

City of Perth Amboy

EXPANSION
STUDY AREA

Redevelopment
Area

Raritan Bay

City of South Amboy

Township of
Woodbridge

Township of Edison

Township of
East Brunswick

Borough of South River

Township of Old Bridge

Township of
East Brunswick



FEET
0 800 1600

FIGURE 1

Location Map

Waterfront Redevelopment Area
BOROUGH OF SAYREVILLE
MIDDLESEX COUNTY, NEW JERSEY
PREPARED BY: JOHN LEONCAVALLO ASSOCIATES-2006

TABLE NO. 1

Additional Properties for Inclusion into Redevelopment Area

<u>Block</u>	<u>Lot</u>	<u>Acreege</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)

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 #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 D. Parlanea

INTRO & PASSED 1st READING
ADVERTISED ACCORDING TO LAW
ADOPTED ON 2nd & FINAL READING
ADVERTISED ACCORDING TO LAW

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

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 4-11-13
Borough Clerk
Jessica D. Parlane

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]):

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. §3601)~~], 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

approval of the Sayreville Economic and Redevelopment Agency, if and to the extent required by an applicable redevelopment agreement, for such modifications, and (ii) provide notice to the Sayreville Economic and Redevelopment Agency of the Planning Board's approval of such modifications.

- f. Within a planned development, the Planning Board may permit minimal deviations from an approved general development plan and any applicable conditions, where necessitated by change of circumstances beyond the control of the developer occurring since the date of general development plan approval, without the developer being required to submit an application for formal amendment of such approved general development plan. Where such minimal deviations are permitted with respect 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 approval of the Sayreville Economic and Redevelopment Agency, if and to the extent required by an applicable redevelopment agreement, for such minimal deviations, or (ii) where such approval is not required, provide notice to the Sayreville Economic and Redevelopment Agency of such minimal deviations.

26-71.5[4] Enforcement and Modification of Planned Unit Developments [~~General Development Plans~~].

To further the mutual interest of the public, the residents and the owners of the planned unit development, in preserving the integrity of the approved plans, and to secure that modification in the plans, if any, shall not impair the reasonable reliance of the public, the residents or the owners upon the provisions of the plan, and to further assure that modification in the plans will not result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether said provisions are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions which shall not apply to a PUD which is or could be a component of a PCD:

- a. *Enforcement by the Borough.* The provisions of the plans relating to (1) the use of the land and the use, bulk and location of the buildings and structures, (2) the quality of use or the density of residential units, shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough without limitation on any powers or regulations otherwise granted to the Borough by law.

- b. *Enforcement by the Residents and Owners.* All provisions of the plans shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plans and in accordance with the terms of the plans, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents and owners, acting individually, jointly or through an organization designated in the plans to act on their behalf. However, no provisions of the plans shall be implied to exist in favor of residents and owners of the planned unit development except those portions of the plans which have been finally approved and recorded.
- c. *Modification of the Plan by the Borough.* All those provisions of the plans authorized to be enforced by the Borough under paragraph a. above, may be modified, removed or released by the Borough (except grants or easements relating to the service or equipment of a public utility) subject to the following conditions:
1. No such modification, removal or release of the provisions of the plans by the Borough shall affect the rights of the residents and owners of the planned unit developments to maintain and enforce those provisions, at law or equity, as provided in above.
 2. No modification, removal or release of the provisions of a plan by the Borough shall be permitted except upon a finding by the Planning Board following a public hearing called and held in accordance with law, wherein the Planning Board determines that the same is not granted solely to confer a special benefit upon any person, is consistent with the efficient development and preservation, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development nor does the same adversely affect the public interest.
- d. *Modification by the Residents.* Residents and owners of a planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Borough to enforce the provisions of the plan.

26-71.6 [e.] General Development Plan Completion.

- a.[1-] Upon completion of each section of the development as set forth in the approved schedule of development of the general development plan, the developer shall notify the Borough Clerk and the

Secretary of the Planning Board, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every non-residential structure, as set forth in the approved general development plan and pursuant to N.J.S.A. 52:27D-133. If the Borough Clerk and/or the Secretary of the Planning Board, do not receive such notification at the completion of any section of the development, the Borough Clerk and/or the Secretary of the Planning Board shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with. Failure of the Borough Clerk and/or the Secretary of the Planning Board to notify the developer shall impose no liability upon the Borough of Sayreville, the Planning Board or any of their agents, servants or employees.

- b. If a developer does not complete ~~[complete with]~~ any section of the development within eight (8) months of the date which is provided for in the approved plan, or if at any time the municipality has cause to believe that the developer is not fulfilling its ~~[his]~~ obligations pursuant to the approved ~~[G]~~general ~~[D]~~development ~~[P]~~plan, the municipality shall notify the developer, by certified mail, to give evidence ~~[and show cause]~~ within ten (10) days ~~[of the date of the notice]~~ that the developer is fulfilling the obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.
- c.~~[2-]~~ In the event that a developer who has general development plan approval does not make application for preliminary approval for the planned development which is the subject of that general development plan within five (5) years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval in accordance with the provisions set forth in subsection b. of this section.
- d.~~[3-]~~ In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purpose of this section, a development shall be considered complete on the date upon which the developer has fulfilled all of his obligations pursuant to the approval and a certificate of occupancy has been issued for the final residential or

non-residential structure in the last section of the development, and all amenities and required improvements have been completed and accepted by the Borough, in accordance with the schedule of development set forth in the approved general development plan [GDP].

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. All ordinances or parts of ordinances of the Borough of Sayreville heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately or as required by law.

/s/ Dave McGill
Dave McGill, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont
Michael R. DuPont, Borough Attorney

I, Theresa A. Farbaniec, RMC, Municipal Clerk of the Borough of Sayreville do hereby certify that the foregoing is a true copy of an Ordinance adopted at a Meeting of the Mayor and Borough Council held on the 8th day of April, 2013

Theresa A. Farbaniec

ORDINANCE 214-13

**AN ORDINANCE AMENDING THE WATERFRONT
REDEVELOPMENT PLAN OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

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

WHEREAS, OPG created an entity known as Sayreville Seaport Associates, L.P. ("SSA") for the purpose of carrying out redevelopment activities in accordance with said designation; and

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

WHEREAS, the Borough Council of the Borough of Sayreville (the "Borough Council"), by Ordinance No. 76-09, on February 9, 2009, adopted on second reading the First SSA Amendment, which the Mayor then signed into law; and

WHEREAS, due to a variety of circumstances, including the evolution of the redevelopment project and the anticipated acquisition of additional property, the development proposed by SSA requires a further amendment (the "Second SSA Amendment") to the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE MAPS CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS (insertions are indicated with double underlining thus):

A. The map titled "Sayreville Waterfront Redevelopment Area Redevelopment Parcels Map" dated 12/98, which follows page 5 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled "Sayreville Waterfront Redevelopment Area Redevelopment Parcels Map" dated 2/13 which is annexed hereto as Schedule A. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

B. The map titled "Sayreville Waterfront Redevelopment Area Proposed Roadway Schematic" dated 12/98, which precedes page 10 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is

3-11-13
3-18-13
4-8-13
4-11-13
Borough Clerk
Kerenee Carbone

INTRO & PASSED 1st READING
ADVERTISED ACCORDING TO LAW
ADOPTED ON 2nd & FINAL READING
ADVERTISED ACCORDING TO LAW

replaced by a map titled "Sayreville Waterfront Redevelopment Area Proposed Roadway Schematic" dated 2/13 which is annexed hereto as Schedule B. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

- C. The map titled "Sayreville Waterfront Redevelopment Area Proposed Water System" dated 12/98, which follows page 11 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled "Sayreville Waterfront Redevelopment Area Proposed Water System" dated 2/13 which is annexed hereto as Schedule C. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.
- D. The map titled "Sayreville Waterfront Redevelopment Area Proposed Sanitary Sewer System" dated 12/98, which follows page 11 of the Redevelopment Plan and the map referenced in Paragraph C. of this ordinance, be and hereby is deleted, and be and hereby is replaced by a map titled "Sayreville Waterfront Redevelopment Area Proposed Sanitary Sewer System" dated 2/13 which is annexed hereto as Schedule D. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.
- E. The map titled "Sayreville Waterfront Redevelopment Area Land Use Plan" dated 12/98, which follows page 13 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled "Sayreville Waterfront Redevelopment Area Land Use Plan" dated 2/13 which is annexed hereto as Schedule E. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

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

SECTION 1:

The provisions set forth in "Redevelopment Parcels", set forth on page 5 of the Redevelopment Plan, shall be amended to read as follows (insertions are indicated with double underlining thus):

The Redevelopment Area has been divided into Redevelopment Parcels (Parcels A through K) for purposes of this Plan (see Redevelopment Parcels Map). This division occurred due to the large size of the Redevelopment Area and the likelihood that different portions of the Area would be planned for different uses. With the use of Redevelopment Parcels, each subarea within the Redevelopment area is able to be comprehensively planned in terms of uses and development standards. It is anticipated that the site planning of Parcels A through C will be performed as a whole by the property's redeveloper(s), although, depending upon the development, subdivisions and phasing within each parcel may be necessary.

The Redevelopment Parcels are consistent with the parcels depicted in the Request for Qualifications/Solicitation of Interest (RFQ/SOI) previously issued to potential developer(s). The same delineation will also be used in the issuance of the Request for Proposals (RFP) by the Borough.

Following selection of a redeveloper for Parcels A through C, it became necessary, in order to facilitate development of those parcels, for a portion of the adjacent Middlesex County Utilities Authority (MCUA) parcel, designated as Block 257, Lot 3.05, which previously was designated as "in need of redevelopment" and therefore already is a part of the Redevelopment Area, to be included within Parcel C. The MCUA, SERA and the Redeveloper have entered into or will enter into an agreement concerning its inclusion. Accordingly, a portion of Block 257, Lot 3.05, and the adjacent portion of Block 62.02, Lot 20, as depicted in the annexed Schedule F, shall be designated as Parcel C4. Schedule F is intended to depict the limits of Parcel C4 in a more detailed manner than it is depicted on the larger scale exhibits designated as Schedules A through E. The Sayreville Economic and Redevelopment Agency will not use the power of eminent domain with respect to lands within Parcel C4 which are to be acquired from MCUA as depicted on Schedule F.

As a condition of the agreement with MCUA, the land area abutting the MCUA property comprised of the former NI Parcels C2 and C3, and newly created Parcel C4, within 1,000 feet of the new MCUA property line cannot be utilized for residential uses. This Redevelopment Plan amendment implements that requirement and further requires that the residential prohibition in this area cannot be modified without approval of both the Mayor and Council and the Board of Commissioners of the MCUA. The prohibited residential use area is depicted on Schedule G.

SECTION 2:

The section of the Redevelopment Plan titled "Relationship Of Plan To The Borough Land Development Regulations" set forth on page 13 of the Redevelopment Plan shall be amended to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

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 standards shall be complied with.

Any deviation from standards of this Plan that results in a "d" variance pursuant to NJSA 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Borough Zoning Board of Adjustment. Any other deviations from standards of this Plan, other than those cognizable under 40:55D-70d, shall be considered "c" ["G"] variance relief pursuant to section NJSA 40:55D-70c and may be addressed by the Planning Board through the development application process. All development must be approved by the Borough Planning Board and shall be submitted through (i) the general development plan procedures, if the redeveloper elects to seek approval of a general development plan, and (ii) normal site plan and subdivision procedures, in each instance as identified by NJSA 40:55D-1, et seq.

SECTION 3:

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, shall be amended

to include Parcel C4 and to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

Parcel A: 59± acres; Parcel B: 51± acres; Parcel C1: 168± acres; Parcel C2: 35± acres; Parcel C3: 92± acres; Parcel C4: 6.8± 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 sales, consisting of establishments engaged in the sale, lease or rental of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, 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 but which shall not engage in the sale of used automobiles. 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, watercraft[boat] repair and storage (including watercraft repair and storage conducted by a retailer which sells watercraft at a location elsewhere in the Redevelopment Area.

provided that there shall be no more than one such watercraft storage area associated with a principal retail use in the Redevelopment Area), bait and tackle shops, [boat storage,]dry docking, watercraft[boat] maintenance facilities and waterfront restaurants and banquet or catering facilities.

18. Offices and professional 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.

25. Child care centers.

26. Museums.

27. Renewable energy facilities and structures, which shall means facilities and structures that engage in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy.

28. Service uses, constituting establishments providing services to the general public for personal, retail or business use, including but not limited to laundry and dry cleaning establishments; salons, beauty shops and barber shops; tailoring and dressmaking; appliance service; shoe and watch repair; pet care facilities; printing and photographic services; video and media stores; advertising and mailing services; business, copy and shipping centers, including post offices; employment services; security services; management

and consulting services; realty offices; and health, educational and social services. Such services shall either be arranged for or take place on the premises. Service uses shall not include "sexually oriented businesses" as that term is defined in N.J.S.A. 2C:34-6.

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 and child care centers when located within a permitted retail or office use, exercise or health club facility, spa or wellness center, or any other non-residential use.
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, unless otherwise prohibited herein.
11. Light industrial and manufacturing uses, subject to compliance with the performance standards set forth in § 26-100 of the Borough Land Development Regulations.
12. On-premises facilities for the testing or sampling of goods offered for sale.
13. Aquariums, herpetariums and aviaries associated with a permitted principal use.
14. Renewable energy facilities and structures.

15. Electric vehicle charging stations.

16. 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;
 - Perimeter buildings that abut land owned by a public utility authority shall be subject to a 35 foot setback; and
 - A canopy associated with the sale of fuel shall be subject to a 35 foot perimeter setback.
- 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, and C4 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 elements² (impervious coverage):
75%

- Maximum lot coverage shall be computed based on the total area located on Parcels A, B, C1, C2, ~~[and]~~ C3, and C4, on an overall basis, not based on individual Parcels or tax lots.
- Solar panels, which shall be defined as an elevated panel or plate, or a canopy or array thereof, that captures and

² Site elements include buildings, parking lots and pavement associated with site improvements. Maximum coverage limitations are not meant to include any site capping or cover that is necessary to remediate contaminated areas.

converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array, shall be excluded when computing lot coverage.

Open space. Parcel A, which comprises ±59 acres, shall remain open space consistent with its prior conveyance for open space purposes. Additionally, a public promenade along the waterfront adjacent to Parcels B, C1 and C3 shall also be dedicated for open space.

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.

Approval Provisions and Process:

The Redeveloper may at its option utilize the general development plan (GDP) provisions and process set forth in N.J.S.A. 40:55D-45 through N.J.S.A. 40:55D-45.8 and Borough Code § 26-71 for approval of a "planned commercial development" as described below. 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 Borough Code § 26-71. 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 area for which it is or becomes the designated redeveloper but which was not included in the initial general development plan.

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

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.
- 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.
- Retail; service uses: 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
- Assisted living facilities, nursing homes, skilled care residential facilities, continuing care retirement communities: 1 space[s] 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.
- Child care center: 4 spaces per 1,000 square feet of building area, except that the floor area occupied by a child care center in a building in which it is an accessory use shall be excluded from computing required parking.

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 B, C1, C2, [and] C3 and C4, 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:

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 6:

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 7:

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

/s/ Dave McGill

Dave McGill, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:


/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

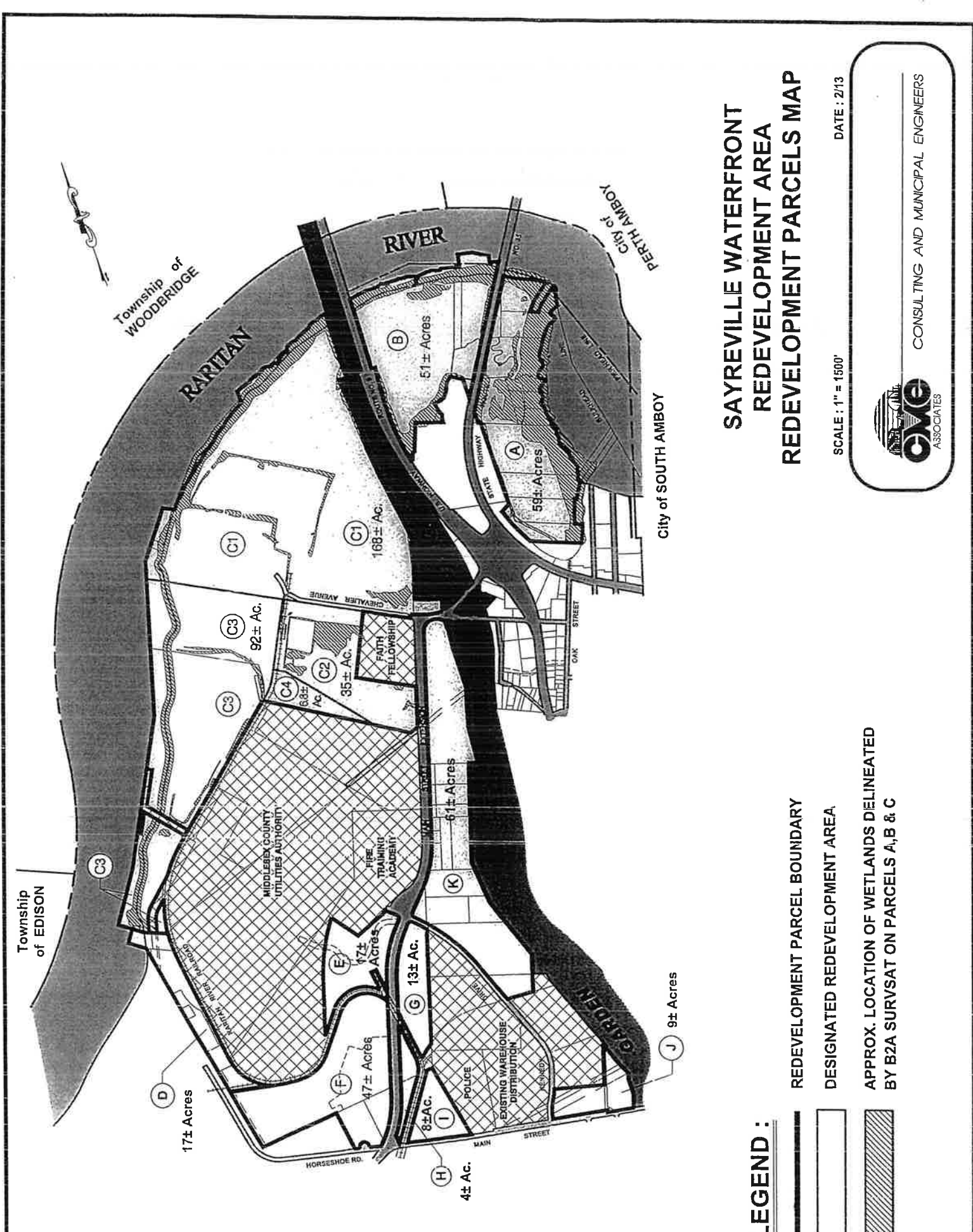
/s/ Michael R. DuPont
Michael R. DuPont, Borough Attorney

I, Theresa A. Farbaniec, RMC, Municipal Clerk of the Borough of Sayreville do hereby certify that the foregoing is a true copy of an Ordinance adopted at a Meeting of the Mayor and Borough Council held on the 8th day of April, 2013


Municipal Clerk

SCHEDULE A

Map:
Sayreville Waterfront Redevelopment Area
Redevelopment Parcels Map



SAYREVILLE WATERFRONT REDEVELOPMENT AREA REDEVELOPMENT PARCELS MAP

SCALE: 1" = 1500'
DATE: 2/13

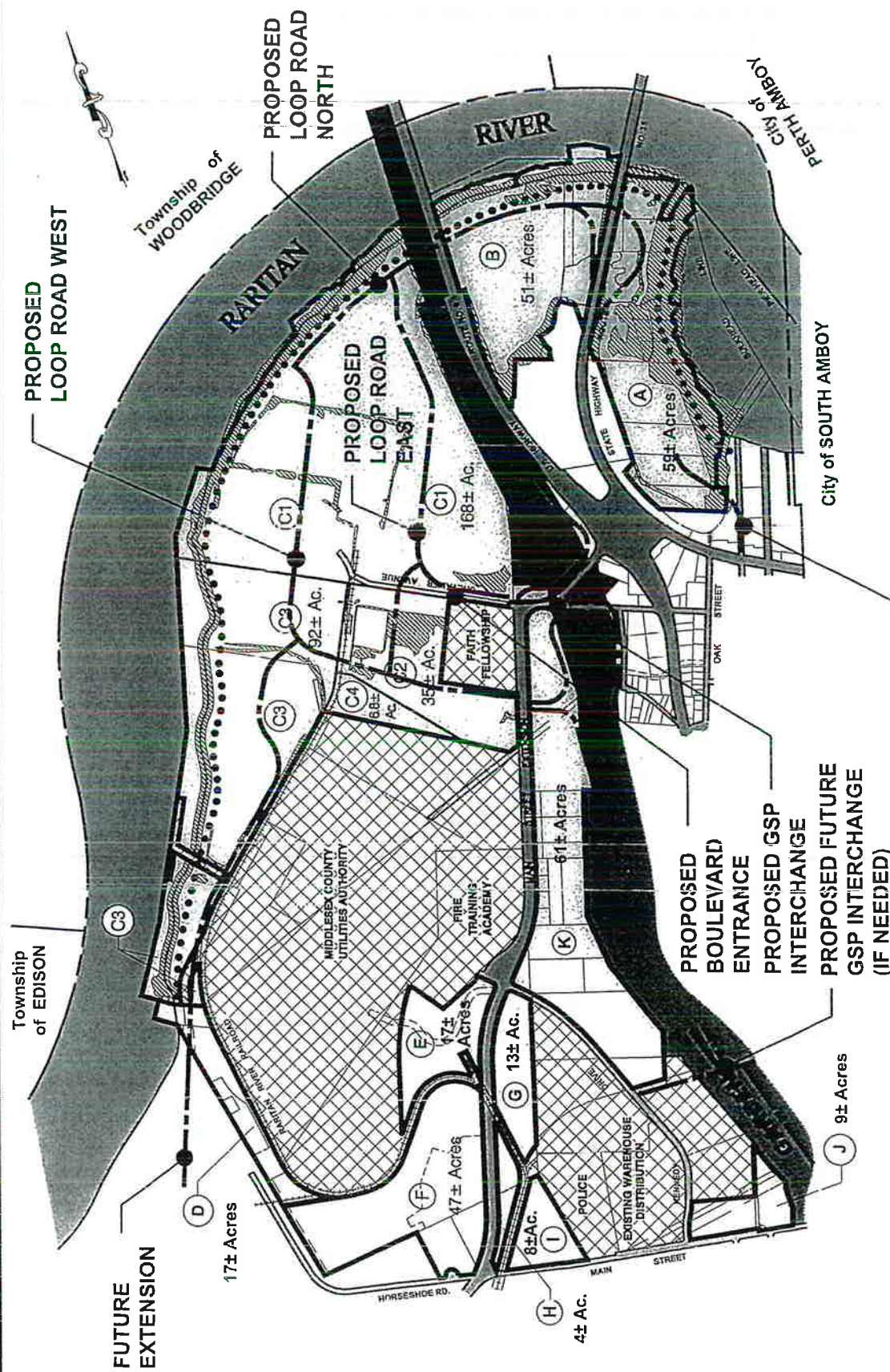
APPROX. LOCATION OF WETLANDS DELINEATED
BY B2A SURVSAT ON PARCELS A, B & C

- LEGEND:**
- REDEVELOPMENT PARCEL BOUNDARY
 - DESIGNATED REDEVELOPMENT AREA
 - APPROX. LOCATION OF WETLANDS DELINEATED BY B2A SURVSAT ON PARCELS A, B & C

CMAE ASSOCIATES
CONSULTING AND MUNICIPAL ENGINEERS

SCHEDULE B

Map:
Sayreville Waterfront Redevelopment Area
Proposed Roadway Schematic







SAYREVILLE WATERFRONT REDEVELOPMENT AREA PROPOSED ROADWAY SCHEMATIC





DATE : 2/13

SCALE : 1" = 1500'



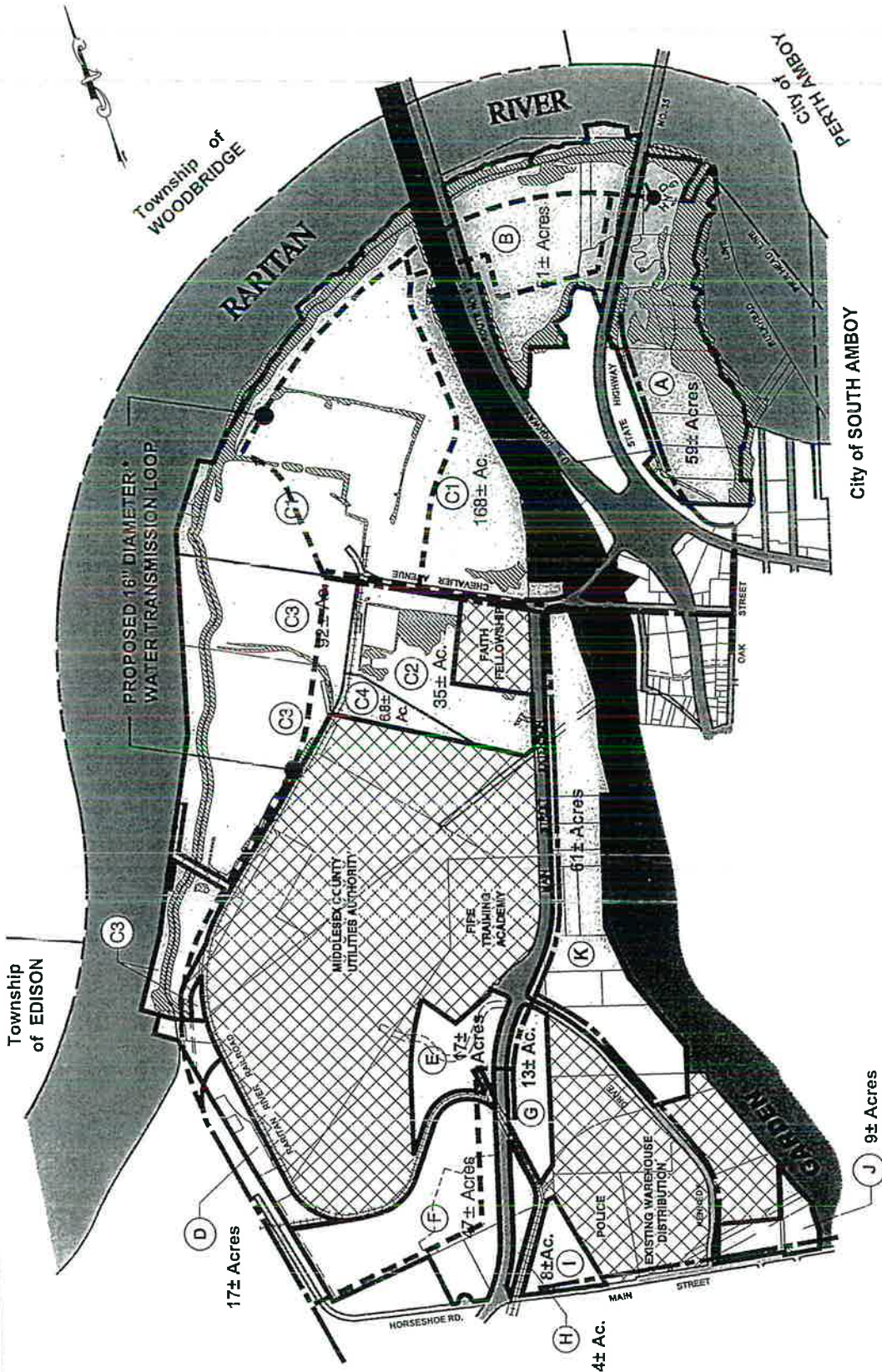
LEGEND :

-  REDEVELOPMENT PARCEL BOUNDARY
-  APPROX. LOCATION OF WETLANDS DELINEATED BY B2A SURVSAT ON PARCELS A, B & C
-  APPROX. LOCATION OF PROPOSED ROADWAY
* LOCATION DEPENDENT ON TYPE OF DEVELOPMENT
-  WATERFRONT WALKWAY

-  PROPOSED BOULEVARD ENTRANCE
-  PROPOSED GSP INTERCHANGE
-  PROPOSED FUTURE GSP INTERCHANGE (IF NEEDED)
-  PROPOSED SERVICE ROAD

SCHEDULE C

Map:
Sayreville Waterfront Redevelopment Area
Proposed Water System



SAYREVILLE WATERFRONT REDEVELOPMENT AREA PROPOSED WATER SYSTEM

SCALE: 1" = 1500'

DATE: 2/13



CONSULTING AND MUNICIPAL ENGINEERS

LEGEND:

REDEVELOPMENT PARCEL BOUNDARY

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

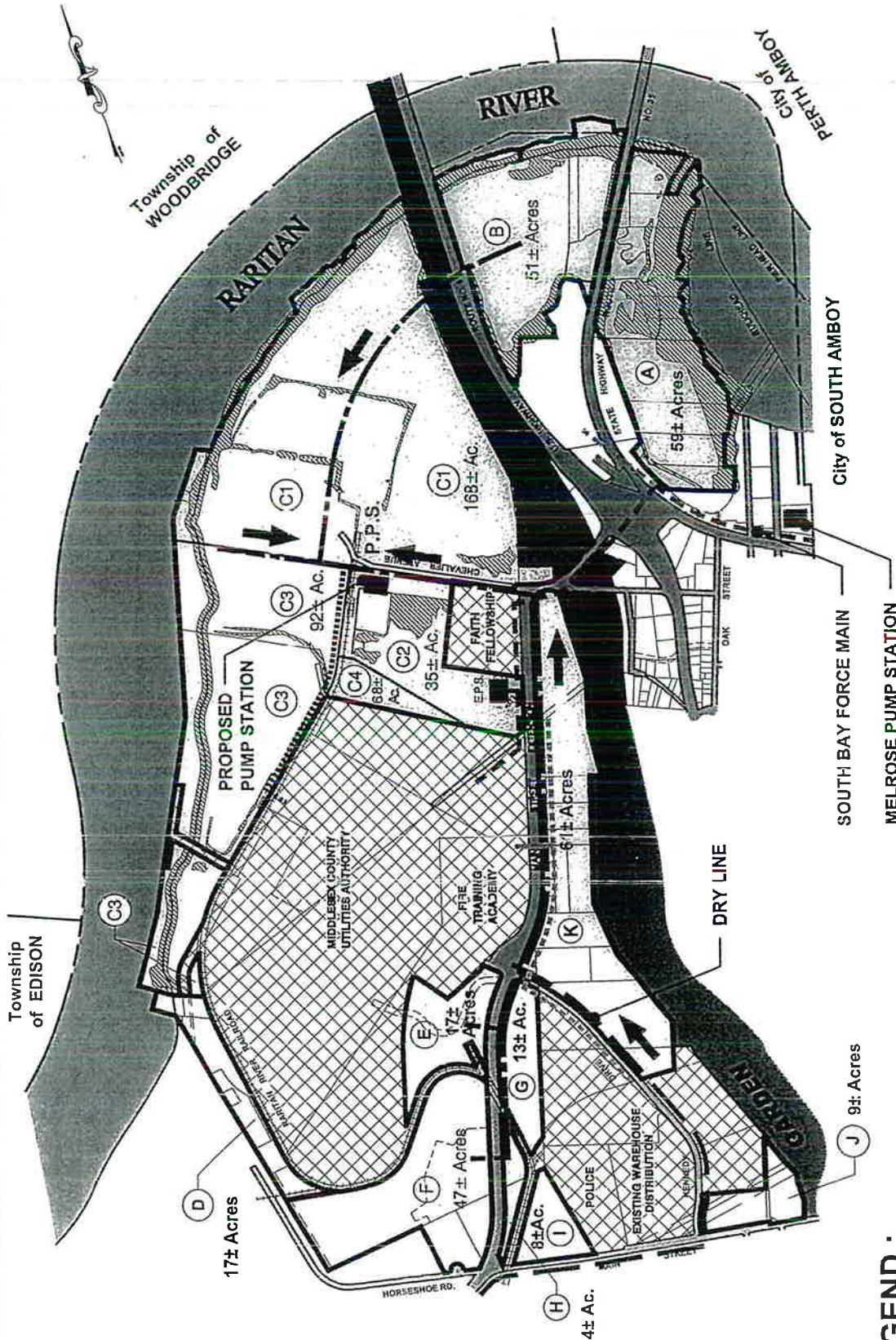
EXISTING WATER LINE

PROPOSED WATER LINE

* SIZE AND LOCATION DEPENDENT ON TYPE OF DEVELOPMENT

SCHEDULE D

Map:
Sayreville Waterfront Redevelopment Area
Proposed Sanitary Sewer System



SAYREVILLE WATERFRONT REDEVELOPMENT AREA PROPOSED SANITARY SEWER SYSTEM

DATE : 2/13

SCALE : 1" = 1500'



CONSULTING AND MUNICIPAL ENGINEERS

LEGEND :

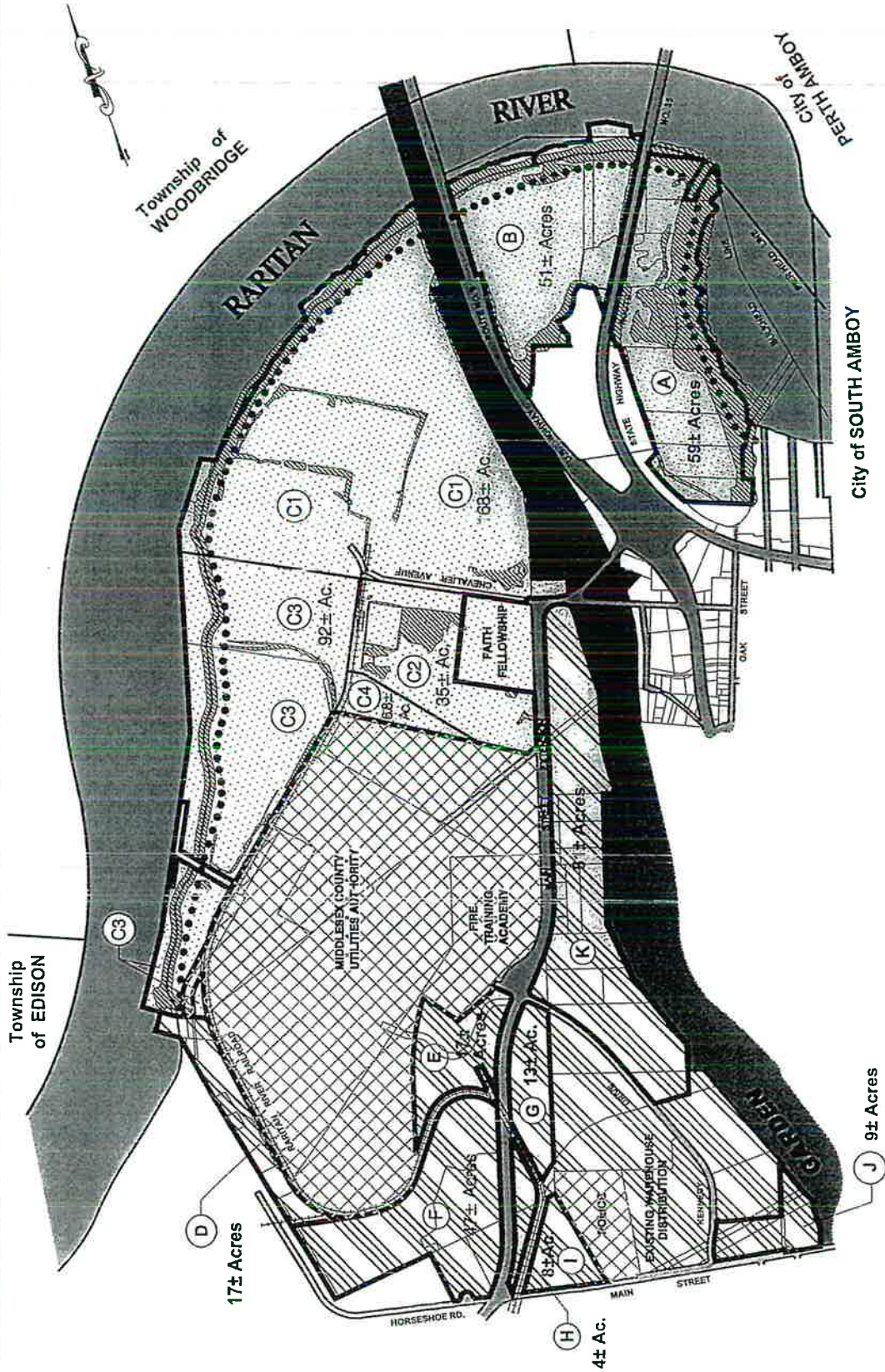
- REDEVELOPMENT PARCEL BOUNDARY
- APPROX. LOCATION OF WETLANDS DELINEATED BY B2A SURVSAT ON PARCELS A, B & C
- EXISTING SEWER FORCE MAIN
- EXISTING GRAVITY SEWER FACILITIES
- EXISTING LOW PRESSURE SEWER SYSTEM
- EXISTING PUMP STATION
- PROPOSED SEWER FORCE MAIN
- PROPOSED GRAVITY SEWER SYSTEM
- PROPOSED PUMP STATION

E.P.S.

P.P.S.

SCHEDULE E

Map:
Sayreville Waterfront Redevelopment Area
Land Use Plan



SAYREVILLE WATERFRONT REDEVELOPMENT AREA LAND USE PLAN

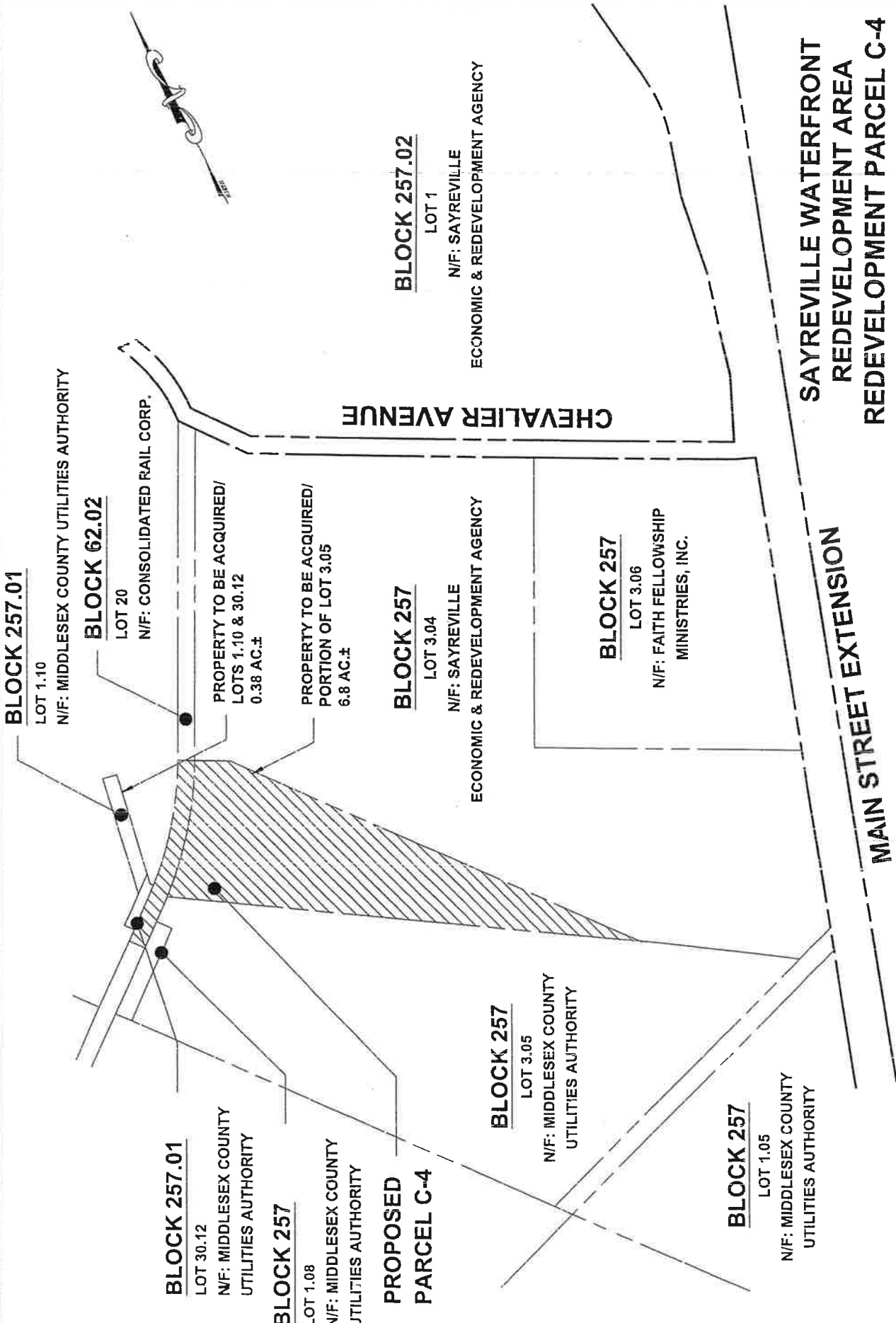
SCALE : 1" = 1500'
DATE : 2/13



- LEGEND :**
- REDEVELOPMENT PARCEL BOUNDARY
 - APPROX. LOCATION OF WETLANDS DELINEATED BY B2A SURVSAT ON PARCELS A, B & C
 - MIXED USE (RETAIL/OFFICE/HOTEL & RESIDENTIAL)
 - GOVERNMENTAL
 - LIGHT INDUSTRIAL
 - WATERFRONT WALKWAY

SCHEDULE F

Parcel C4



BLOCK 257.01
 LOT 1.10
 N/F: MIDDLESEX COUNTY UTILITIES AUTHORITY

BLOCK 62.02
 LOT 20
 N/F: CONSOLIDATED RAIL CORP.

PROPERTY TO BE ACQUIRED/
 LOTS 1.10 & 30.12
 0.38 AC.±

PROPERTY TO BE ACQUIRED/
 PORTION OF LOT 3.05
 6.8 AC.±

BLOCK 257
 LOT 3.04
 N/F: SAYREVILLE
 ECONOMIC & REDEVELOPMENT AGENCY

BLOCK 257
 LOT 3.06
 N/F: FAITH FELLOWSHIP
 MINISTRIES, INC.

BLOCK 257.02
 LOT 1
 N/F: SAYREVILLE
 ECONOMIC & REDEVELOPMENT AGENCY

BLOCK 257.01
 LOT 30.12
 N/F: MIDDLESEX COUNTY
 UTILITIES AUTHORITY

BLOCK 257
 LOT 1.08
 N/F: MIDDLESEX COUNTY
 UTILITIES AUTHORITY

**PROPOSED
 PARCEL C-4**

BLOCK 257
 LOT 3.05
 N/F: MIDDLESEX COUNTY
 UTILITIES AUTHORITY

BLOCK 257
 LOT 1.05
 N/F: MIDDLESEX COUNTY
 UTILITIES AUTHORITY

CHEVALIER AVENUE

MAIN STREET EXTENSION

**SAYREVILLE WATERFRONT
 REDEVELOPMENT AREA
 REDEVELOPMENT PARCEL C-4**

SCALE : 1" = 400' DATE : 2/13

EXHIBIT F

CONSULTING AND MUNICIPAL ENGINEERS

LEGEND :

PROPERTY TO BE ACQUIRED FROM MCJA
 DESIGNATES PARCEL C4

Intro 1-25-16
Public Hearing
2-8-16

ORDINANCE # 319-16

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AMENDING THE WATERFRONT REDEVELOPMENT PLAN
AND MASTER PLAN**

WHEREAS, at the June 8, 2015 Council Meeting correspondence from SERA (Sayreville Economic Redevelopment Agency) requesting a change in the minimum age requirement for block 330.04, Lot 1.01 in Parcel J was introduced and after discussions the Governing Body referred the request to the Planning Board of the Borough of Sayreville; and

WHEREAS, on July 15, 2015 the Planning Board of the Borough of Sayreville the Board voted unanimously to amend the Redevelopment Plan to change the minimum age requirement for Block 330.04, Lot 1.01 in Parcel J from 62 to 55; and

WHEREAS, the Mayor and Council have accepted the recommendation of the Planning Board; and

NOW, THEREFORE BE IT ORDAINED, by the Governing Body of the Permitted Principal Uses, Accessory Uses, and Standards described on page 17 of the Waterfront Redevelopment Plan are hereby amended 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 by way of a strikethrough and inserting the text 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~~ **55** and over shall be permitted on Block 330.04, Lot 1.01 in Parcel J.

SECTION 2. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not

1/25/16
1/29/16
2/8/16
2/12/16

INTRO & PASSED 1st READING
ADVERTISED ACCORDING TO LAW
ADDITIONAL 2nd & FINAL READING
ADVERTISED ACCORDING TO LAW

Sharon A. Forbani
BOROUGH CLERK

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

SECTION 4. Effective Date.

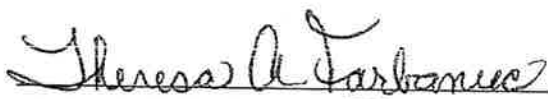
This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.



Steven Grillo, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:

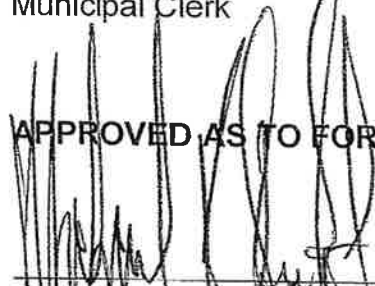


Theresa A. Farbaniec, RMC
Municipal Clerk



Kennedy O'Brien, Mayor

APPROVED AS TO FORM:



Michael DuPont, Esq.
Borough Attorney

SCHEDULE G

Prohibited Residential Use Area

ORDINANCE #458-19 – Adopted version 7-22-19
**AN ORDINANCE AMENDING THE WATERFRONT
REDEVELOPMENT PLAN OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

* * *

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

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