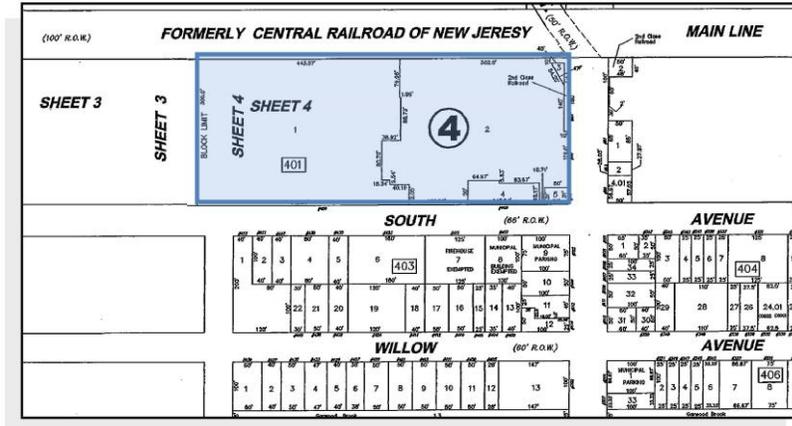


SOUTH AVENUE - TRANSIT ORIENTED REDEVELOPMENT PLAN



Block 401, Lots 1,2,3,4,5
Borough of Garwood
Union County, New Jersey

November, 2015
Amended May 27, 2016

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The original of this report was signed and
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South Avenue Transit Oriented Redevelopment Plan

I. Introduction

On June 10, 2014 the Borough of Garwood Council (Council) adopted Resolution No. 14-220 authorizing the Garwood Planning Board (Board) to conduct an investigation and to prepare a report pursuant to N.J.S.A. 40A:12A-6 to determine whether certain properties known as Block 401, Lots 1,2,3,4, and 5 and Block 403, Lots 1,2,3,4,5,6,19,20,21 and 22, herein referenced as the South Avenue – Transit Oriented Redevelopment Properties, as shown on the Garwood Tax Maps satisfy the criteria to be determined to be in need of redevelopment, and accordingly have been designated a Condemnation Redevelopment Area in accordance with the Local Redevelopment and Housing Law (LRHL), to be known as the South Avenue – Transit Oriented Redevelopment Area.

The Board authorized H2M Associates to conduct a Preliminary Investigation of the subject properties. The Board held a public hearing to hear planning testimony on the condition of the properties. At the conclusion of the hearing, the Planning Board voted in favor of adopting the findings of the Preliminary Investigation Report.

The Board adopted a resolution which memorialized the Board’s findings and forwarded the Resolution to the Council. The Council formally recognized the Report’s findings and the action taken by the Planning Board by adopting a resolution which formally placed the South Avenue – Transit Oriented Redevelopment Properties within a Condemnation Redevelopment Area as defined in the LRHL.

In order for the Borough of Garwood to exercise the powers prescribed within the LRHL, the Borough’s next step in the planning process is to adopt a redevelopment plan. The LRHL defines a Redevelopment Plan as:

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

Although the South Avenue – Transit Oriented Redevelopment Area includes the Properties located in both Blocks 401 and 403 above described, this Plan has been prepared for only five (5) of the South Avenue – Transit Oriented Redevelopment Properties. This redevelopment plan has been prepared specifically for Block 401, Lots 1,2,3,4 and 5. This redevelopment plan will provide a framework for the redevelopment of these properties, establish design standards and set forth the development regulations for the proposed land uses, including on site, off site and off tract improvements.

This plan has been written to addresses the goals and objectives of the Borough Master Plan and the Borough Housing Element and Fair Share Plan. Public workshop meetings were held before the Planning Board in November, 2015, March 9, 2016, March 23, 2016, April 18, 2016 and April 25, 2016.

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II. Description of the Redevelopment Area

The South Avenue – Transit Oriented Redevelopment Plan (the Plan) consists of five (5) properties located along the north side of South Avenue (Union County Route 610) and the western side of Center Street. The redevelopment area is identified on the Borough Tax Maps as Lot 1, 2, 3, 4, & 5 of Block 401. The total area of the tract is 5.301 +/- acres. The five properties are under separate ownership – Lot 1 is owned by 490 South Avenue, LLC and contains vacant light industrial buildings with associated vacant offices; Lots 2 and 4 are owned by Casale Industries which contain vacant industrial buildings and partially occupied office space; Lot 3 is Municipal property; and Lot 5 is owned by Ed and Susan Casale and contains a single building occupied by a tenant operating a gym.

Lot 1 is located on 450-490 South Avenue, and is 2.8 acres in size. The site is zoned Light Industrial (LI). Currently the site is developed with a series of detached and interconnected vacant industrial buildings with limited onsite parking. The site has historically been known as the “Petro Plastics Site”. Lot 2 is located at 50 Center Street, and is a total of 2.24 acres in size. The site is zoned Light Industrial (LI), and historically known as the “Casale Industries Site”. The sites are developed with a mix of detached buildings, structures, interconnected industrial buildings and office facilities. The Casale Industries Site currently has no on-site parking, and instead parking is located across the street.

Lot 3 is located at 20 Center Street, and is a total of .015 acres. The site is zoned Light Industrial (LI), is vacant land, and is municipally owned for over 10 years. This small parcel separates Lots 2 and 4 from the public right-of-way.

Lot 4 is located at 400 South Avenue, and is .173 acres in size. The site is zoned Light Industrial (LI). The current development on the site is a 2 story building with a basement, with no on-site parking. This is a separate office building from the detached industrial buildings and offices behind it on Lot 2. There is parking located across South Avenue. The building is occupied by Madeira Pipe Organ company, a woodworking and cabinet maker, all without valid leases, and terminable at will.

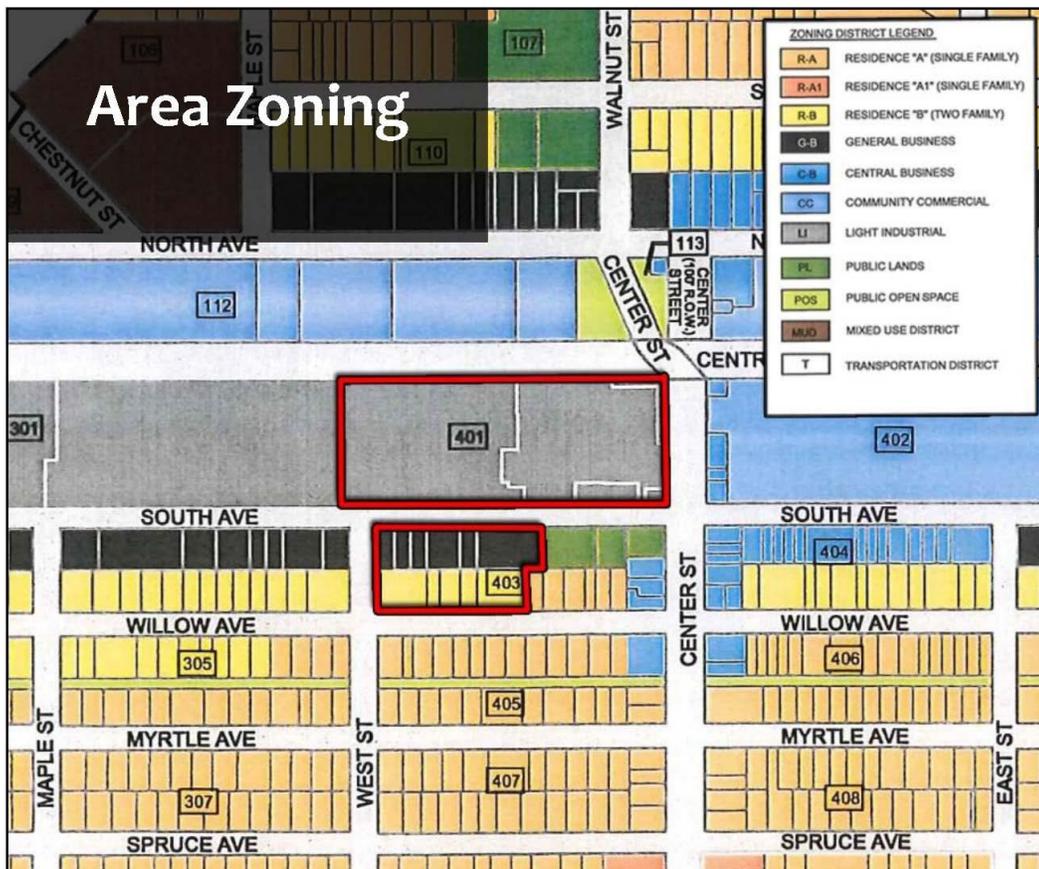
Lot 5 is located at 70 Center Street, and is .036 acres in size. The site is zoned Light Industrial (LI). Currently Personal Best Fitness, an operating gym, occupies the site, although the business does not meet current zoning.

Project Description	
South Avenue Redevelopment Area, Garwood, NJ	
<i>Block 401, Lots 1, 2, 3, 4, 5</i>	
Total Site Area	5.3 +/- Acres
Lot 1	2.8 AC
Lot 3	0.015 AC
Lots 2 & 4	2.4 AC
Lot 5	.036 AC

South Avenue Transit Oriented Redevelopment Plan



The following diagrams show the zoning on the site and surrounding properties.



South Avenue Transit Oriented Redevelopment Plan

III. Adoption of a Redevelopment Plan

In accordance with the Local Redevelopment and Housing Law, NJAC 40:12A-7:

No redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or both, according to criteria set forth in section 5 or section 14 of P.L. 1992, c. 79 (C40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

- (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.
- (2) Proposed land uses and building requirements in the project area.
- (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.
- (4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
- (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.).

The Redevelopment Plan shall describe its relationship to pertinent municipal development regulations as defined in the "Municipal Land Use Law," P.L. 1975, c. 291 (C.40:55D-1 et seq.). The Redevelopment Plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the Redevelopment Plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance.

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IV. Goals and Objectives of the Redevelopment Plan

The Goals and Objectives of the Plan are as follows:

1. Replace underutilized, obsolete and unsightly buildings and structures with a new mixed-use transit oriented development that will revitalize this section of the South Avenue corridor.
2. From the 2009 Garwood Master Plan & Re-Exam:
 - Provide sufficient space for variety of residential, commercial, and open space to meet the needs of the community
 - Encourage lot consolidation to enhance opportunities for infill and redevelopment
 - Recommends the development of a Transit Oriented Development on parcel(s) I study area
 - Housing Element and Fair Share Plan (HEFSP) recommends TOD development for light industrial uses located in the study area
3. Provide for a pedestrian friendly “main street – type” environment along South Avenue by incorporating streetscape improvements along all street frontage, including street trees, decorative street lighting, ornamental fencing and pillars, brick pavers, a pedestrian plaza area and landscaping.
4. Protect and enhance the landscape buffer between the redevelopment area and the adjacent residential properties.
5. Reduce the flow of surface water runoff by incorporating new stormwater management measures on the redeveloped properties in accordance with the Storm Water Rules (N.J.A.C. 7:8)
6. Provide sufficient off-street parking for residential and retail uses that will create a viable and vibrant community along South Avenue.

V. Development Regulations

i. Land Use

The following uses are permitted principal uses:

1. Multifamily Residential, consisting of studio, one, two and three bedroom apartments.¹
2. Small Scale Retail & Restaurant/Café Uses. The permitted retail, restaurant and commercial uses shall be limited to those uses permitted in the CC Community Commercial Zone District under Chapter 106 of the Borough of Garwood Land Use Code. Nevertheless, no commercial, restaurant or retail store shall be greater than 10,000 square feet in gross floor area.
3. Office Uses

The following uses are permitted accessory uses:

1. Inclusionary Affordable Housing Units (as described under Section V-vi)
2. Off-street parking lots and structured parking decks. Standalone structured parking decks are prohibited.
3. Loading areas
4. Streetscape improvements and public plazas
5. Public outdoor space (including dining and seating) on the ground level and roof top
6. Leasing office
7. Amenities such as, but not limited to a club room, fitness areas, and swimming pools
8. Off tract public parking lots (Section V-vi-20)
9. Commuter Parking Spaces, either on site or off site.
10. Green roofs

¹ Although N.J.A.C. 5:80-26.1 et seq (the Uniform Housing Affordability Controls Act, “UHAC”) requires that the unit mix within affordable housing inclusive developments include a minimum of 20% three (3) bedroom units, exemption from this requirement is being sought in the litigation captioned “In the Matter of the Application of the Borough of Garwood, Docket No. UNN-L-2406-15, brought by the Borough to seek Court approval of a new Housing Element Fair Share Plan (HEFSP). Three Bedroom affordable units shall only be required to the extent required in the ultimately approved HEFSP. Three Bedroom market rate units are prohibited.

South Avenue Transit Oriented Redevelopment Plan

The following uses are prohibited in the Plan:

- A. Pharmacy;
- B. Nail salons;
- C. Beauty Parlors / Salons;
- D. Tattoo & body piercing;
- E. Mobile Homes Sales;
- F. Hardware Stores;
- G. Barber Shops;
- H. Hat Cleaning;
- I. Video Stores;
- J. Motorcycle, Automobile, and/or Truck Repairs

South Avenue Transit Oriented Redevelopment Plan

ii. Area, yard and Bulk Standards

The following Area, Yard and Bulk Requirements are proposed for this redevelopment plan

Bulk Requirements for South Avenue Redevelopment Area	
Permitted Principal Uses	
Multifamily Residential ^(a) Retail/Restaurant/Café (first floor only) Office Space (first floor only)	
<u>Density of Development</u>	
A maximum density of three hundred fifteen (315) residential units, including a maximum of fifteen (15) studio apartments and no three bedroom market rate units, and between 16,450 and 18,250 square feet of retail / restaurant / café space on the first floor.	
Min. Each Side Yard Setback (ft)	10'
Min. Total Side Yard Setback (ft)	20'
Min Rear Yard Setback (ft)	10'
Min Front Yard Setback (ft) – South Avenue	10'
Min. Front Yard Setback (ft) – South Avenue – 4 th Story and above	20'
Min. Front Yard Setback (ft) – Center Street	10'
Min. Front Yard Setback (ft) – Center Street - 4th Story and above	20'
Max Impervious Lot Coverage (%)	85%
Min. Lot Area	5.0 acres
Max. Building Height (ft) - Residential	60'
Max. Number of Building Stories - Residential	4
Max. Building Height (ft) – Parking Deck	75'
Max. Number of Parking Deck Stories	6
Multifamily Requirements	
Min. Square Footage - Studio	500 ft ²
Min. Square Footage – 1 Bedroom	750 ft ²
Min. Square Footage – 2 Bedroom	1100 ft ²
Parking Requirements²	
Multifamily	1 space per studio or 1 BR unit 1.5 spaces per 2 BR unit 2 spaces per 3 BR unit
Retail	3 spaces per 1,000 SF
Restaurant	Per Garwood Ord.
Office	3 spaces per 1,000 SF

² The parking requirements may be modified based on traffic studies performed of similar redevelopment projects by the Planning Board Traffic Engineer or by the developer's traffic engineer and approved by the Planning Board.

South Avenue Transit Oriented Redevelopment Plan

Minimum Number of On-Site Public Parking Spaces	50 parking spaces
Minimum Number of Off-Site Public Parking Spaces	18 parking spaces
Minimum Total Number of Parking Space for the Project	537 parking spaces

iii. Project Design Standards and Conditions

1. The South Avenue Redevelopment Plan shall contain a civic (public) element. The Borough Planning Board shall consider an outdoor pedestrian plaza near the intersection of South Avenue and Center Street, as satisfying this requirement. This outdoor public element shall be a minimum of 9,000 square feet and open to the public. The public open space shall be located between the front of the retail space and South Avenue and shall be integrated into and not separated from the streetscape improvements to create a single comprehensive public space. In order to create this outdoor public space the retail space will be set back from South Avenue at varying distances, ranging from ten feet (10') to seventy feet (70') from South Avenue. This outdoor space shall contain landscaping, outdoor dining, a civic (public) feature, and a natural stone hardscape land cover. This outdoor public plaza shall be visible from South Avenue in order to attract pedestrians along the South Avenue and Center Street corridors. This public outdoor element shall be in addition to the Streetscape & Landscaping Improvement Plans described under Section v. Streetscape and Landscaping Improvements and shall be designed by a New Jersey Licensed Landscape Architect.
2. Vinyl siding is prohibited. Vinyl windows may be used for residential units only provided that they are of high quality construction and approved by the Planning Board and the Board's professionals.
3. The residential fourth (4th) story shall be setback from the frontage along South Avenue by approximately an additional 10 feet from the lower level front yard setback requirement of 10 feet, for a total building setback of not less than 20 feet to said fourth (4th) story level.
4. The use of green building technologies is strongly encouraged to be incorporated into all aspects of the project design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.
5. Upon the demolition of any existing building or structure, in whole or in part, the site shall be properly graded and stabilized unless new construction is to commence on the same site within thirty (30) days.
6. No drive thru operations or 24 hour a day operations shall be permitted.
7. All parking shall be contained within the building footprint. No parking shall be visible from any street level.
8. All retail space shall be located within 500 feet of the intersection of South Avenue and Center Street.

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9. Three bedroom market rate units are prohibited.

iv. Parking, Loading, and Traffic Circulation

Parking standards are as follows:

1. All required off-street parking and loading spaces shall be provided within the building.
2. All loading and unloading of vehicles shall occur within the property limits. Off-street loading spaces shall be provided to accommodate truck parking for deliveries without interfering with on-site or off-site traffic or pedestrian movements. The on-street loading or unloading of vehicles shall be prohibited.
3. Interior two-way driveways shall be 20 feet in width and aisles shall be a minimum of 24 feet in width with adjacent parking spaces.
4. A Traffic Circulation Plan shall be provided depicting the turning radius of emergency vehicle routes through the site. No truck circulation routes shall interfere with any permitted on street parking spaces or driveways.
5. Fire lanes and restricted parking areas shall be provided as directed by the Borough Township Fire Official.
6. All parking spaces, loading spaces, fire lanes, and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the Traffic Circulation Plan.
7. All areas designated for truck circulation, deliveries, customer parking and employee parking shall be paved with an asphalt or concrete material.
8. Off-Street parking lots, driveways and/or aisles shall be located a minimum of ten feet from any side lot line and ten feet from any rear yard lot line.
9. Every vehicle parked on site for any purpose shall be parked within a striped parking space as depicted on an approved Site Plan drawing.
10. The required number of barrier free design parking spaces shall be provided.
11. All parking structures contained within residential, commercial and mixed-use buildings are to be designed to disguise the parking use within. All parking and mechanical related areas along all street frontages shall be wrapped along the exterior by occupied active building uses, such as commercial uses, storefronts and/or residential units in order to activate the streetscape. In no case shall parking beneath or within a building be open or exposed along any façade.
12. Where an occupied active building use is not utilized to mask the parking within the building, the façade of the parking structure shall be designed to disguise the parking use to the greatest degree possible. The exterior wall of the parking structure shall be architecturally designed to mimic and reflect the occupied portions of the building in

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terms of style and materials. All openings/windows in the parking structure facade shall reflect the building's design. These openings shall be consistent with the rhythm of the window openings serving the principal uses within the building. They shall be covered by glass or metal in such a way that the exterior design is compatible with the design of the building and the actual windows of the building. The glass tint and/or reflectivity may be different so as to decrease the visibility of the garage use within. In lieu of glass, the openings may be covered by grilles or louvers as described below. Blind windows, where appropriate shall also be permitted. The intent of the above regulations is that no exposed garage exterior wall shall be detectable as a garage at the ground floor level. In no case shall parking beneath or within a building be open or exposed along any façade.

13. In order to preserve the maximum number of on-street parking spaces possible, driveway widths and curb cuts shall be limited to the minimum width and number necessary. Driveway / curb cut widths leading to parking areas containing less than twenty (20) cars shall be no more than twelve (12) feet in width. The width of driveways and curb cuts leading to parking areas for twenty (20) cars or more shall be limited to twelve (12) feet for one-way traffic and twenty (20) feet for two-way traffic.
14. All required parking spaces must be a minimum of 9 feet wide by 18 feet deep. The placement of a curb up to two (2) feet within the required 18 foot depth of the parking space is permitted, provided that there is adequate area for an automobile occupying the parking space to over-hang said curb a like distance without infringing on required landscaping or pedestrian areas. All aisles shall be a minimum of 24 feet wide. Compact spaces may be provided only with the approval of the Planning Board and shall be a minimum of 8 feet wide by 16 feet deep.
15. Off-street parking and loading areas shall be coordinated with the public street system serving the Redevelopment Area in order to avoid conflicts with vehicular traffic and/or obstruction to pedestrian walkways and thoroughfares.
16. Light sources within any parking level shall be screened in order to limit the visibility of these light sources from the exterior of the building either from the street or from other surrounding buildings and properties. Identification of the internal fixture and its location must be provided in order for any application to the Planning Board for site plan to be deemed complete. *
17. Developers shall demonstrate to the Planning Board's satisfaction that sufficient off-street loading is provided to meet the needs of the proposed uses.
18. All parking required by this Plan for permitted commercial and residential uses and provided within the Redevelopment Area shall be for the sole use of the residents or tenants of the Redevelopment Area. Parking may be shared between and among buildings within the Redevelopment Area. Parking may not be leased to commuters or other non-residents or non-tenants of the Redevelopment Area.
19. The Developer shall provide a traffic study for the proposed redevelopment project which shall address the proposed on-site parking, driveways, internal circulation as

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well as an evaluation of the off-site and off-tract traffic and circulation impacts of the proposed development on the Borough's traffic circulation, parking and roadways.

20. Off-Site Public Parking – The redeveloper of the South Avenue Transit Oriented Redevelopment Plan on Lots 1,2,3,4, and 5 of Block 401 shall construct, maintain and offer for public use a minimum of eighteen (18) off-street parking spaces on Block 403, Lot 6. These off-street parking spaces shall not count towards any off-street parking requirements for any portion of the redevelopment project on Lots 1,2,3,4, and 5 of Block 401. These eighteen (18) off-street parking spaces to be constructed on Block 403, Lot 6 shall meet the design requirements as specified in this Plan and may be used for public commuter parking.

v. Streetscape & Landscaping Improvements

Streetscape & Landscaping Improvement Plans shall be submitted for review and approval by the Garwood Planning Board. The Streetscape and Landscaping Improvement Plans shall be prepared by a Licensed Landscape Architect and shall include detailed construction drawings for all on site landscaping, common area, recreation areas and all street frontage improvements, including but not limited to street trees, ornamental lighting, brick paver walkways, benches, bicycle racks, trash receptacles, signage and other street furniture as directed by the Garwood Planning Board.

vi. Affordable Housing

The residential development shall have an on-site inclusionary affordable housing component of 10% to 15% of the total residential units being developed as very low, low and moderate income affordable housing units to qualify as such pursuant to the terms of the applicable affordable housing regulations, Court Special Master requirements, and the Uniform Housing Affordability Controls (“UHAC”) regulations, N.J.A.C. 5:80-26.1, *et seq.* The distribution of the affordable housing units shall be in compliance with the Council on Affordable Housing’s (“COAH”) Round Two substantive regulations, which it is believed will govern this issue, or as approved by the Court Special Master and the Court. The affordable housing units are to be included in the Borough’s Fair Share Plan. The minimum number of affordable housing units may be lowered to a minimum of 10% of the total number of residential units if the Developer can demonstrate that the extraordinary costs of performing the environmental site remediation in accordance with applicable New Jersey Department of Environmental Protection (“NJDEP”) and/or United States Environmental Protection Agency (“EPA”) regulations, as determined by and performed under the oversight of the developer’s Licensed Site Remediation Professional (“LSRP”) would have rendered the redevelopment of this tract for residential purposes infeasible and unrealistic. The developer shall provide an accounting of the costs of the environmental site remediation in support of any request to reduce the number of affordable units below 15%.

vii. Stormwater Management

The redevelopment of all properties within this redevelopment area shall be required to meet the requirements and standards of the NJDEP Stormwater Management Rules, pursuant to N.J.A.C. 7:8.

viii. Utilities

1. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.

2. All utility connection permits and road opening permits shall be obtained from the respective utility authority prior to the start of construction. All roadways under the jurisdiction of the County of Union damaged by the redevelopment of the site shall be restored and/or repaved as directed by the Union County Engineer. All municipal roadways damages by the redevelopment of the site shall be restored and/or repaved as directed by the Borough of Garwood Engineer.

ix. Site Remediation

The Developer shall clean up and remediate the site in accordance with applicable NJDEP and/or EPA regulations, as determined by and performed under the oversight of the developer's LSRP, which remediation work shall be performed in accordance with applicable local codes and statutes. Developer's LSRP shall certify that environmental remediation of the redevelopment site has been satisfactorily completed in accordance with such applicable regulations, and shall provide copies of all studies and reports associated with the environmental clean up activities to the Borough of Garwood.

x. Trash and Recycling

An indoor trash and recycling area for the collection and storage of commercially generated trash and recyclable materials shall be provided either within the building being served or in a designated screened location outside the building.

xi. Phasing

It is anticipated that the project will be developed in one phase.

xii. Signage

1. All signage shall comply with the requirements of the Land Development Ordinance of the Borough of Garwood.

2. Additional Signage Regulations and Requirements:

- a. All signs are subject to minor site plan review when not included as part of a major site plan application.
- b. All buildings and/or uses shall display the street address of the building on the front facade or front door of the building such that it is visible from the adjoining street right-of-way.
- c. Window signs (other than lettering as specifically permitted) shall be prohibited.
- d. All signs may be attached to the first floor level of the building only. Where there is a two-story lobby or mezzanine space incorporated into the design of the building, the sign may be permitted to be placed above the lobby at the equivalent of the second floor or level with

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Board approval.

- e. Tenant directories may be located within the lobby of a building.
- f. **Sign Lighting:** Signs may be lit from gooseneck fixtures, backlit halo, or up-lights, and similar lighting fixtures. Internally lit signs and sign boxes are prohibited.
- g. During construction, one (1) or more temporary signs indicating: the name of the project or development, general contractor, subcontractor, financing institution and public entity officials (where applicable) shall be permitted. The sign area shall not exceed fifty (50) square feet in the aggregate. Notwithstanding the foregoing, protective construction screening may be imprinted with lettering and images depicting the name of the Developer, and the name of the development, anticipated opening date, and other pertinent information during construction.

3. Prohibited Signage: The following signs and devices shall not be permitted within the Redevelopment Area:

Internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, signboards, window signs, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent and/or glowing paint for any signage or building within the redevelopment area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area. Nothing in this paragraph shall be deemed to prohibit either lamppost mounted seasonal banners or traditional holiday decorations.

xiv. **Reports, Studies and Investigations**

- a. The developer, at the developer's sole cost and expense, shall provide all necessary engineering, architectural, environmental impact, fiscal impact and community impact studies to the Borough of Garwood Governing Body and Planning Board. These reports shall collectively discuss the impacts and provide mitigating measures of the project on the utilities, infrastructure, roadways, schools, emergency services, and other related municipal and governmental services.
- b. The developer shall construct and install all on-site and off-site and off-tract infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, stormwater management to service the project, in addition to all 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 lighting, and on and off site traffic controls and road improvements for the project or required as a result of the impacts of the project. The Redevelopment Agreement between the Borough and the redeveloper shall contain the terms, conditions, specifications, and a description of required performance guarantees pertaining to the redeveloper's obligation to provide the infrastructure and improvements required for the project.

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VI. GENERAL ADMINISTRATIVE REQUIREMENTS

The following provisions shall apply to all property located within the South Avenue Redevelopment Area.

- A. Prior to the commencement of: (a) any new construction, (b) reconstruction, (c) rehabilitation, (d) any change in the use of any structure or parcel, or (e) any change in the intensity of use of any structure or parcel; a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with (a) through (e) above which, pursuant to the Garwood Borough Ordinance or code requires prior site plan approval, without prior site plan review and approval of such work by the Planning Board. Nothing in this section is intended to require site plan review and approval for minor modifications, renovations or repairs to the Building, or to the interior floor plan, such as the relocation or modification of partition walls, which are commonly done to accommodate new tenancies or during lease renewals, or for other repairs, or other work which may be performed without prior site plan review or approval in accordance with the Garwood Ordinance or code.
- B. All required development applications, site plans, architectural plans, etc. for development projects within the South Avenue Redevelopment Area shall first be reviewed by a Planning Board Design Review Committee. The Design Review Committee shall be comprised of not more than three Planning Board Members and such Garwood staff and/or Planning Board consultants as may be assigned to assist and serve the Design Review Committee. The Design Review Committee shall determine if each development application, site plan, and architectural plan meets the intent of the design requirements and other regulations of this plan; and shall make recommendations regarding same to the full Planning Board as part of the Site Plan review process.
- C. All required development applications shall include a traffic report. No development application shall be considered complete without submission of the required traffic report.
- D. The provisions of this Plan specifying the redevelopment of the area and the requirements and restrictions with respect thereto shall be in effect for a period of twenty (20) years from the date of approval of this Redevelopment Plan. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.
- E. Site plan review shall be conducted by the Planning Board pursuant to NJSA 40:55D-1 et. seq. Site plan review shall consist of a preliminary site plan application and a final site plan application. Submission of a site plan and site plan application shall conform to the requirements of the Borough of Garwood Zoning Ordinance and this Redevelopment Plan. Applications may be submitted for an entire project or in phases. Final site plan approval for any phase shall not be granted unless or until that phase is substantially complete, or performance guarantees for site improvements for that phase have been furnished by the redeveloper in accordance with NJSA 40:55D-53. No Certificate of Occupancy (CO) of any type, either permanent or temporary, shall be issued for any construction until the Planning Board has given final site plan approval for the phase in which such construction is located.

The Planning Board shall have the authority to determine if each development application, site plan, architectural plan, etc, meets the intent of the design requirements and other regulations

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of this plan.

As part of final site plan approval, the Planning Board shall require a developer to furnish performance guarantees pursuant to NJSA 40:55D-53. Such performance guarantees shall be in favor of the Borough of Garwood, and be in a form approved by the Planning Board attorney. The amount of any such performance guarantees shall be determined by the Planning Board Engineer in conformance with applicable law, and shall be sufficient to assure completion of site improvements within one (1) year of final site plan approval, or such other time period as determined by the Planning Board if particular circumstances dictate a longer time frame.

- F. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Plan's requirements and the Borough of Garwood Land Subdivision Ordinance.
- G. No development or redevelopment of any parcel in the Redevelopment Area that will result in an increase in wastewater shall be permitted unless and until the planned project wastewater piping and systems for the removal of effluent and storm water are approved by the Borough Engineer; and the municipal wastewater piping and systems for the removal of effluent and storm water are certified by the Borough of Garwood Planning Board Engineer as being of sufficient capacity and good condition to accommodate uses that will occupy said parcel. Such approval may be contingent upon requisite improvements to the drainage system in the street, as reasonably determined by the Planning Board Engineer as having been rendered necessary as a direct consequence of the Redevelopment only, and then only to the extent fair and equitable to the Developer in accordance with applicable law.
- H. Interim uses may be permitted, subject to site plan review and approval by the Planning Board. The Planning Board shall only permit uses that it finds will not have an adverse effect upon surrounding existing or contemplated development during the interim use period. Interim uses must be approved by the Planning Board. The Board shall establish an interim use period of up to three (3) years in duration. The Planning Board may grant additional one (1) year renewals of interim uses upon application, review, and approval.
- I. The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures, physical features or other conditions or constraints uniquely affecting the redevelopment of a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this 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 a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section

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unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting a use that is not a permitted use within this Plan. An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

- J. The regulations and controls in this section may be implemented where applicable by appropriate covenants, or other provisions, or agreements for land disposition and conveyance executed pursuant thereto.
- K. No covenant, lease, conveyance or other instrument shall be effected or executed by the Borough of Garwood or any of its departments or agencies or by a redeveloper or any successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough of Garwood or any of its departments or agencies or the redeveloper upon the basis of race, creed, color or national origin in the sale, lease, use or occupancy thereof.
- L. No building shall be constructed over an easement benefitting the Borough of Garwood in the Redevelopment Area without site plan review and approval of the Borough of Garwood of Planning Board and prior written approval of the Borough of Garwood and the Planning Board Engineer.
- M. If any word, phrase, clause, section or provision of this Plan shall be found by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of the ordinance shall remain in full force and effect.

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VII. GENERAL DEVELOPMENT REQUIREMENTS AND RESTRICTIONS

The following standards and requirements shall apply to all applications, including but not limited to: developments, re-developments, rehabilitation, and or re-use applications within the Redevelopment Plan area:

- A. All utility distribution lines; utility service connections from such lines to the Redevelopment Area's individual uses; and utility appliances, regulators and metering devices shall be located underground or within the building, to the extent such applicable utility companies permit such locations and methods of installation. No utility boxes or structure shall be permitted in sidewalk areas or exterior to the building. Remote readers are required for all utilities, in lieu of external location of the actual metering devices. Developers are required to arrange for connections to public and private utilities.
- B. It is anticipated that there may be a need for improvements to and/or expansion of the existing infrastructure in the area and/or the construction of new infrastructure in order to accommodate the new development in the area and the anticipated demand on the roadway network, water service, sewer facilities, storm water drainage, etc. Therefore, the Planning Board and/or the Borough of Garwood may require to off-set the cost of said infrastructure improvements, expansion or new construction only to the extent same are directly required due to the subject redevelopment. The value of the assessment shall be based upon a fair and equitable formula to be developed by the Borough of Garwood and/or the Planning Board, with the assistance of their professional staff and consultants in accordance with applicable law, and shall be determined at the time of developer designation or site plan approval as appropriate.
- C. Chain link fencing shall be prohibited within the Redevelopment Area, except during construction, and except for such chain link or other non-climbing type fencing used to separate the redevelopment site from the adjacent rail line in a design and to a height consistent with the requirements of New Jersey Transit, as the case may be. Chain link fencing for construction shall be dismantled and removed prior to the issuance of a Certificate of Occupancy.
- D. No Billboard shall be permitted on any property contained within the Redevelopment Area.
- E. No signage shall be permitted within the Redevelopment Area, which includes flashing, blinking or otherwise animated lights and/or parts, spinners, pennants, reflective materials, which sparkle or twinkle and/or similar materials; except for seasonal holiday decorations.
- F. No advertising shall be permitted on parking meters, light poles, or on benches or other street furniture within the public right-of-way.
- G. Upon demolition of any existing structures, the site shall be graded, planted, sodded, and/or developed, as applicable, in accordance with this Plan.
- H. All trash dumpsters and/or compactors shall be located within the buildings. All outdoor storage shall be prohibited.
- I. All buildings within the Redevelopment Area must display the street address of the building

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such that it is clearly visible from the adjoining street right of way.

- J. In order to facilitate the overall redevelopment of the South Avenue Redevelopment Area, the surrounding area, and the Borough of Garwood in general, all advertising, signage and other promotion of the resulting project, whether undertaken by the Borough of Garwood, or private developers, shall contain references to the proposed project's location. They all shall clearly state it to be within the Borough of Garwood so as to promote the positive external effects for not only the project, but the entire Redevelopment Area and the Borough of Garwood as a whole.

VIII. URBAN DESIGN REQUIREMENTS

A. Building Design Requirements

1. All structures within the Redevelopment Area shall be situated with proper consideration of their relationship to other buildings, both existing and proposed in terms of light, air and usable open space, access to public rights of way and off-street parking, height and bulk. Buildings shall be designed to be attractive from all vantage points, with each façade being of equal importance. Buildings shall have a clear base, middle and top. Architectural devices, such as providing stringcourses, cornices and sub-cornices, and/or horizontally differentiating surface treatments, can be used to achieve the necessary transitions.
2. Buildings shall be oriented toward the street so as to contribute to the overall liveliness of the pedestrian environment. On street frontages where commercial uses are provided, all commercial uses shall have direct access from the sidewalk area. Main-building entries shall be prominent and easily identifiable, and shall not occur simply as voids within or between buildings. Canopies may be provided at main entrances and shall be constructed of materials similar to or compatible with the overall building design.
3. The base of all buildings shall meet the pedestrian level in a human scale and manner. The base shall not have a cold or brutal feeling. Parking levels shall be screened and designed in compliance with the design standards found in Section VII. C. of this Plan.

The height of the base must relate to the building's architecture and design and must be proportional with the building's overall height. A planting buffer, similar to a traditional front yard, must be provided at grade between the property line and the building line where residential uses occupy the first floor. Commercial uses and/or building lobby may be constructed to the sidewalk line. Tops of buildings shall be designed to create architectural interest and must be designed consistent with the "Building Design Requirements" of this Plan. Step-backs are to be provided consistent with the architectural design of each individual structure to provide additional architectural interest. The intent of these requirements is to create buildings that are vibrant and active in their appearance and do not read as uniform or continuous slabs along the streetscape.

4. It is the intention of these building design requirements to permit contemporary buildings, but buildings which must also reference traditional design features and materials such as pre-cast lintels, water tables, cornices, traditional storefront design, etc.; especially at the lower levels of the building. These architectural building elements may be used in a contemporary manner, and upper stories of the building may take on a more contemporary appearance provided that the building as a whole presents a well-designed cohesive appearance and the quality of the building materials is maintained.
5. The windows and glazing of a building are a major element of style that gives character to the building. Windows and glazing on ground floor commercial uses should be broad and expansive providing views into the store and display areas. At least seventy-five (75%) percent of the storefront façade shall be glass. Corner buildings shall have windows on both street frontages. If security gates are used on any part of the building or window, they shall be installed on the interior side of the window, hidden from view when closed, and be of the open grate style. Similarly, windows and doors into residential lobby areas should be broad and

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expansive allowing views to and from the adjoining streets.

6. Upper level facades shall be articulated in order to provide architectural interest. Walls shall not be left blank. Frontages shall have at least one window appropriately proportioned per structural bay. Building designs may utilize various types of materials and material changes for façade articulation, as long as the differentiating materials and details are well thought-out and integrated. The intent of this required articulation is to create interesting and varied building façades such that the building facades do not read as uniform or continuous slabs along the streetscape.
7. Windows in residential portions of a building shall be arranged in a contemporary and organized manner. Windows shall not be scattered in a haphazard manner in the façade. Bay windows or other window features may also be incorporated into the façade to provide architectural interest and character, provided that their use is in a contemporary manner or material. Bays may be designed vertically or horizontally and may be angular. Each façade shall present a composition that is well laid out and thought provoking. Corner buildings shall have windows on both street frontages. The window sill of any residential window shall not be less than five (5) feet above the elevation of the adjoining sidewalk, unless the façade containing the window is setback a minimum of five (5) feet from the sidewalk and adequate visual landscape screening is provided.
8. Balconies on any building may only be provided after site plan review and approval by the Planning Board. Any balconies provided shall be shallow and semi-recessed to prevent their use as storage spaces. Balcony railings shall be designed to hide or to screen the balcony from view from the street or other buildings, and use such materials as frosted glass, perforated metal or other similar materials. Building design may incorporate fourth (4th) floor terraces, which shall not be similarly restricted in terms of depth or dimension.
9. It is the intention of this Redevelopment Plan that the facades of all building be developed and designed using high quality materials. The preferred building materials shall be masonry (standard or Norman brick), pre-cast stone or concrete and brick panels, and other similar materials. More contemporary materials such as glass curtain walls and composite metal panel systems, and similar high quality building materials may also be incorporated in the design of the building, especially at the upper levels of the building, and materials such as Hardie cement board siding, Azek, and similar high quality building materials may be used within courtyard facing elevations of the building. EIFS (Exterior Insulating Finishing Systems), artificial stone and brick veneer (“Permastone” & “Brickface”) and other similar façade materials may not be used within this Redevelopment Area. Similarly, jumbo brick and concrete block of any type are not permitted as façade materials within this Redevelopment Area.
10. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered such that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey.
11. All electronic communication equipment shall be screened from view. This shall be achieved through creative disguises within the basic architecture of the building, such that it does not negatively impact the appearance of the building. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same

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materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment. Said equipment shall be located so as to minimize or eliminate the need for screening.

12. All mechanical equipment shall be screened from view, both from the street and existing or planned neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building, and shall utilize the same materials used in the construction of the building, such that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment.
13. Wherever possible, ventilation equipment required for commercial uses shall be vented through the roof of the building. All such equipment ventilated through the roof shall be screened in compliance with paragraph 6 above. The necessary incorporation of ventilation grillwork within the storefront façade system shall be limited to no more than 15% of the possible glazing area. Such grillwork shall be architecturally incorporated within the storefront design so as to compliment and add to the overall aesthetic effect of the commercial façade. Exposed ventilation pipes and risers are prohibited.

B. Streetscape and Landscape Requirements

1. A streetscape plan prepared by a Licensed Landscape Architect in the State of New Jersey is required for all projects and shall include proposed sidewalk and curbing materials and treatments, street trees, tree pit grates and/or treatments, and any proposed street furniture, lighting or other features to be provided. The streetscape plan shall be submitted to the Borough of Garwood Planning Board for its review and approval as part of the project site plan application and implemented as part of the construction of the project. Only one (1) streetscape, lighting and street furniture design standard shall be used within this Redevelopment Area.
2. Sidewalk areas must be provided along the street rights of way and shall be properly sized for the safe and convenient movement of pedestrians through and around the Redevelopment Area.
3. Sidewalk areas shall be attractively landscaped and durably paved in conformance with Municipal standards and shall be provided with adequate lighting. Decorative concrete paving materials shall be incorporated into the design where practicable and pedestrian scale lighting is required. At a minimum decorative elements shall be introduced at building entrances at street corners and along the curb line to accent and channel pedestrian flow.
4. All plant material used must be able to withstand the urban environment and shall be planted, balled and burlapped as established by the American Association of Nurserymen. A planting schedule shall be provided by the developer and approved by the Planning Board. All landscaping shall be guaranteed for a period of two (2) years. Any landscaping which is not resistant to the urban environment or that dies shall be replaced by the developer or property owner.
5. Street trees shall be planted along all curb lines of streets within the Redevelopment Area at a maximum of 35 feet on center. The spacing of the street trees may be adjusted to accommodate the location of utilities, street lighting, pedestrian and vehicular entrances and

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other similar features. Each tree pit shall contain a decorative metal grate and/or decorative paving treatment. Tree species shall be selected which will achieve a mature height of 50 feet or above and a medium spread. Fast growing trees tend to be weak wooded and inappropriate for street planting. Therefore trees shall be selected that have a medium growth rate. The crown shape of the tree should be selected to compliment the architecture and setting of the buildings. Evergreen trees and fruit trees may not be used as street trees.

6. Streetscape and landscaping plans developed for projects within the Redevelopment Area shall take into consideration the need for additional street trees, buffers and other landscape treatments in the immediate vicinity of the site.
7. Lighting within the Redevelopment Area shall sufficiently illuminate all areas to prevent "dark corners". All lighting sources must be shielded to prevent and eliminate any glare. The area of illumination shall have a uniform pattern of at least one-half (0.5) foot-candles.
8. Outdoor landscaped areas shall be provided for all new construction within the Redevelopment Area and shall occupy any required yard areas. A landscaped civic plaza is required as described under V-v. Streetscape & Landscaping Improvements of this Plan. Additional on-site open space areas may be provided after Planning Board review and approval. All areas not covered by a building or pavement shall be landscaped with trees, shrubs, groundcovers and/or other appropriate plant material.

IX. RELATIONSHIP OF THE REDEVELOPMENT PLAN WITH:

i. Borough of Garwood Land Use Ordinances

All provisions, design standards, and land use controls within Chapter 106 of the Borough of Garwood Land Use Code which are not inconsistent with the South Avenue Redevelopment Plan shall govern the design and construction of any development within the redevelopment area.

ii. Borough of Garwood Master Plan

H2M reviewed the current 2009 Master Plan and Master Plan Re-Examination Report, prepared by Kasler Associates, PA., to understand the existing problems, as well as the goals, policies and recommendations for the land use and development of the study area.

a. Goals and Objectives

Goal #7 of the master plan is to provide sufficient space in appropriate locations for a variety of residential, commercial and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all the citizens of Garwood; (f) by guiding the future development and or redevelopment of land within the borough so as to incorporate new construction without undue disruption to the established character of the Borough.

Goal (#8) is to continue to recognize that North and South Avenues are the primary areas for business serving the community; (c) Encourage lot consolidation to enhance opportunities for infill and redevelopment; (d) Encourage mixed use developments; (e) discourage parking areas in the front yards.

These goals and objectives speak to the Borough's decision to determine if the existing uses and their location in the study are appropriate and if not, to guide development by lot consolidation and redevelopment. The study area lots are located within the Borough's downtown and rail station walkable limits, where good planning would encourage the development of Transit Village mixed use buildings, where building – not cars or parking lots - would front on the street and would provide residents with access to transit, shopping and open space. The existing uses do not meet these goals and objectives.

b. Land Use

The Land Use Element on page 9 recommends the development of a Transit Oriented Development District on the parcels in the study area, which should include a mixture of residential and commercial uses that would benefit from the proximity to the rail station and would include provisions for incorporating COAH units. In addition, page 12 discusses the need to maintain light industrial uses in the Borough, however, the study area lots were not identified as an area to maintain light industrial uses.

c. Housing Element and Fair Share Plan (HEFSP)

On page 13 of the Borough's current HEFSP prepared by Kasler Associates, the master plan element discusses the development of Transit Oriented Development zoning for the light industrial uses located in the study area that required a residential component of at least 15

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units per acre with a 20 percent (20%) set aside, yielding a total of 19 low and moderate income housing units. The HEFSP is currently being redrafted as part of the ongoing Affordable Housing Litigation, and it is anticipated that the new HEFSP shall be consistent with this Redevelopment Plan. It is anticipated that the South Avenue – Transit Oriented Development will be consistent with the goals and objectives of the new HEFSP.

iii. Neighboring Municipalities

a. Cranford Township Master Plan

The South Avenue corridor in Cranford Township adjacent to the Borough of Garwood municipal boundary is located in the B-3 Neighborhood Business District. The Cranford Township Master Plan describes the goals and objectives of the business districts which comprise the downtown core of Cranford.

“The Downtown is currently comprised of several districts, which include the B-1- Central Business District, B-1-O – Central Business Retail Office District, B-2 – General Business Service District, B-3 Neighborhood Business District, O-2 – Medium-Density Office Building District, Cranford Crossing Redevelopment District, and Riverfront Redevelopment District. The existing districts in the Downtown Core are surrounded by business zones to the East and West, and residential districts to the North and South.

The recommended zone plan for the Downtown commercial area is to consolidate existing districts into Downtown Core, Downtown Business and Downtown Transition districts. This change would simplify the current zoning in the downtown, yet allow for distinct qualities for each of these three areas. Generally this allows the highest level of density and use to fall in the Downtown Core and steps down in the Downtown Business and Transition areas.

Downtown Core District ~The Downtown Core encompasses areas appropriate for the highest level of density and intensity as recommended in this Plan. The Downtown Core functions as the Township’s central business district and primary shopping, entertainment and service destination. This Plan recommends that it include the area surrounding North Avenue from Miln Street to the Rahway River and along South Avenue from South Union to the Rahway River. The Downtown Core would extend north along Springfield Avenue to the southern side of Miln Street. The southern border of the Downtown extends to the northern side of Chestnut Street, running from the Riverfront Redevelopment District to the northern side of Cherry Street, and terminating at South Union Avenue. Existing in the Downtown Core are two redevelopment districts: Cranford Crossing Redevelopment District (CCRD) and Riverfront Redevelopment District (RRD).”

The South Avenue Transit Oriented Development would be consistent with the goals and objectives of the Cranford Township Master Plan.

b. Town of Westfield

The South Avenue corridor in the Town of Westfield adjacent to the Borough of Garwood municipal boundary is located in the C Commercial Zone District and the General Business – 3 Zone District. The Town of Westfield Master Plan defines the goals and objectives of these

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two zone districts as follows:

Commercial Zone District

“The intent of the C zone is to encourage various business services and other service uses, as well as limited retail, industrial, scientific and research facilities and other limited uses. The retail uses permitted in the zone should be of types that are not suited for the CBD or GB-1 zones, and which avoid dispersing retail development from these zones into outlying areas, thereby weakening the retail base of the downtown and creating a highway strip retail pattern. The types of uses that are deemed appropriate for the C zone include administrative, business and professional offices, with certain limitations; banks and other financial institutions and services; insurance and real estate offices; business services; miscellaneous repair services; limited amusement and recreation services; child care centers; limited veterinary and animal specialty services; landscape and related horticultural services; retail sales limited to lumber and building materials sales, retail nurseries and lawn and garden stores, automobile and other motor vehicle sales, and fuel dealers; general contractors, special trade contractors and builders; parking and storage of motor vehicles; and educational services except for schools. Light industrial, scientific and research uses may be permitted, subject to special use restrictions.

A highway strip character should be avoided, both in the character of uses and in the appearance of development. Uses in the C zone should be of a type and scale that prevents excessive traffic impacts to the surrounding street system and other negative impacts to nearby residential areas. Large-scale office uses and services, and uses with high volume customer or client visitation, should be prohibited. Also, industrial or commercial uses that have particularly noxious or offensive processes or activities should be prohibited, as well as uses involving high volumes of truck or automobile traffic. Residential uses and lodging uses are inappropriate for this area.”

GB-3 Zone

“The GB-3 zone is located in six areas of Westfield. These are located along a section of Central Avenue, Elmer Street, a short section of North Avenue, and several sections of South Avenue. Historically, these areas were developed for residential use, but many of the homes have subsequently been converted to or replaced by commercial development. Unlike the P-1 and P-2 zones, however, the zone has not retained a homogenous residential appearance; a mixture of residential and non-residential styles and intensities of development exist together. In addition to containing residential development itself, the GB-3 zone is located in close proximity to residential zone districts. Compatibility with residential use is therefore an important consideration in the GB-3 zone district. Fortunately for this consideration, the scale of commercial buildings in the zone has been fairly small, for the most part.

Due to the mixed-use pattern in the zone, the GB-3 zone is designed for a range of uses. Planned non-residential uses include limited retail sales, various types of offices and child care centers. Other limited non-residential uses may be permitted, provided that they comply with special use regulations. Residential uses that should be permitted are limited to single-family detached housing, two-family homes and residential apartments in the same building as a non-residential use. In mixed-use developments, the residential portion should be limited to the second and third floors, and should not occupy more than two thirds of the total building floor

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area. There is a growing trend for this type of mixed-use development. To ensure that such developments are appropriate for the district, special standards should be adopted controlling the scale and design of the development.”

The South Avenue Transit Oriented Development would be consistent with the goals and objectives of the Town of Westfield Master Plan.

iv. Union County Master Plan

The Land Use Element of the Union County Master Plan “serves as the primary basis for guiding the extent and intensity of future development within Union County. It was prepared to identify existing residential and non-residential land use development patterns which have occurred within the County. It also reflects the extent and intensity of development planned for the future by Union County municipalities for varying types of land use including residential, commercial, industrial and public areas”³.

The South Avenue Transit Oriented Development is depicted on the Land Use Plan as being in the Neighborhood & General Commercial District. “The Neighborhood & General Commercial District is prevalent throughout all of the County municipalities. The pattern of general commercial areas is linear since such areas are found adjacent to major roadways. General Commercial also defines broader center city limits such as Elizabeth and Plainfield”⁴.

v. State Development and Redevelopment Plan

In 1986, the New Jersey Legislature passed the New Jersey State Planning Act, which created the State Planning Commission and required the preparation and adoption of the State Development and Redevelopment Plan (the “State Plan”). The most current adopted plan is dated March 1, 2001. The purpose of the State Plan is to: Coordinate Planning Activities and establish statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservations, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services and intergovernmental coordination. (N.J.S.A. 52:18A-200(f), the State Planning Act)

The State Plan uses a policy map to differentiate areas from highest growth to lowest growth based on information, such as natural resources, sewer availability, etc. These differentiations are called planning areas, which range from PA1-Metropolitan to PA-8 state park. Garwood is situated within Planning Area 1-Metropolitan Planning. The Intent of the Metropolitan Planning Area (PA1) of the SDRP is to:

- Provide for much of the state’s future redevelopment;
- Revitalize cities and towns;
- Promote growth in compact forms;
- Stabilize older suburbs;
- Redesign areas of sprawl; and
- Protect the character of existing stable communities

³ Union County Master Plan, June 1998, Page 3-1.

⁴ Union County Master Plan, June 1998, Page 3-4.

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The Redevelopment Area is located within the Metropolitan Planning Area (PA1) as depicted on the New Jersey State Development and Redevelopment Plan. The Metropolitan Planning Area is to “provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities.”⁵ The South Avenue Transit Oriented Development Redevelopment Plan is consistent with the Goals, strategies and Policies of the New Jersey State Development and Redevelopment Plan.

Draft State Strategic Plan

The draft State Strategic Plan: New Jersey’s update to the State Development and Redevelopment Plan and the draft Infrastructure Needs Assessment was released for public comments and hearings in November 2011. The Plan is “to focus the State’s policies and investments on vibrant regions by fostering targeted job growth, supporting effective regional planning and preserving the State’s critical resources”. The intent of the State Plan is to direct growth and development into areas served by public infrastructure as a means of more efficiently using public resources. A total of six public hearings were scheduled throughout the State. Since the initial public meeting and the addition of several more, the State Planning Commission has not acted on the adoption of the plan.

Since the Study Area lies within a PA-1, which represents the areas for growth in New Jersey, the location of the Study Area is consistent with “Smart Growth” planning principles. However, courts have ruled that reliance upon a property’s location within an area targeted for growth by the State Plan cannot be the sole basis for designating an area in need of redevelopment.

⁵ New Jersey State Development and Redevelopment Plan.

X. REDEVELOPMENT ACTIONS

i. Demolition, Rehabilitation and New Construction

It is a goal and objective of the Redevelopment Plan to demolish all of the unsightly buildings and structures on the properties and construct new buildings and site improvements throughout the redevelopment area.

ii. Properties to be Acquired

The five (5) properties in the South Avenue Redevelopment Plan are under the ownership of five different entities as described in this report. The five properties are under separate ownership – Lot 1 is owned by 490 South Avenue, LLC and contains vacant light industrial buildings and associated office space; Lots 2 and 4 are owned by Casale Industries containing vacant industrial and partially occupied office space; Lot 3 is Municipal property; and Lot 5 is owned by Ed and Susan Casale and contains a single building occupied by a tenant operating a gym. The Governing Body has determined that this is a Condemnation Redevelopment Study Area. While no additional properties contiguous to the subject five (5) properties addressed in this Plan are envisioned to be acquired at this time, other than those cited in this report, it is a requirement of this redevelopment plan that these five (5) properties are redeveloped as one comprehensive redevelopment plan as described in this report.

iii. Temporary and Permanent Relocation of Residents

No residents occupy any of the commercial buildings or structures located within the redevelopment area. No residents will need to be temporarily or permanently relocated as part of the redevelopment of the South Avenue Redevelopment Plan.

iv. Performance Guarantees and Construction Inspections

- A. Performance guaranty estimates. A performance guaranty estimate shall be prepared by the Borough Planning Board Engineer setting forth all requirements and improvements, as fixed by the Planning Board and the estimated cost of providing the same.
- B. Approval by Township Planning Board Attorney. The Developer shall present two copies of the performance guaranty in an amount not to exceed 120% of the cost of installation of the requirements and improvements as set forth in the Borough Planning Board Engineer's performance guaranty estimate for approval as to form and sufficiency by the Borough Planning Board Attorney.
- C. Amount of performance guaranty. The performance guaranty shall be in the amount not to exceed 120% of the cost of installation of the requirements and improvements as set forth in the Borough Planning Board Engineer's performance guaranty estimate. The Developer shall be the principal on the performance bond and the Borough of Garwood shall be the beneficiary. The performance bond shall be issued by an acceptable surety company authorized to do business in the State of New Jersey. A cash guaranty may be deposited with the Borough with payment to the Borough Treasurer. The Borough Treasurer shall issue a receipt for such cash deposits and shall cause the same to be deposited in a bank account in the name of the Borough, such sum to be retained as security for completion of all requirements and to be returned to the

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Developer on substantial completion and approval of all required work. Failure by the Developer to complete or correct the required improvements in accordance with the performance guaranty, this Redevelopment Plan, any Redevelopment Agreement executed by the Parties, and all applicable standards, requirements, laws, rules and regulations shall constitute Default by the Developer. In the event of default, the Developer and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected, and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements.

- D. Bond or cash deposit required. In addition to the performance guaranty or the cash deposit referred to under this section, the Developer shall deposit with the Borough either bond or cash upon such terms as hereinabove set forth in an amount equal to 10% of the amount of the approved performance guaranty estimate. The bond or cash shall remain on deposit with the Borough for a period of one year, after the Borough Planning Board Engineer has certified the performance of the work to be substantially completed under the performance guaranty. In the event of default by Developer beyond the expiration of all applicable notice, grace and/or cure periods, the ten-percent fund herein mentioned shall be first applied to the completion of the requirements and the cash or surety bond thereafter shall be resorted to, if necessary, for the completion of the requirements. The cash or surety bond may recite the foregoing provision.
- E. Execution of performance guaranty. The Borough Planning Board Attorney shall notify the Borough Clerk prior to the Planning Board meeting that the performance guaranty is properly executed and can be added to the agenda.
- F. Inspection by Borough Planning Board Engineer. All improvements shall be inspected during the time of their satisfactory completion. The Borough Planning Board Engineer shall be notified by the Developer at least 24 hours prior to the start of construction. Said Developer shall pay to the Borough a sum of money to cover the cost of inspection fees made by the Borough Planning Board Engineer. The sum to be paid to the Borough shall be fixed and determined by the Borough Planning Board. The Borough Planning Board in determining the amount of said fees shall arrive at a reasonable dollar figure which is representative of the time, labor, responsibility and novelty or difficulty inherent in each of the different respective functions performed by the Borough Planning Board Engineer.
- G. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Borough Planning Board by resolution.

Upon substantial completion of all required improvements, the Developer shall notify the Borough Planning Board in writing, by certified mail addressed in care of the Borough Clerk, of the completion or substantial completion of improvements and shall send a copy thereof to the Borough Planning Board Engineer. Thereupon, the Borough Planning Board Engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the Borough Planning Board, and shall simultaneously send a copy thereof to the Developer not later than 15 days after the receipt of the Developer's request.

The Developer shall thereafter have thirty (30) days from receipt of the report from the Borough Planning Board Engineer to cure any deficiencies in improvements determined by the Borough Planning Board Engineer to be incomplete or unsatisfactory. In the event that Developer is unable to cure any deficiencies in improvements as a result of events outside of its

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control including, but not limited to weather, material delays or lack of supply, Developer shall be given reasonable additional time to cure the deficiencies with consultation with Borough Planning Board Engineer.

The list prepared by the Borough Planning Board Engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of and remedy for the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the Borough Planning Board Engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the Borough Engineer.

The Developer shall thereafter have thirty (30) days from receipt of the resolution from the Borough Planning Board to cure any deficiencies in improvements rejected by the Borough Planning Board. In the event that Developer is unable to cure any deficiencies in improvements as a result of events outside of its control including, but not limited to weather, material delays or lack of supply (“Force Majeure Events”), Developer shall be given reasonable additional time to cure the deficiencies with consultation with Borough Planning Board Engineer. Failure to do so shall constitute Default by the Developer.

The Borough Planning Board, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Borough Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Borough Planning Board Engineer. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Borough Planning Board Engineer. Upon adoption of the resolution by the Borough Planning Board, the Developer shall be released from all liability pursuant to its performance guarantee with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved, provided that 20% of the amount of the total performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

For the purpose of releasing the Developer from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Borough Planning Board Engineer, including any contingency factor applied to the cost of installation. If the sum of the approved improvements would exceed 80% of the total amount of the performance guarantee, then the municipality may retain 20% of the amount of the total performance guarantee to ensure completion and acceptability of all improvements, as provided above.

In the event that the Developer has made a cash deposit with the Borough as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this section shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that the

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municipality may retain 20% of the amount of the total cash deposit to ensure completion and acceptability of all improvements.

The Developer shall reimburse the Borough for all reasonable inspection fees paid to the Borough Planning Board Engineer for the foregoing inspection of improvements, provided that the Borough may require of the developer a deposit for all or a portion of the reasonably anticipated fees to be paid to the Borough Planning Board Engineer for such inspection. In the event that the final approval is by stages or sections of development pursuant to N.J.S.A. 40:55D-38, the provisions of this section shall be applied by stage or section.

Nothing in this Section G shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Borough Planning Board or the Borough Planning Board Engineer.

- H. Borough not liable for claims or suits. Inspection by the Borough of the installation of improvements by the Developer shall not operate to subject the Borough to liability for claims or suits or liability of any kind that may at any time arise because of defects or negligence during construction or at any time thereafter, it being recognized that the responsibility to maintain safe conditions at all times during construction and to provide improvements is upon the Developer and his contractors, if any.
- I. Final inspection of work; recommendations. After completing the construction of the public improvements covered by the performance guaranty, the Developer shall prepare a set of as-built plans and apply to the Borough Planning Board Engineer for final inspection of the work. The Borough Planning Board Engineer shall report to the Borough Planning Board on the condition of the work and recommend that the performance guaranty be released, extended, or otherwise notify the Developer, in writing, of any deficiencies in the completion of the improvements in order to provide the Developer a reasonable opportunity of not less than thirty (30) days, subject to reasonable extensions due to the occurrence of Force Majeure Events, to cure any such deficiencies as provided under the notice provision within Section G hereinabove.
- J. Disposition of performance guaranty. The Borough Planning Board shall by resolution release, reduce, or declare in default as contemplated herein above, each performance guaranty, pursuant to the terms of such guaranty. Such performance guaranty shall run for a period to be fixed by the Borough Planning Board but in no case for a term of more than three years. However, on the request of the owner and accompanying consent of the surety, if there be one, the Borough Planning Board may by resolution extend the term of such performance guaranty for an additional period not to exceed three years. The amount of the performance guaranty shall be reduced by the Borough Planning Board by resolution when portions of the required improvements have been installed and have been inspected and have been approved by the Borough Planning Board Engineer pursuant to Section G hereinabove. If any improvements have not been installed in accordance with the performance guaranty, and the Developer has failed to cure any such deficiencies pursuant to Section G hereinabove, the Developer shall be in Default and the Developer and surety shall be liable thereon to the Borough for the reasonable cost of the improvements not installed and, upon receipt of the proceeds thereof, the Borough shall install such improvements. The Borough shall also have other remedies as may be lawfully available.

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Escrows

The Developer shall be responsible to post sufficient escrows to cover the reasonable costs of the professional consultants retained by the Borough to review the proposed redevelopment project.

v. Duration of the Plan

Once a redeveloper is selected by the Borough, the redeveloper will be required to enter into a Redeveloper's Agreement with the Borough that stipulates, among other things, the precise nature and extent of the improvements to be made and their timing and phasing as permitted therein, consistent with this Plan.

This Redevelopment Plan shall be in effect for a period of twenty (20) years from the date the Plan is approved by the Borough Planning Board.

vi. Redevelopment Plan Amendments

This Redevelopment Plan may be amended from time to time in accordance with the procedures outlined in the Local Redevelopment and Housing Law (LRHL) P.L. 1993,c.79 (N.J.S.A. 40A:12A-1 et seq.).

XI. REGULATORY APPROVAL PROCESS

i. Borough of Garwood Council

The Borough of Garwood Council shall review all proposed redevelopment projects within the redevelopment area to ensure that such projects are consistent with the Redevelopment Plan and relevant redeveloper agreement. Such review shall occur prior to the submission of the redevelopment project to the Planning Board. As part of its review, the Borough Council may require the redeveloper to submit proposed site plan applications to the Borough Council or to a subcommittee organized by the Borough Council prior to the submission of such applications to the Planning Board. Such Committee may include members of the Borough Council and any other members and/or professionals as determined necessary and appropriate by the Borough Council. Such Committee shall make its recommendations to the Mayor and Council.

In undertaking its review, the Council shall determine whether the proposal is consistent with this Redevelopment Plan and relevant redeveloper agreement. In addition, the review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this plan.

ii. Borough of Garwood Planning Board – Preliminary & Final Site Plan Review

All development applications (site plan and/or subdivision plan) shall be submitted to the Garwood Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D et seq. The Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not been designated by the Garwood Council as a redeveloper and the project plan has not been reviewed and approved by the Garwood Council. Additionally, the Planning Board shall deem any application for redevelopment for any property subject to this Redevelopment Plan incomplete if the applicant has not received approval from the Borough Council or any committee that it may designate for such purpose, stating that the application is consistent with the Redevelopment Plan and Redevelopment Agreement.

iii. Union County Planning Board

All site plan applications shall be submitted to the Union County Planning Board for review and approval. Any conditions of approval shall be satisfied prior to the start of construction. The Borough Engineer and Planning Board Engineer shall be copied on all correspondence between the Developer and the County of Union.

iv. Somerset – Union Soil Conservation District Certification

All site plan applications shall be submitted to the Somerset - Union Soil Conservation District for review and approval. Any conditions of the approval shall be satisfied prior to the start of construction. The Borough Engineer and Planning Board Engineer shall be copied on all correspondence between the Developer and the Somerset – Union County Soil Conservation District.

v. Environmental Regulatory Agencies

The Developer shall provide a copy of the environmental studies prepared for the South Avenue

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Transit Oriented Development Redevelopment Properties to the Borough Planning Board Engineer. Developer shall comply with all applicable environmental laws and regulations in connection with the redevelopment as determined by Developer's LSRP. The Borough Planning Board Engineer shall be copied on all correspondence between the Developer, and/or Developer's LSRP and applicable environmental regulatory agencies, including the NJDEP and EPA, related to any site remediation activities.

vi. Land Use Regulation Program

The Developer shall comply with all applicable Department of Environmental Protection, Land Use Regulation Program regulations. If applicable, the location of all environmentally sensitive features on or contiguous to the properties being developed shall be mapped and all related permits and approvals obtained prior to the start of construction.

vii. Other Regulatory Approvals

In addition to those regulatory approvals identified in this Plan, the Developer shall be responsible for obtaining all other applicable federal, state, county and municipal regulatory reviews and/or approvals, including but not limited to (1) potable water service and fire flow, (2) sanitary sewer utility connections, (3) Joint Meeting of Essex and Union County, (4) DEP Treatment Works Approval, (5) Board of Health, (6) New Jersey Department of Transportation (NJDOT), (7) Borough Fire Official, (8) Borough Police Department, (9) Borough Department of Public Works. The Borough Planning Board Engineer shall be copied on all correspondence between the Developer and the respective regulatory agency.