

# CIRCUS LIQUORS

## Redevelopment Plan



**Block 825, Lots: 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, and 81, Block 870, Lots 1 and 2**

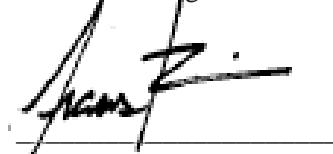
**TOWNSHIP OF MIDDLETOWN  
MONMOUTH COUNTY, NEW JERSEY  
JULY 2018**

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## 1.0: BACKGROUND INFORMATION:

The following establishes development standards to be incorporated into a Redevelopment Plan that encompasses the following properties: Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79 and 81 and Block 870, Lots 1 and 2 as shown on the official tax maps of the Township of Middletown (i.e., the Redevelopment Plan Area).

This Redevelopment Plan shall constitute an overlay zoning to be applied solely to the Redevelopment Plan Area properties and adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment to the Middletown Township Zoning Map. As overlay zoning, this Redevelopment Plan shall not supersede the underlying zoning for such properties as established under the Township of Middletown Zoning Map and the Township of Middletown Planning and Development Regulations. Nothing shall preclude the property owner within the Redevelopment Plan Area from submitting an application in accordance with the underlying zoning. Where zoning requirements or design standards are not addressed within this Redevelopment Plan, applicable standards set forth in the Township of Middletown Planning and Development Regulations shall remain in effect. Any application for development pursuant to this Redevelopment Plan shall not be subject to the provisions of any previous site plan or general development plan approval.

In addition to the land uses permitted herein, this Redevelopment Plan also contemplates the realignment of a portion of Kanes Lane (“Realigned Kanes Lane”); a reconstruction of the existing NJDOT jughandle associated with Woodland Drive (“Woodland Drive Jughandle”); an extension of Twin Brooks Avenue (“Twin Brooks Extension”); and the widening of Route 35. A small portion of Kings Highway East will also be realigned to intersect with the proposed Twin Brooks Extension.



Map 1: Redevelopment Plan Area - Commercial & Residential Tracts

## 2.0: INTRODUCTION:

### BASIS FOR THE PLAN:

The Township of Middletown Township Committee adopted Resolution No. 17-239 on September 18th, 2017 which directed the Township of Middletown Planning Board to undertake a preliminary investigation pursuant to the Local Redevelopment and Housing Law (LRHL), to determine whether Block 825 Lots: 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81 and Block 638, Lot 31.01, Block 825 Lot 58, Block 870 Lots 1 & 2, Block 871 Lots 3 & 7.02, Block 825 Lot 70 (the “Area of Investigation”) constitutes an “area in need of redevelopment” without condemnation in accordance with the criteria set forth in N.J.S.A. 40A:12A.

In a meeting held on December 6th, 2017, the Planning Board held a public hearing on a preliminary study of the Area of Investigation prepared by DMR Architects. The Planning Board ade a formal recommendation to the Township Committee affirming the findings of the report. On December 18th, 2017, the Township Commmitte adopted Resolution No. 17-294 determining that Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79 and 81 and Block 870, Lots 1, 2 and Block 871 Lot 7.02 qualified as an “area in need of redevelopment: withou condemnation under the criteria set forth in N.J.S.A. 40A:12A-3 and N.J.S.A. 40A:12A-5

### PROPERTY DESCRIPTION:

The Redevelopment Plan Area is comprised of the following properties: Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79 and 81 and Block 870, Lots 1 and 2.

The properties located within the Redevelopment Plan Area shall be identified either as being part of the Gross Tract Area or as Outparcels.

The Gross Tract Area shall be comprised of the following parcels: Block 825, Lots 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 72, 73, 74, 75, 76, 77, 78, 79, and 81.

The following properties shall be considered as Outparcels within the Redevelopment Plan Area: Block 825, Lot 70; Block 870, Lot 1 and Lot 2.

### SURROUNDING CONTEXT:

The subject properties are generally located along the east side of Highway 35, south of Kings Highway East and north of Kanes Lane and comprise approximatley 150 acres. The majority of properties are located in the Planned Development (PD) Zone, with other properties located in the M-1 and B-2 Zones. The Redevelopment Plan Area includes a combination of existing commercial development, single family residential, industrial as well as vacant and undeveloped areas. The property includes wetlands as identified by NJDEP GIS mapping as well as a Category One waterway.

## 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.

## 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, with the exception of the following terms:

**BUILDING HEIGHT:** Building height, except as modified within Townhouse District of the Residential Tract, shall be the average vertical elevation from the proposed finished grade 2 feet in front of a building or structure to the highest point of the roof for flat roofs; the mean height level of the distance measured between the eaves and ridge for gable and hip roofs; and to the deck line for mansard roofs.

**DRIVE-THRU:** Any establishment or any portion thereof whose design, method of operation, or any portion of whose business encourages or permits services or goods to be received directly to the customer in a motor vehicle via a drive-through window that eliminates the need for the customer to exit the motor vehicle.

**FAST FOOD RESTAURANT:** Any restaurant with a drive-thru window.

**MULTI-FAMILY:** Housing accommodations that are designed principally for residential use, and consist of not less than five (5) units on 1 site. These units may be detached, semi-detached, row house, or multifamily structures.

**PEDESTRIAN SCALE:** The relationship of a particular building, in terms of mass and scale to a pedestrian.

**STREET FURNITURE:** The elements of streetscape, including but not limited to benches, bollards, news-racks, trash receptacles, tree grates, hardscape, seat-walls, street lights, and street trees.

**VISUAL COMPATIBILITY:** The design of buildings which is consistent in scale and character with adjacent buildings in the area from a pedestrian perspective in which the design is consistent with the architectural and neighborhood design standards set forth in this document.

## EXISTING ZONING:

### § 540-941. Standards and regulations affecting PD Zone

Block 825, Lots 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69.01, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80 & 81

#### A. Minimum standards

1. Minimum Lot Area: 20 acres
2. Minimum Building Setbacks:
  - a. From arterial or collector roadway: 50 feet, except where any jug handle intrudes into property, which buildings shall be no less than 20 feet to the ROW jug handle in that instance
  - b. From tract boundary or right-of-way: 35 feet
  - c. From single-family residential zone: 75 feet, except detached single-family homes are permitted with frontage on an extension of Carriage Lane so long as the standards and regulations of the R-22 Zone are complied with for each lot and structure
  - d. From internal streets: 12 feet
3. Parking setbacks:
  - a. From arterial or collector roadway: 50 feet, except that parking for affordable housing units may be located to within 20 feet from arterial or collector roadways
  - b. From tract boundary or right-of-way: 50 feet, except for parking for affordable housing units which may be no closer than 20 feet (other than internal streets)
  - c. From principal buildings: 6 feet, except for driveway parking spaces.
4. Buffer requirements:
  - a. No structure or paved area associated with a retail use shall be located within 150 feet of a single-family residential zone.
  - b. No structure or paved area associated with any office use shall be located within 100 feet of a single-family residential zone.
  - c. Structures associated with drainage facilities may be permitted within any required buffer area.
5. Open space: 30%. (Open space includes all area of the tract meeting the definitions of “open space” and/or “open space, unoccupied” in § 540-203. It specifically includes all drainage and stormwater drainage and recharge basins.)

#### B. Maximum regulations

1. Lot Coverage: The overall lot coverage for the gross tract area shall not exceed 50%.
2. Building Height:
  - a. Single-family detached residential uses: 2 1/2 stories; 35 feet.
  - b. Retail, office, commercial, mixed-use and multifamily residential buildings: 4 stories, 60 feet.
3. Floor area ratio: 0.12 excluding residential uses.

#### C. Other regulations

1. All residential uses on the site shall be developed at a density not to exceed 4.5 units per gross tract area.
2. Performance residential development shall be permitted on any portion of the PD Zone consistent with the R-22 standards and shall be exempt from the minimum tract size requirement.
3. Any application for development greater than 100 acres in size may, in addition to the application for site

plan approval, also include a request for a general development plan approval for the full development of the project. This application shall be submitted consistent with N.J.S.A. 40:55D-45, 45.1, 45.2 and 45.3 and include information outlined in the above referenced statutory sections that the Board deems necessary for review and determination of general development plan approval. The term of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in N.J.S.A. 40:55D-45.1(c); however, the term shall not be less than 10 years nor more than 20 years from the date upon which the developer receives final approval of the first section of the planned development.

4. The general development plan for the full development of the project must contain a minimum of three of the below uses, and each use shall not comprise more than the maximum percentage listed below, unless otherwise specified herein. Nonresidential development shall comprise a minimum 30% of the full development of the PD Zone.

Uses	Max Percent of Full Development
Office Uses	40%
Retail Uses	50%
Multi-family Residential	50%
Single-family Residential	40%
Other Uses	30%
Farms	100%

5. At the request of the applicant, any of the standards and regulations applicable to the PD Zone may be increased or decreased up to 10% by the approving authority, without need for a variance application.
6. Buildings containing a mix of uses, including residential, shall be permitted in the PD Zone. Any structure containing a mix of uses which includes residential shall be considered a nonresidential structure (except the residential floor area shall not be included in the floor area ratio calculation). Additionally, for the purpose of calculating the mix of uses per Subsection C(4), the square footage of any use within a mixed-use structure shall be added separately and shall contribute to the maximums specified in Subsection C(4).
7. After approval (including general development plan approval, preliminary site plan approval and/or final site plan approval), it shall be permissible to sell individual portions of the project (and obtain subdivision approval if necessary) so long as all portions of the project shall remain consistent and in conformance with the general development plan. Such subdivision and sale shall not add additional requirements to the project that were not present prior to the proposal to subdivide and sell a portion of the project.
8. Parking lot landscaping. Section 540-622D(4) and (5) shall not apply to the PD Zone.

D. Any property located in the PD Zone that was not already zoned for planned development at the time of the adoption of this ordinance[2] may be developed in accordance with Business (B-2) Zone standards.

**§ 540-921. Standards and regulations affecting B-2 Zone.****A. Minimum standards.**

1. Lot area.	
a. Gross lot area:	20,000 square feet.
b. Buildable lot area:	15,000 square feet.
2. Building setbacks:	
3. Lot Frontage:	100 feet.
4. Gross floor area:	1,000 square feet.
5. First floor area:	1,000 square feet.

**B. Maximum regulations**

1. Dwelling unit density:	N/A.
2. Lot coverage.	
a. One-story buildings:	70%.
b. Two or more stories:	60%.
3. Floor area ratio:	25%.
4. Building height:	2 1/2 stories; 35 feet.

**C. Other regulations**

1. Nonresidential use in the B-2 Zone which abuts a residential zone, a fifty-foot landscaped buffer shall be provided.
2. In conjunction with any development in the B-2 Zone, a complete signage plan shall be required and approved as part of site plan approval.
3. Temporary construction trailers shall be permitted where active construction work is proposed. Such trailers shall not be placed on site until building permits have been issued, and in no case more than seven days prior to the commencement of work. Trailers shall not remain on site more than seven days after completion of all work. Temporary construction trailers shall not be placed within the right-of-way of any improved public road.
4. Retail establishments engaged in the sale of lumber and building materials, and storing or displaying and selling materials outside a completely enclosed building, and further provided that the use of forklifts to load a customer vehicle is prohibited.

**§ 540-924. Standards and regulations affecting M-1 zone.****A. Minimum standards**

1. Lot area:
  - a. Gross lot area: 3.0 acres
  - b. Buildable lot area: 2.5 acres.
2. Building setbacks:

	<u>Principal</u>	<u>Accessory</u>
a. Front	50	50
b. Side	15	15
c. Street side	25	25
d. Rear	50	40
e. Street rear	50	50
3. Lot frontage: 500 feet.
4. Gross floor area: 40,000 square feet.
5. First floor area: 40,000 square feet.

**B. Maximum regulations**

1. Dwelling Unit Density: N/A.
2. Lot Coverage: 60%.
3. Floor Area Ratio: 22%.
4. Building Height: 3 stories / 40 feet

**C. Other regulations.**

1. Temporary construction trailers shall be permitted where active construction work is proposed. Such trailers shall not be placed on site until building permits have been issued, and in no case more than seven days prior to the commencement of work. Trailers shall not remain on site more than seven days after completion of all work. Temporary construction trailers shall not be placed within the right-of-way of any improved public road.

### 3.0 REDEVELOPMENT PLAN REGULATIONS:

This chapter, along with the subsequent Chapters 4.0 thorough 6.0, sets forth the standards for development that shall serve as an overlay for the Redevelopment Plan Area (i.e. providing a developermt alternative to the underlying zoning).

#### REGULATIONS AFFECTING THE GROSS TRACT AREA:

##### Subdivision and Site Plan Procedures:

1. Following the adoption of this Redevelopment Plan, any owner, contract purchaser or developer of real property located within the Gross Tract Area shall apply for a two-lot minor subdivision as shown in Figure 1. Block 825, Lot 58 shall not be part of the initial two-lot minor subdivision.
2. The requirements for minor subdivisions set forth in Section 540-407 of the Township of Middletown Planning and Development Regulations shall not be applicable to an application for minor subdivision made under this Redevelopment Plan.
3. The Residential Tract shall consist of a minimum of 65 acres and include all land within the Gross Tract Area located between the Kings Highway East right-of-way to the north; the Redevelopment Area boundaries to the east; the Kanes Lane right-of-way to the south; and the subdivision line to the west.
4. The Commercial Tract shall consist of a minimum of 50 acres and include all land within the Gross Tract Area located between the existing Kings Highway East right-of-way to the north; the subdivision line to the east; the existing right-of-way of Kanes Lane to the south; and the Route 35 right-of-way to the west.
5. Upon approval of the minor subdivision, applications for development may be filed for the Residential Tract, the Commercial Tract or both Tracts. Applications filed for development shall be considered concurrently by the Planning Board provided that each application is deemed complete. The Planning Board shall hold separate hearings for each application by Tract, and shall not consolidate development applications.
6. Permits, approvals, and/or certificates of occupancy for the Residential Tract or the Commercial Tract shall not be dependent on the completion of off-site improvements required for another Tract or Outparcel. The developer of a Tract shall be required only to complete the required off-site improvements associated with the Tract for which the permits, approvals, or certificate of occupancy are sought.

##### Sub-districts within the Gross Tract Area:

The sub-districts within the Residential Tract are shown in Figure 2. The sub-districts within the Commercial Tract are shown in Figure 3.

1. There shall be two sub-districts within the Residential Tract, to be known as the Townhouse District and the Multi-Family District.
2. There shall be three sub-districts within the Commercial Tract:
  - North Retail District: To consist of all land within the Commercial Tract located between Kings Highway East to the north; the proposed Twin Brooks Extension right-of-way to the east and south; and the Route 35 right-of-way to the west.
  - Core District: To consist of all land within the



Figure 1: Gross Tract with Depicting Subdivision for the Redevelopment Area

Commercial Tract located between the proposed Twin Brooks Extension and Kings Highway East rights-of-way to the north; the subdivision line to the east; the existing and proposed realigned portions of the Kanes Lane right-of-way to the south; and the Route 35 right-of-way to the west.

- Parcel A: To consist of all land within the Commercial Tract located between the right-of-way of realigned Kanes Lane and the southerly boundary of the Gross Tract Area.

#### General Requirements for the Gross Tract Area:

1. Permitted, Accessory and Prohibited Uses: The Gross Tract Area shall be subject to the same permitted principal and accessory uses as set forth in the PD zoning district with the following amendments:
  - a. Accessory drive-thru uses are permitted in conjunction with a pharmacy, bank or supermarket, so long as the meet all other requirements of this Plan.
  - b. Fast food drive thru restaurants are specifically prohibited;
2. Stormwater Management Facilities: Permitted throughout the Gross Tract Area. Stormwater management facilities may be constructed on any lands within the Gross Tract Area to accommodate phased development.
  - a. Stormwater management facilities intended to serve development on the Commercial Tract may be physically located on the Residential Tract, and vice versa.
  - b. Applicants constructing stormwater management facilities on any tract must only demonstrate that the facilities are sufficient to accommodate the development proposed for that phase and are not required to construct stormwater management facilities for any future development.
3. Roadway Connectivity: Consistent with the Township's 2014 Master Plan Reexamination Report, a roadway connection shall be constructed between Kanes Lane and Kings Highway East.
  - a. This roadway shall be referred to as the "Interconnect Road."



Figure 2: Proposed Subdistricts within the Residential Tract



Figure 3: Proposed Subdistricts within the Commercial Tract



Figure 4: Locations of out parcels within the Redevelopment Area

- b. The Interconnect Road shall be located on the Residential Tract along the property line shared with the Commercial Tract and shall be constructed by the developer of either tract in conjunction with the commencement of development within the Gross Tract Area.
- c. The Interconnect Road shall be dedicated to the Township and accepted upon release of a performance guarantee securing the construction of said road.
- d. No certificate of occupancy may be issued for any structures on either the Residential Tract or the Commercial Tract until a performance guarantee securing the construction of said road and any related drainage facilities is posted.

**Open Space Requirements for the Gross Tract Area:**

The Gross Tract Area shall not be subject to the requirements for wooded areas as set forth in Section 540-651B of the Township of Middletown Planning and Development Regulations. Rather, the following open space requirements shall apply:

1. Within the Gross Tract Area, a minimum of 30% of all land shall consist of “open space” and/or “open space, unoccupied”, as defined in Section 540-203 of the Township of Middletown Planning and Development Regulations.
  - a. This area shall be calculated prior to the dedication or conveyance of any open space areas to the Township of Middletown, transportation authorities, or neighboring property owners.
  - b. All drainage, stormwater and/or recharge basins as well as hard and soft-surface walking trails in buffer areas shall be specifically included in the calculation of open space for the Gross Tract Area.
2. In the event that any open space is conveyed to the Township of Middletown, transportation authorities, or neighboring property owners in the future, the total amount of remaining “open space” and/or “open space, unoccupied” shall not be less than 25% of the Gross Tract Area.
3. Within the Commercial Tract, a minimum of 25% of all land shall consist of “open space” and/or “open space, unoccupied.” Within the Residential Tract, a minimum of 35% of all land shall consist of “open space” or “open space, unoccupied.” All drainage, stormwater and/or recharge basins as well as hard and soft-surface walking trails in buffer areas shall be specifically included in the calculation of open space for the Commercial and Residential Tracts.
4. In the event that any Outparcels are added to the overall Gross Tract Area acreage in accordance with any mechanism set forth herein, these lands shall not be included as part of the overall open space calculation for the Gross Tract Area. Instead, new development on any Outparcel shall be required to provide a minimum of 20% open space.

## USE AND BULK REQUIREMENTS:

### COMMERCIAL TRACT:

1. Maximum Commercial Square Footage: 400,000 sf

### NORTH RETAIL DISTRICT:

1. Permitted Uses:

- a. Existing uses at the time of adoption of this Redevelopment Plan.
- b. All non-residential uses as permitted per Gross Tract Area use requirements.
- c. Stormwater management facilities.

2. Bulk Standards:

- a. Minimum Lot Size: 1 acre
- b. Building Setback: (from Gross Tract Area boundary or public right-of-way) 50 feet  
(except Twin Brooks extension and the existing Wells Fargo)
- c. Minimum Building Setback: (from Twin Brooks Extension right-of-way) 50 feet
- d. Minimum Building Setback: (from internal property lines) 15 feet
- e. Maximum Building Height: 4 story / 60 feet

3. Parking Standards:

New development shall comply with the following standards related to parking and circulation:

- a. Min. Parking Setback: (from Gross Tract Area boundary or public right-of-way) 25 feet
- b. Min. Parking Setback: (from internal property lines) 10 feet
- c. Min. Parking Setback: (from principal building) 6 feet
- d. Shared driveways shall be permitted to serve two lots with no restrictions when access is directly from a State highway.

4. Other Requirements:

- a. The North Retail District shall consist of one or more lots that are not required to be under common ownership.
- b. Existing improvements at the time of adoption of this Redevelopment Plan, including structures, parking areas and signage, shall be considered conforming under the Plan.
- c. Any application for new development shall be subject to the provisions established herein.

### CORE DISTRICT:

Permitted Uses:

All non-residential uses as permitted in the PD Zone per Gross Tract Area use requirements.

Bulk Standards:

- 1. Min. Bldg Setback: 35 feet  
(from Gross Tract Area boundary or public right-of-way except Kings Highway East)
- 2. Min. Bldg Setback: (from Kings Highway East right-of-way) 75 feet
- 3. Min. Bldg Setback: (from single-family residential zone) 150 feet
- 4. Max. Bldg Height: 4 story / 60 feet
  - a. This height limitation shall not apply to spires, belfries, cupolas, domes or clock towers, provided they do not contain advertising material and are not used for human occupancy.
  - b. Such structures may exceed the max. permitted building height by no more than 30 feet.

Parking and circulation:

1. <u>Min. Parking Setback:</u> (from Out parcels)	5 feet
2. <u>Min. Parking Setback:</u>	20 feet
(from all other Gross Tract Area boundaries or public rights-of-way except Kings Highway East)	
3. <u>Min. Parking Setback:</u> (from Kings Highway East right-of-way)	50 feet
4. <u>Min. Parking Setback:</u> (from principal building)	12 feet

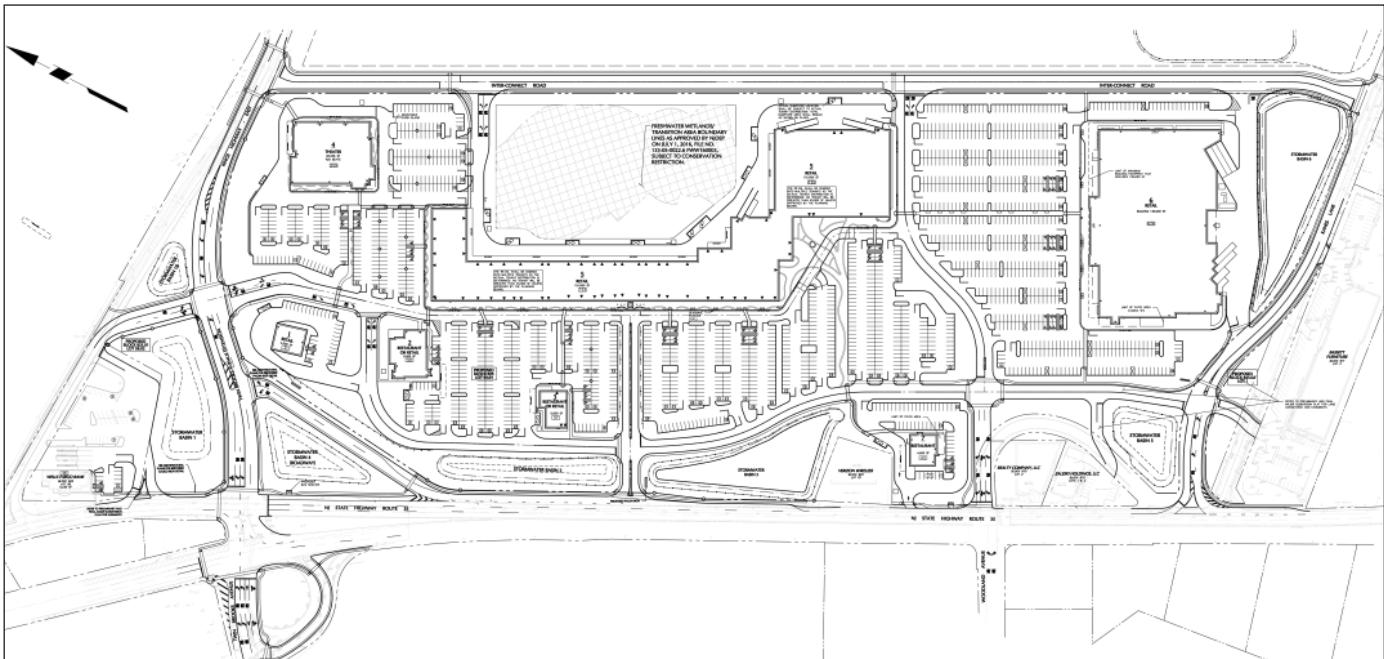
Other Requirements:

1. Areas reserved for short-term parking (e.g., 15-minute parking) and/or electric vehicle charging shall be permitted and same shall be considered as parking spaces for compliance purposes.
2. Customer loading zones shall be permitted provided there is landscaping located between the customer loading zone and any public right-of-way, except at required driveways and access points.
3. Zero-reveal curbs shall be permitted at the principal entrance to commercial buildings if bollards, planters, or decorative vehicle barrier fixtures are provided at intervals of no less than one per every twelve (12) feet.
4. A public access easement shall be provided on certain private internal roads located between Woodland Drive and Kanes Lane to serve as a re-placement for the existing Woodland Drive Jug-handle and to allow access to out parcels. These private internal roads shall not be considered public rights-of-way.
5. Landscaping and Design Standards:
  - a. Non-residential parking areas shall be divided as nearly as practical into smaller lots of 275 spaces separated by an elevated landscape or hardscape strip which includes a minimum width of 12 feet.
  - b. All parking areas/lanes shall be terminated with a landscape island that includes a minimum landscape area of 300 square feet, except in areas where access routes from ADA parking spaces are required.
    - Each landscape island shall be planted with a minimum of two 3.0" to 3.5" caliper deciduous trees.
    - In addition, one landscape island shall be provided at a maximum of 180 feet within the parking fields.
  - c. All non-residential buildings shall be required to locate a landscape buffer between the building and any public right-of-way except at access drive or pedestrian crossing locations.
    - A four-foot wide planting strip; movable planter boxes; or architectural features such as decorative gates or fencing are permitted. The requirement may also be met by utilizing existing vegetation that is proposed to remain.
  - d. Non-residential buildings with less than 20,000 sq. ft. of floor area shall have a planting strip at least six (6) feet in width installed between the building and adjacent perimeter curbing on all four sides, except for in areas where the planting strip would interfere with loading spaces, building entrances and pedestrian access routes.
  - e. Non-residential refuse areas shall be fully screened with landscaping of a five (5) foot minimum width along three sides of the fence or wall enclosing the refuse storage area.
    - The side of the refuse area used for access shall be fully screened with a decorative gate. .
    - No screening shall be required where a refuse compactor abuts a building and is directly accessed from within the building.
    - All other sides are required to have the same building materials as the primary structure. (Chain-linked fencing with slats does not meet this requirement).
  - f. Landscaping shall be provided in and around stormwater basins and consist of deciduous and evergreen shrubs; evergreen trees; and not less than 20 shade trees.

g. Emergency generators shall be located such that there is landscaping between the generator and any public right-of-way or residential use from which it may be visible, except at required driveways and access points. Generators shall be located within a sound attenuating enclosure and shall not exceed a sound level of 50 dBA as measured 200 feet from their location.

## PARCEL A:

1. The following actions shall be undertaken with regard to properties and rights-of-way affected by the proposed realignment of Kanes Lane:
  - a. Kanes Lane shall be realigned
  - b. The right-of-way of the realigned roadway shall be dedicated to the Township of Middletown.
  - c. The Township shall vacate the former Kanes Lane right-of-way following construction of the realignment.
  - d. Following the dedication and vacation of the realigned and former Kanes Lane right-of-way, there will exist a remnant parcel under one acre in size bounded by the realigned Kanes Lane right-of-way to the north and the southern boundaries of the Redevelopment Plan Area to the south.
  - e. This parcel (“Parcel A”) shall be conveyed to Block 871, Lot 3 following the Township of Middletown’s vacation of the former Kanes Lane right-of-way Block 871, Lot 3 is located outside the Redevelopment Plan Area boundaries.
  - f. Parcel A shall remain within the Redevelopment Plan Area and shall not impact the status of Block 871, Lot 3 for zoning compliance purposes.
2. Development on Parcel A shall be limited to the following:
  - a. One access drive to Block 871, Lot 3
  - b. Customary and incidental accessory uses to the business on Block 871, Lot 3 including, but not limited to, landscaping and parking areas;
  - c. Utility connections.



## RESIDENTIAL TRACT:

### 1. Permitted Principal Uses:

- a. Townhouse District: Townhouses, which may or may not be developed on individual lots
- b. Multi-Family District: Affordable housing units within multi-family buildings intended to meet the required affordable housing set-aside as established herein.

### 2. Permitted Accessory Uses:

Shall include recreation and other customary and incidental common facilities for the benefit of residents and guests, including but not limited to the following:

- Tennis courts; - Swimming pools and pool buildings;
- Equipment storage buildings; - Community buildings;
- Recreation and play areas; - Picnic areas;
- Walking trails; - Patios;
- Porches; - Decks;
- Retaining Walls; - Fences;
- Related Accessory Structures;
- Townhouses may contain rooftop decks, along with awnings, shade structures, outdoor fireplaces, gas grills, outdoor kitchens and similar elements. Rooftop decks may be accessed via enclosed stair towers. The decks will be provided for purposes of providing the residents an opportunity to enjoy the outdoor living space available.

### 3. Maximum Number of Residential Units:

400 units

- a. No more than 320 units shall be permitted within the Townhouse District;
- b. No more than 80 units shall be permitted within the Multi-Family District.



**Image:** Residential Tract Illustrative Site Plan - Illustrative plans are subject to change based on more complete information, including more detailed architectural and engineering plans

- c. Twenty (20%) percent of the total number of units shall be set aside as affordable multi-family housing, which may be provided on a separate lot.
- 4. Min. Lot Size: (for the Multi-Family District) 3 acres
- 5. Max. Lot Coverage: (for the Multi-Family District) 75%
- 6. Max. Lot Coverage: (for the Townhouse District) 65%.
- 7. Building Setbacks:
  - a. Min. Building Setback: (from Gross Tract Area boundary or public right-of-way except Kings Highway East) 35 feet
  - b. Min. Building Setback: (from Kings Highway East right-of-way) 50 feet
  - c. Min. Building Setback: (from private internal roads) 12 feet
  - d. Min. Building Setback: (from Interconnect Road) 12 feet
  - e. Min. Building Setback: (from single-family residential zone) 75 feet
  - f. Patios, porches, decks, retaining walls, fences and related accessory structures shall be permitted within the required building setback area.
- 8. Building Separation:
  - a. Townhouse and multi-family buildings shall have a minimum building separation of 25 feet. Building separation shall be measured from the flat face of the structure and shall not include any attached porticos or covered areas.
- 9. Building Height:
  - a. Townhouses: \* 4 stories / 45 feet
    - Each floor/story of a townhouse building may be habitable.
  - b. Multi-family Residential Buildings: 4 stories / 60 feet
    - Each floor/story of a multi-family residential building may be habitable.
  - c. Clubhouse: 2 stories / 35 feet
  - d. Other Accessory Buildings: 1 story / 25 feet

Note (\*): In the Townhouse District building height shall be calculated for each townhouse unit. Building height shall mean the average vertical elevation from the proposed finished grade at the foundation (for the unit) and the highest point of the roof for flat roofs; the mean highest level of the distances measured between the eaves and ridge for gable and hip roofs; and the deck line for mansard roofs, and shall exclude chimneys, antennas, stairway access, enclosures, along with awnings, shade structures, outdoor fireplaces, gas grills, outdoor kitchens and other permitted accessory structures.
- 10. Parking and Circulation:
  - a. Min. parking setback from Gross Tract Area boundary or public right-of-way: 50 feet
    - This shall not apply to parking spaces in townhouse driveways.
  - b. Min. parking setback from the Interconnect Road in the Multi-Family District: 15 feet
  - c. Min. parking setback from residential building: 6 feet
    - This shall not apply to parking spaces in driveways.
  - d. Min. parking setback from non-residential building: 10 feet
  - e. Other Requirements:

- Perpendicular and parallel parking spaces are permitted to be located along private internal roads.
- The Residential Tract shall be exempt from the provisions of Section 540-627N(9) with regard to providing recreational vehicle parking spaces.
- The Townhouse District shall be permitted two access drives from the Interconnect Road and one access drive from Kings Highway East
- The Multi-Family District shall be permitted one (1) access drive from the Interconnect Road.

### REQUIREMENTS AFFECTING OUT PARCELS:

The locations of the Out parcels are shown in Figure 4 (See Page 10).

#### Block 825 Out parcel (Block 825, Lot 70)

1. Existing improvements at the time of adoption of this Redevelopment Plan, including structures, parking areas and signage, shall be considered conforming under the Plan.
2. Any application for new development shall be subject to the use requirements of the Township's B-2 zoning district.
3. Any application for new development shall comply with the following bulk standards:
 

- Minimum lot area:	15,000 square feet
- Minimum lot frontage:	100 feet
- Minimum front yard setback:	25 feet
- Minimum side yard setback:	10 feet
- Minimum rear yard setback:	10 feet
- Maximum lot coverage:	80%
- Maximum building height:	2.5 stories/35 feet
2. Alternatively, Block 825, Lot 70 may be added to the Gross Tract Area if the developer of the Commercial Tract secures development rights and seeks to develop same in a manner consistent with the development standards for the Commercial Tract. In such case, Block 825, Lot 70 shall be subject to the requirements of the Core District as established herein.



**Image:** Residential Tract - Conceptual Building Elevation depicting Architectural Facade options.

Block 870 Out parcels (Block 870, Lots 1 and 2)

1. Existing improvements at the time of adoption of this Redevelopment Plan, including structures, parking areas and signage, shall be considered conforming under the Plan.
2. The existing Woodland Drive Jug handle right-of-way may be vacated by NJDOT following the granting of a public access easement within the Commercial Tract connecting Woodland Drive and realigned Kanes Lane. In such case, the entirety of the vacated right-of-way shall be conveyed to the owners of the nearest adjacent Block 870 Out parcel(s).
3. The developer of the Commercial Tract shall be permitted to construct off-site improvements on any portion of a Block 870 Out parcel, or on NJDOT property prior to its conveyance to a Block 870 Out parcel, contingent upon obtaining a construction easement from the affected property owner(s). Permitted improvements on a Block 870 Out parcel shall be limited to the following:

Out parcels:

- Access driveways between each Block 870 Out parcel and the public access easement within the Commercial Tract connecting Woodland Drive and realigned Kanes Lane. A maximum of two access driveways shall be constructed.
- Modifications and upgrades to the parking areas on both Block 870 Out parcels, including the construction of no less than 15 parking spaces on each of the Block 870 Out parcels to serve the businesses on the Block 870 Out parcels. A minimum of 35 parking spaces shall be constructed on the Block 870 Out parcels as part of the off-site improvements.
- Landscaping, including lawn areas;
- Utility connections.

4. Any application for new development other than the off-site improvements contemplated in this section shall be subject to the use requirements of the Township's B-2 zoning district.
5. Any application for new development other than the off-site improvements contemplated in this section shall comply with the following bulk standards:

- Minimum lot area:	15,000 square feet
- Minimum lot frontage:	100 feet
- Minimum front yard setback:	25 feet
- Minimum side yard setback:	10 feet
- Minimum rear yard setback:	10 feet
- Maximum lot coverage:	80%
- Maximum building height:	2.5 stories/35 feet
6. Alternatively, any or all of the Block 870 Out parcels may be added to the Gross Tract Area if the developer of the Commercial Tract secures development rights and seeks to develop same in a manner consistent with the development standards for the Commercial Tract. In such case, the Block 870 Out parcel(s) shall be subject to the requirements of the Core District as established herein.

## 4.0 ARCHITECTURAL AND DESIGN STANDARDS:

### PURPOSE:

1. The architectural and design guidelines contained within this chapter are intended to encourage sound and quality development in the Township of Middletown. The design and orientation of new shopping centers are reinforced to be pedestrian oriented and special streetscape improvements are encouraged to be established to create rich, and enjoyable public spaces.
2. The goal is to make the centers not only pedestrian friendly, but walkable, bikeable, and designed in the spirit of sustainable design. The shopping center design should focus on diverse tenants and include the prominent pillars associated with today's successful shopping center experiences.
3. These primary pillars include a mix of Local and National; (1) Food & Beverage, (2) Entertainment, (3) Grocery, (4) Pad Site Restaurants, (5) Cafés and (6) Essential Services.
4. The purpose of these guidelines is to create a sense of place, a destination that can be appreciated by the various demographics, from millennials to baby boomers of all income levels. In essence, the goal is to create a thriving economical sustainable destination within the community.
5. These guidelines provide standards of development and design for the Commercial Tract within the Redevelopment Area. The application of these guidelines will provide for the mutual benefit and protection of the community and all present and future owners and lessees and to coordinate the design approach for the different buildings and or structures within the development.
6. These guidelines are intended to act as a supplement to any existing design guidelines and/or ordinance that currently exist and/or is applicable.

### APPLICABILITY:

1. The guidelines found within Pages 19 through 29 of this Chapter (subheadings "Purpose" through "Signage") apply only to the Commercial Tract. Subsequent sections apply to the Commercial Tract, Residential Tract, or Gross Tract, as specified herein.



Image: Proposed Entrance Drive from Route 35  
Courtesy of MMA

## ARCHITECTURAL CHARACTER:

1. To retain a sense of Middletown as a unique place, buildings are encouraged to be designed appropriate to contextual typology. Climate conditions afford the opportunity to allow for porticos, arcades, overhangs, awnings, and other appropriate means to provide shelter from the summer sun and the winter snow. Trellises can also provide shade to pedestrian areas in the moderate times of year.

## THEME:

1. Pedestrian scale buildings, open spaces, natural materials such as stone and brick, sloping roofs, color palette; and utilization of shingles and cornices and other details are intended to promote a recognizable village style character throughout the site.
2. New development should take into account these development themes in the vicinity and specifically address in all land use applications how the proposed architecture complies with context sensitive design techniques.
3. These guidelines represent the type of materials and color palettes, such as masonry products, stucco and EIFS, shingles, cornices, etc., that are required to be instituted.

## PEDESTRIAN CIRCULATION:

Pedestrian areas should be safe, visually attractive, and well defined by landscaping and lighting.

1. Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances.
2. Raised walkways, decorative paving, landscaping, and/or bollards should be used to separate pedestrians from vehicular circulation to the extent possible.
3. Textured paving or stamped concrete should be provided at crosswalks within the project as supplement and or alternative to a painted stripe designation provided it does not conflict with ADA access requirements.
4. Landscaping and pedestrian scaled elements such as awnings or trellises should be integrated into the elevation and the passageway should be safely lit.
5. All pick-up/drop-off areas are encouraged to be designed to not interfere with other planned circulation on the site so as to provide adequate space and facilities for the safe loading and unloading of passengers and cargo.



Image: Commercial Storefront Pedestrian Courtyard  
Courtesy of MMA



Image: Commercial Storefront  
Courtesy of MMA



Image: Commercial Storefront Corner Element  
Courtesy of MMA



Image: Commercial Storefront Pedestrian Courtyard  
Courtesy of MMA

## CYCLIST CIRCULATION:

Ensuring cyclists have a safe, reliable place to park is essential to promoting a bicycle friendly environment.

1. Creative bicycle racks which serve as public art are encouraged.
2. Bicycle racks must be securely anchored to the ground or building to prevent the rack from being removed.
3. Bicycle parking areas are encouraged to be visible, secure, accessible, easy to use, and convenient.



Image: Pedestrian Courtyard and Landscape Islands  
Courtesy of MMA

## STREET FURNITURE AND AMENITIES:

Street furniture and other amenities significantly contribute to the overall image of any commercial development.

1. These elements include benches, waste receptacles, planters, railings, bollards, bike racks, and tree grates in plazas.
2. Benches provided near drop off areas and entry ways to major buildings allow the customers to find places to retreat or relax.
3. Planters are a welcome features in plazas areas, building entry areas, and other paved open areas to give scale to the pedestrian ways.
4. Waste and recycling receptacles are encouraged to be provided at strategic locations, public plazas, and near benches.



Image: Bench Typ.  
Courtesy of MMA



Image: Bike Rack Typ.  
Courtesy of MMA

## FORM AND SCALE:

Overall, this guideline is intended to encourage building articulation that is appropriate for the form and scale of the project and its relationship to pedestrian scale design.

1. Buildings are encouraged to be designed in such a way as to meet site and context design objectives, such as providing edges or enclosure to streets and open

space, creating linkages and gateways, as well as framing or terminating views.

2. Providing human scaled architectural features is particularly important in areas where pedestrian activity is occurring or encouraged.
3. To encourage varied building form and profile within larger type structures or building groups that will help to break up the mass of large buildings when seen in the broad open context of Middletown's environment.
4. To encourage building forms that provides human scale, interest and orientation as well as reinforces the spatial definition to public spaces.
5. Recognizing that buildings will be visible from State Routes, County and Local Roadways, internal and shopping center roadways, buildings need to sit comfortably in this setting. The line of sight in establishing what is considered "visible" shall be determined by topography within the confines of the property lines of the Gross Tract Area. The following techniques may be used to meet these objectives:
  - a. Primary Facades are considered to be front facades facing inward to the shopping center. Inward facing, in the sense that these facades relate and correspond to their adjacent neighboring shopping center building and face State Route 35.
    - The secondary facades relate to the sides of the building of which may be clearly visible, partially visible via screening or buffering of some type and are considered the sides of the building.
    - The rear of the building is the portion of the building where receiving is located, trash compactors are located and incoming utilities come in. These facades are usually utilitarian in design and are on the complete opposite side of the front and or the primary facing side of the building. Shopping center by design have these facades facing the local roadway and connecting network.
    - In primary facades provide shifts in building massing, variation in height, profile and roof form, while maintaining formal relationships of building placement to public street frontage.
    - In primary facades minimize long expanses of wall at



Image: Commercial Storefront Pedestrian Courtyard  
Courtesy of MMA



Image: Commercial Storefront Facade Variation  
Courtesy of MMA



Image: Commercial Storefront Main Entrance  
Courtesy of MMA



Image: Wegmans Facade Elevation  
Courtesy of MMA

a single height or in one plane. Architectural treatments including, but not limited to, windows and doors, pilasters, variations in the roof line or parapet wall, archways and columns, and building wall recesses are encouraged to be used to break up the mass of a single building into distinct components, while continuing to maintain an overall rhythm. Employ small setbacks, projections, indentations, or intervals of material change to break up the wall's surface

- Visible secondary facades or rears of buildings shall be designed to minimize the visual impact of long expanses of wall at a single height or in one plane. On secondary facades if visible, consider creating bays which could include changes in material. On the backs of the building in lieu of changing material consider changes in color.
- d. Vary floor heights to follow natural grade contours if significant variation is present.

6. Primary and or Front Facades are encouraged to be designed to provide human scale interest and variety. The following techniques should be used to meet these objectives.

- a. Vary the building form such as recessed or projecting bays.
- b. Express architectural or structural modules and detail.
- c. Diversify window size, shape or patterns that may relate to interior functions.
- d. Recess windows behind the primary wall plane.
- e. Emphasize building entries through projecting or recessed forms, details, color or materials.
- f. Vary materials, expressed joints and details, surface relief, color to break up large building forms and wall surfaces. Such detailing could include sills, solider courses, reveals, pilasters, window bays and similar features.



Image: Commercial Elevation  
Courtesy of MMA

## ELEVATIONS, ENTRIES AND ROOF FORM:

The quality of a primary building's façade has a significant effect on whether it is comfortable to walk along. The following guidelines establish the scale and visual interest necessary to support pedestrian activity.

1. Primary facades adjoining or oriented towards streets or internal roadway systems and pedestrian areas are encouraged to incorporate glazing at all occupied levels.
2. Retail uses are encouraged to have windows, doors display windows or arcades that make up at least 25% -40% of the building façades that abut the primary pedestrian sidewalks, streets, or internal roadway systems. Medical, dental, and other essential service uses that need more privacy should place these uses in less prominent areas, or should rely on blinds or raised sills, thereby maintaining visual access to the street and an adequate level of architectural detail.
3. Entertainment uses will vary in transparency level. Theaters for example will be limited in glazing to only the

vestibule areas. In these tenant scenarios, focus on utilizing varying materials to help breakup the facades. The design and style of such structures shall compliment and include architectural elements to depict continuity with the rest of the development.

4. Grocery stores and or medium to larger box stores will also maintain less glazing exposure to accommodate merchandizing. In these tenant scenarios, glazing may focus along the primary entry ways but otherwise be based on the configuration of the store design and layout established by a particular tenant's methodology. In this scenario, facade design should focus on utilizing varying materials to visually break up the exterior.
5. The main entrance of each Tenant are encouraged to be along the primary pedestrian sidewalk route or face a street, courtyard, enhanced alley, plaza or similar enhanced type area. Main entrances are favored to be a dominant and recognizable feature of the building. Smaller retail shops are recommended to have individual entrances from the pedestrian way, even when these shops are part of a larger retail anchor.
6. Fenestration and Articulation
  - a. Vertical architectural features such as columns, piers and windows are required at a minimum of every 80'-0".
  - b. Awnings in pedestrian developments are recommended to be no wider than a single storefront to reinforce the scale of the pedestrian.
7. Buildings are encouraged to be designed to include a clear and defined transition between the building and pedestrian scale activities.



Image: Conceptual Theater Perspective  
Courtesy of MMA



Image: Conceptual Theater ElevationCourtesy of MMA



Image: Sample Materials Board  
Courtesy of MMA



Image: Commercial Storefront Setback with Landscape  
Courtesy of MMA

## MATERIALS:

1. The intent of this plan is to establish consistent levels of material quality and detail.
2. To encourage the construction of resource efficient buildings that utilize, to the extent practical, recycled, renewable, and/or reused construction materials.
3. To encourage materials that are complimentary to the large-scale open landscape, and natural surroundings.
4. To provide materials of a quality and durability appropriate to the use and long term value of the development.
5. To incorporate scale in material quality and detail that complements pedestrian activity and contact.
6. To use masonry in a manner that enhances its traditional appearance as a substantial material that provides structure, closure and detail.
7. All primary building facades are encouraged to incorporate materials that are durable, economically maintainable and of a quality that will retain their appearance and finish over time.
8. The following materials are not permitted:
  - a. Tilt-up concrete wall systems that are primarily structural in appearance.
  - b. Painted concrete masonry units as a primary building façade material. This material is acceptable on rear facades or screened and or landscaped secondary facades.
  - c. Vinyl Siding
9. The following materials are permitted on all facades so long as no one material comprises more than 50% for any individual structure:
  - a. Natural wood exterior wall cladding system. Capped Wood Composite such as Timbertech, Trex, and Capped Polymer such as AZEK or similar brands.
  - b. Durable synthetic materials with the appearance of wood, stone, concrete, metal are acceptable.
  - c. Synthetic stucco, or EIFS (Exterior Insulating Finish Systems) as a primary exterior wall cladding system.
  - d. Cement Board Siding and cedar shake both natural and simulated.
  - e. Porcelain, slate, clay, concrete, granite, quartzite, wall tiles or similar.
  - f. Reflective glazing, glass block, spandrel glass and obscure glass are encouraged to be permissible for limited detail and aesthetic effect. Spandrel glazing alternative can include metal skins laminated to a stabilizer with an insulating core material such as plywood or rigid insulation as manufactured by Mapes or similar.
  - g. High quality durable materials such as clay and concrete brick, stone, cultured stone, synthetic stone and masonry, architectural concrete masonry units, integral concrete block, polished concrete block, integral split face block and glass. These materials can come in variety of forms and shapes from full wythe units, veneers, ½ brick application systems, rain screens, etc. The use of these materials are to give buildings an authentic appearance.
10. All façade colors are encouraged to be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors, excluding white are prohibited. Building trim and accent areas may feature brighter colors if consistent with the overall center theme and or enhances the center's architecture.
11. Material changes are encouraged to not occur at external corners. As a general practice, changes in materials are recommended to occur at interior corners, as a "return" of at least two feet from an external corner, or at a change in horizontal plane such as floor lines and sills.

12. Details such as sills, water table courses are encouraged to be used where material transitions occur across horizontal divisions. Materials are also encouraged to be used to add scale and detail through patterning and relief.
13. Durable materials that also provide scale and detail are encouraged to be incorporated close to pedestrian areas, near streets and entries and around the ground floor.
14. Visible roofing materials could include asphalt shingles, standing seam roofs, slate, and high quality synthetic type roofing materials such as synthetic slate, etc.

### SUSTAINABLE SITE AND BUILDING DESIGN:

1. The following sustainable best practices shall be required components of development within the Commercial Tract:
  - a. Provide grass species and drought tolerant plants with low water needs should be utilized.
  - b. Manage rain water by implementing detentions and rain gardens.
  - c. Minimize disturbance and erosion and to maximize the success of improvement.
  - d. Provide low flow toilets.
  - e. Provide trees per the landscape requirements for shading and cooling. (\*)
  - f. Provide full cut-off lighting in primary parking areas.
  - g. Provide energy Efficient HVAC Units.
  - h. Provide LED lighting for all site signage and parking lot lighting.
  - i. Provide 1 Electric Car Charging Station per every 300 vehicle spaces
2. The following sustainable best practices are encouraged:
  - a. Implement waste management practices during construction.
  - b. Provide cool roofs.
  - c. Incorporate bicycle racks into the overall design of the center, to be located in strategic areas so as to not impede pedestrian walking areas;
  - d. To the greatest extent possible, primary building materials manufactured within 500 miles of the site.

Note(\*) Native species as recommended in “Monmouth County’s publication entitled “Suggested Trees for Monmouth County” may be provided.



Image: Route 35 Entrance with Detention Basins  
Courtesy of MMA



Image: Landscape Planting Beds  
Courtesy of MMA



Image: Sample Out-parcel with Similar Materials  
Courtesy of MMA

## PAD SITE BUILDINGS:

Typical franchise facade architecture is discouraged unless it is found to be consistent with the theme of the center. Many Retailers & QSR's have facades that may be found acceptable and consistent with the theme of the center. For those that do, adjustments may not be necessary. For those that don't, site-specific architectural façade design is desired.

1. Some franchise identifying features should be considered and include but not necessarily limited to minor facade details, and the company's logo and signs to the extent the signs are consistent with the intent of these.
  - The prototype building forms and floor plans are acceptable as long as the facade meets the architectural style, character, materials and color palette for the entire Commercial Tract.
2. Rather than adopting a specific standard design, franchise pad buildings should reflect and complement the prevailing materials and techniques used within the center. They should express the methods and components implemented in the core shopping center.
3. All four sides of any pad site building is required to consist of the primary building materials.
4. All loading areas are required to be screened from public streets with a fence or a wall constructed of building materials that are consistent with the primary building materials or landscaping. Screening should not impact the circulation of delivery trucks.

## SIGNAGE:

The intent is to establish a signage programs coordinating the design and placement of signage with site and architectural design objectives.

1. Intent:
  - a. To encourage coordinated sign programs governing multiple buildings and development of the shopping Center.



Image: Tenant Sign at Route 35  
Courtesy of MMA



Image: Tenant Sign at Route 35  
Courtesy of MMA



Image: Wayfinding Signage at Pedestrian Courtyard  
Courtesy of MMA

- b. Directional signs and traffic control signs are recommended to not be obscured by landscaping, as it is especially important to provide safe and effective information about vehicular and pedestrian circulation. Franchise colors are permitted, however franchise signs are recommended to be tailored for the character of the Town Center community and the small town center atmosphere.
- 2. Guidelines:
  - a. All signage is subject to the requirements for Commercial Tract Signage set forth in this Redevelopment Plan.
  - b. Shopping Center developments with multiple tenants and /or multiple pad sites are encouraged to submit a Common Signage Plan, including both identity and directional signage.
  - c. The Common Signage Plan should indicate the following information:
    - Proposed or allowed locations for all ground and building mounted commercial signage;
    - Computation of total maximum sign area as set forth in this Redevelopment Plan;
    - Sign heights;
    - Proposed or permitted sign sizes, types and illumination;
    - Standards for consistency among all signs affected by the plan with regard to locations on buildings, colors/architecture and illumination;
  - d. The use of internally illuminated signs is encouraged. Internally illuminated awnings are not permitted;
  - e. Signs are recommended to be carefully integrated with the site, landscape and architectural design context within which they are located. Size, shape and proportions shall be compatible with the size and scale of the surroundings and should not compete with or obscure other design features of the site, landscape or structures. Signage should have compatible colors and materials.
  - f. Signs are encouraged to contain lettering, images, or messages that are legible and easy to understand. The lettering should be architecturally compatible with structures within the Commercial Tract.
  - g. Logos or images used to convey information about the business are encouraged to be used only if their design is compatible with the size, design, and scale of the sign and the overall architectural character of the Commercial Tract. Colorful logos and signs are also encouraged to help add character and interest to the building and the streetscape.
  - h. Monument style signs are acceptable due to their low profile and style. These signs may be placed on berming in order to increase their visibility.

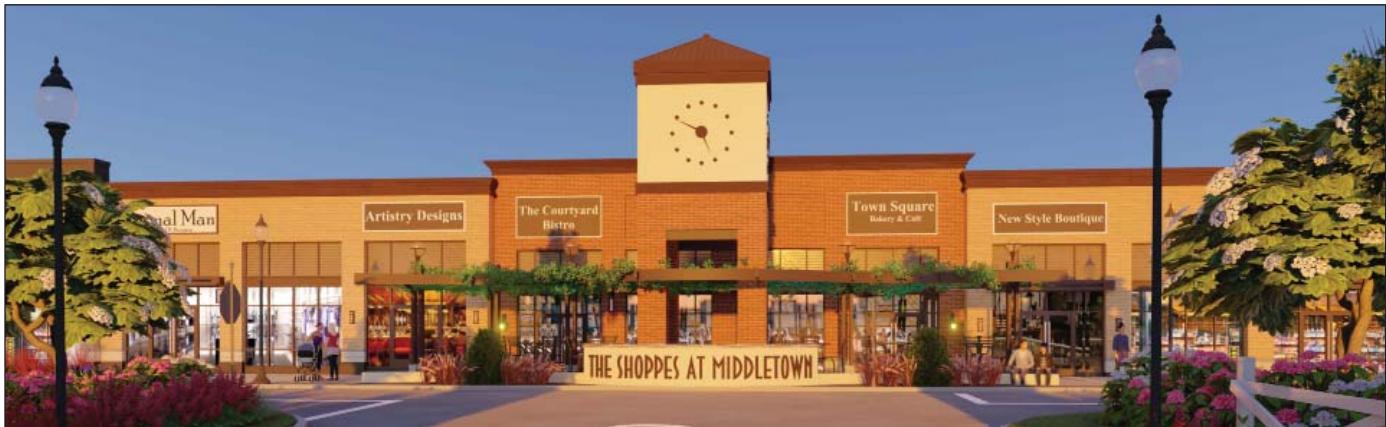


Image: Main Entrance Signage  
Courtesy of MMA

- i. Directional signs are encouraged to be limited to messages that provide information or direction to a specific tenant or a recognized area of regional importance or interest.
- j. All signs and associated lighting within the Commercial Tract are encouraged to be maintained to reflect their original quality and construction.
- k. Leasing signage is encouraged to be consistent with these guidelines.

### SIGNAGE FOR COMMERCIAL TRACT:

1. Façade signage for multiple-tenant retail buildings and single-tenant retail buildings with a gross floor area under 125,000 shall comply with the applicable requirements of Section 540-635T of the Township of Middletown Planning and Development Regulations.
2. The following shall apply to façade signs for single-tenant retailers with a gross floor area over 125,000 square feet:
  - The permitted sign area per façade shall not exceed 10% of the total façade area.
  - Up to four (4) signs shall be permitted on facades with public entrances measuring greater than 400 feet in linear width. Up to two (2) signs shall be permitted on facades with public entrances measuring less than 400 feet in linear width. One (1) sign shall be permitted on facades without a public entrance.
  - Signs may be a combination of brand logos and letters. One sign on each façade may include individual logos or letters measuring up to 9 feet in height. All additional signs shall include lettering measuring 7 feet or less in height. This provision shall not preclude the stacking of lettering provided that each letter complies with the relevant height requirement.
3. Two (2) monument signs shall be permitted to be constructed within the Commercial Tract to serve the Block 870 Out parcels subject to the following requirements:
  - Each sign shall specifically be permitted to advertise one or more of the businesses located on the Block 870 Out parcels. No business shall be advertised on more than one sign.
  - Each sign shall be set back at least 10 feet from all private internal roads.
  - Each sign shall measure no more than 6 feet in height and 60 square feet in area. The area of each sign shall be defined as the largest rectangle which encompasses all of the lettering, illustration or total display, exclusive of any posts, pylons or other support structure whose surface is not being used for advertising purposes.



Image: Individual Tenant Signage Typ.  
Courtesy of MMA

4. A sign designated as a historic landmark by Middletown Township may be maintained, or may be relocated within the site without increasing its area or height, and is not subject to any additional provisions of this section.
5. Temporary signs are permitted for the purposes of advertising leasing availability and/or displaying information related to the development as required by a governmental or financial institution. Such signs shall comply with the following requirements:
  - Signs shall be freestanding and non-illuminating, and may be two sided.
  - Temporary signs shall not exceed 32 square feet in area, per side, and 8 feet in height above the ground.
  - Such signs shall be permitted along public streets.
6. Seasonal or temporary banner signs measuring less than 15 square feet are permitted to be affixed to parking area lighting fixtures to serve as tenant identification signs.
7. The signage requirements of this section shall not be applicable to Parcel A.

### SIGNAGE FOR RESIDENTIAL TRACT:

1. Residential name plates, lawn signs, and real estate signs as specified in Section 540-635H of the Township of Middletown Planning and Development Regulations are permitted.
2. Real estate signs and flag signs, the purpose of which is to advertise availability and/or direct the public to the development, are permitted along public streets and intersections, and within any buffers. Such signs shall comply with the following requirements:
  - Signs shall be freestanding and non-illuminated, and may be two sided.
  - Real estate signs shall not exceed 25 square feet in area, per side, and 8 feet in height above the ground.
  - Flag signs shall not exceed 60 square feet of area, per side, and shall not exceed 22 feet in height above the ground.
  - The text per each sign shall include the community project name, developer name, logo, and advertising and informational text.



Image: Conceptual Perspective depicting Landscape Planting Plan  
Courtesy of MMA

3. One monument or freestanding project identification sign is permitted on each side of any approved entrance to the Townhouse or Multi-Family Districts from a public street or the Interconnect Road. Project identification signs shall comply with the following standards:
  - Signs shall be non-illuminated or externally illuminated
  - Signs shall be landscaped and may identify the community project name, developer, and logo.
  - The maximum sign area, including the supporting structure, shall not exceed 200 square feet. The maximum sign panel area containing text and logos shall not exceed 25 square feet.
  - The maximum sign height, including the structure and sign area, shall not exceed 8 feet above proposed finished grade.
  - The minimum sign setback shall be 15 feet from any public right-of-way or Gross Tract Area boundary.
4. Way finding signs shall be permitted to identify specific locations and/or buildings, including the locations of the Multi-Family and Townhouse Districts and the location of recreational facilities. At entrances to these areas, two signs shall be permitted stating the name of the development, sub-district or recreation facility, as applicable, and no other advertising material. No sign shall exceed 40 square feet in area and 4.5 feet in height.
5. Monument and freestanding signs shall be located outside of any sight triangle easements.

## LANDSCAPING AND DESIGN STANDARDS - RESIDENTIAL TRACT:

1. A 50-foot wide buffer shall be provided along the perimeter of the Residential Tract where it fronts on a public right-of-way. This buffer requirement shall not apply to the Interconnect Road. Plantings within the buffer area shall consist of a mix of evergreen and deciduous trees and shrubs.
2. The following shall be permitted within any buffer area:
  - a. Structures and grading associated with drainage facilities, including stormwater basins, piping and underground utilities;
  - b. Retaining walls;
  - c. Access roadways;
  - d. Sidewalks and curbing;
  - e. Fences;
  - f. Hard or soft surface walking trails;
  - g. Freestanding project identification signage;
  - h. Patios, porches and decks;
3. The Street Design and Construction requirements contained within Section 540-641 of the Township of Middletown Planning and Development Regulations shall apply, with the following exceptions:
  - a. A minimum roadway width of 24 feet shall be required.
  - b. The maximum straight-line distance of 1,000 feet for local streets shall not apply.
4. Handicapped parking shall be setback at least 10 feet from a non-residential structure within the Residential Tract.
5. All residential buildings shall have architectural features, finishes, and patterns that provide visual interest. The overall design of the Townhouse District should have a unified theme, displayed through the application of common building materials such as brick, cultured stone, and vinyl siding trim.
  - a. Vinyl siding shall be a minimum of 0.042”;
  - b. Masonry material shall be provided along one story of all of front façades;
  - c. Masonry material shall be provided along one story of the side elevations, for a corner building or where the

side elevations face a street.

6. The architectural design requirements contained in 540-604C(8) and Section 540-630B of the Planning and Development Regulations shall apply with the exception of the following standards:
  - a. The Townhouse District shall provide varied building elevations and design and structural appearance within the context of the overall theme. The front facade of each townhouse building shall have varied elevations for each adjacent townhome. Each adjacent townhome must vary in at least two (2) of the following criteria from the neighboring townhome (anticipated to be 5 townhomes per building, with some 3 unit and 4 unit buildings):
    - The number, size, shape, or location of windows and doors.
    - The profile of cornice treatment on the front façade.
    - Mix of materials (brick, stone base, or siding).
    - Location of porches, bay windows, and porticoes.
    - Color or brick, siding, or stone.
7. Within the Townhouse District there shall be not less than two different residential unit floor plans together with not less than two different front elevations for townhome units.
8. All openings in the wall of a structure such as windows and doors should relate to each other on the front elevation, vertically and horizontally, in a clearly defined order, but need not take into account orientation to the sun.
9. In addition to the exterior building materials enumerated in Section 540-604C(7) of the Township of Middletown Planning and Development Regulations, shall apply for all principal and accessory buildings.
10. Party fire walls shall be constructed from core wall or as provided in Section 540-604C(7)(b) of the Township of Middletown Planning and Development Regulations.
11. Section 540-604C(10) of the Township of Middletown Planning and Development Regulations shall apply to the Townhouse District only.
12. The parking lot landscaping requirements contained in Sections 540-622D(4) and (5) of the Township of Middletown Planning and Development Regulations shall apply.

#### **ADDITIONAL DESIGN STANDARDS:**

Chapter 540, Article VI, Design Standards and Improvement Specifications (§540-601 et. seq.) of the Township of Middletown Planning and Development Regulations shall apply, except for the following requirements.

#### **LANDSCAPE REQUIREMENTS FOR GROSS TRACT AREA:**

1. The submitted landscaping plan shall not be required to include a location plan showing existing shade trees and ornamental trees if a representative survey is conducted and approved by the Township Engineer. Such sample count shall include the location of existing shade trees of six-inch caliper or greater within the sample area, measured three feet above ground level, and the locations of all existing ornamental trees of three-inch caliper or greater within the sample area, measured one foot above ground level.
2. Man-made or previously disturbed slopes greater than 15% shall not be considered steep slopes and shall not be subject to any maximum disturbance requirements. Contiguous areas of slopes greater than 10% measuring less than 25,000 sf shall not be considered in the steep slope calculation for construction purposes.
3. Trees shall be planted along both sides of the Interconnect Road at intervals of not more than 30 ft on center. Trees in this location shall consist of shade trees. In locations where visual screening is desirable to shading, two or

more evergreen trees may be provided to replace one shade tree. A phasing plan related to tree installation shall be provided.

4. Trees along the Interconnect Road shall be planted either between the curb and sidewalk or on the opposite side of the sidewalk. Trees planted on the opposite side of the sidewalk shall not be located closer than 5 feet to existing or proposed sidewalks.
5. The connector road shall be designed to include a minimum 4 foot landscape area with a minimum 4 foot sidewalk along both sides from Kings Highway East to Kanes Lane.
6. Shade trees shall be planted along all other private internal roads, drives and parking areas at intervals of at least one tree for every 120 feet. Any side of an internal road or drive that contains a sidewalk providing pedestrian ingress, egress, or connection between commercial buildings shall be exempt from this requirement.
7. The base of each tree shall either be left free of pavement for a diameter of not less than 8 feet or protection shall be provided by structural soil within a comparable diameter.
8. All deciduous trees shall be planted between 3.0" to 3.5" caliper.

#### **KINGS HIGHWAY EAST SCENIC AND HISTORIC ROAD REQUIREMENTS:**

Kings Highway East is a designated scenic and historic road corridor per the Township's 2004 Master Plan. In accordance with this designation, the following requirements shall apply to Kings Highway East, beginning at the point east of the intersection of the Twin Brooks Extension and northern entrance to the Commercial Tract and extending to the easterly boundary of the Redevelopment Area:

1. Within the Commercial Tract, buildings shall be set back a minimum of 75 feet and parking shall be set back a minimum of 50 feet from the existing and/or realigned Kings Highway East right-of-way to provide enhanced buffering. Buffering along the Kings Highway East right-of-way between the Twin Brooks Extension and the Interconnect Road shall consist of at least 20 shade trees; 30 evergreen trees; and 15 evergreen shrubs. All new



Image: Conceptual Landscape Planting Plan  
Courtesy of MMA

buffer plantings may be incorporated with existing vegetation where appropriate. No freestanding signage shall be located within 50 feet of the Kings Highway East right-of-way.

2. The developer of the Commercial Tract shall provide additional landscaping within the proposed Township right of way located on the north side of Kings Highway East, east of the North Retail District. This landscaping shall consist of deciduous and evergreen shrubs, evergreen trees, and no less than 20 shade trees.
2. The developer of the Residential Tract shall ensure that any townhouse building elevation facing Kings Highway East shall have siding of a color that matches the façade of the front elevation. Within the Townhome District, the developer shall also enhance any townhouse building elevation facing Kings Highway East with features such as decks and balconies with low-maintenance decorative posts and railings; decorative frieze boards at roof lines; trim surrounding rear windows and doors; window mullion patterns consistent with the front elevations; and architectural roof shingles.

### **LIGHTING**

1. The minimum lighting location at any level within a parking area shall be in accordance with IESNA recommendations for parking lot lighting.
2. All lighting within the commercial tract shall consist of full cutoff LED fixtures that are DarkSky compliant
3. All lighting within the Residential Tract shall conform to JCP&L standards for residential fixtures.
4. Pedestrian lights of not greater than 18 feet in height shall be placed along the Interconnect Road from King Highway East to Kane Lane to meet the Township of Middletown design standards.

### **ACTOPMS RELATED TO STORMWATER FACILITIES AND ROADWAY IMPROVEMENTS:**

1. As a result of the Twin Brooks Extension, realignments of Kanes Lane and Kings Highway and the widening of Route 35 as contemplated in this Redevelopment Plan, portions of certain blocks and lots may be required to be conveyed to the Township of Middletown or the New Jersey Department of Transportation to complete these improvements. If land to be conveyed to any of the above entities contains a stormwater management facility, the facility shall be maintained by either the receiving entity or the developer of the tract per a maintenance agreement with the receiving entity. In the latter case, such agreements shall be subject to review and approval of the Township Engineer. The same requirement shall apply to basins constructed by the developer within an existing right-of-way area owned by another entity at the time of construction.

## 5.0 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 underutilized structures or uses; provisions for infrastructure necessary to 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.

## 6.0 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 with Sections 1.0 and 2.0 of this Redevelopment Plan.

### 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.

## 7.0 RELATIONSHIP TO THE MASTER PLAN AND STATE PLAN:

### TOWNSHIP OF MIDDLETOWN MASTER PLAN - 2004

The 2004 Township of Middletown 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 the Township of Middletown in a manner designed and intended to promote the public health, safety, morals, and general welfare of present and future residents.
2. To secure safety of the community, to the extent possible from fire, flood, panic and other natural and man made disasters.
3. To provide adequate light, air, and open space.
4. 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.
5. To promote the establishment of appropriate population densities in locations that will contribute to the wellbeing of persons and neighborhoods and preservation of the environment.
6. To encourage the appropriate and efficient expenditure of public funds by coordinating public and private investment and development within a framework of land use and development principles and policies.
7. 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.
8. 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.
9. To promote a desirable visual environment through creative development techniques with respect to environmental assets and constraints of the overall Township and of individual development sites.
10. 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.
11. 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.
12. To encourage the efficient management of storm water through the development of appropriate guidelines which will prevent future drainage problems and provide environmentally sound land use planning. Emphasis should be consistent with the State of New Jersey's recently enacted storm water management regulations.

#### Principles:

1. Encouraging residential development in locations and at densities which are compatible with existing development patterns and which can be properly serviced by public roadways, utilities and services.
2. 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.

3. Protection of natural and environmental resources including floodplains, wetlands, marshlands, aquifer recharge areas, steep slopes, and areas suitable for public and quasi-public recreational activities.
4. Continued recognition of the Township's unique and historic pattern of neighborhoods and villages. Efforts have been ongoing to enhance, redevelop and improve these areas throughout the Township. Such endeavors should be continued.
5. Mixed use development should be encouraged in appropriate location, including neighborhood and village centers such as Belford (Campbell's Junction), Lincroft Village, Leonardo, North Middletown and in certain state highway locations.
6. 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. Land development should be designed to protect and enhance the environmental quality of the Township and preserve and protect valuable open spaces and natural resources.
3. The Township will consider and evaluate innovative development proposals which would enhance and protect environmental features, minimize energy usage and encourage development densities consistent with existing patterns of development.
4. The Township will encourage and provide for review of the development of social, health, welfare, cultural, recreational, service and religious activities within the Township to serve present and future residents of the Middletown area.
5. The Township will continue to comply with the requirements of the New Jersey Council on Affordable Housing, as they presently exist.
6. The Township should work to strengthen and preserve the commercial fishing industry, located in Port Monmouth and Belford, at Compton's Creek. Efforts should be explored to enhance the aesthetic as well as the functional aspects of the physical facilities. In addition The Township should support efforts to redevelop nearby property to in a manner that will provide for commercial opportunities designed to be largely water oriented and designed to enhance the economic viability of commercial fishing in Middletown.
7. The Township should continue to promote the construction of sidewalks in conjunction with new development and should develop a long term capital program for annual sidewalk installation and repairs.

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.

## 2009 AMENDED MASTER PLAN LAND USE ELEMENT:

The following information relates to the investigation area.

### Planned Development

A Planned Development (PD) land use district at a tract containing approximately 120 acres located on the easterly side of Highway 35 between Kings Highway East and Kanes Lane is designated. This tract has been considered in the past for planned development, for age-restricted housing and for light industrial uses, and has been the subject of site plan applications to both the Planning Board and Zoning Board.

Following long standing and repeated litigation with the Township and other interested parties, the owner of this tract has secured certain rights to develop this tract with a substantial amount of non-age restricted housing and commercial uses. Ultimately, it is in the best interest of the Township to establish a zoning foundation for Planned Unit Development at this tract at a reasonable residential density and commercial intensity.

Planned Unit Development, when developed as a single entity according to a plan, can result in a measurable benefit to the public by providing significant employment opportunities; by supporting the local economy; by providing public spaces for active and passive recreation; and by providing a variety of housing types with a range of affordability. Encouraging a sustainable mix of residential and non-residential land uses through Planned Unit Development is a concept promoted by the State Development and Redevelopment Plan (SDRP) and is consistent with established SDRP policies for the Metropolitan Planning Area (PA-1). Residential housing types could include single-family detached units, duplex units, multifamily buildings and residential units above commercial space. Assisted living facilities would also be appropriate. Construction of required affordable housing set asides shall be consistent with Housing Element and Fair Share Plan policies, and shall net a minimum 160 credits towards the Township's fair share housing obligation. At full build-out, residential density should not exceed 4.5 dwelling units per gross tract acre, which would result in approximately 500 total residences.

A sustainable combination of nonresidential uses would include retail uses and services, restaurants, and offices, as well as cultural, entertainment, recreational and community facilities. The tract is not suitable for industrial uses such as manufacturing or distribution facilities. The gross-tract non-residential floor area ratio (FAR) should not exceed 12% (exclusive of residential floor area), which would result in approximately 620,000 square feet of non-residential floor area. The reservation of space for the construction of an on-tract public facility to meet the Township's active recreation needs is essential.

This reservation of space shall supplement required active and passive recreation and open space areas serving on-tract development. Any public indoor recreation facility for use by all Township residents would not be subject to non-residential FAR limitations. Provisions should be made by any future developer ensuring that any regulatory agency having jurisdiction (e.g. NJDOT, NJDEP) is fully apprised of the potential construction of a future public recreation facility, the scale of which shall be taken into account for all permit applications to said agencies. Phasing site development over a period of years through a General Development Plan (GDP) at this tract is acceptable provided that the Township has assurances that an appropriate mix of residential and nonresidential uses will ultimately be achieved at full build-out.

Appropriate levels of infrastructure improvements (e.g. utilities, roadways, recreation) shall be completed by the developer at defined stages of construction to ensure adequate public services are provided and traffic impacts are sufficiently

mitigated. Consistent with the Municipal Land Use Law at 40:55D- 45.2, a GDP for this tract should include a general land use plan; a circulation plan; an open space plan; a utility plan; a storm water management plan; an environmental inventory; a community facility plan; a housing plan; a local service plan; a fiscal report; a proposed timing schedule; and a developer's agreement.

Based on the foregoing, the Future Land Use Plan map eliminates the Active Adult Community (AAC) land use designation and replaces it with a Planned Development (PD) land use designation. Moreover, considering the complex road access and traffic issues associated with the site's development, the PD land use designation replaces the Industrial land use classification for privately owned land along the northerly side of Kane's Lane. These policies achieve substantial consistency with the Master Plan Housing Element and Fair Share Plan adopted in December 2008.

## 2014 MASTER PLAN REEXAMINATION REPORT:

The need to address the Township's affordable housing obligations per regulations established by the New Jersey Council on Affordable Housing (COAH) was considered an objective.

No changes to the Township's Housing Element and Fair Share Plan are recommended at this time. However, the unsettled State regulatory and legal environment relative to affordable housing continues to impact the Township's ability to implement sound housing policy via the Township's adopted Housing Element and Fair Share Plan (HEFSP). The Township's HEFSP was granted substantive certification by COAH on October 14, 2009. Subsequent to COAH's certification the Township implemented zoning changes in November 2009 to achieve consistency with the Master Plan Land Use and Housing Elements.

In October 2010, the Appellate Division invalidated substantive portions of COAH's revised 3rd round regulations, including a declaration that the "growth share" methodology as applied by COAH was unconstitutional. It is these revised 3rd round regulations that help to form the policy basis of the Township's Housing Element and Fair Share Plan. The court ultimately remanded the regulations back to COAH so that new regulations could be developed more in alignment with 1st and 2nd round methodologies. Subsequent to the Appellate Division's remand, Governor Chris Christie issued a Reorganization Plan to formally abolish COAH. COAH was abolished before any revisions to 3rd round regulations were developed, and while the "growth share" methodology was still under appeal to the NJ Supreme Court. However, in July 2013, the NJ Supreme Court invalidated the Governor's Reorganization Plan, and COAH was no longer considered "abolished." In September 2013, the NJ Supreme Court upheld the 2010 Appellate Division decision and invalidated the 3rd round rules and the "growth share" methodology.

The Court once again directed COAH to develop new regulations consistent with 1st and 2nd round methodologies. Revised 3rd Round Rules intended to be consistent with the NJ Supreme Court's directive were published in the New Jersey Register on June 2, 2014. Presumably, after the public comment period has been completed and responses have been composed, COAH will schedule the regulations for a vote at its October 2014 meeting. The final revised 3rd Round Rules would then become effective on November 17, 2014, with a filing deadline of new Housing Plans set for May 15, 2015.

A thorough analysis of the revised 3rd Round Rules and of Middletown's potential compliance with the Rules would be premature at this time. Some brief highlights of the proposed Rules are as follows:

- The time period will cover a housing obligation from 1987 through 2024

- At the time of the 2014 Master Plan Reexamination these rules were in a draft form. Eventually the rules didn't get adopted, and as a result on March 10, 2015, the New Jersey Supreme Court divested COAH of jurisdiction of the municipal housing plans. This task was entrusted to the lower courts in the different vicinages throughout the State. Most recently, Judge Mary Jacobsen rendered an opinion on affordable housing methodology in Mercer County which has been applied to calculate the affordable housing obligations for all the municipalities in Monmouth county. Based upon her opinion, Middletown now has a rehabilitation need of 181 units, prior round obligation of 1,561 units for a period from 1987 to 1999. The affordable housing regulations for the first and second round were for a period until 1999 and that since the third round regulations were overturned by the courts and never adopted by COAH, towns are now imposed with affordable housing obligations for a period from 2000 to 2015, which is known as the "gap period" and from 2015 to 2025, which is known as the "prospective need." Middletown's gap obligation is 500 units and prospective need is 526 units; therefore, the total gap and prospective need obligation for Middletown township is 1,026 units.
- The primary means of compliance is "inclusionary zoning" with a presumed 10% affordable housing set-aside; this 10% set-aside may be adjusted based on an economic feasibility analysis.
- The 25% senior cap may be exceeded with demonstration of higher regional need. The Rules specify that Middletown has 453 "past affordable housing completions," which appears to relate to the "Unanswered Prior Round Obligation." It is unclear how this "completion" number was tabulated. It is impossible at this stage to know whether all completed units have been given credit (e.g. 500 completed Regional Contribution Agreement (RCA) units, rental bonus agreements, unit completions post 2011). The provision of fair housing opportunities for low and moderate income households has been a priority in Middletown since the adoption of the Township's first HEFSP in 1992, and it remains so. However, it is recommended that the Township revise the current HEFSP only if/when determined absolutely necessary after clear, measurable, equitable, reliable and incontrovertible State standards

## 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 Preliminary Investigation Report & Redevelopment Study Port of Belford | Middletown Township, NJ 25 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.