

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2766 -15

AN ORDINANCE ADOPTING AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE POST OFFICE REHABILITATION AREA

"Interpretive Statement"

This ordinance will revise the redevelopment plan for the Post Office Rehabilitation Area.

WHEREAS, the *Local Redevelopment and Housing Law* (the "**Redevelopment Law**"), *N.J.S.A. 40A:12A-1 et seq.*, authorizes municipalities to designate certain parcels of land in the municipality as areas in need of rehabilitation or redevelopment; and

WHEREAS, in accordance with the requirements of the Redevelopment Law the Maplewood Township Committee ("**Township Committee**") previously determined that the three properties identified as Block 13.09, Lots 180, 181 and 185 on the official tax maps of the Township of Maplewood satisfied the statutory criteria of the Redevelopment Law to be designated as an area in need of rehabilitation, and designated those properties as an area in need of rehabilitation (the "**Post Office Rehabilitation Area**") in accordance with the requirements of *N.J.S.A. 40A:12A-14*; and

WHEREAS, the Township Committee, pursuant to *N.J.S.A. 40A:12A-4(a)(3)* and *N.J.S.A. 40A:12A-7*, is empowered to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken and carried out within a designated area in need of rehabilitation; and

WHEREAS, pursuant to that authority the Township Committee caused to be prepared a redevelopment plan for the Post Office Rehabilitation Area, which after review and comment by the Planning Board of the Township was enacted by ordinance in July 2013 (the "**Initial Plan**"); and

WHEREAS, as the concepts for redevelopment in the Post Office Rehabilitation Area have evolved since the adoption of the Initial Plan, the Township Committee wishes to enact amendments to the Initial Plan; and

WHEREAS, the Township has caused to be prepared draft amendments to the Initial Plan by Phillips Preiss Grygiel, LLC, dated December 22, 2014 (the "**Amendments**"), a copy of which is annexed hereto as **Exhibit A**; and

WHEREAS, in accordance with the requirements of the LRHL, *N.J.S.A. 40A:12A-7(e)*, the Amendments have been duly referred to the Planning Board for report and recommendation; and

WHEREAS, the Township Council desires to approve and adopt the Amendments to the Initial Plan in the form set forth in **Exhibit A** hereto, and to direct that the Township's zoning map be amended and superseded to reflect the provisions thereof,

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Maplewood that the Amendments to the Initial Plan, in the form attached hereto as **Exhibit A**, are hereby approved and adopted, with all provisions of the Initial Plan that are not amended by the Amendments to remain in full force and effect;

AND BE IT FURTHER ORDAINED THAT:

1. The zoning map of the Township of Maplewood is hereby amended to incorporate the Initial Plan, as amended by the Amendments.
2. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
3. This Ordinance shall take effect at the time and in the manner as provided by law, following final adoption and publication thereof.
4. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

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 an Ordinance 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 6, 2015.

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 6th day of January, 2015.

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

EXHIBIT A

Amendments

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**Maplewood Village Post Office Redevelopment Plan
Township of Maplewood, New Jersey
December 31, 2014 DRAFT Proposed Amendments**

Page numbers references based on plan adopted on July 16, 2013
(additions are shown in **bold underline**, deletions are shown in ~~strike through~~)

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2 Context

SURROUNDING AREA CONTEXT

The rehabilitation area consists of three tax lots located on the southeast side of Maplewood Avenue to the south of its intersection with Durand Road. The lots are identified as Block 13.09, Lots 180, 181 and 185 on the Township's official tax maps. The boundaries of the rehabilitation area are Maplewood Avenue, Ricalton Square and Durand Road on the northwest and northeast, the New Jersey Transit railroad tracks on the southeast and Block 13.09, Lot 186 on the southwest. The rehabilitation area encompasses a total area of approximately 33,100 square feet (0.76 acres), according to the Township's tax records. Its locational context within the Township of Maplewood is shown on Figure 1. **Lots 180 and 181 will be merged and a portion of existing Lot 180 will be subdivided from the new lot. It is expected the Township of Maplewood will retain Lot 185.**

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3 Use and Bulk Regulations

LAND USES

Additional Regulations for Permitted Principal Uses

D. A maximum of 25 dwelling units shall be permitted within the rehabilitation area. **The redeveloper will address a portion of the Township's affordable housing obligation in a manner to be determined by the Township Committee.** ~~A minimum of 10 percent of the total number of dwelling units in the rehabilitation area shall be affordable to low- and moderate-income households.~~

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BUILDING ENVELOPE

Building Height

A. The limitations on building height assume the construction of a building with a flat roof, although sloped features such as dormers and mansard roofs shall be permitted. Overall building height shall not exceed ~~53~~**45** feet as measured from the average finished grade along the building perimeter to the highest point of the roof. The average finished grade shall be calculated by measuring the elevation at ten-foot intervals around the periphery of the foundation.

B. The height of building facades along Maplewood Avenue or Ricalton Square shall not exceed 30 feet at any one point. Facade height along these frontages should be limited to two stories, although a portion of an additional story may be permitted in order to accommodate the change in grade along Maplewood Avenue. Additional height shall be permitted beyond the building facades along Maplewood Avenue and Ricalton Square, ~~but~~ **However, along Maplewood Avenue** that portion of the building over 30 feet in height shall be set back from the

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street line one foot for every foot in building height over 30 feet **and along Ricalton Square that portion of the building over 30 feet in height shall be set back a minimum of 10 feet from the building facade.**

C. The height of the south building facade (i.e., facing Block 13.09, Lot 186) shall not exceed three stories or 40 feet above the grade of the intersection of Maplewood Avenue, Block 13.09, Lot 180 and Block 13.09, Lot 181. Additional height shall be permitted beyond the south building facade, but that portion of the building over 40 feet in height shall be set back from the facade **as follows: 10 feet for the second residential level and 20 feet for the third residential level** two feet for every foot in building height over 40 feet.

D. Parapets shall not exceed a height of 42 inches above the highest point of the roof. Rooftop appurtenances may exceed the maximum permitted height by up to 10 feet, but shall be screened and/or set back from the edge of the roof a horizontal distance equal to its height above the roof, and shall not cover more than 15 percent of the roof area. Such appurtenances should be located as close to the center of the roof as possible, so as to reduce visibility from surrounding areas.

E. An architectural feature that exceeds the above height limitations may be provided at the corner of the building closest to the intersection of Maplewood Avenue and Ricalton Square within the required upper floor setbacks. Such feature shall not exceed one additional story above the maximum permitted height at this intersection, and shall not be more than 25 feet in width.

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7 Redevelopment Actions

PROPERTIES TO BE ACQUIRED

The Township of Maplewood owns all of the parcels in the rehabilitation area. Therefore, no property acquisition is necessary. **Lots 180 and 181 will be merged and a portion of existing Lot 180 will be subdivided from the new lot. It is expected the Township of Maplewood will retain Lot 185.**

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**Maplewood Village Post Office Redevelopment Plan
Township of Maplewood, New Jersey
Adopted July 16, 2013**

December 31, 2014 draft proposed amendments
(additions are shown in **bold underline**, deletions are shown in ~~strike through~~)

1 Introduction

BASIS FOR THE PLAN

This redevelopment plan has been prepared for an area known as the Maplewood Village Post Office Rehabilitation Area within the Township of Maplewood, Essex County, New Jersey (the “rehabilitation area”). The rehabilitation area is located in the southeast portion of the central business district of the Township of Maplewood, which is known as Maplewood Village. It includes three publicly owned properties, totaling 33,100 square feet according to the Township’s tax records.

The Maplewood Township Committee in 2011 determined by resolution that the rehabilitation area qualified as an “area in need of rehabilitation” in accordance with the criteria specified in the New Jersey Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-14. The LRHL allows a municipality to prepare a redevelopment plan for an area in need of rehabilitation. This redevelopment plan provides the development regulations and other standards to guide the redevelopment of this rehabilitation area.

PURPOSE/VISION

The Township of Maplewood has prepared this redevelopment plan for the Post Office site and certain adjoining parcels in Maplewood Village. The process of preparing this plan included multiple opportunities for public involvement. Three community meetings for this process were held in locations a short distance from the rehabilitation area. The objectives of the community meetings were to get ideas from residents, merchants and others for the redevelopment of the rehabilitation area and to get feedback on the proposed redevelopment plan regulations and guidelines. The consultant also met on multiple occasions with representatives of the Maplewood Village Alliance Special Improvement District and the Township Committee’s Economic Development Committee.

The Redevelopment Plan describes the vision and sets standards for the rehabilitation area. The design and land use concepts of the Redevelopment Plan have their basis in the 2011 Maplewood Master Plan Reexamination and the community input described above. This plan also considers the findings and recommendations of a study prepared for the Township of Maplewood by Columbia University’s Urban Design Lab.

The Redevelopment Plan will redefine the existing Maplewood Village Post Office site and adjoining areas. The introduction of new housing to the rehabilitation area will promote a strong residential base in this portion of Maplewood, providing a stronger market to support commercial uses in Maplewood Village. Other potential upper floor uses such as offices or a hotel would also benefit Maplewood Village by bringing workers and/or visitors to the area. Development will be transit-oriented in nature to take advantage of the adjacent New Jersey Transit railroad station. Ground floor retail use would complement existing commercial uses in

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the vicinity. In addition, the increased number of residents, shoppers, workers and other visitors will help enliven Maplewood Village.

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.

DEFINITIONS

Any word or term not defined shall be used with a meaning as set forth in the Zoning and Development Regulations of the Township of Maplewood, except that those words and terms defined in the Municipal Land Use Law or the Local Redevelopment and Housing Law, as amended, shall be used in this redevelopment plan as if included in this redevelopment plan. Specific section references which begin with “N.J.S.A. 40:55D” refer to the Municipal Land Use Law of the State of New Jersey.

As used in this redevelopment plan, the following terms shall have the meanings indicated:

ACCESS POINT

Any street, sidewalk or bicycle path crossing the boundaries of the Maplewood Village Special Improvement District.

ARCHITECTURAL FEATURE/ELEMENT

Those portions of a building or structure that account for its unique style and character, including roof line, entrances, fenestration and decorative details, such as cornices, brackets, balustrades, friezes, moldings, pilasters, sills, lintels, etc.

ARCHITECTURAL INTEGRITY

An appearance which retains the architectural features/elements of a building and conforms to the requirements for visual compatibility, massing, proportion and scale, proportion of facades, character of facades and proportion of openings.

BUILDING MASS

The three-dimensional bulk of a structure: height, width and depth.

BUILDING PROPORTION

The width-to-height relationship of one building part to another building part or of one building to another.

BUILDING SCALE

The relationship of a particular building, in terms of building mass, to other area buildings.

COOL ROOF

A roof or portion thereof that provides solar reflectivity at the minimum level or greater specified by this redevelopment plan.

FACADE

Any exterior building face or wall.

GREEN ROOF

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A self-sustaining, vegetated roof system that does not require watering or maintenance of the plant material but may require periodic maintenance to prevent the non-living components of the roof system from deteriorating.

GROCERY STORE

A retail establishment primarily selling food as well as other convenience and household goods.

MERCHANT PERMIT

A parking permit issued by the Township of Maplewood that allows retail owners/employees to park their vehicle in a merchant designated parking stall.

PERMANENT WINDOW GRAPHIC

Any sign made of a material other than paper or cardboard that is visible from the window area, or that is applied or adhered directly to the window glazing or etched into that glazing.

PLANNING BOARD

The Township of Maplewood Planning Board.

POSTAL RETAIL FACILITY

A facility that includes the retail operations of the United States Postal Service or similar operations, including related business services, but which shall not include industrial-type operations such as sorting and distribution of mail and packages.

PRINCIPAL FAÇADE

The facade(s) of a building that front on major streets or which are intended to contain the primary entrance to a building.

PUBLIC NUISANCE

In addition to the items set forth in PM 302.0, "public nuisance" shall include any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant, partially or completely deliberately unrented or unused, or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

SIGN FASCIA

The natural frame created by a building's architectural elements to accommodate a sign without obscuring any doors, windows, transoms, entrances or decorative detail.

STREET FURNITURE

Functional elements of the street scape, including, but not limited to, curbs, phone booths and other phone installations, lighting fixtures, trash receptacles and benches.

STREET SCAPE

The individual natural and man-made elements that constitute the physical makeup of a street and that, as a group, define its character.

TEMPORARY WINDOW GRAPHIC

Any sign visible from the window display area or adhered to window or door glazing, other than permanent window graphics, including community flyers, signs advertising a sale or promotion, or any other nonprofessionally manufactured sign. All paper and cardboard signs are considered to be temporary window graphics. No temporary graphics may be adhered to the exterior of a building.

VILLAGE ALLIANCE

The Maplewood Village Special Improvement District, Inc.

VISUAL COMPATIBILITY

The design of buildings which is sufficiently consistent in scale or character and/or siting with other buildings or man-made or natural elements in the area, so as to avoid abrupt and/or

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severe differences; and the repair, alteration or renovation of a building in a manner in which such work is consistent with the existing architectural features of a building, its scale, mass, proportions, materials and colors.

WORK

Any physical change made to the exterior of a property or structure to increase its value and utility, or to enhance its appearance, including, but not limited to, the following: site work, new construction, additions, alterations, exterior restorations, cleaning, lighting, new or replacement signage, painting, street furniture and landscaping.

ZONING BOARD

The Township of Maplewood Zoning Board of Adjustment.

OBJECTIVES

The specific objectives of the Redevelopment Plan are as follows:

1. Respect the existing character of Maplewood Village and the land use context of the rehabilitation area while optimizing its value to the Township
2. Permit new development consistent with the rehabilitation area's mixed-use, transit-oriented and pedestrian-friendly setting and in a manner that promotes pedestrian use between the existing Village and the site
3. Allow new building(s) that are similar in scale along Maplewood Avenue to existing development in Maplewood Village
4. Mandate green building(s), such as through requiring LEED certification
5. Coordinate the provision of parking in the rehabilitation area with other Township parking efforts in the vicinity of the rehabilitation area
6. Maintain the existing amount of public parking in the rehabilitation area either in the rehabilitation area or within reasonable walking distance
7. Maintain or improve pedestrian and vehicular circulation patterns in the rehabilitation area and Maplewood Village as a whole
8. Maintain and improve pedestrian access to the Maplewood train station through the rehabilitation area
9. Provide facilities for bicyclists in the rehabilitation area

The Redevelopment Plan is intended to capitalize on the strengths of the rehabilitation area, including its prime location within Maplewood Village and its proximity to a busy railroad station. It reflects the Township's desire to redevelop the rehabilitation area in a manner that meets the above objectives. The plan also provides requirements and recommendations for redevelopment actions to occur within the area.

2 Context

SURROUNDING AREA CONTEXT

The rehabilitation area consists of three tax lots located on the southeast side of Maplewood Avenue to the south of its intersection with Durand Road. The lots are identified as Block 13.09, Lots 180, 181 and 185 on the Township's official tax maps. The boundaries of the rehabilitation area are Maplewood Avenue, Ricalton Square and Durand Road on the northwest and northeast, the New Jersey Transit railroad tracks on the southeast and Block 13.09, Lot 186 on the southwest. The rehabilitation area encompasses a total area of approximately 33,100 square feet (0.76 acres), according to the Township's tax records. Its locational context within the Township of Maplewood is shown on Figure 1. **Lots 180 and 181 will be merged and a portion of existing Lot 180 will be subdivided from the new lot. It is expected the Township of Maplewood will retain Lot 185.**

The rehabilitation area is located in the southeast portion of the central business district of the Township of Maplewood, which is known as Maplewood Village. This area is developed in the manner of a traditional downtown with a fine-grain mix of land uses. Specifically, retail and service commercial uses are located on the ground floor of most buildings, with residential and office uses on the upper floors in some locations. Other land uses in the area include residential buildings, a movie theater, public facilities and parking lots. New Jersey Transit's Maplewood railroad station is located adjacent to the rehabilitation area. Passenger train service to and from New York, Hoboken, Summit, Gladstone, Hackettstown and intermediate points is provided from this station.

Figure 2 shows the boundaries of the rehabilitation area on the Township's tax maps. Figure 3 shows the rehabilitation area depicted in an aerial photograph.

While many parts of Maplewood Village are characterized by uninterrupted buildings fronting on Maplewood Avenue and side streets, the rehabilitation area is characterized by the presence of only one building. This building is currently utilized as a United States Postal Service Post Office facility, but the Postal Service will be vacating the premises by November 2013. The remainder of the rehabilitation area is devoted to surface parking lots, with some landscaping on the properties. The paved areas in the rehabilitation area complement the other areas of Maplewood Village by providing off-street parking for shoppers and other visitors.

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 general guidance for the redevelopment of the Post Office site and the enhancement of Maplewood Village overall. A number of goals of the 2011 Reexamination are relevant to this redevelopment plan, including the following:

- Improve the quality of commercial activity and the value of commercial properties in all the Township's business districts
- 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

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- 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
- 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
- Support the retention, renewal and development of critical anchors in our commercial districts, such as supermarkets, financial institutions, postal services and cinemas

The existing Kings supermarket in the neighborhood has expressed an interest in possibly relocating to the rehabilitation area. Such a relocation of the existing supermarket, subject to the terms and conditions of this redevelopment plan, would be consistent with the stated goal of retaining, renewing and developing critical anchors of the Township's commercial districts.

In addition, the 2011 Reexamination provides the following recommendations for the redevelopment of the rehabilitation area:

“The Township should strive to retain a retail storefront postal operation in Maplewood Village, while seeking to relocate the circulation and mail sorting function that occupies much of the current facility, including its parking lot. This parcel is a perfect location for multi-family residential use given its location steps away from the Maplewood train station on one side and shops and services on the other side. As in the rest of this area, residential should be provided on upper floors, with retail space on the ground floor. Building design is very important given this property's key location and large size. Key principles include providing active uses at street level, utilizing high-quality building materials, shielding parking areas from public view and improving access to the railroad station.”

This redevelopment plan is very consistent with the above goals and recommendations.

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 rehabilitation area. Where there is a conflict between the requirements of this Redevelopment Plan and the Zoning and Development Regulations, this Redevelopment Plan shall prevail. 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.

RELATIONSHIP TO SPECIAL IMPROVEMENT DISTRICT STANDARDS

The parcel currently containing the Maplewood Village Post Office (Block 13.09, Lot 181) is located in the Maplewood Village Special Improvement District. The other two parcels in the rehabilitation area (Block 13.09, Lots 180 and 185) are not located in the Maplewood Village Special Improvement District at present, as they are owned by Maplewood Township and used as public parking lots. Once the rehabilitation area is redeveloped, the Township Committee will add the rehabilitation area to the Maplewood Village Special Improvement District.

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However, the regulations of this Redevelopment Plan are consistent with the Maplewood Village Special Improvement District design standards as set forth in Section 237-9.1 of the Code 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 Maplewood Village Special Improvement District design standards.

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3 Use and Bulk Regulations

LAND USES

The following land uses shall be permitted within the rehabilitation area.

Permitted Principal Uses

- A. Retail businesses, including grocery stores, but not including thrift shops, pawn shops and check cashing establishments.
- B. Financial institutions.
- C. Restaurants, but not including fast-food restaurants.
- D. Postal retail facility.
- E. Dwelling units, but not on the street level or lower.
- F. Offices, but not on the street level or lower.
- G. Hotel, but not on the street level or lower.
- H. Parking as a principal use serving other uses in Maplewood Village.
- I. Community facilities.
- J. Open space/park.
- K. Multiple permitted uses may be permitted within the rehabilitation area.

Additional Regulations for Permitted Principal Uses

- A. The maximum gross floor area of any individual retail business, financial institution, restaurant, or retail postal facility shall not exceed 4,000 square feet, except for a grocery store, which shall not exceed 15,000 square feet.
- B. The maximum width of any individual retail business, financial institution, restaurant, or retail postal facility facing Maplewood Avenue shall be 30 feet, except that greater width may be provided if the facade design is broken up to appear as two or more storefronts 30 feet or less in width.
- C. The minimum depth of any individual retail business (other than a grocery store), financial institution, restaurant, or retail postal facility facing Maplewood Avenue or Ricalton Square shall be 25 feet.
- D. A maximum of 25 dwelling units shall be permitted within the rehabilitation area. **The redeveloper will address a portion of the Township's affordable housing obligation in a manner to be determined by the Township Committee.** ~~A minimum of 10 percent of the total number of dwelling units in the rehabilitation area shall be affordable to low- and moderate-income households.~~
- E. Dwelling units shall be limited to one and two-bedroom units, except for affordable dwelling units, which shall comply with applicable state or local laws, rules and regulations governing affordable housing.
- F. Dwelling units shall be condominiums or rental units.
- G. One or more publicly-accessible open spaces, such as a seating area or a pedestrian plaza, shall be provided as part of this project, and shall be maintained by the redeveloper. The minimum area devoted to such spaces shall be 1,500 square feet.

Permitted Accessory Uses

- A. Lobbies on the ground level providing access to dwellings, offices or a hotel on upper floors.
- B. Parking as an accessory use to permitted principal uses in the rehabilitation area, as well as other uses in Maplewood Village. Parking should be screened from view from the street. Structured parking shall be permitted only if it is located within a building housing a permitted

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principal use. Stand-alone parking garages are prohibited; structured parking shall be incorporated into buildings.

C. Loading spaces, including loading docks, and recycling and refuse storage areas.

D. 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.

E. Management offices, fitness centers, receiving dish antennas, solar collectors 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.

BUILDING ENVELOPE

Building Height

A. The limitations on building height assume the construction of a building with a flat roof, although sloped features such as dormers and mansard roofs shall be permitted. Overall building height shall not exceed ~~53~~45 feet as measured from the average finished grade along the building perimeter to the highest point of the roof. The average finished grade shall be calculated by measuring the elevation at ten-foot intervals around the periphery of the foundation.

B. The height of building facades along Maplewood Avenue or Ricalton Square shall not exceed 30 feet at any one point. Facade height along these frontages should be limited to two stories, although a portion of an additional story may be permitted in order to accommodate the change in grade along Maplewood Avenue. Additional height shall be permitted beyond the building facades along Maplewood Avenue and Ricalton Square, ~~but~~ **However, along Maplewood Avenue that portion of the building over 30 feet in height shall be set back from the street line one foot for every foot in building height over 30 feet and along Ricalton Square that portion of the building over 30 feet in height shall be set back a minimum of 10 feet from the building facade.**

C. The height of the south building facade (i.e., facing Block 13.09, Lot 186) shall not exceed three stories or 40 feet above the grade of the intersection of Maplewood Avenue, Block 13.09, Lot 180 and Block 13.09, Lot 181. Additional height shall be permitted beyond the south building facade, but that portion of the building over 40 feet in height shall be set back from the facade **as follows: 10 feet for the second residential level and 20 feet for the third residential level** ~~two feet for every foot in building height over 40 feet.~~

D. Parapets shall not exceed a height of 42 inches above the highest point of the roof. Rooftop appurtenances may exceed the maximum permitted height by up to 10 feet, but shall be screened and/or set back from the edge of the roof a horizontal distance equal to its height above the roof, and shall not cover more than 15 percent of the roof area. Such appurtenances should be located as close to the center of the roof as possible, so as to reduce visibility from surrounding areas.

E. An architectural feature that exceeds the above height limitations may be provided at the corner of the building closest to the intersection of Maplewood Avenue and Ricalton Square within the required upper floor setbacks. Such feature shall not exceed one additional story above the maximum permitted height at this intersection, and shall not be more than 25 feet in width.

Building Setbacks

A. Minimum front setback to sidewalk along Maplewood Avenue and Ricalton Square: zero feet. A marquee or canopy over a lobby entrance may project up to three feet.

B. Maximum front setback to sidewalk along Maplewood Avenue: zero feet.

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- C. Maximum front setback to sidewalk along Ricalton Square: 10 feet.
- D. Minimum side setback to the lot line of Block 13.09, Lot 186: 15 feet.
- E. Minimum rear setback to the New Jersey Transit railroad right-of-way: 10 feet, to allow for the existing pathway to the south parallel to the railroad right-of-way to be extended through the rehabilitation area to Ricalton Square.

Building Length

The length of any building along any and all sides shall not exceed 150 feet.

Coverage

- A. Maximum building coverage: 60 percent.
- B. Maximum lot coverage: 95 percent. The narrow strip of Block 13.09, Lot 180 between Ricalton Square and the New Jersey Transit railroad right-of-way shall be excluded from lot area when calculating lot coverage.

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4 Building and Site Design

ARCHITECTURAL STYLE

There are no specific “style” requirements for buildings in the rehabilitation area. However, new buildings shall follow the traditional early 20th Century architectural traditions of Maplewood Village and be compatible with and follow the existing architectural vocabulary, particularly in terms of orientation, massing, articulation and building materials.

The architectural character of Maplewood Village primarily consists of early 20th Century traditional and vernacular buildings from 1895 to 1935. The predominant material is masonry, usually brick, but including stone and terra cotta. Buildings are one to three stories in height along the street, and sometimes include dormers for the third story.

The early 20th Century architectural vocabulary for facades includes the following components:

- Strong base of buildings with large clear glass store fronts. Ideally these store fronts have divided glass, surrounded by masonry piers and walls.
- Entrance doors for upper stories are clearly demarcated with classical elements such as pilasters and stone surrounds.
- Upper story windows are vertical in proportion and typically are wood double-hung with divided lites with appropriately proportioned trim in stone or wood, with a lintel in stone or brick.
- Cornices or extended eaves cap the buildings, and are proportional to the overall height of the buildings.
- Roofs are often flat, but there are buildings with sloping roofs with dormers that support the third floor residential units.

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.

BALCONIES

Balconies are permitted on upper floors of all residential facades except any facade facing Maplewood Avenue. Balconies on a facade facing Ricalton Square or New Jersey Transit railroad right-of-way may project up to three feet from the building facade, but shall not project beyond the property line. Balconies on a facade facing the lot line of Block 13.09, Lot 186 shall be fully recessed within the building plane. Balconies shall be visually permeable at the front, with wood or metal railings, and shall be full balconies (i.e. shallow “Juliet” or French balconies are prohibited).

BICYCLE FACILITIES

Indoor bicycle storage areas shall be provided for residents and workers of all buildings. Outdoor bicycle parking shall be provided to accommodate customers and visitors of the uses in the rehabilitation area. A minimum of three outdoor bicycle racks shall be provided, and shall match

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the style and color of those existing in Maplewood Village or approved by the Maplewood Village Alliance. Each outdoor bicycle rack shall have a minimum capacity of eight bicycles.

BUILDING MATERIALS AND FACADE DESIGN

All buildings in the rehabilitation area shall be constructed of high-quality materials. Primary permitted building materials shall be brick, stone and/or stucco, which shall cover a minimum of 75 percent of each facade, exclusive of windows and doors. Accent materials include painted and nonreflective metals, glass, aluminum, wrought iron, matte finish ceramic, slate, terra cotta, stone and wood clapboard siding. Reflective materials, EIFS and other synthetic stucco, vinyl siding and vinyl-clad windows are explicitly prohibited. Building materials should harmonize with materials used in surrounding development.

Any facade that faces a public or private parking area or a public alley or other right-of-way, or is visible from a street or railroad, shall utilize the same materials, building design and quality of appearance as a front facade. Air conditioners, vents and chimneys shall not be permitted on any facade that faces Maplewood Avenue.

GROUND FLOOR USES

The Redevelopment Plan encourages a multiplicity of retail uses at the ground floor level of all facades of the new development, both to encourage pedestrian access and to reflect the architectural character of the existing storefronts in Maplewood Village. Active uses shall be provided on the ground level frontage of all portions of a building facing Maplewood Avenue, Ricalton Square or a pedestrian plaza. These uses may include a retail business, financial institution, restaurant or postal retail facility, as well as management offices, fitness rooms, meeting rooms or building lobbies associated with upper floor uses. The minimum floor to ceiling height of ground level spaces facing Maplewood Avenue and Ricalton Square shall be 11 feet.

LIGHTING

Adequate lighting shall be provided for all parking areas and pedestrian walkways. Street lamps shall match existing light poles in Maplewood Village. 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.

Storefront window displays must be illuminated from dusk until 12:00 midnight.

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.

PARKING DESIGN

The provision of parking in the rehabilitation area should be coordinated with other Township parking efforts in the vicinity of the rehabilitation area.

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Off-street parking may be provided within buildings and in surface parking lots. Public parking spaces should be located in surface parking lots. Parking located in the rehabilitation area serving one or more uses in the rehabilitation area (e.g., parking for apartment residents or hotel guests) should be located within a building.

All parking spaces should be screened from view from the street by landscaping or decorative walls.

Landscaping shall be provided around the perimeter of all surface parking lots.

RECYCLING AND REFUSE AREAS

One or more designated areas shall be provided for the storage of recyclables and refuse. Such areas shall be screened by fences, walls and/or landscaping or be located within a building, and should be located adjacent to a loading area to the extent practicable.

ROOFTOP TERRACES

Rooftop terraces shall be permitted. Any terrace located on a roof above the top story of the building shall be set back a minimum of ten feet from the edge of a facade facing Maplewood Avenue and five feet from any other facade. Rooftop terraces shall not cover more than 20 percent of the roof area.

SATELLITE DISHES AND ANTENNAS

All parts and components of satellite dishes, and television and radio antennas shall require approval of the Maplewood Village Alliance and 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.

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 RB Retail Business zone, and by the sign regulations for the Maplewood Village Special Improvement District set forth in Section 237-9.1 of the Code of the Township of Maplewood.

STREETSCAPE

Pedestrian plazas and other open spaces shall be bounded by perimeter tree plantings. Benches and other street furniture should be provided along Maplewood Avenue and elsewhere in the rehabilitation area. A community bulletin board, kiosk or similar feature shall be provided along the Maplewood Avenue frontage of the rehabilitation area.

SUSTAINABLE DESIGN

Building and site design in the rehabilitation 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

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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) requirements for green building design. 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.

Energy Star

The redeveloper shall participate, to the extent possible, in ENERGY STAR, a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy. ENERGY STAR aims to reduce costs and protect the environment through energy efficient products and practices for residential buildings. The redeveloper shall contact the New Jersey Office of Clean Energy, the administrator of the New Jersey Clean Energy Program, to see how the project can participate in New Jersey's ENERGY STAR programs.

Cool Roofs and Green Roofs

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

B. 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 cool roofs may be found at the Cool Roof Rating Council's web site, www.coolroofs.org.

C. 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.

UTILITIES

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All new utility distribution lines and utility service connections from such lines to the rehabilitation area's individual uses shall be located underground. Remote readers shall be provided for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities. To the extent possible, existing utility lines should also be relocated underground.

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 15 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 approximately every 30 linear feet along building facades. A vertical demarcation having a depth of at least two feet shall be required for every 100 linear feet of building facade.

WINDOWS AND GARAGE OPENINGS

Buildings shall maintain a distinction between ground floor and upper floor windows. A higher proportion of ground floor portions of facades (other than facing the New Jersey Transit railroad right-of-way) should consist of glass than on upper floors.

A minimum of 75 percent of the ground floor of a facade facing Maplewood Avenue, Ricalton Square or a pedestrian plaza shall be transparent glass. Storefront and lobby 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. When muntins are utilized, they shall be visible on the exterior of windows. A minimum of 40 percent of the facade of upper floors shall be transparent glass.

Any exposed areas of parking garage levels that extend more than five feet above the adjacent grade shall include windows or similar openings. In such areas, garage openings shall be a minimum of five feet wide and three feet high. Garage openings shall include decorative glazing and/or grillwork.

Driveways and parking garage openings shall not exceed 20 feet in width. Traffic calming measures such as gates and changes in surface materials shall be utilized where driveways cross a sidewalk or pathway to help ensure the safety of pedestrians and bicyclists.

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5 Circulation, Parking and Loading

SIDEWALKS

The minimum width of sidewalks shall be six feet, except that a minimum width of 11 feet and a maximum width of 15 feet shall be provided for any sidewalk along Maplewood Avenue or Ricalton Square. Sidewalk materials and construction methods are to be determined by the Township Engineer.

VEHICULAR AND PEDESTRIAN CONNECTIONS

New development shall provide at least one direct vehicular connection through the site between the existing parking lot to the south of the rehabilitation area and Maplewood Avenue. A maximum of one driveway shall be permitted on Maplewood Avenue.

A pedestrian and bicycle connection shall be provided through or along the southern edge of the redevelopment area between Maplewood Avenue and New Jersey Transit railroad station's southern pedestrian tunnel. The connection shall be a minimum of 10 feet in width and may be part of a pedestrian plaza. The connection shall include a paved pathway with a minimum width of six feet to allow for pedestrian and bicycle travel. Traffic calming techniques must be utilized in any location where the pathway crosses a driveway. If not part of a pedestrian plaza, attractive paving and ground-cover edge landscaping shall be provided along the pathway. An unobstructed line of sight shall be provided between the southern pedestrian tunnel and Maplewood Avenue. The redeveloper is strongly encouraged to work with New Jersey Transit to improve the pedestrian tunnel, such as by --widening the tunnel and providing barrier-free access on both sides of the railroad tracks.

The existing pathway to the south of the rehabilitation area parallel to the railroad right-of-way shall be extended through the rehabilitation area to connect to Ricalton Square as a bike path along the eastern boundary of the rehabilitation area. The path shall incorporate lighting, landscaping and other features to make it safe and attractive,

These connections shall remain open for public use at all times.

TRAFFIC CALMING

Traffic calming measures such as speed humps and changes in road surface are encouraged at intersections and crosswalks in the rehabilitation area and for any new connections or parking or street improvements constructed in connection with the redevelopment of the rehabilitation area. Speed humps shall not be permitted on Maplewood Avenue.

PARKING

Adequate parking shall be provided to reasonably serve all uses within the rehabilitation area, as well as to provide public parking as required by this plan. However, in recognition of the rehabilitation area's location adjacent to a busy commuter railroad station and availability of stores, services and amenities within the vicinity of this site, some flexibility in the provision of parking is set forth below. The provision of parking in the rehabilitation area should be coordinated with other Township parking efforts in the vicinity of the rehabilitation area.

Public Parking

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Existing public parking spaces in the rehabilitation area shall remain or be replaced by an equivalent or greater number of public parking spaces, which may be located in the rehabilitation area or within reasonable walking distance. There are 33 existing public parking spaces in the rehabilitation area: four spaces on Block 13.09, Lot 180 and 29 spaces on Block 13.09, Lot 185.

Residential Parking

A minimum of 1.0 parking space and a maximum of 1.5 parking spaces shall be provided per dwelling unit. These ratios are lower than set forth in the New Jersey Residential Site Improvement Standards due to the rehabilitation area's accessibility to transit service and the presence of parks, stores and services within reasonable walking distance. Required residential parking spaces shall be provided within the rehabilitation area.

Non-Residential Parking

A minimum of one parking space shall be provided per 400 square feet of non-residential space. Such parking may be located in the rehabilitation area or within reasonable walking distance, and may be provided through provision of actual spaces, merchant permits, payment for existing or future parking capacity pursuant to a formal agreement with the Township or other measures. Dedicated parking areas for individual non-residential uses shall not be permitted within the rehabilitation area, except for parking for hotel guests.

LOADING

One loading space shall be provided to serve the uses in the rehabilitation area and shall be designed as a loading dock if serving a grocery store. The loading space should be located adjacent to recycling and refuse storage areas and should be located within a building and screened from view. The preferred location is the portion of the building closest to the New Jersey Transit railroad right-of-way, with access provided via Ricalton Square. If not located within a building, loading spaces shall be screened by fences, walls and/or landscaping. The loading space shall be designed to accommodate tractor trailer access without using Maplewood Avenue for vehicle maneuvering.

OFF-SITE IMPROVEMENTS

To assess project impacts on traffic, a traffic impact study of external flow on streets and intersections within the Maplewood Village Special Improvement District shall be required. The traffic study shall include an analysis of traffic patterns for accessing parking and loading areas, and evaluate impacts on all access points of vehicular, pedestrian and bicycle traffic in and out of the Village. The redeveloper shall be required to pay the pro-rata share of the cost of providing reasonable and necessary street improvements. "Complete Streets" policies shall be considered in the design of any street improvements.

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6 Plan Consistency Review

RELATIONSHIP TO MASTER PLANS OF ADJACENT MUNICIPALITIES

The rehabilitation area is situated in the interior of the Township of Maplewood. It is not located in the immediate vicinity of any adjacent municipalities, and therefore the redevelopment plan would not impact the master plan of any municipality adjoining Maplewood.

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.

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. It also promotes walking and bicycling and transit usage, and supports the continued vitality of a traditional mixed-use downtown. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

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7 Redevelopment Actions

OUTLINE OF PROPOSED ACTIONS

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.

New Construction

Construction of new structures and other improvements will take place as proposed in Chapters 3, 4 and 5 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 (or redevelopers, in the event more than one is designated) must adhere to the overall parameters for development presented in Chapters 3, 4 and 5 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.

PROPERTIES TO BE ACQUIRED

The Township of Maplewood owns all of the parcels in the rehabilitation area. Therefore, no property acquisition is necessary. **Lots 180 and 181 will be merged and a portion of existing Lot 180 will be subdivided from the new lot. It is expected the Township of Maplewood will retain Lot 185.**

OTHER ACTIONS

In addition to the demolition and new construction described above, several other actions may be taken by the governing body 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.

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8 General Provisions

EASEMENTS

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

DESIGN REVIEW

Any site plan for development in the rehabilitation area shall comply with all signage and design review requirements of the Maplewood Village Special Improvement District design standards as set forth in Section 237-9.1 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 Maplewood Village Special Improvement District, Inc. to discuss the design of the building(s) and site.

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

SITE PLAN AND

SUBDIVISION REVIEW

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the rehabilitation 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 applicants for review and approval by the Maplewood Planning Board.

The subdivision of lots and parcels of land within the rehabilitation area shall be permitted in accordance with the requirements of this Redevelopment Plan and the subdivision requirements of the Zoning and Development Regulations 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.

IMPACTS FROM CONSTRUCTION

The redeveloper shall make every effort to minimize impacts from construction and other redevelopment actions on existing businesses and residences, parking and circulation patterns in Maplewood Village. Such actions may include the provision of temporary signage within the rehabilitation area and within a reasonable distance of the rehabilitation area. The redeveloper shall work with the Township and Maplewood Village Alliance 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. Efforts shall be made to limit disruptions to pedestrian, bicyclist and vehicular traffic patterns around the rehabilitation area throughout demolition and construction. Construction activities shall be screened along sidewalks and streets by fencing not to exceed eight feet in height or other measures. Fencing or screening shall be maintained throughout the duration of the project. Creative techniques to minimize visual impacts shall be utilized. These may include, but are not limited to, providing artwork, historical photos or other design features on fencing as well as using colors of screening complementary to surrounding development.

APPROVALS BY OTHER AGENCIES

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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.

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.

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 rehabilitation 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 rehabilitation area on the basis of race, creed, color or national origin.

DURATION OF THE PLAN

The provisions of this Plan specifying the redevelopment of the rehabilitation 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.

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 Rehabilitation 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.

ESCROWS

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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.

INFRASTRUCTURE

The redeveloper, at the Redeveloper's cost and expense, shall provide all necessary engineering 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, stormwater sewer, electric and gas 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, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Redevelopment Agreement between the Township and the Redeveloper will 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.

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9 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 rehabilitation area.
- As indicated in Chapter 6, 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.
- 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.

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10 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.