

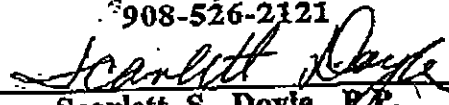
**TEA STREET/MIDDLE BROOK
REDEVELOPMENT PLAN**

**WITH AN AMENDMENT TO
THE LAND USE ELEMENT
OF THE MASTER PLAN**

**Borough of Bound Brook
Somerset County, New Jersey**

February 1996

Prepared by
John Cilo, Jr. Associates
198 West High Street
Somerville, NJ 08876
908-526-2121


Scarlett S. Doyle, P.P.

**TEA STREET/MIDDLE BROOK REDEVELOPMENT PLAN
WITH AMENDMENT TO THE LAND USE ELEMENT OF THE MASTER PLAN**

On February 15, 1996, the Bound Brook Planning Board recommended the designation of Block 68, Lots 1, 1.02, 2, 3, 4 and 5 as a "Redevelopment Area". The Planning Board must now consider a Redevelopment Plan which includes amendments to the Land Use Element of the Master Plan. The Bound Brook Planning Board has reviewed the Master Plan of Bound Brook and has prepared a Re-examination Report of this plan. The Re-examination Report has addressed the need and planning soundness for the redistricting of the area along Tea Street and the Middle Brook.

"With respect to redevelopment efforts which might be promulgated by the local public agency, the Planning Board endorses the efforts to find suitable uses for the Tea Street area within the Borough of Bound Brook. The Planning Board is cognizant of the need to coordinate the future uses of these premises within the Borough's Master Plan and will draft appropriate future amendments to the Master Plan as they become necessary."

It is in furtherance of this statement that this amendment to the Master Plan Land Use Element is furnished.

On February 15, 1996, the Borough of Bound Brook Planning Board adopted a resolution which, based upon factual findings, concluded that the area of lands which are bounded on the west by the Bridgewater municipal line, bounded on the north by Route 22, bounded on the south by N.J. State Highway Route 28, and bounded on the east by the westerly side of Tea Street, have been determined to be a "Redevelopment area". These determinations have been made in accordance with statutory authority pursuant to NJSA 40a:12a-1 et seq. and with that authority, has determined that the Redevelopment area exists due to conditions found in NJSA 40A:12a-5.

Borough Facilities

The lands are shown on Sheet 34 of the Municipal Tax Map and are known as:

- Block 68, Lot 1, containing approximately 5.6 acres
- Block 68, Lot 1.01, containing approximately 0.3 acres
- Block 68, Lot 2, containing approximately 3.7 acres
- Block 68, Lot 3, containing approximately 33.6 acres
- Block 68, Lot 4, containing approximately .675 acres
- Block 68, Lot 5, containing approximately 3.66 acres

Redevelopment Area - 1985

The bulk of lands of Block 68, Lot 3 lie on the westerly side of the Middlebrook; however, there is a large portion which also lies on the easterly side of this stream and extends to New Jersey State Highway Route 22. That portion of Lot 3 to the west of the Middlebrook was designated for redevelopment in the Amendment to the Land Use Element, as adopted by the Planning Board in 1985. This property is currently zoned for Regional Business uses.

Addition to Redevelopment Area - 1996

Block 68, Lot 1 is lands formerly owned by the State of New Jersey, Department of Defense. Containing approximately 5.6 acres, this premises is locally known as the site of the former armory. This premises currently contains three structures. The Borough of Bound Brook reclaimed these lands in an agreement with the State of New Jersey, Department of Defense and is currently the owner of the premises. This property is currently zoned for Residential and Regional Business uses.

Block 68, Lot 1.01 is the home of a local fire company. Containing slightly less than one-half acre (0.5), this property currently contains a building and a cellular tower. This property is currently zoned for Regional Business uses.

Block 68, Lot 2 is currently used for Little League purposes and contains a snack bar, bleachers and fields. These premises contain approximately 3.7 acres. This property is currently zoned for Regional Business uses.

Block 68, Lot 3 (portion of the lot located to the east of the Middlebrook). The portion of Lot 3 to the east of the Middlebrook is zoned for Residential uses. The entirety of Block 68, Lot 3 is approximately 33.6 acres. The westerly portions of this lot also include an easement for access to Route 22.

Block 68, Lot 4 is undeveloped lands containing approximately 0.7 acres. This property is currently zoned for Residential uses.

Block 68, Lot 5 is a vacant parcel of land which is owned by the municipality. This land has constraints of wetlands and flood-prone areas. Containing approximately 3.66 acres, this parcel is a key link between the Redevelopment premises of Block 68, Lot 3 and N.J. Route 28. This premises is zoned for Residential uses.

Green Acres Diversion Plan

In an effort to provide enhanced potential utility for the area west of Tea Street, the Borough of Bound Brook prepared a Green Acres Diversion Plan which has been approved by the State House. This plan incorporates two Green Acres parcels: Block 68, Lot 4 and Block 68, Lot 2. The Borough has transferred the Green Acres designation for these tracts to the easterly portion of the Borough. Therefore, properties along Tea Street are no longer included in the Green Acres inventory.

Traffic and Access

The Redevelopment Tract has access from New Jersey Route 22 and also from New Jersey Route 28, locally known as West Union Avenue. The deeded frontage for Block 68, Lot 3 onto New Jersey State Highway 22 is narrow and is constrained by closeness of the Middlebrook and the state guide rail system which protects against the hazards of the steep banks. There is a secondary access easement which has been secured by the Borough which extends from Route 22 through a car dealership into the subject property.

Compatibility with Surrounding Uses

To the immediate west of the site are lands within Bridgewater Township that are zoned for industrial purposes and also abuts the interstate highway system of Route 287. To the north of the subject property is New Jersey Route 22, which is viewed as a planning barrier. The Bridgewater zoning found to the north of Route 22 is designated as a Village Center zone which would envision commercial uses. Therefore, the proposed new Regional Business/Senior Residential zone would be compatible with that use. To the east of the property within Bridgewater Township lies a High-density Residential zone with low and moderate income housing uses. It is also worth noting that the detention basin area for the Bridgewater project, which provides a buffering advantage, lies at the Bound Brook boundary line.

This Redevelopment Plan is compatible with the Master Plans of contiguous communities, Somerset County and the State of New Jersey Development and Redevelopment Plan.

Also to the east of the property lies Tea Street and abutting residential areas. It is necessary to require adequate buffering when a non-residential use abuts such a residential zone.

To the east of Tea Street where it intersects with West Union Avenue is located a multi-family apartment complex. Development of the west of Tea Street will also provide adequate buffers.

Residential Relocation

No provision is made in this Redevelopment Plan for the relocation of residents as the plan will not displace any residents since there are none in the Redevelopment Area.

Property Acquisition

In order to effectuate the purposes and intent of this redevelopment plan, the Borough of Bound Brook may or may not need to acquire Block 68, Lot 1.01, which is presently owned by a local fire company and contains approximately 0.8 acres.

Redevelopment Plan

This area is located near the Route 22 and Routes 28 interchanges of Interstate Route 287. Cars from the interchange can enter or exit directly onto West Union Avenue or Route 22. The municipality has long sought to secure commercial development in this area, which would take advantage of its proximity to I-287 and Routes 22 and 28.

In 1975, the municipality negotiated a realignment of the municipal boundary with Bridgewater to place the entire area within the boundaries—and regulatory control—of Bound Brook. This was accepted through Ordinance 75-7. In 1985, the municipality formed a redevelopment authority and formally designated Block 68, Lot 8—the largest portion of the area—for redevelopment. This was accomplished through Ordinance No. 86-4. In 1988, the municipality amended its master plan and zoning ordinance to place this area into a "regional business" zone. To increase the size and appeal of the site, the municipality brought litigation and eventually secured the return of Block 68, Lot 1, the former National Guard Armory.

Throughout the middle 1980's and to the present, the municipality actively solicited private developers of commercial property to work with the municipality to develop a regional shopping center. These efforts have been undertaken individually and through independent brokerage contracts and contacts. These efforts have been totally unsuccessful.

The proposed Redevelopment Plan envisions an inter-related complex of commercial and residential development encompassing the entire 47 acres. The proposal includes two centers of commercial development: The first would front on West Union Avenue encompassing area now occupied by the baseball field, armory, fire house and vacant lands. Uses which are viewed as appropriate for this area include, but are not limited to:

Retail stores, personal service establishments, professional and business offices, banks, restaurants, movie theaters, auditoriums, hotels and motels, medical and dental offices,, senior citizen housing and child care centers.

The second would include the developable land west of the Middle Brook which would not have direct street frontage, but rather has street access to Route 22. In addition to the above uses, the second area would also be appropriate for, but are not limited to:

Warehouses.

The proposal seeks to overcome the impediments to commercial development in the vicinity of Tea Street. It provides good highway access and frontage and a larger area of developable land.

Conclusion

The site known as Block 68, Lots 1, 1.01, 2, 3, 4 and 5 is under utilized due to the splintered nature of ownership which has been a condition in the past. Under the current municipal ownership and with the possible acquisition of lot 1.01, this property may be raised into greater utility under a coordinated development plan. The premises are impacted by ever-increasing traffic on New Jersey State Highway Route 22 and particularly at the intersection of New Jersey State Highway 28 with Interstate 287. This increase affects the likelihood of a valuable resource which will contribute to the welfare of the Borough of Bound Brook. The Regional Business/Senior Residential zone is intended to provide for the regional needs of the traveling public as well as for the immediate needs of the Senior Citizens in the Borough of Bound Brook.

The following zoning regulations are recommended for consideration by the governing body in its effort to address these needs.

LAND USE

RB/SR - Regional Business/Senior Residential

The purpose of the Regional Business Zone is to provide for the regional commercial and transient needs and uses appropriately situated at or adjacent to the intersections of major regional highways and such uses that support the limited needs of Senior Citizen Housing.

A. Principal Permitted Uses.

1. Regionally oriented retail shopping centers and neighborhood retail uses, consisting of an integrated development plan of such uses as:
 - a. Retail Stores
 - b. Personal Service Establishments
 - c. Professional and Business Offices
 - d. Banks
 - e. Restaurants
 - f. Movie Theaters
 - g. Auditoriums
 - h. Other comparable uses appropriate to regionally-oriented retail shopping center
2. Hotels and Motels
3. Medical and Dental Offices
4. Senior Citizen Housing
5. Warehouse/Distribution on west side of Middlebrook
6. Child Care Centers
7. One existing or relocated Telecommunication Facility

B. Permitted Accessory Uses.

1. Uses customarily incidental to the principal permitted uses, including but not limited to auditoriums, swimming pools, tennis courts, health clubs and retail and service stores. All accessory uses are to be located conveniently accessible to the principal use in accordance with the Development Plan. Tennis courts and swimming pools may be located indoors and outdoors.
2. Other uses and structures customarily incidental to a principal permitted use.
3. Private and public parking, including parking garages.
4. Signs.
5. Assembly.
6. Warehouse/Distribution from Route 28 access.

C. Supplemental Regulations for Principal Permitted Uses.

1. Minimum tract size: Entire development area of approximately forty (40) acres with subdivision and phasing for each category of use (such as retail shopping, senior housing, warehouse-distribution). As a Planned Development shall include the entire district as a single entity; however, the development plan may be phased or subdivided after approval of the development plans if done in accordance with the Development Plan. Such further subdivision may be designed irrespective of bulk requirements of the zone.
2. Coverage for all uses in the development plan shall be limited to seventy (70) percent.
3. Maximum building height (excluding mechanical penthouse which shall be limited to 20 feet above the roofline):
 - a. Hotels: seven (7) stories or eighty-five (85) feet
 - b. All other non-residential uses: seven (7) stories or eighty-five (85) feet
 - c. Senior Citizen Housing: seven (7) stories or eighty-five (85) feet
4. Minimum tract front yard: ten (10) feet for Commercial use and fifty (50) feet for Residential use from the tract line to the building
5. Minimum tract side yard each: ten (10) feet from the tract line to the building
6. Minimum tract rear yard to the building: ten (10) feet
7. There shall be an additional ten foot (10) requirement for each story proposed above four stories. This requirement shall apply to the perimeter of the tract and shall not apply to the distance requirement from internal roadways.

D. Supplemental Regulation for Senior Citizen Housing.

1. Principal permitted uses. This zone is limited to senior citizen housing which shall mean housing where at least one occupant of each unit is fifty-five (55) years of age or older, and no permanent occupant shall be less than 18 years of age. The following dwelling unit types are permitted:
 - a. Single-family attached
 - b. Multifamily dwellings
 - c. Apartments
 - d. Congregate care facilities
 - e. Continuing care facilities
 - f. Assisted care

2. Permitted accessory uses.
 - a. Uses and structures customarily incidental to a principal permitted use, including parking, garages and independent recreation and meeting facilities.
 - b. Separate Senior Citizen Center.
 - c. Health facilities.
 - d. Signs.
 - e. Other uses permitted under Section B above.
3. Common open space if there is multiple ownership. Maintenance of common open space shall be regulated by a management association.
4. Maximum gross density: sixty (60) dwelling units per acre.
5. Site and building design.
 - a. Off-street parking requirements shall be established by the Planning Board or reviewing authority but shall not be less than 0.3 spaces for congregate, continuing and assisted care per unit, nor more than 0.5 (1/2) space per Senior Citizen unit.
 - b. The development may include a separate, free-standing Senior Citizen Center: minimum of one (1) parking space per one thousand (1,000) square feet of floor area. Such facility is accessory to the Senior Citizen housing.
 - c. Space and facilities shall be provided for passive and active outdoor recreation areas consistent with the needs of senior citizen occupants, as deemed reasonably necessary by the Board.

E. Non-Residential Parking and Access

1. Parking location. Parking shall be prohibited in the first ten (10) feet as measured from the perimeter tract lines, except where there is contemplated shared parking for adjoining uses as approved by the Planning Board.
2. All parking shall be screened from public roadways by landscaping, to the extent feasible and reasonable.
3. One off-street parking space, exclusive of any access drive or aisles, shall be provided within the parking area for every two-hundred fifty (250) square feet of gross floor area, or any fraction thereof, of commercial retail or office uses, except that:
 - a. Medical use shall provide one space for every two hundred (200) square feet of gross floor area; and
 - b. Restaurant use shall provide one space for every three seats.

- c. Uses such as warehouse and distribution facilities shall have sufficient spaces to accommodate the estimated number of employees and other users of the premises but not less than one (1) space per one thousand two hundred fifty (1250) square feet of warehouse or distribution area.
- d. Reserve areas may be permitted to meet the requirements of this section. Such areas may be constructed at a later date without further approvals by the Board.

F. Signs

1. General Provisions.

No signs may be placed on or attached to a building or erected independently for any purpose other than to advertise a permitted business or permitted use conducted on the same premises unless specifically permitted herein. No sign of any type shall be permitted to obstruct pedestrian or driving vision, traffic signals, traffic directional or identification signs, other places of business, or other signs or windows of the building on which they are located. No sign shall be erected which has a shape, color or construction that resembles emergency, regulatory or warning signs. Use of reflective and glowing materials is prohibited. Retail outlets and users with established and generally utilized signage shall be allowed to retain the customary design and materials of construction of such signage as part of the retail center subject to the reasonable safety requirements of the Borough.

2. Definitions.

- a. *Area.* The area of a sign shall be measured using the dimension of the maximum width and length of the framed or enclosed sign, including the background, whether open or enclosed, or combination thereof, but said area shall not include any supporting framework and bracing incidental to the display itself.
- b. *Animated, Flashing and Illusionary Signs.* Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement are prohibited.
- c. *Height.* Free-standing and attached signs shall be no higher than thirty-five (35) feet at the intersection of Route 28 and Tea Street on the west side of the Middlebrook as measured from the average existing grade underneath the sign to the highest point of the sign, including all supporting members. Lesser heights may be required based upon proximity to other residential areas and shall be in accordance with an approved Development Plan.
- d. *Free-Standing Signs.* Free-standing signs shall be supported by one (1) or more columns or uprights which are firmly embedded in the ground. Exposed guy wires, chains or other connections shall not be a support of a free-standing sign.
- e. *Maintenance.* Signs and, in the case of permitted free-standing signs, the mounting area on the ground level beneath the sign, must be constructed of durable material.

3. General Regulations.

The following regulations shall apply to all permitted and pre-existing nonconforming signs:

- a. Only those signs identifying the name, business, occupant, service, address or product offered or sold on the premises shall be permitted to be erected. Coming events, community bulletin boards and time and temperature signs shall also be permitted.
- b. Except for supermarkets, signs within the interior of a structure designed to be seen and read from the exterior shall be considered as part of any maximum sign area.
- c. Signs attached to a principal structure shall not extend above the roof line of the parapet, except signs exposed to Route 28 or Route 22.
- d. No flashing, moving or apparently moving signs shall be permitted except for time and temperature and changeable copy displays.
- e. Signs, whether portable, permanent or temporary, other than municipal, county or state signs, shall not be erected within the right-of-way of any street or approved sight easements, nor shall any sign be located so as to constitute a traffic hazard.
- f. All temporary signs erected for rental, a special event, such as an election or sale, excluding home sales, shall be removed within five (5) days after the event shall have taken place. No permit shall be required for such temporary signs, provided that they do not exceed thirty-two (32) square feet. All temporary signs, other than election signs, shall not remain in place more than four (4) weeks. This provision for temporary signs shall not apply to the initial construction and rent-up period.
- g. Whenever a sign shall become structurally unsafe or endanger the safety of the building or the public, the Building Inspector shall order such sign to be made safe or removed. Such order shall be complied with within ten (10) days of the receipt thereof by the person owning or using the sign, or by the owner of the building or premises on which such sign is affixed or erected.
- h. The area surrounding ground signs shall be kept neat, clean and landscaped. The tenant, owner or occupant to which the sign applies shall be responsible for maintaining the condition of the area.
- i. Directional signs having areas of less than three (3) square feet are exempt from area and location regulations but shall be shown on an approved site plan and further provided they do not constitute a hazard to the traveling public.
- j. All signs shall be kept in good repair, which shall include replacement or repair of broken structural elements, casings or faces and the maintenance of legibility, and all lighting elements shall be kept working.

- k. Any location where business goods are no longer sold or produced or where services are no longer provided shall have ninety (90) days to remove any remaining or derelict on-premises signs following notification by the township and at the expense of the owner of such property. Where due written notification has been given by the township and compliance has not been made within the required ninety-day period, the township may cause removal of such sign and charge the cost of such removal to the owner.
- l. Applicant shall also comply with all applicable county, state and federal sign regulations.

4. Signs in Commercial Areas.

- a. Free-standing signs along a State highway shall not exceed four hundred (400) square feet and shall not exceed twenty (20) feet in length. There shall be a maximum of one free-standing sign along Route 28 and one free-standing sign along Route 22. One additional free-standing sign on Route 28 may be permitted at the discretion of the Planning Board. Free-standing signs within the commercial development along an internal (non-local) road shall be limited to two hundred (200) square feet, ten (10) feet in length and twenty (20) feet in height.
- b. Each principal building within the commercial area may have one (1) major sign attached to the building not exceeding thirty-six (36) inches in height and two hundred-fifty (250) square feet. A supermarket may have additional signage on the principal facade, not exceeding fifty (50) square feet. Where an individual activity occupies at least seven hundred fifty (750) square feet of segregated area and has direct access from the outside, a sign not exceeding fifty (50) square feet in area identifying the name of the activity is permitted. Identifying sign(s) for each activity shall also be permitted and may be suspended in perpendicular fashion from a roof over a common walkway, where and when such common walkway exists. All such signs must be similar in size, shape, color and lettering style and shall not exceed four (4) square feet.

If the additional discretionary signs described in 4(a) above is not permitted, then a principal building located within one hundred (100) feet of a State highway shall be permitted to have one (1) additional sign attached to the building that faces the State highway not to exceed two hundred fifty (250) feet.

- c. Within commercial areas, signs shall be coordinated so as to create an overall appearance of uniformity of style and color, and a proportionality of size and shape. In addition to the standards set forth in the general provisions of this section, signs with commercial areas for which a sign plan has not been approved by the Planning Board, shall comply with all the provisions relating to signs for the zone in which the commercial area exists.
- d. Design theme. There should be a consistent sign design theme throughout a particular project, except that national chains may employ their logo in keeping with the height and size criteria in this ordinance. The design theme would include style of lettering, construction, material, type of pole

or standard (wood or metal, for example), size and lighting. Color of letters and background is also important and should be carefully considered in relation to the color of the material or buildings or where the signs are proposed to be located.

- e. Location. From a safety point of view, signs should be located so as not to create a hazard, particularly at intersections. The location of signs should be selected in terms of visibility. Signs designed to be seen from vehicles should be perpendicular to the line of travel, while signs designed to be read on foot can be either parallel or perpendicular with walks.
- f. All signs within each commercial area shall be similar in material, shape, color and lettering style subject to the exemption of national chain logo signage.

G. Lighting.

Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

H. Buffering and Landscaping.

1. Buffering.

The Planning Board may require buffering within the setback lines.

Buffering may consist of fencing, evergreens, shrubs, berms, rocks, boulders, mounds, bushes, deciduous trees or combinations thereof.

2. Landscaping.

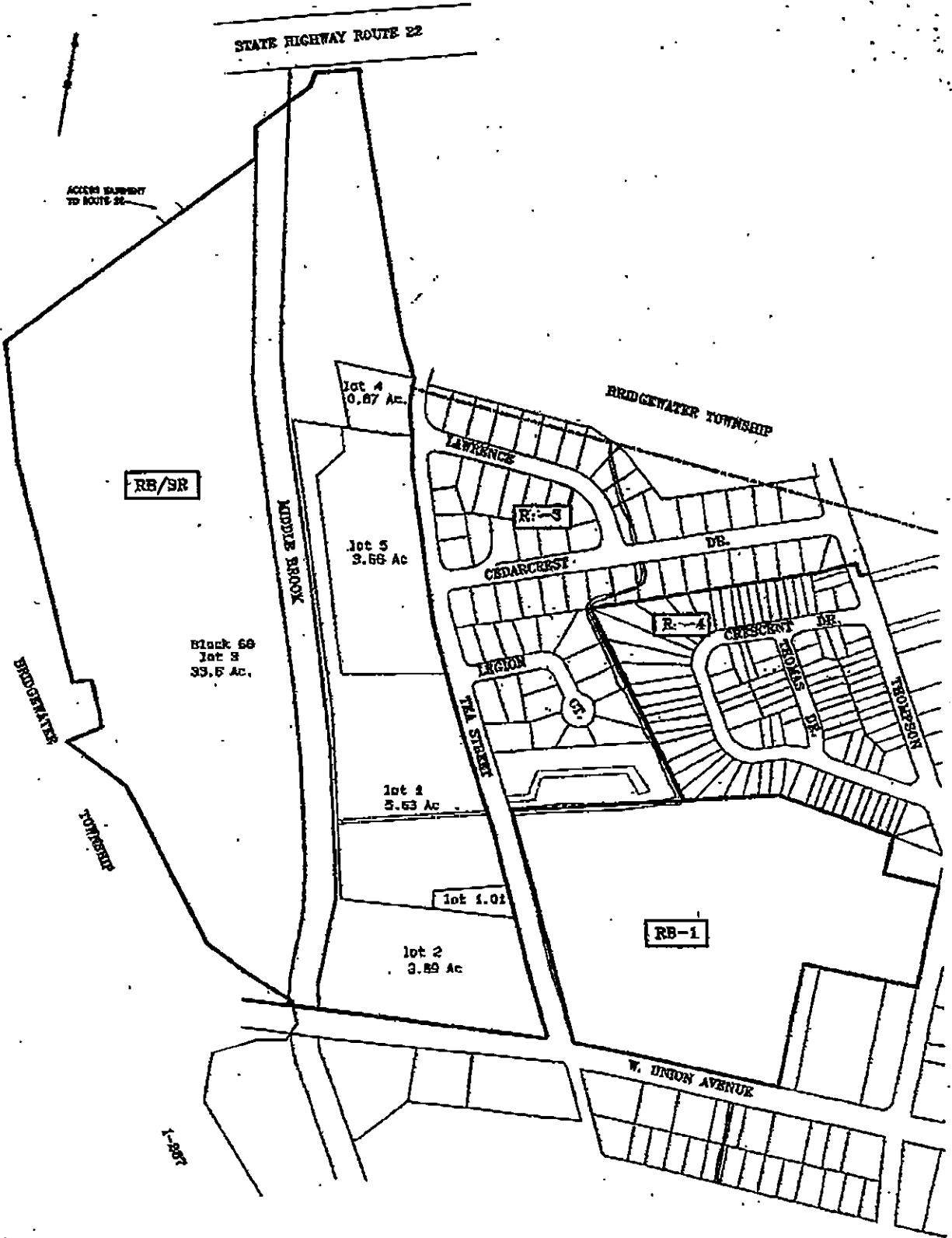
Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

- I. "Lot" shall mean a subdivided portion of the tract to be developed which shall contain a single structure or group of structures (complex) devoted to common use.

"Development Plan" shall mean a master site plan for review and approval by the Planning Board showing the general location and distribution of the uses for the tract, their inter-relationship, the potential subdivision into lots and the phasing of the development. The Development Plan may be amended from time to time with approval of the Planning Board.

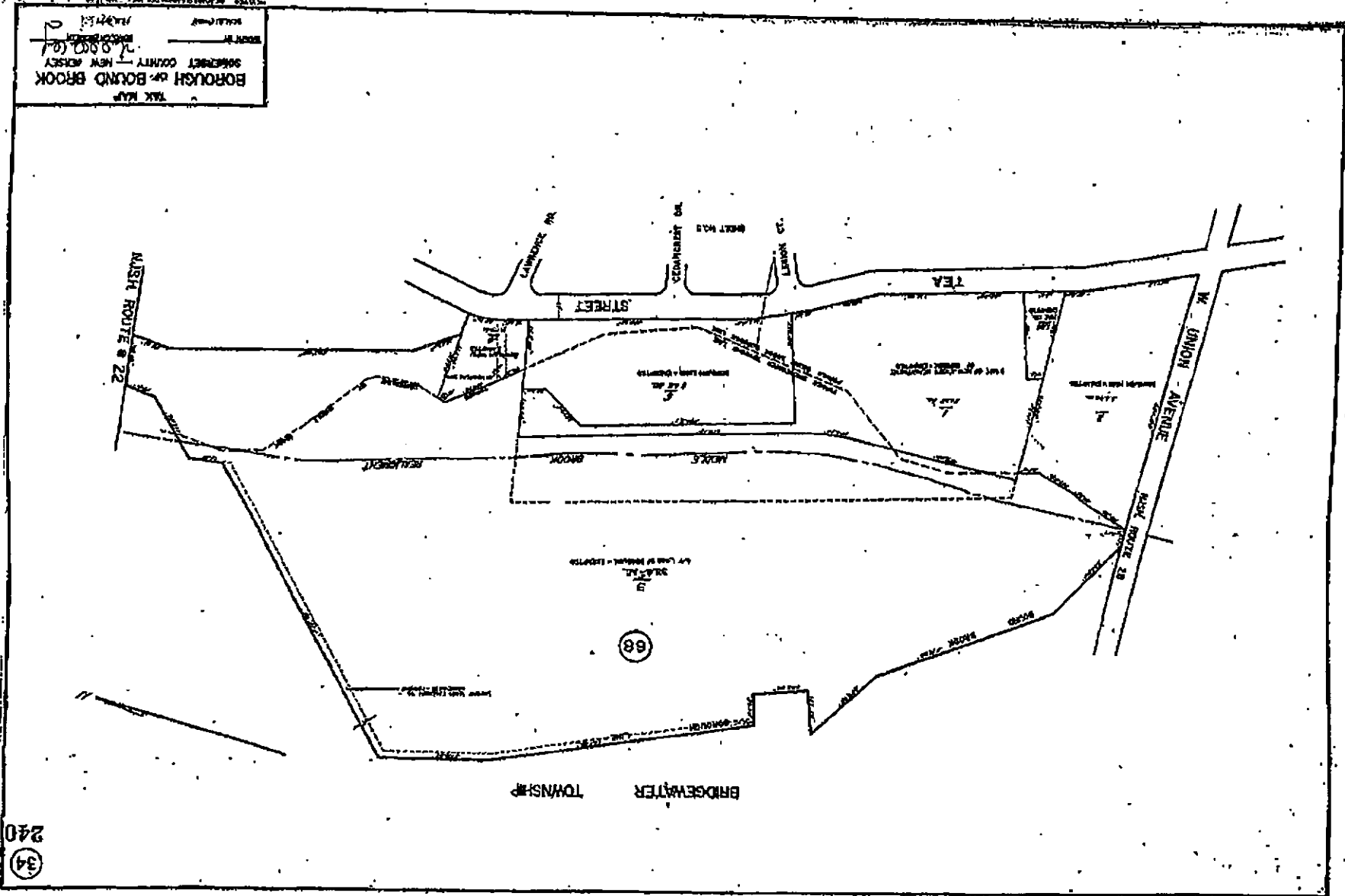
- J. "Tract" shall mean the entire area designated for redevelopment and all the lots that have been so designated. However, the Borough and the redeveloper may agree to exclude the lot on which the firehouse is located from the tract.

- K. "Tract Perimeter" shall mean the perimeter property line of the entire redevelopment area and shall not mean any internal roadways or internal subdivision lines.



REDEVELOPMENT AREA
RB/SR DISTRICT
BOND BROOK BOROUGH
SOMERSET COUNTY
NEW JERSEY

Prepared by
JOHN CLO. INC. ARCHITECTS, INC.
 22 West 14th Street, Somerville, New Jersey
 08876-1204, N.J.
 201.261.8000



240 (34)

O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-19-96 11:05am p. 1 of 14

PINTO, RODGERS & KOPF
COUNSELLORS AT LAW

HARRY J. PINTO, JR.
MICHAEL E. RODGERS
RODGER C. KOPF

ROBERT H. BARKUS
OF COUNSEL

*MEMBER N.J. & TENN. BARS
**MEMBER N.J., N.Y. & CAL. BARS

107 WASHINGTON STREET
MORRISTOWN, NEW JERSEY 07960
(201) 984-5800

FAX (201) 984-7631

December 18, 1996

By Fax

Members of the Bound Brook Planning Board
Scarlett Doyle, P.P.
John Cilo, Jr., P.E.

Re: Tea Street Redevelopment Project

Gentlemen:

I enclose a first draft of a resolution of approval of the above application. A revised version of this resolution will be submitted to the Board Thursday night and you will have a final opportunity to make changes at that time. However, I intend to make revisions to this draft tomorrow morning and submit the draft to Mr. Driver tomorrow afternoon. I would like to receive as many comments as possible before noon tomorrow so that I can include them in the draft I give to Mr. Driver.

I urge Scarlett Doyle and John Cilo to review this resolution especially carefully and to give me and/or the Board all the comments they can possibly think of. To a large degree, the Borough is relying on them to make this development the best in New Jersey and the comprehensiveness and clarity of this resolution is a critical step in that process.

This draft is being faxed to everyone for whom I have a fax number, and anyone not getting a copy should not take offense.

I will re fax the revised version of the resolution tomorrow afternoon.

Sincerely,

Michael E. Rodgers

MER/mr
Enc.

RESOLUTION

BOUND BROOK PLANNING BOARD

Applicant: Advance Realty Advisors, Inc.
(Tea Street Redevelopment
Project)

Location of Premises: Block 68, Lots 1.01, 2, 3,
4 and 5.

Present Zoning: RB/SR (Regional Business/
Senior Residential)

Date Resolution Approved
as to Substance: December 16, 1996

Date Approved as to Form: December 19, 1996

Relief Sought: Minor subdivision approval
and preliminary and final
site plan approval for a
shopping center

Be it resolved that the Planning Board of the Borough of Bound Brook makes the following findings and conclusions with respect to the above application:

PLANS AND REPORTS SUBMITTED BY APPLICANT:

1. Applicant submitted a set of plans all dated and last revised 10/18/96 except as indicated below consisting of 21 sheets numbered C-1 through C-17, I-1, W-1, C-7A and C-8A and labeled as follows:

- a. C-1 "Phase I Vicinity Plan"
- b. C-2 "Minor Subdivision Map"
- c. C-3 "Phase I Existing Conditions Plan"
- d. C-4 "Phase I Existing Conditions Plan"
- e. C-5 "Phase I Site Dimension Plan"
- f. C-6 "Phase I Site Dimension Plan"
- g. C-7 "Phase I Grading & Utilities Plan"
- h. C-8 "Phase I Grading & Utilities Plan"
- i. C-9 "Phase I Landscaping Plan"

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-15-95 11:27am p. 3 of 14

- j. C-10 "Phase I Landscaping Plan"
- k. C-11 "Phase I Site Lighting Plan"
- l. C-12 "Phase I Site Lighting Plan"
- m. C-13 "Phase I Soil Erosion & Sediment Control Plan"
- n. C-14 "Phase I Soil Erosion & Sediment Control Plan"
- o. C-15 "Phase I Construction Details"
- p. C-16 "Phase I Construction Details"
- q. C-17 "Phase I Construction Details"
- r. I-1 "N.J. State Highway Route 28 & Tea Street Intersection Improvements"
- s. W-1 "Wetlands Delineation Map" dated 5/15/96
- t. C-7A "Conceptual Phase I Grading & Utility Plan with Army Corps Berm"
- u. C-8A "Conceptual Phase I Grading & Utility Plan with Army Corps Berm"

2. A report entitled "Stormwater Management Plan, Tea Street Redevelopment Project, Phase I" prepared by Gladstone Design, Inc. dated October 21, 1996 which report includes a set of plans consisting of two sheets both dated 10/18/96 and not revised, number DA-1 and DA-2, and both entitled "Drainage Area Map."

3. A report entitled "Traffic Impact Analysis, Tea Street Re-development" dated September 23, 1996 prepared by Oracle Engineering, Inc. (per Kenneth E. Fears, P.E.)

4. A report entitled "Noise Study of Proposed Tea Street Redevelopment" prepared by Sandstone Environmental Associates, Inc. dated December 2, 1996.

5. A report entitled "Soils and Foundation Investigation, Proposed Retail Center" dated December 2, 1996 prepared by Mellick-Tully & Associates, P.C.

REPORTS SUBMITTED BY OR ON BEHALF OF BOARD:

- 1. [Alternatives for reconfiguration of Tea Street prepared by John Cilo, Jr.]

For: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-19-98 11:57am p. 4 of 14

2. Correspondence from the Board engineer, John Cilo, Jr. dated November 12, 1996.
3. Correspondence from the Board planner, Scarlett Doyle, P.E. dated December 9, 1996.

ADDITIONAL EXHIBITS RECEIVED DURING HEARING:

1. Exhibit A-1 - Brochure describing Advance properties.
2. Exhibit A-5 "Elevations/Facade".
3. Exhibit A-6 "Sign Rendering"
4. Exhibit A-7 "Proposed Route 28 Widening"
5. Exhibit A-8 "Berm Elevations"
6. Exhibit A-9 "Tea Street Facade/Elevation"
7. Exhibit B-1 a - Text of referendum placed before voters in 1992.
8. Exhibit B-1 b - Letter to Ron Fasanello, mayor, dated November 14, 1995 from Advance Realty Advisors, Inc. containing purchase offer.
9. Exhibit B-1 c - Borough council resolution 95-87 authorizing sale of the Tea Street property to Advance Realty Advisors, Inc.
10. Exhibit B-1 d - Borough council resolution/ordinance 96-7 placing "Tea Street property" in a redevelopment area.
11. Exhibit B-1 e - Borough council resolution 96-69 approving contract of sale to Advance Realty Advisors, Inc.
12. Exhibit B-1 f - Agreement of purchase and sale dated October 10, 1996 granting purchase option to Advance Realty Advisors, Inc.

WITNESSES APPEARING BEFORE BOARD:

1. Ronald a. Kennedy, P.E.
2. Kenneth E. Fears, P.E.
3. Thomas E. Tully, P.E.
4. Dr. Nancy Newman

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-18-98 11:07am p. 5 of 14

5. Various members of the public

FINDINGS OF FACT:

1. The Borough owns approximately 47.58 acres north of Route 28 and west of Tea Street which has been designated a "redevelopment" area. The Borough proposes to sell this entire tract to applicant. Applicant proposes that the existing lots be reconfigured into three lots as shown on sheet C-2, with said three proposed lots being sometimes referred to as Phase I, Phase II and Phase III. The contract between the Borough and applicant gives applicant the option to purchase each Phase separately. The application presently before the Board is for the development of Phase I, or proposed lot 1.01, which consists of 13.62 acres and is located in the northwesterly corner of the intersection of Tea Street and Route 28 between Tea Street and the Middle Brook.

2. The proposed development will consist of a large retail facility at the northerly end of the Phase I lot consisting of approximately 86,500 square feet, a smaller retail facility in the southwest corner of the lot consisting of approximately 15,000 square feet and a restaurant in the southeast corner of the lot consisting of approximately 3,200 square feet. The large building will be occupied primarily by a grocery store, and the 15,00 square foot building will be occupied by various retail establishments. The three buildings will share a parking lot containing approximately 465 spaces.

3. No variances are required by this application.

4. Applicant testified that truck traffic to the site as a result of deliveries will not exceed an average of 12 to 15 vehicles per day.

5. The height of the proposed buildings will be 24 to 26 feet for the main structure and 20 to 22 feet for the satellite retail structure.

6. Applicant's traffic expert testified that, with intersection modifications contemplated in connection with the development, traffic flow within the Borough will be improved notwithstanding the increased traffic resulting from this development. Applicant's traffic expert further testified that the proposed cul-de-sac on Tea Street discussed below will not significantly affect his analyses of Route 28, Thompson Avenue and Tea Street capacities and will add only minimal traffic to these streets.

7. Applicant's air quality and noise witness, Dr. Nancy Newman, testified that the proposed development will have no significant impact on air quality. She further testified that the maximum increase in noise will not exceed 5 decibels, that an

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-19-88 11:38am p. 8 of 14

increase of that magnitude will occur only at peak hours such as noon on Saturdays and that residents will not find the increased noise levels intrusive.

8. The Board planner, Scarlett Doyle, testified in favor of the location of the buildings on the property approximately as proposed and in favor of the site plan generally, subject to comments and suggestions the majority of which were adopted and are incorporated below.

9. The Board engineer found the project satisfactory from an engineering standpoint subject to comments which are incorporated below.

10. The Board has conducted nine evenings of hearings devoted to this application and has heard, in addition to the applicant's witnesses, the testimony of the Board planner, the Board engineer and many members of the public. The Board finds that, with the modifications and conditions imposed below, the proposed development will be consistent with good land use and engineering standards and the intent and purpose of the Borough land use plan, and the redevelopment district created for the Tea Street area.

APPROVAL AND CONDITIONS OF APPROVAL:

Applicant is hereby granted minor subdivision approval and preliminary and final site plan approval for the proposed development as set forth in the above-described application and related documents all as modified by and subject to the following conditions:

Easement for Stormwater Management.

1. The applicant shall grant to the Borough a right-of-way easement for stormwater management in accordance with the requirements of the Army Corps of Engineers. The easement shall be reflected on the revised site and subdivision plans submitted in accordance with this resolution, and a deed shall be submitted for approval to the Board engineer and Borough attorney.

2. Applicant shall provide an easement for construction equipment through the site for the purpose constructing a stormwater management facility by the Army Corps of Engineers, the County of Somerset or the Borough of Bound Brook. This construction easement should be shown on both the subdivision and site plans.

Architectural Design and Consistency.

3. All buildings on site shall incorporate the same overall design concept and function together as a complimentary

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-19-98 11:03am p. 7 of 14

package. This does not mean that they must look alike; it means, however, that they must appear to be part of the same design package.

4. All exterior walls of the buildings on the site will be constructed with brick and split block.

5. All buildings on the site shall utilize a peaked-roof motif.

6. All exposed columns shall be brick (not concrete or metallic).

7. All colors, including painted and unpainted surfaces, shall be subdued, coordinated earth tones (such as brown colored brick, a deep brown for visible portions of the roof, and deep green accent awnings).

8. Sign colors shall be consistent with the color scheme of the buildings and shall conform to the Borough ordinance. All proposed sign colors shall be acceptable to the Board planner.

9. All parts of the roof visible from Route 28, Tea Street or existing or proposed residential areas shall be constructed of a non-reflective material such as a granular material.

Cart Storage Areas.

10. Landscaping islands shall be installed in the cart storage areas in the parking lot. The details of these islands in terms of size, nature of plantings and other particulars shall be acceptable to the Board Planner.

11. There shall be no cart storage areas in the front of the main building. Storage of carts must be restricted to the side of the building as shown on the plan.

Lighting.

12. Applicant shall submit a revised lighting plan which shows point-to-point illumination patterns, a point-to-point analysis and the amount of light at the property line. The lighting plan shall conform to the recommended standards found in the New Jersey Pedestrian and Bicycling Guidelines. In addition, the lighting plan shall allow no increase in the ambient light at the property line as a result of this development and no spillage of light off the site. The details of the lighting plan shall be acceptable to the Board planner and engineer.

Light Stanchions.

13. All light stanchions within the parking lot shall be made of wood (or encased in wood) from the top of the base to the

For O'Bohannon, Esq., James G.

From: Michael E. Rodgers

12-19-98 11:18am p. 8 of 14

top of the stanchion.

HVAC System.

14. The HVAC units shall be skirted so that they are not visible from existing or proposed residences, or from Union Avenue or Tea Street. The portion of the units located on top of the main building shall be as far to the west as feasible, and in no event on the Tea Street half of the building. No compressor units shall be located on the roof or in areas where they will be visible from existing or proposed residences, Union Avenue or Tea Street.

15. Only the refrigeration condensers may be located on the roof, and they shall be baffled to minimize noise.

Prohibition of Outside Storage.

16. The loading area and balance of premises shall be kept in a clean and uncluttered condition at all times. There will be no outside storage of merchandise, palettes or waste materials; all food waste must be placed in tight, animal proof containers. All waste bins or containers must be kept in a waste bin area or enclosure specifically designated for that purpose that is shielded from the public, with the nature and location of same to be acceptable to the Board Planner. Waste bins or containers shall not be located outside the designated enclosures.

Parking Fire Lane.

17. The parking fire lane in the front of the facility shall be striped as such.

Outside Approvals to Which this Development is Subject.

18. This approval is subject to applicant obtaining the outside approvals listed below. If any significant changes to the plans are required by these approvals, the applicant must appear before the Board for a site plan amendment (see "Approval of Changes to Plans" below). The required approvals are as follows:

- a. New Jersey Department of Environmental Protection for sanitary sewer, stream encroachment and wetlands.
- b. New Jersey Department of Transportation for changes to Tea Street and Route 28.
- c. Somerset County Planning Board.
- d. The applicable sewerage treatment authority.
- e. The hydrant location is subject to approval by the

To: G'Donohue, Esq., James G.

From: Michael E. Rodgers

12-13-58 11:11am p. 5 of 14

Board engineer and the fire subcode official.

f. Borough Attorney confirmation that this site plan and subdivision approval are consistent with the contract between the applicant and the Borough.

g. Issuance of a building permit for the commencement of construction shall be subject to a landfill disturbance permit from the Department of Environmental Protection.

h. A certificate of occupancy shall be subject to issuance of satisfactory completion of a landfill closure plan by the New Jersey Department of Environmental Protection.

i. All other approvals required by law.

Right of Way for Road Widening.

19. Applicant shall dedicate to the Borough (on the site plan and the subdivision map) a 10-foot wide easement along the applicant's frontage on Route 28 for road widening purposes. This dedication shall not affect applicant's existing setback requirements.

Additional Traffic Studies.

20. Any application for development of Phase II or Phase III shall provide traffic studies showing the effects of Phase I on the Borough's road system.

Pedestrian Walkways and Crossings.

21. Pedestrian crossings shall be provided at all four crossings at the intersection of Tea Street and Route 28. An additional pedestrian crossing shall be provided crossing Tea Street near the front of the main building. A pedestrian walkway will be provided along the westerly side of Tea Street from Route 28 to the sidewalk adjacent to the front of the main building. A pedestrian walkway shall also be provided from the northwesterly intersection of Tea Street and Route 28 through the berm and directly to the fast food restaurant. A bituminous sidewalk shall be constructed along Route 28 from Tea Street west to the westerly end of the property line (subject to the approval of the Department of Transportation).

Street Trees Along Tea Street and Route 28.

22. Street trees shall be provided along Tea Street and all areas of Route 28 which require reconstruction or modification. These shade trees shall be 3" dbh and the species shall be red oaks (or similar) along the street and calary pear within the shopping center. Existing mature trees along the westerly side of Tea Street shall be retained wherever possible.

To: O'Donohue, Esq., Jesse G.

From: Michael E. Rodgers

12-19-98 11:12am p. 18 of 14

Detention Basin Liner.

23. Detail for the detention basin liner is subject to approval by the Board engineer.

Power Source at Receiving Bay.

24. An outside power source shall be provided for each receiving bay, and must be used by any trucks whose refrigeration units remain on for more than five minutes.

Berm Adjacent to Parking Area.

25. A berm having a height of at least 3 feet shall be provided along Tea Street where it faces the parking area. The berm shall be landscaped in such a manner as to maximize its potential to block light, block blowing trash and block pedestrians walking across the berm. The design of the berm and its landscaping plan shall be acceptable to the Board planner.

Building Wall Facing Tea Street.

26. The building wall facing Tea Street shall have no doors or windows except for exit doors required by applicable codes. The exit doors shall be for emergency exit only, and their exterior appearance shall make them aesthetically pleasing and consistent with the overall appearance of the building. The pads outside the doors shall not impair the berm or landscaping. The design and appearance of the doors shall be acceptable to the Board planner.

27. The building wall facing Tea Street shall be constructed of a sound absorbent and scattering material and texture acceptable to the Board planner.

Requirements During Construction.

28. During construction on the site, the following requirements shall apply:

a. The main staging area and access shall be within 200 feet from the intersection of Route 28 and Tea Street, and all construction vehicles must enter the site from Route 28 or from a point no further than 200 feet from the intersection of Route 28 and Tea Street to the extent possible.

b. There shall be no overnight storage of equipment or construction trailers closer than 150 feet from the property line along Tea Street except where such nearer storage is absolutely necessary (such as the overnight location of a crane which cannot be readily removed).

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-13-98 11:13am p. 11 of 14

Landscaping of Berm to East of Building.

29. Any berm associated with the cul-de-sac known as "alternate number 1" and the berm that will shield the loading dock and the easterly side of the main building shall be landscaped with dense conifers (such as blue spruce and hemlock-not white pine) and broadleaf, non-deciduous varieties (such as rhododendron). The landscaping shall include a mix of color and texture, but this mix must not sacrifice the intent of visual screening of the loading area and of the face of the wall along Tea Street.

Use of Parking Lot.

30. No portion of the parking lot shall be sublet or assigned to any specific user. Additionally, no portion of the parking lot shall be utilized for parking of vehicles that are not related to customer patronage.

Landscaping of Signs.

31. All signage on the premises shall have suitable landscaping at the base. This landscaping shall be acceptable to the Board planner.

Reconfiguration of Tea Street.

32. The approvals set forth in this resolution are contingent upon the reconfiguration of Tea Street to include a cul-de-sac substantially in accordance with alternative number 1 set forth in the set of alternatives prepared by John Cilo, Jr. Testimony was given at the hearing that applicant was in discussions with the Borough council regarding this cul-de-sac, that applicant agreed to the cul-de-sac and was willing to waive its right to access Tea Street through Cedar Crest Drive, that the council favored the cul-de-sac, and that implementation of the cul-de-sac by the Council was likely. In the event that applicant is unable to obtain the cul-de-sac of Tea Street in substantial accordance with alternative number 1, applicant shall return to this Board for adjustments to the site plan to compensate for the fact that the cul-de-sac is not implemented.

33. Signs shall be posted along Tea Street 30 days before the anticipated closure of Tea Street in the event that Tea Street is to be looped or made into a cul-de-sac.

34. In the event that there is ultimately a cul-de-sac of Tea Street, applicant shall provide appropriate signage to indicate that there is no outlet to this roadway. "No parking" signs shall be placed on areas of Tea Street where parking is restricted.

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-19-96 11:14am p. 12 of 14

Easement to Allow Senior Citizens Access.

35. Applicant shall dedicate to the Borough appropriate easements to allow access to Tea Street from Phase II (Lot 1.02) to the north of the shopping center development. This easement shall be reflected on both the subdivision and site plan maps, and its exact configuration shall be acceptable to the Board planner and engineer and municipal attorney. A metes-and-bounds description shall be submitted to the Board engineer and Borough attorney for approval.

Delivery Hours.

36. No deliveries shall be made to any of the establishments on the premises earlier than 6:00 a.m. or later than 10:00 p.m. This requirement is intended to be a minimum, and is subject to any more restrictive requirements that may be found in any applicable municipal, county or state regulation, whether now existing or hereafter adopted.

Curbing.

37. Curbing shall be concrete along Tea Street, in the loading dock area in back of the main building and in front of the main building in areas where pedestrians must step over the curbing to gain access to the sidewalk located adjacent to the front of the building. All other curbing on the site shall be Belgian block unless the requirement of Belgian block is waived by the Board planner for safety reasons, in which event curbing shall be as specified by the planner.

Northerly Entrance to Parking Lot.

38. The northerly entrance to the parking lot is presently shown as being located approximately opposite the front of the main building. This entrance shall be moved south approximately 100 feet with the exact location to be acceptable to the Board planner.

Engineering Comments Per John Cilo Letter of November 12, 1996.

39. The comments of John Cilo, Jr. set forth in his letter dated November 12, 1996 are hereby adopted in full, and that letter is hereby incorporated herein by reference, subject to the following modifications to the comments. To the extent any provisions in the Cilo letter are inconsistent with other requirements of this resolution, the terms of this resolution shall supersede and govern. All changes to the plans necessitated by compliance with the Cilo letter must be acceptable to the Board planner and engineer (see "Approval of Changes to Plans" below).

- a. With respect to comment no. 11 to sheet C-2, an

To: D'Donohue, Esq.; James G.

From: Michael E. Rodgers

12-19-96 11:15am p. 13 of 14

additional sheet shall be provided, if requested by the engineer, if information removed from sheet C-2 is necessary for other purposes.

b. With respect to sheet C-5, comment no. 9 is moot as the access is being reconfigured.

c. With respect to sheet C-5 comment no. 10, appropriate screening of the trash enclosure should also be shown.

d. With respect to sheet C-7 comment no. 10, hydrant locations must be approved by the Borough fire subcode official.

e. The planting schedule referenced in comment no. 1 to sheet C-9 is subject to the approval of the Board planner.

f. With respect to sheet C-13 comment no. 2, applicant shall be permitted access to the rear of the main building if the construction of the building blocks access from the main access point.

g. With respect to sheet C-16 comment no. 9, Borough fire subcode official shall be substituted for fire department.

h. With respect to the coordination requirements, an exception may be made to the restriction on deliveries in paragraph 1a where special conditions necessitate deliveries at off hours.

i. With respect comment no. 5 under coordination requirements, the landscaper's guarantee shall be in addition to and not in lieu of the obligation of the owner of the premises to maintain the premises, including landscaping, in good condition in perpetuity.

j. With respect condition 10 to coordination requirements, the plan shall be submitted to the municipal engineer and the Board engineer.

Approval of Changes to Plans.

40. All changes made to the plans now before the Board in order to comply with this resolution, to comply with the conditions of outside approvals required by this resolution, or for any other reason must be acceptable to the Board planner and the Board engineer. When, in the opinion of the Board planner, Board engineer, Borough construction code official, Board Chairman, Board vice chairman or any three regular members of the Board, a change to the plans is significant, that change shall be submitted to the Board for approval. In the event of a dispute between applicant and officials named above, the decision of the officials shall govern, provided, however, that the applicant may

To: O'Donohue, Esq., James G.

From: Michael E. Rodgers

12-19-98 11:18am p. 14 of 14

present any such dispute to this Board for resolution upon appropriate application therefore.

Final Plans.

41. Revised plans conforming to this resolution shall be submitted to the Board for execution by the Board engineer and Board chairman within 90 days of the approval of this resolution as to form unless the 90-day deadline is extended in writing by the Board chairman. As built plans shall be submitted to the Board for signature by the Board chairman and engineer confirming their accuracy prior to issuance of a certificate of occupancy. The Board engineer shall not sign the plans until he is satisfied that they are acceptable to the Board planner and otherwise fully comply with this resolution and, in the case of as built plans, with the actual site conditions.

Other.

42. As a condition of a certificate of occupancy, applicant shall pay its fair share of off track road improvements in accordance with any applicable program in place at that time.

43. Construction details shall be reviewed and approved by the Borough Engineer the Board Engineer and the Borough construction official prior to issuance of building permits.

44. Prior to issuance of building permits applicants shall post appropriate performance guaranties and inspection fees in an amount determined by the ___? engineer.

45. All real estate taxes, escrow and inspection fees and required deposits therefore must be paid and maintained as current, and no building permits or certificates of occupancy shall be issued if property taxes, escrow fees or required deposits therefore are not current.

46. The approval granted by this resolution and development pursuant to this approval is subject to compliance at all times with all applicable federal, state, county and municipal law and regulation including, without limitation, all environmental, building and property maintenance codes. The development constructed pursuant to these approvals shall be maintained in good condition and kept in compliance with this approval in perpetuity.

Date:

BOARD CHAIRMAN

Date:

BOARD SECRETARY