Final Agenda
July 13, 2021
Revised July 13, 2021

Borough of BOUND BROOK New Jersey

BOROUGH COUNCIL
REGULAR MEETING AGENDA
July 13, 2021 AT 7:00 P.M.

CALL TO ORDER
This meeting is being held in compliance with the Open Public Meeting Law in that the requirements of the law have been met with the posting of the meeting notice on the Municipal Bulletin Board, filed with the Borough Clerk and forwarded to The Courier News and The Star Ledger.

PLEDGE OF ALLEGIANCE

OPENING PRAYER

ROLL CALL

Mayor Robert Fazen
Council President Abel Gomez
C. Jake Hardin
C. Richard Jannuzzi
C. Brad Galeta
C. Vinnie Petti
C. Anthony Pranzatelli

APPROVAL OF MINUTES

June 22, 2021 Regular Meeting

Motion: Second:

Roll Call:

C. Abel Gomez___ C. Jake Hardin___ C. Richard Jannuzzi___

C. Brad Galeta____ C. Vinnie Petti___ C. Anthony Pranzatelli___

Borough of BOUND BROOK New Jersey

ADVERTISED HEARING OR SPECIAL PRESENTATION

Covid-19 Update

NJ DEP Green Acres Stewardship Program for Installation of Trails at North Park

Sewer Referendum Background and Bid

PRESENTATION OF COMMUNICATIONS, PETITIONS, ETC.

GREETINGS FOR COMMENTS AND INVITATIONS FOR DISCUSSION

OPENING OF BIDS

INTRODUCTION OF ORDINANCES – FIRST READING

Ordinance 2021-020 Ordinance Amending and Supplementing Chapter 3, Police Regulations, of the General Revised Ordinances of the Borough of Bound Brook to Create Section 3-32, Peace and Good Order

Motion: Movant: I move the ordinance be passed on first reading, advertised according to law and a public hearing be held on July 27, 2021.

Second:

Roll Call:

C. Abel Gomez___	C. Jake Hardin___	C. Richard Jannuzzi___
C. Brad Galeta____	C. Vinnie Petti___	C. Anthony Pranzatelli___

ORDINANCE ON FINAL READING AND CONSIDERATION- SECOND READING

Ordinance 2021-017 Ordinance of the Borough of Bound Brook Prohibiting the Operation of Any Class of Cannabis Business Within Its Geographical Boundaries and Amending Chapter 21 of the Revised General Ordinances of the Borough of Bound Brook

Motion to open public comment: Second:
Public Comment:
Motion to close public comment: Second:

Borough of BOUND BROOK New Jersey

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second: Discussion:

Roll Call:

C. Abel Gomez___ C. Jake Hardin___ C. Richard Jannuzzi___
C. Brad Galeta____ C. Vinnie Petti___ C. Anthony Pranzatelli___

Ordinance 2021-018 An Ordinance of the Municipal Council of the Borough of Bound Brook Adopting an Amended Redevelopment Plan for Redevelopment Area 2 Pursuant to N.J.S.A. 40A:12A-1 et seq. which will Supersede and Replace the Current Redevelopment Plan for Redevelopment Area 2

Motion to open public comment: Second:
Public Comment:
Motion to close public comment: Second:

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second: Discussion:

Roll Call:

C. Abel Gomez___ C. Jake Hardin___ C. Richard Jannuzzi___
C. Brad Galeta____ C. Vinnie Petti___ C. Anthony Pranzatelli___

Ordinance 2021-019 Ordinance of the Borough of Bound Brook, in the County of Somerset, New Jersey, Approving an Agreement of Sale Between the Borough and New Jersey American Water Company, Inc. for the Sale of the Borough's Wastewater System and Authorizing a Proposal to be Printed on the Ballot for Consideration by the Voters within the Brough at the General Election on November 2, 2021 Providing for the Sale of the Borough's Wastewater System to New Jersey American Water Company, Inc

Motion to open public comment: Second:
Public Comment:
Motion to close public comment: Second:

Borough of BOUND BROOK New Jersey

Motion: Movant: I move the ordinance be passed on second reading and advertised according to law.

Second: Discussion:

Roll Call:

C. Abel Gomez___ C. Jake Hardin___ C. Richard Jannuzzi___
C. Brad Galeta____ C. Vinnie Petti___ C. Anthony Pranzatelli___

INTRODUCTION/DISCUSSION OF RESOLUTIONS

The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

If separate discussion is desired, the resolution may be removed by council action.

Motion: Second: Discussion: All in Favor:

2021-136 Resolution Memorializing Confirmation of Acceptance of Ronald Demarco's NJ State Firemen's Association Application for Membership to the Bound Brook Fire Department Watchung Fire Company No. 3

2021-137 Award Contract to Revax Construction for 2020 Road Improvement Program

2021-138 Award of Contract to T&M Associates for the Design of the 2021 Road Program

2021-139 Resolution Approving and Authorizing Execution of a Parking Space Sublease Agreement with Meridia 300 Urban Renewal Bound Brook, LLC for Parking Spaces on New Jersey Transit Parking Lot Located in the Downtown Redevelopment Area

2021-140 Resolution Approving and Authorizing Execution of a Parking Space Sublease Agreement with Meridia Bound Brook 1 Urban Renewal, LLC for Parking Spaces on New Jersey Transit Parking Lot Located in the Downtown Redevelopment Area

2021-141 Resolution Approving the Second Amendment to the Redevelopment Agreement Between Meridia 300 Urban Renewal Bound Brook, LLC for Properties Located in the Downtown Redevelopment Area

2021-142 Chapter 159, Body Warn Camera, in the Amount of $50,950.00

Borough of BOUND BROOK New Jersey

2021-143 Chapter 159, Clean Community, in the Amount of $16,939.34

2021-144 Chapter 159, Municipal Alliance, in the Amount of $5,017.98

2021-145 Chapter 159, Body Armor USDA in the Amount of $ 24,200.00

2021-146 Chapter 159, Transportation Alternative Program $839,000.00

2021-147 Resolution Authorizing Participation in Electronic Tax Sale Program

2021-148 Resolution Authorizing a $25.00 Fee Per Tax Sale Notice Sent in Conjunction with Electronic Tax Sale

2021-149 Resolution Authorizing Grant Submission to the New Jersey Department of Environmental Protection, Green Acres Program for the North Park Project to Install Trails and Remove Invasive Plant Species

UNFINISHED BUSINESS

NEW BUSINESS

APPROVAL OF VOUCHERS

2021-150 Resolution Approving Vouchers in the Amount of $1,109,691.83

Motion: Second:

Roll Call:

C. Abel Gomez___ C. Jake Hardin___ C. Richard Jannuzzi___
C. Brad Galeta____ C. Vinnie Petti___ C. Anthony Pranzatelli___

OPEN TO THE PUBLIC FOR COMMENT

AUTHORIZE EXECUTIVE SESSION

2021-151 Resolution Authorizing Executive Session

Motion: Second: All in favor:

ADJOURNMENT
Motion: Second: All in favor:

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021-020

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, POLICE REGULATIONS, OF THE GENERAL REVISED ORDINANCES OF THE BOROUGH OF BOUND BROOK TO CREATE SECTION 3-32, PEACE AND GOOD ORDER

WHEREAS, there is a recognition that noise pollution detrimentally affects the health, well-being, rest and repose of the residents of the Borough of Bound Brook and the overall peace and good order of the within community; and

WHEREAS, excessive noise is a serious hazard to the public health, welfare, safety and the quality of life; and

WHEREAS, a substantial body of science and technology exists by which excessive noise may be substantially abated; and

WHEREAS, the residents of Bound Brook have a right to, and should be ensured of, an environment free from excessive, unreasonable and unnecessary noise; and

WHEREAS, protecting the Borough of Bound Brook's residents from unreasonable and unnecessary noises that may jeopardize their health, welfare, or safety, and will enhance their quality of life; and

WHEREAS, the council in conjunction with the Mayor of the Borough of Bound Brook believe the ability to regulate noise pollution, and unreasonable and unnecessary noises for so many residents within the Borough of Bound Brook will preserve the peace and order within same.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF BOUND BROOK:

SECTION 1. 3-32, Peace and Good Order

The Borough of Bound Brook hereby establishes a nuisance ordinance which shall maintain order and preserve peace within its borders.

I. Definitions.

"Borough" unless otherwise identified shall solely mean the Borough of Bound Brook.
"Emergency" is defined as any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
"Emergency Work" is defined as any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

"Motorcycle" is defined as in the Motor Vehicle Code of the state. An unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including but not limited to motor scooters and minibikes.
"Motor Vehicle" is defined as in the Motor Vehicle Code of the state. Any vehicle which is propelled or drawn on land by a motor, such as but not limited to passenger cars, trucks, truck-trailers, semitrailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

"Noise" is defined as a sound, especially one that is loud or unpleasant or that causes disturbance.

"Noise disturbance" is defined as any sound which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person or normal sensitivities, or endangers or injures personal or real property.

"Person" is defined as an individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state or federal agency not associated with national defense.

"Real property boundary" is defined as any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property division.

II. Prohibited Conduct

A. Repairing, rebuilding, modifying or testing any motor vehicle, a motorcycle or motorboat in such a manner as to cause an unreasonable and unnecessary noise disturbance across a residential real property boundary or within a noise-sensitive zone between the hours of 10:00 p.m. and 7:00 a.m.

B. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to create an unreasonable and unnecessary noise disturbance across a real property boundary.

C. Using or operating for any noncommercial purpose any loudspeaker, public-address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day such that the sound therefrom creates an unreasonable and unnecessary noise disturbance across a residential real property boundary.

D. No person shall, within the limits of the Borough, fire or discharge any fire cracker, torpedo or firework of any kind, provided, however, that at any time the Fire Official may upon written application give permission for the display and discharge of fireworks at a time and place to be specified and under the direction of a person to be named in the written permit issued by the Fire Official.

E. The sounding of any horn or signaling device on any automobile, motorcycle, bus or any other vehicle on any street or public place, except as a danger warning; the creation by means of any horn or signaling device of any unreasonably loud or harsh noise; the sounding of any said horn or signaling device for any unnecessary and unreasonable period of time; the use of said horn or signaling device when traffic is for any reason held up; or the use of any horn, whistle or device operated by engine exhaust.

III. Exceptions

A. The provisions of this chapter shall not apply to the emission of sound or noise for the purpose of alerting persons to the existence of any emergency or the emission of sound or noise in the performance of emergency work.

B. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building or in the open air by any Board of Education or Borough organized or sponsored program, activity or event, or by any other public program, activity or event, provided, however, that prior approval therefor has been obtained from the Borough.

C. Special Nuisance Variances.

i. The Borough Council shall have the authority, consistent with this section, to grant special nuisance variance, which may be requested pursuant to Section 1.

ii. Special nuisance variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of noise or activity for which the special variance was granted.

iii. Application for extension of time limits specified in special nuisance variances or for modification of other substantial conditions shall be treated like applications for initial special nuisance variances.

D. Variances for time to comply.

i. Within thirty (30) days following the effective date of this chapter, the owner of any commercial or industrial source of noise may apply to the Council for a variance in time to comply with Section 1. The Mayor and Council shall have authority, consistent with this section, to grant a variance, not to exceed ninety (90) days from the effective date of this chapter.

ii. Any person seeking a variance in time to comply shall file an application with the Borough Council. The application shall contain information which demonstrates that bringing the source of noise or activity for which the variance is sought into compliance with this chapter prior to the date requested in the application would constitute an unreasonable hardship on

the applicant, on the community or on other persons. (Notice of an application for a variance in time to comply shall be published according to jurisdictional procedure.) Any individual who claims to be adversely affected by allowance of the variance in time to comply may file a statement with the Mayor and Council containing any information to support his claim. If the Mayor and Council finds that a sufficient controversy exists regarding an application, a public hearing may be held.

iii. In determining whether to grant or deny the application, the Mayor and Council shall balance the hardship to the applicant, the community and other persons of not granting the variance in time to comply against the adverse impact on health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impacts of granting the variance. Applicants for variances in time to comply and persons contesting variances may be required to submit any information the Mayor and Council may reasonably require. In granting or denying an application, the Mayor and Council shall place on public file a copy of the decision and reasons for denying or granting the variance in time to comply.

iv. Variances in time to comply shall be granted to the applicant containing all necessary conditions including a schedule for achieving compliance. The variance in time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person holding it to those provisions of this chapter for which the variance was granted.

E. Appeals of an adverse decision of the Mayor and Council shall be made to the Municipal Court.

SECTION 2. Manner of giving notice.

Notice required by the provisions of this chapter shall be in writing and shall be given to all of the persons affected by it. Notice shall be served personally upon the person affected or by leaving a copy at his/her usual or last known place of abode or by mailing it to him/her at his/her usual or last known place of abode. Where the notice relates to any premises, a duplicate of it shall be left with one or more of the tenants or occupants. If the owner of the premises in question cannot be notified speedily, notice may be given by leaving it with one of the tenants or occupants or by posting it in a conspicuous place on the premises.

SECTION 3. Violations and Penalties

Any person who shall violate any provision under this chapter, shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 2C:33-12 and N.J.S.A. 2C:33-12(a) and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

SECTION 4. Repeal of Previous Ordinance.

All ordinances or part of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase hereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon passage, publication and approval according to law.

_____ By: _____

Jasmine D. Mathis
Borough Clerk

Mayor Robert Fazen

Date of Introduction: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021-017

ORDINANCE OF THE BOROUGH OF BOUND BROOK PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BOUND BROOK

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, consisting of:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 3 of the Act defines a "cannabis establishment" as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"); and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, the Economic Development Committee of the Borough of Bound Brook has expressed its intention to evaluate and, if the Committee so determines, modify as necessary the Master Plan of the Borough of Bound Brook in the County of Somerset, New Jersey, to permit Class 1, Class 2, Class 4, Class 5 and Class 6 cannabis marketplace licensed businesses to establish business residence and operate within the jurisdiction of the Borough of Bound Brook; and

WHEREAS, the Economic Development Committee of the Borough of Bound Brook shall have until and including **August 1, 2021**, to put forth a plan to the Mayor and Borough Council regarding determination as to whether, and potentially how, Class 1, Class 2, Class 4, Class 5 and Class 6 cannabis marketplace licensed businesses may establish business residence and operate within the jurisdiction of the Borough of Bound Brook; and

WHEREAS, upon the Economic Development Committee of the Borough of Bound Brook's determination as to whether, and potentially how, Class 1, Class 2, Class 4, Class 5 and Class 6 cannabis marketplace licensed businesses may establish business residence and operate within the jurisdiction of the Borough of Bound Brook, "§ 21-10.27 Cannabis establishments, distributors and delivery services prohibited", established and codified by this Ordinance 2021-09, may be repealed, revoked, supplemented, or otherwise modified as necessary; and

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Bound Brook in the County of Somerset, State of New Jersey, as follows:

SECTION 1: Chapter 21, Land Use, Section 21.2 Definitions, of The Revised General Ordinances of the Borough of Bound Brook, 2006 is hereby amended and supplemented by inserting the text **underlined and marked in bold** to read as follows and be codified aphetically:

§ 21-2 Definitions.

As used in this chapter:

"Cannabis" means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

"Cannabis cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis delivery service" means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

"Cannabis distributor" means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

"Cannabis establishment" means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

"Cannabis manufacturer" means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis retailer" means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

"Cannabis wholesaler" means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

SECTION 2: Chapter 21, Land Use, Chapter 10, Zoning Regulations, of The Revised General Ordinances of the Borough of Bound Brook, 2006, is hereby supplemented by adding § 21-10.27, the text of which is **underlined and marked in bold**, to read as follows:

§ 21-10.27 Cannabis establishments, distributors and delivery services prohibited.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Bound Brook, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Borough of Bound Brook.

SECTION 3: REPEAL OF INCONSISTENT PROVISIONS

Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 4: SEVERABILITY

In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect in accordance with the law.

SECTION 6: CODIFICATION

This ordinance shall be a part of the Code of Borough of Bound Brook as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code.

_____ By: _____

Jasmine D. Mathis
Borough Clerk

Mayor Robert Fazen

Date of Introduction: June 22, 2021
Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021-018

AN ORDINANCE OF THE GOVERNING BODY OF THE BOROUGH OF BOUND BROOK ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 2 PURSUANT TO N.J.S.A. 40A:12A-1ET SEQ. WHICH WILL SUPERCEDE AND REPLACE THE CURRENT REDEVELOPMENT PLAN FOR REDEVELOPMENT AREA 2

BE IT ORDAINED by the Borough Council of the Borough of Bound Brook, in the County of Somerset and State of New Jersey, as follows:

SECTION I Pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), the Bound Brook Borough Council ("Borough Council"), by a Resolution adopted in February 2000, determined that a significant portion of the Borough of Bound Brook including its downtown was an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6 (the "Redevelopment Area").

SECTION II Subsequently, the Redevelopment Area was divided into two (2) parts, known as Redevelopment Area 1 (the eastern portion) and Redevelopment Area 2 (the western portion).

SECTION III On February 17, 2000, the Borough Council adopted a Redevelopment Plan for Redevelopment Areas 1 and 2.

SECTION IV In November 2009, the Borough Council adopted an amendment to the Redevelopment Plan creating a separate redevelopment plan for Redevelopment Area 2 (the "Redevelopment Plan").

SECTION V On August 11, 2015, the Borough Council adopted an ordinance amending the Redevelopment Plan, which was prepared by Carlos Rodrigues, FAICP/PP and subsequently adopted amendments to the Redevelopment Plan in 2018 and 2019.

SECTION VI The Borough Planning Board adopted the 2017 Master Plan Reexamination report which it prepared concluding that it would be advantageous to reconcile and streamline the development standards applicable to the various subareas, and specifically for sub-areas 2.4 and 2.5, the plans for these sub-areas should be closely examined to determine whether changes are required to attract reinvestment.

SECTION VII At the Borough's direction as a result of the 2017 Master Plan Reexamination report noted in Section VI above, further amendments to the Redevelopment Plan have been prepared by Carlos Rodrigues, FAICP/PP, and are attached

hereto and made part of this Ordinance in a document entitled "Amended Redevelopment Plan - Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3, dated June 2021" (the "2021 Amended Redevelopment Plan").

SECTION VIII Upon introduction of this Ordinance, the 2021 Amended Redevelopment Plan shall be referred to the Borough Planning Board (the "Planning Board") for its review and consideration pursuant to N.J.S.A. 40A:12A-7.e.

Section IX Prior to the adoption of the 2021 Amended Redevelopment Plan, the Planning Board shall, within 45 days after referral by the Borough Council, transmit to the Borough Council, a report containing its recommendations concerning the 2021 Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.e.

SECTION X Upon receipt of the Planning Board's recommendation, the Borough Council may act upon this Ordinance regarding the 2021 Amended Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.f.

SECTION XI The Borough Council hereby adopts the Amended Redevelopment Plan - Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3, dated June 2021.

SECTION XII Upon adoption of this Ordinance, the Amended Redevelopment Plan - Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3 shall include the date of adoption of this Ordinance.

SECTION XIII This Ordinance shall take effect after publication in accordance with applicable law.

_____ By: _____

Jasmine D. Mathis
Borough Clerk

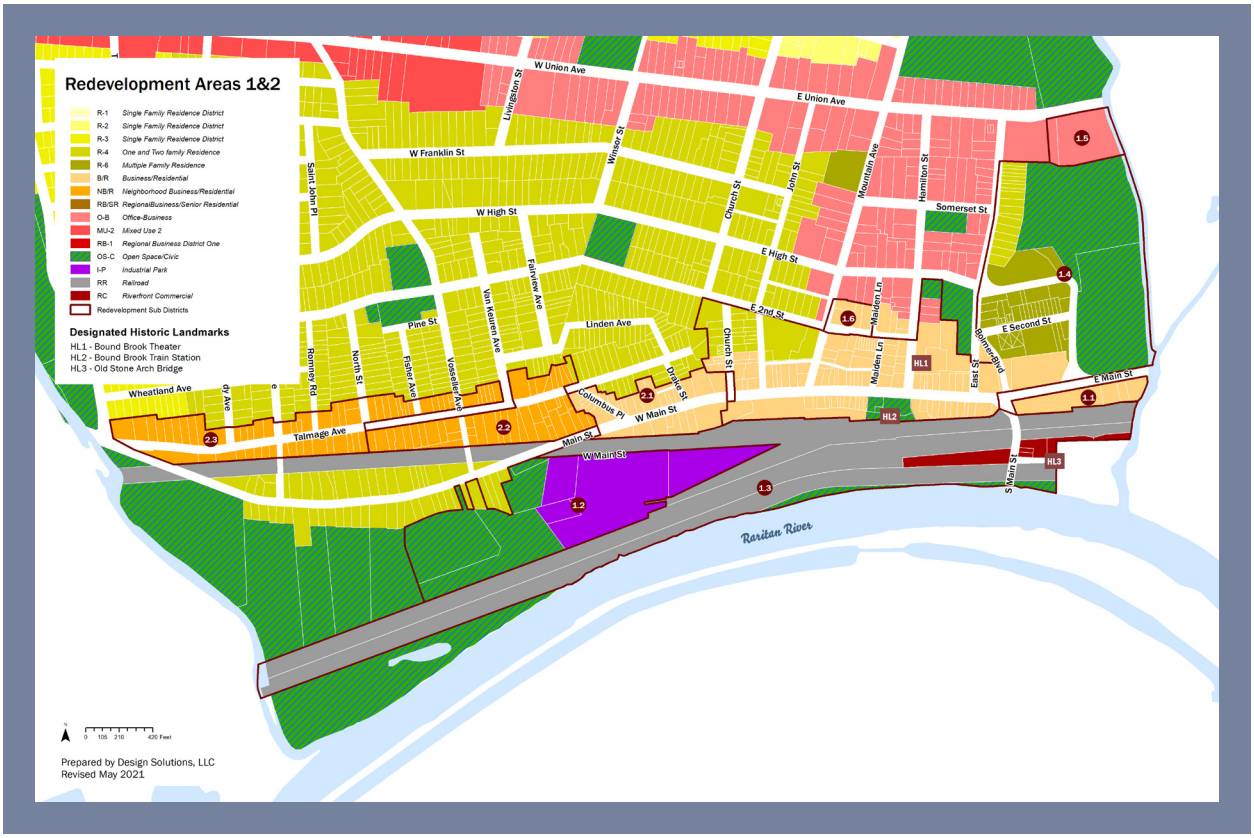
Mayor Robert Fazen

Date of Introduction: June 22, 2021
Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK, NEW JERSEY

– AMENDED – REDEVELOPMENT PLAN

Redevelopment Area 2: Sub-Areas 2.1, 2.2 and 2.3



Prepared for: Borough of Bound Brook
Prepared by: Carlos Rodrigues, PP / FAICP
Adopted: June ____, 2021

The original of this report was signed and sealed on June 7, 2021 in accordance with Chapter 41 of Title 13 of the New Jersey State Board of Professional Planners.

Carlos Rodrigues, PP / FAICP
New Jersey Professional Planner # 5107

Design Solutions for a Crowded Planet, LLC

CREDITS

Governing Body:	Robert Fazen, Mayor Brad Galetta Abel Gomez Jake Hardin Richard Jannuzzi Vinnie Petti Anthony Pranzatelli
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1.0 INTRODUCTION

1.1 The 2021 Amendments to the Redevelopment Plan for Area 2

This report amends certain portions of the Amended Redevelopment Plan for Area 2, prepared by Richard Preiss, PP / AICP of Phillips Preiss Shapiro and adopted by the Borough in September of 2009, as well as subsequent miscellaneous amendments, prepared by Carlos Rodrigues PP / FAICP, adopted by the Borough in 2015, 2018 and 2019.

The 2015 amendments were needed to address discrepancies between the 2009 Amended Redevelopment Plan and the Downtown Urban Design Plan, adopted by the Borough's Planning Board in January of 2011 as an element of the Borough's Master Plan, as well as discrepancies with the revised land development regulations for the B-R district, which underlays a portion of Redevelopment Area 2, and which were adopted by the Borough in August of 2014.

The 2015 and subsequent amendments were largely confined to provisions affecting the then sub-areas 2.1, 2.2 and 2.3, the eastern-most sections of Redevelopment Area 2, located closest to Main Street and to the Bound Brook train station.

Certain other provisions of the 2009 Plan, which were applicable to all sub-districts, were also amended in 2015 with respect to those three sub-districts.

Other sections of the 2009 Amended Redevelopment Plan – namely the sections dealing with the then Existing Conditions and Housing Analysis – are dated and have been removed from this Amended Redevelopment Plan.

The current amendments affect primarily the former sub-areas 2.4, 2.5 and 2.6. These amendments are now needed to resolve discrepancies with certain provisions of the 2017 Master Plan Reexamination Report, 2019 Land Use Plan Element of the Borough's Master Plan, and 2019 Master Plan Reexamination Report. These documents recommended taking a second look at the 3 westernmost sub-areas, and that is precisely what this amended Redevelopment Plan seeks to address.

The Amended Redevelopment Plan eliminates the overly complicated and unjustifiable division of Area 2 into six sub-areas, and compresses these into three sub-areas, thereby considerably simplifying and streamlining the framework for plan implementation and reducing the likelihood of redevelopment projects straddling several sub-areas with differing regulations, a situation that has needlessly complicated project development and review.

1.2 Scope and Structure of the Report

The remainder of this report is divided into ten (10) sections. Section 2 provides background information, including a short description of previous redevelopment efforts in Bound Brook, the approach utilized in the originally adopted Redevelopment Plan for Area 2, the requirements for the 2009 amended plan as set forth in the Consent Decree with the US Department of Justice, the rationale for the 2009 amendments to the boundaries of Area 2, and the rationale for the new sub-area boundaries set forth in the 2021 amendments.

Section 3 sets forth the Amended Redevelopment Plan's overall vision, as well as its goals and objectives.

Section 4 describes the Land Use Plan, including permitted and prohibited uses, building types, bulk, area and yard standards for each sub-area.

Section 5 contains design standards and guidelines for redevelopment, rehabilitation and infill development for the three designated sub-areas, including building standards, and other site-related design requirements, such as signage, green design, streetscape design, landscaping, utilities and infrastructure.

Section 6 addresses various actions under the Amended Redevelopment Plan, such as properties to be acquired and not to be acquired, new construction, relocation and phasing issues.

Section 7 discusses the Amended Redevelopment Plan's consistency with local, county and state plans.

The remaining sections of the report discuss definitions, easements, site plan and other approvals required, non-discrimination provisions, escrows, infrastructure, duration of the plan and other provisions such as how deviations or amendments to the Plan should be handled.

2.0 BACKGROUND INFORMATION ON THE AMENDED REDEVELOPMENT PLAN FOR AREA 2

The Borough of Bound Brook designated a significant area in the southern portion of the Borough as an "Area in Need of Redevelopment" on February 17 of 2000. The area encompassed by the original designation is shown in Figure 1. The Borough's designation was prepared in response to the widespread destruction caused by flooding from Hurricane Floyd in late 1999.

The basis for the "area in need" designation can be found in a report entitled "Area in Need of Redevelopment, December 1999," prepared by John Cilo, Jr. Associates, Inc. That report recommended that the entire area shown in Figure 1 be designated as an Area in Need of Redevelopment in accordance with the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.).

The Bound Brook Planning Board held two public hearings on the matter, on December 8, 1999 and on January 26, 2000, when it passed a resolution recommending that the governing body designate the entire area under study as an "area in need of redevelopment." Bound Brook Borough Council subsequently designated the entire study area as an area in need of redevelopment.

Later in 2000 the Borough adopted Redevelopment Plans encompassing the entire area designated for redevelopment. Two distinct sub-areas were identified – Redevelopment Area 1 and Redevelopment Area 2 (see Figure 1). Redevelopment Area 1 was characterized as being an "historic area" where the emphasis would be on "revitalization," whereas the emphasis in Redevelopment Area 2 would be "redevelopment."

The designation and the Plan indicate that the boundaries of the two Redevelopment Areas were dictated by the properties most affected by the 1999 flood. The stated goal of such a large Redevelopment Area was to maximize available Federal, State, and County recovery assistance for the largest number of Bound Brook residents. The Plan indicated that "a majority of the owners in the Redevelopment Area would receive assistance enabling them to make improvements to their properties".

The allowable land uses, types and densities provided for in the originally adopted Redevelopment Plan for Area 2 were extremely permissive. Lacking any type of land use specificity, it provided the designated redeveloper with an enormous amount of discretion

as to where redevelopment (demolition and reconstruction) could occur, and what type and density of development would be permissible. While some mention was made of the need and/or desire to also rehabilitate substandard structures due to the large area encompassed by Area 2, the lack of specificity of where rehabilitation versus demolition and reconstruction was to be focused, coupled with the permissive use and bulk standards meant that virtually all properties within Area 2 could be demolished, cleared and completely redeveloped.

It should be mentioned that Redevelopment Area 2 was designated prior to the 2016 amendment to the New Jersey Redevelopment and Housing Law (N.J.S.A. 40A:12A et seq) that created the possibility of "non-condemnation" redevelopment areas. As such, Redevelopment Area 2 continues to be a condemnation redevelopment area, as originally designated, although the Borough has not, to date, exercised the power of eminent domain on any properties in Redevelopment Area 2.

The originally designated Redevelopment Area 2 contained significant areas and neighborhoods that were, in fact, in relatively good condition, and therefore not suitable for wholesale redevelopment, while others could be remediated by rehabilitation alone, or by a combination of selective redevelopment and rehabilitation. As such, a more community-sensitive and socioeconomically responsible Redevelopment Plan was required, one that was also more realistic and feasible and provided a greater level of specificity and focus.

Between 2000 and 2008 the planning and development activity focused on Area 1. In this downtown area, the redevelopment consultant, "Growth Strategies," led a focused initiative, directing redevelopment projects away from areas which were politically and legally sensitive, and worked to identify vacant lots appropriate for redevelopment. They also prepared market feasibility analysis to generate a realistic framework for redevelopment along and near Main Street. The underlying principles and goals of the Redevelopment Plan for Area 1 are similar to those for Area 2, and as such, the analysis, concept plans and recommendations for Area 1 provided a suitable framework for amending the Redevelopment Plan for Area 2.

Subsequent to the designation of ABB as redeveloper of Area 2, the US Department of Justice (USDOJ) brought a civil rights lawsuit against the Borough. This litigation was ultimately resolved when the Borough entered into a Consent Decree with the USDOJ. The Consent Decree required, among other things, that the Borough prepare and adopt an Amended Redevelopment Plan for Area 2.

In 2008, the Borough retained Phillips Preiss Shapiro Associates, Inc. to prepare an amended plan for Area 2. Based upon further analysis of the original area in need designation, the Planning Board agreed that Area 2 should be substantially diminished in size (see Figure

2). The Planning Board recognized that it was critical to direct new, viable redevelopment to strategic sites in Area 2 without running the risk of displacing sensitive segments of the population, and to rehabilitate other parts of the Redevelopment Area, leaving the residents in place rather than displacing them.

In July of 2009, the Bound Brook Planning Board approved the revised Redevelopment Area 2 boundaries in an effort to create a more realistic, less costly and less disruptive scenario for redevelopment.

In addition to the changes in size and configuration of Area 2, the 2009 Amended Redevelopment Plan called for a different approach to redevelopment in Area 2, with a shift towards rehabilitation versus demolition in certain locations. In addition, the 2009 Amended Redevelopment Plan also set forth changes in land uses, bulk, area and density requirements and design guidelines.

In 2014, the USDOJ determined that the Borough had followed through on all its obligations under the Consent Decree and it was therefore no longer necessary for the Borough to be subject to USDOJ oversight.

While considerably smaller in size, the post-2009 Redevelopment Area 2 is still diverse, with a mix of residential, mixed-use, and commercial properties located on either side of Columbus Place and Talmage Avenue and to the north of the NJ Transit Railroad tracks as shown in Figures 2 and 3.

It should be mentioned that Hurricane Floyd – the basis for the original redevelopment designation – was just the latest incident in a long history of significant flood events affecting downtown Bound Brook and the Talmage Avenue corridor.

The U.S. Army Corps of Engineers (USACE) began studying the Green Brook flooding issues in 1955; a final report was completed in May 1997. Construction funding was provided in October 1997. Construction of the first element of the project began in 2000, with the demolition and construction of a new bridge across the Bound Brook, at the western gateway into Bound Brook. Between 2000 and 2006, two levees were built in the Borough, on the western and eastern edges of the Green Brook.

As a result, the flooding issues have now largely been addressed. The USACE project was designed to provide protection from a 150-year flood event. Flood control protection is now in place on either side of the downtown, with a system of levees, flood walls, flood gates, pumping stations and designated “over topping” areas. The previously flood-impacted

areas have been removed from FEMA and NJDEP flood hazard area maps. Those properties no longer require flood insurance and structures on those properties no longer need to be elevated.

Completion of the flood control project has helped restore investor confidence in the downtown and in the Talmage Avenue corridor and provide a substantive basis for redevelopment efforts. The flood control project significantly expanded the realm of (re) development possibilities, thus allowing development in areas once considered flood-prone and off-limits.

The intent of the 2009 Plan for Redevelopment Area 2 was to encourage targeted new development and significant residential rehabilitation in that section of the Borough to both improve the quality of life for the current residents and business owners, as well as to enhance the overall image of the Borough. The Plan sought to allow redevelopment that is not incompatible with the scale of the surrounding, established stable neighborhoods and complements the existing residential and commercial sector of the community. It also sought to complement and build upon other planning initiatives and development activity in the Borough, including new development within Redevelopment Area 1.

Based on this more focused approach, Redevelopment Area 2 was sub-divided into six sub-areas, each with their own distinct land use/occupancy characteristics. Each sub-area required a different development strategy based on the existing built character conditions and population. For example, wholesale redevelopment was considered appropriate for some sub-areas given market opportunities, while rehabilitation of existing residential structures was considered more appropriate in other sub-areas given the presence of protected populations.

However, the 2009 Redevelopment Plan neglected to take into consideration the fact that all the properties along the South side of Talmage Avenue have no residential neighbors to the rear, where the NJ Transit right-of-way is located. As such, redevelopment of these properties does not create any issues for residential neighbors, and taller buildings can be justified.

In addition, the 2009 Redevelopment Plan contained provisions for the Western end of Talmage that were simply not appropriate for the area, given the limited parcel sizes and the surrounding land use context.

The Amended Redevelopment Area 2 is generally bounded by properties fronting on Talmage Avenue to the north, Church Street to the east, West Main Street / NJ Transit railroad tracks to the south and Tea Street to the west. There are a total of 130 separate tax lots within the area. Table 1 lists the Blocks/Lots included in Redevelopment Area 2.

As previously mentioned, the 2009 Amended Redevelopment Plan defined six "sub-areas" within Area 2. Those six sub-areas have been found to no longer be justifiable or desirable from a planning perspective, and as such have been compressed into three sub-areas, as follows:

- Sub-Area 1: Both sides of West Main Street and Columbus Place, from the intersection with Church Street and abutting the NJ Transit right-of-way to the South.
- Sub-Area 2: Both sides of Talmage Avenue to the intersection with Van Keuren Avenue, and just the South side of Talmage Avenue, to the intersection of North Street, with the NJ Transit right-of-way to the South.
- Sub-Area 3: North side of Talmage Avenue from Van Keuren Avenue to Tea Street, and South side of Talmage Avenue from North Street to Tea Street, with the NJ Transit right-of-way to the South.

The boundaries of these sub-areas were based loosely primarily on an analysis of lot sizes, as well as proximity to the train station, and existing land uses and building types. A description of the three sub-areas and the rationale for their establishment is provided below.

Table 1: Redevelopment Area 2 — Blocks/Lots

Block	Lot
1	38, 38.01, 39, 39.01, 40, 41, 42
3	1, 1.01, 3, 3.01, 4, 5, 6
4	1, 1.01, 2, 2.01, 3, 4, 5, 6, 7, 8, 8.01, 8.02, 9, 10, 11, 12, 13, 14, 15, 16, 16.01, 17
5	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 18.01, 19, 20, 21, 22, 23, 24, 25, 26, 27
6	1, 2, 3, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
7	27, 28, 29
15	1, 14, 15, 16, 17, 18, 19, 20, 21, 22
16	7, 7.01, 8, 9, 9.01
17	7, 8, 9, 10
18	14, 15, 16, 17
19	13, 14, 15, 15.01, 16, 17, 18, 19
20	13, 14, 15, 16, 17, 18
21	16, 17, 17.01, 18, 19, 20
23	3.01, 34, 35, 36, 37, 38, 39, 40, 41

Sub-Area 2.1: West Main Street / NJ Transit Right-of-Way / Columbus Place

Church Street defines the eastern-most boundary of Redevelopment Area 1. West Main Street terminates at the NJ Transit railroad tracks. Sub-Area 2.1 includes both sides of West Main Street and of Columbus Place. The South side of West Main Street forms a triangle that becomes increasingly shallow as it approaches the terminus of West Main Street and the NJ Transit right-of-way.

Redevelopment of individual lots at the end of West Main Street – most of which have frontages of less than 50 feet – may pose challenges and require lot assemblage. On the other hand, this whole sub-area is in the B-R zoning district and is subject to the same development regulations as parcels fronting directly on Main Street. It is also a short walk from the NJ Transit train station and downtown retail and services. The lots on the South side of West Main Street back onto the NJ Transit right-of-way, and therefore have no residential neighbors.

The lots on the north side of West Main Street are connected to Talmage Avenue by Columbus Place. Columbus Place is located at an oblique angle to West Main Street, and therefore creates irregularly-shaped lots where it intersects with Talmage Avenue and West Main Street.

Because of its proximity to the downtown retail core, and the poor condition of existing structures, targeted mixed-use redevelopment within the area is considered both feasible and appropriate as an extension of the downtown.

In addition, a building located at the intersection of Main Street and Columbus Place – where the Downtown Urban Design Plan calls for a second roundabout – has the potential to function as a visual gateway into downtown Bound Brook, coming from the West. Indeed, a 1.3 acre project called Talmage Commons received site plan approval in 2008 for a U-shaped, 5-story building at this location with ground floor parking, liner retail and services facing Talmage, and 152 upper-level residential units. This project was never constructed, but a mixed-use retail and multi-family residential project – also called Talmage Commons – which included additional parcels to the West, received site plan approval in 2019, but has not yet been built.

Sub-Area 2.2: Talmage Avenue from Columbus Place to North Street

This sub-area includes the lots on the South side of Talmage Avenue, from the boundary with sub-area 2.1 to North Street; and the lots on the North side of Talmage Avenue from Van Keuren Avenue to the eastern edge of the redevelopment area.

The lots on the South side of Talmage, some of which are quite deep, abut the NJ Transit right-of-way, and therefore have no residential neighbors. The challenge there has to do with very

limited lot frontages, with some lots measuring only 30 to 40 feet in width – which suggests that land assembly is likely required – and with potential soil contamination due to the proximity to the railroad tracks.

The lots on the North side of Talmage, on the other hand, do have residential neighbors behind, in the R-4 district, and therefore should be treated differently, although since they are relatively deep – quite a few have lot depths in excess of 170 feet – an appropriate transition can likely be achieved.

This sub-area also includes the grade crossing of the NJ Transit right-of-way at Vosseller Avenue, which provides one of two points of access to the West Main Street neighborhood, on the South side of the tracks.

The residential buildings that currently front on Talmage Avenue are relatively consistent in scale and density – they are generally two story buildings built in the early 1900s. Many are two-family buildings, but there are also commercial uses on the ground floor.

All of Talmage Avenue, including this stretch, is a bit scruffy and could certainly use a face lift. The electric utility poles on the South side of the street were insensitively located and compromise the full use of the sidewalk. There is also a conspicuous absence of shade trees and other greening features, resulting in a fairly bleak streetscape. Any efforts at redevelopment should seek to address these conditions.

The blocks on the South side of Talmage potentially present significant redevelopment opportunities – they are relatively long (only interrupted by Vosseller Avenue and its grade crossing) and most parcels have over 150 feet in depth.

The whole sub-area is located within a short walking distance of the train station and the core downtown area. These lots can realistically be assembled to create larger redevelopment parcels with good access and visibility to the downtown. The location directly adjacent to the railroad track is similar to Redevelopment Sub-Area 1.1, where the first Meridia building was developed. Higher-density, taller mixed-use structures would act as a visual and noise buffer from the railroad tracks for the neighborhood to the North.

The lots on the North side of Talmage, as previously mentioned, have residential neighbors behind, a condition that must be factored in to ensure sensitive redevelopment.

Only a relatively small area to the South of Talmage and closest to Columbus Place is included in the B-R zoning. The rest of sub-area 2.2 is included in the NB/R zoning designation, which is too restrictive for this location.

Sub-Area 2.3: Talmage from Van Keuren (North side) and North Street (South side) to Tea Street

This sub-area presents greater challenges to redevelopment, and it may well be that a combination of selective rehabilitation and redevelopment is most appropriate.

The parcels on the South side of Talmage are quite shallow, in particular West of Lamonte Avenue, although they become deeper East of North Street. Many parcels have 50 feet or less of frontage. Land assembly will likely be required for any significant redevelopment to occur. The parcels on the North side of Talmage are less shallow (most are over 150 feet in depth, with 50+ feet of frontage), but they have residential neighbors behind. However the greater lot depth should allow for sensitive options in transitioning to the adjoining neighborhood.

This stretch of Talmage Avenue constitutes an important gateway into the Borough, coming from Bridgewater, and therefore deserves to be carefully considered.

This sub-area also includes the grade crossing of the NJ Transit right-of-way at Lamonte Avenue, which provides access to the West Main Street neighborhood South of the tracks.

Similar to Sub-Area 2.2, this stretch of Talmage Avenue is unattractive and looks neglected. It has the same issues with the electric utility poles on the sidewalk on the South side of the street, and the lack of street trees and landscaping. A comprehensive streetscape and landscaping approach is required to improve the image of this sub-area.

The entire sub-area is also currently included in the NB-R zoning designation, which is considered too restrictive for the location.

3.0 VISION, GOALS AND OBJECTIVES

3.1 Overall Vision of a Transformed Corridor

The Amended Redevelopment Plan for Area 2 envisions that this area of Bound Brook – which is essentially a mixed-use corridor, sandwiched between the railroad tracks and the residential neighborhood to the North – will be transformed from being a derelict, stagnant and underutilized area to a thriving, stable and revived asset to the residential community to the North and to the Borough as a whole, with taller buildings closer to the downtown, tapering down towards the Western end of the corridor.

The overall vision for the Eastern section is to provide an extension to the existing downtown, currently undergoing targeted redevelopment around the train station in Redevelopment Area 1, while the Western section transitions to a more residential neighborhood model.

The areas closest to Area 1 – along West Main (west of Church Street), Columbus Place and the blocks of Talmage East of Van Keuren Avenue – can function as an extension (of sorts) of the downtown, providing for both mixed-use retail/residential and higher-density, transit-oriented residential development. Sub-Area 2.1 has the same exact zoning as the rest of the downtown (B-R zoning). Sub-Area 2.2 should also be subject to the B-R zoning, with a reduced scale in terms of building height. Sub-Area 2.3, located at the Western end of Talmage Avenue, can also accommodate a wide range of uses, within a reduced building height.

It should be noted that although there is limited residential development South of Talmage – only the small West Main Street neighborhood – there are fairly dense single-family, two-family and townhouse neighborhoods immediately to the North of Talmage. This means that for those populations, it would be extremely convenient to have an expanded range of goods and services available within a short walking distance, as an alternative to the goods and services available on either Union Avenue or in the downtown, both of which are located at greater distances.

This Amended Redevelopment Plan aims to reinforce the character of Talmage Avenue as a major gateway into the Borough, by allowing taller buildings and encouraging a more continuous street wall. The Talmage Avenue corridor is an appropriate location for additional multi-family housing, along with ground floor retail, and even upper story offices and other uses. The scruffy nature of the corridor calls for more substantial buildings that can help underwrite the investments in infrastructure and streetscaping that are needed to improve the image of the corridor.

As such, the Amended Redevelopment Plan encourages development of a wide range of uses that will extend, strengthen the character of and complement Bound Brook's downtown, as well as serve and help revitalize the residential neighborhoods to the North and South of the Talmage Avenue corridor.

The plan provides for new higher- and moderate-density residential development, without compromising the light and air of the established residential neighborhoods to the North, as well as rehabilitation of existing buildings, where justifiable.

Redevelopment Area 1 includes the train station (the transit gateway) and the eastern vehicular and pedestrian gateway into Bound Brook, at South Main Street. But there are two opportunities to create new gateway features in Area 2.

The Western end of Area 2 is seen as a potential trail head location and possible visitor center for patrons of a planned future trail on a greenway to be located on top of the USACE levees, as well as on unused right-of-way owned by CSX railroad and lands owned by New Jersey American Water; while the Eastern-most section of Area 2 offers the opportunity to create a more formal gateway leading into the downtown, with a roundabout, as shown on the Downtown Urban Design Plan, or some other distinctive urban design feature.

The scale of new development should respect its surroundings, while also injecting a fresh visual approach and a new vitality and energy. By encouraging selective infill projects and rehabilitation throughout Redevelopment Area 2, the redevelopment plan is sensitive to community needs and seeks to improve the overall image of the neighborhood and of the Borough as a whole.

3.2 Redevelopment Goals and Objectives

Taking into account Bound Brook's existing conditions (built character and real estate market realities), the Redevelopment Plan for Area 2 seeks to achieve the following objectives:

- Provide for viable, short-term (re)development opportunities as well as longer-term projects.
- Provide for a mix of higher-density residential, community-oriented commercial, civic, recreational and community activities near the downtown.
- Provide for the eventual replacement of space-constrained, low value-added commercial and industrial uses adjacent to the railroad tracks with transit- and downtown-supportive higher-density, multi-story residential and mixed-use development.

- Significantly enhance the image and quality of architecture, the streetscape and the public realm along the Talmage Avenue and West Main Street corridors.
- Respect the built character of the single-family and two-family neighborhoods located to the North of West Main Street and Talmage Avenue and create incentives to upgrade those properties.
- Provide functional, high-quality public and private open space, where appropriate, and access to a future greenway and nature preserve South of the NJ Transit Raritan Valley line.
- Encourage additional higher-density and pedestrian-friendly residential and mixed-use developments within walking distance of the train station.
- Create new visually striking gateways into town and into the downtown, and a coherent and continuous or near continuous building wall along Talmage Avenue.
- Functionally link new development with the neighborhoods to the North, the preserved lands to the South and the downtown, to the East.
- Encourage and facilitate the environmental cleanup, remediation and replacement of contaminated buildings and lots located closest to the railroad tracks.

4.0 LAND USE PLAN

4.1 Overview

This Land Use Plan provides the use and bulk requirements for the entire Plan Area. The entire Talmage Avenue corridor has unmet potential for improvement, not just in terms of its image but also in terms of the goods and services it can offer to existing residential neighbors.

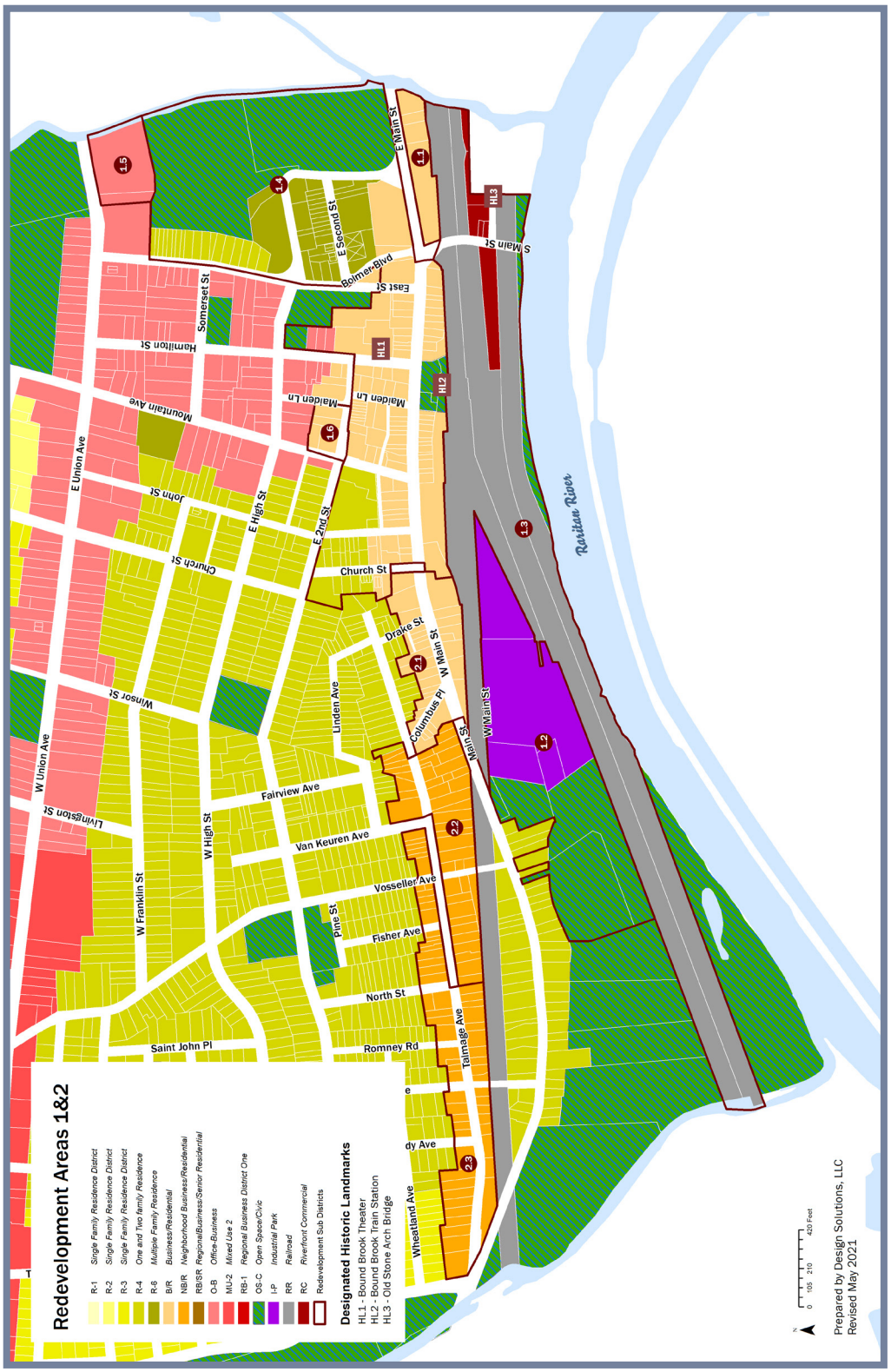
The Land Use Plan recognizes that the corridor need not have a uniform scale or look, and that the sites located in the Eastern half of Area 2 are the most desirable sites for more intensive redevelopment, because they are located closer to the train station – the core of downtown Bound Brook – and to other amenities in Area 1, and because they are generally larger-sized lots that can more easily be assembled to create redevelopment sites for larger projects.

However, that is not to say that there are no opportunities to improve the Western half of the Talmage Avenue corridor, just that redevelopment in that area is likely to face more challenges.

Building heights within the Eastern half of Area 2 should complement development elsewhere in the downtown area. Building height is measured from the average elevation of the finished grade of the building to the top of the roof surface for mansard and flat roofs, or to the vertical mid-point between the base of the roof and the ridgeline for peaked roofs. Parapet walls, balcony railings, and decorative cornices are not included for the purposes of determining building height, provided such elements do not exceed four feet in height. Rooftop structures such as stair towers, elevator towers, water tanks, antennae, HVAC equipment, and other roof appurtenances are also not included for the purposes of determining building height provided these devices are set back from the building facade by a distance equal to their height or are concealed by a parapet wall.

In the event of any conflict or inconsistency between the provisions of this Amended Redevelopment Plan and the provisions of the Borough's Land Development Regulations, the regulations in this Plan shall govern, unless otherwise specifically noted.

Existing uses that are non-conforming with the zoning provisions found in this Amended Redevelopment Plan will remain nonconforming. Any modification or expansion of these prior non-conforming uses is prohibited and any new uses, redevelopment or rehabilitation of such properties shall be subject to the provisions of this Plan.


Redevelopment Areas 1&2
R-1 Single Family Residence District
R-2 Single Family Residence District
R-3 Single Family Residence District
R-4 One and Two family Residence
R-8 Multiple Family Residence
B/R Business/Residential
NB/R Neighborhood Business/Residential
RB/SR Regional/Business/Senior Residential
O-B Office-Business
MU-2 Mixed Use 2
RB-1 Regional Business District One
OS-C Open Space/Civic
I-P Industrial Park
RR Railroad
RC Riverfront Commercial
Redevelopment Sub Districts
Designated Historic Landmarks
HL1 - Bound Brook Theater
HL2 - Bound Brook Train Station
HL3 - Old Stone Arch Bridge
Raritan River
E Main St
S Main St
Bolmer Blvd
East St
E Second St
Somerset St
Hamilton St
Mountain Ave
Malden Ln
E Union Ave
John St
Church St
E High St
E 2nd St
Church St
Drake St
W Main St
Columbus Pl
Linden Ave
Winsor St
W Union Ave
Livingston St
W High St
W Franklin St
Fairview Ave
Van Keuren Ave
Vosseller Ave
Pine St
Fisher Ave
North St
Saint John Pl
Romney Rd
Talmage Ave
Wheatland Ave
Prepared by Design Solutions, LLC
Revised May 2021

SUB-AREA 2.1 | LAND USE PLAN

4.2 Amended Redevelopment Plan For Sub-Area 2.1 – Land Use Plan

4.2.1 Objectives

The Redevelopment Plan for Sub-area 2.1 has the following objectives:

a. Implement the relevant recommendations of the Bound Brook Downtown Urban Design Plan.

b. Reinforce the character and enhance the image of the western gateway into the downtown, including the image of the area closer to the railroad right-of-way.

c. Encourage creative architectural design and development that creates a fresh look, promotes economic revitalization and is consistent with the design goals and objectives for the Downtown.

d. Provide ample sidewalks that encourage pedestrian circulation and public interaction and provide space for active outdoor uses by businesses (cafes, displays, etc) and the public.

e. Provide high-quality pedestrian access to downtown amenities, services and transit.

f. Maintain a continuous or near continuous street wall.

g. Encourage active ground floor uses, such as retail and services, in order to serve the needs of the surrounding neighborhoods, promote economic development, create a lively street atmosphere, improve the pedestrian experience and encourage further residential growth.

h. Prevent surface parking lots directly abutting streets, which have negative visual impacts, detract from a pedestrian-friendly environment, reduce overall market value of properties, and are inconsistent with the goals and objectives of the Downtown Urban Design Plan.

i. Pursue a parking strategy focused on encouraging shared-use parking agreements among private property owners and between the Borough and private property owners to create a strategically located parking supply. This requires efficient parking standards and a range of options for fulfilling parking requirements.

SUB-AREA 2.1 | LAND USE PLAN

j. A minimum of fifty percent (50%) of new vehicular parking – except tandem parking – must be made available for use by the general public, for a fee, which fee shall not exceed fees for use of municipal parking lots in accordance with Chapter 7, specifically 7-40.1 of the Revised General Ordinances of the Borough, between 7AM and 7PM, and may not be restricted to building tenants. Building owners may make more than fifty percent (50%) of said parking available to the general public. At least 10% of parking spaces must be equipped with charging stations for electric or hybrid vehicles.

4.2.2 Permitted Uses

In Sub-area 2.1 only those principal, accessory and conditional uses authorized in the underlying Business-Residential (B-R) zoning district are permitted – see 21.10.15 Figures 2 and 3 – with some adjustments: nightclubs, professional and medical offices, clubs, lodges and fraternal organizations, houses of worship and educational facilities are permitted on ground floors. Ground floor retail uses are not required on West Main Street West of the intersection with Columbus Place.

4.2.3 Prohibited Uses

Any uses not explicitly permitted in 4.2.2 above are prohibited.

4.2.4 Permitted Building Types

In Sub-area 2.1, only those building types authorized in the B-R district (see sections 21-10.15.E and 21-10.15.H of the Borough's Land Use Regulations) shall be permitted. All building types may include parking in the building, provided a minimum of fifty percent (50%) of such parking is open to the general public between 7AM and 7PM, for a fee, which fee shall not exceed fees for use of municipal parking lots in accordance with Chapter 7, specifically 7-40.1 of the Revised General Ordinances of the Borough, and not restricted to the use of tenants, and provided it is not visible from the public right-of-way and it is separated from Main Street and Columbus Place by liner uses such as retail or services. Ground floor liner uses are not required on West Main Street West of the intersection with Columbus Place.

4.2.5 Prohibited Building Types

Any building types not explicitly permitted in 4.2.4 above are prohibited.

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4.2.6 Bulk Standards

Any project in Sub-area 2.1 shall comply with the relevant bulk standards adopted for the underlying (B-R) zoning district. However, projects in Sub-area 2.1 are not subject to certain requirements of Section 21-10.15.E – Main Street District Place Character Standards – of the Borough's Land Use Regulations:

a. Exemption from the requirements of Section 21-10.15.E.5 (b) and (c): Maximum building height is set at six (6) stories or 70 feet. Building step backs are not required for properties fronting West Main Street, given Main Street's East/West orientation, the width of the Main Street right-of-way, and the resulting ratios of building height to street width. A minimum step back of ten (10) feet is required for properties fronting on Columbus Place. For parcels located on the North side of Columbus Place, maximum building height is set at three (3) stories, and a building step back may be required in the rear of the building. Since all lots on the North side of Columbus Place abut the R-4 zone, they shall observe a minimum rear yard setback, and possibly a step back in the rear of the building, such that the proposed structure does not deprive any inhabited residential structure of reasonable light and air or cast undue shadows on the lot itself. The redeveloper shall present shadow studies to substantiate that these provisions are satisfied.

b. Exemption from the requirements of Section 21-10.15.E.7 (b): The minimum front yard building setback from the West Main Street curb line, East of Columbus Place, is twenty (20) feet. The minimum front yard setback from the Columbus Place curb line is fifteen (15) feet; and the minimum front yard setback from the West Main Street curb line (West of Columbus Place) is ten (10) feet. The minimum front yard setback for buildings fronting on Drake Street and Church Street is also ten (10) feet. Greater front yard setbacks are permissible, and encouraged, for buildings with ground floor restaurants or cafes, where outdoor dining is desired, as well as buildings with ground floor activities that would benefit from outdoor displays. The front yard for corner lots shall be defined as the side where the front door to the building is located. Through lots – lots with frontage on two parallel streets – shall treat both sides as front yards.

SUB-AREA 2.1 | LAND USE PLAN

c. Exemption from the requirements of Section 21-10.15.E.8 (b): Side yard setbacks are permitted, even if they do not abut a residential zone, when justifiable in light of the existing conditions on the neighboring property. There is no minimum side yard setback. Side yards, if accessible to either the general public or the tenants, shall be treated as usable open space and shall be appropriately landscaped and provided with pedestrian-scale lighting.

d. Exemption from the requirements of Section 21-10.15.E.9 (a): Parcels abutting a railroad right-of-way shall have a five-foot minimum rear yard setback. Buildings abutting the railroad right-of-way shall have triple-glazed windows facing the tracks, or windows equipped with other sound deadening devices. Lots that abut the R-4 zone shall observe a minimum rear yard setback such that the proposed structure does not deprive any inhabited residential structure of reasonable light and air, or casts undue shadows on the lot itself. The redeveloper shall present shadow studies to substantiate that this provision is satisfied.

The Land Use Board may grant exceptions from the standards referenced in this section when an applicant provides compelling evidence of special circumstances or presents a better design solution, consistent with the intent of the adopted Downtown Urban Design Plan and Land Use Element of the Borough's Master Plan.

SUB-AREA 2.2 | LAND USE PLAN

4.3 Amended Redevelopment Plan For Sub-Area 2.2 – Land Use Plan

4.3.1 Objectives

The Redevelopment Plan for Sub-area 2.2 has the following objectives:

a. Enhance the image of the Talmage Avenue corridor, with interesting architecture and carefully curated streetscaping.

b. Encourage creative architectural design and development that creates a fresh look, promotes economic revitalization and is respectful of the adjacent residential neighborhood to the North of Talmage Avenue.

c. Provide ample sidewalks that encourage pedestrian circulation and public interaction and provide space for active outdoor uses by businesses (cafes, displays, etc) and the public.

d. Provide high-quality pedestrian access to downtown amenities, services and transit.

e. Maintain a continuous or near continuous street wall.

f. Encourage active ground floor uses, such as retail and services, in order to serve the needs of the adjacent neighborhood, promote economic development, create a lively street atmosphere, improve the pedestrian experience and encourage further residential growth.

g. Avoid surface parking lots directly abutting streets, which have negative visual impacts, detract from a pedestrian-friendly environment, and reduce overall market value of properties.

h. Pursue a parking strategy focused on encouraging shared-use parking agreements among private property owners and between the Borough and private property owners to create a strategically located parking supply. This requires efficient parking standards and a range of options for fulfilling parking requirements.

SUB-AREA 2.2 | LAND USE PLAN

4.3.2 Permitted Uses

In Sub-area 2.2 only those principal, accessory and conditional uses authorized in the Business-Residential (B-R) zoning district are permitted – see 21.10.15 Figures 2 and 3, with some adjustments: residential, nightclubs (only on parcels on the South side of Talmage Avenue), professional and medical offices, clubs, lodges and fraternal organizations, houses of worship, medical / dental laboratories and educational facilities are permitted on ground floors.

4.3.3 Prohibited Uses

Any uses not explicitly permitted in 4.3.2 above are prohibited.

4.3.4 Permitted Building Types

In Sub-area 2.2, only those building types authorized in the B-R district (see Sections 21-10.15.E and 21-10.15.H of the Borough's Land Development Regulations) shall be permitted, with the addition of apartment buildings, live/work, townhouses, commercial office buildings and "maker spaces". All building types may include ground floor parking in the building, provided it is not visible from the public right-of-way and it is separated from Talmage Avenue by liner uses such as retail, services or other active uses.

4.3.5 Prohibited Building Types

Any building types not explicitly permitted in 4.3.4 above are prohibited.

4.3.6 Bulk Standards

Any project in Sub-area 2.2 shall comply with the relevant bulk standards adopted for the (B-R) zoning district. However, projects in Sub-area 2.2 are not subject to certain requirements of Section 21-10.15.E – Main Street District Place Character Standards – of the Borough's Land Use Regulations:

e. Exemption from the requirements of Section 21-10.15.E.5 (b) and (c): For parcels located on the South side of Talmage, the maximum building height is four (4) stories, with a minimum twenty (20) foot front step back, at level three. For parcels located on the North side of Talmage Avenue, maximum building height is set at three (3) stories, and a building step back may be required in the rear of the building. Since all lots on the North

SUB-AREA 2.2 | LAND USE PLAN

side of Talmage Avenue abut the R-4 zone, they shall observe a minimum rear yard setback, and possibly a step back in the rear of the building, such that the proposed structure does not deprive any inhabited residential structure of reasonable light and air or cast undue shadows on the lot itself. The redeveloper shall present shadow studies to substantiate that these provisions are satisfied.

f. Exemption from the requirements of Section 21-10.15.E.7 (b): The minimum front yard setback from the Talmage Avenue curb line is fifteen (15) feet. Greater front yard setbacks are permissible, and encouraged, for buildings with ground floor restaurants or cafes, where outdoor dining is desired, as well as buildings with ground floor activities that would benefit from outdoor displays. The minimum front yard set back for lots facing side streets is ten (10) feet from the curb line. The front yard for corner lots shall be defined as the side where the front door to the building is located. Through lots – lots with frontage on two parallel streets – shall treat both sides as front yards.

g. Exemption from the requirements of Section 21-10.15.E.8 (b): Side yard setbacks are permitted, and may be required, even if they do not abut a residential zone, when justifiable in light of the existing conditions on the neighboring property. There is no minimum side yard setback. Side yards, if accessible to either the general public or the tenants, shall be treated as usable open space and shall be appropriately landscaped and provided with pedestrian-scale lighting.

h. Exemption from the requirements of Section 21-10.15.E.9 (a): Parcels abutting a railroad right-of-way shall have a five-foot minimum rear yard setback. Buildings abutting the railroad right-of-way shall have triple-glazed windows facing the tracks, or windows equipped with other sound deadening devices.

The Land Use Board may grant exceptions from the standards referenced in this section when an applicant provides compelling evidence of special circumstances or presents a better design solution, consistent with the intent of the adopted Land Use Element of the Master Plan.

SUB-AREA 2.3 | LAND USE PLAN

4.4 Amended Redevelopment Plan For Sub-Area 2.3 – Land Use Plan

4.4.1 Objectives

The Redevelopment Plan for Sub-area 2.3 has the following objectives:

a. Reinforce the character and enhance the image of the western gateway into the downtown, including the image of the area closer to the railroad right-of-way.

b. Encourage creative architectural design and development that creates a fresh look, promotes economic revitalization and is consistent with the design goals and objectives for the Downtown.

c. Provide ample sidewalks that encourage pedestrian circulation and public interaction and provide space for active outdoor uses by businesses (cafes, displays, etc) and the public.

d. Provide high-quality pedestrian access to the downtown, to surrounding neighborhoods and to a future riverfront greenway / park on the South side of the railroad tracks and levees.

e. Create a trail head / visitor center for the future riverfront greenway.

f. Maintain a continuous or near continuous street wall, especially on the South side of Talmage Avenue.

g. Encourage active ground floor uses, such as retail and services, in order to promote economic development, create a lively street atmosphere, improve the pedestrian experience and encourage further residential growth.

h. Avoid surface parking lots directly abutting streets, which have negative visual impacts, detract from a pedestrian-friendly environment, reduce overall market value of properties, and are inconsistent with the goals and objectives of the Borough's Master Plan.

i. Pursue a parking strategy focused on encouraging shared-use parking agreements among private property owners and between the Borough and private property owners to create a strategically located parking supply. This requires efficient parking standards and a range of options for fulfilling parking requirements.

SUB-AREA 2.3 | LAND USE PLAN

4.4.2 Permitted Uses

In Sub-area 2.3, only those principal, accessory and conditional uses authorized in the B-R district are permitted – see 21.10.15 Figures 2 and 3 – with some adjustments: residential, nightclubs (only on parcels on the South side of Talmage Avenue), professional and medical offices, clubs, lodges and fraternal organizations, houses of worship, medical / dental laboratories and educational facilities are permitted on ground floors. Ground floor retail and services are encouraged, but not required.

4.4.3 Prohibited Uses

Any uses not explicitly permitted in 4.4.2 above are prohibited. In particular, the following specific uses, which would disrupt the pedestrian-friendly sidewalk and appearance, are prohibited:

1. Drive-through businesses or portions thereof, such as drive-through bank ATMs and drive-through restaurants.
2. Motor vehicle -related uses, including but not limited to auto body shops, gas stations and car wash facilities.
3. Self-storage or public storage facilities;
4. Industrial or warehouse uses, but not including small scale industrial kitchens, wineries, micro-breweries, artisan studios and other "maker" spaces;
5. Any uses that are incidental or related to the uses mentioned above.

4.4.4 Permitted Building Types

In Sub-area 2.3, only those building types authorized in the B-R district (Section 21-10.15.E and 21-10.15.H of the Borough's Land Development Regulations) shall be permitted, with some adjustments: residential, nightclubs (limited to parcels on the South side of Talmage Avenue), professional and medical offices, clubs, lodges and fraternal organizations, houses of worship, medical / dental laboratories and educational facilities are permitted on ground floors. All building types may include ground floor parking in the building, provided it is not visible from the public right-of-way and is separated from Talmage Avenue by liner uses such as retail or services.

SUB-AREA 2.3 | LAND USE PLAN

4.4.5 Prohibited Building Types

Any building types not explicitly permitted in 4.4.4 above are prohibited.

4.4.6 Bulk Standards

Redevelopment projects in Sub-area 2.3 shall comply with the relevant bulk standards adopted for the (B-R) district. However, projects in Sub-area 2.3 are not subject to certain requirements of Section 21-10.15.E – Main Street District Place Character Standards – of the Borough's Land Use Regulations:

i. Exemption from the requirements of Section 21-10.15.E.5 (b) and (c): Maximum building height is set at three (3) stories. Building step backs are not required, given Talmage Avenue's East/West orientation. Since all lots on the North side of Talmage Avenue abut the R-4 zone, they shall observe a minimum rear yard setback, and possibly a step back in the rear of the building, such that the proposed structure(s) do not deprive any inhabited residential structure of reasonable light and air or cast undue shadows on the lot itself. The redeveloper shall present shadow studies to substantiate that these provisions are satisfied. Lots on the South side of Talmage Avenue are exempt from these requirements.

j. Exemption from the requirements of Section 21-10.15.E.7 (b): The minimum front yard setback from the Talmage Avenue curb line is fifteen (15) feet. Greater front yard setbacks are permissible, and encouraged, for buildings with ground floor restaurants or cafes, where outdoor dining is desired, as well as buildings with ground floor activities that would benefit from outdoor displays. The minimum front yard setback for lots facing side streets is ten (10) feet from the curb line. The front yard for corner lots shall be defined as the side where the front door to the building is located. Through lots – lots with frontage on two parallel streets – shall treat both sides as front yards.

k. Exemption from the requirements of Section 21-10.15.E.8 (b): Side yard setbacks are permitted, and may be required, even if the parcel in question does not abut a residential zone, when justifiable in light of the existing conditions on the neighboring property. There is no minimum side yard setback. Side yards, if accessible to either the general public or the tenants,

SUB-AREA 2.3 | LAND USE PLAN

shall be treated as usable open space and shall be appropriately landscaped and provided with pedestrian-scale lighting.

l. Exemption from the requirements of Section 21-10.15.E.9 (a): Parcels abutting a railroad right-of-way shall have a five-foot minimum rear yard setback. Buildings abutting the railroad right-of-way shall have triple-glazed windows facing the tracks, or windows equipped with other sound deadening devices.

The Land Use Board may grant exceptions from the standards referenced in this section when an applicant provides compelling evidence of special circumstances or presents a better design solution, consistent with the intent of the adopted Land Use Plan Element of the Master Plan.

5.0 DESIGN STANDARDS AND GUIDELINES

5.1 Building Standards

Unless otherwise specified in this document, these standards and guidelines shall apply to all projects in Redevelopment Area 2. Additional standards and guidelines, found in the underlying zoning district or elsewhere in the Land Development Regulations, may also apply.

These design standards and guidelines 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 these building design standards and guidelines 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.

5.1.1 Building Orientation

The intent of this section is to help ensure that the new development is visually and functionally integrated with its immediate surroundings, in terms of buildings, public streets, public and private open space and overall neighborhood context.

The following general guidelines shall be followed throughout the Plan Area:

- Buildings shall define the edges of, and face onto, public streets, public parks and private open spaces, thus enclosing these spaces and providing “eyes on the street” for safety.
- The front of a building shall not directly face the NJ Transit railroad tracks.
- In no case shall the rear facade of a building directly face the front facade of another building.
- The main entrances and front facades of all buildings shall face W. Main Street, Talmage Avenue or Drake Street.
- The main entrances to all residential units shall face a public street, courtyard, or publicly-accessible walkway. This applies to individual entrances to residential units, such as stacked flats as well as to shared entrances to apartment building units.

5.1.2 Building Transparency

The intent of this section is to encourage building design that will foster an attractive relationship with the public realm and to screen unattractive parking lots and loading areas from the public view.

Residential Entrances – All ground floor residential uses shall be elevated at least 30 inches above grade, in order to create a sense of privacy and separation from the street. This may be waived if the ground floor units need to be barrier-free for handicapped accessibility. Front stoops or porches are encouraged for the first-level housing units in order to create a transition from the public street to the private home. Stoops and porches shall be at least 6 feet wide and 4 feet deep.

Retail Entrances – All retail storefronts shall have plate-glass windows and doors that occupy at least 70% of the retail storefront facade area.

5.1.3 Building Massing and Articulation

The intent of this section is to encourage high quality building design that is pedestrian-scale and attractive.

Building Length – The maximum length of a mixed-use, commercial/retail or multi-family development along any side shall be 200 feet.

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, 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 to the Land use board that this expanded rhythm is structurally based and that there are strong design considerations to justify it.

Vertical Differentiation – Building facades adjacent to a public street shall provide for a differentiated building mass consisting of a base, middle and top. The base shall be emphasized with substantial materials such as brick and stone that provide a visual grounding to the building's base. Retail storefronts shall be defined with overhangs, light shelves or straight awnings. The middle of the building shall be distinguished from the base and the top by belt courses or cornices or changes in material, masonry, or fenestration patterns. The top of a building shall be emphasized with a parapet wall and/or balustrade, deep cornice or a gabled roof.

Corner Elements - Sub-Area 2.1 – Corner elements may be used at the corner of Columbus Place and Talmage Avenue/West Main Street in order to emphasize the corner with a prominent architectural feature or public space. Examples of architectural treatments include a tower, corner bays, corner entrances, and storefronts with wraparound windows. Open space features could include a corner landscaped plaza or park with seating and trees.

Corner Elements - Sub-area 2.3 – This area serves as a visual gateway into Bound Brook from the West and should be emphasized with architectural features such as a tower element or corner entrance. In areas where the lot width is insufficient for a building, a landscaped plaza or park with trees and benches may be provided.

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 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 and no less than 30% in upper levels. Lower percentages of glazing are permitted if the applicant can convincingly demonstrate to the Land Use Board 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. Windows on the ground floor shall have clear and non-reflective glass. Windows on upper-level floors may be lightly-tinted but shall be non-reflective. Stained, translucent, or decorative glass may be used for transom windows.

Blank Walls – Blank walls (walls without openings or glazing) that extend for 50+ linear feet are not permitted. Exceptions are permitted, at the discretion of the Land Use Board 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.

Parking Structures – The elevations of a parking structure facing a public street, public space or public right-of-way shall be designed to complement the design of the building's elevation. Openings in the façade for ventilation shall be covered with

decorative metal grilles or other decorative treatments. Climbing vegetation or other similar treatments are encouraged to soften parking structure facades.

Building Entrances – Primary 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 the front yard area unless they are incorporated into the design of the building. Ground mounted utility boxes shall be thoroughly screened from view wherever they are located.

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.

5.1.4 Materials

The preferred primary materials are treated wood, stone, masonry and brick as well as glass block, cast stone, cast iron, steel and other types of metal. No more than four primary materials shall be used on a building's facades. Accent materials may be used but not on more than 25 percent of the facade. Materials and details on facades that are adjacent to each other and visible from a public street shall have the same kind of architectural detailing. All materials shall be extended around all visible corners, extrusions and sides of buildings in order to avoid a "pasted on" appearance.

5.1.5 Fences

Fences along the front and side yards shall not exceed 42 inches in height or six feet along rear property lines. Materials recommended for fences are wood, wrought iron, architectural steel, architectural screens or other attractive and durable materials. Chain link fences, razor or barbed wire and other high security, detention-facility type of devices are strictly prohibited.

5.2 Bicycle and Vehicular Parking Standards

Vehicular parking in Redevelopment Area 2 shall comply with the vehicular parking standards adopted by the Borough for the Business-Residential (B-R) district, found at Section 21-10.15J. of the Borough's Land Development Regulations. A minimum of five (5%) percent of parking spaces shall be equipped with charging stations for electric or hybrid vehicles. Tandem parking is permitted for parking spaces assigned to a single residential unit.

Developers of residential projects in Redevelopment Area 2 wishing to reduce their vehicular parking requirements as per the RSIS shall request a "de minimus" exception from the Bound Brook Planning Board.

Vehicular parking requirements may be further reduced, with appropriate justification, and at the discretion of the Planning Board.

Any project in Redevelopment Area 2 shall also comply with the bicycle parking standards in Table 2.

Table 2: Bicycle Parking Standards[1]

Use	Minimum Parking Requirement
Residential	1 per dwelling unit
Live-work	1 per live-work unit
Retail	20% of vehicular parking
Personal Services	20% of vehicular parking
Hotel / Inn	10% of vehicular parking
Conference Center	10% of vehicular parking
Restaurant / Bar / Entertainment	20% of vehicular parking
Civic / Governmental Uses	20% of vehicular parking

5.3 Storage and Mechanical Areas

Mechanicals, Utilities and Telecommunications Equipment - All machinery and mechanical controls for the same and telecommunication equipment shall be placed at least 20 feet away from the public right-of-way or masked by building elements in a manner consistent with the building design. These include but are not limited to transformers, junction boxes, lift stations, electrical meters, antennas, satellite dishes, etc. Large expanses of ventilation equipment are not permitted along facades facing streets or public open spaces.

Solid Waste and Recycling - Each building shall be designed to provide adequate storage of solid waste disposal, including recycled materials, within building or parking facilities. Each mixed-use building shall have at least one trash and recycling pickup location. In addition, all exterior trash and recycling containers shall be enclosed and located in a manner so as to obscure them from view of parking lots, streets, and adjacent buildings by means of a fence, wall, planting or combination thereof.

[1] The Land Use Board shall favorably 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 ad-hoc bicycle parking attached to street trees, light poles, utility poles and other permanent streetscape fixtures for lack of appropriate bicycle parking accommodations.

5.4 Green Features

Stormwater Regulations - All development shall comply with the Borough's stormwater regulations and provide features to reduce stormwater runoff rates by detaining stormwater on-site and allowing for groundwater infiltration. Recommended features include roof gardens, rooftop detention, porous pavements, green sidewalks, planting strips, rain gardens, bio-swales, rain barrels, underground chambers, infiltration strips within street sections, and use of parks and other grassy areas for stormwater detention.

Tree Preservation - Wherever possible existing trees shall be preserved, particularly the largest and oldest ones, by incorporating them into the site plan.

Green Building Features - New development or "gut-rehab" are encouraged to follow "green building" best practices that comply with the intent of the LEED system sponsored by the US Green Building Council (USGBC). Actual commissioning is not required.

Street Trees – Shade tree plantings shall be compatible with those found on Main Street. 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 development. 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. 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 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.

Street Lights – Contemporary lighting fixtures are encouraged in Redevelopment Area 2. The PSEG "Bound Brook" post and lighting fixtures used on Main Street need not be used. Street lighting shall be shielded to minimize night sky and prevent direct glare into adjacent

residential windows. 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.

Sidewalks – Sidewalks shall be provided to facilitate pedestrian circulation. Sidewalks in the public right-of-way shall have a minimum, unobstructed width of ten (10) feet, unless the applicant or the Land Use Board determine that they should be wider, based on projections of anticipated pedestrian traffic. Other sidewalks shall be provided as needed to connect pedestrian origins and destinations and shall have a minimum, unobstructed width of six (6) 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.

Pervious Pavement – The use of pavers and other forms of low-maintenance pervious pavement is strongly encouraged throughout.

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 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 adopted Bound Brook Downtown Urban Design Plan.

5.5 Signage

All signage shall comply with the regulations Section 21-10.15 of the Borough's Land Development Ordinances, 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 – Object signs, whether projecting or wall-mounted, 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 signage, subject to Land Use Board review and approval.

5.6 Utilities and Infrastructure

All public utilities shall be provided in accordance with the Borough of Bound Brook Subdivision and Site Plan Review regulations. Wherever feasible, all utilities shall be installed underground.

6.0 REDEVELOPMENT ACTIONS

6.1 Properties Subject to Acquisition and Not Subject to Acquisition

Certain properties intended in this Redevelopment Plan to be redeveloped are subject to acquisition by the Borough of Bound Brook as part of the redevelopment efforts. This includes all properties listed below in Table 3. In addition, acquisition of temporary and permanent easements, businesses and less than fee interests within and outside Redevelopment Area 2 for remediation, access and infrastructure to support redevelopment projects may also be necessary. The Borough of Bound Brook encourages designated redevelopers to acquire such property interests through arm's length transactions between a willing seller and buyer.

Table 3 — Properties That May be Acquired for Redevelopment

Block	Lots
1	38, 38.01, 39, 39.01, 40, 41, 42
3	1, 1.01, 2, 3, 3.01, 4, 5, 6
5	0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 21, 22, 23, 24, 25, 26, 26.A, 27, 17, 18, 18.01, 19, 20
6	1, 2, 3, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25
7	27, 28, 29
15	1, 22

Properties that will not be acquired by the Borough as part of redevelopment efforts include all properties identified in Table 4. It is the intention of the plan to encourage and support rehabilitation and/or infill development by the present or future owners of such properties, not by a separate party designated as redeveloper.

Table 4 — Properties Not to be Acquired for Redevelopment

Block	Lots
4	1, 1.01, 2, 2.01, 3, 4, 5, 6, 8, 8.01, 8.02, 9, 10, 11, 12, 13, 14, 15, 16, 16.01, 17
5	12, 13, 14, 15, 16
15	14, 15, 16, 17, 18, 19, 20, 21
16	7.01, 8, 9, 9.01
17	7, 8, 9, 10
18	14, 15, 16, 17
19	13, 14, 15, 15.01, 16, 17, 18, 19
20	13, 14, 15, 16, 17, 18
21	16, 17, 17.01, 18, 19, 20
23	3.01, 34, 35, 36, 37, 38, 39, 40, 41

6.2 New Construction

Construction of new structures and other improvements will take place as proposed in accordance with the Land Use Plan in Section 4. The redeveloper must adhere to the overall parameters for redevelopment as set forth in Sections 3, 4 and 5 of this Redevelopment Plan and is encouraged to otherwise refine the design concepts presented herein in developing unique and high-quality project proposals.

6.3 Other Actions

In addition to the demolition, new construction and acquisition described above, several other actions may be taken by the governing body to further the goals 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.

6.4 Relocations

Implementation of this Redevelopment Plan may necessitate the displacement and relocation of both residents and businesses within Redevelopment Area 2. With respect to the displaced businesses, at the time of property acquisition, a Workable Relocation Assistance Plan (WRAP) will be prepared and submitted to the New Jersey Department of Community Affairs (NJDCA) for approval.

With respect to the displacement and relocation of the residents, in addition to the preparation and submission of a WRAP to the NJDCA, the following will be undertaken:

(1) Fifty percent (50%) of the demolished residential units shall be replaced within Redevelopment Area 2, and shall include a mix of unit sizes to accommodate the displacees, not just age-restricted, studio and one-bedroom units.

(2) The replacement units shall contain a bedroom mix equivalent to the housing being demolished, and equivalent in cost and tenure.

(3) Priority of occupancy in the replacement units shall be given to displaced residents.

(4) In the relocation or replacement of housing, affordable housing units shall be geographically distributed, and no concentration in shall be permitted.

(5) While the Redevelopment Plan for Area 2 has been modified so as to lessen the need for and impact of condemnation, the actual use of condemnation, going forward, in implementing this Redevelopment Plan, shall also be carefully considered, and shall not be indiscriminate.

6.5 Phasing

The implementation of this Amended Redevelopment Plan is not required to be undertaken in a specific sequence.

7.0 CONSISTENCY REVIEW

7.1 Relationship to Local Planning Objectives

The 2019 Land Use Plan element of the Borough's Master Plan depicts Redevelopment Area 2 as a Mixed-Use 6 (MU-6) designation, which is described as follows:

> "The MU-6 designation applies to the Talmage Avenue corridor. It includes 111 parcels totaling 18.3 acres.
>
> The area subject to this land use designation is regulated by the Redevelopment Plans for Sub-Areas 2.3, 2.4, 2.5 and 2.6. These sub-areas have distinct land use/occupancy characteristics and therefore require a different development strategy.
>
> The underlying zoning district is currently the NB/R (Neighborhood Business / Residential).
>
> New development on the north side of Talmage Avenue should be compatible with the nature and scale of surrounding, established neighborhood. New development on the south side of Talmage is constrained by relatively shallow lots abutting the railroad right-of-way and possible soil contamination from the tracks, but otherwise unconstrained by immediate residential neighbors.
>
> The MU-6 land use designation seeks to transform this corridor from a derelict, stagnant and underutilized area to a thriving, stable and revived asset to the community and to the Borough as a whole.
>
> The intent of the MU-6 land use designation is to encourage targeted new development and rehabilitation to improve the quality of life for current and future residents and business owners, as well as to enhance the corridor's currently gritty image. Specifically, this designation seeks to:
>
> - Provide for viable, short-term (re)development opportunities as well as longer-term projects.
> - Provide for a mix of residential, community-oriented commercial, civic, recreational and community activities.

- Significantly enhance the image and quality of architecture, the streetscape and the public realm along the Talmage Avenue corridor.
- Facilitate green infrastructure interventions to soften the corridor's gritty image.
- Improve the opportunities for walking and bicycling as alternatives to driving.
- Facilitate bicycle and pedestrian access to the South side of the railroad tracks and to the river.
- Provide functional, high-quality public and private open space, where appropriate.
- Create a new, visually striking gateway into town from the West.
- Functionally link new development with the neighborhoods to the North, the preserved lands to the South and the downtown, to the East.
- Encourage and facilitate the environmental cleanup, remediation and replacement of contaminated buildings and lots.

The MU-6 designation anticipates a mix of residential, retail and services.

The anticipated building types are townhouses and small apartment buildings, with or without ground floor commercial.

The appropriate building height is three stories.

New structures in this land use 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". (pages 26-27)

The 2019 Master Plan Reexamination Report describes Redevelopment Area 2 in exactly the same language, but goes on to add that "the underlying Neighborhood Business / Residential (NB-R) zoning should be replaced by a new MU-6 zoning." (pages 13 – 14)

The same document also calls for amending the Redevelopment Plan for Area 2 in a number of ways, which this Amended Redevelopment Plan is now effectuating.

As such, this Amended Redevelopment Plan for Area 2 is entirely consistent with the intent and purpose of the Borough's Master Plan.

7.2 Relationship to Master Plans of Adjacent Municipalities

Bound Brook shares borders with two municipalities: Bridgewater Township to the north and west; and Middlesex Borough to the east. South Bound Brook, its neighbor to the south, is on the other side of the Raritan River and therefore too far removed to be considered in this section. Redevelopment Area 2 is also too far from the boundary with Middlesex Borough to have any substantive effect on that town. Finally Bridgewater is on the other side of the Middle Brook, and therefore insulated from any direct impacts that may result from the implementation of this Amended Redevelopment Plan.

7.3 Relationship to the Somerset County Master Plan and Strategic Plan

The amended Redevelopment Plan for Area 2 is highly consistent with the intent of the Somerset County 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.

7.4 Relationship to the 2001 New Jersey State Development and Redevelopment Plan (SDRP)

The amended Redevelopment Plan for Area 1 is entirely consistent with the 2001 SDRP's policies 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. Bound Brook is a designated Center under the SDRP, as well as a designated Transit Village under the state's Transit Village program. The amended Redevelopment Plan 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.

8.0 GENERAL PROVISIONS

8.1 Definitions

Except for those words or terms defined in this Section (above), words that appear in the Amended Redevelopment Plan for Area 2 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 Planning Board or the Governing Body of the Borough of Bound Brook.

8.2 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 Amended Redevelopment Plan for Area 2 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.

8.3 Site Plan and Subdivision Review

Prior to commencement of construction, site plans for the construction of improvements within the Amended Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:550-1 et seq.), shall be submitted by the applicants for review and approval by the Bound Brook Planning Board.

Any subdivision of lots and parcels of land within the Amended Redevelopment Area shall be in accordance with the requirements of this Amended Redevelopment Plan and the subdivision ordinance of the Borough of Bound Brook. No construction or alteration to existing or proposed construction shall take place until a site plan reflecting such additional or revised construction has been submitted to and approved by the Planning Board.

8.4 Approvals 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.

8.5 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 features so as to be detrimental to the public health, safety or general welfare.

8.6 Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be affected or executed by the Borough Council or by a developer or any of his successors or assignees, whereby land within the Amended Redevelopment Area is restricted by the Borough Council, or the developer, upon the basis of race, creed, color, 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 Amended Redevelopment Area on the basis of race, creed, color or national origin.

8.7 Duration of the Plan

The provisions of this Plan specifying the redevelopment of the Amended Redevelopment Area 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 amended redevelopment plan by the Borough Council.

8.8 Deviation Requests

The Bound Brook Land Use Board may grant reasonable deviations from the regulations contained in this amended Redevelopment Plan for Area 2 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 amended Redevelopment Plan for Area 2 would result in peculiar practical difficulties to, or exceptional and undue hardship upon the developer 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 amended Redevelopment Plan for Area 2 and of the Land Use Plan Element of the Master Plan as well as the Downtown Urban Design Plan, where applicable, would be advanced by a deviation from the strict requirements of this Amended Redevelopment 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 amended Redevelopment Plan for Area 2, 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 amended Redevelopment Plan for Area 2, of the Land Use Plan Element of the Master Plan Downtown Urban Design Plan, where applicable.

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 Area 2, of the Land Use Plan Element of the Master Plan and of the Downtown Urban Design Plan, where applicable.

An application for a deviation from the requirements of this amended Redevelopment Plan for Area 2 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).

8.9 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.

8.10 Infrastructure

The redeveloper, at the redeveloper's cost and expense, (unless otherwise provided for by a public or private utility) shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of pedestrian, bicycle and vehicular access, including adequate access for emergency service vehicles; sanitary sewer; and stormwater sewer service, as well as all other applicable utilities to the project, in addition to all required tie-in or connection fees.

The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, 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; bicycle parking facilities; and on- and off-site vehicular, bicycle and pedestrian traffic controls and right-of-way improvements for the 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; and any improvements to water, sewer, electric and gas utility infrastructure, to the extent not directly addressed by the utility companies.

8.11 Affordable Housing Component

For every four (4) new units of residential construction, one (1) new affordable housing unit, consistent with the Fair Housing Act of New Jersey and the rules of the Council on Affordable Housing (NJAC 5:96 et seq. and 5:97 et seq.), shall be provided in Sub-Area 2.3.

The Borough may, at its discretion, accept a monetary contribution – equivalent to the cost of the project's affordable housing obligation – to the Borough's Affordable Housing Trust Fund, to be used by the Borough for the planning, land acquisition, financing, subsidizing, construction and/or rehabilitation of affordable housing units off-site, in lieu of satisfying the project's affordable housing obligation on-site.

Any legally-enforceable development fees required by Borough Ordinance shall apply to all non-residential development in Area 2.

8.12 Redeveloper Designation

Prior to submitting any request for site plan, subdivision or building permit approval, the prospective redeveloper shall request that the Borough designate them as a "designated redeveloper" for the property or properties in question, shall enter into a legally-binding redevelopment agreement with the Borough spelling out each party's obligations and expectations, and shall establish an escrow account with the Borough with sufficient funding to underwrite any and all expenses the Borough may incur with the proposed redevelopment project.

9.0 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 amended Redevelopment Plan 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 and enhanced vehicular circulation, infrastructure and public utilities, access to recreation, community facilities and open space, and other public improvements and amenities. The Plan lays out various strategies that require implementation in order for the Plan's objectives to be carried out.

The Amended Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Bound Brook. The Plan also complies with the goals and objectives of the New Jersey State Development and Redevelopment Plan.

All privately owned lots within the Amended Redevelopment Area except those identified in Sub-Areas 2.2 and 2.3 are subject to acquisition by the Borough of Bound Brook as part of the redevelopment effort.

This amended Redevelopment Plan 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 Development Regulations shall remain in full effect. Adoption by Borough Council of this amended Redevelopment Plan shall be considered an amendment to the Borough's Zoning Map.

If any section, paragraph, division, subdivision, clause or provision of this amended Redevelopment Plan shall be adjudged by the courts to be invalid, such adjudication shall only apply to the section, paragraph, division, subdivision, clause or provision so judged, and the remainder of this amended Redevelopment Plan shall be deemed valid and effective.

10.0 PROCEDURES FOR AMENDING THIS REDEVELOPMENT PLAN

The Redevelopment Plan for Area 2 may be amended from time to time for good reason and in compliance with the 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 non-refundable check for $5,000, unless the request is issued from an agency of the Borough or Borough Council makes a determination that the requested amendment is "de minimus", in which case no fee shall be required.

The letter request 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 amendments to prepare a study of the impact of such amendments, prepared by a Professional Planner licensed in the State of New Jersey.

In addition, Borough Council, at its sole discretion, may require the party requesting the amendment to 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 evaluate its anticipated impacts in order to confirm that the intent of the Redevelopment Plan is not compromised and that the proposed amendment advances the public good.

Figure 1: Pre- and Post-2009 Area 2 Boundary, with 2015 Zoning

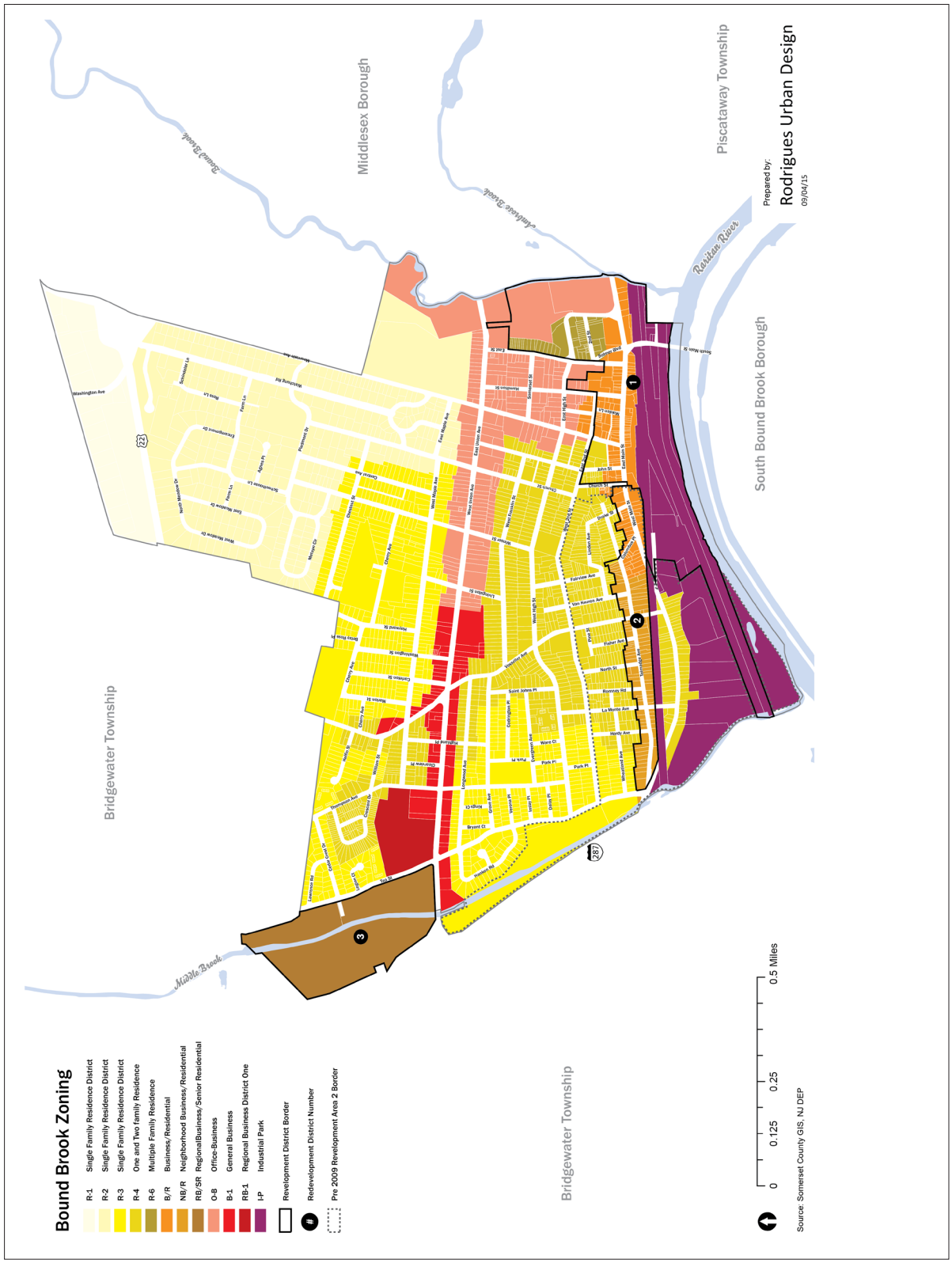


Figure 2: Block and Lots within Amended Redevelopment Area 2 Map

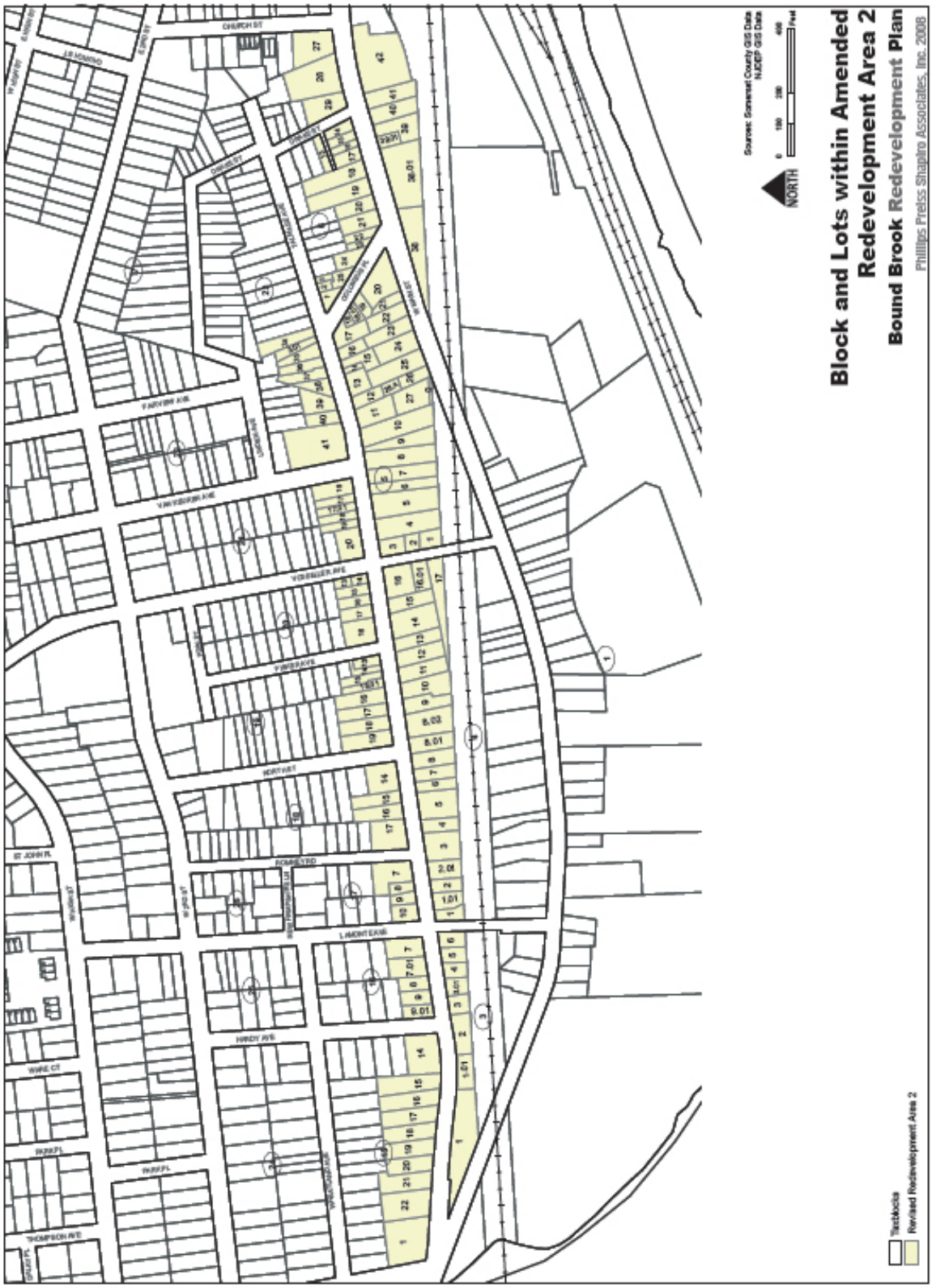
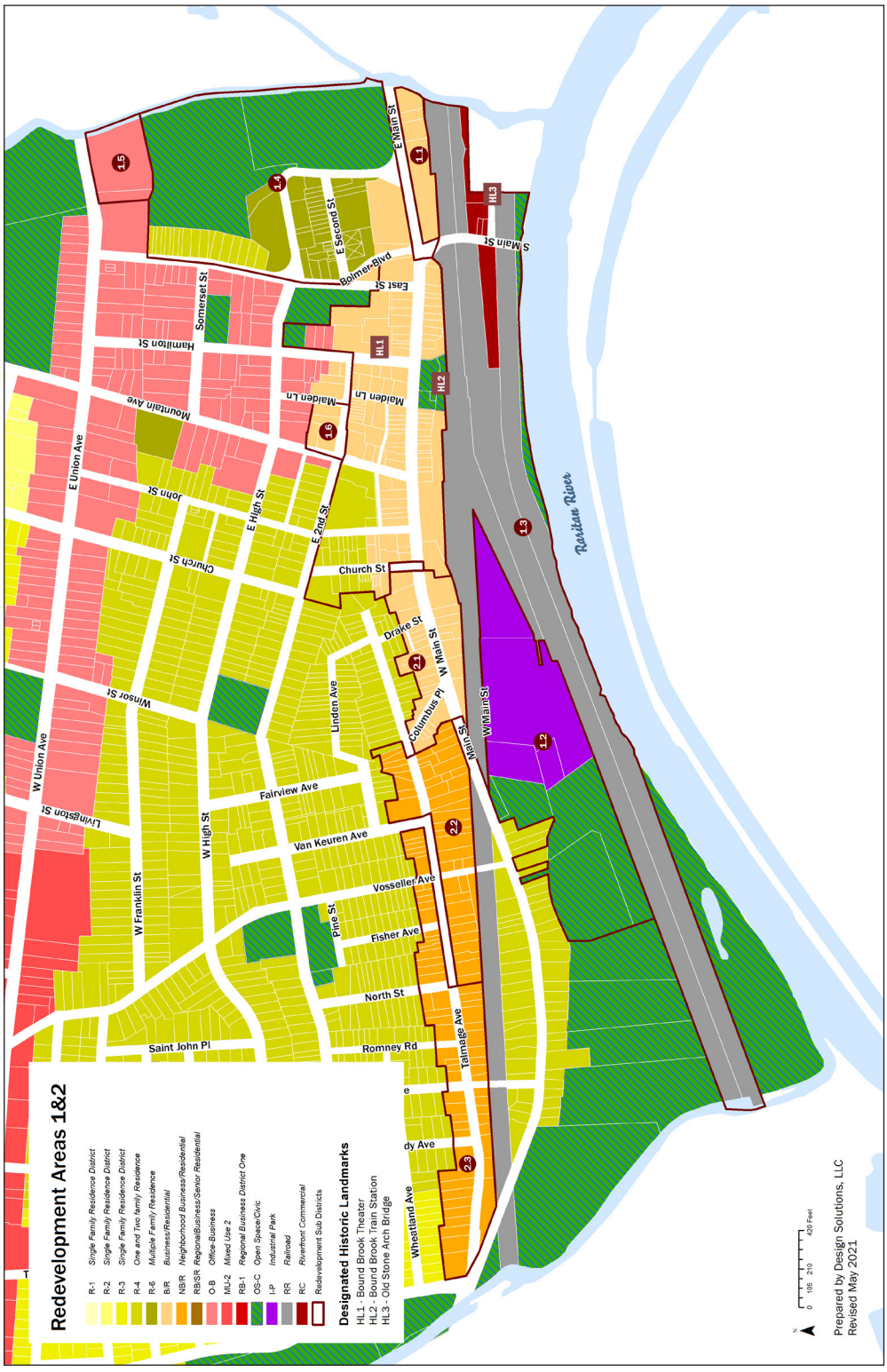


Figure 3: Aerial Map Showing Context of Amended Redevelopment Area 2

Figure 4: Sub-Areas within Amended Redevelopment Area 2 Map



BOROUGH OF BOUND BROOK
County of Somerset

ORDINANCE NO. 2021- 019

ORDINANCE OF THE BOROUGH OF BOUND BROOK, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROVING AN AGREEMENT OF SALE BETWEEN THE BOROUGH AND NEW JERSEY AMERICAN WATER COMPANY, INC. FOR THE SALE OF THE BOROUGH'S WASTEWATER SYSTEM AND AUTHORIZING A PROPOSAL TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 2, 2021 PROVIDING FOR THE SALE OF THE BOROUGH'S WASTEWATER SYSTEM TO NEW JERSEY AMERICAN WATER COMPANY, INC.

WHEREAS, the Borough of Bound Brook, in the County of Somerset, New Jersey (the "Borough") currently owns and operates a sanitary sewer collection system (a "Wastewater System") comprised of approximately 25miles of pipes ranging in size from 8" to 15" in diameter and one pump station, connecting to the trunk system maintained by the Middlesex County Utilities Authority, servicing the residents and property owners (the "Customers") within the geographic boundaries of the Borough as well as multiple residents and business located in Bridgewater Township (collectively referenced herein as the "System"); and

WHEREAS, the Borough has determined that is in the best interest of such Customers to sell the System to an entity with experience and expertise in owning and operating such systems in order to meet all necessary demands associated with such System including all present and future requirements of various state and federal regulatory agencies and to make necessary capital improvements to the System; and

WHEREAS, the Borough prepared and distributed a Request for Bids for the Sale of the Wastewater System (the "RFB") dated March 8, 2021 requesting bids for the purchase of the System pursuant to N.J.S.A. 40:62-1 et seq. (the "Public Utilities Law"); and

WHEREAS, on May 4, 2021 the Borough received one bid from a regulated water and wastewater company, New Jersey American Water Company, Inc., to purchase the Borough's System; and

WHEREAS, based on the review of the above referenced bid, the Borough has determined that the bid submitted by New Jersey American Water

Company, Inc. in the amount of $5,000,000 was the highest responsible (and only) bid; and

WHEREAS, under the terms of the RFB, the Borough would sell all of the Borough's rights and interests in the land and improvements comprising the System, provided that any purchaser of the System would continue to provide wastewater treatment services to the Customers in accordance with all applicable state and local standards, make all capital improvements as required by the RFB, and meet other requirements set forth in the RFB; and

WHEREAS, the Borough and New Jersey American Water Company, Inc. have agreed to the terms of the sale of the System; and

WHEREAS, the Public Utilities Law requires that in addition to the approval of the Borough, the legal voters of the Borough must also approve the sale of the System; and

WHEREAS, the Public Utilities Law, specifically N.J.S.A. 40:62-5, authorizes the Borough to request that the clerk of the County of Somerset place the question of the sale of the System on the ballot used at the next general election in the Borough, which is scheduled for November 2, 2021; and

WHEREAS, the Borough desires to enter into the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. 40:62-5 and any other regulatory approvals set forth in the Public Utilities Law; and

WHEREAS, New Jersey American Water has been providing potable water supply services to Customers and the Borough for decades.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey, as follows:

SECTION I

The recitals are hereby incorporated as if set forth in full herein.

SECTION II

The Borough hereby approves the sale of the System to New Jersey American Water Company, Inc. for $5,000,000 in accordance with its bid and in accordance with the terms and conditions of the RFB and the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. 40:62-5.

SECTION III

The Agreement of Sale between the Borough and New Jersey American Water Company, Inc. entitled "Agreement of Sale between the Borough of Bound Brook, New Jersey and New Jersey American Water Company, Inc." substantially in the form on file in the office of the Borough Clerk, is hereby approved with such further changes, insertions and amendments as deemed necessary by the governing body of the Borough, in consultation with the Borough staff and professionals. The approval of this Agreement of Sale is subject to compliance with the provisions of N.J.S.A. 40:62-5 of the Public Utilities Law.

SECTION IV

The Mayor and Council and all other appropriate officials of the Borough are hereby authorized and directed to execute the Agreement of Sale and any other documents deemed necessary to effectuate the terms of this Ordinance and to proceed with the regulatory process and approvals required under the provisions of the Agreement of Sale and the Public Utilities Law subject to approval of the sale by the voters of the Borough pursuant to N.J.S.A. 40:62-5.

SECTION V

The Mayor and Council hereby requests and directs the Clerk of the County of Somerset to place the following question and explanation on the ballot of the next general election, such to be substantially in the form provided in N.J.S.A. 40:62-5 as follows:

PROPOSAL

"Shall the Borough of Bound Brook, in the County of Somerset, New Jersey, be authorized to sell its wastewater system (commonly known as the "sanitary sewer system") to New Jersey American Water Company, Inc. for the sum of $5,000,000?"

_____ Yes _____ No

Explanation

If a majority of the legal voters in the Borough vote "yes", the Borough of Bound Brook will sign an agreement of sale with New Jersey American Water Company, Inc. for the wastewater system (commonly known as the "sanitary sewer system") servicing the residents and property owners within the geographic boundaries of the Borough and multiple residences and business located in Bridgewater Township in the amount of $5,000,000. Proceeds from the sale shall be used exclusively for the retirement of outstanding Borough debt. The agreement provides that New Jersey American Water Company, Inc. will provide and maintain all wastewater services to the existing customers of the Borough's wastewater system and will invest a minimum of $11,000,000 within the first ten years of their ownership into needed capital improvements to the Borough's aging system in accordance with the terms of the Agreement of Sale approved by the Borough. The wastewater service rates to the customers of the Borough's System will be maintained at the current 2021 rates for a minimum of two years and may increase by no more than 3% each year for the next three years. Thereafter all future rate changes shall be subject to review and approval by the New Jersey Board of Public Utilities, the state agency with authority to oversee regulated utilities in order to ensure safe, adequate, and proper utility services at reasonable rates for customers in New Jersey.

SECTION VI

This Ordinance shall take effect as provided by law.

_____ By: _____

Jasmine D. Mathis
Borough Clerk

Mayor Robert Fazen

Date of Introduction: June 22, 2021
Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-136

RESOLUTION MEMORIALIZING CONFIRMATION OF ACCEPTANCE OF RONALD DEMARCO'S NEW JERSEY STATE FIREMEN'S ASSOCIATION APPLICATION FOR MEMBERSHIP TO THE BOUND BROOK FIRE DEPARTMENT

WHEREAS, Ronald DeMarco has applied to become a volunteer firefighter in the Borough of Bound Brook Fire Department Watchung Fire Company No. 3; and

WHEREAS, evidence of physical fitness has been produced and background check has been performed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, State of New Jersey that the New Jersey State Firemen's Association Application for Membership for Ronald DeMarco to Watchung Fire Company No. 3 is hereby accepted.

Attest: _____
Jasmine D. Mathis, Borough Clerk

Approved: _____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-137

RESOLUTION CONDITIONALLY AWARDING CONTRACT TO REiVAX CONSTRUCTION FOR 2020 ROAD IMPROVEMENT PROGRAM

WHEREAS, the Borough of Bound Brook issued a Request for Bids for the 2020 Road Improvement Program; and

WHERAS, the Borough of Bound Brook received six (6) bids on June 2, 2021 from the following bidders;

Black Rock Enterprises, Old Bridge, New Jersey	Proposal A- $424,532.95 Proposal B- $505,467.05
Seacoast Construction Inc., East Brunswick, New Jersey	Proposal A- $648, 939.75 Proposal B-$717,133.55
Top Line Construction, Corp., Somerville, New Jersey	Proposal A- $418,964.10 Proposal B-$488, 152.08
Reivax Contracting Corp., Bridgewater, New Jersey	Proposal A-$363,760.00 Proposal B- $414,449.00
Stilo Excavation, Inc., South Plainfield, New Jersey	Proposal A-$405,795.60 Proposal B-$456,892.45
Capital Paving & Contracting, LLC- Lebanon, New Jersey	Proposal A- $464,693.10 Proposal B- $529,213.20

WHEREAS, the Borough Engineer reviewed the lowest bid submitted by Reivax Construction and have determined that it complies with the bid specification, making Reivax Construction the lowest, responsible bidder; and

WHEREAS, the Borough CFO has certified that funds are available from Account No. 04-2020-202017-4-0; and

WHEREAS, the award is conditionally awarded pending New Jersey Department of Transportation Approval of Award

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, in the County of Somerset and State of New Jersey, that:

1. The above recitals are incorporated herein as if set forth at length; and

2. The Borough hereby accepts the lowest responsible bid submitted by Reivax Construction and authorizes and directs the Mayor and Borough Clerk to execute the contract with Reivax Construction for Proposal A in the amount of $363,760.00 and Proposal B in the amount of $414,449.00, a total amount of $778,209.00 for the 2020 Road Improvement Program.

Attest:

_____
Jasmine D. Mathis, Borough Clerk

Approved:

_____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-138

RESOLUTION OF AWARD OF CONTRACT TO T&M ASSOCIATES FOR THE DESIGN OF THE 2021 ROAD PROGRAM

WHEREAS, the Borough of Bound Brook has identified the scope of the 2021 Road Program; and

WHEREAS, quotes were received for design services for the 2021 Road Program; and

WHEREAS, it is the recommendation to award contract to T&M Associates in the amount of $28,950.00; and

WHEREAS, the Chief Financial Officer has certified the funds from account # 04-2021-202110-0-3-0.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bound Brook, T&M Associates is hereby awarded the contract for design services for the 2021 Road Program in an amount of $28,950.00.

Attest: _____
Jasmine D. Mathis, Borough Clerk

Approved: _____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-139

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A PARKING SPACE SUBLEASE AGREEMENT WITH MERIDIA 300 URBAN RENEWAL BOUND BROOK, LLC FOR PARKING SPACES ON NEW JERSEY TRANSIT PARKING LOT LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, the Borough of Bound Brook (the "Borough") and Meridia 300 Urban Renewal Bound Brook, LLC (the "Redeveloper") are parties to a Redevelopment Agreement approved by the Borough Council on December 10, 2019 (the "Redevelopment Agreement"), providing for, among other things, the Redeveloper's construction of a mixed use project consisting of 60 residential units over ground floor commercial on the property designated as Block 1, Lots 56.01 and 56.02 (the "Project"); and

WHEREAS, the Borough and New Jersey Transit Corporation ("NJT") entered into a Lease Agreement, dated September 23, 1982 (the "Lease") for Block 1, Lot 68 (now Lots 68.01 & 68.02) ("Demised Premises"), which Lease in part includes the Borough's right to sublease part of the Demised Premises subject to certain conditions in the Lease; and

WHEREAS, the Borough agrees to sublease up to sixty (60) parking spaces on the Demised Premises to the Redeveloper for the Project on the terms, conditions and rates set forth in the attached parking space sublease agreement, which is made part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of the attached parking space sublease agreement by and between the Borough and Meridia 300 Urban Renewal Bound Brook, LLC for the use of parking spaces on the Demised Premises for the Project in accordance with the terms and conditions of such parking space sublease agreement, subject to final review and approval by legal counsel.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Attest: _____
Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 13, 2021

Approved: _____
Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-140

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A PARKING SPACE SUBLEASE AGREEMENT WITH MERIDIA BOUND BROOK 1 URBAN RENEWAL, LLC FOR PARKING SPACES ON NEW JERSEY TRANSIT PARKING LOT LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, the Borough of Bound Brook (the "Borough") and Meridia Bound Brook 1 Urban Renewal, LLC (the "Redeveloper") are parties to a Redevelopment Agreement approved by the Borough Council on August 25, 2020 (the "Redevelopment Agreement"), providing for, among other things, the Redeveloper's construction of a mixed use project consisting of 75 residential units over ground floor commercial on the property designated as Block 8, Lots 9.03, 9.04 & 9.01 (the "Project"); and

WHEREAS, the Borough and New Jersey Transit Corporation ("NJT") entered into a Lease Agreement, dated September 23, 1982 (the "Lease") for Block 1, Lot 68 (now Lots 68.01 & 68.02) ("Demised Premises"), which Lease in part includes the Borough's right to sublease part of the Demised Premises subject to certain conditions in the Lease; and

WHEREAS, the Borough agrees to sublease up to seventy-five (75) parking spaces on the Demised Premises to the Redeveloper for the Project on the terms, conditions and rates set forth in the attached parking space sublease agreement, which is made part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves and authorizes the execution of the attached parking space sublease agreement by and between the Borough and Meridia Bound Brook 1 Urban Renewal, LLC for the use of parking spaces on the Demised Premises for the Project in accordance with the terms, conditions and rates of such parking space sublease agreement, subject to final review and approval by legal counsel.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Attest: _____
Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 13, 2021

Approved: _____
Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-141

RESOLUTION APPROVING THE SECOND AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN MERIDIA 300 URBAN RENEWAL BOUND BROOK, LLC FOR PROPERTIES LOCATED IN THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, Borough and Redeveloper entered into a Redevelopment Agreement, dated December 10, 2019 ("Agreement") for the redevelopment of the Properties as defined in the Agreement, located within the Redevelopment Area #1 pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, on July 28, 2020, the Borough and Redeveloper entered into a First Amendment to the Agreement (the "First Amendment"); and

WHEREAS, the Redeveloper agrees to release the properties identified as Block 1, Lots 44, 45, 46, 58, 59, 60, 61, 62, 63, 64, 65 and 66, from the Agreement (the "Released Properties"); and

WHEREAS, the Released Properties shall not be part of any projects to be undertaken by the Redeveloper which may be authorized pursuant to the Agreement and thus shall no longer be subject to the Agreement; and

WHEREAS, Borough and Redeveloper desire to amend certain terms set forth in the Agreement and the First Amendment and have agreed to memorialize such amendments pursuant to the terms of a Second Amendment.

WHEREAS, all other terms and conditions of the Agreement and First Amendment shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bound Brook that it hereby approves a Second Amendment to the Redevelopment Agreement, in a form substantially consistent with that attached hereto and made part of this resolution.

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute any and all documents required to effectuate the Second Amendment to the Redevelopment Agreement, subject to final review by general counsel as to legal form and content.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Attest: _____
Jasmine D. Mathis, Borough Clerk

Approved: _____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

R2021-142

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-142

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Body Warn Camera-$50,950.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year
2020, in the amounts listed below, which item is now available as a revenue from the State of New Jersey

Body Worn Camera, Other Expenses $50,950.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest: _____
Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 13, 2021

Approved: _____
Mayor Robert P. Fazen

R2021-143

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-143

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Clean Community $16,939.34

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year
2020, in the amounts listed below, which item is now available as a revenue from the State of New Jersey

Clean Communities, Other Expenses $16,939.34

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest: _____
Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 13, 2021

Approved: _____
Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-144

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Municipal Alliance -$5,017.98

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year
2020, in the amounts listed below, which item is now available as a revenue from the State of New Jersey

Municipal Alliance, Other Expenses $5,017.98

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest:

_____
Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 13, 2021

Approved:

_____
Mayor Robert P. Fazen

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-145

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Body Armor USDA-$24,200.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year
2021, in the amounts listed below, which item is now available as a revenue from the USDA

Body Armor USDA, Other Expenses $24,200.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest:

_____
Jasmine D. Mathis, Borough Clerk
Date of Adoption: July 13, 2021

Approved:

_____
Mayor Robert P. Fazen

R2021-146

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-146

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Transportation Alternative Program-$839,000.00

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Bound Brook hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year
2021, in the amounts listed below, which item is now available as a revenue from the State of New Jersey, Department of Transportation

Transportation Alternative Program (Train Station rehab), Other Expenses
$839,000.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Attest: _____
Jasmine D. Mathis, Borough Clerk

Approved: _____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-147

AUTHORIZE PARTICIPATION IN ELECTRONIC TAX SALE PROGRAM

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sale pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for the pilot programs, and

WHEREAS, the Director of the Division of Local Government services has approved NJ Tax Lien Investors/Real Auction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Bound Brook wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bound Brook, State of New Jersey that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

Attest: _____
Jasmine D. Mathis, Borough Clerk

Approved: _____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

R2021-148

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-148

RESOLUTION AUTHORIZING A $25.00 FEE PER TAX SALE NOTICE SENT IN CONJUNCTION WITH ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sale pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of $25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Bound Brook wishes to charge $25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base; and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bound Brook that a fee of $25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is send in conjunction with the 2021 electronic tax sale.

Attest:

_____
Jasmine D. Mathis, Borough Clerk

Approved:

_____
Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

BOROUGH OF BOUND BROOK
County of Somerset

RESOLUTION 2021-149

RESOLUTION AUTHORIZING GRANT SUBMISSION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM FOR THE NORTH PARK PROJECT TO INSTALL TRAILS AND REMOVE INVASIVE PLANT SPECIES

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Bound Brook desires to further the public interest by obtaining funding in the amount of $300,000.00 from the State to fund the following project(s): North Park Project to install trails and remove invasive plant species at a cost of $600,000.00;

NOW, THEREFORE, the governing body/board resolves that Robert Fazen or the successor to the office of Mayor is hereby authorized to:

(a) make application for such a loan and/or such a grant,
(b) provide additional application information and furnish such documents as may be required, and
(c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE BOROUGH COUNCIL

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as the North Park Project;
2. That the applicant has its matching share of the project, if a match is required, in the amount of $300,000.00;
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

R2021-149

Attest: Approved:_____

_____

Jasmine D. Mathis, Borough Clerk Mayor Robert P. Fazen

Date of Adoption: July 13, 2021

CERTIFICATION

I, Jasmine Mathis, do hereby certify that the foregoing is a true copy of a resolution adopted by the Bound Brook Borough Council at a meeting held on the 13th day of July, 2021.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this _____ day of _____, _____.

_____

Jasmine D. Mathis, Borough Clerk

R2021-150

BOROUGH OF BOUND BROOK
RESOLUTION 2021-150

APPROVAL OF VOUCHERS

BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Bound Brook, County of Somerset, and State of New Jersey that vouchers are approved for the following funds in the amount of $ 1,109,691.83.

FUND	AMOUNT
CURRENT	$ 956,376.16
GENERAL CAPITAL FUND	$ 11,875.00
GENERAL TRUST FUND	$ 104,031.76
RECREATION TRUST	$ 12,967.10
DEVELOPERS ESCROW	$ 14,274.80
TAX COLLECTOR TRUST	$ 3,900.00
TAX TITLE LIEN REDEMPTION	$ 3,384.51
PAYROLL FUND	$ 2,882.50
TOTAL	$ 1,109,691.83

Approved:

_____
Mayor Robert P. Fazen

Attest:

_____
Jasmine D. Mathis, Borough Clerk

Date of Adoption: July 13, 2021

R2021-151

BOROUGH OF BOUND
County of Somerset

RESOLUTION 2021-151

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, NJSA 10:4-12 allows for a public body to go into closed session during a public meeting; and

WHEREAS, the Borough of Bound Brook has deemed it necessary to go into closed session to discuss matters which are exempted from the public; and

WHEREAS, the regular meeting of the Borough of Bound Brook will reconvene.

NOW THEREFORE BE IT RESOLVED, that the Borough Council will go into closed session for the following reasons as outlined in NJSA 10:4-12; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Borough of Bound Brook hereby declares that the discussion of subject(s) may be made public at a time when the Borough Attorney advises the Borough Council that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion. That time is currently estimated as the time of said matter.

NOW THEREFORE BE IT FINALLY RESOLVED that the Borough is excluded from the portion of the meeting during which the discussion(s) shall take place and hereby directs the Municipal Clerk to take the appropriate action to effectuate the terms of this resolution.

Reason for Closed Session –
Any pending or anticipated litigation or contract negotiations which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as lawyer. Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the borough's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact.

Approved:

_____
Mayor Robert P. Fazen

Attest:

_____
Jasmine D. Mathis, Borough Clerk

Date of Adoption: July 13, 2021