

Ordinance 2017-03

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

APPROVING AMENDMENTS TO REDEVELOPMENT PLAN

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), by Resolution 2003-19 duly adopted on December 1, 2003, the Borough Council ("Borough Council") designated the properties known as Tax Block 54, Lots 6-10, 13, 14.01, 16.01 & 23; Block 40, Lots 14-28; Block 33, Lots 1-30 & 32-36; Block 30, Lots 1-13; Block 28, Lots 56 & 57; and Block 21, Lots 1-14 & 26 on the Borough's official tax map (collectively, the "Redevelopment Area"), as an "area in need of redevelopment"; and

WHEREAS, a revised redevelopment plan ("Redevelopment Plan", attached hereto as **Exhibit A**) containing development standards for that portion of the Redevelopment Area which is known as Sub-Area I (Bank Street) was adopted by Ordinance Number 2015-04 of the Borough Council on April 20, 2015, which revised those redevelopment plans for the Redevelopment Area previously adopted by the Borough on September 7, 2004, October 2, 2006, and October 6, 2008; and

WHEREAS, on July 29, 2016, RBG Hightstown, LLC (the "Redeveloper") and the Borough entered into that certain Redevelopment Agreement (the "Redevelopment Agreement") in connection with that portion of the Redevelopment Area consisting of Block 30, Lots 1-7, Block 30, Lots 10-13, and Block 21, Lots 1-5 & 26 on the Borough's official tax map (collectively, the "Project Area"), which constitutes part of Sub-Area I (Bank Street) and which shall also be known as The Mills at Hightstown; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper is to redevelop the Project Area by constructing thereon a project consisting of approximately 169 residential units, approximately 42,470 square feet of retail space, and associated parking and other infrastructure improvements (collectively, the "Project"); and

WHEREAS, the Borough and the Redeveloper subsequently entered into that certain Agreement providing for the acquisition of certain property, namely Block 21, Lots 6 through 13 (collectively, the "Additional Property"), which is owned by 5C Industries, LLC; and

WHEREAS, the Redeveloper proposes to also redevelop the Additional Property and to modify the Project to be constructed on the Project Area and the Additional Property; and

WHEREAS, the Borough desires to amend the Redevelopment Plan to modify the parking requirements and certain bulk standards set forth therein to allow for the construction of a modified version of the Project, which amendments are more particularly described in **Exhibit B** attached hereto (the "Redevelopment Plan Amendments"); and

WHEREAS, in accordance with N.J.S.A. 40A:12A-7e, the Planning Board of the Borough reviewed the Redevelopment Plan Amendments and recommended that the Borough Council adopt same.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that the Redevelopment Plan, attached hereto as **Exhibit A**, be amended as set forth in **Exhibit B** hereto.

Introduced:

Adopted:

Debra L. Sopronyi

Municipal Clerk

Lawrence D. Quattrone

Mayor

EXHIBIT A
RUGMILL REDEVELOPMENT PLAN

INTRODUCTION

The purpose of the Main Street Redevelopment Plan (the “Redevelopment Plan”) is to provide a framework for the improvement and continued revitalization of the area as designated by the Borough of Hightstown’s Planning Board, Mayor, and Council. The recommendations contained within this document will provide a structure for both physical improvements to the lands and structures within the Main Street Redevelopment Area as well as policies to guide said improvements. The Main Street Redevelopment Area is sometimes referred to herein as the “Redevelopment Area”.

The statutory requirements as per N.J.S.A 40A:12A-7 state that “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 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).

As described in the Determination of Need Report, dated October 14, 2003, as approved by the Borough of Hightstown Planning Board, and Mayor and Council, within the nearly built-out Borough, the Main Street Redevelopment Area is defined as the southern side of Bank Street from North Main Street to North Academy Street; the western side of South Academy Street from Rogers Avenue to Railroad Avenue; all parcels fronting on the eastern side of Mercer Street from West Ward Avenue to South Main Street and including the right-of-way; the block bound by Main Street, Stockton Street, Railroad Avenue and Rogers Avenue and the right-of-way of Railroad Avenue; and, the area on the eastern side of Main Street from the Borough parking lot to and including the walking bridge over the Peddie Lake dam. The Redevelopment Area is delineated on the attached Main Street Redevelopment Area Map and includes 81 individual parcels with 32 different owners.

The parcels contained within the Main Street Redevelopment Area include Block 54, Lots 6 - 10, 13, 14.01, 16.01 & 23; Block 40, Lots 14 - 28; Block 33, Lots 1 - 30 & 32 - 36; Block 30, Lots 1

- 13; Block 28, Lots 56 & 57; and, Block 21, Lots 1 - 14 & 26. The landowners are identified in Appendix 2, Property Owners List, attached.

To address the diverse existing uses, and the large number of parcels and land owners within the Main Street Redevelopment Area, the Redevelopment Plan proposes to divide the Redevelopment Area into three (3) Sub-Areas. This will allow for a more manageable implementation phase, and permit the Borough to coordinate and manage each of the three (3) use-specific projects, residential, mixed-use, and downtown-commercial, individually. Each Sub-Area may be approved and developed independently.

The three (3) Sub-Areas, including a geographical description, are as follows:

Sub-Area I (Bank Street): Proposed mixed-use redevelopment project that includes the southern side of Bank Street from North Main Street to North Academy Street, the eastern side of North Academy Street, and the western side of North Main Street from the Firehouse to Bank Street. The Sub-Area includes Block 30, Lots 1 - 13; and, Block 21, Lots 1 - 14 & 26.

Sub-Area II (South Academy Street): Proposed residential infill redevelopment project that includes portions of the western side of South Academy Street from Rogers Avenue to Railroad Avenue. The Sub-Area includes Block 40, Lots 14 - 28.

Sub-Area III (Rt. 33): Proposed downtown commercial parking and streetscaping redevelopment project that includes all parcels fronting on the eastern side of Mercer Street from West Ward Avenue to South Main Street and including the right-of-way; the block bounded by Main Street, Stockton Street, Railroad Avenue and Rogers Avenue and the right-of-way of Railroad Avenue; and, the area on the eastern side of Main Street from the Borough parking lot to and including the walking bridge over the Peddie Lake dam. The Sub-Area includes Block 54, Lots 6 - 10, 13, 14.01, 16.01 & 23; Block 33, Lots 1 - 30 & 32 - 36; and, Block 28, Lots 56 & 57.

1. GOALS AND OBJECTIVES

The overarching goals for the Main Street Redevelopment Area are to:

- Eliminate blighted conditions which are negatively impacting the quality of life for residents;
- Develop new opportunities to increase ratables;
- Create new opportunities for community recreation and cultural activities;

- Enhance the view from Route 33/County Road 539 into the newly revitalized central business district of the Borough of Hightstown; and,
- Build upon the core node of mixed-use development to better utilize the frontage and access to the Route 33 transportation corridor.

Specific objectives for the Main Street Redevelopment Sub-Areas include:

Sub-Area I (Bank Street):

- Eliminate blighted, underutilized and vacant buildings and through adaptive re-use and/or new construction create a new mixed-use development within the town center;
- Create an opportunity for new commercial, governmental, greenway, and residential facilities; and,
- Provide a new greenway along Rocky Brook to link existing facilities within the Borough.

Sub-Area II (South Academy Street):

- Create new opportunities for home ownership in the Borough; and,
- Eliminate blighted and vacant units to stabilize the neighborhood.

Sub-Area III (Rt. 33):

- Facilitate the economic revitalization of the downtown district;
- Create new off-street parking opportunities; and,
- Provide new streetscaping to improve economic conditions within the area.

The Redevelopment Plan will facilitate the Borough's efforts to achieve these goals and objectives, and will improve the quality of life for residents and the economic development climate for the entire Borough.

IIb. PHYSICAL DESCRIPTION OF THE MAIN STREET REDEVELOPMENT AREA

The Main Street Redevelopment Area contains approximately 12 acres of land area. These 12 acres include a small portion of wetlands, the Rocky Brook (waters of the State), and a significant "Brownfield" site, which site may be constrained due to state and federal regulations, and is currently undergoing remediation by the responsible party. It is not anticipated that these two (2) factors will significantly impact implementation of the Main Street Redevelopment Plan.

The Redevelopment Area is delineated on the attached Main Street Redevelopment Area Map and includes 81 individual parcels with 32 different owners. Also see the Main Street Redevelopment Area Map, for a geographic plotting of these blocks and lots.

The Main Street Redevelopment Area contains a mix of uses, as listed below.

Sub-Area I (Bank Street): Municipal facilities (municipal building, firehouse, and Historic Society building) and partially-vacant industrial and warehouse buildings.

Sub-Area II (South Academy Street Area): Vacant residential structures and undeveloped lots.

Sub-Area III (Rt. 33): Commercial/retail structures and vacant lots.

With the exception of the parcels on Bank Street and South Academy Streets, the parcels front on Main Street (N.J.S.H. 33). All lots are within the Borough's state-designated Town Center area. See also Appendix 1, Existing Zoning and Base Map, attached hereto.

a. RELATIONSHIP OF THE MAIN STREET REDEVELOPMENT PLAN TO DEFINITE LOCAL OBJECTIVES:

The Main Street Redevelopment Plan is consistent with the Borough's 1998 Master Plan. For example, a goal of the Master Plan is to "Revitalize the central downtown business district and improve the economic viability of the Borough." An additional goal of the Circulation Element of the Plan is that "... pedestrian movement must be a priority. Linkages must be reestablished between the various areas of town." In addition, the trend toward decline of the downtown business district was recognized as an issue within the Master Plan. This Redevelopment Plan is a critical step in reversing that trend.

IIIb. PROPOSED LAND USES AND BUILDING REQUIREMENTS:

EXISTING ZONING

The Main Street Redevelopment Area includes portions of four (4) zoning districts. They are: the PED (Planned Economic Development), R-4 (Residential Single-Family), CC-1 (Central Commercial 1), and the CC-2 (Central Commercial 2) districts. The PED district contains the partially-vacant former Phillips Lighting industrial and warehouse buildings. The R-4 district also includes the South Academy Sub-Area, which contains vacant residential structures and lots. Properties within both the CC-1 and CC-2 districts (Sub-Area II - Rt. 33) are generally-conforming and fully-utilized; however, the rear portion of these lots are used for parking and have a confusing array of ownership and odd configurations. As a result, access is constrained and impedes future economic development within the downtown portion of the Borough.

See Appendix 1, Existing Zoning and Base Map for details.

PROPOSED ZONING

Sub-Area I (Bank Street): Additional redevelopment design and land use standards have been promulgated to address a number of development issues, including density, parking and other design issues.

The Bank Street Sub-Area Redevelopment District (pages 17-28), includes appropriate design standards for building height, façades, sidewalk, parking access and layout and other related improvements. This will facilitate a redevelopment project in which the buildings do not overwhelm the adjacent neighborhoods, and are constructed to standards which are in harmony with the existing environs. The new standards supersede the existing PED zoning regulation that would otherwise apply to Sub-Area I, except where specified otherwise herein, and will provide a framework to ensure any new development will be pedestrian-friendly and provide an attractive viewscape for motorists traveling in the area.

Sub-Area II (South Academy Street): The Sub-Area II district includes the northern side of South Academy Street from Railroad Avenue to Rogers Avenue. This portion of the Redevelopment Area will receive additional policies, proposed zoning, design and development standards in an anticipated amendment to this Redevelopment Plan.

Sub-Area III (Rt. 33): The third portion of the Redevelopment Plan may not require any revisions to the existing zoning, since only parking, streetscape, and other aesthetic enhancements are proposed for the tracts within this Sub-Area. If required, Sub-Area III may receive additional policies, proposed zoning, design and development standards in a subsequent amendment to this Redevelopment Plan.

PROPOSED IMPROVEMENTS AND DESIGN STANDARDS

There are a number of requirements for each Sub-Area of the Main Street Redevelopment Area. The requirements are outlined in the following classifications. Each of the Sub-Areas may be treated as independent phases of the overall Redevelopment Plan, and may be undertaken by different Redevelopers and at different times, independent of each other.

Sub-Area I (Bank Street): See attached Bank Street Sub-Area Development Standards (pages 17-28), which provides guidelines and requirements associated with the physical development of the site by the selected Redeveloper.

In addition to compliance with the Development Standards referenced above, the selected Redeveloper of the Bank Street Sub-Area shall be required to comply with the following:

- a. **Municipal Facility:** The existing municipal facilities, located at Block 30, Lots 10, 11, and 12 on the Borough's Tax Map have been vacant since 2011 when extensive flooding damaged the building during Hurricane Irene. The municipal functions have been re-located to a nearby Borough owned facility and the police station is operating out of leased office space at the southern end of the Borough. The selected redeveloper shall take into consideration these properties and either, a) acquire and incorporate them into their over-all redevelopment project, b) redevelop the properties in partnership with the Borough for municipal or other uses or c) coordinate with the Borough the redevelopment of those properties which will be undertaken separately by the Borough. In either of the three

scenarios, these properties shall be included in the redevelopers site planning. The terms of all of the above shall be detailed in Redeveloper Agreement.

- b. **Recreational Facilities:** The selected Redeveloper shall be required to make a contribution for recreational facilities in an amount to be negotiated by the Borough and the selected Redeveloper and detailed in the Redeveloper Agreement. Said contribution shall be deposited in a Recreation Trust Fund established for the Borough of Hightstown, the purpose of which is to provide for the purchase, lease, acquisition, maintenance and/or improvement of recreational facilities serving the Borough, with specific emphasis on the additional needs arising as a result of the residential and non-residential construction contemplated under this Redevelopment Plan. Said contribution shall be paid in accordance with requirements to be set forth in the Redeveloper Agreement.
- c. **Affordable Housing:** At the current time it is anticipated that no affordable housing units will be required.
- d. **Restaurant:** The inclusion of a full-service, sit-down restaurant is highly encouraged as part of the redevelopment project.
- e. **Artist Live/Work Studio Lofts:** The inclusion of artist live/work studio lofts in all or a portion of the existing mill structures is highly encouraged as part of the redevelopment project.
- f. **Bridge construction/rehabilitation:** The original bridge structure traversing Rocky Brook connecting the existing industrial buildings at the site shall be exposed, rehabilitated, and made ADA compliant, if required by law, and an additional pedestrian bridge shall be constructed across Rocky Brook to facilitate pedestrian access to and from all areas of the redevelopment area. The construction of said pedestrian bridge is conditioned upon the receipt of all necessary permits and approvals from State agencies having jurisdiction over such a stream crossing.
- g. **Payment in Lieu of Taxes (PILOT):** The selected Redeveloper may apply to the Borough for a PILOT associated with the redevelopment project, in accordance with applicable law. Specific requirements associated with any such PILOT shall be set forth in the Redeveloper Agreement, and further action of the Governing Body will be required to effectuate any such PILOT.
- h. **Development Standards:** As indicated above, the attached Bank Street Sub-Area Development Standards provide the overall guidelines and requirements associated with the physical development of the site by the selected Redeveloper.

Sub-Area II (South Academy Street):

Land Use: This portion of South Academy Street currently contains residential uses and is adjacent to the Hightstown Housing Authority property. Improved streetscape, improvements to nearby neighborhood recreational facilities, and other aesthetic enhancements are planned improvements for this Sub-Area. Subsequent amendments to the Redevelopment Plan may identify structures and lots within the designated area to be acquired and demolished and the lots could then be combined to facilitate the redevelopment of the area. As stated below in the relocation section, no residential relocations are part of this Redevelopment Plan. Alone, or in partnership with the selected Redeveloper, the Borough may also pursue various state and federal grant opportunities to help implement various elements of the Redevelopment Plan for Sub-Area II.

Sub-Area III (Rt. 33):

Land Use: While there are no specific design standards proposed for these downtown areas at this time, the streetscape enhancements envisioned for these loci are similar to those currently in the central downtown district. These include brick paver accents, period lighting, street furniture, stamped, painted crosswalks, etc. In addition, the walking bridge over the Peddie Lake dam may be replaced. A parking area plan for Block 33 has been prepared by Carmella Santaniello, of Van Cleef Engineering, entitled, "Stockton Street Parking Lot, Phase 2 Downtown Revitalization," dated 2/27/04, and is currently under construction.

IIIc. RELOCATION PLAN

As per N.J.S.A. 40A:12A-7a.(3) the Redevelopment Plan is required to provide for any residential and business relocations. No residential relocations are planned by the Borough. Except as may be otherwise provided in the Redeveloper Agreement for a specific Sub-Area, any and all costs associated with any business relocations resulting from agreements between the selected Redeveloper and property owners will be the responsibility of the selected Redeveloper.

IIId. ACQUISITION OF PROPERTIES

Unless otherwise determined by the Redevelopment Agency, only the following properties, all within Sub-Area I (Bank Street), are proposed for acquisition as part of the Main Street Redevelopment Area:

- Block 30, Lots 1 - 7 and 10 - 12; and, Block 21, Lots 1 - 14 and 26

To encourage the Redevelopment Plan implementation, the stub portion of Mechanic Street into Sub-Area I ~~shall~~ may be vacated by the Borough. In addition, Block 30, Lots 8 and 9 (the Historic Society building), Lot 13, (the municipal firehouse), and Lots 10, 11, and 12 (the municipal buildings) are not proposed for acquisition.

The selected Redeveloper will assume responsibility for any and all property acquisitions within Blocks 30 and 21. The Borough may convey Lots 10, 11, and 12 in Block 30 to the Redeveloper in accordance with the terms of the Redeveloper Agreement.

The redevelopment of Block 21, Lots 6-14 may occur at a later date and under a separate Redeveloper Agreement if those lots cannot be acquired at this time.

IIIe. CONFORMANCE: THE RELATION OF THE MAIN STREET REDEVELOPMENT PLAN TO INTERGOVERNMENTAL PLANNING:

As per N.J.S.A. 40A:12A-7a.(4) the Redevelopment Plan must be in conformance with the Master Plans of the contiguous municipalities, the county master plan, and the State Development and Redevelopment Plan (SDRP). The Borough of Hightstown is totally encompassed by the Township of East Windsor, also located in Mercer County; however, none of the Redevelopment Plan's Sub-Areas border the Township of East Windsor (and its zoning districts) and, therefore, no impacts are anticipated and conformance with the SDRP is not an issue.

The Main Street Redevelopment Plan, including all three (3) Sub-Areas, is consistent with the 1986 Mercer County Growth Management Plan and the 2001 SDRP, which both have similar goals and objectives. The Redevelopment Plan will further the following specific goals of the SDRP:

- (1) Land Use: "Promote redevelopment and development in Cores and neighborhoods of Centers and Nodes that have been identified through cooperative regional planning efforts." *March 2001, The New Jersey State Development and Redevelopment Plan, pg. 191.*
- (2) Economic Development: "Promote economic development by encouraging strategic land assembly, site preparation and infill development, public/private partnerships and infrastructure improvements that support an identified role for the community within the regional marketplace." *March 2001, The New Jersey State Development and Redevelopment Plan, pg. 191.*
- (3) Natural Resource Conservation: "Reclaim environmentally damaged sites and mitigate future negative impacts, particularly to waterfronts, scenic vistas, wildlife habitats and to Critical Environmental Sites and Historic and Cultural Sites." *March 2001, The New Jersey State Development and Redevelopment Plan, pg. 191.*
- (4) Recreation: "Provide maximum active and passive recreational opportunities and facilities at the neighborhood, local and regional levels by concentrating on the maintenance and rehabilitation of existing parks and open space while expanding and linking the system through redevelopment and reclamation projects." *March 2001, The New Jersey State Development and Redevelopment Plan, pg. 192.*
- (5) Redevelopment: "Encourage redevelopment at intensities sufficient to support transit, a broad range of uses and efficient use of infrastructure. Promote design that enhances public safety, encourages pedestrian activity and reduce

dependency on the automobile.” *March 2001, The New Jersey State Development and Redevelopment Plan, pg. 192.*

According to the SDRP, Hightstown is located within the suburban Planning Area (PA2) and is identified as a Town Center. In 1997, as part of the SDRP process, the Borough of Hightstown became an officially designated Town Center. This Redevelopment Plan will specifically promote the Borough’s State-certified Center Designation Plan and Implementation Agenda. According to page 15 of the Hightstown Town Center petition, *“Enhancing the appearance of the downtown will attract people and business. Similar coordination will be required to improve accessibility to an interconnected system of parking.”*

The Redevelopment Plan is also consistent with a number of activities outlined in the Center Designation petition to promote economic growth in Hightstown including:

- Revitalizing the Main Street business district and transportation corridor;
- Creating a more inviting user-friendly downtown;
- Improving parking facilities and access to parking; and,
- Expanding access to existing and future commercial establishments

Finally, the Main Street Redevelopment Plan is consistent with the goals of the Delaware Valley Regional Planning Commission’s (DVRPC) Horizons 2025 Plan as follows:

- The Main Street Redevelopment Plan will assist in stabilizing an older borough by improving its current infrastructure to support and enhance the social, economic and physical character of the community.
- It encourages center-based planning since the Borough of Hightstown is a New Jersey-designated Town Center.

IMPLEMENTATION

Implementation of the Redevelopment Plan for each Sub-Area will be detailed in the Redeveloper Agreement as negotiated by the Redevelopment Agency and the selected Redeveloper(s). An additional section, Funding Resources, is also appended to the Redevelopment Plan as a roadmap to potential sources of funding to ensure full implementation of any development scheme for each of the three Sub-Areas. No redevelopment activities may commence in any of the designated redevelopment areas governed by this Redevelopment Plan until a Redeveloper Agreement has been executed by the Borough and the selected Redeveloper(s) for the applicable area of the Borough.

CONCLUSION

The Main Street Redevelopment Plan has the potential to provide the largest fiscal and aesthetic impact that the Borough has experienced in many years. Significant volunteer, public and private sector, and professional commitments and expenditures of time and fiscal resources have been expended to facilitate the redevelopment of this area.

Additionally, the Redevelopment Plan creates the potential for a phased approach to redeveloping the area. It provides for pedestrian-friendly development, protects the natural resources of Rocky Brook and Peddie Lake, creates a green corridor through the center of town, enhances the frontage on County Route 539, stabilizes and revitalizes a neighborhood, and includes design standards for Sub-Area I to ensure that all structures within the Sub-Area fit the landscape.

The final outcome of the Main Street Redevelopment Plan will be the revitalization of critical areas of the community, while creating a new mixed-use development, which will bring significant new ratables into the community. Additional housing, economic, and recreational and cultural opportunities will also be created. Finally, the Main Street Redevelopment Plan will help redefine the Borough of Hightstown and enhance its position as a State-Designated Town Center.

MAP 1

MAP II

MAP III

| PROPERTY OWNERS LIST (As of December 3, 2014) | |
|--|---|
| BLOCK/LOT | OWNER OF RECORD & MAILING ADDRESS |
| 54/6 & 7 | Dogias, A. Alexander & Lola, 4754 White Tail Lane, Newport Richey, FL 34653 |
| 54/8 & 9 | RPSP Holdings, LLC, 139 Mercer St. Hightstown NJ 08520 |
| 54/10 & 23 | Jeffrey Bond, 210 S. Main St., Hightstown, NJ 08520 |
| 54/13 & 16.01 | KPM Holdings, LLC, 19 Robbins Rd., Millstone TWP 08535 |
| 54/14.01 | Ordonez, Luis F. & Juan E., 138 S. Main St., Hightstown, NJ 08520 |
| 40/14 | Carias, Hector & Barrios, Maydra, 207 Rogers Ave., Hightstown, NJ 08520 |
| 40/15 | Battash, Annie, 10 Hidden Spring Lane East Windsor, NJ 08520 |
| 40/16 | Darling, Elizabeth & Shishone Evers, S. 200 Academy St., Hightstown, NJ 08520 |
| 40/17 | Amin, Mohammad, 102 Bryn Mawr Avenue, Lansdowne, PA 19050 |
| 40/18 | Ames, Samuel, 210 Academy St., Hightstown, NJ 08520 |
| 40/19 | McKinnie, Virginia, 212 Academy St., Hightstown, NJ 08520 |
| 40/20 | Ordonez Realty, LLC, 138 S. Main Street, Hightstown, NJ 08520 (20 & 21 consolidated in 2006) |
| 40/22 - 24 | Millstone Basin Area Hab for Humanity, 120 Main St. #207 Hightstown, NJ 08520 |
| 40/25 | Bowman, Lucy, 238 Academy St., Hightstown, NJ 08520 |
| 40/26 | Phillips, Dennis G., 240 Academy St., Hightstown, NJ 08520 |
| 40/28 | Regenthal, Frank W & Jamie A., 250 Academy St. , Hightstown, NJ 08520 |
| 33/1, 9, 12, 33 & 35 | Borough of Hightstown, 148 N. Main Street, Hightstown, NJ 08520 |
| 33/2 | Wang, BJ. & HS Trustees Wang Family, 43314 Clearwood Drive, Freemont CA 94538 |
| 33/3 | Owner Unknown |
| 33/4, 5, 8, 10 & 13 | Bond, Jeffrey, 210 S. Main St., Hightstown, NJ 08520 |
| | |

| PROPERTY OWNERS LIST (As of December 3, 2014) | |
|--|--|
| BLOCK/LOT | OWNER OF RECORD & MAILING ADDRESS |
| 33/6 | Cheng, Yin & Zheng, Ziu Quin, 100 Main Street, Hightstown, NJ 08520 |
| 33/7 | Unknown Owner |
| 33/11 | Unknown Owner |
| 33/14 | Eastern Dragon Ocean, Inc., 114 Main St., 2 nd Floor, Hightstown, NJ 08520 |
| 33/15 & 16 | Eastern Dragon Ocean, Inc., 114 Main St., 2 nd Floor, Hightstown, NJ 08520 |
| 33/17, 21, 22, 26, 27 & 31, 32 | These lots no longer exist in the Borough |
| 33/18, 29 & 34 | TPS Management, c/o Richardson Management, 2115 State Highway 33, Trenton, NJ 08690-1740 |
| 33/19 | Salnin LLC, 124 Main St., Hightsown, NJ 08520 |
| 33/20 | Alderman, Gloria, POB 7424, Monroe, NJ 08831 |
| 33/23 - 25 | C.J. Vanderbeck, LLC, 344 Stockton St., Hightstown, NJ 08520 |
| 33/28 & 36 | Sackowitz, Harry, 106 Mercer St., Hightstown, NJ 08520 |
| 33/30 | Bond, Jeffrey & Tolmie, Catherine, 210 S. Main St., Hightstown, NJ 08520 |
| 30/1 - 7 | Greystone Capital Partners NJ, LLC, 920 Matsonford Road, West Conshohocken, PA 19428 |
| 30/10-13 | Borough of Hightstown, 148 N. Main Street, Hightstown, NJ 08520 |
| 30/8 & 9 | Hightstown-East Windsor Historical Society, 164 N. Main Street, Hightstown, NJ 08520 |
| 28/56 & 57 | Borough of Hightstown, 148 N. Main Street, Hightstown, NJ 08520 |
| 21/1 - 5 & 26 | Greystone Capital Partners NJ, LLC, 920 Matsonford Road, West Conshohocken, PA 19428 |
| 21/6-14 | 5C Industries LLC, 101 Bank Street, Hightstown, NJ 08520 |

IMPLEMENTATION FUNDING RESOURCES

Based on proposed development information provided at the various public hearings, the following list of grant/loan programs and other funding sources may be utilized to address some of these elements. The following is not a comprehensive list, but merely represents known opportunities. Additional funding sources will be identified as the project elements proceed and new opportunities surface.

- **NJ DOT Transportation Enhancement Program Fund:** This grant program could provide funds to make significant enhancements, such as period lighting, sidewalk replacement, street furniture and landscaping, to the remaining unimproved areas within the downtown district.
- **NJ DOT Bikeways Program:** This program could provide grants up to about \$150,000 each to build the **infrastructure** within the proposed greenway. Projects that connect to regional trails and local amenities/facilities will fare best.
- **NJ DOT Centers of Place Program:** This program provides grant funding to address transportation-related issues, such as parking, or pedestrian amenities, such as the Peddie lake crosswalk. Only municipalities which are listed as designated within the SDRP, such as Hightstown, are eligible for this grant program. In 2003 awards averaged \$187,000.
- **NJ DEP Historic Preservation Trust and the New Jersey Historic Commission Grant Programs:** These two (2) programs provide grants for restoration of historic structures, including design and capital costs necessary to preserve existing historic resources. Capital Preservation Grants are for construction expenses related to the preservation and restoration of historic properties and associated architectural and engineering expenses and awards range from \$5,000 to \$750,000; however, the applicant, (local government or a non-profit) must own the property or have a valid lease for 15 years, and the property must be listed, or eligible for listing, in the state or federal Register of Historic Places.
- **NJ DEP Environmental Infrastructure Financing Program:** This program could provide a low-interest loan (currently around 1.2%) for construction costs to replace/repair existing sewer and storm water systems to ensure the protection of water quality. This program may provide significant savings due to the lower interest rate of this program and costs of bonding locally. This program could also provide funding to study and remediate localized storm water flooding. While there is no upper limit to funding, most awards are multi-million in magnitude.
- **NJ DEP Livable Communities Program:** This program could provide grant funds for recreation-related improvements and development (excluding land acquisition) such as the greenway. In previous years, Livable Communities were capped at \$100,000.
- **NJ DEP Hazardous Discharge and Site Remediation (HDSRF) Program:** The grant program could provide up to \$2,000,000 in grant funding to the municipality for

environmental site investigation. Funds may be used for Preliminary Assessment (PA), Site Investigation (SI) and Remedial Investigation (RI). Funds may not be used for cleanup activities.

- **NJ DCA Small Cities Programs:**

- **Public Facilities:** These funds may be utilized to construct or improve essential public facilities which will primarily benefit people of low and moderate-income and/or redevelopment areas. In a designated redevelopment area, eligible activities include streets, sidewalks, streetscape improvements, lighting, infrastructure and recreational amenities. Awards are typically in the \$400,000 range.
- **Innovative Development Fund (IDF):** Projects within a redevelopment area, that propose two (2) or more inter-related activities such as land acquisition and parking, and are related to implementation of the redevelopment project, are eligible for this funding source. Additionally, IDF projects must be ineligible for any other Small Cities funding source. Awards generally range up to \$400,000.
- **Employment Development:** Projects that result in the creation of new employment opportunities for low and moderate income are eligible for funding under this category. Proposed projects may include loans to for-profit enterprises, or off-site public improvement grants. Awards generally range up to \$400,000.
- **Federal Historic Preservation Tax Incentives:** This program offers development costs for the rehabilitation and restoration of buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income-producing and must be rehabilitated according to standards set by the Secretary of the Interior. A 20% rehabilitation tax credit equals 20% of the amount spent in the certified rehabilitation of a certified historic structure. The 10% tax credit equals 10% of the amount spent to rehabilitate a non-historic building built before 1936.
- **Various NJ Economic Development Authority (EDA):** EDA offers a wide-range of loans and tax credits for projects that result in new job creation. As additional information becomes available on the types of uses within the Redevelopment Area, specific NJ EDA programs will be identified and targeted.
- **Municipal Bonding:** Local financing may be provided to the designated Redeveloper for portions of the project at a lower-than-market interest rate. The designated Redeveloper would benefit from the lower interest rate and would be responsible for all municipal fees, principal and interest payments.
- **Borough Insurance Claim:** The Borough may be able to apply funds of up to 2 million dollars from the Hurricane Irene insurance claim towards work related to the vacant municipal properties, (Block 30 Lots 10, 11 and 12).

Sub-Area I (BANK STREET) DESIGN CRITERIA

The overarching design criteria governing the redevelopment of the former Rug Mill site are as follows:

1. Green space shall be included to the maximum extent possible within the Sub-Area and should be considered an integral design element.
2. Reasonable efforts must be made to allow visibility of the site's retail/commercial facilities and the site's natural and historic features from North Main Street.
3. The surrounding Main Street streetscaping design shall be continued along the west side of the North Main Street frontage, to Bank Street. Elements of the existing streetscape design should be used within the site and along Bank Street, as accents. See Subsection k.1.
4. A greenway shall be established along the Rocky Brook corridor and a footbridge, subject to State approvals, shall be provided to link the Redevelopment Area together.
5. The inclusion of an engineered passive water feature that shall also serve as a detention pond in the event of a flood shall be evaluated and if feasible incorporated into the project.
6. Usable pedestrian access ways shall be provided throughout the site, connecting to existing perimeter sidewalks and to the Greenway.
7. Buildings shall be considered in terms of their relationship to the surrounding neighborhood and natural environment as well as in relation to the human scale.
8. Design visual and green space transitions, which include pedestrian connections and landscaping, to buffer the existing Historical Society property. Additionally, volunteer firefighters and fire equipment shall have unimpeded access to the firehouse.
9. Create a new street front along Academy Street that respects the scale and character of the neighborhood on the opposite side of the street.
10. Roof top spaces shall be encouraged for passive and active recreation uses, such as patios, gardens, swimming pools and sunbathing areas.
11. The Borough of Hightstown recognizes the importance of environmental sustainability and, therefore, the Redeveloper is encouraged to evaluate the potential for LEED accreditation of the Bank Street Sub-Area I Redevelopment District.

BANK STREET SUB-AREA REDEVELOPMENT DISTRICT – DEVELOPMENT STANDARDS**LAND USE**

Land Use: The Bank Street Sub-Area currently contains partially-vacant facilities, and commercial and governmental uses. The area is bounded by Route 33 (Main Street), Rocky Brook, and residential neighborhoods. Selected structures, if approved by the Borough, may be demolished, and existing environmental hazards remediated as required by the New Jersey Department of Environmental Protection (NJDEP). The lots will then be combined to facilitate the redevelopment of the area. In partnership with the selected Redeveloper, the Borough may pursue various state and federal grant opportunities to help accomplish the redevelopment of this Sub-Area. The collaborative partnership between the Borough and the selected Redeveloper may also seek funding assistance to assist in the development of the greenway along Rocky Brook.

- a. The following uses are permitted within the Sub-Area I Redevelopment district:
 1. Adaptive reuse of the site's existing structures for residential and commercial/office use
 2. Residential uses including multi-family dwellings and duplex town homes , (facing Academy Street only).
 3. Artist live/work studio lofts.
 4. Studios for the visual and performing arts
 5. Hotel
 6. Governmental uses and other public facilities
 7. Passive and active recreational facilities
 8. Retailing within a completely enclosed building, but excluding drive through retail. A variety of retail shops shall be provided to encourage and maximize consumer choice.
 9. Personal and other business services within a completely enclosed building, excluding drive-thrus.
 10. Offices.

11. Public facilities, including public parking facilities
12. Restaurants and other places to eat and drink, but not including drive-thrus .
13. Banks and financial institutions, excluding drive-thrus.
14. Residential dwelling units as upper floor use of buildings containing above-permitted principal uses.
15. Scientific and research laboratories
16. Pharmaceutical operations (non-manufacturing)
17. Galleries, theatres and performance spaces.
18. For-profit only schools, testing centers and learning centers.

b. Accessory Uses:

1. Signs
2. Parking decks and garages
3. Roof top recreation spaces and uses.

All other uses, unless specifically permitted, are prohibited.

- c.** Permitted residential dwelling types include: (1) townhomes/duplexes on fee simple lots or under a condominium form of ownership; and (2) multi-family dwellings which shall contain no more than two (2) bedrooms per dwelling .

- d.** Only townhouse/duplex units shall be permitted to front on North Academy Street.

DESIGN STANDARDS

- 1. Setbacks and Buffers:** In consideration of Rocky Brook and the critical need for an attractive viewscape from New Jersey State Highway 33 and County Route 539, the following setbacks and buffers will be required.

a. Setbacks:

1. All buildings shall have minimum set backs consistent with the building setback of the Historical Society (Block 30, Lots 8 and 9) from County Route 539 (North Main Street).

All parking and roadways shall be setback a minimum of 15 feet from the interior edge of the existing sidewalk along North Main Street (C.R. 539), to facilitate the creation of the viewscape from Route 33 into the new mixed-use development. Based on review of the parking study, additional buffering, green space, and/or landscaping may be required.

2. It is the intent of the Governing Body to retain as much of the historic structures as practicable. Any demolition of any part of the existing structures is subject to approval of the Planning Board through the site plan review process.
3. Ten (10) foot front and side yard setbacks shall be required for all new structures along Bank Street.
4. Minimum front yard setbacks for townhomes/duplexes shall be fifteen (15) feet. Minimum rear yard setback for townhomes/duplexes shall be thirty (30) feet. Porches may project not more than five (5) feet into the required front yard setback.
5. Minimum lot depth for townhomes/duplexes shall be one hundred ten (110) feet.
6. Minimum distance between townhome/duplexes shall be fifteen (15) feet, equally divided between lots.
7. The minimum set back for accessory structures shall be five (5) feet.

b. Buffers:

1. All proposed structures, with the exception of improvements to the greenway and parking lots, shall be set back from any environmentally-sensitive areas as designated by the NJDEP and the Rocky Brook. A minimum 10 foot wide buffer, measured from top of bank and extending to 28 feet in width or greater, wherever practicable, shall be provided on both sides of the Rocky Brook as per the Hightstown Environmental Commission's greenway design concept specifications (February 1999). Specifically, the Rocky Brook buffer is to be 28 feet in width on both sides of the water body, unless the selected Redeveloper demonstrates to the satisfaction of the Planning Board that compliance with same is impracticable

and will exact undue hardship on the ability of the selected Redeveloper to provide adequate parking for the development, in which case the buffer area may be reduced in certain locations along the Rocky Brook to no less than ten (10) feet in width. A continuous eight (8) foot wide pathway shall be provided within the greenway along the Rocky Brook to permit public access through the greenway and link with the planned eight (8) foot wide pedestrian access bridge. The planned pedestrian access bridge shall have a minimum span to conform with floodway requirements. The Environmental Commission shall review the Redeveloper's greenway plan and provide comment to the Planning Board.

- c. Buffers as required by the regulations in effect at the time of plan approval shall be provided for any environmentally sensitive lands as designated by NJDEP. Those areas, as well as the buffers, shall be deed restricted to prevent future development, with the exception of trails for recreational or pedestrian circulation purposes, and the Borough of Hightstown shall be granted an easement on said lands for that purpose.
- d. A thirty (30) foot buffer shall be required between any new structures, with the exception of service area structures, and the Historic Society building (Block 30, Lots 8 and 9). This buffer may include green space, pedestrian improvements such as sidewalks, and recycling/rubbish storage areas.
- e. Individual driveways and garages shall not be permitted to front on North Academy Street.

Design Standards

f. Building Design:

- 1. The maximum height of any new building or building addition, excluding residential townhomes/duplexes, shall not exceed the height of the existing Rug Mill structures. Rooftop appurtenances for new buildings or additions shall not exceed five (10) feet above the roofline. The maximum height for adaptive reuse of existing site buildings shall be the existing building height, excluding screened rooftop appurtenances, which shall not exceed an additional five (10) feet and shall be set back a minimum of (10) feet from the front facade.

2. Residential townhomes/duplexes shall not exceed two and one half stories or thirty-five (35) feet in height as measured from the grade curb level in front of each residential building to the highest point of the roof.
3. Residential uses shall be permitted on all floors of the existing buildings and accessory recreation uses for residents may be developed on building roof tops.
4. All new buildings, excluding residential townhomes/duplexes shall compliment the façade of the existing Rug Mill structures. Residential townhomes and duplexes shall match the character and style of the North Academy/Stockton Street neighborhood. Detailed architectural plans including colors, materials, and textures, shall be provided for all buildings and accessory structures. If rehabilitation of the municipal building is selected by the parties, detailed floor plans shall be provided for the new municipal facility.
5. The Architectural Review Committee shall review and advise the Planning Board and the Redeveloper with regard to architectural features, styles, materials and colors.
6. Buildings shall be located, designated and identified to allow for adequate fire and emergency access.
7. All new construction and adaptive reuse must conform to all applicable codes and standards including Americans with Disabilities (ADA) Act requirements.
8. All external mechanical, electrical, and plumbing appurtenances, including but not limited to electrical components and HVAC equipment, including roof-mounted units, shall not exceed five (10) feet above the roofline, shall be screened by landscaping or enclosed and shall not be included in determining building height.
9. Such HVAC and other appurtenances shall comply with all state statutes governing noise levels for both day and night time uses.
10. All electrical, gas, water, sewer, telephone, cable television, power, phone, CATV, and other utilities shall be installed underground, as per current engineering standards. Roof antennae or towers shall not be permitted.

- g. Circulation and Parking:** The circulation plan will be dependent on final design submitted by the selected Redeveloper(s) to the Planning Board.
1. Usable pedestrian walkways within the site shall be designed to interconnect to parking lots and North Main and Bank Streets, and to the greenway where possible. Based upon the selected Redeveloper's parking plan, which plan will identify the number of potential on-street parking spaces along North Academy Street, the Planning Board may allow on-street parking along North Academy Street to be included in the Redeveloper's overall parking requirement calculations. Four (4) spaces of on-street parking on Bank Street shall be made available for use by the existing business on the corner of Bank and North Main Streets and shall not be included in any shared use parking analysis. Circulation throughout the site should be designed so that pedestrian pathways have priority and take precedence over vehicular circulation. Downtown parking ratios can only be sustained when complemented by a well developed pedestrian system. The downtown parking ratios that follow will be permitted only when the Redeveloper can demonstrate to the Planning Board that the design of the site's pedestrian circulation adequately establishes pedestrian priorities and connections to the downtown. Absent such design, additional parking on-site may be required.
 2. Retail or other commercial uses shall provide one (1) parking space for every 500 square feet of gross floor area utilized by the commercial or retail use. Retail or food service drive-thrus are prohibited.
 3. Office uses shall provide one (1) parking space for each 400 square feet of gross floor area utilized by the office use.
 4. Movie houses, other theaters, restaurants, and entertainment uses shall provide one (1) space for every three (3) seats or one (1) space per 40 square feet of usable seating, floor, or activity area, whichever is greater.
 5. The Planning Board may approve a total reduction of the required parking where such reduction is demonstrated by a study of the combined, or shared uses and customary operation of the uses that adequate parking would be provided for the actual uses. The Planning Board shall also encourage the developer to pursue accessible off-site shared parking use.

6. The selected Redeveloper's traffic study shall investigate such limiting factors including but not limited to, safe and efficient access, existing roadway capacities and levels of service, traffic signals, timing, existing and proposed volumes, peak hour analyses, and the ability of the existing conditions to safely absorb the projected amount of traffic. Utilization of the property shall be dependent upon the results of the traffic study, which results may alter the number of units, mix of uses and commercial floor area permitted on-site.
7. For 90 degree parking, standard parking spaces shall be nine (9) feet in width and a minimum of eighteen (18) feet in length. Up to 1/3 of the parking spaces may be designed as compact car spaces and designated as such. For 90 degree parking compact parking spaces shall be (8) feet by (15) feet.
8. The location, size, and signage of accessible parking spaces must conform to all ADA requirements.
9. Parking lot layout, landscaping, and buffering shall be designed to enhance the viewscape from New Jersey State Highway (NJSH) Route 33 (North Main Street) frontage.
10. The interior of parking lots shall be landscaped to provide shade and visual relief.
11. Parking garages and decks are permitted accessory uses in Sub-Area I, and are subject to Planning Board approval. Approval of the need for and size of the parking garage shall be determined by the Planning Board in conjunction with the overall number of parking spaces required. If the selected Redeveloper proposes a parking garage or deck, it must be properly located by the Redeveloper to provide clear views of all scenic and historic sites within Sub-Area I from key off-site and on-site vistas, as determined by the Planning Board. Any approvals of a parking garage, including bulk and height, will be evaluated and determined by the Planning Board during the site plan review process.
12. Landscaped islands shall dictate flow and provide pedestrian safety zones.
13. For lots with eleven (11) or more spaces, a minimum of one (1) tree shall be planted for every twenty (20) spaces and shall not include those planted along the perimeter.

14. Parking spaces and ADA accessible spaces shall be clearly marked at all times.
15. Parking for residential units shall require two (2) parking spaces per unit, subject to approval under N.J.A.C. 5:21-3.5 (Special Area Standards).
16. Individual driveways and garages shall not be permitted to front on North Academy Street.
17. Increase the safety of pedestrians, bicyclists and motorists by providing streetscape improvements and a mid-block pedestrian crossing on Bank Street.

h. Loading and Unloading: All such activities shall occur on the interior of the development and not on any state, county or municipal right-of-way. Hours of delivery shall be determined by the Planning Board and set forth as a condition of approval.

i. Signs:

Except as noted below, all applicable provisions of Chapter 29, Signs, of the existing *Revised General Ordinances of the Borough of Hightstown*, including but not limited to provisions applicable to PED and shopping centers shall apply to Sub-Area I:

1. One (1) free standing sign shall be permitted along the North Main Street frontage, and one (1) free standing sign to identify the commercial buildings shall be permitted along the Bank Street frontage.
2. Each retail store front shall be permitted a façade sign.
3. The Redeveloper shall provide a comprehensive sign package, including colors and materials, to the Planning Board. The Planning Board may approve a comprehensive sign package for the project that exceeds the standards in Chapter 29 and/or in this document, without the need for a variance, in terms of sign area and number of signs if it is demonstrated to the Board's satisfaction such additional signage is necessary to appropriately identify the uses on the site from the street, and is consistent with good planning for the site.

j. Lighting:

All lighting shall be post or building mounted and oriented earthward to minimize light pollution.

1. Parking area lighting shall be post-mounted, located on landscaped islands, and shall not exceed 20 feet in height above grade.
2. Street fixtures should be period lighting similar to those sited in the downtown area along Mercer Street.
3. Pedestrian and access point lighting shall be post-mounted and shall not exceed 14 feet in height above grade.
4. Where parking lighting abuts residential areas, fixtures shall be shielded to eliminate light overflow into residential lots.
5. Lighting shall conform to the Borough's specifications and the developer shall pay the up-front cost per fixture for street lights to reduce the ongoing operational and maintenance costs to the municipality. Exact details will be specified in the Redeveloper Agreement.
6. Lighting in interior parking and commercial/office areas of the development shall be privately owned and maintained by the selected Redeveloper.

k. Fences/Enclosures: Shall be prohibited with the following exceptions:

1. All bulk waste/recycling receptacles (dumpsters) shall be fully screened. Such screening shall be of adequate height to fully shield the receptacle and shall utilize plantings and/or brick construction with a brick front and gated access way which can be secured during periods of non-use. Chain link fencing is prohibited. If landscape screening is utilized, bollards shall be provided to maintain the integrity of the planted screening. Full brick construction shall be required for structures located within designated buffer areas adjacent to any residential or commercial building.
2. Ornamental fencing along North Main Street.
3. Privacy fencing along the rear boundary of the Bank Street Sub-Area abutting the properties designated as Block 21, Lots 15, 19, 21 and 22.

4. Heights of all fencing are subject to Planning Board review and approval.

l. Infrastructure:

Sidewalk/Walkways: Pedestrian or connecting walkways shall be constructed of pavers, concrete and/or textured concrete in colors and/or patterns consistent with the existing Main Street infrastructure. All walkways shall be a minimum of five (5) feet in width, and shall extend from the building façade to the curb line, with an area for landscaping and street trees. All facilities within the eastern portion of the Bank Street Sub-Area shall be connected by such walkways. Crosswalks traversing parking areas shall be constructed of similar decorative paving materials.. All materials shall be compatible with the existing streetscape along Main Street.

Roadways: As appropriate, all roadways must conform to the State of New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21, unless otherwise approved under N.J.A.C. 5:21-3.5 (Special Area Standards).

Water, Sewer and Stormwater Management: These systems are to be investigated, constructed and upgraded, as required, by the designated Redeveloper, and shall be subject to review and approval by all applicable federal, state, and local agencies, and will be the responsibility of the selected Redeveloper(s) based on the final approved usages within the area. All water, sewer and stormwater systems must conform to the State of New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21, as relating to the residential component of the proposed plan, unless otherwise approved under N.J.A.C. 5:21-3.5 (Special Area Standards), and to the NJDEP Stormwater regulations as relating to the non-residential components of the plan, and shall be subject to applicable state laws and regulations in effect at the time of plan approval.

- m. Unless expressly modified herein, all existing Borough of Hightstown Site Plan and Subdivision Ordinances and criteria shall apply to development plans submitted within the Bank Street Sub-Area I Redevelopment district as per Chapters 26, 27, 28 and 29 of the Borough of Hightstown Code. In the event of any inconsistencies between the approved Redevelopment Plan and the aforementioned Code chapters, this Redevelopment Plan shall govern.

- n.** The Planning Board is hereby authorized to grant all necessary relief pursuant to N.J.S.A. 40:55D-70a., b. and c., as well as all requested waivers.
- o.** A final project market study shall be submitted to the Planning Board together with a Site Plan application.
- p.** All NJDEP environmental remediation documents, including all approvals, regarding the Mill Property shall be submitted to the Planning Board and Borough Engineer together with a Site Plan application.

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EXHIBIT B

REDEVELOPMENT PLAN AMENDMENTS

The Rugmill Redevelopment Plan Amendments as follows [additional language underlined; ~~omitted language struckthrough~~]:

1. Pg 16, Section a.2 in "Land Use" – modify as follows:

"Residential uses including multi-family dwellings and ~~duplex townhomes (facing Academy Street only).~~"

2. Pg 17, Section b entitled "Accessory Uses:" – Add the following:

"4. Surface parking lot(s)."

3. Pg 17, Section c in "Land Use" – modify as follows:

"Permitted residential dwelling types include: (1) townhomes/~~duplexes~~ on a fee simple lot or lots or under a condominium form of ownership; and (2) multi-family dwellings which shall contain no more than two (2) bedrooms per dwelling."

4. Pg 18, Section 1.a.4 in "Setbacks and Buffers: Setbacks:" – modify as follows:

"Minimum front yard setbacks for townhomes/~~duplexes~~ shall be ~~ten~~^{fifteen} (10¹⁵) feet. Minimum rear yard setback for townhomes/~~duplexes~~ shall be ~~zero~~^{thirty} (0³⁰) feet. Porches may project not more than five (5) feet into the required front yard setback.

5. Pg 18, Section 1.a.6 in "Setbacks and Buffers: Setbacks:" – modify as follows:

"Minimum distance between townhome buildings/~~duplexes~~ shall be fifteen (15) feet, ~~equally divided between lots.~~ Townhome buildings may contain more than one townhome unit."

6. Pg 19, Section 1.d in "Setbacks and Buffers:" – modify as follows:

"A thirty (30) foot buffer shall be required between any new structures, with the exception of service area structures, any townhome buildings and the Historic Society building (Block 30, Lots 8 and 9). This buffer may include green space, pedestrian improvements such as sidewalks, and recycling/rubbish storage areas."

1. Pg 21, Section 1.g.1 in “Circulation and Parking” – modify the 2nd sentence of subparagraph 1 as follows:

“Based upon the selected Redeveloper’s parking plan, which plan will identify the number of potential on-street parking spaces along North Academy Street and/or Bank Street, as applicable, the Planning Board may allow on-street parking along North Academy Street and/or Bank Street, as applicable, to be included in the Redeveloper’s overall parking requirement calculations.”

2. Pg 23, Section 1.g.15 in “Circulation and Parking” – modify as follows:

“Parking for residential units shall require at least two (2) parking spaces per unit ~~one (1) space per bedroom~~, subject to approval under N.J.A.C. 5:21-3.5 (Special Area Standards).”