



# River Centre South Redevelopment Plan

## Block 1131, Lots 30, 31 and 32

TOWNSHIP OF MIDDLETOWN

MONMOUTH COUNTY, NEW JERSEY

September 2023

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## 1.0: BACKGROUND INFORMATION -

### BASIS FOR THE PLAN:

On February 7th, 2022 through Resolution No. 22-75, the governing body acting as the Township's Redevelopment Entity, authorized and requested the Township of Middletown Planning Board, to undertake a preliminary Investigation to determine whether Block 1086 Lot 29, 30, Block 1089 Lots 1 and 2 as well as Block 1131, Lots 30, 31 and 32 qualified as a area in need of redevelopment according to the criteria set forth in the Local Redevelopment and Housing Law N.J.S.A 40A:12A-3 and 40A:12A-5.

The Planning Board held a public hearing on the findings of the preliminary investigation and recommended adoption of the Redevelopment Area to the Township Committee on May 4th, 2022. The Planning Board found that the statutory criteria for an area in need of redevelopment under N.J.S.A. 40A:12A-14(a) was met for the entirety of the area proposed to be designated for redevelopment. The Township Committee accepted the Planning Board's recommendation and designated the site as an area in need of redevelopment on May 16th, 2022.

This Redevelopment Plan is proposed for Block 1131 Lots 30, 31 and 32 to address a pattern of vacancy, abandonment and under-utilization through the establishment of new permitted uses and design standards. This document is the second step in the implementation of a plan for redevelopment that began with the preliminary investigation conducted by the Planning Board that resulted in a determination of an "area in need of redevelopment" by the Middletown Township Committee.

This Redevelopment Plan, which only includes Block 1131, Lots 30, 31 and 32 has been prepared pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq. or "LRHL"). As required under the statute, the plan includes the following components:

- Redevelopment Goals and Objectives;
- Proposed Land Uses and Design Concepts;
- Redevelopment Regulations and Standards; and
- Relationship of the Redevelopment Plan to Other Plans.

### APPLICABILITY OF THE REDEVELOPMENT PLAN AND ITS RELATIONSHIP TO THE LAND DEVELOPMENT ORDINANCE:

The use, bulk, design and performance standards for this Redevelopment Plan shall supersede the zoning provisions of the Middletown Township Land Use Development Ordinance for Block 1131, Lots 30, 31 and 32. Where the regulations and standards for this Redevelopment Plan are silent, the standards of the Land Development Ordinance for the Township of Middletown shall apply as permitted by N.J.S.A. 40A:12A-7.a(2). The zoning map of the Township of Middletown shall be amended upon the adoption of this Plan in accordance with N.J.S.A. 40A:12A-7.c to reflect this new classification. All other properties which were included in the designation (Resolution No. 18-78), but is not included in this Redevelopment Plan, shall either remain subject to the standards and regulations applicable to the existing B/P Zone or regulations provided in separate redevelopment plans.

**PROPERTY DESCRIPTIONS:**

The Redevelopment Plan Area which includes Block 1131, Lots 30, 31 and 32 are located to the east of the Garden State Parkway Interchange 109 and has frontage on Schultz Drive and is approximately 35.152 acres in area. The property is also located to the north of the park and ride commuter parking lot. To the south is the Garden State Parkway, to west is a residential lot and to the north is an existing four story office building with surface parking located to the side and rear portions of the properties.

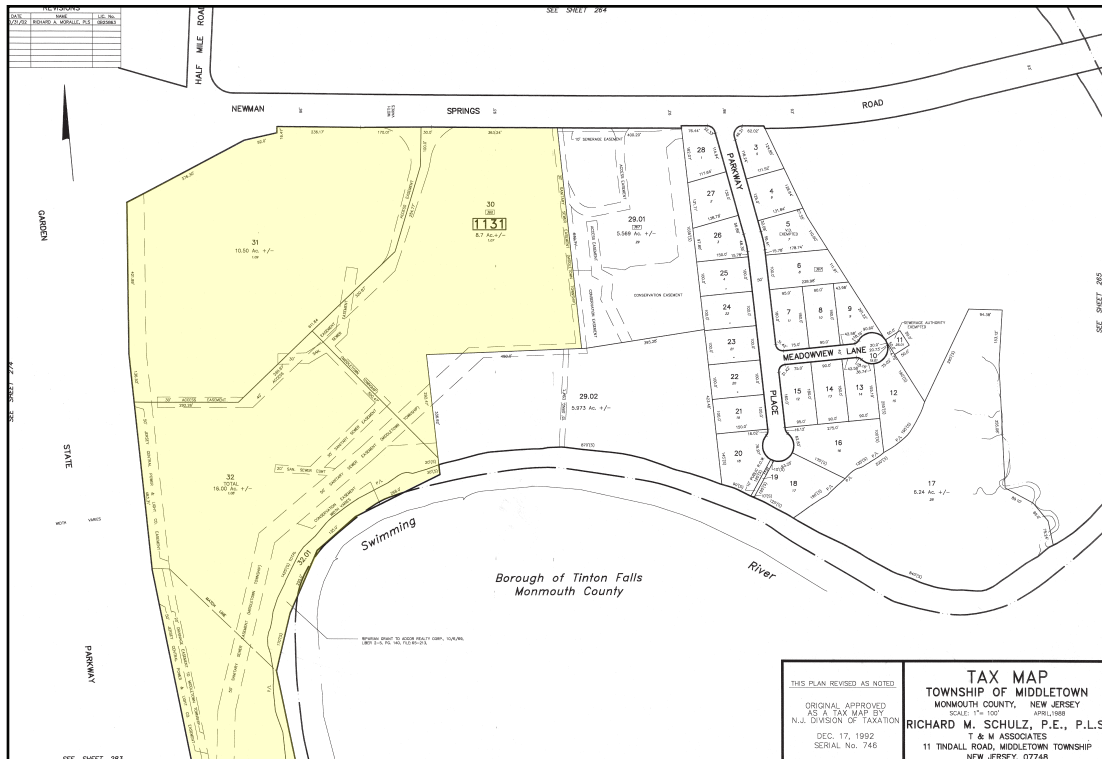


Image 1: Block 1131 Lot 30, 31 & 32  
Redevelopment Plan Area

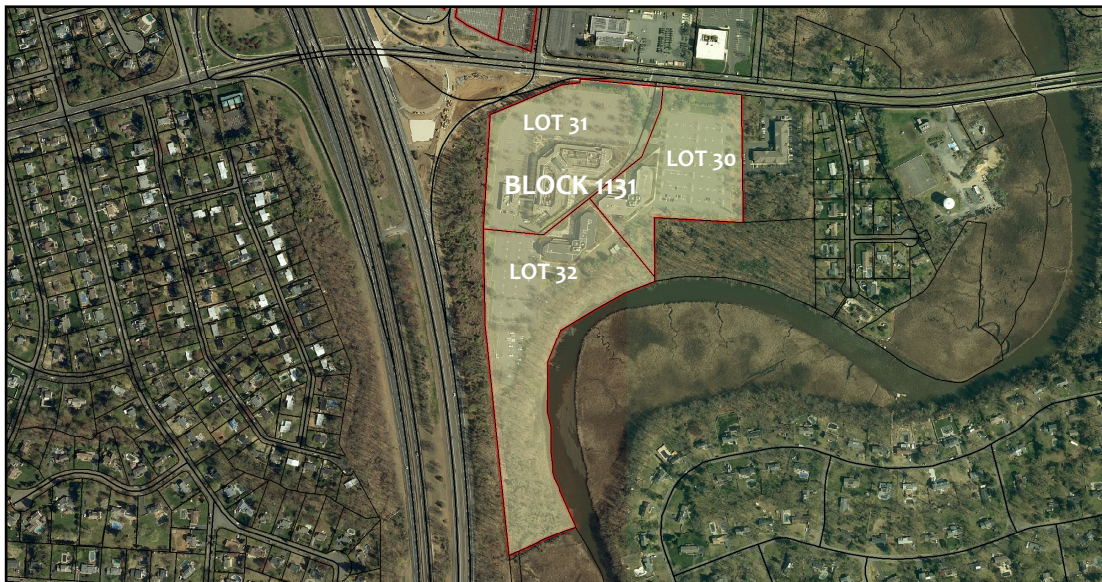


Image 2: Block 1131 Lot 30, 31 & 32  
Redevelopment Plan Area





Image 3 - 7: Existing Office Buildings to Remain



## 2.0: EXISTING ZONING

The Redevelopment Plan Area properties are all located in the BP Business Park zone district, as shown in Map 5. Land use regulations as outlined in §540-902B of the Township's Planning and Development Regulations are detailed below. Use requirements for the BP Business Park Zone are as follows:

### 1. Accessory

#### a. Accessory Uses:

- i. Commercial accessory storage building
- ii. Fences and hedges (§540-616)
- iii. Garage, commercial
- iv. Home occupation
- v. Indoor storage/display of goods sold on-site
- vi. Off-street parking (§540-627R)
- vii. Outdoor storage/display of goods sold on-site
- viii. Signs (§540-635)

### 2. Agricultural

#### a. Permitted Uses:

- i. Commercial woodland
- ii. Cropland
- iii. Fisheries
- iv. Livestock, pasture and rangeland
- v. Nursery
- vi. Orchard and vineyard

#### b. Accessory Uses:

- i. Barn and other farm buildings
- ii. Roadside farm stand

### 3. Business Office

#### a. Permitted Uses:

- i. Accounting
- ii. Advertising service
- iii. Animal hospital
- iv. Architectural service
- v. Artist/art studio
- vi. Banking
- vii. Blood bank
- viii. Business management
- ix. Clinic
- x. Collection Agency
- xi. Computer programming and consulting
- xii. Credit reporting and service
- xiii. Data processing service
- xiv. Dentist
- xv. Driving school
- xvi. Employment service

xvii. Engineering service

xviii. Family counseling

xix. Financial service

xx. Government office and facility

xxi. Insurance agency

xxii. Legal service

xxiii. Medical office

xxiv. News syndication service

xxv. Planning service

xxvi. Professional consultant

xxvii. Real estate agency

xxviii. Security/commodity broker

xxix. Surveying service

xxx. Travel agent

xxxi. Tutoring service

xxxii. Veterinarian office

#### b. Conditional Uses:

i. Hospitals

ii. Performance commercial development

### 4. Business Services

#### a. Permitted Uses:

- i. Printing and photocopy service

### 5. Educational

#### a. Permitted Uses:

- i. Acting school
- ii. Animal training school
- iii. Daycare
- iv. Music school
- v. Nursery school
- vi. Senior day care
- vii. Special training school

#### b. Conditional Uses:

- i. Private or parochial school



## EXISTING ZONING CONTINUED

**6. Light Industrial**

- a. Permitted Uses:
  - i. Scientific research laboratory

**7. Recreational**

- a. Permitted Uses:
  - i. Athletic academy
  - ii. Athletic fields
  - iii. Basketball court (public)
  - iv. Batting cage
  - v. Golf driving range
  - vi. Gym, health spa and athletic club
  - vii. Ice skating rink
  - viii. Miniature golf course
  - ix. Movie theater
  - x. Nature area/reservation
  - xi. Park
  - xii. Playhouse
  - xiii. Playground
  - xiv. Roller-skating rink
  - xv. Swimming pool (commercial)
  - xvi. Tennis court (commercial)
- b. Conditional uses:
  - i. Golf course
- c. Accessory uses:
  - i. Fairground (temporary)
  - ii. Gym, health spa and athletic club

**8. Residential**

- a. Permitted Uses:
  - i. Hotels and motels

**9. Service Organizations**

- a. Permitted Uses:
  - i. Garden club
  - ii. Library
  - iii. Non-Profit Organization
- b. Conditional Uses:
  - i. Cemeteries

**10. Transportation**

- a. Permitted Uses:
  - i. Commercial parking lot
  - ii. Commuter parking lot
  - iii. Highway and street right-of-way
  - iv. Railroad right-of-way
- b. Accessory Uses:
  - i. Heliport

**11. Utility**

- a. Permitted Uses:
  - i. Electric, gas, water, and sewer line
  - ii. Utility equipment building (under 100 sf)
- b. Conditional Uses:
  - i. Commercial communication antenna or tower
  - ii. Public utility office or substation
  - iii. Radio communication center
  - iv. Telephone communication center
  - v. Television communication center

**12. Wholesale and Retail Trade**

- a. Permitted Uses:
  - i. Floral shop
  - ii. Recording studio
  - iii. Video rental
- b. Accessory Uses:
  - i. Bakery, pizzeria, or other food retail
  - ii. Bar
  - iii. Book and stationary store
  - iv. Cafeteria
  - v. Delicatessen
  - vi. Newsstand
  - vii. Restaurant
  - viii. Variety store

## EXISTING ZONING CONTINUED

Redevelopment Study & Preliminary Investigation Report  
Middletown Township

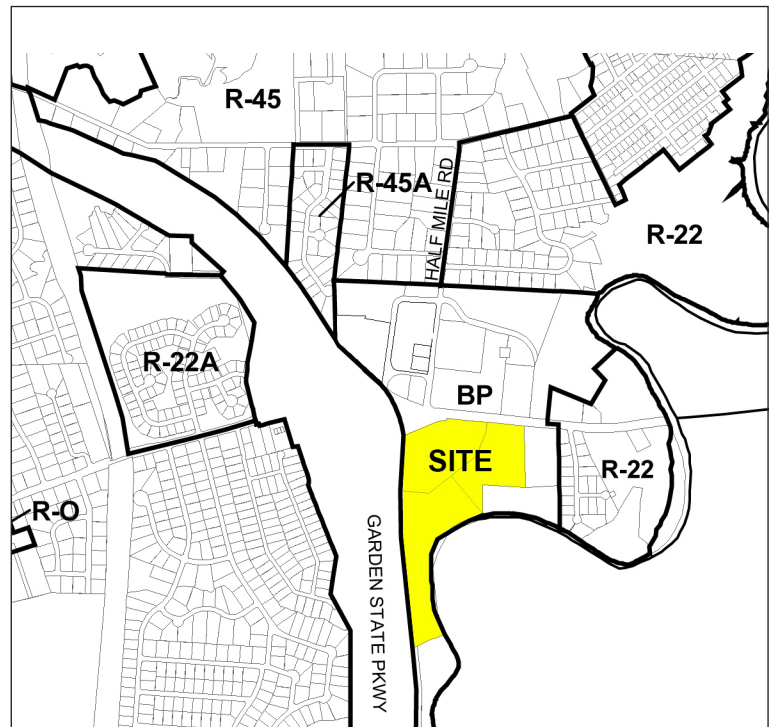
Table 1 outlines the lot and bulk standards of the BP Business Park Zone, pursuant to §540-923 of the Planning and Development Regulations:

Table 1: Lot and Bulk Standards of the BP Zone

Standard	Requirement
Minimum gross lot area	3 acres
Minimum buildable lot area	2.5 acres
Minimum front yard setback	75 feet
Minimum side yard setback	50 feet
Minimum street side setback	37.5 feet
Minimum rear yard setback	50 feet
Minimum street rear setback	75 feet
Minimum lot frontage	200 feet
Minimum gross floor area	5,000 square feet
Minimum first floor area	5,000 square feet
Maximum lot coverage*, one-story building	70%
Maximum lot coverage*, two or more stories	60%
Maximum floor area ratio	22%
Maximum building height	3 stories, 40 feet

(\*) Lot coverage for all improvements (impervious or pervious) including all parking areas and automobile access driveways and internal roadways, whether covered by an impervious or pervious material, patios associated with an in-ground or above ground swimming pool, surface area of an in-ground or above ground swimming pool above 800 square feet [Ord. No. 2005-2815], and all other impervious surfaces.

Additionally, pursuant to 540-923C(2), wherever any BP zone boundary line abuts a residential zone boundary line, the building setback requirement shall be 100 feet along the entire length of such common zone boundary line.

Image 8: Township of Middletown  
Zoning Map

### 3.0: REQUIRED COMPONENTS OF THE REDEVELOPMENT PLAN:

N.J.S.A 40A:12A-7 requires that a redevelopment plan include an outline for the planning, development, redevelopment, or rehabilitation of the Redevelopment Area sufficient to indicate the following:

1. Its relationship to definite local objectives as to appropriate land use, 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 provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of 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 with the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to:
  - The master plans of contiguous municipalities;
  - The master plan of the county in which the municipality is located;
  - 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. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 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 .
8. The redevelopment plan may include the provision of affordable housing in accordance with the “Fair Housing Act,” N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
9. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law,” P.L.1975, c. 291 (C.40:55D-1 et seq.).
10. The redevelopment plan must state whether it shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
11. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

#### 4.0: Definitions

The definitions of Section 540-203 shall apply to this plan, with the exception of the definitions identified within this plan which will supersede the Townships ordinance.

**Blade Sign:** A vertically oriented wall sign that projects perpendicular to the facade of the building.

#### 5.0: REDEVELOPMENT REGULATIONS

##### USE REGULATIONS / BULK STANDARDS:

##### A. Permitted Principal Uses and Structures:

The following principal uses and structures shall be permitted in the Redevelopment Area:

1. Multi-family dwellings.
2. Business office uses.
3. Standalone restaurant, including sit-down restaurants, fast casual restaurants, drive-through fast casual restaurants, coffee shops, and drive-through coffee shops.
4. Amenity services and/or structures providing one or a combination of amenities and services which may be open to the general public, including food and beverage establishments, personal services, physical fitness facilities, active and passive recreational and/or open space facilities, collaboration and/or shared spaces and other similar amenities and structures.
5. All other principal uses and structures permitted in the underlying B/P Business/Park Zone, as may be amended from time to time.
6. Day care, and any personal service, educational, of recreational uses permitted in the B-1 Zone. Food trucks.
7. Food trucks (Permits required per the Township of Middletown Zoning Ordinance)

##### B. Permitted Accessory Uses and Structures:

The following accessory uses / structures shall be permitted:

1. Fences, walls, retaining walls, hedges, and other landscape elements.
2. Off-street parking in parking lots and parking garages, including electric vehicle (EV) charging infrastructure, which may incorporate but not be limited to electric vehicle supply equipment ("EVSE") and Make-Ready parking spaces, as those terms are defined in P.L. 2021, c. 171.
3. Parallel parking and drop-off/pick-up areas along drive aisles and internal roadways.
4. Off-street loading areas.
5. Site furnishings, planters, fire pits, streetlights, and similar site improvements.
6. Exterior, garden type, shade structures such as gazebos, trellis, pergolas, canopies and pavilions, roof top terrace and other similar amenities and structures.
7. Active and passive recreational and/or open space facilities, including but not limited to trails, walkways, ramps, stairways, alleys, patios, courtyards, plazas, seating areas, recreational equipment and other outdoor furniture, gardens and landscaped areas, fire pits, pools and other similar facilities and structures.
8. Refuse and recycling enclosures.

9. Murals, banners, and community signage.
10. Accessory uses and structures customarily incidental to permitted principal uses and structures, including property management, leasing and maintenance offices, resident amenities, business office amenities, storm water management facilities and structures.
11. Canopies associated with drive-thru establishments.
12. All other accessory uses and structures permitted in the underlying B/P Business/Park Zone as may be amended from time to time.

C. Area and Yard Requirements:

The following area and yard requirements shall apply to the boundaries of the entire Tract. Any subsequent subdivision within the Tract shall not be subject to these requirements.

1. Minimum lot area: N/A
2. Minimum building setback from Garden State Parkway ROW: 50 feet
3. Minimum building setback from Newman Springs Road ROW: 75 feet
4. The minimum parking/roadway setback from Newman Springs Road ROW shall be no closer than the existing condition
5. Maximum dwelling unit density 340 units

Lot frontage, Gross floor area, First floor area, Lot Coverage and Floor area ratio requirements shall not apply to this Redevelopment Plan.

Temporary construction trailers shall be permitted where active construction work is proposed. Temporary construction trailers shall not be placed within the right-of-way of any improved public road.

D. Maximum Building Height:

1. Multi-family buildings may be up to five (5) stories and 70 feet in height.
2. Business office buildings may be up to four (4) stories and 60 feet in height.
3. Restaurants and amenity services and/or structures may be up to two (2) stories and 30 feet in height. Inclusive of canopies associated with drive thru establishments.
4. Parking garages attached to buildings with principal permitted uses may be up to seven (7) levels and 80 feet in height, excluding any subterranean levels.
5. For purposes of this Redevelopment Plan, building height shall be regulated as follows:
  - a. Building Height shall be defined as the vertical distance measured from the average elevation of the existing pre development grade and/or highest adjacent grade as defined herein at the four corners of the smallest possible square or rectangle encompassing the proposed building to the highest point of the roof for flat roofs; to the mean height level of the distance measured between the eaves and ridge for gable and hip roofs; and to the deck line for mansard roofs. In special flood hazard areas, "building height" means the vertical distance measured from one foot above base flood elevation at the four corners of the smallest possible square or rectangle encompassing the proposed building to the highest point of the roof for flat roofs; to the mean height level of the distance measured between the eaves and ridge for gable and hip roofs; and to the deck line for mansard roofs. Where property is filled prior to

development, building height shall still be measured from the existing pre development grade and/or highest adjacent grade as defined herein. Pre development grade and/or highest adjacent grade shall be determined using Township topographic data available at the time of the adoption of this chapter or as it may be updated from time to time.)

- b. Building height calculations shall exclude building service equipment (e.g., condensers, cooling towers, exhaust fans and other similar mechanical equipment) and any associated screening devices, solar panels, bulkheads, stair enclosures, roof access stairwells, elevator penthouses, skylights or atrium structures, flagpoles and architectural appurtenances (e.g., chimneys, cupolas, towers, belfries, lanterns, spires, steeples and other similar elements) provided that such shall not extend more than 20 feet above the allowable building height. Additionally, building height calculations shall exclude fire walls, parapet walls, cornices, and other similar elements, provided that such shall not extend more than five (5) feet above the allowable building height. Section 540-512 Height limitations in the Township of Middletown Planning and Development Regulations shall not apply.
- c. Mezzanines and lofts that qualify as mezzanines under the International Building Code (Section 505.2) shall not constitute a story or half story and shall be considered a portion of the story below.

E. Permitted Projections:

- 1. Cornices, eaves, chimneys, gutters, downspouts, cantilevered roofs, balconies, and bay windows shall be permitted to project not more than three (3) feet from the building into any required yard setback.
- 2. Belt courses, windowsills and other similar ornamental features shall be permitted to project not more than one (1) foot from the building into any required yard setback.
- 3. Ramps and stairways leading to a building entrance may project into any required yard setback without limitation, provided that such structures do not encroach into any right-of-way.
- 4. Awnings and canopies may project over a sidewalk and/or into any right-of-way, provided that such structures have a minimum vertical clearance of 8 feet and are set back a minimum of four (4) feet from curb line or edge of pavement along any parking lot, drive aisle, internal roadway or street.

F. Affordable Housing Requirements:

- 1. The number of affordable housing credits shall equal 10% of the overall number of housing units provided on the Tract.
- 2. The affordable housing credits can be satisfied with family affordable housing rentals and/or supportive affordable housing rentals for the developmentally disabled, or any combination thereof (jointly referred to as the "Affordable Units").
- 3. The Affordable Units shall be integrated fully with the market-rate units. The residents of the Affordable Units shall have full and equal access to all of the amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
- 4. The construction of multi-family dwellings may be phased in any manner to be determined by the developer, subject to the phasing schedule for affordable housing units established by N.J.A.C.



5:93-5.6(d).

5. The Affordable Units shall be affirmatively marketed in accordance with Uniform Housing Affordability Controls ("UHAC") and applicable law.
6. Any development, including development on vacant land or structural additions to existing buildings, shall be exempt from the non-residential development fee or any other affordable housing development fee.

G. Parking:

1. Parking facilities may be located in any yard space but shall not be closer than 20 feet from any street line.
2. Parking facilities shall be designed to prevent the maneuvering of vehicles into or out of parking spaces or the storage of vehicles within any portion of an entrance driveway or driveway lane that is within 20 feet of right-of-way line of a public street.
  - a. Off-street parking areas shall be so designated to permit all vehicles to turn around in order to prevent the necessity of any vehicles backing onto a public street.
  - b. No required off-street parking space including adjacent parking access lanes or maneuvering space shall be located within the existing or proposed right-of-way of public streets.
3. No parked vehicles shall block or obstruct sidewalks or walkways and no parking shall be permitted on lawn or landscaped areas, or other areas not intended, designed and/or approved for such parking.
4. Parking facilities having drive-through lanes and/or providing temporary stopping space or maneuvering space for vehicles of customers or patrons seeking service shall be designed so that the stopping, stacking, maneuvering aisles are set back at least 10 feet from any portion of an entrance driveway or driveway lane and existing or proposed right-of-way of public streets.
  - a. In no circumstances shall vehicle stacking / queuing back into primary driveways, entrances or circulation aisles such that access to the other portions of the property would be prevented.
5. No parking facilities, access drives and aisles shall be located within 10 feet of any buildings, except for parking structures which may be attached to a building, drive-through lanes, and those areas necessary for accessing parking structures, servicing refuse & recycling and loading areas, and any specially-designed shared spaces.
6. Parking requirements for residential uses shall be regulated as follows:
  - a. The parking requirement for residential uses shall be a minimum of 1.6 parking spaces for each residential unit, including spaces that are utilized for shared parking.
  - b. It is recognized that the residential parking requirement(s) established herein are less than that required under the New Jersey Residential Site Improvement Standards ("RSIS") at N.J.A.C. 5:21-1, et seq. Consequently, the Township Committee in adopting this Redevelopment Plan is establishing alternative parking standards from RSIS pursuant to N.J.A.C. 5:21-4.14.(c) that better reflect local conditions, including household characteristics, availability of mass

transit, urban versus suburban location, and available off-site parking resources.

7. Parking requirements for business office uses shall be a minimum of one (1) parking space for each 350 square feet of gross floor area, including spaces that are utilized for shared parking. For purposes of this subsection, the calculation of the parking requirement shall exclude amenity services and/or structures, cafeterias, and dining rooms.
8. Parking requirements for restaurants shall be a minimum of one (1) parking space for each 100 square feet of gross floor area, including spaces that are utilized for shared parking. For purposes of this subsection, the calculation of the parking requirement shall exclude amenities services and/or structures, cafeterias, and dining rooms.
9. There shall be no parking requirement for amenity services and/or structures, cafeterias, and dining rooms.
10. Shared parking shall be permitted between uses within the Tract, including between uses on individual lots created by a subdivision within the Tract for up to 25% of the total number of parking spaces required for the Tract.
  - a. A shared parking analysis shall be submitted by an experienced parking or land use consultant, planner, architect or engineer as part of a site plan application demonstrating the shared parking plan is feasible.
11. Provisions for electric vehicle (“EV”) charging infrastructure and/or stations shall be provided in any new parking garage in accordance with State law, including P.L. 2021, c.171. Installation of electric vehicle supply equipment (“EVSE”) may be provided in lieu of Make-Ready parking spaces, as those terms are defined in P.L. 2021, c.171.
12. The minimum parking stall size for parallel parking spaces, where provided, shall be eight (8) feet in width and 23 feet in length, exclusive of access drives and aisles.
13. The minimum parking stall size for perpendicular or angled parking spaces, shall be nine (9) feet in width and 18 feet in depth, exclusive of access drives and aisles, except for accessible parking stalls and associated access aisles which shall be subject to standards promulgated by the Americans with Disabilities Act (ADA).
14. The minimum parking stall size for perpendicular or angled parking spaces designated for compact parking, where provided, shall be eight (8) feet in width and 16 feet in length. Such compact parking spaces shall be appropriately signed and marked. Not more than 15% of the total number of off-street parking spaces shall be designated for compact parking.
15. All parking areas, passageways, and driveways shall be surfaced with a properly designed, durable, all-weather pavement of bituminous concrete, Portland cement concrete, or texture-paved or similar special paving treatment, and clearly marked for parking spaces.
16. The perimeter of all parking areas and internal islands within all parking areas shall have continuous cast-in-place concrete curbing with a six-inch face or such alternate curb types, such as Belgian block. Curbing and/or sidewalks may be depressed to accommodate Green Infrastructure elements as well as along residential buildings to create shared spaces utilizing aesthetic treatments considering decorative materials and/or patterns, bollards, pedestrian amenities, traffic calming measures or other visual cues along access drives and driveways.

17. All parking areas shall provide paint striping to delineate parking stalls, barrier lines, lane lines, directional arrows, stop lines, fire lanes and other striping as may be required to insure safe and convenient traffic circulation. Such striping shall be in substantial conformance with the Manual on Uniform Traffic Control Devices ("MUTCD"), except that parking spaces may utilize "hairpin" style markings with eight inches between parallel stall dividing lines.
18. All parking areas shall provide traffic control signs and devices necessary to ensure safe and convenient traffic circulation. Such devices shall be in substantial conformance with the Manual on Uniform Traffic Control Devices.
19. In addition, all existing parking lots shall receive a new top coat, replacement of damaged curbs, installation of new trees where existing trees are either damaged or missing and a minimum 2 year water plan is to be put in place.
20. Sidewalks with a minimum width of four (4) feet and a minimum thickness of four (4) inches shall be provided in all surface parking areas for five (5) or more vehicles, between surface parking areas and buildings, and wherever pedestrian traffic shall occur.
21. Sidewalk areas crossing driveways shall be six inches reinforced with welded wire fabric (66-10x10) or equivalent approved by the Township Engineer.
22. Other provisions of Section 540-627 Off-street parking in the Township of Middletown Planning and Development Regulations shall not apply.

H. Design Standards:

Deviations from these design standards shall be considered exceptions pursuant to the procedure articulated in the New Jersey Municipal Land Use Law ("MLUL") at N.J.S.A. 40:55D-51.

1. Architectural and Building Design Standards:
  - a. Any development within the Redevelopment Area shall be substantially similar to the conceptual elevations contained herein and/or in accordance with any Redevelopment Agreement entered into between the Redevelopment Entity and the Redeveloper.
  - b. All buildings shall be located with proper consideration of their orientation and relationship to other buildings, both existing and proposed, within the Redevelopment Area, in terms of light, air and usable open space; access to public or private right-of-way, common areas, amenities, and parking areas; scale, massing, and height; and, the natural environment.
  - c. Groups of related buildings within the Redevelopment Area shall be designed to present a harmonious appearance in terms of architectural style and exterior materials.
  - d. Accessory structures and buildings, exterior storage, electrical and mechanical equipment and associated enclosures shall be screened from public view by a fence, wall, landscape materials to the extent permitted by utility companies. Service and loading areas associated with residential buildings shall be permitted along access drives adjacent to the building.
  - e. The overall massing of all residential buildings shall be articulated into a series of forms which provide a variety of building setbacks, scale and massing of recognizable proportions in order to provide architectural interest, create the appearance of individuality of housing units and relieve the negative visual effect of a single, long wall and associated rooflines.

- f. The overall composition of each facade of all residential buildings shall incorporate a harmonious composition of massing to maintain a balanced façade composition. Each element shall be articulated by materials, colors and details that are of recognizable proportions as to the overall horizontal and vertical dimensions of the façade.
- g. The architectural treatment of a facade or roof may vary on visibly distinct areas of the buildings.
- h. All openings, windows and doors shall be vertically proportioned with the location of openings, windows and doors on the ground floor. Individual panels for ornamental purposes adjacent to windows and doors are not required to be vertically aligned.
- i. All openings, windows, doors and their respective horizontal elements, including lintels, sills and decorative moldings, shall be horizontally aligned to the extent feasible.
- j. All materials, colors, finishes and/or details used on the exterior of a building shall be architecturally compatible with the style of such building.
- k. Permitted building materials for publicly visible exposed surfaces shall primarily consist of dimensional brick, metal, wood or vinyl or fiber cement panel or lap siding and may include smooth finished stucco or precast concrete. Trim materials shall consist of dimensional brick, precast stone, metal, wood, fiber cement or PVC.
- l. Site design shall create pedestrian circulation routes that accommodate predictable traffic patterns and provide access between dwelling units, the nonresidential buildings, common areas, amenities, and parking areas. Pedestrian routes shall generally be located parallel to access roads. Courtyards bounded on three (3) or more sides by exterior walls of the same building or by the exterior wall of separate buildings shall have a minimum width of 40 feet, exclusive of permitted projecting elements.
- m. All development within the Redevelopment Area shall be guided by federal, state and local requirements regarding accessibility. All development within the Redevelopment Area is encouraged to utilize Universal Design techniques and strategies to create public and private spaces that are equally accessible to all people, regardless of age and abilities. This approach is intended to facilitate equitable design that is flexible, simple, intuitive, perceptible, has tolerance for error, utilizes low physical effort and appropriate for the intended use.
- n. For residential buildings, dwelling units shall have adequate interior living space, using low-maintenance, high-quality, and aesthetically attractive materials. Dwelling units shall have access to private outdoor space or private balcony or common areas , amenities, and parking areas. Provisions shall be utilized to provide sound attenuation between dwelling units in order to improve noise reduction and enhance quality of life for residents.
- o. Other provisions of Section 540-604 Architectural and building design standards in the Township of Middletown Planning and Development Regulations shall not apply.

I. Signage:

Signs shall be permitted within the Tract and shall be located and designed as part of the overall design scheme for the entirety of the Redevelopment Area. The standards set forth in Section 540-635 Signs in the Township of Middletown Planning and Development Regulations shall apply with the following exceptions:

a. Computation of sign area:

For the purposes of this section, unless otherwise specified herein, the size of any sign shall be computed by determining the area of any sign board, sign face or sign background at its largest horizontal and vertical dimensions, including post, brackets and other decorative or supporting elements. Where a sign is mounted, affixed, or applied directly on a free-standing wall, building wall or other surface without a defined sign area, the size of the sign shall be computed by determining the total area as measured by the largest horizontal dimension and largest vertical dimension of a related group of letters, numbers, other characters or logos.

b. Free-standing Gateway Monument Signage:

- [1] A maximum of three (3) signs are permitted to be mounted on free-standing gateway monument structures, with such structures permitted to be located on both sides of Phoenix Drive at its intersection with Newman Springs Road, and located within the center of a round-a-bout within the Tract.
- [2] Each gateway sign shall be permitted to consist of a primary identification sign as well as a secondary tenant directory sign, subject to the following standards:
  - [a] A primary identification sign within each gateway sign shall be subject to the following standards:
    - i. Maximum size of each sign shall not exceed 120 square feet.
    - ii. Maximum height of each sign shall not exceed six (6) feet.
    - iii. Maximum width of each sign shall not exceed 24 feet.
    - iv. Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed six (6) feet.
  - [b] A secondary tenant directory sign within each gateway sign shall be subject to the following standards:
    - i. Maximum size of each sign shall not exceed 60 square feet, within which each individual tenant panel shall not exceed 10 square feet.
    - ii. Maximum height of each sign shall not exceed 12 feet.
    - iii. Maximum width of each sign shall not exceed six (6) feet.
    - iv. Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed two (2) feet.
  - [c] Minimum setback of any such sign from any public right-of-way shall be five (5) feet.
- [3] Any such sign may be internally illuminated or externally illuminated, provided that the source of such illumination is directed to the sign.
- [4] Any such sign may identify or advertise any of the uses on the Tract regardless of whether such signs are situated specifically on the lot containing such use.



c. Free-standing Identification Pylon Signage:

- [1] A maximum of five (5) free-standing identification pylon signs are permitted, subject to the following standards:
  - [a] Maximum size of the primary sign panel within each sign shall be 50 square feet, within which the maximum height of individual letters, numbers, other characters or logos shall not exceed three (3) feet.
  - [b] Maximum size of any secondary sign panel within each sign shall be 30 square feet, within which the maximum height of individual letters, numbers, other characters or logos shall not exceed two (2) feet.
  - [c] Maximum height from ground level to uppermost portion of each sign, including any posts, brackets and other decorative or supporting elements shall not exceed 20 feet.
  - [d] Maximum width of each sign, including any posts, brackets and other decorative or supporting elements, shall not exceed 12 feet.
  - [e] Minimum setback of any such sign from any public right-of-way shall be five (5) feet.
- [2] Any such sign may be internally illuminated or externally illuminated, provided that the source of such illumination is directed to the sign.
- [3] Any such sign may identify or advertise any of the uses on the Tract, regardless of whether such signs are situated specifically on the lot containing such use.

d. Free-standing Tenant Directory Signage:

- [1] A maximum of three (3) free-standing tenant directory signs are permitted, subject to the following standards:
  - [a] Maximum size of each sign shall not exceed 64 square feet, within which each individual tenant panel shall not exceed 16 square feet.
  - [b] Maximum height from ground level to uppermost portion of each sign, including any posts, brackets and other decorative or supporting elements shall not exceed eight (8) feet.
  - [c] Maximum width of each sign, including any posts, brackets and other supporting elements, shall not exceed eight (8) feet.
  - [d] Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed two (2) feet.
  - [e] Minimum setback of any such sign from any curblane or edge of pavement shall be three (3) feet.
- [2] Any such sign may be internally illuminated or externally illuminated, provided that the source of such illumination is directed to the sign.



- [3] Any such sign may identify or advertise any of the uses on the Tract, regardless of whether such signs are situated specifically on the lot containing such use.
- e. Free-standing Wayfinding Directional Signage:
  - [1] Any number of free-standing and two-sided wayfinding directional signage are permitted, subject to the following standards:
    - [a] Maximum size of each sign shall not exceed 25 square feet, within which each individual tenant panel shall not exceed five (5) square feet.
    - [b] Maximum height from ground level to uppermost portion of each sign, including posts, brackets and other decorative or supporting elements, shall not exceed five (5) feet.
    - [c] Maximum width of each sign, including posts, brackets and other decorative or supporting elements, shall not exceed five (5) feet.
    - [d] Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed one (1) foot.
    - [e] Minimum setback of any such sign from any curblin or edge of pavement shall be one (1) foot.
  - [2] Any such sign may be internally illuminated or externally illuminated, provided that the source of such illumination is directed to the sign.
  - [3] Any such sign may identify or advertise any of the uses on the Tract, regardless of whether such signs are situated specifically on the lot containing such use.
- f. Parking Garage Façade Signage:
  - [1] Parking garage façade signage shall be permitted at each vehicular entrance to assist motorists, subject to the following standards:
    - [a] Maximum size of each sign shall not exceed 160 square feet.
    - [b] Maximum height of each sign shall not exceed four (4) feet.
    - [c] Maximum width of each sign shall not exceed 40 feet.
    - [d] Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed two (2) feet.
  - [2] Additional parking garage façade signage and graphic treatments shall be permitted facing the Garden State Parkway, subject to the following standards:
    - [a] Maximum size of the sign and graphic treatment shall not exceed an area equal to 25% of the façade of parking garage facing the Garden State Parkway.
    - [b] The signage and graphic treatment may be applied on the façade of the parking garage and extend across openings and screening devices.
- g. Wall-mounted Façade Signage:
  - [1] For principal structures containing any permitted use other than multi-family dwell-

ings, a maximum of three (3) wall-mounted signs on each principal structure shall be permitted, subject to the following standards:

- [a] Maximum size of all signs shall not exceed an area equal to 10% of the façade upon which the sign is located.
  - [b] Maximum height of each sign shall not exceed four (4) feet.
  - [c] Maximum width of each sign shall not exceed 25 feet.
  - [d] Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed four (4) feet.
- [2] For the principal structure containing multi-family dwellings, a maximum of five (5) wall-mounted signs on the principal structure shall be permitted, subject to the following standards:
- [a] Maximum size of each sign shall not exceed 50 square feet.
  - [b] Maximum height of each sign shall not exceed five (5) feet.
  - [c] Maximum width of each sign shall not exceed 25 feet.
  - [d] Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed five (5) feet.
- [3] The following types of signs shall be permitted:
- [a] Internally lit raised letters.
  - [b] Backlit raised letters.
  - [c] Signage board, illuminated or non-illuminated.
  - [d] Individually cut letters, illuminated or non-illuminated.

h. Building-mounted Vertical Signage:

- [1] No more than three (3) building-mounted vertical signs on any principal structure shall be permitted, subject to the following standards:
- [a] Maximum size of each sign shall not exceed 160 square feet.
  - [b] Maximum height of each sign shall not exceed 40 feet.
  - [c] Maximum width of each sign shall not exceed four (4) feet.
  - [d] Maximum height of individual letters, numbers, other characters or logos within each sign shall not exceed five (5) feet.
  - [e] Minimum vertical clearance between ground level and the bottom of the sign shall not be less than eight (8) feet.
- [2] The following types of signs shall be permitted:
- [a] Blade constructed as a multi-sided box.
  - [b] Internally lit raised letters.
  - [c] Backlit raised letters.
  - [d] Signage board.
  - [e] Signage banner.

- [f] Individually cut letters, illuminated or non-illuminated.
- i. Canopy Signage:
  - [1] For principal structures containing any permitted use, a maximum of two (2) canopy signs shall be permitted to be affixed on top, on the face, or to the underside of a canopy structure, subject to the following standards:
    - [a] Maximum size of each sign shall not exceed 16 square feet.
    - [b] Maximum height of each sign shall not exceed 18 inches.
    - [c] Maximum width of each sign shall not exceed a width equal to 80% of the width of the canopy structure.
    - [d] Maximum height of individual letters, numbers, other characters or logos shall not exceed 18 inches.
    - [e] Minimum vertical clearance between ground level and the bottom of the sign shall not be less than eight (8) feet.
  - [2] The following types of signs shall be permitted:
    - [a] Internally lit raised letters.
    - [b] Backlit raised letters.
    - [c] Individually cut letters, illuminated or non-illuminated.
- j. Menu Board Signage: For drive-in restaurants shall comply with the following regulations:
  - [1] A maximum of three (3) menu board signs, either freestanding or wall mounted, shall be allowed per business.
  - [2] Maximum area shall not exceed thirty (30) square feet per sign.
  - [3] Maximum sign height shall not exceed eight feet (8') for freestanding menu signs.
  - [4] The sign area for a menu board shall not be counted in the total aggregate sign area for the business.
- k. Temporary Construction Signage:
  - [1] Signage shall be removed within three (3) years of the issuance of a sign permit or one (1) year of the issuance of the final Certificate of Occupancy, whichever comes first. One (1) sign per each road frontage shall be permitted. However, construction signs which contain noncommercial messages, such as signs identifying individual lots or construction ingress and/or egress, shall be permitted without limitation.
  - [2] Temporary contractor signage. A maximum of two (2) signs shall be permitted identifying lenders, architects, engineers or contractors doing work on the site. Such sign shall be a maximum of four (4) square feet per entity, but not to exceed a total of 25 square feet. This sign shall be removed when work ceases or is abandoned or when a final Certificate of Occupancy for the project is issued, whichever comes first.

J. Fences and walls:

- a. Fences, hereafter erected, altered or reconstructed in the Township, shall not exceed eight (8) feet in height above ground level.
- b. Barbed wire, razor wire, canvas or cloth fence and fencing construction are prohibited in all zones in the Township. The ban on barbed wire shall not apply to fencing located on and necessary to the operation of a farm or to barbed wire strands placed atop security fencing six feet high or more around a conforming commercial or industrial use, provided that the fencing conforms to all other standards and that no barbed wire fencing be permitted in the front yard of the nonfarm uses.
- c. All supporting members of a fence shall be located on the inside of the fence, and if erected along or adjacent to a property line, the supporting members of the fence shall face the principal portion of the tract of land of the property upon which the fence is erected.
- d. All fences must also comply with the provisions the New Jersey Uniform Construction Code except where in conflict with the technical provisions of this section.
- e. Fences which are painted shall be painted in only one color, harmonious with the surrounding area. Multicolored fences are prohibited.
- f. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
- g. Structural retaining walls:
  - [1] Structural retaining walls shall not exceed ten (10) feet in height within a required setback area.
  - [2] The structural design of all structural retaining walls shall be approved by the Township Engineer.
  - [3] General construction details of the proposed walls must be provided as part of preliminary major subdivision or site plan applications. The final design of the construction details of the proposed walls must be provided as part of final major subdivision or site plan applications.
  - [4] No fence or wall shall be erected so as to encroach upon a public right-of-way.
  - [5] Other provisions of Section 540-616 in the Township of Middletown Planning and Development regulations shall not apply.

K. Refuse and Recycling:

All provisions set forth in Section 540-638 Solid Waste Storage for Other Than Single- and Two-family Homes in the Township of Middletown Planning and Development Regulations shall apply with the following exception.

- a. The screened refuse area shall be permitted in the front yard.

- b. Subsections I and J of Section 540-638 do not apply to any multi-family building that proposes interior storage of refuse and recycling.

L. Mechanical Equipment:

- a. General. Such areas, due to their visual and noise impacts onto adjacent properties and visitors to the site shall be screened, recessed and/or closed to the extent practical.
- b. If no changes are proposed as to the existing refuse areas for the office uses and, to the extent such refuse areas do not comply with Section 540-638, relief will not be required as the refuse areas qualify as pre-existing nonconforming conditions.
- c. Outdoor storage, HVAC equipment, and other similar service functions shall be incorporated into the overall design of the building and site layout. Walls, screens, and enclosures for such uses shall be of a similar construction and materials as the primary buildings to which they are associated. Such accessory structures and uses shall be adequately landscaped to the point where the visual and acoustic impacts of these functions in conjunction with walls, screens and/or enclosures are fully contained and out of the view from general passersby, subject to applicable access and clearance requirements by others.
- d. Walls, screens, and enclosures utilized for screening mechanical equipment and outdoor storage areas shall be exempt from fence and wall height limitations set forth in the Township of Middletown Planning and Development Regulations.

M. Landscape Design Standards:

a. Landscaping

- [1] Redevelopment Area that is not improved with building or parking shall generally be used for open spaces, plazas and/or green space. These areas may be designed to provide:
  - [a]. Amenities for the residents, employees, shoppers, and/or visitors to the site.
  - [b] A lively human-scale environment.
  - [c] Protection for environmentally sensitive resources.
  - [d] Mitigation of “heat island” effects.
  - [e] Minimize use of potable water for irrigation.
  - [f] A workable pedestrian circulation system.

b. Landscape Buffering and Screening of Parking Areas

- [1] Parking lot layout, landscaping, buffering, and screening shall be provided to minimize to avoid spillover light, glare, noise, or exhaust fumes onto adjacent properties, and provide the parking area with a reasonable measure of shade when trees reach maturity.

- [2] To the extent practical, surface parking lots shall be landscaped and may include the following:
  - [a] Tree islands are recommended at the ends of each aisle and interspersed within aisle to provide visual relief from long expanses of parking and to guide circulation.
  - [b] Surface parking lots may be broken up into sections separated from other sections by streets, buildings, or a landscaped island wide enough to incorporate a pedestrian walkway flanked by five foot minimum planting strips to support medium-sized shade trees or ornamental trees. The pedestrian walkways shall be designed into the overall pedestrian circulation system within the project.
  - [c] Surface parking lots may include shade trees, with a caliper of 2.5 inches minimum. The equivalent of one shade tree per 10 spaces is recommended in landscape islands, and/or around parking areas.

#### N. Planning Board Review:

- a. Site plan review shall be conducted by the Middletown Township Planning Board pursuant to N.J.S.A. 40:55D-1 et seq. Site plan review shall consist of a preliminary site plan application and a final site plan application.
- b. Variances may not be granted from “Use Regulations”. However, variances may be granted from standards contained in the remaining sections in accordance with the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-60 and 70c Furthermore, exceptions may be granted pursuant to N.J.S.A. 40:55D-51 and submission waivers pursuant to N.J.S.A. 40:55D-10.3.
- c. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirement set forth in N.J.S.A. 40:55D-12a&b.

#### O. Conceptual Site Plans:

The following plans are conceptual in nature and are only intended to provide context and may be further revised as to colors, materials, landscaping, etc. The written requirements of this plan supercede any conceptual site plans or elevations included within this report.



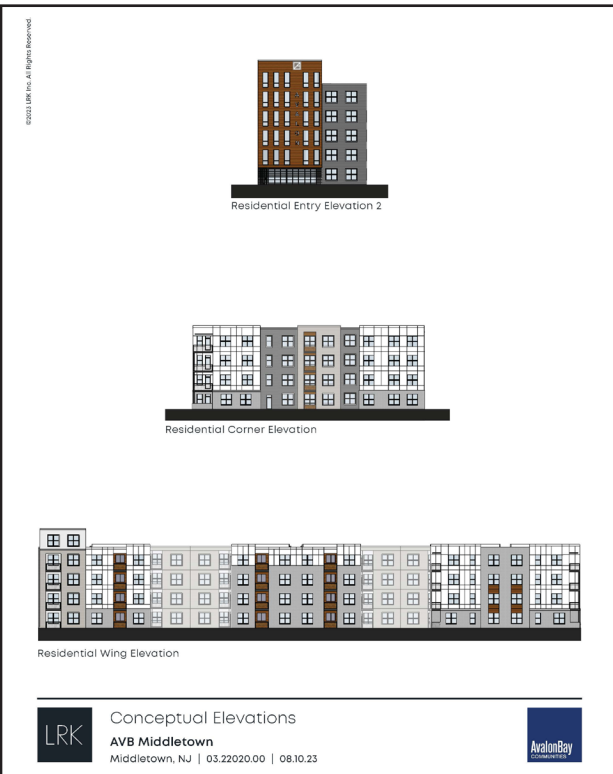


Avalon Middletown  
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**PROPOSED PLAN**

Scale: 1" = 100'-0"

AvalonBay Communities



Freestanding identification pylon signage



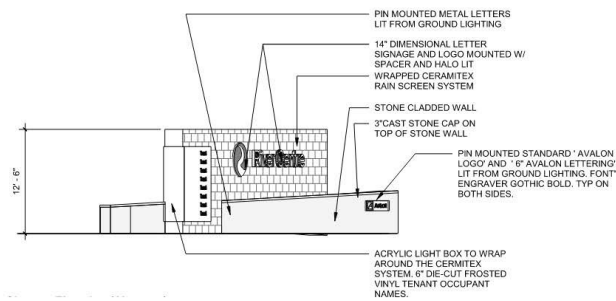
Freestanding tenant directory signage

Existing signs:



*General notes: These conceptual plans and images are examples of signage and remain subject to change. Details, including, but not limited to labeling, colors, dimensions, materials, and lighting remain subject to change.*

Freestanding gateway monument signage



*General notes: These conceptual plans and images are examples of signage and remain subject to change. Details, including, but not limited to labeling, colors, dimensions, materials, and lighting remain subject to change.*



## 6.o: RELATIONSHIP TO MASTER PLANS:

### NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN:

On March 1, 2001, the State Planning Commission (“SPC”) adopted the State Development and Redevelopment Plan (SDRP). The SDRP establishes a proposed statewide planning framework that is designed to maintain and revitalize existing cities and towns and organize new growth in “center” – compact, mixed-use communities that provide a variety of choices in housing, employment opportunities, entertainment, services, transportation, and social interaction. This Study Area is located entirely within the Metropolitan Planning Area 1 (PA-1). According to the SDRP, the intent of the Metropolitan Planning Area 1 is to:

- Provide for much of the state’s future development;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs; • Redesign areas of sprawl; and
- Protect the character of existing stable communities. The Policy Objectives governing the Metropolitan Planning Area 1 (PA-1) include the following:
- Land Use: Promote redevelopment and development in Cores and neighborhoods of Centers and in Nodes that have been identified through cooperative regional planning efforts.
- Housing: Provide a full range of housing choices through redevelopment.
- Economic Development: Promote economic development by encouraging strategic land assembly, site preparation and infill development, [and] public/private partnerships.
- Natural Resource Conservation: Reclaim environmentally damaged sites and mitigate future negative impacts.
- 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.

### Adjacent Municipalities:

In reviewing the adjacent municipalities Master and Reexamination Plans for Atlantic Highlands, Colts Neck Township, Fair Haven, Hazlet Township, Highlands, Holmdel Township, Keansburg, Red Bank, Rumson, Sea Bright and Tinton Falls there are no inconsistencies with the goals and recommendations of this plan.

### Middletown Township Master Plan – 2004

The 2004 Middletown Township Master Plan establishes objectives, principles, and policies for major land use categories, of which the following are relevant to the redevelopment of this area of the Township:

#### Objectives:

1. To encourage municipal actions which will guide the long range appropriate use, development and preservation of lands within Middletown Township in a manner designed and intended to promote the public health, safety, morals, and general welfare of present and future residents.
2. To provide adequate light, air, and open space.
3. To ensure that development with the Township does not conflict with the development and general

welfare of neighboring municipalities, the County, the Region, and the State as a whole.

4. To provide sufficient space in appropriate locations within the Township for agricultural, residential, business, office, industrial, mixed use, and public and quasi-public uses in a manner which will provide for balanced Township growth and development.
5. To promote and enhance access to and utilization of all forms of public and mass transportation, including promoting the use of shuttles to link transit centers with each other, as well as with residents and businesses.
6. To enhance the various neighborhoods throughout the Township by providing for appropriate redevelopment, reinvestment, revitalization and capital improvements, designed to strengthen and improve the fabric of each area.
7. To encourage and promote a cooperative approach to economic development and revitalization through new investment, maintenance and reinvestment in existing commercial and industrial activities within the Township in areas suitable for such development.

#### **Principles:**

1. Locating public, commercial, industrial, professional office and agricultural uses at sites and in locations which are suitable for their use environmentally, economically, and geographically, and are compatible with existing uses, public facilities, roadways, and natural features.
2. Encouraging a development pattern which will protect and enhance the long term economic, social, and welfare interests of present and future residents of the Township.
3. The Township should continue to monitor commuter parking and access to all modes of mass transportation.

#### **Policies:**

1. Land use planning will provide for a variety of residential and nonresidential uses and will encourage continuation of and enhancement of Middletown Township as a quality suburban/rural residential community. This includes a continued strong commitment to providing housing opportunities for families and individuals of all income levels.
2. The Township will encourage office, research, and light industrial development in appropriate locations within the Township that will provide employment for present and future residents and contribute to a balanced and stable economic base for the Township.

The Land Use Element and Circulation Plan Element have additional goals which are relevant to this Redevelopment Study. The major focus of the Land Use Element of Middletown Township's Master Plan is the enhancement and re-invigoration of neighborhoods.

#### **Master Plan Reexamination Report – 2009 and 2011**

The 2009 and 2011 Master Plan Reexamination Reports do not make any specific references or recommendations related to the properties subject to this redevelopment study report or to the existing uses found on the Study Area properties.

### Master Plan Reexamination Report – 2014

The following recommended changes to the Master Plan and Development Regulations from the 2014 Master Plan Reexamination Report are relevant to this Redevelopment Study:

1. **Economic Element** – The Master Plan should include an Economic Element that considers all aspects of economic development and sustained economic vitality in the Township. The Plan would include an inventory of the Township’s current employers and overall labor characteristics. An analysis would be completed of the types of employment to be expected by the economic development to be promoted with the characteristics of the labor pool resident in the Township and nearby areas. An analysis of the stability and diversity of the economic development to be promoted would be completed.
2. **Office Professional Zones** – Further examination of permitted uses in the Business Professional zone to foster increased occupancy at numerous vacant office buildings.

Additionally, the 2014 Master Plan Reexamination Report also identifies that the entirety of the Township was designated as an “Area in Need of Rehabilitation” in the late 1970s. However, due to changes to the LRHL at that time, the 2014 Master Plan Reexamination Report recommended the Township assesses the viability of the prior designation and to initiate specific rehabilitation area investigations for certain areas of the Township.

## 7.0 REDEVELOPMENT ACTIONS:

### 1. Outline of Proposed Actions:

Construction of new structures and other improvements will take place as proposed in this Redevelopment Plan. Other actions that may need to be undertaken to implement the Redevelopment Plan may include the clearance of dilapidated, deteriorated, obsolete or under-utilized structures or uses; provisions for infrastructure necessary to service and support new development and the creation and/or vacation of easements as may be necessary for redevelopment.

### 2. Provision of Improvements:

Infrastructure improvements may include, but are not limited to gas, electric, water, sanitary and storm sewers, pumping station, traffic control devices, telecommunications, streets, curbs, sidewalks, street lighting, street trees and street furniture. The extent of the redeveloper’s responsibilities will be outlined in the redeveloper’s agreement with the Township of Middletown. All improvements shall comply with applicable federal, state and local law.

### 3. Properties to be Acquired:

No property acquisition on the part of the Township of Middletown is required to implement the Redevelopment Plan.

### 4. Relocation:

No relocation actions are required to implement the Redevelopment Plan.

### 5. Inventory and Replacement of Affordable Housing:

The Redevelopment Area contains no 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). As such this Redevelopment Plan is not required to provide an inventory of such units. No affordable units will be removed and no plan is required for the provision of replacement affordable housing as a result of the implementation of this Redevelopment Plan.

**6. Other Actions:**

In addition to the demolition and new construction, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to: (1) environmental remediation: and (2) creation and/or vacation of public utility easements and other easements and rights of way as may be necessary for redevelopment.

**8.0 GENERAL PROVISIONS:****1. Site Plan and Subdivision Review:**

Prior to commencement of any construction within the Redevelopment Area, a site plan prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 0:55D-1 et seq.) and the Planning and Development Regulations of the Township of Middletown shall be submitted by the applicant(s) for review and approval by the Planning Board so that compliance with the Redevelopment Plan can be determined. This shall also pertain to revisions or additions prior to, during and after completion of the improvements. Applications for subdivision and site plan approval shall be in accordance with the provisions contained within this report and the Township requirements.

**2. Adverse Influences:**

No use or reuse shall be permitted, which when conducted, under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration or other objectionable features so as to be detrimental to the public health, safety or general welfare.

**3. Non-Discrimination Provisions:**

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township of Middletown Committee or by the developer or any of his/her successor or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identify or expression, disability, or sex 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.

Any contractor or subcontractor engaged to perform work within the Redevelopment Area shall, where applicable, state in all solicitations or advertisements for employees placed by or on behalf of the contractor, or subcontractor, that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, or sex in the sale lease, use or occupancy thereof.

**4. Deviation Request:**

The Planning Board may grant variances allowing deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures of physical features uniquely affecting a specific piece of property, the strict application of any such regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property.

The Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the plan and the benefits of the deviation would substantially outweigh any detriments. No relief may be granted under the terms of this section unless such

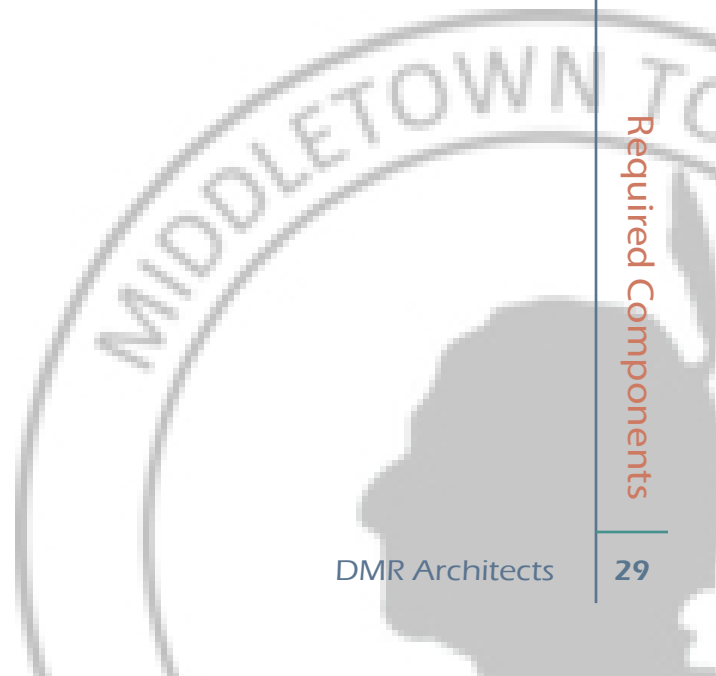


deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan. An application for a variance from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A 40:55D-12a and b.

Notwithstanding the above, any changes to the uses permitted in the Redevelopment Area or any change requiring a “d” variance in accordance with N.J.S.A. 40:55D-70 shall be permitted only means of an amendment of the Redevelopment Plan by the Township Committee, and only upon finding that such amendment would be consistent with and in furtherance of the goals and objectives of the Plan.

**5. Procedure for Amending the Approved Plan:**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of State law.



**RESOLUTION NO. 22-75  
TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING AND DIRECTING PLANNING BOARD TO UNDERTAKE A PRELIMINARY REDEVELOPMENT INVESTIGATION TO DETERMINE WHETHER THE DELINEATED AREA OF BLOCK 1131, LOTS 30-32 (331 NEWMAN SPRINGS ROAD) AND BLOCK 1086, LOTS 29-30, BLOCK 1089, LOTS 1 AND 2 (SCHULTZ DRIVE) SATISFIES THE CRITERIA FOR DESIGNATION AS AN AREA IN NEED OF REDEVELOPMENT FOR NON-CONDEMNATION PURPOSES**

**WHEREAS**, N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law ("LRHL"), sets forth the criteria for a determination of whether a delineated area of a municipality may be designated as an area in need of redevelopment; and

**WHEREAS**, N.J.S.A. 40A:12A-6 authorizes the Township of Middletown (the "Township") to adopt a resolution directing its Planning Board to conduct a preliminary investigation to determine whether a delineated area is an area in need of redevelopment according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, the Township desires to authorize its pre-qualified planning consultant, DMR Architects ("DMR"), to assist the Planning Board in its preliminary investigation of Block 1131, Lots 30-32 (331 Newman Springs Road), Block 1086, Lots 29-30, Block 1089, Lots 1 and 2 (Schultz Drive) to determine if the delineated area qualifies as an area in need of redevelopment for non-condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey, as follows:

1. The Planning Board is hereby authorized and requested to undertake a preliminary redevelopment investigation of Block 1131, Lots 30-32 (331 Newman Springs Road), Block 1086, Lots 29-30, and Block 1089, Lots 1 and 2 (Schultz Drive) to determine whether the delineated area of investigation warrants being designated as an "area in need of redevelopment" for non-condemnation purposes according to the criteria set forth under N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3.
2. DMR is hereby authorized to assist the Planning Board in its preliminary investigation of the delineated area of investigation, and to begin preparation of a Redevelopment Plan in the event the Planning Board recommends that all or some of the delineated area of investigation constitutes an "area in need of redevelopment."

3. The Township Administrator, DMR, Township Planner, and Township Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the investigation of the delineated area of investigation, and are hereby authorized and directed to take such actions, including but not limited to, the negotiation of any and all documents necessary to undertake the investigation.
4. This Resolution shall become effective immediately upon adoption.

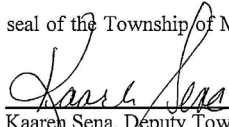
**MIDDLETOWN TOWNSHIP COMMITTEE**

Committee Member	Approved	Opposed	Recuse	Absent
R. Clarke			X	
R. Hibell	X			
K. Kratz	X			
K. Settembrino	X			
Mayor Perry	X			

**CERTIFICATION**

I, Kaaren Sena, Deputy Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held February 7, 2022.

WITNESS, my hand and the seal of the Township of Middletown this 7<sup>th</sup> day of February 2022.

  
Kaaren Sena, Deputy Township Clerk