

Borough of Somerville, NJ
Redevelopment Plan
West Main Street Area

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Introduction

The Somerville Planning Board recommended to the Borough Council that an area located at the western end of Main Street (Block 117, Lot 1 and Block 118, Lot 21) be designated as an "Area in Need of Redevelopment", according to the New Jersey Local Redevelopment and Housing Law (LRHL). (See Attachment A, Planning Board Resolution, October 22, 2003.)

The Borough Council approved this recommendation at its November 3, 2003 meeting and requested the Planning Board to prepare a Redevelopment Plan for the area, in accordance with the LRHL. (See Attachment B, Borough Council Resolution.)

This plan is written pursuant to Section 6 of the LRHL, which states:

No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by

resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992, c. 79 (C.40A:12A-5). Such determination shall be made after public notice and public hearing as provided in subsection b. of this section. The governing body of a municipality shall assign the conduct of the investigation and hearing to the Planning Board of the municipality.

The same legislation further states:

After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the Planning Board, the municipal governing body may adopt a resolution determining that the delineated area or any part thereof, is a redevelopment area.

Because the Study Area has been found to be an area in need of redevelopment, the Borough is permitted by statute to prepare a Redevelopment Plan to improve all or a portion of the Study Area. In the language of the LRHL, a "Redevelopment Plan" means:

...a plan adopted by the governing body of a municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or an area in need of rehabilitation, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities,

and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or area in need of rehabilitation, or both.

The Redevelopment Plan was adopted by the Borough Council on February 17, 2004 and amended on December 6, 2004.

The West Main Street Redevelopment Area

The Redevelopment Area adopted by the governing body includes two properties:

1. Block 118, Lot 21, owned by the Borough of Somerville. It is approximately 19,890 s.f. in size or .46 acres and is located in the B-1 Central Business District Zone. The property functions solely as a metered surface parking lot, with no structures on site. (See Attachment C, Map of Area.)
2. Block 117, Lot 1, owned by JSM at Somerville, LLC. Known as the Landmark Shopping Center, it totals 13.553 acres and is composed of 139,452 s.f. of gross leasable area, the rest of the site being surface parking. It is located in the B-2 Central Business District Zone.

Background and Project Objectives

Since at least 1990, there has been a growing consensus among Somerville leaders that the Landmark site has the potential to function as the downtown's "western anchor" but that it was not meeting this potential in its then (and now) current state. Organized discussion and analysis at the time resulted in the 1991 "Downtown Vision Plan". Participant shapers of the plan included Somerville's then-Mayor and Borough Council members, the Borough Planning Board, Somerset

Alliance for the Future, the District Management Corporation, the Somerville Business and Professional Association, the Borough's Parking and Traffic Committee, the Architectural Review Board, the County Board of Freeholders, the County Planning Board and the County Department of Economic Development.

On October 23, 1991 the Somerville Planning Board approved the Vision Plan and stated that it "...establishes goals, objectives and policies for the central business district and transitional areas and should be adopted as an integral part of the Master Plan."

Specific to this Redevelopment Plan's limited area of concentration, the 1991 Vision Plan recognized that the Landmark site was not being properly utilized, stating:

Larger development sites (such as the Eastern Gateway site and the Landmark site) should be intensely developed in keeping with the scale and character of Main Street.

Going into more detail in its discussion of downtown anchors, the Vision Plan stated:

Two major mixed-use development sites are identified at either end of Main Street offering the potential to establish major activity anchors in conjunction with the governmental sectors. [Note: one of the two development sites is identified as the Landmark site, the "Western Anchor".] ...The development program for the mixed-use developments should include: office, retail, cultural/entertainment, conference, hotel and residential uses...the mixed-use developments provide the greatest potential for major new economic investment.

Summing up its recognition of the Landmark site's lack of proper utilization, the 1991 Vision Plan made two points:

- *Value can be created on the Landmark property immediately through preparation of this action plan and commencing implementation of the first construction phase during 1992.*
- *The productivity of retail space in the center and on the street can be increased through renovation in conjunction with newly constructed facilities.*

Eleven years later, at the time of the Landmark property's sale to its current owner, the Courier-News carried an article entitled "Shopping Center Sold to Developer: Improvements Probable for Landmark at Somerville". The staff writer, Kara L. Richardson, stated that "The center, which has pedestrian access on West Main Street but opens to traffic on Veterans Memorial Drive, has long been on borough officials' list of properties to revamp." The writer reported that "Township officials have been hoping the shopping center, which was built in the 1970s, would be taken over and redeveloped." And: "Borough officials have been champing at the bit to redevelop the Landmark."

In 2004, Somerville's Mayor and Council proposed working together with the Landmark's new owners to convert the property into a modern, mixed use project with greater density aimed at truly making the site Main Street's "Western Anchor".

JSM at Somerville, LLC was designated by the Borough Council (in its November 3, 2005 resolution) to construct a proposed mixed use development, entered into a Redevelopment Agreement with the Borough on May 31, 2004 and received site plan approval from the Planning Board on April 13, 2005 which would include:

- Up to 275 Residential Units
- 147,000 s.f. Retail

- 73,500 s.f. Office
- Residential Parking Deck
- Public Parking Deck
- Surface Parking

While these project objectives are considered to be the core of the development agenda for the area, the Borough Council wishes to allow flexibility in working with the designated developer, achieving a finished project that effectively deals with the Downtown's problematic western end and does so with high design standards.

On July 12, 2007, the Borough and JSM entered into a Memorandum of Understanding ("MOU") which contemplates in part, changes to the mixed use development, increasing the number of residential units to a maximum of 350; the square footage of retail space to a maximum of 150,000; and the square footage of office space to a maximum of 80,000. The South Street parking structure will be constructed by the Borough and shall include a minimum of 440 spaces. The Borough and JSM shall enter into an Amended and Restated Redevelopment Agreement and any changes to the current design and approval shall require site plan approval by the Planning Board.

Relationship to Local Objectives

As was mentioned earlier, in the "Background and Project Objectives" section, the 1991 Vision Plan, incorporated into the Master Plan, recommended the type of mixed use development now envisioned in this Redevelopment Plan. Succinctly, the "local objective" at stake here is the revitalization of Main Street's western end. The Redevelopment Plan is intended to assist in accomplishing this objective.

Consistent with State, County and local objectives, this Plan aims at achieving a better balance between local consumers and commercial opportunities. The Plan provides for somewhat greater density than is expected in suburban places. This concentration near the heart of the commercial district will:

- a. Add purchasing power that benefits shops, services and restaurants, thus building more job opportunities and enhanced business opportunities. The result will also add amenities serving the entire population of the Borough.
- b. Improve the balance of commutation, putting a higher proportion of Borough commuters within walking distance of the Raritan Valley NJT Station. In addition, improved traffic movement will result from planned connection of the commercial center to the vacant area south of the railroad right of way. The extension of Davenport Street will also serve this need for improved vehicular circulation.

The mixed use feature of the plan will add pedestrian walking opportunities for recreation, shopping and dining. The result will be a business district that is actively used by pedestrians. Moreover, the business district will be better served by the planned public parking garage. This facility will help compress destinations in the Downtown by eliminating the vast wasted space occupied by surface parking, further encouraging more shopping. In addition, the facility will add to the net amount of parking available for shoppers and other visitors.

Relationship to Other Plans

As has been mentioned earlier, this Redevelopment Plan is consistent with the 1991 Vision Plan which was incorporated into the Borough's Master Plan.

This Redevelopment Plan is solely concerned with a portion of the central business district. Its adoption will not impact other communities or their master plans. The Plan is not expected to have any significant effect on County roads or utilities and is not in conflict with the County Master Plan which favors growth of designated centers.

Somerville is a regional center has "center designation" by the State Planning Commission, a decision intended to facilitate population and commercial growth in this location. Further, this State designation reflects decisions made in the Cross Acceptance process in which adjacent municipalities and the County government participated. This Redevelopment Plan is not in conflict with the State Plan. In fact, it represents a noteworthy example of State Plan implementation.

The Borough has adopted a redevelopment plan for the Somerville Landfill Redevelopment Area, which contemplates a mixed use development anchored by the New Jersey Transit rail station with the goal of linking the redevelopment of the West Main Street Redevelopment Area to the Landfill Redevelopment Area through pedestrian and vehicular connections.

Proposed Land Uses

This Redevelopment Plan calls for creating a new central business district zone called the "Redevelopment Zone District" which will include only Block 117, Lot 1 and Block 118, Lot 21, as shown in Attachment D. This Redevelopment Plan shall supersede all applicable provisions of the Borough's Zoning Regulations. All other land

development regulations shall remain applicable, unless otherwise stated.

The proposed land uses—residential, retail, office, walkways, public space, built and surface parking--are all permitted in the Redevelopment Zone District and are defined in more detail in the section below entitled “Redevelopment Zone District Requirements”.

Relocation

The Redevelopment Area includes two owners, one public, and the other private. The public property is currently used entirely for surface parking. This site presents no relocation issues. No temporary or permanent relocation of residents is contemplated, since there are no residential units currently located in the Redevelopment Area. If relocation is required pursuant to any redevelopment actions by the Borough, all relocation assistance laws and regulations shall be complied with by the Borough. Any relocation assistance provided by the Borough shall be paid for by the redeveloper pursuant to the terms and conditions of a redevelopment agreement.

The Borough has provided relocation assistance to businesses that have been displaced as a result of actions taken by the Borough in furtherance of the redevelopment of the Redevelopment Area.

Acquisition

A publicly available parking deck is proposed to be built on the Borough property and some adjacent land owned by JSM at Somerville, LLC. Implementation may require transfer of title to land owned by one or the other party. Any necessary title transfer arrangement will be included in the agreement between the Borough and the developer. No other property acquisition is contemplated in

this Plan. All leasehold interests on Block 117, Lot 1 shall be subject to acquisition through negotiation and/or condemnation should it be required to achieve the goals and objectives of this redevelopment plan. Any acquisition costs shall be paid for by the redeveloper pursuant to the terms and conditions of a redevelopment agreement.

The Borough has participated in the termination of a number of leases on the property in furtherance of the redevelopment of the Redevelopment Area and in doing so has fully complied with all statutory and regulatory requirements.

WEST MAIN STREET REDEVELOPMENT ZONE DISTRICT REQUIREMENTS

A. Permitted Principal Uses

The following principal uses shall be permitted within the redevelopment zone district. Such uses shall be defined by reference to the SIC Code definition for such uses, the same as in Schedule A of the Borough's Land Use Ordinance, except as noted otherwise by Schedule A, in which case the definition for such uses shall be the same as provided in the definitions article of the Land Use Ordinance. Notwithstanding the foregoing permitted uses, if there is a limitation on such uses in the B-1 or B-2 zone districts in Schedule A of the Land Use Ordinance, as indicated in the schedule footnotes, such limitation shall continue to apply in the redevelopment district.

1. Multifamily residential dwelling units in the same building as nonresidential uses.
2. Retail sales uses limited to:
 - Paint, glass and wallpaper stores
 - Hardware stores
 - Department stores, variety stores, miscellaneous general merchandise stores
 - Grocery stores, meat & fish markets, fruit & vegetables markets, candy, nut and confectionery stores, dairy products stores, retail bakeries, miscellaneous food stores

- Auto and home supply stores
 - Men's, boys, women's and family clothing stores, women's accessory and specialty stores, children's and infants' wear stores, shoe stores and miscellaneous apparel and accessory stores
 - Home furniture and furnishings stores, household appliance stores, radio, television and computer stores
 - Eating and drinking places, and including sidewalk cafes
 - Drug stores and proprietary stores
 - Liquor stores
 - Used merchandise stores
 - Miscellaneous shopping goods stores
 - Nonstore retailers
 - Other retail stores including but not limited to florists, tobacco stores, news stands, optical goods stores and craft stores.
3. Financial, insurance and real estate offices and institutions, limited to:
- Depository institutions
 - Nondepository credit institutions
 - Security and commodity brokers
 - Insurance carriers
 - Insurance agents, brokers and service
 - Real estate operators, lessors, agents and managers
 - Title abstract offices
 - Subdividers and developers
 - Holding and other investment offices
 - Establishments providing or promoting conferences and seminars
4. Hotels
5. Personal service uses, limited to:
- Laundry, cleaning and garment services
 - Portrait photographic studios
 - Beauty and barber shops
 - Shoe repair & shoeshine parlors
 - Miscellaneous personal services
6. Business service uses limited to the following:

- Advertising
 - Consumer credit reporting, mercantile reporting, adjustment and collection agencies
 - Mailing, reproduction, commercial art and photography, and stenographic services
 - Services to buildings
 - Computer and data processing services
 - Miscellaneous equipment rental and leasing
 - Miscellaneous business services
7. Automobile parking, including both surface parking and parking decks.
8. Miscellaneous repair services, limited to:
- Electrical repair shops
 - Watch, clock and jewelry repair
 - Miscellaneous repair shops
9. Motion picture services, limited to:
- Motion picture theaters
 - Video tape/DVD rental
10. Amusement and recreation services limited to:
- Dance studios, schools and halls
 - Producers, orchestras and entertainers
 - Miscellaneous amusement and recreation services
 - Public and non-profit parks
11. Health services, limited to:
- Offices and clinics of medical doctors, dentists, osteopathic physicians and other health practitioners
 - Home health care services
 - Medical and dental laboratories
12. Legal services
13. Libraries
14. Social services

- Child care centers
 - Other social services
15. Museums, art galleries
16. Membership organizations, limited to:
- Business, professional, labor, civic, social and political associations
 - Other membership organizations
17. Engineering, accounting, research and management services, limited to:
- Engineering, architectural and surveying services
 - Accounting, auditing and bookkeeping services
 - Management and public relations services
18. Other services, limited to authors, lecturers, radio commentators, song writers, weather forecasters, writers and artists working on their own account.
19. Public uses, including but not limited to the following:
- Municipal buildings and uses
 - Public safety buildings and uses
 - Public parks
 - Other governmental uses
20. Transportation services, limited to the following:
- Arrangement of passenger transportation
 - Arrangement of transportation of freight and cargo
21. Landscape counseling, planning

Note regarding non-permitted uses: Only one drive-through use, e.g., restaurant or bank, shall be permitted, provided that no drive-up lanes shall be permitted to have direct access to the proposed Davenport Street.

B. Lot, Bulk and Intensity of Development Standards

1. Minimum lot area, width, depth: none.

2. Minimum front and rear yards: none for principal buildings.
3. Minimum side yards: none, but if a side yard is provided, a setback of at least 12 feet shall be required.
4. Maximum building height: 4 stories/60 feet, provided that 5 stories/65 feet shall be permitted within 200 feet of Veterans Memorial Drive and further provided that the parking deck on South Street may be up to 6 levels/70 feet, including ground level, provided that said deck may have a height of 7 levels/80 feet if the developer demonstrates that such height is necessary to provide for public parking within the deck as required by this redevelopment plan.
5. Maximum building coverage: 90%.
6. Maximum improvement coverage: Improvement coverage shall be limited only by the requirements for landscaping within surface parking areas and by the requirement for a public plaza, both as regulated below by this redevelopment plan.
7. Maximum density:
 - 350 residential units;
 - 150,000 square feet of retail space; and
 - 80,000 square feet of office space.
8. Maximum floor area ratio: none (limited by height, coverage, parking requirements).
9. Mixed residential/ non-residential use required. Upon completion of the Project, for every residential unit, there shall be not less than 640 square feet of gross floor area devoted to nonresidential uses within the redevelopment area, exclusive of nonresidential basement floor area or parking deck areas.

C. Other Requirements

1. Residential use requirements.

- a. Location. Apartments and uses accessory to the same may be located on the upper floors or ground floors, but not on any basement floor nor on the ground floor of any building in the following locations:

- within any facade facing Main Street.
- within any facade facing Davenport Street within 60 feet of the Main Street right-of-way.
- within any facade facing Doughty Avenue within 60 feet of the Main Street right-of-way.
- within any facade facing Union Street.

Notwithstanding the foregoing, internal elevator shafts and stairwells serving apartments may be located on ground floors and on basement floors and further provided that basement areas may be used for dead storage or mechanical space for utilities for residential apartments.

- b. Number of bedrooms.

- (1) Each dwelling unit shall contain at least one bedroom, but not more than two bedrooms.
- (2) At least 33% of all dwelling units shall be one-bedroom units. In the event of phased development or redevelopment, this requirement shall apply to the entire redevelopment area at the completion of each phase.

- c. Minimum habitable floor area per dwelling unit.

One-bedroom unit: 800 square feet

Two-bedroom unit: 1,000 square feet

Habitable floor area shall be measured to the interior face of the walls that define the limits of the apartment, and shall exclude common hallways, stair wells, elevator shafts and other common areas, such as but not limited to common utility areas, ventilation shafts and chimneys, and shall exclude any basement areas.

2. Architectural design.

- a. Building facades. Building facades that face Main Street, South Doughty Avenue or Davenport Street shall be designed in a manner compatible with the existing historical facades on Main Street, particularly as to building materials, colors and textures, building projections and recesses, fenestration, storefront design and roof design.

The facades of any parking deck, except for the deck between South Street and Union Street, shall be concealed by buildings on all sides, except at deck access/egress locations. The facades of the parking deck between South Street and Union Street shall be designed in a manner compatible with the existing historical facades on Main Street, particularly as to building materials, colors and textures.

The facades of any building not demolished by the Redeveloper shall be designed in a manner compatible with the balance of the redevelopment area and with existing historical facades on Main Street, except as to building height.

- b. Cornice, parapet. The facades of buildings that face Main Street or Davenport Street shall be provided with a decorative cornice or parapet on the highest building level.
- c. Roofs. The roof of building facades that face Main Street or Davenport Street shall either be flat or gabled provided that they are designed to appear flat from street level, except that towers and other ornamental features shall be exempt from this requirement, provided such towers and features are minor in extent.
- d. Ground floor entrances. All nonresidential ground floor uses that front upon Main Street, Davenport Street, Doughty Avenue or Veteran's Memorial Drive shall provide an entrance from and exit to the public sidewalk in the street upon which the subject property has frontage, which entrance shall remain open to the public at all times during business hours, provided that in the case of a ground floor use that fronts upon more than

one street or upon a street and a surface parking area, such entrance/exit shall be provided in the facade facing the street carrying the greater volume of pedestrian traffic, or on the facade facing the surface parking area, as determined by the Planning Board.

- e. Ground floor storefront. Any new building or any substantial renovation or reconstruction of the facade of an existing building which faces Main Street, Davenport Street or a surface parking area shall contain a transparent window area on the ground floor which comprises not less than forty percent (40%) of the ground floor facade area which faces the street or parking area; provided that ground floor residential units shall be exempt from this requirement. When an existing building contains more than one unit occupied by different tenants, the above requirement shall apply only for the facade of the units being renovated or reconstructed.
 - f. Architectural Review Board. All facade designs shall be submitted to the Architectural Review Board for review and comment regarding consistency with the Architectural Review Board Design Guidelines prior to the submission of an application for site plan approval.
3. Street and streetscape design. In addition to any improvements determined necessary by traffic studies for any redevelopment proposal, the following shall be required:
- a. Main Street.
 - (1) Cartway: The cartway width and design shall remain the same as existing before redevelopment, except as determined otherwise by the Board based upon traffic studies and N.J.D.O.T. requirements.
 - (2) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided and/or maintained consistent with existing sidewalk improvements in the Special Improvement District.
 - (3) Minimum sidewalk width: 15 feet, measured from the street curb to the building.

b. Davenport Street.

- (1) The developer shall construct an extension of Davenport Street, intersecting Main Street at the existing Davenport Street intersection and connecting West Main Street to Veterans Memorial Drive. This extension shall be a dedicated public street. In the event that the redevelopment described by this plan is phased, the Davenport Street extension shall be constructed as part of the phase when the Board, as part of its site plan review, determines that the street is reasonably necessary for access and circulation in and through the redevelopment area.
- (2) Minimum number of lanes of travel: at least 2 lanes, plus any dedicated turning lanes, with the final number to be determined by the Board based upon traffic studies.
- (3) Parallel parking shall be provided on both sides of the street.
- (4) Minimum cartway width, including parking: 44 feet, with the final width to be determined by the Board based upon traffic studies.
- (5) Minimum sidewalk width: 12 feet in front of nonresidential uses, provided an occasional reduction to 10 feet may be permitted as determined by the Planning Board in order to accommodate improved architectural design, and further provided that a reduced width may also be permitted as determined by the Planning Board if necessary to accommodate N.J.D.O.T. requirements at the intersection with Main Street. In front of residential uses, 8 feet of walkway, including any area for street trees, benches or public planters, plus 4 feet of landscaped area. 12 feet along the street frontage of the public plaza, including any area for street trees, benches or public planters. Sidewalk width is to be measured from the street curb to the building except as otherwise indicated.

- (6) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided consistent with existing sidewalk improvements in the Special Improvement District.

c. Veterans Memorial Drive.

- (1) Minimum number of lanes of travel, including dedicated turning lanes (if any): 3, with the final number to be determined by the Board based upon traffic studies.
- (2) Parallel parking shall be provided on both sides of street.
- (3) Minimum cartway width, including parking: 50 feet, with the final width to be determined by the Board based upon traffic studies.
- (4) Dedicated left turn lanes shall be provided as determined by the Board.
- (5) Topography of the roadway shall be designed to accommodate future connection to the landfill area via an underpass beneath the railroad.
- (6) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided consistent with the existing sidewalk improvements in the Special Improvement District.
- (7) Minimum sidewalk width: 8 feet, measured from the street curb to the building.

d. Doughty Street.

- (1) Minimum number of lanes of travel, including dedicated turning lanes (if any): 2, with the final number to be determined by the Board based upon traffic studies.
- (2) No parking on east side of street.

- (3) Minimum cartway width, including parking: 36 feet, with the final width to be determined by the Board based upon traffic studies.
- (4) Special design considerations for delivery access and parking deck access shall be as determined by the Board based upon traffic studies and site plan review.
- (5) Minimum sidewalk width: 8 feet, measured from the street curb.
- (6) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided consistent with the existing sidewalk improvements in the Special Improvement District.

e. South Street.

- (1) The developer shall extend South Street to Veterans Memorial Drive, if determined by the Board to be reasonably necessary based upon traffic studies. The number of lanes of travel, dedicated turning lanes, parallel parking, cartway width, sidewalk width, etc. shall be determined by the Board based upon such traffic studies.
- (2) Any plan to extend South Street shall incorporate special design considerations for grocery store delivery area access and for the parking deck access/egress as determined by the Board based upon traffic studies.
- (3) If the Board determines that sidewalks are reasonably necessary as part of any plan to extend South Street, such plan shall incorporate sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) consistent with existing improvements in Special Improvement District.

f. Union Street/Union Street Extension to Parking Deck.

- (1) Minimum number of lanes of travel, dedicated turning lanes, on-street parking, cartway width, sidewalk width, etc. shall be determined by the Board based upon traffic studies.
 - (2) Special design considerations for access and parking deck access/egress shall be determined by the Board based upon traffic studies.
 - (3) Sidewalk improvements (e.g., pavers, street trees, lighting, planters, etc.) shall be provided consistent with the existing sidewalk improvements in the Special Improvement District, provided that a modified sidewalk design shall be permitted along the frontage of the subject property located from 100 to 265 feet south of West Main Street, as may be necessary to accommodate a loading area in this location.
4. Maximum number of principal buildings: not limited.
5. Parking requirements.
 - a. Parking shall be provided as required in the B-2 district by § 102-118, except as specifically provided otherwise herein. Notwithstanding the foregoing, a mixed-use shared parking approach shall be permitted since this is a transit oriented development, which approach may supersede § 102-118B and § 102-118B(7), as appropriate and as determined by the Board, upon the submission of adequate proofs by the developer that such an approach would reduce the parking demand from the development below that which would otherwise be required. Any redevelopment pursuant to this plan shall be entitled to credit against said parking requirement any on-street parking constructed by the developer within the right-of-ways of Davenport Street or Veterans Memorial Drive along the street frontage of the redevelopment area. In addition, any redevelopment pursuant to this plan shall be entitled to credit against said parking requirement any public parking spaces constructed or leased by the developer in the deck required by C.5.c below, excluding the number of parking spaces available to the public prior to the adoption of this redevelopment

plan on the site of said parking deck, or excluding a greater number of parking spaces to be determined pursuant to a redevelopment agreement between the developer and the Borough, whichever is more restrictive.

- b. Within and around the perimeter of any surface parking area, there shall be provided landscaped islands having a total area of at least 45 square feet for every parking space within the parking area. Excluded from this requirement are surface levels of parking decks and parking spaces that have direct access from a street or other public roadway. Any landscaped area within the plaza required by this redevelopment plan on the Davenport Street extension shall not be credited toward meeting the requirement for landscaped islands for surface parking areas.
- c. A parking deck shall be constructed adjacent to the private redevelopment. The parking deck shall be constructed, owned and managed by the Borough for public parking, which parking shall also be made available for the use of tenants and customers of the private redevelopment and the availability of such parking shall be considered by the Planning Board, as part of its site plan review. Until the deck is constructed, at least the number of parking spaces available to the public prior to the adoption of this redevelopment plan on the site of the parking deck shall be maintained, either in their current location or in another location within the redevelopment area, or other area acceptable to the Board, as determined during the required site plan review.

6. Signs.

- a. Wall signs shall be as permitted and required for the B-1 zone district by § 102-119. , except that the supermarket site shall be permitted to erect either the wall signs permitted in the B-1 district or the following wall signs, whichever is less restrictive:

- (1) A primary sign identifying the supermarket name, with a maximum area of 111 square feet and a maximum vertical dimension of 6 feet.
 - (2) A secondary sign related to the primary sign, with a maximum area of 37 square feet and a maximum vertical dimension of 2 feet.
 - (3) A tertiary sign with a maximum area of 43 square feet and a maximum vertical dimension of 2 feet.
- b. A monument sign (i.e., mounted directly on the ground or on a sign base that is mounted directly on the ground, and not elevated by pylons or poles above the ground) shall be permitted facing Veterans Memorial Drive, complying with the following standards:
- (1) The sign may identify the center or the primary retail anchor in the center, plus the business establishments having their primary pedestrian entrance located in the facade facing the internal surface parking area.
 - (2) The maximum display surface area of the sign shall be 35 square feet for the center or the primary retail anchor (i.e., having a gross floor area of at least 40,000 square feet), plus 6 square feet for each other business establishment identified on the sign.
 - (3) The maximum height of the sign shall not exceed 8 feet above normal grade.
 - (4) The sign shall be located at least 5 feet from the right-of-way line of Veterans Memorial Drive, provided that the sign shall not encroach into any required sight lines at the intersections of streets and driveways.

7. Affordable Housing Requirements.

The developer shall be required to provide for the same number of affordable housing units as the obligation imposed upon the Borough as a result of the development, under the terms of the rules of the N.J. Council on Affordable Housing.

This requirement shall be a condition of any site plan approval that the Planning Board may grant. The terms and specifics concerning how such obligation will be addressed shall be pursuant to a redevelopment agreement between the developer and the Borough Council. The intent of this requirement is that the Borough of Somerville incurs no additional obligation to provide for affordable housing units under any law as a result of the development identified in this plan.

8. Applicability of Special Improvement District Provisions.

The redevelopment area shall continue to be designated as part of the Special Improvement District.

9. The developer may construct a nonresidential building or buildings along the east side of the Davenport Street extension for at least 150 feet of building frontage facing the Davenport Street extension. The ground floor of such building or buildings shall be devoted to nonresidential use(s).

10. The developer shall construct a plaza on the east side of the Davenport Street extension through the redevelopment area near the midpoint between Main Street and Veterans Memorial Drive. Initially, the minimum area of such plaza shall be 13,500 square feet, and the plaza shall be made available to the public and designed as an area where pedestrians may sit and congregate. The developer shall continue to own such plaza and shall maintain the plaza. The developer may redevelop such plaza in the future for a building, or sell the plaza for others to develop, in which case the plaza may be eliminated, except for an area of 3,000 square feet at the northerly end of the original plaza site, measured from the curb face of the plaza island, which area shall continue to be maintained as open space available to the public. Notwithstanding the foregoing, in the event that development or sale of the plaza is contemplated, the Borough shall have the right to acquire such plaza, or in the case of a sale, the right of first refusal to acquire such plaza, prior to any such development or sale, subject to the terms and conditions set forth in the redevelopment agreement.

11. Phased Development. Phased development and redevelopment shall be permitted, provided that the development and

redevelopment of the district shall comply with all applicable regulations at the completion of each phase.

12. Temporary Uses. The following uses are permitted temporarily during construction: trailers for temporary relocation of current tenants of the property sized to provide adequate service to tenants current needs; construction trailers no larger than 720 square feet and storage trailers no larger than 500 square feet.
13. Deviations from West Main Street Redevelopment Zone District Requirements in the Redevelopment Plan and Requirements of the Land Use Ordinance. The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from the lot, bulk and intensity of development standards and other requirements in this Redevelopment Plan or other Borough ordinances, excluding the following:
 - Violations that would require a 'd' variance pursuant to the N.J. Municipal Land Use Law at N.J.S.A. 40:55D-70.
 - Paragraphs 7 through 12 of Part C above.

Accordingly, an amendment to the Redevelopment Plan shall not be necessary if the selected redeveloper(s) or property owner desires to deviate from the bulk provisions set forth in this Redevelopment Plan or the pertinent sections of Borough's Land Development Ordinance, or from the design standards set forth in this Redevelopment Plan or other Borough ordinances. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as otherwise required by Borough ordinance. Decisions on such requests shall be made in accordance with the legal standards set forth in N.J.S.A. 40:55D-70c, in the case of requests for relief from zoning standards, and in accordance with the legal standards set forth in N.J.S.A. 40:55D-51, in the case of requests for relief from design standards.

14. Other. The requirements of this redevelopment area shall be an overlay on the underlying zone districts and development regulations in Chapter 102 of the Code of the Borough of

Somerville, until such time that actual redevelopment shall occur, as set forth below:

- a. The underlying zone district classifications and regulations in Chapter 102 shall apply in the redevelopment area, or portion of the redevelopment area, until the redevelopment described by this plan is perfected through an approved and unappealable site plan and through a fully executed redevelopment agreement between the Borough and the redeveloper, and until applications for demolition, construction and zoning permits for such redevelopment, or portion thereof, are filed.
- b. Notwithstanding the provisions in paragraph 13.a above, a site plan application based upon this redevelopment plan may be filed and processed in accordance with this redevelopment plan prior to execution of a redevelopment agreement between the Borough and the redeveloper, provided that any approval of such site plan shall have as a condition precedent the execution of such a redevelopment agreement, and further provided that no development permits based upon this redevelopment plan shall be issued until such redevelopment agreement is fully executed.
- c. Once demolition, construction and zoning permit applications are filed for the redevelopment or portion thereof set forth in an approved phasing plan, the overlay regulations set forth in this plan shall be deemed to apply to the redevelopment area, or portion thereof, for which permits are requested. Once the overlay regulations set forth in this redevelopment plan become effective, all requirements of Chapter 102 of the Code of the Borough of Somerville (the Land Use Ordinance) shall continue to apply to the redevelopment area, except as superseded by this redevelopment plan.

Implementing the Redevelopment Plan

The following restrictions and controls on redevelopment are hereby imposed in connection with this Redevelopment Plan:

- a. The designated developer shall be obligated to enter into a redevelopment agreement with the Borough prior to the commencement of any Redevelopment Area development and/or improvements as permitted in this Redevelopment Plan.
- b. The redeveloper, its successors or assigns, shall develop the land within the Redevelopment Area for the uses specified in this Redevelopment Plan.
- c. Until completion of the required improvements, the redeveloper shall not be permitted to sell, lease or otherwise transfer or dispose of property within the Redevelopment Area without prior written consent of the Borough subject to transfers which may be permitted in a redevelopment agreement and for leases entered into by the designated developer with tenants in the ordinary course of business.
- d. Upon completion of the required improvements, the conditions determined to exist at the time the Redevelopment Area was determined to be in need of redevelopment, shall be deemed to no longer be subject to eminent domain as a result of those determinations.
- e. No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the redeveloper, the Borough, or the successors, lessees, or assigns of either of them, by which land in the Redevelopment Area is restricted as to sale, lease or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status as determined in more detail in a redevelopment agreement.

- f. Neither the redeveloper nor the Borough, or the successors, lessees, or assigns of either of them, shall discriminate upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Redevelopment Area.

Amendments to the Approved Redevelopment Plan

This Redevelopment Plan may be amended from time to time in accordance with applicable law.