

# 100 Schultz Drive Redevelopment Plan

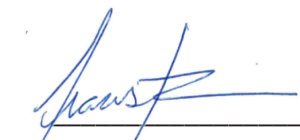


Block 1086 Lot 30

**TOWNSHIP OF MIDDLETOWN**  
**MONMOUTH COUNTY, NEW JERSEY**  
January 2023

**Prepared by:**

DMR Architects  
777 Terrace Avenue  
Hasbrouck Heights, NJ 07604

  
Francis Reiner, LLA - PP  
License #: LI00616700

Date: January 2023





**ACKNOWLEDGEMENTS:****Mayor and Township Committee**

Mayor Anthony S. Perry  
 Deputy Mayor Rick W. Hibell  
 Committeeman Ryan Clarke  
 Committeewoman Kimberly Kratz  
 Committeeman Kevin M Settembrino, AIA

**Township Administrator**

Anthony Mercantante, PP - AICP

**Planning Board**

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 John Rentschler - Class II / Public Official Member  
 Kevin M Settembrino, AIA - Class III / Township Committee Member  
 Jay Banasiak - Alternate #1

**Board Attorney**

James H. Gorman, Esq.

**Board Secretary**

Erin Uriarte

**Director of Planning**

Amy H. Citrano, PP, AICP

**Community Development Manager**

Jill Cammarosano



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## 1.0: BACKGROUND INFORMATION -

### BASIS FOR THE PLAN:

On February 7th, 2022 through Resolution No. 22-75, the governing body acting as the Township's Redevelopment Entity, authorized and requested the Township of Middletown Planning Board, to undertake a preliminary Investigation to determine whether Block 1086 Lot 30 qualified as a area in need of redevelopment according to the criteria set forth in the Local Redevelopment and Housing Law N.J.S.A. 40A:12A-3 and 40A:12A-5. In addition, the study also included Block 1086 Lot 29 and Block 1089 Lots 1 and 2 as well as Block 1131 Lots 30, 31 and 32, which are not included as part of this redevelopment plan.

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

This Redevelopment Plan is proposed for Block 1086 Lot 30 to address a pattern of vacancy, abandonment and under-utilization through the establishment of new permitted uses and design standards. This document is the second step in the implementation of a plan for redevelopment that began with the preliminary investigation conducted by the Planning Board that resulted in a determination of an "area in need of redevelopment" by the Middletown Township Committee.

The 100 Schultz Drive Redevelopment Plan, which only includes Block 1086, Lot 30 has been prepared pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq. or "LRHL"). As required under the statute, the plan includes the following components:

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

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

The use, bulk, design and performance standards for this Redevelopment Plan shall supersede the zoning provisions of the Middletown Township Land Use Development Ordinance for Block 1086, Lot 30. Where the regulations and standards for this Redevelopment Plan are silent, the standards of the Land Development Ordinance for the Township of Middletown shall apply as permitted by N.J.S.A. 40A:12A-7.a(2). The zoning map of the Township of Middletown shall be amended upon the adoption of this Plan in accordance with N.J.S.A. 40A:12A-7.c to reflect this new classification. Block 1086, Lot 29, which was included in the designation (Resolution No. 18-78), but is not included in this Redevelopment Plan, shall remain subject to the standards and regulations applicable to the existing B/P Zone.

**PROPERTY DESCRIPTION:****Block 1086, Lot 30 (100 Schultz Drive):**

This property is approximately 5.78 acres in area, with frontage on Schultz Drive to the east, the Garden State Parkway to the south, a single family home to the west and a office building to the north. The property is developed with a four-story, approximately 100,000 square foot office building known as River Centre 5, which was constructed in 1988 and includes surface parking to the south and west of the building.

**SURROUNDING CONTEXT:**

The Study Area (Block 1086, Lots 30) is located just to the northeast of the Garden State Parkway Interchange 109, has frontage on Schultz Drive and is approximately 5.78 acres in area. The property is also located to the north of the park and ride commuter parking lot. To the south is the Garden State Parkway, to west is a residential lot and to the north is an existing four story office building with surface parking located to the side and rear portions of the properties.



**Image 1:** Block 1086 Lot 30  
Redevelopment Plan Area

## 2.0: EXISTING ZONING

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

### 1. "Accessory"

#### a. Accessory Uses:

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

### 2. Agricultural

#### a. Permitted Uses:

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

#### b. Accessory Uses:

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

### 3. Business Office

#### a. Permitted Uses:

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

xvii. Engineering service

xviii. Family counseling

xix. Financial service

xx. Government office and facility

xxi. Insurance agency

xxii. Legal service

xxiii. Medical office

xxiv. News syndication service

xxv. Planning service

xxvi. Professional consultant

xxvii. Real estate agency

xxviii. Security/commodity broker

xxix. Surveying service

xxx. Travel agent

xxxi. Tutoring service

xxxii. Veterinarian office

#### b. Conditional Uses:

i. Hospitals

ii. Performance commercial development

### 4. Business Services

#### a. Permitted Uses:

- i. Printing and photocopy service

### 5. Educational

#### a. Permitted Uses:

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

#### b. Conditional Uses:

- i. Private or parochial school

## EXISTING ZONING CONTINUED

**6. Light Industrial**

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

**7. Recreational**

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

**8. Residential**

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

**9. Service Organizations**

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

**10. Transportation**

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

**11. Utility**

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

**12. Wholesale and Retail Trade**

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

## EXISTING ZONING CONTINUED

Redevelopment Study & Preliminary Investigation Report  
Middletown Township

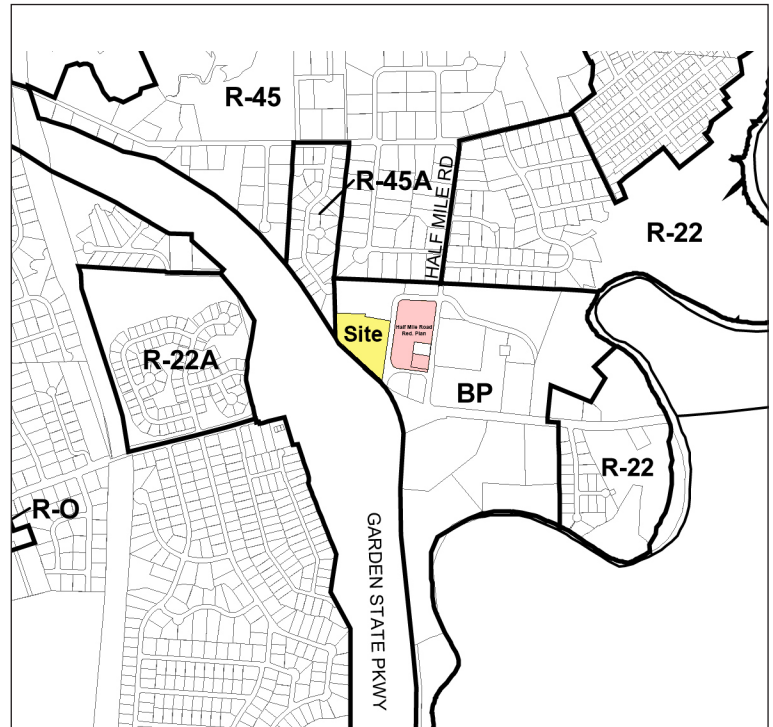
Table 1 outlines the lot and bulk standards of the BP Business Park Zone, pursuant to §540-923 of the Planning and Development Regulations:

Table 1: Lot and Bulk Standards of the BP Zone

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

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

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

Image 2: Township of Middletown  
Zoning Map

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

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

1. Its relationship to definite local objectives as to appropriate land use, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the project area.
3. Adequate provisions for the temporary and permanent relocation, as necessary for residents in the project area, including an estimate of the extent of which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property with the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
5. Any significant relationship of the redevelopment plan to:
  - The master plans of contiguous municipalities;
  - The master plan of the county in which the municipality is located;
  - The State Development and Redevelopment Plan adopted pursuant to the “State Planning Act” P.L. 1985,c.398 (C.52:18A-196 et al.).
6. An inventory (as of the date of the adoption of the resolution finding the area to be in need of redevelopment) of all housing units affordable to low and moderate income households, as defined pursuant to N.J.S.A. 52:27D-304, that are to be removed as a result of implementation of the redevelopment plan, whether as a result of subsidies or market conditions, listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing unit that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the redevelopment plan .
8. The redevelopment plan may include the provision of affordable housing in accordance with the “Fair Housing Act,” N.J.S.A. 52:27D-301 et seq. and the housing element of the municipal master plan.
9. The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law,” P.L.1975, c. 291 (C.40:55D-1 et seq.).
10. The redevelopment plan must state whether it shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area.
11. All provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan; but the municipal governing body may adopt a redevelopment plan which is inconsistent with or not designed to effectuate the master plan by affirmative vote of a majority of its full authorized membership with the reasons for so acting set forth in the redevelopment plan.

## 4.0: REDEVELOPMENT REGULATIONS

### DEFINITIONS:

Throughout this Redevelopment Plan, a meaningful distinction is made in the regulations between “shall” / “required” and “should” / “encouraged”. “Shall” or “required” means that a developer is required to comply with the specific regulation, without deviation. “Should” or “encouraged” means that a developer is encouraged to comply, but is not required to do so.

The definitions of the Township’s Zoning Ordinance (Section 540-203) shall apply to this plan.

### USE REGULATIONS / BULK STANDARDS:

- A. Permitted Uses: Permitted principal uses and structures. The following principal uses and structures shall be permitted in the Veterinary Offices and Hospital zone (VOH) which applies to 100 Schultz Drive.
  1. Veterinary Offices and Hospitals.
  2. All other uses following the B/P zone.
- B. Accessory Uses Permitted: The following accessory uses and structures shall be permitted in the VOH zone:
  1. Fences and walls (§540-616)
  2. Off-street parking (§540-627R)
  3. Site Furnishings (seating, dog runs, gardens, etc.)
  4. Medical Gas Storage tanks (oxygen, etc.)
  5. All other uses following the B/P zone (§540-923)
- C. Maximum Building Height:
  1. Maximum building height shall not exceed 54 feet in height or 5 stories, excluding mechanical screening devices as defined in the Township of Middletown Zoning Ordinance.
- D. Maximum Building Floor Area Ratio:
  1. Maximum building floor area ratio shall not exceed 0.45.
- E. Area and Yard Requirements: The following area and bulk regulations shall apply:
 

1. Minimum Lot Area:	3 Acres
2. Minimum Buildable Lot Area:	2 Acres
3. Minimum Lot Frontage:	200 Feet
4. Maximum Building coverage:	15%
5. Maximum Impervious coverage:	65%
6. Minimum Building setback from right-of-way:	60 feet
7. Minimum Building setback from tract boundary (other than ROW):	50 feet
8. Minimum Building Setback from Residential zone:	100 Feet
9. Minimum Accessory Use Front Yard Setback:	37.5 Feet
10. Minimum Accessory Use Side Yard Setback:	15 Feet

F. **Parking Requirements:** Refer to Section 540-627: Off-street parking for all parking requirements.

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

1. **Signage:** All other provisions set forth in Ord. 540-635 shall apply with the following exceptions.
  - a. One façade sign may be placed or inscribed upon two sides of a building and each sign shall not exceed 10% of the wall area.
  - b. One freestanding sign may be erected and shall not exceed 12-feet in height, with a maximum sign face of 20 square feet (each side), set no closer than 15-feet from the right-of-way line. The sign shall be located outside any sight triangle and shall be illuminated in accordance with Ord. 540-635(E).
2. **Fences:** All other provisions set forth in Ord. 540-616 shall apply with the following exception.
  - a. Fences that are located in the front, street side or street rear yard shall not exceed 60 inches in height and shall be adequately screened by use of vegetation and/or earthen berm.
3. **Refuse and Recycling:** All other provisions set forth in Ord. 540-638 shall apply with the following exception.
  - a. Outside refuse and recycling containers shall be enclosed in a three-walled masonry structure.
4. **Mechanical Equipment:**
  - a. General. Such areas, due to their visual and noise impacts onto adjacent properties and visitors to the site shall be screened, recessed and/or enclosed.
  - b. Outdoor storage, utility meters, HVAC equipment, and other such service functions shall be incorporated into the overall design of the building and site layout. Walls, screens and enclosures for such uses shall be of a similar construction and material as the primary buildings to which they are associated. Such accessory structures and uses shall be adequately landscaped to the point where the visual and acoustic impacts of these functions in conjunction with walls, screens and/or enclosures are fully contained and out of the view from general passersby.
5. **Stormwater Management:**
  - a. For sites that are currently developed, which include an existing stormwater management system, such as a detention or infiltration basin or other means of capturing and limiting off-site runoff, additional stormwater management measures shall only be required for the following:
    - i. Any development that causes a net increase of more than ¼-acre of additional impervious surfaces, or
    - ii. As requested by the Board Engineer.

**PLANNING BOARD REVIEW:**

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



Image 3: Conceptual Site Plan

## 5.0: RELATIONSHIP TO MASTER PLANS:

### NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN:

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

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

### Adjacent Municipalities:

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

### Middletown Township Master Plan – 2004

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

#### Objectives:

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

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

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

#### **Principles:**

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

#### **Policies:**

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

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

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

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

#### **Master Plan Reexamination Report – 2014**

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

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

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

## 6.0 REDEVELOPMENT ACTIONS:

### 1. **Outline of Proposed Actions:**

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

### 2. **Provision of Improvements:**

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

### 3. **Properties to be Acquired:**

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

### 4. **Relocation:**

No relocation actions are required to implement the Redevelopment Plan.

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

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

### 6. **Other Actions:**

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

## 7.0 GENERAL PROVISIONS:

### 1. Site Plan and Subdivision Review:

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

### 2. Adverse Influences:

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

### 3. Non-Discrimination Provisions:

No covenant, lease, conveyance or other instrument shall be affected or executed by the Township of Middletown Committee or by the developer or any of his/her successor or assignees, whereby land within the Redevelopment Area is restricted upon the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identify or expression, disability, or sex in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments.

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

### 4. Deviation Request:

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

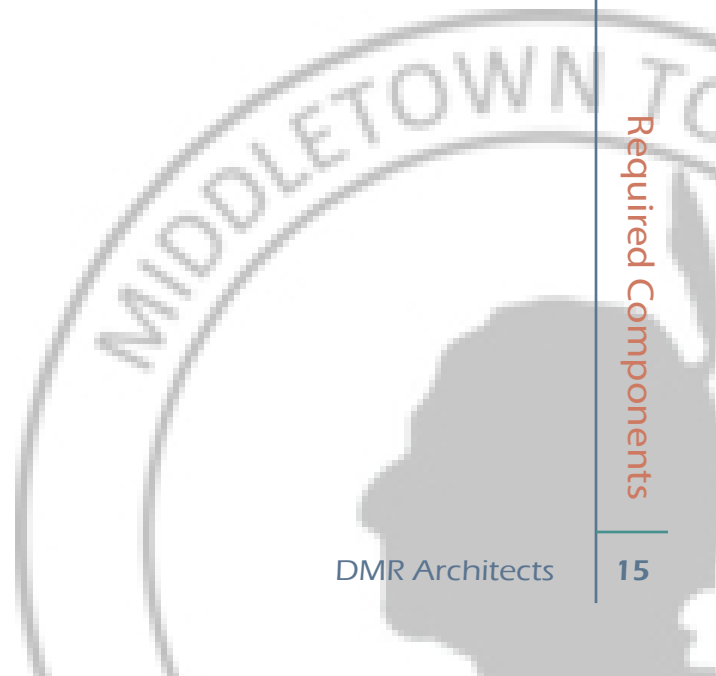
The Planning Board may also grant such relief where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of the plan and the benefits of the deviation would substantially outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial

impairment of the intent and purpose of this Redevelopment Plan. An application for a variance from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A 40:55D-12a and b.

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

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

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



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

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

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

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

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

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

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

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

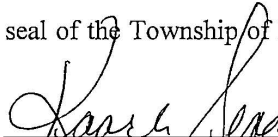
**MIDDLETOWN TOWNSHIP COMMITTEE**

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

**CERTIFICATION**

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

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

  
 Kaaren Sena, Deputy Township Clerk

## RESOLUTION NO. 22-153

**Resolution Concurring with The Township of Middletown Planning Board's  
Redevelopment Investigation Findings and Designating the Delineated Area of  
Block 1131, Lots 30-32, And Block 1086, Lots 29-30 As an Area in Need of  
Redevelopment for Non-Condemnation Purposes**

**WHEREAS**, on February 7, 2022, by Resolution No. 22-75, the governing body, acting as the Township's Redevelopment Entity, authorized and requested the Township of Middletown Planning Board ("**Planning Board**") to undertake a preliminary investigation ("**Investigation**") to determine whether Block 1086, Lots 29 and 30; Block 1089, Lots 1 and 2; and Block 1131, Lots 30, 31, and 32 (the "**Area of Investigation**") qualify as an "area in need of redevelopment" according to the criteria set forth in the Local Redevelopment and Housing Law ("**LRHL**"), specifically N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-3; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the Planning Board specified and gave public notice that on May 4, 2022, a hearing would be held for the purpose of hearing persons who are interested in or would be affected by a determination that the properties in the Area of Investigation are an area in need of redevelopment as that term is defined under the LRHL for non-condemnation purposes; and

**WHEREAS**, Francis Reiner, LLA, PP of DMR Architects publicly presented a "Report of Preliminary Investigation for Determination of an Area in Need of Redevelopment" for the designated Area of Investigation dated April 2022 ("the **Investigation Report**"), which is attached hereto and made part hereof as **Exhibit A**; and

**WHEREAS**, the Investigation Report determined that Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 within the Area of Investigation evidence conditions and characteristics that qualify these properties as an "area in need of redevelopment" because they satisfy the "b" statutory criterion in N.J.S.A. 40A-12A-5; and

**WHEREAS**, the Investigation Report determined that Block 1089, Lots 1 and 2 did not satisfy the redevelopment criteria pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Investigation Report demonstrates significant vacancies in the buildings within Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 for at least two consecutive years when compared to industry standards for vacant office space, which is demonstrated through the pictures, narrative, Township records and uncontested testimony of Mr. Reiner; and

**WHEREAS**, on May 4, 2022, the Planning Board held a properly-noticed public hearing pursuant to the requirements of N.J.S.A. 40A:12A-6 concerning the Area of Investigation; and

**WHEREAS**, the hearing was open to all persons from the public who were generally interested in or would be affected by a finding that the properties within the Area of Investigation constitute an area in need of redevelopment under N.J.S.A. 40A:12A-5 and/or N.J.S.A. 40A:12A-3; and

**WHEREAS**, on May 4, 2022, the Planning Board received uncontested testimony from Mr. Reiner, providing a first-hand account of the conditions that he observed during his exhaustive examination of the properties within the Area of Investigation, which confirmed the description of the conditions and findings contained in the Investigation Report; and

**WHEREAS**, on May 4, 2022, the Planning Board recommended that the Township Committee of the Township of Middletown designate Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 as a non-condemnation area in need of redevelopment due to the substantial evidence that they meet the criteria enumerated in the Investigation Report, pursuant to N.J.S.A. 40A:12A-5(b).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that it hereby adopts the above recitals, findings of the Planning Board and the Investigation Report attached hereto as Exhibit A prepared by Francis Reiner, LLA, PP of DMR Architects, as if set forth fully herein, therefore, determining and hereby declaring that Block 1086, Lots 29 and 30, and Block 1131, Lots 30, 31, and 32 are hereby determined to be an "Area in Need of Redevelopment" according to the criteria set forth under N.J.S.A. 40A:12A-5 for non-condemnation purposes.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Commissioner of the Department of Community Affairs for review.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon all record owners of the properties located within the delineated Area of Investigation as those names are listed within the official Tax Assessor's records within ten (10) days of the adoption hereof.

**BE IT FURTHER RESOLVED** that pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Municipal Clerk is hereby authorized and directed to transmit a certified copy of this Resolution upon each person, if any, who filed a written objection and stated in such submission an address to which notice of this determination may be sent.

**BE IT FURTHER RESOLVED** that that a certified copy of this Resolution and underlying documents shall be available for public inspection during regular business hours at the Office of the Municipal Clerk.

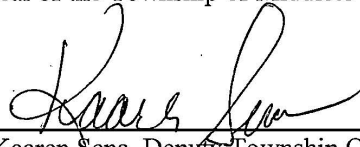
**MIDDLETOWN TOWNSHIP COMMITTEE**

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

**CERTIFICATION**

I, Kaaren Sena, Deputy Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held May 16, 2022.

WITNESS, my hand and the seal of the Township of Middletown this 16<sup>th</sup> day of May 2022.

  
 Kaaren Sena, Deputy Township Clerk