

Cole & Associates, LLC
3986 Princeton Pike Lawrenceville, NJ 08648

KIRBY AVENUE

VISION & REDEVELOPMENT PLAN

**BOROUGH OF SOMERVILLE
SOMERSET COUNTY, NEW JERSEY**

**Borough of Somerville Planning Board
Amended August, 2010**

Draft



Mayor

Brian G. Gallagher

Council

Jane Kobuta
Thompson Mitchell
Ken Utter
Dennis Sullivan
Patricia Webster
Robert Wilson

Planning Board Members:

Brian G. Gallagher, Mayor
Bernard V. Navatto, Jr. Chairman
Andrea Adair
Larry Cleveland
Philip Decker
Wayne Harmer
Milton Peabody
Deirdre Rosinski
Dennis Sullivan
Lisa Yates, Alt. 1
Dr. Richard Goldsmith, Alt. 2

Prepared by;

Cole & Associates, LLC
3986 Princeton Pike
Lawrenceville, NJ 08648
609-306-2877

Assisted By:

Colin Driver, Director of Economic Development for Borough of Somerville
Frank Regan, Esq., DeCotiis, Fitzpatrick & Cole, LLP
Laurette Kratina, P.P., AICP, Somerset County Planning Division
Galina Chernikova, Planner, Somerset County Planning Division

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KIRBY AVENUE VISION & REDEVELOPMENT PLAN

I. Introduction

The Somerville Borough Council adopted a resolution on February 6, 2006 that authorized the Somerville Planning Board to undertake a preliminary investigation to determine whether the area known as “Kirby Avenue” is eligible to become a redevelopment area in accordance with New Jersey’s Local Redevelopment and Housing Law (LRHL). The Kirby Avenue study area consists of the contiguous tract of land bounded by Loeser, Adamsville, Fairview & Kirby Avenues, and the NJ Transit right-of-way. The study area consists of the following parcels: Block 1 - Lots 3, 4.01 and 4.02; and Block 50 - Lots 1, 2 and 3. The Somerville Borough Planning Board hired Remington and Vernick Engineers, Inc., who prepared a report entitled “Preliminary Investigation for Determination of an Area in Need of Redevelopment- Kirby Avenue Redevelopment Area, Borough of Somerville, Somerset County, New Jersey” dated March 2006. The report concluded that the entire study area is eligible for designation as an “area in need of redevelopment”.

On June 14th, 2006, the Planning Board held a public hearing for the purpose of receiving comments from stakeholders who are interested in or would be affected if the Kirby Avenue Area is designated as a redevelopment area. Following completion of the public hearing and associated public comment period, the Planning Board adopted a resolution, recommending to the Borough Council that the following parcels, which were included in the area delineated in the above referenced investigative report, be designated as redevelopment area in accordance with the LRHL(C:40A:12A-1 et seq.).

Block 1: Lots 3, 4.01 & 4.02

Block 50: Lots 1, 2 & 3

The Borough Council adopted a resolution declaring the above stated parcels to be a redevelopment area on July 17, 2006.

Subsequent to the Borough Council declaring the parcels a redevelopment area the Planning Board prepared a redevelopment plan and the redevelopment plan was adopted by Borough Council on May 19, 2008.

In January, 2010, the Borough Council asked the Planning Board to review the Redevelopment Plan and, if found necessary, recommend amendments to the Borough Council for adoption.

II. Vision Plan

Somerville, the county seat is at the epicenter of the larger Somerset County Regional Center which comprises the Somerville and Raritan and portions of Bridgewater Township.

“Regional Center” is a New Jersey State Plan designation that signifies the strategic role that this area plays in the future prosperity of the region. It merits this designation because of the rich concentration of resources:

- Important public and private institutions
- Transportation infrastructure – main regional highways, bus routes, Raritan Valley train line, shuttle services.
- Significant concentrations of population and employment.

The Regional Center in turn is at the heart of Somerset County, one of the most prosperous and important parts of the larger New York Metro Region.

A. Redevelopment Area

This area is bounded by, South Adamsville, Kirby Avenue, Fairview Avenue, Loeser Avenue and the NJ TRANSIT railway tracks. This area has been determined as an “Area In Need of Redevelopment” by the Borough Planning Board and Borough Council and as such is required to have a redevelopment plan to guide redevelopment within the area. The ownership of the parcels within the redevelopment area are as follows:

Block 1 Lot 3	RJR Properties
Block 1 Lot 4.01	Kirby Avenue Realty
Block 1 Lot 4.02	Mian Realty, LLC
Block 50 Lot 1	Loeser Park, LLC
Block 50 Lot 2	Truckform, Inc
Block 50 Lot 3	Litgo New Jersey, Inc

B. Previous Redevelopment Proposals

Over recent years there had been a number of proposals brought before the planning board for the redevelopment of certain lots within this area, most recently the former Baker & Taylor warehouse on Kirby Avenue. When the developers’ proposal was presented to the planning board it met with great resistance from residents of the surrounding areas. This resistance centered on massing, bulk density and potential traffic increases. Residents felt that the design of the proposed townhouses “crowded” the street and would generate

significant new vehicular traffic through the streets of the area. Concern was also expressed about the potential of the school system becoming overcrowded with an influx of children from this type of high density development project.

Stemming from this concern the Planning Board and Borough Council formed the Kirby avenue stakeholders committee, to study and recommend how redevelopment should occur in this area.

C. Visioning

During the first nine months of 2007 stakeholders from the Kirby Avenue area participated in a number of visioning workshops under the auspices of the Somerville Planning Board.

The purpose of these workshops was to develop a vision and plan for the ultimate redevelopment of the area bounded know as the Kirby Avenue Redevelopment Area.

The vision outlined herein capitalizes on a myriad of opportunities to achieve complementary goals of community development, “smart growth” and environmental restoration. If properly planned and designed, the redevelopment area has the potential to accomplish many things:

- To strengthen, invigorate the economic viability of the area;

- To reinforce the neighborhoods vitality;

- To improve pedestrian and automobile circulation;

- To restore the environment of the area;

- To reinforce the regional significance of Somerville; and

- To provide new recreational and open space opportunities for the residents of Somerville.

In early 2010, to address the lack of redevelopment proposals received from the request for proposals issued in 2008 (for the Redevelopment Plan), and to review the current state of financial and real estate markets, a 2nd round of stakeholder visioning was performed. The outcome of the stakeholder meetings was to amend the redevelopment plan to reflect the current and anticipated housing market post the financial collapse of 2008/2009.

D. Process

Through the office of community development the Borough reached out to residents with an invitation to participate in a visioning process to help form the framework for the future redevelopment of the area. Over 25 residents

responded to this request and an initial strategy meeting was held late 2006 to map the process and define the timeline of the visioning.

In February of 2007 the first workshop was held, at this meeting stakeholders discussed their ideas and desires for the area while borough professionals introduced the group to various land-use alternatives and basic economic formulas. The group developed a basic land-use map from which the professionals created a series of outcome versions based on density, cost of acquisition, remediation and construction balanced against the potential return a developer could reasonably expect to achieve.

The results of the research and basic cost structure was presented to the stakeholders at the next workshop session; it was with these numbers (formulas) where the stakeholders divided into five smaller workgroups and began the process of defining the use of the various properties based not only on what they felt was the best use but from an economic return to the borough (ratable) and the developer.

The development plans/uses envisioned by each workgroup during this intensive session were taken by the professionals and a “consensus” plan was developed. A consensus plan is where the common threads from each individual concept are taken, considered and the majority idea or consensus and incorporated into a draft land-use plan. The consensus was presented to the stakeholders for modification and refinement over the summer of 2007, where a number of modifications were made to the base plan. A draft redevelopment plan detailing the uses of each block and lot was prepared from the final input from the stakeholders and presented to them in early October 2007. As a result of a review of the draft plan it was decided to create a vision statement in addition to the formal (statutory) plan to better articulate the vision and desires of the residents of the area as the project continues forward.

As previously iterated, request for proposals was issued for the Kirby Avenue Redevelopment Plan in 2008, and no responses were received. The Redevelopment Plan (RD) was prepared just before the downturn in the economy. To address the downturn in the economy and lack of responses to the RD plan, stakeholders meetings were held in early 2010. Based upon the outcome of the stakeholders meetings the vision and RD plan are herein modified.

E. Acceptable/non-acceptable (want/do not want)

The stakeholders who prepared this vision represented a large cross-section of residents from the surrounding and adjoining areas. Inherent in this vision is the desire to maintain the look feel and character of the existing residential area immediately to the north of this area. In part this can be achieved by extending the current street grid system into the redevelopment area; another method is through the selective selection of building materials and treatments that reflect (in part) the area as a whole.

What is not wanted in the area is over building of high density multi-story residential units, it is believed that these types of development will not only put a strain on the existing road network but ultimately cost the community money through the needs for infrastructure additions and improvements, plus increased public services. There is also concern about the number of additional school aged children the existing school system can accommodate, this area is a family oriented one and not adverse to having families move into the area, however when coupled with high density, multi-level housing the consensus is that the number of new school aged children could overwhelm the existing facilities. In addition there is the concern for children's safety when walking to school. A significant increase in families and vehicles would also increase the potential for vehicle pedestrian accidents.

As Somerville is a walkable community, the stakeholders do not wish retail stores of any kind in the area, it is their belief that retail would not work in this area as it is off the main corridors of the borough. In addition, if a small retail center was included it is felt that the associated noise and litter would degrade the area.

Stakeholders originally expressed concern as to how the area would be developed, the consensus was that it should not be developed parcel by parcel as this will encourage development of those properties with fewer challenges than those that require remediation, the ideal situation would be to have one developer redevelop the area as one project. Although not ideal, the stakeholders acknowledge that given the current economic climate, and the impact this will have on development long term, development parcel by parcel may be the only feasible approach. Therefore, development parcel by parcel is acceptable and having one developer redevelop the area as one project is not required.

F. Recommendations/Vision

The Kirby Avenue Vision Plan calls for residential redevelopment with active and passive recreation included. The plan does not include a retail component due to location (within the borough) and other considerations (i.e. it does not appear that retail will be drawn to this location). The plan does allow for commercial development along Loeser Avenue (Block 50, Lot 1) but it is not anticipated to occur due to the current economic climate.

Residential units should reflect the character of the existing area with complimentary architecture and landscaping treatments.

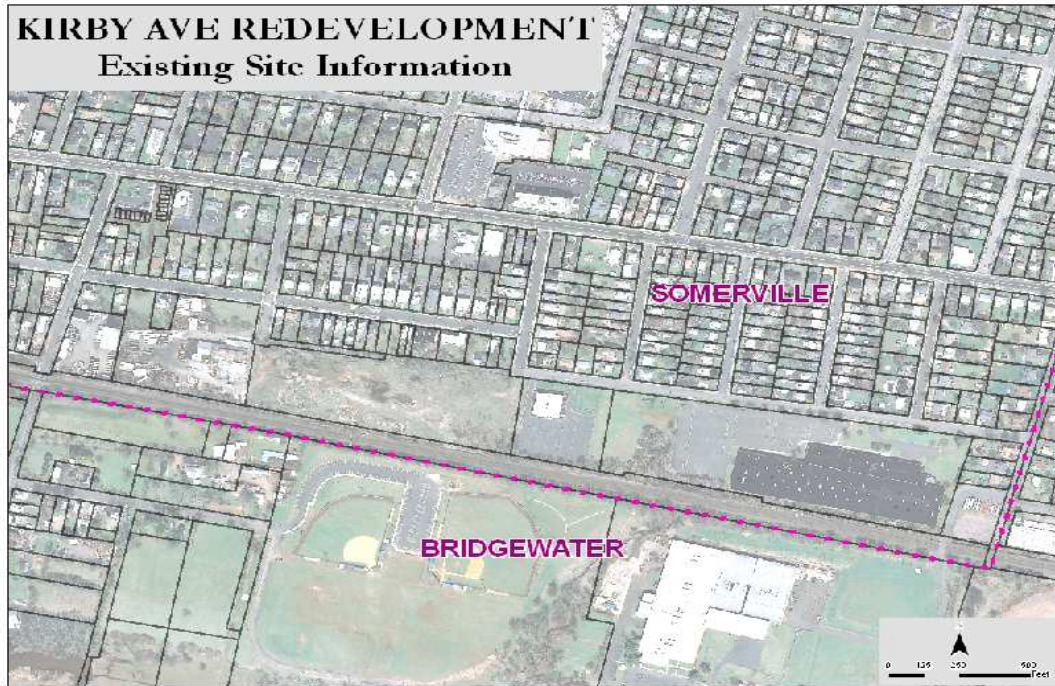
It is recommended by the stakeholders that the Borough issue a 2nd request for redevelopment proposals based on the revisions made to the vision and amended redevelopment plan.

G. Streets

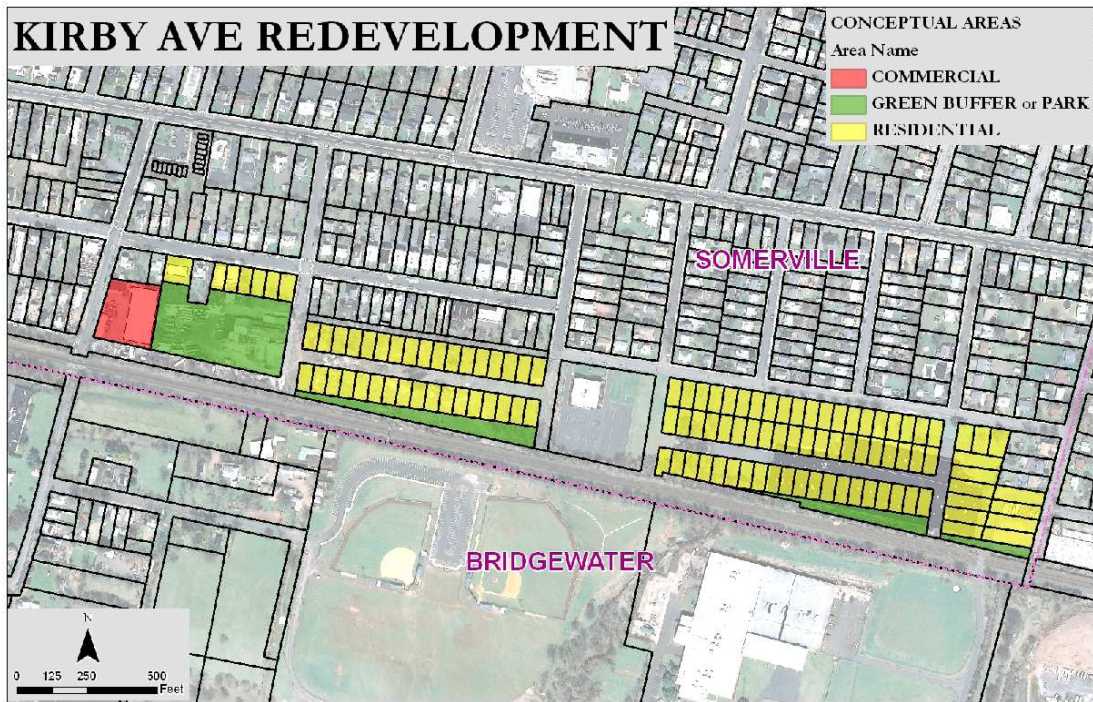
It is envisaged that the existing neighborhood street grid will be extended into the area as shown in the Interpretive Illustrations below. The illustrations depicted in

this document are for information only and provide a sense of what the stakeholders feel is appropriate in keeping with the environs and character of the nearby neighborhood. Developers can amend/modify or provide alternative layouts. Some of the layouts require a master developer since some of the parcels are shown as open space. New roads are to be constructed allowing for on street parking and safe efficient movement of traffic throughout the area

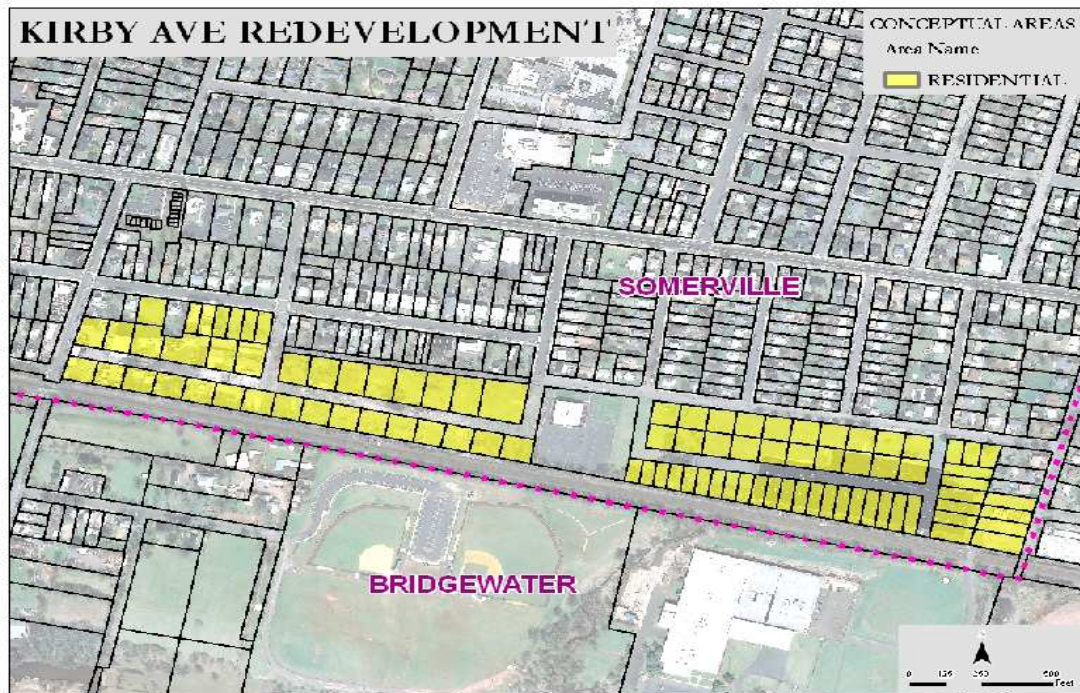
Existing Redevelopment Area



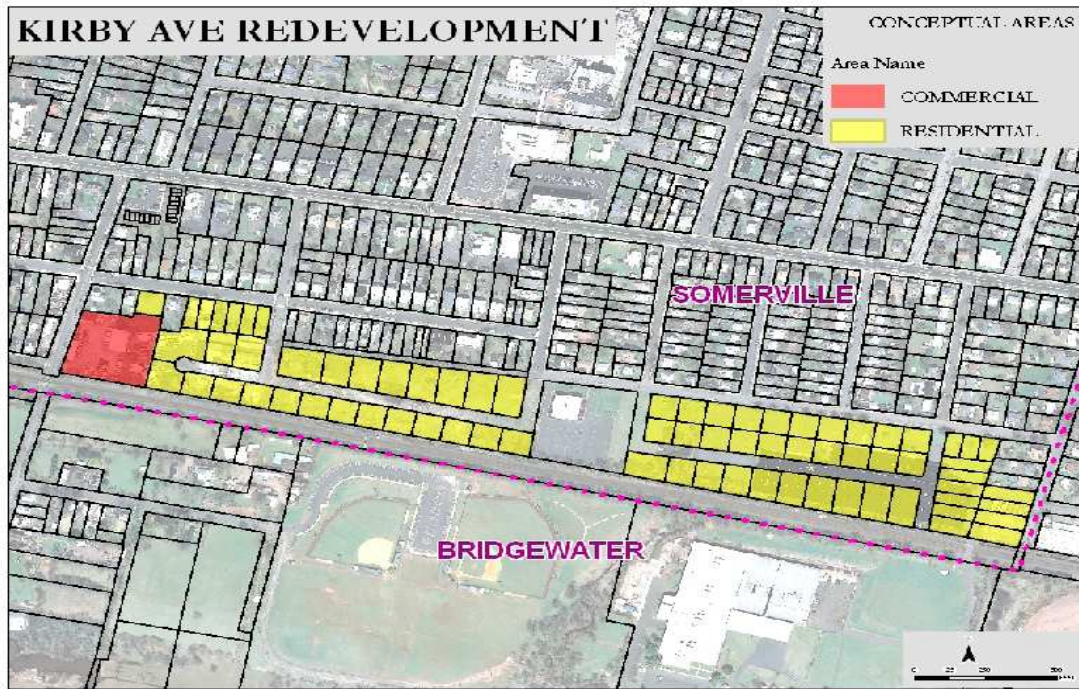
Layout Using +/- 5,000 S.F. Lots w/Commercial Development & Large Green Space



Layout Using 5,000 to 10,000 S. F. Lots



**Layout with 5,000 to 10,000 S.F. Lots & Commercial Development
Fronting on Loeser Avenue**



**Residential Layout with Commercial Development on Loeser Avenue
and Large Green Space for Active Recreation**



Residential Layout with Commercial Development on Loesser Avenue and Large Green Space for Active Recreation



H. Parking

Residential on-street and off-street parking is allowed. If applicable, commercial parking shall be contained within the lot line and behind buildings where ever possible.

I. Residential

The density of the interpretive illustrations ranges between 10 and 13 dwellings per acre (excluding the conceptual layouts with large open space). Additional density may be acceptable depending on the housing design and neighborhood layout proposed of the dwellings.

J. Commercial

Commercial development is depicted on a few of the interpretive illustrations. Although depicted on the illustrations, it is not viewed as a viable alternative given the current economic climate. If commercial development is viable, the development is restricted to Block 50, Lot 1 (the property that fronts on Loesser Avenue). Commercial development is limited to professional offices and medical related services to satisfy the needs of the area and based on the proximity of the Somerset Medical Center to this area. As depicted, parking may occur on a portion of Block 50, Lot 2.

K. Retail

Retail is not anticipated to be constructed within this area due to location and the desire of residents to retain the quiet neighborhood character of the area.

L. Open Space/Recreation

This vision plan also encourages the integration of open space and green areas into the each redevelopment area, providing natural breaks in the viewscape and providing active and passive recreation opportunities for residents and others. If a master developer develops the redevelopment area, a large contiguous open space is preferred. If parcels will be individually developed, each parcel should contain open space.

M. Redevelopment Guidelines

The interpretive illustrations depict various layouts. The vision for the entire redevelopment area is for residential development that is in keeping with the adjoining community. Notwithstanding this statement, commercial development fronting on Loeser Avenue- Block 50, Lot 1 is permissible. It is the vision of the stakeholders that the development consists of single, two, three or four family dwellings on lots ranging in size between 5,000 and 10,000 square feet. The larger lots would accommodate a three or four (4) family dwelling. The adjoining residential neighborhood consists of single, two family and four family dwellings on lots ranging between 5,000 and 10,000 square feet. The standards for the lot, bulk and intensity of development standards are stated in the redevelopment plan.

N. Building Design Guidelines/Architectural Design

The residential buildings shall be setback between 20' and 30' from the property line facing the street.

Any commercial building proposed on Block 50, Lot 1 shall have large façade areas constructed to appear as a series of different buildings, with each building façade on the same scale of existing buildings to be found in Somerville. The design and dimensions of individual components shall be varied to create interest. A repetitive pattern should not be used. The lower level, middle and top of the buildings should be distinguished from one another by changes in material, trims cornices, etc.

O. Building Materials

Buildings in the redevelopment area should reflect the character and historic styles found within the Borough and region. Building materials such as wood clapboard siding, brick, and decorative concrete, terra cotta, ceramic/glazed tile in addition to other natural materials such as marble, granite and cedar shakes should be used.

2007 Stakeholder Meeting Participants

Stakeholders

Mai Pham
Jim Balzano
Roberta Karpinecz
Stephen Tozzi
Ellen Horowitz
Everett Lo
John Maddocks
Steven Mesterhazi
Mary Stack
Robert Golski
Stephanie Soto
Nathan Phillips
George Arndt
Kelly G. Cupit
Tom Scherr
Georgette Rooney
Joy Jacobs
Brian Tozzi
Lisa Yates
Federico Sesti
Jeff Shapiro
Jeffrey Gold
Joe Quinn
Dennis Sullivan
Marge Sullivan
Paulina Harkiewicz

Facilitators

Mayor: Brian Gallagher
Planning Board Chairman: Bernie Navatto
Borough Planner: Michael Cole
Drafting: Somerset County Planning Div. (SCPD)
Director of Economic Development: Colin Driver
Planning Assistance: Galina Chernikova (SCPD)

2010 Stakeholder Meeting Participants

Stakeholders

Jim Balzano
Ellen Horowitz
Federico Sesti
Mary Stack
Dennis Sullivan
Marge Sullivan
Stephen Tozzi
Lisa Yates

Facilitators

Mayor: Brian Gallagher
Planning Board Chairman: Bernie Navatto
Director of Economic Development: Colin Driver
Borough Planner: Michael Cole
Planning Assistance: Galina Chernikova (SCPD)
Drafting: Somerset County Planning Div. (SCPD)

III. Relationship to the Vision & Redevelopment Plan

The Redevelopment Plan is required by statute to include the following items: (1) its relationship to definite local objectives as to appropriate land uses; (2) proposed land uses and building requirements in the project area; (3) adequate provision for the temporary and permanent relocation of residents in the project area (if applicable); (4) identification of any property within the redevelopment area which is proposed to be acquired (if applicable); and (5) any significant relationship of the redevelopment plan the master plans of contiguous municipalities, the county master plan (where the municipality is located) and State Development and Redevelopment Plan. Whereas, the Vision Plan outlines the stakeholders vision of the type of buildings to be built within the redevelopment area and of the overall character of the redevelopment envisioned. The Redevelopment Plan incorporates the goals, objectives and design guidelines of the Vision Plan but allows for more flexibility on the type and building layout. Developers are encouraged to follow the building guidelines stated in the Vision Plan where possible but alternative building layouts that satisfy the intent of the Vision Plan are also welcomed.

IV. Redevelopment Plan Purpose

The redevelopment plan sets forth the bulk, land use and design standards for the Kirby Avenue Redevelopment Zone (Block 1 - Lots 3, 4.01 & 4.02; Block 50 - Lots 1, 2 & 3). In addition, as enumerated above the redevelopment plan also addresses the requirements of the Local Redevelopment & Housing Law (LRHL), which is the following:

1. The plan's relationship to definite local objectives such as appropriate land uses, population density, traffic and public transportation improvements, public utilities, recreational and community facilities and other public infrastructure.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and/or permanent relocation, as necessary, of residents living within 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. Relationship of the development 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, c398.

V. Redevelopment Plan Principals

Somerville Borough officials strongly believe that the Borough's residents and stakeholders should determine how development occurs within the Borough and the Borough's redevelopment areas. To that end, the residents, local business owners, and other interested parties were requested to participate in stakeholder meetings where the visioning process was undertaken. The visioning process was led through a collaborative effort involving the Somerset County Planning Division, Cole and Associates, LLC, and Borough officials. The vision and redevelopment plan reflects the outcome of the recent stakeholder meetings conducted in 2010. Specifically, the redevelopment plan envisions that the street grid system surrounding the redevelopment zone shall be extended into the redevelopment zone to create urban blocks. The plan recommends that these blocks be developed for residential use. A variety of housing types, ranging from single family to multi-family are envisioned, as detailed in the Vision Statement. The main principles with which the development will occur remain constant.

These principals are:

- urban design guidelines (building setback and style/layout shall be in keeping with the adjoining neighborhood and Borough ; and

- high quality materials will be used.

VI. Goals and Objectives

The goals and objectives of this redevelopment plan are as follows:

1. Return unproductive and underutilized land to productive use consistent with the vision of the Stakeholders.

2. Increase property values and tax revenues by providing development that enhances the Borough economic vitality and serves the needs of the community.

3. Support the downtown businesses by placing a significant number of new households within a short distance of the downtown business district.

4. Create an environment that invites interaction between residents, encourages walking, outdoor living and is aesthetically attractive on a pedestrian scale.

5. Improve traffic and pedestrian circulation in and around the area by creating a new street network that is seamless with the existing street network.

6. Provide for a greater variety of housing opportunities and choices within the Borough.

7. Remediate the Litgo site in a manner consistent with the intended use of the site and with NJDEP regulations.
8. Bolster the surrounding residential community by adding a new diverse mixture of residential dwellings.
9. Support the Somerset Medical Center by providing an option to construct medical offices (on Block 50, Lot 1) which is within a few blocks of the hospital.
10. Embrace the principles of smart growth and sustainability by creating a compact moderate density development that is pedestrian friendly and consistent with the Metropolitan Planning Area "PA1" and regional center designation in the State Development and Redevelopment Plan.

VII. Relationship to Local Objectives

This redevelopment plan furthers and promotes existing local objectives, reflected in Somerville Borough's current Master Plan which was prepared in 1990 and was reexamined in 1998.

This redevelopment plan is consistent with the intent and purpose of the Master Plan and 1998 Master Plan Reexamination Report in terms of transforming vacant land or parcels currently used for industrial purposes into residential use or open space/recreation.

A. 1990 Master Plan & 1998 Master Plan Reexamination Report

The 1990 Master Plan identified land use planning issues for specific policy treatment which were taken in consideration while preparing this redevelopment plan. The specific policy treatment pertinent to this redevelopment area as follows:

1. The Borough's existing sound housing stock needs to be preserved and affordable housing opportunities should be increased where appropriate for Borough residents.
2. Indiscriminate conversion without regard to the historic attributes of a dwelling or sound planning principles should be prevented. In particular, the provision of adequate off-street parking and on-site landscape buffering should be facilitated through the adoption of proper ordinances and development controls.
3. The Borough should consider the acquisition of land for mini-parks spread throughout the Borough.
4. The Master Plan listed specific areas where changes to land use policy

were recommended. Map#2 - "Land Use Plan Changes" in the 1990 Master Plan illustrates these changes. Approximately 50% of the Kirby Avenue redevelopment area/plan is included in area #7 of said map (map is attached in appendix A). Area 7 is bordered by Loeser Avenue to the west, Main Street to the north, the railroad tracks to the south and Haynes Street to the east. The delineated area is not intended to serve as recommended zone boundaries, but rather as general planning study area, for ease in discussion of specific land use concepts.

5. The Master Plan made the following recommendations for area 7:

- A) Portions of the area which are presently vacant land or industrial buildings shall be developed for residential use; however, in the event residential development proves to be inappropriate, then non-residential development shall be given secondary consideration.
- B) Maintain single family residential character of the area and introduce limited multi-family development south of Fairview Avenue.
- C) Consider appropriate buffering between any residential and existing non-residential uses in the area.
- D) Target the James Street industrial tract for housing development. If housing is ultimately proven not to be feasible, low intensity light industrial development with limited trucking could be considered as an alternative use. Warehousing, distribution, or heavy manufacturing should not be permitted.

The 1998 reexamination report reaffirmed many of the above stated policies and objectives of the Master Plan. The reexamination report also recommended that the James Street industrial tract be only used for housing development, and that the option for low-intensity light industrial development with limited trucking be eliminated.

The intent and purpose of the Master Plan regarding "area 7", which now forms 50% of Kirby Avenue redevelopment area/plan, was to convert industrial properties and vacant land for residential use. At the time when both the Master Plan and Reexamination Report were written, the large industrial property located directly east of Area 7 (known as the Baker and Taylor site, Block 1, lot 4.01) was in operation. However, operations at this site ceased shortly thereafter, and the site has remained vacant for over eight (8) years. If operations had been terminated prior to preparation of the Master Plan or the Reexamination Report, it is believed that the Baker & Taylor site would have been specifically included in Area 7 of the Master Plan and recommended for residential use in the Reexamination Report. Since Area 7 is not a zone boundary but a general planning study area, it is our opinion that the entire redevelopment area would

have been included in “area 7” and it is recommended that this study area be enlarged for the purpose of consistency of the redevelopment plan with local planning objectives.

B. Zoning Ordinance

The redevelopment area/plan is split between two (2) zones; “I-2” - Industrial District and “R-3” - Single Family Residence District. The parcels identified as Block 50 - lots 1, 2, & 3 are located in the “R-3” District while parcels identified as Block 1 - lots 3, 4.01 & 4.02 are located in the “I-2” District. The plan calls for residential uses within the “I-2” District although residential uses are prohibited; and proposes residential uses in the “R-3” zone, where residential uses are currently allowed.

VIII. Relationship to the Somerset County Master Plan

A. Somerset County Master Plan Reexamination Report

The Somerset County Master Plan Reexamination Report was prepared in 1998. The Somerset County Master Plan was adopted by the Somerset County Planning Board on June 29, 1987. The reexamination of the Master Plan was conducted in 1998 to facilitate a formal review of the Somerset County Master Plan and the various elements of the Master Plan. The Somerset County Master Plan Reexamination Report stated a number of recommendations regarding land use. The recommendations are as follows:

1. The development and implementation of a countywide transfer of development rights program to facilitate the re-direction of growth from the environs to centers. The County Planning Board should assist communities to develop land use and zoning policies that reduce development pressure in agricultural and rural areas through the use of development transfer techniques from the environs to centers.
2. County programs and initiatives should encourage and support the development of comprehensive or “Vision” plans for all centers pursuant to Center Designation and/or Plan Endorsement by the State Planning Commission. The County Planning Board should continue its support of the Regional Center Planning Process, and facilitate the development of a comprehensive regional center plan. As a first step, the County Planning Board should aid in the development of expanded opportunities for public participation in the regional center planning process and continue to facilitate the Regional Center Design Initiative, being pursued in 1999. Successful local partnerships between developers, multiple levels of government, citizens, special interest groups and non-profits should be publicized, as well as successful local grass roots, community based approaches to area or site specific development and redevelopment. Comprehensive center plans should give special attention to identifying areas for incremental infill and

redevelopment and the expansion, upgrade and/or improvement of existing infrastructure improvements necessary to accommodate said development. Targeted uses for these sites, as well as the programs, partnerships and financial resources needed to implement the plan should be identified. The plan should also address social service, quality of life and other community revitalization concerns.

3. County capital and infrastructure improvements, various county funding programs and activities should be prioritized so as to serve as incentives/rewards for municipalities who adopt ordinances, plans and strategies which result in the re-direction of growth from the rural area to centers, promote brownfield redevelopment and the retrofit of suburban sprawl areas and other countywide planning objectives. The County Economic Development Incentive Program (EDIP) is an example of how county funds have been directed to six older boroughs and two Census Tracts in Franklin Township to enhance local economies (the EDIP no longer being used)..
4. A greater residential component in the majority of the core areas to make them more town or village-like should be adopted. The County Planning Board should work with municipalities to identify appropriate retrofit areas in the County Master Plan. The County Planning Board should support the institutionalization of state and local plans, policies and capital improvement program that facilitate the retrofit of appropriate suburban sprawl areas and increase the growth capacities of existing centers. The application of neo-traditional town planning concepts to new development as well as suburban retrofit areas should be strongly encouraged through the County Master Plan.
5. The regional land use framework should be strengthened to encourage the appropriate distribution of growth amongst centers. Land development in centers should be consistent with the type of center, planning area and corridor within which it is located pursuant to the State Plan, so as to minimize deleterious competition amongst places, maximize regional infrastructure systems, avoid congestion on roadways with capacity constraints, and protect the environment and quality of life countywide. For example, regionally oriented retail centers should be concentrated with the regional center, with direct access to interstate highways and mass transit; convenience shopping and day care centers should be located in village core areas.

This Redevelopment Plan is within a regional center and includes brownfields and infill areas. The Plan incorporates areas designated for compact, energy efficient moderately priced homes and employs smart growth principals. The Plan is consistent with the recommendations of the Somerset County Master Plan Reexamination Report pertaining to the regional center.

B. Somerset County Regional Center Strategic Master Plan

The Somerset County Regional Center Strategic Master Plan was prepared in 2006 and lays out the next steps for the “Bridgewater Core” (Somerville Borough, Raritan Borough and a portion of Bridgewater Township) necessary to achieve the Regional Center Vision. The Plan recommends redevelopment that occurs in accordance with the following principles:

1. Encourage economic development and desirable reuse of former brownfield sites through redevelopment.
2. Ensure that redevelopment areas, whenever possible, are tied closely to the fabric of existing downtowns and Main Street areas.
3. Provide public access through each redevelopment area and connections to all greenways and open space.
4. Ensure that redevelopment planning takes into account the community context of each site and provides connections to the surrounding neighborhood.

This Redevelopment Plan encourages economic development and desirable reuse of the brownfield site (Litgo property), provides connections to open space and the downtown area, and matches the context of the surrounding community. In addition, the neighboring road grid system will be extended into the redevelopment area to maintain the same scale and “feel” of the area. The Redevelopment Plan embraces the above stated principals of the Somerset County Regional Center Strategic Master Plan.

IX. Relationship to Plans of Adjacent Municipalities

The Kirby Avenue Redevelopment area is separated from Bridgewater Township by railroad tracks (owned by NJ Transit) along its southern border with Bridgewater Township and by Adamsville Road along its eastern edge. The Bridgewater Township Planning Board performed a Reexamination of the Master Plan in March, 2004 and amended the Master Plan in September, 2004. The Bridgewater Regional Center Master Plan was adopted by the Planning Board in September, 2004.

The land use zoning in Bridgewater Township adjacent to the redevelopment area consists of residential (R-10) and manufacturing (M-2) zones. A significant portion of both of these zones is comprised of a Somerset County Park (Frank “Nap” Torpy Athletic Complex) and preserved land. The R-10 zone permits the following uses: single-family detached dwellings, country clubs, outdoor recreation facilities, agriculture, horticulture, parks, playgrounds and municipal buildings. The M-2 manufacturing zone permits the following uses: manufacturing, fabricating, printing, publishing, research laboratories, radio/television stations/essential services, warehouses, agriculture and horticulture.

As iterated in the Vision Plan, the Kirby Avenue Redevelopment area is composed of residential dwellings (with the possible exception of the commercial development option for the property fronting on Loeser Avenue, Block 50, Lot 1). Some of the proposed uses within the redevelopment area are not consistent with the adjacent zoning districts in Bridgewater Township. The areas in conflict involve Bridgewater Township's manufacturing zone- M-2, which does not allow residential uses. This conflict is not unusual since historically, areas adjacent to railroad lines were often zoned for industrial/manufacturing uses. This conflict is minimized by the location of the county park and preserved land, and by the separation of the zones by the railroad tracks and associated 100 foot wide right-of-way. Approximately 30% of the adjoining lands in Bridgewater comprise active county recreation or open space. The only operating industrial building in the M-2 zone in the vicinity of the redevelopment area is the Egan-Davis Standard Industrial Corporation which is located on lot 1.01, Block 303 of Bridgewater Township. To mitigate any potential conflicts between the zoning of the municipalities, the redevelopment plan including landscape and site plans will be vetted with Bridgewater prior to adoption.

X. Relationship to the State Development and Redevelopment Plan

The NJ State Planning Act, adopted in 1986, created the NJ State Planning Commission and required the Commission to prepare the State Development and Redevelopment Plan (SDRP). The SDRP is to be revised and readopted every three years through a process called "cross acceptance". The initial SDRP was adopted in 1992 in which the Borough of Somerville was designated as Metropolitan Planning Area (PA1). The SDRP was last updated in 2001. The criteria for Metropolitan Planning Area- PA1 are as follows:

1. Densities of more than 1,000 persons per square mile;
2. Existing public water and sewer systems, or with physical accessibility to said system, and with access to public transit systems;
3. Adjacent to the Suburban Planning Area;
4. Land area greater than one square mile;
5. A population of not less than 25,000 people or areas totally surrounded by land meeting the criteria of a PA1, are geographically interrelated with the Metropolitan Planning Area and meet the intent of that Planning Area.

The goals of the Metropolitan Planning Area (PA1), as stated on page 186 of the 2001 SDRF, are as follows:

1. Provide for much of the state's future redevelopment;
2. Revitalize cities and towns;

3. Promote growth in compact forms;
4. Stabilize older suburbs;
5. Redesign areas of sprawl; and
6. Protect the character of existing stable communities.

The redevelopment plan is consistent with all of these goals.

The SDRP identifies the following policy objectives for the Metropolitan Planning Area (PA1):

1. Land Use: Promote redevelopment and development in cores and neighborhoods of centers and in nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

This redevelopment plan promotes redevelopment in PA1, which has been identified as such by a cooperative regional planning effort, since Somerville, Raritan and a portion of Bridgewater have been designated as a regional center by the State Planning Commission. This redevelopment plan also recognizes and promotes the diversification of land uses within the Regional Center.

2. Housing: Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

This redevelopment plan is consistent with the SDRP's housing policy. The redevelopment plan provides a range of housing choices, including townhouses, apartments, and single-family dwellings.

3. Economic Development: Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace. Encourage job training and other incentives to retain and attract businesses. Encourage private sector investment through supportive government regulations, policies and programs, including tax policies and expedited review of proposals that support appropriate redevelopment.

This plan is consistent with this policy and provides a basis for creating public/private partnerships and infrastructure improvements.

4. Transportation: Maintain and enhance a transportation system that capitalizes on high-density settlement patterns by encouraging the use of public transit systems, walking and alternative modes of transportation to reduce automobile dependency, link Centers and Nodes, and create opportunities for transit oriented redevelopment. Facilitate efficient goods movement through strategic investments and intermodal linkages. Preserve and stabilize general aviation airports and, where appropriate, encourage community economic development and promote complementary uses for airport property such as business centers.

Although not all of the above policies are relevant to Somerville, this redevelopment plan is consistent with most of the SDRP's transportation policy. The redevelopment plan encourages a higher density development pattern which, combined with the close proximity to the NJ Transit rail station and bus routes, will help to maintain and enhance the use of mass transit. The mix of housing and non-residential uses in an urban environment, along with the streetscape improvements promoted by the plan, will help to encourage pedestrian activity.

5. Natural Resource Conservation: Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to critical environmental sites, and Historic and Cultural Sites. Give special emphasis to improving air quality. Use open space to reinforce neighborhood and community identity, and protect natural linear systems, including regional systems that link to other Planning Areas.

The redevelopment plan will promote the reclamation and better use of contaminated properties by resulting in the remediation and reuse of former industrial property known as the Litgo site (block 50 - lot 3). This contaminated site will be transformed from an underutilized non productive site into a mixed use (medical office/residential) area.

6. Agriculture: Use development and redevelopment opportunities wherever appropriate and economically feasible, to meet the needs of the agricultural industry for intensive agricultural production, packaging and processing, value-added operations, marketing, exporting and other shipping. Provide opportunities for farms, greenhouses, farmers markets and community gardens.

This redevelopment plan will help attract growth to the designated regional center, thereby reducing development pressure on agricultural lands within the center's environs. The plan also helps to expand local markets for agricultural products produced within the county, and for nearby agricultural tourism venues.

7. Recreation: Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels

by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects.

The redevelopment plan proposes to increase the Borough's open space by creating a (minimum) 2.5 acre recreation/open space area located within the redevelopment area and by integrating outdoor living space and pedestrian linkages into the site design of the proposed residential and mixed use areas.

8. Redevelopment: Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduces dependency on the automobile.

The redevelopment plan is completely consistent with this policy as the density and compactness of the proposed development is consistent with an urban setting.

9. Historic Preservation: Encourage the preservation and adaptive reuse of historic or significant buildings, Historic and Cultural Sites, neighborhoods and districts in ways that will not compromise either the historic resource or the area's ability to redevelop. Coordinate historic preservation with tourism efforts.

Based on the research performed as part of preparing this plan, no historic or architecturally significant buildings or cultural sites were identified within the redevelopment area. Furthermore, no historic or cultural resources in the vicinity of the redevelopment area will be compromised by this plan, thus the plan is consistent with this policy.

10. Public Facilities and Services: Complete, repair or replace existing infrastructure systems to eliminate deficiencies and provide capacity for sustainable development and redevelopment in the region. Encourage the concentration of public facilities and services in Centers and Cores.

The redevelopment plan is consistent with this policy as the existing infrastructure will be upgraded to provide capacity for the redevelopment located within a Regional Center.

11. Intergovernmental Coordination: Regionalize as many public services as is feasible and economical to enhance the cost-effective delivery of those services. Establish multi-jurisdictional policy and planning entities to guide the efforts of state, county and municipal governments to ensure compatible and coordinated redevelopment.

The Somerset Regional Center Strategic Master Plan is a multi-jurisdictional plan that was completed for all three of the regional center

municipalities (Somerville Borough, Raritan Borough and a portion of Bridgewater Township) and encompasses this redevelopment area. Development of this plan involved extensive and ongoing communication and coordination with the Regional Center Partnership, the non-profit entity comprised of representatives of each of the three municipalities, which oversees the development and implementation of the Somerset Regional Center Strategic Master Plan. One of the core principals of the Somerset Regional Center Strategic Master Plan is communication and coordination of planning efforts between the three towns. Therefore, this plan is consistent with the intent of this policy.

Regional Center Designation

In May, 1996, the Boroughs of Somerville and Raritan and an adjacent portion of Bridgewater Township were designated a regional center by the State Planning Commission. This redevelopment area is located within the Somerset Regional Center. Regional Centers are defined, (on page 241 of the SDRP) as the follows:

1. It functions as the focal point for the economic, social and cultural activities of its region, with a compact, mixed-use (for example, commercial, office, industrial, public) Core and neighborhoods offering a wide variety of housing types;
2. It has access to existing or planned infrastructure sufficient to serve projected growth;
3. It has, within the Center Boundary, an existing (or planned) population of more than 10,000 people in Metropolitan and Suburban Planning Areas;
4. It has (or is planned to have) a gross population density of approximately 5,000 persons per square mile excluding water bodies (or approximately three dwelling units per acre) or more within the Center Boundary;
5. It has (or is planned to have) within the Center Boundary, an employment base of more than 10,000 jobs in Metropolitan and Suburban Planning Areas;
6. It is near a major public transportation terminal, arterial intersection or interstate interchange capable of serving as the hub for two or more modes of transportation; and
7. It has a land area of one (1) to ten (10) square miles.

A Regional Center is a mix of residential, commercial and public uses serving a large surrounding area and developed at an intensity that makes public transportation feasible. Centers are the location where much of the growth in New Jersey will occur. "Centers promote community, protect the environment, provide cultural and aesthetic experiences and offer residents a superior quality

of life” (SDRP, page 230). This redevelopment plan accomplishes these goals.

XI. Kirby Avenue Redevelopment Plan Background

A. Existing Conditions in the Project Area

All the properties comprising the Kirby Avenue Redevelopment Area border the NJ Transit Raritan Valley rail line along their southern edge. The existing condition of each parcel is as follows:

1. Block 1 - Lot 3

The lot is approximately 0.95 acres and, with the exception of the some small grassy areas, is paved. The lot is used for parking tractor-trailer trucks, tanker trucks, and the storage of raw materials including refuse dumpsters.

2. Block 1 - Lot 4.01

The Baker & Taylor building and associated parking lot is located on this parcel. The lot is approximately 11.23 acres and over 70% of the lot covered by the building and parking lot. The building is not currently in use. A 20’ wide drainage easement runs diagonally through the site, which is partially located under the existing building (see the attached map – figure 5 & 6). The easement contains a 72” diameter RCP storm water pipe. The redevelopment will either occur around the easement or the storm water pipe will have to be relocated.

3. Block 1 - Lot 4.02

This lot contains a two story office building and associated surface parking. The lot contains approximately 2.50 acres and over 75% of the lot is covered by both the parking lot and building. The building is 100% occupied.

4. Block 50 - Lot 1

The parcel is approximately 0.96 acres in size and is used by multiple tenants. The largest tenant is Kensington Bus Service, which specializes in transporting special needs children. Kensington Bus uses the lot to park small school buses and perform routine maintenance of their fleet of vehicles. The site contains three (3) buildings and a gravel parking lot. Over 85% of the site is occupied by the buildings and parking lot.

5. Block 50 - Lot 2

The lot (3.62 acres) is used by Truckform, Inc. which fabricates steel. The site contains multiple buildings and a paved parking lot which is used to park/store cars, trucks and trailers. Approximately 65% of the site is covered by the buildings and parking area.

6. Block 5 - Lot 3

This parcel is owned by Litgo New Jersey, Inc. and is comprised of 7.10 acres of vacant land. The site was used for industrial purposes and had several large buildings. One (1) of the buildings was destroyed in a major fire in 1986 and the remaining buildings were demolished thereafter. The last use of the buildings (prior to the fire) was the illegal storage of hazardous and non-hazardous materials. Groundwater contamination exists on site.

B. Environmental Constraints

With the exception of the Litgo site (Block 50 - lot 3) environmental information regarding soil and/or groundwater contamination on each parcel is not currently available. Environmental information regarding the Litgo site is as follows:

1. Litgo Site

In the early 1980's hundreds (possibly thousands) of 55 gallon drums were housed within buildings on the Litgo site (Block 50, lot 3). The drums contained hazardous and non-hazardous solids and liquids. Once the drums were detected by local officials, the New Jersey Department of Environmental Protection (NJDEP) was notified and the NJDEP directly performed the cleanup of the facility. The NJDEP obtained an environmental contractor to perform the waste classification and subsequent disposal of the drums. The site work was directly overseen by representatives from NJDEP. In 1986, one of the buildings caught fire and the building burned to the ground. Subsequent to the fire, the remaining buildings were demolished in the late 1980's.

Shortly after NJDEP completed the cleanup of the site, a property transaction occurred which triggered involvement with ECRA (Environmental Cleanup Responsibility Act). The NJDEP project number for this case is #E85647. The soil and groundwater investigation that ensued found soil and groundwater contamination levels that exceed NJDEP standards. Soil remediation was conducted and groundwater remedial investigations were performed to investigate the extent and source of the contamination during the 1990's. NJDEP has issued a NFA (No Further Action status) for completing the remediation of the soil contamination, but is requiring additional groundwater investigation and remediation. The groundwater is contaminated with chlorinated solvents and volatile organics and two plumes exist. The plumes may involve multiple sources of contamination, and active groundwater remediation (i.e. pump and treat) may be required by NJDEP.

It is envisioned that construction of single or multi-family buildings (or any habitable structure) will require that a vapor mitigation barrier be installed similar to those used on buildings located in areas with high radon gas. The vapor barrier would prevent or safely channel vapors

originating from the contaminated groundwater away from the confined space of a building.

C. Wetlands & Floodplains

Cole and Associates, LLC have reviewed the revised FIRM (Flood Insurance Rate Map), community panel numbers 34035C0153E, 34035C0162E, 34035C0161E and based upon our review no portion of the redevelopment area is within a 500 year or 100 year flood plains. The revised FIRM was-released (effective date of 9/28/07). The NJDEP Flood Hazard Area Rules were revised and became effective 11/5/07. Under the new rules, filling of the flood plain cannot be performed without removing fill or creating additional flood plain within the same watershed. The Raritan River is a NJDEP delineated stream and the flood hazard area depicted on the NJDEP map is the regulated area. Based upon our review of the NJDEP flood hazard mapping the entire redevelopment area is not within a flood hazard area. In addition, based upon our cursory field investigation of the Redevelopment Area and review of available mapping (including NJDEP i-map) freshwater wetlands do not exist within the Redevelopment Area.

D. Stormwater Regulations

Stormwater management within the redevelopment area must comply with the current NJ State Stormwater Regulations (N.J.A.C. 7:8) including, but not limited to stormwater detention per the New Jersey Residential Site Improvement Standards (RSIS). The type of redevelopment proposed varies throughout the project area, and it is envisioned that construction will take place in stages over time, rather than occur in one phase. Most of the redevelopment area contains a predominance of impervious cover. Therefore, the 80% removal of Total Suspended Solids (TSS) as mandated by the new regulations may not be applicable since the net increase of impervious surface may be less than one-quarter acre.

XII. Redevelopment Plan Overview

The redevelopment area is surrounded by residential neighborhood with a road grid system typical to an urban environment. The road grid system will be extended into the redevelopment area and provide the framework within which the development will take place (as depicted on the illustrative maps included in the vision plan). The redevelopment Plan is primarily focused on creation of residential neighborhoods similar in size and shape as the adjoining residential neighborhood. Instead of specifying specific uses per lot and block, the uses permitted throughout the entire zone are stated (with the exception of Block 50, Lot 1). Although encouraged to follow the Vision Plan, a developer can perform alternative design layouts as long as residential neighborhoods are created and the density does not exceed 16 dwellings per acre. As an alternative to residential, commercial development is acceptable on Block 50, Lot 1. Each parcel to be developed shall contain a minimum of 10% open space (excluding commercial development, if proposed, on Block 50, Lot 1). The density of the optional

commercial development on Block 50, Lot 1 is controlled by FAR (floor Area ratio). The development of the redevelopment zone can be phased. The redevelopment area contains parcels that are contaminated, minimally contaminated and non-contaminated.

XIII. Redevelopment Plan Permitted Uses, Bulk & Intensity of Use

The land use, bulk and intensity of development standards for Redevelopment Area are as follows:

A. Permitted Uses.

The following principal uses shall be permitted within the redevelopment zone district. Such uses shall be defined by the current edition of the NAICS Code (SIC Code was replaced by the NAICS). The definition is the same as in Schedule A of the Borough's Land Use Ordinance, except as noted otherwise by Schedule A, in which case the definition for such uses shall be the same as provided in the definitions article of the Land Use Ordinance.

The following uses are permitted throughout the redevelopment zone:

Residential

1. Townhouses;
2. Single Family, and
3. Two, three or four family dwellings

In addition to the above stated uses, the following uses are permitted on Block 50, Lot 1;

Finance, Insurance and Real Estate

1. Depository Institutions
2. Nondepository Credit Institutions
3. Security and Commodity Brokers
4. Insurance Carriers
5. Insurance Agents, Brokers and Service
6. Real Estate: operators, lessors, agents, managers, title abstract offices, subdividers and developers
7. Holding and other investment offices

Services

1. Advertising
2. Consumer credit reporting, mercantile reporting, adjustment and collection agencies
3. Mailing, reproduction, commercial art, photography and stenographic services

4. Services to buildings
5. Miscellaneous equipment rental and leasing
6. Computer and data processing services
7. Miscellaneous business services
8. Legal Services
9. Social Services; job training/vocational rehabilitation services, child care centers and other social services.
10. Membership Organizations; business, professional , labor, civic, social, political associations and other membership organizations
11. Engineering, architectural and surveying services
12. Accounting, auditing and bookkeeping services
13. Management and public relations services
14. Health services; offices/clinics of medical doctors, dentists, osteopathic physicians and other health care practitioners
15. Medical and dental labs
16. Home health care services
17. Miscellaneous health and allied services

Agriculture, Forestry and Fishing

1. Veterinary services (pets only)
2. Animal specialty services for domestic pets
3. Landscape counseling, planning

Non-classifiable Establishments

1. Public parks

B. Lot, Bulk and Intensity of Development Standards

The bulk and density standards for the redevelopment area are as follows:

Residential

1. Maximum Density = 16 du/acre

Non-Residential

1. Maximum FAR= 0.5 FAR

The maximum building height throughout the redevelopment area shall be 3 stories/45 feet (except for developments fronting on Fairview Avenue which shall be 2.5 stories/35 feet).

C. Other Requirements

In addition to the general supplemental requirements in this redevelopment plan (see below) the following other requirements shall apply:

1. All requirements applicable in the R-3 district in the Land Use Ordinance shall apply to developments fronting on Fairview Avenue, except as superseded by this redevelopment plan.
2. The side yard set back for buildings that are 2.5 stories or less or 35 feet shall be 8'/20' (one/both).
3. The side yard set back for buildings that are 3 stories or 45 feet adjacent to existing dwellings is 25'/50' (one/both)
4. The minimum lot size for single and two family dwellings shall be, respectively, 4,000 and 5,000 square feet.
5. Clustering of townhouses may be allowed if attention is given to providing open space within the area and the road network is complimentary to the surrounding area.
6. Redevelopment of block 1, lot 4.02., is not currently envisioned. If redevelopment was proposed, the redevelopment shall be consistent with the above stated permitted uses; lot, bulk and intensity of use standards.

XIV. Building Design Guidelines

A. Number of Bedrooms

Each dwelling unit shall contain at least one bedroom, and no more than three (3) bedrooms. At least 20% of all dwelling units shall be one-bedroom units and up to 30% may be three bedroom units. This requirement is applicable to each redevelopment area at the completion of each phase/area.

B. Minimum habitable floor area per dwelling unit

A one bedroom unit shall be a min. of 800 square feet and a two bedroom unit shall be a min. of 1,000 square feet and the three bedroom unit shall be a min. of 1,200 square feet. Habitable floor area shall be measured to the interior face of the walls that define the limits of the dwelling unit and shall exclude common hallways, stair wells, elevator shafts and other common areas, such as but not limited to common utility areas, ventilation shafts and chimneys and shall exclude any basement area.

C. Architectural Design Guidelines

On Commercial and residential buildings the horizontal and vertical differentiation of large façade areas shall be broken down so as to appear as a series of different buildings, each building façade should be of scale of buildings found in Somerville. The horizontal façade shall be spaced a maximum of 50 feet. The design and dimensions of bays shall be varied to create visual interest. A repetitive pattern of the façade shall not be used. The base (lower one level),

middle and top of the buildings shall be distinguished from one another by changes its material, masonry, fenestration pattern, trims cornices, etc. The building facades should have a similar alignment of window sills, building lines, floor line, cornice, rooflines and floor to floor spacing.

The character and style of the commercial and residential development shall be consistent with the architectural style found in the Borough and surrounding County, and compliment that existing “built” environs. The Planning Board shall determine whether the aesthetics of the proposed redevelopment compliments the existing built environment and is in keeping with the character of the Borough.

D. Rooftop Mechanical Equipment

All rooftop mechanical equipment shall be set back so that it cannot be seen from the street. In addition, all equipment shall be screened with material, color and style consistent with the architecture of the building.

E. Building Materials

Buildings constructed throughout the redevelopment areas should add character to the Somerville and reflect the historic styles found within the Borough and region. High quality materials should be used and these buildings should be designed to achieve a life span of at least 75 years. Acceptable building materials include wood clapboard siding, brick, and decorative concrete, terra cotta, ceramic/glazed tile as well as other natural materials such as marble, granite and cedar shakes. The use of EIFS and other synthetic stucco materials including vinyl siding are discouraged.

XV. Streets, Parking and Landscaping Requirements

A. Streets & Parking

As reiterated herein, the Redevelopment Plan extends the surrounding street grid system into the redevelopment area, and shall include sidewalks. The interpretive illustrations included in the vision plan depict various street grid layouts. The developer is not bound by these illustrations and can propose alternative street layout(s). The adequacy of the proposed street grid layout shall be determined by the Planning Board.

The new access road and street extensions shall provide parking on both sides of the street. The street width and associated right-of-way shall be governed by the RSIS. All curbing installed throughout the redevelopment zone shall be granite.

In determining the parking demand for each development area, the on street parking located directly adjacent to the development shall be included. The parking ratios for the non residential redevelopment are as follows:

1. Medical office- 5/1,000 GFA

2. Offices- 3/1,000 GFA
3. Open space/recreational area- as determined by the Planning Board

The parking requirements for the residential development shall be as required by the RSIS (Residential Site Improvement Standards) unless the Planning Board grants an exception.

All off-street parking spaces for the commercial development shall be provided underneath buildings, in structured garages, at the center of a commercial building wrapped by offices, or located at the rear of a building away from view of streets, pedestrian paths and open spaces. No parking is permitted within the front yard setback of any commercial building.

If a mixed use development is proposed for Block 50, Lot 1, the parking demand for the development shall be determined using the Urban Land Institutes (ULI) shared parking methodology

Sidewalks and curbing shall be installed within the right of way of all street extensions. The sidewalks shall be a minimum of 4 feet wide and shall be installed on both sides of the street.

B. Landscaping

Landscaping of the street extensions, new access roads, parking lots, and redevelopment areas as a whole shall be in accordance with the Borough Land Use Ordinance (§ 102 et. seq.). In addition, all surface parking lots in excess of five (5) spaces shall conform to the following requirements:

The minimum width of landscape islands shall be eight (8) feet on the side of parking spaces and between parking rows. Every four rows of parking shall be separated by a landscape island. If sidewalks are incorporated through the long axis of the landscape islands, their width shall be added to these requirements. Where the parking lot design will result in pedestrians cutting perpendicularly through landscape islands, sidewalks shall be installed at regular intervals through its short axis.

XVI. Supplemental Requirements

A. Affordable Housing Requirements

A redeveloper may be required to address an affordable housing obligation generated by any development if an obligation is imposed upon the Borough by the State or any State laws or regulations. The terms and specifics concerning how such obligation will be addressed shall be determined by the Borough Council and be set forth in a redevelopment agreement between the Borough and the redeveloper prior to commencement of the project.

B. Properties to be Acquired

This redevelopment plan intends to encourage developers to acquire a proprietary interest in any property to be redeveloped pursuant to this plan. The redevelopment plan does not propose the acquisition of any property through eminent domain at this time. All property to be acquired shall be through purchase on the open market. Should redevelopment not occur as planned, the Borough reserves the option and the right to amend the redevelopment plan at a future date to provide for the use of eminent domain. Such an amendment would require notice to affected parties and a public hearing pursuant to the provisions in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Since the current plan does not propose the use of eminent domain to acquire such property, the plan does not provide for any relocation assistance to residents who are displaced by the plan. If such relocation assistance is required to be provided by law, then the developer shall be required to provide for such assistance pursuant to a redevelopment agreement between the redeveloper and the Borough.

C. Planning Board Review

Prior to obtaining a construction permit for the redevelopment, site plans shall be prepared in accordance with the Municipal Land Use Law (MLUL) and shall be submitted to the Planning Board for review and approval. Any subdivisions of lots within the Redevelopment Plan shall be in accordance with the requirements of the Redevelopment Plan and the subdivision ordinance of the Borough of Somerville. Developer(s) are also responsible for obtaining all other approvals as necessary, including subdivision and/or site plan approval from the Somerset County Planning Board.

The Planning Board shall be permitted to refer to the Architectural Review Board (ARB) development plans submitted by the designated redeveloper as part of the development review process. The role of the ARB shall be advisory only and the Planning Board shall not be bound by any comments that may be submitted to it by the ARB. Any referral from the Planning Board shall be provided in a timely manner such that there is no conflict with the statutory timeframes for the Planning Board to act on the development application. Failure by the ARB to submit comments within the required timeframe shall not affect the Planning Board's ability to act on the development application in accordance with the applicable law.

D. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Mayor and Borough Council of the Borough of Somerville or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough Council of the Borough of Somerville, or the developer, upon the basis of race, creed, color, sexual orientation, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such

restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, sexual orientation or national origin.

E. Duration of the Plan

The provisions of this Plan specifying the redevelopment of the redevelopment area and the requirements and restrictions with respect thereto shall be in effect for a period of forty (40) years from the date of approval of this plan by the Borough Council.

F. Deviation Requests

The Planning Board may grant deviations from the regulations contained within the Redevelopment Plan where, by reason for exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to the Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. Any deviation from use, height or a “d” variance under the MLUL (N.J.S.A. 40-55D-1 et seq.) shall require an amendment to the Plan by the Borough Council. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirement of this Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40-55D-12.a and b. The Planning Board alone shall have the authority to grant deviations from the requirements of the Plan, as provided herein. Final adoption of this Plan by the Mayor and Borough Council shall be considered an amendment of the Borough Zoning Map.

G. Borough Zoning Ordinances

This Redevelopment Plan shall supersede all applicable sections of the Borough’s Zoning Regulations. All other land development regulations shall remain applicable, unless otherwise stated herein. If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this Redevelopment Plan shall be deemed valid and effective.

H. Procedure for Amending the Approved Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. Any party requesting an amendment is required to submit such request to the Borough Council. A fee of \$500 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Borough Council, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which must be prepared by a Professional Planner, licensed in the State of New Jersey. In addition, the Borough Council, at its sole discretion, may require the party requesting the amendments establish an escrow account with the municipality adequate to allow the Borough to retain a Professional Planner, licensed in the State of New Jersey, to review any proposed amendments to confirm that the intent of the Plan will not be compromised.

I. Street and Site Lighting

All outdoor lighting, including street lamps and accent lighting, shall comply with “dark sky” standards. Dark sky standards are intended to reduce nighttime light pollution. They require that lighting is downcast, illuminates only the intended areas, and does not cause disabling glare that affects driver safety and reduces the visibility of night skies. The light poles and outdoor lighting fixtures shall be decorative. Shoe box type fixtures are prohibited.

J. Existing & Proposed Utilities

Electric, telephone, cable, water, gas and sewer services exist within the Kirby Avenue redevelopment area and the redevelopment area is within a sewer service area. Adequate sewer capacity exists for the proposed redevelopment. All development shall be serviced by underground utilities, overhead wires to the building(s) are prohibited. If the existing poles are in front of the proposed building and the Planning Board finds that utility poles are unattractive and detract from the building façade, the Planning Board reserves the right to require the utility poles to be relocated or the services placed underground. All pad mounted transformers, signal boxes, electrical meters, etc. shall be screened from ground level views by landscaping, fencing or walls. The equipment shall not be installed in the public right of ways of streets but be set back a minimum of 10 feet from the right of way. The equipment shall be located within utility easements and be readily accessible to PSE&G and other utility companies.

K. Implementing the Redevelopment Plan

The following restrictions and controls on redevelopment are hereby imposed in connection with this Redevelopment Plan:

1. The designated developer(s) shall be obligated to enter into a redevelopment agreement with the Borough prior to the commencement of any Redevelopment Area development and/or improvements as permitted in this Redevelopment Plan.

2. The redeveloper, its successors or assigns, shall develop the land within the Redevelopment Area for the uses specified in this Redevelopment Plan.

L. Minimum Required Open Space

Each parcel to be redeveloped shall contain a minimum of 10% open space for active/passive recreation. The layout and use of the open space (i.e. playgrounds, bike paths, etc.) shall be specified in a redevelopment agreement with Borough, prior to the commencement of the project. In addition, each townhouse shall have access to a minimum of 600 square feet of open space which shall form part of the required 10% open space requirement. The open space shall be located to the rear or side of the townhouse and may be shared by more than one dwelling unit

Appendix A

1990 Master Plan Map #2
Land Use Plan Changes

