

REDEVELOPMENT PLAN

Redevelopment Area 1 – Sub-Area 1.6



Prepared for the Borough of Bound Brook Land Use Board in Accordance with the
New Jersey Local Redevelopment and Housing Law
(N.J.S.A. 40A:12A-1 et seq.)

The original of this report was signed and sealed on July 8, 2019 in accordance with
Chapter 41 of Title 13 of the New Jersey State Board of Professional Planners

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1. INTRODUCTION AND BACKGROUND

1.1 Introduction

By Resolution 2019-34 adopted on 1/22/2019, and amended by Resolution 2019-51, adopted on 2/26/2019 2015 the Bound Brook Borough Council directed the Bound Brook Planning Board to undertake an investigation to determine whether certain properties in the Borough, specifically Tax Block 34, Lots 4, 5, 6 and 7, and Tax Block 35, Lots 5, 6, 7, 8, 9 and 10 qualified as an “area in need of redevelopment – non-condemnation” pursuant to New Jersey’s Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

A report entitled Preliminary Investigation -- Area in Need of Redevelopment Non-Eminent Domain, Block 34, Lots 4, 5, 6 and 7 and Block 35, Lots 5, 6, 7, 8, 9 and 10, dated 2/27/2019, was prepared by Carlos Rodrigues, FAICP / PP of Design Solutions for a Crowded Planet, LLC, on behalf of the Bound Brook Planning Board. The report – recommending that most, but not all, of the parcels targeted in the Preliminary Investigation be designated as an area in need of redevelopment, and integrated into the Borough’s Redevelopment Area 1, as a new Sub-Area 1.6 -- was presented to the Planning Board on April 11, 2019.

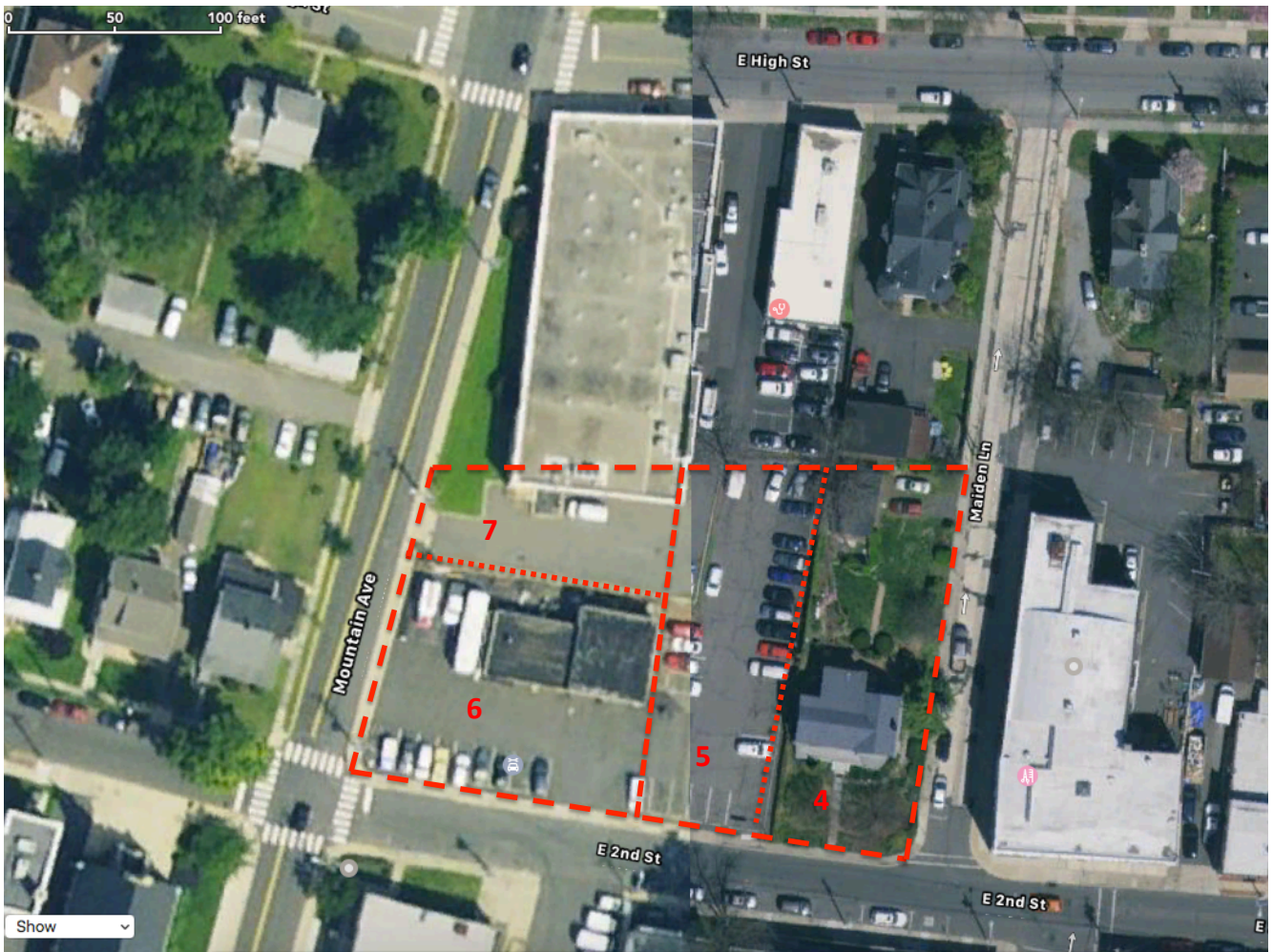
By Resolution 2019-06, adopted May 9, 2019 the Planning Board endorsed the designation of Block 34, Lots 4, 5, 6 and 7 as a non-condemnation area in need of redevelopment, but declined to endorse a similar designation for Block 35, Lots 5, 6, 7, 8, 9 and 10. As such, the Planning Board endorsed the designation of the properties located between Mountain Avenue and Maiden Lane, but not the properties located between Maiden Lane and Hamilton Street.

By Resolution 2019:107, adopted 5/28/2019, Borough Council designated Block 34 Lots 4, 5, 6 and 7 as an “area in need of redevelopment – non-condemnation.”

In the course of preparing the Redevelopment Plan for Sub-Area 1.6, the following documents and sources were consulted:

- Official tax maps of the Borough of Bound Brook
- Tax records for the parcels
- Aerial photographs – NJDEP
- Google Maps
- Borough of Bound Brook, 2012 Downtown Urban Design Plan
- Borough of Bound Brook, 2018 Master Plan – Statement of Goals and Objectives
- Borough of Bound Brook, 2018 Master Plan Reexamination Report
- Borough of Bound Brook, 2019 Land Use Element of the Master Plan
- Borough of Bound Brook, Land Development Regulations
- Amended Redevelopment Plan for Area 1, adopted August 2015, with subsequent amendments
- Preliminary Investigation -- Area in Need of Redevelopment (Non-Eminent Domain), Borough of Bound Brook, Block 34 Lots 4, 5, 6 and 7 and Block 35, Lots 5, 6, 7, 8, 9 and 10, dated 2/27/2019,
- New Jersey State Development and Redevelopment Plan, 2001
- Somerset County Investment Framework, 2014
- New Jersey Smart Growth Areas Map, 2015

Figure 1 - Redevelopment Sub-Area 1.6



Source: Design Solutions, LLC from Google Maps and Borough Tax Maps

1.2. Location And Description of Redevelopment Sub-Area 1.6

Redevelopment Sub-Area 1.6 contains four parcels, located on the southern side of the block bounded by Mountain Avenue, East Second Street and Hamilton Street.

These four parcels host an eclectic mix of uses and structures: an auto repair service station and adjacent parking lot, a parking lot for an adjacent office building, and a single-family structure.

The four lots are zoned Business-Residential (B-R) and are located on the outer edge of the downtown area.

Redevelopment Sub-Area 1.6 is directly adjacent, across East Second Street, from Redevelopment Area 1, specifically sub-area 1.4. A Redevelopment Plan for Area 1 was adopted in 2000, substantially changing the planning and regulatory framework in that area. The Redevelopment Plan for Area 1 was partially amended in 2012; additional, targeted, amendments to the Redevelopment Plan for Area 1 have been adopted. The zoning in the adopted Redevelopment Plan for Sub-Area 1.4, as amended, generally defers to the underlying zoning, with some important exceptions.

While the zoning in the B-R district is quite permissive, and allows a wide variety of uses, and combinations of uses, all properties in Sub- Area 1.6 are currently pre-existing non-conforming uses.

Table 1 provides information on parcel size (in square feet) and ownership for these properties. All are in private ownership.

Table 1 – Parcel Information

Block	Lot	Area (sq ft)	Owner of Record	Owner Address
34	4	10,335	Frislid, Kjell and Aud	217 E Second St, Bound Brook, NJ
34	5	8,851	Mohring, Richard and Karen	209 E Second St, Bound Brook, NJ
34	6	15,184	Mohring, Richard and Karen	209 E Second St, Bound Brook, NJ
34	7	8,832	Verizon New Jersey	PO Box 749, Addison, TX

Table 2 provides property classification, and assessed values for land, improvements and land plus improvements, from the Borough tax assessor's records for 2018. Three properties are classified as commercial, while the fourth is residential.

Table 2 – Property Classification and Assessments

Block	Lot	Property Classification	2018 Assessed Value		
			Land	Improvements	Total
34	4	2	\$63,000	\$174,300	\$237,300
34	5	4A	\$142,800	\$29,500	\$172,300
34	6	4A	\$321,000	\$110,000	\$431,000
34	7	4A	\$221,300	\$52,500	\$273,800

1.3 Description of Surrounding Area

The area immediately surrounding Sub-Area 1.6 also contains an eclectic mix of uses and building types.

On the south side of East Second Street, there is a row of townhouses, as well as the Post Office building – a dignified, brick structure -- on the corner of Mountain and East Second Street. To the north, along Mountain Avenue, there is a large office-type building owned by Verizon. The parking lot associated with that building is included in Sub-Area 1.6. There is another, smaller office building next to Verizon, facing East High Street.

On the northwest corner of East Second Street and Hamilton Street is the Elks building, a very substantial two-story masonry structure. There are also a few smaller, residential structures.

1.4 Basis for the Redevelopment Designation

The Preliminary Investigation concluded that the four parcels satisfied the legal criteria for designation as an area in need of redevelopment – non-condemnation. For ease of reference, the legal criteria invoked are transcribed below.

Criterion (a) – “The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions”.

Block 34 Lot 4 was found to satisfy this criterion.

Criterion (d) – “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community”.

Block 34 Lots 5 and 7 were both found to satisfy this criterion.

Criterion (e) – “A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare”.

Block 34, Lots 5 and 7 were found to satisfy this criterion.

Criterion (h) – “The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation”.

All four properties were found to satisfy this condition.

Section 3 -- "A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part."

Block 34, Lot 6 was found to satisfy this criterion.

2. REDEVELOPMENT PLAN FOR SUB-AREA 1.6 – LAND USE PLAN

2.1 Introduction

Redevelopment Sub-Area 1.6 is located in a part of Bound Brook that has been repeatedly and in various ways recognized by the appropriate local, county and state entities as a “smart growth location” (see Section 4 – Consistency Review).

Bound Brook qualifies as a “smart growth area” under the NJ Department of State: Office of Planning Advocacy’s definition under two separate criteria: it is located in the Metropolitan Planning Area (PA1) and it is part of a Designated Center (jointly with South Bound Brook).

This status is reflected in the status of properties in Redevelopment Sub-Area 1.6 under the [NJ Site Evaluator](#), as well as on the State’s [Smart Growth Areas Map](#).

Smart Growth Areas are used by a number of New Jersey State Agencies – such as the Board of Public Utilities, the Economic Development Authority, the Housing Mortgage Finance Agency, the Department of Community Affairs, the Department of Transportation and the Department of the Treasury – as targeted locations for state incentives and investments, pursuant to the implementation of certain programs.

While the terminology is slightly different, Redevelopment Sub-Area 1.6 also qualifies as “consistent with smart growth planning principles” under the Somerset County Strategic Plan.

Redevelopment Sub-Area 1.6 occupies a strategic location at the transition between a mixed-use downtown and a neighborhood to the north that is characterized by an eclectic mix of office, institutional and smaller scale mixed-use and residential uses and building types.

Redevelopment Sub-Area 1.6 is part of an established street network, with defined, pedestrian-scale blocks, and an infrastructure of adequate pedestrian amenities, such as sidewalks, crosswalks and the like.

Redevelopment Sub-Area 1.6 is just two blocks, to the north, from East Main Street – the Borough’s traditional downtown – and within a short walking distance (less than 5 minutes) of NJ Transit’s Raritan Valley Line -- Bound Brook station, which offers service to Newark Penn Station and New York Penn Station. One seat ride service to New York Penn Station is available off-peak.

Pedestrians can use existing sidewalk connections to walk between Sub-Area 1.6 and the train station. Cyclists can similarly access Main Street and the train station using appropriate and safe facilities. As such, Sub-Area 1.6 can be considered a transit-friendly and pedestrian-friendly location and any redevelopment activities that may occur there should respect and reinforce these attributes.

2.2. Objectives

The Redevelopment Plan for Sub-Area 1.6 has the following objectives:

- a. Complement the relevant recommendations of the Bound Brook Downtown Urban Design Plan.
- b. Provide a suitable location for uses and/or activities that satisfy latent needs in the Borough.
- c. Assist with on-going downtown revitalization efforts by locating potential new patrons, and transit riders, within walking distance to downtown businesses, activities, and transit.
- d. Create a redevelopment framework that facilitates any needed environmental remediation and/or infrastructure improvements and addresses any existing geo-technical constraints.
- e. Permit adequate densities and appropriate building types -- including mid-rise buildings -- that support transit-oriented development and pedestrian activity, and further downtown revitalization efforts.
- f. Pursue high quality architectural and landscape design that creates iconic and memorable buildings and high quality places and outdoor spaces.
- g. Create opportunities for new, demographically-appropriate residential and high-skill employment space within walking distance of downtown's goods and services.
- h. Improve pedestrian and bicycle connections between this area and the core of the downtown.
- i. Promote pedestrian and bicycle activity through appropriate site design, including continuous sidewalks and walkways, buildings sited at the street line, clearly marked crosswalks, and bicycle storage.
- j. Require appropriate parking standards that reflect the in-town location and encourage other modes of transportation, including walking, bicycling, transit, and on-demand rides.
- k. Utilize a "green infrastructure" approach to site design and streetscape improvements, including porous pavements, structural soils in tree planters and use of foundation plantings or movable planter boxes.
- l. Utilize non-structural stormwater management strategies -- such as green roofs, cisterns, rain gardens, bio-swales, porous pavements and others -- that provide natural habitats, create attractive people places, reduce flooding, increase ground water recharge and minimize maintenance requirements for plantings and landscaping.
- m. Utilize high-performance building design and construction and high-performance fixtures and appliances to minimize energy needs and operating costs. Encourage the use of unobtrusive renewable energy sources, where feasible.

2.3 Permitted Uses

The following principal uses are permitted, either individually or combined within Sub-Area 1.6:

- a. Residential.
- b. Live-work.
- c. Retail, including grocery stores.¹
- d. Personal, professional and business services.
- e. Hotel and hospitality (including extended stay facilities); inn; conference center.
- f. Restaurants and bars (ground level or rooftop only).
- g. Sports facilities.
- h. Health and fitness facilities.
- i. Offices, including medical offices.
- j. Civic and governmental uses.
- k. Museums.
- l. Art galleries, artist studios and art-related enterprises.
- m. Movie theatres, live performance theatres and performing arts centers.
- n. Temporary uses -- such as farmers markets, flea markets, book fairs and art fairs -- subject to a temporary use permit from the Borough.
- o. Solar arrays (rooftop only), wind turbines and other renewable energy facilities.
- p. Community gardens, including beekeeping, either at grade or roof-top.

Accessory uses customarily incidental to, or associated with the permitted uses in Sub-Area 1.6, such as vehicular parking, tenant laundry and fitness facilities, mail rooms, and other similar uses are also permitted.

There is no restriction on the number of uses, whether principal or accessory, permitted on a parcel.

2.4 Prohibited Uses

Uses not explicitly permitted in 2.3 above are prohibited.

2.5 Permitted Building Types

The following building types are permitted within Sub-Area 1.6:

- a. Multi-story, single-use and mixed-use buildings.
- b. Enclosed sports facilities.
- c. Civic buildings and governmental buildings.
- d. Structured parking decks², but only if serving a use or uses in Redevelopment Sub-Area 1.6 or adjacent Sub-Area 1.4.
- e. Kiosks, open-air pavilions and park-related structures.
- f. Temporary structures -- subject to a special building permit from the Borough.
- g. Energy and utility-related structures, including solar parking canopies.

Illustrative images depicting the permitted building types are located in Appendix A of the Redevelopment Plan for Area 1 and in the Business-Residential (B-R) section of the Borough's Land Development Ordinance.

2.6 Prohibited Building Types

Any building types not explicitly permitted in 2.5 above are prohibited.

¹ ground level only, and limited to buildings with three or more stories.

² A minimum of 10% of parking spaces in enclosed parking facilities shall be equipped to function as electric car recharge stations.

2.7 Bulk Standards

Table 3 shows the bulk standards adopted for Sub-Area 1.6.

Table 3 – Bulk Standards

	Minimum	Maximum
Lot Size	5,000 sq ft	NA
Front Yard Setback (from property line)	5 feet	15 feet
Front Yard Setback (from curb line)	10 feet ³	20 feet
Side Yard Setback (from property line)	NA	NA
Side Yard Setback (from habitable structure)	10 feet	NA
Side Yard Setback (from non-habitable structure)	NA	NA
Rear Yard Setback (from property line)	5 feet ⁴	NA
Rear Yard Setback (from habitable structure)	10 feet	NA
Rear Yard Setback (from non-habitable structure)	5 feet	NA
Building Height (stories) ⁵	2 stories ⁶	5 stories
Building Height (feet) ⁷	35 ⁸	60
Building Length	NA	300 feet ⁹
Impervious Coverage	NA	90%
Open Space	10% ¹⁰	NA

³ Residential buildings taller than three (3) stories shall observe a ten (10) foot step back between levels three (3) and four (4).

⁴ Not applicable to building types described as (e), (f) or (g) in sub-section 2.5 above.

⁵ Top floor apartments may be configured as lofts with mezzanines, where the mezzanine does not exceed an area one-third of the floor space of the dwelling. Mezzanines shall not be considered a story for the purposes of determining maximum building height.

⁶ Not applicable to building types described as (b), (c), (d), (e), (f) and (g) in sub-section 2.5 above.

⁷ Building height is measured from average grade to the peak of a pitched or vaulted roof, or bottom of parapet of a flat roof.

⁹ Not applicable to building types described as (b), (c), (d), (e), (f) and (g) in sub-section 2.5 above.

¹⁰ The minimum open space requirement can be satisfied in the form of public or private gathering spaces, courtyards, roof-top patios and/or gardens, accessible and functional balconies, as well as hardscaped and/or landscaped areas at any level.

2.8 Parking

Table 4 contains the vehicular parking standards adopted for Sub-Area 1.6:

Table 4 – Vehicular Parking Standards

Use	Minimum (# of spaces)	Maximum (# of spaces)
Residential	1 per dwelling unit	1.5 per dwelling unit
Live-work	1 per dwelling unit	1.5 per dwelling unit
Retail	2 per 1,000 sq ft	3.5 per 1,000 sq ft
Personal, Professional and Business Services	2 per 1,000 sq ft	3 per 1,000 sq ft
Hotel / Inn	.75 per guest room	1.25 per guest room
Conference Center	2 per 1,000 sq ft	3 per 1,000 sq ft
Restaurant / Bar	1 per 5 seats	2 per 5 seats
Sports Facilities	1 per 5 seats	1 per 3 seats
Health and Fitness Facilities	3 per 1,000 sq ft	5 per 1,000 sq ft
Offices, other than Medical	3 per 1,000 sq ft	4 per 1,000 sq ft
Medical Offices	4 per 1,000 sq ft	5 per 1,000 sq ft
Civic / Governmental Facilities	2 per 1,000 sq ft	3 per 1,000 sq ft
Museums	3 per 1,000 sq ft	4 per 1,000 sq ft
Art Galleries and Artist Studios	1 per 1,000 sq ft	2 per 1,000 sq ft
Movie Theatres, Live Performance Theatres and Performing Arts Centers	1 per 5 fixed seats	2 per 5 fixed seats
Temporary Uses	None	None
Community Gardens	1 per 10,000 sq ft	2 per 10,000 sq ft

Table 5 contains the bicycle parking standards adopted for Sub-Area 1.6:

Table 5 – Bicycle Parking Standards¹¹

Use	Minimum Parking Requirement ¹²
Residential ¹³	.5 per dwelling unit
Live-work	.5 per live-work unit
Retail	20% of vehicular parking
Personal, Professional and Business Services	20% of vehicular parking
Hotel / Inn	10% of vehicular parking
Conference Center	10% of vehicular parking
Restaurant / Bar	20% of vehicular parking
Sports Facilities	25% of vehicular parking
Health and Fitness Facilities	25% of vehicular parking
Offices, including Medical Offices	20% of vehicular parking
Civic / Governmental Uses	20% of vehicular parking
Museums	20% of vehicular parking
Art Galleries and Artist Studios	20% of vehicular parking
Movie Theatres, Live Performance Theatres and Performing Arts Centers	10% of vehicular parking
Temporary Uses	None
Community Gardens	Same as vehicular parking

Table 6 contains the minimum dimensions for vehicular parking spaces adopted for Sub-Area 1.6:

Table 6 – Minimum Dimensions for Vehicular Parking Spaces

Type of Motor Vehicle	Orientation	Minimum Dimensions (feet)
Standard	Parallel	8.5 x 22
	45 degrees	8.5 x 18.5
	90 degrees	8.5 x 17.5
Compact	Parallel	7.5 x 18
	45 degrees	7.5 x 15.5
	90 degrees	7.5 x 15.5

Tandem parking is permitted in residential projects, provided each tandem parking space is coupled with a non-tandem space, and both are allocated to the same residential unit.

¹¹ The Land Use Board may entertain reductions to the bicycle parking requirements if the applicant can convincingly demonstrate that suitable bicycle parking for tenants and visitors is otherwise available. The intention is to avoid a situation where ad-hoc bicycle parking is attached to street trees, light poles, utility poles and other permanent streetscape fixtures for lack of appropriate bicycle parking accommodations.

¹² Bicycle parking racks for uses other than residential shall be placed near the entrance to the building or facility and sheltered whenever possible.

¹³ 90% of the required bicycle parking in multi-family residential buildings shall be provided in enclosed, or sheltered locations convenient to the tenants. The remaining 10% is allocated for short-term visitor parking. It should be located in front of the building near the main entrance and does not need to be enclosed or sheltered.

2.9 Signage

Signs shall conform to the standards contained in Sections 21-10.5 or 21-10.15.I of the Borough of Bound Brook's Code with the following exceptions:

- a) Projecting signs -- affixed to the building façade at a 90-degree angle, and no larger than 3 feet wide (horizontal dimension) by 8 feet long (vertical dimension) -- are permitted. These signs can be banner signs, printed on fabric and permanently or temporarily hung in place, or signs printed against a rigid metal, wood or acrylic background. Innovative, sculptural and three-dimensional signs are encouraged, provided they complement the building's design expression.
- b) Wall-mounted signs -- permanent wall-mounted signs, mounted no more than 6 inches from the wall surface, are permitted, not to exceed 3 feet in height (vertical dimension) by 8 feet in width (horizontal dimension). Temporary wall-mounted signs of the same dimensions are permitted for a period not to exceed one year for residential and commercial uses. Civic uses may exhibit these signs on a permanent basis.
- c) Graphic signs -- wall-mounted graphic signs, consisting of letters, numbers or symbols, are permitted. One graphic sign is permitted for every 150 linear feet of building façade. Graphic signs shall be proportional to the height and dimensions of the building, and shall fit within an 8-foot by 16-foot rectangle.
- d) Object signs -- projecting or mounted flat against a wall object signs -- advertising on-premises retail and/or services -- are permitted, subject to the same dimensional limits.
- e) Construction signs -- the entire façade of existing buildings undergoing gut rehabilitation, or of new buildings under construction, can be covered with a temporary sign of printed fabric, including signs that advertise products or services, subject to Land Use Board review and approval. These temporary construction signs shall be removed once the building has been issued a Certificate of Occupancy.
- f) Branding signs -- large format façade-mounted signs that are part of a branding campaign for new buildings under construction or undergoing gut rehabilitation are permitted, subject to Land Use Board review and approval. These temporary branding signs shall be removed no later than one (1) year after the building has been issued a Certificate of Occupancy.
- g) Blank wall wraps -- blank walls may be temporarily or permanently wrapped in architectural fabric displaying artwork or commercial advertising, subject to Land Use Board review and approval.

2.10 Design Standards

This section sets forth this Redevelopment Plan’s design standards for Sub-Area 1.6 with respect to site planning, landscape design and architectural design.

These design standards seek to create a walkable, pedestrian, bicycle and transit-friendly environment with high quality and interesting building design and public, semi-public and private open spaces that enhance and complement the surrounding neighborhood.

The intent of the building design standards is to ensure well-designed, high-quality buildings that, whether conforming to traditional design models or exhibiting iconic features and contemporary design expressions, nevertheless fit well into the surrounding context of buildings and open spaces and contribute to an interesting and varied streetscape.

The intent of the open space and landscape design standards is to shape inviting public and semi-public spaces, create active and safe streets, sidewalks and public spaces, and promote landscape restoration and habitat creation, where appropriate.

- Green Building Certification – New building construction in Sub-Area 1.6 shall seek to approximate LEED Gold standards, or equivalent. Actual commissioning and certification are not required. The applicant shall explain whether the project satisfies the requirements for certification, and if not, where it falls short, and for what reasons.
- Building Façade Modulation – In buildings over 2 stories in height, building facades longer than 40 linear feet must be vertically divided into bays that reflect the building’s vertical structure. The vertical separation into bays does not require a building facade off-set and can be accomplished through the use of pilasters, change of surface building material, change in color, vertical planting treatment (espaliers) or other vertical design expressions. Vertical separations (as defined above) greater than 40 linear feet may be acceptable if the applicant can convincingly demonstrate that this expanded rhythm is structurally based and that there are strong design considerations to justify it.
- Cornices – Cornices are required to emphasize a building elevation’s horizontal expression. At each step-back in the building’s elevation a decorative cornice is required. Decorative cornices may be combined with building parapets. Cornices may be dispensed with if the applicant can convincingly demonstrate to the Land use board that this horizontal design element is not integral to the building façade design and is therefore not necessary and that there are strong design considerations to justify eliminating it.
- Glazing – The percentage of void areas (windows and other openings) in a primary building façade shall be no less than 40% at ground floor level, in mixed-use buildings, and no less than 30% in residential buildings. All buildings must have no less than 30% in upper levels. Lower percentages of glazing are permitted if the applicant can convincingly demonstrate that the reduced percentage of building façade dedicated to glazing is appropriate to the building type and design intention, that the overall effect is not visually overwhelming and that there are strong design or other considerations to justify it.
- Blank Walls – Blank walls (walls without openings or glazing) that extend for 50+ linear feet are not permitted. Exceptions are permitted for green walls (with live vegetation), walls with permanent or temporary decorative wall art (mosaics, frescos, other two- or three-dimensional artistic expressions and retail displays), decorative patterns or large format panels displaying graphics.

- Building Attachments – Awnings, building overhangs, canopies, projected windows, French balconies, wall-mounted signs and roof overhangs may encroach up to a maximum of 2 feet on the minimum front yard setback as well as the public right-of-way.
- Elevations – All building elevations visible from the public realm shall receive a unified treatment. This does not mean that all elevations must be clad in the same material, but it does mean that if different materials are used on different elevations, they must be of equivalent quality. It is not permissible to use quality cladding on the front (or primary) elevation and cladding of a lesser quality on the others.
- Elevations - Parking Structures – The elevations of a parking structure facing a public street, public space or public right-of-way shall be attractive. Brutalist, pre-fabricated, concrete structures with continuous openings are not permitted. Openings in the façade for ventilation shall be covered with decorative metal grilles, metal screens, high-quality architectural fabric or other decorative treatments. Climbing vegetation or other similar treatments are encouraged to soften parking structure facades.
- Green Roofs and White Roofs – Green roofs are encouraged, unless the applicant is able to conclusively demonstrate to the Land Use Board that they are not practical given the proposed use or the proposed building type. Green roofs shall be easily accessible to the building’s tenants and users and shall be designed as an amenity. In residential buildings, green roofs may function as community gardens, unless an appropriate amount of land is allocated for this purpose elsewhere on site. If a green roof is not considered appropriate, a white roof will be used instead.
- Building Entrances – Primary and secondary building entrances shall be easily identifiable with prominent architectural features and shall not occur simply as voids between buildings or undistinguished openings in the building facade.
- Rooftop Appurtenances – HVAC, elevator shafts and other mechanical rooftop appurtenances shall either be designed to complement the buildings architecture or shielded from view from the street and surrounding buildings. If screening is used, it shall be consistent with the architectural design and materials of the building, or achieved through appropriate landscape treatments.
- Utility Boxes – Ground mounted electrical or other utility boxes are not permitted in prominent locations in the front yard area unless they are incorporated into the design of the building and/or its landscaping plan. Ground mounted utility boxes shall be thoroughly screened from view wherever they are located, or masked with decorative treatments, such as permanent, or rotating, arts installations.
- Street Trees – Shade tree plantings shall comply with the Borough’s landscaping standards. Ideally, shade trees should be a minimum of 3 inches in caliper and 10 feet high at the time of planting, and planted no more than 30 feet on center along the front of any building, next to the curb. This standard shall be adjusted as needed to reflect conditions where existing utility poles and overhead wires occupy the sidewalk area next to the curb.

Street trees shall be planted in appropriately sized tree wells, with appropriate watering and feeding techniques. The area around the tree can be planted with groundcover, covered with a decorative metal grate, or paved with granite blocks, provided the tree roots receive adequate moisture. Street tree species and minimum sizes shall be recommended by a certified landscape architect or local arborist and conform to Section 24-9.15(d) of the Borough’s Land Use Regulations.

- Maintenance Guarantee – All street trees and landscaping shall have a two-year maintenance guarantee.

- Ground Cover – Non-paved ground areas shall be landscaped with hardy grass species, shade trees, flowering trees, evergreen and deciduous shrubs, perennials and bulbs. Only plant materials with proven resistance to the urban environment and to local soil and weather conditions shall be utilized. Suitable plant lists are found in Section 21-9.15 of the Borough’s Land Use Regulations, and are also available through the New Jersey Division of Parks and Forestry – Community Forestry Council and the New Jersey Nursery and Landscape Association.
- Foundation Plantings – Where feasible, the areas along the base of the building wall, not including the entrances, shall be planted with appropriate foundation plantings, shrubs and ground cover. Vegetation in large planters may also be acceptable in certain circumstances.
- Street Lights – The PSEG “Bound Brook” post and lighting fixtures, or another post and lighting fixture considered acceptable by the Planning Board, shall be used along all public street frontages.

Sconces and other wall-mounted lights on building walls may be placed to reinforce street lights or, as an alternative to street lights, if it can be demonstrated that the overall lighting environment will be equivalent to what would be achieved through street lights.

Contemporary lighting fixtures are encouraged for illumination of open areas within each site. Building mounted lights are also admissible. All pedestrian, bicycle and vehicular circulation areas, as well as public and semi-public spaces, shall be appropriately lighted. Site lighting shall be shielded to minimize night sky and prevent direct glare into adjacent residential windows.

- Sidewalks – Sidewalks shall be provided along all streets to facilitate pedestrian circulation. Sidewalks in the public right-of-way shall have a minimum, unobstructed width of six (6) feet, measured in from the curb, unless the applicant or the Land Use Board determine that they should be wider, based on projections of anticipated pedestrian and bicycle traffic. Other sidewalks and/or walkways shall be provided as needed to connect pedestrian origins and destinations internal to the site and shall have a minimum, unobstructed width of four (4) feet, depending upon anticipated pedestrian volumes. The sidewalk system shall be designed to provide access to public and private open space and other destinations and ensure uninterrupted connectivity with pedestrian and bicycle trails.
- Paths - Paths may be used as an alternative to sidewalks in the interior of sites for connections where lower intensities of pedestrian and bicycle traffic are anticipated. Paths may be built of gravel, macadam or pervious pavers and shall have a minimum, unobstructed width of four (4) feet.
- Pervious Pavement – The use of pervious pavers and other forms of low-maintenance pervious pavement is encouraged in surface parking lots and in paved public and semi-public spaces.
- Public Realm Obstructions – Trash receptacles, mailboxes, bicycle parking, vending racks, newspaper boxes and other obstructions to the public realm shall be placed in locations where they are least intrusive, most convenient to their users and least disruptive of pedestrian circulation. Benches shall be placed at the edge of the sidewalk. Planter boxes are permitted in the public right-of-way along the base of buildings.

Exceptions – The Borough Planner and/or the Land Use Board may grant exceptions to the standards defined in this section whenever an applicant provides compelling evidence of special circumstances or presents a better solution, consistent with the intent of the Downtown Urban Design Plan and of this Redevelopment Plan.

3. REDEVELOPMENT ACTIONS

3.1 Properties Subject and Not Subject to Eminent Domain

The use of eminent domain has not been authorized within Sub-Area 1.6.

Acquisition of temporary and permanent easements and less than fee interests within and outside the area subject to this Redevelopment Plan for Sub-Area 1.6, for the purposes of promoting environmental remediation, providing access and building infrastructure to support redevelopment projects located in Redevelopment Sub-Area 1.6 may also be necessary. The Borough of Bound Brook encourages the designated redeveloper(s) to acquire such property or property rights through arm's length transactions between a willing seller and buyer.

3.2 Redeveloper Designation and Redevelopment Agreement

Prior to submitting any plans for review by the Bound Brook Planning Board, redevelopers in Sub-Area 1.6 shall seek formal designation by the Borough as a designated redeveloper, and enter into a properly executed redevelopment agreement with the Borough.

The redevelopment agreement shall outline the basic development parameters of the proposed project, the duration of the redeveloper designation, the anticipated timeframe for project completion, the duties and responsibilities of the redeveloper, any concessions the redeveloper is requiring from the Borough, including fiscal concessions, any financial transactions, any other actions the Borough might be required to take and any other such matters as may be deemed relevant and appropriate.

3.3 New Construction

Construction of new structures and other improvements will take place as proposed in accordance with the Land Use Plan adopted for Sub-Area 1.6. Redevelopers must adhere to the overall parameters for redevelopment set forth in this Redevelopment Plan and are encouraged to otherwise refine the design concepts presented herein in developing unique and high quality project proposals.

3.4 Other Actions

In addition to any acquisition described above, several other actions may be taken by the Bound Brook governing body to further the goals and objectives of this Plan. These actions may include, but shall not be limited to: (1) provisions for public infrastructure necessary to service new development, (2) environmental remediation, and (3) vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment.

3.5 Relocations

It is not anticipated that implementation of this Redevelopment Plan for Sub-Area 1.6 will necessitate the displacement or relocation of either residents or businesses presently located within the area subject to the Plan.

3.6 Phasing

Implementation activities pursuant to this Redevelopment Plan for Sub-Area 1.6 are not required to be undertaken in a specific sequence. In general, redevelopment activities contemplated under this Plan can commence at any time. However, this provision shall not disturb or interfere with any phasing requirements or project timetable approved by the Bound Brook Borough Council or Land Use Board with respect to any specific redevelopment activity under an approved redevelopment agreement.

4. CONSISTENCY REVIEW

4.1 Consistency with the Regional Planning Framework

There is considerable alignment in terms of the planning policies – emanating from the various relevant levels of government – with respect to land development in Bound Brook in general, including Redevelopment Sub-Area 1.6. We summarize these various programs below.

4.1.1 The New Jersey State Development and Redevelopment Plan

In 2000, the Borough of Bound Brook, along with the Borough of South Bound Brook, received Center Designation from the NJ State Planning Commission. Center designation represents the recognition, on the part of the State Planning Commission, that a community’s planning and zoning framework are consistent with the policies and principles for such an area defined in the 1992 (and subsequently the 2001) NJ State Development and Redevelopment Plan (SDRP).

The Redevelopment Plan for Sub-Area 1.6 is entirely consistent with the policies of the SDRP for the Metropolitan Planning Area (PA 1) – which includes Bound Brook -- as well its policies for Centers, which call for redevelopment of under-utilized sites serviced by infrastructure, and for compact, mixed-use development within walking distance of transit facilities and downtowns. The Redevelopment Plan for Sub-Area 1.6 is also consistent with the relevant SDRP statewide policies, such as those policies governing urban revitalization, protection of environmental and natural resources and community design.

Under the 2001 State Plan, Bound Brook is classified as a Designated Center in the Metropolitan Planning Area (PA1) – an area that is served by water, sewer and other relevant infrastructure, including transit, and is developed in a pattern that satisfies minimum density requirements. The State Plan envisions PA1 as the priority location for the state to continue to grow, primarily through redevelopment of previously developed sites, as well as through adaptive reuse of existing buildings previously dedicated to obsolete uses, infill of vacant parcels and refill of existing, vacant structures.

Center designation recognizes that a community’s planning and zoning framework are consistent with the growth management role assigned to it by the State Planning Commission in the State Plan. The designation is intended to provide priority funding from state agencies for projects in the designated areas, as well as priority access to technical assistance from state agencies.

In 2003, the Borough of Bound Brook successfully petitioned the NJ Department of Transportation and NJ Transit to be recognized with Transit Village designation. The Transit Village program recognizes communities that have adopted planning and zoning frameworks that support and further encourage transit ridership. Designated Transit Village communities have priority access to state funding and technical assistance for projects within the designated Transit Village areas.

The Bound Brook Transit Village encompasses a ½ mile area around the Bound Brook train station. It encompasses the entire downtown area, as well as Redevelopment Sub-Area 1.6, which is located close enough from a planning perspective (less than 1/4 mile) for the purposes of classification as a “transit-oriented” site. Redevelopment Sub-Area 1.6 is two blocks from the NJ Transit Bound Brook Train Station. Adequate pedestrian infrastructure is in place to facilitate access to the train station.

4.1.2 The Somerset County Investment Framework and County Strategic Plan

The Redevelopment Plan for Sub-Area 1.6 is highly consistent with the intent of Somerset County’s planning documents, which call for the revitalization of older traditional communities, strengthening of downtowns, redevelopment of under-utilized or obsolete properties, preservation and enhancement of historically-

significant properties, landscapes and structures, as well as landscape restoration and enhanced public access to riverfronts.

In 2014, the Somerset County Planning Board adopted a County Investment Framework to “serve as the geographic basis for all county planning projects and initiatives, and support on-going regional and local smart growth, preservation, economic revitalization, sustainability and resiliency planning initiatives; to achieve tactical alignment of land use, infrastructure and preservation plans, resources, programs, policies and investment decisions; and to convey a clear investment strategy regarding local and regional land use priorities to both public and private sectors”.

The County Investment Framework builds upon, and further elaborates the spatial policies contained in the 1992 and 2001 State Plans, in the draft 2011 State Strategic Plan, and to some extent in the New Jersey Economic Opportunity Act of 2013, also known as “Grow NJ”, legislation that consolidated several of the state’s economic development incentive programs and channels them to locations with certain features and according to certain criteria.

The Bound Brook Town Center is designated as Priority Growth Investment Area (PGIA) #10. PGIA’s are “areas where primary economic growth and community development strategies enhance quality of life and economic competitiveness are preferred, and where appropriate, growth-inducing investments are encouraged”. PGIA’s are areas where development and infrastructure assets are already concentrated. They are prime locations for the vibrant, mixed-use, live-work environments within walking distance of transit and green space, and that many employers, workers and households desire”.

The County Investment Framework provides the platform for the updated County Strategic Plan’s Guiding Principles, Objectives and Implementation Agenda.

4.2 Consistency with Local Planning Framework

4.2.1 Relationship to the Intent and Purpose of the Master Plan

The Bound Brook Planning Board adopted its first Master Plan in 1932. Subsequent Master Plans were prepared and adopted in 1954, 1963, 1988 and 2003. Periodic Re-examination Reports were also prepared and adopted in 1978, 1983 and 2007. A Downtown Urban Design Plan (see below) was adopted in 2012 as an amendment to the Master Plan.

In 2017, the Bound Brook Planning Board adopted an updated Statement of Goals and Objectives. The following excerpts are relevant to the Redevelopment Plan for Sub-Area 1.6:

Land Use

- Ensure appropriate levels of privacy for all residential uses and continue to maintain adequate light, air and open space.
- Encourage new, context-sensitive buildings that reflect the scale and character of Bound Brook.
- Facilitate mixed-use buildings and neighborhoods with multiple building types in designated locations.
- Facilitate the repurposing of existing buildings and the redevelopment of vacant lots with appropriate new uses and structures.
- Ensure the highest level of consistency between the land use framework in the master plan, the Borough’s zoning and land development regulations, and the adopted redevelopment plans.
- Adopt a land use framework that maximizes synergies and minimizes conflicts between different uses and activities.

Housing

- Provide opportunities for housing appropriate to all relevant demographic profiles, economic

capabilities and housing and lifestyle preferences.

- Continue to encourage the location of higher density housing in close proximity to transit options, goods and services.

Mobility

- Ensure that the Borough's sidewalk network is complete, well maintained and free from obstacles.
- Seek to upgrade all crosswalks with depressed curbs and adequate pedestrian cycles at signalized intersections.

Public Space

- Encourage community-based cultural and arts initiatives in public spaces.
- Pursue opportunities for public art installations in appropriate locations.

Architecture and Urban Design

- Require building design to provide articulated facades, ample fenestration, quality materials and compelling design features.
- Encourage the installation of murals and/or other art displays on prominent walls of both private and public structures.
- Discourage surface parking lots where possible, and require vegetative or other devices that are effective in concealing direct views of such facilities from the public realm.
- Require a high quality public realm with appropriate street furniture such as benches, trash receptacles and pedestrian-scale lights, as well as street trees, planter boxes and other street-appropriate vegetation without compromising accessibility and pedestrian circulation.
- Explore more lively and diversified hardscapes using colors and durable materials.

Sustainability

- Promote and facilitate best practices in energy conservation and in local renewable energy production.
- Promote and facilitate best practices in stormwater management, such as pervious pavements, green roofs, cisterns, rain gardens and bio-swales.
- Support the recycling of construction materials, and office and residential waste.
- Support domestic composting.
- Support sourcing of local goods and services.
- Develop and adopt standards for electric vehicle charging stations and require these in all new major development projects.
- Facilitate the creation of community gardens on public or privately-owned lands for the enjoyment of the residents of multi-family residential buildings and of smaller lot detached structures.
- Require the reduction of stormwater runoff in all redevelopment projects.

The Redevelopment Plan for Sub-Area 1.6 is highly consistent with the above goals and objectives.

The 2018 Land Use Plan Map shows Redevelopment Sub-Area 1.6 included in the Mixed-Use 5 (MU-5) Land Use designation. The MU-5 designation includes all of the downtown and is largely coincident with the Business-Residential (B-R) zoning district.

The 2018 Land Use Plan element describes the intent of the MU-5. Some of the more relevant items include:

- Implement the relevant recommendations of the Downtown Urban Design Plan.
- Encourage creative design and development that promotes economic revitalization.
- Provide ample sidewalks that encourage pedestrian circulation and public interaction.
- Provide the high-quality pedestrian access to downtown amenities, services and transit required to achieve the vision of the Downtown Urban Design Plan.

- Promote economic development through a mix of new development, renovation and reuse of existing structures, and the preservation of historically and architecturally significant buildings.
- Discourage surface parking lots that abut streets.

The Land Use Plan anticipates that “the building types in the MU-5 designation will include mixed-use buildings, apartment buildings, live/work, offices, and parking decks with ground floor liner uses, such as retail or services. Civic, governmental and houses of worship are also anticipated building types”. The Land Use Plan element anticipates that “the maximum building height for the north side of Main Street would be six stories”.

Finally, the Land Use Plan recommends that new structures in the MU-5 designation “should be sensitive to surrounding land uses, where such exist, and should be subject to bulk standards such that they do not encroach on appropriate standards of light and air affecting other properties”.

As such, the Redevelopment Plan for Sub-Area 1.6 is highly consistent with the 2018 Land Use Plan’s intent and purpose for the MU-5 land use designation.

4.2.2 Relationship to The Downtown Urban Design Plan Element of the Municipal Master Plan

As previously mentioned, Redevelopment Sub-Area 1.6 is immediately north of Bound Brook’s downtown.

The downtown and immediately surrounding area were the subject of a detailed Downtown Urban Design Plan, completed in August of 2010. The Bound Brook Planning Board adopted the Downtown Urban Design Plan as a formal element of the municipal Master Plan in January of 2012.

The plan does not include any specific proposals for Sub-Area 1.6. However, it was implicitly assumed that the current block structure would be largely maintained, although new block configurations might be justifiable under certain circumstances and conditions.

The Redevelopment Plan for Sub-Area 1.6 is largely consistent with the intent and purpose of the Downtown Urban Design Plan.

4.2.2 Relationship to The Redevelopment Plan for Area 1

The Borough of Bound Brook first adopted a Redevelopment Plan for Area 1 in February of 2000.

Redevelopment Area 1 was initially defined as the area south of Second Street, to the Raritan River; east of East Street to the Borough line; and east of Church Street, although a few additional parcels on the west side of Church Street are also included. Referring to the Borough’s tax maps, it includes all lots in Blocks 2, 2.01, 8, 9, 10, 11 and 12, and lots 34-69 in Block 1. Redevelopment Area 1, as originally defined, directly abuts Sub-Area 1.5 to the south and to the west.

In 2012, the Borough adopted an amendment to the Redevelopment Plan for Area 1. This amendment created Sub-Area 1.1 within Redevelopment Area 1, located east of South Main Street and the South Main Street traffic circle; south of East Main Street; north of the NJ Transit Railroad tracks; and east of the Bound Brook channel and the Borough line.

In 2015 the Borough adopted further amendments to the Redevelopment Plan for Area 1, and created three additional Sub-Areas: 1.2, 1.3 and 1.4. Sub-Area 1.4 directly abuts Sub-Area 1.6. Adoption of this Redevelopment Plan for Sub-Area 1.6 expands Redevelopment Area 1 a half block to the north.

The land use plan and other provisions of this Redevelopment Plan for Sub-Area 1.6 are entirely consistent with the provisions adopted for the rest of Redevelopment Area 1.

4.2.3 Relationship to the Intent and Purpose of the Zoning Ordinance

Redevelopment Sub-Area 1.6 falls within the Borough's Business-Residential (B-R) district. The provisions in this Redevelopment Plan for Sub-Area 1.6 will override some of the provisions in the adopted zoning for the B-R district. It is the Borough's intention to adopt some modifications to the B-R zoning, at a future date, to bring it back into alignment with the provisions of this Redevelopment Plan.

4.2.4 Relationship to the Plans of Adjacent Municipalities

Redevelopment Sub-Area 1.6 is remote from any of the adjoining municipalities. As such, the Redevelopment Plan for Sub-Area 1.6 will not impact the existing land use pattern in those neighboring communities, nor will it impact those towns' planning and zoning frameworks in any meaningful way.

5. GENERAL PROVISIONS

5.1 Definitions

As used in this Redevelopment Plan:

Blank Wall Wrap – An architectural fabric displaying artwork or commercial signage that constitutes a temporary or permanent cover for exterior building walls with no fenestration.

Building Height – The vertical distance measured from average grade to the peak of a pitched or vaulted roof, or to the bottom of the parapet of a flat roof.

Branding Sign – A large format façade-mounted sign that is part of a branding campaign for a new building or buildings under construction or undergoing gut rehabilitation. Branding signs are temporary and shall be removed no later than one (1) year after the building has been issued a Certificate of Occupancy.

Civic Building – A building primarily used for social, cultural, or other civic, or non-commercial, activities. Civic buildings may be owned and occupied by units of government or by not-for-profit organizations whose mission is to support the cultural, social or artistic life of the community.

Construction Sign – A temporary sign of printed architectural fabric covering all or part of the façade of an existing buildings undergoing gut rehabilitation, or of a new building under construction, and which is removed once the building has been issued a Certificate of Occupancy.

Graphic Sign – A temporary or permanent wall-mounted sign consisting of letters, numbers or symbols.

Habitable Structure – A structure that is occupied, for residential purposes, or that could be occupied for residential purposes without requiring any interior or exterior work.

Kiosk – A small (less than 500 square feet in area), free-standing, single-story structure which may be used as an information center, café/bar/restaurant, retail, services, temporary rental of sports equipment, or for other permitted uses and activities.

Object Sign – A three-dimensional sign in the form of an object that indicates either the name of an establishment or the products and/or services provided. (As an example, an over-sized pair of scissors would indicate a barber or hairdressing salon and a bicycle wheel would indicate bicycle repair and/or sales). Object signs may be either projecting or wall-mounted, and may be coupled with either of those two types of signs.

Projecting Sign – A sign that is permanently affixed to a building façade at a 90-degree angle. These signs may be banner signs, printed on architectural fabric and permanently or temporarily hung in place, or signs printed against a rigid metal, wood or acrylic background.

Temporary Structure – A structure that is assembled for a specific purpose and is disassembled and removed within six months.

Wall-mounted Sign – A sign that is temporarily or permanently mounted on the exterior of a structure.

Except for those words or terms defined in this Section (above), words that appear in the Redevelopment Plan for Sub-Area 1.6 shall be defined in accordance with the definitions that appear in the Borough’s Land Use Regulations (Chapter XXI), in the section on “definitions” (21-2), in the definitions section attached to the B-R District (21-10.15.K) or elsewhere in Chapter XXI.

If there is no applicable definition in Chapter XXI of the Borough Code, those words or terms shall be defined in accordance with the definition found in the New Jersey Municipal Land Use Law (N.J.S. 40-55D et seq) or in the

New Jersey Local Redevelopment and Housing Law (N.J.S. 40A:12A et seq). If there is no applicable definition in the two statutes mentioned above, those words or terms shall be defined in accordance with the definition found in The Latest Illustrated Book of Development Definitions, by Harvey Moskowitz and Carl Lindbloom, published by the Center for Urban Policy Research at Rutgers University, 2004 or subsequent edition; in A Planners Dictionary, edited by Michael Davidson and Fay Dolnick, American Planning Association -- Planning Advisory Service Report 521/522, April 2004 or subsequent edition; or as defined in an equally authoritative published or on-line source acceptable to the Governing Body of the Borough of Bound Brook.

5.2 Easements

No construction permit shall be issued allowing a building or other permanent structure to be constructed over a public or private easement within the area subject to the Redevelopment Plan for Sub-Area 1.6 without prior written notice to the Borough of Bound Brook and a certification that the easement has either been vacated or that the developer has secured permission to build over the easement and the deed has been amended accordingly.

5.3 Site Plan and Subdivision Review

Prior to the issuance of a building permit and commencement of construction, complete site plans for the construction of improvements within the area subject to this Redevelopment Plan for Sub-Area 1.6 -- prepared in accordance with the requirements of the New Jersey Municipal Land Use Law (N.J.S. 40-55D-1 et seq) and Section 21-9 of the Borough’s Land Use Regulations -- shall be submitted by the applicant for review and approval by the Bound Brook Land Use Board.

Any subdivision of lots and parcels of land subject to this Redevelopment Plan for Sub-Area 1.6 shall be in accordance with this Plan’s requirements and the Borough of Bound Brook’s subdivision ordinance (section 21-9 of the Borough’s Land Use Regulations). No site work, construction or alteration to the existing conditions on a redevelopment site shall take place until a site plan, accurately reflecting the proposed site modifications and any site work or new construction has been submitted to, and approved by, the Borough’s Land Use Board.

5.4 Approval by Other Agencies

The redeveloper shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications.

5.5 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 consequences considered detrimental to the public health, safety or general welfare.

5.6 Non-discrimination Procedures

No covenant, lease, conveyance or other instrument shall be affected or executed by the Bound Brook Borough Council or by a redeveloper or any of his or her successors or assignees, whereby land subject to this Redevelopment Plan for Sub-Area 1.6 is restricted by Borough Council, or the redeveloper, upon the basis of race, creed, color, gender, faith, 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 Plan for Sub-Area 1.6 on the basis of race, creed, color, gender, faith, sexual orientation or national origin.

5.7 Duration of Plan

The provisions of this Redevelopment Plan for Sub-Area 1.6 specifying the redevelopment of the area subject to this Plan and the requirements and restrictions with respect thereto shall be in effect for a period of twenty-five (25) years from the date of approval of this Plan by Borough Council, and can be further extended by Borough Council.

5.8 Deviation Requests

The Borough Planner may authorize administrative deviations and/or waivers that do not deviate by more than 10% from the standards found in this Redevelopment Plan for Sub-Area 1.6.

The Bound Brook Land Use Board may also grant reasonable deviations from the regulations contained in this Redevelopment Plan for Sub-Area 1.6 where -- by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific property, or where other extraordinary and unique conditions exist -- the strict application of any area, yard, bulk, design or other objective or regulation adopted pursuant to this Redevelopment Plan for Sub-Area 1.6 would result in peculiar practical difficulties to, or exceptional and undue hardship upon the redeveloper of such property.

The Bound Brook Land Use Board may also grant such relief in an application relating to a specific piece of property where the purposes and objectives of this Redevelopment Plan for Sub-Area 1.6 and of the Downtown Urban Design Plan would be advanced by a deviation from the strict requirements of this Plan and it can be demonstrated that the public and private benefits of the deviation would outweigh any detriments, that it would serve a public purpose and that it would lead to a better outcome.

Any deviation from the uses or building types permitted under this Redevelopment Plan for Sub-Area 1.6, or any other deviation requiring a "d" variance under the New Jersey Municipal Land Use Law (N.J.S. 40-55D-70d) shall require an amendment to this Plan by Borough Council, and only upon a substantive finding that such an amendment would be consistent with and in furtherance of the goals and objectives of this Redevelopment Plan for Sub-Area 1.6 and of the Downtown Urban Design Plan.

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 amended Redevelopment Plan for Sub-Area 1.6 and of the Downtown Urban Design Plan.

An application for such a deviation from the requirements of this Redevelopment Plan for Sub-Area 1.6 shall provide public notice of such application in accord with the public noticing requirements set forth in N.J.S 40:55D-12(a) and (b).

5.9 Escrows

The redeveloper shall be responsible for keeping sufficient funds in the escrow account to cover any and all reasonable costs billed to the account by the professional consultants retained by the Borough to review the proposed redevelopment project, including subdivision and site plan-related submissions, architectural design, landscape design, signage, and other submissions and advise the Borough on any and all aspects of the redevelopment process.

5.10 Infrastructure

The redeveloper, at the redeveloper's cost and expense -- unless otherwise provided for by a public or private utility -- shall provide all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the redevelopment project.

Specifically, the redeveloper shall be responsible for funding all necessary engineering studies and plans, and for constructing or installing all sidewalks, curbs, streetscape and public open space improvements (street trees, planting beds, ground cover and other landscaping), including benches, trash and recycling receptacles and street lighting; stormwater management facilities; public water and sanitary sewer service; electric and gas utility service; vehicular and bicycle parking facilities; and on- and off-site vehicular, bicycle and pedestrian traffic controls and right-of-way improvements associated with the redevelopment project -- including pedestrian and bicycle paths and trails, if called for in the Plan -- or required as a result of the impacts of the project.

The redeveloper is also responsible for paying for all required permitting, inspection, tie-in and/or connection fees.

6. OTHER PROVISIONS

In accordance with the provisions of New Jersey's Local Redevelopment and Housing Law (N.J.S. 40A:12A-1 et seq), this Redevelopment Plan for Sub-Area 1.6 articulates a clear rationale -- based on local objectives -- justifying the Plan's provisions with respect to appropriate land uses, building scale, building massing, building heights, population density, impervious coverage, public and private open space, streetscapes, improved access to transit, infrastructure and public utilities, access to recreation, community facilities and open space, and other public improvements and amenities.

This Redevelopment Plan for Sub-Area 1.6 shall supersede all provisions of the Borough of Bound Brook's Land Use Regulations (Chapter XXI of the Bound Brook Municipal Code) as they apply to the area addressed in this Plan, except where otherwise specifically mentioned within the text of this Plan. In all situations where zoning issues are not specifically addressed herein, the Bound Brook Land Use Regulations shall remain in full effect. Adoption by Borough Council of this Redevelopment Plan for Sub-Area 1.6 shall be considered an amendment to the Borough's Zoning Map.

If any section, paragraph, division, subdivision, clause or provision of this Redevelopment Plan for Sub-Area 1.6 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 for Sub-Area 1.6 shall be deemed valid and effective.

7. PROCEDURES FOR AMENDING THIS REDEVELOPMENT PLAN

The Redevelopment Plan for Sub-Area 1.6 may be amended from time to time, for good reason and in compliance with the applicable requirements of the law.

Anyone may request an amendment. The request shall be directed, in writing, to Borough Council and shall be accompanied by a check for \$2,500.00, unless (a) the request is being filed by an agency of the Borough, or (b) Borough Council makes a determination that the requested amendment is “de minimus”, or (c) the request is filed by a charitable organization recognized by the Borough and Borough Council decides that no fee shall be required.

The letter requesting the amendment(s) shall describe, in detail, the changes being requested and the reasons for such changes.

Borough Council, at its sole discretion, may require the party requesting the amendment to prepare a study of the anticipated impacts of such an amendment, prepared by a Professional Planner licensed in the State of New Jersey.

In addition, Borough Council, at its sole discretion, may require that the party requesting the amendment establish an escrow account with the municipality and deposit funds in said escrow account sufficient to allow the municipality to retain a Professional Planner, licensed in the State of New Jersey, and any other experts in other fields deemed necessary to assist the municipality in reviewing the proposed amendment and the study of the anticipated impacts in order to confirm that the intent of this Redevelopment Plan is not compromised and that the proposed amendment advances the public good.