

TOOMEY'S AUTOMOTIVE SITE REDEVELOPMENT PLAN
TOWNSHIP OF MAPLEWOOD, NEW JERSEY

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January 2019

Toomey's Automotive Site Redevelopment Plan

Township of Maplewood, New Jersey


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

A handwritten signature in black ink, appearing to read "Paul Grygiel", is written over a horizontal line.

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1 Introduction

A. BASIS FOR THE PLAN

This redevelopment plan has been prepared for an area consisting of a single property located on Baker Street within the Township of Maplewood, Essex County, New Jersey (the “rehabilitation area”). The rehabilitation area is located on the southwestern edge of the central business district of the Township of Maplewood, which is known as Maplewood Village. It is designated as Block 237.01, Lot 12.06 on the Township’s tax records.

The Maplewood Township Committee in July 2018 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.

B. PURPOSE

This Redevelopment Plan sets forth standards for the construction of buildings and other improvements in the rehabilitation area. The purpose of this Redevelopment Plan is to provide a framework for the potential redevelopment of a property occupied by a vacant building and developed in a manner inconsistent with its walkable downtown setting in accordance with smart growth principles and current design techniques.

C. NOTES ON PLAN TERMINOLOGY

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

- “Shall” means that a redeveloper is required to comply with the specific regulation, without any deviations, other than those deviations that may be permitted by the Planning Board, as hereinafter provided.
- “Should” means that a redeveloper is encouraged to comply but is not required to do so.

D. DEFINITIONS

The definitions set forth in the Land Use Regulations Ordinance of the Township of Maplewood shall apply to this Redevelopment Plan.

As used in this Redevelopment Plan, the following terms shall have the meanings indicated:

AWNING: A roof-like cover generally made of cloth, canvas or similar material that projects from the wall of a building for the purpose of shielding a doorway or window and which may be retractable.

CANOPY: A non-retractable structure that permanently projects from the wall of a building, to shield a doorway, window or sidewalk, generally made of rigid building materials and supported by a metal frame.

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

FAÇADE: Any exterior building face or wall.

GREEN ROOF: 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.

PLANNING BOARD: The Township of Maplewood Planning Board.

TOWNSHIP COMMITTEE: The governing body of the Township of Maplewood.

VILLAGE ALLIANCE: The Maplewood Village Special Improvement District, Inc.

Except as otherwise provided herein, words not defined above that appear in this Redevelopment Plan shall be interpreted in accordance with “Definitions” section in the Maplewood Zoning and Development Regulations Ordinance as set forth in Section 271-3. If a term used in this Redevelopment Plan is not defined in the Zoning and Development Regulations Ordinance, the definition in the Municipal Land Use Law or the Local Redevelopment and Housing Law shall apply.

2 Context

The rehabilitation area consists of one tax lot located on the southwest side of Baker Street, specifically at 104 Baker Street, west of its intersection with Baker Street. The lot is identified as Block 12.06, Lot 237.01 on the Township's official tax maps. The rehabilitation area encompasses a total area of approximately 0.23 acres, according to the Township's tax records. The property has 100 feet of frontage of Baker Street, and its depth varies from 55.67 feet to 90 feet. The rehabilitation area is located approximately 275 feet west of Baker Street's intersection with Baker Street. Its locational context within the Township of Maplewood is shown on Figure 1. 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.

The rehabilitation area is located on the southwestern edge 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 less than one-quarter mile to the east of the rehabilitation area. Passenger train service to and from New York, Hoboken, Summit, Gladstone, Hackettstown and intermediate points is provided from this station.

The sole existing building within the rehabilitation area is now vacant. It was formerly used as an automobile repair shop and has been vacant since August 2017. Its current owner is 104 Realty Management LLC. The parcel contains several improvements, including two curb cuts providing vehicular access, a guard rail along the westerly property line, a retaining wall along the easterly property line and a wooden fence along the southerly rear property line. Most of the lot is covered with asphalt pavement. The only existing building present is a one-story building previously used as a motor vehicle repair shop located towards the rear of the lot. This building is constructed of concrete and includes two garage bays. In addition to the automobile repair service area, the building also contains an office area. The building was constructed in 1954, according to Township's tax records. The retail sale of gasoline was provided on the site until 1987, after which time the automotive repair aspect of the use continued until 2017. The rehabilitation area parcel contains 100 feet of frontage along Baker Street. Pursuant to its former motor vehicle repair station use, the parcel is currently undergoing environmental remediation, including for removal of underground storage tanks. The property is currently being rented by the Township for free public parking.



Figure 1: Rehabilitation Area Location | Toomey's Automotive Site Redevelopment Plan | Township of Maplewood, NJ
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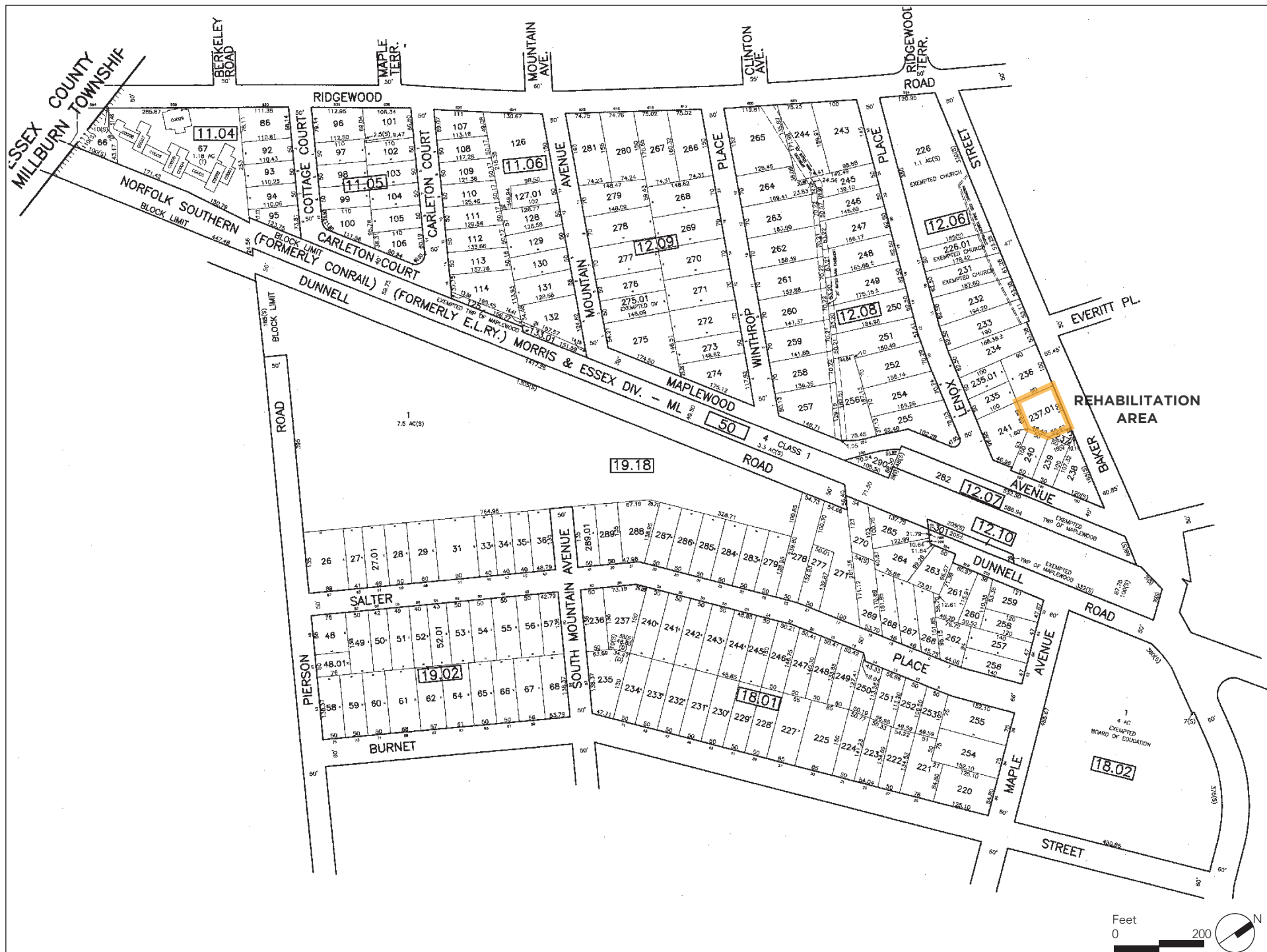


Figure 2: Rehabilitation Area Boundaries | Toomey's Automotive Site Redevelopment Plan | Township of Maplewood, NJ
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Figure 3: Rehabilitation Area Context | Toomey's Automotive Site Redevelopment Plan | Township of Maplewood, NJ
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3 Goals of the Redevelopment Plan and Relationship to Local Objectives

A. REDEVELOPMENT PLAN GOALS AND OBJECTIVES

The specific goals and objectives of the Redevelopment Plan are as follows:

- 1) Permit new development consistent with the rehabilitation area's mixed-use, transit-oriented and pedestrian-friendly setting
- 2) Integrate development into the surrounding neighborhood by encouraging aesthetically appropriate building and site design that complements existing and planned residential, commercial and mixed-use development and improves the pedestrian environment
- 3) Allow new building(s) that are similar in scale to existing development in Maplewood Village
- 4) Mandate green building design, such as through requiring LEED certification
- 5) Provide adequate parking for residential uses in the rehabilitation area, while accommodating parking for other uses, customers and visitors in on-street and off-street public parking spaces in the vicinity of the rehabilitation area
- 6) Provide facilities for bicyclists in the rehabilitation area

The Redevelopment Plan is intended to capitalize on the strengths of the rehabilitation area, including its 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.

B. RELATIONSHIP TO MASTER PLAN

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"). This document emphasizes the importance of Maplewood Village to the Township and includes recommendations for protecting and enhancing this area. The 2011 Reexamination discusses focusing retail and service uses within Maplewood Village. It also targets the prohibition of the automobile service station use in the RB zone as this use is "inconsistent with the existing and desired future character of Maplewood Village."

The 2011 Reexamination provides general guidance for the enhancement of Maplewood Village. 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
- 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

This Redevelopment Plan is substantially consistent with the goals and recommendations of the 2011 Reexamination. The successful implementation of this Plan will advance the above goals and objectives by enabling the productive redevelopment of the rehabilitation area with a mix of uses, and improving the appearance of the rehabilitation area.

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 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.

4 Use and Bulk Regulations

A. LAND USES

1) Permitted principal uses

- a. Retail businesses, not including thrift shops, pawnshops and check-cashing establishments. “Active” uses related to the residential uses, including leasing offices, workout rooms, laundry facilities and resident lounges are not defined as retail businesses. Each retail store must exit directly to the sidewalk level, without ramps or steps.
- b. Restaurants, but not including fast-food restaurants.
- c. Dwelling units, but not on the street level or lower. Dwelling units shall contain a mix of studio, 1 bedroom units and 2 bedroom units. The affordable housing obligation for the rehabilitation area shall be addressed as determined by the Township Committee.
- d. Offices and professional offices, but not on the street level or lower, excluding financial institutions, and real estate offices.
- e. Indoor recreation uses, limited to educational play centers, escape rooms and virtual experience centers, except adult entertainment.
- f. Multiple permitted uses may be permitted within the rehabilitation area.

2) Permitted accessory uses

- a. Lobbies on the ground level providing access to dwellings or offices on upper floors.
- b. Parking as an accessory use to permitted principal uses in the rehabilitation area.
- c. Fences not over six feet in height in rear yard only,
- d. Loading spaces, including loading docks, and recycling and refuse storage areas.
- e. 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.
- f. 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.

B. BULK REGULATIONS

1) Building Height

- a. The limitations on building height assume the construction of a building with a flat roof. Maximum building height shall not exceed 37 feet along the Baker Street facade. Height shall be calculated using an average finished grade at the furthest two building corners to the highest point of the roof.
- b. A maximum of three stories shall be permitted. Enclosed rooftop areas limited to 15 percent of the roof surface area shall not be considered an additional story.
- c. Building Height Exemptions. Parapets and other rooftop appurtenances shall be exempt from the calculation of building height, so long as:
 - i. Parapets do not exceed the highest point of a flat roof by more than 42 inches.
 - ii. Rooftop appurtenances do not exceed maximum building height by more than 12 feet. Rooftop appurtenances shall be visually screened or set back from the Baker Street facade at least one foot for every one foot in the appurtenance's height. Rooftop appurtenances may cover no more than 25 percent of the roof area. Appurtenances may include, but are not limited to: (1) mechanical and egress cores, (2) mechanical systems equipment, (3) exhausts stacks, and (4) safety railings.

2) Building Setbacks

- a. Front setback: zero feet.
- b. Minimum side setback to the lot lines of Block 12.06, Lots 236, 237 and 239: zero feet.
- c. Minimum rear setback to the lot line of Block 12.06, Lot 240: 10 feet.
- d. Minimum rear setback to the lot line of Block 12.06, Lot 241: 12 feet.

3) Coverage

- a. Maximum building coverage: 80 percent.
- b. Maximum lot coverage: 100 percent.

5 Building and Site Design

A. ARCHITECTURAL STYLE

The rehabilitation area's location on the periphery of Maplewood Village allows for variation in building style from the traditional architectural styles of buildings in Maplewood Village, including more contemporary design. However, certain components of existing development shall be provided, notably high quality building materials and glass storefronts and active uses at street level. New buildings in the rehabilitation area shall be oriented to the street and continue the "street wall" of the building to the east.

There are no specific "style" requirements for buildings in the rehabilitation area. However, new buildings shall be compatible with and follow the existing architectural vocabulary, particularly in terms of orientation, massing, articulation fenestration, proportions and building materials.

B. AWNINGS AND CANOPIES

Awnings and canopies 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. Internally illuminated awnings are not permitted. No awning or canopy shall extend more than five feet from the building exterior. No awning or canopy 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.

C. BALCONIES

Balconies are permitted on the upper residential floors. Balconies shall be fully recessed within the building plane.

D. BICYCLE FACILITIES

Enclosed bicycle storage areas shall be provided within the building or garage for residents and workers. Outdoor bicycle parking shall be provided to accommodate customers and visitors of the uses in the rehabilitation area. A minimum of one outdoor bicycle rack shall be provided, and shall match 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.

E. BUILDING DESIGN

- 1) A vertical demarcation shall be provided a minimum of every 30 linear feet along building façades above the ground floor.

- 2) All facades 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 Baker Street.

F. BUILDING MATERIALS

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.

Vinyl siding and vinyl windows are prohibited. No more than three different primary materials should be used on building facades. Within the primary materials, variations in colors, textures and pattern may be employed to further break up the bulk or mass of the building.

G. LIGHTING

Adequate lighting shall be provided for all parking areas, pedestrian walkways and public sidewalks. 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 dawn.

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.

H. OFF-STREET PARKING AND LOADING

In light of the proposed mixed-use nature of the rehabilitation area, shared parking and car-sharing programs are encouraged.

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.

Off-street parking spaces shall measure a minimum of 9 feet in width by 18 feet in length for perpendicular parking spaces, excluding ADA accessible spaces, which may be reduced to 8 feet in width by 18 feet in length with the associated access aisle. Parallel parking spaces shall measure a minimum of 7 feet in width by 23 feet in length.

I. PARKING DESIGN

Off-street parking may be provided within buildings and in surface parking lots. Parking should be screened from view from the street, and shall be screened from adjacent properties by fencing and/or vegetation. A driveway entrance providing access to an off-street parking area shall only be permitted within 25 feet of the lot line of Block 12.06, Lot 236. Driveways and parking garage openings shall not exceed 22 feet in width. Traffic calming measures shall be utilized where driveways cross a sidewalk or pathway to help ensure the safety of pedestrians and bicyclists. No overhead door or gate is permitted at the parking garage entrance.

J. 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.

K. 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 Baker Street and five feet from any other facade. A rooftop terrace must be screened with a six foot tall rooftop fence in the rear of the building adjacent to Block 12.06, Lots 240 and 241. The fence shall be made of materials approved by the Design Review Committee of the Maplewood Village Alliance.

L. 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.

M. SIDEWALKS

The minimum width of sidewalks shall be eight feet. Sidewalk materials and construction methods are to be determined by the Township Engineer. The redeveloper will work with the Engineer to include street trees or other planting along the front of the building.

N. 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.

O. SUSTAINABLE DESIGN

1) Overview

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 community and environmental health and to enhance the environmental and economic performance of buildings.

2) 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 encouraged 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.

Alternatively, the redeveloper shall, in connection with its application for a building permit, provide a certification from a LEED-certified professional that if the redeveloper were to apply for LEED Certification, the development proposal would meet the standards of LEED Certification. If the redeveloper selects the alternative to LEED Certification, the redeveloper should incorporate additional sustainability measures with the cost savings from not having to apply for LEED Certification.

Additionally, the redeveloper may incorporate sustainability measures that are not part of LEED Certification but are part of a similar acceptable system of achieving sustainability goals.

3) 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.

4) Electric Vehicle Charging

The infrastructure for electric vehicle chargers shall be provided in the parking area.

5) 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.

P. UTILITIES

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.

Q. 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 should consist of glass than on upper floors.

A minimum of 75 percent of the ground floor of a facade facing Baker Street shall be transparent glass. Storefront and lobby entrance doors shall be at least 75 percent transparent glass. The ground floor drive aisle shall not be included in the calculation of the percentage of ground floor space needing transparent glass.

A minimum of 40 percent of the facade of upper floors facing Baker Street shall be transparent glass.

6 Plan Consistency Review

A. 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.

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 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 27 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 2018.

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 and is located proximate to highways and other transportation networks. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

7 Redevelopment Actions

The Redevelopment Plan provides for a number of actions in support of the overall Plan goals and objectives, as follows:

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 vegetation. 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. This subsection supersedes Subsection 237-9.1B(6) of the Maplewood Village Special Improvement District regulations regarding demolition.

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 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.

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.

C. REDEVELOPER'S AGREEMENT

The Redeveloper shall enter into an agreement with the Township no later than 90 days of a memorialized Planning Board resolution of final site plan approval. The Redeveloper's Agreement shall be in a mutually agreeable form satisfactory to the Township Attorney and Redeveloper.

D. OTHER ACTIONS

In addition to the demolition and new construction described above, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to:

- Provisions for public infrastructure necessary to service and support new development.
- Environmental remediation.
- Vacation of public utility easements as may be necessary for redevelopment.

8 General Provisions

A. SITE PLAN REVIEW

Prior to commencement of construction, a site plan 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 applicant for review and approval by the Maplewood Planning Board.

B. 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 with representatives of the Township and the Maplewood Village Special Improvement District, Inc. to discuss the design of the building(s) and site. There are no limits to the number of meetings that shall be held. Any meetings that are held between the redeveloper and Maplewood Village Special Improvement District, Inc. or its Design Review Committee are to be noticed at least 24 hours in advance of the start time of such meetings by providing a notice to the Maplewood Township Clerk and by posting a notice on the website of the Maplewood Village Special Improvement District, Inc. The Maplewood Village Special Improvement District, Inc. may post notices of such meetings in advance of the 24 hours required above. The Maplewood Village Special Improvement District may select additional individuals to join its Design Review Committee to participate in the discussions about 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.

C. 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.

D. 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.

E. NON-DISCRIMINATION PROVISIONS

No covenant, agreement, lease, conveyance, or other instrument shall be affected or executed by the Governing Body of the Township of Maplewood or by a developer or any of his or her successors or assignees, whereby land within the rehabilitation area is restricted upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual preference 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, ancestry, sex, national origin, family status, disability, or sexual preference.

F. DURATION OF THE PLAN

The provisions of this Redevelopment Plan specifying the redevelopment of the rehabilitation area and the requirements and restrictions with respect thereto shall be in effect for a period of not more than 30 years from the date of original adoption by the Township Committee.

G. 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.

H. 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.

I. 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.

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.
- No displacement and/or relocation of businesses and residents in the rehabilitation area is anticipated on the part of the Township of Maplewood.
- As indicated in Chapter 3, this Redevelopment Plan is substantially consistent with the Master Plan of 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.
- 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.

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.