



QUIMBY LANE REDEVELOPMENT PLAN

BOROUGH OF BERNARDSVILLE, NJ



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1. INTRODUCTION

The Quimby Lane Redevelopment Plan (the “Plan” or “Redevelopment Plan”) represents a milestone in the Borough of Bernardsville’s efforts to reimagine its downtown for the benefit of generations of residents and visitors to come. The Plan sets forth a vision and standards for a group of properties in the vicinity of Quimby Lane and the Bernardsville Train Station that collectively hold the potential to transform the community’s downtown, radically expanding the quality and quantity of amenities and activities offered while facilitating high-quality development that will create a critical mass of activity.

The properties governed by this Redevelopment Plan, as identified on the Borough’s tax maps, are Block 70, Lots 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08; Block 71, Lots 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12, and 13; and the Quimby Lane right-of-way. Through implementation of this Redevelopment Plan, the Borough will facilitate development that reflects priorities detailed in previous planning documents and sentiments expressed in community engagement efforts.

The formal redevelopment process for these properties began in 2019, when the Borough Council determined that the site met the statutory criteria for designation as an “area in need of redevelopment” pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. The corresponding resolution is included in this Redevelopment Plan as Appendix D. Prior to this formal action, the future of the properties was assessed through a variety of processes, including a public engagement process led by the Bernardsville Downtown Revitalization Committee, and a Request for Proposals issued to developers to gauge market interest.

The above-mentioned properties may henceforth be identified as the “Site,” “Area,” “Redevelopment Plan Area,” or “Properties”. The word “Project” is used to connote the proposed redevelopment activities described in this Plan. Figure 1 below illustrates the location of the Redevelopment Plan Area.

1.1. Redevelopment Plan Area Map

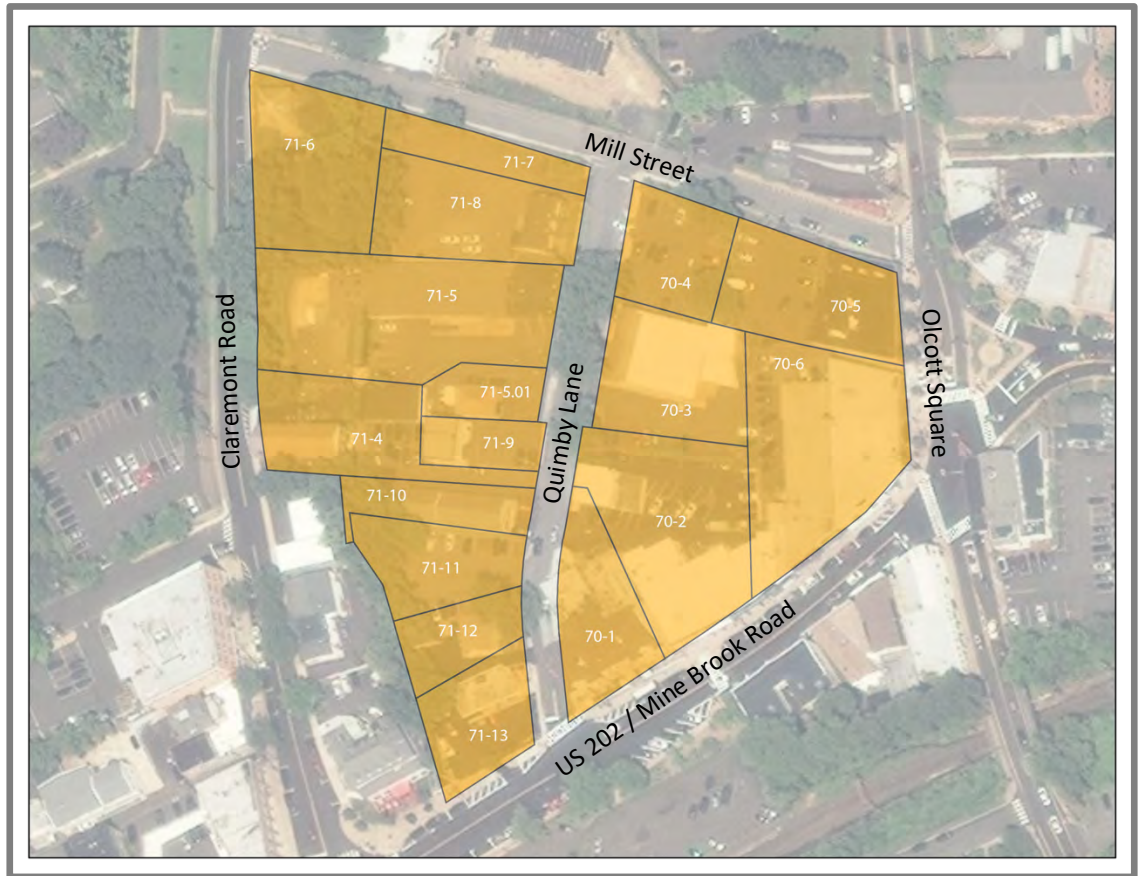


Figure 1: Redevelopment Plan Area

1.2. Plan Overview

This Redevelopment Plan establishes parameters for conversion of the Site into a new center of activity for the Borough of Bernardsville. The Plan envisions a combination of development on both private and public properties to create a revitalized downtown core. This vision is comprised of residential, retail, restaurant, and hotel uses, as well as a new public plaza and park. The Plan was developed using input from the public and Borough stakeholders, as well as extensive research regarding market and site conditions.

The Redevelopment Plan will create a new, European-style village at the center of Bernardsville. This project will blend into the downtown, respecting its existing character and historic architecture while incorporating modern design practices. Implementation of the plan will attract residents and visitors alike, thereby benefitting not only the Redevelopment Plan Area, but also the downtown and Borough generally.

Elements of the Plan include:

- Residential units, including affordable housing, to promote the downtown's community feel and benefit downtown businesses.

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- Active ground floor uses like restaurants and experiential retail.
- A new park, Mine Brook Park, to enhance the Mine Brook and its surroundings as a public amenity.
- A new public space, Quimby Plaza, to accommodate community gatherings and programming.
- Pedestrian paths to provide easy access to other points of downtown, the Train Station, and surrounding residential neighborhoods.
- Parking that is adequate to support development, but hidden from sight so as not to detract from private and public spaces created by redevelopment.

Collectively, the development and improvements outlined in this Plan will create a new downtown hub and convert the area into a fulcrum of social, cultural, and economic activity for the Borough.

The Redevelopment Plan Area is divided into different Sub Areas, each with their own development regulations. Of particular importance is Sub Area 1, which is comprised of land controlled by the Borough. In order to maximize the efficiency of the redevelopment project and the resulting public benefits, the Redeveloper of Sub Area 1 shall be required to develop a Conceptual Development Plan, the requirements of which are described in detail in Section 7.4.2, that provides a framework for coordination between Sub Areas.

1.2.1. In accordance with the LRHL [N.J.S.A. 40A: 12A-7. A.2], this Plan establishes the following proposed requirements for the Property:

- Land Uses
- Bulk Standards
- Design Criteria
- Building Requirements

Unless otherwise stated herein, the provisions set forth in the Plan shall supersede, govern, and control the standards set forth in the Land Development Code of the Borough of Bernardsville. Any standard, definition, or regulation in the Borough of Bernardsville Municipal Code that is not specifically addressed by a superseding standard, definition, or regulation in this Redevelopment Plan shall apply as part of this Redevelopment Plan.

2. LOCAL REDEVELOPMENT AND HOUSING LAW

The Borough of Bernardsville determined that the use of the redevelopment powers granted to municipalities under the Local Redevelopment and Housing Law (LRHL) (N.J.S.A 40A:12A-1, et. Seq) would be the most effective approach to revitalize the parcels contained in the Redevelopment Area.

The Area was designated by the Borough of Bernardsville as an “area in need of redevelopment” in accordance with the LRHL in 2019. The corresponding resolution designating the properties as an “area in need of redevelopment” are included in Appendix D.

For more information, refer to Local Redevelopment and Housing Law (LRHL) Regulations + Policy (Appendix A).

3. RELATION TO OTHER PLANS

Pursuant to the LRHL, “all provisions of the redevelopment plan shall be either substantially consistent with the municipal master plan or designed to effectuate the master plan” (N.J.S.A 40A:12A-7(d)). The Plan is significantly consistent with and intended to effectuate the Borough’s 2004 Amended Comprehensive Master Plan and subsequent reexamination. This Plan is consistent with the following plans as detailed in Appendix B.

- Local Master Plan
 - 2004 Amended Master Plan
 - 2017 Master Plan Reexamination
 - 2016 Open Space and Recreation Element
 - 2005 Stormwater Management Element
- Surrounding Communities’ Master Plans
- Adjacent County Master Plan
- Somerset County Master Plan
- NJ State Development and Redevelopment Plan
- NJ State Strategic Plan
- NJ Smart Growth Principles

4. SITE DESCRIPTION

4.1. Site Location + Existing Conditions

The Site is in the southeastern section of Bernardsville Borough and comprises much of the historic and present downtown core of the Borough. The Site is bound by Mill Street to the north, Olcott Square to the east, Mine Brook Road to the south, and Claremont Road to the west. The Site is bisected by Quimby Lane.

Development on the Site predominately consists of commercial, professional, and public uses, including the Bernards Inn, the Post Office, a movie theatre, several restaurants, auto services, offices, other retail and service uses, and surface parking. One property, Block 71, Lot 6, is a residential use. Structures in the Area are one to three stories.

Principal site access is provided via Mine Brook Road (US-202), a major southwest-northeast arterial that runs through the Borough's core. Mill Street, Quimby Lane, and Claremont Road also provide local site access.

The Site has connections to regional transportation via highway, bus, and rail. There are two entries to I-287 roughly 2 miles east and south of the Site accessible via US-202 and Mount Airy Road, respectively. Transit access is provided at the immediately adjacent Bernardsville Train Station, which is serviced by the Gladstone Branch of NJ Transit and provides passenger rail service west to Gladstone and east to Summit and New York Penn Station and Hoboken Terminal. Lakeland Bus Lines provide commuter bus service to and from the Port Authority Bus Terminal in Manhattan, with a stop in front of the Train Station.

The area surrounding the Site is comprised of a diverse mixture of uses. These include various commercial uses, residential areas, medical offices, and public facilities like the Bernardsville Library, Bernardsville Train Station, Bernards High School, Borough Hall, and police and fire stations.

4.2. Property History

Originally known as Vealtown, Bernardsville was settled in 1736 as a section of Bernards Township. The first permanent settler was Alexander Kirkpatrick, who settled at the Mine Brook. Subsequent settlers followed and settled along the brook, which they used to operate mills. Vealtown became Bernardsville in 1840 and an independent municipality in 1924.

Development in Bernardsville accelerated after the Civil War, when New Yorkers began summering in the community, eventually becoming permanent residents. The Gladstone Branch of the Morris and Essex commuter rail line was constructed through Bernardsville in 1872, further spurring its development and connection to New York City. The current station, was completed in 1902 and is listed on the State and National Register of Historic Places (NRHP).¹

¹ 2004 Master Plan; Bernardsville: A History, <http://www.bernardsvilleboro.org/History/>

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By 1901, uses present within the Area included a livery, the Bernardsville Mill, dwellings, hotels, a post office, a telegraph exchange, and various other shops and services. By 1909, many shops had relocated into spaces adjoining the new Bernards Inn. During this period,

Quimby Lane was extended to Mill Street, completing the street pattern that exists today. These development patterns are reflected in the figures below.



Figure 2: Sanborn maps from 1901 and 1909 showing development in the vicinity of the site.

Development in and around the Site continued throughout the first several decades of the twentieth century. Notably, the movie theater at the corner of Olcott Square and Mine Brook Road was constructed by the early 1930s.

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A review of historic aerials taken from the latter half of the 20th century reveal that the Area slowly evolved to cater to automobile-centric uses. Uses like surface parking lots, auto dealerships, auto repair shops, and carwashes were introduced throughout the Area during this period, many of which remain today. This transformation—from a dense, vibrant downtown core with a walkable form into a more automobile oriented configuration—is consistent with the evolution of downtowns in communities across northern New Jersey and the country.

Like many of these other communities, Bernardsville has expressed a desire to undo some of these auto-oriented changes. The Borough's 2004 Master Plan noted: "Walking along Quimby Lane reveals mixed land uses predominantly auto related but also including parking, rear facades of buildings, post office and offices. These uses, while providing certain commercial services, under-utilize their properties and present an unappealing streetscape. Particularly unattractive is front yard pavement and parking and lack of streetscape amenities such as landscaping." The plan went on to encourage the Borough to conduct a "study of the Mill Street/Quimby Lane area with the aim of improving the streetscape, connecting parking areas, and introducing new land uses."²

In recent years, these recommendations have been advanced by the Bernardsville Downtown Revitalization Committee, a group of volunteer citizens that undertook a series of efforts to drive improvements in portions of the downtown, including the Site. These activities included community engagement, exploring conceptual designs, and engaging with the development community.

² 2004 Master Plan, pp. 66-67

4.3. Existing Zoning

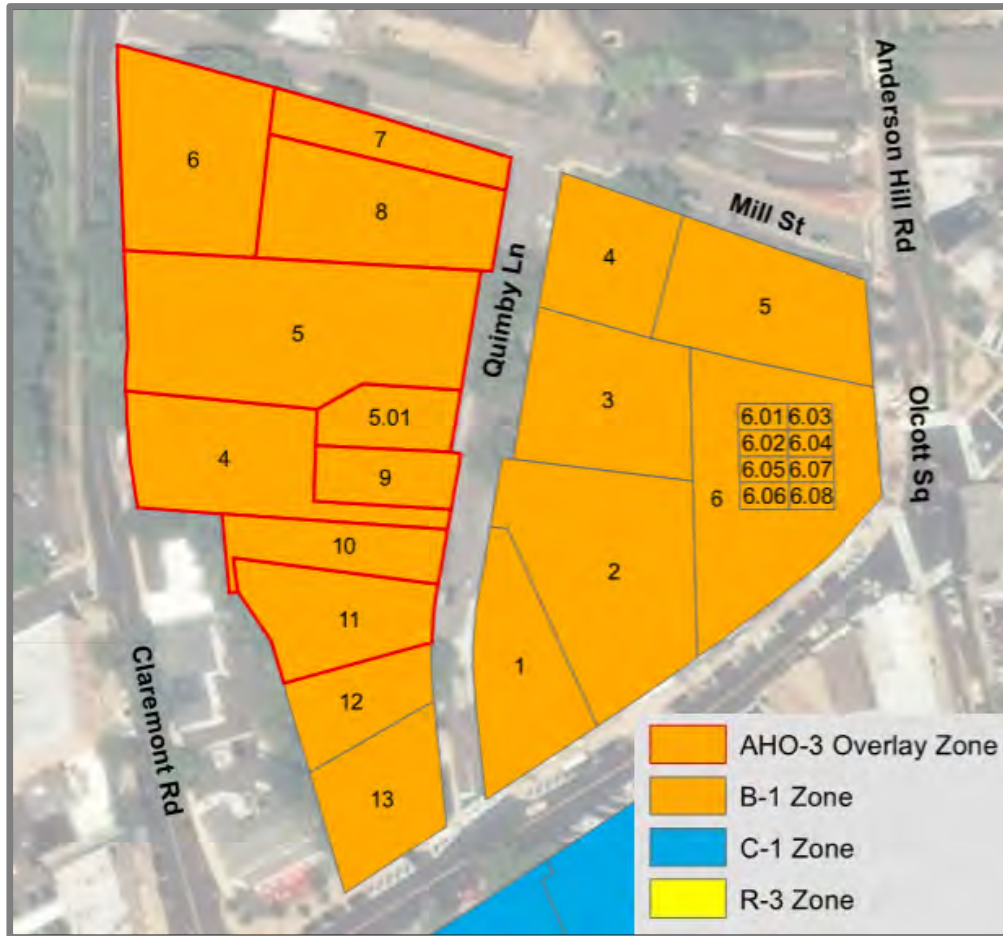


Figure 3: Existing zoning in the Redevelopment Area.

The Redevelopment Plan Area is located within the B-1 Zone. Block 71, Lots 4, 5, 5.01 and 6-11 area are also subject to the AHO-3 Affordable Housing Overlay. Zoning district boundaries are reflected in Figure 3 above.

At the time of this writing, the Borough is considering a modification to the existing zoning ordinance for the downtown area. This proposed modification informed the standards contained in this Redevelopment Plan. Should this ordinance be adopted, the Redevelopment Plan Area would fall within the Downtown Core and Downtown Claremont zones. The Redevelopment Plan supersedes the existing and proposed zoning.

4.4. Property Restrictions + Implications

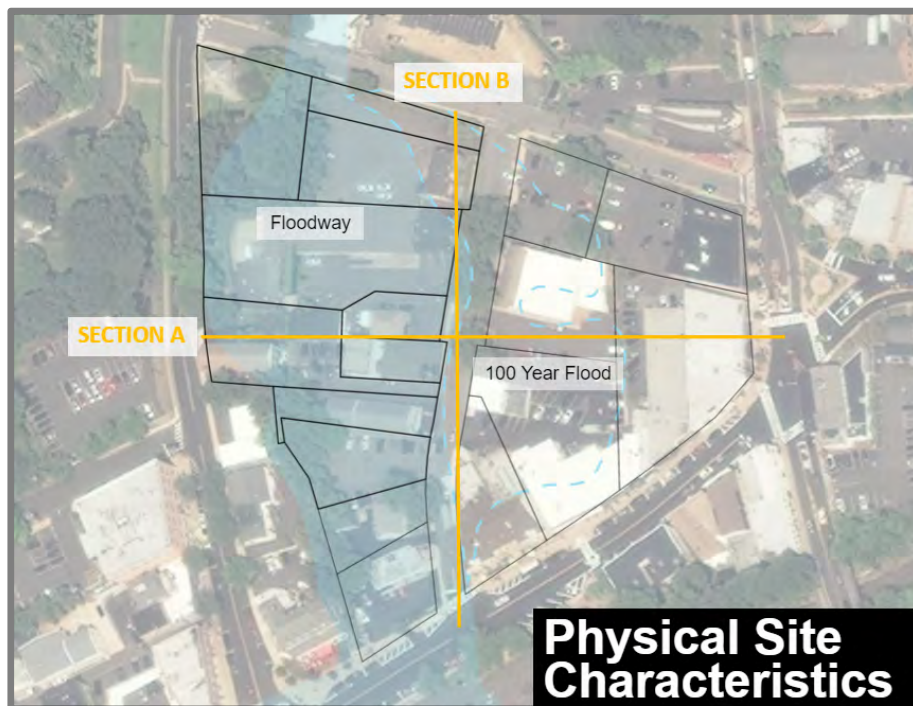
- Topography + Slope:** Elevation varies considerably throughout the site. Generally, higher elevations are in the northern section of the site, and lower elevations are in the southern section. Moving north to south on Quimby Lane, the site elevation changes roughly 25'. Elevation changes are reflected in Figure 4 below.

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As detailed in subsequent sections, the intent of this Plan is to use this change in elevation to minimize the visual impacts of parking and building height.

Flood Hazard Area Restrictions: The Mine Brook runs north-south through the western portion of the Site. Because of the Mine Brook, a significant portion of the Site, including the area subject to the AHO-3 Affordable Housing Overlay is located within the Federal Emergency Management Agency (“FEMA”) Regulatory Floodway and Special Flood Hazard Areas. Development within these zones, particularly the Regulatory Floodway, is subject to strict regulation, including by the New Jersey Department of Environmental Protection. The boundaries of the Flood Hazard Area as defined by FEMA are reflected in Figure 4 below.

Because of these conditions, this Plan minimizes the potential for new development in the Regulatory Floodway. Projects pursued under this Redevelopment Plan must adhere to all applicable regulations and seek all necessary approvals associated with development in the Regulatory Floodway and Special Flood Hazard Areas.



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Figure 4: Physical site characteristics in the Quimby Lane area of the of the Redevelopment Area

- **Diverse Ownership:** There are 21 unique owners in the Area.
Because of diverse ownership, successful implementation of the Redevelopment Plan will require coordination between property owners or consolidation of property ownership.
- **US Post Office Property:** Block 70, Lot 3 is currently occupied by the Bernardsville Post Office. While the Borough owns the land, control of the property is complicated by a ground lease on the site between the Postal Service and a private party. This ground lease runs through at least April 2023. The complicated title condition on the property was cited as a rationale for declaring it in need of redevelopment under Criterion E.
In order to expedite implementation of this Redevelopment Plan, efforts may be undertaken by the Redeveloper(s) or the Borough to identify alternative locations suitable to the Post Office.
- **Mine Brook Road/US-202:** Mine Brook Road/US-202 is one of the most trafficked roads in Bernardsville, running through Downtown Bernardsville and providing access to I-287. Effective vehicular circulation on this road is essential to the vitality of the downtown and the economic success of the Borough as a whole.
Because of the importance of traffic flow on US-202, projects pursued under this Plan must include a Traffic Impact Study that analyzes, among other things, impacts to circulation on US-202. The terms of the Traffic Impact Study are detailed in Section 5.7. As a state road, modifications to US-202 are subject to approval by the New Jersey Department of Transportation.
- **Streetscape Conditions:** Sidewalk and streetscape conditions vary greatly throughout the Redevelopment Plan Area. In certain areas, including the majority of Quimby Lane and portions of Mine Brook Road, sidewalks are narrow, in disrepair, and lack plantings. Streetscape conditions are also

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negatively impacted by the quantity of curb cuts, particularly along Quimby Lane, chaotic setbacks of building frontages, use of architectural features that are unsightly and uncoordinated, paved front yards, and unscreened garbage and utility facilities.

Because of existing streetscape conditions and the desire to create an improved pedestrian environment, streetscape improvements, described in Section 5.3, are required as part of any project implemented under the Redevelopment Plan.

5. PUBLIC PURPOSES

5.1. Goals + Objectives

- **Eliminate blight**
 - Protect the health, safety, and welfare of the citizens of Bernardsville by redeveloping underutilized and stagnant properties that could more effectively contribute to the well-being of the Borough.
 - Promote Smart Growth development in areas well served by public transportation
 - Eliminate detrimental influences such as obsolete land uses, faulty arrangement, and complications of title.
- **Introduce active uses that reinforce downtown as the commercial and civic center of Bernardsville**
 - Add to Bernardsville’s inventory of retail, restaurant, and experiential downtown uses to bring activity to downtown from the Borough and surrounding communities.
 - Promote residential development that creates new foot traffic in downtown Bernardsville to help support existing businesses and create new economic activity.
 - Create new commercial spaces to allow new businesses to thrive and improve Bernardsville as a commercial center.
- **Create public spaces that provide a central gathering location for all of Bernardsville’s residents, new and old, as well as visitors**
 - Introduce flexible public spaces that can be programmed in a variety of ways for a diverse group of users, including a public park that enhances the Mine Brook and a hardscaped public plaza.
 - Attract residents from throughout the Borough and outside of the Borough to downtown public spaces, thereby creating increased opportunities for existing and new businesses.
 - Leverage the Area’s natural assets, including topography and the Mine Brook, to provide the framework for memorable and contextually appropriate public spaces.
- **Promote a development pattern that supports multiple modes of transportation**
 - Develop circulation patterns and infrastructure necessary to improve the Borough’s existing network and balance the needs of vehicles, pedestrians, and cyclists.
 - Provide sufficient parking to support the development program but use topography to minimize the aesthetic and functional impacts.

- **Create a pedestrian-friendly atmosphere**
 - Incorporate pedestrian-oriented street elements that can improve safety, create a more attractive streetscape, and increase the opportunity for personal interactions among residents and shoppers, including adequate street lighting, public benches, picnic areas, bicycle parking facilities, art installations, street trees, crosswalks, associated safety signage, and other streetscape elements.
 - Provide a network of pathways within the site that connect buildings and spaces within the Area and link the Area to the neighborhoods surrounding it.
 - Design site access and curb cuts in a way that does not adversely affect pedestrian circulation.
- **Extend high-quality architecture and design in downtown Bernardsville to new construction to maintain the historical character of Bernardsville**
 - Use rigorous design standards to ensure architecture is reflective of Bernardsville's current and historic aesthetic.
 - Develop and enforce façade and signage design standards that result in development in harmony with the character of Bernardsville's most attractive structures.
 - Encourage the development of exemplary architecture that respects the existing neighborhood fabric and contributes to the visual identity of Bernardsville's downtown core.
- **Incorporate green infrastructure and sustainable design**
 - Incorporate street trees and green infrastructure elements into building and landscaping designs to reduce stormwater runoff and improve local water quality.
 - Promote development that uses the Mine Brook and the corresponding flood plain regulations as an asset, rather than a limiting factor.
 - Reduce impervious coverage along the Mine Brook to prevent flooding and promote the absorption of stormwater runoff prior to entering the brook.
 - Reduce reliance on cars to reach recreational facilities by providing for a new park within the core of the Borough.
 - Encourage the use of sustainable building standards and materials to reduce environmental impact.
- **Create new and equitable housing options**
 - Increase the inventory of rental housing options in downtown Bernardsville.
 - Assist the Borough in meeting its affordable housing obligations by creating a realistic opportunity for developing affordable housing.

- Establish a mixture of affordable and market-rate units to ensure accessibility to households at a range of income levels.

5.2. Affordability

For developments with a residential component, a minimum of 15% of units shall be set aside as affordable units on site. All affordable units shall conform with New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and all applicable ordinances, regulations, and statutes related to affordable housing.

As noted previously, development within the existing AHO-3 zone is expected to be severely limited by flood hazard regulations. It is anticipated that a minimum of 80 residential units will be created in implementation of this Plan, fulfilling the 12-unit affordable housing requirement currently required under the AHO-3 zone.

Non-residential projects or commercial components of mixed-use projects shall be subject to the Statewide Non-Residential Development Fee Act which requires a fee of 2.5% of the equalized assessed value of the land and improvements.

5.3. Streetscape Improvements

Creating a safer and more hospitable pedestrian environment is crucial to the success of any project pursued under this Plan. To that end, projects pursued under the Plan shall incorporate streetscape improvements that reflect the prioritization of the pedestrian experience. Streetscape improvements shall include street trees, lighting, defined curb lines, and sidewalk construction. Permeable pavement and other pervious surfaces are encouraged to the greatest extent possible.

Projects should integrate the streetscape with the proposed project by creating clear pedestrian entrances that are accessible from the sidewalk, and by creating opportunities for outdoor gathering areas and attractive landscaping. Parameters regarding materials, landscaping, and other design details for streetscape improvements are included in Section 6.11.

5.3.1. Quimby Lane Streetscape Improvements



Figure 5: Example of pedestrianized street with active ground floor uses

Quimby Lane improvements are particularly important to the successful redevelopment of the area. Quimby Lane will become a pedestrian oriented street that facilitates an easy east-west pedestrian connection between the two blocks of the Redevelopment Plan Area and acts as a bridge between the public spaces on either side.

The northern portion of Quimby Lane will be a pedestrianized street that provides for passive recreation, the opportunity for outdoor café seating that supports adjacent restaurants, and a venue for special events, such as sidewalk sales. This segment shall be designed to calm traffic and prioritize pedestrian movement.

The Plan anticipates that the northern portion of Quimby Lane will only accommodate one-way traffic moving northbound to Mill Street. Limited vehicular access is intended to provide continued access to properties within Block 71 that have no other street access, and to ensure that implementation of the Redevelopment Plan does not have detrimental impacts on traffic circulation in and around the Redevelopment Plan Area.



Figure 6: Northern and southern portions of Quimby Lane

The northern portion of Quimby Lane may be closed to vehicular traffic and converted to developable area, however, provided the following conditions are met:

- Vehicular access to affected properties within Block 71 is provided through alternative access points or no longer required due to property assemblage or change of use; and
- A Traffic Impact Study is provided detailing the circulation impacts of the modification, mitigative measures are proposed to address detrimental impacts, if any, and a commitment to implement these mitigative measures is formalized via a Redevelopment Agreement

Terms for closure of the northern portion of Quimby Lane, if pursued, shall be detailed in a Redevelopment Agreement to be executed between the Borough and Redeveloper.

The southern portion of Quimby Lane will provide access into the Redevelopment Plan Area from Mine Brook Road. Full movement of motorized vehicles is allowed in this portion of Quimby Lane, but it shall be designed as a shared street with a target speed of no more than 15 mph. Pavement materials that emphasize pedestrian activity as well as street furniture, bump-outs or other traffic calming measures shall be used as part of the street design and help to slow vehicular traffic.

5.4. Mine Brook Park

Implementation of this Plan will create a new public park along the Mine Brook ("Mine Brook Park"). This public park will enhance the amenity of the Mine Brook by creating areas for seating and passive recreation along the waterside. When constructed, the park will have pedestrian connections along the waterway and between the park and Claremont Road, Mill Street, and Mine Brook Road. Direct pedestrian connections should also be made between the park and Quimby Plaza.



Figure 7: Exemplary public parks

The park will be located west of Quimby Lane and comprised of Block 71 properties. The exact dimensions and location of the park are to be determined. Mine Brook Park shall be designed in accordance with the design standards detailed in Section 6.11, Site Design Standards. Reuse of existing buildings within Block 71 shall take place in a manner complementary with the design and configuration of Mine Brook Park.

Mine Brook Park is intended to be owned by the Borough and the Borough is amenable to utilizing its open space funds for the purpose of acquisition or construction. While the Borough may contribute to the creation of the park through the use of funds, the development of the park is anticipated to be accomplished through a public-private partnership.

5.5. Quimby Plaza

Implementation of the Plan will create a new gathering space, Quimby Plaza, on Block 70. Quimby Plaza will be a gathering place for residents and visitors for daytime and nighttime activities, serve to create a walkable community feel, and help connect Olcott Square and Mine Brook Park. Parameters for the design and location of Quimby Plaza are detailed below. An illustrative concept showing plaza location and potential access points is included in Figure 8.

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- **Size and Location:**
 - The total square footage of Quimby Plaza should be roughly 10,000 square feet, exclusive of pedestrian connection pathways.
 - The core of Quimby Plaza shall be comprised of a portion of the eastern section of Block 70, Lots 3 and 4. This portion of Quimby Plaza shall be designed so that it can function, if necessary, on an interim basis as a standalone plaza in advance of contributions of land from other adjacent properties.
 - Placement of buildings on Block 70, Lots 2, 5, and 6 (including all condominium qualifiers) should be oriented such that unbuilt areas are able to form extensions of, or pathways to, Quimby Plaza.



Figure 8: Illustrative diagram showing the potential location of the Plaza core on Lot 3/4 (dark green), potential expansions into adjacent properties (blue dash), and conceptual pedestrian connection points (light green).

- **Connection Points**
 - The Plaza should be accessible via paths from at least three connection points. These connection points should be located on Mill Street, Olcott Square, and Quimby Lane. Pedestrian paths at connection points should be a minimum of 20' wide.

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- Ground floor uses along pedestrian paths should be active in order to ensure that the plaza retains the feel of a public space, rather than a private courtyard for adjacent buildings.



Figure 9: An activated pedestrian pathway, similar to that which might be used to access Quimby Plaza

- Design and Operational Characteristics
 - Where possible, Quimby Plaza should be located on the roofs of parking structures to create the appearance of underground parking, as reflected in Figure 10 below.



Figure 10: Pittsburgh's Mellon Square Park provides an activated plaza on the roof of a parking structure.

- The configuration of Quimby Plaza between Sub Areas, particularly in terms of layout, elevations, and design, shall be detailed in the Conceptual Development Plan as required in Section 7.4.2.

- Quimby Plaza shall be designed in accordance with the design standards detailed in Section 6.11, Site Design Standards.



Figure 11: Plaza space illustrative of potential activities in Quimby Plaza

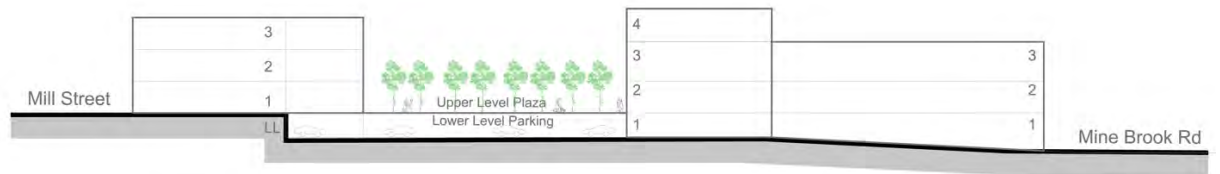
5.6. Parking

Projects within the Redevelopment Plan Area shall be required to provide adequate parking to accommodate their needs on-site or in a shared location within the Redevelopment Plan Area. It is paramount to the success of the Plan that parking areas are obscured from sight through the use of screened parking structures or underground parking. The Plan strictly restricts the provision of surface parking. Providing additional public parking in excess to what is required of any specific development is encouraged.

Redevelopers may be able to use the topography to create parking podiums that resemble underground parking with minimal excavation. If parking podiums in low-lying areas are utilized, developers are encouraged to design the podium in such a way that the roof of the podium can be used as plaza space.

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Figure 12 below reflects how configurations of this type may be employed. The feasibility of creating parking in the manner described is subject to further study by Redeveloper(s).



SECTION A-A



Figure 12: Section diagram showing how topography may be used to shield parking.

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Low-lying areas that may be suitable for the creation of podium or underground parking in the manner described are reflected in Figure 13 below.



Figure 13: Low-lying areas potentially suitable for podium or underground parking

Shared parking agreements accommodating parking across Sub Areas may be pursued and are encouraged. The terms of any shared parking agreement may be detailed in a Redevelopment Agreement between the Borough and Redeveloper. If parking structures have frontage along Quimby Lane, design techniques shall be utilized to minimize the aesthetic impact of the parking area. Design standards for parking structures are included in Section 6.10.

5.7. Traffic Impact Study

The Redeveloper shall conduct a Traffic Impact Study ("TIS"). The TIS shall conform with applicable standards published by the Institute of Transportation Engineers ("ITE"). The primary purpose of the TIS is to determine the impact of the project on traffic patterns and if additional infrastructure improvements will be necessitated by redevelopment of the Project Area. Any improvements required in connection with implementation of the Redevelopment Plan shall be included in a Redevelopment Agreement to be executed by the Redeveloper and Borough.

The Traffic Study Area is reflected in Figure 14 below.

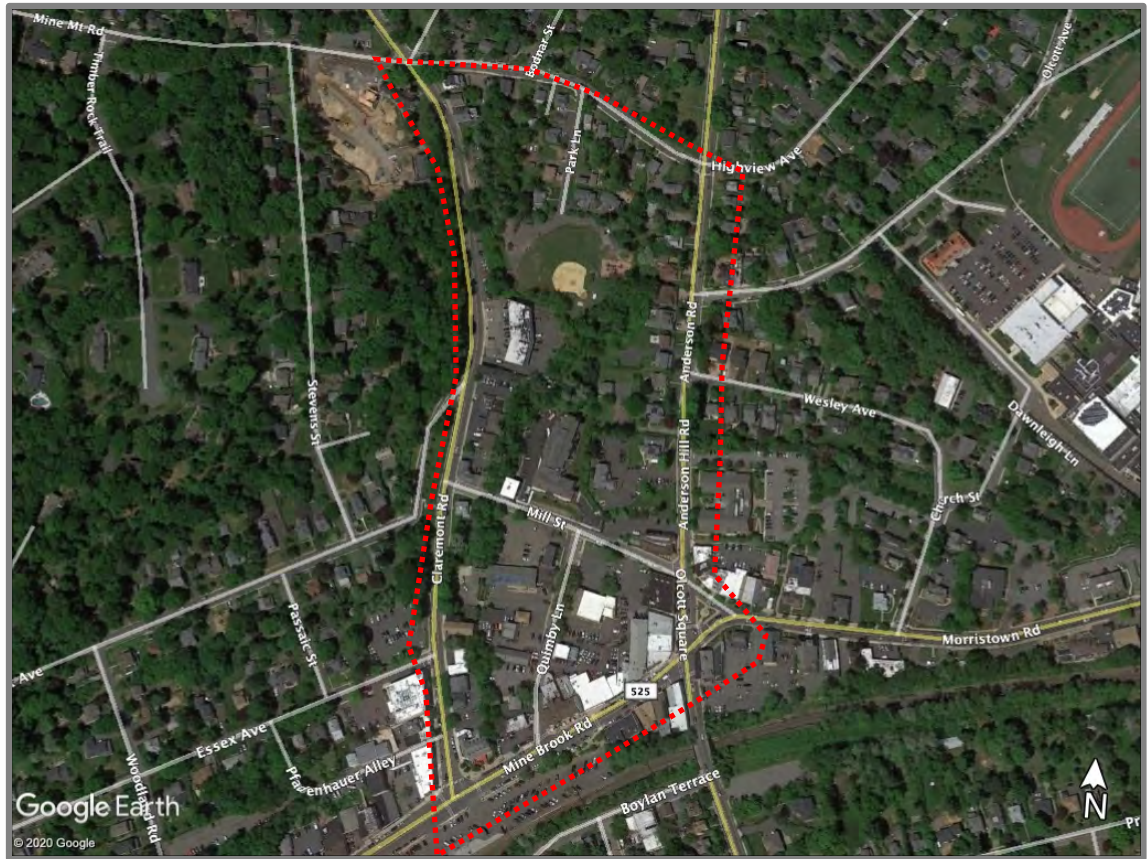


Figure 14: Traffic study area

Any intersection to which 30 additional peak hour trips are generated within the Traffic Study Area shall be studied. The analysis shall determine the site peak hour generation as well as the roadway peak hour and study the critical hours.

The build and no-build levels of service (LOS) shall be determined, and any degradation in level of service less than LOS D shall require mitigation.

The study shall also evaluate pedestrian phasing of traffic signals and recommend sidewalk/pedestrian measures to encourage safe streets and accepted traffic calming measures within the Traffic Study Area. Subject to the Borough's approval, proportional contributions to multiple intersections may be combined by Redeveloper(s) to accomplish a cost-effective improvement plan.

5.8. Other Pedestrian Connections and Public Space Improvements

In addition to the Redevelopment Plan Area, the area in need of redevelopment designation that forms the basis for this Plan includes the properties at Block 98, Lot 1; Block 124, Lot 1;

QUIMBY LANE REDEVELOPMENT PLAN

and a portion of Block 144, Lot 1. These properties include the Amerman parking lot, the Train Station parking lot, and the NJ Transit right-of-way.

The Borough has identified highly desirable public improvements located on and around these properties which may be pursued by redevelopers acting in furtherance of this Plan. These improvements would better connect the Redevelopment Plan Area to surrounding neighborhoods and further augment available open space in and around downtown.

The improvements, reflected in Figure 15 below, include:

- Creating a direct pedestrian connection between the Boylan Terrace area and the Train Station using the New Jersey Transit Right of Way
- Implementing public space improvements in underutilized areas around the Train Station to create open space facilities for outdoor exercise activities, a dog park, or similar.

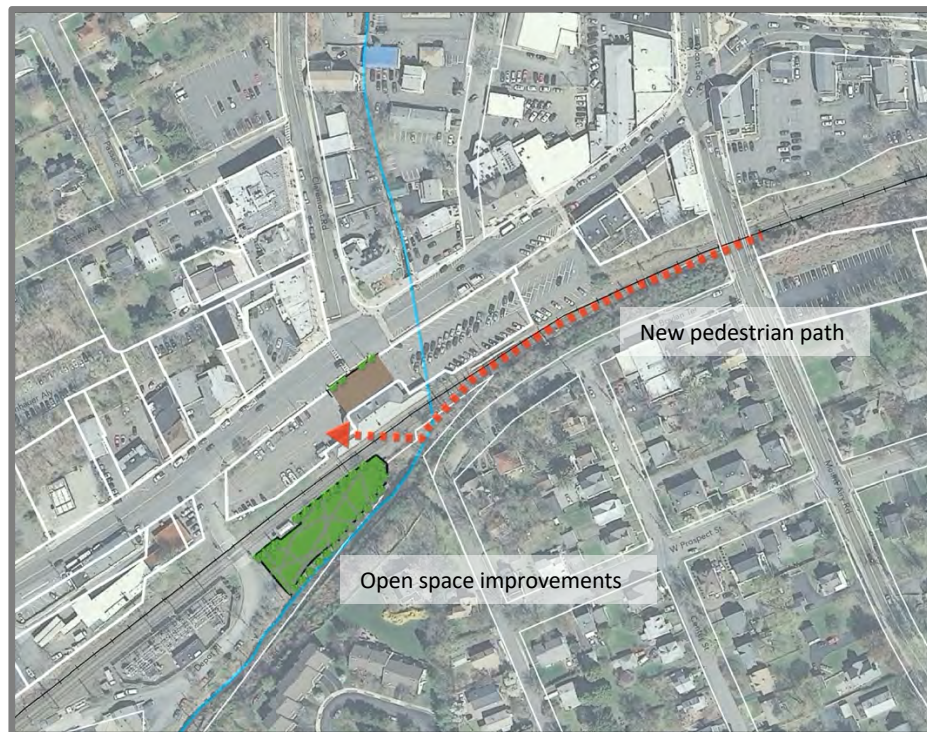


Figure 15: Potential additional open space improvements

The Borough would look favorably upon projects that advance these improvements and would consider amending this Plan to incorporate additional properties in order to facilitate their construction.

6. LAND USE

6.1. Overview

Because of constraints like diverse ownership and environmental limitations, land use regulations have been designed to permit flexibility in project design, while ensuring the Borough maintains control over the quantity, timing, design, and uses of the development and public spaces created. In order to permit flexibility, the Redevelopment Area has been divided into multiple Sub Areas, each with specific land use regulations.

Sub Area boundaries are reflected in Figure 16 below. Sub Areas may be developed individually, or in conjunction with each other. Standards in Sections 6.8-6.11 shall apply to all Sub Areas.



Figure 16: Sub Area boundaries

6.2. Sub Area 1

6.2.1. Intent

Sub Area 1 consists of Block 70, Lots 3 and 4 and the adjacent portions of Quimby Lane. Sub Area 1 sits outside of the mapped regulatory floodway and has topography that is conducive to hiding parking. Importantly, it is controlled by the Borough, which allows for the potential issuance of concessionaire’s permits, and a negotiated sale or lease. Because of these unique characteristics, Sub Area 1 is the linchpin of the Redevelopment Plan Area.

Due to the Borough’s ability to control the terms by which the site is transferred and its unique potential, the Redeveloper of Sub Area 1 will have additional obligations. These obligations shall include:

- Preparation of a Conceptual Development Plan as described in Section 7.4.2.
- Improvements to the northern portion of Quimby Lane as described in Section 5.4.1.
- Construction of the core portion of Quimby Plaza as described in Section 5.7.

6.2.2. Land Uses

- Permitted Principal Uses
 - Mixed use
- Permitted Accessory Uses
 - Outdoor dining
 - Public plaza
 - Parking structure
 - Any uses that are customary and incidental to permitted principal uses
- Prohibited Uses
 - Financial institution
 - Beauty salon
 - Pharmacy
 - Convenience store
 - Commercial laundromat
 - Drive through
 - Any uses not specifically permitted herein

6.2.3. Bulk, Density, and Placement Standards

- Lot Requirements:

Minimum Lot Area, Square Feet	23,000
Maximum Coverage, Improved	95%
Maximum Building Coverage	80%

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- **Placement Standards**

Building setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard (Mill Street, Quimby Lane)*	0'
Side yard (Lot 2)**	0'
Side Yard (Lot 5)**	0'
Rear Yard (Lot 6)**	0'

*Setback may be 0' provided the building is between 12' and 16' from curb line and streetscape standards contained herein are met.

**Setback may be 0' provided access in compliance with Section 5.7 is provided from Quimby Lane to Quimby Plaza through development of Sub Area 2, 3 or 5.

- **Building Height, Feet:** The maximum building height in feet as measured from the average top of the curb along Mill Street shall be 40' to the deck of a flat roof or the bottom of the eave of a sloped roof. Parapets shall not count toward building height but shall not exceed 5'. The average top of the curb shall be calculated using the average elevation of proposed building corners along Mill Street. No portion of any building in this Sub Area shall exceed this elevation.
- **Building Height, Stories:** The maximum building height in stories shall be three as measured from Mill Street, and four as measured from Quimby Lane, so long as no portion of the building within 40' of the curb line of Mill Street exceeds three stories.
- **Active Ground Floor Uses:** At least 75% of ground floor frontage along Mill Street and Quimby Plaza shall include permitted Active Ground Floor Uses. Dual frontage uses facing Mill Street and Quimby Plaza should be provided.
- **Maximum Residential Density:** The maximum residential density shall be 55 units per acre.
- **Ceiling Height:**
 - Ground Floor – 14' minimum
 - Upper Level – 9' minimum
- **Vehicular Access:** Primary vehicular access shall be from Quimby Lane. Vehicular access may be permitted from Mill Street.
- **Primary Pedestrian Access:** Primary Pedestrian Access shall be from Mill Street.
- **Secondary Pedestrian Access:** Secondary pedestrian access shall also be provided from Quimby Plaza and Quimby Lane.
- **Quimby Plaza Contribution:** At least 6,000 square feet of Sub Area shall be allocated for Quimby Plaza.

6.3. Sub Area 2

6.3.1. Intent

Sub Area 2 consists of Block 70, Lots 1 and 2. Sub Area 2 shall be redeveloped to accommodate a hotel, a mixed-use building, or a combination of uses. Redevelopment is anticipated to incorporate and preserve the existing Bernards Inn. New development shall result in improvements to the southern portion of Quimby Lane as described in Section 5.4.1.

6.3.2. Land Uses

- Permitted Principal Uses
 - Mixed use
 - Hotel

- Permitted Accessory Uses
 - Outdoor dining
 - Public plaza
 - Parking structure
 - Any uses that are customary and incidental to permitted principal uses

- Prohibited Uses
 - Financial institution
 - Beauty salon
 - Pharmacy
 - Convenience store
 - Commercial laundromat
 - Drive through
 - Any uses not specifically permitted herein

6.3.3. Bulk, Density, and Placement Standards

• Lot Requirements:

Minimum Lot Area, Square Feet	22,000
Maximum Coverage, Improved	95%
Maximum Building Coverage	80%

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- **Placement Standards**

Building setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard (Mine Brook Road, Quimby Lane)*	0'
Side yard	0' minimum
Rear yard**	0' minimum

*Setback may be 0' provided the building is between 12' and 16' from curb line.

**Setback may be 0' provided adequate access in compliance with Section 5.7 is provided to Quimby Plaza through development of Sub Area 1.

- **Building Height, Feet:** Within 75' of Mine Brook Road, the maximum building height in feet as measured from the average top of the curb along Mine Brook Road shall be 40' to the deck of a flat roof or the bottom of the eave of a sloped roof. The maximum building height for portions of the building located greater than 75' from Mine Brook Road as measured from the average top of the curb along Mine Brook Road shall be 50' to the deck of a flat roof or the bottom of the eave of a sloped roof. Parapets shall not count toward building height but shall not exceed 5'. The average top of the curb shall be calculated using the average elevation of proposed building corners along Mine Brook Road. Existing structures shall be exempted from this restriction.
- **Building Height, Stories:** The maximum number of stories for portions of the building within 75' of Mine Brook Road, as measured from Mine Brook Road, shall be three. The maximum building height for portions of the building greater than 75' from Mine Brook Road, as measured from Mine Brook Road, shall be four. Existing structures shall be exempted from this restriction.
- **Active Ground Floor Uses:** At least 75% of Mine Brook Road and Quimby Plaza frontage shall include permitted Active Ground Floor Uses. Dual frontage uses accessible from both Quimby Plaza and Mine Brook Road are permitted.
- **Maximum Residential Density:** The maximum residential density shall be 50 units per acre.
- **Ceiling Height**
 - Ground Level – 14' minimum
 - Upper Level(s) – 9' minimum
 - Banquet facilities, if provided, shall have a minimum ceiling height of 20'.
- **Vehicular Access:** Vehicular access is permitted from Quimby Lane.
- **Primary Pedestrian Access:** Primary Pedestrian Access shall be from Mine Brook Road.
- **Secondary Pedestrian Access:** Secondary pedestrian access shall also be provided from Quimby Lane and Quimby Plaza.

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- **Open Space Contribution:** A minimum of 5% of lot area shall be utilized as publicly accessible open space. Open space should contribute towards Quimby Plaza, whether as pedestrian pathways or expansion to the Plaza core.

6.4. Sub Area 3

6.4.1. Intent

Sub Area 3 consists of Block 70, Lots 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08. This Sub Area shall provide opportunities for both new mixed-use development and the potential reuse of the existing movie theater.

6.4.2. Land Uses

- **Permitted Principal Uses**
 - Mixed use
 - Theater
- **Permitted Accessory Uses**
 - Outdoor dining
 - Public plaza
 - Parking structure
 - Any uses that are customary and incidental to permitted principal uses
- **Prohibited Uses**
 - Financial institution
 - Beauty salon
 - Pharmacy
 - Convenience store
 - Commercial laundromat
 - Drive through
 - Any uses not specifically permitted herein

6.4.3. Bulk, Density, and Placement Standards

- **Lot Requirements:**

Minimum Lot Area, Square Feet	23,000
Maximum Coverage, Improved	95%
Maximum Building Coverage	80%

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- **Placement Standards**

Building setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard (Olcott Square, Mine Brook Road)*	0'
Side yard**	0' minimum
Rear yard	0' minimum

*Setback may be 0' provided the building is between 12' and 16' from curb line and streetscape standards contained herein are met.

**Setback may be 0' provided access in compliance with Section 5.7 is provided from Olcott Square to Quimby Plaza through development of Sub Area 5.

- **Building Height, Feet:** The maximum building height in feet as measured from the average top of the curb along Olcott Square shall be 40' to the deck of a flat roof or the bottom of the eave of a sloped roof. Parapets shall not count toward building height but shall not exceed 5'. The average top of the curb shall be calculated using the average elevation of proposed building corners along Olcott Square and Mine Brook Road.
- **Building Height, Stories:** The maximum number of stories, as measured from Mine Brook Road and Olcott Square, shall be three. No portion of any structure shall have more than three above grade stories.
- **Active Ground Floor Uses:** At least 75% of Olcott Square, Mine Brook Road, and Quimby Plaza ground floor frontage shall include permitted Active Ground Floor Uses. Dual frontage active ground floor uses fronting on Olcott Square and Quimby Plaza should be provided.
- **Maximum Residential Density:** The maximum residential density shall be 50 units per acre.
- **Ceiling Height:**
 - Ground Level – 14' minimum
 - Upper Level – 9' minimum
- **Vehicular Access:** Primary vehicular access shall be provided via Mill Street or Quimby Lane. Vehicular access will require coordination with redevelopment of those Sub Areas.
- **Primary Pedestrian Access:** Primary pedestrian access shall be from Mine Brook Road and Olcott Square.
- **Secondary Pedestrian Access:** Secondary pedestrian access shall also be provided from Quimby Plaza.
- **Open Space Contribution:** A minimum of 5% of lot area shall be utilized as publicly accessible open space. Open space should contribute towards Quimby Plaza, whether as pedestrian pathways or expansion to the Plaza core.

6.5. Sub Area 4

6.5.1. Intent

Sub Area 4 consists of Block 71, Lots 7 and 8. Sub Area 4 includes the only properties in Block 71 that are, at least partially, outside of the FEMA Regulatory Floodway. As such, it may be able to support more intensive development than other properties in Block 71. Because of the transitional nature of the Sub Area on the edge of the Regulatory Floodway and the uncertainty associated with the flood hazard area restrictions associated with this condition, the Plan permits a wide range of uses.

Regardless of the use developed, it is imperative that the design of improvements in Sub Area 4 be receptive to the presence of Mine Brook Park. The rear of the property should remain open and publicly accessible to allow for entry to the Mine Brook.

6.5.2. Land Uses

- **Permitted Principal Uses**
 - Mixed use
 - Apartment building
 - Restaurant, Coffee Shop/Café
 - Restaurant, Food Hall
 - Restaurant, Liquor Licensed
 - Restaurant, Sit-Down
 - Retail Business
 - Townhouse
 - Park
 - Office, general and professional
 - Artisan manufacturing (including distilleries and micro-brewing)
 - Art Gallery
 - Co-Working

- **Permitted Accessory Uses**
 - Outdoor dining
 - Any uses that are customary and incidental to permitted principal uses

- **Prohibited Uses**
 - Financial institution
 - Beauty salon
 - Pharmacy
 - Convenience store
 - Commercial laundromat
 - Drive through
 - Any uses not specifically permitted herein

6.5.3. Bulk, Density, and Placement Standards

- **Lot Requirements:**

Minimum Lot Area, Square Feet	20,000
Maximum Coverage, Improved	60%
Maximum Building Coverage	55%

- **Placement Standards**

Building setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard*	0'
Side yard	10' minimum
Rear yard	75' minimum

*Setback may be 0' provided the building is between 12' and 16' from curb line and streetscape standards contained herein are met.

- **Building Height, Feet:** The maximum building height in feet as measured from the average top of the curb along Quimby Lane shall be 35' to the bottom of the eave and 40' to the top of the parapet. The average top of the curb shall be calculated using the average elevation of proposed building corners along Quimby Lane.
- **Building Height, Stories:** The maximum number of stories, as measured from Quimby Lane, shall be three. No portion of any structure shall have more than three above grade stories.
- **Active Ground Floor Uses:** At least 75% of building street frontage for non-residential uses shall include permitted Active Ground Floor Uses.
- **Maximum Residential Density:** The maximum residential density shall be 30 units per acre.
- **Ceiling Height:**
 - Ground Level, Non-Residential – 14' minimum
 - Ground Level, Residential – 10' minimum
 - Upper Level – 9' minimum
- **Vehicular Access:** Primary vehicular access shall be from Quimby Lane or Mill Street.
- **Primary Pedestrian Access:** Primary Pedestrian Access shall be from Quimby Lane.
- **Secondary Pedestrian Access:** Secondary pedestrian access shall be provided from Mill Street and Mine Brook Park, if applicable.

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6.6. Sub Area 5

6.6.1. Intent

Sub Area 5 consists of Block 70, Lot 5. Sub Area 5 shall be redeveloped to accommodate a mixed-use building.

6.6.2. Land Uses

- Permitted Principal Uses
 - Mixed use
- Permitted Accessory Uses
 - Outdoor dining
 - Public plaza
 - Parking structure
 - Any uses that are customary and incidental to permitted principal uses
- Prohibited Uses
 - Financial institution
 - Beauty salon
 - Pharmacy
 - Convenience store
 - Commercial laundromat
 - Drive through
 - Any uses not specifically permitted herein

6.6.3. Bulk, Density, and Placement Standards

- **Lot Requirements:**

Minimum Lot Area, Square Feet	15,000
Maximum Coverage, Improved	95%
Maximum Building Coverage	80%

- **Placement Standards**

Building setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard (Mill Street)*	0'
Front Yard (Olcott Square)*	0'
Side yard (Lot 4)#	0'
Side yard (Lot 6)**	0'

*Setback may be 0' provided the building is between 12' and 16' from curb line and streetscape standards contained herein are met.

#Setback may be 0' provided access in compliance with Section 5.7 is provided from Olcott Square to Quimby Plaza through development of Sub Area 1.

**Setback may be 0' provided access in compliance with Section 5.7 is provided from Olcott Square to Quimby Plaza through development of Sub Area 3.

- **Building Height, Feet:** The maximum building height in feet as measured from the average top of the curb along Olcott Square shall be 40' to the deck of a flat roof or the bottom of the eave of a sloped roof. Parapets shall not count toward building height but shall not exceed 5'. The average top of the curb shall be calculated using the average elevation of proposed building corners along Olcott Square.
- **Building Height, Stories:** The maximum number of stories, as measured from Olcott Square, shall be three. No portion of any structure shall have more than three above grade stories.
- **Active Ground Floor Uses:** At least 75% of building street frontage on Quimby Plaza, Mill Street, and Olcott Square shall include permitted Active Ground Floor Uses. Dual frontage active ground floor uses fronting on Olcott Square, Mill Street, Quimby Plaza, and/or Quimby Plaza pathways should be provided.
- **Maximum Residential Density:** The maximum residential density shall be 50 units per acre.
- **Vehicular Access:** Vehicular access is permitted from Mill Street or Quimby Lane via Sub Area 1. Vehicular access to existing commercial loading areas in Sub Area 3 shall be maintained, unless alternate means of access are provided via redevelopment of another Sub Area, or Sub Area 3's loading area becomes no longer necessary.
- **Primary Pedestrian Access:** Primary Pedestrian Access shall be from Olcott Square.
- **Secondary Pedestrian Access:** Secondary pedestrian access shall be provided from Mill Street and Quimby Plaza.
- **Open Space Contribution:** A minimum of 5% of lot area shall be utilized as publicly accessible open space. Open space should contribute towards Quimby Plaza, whether as pedestrian pathways or expansion to the Plaza core.

6.7. Sub Area 6

6.7.1. Intent

Sub Area 6 consists of Block 70, Lot 4, 5, 5.01, 6, 9, 10, 11, 12, and 13. This Plan envisions Sub Area 6 primarily as open space. A newly created Mine Brook Park will enhance the amenity of the waterway and pedestrian connections will be made between the park and nearby destinations. As this Sub Area is almost entirely located within the Mine Brook's

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floodway, development is highly restricted. Development within Sub Area 6 is primarily limited to the reuse of existing structures or building footprints, and the creation of new open space. All uses within Sub Area 6 should incorporate the presence of the Mine Brook in their design.

6.7.2. Land Uses

- Permitted Principal Uses
 - Mixed use
 - Restaurant, Coffee Shop/Café
 - Restaurant, Food Hall
 - Restaurant, Liquor Licensed
 - Restaurant, Sit-Down
 - Retail Business
 - Townhouses
 - Park
 - Public plaza
 - Artisan manufacturing (including distilleries and micro-brewing)
 - Fitness Center
 - Art Gallery
 - Co-Working

- Permitted Accessory Uses
 - Outdoor dining
 - Any uses that are customary and incidental to permitted principal uses

- Prohibited Uses
 - Financial institution
 - Beauty salon
 - Pharmacy
 - Convenience store
 - Commercial laundromat
 - Drive through
 - Any uses not specifically permitted herein

6.7.3. Bulk, Density, and Placement Standards

- **Lot Requirements:**

Minimum Lot Area, Square Feet	5,000
Maximum Coverage, Improved	Coverage, improved shall not exceed existing condition.
Maximum Building Coverage*	Building coverage shall not exceed existing condition.

*If no building exists on a parcel, the Maximum Building Coverage shall be equal to the average building coverage of adjacent properties.

- **Placement Standards**

Building setbacks shall be provided in accordance with the table below:

Setback from:	
Front yard*	0'
Side yard	10' minimum
Rear yard	10' minimum

*Setback may be 0' provided the building is between 12' and 16' from curb line and streetscape standards contained herein are met.

- **Building Height, Feet:** The maximum building height in feet as measured from the average top of the curb of the roadway that provides the Primary Pedestrian Access point shall be 25' to the bottom of the eave and 30' to the top of the parapet. The average top of the curb shall be calculated using the average elevation of the proposed building corners along the roadway that provides the Primary Pedestrian Access point.
- **Building Height, Stories:** The maximum number of stories, as measured from the roadway that provides the Primary Pedestrian Access point, shall be two. No portion of any structure shall have more than two above grade stories.
- **Active Ground Floor Uses:** At least 75% of building street frontage for non-residential uses shall include permitted Active Ground Floor Uses.
- **Maximum Residential Density:** The maximum residential density shall be 18 units per acre.
- **Ceiling Height:**
 - Ground Level, Non-residential – 14' minimum
 - Ground Level, Residential – 10' minimum
 - Upper Level – 9' minimum
- **Vehicular Access:** Primary vehicular access shall be from Quimby Lane or Claremont Road.
- **Primary Pedestrian Access:** Primary Pedestrian Access shall be from Quimby Lane or Claremont Road. Primary Pedestrian Access shall be from the roadway that is closest to the main building entrance.
- **Secondary Pedestrian Access:** Secondary pedestrian access shall be provided from other adjacent roadways and Mine Brook Park, if applicable.

6.8. Residential Unit Mixture

- Residential projects may include studios, one-bedroom, two bedroom, and three-bedroom units. Market-rate components of residential projects shall comply with the following requirements:

- Studio: No more than 5% of units shall be studios.
- One-bedroom: No more than 30% of units shall be one-bedroom.

6.9. Parking Requirements

- **Vehicular Parking Requirements**

Vehicular parking shall be required for new development or changes in use in accordance with the table below:

Use	Required Parking
Artisan Manufacturing	1 space/1,000 sq. ft.
Art Gallery	1 space/300 sq. ft.
Auditorium, Theater	1 space/3 seats
Hotels	1 space/room plus 1 space/2 employees
Office, General and Professional	2.5 spaces/1,000 sq. ft.
Residential	1.5 spaces/1-bedroom unit 2 spaces/2+-bedroom unit
Restaurants	1 space/3 seats
Retail	1 space/300 sq. ft.
Co-working	1 space/300 sq. ft.
Fitness center	1 space/300 sq. ft.

No parking shall be required for the first 2,000 sq. ft. of retail, or co-working space. No parking shall be required for the first 15 restaurant seats.

- **On-site shared parking:** A shared parking plan may be approved by the Planning Board for a mixed-use project based upon a recommendation of a shared parking study by an appropriate professional.
- **Off-site parking:** Up to 95% of required parking may be located off-site. Off-site parking may only be located in parking structures within the Redevelopment Plan Area and subject to the terms of a Redevelopment Agreement to be executed between the Borough and Redeveloper. Accessible spaces may not be located off-site. If off-site parking is secured via recorded easement or agreement of 20 or more years in duration, it may be approved administratively. Absent the above, approval of off-site parking agreements shall be subject to the separate approval of the Planning Board.
- **Tandem parking:** Tandem parking spaces within parking structures may be approved by the Planning Board based upon recommendations by an appropriate professional.

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- **Electric vehicle charging stations:** A minimum of 5% of the spaces shall be reserved for electric vehicle charging stations.
- **Surface Parking Setbacks**

No more than 5% of the required parking shall be provided as surface parking. Surface parking setbacks shall be provided in accordance with the table below:

Setback from:	
Primary Street	None permitted
Secondary Street	None permitted
Rear	5 ft. minimum
Side	5 ft. minimum

All other parking shall be provided in parking structures.

- **Bicycle Parking Requirements**

Bicycle parking shall be required for new development or changes in use in accordance with the table below:

Use	Required Parking
Residential	1 space/2 units
Other	1 space/2,000 sq. ft.

- **Loading Requirements:**

Loading requirements may be shared and aggregated between Sub Areas where practical.

6.10. Building Design Standards

Construction within the Redevelopment Area should complement and contribute to the historic character of architecture in downtown Bernardsville. Building design standards shall apply to new construction in the Redevelopment Area.

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Figure 17: Buildings reflective of existing architectural character in downtown Bernardsville.³

- Generally
 - Building frontages shall be close to the sidewalk, with windows at street level and active uses on the ground floor.
 - All sides of a building within public view shall use the same materials and colors as the primary facades.
 - Primary entrances should be defined by architectural features (canopy, portico, or similar).
 - Buildings shall be generally built parallel to the street frontage.
 - Street facing façades shall be composed so that the rhythm of ground floor attachments and openings harmonize with the rhythm of attachments and openings on upper stories.
 - Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.
 - The use of awnings and canopies at the first-floor level is encouraged.
 - Design should incorporate features consistent with architectural aesthetic of downtown Bernardsville, as reflected in Figure 17. These features may include pitched roofs, and architectural features like chimneys, dormers, canopies, or awnings.



Figure 18: Renderings of proposed mixed-use buildings reflective of architectural styles envisioned by this Plan.³

- **Façades**

- Building façades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2'), or inside corners.
- Building façades may include horizontal siding, vertical siding with flush joints, stucco, and medium density overlay plywood (MDO) as an accent material in gables, dormers, and bay windows.
- Horizontal siding shall be lap, shiplap, drop, or shingle-style.
- Materials, other than masonry, shall be painted, stained, or have a factory-applied finish.
- Buildings shall be limited to two colors, excluding accent colors. Colors shall be earth tones from white through natural "red."
- Natural materials are encouraged. Materials intended to represent natural materials should be minimized.

- **Openings**

- Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.
- Openings in masonry walls or walls with masonry veneer shall include brickmold casing.
- Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.
- With the exception of transoms and decorative windows, windows shall be square or vertically proportioned and rectangular in shape. The grouping of individual windows to create a horizontal banding effect is permitted as long as the width of the banding does not exceed 1/2 of the length of the facade.
- Adjacent windows shall be separated a minimum of 2 in.

³ "Downtown Darien Development, Robert A.M. Stern Architects, LLP, <https://www.ramsa.com/projects/project/downtown-darien-development>.

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- Windows and doors shall have clear glass.
- Window muntins, if included, shall be true divided lites or simulated divided lites fixed on the interior and exterior surfaces of the window and shall create panes of square or vertical proportion (as tall as wide or taller than wide).
- Shutters, if included, shall be the same height as the window, and 1/2 the width of the window. Small windows may have one shutter that is the full width of the window.
- Shutters shall be operable or designed and installed as if they were operable including hardware.
- Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.
- Openings above should be equal in size or smaller than openings below.

- **Roofs**

- Sloped roofs shall be a symmetrical hip or gable and have a minimum pitch of 8:12.
- Eaves shall be continuous or include appropriate eave returns, unless overhanging a balcony or porch.
- The ridge of the primary building should generally be oriented either parallel to or perpendicular to the street.
- All gable and hipped roofs of a building, excluding ancillary roofs, should generally have the same slope where visible from a street or open space.

- **Attachments**

- Permitted attachments include awnings, canopies, bay windows, chimneys, porches, and stoops.
- Awnings and canopies shall not be internally illuminated.
- Balconies shall not be fully enclosed.
- Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.
- Chimneys shall extend to grade.
- Posts and columns, if included, shall be generally classically ordered and include a base or pedestal, shaft, and capital. The base of posts, columns, and pedestals shall generally align with the face of the foundation wall directly below. The outside face of porch beams shall generally align with the face of the top of the column.
- The above standards shall not preclude the provision of outdoor dining.

QUIMBY LANE REDEVELOPMENT PLAN

- Porches may be enclosed with glass or screens; however, glass enclosures are not permitted on porches that face a street or public open space.
- Balcony, porch, and stoop railings between balusters should have both top and bottom rails.
- Porches should have square or vertically proportioned openings.
- Building attachments are subject to the following standards:
 - Awnings/canopies shall have a minimum clear height above a sidewalk of 9 ft. and a minimum depth of 5 ft.
 - Balconies shall have a minimum clear height above a sidewalk of 9 ft. and a minimum clear depth of 5 ft.
 - Bay windows shall have a maximum projection of 5 ft. from a facade.
 - Chimneys shall have a maximum projection of 3 ft. from a facade.
 - Porches shall have a minimum clear depth of 6 ft. excluding steps.
 - Stoops shall have a minimum clear depth of 4 ft.
- **Permitted Materials:**
 - Permitted foundation materials
 - Brick masonry
 - Stone masonry
 - Cement-parged concrete block
 - Permitted primary façade materials
 - Brick masonry
 - Stone masonry
 - Stucco
 - Wood siding/shingles for buildings designed to resemble a single-family residential building type only
 - Fiber-cement siding/shingles to resemble a single-family residential building type only
 - Permitted façade accent materials
 - Cast stone
 - Wood
 - Fiber-cement trim, siding, and panels
 - Composite trim, siding, and panels
 - Architectural metal
- **Building Articulation**
 - Buildings shall be articulated to break up façades and ensure that long monotonous building frontages are not constructed.

QUIMBY LANE REDEVELOPMENT PLAN

- The maximum length of an uninterrupted flat façade fronting on Mine Brook Road, Olcott Square, Quimby Lane, Quimby Plaza, or Mill Street shall be 25'. The maximum length of an uninterrupted flat façade fronting on other streets within the Redevelopment Plan Area shall be 50'.
- Articulation requirements shall be met in one or more of the following methods:
 - Facade offset with a minimum depth of 2 ft. that extends to within 2 ft. of the full height of the facade.
 - Facade projection or recession with a minimum depth of 4 in. and a minimum width of 1 ft. that extends the full height of the first story of the facade.
 - Variation in building or parapet height of a minimum 2 ft. for single story buildings and 4 ft. for buildings with 2 or more stories.
 - The use of multiple roof forms to create the effect of different building components.
- **Building Transparency**
 - Transparency shall be measured by dividing all the transparent surface areas of windows and including doors by the total facade area of a street-facing story.
 - Required ground floor transparency shall be as follows:
 - Mill Street, Mine Brook Road, Olcott Square, Quimby Lane, Quimby Plaza ground floor frontages:
 - Non-residential: Minimum 70%, Maximum 80%.
Maximum sill height at window, 2.5 feet
 - All other ground level frontages
 - Residential: Minimum 20%, Maximum 60%.
 - Non-residential: Minimum 20%, Maximum 80%.
Maximum sill height at window, 2.5 feet
 - Upper level floors shall have a minimum of 15% transparency and a maximum of 50% transparency.
 - Storefronts which become vacant shall be cleaned of all trash and debris at the front display windows. The property owner or tenant shall install a temporary painted, or otherwise decorated screen that shall obscure all display windows upon the premises to prevent visual exposure of the areas behind the screen. The top of the screen shall be not less than six feet above the adjacent sidewalk area.
- **Vertical Rhythm:**
 - Generally: The design of all structures shall incorporate a clear visual division between the base, middle and top as described below. These

- elements shall be established using cornice lines, windows, or similar horizontal architectural elements.
- Building Base: The base is defined as the first one to two stories of building containing no more than 1/3rd of building height. Building base and ground floor shall be clearly defined utilizing the following architectural elements:
 - Ground floor storefronts should be distinguished from upper floors. Use of a horizontal element such as a lintel or canopy allows for flexibility in storefront design without interruption of repeated vertical elements used in upper floors.
 - The relationship of width to height of windows and door openings at ground level should be visually compatible with openings in same building façade and/or other nearby or related structures.
 - Generally, massing should be oriented towards the base of the building.
 - Awnings/canopies are encouraged, particularly at primary entrances.
 - Middle: The middle shall be defined as the space between the top and base portions of the building. It shall occupy no less than 1/2 of the vertical space of the building. This space may be broken up through the use of more subtle and subdued horizontal architectural elements.
 - Enclosed architectural projections (such as bay windows) up to five feet are allowed beyond the primary façade or projected façade components of the building, but minimum sidewalk width must be maintained.
 - At the discretion of the Planning Board, projections over five feet are allowed above the first story, so long as they do not project into the public right-of-way without the legal authority to do so.
 - No more than 30% of each façade may be comprised of projecting bay windows.
 - Top: The top be defined as the top floor of the building. Appropriate cornice lines may enhance the top of the building. The top of the building may be differentiated in materials or staggered rooflines. Pitched or gabled roofs are encouraged.
 - Vertical rhythm shall be defined utilizing the following techniques:
 - Awnings or canopies over ground floor entrances.
 - Differentiation between vertical components, as follows:
 - Materials
 - Masonry details
 - Color changes
 - Fenestration changes

- Inclusion of pre-cast or masonry details to define columns, piers and keystones
 - Decorative gutters, downspouts and scuppers
 - Spacing of columns and piers
-
- **Horizontal Rhythm:**
 - Generally, all buildings shall incorporate elements that divide façade planes and create a visual play of light and shadow. Long, uninterrupted horizontal façades are prohibited.
 - Horizontal rhythm may be created using the following design elements:
 - Uniformity and/or variety in fenestration patterns.
 - A balcony or bay window.
 - A change in the roofline by including chimneys or by alternating parapet heights.
 - A change in building materials that correspond to a change in the façade plane.
 - Differentiated lighting fixtures or similar architectural elements.
 - Landscape features such as trellises, trees, or other landscape features.
 - Shifting façade planes.
 - Rooflines: Rooflines shall be modulated with the remainder of façade and can be used as an effective horizontal rhythm technique. Pitched or gabled roofs are encouraged. For flat roofs or facades with a horizontal eave, fascia, or parapet, the roofline shall correspond with the modulation of the primary façade.
-
- **Parking Structure Design**
 - Where structured parking is incorporated into buildings, all efforts shall be made to minimize the visibility of parking and make parking structures visually appealing.
 - To the greatest extent realistically feasible, any parking structures fully or partially above grade, should be screened by habitable building space.
 - Parking that is unable to be screened by habitable building space shall be screened by alternative means to the satisfaction of the Planning Board. Strategies may include:
 - Landscaping
 - Public art
 - Green walls
 - Faux glass windows
 - Scrim

- Tensile fabric facades/façade cladding
 - Designing structures to resemble habitable space
- Garage fenestration shall be designed to shield vehicle headlights from the exterior view to the greatest extent possible.
- Garage openings shall not detract from the pedestrian environment and as such shall be limited in number and location. Pedestrian entrances to structured parking should be separated from vehicle entries. If entries cannot be separated, safe pedestrian entry and exits should be facilitated by differentiating between pedestrian and vehicle zones by using different materials, modifying elevations, or other strategies. The size and scale of openings should be minimized.

- Sustainable Building

- Sustainable design strategies and materials should be incorporated into Redevelopment Projects. Sustainable design strategies may include:
 - Low VOC paints and stains
 - Double or triple paned windows
 - LED lighting
 - Water harvesting for on-site irrigation
 - Recycled materials
 - Locally sourced materials
 - Sustainable energy systems or energy storage systems
 - Maximizing natural light
 - Green roofs
 - Additional interventions that may promote the Borough’s recertification in the Sustainable Jersey program

6.11. Site Design Standards

- Generally

- Public and private realms should be integrated and connected.
- Site design should generally be reflective of a downtown aesthetic.
- All streetscape and landscape improvements shall be designed by a licensed Landscape Architect.

- Circulation

- The primary access points to the building shall be located along the street, unless otherwise noted.
- Pedestrian pathways shall be provided from the street front and all parking areas to entrances.



Figure 19: Streetscape with planting zone and pedestrian zone.

- Streetscapes shall be comprised of the following elements
 - **Sidewalk, Planting zone:** The 4' closest to the curb line shall be comprised of a planting zone. The planting zone shall create a buffer against the roadway and include street trees or other plantings compliant with the parameters described below. Lighting may also be provided in the planting zone.
 - **Sidewalk, Pedestrian zone:** A dedicated pedestrian zone along the sidewalk shall be provided. The pedestrian zone will have a minimum unobstructed width of 8' at all points.
 - **Interstitial spaces:** Area between the pedestrian zone and building frontages, if applicable, shall be designed in a manner that integrates the sidewalk into the site's functionality. Direct pathways should be provided from sidewalks to pedestrian entrances. Interstitial spaces may include gardens and publicly accessible seating areas to be activated by ground floor uses including, but not limited to, outdoor dining or parklets. Interstitial spaces shall be designed using hardscaping and landscaping to complement the pedestrian and planting zones.



Figure 20: Parklets or outdoor dining may be used to activate interstitial spaces.

- Sidewalks

- ADA compliant tactile pavers shall be used to define the edge of any service drive or driveways.
- Tactile pavers shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.

- **Street Trees**

- Pollution resistant street shade trees are to be planted along the street, at regular intervals pending species type, of 20' on center if a small street tree with a canopy spread up to 30', or spaced at 40' on center intervals if a medium or large tree with a canopy spread above 30'. Trees shall be a minimum of three-and-a-half (3.5) inches in diameter at breast height. The Planning Board shall approve species and location of trees.
- Brick or Belgian block pavers at the perimeter of tree pits are encouraged.
- Raingardens and/or bioswales in tree pits are encouraged.
- Tree irrigation bags must be installed and maintained for at least six months after planting.
- Consultation with the Shade Tree Commission to determine appropriate tree species is strongly encouraged.
- Street trees should be coordinated with site lighting.

- **Street Furniture**

- The use of street furniture in interstitial spaces and along sidewalks is encouraged.
- Any street furniture provided, including but not limited to benches, trash receptacles, and tables, shall be located such that a minimum of eight feet of unobstructed sidewalk remains for the safe passage of pedestrians.
- The edge of any street furniture shall be at least two feet away from the curb face of the right-of-way.
- Trash receptacles are to be provided at regular intervals along pedestrian walkways, including public rights-of-way, at a minimum of 200 feet on center. The use of compacting trash receptacles is encouraged.
- Street furniture must be designed to accommodate people of all ages and abilities and be compliant with ADA requirements and New Jersey Barrier Free Subcode.
- Developer shall propose a palette of furniture, fixtures, and finishes for seating that are consistent with the aesthetic of Bernardsville and the project.

- Lighting

- Security Lighting: where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
- Commercial Lighting: where used for commercial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape, all light fixtures shall be equipped with automatic timing devices and comply with the following:
 - Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - Other upward directed architectural, landscape, or decorative direct light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.
 - Externally illuminated signs including commercial building identification or other similar illuminated signs, shall comply with the following:
 - Top mounted light fixtures shall be shielded and are preferred.
 - When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
- All other outdoor lighting shall use shielded light fixtures.
- Floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
- Foundations supporting lighting poles not installed four feet behind the curb, shall not be less than 24 inches above ground.
- Light Trespass (Nuisance Light): all light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:
 - At a height of five feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 foot-candles in a vertical plane on residentially zoned property.
 - Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.

- Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
 - All lighting must be made to conform to the provisions of this section.
- Landscaping
 - Landscaped beds, gardens, and planting strips must be incorporated into the plazas and public spaces, particularly in locations that separate vehicles from pedestrians and where blank façades, or utilities are present.
 - Landscape buffers shall have a minimum height of 3’.
 - The use of green infrastructure, such as bioswales or rain gardens, is highly encouraged.
 - Landscaping and plantings should be consistent with species found throughout the Borough. Native plantings are highly encouraged.
 - Shrubs, flowers, and ground cover should be designed to reduce expansive areas of mulch. Planting sizes and spacing should be provided for review and approval by the Planning Board.
- Stormwater
 - Construction in the Redevelopment Area shall generate zero net increase in peak flow volume and flow rate off site between pre- and post- construction conditions for the 2, 10, and 100-year storms. The use of green stormwater management is highly encouraged.
- Retaining Walls
 - Retaining walls may be required as a component of site improvements. If retaining walls are required, best efforts shall be made by the developer to minimize the impact of the walls on site design and circulation.
 - Retaining walls shall be constructed of or clad in brick, stone, or stucco.
 - Retaining walls should be designed in a manner that is harmonious with the balance of the site design. Efforts should be made to design retaining walls in an attractive manner through treatments like landscaping, art, or other interventions.

- **Parking, Vehicular**
 - No parking shall be permitted along the front of any lot.
 - Parallel parking may be permitted on the side of lots. No side shall have more than five parallel parking spaces.
 - All parking areas shall meet or exceed Americans Disability Act (ADA) standards.
 - Parking spaces shall measure nine feet wide by 18 feet deep.
 - Compact car spaces measuring eight feet wide by 16 feet deep, shall be permitted provided the total number does not exceed 20% of the total parking provided.
 - Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
 - All parking plans must show structural support columns to accurately depict feasibility of parking spaces and drive aisles.
 - Surface parking shall be screened to the minimum standards: a compact hedge of evergreen shrubs, at least two ft. tall at planting, spaced to ensure closure into a solid hedge at maturity and canopy trees at a maximum of 30 ft. on center; an architecturally compatible opaque wall or fence; a seat wall at seating height; or a combination of the above.
 - At least 2% of space shall include infrastructure for electric vehicles (EV) charging.
 - An increase of more than 10% of the required minimum parking shall constitute a deviation.

- **Parking, Bicycle**
 - Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided by the redeveloper.
 - Bicycle parking shall, at a minimum consist of a room within a building, a secure enclosure within a parking garage, or a similar setup providing similar security and protection from the elements. Facilities should be at least as protected and secure as any automobile parking provided.
 - Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.

- **Loading + Utilities**
 - Commercial service needs (trash storage, move-in, etc.) should be conducted indoors in a centralized location. Trash

compaction is encouraged. If trash storage must be conducted outside, it should be fully enclosed in a masonry structure that complements the building architecture and be secured via visually solid gates.

- Unless determined to be financially infeasible at the discretion of the Borough, outdoor utility equipment shall be placed underground.
- All proposed ground-mounted equipment (i.e., transformers, air conditioner units, etc.) within view from a street shall be screened by evergreen shrubs. No front yard ground-mounted utility equipment is permitted.
- Medium-sized evergreen shrubs shall be arranged around the boundary of utility equipment and planted a maximum of four ft. on-center.
- Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening. In no case shall mechanical equipment be allowed along street frontage(s).

- **Signage, Generally**

- Signs shall not be erected or maintained except in conformity with the provisions of this section.
- Site plan applications made in furtherance of this Redevelopment Plan shall include note the location, dimensions, and materials of any proposed signage. All signage shall be subject to Planning Board site plan review and approval.
- Sign erection permit required. No sign shall be constructed or displayed unless a sign erection permit shall have been obtained from the Building Subcode Official except those exempt under subsection 12-23.15.a.16 of the Borough Code.
- Review and Approval Procedure: Applications for sign erection permits shall be filed with the Zoning Officer and Construction Official. Applications shall include sketches and description of proposed signs including dimensions, graphics, colors, materials and construction details. Any modifications including colors, wording or graphics of existing signs shall be submitted for review. Permits shall be issued for approved applications upon payment of the established fee. If a variance is required, a denial letter shall be issued which specifies the relief required.
- No sign shall be placed in such a position that it will cause confusion or danger to street traffic by obscuring the view or by simulating official, directional or warning signs maintained

by any Governmental Body, railroad or public utility concerned with the protection of the public health or safety. This shall include, but not be limited to, any sign visible from the public right-of-way which uses an arrow device or simulates a stop sign or stop light.

- Signs advertising a use or a product shall be removed within thirty (30) days of the date such use ceases to be in existence or such product is no longer available.
- No permanent sign shall be attached to trees, fence posts, stumps, utility poles, bridges, rocks or like features not considered to be advertising structures.
- All illuminated signs shall be either indirectly lighted or of the diffused lighting type, unless illuminated by an interior source. No sign shall be lighted by using unshielded incandescent bulbs, lasers, neon or gas discharge tubes, mirrors reflecting a direct light source, exposed light emitting diodes or similar devices. Buildings or structures may not be outlined by tubing or strings of lights.
- No business sign shall be permitted which is not accessory to the business or use conducted on the property. Off premises signs including but not limited to advertising billboard signs are prohibited.
- Rotating signs, live action signs, flashing signs, computer generated signage, variable message or scrolling signage, signs utilizing television monitors, and intermittent illuminated signs are prohibited.
- Banners, spinners, pennants, exposed LED signs, or any moving object used for advertising purposes whether containing a message or not are prohibited, unless specifically authorized by the Governing Body for a special public event.
- No sign shall be erected within or over the right-of-way of any street unless specifically authorized by this Plan, other ordinances of the Borough, the governing body or other governmental agency with express authority to regulate signs within or over the right-of-way.
- All signs, other than permitted temporary signs, shall be constructed of durable materials and shall be adequately maintained. All cracked, warped or broken members of a sign shall be replaced or repaired. All broken or cracked glass shall be replaced. All permitted illuminated signs shall be maintained so that all light sources are fully functioning. Any sign which fails to meet the maintenance provisions of this chapter shall be repaired or removed within sixty (60) days upon written notification by the Construction Official.

- Portable signs are prohibited except where permitted by other provisions of this Plan.
- Signs not exceeding two (2) square feet in area may be used for a driveway entrance, exit, or for warning and directional purposes provided the signs are limited to said uses and provided further the signs do not bear any type of commercial advertising.
- Any sign that is or shall become dangerous or unsafe in any manner whatsoever, or any sign erected hereafter contrary to the provisions of this Plan shall be repaired, made safe, and otherwise restored to its original condition in conformity with this Plan or shall be taken down and removed by the owner, lessor, agent or occupant of the building, property or land upon which it is placed or to which it is attached.
- The following exemptions shall apply only to the requirement for a sign permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in good and safe condition or as relieving the owner of the sign from complying with the balance of this Plan.
 - Memorial tablets or signs, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
 - Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary emergency signs as may be erected by governmental or public utility employees in carrying out their official work.
 - Names on mailboxes.
- No sign shall contain words or graphics which are offensive to the community's standards.
- Construction materials of signs shall be selected to complement the architecture and building materials of the building on which they are located, or to which they are related, as well as surrounding buildings.
- Any signs other than those for which provision is expressly made under this Plan are prohibited.
- Signage should be appropriately scaled to the pedestrian instead of the automobile.

- Permitted Signs

- Awning Signs
 - Awning signs shall be limited to the valance of the awning.

- Awning signs shall have a maximum height of 1.5 ft. and a maximum area of 60% of the awning valance.
- Awning signs shall be limited to one per storefront awning and located above ground story windows and doors only.
- Awning signs shall not be internally illuminated.



Figure 21: Sample awning and canopy signs.

- Canopy Signs
 - Canopy signs shall have a maximum height of 2 ft. and a maximum area of 50 sq. ft.
 - Canopy signs may not project more than 1 ft. from the face of the canopy.
 - Canopy signs shall not extend beyond the ends of the canopy.
 - Canopy signs shall be limited to one sign per canopy and only permitted if no wall or awning sign exists on the facade.
 - Canopy signs may be internally or externally illuminated. Internal illumination shall be limited to the letters and/or logo.
- Small Ground-mounted Signs
 - Small ground-mounted signs shall be limited to 2 sides; shall have a maximum height of 6 ft. above grade; a maximum depth of 2 ft.; and a maximum area of 5 sq. ft. per side.
 - Small ground-mounted signs shall be limited to one sign per lot frontage.
 - Small ground-mounted signs shall set back a minimum of 2.5 ft. from the lot line facing primary or secondary street and a minimum of 5 ft. from all other lot lines.
 - Small ground-mounted signs shall not be internally illuminated.
 - Small ground-mounted signs may be masonry, wood, metal, or a composite material with similar properties.

The signs should complement the architecture of the principal building on the same lot.



Figure 22: Sample small ground-mounted signs

- Projecting Signs
 - Projecting signs shall be limited to 2 sides, shall have a maximum height of 3 ft.; a maximum projecting width of 4 ft.; a maximum depth of 6 in.; and a maximum area of 4 sq. ft. per side. The sign shall have a minimum of 6 inches and a maximum of 12 inches of space between facade and sign.
 - Projecting signs shall be wood, metal, or a composite material with an appearance similar to wood or metal.
 - Projecting signs shall be limited to one sign per tenant space.
 - Projecting signs shall be located between ground story window and door heads and second story windowsills. In single story buildings, projecting signs shall not extend above roof eaves on a sloped roof or above the surface of a flat roof.
 - Projecting signs shall not be internally illuminated.

- Wall Signs
 - Wall signs shall have a maximum area of 1 sq. ft. per linear foot of facade.
 - Wall signs shall not extend above roof eaves on a sloped roof or above the parapet on flat roofs.
 - Wall signs shall not project more than 1 ft. from the face of the facade.
 - Wall signs shall not cover windows or doors.
 - Wall signs may be internally or externally illuminated. Internal illumination shall be limited to the letters and/or logo.



Figure 23: Sample projecting and wall signs.

– Window Signs

- Window signs shall be permitted only in ground floor windows.
- The content of window signs shall be limited to the name of the entity, the date the business was established, a logo, the street number of the premises.
- Permanent signs shall be either etched or painted on the window.
- Signs may not cover more than 20% of the area of the window.
- In addition to the signs permitted above: restaurants may place in the window a current menu of no greater than two pages sized 8.5 inches by 11 inches; and movie theaters may place standard sized movie posters.

• Permitted Temporary Signs

- Real estate signs advertising the availability of the premises or any part thereof for sale or rental of the premises (as used herein, real estate signs) upon which they are located are permitted only as follows.

- The premises or part thereof advertised as available is vacant of all occupants, the lease for the premises or part thereof advertised will expire within four (4) months or the current occupant of the premises advertised has stated in writing their intent to vacate the premises within four (4) months.
- Real estate signs may be displayed on existing signs on the premises otherwise meeting the requirements of this providing:
 - the sign to which the real estate sign is attached was in existence four (4) months preceding the date of such attachment;
 - the real estate sign does not obscure any other text on the sign to which it is attached; and

- the vertical font size of such real estate sign is not larger than 2 inches.
 - Not more than one (1) real estate sign may be placed in one of the ground floor or upper floor windows of the vacant or to be vacated premises provided such sign does not cover more than 25% of that window.
 - If an entire building is vacant or will become vacant within four (4) months, not more than one (1) ground mounted real estate sign, which may be double-faced, may be placed on the property on which the building is located.
 - All real estate signs shall be removed within seven (7) days of sale or rental of the premises or part thereof advertised as available.
- Signs are permitted on construction sites for the duration of the construction period as follows:
 - One (1) sign not exceeding six (6) feet in height or eight (8) square feet in area.
 - All such signs shall be on the subject property and shall be beyond the street right-of-way.
- Farmers’ signs advertising the sale of farm products produced within the Borough. They shall not exceed 24 square feet in area. The signs shall be removed during seasons when products are not being offered for sale. Not more than two (2) such signs shall be erected on any one (1) property.
- Signs announcing any educational, charitable, civic, or religious special event to be held in the Borough provided however, that such signs shall not be permitted shall not be permitted for a period exceeding fourteen (14) days per special event in any one (1) calendar year; shall not exceed twelve (12) square feet in area; and shall be removed within forty-eight (48) hours of the conclusion of the event. There shall be not more than six (6) off-site signs, Borough-wide, advertising any special event and no group shall be allowed to erect temporary off-site signs pursuant to this paragraph for more than four (4) special events per year. Signs under this subsection are subject to the limitations set forth in Additional Provisions below.
- Signs relating to any political campaign shall be permitted. Such signs shall not exceed twelve (12) square feet in area, shall not be permitted prior to sixty (60) days of the election to which they relate and shall be removed within seven (7) days after such election. Signs under this subsection shall be

subject to the limitations set forth in Additional Provisions below.

- Announcements of the sale of an individual's personal property which do not exceed six (6) square feet in area. Such signs shall not be displayed for a period exceeding thirty-one (31) days in any calendar year.
 - Temporary window signs or lettering advertising sales or events provided that the area covered by such signs or lettering when added to the area covered by permanent window signs or lettering shall not cover more than twenty-five (25%) percent of the total aggregate window area and shall be removed within three (3) days after termination of the sale or event advertised by the sign.
 - Additional Provisions: Notwithstanding the foregoing, temporary signs shall not:
 - Be erected without permission of the property owner(s);
 - Be erected in the Borough right-of-way without the permission of the Borough Zoning Officer;
 - Be erected in a County or State right-of-way without the permission of the appropriate authority.
 - Be erected where it may interfere with the ability of a person to see the street or highway ahead or official signs, signals or traffic control devices.
 - Be erected within the limits of traffic circles, median strips, grate separations or interchanges.
 - Be affixed to, suspended from, or made part of any highway structure or appurtenances.
 - Contains any lights.
 - Contain subject matter not relating to that permitted for that sign by this Plan.
- **Quimby Plaza Design Standards**
 - Quimby Plaza should be fronted by active ground floor uses to the greatest extent possible.
 - Quimby Plaza should be accessible from all sides whether via pedestrian pathways, pedestrian entrances to buildings, or both.
 - No parking should have a negative visual impact upon Quimby Plaza.
 - Trees should be placed in a way that does not limit natural lighting of adjacent uses.

- Plazas should include seating that may be adapted to serve multiple purposes, including dining, performances, and informal gatherings.
 - Seating space may include planters, benches, terracing, fountains, etc.
 - Outdoor electrical outlets should be installed.
 - Public art is encouraged in plaza areas.
 - Plazas should be designed to incorporate a mixture of hardscaping and landscaping.
- **Mine Brook Park Design Standards**
 - Park design should expand and preserve view corridors to and from the Mine Brook watercourse,
 - Park design shall take into consideration effective control of water flows into the Mine Brook.
 - Park design should create areas of distinct character through use of landscaping and paving materials that are suitable to the topography of the site, avoiding erosion and runoff while capturing stormwater.
 - A public pathway of a minimum 12-foot width along the watercourse shall be provided.
 - The exception to the pathway width requirement shall be any instance in which site conditions prohibit placement along the brook. If the pathway cannot run adjacent to the brook, a parallel pathway should be provided.
 - All pathways shall conform to current ADA standards.
 - All pathways within Mine Brook Park should be connected to Claremont Road, Mill Street, and Mine Brook Road. Direct pedestrian connections should also be made between the park and Quimby Plaza
 - Natural materials and riparian vegetation should be used for soil stability and to prevent excess erosion and uncontrolled stormwater run-off into the Mine Brook.
 - Pathways should follow the existing slope, to the extent feasible, in order to avoid steep inclines.
 - Permeable paving is encouraged. Where permeable paving is used, paved areas shall be calculated at a rate of 50% toward impervious coverage limits.
 - Furnishings, such as benches, should be clustered so as to define activity areas and to avoid visual clutter.
 - Lighting should be considered an integral design element to help define activity areas, such as public seating, and provide visual interest after dark.

- Lighting should be provided so as to ensure safe and convenient walkways while minimizing direct light on the brook and glare on adjacent properties.
- **Quimby Lane Design**
 - In addition to streetscape standards detailed above required throughout the Redevelopment Area, Quimby Lane shall undergo additional streetscape improvements.
 - Interventions should be used to emphasize pedestrian priority, including, but not limited to, textured hardscape materials, reflective striping, street furniture, removable bollards, and public art.
 - A mid-block crossing shall be provided to facilitate access between Quimby Plaza and Mine Brook Park. The location of the mid-block crossing shall be determined based on the design of Mine Brook Park. The mid-block crossing should include a raised crossing area, and may include pedestrian protection measures like neckdowns and/or bulb-outs.
- **Outdoor Dining**
 - Dining areas shall be surrounded by a defining barrier not less than two (2) feet high such as landscaping, a fence or ropes and posts. If any portion of the dining area is within ten (10) feet of any area used by vehicles and less than two (2) feet above such area, the barrier shall be designed to protect the dining area unless the same is protected by trees or other means.
 - If conducted in a public right-of-way, an unobstructed passage not less than four (4) feet wide must be left between the dining area and any street, structure, hydrant, lamppost, highway signpost or other obstruction.
 - The placement of tables and chairs in the dining area and the provision of passages through the barrier shall not obstruct entry to or exit from any building.
 - No advertising or product names are permitted on any tablecloths, chairs or umbrellas in the dining area.
 - No use of the dining area after 12:00 a.m. or before 6:00 a.m. is permitted except for Thursday, Friday and Saturdays. Outdoor dining shall not be permitted after 10:00 pm or before 6:00 am on all other days.
 - Convenient containers for trash and recyclables shall be provided.

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- The operator of the dining area shall keep it clean, sanitary and free from litter.
- Restaurants may serve indoor and outdoor diners simultaneously with permission of the Board of Health and/or the Fire Department as to the maximum number of people in the indoor and outdoor spaces.

7. ADMINISTRATION

7.1. Applicability

The standards and procedures contained within Section 7, Administration, shall apply to all projects in the Redevelopment Area.

7.2. Computations

When a numerical calculation of zoning standards for a particular lot results in a fractional number, such numbers shall be rounded down to the next whole number for fractions less than .500 and rounded up for fractions .500 and above.

7.3. Other Actions by the Borough in Furtherance of the Plan

Other actions may be taken by the Borough in its sole discretion, to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for redevelopment. The costs for such actions shall be borne by the designated redeveloper(s).

7.4. Development Coordination

7.4.1. Redeveloper, Defined

Anytime the word “developer,” “Redeveloper,” or “redeveloper” is utilized in this Redevelopment Plan, the same shall mean the redeveloper or redeveloper(s) that may be designated by the Borough in accordance with a developer designation or Redeveloper Agreement to be executed between the Borough and applicable entities.

7.4.2. Phasing and Implementation

In order to maximize the efficiency of development within the Redevelopment Plan Area and ensure that the desired public benefits are provided, the Borough’s strong preference is to designate a single Redeveloper (the “Master Redeveloper”). Designating a Master Redeveloper may maximize the predictability of redevelopment outcomes given the unique challenges including diverse ownership, necessity of shared infrastructure, and varied topography. A Master Redeveloper shall be responsible for:

1. Acquisition of all Redevelopment Plan Area properties, which may include creation of joint ventures with third party developers and/or property owners.
2. Preparation of a Conceptual Development Plan for the entire Redevelopment Plan Area. The Conceptual Development Plan shall be consistent with the standards contained within this Redevelopment Plan and approved by the Borough Council as an attachment to an executed Redevelopment Agreement. This Conceptual Development Plan shall be provided in addition to all other applicable attachments detailed in Section 7.5. The Conceptual Development Plan shall:

- Depict the location of all buildings, including proposed uses, heights, and a programmatic tabulation.
 - Detail the overall phasing strategy and project timeline.
 - Detail the proposed implementation strategy and location of public improvements outlined in Sections 5.2-5.7 of the Redevelopment Plan. This shall include cost estimates and apportionment of obligations among Sub Area redevelopers, if applicable.
 - Detail the proposed implementation strategy and location of infrastructure and capital improvements including the design and location of parking facilities, loading facilities, utilities, vehicular circulation and pedestrian circulation.
 - Include a feasibility study for improvements outlined in Sections 5.8.
 - Include a financing plan for public improvements including sources and uses of public and private funds. This Redevelopment Plan acknowledges that the infrastructure obligations specified herein are considerable and provides policy support for the use of the financing tools made available to the Borough under the Local Redevelopment and Housing Law (i.e. long-term tax exemptions, redevelopment area bonds) as well as the use of open space funds maintained by the Borough, County or State.
3. Construction of public and private improvements detailed in this Redevelopment Plan, including those outlined in Sections 5.2-5.6, in a manner consistent with the terms contained in a Redevelopment Agreement to be executed between Redeveloper and the Borough. (See also, Sec. 7.4.3, below)

While a Master Redeveloper may provide the most predictable results, this Redevelopment Plan also recognizes that certain practical difficulties may prevent this ideal situation from unfolding. In this case multiple redevelopers may be designated for specific sub-areas. In this scenario:

1. Any redeveloper designated for Sub Area 1, shall be obligated to prepare, revise or affirm a Conceptual Development Plan, as described in Item 2, above.
2. No redeveloper should be designated for any portion of the Redevelopment Plan Area prior to designation of a redeveloper for Sub Area 1 and approval of a Conceptual Development Plan by the Borough Council.
3. Redevelopers of Sub Areas besides Sub Area 1 should adhere to the Conceptual Development Plan.

7.5. Approval Process

Project approval under this Redevelopment Plan shall involve two steps. First, a Redevelopment Agreement will be entered into between the Borough and the Redeveloper(s). Second, the Redeveloper(s) will make an application to the Planning Board for site plan approval.

The approval sequence is further detailed below.

- **Redevelopment Agreement**

Prior to application to the Planning Board for Site Plan and Subdivision review, the Borough Council shall pass a resolution authorizing one or more Redevelopment Agreement(s) between the Borough and Redeveloper(s). The Governing Body may elect to issue a Request for Proposals in order to identify potential redevelopers. Any redeveloper will be selected by Council in a public session. The Council may seek the advice of the Bernardsville Redevelopment Committee in evaluating potential projects. The Council retains sole authority to negotiate and authorize the negotiation of Redevelopment Agreements as per LRHL. In consideration of potential Redevelopment projects, Council will evaluate compliance with the Redevelopment Plan, provision of public amenities, experience and qualifications of developers, and developer willingness to enter into a public-private partnership for completion of the project.

The following items, as applicable, shall be submitted to the Borough by redevelopers in advance of designation and shall be included as an attachment to a Redevelopment Agreement:

- Affordable housing plan
- Architectural rendering
- Building elevations
- Conceptual site plans
- Demonstration of redeveloper’s compliance with the Conceptual Development Plan
- Demonstration of redeveloper’s financial qualifications, including access to debt and equity to support the project
- Demonstration of redeveloper qualifications including experience with similar projects
- Description of how the project will benefit the Borough
- Detailed plan for addressing applicable NJ DEP restrictions, particularly those relating to the presence of the flood hazard restrictions
- Floor plans showing ground floor space allocation and residential units (as applicable)
- Landscape plans
- List of project consultants
- Market study substantiating basis for proposed project, including unit mixture, size, and amenity package
- Ownership structure
- Parking plan
- Plan for ensuring signage conformity for existing and proposed signs within the Redevelopment Plan Area
- Programming plan for Quimby Plaza and/or Mine Brook Park as applicable

- Project pro forma
- Redevelopment timeline
- Traffic impact study
- Any additional items relating to public improvements, as may be required pursuant to Sec. 7.4, above.

- **Site Plan and Subdivision Review**

Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.), shall be submitted by the applicants for review and approval by the Planning Board of the Borough of Bernardsville.

No construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

In addition to the above-mentioned items, the following items shall be submitted as part of a site plan application:

- Any and all “checklist” requirements contained in the Borough’s code.
- Copy of Redevelopment Agreement executed between the Borough and Redeveloper
- Copy of applications or conceptual designs that have been or will be submitted to NJDOT, Somerset County, and any other applicable local, state, or federal agencies, as required.

7.6. Local Permits + Approvals by Other Agencies

Redeveloper(s) shall be required to obtain a Zoning Permit upon demonstration of compliance with all conditions contained in any resolution of approval from the Planning Board. Redeveloper(s) shall be required to provide, prior to issuance of a zoning permit, copies of all approvals necessary to implement public improvements. Only upon issuance of a zoning permit shall the Borough Construction Code Official issue Building Permits or similar approvals to allow construction to commence.

The Redeveloper(s) shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as may be required by the respective Redevelopment Agreement to be executed between the redeveloper(s) and the Borough.

7.7. Deviations

The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief, subject to the next paragraph, in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would 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 deviation 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 NJSA 40:55D-12. a. and b.

Notwithstanding the above, any changes to the uses permitted in this Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough of Bernardsville Council in a public hearing, and only upon a finding that such deviation be would be consistent with and the furtherance of the goals and objectives of this Redevelopment Plan.

7.8. Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

7.9. 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 to be detrimental to the public health, safety or general welfare.

7.10. Non-Discrimination Provisions

No covenant, lease, conveyance or other instrument shall be effected or executed by the Borough of Bernardsville or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough of Bernardsville, or the

developer, upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender.

7.11. Redevelopment Actions

The Borough of Bernardsville shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to acquire real property, to relocate residents and businesses, to designate redevelopers, to establish clear terms and conditions for redevelopment through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.

7.12. Relocation Requirements

The redeveloper will comply with any applicable New Jersey law or regulation applicable to relocation of tenants within the redevelopment area.

7.13. Escrows

At a minimum, the Redevelopment Agreement shall provide that the redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the Borough and the professional consultants retained by the Borough to negotiate the Redevelopment Agreement, undertake any studies in connection with the project, review the proposed redevelopment project and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.

7.14. Infrastructure

The redeveloper, at the redeveloper's cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection of traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for providing, at the redeveloper's cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on and off-site traffic controls and road improvements for the, project or required due to the impacts of the project. The redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.

7.15. Procedures for Amending the Plan

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law. A request for same may be submitted to the Bernardsville Borough Council. The Borough of Bernardsville reserves the right to amend this plan. A non-refundable application fee of \$10,000 shall be paid by the party requesting such amendment, unless the request is issued from an agency of the Borough. The Borough, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals as may be required by the Borough.

7.16. Redevelopment Plan Duration

The provisions of this Redevelopment Plan specifying the redevelopment of the Redevelopment Area and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Bernardsville Borough Council.

7.17. Certificates of Completion

Upon completion of a project, the developer shall submit for a Certificate of Completion. Concurrently, a zoning ordinance amendment shall be submitted to the Bernardsville Borough Council requesting that the zoning for the subject parcel(s) be incorporated into the Borough Code to ensure that the standards remain applicable.

7.18. Land Use Map Amendments

The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Bernardsville Land Use Map to ensure consistency between the two documents.

7.19. Additional Superseding Provisions

The standards contained within this Redevelopment Plan shall supersede any conflicting standards contained within the Land Development Code (LDO) of the Borough of Bernardsville or other applicable Borough of Bernardsville codes or ordinances.

7.19.1. Terms and Definitions

- Any terms or definitions not addressed within this Redevelopment Plan shall rely on the applicable terms and conditions set forth in the Zoning Ordinance of the Borough of Bernardsville.

7.19.2. Other Applicable Design and Performance Standards

- Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Code of the Borough of Bernardsville.

7.20. Other Provisions

7.20.1. This Redevelopment Plan herein has delineated a definite relationship to local objectives as to appropriate land uses, density of population, and improved public utilities, recreation and community facilities and other public improvements. This Redevelopment Plan has laid out various programs and strategies requiring implementation to carry out the objectives set forth herein.

7.20.2. This Redevelopment Plan lays out the proposed land uses and building requirements for the Redevelopment Area.

7.20.3. The diagrams, images and other graphic representations provided in this Redevelopment Plan are intended to provide a framework for interpretation of the written standards and regulations contained herein. Nothing in this Redevelopment Plan shall preclude the redevelopment of a block depicted in such diagrams, images or other graphic representations, provided that such development is fully in conformance with the written standards and regulations contained herein.

7.20.4. Final adoption of this Plan by the Borough Council of the Borough of Bernardsville shall be considered an amendment of the Borough Zoning Map.

7.20.5. The NJ Department of Transportation (DOT) shall have final authority over street design and related specifications with respect to all State roadways.

7.21. Other Redevelopment Actions

In carrying out this Redevelopment Plan, the Borough of Bernardsville and any designated redeveloper(s) may be required to undertake a variety of redevelopment actions. These may include but will not be limited to anything permitted under the LRHL.

7.22. Public Improvement Approvals

It is recognized that the public improvement requirements within this plan may require approval of third-party organizations. Construction of improvements shall not commence until all required approvals are received from third party agencies.

8. APPENDIX A: LOCAL REDEVELOPMENT AND HOUSING LAW

New Jersey’s Local Redevelopment and Housing Law (the “LRHL”) empowers local governments to initiate a process by which designated properties that meet certain statutory criteria can be transformed to advance the public interest. Once an area is designated “in need of redevelopment” in accordance with statutory criteria, municipalities may adopt Redevelopment Plans and employ several planning and financial tools to make redevelopment projects more feasible to remove deleterious conditions. A redevelopment designation may also qualify projects in the Redevelopment Area for financial subsidies or other incentive programs offered by the State of New Jersey.

8.1. Process

The LRHL requires local governments to follow a process involving a series of steps before they may exercise powers under the LRHL. The process is designed to ensure that the public is given adequate notice and opportunity to participate in the public process. Further, the redevelopment process requires the Governing Body and Planning Board interact to ensure that all redevelopment actions consider the municipal Master Plan. The steps required are generally as follows:

- 8.1.1. The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- 8.1.2. The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the Redevelopment Area determination shall authorize the municipality to use all those powers for use in a Redevelopment Area other than the use of eminent domain (non-condemnation redevelopment area) or whether the Redevelopment Area determination shall authorize the municipality to use all those powers for use in a Redevelopment Area, including the power of eminent domain (condemnation Redevelopment Area).
- 8.1.3. The Planning Board must prepare and make available a map delineating the boundaries of the proposed Redevelopment Area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- 8.1.4. The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
- 8.1.5. The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an “Area in Need of Redevelopment.” The Governing Body must make the final determination as to the Non-Condensation Redevelopment Area boundaries.

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- 8.1.6. If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that:
- the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the Redevelopment Area, and
 - legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- 8.1.7. A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "Area in Need of Redevelopment."
- 8.1.8. The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

8.2. Redevelopment Plan Content

The LRHL identifies required components to be included in a Redevelopment Plan. In accordance with N.J.S.A 40A:12A-7a, the Redevelopment Plan must include an outline for the planning, development, redevelopment or rehabilitation of a project area which is sufficient to indicate:

- 8.2.1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- 8.2.2. Proposed land uses and building requirements in the project area.
- 8.2.3. 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.
- 8.2.4. An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
- 8.2.5. Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).

9. APPENDIX B: RELATION TO OTHER PLANS

9.1. Local Master Plan

Bernardsville’s Comprehensive Master Plan was adopted in 2000, amended in 2004, and last reexamined in 2017. The Master Plan provides two sets of goals: overall goals for the Borough and downtown goals in consideration of the downtown’s designation as a Town Center in the State Plan. The Borough also provides goals relevant to the Redevelopment Plan in its 2016 Open Space and Recreation Element and 2005 Stormwater Management Element. This Redevelopment Plan is consistent with and effectuates the goals of the Master Plan and these relevant elements.

9.1.1. Borough-wide Goals

- Goal 1: To preserve the residential and open character of the community.
- Goal 2: To allow non-residential forms of land use, especially commercial, to the extent that they serve residents of the Greater Somerset Hills Subregion.
- Goal 3: To protect Bernardsville residents and their property from negative environmental, financial and other impacts of development.
- Goal 4: To provide community facilities, services and utilities to the extent they are practically feasible.
- Goal 5: To promote the conservation of natural systems, environmental resources, rural appearance and the natural amenities that characterize Bernardsville.

9.1.2. Downtown Goals

- Goal 1: To promote the downtown as the commercial and civic center of Bernardsville.
- Goal 2: To enhance the physical characteristics of the downtown through sign, façade, architecture and streetscape improvements.
- Goal 3: To improve circulation patterns into and through the downtown.
- Goal 4: To create a pedestrian-friendly atmosphere in the downtown.
- Goal 5: To provide sufficient parking in the downtown by rationalizing land use with parking needs.

9.1.3. Open Space and Recreation Element

- Promote the permanent conservation of the Borough’s unique and exceptional scenic, agricultural and recreational lands.
- Preserve the integrity of the Borough’s sensitive environmental resources and ecosystems.
- Provide opportunities for “active” (facility-based) and “passive” (resource-based) recreational facilities to meet the needs of present and future Borough residents.
- Protect the ecological integrity of the Borough’s landscape by stewarding and managing open space and recreation lands to ensure their long-term viability, health, and sustainability.

- In partnership with others, support the protection of greenways and blueways to expand contiguous open space lands.

9.1.4. Stormwater Management Element

- Reduce flood damage, including to life and property.
- Reduce soil erosion from any development or construction project.
- Minimize, to the extent practical, any increase in stormwater runoff from any new development.
- Maintain the integrity of stream channels for their biological functions and drainage capabilities.
- Protect public safety through the proper design and operation of stormwater basins.

9.2. Surrounding Communities' Master Plans

The property is located in the southeastern section of the Borough, in the heart of Downtown Bernardsville. Given its location at the core of the Borough and that it is approximately 0.5 miles from the nearest municipal border with Basking Ridge, the Redevelopment Plan will not have any significant relationship with the master plans of adjacent municipalities.

9.3. Adjacent County Master Plan

The Redevelopment Plan is consistent with the goals of Morris County's Master Plan and its various elements. It is most relevant to the Master Plan's Future Land Use Element, Circulation Element, and Open Space Element. It is consistent with the goals of these plans. Relevant goals are as follows:

9.3.1. Future Land Use Element

- Support the establishment of an equitable tax base.
- Balanced and diversified economic growth, coordinated with transportation, utilities, and environmental limitations.
- Increased scope of public transportation.
- Provision for a variety of individual choices in lifestyles and living spaces.
- Maintenance at both the local and County levels of a physical and social sense of community.

9.3.2. Circulation Element

- Goal 1: Improve the safety accessibility, and efficiency of Morris County's transportation network.
 - 1.1 Reduce congestion and improve safety on County roads
 - 1.2 Support the expansion and enhancement of public transit
 - 1.3 Provide for the special transportation needs of low-income workers, senior citizens, and people with disabilities
 - 1.4 Support bicycle and pedestrian network improvements
 - 1.5 Improve air quality and protect environmental resources

- Goal 2: Conduct a coordinated, comprehensive, and cooperative transportation planning process.
 - 2.3 Incorporate the needs of businesses, employees, residents, and others in transportation planning.
 - 2.4 Encourage the use of context sensitive roadway design.
 - 2.5 Support integration of land use and transportation planning.

9.3.3. Open Space Element

- 1) To preserve unique natural features and to protect natural resources, especially water supply sources.
- 2) To provide adequate recreational facilities to all Morris County residents through both public and private sectors.
- 3) To provide open space in balance; with other land uses throughout the county.
- 4) To maintain and protect dedicated open space in perpetuity so that its value as a resource is not diminished for the use of future generations.
- 6) To establish attractive community design,
 - consisting of a visually pleasant landscape with environmental amenity.

9.4. Somerset County Master Plan

This Redevelopment Plan is largely consistent with the 1987 Somerset County Master Plan, which seeks to context-appropriate development patterns, uses, and intensities. Pursuant to N.J.S.A. 40A: 12A-7(a)(5), this Redevelopment Plan relates directly to the goals and objectives of the Somerset County Master Plan, including:

- To relate development activities to long-range trends and the essential utilities and services necessary to support future development in an economical and environmentally-sound manner.
- To focus future development opportunities in and around logical areas of existing development by encouraging a variety of housing types, convenient employment opportunities, and investments in utilities and transit facilities in defined areas. The effort should be to prevent further sprawl development by increasing the capacity and efficiency of existing core areas of development in order to attract and accommodate new development.
- To protect and enhance significant historic, cultural and archeological sites and structures.

Somerset County has separately updated several of its Master Plan elements. Relevant updated Elements are as follows.

9.4.1. Comprehensive Economic Development Strategy (CEDS)

CEDS was adopted in 2013 to provide targeted approaches and strategies to the various economic development needs of Somerset County. It organizes the plan into different Primary Focus Areas and provides goals for each area. This Redevelopment Plan is most related to Primary Focus Area #2: Re-use of Significant Properties, and it is consistent with the goals of this area, which include:

- Identify and prioritize significant properties for re-use to formulate incentives and resources that facilitate productive occupancy.
- Enhance the competitiveness of existing occupied and vacant commercial buildings by encouraging and incentivizing energy conservation and efficiency upgrades.

9.4.2. Housing Element

Adopted in 2017, the Housing Element is the most-recently updated element of the Master Plan. It includes guiding principles, which each have their own planning objectives. This Redevelopment Plan is highly consistent with these principles and objectives, including:

- Guiding Principle 1: Respond to the changing needs of the County’s population by encouraging a broad range of housing types at all levels of affordability
- Guiding Principle 2: Create healthy, attractive, walkable neighborhoods with proximity and access to jobs, cultural and recreational amenities, services and transportation choices
 - 2A. Enhance in-town living and retrofit the suburbs by adding neighborhood amenities and enhancing community assets such as infrastructure, schools, recreation, historic and cultural amenities (particularly within Priority Growth Investment Areas where additional residential growth is encouraged).
 - 2B. Maintain and enhance the existing housing stock
 - 2H: Ensure the architecture and design of new housing enhances surrounding areas and includes pedestrian amenities.
- Guiding Principle 3: Align housing policies and strategies with the principles of regional and local smart growth and sustainability
 - 3A. Guide residential and mixed-use infill and redevelopment into areas where existing infrastructure, employment, services and other community assets are concentrated (i.e. Priority Growth Investment Areas).
 - 3E. Encourage residential densities that support transit expansion in areas served by existing transit and where transit improvements are planned.
 - 3F. Encourage development patterns that allow residents to reduce the costs associated with auto-ownership; total vehicular trips and travel time; as well as vehicular pollution and traffic congestion.
- Guiding Principle 4: Maximize the dynamic relationship between housing supply, quality of life and the strength of the economy
 - 4B. Use residential and mixed-use redevelopment to return underutilized and vacant properties to productive use and catalyze community revitalization.

9.4.3. Recreation and Open Space Element

This element of the County Master Plan was last updated in 2000. The revised goals of this update reflect Somerset County's desire to create improve residents' quality of life through a comprehensive park system that includes not only county parks but municipal parks and neighboring counties. This Redevelopment Plan is consistent with the goals of this element, which are as follows:

- Create an open space system preserving lands of county-wide significance.
- Preserve open space to protect critical environmental resources of Somerset County.
- Provide open space for a diverse mix of quality recreational experiences appropriate for a County Park system.
- Provide County Parks where they will most easily serve the greatest population concentrations in Somerset County.
- Provide open space, which enhances the quality of life in Somerset County.

9.4.4. Circulation Element

The County last updated its Circulation Element in 2011. Its goals and policies are highly consistent with the Redevelopment Plan, and are as follows:

- Maintain and Modernize the County Transportation System
- Reduce Traffic Congestion Reduce Greenhouse Gas Emissions Contributing to Climate Change
- Protect and Enhance the Natural and Built Environment
- Support Economic Activity in Town Centers and Business Corridors
- Improve Mobility and Connections between Travel Modes
- Integrate Transportation, Land Use, and Site Design
- Maintain a High Level of Safety and Security
- Monitor the Performance of the Transportation System

9.4.5. County Investment Framework

Somerset County adopted the Somerset County Investment Framework Map as an element of the Somerset County Master Plan in 2014. The Site is identified as a Local Priority Area (LPA) in the Investment Framework. LPAs are defined as follows: "Local Priority Areas (LPAs) are a subset of AGIAs. These are distinct small town and village centers, some of which have been designated by the NJ State Planning Commission, and existing/emerging employment nodes, that have limited growth opportunities due to their scale, historic character, environmental and access constraints and municipal preferences. Job retention and community sustainability are high priorities within LPAs."

Furthering the County Investment Framework, Somerset County released the "Supporting Priority Investment in Somerset County Phase III Study." In that study, the County studied the "Town Center Sub-Area" as a Focus Area evaluation of the Bernardsville LPA. The County recommends optimizing the use of upper floors above

ground floor. These recommendations propose zoning amendments to permit upper-floor office space, increasing the permitted height of mixed-use buildings to give retail uses higher ceiling heights, and permitting residential units other than studio and one-bedroom units to provide workforce and/or affordable housing units.

9.5. NJ State Development and Redevelopment Plan

The State Development and Redevelopment Plan (SDRP) was adopted in 2001 and organized the state into several planning areas. The Redevelopment Plan is located within the Suburban Planning Area, (PA-2) of the SDRP. The following intent was documented for PA-2:

- Provide for much of State's future redevelopment;
- Promote growth in Centers and other compact forms; Protect the character of existing stable communities; Protect natural resources;
- Redesign areas of sprawl;
- Reverse the current trend toward further sprawl; and
- Revitalize cities and towns.

The SDRP also puts forth statewide goals, including:

- Revitalize the state's cities and towns;
- Promote beneficial economic growth, development and renewal for all residents of New Jersey;
- Provide adequate housing at a reasonable cost; and
- Preserve and enhance areas with historic, cultural, scenic, open space and recreational value.

This Redevelopment Plan effectuates the above goals, as it will reintegrate a low-intensity, automobile-oriented use into the historic downtown by creating a new vibrant development designed in the compact form and historic style of the downtown. The Redevelopment Plan will also increase the vitality of Downtown Bernardsville by expanding its downtown core and providing new commercial and residential space that will act as a gateway to downtown.

9.6. NJ State Strategic Plan

The New Jersey State Planning Commission released its final draft of the State Strategic Plan (SSP) on November 14, 2011. Compared to the SDRP, the SSP emphasizes a more "proactive, aggressive, and strategic approach to planning for the State's future. An approach that aligns clear goals with sound decision making and coordination among government entities will better position New Jersey for growth opportunities and allow New Jersey to once again complete for an capitalize on growth opportunities."

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Central to the SSP is its contemplation of development in Smart Growth locations and regional centers. This Redevelopment Plan furthers the following objectives, goals, and findings of the SSP:

- Capitalizes on the “desirability of Transit Hubs” by providing the necessary design and building conditions for concentration of jobs, retail, and public amenities.
- Creates a neighborhood orientation to transit that is intended to serve residents, visitors, and commuters. The SSP supports development in walkable communities with a variety of housing and transit options, activities and amenities are the preferred choices future homebuyers will put at a premium.
- Strengthens Bernardsville by concentrating commercial activity near its train station, which the SSP identifies as a catalyst for private investment and a robust local economy.
- Effectuates the following “Garden State Values:” 1) Concentrate Development and Mix Uses; 2) Prioritize Redevelopment, Infill, and Existing Infrastructure; 3) Increase Job and Business Opportunities in Priority Growth Investment Areas; 4) Create High-Quality, Livable Places; 5) Provide Transportation Choice + Efficient Mobility of Goods; 6) Diversify Housing Opportunities; and 7) Make Decisions with Regional Framework.

9.7. NJ Smart Growth Principles

Smart Growth in New Jersey encourages a compact form of development and redevelopment in recognized Centers as stipulated in the State Development and Redevelopment Plan and the State Strategic Plan, including existing infrastructure that serves the economy, the community, and the environment. This Redevelopment Plan is an innovative Smart Growth project and conforms to New Jersey’s Smart Growth Principles, including:

- It provides for a synergistic mix of land uses in a compact design and enhances Bernardsville’s housing choice and transportation opportunities.
- The improved streetscape will promote walkability for residents, commuters, and visitors.
- This Redevelopment Plan continues to build on the Town’s efforts to spark development and redevelopment in its downtown and direct growth to an area with existing infrastructure.
- The architectural design of the Redevelopment Plan enhances Downtown Bernardsville’s role as an attractive Town Center with a unique and historic identity.
- This Redevelopment Plan provides a framework for equitable, predictable, and efficient development decision making.
- The Redevelopment Plan expands upon a collaborative and transparent redevelopment process, developed through community and stakeholder collaboration.

10. APPENDIX C: DEFINITIONS

Active Ground Floor Use: Active ground floor use shall mean any use that generates a high amount of pedestrian traffic. Active uses shall include, but are not limited to, art gallery; Restaurant, Coffee Shop/Café; Restaurant, Food Hall; Restaurant, Liquor Licensed; Restaurant, Sit-Down, artisan manufacturing, theatres, co-working, retail business, and fitness center. Residential uses shall not be considered active ground floor uses. Hotel rooms shall not be considered active ground floor uses, however ancillary hotel uses such as lobbies and banquet halls may be considered active ground floor uses if designed in a manner that generates pedestrian traffic. Shadow box art, amenity areas, and lobbies may be considered an active ground floor use but may not fulfill more than 25% of the active ground floor use requirement.

Arcade: A place or facility where automatic or electronic coin or similarly operated amusement devices are played for amusement only. Automatic or electronic coin or similarly operated amusement devices, as defined in the Chapter 4.3 of the Borough Code, shall be subject to the regulations of Chapter 4.3, including any modifications made subsequent to the adoption of this Redevelopment Plan. Arcades shall be considered retail uses for the purpose of determining parking requirements.

Art Gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Artisan Manufacturing: The shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods; food and bakery products; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; micro-breweries; distilleries; glass or ceramic production; paper manufacturing.

Awning Sign: A sign located on or incorporated into the design of an awning. The sign area of an awning or canopy sign shall be the total width times the total height of the canopy area(s) covered by any lettering, logo or other characters, symbols or figures. Note: All awning or canopy signs exceeding ten (10) feet in width shall constitute a façade change requiring approval by the Planning Board.

Beauty Salon: Any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

Building Height (stories): Shall mean the number of above grade stories as measured from the point specified in the corresponding Sub Area section.

Ceiling Height: Ceiling height shall be measured from the top of the finished floor to the finished ceiling above.

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Commercial Laundromat: A business that provides dry-cleaning services, laundry services, and/or washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Convenience Store: A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

Co-Working : An office use in which common and unassigned office space is made available to individuals and companies on a short-term basis, including daily rates. Assigned office spaces and longer lease periods may be included in this definition so long as they are still provided access to a common use space and common facilities. Long term assigned (increments greater than 1 month) office space without access to common use space and common facilities shall be considered to fall within the definition of Office, General and Professional.

Coverage, Building: The percentage of a lot covered by building area. If a building consists of a parking structure with a Public Plaza on top, the portion of the parking structure with a Public Plaza on top shall not be counted towards the coverage, building calculation.

Coverage, Improved: The percentage of a lot covered by or devoted to all man-made improvements, including but not limited to all buildings and structures, pavement, parking area (whether paved or unpaved), sidewalks and driveways, but excluding natural or landscaped areas and any deductions or exemptions specified within this ordinance.

Drive Through: A commercial facility or structure that is designed to allow patrons to order and receive goods and services via a service window or mechanical device while remaining in their vehicles.

Financial Institution: Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments, and automatic teller machines

Fitness Center: A use for physical fitness which may include, but is not limited to, such equipment as weight resistance machines, game courts, swimming facilities, saunas, showers, and lockers.

Ground Floor :The level fronting on the street that provides the Primary Pedestrian Access point. Any other frontage identified as requiring Active Ground Floor Uses, including those fronting on Quimby Plaza, shall be considered a Ground Floor solely for the purpose of applying Active Ground Floor Use requirements.

Hotel: A building containing hotel units, each having its only access from an interior corridor, designed and intended to be used as overnight sleeping accommodations for transient guests; which building has a public lobby and full-time management serving the guests and which may contain ancillary services and facilities, such as restaurants, shops and boutiques, recreation facilities, and meeting rooms which may be accessible from the interior of the building. Serviced apartment units shall also be permitted within a Hotel.

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Lobby: Lobby shall mean the space in a building dedicated to entrance to residential units that are not directly accessible from the street. Often a lobby will have a concierge desk, waiting seats, and other items that create a hospitable environment.

Maisonette: A ground floor apartment with a private entrance.

Mixed Use: A building containing upper floor residential uses and any of the following additional uses: Restaurant, Coffee Shop/Café; Restaurant, Food Hall; Restaurant, Liquor Licensed; Restaurant, Sit-Down; Artisan manufacturing (including distilleries and micro-brewing); Art Gallery; Retail Business; Maisonette; Co-Working; Parking Structure. Ground Floor non-residential uses shall occupy at least 75% of the ground floor area. Ground Floor non-residential uses shall be subject to Active Ground Floor requirements as applicable.

Off-site Sign: A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-site sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial message.

Open Space Contribution: Redeveloper obligation that may be satisfied by providing Park or Public Plaza space.

Office, General and Professional: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government, and generally furnished with desks, tables, files and communication equipment, including offices of general, business, executive, legal, accounting, architect, planning, engineer, real estate, contractor and employment agencies, but excluding medical offices. Prototyping, product testing and laboratory work shall not be considered an office use. This use is also known herein as General and Professional Office uses.

Outdoor Dining: Service and the consumption of food and beverage in outdoor areas.

Park: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Parking: The storing of vehicles on a temporary basis. When the parking serves uses on the same property, it shall be considered an accessory use. When the parking serves off-site uses, it shall be treated as a principal use.

Parking Structure: A public or private structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade or either partially or totally above grade.

Pharmacy: A place where drugs and medicines are prepared and dispensed.

Primary Pedestrian Access: The main location(s) where pedestrians enter a building from the street. Primary pedestrian access is used to determine the Ground Floor.

Public Plaza: An open space defined by surrounding buildings and/or streets designed for Civic purposes and Commercial activities, and the pedestrian pathways that connect it to adjacent streets.

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Restaurant, Carry Out/Fast Food: A commercial fast food establishment serving primarily prepared or rapidly prepared food by order over the counter in disposable containers, bags or packages for consumption either on or off the premises.

Restaurant, Coffee Shop/Cafe: An establishment serving primarily non-alcoholic beverages such as coffee or tea. The sale of pastries, baked goods, and food, not requiring the use of an oven, grill, or stove may be included as an activity of a coffee shop or cafe.

Restaurant, Food Hall: An establishment containing a variety of food vendors exhibiting characteristics consistent with Restaurants, Carry Out/Fast Food; Restaurant, Coffee Shop/Café; Restaurant, Liquor Licensed; or Restaurant, Sit Down.

Restaurant, Liquor Licensed: Any premises licensed to provide for the on-premises consumption of alcoholic beverages, and which at all times meets all of the following elements: (a) the sale of alcoholic beverages is incidental to the sale of food and not the primary source of revenue for the premises; (b) no "cover" or other minimum fee is charged to enter the premises at any time, provided, however that this provision shall not be construed to apply to fixed price meals, or complimentary glasses of champagne on holiday occasions such as Thanksgiving or New Year's Eve, or during special events approved by the Bernardsville ABC; and (c) the occupancy rate is either no more than 130% the number of seats or no fewer than 12 square feet per occupant.

Restaurant, Sit Down: An eating establishment that is regularly and used principally for the purpose of providing meals to the public and at all times maintains cooking facilities and serves its customers at tables employing waiters or waitresses, as opposed to a fast food establishment or cafeteria. No alcoholic beverages are available for sale. BYOB may be available for beer and wine only. A restaurant can host a variety of cooking methods that may include an open cooking area, in which patrons are provided an opportunity to observe or interact with kitchen staff.

Retail Business: The business of selling or renting goods or merchandise to consumers, as opposed to wholesaling, but excluding all forms of retailing otherwise specifically regulated by or prohibited by the Bernardsville Land Development Code, and otherwise unlawful sale or rental. Selling of prepared foods shall not be included in the definition of retail business.

Serviced Apartments: Furnished residential units for rent located within, and with access to, hotel amenities and services.

Shadow box art: Publicly viewable art located on the ground floor of a building on the street facing façade. Shadow box art should have a minimum height of 60% of the first floor. Shadow box art should be rotated on an annual basis.

Surface Parking: Parking lot located within a Parking Structure.

Theater: A structure used for dramatic, operatic, motion pictures, or other performance for which entrance money is received. Such establishments may include related services such as food and beverage sales and other concessions.

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Townhouse: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Wall Sign - A sign which is affixed to or painted on an exterior wall of any building. Such signs shall project not more than eight (8) inches from the building wall or parts thereof. No wall sign shall be constructed or erected to extend above the roof line of the structure to which it is affixed.

Window Sign - A sign which is affixed to any window or glass portion of any door.

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11. APPENDIX D: RESOLUTION DESIGNATING THE REDEVELOPMENT AREA AS AN "AREA IN NEED OF REDEVELOPMENT."

BOROUGH OF BERNARDSVILLE

RESOLUTION #20-28

RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY DESIGNATING CERTAIN PROPERTY IDENTIFIED AS BLOCK 70, LOTS 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, AND 6.08; BLOCK 71, LOTS 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12 AND 13; BLOCK 98, LOT 1; BLOCK 124, LOT 1; BLOCK 144, LOT 1; AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* (QUIMBY LANE)

WHEREAS, the Borough of Bernardsville, in the County of Somerset, New Jersey (the “Borough”), a public body corporate and politic of the State of New Jersey (the “State”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, *N.J.S.A. 40A:12A-6* authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a condemnation “area in need of redevelopment” pursuant to the criteria contained in *N.J.S.A. 40A:12A-5*; and

WHEREAS, the Mayor and Borough Council adopted a Resolution on October 15, 2019 (Resolution #19-203) authorizing the Planning Board of the Borough of Bernardsville (the “Planning Board”) to conduct an investigation to determine if certain property located at 65 Morristown Road, which property is identified as Block 70, Lots 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08; Block 71, Lots 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12 and 13; Block 98, Lot 1; Block 124, Lot 1; and Block 144, Lot 1, as shown on the official Tax Map of the Borough (the “Study Area”), constitutes a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

WHEREAS, on December 12, 2019 the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Preliminary Investigation – Quimby Lane, Bernardsville, NJ” and dated November 25, 2019 prepared by Topology LLC, (the “Study”); and

WHEREAS, any persons interested in or affected by a determination that the Study Area is a condemnation redevelopment area were given an opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record: and

WHEREAS, on December 12, 2019, the Planning Board further adopted a Resolution

recommending that the Study Area be determined by the Borough Council to be a “non-condemnation area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.* as it relates to the Study Area; and

WHEREAS, the Borough Council concurs and agrees with the Planning Board’s recommendation, as supported by the reasons stated in the Study, that the Study Area constitutes and meets the criteria under the Redevelopment Law and that the Study Area should be determined and declared a “non-condemnation area in need of redevelopment”, which determination shall, among other things, authorize the Borough to use all of the powers provided by the Legislature for use in a redevelopment area, and it shall not authorize the Borough to exercise the power of eminent domain to acquire all or any portion of such Study Area.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BERNARDSVILLE, NEW JERSEY AS FOLLOWS:

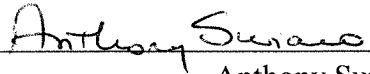
Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The property which identified as Block 70, Lots 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08; Block 71, Lots 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12 and 13; Block 98, Lot 1; Block 124, Lot 1; and Block 144, Lot 1,, as shown on the official Tax Map of the Borough is hereby designated a non-condemnation “area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

Section 3. The Borough Council hereby directs the Borough Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 70, Lots 1, 2, 3, 4, 5, 6, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, and 6.08; Block 71, Lots 4, 5, 5.01, 6, 7, 8, 9, 10, 11, 12 and 13; Block 98, Lot 1; Block 124, Lot 1; and Block 144, Lot 1, is designated a non-condemnation redevelopment area on the owners of such Study Area and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b(5)*.

Section 4. This Resolution shall take effect immediately.

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville in the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough Council of the Borough of Bernardsville in the County of Somerset in the State of New Jersey on January 13, 2020.


Anthony Suriano
Borough Clerk