the Redevelopment Zone District and are defined in more detail in the section below entitled "Redevelopment Zone District Requirements".

Relocation

The proposed projects require no relocation. No temporary or permanent relocation of residents is contemplated, since there are no residential units currently located in the Redevelopment Area. If relocation is required pursuant to any redevelopment actions by the Borough, all relocation assistance laws and regulations shall be complied with by the Borough. Any relocation assistance provided by the Borough shall be paid for by the redeveloper(s) pursuant to the terms and conditions of a redevelopment agreement.

The Borough has provided relocation assistance to businesses that have previously been displaced as a result of actions taken by the Borough in furtherance of the redevelopment of the Redevelopment Area.

Acquisition

Redevelopment of the Redevelopment Area may require the transfer of title to land owned by one or more of the owners of property in the Redevelopment Area. Any necessary title transfer arrangement will be addressed in redevelopment agreements between the Borough and the redeveloper(s) or the redeveloper(s) and the property owners. No other property acquisition by the Borough is contemplated in this Redevelopment Plan. Any acquisition costs shall be paid for by the redeveloper(s) pursuant to the terms and conditions of a redevelopment agreement or other applicable agreements.

The Borough participated in the termination of a number of leases of former tenants located in the Redevelopment Area in furtherance of the redevelopment of the Redevelopment Area and in doing so has fully complied with all statutory and regulatory requirements.

WEST MAIN STREET REDEVELOPMENT ZONE DISTRICT REQUIREMENTS

These requirements are only applicable to Block 117, Lot 1, Block 118, Lot 21 and a portion of Block 117, Lot 1.01 which may be leased and/or purchased by JSM for use in the redevelopment of its project as described herein and on its site plan. If JSM leases and/or purchases a portion of Block 117, Lot 1.01, it is recognized that the parking provided on this property may be reduced and any non-conformity in parking or bulk requirements which may result for Block 117, Lots 1.01 and 2 shall be deemed to be made conforming by the adoption of this Redevelopment Plan for the existing use of this property only.

A. Permitted Principal Uses

The following principal uses shall be permitted within the Redevelopment Zone District. Any interpretation of permitted uses shall be at the discretion of the zoning officer who is permitted to rely on applicable provisions of the Borough's Land Use Ordinance.

1. Multifamily residential dwelling units in the same building as nonresidential uses.
2. Retail sales uses limited to:
 - Paint, glass and wallpaper stores
 - Hardware stores
 - Department stores, variety stores, miscellaneous general merchandise stores
 - Grocery stores, meat & fish markets, fruit & vegetables markets, candy, nut and confectionery stores, dairy products stores, retail bakeries, miscellaneous food stores
 - Auto and home supply stores
 - Men's, boys, women's and family clothing stores, women's accessory and specialty stores, children's and infants' wear stores, shoe stores and miscellaneous apparel and accessory stores
 - Home furniture and furnishings stores, household appliance stores, radio, television and computer stores

- Eating and drinking places, and including sidewalk cafes
 - Drug stores and proprietary stores
 - Liquor stores
 - Used merchandise stores
 - Miscellaneous shopping goods stores
 - Nonstore retailers
 - Other retail stores including but not limited to florists, tobacco stores, news stands, optical goods stores and craft stores.
3. Financial, insurance and real estate offices and institutions, limited to:
- Depository institutions
 - Nondepository credit institutions
 - Security and commodity brokers
 - Insurance carriers
 - Insurance agents, brokers and service
 - Real estate operators, lessors, agents and managers
 - Title abstract offices
 - Subdividers and developers
 - Holding and other investment offices
 - Establishments providing or promoting conferences and seminars
4. Hotels
5. Personal service uses, limited to:
- Laundry, cleaning and garment services
 - Portrait photographic studios
 - Beauty and barber shops
 - Shoe repair & shoeshine parlors
 - Miscellaneous personal services (no bail bonds or check cashing)
6. Business service uses limited to the following:
- Advertising
 - Consumer credit reporting, mercantile reporting, adjustment and collection agencies
 - Mailing, reproduction, commercial art and photography, and stenographic services
 - Services to buildings
 - Computer and data processing services
 - Miscellaneous equipment rental and leasing
 - Miscellaneous business services

7. Automobile parking, including both surface parking and parking decks.
8. Miscellaneous repair services, limited to:
 - Electrical repair shops
 - Watch, clock and jewelry repair
 - Miscellaneous repair shops
9. Motion picture services, limited to:
 - Motion picture theaters
 - Video tape/DVD rental
10. Amusement and recreation services limited to:
 - Dance studios, schools and halls (No dance clubs for minors)
 - Producers, orchestras and entertainers
 - Miscellaneous amusement and recreation services
 - Public and non-profit parks
11. Health services, limited to:
 - Offices and clinics of medical doctors, dentists, osteopathic physicians and other health practitioners (out patient services)
 - Home health care services
 - Medical and dental laboratories
12. Legal services
13. Libraries
14. Social services
 - Child care centers
 - Other social services
15. Museums, art galleries
16. Membership organizations, limited to:
 - Business, professional, labor, civic, social and political associations
 - Other membership organizations
17. Engineering, accounting, research and management services, limited to:
 - Engineering, architectural and surveying services

- Accounting, auditing and bookkeeping services
 - Management and public relations services
18. Other services, limited to authors, lecturers, radio commentators, song writers, weather forecasters, writers and artists working on their own account.
 19. Public uses, including but not limited to the following:
 - Municipal buildings and uses
 - Public safety buildings and uses
 - Public parks
 - Other governmental uses
 20. Transportation services, limited to the following:
 - Arrangement of passenger transportation
 - Arrangement of transportation of freight and cargo
 21. Landscape counseling, planning

Note regarding non-permitted uses: Only one drive-through use, e.g., restaurant or bank, shall be permitted, provided that no drive-up lanes shall be permitted to have direct access to the proposed Davenport Street extension.

B. Lot, Bulk and Intensity of Development Standards

1. Minimum lot area, width, depth: none.
2. Minimum front and rear yards: none for principal buildings.
3. Minimum side yards: none
4. Maximum building height: 5 stories/75 feet
5. Maximum building coverage: 90%.
7. Maximum density:
 - Up to 272 residential units;
 - Up to 175,000 square feet of retail space;
8. Maximum floor area ratio: none (limited by height, coverage, parking requirements).

C. Other Requirements

1. Residential use requirements.

a. Location. Apartments and uses accessory to the same may be located on the upper floors or ground floors, but not on any basement floor nor on the ground floor of any building in the following locations, with the exception of a rental office and resident clubhouse allowed facing Main Street:

- Within any facade facing Main Street.
- Within any facade facing Davenport Street within 60 feet of the Main Street right-of-way.
- Within any facade facing Doughty Avenue within 60 feet of the Main Street right-of-way.
- Within any facade facing Union Street.

Notwithstanding the foregoing, internal elevator shafts and stairwells serving apartments may be located on ground floors and on basement floors and further provided that basement areas may be used for dead storage or mechanical space for utilities for residential apartments.

b. Number of bedrooms.

- (1) Each dwelling unit shall contain at least one bedroom, but not more than two bedrooms.
- (2) At least 33% of all dwelling units shall be one-bedroom units. In the event of phased development, this requirement shall apply to each phase of the redevelopment.

c. Minimum habitable floor area per dwelling unit.

One-bedroom unit: 800 square feet
Two-bedroom unit: 1,000 square feet

Habitable floor area shall be measured to the interior face of the walls that define the limits of the apartment, and shall exclude common hallways, stair wells, elevator shafts and other common areas, such as but not limited

to common utility areas, ventilation shafts and chimneys, and shall exclude any basement areas.

2. Architectural design.

- a. Building facades. Building facades that face Main Street, South Doughty Avenue or Davenport Street shall be designed in a manner compatible with the existing historical facades on Main Street, particularly as to building materials, colors and textures, building projections and recesses, fenestration, storefront design and roof design.

The facade of the supermarket shall be designed in a manner compatible with the balance of the the Redevelopment Area and with existing historical facades on Main Street, except as to building height.

All façade plans shall be determined and approved by the Planning Board based on recommendation from the ARB

- b. Cornice, parapet. The facades of buildings that face Main Street or Davenport Street shall be provided with a decorative cornice or parapet on the highest building level.
- c. Roofs. The roof of building facades that face Main Street or Davenport Street shall either be flat or gabled provided that they are designed to appear flat from street level, except that towers and other ornamental features shall be exempt from this requirement, provided such towers and features are minor in extent.
- d. Ground floor entrances. All nonresidential ground floor uses that front upon Main Street, Davenport Street, Doughty Avenue or Veteran’s Memorial Drive shall provide an entrance from and exit to the public sidewalk in the street upon which the subject property has frontage, which entrance shall be the primary entrance and remain open to the public at all times during business hours, provided that in the case of a ground floor use that fronts upon a street and a surface parking area, a secondary entrance/exit shall be provided in the facade facing the surface parking area.

- e. Ground floor storefront. Any new building which faces Main Street, Davenport Street or a surface parking area shall contain a transparent window area on the ground floor which comprises not less than forty percent (40%) of the ground floor facade area which faces the street or not more than 10% if facing a surface parking area.
 - f. Architectural Review Board. All facade designs shall be submitted to the Architectural Review Board ("ARB") for review and comment regarding consistency with the Architectural Review Board Design Guidelines prior to the submission of an application for site plan approval if possible. Should ARB review not be possible prior to Site Plan Approval, ARB review and comment will be required before construction commences.
3. Street and streetscape design. In addition to any improvements determined necessary by traffic studies for any redevelopment proposal, the following shall be required:
- a. Main Street.
 - (1) Cartway: The cartway width and design shall remain the same as existing before redevelopment, except as determined otherwise by the Board based upon traffic studies and N.J.D.O.T. requirements.
 - (2) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided and/or maintained consistent with existing sidewalk improvements in the Special Improvement District. Stamped concrete may be allowed in certain areas as determined by the Planning Board.
 - (3) Minimum sidewalk width: 15 feet, measured from the street curb to the building.
 - b. Davenport Street.
 - (1) JSM shall construct an extension of Davenport Street, intersecting Main Street at the existing Davenport Street intersection and connecting West Main Street to Veterans Memorial Drive. This extension shall be a dedicated public street. In the

event that the redevelopment described by this Redevelopment Plan is phased, the Davenport Street extension shall be constructed as part of the first or initial phase.

- (2) Minimum number of lanes of travel: at least 2 lanes, plus any dedicated turning lanes, with the final number to be determined by the Planning Board based upon traffic studies.
- (3) Parallel parking shall be provided on both sides of the street, where practical.
- (4) Minimum cartway width, including parking: 44 feet, and 24 feet where no parking is possible; with the final width to be determined by the Board based upon traffic studies.
- (5) Minimum sidewalk width: 12 feet in front of nonresidential uses, provided an occasional reduction to 10 feet may be permitted as determined by the Planning Board in order to accommodate improved architectural design, and further provided that a reduced width may also be permitted as determined by the Planning Board if necessary to accommodate N.J.D.O.T. requirements at the intersection with Main Street. In front of residential uses, 10 feet of walkway, including any area for street trees, benches or public planters, plus up to 4 feet of landscaped area. . Sidewalk width is to be measured from the street curb to the building except as otherwise indicated.
- (6) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided consistent with existing sidewalk improvements in the Special Improvement District, except that street trees shall be planted below ground and be covered with metal grates that are flush with the sidewalk elevation.

c. Veterans Memorial Drive.

- (1) Minimum number of lanes of travel, including dedicated turning lanes (if any): 3, with the final

number to be determined by the Board based upon traffic studies.

- (2) Parallel parking shall be provided on both sides of street wherever possible.
- (3) Minimum cartway width, including parking: 50 feet, with the final width to be determined by the Board based upon traffic studies.
- (4) Dedicated left turn lanes shall be provided as determined by the Board.
- (5) Topography of the roadway shall be designed to accommodate future connection to the Landfill Redevelopment Area via an underpass beneath the railroad.
- (6) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) may be located in the right of way and shall be provided consistent with the existing sidewalk improvements in the Special Improvement District; except that street trees shall be planted below ground and be covered with metal grates that are flush with the sidewalk elevation, and the sidewalk can be comprised of stamped concrete.
- (7) Minimum sidewalk width: 8 feet, measured from the street curb to the building.

d. South Street.

- (1) South Street shall incorporate special design considerations for grocery store delivery area access and for access to any parking deck which might be constructed in this area as determined by the Planning Board based upon traffic studies. Additionally that portion of South Street within the grocery store delivery area shall be appropriately identified with signage as a delivery entrance only, with no through traffic allowed.

e. Union Street.

- (1) Union Street sidewalk improvements shall be constructed of concrete with a depressed curb to facilitate the unloading of supplies for retail and restaurant use.
- (2) Street lights will be compatible with those within the SID.

f. South Doughty Avenue.

- a. Sidewalk and curb improvements shall be consistent with the existing improvements within the SID; except any street trees planted within the right-of-way shall be planted below ground and be covered with metal grates that are flush with the sidewalk elevation. All improvements to be approved by borough engineer.

4. Maximum number of principal buildings: not limited.

5. Parking requirements.

- a. A minimum of 800 parking spaces shall be provided for the redevelopment of Block 117, Lot 1 and Block 118, Lot 2. A shared parking analysis using ULI shared parking, 2nd edition, shall be provided to support such parking requirements.
- b. Any on-street parking constructed by the developer within the right-of-ways of Davenport Street extension or Veterans Memorial Drive along the street frontage of the redevelopment area shall be credited as parking spaces in determining compliance with the parking requirement.
- c. Within and around the perimeter of any surface parking area, there shall be provided landscaped islands. Excluded from this requirement are surface levels of parking decks and parking spaces that have direct access from a street or other public roadway.
- d. A parking deck may be constructed as part of the redevelopment of the Redevelopment Area. The parking

deck may be constructed by or for, owned and managed by the Borough for public parking, which parking shall also be made available for the use of tenants and customers of the private redevelopment(s) and the availability of such parking may be considered by the Planning Board, as part of its site plan review.

- e. Any supermarket within the Redevelopment Area is permitted to construct a mezzanine as part of its usable space. Such mezzanine space shall not be subject to any parking requirement. A mezzanine is defined as the intermediate floor above the ground floor, used for offices, and staff lunch and rest rooms only.
- f. Notwithstanding existing Borough ordinances, a supermarket within the Redevelopment Area is allowed to utilize external covered walkways directly in front of the building to display and sell merchandise. All merchandise must be displayed appropriately and not restrict pedestrian access/exit to the supermarket. Boxed, crated and palletted merchandise is not permitted

6. Signs.

- a. Wall signs shall be as permitted and required for the B-1 zone district by § 102-119., except that any supermarket tenant shall be permitted to erect either the wall signs permitted in the B-1 district or the following wall signs, whichever is less restrictive: All signs are subject to Planning Board approval.
 - (1) A primary sign identifying the supermarket name, with a maximum area of 160 square feet and a maximum vertical dimension not to exceed 8 feet.
 - (2) a. Up to two secondary signs related to the primary sign, with a maximum area of 40 square feet each and a maximum vertical dimension of 8 feet.
 - b. Up to five circular logo signs each not to exceed 55 square feet each
 - (3) a. A tertiary sign with a maximum area of 35 square feet and a maximum vertical dimension not to exceed 3 feet.

b. Up to three tenant signs each not to exceed 45 square feet each and a maximum vertical dimension not to exceed 3 feet.

b. A monument sign, or other identification sign, (i.e., mounted directed on the ground or on a sign base that is mounted directly on the ground, and not elevated by pylons or poles above the ground) shall be permitted facing Main Street at South Doughty Avenue, complying with the following standards:

(1) The sign may identify the center and/or the primary retail anchor in the center.

(2) The display surface of the sign shall be for the identification of the center or, the primary retail anchor (i.e., having a gross floor area of at least 50,000 square feet). The maximum display surface area of the sign shall be determined by the Planning Board.

(3) The maximum height of the sign shall not exceed 5 feet above normal grade.

(4) The sign shall be located at least 5 feet from the right-of-way line of Main Street and South Doughty Avenue, provided that the sign shall not encroach into any required sight lines at the intersections of streets and driveways.

(5) Additional Wayfinding signs maybe permitted at the intersection of Main Street and Davenport Street extension upon submission and approval by the Planning Board

a. A pylon sign may be permitted facing towards Veterans Memorial Highway that may identify the primary business establishments plus the business establishments having their primary entrance on Main Street.

Such pylon sign shall not exceed 20 feet in height unless redeveloper can prove sight lines restrict visibility at this height. The final design to be

determined by the Planning Board based upon providing continuity with Main Street design guidelines.

7. Affordable Housing Requirements.

A redeveloper may be required to address an affordable housing obligation generated by any development if an obligation is imposed upon the Borough by the State. The terms and specifics concerning how such obligation will be addressed shall be determined by the Borough Council and may be set forth in a redevelopment agreement between the Borough and the redeveloper.

8. Applicability of Special Improvement District Provisions.

The Redevelopment Area shall continue to be designated as part of the Special Improvement District.

9. The redeveloper may construct a multi-story nonresidential building or buildings along the west side of the Davenport Street extension. The ground floor of such building or buildings shall be devoted to nonresidential use(s).

10. Phased Development. Phased development shall be permitted, provided that the development shall comply with all applicable regulations at the completion of each phase. In addition, a redeveloper shall submit a phasing plan as part of its submission to the Planning Board for site plan approval.

11. Temporary Uses. The following uses are permitted temporarily during construction: construction trailers no larger than 720 square feet and storage trailers no larger than 500 square feet.

12. Deviations from the Redevelopment Zone District Requirements and Requirements of the Land Use Ordinance.

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from the lot, bulk and intensity of development standards and other requirements in this Redevelopment Plan or other Borough ordinances, excluding the following:

- Variations that would require a 'd' variance pursuant to the N.J. Municipal Land Use Law at N.J.S.A. 40:55D-70.
- Paragraphs 7 through 11 of Part C above.

Accordingly, an amendment to the Redevelopment Plan shall not be necessary if the redeveloper(s) or property owner desires to deviate from the bulk provisions set forth in this Redevelopment Plan or the pertinent sections of Borough's Land Development Ordinance, or from the design standards set forth in this Redevelopment Plan or other applicable Borough ordinances. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as otherwise required by Borough ordinance. Decisions on such requests shall be made in accordance with the legal standards set forth in N.J.S.A. 40:55D-70c, in the case of requests for relief from zoning standards, and in accordance with the legal standards set forth in N.J.S.A. 40:55D-51, in the case of requests for relief from design standards.

13. Notwithstanding the provisions in paragraph 12.a above, a site plan application based upon this Redevelopment Plan may be filed and processed in accordance with this Redevelopment Plan prior to execution of a redevelopment agreement between the Borough and the redeveloper, provided that any approval of such site plan shall have as a condition precedent the execution of such a redevelopment agreement, and further provided that no development permits based upon this Redevelopment Plan shall be issued until such redevelopment agreement is fully executed by all parties.
14. In order to facilitate the redevelopment of the Redevelopment Area in accordance with this Redevelopment Plan, a redeveloper shall be permitted to subdivide any property within the Redevelopment Area in any configuration it deems reasonable, provided that any such subdivision shall be subject to applicable State laws and Planning Board approval.
15. Notwithstanding the existing Borough ordinance, the Developer shall provide adequate landscaping, shade trees and street trees, as determined by the Planning Board.

Implementing the Redevelopment Plan

The following restrictions and controls on redevelopment are hereby imposed in connection with this Redevelopment Plan:

- a. The designated redeveloper(s) shall be obligated to enter into a redevelopment agreement with the Borough prior to the commencement of any Redevelopment Area development and/or improvements as permitted in this Redevelopment Plan.
- b. The redeveloper(s), its successors or assigns, shall develop the land within the Redevelopment Area for the uses specified in this Redevelopment Plan.
- c. Until completion of the required improvements, the redeveloper(s) shall not be permitted to sell, lease or otherwise transfer or dispose of property within the Redevelopment Area without prior written consent of the Borough subject to transfers which may be permitted in a redevelopment agreement and for leases entered into by the designated redeveloper(s) with tenants in the ordinary course of business.
- d. Upon completion of the required improvements in any phase, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment, shall be deemed to no longer exist.
- e. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), the Borough, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, gender, sexual orientation or marital status as determined in more detail in a redevelopment agreement.
- f. Neither the redeveloper(s) nor the Borough, or the successors, lessees, or assigns of either of them, shall discriminate upon the basis of race, color, creed, religion, ancestry, national origin, gender, sexual orientation or marital status in the sale, lease or rental or in the use and

occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.

Amendments to the Approved Redevelopment Plan

This Redevelopment Plan may be amended from time to time in accordance with applicable law.

ATTACHMENT A – MAP OF RD AREA

