

ORDINANCE #458-19
AN ORDINANCE AMENDING THE WATERFRONT REDEVELOPMENT PLAN
OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY

WHEREAS, the Sayreville Economic Redevelopment Agency (“SERA”) has designated Sayreville Seaport Associates Urban Renewal, L.P. (“SSA”) as the designated redeveloper of a portion of the Sayreville Waterfront Redevelopment Area (“S.W.R.A.”); and

WHEREAS, the Sayreville Borough Council adopted the Waterfront Redevelopment Plan (“the Redevelopment Plan”) dated January 1999 to guide the redevelopment of the S.W.R.A.; and

WHEREAS, the Redevelopment Plan was amended on August 21, 2006 by Ordinance No. 951-06 (which was subsequently repealed), on February 9, 2009 by Ordinance No. 76-09, and on April 8, 2013 by Ordinance No. 214-13; and

WHEREAS, as the vision for the S.W.R.A. has evolved over time due to a variety of circumstances, SSA has requested a variety of modifications to the Redevelopment Plan to facilitate the redevelopment of the S.W.R.A.; and

WHEREAS, SERA has reviewed and supports the proposed amendment of the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE MAPS CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS:

The following schematic maps, each dated 2/13 (collectively “Schematic Maps”), are annexed to Ordinance 214-13 (“2013 Amendment”):

- Schedule A: “Sayreville Waterfront Redevelopment Area Redevelopment Parcels Map”
- Schedule B: “Sayreville Waterfront Redevelopment Area Proposed Roadway Schematic”
- Schedule C: “Sayreville Waterfront Redevelopment Area Proposed Water System”
- Schedule D: “Sayreville Waterfront Redevelopment Area Proposed Sanitary Sewer System”
- Schedule E: “Sayreville Waterfront Redevelopment Area Land Use Plan”

The Schematic Maps shall be considered illustrative only, and where there are inconsistencies between the Schematic Maps and the text of the Redevelopment Plan, the text shall control. The Schematic Maps shall collectively be amended as follows:

1. Parcels C1, C2, C3, and C4 shall be considered a single parcel, known as "Parcel C";
2. No roadways or walkways shall be required to be constructed on Parcel A. However, a portion of Parcel A may be used to construct a jughandle or other road to facilitate connection from Route 35 to Parcel B;
3. Water service shall not be required to be extended to the existing domestic water line on Horseshoe Road nor to be extended to service Parcel A; and
4. Multiple lift stations for the disposal of sewage shall be permitted within the S.W.R.A.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE TEXT CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS:

- I. **The following paragraph on Page 9 of the Infrastructure Section shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough):

Improvements to the public roadways are required to facilitate circulation and increase roadway capacity and accessibility through the Area. It is anticipated that, at a minimum, a connector road between Parcels B and C will be constructed under the GSP and Route 9 to connect to Route 35. ~~[The continuation of the roadway from Parcel B to Parcel A under Route 35 will be encouraged, drawing together all tracts for a cohesive interconnected circulation pattern. This]~~ A second roadway will also extend along a route parallel to the rail alongside the MUA and will be continued to a future extension [beyond Parcel D.] of the Main Street Bypass. Once a redeveloper has completed 500,000 square feet of commercial space on Parcel C, the redeveloper and SERA shall explore alternative designs for the final layout of this second roadway to connect to the Main Street Bypass. The redeveloper's obligation to construct this portion of the connection to the Main Street Bypass shall not be triggered until (1) the segment of the Main Street Bypass that will connect to the redeveloper's segment of the Main Street Bypass has been designed and funded; and (2) the redeveloper has constructed one million square feet of commercial space within the S.W.R.A.

- II. **The following Principal Permitted Uses for Parcel B and Parcel C, as last modified by the 2013 Amendment, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

12. Age-Targeted Residential Uses, which may include various housing unit types, including low, middle and high-rise facilities, and which shall encourage the residential over retail concept, not to exceed a maximum of 2,000 total residential dwelling units. All residential development shall be designed so as to minimize the construction of units with more than two bedrooms, the generation of school age children. Age-Targeted Residential [~~development~~] Uses shall mean those residential uses that comply with and provide the amenities and support facilities identified in the resolution of SERA dated October 29, 2007, designating OPG as redeveloper with respect to Parcels A, B, C1, C2 and C3, as such amenities and support facilities shall be approved by SERA.] Master Redevelopment Agreement dated May 14, 2008, as may be amended. SERA's approval of any site plan prior to submission to the Planning Board shall constitute a conclusive determination that such proposed residential units comply with the requirements for Age-Targeted Residential Uses.

The design and construction of the Age-Targeted Residential Units must comply with the Federal Fair Housing Act, 42 USC 3601-19, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-1 et seq., and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12.5, and any related Judgment of Repose for the Borough of Sayreville, if such a judgment is in effect.

13. Assisted living facilities[~~, skilled care residential facilities~~] and continuing care retirement communities, which shall count toward the limit on residential units.

14. Nursing homes, skilled care facilities, hospitals, surgical centers or other similar medical facilities, including urgent care centers and the offices of physicians and other medical practitioners.

* * *

17. Water-related and water dependent uses such as but not limited to marinas, docks, watercraft repair and storage (including watercraft repair and storage conducted by a retailer which sells watercraft at a location elsewhere in the Redevelopment Area, provided that there shall be no more than one such watercraft storage area associated with a principal retail use in the Redevelopment Area), marina fueling stations, bait and tackle shops, dry docking, watercraft maintenance facilities and waterfront restaurants and banquet or catering facilities.

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21. Park and Ride Facilities, ride sharing services, car sharing services, and car rental services.

III. **The following new Permitted Principal Uses shall be permitted on Parcel B and Parcel C:**

29. Self-Storage facilities, provided that the facility is in a multi-story format and offers climate-controlled storage options. No more than three such facilities shall be permitted within the Redevelopment Area.

30. Mid-rise Vehicle Sales, which shall be defined as a facility that includes a vehicle storage and display tower of three or more stories, with automated retrieval systems, for the display and sale of new or used vehicles (which may also be used for storage and customer pickup of vehicles purchased or reserved via the internet) and that has an associated land area of no more than one and a half (1.5) acres. No more than two such facilities shall be permitted within the Redevelopment Area.

31. Facilities producing alcoholic beverages for wholesale or retail distribution, including breweries, wineries, meaderies, and distilleries, which may include related ancillary activities such as tours, sampling, entertainment, and food service.

IV. **The following Accessory Use for Parcel B and Parcel C, as last modified by the 2013 Amendment, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

7. Auto repair, fuel sales and car washes, when associated with a permitted retail use measuring at least 40,000 square feet (which accessory uses shall not be subject to the cap on Gas Stations). Used car lots, other than Mid-rise Vehicle Sales, shall be prohibited.

V. **The following Standard as it applies to uses in Parcel B and Parcel C, as last modified by the 2013 Amendment, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

Configuration of property. Redeveloper may consolidate, subdivide and condominiumize the property. The redeveloper may also create one or more property associations for the management of common amenities and facilities.

VI. **Standards 2, 7, and 9 for the construction of the Waterfront Walkway, presently found on Page 12 of the Redevelopment Plan, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

2. The walkway shall be a minimum of twelve (12) feet in unobstructed width, except that in limited areas, the walkway may be reduced to no less than eight (8) feet due to physical, environmental or development constraints or in areas with lower anticipated pedestrian traffic. The walkway shall be [and] an average of [twenty (20)] sixteen (16) feet throughout and shall be constructed of concrete or similarly durable material, subject to specific site conditions. It shall be constructed of the same types of materials throughout its entire length, except (i) in certain focal areas, where complementary higher quality or ornamental material may be used; and (ii) where the use of other materials is required due to physical, regulatory or environmental constraints. Additional width shall be provided in areas with additional amenities such as benches or planters. A walkway right-of-way width of twenty-five (25) feet is recommended.

* * *

7. The waterfront walkway shall be constructed by the redeveloper(s) in conjunction with the development of the adjacent property. No walkway shall be required on Parcel A or those portions of Parcel C3 between the Raritan River and property owned by the Middlesex County Utilities Authority where no vertical development is proposed to be constructed. Mechanisms to guarantee the timely completion of the walkway shall be imposed on the redeveloper(s) at the time of site plan approval.

* * *

9. Property owners ~~shall~~ be responsible for maintenance of the portion of the walkway on their property, provided that the maintenance obligation may be assumed by a property owners association, in which case the individual property owner shall not be responsible for such maintenance.

VII. **Paragraphs 5, 6, and part of 7 on Page 21 of the Redevelopment Plan, within the Off-Street Parking and Circulation Section, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

5. [~~All ninety (90) degree parking spaces that are long-term in usage shall be a minimum of nine (9) feet in width by eighteen (18) feet in depth. Aisles shall be a minimum of twenty-four (24) feet in width.~~] All ninety (90) degree parking spaces in surface lots shall be a minimum of nine feet (9') in width by eighteen feet (18') in depth, provided that up to ten percent (10%) of required parking spaces may be compact spaces measuring eight feet six inches (8'6") in width by seventeen feet (17') in depth. All ninety (90) degree parking spaces in multi-level parking garages shall be a minimum of eight feet six inches (8'6") in width by eighteen feet (18') in depth, provided that up to ten percent (10%) of required parking spaces may be compact spaces, interspersed throughout the garage and not concentrated in adjacent bays, measuring eight feet (8') in width by sixteen feet (16') in depth. The above notwithstanding, compact spaces may be located in parking garages only where physical obstructions or anomalies (such as

structural components, utility lines or equipment, geometric irregularities, stairwells, elevator lobbies, pedestrian walkways) make full-size spaces impracticable, or to address turning radius considerations with respect to spaces located on aisle end-caps. Aisles in ninety-degree (90) parking fields shall be a minimum of twenty-four feet (24') in width. Diagonal parking fields are permitted, provided that the spaces shall have an angle of not less than sixty (60) degrees, and the aisles shall be one-way and not less than eighteen feet (18') in width. On street parallel parking spaces shall be seven feet (7') in width by twenty three feet (23') in length. The Borough agrees to seek a Special Area Designation under the Residential Site Improvement Standards, N.J.A.C. 5:21-3.5, to obtain formal approval of the standards within this paragraph from the Site Improvement Advisory Board.

6. All parking garages shall be designed using compatible or complementary materials as the principal buildings so that they blend in architecturally. ~~[All voids in structures shall be screened so that lights and vehicles are not individually visible.]~~

7. . . . ~~[Street names should be chosen from the list of Veterans maintained by the Borough.]~~ The Tax Assessor shall assign names to new streets in accordance with a conceptual street map to be approved by SERA. The street names shall use veterans' names and the names of those killed in the line of military duty unless the redeveloper establishes an appropriate alternative method (approved by SERA) for honoring veterans within the project site, in which case the street names shall be chosen by redeveloper and approved by SERA to promote the uses and branding for the project. This provision supersedes Borough Code Section 13-3.2.

VIII. **Paragraph 1 on Page 22 of the Redevelopment Plan, within the Screening of Exterior Mechanical Equipment Section, shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

1. In areas where rooftops can be viewed from ~~{adjacent}~~ public roadways directly adjacent to the building, rooftop equipment shall be screened to commercially reasonable standards as approved by SERA ~~[the greatest extent possible, and/or shall be painted to match the roof. If such rooftop equipment is visible from the public road, it shall be finished to match the façade of the building].~~ This provision does not require rooftop equipment to be painted or screened from view from the Garden State Parkway, Route 9 or Route 35, as it is acknowledged that rooftops will be visible from such roadways and any attempts at screening or camouflaging would be impracticable.

IX. **Paragraph 3 on Page 23 of the Redevelopment Plan, within the Signage Section, shall be amended as follows** (insertions are indicated by

underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

3. ~~[No rooftop signs shall be permitted.]~~ Rooftop signs shall be permitted for the identification of the proper name of the business or place where the sign is located or for the identification of an actual bona fide and principal activity, product or service, or for an event that is conducted, available, offered or produced on the property where the sign is located. In addition, rooftop signs may state the name of the overall development project (i.e. "Riverton"), a district within the project, or a geographic reference such as the name of the Borough, County or State. Rooftop signs must contribute to the overall aesthetic of the development and must be approved by SERA in its reasonable discretion and must be consistent with the scale of the buildings on which they are located.

X. **The following paragraph on Page 28 of the Redevelopment Plan shall be amended as follows** (insertions are indicated by underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

The Redevelopment Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval of this amendment to the Plan by Mayor and Council.

Kevin Dalina, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

Michael DuPont, Esq.
Borough Attorney