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ORDINANCE AMENDING CHAPTER 181, DEVELOPMENT REVIEW ORDINANCE  
"HAZLET TOWN CENTER REDEVELOPMENT PLAN"

WHEREAS, Township Committee adopted a Redevelopment Plan entitled "Hazlet Town Center Redevelopment Plan" (the "Redevelopment Plan") on second and final reading on September 5, 2017; and

WHEREAS, the Redevelopment Plan is applicable exclusively with respect to property shown and designated as Block 239, Lots 1 and 1.02, located at the intersection of Route 35 Southbound and Bethany Road, which property contains approximately 19.89 acres in area (the "Property"); and

WHEREAS, the Redevelopment Plan was adopted to achieve certain goals and objectives, including, without limitation, to encourage the redevelopment of the Property which was found in the Redevelopment Plan to be underutilized and in need of redevelopment; and

WHEREAS, Township Committee previously understood, and desires to now confirm, that an additional goal of the Redevelopment Plan is to provide for the adaptive reuse of existing buildings located in and upon the Property, which is a positive planning goal and advances the public interest; and

WHEREAS, the Redevelopment Plan, in accordance with its terms, replaces the previously existing zoning of the Property, but contains a provision indicating that any topics not addressed within the Plan are subject to the standards of the Township's Development Review Ordinance (the "Other Standards" provision); and

WHEREAS, the Other Standards provision has resulted in unintended consequences in achieving the goal of enhancing, improving and repurposing/retenanting existing buildings and in otherwise attracting new users to the Property; and

WHEREAS, Township Committee desires to designate a redeveloper for the Property pursuant to the Redevelopment Plan; and

WHEREAS, Township Committee desires to amend the Redevelopment Plan to provide for exemptions from site plan review; and

WHEREAS, Township Committee recognizes that this Ordinance will advance the public interest by expediting the redevelopment of the property, in the manner provided by law;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hazlet, County of Monmouth and State of New Jersey, that the Redevelopment Plan as titled above shall be and is hereby amended as follows:

1. That certain paragraph entitled "Other Standards" contained on page 22 of the Redevelopment Plan indicating that any topics not addressed in the Redevelopment Plan are subject to the standards of the Township's Development Review Ordinance ("DRO") is amended hereby. The following provisions of the DRO shall be inapplicable to the Property and thus now preempted by the Redevelopment Plan pursuant to this amendatory Ordinance:
  - a. Section 181-502.D of the DRO limiting building length shall be inapplicable as the existing building lengths, and proposed additions/modifications to existing building lengths shall be deemed to be permissible.
  - b. Section 181-502.C dealing with roofline offsets shall be inapplicable to the existing buildings and any newly proposed development.
  - c. Section 181-502.F dealing with architectural treatment of the rear façades of the existing buildings shall be inapplicable.

d. Section 181-502.G indicating that flat roofs are not permitted shall be inapplicable as flat roofs shall be permitted provided that the parapet wall of the roofline, or other manufactured products, screens all mechanical equipment.

e. Section 181-505.B requiring concrete driveway aprons shall be inapplicable as the existing driveways are paved along both highway frontages.

f. Section 181-507.H requiring that foundation plantings be provided on all sides of the building as foundation plantings shall not be required in view of existing conditions and constraints imposed on new uses due to these existing conditions.

g. Section 181-509.C requiring security lighting to be dimmed. This provision shall not apply to any business that is proposed to be open on a 24-hour basis.

h. Section 181-509.H.7 is hereby preempted and the following lighting standards shall apply:

Minimum illumination Level for customer parking lots and customer access drives: 0.5fc. This standard shall not be applicable to existing lighting to remain, only portions of the site where new lighting is proposed.

i. Section 181-509.H.8 requiring lighting to minimum uniformity ratio shall be amended and preempted and the following standards shall apply:

Customer parking areas shall be illuminated to achieve a maximum Uniformity Ratio (max to min) of 20:1. This standard shall not be applicable to existing lighting to remain, only portions of the site where new lighting is proposed. Any proposed structured open

canopy, designed to service any permitted use such as, by way of example, vehicle fueling operations, and immediately adjacent drive aisles shall not be included in the uniformity calculations since such areas require a higher level of illumination for safety and operational needs.

j. Section 181-512.B.8 requiring van accessible spaces to be 18'x18' shall be inapplicable. In lieu thereof, the design standards contained within the Americans with Disabilities Act shall control.

k. Section 181-512.B.9 with respect to a 24' wide drive aisle shall be inapplicable. More specifically, the 24 feet shall be a minimum, not a maximum for a two-way drive aisle and drive aisles may exceed that width.

l. Section 181-513.A.1 regarding a minimum 10' wide landscape area with a minimum 4' high evergreen shrub buffer around trash enclosures shall not be applicable and rather trash enclosures shall be enclosed with a minimum 6' high fence or wall which architecturally complements the proposed building façade materials.

m. Section 181-519.B.1 requiring driveways to be located at least 25' from an adjacent residential use or zone shall not apply as the existing driveway locations at the Property are permissible.

n. Section 181-519.B.5 which requires buildings to be separated shall be inapplicable given the existing attached shopping center buildings which are intended to be substantially renovated and upgraded.

o. Section 181-519.B.4 shall be inapplicable to the Property.

p. Section 181-521 requiring specified tree spacing shall be inapplicable provided a landscape plan is presented with any site plan application before the Land Use Board.

q. Section 181-526.B outlining specific soils and groundwater testing requirements shall be inapplicable provided the application for site plan approval to the Land Use Board provides a decrease in total impervious surface over existing conditions. In the event any increase in impervious surface is proposed, this section shall remain applicable.

r. Section 181-526.C of the DRO which prohibits activity within 100' of the top of bank or stream shall be inapplicable and shall be preempted by the terms of the Redevelopment Plan, as amended hereby, in view of the fact that the Property is previously developed and the Plan contemplates in large part, and in all areas within 100' of the top of a bank or stream, development that is existing.

2. The Redevelopment Plan is hereby further amended to provide the following land use controls which shall preempt existing zoning, as is the case with the existing Redevelopment Plan:

a. Light mounting height – 30' maximum which shall be applicable only to new lighting poles/fixtures; existing light fixtures currently located on the Property may remain at existing heights.

b. Loading spaces, a minimum of 15'x 45', shall be provided in accordance with Section 181-408.11.B for all proposed buildings and new uses in substantially renovated spaces greater than 15,000-sf. Existing buildings/tenants or new tenants in renovated portions of the building less than 15,000-sf may continue to utilize existing

loading areas/facilities. Banks, Health and Fitness Clubs, and other uses which do not require regular oversize truck deliveries and without the need for tractor trailers to service the proposed use are exempt from providing dedicated loading facilities.

c. The provision of the Redevelopment Plan entitled "Minimum Lot Area" located at the top of Page 19 shall be and is hereby amended to read as follows:

"Minimum Lot Area – there shall be no minimum lot area as the Property is developed and existing. The Property may be further subdivided along lease lines for prospective long-term tenants provided cross access and parking easements are provided. The minimum bulk standards set forth in this Redevelopment Plan shall not apply to any individual subdivided lot(s) that is accomplished for leasing purposes and the bulk standards set forth in this Redevelopment Plan shall apply to the entirety of the Property, inclusive of any subdivided lots so that the Property is considered as a whole".

d. Section 181-408.06.A of the DRO dealing with driveway locations shall be inapplicable and preempted by the terms and provisions of the Redevelopment Plan, as amended hereby. Existing driveway locations shall be permissible.

e. Section 181-201, 181-408.14.B and 181-513.B.8 of the DRO dealing with parking space dimensions is hereby preempted. Parking spaces shall be a minimum of 10' wide by 18' in length for any newly constructed parking areas.

f. Section 181-408.14.B dealing with the dimensions of accessible parking spaces shall be preempted and inapplicable and in lieu thereof the standards prescribed by the Americans with Disabilities Act shall control.

g. Section 181-408.14.H.4 dealing with the location of parking and loading areas from a residential zone or use, and the remaining provisions thereof, shall be inapplicable given the existing location of parking and loading that currently exists in and upon the Property.

h. Section 181-408.15 of the DRO which prohibits parking in the front parking setback is preempted by the provisions of the Redevelopment Plan.

i. Section 181-408.05 dealing with corner and through lots shall be preempted and inapplicable to the Property in view of existing improvements located thereon.

j. Section 181-408.07 dealing with fences and walls shall be and is superseded and preempted by the original Redevelopment Plan, and specifically the allowance of 10 foot high fences, which shall also apply to sound walls.

k. Section 181-410 dealing with signs shall be and is hereby preempted by the provisions contained in the Redevelopment Plan, as amended hereby.

l. The freestanding signage controls contained in the Redevelopment Plan shall be and are hereby superseded, and amended as follows:

3. The "Signage" regulations contained on Pages 20 and 21 of the Redevelopment Plan are hereby clarified to confirm that in measuring the sign area of any proposed freestanding sign, only one side of the sign shall be considered in the maximum sign area computations.

4. In the event it is determined that the Other Standards provision of the DRO applies to a site plan application before the Land Use Board, the Land Use Board is encouraged to grant such exceptions as it deems to be reasonable and appropriate consistent with N.J.S.A. 40:55D-51 and the implementing decisional law.

5. The Redevelopment Plan shall be and is hereby amended to allow exemptions from site plan review for any development of the Property which meets the following standards:

a. The expansion will not result in more than 10% of additional building coverage or an additional 500 square feet of building area, whichever is less. Additional building coverage shall be defined as the difference between building coverage before the site plan exemption request is submitted, and the building coverage proposed in the plan accompanying the exemption request irrespective of the location where the expansion area is proposed.

b. The development proposed in the site plan exemption request does not require relief from any of the land development standards contained in the Redevelopment Plan, as amended hereby. Any exemption request which departs from the standards contained in the Redevelopment Plan shall be governed by the procedures for relief contained within the Redevelopment Plan.

c. There shall be no limitation on the number of site plan exemption requests provided each of said requests meet the standards contained herein. The determination of whether a site plan exemption request meets the standards contained herein shall be made by the Zoning Officer, with input from such municipal professionals as the Zoning Officer may reasonably request.



d. Designation of Redeveloper – Township Committee hereby designates OASG Hazlet LLC, the owner of the Property, as the Redeveloper pursuant to the terms of the Redevelopment Plan, as amended hereby.

CERTIFICATION

I, EVELYN A. GRANDI, Municipal Clerk of the Township of Hazlet, do hereby certify that the foregoing is a true copy of an ordinance duly published and adopted in accordance with law by the Township of Hazlet at its meeting held on the 18<sup>th</sup> day of December, 2018.

ATTEST:   
Evelyn A. Grandi  
Municipal Clerk