

General Liability: \$1,000,000 per occurrence combined single limit for bodily injury and property damage.

Property Damage: \$1,000,000 per occurrence.

The Public Liability Insurance required herein shall include the following extended coverages:

- (1) The coverage shall be provided under a Comprehensive General Liability form of policy or similar thereto.
- (2) The property damage coverage shall include a Broad Form Property Damage Endorsement.
- (3) Contractual Liability coverage shall be included.
- (4) Protection Liability coverage shall be included to protect the contractor against claims arising out of operations performed by his subcontractors.
- (5) Products Liability and/or Completed Operations coverage shall be included.

Each subcontractor shall take out and maintain the same coverages, with the same extensions, as are required of the contractor.

D. Automobile Liability Insurance. The contractor and his subcontractors shall take out and maintain for the life of the Contract such Automobile Liability Insurance as shall protect him against claims for damages resulting from bodily injury, including wrongful death, and property damage which may arise from the operation of any owned, hired, or non-owned automobiles used by or for him in any capacity in connection with the carrying out of the Contract. The minimum acceptable limits of liability to be provided by such Automobile Liability Insurance shall be as follows:

Bodily Injury: \$500,000 per occurrence.
Property Damage: \$500,000 per occurrence.

E. Responsibility of the Contractor. The contractor and his subcontractors shall assume all responsibility for and save the Township harmless from any loss or damage to all materials, equipment and machinery involved under the Contract.

F. Builder's Risk Insurance. Where appropriate, the Township may purchase Builder's Risk Insurance and maintain same for the life of the Contract. Such Builder's Risk Insurance shall cover the structures of the partially completed project under construction and be in an amount equal to the Bid Price of the Contract. The insurance shall, at a minimum, insure against the perils of fire, vandalism, malicious mischief and collapse.

AMERICANS WITH DISABILITIES ACT COMPLIANCE
Equal Opportunity for Individuals with Disability

The CONTRACTOR and the Township agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "ACT") (42 U.S.C. S12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of the contract. In providing any aid, benefit, or service on behalf of the Township pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the Act. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the Contractor shall defend the Township in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect, and save harmless the TOWNSHIP, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages, of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The CONTRACTOR shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the TOWNSHIP grievance procedure, the CONTRACTOR agrees to abide by any decision of the TOWNSHIP which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the TOWNSHIP or if the TOWNSHIP incurs any expense to cure a violation of the ADA which has been brought pursuant of its grievance procedure, the CONTRACTOR shall satisfy and discharge the same at its own expense.

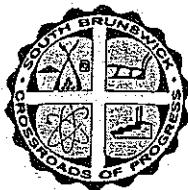
The TOWNSHIP shall, as soon as practicable after a claim has been made against it, give written notice thereof to the CONTRACTOR along with full and complete particulars of the claim. If any action or administrative proceedings is brought against the TOWNSHIP or any of its agents, servants, and employees, the TOWNSHIP shall expeditiously forward or have forwarded to the CONTRACTOR every demand, complaint, notice, summons, pleading, or other process received by the Township or its representatives.

It is expressly agreed and understood that any approval by the TOWNSHIP of the services provided by the CONTRACTOR pursuant to this contract will not relieve the CONTRACTOR of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the TOWNSHIP pursuant to this paragraph.

It is further agreed and understood that the TOWNSHIP assumes no obligation to indemnify or save harmless the CONTRACTOR, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this Agreement. Furthermore, the Contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the CONTRACTOR'S obligations assumed in this Agreement, nor shall they be construed to relieve the CONTRACTOR from any liability, nor preclude the TOWNSHIP from taking any other actions available to it under any other provisions of the Agreement or otherwise at law.

**TOWNSHIP OF SOUTH BRUNSWICK
NON-FAIR AND OPEN CONTRACT
DOCUMENT CHECKLIST**

Required by OWNER	Read, Signed & Submitted
<input checked="" type="checkbox"/> Business Entity Disclosure Certification	<input type="checkbox"/>
<input checked="" type="checkbox"/> Non-Collusion Affidavit	<input type="checkbox"/>
<input checked="" type="checkbox"/> Political Disclosure Certification	<input type="checkbox"/>
<input checked="" type="checkbox"/> Affirmative Action Questionnaire	<input type="checkbox"/>
<input checked="" type="checkbox"/> Non-Conflict of Interest	<input type="checkbox"/>
<input type="checkbox"/> Public Works Contractor Registration	<input type="checkbox"/>
<input type="checkbox"/> Bid Guarantee (with Power of Attorney for full amount of Bid Bond)	<input type="checkbox"/>
<input type="checkbox"/> Endorsement of Surety (with Power of Attorney for full amount of Bid Price)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Business Registration Certificate (Mandatory)	<input type="checkbox"/>
	Reviewed
<input type="checkbox"/> Prevailing Wage	<input type="checkbox"/>
<input checked="" type="checkbox"/> Americans with Disabilities Act Language (Mandatory)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Affirmative Action Language (Mandatory)	<input type="checkbox"/>



South Brunswick Township

540 Ridge Road
Monmouth Junction, NJ 08852
Telephone: (732) 329-4000

file in V.

VO364

October 17, 2024

Cert. mail # 7022 3330 0000 9323 4863

||||||||||||||||||
Laxmi Axquisition, LLC
208 New Road
Monmouth Junction, NJ 08852

Dear Property Owner:

Enclosed please find the following resolution passed by the South Brunswick Township Mayor and Council at a meeting held on October 16, 2024.

Resolution RES-2024-333

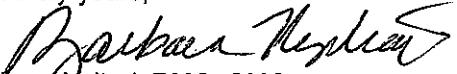
Adopted [Unanimous]

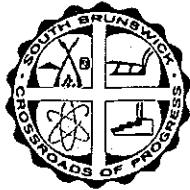
A Resolution Determining that the Property Identified as Block 95, Lot 48.13 be Designated as a Non-Condemnation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 Et Seq.

The outlined property has been designated as a Non-Condemnation Redevelopment Area.

If you have any questions or require further information, please contact me at 732-329-4000 extension 7313.

Sincerely yours,


Barbara Nyitrai, RMC, CMC
Township Clerk



South Brunswick Township

540 Ridge Road

Monmouth Junction, NJ 08852

Telephone: (732) 329-4000

October 17, 2024

Jacqueline Suarez, Commissioner
Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

Dear Ms. Suarez:

Enclosed please find the following resolution passed by the South Brunswick Township Mayor and Council at a meeting held on October 16, 2024.

Resolution RES-2024-333

Adopted [Unanimous]

Adopted [Unanimous]

A Resolution Determining that the Property Identified as Block 95, Lot 48, 13 be Designated as a Non-Condemnation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 Et Seq.

Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 Et Seq. kindly review the resolution determining the outlined property be designated as a Non-Condemnation Redevelopment Area and submit your response to this office.

If you have any questions or require further information, please contact me at 732-329-4000 extension 7313.

Sincerely yours,

Barbara Nyilrai

Barbara Nyitrai, RMC, CMC
Township Clerk



Resolution

A Resolution Determining that the Property Identified as Block 95, Lot 48.13 be Designated as a Non-Condemnation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 Et Seq.

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its planning board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation "area in need of redevelopment" pursuant to the criteria contained in N.J.S.A. 40A:12A-5 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"); and

WHEREAS, on February 21, 2024, the Township Council of the Township of South Brunswick adopted Resolution 2024-112, authorizing the Planning Board to undertake a preliminary investigation to determine whether property identified as Block 95, Lot 48.13 as shown on the official Tax Maps of the Township of South Brunswick (collectively, the "Study Area"), or any portions thereof, qualify as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, on March 20, 2024, the Town Council adopted a resolution and selected Ricci Planning LLC to perform a preliminary investigation to evaluate the Study Area to determine whether the designation of the Study Area, or any portions thereof, as an area in need of redevelopment is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Board received and reviewed the report of Ricci Planning LLC, entitled "Redevelopment Study and Preliminary Investigation Report" dated May 8, 2024 (the "Preliminary Investigation Report") and considered it as evidence presented at the hearing; and

WHEREAS, timely notices were published of the public hearing to be held by the Planning Board on the proposed redevelopment area designation and notices were sent to the owners of the parcels within the Study Area by certified mail, return receipt requested, as required by N.J.S.A. 40A:12A-6; and

WHEREAS, on July 24, 2024 the Planning Board held public hearing on the proposed designation of the Study Area as an area in need of redevelopment, during which any persons interested in or affected by a determination were given the opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, at the July 24, 2024 hearing, Ricci Planning LLC was accepted as an expert in professional planning and provided testimony summarizing the findings within the Report;

and

WHEREAS, Ricci Planning LLC provided an overview of the statutory criteria for designation of property as an area in need of redevelopment and the various municipal records that were reviewed to prepare the Report including but not limited to tax records, permit records, utility records, code enforcement records, prior approvals of record, certificates of continuing commercial occupancy, market data, police and fire records, tax maps, photographs, the Town's Zoning Ordinance and Master Plan as well as a structure-by-structure inspection ; and

WHEREAS, the Board Members and public were provided with an opportunity to cross-examine Ricci Planning LLC, and to make comments on the redevelopment designation; and

WHEREAS, at the conclusion of the hearings the Board voted to recommend to the Town Council that the Study Area be designated as an area in need of redevelopment for Block 95, Lot 48.13; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized in a resolution adopted by the Board on October 9, 2024, the Board recommended to the Council that the Study Area be designated as a Non-Condemnation Redevelopment Area;

NOW, THEREFORE, BE IT RESOLVED on this 16th day of October, 2024, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that it accepts the recommendation from the Planning Board of the Township of South Brunswick and finds that Block 95, Lot 48.13 as shown on the official tax map of the Township of South Brunswick be and is hereby deemed to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of Block 95, Lot 48.13 as a Non-Condemnation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area; and

BE IT FURTHER RESOLVED, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of South Brunswick shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of South Brunswick shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Non-Condemnation Redevelopment Area, those whose names are listed on the Tax Assessor's records for receiving such notices, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commissioner of the New

Jersey Department of Community Affairs; and

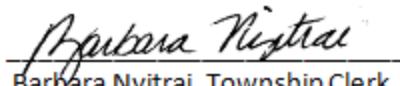
BE IT FURTHER RESOLVED, that the Planning Department is authorized and directed to prepare a Redevelopment Plan for the Redevelopment Area, including an outline for the planning, development and redevelopment of the Redevelopment Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Township Council; and

BE IT FURTHER RESOLVED, that the Planning Board shall transmit a report containing its recommendation concerning the Redevelopment Plan to the Township Council. The Planning Board's report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Councilman
SECONDER:	Ken Bierman, Deputy Mayor
AYES:	Bierman, Camarota, Grover, Hochman, Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on October 16, 2024.


Barbara Nyitrai, Township Clerk

RESOLUTION OF THE TOWNSHIP OF SOUTH BRUNSWICK PLANNING BOARD
RECOMMENDING TO THE TOWNSHIP COUNCIL THAT IT DESIGNATE 208 NEW
ROAD (BLOCK 95, LOT 48.13), WITHIN THE TOWNSHIP OF SOUTH BRUNSWICK AS
AN "AREA IN NEED OF REDEVELOPMENT" IN ACCORDANCE WITH THE LOCAL
REDEVELOPMENT AND HOUSING LAW, N.J.S.A.40A:12A-1, ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL") provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the LRHL sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6 of the LRHL, prior to the governing body making a determination as to whether a particular study area qualifies as an area in need of redevelopment, the governing body must authorize the Township Planning Board, by Resolution, to undertake a preliminary investigation to determine whether the area meets the criteria of an area in need of redevelopment as set forth in Section 5 thereof; and

WHEREAS, by Resolution adopted on February 21, 2024, the Township Council of the Township of South Brunswick directed the Planning Board to undertake a preliminary investigation to determine whether the proposed study area; namely, 208 New Road within the Township of South Brunswick and identified with more particularity as Block 95, Lot 48.13 (the "Study Area") qualifies as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Board received and reviewed the report of Ricci Planning, entitled "Redevelopment Study and Preliminary Investigation Report" dated May 8, 2024 (the "Preliminary Investigation Report") and considered it as evidence presented at the hearing; and

WHEREAS, the Planning Board did (i) provide appropriate notice of the conduct of its preliminary investigation of the Study Area, and (ii) conduct a public hearing of its preliminary investigation of the Study area in accordance with the provisions of the LRHL;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. Based upon the report of Ricci Planning, entitled "Redevelopment Study and Preliminary Investigation Report" dated May 8, 2024 (the "Preliminary Investigation Report"), and all comments entertained at the preliminary investigation hearing on July 24, 2024, the Planning Board does hereby determine that the Study Area satisfies one or more of the criteria under Section 5 of the LRHL for designation as a non-condemnation "area in need of redevelopment", for the following reasons:

- (A) The study area parcel satisfies at least one of the redevelopment criteria listed in Section 5 of the LRHL.
- (B) Block 95, Lot 48.13 satisfies criteria "a, d, h" of the redevelopment criteria listed in Section 5 of the LRHL.

2. The Planning Board therefore hereby recommends the following:

(A) Block 95, Lot 48.13 (208 New Road) satisfies the redevelopment criteria and should be designated as a Redevelopment Area.

3. The Planning Board Secretary is hereby directed to forward a copy of this Resolution, along with a copy of the Preliminary Investigation Report, to the Mayor and to the Township Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION
PASSED BY THE PLANNING BOARD FOR THE TOWNSHIP OF SOUTH BRUNSWICK
AT A MEETING HELD ON THE 9th DAY OF OCTOBER 2024.

Tammy Scimonc, Planning Board Secretary



Resolution

Authorizing and Directing the Township Planning Board to Undertake a Preliminary Investigation as to Whether 208 New Road (Block 95, Lot 48.13) Satisfies the Criteria to be Designated as an Area in Need of Redevelopment And/Or Rehabilitation

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “LRHL”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment and/or rehabilitation; and

WHEREAS, in accordance with the LRHL the Mayor and Township Council of the Township of South Brunswick (the “Township Council”) wish to authorize the South Brunswick Planning Board to conduct a preliminary investigation as to whether 208 New Road (Block 95, Lot 48.13) as appears on the South Brunswick Tax Map (the “Redevelopment Area”), satisfies the criteria to be designated as an area in need of redevelopment and/or rehabilitation and whether same or any portion thereof should be designated as an area in need of redevelopment and/or rehabilitation;

NOW, THEREFORE, BE IT RESOLVED, on this 21st day of February, 2024, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby authorizes and directs the Planning Board to conduct a preliminary investigation as to whether 208 New Road (Block 95, Lot 48.13) as appears on the South Brunswick Tax Map (the “Redevelopment Area”), satisfies the criteria to be designated as an area in need of redevelopment and/or rehabilitation and whether same or any portion thereof should be designated as an area in need of redevelopment and/or rehabilitation.
3. Any Redevelopment Area determination shall be a "Non-Condemnation Redevelopment Area" as defined in N.J.S.A. 40A:12A-6, and shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain.
4. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.
5. This Resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Councilman
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Ken Bierman, Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman
ABSENT:	Charlie Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on February 21, 2024.



Barbara Nyitrai

Barbara Nyitrai, Township Clerk

Appendix 6.
4126 Rt 1 Redevelopment Plan

REDEVELOPMENT PLAN FOR BLOCK 84, LOT 4.05

PREPARED BY THE TOWNSHIP OF SOUTH BRUNSWICK
PLANNING BOARD
WITH ASSISTANCE FROM

THE SOUTH BRUNSWICK TOWNSHIP PLANNING DEPARTMENT

Bryan Bidlack, PP, AICP, Director

Licensed NJ Professional Planner

The original of this document was signed and sealed

in accordance with N.J.S.A. 45:14A-12

9/25/2023

Township of South Brunswick

540 Ridge Road, Monmouth Junction, NJ 08852

Redevelopment Plan for Block 84, Lot 4.05

TOWNSHIP OF SOUTH BRUNSWICK

Mayor and Township Council

Charlie Carley, Mayor

Joe Camarota, Deputy Mayor

Archana Grover, Councilwoman

Josephine Hochman, Councilwoman

Kenneth Bierman, Councilman

Planning Board

Paul Prodromo, Chair

Tarak Patel, Vice Chair

Charley Carley, Mayor

Kenneth Bierman, Class III Member

Mirza Rizwan Baig, Class IV Member

Jerome Lutin, Class IV Member

Barry Nathanson, Class IV Member

Edward J. Salvi, Class IV Member

Kalpana Patel, Class II Member

Shalu Kanna, Alternate #1, Alternate #2

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Introduction

In October of 2021, the Mayor and Council of the Township of South Brunswick, with the adoption of Resolution 2021-403, declared Block 84, Lot 4.05 a non-condemnation area in need of redevelopment. This designation followed detailed investigation conducted by the Planning Board and a public hearing where the Board recommended such designation; the area is now known as the “Block 84, Lot 4.05 Redevelopment Area”.

Aside from the obvious benefits of ameliorating deteriorating or unsavory conditions, redevelopment planning has tremendous benefits to the community from a land use planning perspective. First and foremost, it enables a municipality to establish new zoning parameters for redevelopment, parameters that can in some cases represent a significant departure from status quo zoning with respect to physical form, building materials and design and density. Whether treated as superseding existing zoning (as will be the case here) or as an overlay, a redevelopment plan offers the opportunity to be creative and meet emerging needs of the community through a small scale, self-contained planning process. In this case, in addition to providing the opportunity for mixed-use development that supports continued economic development efforts, redevelopment of the site in accordance with the requirements of this redevelopment plan will provide additional opportunity for affordable housing in the Township. It also presents the chance to locate high-quality mixed-use development along the very visible Route 1 corridor, enhancing the image of the corridor and its perception for those that travel through South Brunswick.

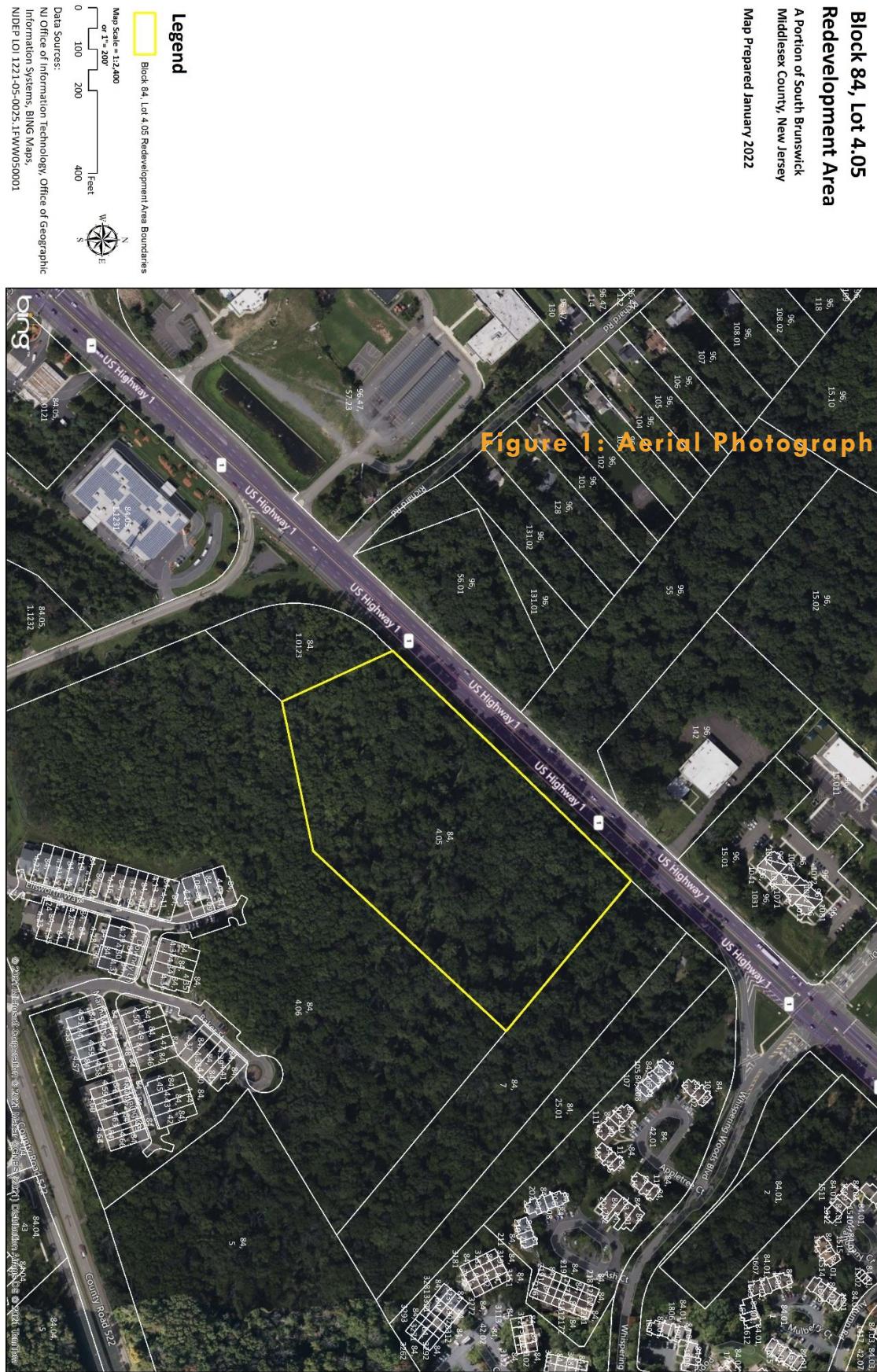
Overall the Block 84, Lot 4.05 Redevelopment Area consists of approximately 9.74 acres of land situated on the east side of NJ State Route 1 immediately north of Ridge Road (CR 522) and just south of Whispering Woods Boulevard. The site is currently vacant and is entirely wooded and contains areas of wetlands and a stream corridor. It exhibits strong slopes from the northeast corner along the highway to a low point along the stream in the southwest corner of the site. Overall the site drops a full 50' in elevation across 900' (5.5% slope), however much of the upland area of the site is characterized by slopes between 7% and 15%. Figure 1, on the following page, shows the redevelopment area outlined in yellow along with surrounding properties.

According to data collected on-site and data available from the New Jersey Department of Environmental Protection (NJDEP) and Federal Emergency Management Agency (FEMA), an unnamed tributary to Heathcote Brook flows through the southwest corner of the property. This stream has freshwater wetlands as well as associated flood hazard areas. Figure 2 depicts the environmental constraints of the redevelopment area.

**Block 84, Lot 4.05
Redevelopment Area**

A Portion of South Brunswick
Middlesex County, New Jersey

Map Prepared January 2022



Block 84, Lot 4.05 Redevelopment Area Environmental Constraints

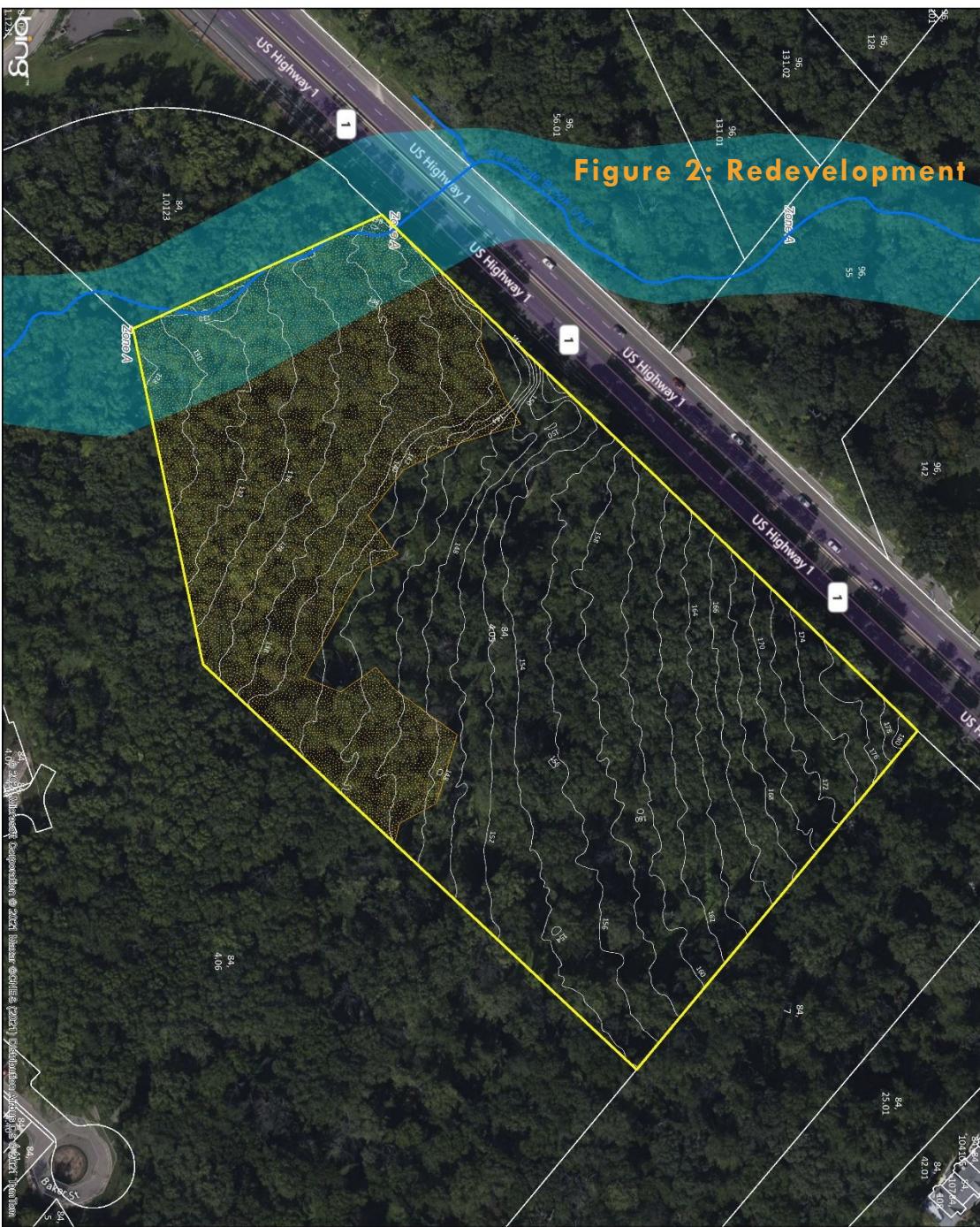
A Portion of South Brunswick
Middlesex County, New Jersey

Map Prepared January 2022

Legend



Figure 2: Redevelopment Area Environment



Legal Basis for Redevelopment in New Jersey

The New Jersey Local Redevelopment and Housing Law (LRHL), N.J.S.A. 40A:12A-1 et. seq., enables municipalities to take advantage of a broad range of tools that assist in remedying deteriorated conditions and blight or lack of proper utilization of land that ultimately impacts the public good. Areas that exhibit a preponderance of vacant or underutilized structures, or lands that have remained underutilized for a length of time can ultimately impact the viability of surrounding uses to the detriment of the public interest. And while these tools have been used exclusively and often in New Jersey's larger urban areas like Jersey City, Newark, Paterson and East Orange, they are equally effective in suburban municipalities like South Brunswick.

Redevelopment starts with the governing body authorizing the Planning Board (or Planning Board in the case of Clinton) to undertake a "Preliminary Investigation" of whether a certain area or group of parcels meet the redevelopment criteria outlined in N.J.S.A. 40A:12A-5. Somewhat recent changes in the LRHL require that the governing body, in its resolution authorizing the preliminary investigation, specify whether condemnation powers will be utilized in redevelopment efforts. In the case of this investigation, the governing body has already determined condemnation powers will not be used, branding this a "non-condemnation redevelopment area". This means the Township will not seek to condemn any privately owned properties within the redevelopment area for the purposes of redevelopment and will instead rely on normal market forces to drive the assemblage of land for new development. In this case, Mayor and Council authorized the redevelopment investigation with resolution 2021-346, adopted on August 24, 2021.

While the LRHL does not prescribe an exact form for the preliminary investigation, it must contain, at a minimum, a map of the area studied and the location of parcels included along with a statement as to the basis for the investigation. The Planning Board is required to hold a public hearing on the preliminary investigation, with notice given to affected property owners and general notice given by publication of the hearing in a newspaper of general circulation. Notice must be published for two consecutive weeks, the second publication occurring at least 10 days prior to the date of the hearing on the preliminary investigation. The hearing is held much like a hearing for land development applications, where interested parties and those immediately affected are afforded the opportunity to speak and enter evidence for the Board's consideration. At the conclusion of the public hearing, the Board is required to recommend to the governing body that all or any part of the area studied be determined, or not be determined, to be an area in need of redevelopment. The South Brunswick Township Planning Board conducted its public hearing on September 22, 2021 in accordance with the above requirements and recommended that Mayor and Council designate the area studied as an area in need of redevelopment.

Considering the recommendation of the Planning Board, the governing body may adopt a resolution determining that the area studied, or any part thereof, is an area in need of redevelopment. Once adopted, the resolution must be forwarded to the Commissioner of Community Affairs for review; under certain circumstances explicit approval is required, which must be issued by the Commissioner within 30 days. The governing body must issue a notice of determination within 10 days to all property owners within the delineated area and any person who filed a written objection and specified an address where a notice of determination must be sent. Mayor and Council designated the Block 84, Lot 4.05 Redevelopment Area as an area in need of redevelopment via adoption of resolution 2021-403 on October 26, 2021 (see Appendix). All other requirements have also been met.

Once an area is determined to be an area in need of redevelopment, the governing body must prepare or authorize the Planning Board to prepare (as is the case here), a redevelopment plan. The LRHL specifies that "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 definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and 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 to them in the existing local housing market.
- (4) An identification of any property within the redevelopment area which is 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 Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).
- (6) As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- (7) A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on its progress in implementing the plan for provision of comparable, affordable replacement housing required pursuant to this section.

Any redevelopment plan may include requirements for the provision of affordable housing, but it must contain discussion on the relationship of the plan to development regulations of the municipality and must be "substantially consistent with" or "designed to effectuate" the municipal master plan. Redevelopment plans are required to be adopted by ordinance and go through the normal procedure undertaken by the

governing body for such an action. The only difference in this case is referral of the redevelopment plan to the Planning Board for review in the context of the master plan. In accordance with the LRHL, if the Planning Board prepares the redevelopment plan, as is the case here, the governing body need not refer the plan and ordinance back to the Planning Board for review.

Existing Zoning

The redevelopment area is located in the PRD-V Planned Residential Development District, whose purpose is to "initiate a planned unit development, as permitted by N.J.S.A. 40:55D-1 et seq., for certain non-contiguous acreage within the township, to be developed according to a plan as a single entity containing both residential and commercial uses, which promotes the efficient delivery of municipal services, the construction of affordable housing and the provision of open space."

The PRD-V district permits townhouse attached dwellings, retail commercial uses and facilities as permitted under the C-2 General Retail Commercial District (excluding fast food restaurants) and open space. By way of reference to the C-2 General Retail Commercial District, community-wide and area-wide retail establishments including department and variety stores, supermarkets, clothing store, furniture and appliance stores, drugstores and liquor stores are permitted, as well as community-wide and area-wide service activities including banks, restaurants, exercise and dance schools, taverns, travel agencies and other such ancillary supermarket services are permitted. Also permitted are office buildings for physicians, dentists, lawyers, architects, public accountants, real estate and insurance brokers, city planners and similar professions.

Uses conditionally permitted in the PRD-V district include public institutions, public, parochial and private schools, places of worship, community centers, social and fraternal clubs and public utilities. Accessory uses permitted include home occupations and home professional offices, signs, fences, patios and decks.

Redevelopment Plan Objectives

The following objectives are intended to guide redevelopment within the Block 84, Lot 4.05 Redevelopment Area.

1. To provide a meaningful mixed-use redevelopment opportunity that will help improve the overall appearance of the redevelopment area and enhance the Route 1 corridor.
2. To provide for mixed-use development that includes multifamily housing and assists the Township in meeting its continuing constitutional obligation to provide for its fair share of the region's affordable housing needs.
3. To ensure that any redevelopment in the area is compatible with existing development along Route 1 as well as surrounding uses.
4. To provide redevelopment that supports the economic development goals of the Township and provides for creation of jobs.
5. To incorporate design features that result in high-quality development.

Development Regulations

The following section sets forth development regulations applicable to the Block 84, Lot 4.05 Redevelopment Area. These regulations shall supersede the underlying PRD-V zoning currently in place, and any redevelopment proposed must be consistent with the requirements of this plan in terms of use, bulk,

area and yard requirements as well as design regulations. Any departure from the permitted principal or accessory uses or maximum permitted floor area ratio in this plan must be addressed through amendment of the plan by the Mayor and Council of the Township of South Brunswick. Any departure from the bulk regulations contained in this plan may be approved by the Township of South Brunswick Planning Board in accordance with the same criteria considered for bulk variances under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70c(1) or 70c(2). The redeveloper must demonstrate that the departure(s) proposed promote the purposes of the Municipal Land Use Law as outlined in N.J.S.A. 40:55D-2 and the objectives of this redevelopment plan, and that they can be granted without substantial detriment to the public good and that they will not impair the intent and purpose (objectives) of this redevelopment plan. Similarly, any departure(s) from the design regulations contained in this redevelopment plan must be shown to be reasonable and within the general intent of the provisions and must be supported by demonstration that compliance is impracticable or will exact undue hardship on the redeveloper because of peculiar conditions relative to the redevelopment parcels.

A. Applicability of other requirements

- (1) Unless specific requirements set forth in this redevelopment plan provide standards to the contrary, the redeveloper shall be subject to and comply with the provisions of the Code of the Township of South Brunswick, Chapter 62 Land Use, Article IV Zoning.
- (2) The redeveloper shall be exempt from the requirements of Chapter 62, Article IV Zoning, Divisions 5, 7, 8 and 15, as specific standards are provided within this redevelopment plan related to requirements set forth in these Divisions.
- (3) The redeveloper shall be exempt from the requirements of Chapter 62, Article V Environmental Impact Statement, as the redevelopment area is under the jurisdiction of the New Jersey Department of Environmental Protection and the Department's permitting process will more than adequately address appropriate conservation and treatment of important environmental features of the property.
- (4) The redeveloper shall be subject to and comply with the provisions of Chapter 62, Article VI Stormwater Management.

B. The following uses are permitted in the redevelopment area:

- (1) Multifamily apartments consisting of one, two and three bedroom units, including affordable housing units.
- (2) Communitywide and area-wide retail establishments, including department and variety stores, supermarkets, clothing stores, furniture and appliance stores, drugstores, liquor stores and auto parts stores, but excluding warehouse/discount clubs.
- (3) Communitywide and area-wide service activities, excluding movie theaters, but including banks, restaurants, fast food restaurants, exercise and dance schools, taverns, travel agencies and other such ancillary supermarket services.
- (4) Office buildings for offices of physicians, dentists, engineers, lawyers, architects, public accountants, real estate and insurance brokers, city planners and similar professions.
- (5) Mixed-use development consisting of multifamily apartments and any of the nonresidential uses permitted above, whether on the ground floor of a multifamily apartment building or in separate buildings on-site. Apartments and nonresidential uses are not required to be in the same structure and more than one principal building shall be permitted on one lot.

C. The following accessory uses are permitted in the redevelopment area:

- (1) Signs, as regulated in this redevelopment plan.
- (2) Fences, as regulated in this redevelopment plan.
- (3) Lighting, as regulated in this redevelopment plan.
- (4) Parking areas.
- (5) Refuse enclosures.
- (6) Electric vehicle charging stations and related infrastructure.
- (7) Indoor recreation and amenity spaces for multifamily apartments.
- (8) Accessory uses customarily incidental to uses permitted.

D. Area, yard and bulk requirements.

- (1) The minimum lot size in the redevelopment area shall be 1 acre.
- (2) The minimum frontage on an improved public street shall be 100 feet, and the minimum lot depth shall be 200 feet.
- (3) The minimum side yard to any external boundary of the redevelopment area shall be 75 feet. The minimum side yard for lots within the redevelopment area shall be 20 feet.
- (4) The minimum rear yard shall be 75 feet to an external boundary of the redevelopment area. The minimum rear yard for lots within the redevelopment area shall be 30 feet.
- (5) The minimum front yard setback from any street line shall be 50 feet.
- (6) The maximum principal building coverage shall be 15 percent.
- (7) The maximum total tract coverage by buildings and impervious surfaces shall not exceed 45 percent.
- (8) No building or structure shall exceed 55 feet in height and 4 stories.

E. Affordable Housing Requirements

- (1) All multifamily apartment proposals shall include a minimum setaside of 15 percent of the total units to be constructed as affordable to low and moderate income households.
- (2) All affordable housing units shall comply with the Code of the Township of South Brunswick, Chapter 62 Land Use, Article IV Zoning, Division 14 Affordable Housing Ordinance.
- (3) All affordable housing units shall comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. and the New Jersey Fair Housing Act.

F. Off-street parking and loading requirements.

- (1) Off-street parking shall be provided in accordance with the rates established in Chapter 62 Land Use, Article IV Zoning, Division 6, Section 62-1791.
- (2) If mixed-use development is proposed, whether on one lot or separate lots within the redevelopment area, a shared parking approach may be utilized as long as parking areas are connected. The total number of spaces required shall be reduced by 10 percent for mixed-use development.
- (3) Parking areas shall not be situated any closer than 5 feet to any streetline.
- (4) Parking areas shall not be situated any closer than 25 feet to external boundaries of the redevelopment area except at the streetline.
- (5) Nonresidential uses shall provide a loading space no less than 12 feet in width and 28 feet in length. For uses with infrequent deliveries or deliveries that occur during times when the facility is closed, loading may occur from drive aisles within the parking area provided it is not a main drive aisle.
- (6) Where parking areas within the redevelopment area cross internal lot lines, no setbacks are required.

G. Electric Vehicle Charging Requirements

- (1) All development within the redevelopment area shall comply with the requirements outlined in this section as well as those contained in the Code of the Township of South Brunswick, Chapter 62 Land Use, Article III Subdivision, Division 2, Sections 62-209 and 62-210.
- (2) Related to the below requirements, the following terms shall be defined as follows:
 - i. "Electric vehicle supply equipment" (also "electric vehicle service equipment" or "EVSE") means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station".
 - ii. "Make-ready" means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facility easy and cost-efficient future installation of "electric vehicle supply equipment" or "electric vehicle supply equipment", including, but not limited to, level two EVSE and direct current fast chargers. Make ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-ready" is synonymous with the term "charger ready", as used in P.L. 2019, c.362 (C.48:25-1 et al.).
- (3) For multifamily apartments, the following requirements shall be met:
 - i. A minimum of 15 percent of the total required off-street parking spaces shall be prepared as make-ready spaces (as defined in N.J.S.A. 40:55D-1 et. Seq.), and at least one-third of the 15 percent of the total required off-street parking spaces shall have electric vehicle supply equipment installed at the time of construction.
 - ii. Within three years of the date of issuance of a certificate of occupancy for the multifamily apartments, an additional one-third of the original 15 percent of the total required off-street parking spaces shall have electric vehicle supply equipment installed.
 - iii. Within six years of the date of issuance of a certificate of occupancy for the multifamily apartments, the final one-third of the original 15 percent of the total required off-street parking spaces shall have electric vehicle supply equipment installed.
 - iv. Throughout the installation of electric vehicle supply equipment over the required six year period, at least 5 percent of the spaces with electric vehicle supply equipment shall be accessible for persons with disabilities.
- (4) For nonresidential development, the following requirements shall be met:
 - i. Install at least one make-ready space if there will be 50 or fewer off-street parking spaces.
 - ii. Install at least two make-ready spaces if there will be 51 to 75 off-street parking spaces.
 - iii. Install at least three make-ready spaces if there will be 76 to 100 off-street parking spaces.

- iv. Install at least four make ready spaces if there will be 101 to 150 off-street parking spaces.
- v. Install at least 4 percent of the total parking spaces as make-ready spaces, at least 5 percent of which shall be accessible to persons with disabilities, if there will be more than 150 off-street parking spaces.
- (5) A parking spaces prepared with electric vehicle supply equipment or make-ready equipment shall count as at least two parking spaces for the purpose of complying with minimum parking standards, but shall not result in more than a 10 percent reduction in the required parking versus that required.
- (6) All calculations relative to the above requirements shall be rounded to the next full parking space.

H. Buffer areas.

- (1) Land within 25 feet of the boundary of a residential district shall be known as a "buffer area," which shall include landscaping sufficient to screen all activities. Required buffer areas in the redevelopment area that are currently vegetated shall retain existing vegetation to the greatest extent practical and supplement as necessary. Where utility easements, wetlands and required buffers or flood hazard areas are present where a 25 foot buffer area is otherwise required, the buffer area shall be designated but landscaping shall not be required unless approved by the holder of the utility easement or the New Jersey Department of Environmental Protection. Where additional landscaping cannot be provided along property boundaries adjacent to a residential district, solid fencing a minimum of 6 feet in height shall be provided along the property line.
- (2) No driveways, parking areas, loading areas, storage areas, buildings or structures other than fences shall be located within required buffer areas.

I. Signage requirements.

- (1) Site identification ground signs. One double-faced ground sign shall be permitted for each lot in the redevelopment area along a public street. The minimum setback from a public street curbline or of the sidewalk line shall be 10 feet. Ground signs in the redevelopment area may have a maximum height of 18 feet as measured from grade and shall not exceed a total area of 80 square feet in size. Site identification signs may employ nameplate signs bearing the name and/or type of business activity of the principal tenants renting space, and each nameplate shall not exceed 30 square feet.
- (2) Wall and window signs. Each storefront or building, for a single tenant, may employ two wall signs. Such signs shall not exceed 15 percent of the total wall area. Two signs may be painted on the windows and/or doors, bearing the name, street number or type of business, provided that there shall be not more than one sign on each window or door and that the total area of all signs shall not exceed ten square feet. Overhanging wall signs are not permitted.

J. Fences.

- (1) All uses on a site within the redevelopment area shall comply with the requirements in Division 9 Fences, Sec. 62-1871 through 62-1874.

K. Lighting.

- (1) All uses shall comply with the requirements set forth in Chapter 62 Land Use, Article III Subdivision, Division 2 Standards and Principles, Sec 62-208 Lighting design and standards.

General Provisions

Redevelopment Authority

The Mayor and Council of the Township of South Brunswick shall act as the “Redevelopment Entity” pursuant to N.J.S.A. 40A-12A-4.c for the purposes of implementing this redevelopment plan and carrying out redevelopment projects. In doing so, the Mayor and Council shall have the powers set forth in N.J.S.A. 40A-12A-15 to effectuate all of its duties and responsibility in the execution and implementation of this redevelopment plan.

Planning Board Review

No application for development or redevelopment in the area may be filed with the Planning Board until such time as the applicant has applied for and received a designation as redeveloper from the Governing Body acting as the redevelopment entity and has executed a Redevelopment Agreement for the proposed project.

Review of applications for development shall be conducted by the South Brunswick Township Planning Board pursuant to N.J.S.A. 40:55D-1, et seq. Any departure from the permitted principal or accessory uses or maximum permitted residential density in this plan must be addressed through amendment of the plan by the Mayor and Council of the Township of South Brunswick. Any departure from the bulk regulations contained in this plan may be approved by the South Brunswick Township Planning Board in accordance with the same criteria considered for bulk variances under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-70c(1) or 70c(2). The redeveloper must demonstrate that the departure(s) proposed promote the purposes of the Municipal Land Use Law as outlined in N.J.S.A. 40:55D-2, and that they can be granted without substantial detriment to the public good and that they will not impair the intent and purpose (objectives) of this redevelopment plan. Similarly, any departure(s) from the design regulations contained in this redevelopment plan must be supported by demonstration that compliance is not possible due to practical difficulties, or that compliance with the regulation would exact undue hardship on the redeveloper.

The redeveloper shall be permitted to phase the redevelopment project appropriately, and the completion of distinct phases and the issuance of a Certificate of Occupancy for such phases shall be permitted.

Effect of Planning Board Approval

The effect of any Land Use Board approval shall be consistent with the rights granted by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) except to the extent they may be modified by any redevelopment agreement between the Township and the redeveloper.

Acquisition of Property

No property is proposed to be acquired by public entities in the redevelopment area as part of this redevelopment plan.

Relocation Provisions

No property acquisition will be undertaken by a public entity or utilizing government funds pursuant to this redevelopment plan. Consequently, there will be no displacement of either residents or business that requires a Workable Relocation Assistance Program under N.J.A.C. 5:11-1 et seq.

Relationship to Definite Local Objectives

This redevelopment plan is consistent with the general planning policies of the Township of South Brunswick and those of surrounding municipalities, the County and the State Development and Redevelopment Plan. While some of the provisions contained in this plan are intended to supersede requirements of the Municipal Land Use Ordinance of the Township of South Brunswick, those departures are largely consistent with the intent and purpose of the ordinance and the South Brunswick Township Master Plan.

The Township's master plan and subsequent reexaminations of that master plan set forth a number of goals and objectives that are promoted by this redevelopment plan. These include:

- Residential density concentrations should be based on adequate consideration of facilities, utilities and transportation.
- A variety of commercial complexes and uses should be planned to meet varying needs, i.e. neighborhood, retail, highway and local service professional.
- The various commercial uses should not conflict with industrial and residential uses, but be compatible with them.
- Commercial uses should not be scattered, but located in consolidated places, so pedestrian circulation and public transportation can be effectively provided.
- Encourage the production of lower cost housing, while retaining all those standards necessary for the protection of the public health, safety and welfare.
- Encourage the construction of affordable housing in or near built areas and as convenient as possible to public transportation, employment, shopping and community facilities.

Considering the goals and objectives of the master plan, the standards set forth in this redevelopment plan are designed to be consistent with and effectuate the Township's policies related to mixed-use development, particularly in light of the fact that the current PRD-V zoning designation encourages such development. Redevelopment of the site that is subject to this redevelopment plan will provide appropriate mixed-use development along Route 1 including residential uses in the form of multifamily apartments, which are more conducive to providing opportunity for affordable housing units.

Significant Relationship of the Redevelopment Plan to Other Municipal, County and State Plans

Surrounding Municipalities

The redevelopment area is located along the Route 1 corridor in the central part of the Township, away from the boundaries with any adjoining municipalities. As such, the redevelopment plan does not have a significant relationship to other municipal plans.

Middlesex County

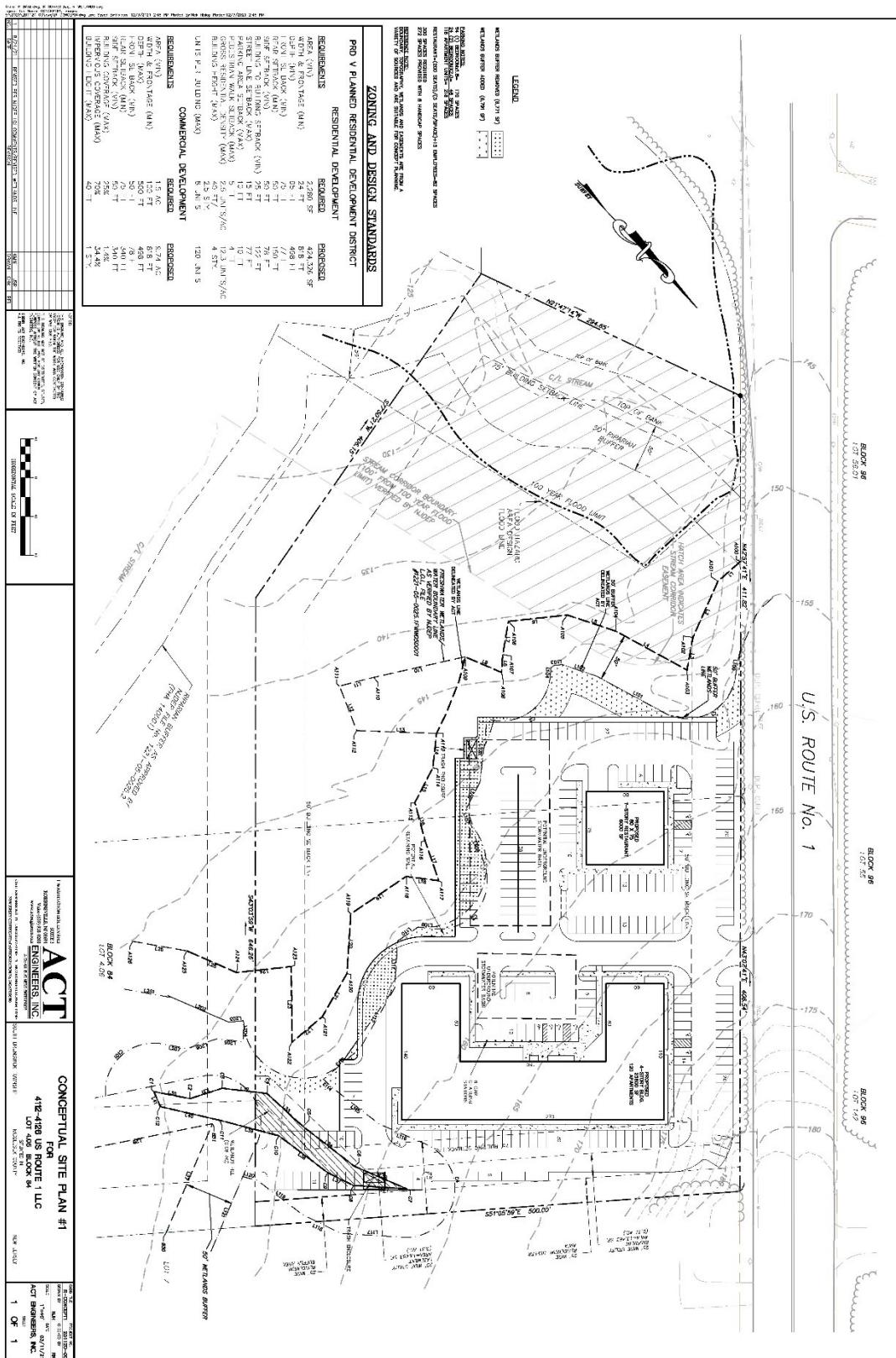
Overall this redevelopment plan carries out many of the growth management and economic development strategies that are supported by the County and can be seen as consistent with the County's planning efforts.

State of New Jersey

The 2001 State Development and Redevelopment Plan classifies the redevelopment area as PA-2, Suburban Planning Area. The intent for PA-2 areas is to provide for much of the state's future development; promote growth in Centers and other compact forms; protect the character of existing stable communities; protect natural resources; redesign areas of sprawl; reverse the current trend toward further sprawl; and revitalize cities and towns. This redevelopment plan proposes mixed-use development in a manner that is consistent with the objectives for PA-2 and as such, is consistent with the State Development and Redevelopment Plan.

Appendices

Concept Plan



Governing Body Designating Resolution



South Brunswick Township
540 Ridge Road
Monmouth Junction, NJ 08852

RES-2021-403

Resolution

**A Resolution Determining that the Property Identified as
4112-4126 Route 1 (Block 84, Lot No. 4.05) be Designated as
a Non-Condemnation Redevelopment Area in Accordance
with the Local Redevelopment and Housing Law, N.J.S.A.
40A:12A-1 Et Seq.**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on August 24, 2021, the Township Council ("Council") of the Township of South Brunswick ("Township") adopted a Resolution authorizing and directing the Planning Board of the Township ("Board") to conduct a preliminary investigation to determine whether certain property, identified as 4112-4126 Route 1 (Block 84, Lot No. 4.05) ("Study Area"), met the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, Bryan Bidlack, the Township's Director of Planning, prepared a Preliminary Investigation Report and Map dated August 25, 2021 ("Area in Need Study") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, the Map showed the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Board on September 22, 2021, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearing, the Board reviewed the Area in Need Study, the Map and associated documents, and heard testimony from Mr. Bidlack and others; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the

Resolution 2021-403

Meeting of October 26, 2021

Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, the Board further concluded that there was sufficient credible evidence to support findings that any designation of the Study Area as a Non-Condemnation Study Area shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized in a resolution adopted by the Board on October 20, 2021, the Board recommended to the Council that the Study Area be designated as a Non-Condemnation Redevelopment Area;

NOW, THEREFORE, BE IT RESOLVED on this 26th day of October, 2021, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that it accepts the recommendation from the Planning Board of the Township of South Brunswick and finds that 4112-4126 Route 1 (Block 84, Lot No. 4.05) as shown on the official tax map of the Township of South Brunswick be and is hereby deemed to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of 4112-4126 Route 1 (Block 84, Lot No. 4.05) as a Non-Condemnation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area; and

BE IT FURTHER RESOLVED, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of South Brunswick shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of South Brunswick shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Non-Condemnation Redevelopment Area, those whose names are listed on the Tax Assessor's records for receiving such notices, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commissioner of the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the Planning Department is authorized and directed to prepare a Redevelopment Plan for the Redevelopment Area, including an outline for

Resolution 2021-403

Meeting of October 26, 2021

the planning, development and redevelopment of the Redevelopment Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Township Council; and

BE IT FURTHER RESOLVED, that the Planning Board shall transmit a report containing its recommendation concerning the Redevelopment Plan to the Township Council. The Planning Board's report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Josephine "Jo" Hochman, Councilwoman
SECONDER:	Ken Bierman, Councilman
AYES:	Ken Bierman, Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman
AWAY:	Charlie Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on October 26, 2021.


Barbara Nyitrai, Township Clerk

Appendix 7.
Sonesta Redevelopment Plan

South Brunswick Township

Planning Board



Sonesta Suites Redevelopment Plan

Non-Condemnation

August, 2023

New Jersey Local Redevelopment and Housing Law – NJSA 40A:12A

Prepared by the:

Alaimo Group

200 High Street

Mount Holly, New Jersey 08060

File No. M-0301-0090-001



SOUTH BRUNSWICK TOWNSHIP

SONESTA SUITES SITE
REDEVELOPMENT PLAN
4225 US HIGHWAY 1
MONMOUTH JUNCTION, NJ 08852

Block 97; Lot 13.012

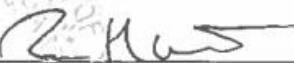
*Redevelopment Plan Consistent with the
New Jersey Local Redevelopment and Housing Law
N.J.S.A. 40A:12A –1 et seq.
August, 2023*

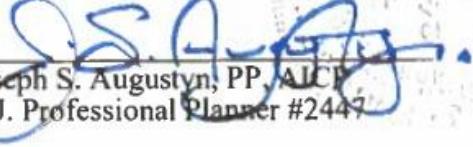
The South Brunswick Governing Body authorized the Planning Board to prepare the Sonesta Suites Site Redevelopment Plan subsequent to approval of the preliminary investigation, pursuant to the criteria set forth in the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq.

The Planning Board, following a public hearing conducted on February 1, 2023, adopted by Resolution on February 15, 2023, ratified March 8, 2023, recommending the Study Area to be non-condemnation area in need of redevelopment.

The Governing Body adopted Resolution No. 2023-145 on March 28, 2023, designating the Study Area to be non-condemnation area in need of redevelopment.

The Governing Body serves as the Redevelopment Entity.


Richard Hunt, PP, AICP
N.J. Professional Planner #6478


Joseph S. Augustyn, PP, AICP
N.J. Professional Planner #2447

The document original was signed and sealed in accordance with NJAC 13:41-1.3

Township of South Brunswick

2023 Mayor and Council

Honorable Charles Carley, Mayor
Joseph J. Camarolta, Jr., Deputy Mayor
Archana Grover, Council Member
Josephine Hochman, Council Member
Ken Bierman, Council Member

Bryan Bidlack, Township Manager
Barbara Nyitrai, Township Clerk
Francis Womack, Esq., Township Solicitor

2023 Township Planning Board

Honorable Charles Carley, Mayor/Member
Paul Prodromo, Chairman
Tarak Patel, Vice Chairman
Ken Bierman, Member
Barry Nathanson, Member
Mirza Rizwan Baig, Member
Dennis Weitz, Member
Edward J. Salvi, Member
Jerome Lutin, Member
Alfonso Adinolfi, Alternate #1
Kalapana Patel, Alternate #2

Administrative and Professional Staff

Tammy Scimone, Senior Secretary, Planning Board
George Shamy, Jr., Esq., Planning Board Solicitor
Kenneth Zielinski, PE, Planning Board Engineer
Matthew U. Watkins, Redevelopment Consultant
Joseph S. Augustyn, PP, AICP, Planning Consultant
Richard W. Hunt, PP, AICP, Planning Consultant

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 - 1.9. Specific Redevelopment Plan Buffer and Screening Requirements within Vicinity of Residential and Commercial/Retail
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 - 1.11. Consistency with State, County, Regional and Nearby Municipal Plans
 - 1.12. New Jersey Department of Transportation and Middlesex County Improvements Under Consideration for South Brunswick in Vicinity of this Redevelopment Area
 - 1.13. Redevelopment Program and Process Schedule

APPENDICES

1. Sonesta Suites Redevelopment Area:
 - a. Aerial
 - b. Tax Map and Zone Plan
 - c. Site Photos
2. Township Council Resolution authorizing Preliminary Investigation:
 - a. Resolution RES-2022-261
3. Planning Board Resolution recommending designation as a Non-Condemnation Area in Need of Redevelopment
4. Township Council Resolution designating Sonesta Suites Site as a Non-Condemnation Area in Need of Redevelopment:
 - a. Resolution 2023-145
5. Planning Board Resolution recommending adoption of Redevelopment Plan:
6. Township Council Ordinance adopting Redevelopment Plan:
 - a. Ordinance 2023-23

South Brunswick Township
Sonesta Suites Redevelopment Plan
Block 97; Lot 13.012
August, 2023

1. REDEVELOPMENT PLAN

1.1. Redevelopment Plan Process and Overview; Terms and Definitions; Redevelopment Entity

South Brunswick Township intends to implement the Redevelopment Plan for the identified Redevelopment property comprised of Block 97; Lot 13.012 (hereinafter, the “Property”). The Property is zoned OR Commercial. This Redevelopment Plan designates redevelopment objectives, uses, and bulk requirements and design standards. Only those uses listed in Section 1.8 upon adoption of this Redevelopment Plan shall be permitted.

South Brunswick Township continues to advance its redevelopment planning and implementation initiative with this redevelopment effort. Regular and ongoing open discussions among Township Council, Planning Board, and public help facilitate identification of underutilized land use conditions within the Township. This study area is within N.J. Planning Area 2, where redevelopment is encouraged as recommended in the New Jersey State Development and Redevelopment Plan.

The Study Area includes the following property: Block 97, Lot 13.012, Sonesta Suites Site. This Redevelopment Plan is prepared in accordance with the requirements of N.J.S.A. 40A:12A-1 et. seq., and specifically is in accordance with non-condemnation rules (40A:12A-6.a.). This Redevelopment Plan is specific to residential so as to implement balanced market housing and promote the provision of affordable housing in accordance with the goals and objectives set forth in the South Brunswick 2018 Master Plan Reexamination, and the Township Housing Element and Fair Share Plan.

This Redevelopment Plan constitutes an overlay to permit the development of market rate and affordable rental housing. Permitted and conditional uses, as designated for the underlying OR Zone District are not applicable relative to redevelopment implementation, but remain applicable as the underlying zone.

All terms not otherwise defined herein shall have the same meaning as those set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., or the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. All other terms not expressly defined in those statutes are left to their common definitions.

The Mayor and Council shall serve as the redevelopment entity.

1.2. Redevelopment Plan Relationship and Consistency with the Township Master Plan.

The goals and objectives as expressed in the South Brunswick Township Comprehensive Master Plan and 2018 Master Plan Reexamination Report guide redevelopment efforts. This Redevelopment Plan fulfills a municipal residential need. This Redevelopment Plan implements the community's desire to have a residential use in place of a hotel commercial use. The residential use with design standards in place will adequately buffer adjacent uses, and result in the positive redevelopment of the property. This Redevelopment Plan provides residential options within an existing partially developed area of South Brunswick Township consistent with Township's smart growth objectives.

South Brunswick Master Plan Goals and Objectives Applicable to Residential Redevelopment:

- Residential concentrations should be based on adequate consideration of facilities, utilities and transportation. (South Brunswick Master Plan Reexamination Report 2018, p. 2)
- Create buffers between residential and non-residential uses. (ibid.p.2)
- Buffering and screening requirements must be provided between residential and non-residential uses with particular attention paid to screening noise and lighting. (ibid.p.2)
- Provide for a variety of housing choices. (ibid.p.4)
- Encourage the production of lower cost housing. (ibid.p.4)
- Encourage the Construction of affordable housing in or near built areas and as convenient as possible to public transportation, employment, shopping, and community facilities. (ibid.p.4 & 5)
- Bike paths to be designed into all projects. (ibid.p.6 and p.18)
- Drainage problems created by development must be avoided. (ibid.p.6)
- Promote sound engineering and architectural design standards for all improvements including storm water detention basins and landscaping. (ibid.p.8)
- The Township participates in the State planning process: New Jersey State Development and Redevelopment Plan (ibid.p.17)
- Buffering and screening requirements must be provided between residential areas and major transportation routes. (ibid.p.19)

An objective of the Master Plan, as reiterated in the Master Plan Reexamination, is to exclude future residential uses along Route 1 to avoid a built-up appearance and to shield residential uses from the impact of high traffic arterial roads. This is determined to discourage new residential construction rather than adaptive re-use of existing buildings as is proposed for this Site. Concerns about a built-up appearance do not apply as the improvements are in existence (and were in existence in 2001 when the Master Plan was adopted). Additionally, the existing buildings are substantially set back from Route 1, are

substantially buffered, and most are located further into the site with no direct line of sight to Route 1. This site does not have direct access to Route 1. Therefore, the proposed redevelopment of the Sonesta Suites Site with market rate and affordable housing, through an adaptive re-use of the existing buildings, is not inconsistent with the objective of excluding residential uses from Route 1.

1.3. Overview of Sonesta Tract and Property Records

Property Identified “Sonesta Suites Site” **Block 97, Lot 13.012**

The Commercial parcel identified as the Sonesta Suites Site is located within vicinity of U.S. Route 1 and Raymond Road in South Brunswick Township. The property is within the Township’s OR Commercial Zone. This site has regional access via U.S. Route 1, and near access to the New Jersey Turnpike. The area is within 1-2 hour drive of the Newark and Philadelphia Airports. Major utilities including public water, sewer, gas, electric and cable are available at the tract.

PROPERTY RECORDS

<u>Owner:</u>	AVIA N.J. Deerpark, LLC
<u>Land Use:</u>	Sonesta ES Suites Princeton Commercial Class 4A Code
<u>Zone:</u>	OR
<u>Lot Area:</u>	8.29 Acres/361,112 S.F.
<u>Flood Zone:</u>	“XC” Minimal Flood Hazard
	SFHA: No

The South Brunswick Planning Board as authorized by Mayor and Council is tasked with preparing the Redevelopment Plan for the Sonesta Suites Site having conclusively determined the study area is in need of redevelopment, that consistency requirements in LRHL have been met, and the redevelopment effort is consistent with the Township Master Plan, the Township Zone Plan, and Township Zoning Ordinances.

The Sonesta Suites Site is fully developed and is to be adaptively re-used by conversion of the existing buildings into one bedroom and two bedroom apartments (both affordable and market rate). Therefore, this Redevelopment Plan establishes development standards which recognize the configuration of the existing development.

1.4. Public Transportation Serving the Redevelopment Area

Bus service to Manhattan is available on Suburban Transit Line 100 at Main Street (NJSR Route 27) & Laurel Avenue (C.R. 603), approximately 2 miles from the Sonesta Suites Site.

Train service to Trenton and Manhattan is available via New Jersey Transit's Northeast Corridor line. The Sonesta Suites Site is located between the Princeton Junction station (approximately 6 miles to the South) and the Jersey Avenue station (approximately 10 miles to the North). Regional and long-distance train service is available on Amtrak via the Princeton Junction station.

1.5. Public Utilities: Water, Sewer, Gas, Electric and Communications

The Redevelopment Area is serviced by:

Natural Gas and Electric:	PSE&G
Communications:	Verizon, Comcast, AT&T
Fiber Optic:	Cable

1.6. Pedestrian and Bicycle Access; Recreation Improvements

The Sonesta Suites Site has existing walking paths throughout, as well as a pool, basketball court and picnic area, which may be modified by the redeveloper to provide different recreational opportunities.

- Pedestrian and bicycle improvements including bike racks are to be approved by the Planning Board during site plan review.
- Active and passive recreation improvements, with the expectation that the existing improvements will be actively reused, are to be approved by the Planning Board during site plan review.

1.7. South Brunswick Township Stormwater Management Plan Applicability

The Municipal Stormwater Management Plan (MSWMP) and implementing ordinance as required by N.J.A.C. 7:14A-25 will be utilized to review development applications within the redevelopment area, as may be applicable to retrofit and upgrade this existing development site. The MSWMP addresses safety design of Facilities, green infrastructure with groundwater recharge, stormwater quality, and potential water quantity impacts by incorporating design and performance standards. The goals as listed in the MSWMP are incorporated into this redevelopment plan with a particular emphasis on the *"prevention of increased nonpoint pollution"* and *"public safety protection through the proper design and operation of stormwater management facilities."*

1.8. Land Use and Development Regulations: Bulk Requirements, Design Standards, and Performance Criteria

This Redevelopment Plan identifies redevelopment performance criteria, and designates permitted uses, bulk requirements and design standards to supersede the existing zoning controls of the OR Zone on the redevelopment property. Should the Redevelopment Plan not proceed, permitted and conditional uses as designated for the OR Zone remain applicable. Bulk requirements, design

standards, and submission requirements for the underlying zone districts also remain should the Redevelopment Plan not be implemented.

1.8.1 Land Use

- a. Permitted Principal Use:
 - Multi-Family Residential not to exceed 208 units
- b. Permitted Accessory Uses
 - Off-street Parking and Loading; Bicycle Racks
 - Electric Vehicle Recharging Facilities
 - Stormwater Management Facilities
 - Utility Infrastructure
 - Waste and Recycling Facilities
 - Signage
 - Mailbox Cluster
 - Patios
 - Community Building
 - Ground Maintenance Storage Buildings
 - Indoor and Outdoor Recreation Facilities
 - Fitness Center
 - Fire Pit
 - Clubhouse or Lounge Area
 - Dog Run
 - Sidewalks and Pathways
 - Other accessory uses and amenities customarily incidental to the principal permitted use as approved by the Planning Board.
- c. Conditional Uses
 - None

1.8.2 Site Area and Bulk Requirements

- Minimum Lot Area: 3.0 acres
- Minimum Lot Width: 400 feet
- Minimum Front Yard Setback (Route 1): 100 feet
- Minimum Front Yard Setback (Public Streets): 50 feet
- Minimum Side Yard Setback: 25 feet
- Minimum Rear Yard Setback: None
- Minimum Front Distance to Accessory Buildings: 25 feet
- Minimum Side /Rear Distance to Accessory Bldgs.: 10 feet

- Maximum Building Height: 40 feet
- Maximum Building Coverage: 35%
- Maximum Lot Coverage: 60%
- Minimum Buffer to Route 1: 100 feet
- Minimum Buffer to all other property lines: 5 feet
- Minimum Parking Setback from perimeter lot lines: 5 feet
- Minimum Parking Setback from Buildings: 5 feet

- a. Stormwater management basins, green infrastructure improvements, utilities, mailbox clusters, fencing and walls are permitted within the buffer area and setback areas for the site as developed under this Redevelopment Plan.
- b. Fences or walls constructed shall be a maximum of eight feet (8') where necessary for screening and reducing noise perception beyond the lot, or as may be required by the Planning Board.
- c. The above-noted redevelopment area criterion are with respect to the overall development boundary. If the subject lot is subdivided, setback criteria to internal lot lines is not applicable.
- d. Rooftop mechanical equipment may exceed the maximum permitted building height by five feet (5'). As visible to the public, roof mounted equipment shall be screened by appropriate architectural features.

1.8.3 Design Standards, Parking, Lighting, Demolition, and Road Widening/Easements

- a. All design and performance standards set forth in the Township Code are applicable unless otherwise modified herein.
- b. Parking Requirements. The following parking standards for the Property have been formulated to maximize available parking given site limitations, and shall supersede the parking standards and requirements set forth in Chapter 62 of the Township Code.
 - i. Dimensions of parking spaces
 1. Parking spaces on the Property shall be a minimum of nine feet (9') x eighteen feet (18'), except those designated as compact vehicle parking spaces and except those designated as accessible parking spaces.
 2. Compact vehicle parking spaces shall be a minimum of eight and one half feet (8½') x sixteen feet (16'), shall

be designated as compact vehicle parking spaces using pavement markings or signage or both, and may encompass up to thirty-five percent (35%) of the total number of parking spaces provided.

3. Accessible parking spaces in the quantity required to comply with State regulations governing accessible parking spaces shall be provided and shall comply with the dimensional requirements set forth by State regulations governing accessible parking spaces.
4. The length of any parking space other than an accessible parking space may be reduced by two feet (2') where a vehicle is permitted to overhang into a landscaped area by two feet (2'), provided that the landscape area is not reduced in quantity and not subject to potential damage, and further provided that no vehicle shall overhang into a sidewalk or walkway which would reduce the unencumbered width of a sidewalk or walkway to less than four feet (4').
5. All parking aisles with parking on both sides shall be a minimum of twenty-four feet (24') in width. All parking aisles with parking on one side, or with parking on neither side, shall be a minimum of twenty-two feet (22') in width.

ii. Parking shall be provided according to the following parking standards, including alternative standards to those set forth in the Residential Site Improvement Standards (if and to the extent said standards are applicable in a redevelopment area), specifically N.J.A.C. 5:21-4.14 and Table 4.4, in the case of studio and one-bedroom units because such alternative parking standards better reflect local conditions based on considerations such as the nature of the redevelopment project, the designation of an affordable housing set-aside, bedroom mix, anticipated household characteristics, and use by the Redeveloper of demand management techniques which may include techniques such as a permit parking system, an active towing protocol, and supportive facilities for alternative forms of transportation such as bicycle storage:

1. For studios, 1.0 parking spaces per unit.
2. For one-bedroom units, 1.25 parking spaces per unit.

3. For two-bedroom units, 2.0 parking spaces per unit.
4. Parking accessible for people with disabilities shall be provided as required pursuant to state law.
5. Electric vehicle parking spaces shall be provided as follows:
 - (a) A minimum of ten (10) parking spaces shall be Make-Ready spaces, as that term is defined in N.J.S.A. 40:55D-5, of which at least one (1) shall be accessible for people with disabilities.
 - (b) Locations of Make-Ready parking spaces shall be approved by the Planning Board as part of site plan review.
 - (c) Redeveloper at its option may install electric vehicle supply equipment in all Make-Ready parking spaces prior to issuance of the initial certificate of occupancy, or may phase installation in such a manner that electric vehicle supply equipment is installed to serve “Make-Ready” parking spaces at not less than the rate of one third prior to issuance of the initial certificate of occupancy, one third within three (3) years of issuance of the initial certificate of occupancy, and one third within six (6) years of issuance of the initial certificate of occupancy.
6. Visitor parking is encompassed within the standards set forth based on the number of bedrooms in a unit, and there is also on-street parking available in proximity to the site, such that no additional or specifically designated visitor parking spaces are required.
 - iii. Should the applicant demonstrate parking requirement conformance for uses included in the most recent ITE Parking Generation Manual and the Planning Board deems these parking requirements to be reasonable, relief may be requested.
 - iv. Parking for trucks over four (4) tons shall not be permitted. The loading and unloading of vehicles over four (4) tons, however, shall be permitted within designated loading areas.

- v. Operational Truck Refrigeration Units (TRUs) shall not be permitted to park on the site.
- vi. Exterior storage of any boat, motorhome, travel trailer, camper, recreational or commercial vehicle is prohibited.
- c. **Lighting Design Standards.** Luminaire height may not exceed twenty feet (20'); LED lighting residential warm maximum 3000K with sharp cutoff luminaires shields is required. The measure of lighting intensity at the boundary of the Property shall not exceed 0.1 foot-candles. Lighting intensity limits are exclusive of any driveway access points for purposes of vehicular and pedestrian safety and where additional lighting may be advantageous for pedestrian sidewalk areas. Suitable security and convenience lighting shall be provided along all walks, interior roads and off-street parking areas, with the exception of driveways, providing sufficient illumination for the safety and convenience of residents and vehicular traffic.
- d. Provide necessary access for emergency vehicles.
- e. Existing obsolete improvements are to be demolished and disposed in accordance with all governing regulations.
- f. Area roadway improvements may include access driveways, ADA facility upgrades, sidewalk areas including connections, and roadway re-alignment/geometric adjustments, bikeways and multi-use pathways as may be required by the Planning Board. These improvements are subject to review and approval by the agency having jurisdiction.

1.8.4 Signage

- a. Entry signs may be monument style and illuminated.
- b. Entry signs shall not exceed thirty-six (36) s.f. in area nor six feet (6') in height, and located outside of any sight triangle areas.
- c. Directional and information signs are permitted, not to exceed eighteen (18) s.f. in area.
- d. Temporary signage, including freestanding ground signs, flag signs, banner signs, contractor signs, or other signs advertising the availability of the residential units and/or directing the public to the development are permitted until the development reaches 100% occupancy.
- e. ADA Parking signs shall be provided consistent with N.J. State and Federal requirements.

1.8.5 Performance Criteria and Standards

- a. Extend and upgrade pedestrian/bicycle/multi-use pathways.
- b. Promote energy conservation in redevelopment construction design.
- c. Control adverse development impacts including noise and light.
- d. Utility improvements including electric and other utility wires shall be underground wherever possible for safety, efficiency and aesthetics.
- e. On-site solar electric generation is recommended to advance municipal green initiatives.
- f. Construct off-tract improvements, or make pro-rata share contributions for off-tract improvements as determined by the Planning Board, in accordance with N.J.S.A. 40:55D-42 and in accordance with the standards set forth in Township Code 62-164.
- g. Provide ample buffering/screening so to screen views and reduce noise perception off-site.
- h. Stormwater Management Facilities may be located and integrated within the buffer/screening areas, subject to meeting screening criteria as required by the Planning Board.
- i. The existing Stormwater Management Facilities initially shall be cleaned up and brought into a state of full functionality so as to perform as originally designed, in accordance with a Stormwater Maintenance Plan to be approved by the Planning Board during site plan review, and upgrades to the existing storm wet basin and conveyances shall be required only if, and to the extent required by, current NJDEP safety design standards, Green Infrastructure and water quality (GI) standards, outflow controls, and capacities for basin and conveyances.
- j. Buildings (new construction only) are to include architectural design upgrades that add visual interest to the residential buildings.
- k. As visible to the public, roof mounted or ground placed equipment shall be screened by appropriate architectural landscape design features.

1. “Do not enter” and “one-way” signs often confuse the motoring public and add to the clutter of the streetscape. They shall be used sparingly while accounting for traffic safety.
- m. Lighting performance criteria include provision for residential level security, safety, and adequate (not excessive) illumination, while providing for control offsite glare and uplighting. Lighting fixture designs shall compliment building architecture.

1.8.6 Development Regulations

- a. Redevelopment area construction shall be in accordance with the requirements of the Township Code, unless otherwise modified herein.
- b. Submission Waivers. The Planning Board upon the recommendation of the Planning Board planner and engineer will consider waivers from the submission requirements within this redevelopment area so to minimize development costs without compromising health, safety, and welfare.
- c. The Redeveloper is to provide twenty (20%) percent of total units as qualified affordable housing units in accordance with the Township Fair Share Plan. These units shall be interspersed with market rate units throughout the development.
- d. This redevelopment area shall be governed by the procedural and performance requirements set forth under the Land Development section of the South Brunswick Township code and applicable provisions of the M.L.U.L. with the following modifications:
 - i. Redevelopment activities shall be in conformance with this Redevelopment Plan, which may be amended in accordance with the requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.;
 - ii. Deviations from the terms hereof shall be addressed by way of an application submitted to the Planning Board. A deviation shall be granted where:
 1. An applicant can demonstrate that the proposed deviation is more beneficial for the Township than compliance with the terms required by the Township Code or otherwise required by this Redevelopment Plan, and

2. The proposed deviation furthers the intent and purposes of the Township Master Plan and this Redevelopment Plan.
 - iii. Redeveloper shall be permitted to apply for and obtain any and all permits, approvals and authorizations required by any provision of the South Brunswick Township code or by any State law or regulation for use and occupancy of the existing buildings as multi-family dwellings, and for any interior or exterior construction involving modifications to any existing building to adapt said building to multi-family residential use, and may apply for and obtain certificates of occupancy for multi-family use of any existing building and for accessory use or support functions of any existing building, without first obtaining site plan approval. Site plan approval for modifications to the Sonesta Suites Site, including changes to the parking configuration or addition of parking spaces, shall be required if and to the extent provided for in the Land Development section of the South Brunswick Township code and applicable provisions of the M.L.U.L.

1.9 Redevelopment Plan Buffer and Screening Requirements

This Redevelopment Area is located within the vicinity of existing development. The site plan submitted to the Planning Board for approval in accordance with N.J.S.A. 40A:12A-13 shall include a landscape plan which shall be prepared by or under the supervision of a Landscape Architect licensed in New Jersey (LA).

- a. A minimum front building setback of one hundred (100) feet from Route 1, and fifty (50) feet from other public streets.
- b. A minimum one hundred foot (100') buffer screen along Route 1 is to remain natural and/or improved using techniques described in Township Code, and may include stormwater facilities and green infrastructure measures, as long as screening design objective are met. Supplemental buffering and screening improvements may be required as determined by the Planning Board.
- c. The primary performance objective of buffer areas is to screen views and achieve noise attenuation beyond the tract. Buffers are to be designed, planted, graded, screened, and landscaped so that the more intense the use, the more effective the buffer is to be in obscuring light and vision, and attenuate noise.

- d. Buffer designs including dense primarily native evergreen trees and shrubs, fencing, and sound attenuation including berms and professionally designed sound walls are among techniques to be considered.
- e. Headlight glare is best initially screened with fencing and/or dense evergreen shrubs internally along parking lots and drive areas.
- f. Potential off-site glare from parking lot and drive area lighting is to be mitigated by LED lights with sharp cutoff luminaires and/or shields, and by residential warm Kelvin temperature (3000K maximum) so to provide lighting attenuation benefits.
- g. Applying combinations of screening designs as outlined (evergreen and deciduous trees and shrubs; berthing; fencing; sound attenuation designs; LED lighting designs, height and Kelvin temperature controls; parking lot and drive area layouts; and depth of buffer distance and building setback) provide greater design accountability toward achieving stated performance objectives.
- h. South Brunswick Township tree ordinances shall be met, except as superseded by this Redevelopment Plan.

1.10 Acquisition and Relocation (Non-Condemnation)

This Redevelopment Plan does not propose acquisition of property. This proposed Redevelopment Plan is not anticipated to temporarily or permanently displace any residents or businesses.

1.11 Consistency with State, County, Regional, and Nearby Municipal Plans

1. New Jersey State Development and Redevelopment Plan (SDRP)

This Redevelopment Area is located within PA2. The SDRP policies support and encourage development and redevelopment within PA2.

The SDRP recognizes the following general characteristics of municipalities and communities located within PA2:

- Mature settlement patterns.
- Infrastructure systems approaching reasonable life expectancy.

- Redevelopment will be the predominant form of growth in the future.
- Growing realization of the need to regionalize services and systems.

The intention of the SDRP for PA2:

- Provide for much of the State's future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Protect the character of existing stable communities.

South Brunswick Township's Comprehensive Master Plan and 2018 Master Plan Reexamination Report recognize that absorbing new development and growth will largely involve redeveloping underutilized parcels.

2. *Middlesex County*

Middlesex County's regional development efforts include:

- a. Supporting the creation of a corridor-wide redevelopment areas, which have an economic development component.
- b. Enhancing the "Gateways" into the Township.
- c. Creating innovative circulation and parking solutions.
- d. Improving roadway operations.
- e. Providing pedestrian connections.

In conjunction with regional redevelopment efforts by Middlesex County, South Brunswick Township continues to identify sites within the Route 1 Corridor that are suitable for smart growth based redevelopment.

3. *New Jersey Transportation Planning Authority*

South Brunswick Township actively participates with the efforts of NJTPA to improve and redevelop identified areas in need of redevelopment. Efforts include accommodation of vehicles and pedestrians, improved access to alternative modes of transportation, economic revitalization of corridors, landscaping and streetscape improvements along corridors, and the provision of bicycle/pedestrian access ways and facilities. South Brunswick Township's bicycle/pedestrian access and redevelopment planning efforts further these overall regional objectives.

This Redevelopment Area maintains consistency with identified Smart Growth goals:

- a. Revitalization - Reversing past declines and enhance a more stable climate as a foundation to attract new real estate and infrastructure investment.
- b. Infrastructure Investment - Use existing and planned improvements to sewer & water systems and transportation facilities and services as key growth management strategies to yield more efficient and sustainable regional development patterns.
- c. Manage future development through focused infrastructure investments.
- d. Restore and maintain existing infrastructure systems, services and capacity.

These smart growth goals and policies are consistent with the New Jersey State Development and Redevelopment Plan and the New Jersey Department of Transportation so to ensure regionally consistent land use plans.

South Brunswick Township's redevelopment efforts support and encourage investment in existing infrastructure, to advance support for existing and new businesses, and promote environmentally sensitive design.

1.12 New Jersey Department of Transportation and Middlesex County Improvements Under Consideration For South Brunswick in Vicinity of this Redevelopment Area

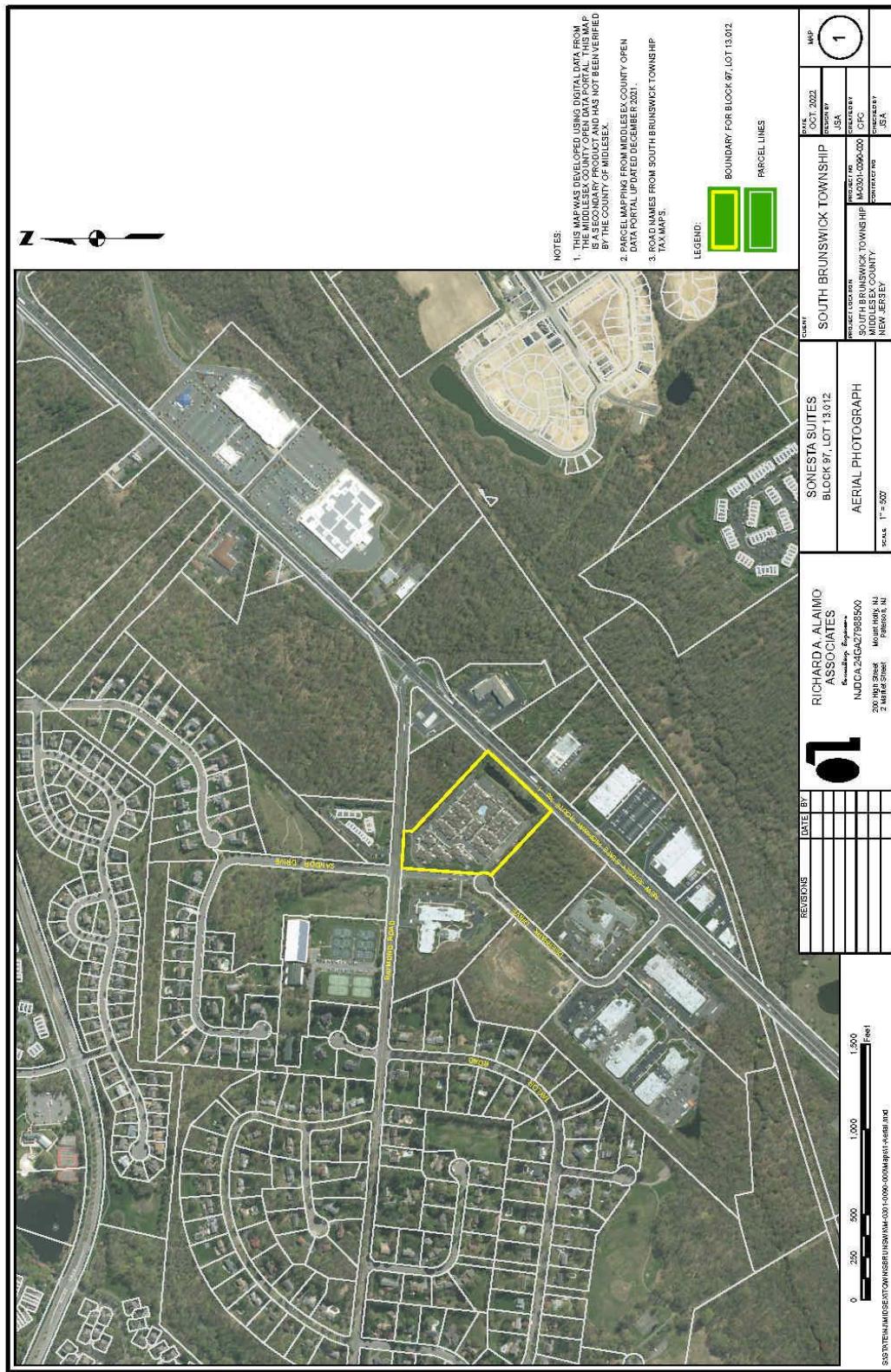
- a. All requirements directed by N.J. State and County shall be met.

1.13 Redevelopment Area Program and Process Schedule

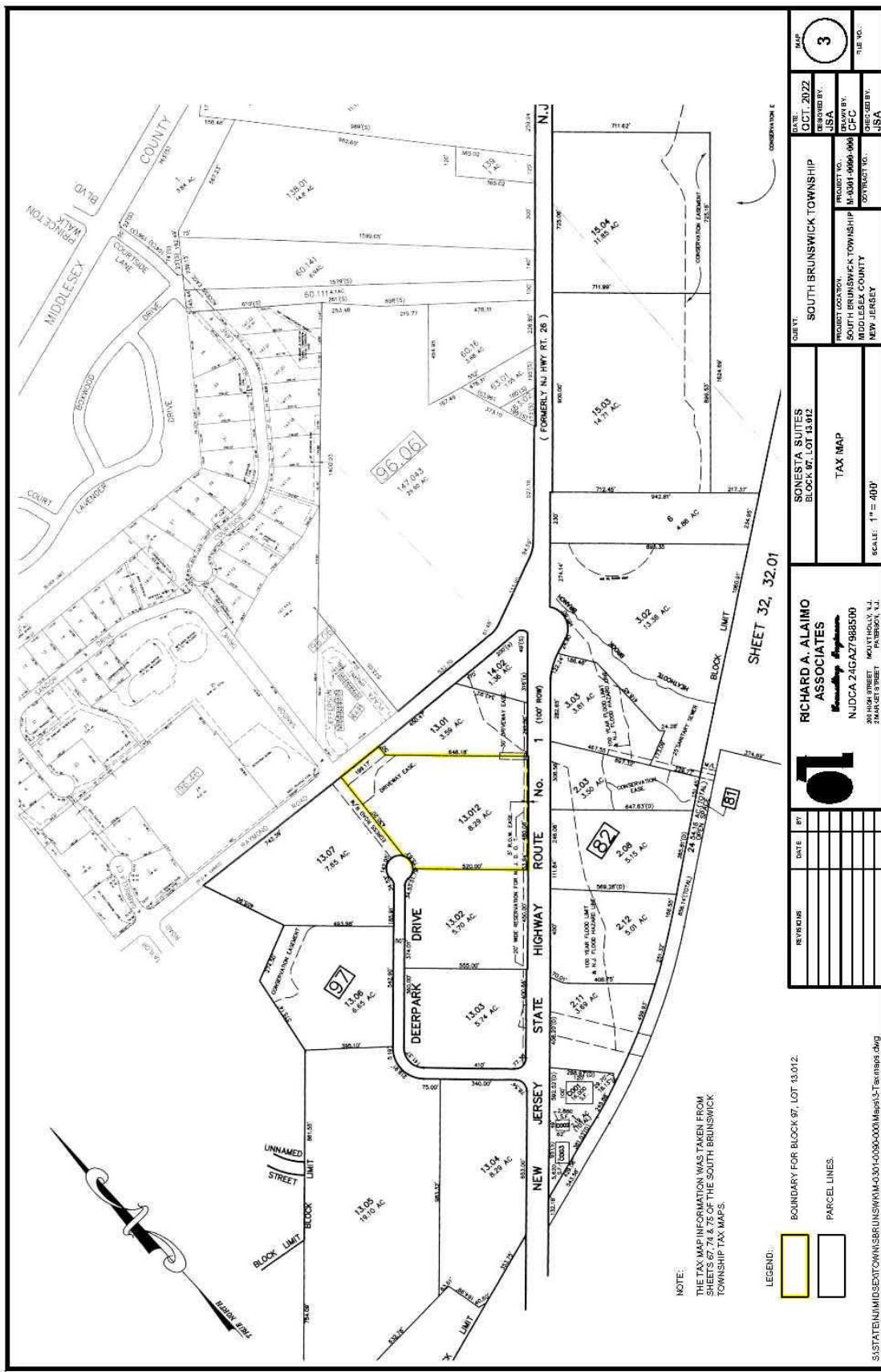
- a. Establish a general schedule for redeveloping the existing hotel to residential use in sequence with the objective to balance buildup of the entire Redevelopment Area in accordance with a developer's agreement to be entered by the Township and Redeveloper.
- b. Finalize Redevelopment Plan; present to Planning Board for review, comment, and recommendation to Mayor and Council by Resolution.
- c. The Redevelopment Plan to be adopted by Ordinance; redeveloper to be designated by Mayor and Council and execute a Redevelopment Agreement as part of designation as the Redeveloper.
- d. Applicant to submit site plan for review and approval by the Planning Board consistent with this Redevelopment Plan.

APPENDICES

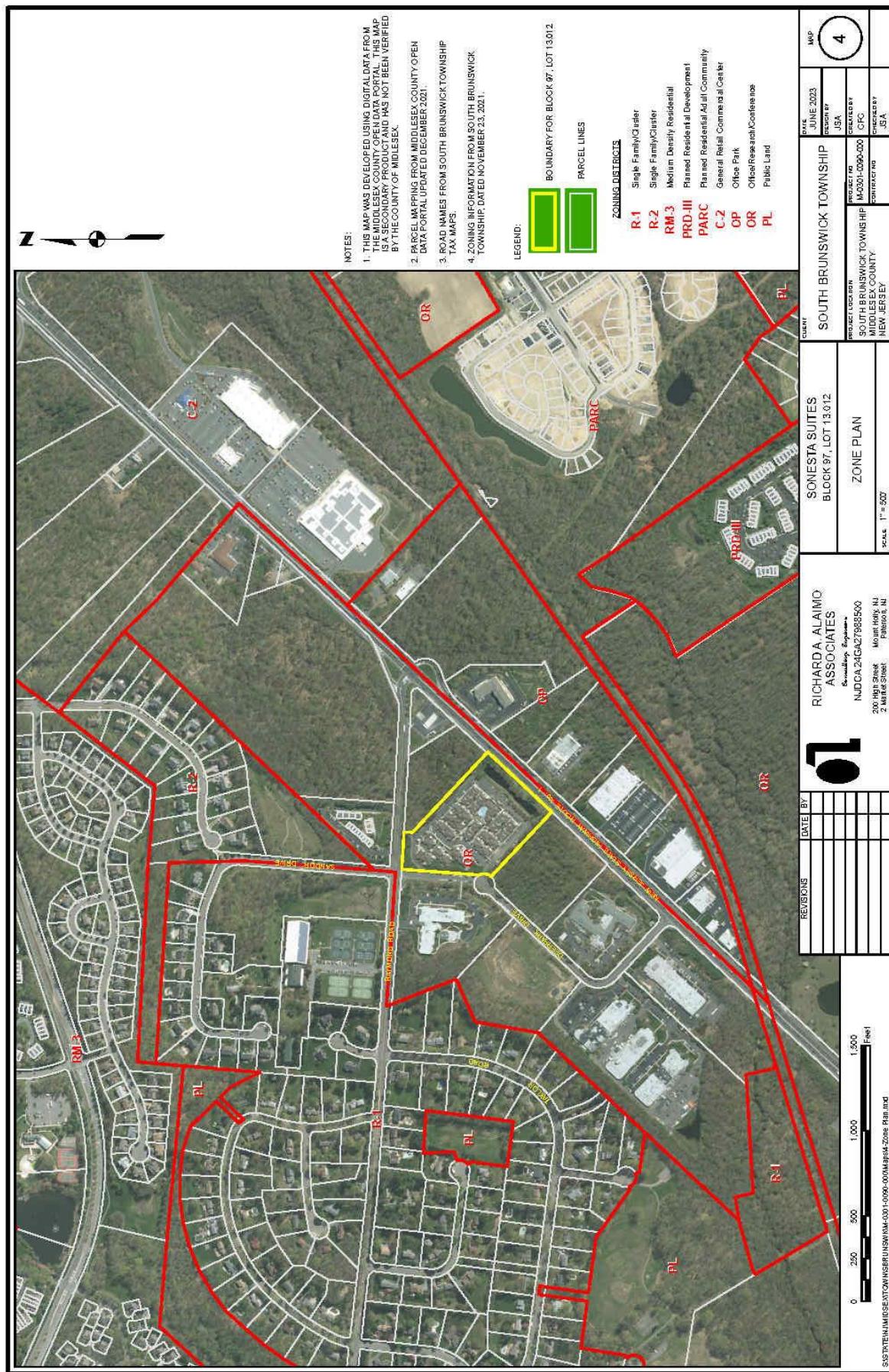
AERIAL



TAX MAP



ZONE PLAN



SITE PHOTOS



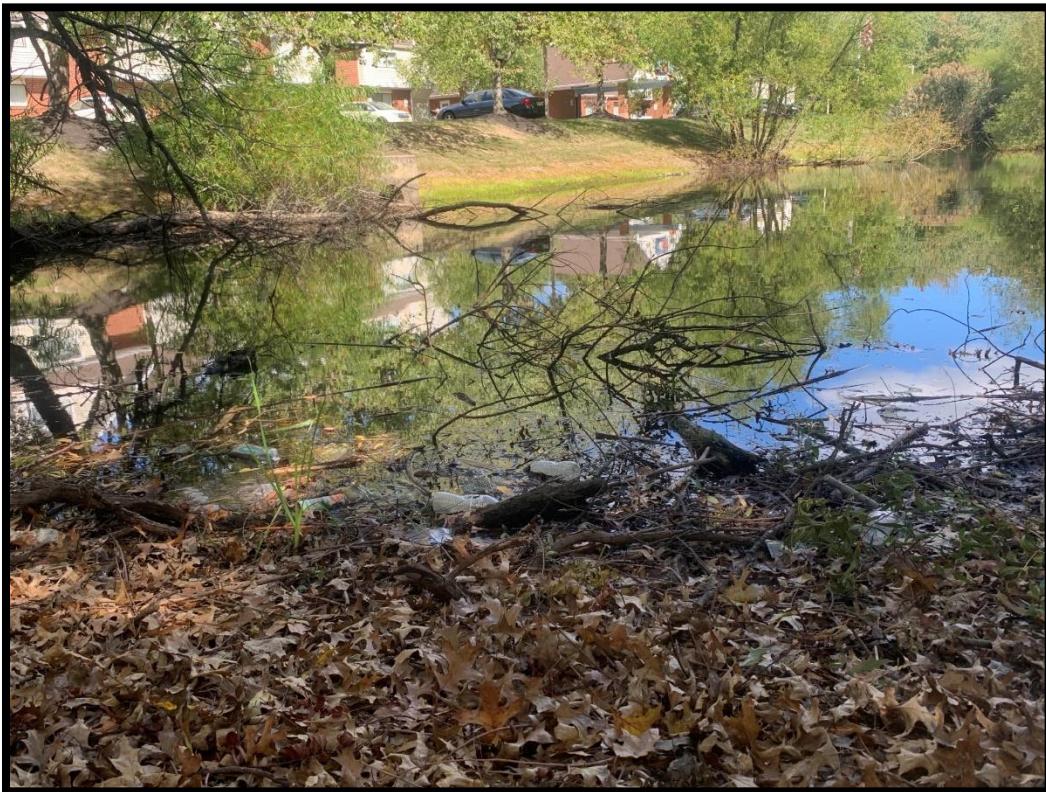


















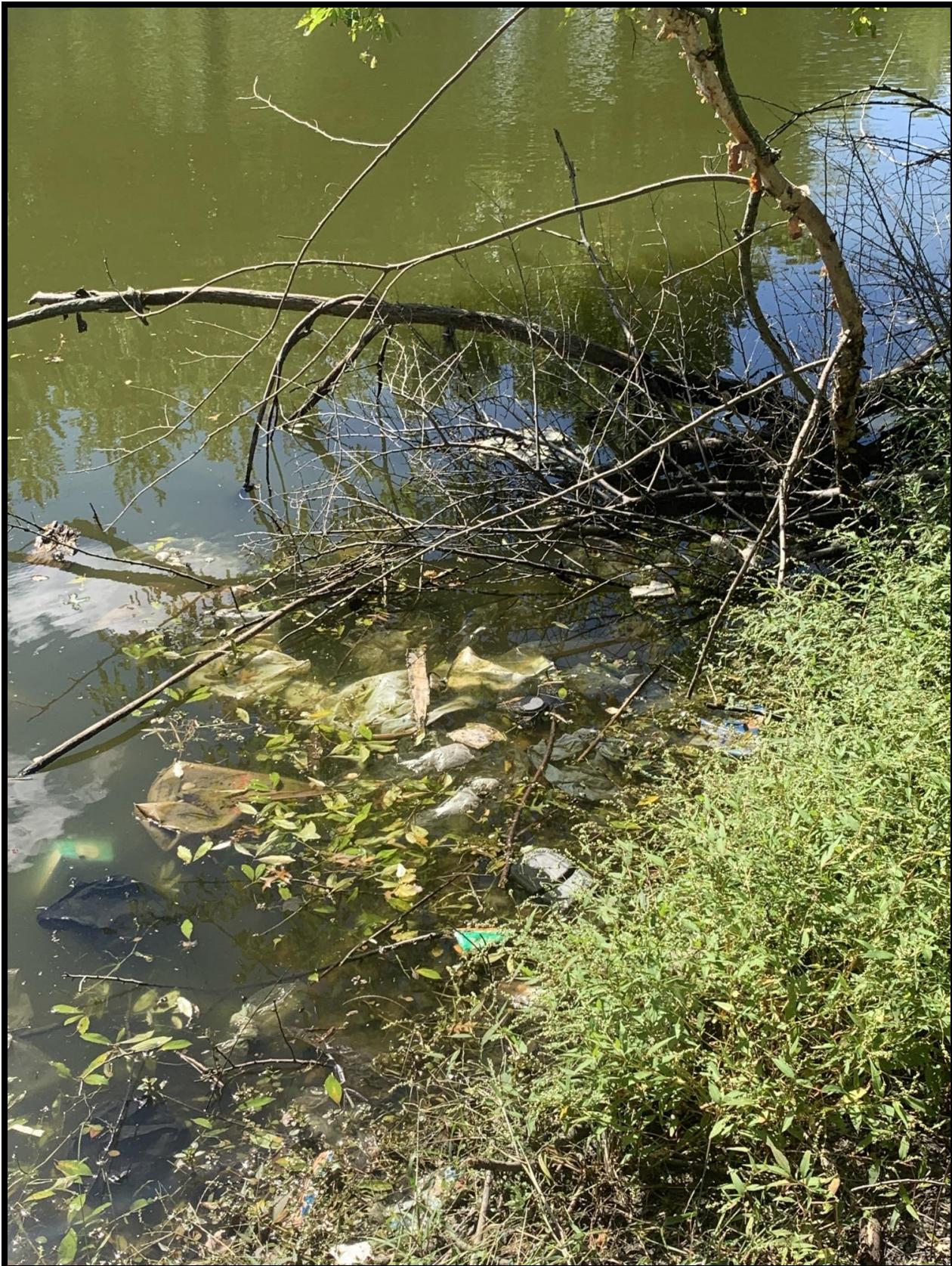


















TOWNSHIP AND PLANNING BOARD RESOLUTIONS



Resolution

Authorizing and Directing the Township Planning Board to Undertake a Preliminary Investigation as to Whether Block 97, Lot 13.012, 4225 U.S. Highway 1, Satisfies the Criteria to be Designated as an Area in Need of Redevelopment And/Or Rehabilitation

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment and/or rehabilitation; and

WHEREAS, in accordance with the LRHL the Mayor and Township Council of the Township of South Brunswick (the "Township Council") wish to authorize the South Brunswick Planning Board to conduct a preliminary investigation as to whether Block 97, Lot 13.012, 4225 U.S. Highway 1, as appears on the South Brunswick Tax Map (the "Redevelopment Area"), satisfies the criteria to be designated as an area in need of redevelopment and/or rehabilitation and whether same or any portion thereof should be designated as an area in need of redevelopment and/or rehabilitation;

NOW, THEREFORE, BE IT RESOLVED, on this 26th day of July, 2022, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby authorizes and directs the Planning Board to conduct a preliminary investigation as to whether Block 97, Lot 13.012, 4225 U.S. Highway 1, as appears on the South Brunswick Tax Map (the "Redevelopment Area"), satisfies the criteria to be designated as an area in need of redevelopment and/or rehabilitation and whether same or any portion thereof should be designated as an area in need of redevelopment and/or rehabilitation.
3. Any Redevelopment Area determination shall be a "Non-Condemnation Redevelopment Area" as defined in N.J.S.A. 40A:12A-6, and shall authorize the Township to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain.
4. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.
5. This Resolution shall take effect immediately.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Camarota, Deputy Mayor
SECONDER:	Josephine "Jo" Hochman, Councilwoman
AYES:	Bierman, Camarota, Grover, Hochman, Carley

This is to certify that the foregoing is a true copy of a resolution adopted at the South Brunswick Township Council meeting held on July 26, 2022.


Barbara Nyitrai, Township Clerk

Resolution 2023-145

A Resolution Determining that Property Located at Block 97, Lot 13.012, 4225 U.S. Highway 1 be Designated as a Non- Condemnation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on July 26, 2022, the Township Council ("Council") of the Township of South Brunswick ("Township") adopted a Resolution authorizing and directing the Planning Board of the Township ("Board") to conduct a preliminary investigation to determine whether various properties in Block 97, Lot 13.012, 4225 U.S. Highway 1, as more specifically designated in the Resolution ("Study Area"), met the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, Richard A. Alaimo Associates prepared a Preliminary Investigation Report and Map dated December 1, 2022 ("Area in Need Study") for the Board for its consideration in determining whether all or part of the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, the Map showed the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Board on February 1, 2023, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearing, the Board reviewed the Area in Need Study, the Map and associated documents, and heard testimony from all interested parties (if any); and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating part of the Study Area as a Non-Condemnation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, the Board further concluded that there was sufficient credible evidence to support findings that any designation of the Study Area as a Non-Condemnation Study Area shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution dated February 15, 2023, and ratified March 8, 2023, the Board recommended to the Council that part of the Study Area be designated as a Non-Condemnation Redevelopment Area;

NOW, THEREFORE, BE IT RESOLVED on this 28th day of March, 2023, by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that it accepts the recommendation from the Planning Board of the Township of South Brunswick and finds that Block 97, Lot 13.012, 4225 U.S. Highway 1, as shown on the official tax map of the Township of South Brunswick, be and are hereby deemed to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and

BE IT FURTHER RESOLVED, that the designation of these properties as a Non-Condemnation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area; and

BE IT FURTHER RESOLVED, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

BE IT FURTHER RESOLVED, that the Clerk of the Township of South Brunswick shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED, that within ten (10) days of the Township Council's adoption of the within Resolution, the Clerk of the Township of South Brunswick shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Non-Condemnation Redevelopment Area, those whose names are listed on the Tax Assessor's records for receiving such notices, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commissioner of the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the Planning Board shall transmit a report containing its recommendation concerning a Redevelopment Plan to the Township Council when same has been completed. The Planning Board's report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

RESOLUTION OF THE TOWNSHIP OF SOUTH BRUNSWICK PLANNING BOARD
RECOMMENDING TO THE TOWNSHIP COUNCIL THAT IT DESIGNATE BLOCK 97,
LOT 13.012, 16 DEER PARK DRIVE, WITHIN THE TOWNSHIP OF SOUTH
BRUNSWICK AS AN "AREA IN NEED OF REDEVELOPMENT" IN ACCORDANCE
WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A.40A:12A-1, ET
SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.
(the "LRHL") provides a mechanism to empower and assist local governments in efforts to
promote programs of redevelopment; and

WHEREAS, the LRHL sets forth a specific procedure for establishing an area in need of
redevelopment; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6 of the LRHL, prior to the governing body
making a determination as to whether a particular study area qualifies as an area in need of
redevelopment, the governing body must authorize the Township Planning Board, by
Resolution, to undertake a preliminary investigation to determine whether the area meets the
criteria of an area in need of redevelopment as set forth in Section 5 thereof; and

WHEREAS, by Resolution adopted on July 26, 2022, the Township Council of the
Township of South Brunswick directed the Planning Board to undertake a preliminary
investigation to determine whether the proposed study area; namely, 16 Deer Park Drive,
within the Township of South Brunswick and identified with more particularity as Block 97,
Lot 13.012 (the "Study Area") qualifies as an area in need of redevelopment pursuant to
N.J.S.A. 40A:12A-5; and

WHEREAS, the Board received and reviewed the report of Richard A. Alaimo
Associates, New Jersey Professional Planner, entitled "Preliminary Investigation for Block 97,
Lot 13.012" dated December 1, 2022 (the "Preliminary Investigation Report") and considered it
as evidence presented at the hearing; and

WHEREAS, the Planning Board did (i) provide appropriate notice of the conduct of its
preliminary investigation of the Study Area, and (ii) conduct a public hearing of its preliminary
investigation of the Study area in accordance with the provisions of the LRHL;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of
South Brunswick, County of Middlesex, State of New Jersey, as follows:

1. Based upon the report of Richard A. Alaimo Associates, New Jersey
Professional Planner, entitled "Preliminary Investigation for Block 97, Lot 13.012" dated
December 1, 2022 (the "Preliminary Investigation Report"), and all comments entertained
at the preliminary investigation hearing on February 1, 2023, the Planning Board does hereby
determine that the Study Area satisfies one or more of the criteria under Section 5 of the LRHL
for designation as a non-condemnation "area in need of redevelopment", for the following
reasons:

(A) Block 97, Lot 13.012 satisfies criteria "b, d, & h" of the redevelopment criteria listed
in Section 5 of the LRHL.

2. The Planning Board therefore hereby recommends the following:

(A) Block 97, Lot 13.012 (16 Deer Park Drive) satisfies the redevelopment criteria and should be designated as a Redevelopment Area.

3. The Planning Board Secretary is hereby directed to forward a copy of this Resolution, along with a copy of the Preliminary Investigation Report, to the Mayor and to the Township Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF A RESOLUTION PASSED BY THE PLANNING BOARD FOR THE TOWNSHIP OF SOUTH BRUNSWICK AT A MEETING HELD ON THE 8th DAY OF MARCH 2023.

Tammy Scimone, Planning Board Secretary



South Brunswick Township
540 Ridge Road
Monmouth Junction, NJ 08852

ORDINANCE 2023-23

Adopting the “Sonesta Suites Redevelopment Plan” for 4225 U.S. Highway 1 (Block 97, Lot 13.012) Pursuant to the Local Redevelopment and Housing Law

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on July 26, 2022, the Township Council (“**Township Council**”) of the Township of South Brunswick (“**Township**”) adopted Resolution No. 2022-261, authorizing and directing the Planning Board of the Township (“**Planning Board**”) to conduct a preliminary investigation to determine whether the property identified on the Township’s Tax Maps as Block 97, Lot 13.012 and more commonly known as 4225 U.S. Highway 1 (“**Study Area**”), met the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Planning Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, Richard A. Alaimo Associates (the “**Planning Consultant**”) prepared a Preliminary Investigation Report and Map dated December 1, 2022 (“**Area in Need Study**”) for the Board for its consideration in determining whether all or part of the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, the map showed the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, a public hearing was conducted by the Planning Board on February 1, 2023, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, after completing its investigation and public hearing on this matter, the Planning Board concluded there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq. for designating the Study Area as a non-condemnation redevelopment area and that said designation is necessary for the effective redevelopment of the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Resolution dated February 15, 2023, and ratified March 8, 2023, the Board recommended to the Council that part of the Study Area be designated as a Non-Condemnation Redevelopment

Area;

WHEREAS, on March 28, 2023 the Township Council agreed with the conclusions of the Planning Board and adopted Resolution No. 2023-14, finding the Study Area was a Non-Condemnation "Area in Need of Redevelopment" (the "Redevelopment Area") and authorized and directed the Planning Board to prepare a redevelopment plan for the Redevelopment Area, including an outline for the planning, development, and redevelopment of the Redevelopment Area, pursuant to N.J.S.A. 40A:12A-7; and

WHEREAS, the Commissioner of the Department of Community Affairs approved the determination of the Redevelopment Area; and

WHEREAS, the Planning Consultant prepared a redevelopment plan for the Redevelopment Area entitled "Sonesta Suites Redevelopment Plan", dated June, 2023 (a copy of which is attached hereto as Exhibit A, the "Redevelopment Plan"); and

WHEREAS, the Township Council has reviewed and considered the Redevelopment Plan; and

WHEREAS, pursuant to the Redevelopment Law, specifically N.J.S.A. 40A:12A-7(e), after introduction and first reading of this Ordinance, the Township Council referred the proposed Redevelopment Plan to the Planning Board for review and recommendation and instructed the Planning Board to transmit its recommendations relating to the Redevelopment Plan to the Township Council prior to final adoption; and

WHEREAS, upon receipt and review of the Planning Board's recommendations relating to the Redevelopment Plan, and in consultation with the Planning Consultant and redevelopment counsel, the Township Council believes that adoption of the Redevelopment Plan is in the best interests of the Township and will best facilitate the appropriate development of the Redevelopment Area; and

WHEREAS, the Township Council has determined to adopt the Redevelopment Plan as recommended by the Planning Board.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of South Brunswick, in the County of Middlesex, New Jersey, as follows:

1. The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

2. The Redevelopment Plan, as filed in the Office of the Township Clerk and attached hereto as Exhibit A, is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7.

3. The zoning map and ordinances of the Township are hereby amended to incorporate the Redevelopment Plan.

4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Township Clerk during regular business hours.

6. This Ordinance shall take effect as provided by law.

The above ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of South Brunswick held on August 8, 2023. It will be considered on second reading and final passage at a meeting of the Township Council of the Township of South Brunswick to be held either (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via video conference, at 6:00 p.m. on August 22, 2023. If the meeting is held via video conference, an electronic link to the meeting will be made available to the public at www.southbrunswicknj.gov no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

RESULT:	INTRODUCED [UNANIMOUS]	Next: 8/22/2023 6:00 PM
MOVED:	Joseph Camarota, Deputy Mayor	
SECONDER:	Ken Bierman, Councilman	
AYES:	Ken Bierman, Joseph Camarota, Charlie Carley	
ABSENT:	Archana "Ann" Grover, Josephine "Jo" Hochman	

This is to certify that the foregoing is a true copy of an ordinance introduced at the South Brunswick Township Council meeting held on August 8, 2023.

Barbara Nyitrai, Township Clerk

Memorandum

To: Bryan Bidlack, Township Manager/ Director of Planning

From: Mac Womack, Township Attorney

Date: August 9, 2023

Re: Referral of Ordinance for Planning Board Review

The Township Council introduced the following ordinance on August 8, 2023:

- Ordinance 2023-23, Adopting the "Sonesta Suites Redevelopment Plan" for 4225 U.S. Highway 1 (Block 97, Lot 13.012) Pursuant to the Local Redevelopment and Housing Law

Please accept this as a formal referral to the Planning Board from the Township Council for review and comment pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.).

Please note that pursuant to N.J.S.A. 40:55D-26, within 35 days of receipt of this referral, the Planning Board shall submit its recommendations to the Township Council regarding the proposed ordinance, including an identification of any provisions in the ordinance which are inconsistent with the Master Plan, any recommendations concerning these inconsistencies and any other matters as the Board deems appropriate. Thereafter, or after the expiration of the 35 days if the Planning Board does not submit recommendations, the Township Council may adopt the ordinance, with or without modification.

Thank you for your attention to this matter.

Appendix 8.
Extension of Controls

MIDDLESEX COUNTY CLERK
County Clerk's Recording Page

Return To:

Index DEED BOOK
Book 04522 Page 0285
No. Pages 0006
Instrument DEED NEW CONST
Date : 7/27/1998
Time : 1:33:08
Control # 199807270412
INST# DE 1998 010024

HARBELL SOUTH BRUNSWICK INC

Employee ID JANKE\$

RECORDING	\$	26.00
OVERCHARGE	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
ICUND	\$	119.25
ICOVER	\$.00
	\$.00
	\$.00
Total:	\$	145.25

STATE OF NEW JERSEY
MIDDLESEX COUNTY CLERK

ELAINE FLYNN
COUNTY CLERK



199807270412

**RECORDING INFORMATION
MUST REMAIN WITH DOCUMENT**



RECORDED
MIDDLESEX COUNTY CLERK

DEED

98 JUL 27 PM 1:30

4522
285
BOOK 4522
PAGE 285
SEARCHED INDEXED SERIALIZED FILED

Prepared by:

James A. Mitchell

James A. Mitchell, Esq.

THIS DEED, is made on July 23, 1998,

BETWEEN

SHARBELL SOUTH BRUNSWICK, INC., a corporation of the State of New Jersey,

having its principal offices at 4605 Nottingham Way, Hamilton Square, New Jersey 08690, referred to as the Grantor.

AND

GAYLORD WATSON and PAULA MCCOOL.

unmarried, Joint Tenants with the right of survivorship

whose post office address is about to be 103 Blossom Circle, South Brunswick Township, New Jersey, referred to as the Grantee. (The words "Grantor" and "Grantee" include all Grantors and all Grantees under this Deed.)

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of), subject to the provisions of the New Jersey Condominium Act (N.J.S.A. 46:8B-1 et seq.), the property described below to the Grantee. This transfer is made for the sum of Seventy-Nine Thousand Three Hundred Seven (\$79,307.00) Dollars. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Municipality of South Brunswick Township, Block No. 31.08, Lot No. 2, Qualifier/ Unit No. C0103/103.

Property. The property consists of the land and the Condominium Unit on the land in the Township of South Brunswick, County of Middlesex and State of New Jersey. The legal description is:

Being known as Lot 2 in Block 31.08, Qualifier/Unit No. C0103/103 as shown on a map entitled "Final Plat - Sections 5, 9, 14 and 16 (Phase 5B, 5C, 5D and 5E) of Summerfield Lots 2 and 45 in Block 31.08 and Lots 10.012, Block 31.020, situate in the Township of South Brunswick, Middlesex County, New Jersey", filed in the Middlesex County Clerk's Office on June 2, 1997, as Map Number 5830, and File Number 982.

Commonly known as 103 Blossom Circle, South Brunswick, New Jersey.

BEING more particularly described in Schedule "A" attached hereto and made a part hereof.

The Owner's right, title and interest in this Unit and the use, sale and resale of this property are subject to the terms, conditions, restrictions, limitations and provisions as set forth in the AFFORDABLE HOUSING AGREEMENT which shall be filed concurrently with this deed in the office of the County Clerk of Middlesex County and is also on file with the South Brunswick Township Affordable Housing Authority.

Together with and subject to the Master Deed for The Villages at Summerfield, A Condominium, recorded on September 4, 1996, in the Office of the Middlesex County Clerk, in Deed Book 4352, Page 282; and any amendment(s) thereto now or hereafter recorded.

Together with an undivided .1438 percent interest in the Common Elements of said Condominium, as may be amended in accordance with the aforesaid Master Deed.

BEING a part of the same premises conveyed to Grantor herein by Deed from Avonna Development Corp., dated July 22, 1998 and about to be recorded in the Middlesex County Clerk's Office simultaneously herewith.

BEING a part of the same premises conveyed to Grantor herein by Deed from Avonna Development Corp., dated July 23, 1998 and about to be recorded in the Middlesex County Clerk's Office simultaneously herewith.

This conveyance is further subject to the following, as well as exceptions disclosed in the Title Insurance Commitment obtained by the Grantee;

(1) The Certificate of Incorporation and By-Laws of The Villages at Summerfield Condominium Association, Inc.

(2) Rights of adjoining owners, tenants and mortgagees together with the Grantee in and to all Common Elements as defined by the aforesaid Master Deed.

This conveyance is also subject to such amendments to any of the foregoing as shall be made in accordance with the terms of the foregoing documents, and to a physical inspection of the premises and such state of facts as an accurate title search and survey would reveal.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Power of Attorney. By the acceptance of this Deed, the Grantee consents to any future amendments or revisions of the Master Deed for the Villages at Summerfield, A Condominium and the Certificate of Incorporation and By-Laws of The Villages at Summerfield Condominium Association, Inc. (referred to in this Deed as the "Governing Documents"), which may be required by the laws or governmental agencies of the State of New Jersey in connection with the sale of any property described in either of the Governing Documents; and/or by any title insurance company insuring title to any portion of the Villages at Summerfield, A Condominium at the Grantor's request; and/or by an Institutional Lender providing mortgage loans to Unit Owners.

If an amendment is required for any one of the reasons described above, then the Grantee expressly agrees that the Grantor is authorized, on behalf of the Grantee, to sign and record any document necessary to make the amendment effective. This authority is called a power of attorney, and the Grantor, in exercising this authority, is referred to as the Grantee's attorney-in-fact. By this Deed, the Grantee designates the Grantor as having this authority. This power of attorney will be binding upon anyone who claims an interest acquired through a will or by operation of law. If an amendment is required for one of the reasons expressed, only signature of the attorney-in-fact without a separate written consent of the Grantee would be required unless the amendment would substantially change the floor plan of the Townhome or increase the financial obligations of the Grantee under the Governing Documents or reserve any additional or special privileges for the Grantor which are not already contained in the Governing Documents.

The Grantee also automatically and irrevocably names, constitutes, appoints and confirms the Condominium Association as attorney-in-fact for the following purposes: (i) to acquire title to or lease any Unit whose owner desires to surrender, sell or lease the same, in the name of the Condominium Association or its designees, corporate or otherwise, on behalf of all Unit Owners; (ii) to convey, sell, lease, mortgage (but not the votes appurtenant thereto) or otherwise dispose of any such Unit so acquired or to sublease any Unit so leased by the Association; and (iii) to prepare, execute and record any amendments to the Master Deed required under the Master Deed.

The Grantee declares and acknowledges that this power of attorney is coupled with an interest in the subject matter. The Grantee understands that the Grantor has caused the Governing Documents to be adopted, recorded and binding on all Unit Owners in the Villages at Summerfield, A Condominium for the mutual benefit of the owners of all Unit Owners including the Grantor. The Grantor, as the Sponsor of the Villages at Summerfield, A Condominium, the initial seller of all Units and the present owner of Units has an interest in the Villages at Summerfield, A Condominium and in the amendment of the Governing Documents under the circumstances described. For this reason, this power of attorney may not be revoked by the Grantee.

The power of attorney will be effective until the last Unit is sold, but no longer than ten (10) years from the date the first Unit in the Villages at Summerfield, A Condominium was conveyed to an individual purchaser or until the sale of the last Unit in the ordinary course of business, whichever is sooner. This power of attorney shall not be affected by the death or disability of any principal.

The Grantor has received the full payment from the Grantee.

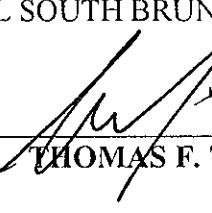
Signatures. This Deed is signed and attested to by the Grantor's proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

ATTEST:

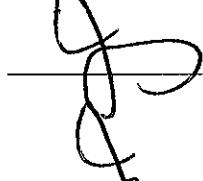
SHARBELL SOUTH BRUNSWICK, INC.


PETER ANDREW WEATHERS, Secretary

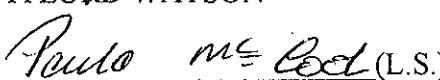
By:

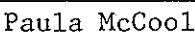

THOMAS F. TROY, Vice-President

WITNESS:









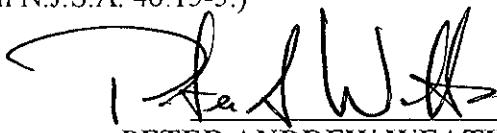
GAYLORD WATSON

Paula McCool

STATE OF NEW JERSEY, COUNTY OF MERCER SS.:

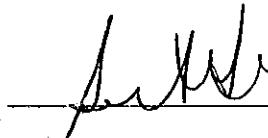
I CERTIFY that on July 23, 1998, PETER ANDREW WEATHERS personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of Sharbell South Brunswick, Inc., the corporation named in this Deed;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer who is Thomas F. Troy, the Vice-President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$ 79,307.00. (Such consideration is defined in N.J.S.A. 46:15-5.)


PETER ANDREW WEATHERS

Secretary

Signed and sworn to before
me on July 23, 1998


SHERRIA GLASS
MY COMMISSION EXPIRES
NOVEMBER 14, 2000

STATE OF NEW JERSEY, COUNTY OF MIDDLESEX

SS.:

I CERTIFY that on 7/23/98, GAYLORD WATSON/^{and Paula McCool}unmarried, personally came before me and acknowledged under oath, to my satisfaction, that these persons

- (a) are named in and personally signed this document; and
- (b) signed, sealed and delivered this document as their act and deed.