

**BOROUGH OF BERNARDSVILLE
ORDINANCE #2023-1960**

**ADOPTING PALMER SQUARE REDEVELOPMENT PLAN – 35 & 39 OLCOTT
SQUARE AND 5 MORRISTOWN ROAD (BLOCK 125, LOTS 1, 2 AND 3)**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (The “Redevelopment Law”) authorizes municipalities to determine pursuant to subsection b of section 6 of *N.J.S.A. 40A:12A-6* that an area is in need of redevelopment; and

WHEREAS, to make such a determination under the Redevelopment Law, the Borough Council of the Borough of Bernardsville (the “Borough Council”), by way of Resolution No. #22-185, adopted September 12, 2022, designated the properties identified on the Borough’s tax maps as Block 125, Lots 1, 2, & 3, to constitute an area in need of redevelopment without condemnation, which designation would permit the Borough to use all of the redevelopment powers, except for Eminent Domain (a “Non-Condemnation Redevelopment Area”), pursuant to Sections 5 and 6 of the Redevelopment Law; and

WHEREAS, on March 27, 2023, the Borough Council introduced Ordinance #2023-1960, and approving a Redevelopment Plan for the Non-Condemnation Redevelopment Area (the Palmer Square Redevelopment Plan) and referred said Ordinance to the Planning Board for Master Plan consistency review; and

WHEREAS, the Planning Board, after appropriate consideration of the Palmer Square Redevelopment Plan, at a duly noticed and constituted public meeting held on April 13, 2023, reviewed the Redevelopment Plan pursuant to Section 7(e) of the Redevelopment Law and found same to be not inconsistent with the Master Plan pursuant to Section 7(e) of the Redevelopment Law;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, as follows:

1. The Redevelopment Plan (dated March 24, 2023, and revised through April 24, 2023) attached hereto as Exhibit "A" is hereby adopted.
2. The Zoning Map adopted by reference in Section LD-12-2.2 of the Borough Code is hereby amended to include the Redevelopment Area as set forth in the Redevelopment Plan.
3. This ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: March 27, 2023

1st Publication: April 6, 2023

Referral to Planning Board: March 28, 2023

Public Hearing and Amendment: April 24, 2023

2nd Publication after amendment: May 4, 2023

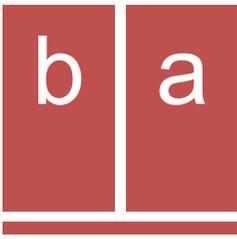
Continued Public Hearing and Adoption: May 8, 2023

Publication after Adoption:

Ordinance #2023-1960, Approving a Redevelopment
Plan for 35-39 Olcott Square & 5 Morrystown Road
--Revised 4/24/23
--Public Hearing 5/8/23 at 7:00pm

Palmer Square Redevelopment Plan

35-39
Olcott
Square



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus, Jr. PP, LLA, ASLA
David Novak, PP, AICP

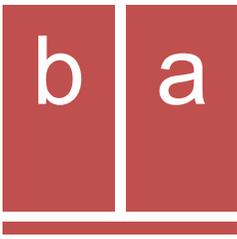
B U R G I
S
ASSOCIATES, INC.

&
Morristown Road

5

Borough of Bernardsville, Somerset County, New Jersey

April 24, 2023



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
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REDEVELOPMENT PLAN FOR: 35-39 OLCOTT SQUARE & 5 MORRISTOWN ROAD

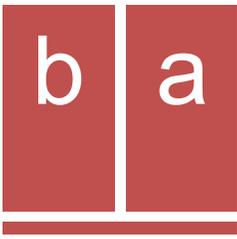
Borough of Bernardsville
Somerset County, New Jersey

Prepared for Borough of Bernardsville
BA #3872.17

The original document was appropriately signed and sealed on April 24, 2023, in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

John P. Szabo, Jr., PP, AICP
Professional Planner #3445

Members of the Governing Body
Mary Jane Canose, Mayor
Chad McQueen, Council President
Christina Zamarra
Jene McCredie
Diane Greenfield



COMMUNITY PLANNING
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INTRODUCTION

This document presents the redevelopment plan for parcels of land located within the downtown core area of the Borough of Bernardsville, Somerset County, New Jersey located at 35-39 Olcott Square and 5 Morristown Road (hereinafter referred to as “Palmer Square”) and further identified as Block 125, Lots 1, 2 and 3 by Borough tax assessment records.

Pursuant to the provisions of the Local Redevelopment and Housing Law (LRHL), NJSA 40A:12A, the Borough of Bernardsville has designated the subject properties as “an area in need of redevelopment” without condemnation by Council resolution #22-185 adopted on September 12, 2022.

Subsequently, Resolution #22-209 adopted by the Borough Council on October 24, 2022, authorized Burgis Associates to prepare this redevelopment plan on its behalf. This plan represents the next step in the redevelopment process. It is designed to affirmatively address the statutory requirements set forth in the LRHL, identifying the plan’s relationship to local land use objectives, and enumerating the uses that may be permitted in the area, along with regulatory controls governing the proposed intensity and distribution of those uses. The plan incorporates the philosophy and policies of the State’s Strategic Plan and envisions the creation of a mixed-use commercial and multi-family inclusionary development as a realistic and necessary means to promote redevelopment of the property.

REDEVELOPMENT PLAN – STATUTORY PROCESS AND REQUIREMENTS

THE REDEVELOPMENT PROCESS

As outlined by the LRHL, the first step of the redevelopment process for designating an area as an area “In Need of Redevelopment” requires the Governing Body to first introduce a resolution designating the area as such. Such resolution for the subject area was adopted by the Governing Body on September 12, 2022.

An area qualifies as an in need of redevelopment if it meets at least one (1) of the eight (8) statutory criteria listed under Section 14 of the LRHL as summarized below:

- | | |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. Deterioration | The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions. |
| b. Abandoned Commercial & Industrial Buildings | The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable. |
| c. Public & Vacant Land | Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. |
| d. Obsolete Layout & Design | Areas with buildings or improvements which, by reason of dilapidation, obsolescence, over-crowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. |

- e. **Property Ownership & Title Issues** A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f. **Fire & Natural Disasters** Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. **Urban Enterprise Zones** In any municipality in which an enterprise zone has been designated pursuant to the “New Jersey Urban Enterprise Zone Act,” the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment
- h. **Smart Growth Consistency** The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

With respect to the “h” criterion, there are ten (10) principles of smart growth. These principles are established as follows:

1. Mix of land uses.
2. Take advantage of compact design.
3. Create a range of housing opportunities and choice.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Direct development toward existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective; and
10. Encourage community and stakeholder collaboration in development decisions.

In addition to the above criteria, the LRHL permits the inclusion of land which may not meet the above criteria, but which otherwise is necessary for redevelopment. Section 3 of the LRHL, “redevelopment area” provides for the following:

“A redevelopment area may include lands, buildings, or improvements, which of themselves are not detrimental to the public health, safety, or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part” (N.J.S.A. 40A:12-3).”

In summary, the LRHL essentially establishes a two-fold process in which a site is designated as an Area of Need of Redevelopment, and subsequently a plan is prepared based on that designation. The Governing Body then adopts the redevelopment plan which supersedes zoning and becomes the development regulation for the target area. The accompanying Figure 1 provides a summary of this process, beginning with the adoption of a resolution by the governing body to the preparation and adoption of a redevelopment plan.

FIGURE 1- REDEVELOPMENT PROCESS



THE REQUIRED PLAN COMPONENTS

The Local Redevelopment and Housing Law (LRHL) identifies the required elements that must be incorporated into a redevelopment plan. The statute provides that the redevelopment plan is to include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

- A. The relationship to definite local objectives as to appropriate land uses, density of population, improved traffic and public transportation, public utilities, recreational and community facilities and other improvements;
- B. Proposed land uses and building requirements in the project area;

- C. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to where decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing housing market;
- D. An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan;
- E. Any significant relationship of the redevelopment plan to the master plans of contiguous municipalities, County Master Plan, and State Development and Redevelopment Plan.

PROPERTY CHARACTERISTICS

Property Description

The following section provides a general overview of the Redevelopment Area, including an analysis of its existing land uses, and surrounding development pattern.

The Palmer Square redevelopment area is located in the southeastern portion of Bernardsville approximately a tenth of a mile (600 feet) northeast of the historic Bernardsville Rail Station. The redevelopment site is situated within the Borough's downtown core area at the critical junction of Olcott Square, Morristown Road (aka US Route 202) and Mount Airy Road.

The redevelopment area is comprised of three parcels that form an irregularly shaped parcel with street frontage on both Morristown Road and Mount Airy Road at the juncture of Olcott Square. According to survey information available for the tracts, the total tract area is 47,168 square feet or 1.08 acres.

According to the preliminary investigation report prepared on behalf of the Borough by Topology¹ existing site characteristics are generally described below:

The topography on site generally slopes downward from east to west and from north to south. US-202 is situated towards the front of the lots, and the NJ Transit rail right-of-way runs along the rear of the properties.

Three buildings are located in the Study Area. The two buildings on Lot 1 include a restaurant, medical office, vacant ground floor office space, an integrative medicine center, a mental health counsellor and a law office. Lot 3 includes a test preparation center, an art gallery and a florist.

The buildings utilize a shared surface parking lot in the rear of the property. The parking lot has access points from Mount Airy Road and US-202.

The following table highlights the property lot area and class designation for each parcel according to Borough tax assessment records.

Table 1: Existing Land Uses Within the Redevelopment Area

Bloc k	Lot	Address	Area(Acres)	Property Class
125	1	39 Olcott Square	0.62	4A
125	2	35 Olcott Square	(merged into Lot 1)	4A
125	3	5 Morristown Road	0.36	4A
Total			0.98	

¹ Preliminary Investigation Block 125 Lots 1,2,3 dated April 21, 2022 prepared by Topology.

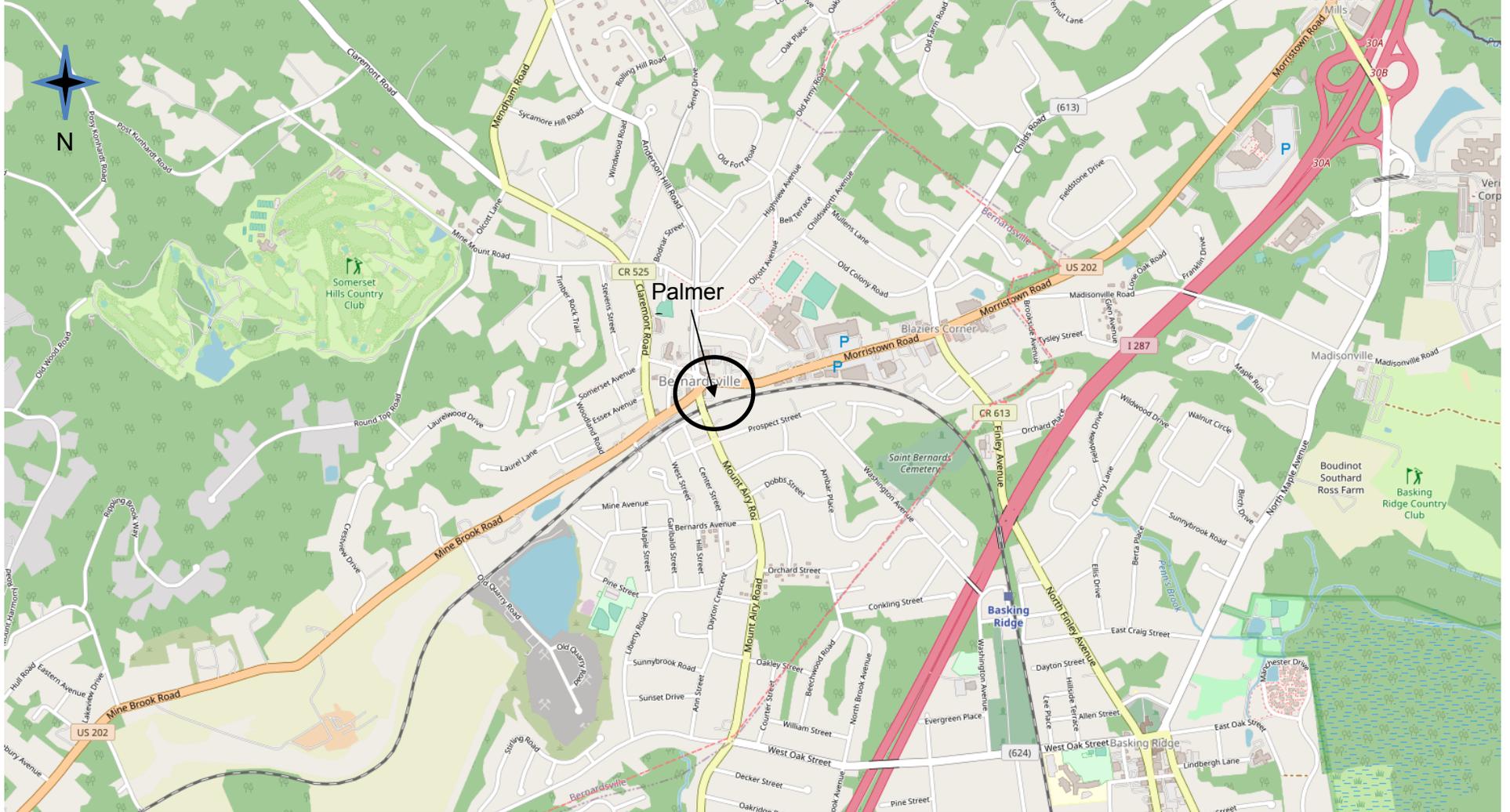
Survey information prepared by Yannacone, Villa and Aldrich dated December 27, 2007 indicates the combined land area of the lots is 1.191 acres within the deed line in Mount Airy Road and right of way line of Route 202.

Surrounding land uses are consistent with the commercial character of the downtown area and include retail and commercial services uses. Immediately adjacent to Palmer Square to the east on Morristown Road is an institutional use that was a former church and now a masonic temple.

All of the parcels within the Study Area are owned by Palmer Enterprises, LLC. Map 1 below provides the location of the study area in context of its location within the Borough.

Map 2 provides the block and lot designations for the redevelopment area as well as that of the surrounding area.

Map 1 – Redevelopment Area Location



Source: NJDEP GeoWeb

Map 2 – Redevelopment Area Lot Line Map

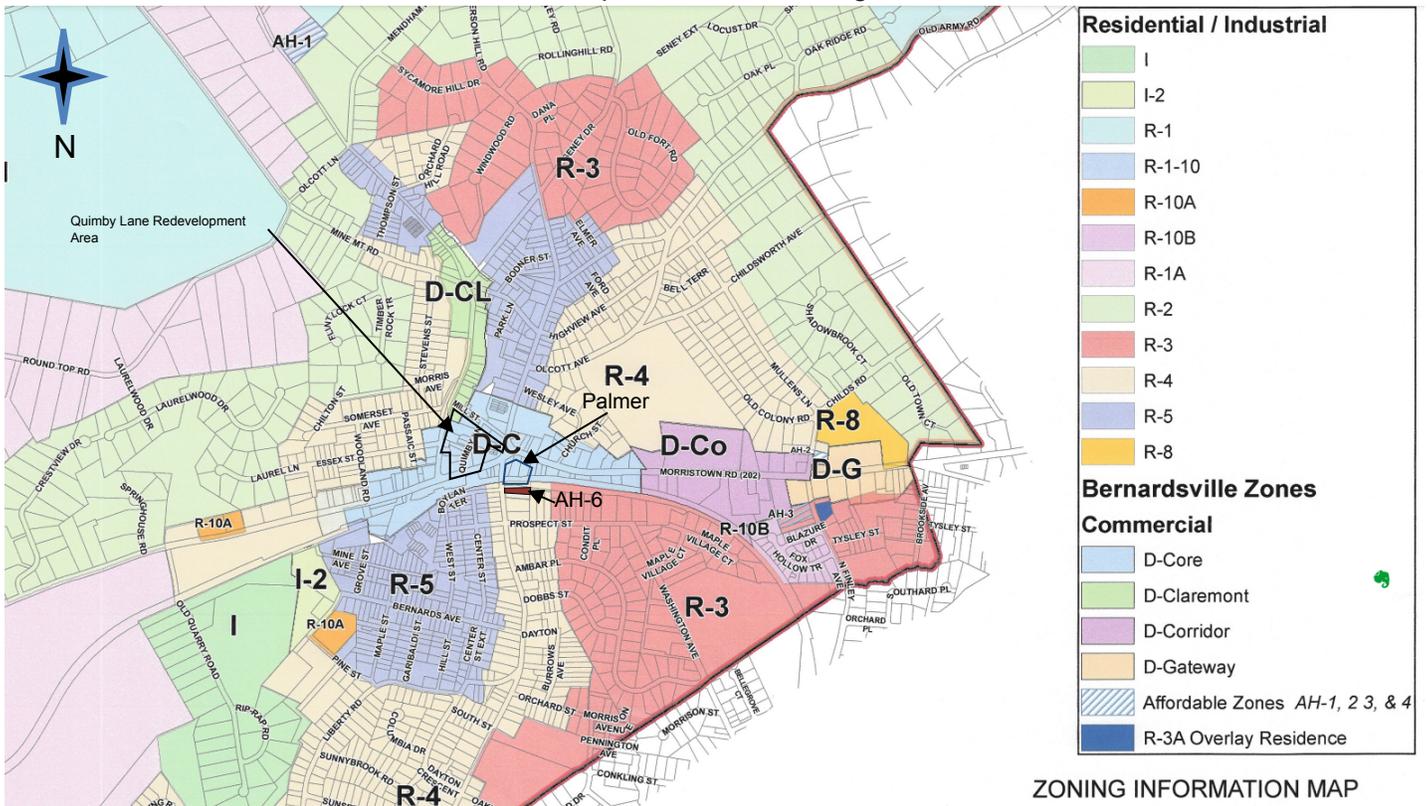


Source: NJDEP GeoWeb

Current Zoning

As shown on the accompanying zoning map, Palmer Square is located within the Downtown Core or DC, Zone. The Study Area is adjacent to the newly created AH-Zone 6, Affordable Housing Zone (the former Amerman Parking Lot) to the south but is separated from this zone by the NJ Transit rail line. The Quimby Lane Redevelopment Area is located approximately 500 feet to the west of Palmer Square and the Downtown Claremont, D-CL Zone is situated further to the north.

Map 4 – Current Zoning



Source: Bernardsville Zoning Map

The Study Area is located in the D-C, Downtown Core Zone the purpose and intent of which is:

The Downtown Core sub-district encompasses the heart of downtown Bernardsville. The district is centered around Olcott Square at the intersection of Mine Brook Road, Mt. Airy Road, Anderson Hill Road, and Morristown Road. The district features a variety of building types, but generally buildings are built close to the sidewalk with parking located behind. The intent is to preserve the historic character of the area and to ensure new development is compatible. The district also includes the area around Quimby Lane, an area the Borough envisions to be redeveloped with a mixture of uses and the character of a European village.

Pursuant to § LD-12-12.6 of the Borough Land Development Regulations, permitted uses within the D-C Zone include a variety of retail and commercial services as well as artisan manufacturing, educational institutions,

financial institutions, restaurants including outdoor dining, theatres including community centers and museums. Residential townhouse and multifamily development including within a mixed use building is also permitted.

Area and bulk regulations are highlighted in the following table:

Table 2: D-C District Bulk Standards
Area & Bulk Regulations

Minimum/Maximum Front Yard: Non-residential (ft)	2/5
Minimum/Maximum Front Yard: Residential (ft)	5/10
Minimum Rear yard (ft)	5/20*
Minimum Side Yard (ft)	0/5*
Minimum Frontage Buildout (%)	80
Maximum Lot Coverage (%)	90
Maximum Building Height Stories	3
Maximum Building Height to Eave (ft)	40
Maximum Building Height to Parapet (ft)	45

*When adjoining a residentially zoned property.

Furthermore, the Downtown Zone standards highlighted above is a performance-based approach to land use regulation that incorporates numerous design standards to encourage downtown development in a comprehensive manner in order to create an attractive downtown area that is walkable, vibrant, active and safe.

CONSISTENCY TO OTHER PLANS

RELATIONSHIP TO BOROUGH OF BERNARDSVILLE MASTER PLAN

Land Use Plan

The Borough of Bernardsville Planning Board conducted its last comprehensive master plan reexamination in 2016 which culminated in the adoption of a master plan reexamination report on December 15, 2016 entitled Borough of Bernardsville 2017 Master Plan Reexamination. The 2017 Reexamination Report reviewed the Borough's 2000 Comprehensive Master Plan as well as subsequent elements that were added to the plan including the 2004 Environmental Resource Inventory adopted on October 28, 2004, the Stormwater Management Plan adopted on March 5, 2005, the Housing Plan Element and Fair Share Plan adopted on November 17, 2005 and subsequently a new Housing Plan adopted on May 20, 2010.

The 2000 Master Plan as amended included a Downtown Plan that provided the following recommendations:

1. *Encourage private building façade enhancement which can include for example, new facades, new color-coordinated signage and new canopies.*
2. *Coordination of public and private parking areas to increase shopper parking by connecting parking areas and provide pedestrian accessways to both the front and rear of stores and to sidewalks.*
3. *Promotion of the greening of the downtown by introducing mini-parks at strategically located visible sites. Provide a pedestrian greenway from the Borough Hall through the downtown and ultimately to connect to Jockey Hollow Park.*
4. *Study of the Mill Street/Quimby Lane area with the aim of improving the streetscape, connecting parking areas and introducing new land uses.*
5. *Encourage the NJDOT to enhance the railroad station building and parking area. Streetscaping improvements in front of the station property are also needed.*
6. *Requiring screening of all front yard parking areas.*
7. *Coordination of the recommendations herein with the land use plan element.*
8. *Seeking of State funding for the downtown improvement grants including enhancement of the railroad station neighborhood and reduction of traffic congestion.*
9. *Develop a downtown center vision plan, based upon the coordinated vision of merchants, landowners, government and citizens.*

As a result of the identification of the Borough's downtown as a Town Center in the State Plan, the 2017 Reexamination also introduced new goals and policies specific to downtown development that were adopted by the Planning Board which included the following:

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

While the 2017 Reexamination Report identified goals related to downtown development, no specific recommendations were offered to guide redevelopment of the Borough's downtown to implement the goals of the master plan as recommended by the report.

The 2017 Reexamination Report also acknowledged the Borough's constitutional obligation to provide for affordable housing consistent with the New Jersey's Supreme Court Mount Laurel decisions and indicated that the Borough was in the process of preparing a Housing Element and Fair Share Plan (HE&FSP). Subsequently, the Borough adopted a HE&FSP on August 23, 2018 and was granted a judgement of compliance and repose by the New Jersey Superior Court.

The Borough authorized the preparation of a draft downtown zoning ordinance prepared by Common Ground Urban Planning And Design dated September 23, 2019 which ultimately resulted in the adoption of a new comprehensive Downtown zoning ordinance creating four (4) separate downtown districts and downtown design guide in 2020. A master plan reexamination report and amendment to its land use element was adopted in 2020 specifically to recognize and incorporate the land use changes to the downtown area resulting from the Borough's actions.

Subsequently, the Borough authorized the investigation of 65 Morristown Road, also referred to as the Audi site, and Quimby Lane for potential designation as redevelopment areas pursuant to the New Jersey State Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (LRHL). The Borough has designated the Audi site as an area in need of redevelopment and adopted a redevelopment plan for the property on July 13, 2020. The Borough ultimately also designated the Quimby Lane area as an area in need of redevelopment and adopted a redevelopment plan for the area on October 13, 2020.

A review of the Borough's master plan documents supports the redevelopment of the Palmer Square site for mixed commercial and residential inclusionary development as consistent with the master plan goals outlined above. Such development would in fact, promote and implement the goals of the Borough's master plans which have consistently identified the need to promote the Borough's downtown as a vibrant, pedestrian friendly civic center for the community incorporating both

commercial and residential uses. As outlined above, the Borough has taken significant actions to rezone the downtown area in a comprehensive manner that specifically permit the type of mixed-use development contemplated and to be permitted by this redevelopment plan.

Housing Element and Fair Share Plan

The Borough entered into an agreement with the Fair Share Housing Council in settlement of the Borough's its third-round affordable housing obligation in 2017 and adopted a Housing Element and Fair Share Plan (HE&FSP) on May 24, 2018 as amended on August 23, 2018.

Among the guiding principles and goals of the Borough's HE&FSP, the redevelopment plan is consistent with and implements the following core ideals:

Guiding Principle 1: Respond to the changing needs of the County's population by encouraging a broad range of housing types at all levels of affordability.

Guiding Principle 2: Create healthy, attractive, walkable neighborhoods with proximity and access to jobs, cultural and recreational amenities, services and transportation choices.

2A. Enhance in-town living and retrofit the suburbs by adding neighborhood amenities and enhancing community assets such as infrastructure, schools, recreation, historic and cultural amenities (particularly within Priority Growth Investment Areas where additional residential growth is encouraged).

2B. Maintain and enhance the existing housing stock.

2H: Ensure the architecture and design of new housing enhances surrounding areas and includes pedestrian amenities.

Guiding Principle 3: Align housing policies and strategies with the principles of regional and local smart growth and sustainability

3A. Guide residential and mixed-use infill and redevelopment into areas where existing infrastructure, employment, services and other community assets are concentrated (i.e. Priority Growth Investment Areas).

3E. Encourage residential densities that support transit expansion in areas served by existing transit and where transit improvements are planned.

3F. Encourage development patterns that allow residents to reduce the costs associated with auto-ownership; total vehicular trips and travel time; as well as vehicular pollution and traffic congestion.

Guiding Principle 4: Maximize the dynamic relationship between housing supply, quality of life and the strength of the economy.

4B. Use residential and mixed-use redevelopment to return underutilized and vacant properties to productive use and catalyze community revitalization.

RELATIONSHIP TO MASTER PLANS OF ADJOINING MUNICIPALITIES

The redevelopment area does not adjoin any municipal boundaries and will therefore, not impact any adjoining municipal master plans.

RELATIONSHIP TO HIGHLANDS COMPREHENSIVE MASTER PLAN

Palmer Square is located within the designated “Planning Area” of the Highlands. However, the Borough has opted not to participate in the Highlands master plan consistency process and therefore, the proposed redevelopment plan is not impacted by Highlands Commission regulations within the planning area.

RELATIONSHIP TO THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN & STRATEGIC PLAN

The proposed redevelopment plan is consistent with the goals and objectives of the State Development and Redevelopment Plan (SDRP) adopted in 2001. The redevelopment area is located within the Suburban Planning (PA-2) Area. The goals of the PA-2 area is predicated upon a number of broad goals and objectives. These include the following:

1. *Conserve natural resources and systems;*
2. *Promote beneficial growth, development and renewal for all residents of New Jersey;*
3. *Ensure sound and integrated planning and implementation standards.*
4. *Promote growth in Centers and other compact forms and thereby protecting the character of existing stable communities;*
5. *Reverse the current trend toward further sprawl; and*
6. *Revitalize cities and towns.*

The State Planning Commission has since prepared an updated State Strategic Plan on November 14, 2011 which, to date has not been adopted. The plan calls for directing investment into Priority Growth Investment Areas, which were formerly designated Planning 2 Areas in the previous State Plan. These areas are characterized by mature settlement patterns, lack of vacant land and redevelopment opportunities and such are appropriate for revitalization, stabilization, and promoting growth while protecting the character of the existing community. The plan also states:

These Priority Growth Investment Areas should be supported at all levels of government and, where appropriate, government should consider ways to remove barriers for suitable private and public investment.

The Palmer Square redevelopment plan is consistent with the goals and strategies identified in both the State SDRP and draft 2011 Strategic Plan.

RELATIONSHIP TO SOMERSET COUNTY MASTER PLAN

Somerset County adopted its County master Plan in 1987 which identified the following goals and objectives relevant to this Redevelopment Plan:

To relate development activities to long-range trends and the essential utilities and services necessary to support future development in an economical and environmentally-sound manner.

To focus future development opportunities in and around logical areas of existing development by encouraging a variety of housing types, convenient employment opportunities, and investments in utilities and transit facilities in defined areas. The effort should be to prevent further sprawl development by increasing the capacity and efficiency of existing core areas of development in order to attract and accommodate new development.

To protect and enhance significant historic, cultural and archeological sites and structures.

Somerset County updated its planning documents when it adopted the Somerset County Investment Framework Map in 2014 which identifies Local Priority Areas (LPA) for investment. An LPA is defined as:

Local Priority Areas (LPAs) are a subset of AGIAs. These are distinct small town and village centers, some of which have been designated by the NJ State Planning Commission, and existing/emerging employment nodes, that have limited growth opportunities due to their scale, historic character, environmental and access constraints and municipal preferences. Job retention and community sustainability are high priorities within LPAs.

As a supplement to its investment framework map, the County released a report entitled “Supporting Priority Investment in Somerset County Phase III Study” which evaluated the Bernardsville LPA within the context of a “Town Center Sub-Area” and recommended optimizing the use of upper floor space above the ground floor.

Finally, the County adopted a Comprehensive Economic Development Strategy (CEDs) in 2013 which targets economic development strategies to the economic development priorities of the County. Of particular note are the strategies identified for Primary Focus Area 2 which references the re-use of significant properties encompassing the following goals:

Identify and prioritize significant properties for re-use to formulate incentives and resources that facilitate productive occupancy.

Enhance the competitiveness of existing occupied and vacant commercial buildings by encouraging and incentivizing energy conservation and efficiency upgrades.

The Palmer Square redevelopment plan is entirely consistent with the County’s master plan objectives and investment strategies as outlined above by repurposing existing development and promoting mixed use commercial and residential development within a town center setting readily accessible to mass transit, serviceable by existing infrastructure in a manner that will revitalize the downtown core area of the Borough as envisioned by the County’s master plan documents.

REDEVELOPMENT PLAN DETAILS

The Palmer Square redevelopment plan is intended to promote and permit the redevelopment of the property for mixed-use development where commercial uses occupy the first floor with residential development above supported by below grade parking.

The redevelopment plan identifies development regulations designed to enhance the use of the site for such development with zoning and design requirements that promote the appropriate development in a manner consistent with goals and vision of creating a vibrant, diverse and pedestrian friendly town center.

These regulations shall serve as the redevelopment plan for the area, which shall be referred to as the **PS-R, Palmer Square Redevelopment Zone** for Block 125, Lots 1, 2 and 3 as indicated in Map 2. The purpose and intent of this district is to allow for a development of multifamily inclusionary development in a manner that is compatible with the surrounding land uses and appropriate for the designated redevelopment area. This Redevelopment Plan shall supersede all use, area and bulk provisions of the Zoning Ordinance (Land Development Regulations LDAO, LD-1 et. seq.) of the Borough of Bernardsville regulating development within the zone. In all situations, where development regulations are not specifically addressed herein, the Borough of Bernardsville Zoning Regulations shall remain in effect. Final adoption of this Redevelopment Plan by the Borough Council shall be considered an amendment of the Borough of Bernardsville Zoning Ordinance and Map.

PLAN COMPONENTS

Description of the PS-R, Palmer Square Redevelopment Zone. The PS-R, Palmer Square Redevelopment Zone shall include the following parcels: Block 125, Lots 1, 2 and 3. , which together shall be treated as a single, unified Lot for purposes of the requirements, standards and guidelines hereinbelow

Plan Goals. The primary goal of the Palmer Square Redevelopment Area is to:

1. Promote the redevelopment of the site to enhance the downtown as the commercial and civic center of Bernardsville.
2. Facilitate redevelopment of the site with an attractive, high-quality mixed-use development that is compatible with the surrounding downtown core area in a manner that will enhance the community's downtown in recognition of the site's designation as an Area in Need of Redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law.
3. Enhance the physical characteristics of the downtown through sign, façade, and streetscape improvements.
4. Encourage architectural design that is consistent with the historic character of Bernardsville.
5. Provide opportunities for affordable multifamily housing in accordance with the Borough's constitutional obligation to do so pursuant to the New Jersey Supreme Court Mount Laurel decisions.
6. Address existing pedestrian and traffic circulation concerns in order to create a safe, pedestrian friendly environment and to promote walkability throughout the downtown core area.
7. Accommodate growth within areas having existing infrastructure and proximity to mass transit.

8. Encourage the efficient use of land within areas of existing communities consistent with the Borough's State and County planning policies.

Purpose. The purpose of this district is to promote mixed-use commercial and residential redevelopment that implement the goals of the redevelopment plan outlined above pursuant to the PS-R regulations enumerated herein.

Definitions.

Definitions. The following definitions shall apply solely to Palmer Square Redevelopment Area. Terms contained in this section shall govern where they are in conflict with the other sections of the Land Development Ordinance except where terms are not defined herein, the definitions contained in Article 1, Section 1-3.2 shall apply:

ARTICULATION: Treatment of a building facade through the use of offsets, recesses, Attachments, and/or Openings to reduce the mass of the facade.

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

ATTACHMENT: A structure, excluding signage, attached to the facade of a building.

BALCONY: A covered or uncovered occupiable platform attached to a building facade.

BAY WINDOW: A space with windows that projects outward from a building facade and forms a recess within.

BELOW GRADE PARKING: Structured parking, the highest finished floor of which is located below the Predevelopment Grade.

CEILING: The upper finished surface of a story.

ENTRANCE: An opening intended for the entry or exit of pedestrians in a building.

FACADE: The face of a building.

FACADE, BLANK: The portion of a facade per story that is permitted to have no Articulation or Opening.

FRONTAGE: The area between a building facade and a street, including built and planted elements. Private Frontage is located between a building facade and lot line adjacent to a street. Public Frontage is located in the street right-of-way adjacent to a lot line.

LOT COVERAGE: The percentage of lot area that is covered by impervious cover.

OFFICES: Shall include co-working spaces.

OPENING: A window or door within a building facade.

PARAPET: A low protective wall along the edge of a building roof.

PARKING STALL: A parking stall for vehicles with a minimum dimension of nine (9) feet by eighteen (18) feet with a minimum 24-foot backup aisle for 90-degree parking and 14-foot backup aisle for parking angled at 45 degrees.

PORCH: A covered; occupiable platform attached to a building facade near grade level.

PREDEVELOPMENT GRADE: the predevelopment grade to determine building height is hereby established at a base grade elevation of 408-feet.

PRINCIPAL BUILDING: A building in which the primary use on the property is conducted.

ROOF: The structure forming the upper covering of a building including parapet walls.

STOOP: A covered platform attached to a building facade near a building entrance.

STORY: A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it as follows:

Any finished floor surface entirely above the established predevelopment grade shall be counted as a story, except that a basement shall be considered to be a story above grade where the finished surface of the floor above the basement is:

1. More than six (6) feet above the existing grade; or
2. More than six (6) feet above existing grade for more than fifty (50%) percent of the total building perimeter; or
3. More than twelve (12) feet above grade at any point.

STREET, PRIMARY: Morristown Road.

STREET, SECONDARY: Mount Airy Road.

TRANSPARENCY: The portion of the building facade made up of openings.

Deviation from Standards Defined.

- a) Deviations from standards relating to bulk, building placement, building height, building articulation, building transparency, parking, lighting and signage standards shall be deemed zoning requirements requiring use or variance relief pursuant to N.J.S.A. 40:55D-70(c).
- b) Deviations from design standards relating to architecture, frontage and miscellaneous guidelines shall be deemed design standard exceptions pursuant to N.J.S.A. 40:55D-51.

Principal permitted uses. Uses permitted within the PS-R Zone shall be limited to the following:

1. Artisan manufacturing (including distilleries and micro-brewing).
2. Educational institutions.
3. Financial institutions including banking facilities excluding drive-thru service which is prohibited.
4. Business and professional offices.
5. Outdoor dining as regulated pursuant to the PS-R regulations.
6. Personal Care Services.
7. Recreational type uses such as health clubs, spas and boutique exercise class providers, boutique gaming facilities, arcades, dance and art studios.
8. Residential-multi-family (including within a mixed-use building).
9. Restaurants and cafes excluding drive-thru service which is prohibited.
10. Retail sales.

Permitted accessory uses.

1. Any use which is ordinarily subordinate and customarily incidental to the principal permitted uses.
2. Surface and below grade parking.
3. Signs as permitted by ordinance.
4. Amenities for residential use including but not limited to rooftop amenities.

Residential Development Requirements.

The total number of residential units permitted in the PS-R Zone shall not exceed 68-dwelling units. Compliance with the Borough's affordable housing obligation shall be subject to the terms and conditions contained within the approved developer's agreement between the designated developer and Governing Body prior to application for site development as required by this redevelopment plan.

Area and Bulk Requirements.

Lot area, external yard and bulk requirements.

- | | |
|---------------------------------------------------------------|---------|
| 1. Minimum lot area (acres): | 1.0 |
| 2. Minimum distance between buildings (feet): | 0 |
| 3. Minimum setbacks from external lot lines (feet): | |
| 4. Front yard (feet): | 0* |
| 5. Side yard (feet): | 0* |
| 6. Maximum number stories and building height (stories/feet): | 4 /40** |
| 7. Maximum impervious lot coverage (percent): | 90 |
| 8. Maximum building length on street frontage (feet): | 200 |

* Provided that the sidewalk meets the minimum requirements set forth herein

**height shall be measured from the Predevelopment Grade to building eave of a sloped roof or top of a flat roof (inclusive of the parapet wall). Except as provided herein under Building Height, in no event

shall any portion of a building exceed the height of 55 feet for a slope roof or 45 feet for a flat roof (including a parapet wall).

Nuisances.

No retail, restaurant, outdoor dining area, or office in any building shall use any noisemaking instruments such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices which are so situated as to be heard outside any building at a level exceeding 65 decibels during daytime and 50 decibels between 10:00 p.m. and 7:00 a.m. No smoke, dust, fumes or objectionable odor shall be emitted from any building. The display of merchandise on the exterior premises of any building is prohibited, except as to sidewalk sales as provided herein.

Placement of Buildings.

1. Front setbacks from a street shall be measured from the property line. Front and side yard setbacks are measured at a right angle from the adjacent property line. As the redevelopment is a corner lot the redevelopment site shall have two front yards as they front the right-of-way. The remaining yards shall be considered side yards and there shall be no rear yard applicable to the development.
2. Attachments as permitted herein may encroach into setbacks as applicable by sub-district subject to the following maximums:
 - a) Awnings: 5 feet
 - b) Balconies: 5 feet
 - c) Bay Windows: 5 feet
3. Minor elements such as accessory utility structures, mechanical equipment, fences, walls, driveways, walkways, and uncovered stoops and porches may encroach into all setbacks but not across property lines.

Building Height.

1. Building height shall be measured in stories and feet. The measurement of building height in feet shall be made using the defined predevelopment grade which is set at elevation 408. Building height from the predevelopment grade will be measured to the bottom of the eave on a sloped roof or the highest point of the roof surface of a flat roof including a parapet wall.
2. Any finished floor surface entirely above the established predevelopment grade shall be counted as a story, except that a basement or structured parking shall be considered to be a story above grade where the finished surface of the floor above the basement is:
3. More than six (6) feet above the existing grade; or
4. More than six (6) feet above existing grade for more than fifty (50%) percent of the total building perimeter; or
5. More than twelve (12) feet above grade at any point.

6. Non-occupiable roof elements such as spires, cupolas, chimneys, cell antennas, and similar structures may exceed the maximum height requirements by no greater than 20%.
7. Stairways to the roofs, rooftop shade structures, and rooftop mechanical equipment including solar panels may not exceed the maximum height requirement by more than 10 feet and shall be set back from building facades a minimum of 10 feet. All roof structures, facilities and improvements shall have aesthetic quality consistent with the design standards applicable to the structure as a whole and shall be appropriately screened but in no event shall exceed 60%.
8. Minimum story height requirements shall be measured from the top of the finished floor to the floor above.
9. Minimum ground floor elevation requirements shall be measured from the top of the adjacent sidewalk.
10. Fencing as required by building codes for terraced roofs is permitted but may not exceed the minimum height required by the building code.
11. Accessory Building Height Requirements:
 - a) Maximum Stories: 2
 - b) Maximum Height: 30 feet

Building Façade Standards.

1. Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block
2. Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only
3. Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal

Building Articulation. Articulation requirements shall be met in one or more of the following methods:

1. Façade offset with a minimum depth of 2 feet that extends to within 2 feet of the full height of the façade.
2. Façade projection or recession with a minimum depth of 4 inches and a minimum width of 1 foot that extends the full height of the first story of the façade.
3. Variation in building or parapet height of a minimum 2 feet for single story buildings and 4 feet for buildings with 2 or more stories.
4. The use of multiple roof forms to create the effect of different building components.

Permitted Building Attachment Standards. Permitted building attachments shall include awnings, canopies, balconies, bay windows, chimney, porches and stoops subject to the following requirements:

1. Awnings/canopies shall have a minimum clear height above a sidewalk of 9 feet and a minimum depth of 5 feet.
2. Balconies shall have a minimum clear height above a sidewalk of 9 feet and a minimum clear depth of 5 feet.
3. Bay windows shall have a maximum projection of 5 feet from a facade.
4. Chimneys shall have a maximum projection of 3 feet from a facade.
5. Porches shall have a minimum clear depth of 6 feet excluding steps.
6. Stoops shall have a minimum clear depth of 4 feet.

Building Transparency.

1. Transparency shall be measured by dividing all the transparent surface areas of windows and including doors by the total facade area of a street-facing story.
2. Storefronts which become vacant shall be cleaned of all trash and debris at the front display windows. The property owner or tenant shall install a temporary painted, or otherwise decorated screen that shall obscure all display windows upon the premises to prevent visual exposure of the areas behind the screen. The top of the screen shall be not less than six feet above the adjacent sidewalk area.
3. Primary Street Ground Level – Non-residential: Minimum 70%/Maximum 80%; Maximum sill height at window 2 ½ feet; For non-residential uses, located within a building designed to resemble a single-family residential building type with a porch frontage, required transparency may be reduced to 20%.
4. Secondary Street Ground Level - Non-residential: Minimum 20%/Maximum 80%
5. Primary Street Ground Level – Residential: Minimum 20%/Maximum 60%
6. Secondary Street Ground Level – Residential: Minimum 15%/Maximum 60%
7. Upper Level: Minimum 15%/Maximum 50%

Sidewalks.

A 9-foot sidewalk as measured from the top edge of the curb face shall be provided. Where the sidewalk along a property frontage is less than 9-feet, the front facade must be setback an additional distance to ensure a 9-foot minimum clear sidewalk width.

Parking. Parking shall be required for new development or changes in use according to the table below:

<u>USE</u>	<u>REQUIRED PARKING</u>
Residential:	1.5 sp/unit
Nonresidential uses except restaurants	1 sp/300 square feet
Restaurants	1 sp/4 seats

1. Shared parking, where possible, shall be encouraged so as to result in fewer overall parking spaces. The Planning Board may grant reasonable concessions from the above standards where sufficient evidence is provided to the Board that shared parking will not negatively affect the availability of on-site parking at any given time pursuant to a shared parking plan to be submitted per Item 5 below.
2. Parking demand shall be subject to continued review upon completion of development such that any application for a change in occupancy shall include a parking demand analysis demonstrating compliance with the approved development plan prior to the issuance of any certificate of occupancy for the commercial space or any part thereof. In the event that parking demand cannot be satisfied onsite, an application to the Planning Board for amended site plan approval shall be submitted for review.
3. Parking setbacks are measured at right angles to the adjacent property line.
4. Required parking, with the exception of required accessible spaces, may be located off-site, if located within 600 feet from the primary pedestrian entrance. Off-site parking shall be located on private property and not on publicly owned land and shall be subject to a long-term lease acceptable to the Borough.
5. A shared parking plan may be approved by the Planning Board for a mixed-use project when uses are located near one another and have different peak parking demands and operating hours, based upon a shared parking analysis prepared and presented by a qualified New Jersey licensed professional engineer.
6. Cross access between adjacent parking areas is required when technically feasible.
7. Electric Vehicle Parking (EV) charging facilities shall be provided in accordance with §LD-12-23.24 however, the EV parking credit is already factored into the total project parking demand and no further credit will apply. The placement of EV charging facilities shall conform to all building code standards. The location of EV charging stations shall also be subject to the review and recommendation of the Borough Volunteer Fire Department.

Driveways.

The residential driveway for access to parking areas shall be located on Morristown Road. The placement of the driveway shall be at the furthest point from the intersection of Morristown Road and Mount Airy Road subject to approval by the Borough Engineer as to final placement and design. Any driveway or vehicle access from Mount Airy road shall be limited to loading and unloading for the commercial and residential spaces and not provide access to residential parking areas subject to further time and use restrictions as deemed by the Planning Board.

Loading Areas.

A designated loading area shall be provided onsite only and shall be suitable to address commercial and residential deliveries and to accommodate move in/out as approved by the Planning Board.

Sidewalk Sales.

Sidewalk sales shall be permitted within the PS-R District, not to exceed more than nine (9) days during each calendar year per business, which days shall be authorized by the Borough Clerk subject to the following standards:

1. Goods and merchandise may be displayed only upon a sidewalk area immediately in front of the business establishment selling same and in such a manner as to permit the free flow of pedestrian traffic on the sidewalk at a minimum width of 48 inches.
2. Goods and merchandise shall be of the same type and quality as that ordinarily maintained and sold by the business establishment conducting the sale.
3. Goods and merchandise shall be displayed in such manner as to permit sales to pedestrians on sidewalk areas. Sales shall not be conducted or made to pedestrians walking or standing in streets, roads or other areas where motor vehicles ordinarily travel.
4. No advertising signs larger than twelve inches by twenty- four inches shall be utilized in sidewalk sales.
5. Business establishments adjacent to parking areas may set aside portions thereof by clearly marking some and restricting the areas to sidewalk sales. Booths or other displays shall be located in such a manner as to permit the free flow of traffic through the area.
6. Sidewalk sales shall be restricted to the hours of 9:00 a.m. to 6:00 p.m., prevailing time.
7. The use of public address systems, bells, music, auctioneers or other devices or activities not otherwise utilized by business establishments in the ordinary course of business shall not be permitted in conjunction with sidewalk sales.
8. The location of booths and other merchandise displays along sidewalks and in parking areas shall be subject to approval by an authorized member of the Police Department of the Borough of Bernardsville and an authorized member of the Fire Department of the Borough of Bernardsville. Any party failing to comply with a written directive from either of the agencies shall be deemed to be in violation of this section.

Outdoor Dining.

Outdoor Dining shall be permitted within the PS-R District as accessory to an existing indoor restaurant only subject to the following regulations:

1. No outdoor table, shelf or other facility to hold food or drink while the same are being consumed shall be permitted in any nonresidential zone except in accordance with this paragraph.
2. The dining area must be on private property. If any portion of the dining area is on a sidewalk over which the public has a right-of-way, an unobstructed passage not less than four (4) feet wide must be left between the dining area and any street, structure, hydrant, lamppost, highway signpost or other obstruction. No portion of the dining area may be closer than four (4) feet to any fire lane, parking lot or loading dock. No portion of any required parking space or loading dock shall be converted to dining area.
3. The dining area shall be surrounded by a defining barrier not less than two (2) feet high such as landscaping, a fence or ropes and posts. If any portion of the dining area is within ten (10) feet of any area used by vehicles and less than two (2) feet above such area, the barrier shall be designed to protect the dining area unless the same is protected by trees or other means. Any immovable portion of the barrier, or any permanent roof, arbor, platform or similar structure shall be considered a site improvement for the purpose of Section 12-12.4, Administrative Procedures, requiring site plans proposing site improvements to be drawn by a licensed person. The placement of tables and chairs in the dining area and the provision of passages through the barrier shall not obstruct entry to or exit from any building. Folding chairs are prohibited. No advertising or product names are permitted on any tablecloths, chairs or umbrellas in the dining area.
4. Outdoor dining area hours and date of operation subject to local ordinance. If no ordinance is in place use of the dining area shall not be permitted after 10pm or before 6:00 a.m. Sunday through Wednesday. Outdoor dining shall not be permitted after 11:59 pm or before 6:00 am Thursday through Saturday.
5. Convenient containers for trash and recyclables shall be provided. The operator of the dining area shall keep it clean, sanitary and free from litter.
6. With the permission of the Board of Health and/or the Fire Department as to the maximum number of people in the indoor and outdoor spaces, the restaurant may serve indoor and outdoor diners simultaneously.

Signage.

Signage shall be permitted as regulated pursuant to §12-23-15 of the Borough's Land Development Code.

Emergency Power

Emergency power sufficient to provide interim power to the residential portion of the development shall be provided in the event that electrical service to the development is interrupted. This requirement shall include the running of conduits to each unit within the proposed development.

Architectural Standards.

Architectural standards for development shall be guided by and be consistent with the “Bernardsville Zoning District Guidebook” as referenced in Ordinance No. 2020-1852 adopted by the Borough on October 13, 2020.

Architectural and Site Design Guidelines Specific to the District. The following specific design guidelines shall also apply:

1. Unless otherwise specified, the standards in this section apply to all facades that face a street or public open space and side facades for a minimum depth of 20 feet
2. Buildings shall be generally oriented so that a primary entrance(s) faces the primary street or public open space.
3. Building entrances (excluding service access or emergency egress) shall be defined by a roof covering or by being recessed.
4. Buildings shall be generally built parallel to the street frontage. If the street frontage is not straight, facades shall be generally built tangent to the street frontage.
5. Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.
6. Street-facing facades shall be composed so that the rhythm of ground floor attachments and openings harmonizes with the rhythm of attachments and openings on upper stories.
7. Buildings on corner lots, shall address both streets with openings or the following attachments: porches and bay windows. For the purpose of this standard, a lane or alley is not a street.
8. Miscellaneous Guidelines. Buildings and related elements should be arranged in a manner to indicate the pattern of base, body or shaft, and cap.

Facades

1. Building facades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2 feet), or inside corners.
2. The following materials are prohibited:

- a) E.I.F.S.
 - b) Faux brick, stone, or similar faux masonry panels.
 - c) Vinyl siding
3. Building facades may include horizontal siding, vertical siding with flush joints, stucco, and medium-density overlay plywood (MDO) as an accent material in gables, dormers, and bay windows.
 4. Horizontal siding shall be lap, shiplap, drop, or shingle-style.
 5. Materials, other than masonry, shall be painted, stained, or have a factory-applied finish.
 6. Buildings shall be limited to two colors, excluding accent colors. Colors shall be earth tones from white through natural "red."
 7. Parking structure facades shall incorporate appropriate materials, openings, and detailing and be configured in a manner so as to resemble a building with active uses.
 8. Miscellaneous Guidelines. Natural materials are encouraged. Materials intended to represent natural materials should be minimized.

Openings

1. Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.
2. Openings in masonry walls or walls with masonry veneer shall include brickmold casing.
3. Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.
4. Openings in Parking Structure facades may remain open without windows.
5. With the exception of transoms and decorative windows, windows shall be square or vertically proportioned and rectangular in shape. The grouping of individual windows to create a horizontal banding effect is permitted as long as the width of the banding does not exceed 1/2 of the length of the facade.
6. Adjacent windows shall be separated a minimum of 2 in.
7. Windows and doors shall have clear glass.
8. Window muntins, if included, shall be true divided lites or simulated divided lites fixed on the interior and exterior surfaces of the window and shall create panes of square or vertical proportion (as tall as wide or taller than wide).

9. Shutters, if included, shall be the same height as the window, and 1/2 the width of the window. Small windows may have one shutter that is the full width of the window. Shutters shall be operable or designed and installed as if they were operable including hardware.

10. Miscellaneous Guidelines

- a) Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.
- b) Openings above should be equal in size or smaller than openings below.

Roofs

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

Attachments. Attachments shall comply with the following standards:

1. Awnings and canopies shall not be internally illuminated.
2. Balconies shall not be fully enclosed.
3. Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.
4. Chimneys shall extend to grade.
5. Drive-through facilities shall be designed to match the architecture of the principal building the facility is attached to.
6. Porches may be enclosed with glass or screens; however, glass enclosures are not permitted on porches that face a street or public open space.
7. Posts and columns shall be generally classically ordered and include a base or pedestal, shaft, and capital. The base of posts, columns, and pedestals shall generally align with the face of the

foundation wall directly below. The outside face of porch beams shall generally align with the face of the top of the column.

8. The above standards shall not preclude the provision for outdoor dining.
9. Miscellaneous Guidelines
 - a) Porches should have square or vertically proportioned openings.
 - b) Balcony, porch, and stoop railings between balusters should have both top and bottom rails.

Screening Requirements

1. Utilities visible to the general public shall be appropriately screened with either landscaping or other decorative means.
2. Retaining walls shall be constructed of or clad in brick, stone, or stucco.
3. Decorative walls and fences shall be of a material similar to the facade material of the principal building on the lot.
4. All dumpsters, trash receptacles, and refuse storage containers visible to the public right-of way shall be located within an enclosure providing screening, unless located adjacent to a loading dock at the rear of the building. Enclosure shall meet one of the following standards:
 - a) A decorative masonry wall with a minimum height of 6 feet on three sides and a gate on the fourth side. The gate shall be constructed with an opaque, non-masonry material. The construction materials of the wall shall match materials used on the principal building located on the same lot.; or
 - b) Medium-sized evergreen shrubs shall be arranged, planted a maximum of 6 feet on-center, around the perimeter of the pad area except the side where access is located. This landscaping requirement does not apply when the enclosure is an architectural extension of a principal building.
5. Utilities serving the development shall be placed underground except for transformer pads, utility boxes, and HVAC facilities if not roof mounted. All proposed ground-mounted equipment (i.e., transformers, air conditioner units, etc.) within view from a street shall be screened by evergreen shrubs. Medium-sized evergreen shrubs shall be arranged around the boundary of the equipment and planted a maximum of 4 feet on-center. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening. In no case shall mechanical equipment be allowed along street frontage(s).
6. Plant materials should be native, drought-tolerant species. Invasive plant species are prohibited.

Stormwater Management

Stormwater management shall be provided in accordance with Chapter 22, Stormwater Regulations.

Sustainability

Sustainable techniques and practices such as, but not limited to, recycling, green roofs, and solar power, are encouraged to be included in development proposals.

Frontages

1. **Public Frontage Guidelines.** Public frontages include the area within the public right-of-way. For development and redevelopment that requires improvements to the public right-of-way, the following standards should guide the design of frontages. Actual design may vary depending on the width or condition of the sidewalk and whether an owner or developer is required to improve the sidewalk along the frontage of the development.
 - a) **Sidewalk and Tree Grate.** The Sidewalk-Tree Grate public frontage maximizes the walkable zone and pedestrian amenity zone by maximizing paved area and including street trees in tree grates. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within 5-foot tree grates that include sufficient planting area for tree roots below grade.
 - b) **Sidewalk and Planter.** The Sidewalk-Tree Planter public frontage attempts to balance walkability with streetscaping. Street trees are located in planters that can aid in stormwater infiltration as well as provide additional area for tree growth and supplemental plantings. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within 5 foot by 8-foot minimum planters. Supplemental plantings in planter may include grasses, low shrubs, perennials, and groundcovers.
 - c) **Sidewalk and Planting Strip.** The Sidewalk-Planting Strip public frontage maximizes the planting area for street trees. It should be used in areas where pedestrian activity is anticipated to be the lightest. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within a minimum 5-foot-wide planting strip.
2. **Private Frontages.** Private frontages include the area between the public right-of-way and the building face. The following standards should guide the design of frontages as required by this
 - a) **Shopfront.** The shopfront features buildings close to the sidewalk, shopfront windows, at street level, and most often active uses on the ground floor.
 - b) **Forecourt.** The forecourt is similar to the Shopfront in that buildings are typically built close to the sidewalk, but recesses are permitted to accommodate elements such as outdoor dining or small courtyards.

- c) Stoop. The stoop is common on residential- type buildings built close to the sidewalk. It is shallow, covered, and typically raised above the sidewalk.
- d) Porch. The porch is common on residential- type buildings that have a shallow yard between the building and sidewalk. Porches are deep enough to function as a covered outdoor extension of the building.
- e) Parking. The parking frontage acknowledges that certain areas may require parking between the building and the street. Such parking is typically limited and is screened from the sidewalk by a year- round landscaped buffer.
- f) Yard. The yard is simply a deeper lawn between the face of the building and the sidewalk. The lawn typically contains turf grass but may include landscaping and trees.

Lighting

1. Security Lighting. Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
2. Commercial Lighting. Where used for commercial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:
 - a) Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - b) Other upward directed architectural, landscape or decorative direct light emissions shall have at least ninety (90) percent of their total distribution pattern within the profile of the illuminated structure.
 - c) Externally illuminated signs including commercial building identification or other similar illuminated signs, shall comply with the following:
 - i. Top mounted light fixtures shall be shielded and are preferred.
 - ii. When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
 - iii. All other outdoor lighting shall use shielded light fixtures.
3. Floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
4. Foundations supporting lighting poles not installed four (4) feet behind the curb, shall not be less than 24 inches above ground.

5. When fifty percent or more of existing outdoor light fixtures are being replaced or modified, then all lighting must be made to conform to the provisions of this section.
6. Light Trespass (Nuisance Light). All light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:
 - a) At a height of five (5) feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 foot-candles in a vertical plane on residentially zoned property.
 - b) Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.
 - c) Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

Soundproofing. The architectural design of the buildings shall incorporate soundproofing measures designed to attenuate noise generated by the redevelopment site's proximity to an active rail line.

Administration.

1. Applicability. The standards and procedures contained herein within Administration, shall apply to all projects within the designated redevelopment area.
2. Computations. Rounding: Where cumulative requirements or limitations are to be computed for purposes of this Plan, fractions shall be carried forward in the summation, and the total rounded to the nearest whole number.
3. Other Actions by the Borough in Furtherance of the Plan. Other actions may be taken by the Borough to further the goals of the Plan. These actions may include, but shall not be limited to, provisions for public infrastructure necessary to service new development and vacation of public utility easements and other easements and rights-of-way as may be necessary for development. Unless otherwise agreed to by the designated Developer and the Borough as part of a Redevelopment Agreement, the costs for such actions shall be apportioned in accordance with N.J.S.A. 40:55D-42.
4. Approval process.
 - a) No development shall occur within the designated redevelopment area without the designation of a developer by the Borough.
 - b) Upon designation of a developer, the developer shall enter into a Redevelopment Agreement with the Borough. Only designated developers with an executed Redevelopment Agreement with the Borough shall have standing to submit application to the Borough Planning Board for

development. No development nor application for development may occur within the Redevelopment Area without an executed Redevelopment Agreement.

- c) At the time of the redevelopment agreement, the designated Redeveloper shall provide site plan details to the Governing Body for consideration which shall also include details concerning the number and sizes of units with bedroom and bathroom counts.
- d) Upon the execution of a Redevelopment Agreement with the Borough, an application shall be made to the Borough Planning Board for Site Plan approval in accordance with the Redevelopment Plan.
- e) Site Plan and Subdivision Review. Prior to commencement of construction, site plans for the construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) and consistent with the applicable attachments to the Redevelopment Agreement, shall be submitted by the Designated Developer for review and approval by the Borough Planning Board. If there is a material change to the attachments to the Redevelopment Agreement, such material changes must be approved by the Council as a prerequisite to site plan approval.
- f) A detailed traffic analysis shall be prepared and submitted by a qualified New Jersey licensed engineer whose primary practice is in the area of traffic engineering as a requirement for any site plan application filed in connection to any redevelopment project pursuant to d) above. The traffic analysis will detail traffic generation and any required improvements to the public right of way as a result of proposed development.
- g) Excepting de minimis field changes to an approved site plan approved by the Borough Construction Code Official, no construction or alteration to existing or proposed buildings shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during, and after completion of the improvements.
- h) The Designated Developer shall be required to provide the Borough with copies of all permit applications made to federal, state and county agencies upon filing such applications, as may be required by the Redevelopment Agreement to be executed between the Redeveloper(s) and the Borough.
- i) Deviations. The Planning Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason for exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective, or regulation adopted pursuant to this Redevelopment Plan would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan

and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b.

- j) Notwithstanding the above, any changes to the uses permitted in this Rehabilitation Area, or any other deviation requiring a "d" variance shall be permitted only by means of an amendment of the Redevelopment Plan by the Governing Body.
- k) Redevelopment Actions. The Borough shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to relocate residents and businesses, to designate Redevelopers, establish clear terms and conditions for rehabilitation through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.
- l) Relocation Requirements. The Redeveloper will comply with any applicable New Jersey law or regulation applicable to relocation of tenants within the Redevelopment Area.
- m) Escrows. The Redevelopment Agreement shall provide that the Designated Developer shall be responsible to post sufficient escrows to cover the reasonable costs of the Borough and the professional consultants retained by the Borough to negotiate the Redevelopment Agreement, any other agreements associated with the project, undertake any studies in connection with the project, review the proposed project and advise the Borough on any and all aspects of the redevelopment process and as otherwise set forth in the Redevelopment Agreement.
- n) Infrastructure. In accordance with N.J.S.A. 40:55D-42 or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, provide all necessary engineering studies for, and construct or install all on-and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with traffic control measures, water service, sanitary sewer service, stormwater management, and flood mitigation measures to the project, in addition to all required tie-in or connection fees subject to appropriate credits as required by law. In accordance with N.J.S.A. 40:55D-42, or as may otherwise be required by the Borough and agreed to by the Redeveloper in the Redevelopment Agreement, the Redeveloper shall, at Redeveloper's cost and expense, also be responsible for providing all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on-and off-site traffic controls and road improvements for the project or required due to the impacts of the project. The Redeveloper shall be required to receive all necessary approvals for infrastructure, including at the County and State level as applicable.
- o) This Redevelopment Plan may be amended from time to time upon compliance with the requirements of state law and a request for same may be submitted to the Borough Council. The Borough of Bernardsville reserves the right to amend this plan. The Redeveloper shall remit an

escrow for professional fees if it requests a Plan amendment, while the Borough shall bear its own professional fees if the Plan amendment request originates from the Borough or an agency of the Borough. The Borough, at its sole discretion, may require the party requesting the amendments to prepare a study of the impact of such amendments, which study must be prepared by a professional planner licensed in the State of New Jersey and other additional professionals.

- p) The provisions of this Redevelopment Plan specifying the redevelopment of the Palmer Square Redevelopment Area and the requirements and restriction with respect thereto shall be in effect for a period of fifty (50) years from the date of adoption of this Redevelopment Plan by the Borough Council.
- q) Certificate of Completion. Upon completion of a project, the developer shall submit for a Certificate of Completion.
- r) Land Use Map Amendment. The adoption of this Redevelopment Plan or any amendments thereto shall automatically allow for any necessary modifications to the official Borough of Bernardsville Land Use Map to ensure consistency between the two documents.
- s) Other Applicable Design and Performance Requirements. Any design or performance standards not addressed within this Redevelopment Plan shall rely on the applicable design and performance standards set forth in the Land Development Code of the Borough Of Bernardsville.