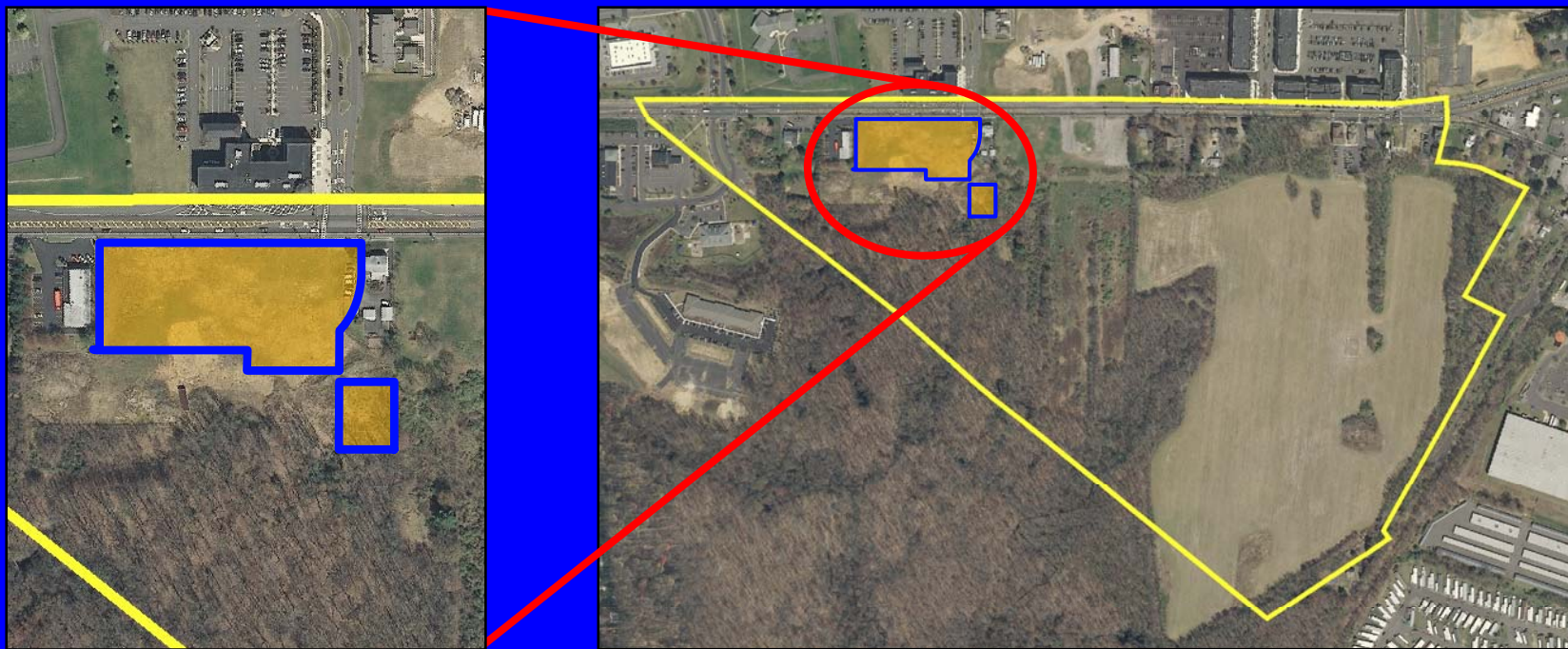


NORTHERN TRACT: PARCEL C AMENDMENTS to the REDEVELOPMENT PLAN

***TOWN CENTER SOUTH REDEVELOPMENT AREA
Robbinsville Township, Mercer County, New Jersey***





*Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.*

ROBBINSVILLE PLANNING BOARD

Frank Cettina, Chair
Kathy Goodwine, Vice Chair
Daniele Breyta
Vito Galluccio
Craig Heilman
Paul Kranz
Dan Schuberth
R. Michael Silvestrov
Joy Tozzi
Janet Van Nest
Ron Witt

Elide M. Post, Board Secretary
Ann Bell, Administrative Officer
Timothy F. McGough, P.E., Planning Board Engineer
Jerry Dasti, Esq., Board Solicitor
Stuart B. Wiser, P.P. AICP, Board Planner

TOWNSHIP COUNCIL & ADMINISTRATION

Ron Witt, Council President
Christine Ciaccio, Council Vice President
David Boyne
Vincent J. Calcagno
Sheree S. McGowan

David Fried, Mayor
Joy Tozzi, Township Business Administrator
**Timothy F. McGough, P.E., Director of Community &
Economic Development, Township Engineer**
Michele Seigfried, Municipal Clerk
Mark Roselli, Esq., Township Solicitor

**Robert Beckelman Esq., of
Greenbaum, Rowe, Smith & Davis LLP, Special
Redevelopment Counsel**

The original of this document has been signed and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:
REMINGTON, VERNICK & ARANGO ENGINEERS
By:

Stuart B. Wiser, P.P., AICP
NJ Professional Planners License # LI005598

Richard G. Arango, P.E., C.M.E.
Executive Vice President





TABLE OF CONTENTS

Conventions for This Amendment	iv
1.0 INTRODUCTION	1
1.1 Background	1
1.2 Redeveloper Designation	2
1.3 Parcel C Amendment to the Redevelopment Plan	2
2.0 DEFINITIONS	3
3.0 TOWN CENTER SOUTH REDEVELOPMENT AREA	5
3.17 Significant Activities Since Redevelopment Plan Adoption	5
4.0 MUNICIPAL GOALS & OBJECTIVES	7
4.2 Town Center Plan	7
4.4 Goals & Objectives of the Redevelopment Plan and This Amendment	7
5.0 REDEVELOPER SOLICITATION, SELECTION & DESIGNATION	9
5.1 Redeveloper Solicitation & Selection	9
7.0 REDEVELOPMENT PROVISIONS	10
7.1 Review Procedures, Responsibilities & Authority	10
7.2 Standards and Controls of General Applicability	11
7.2.1 Governing Regulations	11
7.2.2 Permitted & Prohibited Uses	13
7.2.4 Variances, Departures, Deviations & Design Waivers	14
7.3 Parcelization Plan	16
7.4 Development Regulations	18
7.4.1C Northern Tract: Parcel C	18
A. Permitted Principal Uses	18
B. Permitted Accessory Uses	18
C. Building Limit Controls	19
7.5 Architectural Controls	20
7.5.1 General Design	20
7.5.2 Building Orientation	21
7.5.3 Building Massing & Style	21
7.5.4 Roof & Roof Materials	21
7.5.5 Façade Treatment & Materials	22
7.5.6 Entryway Doors	22
7.5.7 Windows	22
7.5.8 Porches, Stoops & Arcades	22
7.5.9 Trim / Eaves & other Decorative Building Elements	23
7.5.13 Colors	23
7.5.16 Accessory Structures	23
8.0 CIRCULATION, PARKING & LOADING PLAN	24
8.1 Circulation	24
8.1.2 Northern Tract	24
8.1.6 Additional Guidelines	25
8.2 Parking	25
8.2.3 Off-Street Parking: Mid-Rise (Garden & Urban Apartment / Mixed-Use) & Commercial Buildings	25
8.3 Loading	25
8.4 Final Circulation, Parking & Loading Plans	25
12.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS	26
12.2 Redevelopment Plan	26
12.3 Relationship to Definite Local Objectives	26
12.3.1 Appropriate Land Uses	26
12.4 Proposed Land Use & Building Requirements	26
12.7 Significant Relationships to Other Plans	26
12.7.1 Proposed Zoning Changes	27
12.7.2 Master Plans of Contiguous Municipalities	27
12.7.3 Mercer County Master Plan	28



*Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.*

12.7.4 State Development & Redevelopment Plan..... 28
12.9 Relationship to Pertinent Municipal Development
Regulations 28
12.10 Consistency with Municipal Master Plan..... 28

**13.0 EFFECTIVE DATE, DURATION OF PROVISIONS &
AMENDMENT PROVISIONS 30**
13.1 Effective Date..... 30
13.2 Duration of Provisions 30

14.0 CERTIFICATE OF COMPLETION & COMPLIANCE 31



CONVENTIONS FOR THIS AMENDMENT

- A. The term “Redevelopment Plan” used throughout this document shall refer to the duly adopted *Redevelopment Plan for the Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (dated February 27, 2012).
- B. The term “This Amendment” used throughout this document shall refer generically to this instant document and collectively to the several amendments, clarifications, supplements and other modifications to the Redevelopment Plan described herein.
- C. Unless differentiated by context, the term "Redevelopment Plan" as used herein shall include the provisions of This Amendment. Similarly, when referencing provisions of the Redevelopment Plan or This Amendment, the term "herein" shall be construed to address both documents
- D. This Amendment is the third amendment to the Redevelopment Plan.

The first amendment, entitled *Northern Tract: Parcel A Amendments to the Redevelopment Plan: Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers, was adopted on September 27, 2012.

The second amendment, entitled *Northern Tract: Parcel B Amendments to the Redevelopment Plan: Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers, was adopted on May 14, 2014.

Additional amendments were made by the Township on December 8, 2014 via Ordinance 2014-21.

Changes made to the Redevelopment Plan via the first amendment are referred to herein as the "Parcel A Amendments", which are limited to Block 1, Lots 1.01, 2 & 3.

Changes made to the Redevelopment Plan via the second amendment are referred to herein as the "Parcel B Amendments", which are limited to Block 1, Lot 17.

This Amendment addresses Block 1, Lots 11.02 and 71, and does not affect and is not affected by the Parcel A or Parcel B Amendments.

Changes made to the Redevelopment Plan via Ordinance 2014-21 are referred to herein as the "December 2014 Amendments" and apply to the entire Redevelopment Area, including Parcel A., Parcel B. and Parcel C.

E. Section Numbering

Unless otherwise indicated, section numbering in This Amendment remains identical to the section numbering in the Redevelopment Plan, irrespective of any numbering changes contained in the Parcel A. or Parcel B. Amendments.

Where a change to a particular section of the Redevelopment Plan is required, such change is made by This Amendment within the numbering system of the Redevelopment Plan. Such changes are limited to Parcel C. The language of the Parcel A. and Parcel B. Amendments remains in place for those Parcels and the original



**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

language of the Redevelopment Plan, as modified by the December 2014 Amendments, remains in place for the balance of the Redevelopment Area.

Where no changes to a particular section of the Redevelopment Plan are necessary, such section is **excluded** from This Amendment. Accordingly, section numbering in This Amendment is **not necessarily sequential**.

Where new material is required, such material is inserted as a new section in as sequential an order as is possible. Such new material is limited to Parcel C.

F. Exhibit Numbering

Where no change to a particular Redevelopment Plan Exhibit is necessary, such Exhibit, to the extent referenced herein, is excluded from This Amendment.

Exhibits attendant to the Parcel A. and Parcel B. Amendments remain in place for those Parcels, and the original Exhibits of the Redevelopment Plan remain in place for the balance of the Redevelopment Area.

G. Footnote Numbering

Footnote numbering in This Amendment is sequential to This Amendment and bears no relationship to the footnote numbering in the Redevelopment Plan, the Parcel A. Amendments or the Parcel B. Amendments.

H. Maps & Graphics

Generally, the maps and graphics contained in the body of the Redevelopment Plan have been omitted in This

Amendment for brevity. Unless specifically modified by This Amendment, such maps and graphics remain unchanged.

I. Conflicts

Should any conflict occur between the provisions of the Redevelopment Plan and This Amendment, the provisions of This Amendment shall govern.





**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

1.0 INTRODUCTION

1.1 Background

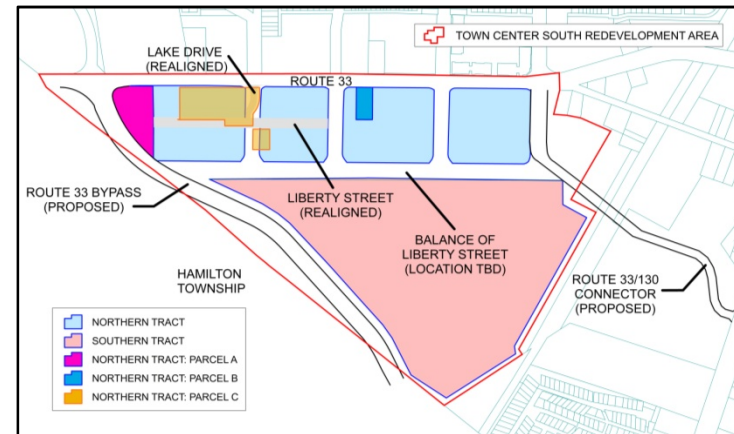
In October 2010, the Township Council of the Township of Robbinsville ("Governing Body") declared¹ a portion of the Township's Town Center to be an Area In Need of Redevelopment "(Redevelopment Area)" pursuant to New Jersey's *Local Redevelopment & Housing Law*.²

In March 2012, the Governing Body adopted³ a Redevelopment Plan for the Redevelopment Area.⁴

In May 2012, the Governing Body issued a public Redeveloper Solicitation for the Redevelopment Area. Interested parties were invited to submit Expressions of Interest outlining their qualifications for Redeveloper designation and their proposed Project(s). While the Solicitation had a July 2012 response submission deadline, nothing in the Redevelopment Plan prohibits an entity from submitting an Expression of Interest at any time.

In January 2015, the Township received an Expression of Interest from the partnership of Sharbell Washington, Inc. ("Sharbell") / Brentwood Holdings,

LLC, ("Brentwood") for the development of a two-story Childcare Center and a single-story Coffee House on Block 1, Lot 71 in the Redevelopment Area's Northern Tract, with additional improvements possible on the Northern Tract's Block 1, Lot 11.02 as well as a realignment of the proposed Lake Drive south of Route 33 (collectively designated herein as "Northern Tract: Parcel C" and alternately referred to as "Parcel C").



Such Expression of Interest reflected a Project which is generally designed to achieve the Municipal Goals & Objectives of the Redevelopment Plan, and provided the Township with demonstrated evidence of the Sharbell / Brentwood partnership's experience and qualifications in developing and, as appropriate, operating the type, size and scope of Project proposed.

¹ via Township Resolution No. 2010-202 (on file with the Township Clerk)

² *N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law")*

³ via Ordinance No. 2012-4 (on file with the Township Clerk)

⁴ *Redevelopment Plan, Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (dated February 27, 2012).



1.2 Redeveloper Designation

After review of the Expression of Interest, the Governing Body, on February 12, 2015, designated the Sharbell / Brentwood partnership as Redeveloper Candidate for Parcel C,⁵ and authorized the commencement of negotiations of a Redevelopment Agreement this partnership. Such authorization was for a period of 120 days from February 12, 2015.

On May 12, 2015, the Township received correspondence from Sharbell, informing it that Brentwood had transferred its interest in the Project to Sharbell, and that Sharbell would proceed as the sole Redeveloper of Parcel C. Based on Sharbell's history as a premiere real estate developer in Robbinsville, the Governing Body did not object to such transfer of interest.

In or about June 2015, the Township received correspondence from Sharbell outlining the progress that had been made on the Project and requesting an extension of its designation of Redeveloper Candidate status so that it may finalize its plans and complete negotiations of the Redevelopment Agreement. Additional time for negotiations was subsequently granted via two (2) Township Resolutions.⁶

1.3 Parcel C Amendment to the Redevelopment Plan

1.3.1 The Township and Sharbell have worked to finalize details related to the Redevelopment of Parcel C, and have identified certain revisions to the Redevelopment

Plan which specifically pertain to Parcel C as being necessary and appropriate to achieve the project concept as submitted. Such revisions are contained in This Amendment to the Redevelopment Plan.

This Amendment is not intended to replace the Redevelopment Plan, but to modify, enhance and supplement the provisions of the Redevelopment Plan as applied to Parcel C. Accordingly:

- A. The Introduction (§1.0), Definitions (§2.0), Town Center South Redevelopment Area [description] (§3.0), Municipal Goals & Objectives (§4.0), Redeveloper Solicitation, Selection & Designation (§5.0), Redevelopment Provisions (§7.0), Circulation, Parking & Loading Plan (§8.0), Open Space, Landscaping & Streetscaping Provisions (§10.0), Provisions Necessary to Meet Statutory Requirements (§12), Effective Date, Duration of Provisions & Amendment Provisions (§13), Certificate of Completion & Compliance (§14) and Schedule of Exhibits (§15) contained in the Redevelopment Plan are modified *to the extent addressed herein*.

Additionally, for ease of reference, This Amendment incorporates the Redevelopment Plan Amendments made by the Township in December 2014 ~ to the extent that such Amendments may be applicable to Parcel C.

- B. The Anticipated Redevelopment Actions (§6.0), Utility & Easement Controls (§9.0) and Equal Opportunity (§11.0) contained in the Redevelopment Plan remain unchanged and applicable.

⁵ Township Resolution No. 2015-76 (on file with the Township Clerk)

⁶ on file with the Township Clerk





2.0 DEFINITIONS

Definitions in the Redevelopment Plan are sequentially numbered in alphabetical order. Where a definition was modified via the Township's December 2014 Amendments, or where any of the following definitions amend an existing definition in the Redevelopment Plan, such new language retains its original definition number.

New definitions added via the Parcel A and Parcel B Amendments commenced numbering after 2.114, which was the last definition in the Redevelopment Plan. New definitions in This Amendment commence numbering after 2.116, which is the last definition in the Parcel B Amendments.

- 2.67 "Publication" shall mean the date printed on the cover of the Redevelopment Plan or This Amendment, as the case may be, which shall signify the date the Redevelopment Plan or This Amendment was finalized for printing.
- 2.74 "Redevelopment Plan" shall mean the duly adopted *Redevelopment Plan for the Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (dated February 27, 2012).
- 2.89 "Setback Line" shall mean the alignment which dictates the front yard primary facade setback from the street or public or private right-of-way, to be followed by buildings or structures fronting thereon.

- 2.107 "Township Code" shall mean, unless otherwise cited, Chapter 142 of the Robbinsville Township Municipal Code,⁷ as modified through the Redevelopment Plan and This Amendment, and as may be amended from time-to-time.

Since the February 2012 adoption of the Redevelopment Plan, the Township has made certain amendments to Chapter 142. Accordingly, the regulations of Chapter 142 current at the time of a Redeveloper's submission to the Planning Board for Review & Approval shall govern ~ *to the extent that such regulations are not modified by the Redevelopment Plan or This Amendment.*

While This Amendment attempts to address all issues related to construction of one or more Redevelopment Projects on Parcel C, it recognizes that there may continue to be provisions of Chapter 142 and the Redevelopment Plan that may impact Project Design. Such issues shall be addressed between the Township and the Redeveloper (Candidate) as identified.

Additionally, and consistent with §7.2.4 B. of the Redevelopment Plan, This Amendment continues to vest the Planning Board with the power to grant departures⁸ from the regulations contained in Chapter 142, the Town Center Plan and the Redevelopment Plan requested by the Redeveloper.

⁷ On file with the Township Clerk or available via <http://www.robbinsville-twp.org/>

⁸ Such departures shall be considered "deviations" under the *Redevelopment Law* and not 'variances' under the *Municipal Land Use Law*.





***Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.***

- 2.115 “Parcel A Amendments” shall mean the document entitled *Northern Tract: Parcel A Amendment to the Redevelopment Plan, Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (adopted September 27, 2012).
- 2.116 “Parcel B Amendments” shall mean the document entitled *Northern Tract: Parcel B Amendment to the Redevelopment Plan, Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (adopted May 14, 2014).
- 2.117 “This Amendment” shall mean this instant document entitled *Northern Tract: Parcel C Amendment to the Redevelopment Plan, Town Center South Redevelopment Area, Robbinsville Township, Mercer County, New Jersey*, prepared by Remington, Vernick & Arango Engineers (date indicated on cover).

Upon adoption by the Governing Body, This Amendment shall work in conjunction with the Redevelopment Plan to jointly satisfy all statutory requirements for a Redevelopment Plan under N.J.S.A. 40A:12A-3 and 12A-7.



**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

3.0 TOWN CENTER SOUTH REDEVELOPMENT AREA

3.1.7 Significant Activities Since Redevelopment Plan Adoption

A. The Ferber Company, Inc. ("Ferber") / Walgreens

Upon review of the Expressions of Interest received as part of the Township's public Solicitation process (§1.0 herein), the Governing Body⁹ designated respondent Ferber as Redeveloper Candidate for Block 1, Lots 1.01, 2 and 3 and authorized the commencement of negotiations of a Redevelopment Agreement with Ferber for a 14,820 s.f. Walgreens Pharmacy and Convenience Store with drive-through, 53 parking spaces and stormwater management facilities.

In undertaking their due diligence, Ferber and the Township identified certain revisions to the Redevelopment Plan as being necessary and appropriate to the development of the Walgreens. Such revisions were embodied in the "Parcel A Amendments" defined in §2.0 of This Amendment.

In October 2012, Ferber submitted an application to the Robbinsville Planning Board ("Planning Board") seeking Preliminary and Final Major Site Plan and Subdivision Approvals with Certification of Redevelopment Plan Conformance for the Walgreens. Such approvals were granted in November 2012. Construction commenced immediately thereafter and the Walgreens opened in November 2013.

Subsequently, pursuant to Redevelopment Plan §14.0, Ferber submitted a request for and was issued a Certificate of Completion & Compliance for the Project, certifying, in pertinent part:

- *That construction of the Walgreens pharmacy and convenience store and associated improvements... have been completed in accordance with the applicable provisions of the "Town Center South Redevelopment Plan"... the "Northern Tract: Parcel A Amendments to the Redevelopment Plan"... the Redevelopment Agreement by and between the Township of Robbinsville and 2012 Robbinsville Associates, LLC... and Planning Board Resolution No PB2012-11...*
- *The conditions determined to exist at the time Block 1, Lot 1.02 (formerly Block 1, Lots 1.02, 2, and 3) was declared to be In Need of Redevelopment no longer exist. Pursuant to Redevelopment Plan section 14.2, the controls contained in the Redevelopment Plan and RDP Supplement for Block 1, Lot 1.02..., with the exception of the Development Regulations (Redevelopment Plan section 7.4), Architectural Controls (Redevelopment Plan section 7.5) and the Equal Opportunity provisions (Redevelopment Plan section 11.0) are hereby terminated. Pursuant to Redevelopment Plan section 14.5, the Development Regulations and Architectural Controls for Block 1, Lot 1.02... remain in effect.*

⁹ via Township Resolution No. 2012-165 (On file with the Township Clerk).





**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

B. JP Property Investment LLC ("JP")

On or about February 2012, JP submitted an application to the Planning Board for Preliminary and Final Site Plan Approval in order to construct a 4-story mixed use building on Block 1, Lot 17 within the Redevelopment Area. At such time, the Township was in the process of finalizing ~ but had not yet adopted ~ the Redevelopment Plan.

After consultation with the Township, JP suspended its Application and, in December 2012 resubmitted under the then-newly-adopted Redevelopment Plan.

In undertaking their due diligence, JP and the Township identified certain revisions to the Redevelopment Plan as being necessary and appropriate to the development. Such revisions were embodied in the "Parcel B Amendments" defined in §2.0 of This Amendment.

The project was approved by the Planning Board on or about June 2014. At Publication of This Amendment, construction had yet to commence.

C. Washington Village, LLC.

On or about June 2014, Washington Village, LLC. ("WV") submitted an application to the Planning Board for Preliminary & Final Site Plan Approval with Redevelopment Plan Conformance in order to construct a 64-unit Garden Apartment complex in the form of two, identical, 32-unit, four story buildings around a common courtyard on Block 1, Lots 66-70, 72-74 & 11.03-11.05, Block 1.03, Lots 1-8, Block 1.04,

Lots 1-8, Block 1.05, Lots 1-11, Block 1.06, Lot 1 and certain rights-of-way within the Redevelopment Area. No specific "Parcel Amendments" to the Redevelopment Plan were requires for this Project

The project was approved by the Planning Board in February 2015. At Publication of This Amendment, construction had yet to commence.

D. December 2014 Amendments

Responding to a number of issues brought to the Township's attention since the adoption of the Redevelopment Plan, the Township made additional amendments to the Redevelopment Plan via Ordinance 2014-21, adopted in December 8, 2014.

E. MSB NYC Development, Inc. ("MSB NYC")

In or about July 2014, the Township received an Expression of Interest from MSB NYC, a Real Estate development company based in Monsey, New York, for a multi-building, mixed-use Redevelopment project on a 44.54-acre portion of the Redevelopment Area known as Block 1, Lots 32 and 65.

After review of the Expression of Interest, the Governing Body, in August 2014, designated MSB NYC as Redeveloper Candidate¹⁰ and authorized the commencement of negotiations of a Redevelopment Agreement with MSB NYC. Such negotiations were ultimately unsuccessful and Redeveloper Candidate designation expired in July 2015.

¹⁰ Township Resolution Nos. 2014-174 & 2014-241 (on file with the Township Clerk)





4.0 MUNICIPAL GOALS & OBJECTIVES

4.2 Town Center Plan

The Redevelopment Plan was crafted to be consistent with and advance the Legislative Intent of and Policy Statements embodied in the Town Center Plan.

While remaining supportive of the Town Center Plan, Township Policymakers recognized that such Intent and Policies were adopted in 1997, and therefore reflect very different economic times and municipal priorities than were in place at the time of adoption of the Redevelopment Plan and remain in place at Publication of this Amendment. As such, there continues to be a general concern that the Town Center Zoning & Designed Regulations may be overly burdensome, economically unachievable in today's climate.

Accordingly, such Intent and Policies were revised by the Redevelopment Plan and are further modified by This Amendment as follows:

4.2.2 Policy Statements

- A. Develop a Town Center which reflects the traditional character of the Township as it transitions from a rural to suburban community, while permitting new types of market-driven development to achieve the overall goals and objectives of the Township.
- R. Promote development with visual and spatial characteristics as expressed in the Town Center's Design Regulations as well as other design aesthetics that may be approved by the Governing Body.

- S. Promote development where physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible site and architectural design elements which relate the design characteristics of an individual structure or development to other existing and/or planned structures or developments in a harmonious manner; thereby resulting in a coherent overall development pattern and streetscape.

Within this context, avoid too heavy a reliance on a single design vocabulary that will result in a "cookie cutter" aesthetic.

- 4.2.3 To achieve these ends, This Amendment retains the underlying planning and design philosophy of the Town Center Plan applicable to the TC-2 Zoned lands within the Redevelopment Area, but invites potential Redevelopers to submit Project Concept(s) which embody other design approaches, provided that such approaches retain the Town Center Plan's requirements for quality design.

4.4 Goals & Objectives of the Redevelopment Plan and This Amendment

- 4.4.7 Stimulate private development by allowing maximum flexibility in land use, project design and building regulations while protecting, to the maximum extent practicable, the intent of the Town Center Plan to create a mixed-use community as well as to protect and preserve the natural environment both within and adjacent to the Redevelopment Area.





***Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.***

4.4.10 Permit flexibility in the Town Center Plan TC-2 regulations in order to maximize the development potential of Town Center South in a manner that is mutually supportive with Town Center North. Within this context:

- E. Provide for appropriate aesthetics, visibility and security while remaining consistent with similar elements established in Town Center North. This shall not be construed to mean that design and treatment must be the same as Town Center North, but rather that such elements shall display equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.



*Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.*

5.0 REDEVELOPER SOLICITATION, SELECTION & DESIGNATION

5.1 Redeveloper Solicitation & Selection

5.1.1 The Redeveloper solicitation and selection process that resulted in Sharbell being designated Redeveloper Candidate is summarized in §1.1 of This Amendment.



7.0 REDEVELOPMENT PROVISIONS

The Redevelopment Provisions of the Redevelopment Plan and This Amendment consist of the Review Procedures; Standards & Controls of General Applicability; Parcelization Plan; Development Regulations; Circulation, Parking & Loading Plan; Utility & Easement Controls; and the Open Space, Landscaping & Streetscaping Provisions.

All activities within the Redevelopment Area shall be governed by such Provisions, which were crafted to promote the redevelopment of the Redevelopment Area in accordance with the underlying philosophy ~ if not the specific provisions ~ of the Town Center Plan and the Goals & Objectives of the Redevelopment Plan, as modified by This Amendment. As such, they are intended to provide a setting within which the Redeveloper and his designers are encouraged to generate detailed plans to produce Projects of outstanding design and superior quality.

7.1 Review Procedures, Responsibilities & Authority

7.1.1 As the Redevelopment Entity, the Governing Body shall review and approve the Project Concepts and Description of Project Elements proposed for each Redevelopment Project. Such approval shall both accept the Project for the community and insure that the Project is consistent with the Redevelopment Plan and This Amendment.

7.1.2 Understanding that Project(s) of the magnitude envisioned for the Redevelopment Area necessarily evolve from concept to final design, the following approval process is established:

- A. The action of designating a Respondent under the Expression of Interest process as Redeveloper Candidate shall serve as the Governing Body's approval of such Respondent's Project Concepts and Description of Project Elements, and as conditional certification of the Project's consistency with the Redevelopment Plan and This Amendment.
- B. The action of entering into a Redevelopment Agreement with a Redeveloper Candidate shall serve as the Governing Body's final approval of the Project Concepts and Description of Project Elements, and as its final certification of the Project's consistency with the Redevelopment Plan and This Amendment.

7.1.4 Within the context of Redevelopment Plan §7.1.1, §7.1.2 and §7.1.3, and subject to the requirements of the Relevant Permitting Agencies, as applicable:

- A. The Governing Body shall retain sole authority for the interpretation or clarification of the Redevelopment Plan and This Amendment, including the permissibility of any use proposed for the Redevelopment Area. Such authority shall include whether or not any proposed use conforms with or falls under any of the several categories of Permitted or Prohibited Uses enumerated in the Redevelopment Plan and This Amendment.
- B. Consistent with standard operating procedure, the Township's Technical Review Committee shall review all Project Plans prior to such Plans being released for Planning Board Review & Approval.





**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

In addition to Completeness under §142-80 of the Township Code, such review shall include a determination on behalf of the Governing Body that the Project Plans are in conformance with the Project Concept and Description of Project Elements agreed upon under the Redevelopment Agreement.

Appeal of a Technical Review Committee finding that the Project Plans are not in conformance with the Project Concept and Description of Project Elements agreed upon under the Redevelopment Agreement shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for the Redevelopment Plan and This Amendment.

Appeal of a Technical Review Committee finding related to Completeness shall be made to the Planning Board.

The Planning Board shall retain authority for the review and approval of all site plans and subdivisions proposed for the Redevelopment Area.

Appeal of any interpretation or clarification made by the Planning Board during the course of the Review & Approval process shall be made to the Governing Body, acting in its capacity as Redevelopment Entity for the Redevelopment Plan and This Amendment; or to the Relevant Permitting Agencies, as applicable.

7.1.5 The Planning Board shall retain the right, at time of Review & Approval, to require such off-site and/or off-tract improvements as may be lawful, necessary and proportionate to ensure the free flow of traffic, to mitigate other possible impacts to the public safety and

welfare arising from a particular Redevelopment Project, and to otherwise ensure the effective implementation of the Redevelopment Plan and This Amendment consistent with the Goals & Objectives specified within both documents.

Appeal of a Planning Board interpretation of “necessary” and “proportionate” shall be made by the Governing Body, acting in its capacity as Redevelopment Entity for the Redevelopment Plan and This Amendment.

7.1.6 Unless Planning Board approval is required by the Redevelopment Plan, This Amendment or by applicable sections of the Township Code, administrative land use approvals shall be governed by the procedures established in the Township Code.

7.2 Standards & Controls of General Applicability

7.2.1 Governing Regulations

A. All activities within the Redevelopment Area shall be governed by the Redevelopment Provisions detailed in the Redevelopment Plan and This Amendment, which were crafted to provide for multiple, complimentary Projects within the Redevelopment Area in order to advance the Goals & Objectives of the Redevelopment Plan and This Amendment.

B. The provisions of the Redevelopment Plan and This Amendment are those of Robbinsville and do not substitute for any law, code, rule or regulation established by any County, State or Federal agency.





**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

All development within the Redevelopment Area shall comply with such laws, codes, rules and regulations as applicable.

- C. The development regulations and design elements contained in the Redevelopment Plan are grounded in the Town Center Zoning & Design Regulations for the TC-2 Zone. Collectively, they are intended to guide the massing and aesthetics of various building types in order to provide for multiple, complimentary Projects within the Redevelopment Area.

However, as detailed in Redevelopment Plan §4.2, Township Policymakers recognize that the Town Center Zoning & Design Regulations were adopted in 1997 and reflect very different economic times and municipal priorities than those in place when the Township commenced the Redevelopment Process. Accordingly, while the Redevelopment Plan was crafted to be consistent with and advance the Legislative Intent of and Policy Statements embodied in the Town Center Plan, the Plan permits the relaxation of certain Town Center Plan regulations in order to permit the flexibility required to develop significant projects in the current economic climate.

Within this context, new construction on Parcel C shall be architecturally and aesthetically comparable to the Route 33-fronting buildings in Town Center North. This shall not be construed to mean that design and treatment must be the same as Town Center North, but rather that such elements shall display equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.

- D. Except where otherwise modified by the Redevelopment Plan or This Amendment ~ and specifically including subsection E. hereinbelow, the Redevelopment Area shall be governed by the standards and regulations contained in the Township Code. By reference herewith, such provisions are included in and adopted by the Redevelopment Plan and This Amendment.

Should a County, State or Federal code or regulation contain comparable but less restrictive provisions than set forth in the Redevelopment Plan or This Amendment, the standards set forth in the latter documents shall govern.

Interpretation or clarification of any conflicts or inconsistencies between provisions of the Township Code and the Redevelopment Plan or This Amendment shall be made by the Governing Body, acting in its capacity as Redevelopment Entity for the Redevelopment Plan and This Amendment. Unless clearly dictated by the circumstances, any such conflict or inconsistency shall be resolved in favor of the provisions of the Redevelopment Plan or This Amendment.

- E. The Ordinance adopting the Redevelopment Plan repealed the Town Center Zoning & Design Regulations **as applied to the Redevelopment Area**. Upon adoption of the Redevelopment Plan, such Zoning & Design Regulations were to be interpreted not as **standards** or **requirements** but as **guidelines**; the intent being to ensure that the controls governing Redevelopment Project(s) within the Redevelopment Area maintain the quality and



**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

integrity of the Town Center Plan while permitting the flexibility necessary for development in the current economic climate.

This Amendment retains this approach. Within this context:

1. The Introduction (section 1A) and How to Use This Document (section 1B) of the Zoning & Design Requirements are eliminated in favor of the provisions of the Redevelopment Plan and This Amendment.
2. Unless specifically modified by the Redevelopment Plan or This Amendment, the Definitions (section 1C) of the Zoning & Design Regulations remain applicable.
4. The Town Center Zone Plans (section 3A) contained within the Zoning & Design Regulations are eliminated in favor of the provisions of the Redevelopment Plan and This Amendment.
8. The concepts embodied in the Commercial Standards (section 3C) and the Design Regulations (section 5) of the Zoning & Design Regulations are retained as examples of the types of design elements that might be employed.

New construction on Parcel C shall be architecturally and aesthetically comparable to the Route 33-fronting buildings in Town Center North. This shall not be construed to mean that design and treatment must be the same as Town Center North, but rather that such elements shall display

equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.

12. The regulations for loading, service and off-street and on-street parking embodied in sections 4E and 4F of the Zoning & Design Regulations are eliminated in favor of the requirements of §8.0 of the Redevelopment Plan and This Amendment.

7.2.2 Permitted & Prohibited Uses

- A. Permitted Uses within the Redevelopment Area are designed to provide for a critical mass of diverse yet complementary activities in order to achieve the Goals & Objectives of the Redevelopment Plan.
 1. Permitted Uses for Parcel C shall be limited to the Permitted Principal or Accessory Uses enumerated under §7.4.1C A. & B. of This Amendment. Redevelopers may engage in such uses themselves, or may lease or sell a portion or portions of a Project to a third-party operator who will undertake such uses.
 2. Multiple Permitted Uses are allowed as Principal or Accessory uses within a Redevelopment Project, provided that each such use is a Permitted Use under §7.4.1C A. & B. of This Amendment, and further provided that each such Use is located within an independently-leased and separately-identifiable space (it being the Township's intention to prohibit a lessee from subleasing a portion of an office or other commercial space within a larger leased area).



C. Subject to interpretation or clarification as permitted under §7.1.4 A. of the Redevelopment Plan and This Amendment, uses not specifically enumerated as Permitted are prohibited.

7.2.4 Variances, Departures, Deviations & Design Waivers

The Provisions of the Redevelopment Plan and This Amendment flow from the Township’s power to (re)plan designated Redevelopment Areas under the *Local Redevelopment & Housing Law*¹¹ and not from the Township’s power to zone under the *Municipal Land Use Law*.¹² It is therefore within the context of the *Local Redevelopment & Housing Law* and not the *Municipal Land Use Law* that the Township has adopted the Redevelopment Provisions (§7.0) and other regulations of the Redevelopment Plan and This Amendment, and further incorporates specific components of the Township Code into this Plan. Accordingly:

A. The Redevelopment Plan and This Amendment do not recognize the ‘use (‘d’) variance’ process under the *Municipal Land Use Law*¹³. Uses proposed but not permitted by this Redevelopment Plan or This Amendment shall require further Plan amendment pursuant to law.

Certain Accessory Uses, or specific elements or components of a Principal Use, proposed by a

Redeveloper but not envisioned by the Redevelopment Plan or This Amendment may be permitted upon petition to the Governing Body and the Governing Body’s determination, in its sole and absolute discretion, that such use is consistent with the Municipal Goals & Objectives of the Redevelopment Plan and This Amendment.

B. The Redevelopment Plan and This Amendment do not recognize the ‘bulk (‘c’) variance’ process under the *Municipal Land Use Law*¹⁴. The processes for deviating from specific Building Limit Controls and other design regulations of the Redevelopment Plan and This Amendment follow:

1. Deviation Allowance

a. The Planning Board may, at time of Site Plan Review & Approval and without formal amendment to the Redevelopment Plan or This Amendment, approve departures from the Building Limit Controls (§7.4.1C C.) and the *quantifiable* requirements of the Architectural Controls (§7.5), Circulation, Parking & Loading Plan (§8.0), Utility & Easement Controls (§9.0), Open Space, Landscaping & Streetscaping Provisions (§10.0) of the Redevelopment Plan and This Amendment, and from the *quantifiable* regulations of the Township Code and Town Center Plan, as may be requested by the Redeveloper ~ to a maximum of

¹¹ N.J.S.A. 40A:12A-8

¹² N.J.S.A. 40:55D-62

¹³ N.J.S.A. 40:55d-70d

¹⁴ N.J.S.A. 40:55d-70c





**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

twenty percent (20%) Deviation Allowance from the subject regulation, for a Project whose totality of architecture exhibits, in the sole opinion of the Board, superior design and quality, and further provided that such departure(s) are, in the opinion of the Board, consistent with the intent of the Redevelopment Plan and This Amendment.

By way of clarification, "*quantifiable*" requirements / regulations shall mean the spatial standards¹⁵ established by the Redevelopment Plan or This Amendment.

Requests for such relief shall require clear justification as to why the standard should be relaxed. Such justification shall generally conform with the requirements for Variance relief under N.J.S.A. 40:55D-70c., which otherwise would be required were the Project not developed under the Redevelopment process.

In reviewing such requests, the Planning Board shall have the flexibility to consider the request on the totality of its merits and not on the rigid requirements of the Positive and Negative Criteria otherwise required for Variance relief.

- b. Requests beyond 20% shall require a formal Plan amendment pursuant to law.

- c. Requests of 20% or less ~ but which are deemed by the Planning Board to be inconsistent with the intent of the Redevelopment Plan or This Amendment ~ shall not be approved by the Board and shall require formal Plan amendment.

2. Design Waivers

- a. The Redeveloper Candidate may petition the Governing Body for departure(s) from the non-quantifiable provisions of the Architectural Controls (§7.5), Circulation, Parking & Loading Plan (§8.0), Utility & Easement Controls (§9.0), and Open Space, Landscaping & Streetscaping Provisions (§10.0) of the Redevelopment Plan or This Amendment in the form of Design Waivers requested either along with submission of an Expression of Interest or as part of the Redevelopment Agreement negotiations process.

Any Design Waiver accepted by the Governing Body shall explicitly be included as an exhibit to the executed Redevelopment Agreement, upon which it shall be treated as being consistent with the Redevelopment Plan and This Amendment. Waivers not so included shall be considered invalid.

- b. The Redeveloper may petition the Planning Board for departure(s) from the non-quantifiable provisions of the

¹⁵ Area (s.f.), distance, volume, etc.





Architectural Controls (§7.5), Circulation, Parking & Loading Plan (§8.0), Utility & Easement Controls (§9.0), and Open Space, Landscaping & Streetscaping Provisions (§10.0) of the Redevelopment Plan or This Amendment in the form of Design Waivers requested at time of Review & Approval. Requests for such relief shall require clear justification as to why the standard should be relaxed.

In reviewing such requests, the Planning Board shall have the flexibility to consider the request on the totality of its merits.

3. Departures Required by Relevant Permitting Agencies

The provisions of this subsection B. notwithstanding, departure(s) from the requirements of the Redevelopment Plan or This Amendment necessitated to bring a Redevelopment Project into conformance with the regulations of any Relevant Permitting Agency may be permitted without further Plan amendment, regardless of the percentage departure required, provided that such departure(s) are reviewed and accepted by the Planning Board within the context of the affected Project element.

Departure(s) not accepted by the Planning Board shall require further Plan Amendment.

7.3 Parcelization Plan¹⁶

A. The Parcelization Plan adopted under the Redevelopment Plan divided the Redevelopment Area into an approximately 26 gross acre Northern Tract and an approximately 36.8 gross acre Southern Tract; with each Tract programmed for specific land uses and building controls detailed in Redevelopment Plan §7.4.

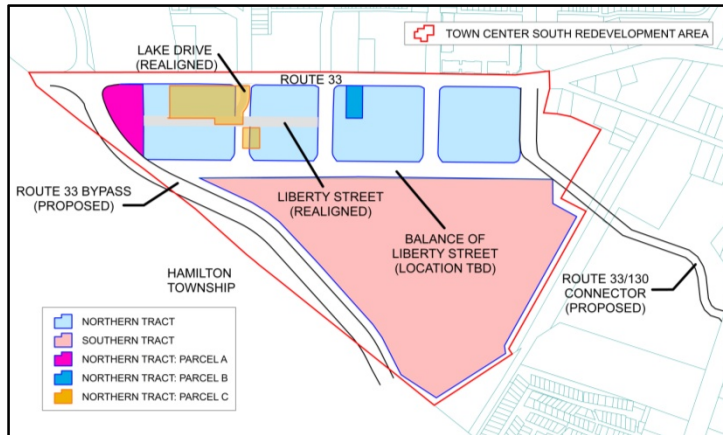
The Development Regulations (§7.4) of the Redevelopment Plan provided standards for the physical (re)development of each Redevelopment Tract. Within this framework, Redevelopers and their designers were encouraged to exercise maximum ingenuity and creativity in order to achieve the Goals & Objectives (§4.0) of the Plan.

B. In order to address the specific needs of the Redevelopment Project [then] proposed for Block 1, Lots 1.01, 2 & 3 without impacting lands beyond such Lots, the Governing Body adopted the Parcel A Amendments, which modified the Parcelization Plan to establish a Northern Tract: Parcel A, and enacted use and building controls specific to Parcel A.

In order to address the specific needs of the Redevelopment Project [then] proposed for Block 1, Lot 17 without impacting lands beyond such Lot, the Governing Body adopted the Parcel B Amendments, which modified the Parcelization Plan to establish a Northern Tract: Parcel B, and enacted use and building controls specific to Parcel B.

¹⁶ Acreage calculations are approximate. A Property Survey, performed by a licensed Land Surveyor, is required for precise measurements.

C. In order to address the specific needs of the Redevelopment Project proposed by Sharbell without impacting lands beyond the scope of such Project, This Amendment modifies the Parcelization Plan to establish a new Parcel C ~ consisting of Block 1, Lots 11.02 and 71 and a portion of the Lake Drive right-of-way south of Route 33, and enacts use and building controls specific to such Parcel C.



7.3.3 Consistent with the Goals & Objectives of the Redevelopment Plan and This Amendment (§4.0), the intent of this revised Parcelization Plan is to provide for specified land uses and building types within Parcel C in order to permit the types of uses and buildings anticipated while remaining sensitive to the natural and built environments within and surrounding the Redevelopment Area.

7.3.4 Tract / Parcel Lines following existing, improved rights-of-way shall be assumed to be fixed. Tract / Parcel Lines following proposed rights-of-way or geographic features shall be flexibly interpreted, and may be adjusted by the Township to more accurately coincide with the desired geometry of a cartway and/or the physical features of the land as determined by (topographic or boundary) surveys, wetlands delineations or other similar mapping. In cases where environmental mitigation requirements result in a relocation of certain wetlands or wetlands buffers, the boundary line for an impacted Redevelopment-Tract may be adjusted to follow such mitigation.

Within this context ~ and in order to reflect actual (surveyed) property positioning ~ a portion of Liberty Street has been relocated from the "Proposed Location" depicted in the Redevelopment Plan to the location depicted herein.

Issues related to the impact such relocation may have on the Northern Tract lands outside of Parcels A, B and C, as well as on the Redevelopment Area's Southern Tract, will be addressed as Redevelopment Projects for the balance of the Redevelopment Area are proposed.

7.3.5 Permitted Uses and Building Limit Controls applicable to Parcel C shall follow the adjusted Tract / Parcel Line.

7.3.6 Nothing herein shall prohibit a Redevelopment Tract or Parcel from being developed in Phases as conditions dictate. Such phasing shall be determined within the context of the Redevelopment Agreement.



**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

7.4 Development Regulations

The Development Regulations contained in the Redevelopment Plan are based on the Zoning & Design Regulations for the TC-2 Zone. Collectively, they are intended to guide the massing and aesthetics of various building types in order to provide for multiple, complimentary Projects within the Redevelopment Area.

Township Policymakers recognize that the Town Center Zoning & Design Regulations reflect very different economic times and municipal priorities than were in place at the time of adoption of the Redevelopment Plan. While the Redevelopment Plan was crafted to be consistent with and advance the Legislative Intent of and Policy Statements embodied in the Town Center Plan, the Plan permitted the relaxation of certain Town Center Plan Development Regulations in order to permit the flexibility required to develop significant projects in the [then] current economic climate.

At Publication, such conditions continue to impact the development climate in the Township. Accordingly, This Amendment retains the flexibility necessary to develop the Sharbell Project.

7.4.1C Northern Tract: Parcel C

The intent of Parcel C. is to facilitate the development of a Childcare Center and a Coffee House as proposed by Sharbell in its Expression of Interest.

A. *Permitted Principal Uses*

1. Block 1, Lot 71
 - a. All uses permitted under Redevelopment Plan §7.4.1A, as amended via Ordinance 2014-21.
 - b. Private Childcare Centers providing daycare services for children.
2. Block 1, Lot 11.03

Infrastructure to support Principal Uses proposed for Block 1, Lot 71.

Such uses may be located in multi-story, mixed-use structures as provided in Redevelopment Plan §7.1.4 or may be in single-story or multi-story, but single-use buildings. Such buildings may be located on the same or on different tax lots.

B. *Permitted Accessory Uses*

1. All uses permitted under Redevelopment Plan §7.4.1B.
2. Typical infrastructure and amenities as are normally and customarily associated with the Principal Uses permitted on Parcel C.
3. Construction Staging & Sales Trailers, subject to the provisions of Redevelopment Plan §7.4.2D.



**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

C. Building Limit Controls

The following Building Limit Controls are designed to work in concert with the existing and proposed rights-of-way detailed under the Circulation Plan (Redevelopment Plan §8.1).

Parcel C buildings may vary in terms of footprint and architectural elevations, and may, but need not, be oriented toward Route 33. Where buildings are not oriented toward Route 33, the Route 33 façade shall generally be comparable in style and detailing to the Town Center buildings fronting the north side of Route 33. This shall not be construed to mean that design and treatment must be the same as Town Center North, but rather that such elements shall display equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.

Site and building design shall employ mass, scale, layout, materials, and architectural and other distinguishing features in order to establish a traditional civic character and prominence for Parcel C. Within this context, the following site and building controls shall be flexibly interpreted in order to achieve the desired effect.

Unless otherwise indicated, such Controls shall be applicable to both Principal and Accessory Structures on Block 1, Lots 71 and 11.02.

The following Controls reflect design issues known to exist at Publication. The Township reserves the right to revisit these issues, or to address additional issues

not known at Publication, should new information come to light.

CATEGORY	REGULATION
Minimum Parcel Size Minimum Parcel Width Minimum Parcel Depth	No Minimum Established The Redeveloper and its designers are encouraged to utilize the entirety of Parcel C in order to create an efficient and effective site layout while respecting the natural and built environment of the Redevelopment Area
Route 33 Setback	Minimum: 0'
	Maximum: 85', provided the setback is heavily landscaped / streetscaped
Liberty Street Setback	Minimum: 0', provided buildings are functionally and architecturally oriented to this right-of-way.
	No Maximum Established. Landscaping from back-of-the-house functions required.
Minimum Setback from other Right-of-Way or Neighboring Property	15'
Building Height	Minimum: 1 Story & 12'+ architectural features
	Maximum: 4½ Stories & 48' + architectural features
Maximum Impervious Surface Coverage	Lot 71: 80%
	Lot 11.02: the minimum required to accommodate required infrastructure.
Maximum FAR	1.3





7.5 Architectural Controls

The following Architectural Controls ~ modified from those contained in the Redevelopment Plan ~ are limited to Parcel C. Where not modified by This Amendment, the Architectural controls of the Redevelopment Plan remain in place.

This Amendment reflects design issues known to exist at Publication. The Township reserves the right to revisit these issues, or to address additional issues not known at Publication, should new information come to light.

- A. In conceptualizing their Redevelopment Projects, Redevelopers and designers shall recognize the significance of this development opportunity for the Township and shall generate designs which will achieve the Goals & Objectives of the Redevelopment Plan as modified via This Amendment.
- D. These Architectural Controls address the overall detailing of the buildings within Parcel C, and are intended to work in conjunction with the Design Vocabulary of the Town Center Plan¹⁷ in order to provide a framework for development ~ while encouraging sufficient diversity in design to avoid a monotonous, cookie-cutter aesthetic. As such, they are intended to serve as **guidelines** for the designers, builders and occupants of Parcel C.

The following written controls are enhanced by the pictorial Design Vocabulary of the Redevelopment Plan, whose images were selected to illustrate building and architectural designs which are

reflective of the overall design intent for the Town Center. Within this context, building designs may vary in terms of footprint, architectural elevations, window placement, type of roof, height, front entrance and porch locations. Colors, materials and architectural details should be compatible and repeated throughout the neighborhood.

7.5.1 General Design

- A. New construction on Parcel C shall be architecturally and aesthetically comparable to the Route 33-fronting buildings in Town Center North. This shall not be construed to mean that design and treatment must be the same as Town Center North, but rather that such elements shall display equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.
- B. As a general rule, buildings should reflect a continuity of treatment by maintaining building scale or by subtly graduating changes; by maintaining base courses; by maintaining cornice lines in buildings of the same height; by extending horizontal lines of fenestration; and by echoing architectural styles and details, design themes, building materials and colors.

Again, new construction on Parcel C shall display attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development. This shall not be construed to mean that treatment must be the same as Town Center North, but rather that such elements shall display equivalent attention to detail and quality appropriate to a prominent facade of a Town Center / Route 33-frontage development.

¹⁷ "Design Vocabulary"



- C. Buildings should be architecturally emphasized through fenestration, entrance treatment and detailing. Buildings with more than one facade facing a public street or internal open space should be designed to provide for enhanced facade treatments on those sides of said buildings which are not the front of the building. In the alternative, intense landscaping may be used where enhanced facade treatments are not practicable.

7.5.2 Building Orientation

- A. Spatial relationships between buildings and other structures should be geometrically logical and/or architecturally formal. Multiple buildings located on the interior of a site should front towards and relate to one another functionally and visually.

Multiple buildings may be organized around features such as courtyards, greens, quadrangles or shared parking fields, which shall encourage pedestrian activity and incidental social interaction.

Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

7.5.3 Building Massing & Style

- A. Building designs may vary in terms of footprint, architectural elevations, window placement, type of roof, height, front entrance and porch locations. Colors, materials and architectural details should be compatible and repeated throughout the

neighborhood; although distinct color and material variations are permitted where corporate branding / prototype design requires differentiation, provided that the totality of the architecture maintains the Redevelopment Plan's design intent.

- B. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall offsets, including projections, recesses and changes in floor level, should be used in order to add architectural interest and variety, and to relieve the visual effect of a simple, long wall.

Roofline offsets may be provided in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

7.5.4 Roof & Roof Materials

- A. Pitched roof types should be front or side gable, gambrel, mansard, hipped, salt box, or combinations thereof. The recommended pitch for the principle pitched roof should be 6/12.

The principal pitch may be lowered if there are overhanging eaves that are either bracketed or have exposed rafters.

- B. Unless flat roofs are employed, roofline orientation should vary to the highest extent possible.
- C. Shed roofs are permitted only when attached to a principal roof or parapet wall.



Flat roofs should be limited to 4-story buildings abutting Route 33, provided that such roofs have an articulated cornice line that generally corresponds to a consistent cornice line on neighboring buildings.

Flat roofs are conditionally acceptable on single-story commercial buildings where corporate branding / prototype design requires differentiation, provided that the totality of the architecture maintains the Redevelopment Plan's design intent.

Buildings with flat roofs should have articulated cornice lines that generally correspond to a consistent cornice line on neighboring buildings (if present).

- G. Within the context of subsection A. above, recommended minimum roof pitch for hipped roofs is 6/12.

7.5.5 Façade Treatment & Materials

- A. Major features of the architectural treatment for the front facades of buildings should be continued around all visibly-exposed sides of such buildings to the maximum extent practicable.

All building elevations should be designed to be consistent with regard to style, materials, colors and details. This shall not be construed to mean that elevations must be the same, but rather that they shall display equivalent attention to detail and quality. In the alternative, intense landscaping may be used where enhanced facade treatments are not practicable.

7.5.6 Entryways & Doors

- B. Secondary doors should not be located on the primary street façade unless screened from view by intense landscaping. Such doors should be architecturally consistent with the building's style.

7.5.7 Windows

C. *Windows for the Northern Tract*

- 8. Redevelopment Plan §7.5.7 C. 1 - 6 may be relaxed where necessitated by corporate branding / prototype design. Additionally,
 - a. Redevelopment Plan §7.5.7 C. 2. shall only be applicable where primary display windows are employed.
 - b. Redevelopment Plan §7.5.7 C. 5. regarding decorated lintel, face frame and drip mold shall only be applicable over right-of-way-facing doors and windows.

7.5.8 Porches, Stoops & Arcades

All residential units, excluding garden and urban apartments, should have clearly defined front yards using landscaping, hedging, fencing or a brick or stone wall, none of which (except for trees) should exceed 3.5' in height. All such units should have either a porch, covered portico or decorated entrance on the street facade of the building.



Non-residential structures electing to employ a residential appearance are encouraged to conform with the standards of this section as practicable.

7.5.9 Trim / Eaves & other Decorative Building Elements

E. Redevelopment Plan §7.5.9 A - D may be relaxed where necessitated by corporate branding / prototype design.

7.5.13 Colors

G. Driveways which directly access the street, except those which have access from a residential lane, should be constructed of colored asphalt (in the same tonality as roof tiles ~ green or red), scored concrete, decorative stamped concrete paving blocks or NJDOT-approved paint markings.

H. Redevelopment Plan §7.5.13 A. - F. remain applicable but may be relaxed where necessitated by corporate branding / prototype design.

7.5.16 Accessory Structures

A. With the exception of children's play equipment, all Accessory structures shall be architecturally compatible with the Principal Structure and screened from view from the public or private right-of-way or adjoining private property. Where screening is not practicable, such structures shall be suitably architecturally treated.



**Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.**

8.0 CIRCULATION, PARKING & LOADING PLAN

8.1 Circulation

8.1.2 Northern Tract

A. The Redevelopment Plan provided for circulation in and around the Northern Tract from Route 33, by way of extensions of the rights-of-way servicing Town Center North, and by a new Liberty Street between the Northern and Southern Tracts.¹⁸

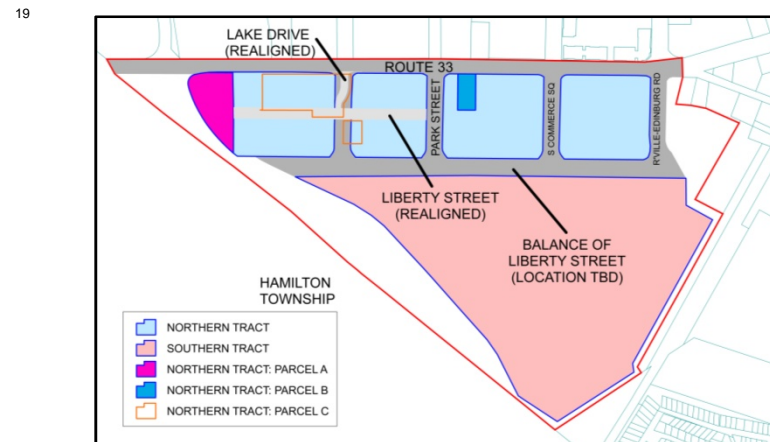
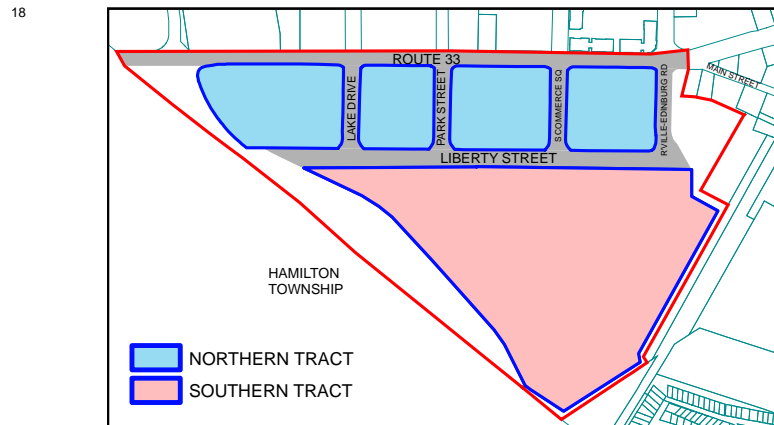
This Amendment:¹⁹

1. Reconfigures Lake Drive to reflect the right-of-way geometry under the Washington Village, LLC pre-existing approval, as modified by the geometry required for the Parcel C Project.²⁰
2. Relocates a portion of Liberty Street from the "Proposed Location" depicted in the

Redevelopment Plan to the location depicted herein in order to reflect actual (surveyed) Parcel C property positioning.

As detailed in §7.3.4 herein, issues related to the impact such relocation may have on the Northern Tract lands outside of Parcels A, B and C, as well as on the Redevelopment Area's Southern Tract, will be addressed as Redevelopment Projects for the balance of the Redevelopment Area are proposed.

3. In clarification of Redevelopment Plan §8.1.1 C, the goal of the Plan is to minimize ~ not eliminate ~ curb cuts on the south side of Route 33 where side-street and/or Liberty Street access is detrimental of the commercial viability of a Project.



²⁰ Redevelopment Plan §3.8.1





C. Responsibility for the construction of Lake Drive and/or Liberty Street, in whole or in part, and any cost-sharing attendant thereto, shall be determined within the context of the Redevelopment Agreement to be negotiated between the Township and the Redeveloper Candidate.

8.1 Parking

8.2.3 Off-Street Parking: Mid-Rise (Garden & Urban Apartments / Mixed-Use) & Commercial Buildings

B. If permitted by the size and geometry of the Parcel and the requirements of the Project, off-street parking should be prohibited in the Front Yard Setback, should be located at the rear of buildings on interior of lots, and should be accessed by means of common driveways, preferably from side streets or lanes.

Off-street parking located in the Front Yard Setback shall be screened from view via landscaping.

8.2.4 Surface Parking Lots

A. Shall balance the functional requirements of parking with the provision of pedestrian amenities. Transition areas between parking and civic, commercial or residential uses shall be designed with textured paving and/or striping as appropriate, landscaping and street furniture.

8.3 Loading

8.3.5 External loading docks or at-grade storage structures are discouraged. Delivery, loading and storage

facilities shall be physically incorporated into the Redevelopment Project as necessary or shall be screened by means of walls and/or intense landscaping so as not to be visible from the public right-of-way or adjoining property.

This regulation shall not be interpreted to prohibit cabanas, food & beverage refrigerators, supply sheds or other similar facilities designed to service outdoor swimming pools, outdoor cafés or other amenities.

8.4 Final Circulation, Parking & Loading Plans

8.4.3 Nothing in the Redevelopment Plan or This Amendment shall prohibit a Redeveloper from pursuing circulation, parking or other improvements as off-tract improvements for the Redevelopment Project. Any such improvements within the Redevelopment Area will be subject to the provisions of the Redevelopment Plan and This Amendment. Any such improvements outside of the Redevelopment Area will be subject to the provisions of the Township Code and not this Redevelopment Plan. However, all such improvements shall be consistent with and designed to augment this Circulation, Parking & Loading Plan.





12.0 PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

12.2 Redevelopment Plan

Upon adoption by the Governing Body, the Redevelopment Plan constituted a Redevelopment Plan under the provisions of the *Local Redevelopment & Housing Law*. Upon adoption of This Amendment by the Governing Body, This Amendment shall become part of the Redevelopment Plan. Collectively, these documents constitute an outline for the (re)planning and (re)development of the Redevelopment Area, including Parcel C, as follows:

12.3 Relationship to Definite Local Objectives²¹

This Amendment has been crafted to achieve the Municipal Goals & Objectives detailed under Redevelopment Plan §4.0, as modified herein.

12.3.1 Appropriate Land Uses

Permitted and Prohibited land uses for Parcel C are detailed in §7.2.2 of the Redevelopment Plan and This Amendment, §7.4.1 A. & B. of the Redevelopment Plan and §7.4.1C of This Amendment.

12.4 Proposed Land Use & Building Requirements²²

The Review Procedures, Responsibilities & Authority; Standards & Controls of General Applicability; Parcelization Plan; Development Regulations; Circulation,

Parking & Loading Plan; Utility & Easement Controls; and the Open Space, Landscaping & Streetscaping Provisions are detailed in §7.0 through §10.0 of the Redevelopment Plan, as modified via This Amendment.

CORRECTED SECTION 12 NUMBERING FOLLOWS

12.7 Significant Relationships to Other Plans²³

A. Prior to the adoption of the Redevelopment Plan, the lands and buildings within the Redevelopment Area were subject to:

- The Robbinsville Master Plan & Township Code;
- The relevant provisions of the Town Center Plan;
- The Mercer County Master Plan;
- The State Plan; and
- The regulations of Relevant Permitting Agencies.

B. Upon adoption of the Redevelopment Plan, the lands and buildings within the Redevelopment Area were subject to:

- The Redevelopment Plan;
- The Robbinsville Master Plan & Township Code;
- The relevant provisions of the Town Center Plan;
- The Mercer County Master Plan;
- The State Plan; and
- The regulations of Relevant Permitting Agencies.

²¹ N.J.S.A. 40A:12A-7a(1)

²² N.J.S.A. 40A:12A-7a(2)

²³ the master plans of contiguous municipalities, the County Master Plan and the State Development and Redevelopment Plan [N.J.S.A. 40A:12A-7a(5)]





***Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.***

C. Upon adoption of This Amendment, the lands and buildings within Parcel C are subject to:

- The Redevelopment Plan, as modified by This Amendment;
- The Robbinsville Master Plan & Township Code;
- The relevant provisions of the Town Center Plan;
- The Mercer County Master Plan;
- The State Plan; and
- The regulations of Relevant Permitting Agencies.

12.8.1 Proposed Zoning Changes

- A. Prior to the adoption of the Redevelopment Plan, the Redevelopment Area was located in the TC-2 portion of the Town Center. Land Use regulations for the TC-2 zone are contained in §142-19E of the Township Code and the Town Center Master Plan.
- B. Upon adoption of the Redevelopment Plan, the Redevelopment Provisions (§7.0) detailed therein governed all land use and structural form within the Redevelopment Area.
- C. Upon adoption of This Amendment, the Redevelopment Provisions (§7.0) of the Redevelopment Plan, as modified by This Amendment, shall govern all land use and structural form within Parcel C.
- D. While certain specific uses permitted under the Town Center Plan are not permitted under the Redevelopment Plan, as modified by This Amendment, and certain specific uses permitted

under the Redevelopment Plan, as modified by This Amendment, are not permitted under the Town Center Plan, the overall character the of uses permitted under the Redevelopment Plan, as modified by This Amendment, do not materially differ from the overall character of uses permitted in the Redevelopment Area under TC-2 zoning prior to the adoption of the Redevelopment Plan and This Amendment.

- E. Similarly, while certain site and building design regulations under the Town Center Plan differ from the Building Limit Controls, Architectural Controls and other provisions of this Redevelopment Plan, as modified by This Amendment, the overall character the of development regulations under this Redevelopment Plan, as modified by This Amendment, do not materially differ from the overall character of the development regulations under TC-2 zoning prior to the adoption of this Redevelopment Plan and This Amendment.

12.8.2 Master Plans of Contiguous Municipalities

Municipalities continuous to Robbinsville are Allentown Borough, East Windsor Township, Hamilton Township, Millstone Township, Upper Freehold Township and West Windsor Township.

Given the location of the Redevelopment Area and the geometry of the Township, as a practical matter, the activities anticipated under the Redevelopment Plan may only be expected to have a material impact on Hamilton Township.





As detailed in Redevelopment Plan §12.7.1, while certain specific uses and development regulations of the Redevelopment Plan differ from those of the Town Center Plan, the overall character of development proposed for the Redevelopment Area does not materially differ from the overall character of development envisioned for this section of the Township under TC-2 zoning, which has been in place since 1997.

Additionally, given the location of Parcel C within the Redevelopment Area, the activities anticipated under This Amendment are expected to have no material impact on Hamilton Township.

Accordingly, there is no change in the relationship of the Redevelopment Plan or This Amendment to the Master Plan of contiguous municipalities beyond that which existed prior to the adoption of the Redevelopment Plan and This Amendment

12.8.3 Mercer County Master Plan

For the same reasons detailed in §12.8.2 herein, there is no change in the relationship of this Redevelopment Plan, as modified by This Amendment, to the Mercer County Master Plan beyond that which existed prior to the adoption of the Redevelopment Plan or This Amendment.

12.8.4 State Development & Redevelopment Plan

For the same reasons detailed in §12.8.2 herein, there is no change in the relationship of this Redevelopment Plan, as modified by This Amendment, to the State Plan beyond that which existed prior to the adoption of the Redevelopment Plan or This Amendment.

12.10 Relationship to Pertinent Municipal Development Regulations²⁴

12.10.1 The relationship of the Redevelopment Plan to pertinent municipal development regulations is outlined in Redevelopment Plan §7.0 and §12.0. Changes in such relationship, to the extent that any may exist, are addressed in the same sections of This Amendment.

12.10.2 The Ordinance adopting the Redevelopment Plan contained language indicating that the Plan was an explicit amendment to the Township’s Zoning District Map and the land use and development provisions of the Township Code, including the sections of the Town Center Plan applicable to the Redevelopment Area. Upon adoption, the Township’s Zoning Map was modified to reflect the Redevelopment Plan.

Any Ordinance adopting This Amendment shall contain language indicating that This Amendment is an explicit amendment to the Redevelopment Plan. No modifications to the Township’s Zoning Map are necessary as a result of This Amendment.

12.11 Consistency with Municipal Master Plan²⁵

12.11.3 While certain specific uses and development regulations of the Redevelopment Plan and This Amendment differ from those of the Town Center Plan, the Redevelopment Provisions included in the Redevelopment Plan and This Amendment retain the

²⁴ N.J.S.A. 40A:12A-7c

²⁵ N.J.S.A. 40A:12A-7d





***Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.***

overall character of development proposed for the Redevelopment Area by the Town Center Plan.

Accordingly, the Redevelopment Plan and This Amendment are fully consistent with and designed to effectuate the Township's 2000 Master Plan, the 2007 Periodic Master Plan Reexamination, the 2008 / 2009 Periodic Reexamination Amendment and the Town Center Plan (if not certain specific Town Center Zoning & Design Regulations).



13.0 EFFECTIVE DATE, DURATION OF PROVISIONS & AMENDMENT PROVISIONS

13.1 Effective Date

The Effective Date of the Redevelopment Plan was April 16, 2012 (the date the Ordinance adopting the Plan became effective).

The Redevelopment Plan was amended via Ordinance 2014-21, which became effective December 28, 2014.

The Effective Date of This Amendment will be the date the Ordinance adopting This Amendment becomes effective.

13.2 Duration of Provisions

- 13.2.1 Subject to the provisions of §14.0 of the Redevelopment Plan and of This Amendment, the Redevelopment Plan, as has been amended and as may further be amended from time-to-time, shall be in effect for a period of ten (10) years from the Effective Date of This Amendment; unless however, there is a portion of a Redevelopment Project or Independent Component thereof which has commenced construction but has yet to receive a Certificate of Completion & Compliance. In such case, this Redevelopment Plan shall remain in effect for any such area until the issuance of said Certificate of Completion & Compliance.



14.0 CERTIFICATE OF COMPLETION & COMPLIANCE

14.1 Upon completion of construction of the Redevelopment Project or any Independent Component thereof, and at the request of the Redeveloper, the Township²⁶ shall issue the Redeveloper a Certificate of Completion & Compliance for said Project or said Independent Component thereof, certifying that the Project, or the Independent Component thereof, was completed in accordance with the Redevelopment Plan as amended by This or other Amendment, the Redevelopment Agreement and the Project Plans approved by the Planning Board as part of the Site Plan Review & Approval process;²⁷ and further certifying that all applicable provisions of the Redevelopment Agreement, including provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

Each such request made by the Redeveloper shall be accompanied by as-built plans of the Redevelopment Project or Independent Component thereof which is subject of the request, prepared, signed and sealed by the appropriate design professional, depicting the final constructed configuration of the Redevelopment Project or Independent Component thereof.

14.2 Upon the issuance of the final such Certificate of Completion & Compliance for the final Component of the Redevelopment Project, the conditions determined to exist at the time the specific portion of the Redevelopment Area was declared to be In Need of

Redevelopment shall, by definition, no longer exist. At such time, the controls contained in the Redevelopment Plan for such portion of the Redevelopment Area, as amended by This or other Amendment, with the exception of the Development Regulations (§7.4), Architectural Controls (§7.5) and the Equal Opportunity provisions (§11.0), shall terminate and the subject portion of the Redevelopment Area shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

14.3 Similarly, upon the issuance of the final such Certificate of Completion & Compliance for the final Component of the Redevelopment Project, or at the expiration of the Redevelopment Plan, as amended by This or other Amendment, pursuant to §13.2 herein, whichever shall occur last, the conditions determined to exist at the time the entirety of the Town Center South Redevelopment Area was declared to be In Need of Redevelopment shall, by definition, no longer exist. At such time, the controls contained in this Redevelopment Plan, as amended by This or other Amendment, with the exception of the Development Regulations (§7.4), Architectural Controls (§7.5) and the Equal Opportunity provisions (§11.0), shall terminate and the entirety of the Redevelopment Area shall revert to such Township Zoning as may be adopted at that time pursuant to N.J.S.A. 40:55D-1 et seq.

14.4 The Redeveloper, at his discretion, may waive the procedure described in §14.2 in favor of the procedure described in §14.3.

²⁶ acting in its capacity as Redevelopment Entity

²⁷ Including, but not limited to, improvements not covered by the Certificate of Occupancy, e.g., public improvements, landscaping, etc.





***Northern Tract: Parcel C Amendments
to the Redevelopment Plan
Town Center South Redevelopment Area
Robbinsville Township, Mercer County, N.J.***

- 14.5 Unless otherwise addressed by an affirmative action of the Governing Body, the appropriate sections of the Township Code and the Town Center Plan shall hereby be amended to include the Redevelopment Provisions (§7.0) of this Redevelopment Plan, as amended by This or other Amendment, which shall survive the expiration of this Plan and any Amendments thereto.