# HERCULES REDEVELOPMENT PLAN

## Borough of Sayreville, NJ

CME ASSOCIATES

**DATE: DECEMBER 13, 2017**

Block 14, Lot 3; Block 25.01, Lot 1; Block 43, Lot 1; Block 43 Lot 1.01; Block 40, Lot 1; Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 1; Block 48.01, Lot 1; Block 48.01, Lot 2; Block 50, Lot 1; Block 51, Lot 2; Block 51.01, Lot 1; Block 51.02 Lot 1; Block 53, Lot 1;Block 53.01, Lot 1; Block 53.02, Lot 1; Block 57.01, Lot 1.01 and Block 83.04, Lot 1

CME#: PSA00027.43

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**The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.**

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# 1.0 Description of the Plan

## 1.1 Introduction

The following Redevelopment Plan, now termed as "Hercules Redevelopment Plan" is the regulating plan for the properties identified as Block 14, Lot 3; Block 25.01, Lot 1; Block 43, Lot 1; Block 43 Lot 1.01; Block 40, Lot 1;Block 44,Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 1; Block 48.01, Lot 1; Block 48.01, Lot 2; Block 50, Lot 1; Block 51, Lot 2; Block 51.01, Lot 1; Block 51.02 Lot 1; Block 53, Lot 1; Block 53.01, Lot 1; Block 53.02, Lot 1; Block 57.01, Lot 1.01 and Block 83.04, Lot 1. The area consists of a total acreage of 590.17 acres. The aerial map outlining the boundary of the subject site is shown in Map on the next page.

The site was previously developed as an industrial site and was used for manufacturing of various chemical components. The site was active approximately to the late 1960's. The industrial operations across much of the site have been dismantled prior to 1990's. Much of the site today is vacant and in need of redevelopment with the exception in the northeastern portion of the property which is still an active production facility, operated by Ashland Specialty Ingredients.

As a result on November 14, 2016 which was later amended on June 26, 2017, the Borough Council and Mayor adopted a Resolution to authorize the Borough Planning Board to undertake a preliminary investigation to determine whether the above noted properties in part or as a whole are "In need of Redevelopment" pursuant to the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq (LRHL). A planning report evaluating the statutory criteria and the map for the area was prepared. This report is titled "Preliminary Investigation for Determination of an Area in need of Redevelopment", prepared by John Leoncavallo, P.P., dated May 31, 2017.

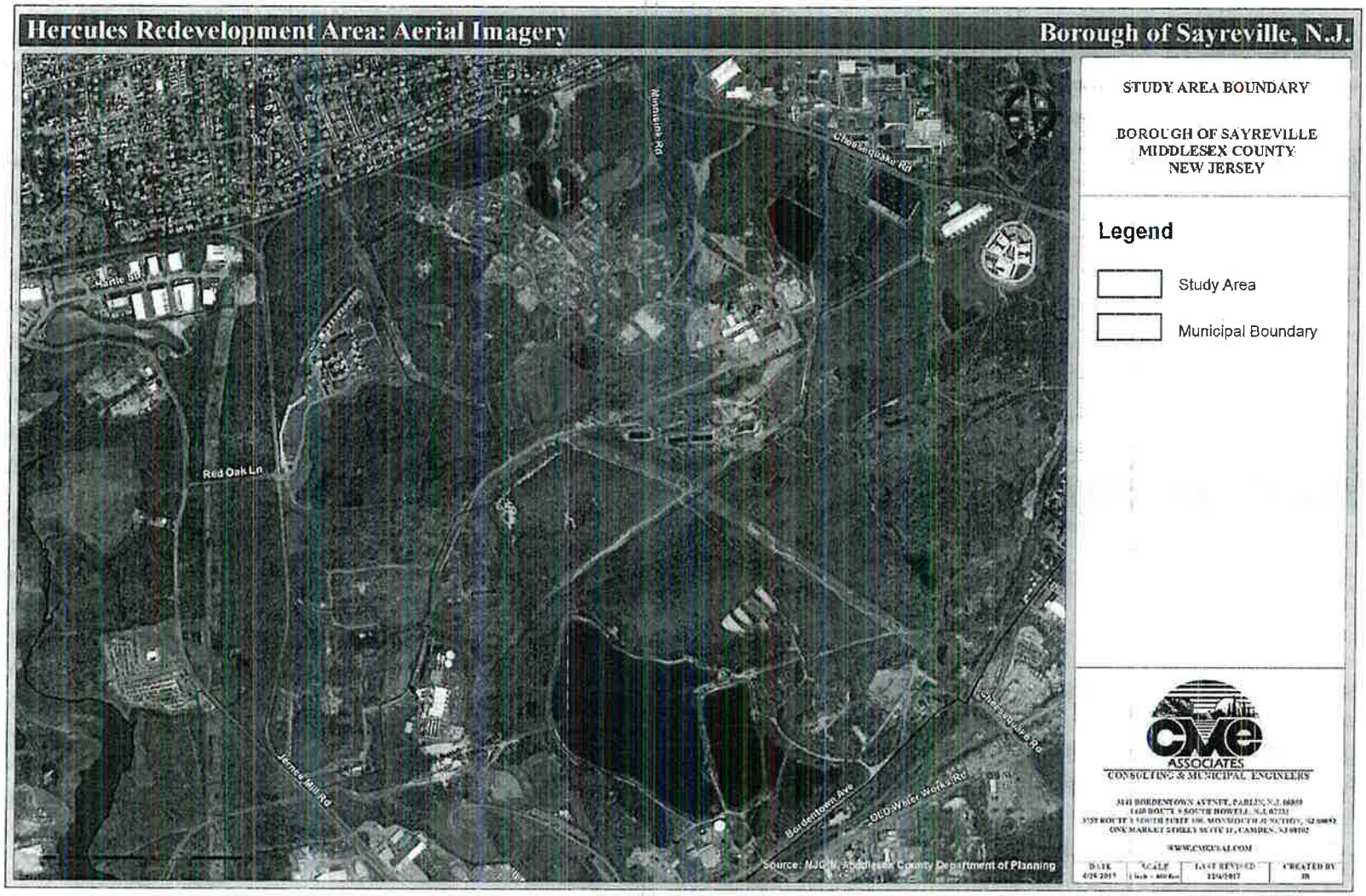
The Borough Planning Board held a public hearing on July 19, 2017, and based on the findings of the report the Board determined that the entire area is to be determined an area in need of redevelopment and recommended the same to the Borough Council. Following which, on September 11, 2017, the Borough Council adopted a resolution designating the entire area as a non-condemnation area in need of redevelopment.

## 1.2 Site Description

This redevelopment plan is for the following lots:

| Block | Lot | Additional Lots | Area |
|---|---|---|---|
| 14 | 3 | B 51 L 2; B 51.02 L 1 | 138.4 |
| 25.01 | 1 | | 1.39 |
| 43 | 1 | B 43 L 1.01, B 40 L 1, B 44 L 1, B 45 L 1, B 46 L 1, B 47 L 1, B 48.01 L 1, B 48.01 L 2, B 50 L 1, B 53.01 L 1, B 83.04 L 1 | 425.36 |
| 51.01 | 1 | | 10.13 |
| 53 | 1 | | 6 |
| 53.02 | 1 | | 8.5 |
| 57.01 | 1.01 | | 0.39 |
| | | **Total Acreage (ac.)** | **590.17** |

The site is located in the south eastern portion of the Borough and is bounded by the Jernee Mill Road to the south, the Cheesequake Road to the east. To the north of the property is a Conrail Railroad Line.


Hercules Redevelopment Area: Aerial Imagery
Borough of Sayreville, N.J.
Red Oak Ln
James Mill Rd
Bordentown Ave
Old Bridge Turnpike
Old Water Works Rd
Chevalier Ave
Chevalier Dr
Chevalier Rd
Ninnisink Rd
Source: NJGIN, Middlesex County Department of Planning
STUDY AREA BOUNDARY
BOROUGH OF SAYREVILLE
MIDDLESEX COUNTY
NEW JERSEY
Legend
Study Area
Municipal Boundary
CME
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CONSULTING & MUNICIPAL ENGINEERS
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DATE
SCALE
LAST REVISED
CREATED BY

The site has developed and evolved over the years with respect to the extent and nature of industrial land use. The former industrial operations/ facilities across much of the property have been dismantled and/ or demolished. The area to undergo demolition most recently is the former Nitrocellulose (NC) manufacturing area in the central and northern portion of the property. The southwest portion of the property (former B-Line manufacturing) area was active from approximately 1940 to the late 1960's and its industrial facilities were dismantled prior to the 1990's. The northeastern portion of the property houses an active production facility, operated by Ashland Specialty Ingredients (ASI).

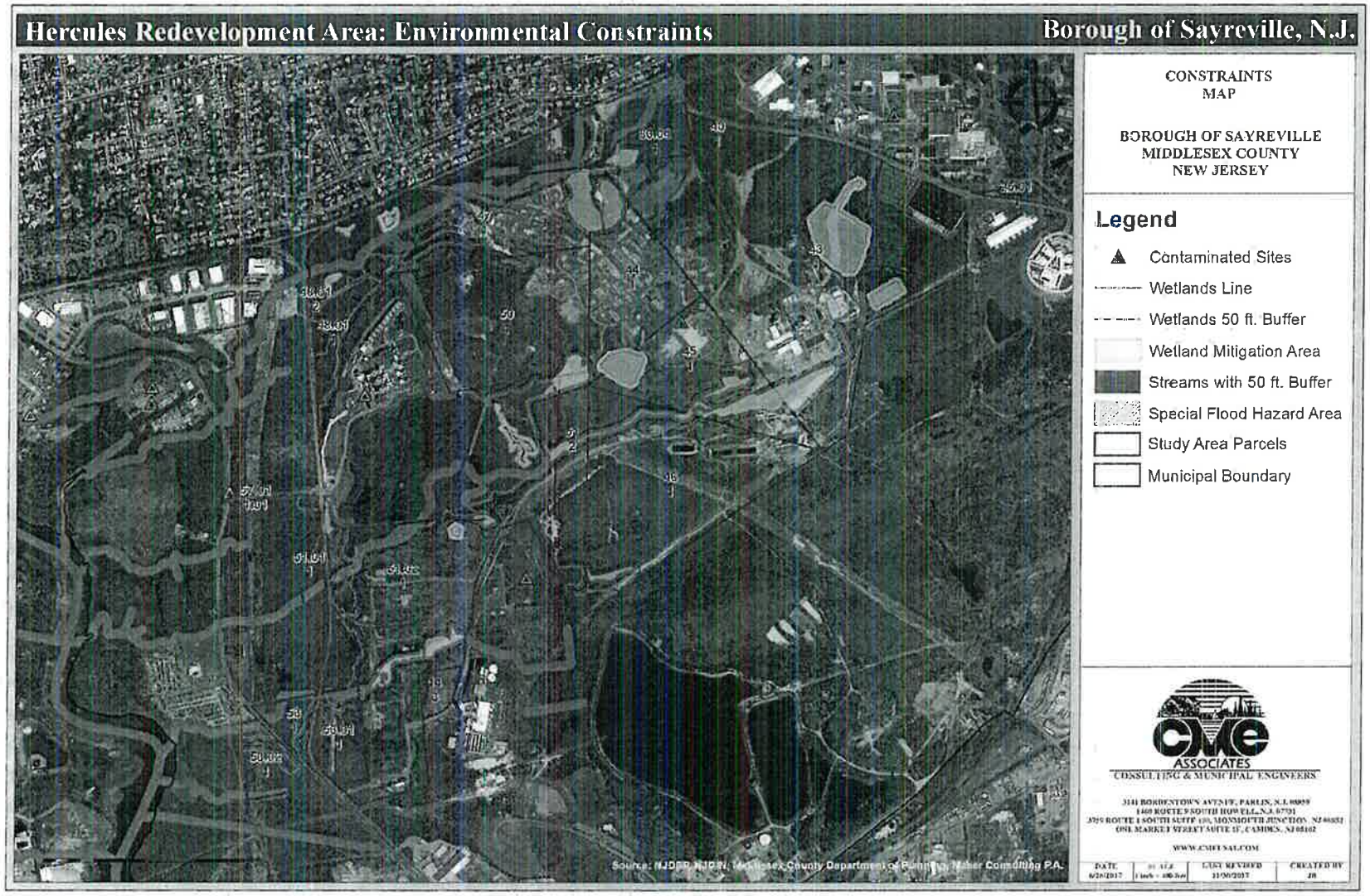
Uses in the vicinity of the redevelopment area consist of commercial, industrial, utilities power plant and warehouse uses. To the north of the site are residential uses. In addition, the site is bisected by a 150 foot wide J.C.P. & L. easement traversing south to north of the site.

## 1.3 Environmental Constraints

The preliminary assessment, site investigation (SI) and remedial investigation (RI) for Areas of concerns (AOC's) have been completed, as required by the New Jersey Department of Environmental Protection (NJDEP). The RI report was submitted in May 2016 and covers the entire property.

There are some wetlands located to the north and central western portion of the site. The site is relatively flat with no steep slopes located on site. There are three streams traversing through the site from west to east, however none of them have been classified as C (1) streams.

The Map on the next page, shows the constraints located on the site.


Hercules Redevelopment Area: Environmental Constraints
Borough of Sayreville, N.J.
CONSTRAINTS MAP
BOROUGH OF SAYREVILLE
MIDDLESEX COUNTY
NEW JERSEY
Legend
Contaminated Sites
Wetlands Line
Wetlands 50 ft. Buffer
Wetland Mitigation Area
Streams with 50 ft. Buffer
Special Flood Hazard Area
Study Area Parcels
Municipal Boundary
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LAST REVISED
CREATED BY

## 1.4 Statutory Basis of Plan

The Hercules Redevelopment Plan was prepared pursuant to the Borough Council of the Borough of Sayreville's determination on September 11, 2017 by Council Resolution #2017-261 that the area meets the statutory criteria for designation as an Area in Need of Redevelopment, pursuant to Redevelopment Law.

## 1.5 Statutory Requirements

The Hercules Redevelopment Plan provides regulations for the Redevelopment Area that implement the Borough's vision for the economic growth of this area.

A. This Plan addresses the following issues as required pursuant to the Redevelopment Law:

1. The Plan's relationship to definite local objectives regarding land uses, population density, improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;

2. The proposed land uses and building requirements in this area;

3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

4. The identification of any property that may be acquired in accordance with the Plan;

5. Any significant relationship of the Redevelopment Plans to:

(a) The Master Plans of contiguous municipalities;

(b) The Master Plan of the County in which the municipality is located, and;

(c) The State Development and Redevelopment Plan (the SDRP) adopted pursuant to the "State Planning Act", P.L. 1985, c.398 (C.52:18 A-196 et al.).

6. As of the date of adoption of the resolution finding the area to be in need of redevelopment an inventory of all housing units affordable to low and moderate income households, if any, that are to be removed as a result of implementation of the redevelopment plan.

7. A plan for the provision of affordable replacement housing units of each affordable housing unit that has been occupied at any time within the last 18 months, if any, that is subject to affordability controls and that is identified to be removed as a result of implementation of the redevelopment plan.

The LRHL provides that "a redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act", P.L. 1985, c.222 and the housing element of the municipal master plan". Finally, the Plan is required to describe its relationship to pertinent municipal development regulations, and must note whether the provisions of the Plan supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district.

## 1.6 Purpose of the Plan

The purpose of this Plan is to set forth the terms and conditions under which the Redevelopment Area may be redeveloped and to promote economic development within the Hercules Redevelopment Area.

## 1.7 Goals of the Plan

The Redevelopment Needs Study found the property to be underutilized and obsolete. The site was identified as a potential economic growth area that could create additional jobs and increase the tax base for the Borough. The site due to its size would potentially attract various innovative commercial and industrial land uses and have a significant impact on the vitality of the Borough, the corridor and the Region. Therefore, the goals of the Redevelopment Plan are as follows:

1. To enhance and promote opportunities for economic growth by promoting redevelopment of this area which is intended to support the economy of the Borough of Sayreville.

2. Transition the use of properties within the Redevelopment Area to uses that are more compatible with the existing and proposed transportation system.

3. To encourage and promote development of power plants or other energy generation facilities as permitted uses in the redevelopment area.

4. Create new job opportunities for Borough of Sayreville residents through the development of several commercial, light industrial, and office uses.

5. Work with the Redeveloper on the need for traffic improvements necessitated by the Redevelopment provided that the said redeveloper will make all improvements necessary to be able to safely convey the traffic generated from the site to Jernee Mill Road and Cheesequake Road.

6. Provide for some portion of the site, especially the constrained portion to the north, to be developed as public open space for passive and active recreation.

7. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the truck traffic to enter into the residential neighborhoods of the Borough.

8. Provide for the redevelopment of the Redevelopment Area in a manner consistent with the Borough of Sayreville Master Plan, Middlesex County Planning documents and the State Development and Redevelopment Plan (SDRP) as discussed herein.

# 2.0 Land Use Plan

In order to implement the Plan consistent with objectives herein, the Redevelopment Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. This Plan supersedes the underlying use, bulk and design standards of the Borough's Land Use Ordinance as they relate to the area governed by this Redevelopment Plan, except as otherwise noted.

The Redevelopment Area shall be divided into five (5) sections: Section 1, Section 2, Section 3, Section 4 and Section 5.

## 2.1 Land Use and Building Requirements

### A. Definitions

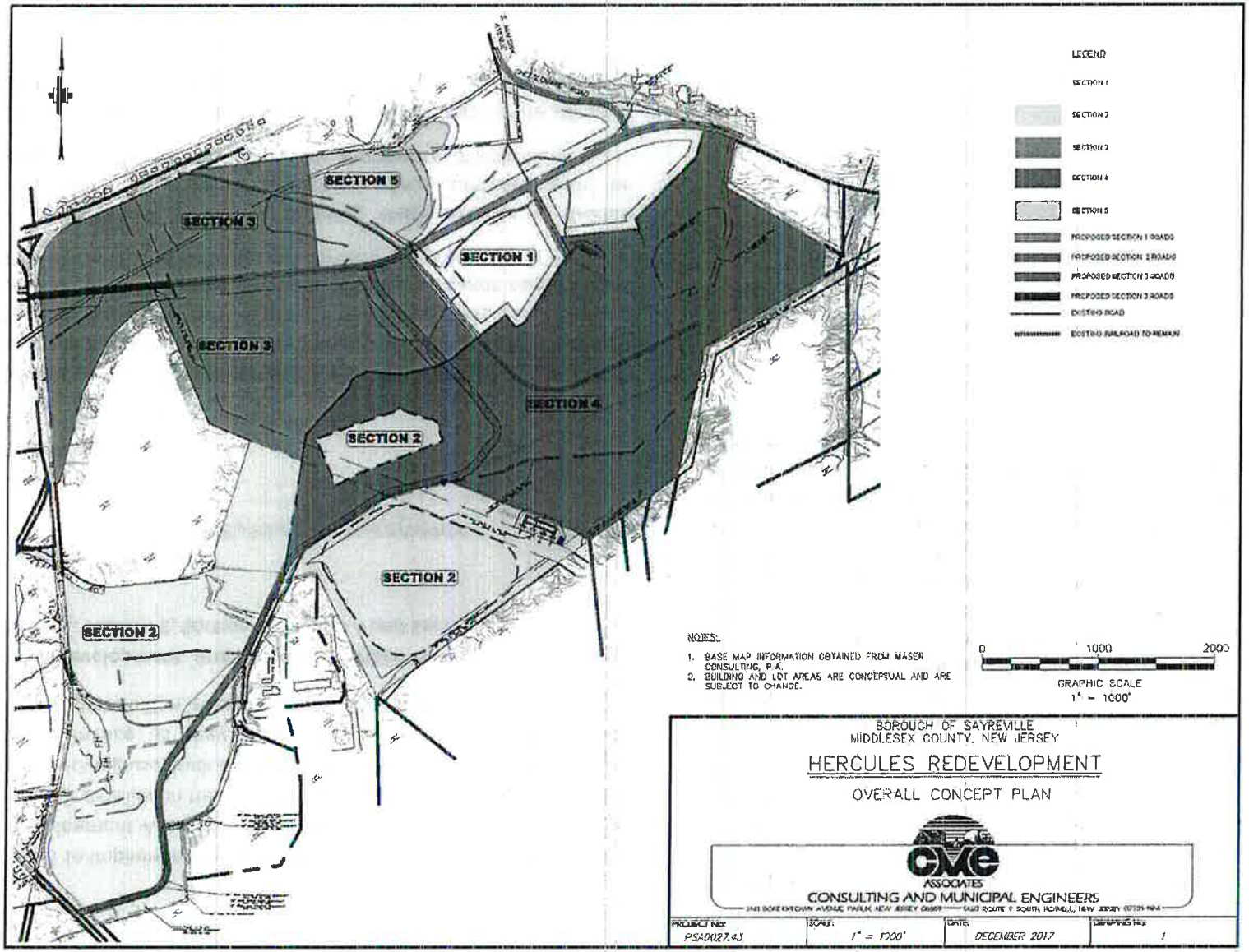
Datacenters- An establishment primarily involved in compiling, storage and maintenance of documents, records and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer related sales establishments and business and personal services.

Flex Commercial Space: A building that provides a flexible configuration of office or showroom space combined with for example, manufacturing, laboratory, warehouse, distribution.

Offices – A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files and communication equipment.

Power Plant/ Energy Centers – An electrical power generation facility that, regardless of fuel or energy source is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system or transmission grid.

Warehousing and Distribution Centers – A building used primarily for the storage of goods and materials. Establishments of places of business primarily engaged in selling merchandise to retailers: industrial, commercial, institutional, or professional business users: other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Up to 10,000 square feet of the building area may be used as an accessory use for a retail showroom/warehouse outlet store to definition. The portion of the building allocated to retail use shall be parked in accordance with Section 26-88 of the Borough Ordinance.


SECTION 5
SECTION 3
SECTION 1
SECTION 3
SECTION 4
SECTION 2
SECTION 2
SECTION 2
LEGEND
SECTION 1
SECTION 2
SECTION 3
SECTION 4
SECTION 5
PROPOSED SECTION 1 ROADS
PROPOSED SECTION 2 ROADS
PROPOSED SECTION 3 ROADS
PROPOSED SECTION 3 ROADS
EXISTING ROAD
EXISTING RAILROAD TO REMAIN
NOTES:
1. BASE MAP INFORMATION OBTAINED FROM MASER CONSULTING, P.A.
2. BUILDING AND LOT AREAS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE.
0
1000
2000
GRAPHIC SCALE
1" = 1000'
BOROUGH OF SAYREVILLE
MIDDLESEX COUNTY, NEW JERSEY
HERCULES REDEVELOPMENT
OVERALL CONCEPT PLAN
CME ASSOCIATES
CONSULTING AND MUNICIPAL ENGINEERS
PROJECT No: PSA0027.43
SCALE: 1" = 1000'
DATE: DECEMBER 2017
DRAWING No: 1

## B. Land Use

In all Sections, more than one principal permitted use shall be permitted within a single structure or building provided that each of the uses meets the parking requirements set forth within Section 26-88 of the Ordinance. Shared parking may be permitted, provided requirements per section 2.1D 1(iv) of this Redevelopment Plan are met.

In addition, in all sections remediation activities and structures and facilities associated therewith shall be considered permitted uses and may take place on one or more lots, alone or in connection with other uses.

**Section 1**

Permitted Principal Uses

1. Warehousing, shipping and distribution and receiving excluding bulk fuel storage provided that such uses meet the infrastructure phasing requirement per section E of this plan. A total warehousing use of 1.2 million square foot is permitted. Truck traffic generated by these facilities shall be directed towards Cheesequake Road with no access to S. Minisink Ave. Further, after completion Section 3 roadway (Green and Blue Roadway as shown in the Overall Concept Plan), truck traffic will be directed onto Jernee Mill Road.

2. Research laboratories or other experimental testing or research establishments, such as product development or quality control, which may include ancillary manufacturing.

3. Manufacturing, including finishing and assembly of products.

4. Technology centers for research, design and testing or manufacturing of computers, computer components, electronic devices or components or similar products.

5. Office and Office buildings including Medical office.

6. Flex Industrial/ Commercial Space.

7. Datacenters.

8. Equipment Repair and Retail facilities.

9. Wholesale landscaping business including retail component.

10. Wireless Telecommunication facilities per section 26-87 of the ordinance.

11. Indoor and Outdoor Recreational Use including but not limited health clubs, gym and specialty indoor sports.

12. Self-Storage facilities.

13. Lumberyards.

14. Railroad Right of way and related infrastructure and improvements

15. Utility, whether public or private including but not limited to commercial radio and communication towers, water/wastewater treatment facilities, steam generation, water intake facilities, pumping stations, electrical substations, outfall structures, pipelines, utility lines and structures and all necessary infrastructure and transmission facilities typically associated with utility users.

16. Municipal Uses.

17. Breweries and Distilleries.

18. Power Plants and Energy Centers whether public or private, includ ng but not limited to, electric substations, electric generation or co-generation facilities.

Permitted Conditional Uses

1. None.

Permitted Accessory Uses

1. Uses customary and incidental to principal permitted use including trailer storage (up to 2 additional trailers for each loading dock). Trailer storage shall not store goods for longer than two weeks.

2. Off Street Parking in accordance with the parking requirement of Section 26-88 of the Borough of Sayreville Ordinance.

3. On site Solar Renewable Energy Production. This plan envisions solar energy production via solar panels on the roofs of structures or ground mounted solar arrays within the redevelopment area.

4. Outdoor Storage for contractor/landscaping business, raw or finished materials related to permitted principal uses provided it has extensive buffer/ fencing for visual screening from public right of way and that t complies with Section 26-100 of the Borough Ordinance.

**Section 2 & 3**

Permitted Principal Use

1. Power Plants and Energy Centers whether public or private, including but not limited to, electric substations, electric generation or co-generation facilities.

2. Utility, whether public or private including but not limited to commercial radio and communication towers, water/wastewater treatment facilities, steam generation, water intake facilities, pumping stations, electrical substations, outfall structures, pipelines, utility lines and structures and all necessary infrastructure and transmission facilities typically associated with utility users.

3. All uses permitted in Section 1, except Warehouse Use, which is a permitted conditional use in Section 3 only, as provided below.

4. Indoor and Outdoor Recreational Use including but not limited health clubs, gyms and specialty indoor sports.

5. Breweries and Distilleries.

6. Alternative Energy utilities, whether public or private, including solar arrays, wires, transmission stations, substations, energy production facilities, storage facilities and necessary infrastructure.

7. School and Educational facilities.

8. Railroad Right of Way and related infrastructure and improvements, including but not limited to the existing railroad spur.

9. Municipal Uses.

Permitted Conditional Uses

1. Warehouse use shall be permitted only in Section 3 provided, the Hartle Street extension (Blue and Green Roadway as shown on Overall Concept Plan) is complete and the truck traffic accessing the site is directed towards Jernee Mill Road. A total warehouse use of 750,000 square feet is permitted in this section

Permitted Accessory Uses

1. Uses that are customary and incidental to the principal permitted use including trailer storage (up to 2 additional trailers for each

loading dock). Trailer storage shall not store goods for longer than two weeks.

2. Off Street Parking in accordance with the parking requirement of Section 26-88 of the Borough of Sayreville Ordinance.

3. On site Solar Renewable Energy Production. This plan envisions solar energy production via solar panels on the roofs of structures or ground mounted solar arrays within the redevelopment area.

4. Stacks for Power Plants and Energy Centers.

5. Outdoor Storage for contractor/landscaping business, raw or finished materials related to permitted principal uses provided it has extensive buffer/ fencing for visual screening from public right of way and that it complies with Section 26-100 of the Borough Ordinance.

**Section 4**

Principal Permitted Use

1. All Manufacturing uses as permitted in I Zone, provided it meets the standards set forth within section 26-100.

2. Existing Chemical Manufacturing Plant and all existing accessory uses, including existing accessory Warehouse Use, shall be considered permitted uses.

3. Railroad Right of Way and related infrastructure and improvements, including but not limited to the existing railroad spur.

4. Utility uses, whether public or private, including but not limited to commercial radio and communication towers, water/wastewater treatment facilities, steam generation, water intake facilities, pumping stations, outfall structures, pipelines, utility lines and structures and all necessary infrastructure and transmission facilities typically associated with utility users.

5. Power Plants and Energy Centers whether public or private, including but not limited to, electric substations, electric generation or co-generation facilities.

6. Alternative Energy utilities, whether public or private, including all solar arrays, wires, transmission stations, substations, energy production facilities, storage facilities and necessary infrastructure.

7. Municipal Uses.

Permitted Conditional Uses

1. None.

Permitted Accessory Uses

1. Uses that are customary and incidental to the principal permitted use.

2. Off Street Parking in accordance with the parking requirements of Section 26-88 of the Borough of Sayreville Ordinance.

3. On site Solar Renewable Energy Production. This plan envisions solar energy production via solar panels on the roofs of structures or ground mounted solar arrays within the redevelopment area.

4. Stacks for Power Plants and Energy Centers.

5. Outdoor Storage for contractor/landscaping business raw or finished materials related to permitted principal uses provided it has extensive buffer/ fencing for visual screening from public right of way and that it complies with Section 26-100 of the Borough Ordinance.

Section 5

Principal Permitted Use

1. Pub ic parks, Open Space and Recreational Use.

2. Water- oriented recreation.

3. Wildlife habitat creation, enhancement or restoration.

4. Structu-es and improvements essential for and used solely in conjunction with other permitted uses.

5. Municipal Uses.

Permitted Conditional Uses

1. None.

Permitted Accessory Uses

1. Uses that are customary and incidental to principal permitted use.

2. Off Street parking in accordance parking requirement of Section 26-88 of the Borough of Sayreville Ordinance.

C. Bulk Requirements

Bulk requirements within the redevelopment area shall be as listed in Table:

| Bulk Requirements ** | Section 1 | Section 2 & 3 | Section 4 | Section 5 |
|---|---|---|---|---|
| Minimum Lot Area (ac.) | 5 | 5 | 10 | N/A |
| Minimum Lot Width (ft.) | 300 | 300 | 500 | N/A |
| Minimum Lot Depth (ft.) | 400 | 400 | 400 | N/A |
| Minimum Front Yard Setback (ft.) | 75 | 75 | 100 | N/A |
| Minimum Rear Yard Setback (ft.) | 100 | 100 | 100 | N/A |
| Minimum Side Yard Setback One/ Both (ft.) | 75 */150 | 75*/150 | 75*/150 | N/A |
| Maximum Building. Height (ft.) | 65 | 65 | 85 | 1 story |
| Max. Building Coverage (%) | 60 | 60 | 40 | N/A |
| Max. Impervious Coverage (%) | 85 | 85 | 80 | |
| Max. Stack Height (ft.) | 120 | 120 | 120 | N/A |

**Where non-residential use abuts residential use setback should be 100 feet.*

*** Utilities such as substations shall be exempt from all bulk standards and shall be permitted regardless of street frontage.*

**** N/A not applicable*

## D. Design Requirements

Unless specifically addressed in this redevelopment plan, the design of all improvements shall be in compliance with the Borough Zoning Ordinance Article V- Development Requirements and Standards.

1. Circulation Parking and Loading:

(i) The overall parking and loading requirements for the permitted uses shall comply with the requirements as required per section 26-88 of the Borough Zoning Ordinances. For uses not specified, a complete traffic impact analysis and study of similar uses should be submitted at the time of site plan.

(ii) Redevelopment of Section 1, Section 2 and Section 3 shall be required to address any traffic concerns related to or stemming from said redevelopment. A full traffic impact and circulation study shall be submitted at the time of the site plan. The submitted traffic study shall consider any known tenant's actual operational characteristics including shift times, employee projections and truck traffic projections in addition to ITE standards. The traffic study shall account for unique operations of the site such as shift workers including arrival, dismissal and any overlap of shift workers that may impact traffic intensity. The traffic study should discuss the circulation patterns of truck traffic and other heavy/ oversize vehicles. At the time any redevelopment has been constructed and is fully operational, an additional post construction traffic study shall be submitted with appropriate operational data taken into consideration to ensure the newly operating use is not overburdening the capacity of existing infrastructure and intersections.

(iii) The redeveloper shall be responsible for its pro-rata share of any needed off-site improvements. It is recommended that the redeveloper should work with NJ Transit to potential extend bus routes and review other transportation options to provide adequate transportation to commuters.

(iv) Shared Parking for mixed-use development has been recognized to improve efficiency with respect to the utilization of parking spaces. Several of the land uses within Section 1, 2 and 3 maybe able to share parking depending on their peak hours of operation. The efficiency created through a blend of land uses tend to reduce automobile dependency below that which is precipitated by a single use, standalone development. As a result, a shared parking study should be submitted as part of site plan.

(v) Pedestrian routes between uses shall be separated from vehicular and truck traffic where appropriate. Sidewalks should use complementary materials and design elements. Where necessary, pedestrian protection devices such as bollards or buffer vegetation shall be provided. Clear and identifiable pedestrian pathways to mass transit locations shall be provided.

(vi) In case of special events held at Indoor or Outdoor Recreational Uses, applicants are required to submit a Parking Management Plan at the time of Site Plan. This plan shall address parking demand resulting from patrons, occupants, team members, employees and spectators, parking management and traffic management related to the operation of the event. The Parking Management Plan shall be subject to Board's review and approval.

2. Landscape and Screening

(i) A full landscape plan shall be submitted at the time of the site plan

(ii) All accessory outdoor storage shall provide a minimum of 75 feet setback from property line.

(i i) Buffer shall include fences and landscaping to minimize adverse impact or nuisances such as headlights of vehicles, noise, and light from structures. The buffer area shall consists of a solid and continuous landscaped screen to be planted and maintained. The landscaping shall consist of lawns, evergreens and deciduous trees and shrubs of such species and density as will provide within two growing seasons, a continuous yearlong screen not less than six feet in height. The proposed vegetation should be spaced according to industry standard to allow for the growth of the species.

(iv) Buffers shall not obstruct site triangles.

(v) All trash and recycling receptacles shall be located in the rear of the site. All trash and recycling receptacle shall be screened.

3. Architectural Design:

(i) A uniform and consistent theme shall be used for overall design development of the redevelopment area as may be approved by SERA (Sayreville Economic and Redevelopment Agency). Redeveloper shall incorporate design features to create depth and diversity among the types of building façade used and shall avoid construction of buildings using only sheet metal exteriors. Any design features proposed by Redeveloper should be consistent with lighting, signage and street furniture provisions hereof.

4. Signage:

(i) Signs should be architecturally consistent and uniform in nature as it related to the features of the building in terms of location, scale, color, lettering, materials, texture and depth.

(ii) Freestanding Signs

Maximum Number of Freestanding Sign: 2 per lot.

Maximum Sign Area: 100 square feet.

Maximum Height: 20 feet.

Setback: 25 feet.

Sign Illumination (Internal or External): Permitted.

(iv) Wall Signs

Maximum Number of Signs: 1 per use in a given building.

Maximum Sign Area: 100 square feet per sign.

Sign Illumination (Internal or External): Permitted.

5. Lighting:

(i) Light Fixture Mounting Height (Building or Pole): 35 feet.

(ii) Lighting techniques including LED's and outside shields shall be implemented to reduce night glow.

(iii) A minimum of 0.5 foot-candle shall be maintained throughout with lighting level at a maximum to minimum illumination ratio not to exceed 15:1.

6. Utilities

(i) Sanitary Sewerage service shall be provided by constructing a collection system throughout the site and extending same to the Borough of Sayreville's sewerage collection system where capacity allows. If capacity is not available adjacent to the site, the collection system shall be either improved to accept the flows or extended to where the capacity is available.

(ii) A 16 inch water main must run through the site to connect to the existing 16 inch man in the private road adjacent to the Florida power plant at the southern end of the site and the existing 16 inch main in Cheesequake Road east of the DuPont warehouse.

7. Any redevelopment must have proper circulation for emergency vehicles to access the site and have an appropriate fire suppression system that is subject to the review of the Borough Fire Marshall consistent with the applicable fire sub-codes.

8. Consideration shall be given to storm water management as required by the Borough Land Use Ordinance at the time of site plan submission.

9. A security management plan should be submitted for uses that are to be gated.

## E. Infrastructure Phasing

The Redevelopment Plan contemplates the construction of roadways within the redevelopment area to connect Cheesequake Road with Hartle Street and Jernee Mill Road. The construction of the roadways shall be phased and proceed on an as needed basis based on the sequencing and density of development or as otherwise required by the Redevelopment Agreement. The roadways shown in Orange, Blue, Red and Green on the Overall Concept Plan are conceptual in nature and may be altered during site plan review process subject to approval by SERA (Sayreville Economic and Redevelopment Agency).

All of these proposed roads shall be a minimum width of 36 feet with a 60 feet ROW (right of way) width.

Section 1 Infrastructure (Orange Roadway)

Site access in Section 1 is proposed via improvements to South Minisink Avenue and Cheesequake Road that will monitor and reduce the heavy industrial traffic into residential neighborhood. The Orange Roadway (as shown in the Overall Concept Plan) should be completed contemporaneously with the development as far as needed to service buildings in Section 1. Any Redevelopment Agreement contemplating development within Section 1 shall specify timing, phasing and financing of the construction of the Orange Roadway relative to Section 1 development.

Section 2 Infrastructure (Red Roadway)

Access to the development in Section 2 is proposed via full movement site driveway from Jernee Mill Road (CR 675). The Red Roadway (as shown in Overall Concept Plan) is currently conceptual in nature. The final design and whether extension into property is necessary to accommodate development will be determined by the designated redeveloper in conjunction with SERA, prior to Site Plan Review. The final roadway alignment is subject to approval by SERA, prior to submission to Planning Board. Any Redevelopment

Agreement contemplating development within Section 2 shall specify timing, phasing financing of the construction of the Red Roadway relative to the proposed Section 2 development.

Section 3 Infrastructure

Access to Section 3 is to be provided via the Green and Blue Roadway shown in the Overall Concept Plan.

(Green Roadway)

Initial Access to the development in Section 3 is proposed via the Green Roadway as shown in the Overall Concept Plan, as an extension of the Orange Roadway (Section 1). For all uses other than warehouses, the Green Roadway (Section 3) should be completed contemporaneously with the development, with regard to neededito service the buildings. No warehousing shall be permitted in Section 3 until complete construction of both Blue and Green Roadway. Any Redevelopment Agreement contemplating development (other than warehousing) within Section 3 shall specify timing, phasing and financing of the construction of the roadway, relative to Section 3 development.

(Blue Roadway)

Blue Roadway in Section 3 (as shown in the Overall Concept Plan), connects the Green Roadway with Hartle Street right of way. This section of roadway traverses wetlands and will require permits from the New Jersey Department of Environmental Protection and other agency approvals such as approval for Railroad Crossing. After the permits and necessary approvals are issued, the Blue Roadway shall be completed before the last Certificate of occupancy is issued for the last proposed building in Section 3. However, if Section 3 contains a warehouse use, the Blue Roadway shall be completed before the first Certificate of Occupancy is issued for the warehouse use.

Preparation for and construction of the Blue Roadway in Section 3 shall be funded and executed through redevelopment area bonds supported by PILOT (payment in lieu of taxes) or special assessments pursuant to a negotiated financial agreement or through County, State or Federal grant incentives.

# 3.0 PLANNING RELATIONSHIP

## 3.1 Master Plan Recommendation

The Borough of Sayreville adopted its last Master Plan in February 2013. The plan identifies the property as SED-3 (Special Economic Development 3) in its future land use plan. Per the Master Plan, this land use classification has been included to provide a range of land uses to meet the Borough's economic development objectives. The Plan area itself was identified as a site to be designated as a Foreign Trade Zone (FTZ). Several land uses are proposed for this zone, including data centers, offices and solar farms. The location of site and the established infrastructure makes this site suitable to reach Borough's economic development goals. The proposed Redevelopment Plan is consistent with the economic development objective of the Borough. The redeveloper may consider applying to designate this area for a FTZ status at their own accord.

## 3.2 Contiguous Municipalities

Borough of Sayreville is surrounded by several municipalities including, South River Borough and East Brunswick Township on the west separated by South River in between, and Old Bridge Township to the south. The Borough is bounded by Raritan River to the north, beyond which is the Edison Township and Woodbridge Township. To the east of the Borough is the City of South Amboy. The Redevelopment Area is not in close proximity to any of these municipalities, except for Old Bridge Township, and would have negligible effect on their master plan or zoning ordinance.

As mentioned previously, the Redevelopment Area is in close proximity to Old Bridge Township to the south. The portion west of Cheesequake road has been zoned SD-3 – Special Development Zone. The purpose of this zone is to provide development opportunities for large scale service and light manufacturing uses with appropriate supporting facilities. Old Bridge Township therefore allows for similar large scale and light manufacturing uses similar to what is being proposed in the Redevelopment Area.

## 3.3 State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was adopted in March 2001 and places most of the Borough of Sayreville in the Metropolitan Planning Area (PA-1). Most of the communities within PA-1 are fully developed or almost fully developed with much of the new growth occurring through redevelopment. According to the SDRP, the intent of PA1 is to provide for much of the State's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburb; redesign areas of sprawl and protect the character of the existing stable communities. The SDRP calls for focusing growth in areas with existing infrastructure and investments and away from environmentally sensitive areas. One of the goals of the PA-1 area is to promote economic development by encouraging redevelopment efforts such as infill and land assembly, private/public partnerships and infrastructure improvements. The Redevelopment Plan is consistent with the goals and objectives of SDRP's PA1 Metropolitan Planning Areas.

## 3.4 Middlesex County Master Plan

Middlesex County's last master plan was adopted in 1960's and therefore is not applicable in terms of consistency with the Redevelopment Plan.

# 4.0 ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

## 4.1 Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Borough Council may amend, revise, or modify the Redevelopment Plan in general or for specific properties within the Redevelopment Area, as circumstances may make such changes appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL. However, any proposed changes in permitted uses, the land use plan, building height, or other core design concepts of this Plan shall require notice and public hearings in a manner similar to the adoption of the original Plan.

## 4.2 Redevelopment Powers

The Sayreville Economic and Redevelopment Agency (SERA) may use any and all redevelopment powers granted to it pursuant to the LRHL and consistent with resolutions adopted by the Borough Council, and any redevelopment agreement, to effectuate this Plan. SERA may enter into agreements with a designated redeveloper or redevelopers in connection with the construction of any aspect of the Redevelopment Plan, including off-site improvements.

## 4.3 Conveyance of Land

The Redeveloper may sell, lease, or otherwise convey to a developer for redevelopment, subject to restrictions, controls and requirements of the Redevelopment Plan and the Redevelopment Agreement, all or any of the properties designated in need of redevelopment within the designated Redevelopment Area that it owns or may acquire. SERA may also use its redevelopment powers pursuant to the LRHL to enter into other agreements with a designated redeveloper or redevelopers in connection with the implementation of the Redevelopment Plan.

## 4.4 Effectiveness of the Plan

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Borough Council.

# 5.0 REDEVELOPER SELECTION

The following restrictions and controls on redevelopment are hereby imposed in connection with the selection of a redeveloper(s) or master redeveloper (s) for any property or properties included in the Redevelopment Plan and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

- Any references within this section to "redeveloper" apply equally to redeveloper or master redeveloper, as same may be designated by SERA (Sayreville Economic and Redevelopment Agency).
- The redeveloper will be obligated to carry out the specified improvements in accordance with the Redevelopment Plan.
- The redeveloper, its successors or assignees shall develop the Redevelopment Area in accordance with the uses and building requirements specified in the Redevelopment Plan.
- Until the required improvements are completed and a certificate of completion is issued, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed on any redevelopment agreement, lease, deed or other instruments shall remain in full force and effect.
- No development of the Plan Area may be undertaken unless and until the developer is designated as the Redeveloper by SERA, and the Redeveloper and SERA enter into a Redevelopment Agreement.
- The Redevelopment Agreement(s) shall contain provisions to assure the timely construction of the redevelopment project and any other provisions necessary to assure the successful completion of the project.

## 5.1 Redevelopment Entity Review

The Sayreville Economic and Redevelopment Agency (SERA), shall review all proposed redevelopment projects within the Redevelopment Area to ensure that such project(s) is consistent with the Redevelopment Plan and relevant Redeveloper Agreement(s). Such review and the execution of a Redevelopment Agreement shall occur prior to the hearing on the redevelopment project(s) by the Planning Board.

## 5.2 Land Use Review Process

A. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment to the Borough of Sayreville Land Use Ordinance and Zoning Map.

B. No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the Sayreville Economic and Redevelopment Agency ("SERA") and the Planning Board. Routine maintenance and repair shall not require review by SERA or the Planning Board.

C. All development applications (except for routine maintenance and repair) shall first be submitted to SERA prior to submission to the Planning Board. SERA shall review the development applications for consistency with the Redevelopment Plan and applicable Redevelopment Agreement.

D. Following review by SERA, all development applications for development of sites governed by this Redevelopment Plan (except for routine maintenance and repair) shall be submitted to the Planning Board for review and approval pursuant to N.J.S.A 40A:12A-13.

- The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq. and the Borough's Land Use Ordinance. Any and all definitions contained within this Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Borough's Land Use Ordinance shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12A-3 shall be considered invalid.

- A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Borough's Land Use Ordinance and State law. Additionally, a redeveloper shall be required to pay for any additional studies, plans, reports or analysis that SERA has to prepare as part of this Redevelopment Plan.

- As part of site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 and as required in the Borough's Land Use Ordinance. The performance guarantees shall be in favor of the Borough of Sayreville, and the Borough Engineer shall determine the amount of any performance guarantees, in accordance with N.J.S.A. 40:55D-1 et seq.

E. Following review of the development application by SERA, the Planning Board may grant certain deviations from the Redevelopment Plan, provided that SERA recommends such deviations:

- No deviations may be granted that will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Redevelopment Plan that results in a "D" variance pursuant to N.J.S.A. 40:55D-70d may only be addressed as an amendment to the Recevelopment Plan by the Borough Council rather than via variance relief through the Borough's Land Use Board.

- All other deviations from any provision of this Redevelopment Plan, except for deviations from permitted uses, may be granted if the relief can be granted without resulting in substantial detriment to the public good and such relief will not substantially impair the intent and purpose of this Redevelopment Plan.

- The Planning Board may also grant planning variances from N.J.S.A. 40:55D-34 and -35.

F. Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be

reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."

G. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions and through agreements between the redeveloper and Borough pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.

H. The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to the development of the Redevelopment Area, or contribution thereto, shall, whether on-site or off-site, be subject to a redeveloper's agreement with SERA, as the municipal redevelopment agency.

I. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

## 5.3 Amendment to Zoning Map and Development Regulations

The Borough Zoning Map is hereby amended to reference this Redevelopment Plan as a zoning district encompassing the Redevelopment Area in its entirety. Additionally, the listing of zoning districts in the Borough of Sayreville Zoning Ordinance is hereby amended to include a reference to this Redevelopment Plan constituting such substitute zoning district. Where specifically provided for herein, the development standards set forth in this Redevelopment Plan shall supersede the development regulations of the Borough of Sayreville. In all other instances, the development regulations of the Borough shall remain in full force and effect.

## 5.4 Other Provisions

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

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- Adequate provision for the temporary and permanent relocation of residents is not necessary because there are no residents in the Redevelopment Area.
- The Redevelopment Plan does not require the acquisition of privately-owned property.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Sayreville. The Plan also complies with the goals and objectives of the Middlesex

County Master Plan and the New Jersey State Development and Redevelopment Plan.

- An inventory of all housing units affordable to low and moderate income households that are to be removed as a result of implementation of the Redevelopment Plan is not necessary because there are no housing units located in the Redevelopment Area.

- A plan for the provision of affordable replacement housing units is not necessary because there are no affordable housing units located in the Redevelopment Area.

## 5.5 Non-Discrimination Provisions

No covenant, lease, conveyance, or other instrument shall be affected or executed by the Borough Council or by a redeveloper or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough Council, or the redeveloper, upon the basis of race, creed, color, or national origin in the sale, lease, use, or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use on the basis of race, creed, color or national origin.

# ORDINANCE # 410-18

## AN ORDINANCE OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING THE HERCULES REDEVELOPMENT PLAN AND AMENDING THE ZONING MAP

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

**WHEREAS**, Hercules owns property in the Borough of Sayreville located at 50 South Minnisink Avenue, Block 14, Lot 3; Block 25.01, Lot 1; Block 40, Lot 1; Block 43, Lots 1 and 1.01; Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 1; Block 48.01, Lots 1 and 2; Block 50, Lot 1; Block 51, Lot 2; Block 51.01, Lot 1; Block 51.02, Lot 1; Block 53, Lot 1; Block 53.01, Lot 1; Block 53.02, Lot 1; Block 57.01, Lot 1.01; and Block 83.04, Lot 1 (the "Property"); and

**WHEREAS**, on September 11, 2017, the Borough of Sayreville Council adopted a resolution pursuant to the Redevelopment Law designating the property as a Non-Condemnation Area in Need of Redevelopment ("Hercules Redevelopment Area"); and

**WHEREAS**, by that same resolution, the Council appointed the Sayreville Economic and Redevelopment Agency ("SERA") as the redevelopment entity for the Hercules Redevelopment Area; and

**WHEREAS**, SERA engaged CME Associates to prepare a draft Redevelopment Plan for the Hercules Redevelopment Area; and

**WHEREAS**, CME presented the "Hercules Redevelopment Plan," dated December 13, 2017 ("Redevelopment Plan"), to SERA on January 25, 2018, which is annexed hereto as **Exhibit A**; and

**WHEREAS**, SERA adopted a resolution on February 22, 2018, recommending that the Council and Planning Board review the Redevelopment Plan; and

**WHEREAS**, at the invitation of the Mayor and Council, CME Associates presented the Redevelopment Plan at a special meeting on March 26, 2018; and

**WHEREAS**, pursuant to *N.J.S.A.* 40A:12A-7(f), the Council adopted a resolution on April 9, 2018, directing the Planning Board of the Borough of Sayreville ("Planning Board") to consider the Redevelopment Plan and, upon completion of its review, transmit the proposed plan to the Council for adoption; and

**WHEREAS**, on April 18, 2018, the Planning Board reviewed the Redevelopment Plan and voted to transmit the Redevelopment Plan to Council for the Council's consideration and adoption; and

**WHEREAS**, the Planning Board previously adopted a Master Plan providing for the appropriate use and development of lands in the Borough in a manner that will promote the public health, safety, morals, and general welfare, and the Redevelopment Plan, for the reasons detailed therein, is consistent with that Master Plan; and

**WHEREAS**, the Redevelopment Plan meets all of the criteria set forth in *N.J.S.A.* 40A:12A-7 and will facilitate the clearance, re-planning, development, and redevelopment of the Hercules Redevelopment Area in a manner that will promote the general welfare and advance the community's interests.

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey directs as follows:

1. The Council does hereby adopt the Redevelopment Plan in accordance with *N.J.S.A.* 40A:12A-7, as the redevelopment plan for the Hercules Redevelopment Area.

2. In accordance with *N.J.S.A.* 40A:12A-7(c), the Zoning Map, as included in the Land Development Ordinance of the Borough of Sayreville is hereby amended to designate the Hercules Redevelopment Area as the "HR – Hercules Redevelopment Area."

3. In accordance with *N.J.S.A.* 40:55D-16, the Clerk is hereby authorized and directed to file a copy of this ordinance, the Redevelopment Plan, and the updated Zoning Map with the Middlesex County Planning Board.

4. The Sayreville Economic and Redevelopment Agency remains designated as the Redevelopment Entity under the Redevelopment Plan and may proceed with clearance, re-planning, development, and redevelopment of the Hercules Redevelopment Area to effectuate the purposes of the Redevelopment Law.

5. All ordinances and provisions thereof inconsistent with the provisions of this ordinance shall be and are hereby repealed to the extent of such inconsistency.

6. If any section, subsection or part, clause or phrase of this ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance.

7. This Ordinance shall take effect immediately after final passage and publication as required by law.

/s/Pasquale Lembo, Councilman
(Planning & Zoning Committee)

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien
Mayor

***APPROVED AS TO FORM:***

/s/Michael DuPont, Esq.
Borough Attorney

# ORDINANCE #509-20

## AN ORDINANCE OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING AMENDMENTS TO THE HERCULES REDEVELOPMENT PLAN

**WHEREAS**, Hercules, LLC ("Hercules") owns property in the Borough of Sayreville located at 50 South Minnisink Avenue, Block 14, Lot 3; Block 25.01, Lot 1; Block 40, Lot 1; Block 43, Lots 1 and 1.01; Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 1; Block 48.01, Lots 1 and 2; Block 50, Lot 1; Block 51, Lot 2; Block 51.01, Lot 1; Block 51.02, Lot 1; Block 53, Lot 1; Block 53.01, Lot 1; Block 53.02, Lot 1; Block 57.01, Lot 1.01; and Block 83.04, Lot 1 (the "Property"); and

**WHEREAS**, on September 11, 2017, the Borough of Sayreville Council (the "Council") adopted a resolution pursuant to the Redevelopment Law designating the property as a Non-Condemnation Area in Need of Redevelopment ("Hercules Redevelopment Area"); and

**WHEREAS**, by that same resolution, the Council appointed the Sayreville Economic and Redevelopment Agency ("SERA") as the redevelopment entity for the Hercules Redevelopment Area; and

**WHEREAS**, on May 29, 2018, the Council adopted a Redevelopment Plan for the Property, entitled the "Hercules Redevelopment Plan," by Ordinance 410-18 (the "Redevelopment Plan"); and

**WHEREAS**, on April 23, 2020, SERA adopted a resolution designating TC NE Metro Development, Inc. ("TC") as conditional redeveloper of Section 1 of the Hercules Redevelopment Plan; and

**WHEREAS**, TC and Hercules have requested that the Council consider certain proposed amendments to the Redevelopment Plan; and

**WHEREAS**, the proposed Redevelopment Plan amendments were presented to SERA on September 22, 2020; and

**WHEREAS**, SERA adopted a resolution on September 22, 2020, recommending that Council adopt the Redevelopment Plan amendments; and

**WHEREAS**, on September 29, 2020 the Council adopted a resolution, referring the Redevelopment Plan amendments to the Planning Board of the Borough of Sayreville (the "Planning Board"); and

**WHEREAS**, upon review of the recommendations of SERA and the Planning Board, the Council has determined to adopt the proposed amendments to the Redevelopment Plan.

**NOW THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that the Redevelopment Plan shall be amended as follows:

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*

1. The section boundaries set forth on the Hercules Redevelopment Overall Concept Plan, contained on page 8 of the Redevelopment Plan, shall be amended as shown on Exhibit CB101 attached hereto.

2. This Ordinance shall take effect immediately after final passage and publication as required by law.

**INTRODUCED/APPROVED ON FIRST READING**
DATED: September 29, 2020

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Kevin Dalina, Councilman
(Planning & Zoning Committee)
Borough of Sayreville

**ADOPTED ON SECOND READING**
DATED: October 13, 2020

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Kevin Dalina, Councilman
(Planning & Zoning Committee)

**APPPROVAL BY THE MAYOR ON THIS 13th DAY OF OCTOBER, 2020.**

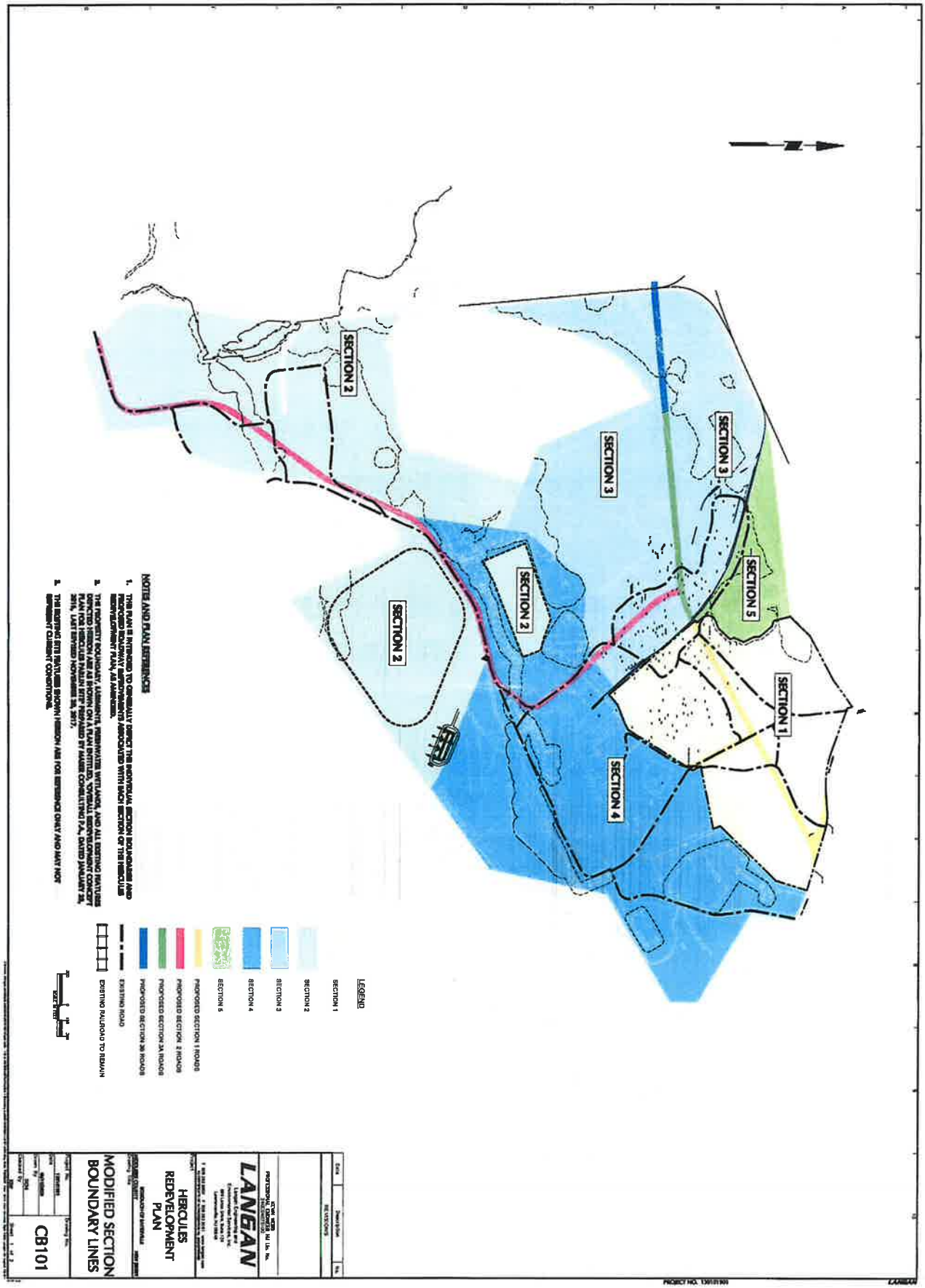
Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

MICHAEL DUPONT, ESQ., Borough Attorney

EXHIBIT TO

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING AMENDMENTS TO THE HERCULES REDEVELOPMENT PLAN



INTRO & PASSED 1st READING 11/23/24
ADVERTISED ACCDNG. TO LAW 11/29/24
ADOPTED ON 2nd & FINAL READING 12/9/24
ADVERTISED ACCORDING TO LAW 12/13/24
Mica Manley
BOROUGH CLERK

# ORDINANCE #52-24
# AN ORDINANCE AMENDING THE BOROUGH OF SAYREVILLE HERCULES REDEVELOPMENT PLAN

**WHEREAS,** on September 11, 2017, the Borough of Sayreville Council (the "**Council**") adopted a resolution pursuant to the Local Redevelopment and Housing Law designating certain parcels as a Non-Condemnation Area in Need of Redevelopment, which were formerly known as: Block 14, Lot 3; Block 25.01, Lot 1; Block 40, Lot 1; Block 43, Lots 1 and 1.01; Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 1; Block 48.01, Lots 1 and 2; Block 50, Lot 1; Block 51, Lot 2; Block 51.01, Lot 1; Block 51.02, Lot 1; Block 53, Lot 1; Block 53.01, Lot 1; Block 53.02, Lot 1; Block 57.01, Lot 1.01; and Block 83.04, Lot 1 ("**Hercules Redevelopment Area**"); and

**WHEREAS,** by that same resolution, the Council appointed the Sayreville Economic and Redevelopment Agency ("**SERA**") as the redevelopment entity for the Hercules Redevelopment Area; and

**WHEREAS,** on May 29, 2018, the Council adopted a Redevelopment Plan for the Property, entitled the "Hercules Redevelopment Plan," by Ordinance 410-18 (the "**Original Redevelopment Plan**"); and

**WHEREAS,** on October 13, 2020, the Council adopted an amendment to the Original Redevelopment Plan by Ordinance No. 509-20 (the "**First RDP Amendment**"; and the Original Redevelopment Plan as amended by the First RDP Amendment, is hereafter referred to as the "**Redevelopment Plan**"); and

**WHEREAS,** Hercules LLC ("**Hercules**") is the owner, and TC NE Metro Development, Inc. ("**TC**") is the contract purchaser, of a portion of the Hercules Redevelopment Area, which comprises Section 3 of the Redevelopment Plan; and

**WHEREAS,** TC and Hercules requested that the Council consider certain proposed amendments to the Redevelopment Plan; and

**WHEREAS**, the proposed amendments to the Redevelopment Plan were presented to SERA, and SERA adopted a resolution recommending that the Council adopt the proposed amendments to the Redevelopment Plan; and

**WHEREAS**, the Council adopted a resolution, referring the proposed amendments to the Redevelopment Plan to the Planning Board of the Borough of Sayreville (the "**Planning Board**"); and

**WHEREAS**, the Planning Board has recommended adoption of the proposed amendments to the Redevelopment Plan and concluded that the Redevelopment Plan will remain consistent with the Borough of Sayreville Master Plan after adoption of the proposed amendments to the Redevelopment Plan; and

**WHEREAS**, upon review of the recommendations of SERA and the Planning Board, the Council has determined to adopt the proposed amendments to the Redevelopment Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that the Redevelopment Plan is amended as follows with deletions bracketed and identified with italicized, strikethrough text (e.g. [*deletions*]), and additions indicated by bold-face, underlined text (e.g. <u>additions</u>):

**I.** **The Overall Concept Plan, as shown on Page 8 of the Redevelopment Plan, as amended by the First RDP Amendment, is deleted in the entirety and replaced with the Revised Overall Concept Plan, which is attached hereto as Exhibit A. All references in the Redevelopment Plan to the Overall Concept Plan shall refer to the Revised Overall Concept Plan.**

**II.** **The following language within Section 2.1(B), under the headings "Section 2 & 3" and "Permitted Conditional Uses" on Page 10 of the Redevelopment Plan, shall be amended as follows:**

1. Warehouse use shall be permitted only in Section 3, provided, [~~*the Hartle Street extension (Blue and Green*~~] **the Red** Roadway (as shown on the **Revised** Overall Concept Plan) is complete **before the issuance of a certificate of occupancy** and the truck traffic accessing the site is directed towards Jernee Mill Road **via the Red Roadway**.

**III.** **The following language within Section 2.1(E), under the "Infrastructure Phasing" Section heading on Page 15 of the Redevelopment Plan, shall be amended as follows:**

The Redevelopment Plan contemplates the construction of roadways within the redevelopment area to connect Cheesequake Road with [~~*Hartle Street and*~~] Jernee Mill Road. The construction of the roadways shall be phased and proceed on an as needed basis based on the sequencing and density of development or as otherwise required by the Redevelopment Agreement. The roadways shown in Orange, [~~*Blue,*~~] Red and Green on the **Revised** Overall Concept Plan are conceptual in nature and may be altered during site plan review process subject to approval by SERA (Sayreville Economic and Redevelopment Agency).

All of these proposed roads shall be a minimum width of 36 feet with a 60 feet ROW (right of way) width.

**IV.** **The heading "Section 3 Infrastructure" and all language therein, within Section 2.1(E) on Page 16 of the Redevelopment Plan, is hereby deleted in the entirety and replaced with the following:**

**Access to Section 3 shall be provided via the Orange, Green and Red Roadways as shown on the Revised Overall Concept Plan. The Red Roadway and Green Roadway are currently conceptual in nature. The final design will be determined by the designated redeveloper in conjunction with SERA, prior to Site Plan Review, if not already done in connection with the development of Section 2. The final roadway alignment is subject to approval by SERA, prior to submission to Planning Board, if not already done in connection with the development of Section 2.**

**If a warehouse use is proposed in Section 3, any site plan application submitted by the designated redeveloper to the Planning Board shall include the Red Roadway designed to a level of detail necessary to apply for all permits and approvals for the Red Roadway other than construction permits (and which may rely on any SERA approved design completed in connection with the development of Section 2, if any).**

**Any site plan approval granted by the Planning Board for a warehouse use in Section 3 shall be conditioned upon the designated redeveloper then applying for and obtaining all other necessary permits and approvals for the Red Roadway (if not already obtained in connection with the development of Section 2).The designated redeveloper of Section 3 shall not be able to obtain a building permit for any warehouse use in Section 3 until all necessary permits and approvals for the Red Roadway have been obtained. The designated redeveloper of Section 3 shall not be able to obtain a certificate of occupancy for warehouse use in Section 3 unless construction of the Red Roadway is complete and operational.**

This Ordinance shall take effect immediately after final passage and publication as required by law.

**INTRODUCED/APPROVED ON FIRST READING**
DATED: November 25, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

John Zebrowski, Councilman
(Planning and Zoning Committee)
Borough of Sayreville

**ADOPTED ON SECOND READING**
DATED: December 9, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

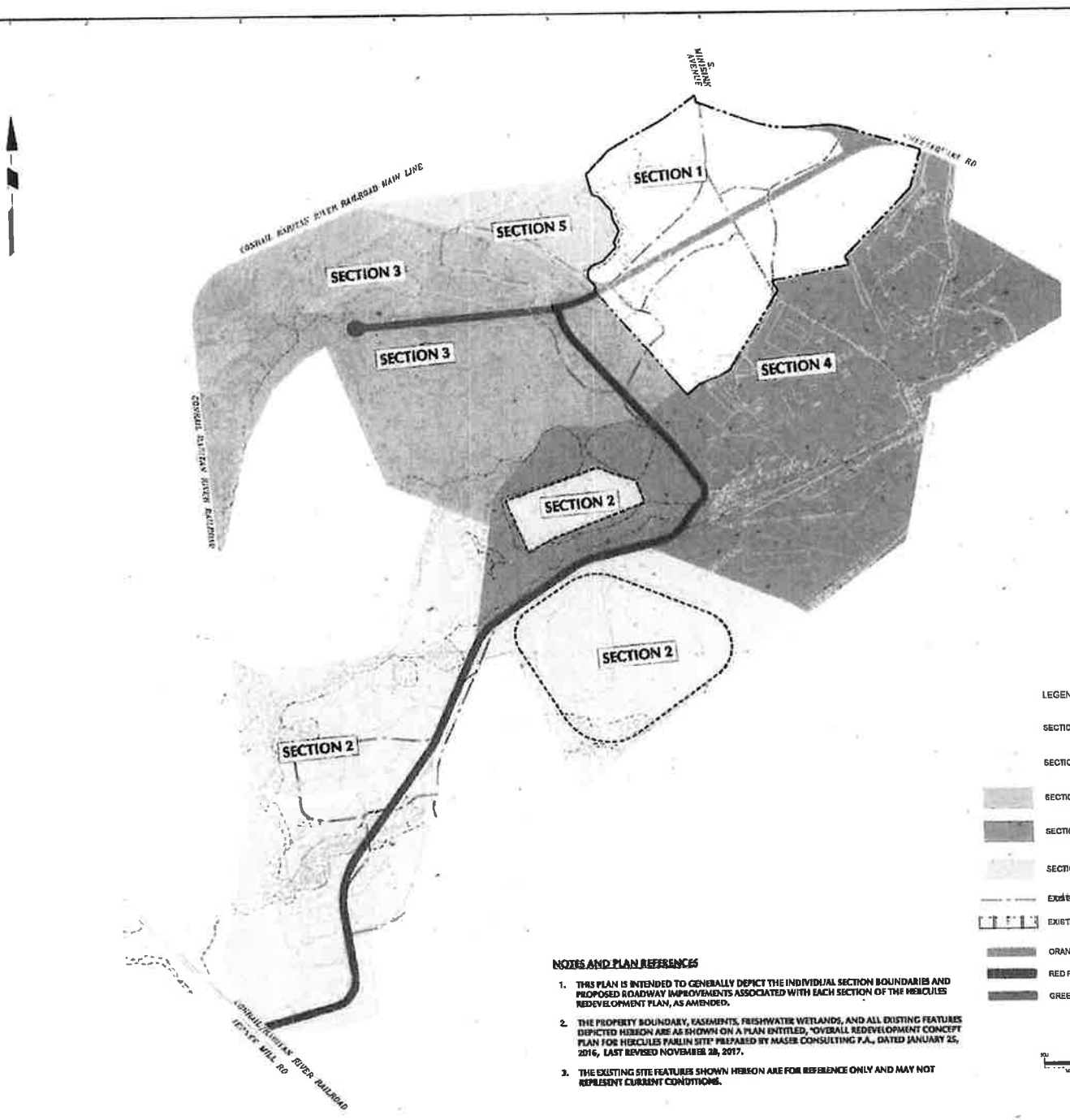
John Zebrowski, Councilman
(Planning and Zoning Committee)
Borough of Sayreville

**APPROVAL BY THE MAYOR ON THIS 9th DAY OF December, 2024.**

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney




**NOTES AND PLAN REFERENCES**

1. THIS PLAN IS INTENDED TO GENERALLY DEPICT THE INDIVIDUAL SECTION BOUNDARIES AND PROPOSED ROADWAY IMPROVEMENTS ASSOCIATED WITH EACH SECTION OF THE HERCULES REDEVELOPMENT PLAN, AS AMENDED.
2. THE PROPERTY BOUNDARY, EASEMENTS, FRESHWATER WETLANDS, AND ALL EXISTING FEATURES DEPICTED HEREON ARE AS SHOWN ON A PLAN ENTITLED, "OVERALL REDEVELOPMENT CONCEPT PLAN FOR HERCULES PARLIN SITE" PREPARED BY MASER CONSULTING P.A., DATED JANUARY 25, 2016, LAST REVISED NOVEMBER 28, 2017.
3. THE EXISTING SITE FEATURES SHOWN HEREON ARE FOR REFERENCE ONLY AND MAY NOT REPRESENT CURRENT CONDITIONS.

LANGAN

Langan Engineering and Environmental Services, LLC.

HERCULES REDEVELOPMENT PLAN

BOROUGH OF SAYREVILLE

MIDDLESEX COUNTY

NEW JERSEY

REVISED OVERALL CONCEPT PLAN

CB102