

Explanation: This Ordinance adopts the Dubois Road Redevelopment Plan pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

**TOWNSHIP OF WARREN
ORDINANCE NO. 11-06**

**AN ORDINANCE ADOPTING THE DUBOIS ROAD
REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., authorizes municipalities to determine whether certain parcels of land in their municipality constitute areas in need of redevelopment; and

WHEREAS, the Township Committee of the Township of Warren, by Resolution duly adopted, authorized the Planning Board to undertake a preliminary investigation to determine whether the land known as 29 DuBois Road, (Block 79, Lot 6.01), (the "Study Area"), situated in the Township of Warren, Somerset County, New Jersey, should be declared an "area in need of redevelopment" according to the criteria set forth in Section 5 of the aforesaid Local Redevelopment and Housing Law; and

WHEREAS, John T. Chadwick, IV, P.P., Township Planner, submitted a report to the Planning Board entitled "Preliminary Redevelopment Area Study; the Knitting Mill/DuBois Road" dated June 29, 2009, revised September 10, 2009 (the "Redevelopment Study"), detailing the statutory criteria for determining whether the Study Area constituted an "area in need of redevelopment", and which Redevelopment Study provided extensive information supporting a recommendation to the Planning Board that the aforesaid Study Area met the statutory criteria; and

WHEREAS, after a public on hearing held on October 26, 2009 and in accordance with N.J.S.A. 40A:12A-6, the Planning Board, on November 23, 2009, adopted a Resolution recommending that the Study Area be designated as an "area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, after a review of the Study Area and the recommendation of the Planning Board, the Township Committee adopted Resolution No. 2010-33 designating the Study Area as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 (the "Redevelopment Area"); and

WHEREAS, the Township Planner has prepared and submitted to the Township Committee a redevelopment plan entitled, "DuBois Road Redevelopment Plan", (the 'Redevelopment Plan'), outlining the planning, development and redevelopment of the Redevelopment Area in accordance with the provisions of N.J.S.A. 40A:12A-7; and

WHEREAS, the Planning Board provided comment on the proposed Redevelopment Plan and its comments were reflected in a letter from the Township Planner dated March 8, 2011; and

WHEREAS, the comments of the Planning Board have been incorporated into the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, County of Somerset and State of New Jersey as follows:

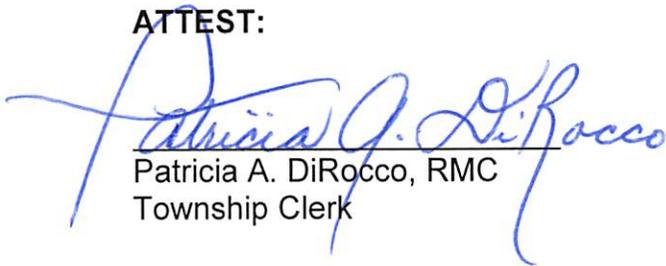
1. The Redevelopment Plan, attached hereto, as Exhibit A and made a part hereof, is hereby approved pursuant to the provisions of N.J.S.A. 40A:12A-7.

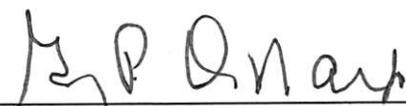
2. The zoning district map in the zoning ordinance of the Township is hereby amended to include the Redevelopment Area in accordance with the boundaries described in the Redevelopment Plan and the provisions contained therein.

3. This Ordinance shall take effect immediately upon final adoption and publication thereof according to law.

ATTEST:

TOWNSHIP OF WARREN


Patricia A. DiRocco, RMC
Township Clerk

By: 
Gary P. DiNardo, Mayor

INTRODUCED APRIL 14, 2011

ADOPTED May 19, 2011

EFFECTIVE May 26, 2011

Exhibit A

DUBOIS ROAD AREA (B79 L6.01) REDEVELOPMENT PLAN

INTRODUCTION

On January 21, 2010, the DuBois Road area (Bk79, L6.01) was deemed “an area in need of redevelopment” per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) by the Township Committee and the Township Planner was directed to prepared a redevelopment plan for the site. This Redevelopment Plan serves to fulfill the statutory requirements pursuant to the LRHL.

The DuBois Road Redevelopment Plan:

- Will become the formal planning document for redevelopment of the area;
- Is a collaborative effort of the Township Committee and the Township Planning Board;
- Presents a zoning plan and permitted uses and standards of the district;
- Sets forth the implementation strategy of the Plan; and

STATUTORY REQUIREMENTS

According to State statute, the Redevelopment Plan shall include an outline for planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

- its relationship to definitive local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
- proposed land uses and building requirements in the project area;
- adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
- an identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan; and
- 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 and
 - the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act” PL 1985, C398 (C52:18A-196 et al).

REDEVELOPMENT GOALS AND OBJECTIVES

The goals of the DuBois Road Redevelopment Plan are:

1. To transform underutilized and non-conforming buildings and property into fully productive uses and
2. To serve as the guiding document required for the Township Committee and Planning Board for the area.

The objectives of the DuBois Road Redevelopment Plan are:

1. Revitalize the area by providing opportunities for redevelopment of properties by redevelopers.
2. Create land use and building requirements specific to the Redevelopment Area that will promote the development of a pedestrian friendly, human scale neighborhood with a cohesive, unified Colonial design theme.
3. Utilize high quality design standards in construction and reconstruction of buildings and improvements.
4. Provide for a variety of affordable market rate housing units including income restricted units.

STATEMENT OF STATUTORY COMPLIANCE

The DuBois Road Redevelopment Plan fully complies with State statutes.

Consistency with Local Objectives:

This redevelopment Plan is sufficiently complete to define redevelopment, improvements, zoning changes, planning concepts and building requirements.

Proposed Land Uses and Bulk Requirements:

This redevelopment Plan includes maps and text sufficient to describe proposed land uses and bulk requirements for the DuBois Road Redevelopment Area. If businesses are displaced, each will be interviewed to determine their relocation requirements. The Township of Warren and its designated redeveloper will comply with the "Relocation Assistance Law of 1967", P.L. 1967, c.79 and the Relocation Assistance Act, P.L. 1971, C. 362.

Identification of Property Proposed to be Acquired:

The redevelopment Plan is sufficient to identify the property within the Redevelopment Area which is proposed to be acquired.

Relationship to local, County and State Plans:

The DuBois Road Redevelopment Plan conforms to the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" P.S. 1985. Its policy of providing appropriate densities to make efficient use of existing infrastructure, while maintaining the character of the area in accordance with plan objectives.

This Redevelopment Plan is compatible with the Master Plans of adjacent municipalities and that no community is remotely near the site.

Relationship to Municipal Land Use Law:

This Redevelopment Plan is a part of the Master Plan and describes its relationship to Municipal

Land Use Law and creates no conflict with development regulations.

Civil Rights and Affirmative Action:

The Township of Warren agrees to take leadership within the community, to ensure compliance with Title VI of the Civil Rights Act of 1964, and Title VII as amended in March 1972 and with all the affirmative action requirements of the State of New Jersey, including those requirements of P.L. 1975 and the regulations issued by the State of New Jersey and the Township of Warren.

GENERAL PROVISIONS OF THIS PLAN

Land use provisions and building requirements for the DuBois Road Redevelopment Area are deemed necessary as minimum requirements in the interest of public health, safety, convenience and general welfare. They are intended to provide a frame of reference for physical development of the project area. Developers will be given flexibility in project planning and design so long as buildings and improvements reflect quality, permanence and physical integration through design elements. The Township has not attempted in these controls to anticipate every possible design or land use solution. Rather, project proposals will be evaluated as to how they achieve the objectives of this Plan.

1. The Township and the Planning Board specifically reserve the right to review and approve the redevelopers' plan and specifications with respect to their conformance to the redevelopment plan. Such a review shall be based on submissions to the Township Planning Board of a site plan locating the proposed project in the redevelopment area; a site plan that complies with Township site plan regulations illustrating all site features; and building elevations for all facades.
2. Subdivisions of lots and parcels of land within the redevelopment area shall be in accordance with requirements of this Plan, the Township Subdivision and Site Plan requirements and applicable requirements of the Township Zoning Ordinance.
3. The redeveloper shall also comply with the requirements of the Local Redevelopment and Housing Law, P.L. 1992, Chapter 79.

LAND USE PLAN

The permitted uses and design standards within the Redevelopment Area and the design standards that apply to the Area are detailed in the District Standards and Design Standards sections, below.

Relationship of Plan to the Township Plan Development Regulations:

The standards contained within this redevelopment plan shall supersede the existing Zoning of the area and shall apply to any redevelopment or rehabilitation project designed to implement this plan, whether by a designated redeveloper or by private property owners. Where regulations of this plan conflict with the Zoning Ordinance or design standards, this plan shall control. The continued use of existing properties made nonconforming by adoption of this plan is permitted

until the property is to be redeveloped or substantially rehabilitated, at which time the provisions of this plan shall apply. In the case where a particular land use or site standard is not covered In this redevelopment plan, compliance with the Township Zoning Ordinance or other applicable Township codes or the Ordinance will be required.

Exceptions to Standards:

Variation from the development requirements and design standards set forth by this redevelopment plan may be necessary in certain limited circumstances, such as the building size standard. In such instances, the Planning Board may grant reasonable exceptions from certain bulk, parking or design requirements if the designated redeveloper demonstrates that such design exception(s) will not substantially impair the intent of the redevelopment plan and will not present a substantial detriment to the public health, safety and welfare.

To gain approval of such modification or waiver of a development requirement or design standard, the applicant shall demonstrate that the resulting change will:

1. Generally satisfy the redevelopment plan's goals and objectives;
2. Be designated in accordance with the Township's normally acceptable engineering, planning and/or architectural practices;
3. Not have an adverse impact on the physical, visual or spatial characteristics of the overall development plan for the parcel or tract to be developed or adjacent or nearby properties;
4. Generally enhance the overall development plan for the tract;
5. Not have an adverse impact on the physical, visual or spatial characteristics of the exiting streetscape in which such development is located or of the redevelopment plan; and
6. Not reduce the useful life or increase the cost of maintenance of the improvement to be modified or otherwise have an adverse impact on the long-term function of the development.

Deviations from the uses permitted in the area shall be permitted only by means of an amendment of the Redevelopment Plan by the Township Committee.

Provisions Related to Rehabilitation:

This plan does recognize the fact that there are pre-existing, non-conforming single-family, and possibly two-family, dwellings in the redevelopment area, as well as non-residential industrial buildings, the continued use, maintenance and minor improvement of which may be necessary and/or an improvement to the area, although said maintenance and minor improvement may be inconsistent with the goals, objectives and design standards of the area. In the case where deviations from bulk standards and/or design standards are sought for maintenance and minor improvements to a pre-existing, non-conforming use and building or property containing such, the authority for granting or denying deviations from the bulk and/or design standards herein shall be vested in the Township Planning Board.

Provisions Related to Off-Site Improvements:

The extent of the redeveloper's responsibility for any installation or upgrade of infrastructure related to their project, whether on-site or off-site, will be outlined in a redeveloper's agreement with the Township. Off-site responsibility for properties not covered under the redeveloper's agreement will be determined in the same manner as other development projects throughout the Township during the permit and/or site plan review phases.

All infrastructure improvements shall comply with applicable local, state and federal codes including the Americans with Disabilities Act. All streetscape improvements shall also comply with applicable standards found in this Redevelopment Plan. All utilities shall be placed underground, unless otherwise authorized by the Township Committee.

Housing Development District Standards and Use Standards:

The objectives and standards set forth hereafter are designated to implement, in phases, the Affordable Housing Plan Element. The uses and standards for development are permitted only within the Redevelopment zone as shown on the revised Official Zoning Map.

The intent and purpose of the redevelopment zone is to implement the Affordable Housing Plan Element of the adopted Master Plan of Warren Township. This subsection provides for the phased implementation of the zone. The objectives are to provide and encourage development of housing affordable to low and moderate income households as defined by COAH, as well as middle income, age targeted and adult households.

Development Standards and Requirements:

Permitted Uses	Single family detached Side by side semi attached Town home Condominium where units may be designed to be one above the other
Housing Units Permitted	No more than 50 dwelling units shall be permitted
Maximum Habitable Space*	2400 square feet
Minimum Habitable Space*	1000 square feet
<p>*Habitable space shall not include garage, unfinished attic and basement floor space whether finished or not. Habitable space requirements shall not apply to affordable housing units.</p>	
Minimum/Maximum Units Per Building	2/8 units/structure
Maximum No of Bedrms/Unit	3/unit
Maximum Building Height	2 stories/35 feet, whichever is less

Setbacks:

Front Yard from Dubois Road 50 feet

Front Yard from Private Street 20 feet
(curb line)

Side Yard from Tract Boundary 25 feet

Rear Yard from Tract Boundary 25 feet

Parking Development shall meet Residential Site Improvement Standards and further each market rate dwelling unit shall have a garage

Housing Affordability Requirements Ten percent of all units shall be affordable pursuant to Section 16-6 of this chapter (zoning ordinance)

Occupancy Preference The Developer shall make all reasonable efforts to make units available to Warren residents or to those individuals who work in Warren and reside elsewhere. These efforts will be detailed in a plan and made a part of the Redevelopers Contract with the Warren Township Redevelopment Agency.

Design Standards for Dubois Road Redevelopment Area Zone:

The general design theme for the Dubois Road Redevelopment Area shall be generally colonial. Buildings, signage and all other improvements shall be designed to follow a Colonial theme to the extent possible. The following Design Standards shall apply to the Area, and shall be utilized to carry out the design theme of the Area.

A. Applicability. These guidelines and standards shall apply to all applications for development within the Area.

B. General Design Standards.

1. The building itself should be designed with an eye toward architectural detailing that can be unique, and compliment the appearance of adjacent structures.
2. Buildings shall have varied and interesting facades. Use of texture and window variations shall be encouraged.
3. Pitched roofs are required.
4. Buildings greater than 1 story in height are strongly encouraged.
5. Entryways shall give orientation and add aesthetically pleasing character to the front facade.
6. Entrances shall include such features as canopies or porticos, overhangs, arcades, recesses/projections, raised corniced parapets over the doors, peaked roof forms and arches.

C. Continuity of Treatment. The architectural treatment of a façade or roof shall be completely continued around all visibly exposed sides of a building. All sides of building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details. In the instance of multi-story buildings, the architectural treatment and building materials of the first floor shall be compatible with upper stories.

D. Roof. The type, shape, pitch, texture and color of a roof shall be considered as an integral part of the design of a building and shall be architecturally compatible with the style, materials, color and details of such building. Pitched roofs shall be required. Roofs and rooflines shall conform to the following standards:

1. No flat roof shall be permitted on a building.
2. Mansard roofs shall not be permitted.
3. Architectural embellishments that add visual interest to roofs, such as dormers, belvederes, masonry chimneys and such similar elements shall be permitted, provided that such are architecturally compatible with the style, materials, colors and details of the building.
4. For all roofs, the minimum permitted roof pitch shall be seven on twelve.
5. Roofline offsets shall be provided along any roof measuring longer than fifty (50) feet in length in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roofline.

E. Windows. Windows shall be architecturally compatible with the style, materials, colors and details of a building. Windows shall be vertically proportioned.

F. Doors and Entrances. All entrances to a building shall be defined and articulated by utilizing such elements as lintels, pediments, pilasters, porticoes, porches, overhangs, railings, balustrades and other such elements, where appropriate. Any such element utilized shall be architecturally compatible with the style, materials, colors and details of such building.

G. Physical Plant. All air-conditioning units, HVAC systems, exhaust pipes or stacks and elevator housing shall be shielded from view. Such shielding shall be accomplished by utilizing the walls or roof of the building and be designed to be architecturally compatible with the style, materials, colors and details of such building.

H. Materials, Colors and Details. All materials, colors and details used on the exterior of a building shall be architecturally compatible with the style of such building, as well as with each other.

I. Shutters. The use of shutters on building facades shall be encouraged.

J. Lighting. Light fixtures attached to the exterior of a building shall be designed to be architecturally compatible with the style, materials, colors and details of such building and other lighting fixtures used on the site. Consideration shall also be given to the type of light source utilized and the light quality such produces. The type of light source used on buildings, signs, parking areas, pedestrian walkways and other areas of a site shall be the same or compatible. The use of low-pressure sodium or mercury vapor lighting either attached to buildings or to light

the exterior of buildings shall be prohibited.

K. All buildings shall have a basement and access for all market rate units in the building.

L. All units shall, at minimum, be equipped with Energy Star certified appliances and utilities and further, the redeveloper is encouraged to advance and/or achieve LEED standards and/or certification.

Parking Design Standards:

A. Provision of parking spaces. The design and number of parking spaces required per this Redevelopment Plan shall be provided in conformance with RSIS (NJAC 5:21-4.14 through 4.16). Each market rate unit shall have at least one garage parking space.

B. Screening. Where buffers are required in this Redevelopment Plan, there shall be provided along the exterior lot line of the development a continuous, year-round planting screen at least 6 feet in height.

Streetscape/Landscape Design Standards:

Interior roadway shall provide streetscape elements including sidewalk, lampposts, benches, trash receptacles and planters.

Street trees shall be provided in accord with applicable Township requirements.

PROPERTY ACQUISITION AND RELOCATION

The Township will not exercise its power of condemnation in the redevelopment area.

Relocation:

The Township will provide all displaced tenants and landowners with the appropriate relocation assistance, pursuant to applicable State and Federal law, should relocation be necessary.

PLAN RELATIONSHIP TO DEFINITIVE LOCAL OBJECTIVES

The redevelopment of Dubois Road was not specifically discussed in the Township Master Plan, however is consistent with the Housing Plan objectives and principles of the Master Plan. Further, the Dubois Road Redevelopment Plan is a sub-element of the Master Plan.

RELATIONSHIP TO OTHER PLANS

The proposed Redevelopment Plan has no impact upon the Master Plans of adjacent municipalities. No municipality is remotely contiguous to the Redevelopment Area.

State Development and Redevelopment Plan (SDRP):

The State Development and Redevelopment Plan (SDRP) places the Redevelopment Area in Planning Area 2 (PA2). The Redevelopment Plan is consistent with the planning goals and objectives of the SDRP which encourages infill development and redevelopment of areas containing existing infrastructure.

ADMINISTRATIVE AND PROCEDURAL REQUIREMENTS

Amending the Redevelopment Plan:

Upon compliance with the requirements of applicable law, the Township Committee of the Township may amend, revise or modify this Redevelopment Plan, as circumstances may make such changes appropriate.

Duration of the Redevelopment Plan:

The Redevelopment Plan, as amended, shall be in full force and effect for a period of thirty (30) years from the date of approval of this Plan by the Township Committee.

Application for Development/Redevelopment:

No application for development or redevelopment in the Area may be filed with the Planning Board until such time as the applicant has applied for and received a designation as a redeveloper from the Township Committee and has executed a Redevelopment Agreement with the Township Committee providing for the proposed application.

Conveyance of Land:

The Township Committee may sell, lease or otherwise convey to a redeveloper for redevelopment, subject to the restrictions, controls and requirements of this Redevelopment Plan, all or any portion of the land within the Redevelopment Area which becomes available to disposal by the municipality as a result of public action under this Plan. The Township reserves the right to formulate an agreement under any of the above referenced arrangements and to enforce resale covenants.

Redevelopment Entity:

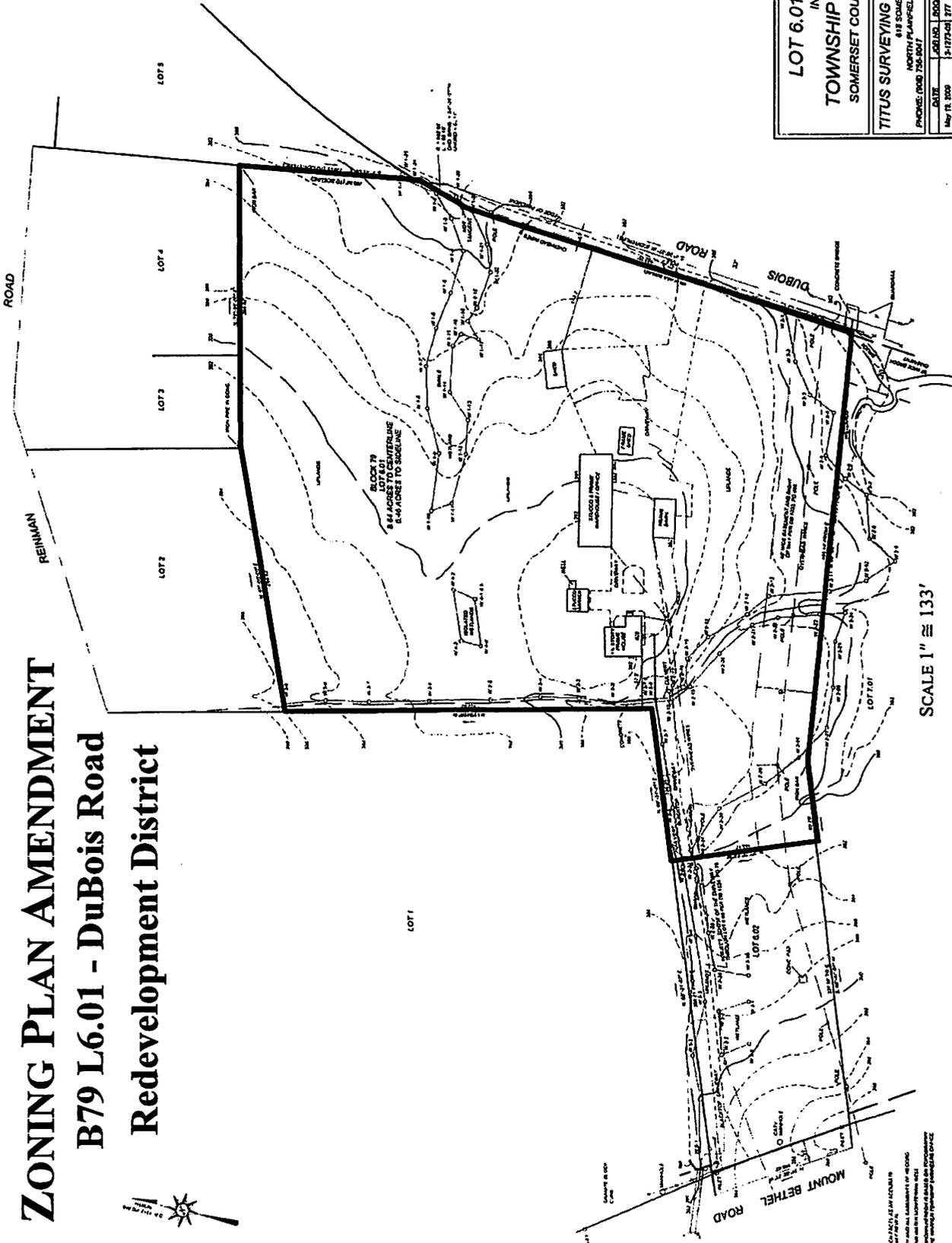
The Township Committee shall serve as the redevelopment entity hereunder.

Being known as Lot 6.01, Block 79 on the Township of Warren Tax Maps.

ZONING PLAN AMENDMENT

B79 L6.01 - DuBois Road

Redevelopment District



SCALE 1" = 133'

LOT 6.01, BLOCK 79
IN THE
TOWNSHIP OF WARREN
SOMERSET COUNTY, NEW JERSEY

TITUS SURVEYING & ENGINEERING, P.C.
 418 SOMERSET STREET
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W. LELAND TITUS
 PROFESSIONAL
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DATE	APPROVED	SCALE	PL. BY	LEGEND	SHEET
Aug. 18, 2009	PH222521	217'	46'	41'	17

A Survey Made and Certified True and Correct by the Surveyor on the 18th day of August, 2009, in accordance with the provisions of the Act of the Legislature of the State of New Jersey, approved April 22, 1907, P.L. 1907, c. 11, and the Act of the Legislature of the State of New Jersey, approved April 22, 1907, P.L. 1907, c. 11, and the Act of the Legislature of the State of New Jersey, approved April 22, 1907, P.L. 1907, c. 11.

THIS PLAN, MAP, SPECIFICATION OR INSTRUMENT IS A PUBLIC DOCUMENT AND IS SUBJECT TO THE PROVISIONS OF THE ACT OF THE LEGISLATURE OF THE STATE OF NEW JERSEY, APPROVED APRIL 22, 1907, P.L. 1907, c. 11, AND THE ACT OF THE LEGISLATURE OF THE STATE OF NEW JERSEY, APPROVED APRIL 22, 1907, P.L. 1907, c. 11, AND THE ACT OF THE LEGISLATURE OF THE STATE OF NEW JERSEY, APPROVED APRIL 22, 1907, P.L. 1907, c. 11.