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## **GASTON AVENUE REDEVELOPMENT PLAN**

**BOROUGH OF SOMERVILLE  
SOMERSET COUNTY, NEW JERSEY**

**Planning Board Meeting, 10-14-2015  
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Amended December 23, 2016 (Ord. #2510-16-1205)**

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**Council**

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# GASTON AVENUE REDEVELOPMENT PLAN

## **I. Introduction**

Gaston Avenue Redevelopment Area was determined by the Mayor and Council to be an “area in need of redevelopment” in accordance with the Redevelopment and Housing law (NJSA 40A:12 et seq.). The Redevelopment Area is a “Non-Condensation Redevelopment Area which authorizes the Borough to use all those powers provided by the Legislature for use in redevelopment area other than the use of the eminent domain.

## **II. Requirements the Redevelopment Plan**

The Redevelopment Plan is required by statute to include the following items:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing location housing market;
4. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan;
5. Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the and State Development and Redevelopment Plan adopted pursuant to the “State Planning Act”.
6. By inventory, affordable housing units to be lost; and
7. Provisions for providing for lost affordable housing.

The redevelopment plan, when adopted, supersedes applicable provisions of the development regulations of the Borough. The provision of the development regulations, the ordinance adopting the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the plan shall contain an explicit amendment to the zoning district map included in the zone ordinance. The amended zoning district must be also indicate the redevelopment area to which the redevelopment plan applied.

### **III. Redevelopment Plan Purpose**

The redevelopment plan sets forth the bulk, land use and design standards for the following blocks and lots;

1. Block 43, lots 1.01, 8, 24, 26, 27, 28, 29, 30, and 31;
2. Block 44, lots 1, 2, 3, 4, 5, and 5.01;
3. Block 73, lots 13.01, and 16.02;
4. Block 74, lots 1, 2, 3, 17.01 and 18
5. Block 81, lot 1.01;
6. Block 83, lots 10, and 11; and
7. Block 83.01, lot 3.

#### **IV. Redevelopment Plan Principals**

Borough of Somerville Planning Board, Mayor and Council believe that **the Borough's residents and stakeholders** should determine how development occurs within the Borough and the Borough's redevelopment areas. To that end, the residents, local business owners, and other interested parties participated in designating this area as an area in need of redevelopment and in preparing this redevelopment plan. Specifically, the redevelopment plan allows more flexibility than the current zoning and encourages mixed development. Retail development should not compete with Main Street retailers and be supported by the surrounding community. The main principles with which the development will occur remain constant.

These principals are:

- urban design guidelines (building setback and style/layout shall be in keeping with the adjoining neighborhood and Borough ; and
- high quality materials will be used.

#### **V. Goals and Objectives**

The goals and objectives of this redevelopment plan are as follows:

1. Return unproductive and underutilized land to productive use consistent with the vision of the Stakeholders.
2. Increase property values and tax revenues by providing development that enhances the Borough economic vitality and serves the needs of the community.
3. Support the adjoining residential neighborhoods by encouraging boutique retailers to open within a short distance to these neighborhoods.
4. Create an environment that invites interaction between residents, encourages walking, outdoor living and is aesthetically attractive on a pedestrian scale.
5. Ensure that new development does not adversely impact the existing residential streets by requiring traffic impact studies be performed on development projects.
6. Provide for a greater variety of housing opportunities and choices within the Borough.

7. Bolster the surrounding residential community by adding a new diverse mixture of residential dwellings.
8. Embrace the principles of smart growth and sustainability by creating a compact moderate density development that is pedestrian friendly and consistent with the Metropolitan Planning Area “PA1” and regional center designation in the State Development and Redevelopment Plan.

## **VI. Relationship to Local Objectives**

This redevelopment plan furthers and promotes existing local objectives. The 1990 Master Plan, along with the 1991 Downtown Somerville Vision Plan, are the current master plan documents of the Borough.

A Reexamination of the Master Plan and Development Regulations was performed in 1998 and 2011. The reexamination stated that master plan policy to reinforce the existing pattern of commercial and office use along Gaston Avenue to Union Street while discouraging encroachment of these uses into surrounding properties that do not have frontage along Gaston Avenue was still valid. This redevelopment plan is consistent with the master plan, particularly the following objectives cited in the plan documents:

### **A. 1990 Master Plan & 1998 Master Plan Reexamination Report**

The 1990 Master Plan identified land use planning issues for specific policy treatment which were taken in consideration while preparing this redevelopment plan. The specific policy treatment pertinent to this redevelopment area as follows:

1. The Borough’s existing sound housing stock needs to be preserved and affordable housing opportunities should be increased where appropriate for Borough residents.
2. Indiscriminate conversion without regard to the historic attributes of a dwelling or sound planning principles should be prevented. In particular, the provision of adequate off-street parking and on-site landscape buffering should be facilitated through the adoption of proper ordinances and development controls.
3. The Borough should consider the acquisition of land for mini-parks spread throughout the Borough.
4. The Master Plan listed specific areas where changes to land use policy were recommended. Map#2 - “Land Use Plan Changes” in the 1990 Master Plan illustrates these changes. Approximately 50% of

the Gaston Avenue redevelopment area/plan is included in area #8 of said map (map is attached in appendix A). Area 8 are the properties fronting on Gaston Avenue (including a portion of Union Avenue). The delineated area is not intended to serve as recommended zone boundaries, but rather as general planning study area, for ease in discussion of specific land use concepts.

5. The focus of the following policy direction is not on preventing limited mixed use development but on preventing impacts associated with poorly planned office and commercial service establishments. The Master Plan made the following recommendations for area 8:
  - A) Develop stringent bulk standards for any infill development or redevelopment or existing properties;
  - B) Permit office conversions of principal buildings that do not increase the existing floor area;
  - C) Allow only office conversions of principal buildings that have the minimum required lot size for the existing zone and can provide the necessary parking onsite within confines of established yard and setback areas;
  - D) Develop greater landscape treatment standards and screening techniques for non-residential uses, particularly where they abut residential uses; and
  - E) Encourage coordinated vehicular access together with interconnected rear parking areas. Prohibit front yard parking

The 1998 and 2011 reexamination reports reaffirmed many of the above stated policies and objectives of the Master Plan.

## **B. Zoning Ordinance**

The redevelopment area/plan is in the B-4 Neighborhood Business Residential District. The Redevelopment Plan allows for more flexibility than the current zoning.

## **VII. Relationship to the Somerset County Master Plan**

### **A. Somerset County Strategic Plan, Priority Growth Investment Areas**

The Somerset County Planning Board worked closely with state, county and municipal officials, local and regional planners, the business community and

other individuals and stakeholder groups to prepare a series of GIS-based infrastructure, community and environmental asset maps. These maps formed the basis of a “criteria-based approach” for identifying areas most suitable for growth and preservation in the county. The asset maps were used to help identify areas where infrastructure and community facilities necessary to support growth are concentrated, and where growth is supported through state, regional and local planning and land use policies. They also illustrate the location of environmentally sensitive areas and critical natural resources; and were used to identify areas where environmental protection, restoration and agriculture are supported through state, regional and local planning and land use policies. This methodology, the resultant County Investment Framework (CIF) map and associated policy recommendations were also reviewed and accepted by these stakeholders.

The County Planning Board adopted the CIF on April 15, 2014 to serve as the geographic basis for all County planning projects and initiatives, including the Comprehensive Economic Development Strategy for Somerset County, developed by the Somerset County Business Partnership and also adopted as an element of the County Master Plan in April 2014. The CIF is intended to support ongoing regional and local smart growth, preservation, economic revitalization, sustainability and resiliency planning initiatives; achieve tactical alignment of land use, infrastructure and preservation plans, resources, programs, policies and investment decisions; and convey a clear investment message regarding local and regional land use priorities to both public and private sectors. The NJ State Planning Commission adopted a resolution supporting the County Investment Framework and recognizing it as a model for use statewide in October 2013.

Priority Growth Investment Areas (PGIAs) are areas where primary economic growth and community development strategies that enhance quality of life and economic competitiveness are preferred; and where appropriate, growth-inducing investments are encouraged. PGIAs are areas where development and infrastructure assets are already concentrated. They are prime locations for the vibrant mixed-use, live-work environments within walking distance of transit and green space, and that many employers, workers and households desire.

Priority Preservation Investment Areas (PPIAs) are areas where agriculture and the preservation and restoration of environmentally sensitive natural resources are preferred and where investments aimed at resource restoration and protection, and farmland and open space preservation are preferred. Environmental and agricultural assets are concentrated within the County’s PPIAs, as well as the County’s highly-prized scenic, rural and historic landscapes. These are the areas where voluntary use of environmental/agricultural stewardship best management practices by both the public and private sectors are encouraged. PPIA Greenways are also identified. Greenways traverse all investment area categories and are places

where investments that support a regional system of linked open space and conservation areas along stream corridors and ridgelines and the restoration of degraded environmental resources are high priorities. Greenways, parks and open space can be established within any of the investment area categories.

Alternative Growth Investment Areas (AGIAs) are existing substantially developed areas located within adopted sewer service areas that are not PGIAs or PPIAs, and where large-scale, growth-inducing investments are not desired. Most of the County's AGIAs consist of residential neighborhoods and include community oriented business and service establishments. These are quiet, safe, well-maintained residential areas where investments that enhance livability and neighborhood character are preferred. Local Priority Areas (LPAs) are a subset of AGIAs. These are distinct small town and village centers, some of which have been designated by the NJ State Planning Commission, that have limited growth opportunities due to their scale, historic character, environmental and access constraints and municipal preferences. Job retention and community sustainability are high priorities within LPAs.

Limited Growth Investment Areas (LGIAs) are areas that are outside of sewer service areas and that are not shown as PGIAs, AGIAs or PPIAs. LGIAs are places where large-scale investments that may lead to additional development or change in neighborhood character are not desired. LGIAs are comprised primarily of existing low-density, residential areas that are served by on-site septic systems. They are areas that support lifestyles with strong connections to the natural environment. Investments that restore and protect environmental resources, strengthen open space linkages and enhance quality of life are preferred in LGIAs.

The County Investment Framework will provide the platform for the updated County Strategic Plan's Guiding Principles, Objectives and Implementation Agenda. Both the County Investment Framework and associated GIS-based Asset maps and datasets will be updated on a regular basis to reflect new land use and preservation goals, priorities and opportunities. New criteria for informing land use and preservation investment decisions and that enhance the County Investment Framework will be developed and added when appropriate. Municipalities can request site-specific amendments to the County Investment Framework at any time, which will be evaluated using the previously established criteria-based approach. Business profiles and infrastructure assessments will be developed and marketing and investment strategies provided for PGIAs; and land stewardship best practice case studies will be compiled as PPIA implementation models for use countywide.

The entire Borough is a PGIA, therefore, this Redevelopment Plan is consistent with the PGIA designation.

## **B. Somerset County Master Plan Reexamination Report**

The Somerset County Master Plan Reexamination Report was prepared in 1998. The Somerset County Master Plan was adopted by the Somerset County Planning Board on June 29, 1987. The reexamination of the Master Plan was conducted in 1998 to facilitate a formal review of the Somerset County Master Plan and the various elements of the Master Plan. The Somerset County Master Plan Reexamination Report stated a number of recommendations regarding land use. The recommendations are as follows:

1. The development and implementation of a countywide transfer of development rights program to facilitate the re-direction of growth from the environs to centers. The County Planning Board should assist communities to develop land use and zoning policies that reduce development pressure in agricultural and rural areas through the use of development transfer techniques from the environs to centers.
2. County programs and initiatives should encourage and support the development of comprehensive or "Vision" plans for all centers pursuant to Center Designation and/or Plan Endorsement by the State Planning Commission. The County Planning Board should continue its support of the Regional Center Planning Process, and facilitate the development of a comprehensive regional center plan. As a first step, the County Planning Board should aid in the development of expanded opportunities for public participation in the regional center planning process and continue to facilitate the Regional Center Design Initiative, being pursued in 1999. Successful local partnerships between developers, multiple levels of government, citizens, special interest groups and non-profits should be publicized, as well as successful local grass roots, community based approaches to area or site specific development and redevelopment. Comprehensive center plans should give special attention to identifying areas for incremental infill and redevelopment and the expansion, upgrade and/or improvement of existing infrastructure improvements necessary to accommodate said development. Targeted uses for these sites, as well as the programs, partnerships and financial resources needed to implement the plan should be identified. The plan should also address social service, quality of life and other community revitalization concerns.
3. County capital and infrastructure improvements, various county funding programs and activities should be prioritized so as to serve as incentives/rewards for municipalities who adopt ordinances, plans and strategies which result in the re-direction of growth from the rural area to centers, promote brownfield

redevelopment and the retrofit of suburban sprawl areas and other countywide planning objectives. The County Economic Development Incentive Program (EDIP) is an example of how county funds have been directed to six older boroughs and two Census Tracts in Franklin Township to enhance local economies (the EDIP is no longer being used).

4. A greater residential component in the majority of the core areas to make them more town or village-like should be adopted. The County Planning Board should work with municipalities to identify appropriate retrofit areas in the County Master Plan. The County Planning Board should support the institutionalization of state and local plans, policies and capital improvement program that facilitate the retrofit of appropriate suburban sprawl areas and increase the growth capacities of existing centers. The application of neo-traditional town planning concepts to new development as well as suburban retrofit areas should be strongly encouraged through the County Master Plan.
5. The regional land use framework should be strengthened to encourage the appropriate distribution of growth amongst centers. Land development in centers should be consistent with the type of center, planning area and corridor within which it is located pursuant to the State Plan, so as to minimize deleterious competition amongst places, maximize regional infrastructure systems, avoid congestion on roadways with capacity constraints, and protect the environment and quality of life countywide. For example, regionally oriented retail centers should be concentrated with the regional center, with direct access to interstate highways and mass transit; convenience shopping and day care centers should be located in village core areas.

This Redevelopment Plan is within a regional center and includes brownfields and infill areas. The Plan incorporates areas designated for compact, energy development and employs smart growth principals. The Plan is consistent with the recommendations of the Somerset County Master Plan Reexamination Report pertaining to the regional center.

### **C. Somerset County Regional Center Strategic Master Plan**

The Somerset County Regional Center Strategic Master Plan was prepared in 2006 and lays out the next steps for the “Bridgewater Core” (Somerville Borough, Raritan Borough and a portion of Bridgewater Township) necessary to achieve the Regional Center Vision. The Plan recommends redevelopment that occurs in accordance with the following principles:

1. Encourage economic development and desirable reuse of former brownfield sites through redevelopment.
2. Ensure that redevelopment areas, whenever possible, are tied closely to the fabric of existing downtowns and Main Street areas.
3. Provide public access through each redevelopment area and connections to all greenways and open space.
4. Ensure that redevelopment planning takes into account the community context of each site and provides connections to the surrounding neighborhood.

This Redevelopment Plan encourages economic development and desirable reuse of properties fronting on Gaston and Union Avenues (i.e. Route 28) that is focused to act as a service for the surrounding neighborhood. The Redevelopment Plan embraces the above stated principals (where applicable) of the Somerset County Regional Center Strategic Master Plan.

### **VIII. Relationship to Plans of Adjacent Municipalities**

The Gaston Avenue Redevelopment area is not located adjacent to other municipalities. The closest municipality, Bridgewater Township, is over 1,400 feet away from the nearest portion of the redevelopment area. Given the small scale/boutique nature of the Redevelopment plan, which provides more flexibility of the existing B-4 zoning, the Redevelopment plan will not measurably impact Bridgewater Township

### **IX. Relationship to the State Development and Redevelopment Plan**

The State Planning Act requires the State Planning Commission to adopt a State Development & Redevelopment Plan. The State Strategic Plan is the revision to the 2001 State Development & Redevelopment Plan and sets forth a vision for the future of NJ along with strategies to achieve that vision. As of the date of this redevelopment plan revision the State Strategic Plan (SSP) is in draft form. Since all of Somerville is within a Priority Growth Investment Area (PGIA), the Redevelopment Plan is consistent with the goals and objectives of the SSP. Since the SSP is not adopted the relationship to the 2001 SDRP is herein discussed.

The NJ State Planning Act, adopted in 1986, created the NJ State Planning Commission and required the Commission to prepare the State Development and Redevelopment Plan (SDRP). The SDRP is to be revised and readopted every three years through a process called "cross acceptance". The initial SDRP was adopted in 1992 in which the Borough of Somerville was

designated as Metropolitan Planning Area (PA1). The SDRP was last updated in 2001. The criteria for Metropolitan Planning Area- PA1 are as follows:

1. Densities of more than 1,000 persons per square mile;
2. Existing public water and sewer systems, or with physical accessibility to said system, and with access to public transit systems;
3. Adjacent to the Suburban Planning Area;
4. Land area greater than one square mile;
5. A population of not less than 25,000 people or areas totally surrounded by land meeting the criteria of a PA1, are geographically interrelated with the Metropolitan Planning Area and meet the intent of that Planning Area.

The goals of the Metropolitan Planning Area (PA1), as stated on page 186 of the 2001 SDRF, are as follows:

1. Provide for much of the state's future redevelopment;
2. Revitalize cities and towns;
3. Promote growth in compact forms;
4. Stabilize older suburbs;
5. Redesign areas of sprawl; and
6. Protect the character of existing stable communities.

The redevelopment plan is consistent with all of these goals.

The SDRP identifies the following policy objectives for the Metropolitan Planning Area (PA1):

1. Land Use: Promote redevelopment and development in cores and neighborhoods of centers and in nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

*This redevelopment plan promotes redevelopment in PA1, which has been identified as such by a cooperative regional planning effort, since Somerville, Raritan and a portion of Bridgewater have been designated as a regional center by the State Planning Commission. This redevelopment plan also recognizes and promotes the diversification of land uses within the Regional Center.*

2. Housing: Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

*This redevelopment plan is consistent with the SDRP's housing policy. The redevelopment plan provides a range of housing choices, including townhouses, and apartments.*

3. Economic Development: Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

*This plan is consistent with this policy and provides a basis for creating public/private partnerships and infrastructure improvements.*

4. Transportation: Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

*Although not all of the above policies are relevant to Somerville, this redevelopment plan is consistent with most of the SDRP's transportation policy. The redevelopment plan encourages a higher density development pattern which, combined with the close proximity to the NJ Transit rail station and bus routes, will help to maintain and*

*enhance the use of mass transit. The mix of housing and non-residential uses in an urban environment, along with the streetscape improvements promoted by the plan, will help to encourage pedestrian activity.*

5. Natural Resource Conservation: Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to critical environmental sites, and Historic and Cultural Sites. Give special emphasis to improving air quality. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link to other Planning Areas.

*The redevelopment plan will promote the reclamation and better use of properties.*

6. Agriculture: Use development and redevelopment opportunities wherever appropriate and economically feasible, to meet the needs of the agricultural industry for intensive agricultural production, packaging and processing, value-added operations, marketing, exporting and other shipping. Provide opportunities for farms, greenhouses, farmers markets and community gardens.

*This redevelopment plan will help attract growth to the designated regional center, thereby reducing development pressure on agricultural lands within the center's environs. The plan also helps to expand local markets for agricultural products produced within the county, and for nearby agricultural tourism venues.*

7. Recreation: Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects.

*The redevelopment plan is properties fronting on either Gaston or Union Avenues (Route 28) and will not create recreational space. This objective is not applicable to this Redevelopment plan.*

8. Redevelopment: Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

*The redevelopment plan is completely consistent with this policy as the density and compactness of the proposed development is consistent with an urban setting.*

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

*Based on the research performed as part of preparing this plan, no historic or architecturally significant buildings or cultural sites were identified within the redevelopment area. Furthermore, no historic or cultural resources in the vicinity of the redevelopment area will be compromised by this plan, thus the plan is consistent with this policy.*

10. Public Facilities and Services: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

*The redevelopment plan is consistent with this policy as the existing infrastructure will be upgraded (as needed) to provide capacity for the redevelopment located within a Regional Center.*

11. Intergovernmental Coordination: Regionalize as many public services as is feasible and economical to enhance the cost-effective delivery of those services. Establish multi-jurisdictional policy and planning entities to guide the efforts of state, county and municipal governments to ensure compatible and coordinated redevelopment.

*The Somerset Regional Center Strategic Master Plan is a multi-jurisdictional plan that was completed for all three of the regional center municipalities (Somerville Borough, Raritan Borough and a portion of Bridgewater Township) and encompasses this redevelopment area. Development of this plan involved extensive and ongoing communication and coordination with the Regional Center Partnership, the non-profit entity comprised of representatives of each of the three municipalities, which oversees the development and implementation of the Somerset Regional Center Strategic Master Plan. One of the core principals of the Somerset Regional Center Strategic Master Plan is communication and coordination of planning efforts between the three towns. Therefore, this plan is consistent with the intent of this policy.*

## **Regional Center Designation**

In May, 1996, the Boroughs of Somerville and Raritan and an adjacent portion of Bridgewater Township were designated a regional center by the State Planning Commission. This redevelopment area is located within the Somerset Regional Center. Regional Centers are defined, (on page 241 of the SDRP) as the follows:

1. It functions as the focal point for the economic, social and cultural activities of its region, with a compact, mixed-use (for example, commercial, office, industrial, public) Core and neighborhoods offering a wide variety of housing types;
2. It has access to existing or planned infrastructure sufficient to serve projected growth;
3. It has, within the Center Boundary, an existing (or planned) population of more than 10,000 people in Metropolitan and Suburban Planning Areas;
4. It has (or is planned to have) a gross population density of approximately 5,000 persons per square mile excluding water bodies (or approximately three dwelling units per acre) or more within the Center Boundary;
5. It has (or is planned to have) within the Center Boundary, an employment base of more than 10,000 jobs in Metropolitan and Suburban Planning Areas;
6. It is near a major public transportation terminal, arterial intersection or interstate interchange capable of serving as the hub for two or more modes of transportation; and
7. It has a land area of one (1) to ten (10) square miles.

A Regional Center is a mix of residential, commercial and public uses serving a large surrounding area and developed at an intensity that makes public transportation feasible. Centers are the location where much of the growth in New Jersey will occur. "Centers promote community, protect the environment, provide cultural and aesthetic experiences and offer residents a superior quality of life" (SDRP, page 230). This redevelopment plan accomplishes these goals.

## **X. Gaston Avenue Redevelopment Plan Existing Conditions**

### **A. Existing Conditions in the Project Area**

All the properties comprising the Gaston Avenue Redevelopment Area border on Route 28 (Gaston or Union Avenue). The existing condition of each parcel is as follows:

#### 1. Block 43, Lot 1.01

The parcel consists of a RiteAid Pharmacy which is located at the southeast corner of North Gaston and Union Avenue. The RiteAid Pharmacy received approval from the Board of Adjustment approximately 17 years ago and the existing structures located onsite were demolished to install the single story RiteAid building. The front entrance to the building faces Union Avenue and onsite parking is located between the building and Union Avenue.

#### 2. Block 43, Lot 8.

The property is located at the northeast corner of North Gaston Avenue and Reimer Street and consists of single story building containing three storefronts. Only one storefront is currently occupied; a hair salon, which is located in the middle storefront. A dry cleaner was located in the southern most storefront but recently moved out. Onsite parking exists in the rear of the site, behind the building and is accessed from Reimer Street.

#### 3. Block 43, Lot 24

This parcel consists of a 2.5 story American Foursquare style single family dwelling with a wrap-around porch, façade consists of clapboard siding, that fronts on Eastern Avenue. The dwelling is over 70 years old. A detached garage is located in the rear of the property.

#### 4. Block 43, Lot 26

The property consists of a 2.5 story American Foursquare style single family dwelling that fronts on Union Avenue. The dwelling is over 70 years old, has a cedar shake façade, and is located to the west of Lot 24.

#### 5. Block 43, Lot 27

The Lot consists of a of a 2.5 story American Foursquare style single family dwelling that fronts on Union Avenue. The dwelling is over 70 years old, has a vinyl siding, and is located to the west of Lot 26.

6. Block 43, Lot 28

A 2.5 story American Foursquare style single family dwelling is located on this lot. The dwelling faces Union Avenue, is over 70 years old, and has a painted cedar shake façade. The parcel is located to the west of Lot 27.

7. Block 43, Lot 29

This parcel consists of a 2.5 story American Foursquare style single family dwelling. The façade consists of vinyl siding, the dwelling is over 70 years old, fronts Eastern Avenue and is located to the west of Lot 28.

8. Block 43, Lot 30

The Lot consists of a 2.5 story American Foursquare style single family dwelling. The façade consists of wood clapboard siding, the dwelling is over 70 years old, fronts Eastern Avenue and is located to the west of Lot 30. A detached garage is located in the rear of the property.

9. Block 43, Lot 31

A 2.5 story American Foursquare style single family dwelling is located on this lot. The dwelling faces Union Avenue, is over 70 years old, and has a vinyl siding façade. The parcel is located to the west of Lot 30.

10. Block 44, Lot 1

The property is located at the southeast corner of North Gaston Avenue and Reimer Street and consists of 2.5 story building containing with a hair salon located on the first floor. The building fronts Reimer Street and an apartment is located on the 2<sup>nd</sup> floor. Onsite parking exists in the eastern side of the lot (between the building and the property line) and the parking lot is accessed from Reimer Street. The American Foursquare style building that is over 70 years old appears to be a residential dwelling that was converted to retail ground floor use. An apartment is located on the 2<sup>nd</sup> floor.

11. Block 44, Lot 2

The Lot consists of a 1.5 story single family residence, Cape Cod style home with a single story addition added to the front. The façade of the single story front addition consists of T1-11 painted paneling. The dormer on the 2<sup>nd</sup> floor has vinyl siding. The dwelling appears to be over 70 years old and is located along the southern border with Lot 1.

12. Block 44, Lot 3

A 2.5 story American Foursquare style single family dwelling is located on this lot. The dwelling faces North Gaston Avenue, is over 70 years old, and has a painted cedar shake façade. The parcel is located to the south of Lot 2.

13. Block 44, Lot 4

This parcel consists of a 2.5 story single family American Foursquare style single family dwelling. The dwelling faces North Gaston Avenue, is over 70 years old, and has vinyl and/or aluminum façade. The lot is located to the south of Lot 4.

14. Block 44, Lot 5.01

A two story building exists on this Lot. The first story of the building consists of a florist, bodega style convenience store, an entrance to the 2<sup>nd</sup> floor and a garage door. An apartment is located on the 2<sup>nd</sup> floor and the garage is accessed by the apartment (the florist and bodega cannot access the garage). The site contains a few onsite parking spaces along the southern boundary with Lot 5. The onsite parking can accommodate two or three vehicles. The age of the structure cannot be determined based upon the architectural style of the building, however, based upon the layout and design of the storefronts; it appears that the building is over 70 years old.

15. Block 44, Lot 5

A pizzeria is located on this site. It appears that the building was once a 2.5 story single family residence that had a storefront addition added to the front façade. The style of the dwelling is American Craftsman with cedar shake façade. The addition is T1-11 plywood with commercial glazing. An Offsite parking lot exists in the side yard, along the northern property boundary with Lot 5.01. An apartment is located on the 2<sup>nd</sup> floor. The property is located at the northeast corner of North Gaston Avenue and East Cliff Street.

16. Block 73, Lot 13.01

A 1.5 story funeral home was constructed on this lot in 2004. The Board of Adjustment granted approval of the use. The site contains an onsite parking lot which is located in the rear of lot. The building fronts on North Gaston Avenue and the lot is located at the southwest intersection of North Gaston Avenue and Bartine Street.

17. Block 73, Lot 16.02

In 2005/2006 the property received site plan approval from the Board of Adjustment to construct a bakery/coffee shop and a mixed use building consisting of retail storefronts on the 1<sup>st</sup> floor and apartments located on the

upper floors. As part of the approval three lots were consolidated to create Lot 16.02. The Lot currently contains three buildings; 1) a 2.5 story bakery; 2) drive thru bank; and, 3) a one story building last used as a funeral home. All three (3) buildings are vacant. The funeral home was last occupied in 2004 and the tenant moved out of the building and into the newly constructed funeral home on Lot 13.01 (in 2004). The bakery ceased operations in 2012 and the drive thru has not been occupied for well over a decade. The bakery building is over 70 years old and the age of the drive thru bank and one story building last used as a funeral home are over 30 years old.

18. Block 74, Lot 1

A four (4) family apartment building is located on this lot and lot contains onsite parking, which is located in the rear of the property, behind the building. The façade consists of vinyl siding and the style of the building is American Foursquare. The building is over 70 years old.

19. Block 74, Lot 2

This property contains a 2.5 story building that received approval from the Planning Board to be used a medical office for a doctor. The site has onsite parking located in the rear and it appears that a single story front addition was added to the American Foursquare style building. The 1<sup>st</sup> floor additional facing the North Gaston Avenue consists of brick veneer and commercial windows. The remainder of the building consists of vinyl siding. The building has been vacant for a number of years and building as only used for a short time as a medical office. Prior to the Planning Board approval of the medical office in 2009, the building was vacant. The parking lot is shared with Lot 3.

20. Block 74, Lot 3

The site contains a 2 story building that is currently being used as a restaurant. As mentioned above, the site has parking lot that is jointly shared with adjoining Lot 2. The site has been operated as a restaurant for well over a decade and within that time frame the names and cuisines of the restaurant has changed a few times. The occupancy of the building may be less than 50% over the last 6 years. The building façade consists of stucco and has a modern look. The building is greater than 60 years old.

21. Block 74, Lot 17.01

The site received site plan and subdivision approval in 2006 by the Board of Adjustment. The existing one story building was renovated a small portion the building demolished. The building now contains four (4) retail

storefronts which three of the storefronts are occupied. The storefronts are occupied with a bike shop, custom glass installer and pizzeria. The building was constructed greater than 80 years ago (based on review of historic aerials). The façade consist of EIFS and the site contains onsite parking, which is located on western side of the lot.

22. Block 74, Lot 18

The lot contains a deli specializing in Indian food and has an apartment on the 2<sup>nd</sup> floor. The apartment is currently not being occupied due code/framing issues. A onsite parking lot is located in the rear of the site and it appears that a two story front addition was added to the building to create a storefront. The building is greater than 60 years old and it may have been built prior to 1931 (the resolution of the 1931 aerial is poor and it appears that the building is present in 1931). The original building style was American Foursquare style with an aluminum/vinyl sided façade.

23. Block 81, Lot 1.01

The site is located at the northwest intersection of North Gaston Avenue and William Street and contains a 2.5 story single family dwelling with a three car detached garage. The Spanish Colonial house has a terra cotta roof, cement walls and is over 80 years old. The house fronts North Gaston Avenue and the garage fronts William Street.

24. Block 83, Lot 10

The parcel contains a 2.5 story building that is located at the northeast corner of North Gaston and Union Avenues. The building is a restaurant/bar and was recently renovated. The renovation was to the exterior and interior and including paving the parking lot and new landscaping. The 2<sup>nd</sup> floor has an apartment and the building was built over 60 years ago. The main entrance to the restaurant is from North Gaston Avenue and the parking lot is located along the northern property line.

25. Block 83, Lot 11

The site was used as a gas station for decades but has been vacant for over 10 years. A few years ago the Planning Board conditionally approved the use of the property as an convenience store, but construction has not begun. The building is over 60 years old.

26. Block 83.01, Lot 3

A strip shopping mall is located on this Lot. The lot is on the northeast corner of the intersection between Union Avenue and Roosevelt Place. The

shopping mall has four storefronts facing Union Avenue, which are the following; 1) liquor store, 2) travel agency, 3) deli, and 4) dry cleaners. The building has two (2) tenant spaces facing Roosevelt Place, which are a Department of Motor Vehicles and a dance studio. The existing footprint of the building was constructed over 40 years ago. The site contains parking and the parking is located in the front yard, between the building and Union Avenue and Roosevelt Place.

## **B. Environmental Constraints**

Environmental information regarding soil and/or groundwater contamination on each parcel is not currently available.

## **C. Wetlands & Floodplains**

Cole and Associates, LLC have reviewed the revised FIRM (Flood Insurance Rate Map), community panel numbers 34035C0153E, 34035C0162E, 34035C0161E and based upon our review no portion of the redevelopment area is within a 500 year or 100 year flood plains. The revised FIRM was released (effective date of 9/28/07). The NJDEP Flood Hazard Area Rules were revised and became effective 11/5/07. Under the new rules, filling of the flood plain cannot be performed without removing fill or creating additional flood plain within the same watershed. The Raritan River is a NJDEP delineated stream and the flood hazard area depicted on the NJDEP map is the regulated area. Based upon our review of the NJDEP flood hazard mapping the entire redevelopment area is not within a flood hazard area. In addition, based upon our cursory field investigation of the Redevelopment Area and review of available mapping (including NJDEP GeoWeb) freshwater wetlands do not exist within the Redevelopment Area, with the exception of a Block 73, Lot 16.02 which may contain wetlands along the western property where a swale exists.

## **D. Stormwater Regulations**

Stormwater management within the redevelopment area must comply with the current NJ State Stormwater Regulations (N.J.A.C. 7:8) including, but not limited to stormwater detention per the New Jersey Residential Site Improvement Standards (RSIS). The type of redevelopment proposed varies throughout the project area, and it is envisioned that construction will take place in stages over time, rather than occur in one phase. Most of the redevelopment area contains a predominance of impervious cover. Therefore, the 80% removal of Total Suspended Solids (TSS) as mandated by the new regulations may not be applicable since the net increase of impervious surface may be less than one-quarter acre.

## **XI. Redevelopment Plan Overview**

As previously iterated, the redevelopment plan allows more flexibility the current zoning and encourages mixed development. Retail development should not compete with Main Street retailers and be support by the surrounding community.

## **XII. Redevelopment Plan Permitted Uses, Bulk & Intensity of Use**

The land use, bulk and intensity of development standards for Redevelopment Area are as follows:

### **A. Permitted Uses.**

The following principal uses shall be permitted within the redevelopment zone district. Such uses shall be defined by the current edition of the NAICS Code (SIC Code was replaced by the NAICS). The definition is the same as in Schedule A of the Borough's Land Use Ordinance, except as noted otherwise by Schedule A, in which case the definition for such uses shall be the same as provided in the definitions article of the Land Use Ordinance.

The following uses are permitted throughout the redevelopment zone:

#### Residential

1. Townhouses;
2. Two, or three or four family dwellings
3. Mixed use buildings where apartments are located on the upper floors

#### Retail Trade

1. Paint, glass and wallpaper stores
2. Hardware stores
3. General Merchandise Stores
4. Food Stores except the slaughter and cleaning of live animals including sale of live animals is prohibited.
5. Auto and home supply stores
6. Apparel and accessory stores
7. Home furniture and furnishings stores including household appliances (TV, radio, etc.)
8. Eating and drinking places
9. Miscellaneous retail, excluding fuel and bottle gas dealers

#### Finance, Insurance and Real Estate

1. Depository Institutions
2. Nondepository credit institutions

3. Security and commodity brokers
4. Insurance carriers
5. Insurance Agents, brokers and service
6. Real estate operators, lessors, agents, managers
7. Title abstract offices;
8. Subdividers and developers
9. Holding and other investment offices

### Services

1. Personal Services (laundry, dry cleaning, portrait, photographic, beauty/barber shops, shoe repair, funeral service, massage therapy)
2. Advertising
3. Consumer credit reporting, mercantile reporting, adjustment and collection agencies
4. Mailing, reproduction, commercial art, photography and stenographic services
5. Services to buildings
6. Miscellaneous equipment rental and leasing
7. Computer and data processing services
8. Miscellaneous business services
9. Electrical Repair Shops
10. Watch, clock and jewelry repair
11. Reupholstery and furniture repair
12. Video tape rental
13. Amusement and recreation services (producers, orchestras and entertainers)
14. Health services (offices and clinics of medical doctors, dentists, osteopathic physicians and other health practitioners, out-patient only.
15. Home health care services
16. Legal Services
17. Social Services; job training/vocational rehabilitation services, child care centers and other social services.
18. Museums, art galleries, botanical and zoological gardens
19. Membership Organizations; business, professional, labor, civic, social, political associations and other membership organizations
20. Engineering, architectural and surveying services
21. Accounting, auditing and bookkeeping services
22. Management, public relations services and other services
23. Railroad transportation
24. Transportation services (arrangement of passenger and freight cargo transportation)
25. Municipal buildings and uses
26. Public safety buildings and uses
27. Other government uses

### Agriculture, Forestry and Fishing

1. Veterinary services (pets only, excluding pet/animal hospitals)
2. Animal specialty services for domestic pets
3. Landscape counseling, planning

### Non-classifiable Establishments

1. Public parks

### Accessory Structures

1. Private garages
2. Surface parking areas
3. Signs
4. Sidewalk cafes

## **B. Lot, Bulk & Intensity of Development Standards**

The lot, bulk and intensity of development standards are as follows:

1. Min. Lot Area = 7,500 square feet
2. Min. Lot frontage = 50 feet
3. Min. Lot width = 50 feet
4. Min. front yard = In general conformance with the adjacent structures
5. Min. side yard (one/both) = 12'/24'
6. Min. rear yard = 25 feet
7. Max. FAR = 30%
8. Max. improvement coverage = 75%
9. Max. building height = 35 feet

## **C. Other Requirements**

In addition to the general supplemental requirements in this redevelopment plan (see below) the following other requirements shall apply:

1. All requirements applicable in the B-4 district in the Land Use Ordinance shall apply except as superseded by this redevelopment plan.

2. Buildings with flat roofs need to have parapet walls that articulate and add interest to the building. The developer is encouraged to add interest to the structure by stepping/alternating the roof elevation and by adding dormers and other features that add interest to the structure. Acceptable types of roofs include (but are not limited to) the following: hip, mansard, gable, A-frame (small scale) and Dutch hip. The minimum roof pitch shall be 4:12.
3. Building height is herein defined as the height above average grade (around the structure) to the highest portion of roof (in most cases this measurement is to the roof ridge line). Chimneys are excluded in this measurement.
4. All developments shall be either single or mixed use. If mixed use, they shall contain a combination of residential/retail, office/services/retail/residential, office/services/residential. The retail component in any building shall be located on either the first and/or second floors. Innovative concepts in which roof and/or top floor of the buildings is proposed for retail will be reviewed on a case by case basis and (at the discretion of the Planning Board) may be found to be consistent with this Plan. In no case will retail located in the middle of the building, surrounded by either residential or commercial floors, be acceptable.
5. The intent of the mixed use is to allow the residences to attract and support limited retail within the zone and in the immediate areas surrounding the zone.
6. Emergency backup power for the building or portion of the building maybe required by the Planning Board.
7. Any proposed development that generates more than, 1,200 gallons of sanitary sewer flow, as calculated using NJDEP methodology, shall perform a sanitary sewer study to ascertain that the existing sanitary sewer system has adequate capacity. This study may be waived by the Borough Sewer Engineer, if there is existing data that confirms that there is adequate capacity.

### **XIII. Building Design Guidelines**

#### **A. Number of Bedrooms**

Each dwelling unit shall contain one (1), two (2) bedrooms or be studios. The Developer is encouraged to provide a wide mix of housing so that the development is appealing to a broad spectrum of the public. The number of bedrooms and studios, including distribution of the studio, one (1), and two

(2) bedroom units shall be proposed by the Developer and approved by the Planning Board. To that end the Developer shall provide data in support of the bedroom mix and address all questions/concerns to the satisfaction of the Planning Board.

#### **B. Minimum habitable floor area per dwelling unit**

A studio unit shall be a minimum of 550 square feet, a one bedroom unit shall be a min. of 800 square feet and a two bedroom unit shall be a min. of 1,000 square feet. Habitable floor area shall be measured to the interior face of the walls that define the limits of the dwelling unit 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 area.

#### **C. Architectural Design Guidelines**

The architecture style of the buildings shall be varied so that a repetitive pattern is not used throughout the development. Upon review of the site plans and architectural elevations of the buildings, the Planning Board shall determine whether the proposed architectural style of the buildings is repetitive. If the architecture style of the buildings is found to be repetitive, the architectural elevations shall be modified (as necessary) to the satisfaction of the Planning Board.

The character and style of the commercial and residential development shall be consistent with the architectural style found in the Borough and surrounding County, and compliment that existing "built" environs. The Planning Board shall determine whether the aesthetics of the proposed redevelopment compliments the existing built environment and is in keeping with the character of the Borough.

#### **D. Rooftop Mechanical Equipment**

All rooftop mechanical equipment shall be set back so that it cannot be seen from the street or screened. If screened with material, color and style consistent with the architecture of the building.

#### **E. Building Materials**

Buildings constructed throughout the redevelopment areas should add character to the Somerville and reflect the historic styles found within the Borough and region. High quality materials should be used and these buildings should be designed to achieve a life span of at least 75 years. Acceptable building materials include wood clapboard siding, brick, and decorative concrete, terra cotta, ceramic/glazed tile as well as other natural

materials such as marble, granite and cedar shakes. The use of EIFS and other synthetic stucco materials including vinyl siding are discouraged.

#### **XIV. Streets, Parking and Landscaping Requirements**

##### **A. Streets & Parking**

No new streets are contemplated in the redevelopment area. The minimum number of onsite parking spaces needed for the proposed development is as required on Schedule C of the Borough Land Use and Development Ordinance. Notwithstanding the foregoing, a mixed-use shared parking approach shall be permitted, which approach may supersede § 102-118B and § 102-118B(7), as appropriate and as determined by the Planning Board, upon the submission of adequate proofs by the developer that such an approach would reduce the parking demand from the development below that which would otherwise be required. In addition, a reduction in the number parking spaces required by the RSIS will be entertained by the Planning Board based upon submission of adequate proofs by the developer.

All off-street parking spaces shall be provided by either structured garages or surface parking lots. The parking areas should be located at the rear of a building away from view of streets, pedestrian paths and open spaces. No parking is permitted within the front yard setback of any building. The Planning Board will entertain reduction of the parking requirements upon submission of adequate proofs by the developer.

Providing off-site parking to satisfy the parking demand will be entertained by the Planning Board as long as the walking distance is found to be acceptable (i.e. the Planning Board will grant the “C” variance). The applicant is encouraged to review of the recommend walking distances from parking lots stated in the Urban Land Institute (ULI) Shared Parking, 2nd edition.

The ULI Shared Parking, 2nd Edition, states the following regarding acceptable walking distances; “A 300-foot walking distance may be unacceptable to a customer wishing to pick up a single product at a drug or convenience store. A 2,000-foot walking distance from a parking facility is generally considered acceptable for theme parks and event facilities; event parkers wishing to avoid parking fees may trek even farther. The weather and available protection from precipitation will affect acceptable walking distances, as will “friction” along the walking path of travel. Walking through areas perceived as unsafe will significantly reduce acceptable walking distance. Having to cross major streets, railroad tracks or bridges across freeways can be less desirable than a more direct, pedestrian-friendly route. Another key factor is the visibility of the ultimate destination along the path of travel”. The parking requirements for the residential development shall be

as required by the RSIS (Residential Site Improvement Standards) unless the Planning Board grants an exception.

## **B. Landscaping**

Landscaping of the street extensions, new access roads, parking lots, and redevelopment areas as a whole shall be in accordance with the Borough Land Use Ordinance (§ 102 et. seq.). In addition, all surface parking lots in shall conform to the following requirements:

The minimum buffer width of eight feet shall be maintained between the parking spaces and property line. The buffer should be landscaped and screen the parking lot from the adjacent properties.

## **XV. Supplemental Requirements**

### **A. 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 or any State laws or regulations. The terms and specifics concerning how such obligation will be addressed shall be determined by the Borough Council and be set forth in a redevelopment agreement between the Borough and the redeveloper prior to commencement of the project.

### **B. Affordable Housing Units to be Lost**

The redevelopment area does not contain deed restricted COAH style affordable housing units. Therefore, a plan to create additional affordable housing due to demolition, renovation, etc. is not applicable.

### **C. Planning Board Review**

Prior to obtaining a construction permit for the redevelopment, site plans shall be prepared in accordance with the Municipal Land Use Law (MLUL) and shall be submitted to the Planning Board for review and approval. Any subdivisions of lots within the Redevelopment Plan shall be in accordance with the requirements of the Redevelopment Plan and the subdivision ordinance of the Borough of Somerville. Developer(s) are is also responsible for obtaining all other approvals as necessary, including subdivision and/or site plan approval from the Somerset County Planning Board.

The Planning Board shall be permitted to refer to the Architectural Review Board (ARB) development plans submitted by the designated redeveloper as part of the development review process. The role of the ARB shall be advisory only and the Planning Board shall not be bound by any comments that may be submitted to it by the ARB. Any referral from the Planning Board shall be provided in a timely manner such that there is no conflict with the statutory timeframes for the Planning Board to act on the development application. Failure by the ARB to submit comments within the required timeframe shall not affect the Planning Board's ability to act on the development application in accordance with the applicable law.

#### **D. Non-Discrimination Provisions**

No covenant, lease, conveyance or other instrument shall be affected or executed by the Mayor and Borough Council of the Borough of Somerville or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough Council of the Borough of Somerville, or the developer, upon the basis of race, creed, color, sexual orientation, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, sexual orientation or national origin.

#### **E. Duration of the Plan**

The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this plan by the Borough Council.

#### **F. Deviation Requests**

The Planning Board may grant deviations from the regulations contained within the Redevelopment Plan where, by reason for exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to the Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. Any deviation from use, height or a "d" variance under the MLUL (N.J.S.A. 40-55D-1 et seq.) shall require an amendment to the Plan by the Borough Council. 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 requirement of this 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. The Planning Board alone shall have the authority to grant deviations from the requirements of the Plan, as provided herein. Final adoption of this Plan by the Mayor and Borough Council shall be considered an amendment of the Borough Zoning Map.

### **G. Borough Zoning Ordinances**

This Redevelopment Plan shall supersede all applicable sections of the Borough's Zoning Regulations. All other land development regulations shall remain applicable, unless otherwise stated herein. 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.

### **H. Procedure for Amending the Approved Plan**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. Any party requesting an amendment is required to submit such request to the Borough Council. A fee of \$500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Borough Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which must be prepared by a Professional Planner, licensed in the State of New Jersey. In addition, the Borough Council, at its sole discretion, may require the party requesting the amendments establish an escrow account with the municipality adequate to allow the Borough to retain a Professional Planner, licensed in the State of New Jersey, to review any proposed amendments to confirm that the intent of the Plan will not be compromised.

### **I. Street and Site Lighting**

All outdoor lighting, including street lamps and accent lighting, shall comply with "dark sky" standards. Dark sky standards are intended to reduce nighttime light pollution. They require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of night skies. The light poles and outdoor lighting fixtures shall be decorative. Shoe box type fixtures are prohibited. The light trespass shall be 0.5 foot candles or less.

## **J. Existing & Proposed Utilities**

Electric, telephone, cable, water, gas and sewer services exist within the Gaston Avenue redevelopment area and the redevelopment area is within a sewer service area. Adequate sewer capacity exists for the proposed redevelopment. All development shall be serviced by underground utilities, overhead wires to the building(s) are prohibited. If the existing poles are in front of the proposed building and the Planning Board finds that utility poles are unattractive and detract from the building façade, the Planning Board reserves the right to require the utility poles to be relocated or the services placed underground. All pad mounted transformers, signal boxes, electrical meters, etc. shall be screened from ground level views by landscaping, fencing or walls. The equipment shall not be installed in the public right of ways of streets but be set back a minimum of 10 feet from the right of way. The equipment shall be located within utility easements and be readily accessible to PSE&G and other utility companies.

## **K. Implementing the Redevelopment Plan**

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

1. The designated developer(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.
2. The redeveloper, its successors or assigns, shall develop the land within the Redevelopment Area for the uses specified in this Redevelopment Plan.

## **L. Open Space**

Ideally each parcel to be redeveloped should contain open space for active/passive recreation. However due to the size of the parcels, it may not be possible to create open space. Developers are encouraged to employ innovative techniques to create opens space. For example, designing the building with a flat green roof for the use of the tenants as a garden or passive recreation.

## **M. Street Trees**

The minimum number of streets trees as stated in the Borough Ordinance should be provided. If the minimum number of street trees is not provided a financial contribution of \$ 650.00 per tree shall be made to the Environmental Commission for the purpose of planting trees.

## **N. Satellite Dishes**

Satellite dishes are prohibited for being placed in public view.

The language regarding outdoor cafes/dining in the Gaston Avenue Redevelopment Area is as follows:

## **O. Outdoor Café/Dining**

The requirements for developments involving outdoor cafes/dining are as follows:

1. If one or two tables are proposed (two seats per table) and the tables are located on the public sidewalk, the outdoor dining area is exempt in determining the parking demand for the development.
2. If the outdoor café/dining area exceeds two tables or four seats, regardless of location, the use shall be approved by the Planning Board. The parking demand associated with the outdoor seating area shall be calculated using the applicable formulas stated in Schedule C of the Borough Land Development Ordinance.
3. The layout and location of the outdoor dining area shall be screened from the adjoining residential lots (lots containing dwelling units) and shall not adversely impact the adjoining properties by way of light trespass and/or sound. The applicant shall demonstrate that the cumulative sound generated from unamplified human voices does not exceed 70 dBA from 7:00 AM to 9:00 PM and 55 dBA after 9:00 PM at the property line with the adjoining residential lots.
4. The outdoor dining area shall not be operated/used during core sleep hours; 11:00 PM to 6:00 AM.
5. The proposed use of an outdoor café/dining area is herein defined as a Major Site Plan and includes (among others) notifying of the property owners within 200 feet.

# Appendix A

# 1990 Master Plan Map #2 Land Use Plan Changes

