TOWNSHIP OF MAPLEWOOD

RESOLUTION NO. 23-14

RESOLUTION
DIRECTING
THE REPUBLISHING
OF THE REDEVELOPMENT PLAN
FOR THE PSE&G SITE

WHEREAS, on December 17, 2013, the Maplewood Township Committee passed Ordinance No 2738-13, adopting the Redevelopment Plan for the property identified as Block 42.02, Lot 2, 186-238 Boyden Avenue (the "PSE&G Site"); and

WHEREAS, the Redevelopment Plan had previously been reviewed and approved, with modifications, by the Maplewood Planning Board; and

WHEREAS, those modifications were adopted by the Maplewood Township Committee; and

WHEREAS, due to clerical inadvertence, Ordinance No. 2738-13 was published with a version of the Redevelopment Plan, which was not the final adopted version of the Redevelopment Plan; and

WHEREAS, the final adopted version of the PSE&G Site Redevelopment Plan is attached to this Resolution; and

WHEREAS, in order to avoid confusion, it is in the best interests of the Township of Maplewood to publish the finally adopted PSE&G Site Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that:

1. The copy of the PSE&G Site Redevelopment Plan annexed to this Resolution is the final adopted version of the PSE&G Site Redevelopment Plan;
2. The Township Clerk be and is hereby directed to

publish in the Maplewood South Orange News Record a copy of this Resolution, along with PSE&G Site Redevelopment Plan annexed hereto;

3. The Township Clerk be and is hereby directed to attach a copy of the PSE&G Site Redevelopment Plan annexed to this Resolution to Ordinance No. 2738-13 in place of the PSE&G Site Redevelopment Plan presently annexed thereto;

4. A copy of this Resolution along with the attached PSE&G Site Redevelopment Plan be forwarded to the Planning Board of the Township of Maplewood, so that the Township's Zoning Map may be amended and superceded to reflect the provisions of the adopted Redevelopment Plan.

I, Elizabeth J. Fritzen, Township Clerk of the Township of Maplewood, in the County of Essex and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey, at a regular meeting of said Committee held on January 21, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Township of Maplewood in the County of Essex and State of New Jersey, on this 21st day of January 2014.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk

PSE&G Site Redevelopment Plan

Township of Maplewood, New Jersey

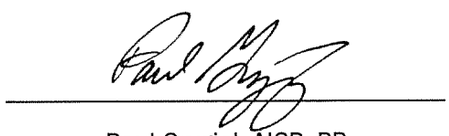
Adopted by the Maplewood Township Committee
December 17, 2013

Prepared for:
Township of Maplewood

Prepared by:
Phillips Preiss Grygiel LLC
Planning and Real Estate Consultants

33-41 Newark Street
Third Floor, Suite D
Hoboken, NJ 07030

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



Paul Grygiel, AICP, PP
New Jersey Professional Planner License # 5518

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1 Introduction

A. BASIS FOR THE PLAN

This Redevelopment Plan has been prepared for Block 44.02, Lot 2 within the Township of Maplewood, Essex County, New Jersey (the "redevelopment area"). The redevelopment area is located in the east central portion of the Township of Maplewood at the intersection of Springfield Avenue and Boyden Avenue and was formerly utilized by PSE&G. The Maplewood Township Committee in 2013 determined by resolution that this property qualified as an "area in need of redevelopment" in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. This Redevelopment Plan provides the development regulations and other standards to guide the redevelopment of the redevelopment area.

B. PURPOSE/VISION

The Redevelopment Plan sets standards for the construction of buildings and other improvements in the redevelopment area. The Redevelopment Plan is intended to create a new anchor at the eastern gateway to Maplewood on Springfield Avenue. The introduction of new housing to the redevelopment area will enhance commercial uses in the vicinity by providing potential new customers as well provide a new housing option for Maplewood. The streetscape along Springfield Avenue and Boyden Avenue will be improved by the addition of an attractive new building, which will include ground floor retail uses along Springfield Avenue and pedestrian-friendly design.

C. NOTE ON PLAN TERMINOLOGY

Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between "shall" and "should."

- "Shall" means that a developer is required to comply with the specific regulation, without any deviations.
- "Should" means that a developer is encouraged to comply but is not required to do so.

D. DEFINITIONS

The definitions set forth in the Zoning and Development Regulations of the Township of Maplewood shall apply to this Redevelopment Plan. If a term used in this Redevelopment Plan is not defined in the Zoning and Development Regulations of the Township of Maplewood, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply.

2 Context

A. SURROUNDING AREA CONTEXT

The redevelopment area consists of a single property located within the east central portion of the Township of Maplewood along Boyden Avenue at its intersection with Springfield Avenue and is 3.86 acres in area. It was previously utilized by PSE&G (Public Service Electric & Gas) for multiple purposes, including offices, research laboratories and vehicle storage and repair. The redevelopment area's locational context within the Township is shown on Figure 1. The redevelopment area is designated as Block 44.02, Lot 2 according to the Township's tax maps (see Figure 2). The redevelopment area boundaries are formed generally by the following: the southeasterly right-of-way line of Boyden Avenue from Block 44.02, Lot 101 to Block 44.02, Lot 1; the easterly property line of Block 44.02, Lot 1; the northerly right-of-way line of Springfield Avenue from Block 44.02, Lot 1 to Block 44.02, Lot 50; and the westerly property lines of Block 44.02, Lot 50 and Block 44.02, Lot 101.

The redevelopment area is located in an area of the Township characterized by several institutional uses, including a New Jersey Transit Bus Garage and office building, the Maplewood Community Pool, Maplewood Fire Department Station Number 2 and Maplewood First Aid Squad headquarters; commercial uses along Springfield Avenue; and one-family, two-family and multifamily residential. The redevelopment area's setting in the immediate surrounding area is shown on Figure 3. The redevelopment area is unique within the Springfield Avenue corridor, as it is a large, deep site with multiple street frontages while most lots along this street are small and hampered by their lack of depth.

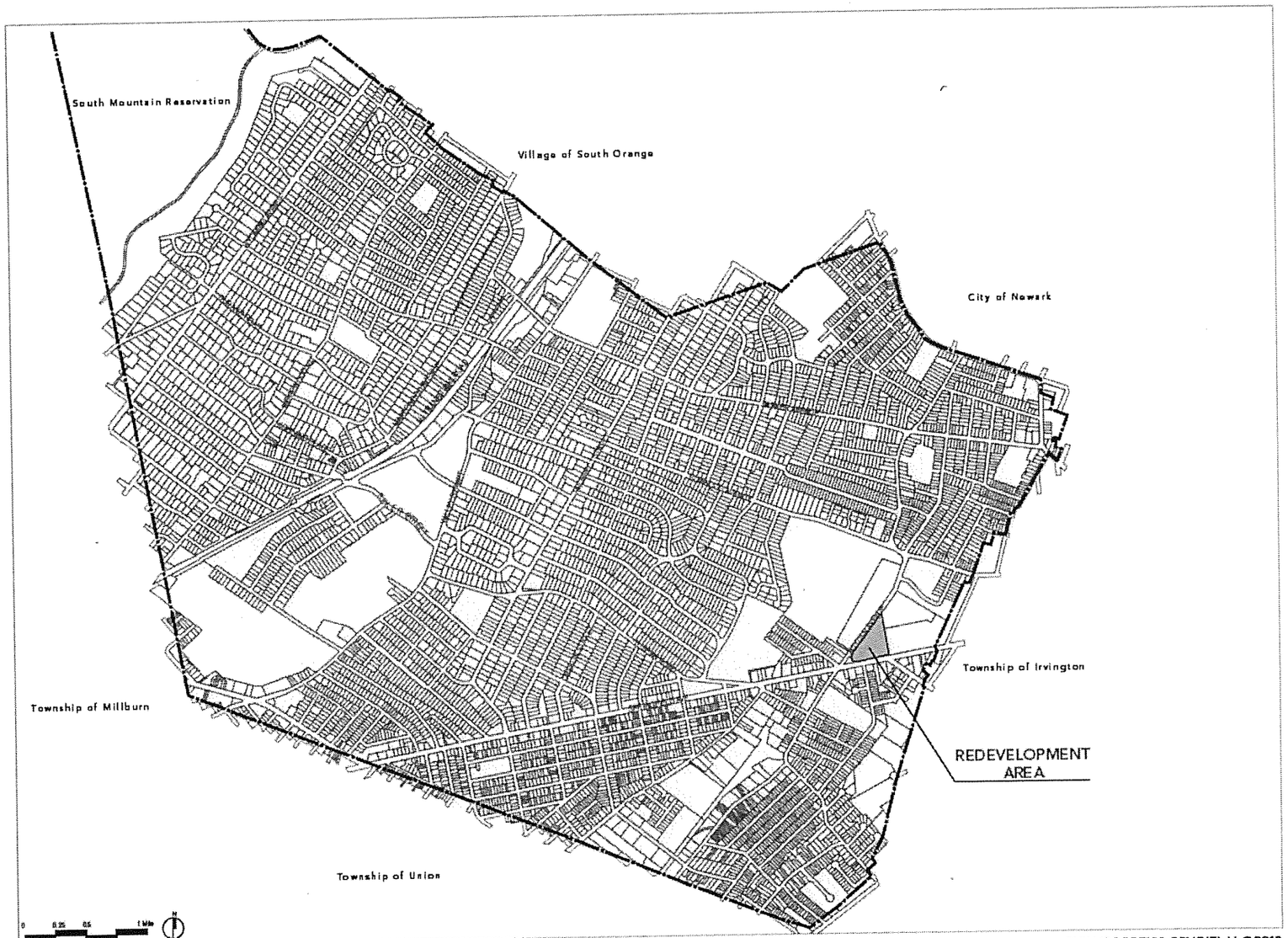

Figure 1: Redevelopment Area Location | PSE&G Site Redevelopment Plan | Township of Maplewood, NJ

PHILLIPS PREISS GRYGIEL LLC 2013

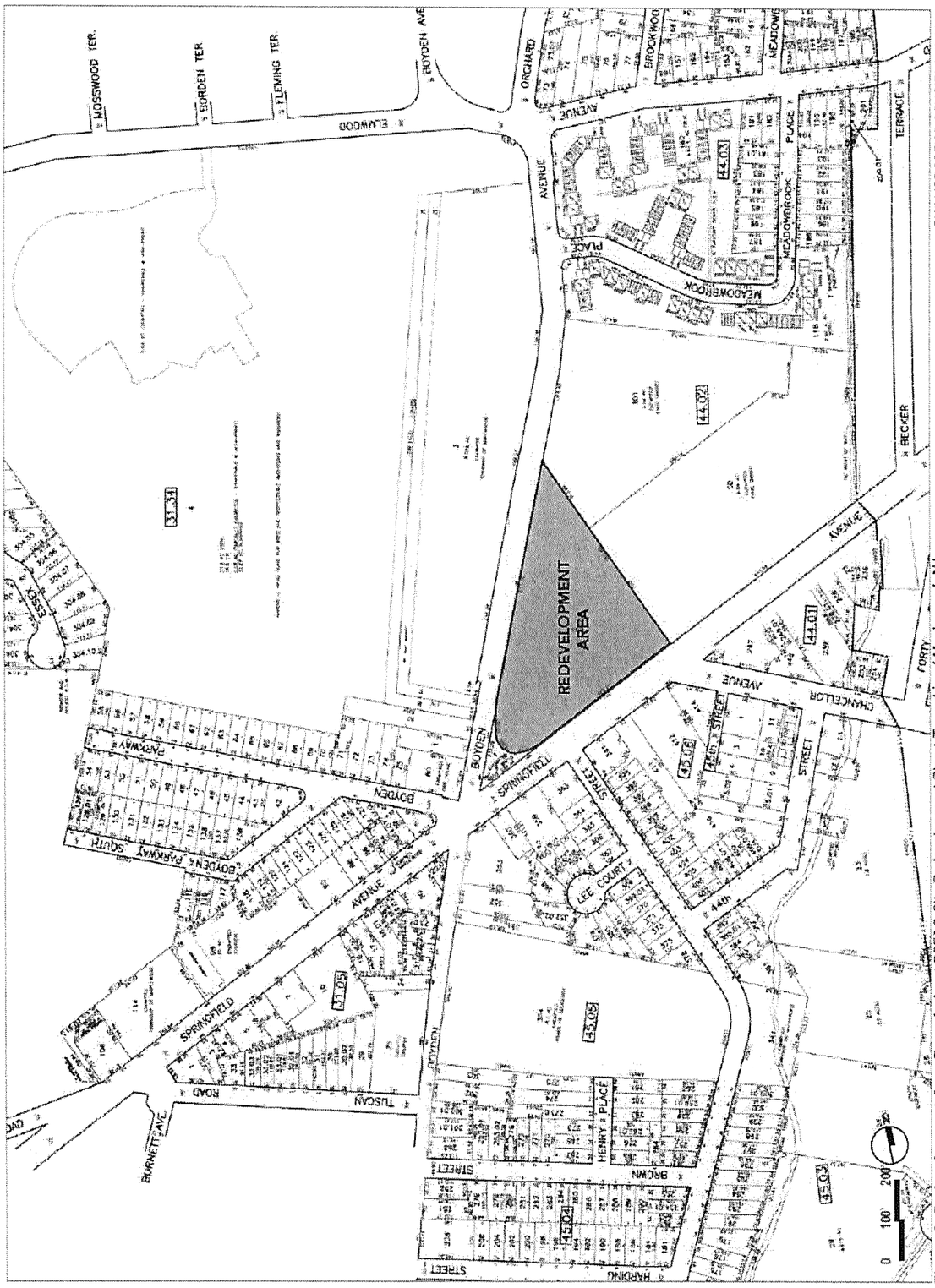

Figure 2: Redevelopment Area Boundaries | PSE&G Site Redevelopment Plan | Township of Maplewood, NJ

Figure 3: Redevelopment Area Context | PSE&G Site Redevelopment Plan | Township of Maplewood, NJ

B. RELATIONSHIP TO MASTER PLAN AND LOCAL GOALS AND OBJECTIVES

The Township of Maplewood's current Master Plan was adopted by the Maplewood Planning Board in 2004, and a Master Plan Reexamination was adopted in July 2011 (the "2011 Reexamination"). The 2011 Reexamination provides recommendations for various areas within the Township, including the Springfield Avenue corridor. A number of goals of the 2011 Reexamination are relevant to this Redevelopment Plan, including the following:

- Facilitate a broad range of housing options so as to attract and retain households of varying size and income, with emphasis on promoting smaller scale housing to support the needs both of young families and the elderly
- Improve the quality of commercial activity and the value of commercial properties in all the Township's business districts
- Promote market-rate residential development, especially in conjunction with mixed-use development in commercial areas, in such a manner that is not likely to pose an additional burden on the school system
- Promote the incorporation of sustainability in both building and site design of future development and redevelopment, and do so in a manner that maintains viable economic development

In addition, the 2011 Reexamination provides guidance for the improvement of the Springfield Avenue corridor. One such recommendation is to "continue to promote concentrations of activity in certain nodes," as noted on page 74. Another recommendation is to provide incentives to promote the redevelopment of larger properties.

This Redevelopment Plan is very consistent with the above goals and recommendations.

C. RELATIONSHIP TO ZONING ORDINANCE

This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Maplewood regulating development in the redevelopment area. In any situation where zoning issues are not specifically addressed herein, the Maplewood Zoning and Development Regulations shall be applicable. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Maplewood Zoning Map.

D. RELATIONSHIP TO SPECIAL IMPROVEMENT DISTRICT STANDARDS

The redevelopment area is located within the Springfield Avenue Partnership Special Improvement District. It is therefore subject to all regulations of the Special Improvement District, including its design standards as set forth in Section 237-18.1 of the Revised General Ordinances of the Township of Maplewood. Building and site design elements not explicitly regulated by this Redevelopment Plan shall comply with the relevant portions of the Springfield Avenue Partnership Special Improvement District design standards.

3 Use and Bulk Regulations

A. LAND USES

The following land uses shall be permitted within the Plan Area.

1) Permitted Principal Uses

a. Retail businesses, not including thrift shops, pawn shops, check cashing establishments and body art studios (commonly known as tattoo parlors).
b. Restaurants, but not including fast-food restaurants.
c. Dwelling units.
d. Professional offices.

2) Additional Regulations for Permitted Principal Uses

a. One or more multiple permitted principal uses shall be permitted to be located on a single lot, including within the same building. Separate entrances shall be provided for residential and commercial uses located in the same building.
b. A maximum of 235 dwelling units shall be permitted in the redevelopment area.
c. Dwelling units shall be limited to studio, one-bedroom and two-bedroom units, except that affordable dwelling units shall comply with all applicable state laws, rules and regulations governing affordable housing.
d. The minimum unit size for dwelling units shall be 550 square feet for studio units, 700 square feet for one-bedroom units and 900 square feet for two-bedroom units.

3) Permitted Accessory Uses

a. Parking as an accessory use to permitted principal uses in the redevelopment area. Parking must be screened from view from the street. Structured parking shall not be located along a street frontage, but instead shall be located behind a building housing one or more permitted principal uses. One two-way access point to a parking garage shall be permitted along each street frontage.
b. Loading areas.
c. Home-based businesses, as defined in the Zoning and Development Regulations of the Township of Maplewood, Section 271-3, and as regulated in the definition for the RGA, Residential Garden Apartment district, Section 271-70C.
d. Residential amenities, such as club rooms and fitness centers.
e. Receiving dish antennas, solar collectors, standby generators, transformers and other uses customarily associated with the permitted uses, provided that such accessory uses are subordinate to the principal use and serve only the principal use.

B. BULK REGULATIONS

1) Building Height

A. Building height along Boyden Avenue or elsewhere on the site shall not exceed 42 feet as measured from the average finished grade of the sidewalk along the Boyden Avenue frontage of the redevelopment area to the highest eave or cornice of the roofline.

B. Building height along Springfield Avenue shall not exceed 58 feet as measured from the average finished grade of the sidewalk along the Springfield Avenue frontage of the redevelopment area to the highest eave or cornice of the roofline.

C. Peaked roofs shall be permitted to exceed the above height limitations and shall have a minimum pitch of 5/12 and a maximum pitch of 7/12.

D. A maximum of four stories shall be permitted within the building facades closest to Boyden Avenue and Springfield Avenue.

2) Building Setbacks

A. Minimum front setback from Springfield Avenue: zero feet.

B. Minimum front setback from Boyden Avenue: eight feet.

C. Maximum front setback from Springfield Avenue: 20 feet. This requirement shall apply only to the portion of the Springfield Avenue frontage within 350 feet of the property line of Block 44.02, Lot 50.

D. Minimum side setback to the lot lines of Block 44.02, Lots 50 and 101: 18 feet. Standby generators and transformers shall be permitted within the side setback as long as all applicable codes, ordinances and statutes pertaining to their installation can be met, but shall not be permitted within 25 feet of Boyden Avenue or Springfield Avenue.

3) Coverage

A. Maximum building coverage: 65 percent.

B. Maximum lot coverage: 75 percent.

4 Building and Site Design

A. AWNINGS

Awnings are permitted above ground level windows and doors.

Extended awnings shall be in the shape of a sloped flat plane. "Bubble" or "waterfall" shaped awnings are prohibited.

All awnings must be made of fabric. Vinyl and metal awnings are not permitted.

Internally illuminated awnings are not permitted.

No awning shall extend more than five feet from the building exterior.

No awning shall extend less than 7.5 feet from the grade level of the sidewalk.

Awning valances shall be no more than nine inches in height.

B. BALCONIES

Balconies are permitted on the second floor or higher on all residential facades. Balconies may not project beyond the property line. Balconies shall be visually permeable at the front, with wood or metal railings.

C. BICYCLE FACILITIES

Indoor bicycle storage areas shall be provided for building residents. Outdoor bicycle parking shall be provided to accommodate customers and visitors of the uses in the redevelopment area.

D. BUILDING MATERIALS

New construction or additions shall employ materials used in existing structures in the vicinity of the redevelopment area in order to maintain visual compatibility. Such materials include, but are not limited to, wood siding; brick; stucco; stone; painted and non-reflective metals; glass; aluminum; wrought iron; matte finish ceramic; slate and terra cotta.

In doing repairs or renovations, original materials shall be retained and restored wherever possible. If original materials need to be replaced, they should be replaced with materials of the same design and substance.

Covering existing building materials with secondary materials for cosmetic or other reasons is prohibited.

Materials that simulate or imitate other materials are not permitted except in unusual circumstances.

Reflective materials are not permitted.

E. LANDSCAPING

All portions of the redevelopment area not devoted to buildings, ventilation shafts, driveways or sidewalks shall be landscaped. Street trees shall be provided along the Springfield Avenue and Boyden Avenue frontages of the redevelopment area.

F. LIGHTING

Adequate lighting shall be provided for all parking areas and pedestrian walkways. All outdoor lighting, including street lamps and accent lighting, shall comply with "dark sky" standards intended to reduce light pollution. Dark sky standards 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 starry night skies. Lighting for a building must be contained on the property on which the building is located. Additional information on dark sky goals and standards may be found at the International Dark-Sky Association's web site, www.darksky.org.

Flashing, "chasing," intermittent or changing color lights, including LED's, fiber optic signs, strobe lights, highway flashers or other "attention getting" optical displays for graphics, are prohibited.

G. OFF-STREET PARKING AND LOADING

A minimum of 1.5 off-street parking spaces shall be provided per dwelling unit. This ratio is lower than required by the New Jersey Residential Site Improvement Standards due to the redevelopment area's accessibility to transit service (e.g., Township jitney to the train station, bus service on Springfield Avenue) and the presence of parks, stores and services within reasonable walking distance. A minimum of three off-street parking spaces shall be provided per 1,000 square feet of commercial floor area. Required off-street parking spaces shall be provided within the redevelopment area.

Adequate space shall be provided to permit off-street loading and unloading by trucks and service vehicles.

H. RECYCLING AND REFUSE AREAS

One or more designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be located within a building or parking garage, and shall be partitioned from view.

I. ROOFTOP TERRACES

Rooftop terraces shall be permitted and shall not cover more than 20 percent of the roof area.

J. SATELLITE DISHES AND ANTENNAS

All parts and components of satellite dishes, and television and radio antennas shall be screened from view or shall be disguised within the architecture of a structure. Said screening shall be constructed in a manner that is pleasing to the eye and consistent with the surrounding architecture. In all cases, placement of said equipment in the center of the building is strongly encouraged in order to minimize the need for screening.

K. SIDEWALKS

Sidewalks shall be provided along Springfield Avenue and Boyden Avenue. The minimum width of sidewalks shall be six feet along Springfield Avenue and four feet along Boyden Avenue.

L. SIGNAGE

Signage shall be governed by the signage regulations in Section 271-56 of the Zoning and Development Regulations of the Township of Maplewood, following the column equivalent to the HB Highway Business zone, and by the sign regulations for the Springfield Avenue Partnership Special Improvement District set forth in Section 237-18.1 of the Code of the Township of Maplewood.

M. SUSTAINABLE DESIGN

Building and site design in the redevelopment area shall seek to minimize environmental damage, strain on municipal utilities and impact on adjacent uses. Broadly speaking, green building design goals include reduced energy and water use; use of sustainable, renewable, non-toxic and locally-produced materials; improved indoor air quality; and environmentally-conscious site planning. The Township of Maplewood is committed to the use of sustainable design to improve community and environmental health and to enhance the environmental and economic performance of buildings.

LEED Certification

Development shall meet the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) basic requirements for green building design (i.e., "certified"). These requirements include, but are not limited to, green building design goals that promote reduced water use; use of sustainable, renewable, non-toxic and locally-produced materials; improved indoor air quality; and environmentally conscious site planning.

The United States Green Building Council (USGBC) has developed standards for green building design, which shall be applied to ensure that redevelopment meets minimum standards. Therefore, the redeveloper is required to submit an application to the USGBC and to obtain LEED certification to build the project under LEED standards appropriate to the development. The Township encourages the redeveloper to exceed the "certified" status by accumulating additional points and higher ratings pursuant to the LEED evaluation process.

The redeveloper may propose utilizing an environmental/sustainability rating system that is equal to or above the standards of LEED Certification.

Energy Star

The redeveloper is encouraged to participate in ENERGY STAR, a U.S. Environmental Protection Agency program that aims to reduce costs and protect the environment through energy efficient products and practices for buildings.

Cool Roofs and Green Roofs

Cool roofs, green roofs and solar collectors are permitted and encouraged on buildings in the redevelopment area.

A cool roof shall utilize a material that has a solar reflectivity of 40 percent or greater as certified by the Cool Roof Rating Council on at least 75 percent of its surface area. Additional information about cool roofs may be found at the Cool Roof Rating Council's web site, www.coolroofs.org.

Green roofs shall be installed in accordance with the following criteria:

- A green roof shall consist of four layers: a waterproof membrane, a layer of insulation, a drainage layer, and the growing medium (substrate). Additionally, a protective layer of PVC or other suitable material may be placed beneath the growing medium to protect against roots penetrating the waterproofing layer.
- The growing medium shall be a thin, lightweight medium suitable for planting wildflowers or grasses; for example, a mix of expanded shale and/or sand with 10 percent humus.
- Plantings on green roofs shall be shallow-rooted, drought-tolerant species that thrive in thin, nutrient-poor soils and will not require irrigation; for example, mosses and grasses.
- Green roofs shall be subject to approval by the Township Engineer and shall be subject to periodic inspection.

N. UTILITIES

All new utility distribution lines and utility service connections from such lines to buildings in the redevelopment area shall be located underground. To the extent possible, existing utility lines should also be relocated underground. Remote readers for all utilities, in lieu of external location of the actual metering devices, are preferred.

O. VARIATIONS IN FACADE

Buildings shall be broken up vertically into a base, a middle and a top, and horizontally into bays, through the use of building articulation or change in materials. The base shall not extend higher than

18 feet above the adjacent finished grade. Material changes shall occur at logical points, delineated by a change in building plane and/or a corniceline.

A vertical demarcation into bays shall be required at every 50 linear feet or less of building façade along Springfield Avenue. Along Boyden Avenue, building mass shall be broken up into multiple wings. The maximum width of any individual building facade parallel to Boyden Avenue shall be 80 feet.

P. WINDOWS AND GARAGE OPENINGS

A minimum of 40 percent of the ground floor facade of a nonresidential use facing Springfield Avenue shall be transparent glass. The use of opaque or "black" glass shall not be permitted. Storefront entrance doors shall be at least 75 percent transparent glass.

On upper floors, windows shall be vertically-proportioned. Windows may be grouped in twos or threes to create larger areas of glazing, but windows shall be separated by vertical structural members. All upper floor windows shall have multiple panes. A minimum of 40 percent of the facade of upper floors shall be transparent glass.

Driveways and parking garage openings shall not exceed 25 feet in width within the redevelopment area boundaries. A driveway may be wider at the curbline of a street in order to provide for adequate turning radii.

5 Plan Consistency Review

A. RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The Redevelopment Plan provides for the redevelopment of a previously developed site in an area already served by infrastructure and transit. Therefore it would not impact the master plan of any municipality adjoining Maplewood.

B. RELATIONSHIP TO THE ESSEX COUNTY MASTER PLAN

The Land Use Element of the Essex County Master Plan has not been updated since 1970. As indicated in the 2004 Maplewood Master Plan, the land use conditions in the County have changed so much since that time that its goals and policies are very much outdated. The only portion of the Essex County Master Plan to be updated in recent years is the Park, Recreation and Open Space element. This element focuses largely on the County's park system.

C. RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN

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

> "Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination."

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 18 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP but has not been adopted as of early 2013.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the reuse of developed property in an area well served by infrastructure and transit. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

6 Redevelopment Actions

A. OUTLINE OF PROPOSED ACTIONS

1) Demolition

It is proposed that the site be completely cleared of existing buildings, parking lots and other improvements, as well as existing trees and other plantings. The Plan proposes a significant change in use over the current conditions, and there is no reason to retain any of the existing structures or vegetation.

2) New Construction and Environmental Remediation

Construction of new structures and other improvements will take place as proposed in Chapters 3 and 4 of this Redevelopment Plan. Environmental remediation will take place as necessary to effectuate the plan. Infrastructure will be constructed as determined by the Township's professional consultants for the project. The redeveloper must adhere to the overall parameters for development presented in Chapters 3 and 4 of this Plan and is encouraged to otherwise refine the design concepts presented therein in developing a unique and high-quality project proposal. Once a redeveloper is selected, the redeveloper will be required to enter into a redeveloper's agreement with the Township that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein.

B. PROPERTIES TO BE ACQUIRED

It is not anticipated that any property acquisition will be required by the Township of Maplewood to complete the redevelopment project. However, the Township reserves the right, up until such time as the redevelopment of the redevelopment area be deemed complete, to acquire privately-owned property in the redevelopment area should it be necessary to facilitate redevelopment.

C. OTHER ACTIONS

In addition to the demolition and new construction described above, the Township Committee may undertake other actions to further the goals of this plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental remediation, (3) vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment. See subsection 7K of this plan for requirements for the provision of infrastructure to serve the redevelopment area.

7 General Provisions

A. EASEMENTS

No building shall be constructed over a public easement in the redevelopment area without prior written approval of the Engineer of the Township of Maplewood.

B. DESIGN REVIEW

Any site plan for development in the redevelopment area shall comply with all signage and design review requirements of the Springfield Avenue Partnership Special Improvement District design standards as set forth in Section 237-18.1 of the Code of the Township of Maplewood.

Prior to the development of a site plan, the redeveloper shall meet informally with representatives of the Township and the Springfield Avenue Partnership Special Improvement District to discuss the design of the building(s) and site.

Any site plan shall be provided to the Springfield Avenue Partnership Special Improvement District for its review and approval prior to submission to the Maplewood Planning Board. The redeveloper may appeal any decisions of the Springfield Avenue Partnership Special Improvement District to the Maplewood Planning Board.

C. SITE PLAN AND SUBDIVISION REVIEW

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

Any subdivision of lots and parcels of land within the redevelopment area shall be in accordance with the requirements of this Redevelopment Plan and the subdivision ordinance of the Township of Maplewood, except that where this Redevelopment Plan contains provisions that differ from those in the subdivision ordinance, this plan shall prevail.

D. IMPACTS FROM CONSTRUCTION

The redeveloper shall make every effort to minimize impacts from construction and other redevelopment actions on existing uses, parking and circulation patterns in the vicinity of the redevelopment area. The redeveloper shall work with the Township and the Springfield Avenue Partnership to develop a plan for staging of equipment, vehicles and materials and/or for the parking of employee vehicles in off-site locations to minimize impacts.

E. APPROVALS BY OTHER AGENCIES

The redeveloper shall be required to provide the Township with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the redeveloper's agreement to be executed between the redeveloper and the Township.

F. ADVERSE INFLUENCES

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

G. NON-DISCRIMINATION PROVISIONS

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township Committee or by a developer or any of his successors or assignees, whereby land within the redevelopment area is restricted by the Township Committee, or the developer, upon the basis of race, creed, color, 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 or national origin.

H. 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 30 years from the date of approval of this plan by the Township Committee.

I. DEVIATION REQUESTS

The Maplewood Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Maplewood Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from

the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment area shall be permitted only by means of an amendment of the Redevelopment Plan by the Township governing body, and only upon a finding that such deviation be would be consistent with and the furtherance of the goals and objectives of this Plan.

J. ESCROWS

The redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Township to review the proposed redevelopment project and advise the Township on any and all aspects of the redevelopment process.

K. INFRASTRUCTURE

The redeveloper, at its cost and expense, shall provide all necessary engineering and traffic studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, street trees, street lighting and its pro rata share of on- and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project.

L. REDEVELOPER'S AGREEMENT

The Township and the redeveloper shall enter into a redeveloper's agreement as permitted by the LRHL at N.J.S.A. 40A:12A-9. The redeveloper's agreement shall contain the terms, conditions, specifications, and a description of required performance guarantees (such as performance bonds or other acceptable performance security) pertaining to redeveloper's obligation to provide the infrastructure and improvements required for the project.

8 Other Provisions

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

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the redevelopment area.
- As indicated in Chapter 5, this Redevelopment Plan is substantially consistent with the Master Plan for the Township of Maplewood. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan and the draft State Strategic Plan.
- This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the Township of Maplewood regulating development in the area addressed by this Redevelopment Plan, except where specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Maplewood Zoning and Development Regulations shall, however, remain in effect. Final adoption of this Plan by the Township Committee shall be considered an amendment of the Township of Maplewood Zoning Map.
- 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.

9 Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A non-refundable application fee of $2,500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Township. The party requesting the amendments also shall be required to post an escrow to defray the Township's costs in connection with the requested amendment. The Maplewood Township Committee, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey.