



# Redevelopment Plan

**65 Morristown Road  
Block 125, Lot 13  
Bernardsville, NJ**

Topology | 60 Union St #1N Newark, NJ 07105

**TOPO  
LOGY**

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# 1. INTRODUCTION

In recent years, the Borough of Bernardsville has undertaken steps to promote the redevelopment of properties in and around the Borough's core to create a more vibrant and attractive downtown. This Redevelopment Plan sets forth a vision and standards for the transformation of the property at 65 Morristown Road (Block 125, Lot 13) in a manner intended to advance these efforts. Through implementation of this Redevelopment Plan, the Borough will facilitate development that is reflective of priorities detailed in previous planning documents and sentiments expressed in previous community engagement efforts.

The redevelopment of 65 Morristown Road was initiated in 2019, when the Borough Council determined that the site met the statutory criteria for designation as an "area in need of redevelopment" pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. The corresponding resolution is included in this Redevelopment Plan as Appendix D. 65 Morristown Road (Block 125, Lot 13), the sole property governed by this Plan may henceforth be identified as the "Site," "Area," or "Property". Figure 1 below illustrates the location of the Morristown Road Redevelopment Plan within the context of the Borough.

## 1.1. Redevelopment Area Context Map



Figure 1: Redevelopment Area

## 1.2. Plan Overview

This Redevelopment Plan establishes parameters for conversion of the site, currently a vacant auto dealership, into a development that will contribute to the vitality of downtown Bernardsville, improve the public realm, and introduce high-quality architecture. The eventual project will make more efficient use of this strategically situated site in a modern, sustainable, and attractive manner.

The site is particularly important to the economic well-being of Bernardsville and has several locational assets. It is in close proximity to downtown, Bernards High School, and nearby commercial amenities, and is situated in a visible location along US-202 between the Borough's downtown core and I-287. Despite these assets, the property is shallow and abuts the NJ Transit rail right-of-way to the south. As a result of its locational assets and geographic limitations, the Property requires context-sensitive solutions that provide benefits in the daily life of the community. It is the intent of this plan to propose a solution that mitigates these limitations while leveraging the site's assets.

The Plan allows for the site to be redeveloped in multiple ways, including the construction of a new three story building, the reuse of the existing structure, or the creation of a new public park with an accompanying structure. While the Plan permits a range of configurations, it is the Borough's strong preference that the redevelopment of the property result in a building with a ground floor restaurant or retail use that contributes to the vitality of the downtown and provides an amenity for residents and visitors. The Borough's preference is reflected in additional density permitted for structures that include ground floor retail or restaurant uses and flexible parking standards for these uses. Redevelopers pursuing a project under this plan are highly encouraged to take advantage of these incentives in furtherance of a project that reflects the Borough's stated preference.

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

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

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

## **2. LOCAL REDEVELOPMENT AND HOUSING LAW**

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

The Area was designated by the Borough of Bernardsville as an “Area in Need of Redevelopment” in accordance with the LRHL in 2019. The corresponding resolutions designating the properties as an “Area in Need of Redevelopment” are included in Appendix D.

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

### **3. RELATION TO OTHER PLANS**

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

- Local Master Plan
  - 2004 Amended Master Plan
  - 2017 Master Plan Reexamination
- Surrounding Communities’ Master Plans
- Adjacent County Master Plan
- Somerset County Master Plan
- NJ State Development and Redevelopment Plan
- NJ State Strategic Plan
- NJ Smart Growth Principles



## 4. SITE DESCRIPTION

### 4.1. Property Area + Location

The site is bound by Morristown Road (US-202) to the north, a bank to the east, an auto body shop to the west, and the passenger rail right-of-way for NJ Transit's Gladstone Branch to the south. The site is near a variety of commercial businesses, Bernards High School, Olcott Square, and the Bernardsville Train Station. Site access is provided via Morristown Road/US-202, a major commercial thoroughfare that provides a direct connection to I-287, a major regional transportation asset.

Figure 2 below displays the subject Property.

### 4.2. Project Area Map



*Figure 2: Area Subject to the Redevelopment Plan*

### 4.3. Property History

Sanborn maps of the area from 1909 show that the area of Morristown Road (then Main Street) around the property was lightly developed at the time. Buildings in the area appeared to serve mainly agricultural purposes and included a lumber shed; a building for hay, straw, and horses; and a building to store grain and feed. These Sanborn maps are included in Figure 3 below.

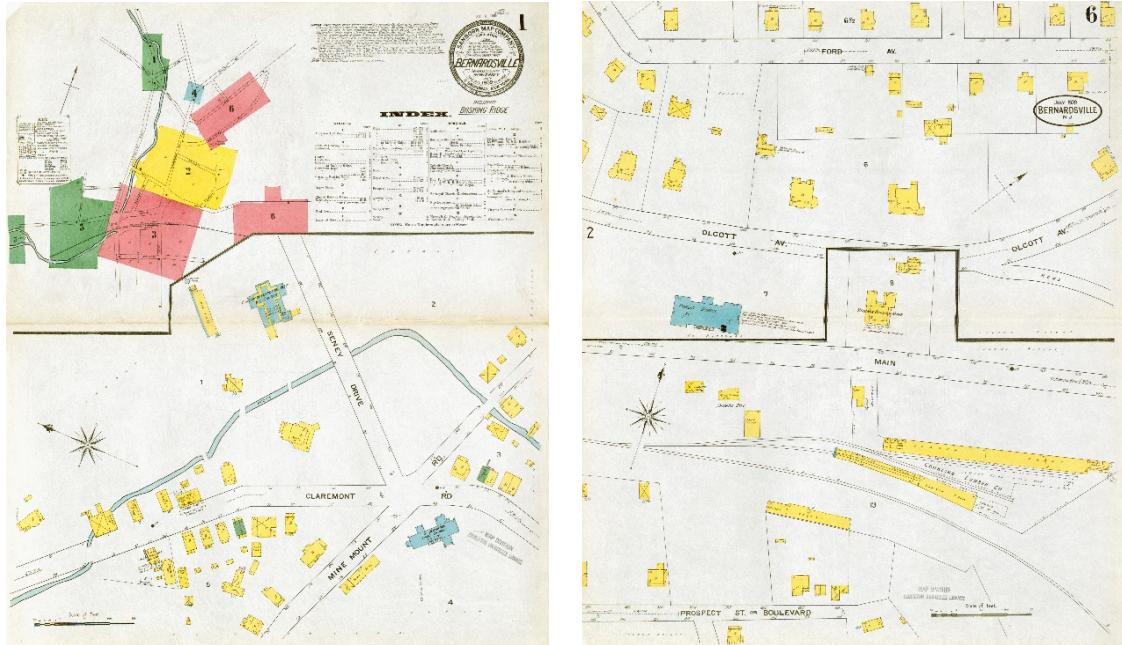


Figure 3: Historic Sanborn maps from 1909 showing development in the vicinity of the site.

During the second half of the twentieth century, the site was used almost exclusively as an automobile dealership. This use was consistent with the evolution of post-war land use patterns in Bernardsville and Somerset County towards automobile-oriented uses. Based on a review of Borough records, the site has been operated for the sale of various automobile brands in recent decades, including Pontiac, Porsche, and Audi. The most recent automobile tenant, Audi, vacated the site in October 2015. After Audi vacated, the property was briefly used for retail sales, specifically the sale of antiques, but has been vacant since the Fall of 2015. In recent years, the Assessed Value of the property was reduced as a result of a tax appeal. Specifically, the property's improvement value has been reduced from \$845,000 to \$108,000, and the cumulative value was reduced from \$1,480,000 to \$700,000. The reduction was due to a modification to the improvement value which reduced the value from \$845,000 to \$108,000, or a change of 87.2%.

#### 4.4. Existing Conditions

##### 4.4.1. Existing Development

The property is currently developed as an automobile dealership and includes a showroom space, service area, parts areas, wash bay, storage areas, break rooms, and an office.

The property is a trapezoid, listed in the Borough's tax records as measuring 0.43 acres. Based on plans filed with a 2007 Planning Board application for internal modifications, the building has 5,540 square feet on the first floor and 1,380 square feet on the second floor, for a total of 6,920 square feet. A sewer connection plan from June 19, 2018 shows an existing cesspool in the southwestern corner of the site. Pervious and landscaped spaces are negligible, as unoccupied space on the property is paved for circulation and parking.

Based on the condition of the property, the site was declared a condemnation area in need of redevelopment by the Borough Council via a resolution approved on December 19, 2019. Factors contributing to the site being determined to be in need of redevelopment included the condition of the building, persistent vacancy, excessive land coverage, and obsolescent improvements. The report supporting the resolution identified, among other things that the building on the property met the criteria of generally "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.”

#### **4.4.2. Existing Zoning**

The property is in the Borough’s C-1 Commercial District. Relevant provisions of the Borough’s zoning ordinance for the C-1 district are listed below.

*Permitted uses are:*

1. *Retail sales and services such as:*
  - a. *Stores*
  - b. *Shops*
  - c. *Business and Professional Offices*
  - d. *Restaurants*
  - e. *Banks*
  - f. *Theaters*
  - g. *Newspaper Offices*
  - h. *Printing Establishments*
  - i. *Recreational Instructional Studios*
2. *The above uses on the ground floor combined with upper-story studio and 1-bedroom residential units.*

*Permitted accessory uses are:*

1. *Accessory uses customarily incident to the above retail and service uses.*
2. *Accessory uses for new and used automobile sales and displays:*
  - a. *Repair and preparation of automobiles wholly within a building.*
  - b. *Storage areas for repaired or to-be-repaired automobiles screened from adjacent properties. All automobile display and storage areas shall be paved.*
  - c. *Used car sales displays outside the confines of the building only when all of the following requirements are complied with:*
    - i. *The area devoted to the accessory used car sales is no larger than the showroom floor area of the building in which the principal use of the premises is conducted.*
    - ii. *The area devoted to the accessory used car sales is surfaced with an asphalt, bituminous or cement binder pavement which shall be graded and drained to dispose of all surface water.*
    - iii. *Any lighting connected to the accessory used car sales is arranged as to reflect the light downward away from all adjoining properties and streets and complies with subsection 9-10.1e.*

*Conditional uses are:*

1. *Institutional Uses*
2. *Public Utilities*
3. *Public Garages*
4. *Hotels*
5. *Outdoor Dining*

*General required conditions are as follows:*



*Maximum height:*

- *The lesser of two (2) stories or 30', if both stories are used for permitted business or commercial uses.*
- *The lesser of three (3) stories or 35', if used for business or commercial use in the first story and residential above.*

*Parts of yards not used for parking shall be landscaped as required by the Planning Board, including special fencing or landscaping approved by the Planning Board to hide the property from residential zones. The maximum impervious coverage is 85%.*



Figure 4: Existing zoning in and around the Redevelopment Area.

#### **4.4.3. Neighborhood Context and Mobility**

The property lies in a transitional area along Morristown Road between more intense, downtown-style uses to the west and less intense, automobile-oriented uses to the east. Because of its location, the property serves as an important gateway to downtown.

The core of downtown Bernardsville, located west of the site, is comprised primarily of two-story commercial and mixed-use buildings with street frontage. Notable downtown landmarks nearby include Olcott Square (roughly 0.3 miles west of the site) and the Bernardsville Train Station (roughly 0.5 miles west of the site).

East of the site, uses are mixed but generally more suburban than those found towards the downtown. Immediately to the east, development along Morristown Road is auto-oriented and includes much surface parking. Despite the auto-oriented design, their proximity to the site makes them easily accessible for pedestrians. Uses include shopping centers, retail, office space, banks, gas stations, and an automobile dealership. Two supermarkets (King's and ShopRite) are within .25 miles of the site and within easy walking distance.

Further east, between the intersection of Madisonville Road and Morristown Road and the approach to I-287 at Morristown Road and N Maple Ave, development

becomes less intense and has significant setbacks. Residential uses become interspersed with commercial, which remain auto-oriented.

The areas to the north and south of the site are primarily comprised of residential neighborhoods, including the Olcott Avenue Historic District to the north. The Olcott Avenue Historic District was added to the National Register of Historic Places in 2009 and is noted for its mixture of architectural styles prominent in the early twentieth century, including Colonial Revival, Tudor Revival, Eclectic Revival, Craftsman, and Shingle styles.<sup>1</sup> Bernards High School and affiliated uses are also located directly north of the site.

The site has connections to regional transportation via highway, bus, and rail, and as noted, an entry to I-287 is accessible roughly 1.5 miles from the site. Transit access is provided at the Train Station, which is serviced by the Gladstone Branch of NJ Transit and provides passenger rail service west to Gladstone and east to Summit, with Lakeland Bus Lines providing commuter bus service to and from the Port Authority Bus Terminal in Manhattan. The closest stop to the property is 0.1 miles to the east on Morristown Road.



Figure 5: Morristown Road Redevelopment Plan Area and neighborhood context.

#### 4.4.4. Property Restrictions + Considerations

- **Topography + Slope:** The topography on the site generally slopes down as it moves away from Morristown Road. A review of Borough documents shows that the elevation of the property varies from 95.9 feet in the southeastern corner to 103.1 feet at the northwestern corner. While this topography does not pose any unique difficulties for development, it should be incorporated into the project to enhance design features.
- **NJ Transit Right of Way:** The property abuts the NJ Transit Right of Way. Redevelopment must be compliant with Transit regulations for development adjacent to rail rights of way, specifically as they relate to catenary wires.

<sup>1</sup> Olcott Avenue Historic District, National Register of Historic Places Registration Form, Section 7, Page 3



- **Morristown Road/US-202:** As noted, the property is adjacent to Morristown Road/US-202, one of the most trafficked roads in Bernardsville, running through Downtown Bernardsville and providing access to I-287. Redevelopment of the site must be considerate of two key elements relating to Morristown Road.

First, effective vehicular circulation on this road is essential to the vitality of the downtown and the businesses along the road. As a result of traffic along US-202, any development proposed via this Plan must include a Traffic Impact Study noting impacts on circulation, specifically relating to left turns in and out of the site, unless otherwise waived. The terms of the Traffic Impact Study are detailed in Section 5.4.

Second, redevelopment of the site must significantly improve the streetscape along Morristown Road. Presently, the streetscape in front of the site has a poorly defined curb line, no sidewalk, and no plantings. Required streetscape improvements are detailed in Section 5.3.

## 5. PUBLIC PURPOSES

### 5.1. Goals + Objectives

- **Blight elimination**
  - Protect the health, safety, and welfare of the citizens of Bernardsville by redeveloping underutilized and stagnant properties that could more effectively contribute to the well-being of the Borough.
  - Eliminate non-compatible land uses such as a vacant auto dealership and blighting conditions that led to the property being declared an area in need of redevelopment
- **Introduce active uses that promote downtown as the commercial and civic center of Bernardsville**
  - Facilitate economic development by providing framework necessary to create spaces that allow new and existing local businesses to thrive.
  - Bring increased vitality and foot traffic to downtown Bernardsville by contributing to the residential and commercial critical mass needed to support and maintain retail, businesses, events, and specialized programs throughout downtown.
- **Promote a development pattern that supports multiple modes of transportation**
  - Develop circulation patterns and infrastructure necessary to balance the needs of vehicles, pedestrians, and cyclists.
  - Provide sufficient parking but hide parking in the rear to support the viability of alternative means of transportation.
  - Design site access and curb cuts in a way that does not adversely affect vehicular or pedestrian circulation.
- **Create a pedestrian friendly-atmosphere**
  - Act as a “first-mover” project converting auto-oriented properties on the edges of the Borough’s core into pedestrian friendly downtown uses.
  - Incorporate pedestrian-oriented street elements that can improve safety and increase the opportunity for interaction, including adequate street lighting, public benches, picnic areas, bicycle parking facilities, art installations, street trees, crosswalks, associated safety signage, and other various streetscape elements.
- **Introduce high-quality architecture that is consistent with the historical character of Bernardsville**
  - Use rigorous design standards to ensure architecture is reflective of Bernardsville’s current and historic aesthetic.
  - Encourage the development of iconic architecture that respects the existing neighborhood fabric and provides a visual gateway to downtown Bernardsville.
- **Incorporate green infrastructure + sustainable design**
  - Incorporate street trees and green infrastructure elements into planned building and landscaping designs to reduce runoff and improve local water quality.
  - Encourage the use of sustainable building standards and materials to reduce environmental impact.

- **Enhance the physical characteristics of downtown through sign, façade, and streetscape improvements**
  - Develop and enforce façade and signage design standards that result in development in harmony with the character of Bernardsville’s most attractive structures.
  - Mandate public realm improvements that create a safer and more attractive streetscape.
- **Create expanded and equitable housing options**
  - Increase the inventory of rental housing options in and around downtown Bernardsville.
  - Establish a mixture of affordable and market-rate units to ensure accessibility to a households at a range of income levels.

## **5.2 Affordability**

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

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

## **5.3 Streetscape Improvements**

Creating a safer and more hospitable pedestrian environment is crucial to the success of any project pursued under this Plan. To that end, Redevelopment shall incorporate streetscape improvements that reflect the prioritization of the pedestrian experience. Streetscape improvements shall include street trees, lighting, defined curb lines, and sidewalk construction. The Redeveloper should integrate the streetscape with the proposed project by creating clear pedestrian entrances to the project that are accessible from the sidewalk, and by creating opportunities for outdoor gathering areas and attractive landscaping. Specific parameters for streetscape improvements are included in Section 6.5.

## **5.4 Traffic Impact Study**

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

Morristown Road between Olcott Square and N Finley Avenue shall be studied within the required traffic study (the “Traffic Study Area”). The following intersections shall be analyzed:

- Morristown Road and N Finley Avenue
- Morristown Road and Olcott Square
- Morristown Road and Church Street

This study shall include, but shall not be limited to, an assessment of existing off-site features within the Traffic Study Area (as defined above):

- Traffic control devices
- Pedestrian crossings and sidewalks

If existing off-site features are determined to be deficient, mitigative traffic calming measures will be proposed. This study shall also assess the turning movements proposed from the site onto Morristown Road. Specifically, the traffic study shall assess the feasibility of making left turns into and out of the site and the impacts on Morristown Road of permitting these turns.

Should the study identify material adverse impacts compared to current service levels caused by traffic associated with the proposed redevelopment, a remedy for the issue will be proposed. The Planning Board may, at their discretion and based upon the testimony of an appropriate professional, waive the requirement for a TIS.

### **5.5 Surrounding Properties**

This Redevelopment Plan solely governs the land use regulations for Block 125, Lot 13. Should a potential Redeveloper secure control of additional contiguous properties, the Borough would consider commissioning studies to determine whether these additional sites qualify as area(s) in need of redevelopment. If these sites were to qualify, the Borough would consider amending this Redevelopment Plan to incorporate the additional parcels. This multi-property approach was previously assessed by Somerset County in their report “Supporting Priority Investment in Somerset County Phase III Study.”

## **6. LAND USE (SEE APPENDIX C FOR DEFINITIONS)**

### **6.1. Land Uses**

- Permitted Principal Uses
  - Mixed use
  - Restaurant, coffee Shop/cafe
  - Restaurant, food hall
  - Restaurant, liquor licensed
  - Restaurant, sit-down
  - Apartment building
  - Artisan manufacturing (including distilleries and micro-brewing)
  - Art Gallery
  - Park
  - Retail business
  - Community center
  - Performing arts theater
  - Arcade
  - Co-Working
- Permitted Accessory Uses
  - Outdoor dining
  - Co-Working
  - Shadow box art
  - Roof deck or terrace in connection with a restaurant
  - Any uses that are customary and incidental to permitted principal uses
- Permitted Conditional Uses
  - Fitness Center, Publicly Accessible if part of a mixed use building
- Prohibited Uses
  - Financial institution
  - Beauty salon
  - Pharmacy
  - Convenience store
  - Drive through
  - Sexually Oriented Business
  - Tobacco/vape store
  - Automotive rental
  - Automotive repair and sale
  - Automotive share
  - Self-service storage facility
  - Check-cashing facility
  - Any uses not specifically permitted herein



## 6.2. Bulk, Density, and Placement Standards

- **Lot Requirements:**

Minimum Lot Area, Square Feet	17,000
Maximum Coverage, Improved	90%
Maximum Building Coverage	55%*

\*Unless Retail/Restaurant bonus is applied.

- **Placement Standards**

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

Setback from:	
Front yard (Morristown Road)*	16' minimum/22' maximum**
Side yard	10' minimum per side, 30' total
Rear yard (minimum)	10'

\*Front yard setback measured from curb line.

\*\*Front yard setback shall accommodate streetscape and public space improvements as detailed in Section 6.5.

- **Height:** The maximum height of the building as measured to the bottom of the eave shall be 35'. The maximum height as measured to the top of the parapet shall be 40'. The maximum number of stories in the building shall be three.
- **Active Ground Floor Uses:** At least 75% of building street frontage shall include permitted Active Ground Floor Uses.
- **Maximum Residential Density:** The maximum residential density shall be 30 units per acre, unless the Retail/Restaurant Bonus is applied.
- **Ceiling Height**
  - Ceiling height shall be measured from the top of the finished floor to the finished ceiling above.
  - Ground Level – 14' minimum
  - Upper Level(s) – 8' minimum
- **Retail/Restaurant Bonus:** For a mixed use building where any of the following ground floor uses occupy at least 80% of the gross ground floor area, the maximum residential density shall be 35 units per acre and the maximum building coverage shall be 60%:
  - Retail business
  - Restaurant, Coffee Shop/Cafe
  - Restaurant, Food Hall
  - Restaurant, Liquor Licensed
  - Restaurant, Sit-Down

### 6.3. Parking Requirements

- **Vehicular Parking Requirements**

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

Use	Required Parking
Artisan Manufacturing	1 spaces/1,000 sq. ft.
Residential	1.5 spaces/1 bedroom unit 2 spaces/2+ bedroom unit
Restaurants*	1 space/3 seats
Retail*	1 space/300 sq. ft.
Co-working**	1 space/300 sq. ft.
Fitness center**	1 space/300 sq. ft.

\*No parking shall be required for the first 2,000 sq. ft. of retail or restaurant space.

\*\*If use is provided as a component of a mixed use building and intended for both public and tenant use, as exhibited via reduced cost memberships for tenants or similar intervention, no additional parking shall be required.

- **On-site shared parking:** A shared parking plan may be approved by the Planning Board for a mixed-use project based upon a recommendation of a shared parking study by an appropriate professional.
- **Off-site parking:** Up to 50% of required residential parking may be located off-site in parking lots existing as of the date of this Plan associated with commercial uses. Up to 100% of required parking for restaurant or retail uses may be located off-site in existing parking lots associated with commercial uses. Off-site parking must be located within 500' of the primary pedestrian entrance. Accessible spaces may not be located off-site. If off-site parking is secured via recorded easement or agreement of 20 or more years in duration, it may be approved administratively. Absent the above, approval of off-site parking agreements shall be subject to the separate approval of the Planning Board. Off-site parking in existing commercial lots where the owner has previously received a variance to provide fewer spaces than otherwise required shall be subject to approval by the Planning Board. Redevelopers are encouraged to pursue off-site parking, particularly with adjacent property owners.
- **Tandem parking:** Up to 10 tandem parking spaces may be provided.
- **Mechanical parking:** Up to 16 mechanical parking spaces may be provided.
- **Parking Setbacks**

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

Setback from:	
Front yard (Morristown Road)	No front yard parking permitted
Side yard	5'*
Rear yard (minimum)	5'

\*No side yard parking shall be permitted to be closer to the curb than the building facade. Side yard parking shall comply with standards detailed in Section 6.5.

- **Bicycle Parking Requirements**

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

Use	Required Parking
Any	1 space/1,000 sq. ft.

- **Loading Requirements:**

A minimum of one loading space shall be provided.

#### 6.4. **Building Design Standards**

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



Figure 6: Buildings reflective of existing architectural character in downtown Bernardsville.

- **Generally**

- Building frontage shall be close to the sidewalk, with windows at street level and active uses on the ground floor. Examples of appropriate building frontages are included in Figure 8.
- All sides of a building within public view shall use the same materials and colors as the primary facades.
- Buildings shall be oriented so that a primary entrance faces Morristown Road.
- Primary entrances shall be defined by architectural features (canopy, portico, or similar).
- Buildings shall be generally built parallel to the street frontage.
- Street facing façades shall be composed so that the rhythm of ground floor attachments and openings harmonize with the rhythm of attachments and openings on upper stories.
- Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.

- The use of awnings and canopies at the first floor level is encouraged.
- Design should incorporate features consistent with architectural aesthetic of downtown Bernardsville and the nearby Olcott Avenue Historic district. These features may include pitched roofs, and architectural features like chimneys, dormers, canopies, or awnings. Examples of these features are included in Figure 7.



*Figure 7: Buildings in the Olcott Avenue Historic District exhibiting features typical of Bernardsville architecture.<sup>3</sup>*

- **Façades**
  - Building façades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2'), or inside corners.
  - Building façades may include horizontal siding, vertical siding with flush joints, stucco, and medium-density overlay plywood (MDO) as an accent material in gables, dormers, and bay windows.
  - Horizontal siding shall be lap, shiplap, drop, or shingle-style.
  - Materials, other than masonry, shall be painted, stained, or have a factory-applied finish.
  - Buildings shall be limited to two colors, excluding accent colors. Colors shall be earth tones from white through natural "red."
  - Natural materials are encouraged. Materials intended to represent natural materials should be minimized.
- **Openings**
  - Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.
  - Openings in masonry walls or walls with masonry veneer shall include brickmold casing.
  - Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.
  - With the exception of transoms and decorative windows, windows shall be square or vertically proportioned and rectangular in shape. The grouping of individual windows to create a horizontal banding effect is permitted as long as the width of the banding does not exceed 1/2 of the length of the facade.
  - Adjacent windows shall be separated a minimum of 2 in.

<sup>3</sup> Olcott Avenue Historic District, National Register of Historic Places,  
<https://www.flickr.com/photos/nationalregister/4169154453/in/photostream/>  
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- Windows and doors shall have clear glass.
- Window muntins, if included, shall be true divided lites or simulated divided lites fixed on the interior and exterior surfaces of the window and shall create panes of square or vertical proportion (as tall as wide or taller than wide).
- Shutters, if included, shall be the same height as the window, and 1/2 the width of the window. Small windows may have one shutter that is the full width of the window.
- Shutters shall be operable or designed and installed as if they were operable including hardware.
- Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.
- Openings above should be equal in size or smaller than openings below.



Figure 8: Renderings of proposed mixed-use buildings reflective of architectural styles envisioned by this Plan.<sup>4</sup>

- Roofs
  - Sloped roofs shall be a symmetrical hip or gable and have a minimum pitch of 8:12.
  - Eaves shall be continuous or include appropriate eave returns, unless overhanging a balcony or porch.
  - The ridge of the primary building should generally be oriented either parallel to or perpendicular to the street.
  - All gable and hipped roofs of a building, excluding ancillary roofs, should generally have the same slope where visible from a street or open space.
- Attachments
  - Permitted attachments include awnings, canopies, bay windows, and chimneys.
  - Awnings and canopies shall not be internally illuminated.
  - Balconies shall not be fully enclosed.
  - Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.
  - Chimneys shall extend to grade.
  - Posts and columns, if included, shall be generally classically ordered and include a base or pedestal, shaft, and capital. The base of posts, columns, and pedestals shall generally align with the face of the foundation wall directly below. The outside face of porch beams shall generally align with the face of the top of the column.

<sup>4</sup> "Downtown Darien Development, Robert A.M. Stern Architects, LLP, <https://www.ramsa.com/projects/project/downtown-darien-development>.



- The above standards shall not preclude the provision of outdoor dining.
- Balcony, porch, and stoop railings between balusters should have both top and bottom rails.
- Permitted Materials:
  - Permitted foundation materials
    - Brick masonry
    - Stone masonry
    - Cement-parged concrete block
  - Permitted primary façade materials
    - Brick masonry
    - Stone masonry
    - Stucco
  - Permitted façade accent materials
    - Cast stone
    - Wood
    - Fiber-cement trim, siding, and panels
    - Composite trim, siding, and panels
    - Wood siding/shingles
    - Architectural metal
- Building Articulation
  - Buildings shall be articulated to break up façades and ensure that long monotonous building frontages are not constructed.
  - The maximum length of an uninterrupted flat façade shall be 25’.
- Building Transparency
  - Building transparency shall be measured by dividing the area of windows and doors by the total façade area of a street facing story.
  - Ground levels shall have a minimum of 70% transparency and a maximum of 80% transparency.
  - Upper level floors shall have a minimum of 15% transparency and a maximum of 60% transparency.
- Vertical Rhythm:
  - Generally: The design of all structures shall incorporate a clear visual division between the base, middle and top as described below. These elements shall be established using cornice lines, windows, or similar horizontal architectural elements.
  - Building Base: The base is defined as the first story of the building. Building base and ground floor shall be clearly defined utilizing the following architectural elements:
    - Ground floor storefronts should be distinguished from upper floors. Use of a horizontal element such as a lintel or canopy allows for flexibility in storefront design without interruption of repeated vertical elements used in upper floors.
    - The relationship of width to height of windows and door openings at ground level should be visually compatible with openings in same building façade and/or other nearby or related structures.
    - Generally, massing should be oriented towards the base of the building.
    - Awnings/canopies are encouraged, particularly at primary entrances.

- Middle: The middle shall be defined as the space between the top and base portions of the building. This space may be broken up through the use of more subtle and subdued horizontal architectural elements.
  - Enclosed architectural projections (such as bay windows) up to five feet are allowed beyond the primary façade or projected façade components of the building, but minimum sidewalk width must be maintained.
  - At the discretion of the Planning Board, projections over five feet are allowed above the first story, so long as they do not project into the public right-of-way without the legal authority to do so.
  - No more than 30% of each façade may be comprised of projecting bay windows.
- Top: The top be defined as the top floor of the building. Appropriate cornice lines may enhance the top of the building. The top of the building may be differentiated in materials or staggered rooflines. Pitched or gabled roofs are encouraged.
- Vertical rhythm shall be defined utilizing the following techniques:
  - Awnings or canopies over ground floor entrances.
  - Differentiation between vertical components, as follows:
    - Materials
    - Masonry details
    - Color changes
    - Fenestration changes
    - Inclusion of pre-cast or masonry details to define columns, piers and keystones
    - Decorative gutters, downspouts and scuppers
    - Spacing of columns and piers
- Horizontal Rhythm:
  - Generally, all buildings shall incorporate elements that divide façade planes and create a visual play of light and shadow. Long, uninterrupted horizontal façades are prohibited
  - Horizontal rhythm may be created using the following design elements:
    - Uniformity and/or variety in fenestration patterns.
    - A balcony or bay window.
    - A change in the roofline by including chimneys or by alternating parapet heights.
    - A change in building materials that correspond to a change in the façade plane.
    - Differentiated lighting fixtures or similar architectural elements.
    - Landscape features such as trellises, trees, or other landscape features.
    - Shifting façade planes.
  - Rooflines: Rooflines shall be modulated with the remainder of façade and can be used as an effective horizontal rhythm technique. Pitched or gabled roofs are encouraged. For flat roofs or facades with a horizontal eave, fascia, or parapet, the roofline shall correspond with the modulation of the primary façade.

- Sustainability
  - Sustainable design strategies and materials are encouraged. Sustainable design strategies may include:
    - Low VOC paints and stains
    - Double or triple paned windows
    - LED lighting
    - Water harvesting for on-site irrigation
    - Recycled materials
    - Locally sourced materials
    - Sustainable energy systems or energy storage systems
    - Maximizing natural light
    - Green roofs

## 6.5. Site Design Standards

- Generally
  - Public and private realms should be integrated and connected.
  - Site design should be more reflective of downtown uses to the west of the site than auto-oriented uses to the east of the site.
  - All streetscape and landscape improvements shall be designed by a licensed Landscape Architect.
- Circulation
  - The primary access points to the building shall be located along the street.
  - Pedestrian pathways shall be provided from the street front and all parking areas to entrances.
  - Site layout shall allow for circulation in the rear of the property from the west to east side. If the existing building is being reused, this may require partial demolition.
  - Entry and egress shall be provided via driveways located generally at the eastern or western end of the site.
  - Potential circulation patterns may include two, one-way driveways, located at the east and west end of the site, or one, two-way driveway located at the east or west end of the site.



Figure 9: Streetscape with planting and pedestrian zones; parklets and outdoor dining to activate interstitial spaces.

- Streetscapes shall be comprised of the following elements
  - Sidewalk, Planting zone: The 4' closest to the curb line shall be comprised of a planting zone. The planting zone shall create a buffer against the roadway and include street trees or other plantings compliant with the parameters described below. Lighting may also be provided in the planting zone.
  - Sidewalk, Pedestrian zone: A dedicated pedestrian zone along the sidewalk shall be provided. The pedestrian zone will have a minimum unobstructed width of 8' at all points.
  - Interstitial spaces: Area between the pedestrian zone and building frontages shall be designed in a manner that integrates the sidewalk into the site's functionality. Direct pathways should be provided from sidewalks to pedestrian entrances. Interstitial spaces shall include vegetation and publicly accessible seating areas to be activated by ground floor uses including, but not limited to, outdoor dining or parklets. Interstitial spaces shall be designed using hardscaping and landscaping to complement the pedestrian and planting zones.
- Sidewalks
  - ADA compliant tactile pavers shall be used to define the edge of any service drive or driveways.
  - Tactile pavers shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.
- Street Trees
  - Pollution resistant street shade trees are to be planted along the street, at regular intervals pending species type, of 20' on center if a small street tree with a canopy spread up to 30' or spaced at 40' on center intervals if a medium or large tree with a canopy spread above 30'. Trees shall be a minimum of three-and-a-half (3.5) inches in diameter at breast height. The Planning Board shall approve species and location of trees.
  - Brick or Belgian block pavers at the perimeter of tree pits are encouraged.
  - Raingardens and/or bioswales in tree pits are encouraged.
  - Tree irrigation bags must be installed and maintained for at least six months after planting.

- Street trees should be coordinated with site lighting.
- Street Furniture
  - The use of street furniture in interstitial spaces is encouraged.
  - Any street furniture provided, including but not limited to benches, trash receptacles, and tables, shall be located such that a minimum of eight feet of unobstructed sidewalk remains for the safe passage of pedestrians.
  - The edge of any street furniture shall be at least two feet away from the curb face of the right-of-way.
  - Trash receptacles are to be provided at regular intervals along pedestrian walkways, including public rights-of-way, at a minimum of 100 feet on center. The use of compacting trash receptacles is encouraged.
  - Street furniture must be designed to accommodate people of all ages and abilities and be compliant with ADA requirements and New Jersey Barrier Free Subcode.
  - Developer shall propose a palette of furniture, fixtures, and finishes for seating that are consistent with the aesthetic of Bernardsville and the project.



*Figure 10: Existing buildings in downtown Bernardsville with attractive landscaping or active uses in interstitial spaces.*

- Lighting
  - Security Lighting: where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.
  - Commercial Lighting: where used for commercial purposes such as in merchandise display areas, work areas signs, or architectural, landscape, all light fixtures shall be equipped with automatic timing devices and comply with the following:
    - Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.
    - Other upward directed architectural, landscape, or decorative direct light emissions shall have at least 90% of their total distribution pattern within the profile of the illuminated structure.



- Externally illuminated signs including commercial building identification or other similar illuminated signs, shall comply with the following:
    - Top mounted light fixtures shall be shielded and are preferred.
    - When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.
  - All other outdoor lighting shall use shielded light fixtures.
- Floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.
- Foundations supporting lighting poles not installed four feet behind the curb, shall not be less than 24 inches above ground.
- Light Trespass (Nuisance Light): all light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:
  - At a height of five feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 foot-candles in a vertical plane on residentially zoned property.
  - Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.
- Light fixtures near adjacent property may require special shielding devices to prevent light trespass.
- All lighting must be made to conform to the provisions of this section.
- Landscaping
  - Landscaping shall be provided along property lines to create buffers with adjacent property uses. Buffers are intended to establish clear delineation between properties and to minimize the visual impacts between properties.
  - Landscaped beds, gardens, and planting strips must be incorporated into the plazas and public spaces, particularly in locations that separate vehicles from pedestrians and where blank façades or utilities are present.
  - Landscape buffers shall have a minimum height of 3’.
  - The use of green infrastructure, such as bioswales or rain gardens, is highly encouraged.
  - Landscaping and plantings should be consistent with species found throughout the Borough.
  - Shrubs, flowers, and ground cover should be designed to reduce expansive areas of mulch. Planting sizes and spacing should be provided for review and approval by the Planning Board.

- Stormwater
  - Construction in the Redevelopment Area shall generate zero net increase in peak flow volume and flow rate off site between pre- and post- construction conditions for the 2, 10, and 100-year storms. The use of green stormwater management is highly encouraged.
- Retaining Walls
  - Retaining walls may be required as a component of site improvements. If retaining walls are required, best efforts shall be made by the developer to minimize the impact of the walls on site design and circulation.
  - Retaining walls shall be constructed of or clad in brick, stone, or stucco.
  - Retaining walls should be designed in a manner that is harmonious with the balance of the site design. Efforts should be made to design retaining walls in an attractive manner through treatments like landscaping, art, or other interventions.
- Parking, Vehicular
  - No parking shall be permitted along the front of the lot.
  - All parking areas shall meet or exceed Americans Disability Act (ADA) standards.
  - Parking spaces shall measure nine feet wide by 18 feet deep.
  - Compact car spaces measuring eight feet wide by 16 feet deep, shall be permitted provided the total number does not exceed 20% of the total parking provided.
  - Vehicular access to parking facilities shall be located and designed to minimize conflicts with pedestrian circulation.
  - All parking plans must show structural support columns to accurately depict feasibility of parking spaces and drive aisles.
  - Parking lots shall be screened to the minimum standards: a compact hedge of evergreen shrubs, at least two ft. tall at planting, spaced to ensure closure into a solid hedge at maturity and canopy trees at a maximum of 30 ft. on center; an architecturally compatible opaque wall or fence; a seat wall at seating height; or a combination of the above.
    - If side yard parking is proposed, additional screening beyond the interventions detailed above may be required by the Planning Board to minimize the aesthetic impact. No perpendicular side yard parking shall be visible from the street.
  - At least one electric vehicle (EV) parking space shall be provided.
  - An increase of more than 10% of the required minimum parking shall constitute a deviation.
- Parking, Bicycle
  - Site plans shall show the proposed location of bike parking/storage facilities on the site and on the building floor plan design. A construction detail of the bike rack or facilities shall be provided by the redeveloper.



- Bicycle parking shall, at a minimum consist of a room within a building, a secure enclosure within a parking garage, or a similar setup providing similar security and protection from the elements. Facilities should be at least as protected and secure as any automobile parking provided.
  - Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.
- Loading + Utilities
  - Commercial service needs (trash storage, move-in, etc.) should be conducted indoors in a centralized location. Trash compaction is encouraged. If trash storage must be conducted outside, it should be fully enclosed in a masonry structure that complements the building architecture and be secured via visually solid gates.
  - When technically feasible, outdoor equipment shall be placed underground.
  - No front yard ground-mounted utility equipment is permitted.
  - Any 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 four ft. on-center. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening. In no case shall mechanical equipment be allowed along street frontage(s).
- Signage, Generally
  - Signs shall not be erected or maintained except in conformity with the provisions of this section.
  - Site plan applications made in furtherance of this Redevelopment Plan shall include note the location, dimensions, and materials of any proposed signage. All signage shall be subject to Planning Board site plan review and approval.
  - Sign erection permit required. No sign shall be constructed or displayed unless a sign erection permit shall have been obtained from the Building Subcode Official except those exempt under subsection 12-23.15.a.16 of the Borough Code.
  - Review and Approval Procedure: Applications for sign erection permits shall be filed with the Zoning Officer and Construction Official. Applications shall include sketches and description of proposed signs including dimensions, graphics, colors, materials and construction details. Any modifications including colors, wording or graphics of existing signs shall be submitted for review. Permits shall be issued for approved applications upon payment of the established fee. If a variance is required, a denial letter shall be issued which specifies the relief required.

- No sign shall be placed in such a position that it will cause confusion or danger to street traffic by obscuring the view or by simulating official, directional or warning signs maintained by any Governmental Body, railroad or public utility concerned with the protection of the public health or safety. This shall include, but not be limited to, any sign visible from the public right-of-way which uses an arrow device or simulates a stop sign or stop light.
- Signs advertising a use or a product shall be removed within thirty (30) days of the date such use ceases to be in existence or such product is no longer available.
- No permanent sign shall be attached to trees, fence posts, stumps, utility poles, bridges, rocks or like features not considered to be advertising structures.
- All illuminated signs shall be either indirectly lighted or of the diffused lighting type, unless illuminated by an interior source. No sign shall be lighted by using unshielded incandescent bulbs, lasers, neon or gas discharge tubes, mirrors reflecting a direct light source, exposed light emitting diodes or similar devices. Buildings or structures may not be outlined by tubing or strings of lights.
- No business sign shall be permitted which is not accessory to the business or use conducted on the property. Advertising billboard signs are prohibited.
- Rotating signs, live action signs, flashing signs, computer generated signage, variable message or scrolling signage, signs utilizing television monitors, and intermittent illuminated signs are prohibited.
- Banners, spinners, pennants or any moving object used for advertising purposes whether containing a message or not are prohibited, unless specifically authorized by the Governing Body for a special public event.
- No sign shall be erected within or over the right-of-way of any street unless specifically authorized by this Plan, other ordinances of the Borough, the governing body or other governmental agency with express authority to regulate signs within or over the right-of-way.
- All signs, other than permitted temporary signs, shall be constructed of durable materials and shall be adequately maintained. All cracked, warped or broken members of a sign shall be replaced or repaired. All broken or cracked glass shall be replaced. All permitted illuminated signs shall be maintained so that all light sources are fully functioning. Any sign which fails to meet the maintenance provisions of this chapter shall be repaired or removed within sixty (60) days upon written notification by the Building Code Official.
- Portable signs are prohibited except where permitted by other provisions of this Plan.
- Signs may be used to indicate a driveway entrance, exit or for warning and directional purposes provided the signs are limited to said uses, and provided further the signs do not bear thereon any type of commercial advertising. All such signs shall comply with the requirements relating to traffic control signs set forth in the Federal Manual on Uniform Traffic Control Devices. No such sign shall

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

- Permitted Signs

- Awning Signs

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



Figure 11: Sample awning and canopy signs.

- Canopy Signs

- Canopy signs shall have a maximum height of 2 ft. and a maximum area of 50 sq. ft.
- Canopy signs may not project more than 1 ft. from the face of the canopy.
- Canopy signs shall not extend beyond the ends of the canopy.
- Canopy signs shall be limited to one sign per canopy and only permitted if no wall or awning sign exists on the facade.
- Canopy signs may be internally or externally illuminated. Internal illumination shall be limited to the letters and/or logo.

- Small Ground-mounted Signs

- Small ground-mounted signs shall be limited to 2 sides; shall have a maximum height of 6 ft. above grade; a maximum depth of 2 ft.; and a maximum area of 5 sq. ft. per side.
- Small ground-mounted signs shall be limited to one sign per lot frontage.
- Small ground-mounted signs shall set back a minimum of 2.5 ft. from the lot line facing primary or secondary street and a minimum of 5 ft. from all other lot lines.
- Small ground-mounted signs shall not be internally illuminated.
- Small ground-mounted signs may be masonry, wood, metal, or a composite material with similar properties. The signs should complement the architecture of the principal building on the same lot.

– Large Ground-mounted Signs

- Large ground-mounted signs shall be limited to 2 sides; shall have a maximum height of 6 ft. above the base; a maximum depth of 2 ft.; and a maximum area of 40 square ft. The base of a ground-mounted sign shall have a maximum height of 2 ft.
- Large ground-mounted signs shall contain no content other than that identifying the occupants and property manager of the building or buildings on the lot on which the sign is erected.
- The maximum area of the sign and its structure shall be 100 sq. ft.
- Large ground-mounted signs shall be limited to one sign per lot frontage.
- Large ground-mounted signs shall set back a minimum of 5 ft. from the primary or secondary street lot line and a minimum of 10 ft. from all other lot lines.
- Large ground-mounted signs may be internally or externally illuminated.



Figure 12: Sample small and large ground-mounted signs

– Projecting Signs

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

– Wall Signs

- Wall signs shall have a maximum area of 1 sq. ft. per linear foot of facade.
- Wall signs shall not extend above roof eaves on a sloped roof or above the parapet on flat roofs.



- Wall signs shall not project more than 1 ft. from the face of the facade.
- Wall signs shall not cover windows or doors.
- Wall signs may be internally or externally illuminated. Internal illumination shall be limited to the letters and/or logo.



Figure 13: Sample projecting and wall signs.

- Window Signs
  - Window signs shall be permitted only in ground floor windows.
  - The content of window signs shall be limited to the name of the entity, the date the business was established, a logo, the street number of the premises.
  - Permanent signs shall be either etched or painted on the window.
  - Signs may not cover more than 20% of the area of the window.
  - In addition to the signs permitted above: restaurants may place in the window a current menu of no greater than two pages sized 8.5 inches by 11 inches; and movie theaters may place standard sized movie posters.
- Permitted Temporary Signs
  - Real estate signs advertising the availability of the premises or any part thereof for sale or rental of the premises (as used herein, real estate signs) upon which they are located are permitted only as follows.
    - The premises or part thereof advertised as available is vacant, the lease for the premises or part thereof advertised will expire within four (4) months or the current occupant of the premises or part thereof advertised has stated in writing his intent to vacate the premises within four (4) months.
    - Real estate signs may be displayed on existing signs on the premises otherwise meeting the requirements of this providing:
      - the sign to which the real estate sign is attached was in existence four (4) months preceding the date of such attachment;
      - the real estate sign does not obscure any other text on the sign to which it is attached; and
      - the vertical font size of such real estate sign is not larger than 2 inches.

- Not more than one (1) real estate sign may be placed in one of the ground floor windows of the vacant or to be vacated premises provided such sign does not cover more than 25% of that window.
  - If an entire building is vacant or will become vacant within four (4) months, not more than one (1) ground mounted real estate sign, which may be double-faced, may be placed on the property on which the building is located.
  - All real estate signs shall be removed within seven (7) days of sale or rental of the premises or part thereof advertised as available.
- Signs are permitted on construction sites for the duration of the construction period as follows:
    - One (1) sign not exceeding six (6) feet in height or eight (8) square feet in area.
    - All such signs shall be on the subject property and shall be beyond the street right-of-way.
  - Farmers' signs advertising the sale of farm products produced within the Borough. They shall not exceed 24 square feet in area. The signs shall be removed during seasons when products are not being offered for sale. Not more than two (2) such signs shall be erected on any one (1) property.
  - Signs announcing any educational, charitable, civic, or religious special event to be held in the Borough provided however, that such signs shall not be permitted shall not be permitted for a period exceeding fourteen (14) days per special event in any one (1) calendar year; shall not exceed twelve (12) square feet in area; and shall be removed within forty-eight (48) hours of the conclusion of the event. There shall be not more than six (6) off-site signs, Borough-wide, advertising any special event and no group shall be allowed to erect temporary off-site signs pursuant to this paragraph for more than four (4) special events per year. Signs under this subsection are subject to the limitations set forth in Additional Provisions below.
  - Signs relating to any political campaign shall be permitted. Such signs shall not exceed twelve (12) square feet in area, shall not be permitted prior to thirty (30) days of the election to which they relate and shall be removed within seven (7) days after such election. Signs under this subsection shall be subject to the limitations set forth in Additional Provisions below.
  - Announcements of the sale of an individual's personal property which do not exceed six (6) square feet in area. Such signs shall not be displayed for a period exceeding thirty-one (31) days in any calendar year.
  - Temporary window signs or lettering advertising sales or events provided that the area covered by such signs or lettering when added to the area covered by permanent window signs or lettering shall not cover more than twenty-five (25%) percent of the total area of the window and shall be removed within three (3) days after termination of the sale or event advertised by the sign.



- Additional Provisions: Notwithstanding the foregoing, temporary signs shall not:
  - Be erected without permission of the property owner(s);
  - Be erected in the right-of-way without the permission of the Borough Zoning Officer;
  - Be erected in a County or State right-of-way without the permission of the appropriate authority.
  - Be erected where it may interfere with the ability of a person to see the street or highway ahead or official signs, signals or traffic control devices.
  - Be erected within the limits of traffic circles, median strips, grate separations or interchanges.
  - Be affixed to, suspended from, or made part of any highway structure or appurtenances.
  - Contains any lights.
  - Contain subject matter not relating to that permitted for that sign by this Plan.

## **7. ADMINISTRATION**

### **7.1. Applicability**

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

### **7.2. Computations**

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

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

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

### **7.4. Borough Designation – Redevelopment Agreement**

#### **7.4.1. Usage of the word “developer” or “redeveloper”**

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

#### **7.4.2. Approval Process**

Project approval under this Redevelopment Plan shall involve two steps. First, a Redevelopment Agreement will be entered into between the Borough and the Redeveloper. Second, the Redeveloper will make an application to the Planning Board. The Borough Council will control the timeline for implementation of this Redevelopment Plan and is willing to utilize all powers authorized under the Local Redevelopment and Housing Law to advance the project.

The approval sequence is further detailed below.

- **Redevelopment Agreement**

Prior to application to the Planning Board for Site Plan and Subdivision review, the Borough Council shall pass a resolution in a public session authorizing a Redevelopment Agreement between the Borough and redeveloper. The Council may seek the advice of the Bernardsville Redevelopment Committee in evaluating potential projects. The Council retains the sole authority to negotiate and authorize the execution of Redevelopment Agreements as per the LRHL. Only redevelopers with an executed Redevelopment Agreement with the Borough shall have standing to submit an application to the Planning Board. The following items shall be included as an attachment to any Redevelopment Agreement:

- Architectural rendering
- Building elevations
- Site plans

- Floor plans showing ground floor space allocation and residential units (as applicable)
- Parking plan
- Redevelopment timeline
- Demonstration of redeveloper qualifications including experience with similar projects
- Ownership structure
- List of project consultants
- Project pro forma
- Description of how the project will benefit the Borough
- Affordable housing plan
- Demonstration of redeveloper’s financial qualifications, including access to debt and equity to support the project

- **Site Plan and Subdivision Review**

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

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

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

- Copy of applications or conceptual designs that have been or will be submitted to NJDOT, Somerset County, and any other applicable local, state, or federal agencies, as required.
- Traffic Impact Study as detailed in section 5.6 of this document, unless otherwise waived.
- Streetscape/landscape design package including name of designer and design drawings.

## **7.5. Local Permits + Approvals by Other Agencies**

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

The redeveloper 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.

#### **7.6. 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.

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

#### **7.7. Severability**

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

#### **7.8. Adverse Influences**

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features to be detrimental to the public health, safety or general welfare.

#### **7.9. Non-Discrimination Provisions**

No covenant, lease, conveyance or other instrument shall be effected or executed by the Borough of Bernardsville or by a developer or any of his successors or assignees, whereby land within the Redevelopment Area is restricted by the Borough of Bernardsville, or the developer, upon the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, national origin, ancestry, affectional preference, marital status or gender.

#### **7.10. Redevelopment Actions**

The Borough of Bernardsville shall have such powers and duties as set forth in the LRHL and as may be conferred by this Redevelopment Plan, including, but not limited to, the authority to acquire real property with or without eminent domain, to relocate residents and businesses, to designate

redevelopers, to establish clear terms and conditions for redevelopment through the negotiation, execution, and administration of redevelopment agreements, and to do such other things as permitted by law.

**7.11. Relocation Requirements**

The redeveloper will comply with any applicable New Jersey law or regulation applicable to relocation of tenants within the redevelopment area. No housing units, temporary or permanent, shall need relocation under this Redevelopment Plan.

**7.12. Escrows**

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

**7.13. Infrastructure**

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

**7.14. Procedures for Amending the Plan**

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

**7.15. Redevelopment Plan Duration**

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



**7.16. Certificates of Completion**

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

**7.17. Land Use Map Amendments**

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

**7.18. Additional Superseding Provisions**

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

**7.18.1. Terms and Definitions**

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

**7.18.2. Other Applicable Design and Performance Standards**

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

**7.19. Other Provisions**

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

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

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

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

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

**7.20. Other Redevelopment Actions**

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

**7.21. Public Improvement Approvals**

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

## **8. APPENDIX A: LOCAL REDEVELOPMENT AND HOUSING LAW**

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

### **8.1. Process**

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

- 8.1.1.** The Governing Body must adopt a resolution directing the Planning Board to perform a preliminary investigation to determine whether a specified area is in need of redevelopment according to criteria set forth in the LRHL (N.J.S.A. 40A:12A-5).
- 8.1.2.** The resolution authorizing the Planning Board to undertake a preliminary investigation shall state whether the Redevelopment Area determination shall authorize the municipality to use all those powers for use in a Redevelopment Area other than the use of eminent domain (non-condemnation redevelopment area) or whether the Redevelopment Area determination shall authorize the municipality to use all those powers for use in a Redevelopment Area, including the power of eminent domain (condemnation Redevelopment Area).
- 8.1.3.** The Planning Board must prepare and make available a map delineating the boundaries of the proposed Redevelopment Area, specifying the parcels to be included and investigated. A statement setting forth the basis of the investigation or the preliminary statement should accompany this map.
- 8.1.4.** The Planning Board must conduct the investigation and produce a report presenting the findings. The Board must also hold a duly noticed hearing to present the results of the investigation and to allow interested parties to give testimony. The Planning Board then may adopt a resolution recommending a course of action to the Governing Body.
- 8.1.5.** The Governing Body may accept, reject, or modify this recommendation by adopting a resolution designating lands recommended by the Planning Board as an "Area in Need of Redevelopment." The Governing Body must make the final determination as to the Non-Condensation Redevelopment Area boundaries.
- 8.1.6.** If the Governing Body resolution assigning the investigation to the Planning Board states that the redevelopment determination shall establish a Condemnation Redevelopment Area, then the notice of the final determination shall indicate that:
- 8.1.7.** the determination operates as a finding of public purpose and authorizes the municipality to exercise the power of eminent domain to acquire property in the Redevelopment Area, and
- 8.1.8.** legal action to challenge the final determination must be commenced within forty-five (45) days of receipt of notice and that failure to do so shall preclude an owner from later raising such challenge.
- 8.1.9.** A Redevelopment Plan may be prepared establishing the goals, objectives, and specific actions to be taken with regard to the "Area in Need of Redevelopment."

**8.1.10.** The Governing Body may then act on the Plan by passing an ordinance adopting the Plan as an amendment to the municipal Zoning Ordinance. Only after completion of this process is a municipality able to exercise the powers under the LRHL.

**8.2. Redevelopment Plan Content**

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

- 8.2.1.** Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- 8.2.2.** Proposed land uses and building requirements in the project area.
- 8.2.3.** Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
- 8.2.4.** An identification of any property within the Redevelopment Area which is proposed to be acquired in accordance with the Redevelopment Plan.
- 8.2.5.** Any significant relationship of the Redevelopment Plan to (a) the master plans of contiguous municipalities, (b) the master plan of the county in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L. 1985, c.398 (C.52:18A-196 et al.).

## **9. APPENDIX B: RELATION TO OTHER PLANS**

### **9.1. Local Master Plan**

Bernardsville's Comprehensive Master Plan was adopted in 2000, amended in 2004, and last reexamined in 2017. The Master Plan provides two sets of goals, overall goals for the Borough and downtown goals in consideration of the downtown's designation as a Town Center in the State Plan. This Redevelopment Plan is consistent with and effectuates the goals of the Master Plan.

#### **9.1.1. Borough-wide Goals**

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

#### **9.1.2. Downtown Goals**

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

### **9.2. Surrounding Communities' Master Plans**

The property is located in the southwestern section of the Borough, east of the downtown. The Redevelopment Plan will have negligible impacts on surrounding communities, given the small size of the site and that it is approximately 0.4 miles from the nearest municipal border with Basking Ridge.

### **9.3. Adjacent County Master Plan**

The Redevelopment Plan is consistent with the goals of Morris County's Master Plan and its various elements. It is most relevant to the Master Plan's Future Land Use Element and is consistent with its goals, which include:

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



#### **9.4. Somerset County Master Plan**

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

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

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

##### **9.4.1. Comprehensive Economic Development Strategy (CEDS)**

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

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

##### **9.4.2. Housing Element**

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

- Guiding Principle 1: Respond to the changing needs of the County's population by encouraging a broad range of housing types at all levels of affordability
- Guiding Principle 2: Create healthy, attractive, walkable neighborhoods with proximity and access to jobs, cultural and recreational amenities, services and transportation choices
  - 2A. Enhance in-town living and retrofit the suburbs by adding neighborhood amenities and enhancing community assets such as infrastructure, schools, recreation, historic and cultural amenities (particularly within Priority Growth Investment Areas where additional residential growth is encouraged).
  - 2B. Maintain and enhance the existing housing stock

- 2H: Ensure the architecture and design of new housing enhances surrounding areas and includes pedestrian amenities.
- Guiding Principle 3: Align housing policies and strategies with the principles of regional and local smart growth and sustainability
  - 3A. Guide residential and mixed-use infill and redevelopment into areas where existing infrastructure, employment, services and other community assets are concentrated (i.e. Priority Growth Investment Areas).
  - 3E. Encourage residential densities that support transit expansion in areas served by existing transit and where transit improvements are planned.
  - 3F. Encourage development patterns that allow residents to reduce the costs associated with auto-ownership; total vehicular trips and travel time; as well as vehicular pollution and traffic congestion.
- Guiding Principle 4: Maximize the dynamic relationship between housing supply, quality of life and the strength of the economy
  - 4B. Use residential and mixed-use redevelopment to return underutilized and vacant properties to productive use and catalyze community revitalization.

#### **9.4.3. County Investment Framework**

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

In furtherance of the County Investment Framework, Somerset County released the “Supporting Priority Investment in Somerset County Phase III Study.” In that study, the County specifically assessed the site in the Redevelopment Area, contemplating reuse of the property as a restaurant or conversion of the site and an adjacent property into a mixed-use multi-family development. The Redevelopment Plan is consistent with both contemplated reuses.

#### **9.5. NJ State Development and Redevelopment Plan**

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

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

The SDRP also puts forth statewide goals, including:

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

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

#### **9.6. NJ State Strategic Plan**

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

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

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

#### **9.7. NJ Smart Growth Principles**

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

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

- The Redevelopment Plan expands upon a collaborative and transparent redevelopment process, developed through community and stakeholder collaboration.

## 10. **APPENDIX C: DEFINITIONS**

**Active Ground Floor Use** – Active ground floor use shall mean any use that generates a high amount of pedestrian traffic. Active uses shall include art gallery; Restaurant, Coffee Shop/Café; Restaurant, Food Hall; Restaurant, Liquor Licensed; Restaurant, Sit-Down, artisan manufacturing, amenity area, lobby, retail business, and fitness center, publicly accessible. Residential uses shall not be considered active ground floor uses. Shadow box art may be considered an active ground floor use but may not fulfill more than 50% of the active ground floor use requirement.

**Amenity Area** – Amenity area shall mean an area dedicated to residential tenants providing non-commercial conveniences and/or entertainment/recreation. Common items include laundry facilities, exercise rooms, outdoor spaces, media room, gathering space, grilling areas, and other similar features.

**Apartment Building** – A residential building designed for occupancy by five or more families living independently of each other in units attached via one or more common roofs, walls or floors.

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

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

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

**Automotive Rental** - Any establishment that makes motorized vehicles available for use by the public on a limited time basis measured in increments of one day or more.

**Automotive Repair and Sale** - Any establishment that provides services related to the proper functioning and maintenance of automobiles.

**Automotive Share** - Any establishment that makes motorized vehicles available for use by members of a service on a limited time basis, usually for durations of less than a day.

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

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

**Building Area** - The largest total horizontal area of any building taken where any part of the building intersects the ground level, including covered porches and terraces, or the

horizontal area of the largest floor or story of any elevated or cantilevered building, including the area of all accessory buildings.

**Building, Base of** - The average grade of the four corners of the building measured prior to construction. In cases where grading has occurred on the site within the past 5 years, the elevations of the four corners shall be measured to the grade prior to the regrading.

**Building, Top** - The highest point of a flat roof, the deck line of mansard roofs, or the mean height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Height (feet)** – Building height as measured in feet shall be the vertical distance from the average elevation of natural grade along the minimum primary street building setback to the bottom of the eave on a sloped roof or the highest point of the roof surface of a flat roof not including a parapet. As used herein, average refers to the arithmetic mean of the elevations at the end points of the property in question.

**Building Height (stories)** – Shall mean the number of stories measured from the entrance at the ground floor to the top of the building.

**Check-cashing facility** – A business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.

**Commercial, General** – Uses including co-working; retail businesses; restaurant, carry-out/fast food; restaurant, coffee shop/café; restaurant, food hall; restaurant, liquor licensed; restaurant, sit down; fitness center.

**Community Center --** A building not operated for profit that is generally open to the public and designed to be used as a place of meeting, recreation, education, or social activity.

**Community Facilities --** Community meeting rooms, childcare facilities, health clubs and recreation centers, and spaces used for similar community oriented uses.

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

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

**Coverage, Building—** The percentage of a lot covered by building area.

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

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

**Family** - One (1) or more persons occupying a premise(s) and living as a permanent and stable single housekeeping unit as distinguished from a group occupying a boarding house, rooming house or hotel, as herein defined.



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

**First Floor Level** – The level of the building on the same grade as the adjacent road.

**Fitness Center, Publicly Accessible** – A use for physical fitness which is available for use by the public through membership or other means and may include, but is not limited to, such equipment as weight resistance machines, game courts, swimming facilities, saunas, showers, and lockers.

**General Commercial** -- Uses including co-working; retail businesses; restaurant, carry-out/fast food; restaurant, coffee shop/café; restaurant, food hall; restaurant, liquor licensed; restaurant, sit down; fitness center.

**Ground Sign** - A sign which is mounted in or upon the ground, and not elevated through the use of upright braces or poles.

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

**Mixed Use** – A building containing a combination of permitted principal use(s), accessory use (s), and conditional use(s).

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

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

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

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

**Parking, Public** – Shall mean the provision of parking spaces for use by the public, for a fee, under the management of an organization either public or private.

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

**Performing arts theater** – A building suitable for a variety of cultural arts performances. Principal use of the space shall be for performing arts presentations, although incidental use for private meetings, exhibits, and presentations shall be permitted.

**Pharmacy** – A place where drugs and medicines are prepared and dispensed.

**Public Plaza** - An open space defined by surrounding buildings and/or streets, designed for Civic purposes and Commercial activities, not merely leftover areas between buildings.

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

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

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

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

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

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

**Roof Deck** – A Roof Deck shall mean an open common space available to tenants and their guests located on the roof of the building.

**Self-service storage facility:** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of property.

**Setback, Front Yard** – Front Yard setbacks shall be measured from the curb line.

**Sexually Oriented Business** -

- 1) A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations which depict or describe a specified sexual activity or specified anatomical area; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one

time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity;

- 2) A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.
- 3) As pertaining to the determination of a sexually oriented business,
  - a) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
  - b) Specified anatomical area means:
    - i) Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or
    - ii) Human male genitals in a discernibly turgid state, even if covered.
  - c) Specified sexual activity means:
    - i) The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or
    - ii) Any actual or simulated act of human masturbation, sexual intercourse or deviant sexual intercourse.

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



**Singular Measurement:** The vertical distance shall be measured from the base of the building to the top of the building.

**Terrace—** An unenclosed porch open to the sky.

**Tobacco/Vape Store—** A retailer whose business exclusively or primarily involves the sale of tobacco products, E-Cigarettes, vaping products, and related goods.

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

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



**11. APPENDIX D: RESOLUTION DESIGNATING THE REDEVELOPMENT  
AREA AS AN “AREA IN NEED OF REDEVELOPMENT.”**

**BOROUGH OF BERNARDSVILLE**

**RESOLUTION #19-254**

**RESOLUTION OF THE BOROUGH OF BERNARDSVILLE, COUNTY OF SOMERSET, NEW JERSEY DESIGNATING CERTAIN PROPERTY LOCATED AT 65 MORRISTOWN ROAD., WHICH PROPERTY IS IDENTIFIED AS BLOCK 125, LOT 13 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERNARDSVILLE AS A CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.* (AUDI Property)**

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

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

**WHEREAS**, the Mayor and Borough Council adopted a Resolution on April 22, 2019 (Resolution #19-101) authorizing the Planning Board of the Borough of Bernardsville (the “Planning Board”) to conduct an investigation to determine if certain property located at 65 Morristown Road, which property is identified as Block 125, Lot 13, as shown on the official Tax Map of the Borough (the “Study Area”), constitutes a *condemnation* “area in need of redevelopment,” in accordance with the Redevelopment Law; and

**WHEREAS**, on November 21, 2019 the Planning Board held a public hearing, duly noticed under the Redevelopment Law, and reviewed an investigation/report titled “Preliminary Investigation- Block 125 Lot 13” dated November 9, 2019 prepared by Topology LLC, (the “Study”); and

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

**WHEREAS**, on November 21, 2019, the Planning Board further adopted a Resolution recommending that the Study Area be determined by the Borough Council to be a “*condemnation* area in need of redevelopment” under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.* as it relates to Block 125 Lot 13; and



**WHEREAS**, the Borough Council concurs and agrees with the Planning Board's recommendation, as supported by the reasons stated in the Study, that the Study Area constitutes and meets the criteria under the Redevelopment Law and that the Study Area should be determined and declared a "**condemnation** area in need of redevelopment", which determination shall, among other things, authorize the Borough to use all of the powers provided by the Legislature for use in a redevelopment area, and it shall authorize the Borough to exercise the power of eminent domain to acquire all or any portion of such Study Area.

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

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

**Section 2.** The property located at 65 Morristown Road, which property is identified as Block 125, Lot 13, as shown on the official Tax Map of the Borough is hereby designated a **condemnation** "area in need of redevelopment" under the Redevelopment Law, *N.J.S.A. 40A:12A-1 et seq.*

**Section 3.** The Borough Council hereby directs the Borough Clerk to transmit a copy of the within resolution to the Commissioner of the Department of Community Affairs and to serve notice that Block 125, Lot 13, is designated a **condemnation** redevelopment area on the owners of such Study Area and other parties within ten (10) days of the date hereof, in accordance with *N.J.S.A. 40A:12A-6.b(5)*.

**Section 4.** This Resolution shall take effect immediately.

I, Anthony Suriano, Borough Clerk of the Borough of Bernardsville, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held December 19, 2019.

  
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**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
**101 SOUTH BROAD STREET**  
**PO Box 800**  
**TRENTON, NJ 08625-0800**  
**(609) 292-6420**

**PHILIP D. MURPHY**  
*Governor*

**LT. GOVERNOR SHEILA Y. OLIVER**  
*Commissioner*

January 30, 2020

Honorable Mary Jane Canose  
Mayor  
Borough of Bernardsville  
166 Mine Brook Road  
Bernardsville, New Jersey, 07924

RE: Review of Resolution 19-254 Designating Block 125, Lot 13 as an Area in Need of  
Redevelopment (Condemnation)

Dear Mayor Canose:

The Department of Community Affairs (DCA) is in receipt of the above-referenced resolution. The determination area is situated where development and redevelopment are encouraged pursuant to State law or regulation. Accordingly, pursuant to N.J.S.A. 40A:12A-6b (5)(c), the redevelopment area determination took effect after transmission to the Commissioner of DCA.

The municipality or redeveloper may find the New Jersey Business Action Center (BAC), located in the Department of State, helpful in identifying potential sources of state financing to facilitate the redevelopment of these properties. You may contact the BAC by calling (866) 534-7789.

This determination is a tribute to the work the Borough of Bernardsville has done. Please feel free to contact Keith Henderson at (609) 292-4523 if you need any further assistance.

Sincerely,

Lt. Governor Sheila Y. Oliver  
Commissioner

cc: Municipal Clerk  
Melanie Willoughby, New Jersey Business Action Center  
Lisa Plevin, New Jersey Highlands Council  
Sean Thompson, Local Planning Services

