

Redevelopment Plan Block 30, Lot 10.01

**55 West Front Street
Red Bank, New Jersey**

Prepared for:

**The Borough of Red Bank
Monmouth County, New Jersey**

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Table of Contents

INTRODUCTION	1
STATUTORY REQUIREMENTS	1
DESCRIPTION OF REDEVELOPMENT AREA	3
REDEVELOPMENT PLAN OBJECTIVES AND RELATIONSHIP TO LOCAL OBJECTIVES	3
LAND USE PLAN	4
Relationship to Zoning and Land Development Regulations	4
Land Use and Building Requirements	4
Permitted Principal Uses	4
Permitted Conditional Uses	4
Required Accessory Uses	4
Permitted Accessory Uses	4
Lot and Building Requirements	4
Off-Street Parking Requirements	5
Design Standards	6
PLANNING RELATIONSHIP	8
Red Bank Borough Master Plan	8
Contiguous Municipalities	9
Monmouth County	9
State Development and Redevelopment Plan	10
ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS	10
Acquisition and Relocation	10
Inventory and Replacement of Affordable Housing	10
Amending the Redevelopment Plan	11
Redevelopment Powers	11
Conveyance of Land	11
Duration of the Plan	11
REDEVELOPER OBLIGATIONS	11
AFFORDABLE HOUSING REQUIREMENTS	12
PLANNING BOARD REVIEW PROCESS	12
AMENDMENT TO ZONING MAP AND DEVELOPMENT REGULATIONS	14
OTHER PROVISIONS	14
Non-Discrimination Provisions	15

APPENDIX A: ZONING MAP EXHIBIT

INTRODUCTION

On January 27, 2016, the Red Bank Borough Council adopted Resolution No. 16-32 directing the Borough Planning Board to undertake a preliminary investigation to determine whether Block 31, Lot 2.01, commonly known as the White Street Municipal Parking Lot (the “Study Area”), met the statutory criteria to be designated as a “Non-Condensation Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-1 et seq. (the “LRHL”). On March 23, 2016, the Red Bank Borough Council adopted Resolution No. 16-90 directing the Borough Planning Board to include Block 30, Lot 10.01, located at 55 West Front Street (the “Front Street Property”), within the Study Area. The Planning Board completed a preliminary investigation report for the Study Area on May 20, 2016 and subsequently held a public hearing on July 6, 2016 to review the findings of the report and to provide an opportunity for public comment in accordance with the requirements of the LRHL. At the completion of the public hearing, the Planning Board recommended that the Borough Council designate the Study Area as a “Non-Condensation Area in Need of Redevelopment” pursuant to the LRHL. The Borough Council subsequently adopted a resolution on July 13, 2016 designating the Study Area as a “Non-Condensation Area in Need of Redevelopment” in accordance with the Planning Board’s recommendation.

This Redevelopment Plan (“Redevelopment Plan” or “Plan”) is intended to govern the redevelopment of the Front Street Property (sometimes referred to herein as the “Redevelopment Area”). The Front Street Property is located in the northerly portion of the Borough between West Front Street, White Street, Broad Street and Maple Avenue (New Jersey State Route 35). The Plan establishes permitted land uses, bulk and area requirements, and design standards for any proposed development of the Redevelopment Area.

STATUTORY REQUIREMENTS

This Plan and the provisions herein have been prepared pursuant to Section 7 of the LRHL (N.J.S.A. 40A:12A-7), which provides that “no redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment...according to criteria set forth in section 5...as appropriate.” Pursuant to the requirements of the LRHL, this Redevelopment Plan includes an outline for the planning, development, redevelopment, or rehabilitation of the redevelopment area sufficient to indicate:

- Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities, and other public improvements.
- Proposed land uses and building requirements in the redevelopment area.
- Adequate provision for the temporary and permanent relocation, as necessary, of residents in the redevelopment area, including an estimate of the extent to which decent,

safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.

- An identification of any property within the redevelopment area proposed to be acquired in accordance with redevelopment plan;
- Any significant relationship of the redevelopment plan to:
 - (a) The Master Plans of contiguous municipalities;
 - (b) The Master Plan of the County in which the municipality is located, and;
 - (c) The State Development and Redevelopment Plan (the “SDRP”) adopted pursuant to the “State Planning Act,” P.L. 1985, c.398 (C.52:18A-196 et al.).
- As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985,c.222 (C.52:27D-304), that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
- A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan. Displaced residents of housing units provided under any State or federal housing subsidy program, or pursuant to the “Fair Housing Act,” P.L.185,c.222 (C.52:27D-301 et al.), provided they are deemed to be eligible, shall have first priority for those replacement units provided under the plan; provided that any such replacement unit shall not be credited against a prospective municipal obligation under the “Fair Housing Act,” P.L.185,c.222 (C.52:27D-301 et al.), if the housing unit which is removed had previously been credited toward satisfying the municipal fair share obligation. To the extent reasonably feasible, replacement housing shall be provided within or in close proximity to the redevelopment area. A municipality shall report annually to the Department of Community Affairs on the progress in implementing the plan for the provision of comparable, affordable replacement housing required pursuant to this section.

The LRHL provides that “a redevelopment plan may include the provision of affordable housing in accordance with the “Fair Housing Act,” P.L. 1985, c.222 (C.52:27D-301 et al.) and the housing element of the municipal master plan.” Finally, the Plan is required to describe its relationship to pertinent municipal development regulations, and must note whether the provisions of the Plan supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district.

DESCRIPTION OF REDEVELOPMENT AREA

The Redevelopment Area governed by this Plan is approximately 0.75 acres in area and is comprised of the following properties:

- Block 30, Lot 10.01 (55 West Front Street)(the “Front Street Property”)

The Front Street Property is bordered by West Front Street to the north and White Street to the south and is located between Maple Avenue (New Jersey State Route 35) and Broad Street. The Front Street Property is located near the westerly edge of the Borough’s central business district and is within walking distance of the Red Bank Train Station.

REDEVELOPMENT PLAN OBJECTIVES AND RELATIONSHIP TO LOCAL OBJECTIVES

This Redevelopment Plan provides for the redevelopment of an underutilized parcel within the Redevelopment Area. It is envisioned that the redevelopment of the Front Street Property will integrate the site into the character of the existing neighborhood with respect to both the physical character of the redevelopment project and the uses to take place therein.

The objectives of the Redevelopment Plan are as follows:

- Effectuate the redevelopment of an underutilized parcel that exhibits deleterious land use, relative lack of maintenance, and deteriorating site improvements that are detrimental to public health, safety, and welfare;
- Transition the use of a property within the Redevelopment Area from a parcel that is vacant with respect to use to a parcel that enhances the Borough’s tax base.
- Ensure that the redevelopment of the Redevelopment Area is compatible with the character of the community with respect to use and scale;
- Maximize the Redevelopment Area’s proximity to Broad Street, West Front Street, and the Red Bank Train Station to encourage local business patronage and provide the opportunity to access local and regional mass transit opportunities;
- Enhance community appearance and the visual environment by providing standards for good design within the Redevelopment Area;
- Ensure that any redevelopment project(s) within the Redevelopment Area provide adequate facilities including parking and resident amenities typical of higher quality residential developments; and
- Provide for the redevelopment of the Redevelopment Area in a manner consistent with the Red Bank Borough Master Plan, Monmouth County Planning documents, and the State Development and Redevelopment Plan.

The Redevelopment Plan objectives articulated above are consistent with and seek to advance the goals of the Borough Master Plan and SDRP as discussed herein.

LAND USE PLAN

Relationship to Zoning and Land Development Regulations

In order to implement the Plan consistent with the objectives herein, the Redevelopment Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. Except where otherwise noted, this Plan supersedes the underlying use, bulk, and design standards of the Borough's Planning and Development Regulations as they relate to the area governed by this Redevelopment Plan. The definitions of the Red Bank Borough Land Development Ordinance shall apply except as otherwise noted herein.

Land Use and Building Requirements

Permitted Principal Uses

1. Multifamily dwellings.

Permitted Conditional Uses

1. None.

Required Accessory Uses

1. Off-street parking in accordance with the parking requirements herein.

Permitted Accessory Uses

1. Ancillary uses (related to the operation of the property) and residential amenities for private use by residents including: leasing office, common terraces/decks/gardens, bicycle storage areas, and tenant storage areas; and
2. Any other use that is deemed by the Planning Board to be customary, incidental, and accessory to the principal uses or structures permitted herein.

Lot and Building Requirements

1. Minimum lot area: 32,000 square feet
2. Minimum lot frontage on West Front Street: 125 feet
3. Minimum lot frontage on White Street: 35 feet
4. Minimum principal building setbacks:
 - a. Front yard to West Front Street: 9 feet

- b. Side yard (each): 8 feet¹
- c. Side yard (combined): 26 feet¹
- d. Rear yard to adjacent Block 30, Lot 12.01: 7.5 feet
- e. Rear yard to adjacent Block 30, Lot 43: 25 feet
- f. Rear yard to White Street: 150 feet
- 5. Maximum building height: four (4) stories and 48 feet
- 6. Maximum Floor Area Ratio (FAR): 1.7
- 7. Maximum number of bedrooms per unit: 2
- 8. Minimum gross habitable floor area:
 - a. One Bedroom unit: 800 square feet
 - b. Two Bedroom unit: 1,000 square feet
- 9. Maximum number of dwelling units: 35 units
- 10. Maximum lot coverage of principal and accessory structures: 65 percent
- 11. Minimum open space requirement: 10 percent, where landscaped and lawn areas, outdoor resident amenities, or portions thereof may be included in the calculation of open space area, except that landscaped islands within any parking area shall not be counted toward satisfying this requirement.

Off-Street Parking Requirements

- 1. Off-street parking shall be provided in accordance with §490-98 of the Borough Planning and Development Regulations, except as follows:
 - a. Required number of spaces: Off-street parking shall be provided at a minimum rate of one and one-half (1.5) off-street parking spaces per dwelling unit.
 - b. Maximum number of subcompact parking spaces: Subcompact parking spaces, defined by the Borough Planning and Development Regulations as eight-foot by 16-foot length parking stalls (§490-98.B(3)), may be included in any off-street parking arrangement provided that no more than ten percent (10%) of the total number of required parking stalls may be subcompact parking stalls.
 - c. Aisle widths: internal drive aisles shall be provided in accordance with the requirements of §490-98.C., except that aisle widths may be reduced to 22.5 feet only where such an aisle provides direct access to a minimum of three (3) subcompact parking stalls.
 - d. Access drives: Access drives shall be provided in accordance with the requirements of §490-98.D., except that access drives may be reduced to twenty (20) feet where access controls (e.g., overhead doors or gates) are provided to regulate access to any off-street parking area.

¹ Encroachment into a required side yard setback is permitted for purposes of providing facilities for ingress, egress, or access to resident amenities provided that a minimum side yard setback of five (5) feet is maintained from the associated side lot line and the encroachment does not exceed six (6) linear feet as measured along the associated side lot line.

- e. Location of parking spaces: Parking shall not be located in the required front yard area in accordance with the requirements of §490-98.I(1), except that the partial encroachment of one (1) parking space into the required front yard area may be permitted provided that such encroachment maintains a minimum setback of five (5) feet as measured from the front property line of West Front Street. Parking and access from White Street shall be permitted in the event the Plan area is redeveloped as one contiguous lot and is not subdivided.
- f. Other design requirements: All parking areas shall be designed in accordance with §490-98.J, except that the width of the unbroken landscaping strip required pursuant to §490-98.J(2) may be reduced provided that a combination of fencing and landscaping is provided to adequately screen parking areas to limit visibility from any public street or adjacent property. Such screening shall provide an attractive visual buffer and minimize the visual impact of parking areas on adjacent properties and streets. The design requirements of §490-98.K shall not apply to off-street parking areas in the Redevelopment Area.

Design Standards

The redevelopment of the Redevelopment Area in accordance with the standards herein shall be exempt from the requirements of §490-96 (Multifamily Dwellings) of the Borough Planning and Development Regulations and shall comply with the provisions of this Redevelopment Plan. Any redevelopment project proposed for the Redevelopment Area shall comply with the following design standards:

1. The proposed redevelopment of the Redevelopment Area shall be oriented such that the principal building entrance is located along West Front Street.
2. All building(s) shall be finished with high quality, durable architectural materials such as brick, brick veneer, pre-cast stone, fiber cement siding, glass, metal panels, ornamental metalwork, and decorative metal cornices. Exterior Insulation Finishing Systems (EIFS) and stucco shall be prohibited.
3. The exterior façades of the proposed buildings(s) shall be finished with a complementary color palette that utilizes neutral shades. The façade finishes may incorporate accent colors provided that such accent colors are compatible with primary finishes and all other color selections. The color palette and materials shall be subject to the review and approval of the Borough Planning Board.
4. Architectural treatments shall be provided along all building façades to provide a visually interesting design aesthetic. Decorative roof elements such as cornices, parapets, and cupolas that are intended to enhance the architectural character and visual interest of the principal building may exceed the maximum building height provided that parapets do not exceed the maximum building height by more than 3.5 feet and cupolas do not exceed the maximum building height by more than 24 feet. No such decorative roof element shall contain habitable floor area.

Architectural treatments may include any combination of:

- a. Awnings or canopies over building entrances and exits. Awnings or canopies may be constructed in a hard “marquee” style incorporating metal and glass or in a soft “awning” style consisting of a metal frame clad with fabric. Vinyl and plastic awning coverings are prohibited.
 - b. Window sills and lintels.
 - c. Parapets provided that no parapet shall exceed 3.5 feet in height.
 - d. Ornamental cornices.
 - e. Decorative metal grilles.
 - f. Horizontal belt courses between stories.
 - g. Dormer windows along the top story.
 - h. Balconies and terraces.
 - i. Wall breaks and projections along building façades.
 - j. Changes in finish materials provided that heavier finish materials (e.g., pre-cast stone or brick) are located below lighter finish materials (e.g. siding). In the event that materials consist of materials of similar perceived weights, the material with the largest surface area per unit, as measured along the finished building façade, shall be placed below materials with smaller surface areas per unit
5. A visual screen shall be incorporated along the side property lines to buffer the Redevelopment Area from adjacent uses. The buffer may incorporate decorative fencing constructed of combination masonry piers and wrought metal, wood, vinyl, or other material acceptable to the Planning Board, and landscaping consisting of native plant species that provide an attractive screen from adjacent properties. Chain link fence shall be prohibited. The redeveloper shall provide a landscaping plan at the time of submission of a site plan application to determine the adequacy of existing landscaping and buffer areas.
 6. Resident amenities permitted as accessory uses herein may be permitted within the required yard setback areas provided that such amenities are adequately fenced and buffered from adjacent properties and public streets in accordance with the provisions of this Plan.
 7. All trash, recycling, and storage of refuse shall be fully enclosed within the proposed building(s), except that staging shall be allowed in designated areas outside on pick up days. If storage is permanently outside, it shall be within an enclosure that is a minimum of six (6) and maximum of eight (8) feet in height. Such enclosure shall be constructed of materials that complement the principal building. Any proposed enclosure shall be

finished on three (3) sides with masonry and shall provide access for removal via a decorative gate constructed of wrought metal, wood, vinyl, or other composite material that is the same or similar to all other proposed on-site fencing.

8. Directional and safety signage shall be provided in accordance with applicable standards to ensure ease and safety of vehicular and pedestrian circulation throughout the site.
9. All proposed signs within the Redevelopment Area shall conform to §490-104 of the Borough Planning and Development Regulations.
10. All lighting within the Redevelopment Area shall be provided in accordance with the applicable provisions of the Borough Planning and Development Regulations and shall be subject to the approval of the Board Engineer.
11. Any application submitted for approval by the redeveloper shall include a detailed Traffic Statement, which shall address impacts associated with the proposed project on the existing roadway network. The report shall address adequacy of service levels at access points, adequacy of existing signalized intersections, vehicular and pedestrian circulation throughout the site, and the adequacy of proposed parking and loading areas.

PLANNING RELATIONSHIP

Red Bank Borough Master Plan

Pursuant to the LRHL, “all provisions of the Redevelopment Plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan.” (N.J.S.A. 40A:12A-7d).

The Borough’s most recent Master Plan, adopted in 1995, established several goals pertaining to the development and redevelopment of the Borough including:

- Develop in higher density mixed-use centers that accommodate the varied housing types, employment, retail and support services, the use of alternative modes of transportation...; and
- Expand the commercial tax base by a growing and thriving Downtown.

The 1994 Red Bank Vision Plan, which provided a partial basis for the development of the 1995 Borough Master Plan, notes “a need to upgrade and supplement the housing stock...at the neighborhood level; and a need to increase the residential population.”

This Redevelopment Plan sets forth standards that will facilitate a significant upgrade and enhancement to the Borough’s housing stock. The redevelopment of the Redevelopment Area in a manner consistent with this Redevelopment Plan will also serve to increase the Borough’s residential population and to further the goal of developing in higher density mixed-use centers that include a variety of housing types. With this in mind, the Redevelopment Plan and standards

herein are substantially consistent with the Borough Master Plan and will effectuate the goals and objectives of the Master Plan.

Contiguous Municipalities

Red Bank Borough is bordered by the Navesink River and Middletown Township to the north and west, the Borough of Fair Haven to the east, and the Boroughs of Little Silver, Shrewsbury, and Tinton Falls to the south. However, the Redevelopment Area is not located in close proximity to any of the Borough's contiguous municipalities, and thus will have a negligible effect on any Master Plan of these municipalities.

Monmouth County

The Monmouth County Growth Management Guide was adopted by the County Planning Board in 1995. The Growth Management Guide established several goals and objectives to guide planning and development within the County. Many of the goals and objectives established by the Growth Management Guide remain relevant despite the relative age of the document. This Redevelopment Plan and the goals and objectives established herein serve to further the following goals and objectives of the Monmouth County Growth Management Guide:

- Promote land use planning that encourages the use of transit, walking and cycling, and the creation of centers in order to improve air quality by reducing automobile trips and congestion.

This Redevelopment Plan establishes standards for the redevelopment of a Redevelopment Area located within a mixed use neighborhood, which provides robust opportunities for walking and cycling to nearby destinations. Furthermore, the Redevelopment Area is located less than one-half of one mile from the Red Bank Train Station and within several bus lines, thereby promoting the use of public transit while capitalizing on the walkability of the Borough's Downtown.

- To promote new and revitalize older urban areas into well designed mixed use centers with an easily accessible compact but varied core of residential, commercial, and community services which provide employment and create a specific identity.

The Redevelopment Plan promotes the continued revitalization and enhancement of the Borough's Downtown and serves to promote the Borough's easily accessible, compact, and varied core, which contains a robust mix of uses.

- To provide housing opportunities for all residents of Monmouth County.

The Redevelopment Plan provides regulations that serve to facilitate the development of a multifamily residential development that will serve to diversify the housing stock and opportunity for housing within the Borough.

Furthermore, the Coastal Monmouth Plan, prepared by the Monmouth County Planning Department in 2007 and revised in 2010, recognizes Red Bank as a Regional Center in

accordance with the designation of the Office of Smart Growth, Department of Community Affairs. The Coastal Monmouth Plan also recognizes that the Borough's population will continue to grow at a substantial rate. The Redevelopment Plan is intended to facilitate the development of additional housing to accommodate the Borough's anticipated population growth adjacent to the Borough's mixed use center, and is therefore consistent with the Coastal Monmouth Plan's recognition of the Borough as a designated Regional Center.

State Development and Redevelopment Plan

The State Plan Policy Map and State Development and Redevelopment Plan (SDRP) classify all of Red Bank Borough as a Metropolitan Planning Area (PA-1). According to the State Plan, the Metropolitan Planning Area is intended to provide for much of the state's future development and redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities. Further, the SDRP envisions the Metropolitan Planning Area as an area to promote compact development forms and protect natural resources.

The Redevelopment Area is located in an existing urbanized area characteristic of the Metropolitan Planning Area. Existing infrastructure is readily available to serve the Redevelopment Area and the Redevelopment Area is located proximate to a wealth of transportation choices.

The goals, objectives, and provisions of this Redevelopment Plan are intended to guide the redevelopment of the Redevelopment Area in a manner consistent with the State Plan policies established for the Metropolitan Planning Area. The redevelopment of the Redevelopment Area in accordance with the Redevelopment Plan will revitalize the Borough and promote growth in compact forms. Redeveloping of the Redevelopment Area will also serve to expand housing to attract a balanced residential population in a manner consistent with the traditional urban fabric.

ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

Acquisition and Relocation

The Redevelopment Area governed by this Redevelopment Plan is a Non-Condemnation Redevelopment Area, which does not permit the Borough to acquire property via eminent domain. Furthermore, the Redevelopment Area is vacant with respect to use. Therefore, provisions related to acquisition and relocation assistance are not required. In the event that it is determined that relocation assistance is necessary, the Borough will provide the appropriate relocation assistance pursuant to applicable State and Federal law as necessary.

Inventory and Replacement of Affordable Housing

The Redevelopment Area governed by this Redevelopment Plan contains no housing units affordable to low and moderate income households, as defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304). No affordable units will be removed as a result of implementation of this Redevelopment Plan. For that reason, the Borough is not required to plan for the provision of

new or substantially rehabilitated affordable housing as a result of the implementation of this Redevelopment Plan.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Borough Council may amend, revise, or modify the Redevelopment Plan in general or for specific properties within the Redevelopment Area as circumstances may make such changes appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the LRHL. Any proposed changes in permitted uses, the land use plan, building height, or other core design concepts of this Plan shall require notice and public hearings in a manner similar to the adoption of the original Plan.

Redevelopment Powers

The Borough may also use any and all redevelopment powers granted to it pursuant to the LRHL to effectuate this Plan, except that the use of eminent domain shall be prohibited. The Borough may enter into agreements with a designated redeveloper(s) in connection with the construction of any aspect of the Redevelopment Plan, including off-site improvements.

Conveyance of Land

The Borough may sell, lease, or otherwise convey to a redeveloper for redevelopment, subject to restrictions, controls and requirements of the Redevelopment Plan, all or any of the properties designated in need of redevelopment within the designated Redevelopment Area that it owns or may acquire via means other than eminent domain. The Borough may also use its redevelopment powers pursuant to the LRHL to enter into other agreements with a designated redeveloper or redevelopers in connection with the implementation of the Redevelopment Plan.

Duration of the Plan

The Redevelopment Plan, as it may be amended from time to time, shall be in full force and effect upon its adoption by ordinance by the Borough Council and shall be in effect until the redevelopment of the Redevelopment Area is completed as evidenced by the issuance by the Borough of a certificate of project completion in accordance with the Redevelopment Plan.

REDEVELOPER OBLIGATIONS

Redevelopment under the terms of this Redevelopment Plan shall only be undertaken pursuant to a redevelopment agreement entered into between the Borough and the designated redeveloper. The following restrictions and controls on redevelopment shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

- The redeveloper will be obligated to carry out the specified improvements in accordance with the Redevelopment Plan.
- The redeveloper, its successors or assignees shall develop the Redevelopment Area in accordance with the uses and building requirements specified in the Redevelopment Plan.

- Until the required improvements are completed and a certificate of completion is issued, the redeveloper covenants provided for in N.J.S.A. 40A:12A-9 and imposed in any redevelopment agreement, lease, deed or other instruments shall remain in full force and effect.
- The redevelopment agreement(s) shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability and financial guarantees of the redeveloper(s) and any other provisions necessary to assure the successful completion of the project.

AFFORDABLE HOUSING REQUIREMENTS

The redeveloper shall be subject to the Mandatory Affordable Housing Fees provision contained under Section 205-17B(1) of the Borough Code of Ordinances. Compliance with the requirements of this chapter shall be included in any redevelopment agreement(s) entered into by the Borough and the designated redeveloper(s).

PLANNING BOARD REVIEW PROCESS

Pursuant to N.J.S.A. 40A:12A-13, all development applications for development of sites governed by this Redevelopment Plan shall be submitted to the Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment projects for the redevelopment area:

- No building or zoning permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the area of the Redevelopment Plan without prior review and approval of the work by the Borough Council and the Planning Board.
- Regular maintenance and minor repair shall not require Planning Board review and approval.
- The Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to N.J.S.A. 40:55D-1 et seq. and the Borough Planning and Development Regulations.
- As part of site plan approval, the Planning Board may require the redeveloper to furnish performance guarantees pursuant to N.J.S.A. 40:55D-53 and as required in the Borough Planning and Development Regulations. The performance guarantees shall be in favor of the Borough of Red Bank, and the Borough Engineer shall determine the amount of any performance guarantees.
- Any subdivision of lots or parcels of land within the Redevelopment Area shall be in compliance with the Redevelopment Plan and reviewed by the Planning Board pursuant to the Local Redevelopment and Housing Law and N.J.S.A. 40:55D-1 et seq.

- Once a property has been redeveloped in accordance with the Redevelopment Plan, it may not be converted to any use not expressly permitted in this Redevelopment Plan. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Planning Board shall determine the issue of whether the non-conforming use or building structure has been "destroyed."
- The Planning Board may grant "C" variances, exceptions or waivers from design standards from the requirements for site plan or subdivision approval. Any exceptions or waivers granted shall be reasonable within the general purposes and intent of the provisions for site plan review and/or subdivision approval within this Redevelopment Plan. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Redevelopment Plan or the Borough Master Plan.
- No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Redevelopment Plan that results in a "D" variance pursuant to N.J.S.A. 40:55D-70d may only be addressed as an amendment to the Redevelopment Plan by the Borough Council rather than via variance relief through the Borough Zoning Board of Adjustment. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment to the Borough of Red Bank Planning and Development Regulations and Borough Zoning Map. Unless otherwise defined in the Redevelopment Plan, terms used in this Redevelopment Plan shall have the same meaning as defined in the Borough Planning and Development Regulations.
- The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants, or other provisions and through agreements between the redeveloper and Borough pursuant to N.J.S.A. 40A:12A-8 and 40A:12A-9.
- The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to the development of the Redevelopment Area, or contribution thereto, shall, whether on-site or off-site, be subject to a redevelopment agreement with the Borough of Red Bank, as the municipal redevelopment agency.
- Any and all definitions contained within this Redevelopment Plan shall prevail. In the absence of a definition, the definition found within the Borough Planning and Development Regulations shall prevail. Any and all definitions inconsistent with N.J.S.A. 40A:12A-3 shall be considered invalid.
- A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Borough Ordinance and State

law. Additionally, a redeveloper shall be required to pay their proportional share of the cost of any studies, plans, reports, or analysis prepared by the Borough or its designated redevelopment entity as part of this Redevelopment Plan. Any such payments required to reimburse the Borough shall be specified in the redevelopment agreement.

The above provisions are all subject to approval by ordinance and/or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

AMENDMENT TO ZONING MAP AND DEVELOPMENT REGULATIONS

The Borough Zoning Map is hereby amended to reference this Redevelopment Plan as a zoning district encompassing the Redevelopment Area in its entirety. Additionally, the listing of zoning districts in the Borough of Red Bank Planning and Development Regulations is hereby amended to include a reference to this Redevelopment Plan constituting such substitute zoning district.

Where specifically provided for herein, the development standards set forth in this Redevelopment Plan shall supersede the Planning and Development Regulations of the Borough of Red Bank. In all other instances, the Borough Planning and Development Regulations shall remain in full force and effect.

OTHER PROVISIONS

In accordance with the LRHL, the following statements are made:

- The Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreation and community facilities, and other public improvements. The Plan has laid out various programs and strategies needed to be implemented in order to carry out the objectives of this Plan.
- The Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.
- The Redevelopment Plan does not permit or require the acquisition of privately-owned property.
- The Redevelopment Plan is substantially consistent with the Master Plan for the Borough of Red Bank. The Plan also advances the goals and objectives of the New Jersey State Development and Redevelopment Plan.

Non-Discrimination Provisions

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

Appendix A: Zoning Map Exhibit

