

infrastructure and services are available, limits sprawl development, protects the environment and enhances and rebuilds existing communities. The New Jersey Office of Smart Growth (OSG) defines smart growth as “well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland and environmental resources. Smart growth supports livable neighborhoods with a variety of housing types, price ranges and multi-modal forms of transportation. When applied as recommended by OSG, smart growth is epitomized by compact, transit accessible, pedestrian-oriented, mixed-use development and land uses.

OSG lists the following principles of smart growth:

- + Mixed land uses
- + Compact, clustered community design
- + Walkable neighborhoods
- + Distinctive, attractive communities offering a “Sense of Place”
- + Open Space, farmland and scenic resource preservation
- + Future development strengthened and directed to existing communities using existing infrastructure
- + Transportation option variety
- + Community and stakeholder collaboration in development decision-making
- + Predictable, fair, and cost-effective development decisions
- + Range of housing choice and opportunity

Adopted on March 1, 2001, the New Jersey State Development and Redevelopment Plan (SDRP) Provides a comprehensive planning framework for the future of the State, including the application of smart growth principles. The SDRP calls for focusing growth in areas with existing infrastructure and investment, (cities, suburbs and towns) and away from environmentally sensitive areas. The SDRP places most of the Borough of Sayreville in the Metropolitan Planning Area (PA-1). According to the SDRP, most of the communities within PA-1 are fully developed or almost fully developed with much of the new growth occurring through redevelopment.

The following policy objectives are intended as guidelines for planning within communities located in PA-1, Metropolitan Planning Areas:

- Land Use: Promote redevelopment and development and ensure efficient and beneficial utilization of scarce land resources.
- Economic Development: Promote economic development by encouraging redevelopment efforts such as infill and land assembly, private/public partnerships and infrastructure improvements.
- Transportation: Maintain and enhance a transportation system that capitalizes on high density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency and create opportunities for transit oriented redevelopment.

- Redevelopment: Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.
- Public Facilities and Services: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment.

The Borough continues to support projects that are consistent with smart growth principles. As previously mentioned above, the draft Master Plan elements emphasize SDRP objectives, especially in regard to the Waterfront Redevelopment Area. The Borough has demonstrated its commitment to Smart Growth Planning Principles and specifically in the PA-1 planning areas. Designation of the study area as an area in need of redevelopment and the development of a comprehensive redevelopment plan for the Borough's waterfront area is consistent with these principles and will be designed to further support and complement other smart growth based initiatives in the Borough. Based on the foregoing, it can be concluded that the study area meets the "h" criteria of the statute.

CONCLUSION

Based on the study area and analysis described above, the properties in question and enumerated in Table No. 1 are in need of redevelopment and should be included in the Sayreville Borough Waterfront Redevelopment Plan pursuant to the "d" and "h" criteria of the statute as defined in the LDHL.

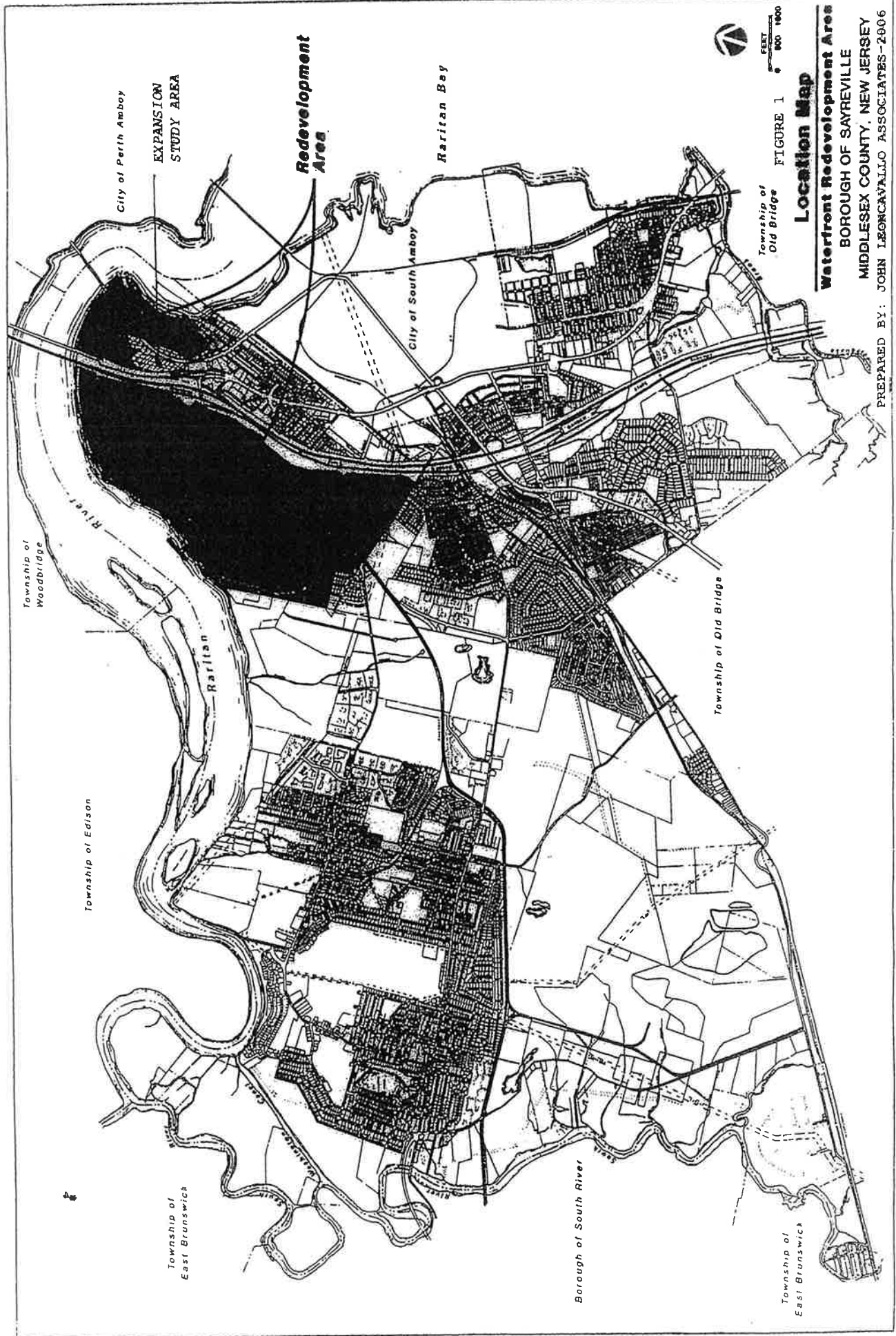


TABLE NO. 1

Additional Properties for Inclusion into Redevelopment Area

<u>Block</u>	<u>Lot</u>	<u>Acreage</u>	<u>Property Description</u>	<u>Property Owner</u>
273	1	14.67	Irregular lot with existing masonry building- 64,885 square feet (closed movie theater)	National Amusements
265	1	4.0	Separate lot for parking & wetlands	National Amusements
274.01	1	2.4	Separate lot for parking	National Amusements
274	2	.48	Small triangular lot for outdoor billboard	Viacom Outdoor, Inc.
275.01	1	.20	Small triangular lot for outdoor billboard	Viacom Outdoor, Inc.
275.01	4,6	.82	Irregular lot for outdoor billboard	Viacom Outdoor, Inc.
275.01	2	.02	Portion of GSP. (vacant)	NJDOT
275.01	3,5	2.55	Trucking terminal masonry building	Bitumen Technologies
274	1	1.71	Former motel operation	NJDOT
273.01	1	>	Vacant land	Raritan Bay Med.Cent
266	2	5.34	Vacant land	Raritan Bay Med.Cent
280	1-5	.28	Vacant land (correct)	Steve/Rose Vrabel
280	1.02	2.00	Vacant land	Spector-Say. Co.
280	1.05	.07	Vacant land	Boro. of Sayreville
280	6	.05	Vacant land (correct)	Steve/Rose Vrabel
280	7-9	.19	Stucco Building –Carpet store & office	Toomey/ Musto
280	10-14, 1.03	.17	Stucco Building	Steve/Rose Vrabel
280	15,16	.12	Small lot for outdoor billboard	Outdoor Systems, Inc
280	17-31	.86	Vacant Land (junkyard) (correct)	Steve/Rose Vrabel
280	32-33	.15	Vacant Land	Anther Reality
280	34-42, 1.04	2.0	.6 Bar/Entertainment	Lebarv Co. (Vrabel)
280.01	1,2	.75	Vacant land	Spector-Say. Co.
281	2	1.00	Vacant land	Boro. of Sayreville
281	55-58, 116-119, 1	2.6	Vacant land	Spector-Say. Co.
282	1,2	2.72	Vacant land	Spector-Say. Co.
282	3	2.10	Vacant land	Boro. of Sayreville
282	210-213	.48	Vacant land	Spector-Say. Co.
282	306-309	.24	Vacant land	Spector-Say. Co.
283	1,2,2.01	2.74	Building- metal fabrication	Beacon Metals
283	3	4.70	Vacant land	Boro. of Sayreville

TOTAL ACREAGE: 54.01

Notes: 1). Block 274 Lot 1 (1.71 acres) was formerly the Sayreville Motor Lodge. Property was taken by NJDOT for recent highway improvements at Victory Circle.

2). Bold lettering means revisions as of 4-18-07.

Prepared by : John Leoncavallo Associates (4-18-07)

RESOLUTION #2007-152
**RESOLUTION CONFIRMING THE INCLUSION OF ADDITIONAL
PROPERTIES IN THE WATERFRONT REDEVELOPMENT PLAN
AND FURTHER DIRECTING THE PLANNING BOARD TO AMEND
THE WATERFRONT REDEVELOPMENT PLAN AS DEFINED IN
CHAPTER 79 OF THE LAWS OF 1992 OF NEW JERSEY,
N.J.S.A. 40A:12A-1 ET SEQ., AS AMENDED**

WHEREAS, the Mayor and Council of the Borough of Sayreville, on August 8, 2005 authorized the Sayreville Planning Board to make an investigation and hold a public hearing to determine whether certain Lots (the Additional Properties"), should be included in the Waterfront Redevelopment Area; and,

WHEREAS, the Sayreville Planning Board has conducted an investigation in accordance with applicable law and determined that the lots sought for inclusion meet the statutory criteria for inclusion in the Redevelopment Area within the meaning of N.J.S.A. 40A:12A-6(c) and (c); and,

WHEREAS, the Sayreville Planning Board has recommended that the Borough of Sayreville declare the aforementioned lots to be included in the Redevelopment Area; and,

WHEREAS, the Mayor and Council of the Borough of Sayreville concur in all respects with the report of the Sayreville Planning Board; and,

WHEREAS, the Mayor and Council of the Borough of Sayreville specifically finds that the referenced lots constituting the Additional Properties meet the statutory criteria for inclusion in a Redevelopment Area within the meaning of N.J.S.A. 40A:12A-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville that the Lots contained in "Schedule A" attached hereto and made a part hereof do hereby constitute the Additional Properties for inclusion in the Waterfront Redevelopment Area such being within the meaning of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and,

BE IT FURTHER RESOLVED, that the Sayreville Planning Board is directed to prepare a Redevelopment Plan for the Additional Properties, meeting the criteria set forth at N.J.S.A. 40A:12A-7 and to transmit same to the Mayor and Council of the Borough of Sayreville for review, amendment and/or approval.

/s/ Kathy Makowski

Councilwoman Kathy Makowski

Approved:

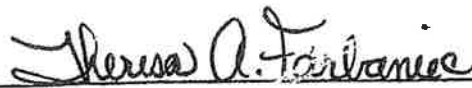
Kennedy O'Brien, Mayor

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYS	ABSTAIN	ABSENT
BUCHANAN	✓			
DRWAL				✓
GROBELNY	✓			
MAKOWSKI	✓			
POLLANGO	✓			
ZACH	✓			

SCHEDULE A

BLOCK	LOT
273	1
265	1
273.01	1
274	1, 2
274.01	1
275.01	1, 2, 3, 4, 5, 6
266	2
280	1, 1.02, 1.03, 1.04, 1.05, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42
280.01	1, 2
281	1, 2, 55, 56, 57, 58, 116, 117, 118, 119
282	1, 2, 3, 210, 211, 212, 213, 306, 307, 308, 309
283	1, 2, 2.01, 3

**I, Theresa A. Farbaniec, Municipal Clerk
of the Borough of Sayreville do hereby certify
that the foregoing is a true copy of a
Resolution adopted at a regular meeting
of the Mayor and Borough Council held
on the 14h day of May, 2007.**



Municipal Clerk

ORDINANCE 951-06

**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") designated LNR Northeastern Investments, Inc. ("LNR") as the Conditional Redeveloper of the Sayreville Waterfront Redevelopment Area ("S.W.R.A.") by way of Resolution dated March 9, 2006; and

WHEREAS, the Resolution contemplated an amendment to the Waterfront Redevelopment Plan (the "Plan") dated January 1999; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville (the "Council") previously referred the amendment to the Sayreville Planning Board (the "Board") so that the Board could make a recommendation for consideration to the Council; and

WHEREAS, the Board held a public hearing on the amendment to the Plan in accordance with N.J.S.A. 40A:12A-7; and

WHEREAS, the Board has recommended the adoption of the amendment to the Plan to the Mayor and Council based on the Board's finding that the amendment furthers the redevelopment goals of the S.W.R.A. as set forth in the Borough of Sayreville Master Plan dated March of 1998; and

**NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL
OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF
NEW JERSEY AS FOLLOWS:**

ADVERTISED ACCORDING TO LAW 8-10-06
ADOPTED ON 2nd & FINAL READING 8-21-06
ADVERTISED ACCORDING TO LAW 8-24-06
Carol A. Miano
Dep. BOROUGH CLERK



ORDINANCE #76-09

**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") designated O'Neill Properties Group, L.P. ("OPG") as the Conditional Redeveloper of the Sayreville Waterfront Redevelopment Area ("S.W.R.A.") by way of a Resolution dated October 29, 2007; and

WHEREAS, the development proposed by OPG requires an amendment (the "Amendment") to the Waterfront Redevelopment Plan (the "Redevelopment Plan") dated January 1999, as amended August 21, 2006 by Ordinance No. 951-06; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville (the "Council") by resolution adopted on April 28, 2008 referred the amendment to the Sayreville Planning Board (the "Board") for review and recommendation according to law.

**NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AS FOLLOWS:**

SECTION 1:

The section of the Redevelopment Plan titled "Relationship Of Plan To The Borough Land Development Regulations" set forth on page 13 of the Plan shall be amended by revising the last sentence of the first paragraph by deleting the word "design" and shall therefore read as follows [insertions are shown with underlining; deletions with ~~strikethrough~~]:

The Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. In order to implement the Redevelopment Plan consistent with the goals and objectives herein, the Plan supersedes the use, bulk and design standards provisions of the Borough Land Development Regulations. Other Borough regulations affecting development that are in conflict are superseded by this Plan, however, existing engineering ~~design~~ standards shall be complied with.

INTRO & PASSED 1st READING

1-26-09

ADVERTISED ACCDNG. TO LAW

1-30-09

ADOPTED ON 2nd & FINAL READING

2-9-09

ADVERTISED ACCORDING TO LAW

2-12-09

Theresa A. Farbanice
BOROUGH CLERK

ORDINANCE 951-06

**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") designated LNR Northeastern Investments, Inc. ("LNR") as the Conditional Redeveloper of the Sayreville Waterfront Redevelopment Area ("S.W.R.A.") by way of Resolution dated March 9, 2006; and

WHEREAS, the Resolution contemplated an amendment to the Waterfront Redevelopment Plan (the "Plan") dated January 1999; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville (the "Council") previously referred the amendment to the Sayreville Planning Board (the "Board") so that the Board could make a recommendation for consideration to the Council; and

WHEREAS, the Board held a public hearing on the amendment to the Plan in accordance with N.J.S.A. 40A:12A-7; and

WHEREAS, the Board has recommended the adoption of the amendment to the Plan to the Mayor and Council based on the Board's finding that the amendment furthers the redevelopment goals of the S.W.R.A. as set forth in the Borough of Sayreville Master Plan dated March of 1998; and

**NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL
OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF
NEW JERSEY AS FOLLOWS:**

ADVERTISED ACCORDING TO LAW 8-10-06
ADOPTED ON 2nd & FINAL READING 8-21-06
ADVERTISED ACCORDING TO LAW 8-24-06
Carol A. Minia
Dep. BOROUGH CLERK

SECTION 1. The Sayreville Waterfront Redevelopment Plan shall be amended as follows:

Parcels A, B, C1, C2, & C3 of the January 1999 Sayreville Waterfront Redevelopment Plan area currently designated as a mixed use Redevelopment Area that includes office, retail, restaurant, public use, light industrial, manufacturing, warehousing, distribution, recreation and entertainment uses is hereby amended to include the following additional uses:

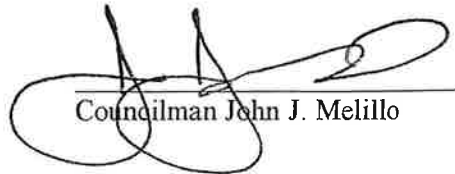
- A. Research and Development Facilities; and
- B. Minor League Ball Park and other sports and entertainment facilities; and
- C. Child Care Facilities; and
- D. Structured Parking Facilities; and
- E. As a Conditional Use: an age-targeted residential component not to exceed a maximum unit count of five (5) units per acre calculated over the entire area of the aforesaid parcels. Said residential component shall be designed so as to minimize the generation of school age children and may include various housing unit types including low, middle and high-rise facilities, and shall encourage the residential over retail concept.

SECTION 2. The residential component set forth in Section 1 herein shall be conditioned upon the provision of certain support facilities as more particularly set forth in (i) SERA resolution dated and adopted March 9, 2006 designating LNR as the conditional Redeveloper and/or (ii) the

Redevelopment Agreement negotiated or to be negotiated between SERA and LNR.

SECTION 3. If any chapter, section, subsection or paragraph of this Ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter or paragraph shall to the extent that it is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

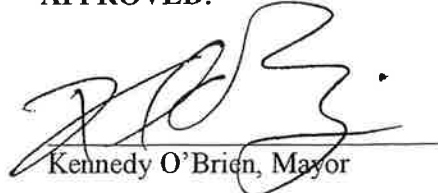
SECTION 4. This Ordinance shall take effect immediately or as required by law.


Councilman John J. Melillo

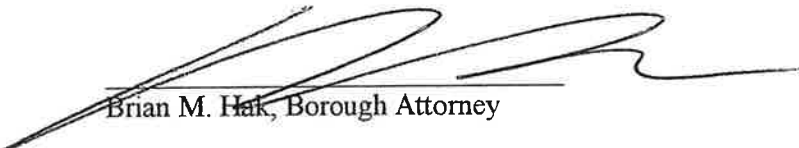
ATTEST:

APPROVED:


Theresa A. Farbaniec, Municipal Clerk


Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

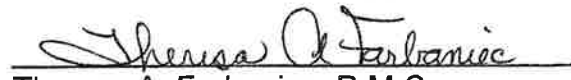

Brian M. Hak, Borough Attorney

Introduced: 8-7-06

Adopted: 8-21-06

Eff. Date: 8-24-06

Adopted this 21st day of August, 2006
And certified as a true copy of an original


Theresa A. Farbaniec, R.M.C.
Municipal Clerk

SECTION 2:

The standards for the redevelopment parcels with respect to Parcel A, Parcel B, Parcel C1, Parcel C2 and Parcel C3, set forth on pages 13-17, are hereby deleted in their entirety and replaced with the following (all text is new):

**Parcel A: 59± acres; Parcel B: 51± acres; Parcel C1: 168± acres;
Parcel C2: 35± acres; Parcel C3: 92± acres**

Redevelopment Objective: To provide an opportunity for a variety of development opportunities, including but not limited to large-scale retail development which may encompass big-box standalone retail stores, a regional mall and/or other retail uses; recreation; open space; water dependent and water related uses; corporate offices and centers; financial institutions; hotels and conference centers; entertainment and cultural uses; educational uses; restaurants; light industrial uses; manufacturing; accessory warehousing and distribution; age-targeted residential uses with required amenities; and other commercial uses as provided herein.

Principal Permitted Uses:

1. Retail, including but not limited to a regional mall, power centers, shopping centers, big-box and supermarkets, with or without drive-thru facilities, and which may include associated warehousing and distribution
2. Hotels (full-service, limited service, suites hotels and extended stay hotels), which may include restaurants and banquet or catering facilities
3. Conference centers, including restaurants and banquet or catering facilities
4. Convention centers
5. Banks, financial services and insurance offices, with or without drive-thru facilities
6. Automobile dealerships selling new automobiles, either operated directly by a vehicle manufacturer or which have a franchise agreement with one or more vehicle manufacturers. No more than three such dealerships shall be permitted within the Redevelopment Area.
7. Restaurants, fast-food restaurants with or without drive-thru facilities, drive-in restaurants, cafes, and taverns which may provide entertainment consistent with the upscale mixed use development approved for the Redevelopment Area, including but not limited to such restaurants as "House of Blues" and "Hard Rock Café."

8. Entertainment centers, whether associated with retail or developed independently
9. Commercial recreation (indoor and outdoor)
10. Indoor amusement and entertainment, including but not limited to movie theaters, indoor rock climbing, paint ball and laser tag arcades, golf and miniature golf
11. Exercise and health club facilities, spas, wellness centers, studios for dance, music, exercise or photography, and other similar facilities
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 generation of school age children. Age-targeted residential development shall 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.
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, hospitals, surgical centers or other similar medical facilities, including urgent care centers and the offices of physicians and other medical practitioners
15. Greenhouse, garden center or plant nursery
16. Gasoline stations, which may include food stores. No more than 1 shall be permitted within the Redevelopment Area and it shall be located in a location approved by SERA. SERA and the Planning Board shall review and approve of the exterior design and regulations relating to the exterior display of merchandise.
17. Water-related and water dependent uses such as but not limited to marinas, docks, boat repair, bait and tackle shops, boat storage, dry docking, boat maintenance facilities and waterfront restaurants and banquet or catering facilities
18. Offices, which may include accessory retail, service, restaurant and fast-food restaurant uses
19. Public and governmental uses

20. Educational uses, private or public

21. Park and Ride Facilities

22. Radio, television and cellular communication transmission facilities. The location of such facilities shall be as recommended by SERA and as shall be approved in a comprehensive transmission facilities plan approved by the Planning Board.

23. Billboards, including electronic, video and digital signage, video and electronic walls, which may advertise goods or services provided on or off the premises on which they are located. The location of billboards shall be as recommended by SERA and as shall be approved in a comprehensive sign plan to be approved by the Planning Board. Such signs shall be subject to any dimensional, setback or other requirements set forth in any applicable State or Federal regulations based on proximity to State or Federal highways, respectively.

24. Open space.

Accessory Uses:

1. Parking and loading, both surface and in structures or underground
2. Signs, including electronic facades consisting of electronic, video and digital signage
3. Medical facilities when located within a permitted retail or office use, exercise or health club facility, spa or wellness center
4. Restaurant, fast-food restaurant or other food consumption when located within a permitted retail use
5. Bank, financial institution or insurance office when located within a permitted retail use
6. Automated teller machines (ATM)
7. Auto repair, fuel sales and car washes, when associated with a permitted retail use. Used car lots shall be prohibited.
8. Outdoor dining which, notwithstanding any other provision in this Redevelopment Plan, may be provided by a facility which also offers drive-in or drive-through service
9. Outdoor display and sale of merchandise associated with a permitted retail use, subject to site plan approval

10. Uses which are customary, incidental and subordinate to the principal use
11. Light industrial and manufacturing uses, subject to compliance with the performance standards set forth in § 26-100 of the Borough Land Development Regulations.

Deviations with respect to the location or dimensional requirements of any accessory use shall be addressed by way of variance application submitted to the Planning Board pursuant to N.J.S.A. 40:55D-70.c.

Standards:

Minimum setbacks:

- 50 foot perimeter building setback, except water-related and water dependent uses which shall be subject to no minimum building setback requirement
- For purposes of determining the required perimeter building setback, Parcels A and B shall be considered a single lot, and Parcels C1, C2 and C3 shall be considered a single lot
- Parking areas and structures shall be subject to no minimum setback requirement

Minimum gross tract floor-area-ratio: Zero (0% percent)

Maximum lot coverage by site elements (impervious coverage): 75%

- Maximum lot coverage shall be computed based on the total area located on Parcels A, B, C1, C2 and C3, on an overall basis, not based on individual Parcels or tax lots.

Number of buildings and uses. A single tax lot or parcel may contain multiple buildings and uses, and a single building may contain multiple uses.

Configuration of property. Redeveloper may consolidate, subdivide and condominiumize the property.

SECTION 3:

Building Design:

Paragraph number 4 of the section entitled "Building Design" found on page 20 of the Redevelopment Plan shall be amended to read as follows:

4. Buildings shall be topped with either pitched roofs with overhanging eaves or flat roofs with parapets and cornices."

SECTION 4:

Paragraph 1 of the standards for "Off-Street Parking and Circulation", set forth on page 21, shall be amended to read as follows [insertions are shown with underlining; deletions with ~~strikethrough~~]:

1. **Minimum Off-Street Parking Standards** - Each parcel and use is required to provide minimum off-street parking in accordance with the following schedule:

- Residential: as set forth in the Residential Site Improvement Standards (RSIS). Urban Land Institute (ULI), Institute of Traffic Engineers (ITE) or other alternative parking standards shall be accepted if the Redeveloper demonstrates that the ULI, ITE or other alternative standards better reflect the conditions within the redevelopment area. Factors affecting minimum number of parking spaces shall include, but shall not be limited to household characteristics, demographics, age-targeted housing, availability of mass transit, availability of local employment opportunities, urban versus suburban location and available off-site parking resources.
- Distribution/warehousing: 1 space per 5,000 square feet of building area.
- ~~Golf course: 4 spaces per hole plus 1 space per 1,000 square feet of retail space and/or 1 space per 3 seats for accessory restaurant.~~
- Hotel, conference center and convention center: 1 space per each room plus 1 space per 1,000 square feet of conference or similar space.
- Light industrial and manufacturing: 1 space per 1,000 square feet of building area.
- Marina: 1/2 space per boat slip plus one space per 1,000 square foot of retail or similar space.
- Office: 3 spaces per 1,000 square feet of building area.
- ~~Restaurants: 1 space per 3 seats~~

- Retail; bank, financial institution, insurance offices; restaurants, fast-food restaurants, drive-in restaurant, bars, cafes, taverns; commercial recreation; entertainment center; indoor amusement and entertainment; exercise and health club facilities, spas, wellness centers, studios for dance, music, exercise or photography; gasoline stations; greenhouse, garden center or plant nursery: 4 spaces per 1,000 square feet of building area.
- Automobile dealership: 1 space for each 300 square feet of showroom area and sales office, plus spaces required for storage of vehicles and 5 spaces per service bay
- Movie theaters: 1 space for each 4 seats
- Assisted living facilities, nursing homes, skilled care residential facilities, continuing care retirement communities: 1 spaces for each 4 beds, plus 1 space per each three staff on the largest shift.
- Hospitals, surgical centers or other similar medical facilities: 1.5 spaces for each bed.
- Offices of physicians and other medical practitioners: 1 space for each 150 square feet of building area; minimum of 10 spaces.
- Radio, television and cellular communication transmission facilities: 1 space for each tower or tower, or 1 space per other utility facility.

The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Board based upon that use enumerated herein which is most similar to the proposed use. If there is no use enumerated herein having sufficient similarity to the use proposed to enable the Planning Board to establish rational parking requirements, the Planning Board may, in its discretion, direct the applicant to furnish such data as may be necessary to enable the Planning Board to establish rational parking requirements.

For Parcels A, B, C1, C2 and C3, parking shall be computed on an overall basis, and individual buildings on individual lots shall not be required to satisfy any parking requirement on the lot on which located.

SECTION 5:

Paragraph 2 of the standards for "Off-Street Parking and Circulation", set forth on page 21, is revised to add the following text at the end of the existing paragraph [insertions are shown with underlining]:

The Planning Board may, however, approve a reduction in the minimum overall parking requirements upon a demonstration by the redeveloper that the aggregate parking requirement is in excess of the actual anticipated parking demand, or alternatively, that the parking demands

created by the proposed uses will result in parking demands at different times, therefore reducing the number of overall parking spaces required. The burden of proof for such a reduction in the total number of required parking spaces, however, shall remain with the redeveloper, and documentation shall be submitted to the Planning Board substantiating the reason for the requested parking reduction. As a condition precedent to approving such alternating use, (i) the Planning Board shall require the submission of satisfactory statements by the parties providing such facilities and describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between them, and (ii) no use established pursuant to the provisions of this procedure may be changed without prior approval of the Planning Board.

SECTION 6:

Paragraph 1 of the standards for Storage, Service, and Loading Areas, set forth on page 22, shall be revised to add the following new Paragraph 6 [insertions are shown with underlining]:

6. Parcels A, B, C1, C2 and C3 shall be subject exclusively to the following storage, service, maintenance and loading requirements, and the provisions of Paragraphs 1-5 immediately above shall not apply:
 - a. Adequate short-term standing areas for overnight deliveries, passenger loading and unloading and other similar activities shall be provided, to the satisfaction of the Planning Board.
 - b. Adequate loading areas, based on the nature of each use and the size and configuration of the building in which located, shall be provided to the satisfaction of the Planning Board. Common and shared loading areas shall be permitted where a building contains more than one occupant or use. There shall be no minimum number of required loading spaces, except that freestanding buildings, to the extent loading for longer than momentary duration will be required, shall provide dedicated loading areas in number and size as determined by the Planning Board to be adequate.

SECTION 7:

Standards for electronic facades and video walls, where permitted, shall be as follows, and shall be inserted as a new section immediately following the standards for "Outdoor

Dining" which appear on Page 23 of the Redevelopment Plan [insertions are shown with underlining]:

Electronic Facades

Within Parcels A, B, C1, C2 and C3, and notwithstanding any other provision in this Redevelopment Plan, the following electronic, video and digital signage shall be permitted:

1. Electronic, video and digital signage may be located on facades of each building. For non-residential buildings or buildings with a mix of residential and commercial usage, such signage may not exceed 100% of the largest building façade. For buildings that are exclusively residential, such signage shall be permitted as part of a comprehensive signage plan to be approved by the Planning Board.
2. Any electronic facade permitted by this Redevelopment Plan shall be subject to any dimensional, setback or other requirements set forth in any applicable State or Federal regulations based on proximity to State or Federal highways, respectively.
3. Intermittent and constant lighting, video displays, moving pictures, electronic video effects and digital images shall be permitted on electronic, video and digital signage and video walls.

SECTION 8:

The provisions set forth in "Redevelopment Opportunities", set forth on page 7 of the Redevelopment Plan, shall be amended by deleting Paragraph 3 and replacing it with the following [insertions are shown with underlining]:

3. Opportunity for a variety of retail uses, restaurants, large-scale signature corporate office and/or hotel conference center, entertainment/indoor recreation uses, a variety of other commercial uses, and age-targeted residential housing.

SECTION 9:

The requirements for Redeveloper(s) Agreements, set forth on page 29 of the Redevelopment Plan, shall be amended by revising Paragraphs 3, 4, 6 and 7 to read as follows [insertions are shown with underlining; deletions with ~~striketrough~~]:

3. The redeveloper(s) shall begin and complete the development of said land for the use(s) required in this Redevelopment Plan within a period of time which ~~the Mayor and Council~~ SERA fixes as reasonable.
4. The redeveloper(s) shall not be permitted to sell, lease, or otherwise transfer or dispose of property within the Redevelopment Area without the prior written consent of ~~the Mayor and Council~~ SERA.
6. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), SERA, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease, or occupancy on the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.
7. Neither the redeveloper(s) nor ~~the Mayor and Council~~ SERA, nor the successors, lessees, or assigns or either of them shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.

SECTION 10:

If any chapter, section, subsection or paragraph of this Ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter or paragraph shall to the extent that it is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

SECTION 11:

Ordinance No. 951-06 in its entirety be and hereby is repealed.

SECTION 12:

All other parts of the Redevelopment Plan be and hereby are ratified and confirmed, except where same are inconsistent with the terms of this Ordinance. As to such inconsistencies, the provisions of this Ordinance shall govern, and be given full force and effect.

SECTION 13:

This Ordinance shall take effect immediately upon final passage and publication, according to law.

/s/ David Kaiserman

APPROVED:

/s/ Kennedy O'Brien
Mayor

ATTEST:

/s/ Theresa A. Farbaniec, R.M.C.
Municipal Clerk

APPROVED AS TO FORM:

/s/ Judy A. Verrone, Esq.
Borough Attorney

PLANNING BOARD OF THE BOROUGH OF SAYREVILLE

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF SAYREVILLE CONTAINING THE PLANNING BOARD'S REPORT ON, AND RECOMMENDATIONS WITH RESPECT TO, ORDINANCE #76-09, TITLED "AN ORDINANCE AMENDING THE WATERFRONT REDEVELOPMENT PLAN OF THE BOROUGH OF SAYREVILLE"

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of "areas in need of redevelopment"; and

WHEREAS, pursuant to the Act, the Mayor and Council of the Borough of Sayreville ("Mayor and Council") designated the Sayreville Waterfront Redevelopment Area ("SWRA") as an "area in need of redevelopment;" and

WHEREAS, to effectuate the redevelopment and improvement of the SWRA, the Mayor and Council adopted the Borough of Sayreville Redevelopment Waterfront Plan, dated January 1999, as amended by Ordinance 951-06 (the "WRP"); and

WHEREAS, the Sayreville Economic and Redevelopment Agency ("SERA") was established as an instrumentality and agency of the Borough of Sayreville, with responsibility for implementing and carrying out the WRP; and

WHEREAS, SERA designated O'Neill Properties Group ("OPG") as the Redeveloper of the National Lead site ("NL Site"), which is located within the SWRA; and

WHEREAS, OPG formed Sayreville Seaport Associates ("SSA") for the purpose of acquiring and developing property within the SWRA; and

WHEREAS, SERA executed a Master Redevelopment Agreement with SSA dated as of May 14, 2008 (the "Redevelopment Agreement"); and

WHEREAS, on August 6, 2008, SSA presented to the Borough of Sayreville Planning Board ("Planning Board") proposed amendments to the WRP, and the Planning Board received public comments regarding same; and

WHEREAS, by letter dated January 16, 2009, the Planning Board referred the amendments to the Mayor and Council for consideration and formal action; and

WHEREAS, on January 26, 2009, the Mayor and Council introduced on first reading Ordinance #76-09, titled "An Ordinance Amending the Waterfront Redevelopment Plan of the Borough of Sayreville" (the "Ordinance"), which contained

the proposed amendments presented to the Planning Board on August 6, 2008. A true and accurate copy of the Ordinance is attached hereto as Exhibit A; and

WHEREAS, on January 26, 2009, the Mayor and Council transmitted the Ordinance to the Planning Board for review and recommendation by way of a resolution to the Mayor and Council; and

WHEREAS, at its meeting on February 4, 2009, the Planning Board considered the Ordinance and solicited public comment concerning the Ordinance; and

WHEREAS, the Planning Board's responsibilities and legal obligations with respect to review of redevelopment plans and redevelopment plan amendments is set forth in N.J.S.A. 40A:12A-7.e., which requires that the Planning Board, within 45 days after referral, transmit "a report containing its recommendation concerning the redevelopment plan" which report shall include "an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate."

NOW, THEREFORE, BE IT RESOLVED, in compliance with N.J.S.A. 40A:12A-7.e, the Planning Board has reviewed the Ordinance, including its consistency or inconsistency with the Master Plan, and makes the following recommendations to the Mayor and Council:

Section 1. The Ordinance is substantially consistent with the Master Plan and effectuates the redevelopment goals of the SWRA as set forth in the Master Plan.

Section 2. The Ordinance is necessary in order to achieve the redevelopment project proposed by SSA, and to rescind provisions in the WRP specific to a prior redevelopment proposal which did not advance to a redevelopment agreement.

Section 3. Many of the proposed amendments are needed to facilitate financing of the project and to aid in attracting a wide variety of activities and end users to the project. Because the economic climate continues to worsen, the need to provide an attractive environment for investment is a paramount concern.

Section 4. Section 9 of the Ordinance proposes that SERA, rather than the Mayor and Council, be vested with the right to make determinations with respect certain redevelopment-related matters. The purpose of this proposed modification is to conform the WRP with the Act, and to eliminate an inconsistency in the WRP by recognizing SERA as the redevelopment entity designated by the Mayor and Council. The Planning Board recommends that the Mayor and Council further review its role in these matters and make a determination accordingly.

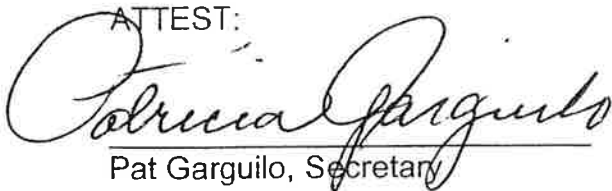
Section 5. This resolution shall take effect immediately and serves as the Planning Board's report required by N.J.S.A. 40A:12A-7.e.

Section 6. The Planning Board's secretary is directed to transmit a certified copy of this resolution to the Mayor and Council forthwith.

Certified to be a true and accurate copy of a resolution adopted by the Planning Board of the Borough of Sayreville at a public meeting held on February 4, 2009.

Dated: 2/4/09


John Misiewicz, Chairman

ATTEST:

Pat Garguilo, Secretary

Moved by: Thomas Tighe

Seconded by: Michael Macagnone

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT VOTING	NOT PRESENT
John Misiewicz, Chairman	X				
Thomas Tighe, Vice Chairman	X				
Allen Chodkiewicz (Mayor's Designee)	X				
Councilman David Kaiserman	X				
Sal Candela	X				
Ronald Green	X				
David Lewis	X				
Michael Macagnone	X				
Daniel Volosin					X
Dennis Bello					X

EXHIBIT A

**Ordinance #76-09
An Ordinance Amending the
Waterfront Redevelopment Plan of the Borough of Sayreville**

Planning Board
1

ORDINANCE #76-09

**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") designated O'Neill Properties Group, L.P. ("OPG") as the Conditional Redeveloper of the Sayreville Waterfront Redevelopment Area ("S.W.R.A.") by way of a Resolution dated October 29, 2007; and

WHEREAS, the development proposed by OPG requires an amendment (the "Amendment") to the Waterfront Redevelopment Plan (the "Redevelopment Plan") dated January 1999, as amended August 21, 2006 by Ordinance No. 951-06; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville (the "Council") by resolution adopted on April 28, 2008 referred the amendment to the Sayreville Planning Board (the "Board") for review and recommendation according to law.

**NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AS FOLLOWS:**

SECTION 1:

The section of the Redevelopment Plan titled "Relationship Of Plan To The Borough Land Development Regulations" set forth on page 13 of the Plan shall be amended by revising the last sentence of the first paragraph by deleting the word "design" and shall therefore read as follows [insertions are shown with underlining; deletions with ~~strikethrough~~]:

The Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. In order to implement the Redevelopment Plan consistent with the goals and objectives herein, the Plan supersedes the use, bulk and design standards provisions of the Borough Land Development Regulations. Other Borough regulations affecting development that are in conflict are superseded by this Plan, however, existing engineering ~~design~~ standards shall be complied with.

SECTION 2:

The standards for the redevelopment parcels with respect to Parcel A, Parcel B, Parcel C1, Parcel C2 and Parcel C3, set forth on pages 13-17, are hereby deleted in their entirety and replaced with the following (all text is new):

**Parcel A: 59± acres; Parcel B: 51± acres; Parcel C1: 168± acres;
Parcel C2: 35± acres; Parcel C3: 92± acres**

Redevelopment Objective: To provide an opportunity for a variety of development opportunities, including but not limited to large-scale retail development which may encompass big-box standalone retail stores, a regional mall and/or other retail uses; recreation; open space; water dependent and water related uses; corporate offices and centers; financial institutions; hotels and conference centers; entertainment and cultural uses; educational uses; restaurants; light industrial uses; manufacturing; accessory warehousing and distribution; age-targeted residential uses with required amenities; and other commercial uses as provided herein.

Principal Permitted Uses:

1. Retail, including but not limited to a regional mall, power centers, shopping centers, big-box and supermarkets, with or without drive-thru facilities, and which may include associated warehousing and distribution
2. Hotels (full-service, limited service, suites hotels and extended stay hotels), which may include restaurants and banquet or catering facilities
3. Conference centers, including restaurants and banquet or catering facilities
4. Convention centers
5. Banks, financial services and insurance offices, with or without drive-thru facilities
6. Automobile dealerships selling new automobiles, either operated directly by a vehicle manufacturer or which have a franchise agreement with one or more vehicle manufacturers. No more than three such dealership shall be permitted within the Redevelopment Area.
7. Restaurants, fast-food restaurants with or without drive-thru facilities, drive-in restaurants, cafes, and taverns which may provide entertainment consistent with the upscale mixed use development approved for the Redevelopment Area, including but not limited to such restaurants as "House of Blues" and "Hard Rock Café."

8. Entertainment centers, whether associated with retail or developed independently
9. Commercial recreation (indoor and outdoor)
10. Indoor amusement and entertainment, including but not limited to movie theaters, indoor rock climbing, paint ball and laser tag arcades, golf and miniature golf
11. Exercise and health club facilities, spas, wellness centers, studios for dance, music, exercise or photography, and other similar facilities
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 generation of school age children. Age-targeted residential development shall 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.
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, hospitals, surgical centers or other similar medical facilities, including urgent care centers and the offices of physicians and other medical practitioners
15. Greenhouse, garden center or plant nursery
16. Gasoline stations, which may include food stores. No more than 1 shall be permitted within the Redevelopment Area and it shall be located in a location approved by SERA. SERA and the Planning Board shall review and approve of the exterior design and regulations relating to the exterior display of merchandise.
17. Water-related and water dependent uses such as but not limited to marinas, docks, boat repair, bait and tackle shops, boat storage, dry docking, boat maintenance facilities and waterfront restaurants and banquet or catering facilities
18. Offices, which may include accessory retail, service, restaurant and fast-food restaurant uses
19. Public and governmental uses

20. Educational uses, private or public

21. Park and Ride Facilities

22. Radio, television and cellular communication transmission facilities. The location of such facilities shall be as recommended by SERA and as shall be approved in a comprehensive transmission facilities plan approved by the Planning Board.

23. Billboards, including electronic, video and digital signage, video and electronic walls, which may advertise goods or services provided on or off the premises on which they are located. The location of billboards shall be as recommended by SERA and as shall be approved in a comprehensive sign plan to be approved by the Planning Board. Such signs shall be subject to any dimensional, setback or other requirements set forth in any applicable State or Federal regulations based on proximity to State or Federal highways, respectively.

24. Open space.

Accessory Uses:

1. Parking and loading, both surface and in structures or underground
2. Signs, including electronic facades consisting of electronic, video and digital signage
3. Medical facilities when located within a permitted retail or office use, exercise or health club facility, spa or wellness center
4. Restaurant, fast-food restaurant or other food consumption when located within a permitted retail use
5. Bank, financial institution or insurance office when located within a permitted retail use
6. Automated teller machines (ATM)
7. Auto repair, fuel sales and car washes, when associated with a permitted retail use. Used car lots shall be prohibited.
8. Outdoor dining which, notwithstanding any other provision in this Redevelopment Plan, may be provided by a facility which also offers drive-in or drive-through service
9. Outdoor display and sale of merchandise associated with a permitted retail use, subject to site plan approval

10. Uses which are customary, incidental and subordinate to the principal use

Deviations with respect to the location or dimensional requirements of any accessory use shall be addressed by way of variance application submitted to the Planning Board pursuant to N.J.S.A. 40:55D-70.c.

11. Light industrial and manufacturing uses, subject to compliance with the performance standards set forth in § 26-100 of the Borough Land Development Regulations.

Standards:

Minimum setbacks:

- 50 foot perimeter building setback, except water-related and water dependent uses which shall be subject to no minimum building setback requirement
- For purposes of determining the required perimeter building setback, Parcels A and B shall be considered a single lot, and Parcels C1, C2 and C3 shall be considered a single lot
- Parking areas and structures shall be subject to no minimum setback requirement

Minimum gross tract floor-area-ratio: Zero (0% percent)

Maximum lot coverage by site elements (impervious coverage): 75%

- Maximum lot coverage shall be computed based on the total area located on Parcels A, B, C1, C2 and C3, on an overall basis, not based on individual Parcels or tax lots.

Number of buildings and uses. A single tax lot or parcel may contain multiple buildings and uses, and a single building may contain multiple uses.

Configuration of property. Redeveloper may consolidate, subdivide and condominiumize the property.

SECTION 3:

Building Design:

Paragraph number 4 of the section entitled "Building Design" found on page 20 of the Redevelopment Plan shall be amended to read as follows:

4. Buildings shall be topped with either pitched roofs with overhanging eaves or flat roofs with parapets and cornices."

SECTION 4:

Paragraph 1 of the standards for "Off-Street Parking and Circulation", set forth on page 21, shall be amended to read as follows [insertions are shown with underlining; deletions with ~~strikethrough~~]:

1. **Minimum Off-Street Parking Standards** - Each parcel and use is required to provide minimum off-street parking in accordance with the following schedule:
 - Residential: as set forth in the Residential Site Improvement Standards (RSIS). Urban Land Institute (ULI), Institute of Traffic Engineers (ITE) or other alternative parking standards shall be accepted if the Redeveloper demonstrates that the ULI, ITE or other alternative standards better reflect the conditions within the redevelopment area. Factors affecting minimum number of parking spaces shall include, but shall not be limited to household characteristics, demographics, age-targeted housing, availability of mass transit, availability of local employment opportunities, urban versus suburban location and available off-site parking resources.
 - Distribution/warehousing: 1 space per 5,000 square feet of building area.
 - ~~Golf course: 4 spaces per hole plus 1 space per 1,000 square feet of retail space and/or 1 space per 3 seats for accessory restaurant.~~
 - Hotel, conference center and convention center: 1 space per each room plus 1 space per 1,000 square feet of conference or similar space.
 - Light industrial and manufacturing: 1 space per 1,000 square feet of building area.
 - Marina: 1/2 space per boat slip plus one space per 1,000 square foot of retail or similar space.
 - Office: 3 spaces per 1,000 square feet of building area.
 - ~~Restaurants: 1 space per 3 seats~~

- Retail; bank, financial institution, insurance offices; restaurants, fast-food restaurants, drive-in restaurant, bars, cafes, taverns; commercial recreation; entertainment center; indoor amusement and entertainment; exercise and health club facilities, spas, wellness centers, studios for dance, music, exercise or photography; gasoline stations; greenhouse, garden center or plant nursery: 4 spaces per 1,000 square feet of building area.
- Automobile dealership: 1 space for each 300 square feet of showroom area and sales office, plus spaces required for storage of vehicles and 5 spaces per service bay
- Movie theaters: 1 space for each 4 seats
- Assisted living facilities, nursing homes, skilled care residential facilities, continuing care retirement communities: 1 spaces for each 4 beds, plus 1 space per each three staff on the largest shift.
- Hospitals, surgical centers or other similar medical facilities: 1.5 spaces for each bed.
- Offices of physicians and other medical practitioners: 1 space for each 150 square feet of building area; minimum of 10 spaces.
- Radio, television and cellular communication transmission facilities: 1 space for each tower or tower, or 1 space per other utility facility.

The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Board based upon that use enumerated herein which is most similar to the proposed use. If there is no use enumerated herein having sufficient similarity to the use proposed to enable the Planning Board to establish rational parking requirements, the Planning Board may, in its discretion, direct the applicant to furnish such data as may be necessary to enable the Planning Board to establish rational parking requirements.

For Parcels A, B, C1, C2 and C3, parking shall be computed on an overall basis, and individual buildings on individual lots shall not be required to satisfy any parking requirement on the lot on which located.

SECTION 5:

Paragraph 2 of the standards for "Off-Street Parking and Circulation", set forth on page 21, is revised to add the following text at the end of the existing paragraph [insertions are shown with underlining]:

The Planning Board may, however, approve a reduction in the minimum overall parking requirements upon a demonstration by the redeveloper that the aggregate parking requirement is in excess of the actual anticipated parking demand, or alternatively, that the parking demands

created by the proposed uses will result in parking demands at different times, therefore reducing the number of overall parking spaces required. The burden of proof for such a reduction in the total number of required parking spaces, however, shall remain with the redeveloper, and documentation shall be submitted to the Planning Board substantiating the reason for the requested parking reduction. As a condition precedent to approving such alternating use, (i) the Planning Board shall require the submission of satisfactory statements by the parties providing such facilities and describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between them, and (ii) no use established pursuant to the provisions of this procedure may be changed without prior approval of the Planning Board.

SECTION 6:

Paragraph 1 of the standards for Storage, Service, and Loading Areas, set forth on page 22, shall be revised to add the following new Paragraph 6 [insertions are shown with underlining]:

6. Parcels A, B, C1, C2 and C3 shall be subject exclusively to the following storage, service, maintenance and loading requirements, and the provisions of Paragraphs 1-5 immediately above shall not apply:
 - a. Adequate short-term standing areas for overnight deliveries, passenger loading and unloading and other similar activities shall be provided, to the satisfaction of the Planning Board.
 - b. Adequate loading areas, based on the nature of each use and the size and configuration of the building in which located, shall be provided to the satisfaction of the Planning Board. Common and shared loading areas shall be permitted where a building contains more than one occupant or use. There shall be no minimum number of required loading spaces, except that freestanding buildings, to the extent loading for longer than momentary duration will be required, shall provide dedicated loading areas in number and size as determined by the Planning Board to be adequate.

SECTION 7:

Standards for electronic facades and video walls, where permitted, shall be as follows, and shall be inserted as a new section immediately following the standards for "Outdoor

Dining" which appear on Page 23 of the Redevelopment Plan [insertions are shown with underlining]:

Electronic Facades

Within Parcels A, B, C1, C2 and C3, and notwithstanding any other provision in this Redevelopment Plan, the following electronic, video and digital signage shall be permitted:

1. Electronic, video and digital signage may be located on facades of each building. For non-residential buildings or buildings with a mix of residential and commercial usage, such signage may not exceed 100% of the largest building façade. For buildings that are exclusively residential, such signage shall be permitted as part of a comprehensive signage plan to be approved by the Planning Board.
2. Any electronic facade permitted by this Redevelopment Plan shall be subject to any dimensional, setback or other requirements set forth in any applicable State or Federal regulations based on proximity to State or Federal highways, respectively.
3. Intermittent and constant lighting, video displays, moving pictures, electronic video effects and digital images shall be permitted on electronic, video and digital signage and video walls.

SECTION 8:

The provisions set forth in "Redevelopment Opportunities", set forth on page 7 of the Redevelopment Plan, shall be amended by deleting Paragraph 3 and replacing it with the following [insertions are shown with underlining]:

3. Opportunity for a variety of retail uses, restaurants, large-scale signature corporate office and/or hotel conference center, entertainment/indoor recreation uses, a variety of other commercial uses, and age-targeted residential housing.

SECTION 9:

The requirements for Redeveloper(s) Agreements, set forth on page 29 of the Redevelopment Plan, shall be amended by revising Paragraphs 3, 4, 6 and 7 to read as follows [insertions are shown with underlining; deletions with ~~strikethrough~~]:

3. The redeveloper(s) shall begin and complete the development of said land for the use(s) required in this Redevelopment Plan within a period of time which ~~the Mayor and Council~~ SERA fixes as reasonable.
4. The redeveloper(s) shall not be permitted to sell, lease, or otherwise transfer or dispose of property within the Redevelopment Area without the prior written consent of ~~the Mayor and Council~~ SERA.
6. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper(s), SERA, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease, or occupancy on the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.
7. Neither the redeveloper(s) nor ~~the Mayor and Council~~ SERA, nor the successors, lessees, or assigns of either of them shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.

SECTION 10:

If any chapter, section, subsection or paragraph of this Ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter or paragraph shall to the extent that it is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

SECTION 11:

Ordinance No. 951-06 in its entirety be and hereby is repealed.

SECTION 12:

All other parts of the Redevelopment Plan be and hereby are ratified and confirmed, except where same are inconsistent with the terms of this Ordinance. As to such inconsistencies, the provisions of this Ordinance shall govern, and be given full force and effect.

SECTION 13:

This Ordinance shall take effect immediately upon final passage and publication, according to law.

Attest:

/s/ _____
Municipal Clerk

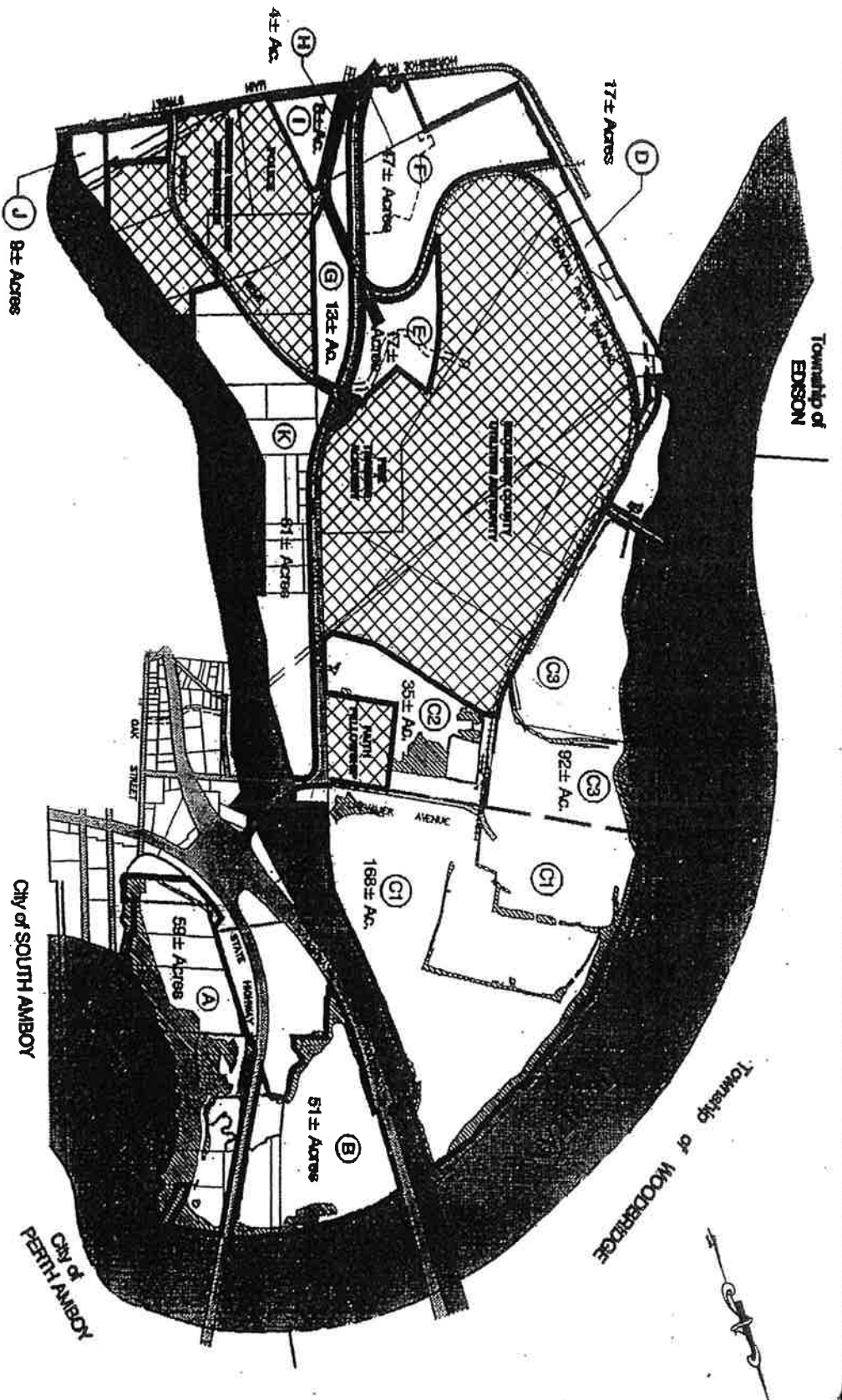
/s/ David Kaiserman, Councilman
Planning & Zoning Committee

APPROVED AS TO FORM:

APPROVED:

/s/ _____
Borough Attorney

/s/ _____
Mayor



LEGEND:



REDEVELOPMENT PARCELS

APPROX. LOCATION OF WETLANDS DELINEATED
BY B2A SURVSAT ON PARCELS A, B & C

SAYREVILLE WATERFRONT REDEVELOPMENT AREA REDEVELOPMENT PARCELS MAP

SCALE: 1" = 1500'

DATE: 12/88



CONSULTING AND MUNICIPAL ENGINEERS

ORDINANCE #85-09

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE
AMENDING THE WATERFRONT REDEVELOPMENT PLAN**

WHEREAS, following a public hearing held on January 7, 2009, the Sayreville Planning Board recommended that the Waterfront Redevelopment Plan be amended to change the parcel standards for Block 330.04, Lot 1.01 in Parcel J as follows:

1. Market rate, age-restricted rental housing for persons 55 years old and older shall be an additional permitted use.
2. Maximum lot coverage shall be 60%.
3. Maximum building height shall be four (4) stories.
4. The buildable lot must be greater than four and a half (4.5) acres.

; and

WHEREAS, the Planning Board Engineer has clarified item four (4), above to mean that the Planning Board has recommended that the minimum lot size be four and a half acres; and

WHEREAS, the Mayor and Council have accepted the recommendation of the Planning Board, except that a majority of the authorized membership of the governing body has voted to provide that the additional permitted use be senior housing to be occupied by persons aged 62 and over,

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Sayreville, in the County of Middlesex, and State of New Jersey as follows:

SECTION 1. The Parcel Standards for Parcels D through K, specifically the Permitted Principal Uses, Accessory Uses, and Standards described on page 17 of the Waterfront Redevelopment Plan are hereby amended by deleting the text {**marked in bold and enclosed in brackets**} and inserting the text **underlined and marked in bold**, to read as follows:

Permitted Principal Uses:

- Office
- Warehousing and distribution
- Light Industrial and manufacturing use subject to compliance with performance standards
- Public Use
- Park and Ride Facility
- **Market rate rental senior housing for occupants aged 62 and over shall be permitted on Block 330.04, Lot 1.01 in Parcel J.**

3-9-09
3-13-09
3-23-09
3-26-09
Borough Clerk
Theresa A. Farber

Accessory Uses:
Parking and loading, signs.

Standards:

1. Minimum lot size: 5 acres / 4.5 acres on Block 330.04, Lot 1.01 in Parcel J.
2. Maximum lot coverage by site elements: 80 percent / 60 percent on Block 330.04, Lot 1.01 in Parcel J.
3. Minimum setbacks: 50 foot perimeter setback
4. Residential buffer: Where a lot abuts a residential zone or use, a 100 foot wide buffer shall be provided. The buffer shall not include buildings and parking and shall be landscaped.
5. Storage, service and loading areas shall not be located between the building line and the street line.
6. Performance standards: Uses shall meet the performance standards for noise, glare, dust, vibration and disposal or handling of hazardous materials as required by the New Jersey Administrative Code as amended from time to time. On-site odors shall not be discernable at any property line.
7. Maximum building height on Block 330.04, Lot 1.01 in Parcel J shall be four (4) stories.
8. Maximum number of units shall be 136.

SECTION 2. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions

hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

/s/ Paula A. Siarkiewicz

APPROVED:

/s/ Kennedy O'Brien
Mayor

ATTEST:

/s/ Theresa A. Farbaniec, R.M.C.
Municipal Clerk

APPROVED AS TO FORM:

/s/ Judy A. Verrone, Esq.
Borough Attorney

**I, Theresa A. Farbaniec, Municipal Clerk of the
Borough of Sayreville do hereby certify that the foregoing
is a true copy of an Ordinance adopted at a Regular Meeting
of the Mayor and Borough Council held on the 23rd day of
March, 2009.**

Theresa A. Farbaniec
Municipal Clerk

PLANNING BOARD OF THE BOROUGH OF SAYREVILLE
RESOLUTION CONTAINING THE PLANNING BOARD'S REPORT AND
RECOMMENDATIONS WITH RESPECT TO:

ORDINANCE 213-13
AMENDING CHAPTER XXVI (LAND DEVELOPMENT)
OF THE GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

AND

ORDINANCE 214-13
AMENDING THE WATERFRONT REDEVELOPMENT PLAN
OF THE BOROUGH OF SAYREVILLE

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of "areas in need of redevelopment"; and

WHEREAS, pursuant to the Act, the Mayor and Council of the Borough of Sayreville ("Mayor and Council") designated the Sayreville Waterfront Redevelopment Area ("SWRA"), which contained large portions of the Special Economic Development area, as an "area in need of redevelopment;" and

WHEREAS, to effectuate the redevelopment and improvement of the SWRA, the Mayor and Council adopted the Borough of Sayreville Waterfront Redevelopment Plan, dated January 1999, as amended from time to time (the "WRP"); and

WHEREAS, the Sayreville Economic and Redevelopment Agency ("SERA") was established as an instrumentality and agency of the Borough of Sayreville, with responsibility for implementing and carrying out the WRP; and

WHEREAS, SERA designated O'Neill Properties Group ("OPG") as the Redeveloper of the National Lead site (the "Redevelopment Site"), which is located within the SWRA; and

WHEREAS, OPG formed Sayreville Seaport Associates ("SSA") for the purpose of acquiring and developing the Redevelopment Site; and

WHEREAS, SERA executed a Master Redevelopment Agreement with SSA dated as of May 14, 2008 (the "Redevelopment Agreement"), which provides for development of the Redevelopment Site as an integrated multi-use complex consisting of commercial, retail, entertainment and residential elements, a concept plan for which was conditionally approved by Resolution of SERA dated November 30, 2010 (the "Development Proposal"); and

WHEREAS, in order to facilitate implementation of the Development Proposal, SSA requested, the Borough of Sayreville Planning Board ("Planning Board")

recommended, and the Borough Council enacted, by Ordinance #76-09, certain amendments to the WRP; and

WHEREAS, as the Development Proposal has evolved, market demand has changed, and the site configuration has been refined, SSA requested certain additional amendments to (i) Chapter XXVI (Land Development) of the General Ordinances of the Borough of Sayreville, which are contained in Ordinance 213-13, and (ii) the WRP, which are contained in Ordinance 214-13 (collectively, the "Proposed Ordinances"), in order to redevelop the Redevelopment Site as contemplated by the Redevelopment Agreement and in order to provide a successful and well-designed project; and

WHEREAS, SSA requested that SERA recommend the Proposed Ordinances, which after discussion, input and modification, it recommended by resolution memorialized on July 26, 2012; and

WHEREAS, SERA referred the Proposed Ordinances to the Planning Board for review and recommendation prior to consideration by the Borough Council for introduction; and

WHEREAS, on September 19, 2012, the Planning Board held a public meeting at which Brian O'Neill, Sr., principal of the redeveloper, presented the Development Proposal in detail and showed a video illustrating its evolution and key components; and

WHEREAS, on March 6, 2013, the Planning Board held a public meeting, on 10 days advance notice, by certified mail to SERA, the Middlesex County Utilities Authority ("MCUA"), and the Borough Clerk, and to the general public by publication twice in the Home News Tribune, to consider the Proposed Ordinances, during which SSA presented to the Planning Board the Proposed Ordinances, and the Planning Board received public comments regarding same; and

WHEREAS, to determine whether to recommend the Proposed Ordinances to the Borough Council, the Planning Board performed a thorough review as required for a formal statutory referral, including:

(a) Review of redevelopment plans and redevelopment plan amendments, as set forth in N.J.S.A. 40A:12A-7.e., which requires that the Planning Board transmit "a report containing its recommendation concerning the redevelopment plan" which report shall include "an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate," and

(b) Review of development regulations, revisions, or amendments thereto, as set forth in N.J.S.A. 40:55D-26.a., which requires that the Planning Board "make and transmit to the governing body...a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate;" and

WHEREAS, the Master Plan for the Borough of Sayreville, adopted March 5, 1998 designated the area bounded by the Raritan River, the Garden State Parkway and Horseshoe Road, which included lands then owned by the MCUA, NL Industries, and others, as a Special Economic Development area, and recommended that standards be put in place to "insure a cohesive and unified development;" and

WHEREAS, the Reexamination Report of the Master Plan and Land Development Regulations of the Borough of Sayreville, adopted December 1, 2004, states that "[r]edevlopment projects and opportunities are the best means of attacking and solving many issues," and "the ability to facilitate redevelopment of brownfields and/or other obsolete land parcels or uses is the most valuable tool in the Borough's tool box;" and

WHEREAS, the Planning Board again re-examined the Borough's master plan in 2010; and

WHEREAS, on February 6, 2013, the Planning Board adopted a new master plan, titled the Sayreville Borough Master Plan ("Master Plan"), which continues to recognize redevelopment of the WRP as an important component of the Borough's long-term planning; and

WHEREAS, on March 6, 2013, the Planning Board memorialized a resolution recommending to the Borough Council the introduction and adoption of the Proposed Ordinances by the Borough Council; and

WHEREAS, on March 11, 2013, the Borough Council introduced the Proposed Ordinances on first reading, and referred them to the Planning Board for the required statutory report and recommendation pursuant to N.J.S.A. 40:55D-26.a. with respect to Ordinance 213-13, and pursuant to N.J.S.A. 40A:12A-7.e. with respect to Ordinance 214-13; and

WHEREAS, on March 20, 2013, the Planning Board at a regular public meeting reviewed the Proposed Ordinances in accordance with the aforementioned statutes and in accordance with the Master Plan adopted February 6, 2013.

NOW, THEREFORE, BE IT RESOLVED, in accordance with N.J.S.A. 40:55D-26.a., the Planning Board has reviewed Ordinance 213-13 which would amend Chapter XXVI (Land Development) of the General Ordinances of the Borough of Sayreville, including its consistency or inconsistency with the Master Plan, and makes the following report and recommendations to the Mayor and Council:

1. Ordinance 213-13 would resolve conflicts with, improve consistency with, and add language required by, the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the "MLUL"). In particular, it would add a definition for "planned commercial development," authorize use of a general development plan (GDP) for projects involving more than 100 acres, correct statutory and internal cross references, include timeframes which are required by statute, and clarify that any required variance relief may be granted as part of a GDP approval or as part of a subsequent application for preliminary or final site plan or subdivision approval.

2. Ordinance 213-13 would also update required project information which must be depicted on the applicant's plans, and require information concerning project impacts which is not required by the current GDP provisions. This will assist the Planning Board in reviewing future GDP applications and modernize the existing requirements, which have not been updated since 1999.

3. Ordinance 213-13 also provides for the use of a GDP within a redevelopment area, and clarifies that a concurrent site plan or subdivision application is not required.

4. Ordinance 213-13 would also establish an application checklist for planned commercial developments and set forth statutorily-required findings for GDPs.

5. Finally, Ordinance 213-13 would provide statutory language concerning the procedure for authorizing modification of the proposed development schedule and minimal deviations outside the developer's control, and the standard of review for deciding such matters. Additionally, the GDP Amendment provides for notice to SERA for modifications to GDPs located within redevelopment areas, and provides for SERA's approval if required by an applicable redevelopment agreement.

6. The Planning Board finds that Ordinance 213-13 entails principally procedural matters and application submission requirements, whereas items of that nature are not addressed in detail in the Master Plan. Accordingly, the Planning Board finds that Ordinance 213-13 is not inconsistent with the Master Plan

7. The Master Plan sets forth certain recommendations for ordinance amendments, including Paragraph 11 on Page LI-25, which recommends that the definitions in Chapter XXVI "should be reviewed and expanded to reflect changes in the development industry since the Borough's last ordinance overhaul." The addition of a definition for "planned commercial development" advances this recommendation.

8. For the foregoing reasons, the Planning Board hereby determines that Ordinance 213-13 is necessary and appropriate in order to implement the Development Proposal and properly redevelop the Redevelopment Site.

NOW, THEREFORE, BE IT FURTHER RESOLVED, in accordance with N.J.S.A. 40A:12A-7.e, the Planning Board has reviewed Ordinance 214-13 which would amend the WRP, including its consistency or inconsistency with the Master Plan, and makes the following report and recommendations to the Mayor and Council:

1. Ordinance 214-13 would designate lands to be acquired from the MCUA and Conrail, and incorporated into the Redevelopment Site, as subject to the same development regulations as the rest of the Redevelopment Site, and thereby would facilitate the implementation of the Development Proposal. These lands would be designated as Parcel C4, and the lands to be acquired from the MCUA would not be subject to the power of eminent domain. Map exhibits would be updated, and a parcel of land where Chevalier Avenue crosses the Garden State Parkway, designated Block 275.02, Lot 2, would also be so designated as subject to the same development regulations as the rest of the Redevelopment Site.

2. Permitted uses, specifically retail and service uses as well as professional offices, would be clarified, and child care centers, museums, and renewable energy facilities and structures would be added as permitted uses, with corresponding amendments to parking requirements where appropriate. Additionally, references to "boat" would be replaced with references to "watercraft," and watercraft storage and repair would be permitted by not more than one retailer in the SWRA.

3. Certain additional accessory uses would be added.

4. The minimum setback requirements adjacent to the MCUA property and for a canopy associated with fuel sales would be revised to 35 feet, impervious coverage limitations would exclude both solar panels (to be consistent with State law applicable outside of redevelopment areas) and site capping associated with site remediation (replacing a provision which was previously inadvertently deleted). Additionally, a 1,000 foot residential use restriction would be implemented, measured from the property line with the MCUA.

5. Ordinance 214-13 would clarify the type of deviations that require "c" variance relief, and expressly allow the use of a general development plan process.

6. To mirror Ordinance 213-13, Ordinance 214-13 also provides for the use of a GDP within a redevelopment area, and clarifies that a concurrent site plan or subdivision application is not required.

7. The Planning Board finds that Ordinance 214-13 is substantially consistent with the Master Plan and effectuates the redevelopment goals of the SWRA as set forth in the Master Plan, including the promotion of cohesive and unified development. The Planning Board makes this finding based on Ordinance 214-13 consisting of refinements that facilitate implementation of the Development Proposal but which do not change its overall nature or scope.

8. To the extent Ordinance 214-13 incorporates additional lands to be acquired, such lands previously were designated as an "area in need of redevelopment" but were not subject to development regulations as set forth in the WRP because they were owned by the MCUA and Conrail and, therefore, were not anticipated to be available for redevelopment purposes, but their inclusion is not inconsistent with the existing regulatory scheme and not inconsistent with the Master Plan, which recognized the MCUA as an important landowner in the area.

9. Ordinance 214-13 is needed to facilitate SSA's ability to successfully redevelop the Redevelopment Site, including attracting specific retail tenants and a wide variety of activities and end users. Because the economic climate continues to be challenging, the Planning Board concludes it would be in the best interest of the Borough and SSA to enact Ordinance 214-13 in order to provide as attractive an environment as possible for securing tenants and other end users.

10. For the foregoing reasons, the Planning Board hereby determines that Ordinance 214-13 is necessary and appropriate in order to implement the Development Proposal and to properly redevelop the Redevelopment Site.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Planning Board finds and determines that, because Ordinance 213-13 and Ordinance 214-13 facilitate implementation of the Development Proposal, they are in that respect substantially consistent with the Master Plan's objective of effectuating redevelopment of the Redevelopment Site. In particular:

a. The Land Use Element of the Master Plan at page LI-6 states that "[t]he Borough's future land use strategy is to encourage a balance between growth and redevelopment and the conservation of natural resources and open space by focusing new growth in the Borough's redevelopment districts within existing commercial and industrial areas as well as areas for planned development." The Proposed Ordinances facilitate such growth in a redevelopment district and allow it to occur as a planned development.

b. The Land Use Element further explains, also on page LI-6, that "[t]his strategy recognizes the Borough's long-standing economic development priorities in support of waterfront redevelopment planning where infrastructure, regional highway access, and community facilities are available to support new job and housing creation."

c. The Land Use Element, on page LI-19, indicates that "Waterfront Redevelopment represents a unique opportunity to create a diverse array of shopping, dining, working, and cultural amenities along the waterfront. A public waterfront walkway, public marina and wetland restoration area will create a unique waterfront setting for residents, workers and visitors." Ordinance 213-13 will facilitate the Development Proposal which advances bringing these opportunities to fruition.

d. Finally, in a more general sense, Ordinance 213-13 and Ordinance 213-14, by facilitating the Development Proposal, advance the general goals and objectives of the Master Plan, including:

i. Goal 2 - To continue to encourage aesthetic and site improvements in the Borough's major commercial and industrial areas.

ii. Goal 3 - To encourage and promote an improved visual environment and the preservation of natural systems and environmentally sensitive areas.

iii. Goal 4 - Encourage the maintenance of the existing business community and provide for desirable new commercial development.

iv. Goal 6 - Plan and implement the expansion and improvement of community facilities and programs consistent with a stable revenue base.

v. Goal 7 - Plan and implement the improvements of circulation and transportation facilities and other infrastructure elements consistent with a stable revenue base.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Planning Board recommends to the Mayor and Council that the Proposed Ordinances be enacted.


NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Board's secretary is directed to transmit a certified copy of this resolution to the Mayor and Council forthwith.

****The foregoing is true copy of a resolution of memorialization adopted by the Planning Board of the Borough of Sayreville at its meeting held on March 20, 2013****

Dated: 3/21/13


John Misiewicz, Chairman

ATTEST:


Pat Garguilo, Secretary

Moved by: Thomas Tighe

Seconded by: Sal Candela

RECORDED VOTE:

	YES	NO	ABSTAIN	NOT VOTING	NOT PRESENT
John Misiewicz, Chairman	✓				
Thomas Tighe, Vice Chairman	✓				
Allen Chodkiewicz (Mayor's Designee)	NP				
Councilman Dave McGill	✓				
Michael Macagnone	✓				
Dennis Bello	✓				
Sal Candela	✓				
Daniel Volosin (LATE)	NV				
Deborah Lee (LATE)	NV				
Kenneth P. Kelly, Sr. (Alt. #1)	✓				

ORDINANCE # 213-13

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXVI, LAND DEVELOPMENT, OF THE GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE
OF NEW JERSEY, CONCERNING GENERAL DEVELOPMENT PLANS,
PLANNED DEVELOPMENTS AND RELATED DEFINITIONS

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Legislature has authorized municipalities to make, amend, repeal and enforce ordinances for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as necessary to carry into effect the powers and duties conferred and imposed by law; and

WHEREAS, the Borough of Sayreville desires to supplement and amend its Land Development ordinances with respect to provisions governing general development plans, planned development and related definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Chapter XXVI, Land Development, Article I: General Provisions, Section 26-6, Definitions, of the Revised General Ordinances of the Borough of Sayreville be and is hereby amended and supplemented to add the following definition (insertions are indicated by double underlining thus):

PLANNED COMMERCIAL DEVELOPMENT (PCD) – An area with a minimum contiguous or noncontiguous acreage of one hundred (100) acres to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses as may be permitted by this ordinance or by an applicable redevelopment plan. Where a project or project component could fall within the definition of a planned commercial development and also either a planned unit development (PUD) or a planned unit residential development (PRD), it shall be deemed to be a planned commercial development in its entirety.

Section 2. Chapter XXVI, Land Development, Article III: Application Requirements and Development Procedures, Section 26-71, General Development Plan, of the Revised General Ordinances of the Borough of Sayreville be and is hereby amended and supplemented to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [thus]):

INTRO & PASSED 1st READING 3-11-13
ADVERTISED ACCORDING TO LAW 3-18-13
ADOPTED ON 2nd & FINAL READING 4-8-13
ADVERTISED ACCORDING TO LAW 4-14-13
Borough Clerk
Theresa D. Carbone

26-71 GENERAL DEVELOPMENT PLANS; APPROVAL OF PLANNED DEVELOPMENT.

26-71.1 General.

- a. A general development plan (GDP) is defined as a comprehensive plan for the development of a planned development. ~~[A GDP may only be submitted for a parcel of land greater than one hundred (100) acres in size.]~~
- b. Any developer of a parcel of land greater than 100 acres in size for which the developer is seeking approval of a planned development may submit a general development plan to the Planning Board prior to the granting of preliminary approval of that development by the Planning Board pursuant to Section 26-68.
- c. Approval of a general development plan [GDP], which specifies land use types, density ranges and other pertinent site data for the entire tract, confers upon the applicant and the Borough such rights as set forth in N.J.S.A. 40:55D-45.1 [49] for a period of up to twenty (20) years with the following provisions:

 1. The approved general development plan [GDP] shall not be changed with regard to the maximum total dwelling units, density ranges and uses, unless approved by the Planning Board in accordance with subsection 26-71.4.
 2. The general location and specifications for the approved major collector roads shall not be changed, unless approved by the Planning Board in accordance with subsection 26-71.4.
 3. The general development plan [GDP] shall set forth the permitted number of dwelling units, the amount of non-residential floor space, the residential density and the non-residential floor area ratio for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development, prototypical concept plans of each housing type and site constraints. Except as otherwise provided for by the Municipal Land Use Law or any statute, regulation or ordinance adopted pursuant thereto, following the effective date of the approval, the planned development shall be developed in accordance with the general development plan approved by the Planning Board.
 4. The term of the effect of the general development plan [GDP] approval shall be determined by the Planning Board

using the guidelines set forth in subsection 5.[e.] of this section [N.J.S.A. 40:55D-49], except that the term of the effect of the approval shall not exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the planned development pursuant to the Municipal Land Use Law.

5. In making its determination regarding the duration of the effect of approval of the general development plan [GDP], the Planning Board shall consider: the number of dwelling units or amount of non-residential floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; the contents of the general development plan [GDP] and any conditions which the Planning Board attaches to the approval thereof.
6. The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.
7. If a general development plan requires any relief pursuant to N.J.S.A. 40:55D-70.c. or N.J.S.A. 40:55D-51, the applicant may at its election apply for and obtain such relief as part of its application for general development plan approval or as part of any subsequent application for preliminary or final site plan or subdivision approval.
8. Within an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the designated redeveloper may at its option utilize the general development plan process as set forth in this ordinance for approval of a "planned commercial development." Upon approval of a general development plan, the redeveloper shall be vested with the benefits and burdened with the obligations applicable to general development plans pursuant to N.J.S.A. 40:55D-45 through N.J.S.A. 40:55D-45.8 and this ordinance. Redeveloper may, following approval of a general development plan and in accordance with the review and approval procedures applicable to the initial approval of the general development plan, amend such general development plan to encompass additional adjoining area for

which it is or becomes the designated redeveloper but which was not included in the initial general development plan.

26-71.2 Submission Requirements.

All PUD/PRD applications shall be considered as a simultaneous application for major site plan and subdivision approval. An application for a planned commercial development, including any component elements which if standing alone would otherwise constitute a PUD/PRD, may be approved by way of a general development plan filed prior to the granting of an application for preliminary major site plan or subdivision approval. Such applications may, at the applicant's election, be filed concurrently or consecutively. Eighteen (18) sets of the following information shall be submitted with the general development plan [GDP] application. The information need not be shown on separate sheets, but may be combined at the applicant's discretion. PUD/PRD applications shall in addition comply with the applicable checklists for major site plan and subdivision approval. For applications which constitute or are a component of a planned commercial development, the following shall serve as the application checklist, and the Planning Board may grant submission waivers in the same manner as from any other checklist requirement.

- a. *Title Sheet.* A title sheet containing the following information:
 1. Name of project;
 2. Existing lot and block numbers of the project site;
 3. Name and address of the owner;
 4. Name and address of applicant;
 5. Key map showing the entire tract and its relationship to the surrounding area, at a scale of one (1") inch equals two thousand (2,000') feet;
 6. Date of the original submission and each subsequent revision thereof;
 7. Total tract area;
 8. Approval signatures for:
 - a. Chairperson,
 - b. Secretary, and
 - c. Board Engineer;

9. Name, address and telephone number of the professional(s) preparing the submission.
- b. *Project Information Required.* A general land use plan at a scale of one (1") inch equals two hundred (200') feet [indicating] which shall show:
1. The [the] tract area and general locations of the land uses to be included in the planned development.
 2. The total number of dwelling units and amount of non-residential floor area to be provided and proposed land area to be devoted to residential and non-residential use[shall be set forth].
 3. [In addition, the] The proposed types of non-residential uses to be included in the planned development[shall be set forth], and the estimated land area to be occupied by each proposed use[shall be estimated].
 4. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a non-residential floor area ratio shall be provided.
 5. Existing structures, existing uses and existing streets.
 6. The number of existing and proposed parking spaces.
- c. *Circulation Plan.* A circulation plan prepared at a scale of not smaller than one (1") inch equals two (200') feet, which circulation plan shall show:
1. The general location of all existing and proposed collector streets;
 2. The general location of non-vehicular pathways;
 3. Proposed improvements to the existing transportation system outside of the planned development, including but not necessarily limited to bus stops (if any).
 4. The circulation plan shall be accompanied by a traffic impact report which describes the anticipated traffic impacts of the proposed project along with a computerized model and report that demonstrates that the improvements proposed are safe and efficient for handling traffic volumes to, through and from the site. The report should also contain a traffic improvements phasing plan that ties each element of the project to necessary improvements and timing of same.

d. *Utility Plan.* A utility plan prepared at a scale of not smaller than one (1") inch equals two hundred (200') feet. The utility plan shall show:

1. The general location, need for and extent of existing and proposed major sanitary sewerage and water distribution lines and other related facilities.

~~[2.—The general location of pump stations, if required.]~~

2. An engineer's report for wastewater estimating all projected flows from the development and contributory areas and a plan demonstrating how the flows can be safely and efficiently conveyed to the treatment facilities in accordance with municipal requirements including location, sizing of all major sewers, pump stations, meter chambers and other required facilities.

3. An engineer's report for potable water facilities estimating all water demands and fire flows and preliminary models of water distribution system to demonstrate that the development can be safely and efficiently provided with potable water and can deliver necessary fire flows and identifying pipe sizes and, if needed to service the site, pumping stations and storage facilities.

4. Any drainage facilities necessitated by the physical characteristics of the site.

5.~~[3.]~~ A plan identifying the entity responsible for the operation and maintenance of the proposed utilities.

e. *Drainage Plan.* A drainage ~~[utility]~~ plan prepared at a scale of not smaller than one (1") inch equals two hundred (200') feet~~.[.]~~ The ~~[the]~~ drainage plan shall contain:

1. A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site, including the general location and extent of existing and proposed stormwater distribution lines~~.[:]~~

2. The size in acres of the drainage area~~.[:]~~

3. Preliminary estimates of the volume of runoff from each development area~~.[:]~~

4. The general location and size of detention and/or retention basins.

5. Preliminary sizing of all storm sewers that are required to service more than one section of the development or any tributary area greater than 20 acres in accordance with Borough standards and associated calculations and a basis of design report demonstrating compliance with Borough requirements.
- 6.~~[5.]~~ The drainage plan shall be accompanied by a report demonstrating that the stormwater basins are adequately sized to accommodate the proposed development.
- f. *Open Space Plan.* An open space plan prepared at a scale of not smaller than one (1") inch equals two hundred (200') feet. The open space plan shall indicate:
1. The general location and size of open space areas, parks and any other land areas to be set aside for conservation and recreational purposes together with a general description of proposed improvements;
 2. A plan identifying the entity responsible for the operation and maintenance of the proposed parks and recreational lands.
- g. In the case of a planned development whose construction is contemplated over a period of years, the general development plan [GDP] shall contain a proposed phasing plan which shall entail the proposed implementation, construction and completion of each phase or element of the proposed development, including timing of amenities and infrastructure, and any terms or conditions which are intended to protect the interests of the public and the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
- h. An environmental inventory and assessment, including a general description of the vegetation, soils, topography, geology, surface hydrology, wetlands delineation, climate and cultural resources of the site, existing man-made structures or features and the probable [~~probably~~] impact of the development on the environmental attributes of the site and surroundings.
- i. A community facility plan indicating the scope and type of supporting community facilities, which may include but need not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.
- j. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to the Fair Housing [~~and Equal Opportunity~~]

Act (N.J.S.A. 52:27D-301 et seq.) [~~(42 U.S.C. §3604)~~], will be fulfilled by the development.

- k. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable television and the location of and proposed methods of handling solid waste disposal.
- l. A fiscal impact report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality and/or school district as a result of the completion of the planned development. The fiscal impact report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the schedule provided under subsection g. of this section, and following the completion of the planned development in its entirety.

26-71.3 Required Findings for Approval of a Planned Development.

Prior to approval of a planned development the Planning Board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the ordinance standards applicable to planned developments as set forth in this ordinance, or to an applicable redevelopment plan, or can be approved by way of the grant of variance relief;
- b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
- c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

26-71.4 Modification of the General Development Plan.

- a. Except as provided hereunder, following approval of the general development plan [GDP], should the developer wish to make any variation in the location of land uses within the planned development, or increase the density of residential development, or increase the floor area ratio of non-residential development in any section of the planned development, the developer shall be required to gain Planning Board approval.
- b. Any variation in the location of land uses or increase in density or floor area ratio which is proposed in reaction to a decision of, or condition of development approval imposed by, the New Jersey Department of Environmental Protection (the NJDEP) shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the NJDEP.
- c. Except as provided hereunder, following approval of a general development plan [GDP], should the developer seek to amend or revise the plan, the developer must make application to the Planning Board for review of any said amendment or revision. No amendment or revision of the general development plan [GDP] will be permitted unless approved by the Planning Board.
- d. A developer, in undertaking any section or stage of the planned development, may, without violating the terms of the approval pursuant to this chapter, reduce the number of residential units or the amount of non-residential floor space by no more than fifteen (15%) percent, or may reduce the residential density or non-residential floor area ratio by no more than fifteen (15%) percent; provided, however, that a developer may not reduce the number of residential units to be provided pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) without prior municipal approval.
- e. Modification of schedule. In the event that the developer seeks to modify the proposed schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development. Where such modifications to the project schedule pertain to an approved general development plan involving property within an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the developer shall (i) first obtain the