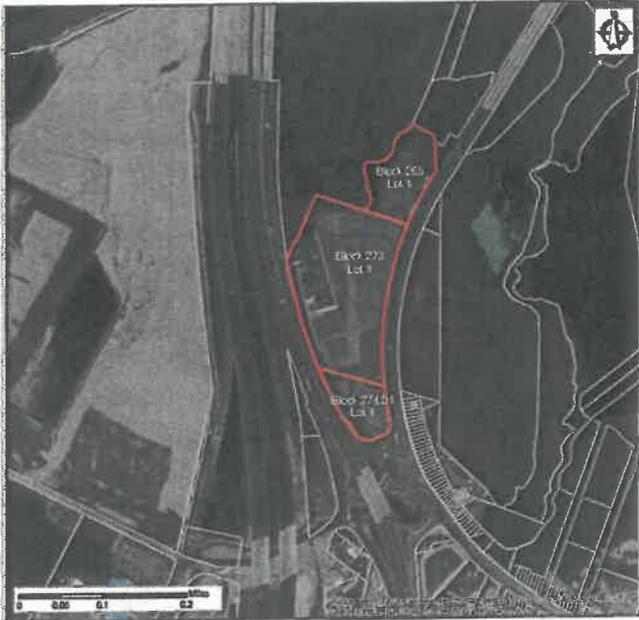


December 23, 2021

REDEVELOPMENT PLAN

National Amusement Theater Site
Routes 9 & 35
Block 265, Lot 1, Block 273, Lot 1
Block 274.01, Lot 1
Sayreville, NJ



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The original of this document was signed and sealed in accordance with New Jersey Law.

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I. INTRODUCTION

Purpose of and Statutory Basis for the Redevelopment Plan

Redevelopment is the process of rebuilding a previously developed area of a community that has fallen into a state of disrepair. This can involve the acquisition and demolition of existing structures and facilities, if needed, to make way for new improvements. Redevelopment planning is the process of determining how the redevelopment of particular properties can best improve a community, and to use local government powers to encourage development and growth where it otherwise would be unlikely to happen.

New Jersey laws allow for a municipality to utilize redevelopment as a tool to stimulate economic development and improve conditions on properties that meet certain statutory criteria that qualify them as being ‘in need of redevelopment.’ Redevelopment as a planning instrument offers a number of potential benefits to the Borough. Through redevelopment, the Borough is allowed more flexibility to negotiate with, and offer financial incentives such as long-term tax abatements to potential developers, than is otherwise available through standard land development procedures. Under redevelopment, the Borough can take a more proactive approach to improving targeted areas. This can be used as a means to stimulate development where it might not occur through market forces and private capital alone.

On September 27, 2021 the Borough Council of Sayreville designated the property known as the National Amusement Theater Site on Routes 9 and 35 as an “Area In Need of Redevelopment” by Resolution #2021-241, (See Appendix A). This designation was passed after the Sayreville Economic & Redevelopment Agency (SERA) and Sayreville Planning Board reviewed the Area in Need of Redevelopment Study prepared by Michael P. Fowler Associates, LLC in July of 2021 and determined that the property designated Block 265, Lot 1, Block 273, Lot 1 and Block 274.01, Lot 1 in the Borough’s tax records, met the statutory criteria to be determined an “Area In Need of Redevelopment.” The Study and the findings by SERA and the Borough Council declared the area as a “**Non-Condemnation Area in Need of Redevelopment**” and did not authorize the use of condemnation in any form as a redevelopment power of SERA or the Borough for this site.

This document sets forth the “Redevelopment Plan” for National Amusement Theater Site on routes 9 and 35, including permitted land uses, bulk and area requirements, and design standards for any proposed development within the Study Area. Block 265, Lot 1, Block 273, Lot 1 and Block 274.01, Lot 1 or the National Amusement Theater Site on Routes 9 and 35, will be hereafter referred to as the “Redevelopment Area.”

According to the Local Redevelopment and Housing Law (“LRHL”) (N.J.S.A. 40A:12A-1, et seq.) the Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definitive local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational, community facilities, and other public improvements;

2. Proposed land uses and building requirements in the project 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 in the existing local housing market;
4. An identification of any property within the Redevelopment Area proposed to be acquired in accordance with the Redevelopment Plan;
5. Any significant relationship of the Redevelopment Plan 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 Plans adopted pursuant to the "State Planning Act."
6. Additionally, a redevelopment plan may include the provision of affordable housing in accordance with the "Fair Housing Act," P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan; and
7. The redevelopment plan shall describe its relationship to pertinent municipal development regulations including consistency with the municipal master plan.

Plan Overview

This Redevelopment Plan proposes a variety of commercial retail, hotel, conference center, recreational, office, professional uses comparable with development within the Waterfront Redevelopment Area, as permitted uses within the Redevelopment Area. It is envisioned that this redevelopment area will fit into and be compatible with the commercial, residential and waterfront uses of the development of the former National Lead site and the existing highway commercial character of the surrounding area. This Redevelopment Plan will set forth the bulk and dimensional standards, permitted uses, design standards, and other requirements within the Redevelopment Area, and shall supersede the existing B-3 Zone standards currently applicable to the Redevelopment Area. This Amended Redevelopment Plan provides a detailed guide for the revitalization of the property at Routes 9 and 35.

The intent of this Redevelopment Plan is to facilitate private property redevelopment and ownership. The Local Redevelopment and Housing Law and the Plan, however, authorizes the Borough or its designee, in this case the Sayreville Economic and Redevelopment Agency (SERA), to exercise its powers to oversee the implementation of the Plan on all properties in the Redevelopment Area.

The success of implementing the Redevelopment Plan will be the establishment of collaborative partnerships. The Borough will rely on these partnerships to provide the technical expertise and financial incentives to construct the public infrastructure improvements and to redevelop the individual projects. To the extent that public incentives are available, the Borough will utilize, and

will support the utilization of, such incentives as low-interest financing instruments, grants and Payments-In-Lieu-Of-Taxes (PILOTS). SERA and the Borough of Sayreville desire the promotion of a coordinated and compatible Redevelopment project with the Riverton property to the north and to the west across Route 9 and the Garden State Parkway.

Area Boundaries and Locational Context

The Borough of Sayreville is located in Middlesex County in the east-central portion of the State of New Jersey, on the Raritan River and the Raritan Bay. Sayreville is traversed and easily accessed by several transportation routes of regional importance, including the Garden State Parkway (GSP), Routes 9 and 35. Roadways of local importance include the Main Street Extension, an intra-municipal connector, Chevalier Avenue, Kennedy Drive and local roadways that connect the Area to U.S. Route 9 in an east-west direction.

The Study Area contains three (3) properties identified on official maps of Sayreville as Block 265, Lot 1, Block 273, Lot 1 and Block 274.01, Lot 1 situated between Routes 9 and 35 known as the Redevelopment Area. The Redevelopment Area is approximately 19.5 acres in size. The Redevelopment Area is located in the northeast section of the Borough just. It is immediately east of the base of the Driscoll Bridge with frontage on US Route 9 to the west and State Highway 35 to the east. It is located approximately 1,200 feet south of the Raritan River. The Redevelopment Area is to the north of the Melrose Residential neighborhood in Sayreville. The Redevelopment Area has approximately 1,250 feet of frontage on Route 9 and approximately 1,950 feet of frontage on Route 35/Main Street.

The Redevelopment Area has access from both Routes 9 and 35. The access ramps lead to deteriorating parking areas. In addition to driveway access from Routes 9 and 35 the Redevelopment Area is within minutes of the Garden State Parkway, the NJ Turnpike, Route 440 and 287. Mass transit options are available nearby including buses, train and in the near future direct ferry access to Manhattan will be available within convenient distances from the Redevelopment Area.

An aerial photo of the Redevelopment Area can be found on the following page as Figure 1.

Preliminary Investigation Report - National Amusement Theater Site



Site Identification Map

Borough of Sayreville
Middlesex County
New Jersey

1 inch = 500 feet

Legend

-  Study Area Parcels
-  Borough of Sayreville Parcels

Source: NJGIN

FIGURE 1

II. RELATIONSHIP TO LOCAL OBJECTIVES

Plan Vision

The Redevelopment Plan provides for the transformation of the underutilized parcel within the Redevelopment Area to economically and socially productive uses, which will contribute to the general welfare of the Borough and the revitalization of the Highway Business core in the northeast portion of the Borough. It is envisioned that a proposed commercial revitalization of the Redevelopment Area will be developed to integrate this site with the existing neighboring land uses. No housing is envisioned to be built within the Redevelopment Area.

Plan Goals and Objectives

The objectives of the Redevelopment Plan are as follows:

- Establish land use and bulk requirements specific to the Redevelopment Area that maximize the redevelopment potential of the property, while remaining sensitive to the surrounding context.
- Encourage redevelopment to maximize the productivity of vacant or underutilized land within the Borough of Sayreville.
- Enhance the current conditions within the Redevelopment Area by leveraging public and private assets to improve the overall economic and physical conditions of the area.
- Provide for modern and trending commercial uses within the Redevelopment Area. Maintain the character of commercial/professional office zones by appropriate zoning and site design controls.
- Maintain strict limits on the location of nonresidential development, particularly high intensity uses, to discourage urban/commercial intrusion in residential areas.
- Encourage improved visual and physical access to the Raritan River.
- Increase tax ratables within the Borough.
- Encourage collaboration between Redevelopers to provide coordinated and compatible Redevelopment of the National Amusement site and the Riverton Redevelopment site to the north and west.

The Redevelopment Plan objectives articulated above are consistent with and seek to advance the goals of the 2013 Borough Master Plan.

III. LAND USE PLAN

Relationship to the Borough's Zoning and Land Development Regulations

In order to implement the Plan consistent with the objectives herein, the Redevelopment Area shall be developed in accordance with the standards detailed in this Redevelopment Plan. Except where otherwise noted, this Plan shall supersede the underlying zoning including use, bulk, and design standards of the Borough's Land Use ordinances as they relate to the area governed by this Redevelopment Plan.

Where no standards or requirements are provided within this Redevelopment Plan, the standards and requirements found in the Borough's ordinances shall apply.

All development within the Redevelopment area must be approved first by SERA and then by the Planning Board of the Borough of Sayreville. Upon approval from SERA an application shall be submitted following the normal subdivision, site plan submission and review procedures as found in N.J.S.A. 40:55D-1 et seq., and those found within the Borough's code.

Compliance with the following standards shall be treated as zoning requirements. Any deviation from these standards that would result in a "d" variance as per N.J.S.A. 40:55D-70.d of the municipal land use law, shall be addressed as an amendment to the Plan. Neither the Planning Board nor the Zoning Board of Adjustment shall have the authority to allow deviations from any standards which would result in a "d" variance.

The Planning Board shall have the authority to grant any deviations from these standards which would result in a "c" variance, as per N.J.S.A. 40:55D-70.c, to the same extent that they may grant relief from such standards under normal subdivision and site plan review processes.

Land Use and Building Regulations

Below are the standards that shall apply to all development within the Redevelopment Area:

Permitted Principal Uses:

The following use is permitted as a principal use within the Redevelopment Area:

- Office;
- Retail;
- Grocery Stores-limited to a maximum of 40,000 square feet in area;
- Educational Facilities including Colleges, Universities, Technical Schools and Campuses;
- Medical Specialty;
- Medical Rehabilitation and Physical Therapy
- Hospital;
- Assisted Living;

- Hotel-Conference Center;
- Full Service Hotel or Suite Hotel;
- Health Club, Gym, Spa;
- Restaurants/Bars;
- Quick Service Restaurant with Drive Thru-limited to one such use within the Redevelopment Area;
- Entertainment Use;
- Public Use;
- Park and Ride Facility;
- Open Space.

Permitted Accessory Uses:

The following uses are permitted as accessory uses within the Redevelopment Area:

- Off-street parking facilities;
- Signs;
- Fences;
- Utilities;
- Trash enclosures;
- Plug-in electric vehicle charging stations pursuant to requirements of State Statute (C.45:22A-43 et seq.);
- Retaining Walls;
- Solar energy systems;
- Any other use considered customary and incidental to the principal use(s) of the property.

Prohibited Uses:

- Warehousing;
- Industrial uses including manufacturing and assembly;
- Automotive and tractor trailer storage;
- Single and Multi-Family Residential;
- Freestanding Automated Bank Tellers as a principal use;
- Outdoor storage of goods and materials.
- Any uses not expressly permitted as principal or accessory uses.

Area, Yard, and Bulk Requirements

Development in the Redevelopment Area shall follow the area, yard, and bulk requirements outlined below:

Standard	Redevelopment Plan Requirements
Minimum Lot Area	19 acres
Minimum Setback to Perimeter Lot Lines-Principal Structure	75 feet
Minimum Setback to Perimeter Lot Lines-Parking Accessory Structure	30 feet 50 feet
Minimum Setback to Interior Lot Lines-Principal Structure	25 feet
Minimum Floor Area	25,000 square feet
Maximum Building Coverage	60%
Maximum Impervious Coverage	80%

Building Height – To encourage vertical development of the site, the height of all structures within the Redevelopment Area shall be provided with a variety of building heights in a coordinated development scheme as provided for within the Redevelopment Plan and a variety of building heights compatible with the development scheme of the adjoining Redevelopment Areas to the north and west of the site. No maximum height is provided to encourage taller buildings that will allow the Redeveloper to take advantage of Bay and River views.

Additional Requirements and Standards

It is recognized that all development is contingent upon all necessary federal, state, county and local approvals. In particular, the type and manner of development will be subject to the environmental regulations of NJDEP.

- Site Contamination

The adjoining Waterfront Redevelopment Area is currently under LSRP oversight and is monitored by NJDEP. The Redevelopment Area is also noted to be constructed on areas of historic fill. There is noted groundwater contamination on adjoining properties which may extend contamination into the Redevelopment Area. Any and all properties within the Redevelopment Area are subject to applicable environmental clean-up regulations.

- Floodplain/Wetlands

The Redevelopment Area is relatively flat and drains to the east to the Raritan River and associated marshy area. While the Redevelopment Area is not immediately adjacent to the Raritan River review of the FEMA Flood Mapping indicates that a major portion of the

Redevelopment Area is within the Special Flood Hazard AE with a base flood elevation of 14 feet in the southern portion of the site and 13 foot base flood elevation to the west and north. Redevelopment of the parcel will require adherence to the Borough of Sayreville's Flood Damage Ordinance, Chapter XXIII- Flood Damage Prevention and Protection as well as NJDEP rules and Regulations.

Available wetlands mapping reveals no significantly constrained areas within the Redevelopment Area. The redevelopment of the parcel will be subject to a formal wetlands investigation and adherence to NJDEP Freshwater Wetland rules and regulations.

Off-Street Parking and Loading Space Requirements

- Off Street Parking

The number of off-street parking spaces required for any non-residential are listed below. Any use not listed below is subject to the standards as established in §26-88.1.1 of the Borough Code.

- Hotel/Conference Center – 1 space/room + 1 space/1,000 square feet of conference or similar space;
- Office – 3 spaces/1,000 square feet;
- Retail/Commercial – 4 spaces/1,000 square feet;
- Recreation/Entertainment - 4 spaces/1,000 square feet;
- Restaurants – 1 space/3 seats.

Off-street parking requirements for uses not listed above or within §26-88.1. shall be established by the Board, based upon accepted industry standards.

In the case of a combination of uses, the off-street parking requirement shall consist of the sum of the spaces required for each individual use unless it can be demonstrated that staggered hours would permit modification.

Whenever the application of parking standards results in the requirement of a major fraction of a space in excess of fifty (50%) percent, a full space shall be required.

- Loading Areas

Loading areas shall be provided at a rate of a minimum of 1 loading area per building. Loading areas for mixed uses may combined should the Redeveloper demonstrate shared usage can adequately function for each use and provides a reduction in overall lot coverage. Loading areas shall be a minimum of 13 feet wide by 50 feet in length.

- Additional requirements

- Plug-in electric charging stations shall be required in accordance with Borough ordinance and State regulations (Senate Bill S3223). The charging station parking stalls may be included with the overall parking requirement.
- All parking stalls shall be a minimum of 9 feet by 18 feet in size. Reduced size parking stalls may be considered should the Planning Board deem them appropriate.
- All parking aisles shall be a minimum of 24 feet in width for two way traffic and a minimum of 18 feet in width for one way traffic.
- Parking may be provided within above grade parking garage structures. All parking garages shall be designed using compatible and complimentary materials in coordination with other architecture within the Redevelopment Area.

On-Site and Off-Site Improvements

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 the Borough of Sayreville or any relevant authority acting as the Redevelopment Agent for the Borough.

IV. DESIGN STANDARDS

The Planning Board may grant exceptions or waivers from design standards of this Redevelopment Plan or from the requirements for site plan or subdivision approval as found in the Borough ordinances. Any exceptions or waivers granted shall be reasonable within the general purposes and intent of the provisions for site plan review and/or subdivision approval within this Plan. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public, and will not substantially impair the intent and purpose of this Redevelopment Plan, or the Borough Master Plan.

Redevelopment of the area shall comply with the following design standards:

Streetscape

The streetscape is the primary image-setting area and includes all public and private streets. The streetscape area in the Redevelopment Area standards are established to maximize the attractiveness of the Redevelopment Area.

- The first ten (10) feet inward from the perimeter of the Redevelopment Area fronting on Routes 9 and 35 is designated streetscape landscape area. Where topography and elevation permit, a traditional streetscape design should be implemented.

- Existing overgrown vegetation should be removed to allow viewsheds into the sites, where permitted by NJDEP regulation.
- A staggered double-row of deciduous street trees a minimum 3-1/2"-4" inch caliper (dbh) shall be planted along the property's frontage along Routes 9 and 35, 50 feet on-center.

Open Space Design

- All areas not covered by building, pavement or other impervious surface shall be landscaped with a mix of evergreen and deciduous trees, shrubbery and herbaceous plants, including ornamental and turf grass.
- Open spaces shall be so located as to provide for maximum usability and to create a harmonious relationship between buildings and the open space throughout the Area.
- All unimproved open space left in its natural state for purposes of preservation of natural systems such as wetlands, flood plain or significant wildlife habitat shall be maintained and planted with supplemental plantings where appropriate, and where permitted by NJDEP regulations.
- All improved open space shall incorporate elements such as shrubbery, attractive paving materials, street furniture, lighting, low walls, fountains, and other architectural and artistic amenities.
- All plantings shall be with species proven to be resistant within the urban environment.
- Indoor and/or outdoor plazas are encouraged. Adequate landscaping and street furniture of a style complementary to the surrounding facades shall be used.
- Adequate appropriate lighting shall be provided to promote a sense of security within the open space areas.
- Design emphasis on gateways and major access points shall be encouraged. Gateways shall be marked by walls, signage, graphics, landscaping, buffering, distinctive street lighting, monuments, street furniture, paving accents, flags, and/or banners.
- All fences and walls shall be designed as integrated parts of the overall architectural and site design. All materials shall be durable and finished in textures and colors complementary to the overall architectural design.
- All trash receptacles shall be adequately secured, enclosed, and screened on all sides by landscaping or other type of attractive materials.
- Sidewalk areas shall be landscaped and durably paved and shall be properly illuminated with safe and adequate lighting.
- Maintenance of landscaping on public property or rights-of-way shall be the responsibility of the Redeveloper or their successor and the subject of the Developer's Agreement.
- All utilities shall be located underground.

Building Design

All buildings within the Redevelopment Area shall have a compatible and consistent design in regard to scale and materials. The Redevelopment Area shall be designed to provide continuous,

harmonious development while providing continuity in design and scale. Design consistency and compatibility is subject to the review and approval of SERA.

- All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed, in terms of light, air, and usable open space, access to public right-of-ways and off-street parking, height, and bulk.
- Groups of related buildings shall be designed to present a harmonious appearance in terms of building silhouette, architectural style and scale; massing of building form; surface material, finish, and texture; decorative features; window and doorway proportions, entry way placement and location, signage, and landscaping.
- Buildings shall be designed so as to have attractive, finished appearances from all public spaces.
- Roofs shall be pitched, when feasible, for architectural interest.
- All pedestrian entryways and/or lobbies shall be prominent, well-lit and separate from service entrances. Building entrances shall be clearly defined.
- Buildings shall be designed in terms of height, style, materials and placement in a collaborative, coordinated and compatible design scheme with the Riverton project to the north of the site.

Landscape Design Standards/Buffers

- Deciduous shade trees shall be installed a minimum caliper 3-1/2"-4" at the perimeter of the Redevelopment Area and a minimum caliper of 3.0" within the site at the time of planting.
- Landscaping shall be required within the Redevelopment Area's parking lots. Deciduous shade trees shall be provided within or immediately surrounding off-street parking areas at a ratio of at least one (1) tree per 1,000 square feet of parking space area.
- A minimum of 10 percent of any off-street parking area shall be landscaped with trees, shrubs, perennials, grasses, or other plant materials. All islands shall be raised, curbed and landscaped.
- Any shade trees and shrubbery which are not resistant to the environment or die within two (2) years of planting shall be replaced by the Redeveloper.
- A minimum 30 foot buffer shall be provided along the perimeter of the Redevelopment Area. The 30 foot buffer shall be an all season buffer consisting of berms, decorative walls, deciduous trees and shrubs, evergreen trees and shrubs, ornamental grasses and perennials plantings. The perimeter buffering shall be installed at minimum planting sizes of 3-1/2"-4" caliper for deciduous trees, 8'-10' for ornamental trees, 10'-12' for evergreen trees and a minimum 3'-4' for evergreen and deciduous shrubs.
- A minimum 10' buffer shall be provided adjacent to all parking areas. The parking buffer shall consist of deciduous trees and shrubs, evergreen trees and shrubs, ornamental grasses and perennials.

Fencing Design Standards

- All fencing shall be a minimum of 5 feet from any property line however no fence may impact the sight distance at any intersection. The Redeveloper and/or their successor is responsible for maintenance of areas on each side of any fence.
- Fencing shall be permitted on top of retaining walls.
- Powder coated chain link fences and chain link fences with slats are prohibited.
- Fencing around detention basins or at the top of retaining walls shall be 5 foot high post and rail or split rail fencing covered with black mesh securely fastened to the fence with maximum 1-1/4"x 1-1/4" openings.
- No fence which includes barbed wire, razor wire, or similar material shall be permitted.
- Fencing may be a maximum height of 6 feet.

Lighting Design Standards

- All area lighting shall be provided with outside shields to reduce glare and spillage.
- The maximum mounting height of exterior lighting shall be 25 feet.
- No lighting shall consist of a beam or a rotating, pulsating, or other intermittent frequency.
- Spillage from on-site lighting shall be limited to no more than 0.1 footcandle at the perimeter of the Redevelopment Area. The only exception is at the site access at Routes 9 and 35 which may not exceed a maximum of 5.0 footcandles. All site lighting shall be LED or similar energy efficient lighting.

Signage Design Standards

Signage may be provided in accordance with §26-89 and provisions for the B-3 Zone with the following restrictions:

- Signs shall be restricted to tenant identification and directional signage.
- Rooftop signs are not permitted.
- Searchlights, inflatable signs or devices, mobile signs or self-propelled signs are not permitted.
- Any signs with changing or variable messages, gyrations, blinking change of colors or any movement are not permitted.
- Billboards are not permitted.
- All sign illumination shall be LED.
- Signs shall be oriented to the surrounding roadway network and the roadways that access the structure.
- Internally and externally illuminated signs are permitted however, no illumination shall cause or create glare or halo at the perimeter of the Redevelopment Area.
- Street and directional signage and street lighting should be aesthetically unified or complementary.

V. CIRCULATION

Circulation/Connectivity Design Standards

- Internal sidewalks with a minimum width of 4 feet shall be provided exclusive of car overhang. All sidewalks shall be setback a minimum of 5 feet from any building.
- Conflicts between pedestrians and vehicles should be minimized to the extent possible via crosswalks or a change in material within the roadway.
- Stop bars shall be provided at the end of all drive aisles.
- Service entrances and loading areas between adjacent buildings shall be consolidated and separated from walkways and pedestrian entrances to the extent possible.
- Sidewalks shall be designed to be part of a comprehensive system to access all facilities within the Area. Sidewalks, vehicular drives, bikeways shall be coordinated with adjoining projects to provide ease of access between developments, mass transit and the waterfront.
- Street names should be chosen from the list of Veterans maintained by the Borough.
- Improvements to public roadways are required to facilitate circulation and increase roadway capacity and accessibility throughout the Redevelopment Area and the adjoining Riverton development to the north. It is anticipated that a connector road between The Redevelopment Area and Parcels B and C of the Riverton development to the north will be constructed under the Garden State Parkway and Route 9. The continuation of the roadway from Parcel B to Parcel A of the Riverton development under or over Route 35 will be required, drawing together all tracts of the Redevelopment Area and the Riverton development for a cohesive interconnected circulation pattern.
- The necessity for installation of roadway improvements and traffic signals and the timeline for such installation and/or reconfiguring of existing intersections or overpass, proposed improvements and signal timing, is dependent upon the type and intensity of land use proposed by the redeveloper(s), and the phasing of development. A Phasing of Roadway/Signalization Phasing Plan will be required.
- All traffic improvements, internal and external should be designed in a collaborative effort with the Riverton project to the north.

Traffic Analysis/Study Requirements

Any application submitted for approval by the redeveloper shall include a Traffic Analysis and/or Study, which shall address impacts associated with the proposed uses on the existing roadway network. Such impacts shall include stress on the roadway itself, impacts on existing intersections, impact to level of service for access points or intersections, and internal circulation patterns. The Redeveloper will be responsible for the costs of those impacts that are found via a Traffic Study that will require the need for off-site improvements. In addition, the report shall address pedestrian circulation throughout the site, connections to adjoining sites and mass transit as well as the need for pedestrian safety at vehicular and pedestrian conflict areas, the adequacy of parking, loading, sidewalks and curbing as well as existing and proposed easements, including temporary construction easements.

VI. UTILITIES

The Redeveloper shall arrange with the servicing utility for the underground installation of the utility's distribution lines and service connections, in accordance with the provisions of the applicable Standard Terms and Conditions, incorporated as a part of its tariff on file with the State of New Jersey Board of Public Utility.

The Redevelopment Plan shall be designed to meet the following goals with respect to utilities:

- All water, sewer, electricity, natural gas, and internet services shall be reliable and of the highest quality and available at a reasonable cost.
- The Redevelopment Area was serviced by an outdated private pump station and force main which will require replacement unless alternate plans can be developed with Riverton. The pump station and force main will need to be upgraded at the Redeveloper's cost to comply with Borough standards. A capacity analysis for sanitary sewer facilities will need to be conducted.
- A capacity analysis for water will need to be conducted. The Redeveloper will be required to pay the cost to extend expanded water facilities to the Redevelopment Area the cost of upgrade of Borough mains.
- A capacity analysis shall be provided for the extension of electric, natural gas and voice and data transmission to the Redevelopment Area. The Redeveloper will be required to pay the cost to extend expanded electric service, natural gas service and voice and data transmission services to the Redevelopment Area.
- All utilities shall be installed underground.
- Protect groundwater and surface water resources from potential contamination as a result of sedimentation and pollutants carried by stormwater through street drains, detention basin outflows, streambed scouring, and wastewater disposal systems.
- Any site plan submitted to the Borough to develop the Redevelopment Area shall include stormwater documentation for review by the Borough Engineer. Stormwater improvements may include green roofs, bio-swales, rain gardens, permeable pavement, tree cover, or other suitable alternatives.

VII. SOLID WASTE DISPOSAL

Refuse & Recycling Collection Areas

- All dumpsters or trash areas shall be screened. If trash compactors are used, they shall be in the rear yard only.
- All outdoor refuse and recycling containers shall be visually screened within a durable enclosure, six (6) feet or higher, so as not to be visible from adjacent lots or sites, neighboring properties or streets. No refuse and recycling collection areas shall be permitted between a street and the front of a building.

- Refuse and recycling collection enclosures should be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.
- Trash receptacles and dumpsters shall be effectively screened by landscaping and/or low walls.
- Refuse and recycling collection areas should be so located upon the lot as to provide clear and convenient access to refuse collection vehicles.
- Refuse collection areas should be designed and located upon the lot as to be convenient for the deposition of refuse generated on site.
- Refuse and recycling collection areas should be effectively designed to contain all refuse generated on site and deposited between collections. Deposited refuse should not be visible from outside the refuse enclosure.

VIII. ENVIRONMENTAL REVIEW

A complete environmental assessment shall be conducted for the Redevelopment Area.

The Redeveloper will be responsible to address any and all environmental issues on the subject property.

IX. PLAN CONSISTENCY REVIEW

This section describes the consistency between the Redevelopment Plan and Sayreville's Master Plan and how the provisions herein are designed to effectuate the Master Plan. It also describes the relationship of the Redevelopment Plan to adjacent municipalities' Master Plans and the New Jersey Development and Redevelopment Plan.

Relationship to Local Objectives

This Redevelopment Plan is consistent with the Borough of Sayreville's objectives regarding appropriate land uses, density of population, traffic, public utilities, and recreational or community facilities. The permitted uses of this Plan are not anticipated to have any substantial negative effects upon municipal services. The Planning Board may require that a fiscal impact analysis be prepared by the designated redeveloper, at the Board's discretion, if it deems it necessary to affirm there will be no substantial negative fiscal impacts associated with any proposed development in the Redevelopment Area.

Borough of Sayreville Master Plan

Sayreville's Master Plan Report, adopted in February 2013, discusses a number of goals and objectives that have significant relevance to the proposed Redevelopment Area. These goals and objectives are as follows:

Goal 1: Preserve Existing Residential Neighborhoods

Objective 1D. Continue to discourage encroachment of commercial or industrial into single family neighborhoods.

This proposed redevelopment plan guides commercial development into an appropriate area, thereby helping maintaining the character of existing residential neighborhoods.

Goal 2: To Continue to Encourage Aesthetic and Site Improvements in the Borough's Major Commercial and Industrial Areas.

Objective 2A. Maintain the character of commercial/professional office zones by appropriate zoning and site design controls.

Objective 2C. Maintain strict limits on the location of nonresidential development, particularly high intensity uses, to discourage urban/commercial intrusion in residential areas.

This redevelopment plan provides appropriate commercial zoning that is consistent with the future land use proposed for the area and site design standards that improve the site and the aesthetic appeal of a dilapidated site. As noted above, the plan also keeps commercial development contained in an appropriate area, thus guiding this development into an appropriate area away from residential neighborhoods.

Goal 3: To Encourage and Promote an Improved Visual Environment and the Preservation of Natural Systems and Environmentally Sensitive Areas

Objective 3B: Encourage improved visual and physical access to the Raritan River.

The redevelopment area that is covered by the plan is located near the Raritan River (although not directly adjacent to the water). The site is currently occupied by a dilapidated structure and parking lot that negatively impacts the visual environment along the Raritan River, especially from the major transportation corridors of the Garden State Parkway, Routes 9 and 35. The Redevelopment plan provides for an improved visual environment by removing the dilapidated improvements and constructing a new structure with modern design standards.

Goal 4: Encourage the Maintenance of the Existing Business Community and Provide for Desirable New Commercial Development

Objective 4C: Encourage major visual improvements in business areas which will provide a pedestrian emphasis.

Objective 4D: Encourage new development which will not place unmanageable demands on the Borough's infrastructure and/or will assume responsibilities for required improvements in an equitable manner.

Objective 4E: Prepare detailed redevelopment plans in coordination with S.E.R.A. to provide design and priority guides for significant development and initiate programs to study the desirability of additional redevelopment initiatives.

This redevelopment plan is being prepared with oversight by SERA, and provides for a major visual improvement in a major commercial area within the Borough. Any development resulting from this Redevelopment plan should not provide any unmanageable demand on the Borough's infrastructure.

Additionally, the Land Use Element of the Sayreville Master Plan states the following:

"The Borough's future land use strategy is to encourage a balance between growth and redevelopment and the conservation of natural resources and open space by focusing new growth in the Borough's redevelopment districts within existing commercial and industrial areas as well as areas for planned development." [emphasis added]

This plan focusses on an existing commercial area that will be redeveloped, thus creating a balance between growth and redevelopment and conserving natural resources in other areas of the Borough.

The Land Use Element identifies these parcels as being located in the Highway Business area of the Future Land Use map. The surrounding area is in the Highway Business and (to the north) in the Marine Waterfront Redevelopment Area. The HB area "currently permits retail sales and service uses, business and other commercial uses." Additionally, it "is further intended to allow community and regional-scale commercial uses that rely heavily on automobile and truck access."

The redevelopment plan provides for the following uses: retail, highway commercial, office, hotel, conference center, recreational, and professional office (e.g., medical). All of these permitted uses in the redevelopment plan are consistent with the future land use plan, as all are retail, service, business, other commercial, or regional-scale commercial uses.

The Economic Plan of the Master Plan provides for several objectives which the proposed redevelopment plan helps meet. These include:

Objective 1. Increase Borough's ratable base.

This plan permits uses that will improve the redevelopment area from vacant commercial use to a usable commercial development that will provide for higher ratables.

Objective 2. Facilitate the Development/Redevelopment of the property.

While the redevelopment area is not within the Pointe (defined as the area bordered by Main Street to the south, the Parkway on the east, and the Raritan River to the north and west), it is located across the Parkway from it, and can be used to enhance the development of the Pointe.

Objective 3. Revitalize commercial corridors on Route 9 and Route 35.

The redevelopment area is wedged between Route 35, Route 9, and the Raritan River. Redeveloping the site will therefore provide a significant improvement over the currently vacant site and help revitalize both corridors.

Objective 11. Engender higher-quality design.

This plan provides for high-quality site improvement and design standards that will improve the site's aesthetic and economic value.

Plans of Adjacent Municipalities

While the Redevelopment Area does not directly abut any adjoining municipalities, it is within less than ½ mile from the Sayreville, South Amboy municipal boundary. The area of most interest in the City of South Amboy in regards to the Redevelopment Area is the Main Street corridor that provides a direct connection to the site. The South Amboy Master Plan, adopted November 2017, provides for the following zones/redevelopment areas along Main Street in the northeast section of South Amboy:

- M-1 Light Industrial: Permits “construction of professional and government offices, research facilities, light industrial manufacturing, and warehousing.” (pg. 19)
- Northern Waterfront Redevelopment Area: Prepared June 7, 1995 and amended June 20, 1996. The permitted use is an industrial recycling facility. This is not the current use of the area, as aerial images indicate the presence of a significant number of tractor trailers.
- Broadway/Main Street Redevelopment Area: The relevant portions for this analysis are between Main Street and the waterfront of Raritan Bay. These sections appear to have been part of the now defunct Central Waterfront Redevelopment Area, originally designated an area in need of redevelopment in 1995. That same year the Central Waterfront Redevelopment plan was written, and amended in 1998. The purpose “was to create the opportunity for an intermodal transportation center with a marina and ferry terminal.” (pg. 24) This objective remained after the absorption of these waterfront parcels into the Broadway/Main Street Redevelopment Area.

The South Amboy Master Plan recommends maintaining all three of these zoning designations and future land uses for the areas in question.

These land uses are consistent with the proposed permitted uses in the Redevelopment Area.

State Development and Redevelopment Plan

The Redevelopment Area and most of the Borough of Sayreville are located within the Metropolitan Planning Area (PA1) of the State Development and Redevelopment Plan (SDRP). No part of the Borough, including the Redevelopment Area, is located in any designated Node, Core, or Designated State Center.

Per the New Jersey State Development and Redevelopment Plan (SDRP), the intent of the PA1 is as follows:

- Provide for much of the state's future development and redevelopment;
- Revitalize Cities and Towns;
- Take advantage of increased densities and compact building design;
- Encourage distinctive, attractive neighborhoods with a strong sense of place;
- Provide for mixed-use concentrations of residential and commercial activity;
- Provide for a variety of multi-modal transportation alternatives;
- Prioritize clean-up and redevelopment of brownfields and greyfields sites;

The Redevelopment Plan recognizes these specific objectives of the SDRP and it does propose to revitalize the Borough with a new use(s), which improves a currently underutilized site, providing for the State's future redevelopment. The Redevelopment Plan is consistent with the listed objectives of the SDRP.

X. REDEVELOPMENT PLAN ACTIONS

Outline of Proposed Actions-Redeveloper Selection

A Redeveloper will need to be chosen and then required to enter into a Redevelopment Agreement with SERA and the Borough that stipulates the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein. The Redeveloper's Agreement shall be consistent with this Redevelopment Plan.

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.

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.

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 man 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-I 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-S3 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. 40:5SD-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 Redevelopment 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 may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the nonconforming 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.

Amendment to Zoning Map and Development Regulations

The Zoning Map referenced in §26 of the Borough's general ordinances 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.

Properties to be Acquired and Relocation

Acquisition of privately-owned property within the Redevelopment Area will not be necessary to effectuate the Redevelopment Plan.

Infrastructure

In addition to the new development described in the foregoing chapters, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to: (1) provisions for infrastructure necessary to service new development; (2) environmental remediation if necessary; and (3) the vacation, modification or establishment of public utility easements and other easements and rights-of-way as may be necessary to effectuate redevelopment.

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 by SERA 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.

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.

Other Actions

The Redevelopment Agreement between SERA and a redeveloper will contain the terms, conditions, specifications, and a description of required performance guarantees pertaining to the redeveloper's obligation to provide the infrastructure and improvements required for the project, which may include, but shall not be limited to, the provision of water, sewer, and stormwater service, as well as sidewalks, curbs, streetscape improvements, street lighting, and on- or off-site traffic controls and roadway improvements required as a result of the project.

Definitions

Except as otherwise provided herein, words that appear in this Redevelopment Plan shall be interpreted in accordance with the "Definitions" section of the Borough's Land Development Ordinance, as set forth in §26 unless as specified within.

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, or the redeveloper, upon the basis of race, creed, color, or national origin in the sale, lease, use, or occupancy thereof. There shall be no restrictions of occupancy or use on the basis of race, creed, color or national origin.

Duration of the Plan

The Redevelopment Plan, as it may be amended from time to time by SERA and the Borough Council, shall be in full force and effect upon its adoption by ordinance. The provisions of this Plan specifying the redevelopment of the Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the approval date

of this plan by the Borough Council. Upon the inspection and verification by SERA that the redevelopment has been completed, a certificate of completion shall be issued to the redeveloper. All redevelopment agreements associated with the implementation of this Redevelopment Plan shall be in effect until the issuance of such a certificate. If any section, paragraph, division, subdivision, clause, or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause, or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

XI. 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.
- No affordable housing is contemplated for this Redevelopment Plan as the Borough will provide its fair share of affordable housing through other mechanisms in its court-approved Housing Plan Element and Fair Share Plan. Any non-residential redevelopment within the Redevelopment Area must pay any required affordable housing fees in accordance with provisions of §35 into the Borough's Affordable Housing Trust Fund and shall comply with the Statewide Non-Residential Development Fee (N.J.S.A. 40:55D-8.1).
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not require the relocation of any residents.
- In the event that relocation assistance is required for a business within the Redevelopment Area, the Borough will provide the appropriate assistance pursuant to all applicable State and Federal laws as necessary.
- The Borough reserves the right to utilize power of eminent domain to acquire all or a portion of this property as provided under application sections of the LRHL, should the designation of this property be modified to a Condemnation Area in Need of Redevelopment as opposed to the current designation as a **Non-Condemnation Area in Need of Redevelopment**.
- The Redevelopment Plan is substantially consistent with the Borough Master Plan and South Amboy Master Plan and complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.



APPENDICES

Appendix A: Resolutions of the Governing Body

RESOLUTION #2021-241

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING THE
RESOLUTION DESIGNATING THE
PROPERTY COMMONLY KNOWN AS THE FORMER
NATIONAL AMUSEMENTS THEATER SITE
AS AN AREA IN NEED OF REVELOPMENT**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. provides a mechanism to empower and assist local governments in an effort to promote programs for redevelopment; and

WHEREAS, the Sayreville Planning Board was directed by the Borough Council, pursuant to Resolution dated May 10, 2021, to conduct a preliminary investigation in order to investigate the area listed within the chart below and generally described as the Study Area to determine if the Study Area should be determined to be a Non-Condemnation Area in Need of Redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"). The following property is included within the Study Area presently being investigated:

No.	Address	Block	Lot
	Former National Amusement Site	265	1
	Former National Amusement Site	273	1
	Former National Amusement Site	274.01	1

WHEREAS, the Planning Board retained Michael Fowler, AICP, PP of Michael Fowler Associates, LLC. to perform a preliminary investigation as to whether the Study Area, or any portion thereof, constitutes an "area in need of redevelopment" in accordance with the LRHL; and

WHEREAS, the LRHL requires the Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as "an area in need of redevelopment" at which hearing the Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and

WHEREAS, the LRHL requires that the Board, prior to conducting such public hearing, publish notice in a newspaper of general circulation in the Township once each week for two (2) consecutive weeks, with the last publication made not less than ten (10) days prior to such public hearing; and

WHEREAS, the LRHL further requires that such notice be mailed at least ten (10) days prior to such public hearing to the last owner(s) of the relevant properties in accordance with the Township's assessment records; and

WHEREAS, Michael P. Fowler, AICP, PP did prepare and provide to the Planning Board a Preliminary Investigation Report for Non-Condemnation Area (the "Report") dated July 2021, and said Report stated that the Study Area meets the criteria set forth in N.J.S.A. 40A:12A-5, subsections A, B, C & H

WHEREAS, the Board held a public hearing to determine whether the Study Area is a “non-condemnation area in need of redevelopment” under the criteria set forth in Section 5 of the LRHL at a special meeting of the Board held electronically on August 18, 2021; and

WHEREAS, notice of the Public Hearing was provided in the official newspaper of the Township on two consecutive weeks, the last being not less than ten (10) days before the Public Hearing; and

WHEREAS, notice was also provided to property owners in the Study Area; and

WHEREAS, at the Public Hearing, Michael P. Fowler AICP, PP presented the Report and advised that the Study Area meets the criteria set forth in N.J.S.A. 40A:12A-5, subsections A, B, C & H as a “non-condemnation area in need of redevelopment”; and

WHEREAS, at the Public Hearing, the Planning Board reviewed the Report, heard a presentation and the testimony of Mr. Fowler as well as testimony from any members of the public who were given an opportunity to testify and ask questions of the Planning Board and of Mr. Fowler; and

WHEREAS, after the conclusion of the Public Hearing, and in consideration of the Report and the substantial and credible testimony presented, the Planning Board, on August 18, 2021, determined that the Study Area qualified as a “non-condemnation area in need of redevelopment” in accordance with N.J.S.A. 40A:12A-5, which determination was memorialized by Resolution of the Planning Board on September 1, 2021; and

WHEREAS, the Borough Council agrees with the recommendation of the Board that the Study Area be designated as “an area in need of redevelopment” pursuant to the LRHL; and

WHEREAS, the Township Council wishes to designate as a Non-Condemnation Area in Need of Redevelopment the aforementioned properties located within the Study Area (“Subject Properties”) and authorize the office of the Borough Engineer, CME Associates, to prepare a redevelopment plan for the Subject Properties and to present same to the Borough Council for its consideration, and referral to the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sayreville, in the County of Middlesex, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein as if set forth in full; and
2. The former National Amusements site, Block 265, Lot 1, Block 273, Lot 1 and Block 274.01, Lot 1, are hereby designated as a Non-Condemnation Area in Need of Redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “LRHL”); and
3. The Determination shall authorize the Borough of Sayreville to use all of the powers provided by the Legislature for use in a redevelopment area excluding the use of eminent domain, thus designating it a “Non-Condemnation Redevelopment Area”.
4. The office of the Township Engineer, CME Associates, is hereby authorized to prepare a redevelopment plan for the Subject Properties and to present same to the Borough Council for its consideration, and referral to the Planning Board; and

5. The Borough Clerk is hereby directed to transmit a certified copy of this Resolution by regular and certified mail to the Commissioner of the Department of Community Affairs (the "Commissioner") for review. The Determination of the Study Area as a "non-condemnation area in need of redevelopment" shall not take effect without first receiving the review and approval of the Commissioner. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal, the Determination shall be deemed to be approved.
6. Notice of the Determination (the "Notice") shall be served, within ten (10) days of the Determination, upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which the notice of Determination may be sent.
7. A property owner who received notice of the Determination as set forth above who does not file a legal challenge to the Determination affecting his or her property within 45 days of receipt of such notice shall thereafter be barred from filing such a challenge.
8. This Resolution shall take effect immediately.

THEREFORE, BE IT FURTHER RESOLVED, that the former National Amusements Theater Site, Block 265, Lot 1; Block 273, Lot 1 and Block 274.01, Lot 1 is hereby designated as a Non-Condemnation Area in Need of Redevelopment.

 Michele Maher, Councilwoman
 (Planning and Zoning Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

 Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

 Jessica Morelos, RMC
 Municipal Clerk

 Victoria Kilpatrick
 Mayor

	Conti	Dalina	Enriquez	Maher	Novak	Roberts
Ayes						
Nays						
Abstain						
Absent						